



THEME COMMONS

**SUB-THEME:
COMMON GOODS**

TITLE OF WORKSHOP

**Latin America as supply of environmental goods
in XXI century**



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PAPER ABSTRACT :

Indigenous Lands, commons, juridical pluralism and sustainability in Brazil. The Raposa Serra do Sol case: nature conservation facing opportunities and risks of ethnocentrism

Indigenous Rights in Brazil: Indigenous Lands (TI) in the Constitution

- Artigo 231 - São reconhecidos aos índios sua organização social, costumes, línguas, crenças e tradições, e os direitos originários sobre as terras que tradicionalmente ocupam, competindo à União demarcá-las, proteger e fazer respeitar todos os seus bens.
- Recognition of land rights is originary, i.e. preexistent to juridical system. Obligation of Federal State to demarcate, protect and ensure respect of indigenous goods/assets/patrimony.
- §1. São terras tradicionalmente ocupadas pelos índios as por eles habitadas em caráter permanente, as utilizadas para suas atividades produtivas, as imprescindíveis à preservação dos recursos ambientais necessários a seu bem estar e as necessárias a sua reprodução física e cultural, segundo seus usos, costumes e tradições.
- Definition of land = territory: includes productive, ecological & cultural functions, through respect of juridical and cultural specific features.

Yasuni ITT Initiative of Equator, Gaia Calligaris, Roberto Trevini Bellini

PAPER ABSTRACT :

In 2007, the Ecuadorian government launched the Yasuní-ITT Initiative, to avoid exploiting oil in the Ishpingo-Tiputini-Tambococha (ITT) oil block. This in return for an amount of money



equivalent to 50% of the estimated oil extraction revenue, paid by the international community. This amount would be managed by a Trust Fund under the UNDP authority and invested in environmental and social projects.

However, the government is now considering the Plan B, which is to start exploiting the ITT oil field, in part because the amount already collected is still insufficient, in part as a consequence of opposite economic pressure, and in part because its faith in development appears to be still strong.

Petroecuador, the national oil company, has already begun exploiting oil in the block 31 (included in the Park and contiguous to the ITT) and 'exploring' the ITT without local communities' consent — which is constitutionally compulsory (articles 57 and 407) — and is attempting to convince them to authorize

It defies the prevailing extractivist and developmentalist model by providing a first alternative to oil exploitation;

It was born in an impoverished country, out of which arose the concept of ecological debt; The proposal was formed among civil society organizations, indigenous movements and their path of social struggle and democratic participation which is at the origin of the new Constitution of 2008, one of the world's most advanced in terms of rights of Nature, recognition of the value of interculturality, respect of the collective rights of indigenous peoples and minorities, and citizens' direct participation in politics.



Brazilian project corridor Monte Pascoal — Pau Brazil

Cardenas Flores, Juan Alonso Neira

ABSTRACT

Traditional models of growth have prevented a fair deal for biodiversity and for Amazon Eco-region. Today we should have an inclusive participatory model for social and economic equity which spans the five continents. The global economic organisation and integration of societies is only feasible through a new economy. There is a need to incorporate environmental supply and demand for services and allow for a market adjustment or a new form of trade, which can mitigate or reduce the damage in the aggregate the economic system, which has been created. The severe market externalities such as; the loss of species, global warming, the hole in the ozone layer and human migration resulting from natural disasters, wreak havoc today. Forests, flora and fauna native species, aesthetic beauty and the capacity of the eco-region should have a more prominent space than they presently do. The society of the 21st century needs to clarify its environmental assets, transfer them, value them and include them in fairer spaces of economy and society. Taking this view into account the traditional paradigms of economic growth, traditional development, poverty and wealth are beginning to change. Turning instead to the value of nature, man's participation in building his society, resiliency and intelligence to assign better structured evaluative parameters in order to get an economy more appropriate to current needs.

Indigenous Lands, commons, juridical pluralism and sustainability in Brazil.



The Raposa Serra do Sol case: nature conservation facing opportunities and risks of ethnocentrism

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ABSTRACT

“Indigenous Lands are property of the Federal Union (State), hence, public good. In Brazilian law public goods belong to three categories: dominical, of special use and of common use of the people. (...) Unlike these three categories, Indigenous Lands are unavailable to the public power, who cannot use them, their common use by the whole Brazilian people is forbidden, whereas they are devoted to use only by an indigenous people, according to their own uses, customs and traditions.

Therefore they do not fit into the category of public land. They are neither the indigenous people's or community's private land. In other terms, they do not fit within the dogmatic concept of property, they are no property. However, if within them individual, private property as foreseen by law cannot exist, because (...they are...) Federal domain, individual appropriation can exist according to uses, customs and traditions of the people who lives there. Uses, customs and traditions, in practice mean law. Hence, private or collective appropriation (...) shall take place according to indigenous law, which shall resolve eventual conflicts which may take place. Therefore the exercise of Brazilian property right is forbidden in indigenous lands, whereas the norms of indigenous customary law are cogent instead (Carlos F. Marés de S. F.)

TACKLED ISSUES:



- Latin America as a supply of environmental goods. Even if it is a complex ecoregion external viewers define L.A. just for narco-traffic, crime and insecurity. The amazon rainforest as resource itself and not for its goods.

Indigenous conception of lands as commons and ambiguous legal definitions.

The need of collective action against economic interests that want just exploitate the environment.

- => Institutional diversity increases the resilience of social systems; → Juridical systems of several States, especially in Latin America, are having to open to multiculturalism: juridical pluralism, « pacha mama », etc.
- “Contrary to modern dualism, which develops a multitude of cultural differences on the background of an immutable nature, Amazon Amerindian thinking sees the whole cosmos as animated by a same cultural regime (...) despite cheating appearances, plants and animals do not live in a distinct ontological plan from that of humans”.

Latin America as supply of environmental good. Even if this is a complex eco-region external viewers define Latin America just for narco-traffic, crime and insecurity.

The Amazonian rainforest as a value itself and not as a providers of goods.

Definition of land = territory: includes productive, ecological & cultural functions, through respect of juridical and cultural specific features.

Land right regime: not property but permanent possession and exclusive usufruct.

There is a necessity of a collective action against economic interests that want just to exploit the environment.

GIVEN ANSWERS

- Poverty as a stigma in L.A. even though it's full of resources. The challenge is for individual to realize their richness.



- Economic growth shouldn't be the unique political goal.
- Control and respect of the indigene's land rights
- There are context as in Argentina where the lack of clarity on land rights is creating economic and social abuses.

UNANSWERED QUESTIONS, MESSAGES & COMMENTS

- Should the South Degrow?
- How to satisfy Human needs without economic growth?
- Would we reach the same commodities all over the world?