

COASTAL-MARINE EXTRACTIVE RESERVES: REFLECTIONS ON THE PRE-IMPLEMENTATION STAGE¹

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Introduction

Extractive Reserves (*Reservas Extrativistas* - RESEX) differ from other kinds of protected areas because they originated from the social movement of Amazon rubber tappers during the 1980s. The movement was a struggle on the part of rubber tappers to affirm their right to the land and to maintain their way of life, threatened at the time by development policies unfolded by successive military governments. The rubber tappers voiced a set of demands that constituted a proposal for an kind of endogenous development model adapted to the Amazonian social, cultural and ecological context that would foster social justice, good quality of life, technology based on local knowledge and the conservation of their ways of life and of the forest and its resources (ALEGRETTI, 2002; CUNHA, 2001).

The synergy between the rubber tappers' demands and the environmentalist movement's interest in forest conservation propitiated the formation of alliances with international bodies linked to environmental issues thereby strengthening the rubber tappers' movement and enhancing its visibility. In that context, the incorporation of the Resex category to Brazil's National Environment Policy (*Política Nacional do Meio Ambiente* – PNMA) legitimized the process.

As Alegretti (1992) has pointed out, the support of the environmentalist movement brought with it the risk of the rubber tappers' specific social struggle becoming incorporated into the larger field of interests of environmental conservation and consequently of taking on new meanings and concepts. The enactment of the National Protected Areas System (*Sistema Nacional de Unidades de Conservação*) in 2000 and the insertion of the Resex in the category of Sustainable Use Protected Areas created tension between the nature conservation goals and the valuing of traditional population groups' knowledge and ways of life. Various studies have identified significant changes in the way the Resex are administered, moving away from the community management model the rubber tappers originally proposed: i) environmental conservation interests tend to prevail, rather than the rights of the traditional population groups; ii) scientific knowledge takes precedence

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over traditional knowledge; iii) there has been an increase in the power of the State. In addition, with the expansion of the Resex concept to contemplate the marine biome, from 1992 on various studies have reported the emergence of new challenges and conflicts associated to the processes for creating the Marine Extractive Reserves ((BUCCI, 2009; CHAMY, 2004; DIEGUES, 2007; LOBÃO, 2006, 2000; MENDES, 2009; NICOLAU, 2006; PINTO DA SILVA, 2004; SPÍNOLA, 2011).

Accompanying the increasing consolidation of the Resex as a government policy, the creation of such protected areas has been designed to meet the environmental goals set by the Ministry of the Environment (*Ministério do Meio Ambiente - MMA*) and the terms of the respective international agreements and, in the process, their management instruments have become more and more bureaucratic. The number of Extractive Reserves created in the last two decades has grown considerably and there are now 62 federal Resex 22 of which are in the marine biome (MMA, 2017).

Against that background, this article sets out to reflect on the challenges currently facing Marine-Resex management from the perspective of the community-based co-management concept (POMEROY; RIVERA-GUIEB, 2006). The study focusses on the Resex pre-implementation stage and especially on two Extractive Reserves yet to be decreed on the central-south coast of the state of Santa Catarina: the Cabo da Santa Marta Resex and the Imbituba and Garopaba Artisanal Fishing Resex.

The research data was gathered by means of both in-depth and semi-structured interviews carried out in September 2011 and February 2012. Altogether 60 artisanal fishermen affected by the Resex processes were interviewed as well as 15 representatives of government environmental and fishery institutions such as municipal heads of department, fishermen's unions, fishermen's associations, the Chico Mendes Institute for Biodiversity Conservation (ICMBio), environmental NGOs and others. In addition the researcher carried out participative observation which meant spending a long period in the field observing and participating in the communities' daily activities (SEIXAS, 2005). Prior to conducting the interviews, for three months the researcher accompanied the daily round of activities in the fishing communities of the Farol de Santa Marta region. Furthermore, she resided for a year in the Barra de Ibiraquira community in Imbituba where the demand for the Imbituba and Garopaba Artisanal Fishing Resex originated. During that time she was able to observe how the residents divided their daily activities between fishing in the lake and off the beach and tourism-related activities as well as observing the transformations in community dynamics brought about by the arrival of tourists in the summer and the spectacle of opening a channel in the sandbar and connecting the lake to the sea. Casual conversations with local residents, "outsiders", tourists and fishermen coupled with observations made during community meetings involving artisanal fishermen, the Right Whale Environmental Protected Area (*APA da Baleia Franca*), representatives of the Catholic social mission to fishermen organization (*Pastoral do Pescadores*) and the Lagoa de Ibiraquera local Agenda 21 Forum over a four-year period composed a rich contribution to the research.

The article is structured as follows: first there is a brief reflection on the community-based co-management concept, identifying the importance of fully understanding the

pre-implementation stage of such management experiences. Then follows a description of the legal framework supporting the creation of the Extractive Reserves. The reflections presented address the issues of autonomy, associative practices, the participation of traditional communities and the State's role in conducting that stage of the process. Thirdly, the article focuses on Coastal-Marine Extractive Reserves, delineating some of the main aspects, challenges and conflicts encountered in managing them. Lastly the specific processes for the creation of two Coastal-Marine Extractive Reserves in Santa Catarina are addressed and emblematic questions associated to the process of institutionalizing this government policy are set out for further reflection.

Extractive Reserves from the standpoint of community-based co-management.

The complexity of managing natural resources subject to shared use is a challenge to the centralizing nature of the state management model insofar as the management of such resources calls for shared actions among a variety of social actors involved (OSTROM, 1990). Several co-management studies undertaken in different regions of the planet have underscored the challenges involved in implementing and effectively monitoring this particular management modality (KALIKOSKI; SILVA, 2007; POMEROY; RIVERA-GUIEB, 2006). In that respect, rather than being a rigid concept, co-management should be seen as a dynamic, flexible process, adapted to each region or country's social, cultural, political and legal peculiarities. As Tyler (2005) has indicated, co-management arrangements can vary according to the nature of the resource, the political context, the participating organizations' degree of expertise and skill and the extent of their mutual trust. The arrangements may involve multiple users of local resources or just a single user and government agencies.

The term community-based co-management has been used here to keep the focus on the central role played by local communities and more specifically, by those groups that are strictly dependent on natural resources (POMEROY; RIVERA-GUIEB, 2006). In that perspective, management with a community basis is considered to be a fundamental aspect of co-management in general and it is consistent with the original idea behind the creation of the Resex category. The fundamental differences between the two approaches are the extent to which they focus on government participation, their scale, and the form of process organization. In community management processes, the level of government agency participation and its duration are lower and lesser; priority is set on community empowerment and participation. Furthermore, the land use management process concentrates on the local level. Whenever the community-based management can be considered an integral part of co-management then it can be considered to be community-based co-management. In that regard, the focus continues to be on the community but it is tacitly acknowledged that to sustain the actions at the local level they need to be articulated both horizontally (via the community) and vertically (with external actors such as state and federal governments). It is a management modality that can also serve to legally recognize the traditional (or 'customary') cultural systems

of local populations and to define responsibilities and the distribution of power between government and the community. In regard to the centrality of the power relations involved in this approach, the partnership arrangements between communities and external social actors (NGOs, universities, and government) should be carefully examined in order to reveal not only possible power disparities but also the vested interests in play (POMEROY; RIVERAGUIEB, 2006).

Institutional arrangements for co-management, whether community-based or not, are made in various ways but generally speaking they are established in three stages: pre-implementation, implementation and post-implementation. As Chuenpagdee and Jentoft (2007) have remarked, most co-management studies endeavor to interpret how the systems are implemented, the results obtained and the problems and challenges they usually have to face. Far less attention has been paid to the initial stages. As those authors point out, many of the difficulties and challenges encountered in implementing and maintaining such initiatives can be attributed to the planning and conduction of their creation process. Gaining an understanding of the specificities of that stage could trigger a learning process embracing alternative ways of conducting it. Although most Resex studies have at least mentioned the pre-implementation stage, their analyses mainly focus on the implementation process. Thus for the consolidation of the Resex as a community-based co-management arrangement, it is important to make a critical appraisal of the respective institutional framework and how it is appropriated in the dynamics of social interaction.

Institutionalization of Extractive Reserves: the creation process step by step

One of the rubber tappers' fundamental proposals was that priority should be set on creating Extractive Reserves in areas of intense conflict in which a rubber tappers' social organization already existed (ALEGRETTI, 2002). What, however, did 'social organization' mean in that context? How would the Resex creation process be once it had been institutionalized in the sphere of the Ministry of the Environment?

In the Protocol for Creating and Legalizing Extractive Reserves established in the late 1990s, the National Center for the Development of Traditional Populations (*Centro Nacional de Desenvolvimento das Populações Tradicionais* - CNPT/IBAMA) describes the kind of organization necessary for initiating a Resex creation process: the first step is to obtain a petition signed by the local residents. In addition residents must be prepared to work as a group in the form of an association given that co-management requires that they should be organized and coherent (CNPT, ca. 1997, a). Furthermore, the statutes of the association must formally state its members' commitment to "environmental conservation, that being a necessary pre-condition for negotiating agreements with government environmental institutions" (CNPT, ca. 1997 a).

As a measure to boost and consolidate associative forms of organization, the same CNPT states that there must be good leadership available to conduct them. The above-mentioned text raised various questions. Given the possible existence of internal conflicts in a community with different leaderships representing antagonistic groups and interests, would it be feasible for them to associate themselves to a single organization? If it were,

would the creation of an association facilitate collaboration among the residents or aggravate already existing conflicts? The CNPT text goes on to state that capacity-building and environmental education for those leaders and the other associated members would transform them into “environmentalists and defenders of the protected area”.

At the same time, the CNPT published another document addressing the importance of residents’ associations for the protection of the respective conservation area and underscoring the advantages of associative forms of organization:

- 1) The first advantage for residents (...) is that the decisions are legitimized by the collective group which means that new behaviors are not retarded by ‘watchdog control’.
- 2) Organization makes it possible to make decisions regarding natural resource conservation in a democratic way with the participation of the interested parties.
- 3) Another advantage is that an adequate organization of the residents makes it easier to multiply information and harmonize understanding of the respective messages.
- 4) The greatest advantage of all is that the sum of the community members’ potentials becomes a force for bringing about transformations (CNPT, ca. 1997 b).

In the first item the CNPT explicitly expresses its prejudice concerning rural ways of life and their socio-cultural specificities. The document views “watchdog control” exercised by the community as a conservative factor and an obstacle to any change away from predatory behaviors and towards conservation strategies. In that regard, a social organization, that is, an association is necessary insofar as it brings with it democratic social values and practices. The researcher embraces the reflections of Lobão (2006, p.50) regarding this part of the text of the CNPT document:

It is well-known that participation does not always ensure democracy and much less is organization the necessary and sufficient condition for the construction of a democratic environment. Similarly it is a vain belief to imagine that forming an association is all that is needed to achieve harmony in the understanding of messages. The fourth item however is the most interesting one. In it the association is seen as being a transforming force. It only fails to foresee how the process will occur and the direction transformation will take.

In July 2000 the enactment of the SNUC changed the entire legal framework concerning protected areas. In the case of the Resex however, the regulatory guidelines, norms and procedures were only defined in 2007 with the publication of Normative Instruction (NI) Nº 03 dated September 18, 2007 (ICMBIO, 2007). According to that regulation, the request for the creation of a Resex should be formally submitted by the traditional population and there was no longer any requirement for the existence of a formalized local association at that stage of the process.

The document delineates guidelines essentially designed to ensure biodiversity conservation and environmental sustainability as well as the active participation of tra-

ditional populations, ensuring that they and their knowledge, lands and forms of social organization are duly acknowledged and valued. From the inception, however, the Protected Areas model has been imbued with a preservationist ideology, legitimizing “the modern-day myth of untouched nature” (DIEGUES, 2004). Accordingly, acknowledgment of traditional populations’ rights, even when it means a rupture with the nature and culture dualism, inevitably introduces restrictions for such population groups insofar as their ways of life are obliged to be compatible with a sustainable lifestyle (MENDES, 2009). That is one of the criteria for recognizing a traditional population as such and the group must demonstrate its commitment to environmental conservation and to the respective administrative body as well as submit to participation in capacity-building and environmental education programs.

Based on the NI 03 (ICMBIO, 2007) guidelines, the processes for creating extractive reserves comprise the following pre-established stages: i) formal request submitted by the traditional population or its representation; ii) technical inspection made by the ICMBio to verify the existence of an organized traditional population in the area and whether the area is ecologically representative or not; iii) social mobilization and the conduction of socio-environmental and land-use and occupation studies; iv) Public Consultations; v) Decree creating the Resex. The following extract from the NI text provides us with a basis for reflecting on aspects of the questions concerning social organization, autonomy, communication and participation in the Resex creation processes:

Article 5 The request for the creation of a RESEX or a Sustainable Development Reserve must indicate, initially, the area proposed to become a protected area and the traditional population involved (...) as well as the its commitment to the sustainable use of the respective Protected Area (...).

Article 6. On receiving such a request the Chico Mendes Institute must carry out an inspection of the area and participate in one or more meetings with the traditional population involved and issue a formal technical opinion regarding the feasibility of creating a RESEX or an RDS.

Article 7. The technical opinion must address the following aspects: I - the environmental characteristics and state of conservation of the area; II – the traditional population itself in relation to the same and the aspect of its level of community organization; III – the representativeness of the demand in the local context (...); IV – conflicts and threats [7].

The incumbencies of the ICMBio technical staff responsible for the survey/inspection are many. They are the ones who will actually evaluate the feasibility of creating a Resex. To that end, one of the fundamental conditions is that it should be very clear who the subjects of the action really are, or, in other words, who the members of the traditional population (“concerned”) are. According to the text of the Normative Instruction, the request for the creation of a Resex must identify the corresponding traditional population.

That very concept is polemical in itself and many researchers have discussed it (CREADO et al., 2008; MENDES, 2009, 2008; LOBÃO, 2006; CASTRO et al., 2006). Furthermore, would it really be possible for the member of the technical staff on his own to evaluate the representativeness of the demand in the local context? And what about the level of community organization; how is it to be evaluated? Should it be based on the concept of the degree of association as set out by the CNPT?

If the technical opinion is in favor of creating the Resex then the ICMBio is supposed to designate a person “institutionally responsible for coordinating the creation process” of the Resex and that person must “work in an articulated manner with the representatives of the traditional population” (ICMBIO, 2007, IN 03, art. 8). During that stage of the process, the socio-environmental and land-use and occupation diagnoses are initiated.

Article 9 emphasizes the need for those community communication and mobilization strategies and instruments to be adapted to the “reality of the local language”. As will be shown further on, the communication, mobilization and participation processes of the social groups involved in the Marine Resex creation proposals are very much more timid than the claims for autonomy and the active engagement present in the social movements that drove the Resex concept in the Amazon.

The Coastal-Marine Extractive Reserves: conflicts and challenges

Various research projects have identified the multitude of conflicts and challenges that exists in the processes for creating and managing the Marine Extractive Reserves, among them the identity conflicts between Resex “insiders” and “outsiders”, conflicts between the artisanal fishing activity and other economic activities and various other conflicts (BUCCI, 2009; CHAMY, 2004; DIEGUES, 2007; LOBÃO, 2006; MENDES, 2009; NICOLAU, 2006; PINTO DA SILVA, 2004; SPÍNOLA, 2011). As an example, on the south coast of Bahia the coalition established between the municipal authority of Caravelas and a shrimp farming enterprise attempted to bar the creation of the Cassurubá Marine Redex even resorting to the strategy of misinforming the local public. During the public consultation held in Caravelas, posters were displayed with the message “do you trust the local IBAMA? and others with “in the Resex you will not be allowed to raise cattle”. On that occasion the silence of the riverside populations prevailed. Confused and uninformed, they accepted the discourse of the local politicians and businessmen, all opposed to the creation of the Redex (NICOLAU, 2006).

The Pirajubaé Marine Resex is an emblematic example¹. In spite of its having been the first Coastal-Marine Resex ever, created in the city of Florianópolis in 1992, it was only institutionally consolidated in 2010 with the implementation of its Management Council and the signing of the Concession of the Real Right to Use Contract (*Contrato de Concessão do Direito Real de Uso - CCDRU*). Even so, the Redex continues to be embroiled in innumerable conflicts involving cockle collectors and artisanal fishermen.

The (in)definitions associated to the trajectory of the Pirajubaé Marine Resex can be more readily understood if we examine its genesis. Its creation was, above all, an act of political opportunism associated to the Rio 92 event. On that occasion the notion of

social participation was inserted as one of the principles of sustainable development and acquired a high degree of visibility. In that context the Extractive Reserves enhanced their legitimacy in the eyes of the State and at the time they were the only category of Protected Areas whose goals included the sustainable use of their natural resources and guaranteed a protagonist role for traditional populations. Thus the Pirajubaé Resex was created along with three other Amazonian Extractive Reserves. The extractive producers, in their anxiety to ensure the maintenance and continued commercialization of the cockle stocks called for the establishment of the Resex without being fully aware of what it implied. Spinola (2011) states that they identified with the proposal based on their understanding of a report about the Redsex. Acknowledging the ecological importance of the territory, the respective administrative body began to support the demand without, however, any knowledge of the community's socio-cultural relations or its forms of organization. That hierarchical form of relationships among the ecological and socio-economic aspects still prevails in Resex management. Setting priority on nature conservation aspects rather than a protected area's other socio-cultural objectives is a tendency that permeates the Deliberative Council decisions and "ends up conditioning greater control on the part of the environmental agency ICMBio and generating a strong dependence on technical-scientific knowledge in Resex decision-making" (p.186).

It is important, when reflecting on Marine Extractive Reserves, to address the conceptual differences between them and the Amazon forest Extractive Reserves. Unlike the latter, which have managed to put an end to longstanding land tenure conflicts and favor the peoples of the forest with the right to use and occupation of the respective territories, the Marine Extractive Reserves seem to exacerbate and/or foster conflicts (LOBÃO, 2000). The Brazilian Constitution of 1988 defines the sea and the marine territories as being an asset of the Union and therefore an asset belonging to all. In that regard there are innumerable controversies inherent to any concession of the right to appropriate any part of a marine territory to a specific social group, that is, to artisanal fishermen. As Lobão (2000) underscored, referring to the Arraial do Cabo Resex, the first truly marine Redex, created in the State of Rio de Janeiro in 1997, "even though no government bodies were disputing the implementation of such public policies (as the INCRA and the CNPT did in the case of the terrestrial Extractive Reserves) prior to the creation" of the Resex, after its decree had been issued a series of disputes and manifestations occurred on the part of various bodies such as the Brazilian Navy which "did not recognize the right of artisanal fishermen and IBAMA to legislate over marine resources"; at a meeting a representative of the Harbormaster's Office voiced that body's disagreement with the existence of the Resex which it declared was in effect "a privatization of the sea" (LOBÃO, 2000, p.11).

The creation of the Marine Extractive Reserves has caused many conflicts to break out precisely because the concession of the right to appropriate marine territories to the artisanal fishermen challenges the power structures in force in the Brazilian coastal areas. As Chamy (2004) explains, the recognition of the artisanal fishermen's customary rights over certain coastal-marine territories still lacks formal legitimacy before the respective legal spheres. Such recognition and the political inclusion of the artisanal fishermen brought about by the Marine Extractive Reserves is something previously

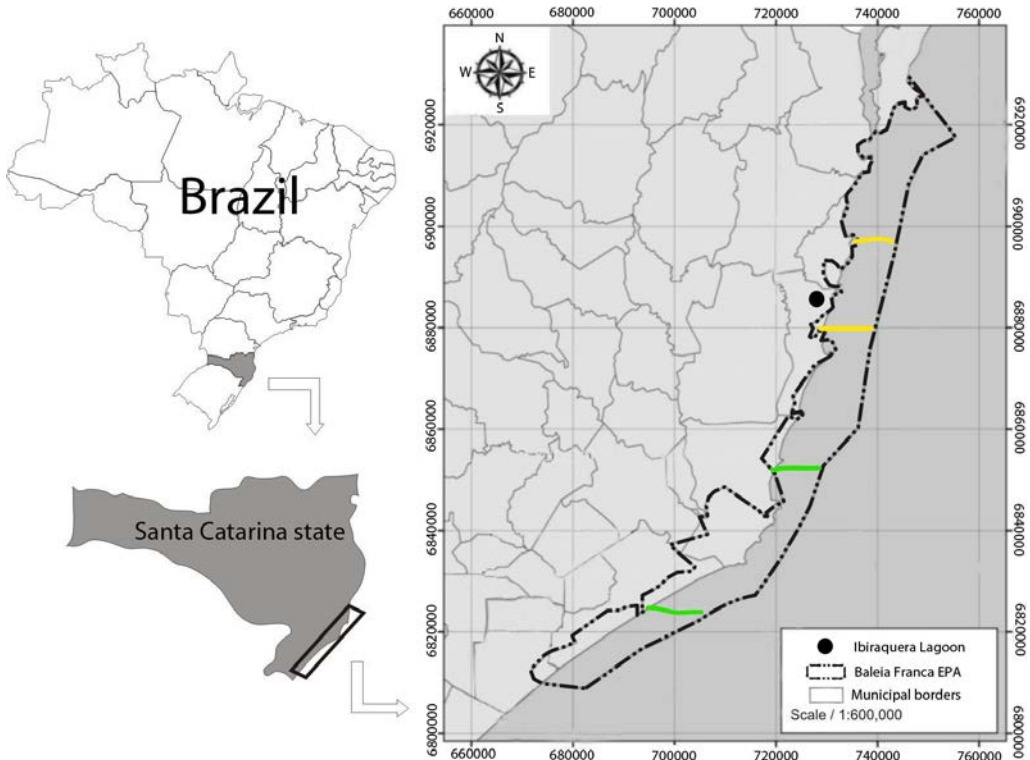
unheard of in Brazil where fishermen have always been subject to the authority of the Brazilian Navy (LOBÃO, 2005) and of other bodies responsible for the conservation and development of fishery resources. In the case of the Arraial do Cabo Resex, Pinto da Silva (2003) considers that its creation and implementation have brought about considerable changes in those former unequal, hierarchic relations insofar as the fishermen now have a very negative image of the environmental agencies and feel that the Resex is merely an additional responsibility they have to bear and that they fail to receive the proper support from government that would enable them to do so. The State's reluctance to share power with the local artisanal fishermen, the lack of support for co-management practices, the absence of due recognition for the formal and informal institutions of community management are almost always reflected in the great difficulties encountered to "administer" existing conflicts. Several researchers have identified that same point as being one of the major hindrances to co-management (PINTO DA SILVA, 2003; DIEGUES, 2007).

3. The processes for creating Coastal-Marine Extractive Reserves in Santa Catarina

The formal procedures for creating the Cabo da Santa Marta Resex and the Imbituba and Garopaba Artisanal Fishing Resex were finalized in 2006 and 2007 respectively but they have still yet to be decreed. The proposed area for the two Extractive Reserves partially overlaps the Right Whale Environmental Protected Area (Área de Proteção Ambiental da Baleia Franca -APA BF) and embraces areas of sea and lagoons (Ibiraquera and Garopaba lakes) in the municipalities of Imbituba and Garopaba and an area of dunes and sea in the municipalities of Laguna and Jaguaruna.

The idea of creating a Resex in the Santa Marta lighthouse region was conceived during the visit of the president of the NGO Rasgamar to the Corumbau Resex in Bahia on the occasion of the celebrations marking its first anniversary in 2001. That was when the president of the NGO based in the Santa Marta Lighthouse region first came into contact with a Resex in the process of being implemented and met with the general coordinator of Extractive Reserve Creation at IBAMA's CNPT. There was considerable synergy between the demand for the creation of the Cabo de Santa Marta Resex and the Ministry of the Environment (*Ministério do Meio Ambiente* – MMA) because at the time the ministry had established a strategic plan to expand the extractive reserve model to other socio-environmental contexts, including coastal zones. According to the CNPT's general coordinator of extractive reserve creationⁱⁱ, at that time the Resex creation process set priority for the creation of Marine Extractive reserves on areas where there were conflicts associated to resource use by artisanal fishing communities and by industrial fishing activities and where, in addition, it would be possible to mobilize and socially organize the artisanal fishermen. That was precisely the situation in the Cabo de Santa Marta region where there was an ongoing conflict over access to, and use of fishery resources between local artisanal fishermen and industrial fishing interests.

Figure 01: Limits of the Right Whale Environmental Protected Area and the proposed Extractive Reserves. Northern and southern limits of the Imbituba and Garopaba Artisanal Fishing Resex in yellow and northern and southern limits of the Cabo de Santa Marta Resex in green. Source: Adapted from Gerhardinger (2014)



In 2005, the Lagoa de Ibiraquera (Ibiraquera Lake) local Agenda 21 Forum officialized the proposal for the creation of the Imbituba and Garopaba Artisanal Fishing Resex two years after the first demands had been made for the Cabo de Santa Marta Resex. In 2005, when the Ibiraquera Community Fishermen's Association (*Associação de Pescadores da Comunidade de Ibiraquera - ASPECI*) and the Forum formally requested the CNPT/IBAMA to create the Resex, the Fisheries Working Group conducted constant in-depth discussions of Resex-related issues. In compliance with the respective legal requirements, the formal request was accompanied by a petition signed by the local communities and institutions and the Fisheries Working Group became the Resex Working Group which, from then on, focused its weekly or fortnightly meetings mainly on discussing Resex affairs (ADRIANO, 2011). One of the important factors motivating some of Ibiraquera's local leaders and its fishermen to engage in the struggle to obtain the creation of a Resex was their contact with those fishermen who were demanding the creation of the Cabo de Santa Marta Resex. There were fairly frequent contacts between the president of the Rasgamar NGO and some of the participants in the Lagoa de Ibiraquera Local Agenda

21. A summary of the stages involved in the creation processes of the two extractive reserves is set out below.

Chart 01: Successive steps in the creation of the Cabo de Santa Marta Resex

i) formal request: made in 2002 by the environmentalist NGO Rasgamar and the Farol de Santa Marta Fishermen's Association (*Associação de Pescadores do Farol de Santa Marta - APAFA*). Petition signed by 227 local residents and fishermen and support from the Laguna Z-14 Fishermen's Union (*Colônia de Pescadores de Laguna Z-14*).

ii) technical inspection by the ICMBio: prerequisites confirmed.

iii) social mobilization and technical studies (socio-environmental and tenure aspects): the NGO Rasgamar conducted the mobilization. Around 30 visits to the area were made involving informal, community and technical meetings and the distribution of posters and folders.

The technical studies were carried out by Socioambiental Consultores Associados LTDA, a consultant company which held a Participative Rapid Diagnosis workshop. Although it revealed important problems and conflicts associated to fishing activities it failed to reveal inter- and intra-group conflicts present in the Resex creation process.

iv) Public consultation: undertaken on June 6, 2005. On that occasion, the conflicts and controversies were aired in public.

v) creation decree: non-existent.

Main conflict: the lake fishermen wanted the lakes to remain outside of the Resex boundaries.

Positions taken by the groups involved:

- *in favor of the Resex:* sea fishermen of the Farol de Santa Marta community; the Rasgamar NGO; the Laguna Z-14 Fishermen's Union; the Laguna Municipal Authority.

- *against the Resex:* the lake fishermen (Camacho, Santa Marta, Cigana and Garopaba do Sul communities); the Catholic Church social mission to Fishermen (*Pastoral dos Pescadores*); the Pescadores da Ilha Fishermen's Union (*União dos Pescadores da ilha - UAPI*); the Barra do Camacho Fishermen's Association (*Associação dos Pescadores da Barra do Camacho - APE-BARCA*); the Jaguaruna Fishermen's Union Z-21 (*Colônia de Pescadores de Jaguaruna Z-21*).

Source: own author

Chart 02: Successive steps in the creation of the Imbituba and Garopaba Artisanal Fishing Resex

- i) formal request: made in 2005 by the Lagoa de Ibiraquera local Agenda 21 Forum.
 - ii) technical inspection by the ICMBio confirming the presence of an organized and ecologically important traditional population in the area;
 - iii) social mobilization and socio-environmental and land tenure studies: the Resex Working Group of the Lagoa de Ibiraquera Local Agenda 21 Forum coordinated the social mobilization activities. ICMBio technical staff carried out biological studies and two Ministry of the Environment consultants were responsible for the socio-environmental and tenure studies.
- The main space in which discussions concerning the creation of the Resex took place was the Resex Working Group. However, the local municipal authority and the Imbituba and Garopaba Fishermen's Unions absented themselves from the process. 53 open meetings were held altogether.
- iv) public consultations: held on December 19 and 20 in 2007. The majority group adopted a stance against the Resex exhibiting the slogan 'Nature..Yes! Resex... No!'. The group argued that the Resex would hamper the municipalities' economic development.
 - v) Creation decree: non-existent.

Main source of conflict: the inclusion of marine areas within the Resex boundaries.

Positions taken by the main groups involved:

- *in favor of the Resex:* Agenda 21 Forum; Resex Working Group (Fishermen's Association of the Ibiraquera community, the Right Whale Environmental Protected Area, the Ibiraquera Community Center, the Gaia Foundation)
- *against the Resex:* artisanal fishermen, especially the supporters of the fishermen's unions, local businessmen and the state government.

Source: own author.

All the above goes to show that the two processes completed the formal stages required by the legislation. Within the artisanal fishermen's groups there were some with clearly defined antagonistic positions. The main points of contention concerned the definition of the Resex boundaries both on land and in the lakes.

The president of the environmentalist NGO Rasgamar, promoting the Resex, presented the proposal for creating the Cabos de Santa Marta Resex as a means to prevent industrial fishing vessels from fishing in the artisanal fishing areas. The president of the NGO was himself a native of the Farol region and gradually began to obtain the support of the fishermen from the main fishery area, Praia do Cardoso. That gradual process led to the creation of the Farol de Santa Marta Fishermen's Association (APAFa) and its president was strongly legitimated by the approval of the fishermen in general. However, it seems that the creation of the Resex and the implementation of the APAFA failed to generate knowledge or autonomy for the local fishermen. The president of the NGO strongly influences decision making related to the AFAPA, including its elections and

he is the only one with various pieces of information concerning the Resex process. As he was the principal inductor of the proposal, many fishermen consider him responsible for the decision to include the lakes within the Resex boundaries. With the exception of one Praia de Cardoso fishing vessel master, the fishermen interviewed were uninformed as to the territorial limits of the proposed Resex, especially the northern boundary. When questioned about the Resex, the fishermen immediately referred to the NGO president “we left it all up to (...)”ⁱⁱⁱ; he was supposed arrange everything for us and we’re waiting for him [to do it]” (Verbal information)^{iv}. Regarding that aspect, the relations of guardianship and dependency that prevail between the State and the artisanal fishermen also seem to be reproduced in the relations between the fishermen and the NGO.

Even the large number of meetings held during the mobilization processes were insufficient to generate collaboration processes among the fishermen of the various communities. The questioning and doubts that arose during the mobilization became transformed into resistance to the proposal. Accordingly the conflicts became polarized around two leaderships: the NGO president and the representatives of the Pastoral dos Pescadores. The latter has played an active role among the lake fishermen in fostering the demand for opening the Barra do Camacho lake and in the process of the Fishery Agreement for the Lagoon Complex coordinated by the Center for Research and Management of Lagoon and Estuarine Fishery Resources (*Centro de Pesquisa e Gestão dos Recursos Pesqueiros Lagunares e Estuarinos* - CEPERG/IBAMA). The latter processes were taking place parallel to the Resex initiative which the fishermen viewed as something brought in “from outside”. So the lakes were eventually excluded from the final Resex proposal.

After the public consultation, local actions were limited to mere administrative ones and to official documents drawn up and signed by the NGO alongside the APAFA. There was no collective action whatever on the part of the fishermen in favor of the Resex. However, after August 9, 2008, with the draft for the decree and the dispatch of the Minister of the Environment already signed, the director of the protected areas section at the ministry (*Diretor da Diretoria de Áreas Protegidas* - DAP/MMA) called attention to the need to consult the Ministry of Mines and Power (*Ministério de Minas e Energia* - MME). An official document was sent to the MME requesting it to state its official position. The Ministry declared it was in favor of the Resex provided its creation decree excluded areas of coal deposits on the perimeter of the Resex and made provision for mining activities and wind/thermoelectric ventures to be undertaken in the Resex buffer zone (official document nº 626/2010/SE-MME). Once the adjustments had been made the proposal moved ahead.

The sequence of events involved in the creation of the Imbituba and Garopaba Artisanal Fishing Resex has been significantly entwined with the history of the Lagoa de Ibiraquera Local Agenda 21 Forum in the municipality of Imbituba. Members of the Forum, with the common objective of strengthening artisanal fishing, proposed the Resex as a co-management instrument that would be capable of dealing with the conflicts and problems associated to the activity. Nevertheless, in spite of the fact that members of the group heading the Resex proposal had strong relations of mutual trust, they were unable to expand those relations. The majority of artisanal fishermen and leaderships in

fishing affairs around the Lagoa de Ibiraquera failed to participate either in the Forum or the Working Group. They shared a stigmatized view of the Forum as being the property of a “little group”.

Once the formal social mobilization process began it was left up to that small group to persuade the others about the importance of the Resex proposal. However, although at the time of signing the petition it had seemed that local residents and fishermen shared the understanding that there was a need to strengthen artisanal fishing, as soon as the word ‘Resex’ was introduced a strong opposition sprang up. What would have been the best way to present the Resex concept to the local fishermen whose learning had all been based on ‘doing’? The videos showing extractive reserves in an Amazonian context were a strong factor in creating the fishermen’s negative image of the Resex. Insofar as they did not identify with the reality displayed of “wattle and daub dwellings, no electricity and extractive activities for subsistence only” the fishermen quickly began to oppose the Resex. Different interests and social actors began to interfere in the process, further antagonizing the groups.

One of the most hotly discussed issues was the territorial limits on the land. Fears of losing their land to the State and losing the right to use the areas along the shoreline areas permeated the fishermen’s discourse; even that of those who had initially declared in favor of including the marine areas in the Resex. Five main proposals were discussed in the hearings in the fishermen’s fishing lodges: i) inclusion of the entire depth of the water and the shoreline strip of land (above the high-tide line); ii) inclusion of the entire depth of the water and the shoreline strip of land with permission to concede land use to those who help to conserve the area, provided occupation was not irregular; iii) inclusion of the entire depth of the water, the shoreline strip of land and the marshes; iv) inclusion of the entire depth of the water alone. The ASPECI defended the first proposal throughout the process and in all the hearings its representatives vigorously supported it. The third proposal appeared to be a polemical one and no one was in favor of it.

The second and fourth proposals are closely related. The suggestion to include the entire depth of the water alone was put forward by a representative of the Gaia Foundation, proprietor of a farm where it is developing the Gaia Village Project. In an effort to mediate the process, the ICMBio staff put forward a proposal to include the 33 meters of shoreline strip but excluding any legally instituted areas and endowed with the nature of a natural resource conservation measure. However the businessman of the Werlang family considered that those legally occupied areas that were not associated to any irregularities should remain under private responsibility and trust. Thus his position was that the shoreline strip areas should be taken out of the proposal.

However, the fishermen present at such hearings were against that proposal. In the name of environmental preservation and recuperation, the Gaia Village project has a fence on its property which stretches from the shoreline on the Ouvidor beach to the Garopaba main road, restricting use of access ways and access to the fishermen’s fishing lodges there (ROSAR, 2007). The fishermen allege that fencing off the shoreline area has hampered fishing activities and that the removal of the fence would not necessarily mean that the areas being protected by the proprietors would be disrespected. In spite of the

controversy involved, the Gaia Project proposal was the one that drew the most support because it was also supported by the local Sea Shepherd Brazil Institute and the Right Whale Project as well as by other national and international environmentalist NGOs. It also converged with the interests of the local businessmen and so, in accordance with the model applied in most of the Coastal-Marine Extractive Reserves which exclude artisanal fishermen's areas on land (DIEGUES, 2007), the Resex proposal went forward without including the shoreline areas.

This study of the processes involved in creating the Extractive Reserves reveals, above all, how the State practices acts of moral disregard or insult against artisanal fishermen (CARDOSO de OLIVEIRA, 2005). In practice, the definition of the Resex limits, which should be guided by the artisanal fishermen's feelings of identity and territoriality, is mediated by technical and political criteria, mainly taking into account the interests of various other social actors such as those of environmental NGOs and the Ministry of Mines and Power. Such acts of moral disregard and insult are practiced by the state in the following ways: "(1) objective aggression against rights that cannot be readily translated into material evidence; and (2) the implicit and ever present devaluation or negation of the identity of the other" (CARDOSO de OLIVEIRA, 2005, p. 2). On the other hand, for the fishermen against the Resex, the fact of their not having taken part in the decision-making regarding the Resex creation process, means that those decisions also constitute a case of disregard because, in the final analysis, in resisting the proposal they were protesting that they had the right to decide on the management of their territory and that was threatened by the creation of a protected area "imposed" on them by the government and its local partners. Such acts of disregard, symbolic and immaterial as they are but strongly affecting their victims, are very difficult to apprehend in the formal processes because they are sturdily supported by the legal framework.

Final Remarks

Given that co-management processes can be set in motion in two different ways, that is, on the initiative of the State or to address a demand stemming from a community, the extractive reserves initially configured themselves as endogenous initiatives compatible with a community-based co-management model. Once they became a public policy, however, their instruments were institutionalized and, as has been shown, the protagonist role of the traditional populations came to be questioned in the pre-implementation stage. In the coastal zones the fishermen are identified as constituting traditional populations and if they wish to demand the creation of a Resex they must satisfy certain criteria and be aligned with the guidelines established by the Brazilian National Protected Areas System.

The hierarchic relationship established between nature conservation considerations and the rights of the traditional populations permeates the processes studied here. Driven by its interest in conserving biodiversity by creating protected areas, the State empowers a part of the traditional population which, on appealing for the creation of a Resex, must demonstrate that its interests are in alignment with the sustainability principles of environmentalism. Being unaware of the socio-cultural relations among the

local groups, the environmental agencies' representatives only establish dialogue with the representatives of the associations of those local fishermen in favor of establishing e Redex. The very act of creating the Fishermen's Association is designed to imbue the fishermen's demand with an air of legitimacy in the eyes of the bureaucratic State insofar as it accepts the existence of formalized associations as being a demonstration of social organization. As Bucci has observed, the term 'traditional' is inherently bound up with the understanding of the term sustainability. In that sense then, "(...) are the traditional populations the beneficiaries and the environmentalists their partners, or is it the other way around: it is the traditional population that is the partner of the environmentalists?" (BUCCI, 2009, p.32).

The theoretical rupture with the classical concept of a Protect Area represented by the origin of the Resex category, which inserted the human being and human culture as its protagonists, seems to lack legitimacy. Important decisions that involve the territorial interests of the artisanal fishermen are negotiated with external actors and based on criteria that devaluate the traditional population's identity. In the final analysis, the creation of the Resex is a political decision made at the highest hierarchic level of government administration, disregarding the local populations directly involved. The outcome of the process is inevitably a far cry from any alignment with the ideals of democratic participation.

Notes

- i The reflections on the Pirajubaé Marine Resex are the fruit of field observations made in the years from 2008 to 2010.
- ii Interviewed on July 11 2012.
- iii Rasgamar NGO President.
- iv Fishing Boat Master from Farol de Santa Marta, owner of a fishing lodge and a vessel. Interview given on September 16, 2011.

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Original Article

COASTAL-MARINE EXTRACTIVE RESERVES: REFLECTIONS ON THE PRE-IMPLEMENTATION STAGE

Abstract: This article reflects on the process of institutionalization of Extractive Reserves, more specifically those located in a coastal-marine environment, in light of the concept of community-based co-management. The analysis focuses on the pre-implementation stage of Marine Extractive Reserves, especially two Extractive Reserves on the Santa Catarina coast yet to be decreed. The study demonstrates that the formal prescriptions regulating Resex creation processes designed to ensure mechanisms of social participation and the protagonist role of the traditional populations fail to achieve that end. The hierarchical relationship between nature conservation interests and the rights of traditional populations, favoring the former, permeates this stage of construction and so the artisanal fishermen are not the subjects of the process.

Keywords: extractive reserves; artisanal fishing; community-based co-management; socio-environmental conflict.

Resumo: Este artigo tem o intuito de refletir sobre o processo de institucionalização das Reservas Extrativistas (Resex), mais especificamente daquelas situadas em ambiente marinho costeiro, à luz do conceito de cogestão de base comunitária. O foco da análise recai sobre a etapa pré-implantação das Resex Marinho-Costeiras, em especial de duas Reservas Extrativistas ainda não decretadas no litoral de Santa Catarina. O estudo demonstra que as prescrições formais que regulamentam os processos de criação das Resex, buscando assegurar os mecanismos de participação social e protagonismo da população tradicional, mostram-se aquém do desafio proposto. A relação de hierarquia entre conservação da natureza e direito das populações tradicionais, com privilégio à primeira, transpassa toda a construção desta etapa, de modo que os pescadores artesanais não são sujeitos do processo.

Palavras-chave: reservas extrativistas; pesca artesanal; cogestão de base comunitária; conflito socioambiental.

Resumen: Este artículo tiene como objetivo reflexionar sobre el proceso de institucionalización de reservas extractivas, especialmente las situadas en el entorno marino costero, a la luz del concepto de cogestión basada en la comunidad. El foco del análisis se basa en la etapa previa a la implementación de Reservas Extractivas Marino Costeras, en especial de dos reservas extractivas no promulgadas en la costa de Santa Catarina. El estudio muestra que las normas de procedimiento que regulan los procesos de creación de Resex, buscando asegurar los mecanismos de participación social y el protagonismo de la población tradicio-

nal, se muestran por debajo del reto propuesto. La relación jerárquica entre la conservación de la naturaleza y los derechos de las poblaciones tradicionales, con privilegio a la primera, atraviesa toda la construcción de esta etapa, por lo que los pescadores artesanales no son sujetos del proceso.

Palabras clave: reservas extractivas; pesca artesanal; cogestión de base comunitaria; conflicto socio-ambiental.
