



*vibrant*

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Dossier  
**Mining, violence and resistance**

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# *vibrant*

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# Editor's Note

Antonio Carlos de Souza Lima

Museu Nacional, Universidade Federal do Rio de Janeiro, RJ, Brasil

For more than a decade, Peter Henry Fry was the general editor of *Virtual Brazilian Anthropology - Vibrant*, and Carmen Silvia de Moraes Rial the co-editor. Peter Fry supervised the most recent issue, with the dossier "Ritual and Performance" carefully edited by Maria Laura Cavalcanti and Renata de Sá Gonçalves, which presents a photo taken by Mário de Andrade and in the Déjà Lu section an English translation of a text he wrote. They are each historic testimonies whose presence are the fruits of Peter's effort, zeal and capacity for intellectual dialog.

During this decade, beginning as a brilliant idea and plan, *Vibrant* distinguished itself as a highly regarded journal among anthropology publications in Brazil. Under the direction of Peter and Carmen, an editorial staff was composed that to a large degree has remained continuous until today. Punctual bi-annual publication has been maintained ever since and *Vibrant* is indexed in ten data bases, in particular SciELO, which is essential for obtaining financing from Brazil's Coordination for the Improvement of Higher Education Personnel (CAPES) and the National Council for Scientific and Technological Development (CNPq). An editorial board was organized with researchers who have a significant presence and production in Brazilian anthropology. Above all, *Vibrant* has promoted Brazilian anthropology internationally, and has had a significant number of consultations and downloads of the texts published in the various issues, in particular after it began publishing the dossiers.

From 2004 until 2015 there was a significant expansion in the resources provided to public federal universities in Brazil, for both undergraduate and graduate studies. Countless federal universities were created and expanded in the interior of the country. Investments were also increased to the network of Federal Technology Institutes, with a significant increase of resources for research. The data expressed in the indicators used by CNPq and Capes are eloquent.<sup>1</sup> This expansion has been accompanied by a growing demand for performance based on criteria that were increasingly homogenized in a quite deleterious manner, as we all know, and which have guided the evaluation of graduate and research programs. Various ways have become established of measuring the so-called internationalization,<sup>2</sup> which is equivocal terminology that designates many different things. In the Brazilian case, internationalization has been measured in different ways over the past 15 years but has increasingly come to refer to the publication of articles and books in foreign languages in qualified and influential international journals.

*Vibrant* was a pioneer in this project, not only in the field of anthropology and the social sciences, but in the humanities in general. Today, various social science journals publish in foreign languages, and most anthropology journals have a multi-language profile. Nevertheless, neither a decade ago or today have there been lines of financing for the translation of articles, and some CNPq research funds cannot be used to pay individual translators - only those that are incorporated.

<sup>1</sup> For the extremely significant and illuminating data from Capes, see <https://geocapes.capes.gov.br/geocapes/>. For the data from CNPq, see <http://fomentonacional.cnpq.br/dmfomento/home/fmthome.jsp> (Consulted on 2/08/2016).

<sup>2</sup> There is a copious international literature that debates and criticizes this notion, which can be traced back to plans for higher education emanating from the World Bank. See THE WORLD BANK. 1994. *Higher education: the lessons of experience*. Washington, DC: The International Bank for Reconstruction and Development. [http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079956815/HigherEd\\_lessons\\_En.pdf](http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079956815/HigherEd_lessons_En.pdf) (Consulted on 2/08/2016) for the model; LOPEZ VARELA, Sandra L. 2015. "Internationalization for economic growth: aspiring to a world-class Mexican research and education environment". *American Anthropologist*, 117(4): 766-776, Dec., for criticisms from a Mexican perspective.

Thus, although *Vibrant* did begin to receive support from Capes and CNPq, the limited resources were never enough to translate Portuguese articles into a foreign language, particularly English, which is the focus of the journal's project. The Brazilian Anthropology Association (ABA) was pioneer in taking on this project, although it never in fact received funding to do so in a professional manner. The authors who publish in *Vibrant* have had to pay for the translations themselves, and the quality of the translations has always been quite inconsistent, given that a good translation is expensive, and as mentioned, the resources are not always available. This leads us once again to admire the quality *Vibrant* has attained over these years. We are, therefore, absolutely indebted not only to the rigor and elevated academic standards always maintained by Peter Fry, but also by his immense and meticulous work in conducting a highly qualified editing, from both a linguistic and anthropological perspective of the translations into English, the language in which most of the articles are published. His careful and loving supervision was firmly present in the entire publication. For this reason, he will continue to be present as Honorary Editor of *Vibrant*, which is a sincere homage to all that he has done, and a recognition of his permanent readiness to dialog with passion and intelligence about the journal, in search for inspiration for alternative futures. Meanwhile, we will continue to count on Carmen Rial on our Editorial Board.

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We face countless challenges, from questions of financing, as that raised by the change to a triannual regime – which is a requirement now imposed by SciELO that demands a minimum of three issues per year. Indexation by SciELO – an entity that deserves a careful ethnographic analysis – is a requirement of the financing agencies, whose prognostics for funding in coming years is not encouraging. We also began a system of continuous publication, which allows us to publish on the *Vibrant* page on SciELO with greater agility, while maintaining the character that distinguished the journal on its own page just as always.

Carmen Rial left *Vibrant* in mid 2016, due to other commitments, but fostered a proposal for what will be issue 14.3, planned for December 2017, which will include the dossier *Urban Peripheries*, edited by Jussara Freire, Neiva Vieira da Cunha and Helio Silva.

*Mining, Violence and Resistance*, the dossier that is at the core of issue 14.2, edited under the careful direction of Andrea Zhouri, presents a group of articles that are the result of presentations at scientific meetings such as the 30th Brazilian Anthropology Encounter (RBA – Reunião Brasileira de Antropologia), held in João Pessoa, Paraíba, from 3 to 6 August 2016, and the annual meeting of the National Association of Graduate Studies and Research in the Social Sciences (ANPOCS). Some of the articles look at the disaster caused by the Samarco mining company that devastated the Rio Doce river basin in Minas Gerais. This is a reflection of the unchecked development that is extremely harmful to traditional populations, small farmers and the poor segments of urban regions and to the environment. It is linked to the export of commodities, upon which Brazil has based its economy in recent decades. This theme and the articles are an invitation for Brazilian anthropology to consider in greater detail issues related to the various forms of mineral extraction found in the country, and throughout the world, and a demonstration of what has taken place in this context. The translation of the articles was made possible with resources from the project *Ethnic Diversity, Differentiated Territorial Rights in Contemporary Brazil: Production, Systematization of Knowledge, Dissemination of Information and Interventions in Public Debates Promoted by the Brazilian Anthropology Association*, financed with resources from grant nº 0130-1186-0 issued by the Ford Foundation in 2013 to ABA, and concluded in December 2016.

# Madame Satã and the jails of Ilha Grande: an analysis of gender constructs and sexuality in the prison system

*Myrian Sepúlveda dos Santos; Yasmim Issa*

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## **Abstract**

The lawsuits described João Francisco dos Santos, or “Madame Satã”, as sexual pervert and a very dangerous person. The objective of this paper is to analyze Satã’s behavior in prison, where the treatment with prisoners was very violent, and, in Vila do Abraão, where he lived after being released. The research is based on testimonies left by him, documents, newspapers and interviews with guards and residents of Ilha Grande. Unlike his attitude in Lapa, his behavior in prisons and in Ilha Grande was completely different: his fame of brave scoundrel brought him respect and his homosexuality was well accepted. The identity shifts made by him challenged not only fixed constructions of gender and sexuality, but also those of justice and power.

**Keywords:** Madame Satã; Homosexuality; Ilha Grande’s prisons.

# Madame Satã e as prisões da Ilha Grande: uma análise das construções de gênero e sexualidade no interior do sistema carcerário

## **Resumo**

Os processos judiciais descreveram João Francisco dos Santos, ou “Madame Satã,” como perverso sexual e pessoa perigosíssima. O objetivo deste artigo é analisar o comportamento de Satã nas prisões, onde o tratamento em relação aos presos era bem violento, e, na Vila do Abraão, onde ele morou depois de liberto. A pesquisa tem por base depoimentos deixados por ele, documentos de época, jornais e entrevistas com guardas e moradores da Ilha Grande. Ao contrário de sua atitude na Lapa, seu comportamento nas prisões e na Ilha Grande foi completamente diferente; sua fama de valente lhe trazia respeito e sua homossexualidade era bem aceita. Os deslocamentos identitários feitos por ele desafiaram não só construções fixas de gênero e sexualidade, como as de justiça e poder.

**Palavras-chave:** Madame Satã; Homossexualidade; Prisões da Ilha Grande.

# Madame Satã and the jails of Ilha Grande: an analysis of gender constructs and sexuality in the prison system

Myrian Sepúlveda dos Santos  
Yasmim Issa

In this article I look to analyze the gender constructs and sexuality of João Francisco dos Santos during the period when he was serving custodial sentences in the prisons of Ilha Grande. A well-known figure in the Lapa district of Rio de Janeiro<sup>1</sup> at the end of the 1920s, he was jailed innumerable times. He was prosecuted 13 times for assault, 4 times for resisting arrest, twice for receiving stolen goods, twice for theft, once for public indecency and once for carrying firearms.<sup>2</sup> Between 1928 and 1965, the year he completed his last sentence, he remained behind bars for 28 years. Over this period of his life, in other words, he enjoyed just 9 years of freedom. He spent almost the entire 1950s in Ilha Grande's prisons.

João Francisco's behaviour during the 1950s, by when he was already known as Madame Satã (Madam Satan), is described here based on documents and a series of interviews conducted with guards, inmates and local residents with whom he lived, initially at the Cândido Mendes Penal Colony and later, following completion of his sentence, in Vila do Abraão.<sup>3</sup> Additional key sources for the research were the memoirs and interviews left by Satã himself, along with other narratives already produced on his life trajectory.

Classifying João Francisco by gender is virtually impossible. He was a constant presence on Lapa's cabaret stages, dancing and singing dressed as a woman. He considered himself an artist and longed for success with his performances. Off the stage, he wore the same clothes as Lapa's petty criminals, known as *malandros* (scoundrels), renowned for their distinctive attire: wide trousers, usually white linen, and colourful shirts. The more elegant among them wore Panama hats and two-toned shoes (black and white). The *malandros* knew how to fight and were famed for being *valentes* (tough or brave). Many of them were skilled capoeira fighters.<sup>4</sup> In the 1930s, João Francisco was thus known for being both a transvestite and a tough guy (*valente*), symbols not mutually associated at the time.

At the age of 24, he killed a night security guard after being attacked by the latter. Thereafter, his life in Lapa turned into a series of fights and clashes with the police. He was continually arrested and, when attacked and humiliated by the police, responded in kind. Reading the criminal proceedings, we can note that the descriptions of the offences were always accompanied by the observation that the offender was a perverted homosexual, a pederast, and an extremely dangerous person.<sup>5</sup> The police would frequently beat up, humiliate and arrest individuals associated with Lapa's informal commerce, even when they had done

1 The Lapa district is located in central Rio de Janeiro city, an area still known today for its nightlife. In the 1930s, the region, already occupied by nightclubs, also became home to the country's intellectual avantgarde, transforming Lapa into the hub of the city's bohemian life. At the end of the 1940s, the district fell into decline, becoming the target for urbanization projects and investments from the 1960s onward.

2 On Satã's criminal record, see his obituary in Machado 1976.

3 Interviews were conducted between 2010 and 2015 with former staff from the Federal District Agricultural Colony (CADF) and the Cândido Mendes Penal Colony (CPCM), both penal institutions installed on the island of Ilha Grande in the 1940s and 1950s. Also interviewed were residents from Vila do Abraão on the island, Ilha Grande, where the Penal Colony operated. These interviews form part of the archive of the research project *Memory and Violence on Ilha Grande*, UERJ, part of which is publicly available via the site [www.artecultpoder.uerj.br](http://www.artecultpoder.uerj.br).

4 Capoeira is a martial art, initially practiced by Africans who arrived in Brazil as slaves. It involves dancing and playing musical instruments to African rhythms. Used as a form of fighting, it was suppressed by police authorities during the first decades of the Republican era. Today promoted as an expression of Brazilian culture, capoeira is practiced in gyms, schools and cultural centres.

5 The proceedings relating to the criminal accusations against Satã have been analyzed in works by Green (2000) and Reduzino (2015).

nothing to break the law. According to the American historian James Green, despite the absence of any explicit penalties for homosexuals in the Penal Code, they were incarcerated for ‘public indecency’ and other supposed public order offences (Green 2000: 223).

In memoirs and interviews from the 1970s, Satã declared that he had been homosexual ever since his teens. Later he became a friend to women who worked as prostitutes, living with some of them and looking after various children whom he raised as his own. In the prisons and even in Vila do Abraão, the village on Ilha Grande where he lived after his release, he maintained his identities of homosexual and tough guy, earning the respect of the other prisoners. He worked as a cook in the guards’ houses and helped them to maintain order.

Satã had friendly relations with the other inmates, the prison guards, and even the prison directors in practically all the establishments where he was held. In 1962, Satã was released after serving his last sentence. He was older, tired and, as he himself lamented, Lapa was no longer the same. He chose Ilha Grande, where the old penitentiary was still in operation, as his place to live. In his testimony to Paezzo, Satã stated that he had many friends there, thanked various police officers and declared that the ‘prisoners’ of Ilha Grande were humanely treated (Paezzo 1972: 206). He died in 1975 of lung cancer. When he became sick, he was taken to Ipanema Hospital by journalists from the newspaper *O Pasquim* with whom he was close. He was buried on Ilha Grande.

One of the residents of Ilha Grande, Dona Nair Mattoso, mentioned by Satã in his acknowledgments, talked to us about her former friend in an interview. During our conversation, she remarked on a trait that was perhaps distinctive of Satã and provides an insight into his trajectory both inside and outside prison:

He was such a liar! He would visit my daughters where they lived, there in Rio, close to the Maracanã River. [...] And he’d say: “Do you know who died? Mr. Laerte.” And the girls would reply: Poor Mr Laerte! They asked how he had died. He replied: “— Ah, he tried to con someone there and he died!” So they would ask me later on the telephone (sometimes I managed to get to Angra, Mangaratiba, to phone from there) and I’d say no, he hadn’t died! I’d ask who had said such a thing and they would tell me it had been Satã. He killed off everyone! [Laughs.] He was a huge liar, many of the stories he told were lies. In that interview [by Pasquim], take it from me, it’s full of nonsense, but he talks about the things that happened to him, you know! If there’s one person here on the island, in these 76 years that I’ve been living here, who I miss, it’s Satã! Nobody else! My father died, my mother, my younger brother! But Satã I truly miss! Because he liked my daughters! Before he left for Rio, he would visit me and say: “*Godmother*”, I’m going to Rio!” So I’d ask: “When are you going?” I already knew he was after money. He’d then say: “Ah... I’m leaving on Tuesday!” This would be a Saturday. He would add: “Get me some sugar, cloves and cinnamon and I’ll make a dessert for you to take to the girls, because everyone there must be starving.” He said that they only had water in the fridge, he told everyone that and said that we let the girls go hungry. He was lying. We didn’t pay any attention to all the nonsense we heard from Satã. So he’d make papaya or coconut dessert, because there were lots of coconuts here. Now they’re destroying the remaining coconut trees. There was a lot of papaya too. So I’d give him the sugar, cinnamon and cloves, and he’d put them in a tin of powdered milk and take it to them [in Rio]. He’d make a scandal there [...]. Heavens... all the traders would go into the street to see Satã. He’d paint the town red. He’d go on a complete spree, he loved to show off. That was what he was like, a very simple person, nothing bothered him, there was nothing fancy about him.<sup>6</sup>

<sup>6</sup> Nair Mattoso was born in 1924 in the Ricardo de Albuquerque district of Rio de Janeiro. In 1936, her father went to live in Praia do Abraão on Ilha Grande, where he found work servicing the machinery at the canned sardine factory. In 1946 she married Natalino Pereira dos Santos, born in Abraão, who worked as the pilot responsible for guiding the transport boats to the colonies. Nair was the owner of a store located at the ferry port, and her family still has guesthouse in Abraão. Interviews were conducted between 2012 and 2015.

It is this Satã, someone who thought of himself as a transvestite artist of Lapa, and who was seen by others as both a homosexual and a tough guy, but also as a liar, joker, exhibitionist, and, to our own surprise, a friend of the prison guards and keeper of order, who forms the epicentre of this article.

### Satã and his diverse personas

At the beginning of the 1970s, the newspaper *O Pasquim* published an interview with Satã that caused something of a sensation (Cabral et al. 1971). The main source of information on Satã's life, however, is a lengthy testimony given by himself to Sylvan Paezzo, writer and author of Brazilian soap operas, who published his own memoirs in 1972 (Paezzo 1972). In 1976, soon after Satã's death, a new interview was published by *O Pasquim* (Machado 1976). From the 1980s onwards, he would appear as a figure in books, films and academic studies.

Founded in 1969 and embodying the counter cultural spirit of the period, *O Pasquim* brought together a group of prominent intellectuals and became one of the main voices opposed to the military dictatorship. In 1971, the newspaper placed 'Madame Satã' at the centre of debate, described by one of its journalists as the 'most macho homosexual' in Rio's history. It is undeniable that while the journalists were aware of the movements related to gender and sexuality,<sup>7</sup> which became active in Brazil precisely during this period, they romanticized the image of the *malandro* and emphasized the 'masculinity' of the homosexual man being interviewed. There is no mention of his transvestite performances or his association with the so-called feminine universe.<sup>8</sup> Satã, since the 1930s, had performed on Lapa's stages as the transvestite Jamacy and Mulata Balacochê. He was an exhibitionist who loved lots of glitter on his clothes, and chose domestic professions considered to belong to the female universe.

The book *Memórias de Madame Satã: conforme narração a Sylvan Paezzo* by Sylvan Paezzo (1972) presents itself as a transcript of Satã's own account of his life, although the author clearly edited the text considerably. In the narrative, tales of the poverty and exploitation suffered during his childhood to the moment of Satã's arrival on the theatre stages of the city centre were intermingled with the interviewer's memory of being labelled *veado* (queer). The insult announced the moment of rupture from that continuous time represented by the saga of a poor boy who realized his dream of starring on Lapa's stages. His artistic career was interrupted after a brawl with a night security guard, which resulted in the man's death and Satã's imprisonment.

Satã distanced himself somewhat from his life trajectory: he was ironic, joked about the tragedies he had suffered, romanticized events that might otherwise have passed by unnoticed. "It was 1928. I was 28 years old because I was born in the same year that the century came into the world" (Paezzo 1972: 1). In the various trial proceedings studied, Satã's year of birth appears as 1904. But irrespective of any poetic license, he was born as the century begun. As a child he lived with his family in Tamboatá Farm in Glória do Goitá, a rural region of Pernambuco state. His grandfather was owner of the manor house<sup>9</sup> and his grandmother a slave. As a bastard child, his father was unable to leave the lands where his mother and her 18 children lived as an inheritance after his death. They were expelled from the farm. At the age of eight,

7 See Facchini 2011. According to the author, the movements related to gender and sexuality emerged in Brazil at the end of the 1970s, predominantly formed by gay men. In these early years of activity, lesbians were already beginning to affirm themselves as relatively autonomous political subjects. In the 1990s, transvestites and later transsexuals began to participate in a more organic fashion. At the start of the 2000s, it was the latter and bisexual women who began to become visible and demand recognition from the movement.

8 Green (2003) rightly points out that the interview reflects the heteronormative and hierarchized framework dominant in Brazilian society. For a more recent critique of the interviews, see Rodrigues 2013. On the classifications distinguishing the 'man' who is 'active' and penetrates his companion and the 'queer' (*bicha*) who is 'passive' and penetrated, see Fry 1982 and Parker 1992.

9 The sugar mills of Brazil's Northeast are composed of architectural clusters that include the manor house where the mill owners live, a chapel, and the various mill buildings.

his mother traded him for a mare and he began to work for a merchant who travelled through the region. The account indicates the miserable conditions in which his family lived. Exploited by the tradesman who had bought him, he fled until finally encountering the female owner of a guest house in Rio de Janeiro ironically called Felicidade (Joy). From the age of thirteen he lived on the streets, performing odd jobs that afforded him some degree of autonomy. In various passages of the book, wage labour is associated with slavery, a situation in which the miserable poor struggle to earn sufficient to eat. João Francisco sought a better life: he worked as a street vendor, a brothel assistant, a cook, a night club bouncer, a laundry owner, and an actor. The narrative of his personal life reflects broader economic and social dimensions, such as the poverty endemic to Northeastern rural life, child exploitation, the low wages paid to workers, and the economic effervescence of bohemian life in Rio de Janeiro, the country's economic and political centre at the time.

Writing about the biographic illusion, the French sociologist Pierre Bourdieu (1998) emphasizes the proper name's capacity to designating the same object in different worlds. On the plus side of Paezzo's book, we could say that it depicts a figure who has no intention of maintaining a fictional unity: the persona transforms and acquires diverse names over his life time. João Francisco, Jamacy, Mulata Balacochê, Caranguejo da Praia das Virtudes, Madame Satã or simply Satã.

The name 'Madame Satã' was given by a police officer, associating the costume with which he had won a competition to the attire worn by an actress in a pre-code Hollywood movie from the period, 'Madam Satan.'<sup>10</sup> At first he shunned the nickname, but later accepted it, albeit with a touch of irony, remarking that the name by which he had become famous had been given by a stranger who associated his costume with one appearing in an American comedy that he had never seen (Paezzo 1972: 61-65). On Ilha Grande, he preferred to be called Satã.

In Lapa, Satã was frequently detained without charge and was well aware that he eschewed the prevailing norms and customs. In his own account:

They couldn't come to terms with my toughness because I was a known homosexual. They thought they couldn't lose to me and so they were always wanting to provoke and beat me. On the other hand, the newspapers gave much more prominence to whatever I did for just the same reason, being a homosexual. But what should I have done? Turned into a coward just to satisfy these people? (Paezzo 1972: 115).

In his confrontations with police authorities, Satã not only fought back when provoked. He retaliated against an army sergeant who tried to kill him by cutting his assailant's buttocks horizontally with his flick knife. In another episode, by now during the Novo Estado regime, an armed special police officer – who he named as Ferreirinha – tried to take him to the police station. While the officer was distracted, Satã took his revolver, left the bar, punctured the tire of his assailant's car and returned to exact revenge: "Start taking your clothes off Ferreirinha. I left him naked. And ashamed. And very annoyed" (Paezzo 1972: 56).

Without doubt he challenged established conventions, surviving the acts of repression and acquiring notoriety. In his memoirs, he declared that his sex life began at the age of thirteen, when the women of Lapa organized bacchanals: "He functioned as a man and as a *bicha* [queer], and preferred being a *bicha*" (Paezzo 1972: 115-6). Echoing Green's comment, it is also important to emphasize that the documenting of Satã's life story was an exception, since thousands of common men and women who lived more open lives with people of the same sex have been hidden from history. The historian also points out that Satã was an example of an 'infamous' homosexual who actively engaged in the construction of his own identity, becoming a widely known and emblematic figure (Green 2000: 203-4).

<sup>10</sup> The American movie 'Madam Satan,' a costume comedy directed and produced by Cecil B. DeMille, was released in Brazilian cinemas in May 1931. The nickname 'Madame Satã' may have been given to Satã soon after his release from the Correctional Colony, and not in 1938 as Paezzo narrates.

After Satã's death in 1975, interest in his life trajectory did not wane. Ten years later, the book *Madame Satã: com o diabo no corpo* by Rogério Durst (Durst 2005) was published. Although we can identify various passages in the book also present in Satã's testimony to Paezzo, there is a clear attempt on Durst's part to organize and add to the earlier account. As a result, Satã's life is turned into a predictable and well-constructed trajectory, losing the disruptive quality of Paezzo's text.

In 2002, the film *Madame Satã*, directed by Karim Aïnouz, with cinematography by Walter Carvalho and starring Lázaro Ramos, was a box office hit in Brazil.<sup>11</sup> The storyline made little endeavour to follow the existing narratives faithfully. It presented the public with a young man, João Francisco, living in bohemian Lapa before he became known as Madame Satã. Narrating João Francisco's life course, the film recounts the history of the police repression of the Lapa district during the first half of the twentieth century. In addition, diverging from the existing autobiographical accounts, the João who appears on the screen is an ambiguous figure: while oppressed and exploited, he is also shown oppressing those who depend on him. The film was renowned for its scenes of gay sex and for a more complex construction of his persona. This re-reading of João Francisco was undertaken when not only had the critique of the heteronormative framework already become part of the political agenda, but also various political subjects had become differentiated within the movement: lesbians, gays, bisexuals, transvestites and transsexuals, each with their specific demands. Reception of the film has been uneven. While some argue that the movie conveys the formation of multiple identities,<sup>12</sup> others suggest that the scenes showing Satã's performance on the improvised stage of the Danúbio Azul succeed in destabilizing the causal continuum between biological sexual identity, gender identity and performance, problematizing the man/woman distinction along much the same lines proposed by the writer Judith Butler. In her analysis of the exaggerated role-playing of the drag queen, Butler argues that this performance implicitly reveals the imitative structure of gender itself.<sup>13</sup>

Although readings of Satã's life are legion, the existing narratives run out of steam when the persona depicted is the one entering and leaving prison. And they practically vanish when the Satã in question is the resident of a small and peaceful village on Ilha Grande. Below we follow the course Satã's life, based on his own testimonies, while also turning to existing records on the prisons where he was held, newspaper reports from the period and a number of interviews.

### **Working for the tindá team**

In Durst's book (2005), chapter three is entirely dedicated to Satã's spells in prison. More descriptive than analytic in approach, Durst points out that the shorter sentences were served either in the capital or in the prison or central penitentiary of the Federal District, while the longer sentences were served on Ilha Grande. The 'prisons of Ilha Grande' appear in the text as though they were one and the same institution over time, so too Satã's relationship with them. However, as this article shows, Ilha Grande's prisons varied considerably and that the treatment received and survival strategies adopted by Satã, principally with respect to the construction of his homosexuality, altered according to circumstances.

There is considerable difficulty in locating the prisons where Satã was held because precise information on dates and places is often lacking. The existing legal proceedings are incomplete and fail to provide a complete picture of Satã's course through the penal institutions. The memoirs left behind follow no

11 The film 'Madame Satã' received various awards: best direction at the Biarritz Film Festival (2002); the Gold Hugo at the Chicago International Film Festival (2002); nomination for the official selection *Un Certain Regard* at the Cannes Film Festival (2002); 4 awards at the 28<sup>th</sup> Huelva Ibero-American Film Festival (Spain).

12 See Lima 2011.

13 On this point, see Alós 2014.

particular chronological order. When Satã mentions the names of guards and directors, like Júlio Cesar and Ivo Moura, the director of the Dois Rios Correctional Colony (CCDR) and the head of security of the Federal District Agricultural Colony (CADF), respectively, we can locate him in time and prison space. But not all the names, events and dates match. Names are written incorrectly, like that of the police chief Demócrito de Almeida, cited as Demóclites de Almeida. As usual in oral testimonies, the author does not recall the sequence of events with any precision and many of them appear in newspapers or official documents in other versions.

Satã's first period of prison was certainly spent at the Dois Rios Correctional Colony (CCDR), located in the Dois Rios village, in 1928. João Francisco was known in Lapa by the nickname Caranguejo. Following his fight with Alberto, a night security guard, and the consequent death of the latter, he was condemned to 16 years of prison. The law decree that created the Colony established that small offenders would be sent there – that is, prisoners serving one to three months of jail time for minor offences. Satã's detention in the establishment already shows that the law was not being followed. The ease with which criminals could be isolated, combined with the overcrowding of the central jails, meant that men, women and adolescents serving a variety of sentences were all sent to the Colony.<sup>14</sup>

Although not recounted by Satã, the conditions of the CCDR as a whole were terrible. To gain some idea, we can turn to a description of the establishment made by a police supervisor at the time:

The use of these individuals[for labour] could not be expected after observing the impossibility of gaining a restful night's sleep, with a platform of dirty planks as a bed, lined with rotten mats and an infected blanket, which doubles as a cloak to shelter from the rain, not forgetting the brick-like pillow. I was unable to sample the meals, which the inmates say are awful and inadequate, but by the look of the kitchen and canteen, the kind of food on offer is all too easy to imagine... The women, living in complete indolence, are housed in a vast cement shed with broken tiles, dark, and just a single doorway providing ventilation. The light that could enter via some slots located in the upper part of the walls is sealed by hemp cloths that also block the entry of fresh air. The dirty beds –without white patches visible anywhere to indicate cleanliness at some point in time, however remote – and the few mattresses are filthy. [...]The cells are infected and inhumane, damp and dark with a gloom that, even with the door wide open, makes is impossible to discern anything, and filled with a foetid stench.<sup>15</sup>

The Colony was a place for dumping men and women accused of vagrancy, prostitution, capoeira and other offences, removed from the city's street by the police and kept in isolation for a period not meant to exceed six months. They were quite literally forgotten there. Sporadically the press would denounce the miserable life of the prisoners inhabiting that 'distant hell.'

Satã escaped the miserable conditions of the Colony and having to live with the other inmates. He sought to get on well with everyone, prisoners and guards alike, and during this first time in prison was chosen to be the cook for the Colony's director. He formed a friendship with the latter's wife, who, according to Satã, seemed to be aged between 15 and 16 years old, and lacked experience in the kitchen (Paezzo 1972: 33).

State from the prisons and residents of Ilha Grande said that prisoners considered well-behaved were employed to provide domestic services in their houses and were called, in the local slang, prisoners from the *tindá* team. Satã could not be considered well-behaved since he had just arrived on the island with

<sup>14</sup> For a detailed description of the operation of the Dois Rios Correctional Colony (CCDR) during this period, see Santos 2009: 141-181.

<sup>15</sup> The official visit and the report were both published in the newspaper *Correio da Manhã*. See: 'Uma visita oficial à Colônia Correcional de Dois Rios.' *Correio da Manhã*, 3 December 1930, p. 3; and 'A visita do 4º. Delegado auxiliar à Colônia de Dois Rios. O Sr. Salgado Filho enviou ontem seu relatório ao chefe de polícia.' *Correio da Manhã*, 5 December 1930, p. 3.

a 16-year sentence to complete. As well as being a cook, what helped him evade the worst of the Colony were his relationships inside the prison (since he was nominated for the job in the director's house by another inmate) and his fame as a tough guy (*valente*). Those selected for domestic work in the guard house or the homes of local residents acquired certain privileges: they escaped confinement in the cells, and were able to enjoy much better food. But undoubtedly a trade-off was involved: they became henchmen, conflict mediators, bodyguards, and even informants to the guards.

As we have seen, Satã's brawls with guards and police officers were a constant in Lapa. In the Colony, though, Satã obtained the director's protection and, as a consequence, nobody stood in his way, neither guards, nor other inmates. In turn, he voiced supporter for the director. Rather than holding him responsible for what happened there, he would sometimes praise him, mentioning that, on his release from prison, his bosses went to the port to bid him farewell and paid him a generous amount for his dedicated work.

### **A tranquil jail term in the laundry team**

Paezzo's book contains a description of an episode in which Satã, retaliating after an attack on himself, had knifed an army sergeant across the buttocks. The consequence was a four-year prison sentence. In the interview given to *O Pasquim*, Satã claimed that the sergeant had actually cut himself on barbed wire. Irrespective of what happened, Satã returned to Ilha Grande, probably in 1939, a period when the Federal District Agricultural Penitentiary was operating on the island (1938-1941), a penal institution created to rehabilitate well-behaved criminals. The old Dois Rios Correctional Colony was placed under the authority of this new institution.

Satã commented that he arrived on the island after the death of a guard called Vasconcelos, reputed to have been highly sadistic and cruel with the inmates. As well as the guard Vasconcelos, Satã cited the director Fabio Sena. We found no record of these names. However, in 1939, numerous accusations were made against a guard called Sanhaço, always defended by the director José Jannini. While the names do not match, the descriptions of the guard's brutality, as well as the lack of food, are reiterated in the documents from the period. In a letter sent to the Federal District magistrate, Sebastião Silva denounced the barbaric regime to which 500 prisoners were being subjected with the sanction of the Chief of Police:

(...) After diligently finding the fugitives and brutally beating them, the said Sanhaço, taking out a revolver, shot the prisoners, injuring Jair Alves Braga, who ended up with two bullets lodged in his right arm and forearm. [...] The witness Sebastião da Silva, unable to stand any longer the forced labour to which he was subjected, or the beatings, and who like the other inmates was forced to carry beams to the prison, fled with two companions, who after several days were re-captured. [...] "Wake up to die, you won't give anyone more work ever again." And just after he heard this sinister phrase, he was shot and at the same time thrashed with a length of vine, beaten with rifles, and kicked.<sup>16</sup>

On June the 14<sup>th</sup> 1939, the director José Jannini wrote to the head of cabinet of the Ministry of Justice and Internal Affairs, asserting that the mistreatments cited by the accusers were merely the "fantasies of sick minds." He attached records describing the accusers as unruly and argued that they had been armed with knives, scissors and scythes when they escaped. On July the 8<sup>th</sup>, the case was shelved. Official documents provide us with more precise information on dates, names and regulations, but a complete lack of transparency exists when it comes to the events described: indeed a careful operation had clearly been

<sup>16</sup> Letter from Sebastião Silva to the Federal District police magistrate, 6 March 1939. Case 2.757/39. National Archive.

mounted, from the choice of who would investigate the accusation to those who would rule on it, entirely to the benefit of the state personnel involved.

On his return to Ilha Grande, Satã tried to work in the *tindá* but was unsuccessful. He was assigned to the laundry, a job that ensured his time in jail was spent tranquilly. During this period, he had enough freedom to be able to raise a pig called Rosita as a pet (Paezzo 1972: 99). Once again, Satã had managed to obtain a secure place where he had no problems with other inmates or even the guards. This time, though, he lacked the director's protection and needed to earn a place among the other prisoners. Not only small offenders were sent to Ilha Grande at this time, but also criminals serving all kinds of sentences. Although he always claimed to have experienced no problems with the other *malandros*, because he was the toughest and most famous of them, it is interesting to note that Satã contented himself with a task considered feminine within the prison, the laundry.

Júlio de Almeida, a prisoner who arrived on Ilha Grande in 1958, had contact with Satã when both of them went to Rio de Janeiro to present a witness statement in court. Júlio referred to Satã both in the masculine (*ele*, him) and in the feminine (*ela*, she). He explained that *she* was proficient in performing light tasks, such as washing, ironing and providing domestic services in the houses of the guards and local residents. He was never responsible for running the prison kitchen, for example, a disputed and dangerous place, since it functioned as the entry point for drugs and guns. In his words:

He had a similar body to mine, a little bit taller, a bit lighter skinned [...]She... she... I say 'she' because he was effeminate, right? I'd say that she was a tranquil girl, calm, she wasn't aggressive, you know? I mean she was like... very skilled in her work [...] she washed clothes, all the business with the director's clothes... she bred pigs, you know?<sup>17</sup>

In Green's view, Satã transgressed standardized gendered ways of acting, confusing the prevailing social stereotypes (Green 2000: 204). His analysis is confirmed by the gender switching made by Júlio when referring to Satã.

Satã's success in obtaining a calm situation on Ilha Grande needs to be highlighted, since the island's prisons continued to be much feared. Satã's comment on the lack of food and the difficulties encountered there raises the question of prostitution within the institution, a problem absent from the official documents:

And the hunger was such that I saw a prisoner with half a kilo of flour and a bunch of bananas have 4 or 5 lads offering themselves as women to him. In exchange for a meal (Paezzo 1972: 86-7).

## The mediatic escape of Carmem Miranda

In the Paezzo narrative, Satã's third imprisonment on Ilha Grande was to serve a ten-year sentence. The reason is unclear. Satã had been advised to talk to the head of security, Ivo Moura, but did not do so due to his attempt to escape. He also recalled that he set off aboard the tugboat Laurindo Pita, which carried more than 150 people linked to the *jogo do bicho* gambling game<sup>18</sup> (Paezzo 1972:120-131).

The events recounted in this narrative, the result of Satã's recollection and Paezzo's writing, probably took place, but not exactly in the form recorded. The past always arrives in the present filled with lacunas.

<sup>17</sup> Testimony of Júlio de Almeida, referred to by the press 'The last prisoner of Ilha Grande' because he arrived at the Federal District Agricultural Colony, in 1958, to serve a sentence of more than fifty years, and settled there with his family, where he has lived to the present day. Interviews conducted between 2012 and 2015.

<sup>18</sup> *Jogo do bicho* is an illegal game, banned since 1946. Extremely popular, it involves betting on numbers that represent animals.

Anyone seeking to reconstruct it fills such lacunas with their own imagination. For this reason, memory cannot be assumed to be a faithful copy of the past. The sociologist Maurice Halbwachs (1994 [1925]) explained this process rigorously in his theory of social frameworks of memory. When individuals remember the past, they also place themselves as the main protagonist of whatever event is being narrated. Depending on the personality and on the convictions of the person who remembers, the experienced event assumes different dimensions. The importance of individual strategies in the process of remembering the past was emphasized by social psychologists, like Bartlett (1961 [1932]). By considering both these theoretical approaches to memory, we can conclude that memories are thus neither pure imagination nor faithful portraits of the past: they form elements of plots woven from lived experiences and narrative strategies. Someone who narrates the past is a storyteller and, in common with all such narrators, the stories are produced in response to those listening to the narrative.

The memories left by Satã are important not because of the sequence or order of events, but because they help us comprehend both his actions and reactions to the prisons that he passed through, and the networks of relations mobilized by himself to deal with established norms and institutions. In the Correctional Colony, Satã encountered inmates who enabled him to become a trusted employee of the director and evade the misery and mistreatment typical of the locale. In the Agrarian Penitentiary, he worked in the laundry, which he considered a safe place. Although black and homosexual, he managed to gain the respect of the inmates and guards inside Ilha Grande's prisons.

The police records contain a case against Satã for bodily harm and resisting arrest in February 1942, with a report from a police chief. Satã, dressed as a *baiana*,<sup>19</sup> had attracted a lawyer to his house. A tenant in the building had called a police officer to take him to the station and Satã resisted arrest, injuring both his neighbour and the officer in the process. According to the police chief, João Francisco dos Santos, "despite being a passive pederast, was a tough man who resisted arrest", contradicting the more usual dictates of the police. For the police chief, he was simply an addict who commercialized his addiction, since he was a widow and acted in a virile manner. The advice passed on to the authorities was for Satã to be studied by men of science.<sup>20</sup>

This official document makes explicit the view of a contemporary senior police chief concerning homosexuality, associated by the police authorities with perversion, criminality and deviance. In the laboratories of criminal anthropology, physicians and criminologists sought the origin of criminality through studies of biotypes and social environments. The Satã case merited study because by combining 'pederasty' and 'virility,' he threw into question the principal theories formulated in hospitals, prisons and other public institutions. Police chiefs and jurists associated the crimes committed by Satã with sexual 'inversion' and an 'infirmity of the will.'

In the newspaper *A Luta Democrática*, owned by Tenório Cavalcante, a controversial politician highly popular in Baixada Fluminense, a region with major social problems and urban violence, we find many news reports on the crime world. The report on Satã's imprisonment in 1955 also contains a description of his past deeds, highlighting his performance as Carmem Miranda on the journey to Dois Rios:

His police record at the Department of Customs<sup>21</sup> is far from minor. On 9<sup>th</sup> November 1942, following an order issued by the cabinet of the Chief of Police, the invert was taken to the Ilha Grande Correctional Colony, to where he returned on 9 July 1944. During the journey 'Madame Satã' demonstrated his art by imitating Carmem Miranda, managing to capture the attention of the guards with the swaying of his hips, and thereby help the

19 A woman native to Bahia, or someone dressed in the large white skirts traditionally worn by black women from the region.

20 Case 481/42. National Archive. Inventory: RJ Criminal Court. Notation: João Francisco dos Santos.

21 In Portuguese, *Delegacia de Costumes*, a police department for investigating and preventing minor crimes or 'misdemeanours.'

other prisoners to escape... In addition, 'Madame Satã' has to his credit various entries in the police records concerning inquiries. Whenever arrested, he would confront the officers of the law and several men would always needed to secure him.<sup>22</sup>

The newspaper, which sensationalized crimes and demonized criminals, called Satã an 'invert,' highlighted his skill in imitating Carmem Miranda, and emphasized his fights whenever arrested and taken to the police stations. The newspaper mentioned two transfers of Satã to Ilha Grande, one in 1942 and the other in 1944, and claimed that his performance had helped other prisoners to escape, though not himself. Like police chiefs and officers, the journalists also considered Satã to be a dangerous 'invert.' In his interview with *O Pasquim*, Satã described his own escape, as well as the headline in the papers: "Another spectacular plan by Madame Satã: an Oriental ballet and a dive into the dark waters of Copacabana" (Cabral et al. 1971). According to Satã, after attracting everyone's attention, he jumped into the sea and swam to Copacabana. He was caught and once again sent to Ilha Grande.

Ivo Moura, cited by Satã, arrived on Ilha Grande in 1942 as head guard at the newly created penitentiary and remained in office there until 1958. He was part of a cohort of *gaúchos* personally trusted by the director of the Fernando de Noronha Agricultural Colony (CAFN), a prison holding the leaders of political parties opposed to the authoritarian regime installed by Getúlio Vargas in 1937. After Brazil joined the Second World War, Fernando de Noronha island became a strategic military location and CAFN's staff and prisoners were transferred to Ilha Grande, occupying the installations of the recently built Agricultural Penitentiary mentioned earlier. It was renamed the Federal District Agricultural Colony (CADF). The prisoners and employees who had been located were, in turn, transferred to the Cândido Mendes Penal Colony (CPCM), an institution set up in 1941 for the correction of small offenders, situated at another site on Ilha Grande called Vila do Abraão. In 1945, as democracy became restored, the political prisoners held at CADF were awarded amnesty and the prison itself operated throughout the rest of the 1940s with a much smaller contingent of prisoners than expected.

Maintaining discipline at the Agricultural Colony did not require the level of violence used in earlier periods. Between 1942 and 1945, the institution received special funding to keep the political prisoners under guard. For the criminal authorities responsible for the system, the political prisoners were not deviants to be rehabilitated through 'scientific treatment.' and nor did they need to engage in agricultural labour for their recuperation. Some prisoners were able to live in houses built close to the main building. Although the Colony had its share of escape attempts, beatings and other problems encountered in the other prisons, during this period the institution provided those being held there with an amenable place to serve their sentence.

A criminal case from 1947<sup>23</sup> tells us that Satã had tried to enter Cabaré Brasil, a nightclub located on Lapa's main street, and was barred by the civil guard for being disorderly and unkempt. According to the document, he had fought back, first with a flick knife, quickly knocked away by the guard, and subsequently with punches and kicks. Satã was accused of causing injury, resisting arrest and disrespecting a public employee in the exercise of his duty. In the investigation into the defendant's previous life, the commissioner Ilo Salgado Bastos made a similar appraisal to Frota Aguiar, claiming that although Satã was a passive pederast, shaved his eyebrows and adopted a feminine demeanour, he was a highly dangerous individual who refused to respect police authorities. At the time, following the 1940 Penal Code, security measures could be applied according to either the seriousness of the crime or the level of danger posed by the criminal. In the latter case, applied to Satã, imprisonment punished the individual not for what he had

<sup>22</sup> Madame Satã. *A Luta Democrática*, 6 September 1955, p. 2.

<sup>23</sup> Case 6262/47. National Archive. Inventory: RJ Criminal Court. Notation: João Francisco dos Santos.

done, but for what he was. The final sentence was 3 years and 8 months in prison. He was sent to the Federal District Prison and subsequently to the Central Penitentiary. On 27<sup>th</sup> March 1947, the director of the latter institution, Antonio Pereira de Castro Pinto Junior, sent an official letter to the Judge of the 14<sup>th</sup> Criminal Court asking for João Francisco do Santos to be sent to the Judicial Mental Hospital for submission to an examination of his nervous system.<sup>24</sup> Satã was sent to the Federal District Agricultural Colony (CADF) on Ilha Grande, since the same case is cited in the letter issued on 23<sup>rd</sup> June 1948 and signed by Colonel José Rodrigues Pessoa – director of CCDR, also responsible for the Agricultural Colony –requesting a copy of Satã’s sentence. With support from the lawyer Orlando Torres Correa, the case went to the Appeal Court and Satã was released in October 1948, having completed just 2 years of prison.

At the end of the 1940s, Satã found himself in a recently built penitentiary with a small number of inmates and well-trained administrative staff. Probably for this reason, he provides us with little information on the prison. The memories that return to our thoughts are those that are out of the ordinary or that leave a strong impression on us. In his interview with the newspaper *O Pasquim*, he said that he became a close friend to the Mostardeiro family from Rio Grande do Sul (a state in the south of Brazil). The lawyer Manoel Mostardeiro was the right arm of CADF’s director, Nestor Veríssimo, and took over interim control of the Colony in 1944 after Veríssimo’s death, and during various other periods. According to a former resident of Dois Rios, Satã’s adopted daughter spent some time with Dona Sila, Mostardeiro’s wife.<sup>25</sup> This time too, Satã developed a close relationship with directors, obtained the support of lawyers to review his sentence, and avoided any clashes with the guards and other inmates.

### Conflict mediation amid chaos

According to Durst, Satã spent virtually the entire decade of the 1950s in prison (Durst 2005: 45). In June 1949, Satã was convicted for wearing a dagger on his belt. The Commissioner Carlos Santos, discussing the information available on the defendant, claimed that despite describing himself as a cook, Satã engaged in the vice of pederasty, using unoccupied houses in Lapa. He added that Satã was feared among *malandro* circles and had committed a series of crimes, including assault, disobedience and resisting arrest. In October, Satã received a sentence of 2 years and 6 months confinement and a fine of two thousand cruzeiros for the more serious accusation of attempting to sell on stolen jewels the year before. For this crime he was arrested on the 13<sup>th</sup> March 1953. Transfer of the sentence to probation was requested and he was released two years later. Part of this term was spent at the Cândido Mendes Penal Colony.

On 8<sup>th</sup> May 1955, the date on which Geraldo Pereira, a famous *sambista* and composer, died, Satã was evidently out of prison, in Lapa, since we know that he had brawled with the *sambista* shortly before the latter died. Two months later he was convicted again. The newspaper *A Luta Democrática*, on 6<sup>th</sup> July 1955, described Satã’s imprisonment for a *suadouro* scam in collusion with Elza Gomes de Matos, 19 years old. The report mentioned that Satã has been arrested a short time after receiving conditional release, this time receiving a sentence of 6 years and 4 months for pimping and assault.<sup>26</sup> The cases show the overlapping of sentences of 1947, resulting from resisting arrest at the door of the Cabaré Brasil; 1950, for receiving

24 Antonio Pereira de Castro Pinto was director of the Federal District Central Penitentiary between 1946 and 1951, when he was accused of administrative irregularities. See: ‘Escrivão é o responsável pelas irregularidades no cartório da 25ª. V.C.’ *Correio da Manhã*, 3 December 1958. p. 5.

25 Testimony of Olí Demutti Moura, son of the employee Ivo Moura, who, along with other children of guards who spent their childhood in Dois Rios, between 1942 and 1960, remember the past fondly. Interviews held between 2012 and 2015.

26 Pimping here includes the crime of facilitating, profiting from, exploiting or promoting the prostitution of others; while *suadouro* refers to the crime usually perpetrated by a prostitute of attracting the victim to a particular location to be robbed by others.

stolen jewellery; and 1952, for theft. There is no formal accusation of either pimping or theft, even though the reports always mentioned that Satã, an individual with a terrible criminal record, a passive pederast, worked in disreputable houses.

Also according to *A Luta Democrática*, Satã had told the commissioner Palhares from the Department of Customs that the scam had been perpetrated because he had been left penniless after being run over and suffering a fractured leg. In his testimony to Paezzo, Satã claimed that the accusation of being involved in the *suadouro* scam was unfair because he had been practicing *candomblé* that day, meaning it was impossible for him to have taken part in the alleged robbery. Whatever the case, Durst is correct to assert that Satã remained in prison for virtually all the 1950s. These periods of imprisonment were mostly served at the Cândido Mendes Penal Colony (CPCM).

Although two agricultural colonies were established on the island, receiving individuals serving all kinds of sentences, they maintain important differences. The Federal District Agricultural Colony (CADF), located in Vila Dois Rios, had relatively new living quarters, it was run by a group of employees who demonstrated greater administrative skills, and, due to its greater isolation, were able to keep the inmates under greater control. After 1945, when political prisoners were granted amnesty, prisoners with longer sentences to complete were sent there. Located in Vila do Abraão, the Penal Colony had fewer funds and more operational problems. As well as prisoners serving out their sentences, other individuals were sent to the colony, including beggars, vagrants and even the disabled, who were unable to work. The installations, buildings repurposed from the old Lazareto site, a quarantine hospital that was built in 1884, were rundown and the cells used for confinement, located close to the shore, were humid, dark and foetid. Since Vila do Abraão is the port for boats arriving from Angra dos Reis or Mangaratiba, and situated closer to the mainland, controlling escape attempts proved difficult.

Satã cited, albeit out of sequence, three directors of CPCM – Otávio Pinto, Francisco Monteiro and Carneiro de Mendonça – who, he said, treated the inmates very well. These directors occupied the post during the second half of the 1950s when the colony was experiencing a period of rapid decline, facing overcrowding, a lack of funds, corruption among employees and installations in an advanced state of deterioration. Official records and newspaper reports on corruption, escapes and the entry of marijuana into the prison were frequent. Given the lacking of sufficient public funding to feed the inmates even, the directors granted permission for more of the convicts, those they could trust, to live outside the prison.<sup>27</sup> These prisoners were able to plant their own fields and the institution was no longer obliged to feed them or provide clothes and medicine. Satã emphasized the difficulty faced by the directors in maintaining control of the institution:

They tried everything to keep everything under check, but the manufacture of knives increased daily. Likewise the sale of alcohol. And also the marijuana dealing, they had no idea how to put an end to it, they didn't even know that many prisoners had marijuana plantations on the actual island, even within the prison's walls (Paezzo 1972: 171-2).

In the Penal Colony, Satã not only managed to return to his work in the laundry, he became the head of the team. He recalled that during this period he encountered a 'nervous' jail in which nobody slept from fear of being murdered. People were killed over very little: a dispute over small change, jealousy or a simple misunderstanding. He probably worked in the guards' houses too and was even allowed to have

<sup>27</sup> See the following newspaper articles: 'Ilha Grande: terror dos presos de todo o Brasil. 900 presos em toda a Ilha - Duas colônias penais, em uma ilha de 180 milhas de perímetro - Muitos presos vivem em liberdade completa - Maior problema da administração.' *Tribuna da Imprensa*, 30 January 1952. p. 7; and 'Estabelecimentos penais sem recursos para dar alimentação aos detentos.' *Jornal do Brasil*, 26 June 1960. Supplement, p. 4.

his own house. According to Júlio de Almeida's testimony, Satã lived outside the cells and looked after the house of one of the staff.<sup>28</sup>

As for his sexual orientation, Satã encountered no problems among the guards and inmates. In the Penal Colony's service orders we find penalties for pederasty listed. However, while an inmate who had hidden a bag of maize received punishment of ten days in a dark cell, an inmate who had forced another "to engage in acts of pederasty and immoral acts" was punished for just three days.<sup>29</sup> In this case, pederasty did not imply sexual contact between an older man and a youth, but homosexuality as an immoral act. In the poorly supervised system in which the inmates were held at the Cândido Mendes Penal Colony, the sexual orientation of the prisoners was not a problem for its directors. Control of the sexuality of 600 men, working outside their cells and without intimate visits, was practically non-existent.

Politicians and parliamentary members occasionally manifested concern about Ilha Grande's prisons. In May 1952, Mr. Breno da Silveira, a Rio deputy, was a member of a parliamentary commission that visited the two colonies on Ilha Grande. As well as denouncing the lack of resources, he was struck by the "drama of homosexuality," which was discovered not only on Ilha Grande, but even on the boats that took to the inmates to the prison. According to the deputy, there prevailed "neglect, negligence, complete laxity on the part of the government," which did not give the 'unfortunate' any kind of help to overcome the degradation observed there.<sup>30</sup>

Ten years later, the homosexuality of the inmates still bothered the authorities. A commission elected to present solutions to the prison problem advocated the deactivation of the Cândido Mendes Penal Colony. Mr. Levi Ibsen de Moura, head of the commission, citing the rebellion that had taken place at another prison establishment, asserted that the CPCM's conditions were even worse. He also expressed concern over the issue of sexuality, claiming that there were insufficient guards to watch over the prisoners and that physically weaker inmates faced the dilemma of having to kill or "be corrupted." He added:

As soon as one arrives at the Colony, one notes the peculiar attitude of some of the prisoners, with their long nails, weird hair and languid looks. However, there exist cases like that of the prisoner 'Ramirinho' who killed five colleagues in six months and was finally transferred to Lemos Brito [...].<sup>31</sup>

Satã, in his interview with *O Pasquim*, denied the existence of forced sexual relations in the prisons. An assertion that contradicts others he made, including in the same interview. In Paezzo's book, we find Satã's explanation that every jail had sheriffs or owners of mattresses who would choose "pretty lads, sons of a rich daddy" to be their women. If the youth resisted the sheriff, other veterans would come to help him and beat the victim until he ceased resisting. The young prisoners were seldom able to obtain support from the prison directors and when they did receive any, it came too late. Some lads obtained guns and killed in order to be respected, others went mad, and others still accepted the situation and remained silent (Paezzo 1972: 51-2). In another passage he claimed that once while he was working in the laundry, he witnessed a murder after a new inmate refused to become a *malandro's* woman (Paezzo 1972: 199). In the same book, homosexuality among *malandros* (scoundrels) is described in a much more generalized form:

Meia Noite Segundo was called Meia Noite Segundo [*Second Midnight*] because when he spent his first time in jail, the actual Meia Noite [*Midnight*] made him his woman. In fact the famous and original Meia Noite from the samba world had also spent his time as a *malandro's* woman, since he frequently gave his ass to Tinguá when he

<sup>28</sup> Testimony of Júlio de Almeida. Interviews held between 2012 and 2015.

<sup>29</sup> Cases 3.416/56 and 17.377/56. National Archive. MJNI Inventory. Organization and Administration of Penitentiary Institutions Series. CADF. Boxes 2.523 and 5.949.

<sup>30</sup> 'Câmara dos Deputados. Regime Penitenciário.' *Jornal do Brasil*, 31 May 1952. p. 6.

<sup>31</sup> 'Ilha Grande em Péssimas Condições.' *Tribuna da Imprensa*, 2-3 December 1961, p. 7.

was a young vagrant and spent his first spell in jail [...] Few young *malandros* did not become the wives of older men in their first prison terms (Paezzo 1972: 164).

In the Penal Colony, despite the administration's difficulty in keeping 'order,' Satã, as in his earlier periods in prison, gained the respect of the inmates and guards. It is important to emphasize that he did not hold any position of power within the jail, such as those of the 'sheriffs.' The latter collected money and distributed ordered contraband, which varied from toothpaste to every kind of drug. Those who had no money became hostages to others. Satã won over the trust of the guards and assisted them. As head of the laundry team, for example, he once spotted an escape attempt by two inmates who he saw as his subordinates and immediately alerted the guards (Paezzo 1972: 165). Whenever he could, he would try to avert fights between prisoners. Few in number, the guards used trusted 'prisoners' in exchange for small perks. For them, it was important to prevent escapes and violent – and potentially lethal – fights among the convicts.

### Among guards and residents

The historian Claudia Mattos, describing the Rio criminal ethos of *malandragem* through song lyrics, pointed to the existence of various codes of conduct among the *malandros* (Matos 1982). Satã followed some of these to the letter. He never ran from a fight, he was skilled in the use of a flick knife, and he resolved his own problems. He clashed with *malandros* like Sete Coroas and Geraldo Pereira. The latter was almost two meters in height, a well-known *sambista*, and highly respected in Lapa. However, Satã's fights with the police did not match what would be expected from a *malandro*, who survived on the streets by adhering to the popular saying: *manda quem pode e obedece quem tem juízo*: those who can give the orders; those who are wise will obey. Instead, Satã reacted with anger and indignation to police brutality, even inside police stations, and, though he struck back, he would be beaten until left unconscious.

Satã's indignation had grounds. In the 1930s, with Getúlio Vargas's seizure of power,<sup>32</sup> there was a resurgence in the repression of gambling houses, the activities of guest houses and cabarets, along with all those who the regime classed as undesirables. The police authorities arrested hundreds of people, closed hotels deemed suspicious and imposed their own laws. Following the installation of the Estado Novo national regime,<sup>33</sup> the repression of the city's bohemian life intensified further. Furthermore, the judicial-penal authorities were strongly influenced by positivist, scientificist and biological theses disseminated by journals specializing in legislation, legal doctrine and jurisprudence.<sup>34</sup> Criminologists not only attributed a natural criminal tendency to those individuals identified as black and mixed race, they also associated homosexuality with deviant and sick practices. In the 1950s, the attempts to cure people diagnosed as sexual degenerates continued. In 1953, a Biotypological Commission for Investigation and Readjustment (CBIR) was created at the Cândido Mendes Penal Colony, formed by a physician, a professor, a professional supervisor and various employees, appointed by the director.

These scientific theories and their differentiation and ranking of human beings undoubtedly had a strong impact in the administrative sphere, legitimizing beatings and even the murder of individuals classified as inferior and degenerate. However, these beliefs were always subject to local interpretations and, in the case of Ilha Grande, what mattered most for the guards was the assistance of tough guys (*valentes*) in maintaining order. Violence might be employed when an inmate failed to work as demanded by the guards,

<sup>32</sup> In 1930, an armed movement supported by three Brazilian states – Minas Gerais, Paraíba and Rio Grande do Sul – placed Getúlio Vargas in power, preventing the elected president, Júlio Prestes, from assuming office, a politician considered the representative of the economic elite centred on agricultural exports.

<sup>33</sup> In 1937, Getúlio Vargas decreed the Estado Novo (New State), closing down Congress and assuming dictatorial powers. He governed until 1945.

<sup>34</sup> On this subject, see Alvarez 1996; 2002.

but mainly in response to escape attempts, thefts, assaults and homicides – or, in other words, in situations that undermined the institution’s everyday running and the reputation of its staff. The colony guards were extremely violent, a situation made critical by the lack of supervision by the central administration over the penal colonies, the small number of employees, and the precarious conditions to which the prisoners were subjected.

In the Ilha Grande colonies, Satã was not persecuted for being openly homosexual by either the inmates or the guards. Among the former, moral condemnation of homosexuality appears not to have been widespread. Foucault observed the irony of attempting to treat homosexuality through imprisonment, where those found guilty are placed in close contact with other men (Foucault 1994: 673). Satã left prison in 1962 and opted to remain on Ilha Grande, declaring himself a friend of the guards who lived there and praising the prison system.

The place where Satã chose to reside, Vila do Abraão, was isolated and provincial. Its few residents lived from small-scale farming or from fishing, scraping a living from archaic and mostly unprofitable practices.

Satã’s relationship with Vila do Abraão’s residents was not simple. As occurs in other small towns and villages, he was known by everyone, which does not mean that he was accepted. But Satã had prestige, he came from a larger world. For Satã, as for other prisoners, the residents were *caipiras*, that is, residents of the interior, small town folk. In the village, there was no piped fresh water supply, waste collection or sewage system, and the primary schools struggled to keep open. As its commerce was linked to government investment in the prisons, the decline in funding for the latter left the village languishing.<sup>35</sup>

In the 1960s, the village was a border area between the outside world and the world inside the prisons. Many inmates lived outside the prisons and many guards located their families there. Satã worked in Janete’s bar and many people recall that whenever there was an audience, he would climb onto the bar top and perform his own show. In some festivals, Satã injected life into the small village: he would get hold of some coloured cabaret lights and appear singing as Carmem Miranda. During carnival, he assumed a prominent role, organizing the village’s dances. He would dress as a pink ballerina, or in a wedding dress, with hemmed skirts and high heels improvised from stacked clogs.

According to residents, Satã was always easy-going.<sup>36</sup> Renato Buys, a maths teacher and one of the guardians of local memory,<sup>37</sup> recalled that one time he had been in Janete’s bar, where Satã worked, when an outsider began to make jokes and provoke him. Renato offered to help Satã to pay back the insult, but Satã replied that he knew how to defend himself and showed him the long, thin knife worn on his belt. Even provoked, Satã refrained from striking back. Another resident, Renato Mattos, a trail guide, told a story well-known on the island. On one of Satã’s trips to Angra dos Reis, a group of youths began to make fun of him, ridiculing everything he did. Satã said nothing while he was on the boat, but on arriving at the mainland, he called them all over to fight and, despite his age, sent the youths packing. His fame as a tough guy remained intact, but on the island he avoided trouble.

Renato Buys, confirming remarks made by the other residents, recalled that Satã could be seductive and even bothersome, but never violent. He also recounts how Satã, while still an inmate, would stand next to the dock observing the arriving prisoners and selecting those who would be ‘his.’ A joke or not, nobody knows. After completing his sentence and living in Vila do Abraão, Satã had for company, Maria, a short-statured homosexual from the Brazilian Northeast. Also according to Renato Buys, one day Maria

35 On the precarious situation of Vila do Abraão in the 1960s, see ‘Ilha Grande: sobreviver é uma questão de tato.’ *Jornal do Brasil*, 22 May 1968. Main section, p. 15.

36 For their recollections of Satã’s period in Vila do Abraão, I would like to thank the following residents: Júlio de Almeida, Antonio Simplício, Constantino Cokotós (deceased), Alexandre Guilherme de Oliveira e Silva, Graciela Cuellar, Renato Motta, Maria Rachel Sousa, Nair Matoso, and Renato Buys. Former residents who contributed to the research include Olí Demutti Moura, Sergio Esteves Demutti and Maria das Graças Ramuz.

37 See, for example, Buys 2010.

robbed some things from him and fled. Satã was distraught. He put on a black cape, took a boat and sailed out theatrically to the beaches in search of Maria, who was eventually found. She ended up staying a while longer with Satã before leaving.

In various criminal proceedings, Satã was cited as a 'widow' and 'father.' We have little information, though, on his family relationships. The declarations to *O Pasquim* reveal various contradictions. Satã claimed that he had never been in love, and thought the idea of having an *amiguinho* ('little friend') and marriage between homosexuals ugly and ridiculous, adding that he was married to a woman and had six children who he raised as his own. In Paezzo's book, Satã declared himself distressed with the company of Maria Faissal, even saying that prison had freed him from the situation. But Satã undoubtedly devoted care to Maria Faissal's daughter. In two of the court cases studied, dating from 1947 and 1954, Satã asked for authorization to pay for the girl's boarding school and a medical visit. Despite the shaved eyebrows and melodious voice, Satã never walked in the street dressed as a woman, which he found absurd. For his adopted children, he was João Francisco. In the period when he lived in Vila do Abraão, Ilha Grande, he was able to bring his mother to visit him and, on this occasion too, he was João Francisco. Satã thus identified himself as a homosexual, transvestite and tough guy, but also as a husband, father and son, depending on the context in which he found himself. He also sometimes claimed to be a member of *candomblé*, a fact little explored.

In a case from the 1970s, the suspect, a head of security from the Cândido Mendes Penal Institute (IPCM), cites Satã as his partner in running a brothel.<sup>38</sup> The accusation was judged groundless and the case closed. However the accusation shows the existence of different codes and ways of life among the residents. The guards of the former prison had much more financial power than the other residents. Some had been accused of corruption and the residents looked on them with suspicion. The friendship between Satã and the guards was nuanced. In a newspaper interview from the 1970s, Satã claimed that the guards, very often illiterate, joined the Colony's administration as residents of the island, without any other qualifications for the job. He went on to denounce the local violence:

This island is a land where if the child cries, the mother doesn't hear: if the child dies, the mother doesn't see. And those of us here see little, because if we look too closely, they order our eyes to be gauged out: if we say too much, they order our tongue to be torn out: and if we hear too much, they order our ears to be bunged up.<sup>39</sup>

Satã continued to earn money from the same activities he performed while in prison, washing clothes and cooking. According to Dona Nair, Satã sometimes had no money at all, but people would ask him to make snacks for marriages, cook fish stews and perform other jobs. He knew many people off the island who could help him.

In sum, on his successive returns to prison, Satã found various ways of finding a niche for himself and gaining perks. He was skilled in the construction of his *personas*, as though he were on stage. This Italian word, derived from the Latin, *per sonare*, or 'sounding through', commonly used in the artistic field, helps us comprehend behaviours and identity constructs. The Canadian sociologist Erving Goffman is famed for his dramaturgical approach in which social interactions are analyzed as theatrical performances. Goffman analyzes diverse representational strategies, arguing that these constructs vary from situation to situation, group to group, and cannot be comprehended either in terms of a strictly individual motivation or as the imposition of collective representations. The multiple roles performed by individuals over the course of life

<sup>38</sup> Trial dated 23 January 1970 against the former councillor of Angra dos Reis, and the head of service of the Cândido Mendes Penal Institute, for marijuana trafficking, larceny and theft of a cafeteria. On the 5<sup>th</sup> October, the Military Police of Guanabara State rejected the accusations, including the existence of a brothel on Ilha Grande. Rio de Janeiro State Public Archive. Political Police Inventory. Secret Sector. Notation 66. Pages 139-148.

<sup>39</sup> 'Ilha Grande: sobreviver é uma questão de tato.' *Jornal do Brasil*, 22 May 1968. Main section, p. 15.

are seen as an open game in which individuals can either conform to the set of existing norms and values, or resist the imposed disciplines (Goffman 1983).

Michel Foucault placed less trust in individual strategies and denounced the conformity of subjects to powers exerted on their habits and bodies. For him, the power inherent to the various networks and entanglements that constitute us, or 'biopower,' is rarely negotiable (Foucault 1987). However, Foucault also believed that it is individuals, not in going about their everyday life, as Goffman argued, but in the defence of their pleasures, who react to control mechanisms and mount forms of resistance, effecting operations on their bodies, thoughts and behaviours. Foucault turned to Greek Antiquity to comprehend those who would say the truth despite the consequences, those who are insolent and scandalous, since their ethics and courage are not the result of social norms, but what their spirit and body say. Resistance emerges as a way of obtaining a degree of satisfaction and power in the "care of self" (Foucault 2011).

Recently, Satã's life trajectory has been re-explored by authors studying sexuality and gender since it allows a reading of a fluid identity that shifts position – that is, a non-identity – as it encounters and opposes prejudices and hostilities.<sup>40</sup>As we have seen, Satã did not always break from established norms and many of his self-constructions were ambiguous. Satã's life in the prisons of Ilha Grande and later in Vila do Abraão shows us that once respected, he would follow the norms. Despite living out his life in a small settlement, his horizon of expectations remained closely linked to the life of Lapa. Over his life time, he defended his right to be homosexual and to perform the roles on the stage that he so loved. Satã maintained friendships with journalists, musicians and artists from the period. He was jovial and enjoyed life. Despite being buried in the local cemetery, Dona Nair told us, his wish was to have a tomb in one of Rio's cemeteries. One of his phrases, the assertion that life is a joke, would appear to encapsulate his view of the world.

Translation: David Rodgers

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<sup>40</sup> The assertion of queerness, arguing for sex as discourse in an era when transgender performances and the limits of the anatomical body have become public issues, goes beyond the demand for legal equality, a result of Foucault's reflections, arguing for the multiplicity of experiences that mark the body in its clash with norms, humiliations and forms of suffering. On this topic, see Miskolci 2011.

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# The *dom* for the craft and the gift from god: ethnographic explorations among the traditional midwives of Santana

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## Abstract

This article studies the traditional midwives living and working in Santana, the second largest city of Amapá state, Brazil. We present and discuss the midwives' worldviews, highlighting how the obligations associated with non-compulsory debts in the cycles of giving, receiving and returning are not limited to the relationship between the patient's family and the midwife. According to local conceptions, the most important relations of obligation associated with the *dom* for the craft are those established between humans and *God*. The counter-gift is accomplished through patient care, but as a form of obligation towards *God*. Assisting the women who seek out the help of the midwives is thus understood as the adequate means of settling the debt with the divine entity.

**Key words:** Traditional midwives; gift; reciprocity.

# O *dom* para o ofício e a dádiva de deus: explorações etnográficas entre as parteiras tradicionais de Santana

## Resumo

Este artigo trata das parteiras tradicionais que vivem e atuam em Santana, segundo maior município amapaense. Apresentam-se e problematizam-se as concepções de mundo das parteiras, destacando que as obrigações relacionadas aos endividamentos não compulsórios no dar-receber-retribuir não se restringem à relação entre família da parturiente e a parteira. Na concepção local, as relações relevantes de obrigação concatenadas ao *dom* para o ofício se estabelecem entre humanos e *Deus*. Grosso modo, a contradádiva é efetivada no atendimento às gestantes, mas como uma espécie de obrigação diante de *Deus*. Logo, o atendimento às mulheres que procuram as parteiras é entendido como o meio adequado de saldar a dívida adquirida com o ser divino.

**Palavras-chave:** Parteiras tradicionais; dádiva; reciprocidade.

# The *dom* for the craft and the gift from god: ethnographic explorations among the traditional midwives of Santana

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This article studies the traditional midwives living and working in Santana, the second largest city of Amapá state, Brazil. Santana has approximately 101,262 inhabitants. Midwives from the region are represented by an organization with more than 300 members, the Aunt Cecília Central Association of Santana, located in the central district of the city. The ethnographic fieldwork was carried out between March 2015 and February 2016. The first four months of fieldwork consisted of regular visits to the association (in average three days per week). After this initial phase, the frequency of the trips to the organization declined, replaced instead by frequent visits to the house of some traditional midwives and observation of the patient care that they provided.

According to estimates by the Citizenship Promotion Agency of Amapá at the start of the 2000s, the state had 1531 active traditional midwives. The institutional relationship between these women and the public authorities dates back to the 1990s, when Janete Capiberibe<sup>1</sup> created the Amapá State Program of Traditional Midwives.

Good anthropology highlights the importance of devoting special attention to the singular contexts in which the categories elaborated by natives emerge (Strathern 2006). This means that the transcription, plain and simple, of native discourse is not a real alternative to the use of categories outside the group's universe of meaning (Strathern 2014). As Peirano (1991) asserts in her critique of the vanishing of the author as a theoretical subject, anthropology's greatest potential resides in promoting the encounter between native concepts and the discipline's theoretical knowledge. Taking the arguments of these anthropologists seriously, in this article we look to show that it is not possible to fully understand the midwives' perspective of their craft – and the values that inform their worldview – without taking into account the long-standing discussion in the social sciences concerning reciprocity, gift and counter-gift. Nonetheless, advocating the need to contemplate the role of the gift when analysing the craft of the midwives of Santana is not enough. It is, rather, a starting point for the journey we propose. We should emphasize that the text that follows does not represent an attempt to accommodate native speech and categories to academic concepts, but, instead, to engage in a dialectical movement between each, where anthropological concepts shed light on the fieldwork material and vice-versa.

Keeping this in mind, our objective is to present and discuss the worldviews of Santana's traditional midwives in relation to the process of healing the female body and treating health problems associated with gestation, childbirth and the postpartum period, highlighting the fact that the obligations related to non-compulsory debts in the giving-receiving-returning cycle are not limited to the relationship between the patient's family and the midwife. Indeed, what we intend to demonstrate is that the most meaningful

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<sup>1</sup> The relationship between public authorities and public healthcare professionals will not be explored in this article.

relation of obligation associated with the *dom*<sup>2</sup> for the craft is between humans and supernatural beings. In other words, the counter-gift effected through patient care is articulated as a form of obligation towards God. Thus, the assistance of women in need can be understood as the adequate (and perhaps the only) means of repaying the debt towards the divine entity.

### **The *real midwives***

The discussion about ‘humanized’ childbirth and related themes has occupied an increasing amount of space in the fields of the human sciences and healthcare.<sup>3</sup> Taking this into account, we believe that presenting and discussing the work and worldviews of the traditional midwives comprises a particularly relevant line of analysis, capable of further deepening the discussion produced so far in the field. The midwives’ work entails a range of activities that largely surpasses that of assistance during labour (Fleischer 2007, 2008). They provide advice, perform massages and *puxações* (*pullings*), along with recommending and preparing home remedies for cramps, coughs, gases, and aches and pains in general. In terms of patient care, they usually accompany the entire gestational period, caring for the woman’s well-being and ensuring that no major problems occur over the course of the pregnancy. Given that these midwives work in an urban environment, assisting the actual deliveries has become less and less regular. But when they do, they use basic materials, such as scissors, basins, alcohol and towels. Currently, the traditional midwives of Santana receive the so-called ‘Midwives Kit’ – distributed by the state and municipal Secretaries of Health, in partnership with the Brazilian Ministry of Health – which contains surgical gloves and cap, scales and an umbilical cord clamp.

There are approximately 300 traditional midwives registered with the Aunt Cecília Central Association of Santana, the only organization existing in the region representing practitioners. Its headquarters is located in one of the sections of the Victória Régia Centre, a space maintained by the Amapá state government that houses various social programs. At the time of the fieldwork, the association normally held three weekly meetings on Monday, Wednesday and Friday mornings. On these occasions, physical exercise courses were offered. The meetings also served to provide training sessions, hold celebrations and run enhancement courses offered by the state government, the Rede Cegonha (Stork Network)<sup>4</sup> and the SARAH Hospitals Network.

It was in this space and among its frequenters that the first phase of the fieldwork took place. Contact was first established with the president of the association. Subsequently, the different activities held there were accompanied, while simultaneously looking to build the relationships that would allow us to approach the midwives. A total of 21 interviews were conducted during this period.

Later, as the visits to the association became less frequent, trips to the houses of three midwives increased. Dona Silva, Dona Rena and Dona Noca are considered *real midwives*<sup>5</sup> by their peers. According to local understandings, this signifies that they are women recognized to have performed a considerable

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2 Text in italics indicates a native category or native speech. *Dom* is the native category used to refer to an ability and knowledge, possessed by the midwife from birth, that constitutes a gift from God. The closest translation for *dom* would be gift. However, to avoid confusing this concept with the analytical category ‘gift’ and to remain faithful to its original meaning, we chose not to translate it in this text. All other native categories and speeches have been translated to English.

3 An increasing number of researchers have discussed childbirth-related themes, including Carneiro (2015), Deslandes (2006), Dias-Scopel (2015), Diniz (2005), Fleischer (2005), Nonato (2007), Pereira (2000), Pulhez (2013), Rattner (2009), Rodrigues (2008), Salem (2007), Tempesta (2017).

4 A Ministry of Health program that aims to implement a network of care to guarantee the woman’s right to reproductive planning and humanized attention to gestation, childbirth and postpartum, as well as to safeguard the child’s right to a safe birth and to grow up in a healthy environment.

5 All the women interviewed during the fieldwork, regardless of their time practicing the craft and the prestige they enjoyed among their peers and in their community, said they carried the *dom*. Nonetheless, there is a certain consensus that the *real midwives* are those who, in addition to the *dom*, dedicated their life to this craft, repaying, in this way, the gift granted by God.

number of successful deliveries and whose services are frequently demanded in the locations where they live. The choice of approaching and establishing a regular relationship with Dona Silva was prompted by a recommendation from the president and other associates of Aunt Cecília. Recognized as one of the most experienced among them, Dona Silva was 75 years old in 2015. At the time, she was living in the Baixada do Ambrósio region, a neighbourhood situated in a marshland area of Santana,<sup>6</sup> where part of the municipality's poor population lives. Her house, where she lived with her husband, brother, three children and four grand-children, was constructed from wood and consisted of two bedrooms, a living-room and one bathroom. With 55 years of experience in prenatal care and more than 150 deliveries, Dona Silva performed her sessions, which entailed deliveries and *pullings*, on her bed in the room shared with her husband.

The choice of Dona Rena was also influenced by the opinion of her peers. Thirty-four of her 56 years had been dedicated to prenatal care and she had performed approximately 60 successful deliveries, all of which earned her recognition as a *real midwife*. Dona Rena lived with her husband and son in a brick house with four bedrooms, a living-room, kitchen and bathroom, in addition to a backyard where she planted herbs used in the preparation of home remedies, which were later bottled. Proud of her path, she enjoyed saying that she had also taken a massage course, which, in her opinion, gave her an advantage over her colleagues. Two of the house's four bedrooms were reserved for patient care. One had been adapted to perform massages and *pullings*. The other was turned into a delivery room.

Our relationship with Dona Noca began during the meetings at the association and suffered no interference from its president. Always open to speaking about her experiences, she also held a prominent position among her peers. Then 88 years old, she reported having performed more than 100 deliveries, the first of which had taken place over 70 years earlier. She lived with her husband in the Nova Brasília neighbourhood, in a brick house with three bedrooms, a living-room, kitchen and bathroom and a backyard where, like Dona Rena, she grew herbs used for producing home remedies. One of the rooms of the house was reserved for patient care.

Of these three women, only Dona Silva still performed deliveries. Dona Rena and Dona Noca both stated that they no longer take on these services, the former due to her husband's health problems, the latter due to her own health, which, she said, had been fragile for quite some time. Nonetheless, they each insisted that were a woman in labour to *need* them, a local category largely used to refer to the idea of urgency or necessity, they would never refuse to assist. These three women are also sought out by those wishing for counselling, home remedies, postpartum care and *pullings*. We had many opportunities to observe how they are respected and recognized as knowledgeable and skilled among other midwives and those living in their neighbourhoods. In part, this prestige is due to the fact that they have never once lost a patient. They talked of this fact with great pride and made a point of highlighting this aspect of their history. According to the women, this was an indication that they had a *dom* and that they were fulfilling the *mission* assigned to them by *God* with success. On the other hand, while they devoted less attention to their failures in their narratives, all three mentioned situations in which the baby could not be saved. Nonetheless, episodes of this kind were incapable of shaking their belief in their own abilities. These situations were, according to them, the result of *God's will* and not of malpractice.

Among the studies carried out with midwives in Brazil, Fleischer (2007) highlights the fact that *pulling* is the most frequent activity performed by the women. This is also the case of Dona Silva, Dona Rena and Dona Noca. In addition to the deliveries and the ability to guess the baby's sex, *pulling* is one of the main activities responsible for building their reputation in the localities where they work. Mastering this technique is an important aspect of the midwives' craft.

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<sup>6</sup> These are the swamp areas, which are neighbourhoods, mostly composed by stilt houses, built on the riverside of the Amazon River.

As Mauss (2003b) indicates, technique consists of a form of knowledge that is based on tradition and which does not necessarily imply the use of tools, since the body itself may be both object and instrument of the technique. Similarly, Ingold (2002) asserts that technique does not depend on the use of instruments and that the human body is frequently itself the tool. *Pulling* is a good example. It is a form of knowledge based on the women's manual capacity to reduce pain, adequately position the baby in the women's belly, and perform a diagnosis. In addition, *pulling* is important because it is through this activity that the midwives and the patient's family create social bonds. Fleischer's argument (2007:150) that this intervention enables patients and midwives to foster mutual trust is pertinent, therefore. This dimension of *pulling* allows us to identify it as an activity filled with meaning. It is a therapeutic technique interwoven with a particular worldview shared by the midwives and those who seek their help. This activity is thus the means by which a determined form of social relationship – one that frequently endures even after birth of the child – is constructed between the parties involved.

Different forms of performing *pullings* exist and it is common to find technical variations from one midwife to another. For example, while most of them focused attention solely on the women's belly, Dona Rena massaged the whole body. In her words, this gave her an advantage: *up to now, I have never met a midwife who does massages like me. When we know, we massage the whole body.* This is how she proceeded, *pulling from head to toe*, so as to relax the patient and make her comfortable before manipulating her belly. Nonetheless, she advises that certain parts of a pregnant woman's body should not be touched during the gestational period – the spine, the arms and the face – as this may risk a spontaneous miscarriage. A lesson from God, she says.

Still on the topic of what we might call the dispute for status and legitimacy, Dona Rena liked to emphasize that, despite her age, her services were still *in high demand*, even from firemen, police officers and doctors. She also claimed that her diagnoses of the baby's sex were invariably correct and that she had a successful track record in patient care. Although she no longer delivered babies, she continued to perform *pullings*. Talking to the women who sought her assistance during this period, they confirmed that Dona Rena was accurate in predicting the sex of the baby and the date of birth. Similar to the midwives observed by Fleischer (2007) during her research in Melgaço, Pará state, Dona Rena made her diagnosis and recommendations during the *pulling* sessions. It was also during this time that she prepared the specific home remedy required for each patient, explaining which herbs would be used and their functions. She also prepared *bottlings*, which contained more elaborate combinations of herbs. Finally, she offered a *cleansing bath*, using a formula made from extracts of plants, roots and herbs for the women to wash their *private parts* after childbirth.

Dona Noca used a different technique. Her *pullings* were performed directly on the woman's belly. As observed when accompanying her sessions, she would ask the woman to lie down on a mat with her *head turned to the street*, or else it *would not work* (meaning that problems could occur during the pregnancy). She said that she was unable to explain the reason for this: she simply repeated what she had learned from the older midwives. During the *pullings*, she gently punched the soles of the women's feet so that the *baby settles in the mother's belly*. Like Dona Rena, she also prepared and prescribed home medicines made from herbs and roots taken from her garden. During one of our conversations, she listed the purpose of the medications: lavender and rosemary tea for the baby, peppermint tea for after the birth, used to dry the umbilical stump and other formulas that included lavender, castor beans and so on. Dona Noca was also widely recognized and held considerable prestige in her neighbourhood. During one of the observed sessions, the patient said that the midwife had been highly recommended by her friends and that she was known for accurately predicting the child's sex and date of birth.

Dona Silva, on the other hand, had her own methods. During the *pullings*, she held the woman's waist, swinging and pulling it upwards while the patient remained lying down. According to her, this technique was designed to put the *child in the right position*, something similar to what Fleischer (2007:130) called "spatial socializing of the foetus." Use of the technique allowed her to modify the shape of the woman's belly. On one occasion, one of her patients reported having already been to other midwives, but only Dona Silva had been able to solve her problem. She did not prescribe home remedies in her sessions, because, in her view, *women these days don't want to take these traditional medications, they only believe in the doctor.*

For many of the midwives working in Santana, *prayers* are one of the stages of the *pulling* or the childbirth assistance, even among those who declared themselves to be protestants. Dona Noca, who as well as being a midwife identified herself as a healer, used to perform the *prayer* at the end of the *pulling*, but only if the foetus was more than 5 months old. According to her, should the *prayer* be performed before this age, there is the risk that the *child would not be well-formed*, which could *complicate birth* and cause a spontaneous miscarriage, *because the child is in a rush to come out.* When this risk period is over, Dona Noca prays to various entities, including *Our Lady of Birth*, who, she says, becomes responsible for the patient, thereby becoming the *actual midwife*. She also prays to *Saint Bartholomew*, responsible for *setting the child straight*, and *Saint Raymond*, who *stands by Our Lady to receive the child*, and *Saint Margaret*, who aids with *expelling the placenta*. Dona Silva and Dona Rena, for their part, do not pray during the *pullings*, saving their *prayers* for the moment of labour, when they invoke *Saint Margaret*. They said that during the *pullings*, they only talked to *God* through their thoughts.

Whether they are used when the mother is at risk or during the routine of *pullings*, *prayers* are, from their perspective, an essential element that has an important role in the success of their interventions. The *prayer* constitutes the very activity of patient treatment and cure. In this regard, not only does the *pulling* technique correspond to what Mauss (2003b) called an "efficient traditional act," the *prayer* also has an actual effect, since, without it, the practice would be incapable of producing a positive outcome. This means that, from their viewpoint, the *prayer* is as important as their ability in terms of ensuring the success of the intervention. It is, therefore, an efficient traditional act that entails the sacred and performs the role of engaging and soliciting the interference of supernatural powers in order to assist in patient care (Mauss 1981a).

This provides an insight into the understanding that these women have of their craft and touches on some of the central questions explored in this paper. As Mauss suggested, *prayer* partakes of the nature of both ritual and belief, thus connecting representation and action. Within this ethnographic context, the capacity or ability of the midwives is necessarily associated with a *dom* from *God*. This means that in many respects receiving a *dom* also represents the existence of a special bond between receiver and donor. Hence, while the *prayer* prepares the body for divine action and calls on *God* to intervene, it is only successful insofar as there is a special bond between the divine entity and those chosen to perform this craft.

Both the midwives and the patients, at different levels, play the role of intermediaries in this relationship with *God*. If, as Mauss (1981b) suggests, a mediator is frequently necessary for the connection with the sacred, then, in the ethnographical case analysed here, the midwives comprise the intermediaries who place *God* in contact with patients, allowing the divine entity to intervene in order to ensure the success of the pregnancy and delivery. At the same time, patients are also mediators, since they become the means by which the midwives seek to settle the debt created by the gift received from *God*. In the next item, we look to deepen this analysis of the relationship between *God* and the midwives.

## The *dom*

A consensus exists among sociologists and anthropologists regarding the role of the family and neighbourhood in the primary socialization of children, since these are the environments in which they incorporate values and abilities. In some locations, these spaces – the house and its surroundings, occupied by family members and neighbours – are where socially relevant and prestigious knowledge and techniques are transmitted and/or learned (Mauss 2003b; Sautchuk 2015; Brussi 2015). This is the case of the traditional midwives of Santana. All of these women, without exception, told us that they had not gone through any kind of formal learning process – such as a training program – in order to become midwives. Neither did this learning process involve the transmission of knowledge by more experienced midwives within a tutor/apprentice model, what Chamoux (1981:149) called “transmission by a master.” What can be inferred from the discourse of the midwives is that theirs was a knowhow acquired through practicing (during a moment of need or self-interest), observing and listening. Sautchuk (2015) observed something similar during his research with fishermen in rural Amapá. Focusing on the young people who followed this career, he reveals that the learning process does not occur by means of an oriented action, but through observation and participation in what the natives called *services* (Sautchuk 2015: 112). He suggests, therefore, that the most suitable way to classify this process would be as an “abrupt immersion in the service” (our translation) (2015:116). In a similar fashion, Brussi, in her analysis of the learning process of lacemakers in Ceará, emphasizes that this process is “individual and the path travelled by each apprentice is unique” (our translation) (2015:76).

Dona Noca said that she performed her first delivery *out of necessity*, when she was 15 years old and lived in Mazagão, a small town in Amapá. The episode occurred while she was keeping a neighbour company, who went into labour during the night. With no one around to assist them, Dona Noca was faced with the task of performing the delivery. According to her, at that moment, she supplicated for God’s guidance and for the health of both the child and the mother. She recalled the details of her first ‘abrupt immersion’ in practical experience: *I cut the umbilical cord, I squeezed out the small amount of blood. And then I rubbed on sweet almond oil, and pulled and straightened her up. I handed her over to her husband eight days later.* The delivery was successful and her ability, despite her young age, was widely acknowledged, creating the opportunity for her to assist other pregnant women. Although she is the great-grandchild of a midwife, she insists – just as other Santana midwives frequently assert – that she was never taught. She claims to have learnt by herself, out of *curiosity*, and that she showed an interest from a young age and liked to follow the older women closely, listening to their conversations and observing their treatment sessions.

Dona Rena also had reference points among close relatives: her grandmothers and step-mother were all midwives. She said that although none of them had the time or patience to teach her, her interest had always driven her to stick close to them, observing attentively during the *pullings* and deliveries. Like Dona Noca, the idea of *curiosity* is a fundamental element in her narrative. *Curious even as a child*, she was always interested in understanding what happened inside peoples’ bodies. She recalls that even at the age of 10, she had already demonstrated some knowledge of the craft. Had it not been for the older women’s interdiction, she would have been able to perform deliveries. She was born with this *intelligence*, she said. Her self-proclaimed precocious ability stirred jealousy and antipathy among girls her own age and the older midwives. It was because of this hostility, she felt, that she only got the chance to perform her first delivery at the age of 22. After this success, though, she gained a foothold among her peers and was able to build her career and eventually become recognised as a *real midwife*.

Dona Silva tells a similar story. Granddaughter of a midwife, she said that *she has known these things ever since she can remember* and that, even as a child, she already understood what was going on just from a baby’s crying and the complaints of the pregnant woman. Like Noca and Rena, Dona Silva used the expression

*curiosity* as a socially relevant factor when explaining her life journey. She also enjoyed pointing out that she had never received proper training from the older midwives; she had learnt by herself.

The resemblance in the structure of these women's narratives concerning their initiation and learning process is no coincidence. In highlighting that they had shown *curiosity* about the craft of the midwives ever since childhood, already knew some techniques and had an understanding of symptoms, *pullings* and childbirth (or, as Dona Rena put it, they already possessed this *intelligence*), they were expressing a conception shared among all the midwives: their abilities cannot be understood to be simply part of a training process. Hence they reveal the existence of a *dom* and the idea that only those women endowed with this talent gift continue to dedicate their lives to assisting pregnant women and other people seeking treatment.

This *dom* can manifest itself through various signs. One of these is the baby's cry inside the mother's belly. *Crying in the belly* is a signal perceptible only to women who have the *dom*. It means that the child will also possess the ability to perform this craft. Dona Noca, for example, said that the women who had this *dom* and were close to her mother while she was pregnant with her were able to hear her crying many times. The *dom* may also manifest itself through dreams and visions. *Curiosity* is a sign too that the child bears the *dom*. It indicates a premature interest motivating the child to always stay close to the older women, observing how they treat the expectant mother, how they prepare home remedies and infusions, and the techniques that they use. Both Dona Rena and Dona Silva pointed out, however, that *crying in the belly* and *curiosity* are not in themselves sure indications. It is at a moment of pressing need – when these women find themselves in an exceptional situation where they are compelled to help a patient on their own – that the *dom* is confirmed or not. Finally, it is their capacity to obtain a successful outcome in their very first procedure, and subsequently in other deliveries throughout their life time, that confirms the presence of the *dom*.

The idea of the *dom* as a gift from *God* is widely disseminated in the Amazonian region. It forms one of the central aspects of a perception shared not only by the midwives but also by the communities in which they work, a fact that can similarly be observed in other studies, such as Fleischer (2007), Barroso (2001), Silva (2004), Pinto (2010) and Chamilco (2001). In her research in Amapá, Barroso writes that, among her informants, the “*dom* is a privilege acquired through either family heritage, circumstance or divine calling” (Barroso 2001:92, our translation). The author goes on to explain these three consecrated forms of initiation: a) ‘family heritage’ refers to the knowledge obtained through direct contact with their mothers, grandmothers and other female relatives; b) ‘circumstance’ pertains to situations of need, when they have to perform an emergency delivery; and c) ‘divine calling’ refers to the situation where they receive a mission from *God* and thus do not need to undergo any training process. In her study with the midwives of Melgaço, Fleischer (2007:160) describes having observed two forms of initiation. The first involved “not being taught,” the process through which the woman discovered by herself how to proceed in an emergency. The second form of initiation consisted of “having the path revealed,” which refers to situations in which these women received signs of possessing this ability, even before their first delivery. In this case, the “*dom* can be manifested through weeping, in dreams, or in the face of an unexpected delivery; the important thing is that it was transmitted through a divine or supernatural entity” (2007:160, our translation).

The ethnographic cases that we observed combine the initiation and learning possibilities described by Barroso and Fleischer. According to their informants, the *dom* is conceded by *God*, making it a divine gift that, as a general rule, reveals itself during critical events (Das 1995).<sup>7</sup> The three women discussed in more

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<sup>7</sup> The women's narratives about the learning process and initiation into midwifery also dialogue with Turner's observations concerning rituals of affliction, where the knowledge acquired through misfortune or dreams is central to the self-modulation of individuals as experts (Turner 1968).

detail in this article also share this understanding: their *dom* is a real work of *God*, a divine entity without whom they could never become *real midwives*.

In her narrative on her first delivery, Dona Noca said that *God* had placed her in that situation so that she could become aware of her *dom* and pursue it. These women also count on divine intervention during their treatment sessions. Dona Rena, for example, said that she always knew how to diagnose and touch the patient's belly because *God* was guiding her during these moments. From a similar perspective, Dona Silva frequently said that all her deliveries and treatments were successful because she relied on *God's* presence during the most critical moments. She also affirmed that the courage and knowledge that allowed her to handle adverse situations were a sign of the *dom* given to her by *God*.

## **Dom and debt**

Albeit indirectly, most of the studies on traditional midwives in this region explore the models of social relations established between midwives – women described as having a *dom* – and patients and their families. Yet despite this fact, a good part of these studies – and this is especially true in the case of those focusing on midwives from Amapá – failed to systematically analyse in detail the presence of the principles of giving and reciprocity that govern these relations. However, without paying proper attention to this discussion – one central to Anthropology since Malinowski (1978) and Mauss (2003a) – it is impossible for us to fully understand the conception that midwives themselves have of their craft and of the social relations established between these women and those who seek their help.

Mauss was the first to provide an in-depth explanation of the phenomenon encompassed by the acts of giving, receiving and returning. His interest in the theme was famously explored in his work *The Gift* (2003a), first published in 1925. In this study, Mauss continued on from Durkheim's work and established a new landmark in French sociology, renewing the theory of social cohesion and founding the conceptual discussion of alliance and the nature of the symbolic (Caillé 1998). At the same time, the author moved away from philosophy and created a comparative methodology that allowed him to analyse different ethnographies in order to understand the exchange system in primitive societies (Lanna 2000). Mauss was particularly interested in a pattern recurrent in different kinds of relations between social groups: apparently voluntary exchanges were governed, in reality, by an obligation, imposed on the recipient, through which the latter was compelled to reciprocate the thing given.<sup>8</sup>

The great question in Mauss's essay is determining on which basis different groups establish and perpetuate social relations, whether or not these are steeped in antagonism. Mauss observes that not just the recipient is obligated to retribute, since the given thing itself will also return to the donor and to the soil from where it came. This is because, the author argues, the object exchanged has a spirit of its own that carries part of the original owner's essence. Whether the object of the trade is rites, wives, food or anything else, the fact remains that what is being exchanged is the spiritual matter of the given thing, which is thus responsible for the acts of giving, receiving and returning (Mauss 2003a: 202).

Thereafter, as Dumont points out (1971), alliance – outlined by Mauss in a non-systematic manner – becomes a central question in French anthropology. It is on the notions of alliance and the gift that Lévi-Strauss founds *The Elementary Structures of Kinship* (1982). Lévi-Strauss credits Mauss with the effort to transcend empirical observation. He argues, however, that Mauss, by considering the *hau* the ultimate reason for exchange, failed to move beyond the native categories for “the spirit of the gift” and thus

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<sup>8</sup> Writing about the simultaneously obligatory and voluntary character of the gift, Bourdieu (1996) argues that this inherent paradox is hidden by the hiatus between the acts of giving and returning. On this point, Douglas (1976) also observes that the perception of the voluntary character of the gift is a deceit, since its cycle bonds people in permanent commitments.

reach the universal concepts of the subconscious mental structures. According to Lévi-Strauss (1982), the obligations of giving, receiving and returning express just one relevant obligation: exchange. The original catalyst for exchange was, he proposes, the incest prohibition, which consequently prompted the formation of alliances. In this context, marriage provides a favourable occasion for establishing generalized cycles of exchanges, by means of which different social groups create social bonds and forge alliances wherein social life is itself the expression of the movement of perpetual exchanges.

Godelier observes that Lévi-Strauss's interpretation thus shifts the ultimate reason for exchanges from the "spirit of the gift" to the "big-bang of the appearance of language and the symbolic origin of human society" (1996: 36, our translation). For Godelier, what motivates exchanges is the wish to produce and perpetuate the social relations associated with "solidarity and dependence" (1996:124). Hence the mechanism that reproduces exchanges is found not in subconscious mental structures, but in the social structures that allow the creation of bonds between individuals and groups.

One way or another, throughout the decades, reciprocity has been a central theme in the discussion surrounding the preservation of the stability of relations between groups, as we can see in the works of Sahlins (1975), Godbout (2002), Caillé (1998, 2002), Godelier (1996), Strathern (2006), Gregory (1980), Weiner (1976), besides the aforementioned Lévi-Strauss (2003). The quest for bonds is thus the principle that governs social relations based on the gift. On this point, Gregory (1980) argues that, in a gift economy, exchanges are responsible for organizing social relations and the desire to perpetuate them is associated with the pursuit of expanding these relations. The circulation of things is connected, therefore, to the desire to create a relationship between the parties involved in the exchange. Even in anthropological works like those of Strathern that highlight the reified nature of the inequalities underlying this system, the gift signifies the production of social relations.

In the academic literature on traditional midwives in Brazil, Fleischer provides an in-depth and thought-provoking analysis of the role of reciprocity as one of the organizing principles of the social dynamic associated with the relationship between these women and the local community in which they work, seeking to overcome the dichotomies that oppose financial contracts and gifts through what she classifies as the "new terms of reciprocity" (2007: 157, our translation). The discussion raised by Fleischer stems from her ethnographic experience with the traditional midwives of Melgaço, who entered into 'contracts,' establishing financial agreements for the type of service offered to the patients. Contrary to what had used to happen, more and more midwives started demanding monetary payment in exchange for their services. Nonetheless, this did not imply a decline or suppression of the model of social relations based on the desire to constitute, maintain and cherish social bonds. Taking this into account, Fleischer elaborates two critiques of those studies of midwives that oppose market and gift. The first concerns the understanding that since the midwives' craft is practiced within the realm of the sacred, the incorporation of monetary retribution represents a stain on their work (2007: 155). The second relates to one of the consequences of the latter. She argues that by conceiving market and gift as incompatible, these studies tend to interpret the increasing presence of financial agreements as an unequivocal sign of the distortion of "authentic midwifing" (2007: 156) and as a risk to the continuity of the model of sociability which these researchers consider ideal. Taking an opposite stance, Fleischer contests the idea that the "terms of reciprocity changed in Melgaço, but reciprocity remains the founding epicentre of the relations between midwives and their patients, even if money and material survival are also crucial" (2007: 201, our translation). According to the author, therefore, financial agreements constitute an additional possibility for retribution, regardless of which families still worked to maintain social bonds with the midwives. On the contrary: due precisely to this monetary aspect, they strived even harder to honour these agreements.

In Santana, most of the midwives stated that they did not charge for the services they offered. Many of them said they made no charge for the *pullings* and deliveries because they already received the *midwife allowance*, an Amapá State initiative that provides a monthly payment of R\$ 150<sup>9</sup> to the midwives registered on its training programs. Nonetheless, the existence of the social benefit did not prevent them from receiving counter-gifts in the form of goods and services, which were a demonstration of gratitude from the family of the patients. And sometimes, when the patients insisted, they received between R\$ 2 and R\$ 5 for the *pullings*.

Among the three women discussed in this article, only Dona Rena charged for her sessions. She said that she did so because all the material used in the *pullings* and other procedures were acquired with her own money. Furthermore, she believed that the care that she provided was special compare to the other midwives because of her skill: *everything that I use to make the remedies and the pullings... It is me who has to buy everything, so I can't do it for free. And no one does half of what I do, so I have to charge*. This is why, she says, she normally charges R\$ 50 for each session. However, she emphasizes that she does not refuse to assist those who lack the means to pay, sometimes charging less or even nothing at all, depending on their financial situation. The argument made by Dona Rena that she does not necessarily make her services dependent on monetary payment is particularly interesting in light of the previous discussion. Considering that her *dom* is a gift from *God*, she cannot refuse to assist someone in need. This is, in fact, her compensation for the gift received.

As Fleischer (2007) observed in a different ethnographic context, the relationship between patients and midwives in Santana is also intertwined with the desire and effort to establish and maintain bonds, and with the giving-receiving-returning system, canonized in the anthropological debate on reciprocity and gift. Nonetheless, our ethnographic case has a peculiar feature compared to the situation described by Fleischer. Among the midwives of Santana we can observe the existence of two dimensions to the reciprocal obligations associated with their craft. The first is found between human beings and involves the creation of social bonds in the sense developed by the anthropologists cited earlier. The other – and, in this native context, more fundamental dimension – regards the reciprocal exchanges between the midwives and *God*. This means that the obligations related to reciprocity – the non-compulsory debts intertwined with giving, receiving and returning – are not limited to the midwives' relationship with patients and their families. Rather, the most significant relations of obligation associated with possessing a *dom* for the craft are established between the divine entity and human beings.

To have the *dom* bestowed by *God* implies taking on certain obligations in return. Mauss (2003a: 206) argues that the gods and the spirits of the dead were the first entities with whom humans established an agreement. According to him, this modality of relationship itself contains an ambiguity, representing a potential source of power and danger for the human side of the equation. At the same time that human beings with a divine *dom* – a divine gift – become earthly representatives of the message of the gods, or persons with the capacity to intermediate between the transcendental entity and other humans (who may elevate them to a position of social prestige),<sup>10</sup> they acquire a debt that can never be repaid, leaving them in a state of perpetual obligation.

We can observe a parallel between Mauss's arguments and the worldviews of the midwives. They have prestige in the areas where they work, seen by others and themselves as representatives and/or instruments of *God*. The three main characters discussed in this article portrayed themselves similarly. They sometimes said that *God* and other divine entities, such as the *Virgin Mary*, not only granted them this *dom*, they also

9 Brazilian reais.

10 Along the same lines, Godelier (1996:42) argues that those who receive gifts from gods “elevate themselves above the other men and women and are almost like gods, or, at least, they approach themselves to them” (our translation).

intervened during their sessions. The claim that they had never been taught, frequent among these women, likewise served to highlight their privileged relationship with *God*. Dona Silva, for example, said: *God taught me. It was Jesus who taught me how to perform deliveries*. The people who sought them also shared this idea. In their view, these women were *blessed* with the most noble of abilities, the capacity to *bring life to this world*. That is why they were special.

It is vital to remember, however, that the *dom* is not an attribute of those possessing it. *God* is its true owner. He has granted it to these women so they can assist people in need as a retribution for the gift received. Hence, the *dom* – and the social prestige that it entails – has a cost and requires compensation. The latter is materialized through the assistance given to women and to other people who ask them for help in the areas where they live and work.

What we wish to highlight is that, in cosmological terms, the most valued partner for the midwives is *God*, not the patients and their families. This implies that the exercising the *dom* is associated with a feeling of debt and obligation towards *God*. It is with the latter entity that they strive to perpetuate a bond. Although the return for this divine gift is materialized through the care that they provide to those who need them, from the point of view of our informants, this craft represents a retribution to *God* and expresses their gratitude and the desire to maintain this particularly special relationship. In other words, the counter-gift is effected through patient care, but as an obligation towards *God*. The patients thus become the intermediaries in the relationship between *God* and the midwives. This is why these women said that, ultimately, they were answerable to this entity, who determined when they should exercise their *dom* and who would judge them at the end of their lives. Dona Silva, for example, frequently said that she only answered to *God*. It was he who had granted her the *dom* and, in return, she worked to fulfil her *mission*.

The idea that only *God* can determine even when they can provide patient care also reveals the perception of debt associated with the *dom*. Dona Silva, for instance, said that she thought about stopping many times and even made some attempts to do so. The last time this happened was when she fell sick. Feeling unable to practice her daily activities, she had a conversation with *God*. But shortly after asking *God* for permission to stop performing the work, she said, he revealed to her that it was not the right time. So she carried on with her *mission*.

The expression *mission* is widely used by these women. It is through this concept that they make explicit the idea that they must exercise their *dom* and cannot refuse to assist those in need. Dona Noca explained that she needed to fulfil her *mission*, not refusing patient care, even after she had slowed down her activities as a midwife considerably, remembering that *God* had granted her this *dom* for her to practice throughout her life. Once again, it is Mauss who provides the clues to understanding the behaviour of these women in response to the received *dom*. Examining the exchanges between supernatural beings and humans, Mauss argued that, in this modality of relationship, the gods always offer great gifts in return for small retributions (2003a: 208). Since the exchange is unequal, the humans invariably remain in a state of perpetual debt. Mauss's interpretation is very similar to what we observed among these women. In their view, only *God* can determine when they have repaid their debts and, for this reason, regardless of a number of complicating factors, they never refused help in emergency situations, even when they felt impaired. Receiving the *dom* thus established a kind of counter-sacrifice involving the need to be available, indeterminately, to assist people in need. After all, no one wants to assume the risk of breaking the relationship with *God*.

In this context, the reactions to cases of abortion are interesting. As one might expect, this an issue intertwined with numerous legal and moral constraints.<sup>11</sup> Despite the taboo surrounding the topic, it was

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<sup>11</sup> In Brazil, inducing abortion is a crime (Brazilian Penal Code, articles 124 to 128).

a recurrent theme of discussion during the fieldwork. From the very beginning of our relationship, when questioned about her services, Dona Rena responded, in a clear reference to attempted abortions: *people come to my house all the time, a lot of women who are bleeding come looking for me and don't even want to tell me their name because they are afraid I'll take them to the police station.* Although this theme appeared frequently, Dona Rena made it clear that she refused to provide the means for women to terminate their pregnancy through the use of home medicines or other procedures. In her words, *God gave me this gift so I could save lives, not so I could take them away.* Her mission was to help keep her patients and their babies healthy. Nonetheless, precisely because it was her mission to save lives, were she to judge that saving the foetus was impossible after an attempted miscarriage, she would not leave the haemorrhaging women to fend for herself: she would administer a herbal tea to help expel the foetus and stop the bleeding. Not, though, without telling the patient off later: *I really scolded them afterwards! I'd tell them how the child would have been beautiful.* Dona Noca had a similar attitude. She said that she refused to help women wishing to terminate their pregnancy because this was a crime in the eyes of God. But when someone who had attempted an abortion came to her for assistance, she would give them a tea to stop the bleeding. Although she knew some formulas that *expel the foetus*, she did not administer them, requiring the woman to go to hospital instead. For her, this amounted to a form of punishment: *she (the woman) should feel pain, so she doesn't do a mean thing like this again, taking the life of an innocent child.*

An ambiguity hovers over the issue of abortion. Since the midwives possess a *dom* granted by God – to which the counter-gift is the care offered to people who seek their help, the majority pregnant women – they assert that they are opposed to abortion and precluded from performing procedures of this nature. This would represent a misuse of the *dom*, which would provoke God's disapproval. At the same time, though, these women feel uncomfortable declining to help those women experiencing complications from an abortion procedure. This is why, despite frowning on this practice and reproaching the women concerned, the traditional midwives consider that they have the duty to help them. Not to do so would also represent a risk to the preservation of their special relationship with the divine entity.

## Final Considerations

Many researchers have observed the associations established by the traditional midwives of the Amazonian region between their skills in performing this craft and the *dom* granted by supernatural entities, in particular God (Chamilco 2001; Bessa 1999; Barroso 2001; Pinto 2010; Fleischer 2007). As we demonstrated, this is also the perception among the midwives of Santana. As we have seen, Fleischer explores the interpretative possibilities stemming from the idea of *dom*, highlighting its exercising through patient care and the relations of reciprocity established between midwives and patients, while criticizing studies like those of Chamilco (2001), Bessa (1999) and Barroso (2001) that oppose the gift model and those based on monetary agreements.

Specifically concerning the traditional midwives of Amapá state, two of the main studies carried out in the region, by Chamilco and Barroso, fail to analyse in more depth the principles of reciprocity and gifts in this universe or explore the analytical potential of the notions of *dom* and *mission*. As observed in other works like Bessa's (1999), these researchers concentrated more on characterizing the work of the midwives as expressions of human solidarity, altruism and goodness.

With respect to the relations between humans – in this case, those between midwives and patients and their families – we observed a very similar pattern to that identified by Fleischer in Melgaço. Nonetheless, there is an important difference. In the ethnographic context analysed by us, from the perspective of the women, the relations of obligation, gift and counter-gift between them and God occupied a central place.

This observation further accentuated the dissonance between this study and those of Barroso and Chamilco. Without undermining the importance of the work of these researchers, our study highlights what we consider to be the shortcomings of their interpretations. Barroso, for example, analysing the findings of her fieldwork, seems to have made the mistake of incorporating the native discourse without properly discussing it. For this reason, she assumes that the native perception of the *dom* received from God effectively cancelled out the feeling or understanding, shared by the traditional midwives, that they are obliged to exercise it. This misconception is an interpretative error. Anthropological and sociological bibliography have demonstrated at length that a vocation or *dom* are not opposed to the idea of obligation. The notion of *mission* itself, which the researcher mistakenly uses to deduce that the midwives feel no obligation to perform the craft, is nothing less than the expression of the debt acquired in face of the received *dom*. Taking into account the description portrayed here, we hope to have made it clear that, according to the local conception, the exercise of the *dom* is understood as the adequate means to repay the divine gift, a form of obligation assumed towards *God* throughout life, a recompense that guarantees the continuity of a privileged relationship with this entity and high social prestige in the region where they live and work.

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# Police and gendered labor performances: hypermasculinity and policing as a masculine function

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## **Abstract**

This article argues that despite the institutional effort made by Rio de Janeiro's Military Police (PMERJ) to transform its public image by promoting the work of female officers, workplace relationships based on traditional understandings of gender roles continue to hinder women's potential to thrive as police officers. Evidence for this claim is drawn from the existing literature, as referenced in the article, and a one-year ethnographic study conducted in 2014-2015 accompanying a Pacifying Police Unit (UPP), which we refer to by the pseudonym 'Morro Santo.'

**Keywords:** Hypermasculinity; Policing; Gender Relations; Workplace Relations.

# Performances de gênero no trabalho policial: hipermasculinidade e policiamento como função masculina

## **Resumo**

Este artigo tem como objetivo mostrar evidências de que apesar dos esforços institucionais da Polícia Militar do Rio de Janeiro (PMERJ) para transformar sua imagem pública através da divulgação do trabalho de policiais femininas, relações profissionais baseadas em entendimentos tradicionais das funções de gênero impedem que mulheres alcancem todo seu potencial profissional como policiais. As evidências utilizadas baseiam-se na literatura citada e em uma imersão etnográfica de um ano em 2014-2015, em uma Unidade de Polícia Pacificadora (UPP), a qual nos referimos pelo pseudônimo 'Morro Santo'.

**Palavras-chave:** Hipermasculinidade; Policiamento; Relações de Gênero; Relações Profissionais.

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## Introduction

Based on a collaborative effort that draws from previous studies by Zaluar (1985, 1994, 2004 and 2016) and from ethnographic fieldwork (conducted during the years of 2014-2015 with a 'Pacifying Police Unit' or UPP in Rio de Janeiro, Brazil), this article explores some of the challenges to the success of 'community' or 'proximity' policing initiatives posed by gender relations and their unequal power-distribution outcomes.

The ethnographic component of this article does not dismiss other studies. Rather than assuming an authoritative position, it seeks to inform the arguments of other authors with rich evidence collected from the case study in question. We present our findings based mainly on our fieldwork experience, considering the vast existing literature on policing and violence in Rio de Janeiro, but without taking any of these sources to be the 'absolute truth' concerning the polemical public security debate. Recognizing that authoritative arguments did not prove successful even for Franz Boas, Malinowski or Radcliffe-Brown, anthropology's founding fathers, and neither have master ethnographies that became the 'truth of the field,' we present both past and current findings, conscious of the limitations of the case-study method (Crapanzano 1992: 6-9; Clifford 1988: 21-54; Fox 1991: 5-8), yet respectful of 'our' natives' own points of view. Ethnographic data and theoretical concepts are always open to discussion; hence there is no such thing as 'the truthful ethnography' or the 'correct theoretical concept.' Definitions of concepts and their connotations are perpetually under debate. Sometimes problems arise from the use of a new term to signify a meaning already expressed by a different signifier; or, alternatively, conflicts about the meaning of a single word are set off, developing a conflictive yet bare semantic field.

In this article, our main referent for interpreting police action will be 'ethos' or logic in action (Paixão 1982), not to be confused with bureaucratic institutional norms, or rules tied to a specific policy with regards to the recommended attitudes of police officers when patrolling the streets. Moreover, we find it more appropriate to speak of 'cross-cutting moralities' (Muniz & Albernaz 2015) when it comes to the police, since the moral or practical claims (Boltanski 2011) adopted by officers themselves in the course of their daily activities are highly diverse.

In Brazil, we can identify two main approaches to security policies, which operate as opposites within the mixed array of policies implemented on the ground. One is based on an earlier scholarly diagnosis of a definite and single form of state, and a policing model pursuing an outdated opposition to citizenship rights. The other is more concerned with the Brazilian heterogeneous state formation and internally differentiated institutions, social classes and civil associations. Favelas, for instance, vary greatly in terms of their size, geographic location, and surrounding areas; the socioeconomic characteristics of their residents; their associations; and their economic, cultural and political ties with the city. Within each favela too there is considerable social diversity with variations in terms of gender, age, religion, income, education, occupations and even residents' origins, with most favelas now largely composed by migrants from other Brazilian states, especially from impoverished Northeastern region. In other words, their economic potentialities differ substantially when it comes to offering assistance to the poor and vulnerable

youths living in these areas, and to consolidating public services and projects important to the overall well-being of residents. The UPP<sup>1</sup> project should be analyzed from this latter perspective, taking into account not only surveys and official statistics on criminality but also the ideas and emotions that favela dwellers have developed over the course of the application of this new security policy – initiated in 2008 in one favela and extended to 38 favelas by 2014.

For our present discussion of masculinity, we have turned to empirical data collected during twelve months of immersion in the field, not just a few punctual interviews. At an international level over the past decades, numerous scholars have discussed women's presence in police organizations and the challenges they face (Balkin 1988; Martin & Jurik 1996; Prokos & Padavic 2002, Garcia 2003, Prenzler 2015, among others). In Brazil, more recently, with a rising number of women joining police forces, attention has turned to their experiences and potential to transform policing practices. Calazans (2004), for instance, has reflected on the 'cultural transformation' of women in the military police of Rio Grande do Sul, while Cappelle and Melo (2010), based on interviews with women in the military police of Minas Gerais, have assessed everyday manifestations of existing power relations stemming from gender differences. Moreover, Soares & Musumeci's (2005) extensive national survey canvassed data on the general profile of female officers. The authors' findings point to the increasing number of women in the military police forces around the country, their higher educational background compared to their male counterparts, and their frequent assignment to administrative functions.

Although the idea of an enduring habitus or masculinity ethos prevalent in police forces has yet to be thoroughly studied in Brazil, other important issues related to militaristic and 'warrior' dispositions have been addressed in studies focusing on police discourse (Sirimarco 2013), or police action in favelas as a violent form of governability aimed at simply exterminating favela-dwellers or *favelados* (Farias 2014). The aforementioned studies, however, given their date, objective and scope, do not capture nuances and contradictions of more recent institutional efforts to increase the presence of female officers in the military police, particularly in Rio de Janeiro. Such active endeavors have been particularly evident in the UPP program. Understood as an innovative attempt to replace the previous security policy, based on violent police incursions into favelas, in favor of a policy that would promote the permanent presence of police forces within favelas, operating under the precepts of community policing, this program has generated intense political, ideological and theoretical debate.

Idealizers of the UPP program have invested heavily in advertising its female faces in virtually all officially published materials (the program's website, books, promotional calendars, posters and videos).<sup>2</sup> However, as we will substantiate with field evidence, while the UPP initiative hoped to change the 'front-stage' presentation of police work, overemphasizing female officers' presence, police ethos and practical actions remain impregnated with the hypermasculine logic of violence, revanchism, and gender inequality. In this context, we use the first part of the article to briefly describe the context in which the UPP program was implemented.

Subsequently, we examine gender interactions within one particular police unit – our case study, fictitiously called Morro Santo to preserve the anonymity of participants. Our discussion in this article finds theoretical grounding in Zaluar' (2004) discussion of violence and hypermasculinity, and Butler's (1993) notion of 'gender performance.' Using ideas developed by both authors, we examine how masculinity,

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1 Reference to the Portuguese acronym for 'Unidade de Polícia Pacificadora,' or 'Police Pacification Unit.' Since 'Pacification Program' became widely known as simply 'UPP,' we shall use this abbreviation hereafter.

2 See: [www.upprj.com](http://www.upprj.com) (official website). Referenced materials include official pictures, posters and calendars produced during the years of 2013, 2014 and 2015. In the 2014 official calendar, the effort to focus on female officers is particularly evident: each month of the year is accompanied by a photo of a UPP building or UPP police officers interacting with residents. Not a single male officer can be seen in any of the twelve pictures.

or better still ‘hegemonic masculinity’<sup>3</sup> (Connell 1995) poses additional challenges to the UPP initiative by hindering both police-community interactions and successful workplace relations.

Since earlier studies have not focused on the manhood ethos, that is, aspects that we consider important for any thorough interpretation of the problems faced by the realization of the UPP project – we have chosen to employ our own research data, collected over the course of long-term studies (cited below) rather than merely a few interviews. Although one could argue that masculinity and traditional understandings of gender roles operate in the military police simply by emulating norms that exist beyond the organizational culture of the police – that is, norms that are deeply embedded in the wider social fabric – we believe that police organizations are not merely a microcosm of society at large. Police organizations have their own distinctive features when it comes to selecting and reproducing certain social practices. Nevertheless, we take organizational cultures, or sets of practices, to be processual, historical and relational systems, not crystalized structures or closed systems that do not allow for conflicts, diversities or changes. On the contrary, similarly to what other studies have shown (Muniz & Albernaz 2015; Sinhoretto 2014), we emphasize that conflicts, debates, processes and backlashes mark virtually all attempts to alter public policies.

Based on our ethnographic data and personal experiences in favelas, we posit that the limited outcomes and backlashes of the UPP initiative are best understood when the police’s masculine ‘warrior ethos’ is taken into account. This police-focused perspective however, should not underestimate the crucial role played in the process by thirty years of drug traffickers’ turf war in numerous favelas of Rio de Janeiro (Zaluar 2010). Undoubtedly, the UPP program’s failures and backlashes also stem from the difficulties in dismantling long-established drug organizations and their ever-changing leaders and participants. Moreover, the program’s very design has its limitations, both in theory and practice. Our focus on gender relations and masculinity is intended to complement rather than replace other recent analyses of Rio de Janeiro’s pacification program and its multiple challenges, as discussed by Zaluar (2016), Cardoso (2016), Teixeira (2017), and Muniz & Mello (2015), among others.

Our analysis and interpretations draw from Elias’s (1990) ideas concerning the formation and changes to the masculine ethos and what he called the ‘first’ and ‘second natures’, later followed by Wouters (2011) who identified a ‘third nature’. In Elias’s formulation, habitus or ethos refers to subjective formations constituted through the long-term sedimentation of everyday habits, such as personal hygiene, how to eat properly, sit, walk, compete or address others. In short, labels and codes of what are considered ‘good manners’ at a certain place, in a certain time. In this sense, Elias called the lack of control of basic emotions ‘the first nature’, constitutive of the ‘warrior ethos’, referring to the masculine violence and power that other sociologists have called ‘hypermasculinity’ (Connell 1995). After being socially established through a ‘civilizing process’, the subjective formation of these individuals gives rise to their ‘second nature’, which is not only socially constructed, but also capable of controlling the ‘first nature’. Despite its social construction, this ‘second nature’ does not preclude individual differences and eventual regressions. According to Wouters (2004), the third nature is a form of self-control that allows for dialogue between repressed emotions and social etiquette, requiring suppleness, a combination of firmness and flexibility, candor and tact. This ‘third-nature’, a conversion of both social and psychic processes, involves mastery over impulses and the ability to control emotions in public, negotiating with other agents what is acceptable in each situation lived. For Wouters, this evolved from the ‘second-nature’, that is, an almost automatic, conscience-dominated mode of formalizing manners and disciplining the body, maintaining control of ‘dangerous’ emotions and impulses (including violence and sexual desires). In this sense,

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<sup>3</sup> By describing a patriarchal understanding of masculinity as ‘hegemonic masculinity’, we recognize that alternative masculinities exist and have been increasingly able to thrive and gain acceptance in the social and political forum.

the 'third-nature' represents an 'emancipation of emotions', the acceptance of feelings, the expansion of mutual-identification and increasing informalization. The persisting 'warrior ethos' among policemen can be considered a disposition that contradicts contemporary forms of 'civilized interactions'.

Thus, although the meaning of 'being a man' seems to be undergoing dramatic change in the contemporary western world, these transformations within police institutions seem to unfold at a slower pace, aggravating community-police conflicts and contributing to the multiple dysfunctions of the UPP program. Following Wouter's discussion of a 'third nature' and an overview of the UPP program and its pressing challenges, as mentioned above, we shall discuss five aspects of gender relations within a military police unit: i) the history of violence and male warrior ethos; ii) physical strength (street work versus office work); iii) courtship and romantic workplace relationships, iv) sexual prowess. These five topics will illustrate how traditional forms of understanding and 'performing masculinity' contribute to the UPP program's failures and backlashes, feeding into violent 'masculine' forms of ostensive policing, while generating behavioral patterns that undervalue and disempower women in general, and female officers in particular.

### **Traffickers, Pacifying Police Units and Hypermasculinity**

When the UPP program was launched, a three-decade history of violent criminal activities and turf wars had already been established inside favelas targeted for 'pacification.' Since the 1980s, drug trafficking had created war-like conditions in numerous Brazilian municipalities, irrespective of regional differences between cities and districts. In Rio de Janeiro, although not completely coordinated by a mafia-like hierarchy, the drug trade established an efficient horizontal organization. These 'commandos,' as the drug-trafficking gangs are known, built geographically and hierarchically defined set-ups, which included central points of coordination (mostly inside prisons), widespread points of sale, and extensive networks based on horizontal reciprocity, despite their fragile relationships of trust and loyalty. Unlike the Italian-American or *Cosa Nostra* mafias,<sup>4</sup> these drug-trafficking organizations never had the stable ties of loyalty that exist among people related by ritual kinship or blood, conducting more 'controllable' illegal businesses that do not include drug trafficking (Zaluar 2010: 17).

Gang warfare began in the early 1980s in the favelas of Rio de Janeiro, sometimes involving three or four traffickers' factions disputing control over territories (Zaluar 1994). This state of affairs grew systemic as it also began to involve extensive and intricate networks of arms and drugs suppliers, rarely investigated or properly contained by the Brazilian justice system. One of the main negative effects of the local 'War on Drugs' policy was that it engaged the police mostly against the retail trade run by poorer and lower-class dealers, but seldom against wholesale traders, usually from upper social strata.<sup>5</sup>

Firearms possession, a feature of drug dealers since the implementation of the 'War on Drugs' at the end of the 1970s, is a corollary of the long-established 'war logic' initiated by robbers and thieves who discovered that drug dealing could be a much more lucrative business as routes of cocaine distribution to Europe and other continents began to open up across the Brazilian territory. In the country's capital cities, the high prices of cocaine made it a more valuable commodity than gold. Soon after, an arms race between dealers' gangs was used as a strategy to try to maintain rival gangs distant from their drug outlets. This arms race and the escalating violence also changed the informal rules of conviviality among neighbors inside

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4 Moreover, it is noticeable that drug trafficking can disrupt even stable organizations like *Cosa Nostra*, the reason for banning it as acceptable business, and maintaining *Camorra* as the most violent mafia-like corporation in Italy.

5 After a search for books and articles on judicial processes related to illegal drugs possession or trafficking, we could only find one article (Zaluar & Ribeiro 1995), one thesis (Nascimento 2000) and one book (Costa Ribeiro 1995), which presented some data on racial discrimination concerning drug related crimes, albeit concluding that a private lawyer instead of an always overworked public defense lawyer had a greater impact on judicial decisions.

favelas, gradually establishing a set of unwritten rules beneficial to gang members and later on to faction's members, although objectionable to most workers who had been living in these communities since their inception, marking a clear divide between unarmed workers and armed criminals (Zaluar 1985; Cardoso 2016). Nevertheless, police officers who dealt with favela dwellers did not always acknowledge this division and mistrusted local residents, perceiving them as possible or potential criminals.

Meanwhile, the widespread circulation of guns fostered an ethos of 'hypermasculinity' or 'warrior ethos' that led men to armed confrontations as a way of addressing different kinds of conflicts, which significantly increased violent death rates (Elias & Dunning 1993; Zaluar 2004). On one hand, guns became a normalized way of guaranteeing the traffickers' rule over a certain territory, settling debts, avenging crimes against locals, avoiding competition and threatening possible witnesses. High concentrations of 'powerful' armed traffickers in favelas created violent aspirational models for residents, particularly male youths. On the other hand, for the police, guns also became a day-to-day instrument for keeping traffickers geographically contained, and for arresting or killing them during armed confrontations. This violent reality has also promoted the 'warrior ethos' of police officers trained to suppress the illegal drug market. Thus, the destructive social configuration labelled the 'warrior ethos' or 'hypermasculinity' became a common trait of both armed drug dealers, transformed into 'traffic soldiers' (Zaluar 2000), and military policemen, turned into 'police warriors.'

### **New Program, Continuing Practices**

Police territorial occupation of favelas as part of the UPP program spurred a change in operational style among drug dealers: if they could previously run their business and display firearms freely, now they were forced to hide their guns and sell drugs as discretely as possible, especially in the favelas once considered bastions of the traffickers' factions, where they now had less scope for action but continuous disposition to confront the police. Such a change in style had other important symbolic and political consequences, since it struck at their 'hypermasculinity', formerly displayed with automatic weapons, jewelry, fancy cars, clothes, and other objects of conspicuous consumption as a way of affirming their power over favela residents (Zaluar 1994).

After the installation of UPP units, funk balls – a youth cultural activity in favelas, mostly financed by traffickers (who sell large quantities of drugs during these events) – were restricted in an effort to curb their noise levels, duration and neighborhood disturbance. The organization of such balls and other parties are now subject to permission from the local police commander. This created a new zone of conflicts between local youths and police officers in favelas dominated by the faction that were the target for the new policy. As far as drug dealers are concerned, conflicts with the police grew in scope, since they lost not only dominium over the favela territory, but also the profits from drug trafficking, and, perhaps worse, symbolic power over favela dwellers.

In the absence of heavily gun-dominated territories, favela residents could finally come and go freely, and visit friends or relatives inside 'enemy' favelas.<sup>6</sup> Accusations of duplicity or disloyalty towards the favela 'owner' no longer developed into trafficker 'courts' and punishments, as seen in the past. Vehicles, including those not previously allowed to enter the favela to deliver necessary goods or take ill residents to hospitals, could at last come in and out. Tourists could visit restaurants and pubs, travel on the chairlifts that link some favelas to the *asfalto* ('asphalt'),<sup>7</sup> and even stay at newly developed hostels or residences built to rent.

<sup>6</sup> In the past, local 'owners' of the drug trade would prohibit the entrance and circulation of residents from 'enemy' territories.

<sup>7</sup> The words 'hill' and 'asphalt' are commonly used in Rio de Janeiro in reference to favelas (since many of them are located on the city's hills), and the contrasting regular city, where there's 'asphalt'.

But all these positive outcomes were and remain constantly threatened by the dilemmas, challenges and double function of the UPP units inside favelas: establishing closer relations and protecting residents, while arresting drug dealers and drug users.

Without a doubt, conflicts and tensions between residents and police officers continued – albeit at differing levels of intensity, depending on how negotiations with the local UPP commander went, especially those involving youngsters and the funk balls.

One persistent problem is that, even after UPP units ‘occupied’ favela territories, some traffickers remained, most of them armed, and residents’ fears did not completely recede. Favela residents remain apprehensive that traffickers could regain control of the *morro* (‘hill’) and punish those who have collaborated with UPP officers. Furthermore, the program failed to establish a clear policy to address drug dealing, and on many occasions, local police engage in violent repression and corruption, including bribes for turning a blind eye to the illicit drug trade. In some favelas, where the trafficking faction had been particularly powerful and violent, skirmishes with the policemen increased after they were blamed for the death of a resident whose body was never found.<sup>8</sup>

Social movements and some media channels (created in the aftermath of this episode of police violence and malpractice) launched persuasive campaigns that put into question the legitimacy of the UPP program. It soon became clear that UPP officers, though almost all new recruits, were repeating the same behavior as the previous officers, reactive, acting out of fear, continuing to ‘hunt down criminals,’ chasing after local women or coercively conducting biased searches. As a result, neighbors begun to watch whenever policemen stopped and searched a young worker or a student to ensure that they would not be beaten, arrested or, worse, go missing (Zaluar 2016).

Moreover, some UPP officers, despite being trained in the precepts of community policing, still thought of controlling criminals and punishing offenses as their most important task. Residents can easily identify those officers who go beyond their expected conduct since they hoped that the new program would result in the prevention of violence in more personalized terms, with more communication and negotiation between the community and the police. Favela residents define community (or the parochial sphere, since they consider community to be founded on personal relationships) as an extension of private space, where locals and police officers could get to know each other and establish informal relationships. Another question is the meaning of ‘proximity’ when it comes to policing tactics: sometimes knowing locals by name, talking to them as equals and listening to their suggestions is as important as proclaiming the defense of civil rights and the public space. For residents, personal relationships should be established and informal rules clearly defined, so they know how to proceed with their daily routines and activities, especially those related to leisure and pleasure. On one hand, for police officers, crimes, and the need to affirm their authority, are the most pressing concerns. Again, an impersonal, hierarchical and more distant way of approaching community-police relations. For residents, on the other hand, UPP officers should have lower turnovers and invest in establishing lasting relationships with them (Zaluar 2016). Officers’ opinions concerning the UPP program are not homogenous, however, and vary from one officer to the next, reflecting their different ideas and practices:

*When we talk about police, I remember that the term comes from the Greek: ‘politia’ - in the company of the town, the police is to preserve the city. Preserve the physical integrity; preserve the assets of this city, of this community. When the*

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<sup>8</sup> In July 2013, Amarildo, a bricklayer living in the Rocinha favela, disappeared after being taken by UPP officers for questioning. After this occurrence, the name ‘Amarildo’ appeared daily in the Brazilian news. Protesters around the country held up signs saying *Cadê o Amarildo?* (Where is Amarildo?), a phrase that quickly became a rallying cry. The attention given to the ‘Amarildo case,’ as it became known by the press, brought the whole UPP endeavor into disrepute. Sources: *Folha de São Paulo* (2 August 2013); *O Globo* (2 October 2014; 1 February 2016).

*community is close to the police, and when it is integrated in order to solve its security problems; this is 'proximity or community policing' ... developing together the issues that will benefit the community.*

*What we want to do is different: everyone knows that they have to behave properly, carry motorcycle documents, use helmets, and maintain their vehicle up-to-date, driving license in the pocket. You can't do anything wrong. You can't have a very loud sound so as not to bother the neighbors, you cannot commit crimes, and you cannot assault a woman. Everyone knows all of this, and also knows that the policemen are present. If you do any irregularity they can arrest you.*

Police officers who think of policing as an activity to be undertaken in close liaison with residents, as a way of protecting citizens, are those who have developed a 'third nature', those that have better overcome the 'first nature', constituted by primal and explosive emotions, as well as the conventional and bureaucratic 'second nature'. This transition from traditionally designated role models to a more informal conduct might itself explain the increase in violence and crimes in favelas and poor urban peripheries, since the propensity to commit such acts is stronger among those living in settings of precarious social integration. Concentrated disadvantages and the geographic isolation of favela dwellers – that is, segregation as a neighborhood characteristic – leads to the concentration of various local social problems. Social and physical disorder, unwillingness to intervene personally and directly with young people, lack of trust between neighbors, lack of institutional resources such as schools, libraries, recreational centers, health centers or parent and youth agencies, along with the absence of employment opportunities, complete the complex context in which youths associate themselves with drug trafficking, and become 'soldiers' for drug chiefs.

If, in addition to weak social or cultural capital, which prevent someone from being despised or socially excluded, there is also lack of 'personality capital,' that is, the flexibility to balance appeals between emotion and morality, then they are more likely to resort to violence or criminal activities. The process of 'informalization' or social egalitarianism (Wouters 2011) also includes the ability to reflect on existing role models, such as the good neighbor or the good police officer.

In Brazil, social democracy and political democratization did not evolve at the same pace. The intransigence of social authoritarianism, or a rigid social hierarchy, especially the forms of despotic power that flourished during the military regime in the most deprived urban areas and in the Military Police, stymied the 'informalization' process. Consequently, it proved difficult to develop the habit of seeking dialogue with authority figures, including discussions of 'the rules of the game,' but also with the general population as a way to avoid grueling conflicts, particularly among the less educated and more subaltern layers of the population. This includes some police officers and favela dwellers, although not all of them.

### **'Hegemonic Masculinity' and the Presence of Women in the Police Force**

In this context, the 'hegemonic masculinity' observed in one particular police organization, discussed in more depth in the following sections, can be understood as a combination of traditional gender roles or 'hegemonic masculinity' as found in society at large (naturally, with variations according to geographic region, age group, social strata and educational level) with the 'warrior ethos', a disposition more specific to the male population accustomed to firearm use, violence and the imminent possibility of injury or death.

Excerpts from field notes illustrate how this combination influences gender relations within a UPP police unit, where 'hegemonic masculinity' steers female officers away from physical danger or violence, a place reserved for male officers and their 'warrior ethos'. The episode narrated below was sparked when a male teenager, for unknown reasons, punched an on-foot police officer in the face.

In the Morro Santo community, confrontations between residents and the police quickly escalate into serious crises. As in past episodes, witnessing bystanders started throwing random objects at officers – bottles, rocks, trash, or whatever was found within reach. Others whipped out their cellphones to film and photograph everything that could attest to police malpractice. With the police station so close, less than two hundred meters up the hill, cops were quick to come down and attend to the scene. Three or four held their guns up, pointing at the growing crowd of protesters while other two snatched cellphones away. Jerome, tired of wrestling with his attacker, slammed the boy to the ground by banging a rifle against his back, as soon as Soldier Neves managed to hold him still. Observing this, the crowd immediately advanced towards the police yelling and protesting.

The height of the confusion, as well as the dispersal when the police finally drove away, taking the young man and other people into custody, was watched by Soldier Perez and myself through the windows of the second floor of the station. When the commotion broke out, Perez, three male officers and myself were walking past Jerome and his partner as we headed back to the police base at the end of their shift. Following Jerome's yell, I heard unfalteringly orders to go 'straight and fast back to the base!', and before I could even react, Soldier Lucas was escorting us in that direction. Us, not just me. Soldier Perez, a woman too, but unlike myself a trained and armed police officer, was promptly ordered away from the turmoil by her male peers.<sup>9</sup>

Many narratives like this fill up the pages of notebooks used during fieldwork at the UPP police unit we refer to as 'Morro Santo', illustrating the pervasiveness of gender differentiation and the assertion of masculinity through the attribution of a lower status to women. As a group, women in the military police, whether troopers or officials, are simply referred to as *fem*, an informal reference to *policial feminina*.<sup>10</sup> Although derogatory at times, depending on its intonation and context, the word 'fem' is not exclusive to the vocabulary of male officers, but is frequently used by female officers themselves. The derogatory connotation of the term *fem* may be related to it also being a contraction of the Portuguese word *fêmea*, which equally designates the female sex but is more often used in reference to female animals, not women.

The 'fem' are seen as a special group within the organization, who may formally reach all upper ranks through seniority, but are rarely appointed to higher positions of command.<sup>11</sup> In its two hundred years of history, the military police of Rio de Janeiro, not unlike most military organizations, has never had a woman occupying its highest post of command – *chief of general staff*. When asked whether a woman had ever been part of the top police echelon, composed of three high ranking officials, a senior major responded with a playful yet revealing answer: 'No, fortunately we never had that problem.'

The UPP program, however, was purposefully designed to include a larger feminine population in the military police force. From its inception, policy makers from Rio de Janeiro's Public Security Department have widely advertised the congenial presence of female officers in pacified favelas, pictures of whom can be seen in virtually all the advertising material produced for the program. Women also dominate its public relations posts. Major Priscilla, for instance, whose friendly face can be regularly seen on television and newspapers, became an early icon of the UPP, speaking on its behalf.<sup>12</sup> Major Priscilla's well-recognized work during critical phases of the program made her popular among the police and civilians, and her achievements helped advertise the UPP's early success. Although the police public relations office bets heavily on the friendlier image portrayed by female officers, tirelessly having them attend public events and

9 From fieldnotes, September 2014.

10 Female police officer.

11 Military promotions may be based on merit but also occur automatically over time. Thus, women who remain long enough in the organization will eventually reach the highest position among troopers (sub-lieutenant) or officials (colonel).

12 Since Major Priscilla is not associated with our case studies and is a widely known figure, her identity has not been granted anonymity. The major's reputation resulted in her being an awardee of the U.S. State Department 'Outstanding Leadership and Courage' prize in 2012, when in blissful tears she posed next to Secretary Hillary Clinton for various media vehicles.

publishing images of them on foot patrol, participating in community events or harmoniously interacting with children and citizens, in reality the female presence in the organization is still very low. At present, only five of the thirty-eight UPP units are commanded by female officials, while a senior female official heads just one of the thirty-nine state battalions (which cover broader areas and deploy larger contingents of officers).<sup>13</sup>

In the state of Rio de Janeiro, women have been allowed to join the police since 1982, and unlike other Brazilian states, Rio does not cap the number of female recruits admitted to military police training. A non-gender-discriminatory ranking system, however, was not fully consolidated until 1993. According to official data, women represent about 4% of the total military police force in Rio de Janeiro, placing the state in fifth position among the country's twenty-seven federative units. Nevertheless, when we consider the UPP program in isolation, the presence of female officers rises to 14.3% of the total force.<sup>14</sup>

According to Prokos & Padavic (2002), the generally low presence of women in police organizations can be explained by the fact that male officers intentionally create a work environment unappealing to women, undertaking a kind of territorial defense of an originally masculine space. In this space, the authors claim, men seek to maintain what Connell (1987) popularized as 'hegemonic masculinity,' influential discourses and images that reinforce male power at the collective sociocultural level. Although these discourses and images may not be the norm, they are certainly normative.

Our empirical research shows that police officers display remarkable unity in defense of traditional understandings of masculinity. Police organizational culture sustains a tacit consent concerning the informally institutionalized practices that serve to disempower women and delegitimize alternative masculinities, consequently strengthening the dominant masculine discourse. Individual resistance to dominant discourses and practices is feeble and rare, making the hegemonic masculinity culture appear natural, self-evident, structural, and totalizing, despite its asymmetric power distribution outcomes.

### **Physical Strength: Street Work as Masculine Function versus Office Work as Female Role**

At the Morro Santo UPP, we could observe that both men and women consistently draw on stereotypical constructs of labor division, which label women as unsuited for functions that involve physical strength, threats to life, high responsibility and authority.

Only nine female troopers work at Morro Santo alongside a contingent of approximately eighty-seven men, including three male officials.<sup>15</sup> Five of these nine female troopers work in administration (together with seven men), in a four-days-per-week schedule, starting at 9 AM and ending at approximately 6 PM. Unlike the personnel engaged in patrol work on the streets, officers assigned to desk jobs are exempt from mandatory alternating night shifts.<sup>16</sup> Police administrative positions involve activities substantially different from patrolling and certainly lighter in terms of physical effort. Like most office workers, police administrator's file and process paperwork, answer emails, register data on spreadsheets, write memos, attend meetings, and answer non-emergency phone calls. Compared to street work, officers consider administrative duties '*mel na chupeta*'.<sup>17</sup> Thus, male officers generally believe it is only 'natural' that the '*fem*'

<sup>13</sup> As of September 2016.

<sup>14</sup> Numbers are from the *Coordenadoria de Polícia Pacificadora* (CPP) of Rio de Janeiro's Military Police (PMERJ), as of October 2016.

<sup>15</sup> The numbers presented here maintain the original proportions but have been slightly changed to help preserve the anonymity of the case study. Numbers reflect data as of September 2014.

<sup>16</sup> 'Approximately' because the end of the administrative work is indeterminate. Officers are only allowed to close the administrative office once the coordinating agency that supervises all units (CPP or *Coordenadoria de Polícia Pacificadora*) announces the end of their workday.

<sup>17</sup> Literally a 'honey-dipped pacifier' the expression is better translated as 'a piece of cake'.

should be most commonly assigned to these administrative positions. After all, for the men, the alleged weaker physical status of women is an indisputable truth.

Although Kimmel (1994: 129) stresses the importance of intra-gender competition and self-affirmation among males – ‘we test ourselves, perform heroic feats, take enormous risks, all because we want other men to grant us our manhood’ – field observations show that women’s presence serves as a foil against which men elevate themselves, counterpoising female ‘fragility’ to their male ‘might.’ For male officers, devaluing women is just as important as praising their own physical strength.

These are some of the remarks about the ‘fem’ made by policemen informally chatting while on duty:

Sd. Lucas: (...) *they can’t, it’s just not the same! Everyone knows this. That’s why during the training they have it so easy, even the instructors know it. Women can’t run fast enough to chase a ‘goose’<sup>18</sup> while carrying a rifle, for example. For their own safety, it’s better to have them at the base, doing whatever it is that they do up there.*

Sd. Perez: *Whatever, who cares. I don’t want to get a ‘suck’<sup>19</sup> during the day and get home dead tired. When I get home, I still have stuff to do. These big boys here have their women putting food on their plates. I still have to go home and cook for my husband.*

Sd. Tomazine: *It’s not good to have a ‘fem’ in your sector [patrol territory to which a duo or group is assigned]. You know? Especially in the GTPP [tactical unit that conducts non-stop, non-territorially delimited foot patrolling]. I prefer not to. Imagine if something happens, if I get shot... Do you think a woman would be able to carry me up on her shoulder?*

Maj. Thomás: *I wouldn’t take a ‘fem’ on a mission. What if something happens? I’d feel terrible.*

*-But doesn’t it feel terrible when something happens to a man? [I asked]*

Maj. Thomás: *No... I mean, yes. But with women it’s worse. I don’t want a ‘fem’ to get hurt under my command. Women need to be protected.*

Commander Cap. Nathan: *I don’t like to send my ‘fem’ out in the streets at night to patrol. They are not prepared. Plus, they do an excellent job at the administration; they are much more organized than men.*

The reason for having proportionally more females in the administrative offices was often explained by male officers through two contradictory arguments. Sometimes it was described as the result of a natural selection process, which had proven men to be more physically suited to the strenuous street work. On other occasions, male officers would suggest that women were favored precisely because of certain attributes of their gender. Male commanders, a soldier once explained, make sure to assemble a highly feminine administrative office in order to surround themselves with women, who would then, in his words, ‘return the favor’ in appreciation of having been assigned ‘away from hard work, dirty alleyways and the risks of potential confrontations.’

Female officers working in administration reject this view as ‘jealous and male chauvinist’ (*machista*), whereas policewomen doing street work would grant it some credibility: ‘those office girls are the commander’s baby dolls,’ a female soldier would repeatedly say. Whether or not this alleged motive exists among male commanders, it is unsurprising that they do not admit to it. Commanders, however,

<sup>18</sup> Goose (*ganso*) is police slang for a criminal.

<sup>19</sup> In Portuguese, a *suga*, police slang for an exhausting activity. Citing an example from field notes: ‘I couldn’t get any sleep, because we had to patrol that whole hill yesterday. Today we’re all sucked’ (tired, worn out).

do frequently and openly cite men's superior strength as a reason for placing women in administrative functions, an argument based on their subjective experience, transformed into common knowledge. This process of discursive naturalization of a social fact establishing women's physical ineptitude for police work serves to deflect male responsibility for actions that could otherwise be considered discriminatory.

At Morro Santo, yet another element could be observed in the heap of contradictions that characterize policemen's perception of female police work. Although female officers are perceived as less capable of succeeding in the 'action-filled' work of policing, and are therefore deemed better suited to jobs with organizational responsibilities, administrative tasks are at times described as an enviable prize, used to favor certain troopers over others.

At the police headquarters of Morro Santo UPP and various other Pacification units, officers assigned to administrative work rarely wear full uniforms, spending most of their day dressed in cargo pants and plain white t-shirts. This seemingly unimportant detail impacts their comfort level significantly. Police uniform in Rio de Janeiro is made of a thick dark fabric, which in addition to the weight of accessories (military boots, beret, badges, bullet proof vest, radio, gun and holster, extra ammunition, handcuffs, flashlight, baton, knives, Taser, water bottle, sometimes a rifle carried in a cross-body sling, and additional personal belongings) is a huge source of discomfort and fatigue, particularly when officers are climbing up and down the steep steps of favela alleyways.<sup>20</sup> This type of patrolling is already tiring by itself, and becomes far worse when accompanied by the frequent foul smell of uncollected garbage, poor ventilation between residences and the acutely hot summers of Rio de Janeiro with consecutive days of high humidity and temperatures over 110 °F. Air-conditioning and other advantages of administrative work, such as considerably lower exposure to risk, and conveniences such as bathrooms and kitchenette access, make the administrative offices an attractive place for many, especially those who find themselves disillusioned with their institutional mission, judging the risks of police work too high for its benefits.

Furthermore, administrative workers are closer to the commander, both physically and relationally. During the holiday season, many commanders organize some kind of 'Christmas gathering,' sponsored by the units whenever possible. At Morro Santo, the 2014 party had to be sponsored by the officers themselves due to the unit's tight budget. Their official resources were scarce, and the commander was already paying out of his own pocket for many office utilities and equipment. Even basic expenses for building maintenance had to be cut, and female officers were forced to bring their own toilet paper, soap and hand towels to restock their workplace bathroom.<sup>21</sup>

Since the unit was not sponsoring the Christmas gathering, costs could not have been the primary factor in the commander's decision to allow only administrative workers to be invited to the event – an eight-hour barbecue organized on a workday Friday. Female officers from the administration took the initiative to rent a space at a nearby country club, and shared the responsibility for preparing side dishes and desserts. All invitees chipped in and abundant quantities of grilled meat and cold beer were offered to administrative police officers and troopers' supervisors (sergeants), who spent the day eating, drinking, playing soccer and relaxing in the swimming pool. This event, unsurprisingly, caused resentment among uninvited troopers, particularly those off-duty that day and thus potentially available to join the party. Among the uninvited on-duty troopers, a duo conducting a car patrol made a short appearance after being called to bring in ice. The call was not made without a facetious but acute reassertion of hierarchical power, an important feature of the Military Police in Brazil that divides troopers and officials:

20 UPP police officers are encouraged to wear a distinct uniform with a lighter blue shirt of equally thick fabric. Some commanders allow the use of the traditional dark uniform, while others enforce use of the lighter blue shirt.

21 Male restrooms were also unequipped, but men would generally not bring in such items. In the administration, one female officer would frequently bring in extra toilet paper for 'the boys'. Troopers on street patrol generally used the restrooms of commercial establishments.

Sgt. Nelson: *Lucas [soldier], go and fetch us some more ice for the party, our beer is getting warm. And make sure you turn on the strobe lights, the police shouldn't have to wait in traffic during an emergency [everyone within earshot laughed]. Don't you make your commander wait!*<sup>22</sup>

This and other similar events made it unclear to troopers whether the administrative staff were composed of 'inferior and physically weaker' women and men, or women and men who were actually being favored.<sup>23</sup>

### **Courtship and Affective Relationships as Part of Hypermasculinity?**

Courtship conventions symbolizing men's dominant position and traditional gender ideologies remain important in the police force, where women have achieved equal status *de jure*, but not *de facto*.

The intransigence of traditional gender norms contributes to the lack of professionalism within the police and fosters an organizational culture in which men and women are expected to simultaneously navigate courtship and workplace relations. Although seemingly innocuous, these gender norms constitute modes of interaction with deeply embedded and unreflectively reproduced gender stereotypes that create social expectations of behavior for men – 'manly,' dominant, strong, and flirtatious; and for women – 'feminine,' passive, objects of conquest.

While male officers use courtship in the workplace to obtain peer recognition of their 'masculinity,' female officers are re-assured of their 'femininity' and attractiveness. This dynamic is evident in the narratives officers use to make sense of their flirtatious behavior, which is commonly defended as 'harmless' and 'spontaneous.' When flirtation causes surprise or is deemed unpleasant or unacceptable by women, male officers generally downplay their words or innuendo by classifying them as a *brincadeira*, just a joke. When talking among themselves, these commonplace flirtations or 'jokes' are characterized by an attitude of *se colar, colou*: literally 'if it sticks, it stuck,' or 'just testing the water.'<sup>24</sup> What this means is that there is no apparent reason to refrain from a flirtation attempt: it may be successful if reciprocated or welcomed, but when unsuccessful, it is generally inconsequential, and rapidly dismissed as a 'joke'.<sup>25</sup>

Occasionally, successful courtship and flirtation evolves into casual or formal romantic relationships among troopers and officials, with some kept discrete because of their extramarital nature. Even when formal and public, however, many workplace romantic relationships prove problematic when it comes to conflicting professional and personal interests, aggravated by hierarchical distances between the couple.

The administrative staff of Morro Santo, for instance, harbored a hidden resentment towards Captain Nathan and his wife, Mona. The couple met while Mona, a trooper, was working under the Captain's command at a different police unit. Shortly after Nathan was transferred to the command of Morro Santo, Mona was also transferred to the unit at his request (a questionable yet not uncommon practice given the assumption that over time commanders build their 'trusted staff'). Staff's resentment however, resulted from the unusual fact that Sd. Mona was transferred during maternity leave. When her leave was extended based on undisclosed 'special circumstances,' rumors of favoritism quickly spread, creating an uneasy work environment in which the commander lost credibility among his staff.

<sup>22</sup> Sergeant Nelson speaks to the car patrol crew on the phone, as per the commander's request.

<sup>23</sup> Not all police units hold a seasonal gathering exclusive to administrative staff. During the same year, for instance, a different unit in the same city region organized a gathering for all its personnel, at least three times larger in size than Morro Santo's. However, all units I visited at some point organized social gatherings exclusively for officials and/or administration workers.

<sup>24</sup> Thereby implying that there are few or no consequences for jokes deemed unwelcome.

<sup>25</sup> Furthermore, male troopers make widespread use of words of affection when referring to their female colleagues, such as *bebê* (baby) or *gata* ('cat,' beautiful woman), both on and off duty.

A few months before Captain Nathan's transfer, Major Muniz, the previous commander of Morro Santo, was accused by his staff of favoring Sd. Rebeca, the girlfriend of Sd. Ronaldo, his driver and personal friend. Unlike other troopers assigned to administrative functions, Rebeca worked only four days per week. Major Muniz once justified her schedule by pointing out that the 'community events' for which she was responsible seldom took place on Mondays. Other female troopers, however, friends with Sd. Rebeca, knew that she was taking college courses on Mondays. Unsurprisingly, such differentiated treatment caused resentment among many troopers who also struggled to pursue a college degree while working for the police.

The affair between Sd. Cavallo and Sd. Esther is also illustrative. The couple met while working at UPP Morro Santo, shortly after Esther's transfer to the unit. Soon after, their relationship was made public after both soldiers were disciplined for an on-duty display of affection, witnessed by a supervising sergeant. A couple of months after this episode, Esther took medical leave – according to her colleagues, prompted by emotional distress and verbal threats made by Cavallo's wife.

Certainly personal relationships develop in all types of organizations, and the clouding of professionalism that potentially results from it can be a more or less recurring and/or grievous aspect of any workplace. In the police unit observed however, startlingly frequent personal matters, not rarely resembling soap opera plots, result in multiple violations of institutional rules, the diminished credibility of superiors in the eyes of their team, lowered officer morale, conflicts of interest, and internal gossip and rumors that affect overall productivity and poison the work atmosphere.

### **Assertion of Masculinity and Sexual Prowess**

Wouters's (2004) work explores the ongoing transformations in social manners and personal interactions that would have resulted in a new equilibrium between sex and love, balancing what he describes as the Victorian extremes of a 'de-sexualization of love' and the 'depersonalization of sex'.<sup>26</sup> In his account of the evolution of sexual manners, Wouters describes the transition from the 'chaperonage system' – when a third party had to accompany and protect young women from both male seduction and their own sexual desires – to a 'system of dating', in which women and men are allowed to spend time by themselves, outside of their homes.

These changes were linked to innovations such as the birth-control pill, and new transportation and communication technologies (more recently cellphones and the internet), that required new modes of behavior, interaction and feeling. As a whole, the 'dating system' made possible the informalization of manners between people, and enabled more freedom of choice with respect to possible sexual matches. However, while the rigid external social controls of the twentieth century steadily disappeared, a greater need for self-control emerged, calling for a 'third-nature' type of personality. In other words, privacy and formality, bastions of Victorian social relations were gradually replaced by 'naturalness', 'informality' and reliance on 'self-control' as opposed to external forms of social restraint over sexual behavior. While we saw the relaxation of traditional rules, social distance and forms of personal address, or even greater permissiveness in public and private touching, we demanded new forms of 'emotional management' and control over impulses that demonstrate flexibility, respect and considerateness.

However, although Wouters points to common trends, he recognizes that variations, 'waves or spurts,' as well as local diversities, persist in the relationship between changing manners and a person's mastery

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<sup>26</sup> In this book, Wouters (2004) compares etiquette 'manners' manuals popular during the late nineteenth and early twentieth centuries in the Netherlands, Britain, Germany and the United States. He looks at the advice provided by these manuals on courtship, dancing, dating, engagement and marriage, and conceptualizes the relationship between men and women as the 'lust balance' – a tension between 'the longing for sexual gratification and the longing for enduring intimacy' (p. 6).

over impulse (Wouters 2004: 167). These variations partially stem from the fact that Wouters describes a trend that involves women's sexual emancipation combined with diminishing gender inequality, a process very heterogeneously lived across the globe. What prevails in the police organizational environment we describe is a persistent lack of mutual identification and gender inequality that limits behavioral transformations. Generally speaking, manners and dynamics of interaction between men and women reflect perceived or real power ratios among individuals.

One illustrative aspect of power asymmetries between men and women in the police force is officers' reproduction of hegemonic masculinity by treating sexual activities as an 'achievement,' a conquest to which many aspire and thus for which they should be given credit. In Edley's (2001) analysis these 'achievements' are mostly recognized through real or embellished storytelling of sexual encounters. But at Morro Santo, mere storytelling, although frequent, was insufficient by itself to consolidate a man's image of sexual heroism, since the possibility that such tales might be fabricated induces skepticism among male peers. To ensure credibility to their accounts of sexual prowess, officers often show visual proof, flaunting text messages and pictures on their cellphones sent by women they have been dating or had encounters with. Assessments of each other's 'achievements,' based on open discussions and the display of private photos, often provocative 'selfies,' kept troopers entertained for hours, especially during slow overnight shifts. Pictures or screenshots of intimate conversations were frequently exchanged through a cellphone application (WhatsApp), informally used by duos or trios of colleagues based at different strategic spots around the favela to communicate with each other while on duty.

Although these male officers often spoke proudly of their families and significant others, many extramarital relationships were not concealed, but instead openly used as a tool to assert masculinity. Most likely a secret kept from their significant others, affairs were described and interpreted as frequent and benign adventures, unrelated to their family lives – a conduct evidently not exclusive to police officers or the male gender, but recognizably frequent within this professional group. During our fieldwork, close to 70% of all male officers who were married or in stable relationships voluntarily disclosed information on extramarital affairs. With these public disclosures being so frequent, female officers would humorously tell each other: 'never marry a cop.'

In their group exchanges about dating, officers reproduce a patriarchal and heteronormative form of 'hegemonic masculinity.' Within the police organization, these discursive practices have an impact on professional relations: in their need to assert sexual prowess, officers do not refrain from courting female colleagues or female civilians with whom they interacted while on duty.

At the bottom of Morro Santo's hill, an untidy and pricey 24-hour restaurant was a regular hangout for officers due to its staff's friendliness towards the police. At late hours, in between check-ins by supervisors, police officers would spend long hours courting the waitresses, most of them residents of the favela. Although the police prohibit such behavior while officers are on-duty and publicly wearing their uniforms and other symbols of the institution they represent, policemen (and their supervisors) would often ignore such rules.

Excerpt from field notes:

Last night, Sd. Frederico, as everyone predicted, got in trouble for his reckless behavior. Despite being warned several times about the waitress' upset husband, Frederico continued to pursue her. He insisted on displaying his 'desired prize' to all his colleagues, and thought that the rumor about the husband was simply 'intrigue from the opposition'.

The husband, however, came over around midnight, and we were standing at their base point, right across the street from the restaurant. Nobody knew who he was or noticed him, until he walked fast in our direction yelling at Frederico - 'Why are you after my wife? Yours is not taking care of your needs?' 'Let's have a real man's deal', he shouted, 'without your pistol or your buddies.'

After trading insults, a recipe for misfortune was rapidly set in motion: enraged men fighting over a woman and within easy reach of firearms... The intervention of others prevented the situation from escalating, fortunately avoiding worse consequences. The police, clearly, did not need to be called – they were already there.

## Final Considerations

As a cultural manifestation, hegemonic forms of traditional understandings of masculinity may be losing their dominance, allowing 'softer' or alternative masculinities to unfold. Inside police organizations however, as evidenced in this article, such transformations take place at a slower pace. Hence a reappraisal of gender dynamics and their internal and external repercussions for police work is imperative to build a less violent and more professionalized institution. The gendered performances of policing that we have observed and described contrast with Rio de Janeiro's attempt to transform the institutional image of the military police. Although the UPP program relies heavily on representations of female officers in its publicity materials, in reality, daily interactions among officers reveal social practices that undervalue and disempower women in general, and female officers in particular.

Although female officers may have gained increased access to the profession through the UPP program, the police work environment remains heavily gendered, and in practice women in the organization have not been allowed to *de facto* expand their occupational space. Male officers resist the integration of women by focusing on a definition of police work marked by danger, risk, physical strength, authority and leadership abilities – which allegedly make police work 'men's work.' Meanwhile, women remain confined to office tasks or community relations work, perceived as better suited to their 'nurturing dispositions and weaker bodies.' However, community policing initiatives attempt to emphasize a particular set of attributes, promoting an image of police officers not just as physically strong and skilled, but also as good communicators, honorable, cooperative, and reliable, caring and protecting of individuals. For the success of the UPP program, these characteristics should be seen as essential, and not merely complementary to police work or relegated to female officers.

Furthermore, we argue that the 'hypermasculine' disposition that favors the reproduction of violent and punitive forms of ostensive policing also promotes a work environment that diminishes women's potential to thrive as police officers. While the unreflective reproduction of the masculine 'warrior ethos' marks police work as confrontational and aggressive, male behavior and attitudes towards females in the workplace are also negatively affected by such a view. Female officers, regardless of their hierarchical position, but mostly when equal or inferior in rank, are not only perceived as 'weaker' but also as potential objects of seduction. Hence, male officers do not refrain from actions and speech that place their female counterparts in awkward positions, where all parties are forced to navigate the blurred boundaries between personal and professional relations.

It should be noted, nonetheless, that we do not intend to use the evidence presented here to depict women as a passive group of individuals whose position and professional challenges are imposed on by men, lacking self-determination, agency or the ability to react. Female officers and their concerns have been gradually gaining more visibility, although questions related to discrimination, harassment or even sexual assault are still often concealed out of an understandable fear of intimidation, retaliation and career

threats. We should also note that power asymmetries do not simply stem from a binary dispute between oppressors (males) and their victims (females). The male behavior described here is, naturally enough, not without exceptions, and while some females resist male attempts to downplay them professionally, others (unreflectively) feed into the perpetuation of gender stereotypes.

Improved work conditions and internal initiatives to secure gender equality could elicit greater participation of women in police organizations, particularly in the UPP program, helping establish an environment where both policewomen and less violent forms of policing can thrive. Policewomen are more prone to talk and negotiate conflicts than armed policemen. To this end, we should further discuss ways in which women's occupation of key senior posts within the police force can be fostered. By allowing female officials to assume more positions of command and promoting their leadership functions among troopers, we can help reject the cinematic model of what a policeman is, and fight the hegemonic masculine culture that equates police work with 'tough men,' guns, confrontations and killings.

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# The return of what never left: animals present in future natures

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## Abstract

This article presents data collected in ethnographic research begun in 2014 at the Faia Brava Reserve in Portugal. The Faia Brava Reserve has been dedicated to ecological restoration by the association that manages it. This has made the reserve the starting point of an ambitious project for re-naturalizing the western region of the Iberian Peninsula, which foresees the reintroduction of large animal species in Portugal through its integration to the *Rewilding Europe* network. The article describes some of the steps necessary to the creation of re-naturalization areas, and some of the hypotheses associated to the re-naturalization project in Europe and particularly in Portugal.

**Keywords:** Re-naturalization; Rewilding Europe; Portugal; Faia Brava; Fauna reinsertion.

# A volta do que não foi: sobre animais presentes em naturezas futuras

## Resumo

Neste artigo apresento dados coletados em pesquisa etnográfica iniciada no ano de 2014 na Reserva da Faia Brava (Portugal). A Reserva da Faia Brava possui uma característica que tem sido fomentada pela associação que a administra que é destinar-se ao restauro ecológico. Essa especificidade fez da Reserva o ponto de partida para um ambicioso projeto de renaturalização da região oeste da península ibérica, que prevê a reintrodução de espécies animais de grande porte em território português através de sua integração à rede *Rewilding Europe*. Ao longo do texto descreverei algumas das etapas necessárias à criação de áreas de renaturalização, bem como, levantarei algumas hipóteses vinculadas ao projeto de renaturalização da Europa, e particularmente de Portugal.

**Palavras-chave:** renaturalização; Rewilding Europe; Portugal; Faia Brava; refaunação.

# The return of what never left: animals present in future natures

Guilherme José da Silva e Sá

This article presents data collected during ethnographic research initiated in 2014 at the Faia Brava Reserve, which is considered by Portugal's Institute for Nature Conservation and Forests (ICNF)<sup>1</sup> as the first private protected district of Portugal. The specific purpose of the Faia Brava Reserve is ecological restoration, which is promoted and administered by the Transhumance and Nature Association (ATN). This specificity made the Reserve the starting point of an ambitious project to re-naturalize<sup>2</sup> the western region of the Iberian Peninsula, which foresees the reintroduction of large animal species in Portuguese territory through its integration to the *Rewilding Europe* network. In this article I will describe some of the steps needed for the creation of re-naturalization areas, and some hypotheses will be proposed regarding Europe's re-naturalization project, and especially Portugal's.

## An ethnographic introduction to the field of research

I woke early to go to the Lisbon bus station to take a bus to Guarda, the city where I would rent a car to reach the village of Figueira de Castelo Rodrigo. The trip to the city of Guarda<sup>3</sup> took about five hours, and I spent the last one admiring Portugal's highest mountain range, the Serra da Estrela. On my walk to the car rental agency, I came across a public market that smelled of the old butcher shops and artisan cheeses, as well as some "Chinese stores".<sup>4</sup> There was a Brazilian working at one of them, who still spoke with an accent from the interior of São Paulo State, although he was living there for 14 years. I had a bite at a 24-hour convenience store in a gas station where I bought a local weekly newspaper called "Terras da Beira" [Lands at the Edge]. The news in the 28 August 2014 issue was particularly interesting because it provided clues to what lay before me. The main headline reported "Figueira de Castelo Rodrigo joins the 'New Populators' program and Seia also shows interest in joining". "New Populators" was the name given to the rural re-population program that offers assistance to the implementation or transfer of businesses to the Portuguese countryside. It was created in 2007 after a conversation among neighbors, a sociologist, and a technician in a local development association. The project involves registering "new settler" families for their later placement on lands compatible with their vocations. Thus, the concession given to each family also depends on the identification, made by a technical team, of the business potential in each region. In the case of Figueira de Castelo Rodrigo the plan is to settle five families to fulfill an immediate need for people willing to raise livestock and work in granite production.

The re-population of territory shared the front page space with the article "Forest Fires in the District: Less area burned than last year". The wildfires that spread through the region in late summer are facilitated by high temperatures, low rainfall and winds that constantly change direction. The firefighters are forced to divide into various work fronts to cover the large area with rocky terrain and ground vegetation.

<sup>1</sup> The Portuguese government entity responsible for the conservation of nature and biodiversity.

<sup>2</sup> The term "re-naturalization" has been used by conservation biologists to refer to a deliberate process of reintroducing animal and vegetable species to recover a degraded ecosystem.

<sup>3</sup> Guarda is one of the main cities located in Portugal's Beira Interior Norte region.

<sup>4</sup> Where a variety of things are sold, from domestic utensils to stationary and clothing.

Although the news reported an annual reduction in the extent of land burned, the next day the television news reported a proliferation of fires. I was told later that forest fires are one of the main concerns of the administrators of the Faia Brava Reserve. To prevent them, the perimeter is monitored daily to identify possible outbreaks that could threaten the reserve. On the first days of my study I accompanied a night inspection tour, and we observed a large arc of fire spread by the wind over a region close to the Côa River Valley.

The issue of burning land was recurring when we discussed the memories and motivations of the work of the general manager of the Transhumance and Nature Association and the Coordinator in Portugal of the *Rewilding Europe* initiative. But for now, a brief news item mentioned in a weekly column of the newspaper should be mentioned: “The National Republican Guard identifies arson suspect fire in the Corujeira area”. The fire that destroyed approximately 60 to 80 hectares in the Serra da Estrela Natural Park had been caused, according to a source from the Territorial Unit of the National Guard<sup>5</sup>, by a man seeking revenge against his siblings over a family inheritance” since the fire began next to the suspect’s home “and everything around was burned, except for his property” (Terras da Beira newspaper, 08/22/2014). The news events seem to be deeply connected to people’s lives in that region. If on one hand there is space for family revenge that marks the soil of the region with burning rage, on the other, it is also reported that the “Solidarity Blanket Campaign Exceeds Expectations” (Terras da Beira, 22/08/2014). The personal nature of the news seems to indicate the inseparable presence of people at each location, on each path, on each stone wall that after centuries, combine with the natural landscapes. Life here is conspicuous.

The same issue of the weekly paper had a column entitled “Men & Wolves: A summer tale”, signed by the Wolf Group of the Animal Biology Department of the College of Science at the University of Lisbon. The story was about Mondego, a shepherd dog that would accompany a cow herd all alone:

He just stays there, on guard even when lying down; observing the dozen cows that went up the hill with him and that would soon go back down: his family. At least the only one Mondego knows; He has no memory of his true origin, the siblings from his litter. In the vast space where the herd wanders and grazes he found his home, his freedom and his mission.

Years later, Mondego’s owner would not tire of telling the story of what happened that night, told with fanciful traces, but faithful to what really happened:

when the cows went downhill, I noticed that a calf was missing. And Mondego had also stayed behind on the hill. But there was a heavy fog and I had to wait until morning to go after them. When I came across the calf, it was lying down by some rocks, to take shelter... with the dog leaning on him, as if they were two dogs. Mondego didn’t want to leave the little one alone and spent the whole night watching over him. And I don’t know if he had to defend him against a wolf.

The text finishes the heroic narrative:

The one thing we know is that the story really happened, in our fields. And if our hero was a *Catro Laboreiro* or a Serra da Estrela<sup>6</sup> dog, or any other, its not important. Because that is the life of many sheep dogs that accompany ‘their’ cows, goats and sheep each day, risking their lives in face of the wolf – but also of the men, always ungrateful, with their traps, their cars and their poisons (Terras da Beira, August 24<sup>th</sup>, 2014).

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<sup>5</sup> National Republican Guard.

<sup>6</sup> Portuguese sheepdog breeds.

This is a story of adaptations and compositions like everything in life in this region. Instead of celebrating nature that preserves rigid borders, a discourse is found about a “re-nature” that survives through its compositions. Family is that to which an individual adapts to once adopted. Dogs and cattle are no longer distinguished and become antagonists of equally adapted enemies, the wolf and man. Against the first one – its agility and pack – the dog’s size advantage (historically modeled by human hands in the creation of shepherd breeds). It is also necessary to re-equip the canine anatomy, placing heavy collars with pointy nails on the dogs to protect against wolf bites. Against the “man”, in a Hobbesian recombinant inversion, the wolf becomes the man of the wolf. The return of the great predator to the European fields attributes a new meaning to old practices. The wolf reinvents the dog, which recreates the grazing, which is hoped will give new meaning to life in the countryside and to people’s lives. Therefore, only by renouncing their old and (new) traps, can human beings rebuild this cycle. Instead of understanding a tacit opposition between human activities – like transhumance and regulated hunting – and the elements that are part of “nature” (fauna and flora), what is expected is a conviviality accord. In this agreement to a mutual reinvention of “nature” and of human practices, resides the hope in a future that, if on one hand, evokes a mythical past, on the other is guided by new terms capable of preventing the predatory actions of the past. In this manner, with news about the detention of two men for “hunting crimes” - one of them was hunting without either a firearms’ license or a hunter’s license, and the other was hunting non-authorized species – the issue of the local newspaper is closed, but this is only one more beginning.

## The research

The central objective of the study that I have been conducting since 2014 is to accompany the implementation of a new kind of nature preserve, and the practices of the various agents involved. The “rewilding” guidelines and their use to implement natural parks are recent in the history of conservation biology, less than a decade old. Thus, it was found that one of the peculiarities of this sort of re-naturalization program is its inextricable connection to proposals for human activities guided by an idea of a sustainable economic development. To the degree that they are opposed to the argument of preserving an “original state of nature”, environmentalists that support re-naturalization affirm that – just as we customarily associate the notion of production to culture – nature should and can be re-composed through processes regarded as artificial. From this it can be inferred that a wide range of possibilities for interaction among human and non-human species becomes possible the moment that the belief in a non-anthropocentric nature, is renounced.

I will begin with a story of an encounter that sought to identify new possible areas for the expansion of the re-naturalization project. The event narrated, which took place after three years of the “*Rewilding Europe*” project in the region of Beira Alta Interior in Portugal, marked the beginning of a new stage of the re-naturalization project in the western portion of the Iberian Peninsula. At that moment, after having established the experiment at the Faia Brava Reserve,<sup>7</sup> planning began to extend its scope along the Côa River Valley.

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<sup>7</sup> Private reserve for nature conservation, with 850 hectares, located between the counties of Pinhel and Figueira de Castelo Rodrigo (Portugal). It was founded in 2003 and is managed by the Transhumance and Nature Association. In 2011 it became part of the *Rewilding Europe* network, and is one of the model re-naturalization sites in Europe.

## First act: in search of the void, defining the course

We met at around nine in the morning at an intersection in a small village along a highway. The group, now formed by two anthropologists (myself and an intern from the reserve), two biologists who worked at the Faia Brava reserve and two directors of the *Rewilding Europe* organization, took a 4-wheel drive vehicle along a tortuous road that soon became a narrow track of dirt and rocks. After a steep ascent, we got out and continued on foot to the top of a hill where we could see the landscape for miles around. We stood on a gigantic granite block, with one hand holding binoculars and the other pointing to the horizon, as if our fingertips could frame the terrain.

The deep silence in that bucolic landscape was only interrupted by the enthusiastic conversations and the hurried steps of the visitors. After being surprised that a Brazilian anthropologist had learned about the *Rewilding Europe* initiative, one of the directors began his explanation, careful to be as didactic as possible in the presentation of the aims of that field visit to Portugal. At one side of the valley it was possible to find cultivated regions with approximately “40 to 60% of human occupation”, on the opposite hillside could be seen granite formations that the director enthusiastically indicated as being “the future of the *Rewilding* project in Portugal”. He patiently explained that the aim of the *Rewilding Europe* initiative was to act in regions where human presence was scarce. Speaking of the next stage of Portugal’s re-naturalization project, percentages were used once again, to explain it would be implemented in territories that were “80 to 100% abandoned”. According to the director, those demographic voids presented good conditions for nature to be reconstructed, and as it would be later said, in the future they could represent a “good opportunity” for people to inhabit the region.

Wandering along a trail that crossed villages of just a few dozen inhabitants – mostly inhabited by elderly people – the plans for the next years of the *Rewilding* project began to take shape. The trails led us to sites of stonewall ruins – traces of centuries-old human occupation that combined with the originally rocky terrain, creating a green-gray mosaic of symmetrical and asymmetrical shapes. There were also remains of old windmills and irrigation canals, elements of a system that made viable the harvest of vegetables by drawing water from the creek that ran nearby. The director frequently stopped and expressed his view about the future landscape of these places. There would be young people hiking and cyclists mountain biking along the valley trails. In the surrounding area there would be herds of wild horses and cattle, with mountain goats balancing on the cliffs. Eagles and vultures would paint the sky. The focus on a viable future, as we shall see, is the main differential of the *Rewilding Europe* initiative in relation to other homonym *rewilding* projects already in progress. While some proposals for re-naturalization projects call for a return to a state of nature based on the past – as suggested by the “*Rewilding to Pleistocene*” project in the United States - *Rewilding Europe* concentrates on creating future environments of interaction between humans and the natural environment. Within this logic, the questioning about what would be the optimal point to be reached in re-naturalization is not in fact relevant. Re-naturalization, according to *Rewilding Europe*’s orientation, is primarily about what “nature” could become rather than what it was one day.

## The genesis of the *rewilding* concept

Coined originally in the United States in the years 2000, the term *rewilding*<sup>8</sup> was related to the idea of fomenting the elaboration of an alternative model for wildlife conservation reserves in North America. Also known as “*Rewilding to Pleistocene*” this proposal – postulated by a group of renowned specialists of conservation ecology – sought to stipulate concrete bases for the reintroduction of animal species

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<sup>8</sup> The term “rewilding” refers to a process of “re-wilding” ou “re-naturalization”, I chose to preserve the idea of “re-naturalization” in this text because it highlights the strong element of artificialization involved in the construction of environments involved.

(above all, herbivores representative of mega fauna and large predators) in areas that they did not inhabit at the time. Inasmuch as they evoked a past time, the reference to the Pleistocene was an allusion to the environmental conditions found in the beginning of human occupation and expansion on the planet. Although they acknowledged the difficulty in “bringing back to life” animal species already extinct for millennia, the mentors of this kind of “re-naturalization” presented in two articles that had large repercussion in academic and environmentalist circles, what they considered to be the concrete foundations for the recovering of the degraded ecosystems.

The first of their principles pondered that human beings had the moral authority – and even the ethical duty – to intervene in the natural environment, since their irresponsible actions had directly or indirectly caused the extinction of several other animals and vegetables species. Even so, according to Donlan et al. (2005), human beings will continue to cause extinctions, to modify ecosystems and to alter the course of evolution, which makes taking a political position to reach a solution, without denying participation in the problem, highly desirable.

This perception seems to place the problem in a much broader arena of contemporary discussion, that of discourses about the imminence of a new geologic “era”, widely known as the “Anthropocene”.<sup>9</sup> This is the moment or event in which the role of the human species is affirmed as a new and constant force of intervention in the planet’s bio-physical processes.

“However much we would wish otherwise, humans will continue to cause extinctions, change ecosystems and alter the course of evolution. (...) Our proposal is based on several observations. First, Earth is nowhere pristine; our economics, politics, demographics and technology pervade every ecosystem. (...) humans were probably at least partly responsible for the Late Pleistocene extinctions in North America, and our subsequent activities have curtailed the evolutionary potential of most remaining large vertebrates. We therefore bear an ethical responsibility to redress these problems.” (Donlan et al. 2005: 436).

“Far more than any other species in the history of life on Earth, humans alter their environments by eliminating species and changing ecosystem function (...). Earth is now nowhere pristine, in the sense of being substantially free from human influence, and indeed, most major land masses have sustained many thousands of years of human occupancy and impacts (...). Human-induced environmental impacts are now unprecedented in their magnitude and cosmopolitan in their distribution, and they show alarming signs of worsening. (Donlan et al. 2006: 660-1).

In a certain sense, the “naturalization” of the human presence and agency gives the *rewilding* conservation mode unique characteristics, because it attributes to humans a protagonism in the task of returning to the Earth its old ecosystems. To do so it is necessary to intervene proactively in its dynamics and vital processes. Consequently, it is possible to infer that the notion of an untouched nature becomes detached from the vocabulary of those who promote a re-naturalization strategy. Nature, therefore, would maintain a great potential for artificialization to the degree that it is no longer possible to speak of the existence of isolated species, but of a range of relations integrated to actions of these species (which inevitably would include humans).

After overcoming the initial obstacle sustained by the myth of untouched nature, it is necessary to take the next steps that aim to restore the functional “health” of the ecosystems, and to do so it is indispensable to adopt a proactive posture or, as they prefer to say, an “optimistic” perspective for twenty-first century conservationism. Several possibilities for reconstructing certain ecosystems have been carefully studied, identifying their functional processes of interaction and their trophic chains, to evaluate the viability

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<sup>9</sup> “But we have already seen how the definition of the Anthropocene consists in the phenomenon of the collapse of the scalar magnitude. When the biological species-agent becomes a geophysical species-force (through the historical mediation of species-engineering), when the political economy encounters cosmic entropy, it is the ideas of scale and dimension that seem to be out of scale” (Danowski & Viveiros de Castro 2014: 128).

of species reintroduction. That is, if it would be possible to relocate individuals from other areas or if it would be necessary to consider the use of “proxy” species that would fulfill the functional role played by those that are now extinct. Thus, the pursuit is not only to return independent species, but to emphasize the re-composition of functional interactions among them and fundamentally their food chains. This disposition leads to the understanding that it would be necessary to prioritize the reintroduction of large predators and or large herbivores, because this would assure the recovery of the entire trophic chain – from top to bottom – given that the investment in the reintroduction of a top-of-the-chain predator would require conditions suitable to its nutrition and survival. Nevertheless, the reasons emphasized for the choice of large animals transcends organicist explanations, even though they still maintain a certain pragmatism. According to the creators of the *rewilding* proposal, the animals representative of mega fauna are clearly those endowed with greater charisma, which would more easily mobilize interest, resources, and empathy among humans. This is a fundamental point that is considered in any re-naturalization project. Having the support of public opinion is vital for the equation that relates sustainability and fund raising. In addition, the proven adhesion of environmental recovery to a scenario of sustainable economic environment becomes an outstanding strategy of persuasion regarding the viability and “rationality” of the project, which at first sight may not seem to be very reasonable.

### ***Rewilding Europe***

Although the proposal formulated by Donlan et al. (2005, 2006) became a global reference for the term *rewilding*, it is far from being the only possible definition. Projects inspired by re-naturalization are in progress in different parts of the world, with technical and ideological specificities. For example, the idea of a return to the Pleistocene is shared by U.S. and Russian initiatives, but does not really represent the interests of the *Rewilding Europe* network, which focuses on what the ecological niches could become in the future. The *Rewilding Europe* initiative also differs in terms of the viability and reality of its implementation. While the projects to return to the Pleistocene seem to exist only as bold projections, *Rewilding Europe*'s work has been underway since 2011.

With its headquarters in Nijmegen, Holland, the *Rewilding Europe* organization is a network involving large and small conservationist NGOs, investors and banks that support local projects, researchers linked to universities that provide the technical foundations for implementing the planned actions, rural land owners and farmers, as well as tourists and volunteers that circulate in the eight (soon expected to be ten) model *rewilding* areas in Europe.

In the activities promoted by *Rewilding Europe*, the concept of “re-naturalization” assumes a particular character, that sees in the generation of social and economic opportunities a way to return wildlife to Europe and vice-versa. Therefore, it concerns committing to the planning of a future nature without exactly perpetuating the old ties inherited from natural history. Through the re-appropriation and re-occupation of land abandoned in the historical process of rural exodus in 20th century Europe, re-naturalization consists of an ecologically viable model for areas considered economically unproductive.

The effect generated by this intervention is the creation of private reserves in areas that are progressively purchased with funds from small and large investors' who, in turn, become partners of the re-naturalization project. The reserves, in general, are managed by local non-governmental organizations, which represent a broad range of stakeholders. There are other ways to become part of a *rewilding* project, such as, leasing land to manage re-introduced natural resources (animal species in general) or by establishing partnerships to offer services related to Eco-tourism (primarily the creation of rural hotels and small restaurants).

However, the scope of the model-areas of re-naturalization related to the *Rewilding Europe* initiative does not always coincide with the limits of those private reserves, and often transcends them. This occurs due to the fact that the areas occupied by animals may exceed park borders. The re-naturalization areas are conceived as large territorial extensions which must serve the survival of the animal and vegetable species (re-introduced and/or recovered through management plans). The fact that many of these animals are migratory and therefore cannot be restricted to the reserves causes a re-naturalization area to be understood as the area occupied by the species. The reserves themselves function as future hot spots from where the animals could migrate by defining routes and ecological corridors that, with some human investment, would integrate the entire system.

To the degree that the *rewilding* areas in Europe are defined by the vital flows of the animals, they are also marked by their long history of anthropization. This element is regularly considered in the action plans of *Rewilding Europe*. At the same time as the zones are prepared to receive the projects for animal reintroduction, the conditions needed to ensure visits of tourists and researchers interested in wildlife are also developed. An example of an investment dedicated to this type of visitor is the building of shelters inside the reserves, where it is possible to observe and photograph animals with the full discretion needed for this purpose. In addition, an effort is made for the commercial activities destined to tourism in the region around the protected areas to be improved through training courses in rural hotel management, the food industry and sales of traditional regional products.

Concerning the reintroduction of species, there is some consensus among the ecologists involved with the *Rewilding Europe*, who understand the management of a reserve similar to that of a rural property. Wolves, bears, lynxes, horses, cattle and goats in a wild state, besides eagles and vultures, are some of the animal species envisioned in the re-population project for the future European nature. Avoiding as much as possible the introduction of exogenous species, the effort is focused on recovering native species – even making use of genetic studies and of direct intervention in the environment when creating sanctuaries and food zones for the animal populations – with the aim of returning them to the remodeled landscape according to interests that combine environmentalism with sustainable economic development. To achieve those ends, there are a few restrictions to human intervention in processes regarded as being “natural”. It is common to hear that, in areas historically abandoned by human occupation, “nature returns” progressively to regain its space. Typically, this is the process that has been observed in some regions of Europe in recent decades. However, it is known that the time of autonomous re-composition of these flows is reasonably long and for this reason it is beneficial for humans to give an “initial boost” to the process. Nevertheless, the artificialization of nature is seen as a trigger and not as a substitute for non-human agencies that gradually tend towards autonomy.

## **Second act: a good deal, strengthening the strategy**

After defining the new program for re-naturalization in Portugal based on the exploratory incursions to the field during the technical visit by the *Rewilding Europe* team, it became necessary to implement the strategy. To do so, some procedures and measures have been taken.

First, the maps and property deeds were reviewed to precisely identify the overlapping of the areas within the scope of the *rewilding* progression. Concurrently, meetings with representatives of local councils and entities were scheduled to inform them about the initiative underway. I attended one of these events at the City Council Chamber in Beira Alta Interior. The presentation was made by the local coordinator of *Rewilding Europe* who reviewed all the advantages in the project, that involved the re-valuation of territory long abandoned because soil depletion left it no longer fruitful for conventional agriculture (planting and

grazing). This re-adjustment would involve a shift of economic activities from agriculture to eco-tourism. Since it was plausible to imagine that the replacement of one activity for another could result in an even greater depopulation of the region, the coordinator explained that investing in nature could be a “good business” that would even allow resuming some traditional activities (such as the artisan production of sweets, cheeses, olive oil, jams, and various utensils) to sell to tourists.

The coordinator began explaining the partnership system offered by the *rewilding* initiative, which called for access to financing to adjust herds (replacing horse and cattle breeds considered exogenous for breeds of interest to reintroduction),<sup>10</sup> for land leasing, and for small businesses related to the *rewilding*. The development of a network of services such as operators of outdoor activities, photographic safaris, hotel businesses and traditional rural food services converge on that considered the motto of *Rewilding Europe*: providing an “experience with wildlife” in European territory.

After quietly listening to the explanation, the Council Chamber representative asked what in fact was being asked of them. The coordinator replied that at the time he only wanted to inform them about *Rewilding Europe*'s work in the region and wanted to count on the help of public representatives to promote the project. The request was accepted.

*Rewilding Europe*'s strategy of action then went to a new stage of persuasion and search for local supporters to expand the re-naturalization area. To do so, in the months following the exploratory survey, contacts were made with public and community representatives who could be mediators between the organization and possible partners.

## **Rewilding Europe in Portugal**

Originally, the area destined to the re-naturalization of the western region of the Iberian Peninsula would be related to conservation initiatives in Portugal and Spain. The territory from northeastern Portugal – in the Guarda region – to the west of Spain – in the Castilla y Leon region – have at their extremes the Faia Brava Reserve in Portugal and Campanarios de Azaba Reserve in Spain. This transborder region has common historical and geographical elements and a past of agricultural activities that have slowly lost relevance and interest among new generations of inhabitants. This caused a progressive decline in villages of the region and some have been totally abandoned. Due to the migration of young people to urban centers such as Lisbon, Porto, Salamanca and Madrid, and even to other countries, the local population got older and has struggled to maintain their pastures and limited food production.

After the first three years of action in the region, an evaluation of the results was conducted so that in 2014 it would be possible to begin a new phase of the re-naturalization project in western Iberia. While the Portuguese initiative was highly praised for reaching the goals within the deadlines, the activities in Spain did not achieve the desired results and the partnership with *Rewilding Europe* was canceled. This forced a rethinking of the organization's strategy for the following years, and the visit of the central staff of *Rewilding Europe* to Portugal served to explore new zones to expand the renaturalization project, which with the Spanish partners' withdrawal, would take a new direction from the Faia Brava Reserve. Incursions now led to the Côa River, a region with a low population density and few agricultural and pasture activities, and which, in compensation, is has a terrain of rocky cliffs and crystalline waters.

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<sup>10</sup> Such as the Maronêsa cattle and Garrano horses.

## Some issues re-naturalization raises for Anthropology

The transition from the 20<sup>th</sup> to the 21<sup>st</sup> century marked an ambiguous panorama for natural history. On one hand it intensified the degradation of ecosystems and the consequent threat to survival of several animals and vegetables species, especially in the regions between the tropics. On the other, considerable advances were made in environmental legislation in the northern hemisphere and in mobilizing public opinion about the need for an integrated ecological project for the planet.

The rise of this ecological thinking took place in light of the evident loss of vast areas of native forest and the depletion of cultivable regions, in particular in Europe. This contingency guided two measures – with opposite moral senses – in face of the decline of European agricultural production. The first exaggerated the exploratory character of agricultural production redirecting and creating new transnational commercial agreements with emerging economies from the southern hemisphere. This global expansion of agriculture was also responsible for the spread of deforestation problems on a global scale, aggravated by weak local environmental laws. The ecological crisis was no longer an easily located issue and became more systemic, with global effects and causes over history.

The European rural exodus and devaluation of part of the traditionally cultivated lands also led to what Bernardina (2011) called a ‘post-rural society’, which is basically the resumption of a lifestyle determined by a certain “rurality” combined with the interest of providing real conditions for reviving local economies through rural and ecological tourism. This latter dimension relates to recognizing practices of rural life as heritage, including local techniques, hunting, manufacturing, festivals, commensality, cooperation, etc., and the creation of natural parks through reforestation and reintroduction of animals.

Both strategies aim to generate capital (though they diverge about the focus), either through the action of large multinational companies in Africa or Latin America, or through that of small businesses of residents in rural European regions. Such duplicity – which is not redundant – helps us to understand the original contexts of the programs approached in this article. The *rewilding* projects are strongly guided by the motivational principles that steer a capitalist system. From the mobilization of resources, to the way they communicate their proposals and the liberal administration of nature policies cause these projects to be seen as an idyllic revival of capitalism. However, a new configuration of the production chain is presented, since nature is not seen simply as a supplier of raw material, but also as the product to be sold after certain transformations. We must thus consider how the environmental business of re-naturalizing – which purports to be proactive in the reconstruction of natural spaces vital to human beings and non-humans – can be considered at the heart of what is called the “Anthropocene” (or “Capitalocene”) (Hache 2014). Anthropocene, is a term that was coined by biologist Eugene Stroemer and made popular since the 1980s by renowned chemist Paul Crutzen who defends its use: “It seems appropriate to apply the term ‘Anthropocene’ to the present days, a geological age which is dominated by human kind in many different ways.” (Crutzen apud Kolbert 2015).

Thus, the geologic age that we officially live in, the Holocene, would give place to a new context characterized by the advent of human action as a geological force, which has been able to decisively interfere in processes said to be “natural” on the planet. The re-appropriation of the concept in the denomination “Capitalocene” seeks to call attention to the fact that this peculiarly destructive agency of human beings towards the planet is not an intrinsic characteristic of our species, but rather its complicity with a certain form of appropriation of the world: capitalism. The term Capitalocene is supported by the sociologist Jason Moore’s (2014) perspective, for whom, according to Danowski & Viveiros de Castro (2014), “The Industrial Revolution that began in the early nineteenth century is just a consequence of

the socioeconomic mutation that generated capitalism in the ‘long sixteenth century’, and therefore, the source of the crises is, ultimately, in the production relations, more than (and before than) in the productive forces, if we can explain it like this.” (2014: 28)

At a first moment, what can be considered locally, based on preliminary ethnographic data, recognizes an apparent shift in the logic of the anthropocene – which is usually associated with the cataclysmic and destructive effects of human action on nature – in relation to forms of human intervention that intend, to the contrary, to reconstruct nature. But what can sound like an altruistic manifestation of what is called “Green Capitalism”, can also reveal in certain cases, such as the Breakthrough Institute, a megalomaniac and technophile presumption.

Certain close relatives close of the Singularitarian people, nevertheless, have dedicated some attention to the problem, inquiring into the immediate technological conditions for the survival of capitalism and its main conquests, liberty and security, in a situation of growing energy consumption and persistent dependence on fossil fuels. The Breakthrough Institute, a think tank from North America (California, in fact), whose exact position on the political spectrum is hard to pinpoint, is perhaps the most visible name among the advocates of a green capitalism that puts its faith on centralized solutions that would be capable of implementing ambitious techno-engineering projects on behalf of big capital, with high material investment, and organically (if that is the right word) embedded in Big Science: hydraulic fracking of rock to obtain fossil fuel, expanding and perfecting nuclear power stations, large hydroelectric projects (like the dams in the Amazon Basin), generalizing the monoculture of genetically modified vegetables, environmental geo-engineering and so on. (Danowski & Viveiros de Castro 2014: 66-7).

If both motivations – negative and positive – seem to come from the same capitalist source, to the degree that this source causes the destruction of ecosystems, they also re-adapt it, presenting themselves as a means to its reconstruction. As Stengers states: “It is the nature of capitalism to explore opportunities, it cannot avoid this. The logic of capitalist actions cannot avoid identifying the intrusion of Gaia with the appearance of a new field of opportunities.” (Stengers 2015: 47).

I understand, however, that the magnitude of the *rewilding* dream is on a utopian scale much smaller than that planned by the Singularitarians represented by the Breakthrough Institute. Although the model of environmental recuperation and management presented by *Rewilding Europe* intends to reorganize productive activities based on a sense of opportunity, according to which investing in nature can be a good business, there is no idealization that cutting-edge technology and large scale projects may substitute the local – and deeply human – responsibility of “boosting” processes considered to be vital.

In this manner, it is essential to ask exactly what issues the *rewilding* initiatives are able to raise for the discussion about the Anthropocene? To what degree do they dialogue with other initiatives of a collectivist proposal that in this context are gaining strength?

### **Implications of the reconstruction of a natural heritage**

By considering some issues from the world scenario – where the *Rewilding Europe* is located – and about the Anthropocene, the greatest contribution we can make to this topic is to describe ethnographically the actions taken locally in partnership with the re-naturalization project in Portugal. This leads us to a second dimension of this study that focuses on the processes of recognizing heritage implicit to re-naturalization programs. As previously mentioned in debates regarding the concept of cultural heritage, the recognition of nature as heritage in a *rewilding* context, no longer follows the standard parameters of inviolability and “authenticity” attributed to a specific natural landscape. Re-naturalization theorists say that the

artificialization necessary to reconstruct these environments is part of the strategy for the preservation of species and their respective ecosystems. That is, if the criteria of “authenticity” and contiguity with the past can be reevaluated regarding the certification of certain cultural heritages, according to Gonçalves (1996), the same can be said about a natural heritage deliberately reconstituted by human agency. In the latter case, it would be necessary not to focus on an analysis of the species that inhabit a certain biome, but on the interactions of the species that would allow reproducing the functional role that each species performed. For defenders of re-naturalization, while the contours of a species may disappear, the traces of their interactions remain.

“Such benchmarks would be defined not only by the presence or absence of species, but also by the presence or absence of species interactions – the true functional fabric of nature (Estes, 2002).” (Donlan et al. 2006: 661)

“(…) the focus of conservation biology is expanding to include not only species but species interactions (Soulé et al. 2003, 2005).” (Donlan et al. 2006).

In practice, the level of intervention in the landscape through the reintroduction of animals and plants is regulated by the evaluation and the technical capacity to enact these measures. The project involves frequent consultations with ecologists specialized in the reintroduction of animals in wild environments because, besides their expertise, it is necessary to have great knowledge of the veterinary, sanitary and legal aspects in each country. Only by considering these norms is it possible to undertake and manage a species reintroduction project. In this context, there are partnerships between organizations that foster re-naturalization and public and private institutions (universities, research centers, regulatory agencies) to which the consultants of the reintroduction processes are associated. These professionals, besides giving information about the ecology of species in focus, have broad knowledge about the possible problems of the introduction of a specific animal or plant. Therefore, it is necessary that the choice of the species to be reintroduced suits the various dimensions of its future existence, such as potential conflict with the human population, the trophic and territorial sustainability, hunting laws, reproductive cycles and even the effective aesthetic sought in relation to public opinion.

This relationship with the local inhabitants is of vital importance for the execution of the *rewilding* project. Not only adults are regularly seen as possible partners. The new generations of children are considered ideal mediators in the proposal to revalue the natural landscape. As a way to reach children and youth, the *rewilding* team makes regular visits to schools. They give talks on social-environmental education and promote native seedlings “adoption” programs for later planting in reforestation zones, including Faia Brava.

This fact leads us to the issue of how the *rewilding* initiatives are locally implemented. It calls attention to the inclusive aspect of the human presence since the beginning of the development of the activities in the reserves. If anthropization is not an epistemological problem, it is also not a practical barrier for the re-naturalization actions. The consolidation of this model for natural reserves foresees the continuous mobilization of associations and local inhabitants who will coexist with large predators such as wolves, Iberian lynxes, birds of prey, horses, cattle, as well as shepherds, small farmers and at times hunters (whose actions are regulated by government agencies).

However, there is a controversy between the artificiality and authenticity in the way these natural parks are idealized. New natural landscapes arise as the environments are recomposed where the human and non-human elements responsible for the good functioning of their operating chains are present. Thus, if elements that in the past ensured the subsistence of families – such as the unchecked extraction and exploitation of natural resources – can no longer exist, they must be substituted by new options for

interaction that shall have a similar role. In this context, new stimuli such as family hotels and country cooking associated to the farms are considered to be sustainable forms propitious to the re-establishment of the ties between humans and nature.

The relation between the intention to evoke an image that reflects the old-fashioned lifestyle (land management, hunting, rusticity) and the need to adapt to contemporary conditions associated to outdoor experiences (preservationism, animal rights, photographic safaris, new communication technologies etc.) produce an opposition between the idealization and realization of the project. One example is the way the population traditionally established its ties with the natural landscape in opposition to the expectation generated by the new projects to commercialize this lifestyle. It is possible to infer that a sort of landscape transfiguration has always been carried out by the villagers, as they brought home elements of the wildlife surrounding them (hunting trophies, amulets, decorations, healing substances etc.). Nevertheless, the model of rural tourism currently proposed imposes on the population the need to open their sphere of private life to visitors. Far from undergoing this inversion unscathed, when they appropriate nature – that had always been “outside” - the villagers do not do so without abandoning a certain lifestyle that made possible the transfiguration of the natural landscape in the domestic sphere. Modern life demands that those people re-think, for example, the place of their hunting trophies (taxidermy displays) that decorate their fireplaces and walls, and come to identify new natural and living trophies in the environment outside their homes. Shifting from hunting to photographic safaris is, therefore, a great behavioral change, which deeply reflects on local modes of existence.

References to the past are always conditioned to their roles as idyllic guiders of that which might be done in the future, and never as impediments to what should be done. It is in this fact that resides one of the main (self)definitions of the “re-naturalization” initiative: to promote an “optimistic” and “positive” ecology. The perception of the role of human beings as proactive agents in the process of recovering the environment – which had been destroyed by previous human agency – makes these projects a privileged locus for anthropological analysis that understands nature as a human co-production. Perhaps a good example of this, is found at the Faia Brava Reserve. At the moment of its acquisition, ruins of old abandoned pigeon coops were found near the Reserve. Those constructions, very common in that region of Portugal had a dual function in the past: producing animal excrement to fertilize the poor soil for farming and providing a meat supply (of pigeons) for the people who lived in the region especially at times when food was scarce. After creating the reserve, the pigeon coops were remodeled and their functionality was partially recovered, which is increasing the population of pigeons that in turn are prey for eagles threatened with extinction that live in the rocky cliffs near the Côa River. The incorporation of those coops into the landscape of the nature reserve also justifies the function of these artifacts within the chain of interactions in a *rewilding* project. Something similar took place with the planting of vegetables at the reserve so they would serve as a food supply for rabbits, which are food for eagles, foxes and, opportunely by lynxes.

That “return” of animal species, either re-introduced or through population recovery, brings a consequent resignification of animals and of the environment itself, as seen in the recent return of Iberian wolves to the region. The return of this large predator was possible due to multiple factors, such as its easy adaptation and locomotion, the national policy to protect the Iberian wolf, and the demographic voids which provided the gradual regeneration of the forests, creating ecological niches that function as a refuge and become part of the wolves territory. However, the presence of wolves became a serious problem for farmers, whose livestock is attacked and who allege that their losses are not fairly compensated by the state. The presence of wolves, which is noticed by identifying their tracks, although they are rarely seen, has already been associated to the *rewilding* environmentalists. In this manner, new myths appear locally, like the one that states that wolves have been re-introduced in the region at night by helicopter. Evidently,

due to the potential conflict presented by the presence of wolves, the species has never been considered as a candidate for reintroduction. However, considering the rejection of the wolf, the problem becomes resignified by the defenders of re-naturalization who observe that the reintroduction of herbivore species would attenuate the shepherds losses, given that the predatory attacks on livestock would be redirected to wild fauna.

It is possible to conclude that the reconstruction of natural environments takes place by evoking ancestral modes of survival and landscapes, even if on canvases painted by human hands. Therefore, the reintroduction of animals that disappeared long ago is connected to the recovery of myths, narratives and images articulated in an anthropic environment.

Moreover, the reintroduction of the concept of nature as an important category in the social sciences takes place at a good moment. Without recurring to eco-materialist traditions that have permeated anthropological theory since the second half of the twentieth century we now observe the reinvention of nature as a concept that should adjust to innovations in the ethnographic fields. By appropriating the spirit of *rewilding*, we enter a period in which the culture of creativity allow us to imagine possible futures for anthropology.

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# Introduction

## Anthropology and knowledge production in a ‘minefield’

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In 2003, when Chris Ballard and Glenn Banks updated – and upgraded – Ricardo Godoy’s call for a systematization of an Anthropology of Mining (1985), they simultaneously warned: “mining is no ethnographic playground”. Focused mainly in situations across the Asia-Pacific region, the review questioned the often monolithic “characterizations of state, corporate, and community forms of agency” and charted the debate among anthropologists involved in mining about the appropriate terms of their engagement - as consultants, researchers and advocates. Differently from the context analyzed by Godoy in the mid-1980s, the authors emphasized the novel and complex scope of mining activities, particularly the interplay of actors involved in large-scale hard-rock mines in the new millennium, ranging from local to global players: that is, indigenous peoples, local communities, state agencies, transnational corporations, national and transnational NGOs, social and environmental movements, international institutions, among others. Each of these actors has a different agenda, scope of actions and *quantum* of power at the mining sites. Ballard and Banks, drawing on Gedicks’ (1993) “resource wars”,<sup>1</sup> pointed out the context of conflict typical of mining settings and the necessary considerations of the position of Anthropologists within these.

Such a warning is still relevant and reverberates in a rather more diverse and complex manner today, considering the current forms of neoextractivisms, which interlace high technology, the international division of labor and capital, the advances over new frontiers and, above all, the aggravation of mining’s *spillage effects* (Gudynas 2016)<sup>2</sup>. Presently, the contexts and dynamics involving “resource wars” configure the emergence of different levels of institutional changes, such as the dismantlement of environmental regulations and norms that asserted the territorial rights of indigenous peoples which were firmly established in countries of Latin America since the 1980s and 1990s. This is relevant to bear in mind, since the scenario of environmental and indigenous rights regulations emphasized by Ballard and Banks in 2003

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<sup>1</sup> Gedicks’ book presents different situations of conflict uniting the struggles of indigenous groups to environmentalists in various parts of the world – USA, Canada, Ecuador, Malaysia - opposing mining and other industrial projects which threatened their territories. Ballard and Banks highlight that conflicts in the Asia-Pacific region range from ideological opposition to armed disputes with loss of lives, livelihoods and environments (2003, p. 289).

<sup>2</sup> Gudynas (2016, p. 26) explains the distinction between the term extractivism as referred to Brazilian traditional collective modes of appropriation of natural resources, such as of the rubber tappers’ extractive reserves in the Amazon, and a plurality of extractivisms as particular types of appropriation of natural resources characterized by high and/or intensive volumes extracted, which are mostly directed to the exportation as raw materials, without or with limited industrial processing. By *spillage effects* - *efectos derrame* - of such extractivisms, the author means “the conditions and transformations generated beyond a particular project, the site where it is located and the policies that make it possible. The effects are observed, for instance, when changes of environmental rules and regulations affect the entire environmental policy of a state. Hence, the push of extractivisms spills consequences to the rest of a country, with changes in public policies, functioning of the economy, understandings of justice and democracy, and concepts of Nature” (Gudynas, 2016, p. 28, my translation from the original in Spanish).

was different from the context of the 1980s analyzed by Godoy, and has been rapidly changing. Nowadays, the setback in regulation has been accompanied by various forms of violence that go hand-in-hand with processes of de-politization and the criminalization of affected persons, subjects and movements engaged in resistance and critical researchers.<sup>3</sup>

“Commodities consensus” is the term used by Svampa (2013) to characterize the entry of Latin America in this new economic and political-ideological order sustained by the international boom of low prices of raw materials and consumer goods demanded by developed countries and emerging powers. Zhouri, Bolados and Castro (2016) call attention to a complex process of “violence of affectations” set in motion by neoextractivist practices as a corollary to such *consensus*. That process comprises a series of intertwined dynamics which is defined elsewhere, by world markets, but find material expression in the territories. Fundamentally, the “violence of affectations” encompasses expropriation, destruction of ecosystems, disruption of local and regional economies, as well as the annihilation of territorialized ways of living, being, knowing and doing (Zhouri and Valencio 2014). The affectations to the environment and to community-based ways of living are also perceived in the violation of norms – constructed with agreements at national and international levels – and in the distortion of political participative mechanisms consolidated in post-dictatorship regimes in Latin American countries. In addition to this conjunction of material and symbolic violence which are intrinsic to the expansion of mining frontiers in the continent today, there are other associated modalities of epistemic (Rigotto, Zhouri et al., this volume), racial and gender biased violence. These processes combined constitute a context typical of coloniality of power and knowledge (Quijano 2005; Mignolo 2003). What are the challenges for Anthropology and the ethnographic researcher in such ‘minefield’?

As noted by Zhouri & Oliveira (2012), large-scale projects, such as the case of mining, constitute a conflict arena involving locals, state sectors and entrepreneurial groups and researchers from different backgrounds and in various positions and scales. Within this context, anthropologists have increasingly been required to act as experts, consultants and mediators by different groups, including state institutions, private companies, financial bodies and social movements. These processes not only expand the professional market of anthropology, but also multiply the ethical, moral, theoretic and methodological challenges placed by the conditions of production of ethnographic knowledge. In such contexts, where asymmetrical power positions characterize social relations, and violations of basic human rights are not infrequent, the often-attempted “external position” of anthropologists is constantly questioned. In this sense, as emphasized by the authors, rather than participant observation, the participation required is considered as a “situated view in which anthropological discourse is always influenced by specific *production conditions* associated with the *effects of relations of place*” (Zhouri & Oliveira 2012, p. 203), since positions in social space configure *enunciative places* in which certain constraints and potentialities become inserted in discourses.

Therefore, “expert opinions, studies and reports, as modalities of anthropological discourse, are texts/scripts produced and appropriated through correlations of forces” (Zhouri & Oliveira 2012, p. 204). In this ethnographic minefield, anthropological knowledge production requires reflexivity and responsibility, as this production generates connections and interferences in social processes. The management of conflict not rarely represents ‘pacification’ as suppressing of dissent (Zhouri 2015) through a series of technologies of governance that stage participation (Santos et al., this volume) while producing effects of silencing and

<sup>3</sup> According to the latest report published by the Land Pastoral Commission (CPT), *Conflitos no Campo 2016*, 43,6% of the 172 cases of water conflicts in Brazil during 2016 occurred in the states of Minas Gerais and Espírito Santo. More than 50% of the total are connected to conflicts in mining projects, followed by 23,26% which are related to hydroelectric dams (CPT, 2017, p.129-130). In addition, eleven community leaders, considered representatives of mining-affected people in five different regions of Minas Gerais, are under official protection (O Tempo, July 10, 2017, available in <http://www.otempo.com.br/capa/economia/conflitos-de-minera%C3%A7%C3%A3o-levam-11-a-programas-de-prote%C3%A7%C3%A3o-1.1495202>. Access in July 31, 2017.

acceptance. The global environmental governance package (Zhouri 2015) is thus indigenized, immersed in a global-local coalition of power that subsumes local and expert knowledges. The contributions in this dossier intend to instigate debate over such issues, fostering a new research agenda on those matters while presenting conflict situations related to large-scale mining in Brazil, as well a case of artisanal mining in Colombia.

Interestingly, for many years Brazil has been a country overlooked in most studies and anthropological reviews concerned with mining. This void may be related to the attention centered in supposedly more traditional mining countries in Latin America, particularly those located in the Andes region (see Damonte & Castillo 2010; Alimonda 2011). However, it also may be due to the fact that other conventional, and yet globalized, forms of environmental concerns have mobilized the research agenda about the country, like the interest in the ethnology of indigenous peoples, the topic of the Amazon rainforest and the various and interconnected driving forces of its deforestation: cattle ranching, timber industry, hydroelectric dams. In any case, the absence of anthropological interest in the topic of mining is surprising, given several centuries of extractivist activities in the state of Minas Gerais, as well as ore exploration operations in the Amazon since the mid-twentieth century, principally during the civil-military dictatorship that coincides with the international mining boom in the 1970s and 1980s.<sup>4</sup>

At any rate, the new wave of extractivism in Brazil, particularly between 2000 and 2011, is associated with a widespread process of re-primarization of the economy in the continent. Characterized by the primacy of commodity exportation in order to meet international market demands, this process represented, in reality, a subordinated position of Latin American countries within the global economy. It began with incentives to international investments promoted by neoliberal governments by means of reforms oriented to liberalize the mining sector. However, 'progressive' governments have also maintained this process, a dynamic identified as the above-mentioned commodities consensus (Svampa 2013) within the neo-extractivist model (Gudynas 2016). Mining companies, particularly in the case of iron ore, intensified their activities in order to increase the scale of production at the same time as reducing fixed costs (Hoyle 2015). This process gave rise to new "sacrificial zones", that is, new complex economic frontiers around mining that voraciously advanced over the territories of indigenous peoples and traditional communities.

The effects of different types of extractivism, especially large-scale mining, are visible far beyond the social and environmental impacts most often identified in the sites of extraction themselves. The "spillage effects" of mining, according to Gudynas (2016), can be observed farther: in institutions, governments, other facets of the economy and law systems and regulations, and furthermore, in variable scales and levels which are intertwined and still open to investigation. As some of the studies in this volume demonstrate, large-scale mining must be researched not only at the extraction and processing sites, but also in relation to infrastructure of energy and transportation that it requires, such as railroads, water pipelines and ports (see Santos et al; Antunes Junior & Pantoja da Silva, in this volume; and Losekann 2016).

Since 2011, some countries in Latin America have experienced a decline in the international demand for minerals. Between 2011 and 2014, the volume of mining exports in Brazil dropped from US\$ 44.2 billion to US\$ 28.4 billion (International Trade Center 2016). Considering iron ore, copper and aluminium, the three major export minerals from Brazil, prices per ton declined 41%, 20% and 20%, respectively (World Bank 2016). Among the effects are the decrease in taxes usually paid to mining municipalities to compensate for environmental damages, the increase in threats of disasters and work-related accidents, curtailment of preventive actions and environmental control of projects.

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<sup>4</sup> For a concise review of mining history and projects in the Amazon, see Nunes Coelho (2016).

The geographies of transnational corporations and the state reveal strategies to monopolize and privatize common environments in the territories of indigenous groups and traditional communities, configuring major pressure upon forests, rivers, land and subsoil. The incursion into traditionally occupied land has incited conflicts in Brazil and other countries in the continent. Many rural communities have already been destroyed, as in the case of the Rio Doce disaster in Southeast Brazil (articles in the first part of this volume).

The collapse of the tailings dam owned by Samarco, a joint venture of two global mining titans, Vale and BHP Billiton, in November 2015, promoted the biggest mining disaster (in volume of spilled tailings) in Latin America and is iconic, in many respects, of the current economic, political and institutional context subject to analyses. There were nineteen immediate deaths and thousands of people are still displaced, facing loss of homes, land, crops and animals. They were forced to live in rented houses in the city, tied up in endless negotiations, kept waiting for resettlement, uncertain about their future, and outraged with the impunity of corporate and state collusion (see Zhouri et al. and Losekann, in this volume). Suddenly, dozens of cities had problems with water supplies, and rural and fishery villages were buried by the mineral waste that extended over 600 km in length, until the Atlantic Ocean. It is known that there were failures in the process of oversight and the monitoring of the dam, as discussed by Santos & Milanez, in this volume.

Notwithstanding the disaster, politicians in the state of Minas Gerais moved quickly in passing a law that eases environmental impact assessment procedures to accelerate analysis and approval of large-scale mining projects. A similar process occurred in the Brazilian Senate, in which a Constitutional Amendment, first introduced in 2012, was passed in early 2016. In practice, this represents the dismantlement of the systems of norms and regulations that sustained obligatory environment impact assessment (see comments in Zhouri et al.; Santos & Milanez and Acselrad, this volume), and calls for ethnographic studies about state practices and the construction of legalities, illegalities and 'alegalities' (Santos et al., this volume).

Disasters, relaxation of norms, and institutional setbacks place into question the very notion of democracy not only in Brazil, but in Latin America at large, conforming one of the "spillage effects" of mining. In Colombia, changes in environmental legislation have created the so-called "licencias expresas", as well as the "Paquetes ambientales" in Peru, whereas in Bolivia, new decrees allow the entry of the oil industry in protected areas. Hence, disasters of mining in the continent multiply, inasmuch as spaces of politics are transformed into instances of judicialization and criminalization of affected people and leaders of resistance movements, who struggle in defense of their territories and ways of life.

The violence of these forms of appropriation of the place of others, and their submission to diverse modes of threats - the extreme events of social and environmental disasters and their "spillage effects" - obliterate differences, diversities, collective identities and choices.

In the face of such a grim scenario, indigenous peoples, fisherman, peasantry, Afro-descendants and others have mobilized themselves. They have contested the attack over their territories, the plunder of their natural resources, the invasion of corporate agents legitimized by state power and their prioritizing commodities export as basis for development. The critical experiences that depict the multiple processes of the "violence of affections" promoted by large-scale mining give rise to contexts of struggles and resistances that weave together distinct trajectories of activists, affected peoples, militants and researchers (see Rigotto and Acselrad, in this volume; Zhouri, Generoso and Corujo 2016). The understanding of such processes requires more investments in anthropological research, since Anthropology has traditionally contributed to the knowledge of territory as a place of culture and resistance. Furthermore, the discipline has been challenged to analyze globalizing processes and practice multi-sited ethnographies (Markus 1995). Along these lines, ethnographies of the state - as well as of corporations - can also help shed light on the construction and practices intended to control territories and manage conflict and dissent.

On the other hand, these power strategies encounter responses by subjects and movements committed to values associated with ideas of autonomy, rights, identity, *buen viver* and others, collectively advanced, as ways to design alternative futures.

Large-scale extractivism is a topic that has mobilized the research agenda of scholars in multiple fields of knowledge. Anthropological research on mining and its effects on indigenous peoples and local communities has been a topic of classic ethnographies, like June Nash's *We eat the mines and the mines eat us* (1979), based on investigation in Bolivia, and Michael Taussig's *The Devil and commodity fetishism in Latin America* (1980). In Brazil, however, mining appears in occasional studies, mainly at the interface of Anthropology and development. A more consistent approach has connected development and indigenous peoples, or even Anthropology and hydroelectric dams rather than mining as a proper research field. Hence, this volume has a double purpose: on the one hand, it intends to unveil a field still open to scrutiny and, on the other hand, communicate to a wider international constituency the specificities of mining in Brazil and the research that has been carried out by Anthropologists in interaction with researchers from different areas of knowledge, including sociology, geography, engineering, political science and medicine. Indeed, mining requires an interdisciplinary approach, and Anthropology has a great deal to gain by interacting with other disciplines in order to understand the various processes, institutions and actors mobilized in the 'minefield'.

*Mining, violence and resistance* is an invited issue of *Vibrant – the Journal of Virtual Brazilian Anthropology*. The articles in this volume were presented by scholars in different events organized by the Brazilian Anthropological Association (ABA) during 2016. Among those are the Special Symposium "Mining, social suffering and resistance in the context of Brazil and Latin America", held at the 30th Brazilian Anthropological Meeting (30a. RBA), in João Pessoa, Paraíba, August 3-6; and the panel "Mariana, the story of a disaster: mining, social suffering and resistance", part of the 40<sup>th</sup> Congress of ANPOCS, October 24-28.

This dossier is organized into two parts, each with four articles. The first part is entitled *The Samarco mining disaster – affectations, resistance, policies*. It brings together different analyses of the Rio Doce mining disaster that occurred in Brazil, in November 2015. The authors are researchers with experience in the topic of iron ore mining projects and whose research laboratories have followed the case of the disaster from its very beginning. Zhouri, Oliveira, Zucarelli and Vasconcelos, researchers of the Group of Environmental Studies of the Federal University of Minas Gerais (GESTA-UFMG), present an Anthropology of state practices and their effects upon 'affected people'. From that perspective, they examine the struggle between the objectification imposed by the policies of affectation and the political subjectivation of actors compulsorily brought to contentious settings over the control of their own destiny. The fetishism of numbers is questioned when the authors analyze the methodological instrument proposed by corporations to identify the universe of affected people, thus producing effects of inclusion and exclusion. The analysis of social suffering produced by the policies of affectations in Minas Gerais reveals affinities with the approach advanced by political scientist Cristiana Losekann in her research conducted within ORGANON - Center for Study, Research and Extension in Social Mobilization – of the Federal University of Espírito Santo (UFES). Losekann focuses on affected people in the 'other extreme continuum' of the disaster, that is, on the Atlantic coast, Espírito Santo State, located some 600 km further from the disaster epicenter. Based on fieldwork and in meetings with affected people, Losekann describes processes of mobilization which involve various actors and interactions marked by emotions and by the creation of affective bonds. Drawing on a culturalist framework of social movement studies, the article highlights the emotional mechanisms in play in the construction of collective action, in particular, claims for justice.

Rodrigo Santos and Bruno Milanez, researchers of PoEMAS – Politics, Economics, Mining, Environment

and Society – linked to the Federal Universities of Rio de Janeiro and Juiz de Fora (UFRJ and UFJF), present an interpretation of the relations between state, market and civil society in the context of the disaster and changes of environmental regulation of the mining industry in Brazil. They explore the novel roles and relations between state and corporations with regard to environmental dimensions, revealing the selective exclusion of civil society from the process. Based on document analysis and fieldwork, the authors analyze regulatory forms related to environmental licensing and monitoring of Samarco's operations, as well as mechanisms of management of impacts of the disaster in the Rio Doce Basin. They conclude that a blend of weak and private regulatory standards (self-regulation) has been established, adding corporate forms of private and public regulation to the process of institutional dismantlement in course in Brazil. Henri Acselrad, researcher of ETTERN – State, Work, Territory and Nature - laboratory of the Federal University of Rio de Janeiro (UFRJ), in his “genealogy of the disaster”, identifies it as the expression of political failure in public control of private interests. Three specific issues are presented for further investigation: the operation of an “organized class irresponsibility”, the systematic dis-consideration of alerts brought forth by citizens or groups pledged to the public interest, and the limits to the exercise of academic freedom in the field of environmental impact assessment procedures.

The second part of the dossier is entitled *Violence, resistance and knowledge*. Ana Flávia Moreira Santos, researcher of GESTA-UFMG, in co-authorship with Luciana Ferreira and Vinicius Penna, analyzes rituals performed within the environmental impact assessment procedures of the iron ore Minas-Rio project, a venture owned by the Anglo American company. Their study is based on a long-term ethnography of meetings, actions and initiatives of both state actors and affected peoples. The Minas-Rio Project is a mining complex composed of mine - pipeline - port, which extends over 500 Km, from the hinterlands of Minas Gerais to the coastal areas of Rio de Janeiro. Violation of human rights, as such the right to information and the right to water, has often been denounced during the history of this project, including in international forums, like the United Nations. Through an ethnography of the political rituals performed in the institutional participative scenes, the authors discuss how mechanisms used to relax environmental norms were articulated throughout the process, generating strategies which allowed the operation of the project despite the lack of knowledge about - and acknowledgment of - the affected communities. Incidentally, the theme of knowledge production in relation to environmental conflicts is the main topic of Raquel Rigotto's contribution. Researcher of TRAMAS – Labor, Environment and Health – at the Federal University of Ceará (UFC), she focuses on the establishment of an environmental field when prospecting of uranium and phosphate in the *Sertão Central* (Central Hinterland) of Ceará, Northeast Brazil, was announced. The author, a medical doctor and sociologist, describes several ways of acting, the *modus faciendi*, that update and territorialize epistemicide and cognitive injustices in the context of neo-extractivism. On the other hand, she highlights that the subjects affected engaged themselves in fruitful processes of knowledge construction in order to defend themselves from threats to their territories and ways of life. At the end, drawing on a “perspective of a science oriented by activism”, Rigotto addresses the interfaces of such processes with the engagement of researchers with local subjects for a common, shared production of knowledge.

Horácio Antunes de Sant'Ana Junior and Elio de Jesus Pantoja Alves, both of GEDDMA – Group of Studies on Modernity, Development and Environment – at the Federal University of Maranhão (UFMA), analyze the “spillage effects” of iron ore mining in Carajás - an extraction site located in Pará, Eastern Amazon region - alongside the *Estrada de Ferro Carajás* (Carajás Railroad). Their focus is on the port city of São Luís do Maranhão, located in the Northeast Brazil. The authors consider the interrelations between mining, transport and exportation of iron ore, infrastructure projects, factories, extensive cattle farming and monoculture, and lumber exploitation as combined factors that damage the landscape of the Eastern

Amazon region and threaten the local traditional way of life. Drawing on the concept of “spillage effects” of mining, the authors discuss environmental conflicts in São Luis around demands for an Extractive Reserve, ways to guarantee control over the territory, debates on urban legislation and opposition to the building of port terminals. Last, but not least, Eduardo Restrepo’s contribution focuses on Colombia rather than Brazil. As an anthropologist of the Pontificia Universidad Javeriana de Bogota, Restrepo participated in the symposium about mining, organized during the 30th Meeting of the Brazilian Anthropology Association, and contributed with the interesting discussion about artisanal mining in the North of Cauca, Colombia. Based on historical and anthropological data, he analyzes the process of dispossession promoted by illegal mining. The article examines processes of settlement of Afro-descendants in Cauca since colonial times and their traditional ways of mining interconnected to other economic activities. The text then provides a cartography of conflicts originated by the recent arrival of foreign miners, most of whom associated with illegal armed groups. The conflict between these newcomers and groups within the traditional black communities organized in defense of their threatened territories, is explored.

Finally, it is interesting to note that the articles assembled in this dossier have several features in common: political ecology is a common ground, in the sense that the studies are concerned with conflicts and power relations that characterize the interactions between social groups and the environment. The theme of inequality cuts across most of the articles, be it with regard to unequal access to and distribution of, nature, as well as threats related to mining; or in the sense of access to knowledge and political spheres of decision-making. Another aspect to emphasize is that most of the contributions are based on field experiences. This is an element dear to Anthropology as a discipline which has traditionally placed fieldwork at the heart of ethnography. Furthermore, researchers engaged in the study of mining have also positioned themselves in this field, questioning the role of science as discourses of truth, and particularly the universities, as “knowledge corporations” (Bastin and Morris 2003, p. 79) at the service of the reproduction of power, especially in a country marked by inequality, like Brazil. We hope that this contribution provides insights for further anthropological research on mining in Brazil and that international scholars and different actors critically engaged with the issue of mining may benefit from the experiences shared by Brazilian researchers in this volume.

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# The Rio Doce Mining Disaster in Brazil:

between policies of reparation and the politics of affectations\*

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## **Abstract**

This article analyses the policies of affectations in the context of the disaster which occurred in late 2015, when an iron ore tailings dam ruptured, affecting thousands of families in the Rio Doce River Valley, in the southeast of Brazil. The paper discusses the challenges faced by victims of the disaster, given that the 'affected person' as a social subject goes through a dramatic process of forced sociability, forged in political processes and bureaucratic demands which are alien to her/his world. As a consequence, the claims of victims are transmuted by the rationalities and techniques of corporate management, therefore disabled and re-codified by taxonomies which define forms of damage reparations, as well as modes of reconstruction of their way of life. From an anthropological perspective, we examine the struggle between the objectification imposed by the policy of affectation and the political subjectivation of actors compulsorily brought to contentious settings over the control of their own destiny.

**Key words:** Mining; disaster; conflict; affected person.

# O desastre da mineração no Rio Doce, Brasil: entre a gestão da crise e a política das afetações

## **Resumo**

O artigo discute os aspectos da política das afetações e suas consequências tomando como caso etnográfico o desastre ocorrido no final de 2015, quando uma barragem de rejeitos de minério de ferro se rompeu, afetando milhares de famílias na bacia do Rio Doce, sudeste do Brasil. O propósito é examinar os desafios colocados às vítimas do desastre, visto que o sujeito social 'atingido' passa por um processo dramático de sociabilidade forçada, forjada nos processos políticos e nas demandas burocráticas que lhe são alheios. Desse modo, suas reivindicações são transmutadas pelas racionalidades e técnicas do gerir corporativo, tolhidas e recodificadas pelas taxonomias que definem as formas de reparação dos danos, bem como os modos de reconstrução do seu viver. Trava-se uma luta entre a objetivação imposta pela política das afetações e a subjetivação política de atores compulsoriamente trazidos aos cenários de disputa sobre o controle de seu próprio destino.

**Palavras-chave:** mineração; desastre; conflito; atingido.

# The Rio Doce Mining Disaster in Brazil:

between policies of reparation and the politics of affectations

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## Introduction

“It’s so difficult, this task of mine, our task: to learn how to be an affected person.

What do you mean?

We need to behave like affected people.

Is there a particular way for affected people to behave?

I don’t know.

I know that we need to learn how to live together like that.

That makes me think about rights, meetings, assemblies, agreements, foundation, reconstruction, resettlement...

Concepts which make me confused. Confusion which makes it difficult to understand simple words like: ask, require, negotiate, fight, right, wrong.

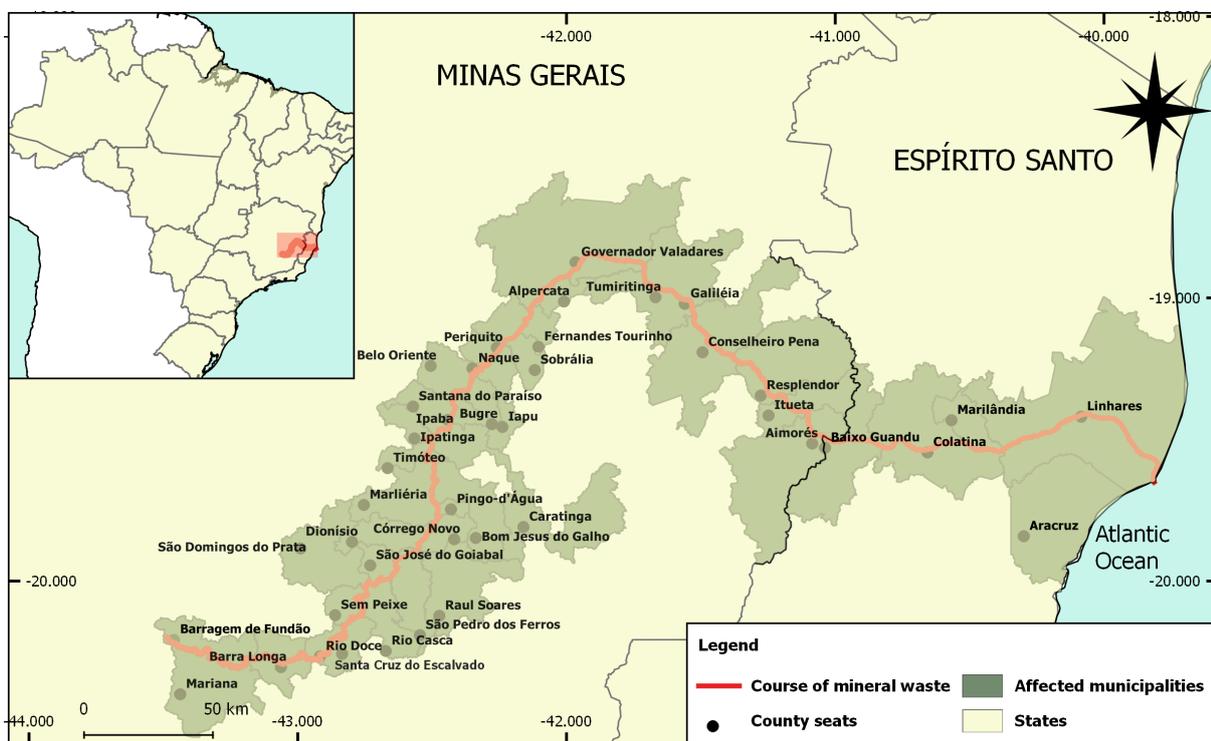
*That’s why I cry. I feel affected by not knowing how to be an affected person”.*

(Angelica Peixoto. **Learning how to be an affected person.** *Jornal A Sirene*, September 2016: 7. Written with the assistance of Ane Souza, Bárbara Torisu, Elizabete Tavares, Fernanda Tropicia, MAB e William Menezes).

The excerpt of the poem written by Angelica, teacher and resident of Paracatu, small rural village destroyed by the disaster which resulted from the rupture of an iron ore tailings dam in Mariana, Brazil, expresses the anguish suffered by social subjects who are faced, above all, with a novel and alien political and bureaucratic reality. Regardless of the disaster in itself, which suddenly ruined their lives, the process of becoming recognized as subjects of rights affected in this catastrophic and critical context is prolonged as a chronic crisis which denounces the unnatural character of ‘being’ and of ‘becoming an affected person’. In fact, upon de-naturalizing the idea of affected person, the poem lays bare the complex process that comprises the construction of consciousness and of the ‘crusade’ which involves involuntary insertion into a context of bureaucratic management. It stresses the need of learning a political practice, the determinations and disciplines of this same practice which is part of the pursuit of rights. The ‘affected person’, as social subject, in addition to being displaced physically and materially, is, in the end, a socially and culturally displaced person. A subject who goes through a dramatic process of forced sociability, forged in the political processes and bureaucratic demands which are alien to her/him. In this way, claims of the victims are transmuted by the rationalities and techniques of corporate management, disabled and re-codified in the “universalizing professional languages of complaint and restitution” (Das; Kleinman; Lock 1996) which define forms of reparation of damages imputed, as well as modes of reconstructing their way of life. It is the story of a struggle between the objectification imposed by the policy of affectation and the political subjectivation of actors involuntarily brought to contentious settings over the control of their own destiny.

The mining dam which ruptured in November 2015 was owned by the Samarco Mining, Inc. Company, subsidiary of two international mining giants: Vale S. A. and BHP Billiton Brasil Ltda. Fifty million cubic meters of mineral waste was carried to the Rio Doce, one of the most important rivers of southeast Brazil, traveling approximately 600 km to the mouth of the Atlantic Ocean. Nineteen people were killed immediately, hundreds of dwellings were destroyed, and other hundreds of riverine communities faced major losses to productive activities. The compromising of life of the Rio Doce as far as the coastline of Espírito Santo State brought significant damage to the water quality of that basin, source of drinking water and food production for millions of inhabitants.

**Figure 1** – Course of mineral tailings of the Fundão Dam from the municipality of Mariana, Minas Gerais State, to the mouth of the Atlantic Ocean, in Espírito Santo State (Map drawn by Max Vasconcelos, 2017).



In addition to immediate extensive material losses and serious damage to the health and life of these populations, the annihilation of their territories must be emphasized. The latter constitute the basis of their social, cultural and economic reproduction and are set in specific socio-ecological conditions which were destroyed by the disaster.

Following the rupture of the dam, Bento Rodrigues and Paracatu de Baixo, rural villages immediately downstream, were completely devastated by the mud. One of the first measures of assistance to the victims was housing in a multi-sport gymnasium in the city of Mariana, followed by a rapid transfer to hotels in the city. Despite this swift measure of the Civil Defense team, the victims immediately became the object of various levels of government which, upon framing the situation as one of environmental conflict, presented themselves as mediators between the company and the affected people. Within this policy, “representative commissions” of the affected people were formed, and soon after, a series of public meetings took place.

**Figure 2** – Meetings between the companies and affected people:

- 1) Meeting about reconstruction of Bento Rodrigues, March 10, 2016;
- 2) Meeting to present division of land where resettlement of Bento Rodrigues would be built, January 20, 2017. Photos by Marcos Zucarelli.



At this initial stage, we observed that despite originating from a rural context, the sociological universe of the affected people was quite varied. Many were not familiar with the procedures, spaces, institutions and languages of ‘representation’ and ‘participation’, including the meaning of a ‘commission’. Others expressed reluctance to have to deal with external intermediaries and ‘fear of being represented’ by those who proposed solutions unrealistic to their way of life (Zhou et al. 2016a; 2016b). As the above poem suggests, the process of ‘learning to be an affected person’ became painful and distressing because it was permeated with formal rules, lexicon, provisions and expectations which were pre-defined by external agents, distant from the daily life of those who suddenly were transformed into victims. Thus, concurrent with the ruptures and destabilization produced by the catastrophic event, there was an unnatural need to learn how to deal with the bureaucratic, administrative and legal novelties, in addition to the existence of harassment, hearsay, rumors, suspicions, controversies, fears, slander, fights and crises, problems not uncommon to both disasters and representative political organisms.

The inhabitants of those villages of the municipality of Mariana which were immediately affected, namely: Bento Rodrigues, Camargos, Bicas, Ponte do Gama, Paracatu de Cima, Paracatu de Baixo, Pedras and Campinas, as well as Barretos and Gesteira, which are part of Barra Longa, municipality whose urban center was also partially razed by the mud tailings, struggle for their rights and the reestablishment of their living conditions. However they encounter difficulties in dealing with the terminology and format of reparation policies, as well as in relation to the organizational demands placed on them by the State and by companies which are responsible for the disaster. The means, the jargon, the temporality of the standardized and institutionalized channels of ‘participation’ reveal not only the limits, but also the

pernicious effects of the management of damage and suffering. The diverse experiences and languages of the affected people are transformed into fixed attributes apt to be instantly grasped, measured and placed in standardized and numerical registers of instruments such as the 'socioeconomic cadastral survey' of the victims and the 'matrix of losses and damages'.

In this manner, living through the disaster as an 'affected person' also comprises a long-lasting experience of strange jargon, spaces and times exemplified by the submission to the rental housing and the 'benefit card' furnished by the companies,<sup>1</sup> by the subjection to the deliberative power of juridical and corporate jurisdictions and, above all, by the waiting, which constitutes a state of permanent anguish and frustration.

In short, the disasters entail far more than a set of material damages which can be measured and solved by means of financial compensations. The process of rehabilitation, itself, can be replete with varied dimensions of violence which demean even more the living conditions and autonomy of those who suffer losses. The disasters, therefore, are not limited to the critical catastrophic event, but rather unfold in long-lasting processes of social crisis, frequently intensified by institutional directives, which have the effect of perpetuating the social suffering.

The Environmental Studies Group of the Federal University of Minas Gerais (GESTA-UFMG) has monitored this case since the dam ruptured, analyzing, among other activities, the policies and politics of affectations. These comprise both the administrative codifications as well as the actions which they produce and are adopted by the State and the companies responsible for the disaster. In this article, we focus on the Loss Register Survey (*Cadastro de Atingidos*) designed by the companies to identify victims and their losses. First, we resume arguments raised in Zhouri et al. (2016a; 2016b) which point to the production of social suffering and the perpetuation of socio-environmental injustices under the mantle of mitigation, mediation and accord. These, we stress, impose excluding procedures, the effect of which is the flexibilization of rights already guaranteed by the Brazilian Federal Constitution. Continuing that discussion, and informed by new ethnographic data, we argue that the management of the crisis on the basis of terms and instruments typical to environmental assessment processes causes not only the aggravation of vulnerabilities unleashed by the disaster, but also marginalizes forms of mobilization of the affected people themselves, consequently reducing possibilities of social participation. In the final section, our analysis of the Loss Register Survey proposed by the companies to identify victims and damages seeks to demonstrate the confluence between the control that requires a typical behavior as 'affected person' - *Is there a particular way for affected people to behave?*, asks the poem - and the equally disciplining control which is obtained by the patterning power of numbers (Scott 1998; Appadurai 2005).

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<sup>1</sup> November 17, 2015 was the beginning of a routine of meetings in the city of Mariana between the State Public Ministry, Samarco and representatives of affected inhabitants to deal with affairs said to be of an emergency nature: "the leaving of inhabitants from hotels, criteria for priority of assistance, values and viabilization of funds for maintenance, among others" (Zucarelli 2016: 323). After much resistance from the companies (Samarco, Vale, and BHP), the District judge ratified the agreement between the parties in the first public hearing of conciliation conducted in the Mariana Courthouse on December 23, 2015. Among the judicial decisions was that Samarco would be responsible for payment of a minimum wage for each person who lost income in the nuclear family, with an added 20% per dependent, plus the relative value of a monthly subsistence basket of food, amounts to be deposited in a bank account which could be accessed by use of a corporate card.

**Figure 3** – Researchers from GESTA-UFMG work in collaboration with affected people from Paracatu on a map of the community destroyed by the disaster, 19/02/2017. Photo: Marcos Zucarelli.



### **Framing the disaster as an ‘environmental conflict’: outcome policies and consequences<sup>2</sup>**

The growth of investments in primary mineral extraction in Minas Gerais for export has resulted in the increase of social and environmental conflicts (Zhourri 2014). The tendency is for this scenario to expand further in the context of the flexibilization of environmental licensing regulations occurring at the state and federal levels.<sup>3</sup> Furthermore, it is a fact that state government policy in recent years has been responsible for the scrapping of governmental agencies and precariousness of working conditions of environmental personnel, thereby making it unlikely that these agencies can effectively carry out functions prescribed in new legislation.

In effect, a worrisome flexibilization in the monitoring of planning, construction and operation of developmental projects has resulted in unbearable risks, which extrapolate the sites of the mining projects. The rupture of the Fundão tailings dam was a frightening example of this critical context, but is far from being an isolated case. Since 1986, the rupture of six dams in Minas Gerais had already resulted in a total of 16 deaths, thousands of people displaced and serious problems of drinking water supplies in municipalities situated along the affected rivers (Oliveira 2015).

The cases illustrate negligence of business agents and of public authorities with both the enterprises and the management of the disasters caused by them (Zhourri et al. 2016a and 2016b). The shifting of the

<sup>2</sup> This section resumes part of the arguments already published in Zhourri et al. (2016a) and Zhourri et al. (2016b).

<sup>3</sup> See, for example, the Proposed Constitutional Amendment – PEC 65/2012, approved in April, 2016 by the Commission on Constitution, Justice and Citizenship of the Senate; the discussion about the New Mining Code proposed by the Ministry of Mines and Energy; the Proposed Legislation 654/2015; State Law 21.972/2016, approved by the Legislative Assembly of Minas Gerais in January, 2016 and Decree 47.137 of January, 2017, in which the Governor of the State of Minas Gerais, under the pretext of providing agility to licensing processes, sets deadlines for responses from environmental offices to studies submitted by companies and facilitates environmental norms so that companies could request, simultaneously, two and/or three required licenses. In the same vein, another measure imposed by this Decree is the disengagement of the requirement for technical opinions of intervening bodies, such as, for example, the Institute for National Historical and Artistic Heritage (IPHAN).

administration of these disasters – from the sphere of criminal investigation and judicial process to the axis of managerial treatment of ‘environmental conflicts’ or ‘socio-environmental conflicts’ – discloses diverse technologies of dispute prevention, with emphasis on agreements oriented towards the construction of would-be pacts between potentially litigating parties.

In the case of the Rio Doce disaster, the management of the crisis has mobilized a specific set of devices, such as the so-called negotiation tables and signing of Terms of Adjustment of Conduct (TAC).<sup>4</sup> Such devices are mobilized under the pretext for swifter and more effective action, in contrast with an emphasis on punishments via the judicial process which attribute responsibility to corporate agents and compliance with demands of affected people. This contractual approach (Acselrad 2014) occurs, in fact, in detriment to spaces of participation of affected people and their supporters, segments which were not heard during the drafting, for example, of the Term of Transaction and Adjustment of Conduct – TTAC.<sup>5</sup> Therefore, such policies characterize a mistake and a reduction: the mistake of classifying the disaster as a case of environmental conflict and the reduction of this latter to a sphere of negotiation between interested parties.

Environmental conflicts refer to situations of dispute about the appropriation of environmental resources and services in which an asymmetry in the access to natural conditions, as well as inequality of effluent disposal, are predominant. In addition, environmental conflicts are characterized by the irruption of collisions between distinct spatial practices which operate in the same territory or interconnected territories, leading to the collision and competition between diverse systems of use, control and signification of resources, in which the dispossession of local groups is not infrequent (Kirsch 2014). This is a process of political and symbolical struggles which comprises the meaning and fate of territories. In this perspective, two observations are important: first is that environmental conflicts are not limited to confrontation of interests between two or more litigating parties; nor are reduced to a controversy between subjects whose equivalent social positions results in equal conditions of negotiation. On the contrary, they constitute settings in which the agents involved occupy asymmetric positions, in which an unequal distribution of economic, political and symbolic capitals defines the power of action and of enunciation. Environmental conflicts arise from distinct modes of technical, economic, social and cultural appropriation of the material world (Zhouri & Laschefski 2010; Acselrad 2004). In this perspective, the disaster caused by Samarco was indeed the concrete manifestation of a threat posed by past conflicts. According to research carried out by Viana (2012), three years before the disaster, in Bento Rodrigues, locality closest to the mineral plant facilities and totally destroyed by the wave of mud, 68% of interviewees expressed fear in relation to the rupture of the dam, 94% complained about water pollution caused by Samarco’s operations and 64% feared that their properties could be expropriated by the company. With the rupture of the dam, those who were already affected by the operation of the mining complex suffered losses of life and deterioration of their health, in addition to permanent compromising of their territoriality. From *affected people* they came to be *victims*, with full right of compensation for material and moral damages. Placing them immediately at a negotiating table was an act which re-signified them as ‘interested party’, opening spaces for the offenders, Samarco/Vale/BHP Billiton, to also be re-signified in the same way.

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<sup>4</sup> In the weeks following the rupture of the tailings dam, Terms of Adjustment of Conduct and Preliminary Commitment were signed by the Federal Public Ministry and State Public Ministries of Minas Gerais and Espírito Santo establishing protective measures for employees of the company. Nevertheless, as will be discussed below, following the attempts made at the first meetings in November 2015, the companies refused to sign a Preliminary Commitment Term proposed by the State Public Ministry, which sought to guarantee rights related to compensation of victims and the reconstruction of the communities. This caused the opening of the first Public Civil Action against the firms in the District of Mariana. Recently, a new Preliminary Term of Adjustment of Conduct was ratified by the Federal Public Ministry and the companies.

<sup>5</sup> Signed by the Federal Government, states of Minas Gerais and Espírito Santo and the companies Samarco/Vale/BHP Billiton Brasil in March 2016.

Victims and corporate agents, engaged in a type of bargaining of reparatory and compensatory measures, were placed in confrontation in purportedly symmetrical positions. Nevertheless, placed in a weakened stand for negotiation, affected people see their rights threatened by this technology of 'conflict resolution' which has frequently been adopted in Brazil.

Indeed, it is worth mentioning that, like Bento Rodrigues, innumerable riverine communities in the Rio Doce basin historically constituted their places and dwellings around the access to water. Only with the later insertion of the mining mega-entrepreneur in the territory were their respective places transformed into 'areas of risk', subject to catastrophes. A significant indication of this process is the estimate made by the State Environmental Agency that, of the 735 dams in Minas Gerais, 42 do not demonstrate guarantee of stability (FEAM 2015). In this context, the rupture of the Fundão Dam can be identified as a *sociotechnical disaster*. Different from the terminology predominantly employed in previous works (Zhoury 2016a, 2016b) – *technological disaster* – we adopt in this text the adjective 'sociotechnical' to emphasize a process set off by failures beyond one merely technical, thus relating it to failures of environmental governance that produced new patterns of vulnerability which, in fact, exposed the population to a situation of risk. The concept subscribes, then, to a sociological analysis of disasters which problematizes "*the socio-historical process in which the socio-spatial dynamic unfolds*" (Valencio 2014: 3633). Hence, far beyond the physical parameters and problems of prediction and quantification of the consequences, the central issue does not concern the technical reliability of the system. It rather comprises the geographic localization of dangerous installations, the amount of investments in security and prevention, the political decisions relative to the licensing of these structures and the technical choice of the dams as forms of waste disposal. These are the factors which engender the production and reproduction of environmental injustices. The risks of a possible rupture and the measures which should have been taken to avoid it were already known by environmental authorities.<sup>6</sup> These conditions were assumed by companies and by the Brazilian State through their environmental agencies and instances of monitoring and investigation. Under the status of normality, they contributed to the naturalization of the threats and the manufacturing of susceptibilities.

At any rate, the rupture of the Fundão dam should be understood as a disaster rather than an environmental or social-environmental conflict. According to Valencio (2014), disasters are tragic collective events in which there are sudden and involuntary losses and damages which disorganize, in a multidimensional and severe manner, the *strategies, routines and way of life* of a given collectivity. This implies that a disaster should be "*considered a social crisis associated to a devastating physical occurrence and to a social time*" (Valencio 2014: 3633). Their explicative elements must be sought in a broader historical dimension which comprises the process of vulnerabilization as a sociopolitical relation.

The technologies of environmental conflict resolution applied to the socio-technical disaster of Samarco in the Rio Doce expose the constraints of institutions of defense of rights. These technologies were developed by international financial institutions and clearly shifts the approach concerned with rights to policies related to the adjustment of interests among parties (Zhoury 2015).

The policy assumed by these agents to deal with the disaster was guided by social technologies of mediation, based on the proposition and signing of terms of agreement between the State and the companies. Following the refusal of Samarco to sign a term of commitment which sought to guarantee reimbursement of the victims and rebuilding of their communities, the Public Ministry of Minas Gerais filed a public civil lawsuit with the courts of Mariana, in December 2015. In order to avoid juridical

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<sup>6</sup> In an investigation performed at the request of the Public Ministry of Minas Gerais, the Instituto Pristino had already alerted, in 2013, to the risk of collapse of the Fundão dam. The report recommended the periodic geotechnical and structural monitoring of the dykes and the dam; and highlighted the need for a contingency plan for situations of risk or accidents (Instituto Pristino 2013). Such recommendations contrast to the real non-existence, in the area of the enterprise, of even the most elementary system of sound alarm, the purpose of which is to alert the surrounding population in case of accident or aggravation of risks.

litigation, the judge of the judicial district decided to hold conciliation hearings, which had been suspended due to questioning of juridical jurisdiction. The result was the transference of the local lawsuit to the federal sphere. This fact occurred because the office of the General Counsel for the Federal Government, along with the companies and state governments involved, stitched together an extrajudicial term of accord which brought an end to a variety of regional public civil lawsuits against the defendant companies. On the basis of the ratification of the previously mentioned “Term of Transaction and Adjustment of Conduct (TTAC)”, reparation measures came to be administered by a private foundation named Renova. The measure was severely and publicly criticized by State and Federal Public Ministries, as well as by social movements and organizations, such as the National Committee in Defense of Territories Affected by Mining and the International Alliance of People Affected by Vale.<sup>7</sup> Despite its criticisms of the accord, the Federal Public Ministry proposed to the defendant companies the Preliminary Term of Adjustment (TAP).<sup>8</sup> The TAP signed in January, 2017, is intended to develop a negotiated proposal to resolve all civil demands involved in the lawsuit through negotiation of a final agreement among the parties. Measures foreseen by the TAP include the hiring, paid by the companies, of consultants and experts responsible for the development of evaluations and diagnoses concerning the environmental and social damages resulting from the disaster (see the final section of this article). In addition, this Preliminary Term foresees the holding of consultations with affected indigenous peoples and organization of public hearings with the objective of contemplating the participation of victims in the definition of the Final Term of Accord. The public hearings thus are conceived, at least until the present time, as the principal modality of participation recognized by the institutions involved in managing the crisis.

As previously emphasized (Zhouri et al. 2016a, 2016b), under the mantle of a *coercive harmony* (Nader 1990), the questioning of mining as a developmental project, of the multiplication and reproduction of risks involved in such economic activities, and of the responsibilities of corporative agents in the profusion of uncertainties and damages, becomes buried. In this context, the rights of victims to a just reparation and reconstruction of their way of life are subsumed to a managerial logic of identification, measurement and attribution of monetary value to losses, under the aegis of business, which consolidates a process of expropriation and perpetuation of social suffering, as shall be discussed below.

## Social suffering as consequence of ‘conflict’ mediation policies

“Now I am sad, because you compared my situation to his”, says M., who had her dwelling completely devastated by the wave of tailings, and does not conceive her situation as similar to that of G., a small farmer whose house is in an area considered ‘remaining’ from the tailings. In order to arrive at his house, G. crosses the ruins of his community. Only debris remains of the old structures of houses, the school and bars located in the lower portion of the territory overwhelmed by the sheer volume of wastes. G. refuses to leave his house; he does not want to leave his livestock and his little farm to the care of the company. M. continues: “Look, his house is still standing, he has a place to plant, he has his domestic animals ... and me? What do I have?” She pauses, but then answers her own question in a somber tone: “I have the day and the night”.

<sup>7</sup> In April 2016, the Federal Public Ministry (MPF) filed a Public Civil Lawsuit requesting the impugning of the TTAC and payment of more than U\$50 billion for the reparation of environmental and socioeconomic damages to the affected communities. Despite the judgment of the Lawsuit, the TTAC was ratified one week later, when the disaster had completed six months. Following a request by the MPF for annulment of the TTAC, the Supreme Court of Justice (STJ) issued a preliminary injunction suspending the agreement in July 1, 2016 (Zucarelli 2016).

<sup>8</sup> The Term of Preliminary Adjustment was signed in January 18, 2017 by the MPF and the defendant companies. Its principal objective is to lead to the signing of a Final Term of Accord which substitutes the suspended TTAC. The TAP was partially ratified by the Judge of the 12<sup>a</sup> Federal District Court on March 16, 2017, still remaining the definition of the consulting company to be hired to provide technical assistance to the MPF in the development of the socioeconomic diagnosis.

**Figure 4** - Debris of Paracatu, 22/07/2016. Photo: Marcos Zucarelli



It is voting day for the choice of the land where the resettlement will be planned for the community of Paracatu. P. cannot vote. According to the criteria decided, the people who live on surrounding small farms will not be part of the resettlement nucleus, therefore cannot vote. Walking through the same debris, P., who was removed from his house by Civil Defense and relocated on another small farm, asks one of the researchers of our team: *“I’m going to ask you because you have more experience with this business of tragedy and resettlement: - if I do not want to come back here, do I have to?, because I don’t want to come back...they were twenty-two years of wonderful living together and today I don’t want to come back here but...they can put me here or put me there, but Paracatu will never be the same. Paracatu doesn’t exist any more”*.

These statements reveal two recurrent themes in the narratives of the victims. The first is the devastating experience of the loss: Paracatu no longer exists, there is nothing but day and night. The frames of references which structured routines, the plans and the social organization itself, were abruptly and violently destroyed. Elements of collective identity, as well as those related to “territories of the self” (Goffman 2004) were profoundly affected. The second recurrent topic is related to the emergence of innumerable tensions and cleavages among the victims. In the terrain of uncertainty, insecurity and rumors of scarce resources of those responsible for the disaster, intra and interfamily conflicts flourish. In fact, despite resettlement and their geographic location, modes of imagination of the community of Paracatu are demonstrably different in the context of the disaster.

In the management of the crisis, knowledge with respect to losses and damages, their modalities and temporalities on the part of the institutions involved, imply the production of a taxonomy which aggravates tensions and consolidates fissures. Among the categories mobilized, there is a distinction proposed by the International Finance Corporation (IFC 2002) between *physical displacement* and *economic displacement*, based on the criterion of the loss of dwelling or loss of income as a result of the tragedy. This distinction was used as a baseline for scaling “affectations” in terms of gravity and degree of emergency, ordering the scene of the catastrophe into differentiated situations of intervention and institutional response (Zhou et al. 2016a; 2016b).

Later on, another distinction was added to that between physical displacement / economic displacement: the differentiation between dwellers/*veranistas*, that is, those who reside only in the village and those who have a double dwelling: simultaneously in the village and in the city, where they are sometimes obligated to work, returning to the village on weekends, for example. Among the various fragmentations produced by the policies of affectations developed by the companies and corroborated by the State, the category of '*veranista*' produces the re-signifying of dwellers and the staggering of rights, thus contributing to dismantle community life. In the case of Paracatu, it is being progressively divided into two nuclei: Upper Paracatu (formed by dairy producers, residents of small farms, dwellers of larger tracts of land on the periphery of the village) and Lower Paracatu (dwellers of the village's central area, in their majority smaller farmers who regularly provide their services to dwellers of the periphery, and whose smaller tracts of land allow for cultivation and animal raising on a smaller scale, that is, in the backyards). Currently, new divisions seem to appear, since the presence of small farmers of the periphery in the interior of the nucleus of the village (Lower Paracatu) is disseminated as a threat to conclusion of the resettlement, given the constraints provided by the size of land selected to accommodate all inhabitants of the community.

Therefore, in the context of the disaster, we observe that structures and terminologies employed by state and corporate institutions become alien instruments of intervention and management, capable of modulating in an unprecedented way the forms of imagination and construction of identities and feelings of belonging. Such process is perceived as an additional source of frustrations, resentments and losses: rupture of ties of confidence, friendships and circuits of reciprocity, not only by the physical dispersion of the community, but just as much by the emergence of new conflicts. In this manner, the chronic character of the disaster is revealed in the unfolding effects of the rupture of the dam, including the selection and operationalization of institutional directives designed to contain and manage the crisis. After reporting with disappointment the internal conflicts in her own family, P. affirms: "*that mud is still doing damage*".

The damages refer less to the spatiality of the mud than to the social implications and effects of the modalities of institutional treatment of the disaster. This includes terminologies such as 'physically displaced / economically displaced' or 'double dwelling', the choice of methods and instruments of identification and verification of damages, and option for prescriptive and institutionalized forms of 'participation'. It also comprises the constitution of representative commissions of affected people and holding public hearings. Although the commissions of the affected people<sup>9</sup> are permeated with conflicts and tensions, in the field of conflict resolution technologies, there is an expectation of unity and consensual performances. This is functional to the appearance of symmetry between agents involved in the negotiation of interests. Thus, the damages refer to the production of social suffering on the basis of sociocultural and political aspects which engender experiences of frustration, insecurity and uncertainty with respect to the definition of 'affected person' and recognition of his or her rights.

For example, even one year after the rupture of the dam, up to the end of 2016, conciliation hearings for the company to recognize affected families were still taking place. Episodes of social awkwardness were not uncommon in these situations, as observed during hearings in the Mariana Courthouse which took place on September 14, 2016. Among the one hundred and fifteen people who struggled throughout the year for recognition as affected people, the case of a woman who was called by the judge of the judicial district to explain her claim is noteworthy. Clearly embarrassed, this woman saw herself obliged to tell a

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<sup>9</sup> The commissions of affected people of localities affected by the dam tailings in the municipality of Mariana were initially constituted by appointments by local public authorities. The organization of these commissions was marked by two other processes of inclusion, exclusion and continuation of subjects in the composition and actions of these bodies. Each affected locality, eight in all, has a specific number of members, but, despite this, normally three are selected to represent all affected people of Mariana, to sit at the table and participate more actively in judicial conciliation hearings.

personal drama publicly, before the entire community, so that the judge could understand her condition as an affected person. She had been subject to domestic violence from her husband and for this reason had temporarily left the village of Bento Rodrigues to live, together with her children, in a garage ceded by her brother in the city of Mariana. During the period in which she was in this temporary dwelling, she began building her own house back in the village. However, the dream of returning to Bento Rodrigues was interrupted by the disaster and, since she was not living in the locality at the moment of the catastrophic event, the company did not recognize her as an affected person, and therein as having the right to receive emergency assistance. It so happened that for two months her brother needed the garage and the woman had to go to a rented house and pay the expenses. At that point she was obligated to publicly reveal these facts of her personal life in a public hearing so that the judge could finally determine that the company should pay her rent, including reimbursement of the two months' rent which the victim had paid. In addition to the suffering of having to reveal her intimate personal life to neighbors, it is noteworthy that the decision, which deals only with emergency cases, did not consider the suffering of this family during the ten months in which they lived in a garage, without payment by the company. The 'recognition' as affected people allowed families to receive emergency and social welfare assistance measures which were agreed to in late 2015. Nevertheless, the definitions of 'affected person' and 'damages' are informed by 'eligibility criteria' about which there is a lack of consensus, precision or clarity. At any rate, such 'emergency' measures still do not guarantee those who are 'legitimated' as affected families a perspective of autonomous resumption of their lives. At this point, we turn our attention to the main instrument created by the companies for the identification of damages and the affected people: The Loss Register Survey, or cadastral survey.

### **The Loss Register Survey and the prevailing logic of environmental impact assessment: the interplay of legibility *versus* illegibility**

The logic of environmental impact assessment permeates the form of addressing reparatory actions following the disaster, such as the direct contracting by Samarco of environmental consulting firms charged with surveying and estimating damages, as well as identifying and registering victims to be compensated. Given that it is a commercial relation between economic agents (Zhourri & Oliveira 2012), the objective of the inquiry by consulting firms inevitably shifts from a survey aimed at equitable compensation of material and immaterial damages towards the principle of cost reduction in benefit to the contractor.

The definition of those who are affected by the Rio Doce disaster is under the control of the Renova Foundation, which now represents Samarco. A socio-environmental consulting firm named Synergia was contracted to develop and implement the official survey, that is, the Program of Surveying and Registering Impacted People (PLCI - *Programa de Levantamento e de Cadastro dos Impactados*). The aim of this Program is to conduct, through individualized registering, the survey and evaluation of damages to physical and juristic persons, as well as to "families and communities impacted by the rupture of the dam in areas in which social, cultural, economic or environmental impacts are evidenced" (Synergia 2016: 6). These areas, however, pre-defined in the TTAC and assumed in the PLCI as the "coverage area" of the cadastral survey comprises "the localities and communities adjacent to the Rio Doce, Rio do Carmo, Rio Gualaxo do Norte and Santarem Stream, river channel and the estuarine, coastal and marine areas impacted" (Synergia 2016: 5), along the length of 35 municipalities of Minas Gerais and 5 of Espírito Santo where the wave of mud tailings passed.

By means of an electronic form known as Integrated Cadastral Register (*Cadastro Integrado*), an extensive and complex questionnaire was created as ‘sole instrument’ to survey the losses and damages to the ‘impacted’ populations along the length of the Rio Doce basin as far as the coast of Espírito Santo. Organized in 33 modules, or blocks of questions, which cover varied themes or “target populations”, the questionnaire contains in its printed digital version approximately 500 pages and has as specific objectives:

- a) Trace the *socioeconomic and cultural profile* of all families impacted by the *accident* of the dam;
- b) Proceed to the *survey of losses and damages of the families and of their expectations regarding reparation*;
- c) Identify *socioeconomic and cultural relations* established among the impacted population in the municipality;
- d) Furnish data of the impacted population for the application of the programs of socioeconomic and environmental reparation (Synergia 2016: 6-7, highlights added).<sup>10</sup>

Indeed, the document comprises the development of a quantitative data base about losses and damages identified which are intended for statistical purposes to inform general strategies related to the formulation and implementation of socioeconomic programs in the affected region. Nevertheless, an in-depth study of the Integrated Cadastral Survey reveals how the classifications and categories adopted, as well as the structure itself of the registration instrument, reinforce the company’s control over the definition and recognition of the effects of the disaster and, consequently, of who is considered ‘impacted’ by the rupture of the dam. It follows from this a subtle strategy of also defining ‘ineligible affected people’.

Among the underlying problems, it is worth highlighting those of a conceptual nature, since a large part of the methodological incongruences which characterize the Integrated Cadastral Survey results from that conception. Therefore, the questionnaire was formulated based on an urban and agro-industrial entrepreneurial perspective, distant from particular characteristics of the rural universe, composed, above all, of small producers, family farmers, peasants, artisanal fishermen and traditional and ethnic groups located the length of the Rio Doce basin. That aspect limits the instrument to the verification of data mostly relating to property and census-type information subsumed to that logic which is alien to the way of life of the majority of the population to which the questionnaire intends to address.

This patrimonial orientation results in yet another related problem, which is a lack of distinction between ‘reparation’ and ‘reconstruction’. Indeed, according to Nigg (1995), the processes of recovery are not part of policies of reparation, since reconstruction is not limited to the restitution of the physical and material aspects affected or to the reposition of infrastructure and income. In the light of this important observation, we note that the pre-defined instruments for the cadastral survey do not contemplate mechanisms for the identification of fundamental elements for the reconstruction process, namely: territorialized networks of social relations (labor, kinship, neighborhoods and support), forms of signification and use of space and of resources, cultural values, among others. Furthermore, the patrimonialist logic impedes the formulation of questions comprising categories which are particular to the universe of those interviewed regarding activities, for example, of an informal nature, such as manicures, day laborers, peddlers, boatmen, among others. In this case, as source of income and provision for families, these informal activities are part of the set of ‘life strategies’ employed by the affected subjects and families for their economic and social reproduction, as pointed out by Oliver-Smith (1993).

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<sup>10</sup> Since the initial version, the integrated Cadastral Register passed through various significant alterations. In the case analyzed, the version of July 2016 of the questionnaire, still signed by Samarco, was judiciously examined by the interdisciplinary team of GESTA/UFMG, whose objective was the identification of possible mistakes, insufficiencies or gaps related to the objectives of reparation and compensation of damages caused, such as proposed by the PLCI (GESTA/UFMG 2016).

The notion of life strategies is not limited to material aspects (Bebbington 2011). It refers to the ways of life of different affected groups and segments, their routines of subsistence, provision and labor, their territoriality and structures of social relations and ecological conditions which sustain such routines. Hence, unlike a snapshot picture of patrimonial assets affected “on the date of the event”, the life strategy concept allows the identification of flows and dynamics of social life which were compromised by the disaster. A broader concept of reconstruction thus ties the survey of damages to an examination and understanding of such life strategies.

The categories used in the cadastral instrument tend to underestimate the scope of affectations by restricting them to the river channel. On this point, it is worth observing that the differentiation among “Impacted, Residual and Remaining Area”, as well as a pre-defined coverage area of the cadastral survey restricts ‘adjacent’ localities and communities to the courses and bodies of water affected by the mud tailings. Thus, the delimitation of the affected universe as corresponding to the spatiality of the mud is questionable, since there are areas which are not reached physically by the tailings, but are ‘impacted’ in relation to conditions of permanence or feasibility of access and utilization. Affectations are also relative to the effects of isolation which compromise preexisting cultural and commercial practices and relations, as exemplified in the case of G., mentioned above, farmer whose house was not destroyed, but remains isolated within the debris of the community.

Therefore, we can state from the above that the reference for the organization and analysis of the data is centered in property/edification, rather than in the families, as component units of affected social organization. The families appear in the proposed indexation<sup>11</sup> as users of the properties. That strategy is in keeping with the evaluation of the patrimonial focus of the cadastral survey, and it curbs the examination of the collective spheres which structure routines, life strategies, memories, belongings and identities. Thus, the cadastral survey is a form of production of a database centered on impacted properties, for which there is an expected “geo-localization of lands impacted by the event in the territory of origin” and “geo-localization of property owners” (Synergia 2016: 11). Similarly to Environmental Impact Assessment Studies developed by consulting firms, the indexation of data which have as references the lands and buildings has the effect of obliterating diverse and complex situations related to the forms of use and management of territories and the composition of domestic groups (Zhourri & Oliveira 2015).

Among other critical aspects of the process of the cadastral survey, as rather usual in situations of environmental licensing, the direct contracting of environmental consultants, including for the application of the cadastral questionnaire, is a fact which opens to question the “posture of neutrality” as technical premise of the ‘studies’. According to many authors (La Rovere 1990; Lacorte et al. 1995; Bastin & Morris 2003; Daly 2003; Zhourri & Oliveira 2012, among others), environmental consulting firms contracted directly by the interested business parties operate based on the logic of the market and defense of the interests of the contractor, an aspect that leads to the self-interested and standardized construction of impacts. The latter, far from constituting objective detectable and measurable data, in the light of unbiased technical knowledge, is, in reality, a set of affectations which are standardized and submitted to the logic of the Environmental Adequacy Paradigm (Zhourri et al. 2005). This paradigm corresponds to mitigation and compensation measures which are normally recognized and in-forced in environmental licensing. In the case under study, technical neutrality could only be potentially envisaged, initially by the inexistent direct economic ties between the contracted consulting firm and Samarco. Also, it is important to emphasize that the application itself of the questionnaire is quite a complex task, not only due to its length (an estimated

<sup>11</sup> Indexation is the process by which each impacted person, family or property is identified by means of an alpha-numerical code and its boundaries are digitalized in a geo-referenced base. The PLCI specifies the following procedure for indexation: municipality/census sector/property/ownership/ edification/ number of families who use the edification (Synergia 2016: 10).

three and a half hours are needed to apply it), but also to the technical and institutional terminology which require additional explanations for it to be understood by the affected people.

It is relevant to note that the cadastral instrument is limited to the application of a model device constituted by the sequence of the following questions: “Was there affectation/impact? Was the situation reestablished? How was it reestablished?” This sequence of questions presupposes an objectivity and readiness, on the part of the affected people themselves, regarding the recognition of the loss endured. This, in addition to transferring the responsibility for identification of the affectations to the victims themselves, is revealed as an instrument incapable of identifying damages resulting from the dynamics unleashed by the disaster. As we have argued, what is involved are processes which unfold and sometimes become long-lasting, and are difficult to be organized in the conventional manner of a matrix of evaluation of environmental impacts which are classified by duration, extension and magnitude. As we have emphasized, in the case of disasters, affectations are not a part of ‘impacts’, since consequences remain as damages multiply, that is, as the disaster, as a process, is experienced by the social group (Valencio 2014). Also in this sense, the fixation of the temporal mark “*on the date of the event*” becomes pernicious. For example, the cadastral module of agricultural activities has the following question: “*on the date of the event, what crops were you cultivating?*” The limiting and fixing of this mark (5 November 2016) erases the diversity of crops of the entire annual cycle and does not consider practices such as crop rotation and may even result in limiting reparation measures, since some activities have a seasonal organization of labor. Furthermore, the word ‘event’ consists of an improper euphemism as a name for the disaster, whether considering the dimension of the tragedy experienced by the affected people, or due to the fact that the disaster has not ended with the critical situation which it caused, but rather spills over (*efeitos derrame*, Gudynas 2016) for prolonged period and at diverse levels and scales of social, environmental, political, economic, and institutional life, among other spheres.<sup>12</sup> Thus, the categories employed in the questions and in the options for response to the cadastral questionnaire constitute a fixed matrix, pre-defined and permeated by a logic based solely on individualized private property, even though its objective is also to evaluate family and cultural losses. In fact, the damages, losses and disadvantages resulting from the rupture of the dam can be perceived and experienced by the affected people in different ways, not necessarily associated with the pre-defined modalities listed in the questionnaire. Furthermore, the patrimonial framework limited to formal elements in the matrix does not allow for comprehending *pluriatividades* (Schneider 2003) employed by the affected subjects, which coordinate diverse activities in specific seasonal flows. For example, there is a lack of a set of questions aimed at the identification of the effects of the disaster on occupations/labor and income, unless these can be categorized as ‘trade/services’, ‘agriculture’, ‘ranching’, or ‘extractivism’, which is important in the case of the occupations of an informal character mentioned previously. Similarly, customary rights of use and possession of affected lands are neglected, and cultural and territorial aspects of ethnic groups, such as indigenous and *quilombola* communities located in the Rio Doce valley, as well as other traditional peoples, are disregarded. The result is that the cadastral survey and questionnaire and, consequently, the reparation policies, are compromised by the curtailment of rights.

To sum up, we argue that the cadastral instrument is an inadequate and insufficient method of identifying losses and damages. The *Cadastr*o, as a whole, is concentrated on material and individualized aspects of the affected areas. The communities and social groups, as collective spheres of existence, constituted by values, social practices and specific world views, historically constructed in relation with territories, are not considered as units of study and analysis. However, this universe of groups and collectivities exceeds the sum of families and properties registered in the census. Indeed, the *Cadastr*o

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<sup>12</sup> It is worth mentioning that, in the dimension of the community of shared meaning by certain affected groups, an *event* is also comprehended as a festivity or artistic or commemorative show.

fails to apprehend the affectations on the forms of social organization which remain invisible, as well as the differences constituted in the collective plan, in particular, the effects of the disaster on networks of interaction, labor and reciprocity and on the formation of social and cultural identities. These limitations contribute to perspectives of disarticulation of local groups and the multiplication of difficulties concerning the reposition of conditions of their sociocultural reproduction. The exclusion of the collective sphere of existence ignores the contribution of the disaster to aggravation of existing tensions, to possible generation of social conflicts and to practices of discrimination/stigmatization imposed on the victims.

## Final Considerations

In one of the meetings between the Commission of Affected People and the companies, the representative of the latter presented a proposal for a cadastral survey and underscored the need to develop a 'matrix of damages' as reference for reparation and compensation measures. Distressed with the proposal, P. reports: *"I went and asked him (the representative of the company): -- look here, you're showing this, you say that it's all calculated, all mathematics, but I don't accept that mathematics, no I don't!"*. Then he answered: *-- "but it has to be like this, we have to work with an orientation..."* I insisted: *"I don't accept you coming with that mathematics, no I don't, because even my soul is dirty with mud"*. When asked about the reaction of the company employee, P. continued: *"he wasn't moved; he said whoever is still not satisfied can sue us"*.

As we have argued, the enumerative prose constituted by the cadastral survey is based on the principle that damages are positive facts, measurable and translated by sequences of figures capable of ordering reparation policies. On the one hand, the choice of the cadastral instrument and the form in which it has been organized demonstrate the preference for a synoptic methodology. This is in keeping with the need to simplify and standardize with a view to produce legible and accessible territories and subjects by means of technical intervention (Scott 1998). On the other hand, the presentation of such 'enumerative strategies' as an imperative or condition which cannot be challenged reveals the presence of a certain fetishism of numbers in which the avalanche of figures is accompanied by the proliferation of categories. Therefore, if we frame this within forms of management crisis and its effects, we can highlight affinities between that modality of enumerative discourse and modes of production of "bureaucratic indifference" (Herzfeld 2016). As Hacking recalls: "Nothing is more anonymous than the bureaucracy of the statisticians" (1991: 193). Contrary to the distancing, anonymity and sterile nature of calculations, P. and others relocate the concreteness of the body and of losses, the intensity of feelings, the eloquence of the narratives which seek to emphasize the permanence of the damages and the depth of the pain.

Nevertheless, the conceptual frames and actions which involve negotiation of the effects of the disaster and include an active and directive participation of the company have contributed to aggravate social suffering of the victims of the Rio Doce disaster. The companies (Samarco, Vale and BHP Billiton) have been allowed to interfere in the process of defining reparation and compensation actions, a fact which helps to guarantee the interests of the companies in detriment to the rights of the affected people. The victims, in turn, even while in a situation of vulnerability, are forced into spaces of institutionalized and bureaucratic participation. The increasing weariness with the imposed negotiation process is compounded by a feeling of insecurity in relation to the constitutional right to the reconstruction of community life. As we have sought to highlight throughout this article, the institutional treatment of the disaster continues to aggravate processes of social suffering in two manners: the control over participation imposed by the emphasis on resolute social technologies and on expectations and requirements placed on victims by requiring that they prove they are 'affected people'; and the control which is exercised by means of 'enumerative strategies' (Appadurai 2005), represented by the cadastral instrument, its categories and

procedures of identification and measurement of damages. For Hacking, “the bureaucracy of statistics imposes not just by creating administrative rulings but by determining classifications within which people must think of themselves and of the actions that are open to them” (1991: 194). In this way and in recording the ordering and categorization of the subjects and ‘quantification’ of their losses, such as in the colonial censuses analyzed by Appadurai, numbers appear to fulfill not only a referential function, but also relocate “questions of entitlement (what are your rights?) and classification (what group do you belong and where does it fit in the political landscape?)” (2005: 115). The management of new territories of risk produced by the disaster and the continuously contested and recalcitrant universe of losses which multiply, place challenges of legibility and legitimacy to which the choice of the patrimonialist cadastral instrument attempts to respond. As Appadurai (2005) points out: “*that prose of cadastral domination*” (2005: 121), with its numerical tables, monetary values and maps “*normalizes and rationalizes*” (2005: 121) the diversity and density of local practices of use of territory and its resources. In the case under study, such processes of normalization and rationalization make possible the construction of an inspection device which is not fiscal (as in censuses), but rather *political*, producing and consolidating the frontiers of rights. The simplification, standardization and reduction of the experience of the losses and the suffering to a ‘matrix of damages’, whose categories are limited and pre-defined not only “*flatten and enclose*” (Appadurai 2005: 133) possibilities and paths of subjectivation, but also reveal a powerful mechanism of subjection, capable of instituting subjects with ineligible rights and illegitimate victims.

In this domain, ‘*learning to be an affected person*’ comprises the challenge of subverting the managerial direction underlying the hegemonic grid of entrepreneurial categories which contribute to the emergence of tensions and the crystallization of dissensions among the victims. To be affected is about questioning the possible coincidences between legibility and docility, reconstituting identities, feelings of belonging and strategic ways of political acting.

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## “It was no accident!”<sup>1</sup>

### The place of emotions in the mobilization of people affected by the collapse of Samarco’s tailings dam in Brazil

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#### **Abstract**

This article presents the dynamics of collective action and the construction of claims of people affected by the rupture of a tailings dam of the Samarco mining company in Minas Gerais, Brazil in November, 2015. Our analysis focuses on affected people in Espírito Santo State and is based on interviews, observation, participant observation and a series of meetings with affected people during the year following November, 2015. We describe initial processes of mobilization which involve various actors and interactions marked by emotions and by the creation of affective bonds. We draw on a culturalist framework of social movement studies to understand the emotional mechanisms in play in the construction of collective action, in particular, claims for justice (Jasper 1997; Gamson 1992; Goodwin, Jasper and Polletta 2009; Johnston and Klandermans 1995). We conclude that emotions play fundamental roles in the process of mobilization. The manner in which the disaster on the Rio Doce was felt by activists constituted a critical emotional event.

**Key words:** environmental disaster; social movements; people affected by extractivism; critical emotional events; frame of injustice; emotions.

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<sup>1</sup> The cry of the people in all demonstrations protesting the disaster caused by the three companies with the rupture of the mining tailings dam in Minas Gerais, Brazil.

# “Não foi acidente!”

O lugar das emoções na mobilização dos afetados pela ruptura da barragem de rejeitos da mineradora Samarco no Brasil

## Resumo

O artigo apresenta as dinâmicas de ação coletiva e a construção das reivindicações dos afetados pelo rompimento de uma barragem de rejeitos de mineração da mineradora Samarco ocorrido em novembro de 2015 em Minas Gerais, no Brasil. Nossa análise circunscreve-se aos afetados no estado do Espírito Santo e está baseada em: entrevistas, observação, observação participante e em uma sequência de encontros com os afetados ao longo de um ano desde novembro de 2015. Apresentamos os emergentes processos de mobilização que envolvem vários atores, com interações marcadas por emoções e pela criação de laços afetivos. Dentro de uma perspectiva culturalista dos estudos de movimentos sociais buscamos compreender quais os mecanismos emocionais operantes na construção da ação coletiva, sobretudo, quando tratamos de reivindicações por justiça (Jasper 1997; Gamson 1992; Goodwin, Jasper e Polletta 2009; Johnston e Klandermans 1995). Concluimos que as emoções desempenham papéis fundamentais no processo de mobilização. A forma como o desastre no rio Doce foi sentido pelos ativistas revela a constituição de um evento emocional crítico.

**Palavras-chave:** desastre ambiental; movimentos sociais; afetados pelo extrativismo; evento emocional crítico; enquadramento de injustiça; emoções.

## Introduction

The time between the rupture of the Fundão dam<sup>2</sup> and the arrival of the mud from the dam in the neighboring state of Espírito Santo was 11 days. On November 16, 2015 the mud reached the municipality of Baixo Guandu and from there, mud spread, day after day, across the territory of Espírito Santo, over the course of the Rio Doce. Upon reaching the Atlantic Ocean, the mud was affected by new dynamics in the direction of the coast to the south and to the north. The mud<sup>3</sup> remains there.

The Fundão dam and the “Mariana disaster”<sup>4</sup> made history in Espírito Santo in an unusual manner. Residents of the cities of Baixo Guandu, Colatina, Linhares, Aracruz and São Mateus could never have imagined that they would be affected some day by a tailings dam located at a distance of approximately 600 km<sup>5</sup> which they didn’t even know existed.

Nevertheless, a major segment of affected people of that region has an historical relationship with iron ore. This is due to the fact that most iron ore extracted in Minas Gerais State is transported through territory of Espírito Santo for export through ports of this state, the principal port having been inaugurated in 1966. Above all, people affected by this disaster lived side-by-side with trains which transport iron ore daily in open container cars. Thus, affected people of Espírito Santo and Minas Gerais had been connected for a long time by iron ore extraction, in various aspects of affectations. The map below illustrates cities directly affected by the mud, from the dam all the way to the mouth of the Rio Doce and the route of the iron ore railroads from the mines until the port of Shark’s Harbor (*Porto de Tubarão*), in Vitória.

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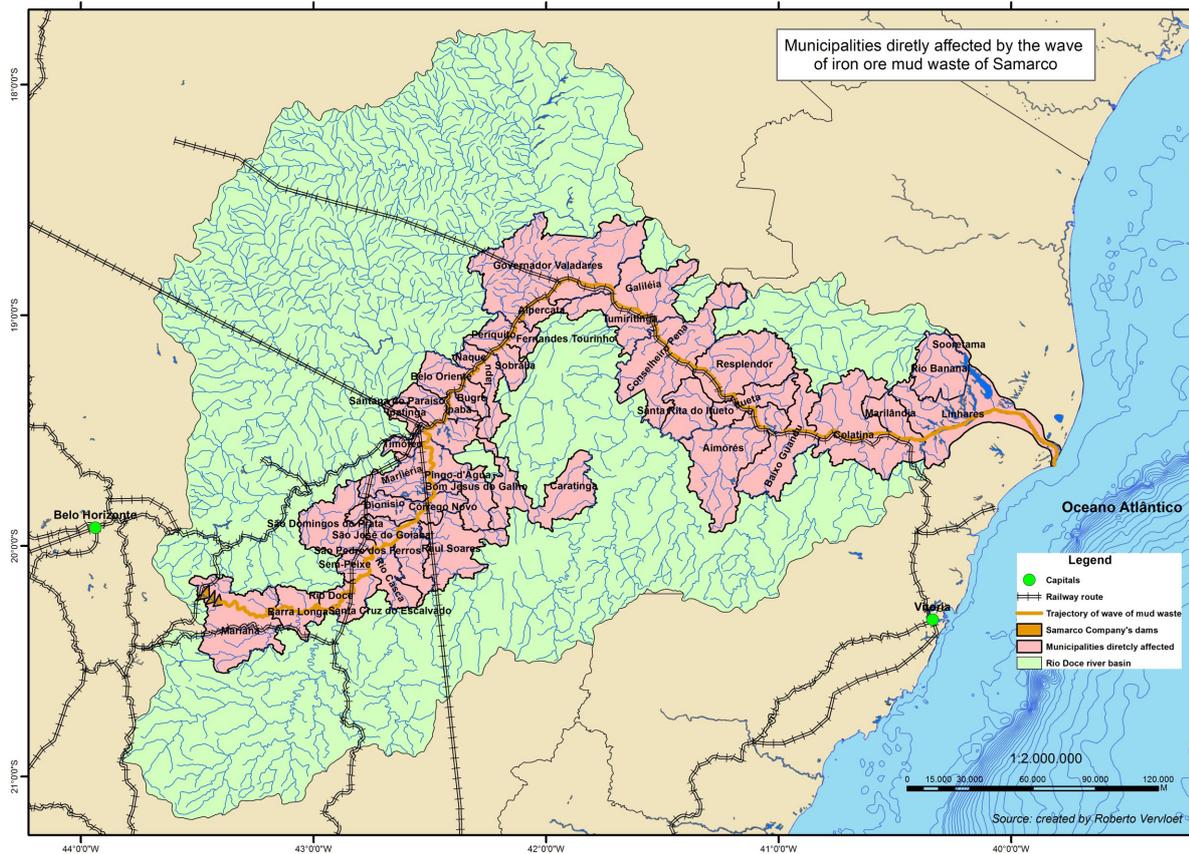
<sup>2</sup> The Fundão tailings dam, located in the municipality of Mariana, state of Minas Gerais, Brazil, ruptured on November 5, 2017. The mud from the dam killed 19 people, hundreds of domestic animals in the region, buried small villages near the dam and moved downstream via the Rio Doce, crossing the State of Espírito Santo, until reaching the sea. Along the length of the Rio Doce, the fifth largest river of Brazil, more than 11 million fish were found dead, among other damages to nature. This is considered one of the largest environmental disasters in Brazil and the largest mining disaster in terms of the volume of wastes which leaked from the dam.

<sup>3</sup> The term “mud” came to be widely used by the media, by affected people and by authorities involved in the issue. From the perspective of the natural sciences, what is called “mud” is a compound formed by the wastes resulting from iron ore extraction, contained in a dam. The composition of the mud was the object of several scientific controversies among specialists and studies have been undertaken with regard to its density, toxicity and dynamic. Nevertheless, the element which can be observed with the naked eye, and which continues to be known as “mud”, is a yellowish-brown plume which floats on the water and does not dilute or sink.

<sup>4</sup> The Mariana disaster is the term initially used to refer to this disaster. As time passed, activists and the affected people of Espírito Santo themselves claimed that the disaster should be identified with the companies responsible for the disaster, rather than with the city where the disaster occurred, considering the breadth of its effects. Therefore, the disaster came to be known as the “crime of Samarco/Vale/BHP”.

<sup>5</sup> The distance between the Fundão dam and the affected cities in Espírito Santo State is variable.

**Image 1:** Municipalities directly affected by the wave of iron ore mud waste of Samarco



Source: Created by Roberto Vervloet

Although the iron ore extracted from *mineiro* soil<sup>6</sup> had been moving through these locations for a long time, it was only when the mud arrived that its chain of effects became evident to the affected people. The first visible reaction to this chain of effects among affected people in Espírito Santo was in the realm of emotions. Anxiety accompanied expectations, even before the mud waste reached their municipality.

Following the terror of the devastation and death caused by the disaster, widely reported by the media, the forecasts were that the mud waste would move along the Rio Doce river bed. Therefore, every day, residents of Baixo Guandu, then Colatina and Linhares, would go to the banks of the Rio Doce to wait for the arrival of the mud waste. When the mud waste finally arrived, dyeing everything orange, the people could be seen crying. From that moment on, the feeling of sadness was evident and the sadness was shared and spoken. An immense mourning overcame Espírito Santo and even people who lived far away from the Rio Doce were attracted and deeply moved by this pain and sadness.

There were a variety of effects resulting from the mud waste in this state and these have still not been fully identified and mapped. Among effects already known, we highlight: 1. Impairment of water supply of urban regions which depend on the Rio Doce and of riverine communities which use this river's water directly; 2. Impairment of a variety of economic and leisure activities which depend on the water and/or the river; 3. Drastic change in the way of life of traditional populations; 4. Interference in preexisting social relations; 5. A variety of collective and individual emotions.

<sup>6</sup> "Mineiro" is a reference to that which is from Minas Gerais State.

How did such interference in the life of affected people result in processes of mobilization and contentious collective action?

This article seeks to answer this question by describing emerging processes of mobilization which involve interactions between various actors marked by emotional mechanisms. We draw on a culturalist framework of social movement studies to understand the emotional dynamics in play in the construction of collective action, in particular, demands for justice (Jasper 1997; Gamson 1992; Goodwin, Jasper and Polletta 2009; Johnston and Klandermans 1995). Such emotional dynamics involve the organization of affected people and the construction of a framework of injustice. Our analysis focuses on Espírito Santo State and is based on interviews, observation, participant observation and a series of meetings with affected people during one year and four months since November, 2015.

## Methodology

This study is based on on-going research and is *sui generis*. At the time the disaster occurred, we had already been working with communities affected by companies and projects involving extractive mining in Espírito Santo. Taking this into account, actors within these territories and other external actors called on us to help them understand what had happened. At the same time, the initial demands began to emerge.

Field work completed one year and four months since the rupture of the dam and involved (and continues to involve) comings and goings between affected territories and the capital Vitória, where the Universidade Federal do Espírito Santo is located. Field work was always conducted by a group of researchers who are part of a center of studies which I coordinate and which involves a multi-disciplinary group of researchers at various stages of their academic coursework<sup>7</sup>.

Our fieldwork had several objectives. At times we engaged in specific research activities, namely, interviews, filming, photographs, informal conversations, etc. At other times we employed an experimental method, with the objective of creating open spaces for discussion in the communities. This method, which we named “public arenas<sup>8</sup>”, was conducted in communities affected by the mud waste. We began by elaborating a proposed theme for debate, then constructed a methodology and chose the spaces and materials to be used and the forms of recording data collected. Our analytical work, based on the technique of semi-structured interviews, consists not only of the transcription and observation of the content of the account. We also take into consideration the scenario, intensities, pauses and inflections of the account and of the gestures. For the analysis of emotions, data obtained in an interview go well beyond the accounts as conscious constructs of the affected person, the body matters (Scribano 2013). Together with regional activists, we considered alternative locations to conduct these arenas, taking into account the perception of the need for open spaces for debate in these communities. Four arenas were conducted in the following locations: Mascarenhas, em Baixo Guandu; Itapina, in Colatina; Maria Ortiz, in Colatina; Mascarenhas Resettlement, in Baixo Guandu and Povoação, in Linhares. In these arenas, in addition to identifying the impacts of the mud waste on the lives of people, participants were encouraged to speak and express themselves using drawings and/or texts with respect to challenges experienced in local mobilization and organization to deal with these problems.

<sup>7</sup> The study group is named “Organon – Center for study, research and extension in social mobilization” and the results of our work can be seen on the website <http://organon.ufes.br>.

<sup>8</sup> The public arenas have as reference the work of Dewey (1934), Cefaï (2009) and Jasper (2014). We also took into consideration discussions proposed by Bertolt Brecht in “A short organum for the theatre” (1964).

**Image 2**



Source: Image produced by Cláudia Rangel during public arena conducted at river's edge in riverine community of Maria Ortiz, in November, 2016.

**Image 3**



Source: Image produced by Cláudia Rangel during public arena conducted in the community of Itapina, in Colatina, in November, 2016.

**Image 4**



Source: Image produced by Cláudia Rangel during public arena conducted in the community of Povoação, in Linhares, in November, 2016.

In addition, rounds of informal discussion were conducted with residents of Regência, Barra do Riacho, the urban area of Colatina and Linhares; Barra Nova and various communities in the north of the *Mouth of the Rio Doce*. Until the present moment, we have conducted 40 non-structured interviews with activists and affected people in Espírito Santo and monitored weekly meetings of the Capixaba Forum in defense of the Rio Doce, created in November, 2015.

### **Mobilization of People Affected by Mining Activities Prior to the Disaster**

Popular mobilization related to mining projects is very recent in Brazil. The two principal organizations responsible for broadening popular demands on this theme into an issue at the national level are the Movement for Popular Sovereignty in Mining (MAM) and the Committee for Defense of Territories Affected by Mining, both established formally in 2013. However, since the middle of the decade of 2000, many formal organizations have been created in territories experiencing conflicts resulting from mining activities. For example, the Justice on the Rails network (*Rede Justiça nos Trilhos*), was created in 2007 to contest violations of rights caused by the mining company Vale in the Carajás Project in Maranhão State, in the northeast of Brazil.

We emphasize that our focus in this study is social mobilization as a process of collective action in which popular contestation occurs in a routine, self-conscious and coordinated manner, as Jasper defined protest movements (Jasper 2014). This is only one focus and does not imply that an unorganized and less visible political dimension does not exist. According to Scott (1990), there is a difference between public discourse, in which power relations are energized explicitly, and hidden discourse in which power relations are conducted in the form of resistance, usually without being perceived. Both discursive dimensions are

political. Our analysis, consistent with Scott's explanation, is not in one or the other dimension, but rather in the connections between these dimensions and in the mechanisms which make hidden resistance, declared.

The emergence of social movements<sup>9</sup> which deal specifically with issues of mining is recent; as are social struggles which involve this theme in Espírito Santo.

Mobilizations which are most similar to those involving mining are those related to cellulose extractivism. The latter emerged at the beginning of the decade of 2000, in the form of the Network Alert Against Green Desert (*Rede Alerta Contra o Deserto Verde*) and demonstrated strong critiques of enterprises involved in cellulose extraction. More recently, another type of mobilization with similarities to mining mobilizations is the Not One More Oil Well Campaign (*Campanha Nenhum Poço a Mais*). Both types of mobilization are organized in networks which combine affected people in their territories, previously mobilized affected people and external mobilizing agents whose actions focus on the same claims<sup>10</sup>.

Thus, although there was no organization in Espírito Santo which focused specifically on mining issues, there were, historically, mobilizations which articulated around similar issues, in particular extractivism, with respect to the effects of large projects and extractivist and commodity export infrastructure ventures (cellulose, iron ore, petroleum and natural gas). Furthermore, there was overlap among activists who were already organizing on petroleum or cellulose issues, or had been engaged in campaigns against the installation of ports for commodity export.

In addition to the convergence among preexistent issues of activism in the region which were closely related to the mining issue, actors who organized around other causes, but were joined together by mutual support of a set of progressive causes (agrarian reform, agro-ecology, environmentalism, human rights, etc.) also became engaged in defense of the Rio Doce, with a focus on critiques of the mining companies and of the development model based on mining.

The disaster itself, which had widespread national and international media attention, also extended connections and contacts between local actors and a variety of external activists who became interested in local conditions of affected communities. Given the magnitude of the disaster, subsequent actions (in terms of reparations for affected communities and for environmental damages, as well as attribution of responsibility of companies which caused the disaster) attracted the interest of a variety of activists who deal with mining companies and disasters caused by transnational companies. As a result, new actors became involved and have exercised influence in the mobilization process.

Along these lines, we underscore the entrance of the Movement of People Affected by Dams (*Movimento dos Atingidos por Barragens – MAB*), which set up an organization in Espírito Santo following the disaster event. MAB, which has a trajectory of more than 20 years of organization, and broad experience in similar situations of displacement and disasters caused by dams in general, quickly obtained the support of people affected by the disaster. Their organizational structure has been effective and is in the process of spreading to various communities along the Rio Doce.

In addition to the role of external actors, traditional local actors were fundamental to the process of mobilization of people affected by the disaster. The Catholic Church, in particular, played an important role, especially progressive priests and specific dioceses. The participation of the Commission for Justice and Peace (*Comissão Justiça e Paz – CJP*), linked to the Church, was also fundamental to the mobilization process in the capital. It contributed through fund-raising for mobilization and the organization of

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<sup>9</sup> Jasper makes a distinction between protest movements and social movements. According to Jasper, the latter have a propositional dimension as an addition to characteristics of protest movement (2014). In the case of mining issues we can affirm that consolidated national movements also involve the propositional dimension in that they propose alternatives to the existing mining model and to the model of society based on extractivism.

<sup>10</sup> These three categories were developed in greater detail in Losekann (2016).

Forums, both in affected territories and in the state capital. The creation of the Espírito Santo Forum in Defense of the Rio Doce (*Forum Capixaba em Defesa do Rio Doce*) was fundamental in connecting claims of people affected by the disaster with activists historically involved in the state, especially in relation to human rights issues. These activists are widely influential at national and international levels in defense of human rights.

In addition, there have been some attempts at mobilization by a number of communities, individuals and local associations. However, field work identified a series of problems of coordination among affected people, aggravated by the actions of companies whose actions have the effect of causing misunderstandings and divisions among the people.

In the context of serious existing problems in local associativism, these divisive actions further exacerbate organization. Among the main problems of local associativism are: associations which are in debt and thereby unable to operate formally/legally; problems of legitimacy of executive councils, some of which have remained in office for more than ten years without relinquishing the power they hold; problems in the conduct of elections; corruption, etc. We will return to these issues in the final section<sup>11</sup>.

However, there are relevant initiatives to mobilization in specific communities. An example of on-going self-organization with likelihood for success is the commission created in the community of Povoação. Following an internal crisis of the association, resulting from the voluntary separation of the president to seek election as municipal councilman, local leaders concluded that there was a need for unity in initiating negotiations with the companies. According to a local person who we interviewed, they convoked a general assembly of the association, which had more than 400 participants. The assembly resulted in the creation of a temporary commission composed of 11 residents selected by the community. The function of this commission was to provide assistance and support to the interim president. The management of this temporary commission has been so successful that it has come to act on behalf of the association in an on-going manner. The commission is studying the possibility of filing a civil public action (*ação pública civil*) against the companies Samarco, BHP and Vale in the name of the community of Povoação.

Summarizing, we can affirm that, in addition to several local and specific initiatives, there are currently two axes of mobilization in Espírito Santo around issues related to the disaster: the articulation of the Forums and MAB's organizational structure. At the present moment, in addition to these two actors, commissions of those affected have emerged as a third actor. It could be stressed that we are dealing with an initial and ongoing process, therefore, new actors may come on the scene and significant changes should happen.

## **Experiences and interactions in the constitution of emotions**

Social movement theories suggest that the existence of previously organized activists, the availability of resources for organization and the existence of a political opportunity structure or windows of opportunity for action, are important factors contributing to the generation of insurgency (McAdam, Tarrow and Tilly 2001). Based on this perspective, in the case of the Rio Doce disaster, the preexistence of organizations and activists in the region contributed to the formation of an organization specifically focused on disaster-related issues. In turn, this contributed to framing the struggle, elaborating collective action repertoires and mobilizing resources for organization.

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<sup>11</sup> These affirmations were produced from a work of evaluation of the problems faced by the affected communities in the construction of the collective action.

Furthermore, the disaster itself can be understood as an event which precipitated a window of motivation for activists to mobilize. However, although the disaster was a reality for much of the population, not everyone mobilized around its effects.

Taking this into consideration, we suggest that, although the event may be considered a landmark for the process of mobilization, the event itself did not result directly in engagement. The principal aspect which links the event to insurgency is the manner in which affected people experienced it, which involves the dimensions of experience and interactions and how they are reflected in the emotions. Although these three dimensions are interlinked, for purposes of discussion they will be treated separately in this section and in the sections which follow.

Considering the dimension of experience means observing that a new activist or an organized collective process can emerge from the construction of lived experience with the disaster. According to John Dewey, philosopher of pragmatism, who attributed a significant value to experience:

Experience occurs continuously, because the interaction of live creature and environing conditions is involved in the very process of living. Under conditions of resistance and conflict, aspects and elements of the self and the world that are implicated in this interaction qualify experience with emotions and ideas so that conscious intent emerges (Dewey 1934: 35).

We experience potential mobilizing experiences all the time and, thanks to them, we construct and explain our engagements in our life histories. An activist rarely narrates his engagement through macro-level categories. In general the explanation is constructed as an individual act based on a transforming experience. But this is not a matter of merely any experience, but rather what Dewey calls “singular experience”. According to the author:

Oftentimes, however, the experience had is inchoate. [...] In contrast with such experience, we have *an* experience when the material experienced runs its course to fulfillment. Then and then only is it integrated within and demarcated in the general stream of experience from other experiences. A piece of work is finished in a way that is satisfactory; a problem receives its solution; a game is played through; a situation, whether that of eating a meal, playing a game of chess, carrying on a conversation, writing a book, or taking part in a political campaign, is so rounded out that its close is a consummation and not a cessation. Such an experience is a whole and carries with it its own individualizing quality and self-sufficiency. It is *an* experience (Dewey 1934: 35).

In this perspective, some people experienced the disaster on the rio Doce as a “singular experience”. There was a transformation in that person such that he perceived himself as an affected person and decided to become involved – what can be thought of, within Dewey’s thinking, as a consummation. We use the term “decision” here in the sense used by Dewey: not as a strictly rational, mental process which occurs discretely, but rather as a sequence of acts which compose a direction for action. The affected person experienced the disaster in a manner which channels that experience to another field of action – that of collective action. But it is clear that the disaster is transformed in this singular experience in that it provokes specific emotions, which stimulate the action of the affected people.

Dewey also understood that singular experience is emotional. He argued that emotions are not discrete elements which are part of experience; according to Dewey, “experience is affective”. We have found it difficult to understand emotions because in “institutionalized life” we historically construct a false perception of separation of body and mind, reason and emotion. And in addition to this false separation, we place in hierarchical valuation reason over emotion and spirit over body. He writes: In fact emotions are qualities, when they are significant, of a complex experience that moves and changes. I say, when they are

significant, for otherwise they are but the outbreaks and eruptions of a disturbed infant. All emotions are qualifications of a drama and they change as a drama develops (Dewey 1934: 41).

In a convergent, but transformed version of this thinking, Guobin Yang, analyzing emotions in contentious collective action processes in China, develops the notion of critical emotional event, which he defines as “[...] a ramified sequence of emotional occurrences that results in the transformation of the dynamics of collective action. An emotional occurrence is a unique instance of emotional expression. Such occurrences may take various forms, such as narratives, facial expressions, gestures and voices” (Yang 2005: 80).

These ideas about emotions are relevant to our analysis of the disaster. The latter constituted a singular experience which engaged the activist and produced mobilization because it is a critical emotional event, constituted not in a single moment, but rather in modulated sequence of emotions which was initiated, as we related in the beginning of the article, by expectation and anxiety with the arrival of the mud waste.

According to the activist we interviewed, “We were preparing ourselves because when the mud waste arrives, the impact will be enormous<sup>12</sup>” (Márcia, activist from Colatina, interview conducted in September, 2016). Note that the confusion of the tenses of the verb reveals the process of reflection during the interview, accompanied by a temporal transposition in different moments of the event. She relates in the present that they were preparing (past) and introduces the sentiment experienced in the past as if it were the present once again (“since when the mud waste arrive”). In the process of transposition, she presented to us the expectation of shock which was projected upon the arrival of the mud after the experience was experienced (she is speaking of an expectation felt in the past concerning something which in the present was already experienced). Such linguistic process reveals the complexity of the experience, the modulation of emotional occurrences and their effects on the perception of that individual who is currently engaged.

## **Emotional Mechanisms for Contentious Collective Action**

Emotions entered social movement theory upon the enhanced importance attributed to culture and to micro-sociological explanatory perspectives. James Jasper, who has dedicated himself to the study of emotions in protests, presents the cultural perspective as composed of thoughts, sentiments (emotions which motivate action) and moral principles. Culture is composed of three components: i. Cognition, constituted by words, beliefs, frames, collective identities and narratives which we create; ii. Emotions defined as feelings in process, inseparable from cognition and part of rationality. They permeate life and decision-making processes; iii. Moral valuations, described as a set of explanatory principles, intuitions which are also meanings (Jasper 2014).

The way these components are interlinked is fundamental, since emotions are schematized in moral and cognitive terms, creating frames which attribute causal relations to the problem experienced, condemn or excuse authorities, etc.

In the case of a critical emotional event such as the disaster generated by the rupture of the Fundão dam, the manner of explaining what occurred, identifying different moments of the event, attributing and distributing blame among local and national authorities and various companies, is not a simple process. It is a process which requires the connection of the emotions with notions of right and wrong shared among the communities, but depends as well on complex information organized cognitively and dependent largely on actors external to the territories.

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<sup>12</sup> After consultation, affected interviewees asked that their names be cited in the text.

In the following account, another activist tells us about his process of mobilization, linking apparently distant dimensions, such as concern with his child and his understanding of the debate about mineral extraction inherited from his activism in social movements:

And the mud waste, I felt it, I felt it. Look, I have a child, and there are things you don't see as affecting you, like the mud, you may not even care. But when it comes to children and my child... My child going to pre-school and drinking water that you don't know if it's okay... That's something which really hits home, which motivates you a lot and drives you to really understand what is happening, search for information. We also talk to many mothers, and they are very much into the movement. I've been involved in the mining issue for a long time. Collaborating with the social movements, discussing the development model. So, it seems like everything came together, you know? As a directly affected person together with a reflection which I brought from other spaces of activism (Ricardo, activist of Colatina, interview conducted in September, 2016).

As Jasper argues, "emotions are potential keys to move from micro to macro" (2011) and in this testimony, as well as in others presented in this article, we perceive how a critical emotional event can articulate such distinct levels as every-day cares and profound issues debated by social movements which discuss the problems of extractivism.

Another cognitive chain can be observed in the account of the fisherman who is now one of the affected riverine inhabitants mobilized in the cause of the disaster. The fisherman's account, recorded in an interview conducted on the banks of the river, refers to the affective memory of what he experienced in that place, contrasted to the current bureaucratic routine in meetings, limited to the small "salary"<sup>13</sup> received from the company and the already recognized psychic problems. In the second excerpt there is a return to the past through the affective memory and immediately after another temporal moment is incorporated, the projected future of grandchildren, who will not be able to experience the rio Doce in the same way.

Now we've gotta depend on this really small monthly salary we get from Samarco. It comes to about the minimum wage; we weren't used to this and now that's all we've got<sup>14</sup>. Understand? I go down to the edge of the river in the morning, take a look at the boat over there, take the water out of it, fix it up a little so it doesn't break down. And go back to the house and find something to do... I enrolled here [fishermen's association]. Sometimes I go to the meetings, looking for help from somebody who can help the fishermen here. And the days I don't do any work I stay in the house. I haven't been in the water since November 5. When I look at this river, which was my life, I get such a sad feeling! It was my life! It was my life! Getting up at four o'clock in the morning, five o'clock in the morning, coming down here and getting into my little boat and going downstream! Doing a little fishing, setting a hook, or going down with my fishing rod, getting some bait and going to the deepest part of the river to catch a fish. We had a life like that and now we lost all of that. Now what do we have? ... Nothing but depression! What we're getting is sickness, high blood pressure, depression, that's all, because we're always nervous.

[...]

We even lost the history! Now you're going to tell a grandchild of yours, who's 6 or 7 years old now..., in another 3, 4 years... say: -- Ah, I was a fisherman, I caught such a fish, there was a lot of mullet, small catfish, sea bass, hardshelled catfish, common catfish. And he's going to ask: Grampa, what did these fish look like? You don't even have a photograph to show what these fish looked like! [pause of 3 seconds] ... I mean, you lost your history! [pause of 2 seconds] The flood carried away your history... and here we are ... lost (José de Fátima "Seu Fatim" Fisherman and activist of Maria Ortiz, interview conducted in September, 2016).

<sup>13</sup> Indemnification aid which came to be received by all riverine dwellers recognized as affected following the arrival of the mud waste.

<sup>14</sup> Most of the fishermen report monthly incomes which varied between R\$2.000,00 and R\$5.000,00 per family, depending on the time of the year and the luck in fishing.

The relationship which we established with this fisherman was fundamental to allow us to perceive particular aspects of the emotions he felt in his relation with the place. We were in a group of seven researchers and two social movement activists invited to participate in our trip. At the end of our brief visit to the fisherman's house he invited us to sail by boat on the rio Doce. We were aware that the cost of fuel was expensive, so we insisted on paying for crossing the river; however he was emphatic in saying that he wished to give us this experience as a present. He then arranged for two other fishermen to transport us in four boats on the rio Doce during approximately 30 minutes.

The emphasis with which the fisherman extended the invitation assured us that his singular experience with the river could be contagious and mobilizing. The river crossing could enable him to allow us to experience the feeling of living free on the river. All of us were affected and mobilized by his cause (Favret-Saada 1990). We had a profound understanding of the pain felt by those communities which lost the river due to the iron ore mud waste.

Upon reflecting on this experience, we perceived the importance of the dimension of place for emotional dynamics. The affected place is impregnated with memories which are fundamental for mobilization processes<sup>15</sup>. It is not coincidental that "toxic tours" are a practice considered fundamental in the repertoires of established and organized movements of affected people. These "toxic tours" are trips which have as objective to learn on-site about polluting enterprises and the affected communities. These tours are singular, constructed experiences between affected people themselves, mobilized affected people and activists who mobilize affected people.

Network analyses have also contributed to theories which discuss collective identities and engagement by giving value to the importance of places as free spaces of meeting where exchanges of ideas and establishment of counter-hegemonic positions takes place (Polleta and Jasper 2001). In this manner, places are important spaces for the construction of singular experiences and, as a place of shared emotional memories, can contribute to dynamics of a critical emotional event.

**Image 5**



Source: Photograph taken by Júlia Castro member of our team during field work in which we were invited to cross the Rio Doce, in September, 2016.

<sup>15</sup> For other texts about the relevance of place see Yang (2005) and Benski (2005).

As Yang argues, emotions are interactional and temporal situations, and can be understood as events. In everyday life, we function with emotional schemes which carry emotional meanings, memories and prescribe forms for social action. According to the author, emotional schemes are our shared collective memories which suggest to us what to feel in certain situations and stimulate us to act upon memorized emotional schemes.

One of the aspects raised by the literature on environmental conflicts and disasters is that emotions which provoke action as well as emotions which provoke inaction, can emerge in these contexts (Murrieta, Martin Ceron, Macario Sánchez 2016; Auyero 2008). For example, the feeling of melancholy, in relation to the impeded way of life, can be highly paralyzing.

Helena Flam argues that we need to understand how emotions can generate demobilization. Towards this end, it is important to understand the dynamics among different types of emotions and identify what are subversive emotions (2005: 20). Loyalty and gratitude are fundamental emotions for the construction of mobilization and organization. They provide confidence and impel us to act. Anger is also an important feeling for provoking action, especially because our societies impel us to control anger. Obedience and resignation are taught since birth (Flam 2005: 22). Thus, the emergence of anger, its conscious display and its direction are crucial for contentious collective action.

Jasper explains the emotional dynamics which stimulate or do not stimulate action, employing the concept of “moral battery”, which he describes as a pair of emotions which interact in contrast, generating, as a battery does, a force which stimulates action. For example, pride and shame, pity and happiness (Jasper 1997).

On the basis of fieldwork conducted with people affected by the disaster, we perceived that the feeling of injustice is suggestive of a moral battery. It is not a simple feeling but rather a combination of emotional elements produced by the internal singular experience of each affected person, together with dimensions of corporality and of place, interactions between actors, and cognitive processes through which explanatory frameworks are constructed.

Gamson’s empirical studies argued that the feeling of injustice is necessary for collective action. According to the author, “Different emotions can be stimulated by perceived inequalities – cynicism, bemused irony, resignation. But injustice focuses on the righteous anger that puts fire in the belly and iron in the soul. Injustice [...] is a hot cognition, not merely an abstract intellectual judgment about what is equitable” (Gamson 1992: 32).

Returning to Jasper’s definitions (2014), emotions combined with cognitive and moral elements constitute “moral feelings” which relate the pieces of a given conjuncture, producing meanings and strategic possibilities for action. For the author, strategy is a cultural dimension of protest, involving decisions, networks of interaction, opponents, and frameworks. These are arrangements constructed by cultural meanings which are available or invented.

## Cognitive Elements – “The Companies are to Blame!”

The construction of the injustice frame is complex. As we have argued, it extends from the micro to the macro and transports the subject from resignation to engagement in social movements.

The cognitive elaboration of events is fundamental to the direction which the frame will take. It involves the flow of information from the media and individuals’ personal networks and the possibilities of collective interaction. Public spaces of meetings, exchanges, presentation and exposition are fundamental for the cognitive construction of the individual and for the passage from the micro to the macro level. It is in the public space that the individual tests certain arguments, tests explanatory hypotheses, perceives the position of allies and opponents, identifies ambiguous personalities, etc.

For Benford and Snow, there is a connection between frames, ideological and discursive fields and opportunity structures and, although they may be different, if considered together they produce a more complete understanding of the ideational and interpretative factors associated with the emergence and functioning of social movements (2000). The perspective of framing is rooted in symbolic interactionism and in the constructivist principle that meanings are not set automatically or naturally, but rather, on the contrary, meanings emerge through interpretative processes based on interactivity and experience. Many frames are created in social mobilization, but some take hold more than others and these can be denominated collective action frames (Benford and Snow 2000).

Collective action frames specify and indicate what is important and what is not and they construct causal relations. They aggregate things, persons and feelings and isolate others. This process produces a particular narrative and not another. And it becomes fundamental for the success or lack of success of the organization of mobilization. This process also determines the success or failure of a claim. Of particular interest in the present study is the fundamental role that the frame has for the transformation of feelings of paralysis into feelings of action. The construction of the injustice frame depends on the transformation of suffering from an experienced misfortune into anger and hope. In this way it constitutes a moral battery of injustice.

Equating the actors involved, and attributing culpability are fundamental in this process. What we have observed until the present in the frames produced about the disaster is a process which began by blaming Samarco, the mining company responsible for the dam. The interpretation constructed following presentations by Samarco executives in the media was fundamental in this process of attributing culpability. The fact that they did not publicly assume responsibility, together with the judicial strategies which included a request for preventive *habeas corpus* for the chief executive officer of the company, were interpreted by affected people as a stance of contempt for the population. This generated indignation and anger, widely displayed in the words of affected people who we interviewed during the year and a half of our research.

Shortly thereafter, federal and state governments joined the roster of opponents by reaching an accord with the company without even a minimum participation of affected people. In addition, the federal government issued a decree on November 13, 2015 (*Decreto 8276*, November 13, 2015), which considered the event a “natural disaster<sup>16</sup>”, which was considered by affected people as outrageous, considering that the causes of the rupture of the dam were not natural, but rather the precarious conditions of security of the dam. That marked the forceful beginning in the social media of the *#nãofoiacidente* and indignation increased among affected people, who rejected the words “accident”, “disaster”, “tragedy”, claiming that

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<sup>16</sup> The central objective of the decree was to add language to existing legislation, which deals with the possibilities of withdrawal by an employee from the *Fundo de Garantia por Tempo de Serviço*, that classifies the rupture of dams as a natural disaster, thereby justifying a withdrawal by the employee. The major controversy resulting from this governmental act was the association of rupture of dams to natural disasters, caused by acts of nature, rather than by human beings.

the event should be understood and named as a “crime”. At that point, a new flow of information emerged, promoted by specialists, the media and national and international organizations connected to the issue of mining, ascribing responsibility also to the other two companies, Vale and BHP. Activists began using the designation “crime of Samarco, Vale and BHP”.

**Image 6**



Source: Photograph taken by Thaís Henrique Dias member of our team during public hearing in the Legislative Assembly of Espírito Santo, in August, 2016.

According to Gamson (1992), the construction of the injustice framework is necessary for collective action and he affirms that the manner in which the explanation of its origin is constructed is fundamental for the feeling of injustice to be transformed into anger and action.

In this perspective, the “naturalization” of the disaster by the government and the companies was perceived as an attempt to intervene to disorganize the indignation of the people. In addition to the decree cited above, the companies attempted to sustain the idea that the rupture of the dam resulted from an earthquake, seeking to transfer responsibility to the intemperate weather of nature. As Gamson writes: “Vague, abstract sources of unfairness diffuse indignation and make it seem foolish [...] When we see impersonal and abstract forces as responsible for our suffering, we are taught to accept what cannot be changed and make the best of it.. Anger is dampened by the unanswerable rhetorical question: who says life is fair?” (Gamson 1992: 532).

However, that attempt to naturalize the event was seen as a devious and malicious maneuver to deceive affected people. Gamson argues that “competition over the defining targets is a crucial battleground in the development or containment of injustice frames” (Gamson 1992: 32). Applying Gamson’s argument to this case, the attempted maneuver to blame nature was unmasked and served to reaffirm perceptions that companies and governments have common interests, commercial and otherwise, which lead governments to seek to protect companies rather than aligning themselves with affected people. On the basis of these perceptions, in the eyes of the affected people the government is hardly trustworthy.

Injustice frames require concrete targets and the identification of these targets must be constructed with the help of other actors, which can be the media, social movements, universities, religious and social leaders in general. The more concrete the target, the stronger the injustice frame will be. Furthermore, the distance of the target in relation to activists is also a fundamental variable for the concreteness of feelings and their performatization in organized collective action.

Thus, it was fundamental for the affected people of Espírito Santo to identify Vale as co-responsible for the disaster, since that mining company is physically present in their territories through the railroad tracks, trains and ports which transport the iron ore. Once Vale was identified, affected people found a point of vulnerability which allowed them to call attention to the company – the occupation and blockade of their railroads and, less frequently, protests in front of the company’s headquarters in the state capital. This became a pro-active protest performance with regard to demands, and also helped reinforce the injustice frame, considering that the company’s reaction to the occupations reaffirmed their responsibility for the disaster.

**Image 7**



Source: image found on posters and graffiti made during protest in front of the headquarters of Vale

The establishment of guilt in the case of the Rio Doce disaster was a fundamental component in the elaboration of the feeling of injustice. The actions of the various actors involved combined to attribute guilt to a very concrete target, the three companies: Samarco, Vale and BHP. At the same time, factors in the national political conjuncture favored the position of the government, as over a period of time the president of the republic was impeached and a new government was composed. In addition, governments, in general, have a greater ability to deflect guilt. The complexity of management systems, especially in federalism, greatly distributes responsibilities in a way that politicians are shielded, to a certain extent, from the damages of being identified as those responsible for injustices, an aspect noted by Alinsky (1972).

The outrage directed at the companies constituted a powerful and effective instrument of collective action<sup>17</sup>. To the extent that these companies are responsible for the reparation of damages and effects which resulted, they need to be permanently present in the territories, acting, speaking and negotiating with affected people. This exposes them to a series of evaluations and critiques of their actions. The three companies responsible for the disaster have subcontracted with numerous other companies to perform specific functions in contact with affected people. However these contacts have not diminished the perception of guilt attributed to the three companies by affected people. Any company entering their territory to perform some disaster-related action is identified as the same as Samarco, Vale and BHP. The same holds for the Renova Foundation (*Fundação Renova*), created as part of the extrajudicial settlement between the companies and governments involved in administering resources and developing actions of reparation. In addition to the three mining enterprises, Samarco, Vale and BHP, and the Renova Foundation, we can list at least the following: Synergia; Golder; HP; Integratio; Futura; Repense; Polifônica Consultoria; Ernst & Young.

Flam also suggests that the re-articulation of anger-related emotions which are paralyzed is crucial to generate mobilization. Understanding the dynamics in collective action processes which lead to one or another type of emotion is fundamental for purposes of our research. In this perspective, the amplitude of the affectations, together with the very restrictive recognition of the damages on the part of the companies introduces new foundations for indignation and anger. Nevertheless, as we have affirmed since the beginning of this text, interactions among the actors are fundamental and are present in all aspects which were isolated for explanatory purposes in this text. They are the actors and their agencies which effectively energize and construct the cognitive and emotional processes of mobilization.

### **Elements of Interaction – “We Were All Affected!”**

The central role of emotions in the process of mobilization is the conversion of individual and self-directed feelings to feelings which are collectively shared and directed to an external target. This conversion of feelings is produced by two mechanisms: interactional and cognitive<sup>18</sup>. These two are interlinked. We have already presented the central aspects of the cognitive mechanisms present in the initial context of production of a collective action frame for the struggle of people affected by the disaster on the Rio Doce. Now we turn to aspects of the interaction.

The interactional mechanisms are those which connect and energize the relations between people and places. This involves various types of actors, generally speaking, activists, (public) audiences and adversaries.

Activists are not isolated, atomized individuals. They are involved in complex schemes which establish ties of affinity and tensions of separation. This explains why people cooperate, according to Fireman et al. (1977).

For Jasper, a call for mobilization can occur without necessarily being preceded by collective identity. For example, the “moral shock” produced by the image of an animal suffering may be sufficient to generate engagement. However, the understanding of the action as part of a collective scheme depends on a frame which is recognized by other activists, by antagonists or by the audience (Jasper 1997).

<sup>17</sup> Generally speaking, there have been significantly fewer studies of the relation between social movements and private companies, as compared to the relation between social movements and the state.

<sup>18</sup> The discussion of mechanisms which informs our analysis is found in McAdam, Tilly and Tarrow and in the critique pointed out by Jasper, especially with reference to the need to energize the relational aspect (2012). Therefore, we call them interactional mechanisms rather than relational mechanisms.

Yang also underscores the importance of multiple actors and suggests that critical emotional events “may transform the dynamics of collective action. They do so by dramatizing the relationships among movement activists, publics and opponents. Such relationships compel action” (Yang 2005: 80). This aspect of dramaticity is what places the actors in a relation. The dramatics in the relations between supporters, audience and adversaries was the fundamental element, according to Yang, for the conduct of student protests in China in the decade of the 1980s.

We noted in the previous section the importance of the dynamics between private companies and governments for the construction of a collective action frame. Along these lines, when we refer to incipient processes of mobilization, it is important to take a closer look at existing differences between these contentious actors. We argued in a different study (Losekann 2016) that at least three types of actors can be observed in conflicts of people affected by extractivist enterprises: affected people themselves; mobilized affected people and others who mobilize affected people. The first type is not necessarily mobilized like the second, but nevertheless plays an important role in mobilization. The latter are, in general, actors external to the territory who experienced similar conflicts in other places. They can also be large organizations, such as ONGs, or can be people who became sensitized to the situation of the affected people. The latter are, in general, activists involved in other causes, professional radicals, as Habermas called them, lawyers, researchers, professors or authorities who become involved professionally and are won over by the causes (Habermas 1997).

The mobilized actors are important in the processes of training new activists by constituting a type of listener. By paying attention to the causes of the affected people, they are also legitimating their claims, that is, they confer importance to the suffering of the other party. This process of empathy is important for the victim of injustice to not internalize blame and remain paralyzed in resignation. When I see that someone finds my pain important, I am encouraged to manifest it more intensely. I can recreate meanings through dramatization, reconstitute scenes in my memory and produce indignation. Thus, the look of the other is fuel for action.

During all of our visits to affected communities, we perceived the value attributed to our presence. It was not a question of doing a high-quality job, or of producing immediate, specific effects for them. What was in play was our presence there; only that. In one of the arenas, a man effusively thanked our presence, because we left “our own homes to go there”, and complained about the lack of attention by authorities to the community, which he describes as “humiliated” by the authorities:

Until today, we have not been served; I would like to have received attention, to tell the truth, by a judge, who could see our situation, evaluate our situation. I would like, we would like, to have our situation evaluated by a chief of staff of a Federal congressman. We would really like to broaden the range of this conversation, because our loss is very large ... and it's really unfortunate that nobody wants to leave, few people want to leave from the zone of comfort to come to our community (Public statement by resident of Povoação during the public arena held in the community in November, 2016).

The statement of another affected person, recorded during one of our arenas, is an example of a feeling which we noted in every place, the contempt that the community perceives in the attitude of the companies.

The authorities, Samarco, Vale and BHP need to know that we exist (Public statement. Resident of Povoação during the public arena conducted in the community in November, 2016).

The process of recognizing affected people by the companies, and now by the Renova Foundation, is still in progress and, in keeping with the statement of the resident transcribed above, many people who consider themselves as affected still have not been acknowledged as such. This is the case of the communities whose livelihood depended on fishing and related activities in the north of Espírito Santo.

Analyzing data for reports produced by the Renova Foundation itself, in October, 2016, one can note a pattern in the recognition of affected people in Minas Gerais and Espírito Santo. Those municipalities which were quickly recognized and which had the largest number of affected people recognized coincide with those through which Vale's railroads pass. The 15 municipalities with the largest number of affected people recognized (more than 100) have railroads which haul iron ore and in only four of them we were unable to identify records of railroad tracks blockaded by disaster-related protests. This observation suggests that recognition on the part of the company is more related to the risk of being subject to reprisals than to a real intention to repair the damage. This interpretation is also supported by the fact that until March 2017, those communities which are located to the North of the mouth of the Rio Doce had not been recognized as affected, despite the existence of studies by official environmental agencies which identify impacts reaching the south of Bahia (neighbor state of Espírito Santo). That is, the lesser the population's threat to the company's business, the lesser the chances that population has of being recognized as affected people.

These aspects appear to be perceived by affected people in Espírito Santo and, therefore, one of their major demands is for visibility. In the statement below by an affected woman who had a history of activism in other causes, the connection is clear between an emotional mechanism characteristic of a critical emotional event and the rationalization of the need to obtain visibility outside of the local territory. The directing of the strategy includes the feeling of pain, the feeling of suffering, the negative evaluation regarding the reactions of the closest actors and the directing of the action to other actors who she imagines can help the mobilization in the territory through their networks, connections, skills and resources.

That is death. It's as if you can hear the noise of death. I've already seen it in various forms, but that also was a death, although different. And then I ended up externalizing that pain...I cried! But after crying came a jolt, like this. A kind of catharsis. I began like this...But, sister, I can't watch what's coming, in person, without having that sensation! I can't, I can't. So then I began calling people and people came who could echo what I was feeling so it could be heard by people on the outside. I called Tânia, and it was talk, well... that Colatina was in a state of... that here we became a state of nobody, of nobody. Because I saw the people in my neighborhood going through a frenzied search for survival. Survival, I mean, storing water. Everything they had that was empty, a pot, everything became a deposit for water. That changed the routine of the families, of the people. [...] And what made me most indignant and motivated me to have that talk with Tânia was the passivity and, even more, the indifference of public authorities. Because at that moment the public authorities were not in the media; when I talk about public authorities, I'm talking about the local government. At no time did they use the local media, things like that, to reassure the people. Nobody, nobody! And the media didn't do this either. They talked a lot about the mud waste but nobody mentioned Samarco. In a talk at my church, my parish, also, on Sunday, nobody said anything. Even local government, religious leaders, etc. Nobody said a word, nobody. And I said, "damn it, man, us sheep here are screwed!" We literally have no shepherds here. So the day I arrived here and got this sample from what I witnessed and saw, I said: "No, we outsiders need to know what is going on here in Colatina" We outsiders need to know what is going on here in Colatina!" And thinking of old friends I said: "Who can?" At that moment I remembered Tânia. She has direct ties to the Human Rights authorities in Geneva. [...] (Márcia, Colatina activist, interview conducted in September, 2016).

All of these statements reveal that the interactions between actors help convert emotions, whether by the glance that confers importance, by the possibility of strategic alliance, or even by the absence of the authorities and parties responsible for the disaster, the interactions produce emotional reactions that collaborate in the characterization of injustice.

Interaction with mobilizing actors is clearly the principal type of mechanism for the conversion of feelings. The latter act as brokers of emotions, transforming and re-signifying the realities experienced by the affected people. They contribute to the creation of new frames of struggle that can evoke new emotions, more mobilizing than paralyzing. These actors can constitute mechanisms that produce engagement. By building fundamental meshing to the process of formation of collective action, they can centralize the mobilization network, acting more like colonizers of the affected people, as well as become triggers of new mobilizing actors, thus acting like mechanisms of emancipation.

Thus the arrival of MAB<sup>19</sup> in Espírito Santo was celebrated as well as feared by many local activists. Besides the natural fears with the arrival of “outsiders”, the concern was to know how the dynamics of a large movement, organized nationally, would mesh with local dynamics. However, the fears quickly gave way to the enthusiasm of engagement and the movement won the assent of many local affected people, who came to identify themselves as MAB.

The fear of the entrance of highly politicized actors, with histories of successful struggles, especially in terms of collective mobilization and organization resounded from the beginning in the companies involved, who quickly positioned themselves contrary to any interlocution with MAB. Nevertheless, given the dynamics of interaction in the construction of the frames, in which the companies have been adversaries since the very beginning, when they became frankly opposed to MAB, this had the result of enabling the movement to gain credibility among affected people.

We heard about a meeting here with the company. And knowing how the company would act, which is the same anywhere... put together a commission inside the community to represent the community, but which the company itself controls. And they themselves elected those who would represent the community. And it was then that we entered this meeting to participate and they were emphatic in saying that if the movement didn't leave, they wouldn't initiate the meeting. And it was then that we called together several residents and we began to talk and we can say that, considering the size of the community, we created a fact. Because when the company left, they mobilized nearly 100 people in front of the school. The next day, we conducted an assembly with almost all the residents, filling the school, and we began to explain what is a movement, what was our role... which is to organize the people, fight for rights, that the company wanted to recognize only 17 people here as affected people, that only the fishermen who had official working papers and that they were up to date. And that it wasn't because the whole population had been affected, and that they would have to reimburse the population and guarantee their rights, and that this would be possible only if the families began to organize, that they avoid fighting with one another. And we began to explain our proposal of working with them. [...] And we continued doing the work every week. I came once, twice a week. And from that time forward, the company decided to enroll all the families (Geovani, MAB activist, interview conducted in Mascarenhas, September, 2016).

Clearly, no movement group obtains total support, especially in the early stage of getting established in the region. Nevertheless, until the present moment MAB has been successful. This is due, in part, because of the perception that MAB's interest and physical presence in the region represents an important external recognition of the plight of affected people in Espírito Santo. Another factor was the ability displayed by

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<sup>19</sup> Movement of People Affected by Dams (*Movimento dos Atingidos por Barragens*)

MAB organizers at the local level, including respect for existing community associations. MAB's organizing strategy was wise and effective. As noted in the statement above, the work of organizers began slowly, becoming involved in the daily life of people and showing respect for the community. Affected people whose rights had been denied by the company were the first to join with MAB. Affected people began to feel a sense of dignity and increasing numbers in various communities came to support MAB and their strategy. MAB organizers thus were effective by not trying to impose a broad MAB agenda from the outset but rather gradually obtain broad support for MAB by grassroots work of helping affected people to fight for their rights and, thereby, restore their dignity<sup>20</sup>.

The presence and importance of mobilizing actors can be more fully appreciated considering the context of existing problems of local associations, together with divisive actions by the companies which result in divisions among affected people and, consequently, the undermining of collective action.

The most important challenges perceived by residents for collective action are questions of engagement with the cause and unity among themselves. The differing amounts of compensation has become a source of distrust among affected people. Other problems, which appear less difficult to resolve, are more procedural, namely, internal communications in the community and in the associations, structuring of meetings, methods of participation and, especially, establishment of formal and transparent criteria of relationship between companies and communities.

Among practices employed by the mining companies or their subcontractors that were reported during our fieldwork were: meetings of the companies with only some community leaders; choice, by the company, of leaders more susceptible to influence by the company, instituting practices of cooptation and patronage; defamation, delegitimizing and criminalization of leaders considered problematic and intransigent; attempts to remove leaders with alleged ties to existing social movements, and who operate as mobilizing agents of affected people.

The major complaint among residents is individual harassment by the company, seeking to negotiate with individuals, making information and possibilities of collective organization more confusing and fragmented.

We have noted that an initial step in mobilization and the formation of local activists is the perception by the local resident that he or she is an affected person. However, for the affected person to go beyond that stage, we note the importance of the presence of mobilizing actors and of allies in the development of activists with an increasingly broader perception of claims and strategic potentials for contentious action. The process involves the development of consciousness of issues going beyond the local community to a broader territorial scale. This transformation in the scale of claims and frames is fundamental for the organization of a protest movement. Generally speaking, this process of scaling up occurs through mediation conducted by mobilizing actors and allies. This is what Kirsch (2014) called "politics of space" when he analyzed the connections between actors in multiple places in a campaign of contestation against the Tedi mine in Papua-Nova Guiné.

Even those regions where there are local associations functioning and are seeking to collaborate, there is a need for organisms at a broader level where mechanisms of mediation can function. The organization of the Forums was important precisely for this reason<sup>21</sup>.

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20 These aspects were observed in the course of living with and learning from the experiences with MAB organizers and other activists.

21 The Espírito Santo Forum in Defense of the Rio Doce was established in November, 2016 as a state organism to deal with issues related to the disaster. Initially, 88 organizations signed the manifesto creating the Forum. The number of organizations actually participating has diminished, but meeting continue to be held weekly. In addition, local Forums were established in Colatina, Norte da Foz, Regência, Barra do Riacho, and Baixo Guandu.

Since the Forum appeared in our life we've had the possibility of recovering our dignity, of reviewing what happened, what was destroyed. So that is our hope with the Forum. No other entity, no other organism has been as good for us as the Forum. I see the Forum as a mother. [...] When we come to the Forum we see not only our own local situation. We see the situation of all the affected people, of all the communities. Because every community has a representative in the Forum. So we can begin to match what happens to us in Barra do Riacho with the situation of Regência, Povoação, Colatina, Baixo Guandu. We can see that what happens there is no different from what happens here. (Joice, fisherwoman and activist of Barra do Riacho, interview conducted in Vitória in July, 2016<sup>22</sup>).

Finally, in addition to the Forums and external activists who operated as mobilizing actors, the constant presence of the Public Defenders (*Defensores Públicos*) of Espírito Santo has been important for processes of mobilization and of scaling up. They can be categorized as allies, in the sense proposed by Tarrow (2011). They are “influential allies” who provide certification to the claims and frames of injustice, affirming that emotions find space in the law or in principles of rights. This is not a minor aspect; we have argued previously that the relation between rights actors and activists has constituted a process of “legal mobilization” in environmental movements (Losekann 2013; 2016).

It can be said that Public Defenders also act as mobilizing actors. The normative character of juridical discourse already confers the potential of mobilization for any one of its operators; but it is the manner in which this discourse has been used by the Defenders which makes it especially mobilizing, to the extent that it does not remove the agency of affective people.

In fact, the Public Defender Office has performed in a much less bureaucratic manner than other juridical institutions, traveling to the field, getting to know *in loco* the conditions of the conflict. This aspect is fundamental in that is in the everyday interactions with the affected people in their places (rather than in an office), that the subjectivity of the Defender can be affected, won over by the cause<sup>23</sup>. This is a fundamental point. Before becoming a mobilizer, he needs to be mobilized to the cause of the other.

There is no lack of problems and injustices in everyday life of a country like Brazil (or any other) to fill the workload of a juridical institution. So that in order for a specific conflict to be chosen over a different one, there is also a particular type of engagement by the operator of the law. This individual is, clearly, susceptible to experience a singular experience. And there are many opportunities for this to occur when he experiences the place of the affected person, shares his daily struggles to have access to water, or the frustrations of being unable to eat fish due to contamination, etc. That is, he shares the pain of suffering with the affected person. In this manner, the feeling of injustice in the operator of law can be converted to mobilizing actions via juridical discourse.

## Final Considerations

Rather than exhausting the many possibilities of biographical trajectories and ways of constructing engagement, this study has sought to demonstrate how emotions play fundamental roles in the process of mobilization. The manner in which the disaster on the Rio Doce was felt by activists reveals how a critical emotional event was constituted, energized by cognitive mechanisms and by mechanisms of interaction.

In explaining the mobilization process constructed by the most engaged and prominent activists in Espírito Santo, I also introduced the principal issues related to the actions of the companies in this process.

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<sup>22</sup> Interview conducted by Arthur Augusto Santos, holder of an extension project scholarship.

<sup>23</sup> This is a process similar to that which occurs with the researcher and which I reported in the experience which we had navigating with the affected fishermen.

Actions of reparation marked by the monetization of damages caused by the disaster are directed to individuals or leaders who, in general, have been coopted by the companies

Existing associativism in local communities as a potential source of grassroots mobilization is weakened by formal organizations which are either beset by indebtedness or other legal problems; or, on the contrary, in the hands of centralizing, authoritarian local leaders.

Some associations have been able to act as protagonists with affected people and scale up claims beyond the territory of local communities. However, it is the actions of mobilizing actors and allies which has been fundamental in this process. These actors are key components in the transformation of emotions from an intimate, individual level to the collective level.

We have also discussed the importance of place as an element which helps feed and mold collective action dynamics through emotional memories which are collective products, but which reverberate subjectively in individuals. Mobilization practices which are anchored at the local level not only create external links but also are the most effective forms of constructing processes of engagement and mobilization. The singular experience is constructed as a critical emotional event in the territory, but in order to constitute a broader cause of a protest movement, it must travel, go beyond the territory and explain to the world the injustices which are occurring there.

That, perhaps, is the main challenge for the constitution of a protest movement of affected people against the crime of Samarco, Vale and BHP. In this sense, although, on the one hand, this study seeks to tell the story of processes experienced in little-known communities in Brazil, on the other hand, these are processes that may (and can) occur anyplace in the world where these giant transnational companies operate their mining activities.

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# The construction of the disaster and the “privatization” of mining regulation: reflections on the tragedy of the Rio Doce Basin, Brazil\*

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## **Abstract**

In this paper, we present an interpretation of the Samarco/Vale/BHP Billiton disaster, which highlights the relations between State, market and civil society and the rearrangement of environmental regulation of the mining industry in Brazil. We discuss the mutually constitutive changes in the roles of the State and of private companies, with emphasis on environmental and social dimensions, revealing the selective exclusion of civil society from the process. Based on document analysis and direct observation, we analyze regulatory forms related to environmental licensing and monitoring of Samarco's operations, as well as management of impacts of the disaster in the Rio Doce basin, with the establishment of the Renova Foundation. Results are consistent with the hypothesis of a mix of weak and private regulatory standards (self-regulation), integrating 'negative' and 'positive' dimensions, which add corporate forms of private and public regulation to the process of institutional dismantlement.

**Key words:** mining; regulation; state-market relations; disaster; Samarco.

# A construção do desastre e a “privatização” da regulação mineral: reflexões sobre a tragédia do Vale do Rio Doce, Brasil

## Resumo

Este trabalho apresenta uma interpretação do desastre da Samarco/Vale/BHP Billiton centrada nas relações entre Estado, mercado e sociedade civil e na reconfiguração da regulação ambiental da indústria extrativa mineral no Brasil. Dessa forma, discute as transformações mutuamente constitutivas nos papéis do Estado e das empresas envolvidas, com ênfase nas dimensões ambiental e social, e explicita a exclusão seletiva da sociedade civil no processo. Baseando-se em análise documental e observação direta, são investigadas as formas regulatórias relacionadas ao licenciamento e ao monitoramento ambiental das operações da Samarco, assim como à gestão dos impactos do desastre no Vale do Rio Doce, com o estabelecimento da Fundação Renova. Os resultados sustentam o argumento da combinação entre padrões de regulação fraca e privada (autorregulação), integrando dimensões ‘negativa’ e ‘positiva’, que crescem ao processo de desconstrução institucional formas empresariais de regulação privada e pública politicamente construídas.

**Palavras-chave:** mineração; regulação; relações Estado-mercado; desastre; Samarco.

# The construction of the disaster and the “privatization” of mining regulation: reflections on the tragedy of the Rio Doce Basin, Brazil

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## **Introduction**

In this study, we use the case of the disaster of the Rio Doce basin, caused by the failure of the Fundão Dam, controlled by Samarco Mineração S.A., on November 5, 2015, to explore possible changes in the trajectory of environmental regulation of the extractive industry in Brazil. We argue this case presents convincing data, both of the mix between public and private standards of regulation as well as of the former being replaced by the latter (Jackson and Rathert 2017), potentially driving a ‘move’, from a ‘weak’ model to one of self-regulation.

As we will discuss throughout the paper, environmental control in Brazil was based initially on a weak regulatory standard (Guimarães 1991). Despite the complexity and diversity of the environmental legislation, its implementation, seen as the weakest link of the environmental system (Hochstetler 2002), remained insufficient and did not meet expectations, both at federal and state levels. Due to historical institutional factors, mining assumed an important place in the collective imagination of Brazilian society and of bureaucrats and politicians, being symbolically linked to development and to expectations of employment and well-being (Enriquez 2007).

Along these lines, the establishment of a regime of environmental control of the extractive industry in Brazil can be identified with the notion of regulatory capture, defined as “de facto control of the state and its regulatory agencies by the ‘regulated’ interests” (Mattli and Woods 2009: 10). According to O’Callaghan and Vivoda (2013), this process can occur in situations where private corporations are able to accumulate sufficient power to dissolve the neutrality of regulatory entities or, at least, diminish the efficacy of this control.

From a theoretical point of view, this kind of analysis is relevant as a form of deepening the understanding of the firm-state relation (Block and Evans 2005). In this sense, it is most closely associated with critical studies on the various manifestations of neoliberal discourse about environmental regulation, particularly in the extractive sector. At the same time, the study is important from a social perspective, given that changes in environmental regulations have direct implications for social contestation, as well as the fact that its improved understanding may contribute to guide social movements’ strategies in influencing the public debates concerning mining in Brazil.

In order to present this argument, we divided the paper into five sections, in addition to this introduction. Initially, we offer a brief presentation on the conceptual debate concerning private regulation of economic activity and the recent rearrangement of the relations between State, market and civil society. In the following section, we describe in a general manner several formative elements of the Brazilian environmental sector, its mode of regulation and institutional capacity. Next, the collapse of the Fundão dam is discussed in detail. We analyze how a weak regulation framework in Minas Gerais allowed for the

licensing of a project which did not present environmental feasibility and, furthermore, how the dam monitoring system of the state has been ineffective in guaranteeing the safety of existing dams. Following this, we discuss the agreement signed between Samarco, the state governments of Minas Gerais and Espírito Santo and the Federal Government. We examine how the emergence of self-regulation practices in the sector has blended with and/or replaced public regulation devices as much as it has curtailed the chances of effective mitigation and compensation of the socio-environmental impacts of economic activities. In the final section, we go further in discussing recent proposals of changes in environmental legislation in both federal and state levels.

### **Between State and market: metamorphoses on the social regulation of economy**

This section comprises a non-exhaustive literature review on the establishment of private and voluntary forms of regulating economic activities, particularly the extractive industry, and a broader discussion on its impacts for rearranging the relations between State, market and civil society.

Economic sociology literature has obstinately rejected the opposition between State and market as key institutions organizing the economy, viewing the latter and politics as socially overlapping, “mutually constituting spheres of activity” (Block and Evans 2005: 505). Based on the more general argument of the embeddedness of economic behavior and institutions in social relations (Granovetter 2007), conceiving economy and politics – and their basic institutions, market and State, respectively – as embedded would challenge the key claim of substantivist economic anthropology, that is, that modernity is characterized by the progressive autonomization of the economy in relation to society (Polanyi 2013).

Accordingly, facing the impossibility of economy’s full autonomization, the empirically robust argument of the embeddedness has been systematically put forward by the New Economic Sociology (NES). At the same time, in light of the ‘fading’ of the historical-structural framework, which supported the metaphorical appeal of ‘spheres’ in relation, an interactionist conception of embedding social relations became prevalent.

Nevertheless, the relation between the embeddedness *condition* of economic life in social relations and the historical *process* of differentiation and institutionalization of economic phenomena in relation to politics and society seems to be one of complementarity rather than of opposition. Furthermore, the relative autonomy and dependence of both the analytical spheres of economy, politics and society and their key institutions can (and should) be interpreted from a dynamic perspective.

Indeed, not so recent changes in the forms of extra-economic influence on economic phenomena have been shifting the regulation over a diversified set of industrial activities (particularly those resource- and labor-intensive) from customary patterns of ‘command and control’, compulsory and applied by the State, “towards regulatory forms based on different social control strategies – like market mechanisms, the provision of information, and informal shaming processes” (Bartley 2003: 433-434). St-Laurent and Le Billon (2015: 2) sum up these mutations as “a shift from “government” to “governance” in natural resource management”, replacing “government-industry negotiations” or diadic interactions by “multi-stakeholderism”.

If the authors are correct in assuming a “repositioning [of] the state and its responsibilities” (St-Laurent and Le Billon 2015: 591), it seems equally important to remark the noteworthy changes derived from that for the broader relations between economy, politics and society, as well as for institutions such as the State and market, and for economic and non-economic actors.

In practice, different branches of specialized literature are dealing with the multiple forms assumed by these processes of regulatory change and substitution. These include terms that are not always clearly defined and are used almost interchangeably, such as “voluntary approaches, self-regulation, self-commitments, environmental accords, private agreements, voluntary initiatives, industry initiatives and public voluntary schemes” (Schiavi and Solomon 2007: 28). In addition, expressions like “corporate codes of conduct, sustainability reporting, eco-labeling, social auditing, independent monitoring, and Fair Trade products” (Bartley 2003: 435) are other possible forms.

In order to make sense of this diversified set of regulatory devices, broader definitions have also been proposed, such as “global private regimes, non-state market-based governance, industry self-regulation and/or corporate social responsibility (CSR)” (Dashwood 2013: 456).

These proposals have had a major influence on the academic literature in areas such as public management, public policy and strategic planning, consolidating as New Public Management, particularly in countries of the Anglo-American tradition (Porter and Brown 2013). New Public Management is, largely, based on the neoliberal endorsement of the free market and competition principles (Lorenz 2012). Some of its major claims comprise the increase of flexibility, customer-oriented servicing (rather than citizen-oriented), competition among public institutions, and the establishment of a private, commercial and market-based culture (Lynn Jr. 1998).

The devices in question have been oriented to regulate from operational units (mines or factories, for example), to firms or entire corporations, and even included entire industrial sectors or goods and service markets as object of regulation.

In short, the specialized literature highlights the changes of the management forms resulting from these devices’ emergence as moving towards privatization, i.e., for increasing private or hybrid forms of regulation to the detriment of the public ones (Bartley 2003, 2014; Clapp 1998; Dashwood 2013; Jackson and Raghert 2017; Marques 2016; Schiavi and Solomon 2007; St-Laurent and Le Billon 2015; Vogel, 2010). Despite its either critical or normative tones, this literature portrays such a trend as an expansive and inclusive move embracing economic and social actors (multi-stakeholderism, see Marques [2016]) as different as collective (trans)sectoral organizations and institutions, corporate foundations, NGOs, affected communities, native populations, etc.

Although private-led, such a move does not overlook the State. Accordingly, the State is acknowledged by its unique capacity “to shape market access on a large scale and institutionalize the rights of citizens and firms within their borders” (Bartley 2014: 96). In addition, it might be considered for its ability “to govern at a distance and ensure the governmentality of the mining sector by delegating some of its responsibilities” (St-Laurent and Le Billon 2015: 592).

Some authors (Dashwood 2013; Marques 2016; Vogel 2010) also emphasize a switch from mandatory compliance regimes to voluntary ones; voluntary codes of conduct, such as the ISO 14000 (Clapp 1998), being exemplary. Still others argue for the emergence of a “composite picture of a ‘compulsory voluntary initiative’” (Schiavi and Solomon 2007: 38). Nevertheless, their regulatory focus remains under-theorized, being related mostly to the environment, but including other areas such as labor (Bartley 2003), human and cultural rights (Haalboom 2012) and gender (Keenan, Kemp and Ramsay 2016).

In regard to the scales of private regulation, this seems to be a debate which has remained underdeveloped. Whereas Marques (2016: 619) perceives a “shift in focus to more encompassing initiatives”, such that ““collaborative governance” and “scaling up” have become part of mainstream thinking and discourse” in the Canadian extractive mining industry and Clapp (1998) sees the development of environmental management standards as the key change in the conditions of competition under a “global market” and the formative basis of an “emergent international regime”; other authors simply understand

regulation upscaling as a ‘natural’ move, since the “structure and scale of global production has challenged the existing capacities of governments to regulate the growing share of business activities that take place beyond their borders” (Vogel 2010: 73).

More importantly, the range of economic regulation devices deserves specific attention. From this perspective, codes of conduct and management standards (Clapp 1998); labels and certifications (Bartley 2003, 2014); collective guidelines, including Corporate Social Responsibility (CSR) (Bebbington 2010; Dashwood 2013; Haalboom 2012; Marques 2016); agreements (St-Laurent and Le Billon 2015); and foundations and trusts (McElroy 2012) have been remarkably relevant.

Clapp (1998) discusses the establishment of codes of conduct and management standards, as well as private standard-setting organizations. The author considers the general adherence to the ISO standard 14000<sup>1</sup> as the formation of a hybrid regulation regime. Although “dominated by private industry interests, particularly those in industrialized countries”, such a hybrid regime penetrates “into national standards, governmental regulations, and intergovernmental policies” (Clapp 1998: 304), with deleterious effects on national systems of environmental regulation. Seen as “less intrusive” regulatory devices (Clapp 1998: 300), codes and standards have become decisive in accessing external sources of capital and rearranging sectoral competition.

Similarly, Bartley (2003) discusses the emergence of labeling and certification of socio-environmental performance based on independent accreditation bodies. The author ascribes their evolution to the convergence between a social contestation movement in textile and timber industries and a “neo-liberal institutional context [which] encouraged States and NGOs to build private regulatory associations”, to the detriment of “governmental and intergovernmental regulation” modes (Bartley 2003: 456-457). These private, non-profit associations, comprised of firms and NGOs, such as the Forest Stewardship Council (FSC) and the Fair Labor Association (FLA), for example, are understood in relation to a “competition between alternative sets of solutions and conflicts between actors” (Bartley 2003: 437) in “a field shaped by power, interests, and preexisting institutional arrangements” (Bartley 2003: 438).

With regard to CSR, “a range of unilateral and collaborative strategies in order to respond to the reputational crisis” (Dashwood 2013: 469-470) of the extractive industry in the 1990s came on the scene. Early movers in adopting corporate social responsibility programs, such as Noranda (currently Glencore Xstrata) and Placer Dome (now Barrick Gold), may have steered collective guidelines at the level of sectoral associations, such as the International Council on Metals and Mining (ICMM). Increasingly important, these collective arrangements emerged in relation to the global expansion of major TNCs’ operations and were driven at improving sectoral, socio-environmental performance.

For Bebbington (2010: 106), however, the spread of CSR programs and the increase of social conflict in the Peruvian extractive industry are correlated. The author argues these “programmes seek to delegitimize conflict as a valid means of expressing concerns and as a legitimate pathway towards institutional change”, limiting public debate and the emergence of other potential routes for institutional change – including governmental and intergovernmental ones (see also Bartley 2003).

In turn, Haalboom (2012) notes that although sector-led CSR guidelines imply specific forms of corporate compliance, it is hardly likely that they satisfy expectations of improved socio-environmental performance and reinforce the defense of affected groups’ rights – as the ICMM support of the non-recognition of native populations’ international rights in the Surinam on the part of the BMS (a subsidiary

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<sup>1</sup> Since Vale S. A. was the first transnational corporation (TNC) in mining to attain this standard (Enriquez and Drummond 2007) and Samarco S.A. the “first iron ore mining company in the world to receive the ISO 14001 certification for all phases of the productive process” (Dias 2015), it is important to understand these corporations as early environmental movers as a result of the changes in the regime of competition, as suggested by Clapp (1998). See Tubino, Devlin, and Yap (2011) about Vale’s obtaining the ISO 14001 standard.

of BHP Billiton) has demonstrated. In this sense, CSR should be seen as a context both enabling and restraining, being subject to power dynamics. Accordingly, as far as it may offer “a mechanism by which local communities and their transnational networks can pressure MNCs to recognize human rights, rights that the state may not be recognizing” (Haalboom 2012: 969), CSR may prompt only “superficial engagements with marginalized groups”, being resistant to “any kind of fundamental change” (Haalboom 2012: 977).

The examination of the Canadian mining industry’s pioneering response to its reputational crisis does not seem to be more promising. Marques (2016) analyzes the competition among three forms of regulation in the sector – State regulation, cross-sector private regulation and decentralized private regulation –, which has favored the latter. The author disputes the normative interpretations on the roles of sectoral associations and, mostly, of the State in raising mining operational standards. In this case, “rather than promoting consolidation, the [Canadian] government has implemented policies that actively encourage regulatory fragmentation (Marques 2016: 9), to the detriment of the legal prerogatives related to its “power to investigate overseas operations and guideline compliance” (Marques 2016: 7), and of the multi-stakeholder types of controlling the Canadian extractive industry.

St-Laurent and Le Billon (2015) analyze private agreements for compensation for the impacts and sharing of benefits associated to mining projects, and aimed at obtaining the social license to operate. Usual in multiethnic settings, impact and benefit agreements (IBAs) or community development agreements (CDAs) constitute voluntary private contracts among sponsors of extractive projects and affected communities – Aborigines in the Canadian case. By transferring responsibilities to non-State actors, this kind of private agreement would reduce conflict levels over resources as it replaces adversarial for consensual political forms, in favor of governments and firms.

However, IBAs may also be seen as a set of techniques and discourses shaping individual and collective actors’ behavior. For St-Laurent and Le Billon (2015: 591), these agreements are based on the “selective absence” and distancing of the State from arbitrating market-society relations. In this sense, private agreements would allow companies “to reconcile both the pressure to ensure more ecologically and socially ‘sustainable’ practices in the mining sector while maintaining economic development and competitiveness” (St-Laurent and Le Billon 2015: 591). As a result, access to and control over mineral resources would be systematically supported by the decreasing “authority of the government [...] by the delegation of power to corporations” (St-Laurent and Le Billon 2015: 593).

Finally, the establishment of corporate foundations<sup>2</sup> in the extractive industry meets partially the “demands from activists, communities, and investors concerned with social risks, reputations, social license to operate, and improvement in the distribution of the benefits of mining operations” (McElroy 2012: 242). According to the author, “foundations are typically site-specific or region-specific” (McElroy 2012: 241), dealing directly with geographically bound impacts and beneficiaries, and mediating contestation towards the “legitimacy of direct corporate social investment programs” (McElroy 2012: 248).

In practice, the relatively independent, organizational forms of corporate social investment – of which foundations are exemplary –, develop governance structures comprised of or even led by civil society organizations. Also, they allow for the autonomous management of “finances and social investment programs separately from the management of individual mines and MNCs” (McElroy 2012: 249). According to the author, it is precisely such an “‘external’ form of corporate foundations” and the “perceived independence of the foundations from the influence of corporate interests” (McElroy 2012: 249) which

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<sup>2</sup> The author estimates the existence of “41 foundations, trusts, and funds connected to mining operations in developing nations” (McElroy 2012).

provide a specific form of value to mining TNCs: a type of “form-focused value” (McElroy 2012: 241) which “determines the degree to which their work with social investment programs is seen to be legitimate” (McElroy 2012: 249).

Despite their diversity, private regulatory devices call into question State-centered, customary forms of regulating the economic activity. Accordingly, they redefine the limits among the analytical spheres of economy, politics and society. In this sense, it is key to examine their common features, which are capable of bringing about a progressive, private-driven displacement of form and content of these spheres’ key institutions.

### **General aspects of environmental capacity in Brazil and in Minas Gerais**

The concept of capacity building originated in the proposals of multilateral organizations, which argued for the development of institutional capacity by countries on the periphery dependent on international aid (Kirchhoff 2006). In this perspective, some studies proposed to examine the extent to which the matter needed to be adapted to deal with environmental issues, introducing the concept of capacity development for the environment. The concern with a specific type of institutional capacity for environmental issues is justified by Sagar (2000) based on the claim that environmental problems are multisectoral, present a high degree of complexity and uncertainty, and generate long-term impacts, the causes of which are not always clearly defined.

Thus, the concept of environmental capacity would complement the capacity building perspective, overly centered on the abilities of governmental agencies. Environmental capacity proponents argue that “a country’s capacity for environmental protection is not and cannot be restricted to government policies. Increasingly it depends on societal forces of all kinds” (Jänicke 2002: 2). This idea is based on the assumptions that “material, institutional and socio-cultural capacity of a country are more relevant in determining the outcome of environmental policies than its choice of policy instruments” (Jänicke 1992: 47), and “successful environmental protection is brought about by a complex interaction of influences and not by a single, isolated factor, nor a favourite instrument, nor a single type of actor, nor a particular framework condition or institution” (Jänicke 2002: 4).

Among studies that address the question of environmental capacity in Brazil, many call attention to considerable institutional and sociocultural limitations.

At the federal level, Guimarães (1991) has already argued that environmental management was created in the realm of State technocracy, which, accordingly, turned economic growth into its primary objective. Similarly, Hochstetler (2002) listed corruption, lack of financial resources, constant restructuring of environmental agencies and low level of environmental conscience as inhibiting factors of environmental capacity in Brazil. She has also indicated the coexistence of a robust environmental regulatory system with institutions created to promote economic growth as the underlying reason for scant environmental policies. In another study, Milanez and Bührs (2009) established historical causes for the environmental sector being isolated from decision-making centers at the federal sphere.

At the subnational level, Kirchhoff (2006) attributes the limited capacity for policy execution to regional disparities, which account for the differential quantity and quality of human and physical resources, as well as the lack of integration.

With regard to the state of Minas Gerais, the bureau responsible for “environmental policy” is the Minas Gerais State Council for Environmental Policy (COPAM), whose mission is to establish guidelines, policies, regulatory and technical norms, standards and other operative measures, including the responsibility for environmental licensing. COPAM is part of the structure of the State Secretariat for the Environment

and Sustainable Development (SEMAD). SEMAD comprises the following executive bureaus: the State Environmental Foundation (FEAM), the State Institute for Water Management (IGAM) and the State Forestry Institute (IEF). In 2006, the management of SEMAD and COPAM was decentralized through Regional Collegiate Units (URCs) which, in turn, receive technical and administrative support, from their respective Regional Superintendencies for the Environment and Sustainable Development (SUPRAMs). URCs are, like COPAM, deliberative and normative agencies, while acting regionally in environmental licensing (Rodrigues 2010).

Carneiro (2005) identified that COPAM counselors' participation is highly dependent on social, cultural and specific (procedural) forms of "capital", which legitimize an oligarchic involvement in environmental decision-making and restrict the influence of popular segments' representatives. Similarly, Milanez and Oliveira (2015) described an appropriation of environmental agencies by an elite associated with the government and the business sector.

In respect to the Samarco case, insufficient action towards control by environmental agencies can be identified. In addition, the lack of punishment and the low level of the fines imposed on the company have not served as a stimulus for changing corporate practices. Despite that, the company still has been particularly reluctant to carry out compensation.

Between 1996 and 2015 (prior to the dam collapse), Samarco had been fined approximately 18 times for environmental reasons. In 2002, for example, the company was fined for silting the Macacos creek due to erosion of internal roads, a repeated violation, for which FEAM had ordered corrective action. In 2004, the company was fined (initially on R\$ 7.4 million, a figure later reduced to R\$ 3.7 million) for operating the Santarém dam and a long distance conveyor belt without renewing the operating license. In 2005, the company was once again fined for the high turbidity levels of water found in its dams' spillways (R\$ 42.5 thousand). On the same occasion, Samarco was fined in R\$ 21.2 thousand for high levels of particulate emissions. In January of the same year, the company was also fined for a leaking in the Germano dam, although the fine was never issued; after five years, the period of the crime expired and the lawsuit was shelved (FEAM 2006).

Samarco deploys a recurring tactic with regard to the imposition of fines, declaring itself not guilty on legal and technical grounds in all lawsuits. Thus, the company seeks to invalidate the environmental technicians' arguments or even delegitimize the legal authority of the bureau in question to apply a specific fine. Being unsuccessful, the company tries either to reduce the amount of the fines imposed or to delay the lawsuit as much as possible, looking forward to the prescription of the violation. Accordingly, the company is able to take advantage of the slowness of the legal and public administration systems.

## **A fragile State presence: the licensing of Fundão and dam monitoring in Minas Gerais**

### The licensing of the Fundão Dam

The environmental licensing process of either potentially polluting or major impact projects may be critically defined as a procedural step aimed at obtaining licenses required in legislation. Political and economic organizations implicated in licensing hardly consider turning down projects, since they regard them as vital to economic development. In fact, firms and corporations are highly influential on the political domain and on decision-making organizations such as councils, committees, etc. Accordingly, rejecting projects is exceptional. In general, project approval goes along with conditional requirements, which assume that problems identified during the licensing process can either be prevented, mitigated or compensated for at a later date (ETTERN and FASE 2011).

The Samarco/Vale/BHP Billiton disaster illustrates that State agencies responsible for public regulation have had very limited influence over corporate practices and technical options by mining companies in Brazil, whether due either to financial, technical and operational ineptitude, or to selective (in)action.

The Fundão dam was part of the infrastructures necessary for making Samarco's mining complex operational. The dam must be understood in relation to the increase in ore extraction during the commodities' boom (2002-2011) and post-boom (since 2012) periods. Each stage of the dam's licensing until its rupture indicates the firm's strategy facing the changes in commodity prices.

The environmental licensing process began in 2005 through the submission of the Environmental Impact Assessment and the Environmental Impact Report (EIA-RIMA). These documents have been analyzed by the Minas Gerais State Environmental Foundation (FEAM). Submission occurred at the beginning of iron ore prices upsurge and was related to the expansion of extractive activities by Samarco enabled by the P3P project. The Fundão dam was the newest of the three tailings dams in the area of Mariana. The dam project anticipated an approximate total capacity for disposing 79 million m<sup>3</sup> of clay tailings and 32 million m<sup>3</sup> of sandy ones (Brandt Meio Ambiente 2005).

In 2007, the preliminary and installation licenses were granted. The following year, iron ore prices reached their first peak; at the same time Samarco obtained the operating license. Consequently, the company was able to benefit from a significant expansion of scale economies. In 2011, there was a new peak in prices following the crisis of 2008. At the time, Samarco requested the renewal of the operating license, which was immediately granted, and authorized until 2013. The license was associated with new expansion projects.

In 2012 and 2013, new studies submitted to FEAM alleged the premature overload of the Fundão dam (SETE 2013). With the intent of increasing scales of extraction, Samarco submitted a new EIA in 2012. This new EIA aimed at promoting the optimal use of the Fundão dam. New environmental study and report were also submitted in 2013, now driven at heightening and unifying the Germano and the Fundão dams, giving rise to a mega dam.

The company sought to increase the area of tailings disposal by merging the neighboring dams and enlarging their lifespan, as indicated in the 2005 EIA-RIMA, although there was no analysis at that time. Both projects would allow for the extraction of larger volumes of ore. Also, they would make the process less expensive, faster and more efficient (since it would take advantage of the existing framework and the water treatment and recirculating system) than building a new dam in a nearby valley, despite being potentially more destructive. This strategic guideline, with a focus on cost reduction regardless of related risks, matches the beginning of prices dropping in the post-boom period.

Also in 2013, the company requested for the renewal of the Fundão dam's operating license, which had not been approved as far as the dam collapsed. In 2014, the preliminary and installation licenses were granted together for the company to optimize the dam. Finally, in June 2015, the licenses for the heightening and unifying of the Germano and the Fundão dams were simultaneously granted.

Therefore, we can conjecture that the interventions which were taking place at the Fundão dam at the moment of the tragedy possibly refer to either one or both projects which had a valid installation license. A corporate strategy aimed at reducing operating and investment costs, framed in the context of falling commodity prices since 2011, may have affected safety and quality of the projects.

Altogether, there were three different EIA-RIMA studies for a single dam. These were submitted to the environmental regulatory agency, and made available to society and discussed in public hearings. Thus, this type of licensing process sets up a fragmentation tactic, favoring impact underestimation and miscalculation of people affected, as it allows for the company to represent impacts and affected people separately, in relation to each project. As a result, consultation with society is likewise fragmented into

different public hearings, and it gives rise to an excess of diffuse and patchy information, disjointed into different environmental agencies and levels of political power.

Brazilian environmental legislation requires the presentation and evaluation of location alternatives to the project as part of the EIA. The dam's EIA compared the valley of the Fundão stream with the valleys of the Natividade and Brumado streams (the latter presuming a future tailings dam), all close to the exhausted Germano mine. Among the three alternatives, the Fundão dam was the only option that would produce direct impacts and cumulative effect on the Germano (beside) and Santarém (downstream) dams. Samarco recovered water for the concentration process in the latter one.

In addition, the other two alternatives to the Fundão dam were located in different watersheds, which did not drain in cumulative convergence towards the community of Bento Rodrigues. That is, if an alternative location had been chosen at that time, the community of Bento Rodrigues would have been less threatened by a potential collapse of Samarco dams. The existence of well-preserved vegetation and archeological potential were among the factors seen as troublesome in opting for neither the Natividade nor Brumado valleys. However, the EIA considered neither the risk of cumulative impact nor the distance to Bento Rodrigues as an adverse factor against the Fundão stream (Brandt Meio Ambiente 2005).

Similarly, environmental legislation also requires that EIAs consider alternative technologies and justify their options. However, the EIA of the Fundão dam did not present any technological alternative for tailings disposal. Particularly, technological alternatives for waiving dams in tailings disposal<sup>3</sup> were not mentioned as possible solutions, if only to be evaluated as overly expensive and unfeasible on a large scale. The study was limited to a comparison of two different dam construction methods: one conventional, based on land massif, vertical filter and draining base; and the other one using the sludge itself for damming and heightening in stages, which was ultimately chosen.

The National Council for the Environment (CONAMA) Resolution 01/86 requires the Area of Direct Influence (AID) and the Area of Indirect Influence (AII) to be specified. These areas are subject to direct and indirect impacts of the licensing project, respectively. Also, in the EIA of the Fundão dam, AID was split in the Directly Affected Area (ADA) and the Peripheral Area (AE). In defining areas affected, one should consider both actual impacts, which occur independently of mitigating and controlling measures; and also potential impacts, which can occur if mitigating and controlling procedures are not taken to prevent such impacts (as was the case of the collapse in question), or in fortuitous situations.

When analyzing the biotic and physical impacts, the ADA was restricted to the area to be occupied by the Fundão dam; the Peripheral Area was limited to the Fundão stream watershed, in addition to the Germano dam regarding only for physical impacts; and, finally, the AII was limited to the sum of the latter two, in addition to the Santarém dam and the area of vegetation contiguous to it. For the social and economic impacts, the ADA was delimited as the area of dam construction, as the AE considered the village of Bento Rodrigues as “more exposed to possible effects of water quality changes stemming [either] from the dam operation, or from the provision of labor for the building phase” (Brandt Meio Ambiente 2005: 74). Finally, the municipalities of Ouro Preto and Mariana were considered as AII, “where the socioeconomic repercussions of the dam project are noticeable”.

The narrow delimitation of areas of influence stipulated by the EIA for the Fundão dam demonstrates the analysts who drafted the study did consider neither the possibility of collapse, nor the chances of large-scale tailings overflow. A single social impact was foreseen during the operating phase, i.e. the increase in job creation and regional income, seen as positive effects (Brandt Meio Ambiente 2005). The study which projected the heightening of the Fundão dam and its unification with the Germano dam

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<sup>3</sup> These comprise the disposal in exhausted caves, sludge thickening, dry stack, geotextile or vacuum filtration, among others.

confines the areas of direct influence to the same boundaries planned in 2005 and it did not contemplate the possibility of dam collapse (SETE 2013).

Accordingly, EIAs have been inadequate to convincingly identify all potential environmental impacts of large-scale projects in general, and the ones caused by mining projects, in particular. In part, these studies tend to underrate negative impacts; this can be credited to the fact that mining companies choose and hire the consulting firms that carry out the studies, giving rise to a clear conflict of interest. This situation becomes even more critical when one takes into account the ritualization of the environmental licensing process (Bronz 2015), which is likely to reinforce structural asymmetries among actors, to limit open practices of challenging powerful actors, and to favor order maintenance, leading to the project implementation.

Environmental licensing deficiencies, misinformation, and noncompliance are present in all phases of the process (preliminary, installation, operation, and closing). Legal obligations are circumvented by the subterfuge of conditional requirements, which make the process more flexible. These measures, specified by the environmental agencies or councils, aim at compelling the company to improve studies and carry out actions for improving environmental aspects of ongoing projects. On the other hand, the use of conditional requirements allows for the speed-up of the licensing process, since it makes license granting immediate, defining new timetables for complying on new and recurring requirements. In many cases, responses to conditional requirements are merely procedural, not solving problems identified.

### Dams monitoring in Minas Gerais

FEAM is the state agency in charge of publishing the Minas Gerais State Dams Survey. FEAM shares the responsibility for monitoring tailings dams with the National Department for Mining Production (DNPM), a federal agency accountable for monitoring the establishment of safety plans for tailings dams. The Survey classifies mining and industrial dam projects built for the containment of either tailings or water storage. In carrying out this inventory, FEAM takes into account essentially data provided by companies, which are occasionally supplemented by on-site audits.

Audit results define three operating conditions for the dams. There are those in which the auditor “guarantees the dams are safe in relation to the physical stability of the massif, as well as the hydraulic stability” (FEAM 2014a: 29). At the same time, there are those in which “there is no conclusion regarding feasibility” because the auditor did not have access to information needed to verify the security of the dam in question. Finally, there are those in which stability is not guaranteed, which means the auditor had access to technical data and does not guarantee that the dam is safe.

In the 2014 Dams Survey (FEAM 2014b), the three Samarco dams in Mariana (Fundão, Germano and Santarém) had their stability guaranteed by the auditor. Furthermore, nearly four months prior to the collapse, the Fundão dam had its stability guaranteed by the auditing firm VogBR, which has been hired by Samarco (Bertoni and Marques 2016). The same stable condition was ascribed to the Herculano Mining dam in 2013, which collapsed and caused three deaths in Itabirito, Minas Gerais the following year.

Accordingly, the existing dam monitoring system in Minas Gerais does not guarantee the real safety of the dams. As in the case of environmental licensing, this can be attributed to the conflict of interests related to the hiring process of the firms which carry out evaluations.

However, in the few cases in which auditing firms’ technical opinions do not guarantee stability of the dams, the environmental regulatory agencies seem to be either technically and politically weak, or even not prone to interfere with dams’ operations. Thus, there are tailings dams that remain without stability guarantees for repeated years. Focusing only on those dams with high potential for causing environmental

damage, the analysis of the 2011-2015 period indicates seven dams which have been classified as unstable for two years (belonging to MMX Sudeste, Namisa/CSN and Vale); three for three years (MMX Sudeste and Vale); and one for four years (Vale) (FEAM 2012, 2013, 2014b, 2015).

These data demonstrate both the fragility of legislation, which allows for dams that repeatedly lack tested stability to remain in operation; as well as the limited capacity of the state government to guarantee that mining companies meet requirements of dam safety.

## **Is the State absent? The establishment of the Renova Foundation**

### Considerations on the 'conduct adjustment' by firms and the State

Regarding the relations among Samarco, Vale and BHP Billiton, and the State, a new event has driven institutional change from the weak regulation paradigm to a self-regulation one. In March 2016, the three mining companies, the state governments of Minas Gerais and Espírito Santo and the Federal Government signed the "Terms of Transaction and Conduct Adjustment" (TTAC). By the TTAC, these actors established the Renova Foundation, a private organization responsible for the recovery, mitigation and compensation for the socioeconomic and environmental impacts provoked by the collapse of the Fundão dam (União et al. 2016).<sup>4</sup>

In general, a Term of Conduct Adjustment (TAC) is a device designed at promoting extrajudicial alternatives to solve conflicts (Rodrigues 2004), which is set up by public agencies with an actual or eventual violator of a collective right. TACs must contain varied requirements to be fulfilled by the committed party, such as the repairing of damages to collective rights, the conduct adjustment to legal and normative obligations, and/or the compensation for damages that cannot be recovered. TAC proponents often justify the need of such a device by the urgent nature of ecological disasters, since the processing delays of the judicial system may result in aggravating the consequences of environmental damages, which makes repairing even more difficult. This explains why State agencies in charge of concluding TACs give priority to environment protection, to the detriment of establishing liability for the damage (Viégas, Pinto and Garzon 2014).

The TTAC is consistent with this perspective, by declaring "the conclusion of this [out-of-court] plea agreement stems from mere liberality of the promisee, recognizing that the adoption of emergency measures is essential" (União et al. 2016: 3). However, speed and effectiveness are not naturally obtained by signing these agreements. The extent to which their objectives are achieved is dependent upon rigorous proof by public authorities and affected communities. As was discussed previously, public authorities have demonstrated neither technical nor political capacity to exercise such control. With regard to collective power, the TTAC defines a governance structure for the Renova Foundation that makes the participation of affected people formalistic.

Thus, the TTAC had design shortcomings, which indicated it would fall short of achieving the expected remediation results and compensating for the impacts of the disaster. In the following, we shall evaluate some of these failures.

In the literature regarding environmental policies, there is a consistent evaluation of agreements between private companies and governments. Despite the fact that most of it concerns agreements that

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<sup>4</sup> The TTAC was certified in May 2016, although it was halted by the Supreme Court in August (Diniz 2016). In January 2017, the Federal Prosecution Service (MPF) signed a Preliminary Adjustment Term (TAP), aimed at reviewing the TTAC (MPF 2017). However, since this TAP covered the monitoring of the Foundation's actions by private firms which were service providers hired by Vale and Samarco, it was again contested by the affected communities and social movements.

involve different companies within the same sector, some of their elements are useful to analyze the TTAC. Mostly, these elements refer to issues related to social participation, and to monitoring and control systems.

With regard to social participation, the European Environmental Agency (EEA, 1997) claims that enforcing agreements is most effective when independent parties are involved in designing and carrying them out. Similarly, Bizer and Jülich (1999) mention the need to involve the legitimate and relevant parties both in the negotiation process and in implementing the agreements. The authors further argue for public access to monitoring data and results. Cunningham and Clinch (2004) insist that public involvement is one of the main features in defining agreements, arguing for mechanisms of participatory monitoring, which involve both the media and NGOs. Similarly, a report drafted by the OECD (2003) mentions that the involvement of NGOs increases the chances of achieving the goals proposed.

Another element frequently mentioned relates to systems of monitoring, control and disclosure of results. Generally speaking, such systems should be clear and trustworthy (EEA 1997). Furthermore, the evolution of agreement results should be disclosed periodically in a detailed manner (Bizer and Jülich 1999; Cunningham and Clinch 2004).

The literature also mentions the institutional capacity of regulatory agencies as an important factor (Cunningham and Clinch 2004). Moreover, there are criticism of agreements in which private companies assume all responsibilities, since such agreements tend to be less effective (Bizer and Jülich 1999).

Despite of the literature on these issues is copious, many of the limitations it indicates can still be identified in the TTAC. Such characteristics suggest either limited technical capacity of the TTAC designers, or weak commitment for reaching the objectives proposed.

### Allocating State and entrepreneurial roles and 'excluding' society

Two parties signed the TTAC. On one side, the Brazilian federal government, together with the state governments of Minas Gerais and Espírito Santo (all of them being represented by particular institutions and legal bodies). On the other side, Samarco, Vale and BHP Billiton.

The first noteworthy feature was the absence of representatives of the affected populations, who neither had the chance of participating in the discussion of the TTAC, nor were able to influence the definition of its content (Medeiros 2016). Rodrigues (2004: 85) claims "the decision-making process in concluding the conduct adjustment agreement must be the most participatory process as possible. Therefore, participatory mechanisms ideally should be made available within the decision of the legitimate body in charge of concluding the commitment". Despite this consideration, there are no legal guarantees of social participation in the proposing of an agreement such as this one. Brazilian legislation specifies State bodies as the sole proponent, neglecting the involvement of groups directly affected by environmental damages. Thus, integrating civil society organizations (CSOs) in the process of concluding the TTAC depends on the public agencies which drafted it, either by means of including CSOs as participants; or by offering conditions for indirect participation – holding public hearings, for example (Viégas, Pinto and Garzon 2014).

Thus, the absence of affected people in the drafting of the TTAC is the result of public authorities' decision to keep them apart from the process. We evaluate the way by which the TTAC was proposed suggests that public agencies share the idea that guaranteeing and defending transindividual rights and interests is a technical issue. Accordingly, these bodies have ascribed and restricted the decision-making power to the Renova Foundation, to environmental agencies, to third-party experts, and to the State bureaucracy.

By adopting strategies and methodologies that lack participatory mechanisms, the proponents of the

agreement either limited or blocked the participation of social actors in the decision-making process, despite recommendations found in the literature, as cited above. Furthermore, the absence of guarantees of disclosure regarding the drafting of the clauses makes any attempts to exercise control over results virtually impossible.

Also relevant is the absence of the Federal Prosecution Service (MPF) and the State Prosecution Services of Minas Gerais (MPMG) and Espírito Santo (MPES). In fact, the TTAC seems to take measures to undermine future public civil actions (ACPs) of the Prosecution. Accordingly, the agreement has established that “the parties, through settlement that will be exhaustive in relation to the EVENT and its effects, intend to put an end to this ACP [no. 0069758-61.2015.4.01.3400] and other actions, with subject matter contained in or related to this ACP, ongoing or that may be filed by any agents with standing. In addition, further on, the TTAC specified that “the PROMISEES shall make submissions in the records of the lawsuits listed in the ANNEX and other class actions that may be filed with respect to the EVENT [...], in order to cause the clauses and obligations provided in this SETTLEMENT to prevail” (União et al. 2016: 6).

Thus, governmental agencies aimed at not only “to put an end to” actions against the company, but also were prepared to make official declarations in lawsuits in order to defend the TTAC from any new claims, whether by affected populations or by the Prosecution. These definitions made explicit the position of the signatory public agencies, since they placed them alongside private actors’ interests, to the detriment of diffuse and collective interests.

With respect to organizational form, in Clause 01, the TTAC has established a “foundation of private right, not for profit, in compliance with the requirements of the law, to be instituted by SAMARCO and the SHAREHOLDERS in order to prepare and perform all measures provided by ENVIRONMENTAL PROGRAMS and SOCIOECONOMIC PROGRAMS” (União et al. 2016: 10). Thus, the Renova Foundation would be responsible for all recovery, remedial and compensatory actions associated with the dam collapse.

With regard to the definition of the monitoring and control agents, the TTAC has established an Inter-Federative Committee composed of State representatives, which is responsible for overseeing the programs implemented by the Foundation. This Committee would be composed of two representatives of the Ministry of the Environment, two others from federal agencies related to socioeconomic programs, four representatives of state government agencies (two from Minas Gerais, two from Espírito Santo), two from affected municipalities of Minas Gerais and one from Espírito Santo and one representative of the Doce River Basin Committee, with ties to the public power (União et al. 2016: 84).

The monopoly of Executive Branch agencies over the Committee puts a risk for monitoring activities. As discussed previously, environmental agencies have shown to be unable to guarantee an effective assessment of achieved goals, due to their low environmental capacity.

The TTAC has also specified that “all activities developed by the FOUNDATION will be subject to independent external audit to be hired by the FOUNDATION (União et al. 2016: 15). With respect to the potential firms, the TTAC has even specified that the audit should “be carried out by consulting firm among the four (4) top business leaders in action in the country, namely: Ernest & Young (EY); KPMG; Deloitte; or Pricewaterhouse Coopers (PwC) (União et al. 2016: 69). As discussed in the previous section, the choice of and payment of auditors by the audited firms create a situation of striking conflict of interest. Such practice has already been largely contested in the specialized literature.

For example, Bazerman, Morgan and Loewenstein (1997: 90) argue that “under current institutional arrangements, it is psychologically impossible for auditors to maintain their objectivity; cases of audit failure are inevitable, even with the most honest auditors”.

In another study, Boyd (2004) analyzed the global concentration process of the auditing sector, which

culminated with the formation of the Big Four, exactly those companies chosen by the TTAC. According to the author, as companies globalized and consolidated, consulting services assumed increasing importance in their revenues, which greatly changed the relations among them and with the hiring companies. Exemplary of these changes, a PwC Canada document states the firm “will truly be a breakaway firm when our clients think of us as a professional services firm, not an accounting firm. We want them to think of us as always being able to provide them with assistance with virtually any business or industry issue they face” (Boyd 2004: 384). Along these lines, the author suggests that third-party consulting firms are becoming increasingly partners of their hiring companies, rather than “watchdogs”. To some extent, this process may reduce the degree of independence in their auditing activities and in the evaluation of their contractors.

In addition, an article published in *The Economist* (2014) focuses on the performance of the Big Four. It has not only brought up fraud cases in which some of these firms were involved, but also argued that “companies tend to select auditors who will provide a clean opinion as cheaply and quickly as possible”. Following this reasoning, one may conclude that allowing firms to choose their auditor tends to generate conflicts of interest, which would be minimized if that choice was made in a different manner.

Finally, the TTAC has provided for the creation of an Advisory Panel of Experts, composed by three members: the first being appointed by the Renova Foundation, the second by the Inter-Federative Committee, and the third one in agreement by both parties. This Panel should “provide technical opinions that are not binding to the parties, in order to assist in the search for solutions to divergences” (União et al. 2016: 87). Specifying the non-binding character of these technical opinions already indicates the limited power of the Panel experts.

Accordingly, the TTAC has excluded both the Prosecution and the affected people from the monitoring and control actions. Generally speaking, by transferring these activities to third-party auditing firms, the TTAC has not only reproduced the environmental policy model which allowed for the collapse of the dam, but it has also deepened a pattern of environmental self-regulation, despite all the limitations inherent to its application in countries which have low institutional capacity, such as Brazil.

One of the aspects most criticized by the social movements with respect to the TTAC was related to the methodology for defining affected people. The document has not only provided the Renova Foundation with the power to arbitrate who will be treated as affected people, but it has also established a series of restrictions and requirements for people to be recognized as affected and, consequently, for being compensated.

Firstly, the TTAC has transferred the power to determine which people will (and will not) be considered as affected to the Foundation, since it has the prerogative of defining eligibility and the compensation parameters.

CLAUSE 34: The FOUNDATION shall create indemnification parameters considering the socioeconomic condition of AFFECTED [PEOPLE at] their PREVIOUS SITUATION, as well as the general principles established by Brazilian law and parameters of existing precedents on Brazilian courts.

[...]

PARAGRAPH TWO: determination of the eligibility of IMPACTED for NEGOTIATION PROGRAM COORDINATED, as well as the general indemnification parameters to be established within the same will be proposed by the FOUNDATION and will be submitted to INTER-FEDERATIVE COMMITTEE for validation (União et al. 2016: 28).

Secondly, the TTAC has included a series of formal requirements, which would be difficult to meet by

people whose lives were destroyed by a ‘wave of mud’. In order to be officially registered as eligible, affected people would be required to present documents that prove their personal data, family income, and personal and property losses. Only in “exceptional cases” would the Foundation accept other forms of proof (União et al. 2016: 25).

Another element that characterizes the State selective absence from the process is related to monitoring. In Clause 10, the TTAC has specified that there should be “mechanisms to assure the just, simple and quick negotiation, which might be followed up by the Public Authority” (União et al. 2016: 21). Therefore, the document indicates that negotiation between the Renova Foundation and the affected people should be immediate, on an individual basis, and without any guarantees of mediation by public authorities. Given the power asymmetry between affected people and negotiators representing the Foundation, it is difficult to imagine that these discussions will fully meet the needs of the former. The current vulnerability and dependence of these people, many of whom are living in houses rented by Samarco and surviving by means of financial ‘aid’ paid by the company, would contribute to their relative powerlessness in individual negotiations with the Foundation.

Far from being exceptional, these examples are illustrative of the sociopolitical mechanisms of an institutional arrangement that attributes specific roles both to the private companies involved in the disaster, and to the different State organizations involved in managing its impacts, while neglecting the demands and claims of the affected people. More importantly, the TTAC and the innovative institutional ‘solution’ represented by the Renova Foundation points to the emergence of a pattern of environmental self-regulation in the Brazilian mining industry.

## **Final considerations**

Throughout this paper, we have mobilized the collapse of the Fundão dam to describe some traces of a potential change in the trajectory of the environmental regulation policy in Brazil; the move from a model based on weak regulation to one of self-regulation. Thus, while environmental licensing and monitoring of tailings dams remain subject to a fragile, formal type of State control; the monitoring and auditing of recovery and environmental compensation actions resulting from the disaster have been transferred to a private foundation and to third-party consulting firms hired by the former. Such a change is not particular to Brazil, but rather is consistent with global tendencies linked to the advance and deepening of neoliberalism.

However, this transition is neither linear nor immediate. Moving from the case of the Fundão dam to changes in environmental legislation, we can identify trends driven at consolidating both models.

In 2016, Governor Fernando Pimentel (PT/MG) approved law 21972/2016, which changes the State Environmental System (SISEMA). This new act has not only limited the time for the assessment of environmental impact studies by State agencies (clause 21), but also has allowed for the licensing to be debated and approved without due analysis by the appropriate technical agencies (clause 23). In addition, the law created the category of “priority projects”, the importance of which would be discretionary. These projects would not be appraised by technical agencies, but rather by a complementary structure of the State Secretariat for the Environment and Sustainable Development (clauses 5, 24 and 25). In March 2016, Senator Blairo Maggi (PP/MT) submitted to the Federal Senate the bill 654/2015 (PLS 654/2015), which has established the “special environmental licensing of strategic infrastructure projects”. With a wording very similar to that of the Minas Gerais law, this bill has limited the time available for assessments by environmental

agencies and has provided that “the non-fulfillment of deadlines by agencies which have been notified will entail their acquiescence to the process of special environmental licensing” (clause 5, paragraph three).

Accordingly, reducing the time available for assessments, as well as replacing technical analyses by *ad hoc* political evaluations, tend to deepen the weak regulation model.

On the other hand, the Commission of Constitution, Justice and Citizenship of the Federal Senate has approved the Proposed Constitutional Amendment 65/2012 (PEC 65/2012) in April 2016. As such, it aims at including the following article in the Federal Constitution: “The submission of prior environmental impact study implies authorization to implement the project, which may not be suspended or cancelled for the same reasons, except in view of supervening fact”. If approved, this Amendment would make the assessment of environmental impact studies unnecessary since submitting a prior study would guarantee authorization. That would be a clear shift towards a self-regulation model.

However, it is noteworthy that the national environmental system has never been effectively completed. Since the establishment of the Special Secretariat for the Environment (SEMA) in the 1970s, as noted by Guimarães (1991: 192), environmental agencies have been placed “at a bus stop where the bus of power does not stop”. Similarly, as Ames and Keck (1997) have noticed, Brazil has always been dominated by an *ethos* of natural resources’ appropriation and, since the 1970s, by a permanent *bias* against policies driven at regulating economic growth.

Along these lines, although a presumed “continuum that ranges from “hard” law at one end, to “soft” law or CSR on the other” (Marques 2016: 2) is effectively shown as replacing weak regulation by self-regulation, it seems to be necessary to enlarge the framework.

Taking into account Boltanski and Chiapello’s “interplay between three terms” (2005: 29), i.e. accumulation, critique and justification, as defining capitalism, the critical point of such a transition is no longer its result – the emergence of private and/or hybrid regulatory forms. It rather comes to reside in its movement. Accordingly, it is key to focus on the process by which organizational forms of regulation assume weak and/or private forms as dominant features. Moreover, the ongoing change in efficiency criteria towards regulation may be as important, or even more so, than specific organizational forms.

It is in these terms that St-Laurent and Le Billon (2015) reclaim Foucauldian reflections on the capacity of neoliberalism to redefine, on enduring bases, the limits of State action and of its diffuse effects on the human conduct. More broadly, we highlight the capacity of neoliberalism to continuously rearrange the relations between State, market (Block and Evans 2005) and civil society, and equally to redefine the forms and contents of social action of an economic type.

Extending this reflection, we argue that private and/or hybrid devices or mechanisms of regulation, among which the emergence of the Renova Foundation stands out, operate continuously as “technologies of government” (St-Laurent and Le Billon 2015: 592). Such mechanisms are dependent on State active participation in their formation and entrenchment – even when acting as a ‘fiduciary’, bestowing trust on the emerging regulatory forms.

Therefore, we go against the spread viewpoint on this set of phenomena. In spite of focusing on its negative dimension – based on a minimal State model and on the ‘deconstruction’ of welfare organizations and institutions – we highlight its role as technical means of influence over the conduct of individual and collective actors. Accordingly, we understand neoliberalism based on its normative properties, capable of creating new institutional arrangements, by “repositioning” (St-Laurent and Le Billon 2015: 591) the relations between economy, politics and society.

Among other State roles, those related to controlling the access to (and the behavior in) markets

and to the institutionalization of rights (Bartley 2014) are progressively delegated and extinguished, as far as they are contractually reframed as agreements. Differently from simple inaction, the progressive ‘deconstruction’ of governmental regulatory forms of the market-society relations – and the systematic opposition to intergovernmental arrangements – give rise to selective patterns of State, market and civil action and omission. Such forms allow for a more diffuse and asymmetric exercise of power, and the emergence of a ‘soft’, permanent regulation of the mining industry, aimed at anticipating and sidetracking any risks associated with its continuous expansion.

As a result, the technologies of government under discussion are mainly driven towards private forms of controlling the economic activity, propelling a dynamic process of privatization of regulation – as well as the autonomization of the economic sphere and their actors, in the Polanyian sense. Nevertheless, these technologies are dependent on decentralized dynamics of power and on the engagement of diverse actors to fulfill “the potential to maintain and (re)produce the state’s historical role as an ally” of economic actors, as well as “of the mining industry in developing the sector” (St-Laurent and Le Billon 2015: 591). As such, technologies of government are socially and politically constructed, reconciling both the perspectives of autonomization and embeddedness of all economic activity in social relations.

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## Mariana, November, 2015:

### the political genealogy of a disaster

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#### **Abstract**

The text analyses Samarco 2015 dam disaster as the expression of the political failure in public control of private interests. Three specific issues are presented as requiring better discussion: the operation of a sort of “organized class irresponsibility”, the systematic disconsideration of alerts brought forth by citizens or groups pledged to the public interest and the limits to the exercise of academic freedom in the field of environmental impact studies.

**Key word:** Environmental policies; environmental disasters; organized irresponsibility; environmental whistleblowers.

## Mariana, novembro de 2015:

### a genealogia política de um desastre

#### **Resumo**

O texto analisa o desastre proveniente da ruptura de uma barragem de rejeitos da empresa Samarco, no município de Mariana – MG, em 2015, como expressão do fracasso político no controle público de interesses privados. Três questões específicas são apresentadas como requerendo melhor discussão: a operação de uma espécie de “irresponsabilidade organizada de classe”, a desconsideração sistemática dos alertas formulados por cidadãos ou grupos comprometidos com o interesse público e os limites ao exercício da liberdade acadêmica no campo dos estudos de impacto ambiental.

**Palavras-chave:** Políticas ambientais; desastres ambientais; irresponsabilidade organizada; lançadores de alerta.

# Mariana, November, 2015:

## the political genealogy of a disaster

Henri Acselrad

The critical moments which follow extreme events, such as the rupture of the tailings dam of the Samarco Company, in November, 2015, tend, in general, to encourage the broadening of the public debate about environmental risks, especially immediately after the disaster. That is what occurred when the magnitude of the Mariana disaster, also known as Rio Doce or Samarco Disaster, initially stimulated a more substantive analysis than the more usual superficial coverage by establishment media. Some voices made themselves heard, arguing that the disaster was not an accident, but rather the result of decisions taken under the aegis of short term economic logic, with little consideration for its social and economic implications; that such decisions have led to the implanting of less expensive and less secure models of tailings dams – the type responsible for 40% of all disastrous incidences with dams worldwide<sup>1</sup>; that the licensing process was precarious and open to questioning; that there was a reduction in the intensity of maintenance activities, parallel to the decline in mineral prices (empirical research confirms that the rate of disasters in periods of declining commodity prices is, worldwide, significantly greater than the average)<sup>2</sup>; that levels of public information provided by the company in pre and post-disaster were insufficient and lacked transparency (see processes of disinformation triggered around the contamination levels of water following the leakage of mud in the Rio Doce river basin)<sup>3</sup>.

The powerful impact of the disaster on establishment media was not sufficient, however, to sensitize the dominant forces in the formal political system, who revealed signs of their strong commitment to political and economic coalitions which sustain extractivist development: even shortly following the disaster, the Minas Gerais State Legislative Assembly approved proposed legislation which altered the environmental policy of the state, alleging the need to unblock licensing process and have them move more swiftly, seeking to limit participation of those affected by the companies in the decision-making process and increasing the margin of risk for tragedies such as the one which occurred.<sup>4</sup> All this reveals the large detachment between the debate – supposedly technical – and the political sphere, powerfully appropriated by large private interests.

1 Analysis of David Chambers, geologist who studies the industry of mining worldwide in an interview published by *Folha de São Paulo*, December 8, 2015. <http://www1.folha.uol.com.br/cotidiano/2015/12/1716184-samarco-utilizou-modelo-mais-barato-e-inseguro-de-barragem.shtml>, access in July, 15, 2017). Information about dam failures are found in the work of Lindsay Bowker. <http://www.csp2.org/tsf-failures-1915-2016>, access in July 15, 2017). For information about costs and dam safety upstream, see the dissertation of Cecilia Araújo, pages 13 and 14. [http://www.coc.ufrj.br/teses/mestrado/geotecnia/2006/Teses/ARAUJO\\_CB\\_o6\\_t\\_M\\_geo.pdf](http://www.coc.ufrj.br/teses/mestrado/geotecnia/2006/Teses/ARAUJO_CB_o6_t_M_geo.pdf), access in July 15, 2017). I thank Bruno Milanez for the references presented in this note.

2 “An analysis of the past 45 years (1965 – 2009) reveals a strong correlation between the post-boom cycle (phase of devaluation of mineral prices following a cycle of valorization) and an increase in the number of dams which collapse” (Milanez et al. 2016:19).

3 Press releases of the company and of government agencies were careful to generate the impression of relative normality, of quick recovery and of problems associated with other causes. “On the basis of more recent data with reference to Samarco’s environmental monitoring, the quality of water of the Rio Doce presents concentrations of metals within limits established by the National Environmental Council (Conama 357/05, fresh water, class II) for the majority of points monitored. The exceptions are within historical limits of the Rio Doce, according to the data bank obtained from the Water Management Institute of Minas Gerais State (IGAM), from 1997 to 2015. Samarco-Esclarecimentos” ([http://samarco.com/wp-content/uploads/2016/06/Paper\\_Agua\\_23-06.pdf](http://samarco.com/wp-content/uploads/2016/06/Paper_Agua_23-06.pdf), accessed 15 July 2017). “Daily monitoring in the channel of the Rio Doce was begun on November 7, 2015. The pH results since the initiation of the emergency monitoring are within normal limits; that is, these results do not violate limits established in legislation (band from 6 to 9), which are appropriate levels for the maintenance of aquatic life. This indicates that the mud waste, as it advances in the bodies of water, apparently is not being subject to processes of chemical alteration, nor is altering the conditions of neutrality of the water”; IGAM, Monitoring of surface water quality of the Rio Doce in Minas Gerais State; Monitoring of Water Quality of the Rio Doce Following Collapse of the Samarco Tailings Dam in the district of Bento Rodrigues – Mariana/MG, November 17, 2015; ([http://www.igam.mg.gov.br/images/stories/2015\\_ARQUIVOS/QUALIDADE\\_RIO\\_DOCE/Relatorio\\_Qualidade\\_17novCompleto.pdf](http://www.igam.mg.gov.br/images/stories/2015_ARQUIVOS/QUALIDADE_RIO_DOCE/Relatorio_Qualidade_17novCompleto.pdf), accessed 15 July 2017).

4 Project of law number 2.946/2015, in [https://www.almg.gov.br/atividade\\_parlamentar/tramitacao\\_projetos/texto.html?a=2015&n=2946&t=PL](https://www.almg.gov.br/atividade_parlamentar/tramitacao_projetos/texto.html?a=2015&n=2946&t=PL), access in July 16, 2017. Actual 21.972/2016, approved by the Legislative Assembly of Minas Gerais in January, 2016

All of the other critiques currently aimed at large investment projects also apply to the Samarco case: failed environmental impact studies contracted by the companies; licenses casuistically fragmented and granted with an excessive number of special conditions, which are not always met; absence of effective participation of affected groups in debating the projects; public hearings which act as a bureaucratic device to neutralize conflicts, etc<sup>5</sup>. Nevertheless, with the passage of time, the density of debate over the disaster in the Rio Doce river basin has been growing weaker, with the spread of initiatives intended to reduce the impact of the disaster on public opinion. Such initiatives sought specially to remove corporate responsibility and strengthen preexisting dynamics of radical deconstruction of the instruments of licensing themselves (see proposed Constitutional amendments, conceived with strong participation of Congressional coalitions financed by large mining companies, with the objective of substituting the licensing process with a mere submission of an Environmental Impact Study).

During 2016, public debate about the disaster, especially its political content, was diminishing, as long as the national political crisis advanced with the political manoeuvres to remove President Dilma Rouseff. Furthermore, there was little discussion to examine the strong association of the role of the company in that disaster with contradictions of the extractivist capitalist model in effect in Brazil during the previous two decades. This model, characteristic of explicitly neoliberal governments of the 1990s, was carried out under subsequent governments headed by political parties which had a popular base. The continuation of the model led to the depletion of counterbalancing forces and contestation, contributing to naturalizing its primary-export character, reducing the scope of public discussion and favoring postures complacent with illegalities, disrespecting rights and having an aura of secrecy: in the name of commercial confidentiality, the logistics of these types of projects assumed a quasi-military character.

Thus, in addition to resorting to an argument of political realism, varied forms of patronage were evident, which sought to take advantage of the extractivist model to finance electoral campaigns or make feasible government coalitions. On the other hand, the erratic, unpredictable and/or speculative character of fluctuating commodity prices, by escaping from current economic calculation, tended to provide a type of buffer for the action of opposition political groups. This could happen either through the possibilities of coopting physiological sectors of the legislature, or by circumstantial neutralization of critiques by part of the social movements themselves, which often found themselves isolated from their social bases when the latter were benefitted by government social programs, financed, in part, by the surplus in the commercial balance of trade. The same tended to occur when large corporations themselves, by means of their private social policies, applied profits in efforts to deflate critiques coming from social actors situated in territorial proximity to their investment projects, promoting their social programs as if they were doing the public a favor, rather than providing that which the public has the right to receive from the State.

A sort of “limited democracy” came out from the exceptional power of the government to allocate the surplus obtained from extractive activities, as well as by the power – also exceptional – of the large corporations to manage their strategies of territorial control with the objective of neutralizing the emergence of any more substantive discussion regarding the nature and conception of their investment projects. When that allocation is largely arbitrary, based on criteria which do not pass through visible channels of the political sphere, this untransparency easily becomes “corruption”.

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<sup>5</sup> The notion of large investment project is currently used to designate large infrastructure projects which employ large volumes of capital, labor, natural resources, energy and territory. Laurelli (1987) emphasizes the analytical importance of considering relations established between systems of power and modes of production of space in regions where large highway construction, energy and/or industrial projects have been implanted. In addition to causing patrimonial and geomorphological changes, these projects result in new socioeconomic dynamics; new social groups emerge in the region of implantation; new interests and problems become evident (Vainer and Araújo 2008: 44-45).

With this as background, we offer three elements of analysis which have been called upon very little and which can help deepen the discussion aimed at constructing democratic forms of governmental and social control of practices with inherent risks, such as large mining projects.

### **First element of discussion: the “organized class irresponsibility”**

Empirical observation has demonstrated that choices of localization of dangerous equipment, which have inherent risks, are not unrelated to the socio-demographic profile of populations more likely to be immediately affected by undesirable events resulting from the operation of such equipment. An “organized irresponsibility” (which we will later deem as class-based) on the part of elites is linked together with conditions of political fragility of directly affected populations.

Sociologist Robert D. Bullard provided circumstantial evidence of the existence of discriminatory logics in the localization of risk-bearing installations in his map of environmental inequality (Bullard 1983). Drawing on official data relative to the territory of the United States, his map locating deposits of toxic waste demonstrates the prevalence of a logic that matches allocation of sources of risk with housing of ethnic and low-income groups. That is, that there is a combination of, on the one hand, technical decisions related to the production of goods and the localization of products of capitalist activity – wastes – which usually have no buyers, and, on the other hand, processes of differentiation of real estate values. In the concrete situation described by Bullard’s cartography, two circuits of distinct mobility are combined: a) mobility of sources of risk, guided by micro-decisions of the real estate market and by business and governmental policies of land use; and b) a circuit of mobility of low income and ethnic group inhabitants, guided by the logic of necessity – pecuniary as well as political – which makes it difficult for the poorest to have access to the housing market and residences in areas with higher land prices.

Thus we have a situation of the (bad) encounter among: a) source of risk resulting from decisions regarding technical-economic processes (in general, a risk tolerated by environmental regulatory agencies which define currently what is understood by legitimate levels of exposure to injuries), b) a social and racial condition of existence (in general made visible in the public space by the actors themselves), c) decisions of localization of objects and activities which occur under the relatively complacent regulation of government agencies, given the socio-racial characteristics of the groups most immediately exposed; and d) decisions leading to processes of real estate valuation and devaluation of land prices.

Under such conditions, the mode of spatial distribution of wastes tends to form a social division of the environment compatible with “theoretical precepts” postulated by the then chief economist of the World Bank, Lawrence Summers, in his famous internal Memorandum to the World Bank of 1991 (The Economist 1991). This memorandum stated that economic rationality justifies countries on the periphery – and, we can assume, also the poorest areas in the interior of each country – be the preferential destination for industrial wastes most dangerous to the environment: “a) because the poorest, in their majority, do not live long enough to suffer from the effects of environmental pollution; b) because, in economic “logic”, it can be considered that deaths in poor countries have a lower cost than in rich countries, since inhabitants of poorer countries receive lower wages.”

The complaint of the existence of such discriminatory logic provoked effects in the political sphere in the United States: in 1994, Executive Order 12898 of the Clinton government determined that development projects should examine if ethnic and low-income groups were being penalized, more than proportionally, by undesirable impacts. These factors led to: a) provide a response to the complaint of the existence of unjust and discriminatory spatial practices; and b) implicitly assume the importance of the strategy by

which protecting those most exposed mean opposing resistance to forces which are conducive to the production of environmental inequalities, as well as, subsidiarily, guarantee the adoption of safer technical and locational standards.

In the case of the rupture of the Samarco dam in Mariana, a preliminary observation of the socio-demographic profile of the most immediate victims of the disaster suggests evidence of the existence of a discriminatory logic: according to 2010 Census data, 84% of inhabitants of Bento Rodrigues and 80% of inhabitants of Paracatu de Baixo, the two communities most affected by the disaster, declared themselves as non-white, representing a proportion of non-whites greater than the average of the state of Minas Gerais (approximately 54%).<sup>6</sup>

Taking into account these indications of environmental inequality in our territory, we can argue that the project of construction of equal rights to environmental protection should be seen as a form of the practice of affirmative action, that is, a policy of adopting measures which provide a greater degree of environmental protection to vulnerable groups.

### **Second element of discussion: ignoring alerts brought forth by citizens or groups pledged to the public interest**

It is widely believed that the political environment in Brazil has provided little opening for the free exercise of critical debate about the social and environmental impacts of development projects. Limitations on in-depth debate about the development model and large investment projects which underpin this model, have extended from the period of the authoritarian regime of the 1970s, to the period which marks the beginning of neoliberal policies and their unfolding in the extractivist-based progressivist experience. This debate – that is, its problematization from the perspective of affected populations – was the major absentee during the period of the export commodities model based on large projects of investment in infrastructure installations and networks required for the acceleration of the circulation of goods oriented to the international market. In particular, spokespeople of groups of affected populations had little visibility in their own local spheres to voice their perspectives on the problematization of such projects, those we can call “alert launchers”.

The role of the alert launcher is increasingly perceived as fundamental in the democratization of contemporary decision-making processes. This term, which emerged in the field of pragmatic sociology of risks (Chateauraynaud and Torny 1999), designates individuals and groups who denounce practices that they deem to be dangerous and contrary to civic morality intended by the law. It refers to subjects who see themselves as witnesses of illegal or dangerous acts to third parties, and who, as civic duty, decide to alert the public sphere and, in particular, authorities who have the power to forbid these illegal and dangerous acts. While the notion of *whistleblower*, linked to the Anglo-Saxon juridical tradition, refers to the person who intends to interrupt an illegal or irregular action, the alert launcher seeks to signal a danger or risk, calling on the powers vested, and raising the awareness of his contemporaries. Also different from the figure of the informer, the alert launcher is not situated in a logic of accusation, but rather intends to make public a state of fact, a dangerous threat to what he deems to be the public good. Seeing himself at a

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<sup>6</sup> Geographer Luiz Jardim Wanderlei, whom we thank for the data, explains that in both cases, his calculation was made on the basis of a relation between rural sector and zone of the district. The census sector of Bento Rodrigues did not have data on color/race, but that information was available for the rural zone of the district of Santa Rita Durão. Bento (with 492 inhabitants) represented the quasi totality of the rural population of Santa Rita (500 inhabitants). Thus, we opted to use the data from the Rural Zone of Santa Rita Durão. For Paracatu de Baixo, we also considered the characteristic of the rural population of the district.

particular moment faced with facts which constitute a danger to the population and its environment, and, having decided to reveal that fact to civil society and to public authorities, alert launchers, in the absence of specific instruments designed for their protection, find themselves exposed to the risk of reprisals by hierarchical systems subordinated to economic, financial or political interests.

Boltanski emphasized the fact that public expression of an injustice should satisfy a criterion of commensurability between principles of justice deemed legitimate, both for the author of the denunciation and for the victim, as well as to the one responsible for the harm done and judges to whom the lawsuit is referred (Boltanski 1984). Alert launchers, as prophets of the advent of an undesirable fact direct their message to the future, contrary to the denouncer who does it in relation to past facts. The presumed victims are, in turn, more frequently collective and potential. The issuance of an alert is a tortuous process, situated between two boundaries: the cry for help and the prophecy of an evil, and can be taken seriously or be rejected, denounced, ignored or it could stimulate a controversy among experts (Chateauraynaud and Torny 1999: 14).

We observe that, in the Brazilian case, warnings emanating from alert launchers have a great deal of difficulty being heard publicly. Generally speaking, the possibilities that current debate takes into account the representation that it is in the public interest to moderate private appetites, notably when the spokesmen of the denunciations are from social groups which have little representation in decision-making spheres and are distant from circles of power, are frequently limited. Furthermore, there are other obstacles to possibilities that the perspective of those affected can be heard. For example, in the case under study, common, non-mercantile spaces of water, atmosphere and living systems, are compromised when strongly affected by large investment projects.

Immediately prior to the Mariana disaster, even though it was pointed out that a revision of the Mining Code, which would broaden margins of freedom of companies in an unforeseeable manner, was being conducted in a dubious manner by congressmen financed by large mining companies, this fact did not generate major repercussions in the public sphere. On December 7, some weeks following the disaster, BBC-Brazil reproduced a document on official stationery showing that the outline of a new mining code was being written on a computer belonging to a law firm which worked for mining companies. This example evokes the validity of the recently divulged notion of “parliamentary capitalism”, in which large business corporations are represented almost directly in legislative circles, thereby counting on considerable indifference on the part of the establishment media and the formal political sphere. Such indifference suggests, in that connection, that the question of conflict of interest itself has not yet constituted a real public issue in the country, despite the situations in recent conjunctures in which a defendant being prosecuted remained in the position of President of the House of Representatives, and a minister of State alleged that his interference in affairs of another minister, to defend his own personal interests, should not be understood as influence peddling.

Inversely proportional to the free circulation of business interests in the heart of parliamentary circles, populations threatened by lenient laws and by complacent processes of licensing do not have access to political system which could guarantee appropriate environmental protection in the face of the probable injuries resulting from such “organized irresponsibility”.

In the words of an inhabitant of Bento Rodrigues, interviewed on November 14, 2015: “for a long time we’ve been hearing that the dam was dangerous, that there was a risk; at a meeting where there were questions about the dam and about what would be the risk if it cracked, what would happen, they told people that the waste could flow out without affecting anybody. And today what we see is this, it practically swept our district away” (Justiça Global 2016). Another inhabitant confirmed: “in various meetings at

Samarco, they never touched on this issue of the wastes, which could rupture the dam at any moment. They never touched on this subject. They only explained to us how the mineral was extracted; they gave us cooking classes, how to make desserts. But they never spoke about this” (Justiça Global 2016).

### **Third element of discussion:**

#### **limits to the exercise of academic freedom in the field of environmental impact studies**

In addition to limitations on access of the voice of affected people to the public sphere, there are frequent constraints to academic freedom of researchers who seek to include the perspective of affected people in their impact analyses. There are various cases of restrictions on academic freedom and of persecution of researchers when they are dealing with the study of impacts of development projects on spatial practices and conditions of reproduction of subaltern social groups: judicial proceedings were initiated against researchers who demonstrated environmental damages caused by a company exploiting waters of an Indigenous Territory and by irregular occupation of shore-lands by tourist projects; public campaigns threatened a researcher who elaborated an critical expert opinion about an EIA (Environmental Impact Study) of a steel company in Mato Grosso; action was taken against professionals of Geography and Social Sciences who were coordinating studies of recognition of quilombola territories in the north of Espírito Santo, alleging that the latter did not possess technical/professional credibility and not being neutral in the issue of recognition of quilombola territories. Other practices which can be cited are: judicial interpellations, judicial bans, pressures for professional de-accreditation, pressures on college presidents, presence of executives of large corporations on examination boards of academic theses to constrain student advisees and faculty advisors. These are some of the practices which illustrate the inequality of forces between those who undertake autonomous academic initiatives and economic powers.

Many of these actions refer us to that which juridical literature has interpreted as procedural harassment. In the juridical field, moral harassment has been defined, in general terms, as the encirclement imposed upon someone through ostensive or veiled behaviors, by diverse means which expose the victim to embarrassment with the purpose of obtaining undue advantage. Procedural harassment is presented as a type of moral harassment, being the set of procedural acts used as an instrument to de-stimulate the exercise of the critical capacity of the scientific community and, by extension, society, resulting in strategic advantage acquired by the harassing agent, “generally under the disguised allegation of exercising their right of contradictory proposition and ample defense”<sup>7</sup>.

In this way, representatives of companies – and, in certain cases, governments – affirm that they consider themselves prejudiced by results of research projects; justify their actions alleging moral damages, ideological conduct of scientists,<sup>8</sup> crime against honor, and undue use of the image and name of the companies; as well as reject critiques deemed as inappropriate for environmental impact studies and their projects. They dismiss as unfounded research results which indicate, in particular cases, harm of substances to public health, polluting effects of an industrial enterprise on the atmosphere, irregularities in environmental licensing processes, or the presence of traditional, indigenous or quilombola communities in areas affected or planned by business projects. On the other hand, representatives of the scientific community manifest themselves “in favor of freedom of expression, autonomy and legitimacy of

<sup>7</sup> Jose Affonso Dallegrave Neto, “Responsabilidade Civil no Direito do Trabalho”, 3a. edição, SP: LTr, 2009. As Mauro Paroski teaches, what characterizes procedural harassment “is not the moderate exercise of procedural rights and legal powers, but rather the abuse and excessive use of means legally contemplated by juridical ordering, for the defense of rights threatened or violated” cf. (Revista LTr. 72-01/33 apud Daniela Valle da Rocha Muller, *Precisamos Falar Sobre Assédio Processual*, mimeo, Rio de Janeiro, 2012).

<sup>8</sup> Professor of the UFC was accused of manipulating “acolytes and numbed followers of ideology”, 19ª Vara Cível of the Judicial District of Fortaleza. Contestação. Ref. Processo nº. 2007.0026.9629-9/0. Fortaleza, 07 de abril de 2008, p. 2.

scientific and technological production of universities” and “against any type of intimidation, coercion or impediment of the affirmation and self-determination of ethnic groups”.<sup>9</sup> They reject what they interpret to be “inquisition processes conducted against them for their fulfilling the role of scientist in society – that of informing about what they study in their area of expertise”.<sup>10</sup> They also affirm that “studies conducted by public universities should broaden and deepen scientific knowledge and that efforts by business interests to inhibit the disclosure and dissemination of information and attempt to intimidate researchers” are “typical of obscurantist and oppressive behavior which attempt against fundamental freedom of information in a democratic society”.<sup>11</sup> They allege that “science does not evolve on the defendant’s stand, but rather through academic debate”<sup>12</sup> and that “scientific disclosure and dissemination is an instrument of building democracy and citizenship”.<sup>13</sup>

The mode in which controversy is reconfigured through procedural harassment clearly presupposes perspectives of reduction of margins of autonomy of researchers, as well as, on the other hand, greatly increases the incidence of litigation since, beyond the manners of scientific process, styles of reasoning and habits of thought adopted, is the mode of social existence itself of individuals and groups which is at stake. We cannot even rule out the possibility that this loss of autonomy of a certain number of researchers, as a result of the unfolding of events and reactions – or, more specifically, the lack of reactions – coming from within or outside of the scientific field, may, over time, result in loss of autonomy of the scientific field itself and in alterations in the mode of internal operation of scientific activities, at least in the particular thematic area under discussion in this article. Or, in Bourdieu’s perspective, the force of pressures external to the field of science could, in the end, alter the hierarchy of relative positions of researchers and research groups in the interior of the scientific field, accentuating, in particular, the cleavage between critical research – generally, in the case under study, that investigation which includes in the research object the perspective of those who are protagonists of “other” temporalities and spatialities – and the so-called “propositionals” ones, in benefit of the latter, pointed out – not only outside the field of science – as realistic and socially useful, in a cleavage which puts at stake not only financial resources, but also the academic relevance of contents, methods and objects.

## Final considerations

In November, 2015, students, technicians and faculty of the Federal University of the South and Southeast of Para (UNIFESSPA) organized a public demonstration of solidarity with the inhabitants of Mariana (MG) who, in that month, had suffered the consequences of the rupture of the Samarco dam. One of the professors who participated in the demonstration was the object of a Criminal Complaint filed by the company Vale, alleging that he was subject to prosecution under article 345 of the Penal Code for arbitrary exercise of his own reasoning. The occurrence of this type of action is an indicator of the importance of

9 Esperança News Agency *Agência de Notícias Esperança (AnotE)*, – Residents’ Association of the São Cristóvão Apartments (*Associação de Moradores do Conjunto São Cristóvão – AMCOSC*, National University Teachers’ Union (*ANDES – Sindicato Nacional*), Brazilian Action for Nutrition and Human Rights (*Ação Brasileira pela Nutrição e Direitos Humanos – ABRANDH*)), Federal University of Ceará Teachers’ Union (*Associação dos Docentes da UFC – Adufc*), Pitaguary Association of Indigenous Farmers (*Associação dos Produtores Indígenas Pitaguary*, National Association for Indigenist Action (*Associação Nacional de Ação Indigenista – ANAI*), “Ypioca tries intimidation to silence social movements” (“*Ypióca tenta intimidar para calar os movimentos sociais*”), Fortaleza, 06 de junho de 2007.

10 Débora F. Calheiros, *Vergonhoso*, 4/5/2006, <http://www.riosvivos.org.br/Noticia/Vergonhoso+/9049>, accessed 8 November 2012.

11 ABRASCO – Letter of support for researchers Raquel Maria Rigotto and Islene Ferreira Rosa of the Federal University of Ceará (*Carta de apoio às pesquisadoras Raquel Maria Rigotto e Islene Ferreira Rosa da Universidade Federal do Ceará (UFC)*), <http://www.abrasco.org.br/publicacoes/arquivos/20100202002921.pdf>, accessed 8 November 2012.

12 <http://www.ihu.unisinos.br/entrevistas/507030-o-uso-do-amianto-no-brasil-a-ciencia-nao-evolui-no-banco-dos-reus-mas-no-debate-academico-entrevista-especial-com-hermano-albuquerque-de-castro>, accessed 8 November 2012.

13 Milanez, B. Motion of support for researcher Débora Fernandes Calheiros, São Paulo, RJBA (*Moção de apoio à pesquisadora Débora Fernandes Calheiros, São Paulo, RJBA*), 15 April 2011.

free production of knowledge and circulation of ideas for the construction of a social and democratic regulation of the environment. With regard to the notion of regulation, we return to the etymological meaning of the term. According to the historian and philosopher of science Georges Canguilhem (1977), the concept of biological regulation was coined in the 18<sup>th</sup> century, when physiologists of that era attempted to describe the function capable of imposing on the transformation of part of an organism a rule of conformity to the structure of a whole. In the sciences of society, differently, regulations are the result of a historical construction – they constitute mechanisms of social conservation configured politically through institutions and practices. We thus can ask the following question: in the name of which whole are the parts being regulated? In the name of the market – giving priority to foreign exchange currency, to the prevalence of business of the subsoil rather than above-soil common spaces shared and occupied in large part by traditional peoples and communities? Or, as we believe to be the case of a society that wishes to be democratic, the whole of a society of citizens with equal rights?

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# Supposed Impacts, Real Violence: the construction of reality in the implementation of the Minas-Rio Project\*

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## **Abstract**

The article analyzes the environmental impact assessment procedure of the mine and the iron ore processing structure which integrate the Minas-Rio Project, a mining complex composed by mine - pipeline - port, whose facilities extend across two states in the Brazilian Southeast. The analysis aims at demonstrating, through a reading of the political rituals performed in the participative scene of the licensing process, how mechanisms used to “bend” environmental norms were articulated throughout the process, generating strategies and force-ideas which, in articulation, allowed the operation of the venture despite the notorious lack of knowledge/acknowledgement of the affected population.

**Key words:** mining; performed rituals; environmental impact assessment; conflicts; affected people.

# Impactos supostos, violências reais:

a construção da legalidade na implantação do projeto Minas-Rio

## Resumo

O artigo analisa o licenciamento da mina e estrutura de beneficiamento de minério de ferro que compõe o Projeto Minas-Rio, complexo minerário formado por mina-mineroduto-porto, cujas instalações atravessam dois estados do Sudeste brasileiro. A análise objetiva demonstrar, a partir de uma leitura dos rituais políticos performatizados na cena pública do licenciamento, como mecanismos destinados a flexibilizar as normas ambientais se articularam ao longo do processo, gerando idéias-força e dispositivos que, agindo em cadeia, permitiram a operação do empreendimento, apesar da notória insuficiência no que se refere ao conhecimento/reconhecimento da população atingida.

**Palavras-chave:** mineração; rituais performatizados; licenciamento ambiental; conflito; atingidos.

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## **Introduction**

On September 29, 2014, pedestrians on the Rua da Saudade observed a commotion in the multi-purpose gymnasium in the city of Diamantina. Police guarded the entrances and perimeter of the building, suggesting that something more serious was happening than merely a local sports event. If these bystanders had come closer, they would have been surprised by the unusually large number of policemen prepared to “guarantee order”, by stationing themselves around the court and in part of the grandstands. In addition to the police apparatus, the structure of the gymnasium itself protected the center of the court, garnished by netting hanging from behind the goalposts and by a parapet which surrounds the sides of the court, separating the aisles and grandstand from the set of tables and chairs which were arranged in the center.

In the grandstands, there was a heterogeneous group of people and a quasi-spontaneous organization. On the side, behind one of the goals, was a group of employees and consultants hired by the Anglo American mining company. Along the length of the court, half the space had been occupied by a large number of workers of the company, in uniform, and students of a vocational course which prepares future mining company workers. On the other half, youths, adults, children and old people were finding seats. Many of them were obviously from rural areas. The majority were residents of municipalities and rural communities from the interior of Minas Gerais State, whose lives had been drastically transformed by the implementation of an iron ore mine. Professors, students, environmentalists, social movement leaders were also seated in this section of the audience – the only section flanked by policemen with their guns in their hand.

**Figure 1** – Photos 1 e 2 of the 86<sup>th</sup> Ordinary Meeting of the Jequitinhonha Regional Colegial Unit (URC), 29 September, 2014. Source: GESTA-UFMG



On the improvised stage into which the court had been transformed, the tables, organized in the shape of a U, were facing the audience. They were reserved for members of the Environmental Policy Council of Minas Gerais (COPAM). More precisely, they were reserved for Council members of one of the regional units, that of the Jequitinhonha region, responsible for the licensing of “extraction and wet processing of open-mine iron ore, in the municipalities of Conceição do Mato Dentro, Alvorada de Minas and Dom Joaquim” (Minas Gerais 2014: 04). During this event, Council members, and representatives of civic and governmental agencies participated in the process for approval of the Operational License of the mine, which was part of the Minas-Rio Project (*Projeto Minas-Rio*) for more than 12 hours without interruption.

In this article, we will address several aspects of the environmental impact assessment procedure of this mining mega-project. In particular, we will discuss aspects related to the construction of a presumed legality – or, so to speak, obtaining official seals, especially in administrative acts, which gradually – over a period of eight years of the main licensing process – authorized not only the implantation of the physical infrastructure of the venture, but also the violent process of environmental degradation and territorial expropriation to which dozens of rural communities, with long histories in the region, were subjected.

The severity of those environmental effects have already been exhaustively denounced elsewhere (GESTA 2016). Our focus in this article is on the configuration of those effects as a phenomenon of the type defined by Eduardo Gudynas (2016) as spillage effects (*efectos derrame*). That concept describes how those transformations, in part originating from local and specific rootings of extractivisms, are amplified as they affect the institutionality of development strategies, creating, for example, normative arrangements which weaken rights or tolerate their violation; narrowly define social parameters of quality of life; alter, in the end, modes of understanding nature, justice and democracy (Gudynas 2016: 23-24; 28-30). More specifically, we intend to ethnographically analyze the contextual conformation of understandings and mechanisms of relaxation of regulations, and the increasing crystallization of these mechanisms in this environmental impact assessment process, as devices that feed small *alegalities* (*idem ibidem*) which permit the process to go forward, despite glaring mistakes and insufficiencies.

Two hypotheses guide this ethnography. One of them, elaborated in a different text (Santos 2014), argues the existence of close relations between the process of juridical-administrative formalization – which provides the impression that “everything is legal” -, and the violence which, in its multiple

dimensions (symbolic, physical, psychological) affects the collectivities historically present in the territories encompassed by large development projects, or by extractivist ventures (Almeida et al. 2010; Gudynas 2016). The other hypothesis, supported by recent research about the Minas-Rio project, points to the place occupied by this environmental conflict in the composition of new institutional dynamics in the region.

The description of the scene presented at the beginning of this article signals a choice: to go through this long process of environmental impact assessment by means of the reading of some political rituals which, played out in public arenas, contributed significantly to the course of the events; but also contributed in the sense that the events themselves acquired meanings, including specific meanings for those involved in the process. The ethnographed events – meetings of the Socio-environmental monitoring network (*Rede de Acompanhamento Socioambiental*, REASA), in 2012) and the 86<sup>th</sup> Ordinary Meeting of the Jequitinhonha Regional Collegial Unit (URC), the “meeting of the Operational License”, in 2014 -, constituted fundamental occasions within that which we can call, after Bronz (2016), the participative scene (*cena participativa*) of environmental licensing of the Minas-Rio.

Above all, by situating it in the realm of action, understanding the word as an act, the framework of rituals allows us to think of the process in its political dimension, of the imponderable, “of the inevitable losses and gains of the historical moment” (Peirano 2002: 10). It provides an opening to ponder, in keeping with Bronz (2016), environmental licensing as much more than strictly a bureaucratic-administrative procedure, as forms of social intervention which comprise a set of practices “mentally grasped in everyday social relations, in social spaces regulated by a complex network of agents and organizations which operate in various dimensions” (2016: 22). Hence, environmental licensing is not detached from a set of strategies, mechanisms, tactics connected, in a certain way, to the “here and now”.

### **The Minas-Rio Project: characteristics, context and licensing**

Minas Gerais State, which has a territory of 586,521.6 km<sup>2</sup> and population of 19,597,330 people<sup>1</sup>, is one of the four states of Brazil’s Southeast. The historical development of its current territory has been closely tied to mineral extraction ever since Brazil’s Colonial context, when gold mining touched off a process of rapid expansion of settlement and urbanization of central areas of the territory of Minas Gerais (Carneiro 2016: 258). Later on, in the context of the so-called Brazilian “catch up modernization”, the establishment of a mining-steel industrial park based on the exploration of rich iron ore and manganese mines<sup>2</sup>, which began in the second quarter of the twentieth century, consolidated extractivist activity as an important vector of the state’s economy, frequently described as “having a vocation for mining” (idem *ibidem*: 255; 260-262). In recent years, the increased commercial value of mineral commodities, associated to factors such as the reduction of mineral deposits with high concentration of iron and new strategies for long-distance transport (Bebbington 2011; Milanez 2012), resulted in the advance of the mining frontier to other regions of the state, especially along the Espinhaço Mountains (*Serra do Espinhaço*), geographically located as a backbone of the territory of Minas Gerais (Zucarelli & Santos 2016; Barbosa, Brito & Lima 2016).

The Minas-Rio project, an example of this expansion, consists of a mining complex for the exploration of iron ore in the *Serra da Ferrugem* and in the *Serra do Sapo*, in Conceição do Mato Dentro, municipality located in the southern part of the Espinhaço. The initial budget of the project was 5.5 billion dollars.

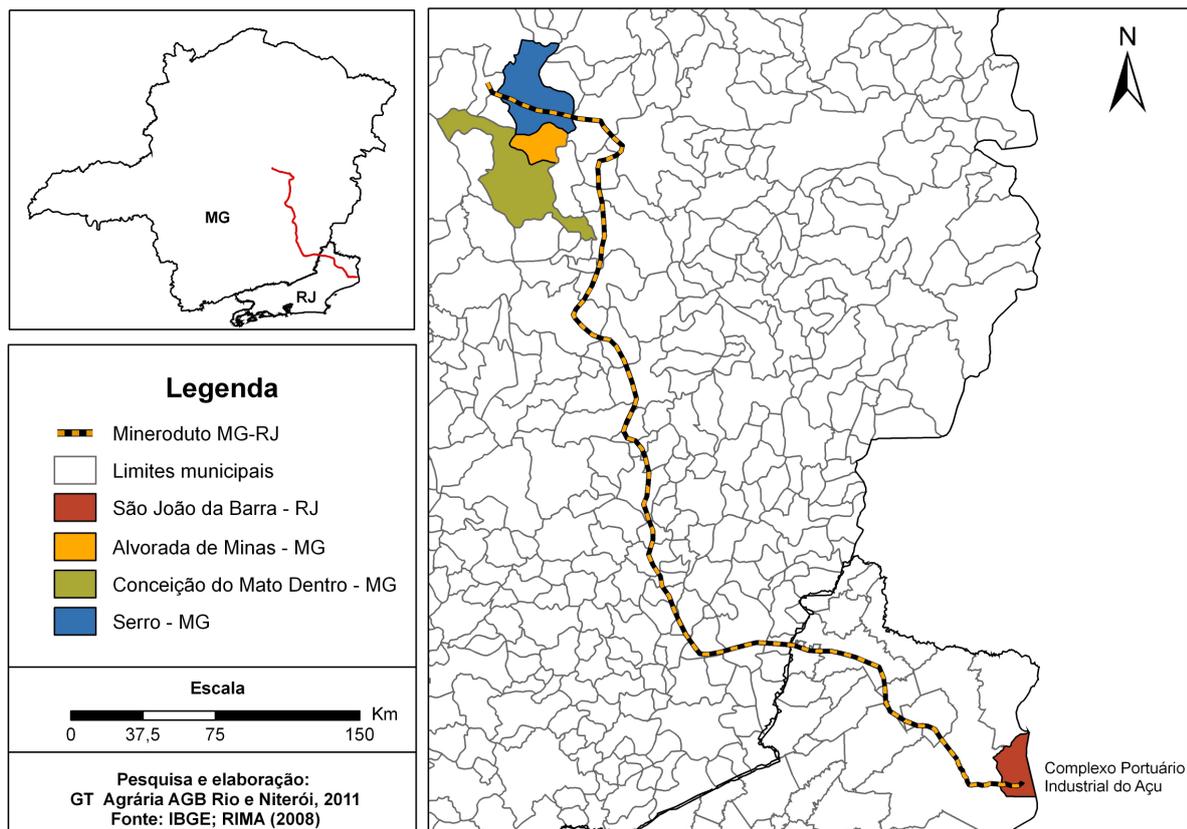
<sup>1</sup> Data of the Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística – IBGE), with reference to 2014 and subject to revision. Available at: <https://goo.gl/h8sD4G>.

<sup>2</sup> Situated in the region called the Iron Quadrilateral, composed of 24 municipalities located in the center-south of the state of Minas Gerais, to the south of the area of the Minas-Rio mining complex.

However its cost, in 2014, was already more than 8.8 billion dollars, partly financed by the National Bank for Economic and Social Development (*Banco Nacional de Desenvolvimento Economico e Social – BNDES*)<sup>3</sup>. The project was conceived by the company Minas Rio Mineração S.A. (MMX). However, in 2008, the transnational company Anglo American<sup>4</sup> obtained stock control of the company and acquired the rights to the enterprise (GESTA 2016).

**Figure 2 – Map of the Minas-Rio Project.**

Source: “RELATÓRIO DOS IMPACTOS SOCIOAMBIENTAIS DO COMPLEXO INDUSTRIAL-PORTUÁRIO DO AÇU”. Report produced by the Brazilian Association of Geographers – AGB – Local Section Rio-Niterói, Working Group on Agrarian Issues. Rio de Janeiro, September, 2011.



The mining complex is composed of the second largest open field iron ore mine in the world, in Conceição do Mato Dentro; an industrial plant and tailings dam, situated in that municipality and in the neighboring municipality of Alvorada de Minas; a new water catchment adductor in Rio do Peixe, in the municipality of Dom Joaquim, also in Minas Gerais, and power transmission lines. Connected to these structures is the largest pipeline in the world, which, with its 529 km, crosses 33 municipalities, 26 of which are in Minas Gerais and 7 in Rio de Janeiro State, ending up in the port complex of Açú, constructed on the north coast of that state.

<sup>3</sup> Public bank created in 1952 by law N°1628, with the function of subsidizing long-term ventures, with interest below market rates, as mechanism to promote economic development.

<sup>4</sup> Anglo American is a mining company with headquarters in the United Kingdom, founded in the second half of the twentieth century. It has as locale/branch of operations gold-mining in South Africa. According to Santos & Milanez (2015: 9-10), from the very beginning, the company sought to diversify its operations and finance them in capital markets of London and New York, which explains its name. According to the authors, in 2015 the company's operations included North America, South America, Africa, Australia and Asia, and the extraction of a variety of minerals – coal, copper, diamonds, iron ore, manganese, phosphate, niobium, nickel and platinum.

The environmental licensing process was conducted in a fragmented manner. The environmental effects of each of the three principal structural components were analyzed by different government agencies. The mine was licensed by the environmental agency of the State of Minas Gerais – the Regional Superintendence of Environmental Regulation (SUPRAM); the pipeline by the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA); and the port, by the environmental agency of the State of Rio de Janeiro – *Instituto Estadual do Ambiente* (INEA). This fragmentation surely contributed to undersize the “impacts” reported in the studies, as each environmental agency took into account only those damages expected for part of the enterprise<sup>5</sup>. The impact assessments were also conducted during differing periods of time; the sequential unfolding of its stages constituting, in itself, a factor of inexorability of implantation of the enterprise<sup>6</sup>.

The southern part of the Espinhaço is marked by the presence of two important biomes, *Mata Atlântica* and *Cerrado*, and the environmental and cultural patrimony of the region came to constitute the vector of a regional development policy in the 1990s based on eco-tourism (Becker & Pereira 2011: 239). The colonization of the region, initially marked by gold and diamond mining, produced an agrarian economy for the domestic market throughout the 18<sup>th</sup> and 19<sup>th</sup> centuries. Historically, the development of a free peasantry, with significant presence of African descents, was articulated with the constitution of large rural properties.

In 2009<sup>7</sup>, that peasantry was commonly found on small family farms scattered across the mountain slopes of the Ferrugem and Sapó and along the Pereira and Passa-Sete streams, on the borders of large ranches. Articulated in neighborhoods which constituted kinship communities, small farms were often situated on commonly held lands from inheritance, known locally as “family lands” (*terras no bolo da família*). These were communities with roots which can be traced back many generations. Backyards, consisting of small areas around the residences, constituted highly valued and carefully maintained spaces for the families. These backyards had a variety of fruit trees, in addition to vegetable gardens, coffee trees, manioc plants and small beans, corn and sugarcane crops. Sharecropping half-and-half or one-third-two-thirds, in areas ceded by landowners, in addition to work as day laborers on the farms, were all part of the livelihoods of this peasantry, in addition to managing small herds of dairy cattle for production of milk and cheese, and small animal raising. That set of activities was largely articulated to an abundance of water, captured in systems built and maintained by the residents themselves (Santos 2009 e 2010).

The implantation and operation of the mine has profoundly and irreversibly altered the way of life of these communities, as a result of the environmental damage and changes imposed on traditional relations established by these communities with the territory. From the very beginning, land acquisitions were ignorant of the ownership regime implicit in *terras de bolo*, triggering processes which were extremely conflictive, causing disunity (Santos 2009 e 2010; 2014). An entire network of roads which connected the communities among themselves, as well as to the centers of districts and municipalities, were blocked, initially by acquisitions, later by construction work of the project (Santos 2009 e 2010; Diversus 2011). Among other transformations<sup>8</sup>, the territorial emptying provoked by the acquisition of large extensions of land by the company broke production and reciprocity networks, made access to natural resources

5 The fragmentation of environmental licensing of the Minas-Rio Project in three different administrative bodies was questioned by Public Civil Action lawsuit filed by the Federal Prosecutor's Office of Minas Gerais State (*Procuradoria da República em Minas Gerais*), in August, 2009.

6 The licensing of the intermediary structure, the pipeline, was begun before the others. The request for the preliminary license for the mine was officially submitted to the Environmental System of Minas Gerais – SISEMA – in 2007, one month after the concession of the preliminary license of the pipeline by IBAMA (Zucarelli & Santos 2016).

7 The brief description which follows has as its sources reports and technical opinions elaborated for the Federal Public Ministry in 2009 and 2010 (Santos 2009 and 2010), in addition to research reports (Gustin et al. 2013) and field work in research and extension projects conducted between 2013 and 2016.

8 For a description of the effects in urban areas of the region, see Zucarelli & Santos 2016; Zucarelli, Penido & Pena 2015.

and cultivated areas unviable; silting of water courses and drying of springs on the periphery of the Ferrugem made multiple uses of water unviable and drastically altered conditions of production and social reproduction of the families (Pereira, Becker & Wildhagen 2013; Torres 2014; Prates 2014; Ferreira 2015).

Nevertheless, the process environmental impact assessment, the object of this article, has been characterized by the relaxation of legal norms, by means of devices such as the establishment of measures conditioning licenses which were granted, in a singular example of the so-called paradigm of environmental adequacy (Zhou et al. 2005)<sup>9</sup>.

The Preliminary License (*Licença Prévia* – LP)<sup>10</sup> of this segment of the Minas-Rio project was granted in December, 2008, with the attachment of the startling number of 105 pending conditions. One of these dependencies included the postponement, until the next phase of licensing, of crucial information, such as the definition of the population affected. The environmental viability was actually questioned in the technical report of the environmental agency, which is intended to subsidize the judgment regarding this point. However, the ad hoc production of an “Addendum to the Report” weakened the evaluations which had been made in that document.

In the following phase, a new strategy for accelerating the impact assessment process was employed: dividing the Installation License (LI) into two phases. LI phase 1 was granted in December, 2009 and LI phase 2, in December, 2010. According to Zucarelli & Santos (2016: 322), definitive permission for installation not only required fulfillment of the set of pending conditions established in the previous stage, but also added new time frames and new dependencies. The authors note, for the following years, the aggravation of socio-environmental conditions in Conceição do Mato Dentro and region (*idem ibidem*), recorded in results of an on-site, combined state and federal government environmental survey conducted in 2010, and in innumerable complaints filed with the Public Ministry and state government environmental agencies, by residents and environmentalists, between 2010 and 2014 (GESTA 2016).

In the Brazilian context, the term *atingido* came to be incorporated into environmental impact assessment procedures based on its use in social and political struggles in relation to the guarantee of rights of local populations affected by the implantation of large development projects<sup>11</sup>. For Vainer (2008), the term *atingido* consists of a term neither merely technical, nor strictly economical, but rather refers to a permanent dispute for the recognition of rights. In the environmental studies of the Minas-Rio mining

<sup>9</sup> According to the authors, in this paradigm, environment and society become externalities to be “managed” and “adjusted” to the development project. Conditioning measures (mitigating and compensatory) function as fundamental mechanisms in this adequacy, allowing administrators to “bend” principles of rights and legal norms and guarantee the continuity of the licensing processes. Licensing loses its principal function – to evaluate the socio-environmental viability of large projects

<sup>10</sup> During that period, state environmental legislation required that large projects or those with a large polluting potential, pass through a tripartite system of licensing. In that model, the first phase, the Preliminary License (LP), required that the company submit broad environmental studies (EIA and RIMA), capable of informing the formation of a judgment concerning the environmental viability of the project. The Installation License (LI) was analyzed subsequently, by means of submission of an environmental control plan (PCA) and proof of fulfillment of the so-called pending conditions, mitigating and compensatory, specified in the previous phase. Granting of the LI permitted the installment of the physical structures of the enterprise. The third and last license, the Operations License (LO), authorized operations of the enterprise. In order to obtain the latter, the project was required, in theory, to have all of its environmental control measures installed and operating, including those specified in prior phases. In Minas Gerais, licenses are evaluated and voted by means of meetings of COPAM, a council composed of representatives of public authorities and civil society. Recent changes in state legislation weakened the tripartite licensing structure, making possible the concurrent request for two or more licenses (State Law N° 21.972, January 21, 2016, articles 18 to 20).

<sup>11</sup> In the final decades of the twentieth century, the term came to identify important social movements. In Brazil, the principal reference is the construction, in the 1970s and 80s, of large hydroelectric dam projects, in response to which “commissions of *atingidos*” emerged. An example is the Regional Commission of People Affected by Dams (CRAB), composed of peasants threatened (future *atingidos*) by plans of ELETROSUL, in 1979, to construct 25 hydroelectric dams in the Rio Uruguai river basin, initially the Machadinho and Itá dams (Rothman 1996: 118-119; Scherer-Warren e Reis, 2008: 65-68). Such commissions constituted the embryo of supra-regional, and even national, organizations, such as the Movement of People Affected by Dams (*Movimento de Atingidos por Barragens* – MAB) (Sigaud 1995), which incorporated the category “*atingido*” in their social struggles as nucleator of common situations and demands. In this article, the term “*atingido(s)/a(s)*” is used, on the one hand, to indicate the social place of the interlocutors of the research produced by the authors: the social subjects affected by the mining. On the other hand, however, it refers to a category exploited and in dispute in the arena of licensing, the meaning and scope of which vary according to its use as category of struggle/resistance of the part of those who identify themselves as *atingidos*, or as a “technical” term included in environmental studies and other parts of the licensing process. Whenever reference is made to those uses and disputes, referring to the arena of the licensing process, the term will be written in italics.

complex, *atingidos* were identified by a criterion which Vainer designates as *territorial-patrimonialista*, the definition of which is based exclusively on the calculation of the areas necessary to the project (*idem ibidem*). According to the EIA, the area directly affected (“ADA”) by the complex is defined by the set of properties existing in the areas where the mine pit, processing plant, sterile cells and tailings dam would be installed. The universe of *atingidos*, according to this spatial and restrictive logic, would consist of only two communities: Ferrugem and Mumbuca (Brandt 2007: 183-185).

The insufficiency of that evaluation, questioned by the movement of resistance which operated in Conceição Mato Dentro throughout the initial phase of impact assessment process, was then incorporated into the technical report of the environmental agency. The disputes surrounding a new definition, which had repercussions in the recognition of the size of the damages caused, from the social universe affected and the rights to be reconstituted, came to constitute the central question. Between the preliminary license and the definitive concession of the installation license, special conditions and other measures relating to the supplementation of socioeconomic studies, the revision of rights and methodologies for the cadastral survey of the *atingidos*, to the parameters for resettlement, were discussed, edited and reedited (Becker & Pereira 2011: 247), in theory repealing the territorial-patrimonialist criterion.

The suspension of the spatial criterion would give way, however, to a new restrictive profile, implicit in the category of *atingido emergencial*, employed with the justification of assisting families who had become hostages of the pipeline construction<sup>12</sup>, but which, in practice, produced a new fragmentation of the whole group of *atingidos* (*idem ibidem*). As a result, the incorporation of a methodology minimally capable of associating ways of life, conditions of social reproduction, and cultural specificities, to an understanding of the human universe affected by the transformations underway, was newly postponed until the second phase of licensing procedure<sup>13</sup>. In 2011, the study of a consulting firm named Diversus Consultores Associados indicated not two, but rather twenty-two communities affected by the installation of the mine and structures associated with it

## Resistance, political action and ritual

Bebbington (2007: 68) emphasizes the complexity in the configuration of contemporary environmental movements, in which a broad and heterogeneous constellation of actors relate to one another and organize in resistance to mining projects; and, therefore, the limitations of the notion of “network”, which assumes a more stable relation among visible actors, to interpret the more fluid dynamics of these movements. This article proposes to understand these movements as collective action processes which act in a more diffuse and intermittent form in space and time, but are sustained over time by sets of actions and actors motivated by a sense of justice (*idem ibidem*).

Bebbington’s perspective is very helpful in understanding the mining resistance movement in Conceição do Mato Dentro. Since the initial years of the licensing process, this movement has had, in distinct moments, participation of heterogeneous groups of citizens of that and other municipalities, including rural property owners, liberal professionals, peasants and farmworkers, in addition to journalists, communications professionals, and researchers and students of several universities. An initial point of reference was the Sustainable Development Forum of Conceição do Mato Dentro – Forum CMD (Becker & Pereira 2011) and a key current reference is the Network of Articulation and Environmental Justice

<sup>12</sup> At a moment prior to the LI phase 1, families on the periphery of the Ferrugem mountain were being severely impacted by the construction of the pipeline, which possessed the installation license, and the beginning of which partially overlapped the area of the mine (Santos 2010; 2014).

<sup>13</sup> In a meeting in June, 2010, the URC-Jequitinhonha determined that Anglo American pay the cost of a new diagnosis, to be carried out by independent consultants, and which should include “social relations of the *atingidos*, such as the number of people in the family, community ties, things that are being affected and in what ways, in summary, all the social questions of the residents of the properties” (SEMAD 2010).

of People Affected by the Minas-Rio Project (*Rede de Articulação e Justiça Ambiental dos Atingidos pelo Projeto Minas-Rio – REAJA*). Between these two points of reference, a flow of actions, having multiple trajectories, have characterized articulations with *atingidos* of the Port of Acu, with other social movements and dialogue with a variety of mediating agencies linked to the Catholic Church, Universities or with the Public Ministry itself.

We have chosen to focus on only one of these moments, or links in the chain of the movement following the concession of the installation license for the Minas-Rio Project: the Network for Socio-environmental Monitoring – *Rede de Acompanhamento Socioambiental (REASA)*, participative instrument by means of which the Public Ministry of Minas Gerais intended to mediate conflicts resulting from the introduction of the mining project in the region. The proposed design was to conduct of itinerant monthly meetings in the rural communities affected by the mining. Participants in those meetings included representatives of the *atingido* population, of Anglo American, local politicians and researchers, in addition to the Public Defender’s Office and the Public Ministry itself. A total of eleven meetings were conducted between June, 1912 and August, 2013<sup>14</sup>.

These meetings will be analyzed with a focus on their creative dynamic and bruising political action (Chaves 2000), the ritual dimension of which symbolically reiterated collective action seeking legitimacy, transforming space intended as a site of negotiation into a space of struggle for justice and the pursuit of rights. The articulation of the *atingidos*, which gained strength in these meetings, demonstrated the resistance, on the part of the communities, to the direction in which the impact assessment process was moving, excluding them from decision-making, while profoundly transforming their lives.

A spatial organization was established beginning in the second meeting and maintained at subsequent meetings: chairs were organized in a circle and those seated were representatives of the communities and local leaders; staff members (facilitators) and authorities of the Public Ministry and Public Defenders’ Office. Behind the circle, chairs were arranged in rows, in which the rest of the participants were seated: residents of the community and the region, local public authorities, researchers and representatives of Anglo American. The circularity allowed for the exclusion of the idea of authorities directing “the scene”, something frequent in public stages of environmental licensing, and permitted members of the circle to make many of the decisions which happened during the meetings. That was of fundamental importance to forming a group and catalyzing a common struggle.

At the initial meetings, the company was represented by employees who watched from the audience and took notes. Their request to speak led to the debate and approval by local leaders establishing criteria for company representatives to speak: a maximum of 15 minutes, limited to themes pre-defined by *atingidos*, consisting exclusively of answers to problems raised by community representatives. These interventions were recorded in minutes of the meeting, made available afterwards on REASA’s blog; and the definition of a timetable for the implementation of solutions presented. The definition of rules was intended to limit recurring discursive strategies used by the company, providing for an historical record of conflict marked by “unfulfilled promises”<sup>15</sup>, in the context of disbelief in explanations presented, and by the clash between *atingidos* and representatives of the company in public events.

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<sup>14</sup> In 2012, the Public Ministry of Minas Gerais introduced three public civil lawsuits related to specific environmental licensing issues. The injunctions granted in relation to these lawsuits partially blocked the project’s construction activities, providing an opportunity for the proposition of the “socio-environmental monitoring network”. The REASA’s meetings took place in a different community each month, and were open to the general public. The meetings were held in schools, at community associations or in the backyards of houses, under a tarpaulin shelter. Meetings lasted approximately six to seven hours and had the significant participation of residents of the region.

<sup>15</sup> Words, terms or expressions utilized by the participants of meetings of the REASA.

Such conditions gave rise to the “REASA regiment”, when *atingidos* instituted the stages which consolidated the dynamic of meetings: the prosecutor of the Conceição do Mato Dentro district court was the first to speak, followed by approval of minutes of the previous meeting, which had been made available ten days before in the REASA blog; that was followed by verbal presentation by company representatives; replica by community representatives; and to terminate, decisions regarding actions to be taken, and choice of the site of the next meeting.

Clashes over the notion of *atingido* marked all of the eleven meetings. During the time in those meetings reserved for community leaders and residents, what was evident from their statements was a critique of the individualist and patrimonialist definition of *atingido* which, in addition to undersizing the number of those affected, inflicted suffering. According to S. M. Santos (2007), the subjective meaning of social suffering<sup>16</sup> erupts, in public events, in the form of lamentation which expresses the pain and, in turn, the ritualization of the collective construction of the pain settles in the conjugation of two interconnected variables: rights and injustice. Community residents exposed the expropriation of the conditions of production, of ways of being and living, in addition to the many indignities, mistakes, inequalities, which they had experienced since the arrival of the mining project.

Initially, feelings evoked by the *atingidos* referred to the pain felt with the loss of streams and springs, the fear of living downstream from the tailings dam; later on, these feelings referred to the construction, in the public arena, of a condition in which “to be *atingido*” is to suffer or, in their words, “to have sufferings”. The narratives enunciated at the meetings of the REASA exemplified the content of social suffering of those who had been violently surprised by the de-structuring of sociocultural and environmental relations. These narratives also called attention to the violation of rights, the impunity and procrastination of solutions and of justice, since the latter, in addition to engendering fear and suffering, generate doubts, anguish and despair.

The loss of uses of streams and springs was a theme frequently invoked during the meetings by residents of communities situated downstream from the company’s tailings dam. By means of the suffering, they denounced changes imposed by the mining activity and the lack of acknowledgment by public authorities and by the company of problems generated by the mining. Residents reported their use of clean water of the streams which cross their territories for a variety of daily activities – vegetable garden, water mill, quenching the thirst of their domestic animals, taking baths, washing clothes, fishing for food and leisure – which, at that moment, they could no longer do. Statements stressed family ties and their belonging in their places which had an abundance of water prior to the mining project, “the bottom [of the streams] was sand and gravel”, and a large volume of water flowed from the springs. Shared in accord with local codes, the utilization of water was based on cultural, environmental and productive criteria; it was an integral element of the order of the culture, the territory, the knowledge.

In addition to the loss of streams and springs profoundly affecting the conditions of production and of social reproduction of the families, the mining transformed the meaning that the flowing water had in people’s lives. Water, “source of life”, was transformed into a transmitter of intestinal worms, diseases and risk. Those who were, according to a local expression “blessed by the water”, came to live in constant fear and anguish due to the tailings dam, located at the headwaters of the river which supplied the communities. The place of their ancestors, which possessed “abundant” water, “shared”, “shining” and

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<sup>16</sup> According to Santos (2007:15), social suffering is “a collective construction which, on the one hand, is expressed in the constitution of actors, in the construction of a memory and of a narrative about the event. And, on the other hand, it produces effects on interests and public practices”.

“crystal-clear”, transformed into a place situated “under danger”, “which can destroy everybody here”. Thus, this was now a place which was “*atingido*”, in contrast to the tranquility which the river represented in the past; the river now carried “mud”, “rotten materials”, “filth” and “grime”.

Narratives of residents of the affected communities expressed not only the pain and suffering of losses, but also denounced the neglect and insensitivity of the company and public agencies:

*Those who are sitting in your chairs, in their vans, behind closed doors, where not a drop of mud can get in, they have no idea what the other guy is going through, there on the hillside, suffering, because each and every one suffers a lot, each and every one suffers “what he got”. (community leader from Cachoeira, fifth meeting)*

And the uncertainties, the fears and the insecurities:

*I asked the agency, I asked the people from the company who are here: what are we going to do from now on? Will I be able to plant a vegetable garden tomorrow? (community leader from Cachoeira, second meeting)*

The discursive strategies adopted by the representatives of the company in meetings of the REASA had as objectives, in turn, to legitimize principles of the division of the social world (Bourdieu 1996), seeking to cover up the arbitrary nature of the conditions produced in administrative proceedings by the homogenizing and restrictive criteria utilized for the recognition of the *atingidos*. During meetings, the territorial-patrimonialist conception was justified as a confluence of widespread and consecrated norms and methodologies in public administration and, therefore, capable of authorizing a truth (Foucault 2003).

In their statements, company representatives sought, first, to restrict recognition as *atingidos*, to owners and squatters of the area of implantation of the mining, inserted in a list which was cleverly incomplete. Later on, they presented slides containing a series of information about family nuclei – numbers, maps, graphs and tables. Families who were officially recognized as *atingidas* were subsumed to numbers and transformed into “surface areas” to be acquired through the purchase of possessory or property rights. As they discoursed about the definition of Directly Affected Area, maps projected on the wall demarcated “*atingida*” area and area not “*atingida*”, and, in this manner, the technological apparatuses were also strategic in the sense of increasing the power of persuasion (Bronz 2016).

The violated rights, related by those present, were part of a set of local principles, norms and practices, referring to the occupation and use of the land, interconnected by networks of negotiations among the diverse heirs of familial lands, as heirs-squatters and heirs-in-absentia. Kinship ties guaranteed not only permanence in the communities, but also control of the regime of land use, since territorial right was assured (Galizoni 2007). The discursive strategy of the company representative ignored rights involved in the ways of life of families and communities, referring the category *atingido* to technical and economic-financial dimensions, and emphasizing that their actions conformed to licensing norms.

Another strategy of the Anglo American company, in meetings of the REASA, was to disqualify the statements of *atingidos* as bearers of truths. In the face of denunciations including noise, dust, heavy traffic, silting of rivers, suppression of springs, company representatives affirmed that the communities were not “really” affected by the mining, and that the experiences and feelings of those present should be evaluated on the basis of “objective” criteria. The situations identified by those who suffered damages and losses, residents of the communities of the periphery, were placed in suspension, under the pretext that technical and scientific parameters, instituted through a legal and normative framework, would be capable of producing more exact realities. Accounts which conveyed the specific logic of local ways of being, living and doing, constitutive of the reality of the communities affected by the mining, were considered by company representatives as merely expressions of a “perception” which was not necessarily real.

That was the type of argument contained in the presentation made by company employees about the situation of the Passa Sete and Pereira streams, which were silted and muddy, preventing all types of previous uses of the waters. Technical data were presented as instruments capable of producing incontestable truths. The employee responsible for the Management of Water Resources mentioned that a series of structures of containment of sediments had been implanted, because since the initial technical studies, those streams had been identified as potentially having a major “impact”. Frequent monitoring would attest to the permanent efficacy of the measures implemented:

*The results have shown the effectiveness of our structures. The structures that we have implanted in the region, we have a maintenance of these structures, a continuous evaluation of these structures which were implanted, and we have effectivity of these structures. [...] So, I think that what we can comment, specifically, about this monitoring, is that the analyses of quality has shown that the results are positive, within the legal limits, and are being submitted regularly to SUPRAM, as provided in the licensing process (8<sup>th</sup> meeting).*

Replete with words from the semantic field of technology, that discourse was instituted, in the public arena of the REASA, as “an instrument of meaning and of imposition of order on the world” (Zhourri et al. 2005), countering the disclosures of the *atingidos* about the pitiful conditions of both streams. In that perspective, the only people who could be classified as *atingidos* were those in the ADA and those populations which were affected, albeit severely, by abrupt changes as a result of the enterprise, do not have rights, since the only populations with rights were those who had been displaced by the actions of the company itself. In the struggle over classifications, the company made use of technical-scientific authority to build a foundation “on reality and reason” (idem *ibidem*: 110), a profile which was profoundly arbitrary, not only in relation to local territorialities, but also in relation to on-going territorial and environmental transformations.

The reality foreseen and imposed by the representatives of Anglo was, nevertheless, disfigured by the reality lived by the *atingidos*. If, on the one hand, categories of public administration presume the need to construct relatively homogeneous and fleshless social subjects (Vianna 2013) – like the *atingido*, for example – in the REASA, the uses and mentions of that category provide a constant detailing. The construction of that notion, in the REASA, was intrinsically related to a connection between suffering and indignation by the non-recognition of the dramatic situation lived by the communities of the periphery of the project. In the expressions of the residents, the communities were “massacred”, “impaired”, “*atingidas*”, “impacted”. As S. M. Santos (2007: 21) points out, there is an emphasis in the metaphors which express the pain of the *atingido*: “To be *atingido* is to be pushed, massacred, stepped on, trampled, disrespected. It is hard, it is sad to see something like this happen” (community leader of Ferrugem, 8<sup>th</sup> meeting).

Nevertheless, the term was used to affirm a collective condition of struggle:

*To be atingido, you have to have this feeling that we have here, of survival, of struggle, you have to be interested in building, in adding to the group, in participating, in wanting to change, in wanting to solve the affliction of the others, the anguish, in summary, interest in legitimizing this struggle, and it has to be collective! (local leader, 8<sup>th</sup> meeting).*

The organization and the common struggle to face the difficulties and a “powerful company” produced and gave meaning to a collective category. Various types of solidarity, such as kinship, friendship, neighbors; the sharing of common conditions, such as hard work in the field and dealing with life’s hardships – “I moved on because my life is an endless struggle”, said one *atingida*. In summary, the arrival of the mining, which inaugurated a period of transformations and suffering, united efforts and mobilized residents in the struggle for justice: “do you think this is fair? Isn’t there a law for this?” “Does justice exist: (...) we’re asking for justice” (female resident of the community of Cachoeira, 8<sup>th</sup> meeting).

With the expertise accumulated during the process, *atingidos* began to employ various practices as part of the communicative dimension of the ritual, such as chanting prayers and songs, using a T-shirt printed with red blurs, representing the bleeding undergone by the communities, and having the following phrase: “Injustice for one, is injustice for all. We are all *atingidos* by Anglo American!” -, accompanied by the names of the affected communities. A complete repertoire for composing the spaces of the meeting was constructed: banners and posters with information and images about the practices and knowledge of women of the communities; national and international news with information about delays in construction activities of the mining project, the high costs involved, fall in stock prices of Anglo American; allegations by local communities of violations of rights committed by the company, accompanied by photos. In summary, the meetings constituted a “collective action of expressive character” (Chaves 2000: 15). The symbolization of belonging to a category – *atingidos* -, the emphatic symbolization of unity in the face of a situation in which they felt “small”, “weak”, and “suffered”, (Comerford 1999), organized the communities in the struggle for justice.

The public meetings of the REASA contributed to the process by which the struggle, the suffering and the local conflicts of each community was talked about and reflected on together. The ritual process triggered unforeseen creative effects that, by their dynamic, produced particular modes of sociability, contributing to the construction of new legitimacies, precisely due to their unusual arrangement (Chaves 2000). The holding of meetings in different communities, the presence of public authorities in territory marked by conflict and by suffering, the detailed repetition of the stages which established and legitimized the public event, produced a symbolic efficacy and a political meaning to the meetings. The existence of the category “*comunidade atingida*” was politically affirmed and contrasted with the patrimonialist and individualist category used widely by the company and by public authorities. As a recognized body, meetings of the REASA established legitimate spaces of resistance and of the collective struggle by the subversion of the relations of symbolic forces (Bourdieu 2002), as more people came to participate at each place where meetings were held.

The mobilization of people affected by the mining project to fight for their rights was constructed, at meetings of the REASA, in a situation of interaction with those who occupy places of “power” and “authority”. These actors in a certain way introduced the meetings into the public space, making them an important part of the participative scene of environmental impact assessment procedures. Advances were obtained during the course of meetings, such as having the discussion of supra-individual dimensions of the sociocultural universe affected placed once again on the agenda. This discussion had been suspended since the independent report of Diversus, submitted to SUPRAM in 2011, had been “shelved”, considered technically “inconclusive” and, therefore, not submitted to the URC for evaluation, as one of the special conditions of phase 2 of the LI had established. Another important moment was a meeting, in April, 2013, of the REASA at the headquarters of SUPRAM Jequitinhonha, where *atingidos* voiced concern about the situation and continuity of licensing. At that meeting, SUPRAM admitted the existence of 341 pending conditions (of which 162 were “pending analysis” at that time) and recognized that the agency did not have the necessary means to exercise effective investigation and control of the process (*Atingidos pelo Projeto Minas-Rio/Anglo American 2013*).

Nevertheless, the damages, risks, losses undergone by the communities, extensively reported in the public meetings of the REASA, were not effectively addressed by mitigating and compensatory measures, either by means of mediation, or even by judicial processes. From the first to the final meeting, between June, 2012 and April, 2013, the Public Ministry did not propose a single public civil lawsuit dealing with the impacts and damages undergone by the communities. Between the next-to-last meeting, in April, 2013, and the last meeting, four months later, the Public Ministry of Minas Gerais (MPMG) co-signed with

the company, a Term of Adjustment of Conduct (TAC), which established a Monetary Fund for Socio-environmental Projects, which would benefit communities affected by the enterprise. Although it was announced as “the largest, in financial terms, of the history or the MPMG”, the TAC did not effectively incorporate those issues and demands debated in the REASA. If, on the one hand, the network (REASA) contributed to the objectification of denunciations and for the political and collective construction of the category *atingido*, on the other hand, the problems relative to social and environmental transformation, reparation of losses and the recognition of the sociocultural universe of affected communities, were not considered/solved. The REASA was included in the public and participative staging, but was not part of the decision-making forums of the licensing process<sup>17</sup>.

At the same time, Anglo American adopted strategic mechanisms to continue maneuvers in the strictly formal sphere of the environmental impact assessment procedure. Between the end of 2012 and the first months of 2013, Jequitinhonha SUPRAM was questioned regarding the conduct of the independent study of Diversus, and pressured to submit it for the assessment by URC-Jequitinhonha. Nevertheless, this item of the agenda would be considered in meetings of the URC only in mid-2013, after the company had brought to the licensing process a ‘counter-study’ entitled “Updated Study of the Areas of Influence of the Minas-Rio Project” (Ferreira Rocha 2013). With the justification of making a “supplement”, the new study reduced the Diversus 2011 study to a “research study of *perception*”, a strategy to de-legitimize the incorporation of the statements and experiences of local residents, and of a broader vision of the forms of appropriation of the territory. Distinguishing conceptually between “assumed” and “real” environmental impacts (Ferreira Rocha 2013: 21) the argument intended, in the end, to restore, as sufficient and scientifically correct, the territorial-patrimonialist criterion which had informed the geographic definition of the areas of influence of the Minas-Rio Project in the EIA/RIMA<sup>18</sup>.

That is a dispute between scientific technique, subjective in its experiences, but which intends to be objective, and lived experiences of the social subject, subjective in their experiences but objective in their existence (Bourdieu 1989). The former mobilizes more capital in order to impose upon the latter. It was the restrictive and arbitrary perspective to define *atingidos*, enunciated by the company, during REASA, as an authorized truth, which prevailed in the administrative process of licensing<sup>19</sup>. While the *atingidos* produced a counter-discourse, the company produced a counter-diagnosis.

### Meetings “of the Operation License” in the URC-Jequitinhonha

The 85<sup>th</sup> Extraordinary Meeting of the URC-Jequitinhonha, conducted on September 18, 2014, was called to deliberate granting the Preliminary License to the large mining project of the company Manabi, in the municipality of Morro do Pilar, neighbor of Conceição do Mato Dentro; the Operation License<sup>20</sup> for the Anglo American mine; and one additional license requested by a smaller project. The meeting was held at the site where deliberative meetings of the URC-Jequitinhonha were ordinarily conducted: the small auditorium of the administrative center of the city hall of Diamantina, headquarters municipality of that regional unit of COPAM. Due to the fact that the agenda included deliberation of environmental licenses for

<sup>17</sup> In addition to that Term of Adjustment of Conduct, the Public Ministry of Minas Gerais State had signed, during 2012, two other terms of adjustment with Anglo American, with the objective of obtaining a negotiated solution which would bring an end to public civil lawsuits. We underscore the fact that, in addition to not incorporating denunciations or demands which had been discussed during meetings, none of the three terms had the participation, monitoring or even knowledge of representatives and community members who participated in the REASA.

<sup>18</sup> For a critical analysis of the arguments developed in the Ferreira Rocha (2013) study, see GESTA (2014).

<sup>19</sup> The Jequitinhonha URC did not approve the Ferreira Rocha report, but the effects of the latter could be seen in the unfolding of the issue. See, on this matter, GESTA 2016.

<sup>20</sup> This license also meant it was the last license necessary for the functioning of the other parts of the project; “in the end, what value would the pipeline have without a mine to extract the minerals?” (Zucarelli & Santos 2016: 247).

two large-scale mining ventures, with incommensurable environmental damages associated with them, the space in the meeting area was fully occupied, all seats were taken and aisles and corridors filled with people standing or sitting on the floor. The audience was composed of social movements, *atingidos*, researchers, journalists, politicians, governmental representative, in particular, representatives of municipal governments involved, workers of the two large mining companies, representatives of the company and of the public ministry, consultants, government employees. There was an extremely tense atmosphere<sup>21</sup>.

From the beginning to the end of the event, those present and, principally, the *atingidos*, defeated the horizontality which the structure of the space, and the collegial organization of the Council itself, attempted to simulate. Council meetings are open to the public, but the Council is in a position of distinction in relation to the public. The people in the audience are spectators, who are not authorized to participate in discussions. Within the composition of the Council, there is also a hierarchy – the chairperson of the meeting and, in this specific case, the Secretary of Environment and Sustainable Development, highest representative of the environmental system in Minas Gerais, who participated in the two meetings in which the Operation License of the Rio-Minas Project was on the agenda.

The *atingidos* of the Minas-Rio project had brought with them proof of the damages caused by the mining activity, and, when their case was being discussed, they (physically) crossed the imaginary, but almost tangible, line which separated the audience from the Council members. They placed on the table of Council members a mixture of water and mud extracted from a completely silted stream and showed dead fish which resulted from a recent episode of contamination of the water of the region by chemical effluents carried from the tailings dam. Indifferent to the calls for “order” by the president of the Council, who called the police to enter the auditorium and threatened to have them removed by force, *atingidos* continued to impose their presence, physically, at the center of the table of the Council members. Words of indignation were directed at Council members: “it was your vote that killed these fish!”, said one of them, while a woman challenged them – “if the water is good, you drink it!” A third interlocutor shouted: “it was your decision that disgraced my life!”

That climax was not rehearsed or foreseen: what precipitated the indignation of the *atingidos* was the statement of the head of the technical team responsible for analyzing the case<sup>22</sup>, who, in answer to questions posed by the representative of the Public Ministry, calmly affirmed that the streams in the region were in good condition, as a result of the efficiency of mitigating measures already implemented by the company (Ribeiro 2015). The meeting was terminated quickly when dead fish were literally dumped into the middle of the auditorium, symbolically “rubbed in the faces” of Council members. From the formal point of view, voting had been suspended by the “requests for review” by several Council members, a regimental prerogative that assures them the right to examine the subject in order to answer questions or propose alternatives.

The 85<sup>th</sup> Extraordinary Meeting had been scheduled for a date ten days prior to the ordinary meeting of the Council in the month of September, which took place on September 29, 2014. The only item on the agenda was the Operational License for the Minas-Rio project. The strategy condensed the period granted for request for review, since the subject should necessarily have been on the agenda of the subsequent meeting. As described in the beginning of this article, the meeting was scheduled to take place at the

<sup>21</sup> For a more complete ethnography of the 85<sup>th</sup> Extraordinary Meeting, see Ribeiro 2015.

<sup>22</sup> Team of the environmental agency responsible for the only opinion which evaluated the final phase of the process and informed the granting of the license of operation, arguing for its approval.

multi-sport gymnasium of Diamantina and already had a disproportional police presence to maintain order even before the meeting began.

In the new space, the 86<sup>th</sup> Meeting was marked by antagonism between *atingidos* and Anglo American workers. The two groups, sitting on opposite sides of the grandstand of the gymnasium, behaved like the fans of two soccer teams, supporting whoever presented arguments favorable to their side and booing the others. The antagonism was latent from the very beginning of the meeting, when the *atingidos* entered the gymnasium shouting, in chorus, “Anglo, get out, we want our rights!” (“*Fora Anglo, queremos nossos direitos!*”) and the workers of the company answered quickly, shouting “We want to work!” (“*Nós queremos trabalhar!*”). The tension between one side of the grandstand and the other intensified during the meeting; by the end, when the *atingidos* were exhausted and desolate, the company workers commemorated euphorically.

Nobody could say that there were equal conditions for both sides at that meeting, as suggested by the collegial structure of the Council. The space of powerful authority was physically established and controlled. According to the statement of one Council member, it was the case of providing necessary conditions to avoid Council members from being “coerced to vote in favor of whoever [was] present”, even though the presence of the State Secretary of Environment and Sustainable Development constituted the personification of power, making it difficult to defend the normality of the process, and therefore the legitimacy of approval, through statements and actions (Penna 2016). On the other hand, in the more linear space of the grandstand, any illusion of equality would be destroyed, given the ostensive presence of the police, standing only on the side of the *atingidos*.

When the meeting was opened for participation of the public, *atingidos*, university researchers and students and environmentalists were called first, leaving presentations favorable to the company for the end. That arrangement of the statements was widely criticized, but the police force fulfilled their role of maintaining order, removing by force those who protested more vehemently against the biased ordering, demanding the right to contradict. Forced to accept the order established by the Council, *atingidos* made their way to the microphone to re-state the innumerable allegations which had been protocolled with the appropriate agencies or debated at meetings of the REASA. In their statements, *atingidos* were constantly booed by workers of the Anglo American company who, by shouting, did not allow anyone to hear what the *atingidos* were saying. During the almost four hours of statements by *atingidos*, the dimension of the suffering was updated, but, as Zhouri et al. emphasized (2016: 358), they also brought evidence, showed polluted water, official complaints lodged with the police, indicated names and numbers”.

The company workers, in turn, had permission to sit in the center of the court, the same area where the Council members were sitting. The company’s employees coordinated their actions: when one spoke of all the benefits that the company was providing to the municipalities, others distributed, in a synchronized choreography, a copy of a petition, for which they had obtained signatures the previous week. In this scene from a “company town”, Council members were shown the petition, with its signatures on clean white paper, in stark contrast to the dirtiness of the examples of environmental damages presented by *atingidos* (water from the silted river and dead fish). The meeting continued, with company workers repeating slogans and associating mining activities to a divine gift, the idea of reciprocity underscoring statements which either attributed to the company the function of providing for local public services; or characterized as a true “gift” those actions taken to fulfill special conditions required by previous environmental licenses for the urban area of Conceição do Mato Dentro (such as renovation of the police headquarters and construction of a neighborhood health center).

In contrast to meetings of the REASA, the company had the privilege of being the last group to speak. This enabled the company, after hearing all the arguments opposed to approval of the operational license,

to repeat their strategy of contrasting the subjective character of alleged suffering, made by *atingidos*, to the supposedly objective reality of a series of numbers representing hard facts which proved the viability of the mining enterprise. The company's technical staff played a key role in this strategy, dismissing data contrary to those of the company as not in conformity with normal parameters. Supposedly objective "technical data" were carefully managed throughout the meeting to converge in support of Council approval of the Operation License<sup>23</sup>.

Prior to the formal vote by the Council on the question of approval of the Operational License, the Public Ministry's representative on the Council confronted the head of SUPRAM staff, in relation to data contained in the technical opinion. The attorney asked for his position regarding the numbers of people affected by the mining project and the enormous quantity of dead fish. The confrontation went on for some time, marked by evasive answers. Finally, the Ministry's attorney obtained the affirmation that he apparently expected: that it wasn't possible to confirm if some pending conditions were effectively fulfilled; and the motive for death of the fish was unknown. Discussion and debate were closed, voting was authorized and the result was favorable to granting concession of the operational license. The moment of commemoration by the company's employees was the moment of mourning of the *atingidos*.

Once the vote was taken on the license, those in audience began to leave the meeting area. However, discussion continued with respect to pending conditions. Without the presence of the public, Council members dispersed, the representative of the company took the microphone and, in an almost informal manner, began to discuss those measures that would be replicated in follow-up to the decision. At the end of the meeting, now without use of the microphone, pending conditions previously discussed with the company were approved, and discussion of others was deferred to the following meeting, to allow the technical staff of SUPRAM, in theory, to evaluate the viability of these additional special conditions.

If, on the one hand, *atingidos* were protagonists in the meetings of the REASA, they occupied only a marginal place in the 86<sup>th</sup> meeting of the URC-Jequitinhonha, although there were aspects and moments in which they did play a pro-active role. It is interesting to observe that the majority of those who were, in effect, the protagonists in the act of approval, did not formally speak at any time during the long twelve hours which preceded the official vote. "Those in favor of approval and granting the Operational License, remain as you are", was the voting procedure used by the chair, and which resulted in concession of the Operation License<sup>24</sup>. Perhaps no other image is more representative of the unjust character of the actions of the company and the disengagement of public authorities, experiences which, according to narratives in the REASA, compelled *atingidos* to resistance and the struggle for justice.

## Legality, alegality

Although the environmental impact assessment of the Minas-Rio mining project was subject to a whole juridical-administrative system, the bases of the process which produced the legality were the exceptions to the rule and the isolated occurrences (Zhouri 2014; Santos 2014). According to Gudynas (2016), the notion of *alegality* refers to a form of conduct of formal processes in a way to exploit gaps and interpretations

<sup>23</sup> As observed by Penna (2016: 107-108), in the scenario of the 85<sup>th</sup> and 86<sup>th</sup> Meetings of the URC-Jequitinhonha, everything that was in opposition to the mining project was easily unlinked from the company and considered an "assumed impact". Whenever a technical datum could be considered as negative and prejudicial to the company, it was classified as "isolated", "uncommon" or "fortuitous". In those instances which confirmed that the company was responsible for what occurred, the situation was then classified as a normal impact, as foreseen in environmental studies. Consistent with this perspective, mitigating measures corresponding to these normal impacts would, in effect, remove any responsibilities of the company for dealing with these impacts.

<sup>24</sup> Of the twenty Council members authorized to vote, only six made important statements during the meeting and, of these six, four voted against the LO. Council members who opposed concession of the LO, had to publicly justify their vote opposing approval of the LO, whereas the others reserved the right to remain silent.

of the legislation itself, to satisfy particular interests, even if these interests are contrary to the norm in their principles. In licensing processes, *alegality* functions as a mechanism which is employed to cause a range of environmental damages to fade, since, once illuminated, they would result in the non-viability of concession of environmental licenses, both in juridical terms, as well as economically. An enterprise licensed through *alegalities* opens precedents, since other companies will follow the same path, and a possible institutionalization of this causes a chain of negative effects, in addition to local repercussions (Gudynas 2016).

In this perspective, the environmental impact assessment procedure of the Minas-Rio Project may be considered an *alegality*. In addition to the larger division between mine, pipeline and port, in the licensing of the mine, the Installation License was divided into two stages, as well as a tangle of different processes, in reference to associated installations or the expansion of the area of the pit. That strategy spreads damages over various studies and, in various licenses, fragments collectivities and social units affected by the ongoing transformations and, as Bronz (2016: 344) points out, makes the attribution of responsibility difficult.

Other aspects of licensing described here can be viewed from the perspective of these *alegal* mechanisms of production of legality. The case of the Minas-Rio Project was analyzed as the expression of a “process of environmental de-regulation in which norms and rules are re-interpreted and environmental institutions fail to fulfill their prime role” (Zhoury 2014: 124). The debates during the continuing drama of the 85<sup>th</sup> and 86<sup>th</sup> Meetings punctuate the steps, one by one, of this constructive effort, beginning by the refusal of requests to make available crucial documents, such as the report of evaluation of compliance with special conditions, a reason which was not sufficient, however, for the exclusion of the Operation License from the agenda of the meetings. Throughout the process, there were repeated complaints about difficult access to documents, a lack of transparency already identified as an important obstacle to popular participation in the environmental licensing processes (Zhoury 2008).

Other *alegalities* could be mentioned, but in this specific case, the way that the special conditions were dealt with is noteworthy. This is not only due to the mechanism of continual edition and re-edition of a substantial number of condition measures, but also by the unique manner of technical analysis undertaken to produce a process “without” unfulfilled conditions. In the 86<sup>th</sup> Meeting, company representatives stated that in reports of SUPRAM there were three stages of response to pending conditions: “in process of compliance”, “in compliance” and “complied with, though not in a timely manner” (“*em cumprimento*”, “*cumprida*”, and “*cumprida fora do prazo*”). However, the legislation is quite clear: article 8, paragraph III, of CONAMA Resolution 237/97, defines the Operational License as that which authorizes operation of an enterprise “after verification of effective compliance” with measures of environmental control and special conditions specified in prior licenses

Several pending conditions had not even been certified by the report of the technical official agency, having been “forgotten” by the technical team. In the words of the head of the team: “several pending conditions were overlooked” (86<sup>th</sup> Ordinary Meeting of the URC-Jequitonhonha), but that did not impede voting on the license at that moment; since those conditions were considered “in process of compliance” and, therefore, were postponed for after concession of the operational license. In this manner, it is clear that it is very simple to attest that conditions are in that exotic condition of “in process of compliance”, and thereby have them completely lose the objective of conditioning. The *alegality* which subverts the principle of the norm becomes evident.

Finally, it is time to comment about what we have referred to as the *participative scene* we have described in this article and its place in the construction of this legality. Previously, we have discussed the narrow limits of social participation in the model of environmental governance which has developed since the

1970s, as has been constituted in Brazil and in Minas Gerais. Zhouri (2008) points to structural problems, related to highly hierarchical relations of power which constitute the environmental field, and strict interpretations which sustain the political games and legitimation of the field, anchored in the paradigm of environmental adequacy (*adequação ambiental*); as well as procedural issues, such as late, particular and marginal spaces which are formally made available for participation in licensing processes.

In this perspective, the *participative scene* would have a performative character, that is, a performance in itself of the event, the conduct, the governing – or rather, the governance – of the environmental process. In the licensing of the Minas-Rio Project, *atingidos* were able to assume center stage, establish rules for the company, control the time, dictate the agenda and record the minutes of the meeting; in forums, such as the one cited above, they performed a model of conflict management, based on the accommodation of interests, negotiation and on the perspective of a consensual construction (Zhouri 2014: 131), which could only be constituted by means of their presence. Such forums were, in fact, excluded from the spaces of power, whether because the latter took place in the backstage of licensing, or whether they assumed the form of official decision-making spaces, either in the technical (SUPRAM), or political-administrative (URC) realm.

Nevertheless, such intervention was not without risks to established relations. The symbolic and political effects of the expressive actions of the *atingidos* could not be belittled. In the face of these effects, a different order of strategies was operationalized, organized or directed at the expressive dimension and participation.

The interaction and the clashes which occurred during meetings of the REASA constituted one of the sources, if not a laboratory, for what became the argument of the “supposed impact”. The formalization of this as a (pseudo)-scientific concept constituted one of the mechanisms intended to order, control, trim, participation, when the latter began to surpass previously contemplated limits. In this case, the adoption of scientific language, the reverberation of the discourse from a place of knowledge and authority, had as objective to de-constitute the legitimacy of the place of the words and the knowledge of the “participant social subjects”, when debate in the official arena could not be avoided.

It is plausible to suggest that, between the 85<sup>th</sup> and 86<sup>th</sup> meetings of the URC, the change in location operated as a similar mechanism, intended to obstruct the possibility that, in the scanty and level space of the auditorium of the administrative center, an unforeseen and uncontrolled participation, such as that which occurred in the first of the two meetings, could place in check the correlation of forces, even if only in that context and at that moment. Space as control. However, not only as control: among the situations ethnographed, the 86<sup>th</sup> Meeting, with all its implications in terms of symbolic, psychological and physical violence (Penna 2016; Zhouri et al. 2016), including the presence of an ostensive police apparatus, is exactly that which seems to underscore the narrow limits within which participation is welcomed.

Last, but not least, time as control<sup>25</sup>. If, on the one hand, participation is advertised as the structuring foundation of the governance model itself, on the other hand, the dynamic of time, in the assembly of the participative scene, includes mechanisms intended to make difficult or limit the breadth of that participation. The linking of events, with resulting shortening of deadlines, accelerates time, weakening the quality and capacity of participation of social subjects. In this case, events which were fundamental for the *atingidos*, such as meetings to present and discuss the new study about the affected population, with the purpose of including families in the land negotiations, and the two meetings of the Operation License, occurred in the space of time of little more than one month. On the other hand, time can be extended, when indefinite positions are prolonged, simultaneously maintaining, but weakening, expectations.

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<sup>25</sup> Observation inspired in dialogue with Raquel Oliveira to whom the authors thank.

Ferreira (2015: 98-104) identifies, as one of the mechanisms of power activated by Anglo American in the licensing of the Minas-Rio project, a continuous and lasting dialogue/negotiation of the company with the communities, to make clear what is, in fact, an intense procrastination in the resolution of the problems generated by the mining project.

In summary, clashes which occurred in the public arenas incorporated the production of legality; however, their dynamics indicate that, in the process of double configuration in which authorized discourses and knowledges are allied to a mechanism of violence in the de-constitution of social subjects of rights (Santos 2014), political action can result in gaps and fissures.

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## List of Abbreviations and Acronyms

ADA	Área Diretamente Afetada
BNDES	Banco Nacional de Desenvolvimento Econômico e Social
COPAM	Conselho de Política Ambiental de Minas Gerais
EIA	Estudo de Impacto Ambiental
Fórum CMD	Fórum de Desenvolvimento Sustentável de Conceição do Mato Dentro
IBAMA	Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis
INEA	Instituto Estadual do Ambiente
LI	Licença de Instalação
LO	Licença de Operação
LP	Licença Prévia
MAB	Movimento dos Atingidos por Barragens
MMX	Minas Rio Mineração S.A.
MPF	Ministério Público Federal
MPMG	Ministério Público do Estado de Minas Gerais
PRMG	Procuradoria da República em Minas Gerais
REAJA	Rede de Articulação e Justiça Ambiental dos Atingidos do Projeto Minas-Rio
REASA	Rede de Acompanhamento Socioambiental
RIMA	Relatório de Impacto Ambiental
SISEMA	Sistema de Meio Ambiente de Minas Gerais
SUPRAM	Superintendência Regional de Regularização Ambiental
URC	Unidade Regional Colegiada

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# Contested Knowledges in the Environmental Conflict over Uranium and Phosphate Mining in Ceará – Brazil

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## **Abstract**

This article analyses aspects of knowledge production in situations of environmental conflicts. It focuses on the context of the environmental field established by the announcement of the uranium and phosphate mining project in the *Sertão Central* (Central Hinterland) of Ceará – Brazil. The aim is to describe several *modus faciendi* – ways of acting – that update and territorialize epistemicide and cognitive injustices in the context of neo-extractivism. It also intends to describe processes of knowledge construction put in motion by subjects who were affected, in order to defend themselves from threats to their territories and ways of life. The study also addresses interfaces of this process with the participation of researchers/advisors who, from the perspective of a science oriented by activism, engage in dialogue with local subjects for a shared production of knowledge.

**Key words:** knowledge; development; environmental conflict; uranium and phosphate mining.

# Conhecimentos em disputa no conflito ambiental em torno da mineração de urânio e fosfato no Ceará – Brasil

## Resumo

O artigo examina aspectos da questão do conhecimento produzido em situações de conflitos ambientais, tomando como base o campo ambiental conformado a partir do anúncio do projeto de mineração e beneficiamento de urânio e fosfato no Sertão Central do Ceará - Brasil. Propõe-se a caracterizar alguns *modus faciendi* que atualizam e territorializam o epistemicídio e as injustiças cognitivas no contexto do neoextrativismo, bem como os processos de construção de conhecimentos acionados pelos sujeitos afetados, no intuito de defenderem-se das ameaças a seus territórios e modos de vida. Aborda ainda as interfaces deste processo com a participação de pesquisadores-assessores que, na perspectiva de uma ciência orientada pelo ativismo, engajam-se no diálogo com os sujeitos locais para a produção compartilhada de conhecimentos.

**Palavras-chave:** Conhecimento; Desenvolvimento; Conflito ambiental; Mineração de Urânio e fosfato.



In the context of the division of labor and nature imposed by advanced capitalism, environmental conflicts spread across regions such as Latin America and Africa (Svampa 2016), where large mining and agribusiness enterprises are established. These large projects, together with the infrastructure which they require, result in new territorialities, strange to the living places of a variety of traditional peoples and communities. Affected by dispossession and the degradation of the ecosystems which sustain their lives, they are exposed to serious violations of rights – to the land, territory, culture, environment, dignified work, health, among others –, a situation of environmental inequalities and injustices.

In this dispute over material and social appropriation of nature, distinct rationalities confront one another: on the one hand, space as a source of accumulation and, on the other, space as a source of memory, identity and reproduction of modes of living (Laschefski 2011). This confrontation is established from the very beginning, since the announcement of the project – the phase in which the economic agents, often accompanied by State agents, operate to obtain not only the environmental license, but also the so-called “social license to operate” – as denoted by the business sector.

Thus an environmental field is constituted – as “space of social relations, structured hierarchically and which is marked by a game between social actors which dispute”, among other things, “the definition and practices related to the ideas of sustainability, development, environment, etc.” (Zhouri 2012:47). In this environmental field, debates begin with the evaluation of the enterprise, its repercussions for the place, the good and the evil it will bring. Most often, these debates are characterized by a sharp asymmetry of power. Various social actors face one another, each defending their interests and values, which are often contradictory, and not always explicit, thereby constituting cognitive-political conflicts (Acselrad 2014). In this dispute, knowledges – scientific and popular – are also at stake, involving “the unequal distribution of economic, political and symbolic capital, which locate the agents in the field, making available to them distinct powers to enunciate and assert their respective political projects (Zhouri and Oliveira 2013: 80).

Social groups affected by development projects, which seek to be part of this environmental field, believe that their concerns are frequently not considered. The access, itself, to information about the project is difficult, with respect to characteristics of the project, risks involved and guarantees for those affected. Such information, vital to allow subjects in their territories to understand, evaluate and form an opinion, is often difficult to obtain, or is incomplete, written in language which is difficult to understand, biased or distorted by the prior political decision to implement the project. Adding to these problems is the difficulty for these groups to evaluate the implications of the project for their way of life, especially since it involves technological risks about which they have no prior experience or collective memory.

The situation becomes even more confusing for these local subjects when they have to face, in the public arena, scientific controversies and the political use of uncertainties, which is “a form of disqualifying the questioning of dramatic socio-environmental effects produced by the implementation of public goals defined by the modernizing project” (O’Dwyer 2014: 13). If, on the one hand, public understanding of science confers to it authority in the social arena, on the other hand, the expertise of scientific actors is frequently “used to legitimate spatial practices seen as environmentally harmful” (Wynne 2014: 85), considering that “the production of scientific knowledge becomes increasingly incorporated into market dynamics and its management mechanisms”, and universities are also reconfigured as “knowledge corporations” (Zhouri and Oliveira 2013: 75).

Analyzing the interlacements between policies of knowledge and “development”, Acselrad (2014) discusses the conditions for the production, in universities, of an autonomous and critical thought which would destabilize developmentalism by introducing uncertainty to the notion of progress, having as references the “interests approach” and the “cultural properties of science” (p. 98-100). He identifies, among different logics inscribed in cognitive disputes, “elements of a lay, contextual and situated

epistemology”, constructed by affected communities to defend themselves from suspect expert discourse and from risk and damages which are imposed on them. The author also mentions “epistemic subjects of the democratization of cognitive powers”, who “become involved in cognitive struggles to deconstruct ethnocentric epistemologies and demonstrate political dimensions of the field of knowledge: next to the ecology of knowledge they propose, similarly, an ecology of powers)” (p. 101).

Along similar lines, Zhouri and Oliveira reflect upon the various incursions of anthropology into cognitive disputes which involve environmental impact assessment processes – consulting firms that evaluate environmental impacts, technical personnel in State agencies, expert analysts and advisors. The authors underline the role of the latter group as “supporting actors, assisting the active participation of local subjects”, guided by a militant anthropology, aware of “the possible effects and political consequences which result from forms of appropriation of this knowledge” (Zhouri and Oliveira 2013: 103, 98).

In this direction of engagement with the demands of the research subjects, researchers are challenged to abandon the methodological recommendation of neutrality, a fiction which corresponds “implicitly, to the naturalization of relations of domination between asymmetric social groups inserted in a colonial framework” (Pacheco de Oliveira 2013: 55). They also find the need to dialogue with other disciplinary fields, since the challenges of research also require knowledge “from medicine to pedagogy, from law to geography, from music to mathematics, from video to agronomy” (p. 68).

Thus, in this article we will analyze aspects of knowledge production in situations of environmental conflicts, having as empirical case the environmental field formed by the announcement of the uranium and phosphate mining project in Ceará. We propose to describe several *modus faciendi* – ways of acting – that modernize and territorialize epistemicide and cognitive injustices of contemporary advanced capitalism (Santos and Meneses 2010), and highlight the reaction of affected subjects, through processes of knowledge construction which strengthen their position in the social field with the purpose of defending themselves from threats to their territories and ways of life – lay epistemology. The study also addresses the interfaces of this process with the participation of researchers/advisers who, from the perspective of a science oriented by activism (Martinez Alier et al 2011; 2014), engage in dialogue with local subjects for shared production of knowledge.

This article is based on reflections raised by the insertion of the Nucleus of Labor, Environment and Health – *Tramas*, of the Federal University of Ceará – UFC<sup>1</sup> in the territory in which the uranium and phosphate mining project is proposed. The group has conducted research in this territory since 2010<sup>2</sup>. These research processes involve interaction with subjects in field activities, in communities and settlements, in public hearings, seminars, and public demonstrations, as well as in the involvement as member of the *Articulação Antinuclear de Ceará* – AACE, together with the Landless Workers Movement – MST, the Land Pastoral Commission – CPT, and the NGO Caritas, of the Sobral Catholic Church.

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<sup>1</sup> The TRAMAS Nucleus is a research and extension group of the Federal University of Ceará, linked to Graduate Programs in Collective Health and Development and Environment. Its focus is the framework of health-labor-environmental interrelations in environmental conflicts and is composed of professors and students from a variety of academic backgrounds, specifically, Biology, Medicine, Law, Pedagogy, Social Sciences, Communication, Theater and Social Service.

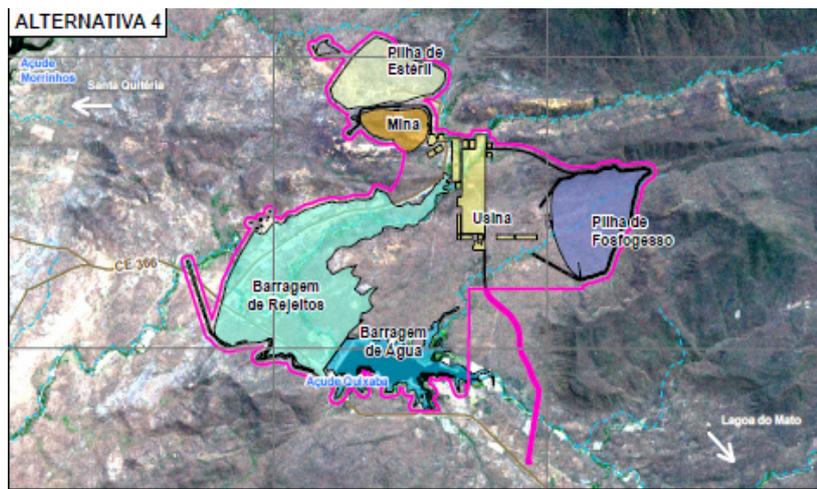
<sup>2</sup> See Teixeira 2013; Alves, 2012, Nunes 2013; Rigotto et al. 2014; Montezuma 2015; Costa 2015; Melo 2015; Ribeiro 2016; Brasileiro 2017.

## ***Modus faciendi* of the epistemicide and cognitive injustice in the central hinterland of Ceará and the construction of resistance**

Since the discovery of the Itaitaia mine, in the 1970s, various mining projects were drawn up and have become a recurrent theme in election campaigns over the course of this period. They repeatedly appear in state and municipal government plans for development and as “natural vocation” of the region, in narratives which lead towards the construction of a local identity marked by this promise.

In 2004, a uranium and phosphate mining and processing development project was announced and the debate heated up once again; but in 2010, the environmental license obtained by the entrepreneurs was annulled in action taken by the Public Ministry, due to procedural irregularities. Since then, in a new initiative, the Santa Quitéria Project was proposed by the consortium composed of, on the one hand, Brazilian Nuclear Industries – INB (state enterprise) and Galvani Industries, Commerce and Services S.A. (private enterprise) – which acts in the production and sale of phosphate fertilizers – and, on the other hand, the multinational Yara, enterprise of Norwegian origin which, since 2014, is majority shareholder of Galvani. The objective of the project, which is currently (February 2017) in the environmental impact assessment phase, is to explore, extract and process 65.6 million tons of phosphate and 80 thousand tons of uranium in twenty years. Their installations consist of a mine, a separation and processing plant, a sterile waste pile, a phosphogypsum stack and a tailings dam (Figure 2).

**Figure 2** – Map locating installations of the Santa Quitéria uranium and phosphate mining and processing project, Ceará – Brasil. Source: Arcadis Logos 2014a



In this context of the announcement of the Santa Quitéria Project, the topic of the mining project has become ever-present in conversations among residents, in schools, in the media and in public debates, forming a field in which the social license of the project is in play and in which various actors produce and disseminate narratives which tend to be polarized between “pro” or “con”: the entrepreneurs and their experts, public authorities and their technical staff, representatives of the legislature, urban and rural residents, merchants, liberal professionals, landowners, social movements, researchers, and others. In this scenario, which constitutes an environmental conflict (Svampa 2016), the actors draw on a diversity of knowledges – from native to specialized – and develop strategies for the symbolic dispute over the meaning and implications of the project for the place, which will be presented as follows.

## a) Disqualification and reaffirmation of local knowledges and ways of life

In the justification of the mining project to local society, the consortium presents itself as an entrepreneurial answer to an important national need:

### WHY DO WE NEED THE SANTA QUITÉRIA PROJECT?

Brazil needs basic inputs, such as phosphate-based fertilizers, in order to produce more food. Currently, a large part of these basic inputs are imported. At the same time, we need to generate sufficient non-polluting energy for food production and other purposes. One of the clean energy alternatives is the energy produced in nuclear plants. Why not, therefore, have a project which brings together, at the same place, phosphate extraction to produce agricultural fertilizers and animal feed and, in addition, produces uranium for the generation of electric energy? (Arcadis Logos 2014b: 6).

The initial question – “Why do we need the Santa Quitéria Project?” – aims to establish a “we” that would unite the interests of all social segments in support of the project, to induce a conclusion that “we need it”. The justification for the project operates with a supposed universal consensus regarding the need for increased food production in Brazil. However, studies indicate that the problem is not the volume of food produced, but the use of technologies brought about by the conservative modernization of agriculture, such as chemical fertilizers, when there are other conceptions and living alternatives in the territory, such as organic agriculture and agroecology,

The Environmental Impact Study – EIA – required by Brazilian legislation as the basis for environmental licensing is carried out by the Arcadis Logos consulting firm, under contract to project entrepreneurs. The EIA provides official data about “low educational level” and classifies the population as “uneducated” and having “low employability” (Arcadis Logos 2014a. v. IV: 178). It diagnoses the prevalence in the region of small-scale farming and cattle raising activities with scarce technology and very low productivity, “producing results of low efficiency” (Arcadis Logos 2014a. v. III” 264). Using quantitative indicators in their study, such as the Human Development Index (IDHM) and per capita income to affirm “that the IDHM of 0,616 for Santa Quitéria and of 0,56 for Itatira (IBGE 2010) characterizes a situation of misery of the population of the region, which should be overcome by imitating the model of regions with better scores for economic indicators, that is, by incorporating the capitalist urban-industrial system”, as Melo analyzes (2015: 132), based on Zhouri and Laschefski (2010). In addition, in the seminar *Renewal of the project of exploration of the Itataia mine and its economic importance for Ceará* (2013), a federal congressman justified the project as a development opportunity, since “it is a region fated to live in extreme misery, without alternatives” (Melo 2015: 132).

In response to this situation characterized as misery, the powerful conception of development as “salvation” (Montezuma 2015) or “redemption”<sup>3</sup> (Monteiro Junior 2017) underlies these narratives and promotes important political support for the Project:

Summarizing, municipal authorities were favorable to the Santa Quitéria Project, with expectations of generation of employment, income, development and revenue for the municipality, as well as road construction which, in turn, would make possible investment in the region, with caveats regarding environmental degradation and burdening public facilities and, principally, possible health problems and contamination caused by the exploration of uranium (Arcadis Logos 2024a. v III: 618).

<sup>3</sup> It is noteworthy that the Brazilian writer Jorge Amado, in his work entitled *Tieta do Agreste*, speaks of the announcement of implementation of the Brastânio – a titanium dioxide factory in the coastal paradise community of Santana do Agreste and, in 1976, describes with acuity the construction of the narrative of the entrepreneurs regarding “progress” and of “development”, creating the motto “The Brastânio is the redemption of the Agreste!”

In addition, the state government of Ceará has publicly defended the enterprise, emphasizing perspectives for a new pole of regional development. The Ceará state government is also committed to invest public resources for the construction of infrastructure required for mining operations, especially the water pipeline and widening of roads – long-time demands by citizens of the State, recognized only now, when required by the mining project.

In the narrative of development-as-salvation-from-misery, employment earns higher value, when compared to autonomous labor conducted by residents on their lands. The latter is signified as negativity reflected in the “high index of informality of labor relations”:

More than one thousand workers will be hired to construct the Santa Quitéria project and approximately three thousand direct and indirect jobs will be created when it is in operation. Thus, Santa Quitéria will contribute to the improvement in living conditions of residents and to the development of the region as a whole. With more jobs will come job training courses, more water in people’s houses and more revenue for the municipal government. Consortium Santa Quitéria, giving value to the natural wealth of our region. (Excerpt of a video that introduces the Consortium, shown at the start of public hearings, on November 19, 20 and 21, 2014).

Thus, as in other enterprises, job creation has been posited as the legitimating argument for the project by agents of the State and the consortium. For some residents, employment would be the benefit, “in exchange for” the mining: “because the harm we’ll just have to accept. So we’ll gain a little of something which is good, if there is...”, commented one of them after the public hearing (Montezuma 2015: 121). The argument of job creation is employed repeatedly and incisively, especially for the young people, including in public schools, as a promise of entrance into modernity:

We were always told by teachers that the Santa Quitéria Project would become a reality and that it would open up many opportunities, especially for young people concluding the third grade, and that there would be many employment opportunities, that it would be good for the community, that the community would develop (Young student from Itatira interviewed in Brasileiro, 2017).

Nevertheless, the situation verified in the settlements and communities of the region does not correspond to the stated “extreme poverty”, as also noted in other studies conducted in Brazil (Laschefski 2011; Monteiro Junior 2017). After gaining land, through struggles mobilized by the MST and by the Rural Farmworkers Unions of the region, residents drew on their knowledge of living in the semiarid and living in community to organize movements related to public policies and access to resources for housing and necessary infrastructure. They coordinated their activities with NGOs which provide assistance in the technology of water catchment, both for human consumption as well as for agro-ecological production and are constructing their own territoriality in the countryside, “based on personal and primary relations, structured around the family and ties of solidarity, informed by kinship, with the community as the basic social unit” (Marquez 2004 apud Laschefski 2011: 30). Although not all have access to land, and the majority feel the need for greater help from public health, education and agricultural production policies; many of the native narratives reaffirm the peasant way of life:

Studying and thinking about mining, thinking about migrating to the South, that is, Rio de Janeiro and Sao Paulo, that’s not the solution. I think it would be better for young people, mayors and city councilmen to do consciousness raising for young people to live and produce in the countryside [...] This young person who finishes his studies in the countryside has the mentality, the knowledge, that you can also be happy living in rural areas and producing quality foods, and passing on the fruit of their production so that children in the school in our town can eat healthier food (Resident of the community of Riacho das Pedras, Santa Quitéria, interviewed in Monteiro Junior 2017: 144).

Thus, the alternative of “development” and employment which the project would bring is in confrontation with the project of peasant territory, constructed over a period of decades, thereby dividing residents of the communities and the settlements. In conversations with the latter, new questions are raised – “but what is going to be the price of these jobs?”, “why doesn’t anyone come and speak about the risks?” (Brasileiro 2017) – requiring the provision of additional information, the access to which is often not facilitated, as we will discuss next.

b) Inequalities in access to information about the project and its consequences and the road to a lay epistemology

Since the beginning of 2000, there has been an increased presence in the area of the Itataia mine of biologists, geologists, sociologists, physicists and various other professionals, conducting field studies required for the elaboration of the EIA. They interact with communities of the region, seek information and even people who can act as guides, transport equipment, provide water or meals. It was through them that residents learned that the mining project was moving forward. Probing possibilities of transformation in their territory, they shared these fragments of information in daily conversations or in community association meetings, tried to “connect the dots”, raised hypotheses and learned something additional to test their hypotheses, while a feeling of insecurity about the future of their place took hold (Figure 3).

**Figure 3** – Residents of the communities visit the site planned for the enterprise and talk about its consequences.

Source: *Acervo Nucleo Tramas/UFC*



At the same time, a variety of processes were occurring in meetings between entrepreneurs and public agents, for which the territory is essentially a profitable mineral deposit, and much information was produced and circulated, without community participation: mining authorization, locational alternative, environmental and nuclear licensing, negotiations over resources to be invested by the governments, the elaboration of pacts of assistance, definition of public relations strategies, etc.

In April of 2014, the EIA was finally made available by the federal agency responsible for the licensing – the Brazilian Institute for the Environment and Renewable Natural Resources – IBAMA. Also made available at that time was the Report of Environmental Impacts – RIMA, required by legislation with the objective of providing information about the project in language accessible to the society. Thus, in addition to having been excluded from planning and decision-making phases of the project for more than a decade,

those people who would likely be affected had only seven months to prepare for debate about the project in the public hearing. Seven months is actually a very short period of time for preparation, considering the complexity and large size of the project, as well as the specificities of its appropriation by local residents.

Furthermore, civil society did not have access to certain types of important information concerning the mining project beyond localized impacts, such as risks generated at a broader geographic level. The EIA announced “risks identified by the Santa Quitéria Project excluded risks referring to nuclear substances, in this case, uranium, which will be evaluated by experts in this type of substance” (Arcadis Logos 2014a. v. IV: 534). In a simple and daring operation<sup>4</sup>, the consortium completely removed risk evaluation related to radioactivity from public debate and submitted it to an unidentified group of experts. We emphasize that this is precisely one of the major concerns of residents with regard to consequences of the project, identified and recorded even in the EIA: “the great fear of those communities contacted refers to potential health problems caused by radiation, soil and water contamination, etc.” (Arcadis Logos 2014a. v. III: 698).

According to Montezuma, in the public hearings (November, 2014) “one of the participants submitted a written question about risks of radiation during mining operations:”

Despite the fact that presentations dealt with the environmental impact, I consider the information merely superficial. Those risks considered natural are already known. However, I would like to hear about risk during mining operations. What will be the radiation levels reached? (Montezuma 2015: 217).

The author continues, affirming that “IBAMA considers that the question has already been addressed and that we should move forward”. A modus operandi of cognitive injustice is thus unveiled, actively produced by the entrepreneurs by making it difficult for those threatened by the project to learn the full extent of project-related risks. This strategy diminishes the value of the public hearings as public spaces of participation and debate, making them merely a circumscribed, devalued space of “environmental adequacy” in which palliative measures of mitigation and compensation of project-related damages are presented (Zhou, Laschefski and Pereira 2005).

In turn, communities recall the period of drilling of the mineral deposit (1970s) and share memories of accidents which occurred, including the fire; they exchange information about the presence of technical personnel and their activities in the territory, and take their concerns to the movements and groups with which they exchange ideas. That is the context in which the AACE – Antinuclear Articulation of Ceará – was constituted. The AACE dealt with the demand for greater knowledge about the project and organized educational seminars for local residents. Through their ties with the Brazilian Network for Environmental Justice and the Brazilian Antinuclear Articulation, AACE promoted interchanges with subjects of the municipality of Caetité, in the state of Bahia, site of the only uranium mine in Brazil currently in operation.

The visit of people from Ceará to that region of Bahia made it possible for residents of Santa Quitéria and Itatira to more fully comprehend the nature of a project of this size, and its consequences, after talking with local residents about their difficulties in marketing their agricultural products in the open markets in the municipality due to suspicion of radioactive contamination; visualize the cracks in the walls of their houses due to explosions during mining operation; hear from mineworkers stories of precarious and insecure working conditions in the company and the perception of increased cases of cancer; identify similarities in company and institutional strategies adopted in the two states and discuss strategies of resistance.

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<sup>4</sup> According to Brazilian legislation concerning radioactive minerals, environment licensing of the enterprise should also include nuclear and mineral licensing, as the EIA itself recognizes (Arcadis Logos, 2014a, Vol. I: 44). Nevertheless, the consulting firm, probably in accord with the proponent of the project, omitted nuclear licensing from the environmental licensing proposal and submitted the studies in that way to the national licensing agency.

Well before the meetings I was completely in favor of the mine. I was convinced that it would be better for our community. Also, for our country [...] More and more I began to think that the opposite was true. About the bad things that would happen to our health. Examples from people in Caetité, of people who lived through this. People telling how nobody wanted to buy any more food produced in the region. And how I thought that it would change their lives and how what happened was totally the opposite (interview with resident of Riacho das Pedras in Monteiro Junior 2017: 126).

Residents and social movements perceived the value and importance of this dialogic process of knowledge construction, which facilitated the development of independent, informed evaluations regarding the consequences of the project for the lives of local residents. In order to follow up on this perception and expand the process to a greater number of people, they organized an event entitled *The Present which we have in Caetité-Bahia and the Future we want for Santa Quitéria-Ceará*. Organizers brought to Ceará a farmer, resident of the periphery of the mine in Bahia, an employee of the company, a local priest and a representative of the NGO Movement Association Paulo Jackson. The event took place in the two communities which would be affected (Figure 4), as well as in the capital of Ceará, with the purpose of involving social groups in the resistance to the mining project.

**Figure 4** – Scene from the I Antinuclear Day of Ceará, showing participation of people from Caetité/Bahia  
Source: Acervo Núcleo Tramas/UFC



Following this event, others included the II and III Antinuclear Days of Ceará, in 2014 and 2016, as well as activities in the communities in preparation for public hearings sponsored by IBAMA, as part of the effort to increase access to information and strengthen the argumentative capacity of local residents: “my opinion today is ‘no’, and now I know how to say why”<sup>5</sup> (interview with young student in Brasileiro 2017).

These types of activity are informed by the notion of environmental justice, constructed by social movements in struggles which make claims for policies which assure broad access to information about the project and its consequences. These movements also demand “democratic and participative processes in the definition of policies, plans, programs and projects which affect them”; and support the “formation and active participation of collective rights subjects, social movements and popular organizations” (RBJA 2001).

<sup>5</sup> And she continues: It's because it's no use wanting a small city to grow in size, population, if it is going to bring bad things. Because it's going to bring not only diseases, but also more robberies, more deaths, more prostitution. Not that we don't have that now, but not as much. But so many young people are going to come here, thinking it's one thing and discovering that it's something totally different. And so before, some of my classmates were in favor, and they still are today, but when you ask each one of them why they are in favor, they give you the same answer. It's always the same answer. 'It's going to bring a lot of money here, we're going to have more development and more jobs'. But what are these jobs going to cost?!”

### c) Scientific controversies and dialogue for shared knowledge construction

In addition to the omission of the problem of radioactive contamination in the EIA, the RIMA disregards issues central to public concerns: for example, the word cancer or its synonyms do not appear even once in the pages of the document, although it is the risk most closely associated with the productive chain of uranium in the scientific literature, and recognized as such by national legislation (Radonseal 2012; Rericha et al 2006; Taeger et al 2006). When questions regarding these probable consequences of the project were raised by residents and social movements, the consortium rearticulated less generic communication strategies and responded in that way to concerns brought to the public arena. With respect to cancer risk associated with the productive process, the newspaper distributed by the company cleverly called *Daqui* (From Here, in the sense of fostering identity with the place) offered, under the title *Overcome your doubts about the project*, the following “information”:

Is uranium dangerous to human health?

A variety of international research projects, carried out in sites where there are large mineral reserves, demonstrate that natural uranium does not produce a large number of cases of cancer or other disease directly from the radiation (newspaper *Daqui*, Santa Quitéria, s.d.).

Such a statement can be analyzed as perverse information (Acsehrad, Mello e Bezerra 2009), to the extent that it associates the adjective “natural” with uranium, relating it to the idea of beneficence, and which omits the fact that 118 tons of minerals containing uranium will be extracted from the subsoil, crushed and ground above-ground, profoundly and radically altering the “natural” conditions in which it is found – that is, “awakening the dragon”, according to native expression. Furthermore, it appropriates and interprets available scientific knowledge in accord with its own interests: in fact, the element uranium ( $U_{238}$ ) is known to cause kidney alterations, but it is widely known that it is an unstable metal which associates fourteen chemical elements known as children, in a chain of decay which emits radioactive particles alpha and beta in each transformation. Among these is the gas Radon ( $Rn_{222}$ ), recognized as the second highest cause of lung cancer in the world (Randoseal 2012).

Funtowicz and Ravertz recall that, on the one hand, the Illuminism contributed to the spread of the belief that public decisions should be supported by rationality and scientific expertise – “supreme authorities, holders and providers of practical wisdom”. These authors alert, however, that it is incumbent on us today to recognize that this scientific rationality is not stripped of values and is not neutral ethically; that the definition itself of the problem is coerced by political considerations and interests and the composition of the scientific field is biased by social groups which have access to scientific training (Funtowicz e Ravert 1997: 221).

In turn, agents of the State, committed to the consortium in acquisition of licenses for mining, actively participate in the process of the concealment of risks, denying public concerns and disqualifying those narratives which are counter to the enterprise. In the public seminar *Renewal of the Itataia Mining Project and its Economic Importance for Ceará*, organized in 2013 by a Federal congressman together with entrepreneurs, the mayor of Santa Quitéria affirmed the following:

Our democratizing the information is to demystify notions of the past and, once and for all, end fallacies that the mine will contaminate, that the mine is prejudicial, that the mine is going to bring evil spells...Through this democratization of information we perceive that these fallacies and these incorrect notions are going to fall by the wayside. So it is important that events like this happen more frequently. Moments like this when we can once and for all put an end to the issue of not exploiting the mine, of not developing (Ribeiro 2016: 46).

Thus the highest municipal authority, by characterizing as mystical, fallacious and incorrect those arguments which question the consequences of the project which would bring development to the municipality, clearly expressed his intention to close debate on the risks of the mining enterprise. The idea of democratization of information was appropriated not in the sense of expanding its access to public debate, but rather to refer to the dissemination of the perspective of the enterprise, which supposedly would have arguments to successfully counter opposing arguments. According to Ribeiro (2016:46), the following types of statements in that Seminar were frequent: “there’s a lot of prejudice about this mining project”; “there’s a lot of incorrect information”; people are imagining many things”; “radiation is in the whole environment, but it can be monitored, without any problem”; “people shouldn’t worry about inspection, because the responsible government agencies do this very well”.

Another important public concern is with respect to water, since it is a semiarid region where there is a shortage of water. The state government agency responsible for water management was urged to submit a technical report to IBAMA regarding the viability of the mining company’s requirement of 8.030.000 cubic meters of water for each year of operation, or 1.100 cubic meters per hour (Arcadis Logos 2014a: 468). The agency presented a text which, in the analysis of Araújo e Ribeiro (2016), violates basic concepts and methods of hydrology to conclude that “the region’s access to water has positive perspectives”<sup>6</sup>.

State agents prematurely committed themselves in favor of the project, abdicating their role in critical analysis of the enterprise and in complying with the law, to the prejudice of the protection of citizens and generating new controversies (Acselrad 2013). In turn, the consortium even lied during public hearings, with respect to the concern expressed by one resident regarding the risk of rupture of the tailings dam – which is situated on a course of water – and of contamination of crops downstream. Ordered to respond, the engineer responsible for the tailings dam informed that this water would contain, at the maximum, sand and clay, when the EIA itself recognized that it would be contaminated from radium and thorium – which was denounced soon after by a researcher, citing volume and page of the document, and leading the engineer to apologize for his “mistake”.

The above example illustrates that the evaluation of occupational and environmental risks related to uranium and phosphate mining is challenging even to the scientific field. Clearly, then, it is even more difficult for the population to evaluate the consequences of the project for their lives, in the very limited time and precarious conditions fixed for public information and participation. The AACE sought to deal with this inequality by demanding that the *Núcleo Tramas/UFC* elaborate an expert opinion about the project. This request was accepted, with the formation of an Academic-Popular Panel, composed of researchers from the areas of physics, medicine, geology, economics, anthropology and law. The panel analyzed the 4800 pages of the EIA and sought to integrate their critical analyses, producing a report which identified numerous methodological inconsistencies, insufficiencies of information and studies, and highlighted aspects related to the identification, magnitude and consequences of risks to health and environment (Rigotto et al, 2014).

With the help of the AACE, the panel then participated in community meetings in which the researchers attempted to simplify the scientific knowledge to allow for active dialogue with local residents (Figure 5). Based on their situated knowledge about the ecosystem and the organization of social life, local residents discussed and supplemented analyses presented by the university personnel, raised questions which had not been anticipated by the researchers – such as contamination of their drinking water

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<sup>6</sup> The document entitled “Studies of guarantee of meeting future demands in the Acaraú Water Basin, considering the influence of implanting the Santa Quitéria Project”, elaborated by the Secretary of Water Resources of Ceará – SRH – and by the Water Resources Management Company of Ceará – COGERH – considers the total supply of water of the area of study as being equal to the sum of the storage capacities of the dams, not taking into account losses by evaporation, bleeding and infiltration and, principally, the hydric deficit characteristic of the semiarid and the five-year period of drought which has afflicted the state, basing its conclusions on the false premise that the reservoirs show 100% capacity of storage (Araújo e Ribeiro 2016).

reservoirs, supplied by rainwater drained from rooftops, which could be contaminated by the deposit of toxic and radioactive dust – and both groups shared their doubts.

**Figure 5** – Research geologist of the UFC in dialogue about the EIA with community of Riacho das Pedras, Santa Quitéria, 2014.

Source – *Acervo Núcleo Tramas/UFC*



Thus a dialogic process of shared knowledge construction was promoted (Santos e Meneses 2010; Porto 2011; Porto, Rocha e Finamore 2014) which strengthened the argumentative capacity of the local subjects. This was reflected in their oral presentations in the public hearings sponsored by IBAMA, although they were allowed only three minutes to express themselves. It also contributed to the expert opinion elaborated by the Panel, which provided the basis of a representation submitted by the AACE to the Public Ministry and the Public Defender, which has had some influence on the actions of these agencies in the environmental licensing process and in the elaboration of the technical opinion of IBAMA following the public hearings. In this manner, renewed paths are tested for the production of quality knowledge, which is useful in the defense of life, as we will discuss in the final section of this article.

d) Power inequalities in the production and dissemination of knowledge about the enterprise and resistance to it

The entrepreneurial consortium has been able to draw on an ample group of technical professionals to produce narratives relating to the uranium and phosphate mining and processing project. This technical group includes engineers, chemists, physicists whose verbal presentations in public hearings were often in relation to the denial or minimization of risks. Prior to each presentation, they pretentiously cited their academic achievements and titles, attempting to show that these credentials ordained them with the power of “public authority of science” (Wynne 2014).

The entrepreneurs have the support of the team of the consulting agency which elaborated the EIA (paid for by the consortium, we emphasize), which included several well-known researchers from public universities, particularly in the field of Public Health – since “discourse always owes a very important part of its value to the value of he who controls it, much more than how much the social agent controls the grammar that he speaks” (BOURDIEU 1977: 9). These consulting firms have a determinant role in the

construction of discourse for public settings and rationalized strategies of relationships with other social subjects, geared toward the production of social acceptance. To this end, they consolidate a narrative which affirms the socio-environmental responsibility of companies and their technical capacity of risk management, emphasizing “credibility”, “seriousness”, and “history of good practices” which form the new entrepreneurial ethic (Bronz 2011: 85).

The consortium further increases the asymmetry of power between the social groups in dispute by investing part of its resources contracting a firm specialized in public relations, which includes professionals specialized in a variety of areas of the human and social sciences. This firm develops actions directed toward a wide range of social actors, from the establishment media, where it frequently submits “news” which boasts of the advantages of the enterprise or which pressures public authorities to provide greater support to the project or to accelerate the pace of the licensing process, in headlines such as “Itaiaia will revolutionize the economy of the hinterlands”<sup>7</sup>, “License for the Itaiaia plant will probably be approved in the coming days”<sup>8</sup> or “Construction for Itaiaia plant expected in 2016”<sup>9</sup> (Montezuma 2015).

Considering the importance of public support by the State apparatus, as an actor which confers legitimacy to the enterprise for its supposed posture of neutrality, the consulting firm drew up a broad plan of action geared toward public sector actors. In addition to the announcement and the materiality of economic advantages for state and municipal governments, the consortium arranged transportation to take mayors, city councilmen, and municipal health and environmental secretaries to Caetité, Bahia, to hear testimonials from their peers about the benefits of the ongoing mining operations, in a strategy which followed the above referenced interchange between residents and workers of the two affected municipalities, organized by the AACE.

A specific intervention strategy was developed to relate to those communities faced with the prospect of having to deal with the harmful features of the project, and which constructed a strong process of resistance, supported by shared knowledge construction. That strategy consists of actions including becoming friendly with subjects most important locally in opinion formation – even presence at birthdays and tributes on Fathers’ Day – as well as proposing projects which associate the offer to construct a deep well for drinking water to setting up experiments with chemical fertilizers in one of the communities.

At the level of local society, the company contracted to manage public relations created a toolbox which includes “a site with information about the project, and maintains a citizen information center in Santa Quitéria. In addition, it established a radio station in the region to disseminate information about the project, and produces pamphlets about radiation, water and contamination, material which is used in pedagogic work in the schools of the region” (Melo 2015: 143-4).

Thus, the project entrepreneurs construct powerful strategies to disseminate their narratives, using their economic, political and symbolic capital. These narratives reach a considerable segment of the population. In turn, AACE has prioritized dialogue with communities and with those researchers engaged in the Academic-Popular Panel, to produce discourses which contest “arguments presented by the consortium and by the State regarding environmental and social feasibility of the project, as well as contesting the managerial capacity and discourse of eco-efficiency of the companies” (Montezuma et al. 2016: 208).

7 <http://www.oestadoce.com.br/noticia/itaitaia-revolucionara-economia-dos-sertoes>

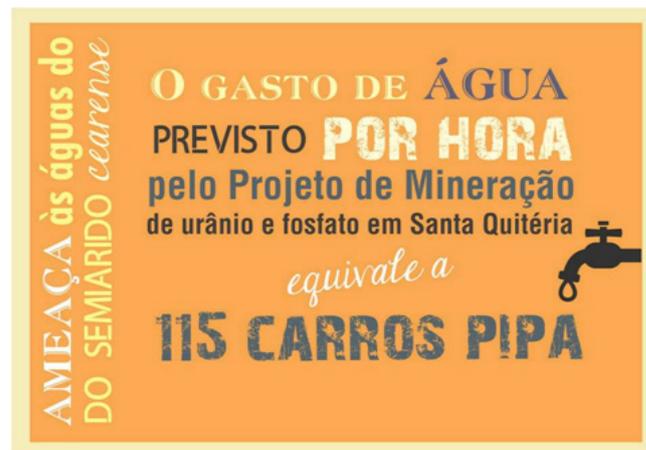
8 <http://diariodonordeste.verdesmares.com.br/cadernos/negocios/licenca-para-usina-de-itaitaia-deve-sair-nos-proximos-dias-1.1338255>. Accessed May, 14<sup>th</sup> 2014

9 <http://diariodonordeste.verdesmares.com.br/cadernos/negocios/usina-de-itaitaia-obras-previstas-para-2016-1.1065077>. Accessed May, 14<sup>th</sup> 2014

Nevertheless, there is an enormous asymmetry in the power of dissemination of these counter-narratives, as a result of the dynamics of an environmental field marked by hierarchical positions and very unequal power relations. The AACE recognizes the limits of their ability to reach communities expected to be affected. These limitations are due to the following factors: difficulties of the social movements and entities which make up the AACE with regard to the territorial mobility and time availability of militants for these activities; difficulty in obtaining speaking time on local radio stations or publishing in the written media; and in scheduling meetings with public authorities or obtaining answers to questions posed to public agencies.

In their effort to deal with this inequality, AACE developed strategies of producing communication materials, such as the documentary-video *From Caetit  (Bahia) to Santa Quit ria (Cear ): the sagas of uranium mining in Brazil*, available on the Web<sup>10</sup>, which records the learning process constructed during the interchange between residents of Santa Quit ria and Caetit . In addition, through the NGO Caritas of the Sobral Catholic Church, AACE elaborated the pamphlet entitled: *In Cear : the struggle of life against Uranium*, which highlights “the strong peasant culture ingrained in the life of the people” of the region and presents the mining project as a possible “second stage of a reverted *latifundio* of developmentalist idealism” (CDS: 2013: 3). AACE also developed infographics to improve communication regarding the most critical aspects of the mining project.

**Figure 6** - THREAT to the waters of the semiarid region of Cear : the expected hourly consumption of water of the uranium and phosphate mining project in Santa Quit ria is equivalent to 115 water distribution trucks<sup>11</sup>.



These materials were important examples of autonomous processes of knowledge construction about the project and materials used for training and debate with communities, institutions and social movements of the region, although the quantity and reach was much lower, in comparison to materials produced by the consortium.

<sup>10</sup> [www.youtube.com/watch?v=4sA\\_-ClFaZA](http://www.youtube.com/watch?v=4sA_-ClFaZA). Accessed February, 12<sup>th</sup> 2017

<sup>11</sup> *Carro pipa* refers to trucks which supply water to local communities in periods of drought.

## Final considerations

The course of the knowledge production process discussed within the context of the environmental conflict in Santa Quitéria illustrates the argument that the radical denial of the existence of native peoples “beyond the equator” has persisted for centuries. Even after the independence of the colonies, this process has continued to adapt and territorialize in the global South to the extent that “modern western thought continues to operate along abyssal lines” (Santos and Meneses 2010: 39).

The production of symbolic legitimation and support of development projects involves discourses and practices which imprison in the past the wisdom and ways of life which resist the paradigm of globalized capital (Castro-Gomez 2007). The people who construct these territories are represented as non-subjects. Their existence is often denied, even in maps which locate the mining projects (the supposed “demographic emptiness”). Even when their existence is recognized, they are treated as incapable of participating in decision making processes about the future of their territories because they lack knowledge to contribute to these debates.

They are excluded from macro-processes of economic and political decision making. “Participation” required in environmental assessment procedures is restricted to the paradigm of environmental adequacy, in which the project is presented as inevitable and which “exemplifies the dynamics of an environmental field marked by hierarchical positions and very unequal power relations” (Zhourri 2012: 46-47). Public concerns are treated as doubts due to ignorance, which, when not ignored or disregarded, are clarified by a supposedly unique and unbiased expert knowledge. In this manner, the epistemicide and cognitive injustice which compromise their possibilities of self-defense as a social group, is compounded by the expansion and vulnerabilization of people affected, and of others likely to be affected, as a result of the materiality of the advance of expropriation and spoliation.

Nevertheless, it must be recognized, especially in a context of a global eco-systemic crisis and crisis of civilization, that these local subjects maintain precious knowledge and values about life and community organization, and about relations with nature. This knowledge and these values can illuminate important alternative paths of development and modernity for humanity. In a world headed for a collapse of water supply, they know how to live day-by-day with little water; in a planet in which there is an increasing number of regions with desertification processes, these people produce food security in the semiarid; they maintain seeds free of transgenics – which will be a source of a renewal in production of healthy foods, when hegemonic science finally recognizes the risks of GMOs. The importance of these knowledges, as well as that of many others, is worthy of being recognized, valued and preserved as collective common goods of humanity. More than that, “this lay wisdom – known as ‘situated’ by cultural studies of science – is not simply wisdom which complements and democratizes the decision in the cognitive plain; it is also political wisdom which situates remaining subjects, including dominant epistemic subjects”, as argued by Acselrad (2014: 102). In this scenario, an important role is played by practices established in the field of science, hegemonized by the interests of economic agents, in knowledge production which facilitates the subordination of nature to the expansion of frontiers of accumulation, as well as the creation of technological risks imposed by large enterprises in the territories. It is an “economy of knowledge” that promises nothing less than:

...the end of the frontier between public and private research, with direct appropriation of that which, until now, had the benefit of a quite relative autonomy. Knowledge production is today considered an issue too important to leave this minimum of autonomy to researchers, henceforth submitted to the imperative of forming partnerships with industry, of defining the registration of patents as desirable success par excellence

and the creation of spin off<sup>12</sup> as the dream of glory. All this with public money, which will be devoured in the various spin-offs which fail, while those successful will be reacquired with little risk, with their patents, by this or that consortium. Summarizing, there has been a change in the distribution between what the State allows capitalism to do and what capitalism makes the State do (Stengers 2015: 74-75).

It is in this scenario that one can understand the “exclusion of the ‘lay public’ with their repertory of values, meanings and life experiences” and “autonomous capacities and legitimate rights as common citizens” in public debates which involve science (Wynn 2014: 92); and also understand strategies of inhibiting academic debate, by means of “judicial inquiries, prohibitory interdictions, demands for the professional de-accreditation, pressures on university presidents in opposition to research projects” (O’Dwyer 2014; Wynne 2014). These strategies are applied to segments of the scientific field which assume autonomous and critical positions in political-cognitive conflicts.

It is noteworthy, however, that within the scientific field there are also ruptures and movements constituting new academic practices – for example, what is happening in the field of Anthropology. Research is being conceived in partnership with those affected by large development projects, involving these groups “meaningfully in the definition of objectives and the means of carrying out research”, conscious of ethical and political responsibilities of the research. New forms of relationship are being constructed between subjects, open to dialogue with local knowledge, constructing “communication communities” (Pacheco de Oliveira 2013: 48, 65).

From our perspective, new horizons are opening for a fertile encounter between several of the epistemic subjects highlighted in the characterization proposed by Acselrad (2014): those who strive to construct a lay epistemology which helps them defend their way of life and those who propose the democratization of cognitive powers, on the basis of critical and autonomous thinking. Re-signifying science and the very tripod teaching-research-extension, various groups linked to universities in Latin America and which have as their focus environmental conflicts, have constructed insurgent academic praxis, established on solidarity and dialogue with political and social subjects affected by development. In this encounter, they create powerful paths for the production of knowledges of quality – which challenge epistemological and methodological precepts of science, at the same time as they stress the democratization of the relation university-society and contribute to the training of young critical, reflecting and ethical researchers. In the context of the crisis of modern science, such groups point to paths for what could come to be an emancipatory science.

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<sup>12</sup> Spin off: “Creation of a company by the transfer of technology from a research group [Editor’s note]” (Stengers, 2015, p.: 75).

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# Mining-Railroad-Port:

“at the end of the line”, a city in question

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## Abstract

The effects of iron ore mining carried out in the Southeast of Pará state, located in Northern Brazil, are present alongside the *Estrada de Ferro Carajás* (Carajás Railroad), especially in the city of São Luís do Maranhão, located in Northeastern Brazil, which is the port of export. Combined with the processes of mining, transport and exportation of the iron ore, infrastructure projects, factories, extensive cattle farming and monoculture, and lumber exploitation damage the landscape of the Eastern Amazon region and impair the local traditional way of life. Regarding the city of São Luís, such effects are more strongly felt in the rural zone, where they result in environmental conflicts. The present article discusses the relationship between the extended effects of mining and the backlash provoked by them in São Luís. Such a discussion comprises, among other subjects, the demands for Extractive Reserve, ways to guarantee the control over the territory, debates on urban legislation, opposition to the building of port terminals.

**Key words:** Mining; mining-railway-port system; environmental conflicts; extractive reserves; territory; urban legislation.

# Mina-ferrovia-porto:

no “fim da linha”, uma cidade em questão

## Resumo

Efeitos da extração de minério de ferro realizada no sudeste do estado do Pará se estendem ao longo da Estrada de Ferro Carajás com destaque para o município de São Luís do Maranhão, onde está localizado o porto de sua exportação. Articuladas ao processo de extração, transporte e exportação do minério, obras de infraestrutura, indústrias, fazendas de pecuária extensiva e monocultivo, exploração de madeira alteram a paisagem da Amazônia oriental brasileira e comprometem modos de vida locais. Em São Luís, esses efeitos são sentidos mais diretamente na zona rural do município, gerando conflitos ambientais e a relação entre efeitos estendidos da mineração e a reação aos mesmos em São Luís - MA. Compõem a análise temas como: demanda por Reserva Extrativista; busca de formas de garantia de controle de território; discussão da legislação urbanística municipal; resistência à instalação de terminal portuário.

**Palavras-chave:** Mineração; sistema mina-ferrovia-porto; conflitos ambientais; reserva extrativista; território; legislação municipal.

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## Introduction

Contemporary mining activities produce effects which extend well beyond the geographic space where these activities are conducted and involve more than direct effects on social and economic relations in the region. Eduardo Gudynas (2016) calls these extended effects “spillage effects” (*efectos derrame*). This article<sup>1</sup> will discuss the spillage effects of iron ore mining activities of the southeastern region of Pará State (located in Northern Brazil). The period covered will be from the start of these activities in the late 1970s and early 1980s as they spread across the Eastern Amazon region of Brazil<sup>2</sup>, reaching Maranhão State (located in Northeastern Brazil). The study will focus, in particular, on the spillage effects in the municipality of the state capital, São Luís, especially its traditional communities in rural areas.

The Eastern Amazon region of Brazil has undergone profound transformations since the 1970s in its landscape and in the way of life of peoples and communities which inhabit the region. One of the principal factors responsible for these transformations was a large governmental program created and implemented during the period of the civil/military dictatorship initiated in 1964<sup>3</sup>, the Grande Carajás Program (PGC<sup>4</sup>). The PGC was created by Legal Decree 1813, of November 24, 1980, issued by the then President of the Republic, General João Figueiredo (Sant’Ana Júnior 2013). This action followed several decisions taken by the Brazilian Federal government, as well as initiative of the Companhia Vale do Rio Doce (CVRD), a state owned firm at the time<sup>5</sup>, with the objective of extracting, transporting and exporting iron ore of the highest quality and other minerals extracted from the gigantic mines located in the southeast of Pará State.

The central focus of the Program was to guarantee the extraction, transport and export of iron ore. More broadly, the presidential decree, which provided for a coordination of several ministries, also had as a goal the stimulation of the economy of the Eastern Amazon and its insertion and integration into the national economic model and capitalist expansion which marked this period. In geographic terms, the PGC was planned to extend to a distance of nearly 900 thousand km<sup>2</sup>, covering part of the States of Pará, Maranhão and, today, Tocantins (at the time the northern section of the state of Goiás). Besides mineral production, the Program promoted infrastructure projects and installation of industries, as well the exploitation of lumber, monocultures of grains and eucalyptus, and cattle ranching, all inserted in a set of State actions and private initiatives (Carneiro 2010; Sant’Ana Junior & Cardoso 2016). According to Anthony L. Hall (1991), until the creation of that program, nowhere in the world was there such a large-scale integrated development program in terms of geographical extension as well as the volume of projected investments.

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1 The article will present results from two research projects: “Mining, territories and environmental inequalities in Brazil: sociocultural diversity and the struggle for rights”; and “Repertoires and Arguments of Political Mobilization”. Both projects were financed by FAPEMA, the Foundation for Support of Scientific and Technological Research and Development of Maranhão, through Incentive Grant for Research Productivity to Professor Horácio Antunes de Sant’Ana Júnior, and the doctoral fellowship awarded to Professor Elio de Jesus Pantoja Alves. We thank FAPEMA for this important support.

2 The Eastern Amazon is composed of the States of Pará, Amapá, Tocantins and part of the State of Maranhão.

3 In this article, we follow the suggestion of Porto Gonçalves (2005) who uses an alternative to the commonly employed term of military dictatorship for the dictatorial period cited. The purpose is to underscore the civil component in the conception and implementation of the dictatorship, in which large-scale international capital, national enterprises and landowners had roles as protagonists and sponsors, in addition to having been amply benefitted.

4 Portuguese acronym of Programa Grande Carajás.

5 CVRD was privatized in 1997 and, since 2007, has called itself Vale S.A.

Thus, a large number of extractive projects were established and implemented as part of that wide-ranging governmental program. We define extractivism here in the broad sense and related to the extraction of local wealth in the interest of external actors, involving, therefore, economic activities “such as open-pit mega-mining, oil wells or monocultures such as soybeans” (Gudynas 2016: 168).<sup>6</sup> In order to meet the goals of the PGC, it was necessary to construct a mining-railroad-port system. This consists of the Carajás iron ore mines, the approximately 890 Km of the *Estrada de Ferro Carajás* (Carajás Railroad) and the *Terminal Portuário da Ponta da Madeira* (Port Terminal of Ponta da Madeira), in the municipality of São Luís, state capital of Maranhão. This entire production and transportation conglomerate is controlled by Vale S.A. The expansion of the varied economic activities in the Brazilian Eastern Amazon is directly related to the optimization of logistics employed in iron ore mining, thereby constituting one of its spillage effects. According to Gudynas (2016: 28):

... the pressures from extractivisms spill and spread consequences throughout the country, such as changes in public policies, functioning of the economy, interpretations of justice and democracy, or conceptions of Nature... The spillage effects unfold well beyond the spatial location of each enterprise. Their major effect is not in local impacts at one site, but rather in those affectations which, in turn, have consequences which can be duplicated in many other regions of the country.<sup>7</sup>

The process of capitalist expansion in the Eastern Amazon, as demonstrated by the implementation of large development projects in the region, especially during the 1970s and 80s, had significant deleterious effects on various social groups and traditional peoples and, consequently, produced continuous conflicts. In this context, Jean Hebette (2004) used the metaphor “the fence is closing” to describe polarization in the region: on the one hand, the process of capitalist expansion in Amazonia, with resulting territorial control; on the other, “life environments”, with reference to historically constituted ways of life (peasants, indigenous peoples, riverine populations, *quilombolas*), noting the mode of production based on the logic of family labor and collective appropriation of resources and territories. To a certain extent, this polarization reflects the confrontation of different logics of production, appropriation and social uses of resources, which are key factors in shaping conflicts and reinforcing various forms of violence affecting local ways of life.

As mentioned above, mining activities of Vale S.A. are currently experiencing an extraordinary expansion, with the opening of a new mine and processing plant in the Carajás National Forest (Flona), the S11D, which affects (directly or indirectly) local social groups. In addition to port expansion, the opening of a new mine increases annual iron ore production in Pará from the current level of 100 million tons per year, to approximately 220 million tons per year in 2020. This sharp increase has required the doubling of the *Estrada de Ferro Carajás* (Carajás Railroad), which passes through 27 municipalities, 28 conservation units and affects 86 *quilombola* communities and 05 indigenous peoples (Dhesca 2013). On the one hand, State economic agents account for an enormous growth and increase in the production capacity and flow of iron ore and related productive chains, considering that mining is one of the major activities in terms of Brazil’s Gross Domestic Product (GDP). On the other hand, there has been an increase in the occurrence

6 However, in this article, it is important that we consider that, in Brazil, the term “extractivism” has differentiated connotations. On the one hand, it refers to large-scale extraction with powerful social and environmental effects. As we will see below, the term may also be used to refer to small-scale productive activities, related to the traditional extraction of vegetables, raising of small animals or even family agriculture. Historically, this second connotation allowed rubber tree tappers, babaçu coconut breakers, riverine residents, artisanal fishermen, shellfish pickers and many other social categories to claim to be known as extractivist.

7 In original: “... el empuje de los extractivismos derrama consecuencias hacia el resto del país, como modificaciones en políticas públicas, en el funcionamiento de la economía, en los entendidos de la justicia y la democracia, o en las concepciones sobre la Naturaleza... Los efectos derrame se despliegan mucho más allá de la localización espacial de cada emprendimiento. Su énfasis no está en los impactos locales en un sitio, sino en esas afectaciones que a su vez tienen consecuencias que se pueden repetir en muchas otras zonas del país”.

and seriousness of conflicts and of human rights violations of affected social groups (Dhesca 2013). In this context, we will now situate the municipality of São Luís within the broader picture of the route of the international mining market and its most direct consequences.

The municipality of São Luís, located on the island of Maranhão<sup>8</sup>, was selected in the 1970s as the point of arrival of this mining-railway-port system on the basis of the reasoning that the deep waters of the São Marcos Bay, at the margins of which the capital of Maranhão is located, would be ideal for the installation of ports with capacity to dock large ships. Thus, in addition to the Port Terminal of Ponta da Madeira, two other large ports were constructed. The construction of the oldest of these, the Port of Itaqui, started in the 1960s and its operation began in 1974. It is administered by the Maranhão Port Management Company (EMAP<sup>9</sup>), a state government entity. The Alumar Port, property of the Aluminum Consortium of Maranhão (Alumar)<sup>10</sup>, began operation in 1983. Together with other smaller port terminals, these ports form the São Luís Port Complex (Moreira 2015). More recently, there are various state and private plans and implementation of expanding and establishing new ports. Examples are the recently concluded enlargement of the Ponta da Madeira port terminal<sup>11</sup> and the construction project of the São Luís port terminal, headed by the company WPR, a subsidiary of the WTorre Company of São Paulo.

The principal factors in this port expansion are the increased in iron ore production, mainly by means of the doubling of Vale's capacity of iron ore extraction in southeastern Pará (see note 11) and other mining activities; planning and implementation of petroleum and gas exploration projects in the interior of Maranhão; federal government policies of agribusiness expansion (soybeans, corn, eucalyptus) in the contiguous savannah (*cerrado*) regions of the States of Maranhão, Tocantins, Piauí and Bahia<sup>12</sup> which provide for the transport of production by means of the *Estrada de Ferro Carajás* (Carajás Railroad) (now connected to the *Ferrovía Norte-Sul* – North-South Railway –, which is extended to the States of Tocantins and Goiás), the *Ferrovía Tansnordestina* (Trans-northeastern Railway – which connects São Luís to other states in the Northeast region) and the ample highway network<sup>13</sup>.

This process of port expansion, which can be thought of as one of the spillage effects of iron ore mining in Pará, has resulted in significant consequences for ways of life of rural communities of the municipality of São Luís, especially those located in the proximities of the Port Complex, and environmental conflicts of a territorial character (Acseirad 2004; Zhouri & Laschefski 2010). Leaders of affected communities have sought forms of confrontation and ways to form a network of allies, positioning themselves in the public

8 The Island of Maranhão (Ilha do Maranhão) is the official name of the island in which the municipality of São Luís is situated. It is also called Upaon-Acú (Large Island), the name given to it by indigenous peoples during the pre-colonial period; and also known as Ilha de São Luís. The Island of Maranhão is composed of an archipelago with more than fifty islands of various origins and dimensions. The capital of Maranhão State is located in the largest of these islands. The municipalities of São Luís, Raposa, Paço do Lumiar and São José de Ribamar are located on the Island of Maranhão.

9 Portuguese acronym of *Empresa Maranhense de Administração Portuária*.

10 Portuguese acronym of *Consórcio Alumínio do Maranhão*. "The Alumar consortium (the principal owners of which are the American (U.S.A.) company Alcoa, one of the major aluminum-producing companies in the world; Rio Tinto Alcan, large aluminum producer of Canadian origin; and BHP Billiton, large Anglo-Australian Company engaged in mining and oil production), possesses in São Luís one of the largest alumina production plants in the world. Despite having practically doubled its industrial plant in recent years, in the beginning of 2016 it deactivated its aluminum production, concentrating only on alumina production, an action which resulted in many dismissals" (Sant'Ana Júnior & Cardoso 2016: 187).

11 According to Vale S.A., in order to guarantee the transport of S11D, "the largest project in Vale's history and in mining worldwide, the inauguration of a new mine in the Southern Mountains (Serra Sul) of Carajás, in Pará...it was necessary to build an additional pier at the Ponta da Madeira port terminal. The largest port infrastructure project in Latin America, the construction of Pier IV, an investment of more than US\$ 2 billion, was begun in 2010 and completed in 2013". Available at <http://mundo.intranetvale.com.br/PT/Unidade/Content/Brasil/MA>. Access on 02/10/2017.

12 MATOPIBA Program, created by Presidential Decree N° 8.447, May 6, 2015, by President Dilma Rousseff (Silva Junior, Wichinieski & Costa 2016).

13 For a more detailed description of the set of economic activities and infrastructure and logistics projects resulting from the PGC, see Sant'Ana Júnior and Cardoso (2016: 185-192).

arena through the demand for legalization of a conservation unit, the Tauá-Mirim Extractive Reserve<sup>14</sup>, as mechanism of territorial control; participation in on-going municipal discussion regarding the review of the Master Plan and the Law of Zoning, Use, Occupation and Subdivision of the Soil; resistance to the installment of the São Luís port terminal (Moreira 2015; Alves 2016), which would cause compulsory displacement<sup>15</sup> (Almeida 1996; Magalhães 2007) of part of the residents of the community of Cajueiro; complaints of pollution resulting from these processes made to the press and to State and Federal Public Ministries.

This article describes results of research projects which have been conducted within the Study Group “Modernity and Environment” (GEDMMA<sup>16</sup>) since 2005, focused on environmental conflicts in the rural zone of São Luís-Maranhão. In recent years, the relation between these conflicts and the iron ore spillage effects in Pará led to the planning and implementation of the on-going research projects “Mining, territories and environmental inequalities in Brazil: sociocultural diversity and the struggle for rights”, and “Repertoires and Arguments of Political Mobilization”. These research projects are carried out by a group of researchers in varying stages of academic training, with significant participation of people affected by mining, who collaborate with the discussion of the research methodology employed and with fieldwork activities. Bibliography includes references dealing with development projects, extractivism, mining, traditional peoples and communities, environmental conflicts, and struggle for recognition of rights. These studies are conducted in coordination with ethnographic studies of traditional peoples and communities affected by iron ore mining. Ethnographic studies include field investigation, interviews with local leaders, monitoring meetings, public hearings, popular assemblies, cultural and religious events. The research is supplemented by surveys in public, private and community archives; internet sites; periodicals.

### **The extractive reserve of Tauá-Mirim – from demand to practice of territorial autonomy**

A social conflict has a historicity, involves experience and learning and is continually reinvented and re-signified, as circumstances and contexts influence forms of collective action and interests at issue (Tilly 1978). It is not a spontaneous manifestation; it reflects the social condition and awakening to the political world in everyday life. In the rural zone of São Luís, the conflict is fruit of the process of capitalist economic modernization and expansion via development projects and can be portrayed as a mining spillage. The visibility of these effects and conflicts is also the result of the perception of politically mobilized groups (Leite Lopes 2004). A conflict can be initiated by a collectivity, but also can emerge from an individual, personal problem, which becomes transformed into a broader, “de-singularized”, process of claims (Boltanski 1990).

The intensification of the processes of demands for the installation of the Extractive Reserve in the context of local mobilizations occurred at the same time as the conflict triggered in the rural zone of

14 Extractive Reserve is a mode of environmental conservation unit provided for in the National System of Conservation Units (SNUC - portuguese acronym of *Sistema Nacional de Unidades de Conservação*), as instituted by Law number 9.985, July 18, 2000. The SNUC establishes two modalities of conservation units: 1) Integral Protection; and 2) Sustainable Use (Brasil 2000). Extractive Reserves are classified in the category Sustainable Use Units, the objectives of which are “[...] making conservation of nature compatible with sustained use of a segment of its natural resources” (Brasil 2000: 15). The Extractive Reserve is defined in SNUC as being: “... an area utilized by traditional extractivist populations whose subsistence is based on extractivism and, complementarily, on subsistence agriculture and small animal raising, and has as basic objectives to protect the ways of life and the culture of these populations, and assure the sustainable use of natural resources of the unit (Brasil 2000: 15).

15 According to Almeida (1996: 30), compulsory displacement is the “set of factual realities in which people, domestic groups, social and/or ethnic groups are forced to leave their houses, their historic places of immemorial or dated occupation, through constraints, including physical constraints, without the option of opposing and reversing the effects of such a decision, dictated by circumstantially more powerful interests”. Similarly, for Magalhães (2007: 14), this “is the process by which particular social groups, in circumstances over which they have no power of deliberation, are forced to leave or to be transferred from their houses and/or their lands. There is, therefore, an element of restriction of decision-making power in the interior of the social group itself, coming from an external intervention”.

16 Portuguese acronym of *Grupo de Estudos: Desenvolvimento, Modernidade e Meio Ambiente*.

São Luís as a result of the threat of displacement of at least twelve rural communities by the installation of a steel complex. The principal proponent of that venture was the former Companhia Vale do Rio Doce, in partnership with the Federal Government, the Maranhão State Government and large foreign investment firms, such as the largest Chinese Steel company, the Baosteel Shanghai Group Corporation, Arcelor (of French origin), the Pohang Steel Company-Posco (originally South Korean capital) and Thyssen Krupp (German capital). The installation of this project required an area of 2,471.71 hectares, located between the port of Itaqui and the community of Rio dos Cachorros. The steel complex was considered non-viable in late 2005, in large part due to pressure exercised by the React São Luís Movement (*Movimento Reage São Luís*), a popular movement formed by residents of villages threatened with displacement, liberal professionals, professors, students, union activists and clerics concerned with the potential social and environmental effects of the project.

According to Alves (2014), the React São Luís Movement had as its central theme the social critique of the installation of the steel complex. The Movement argued that the island of Maranhão, which already suffered from industrial pollution, would not be able to sustain the proposed model of a new steel plant, due to incalculable harm to the environment and to public health as a result of the pollution. In addition, there would be loss of mangrove areas and displacement of fishermen-farmer communities, including centennial communities responsible for cultural preservation and preservation of ecosystems important not only for the rural zone but also for the entire island.

Because of the Movement's pressure, 13 public hearings were conducted, delaying state and local government timetables. One result of this pressure, requiring debate over urban legislation in the Municipal Council of São Luís, was the reduction of the area proposed in the original project. This popular pressure, combined with the sharp drop in the international price of steel, led to the withdrawal of international investors from the project.

In late 2006 and 2007, when the height of tensions regarding the steel complex issue had passed, during the state government administration of Governor Jackson Lago,<sup>17</sup> activists of the React São Luís Movement, in statements analyzed by Alves (2014), indicated that the Movement's victory in reaction to the steel complex proposal, and, consequently, the strengthening which took place of demands for the Tauá-Mirim Extractive Reserve, can be related to what the author described as a "political opportunity structure", taking into consideration the following aspects: the importance of local civil society social movement organization demands to implement the Extractive Reserve; conflicts of interest of local political groups during the political conjuncture in which the steel complex was under discussion; the fact that the Ministry of the Environment was under the direction of Marina Silva<sup>18</sup>, and the relative autonomy of the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA<sup>19</sup>) and its organisms, in relation to lobbies of economic agents and their respective interests; the actions of the State Public Ministry, which required compliance with environmental norms; the technical-academic training of activists of the React São Luís Movement, especially their well-founded testimony at the public hearings. Furthermore, it is noteworthy that at the outset of both governments of President Lula (2003-2006 and 2007-2010) the federal government maintained dialogue with social movements, facilitating important negotiations involving movement demands. It is important to take these aspects of the political context into consideration because in this analysis, the dynamics of a social movement change within a given "political opportunity structure".

17 The governor at that time, Jackson Lago (PDT), who had a history of approximations to social movements, was elected in October, 2006, by a diversified network of political alliances and coalitions led by parties of opposition to the political group of Senator José Sarney, which had dominated electoral processes in Maranhão since 1966 (Costa 2009).

18 The Minister of the Environment at that time, ecologist Marina Silva (2003-2008) maintained a policy of relative control with regard to the approval and release of funding for projects which generated major environmental impacts.

19 Portuguese acronym of *Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis*.

It is worth of note that, during the decade of the 1990s, even prior to the proposed implantation of the steel complex in the area, the installation of a conservation unit in the rural zone had already been proposed, according to the Socio-Economic and Biological Technical Report by the Brazilian Institute of Environment and Natural Resources (IBAMA 2007: 9):

[...] leaders perceived that it would be very difficult for enterprises in the region to give up their areas which had been made available by the state government, and so they began to consider an alternative. Beginning in 1997, in the context of meetings of the Carajás Forum and Human Rights Society, suggestions initially emerged to create an extractive reserve, with the understanding that this model would be the one most appropriate as an instrument to protect the community and its way of life.

In the process of discussion among leaders, initially in coordination with residents' associations and other groups, such as the Maranhão Human Rights Society (SMDH<sup>20</sup>) and the Carajás Forum<sup>21</sup>, in addition to the Catholic Parish of Nosso Senhor do Bonfim, mobilization in defense of the Extractive Reserve was strengthened. According to the interview with Alberto Cantanhede, fisherman and community leader of Taim<sup>22</sup>,

[...] I joined the movement in [19]90, after I had begun to attend meetings of the Amazon Work Group (GTA)<sup>23</sup>. [...] I began to observe other articulations related to the environment and the issue of creation of reserves is the main issue of the GTA, of the potential for its creation, as well as those already existing, so when I began there and here, I began to see that we could create a conservation unit here, that the model of resettlement that we had didn't work [...] We didn't have a coordinating committee, we didn't have by-laws, so I said: look, we can preserve what is still left, we can transform several resettlement areas into a conservation unit (interview conducted on January 11, 2012, published in Alves, 2014: 182).

In 2000, the National System of Conservation Units (SNUC) was established, but concerns regarding preservation were already part of the agenda of discussions and of mobilizations of leaders by means of local organizations, including the Fishermen's Colony and residents' associations. Among the latter, the performance of the Taim Residents' Union and the Rio dos Cachorros Residents' Association was noteworthy.

Between 2004 and 2005, in the confrontation with the project of installation of the steel complex, members of the React São Luís Movement were advised to contact the Secretariat of the Patrimony of the Union (SPU<sup>24</sup>), an agency of the Ministry of Planning, in Brasília, when they discovered the existence of a document from the Government of Maranhão requesting lands of the rural zone to install the steel complex. During this same period, they also discovered that the lands requested by the state government to install the steel complex were situated in an area which had been decreed in 1998, by the Land Institute of Maranhão (Iterma<sup>25</sup>), as a rural resettlement and, in addition, according to the Law of Zoning, Use, Occupation and Subdivision of the Soil of the Municipality of São Luís, it was a rural zone, factors which subjected the potential viability of the steel complex to legal entanglements (Alves 2014).

20 Portuguese acronym of *Sociedade Maranhense de Direitos Humanos*.

21 According to its site, the Forum Carajás is an NGO founded in 1992, composed of a network of groups in Maranhão, Pará and Tocantins, and focused on environmental, social and economic effects of large projects. It acts in the politics of projects for the Carajás Region, promotes activities of sensitizing public opinion and in the training of leaders; it conducts studies related to the strengthening of the Popular Movement (Forum Carajás 2006).

22 Taim is one of a dozen communities which are part of the Tauá-Mirim Extractive Reserve.

23 Network active in the Brazilian Amazon region, composed of social movements, non-governmental organizations and common citizens. GTA is the Portuguese acronym of *Grupo de Trabalho Amazônico*.

24 Portuguese acronym of *Secretaria do Patrimônio da União*.

25 Portuguese acronym of *Instituto de Colonização e Terras do Maranhão*.

According to the account of Alberto Cantanhede and Clovis Amorim, the latter a fisherman and community leader of Cajueiro (interview conducted on March 20, 2013 and published in Alves 2014), the management model of the territory, based on rural resettlement, did not correspond to the singularities of the local way of life. Although agricultural subsistence activities based on small family agriculture were significant, the reality was the presence of social groups whose economic activities were based principally on artisanal fishing. That is, for these leaders, the rural resettlement project was essentially a “top-down” process imposed on the community, without dialogue with local social organizations.

It was in this context of mobilizations that these leaders, who coordinated with the Amazon Work Group (GTA) and with the National Fishermen’s Movement (MONAPE<sup>26</sup>), contacted the National Center for Sustainable Development of Traditional Populations (CNPT)<sup>27</sup>, an agency which, at that time, was directly subordinated to IBAMA.

During this process of mobilization, then, rural leaders began to use the category of “traditional populations”, to refer to those communities included in the proposed area for the creation of the Extractive Reserve. They researched the history of occupation of the territory, connecting common ancestors to the first residents of the site, including indigenous people and groups who were enslaved (Gaspar 2009) and came to identify their cultural and religious manifestations as being inherited from these initial inhabitants, such as the festivities and devotion to Saint Benedict and the *Tambor de Crioula*<sup>28</sup> (Silva 2009).

In 2003, residents of the villages of Taim requested IBAMA, via a petition with many signatures, to initiate the process to create the Extractive Reserve (Nº 02012.001265/2003-73, of August 22, 2003). Two technical reports were conducted as legal requirement to install the Extractive Reserve. The first was published in 2006 and the second concluded in 2007. The first public hearing to present studies and for decision-making concerning creation of the conservation unit took place in 2006, under the coordination of IBAMA. The proposal to include six additional communities in the Extractive Reserve was made at that public hearing (Miranda 2009).

In the Socio-Economic and Biological Technical Reports, it is important to underscore the attention to the adverse effects of activities connected to the industrial processing of iron ore on the productive areas of the communities if the steel complex were to be installed (IBAMA 2007: 7).

The installation of the São Luís Steel Complex will result in the destruction of approximately 10 thousand hectares of mangroves (deforestation and landfill), both for the installment of the plants, as well as for the construction of the port. That area includes extensive areas of lowlands which form the springs of rivers and streams.

As part of the Technical Report of 2006, the Extractive Reserve proposal included the communities of Cajueiro, Limoeiro, Taim, Rio dos Cachorros, Porto Grande, part of the Village of Maranhão (all of these were subject to the threat of displacement in the process to install the steel complex) and was called the Taim Extractive Reserve (IBAMA 2007). Later, in 2007, the second Socio-Economic and Biological Technical Report was conducted, including the island of Tauá-Mirim, where the communities of Amapá, Embaubal, Portinho, Jacamim, Ilha Pequena and Tauá-Mirim are located. As part of that technical report, their high

26 Portuguese acronym of *Movimento Nacional de Pescadores*.

27 Portuguese acronym of *Centro Nacional de Desenvolvimento Sustentável das Populações Tradicionais*. At the present time, the CNPT is institutionally connected to the Chico Mendes Institute for Conservation of Biodiversity (ICMBio, Portuguese acronym of *Instituto Chico Mendes de Conservação da Biodiversidade*), and was converted into the National Center for Research and Conservation of the Associated Biodiversity to Traditional Peoples and Communities, maintaining the same initials.

28 The Creole Drum (*Tambor de Crioula*) is an Afro-Brazilian matrix cultural expression which involves a circular dance, singing and drum percussion. It is practiced especially in honor of St. Benedict, without a pre-fixed specific, location in places such as outdoors, in squares, in *terreiros* (cleared land in front of a farmhouse or any locale where Afro-Brazilian rites are practiced) or associated to other events and cultural manifestations (IPHAN 2014).

degree of environmental conservation was taken into account. Following the conclusion of the studies and their submission to the Ministry of the Environment, the name of the conservation unit was changed from Taim Extractive Reserve to Tauá-Mirim Extractive Reserve since, during the processing of the installation request, it was learned that there was a Biological Station in Rio Grande do Sul State also named Taim. In the proposal submitted to the Ministry of the Environment, the total area was 16,663.55 hectares and a perimeter of 71.21 km (Sant'Ana Júnior et al. 2009).

With regard to the formal process of installation of the Extractive Reserve, the following stages were carried out formal request by residents of the area; on-site technical assessment by CNPT/IBAMA to conduct survey of resource potential; elaboration of socioeconomic and biological technical report and conduct of public consultation of residents. Nevertheless, currently, it is increasingly challenging to evaluate the correlation of forces established in the environmental arena in the country, in the context of the innumerable changes and uncertainties regarding governability and, in particular, environmental policies. The Federal Government, circumstantially, has radically changed the environmental orientation, and during recent years has resumed investments in large infrastructure projects. The Ministry of the Environment, currently under the direction of former Federal congressman Sarney Filho, of Maranhão and leader of the Green Party, has taken a position opposed to the Extractive Reserve of Tauá-Mirim, publicly declaring himself favorable to large investments in the region (Mendes 2016). This conjuncture presents a challenge to new local collective actions.

The assessment of Sant'Ana Júnior et al. (2009: 28), conducted in 2009, regarding the situation of the process, continues to be valid,

[...] those who demand the creation of the Extractive Reserve currently live in a moment of expectation, since there is a general orientation of the Presidency of the Republic that new conservation units managed by the Federal Government would only be installed with the formal acceptance of the governments of the states in which they would be created. Consultation is currently being made with the Government of Maranhão, which is subject to strong pressures from state planners, national and international mining (sand and stone) business interests which have activities in the area or perceive the area as a strategic location for new investments, considering the infrastructure (ports, railway, highways) available. On the other hand, the potentially affected social organizations of the villages, with the support of social movements, researchers and social organizations, have sought to intervene in decision-making process in defense of their interests.

According to the Socio-Economic and Biological Technical Report (IBAMA 2007: 44):

The area in question has an ecological and social vocation for the consolidation of an Extractive Reserve. The installment of a steel complex would be inappropriate, since it would not fulfill any social function and would bring a serious impact to areas significantly important for preservation. The creation of an agro-extractive conservation unit in the region would represent a symbol of community resistance and conservation of biodiversity, rethinking contemporary models of society. This unit would include the Island of São Luís with an additional natural fortification protected by law, promoting support to the way of life of traditional peoples, attributing value to, and helping make possible, the continuity of their existence.

The unfeasibility of the steel complex has not, however, guaranteed the permanence of these communities in the territories, not even the legal installment of the Extractive Reserve. If, on the one hand, the threat of the steel complex awakened interest in the political organization of resistance to displacement and intensified demands for the installment of Extractive Reserve, on the other hand, there has been a visible advance of industrial occupation in the areas around its borders. However, this is not to

underestimate the capacity for political action demonstrated by the communities in recent years, as we can perceive by the evaluation attributed to the success of the resistance to the steel complex by a young resident of Taim:

[...] when a person fights by himself he is not very successful; the lesson we learn is this: when a person joins with another person, then another, forming a network; we're stronger and we're proud when people there say we're the strongest community resisting the steel complex, that we don't like progress, that's what they were saying, that it's Taim, that was the only community which was not painted<sup>29</sup> by them, we didn't accept and they always wanted to come here to talk, maybe try to soften, weaken the movement [...] that's what they said, we wanted to transform this here in the industrial area, that's what they wanted (Jean Carlos, leader of Taim. Interview conducted on January 31, 2012, published in Alves, 2014).

Local leaders have attempted to establish unity among the communities and partnerships with other political and movement actors to sensitize them to understand the importance of the Extractive Reserve, not only for those communities permanently threatened, but also for the entire island of Maranhão. Their process of recognition has made explicit the conflicts and tensions between those actors who claim permanence in the territories and those who consider those territories as areas of "industrial vocation", denoting the divergent interests and logics of use and of territorial occupation on the southwest portion of the Island of Maranhão (Carvalho 2009).

After eight years without having obtained the Presidential Decree for the creation of the Extractive Reserve, on May 17, 2015, community leaders, with the support of social movements, in a popular assembly in the community of Taim, in a politically autonomous manner, declared the creation of the Tauá-Mirim Extractive Reserve, electing and instituting their Management Council composed of representatives of communities, social movements and academic institutions.

According to Alves (2016), the diversification of the manners of making claims reflects the differing strategies of confronting the forces of politically stronger economic agents. The movements of resistance sustain the arguments that the political struggle is not limited to the communities, but rather is of interest to the entire Island do Maranhão, considering, in addition to other factors of public interest, the environmental service provided to the city as a whole. In this perspective, the political struggle of the communities in defense of their territories has been thought as indissociable from struggles in defense of the Island of Maranhão; thus, the importance of the debate over the alteration of the Law of Zoning, Use, Occupation and Subdivision of the Soil (which, henceforth, we will call simply, Zoning Law) and the alteration of the Master Plan of the municipality of São Luís and insertion in the debate over the Tauá-Mirim Extractive Reserve of the City Council of São Luís<sup>30</sup>.

29 This refers to the fact that, in 2004, together with the various announcements in the local media about the installation of a steel complex, the consulting firm Diagonal Urban, under contract to Vale S.A., sprayed black paint to mark residences and commercial buildings which, supposedly, would be guaranteed to receive indemnification (Mendonça 2006). Residents of Rio dos Cachorros and Taim resisted that marking.

30 The City Council of São Luís was instituted in 2006 (Municipal Law N° 4.611, of May 18, 2006), and is defined by that law as a deliberative and consultative collegial organ, with equal representation between public authorities and Organized Civil Society, with operational responsibilities in the public sector of urban development policy; with permanent, deliberative, consultative and investigative character, linked to the Municipal Secretary of Planning and Development (Conceição 2009: 5). The installation of the Council is a normative requirement according to the Federal Law of the Statute of the City, Law 10.257, of July 10, 2001, for municipalities of more than 20,000 inhabitants, state capitals, and municipalities with tourist activity and with the presence of large industrial establishments. According to this law, municipalities should conduct a revision of the Master Plan every ten years (Brasil 2008)

## Municipal urban legislation and resistance to the continuation of colonial practices in territorial decisions

The municipality of São Luís is one of the principal ports of entry and exit of large capital in Amazonia, through its Port Complex. According to Ferreira (2001), iron ore is the principal mineral substance produced in the country, accounting for approximately 25% of the total. The Carajás Mountains (*Serra de Carajás*) has one of the largest iron ore reserves worldwide, the exploration of which is conducted by Vale S.A. On a daily basis, “the railway of this mining company transports 576,000 T of the best iron ore in the world, with a purity of more than 65% hematite. It is equivalent to the cargo of 17 thousand heavy trucks and the daily cargo was worth 60 million dollars, in 2012, when it arrived at its destination” (Pinto 2013: 56).

Legal conversion of the rural zones into industrial and/or port zones is required so that projects connected to mineral production, or its follow-up processes, may be installed in the territories of the communities of the rural zone in São Luís. As counterpoint, resistance movements have pressured municipal authorities to widen debate about revision of the Master Plan of the city of São Luís and of the Zoning Law.

As we mentioned in the Introduction of this article, it is important to understand that the insertion of the State of Maranhão and, specifically, the municipality of São Luís, in the chain of mineral production since the 1960s, when construction was initiated on the Port of Itaqui, had the objective of fulfilling a logistic function at the service of large international capital, with strong presence of national companies and landowners. These are the forces which, over the course of the civil-military dictatorship (1964-1985), as they do today, possess an enormous amount of political influence and pressure in decision-making processes in urban planning in the city.

In São Luís, international capital is allied with and articulates with, a set of local agents, proponents of projects and group interests represented principally by the Federation of Industries of the State of Maranhão (FIEMA<sup>31</sup>) and by the Civil Construction Union of the State of Maranhão (Sinduscon<sup>32</sup>), exercising important activities in conjunction with state and municipal governments, as well as the City Council (*Conselho da Cidade*) (Alves 2016).

The reactive strategies of social movements have presupposed the understanding that the city of São Luís should be discussed as a whole, rather than as isolated parts. This was the view adopted by the React São Luís Movement between 2004 and 2006 in opposition to installation of the steel complex, as well as the actions of the Movement of Defense of the Island,<sup>33</sup> created in 2015, as instrument of resistance to the attempt by the Municipal Government to change the Master Plan of São Luís and its Zoning Law, that same year, without significant popular participation. Within the Movement, there are struggles which involve coordination between residents of the rural zone and the urban zone, especially in defense of the principle that discussions about the city should take place with ample publicity, in accord with the Statute of the City. In an attempt to alter urban legislation, the Municipal Government attempted to conduct only eight public hearings in the entire city, as well as approve the Zoning Law at the same time as the revision of the Master Plan, which is not legally permitted, since the approval and validity of the latter, precedes the discussion and approval of the former.

31 Portuguese acronym of *Federação das Indústrias do Estado do Maranhão*.

32 Portuguese acronym of *Sindicato da Construção Civil do Estado do Maranhão*.

33 The Movement in Defense of the Island is composed of popular and union movements; secondary school and university researchers, teachers and students; clerics; liberal professionals; artists. Formed in the context of the debate regarding changes in the Master Plan and the Zoning Law of the Municipality of São Luís, its agenda includes processes of resistance and social struggles conducted by communities affected by development projects in the Island of Maranhão.

Following intervention of the State Public Ministry, through the District Attorney for the Environment, the Municipal Government increased the number of public hearings to fifteen. However, these public hearings began to take place in mid-July, 2015, with minimal publicity (contrary to legal provisions), with debates fragmented by areas of the city established for this purpose (without providing for a general discussion for the city as a whole) and, consequently, with insignificant popular participation. The hearings were supposed to be held until mid-August, but were interrupted following a strong intervention by residents of the rural zone in one public hearing in opposition to major changes proposed for their areas in the Zoning Law.

During the course of the public hearings, it became increasingly apparent to the group of social agents who were part of the Movement of Defense of the Island that the project of the Municipal Government consisted in changing only three articles of the Master Plan in effect since 2006, without conducting a meaningful review. Those articles dealt with the city's macro-zoning, which would permit the alteration of the Zoning Law in the two axes which were of most interest to economic agents who had demanded the changes in the agenda.

On the one hand, there was the proposal for increased templates of the buildings (that is, in the number of floors allowed), from the current maximum of 15 floors (counting garages and foundation pile work) to 31 floors in some areas of the city, and a general increase in the template of construction, with variations in accord with the zoning itself. This radical change would occur without monitoring of specific legislation for basic sanitation, urban mobility, revitalization of degraded areas, environmental conservation. During the public hearings, the monitoring and defense of the project on the part of economic agents linked to civil construction, particularly of Sinduscon, was notorious.

On the other hand, the other axis of changes proposed for the Zoning Law was the enlargement of the areas for Port and Industrial Zones, as well as significant enlargement of industrial uses permitted in the municipality. These changes would directly benefit those interests linked to the industrial expansion of the city and would also correspond to demands for the enlargement of mineral production and of agribusiness in the Brazilian Eastern Amazon. That axis would bring about direct consequences in the rural zone of São Luís, since in addition to transforming part of the rural zone into an industrial or port zone, increasing the threats of displacement of the population by increasing industrial uses, it would also increase the possibilities of various types of pollution, the indices of which, currently, are cause for concern.

To understand this process, once again we refer to Gudynas (2016: 30), when he remembers that the spillage effect of mining requires the imposition of new territorialities and that these "... new territorialities overlap, in many cases, other preexisting ones... generating spillage effects where new external territorialities are imposed which weaken and nullify others"<sup>34</sup>. Thus, we can think of the attempt to alter municipal legislation of São Luís, to accommodate it to interests external to the municipality, as a spillage effect of mining; and which originated from a colonialist posture on the part of government planners and business agents.

The pressure of the recently created Movement of Defense of the Island, denouncing the lack of publicity and the reduced number of public hearings to discuss the city, led the State Public Ministry to recommend the suspension of the process, nullify the public hearings already conducted and separate processes of discussion and approval of the Master Plan and of the Zoning Law, with the discussion and approval of the Master Plan to occur first, as accepted by the City Council. As a result of these actions, the entire process has been suspended since that time.

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34 In original: ... nuevas territorialidades se superponen en muchos casos sobre otras preexistentes... se generan derrames donde se imponen nuevas territorialidades externas que debilitan o anulan otras.

## Resistance to the installation of a new port terminal

The community of Cajueiro is a territory composed of five small nuclei named: Parnauçu, Andirobal, Guarimanduba, Morro do Egito and Cajueiro. These communities are represented politically by the Residents' Union Bom Jesus do Cajueiro. Due to their location in the proximities of the facilities of the São Luís Port Complex, since the 1980s, residents of Cajueiro have been subject to continuous threats of displacement. Between 2004 and 2005, one of these communities was to be displaced to install the steel complex and, in 2014, this community was again the target of displacement by the attempt to install the São Luís Port Terminal, by the company WPR – São Luís Port and Terminal Authority, a subsidiary created for this purpose by the company WTorre of São Paulo. Throughout 2014, there were innumerable meetings of directly affected residents to discuss the situation and forward complaints. These residents were assisted by researchers of GEDMMA, by the Catholic Church's Land Pastoral Commission (CPT<sup>35</sup>), by the Human Rights Society of Maranhão (SMDH) and by the State Public Defenders' Office. In addition, there also were coordinated public demonstrations by neighboring communities, blocking the federal highway BR-135, which connects the port zone of São Luís to the continent, and innumerable demonstrations within the community denouncing the presence of armed security agents hired by a third party company without legal authorization, considered by residents as "thugs".

On October 16, 2014, residents blocked the conduct of a public hearing, scheduled to take place at the Gomes de Souza State School, in the Vila Maranhão, and to deal with the licensing of the installation of the São Luís Port Terminal, by WPR. The action by residents was carried out under the allegation that WPR would be employing an armed militia to intimidate and coerce them to sell their possessions. Residents also alleged non-compliance with the legal time frame to schedule the hearing as well as the unavailability of public consultation of the Study of Environmental Impact and the Summary Report of Environmental Impact (EIA-RIMA<sup>36</sup>) elaborated by the company.

In retaliation, the State Secretary of Environment convoked a new public hearing for October 29, but that was now scheduled to take place at the General Headquarters of the Military Police, located approximately 20 km from the community. The Residents' Union then convoked a Popular Hearing for the same day and hour to discuss the situation. That event took place at the union's main office, in the community itself, with the presence of approximately 200 participants. On that occasion, various institutions and representatives of public agencies were present in defense of the rights of the traditional communities, including the Land Pastoral Commission (CPT), the Sisters of Notre Dame, university professors, researchers and students, the State Public Defenders Office (DPE<sup>37</sup>), the State Public Ministry, the Police Office for Agrarian Conflicts, State Assemblyman Bira do Pindaré of the PSB party, a representative of the then city councilwoman Rose Sales, of the PCdoB (political party), and the Popular and Union Central Coordination (CSP-Conlutas<sup>38</sup>).

However, with government endorsement, the company continued to conduct strongly asymmetric negotiations, seeking to buy houses of residents, demolish these houses as well as buildings of small businesses, taking possession of the land. A series of contrivances of power were used to create a climate of juridical insecurity and fear among residents in relation to the future of their territory, favoring undesirable negotiations, which lacked careful evaluations. A brief analysis of occurrences in 2014 is illustrative of the violent and illegal character of the company's negotiation process with residents. During the Popular Assembly of October 29, 2014, in Cajueiro, statements by residents included a variety of serious allegations:

35 Portuguese acronym of *Comissão Pastoral da Terra*.

36 Portuguese acronym of *Estudo de Impacto Ambiental – Relatório de Impactos ao Meio Ambiente*.

37 Portuguese acronym of *Defensoria Pública do Estado do Maranhão*.

38 Portuguese acronym of *Central Popular e Sindical – Conlutas*.

[...] if you want to build in your area, they won't let you bring in construction material. I think this is wrong because if you didn't sell your area you have the right to work there and they don't want to let you work, build your house. I think this is wrong. Because if you sold your area, they would have the right to come and tell you what to do. But since they still didn't indemnify me, they didn't indemnify me, do they have the right to come and give me orders?

[...] Another day they came and stuck two tubes in the ground, one on each side and dug a hole, blocking, closing the street of the people who live at the corner of the high school! Then, suddenly, my sister's son got here and said "Zé, there's a bunch of people over there at the entrance to the high school, because they opened a ditch there and they're going to put the metal chain there". I couldn't believe it! We got in the car and went down there. When we got there, there was a bunch of people. There was a big guy, probably the boss, but I'm not sure. He had a radio in his hand and was ordering people around, pressuring people. When we got there, the President and Vice-President were already there.<sup>39</sup> We pressured them to pull out one of the poles – the one which was not as wide. The boys got there and pulled one out (notes from field notebook).

Drawing on the "living memory" of resistance experiences, the residents recall features, stories, reports which establish the dividing line between those people who "were born and raised" there, as opposed to "outsiders"<sup>40</sup> whose displacement would not have a great influence in the process of land negotiations. This can be perceived in the following excerpt from the meeting of October 17, 2014, at the Cajueiro Residents' Union:

Participant 1: Not everyone wants to leave Cajueiro, but fifty percent (50%) want to leave here. Am I wrong?

Participant 2: (in a loud voice): Who wants to leave? Of those of you here, who wants to leave? If you want to leave here, raise your hand (few raised their hands).

Participant 2: (in a loud voice): Now, those who want to stay, raise your hand.

Other participants: I...

Participant 3: Fifty percent (50%) are people who are outsiders.

Participant 4: Did anybody film a video saying that you wanted to leave here?

Participants: No... (notes from field notebook).

According to statements by old residents, the majority of those who sold their lands to WPR are residents from other areas who came to the territory of Cajueiro with the objective of land speculation, since they neither live in, nor cultivate, the areas they occupied. The traditional communities in the rural zone of São Luís, in addition to facing, for decades, attacks by the government and private companies, seeking to expropriate their territory, now also have to deal with speculators who have contrived to raise doubts about their identity as traditional communities and have made it more difficult for the proposed creation of the Extractive Reserve of Tauá-Mirim to become a reality.

Historically, the State of Maranhão has taken a frankly partial position in regard to conflicts between companies and traditional communities over a period of decades. In practically every situation we have mentioned here, the State has acted to create conditions to displace communities in favor of the installment

39 Refers to the President and Vice President of the Bom Jesus do Cajueiro Residents' Union.

40 In recent years, due to displacements in other communities or expectations of obtaining indemnities from state or private enterprises, among other factors, there was a significant establishment of new residents or land possessions in some communities located in the rural zone of São Luís. As a result, residents who have lived in the area for a relatively long time (some families have, in fact, been there for a very long time) make the distinction between residents "who were born and raised" in the region and those "outsiders". Mendonça (2006) emphasizes that, until 2006, about 183 families lived in the community of Cajueiro. Due to the process of intense land speculation, approximately 600 families live there (MRS 2014). That is, the number of families triplicated in less than a decade. Many of these people have only fenced-in land, without any exercise of possession, a clear demonstration of speculative appropriation of the territory.

of industrial ventures and/or infrastructure, even when these activities create negative social, economic, cultural and environmental impacts.

Generally speaking, strategies of entrepreneurial groups in cooperation with governmental agencies to gain profits and capital expansion, to the detriment of traditional groups and communities, has been common in practices of multinational companies which pillage and expropriate the common assets of peoples all over the world. Harvey (2012), analyzing the process of “spoliation by accumulation”, demonstrates how large corporations have guaranteed territorial control, for capital expansion, by the use of the state apparatus. In the case of São Luís, these maneuvers of all types against the territories of traditional peoples and communities have been what drives the action of the State’s legislative, judicial and executive agencies. The expansion of worldwide logistics for the circulation of capital assets has disregarded any territorial rights of traditional groups.

The Government of the State of Maranhão, blocked judicially from displacing and community in the area solicited for the creation of the Extractive Reserve of Tauá-Mirim, preferred not to see what was happening in the community of Cajueiro for almost six months. According to reports of residents, there were all sorts of threats, intimidations, psychological pressures, harassment of every type sponsored by the company WPR – São Luís Ports and Terminals Authority Ltda. and those they hired to guarantee “cleaning the area”, that is, removal of the community which has traditionally lived in the territory.

Since 2014, the conflict which involves construction of the São Luís Port Terminal and the threat of compulsory displacement of the community of Cajueiro has had innumerable developments, including public debates in the media; judicial disputes initiated by the State Public Defenders’ Office and the State Public Ministry; attempts by the company to coopt residents; the emergence of groups which support community resistance, such as the *Grupo Nodoa*, composed of university students; courses and workshops in social cartography and concerning Convention 169 taught by professors of Maranhão State University (UEMA<sup>41</sup>), in conjunction with professors of Maranhão Federal Institute (IFMA<sup>42</sup>); the intimidations of public agents who support residents who are resisting displacement (Mendes 2017). The conflict is dragging on and had not been definitively resolved by the time this article was written. The company continues to be present in the area, but is still unable to begin construction of the port. Residents who are resisting, continue to seek support and develop strategies which will guarantee that they will remain in the territory. The conditions of confrontation between the company and residents who resist are characterized by economic, social and decision-making power asymmetries. Nevertheless, the tenacity of the resistance has allowed for unexpected delays and postponements.

The young girl Rafaela, of the community of Taim, of the Extractive Reserve of Tauá-Mirim, translates into poetry the asymmetric relation between the communities and the pair State-Company.

*“Nós somos tainos  
somos herdade boa de onde só vem dor,  
povo humilde, honrado e trabalhador,  
o bem é o que nós temos para dar  
quem há de me dizer quem somos?  
Se nem acaso tu sabes quem és,  
quem há de me dizer quem somos?  
Querem nos lançar fora como se fossemos pragas  
nas plantas das construções,*

41 Portuguese acronym of *Universidade Estadual do Maranhão*.

42 Portuguese acronym of *Instituto Federal do Maranhão*.

*quem há de me dizer quem somos?*

*Se nem acaso tu sabes.”*

*(Rafaela de Sousa Mesquita)*

“We are from Taim

Our ancestry is good, but brings only pain,

Simple, honest and hard-working people,

What we can give is the good that we have,

Who are you to say who we are?

If you do not even know who you are,

Who are you to say who we are?

They want to throw us away as if we were pests

On the plants of the buildings,

Who are you to say who we are?

If you do not know yourselves”.

*(Rafaela de Sousa Mesquita)*

## Considerations about on-going processes

The academic articles and ethnographic records which we have presented, together with the available bibliography about processes of industrial expansion and infrastructure in São Luís (Gistelinck 1988; Andrade 1981; Andrade & Correa 1986/87; Adriance 1996; Sant’Ana Júnior et al. 2009; Moreira 2015) make very clear that, in the case of the Island of Maranhão, specifically in the rural zone or São Luís, the governments of the State of Maranhão have been conniving with the advance of economic development which seeks to annihilate attempts to allow the traditional communities to maintain their own ways of life and livelihoods, compatible with the times of the ecological systems to which they belong.

That is the way that it was with the implantation of the Companhia Vale do Rio Doce and Alumar, in the 1980s; (Gistelinck 1988; Andrade 1981); with the attempts to install a steel complex in the rural zone of São Luís, between 2004 and 2005 (Mendonça 2006; Sant’Ana Júnior et al. 2009); with the construction of the Porto Itaqui Thermoelectric (Pereira 2010) and continues now, with the insistence in building the Port Terminal of São Luís, also in the territory of these same communities.

The experiences of resistance which we have analyzed here alert us to the need to broaden horizons of analysis about processes of market expansion in one of the most coveted sectors for large capitalist corporations. We need to observe how this process of expansion occurs in territorialized resources, where social groups and their respective ways of life are situated. We need to understand the relation State-Private Company in Brazil and the physiognomy of this relation, especially regarding the granting of voluminous public financial resources and concessions for use and exploration of large extensions of land for private initiative; that allows private companies to concentrate and multiply their profits and investment. At the same time, social groups, traditional peoples and communities that use resources and territories differently are left to live permanently with threats of expropriation of their material bases of social reproduction and/or submission and spoliation of their labor force to the logic of capitalist organization of production.

These conditions of existence are painfully present in the world we live in today and present a challenge to the men, women and young people of the communities of the rural area of São Luís. They sadly gaze at the horizon, watching the black clouds of smoke, the soot that sadly colors the vegetation, the blood of the

smelly fish, the presence of heavy metals in the water, the dust that comes from the industries and, finally, all the ailments and material possessions are torn into fragments and spread onto their lives. But they have shown that their lives are not torn into fragments and dispersed. Their life histories have revealed struggles filled with hope, inspiring and renewing the spirit of struggle and unity among the communities and for the island of Maranhão. Like an inexhaustible source of energies, from Cajueiro and from the communities of the Tauá-Mirim Extractive Reserve sprout experiences, learning and processes of territorial political autonomy and propositional actions. Advances and setbacks are evaluated, strategies and alliances are modified. Between meetings, assemblies, demonstrations, marches, the territory, the way of life, the culture, in summary, the “feeling of belonging” is activated.

As counterpoint to the development discourse of these “modern times”, the communities have sought to articulate the mobilization networks of new social subjects of collective action. As Castells (2013) would say, they are “networks of indignation and hope” which combine meanings, values, communicational autonomy, emotion and new meanings of contesting established powers. Currently in Brazil, new social subjects confront large development projects, such as indigenous leaders, quilombolas, fishermen and fisherwomen, traditional male and female farmers who, in fact, are the ones who inspired the autonomy of the decision for the political creation of the Extractive Reserve in the popular assembly of June 17, 2015, which took place in the *Casa das Águas*, in the community of Taim. During that event, representatives of indigenous peoples of Maranhão and of the Indigenist Missionary Council (CIMI<sup>43</sup>), an organism linked to the National Conference of Brazilian Bishops (CNBB<sup>44</sup>), peasant and quilombola leaders, fishermen and fisherwomen, representatives of rural and urban workers, both male and female, were all present and, upon relating their experiences in political struggle in other regions, inspired the deliberation for the creation of the Tauá-Mirim Extractive Reserve.

In various regions of Brazil, these new social subjects have confronted large transnational capital by means of their actions and organizations. They have revealed the importance of “place”, of collective knowledge and memory, thereby denaturalizing the linear logic of the rural-urban continuum, and/or traditional-modern or simple-complex dichotomies. Upon questioning these dichotomies, that can serve the conveniences and tastes of capital, these social subjects reinvent forms of confronting hegemonic projects.

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43 Portuguese acronym of *Conselho Indigenista Missionário*.

44 Portuguese acronym of *Conferência Nacional dos Bispos do Brasil*.

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# Afrodescendientes y minería:

tradicionalidades, conflictos y luchas en el Norte del Cauca, Colombia

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## Resumen

Desde el periodo colonial, lo que hoy es el norte del Cauca se ha caracterizado por una predominante presencia afrodescendiente. En este artículo se parte de examinar los procesos de poblamiento de las poblaciones afrodescendientes y sus tradicionales formas de minería que han sido combinadas con otras actividades económicas. Luego, se presentará una cartografía de los conflictos que se han derivado de la relativamente reciente aparición de mineros foráneos, muchos de ellos asociados a agrupaciones armadas ilegales, que con sus retroexcavadoras han explotado de forma ilegal diferentes zonas tradicionalmente habitadas por poblaciones afrodescendientes. Finalmente, se examinarán las diferentes luchas adelantadas contra esta minería ilegal por los sectores organizados de comunidades negras en nombre de la defensa del territorio. En este sentido, este artículo es una contribución a una historia y etnografía del despojo de esta modalidad de minería ilegal.

**Palabras clave:** Afrodescendientes; minería ilegal; despojo; Norte del Cauca; Colombia.

# Afrodescendentes e Mineração:

tradicionalidades, conflitos e lutas no Norte de Cauca, Colômbia

## Resumo

Desde o período colonial, a região hoje denominada Norte de Cauca tem sido caracterizada por uma presença predominante de afrodescendentes. Este artigo pretende examinar os processos de povoamento das populações afrodescendentes e suas tradicionais formas de mineração interligadas a outras atividades econômicas. De início, o texto apresenta uma cartografia dos conflitos gerados pela relativamente recente chegada de garimpeiros forasteiros, muitos deles associados a grupos armados ilegais, que com suas retroscavadeiras têm explorado de forma ilegal diferentes áreas tradicionalmente habitadas por populações afrodescendentes. Em seguida, serão analisadas as diferentes lutas contra esta mineração ilegal por setores organizados de comunidades negras em nome da defesa do território. Neste sentido, este artigo é uma contribuição para uma história e uma etnografia da desposseção levada a cabo por esta modalidade de mineração ilegal.

**Palavras-chave:** afrodescendentes, mineração ilegal, desposseção, Norte de Cauca, Colômbia.

# Afrodescendientes y minería:

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## Introducción

“Todo el mundo parece conocer estas cosas;  
pero, en verdad, nadie en lo absoluto las tiene en cuenta”  
Frantz Fanon (1966: 170).

El norte del departamento del Cauca corresponde a una región de aproximadamente 30.000 kilómetros cuadrados, al sur del valle geográfico del río Cauca, en el suroccidente de Colombia. Esta región se diferencia entre una zona plana donde hoy predomina el monocultivo de la caña de azúcar y una montañosa donde se han expresado los intereses de la gran minería.<sup>1</sup> Desde el periodo colonial, lo que hoy es el norte del Cauca se ha caracterizado por una predominante presencia afrodescendiente, aunque también se encuentran indígenas y poblaciones “no étnicas” o “mestizas”.

Según las estadísticas oficiales,<sup>2</sup> la población identificada como afrodescendiente en el norte del Cauca es 168.233 personas lo que corresponde al 60% de la población total (292.349 personas). En algunos municipios como Guachené, Puerto Tejada, Villa Rica y Padilla, el porcentaje de población identificada como afrodescendiente asciende a más del 90 %; en otros municipios como Santander de Quilichao y Corinto, este porcentaje se encuentra por debajo del 35%.

Con la fuerte entrada de la minería mecanizada ilegal, la cotidianidad de las poblaciones del norte del Cauca se ha transformado sustancialmente. Sin ninguna consideración ambiental, esta minería ilegal se impone por la fuerza y con la complicidad de las inoperancias del Estado a unas poblaciones locales que, en sus expresiones organizativas, han desplegado una serie de luchas para expulsar esta minería de sus territorios tradicionales. En este artículo se examinará, entonces, las características e implicaciones de la llegada de esta minería como una tecnología del despojo (Arias y Caicedo 2017; Ojeda 2017).

Este artículo comienza con un rápido recuento histórico de la presencia de los afrodescendientes en el norte del Cauca y las transformaciones más significativas en sus formas de vida. Posteriormente, se describe la relativamente reciente irrupción de la minería mecanizada ilegal asociada a las retroexcavadoras en el norte del Cauca, y sus características. Luego se examinan, desde la perspectiva de los afrodescendientes, algunos de los conflictos derivados de la presencia y consolidación de esta modalidad minera en la región. Finalmente, se describen las luchas y apuestas organizativas de las poblaciones locales frente a esta minería, donde tiene particular relevancia la apelación a los derechos de las comunidades negras como grupo étnico.

<sup>1</sup> Los municipios que se ubican solo en la parte plana son Puerto Tejada, Villarica, Guachené y Padilla; los que tienen tierras en la parte plana y también en la montaña, son: Miranda, Corinto, Caloto, Santander de Quilichao, Suárez, y Buenos Aires. Los municipios que solo están en la parte montañosa, son: Toribio y Jambaló

<sup>2</sup> Los datos estadísticos son tomados del censo del 2005, producidos por el DANE.

## Presencia afrodescendiente en el norte del Cauca

Ante el rápido declive de la fuerza de trabajo disponible de las poblaciones indígenas, la importación de esclavizados africanos fue una práctica recurrente en distintos territorios coloniales. Para el norte del Cauca, como para otras zonas del país, la actual presencia de población afrodescendiente tiene sus orígenes en los esclavizados africanos introducidos desde el temprano periodo colonial destinados a diversas labores en las haciendas y minas (Ararat et al. 2013; Carabalí 2007).

Los esclavizados fueron introducidos por el puerto de Cartagena, desde donde se llevaban hasta el interior del país luego de largas y extenuantes jornadas de semanas. Popayán era el centro poblado colonial al cual llegaban los esclavos que luego eran enviados a las haciendas y minas de lo que hoy constituye el norte del Cauca. Aunque es probable que desde el temprano periodo colonial se hayan importado esclavos, es solo hacia comienzos del siglo XVII que se cuenta con registros claros en el archivo de la presencia de esclavizados en las minas y haciendas en la región (Rojas 2014).

La producción agrícola y la cría de ganado en las haciendas estaban a cargo predominantemente de fuerza de trabajo esclava. Sus productos eran destinados a los mercados de los poblados coloniales como el de la ciudad de Popayán así como a los reales de minas de la región del Pacífico (Colmenares 1991). En las minas del norte del Cauca, las labores de extracción de oro eran realizadas también por cuadrillas de esclavizados.

Por diferentes mecanismos y desde muy temprano en el período colonial, algunos esclavizados que llegaron a lo que hoy es el norte del Cauca adquirieron su libertad. El cimarronaje fue un mecanismo de hecho ampliamente referenciado, en el cual uno o varios esclavizados huían de las haciendas o minas para establecerse en lugares que escapaban al dominio de las autoridades coloniales (Mina 1975).

Otros esclavizados apelaron a mecanismos como la compra de su libertad, mediante ahorros de años dedicados a trabajos en sus días libres ya fuera en las minas o en actividades agropecuarias o comerciales a su alcance. Finalmente, otros lograron su libertad por actos de emancipación de los esclavistas que, en sus testamentarias, les otorgaban a individuos excepcionales o en reconocimiento de su paternidad (Friedemann 1976: 152).

A estos mecanismos, hay que agregar que los hijos de madres no esclavas, así su padre fuera un esclavizado, nacían libres. Esto fue consolidando, antes de la abolición jurídica de la esclavitud a mediados del siglo XIX, una población conocida como “libres de todos los colores”, que tenían diferentes relaciones con las haciendas y minas en las que predominaba la mano de obra esclavizada (Hurtado 2000).

Cuando en 1851 se decretó la abolición jurídica de la esclavitud, algunos de los recién libertos permanecieron dentro de las haciendas de los antiguos esclavistas como jornaleros o accediendo a tierras para su cultivo bajo el sistema de *terraje*<sup>3</sup> (Ararat et al. 2013; Moriones 2017). Otros de estos libertos optaron por retirarse a los márgenes de las haciendas en terrenos que estaban fuera del control de los hacendados. Algunos pocos, accedieron a tierras donadas por los antiguos esclavistas (Rojas y Vanegas 2012).

Para finales del siglo XIX y primeras décadas del siglo XX, la población afrodescendiente del norte del Cauca no sólo se encontraba establecida en los lugares donde habían operado las antiguas haciendas y minas, sino que se habían extendido por gran parte de la región en un proceso de poblamiento que culminará hacia la segunda mitad del siglo XX (Banguero 2015). Además de las actividades como parceleros y jornaleros en las haciendas, para comienzos del siglo XX parte importante de la población afrodescendiente en las zonas plana y montañosa del actual norte del Cauca se había consolidado un campesinado negro de pequeños y medianos propietarios de tierras.

<sup>3</sup> El *terraje* es una relación en la que el terrajero trabaja para la hacienda durante unos días de la semana a cambio del derecho al usufructo de una pequeña parcela para el terrajero.

Además de los más rentables cultivos de tabaco, café y cacao predominantemente orientados a los mercados internacionales, estos campesinos negros cultivaban una variedad de productos agrícolas tendientes a satisfacer los mercados regionales que incluían las ciudades de Santander de Quilichao, Popayán y Cali. Para la parte montañosa y a las orillas del río Cauca, la minería no perdió su relevancia como labor complementaria al trabajo en las fincas, al igual que actividades como la pesca y la pequeña ganadería. Este es un periodo, que Hurtado referencia “[...] como la ‘época de gloria’ de los pueblos nortecaucanos; representada en la prosperidad de la economía campesina y consolidación de la zona, como una región con liderazgo político y autonomía regional [...]” (2000:10).

Este modelo de producción para la región del norte del Cauca se transforma radicalmente por la consolidación de una pujante agroindustria de la caña de azúcar en la parte plana. El paisaje agrícola de la zona plana se encuentra hoy en día ocupado predominantemente por cultivos de caña. Esto es el resultado de un proceso que se remonta a finales del siglo XIX, cuando en el Valle del Cauca se instalan los primeros ingenios y se empieza a consolidar una clase empresarial azucarera (Rojas y Vanegas 2012; Vélez et al. 2013).

Para comienzos de siglo XX, se dio un gran impulso a la industria azucarera debido a la confluencia del alza de los precios del azúcar en el mercado internacional como consecuencia de la I Guerra Mundial y la culminación del ferrocarril que unía a Cali con el puerto de Buenaventura en el Pacífico, que facilitaba la exportación del azúcar. Para mediados de siglo XX, con el impulso dado por el bloqueo económico a Cuba por parte de Estados Unidos, la industria azucarera se extiende por el Valle del Cauca y la zona plana del norte del Cauca (Mina 1975). Para 1954 se constituye la Corporación Autónoma Regional del Valle del Cauca (CVC), impulsada por los empresarios azucareros con el propósito de facilitar la expansión del cultivo de la caña de azúcar (Rojas 2014). Todo esto llevó a que “[...] los años sesenta se caracterizaron por un aumento considerable en la producción de caña de azúcar, de tal manera que entre 1963 y 1969 su producción por tonelada métrica pasó de 13.220 a 91.750” (Zuluaga 2005: 109).

La expansión de los cultivos de azúcar se dio inicialmente en los terrenos de las haciendas, pero pronto se empezó a incorporar las tierras de los campesinos que para la época estaban enfrentando una crisis del cultivo del cacao (debido a la enfermedad locamente conocida como ‘escoba de bruja’) que los había hecho endeudarse con la banca y otros acreedores más allá de su capacidad de pago (Vélez et al. 2013). Los empresarios de la caña se aprovecharon de la difícil situación para adquirir las tierras de los campesinos, pero también implementaron mecanismos de presión (como cercar con cultivos de caña las fincas de quienes se negaban venderlas) para expandir los cañaduzales (Jaramillo, Londoño y Sánchez 2015). Estos procesos de despojo de las tierras se vieron facilitados por la situación política que se vivía en muchas zonas rurales en este período conocido como La Violencia, una sangrienta confrontación entre partidarios liberales y conservadores (Carabalí 2007; Urrea y Hurtado 2004).

Los campesinos que perdieron sus tierras se vieron obligados a trabajar como jornaleros o en diversas labores agrícolas y como corteros en los cultivos de caña, mientras que algunos fueron contratados como obreros en los ingenios de caña. Muchos migraron para asentarse en pequeños y medianos poblados en la región o migraron hacia ciudades como Cali. En estos contextos urbanos, se desempeñaron predominantemente en actividades como la construcción, el comercio informal y, en el caso de las mujeres, en el servicio doméstico (Vélez et al. 2013; Zuluaga 2005).

Los efectos de la consolidación de la industria azucarera también tuvieron gran impacto en la parte montañosa del norte del Cauca, debido a la intervención sobre el caudal del río Cauca mediante la construcción para la primera mitad de los años ochenta de la represa La Salvajina, cuyo espejo de agua cubre 31 kms. Con la intensión de regular las aguas del río Cauca, que inundaba gran parte de las tierras de la parte plana del norte del Cauca y del Valle del Cauca propicios para el cultivo de la caña, La Salvajina

significó la pérdida de las tierras ribereñas destinadas para el cultivo, la minería y la pesca, así como la interrupción del río Cauca como ruta de comercio por donde salían productos agrícolas y forestales de la parte montañosa del norte del Cauca rumbo a diversos mercados locales y de Cali (Rojas 2014).

Hacia 1995, como una medida de mitigación por el desastre ocurrido un año antes con el terremoto y avalancha del río Páez, se promulgó la Ley 218 o Ley Páez. Mediante la exoneración de impuestos a las empresas que se instalaran en la región,<sup>4</sup> se establecieron una serie de parques industriales en el norte del Cauca, en especial en Caloto y Santander de Quilichao, que jalónaron transformaciones en las relaciones laborales y en la infraestructura en sus áreas inmediatas de influencia. Lo que para los ojos de las elites constituye un indudable polo de desarrollo, para perspectivas más críticas la presencia de estas empresas ha significado relativamente pocos beneficios para una población local que es enganchada en las labores menos calificadas y en precarias condiciones.

No obstante estas radicales transformaciones, sobre todo en la parte montañosa del norte del Cauca se habían reproducido ciertas tradicionalidades desde la propiedad de pequeños terrenos por parte de los afrodescendientes que cultivaban sus fincas con diferentes productos en una lógica de producción campesina. Además de la pequeña ganadería, la minería tradicional continuó siendo una actividad económica a la que algunas familias destinaban sus esfuerzos de manera más permanente u ocasional, dependiendo de las demandas de otros productos del mercado local y regional (Ararat et al. 2013; Ng'Weno 2007; Ramírez 2017).

Esta minería tradicional se ha adelantado desde grupos parentales y vecinales, en minas de socavón que se heredan de generación en generación, con tecnologías que poco han variado desde el periodo colonial. La motobomba, que contribuye a succionar el agua y llevarla hasta otros lugares, y los pequeños molinos californianos, que trituran las piedras y la greda, son algunos de los cambios que pueden encontrarse en las minas de aluvión explotadas desde socavones (Moriones 2017). Por su parte, alguna minería se puede realizar de manera individual o en pequeños grupos a las orillas de los ríos y en los diques aluviales. Este tipo de minería se realiza sin mayores transformaciones tecnológicas, por lo que es adelantada prácticamente como en los tiempos de la llegada de los primeros esclavizados: con bateas, almocrafes y barras (Ararat et al. 2013).

### **Retros y barequeros: el auge de la minería mecanizada**

Aunque la minería ha sido una actividad tradicional que se remonta al período colonial y que para algunos afrodescendientes en la región del norte del Cauca continuó operando como una actividad económica relevante en su modelo productivo campesino, es solo hacia comienzos de milenio que irrumpe con una inusitada fuerza la minería mecanizada introducida por mineros de otras regiones del país.

Principalmente *paisas* y *pastusos*<sup>5</sup> aparecieron con sus retroexcavadoras para establecer entables mineros a lo largo de los cursos de algunos ríos en el norte del Cauca (Ramírez 2017). Dada la utilización de las retroexcavadoras, que se les llama *retros*, a estos mineros se les ha denominado como *retreros*. Este tipo de minería es a cielo abierto, utilizando las *retros* para eliminar la capa vegetal y hurgar las entrañas de la tierra en busca de las vetas auríferas.

<sup>4</sup> Entre los beneficios se cuenta la exención de impuestos a la renta durante diez años, crédito fiscal por la inversión en periodo improductivo y retorno del impuesto por importación de maquinaria, equipos y materias primas.

<sup>5</sup> Como *pastusos* se conocen las personas provenientes del sur de Colombia, que tienen un acento al hablar atribuido a esta ciudad. *Paisas*, por su parte, son localmente definidos quienes se asume provienen de la región antioqueña, también marcados por un acento característico.

Hacia el año 2008, las *retros* entraron al norte del Cauca por el río Quinamayó, en el municipio de Santander de Quilichao, y pronto se extendieron a otros municipios como Suárez. En un artículo de prensa se referían de la siguiente manera a esta entrada de los *retros*: “[...] un minero llamado Alberto descubrió que los terrenos junto al río Quinamayó estaban llenos de oro. Cuentan que poco a poco Alberto, en asocio con mineros de Pasto, contactó a los dueños de terrenos para montar los primeros entables”.<sup>6</sup> La historia de la aparición de los *retros* es más complicada, pues se relaciona con la subida de los precios del oro a nivel internacional y con las dinámicas de extracción de la minería ilegal en el país.<sup>7</sup>

Sin ningún tipo de licencia ambiental, las *retros* llegan a la región del norte del Cauca de forma ilegal hacia finales de la primera década del nuevo milenio. Aparecen primero unas pocas retroexcavadoras, asentándose en el curso de ríos como el Ovejas o el Quinamayó. Pronto les siguen muchas más retroexcavadoras, sembrando el curso de estos ríos de entables mineros.

Mediante la modalidad de arriendo o compra de terrenos a los pobladores locales (a precios muy por encima del mercado local) y con disímiles argucias,<sup>8</sup> los *retros* lograron establecer sus entables:

Inicialmente los mineros lograron convencer a los dueños de los predios de vender o alquilar parte de la tierra pagando grandes cantidades de dinero y seduciendo a la población con las aparentes utilidades de las explotaciones. Con el tiempo también empezaron a emplear personas de la misma zona como intermediarios en la negociación de tierras, y en los entables para ganar legitimidad ante la comunidad (Ramírez 2017: 85).

No todos los moradores del lugar estuvieron de acuerdo con la llegada de esta minería ni con que los propietarios de los terrenos los arrendaran o los vendieran a los *retros*. Además de los evidentes efectos ambientales en los terrenos y en las aguas, la irrupción de los entables mineros significó la llegada de un enjambre de cientos de *barequeros*<sup>9</sup> de los más apartados rincones del país con la intención de lavar oro en los momentos permitidos por los *retros*. En los mejores cortes, durante los más productivos momentos, se cuenta de personas que, con almocafre y una batea, sacaban el equivalente en oro a más de un millón de pesos en unas cuantas horas de trabajo:

Los *barequeros* llegan todos los días a los entables y se ubican en las cercanías del lugar donde trabajan las retroexcavadoras; allí esperan hasta que les den una señal, que les permite ingresar a extraer parte del material de tierra y roca que han removido las maquinas, para luego lavarlo por su cuenta y obtener pequeñas cantidades de oro. Normalmente los permisos para ingresar al área de trabajo de las retroexcavadoras se dan en horarios establecidos por los mineros, y suelen ser de una o dos horas al día (Rojas 2015: 8).

Las razones por las cuales los *retros* permitían que estas personas entraran a lavar algo de oro de sus minas comprenden, desde una práctica establecida en diferentes regiones del país para legitimar la presencia de las *retros* en la zona hasta la muy práctica estrategia que es este enjambre de *barequeros* los que se enfrentan a la fuerza pública si hay alguna acción de desalojo.

Con los cientos de *barequeros* recién llegados, brotaron campamentos improvisados cerca de los entables mineros. Para satisfacer las demandas de estos campamentos surgieron los más disímiles negocios, como bares, servicio de televisión satelital y hasta prostíbulos, en los cuales no pocos gastaban a manos llenas el dinero para regresar al otro día al corte. No todos los recién llegados derrocharon su dinero ya que algunos aprovecharon la bonanza para invertir en sus familias, tierras y viviendas. En este sentido, la cotidianidad

6 Diana Ruiz. 2014. “Informe exclusivo: denuncian mafia detrás de mina de San Antonio, Santander de Quilichao”. El País, mayo 4.

7 Para un análisis de estos factores internacionales y nacionales, ver Sañudo et al. (2016).

8 Estas cubren un amplio espectro que iba desde prometer que luego de la extracción se cubriría el hueco con la tierra de la superficie hasta ciertas medidas de presión a través de familiares y vecinos (Rojas 2015: 7).

9 Los *barequeros* son personas que llegan a los entables mineros armados de una batea para lavar las arenas auríferas obteniendo pocas cantidades de oro.

de las poblaciones afrodescendientes que han habitado el norte del Cauca se vio súbitamente interrumpida: “[...] solo en la cuenca del río Quinamayó, llegaron a haber entre dos mil y cinco mil barequeros, gran parte de los cuales se asentó en estos precarios sitios de vivienda, alterando de manera sustancial las condiciones de vida en el lugar” (Rojas 2015: 8).

Además de los barequeros y sus campamentos, en el norte del Cauca empiezan a operar grupos de seguridad privada asociados a los entables mineros, para proteger el oro extraído por la *retros* y para hacer valer por la fuerza los intereses de los empresarios mineros. Estos grupos de seguridad entran en complejas relaciones de alianza o contradicción con grupos armados, desde paramilitares y guerrillas hasta organizaciones criminales, produciendo un incremento de la violencia armada en la región.

### **Conflictos: entramados y choque de intereses**

Es en el afán de los barequeros por lavar la mayor cantidad de arenas auríferas que el 30 de abril de 2014 cuando, en un entable minero en la ribera del río Quinamayó, mueren doce barequeros atrapados por un alud de tierra. De los cadáveres rescatados solo cinco pertenecían a lugares cercanos, el resto habían llegado desde diversos lugares del país. La noticia, cubierta por los medios nacionales y regionales, atrajo la atención de la opinión pública a la difícil situación que la minería ilegal generaba en el norte del Cauca.

La presencia ilegal de cientos de *retros* cobraba sus primeros muertos visibles en el escenario nacional, pero muchos otros muertos les habían precedido. Algunos por deslizamientos menores o accidentes puntuales en las minas que no alcanzaron las páginas de la prensa nacional, pero otros al ser asesinados de manera selectiva por las distintas expresiones armadas que operan en la región (López 2014; Sañudo et al. 2016).

Desde la perspectiva de los afrodescendientes que han venido habitando el norte del Cauca desde el período colonial, varios son los conflictos asociados a la irrupción de retroexcavadoras de propietarios foráneos. Sin pretender hacer un balance exhaustivo, entre los conflictos más visibles se pueden señalar los siguientes.

En primer lugar, al comprar o arrendar tierras de algunos propietarios de la comunidad o de sus descendientes<sup>10</sup> se abrió una tensión en los pobladores locales entre quienes están en contra de esa modalidad de minería y quienes han estado a su favor al venderles o rentarles sus tierras a los *retreros*. Aunque no son pocos los que han vendido o rentado intimidados por los *retreros* o por sus mediadores, sobre todo al comienzo algunos lo hicieron considerando que era un buen negocio y sin mayor claridad de las implicaciones ambientales, económicas y sociales para la región (Ramírez 2017). Además, algunos habitantes locales se han sumado al enjambre de barequeros llegados de fuera de la región, con la intención de aprovechar con sus bateas algo de esta bonanza aurífera. De esta manera, en la comunidad se sembraron discordias y disputas que han socavado las movilizaciones que se han adelantado en contra de esta modalidad de minería.

En segundo lugar, un conflicto aún más fuerte, se ha derivado de la presencia de los cientos de *barequeros* que han llegado de los más distintos lugares del país para establecerse en los campamentos mineros. Este conflicto tiene muchas aristas. Algunas se refieren a su demanda de servicios como la electricidad, que toman de forma ilegal de las improvisadas conexiones, produciendo a menudo fallas que afectan durante horas o días a las residencias y establecimientos de los habitantes locales. Los servicios sanitarios, por su parte, son inexistentes en estos campamentos, lo que ha significado que se utilicen los terrenos adyacentes

<sup>10</sup> Algunos de los cuales viven fuera del norte del Cauca en ciudades como Cali.

de las fincas de los pobladores locales para disponer basuras y excrementos sin el consentimiento de sus propietarios (Rojas 2015).

Otras aristas de este conflicto con los *barequeros* refieren a los problemas asociados a la economía del derroche que apuntala la emergencia de cantinas, microtráfico de estupefacientes y prostíbulos en los campamentos o cerca de estos. Antes que un asunto moral, el conflicto radica no solo en el incremento de actos de violencia sino también en las transformaciones de las expectativas y horizontes de sentido de los más jóvenes que se identifican con modalidades de existencia que son contradictorias con las condiciones de vida locales.

Otro conjunto de aristas de este conflicto con los *barequeros* son las relacionadas con su férrea defensa de los entables mineros, lo que convierte a los pobladores locales que se oponen a la operación ilegal de las *retros* en sus territorios en objeto de amenaza y agresión por parte de algunos de estos *barequeros*. Incluso ante las pocas iniciativas de las autoridades por dismantelar algunos de estos entables mineros, son los *barequeros* quienes a menudo se movilizan para entorpecer el éxito de los operativos (Observatorio de Discriminación Racial 2011).

En tercer lugar, con los propietarios y administradores de las *retros* se dan los conflictos más abiertamente descarnados. Dados sus vínculos con grupos de seguridad directamente contratados por ellos o por la confluencia de intereses con actores armados que operan en la región, los conflictos con los pobladores locales suelen expresarse en la forma de intimidación que se ha traducido en algunos casos en el asesinato selectivo de líderes y figuras visibles que se oponen a sus dictámenes (Centro de Estudios Interculturales 2013; López 2014; Observatorio de Discriminación Racial 2011). Así, por ejemplo, uno de los tantos registros de estas amenazas indicaba:

Desde octubre de 2009 se han acrecentado las amenazas contra líderes de la zona y miembros de organizaciones no gubernamentales que defienden los intereses de las comunidades afro de Suárez. En abril murieron ocho mineros por causas violentas y hoy las personas que hacen presencia en la zona viven bajo constante amenaza de grupos paramilitares bajo el nombre de Águilas Negras.<sup>11</sup>

En cuarto lugar, con el Estado colombiano y las autoridades competentes el conflicto consiste en que los pobladores locales y sus expresiones organizativas han solicitado en repetidas ocasiones y apelando a diferentes estrategias de derecho y de hecho el cumplimiento de la ley para detener las actividades y presencia de la minería ilegal en el norte del Cauca. Aunque el Estado y las autoridades competentes han adelantado algunas acciones, más allá de unos pocos pronunciamientos, acuerdos firmados y acciones puntuales de la fuerza pública, el sentir generalizado es que han sido insuficientes para erradicar la minería ilegal en la región.

Más aún, el Estado colombiano ha sido un actor catalizador de los conflictos con las poblaciones locales al haber otorgado una serie de concesiones mineras de manera unilateral y sin el consentimiento de los habitantes en el norte del Cauca. En el mapa del Departamento del Cauca, se pueden apreciar los títulos de concesión minera ya concedidos por el estado, entre los cuales se encuentra los de la empresa multinacional Anglo Gold Ashanti (título GDK-09E, del 15 de octubre de 2008), que había solicitado “[...] 42.113 hectáreas en el municipio de Buenos Aires y 26.465 en Suárez”.<sup>12</sup> Además de la multinacional,<sup>13</sup> las concesiones mineras también se han hecho a nombre de los particulares, entre los que se encuentran, solo

<sup>11</sup> “La Toma por el oro” *La silla vacía*, 21 de agosto de 2010. <http://lasillavacia.com/historia/17457>

<sup>12</sup> “Minería legal, ilegal y tradicional: El brillo opaco de Suárez y Buenos Aires”. *El Espectador*, 7 marzo 2012. <http://www.elespectador.com/noticias/nacional/el-brillo-opaco-de-suarez-y-buenos-aires-articulo-330990>

<sup>13</sup> A mediados del año 2004, la multinacional Kedadha SA solicita 50.000 hectáreas en Suárez y Buenos Aires. Más adelante se conoce que esta empresa es filial de la multinacional Anglo Gold Ashanti.

en Suárez, “James Álvaro Valdiri tiene 3.149 hectáreas, Andrés Rendle 1.717 hectáreas y Raúl Fernando Ruiz 314 hectáreas”.<sup>14</sup> Todos estos títulos de concesiones mineras se han otorgado sin realizar la Consulta Previa, violando el derecho constitucionalmente reconocido de las comunidades negras como grupo étnico (Centro de Estudios Interculturales 2013; Observatorio de Discriminación Racial 2011).

Aunque estas concesiones mineras no han podido operar realmente en la región debido al rechazo de las poblaciones locales y al complejo entramado de la presencia de la minería ilegal y sus aliados armados, la indignación y el malestar de los pobladores locales y de sus organizaciones no han sido menores por el desconocimiento de sus derechos territoriales y culturales sancionados a partir de la Constitución Política de 1991.

Ahora bien, una de las cuestiones por explorar es cómo se conecta la irrupción de la minería mecanizada ilegal que hace presencia en el norte del Cauca con el posicionamiento de una lógica extractivista expresada en las políticas de Estado por la asignación de concesiones mineras en esta región (Göbel y Ulloa 2014; Sañudo 2016). Lo que sí es claro con la minería ilegal es su despliegue como una tecnología de despojo que implica transformaciones en las configuraciones socioespaciales (Ojeda 2017). Los nefastos efectos ambientales de las *retros* que destruyen la capa vegetal y la contaminación de los ríos con los sedimentos y el mercurio, es la dimensión ambiental del despojo de un entorno natural saludable para las poblaciones negras del norte del Cauca. La súbita presencia de grupos armados y de centenares de barequeros asociados a la minería ilegal, constituye una transformación socioespacial en términos de pérdida de la autonomía y del territorio para las poblaciones negras de la región. La inoperancia del Estado ha contribuido a que la minería ilegal en el norte del Cauca haya operado con impunidad y se haya consolidado como tecnología del despojo. Frente a esta tecnología se han perfilado una serie de luchas por parte de las expresiones organizativas de las poblaciones negras.

### **Luchas: la apelación a los consejos comunitarios**

Los nefastos y visibles efectos ambientales de cientos de retroexcavadoras sobre la cobertura vegetal y la contaminación de las aguas han sido rechazados por un número significativo de pobladores locales que, mediante sus expresiones organizadas como los consejos comunitarios de comunidades negras, han desplegado acciones jurídicas y de hecho para presionar la salida de la minería ilegal de sus territorios.

Ante esta compleja situación, en la que las autoridades ambientales y policiales no estaban haciendo mayor esfuerzo, diversas fueron las estrategias de quienes se oponían a la presencia de la minería ilegal de los *retreros*. En algunos sitios, como en la Alsacia, se pusieron de acuerdo para no dejarlos entrar, es decir, se acordó que nadie daría en arriendo o vendería sus tierras a los *retreros*. En otros, como en La Toma, el consejo comunitario ha liderado las denuncias y acciones de hecho para presionar la salida de los *retreros*.<sup>15</sup>

En el caso de La Toma, es precisamente un fallo de la Corte Constitucional a favor de las comunidades hacia finales de 2010, que detiene la actividad que venían adelantando mineros como “[...] el señor Héctor Jesús Sarria [en el río Ovejas] en mayo de 2010 [...] [quien] Llegó con título minero en mano, licencia ambiental para explotar el metal y un grupo de policías a bordo”.<sup>16</sup> Estas acciones legales y movilizaciones desde los consejos comunitarios y poblaciones locales, significaron la salida por un tiempo de la minería ilegal.

<sup>14</sup> “La Toma por el oro” La silla vacía, 21 de agosto de 2010. <http://lasillavacia.com/historia/17457>

<sup>15</sup> Para ampliar este punto, ver el documental “Suárez Gold - Afro-Colombian miners defending their heritage”, realizado por Minority Rights Group International y producido por Hollman Morris. <https://www.youtube.com/watch?v=rot-75-FLqY>

<sup>16</sup> “Minería legal, ilegal y tradicional...”, artículo citado.

No obstante, ante el regreso de las *retros* en el río Ovejas y la permanencia en otros ríos del norte del Cauca, el 18 de noviembre de 2014 un grupo de mujeres lideró una marcha hasta Bogotá con el propósito de exigirle al gobierno medidas reales para detener la minería ilegal en la región y para proteger las vidas de las amenazas recibidas (Mina et al. 2015). Ya en Bogotá, el 11 de diciembre, y luego de medidas de presión como la toma del Ministerio del Interior, se firmaron unos acuerdos con el gobierno nacional, los cuales fueron en gran parte incumplidos.<sup>17</sup> No obstante, la Marcha de Mujeres Afrodescendientes del Norte del Cauca logró visibilidad en los medios: sus turbantes, apelaciones al territorio ancestral, a la minería tradicional y las bateas posibilitaron una intervención en los imaginarios dominantes para denunciar los efectos de la minería ilegal. Como resultado de múltiples presiones, para el 2015 las *retros* desaparecieron de gran parte del norte del Cauca. No obstante, otras modalidades de minería ilegal que son menos visibles como el *cúbico* (socavón) siguen operando en diferentes lugares de la región.

Desde comienzos de los 2000 hasta el presente, las formas organizativas de las poblaciones afrodescendientes en el norte del Cauca han apelado a la creación de consejos comunitarios como una figura jurídica derivada de la Ley 70 de 1993. Aunque tardíamente en comparación con la región del Pacífico y aún con algunas dificultades para su cabal reconocimiento, gran parte de las luchas desplegadas contra la presencia de la minería ilegal y otros graves conflictos en la región<sup>18</sup> han sido articuladas desde los consejos comunitarios.

Además de la minería, en el norte del Cauca los consejos comunitarios enfrentan otros conflictos con empresarios ilegales y sus alianzas con actores armados, lo que pone en peligro la vida de los líderes más visibles. Los cultivos de coca del narcotráfico tienen presencia en la región desde hace unos quince años. Inicialmente localizados hacia el Naya, en la salida al Pacífico colombiano, los cultivos se han ido desplazando hacia los municipios más cercanos a las cabeceras municipales. Introducidos principalmente por *pastusos* y algunos *paisas*, estos cultivos se encuentran aun relativamente limitados si se lo compara con la región del Pacífico. No obstante, la compra de tierras y las asociaciones con actores armados son particularmente preocupantes para los consejos comunitarios y pobladores afrodescendientes en la región por las dimensiones que puede adquirir y las problemáticas asociadas.

Por su parte, en la zona plana del norte del Cauca, la presencia dominante de los intereses empresariales expresados en la caña de azúcar y los parques industriales significa una situación muy particular que tiene sus efectos en el proceso organizativo regional y en el perfil de los consejos comunitarios de esta zona en particular. La actual propiedad privada en manos de estos empresarios sobre parte importante de las tierras y las narrativas celebratorias del progreso y el desarrollo son rara vez problematizadas en los imaginarios sociales y políticos dominantes.

Los conflictos, como en muchos otros lugares, no son consensualmente experimentados, por lo que parte importante de la labor política de las organizaciones y de la movilización es articular una particular interpretación de los malestares y contradicciones sociales. En la actual fase de los procesos organizativos y movilizaciones, los consejos comunitarios en lo local, o en lo regional a través de la Asociación de Consejos

<sup>17</sup> En el comunicado número 10 a la opinión pública, firmado el 7 de enero de 2015 se hace un balance detallado del incumplimiento del gobierno. <http://afrocolombian.org/2015/01/08/comunicado-010-de-la-retorica-del-gobierno-a-los-hechos-comunitarios-tenemos-acuerdos-queremos-cumplimiento/>

<sup>18</sup> La presencia de actores armados, tanto de las guerrillas como de otros grupos, constituyen una de las más visibles preocupaciones en el norte del Cauca. Las condiciones de posibilidad del proceso organizativo y los consejos comunitarios se enfrentan a esta descomunal traba. Dadas las intrincadas alianzas o empatías de estos actores armados con los más disímiles (y a veces contradictorios) intereses en la región, cuando los líderes más destacados de los procesos sociales (no solo el de las comunidades negras) encarnan obstáculos imaginados o reales son amenazados o asesinados. No es de sorprender, por tanto, el optimismo en la región con los Acuerdos de la Habana y el horizonte de un "postconflicto". Nadie, sin embargo, es ingenuo con respecto a los actores armados ya que estos no se desvanecerán por arte de magia, de la noche a la mañana. Por lo que el proceso organizativo y los consejos comunitarios recurren a la cautela de quienes han experimentado durante décadas los efectos de la violencia de los actores armados.

Comunitarios del Norte del Cauca (ACONC),<sup>19</sup> han adquirido un lugar destacado en articular sus luchas apelando al registro de la especificidad de los afrodescendientes como grupo étnico y a los derechos que de este sujeto jurídico se derivan.

Así, por ejemplo, en el 1<sup>er</sup> Encuentro de Consejos Comunitarios del Norte del Cauca, realizado en la cabecera municipal de Suárez del 18 al 20 de diciembre de 2015, en las múltiples intervenciones de los representantes, se evidenciaba la demanda de reconocimiento de los derechos como grupo étnico de los afrodescendientes del norte del Cauca por parte de diferentes entidades estatales, organizaciones no gubernamentales o de la cooperación internacional. Para los asistentes del encuentro, se hacía evidente que una de las urgencias es el pleno reconocimiento para las “comunidades negras” de los derechos que la Constitución y la legislación contempla sobre grupos étnicos. En este escenario, al estado se lo interpela en lo que se considera una falla en el reconocimiento de los derechos de las comunidades. Es la falta de un estado garante de los derechos como grupo étnico lo que articulaba parte sustantiva de las narrativas de los distintos representantes de los consejos comunitarios.

En este sentido, una parte importante de las luchas en los últimos años se han enfocado a que el Estado colombiano reconozca los consejos comunitarios como las autoridades legítimas e interlocutores de las comunidades negras del norte del Cauca. El escollo jurídico ha consistido en que el Ministerio del Interior, siguiendo la legislación que se adecua a las realidades de la región del Pacífico, define como requisito para este reconocimiento que se cuente con la posibilidad de titulación colectiva de tierras de propiedad de la nación (lo que se denomina ‘baldíos’).

Dada la inexistencia de ‘baldíos’ en la región del norte del Cauca, una estrategia que implementan los consejos comunitarios para lograr la titulación colectiva se ha expresado en la Mesa de Desarrollo Territorial Afrocaucana,<sup>20</sup> instalada en 2012. Contar con esta titulación significaría un paso importante para que los consejos comunitarios sean reconocidos plenamente por el estado. Mientras se explora esta opción de titulación colectiva, los líderes más visibles se refieren al norte del Cauca como “territorio ancestral de comunidades negras”. Así, por ejemplo, Víctor Hugo Moreno, Representante legal de ACONC, en sus palabras introductorias a la discusión del Plan de Etnodesarrollo de las Comunidades Negras, afirmaba:

El Plan [...] tiene un marco conceptual desde la mirada afro y desde todo el respaldo de la ley 70, del convenio 169 de la OIT y de otra jurisprudencia que nos ha permitido ir avanzando en que se posicionen los conceptos que tenemos como comunidades negras en el marco del desarrollo. Un marco político que se centra principalmente en las necesidades de las comunidades negras de tener una participación más activa en la parte política y en las fases de decisión. Posteriormente tiene la generalidades de norte del Cauca, está el tema de población, está el tema del territorio ancestral porque esa es una de las peleas que como comunidad negra del norte del Cauca nos hemos venido dando y sobre todo con el gobierno nacional, porque para la implementación de muchos megaproyectos no se quiere reconocer la comunidad que se autoreconoce como comunidad afrodescendiente y como comunidad negra porque no tenemos títulos colectivos, pero la misma jurisprudencia y el mismo proceso que hemos venido desarrollando le da fuerza, y ya hay varias sentencias de la corte constitucional acuña y fortalece el proceso de los territorios ancestrales y que no se debe tener un título colectivo para definir si somos comunidad o no de si somos objeto de consulta previa.<sup>21</sup>

<sup>19</sup> Esta asociación fue creada en el 2008.

<sup>20</sup> Mesa de Desarrollo Territorial Afrocaucana se instaló para favorecer los diálogos y negociación entre el Incodec (entidad estatal que hasta diciembre de 2015 estaban encargada de la titulación) y las comunidades negras del Cauca. Además de esta Mesa, en el Cauca existen otras dos: una de campesinos y una de indígenas, con el mismo propósito. También se instaló una mesa interétnica e intercultural con el propósito de abordar los conflictos interétnicos e interculturales ya existentes y los potenciales entre las diversas poblaciones y procesos sociales presentes en el Cauca.

<sup>21</sup> Intervención en el marco 1<sup>er</sup> Encuentro de Consejos Comunitarios del Norte del Cauca, realizado en la cabecera municipal de Suárez, del 18 de diciembre, Suárez.

Lo de consulta previa, mencionada aquí por Víctor Hugo Moreno, es crucial en la agenda de las organizaciones ya que se la ve no solo como un “derecho fundamental” sino también como un instrumento para la autonomía y el posicionamiento de los consejos comunitarios frente a los disímiles actores e intereses que están en juego en la región. Por tanto, en las tensiones con el Estado, el reconocimiento pleno de la comunidad negra como sujeto jurídico y político en el norte del Cauca pasa por el derecho a la consulta previa:

El derecho a la consulta previa no lo vamos a negociar, porque es nuestro derecho fundamental como comunidad negra y lo debemos de seguir fortaleciendo [...] Uno de los retos que tiene ACONC, y eso lo hemos hablado una y otra vez, es cómo le quitamos el estigma que tiene la consulta previa y el consentimiento. Porque realmente se ha estigmatizado no solamente en la región sino a nivel nacional. Y como comunidad negra somos conscientes que al ser un derecho fundamental debe colocarse al nivel en donde está y que debe respetar en los procesos y los mecanismos que se vayan a implementar donde estén las comunidades negras pero también donde estén las comunidades indígenas, y que terminan siendo beneficios para todos y todas.<sup>22</sup>

## Conclusiones

“Es preciso tomar partido: los tiempos de la colonización nunca se conjugan con los verbos del idilio”  
Aimé Césaire ([1956] 2006: 52).

Desde su experiencia de la guerra como afrodescendiente del norte del Cauca, Francia Márquez, una de las figuras más visibles del proceso organizativo, escribía:

La paz implica que en Bogotá y en Colombia no nos maten por ser negros o indígenas. La paz implica que los políticos no se roben la plata de la salud, que las mujeres podamos ser respetadas en nuestros derechos, que no seamos torturadas, abusadas sexualmente. Implica autonomía, respeto a la diferencia, a los saberes ancestrales. Implica la discusión y transformación del modelo de desarrollo que en últimas ha sido el causante de tanta guerra, no sólo en Colombia sino en el mundo.<sup>23</sup>

La negación de la diferencia y la imposición de un modelo de desarrollo son indicadores por Márquez como causales de la guerra. Esta negación e imposición se encuentran estrechamente relacionadas: suponen unas subjetividades y prácticas de destrucción y de despojo en nombre de la acumulación de riqueza. Es la violencia del entorno y de los seres humanos para obtener ganancias monetarias que terminarán en las manos de unos pocos.

La minería mecanizada ilegal en el norte del Cauca, pero también la que se arroja en las concesiones del Estado, deben ser entendidas como la manifestación de un ansia de acumulación que desprecia la vida (Escobar 2016; Gudynas 2015). Desde las racionalidades de la acumulación minera, en el norte del Cauca las gentes y geografías son racializadas, inadecuadas, vistas como estando ahí para ser tomadas, desgarradas, expoliadas... Racionalidades de extracción, inmediateistas, que convocan al despilfarro, a la violación y a la violencia, a la imposición por la coerción de las armas o, cuando conviene (solo cuando conviene), de la ley (Mina et al. 2015).

<sup>22</sup> Intervención en el marco 1<sup>er</sup> Encuentro de Consejos Comunitarios del Norte del Cauca, realizado en la cabecera municipal de Suárez, del 18 de diciembre, Suárez.

<sup>23</sup> “La guerra en el Cauca vista desde los ojos de Francia” *El Espectador* 21 Abril de 2015. <http://www.elespectador.com/noticias/politica/guerra-el-cauca-los-ojos-de-francia-articulo-556100>

Los condenados de la tierra, la pobreza, los campesinos negros, los que a menudo ponen los muertos y desplazados, los afrodescendientes habitantes del norte del Cauca, han denunciado el despojo de la minería ilegal, las alianzas de los agentes de la muerte y las complicidades de la inercia de un Estado y sus funcionarios. Todos parecen saberlo, pero en la práctica todo sigue igual. Más allá de las comodidades de los privilegios y de los beneficios materiales y simbólicos de los gobernantes y funcionarios de turno, hay una ceguera estructural de un horizonte de sentido y de futuro colonizado por los empresarios de la muerte: es preciso, por lo tanto, tomar partido.

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