

SOCIAL CONFLICTS IN TIMES OF ENVIRONMENTALISM: LIVING LAW RIGHTS TO LAND IN SETTLEMENTS WITH A CONSERVATIONIST FOCUS¹

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Introduction

This article discusses the social conflicts which emerged from the impact agrarian and environmental policies had on the way of life of family units in the Virola Jatobá Sustainable Development Project (SDP) in Anapu, State of Pará, Brazil. The social and legal practices of peasant families reveal the use of the notion of *living law* rights to land in social processes of land occupation, in the official creation of the SDP and the settlement, as well as the implementation of community-based forest management (CFM).

These families living law rights to land can be expressed in the legal concept: *the land belongs to those who work it*, subsequently incremented by the politicization of *relative autonomy* and *environmental care*. This notion was evident in the semi-structured interviews conducted with 25 families in the SDP from December 2010 to September 2011. It also emerged in informal conversations, during the sharing of collective spaces and through living with the community while the field research took place.

In this study, living law refers to the theories of Eugen Ehrlich (1986, p. 378), who broke with the notion of law as a phenomenon which is exclusively restricted to the application of legislation and judicial decisions (jurisprudence). He stated that living law is valid precisely because it is “that which, whilst not established by statute, dominates life”.

Over time, the social and legal practices on which the notion of right to land are based, as actually experienced by local groups, have been influenced by the actions of State institutions whilst implementing agrarian and environmental policies, leading to peasant resistance and negotiations between this group and the State. The insufficient effectiveness of State actions and even disagreements around activities apparently based on a sustainable development discourse have contributed to the development of living law in this situation.

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1 - The SDP occupation process and the concept of *the land belongs to those who work it*

The process of occupation and social mobilization in the area which was to become the municipality of Anapu is intrinsically linked to the construction of the Transamazonica Highway (BR-230) in the 1970s. This road was part of the National Integration Project (NIP) and incorporated a policy on land implemented through the Integrated Colonization Projects (ICP), which subsequently became the Directed Settlement Project (DSP) implemented by the National Institute of Colonization and Agrarian Reform (INCRA).

Oliveira (1994) argues that the occupation of the area was treated as a process of “reconquering” the Amazon territory that had been under the “control” of indigenous peoples. During this period, the military government established a specific internal intervention doctrine for the Amazon region. Its objective was to use intervention to occupy the territory with landless peasants, particularly those from the Northeast region of the country, to “close off” the borders by opening highways and, above all, to promote the development of capitalism in the region.

According to Hébette e Marin (2004), the “official opening of the Amazon Frontier” was described as an economic process of capitalist expansion involving a governmental process which combined a settlement policy directed at peasants, together with agricultural projects targeting farmers and entrepreneurs. The latter could not only acquire land, but were also able to rely on resources for economic ventures provided by SUDAM (Amazon Development Authority), as Sauer (2005) highlights:

At least 15 of these projects were approved in the Anapu region, providing one more reason for moving to the area, in this way attracting farmers (known as *sudanzeiros*) interested in the large amounts (of money) earmarked for the funding scheme. These projects were responsible for large areas of deforestation, given that most of the financial incentives were geared to logging or agricultural and cattle-ranching projects. Moreover, most of the unsuccessful projects involving the incentive policy implemented in the region related to agricultural and cattle-ranching ventures, with an irrecoverable loss of public funds (SAUER, 2005, p. 86).

The region around the BR-230 was intended for occupation and divided into areas for purchase of 3000 or 500 hectares (Contract for the Sale of Public Land), for which farmers and entrepreneurs wishing to set up agribusiness ventures had to bid. In addition, 100 hectares plots were available for distributing among landless peasant families. All areas lacked infrastructure, particularly those distant from the main highway.

Encouraged by the governmental slogan “*Lands without men for men without land*”, a great number of peasant families moved to the Transamazonica region, though the settlement scheme failed to provide for them all. According to information provided by INCRA officials and a former legal adviser to the Pastoral Land Commission (CPT), there were also problems with entrepreneurs: concessions were granted which were

often left unpaid, and even when paid, entrepreneurs did not always set up the agricultural ventures agreed upon. In this way, non-compliance stimulated land grabbing for logging purposes.

Hébette e Marin (2004) highlight that given the developmentist drive in the Amazon region, the type of land rights adopted by the settlement policy was oriented by the Land Statute (Law n. 4540/64) and consolidated through deforestation and the implementation of pasture and agricultural production, activities which added value to the land.

This productivist conception which guaranteed formal rights to land was contrary to the social custom of free work represented by “*fazer roça*” [shift cultivation], practiced by peasant families who arrived without support from the public administration. Furthermore, there was disparity between the amount and quality of land intended for peasants from the North and Northeast of the country and that conceded to farmers and agricultural workers more accustomed to the market economy, mainly from the South and Southeastern regions. Amongst the first families to occupy the stretch of the Transamazonica Highway which included the area of the municipality of Anapu¹ were a high number of peasants from the Brazilian states of Maranhão and Pará.

These families, who called themselves *pioneers*, assisted others who arrived in the municipality in search for *land to work*. However, land had already been unduly appropriated by farmers, or had been the target of land grabbing. In 1984, one of the most violent conflicts between farmers and peasants took place in attempts to occupy Fazenda União:

“(...) 22 of our companions were shot, it was horrific! (...) It was very difficult to get an INCRA official to come and help us. So we did it ourselves, we measured 400 metres with a rope and placed a stake, that’s how we occupied the 500 hectare plots. Then the conflicts started, the owner was in the South, but had bought a document straight from INCRA, committing himself to the government’s project and the government was also committed to their project, but neither went ahead with it” (Pioneer settler involved in the colonization project, Anapu, Pará).

As the conflicts ensued, the settlers organized themselves into associations and groups of women together with Catholic Church organizations such as the Pastoral Land Commission, where they first met the missionary, Dorothy Stang, in the 1980s.

The concerted action of a number of organizations also enabled peasants to review their production systems and access courses on issues such as the recovery of degraded areas, political education for leadership positions and organization of production. According to the pioneer settlers, this resulted in an *improvement of lives* which families had long been expecting as a result of their move to the Transamazonica region:

“we used to bring in courses for the peasants, to teach them how to plant, harvest, cause less devastation and in these meetings she (Sister Dorothy)

brought outside professionals and we started to see the stupid things we were doing to the land, to the forest!" (Pioneer, settlers' project, 52 years old, Anapu, Pará).

Subsequent to the educational courses and the ongoing search for alternative ways to survive in face of the absence of the State, the community leaders created local associations and joined a network of broader social movements along the Transamazonica highway. Their demands related to economic development and family-based agriculture in the region (SOUSA, 2007).

Given the lack of land intended for peasant families and the lack of infrastructure, the leaders of local organizations, together with the Pastoral Land Commission (PLC), demanded new mechanisms for land distribution. In addition to access to land to work on, they sought the preservation of the environment within the moulds of the debates which took place in the education and training courses.

As Acselrad (2004) highlights, actors involved in social conflicts associated to the environment are influenced according to their interests and position of power in society, since the "environmental question" is inseparable from economic, political and social issues.

In the case of Anapu, the environmental debate was also used as a political strategy by community leaders to guarantee forest resources threatened by the continuous deforestation resulting from legal and illegal logging in the municipality. There was dialogue with government institutions which had incorporated the environmental discourse into their targets and actions. Thus, the need for sustainable development of resources became part of the local demands argument:

"we started to think about a more potent project, where the law would be more present (...) where the people could come together in a community so as to sustain some of the forest in the municipality of Anapu" (Pioneer, part of the settlers' project, Anapu, Pará).

The notion of living law based on *land for those who work it* was established by the leaders of the pioneer settlers, influenced by the Catholic Church, and steered the need to create new mechanisms for accessing land for peasant families, together with a proposal for a "differentiated" settlers' program involving the "environmental question", to conserve the forests of the municipality and maintain these families in activities which guaranteed conservation.

In 1999 (Decree n. 477, INCRA), the settlement category Sustainable Development Project (SDP) was created. In principle, it was in line with the objectives the leaders of local social organizations and the missionary Dorothy Stang thought appropriate for the municipality. In 2002, via negotiations and complying with institutional regulations, the Anapu SDPs were established (INCRA Decree 1.040), creating the Esperança SDP and the Virola Jatobá SDP.

A SDP settler highlights the changes in the conception steering INCRA officials in terms of land distribution to peasant families and points out that peasants were still

unaccustomed to the SDP regulations which were perceived as requiring them to “pay” for a crackdown in deforestation which was not “their fault”:

“All the settlers in the areas belonging to the SDP thought it was somewhat strange, because we, the small farmers, did not pollute nature, our part in all this was small. The big landowners, the big companies, the business groups, they did this. First of all, it was INCRA and the Federal Government, because at the time, when you got a piece of land, INCRA used to say: ‘Look, you go inland’, but ‘I don’t have anything!’, ‘You have to go, if you don’t go, we will give your land to others. If you don’t work it, if you don’t chop the trees down, you will lose your land!’” (Settler in the Virola Jatobá SDP, 59 years old, Anapu, Pará).

Once the Anapu SDPs were created, new landless peasant families started to move to the municipality, steered by the need to “find land to work” and because “in Anapu they were giving land away”. The pioneer community leaders, together with Sister Dorothy, were responsible for providing guidance on the SDP rules. However, many people understood their presence in a land reform settlement in the Transamazonica region to be based on the right to land for those who work it. They did not accept the required environmental conservation restrictions. The result was that many families left, whilst others remain to this day.

The families that stayed and occupied areas suffered retaliation and came into conflict with farmers and loggers in the region who had their eyes on these areas. Conflict is still on going. The creation of the land reform settlement with 52.48050,57 hectaresⁱⁱ was contrary to the interests of the region’s loggers, as the forests they envisaged exploiting in the intensive and profitable logging trade were situated inside these areas.

Social conflicts during the process of occupying the SDP area are historically linked to the building of the Transamazonica highway in which different social, environmental and economic conceptions emerge in the struggle for land. Thus, the families in the SDPs established their rights in conditions of extreme antagonism, fighting for their autonomy against the oppression of the sectors linked to logging and cattle-ranching.

Their autonomy was not only threatened by the private sector, but also by the State. The notion of right to land pursued by the pioneer peasants and supported by missionary Dorothy Stang was reaffirmed by a number of families who migrated to the SDP to have *the right to the land they worked*. Once the settlement was formalized, it incorporated a number of restrictions established by the regulations relating to the SDP settlement category. Although families gradually accepted this notion of rights, they re-affirmed within this conception the rights associated to peasant autonomy.

2 - The official creation of the SDP and the right to land for those who work with autonomy

The creation of the SDP settlement category was the result of a political and legal discussion to adapt Brazilian directives, regulations and policies to the sustainability paradigm.

However, as Santili (2005) reminds us, it is worth highlighting that the discourse on sustainability and mechanisms employed to achieve it are not only institutional, but constituted in demands that emerged from a number of different social groups present since the Constituent Assembly (87/88). These groups not only evolved to become organizations with distinct representations, but also started to demand specific mechanisms for the ownership, use and environmental regulation of the land they already occupied.

Although a large number of social organizations exerted pressure on the State to fight for rights that encompassed the specificities of environmental issues, in the case of Anapu, the incorporation of the environmental discourse by the families was used as a strategy to ensure access to land and other natural resources in an extremely troubled region.

One of the most significant episodes in the conflicts between the peasants, the church and social organization leaders on the one hand, and the region's landowners and loggers on the other, was the murder of Dorothy Stangⁱⁱⁱ. At the time, it was hoped that the families would become SDP leaders.

The families who remained in the SDP received several threats from the farmers and loggers in the proximity, partly because they took advantage of the inefficient monitoring in place to combat social conflicts in the area. This was because the creation of a settlement in an area of high forestry diversity with large commercial potential threatened the logging trade in the region and reduced opportunities for land grabs within the area intended for the SDP.

Thus, with the support of the pioneer community leaders and the PLC, the SDP families got together and set up an organization to serve as a mechanism for claiming their rights, establishing collective rules and acting as a mediator with INCRA, given that access to land in the settlements involved constant demands and negotiation with the authorities:

"That's right, the SDP is different because it must guarantee decent housing, water, electricity, roads, amongst other things. If you look at the SDP, you will see: we are no SDP, not even part of the state of Pará. Here, we have been left to the snakes! If we, small producers, had not organized ourselves, with the strong support of the social movements, for example Dorothy, who provided us with so much advice and then, after she went, the others who kept on providing us support, we don't know how we could have been here today, with the association 'putting the cart before the horse', through our own will to struggle, when we say we will do something, we do (...)" (settler at the Virola Jatobá SDP, 42 years old, Anapu, Pará).

The Virola Jatobá Association was established in 2003. Its leadership stood out in the process of occupying the SDP. Relations with the government were not always harmonious, since the families felt the need to remain autonomous. Therefore, the notion that the *land belongs to those who work it* also incorporated an aspect of peasant autonomy, despite the fact that families now lived within an SDP.

The formal organization created to represent the families settled in the SDP was the bureaucratic mechanism which served to mediate negotiations with the authorities, in this case INCRA. The main objective of formalizing the organization was to ensure access to land and the instruments which enabled the families, as beneficiaries of land reform, to remain in the area, such as benefits and credit.

However, as Leite et al. (2004, p. 111) highlight, after the settlement was created, a new relationship dynamics is established with the “world outside” the settlement such as the municipal government, the local polity, and particularly in the case of the SDPs, their relationship with the federal government and non-governmental organizations.

Government bodies such as INCRA and IBAMA (Brazilian Institute for Environmental and Renewable Natural Resources) put pressure on families because of the intensive deforestation of the Transamazonica region. This pressure was seen as contrary to the social practice of *free work*, that is, the work that is not done for masters. Culturally speaking, the peasants themselves should be responsible for controlling the work undertaken in family production units in lands where there are no masters.

Indeed, among the economic factors affecting peasant farmers emphasised by some of the academics who studied this group, such as Alexander Chayanov (1981), Theodor Shanin (2005) and Eric Wolf (1976), is precisely the search for the family unit’s productive autonomy in relation to work and production output, to ensure their autonomy in face of society, whilst not being subordinated to a *master* in *unowned lands*.

However, the settlers state that due to the pressure in combating deforestation, IBAMA officials sometimes questioned the system of slash and burn used in crop rotation. Thus, between 2004 and 2005 they were forced by the government to submit a Community-based Forest Management Plan. Traditionally, the forest is seen as a source of resources for implementing quality shift cultivation sites. However, to meet SDP regulations, the peasants needed to use forest resources in accordance to IBAMA regulations and to the government’s suggested main activity for the settlement: forest management.

It is worth highlighting that the SDP settlement category established that each family should have individual 20-hectare plots for alternative usage. The remaining area is considered a legal reserve under community control to be used collectively by all settlers by means of community-based forest management.

The implementation of the SDP development proposal went against the notion of living law, in which settlers saw the right to land in terms of *free work without masters*, based on the family’s autonomous production. However, the size of each individual family plot was perceived to limit their work, given that in these plots each family had to produce enough food for their own consumption and consequent surplus trading.

In a confused and conflicting relationship encompassing successive administrations, INCRA officials and service providers were referred to by families as a sort of *owner* and *master*, given the rules enforced which had to be strictly adhered to so they could remain on the land:

“There was a meeting in the shed, which ended in an argument, in which Seu Roberto Andrade^{iv}, INCRA officials and Sister Dorothy explained

the SDP rules. Many people did not agree with the SDP rules, especially with the use of only 20%, many families left because of this. [...] Then Dr. Roberto said that this was an SDP and those who did not agree could pack their bags and go” (Settler in the Virola Jatobá SDP, 64 years old, Anapu, Pará).”

Whilst researching peasant autonomy, Velho (1995) highlighted the relationship between *captivity* and *freedom*. The producers understand the importance of formal rights to land conceded through a land reform settlement. They associate it to a form of liberation, as being released from the master’s captivity. Nonetheless, their relationship with INCRA is seen as a sort of *captivity*. This is because in this land - legalized for their families - they sought autonomy/freedom in terms of their work on the land.

The result of this formal relationship with the land and the fact that the peasants are classified as being on the “RB list”, namely the beneficiaries of land reform, is due to the formal recognition of their rights to land, as experienced by each family. Another important consequence is access to agricultural policy benefits, essential in order to remain in the settlement.

Although families highlighted the importance of the recognition of their formal rights to land by INCRA and of the benefits they received such as basic baskets and initial support benefits (investment), the most important aspect for them was to be able to sustain their families through the fruit of their labour on the land, reaffirming the living law notion which proclaims that *the land belongs (only) to those who work it*:

“I don’t know if I ‘am on the RB’, but I am not going to pursue it because I have a lot to do. (...) I have suffered all my life, that is, here we have received some basic baskets, but my greatest problem is my work! It is my work that sustains me!” (Settler at the Virola Jatobá SDP, 74 years old, Anapu, Pará).

This is why being a beneficiary of land reform validates the living law notion of rights to land in their direct relationship with the State which, in turn, restricts their productive autonomy and work on the land, contrary to their way of life.

According to Chayanov (1981), these limitations inhibit the autonomy of the family units in terms of choosing where they establish themselves, what to cultivate and how to develop their work to meet their own and their trading needs. However, to remain on the land they comply with the rules established: *“we have become adapted to these restrictions, we can only work on a small amount of land, 4 alqueires [20 hectares]. I thought it was good and we respect the APP^v areas, which is also very important!”* However, as we will see further on, the consequences of this alleged “adaptation” were not those expected by the State.

3 - The implementation process and the land belongs to those who work it with autonomy and environmental care

The SDP leaders stated that there has been talk of community-based forest management as a form of forest conservation and a way of obtaining extra income for

families, in addition to their individual plots, since the times Dorothy Stang used to advise them.

"I used to hear the Sister (Dorothy Stang) say: 'soon management will be in your hands, then you will be able to extract timber and it will help you to survive so you don't have to deforest the rest of the property'. This was a distant dream! [...] But now I think it has worked! I think there is still a lack of organization here in the community, we should be on an equal footing with the company!" (Settler in the Virola Jatobá SDP, 45 years old, Anapu, Pará).

The projects for the conservation of the Amazon forest were the outcome of the need to meet institutional targets set by the relevant authorities (such as the Ministry of the Environment, via IBAMA and the Brazilian Forestry Service), the missionary's wishes and the objectives of national and international organizations. An example was the implementation of the "Support for the Sustainable Forest Management in the Amazon Region" (PROMANEJO), a Ministry of the Environment program whose aim was to support sustainable forestry management initiatives.

In the theoretical and practical debate amongst specialists on forest management in Brazil, Schulze Grogan e Vidal (2008, p. 169) highlighted the "duel between the ideologies" which sustains both forest management initiatives and the ongoing devastation. The former appears as an alternative for using forest resources, capable of bringing social, economic and environmental benefits, whereas in the latter, (forest) management is an obstacle to the advancement of the inexorable exploration of forest resources.

Thus, in terms of Brazilian policies, sustainable forest management was the best tool for managing forest resources within the paradigm of sustainability, as can be observed from the alterations to the Forestry Code, the Legislation on Conservation Units (SNUC Law n. 9.985/00) and the Legislation on public forest management (law n. 11.284/06).

There is no doubt that initiatives to guarantee the sustainability of SDPs are essential. However, within the context in which they were implemented, with IBAMA's proposal for forest management being carried out by means of a company/community agreement, this was understood as being more advantageous to the company than to the community itself. It was soon apparent that forest management only served for appropriating natural resources and enabling their delivery to the market. The Virola Jatobá SDP Association only accepted proposals in order to prevent illegal loggers from further looting their forest resources.

In this context, it is worth returning to Ost's (1995) criticisms of the relationship between man and nature. He argues that nature's current state of deterioration is due to the strengthening of the modern conception of property in which the appropriation of nature is legitimate. Natural catastrophes are the result of nature's deterioration. In the context of an interventionist State, the solution is to create laws, sanctions and measures to prevent new catastrophes.

Ost highlights that the State not only appropriates nature, but also reinvents and manages it, given that legislation and judicial decisions based on technical reports impose a technicist view of nature, regulated by legal language (OST, 1995).

It seems that nature was only invented the day in which we started to destroy it. Administrative and Environmental regulatory legislation often seem to be an alibi for a society which persists in restricting nature to a measuring cup: the late and ever insufficient compensation for the destruction that nothing ever seems able to stop. Therefore, some propose a return to the instruments of economic liberalism: contract and property. Here we have two innovations in the legal regulation of nature: the right to a negotiated environment and the private appropriation of common resources. New models, new interrogations (OST, 1995, p. 104).

The case of the Virola Jatobá SDP falls between negotiated environmental rights and the private appropriation of common natural resources. Peasants claimed their own rights which were negotiated with the State. These negotiations were influenced by the inability of authorities to combat illegal logging by the region's farmers and developers, taking place inside the SDPs' collective areas.

In order to introduce community-based forest management within the settlement, PROMANEJO, via IBAMA, suggested that the Virola Jatobá Association made a company-community agreement. Thus, in theory, IBAMA is exempt from monitoring the 29,334.66 hectares area, making the settlers responsible for this protection, through community-based forest management. In practice, responsibility is transferred to the company and the association (and the Cooperative, the COOPAF).

However, relations between man and nature are different for different social groups and the many meanings of the term nature are fully expressed in the social conflicts associated to these differences (Ost, 1995; Acselrad, 2004). In the SDP, whilst IBAMA validated its actions based on a conception of nature invented by technical and legal provisions and in this way envisaged meeting its institutional targets, the peasants saw in forest management something they had never had contact with, the potential for improving their lives, as a complement to family income, where the main activity continued to be the "environmentally incorrect" practice of shift cultivation through slash and burn. The exuberant nature of the SDP was seen as a precursor to good shift cultivation sites.

"the idea was to find land to work because there (the state of Maranhão) where we were, we did not have this beautiful forest as we have here! I wanted to work in a forested area, because I heard about the forest, but I didn't know it (...)" (Settler at the Virola Jatobá SDP, 46 years old, Anapá, Pará).

There are also other points of view. The leadership of local organizations working with the PLC envisaged that the implementation of forest management was necessary to maintain a considerable part of the settlement's forest resources and to ensure a complementary income for the settled families. However, there were many families in the SDP who disagreed with the introduction of this activity, both because they were ignorant about it and because they feared intervention in their way of life, both at home and at work.

Nonetheless, some peasants participated in a number of practical and theoretical technical training sessions on forest management promoted by NGOs which supported forest management, national and international partner organizations such as the GTZ^{vi} and the Federal University of Pará (UFPA), as well as other local organizations, for instance, ASSEFA.

“Then there was that project, Promanejo, to provide some assistance in terms of our financial situation. Then the Virola people accepted it more willingly [...]. They set up the forest management plan in the reserve which has been providing some income, they already got a small truck and some money here and there which has helped the association, some of it was shared out last year, and they bought a small motorbike [...]” (Pioneer peasant, settlers’ project, Anapu, Pará).

The company-community agreement and its respective contract, signed between the Virola Jatobá SDP Association and the chosen company, Vitória Régia, was analyzed by the partners and social organization leaders to guarantee settlers’ rights. The contract was amended a number of times, with the support of the Federal Public Prosecutor’s Office, IBAMA, INCRA and subsequently, the State of Pará Institute for Forest Development (IDEFLOR). Once the CFM plan for the settlement was approved, the company started to manage activities and earnings. The first payment was used collectively, assisting the settlers and the Association to work more efficiently by purchasing a motorbike, a computer and a truck. Subsequently, part of the revenue from the CFM Project’s timber sales was directly transferred to the families. Amounts varied between R\$1,500.00 and R\$3,500.00, depending on the quantity of timber extracted and the price at which it was purchased. New rules were established as part of the Association’s statute for sharing out resources between the families, who were required to have lived uninterrupted for a whole year in an SDP plot, in addition to having paid a monthly contribution towards the Association.

Once activities started, in addition to the initial resistance of families to the implementation of Forest Management in the SDP, new conflicts with the company emerged due to a lack of trust regarding the amounts of money transferred to the Association subsequent to timber sales, delays in fund transfers and internal conflicts between family units associated to a mistrust of Association representatives directly involved in negotiations with the company.

Nevertheless, given the context of invasions and the looting of timber, the families recognized the importance of the monitoring conducted by the company’s staff within managed areas in order to combat illegal logging:

If we had not been working with Vitória Régia here, it would have been the same as in previous years. (...) In fact, two years ago, Reginaldo^{vii} removed 35,000, and the next year 45,000 cubic meters of timber, almost 100,000 cubic meters of timber, which he extracted from the SDP and wasted. IBAMA managed to seize [the timber] and now there’s only lianas, there is no more where he got it from. (...) And this is despite all

the help we received from Vitória-Régia, we asked them to put security staff on the SDP boundaries. And then even with all their guards, they detected the movement, people logging. Even Reginaldo, whilst in one year we extracted 4000 m³, he removed 8000 m³, more than the company, that's despite several denunciations. The company's people cleared the area so that IBAMA could get there, we saw their drags, and the logs on the sides of the drags and on the sides of the road, it must have amounted to about 2000 m³. In order to do this, they blocked the roads, felled trees for a 5km stretch of road which they built, and they brought in tractors, electric saws and loaders, then they cleared the road, then IBAMA and the Federal Police got there - and they were there three times - and didn't find anyone. [...] They saw we were keeping an eye and that we would call the Federal Police for the smallest of reasons, this caused them and other sawmill owners considerable problems, so they decided to let it be and extract timber from somewhere else" (Settler at the Virola Jatobá SDP, Anapu, Pará).

The illegal exploitation of timber by the region's entrepreneurs and farmers continued, even with the extra surveillance by both the company's staff and the Association. Initiatives to protect resources in terms of legal actions, such as the creation of new rules, a guard post and chain at the entrance to the SDP set up after violent conflicts within the SDP, were still not sufficient.

Given the conflicts and the violation of settlers' rights in face of state bureaucracy, the settlement's leadership and their partners denounced the breach of rights as the beneficiaries of land reform, demanding, amongst other things, that IBAMA monitor areas at risk of deforestation and the formalization of other areas earmarked for SDP use.

Efforts made by the Virola Jatobá Association on behalf of the settlers and their partners to combat illegal logging were justified by the environmental impacts caused by deforestation inside the settlement and because this *forest* represented an *improvement in living conditions* for which families had been coveting since their arrival at the SDP and which now they could achieve collectively.

Although initially settler families rejected CFM activities, they gradually incorporated new social practices such as the *environmental care for the forest* discourse, given the significance of resources deriving from timber sales for *improving their lives*. It is interesting to note the link between resources derived from forest management and new investments in areas destined for shift cultivation. The funds enabled the purchase of goods, work tools and investment in crops with yields suitable for the region.

The concerns settler families had regarding the fact that management activities could potentially interfere with the way they tended their individual plots became real once INCRA's Regulatory Norm (IN) n. 65, 2010 came into force. IN n. 65/2010 established a new duty: in accordance to article 28, land reform beneficiaries must manage the community-based forest themselves, even with additional support from third parties.

For this reason, families once again questioned the validity of their formal right to the land, comparing it to their own notion of living law, given that the State was once

again imposing a new duty on settlers. On the one hand, it could be argued that it might be interesting for the residents to manage the project themselves, given their negative experience with the company-community contract. On the other hand, the IN 65/2010 forces settlers to be responsible for a high-cost, high-investment activity, requiring technical skills they do not have and which most do not wish to acquire.

Thus families will be forced to adapt to the new rules, otherwise a new CFM plan cannot be approved. This regulation will no doubt mean that families will have to dedicate themselves to forest activities to the detriment of agricultural activities, which is precisely the aim of the government. The practical implications for family units will be to invest in technical and organizational training. Furthermore, the local social and agricultural practice of shift cultivation will no longer be their main activity, declining in importance. As one of the Brazilian Forestry Service specialists working in the settlement emphasized, extractive activities should be a priority.

This is the conflict that is currently directly affecting the way of life of SDP families who continue to practice peasant activities which define their productive conception, such as the need for “*shift cultivation*”. While it is shift cultivation that is the foundation of the living law providing them with a right to land, there is an obligation to obey and be subjected to the regulations and counter-regulations of authorities that create new rules which, if not complied with, threaten their formal right to land.

4 - Final considerations

This brief description of the different processes which make up the history of the Virola Jatobá SDP reveals a number of social conflicts concerning the right to land and natural resources. As Acselrad (2004) highlights, the different conceptions which guide social actors in these conflicts are intensified when peasants find themselves between the living law which regulates their right to the land and formal rights.

One of the concepts guiding peasant settlers is the notion of living law associated to the right to land, observed in their social practices and, in particular, their relationship with nature. In order to remain in the SDP they incorporate new social practices, such as the environmental discourse of their partners as a strategy to stay on the land and to start negotiations with the State, in addition to legal practices to protect resources and to be able to operate their organization whilst managing a collective activity.

The motivation of SDP families to “*find land to work*” is the search for “work land” as expressed by Garcia Junior (1983, p. 219): “where men can live by making the earth fertile”. However, in the case of the SDP, in addition to individual land, there is also collective land, covered in forest and subject to considerable restrictions, but which can also provide opportunities. This social group continues to face extreme difficulty to decide and negotiate when and how to explore the land, so as to guarantee their social reproduction and productive autonomy.

Formal rights and living law rights to land come into conflict exactly when, to ensure they remain on the land, families have to be subjected to the rules and impositions of State institutions which clash with the foundations of their notion of living law. This

subordination limits the organizational and productive autonomy of families. In addition, regulations establish new duties, as in the case of INCRA's IN n. 65/2010, imposing priorities which consequently directly interfere in the lives of families.

Thus, Lopes (2004, p. 17) highlights that these situations are characterized by social conflicts masquerading as “environmentalization”. By “internalizing the different facets of the public environmental issue”, peasants and the State incorporate the environmental discourse with different interests.

The social processes described reveal the contradictions of the absence and omission of authorities that at the same time act in a deceitful and sometimes confusing way. On the one hand, the State uses the environmental discourse to impose policies and meet institutional targets of global sustainable development, on the other, the social group in the SDP also makes use of this discourse to strategically negotiate with the State and defend its rights based on living law rights to land, that is, the notion that *land belongs to those who work it, but with autonomy and whilst caring for the forest*.

Indeed, the “special” SDP settlement category was set up to meet institutional targets and emanates from INCRA's adaptation to the environmental agenda and pressure exerted by many social groups in search of a settlement program in line with their way of living. The imposition of community-based forest management in the SDP is another example of global pressure on the Amazon region. In theory, SDPs are the “perfect” mechanism in which to apply this type of policy, given that IBAMA has been incapable of appropriately monitoring and combatting illegal logging within the SDP.

The increase in social conflicts for land, forest resources and sometimes for other reasons, such as dam building, has led to the chaos observed in the state of Pará. This in itself, in a contradictory way, has driven environmental and land policies founded on a type of sustainability it does not know how to express, together with development policies such as the Program for Accelerating Growth (PAC) to explore water resources whilst disregarding the territories of indigenous people and traditional communities.

Thus, in the name of sustainability, the State on the one hand implements contradictory policies which drive new social conflicts while on the other, peasants renew their struggle and resistance to defend their ways of life, testing how far they can negotiate in face of the violation of their rights and the symbolic violence exerted by the State on their culture and ways of life.

Notes

- i Most specifically around Km120 of the Transamazonica Highway.
- ii According to document MDA/INCRA (2007) the Virola Jatobá SDP (Anapu SDP III and IV) is 32,345.1815 hectares, initially expected to provide for 284 families.
- iii Dorothy Stang was murdered on 12th February 2005 in the Esperança SDP in Anapu. Both the people who committed the crime and those accused of ordering her assassination are currently still being prosecuted.
- iv Fictitious name of INCRA official.
- v Here, the settler is referring to Permanent Preservation Areas (APPs) which, together with legal reserves, are compulsory elements of conservation as defined by the Brazilian Forestry Code (Law nº12.651/12).
- v GTZ is known in Brazil as German Technical Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit).
- vii Fictitious name given to one of the entrepreneurs in the area involved in illegal logging the VJ SDP.

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SOCIAL CONFLICTS IN TIMES OF ENVIRONMENTALISM: LIVING LAW RIGHTS TO LAND IN SETTLEMENTS WITH A CONSERVATIONIST FOCUS

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Resumo: Neste trabalho analisaremos os conflitos sociais relacionados à implementação de políticas agrárias e ambientais na história do Projeto de Desenvolvimento Sustentável Virola Jatobá no município de Anapu, Estado do Pará. As práticas sociais e jurídicas das famílias camponesas constituíram a base para a apreensão da noção de direito vivo à terra. Nos processos de ocupação, criação e implementação do PDS observou-se a renovação desse direito partindo da noção do direito a terra *para quem nela trabalha*, reforçado por noções de *autonomia relativa* e de *cuidado com a mata*. A descrição desse direito vivo evidencia as estratégias de resistência e autonomia do campesinato na luta por acesso a terra e nas negociações com o poder público para garanti-lo. O apelo ambiental da modalidade PDS não suplantou os problemas institucionais na efetivação dessas políticas na rodovia Transamazônica, ocultando ainda os conflitos sociais pela imposição de normas sob o paradigma da sustentabilidade.

Palavras-Chave: Conflitos sociais. Políticas agrárias e ambientais. Direito Vivo. Projeto de Desenvolvimento Sustentável. Campesinato.

Abstract: In this paper, we discuss the social conflicts linked to agrarian and environmental policies in the history of the Virola Jatobá Sustainable Development Project (SDP), in the municipality of Anapu, State of Pará. The social and legal practices of family units living in the SDP were used as the basis for understanding the concept of land rights under *living law*. During the processes of occupation, creation and implementation of the SDP, we observed the renewal of the *living law* concept which originally emanated from the notion of *land belonging to those who work it*, reinforced by notions of *relative autonomy* and *environmental care*. The description of *living rights* reveals the peasants' resistance strategies in their struggles for land and negotiations with government to guarantee their land rights. The environmental appeal of the SDPs did not manage to overcome the institutional problems of implementing these policies in the Transamazonica region, rather it masked social conflicts by imposing rules justified by sustainability.

Keywords: Social conflicts; Agrarian and environmental policies; living law; Sustainable Development Project; Peasants.

Resumen: En este trabajo analizaremos los conflictos sociales relacionados a implantación de políticas agrarias y ambientales en la historia del Proyecto de Desarrollo Sostenible Virola Jatobá en el municipio Anapu, en el Estado Pará. Las prácticas sociales y jurídicas de las familias campesinas constituirán la base para aprehensión de la noción del derecho vivo a la tierra. En los procesos de ocupación, creación e implementación del PDS se ha observado la renovación de este derecho empezando por la noción del derecho a la *tierra para quien en ella trabaja*, reforzado por nociones de *autonomía relativa* y de *cuidado con el bosque*. La descripción de este derecho evidencia las estrategias de resistencia y autonomía de campesinos en la lucha por acceso a la tierra y en negociaciones con el poder público. La apelación ambiental del PDS no suplantará los problemas institucionales en la efectividad de estas políticas en la carretera Transamazonica, ocultando los conflictos sociales por imposición de normas bajo el paradigma de sustentabilidad.

Palabras Clave: Conflictos sociales; Políticas agrarias y ambientales; Derecho vivo; Proyecto de Desarrollo Sostenible; Campesinos.
