

GOLD VI

**Case-Based Contribution
to Chapter 7: Renaturing**
*GOLD VI Report on Pathways
to urban and territorial equality*

Caíçaras, Artisanal Fishermen, and Guarani M'byá's territories between Protected Areas and Paranaguá's Port

In partnership with:



Caiçaras, Artisanal Fishermen, and Guarani M'byá's territories between Protected Areas and Paranaguá's Port

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CITIES/COUNTRIES IT COVERS

Atlantic Forest (Brazil)

CHAPTER

7: Renaturing

SUMMARY

This paper brings the case of the Atlantic Forest in the south and southeast of Brazil, one of the richest biomes on Earth in terms of biodiversity, and also the habitat, territory, and homeland of Quilombolas, Caiçaras, and Indigenous peoples, such as the Guarani M'byá. The latter are responsible for the conservation, vitality, and continuity of the Atlantic Forest's rivers, bays, coves, mangroves, mountains, and falls. In the 1980's, the territories of Quilombolas, Caiçaras and Indigenous peoples began to be overlapped by Protected Areas established by the Brazilian State for the conservation of the remaining areas of the Atlantic forest.

Near these protected areas, a Port Complex was built in the Paranaguá bay, the biggest county in the Paraná coast, whose economy is based mainly on the port's activities.

Over the last decades, the expansion of the Port Complex has damaged not only the environment – the sea, the bays, the land, and their biodiversity – but also the traditional peoples' immaterial cultural heritage and their ways of living. This paper aims to discuss the ways through which these traditional people ensure and defend their territorial and cultural rights in face of major enterprises like Paranaguá's port expansion.

At the south and southeastern portion of Brazil, the **Atlantic Forest** has been recognized by Unesco since 1999 as a Natural Heritage of Humanity. This recognition acknowledges both that this region is one of the richest biomes on the entire planet in terms of biodiversity, and also that it is the habitat, territory, and homeland of **Quilombolas, Caiçaras, and Indigenous peoples, such as the Guarani M'byá**. The latter are responsible for the conservation, vitality, and continuity of the Atlantic Forest's rivers, bays, coves, mangroves, mountains, and falls.

In addition to the preservation of the Atlantic Forest's natural diversity and cultural heritage, these traditional people have been fighting for centuries for their territorial rights, and for the recognition of their modes of existence. Their struggle has also been against public and private enterprises that don't take into account environmental concerns, and, quite the contrary, regard them as the harmful entities to an idealized environmental conservation by denying their rights and knowledge over their own homeland.

The traditional peoples of the Atlantic Forest and their modes of existence not only contribute positively to environmental protection, but also can be regarded as the main responsables for the Forest's conservation and protection.

The area between the coast of the states of Paraná and São Paulo is part of the Serra do Mar Complex, that extends across the adjacent coastal plain, which includes the estuarine complex of Iguape-Cananeia-Paraná, and both are recognized as an Atlantic Forest biosphere reserve. In the 1980's, the territories of Quilombolas, Caiçaras and Indigenous peoples began to be overlapped by Protected Areas established by the Brazilian State for the conservation of the remaining areas of the Atlantic forest.



The consolidation of these protected areas has led to many environmental conflicts and tensions between inhabitants and the environmental state agency ICMBio (Instituto Chico Mendes de Conservação da Biodiversidade), which creates and administers Protected Areas. In support of these areas, ICMBio and other States Agencies have restricted traditional peoples from the open usage of their land and maritime territory with interdictions on their territory usage given by strict environmental laws.

In **Paraná state**, the protected areas lie in the recesses of the Paranaguá bay. Near these protected areas was built a Port Complex, located inside the biggest Paranaguá bay. Paranaguá is the biggest county in the Paraná coast, and its economy is based mainly on the port's activities through the Port of Paranaguá. This port is the biggest Brazilian port of grain exports, and the biggest grain terminal of Latin America. Over the last decades, the expansion of the Port Complex has damaged not only the environment – the sea, the bays, the land, and their biodiversity – but also the traditional peoples' immaterial cultural heritage of their ways of living.

Fishermen protesting against Paranaguá's Port Complex expansion. June 2021
Source: Diogo Monteiro, JB Litoral

This case-based contribution is about traditional peoples that have Paranaguá's port as a problematic neighbor. Which are the impacts of the construction of the Port and its most recent expansions over the Caiçara, artisanal fishermen e Guarani M'byá's territories?

In Brazil, there is an environmental legislation that requires large enterprises to undergo an environmental licensing process. When a Port Complex is planned to be expanded, it must pass through this **environmental licensing process**, which includes the production of an environmental impact assessment report to measure the impacts on the environment, on the traditional peoples modes of living and their immaterial and cultural heritage.

Some **legal instruments** may contribute to minimizing the access inequalities to human rights and territorial rights: the Indigenous and Tribal Peoples Convention of the International Labour Organization (ILO Convention 169) and the Protocols for Consultation and Consent. The production of such protocols is an initiative of social organizations to reclaim autonomy over their land by enforcing a common set of standards based on indigenous peoples' demands and international law.

In Brazil, the environmental policy is informed by the Federal Constitution of 1988, which acknowledges the Brazilian ethnic and cultural diversity and its role in socio-environmental conservation. Although the country is a signatory of the ILO Convention 169, which asserts traditional peoples the right to "prior consultation" over projects and enterprises that might impact their land and culture, many social organizations have been arguing that they have not been consulted by the State institutions.

The main contradiction between environmental policies and economic development, in Paranaguá's port case, is that the Port Complex resides amidst a mosaic of Protect Areas. Without the oversight of the State and its enforcement of the indigenous Protocols, private companies will continue to be granted permission to deploy and expand their projects in the region, impacting the life and natural resources of the Paranaguá bay, and increasing socio-environmental inequalities.

The role of local authorities, environmental agencies, and the State institutions, especially in these processes involving big companies and development projects on Protected Areas, is to **guarantee the rights of the indigenous people and assure that the protocols of consultation are being followed and respected** by the interested parties. It is also the role of the state to provide the means for more effective mitigation measures to compensate for the impacts of the port activities in the region.

Since the legal instruments for these actions already exist, it is of great importance that the Brazilian state start to observe more closely the ILO Convention 169 guidelines, especially by guaranteeing the

Fishermen protesting against Paranaguá's Port Complex expansion. June 2021"
Source: Diogo Monteiro, JB Litoral



traditional peoples' rights to a free, prior, and informed consultation on any ventures that might impact their land, culture and environment. Also, it is the role of the State to enforce public and private companies to oblige to all the stages of the environmental licensing process, from the consultation with the M'Byá Guarani, Caiçaras, Quiliombolas, and Artisanal fishermen to the compensation and mitigation strategies.

The case of Paranaguá bay illustrates the specificities of the Brazilian socio-environmental struggles and the contradictions between its environmental and development policies. While the (often private) economic enterprises are let loose, the rules governing Protected Areas restrict most of the traditional people's usage of their own territories.

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In particular, the present paper has contributed to Chapter 7 on “Renaturing”, which focuses on the governance and planning of nature-based solutions, with specific emphasis on decoupling economic development and resource use, the transition to net zero carbon systems, risk reduction and urban resilience. The chapter explores how local and regional governments can promote approaches that advance these goals, placing the needs and priorities of structurally discriminated social groups at the core of their actions, and contribute to urban and territorial equality.

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