SOCIAL AND ENVIRONMENTAL CONFLICTS: CONSERVATION UNITS AS AN ELEMENT GENERATING CONFLICTS INVOLVING TRADITIONAL PEOPLES AND COMMUNITIES

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ABSTRACT

Purpose: The Study aims to conceptualize what Conservation Units are within a look at the way they are constituted; also bringing the concept of Traditional Peoples and Communities, how they recognize themselves as culturally differentiated peoples. The Study is based on Conservation Units and sustainable development, with an analysis of territorial and social conflicts.

Method: Methodologically, we analyze the relationship and the related conflicts, analyzing their legal structures and scientific articles. Such as the Federal Constitution, Scientific Studies of the Federal Public Ministry, Ongoing Federal Court Processes.

Results and conclusion: The State and Society have the duty to raise awareness in a more emphatic and effective way by being a defender and propagator of knowledge among traditional peoples and communities, the importance of environmental preservation and sustainable development. Participatory management to bring balance between Traditionalists, the State, Large Companies, Investors, Loggers, Garimpeiros and Farmers so that the interests of the different branches of our society can be made compatible. The lack of resolution would imply an agreement to minimize the negative impacts on Traditional Peoples and Communities.

Research implications: The proposed research has significant implications and offers substantial value for several reasons:

Conceptualization and In-depth Analysis: Understanding Conservation Units: Detailed exploration of the formation and constitution of Conservation Units, offering a broad and conceptual view. Identification of Traditional Peoples: Addresses the identity and recognition of Traditional Peoples and Communities, highlighting their distinct cultural characteristics.

Analysis of Relationships and Conflicts: Examination of the Relationship between Traditional Peoples and Conservation Units: Offers a critical analysis of the conflicts emerging from the overlap between the territories of Traditional Peoples and the areas of Conservation Units. Legal and Scientific Base: Solid foundation through the analysis of legal structures and review of scientific articles, offering a robust theoretical basis.

Search for Solutions and Resolution of Conflicts: Focus on Conflict Resolution: Proposes the search for solutions that can harmonize the interests of Traditional Peoples and Conservation Units, aiming for peaceful coexistence and mutual respect. Emphasis on Dialogue and Harmonious Coexistence:

Originality/value: Interdisciplinary Approach: The intersection between legal, environmental and social issues offers a unique perspective, adding value to the scientific field. Contribution to Public Policies: The results can

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guide more inclusive and sustainable policies, seeking to balance environmental conservation and the rights of traditional communities. The research seeks to transcend the simple description of conflicts, aiming to contribute to the resolution of these complex impasses, promoting harmonious and sustainable coexistence between Traditional Peoples and Conservation Units. Its originality and conceptual and practical breadth are key factors that add value and relevance to the study.

**Keywords:** Conservation Units, Traditional Peoples and Communities, Socio-environmental Conflicts.

**CONFLITOS SOCIOAMBIENTAIS: UNIDADES DE CONSERVAÇÃO COMO ELEMENTO GERADOR DE CONFLITOS ENVOLVENDO POVOS E COMUNIDADES TRADICIONAIS**

**RESUMO**

**Objetivo:** O Estudo tem por objetivo a conceituação do que são as Unidades de Conservação dentro de um olhar sobre o modo como são constituídas; também trazendo o conceito dos Povos e Comunidades Tradicionais, como eles se reconhecem como povos culturalmente diferenciados. O Estudo é baseado nas Unidades de Conservação e o desenvolvimento de maneira sustentável, com uma análise dos conflitos territoriais e sociais.

**Método:** Metodologicamente fazemos uma análise entre a relação e os conflitos atinentes, analisando suas estruturas legais e artigos científicos, Tais como Constituição Federal, Estudos Científicos do Ministério Público Federal, Processos em andamento da Justiça Federal.

**Resultados e conclusão:** Ao Estado e a Sociedade fica o dever de conscientizar de maneira mais enfática e eficaz sendo um defensor e propagador de conhecimento a certa dos povos e comunidades tradicionais, a importância da preservação ambiental e o desenvolvimento sustentável.

A gestão participativa para trazer equilíbrio entre os Tradicionais, Estado, Grandes Empresas, Investidores, Madeireiros, Garimpeiros e Fazendeiros para que se possa compatibilizar os interesses dos diversos ramos de nossa sociedade. A falta de resolução implicaria em um acordo para minimizar os impactos negativos nos Povos e Comunidades Tradicional.

**Implicações da pesquisa:** A pesquisa proposta tem implicações significativas e oferece um valor substancial por diversos motivos:

**Conceituação e Análise Profunda:** Entendimento das Unidades de Conservação: Exploração detalhada sobre a formação e constituição da Unidades de Conservação, oferecendo uma visão ampla e conceitual. Identificação dos Povos Tradicionais: Aborda a identidade e reconhecimento dos Povos e Comunidades Tradicionais, destacando suas características culturais distintas.

**Análise das Relações e Conflitos:** Exame da Relação entre Povos Tradicionais e Unidades de Conservação: Oferece uma análise crítica sobre os conflitos emergentes da sobreposição entre os territórios dos Povos Tradicionais e as áreas das Unidades de Conservação. Base Legal e Científica: Fundamentação sólida por meio da análise de estruturas legais e revisão de artigos científicos, oferecendo embasamento teórico robusto.

**Busca por Soluções e Resolução de Conflitos:** Foco na Resolução de Conflitos: Propõe a busca por soluções que possam harmonizar os interesses dos Povos Tradicionais e das Unidades de Conservação, visando a convivência pacífica e o respeito mútuo. Ênfase no Diálogo e Convivência Harmoniosa.

**Originalidade/valor:** Abordagem Interdisciplinar: A interseção entre questões legais, ambientais e sociais oferece uma perspectiva única, agregando valor ao campo científico. Contribuição para Políticas Públicas: Os resultados podem orientar políticas mais inclusivas e sustentáveis, buscando equilibrar conservação ambiental e direitos das comunidades tradicionais. A pesquisa busca transcender a simples descrição dos conflitos, visando contribuir para a resolução desses impasses complexos, promovendo a convivência harmônica e sustentável entre os Povos Tradicionais e as Unidades de Conservação. Sua originalidade e amplitude conceitual e prática são fatores-chave que agregam valor e relevância ao estudo.

**Palavras-chave:** Unidades de Conservação, Povos e Comunidades Tradicionais, Conflitos Socioambientais.
1 INTRODUCTION

Brazil is located in a place of extreme richness and with the highest biodiversity and ecosystem in the world with more than 116,000 animal species and 46,000 plant species. The contrasts present in each region of the country is what makes this territory so rich.

The rich biodiversity in the country is a great point for providing numerous resources for Brazil, but also, and, more importantly, an opportunity to make sustainable use and proper preservation when it alone becomes harmful.

The Ecosystems (which are the interactions between biotic and abiotic factors) found in Brazil are: Amazon, Caatinga, Cerrado, Atlantic Forest, Atlantic Forest

Brazil is home to one of the most diverse Fauna and Flora. The great diversity of climatic zones found here is what favors the great formation of biomes, like this, we have the largest tropical forest in the world.

In short, there is a great genetic patrimony (genetic information contained in plants, animals and microorganisms). All this existing biodiversity is a major point for providing resources to Brazilians, but it is necessary to take the opportunity to preserve and use our resources sustainably.

Over the centuries, humanity has begun to feel the need to preserve the environment for a variety of reasons, including natural areas, fauna and flora.

In order to protect natural resources, public authorities have a legislative and constitutional basis for keeping the environment ecologically balanced and with this power.

The Areas of Protection are created by act of the public power. In order for a "UC" to be created, the fulfillment of several criteria is necessary, including the fulfillment of local people's requirements.

When it is identified that there is not the correct participation of the traditional ones and the population located there many times, the process of implantation, expansion or reduction of a Conservation Unit is rejected as is possible.

With this we seek to analyze the struggles of Peoples and Traditional Communities who seek recognition of their territories Unfolding by conflicts in Conservation Units and the search for a solution to conflict resolution.

2 THEORETICAL FRAME

2.1. Conservation Units

Concerns about resources from nature arose with the Industrial Revolution, as in the 19th century natural resources were brought to a high level of consumption, and so the first concerns of conservation arose for legally managed use.

In Brazil the first Conservation Unit was created in 1937 in Rio de Janeiro, "Parque Nacional. The Conservation Units over the years have been overlapped in already inhabited places and it becomes an unceasing quest to alleviate or resolve conflicts of interest.

It is a constitutional right, provided for in Article 225 of the Federal Constitution in its Caput, to live in an ecologically balanced environment, this being essential to our quality of life
and all have the duty (not only the power) to defend our environment. It is about preserving the very survival and existence of future generations.

Conservation Units are territorial areas with specific features within them that need protection and preservation of water, plants, animals and especially those in extinction. It achieves the objective of protecting biological diversity, ecosystems and waters. It is the concept provided for by Law 9.985 of July 18, 2000:

Art. 2º For the purposes of this Law:
1 - conservation unit: territorial area and its environmental resources, including jurisdictional waters, with relevant natural characteristics, legally established by the public authority, with conservation objectives and defined limits, under special administration regime, to which appropriate protection guarantees apply; (BRASIL, 2000)

For there to be a special area of protection it is necessary to follow the current regulations, since its creation will define which areas deserve special care based on their characteristics. And that is what will ensure the protection of the right to an environmentally balanced environment.

According to Paulo de Bessa Antunes (2015, p.912):

A conservation unit is a territorial area and its environmental resources, including jurisdictional waters, with relevant natural characteristics, legally established by public authority, with conservation objectives and defined limits, under special administration regime, to which appropriate protection guarantees apply. (ANTUNES, 2015, p.912).

The public authorities must define, by means of an act within the limits of their powers, the territorial areas and their constituents to be protected. It is possible to perceive that their creation is done in a more accessible way, but if they have the interest in altering or suppressing the area should only be done (with law), even if their creation was done by means of a decree.

Public consultation is of the utmost importance and mandatory for its creation, so that the population can participate actively in the process, and technical studies should also be carried out to define the most appropriate location, size and boundaries. The International Labor Organization 169 also has to provide for public hearing. See the provisions of Law 9985 of July 18, 2000 in Article 22, §2 and 3:

§ 2o The establishment of a conservation unit must be preceded by technical studies and public consultation to identify the most appropriate location, size and boundaries for the unit, as provided for in a regulation.
§ 3o In the consultation process referred to in § 2, the public authority is required to provide adequate and intelligible information to the local population and other interested parties. (BRAZIL, 2000)

2.2 Traditional Peoples and Communities

Traditional Peoples and Communities are groups considered as culturally differentiated and which are thus recognized. They use land, natural resources in an active way in their day-to-day life so that their knowledge is passed down from generation to generation.

It is worth emphasizing that sustainable use has nothing to do with highlighting the indiscriminate use of natural resources that affect the country. It is important to mention that one of the objectives of the National System of Conservation Units (SNUC) in its Article 4,
paragraph XIII where it speaks of the respect to protect the natural resources necessary for the subsistence of traditional populations and respecting all the knowledge, history, culture that these peoples bring about.

When we talk about traditional communities that are established, they help in cases such as: Contribution towards the preservation of biological diversity, with the protection of natural resources and jurisdictional waters; promote sustainable development; the use of nature conservation principles and practices; finally, protect the natural resources necessary for the subsistence of these traditional populations. BRAZIL, 2000.

Currently, according to the ICMBIO more than 60 thousand families are inserted in the context of residence in Conservation Units for sustainable use:

Of the 334 federal conservation units (UCs) managed by the ICMBio, there are 87 UCs for sustainable use, of the categories Extractive Reserve (Resex), National Forest (Fiona) and Sustainable Development Reserve (RDS), with traditional population living within their limits (Table 1). Based on the registration of SISFAMILIAS, it is estimated that more than 60 thousand families are beneficiaries of these protected areas. (MINISTRY OF THE ENVIRONMENT, 2023).

It should also be noted that there is provision in Article 231, §1 of the Federal Constitution in which the territorial rights to which the indigenous tribes are entitled are expressly provided for, as provided:

Art. 231. The Indians are recognized for their social organization, customs, languages, beliefs and traditions, and the original rights over the lands they traditionally occupy, and it is up to the Union to demarcate them, protect and enforce all their goods.

§ 1. The lands traditionally occupied by the Indians are those inhabited by them permanently, those used for their productive activities, those indispensable for the preservation of the environmental resources necessary for their well-being and those necessary for their physical and cultural reproduction, according to their uses, customs and traditions. (BRAZIL, 1988)

3 METHOD

3.1 Field of Study

All the elements of nature are of paramount importance and it is possible to see that over time they have begun to play a more and more important role both for preservation, human use and in particular economic use; what questions us about the need for a balance within the constraints and by means of which this will be achieved.

To achieve the objectives presented in this paper, the analysis of the actions of the public authorities within one Conservation Unit with the presence of traditional residents was used.

The Study seeks to verify the reach of traditional populations by recognizing as differentiated peoples, their territorial rights, passing through related conflicts in protected areas with an overlap above their geographical locality, and finally, usquestionamosconcerning: "

It is a search for the best means for sustainable development, the relationship of Conservation Units and Traditional Peoples, verification of the fulfillment of the requirements for the deployment of "UC" and the realization of the rights that the resident population has so that in the end there can be the most correct environmental protection.

This is a wide-ranging piece of jurisprudential research in the light of the social and environmental needs and expectations of the preservation of biodiversity and the safeguarding of social and environmental rights.
Analysis of norms, laws, decrees, scientific works of the Federal Public Ministry, Ministry of the Environment and the International Labor Organization 169 (ILO 169) to visualize broadly the question to be discussed. All of this framework is being observed under the Federal Constitution of 1988.

Thus proposing the Study of Socio-Environmental Conflicts with the Conservation Units as a generator of socio-environmental conflicts and a possible solution for resolving them.

This time the article begins with the identification of the concept of Units of Conservation and how are their implantations; then the conditioning characteristics of the conflicts of the resident population and the management of UCsCorrientes in an arbitrary manner.

4 RESULTS AND DISCUSSIONS

4.1 Socio-environmental conflicts Resulting from Inadequate Community Participation

When we talk about conflicts, we can see that our society has always faced conflicts of various kinds and reasons, however, when we talk about the 20th century the vision of conflict starts to involve economic development.

When dealing with socio-environmental conflicts, it is a question of the use and preservation of natural resources and social conflicts relating to disagreement between groups about access to resources. The restoration and recovery of natural resources has not been keeping up with the level of exploitation of these resources that comes from human anthropic activity.

Sometimes the implantation of a Conservation Unit is done in an irregular manner, without the regular hearing of the people, who live so much within the area to be defined as those living in the vicinity of the area.

The body carrying out the technical studies and the public consultation must use clear and accessible language so that the community there can understand specifically what will be done. It has the ability to establish the most appropriate limits and dimensions.

The most affected within the socio-environmental conflicts are the traditional peoples and communities that over the centuries have always been marked with human oppression, slave labor, occupation and degradation of their territories.

This becomes of paramount importance because the locals, traditional Indians, riverside dwellers, quilombolas, are the ones who live there routinely, know each other in a thorough way and they more than anyone know how to protect our biodiversity. We must make it clear that non-participation can have far-reaching consequences in the sense of conflicts by territory, by recognition.

The UC's in its creation must obey and establish a management plan, which is an official document, and this contains the planning for the quest for the preservation of biodiversity, is where it is found as it will be done. The document has a physical diagnosis. Biological and social area.

During the consultancy it is seen that one has ignored the knowledge of the Traditional ones present there which refutes the real participation of the locals for decision and planning within the framework of the administration.

When consultation is not carried out and only a reality is imposed where the residents are tied hands, they can generate clashes of society with the government and in certain localities with the public power. (2)
The different idealizations of what would be present nature also influence in conflicts, which results in the possibility of clash between public power and the resident population as we can see in the idea delivered by Caroline Mandarini Dias and RosaMaria as well.

"These conflicts are established, most often, between other factors, due to different conceptions of nature present in the aftermath of society, and may influence the relationship between the spheres of public power or between such spheres and the population (often) close to the areas of public protection." Socio-Environmental Conflicts in Protected Areas. NUPEM, Campo Mourão, v.6, 2014, n.11, 91-105).

Some cases, such as the case of the Angatuba Ecological Station (DIAS; CAVALARIi, 2014) bring examples of conflict points such as the deployment of this UC to prevent the municipality from removing stones from an area close to the farm (DIAS; CAVALARIi, 2014) preservation.

Having the Traditional as allies brings much more knowledge of the practice than we imagine and its non-participation can bring clashes even in what concerns the difficulty of access to Unit of Conservation.

All in all, what has been mentioned above can cause territorial socio-environmental conflicts both in Conservation Units of sustainable use and mainly in the establishment of integral protection conservation units when with only adequate conservation and free appreciation of the sites.

4.2 Socio-environmental conflicts in Conservation Units: The case of FLONA in Itaituba I and II

The State sometimes ends up posing itself as one of the actors of the socio-environmental and territorial conflicts and sometimes its attitudes stir up environmental problems. Both in terms of environmental untouchability and in terms of removing the inhabitants from the site for the exploitation of the rich land.

The expectations that fell on the National System of Conservation Units were at some point frustrated and received strong criticism concerning the creation of protected spaces for the provision of sustainable use in areas that received the overlap of UCs and PSCs were intensely occupied.

Even today, the local inhabitants are seen as acting against the environment and a stumbling block against economic development, when in fact Brazil is rich in cultures and ethnicities, wherever it becomes possible for everyone to interact.

We bring the case of a Public Civil Action filed by the Federal Public Prosecutor's Office in the ICMBIO and IBAMA, the case is number: 0000429-87.2015.4.01.3908.

The Brazilian Forest Service (SFB) has made public the public notice for the concession of areas for timber exploitation in the interior of the National Forest (FLONA) of Itaituba I and II instead, where we can see the location below:
Social and Environmental Conflicts: Conservation Units as an Element Generating Conflicts Involving Traditional Peoples and Communities

Figure 1: National Cartography reference geospatial data and thematic data produced at ICMBIO. Source: ICMBIO (2023).

Within the report of geographical and socio-environmental characterization that was contained within the tender notice, there was no recognition of the existence of traditional peoples or of indigenous lands.

However, the ICMBIO had already recognized that there were in that locality and in its vicinity both traditional peoples and indigenous tribes within the territorial space of FLONAS I and II.

It was requested to comply with some measures such as: suspension of the bid notice in indigenous areas; consultation and informed traditional peoples who find themselves and in particular as riparian communities (@); abstention from forest concession; realization of the EDP in the region of the Tapajós Bulgaria, plus studies and edplotting of the forest concession. Vital to MPE, MPF, FUNAIS, IPHAN.

The SFB did not consider the recommendations, in a note, only reported that it took all measures that could be appropriate and also ratified a none.

On merit was assisted the reason for the existence and presence of indigenous lands within the FLonas, Tribo. It has also been attested to the existence of river dwellers who have a strong link with natural resources and in a cultural way, besides using the area for subsistence purposes.

Both are overlapped by Units of Conservation and within the limits of UCs, being located only 2 km away from where forest concessions were planned, which de facto was of great risk as they would inevitably have to move from that locality.

This time being granted the realization of complementary anthropological study to identify the traditional communities living in the hinterland; A prior consultation.

We touch here on a sensitive point that is far from the invisibility of these peoples to the public power itself. The importance to this people upon these territories is very sacred, they have a deep connection with the land in which they live. Integrity and values belonging to these communities must be respected, and the land is vital for them to live their customs and cultures.
Here it is quite clear that the lack of hearing of the traditional communities of the inhabitants and even the invisibility of them brought a great conflict, both for the continuation of the tender for handling and for the non-recognition of their existence in that locality. It is also evident that a great deal of confusion has been made by some bodies which at a given time recognized the existence, but during the bidding no longer recognized them, would de facto action before the judiciary be necessary if delimitation, recognition and hearing were done in an appropriate manner?

The traditional peoples and communities are of paramount importance even for the management of the interior of the Flonas of Itaituba I and II, they who know what is there in the day-to-day, because they practice hunting, know the medicinal plants, get the knowledge of the handling itself, so a joint action would be much more fruitful in this locality.

5 CONCLUDING CONSIDERATIONS: Would it be possible to alleviate conflicts?

Traditional communities often find themselves in places of interest for natural resources, these territories that are overlapped by Conservation Units end up generating conflicts even for the fact that preventing the use of the areas by these communities of something so vital to them on that land.

The case of the Tribe Indigenous and Riverside peoples overlapped by the Flona of Itaituba I and II, today, besides suffering from the conflicts already mentioned, were greatly slaughtered by the illegal garimpo.

What we must keep in mind is that the goal is based on the peaceful coexistence of the different segments involved in the conflict relationship and bring them together.

The right field of knowledge of these peoples must be expanded and their traditional knowledge added with the already known methods of sustainable development, because these traditional inhabitants contribute to their own conservation and environmental preservation. They have knowledge both of animals, plants and handling. So why not include them in management? The different conceptions of the use of the resource or space is of valuable importance in alleviating conflicts.

We know that development at any cost and forcibly causes pressure on natural resources that cannot reestablish themselves at the same speed. To bypass these communities without trying to resolve the inherent conflicts is not the best way to resolve them. Including them in management, using clear language and making the right hearing mitigates the damage, because when the language is not clear one prevents even the sharing of knowledge.

The State must be more emphatically aware of its position as a defender and stimulator of sustainable development, without affecting the people who carry our history and culture.

A participatory management can be done to bring the balance between the inhabitants, the State and those who want to invest in a certain area, because it ends up reconciling the interests of the various social branches. If a more effective solution is not possible, we enter the solution area by means of agreement so that no one is harmed.
REFERENCES


