

TRADITIONAL POPULATION AND TOURISM: TAUS AS A TOOL FOR DISPUTE MANAGEMENT?

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1. Introduction

Similar to all the São Paulo coastal area, one of the main factors that contributed to the construction of traditional communities in Ilhabela was the decadency of mono-cultural production for exportation and the consequent low integration of the region to more dynamic flows and centers of the national territory. The *caíçara* culture, built and reproduced in the periods of economic stagnation, was represented in the *caíçara* canoes, in farming, in artisanal fishing, and in the commercialization of surplus.

In the second half of the 20th century, Ilhabela, a municipality in the northern coast of the State of São Paulo, had already experienced, throughout its history, periods of stagnation of the production for exportation, characterized by the sugar cane and coffee cultures. Within this context, Noffs (2007) reports that soon after the decadency of the production of coffee, in the beginning of the 20th century, former mills and farms started to produce spirits in order to supply for the regional market, however, this activity was very reduced in the manners of occupying the space and in economic flows.

Simultaneously to the production of spirits and the development of commercial fishing, which was begun by the introduction of trap net fishing by the Japanese in the 1930s (Begossi, 2011), the agricultural cultivation for subsistence, based on the shifting cultivation³, was present in all coastal plains of Ilhabela, also allowing for *caíçaras* to commercialize the production's surplus. Banana cultivation gained emphasis with the decline of spirits production, between the 1950s and 1960s, becoming essential both as food basis and as a commercial activity (Noffs, 2007). However, during the first half of the 20th century, since none of these productions were highlighted as the element for bigger regional integration, what prevailed in the area was an accommodation of production techniques to natural cycles, creating a landscape of low human interference.

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3. This system has many names, such as “coivara” techniques, shifting cultivation, slash-and-burn cultivation, and subsistence cultivation. In this type of agriculture, fire plays an important role, since the ashes of the burnt forest provide nutrients for the first years of cultivation (Raimundo, 2007).

Therefore, the traditional *Caiçara* way of life was the characteristic of the landscape, with its resistance to survive and remain in the territory. This way of life, based on a relation with the environment's natural cycles, was developed after the stagnation of all more dynamic economic cycles. By turning to the local economy based on family agriculture, the communities have promoted the strengthening of the *caiçara* culture, both in work and in symbolic manifestations (Luchiari, 1999).

It is important to highlight that *caiçara* people have never isolated themselves, living only on subsistence activities. On the contrary, they have promoted integration to coastal urban centers, providing them some products. At this moment, communities sold their fish and bought food and clothing that they could not produce. For example, the district of Picinguaba, in Ubatuba, was interconnected to the city of Paraty (RJ) by the Corisco trail. Through it, the inhabitants of Picinguaba and its surrounding areas arrived in the city and commercialized manioc flour (Raimundo, 2001). However, for the *caiçaras*, these commercialized products had an use value, and not an exchange one (Calvente, 1993), a thinking that would only change after the second half of the 20th century, when the processes of coastal urbanization were intensified, and land issues, through selling lots of land, became an important source of income for coastal communities (Vianna, 1996; Calvente, 1997).

Thus, the processes of touristic urbanization are set in a new phase of capital reproduction in the northern coast of São Paulo, breaking with the social relations in *caiçara* villages, which were connected to the presence of work and leisure areas, just as to the pillars constituting the *caiçara* identity. These relations are exposed in the use of territories in the backlands and beaches⁴. The beach represented the living area, of social relations, while the backlands were the working area, of producing food and surpluses. In the urban center of the island and its surrounding areas, the quick conversion of the use of lands from *Caiçara* domain for touristic and summer uses managed by foreign people had allowed for some actions to break or reduce this advancement. The most significant one in the area was the creation of the State Park of Ilhabela (PEIb), in 1977. With the primary intention of preserving nature, PEIb has reduced the estate occupation in Ilhabela, but, at the same time, it caused a re-organization in the *caiçara* way of life, since, according to the environmental legislation, many of their practices had to be changed. According to the regulation of the State Parks of São Paulo, the main administrating tool for conservation units at that time, it is expressly prohibited gathering fruits, seeds, roots or other products within the area of State Parks (Article 10); it is expressly prohibited to practice any kind of chase, capture, collection, imprisonment or killing of fauna specimens of the State Parks, as well as any activities that may affect wildlife in its natural habitat (Article 13). Pet animals, domesticated or tamed ones, be them native or foreign, can not be admitted into State Parks (Article 16). Households will be only admitted inside State Parks if they are destined to the ones exerting functions inherent to its handling (Article 27) (State Decree no. 25.341 from 1986).

4. In the northern coast of São Paulo, the expression "sand" is a synonym for beach, and "backland" (*sertão*) refers to the area of thick forest (Setti, 1985). It is, in the case of "backlands", communities located in the amphitheaters of the Sea Ridge (*Serra do Mar*) or in the mountain areas of Ilhabela.

This decree was supported by the view of visitors, or foreign people, aiming to avoid them causing harm to the environments protected by the Parks. The regulation did not consider the practices of other human groups, such as the *caiçaras*, whose occupation was prior to the creation of these parks and who depended on its environments for reproducing their way of life. This fact created a series of conflicts among the environmental legislation that last until today. Raimundo and Honora (2017), when analyzing the Chart of Environmental Conflicts of the Oswaldo Cruz Foundation (2013), have indicated that, from a total of 133 registered conflicts, 32 (or 24%) are related to the implementation of protected areas as the main source of conflict.

In the case of PEIb, conflicts between the park and *caiçara* communities have only begun to be properly discussed and handled in the second half of the 1990s, with the creation of the first Plan of Environmental Administration (PEA) for the Island (Maretti et al., 1997). Based on the PEA, a process of resistance to the legislation that was punitive to traditional communities and of *caiçara* self-recognition about their territories has changed the elaboration of the following tools, such as the Administration Plan for Ilhabela, approved in 2015.

The conflicts between traditional communities and the environmental legislation have given the first ones the support for recognizing the importance of traditional territories for the maintenance of these people's ways of life and culture. And this facts in Ilhabela caused the efforts of the communities and part of the local society in keeping the *caiçara* territory, due threats of transforming the communities of Bonete and of the Castelhanos Bay into urban areas (touristic ones), in face of the review of the Coastal Administration of the Northern Coast (GERCO-LN), in 2013. Tourism and estate speculation are set as the main source of conflicts in the communities. Within this context, a new scenario of struggle and resistance was set for these communities, a fact that resulted, in 2015, on the grant of the Term of Authorization of Sustainable Use (TAUS – *Termo de Autorização de Uso Sustentável*), by the Federal Properties Superintendence (SPU), which will be discussed further on.

TAUS is set as an innovative tool for solving conflicts between traditional communities and other agents, such as tourism in Ilhabela. The innovative character refers to themes that were not previously approached in public policies of land regularization, which have always favored land property (even when it is fabricated) as an element for title recognition. TAUS, on the other hand, recognizes housing and the use of natural resources for the maintenance of ways of life as rights for guaranteeing the possession and the end of the exploration of traditional communities by pretense landlords, favoring the strengthening of collectivity. On the other hand, many challenges are faced, such as the different interpretations regarding the development of activities related to tourism (among external and internal agents), repercussions for obtaining the Concession to the Real Right to Use (CDRU), and on the responsibility for administrating the granted territory.

Based on this information, the objective of this article was to analyze the granting of TAUS to the Traditional Communities of Castelhanos Beach in Ilhabela (SP), assessing the changes in the dynamics of territory use by tourism and traditional communities.

2. Methodology

This is a descriptive and exploratory research (Veal, 2011), since it aimed to identify socio-economic and judicial issues on the possession of territory in the Northern Coast of São Paulo. The main tool analyzed was the granting of TAUS to Traditional Communities of the Castelhanos Beach, verifying how this tool can change the dynamics of territory use by tourism. For that, secondary data were researched, emphasizing the economic cycles in the region, issues of land regularization, and the rights of Traditional Communities and the jurisprudence assisting the rights of local communities. The evaluation was based on the analysis of the following documents: Brazilian National Policy of Traditional Peoples and Communities, ILO 169 and, of the policies of territory planning and administration, such as the Coastal Administration (2004 and 2017), the Administration Plan of PEIb (2015), SNUC (National System of Conservation Units), with emphasis on the sustainable use categories, the TAUS granted to the communities of the Castelhanos Bay and, lastly, it is highlighted the participation in meetings of municipal councils and work groups followed by the later analysis of records and other documents produced by them, the role of tourism in the territory formation of the Northern Coast of São Paulo, and the socio-economic transformations in the Traditional Communities of Ilhabela.

As a complement to the collection of secondary data from the area's planning tools, the technique of participative observation was also used, which allowed for verifying the inhabitants' knowledge on the research themes, as well as by the own experience of one of the authors, who participated in federal, state, and municipal organs, and in traditional communities in granting the TAUS, and who has been following its recent developments.

In Ilhabela, there are 17 Traditional *Caiçara* Communities, five located within the PEIb. Most of them have as income sources fishing and family agriculture, but, recently, tourism has started to play a leading role on the local economy of some communities. Located in the east of São Sebastião Island, Castelhanos Bay is comprised by the Traditional Communities of Castelhanos Beach (Lagoa and Ribeirão), as well as the beaches of Mansa, Vermelha, Figueira and Saco do Sombrio. Castelhanos Beach is the only one accessible by a Park-Road, being the main occupation of 66 tourism agencies, counting on 93 registered vehicles that are authorized⁵ to operate within the Park-Road. In 2015, the TAUS was granted for Castelhanos Bay, redesigning some relations in the involved communities.

3. Territory disputes between tourism agents and traditional communities

The area (landscape) is the main object of consumption for touristic practices. As Palomeque (2001) says, tourism presents a difference in relation to other economic activities, since the destination area presents an essential role for each of the agents intervening on the processes of touristic production and consumption: landlords, space promoters, segment agents, consumers, intermediating people, and, lastly, the administration itself (Palomeque, 2011 apud Paiva; Vargas, 2013, p. 134).

5. Data from the State Park of Ilhabela referring to the 2018 register.

Thus, the touristic space is originated in the multiplicity of functions, situations and different processes (Sarti; Queiroz, 2012, p. 9). It is created by the appropriation of different natural elements and artificial environments where the space is the central object of consumption, transforming tourism into a new colonizer and landscape disfiguring agent (Krippendorf, 2009).

In this view, tourism agents act de-territorializing places (Coriolano, 2006), creating a counter-resistance by the local communities. For this author, daily struggles are fought along with productive and social relations, taking on a character of territorial defense. Public tourism policies help little in this scenario. The National Tourism Plan 2013-2016⁶ ends reproducing contradictions and conflicts between external investors and local communities when indicating tourism as an activity to reduce poverty among regions and to guarantee the improvement of income. The focus of this plan is on employment and income offer for local communities, without defining what is the kind of jobs and relationships for local inhabitants. The result is seen later with the loss of territory and environmental impacts.

In the northern coast of São Paulo, a similar thinking to this hegemonic model of space use and occupation for tourism is observed. It is an occupation based on land property, initially with the selling of land lots located by the shore (of native *caiçara* domain) for the construction of summer houses, as it will be seen later on.

The *caiçaras*, until the construction of roads and dynamization of the regional economy for and due to tourism, have not reclaimed the regularization of their lands in property titles due to high costs and also to not knowing their legal rights. This allowed for the appearance land invaders and estate speculators, who have begun a phase of expulsion and threats to *caiçaras* from their territories and, on the other hand, *caiçaras*, being pressured, sell their lands for very small prices (Luchiari, 1999; Noffs, 2007; Mançano, 2004).

Composing this transforming scenario at the beginning of the 1960s, influenced by the improvement of road accesses, tourism starts to bloom in the northern coast of São Paulo. In Ilhabela, this moment is also characterized by the implementation of ferry crossing between São Sebastião and Ilhabela. It is observed, in the region, an increase of adventurous tourists, identified in the Cohen traveler typology as exploring tourists (Cohen, 1972 apud Lohmann; Panosso, 2012, p. 272).

Therefore, having implemented the ferry service, touristic access ways are built in the Ilhabela shore towards the canal, building lots for the installations of summer houses and beginning the construction of the road Perequê - Castelhanos (finished in the 1970s), connecting this beach to the island's urban center. França (1951) registered a previous process, in the 1930s, of valorization of the lands facing the São Sebastião canal and identified the beginning of estate speculation. However, in the 1930s, speculation is still incipient, and its reproduction characterizes a logic of land concentration. In the rural area of Ilhabela, where lands are more fractioned, there is not, in the whole island, more than 9 properties with more than 100 hectares, most of them having 532 ha (França, 1951, p. 120), which thus resulted, in the 1960s, on a concentration of large land lots on the hands of few external investors.

6. Available at http://www.turismo.gov.br/images/pdf/plano_nacional_2013.pdf.

Opening the Perequê - Castelhanos road has promoted more mobility and the beginning of “single-day tourism” activities. In the 1990s, those who had 4x4 traction vehicles saw the opportunity of performing services for visitors looking for adventure and, gradually, a structure of bars and restaurants was created to meet the growing demand.

The increase of touristic flow has promoted the transformation of land use and of the local economy, intensifying the changes in social relations and, after that, the land started to be set as a commodity, only accessible through buying. A large share of the *caiçara* population and its descendants migrated, or connected themselves to urban activities such as housekeepers, employees in the construction industry or of public agencies, and of services related to commerce. The only alternative in the sense of connecting the *caiçara* way of life to a productive activity was its transformation into professional fishing (Luchiari, 1999, p. 96).

However, estate speculation and the pressure of tourism in the natural and landscape remnants offered by the State Park keep on threatening the existence of traditional communities. According to Capucci (2016), due to the impotency of the legislative authority or due to the delay in complying to the rights of these communities, specially regarding the regularization of their lands, the advancement of situations putting the very existence of these culturally, environmentally, and scientifically protected areas has quickened (Capucci, 2016, p. 116).

Despite the general scenario of use and occupation of the northern coast of São Paulo being as discussed until now, after many years of struggle, resistance, and exclusion of local communities, followed by social, economic, and landscape transformations in said territories, it appeared, after the pressure of local counter-hegemonic groups, a legal and institutional apparatus for the recognition of traditional communities that has, little by little, been promoting the strengthening of these cultures, as discussed in the following item.

4. The recognition of traditional communities and the institution of TAUS

Currently, traditional communities are recognized and supported by laws, as in the Federal Constitution of 1988, the National System of Conservation Units (SNUC) in 2000, the 169 Convention of the International Labor Organization (ILO) in 2003, the Management Plan of Ilhabela (PDI – *Plano Diretor de Ilhabela*) in 2006, the National Policy of Traditional Peoples and Communities (PNPCT) in 2007, the Federal Law 13.123 in 2015 and the Coastal Administration of the Northern Coast (GERCO-LN) in 2017.

Among the rights guaranteed to local communities by the 169 Convention of the ILO, is the guarantee of traditional territories and of the use of natural resources. For that, it affirms in chapter II, called TERRAS (Lands), in the article 13 §2 that the use of the term lands will include the concept of territories, which comprises all the environment of the areas these peoples occupy and use for other ends. Still in the same chapter, in article 14 §1, it points out the State’s obligation to guarantee that land and possession rights to lands traditionally occupied by interested people shall be recognized.

The PNPCT considers as traditional territories, in article 3 §1, the areas needed for the cultural, social, and economic reproduction of traditional peoples and communities, be them used permanently or temporarily. In the same law's annexes, the land issue is approached in many of the specific objectives, highlighting the article 3 §1, that affirms: guaranteeing to traditional peoples and communities their territories, and the access to the natural resources traditionally used by them for their physical, cultural and economic reproduction.

Regarding the land regularization itself and the inexistence of specific tools and bodies, the Federal Prosecutor Maria Capucci mentions that, regarding the domain aspect, said lack of prediction of a procedure and of a specific body does not prevent the use of numerous tools that have been highlighted as apt to fulfill the constitutional right to territory of these communities while the PNPCT regularization is pending under this point of view (Capucci, 2016, p. 117).

In this sense, among the tools that have been used for the regularization of traditional communities' territories, it is highlighted the modes of Conservation Units of Sustainable Use, such as the Sustainable Development Reserves (RDS) and Extractive Reserves (RESEX), referred by the National System of Conservation Units (SNUC, Law no. 9.985, from 18th of July 2000). And, due to deficiencies in jurisprudence, as aforementioned, these protected areas' categories have been used in many cases as tools for land regularization that recognize and favor traditional communities.

On the other hand, the National Institute of Colonization and Agrarian Reform (INCRA – *Instituto Nacional de Colonização e Reforma Agrária*) has developed programs such as the Project of Agro-extractive Settlement – PAE⁷, and the Project of Sustainable Development – PDS⁸, directed specifically towards land regularization and the promotion of sustainable development in traditional communities, initially aiming to guarantee these peoples' rights without necessarily considering the protection of nature, implying that those are intimately related.

In 2003, aiming to compose the efforts to comply to the social function of land, the Federal Properties Superintendence (SPU), along with INCRA, Municipalities, the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), social movements, neighbor associations, among others, begin a work aiming to identify Federal estate properties focusing on the protection of socio-environmental rights with the destination of areas for the preservation of environment and natural resources, including for guaranteeing the sustainability of traditional populations (SPU; Instituto Polis, 2006, p. B:42).

And, in 2005, it was launched an innovative initiative aiming to achieve social function on Federal properties, focusing on the promotion of land regularization for river-based populations inhabiting meadows and river islands of federal rivers in the Legal Amazon. Entitled “*Nossa Várzea: cidadania e sustentabilidade na Amazônia brasileira*” (Our Meadow: citizenship and sustainability in the Brazilian Amazon), the aim of the project, instituted by the Decree no. 284/2005, was to identify and register inhabiting

7. INCRA Decree no. 268/96.

8. INCRA Decree no. 477/99.

and sustainment territories of river-based people, aiming to brake the threat of estate and economic speculation of local products.

The implementation of the project Our Meadow, in Pará, provided river-based people with the possession of lands, access to credit and to other benefits by the government, taking millions of traditional generations out of informality. To execute the project, it was designed a tool for land regularization created to supply traditional populations whose territories are overlapping with Federal areas, the Term of Authorization for Sustainable Use (TAUS). For some years, the main application of TAUS was aiming to supply the needs/characteristics of inhabitants of the Northern region of Brazil, through the projects Our Meadow, Our Forest, and Natural Fields, developed by the SPU and aiming at land regularization.

In 2010, the SPU Decree 89/2010 is published, with the intention of recognizing and regularizing the lands of traditional communities inhabiting Federal areas through TAUS⁹. Thus, it started to regularize the situation of traditional communities occupying undoubted Federal areas located within the marine terrains and surrounding it, and, according to the Art. 1 – Single Paragraph of this law, the authorization foreseen in the caput may comprise the areas traditionally used for inhabitation and sustainable use of natural resources, contiguous ones or not. It is important to mention that granting the TAUS can be done in the collective mode, through representative associations (CNPJ - National Register of Legal Entities), or by a collection of CPFs (Brazilian Individual Taxpayer Registry) and in individual mode, and it aims to discipline the use and exploitation of Federal estate in favor of traditional communities, with the intention of enabling the ordination of rational and sustainable use of natural resources available at marine and river shores, destined to the subsistence of said population, through the granting of TAUS, to be conferred in a transitory and precarious character by the Federal Properties Superintendents (Art. 1, of Law 13.465/2017).

Recently, TAUS has been the tool used for land regularization of traditional communities in the Brazilian Coastal Zone. In the Southern region, more specifically in the Northern Coast of the State of São Paulo, the first experiences were applied in the Program of Participative Action for Fishing (PAPP – *Programa Ação Participativa para a Pesca*)¹⁰ for the regularization of fishing ranches' areas.

This initiative has promoted the strengthening of public policies in the region and, in 2012, the first *caçara* community to receive the TAUS was Ilha do Montão de Trigo, in São Sebastião, and, in 2015, six other communities in the Castelhanos Bay and the islands of Búzios and Vitória, in Ilhabela.

For the Prosecutor of the Federal Attorney Office of Caraguatatuba, a district in the Northern Coast of São Paulo, the TAUS is only the beginning of the process of guaranteeing the permanence in the territories and, thus, although the tool initially serves for establishing the territorial right of traditional communities, it is important to highlight its precarious and transitory character, recognized by the norm instituting it, which establishes that this tool only begins the process of land regularization, which may – that is, shall, be converted into a Concession of Real Right to Use – CDRU, in order to stabilize the juridical situation and to ensure more safety to the community (Capucci, 2016, p. 126).

9. This tool was recently transformed into law with the publication of Law 13.465/2017.

10. A requirement by IBAMA for Petrobras – Campo de Mexilhão (PMXL-1) – Santos Basin (2008-2016).

However, besides performing the socio-environmental function of Federal properties and recognizing the rights of traditional communities, TAUS is part of a bigger project aiming at the economic and social development based on socio-territorial inclusion. To promote equality, it is essential to cherish aspects such as cultural relations with the territory, the regularization of subsistence economy, administration of natural resources, and recognizing the right to livelihood.

Given that, since it is a tool with little applications in the Southern Brazil and in traditional *caçara* communities, in which the conflicts are settled on the use and occupation of marine areas destined to tourism, besides involving a variety of actors, a series of challenges are presented for the interpretation of application and administration of the tool, which need to be managed to effectively promote the strengthening and permanence of *caçara* communities in traditional territory.

Therefore, the resistance of traditional peoples in their territories is legitimate, in the basis of the cultural identity and place where the most diverse economic activities are performed in contraposition to tourism as a single and main activity. However, it is necessary to widen the debate on the matter of land property, of the leading role in local activities in search of a more humanized tourism, of the possibilities of strengthening local arrangements, of the maintenance of traditional activities and, lastly, of the permanence in the territories.

In this sense, recognizing the territory is set as an essential element for strengthening traditional communities that are vulnerable due to inhabiting, historically, areas of economic interest for capitalist activities. This is the case of the tourism performed in the Castelhanos Beach, which was transformed into one of the most visited attractions in Ilhabela (SP), being set as one of the main selling products of local tourism agencies.

5. TAUS and the perspectives for the development of Tourism in traditional communities in Ilhabela (SP)

75 families inhabit Castelhanos Bay, occupying a territory with an area of 5,735.86 ha¹¹, located between the beach and the mountains covered by the Atlantic Rainforest, characterized by a landscape that attracts an average of 80,000 tourists/year, as seen in figures 1, 2, and 3.

Figure 1: Castelhanos Beach on a day with low tourist attendance



Source: Designed by the author.

11. Data obtained from the report of the Instituto Socioambiental Guapuruvu, 2013, p. 42.

Figure 2: Castelhanos Beach on a sunny weekend



Source: Designed by the author.

Figure 3: Castelhanos Beach and the line for boarding to return at the end of the day



Source: Designed by the author.

In the middle of 2013, the situation of economic exploitation in the traditional communities of the island was exposed by the position taken by Ilhabela's City Hall in face of the revision of the Coastal Administration (GERCO-LN), proposing to advance over traditional territories with the intention of promoting economic development, and, at the same time, to regularize whoever had, in the past, "invested" on the traditional territory. This fact caused heated discussions and ended on the suspension of the revision of the GERCO-LN law, which was only resumed again in 2015.

After overcoming this fact, this action is observed as an important victory of the resistance and permanence in the *caiçara* territories in the history of Ilhabela. From the point of view of the traditional communities, these actions have promoted the union, the recovery of self-esteem, of the pride in being *caiçara*, and specially the appearance of the perception that, united, they had the right to decide on their territories. From the institutional point of view, it has brought communities closer to authorities, specially the SPU and the Federal and State Public Ministries, contributing for the advancement of the realization of traditional communities' rights, both the permanence in the territory and the preservation of their ways of life.

In 2015, as a result of the articulation of many actors, including traditional communities, the SPU titled the Federal properties, with the granting of a collective TAUS for a group of CPFs, as seen in figure 4, to the families of traditional *caiçara* communities of the

Castelhanos Bay and of the Búzios and Vitória Islands, recognizing the right to livelihood and to the sustainable use of natural resources of the marine shore in their territories.

Figure 4: Delimitation of the Line of Marine Lands and of the Average High Tide Line for granting the TAUS in the Castelhanos Bay.



Source: SPU, 2015.

With the TAUS, the area for tourism exploitation is recognized as a traditional territory, putting an end to estate speculation matters; at least in the most valued areas, the one bordering the sea, covered by the delimitation of 33 meters of high tide¹². However, even considering that the area recognized by the TAUS is reduced – the beach and

12. Marine territories are defined only on places under the influence of tides. The definition of these lands considers the configuration of the coast in 1831 and covers the area of 33 meters counted after the Average High Tide Line (SPU; Instituto Polis, 2006).

river shores with tide influence – it is important to observe that this space represents the *caiçara* space for living and for social relations, at the same time it is the object of consumption of tourism. This difference in the use relations of this territory increases conflict situations and brings forth the need to rethink how the economic activities of more developed contemporary society may be inserted in the traditional way of life, as pointed out by Luchiari (1999), Xavier (2007), and Coriolano (2006).

Regarding the discussion on the permissiveness of the performance of economic activities within TAUS's areas, specially when dealing with tourism in *caiçara* communities, it is observed that, since it is a tool for regularization of the sustainable use of natural resources, according to some interpretations, there would be no judicial obstacles for touristic activities, since it takes on a family/community role, as it is advocated by the SPU Decree 89/2010: Art. 4 §1 It is forbidden to grant an Authorization for Use for extensive activities of agriculture, cattle, or other forms of indirect exploitation or occupation of Federal areas, non-characterized as traditional agro-extractive or agropastoral activities, with family or community organization destined to subsistence and income generation.

In this sense, the activity must be described in the granted document so to recognize it as allowed in the territory, guaranteeing a leading role for the local community and favoring the reduction of conflicts involving use, occupation, and the negative impacts caused by mass exploitation and by the exclusion of the community.

The recent legal framework, constituted after the Federal Constitution, meets, for the first time, the needs for valuation of the *caiçara* culture, relating traditional activities to economic ones. If, on the one hand, it is noteworthy that the *caiçara* culture has always adapted itself to adversities, just as *caiçara* people have revealed themselves stronger after resistance episodes; on the other hand, tourism is a reality that must be related to traditional activities and have the *caiçaras* as the leading role in order to be more sustainable.

Therefore, TAUS is set as a pioneering tool for promoting the articulation between traditional economic activities and tourism, granted for the territories used by the collectivity. However, since it is a relatively recent tool, doubts and challenges are put, both from the point of view of the traditional community and of the institutional one, being easy to identify some frailties, such as: the need for community organization and bigger knowledge of traditional rights; the identification of the institutions responsible for administrating and regulating said areas; the procedures needed to obtain the CDRU; the resistance of current tourism operators and landlords; the need for better professionalization and involvement in the touristic process, and, most importantly, the continuity of the struggle that guarantees all the territory where cultural activities are performed, both land and marine ones.

6. Concluding remarks

This work has aimed to discuss the relation between tourism and territory, pointing out interests and the disposition and use of areas with the intent of highlighting the importance of the territory and of natural resources as elements of dispute and conflicts, but also as elements for the maintenance of *caiçara* culture and identity, just as for tourism.

The central role the territory plays in all economic cycles remains in present days and tourism, in the same thinking of deterritorialization and reterritorialization of local communities, threatens the *caiçara* presence, who are excluded from economic activities and from their living spaces.

TAUS, as a territory regulating tool, guarantees land possession to *caiçaras* and, consequently, their decision power and the possibility of participating in local socio-economic activities. These factors may enable a shift in the dynamics of territory use and occupation, redesigning a scenario proper for the Community-Based Tourism (CBT), that is, which is administrated by the community, in its relations with external agents, and which uses the (natural and cultural) landscape for the social inclusion of these communities.

On the other hand, it is observed that TAUS is still flawed as a tool due to its lack of clarity regarding the administration of the territory granted to the communities and the development needed for the continuation of the process for obtaining the CDRU, both extremely important for guaranteeing the permanence of local communities and for the management of conflicts between them and external agents.

Understanding this territory dynamics is complex, given that the *caiçara* culture, which is not static as any other groups, now has its cultural production related to tourists, since these are the main consumers of the surplus of *caiçara* goods production. Touristic trade (touristic operators and jeepers) are the companies that bring most tourists to the destination. Thus, the point is not to end touristic activities developed by external agents to the community, but to place the community as an equal in the decision-making processes of the area. And TAUS has been set as an important element, promoting a reduction in inequalities among the ones involved in tourism management.

Within this approach, the traditional *caiçara* community, with its material and immaterial culture expressed in the territory, is no more presented to tourists as a positive externality and becomes the main element, as the leading role for decisions and as the manager in productive arrangements. For that, the challenge refers to strengthening low-impact touristic activities, which counterpose to the thinking of the estate sector of use and occupation, and which complements traditional activities and can, at last, be gradually incorporated to the *caiçara* dynamics.

However, as it was intended to show, frailties and threats are still very present and permeated by issues such as the relation to the commerce established in the territory belonging to foreign people, the increase of summer houses, the crescent invasion and possession of land by foreigners, the commercialization of the attraction established by the agencies of the urban center of Ilhabela, the high number of visitors, configuring a mass tourism, and, lastly, regarding the properties that have been acquired in the past from *caiçaras* and that, nowadays, impede the collective use of territory. TAUS, as a disciplining element, cannot be centered “only” on land regularization, but it has to consider these impacts that closely related to the processes of territory disputes in the area.

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Original Article

TRADITIONAL POPULATION AND TOURISM: TAUS AS A TOOL FOR DISPUTE MANAGEMENT?

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TRADITIONAL POPULATION AND TOURISM: TAUS AS AN INSTRUMENT FOR DISPUTES MANAGEMENT?

Abstract: The reproduction of real estate capital, generated through tourist facilities and secondary residences, is one of the main modes of production in the coastal region, causing, at times, conflicts with the interests of remnant traditional populations. This article aims to analyse the concession of the Term of Authorization for Sustainable Use (TAUS) – a land policy instrument for ownership regularization developed based on the recognition of the traditional populations' right to housing and the management of their socioeconomic practices - to *Caicara* Traditional Communities, situated along Praia de Castelhanos, in Ilhabela (SP). The work was carried out by a descriptive and exploratory study, complemented by secondary data and by participant observation. It is understood that issuing the TAUS offers the *caicara* the power of decision and the possibility of participation; however, by its uniqueness on tourist desired territories, it appears inconsistent especially regarding the practical aspects of territorial management and disputes of these communities with external stakeholders.

Keywords: Caçara Traditional Community; tourism; Ilhabela; territory.

POVOS TRADICIONAIS E TURISMO: O TAUS COMO INSTRUMENTO PARA GESTÃO DE CONFLITOS?

Resumo: A reprodução do capital imobiliário, estabelecido por meio de equipamentos turísticos e residências secundárias, é um dos principais fatores de produção do espaço litorâneo, gerando, por vezes, conflitos com os interesses das populações tradicionais remanescentes. Este artigo tem como objetivo analisar a outorga do Termo de Autorização do Uso Sustentável (TAUS), um instrumento de regularização fundiária baseado no reconhecimento do direito a moradia e na gestão de práticas socioeconômicas, às Comunidades Tradicionais Caçaras, situadas na Praia de Castelhanos, em Ilhabela (SP). O trabalho foi desenvolvido por meio de um estudo descritivo e exploratório, complementado por dados secundários e

pela observação participante. Entende-se que a emissão do TAUS proporciona ao caiçara o poder de decisão e a possibilidade de participação, contudo, devido ao seu ineditismo em territórios de interesse turístico configura-se falho, especialmente no que tange aos aspectos práticos de gestão territorial e dos conflitos destas comunidades com agentes externos.

Palavras-chaves: Comunidades Tradicionais Caiçaras; turismo; Ilhabela; território.

PUEBLOS TRADICIONALES Y TURISMO: EL TAUS COMO INSTRUMENTO PARA LA GESTIÓN DE CONFLICTOS?

Resumen: La reproducción del capital inmobiliario, establecido por medio de equipamientos turísticos y residencias secundarias, es uno de los principales factores de producción del espacio litoral, generando, algunas veces, conflictos con los intereses de las poblaciones tradicionales remanentes. Este artículo tiene como objeto analizar el otorgamiento del Término de Autorización del Uso Sustentable (TAUS), un instrumento de regularización agrario basado en el reconocimiento del derecho a vivienda y en la gestión de prácticas socioeconómicas, a las Comunidades Tradicionales *Caiçaras*, situadas en la Playa de Castellanos, en Ilhabela (SP). El trabajo fue desarrollado por medio de un estudio descriptivo y exploratorio, complementado por datos secundarios y por la observación participante. Se entiende que la emisión del TAUS proporciona al *caiçara* el poder de decisión y la posibilidad de participación, no obstante, por ser inédito en territorios de interés turístico se configura defectuoso, especialmente en lo que atañe a los aspectos prácticos de gestión territorial y de los conflictos de estas comunidades con agentes externos.

Palabras-claves: Comunidades Tradicionales *Caiçaras*; turismo; *Ilhabela*; territorio.
