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Mapping Environmental Inequalities in Brazil
Mining, Environmental Conflicts and
Impasses of Mediation

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Mapping Environmental Inequalities in Brazil

Mining, Environmental Conflicts and Impasses of Mediation

Andréa Zhouri

Abstract

The paper discusses the process of mapping environmental conflicts in the Brazilian State of Minas Gerais, highlighting the epistemological differences between the concepts of conflicts and impacts. By focusing on the case of mining registered in the map, it analyzes the effects of abstract global ideas upon politically-grounded processes in Brazil. It reveals how global environmental policies and strategies related to consensus building are presented as solutions to environmental conflicts and interrogates how such strategies, driven by transnational financial institutions, have been adopted by Brazilian agencies in turn producing depoliticizing effects (i.e. shifting the focus from rights to interests). If participation has been a key concept within a global sustainability paradigm, and one that seemingly responds well to calls for democracy in countries like Brazil, negotiation is the medium through which participation (therefore democracy/the political) must occur. Yet in a process typical of coloniality of knowledge and power, dissent and alterity are sidelined, perpetuating processes of environmental inequalities.

Keywords: environmental conflict | mining | consensus building

Biographical Notes

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1. Introduction¹

In Brazil, the literature about environmental iniquities and environmental conflicts has systematically increased over the past ten years.² Initial concerns addressed what was perceived as an uncritical social science approach towards so-called “environmental issues” (Carneiro 2005). At the same time, efforts were made for the construction of a research agenda focused on social conflicts and the environment (Acselrad et al. 2004; Lopes et al. 2004; Zhouri et al. 2005). Such concerns and proposals stemmed, simultaneously, from observing the increase of environmental iniquities in the country, and calling for studies that could bring these processes to the core of social science research. The focus on the different levels of power relations related to the appropriation and distribution of environment came hand in hand with a call for the overcoming of binary epistemologies centered in the divisions of nature/culture and society/environment. There was a sense that the ecological modernization approach which is hegemonic in political processes at large was also impregnating the perspectives of social analysts (Carneiro 2005).³

Indeed, the ecological modernization paradigm came into operation in Brazil with the institutionalization of environmental issues during the 1980s. This was largely grounded in the global perspective on sustainability and sustainable development.⁴ One of its main guidelines was concerned with matters of participative management aiming at the conciliation between economic, environmental and social interests. This seemed to be in fact a form of environmental adjustment – or modernization – of the classical mode of development. The technical prevention of so-called environmental impacts and the adoption of mitigation and compensation measures for environmental degradation both set the tune for the new policy. In reality, the operationalization of the strategies centered

1 I thank the Fundação de Amparo à Pesquisa do Estado de Minas Gerais (FAPEMIG, the State of Minas Gerais Research Foundation) and the Conselho Nacional de Pesquisa (CNPq, the National Research Council) for the research support throughout the years; and *desiguALdades.net* where I received a fellowship hosted at the Ibero-Amerikanisches-Institut (IAI) in December 2013 which made the writing of this paper possible.

2 See contributions to Acselrad et al. (2004), especially Acselrad (2004); Zhouri et al. (2005); Lopes et al. (2004); Almeida et al. (2010); Zhouri and Laschefski (2010); Zhouri (2012). Panels and symposiums about environmental conflicts have been organized annually at the Associação Nacional de Pesquisa e Pós-Graduação em Ciências Sociais (ANPOCS, the Brazilian Association of Post-Graduate Programs and Research in Social Sciences), the Sociedade Brasileira de Sociologia (SBS, the Brazilian Society of Sociology), the Associação Brasileira de Antropologia (ABA, the Brazilian Association of Anthropology) and the Associação Nacional de Pesquisa em Planejamento Urbano e Regional (ANPPUR, the National Association of Research in Regional and Urban Planning).

3 The main thesis of the ecological modernization (or risk society) approach, is found in Spaargaren (1997). A critical perspective is presented by Blowers (1997).

4 The critique of development and of sustainable development dates back to the early 1990s, with publications such as Sachs (1992) and Escobar (1995), among others.

on sustainable development implied the implementation of a regulatory framework at international, national and local levels. The environmental impact assessment mechanism, the enforcement of specific environmental body of legislation and the emphasis on environmental education were aspects mostly supported by international financial institutions. Corporations invested in new technologies aiming at ecological efficiency, whereas actions focused on the social-environmental responsibilities of firms called not only for the opening of dialogue but the construction of partnerships with social and environmental movements and NGOs (Zhouri and Laschefski 2010).

Nonetheless, such an ecological modernization paradigm, that is, the environmental adjustment of development – which in Brazil refers mainly to growth via the export of commodities – was not followed by the reduction of expropriating mechanisms (Almeida et al. 2010). The loss of land and environmental resources affects, in fact, the most vulnerable social groups in Brazil and in Latin America, increasing inequalities and the frequency of environmental conflicts in the continent.⁵ It is within this scenario that initiatives concerned with environmental conflicts have involved both academic and non-academic groups in the process of developing a cartography of environmental inequalities in Brazil.⁶ The registering of processes in space allows the perception of patterns that, once revealed through the map, visualizes the direction of the distribution and of the concentration of environmental resources as well as of the environmental risks produced by industrial societies. Thus, it allows the portrayal of spatiality of environmental inequalities, as in the Map of Environmental Conflicts of the Brazilian State of Minas Gerais, a website containing the registration of over 500 cases of conflicts (GESTA 2014).⁷

5 The literature about involuntary displacement and forced resettlement is rather comprehensive. See, for instance, Oliver-Smith (2006); Sigaud (1989); Schwade (1990); Santos and Nacke (1988); Rothman (2008); Pimentel Filho (1988), Zhouri et al. (2005) among others. In Brazil, the *Plano de Aceleração do Crescimento* (PAC, Growth Acceleration Program), a development program launched during the first administration of the Partido dos Trabalhadores (PT, Workers' Party) in 2003, consists of a set of economic policies aimed at accelerating Brazilian economic growth, with a total investment of R\$503.9 billion. One of its priorities is investment in infrastructure, especially in the areas of sanitation, housing, transportation and energy, among others. However, it is worth noting that nearly 55% of the PAC budget was directed to finance energy infrastructure, mainly large dams, which are most responsible for forced displacement and the loss of forest and other ecosystems. Projects that were criticized in the 1980s for their environmental and social impacts in the Amazon have actually made a comeback in recent years, as in the case of the Belo Monte dam, in the Xingu River, and dozens of other projects in the Tocantins basin (Zhouri 2012).

6 Among others, see the pioneering initiatives represented by the *Mapa dos Conflitos Ambientais do Estado do Rio de Janeiro* (Map of Environmental Conflicts of Rio de Janeiro), launched in 2004 by a group of scholars from the Universidade Federal do Rio de Janeiro (UFRJ) and the Federação de Órgãos para Assistência Social e Educacional (FASE, the Federation of Agencies for Social and Educational Assistance); and the *Mapa de Conflitos envolvendo Injustiças Ambientais e Saúde no Brasil* (Map of Conflicts involving Environmental Injustice and Health in Brazil), developed by Fundação Oswaldo Cruz (FIOCRUZ) and FASE (FIOCRUZ and FASE 2014).

7 See Laschefski et al. (2013).

In this paper I discuss the construction of the Map of Environmental Conflicts of Minas Gerais and the accompanying epistemological issues concerning categories such as environmental conflict and environmental problems. The idea of environmental conflict seemed to put in question the apparent objectivity of notions such as environmental problems and environmental impact. It equally questioned the environment as an objective reality external to society and, therefore, mainly apprehensible by technical and scientific knowledge and measurements. Following this discussion, and on the basis of the analysis of the socio-spatial dynamics observed in the territory of Minas Gerais through the map, I chose mining in the region of Conceição do Mato Dentro for further analysis. The municipality is 145 km away from Belo Horizonte, the capital of Minas Gerais (see maps below), and is a good case for an in-depth analysis about the dilemmas confronting local communities in face of development projects and ecological modernization strategies based on problem solving.⁸ Among these, I call attention to the actual institutionalization of mechanisms of negotiation and conflict mediation supported by the World Bank within the Ministério Público de Minas Gerais (Public Prosecutor's Office of Minas Gerais [MP]). Such an initiative is considered by both agencies – the World Bank and Ministério Público – as a model to be spread in other parts of the country and even worldwide (Laschefski 2014; Strautman and Furtado 2014). Hence, the analysis considers the limits of conflict negotiation and the challenges it poses for the possibilities of environmental equity, as this would require the recognition of cultural differences, such as those of traditional peoples, *quilombolas* (descendants of former slaves) and indigenous groups whose rights are recognized by the Brazilian Constitution as well as by international laws, namely ILO Convention 169.

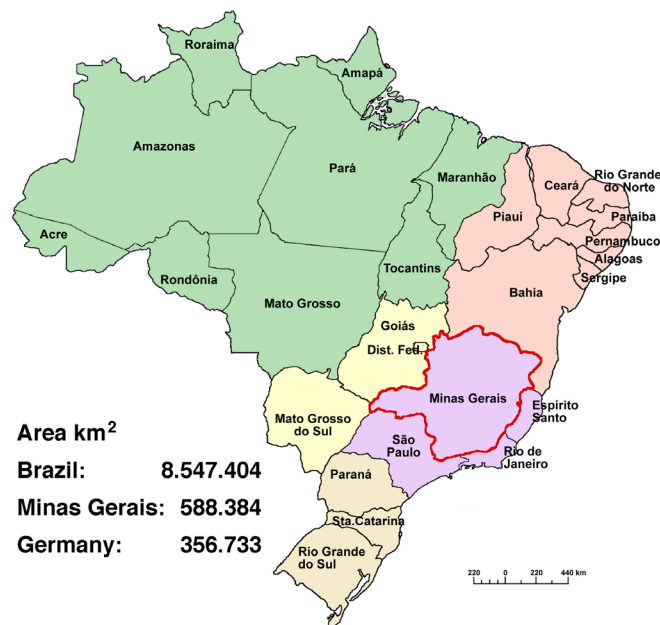
The paper concludes that conflicts express processes, at once social and environmental, whereby the struggle occurs not only via the optimal conformation produced by “a mathematics of exchanges and compensations” (Rancière 1996: 27), but mainly through the legitimacy of other forms of “vision and di-vision” (Bourdieu 1993: 222) of environment and social space. This understanding questions the very notions of justice, democracy and participation, confronting them with categories of development and modernity which have been imposed upon subaltern groups (Spivak 1988) in the name of class standards measured by consuming patterns in the market of goods and services.

8 In short, ecological modernization is understood as the capacity of society to institutionally solve the so-called environmental problems in the context of market initiatives, by means of technological innovations and with consensus building. For a critique, see Blowers (1997); Acselrad (2004), and Zhouri et al. (2005, 2010).

2. The Experience of Mapping

Minas Gerais is a state in southeastern Brazil with the third richest economy by GDP, and comprises a territory larger than some European states, such as Germany, with over 500,000 km² and more than 800 municipalities. The economy is heavily based on extractivism, especially related to mining and metallurgy industries, but also cattle ranching, eucalyptus and sugar cane plantations, among others. The construction of hydroelectric power plants, mines and eucalyptus monoculture has had huge impacts on natural resources, especially water, and the rural communities of peasants, *quilombolas* and indigenous groups.

Figure 1: Location and Size of Minas Gerais



Source: GESTA 2014. Used with permission.

The construction of the Map of Environmental Conflicts started in 2007 as a partnership project involving three research groups from different universities in Minas Gerais⁹. It was publicly launched in 2011 as a website with over 500 cases of environmental conflicts (GESTA 2014). Although very significant, these cases do not represent the totality of environmental conflicts in the state, and they are not intended to present either the total volume of environmental problems or their impacts on the ground. From

⁹ The research groups are: Grupo de Estudos em Temáticas Ambientais (GESTA, Group of Environmental Studies) at Universidade Federal de Minas Gerais; Núcleo de Investigações em Justiça Ambiental (NINJA, Research Group on Environmental Justice) at Universidade Federal de São João del Rei and Núcleo de Investigações em Injustiças Socioambientais (NIISA, Research Group on Social-Environmental Injustice) at Universidade Estadual de Montes Claros.

a qualitative perspective, the map is rather centered in identifying particular struggles and efforts of different social subjects to legitimize their socio-environmental forms of being and living in the world. Hence, the map goes beyond the mere display of environmental problems or impacts, revealing the otherwise invisible socio-spatial conflicting dynamics at stake in society.

The research method is comprised of two complementary paths of investigation. The first one focuses on looking for institutionalized cases of environmental conflicts, that is, those submitted to environmental licensing procedures or even lawsuits since the year 2000. In this case, the registers of the archives of both the Conselho de Política Ambiental de Minas Gerais (COPAM, Council of Environmental Policy of the State of Minas Gerais) and the Ministério Público de Minas Gerais were consulted as data sources; this was also followed by interviews with technical personnel from both bodies. In this phase, more than 200 offices of the Ministério Público in different municipalities were visited. Fieldwork followed the interviews in each office area where researchers could visit those small villages mentioned in the processes and speak to people on the ground. The second path of investigation focused on the non-institutionalized, that is, the daily or ongoing cases of conflicts. In that sense, workshops and interviews were held with different types of *atingido* (people affected by development), social and environmental movements and organizations, trade unions, NGOs, churches and other social actors within civil society.

The participative methodology employed in the mapping was aimed at addressing the political inequalities that render the voices of the most vulnerable and subaltern groups inaudible in the Brazilian society (Laschefski et al. 2013). We focused on those subjects involved in collective actions and strategies of both resistance and public awareness to situations of extreme inequalities, including the unequal conditions of use and distribution of environmental resources, the disparity in the exposure to the risks produced by industrial society as well as the inequalities related to access to technical expertise and political instances of decision-making (Bullard 1983). Stemming from that, the research team was faced with the challenge of critically reviewing analytic categories such as conflict and environment, translating them into common sense usages, such as in environmental policies, in order to identify the object of mapping itself.

3. What is the Object of Mapping? An Understanding of Conflict

The analytical perspective centered on conflicts implied an epistemological critique of the most regular usage of terms such as environmental impacts or problems within the environmental field.¹⁰ As already discussed (Zhourì et al. 2005; Carneiro 2005; Acselrad 2004; among others), the language of impact (hegemonic within environmental discourses and practices) presupposes the environment as an objective reality independent and separated from society.¹¹ As an object, the environment is to be analyzed in the light of scientific knowledge and technical assessment. As a consequence, other epistemologies and knowledges are disregarded as legitimate environmental perceptions and discourses within the environmental field, a fact that contributes to the increase of inequalities and the perpetuation of the coloniality of knowledge and power (Mignolo 2004, 2008; Quijano 2002).

A challenge posed to the research team also implied a common understanding about the meaning of conflict, a topic with a vast literature within the social sciences. Indeed, Norberto Bobbio et al. (1998) identify a continuum between authors/schools of thoughts who understand equilibrium and harmony as a natural status of every society and, on the other hand, those that understand conflict as a constitutive component of social interaction. In any case, Bobbio calls attention to the (im)possibility of simple conflict elimination or resolution:

The suppression of conflicts is, however, relatively rare. As the plain resolution of conflicts – that is, the elimination of the causes, the tensions, of the contrasts that originated the conflicts (almost by definition a social conflict cannot be ‘solved’) – is relatively rare, [...] *organized societies try to dilute the conflict, to canalize it into predictable forms, to submit it to precise and explicit rules, to curb it and, sometimes, to orient the potential of change to the pre-existing direction* (Bobbio 1998: 228, own translation and emphasis).

As I shall discuss later on, such a warning is especially relevant for understanding the limits set to the political and institutionalized practices that have been designed with the intention of resolving conflicts between subjects that have indeed very unequal positions of power within social space. The fact is that, whether from the perspective of

¹⁰ The environmental field is understood as a social space structured by power relations, as in the concept developed by Bourdieu (1993). For an analysis of the environmental field in Brazil, see Carneiro (2005). The discussion of this related to the Map of Environmental Conflicts is presented in the next section.

¹¹ For an earlier critique of related matters, it is worth mentioning the contributions of Redcliff and Benton (1994), Milton (1996) and Bryant and Bailey (1997), among others.

those who consider conflict as structural to class societies or those who understand it as antagonism pertaining to actions of individuals or interest groups in Western society, conflict is recognized as having an important role for democracy (Mouffe 1999) and in processes of social change.

Surely, the Map of Environmental Conflicts of Minas Gerais was not inspired by one single intellectual tradition, but found inspiration in different approaches always concerned with registering the actions of collective subjects and their unfolding developments in time and space.¹² For a research team composed of anthropologists, sociologists and geographers, each oriented by classical and contemporary traditions in their own respective disciplines, but also influenced by a vast interdisciplinary field identified as Political Ecology,¹³ the common ground was indeed the focus on the perspective of the social subjects and the understanding that environmental conflicts were to be dealt with firstly against current approaches centered in the categories of problem and impact. As already said, there was an understanding that the latter categories were normally suggestive of a reality supposedly objective and external to the social subject who in fact the map intended to portray. Therefore, the research raised concerns about epistemologies and discourses drawn upon global universalist environmental claims, such as those evoking the unification of all subjects around one single environment: the planet.¹⁴

The discourse about environmental problems and impacts is indeed institutionalized today in environmental norms and policies. It is the *doxa* component of the environmental field (Carneiro 2005). Hence, the notion of environmental conflict stems from socio-environmental processes that regard the existing relations between social subjects and their living environments. Outlined as such, the notion enabled the analysis of social groups affected by different economic projects, especially the way they contest the state of deprivation and/or risk they are submitted to, mobilizing themselves towards practices of defense of their environments as a condition to their existence. In many situations, conflicts arise when the meaning and the use of a certain territory by a specific group occurs to the detriment of the meanings and uses that other social groups may employ for assuring their social and environmental reproduction.

12 It is worth mentioning that, for the interdisciplinary group of researchers, differences between environmental conflict and environmental problem/impact were much influenced by Pierre Bourdieu's theory of practice (1993).

13 Among others, see Bryant and Bailey (1997) and Guha and Martinez-Alier (1997).

14 For a critique of globalist perceptions and epistemologies of the environment, see Zhouri (1998, 2004) and Ingold (2000: 209-218).

Therefore, the unequal access to natural resources as well as the unequal distribution of environmental risks sow the seeds of conflicts, aspects that allow them to be related to topics of environmental inequalities, justice and different existing modalities of environmentalism (Guha and Martinez-Alier 1997). The identification of processes in time and space allows the configuration of patterns that, once revealed through the map, makes visible the distribution/concentration of “the environment”, and enables the perception of the destination of the degradation produced by the so-called developmental projects as far as social groups as concerned.

By contrast, the official works dedicated to a cartography of environmental problems tend to assume a very technical and quantitative approach. This model derives from the methodological option itself (which is in turn determined by the conceptual framework) that assumes the point of view of actors who are in the position of imposing their views, criteria and order of classifications on the world (Bourdieu 1993). Among these actors are managers and technical personnel of environmental bodies, besides the agents of capital themselves.¹⁵ Therefore, one is to expect a close affinity between the listing of environmental problems, as such selected and developed in the name of objectivity, with the promotion of environmental policies, at times in a very undemocratic manner. These policies intend to extract from expert knowledge, unavailable to many social groups in Brazil, the mechanisms and procedures that will in fact transform different sort of actors, notably the subaltern groups, into the objects of such policies.

As already discussed, such a dominant perspective is widely anchored in the ecological modernization paradigm (Blowers 1997). This paradigm points to the inescapable and immeasurable potentials of technical and market oriented solutions for environmental problems (Zhourì and Laschefski 2010), whereas local mobilizations that arise from situations of conflict bring to the fore a different perspective grounded on a diverse range of rationalities and epistemologies in the appropriation of nature. In contrast to the game of mitigation and compensation which structures the environmental field (Carneiro 2005), including also the juridical mechanisms called *Termo de Ajustamento de Conduta* (TAC, Conduct Adjustment Agreement),¹⁶ many social groups are demanding

15 I refer here to instruments of management and control of pollution, of areas of risk and degradation, and also areas designated as priority for conservation, all of them mapped from a point of view that renders the environment as an objective entity defined technically from the point of view of abstract concepts and categories. See, for instance, the ZONEAMENTO Ecológico Econômico (ZEE, Economic Ecological Zoning) at <http://www.sema.pa.gov.br/services/zee>.

16 In brief, the instrument called *Termo de Ajustamento de Conduta* (TAC, Conduct Adjustment Agreement) was introduced in Brazilian law by Article 211 of Law No. 8.069/90 (*Estatuto da Criança e do Adolescente*, the Code of Children and Adolescents) and Article 113 of Law No. 8.078/90 (*Código de Defesa do Consumidor*, the Code of Consumers Rights). It is extended to the protection of the environment and it creates an entitlement to restoration of the conditions of degradation, for instance, by means of an extra-judicial accord, a negotiation between parties.

the possibility of self-determination in relation to the territories they traditionally occupy and the revision of principles and procedures that coordinate the spatial re-orientation of economic activities by the state, in accordance with ILO Convention 169. This brings about the politicization of the environmental debate from a perspective of cultural diversity and class relations. It makes it possible to bring awareness about the different and disputed views about the definition of environmental impact, environmental problem, affected people and other formal terms used in policy making.

From a range of 500 environmental conflicts mapped in Minas Gerais, the ones provoked by a new mining frontier in the state call attention to the magnitude of changes – simultaneously environmental, social and institutional – they promote. In the next section, I shall shift attention from the objective of mapping to a grounded analysis of mining activity, as it allows a more detailed discussion about global-local relations and the impasses and shortcomings produced by the adoption of certain administrative categories proper to the hegemonic paradigm, as discussed above.

4. Mining and Environmental Deregulation

Conflicts around industrial mining, especially iron ore mining, attract attention when one looks into the Map of Environmental Conflicts of Minas Gerais. According to Milanez and Santos (2013), iron ore is the second most traded commodity in the international market, behind only petroleum. The global market for iron ore mining and related transactions has increased due to the growth of consumer demand arising from different parts of the world, especially Asian emergent economies. Such an increase of demand associated with the discovery of new mining sites in Latin America has promoted relevant investments by transnational firms, above all in Peru, Chile and Brazil (Scotto 2011).¹⁷ In this scenario, it is relevant to mention the conjunction of progressive governments in Latin America who have attempted to redefine forms of development that attended both to the policies of poverty reduction and access to social rights, with the intention to reposition the countries and the region in the global sphere, aiming at more political autonomy in relation to the hegemonic economies (Malerba et al. 2012: 11). Thus, the state becomes the “meta-mediator” (Scotto 2011) that acts as manager of the national territory, including natural resources, at the same time as it acts also as mediator of interaction between different sectors of society – firms and affected peoples – and the natural resources of the country. There is an ambivalence here related to the goal of greater political autonomy in relation to the hegemonic

¹⁷ From 1990-1997, global investments in iron ore mining increased by 90%. In Latin America only, this amount rates to an increase of 400%, as shown by Bebbington (2007). In this context, five countries have concentrated about three-quarters of the total of all mining activities in their territories: Chile (18.2%), México (16.6%); Peru (16.0%), Brazil (14.5%) and Argentina (8.8%) (Scotto 2011).

economies, since as a response to the growing role of the global mining industry, the state acts to make rules more flexible: regulatory frames become more open to foreign investors, at the same time as it tries to assure the institutionalization of the rights of corporations as well as the compliance with rules created within transnational spheres (Svampa and Antonelli 2009: 31).

Of course, mining should not be considered as an isolated aspect or sector of the economy alone. It should be placed and related to the whole techno-economic complex of which it is part: the construction of hydroelectric dams, infrastructure of transport, ports, in fact, all the economic activities related to the production of the urban-industrial space (Laschefski 2014). In addition, it demands a great volume of water, for tailings ponds as well as for transportation via pipelines. Hence, mining operations are responsible for irreversible changes: environmental, cultural, spatial and political transformations.

It is relevant to add here that mining occupies also a symbolic place in the imagination of the elites in Minas Gerais. Take for instance the statement of a parliamentary deputy during a public hearing about human rights abuses in mining activities in Minas Gerais:

Mining is a very significant component of the history of Minas Gerais, that's why we have mining in our name [referring to the name of the state Minas Gerais, meaning General Mines]. We have started as civilization through the mining operations, from the extraction of gold. This is a landmark of our history and, consequently, of our culture as *mineiros* [miners]. Therefore, we are all *mineiros* [miners] (Assembleia Legislativa do Estado de Minas Gerais 2013: 24-25, own translation, emphasis and comments).

However, as symbols in dispute, representations of *mineiridade* and its values are at stake, as we follow in another direction the response of the representative of the Public Prosecutor's Office in the municipality of Conceição do Mato Dentro, the locality where mining operations by Anglo American Corporation were the object of formal complaints alleging human rights abuses:

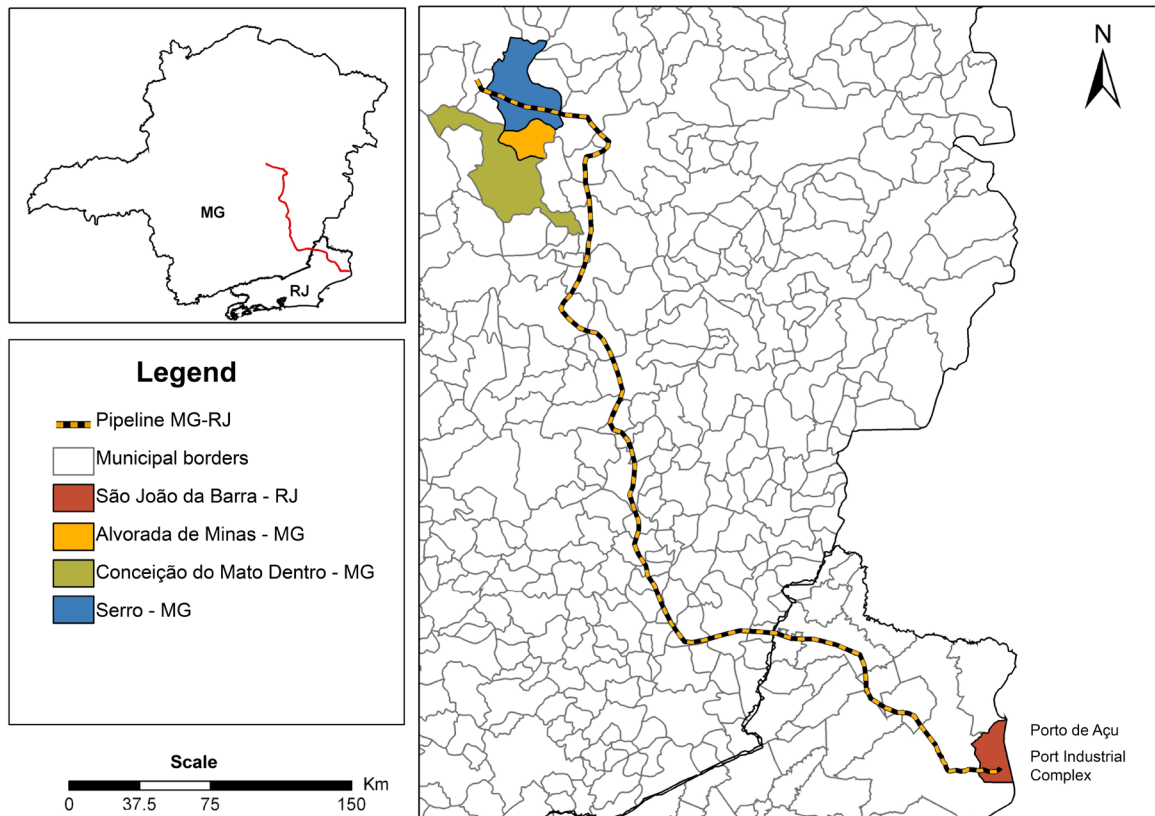
Minas has indeed the vocation for mining and mining is mixed with the history of Minas. But the history of Minas is more largely mingled with struggles for *freedom* and the *rights of citizens* [...] The citizens of Conceição do Mato Dentro have had their rights infringed for a long time now (Assembleia Legislativa do Estado de Minas Gerais 2013: 61, own translation and emphasis).

The collision between what seemed to be on the one side, the economic imperative, and on the other side, freedom and the rights of citizens, is multiplied in several cases, revealing a double fallacy: on the one hand, a consensualist proposition around the concept of sustainable development (in the name of the nation, the public interest and so on) and, on the other hand, an individualistic notion of citizenship (the people, the *mineiros*, that is everybody and each one) concept that brings deep implications for the definition of *atingido* (the people affected) and the consequent acknowledgment of collective rights, as will be discussed further on.

Today, a new frontier of mining with deployment of high technology is underway for large-scale prospecting of iron ore. A total of nine pipelines for transportation of iron ore from Minas to the coastal areas of Northeast and Southeast Brazil are either planned or under construction. All these activities will demand appropriate energy infrastructure, which in turn implies the intensification of investments in hydroelectric power plants (in total, the government has planned the construction of 445 dams in Minas, 385 of the so-called small dams and 45 large ones).

Indeed, the magnitude of these processes imply the emergence of a variety of environmental conflicts involving mining and metallurgic companies, energy firms, builders, large and small farmers, peasant communities, NGOs, indigenous and *quilombola* societies, fishermen's organizations, and social and environmental movements. In this context, marked by economic policies of fiscal adjustment and the increase of market surplus, the previous normative instruments of environmental regulation have been considered as barriers to development and have now been made flexible. There has been in reality a process of environmental deregulation. Norms have been revised while environmental institutions lack the required capacity to ensure compliance with the regulatory framework (Zhourri 2012). The case of mining in Conceição do Mato Dentro, in the metropolitan region of Belo Horizonte, is very typical of these more general processes.

The Minas-Rio Project is a complex that comprises the prospecting of a conjunction of mines for the production of 26.5 Mtpa (million tons per year) of iron ore for a period of 30 years; this involves an open air pit of 12 km in length, processing plants and infrastructure in three municipalities in Minas Gerais; besides, the project comprises also a 525 km pipeline crossing 32 municipalities between the states of Minas Gerais and Rio de Janeiro terminating at the port-industrial complex in Rio de Janeiro called Porto de Açu, where the transnational mining company Anglo American joins the Brazilian company LLX, participating with a 49% share.

Figure 2: The Minas-Rio Project and Pipeline

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The Environmental Impact Assessment process was very fragmented: the mine was licensed by a state environmental agency in Minas Gerais (Superintendência Regional de Regularização Ambiental [SUPRAM] /Jequitinhonha), the pipeline by the federal environmental regulatory body (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis [IBAMA]) and the port by the environmental agency of the State of Rio de Janeiro (Instituto Estadual do Ambiente [INEA]). This fragmentation by itself is revealing of the logic of territorial appropriation promoting the “di-vision” (Bourdieu 1993) that is essential for the control of the environment and the division of subjects (and their possible organization towards resistance). The strategy of division leaves open the question: after all, who are the people affected by the project? This is the central issue at the core of the conflict, as the general lack of information is a crucial strategy to the feasibility of projects from the point of view of the companies’ interests. Indeed, as the Minas-Rio Project shows, procedures for assessment of impacts, and programs to mitigate or compensate for them, prioritize strategies that result in clearing the territory for the start of operations in accordance with the companies’ schedule. The process assumes a form of land negotiation in which a lack of information serves to make the environmental assessment process go ahead hand in hand with individual land

purchases. The so-called social impacts of projects are reduced to real estate matters, for which monetary compensation is a ready solution. The result is the reproduction of lack of knowledge that maintains the obscurement of issues related to the local complexity of social organizations and traditional forms of land tenure.

Concerning the part of the project comprising the iron ore extraction site in Minas Gerais, the *Licença de Instalação* (Installation License [LI])¹⁸ was obtained in 2009. From the beginning the process, which began in 2007, many formal complaints have been filed with the State Prosecutor's Office (MP) of Minas Gerais. Among several issues, it is worth mentioning yet another casuistic divide, this time, an arrangement that made possible the concession of the Installation License itself. As a matter of fact, the first license, named the *Licença Prévia* (Preliminary License [LP]), which constitutes the initial phase of the environmental impact assessment, was obtained by Anglo American in 2008 with hundreds of conditionalities imposed by the environmental bodies which the company had to meet before the Installation License (LI) was to be obtained. However, at the time the company sought the Installation License, several of those conditionalities remained unmet. Under an arrangement made possible by the state environmental agency (SUPRAM), the license itself was divided in several phases, a process which was not envisioned under the environmental regulatory system, but which made possible the continuation of the project.

The weakening of regulatory norms and procedures, along with the inefficiency of enforcements, often open up space for the emergence of violent actions on the land in question. Rural residents and environmental groups have denounced human rights violations, namely the right to information, the right to potable water, the right of freedom of movement, among others. They have also accused the company of abusive behavior, especially in relation to those who live and use areas to be expropriated.

In addition to fragmenting the project and the licenses, divisions of families and communities also occurred since the administrative category of *atingido* (the people affected) considers individual land owners mainly, mostly ignoring groups attached by family and neighboring bonds. The region coveted by Anglo American mining operations consists of small family ranches, territorially articulated by neighboring bonds that constitute communities of kinship historically established in the region. In many cases, their land resulted from heritage kept in common throughout the years,

18 In Brazil, the environmental assessment process comprises three phases involving three licenses that enterprises must acquire in order to meet regulatory requirements: The Preliminary License (LP), which is the phase when the environmental feasibility of a project is assessed, the Installation License (LI), when the project is actually installed, and the Operational License (LO), when projects are ready for actual production or operation.

a traditional custom which is locally called *terras no bolo da família* [land held in common within one extended family] (Santos 2010; Galizoni 2000).

Yet, within the licensing process, another maneuver created two new modalities of *atingidos*: those of emergent and non-emergent affected people. This classification, which had no basis under current environmental regulations, was meant to define those who would have to be evicted from their place more immediately and those who could be displaced later on in the process. Such a classification was clearly done from the perspective of the companies' interests, that is, the urgency of building their physical installations, with no regard to the norms of social organization of the local communities. Above all, they were disconnected from the peasants' ethics (Woortmann 1985; 1995; Oliveira 2008). This was reflected in the constrained attitude and indignation of a resident of the village of Água Quente. Against his knowledge and will, and with the exclusion of other members of his family (his 104-year-old mother and three sisters in their 70s, who are his immediate neighbors), he was listed in a registry of *atingidos* by Anglo American. With anger, he stated: "How can I wish God for me and not wish Him for the others? We are a single family here. We are all *atingidos* in [a reference to the community of Água Quente, located less than 2 km downstream of the iron ore processing plant, but not officially acknowledged as being affected by the mining operations]."19

Indeed, the community of Água Quente is a small village with a total of approximately 30 households, mostly composed of related cousins, descendants of two brothers who each had married in the locality in the beginning of the 20th century. Água Quente brings the word water in its name as a mark of its identity. Nevertheless, it suffers with the pollution and the reduction of water of the Passa Sete stream. This little river cuts through the community and is located downstream from the ore mining processing plant built by the company. This activity has contaminated the water that is used for agriculture, for livestock, and for domestic uses in leisure activities as well as for fishing.²⁰ According to villagers, sometimes the water changes dramatically, and becomes muddy and dirty from the mining operations. During such incidents, agents of SUPRAM, the state environmental agency, appear in the village, but such visits do not solve the problem for good. The company installed water tanks in the community, but they lack maintenance and do not supply Água Quente properly. Villagers mentioned

19 Interview with Senhor Matozinhos, late 60s, peasant. Recorded in fieldwork notes, Água Quente, 5th June 2013, own translation.

20 Ethnographic observation during fieldwork in May and July 2013; and official notes of the public hearing organized by the Human Rights Commission of the State Parliament of Minas Gerais, on May 6, 2013 (Assembleia Legislativa do Estado de Minas Gerais 2013). See also Pereira et al. (2013).

that water is sometimes lacking for up to five days (field notes and notes from the Public Hearing on May 6, 2013). Above all, there is a major uncertainty about the future, since there is no clear agreement about the length of time the company will keep the reservoirs in the community. Uncertainties go beyond that as well, connected to the proximity with the processing plant (tailing pond), placing doubts about risks and the maintenance of villagers in the community.

Figure 3 and 4: Água Quente in July 2013 and the Passa Sete Stream



Source: Figure 3: photo by the author, Figure 4: photo contributed by villager.²¹

In April 2012 a meeting in another village – São Sebastião do Bonsucesso – was held together by the State of Minas Gerais Prosecutor (Ministério Público Estadual), the Federal Prosecutor’s representative (Ministério Público Federal) and the Public Prosecutors of the state of Minas Gerais (Defensoria Pública de Minas Gerais). The three bodies responsible for the defense of citizens’ rights convened the meeting to hear the questions and formal claims filed by the local people affected by the Anglo American project and environmentalists. The villagers questioned the underestimation of impacts, as the resettlement of two communities only (there is a dispute about the number of villages affected; initially, only two were acknowledged as such, and in the course of the struggle another 20 were listed as somehow affected) and the contracts for land purchases presented by the company. They also denounced problems related to: “contamination of water sources, poisoning of animals, division of families and communities, invasion of land and non-authorized destruction of gates and fences used for property demarcation” (Furbino 2012, own translation).

During this meeting, the villagers handed to the authorities a document of formal complaints of human rights violations signed by social movements, local associations and university researchers. In the following month, the three bodies signed a joint legal

²¹ The name of the photographer is kept anonymous here to protect his/her identity.

recommendation warning Anglo American about the situation of possible infringements of human rights. What followed from such recommendations?

5. Conflict Mediation: Consensus for Whom and about What?

In May 2012, the State Prosecutor of Minas Gerais, through its *Coordenação de Inclusão e Mobilização Social* (CIMOS, Coordination of Social Inclusion and Mobilization) created the *Rede de Acompanhamento Socioambiental* (REASA, Socio-Environmental Support Network) to be a sphere of negotiation and conflict mediation around this case. Meetings were held monthly in different villages for over a year. Comprising of *atingidos*, residents of the municipalities affected by the project, environmentalists, public administration officials and representatives of the company, REASA was designed as a channel of communication between different actors and the State Prosecutor's Office. Registers of the meetings were made public in a blog coordinated by CIMOS (CIMOS 2013). For the *atingidos*, once dispersed and divided by the company's strategies, REASA was welcomed as an opportunity for reunion, despite the presence of company representatives and the impasses in negotiations up until then. At the meetings, it is possible to observe the recurrent topic of the invisibility of the *atingidos* and themes associated with individual land negotiations (Pereira et al. 2013). Another frequent topic referred to the self-assumed inefficiency of the environmental agency in what concerns control and monitoring of the actions of the company on the land in question.

For sure, a more detailed analysis about the contributions and limits of REASA still deserves a more in-depth ethnographic treatment, especially considering that a *Termo de Ajustamento de Conduta* (TAC, Term for Adjustment of Conduct) was signed between the State Prosecutor's Office and the company following the Human Rights Public Hearing in May 2013. However, after one year of meetings and the impasses in the environmental impact assessment process, especially concerning the persistent lack of information about the number of people affected by the mining project, it is possible to reflect on the limitations placed by the strategies of conflict negotiation/mediation/resolution, an analysis also based on our experience in studying environmental governance over the last decades.

As already noted (Zhourì and Oliveira 2012), environmental policy organized by the Brazilian state during the 1980s and 1990s²² is centered in mechanisms of impact assessment and licensing of projects²³ that presents an orientation towards participation

²² Law No. 6,938, of August 31 1981 (Brazil 1981).

²³ CONAMA No. 001, 23 January 1986 and No. 006, of 16 September 1987 (CONAMA 1986; 1987).

not only in conjunction with a technical and political analysis about the feasibility of new projects, but also in relation to listening to society, especially concerning groups of potentially affected people. Therefore, the licensing process was normatively organized as a space of governance and progressive negotiation throughout three successive phases designed to assess project compliance with legal and technical frameworks. The contours and instruments of the new environmental policy incorporated the concept of sustainable development which was presented as a more convergent and optimistic alternative proposal (Viola and Leis 1995: 77) capable of including the different sectors of society in the search for solutions aimed at harmonization between economic development and environmental preservation. With a surprisingly catalyzing capacity, the growing prestige of the concept of sustainable development was accompanied by a process of de-politicization of debates and camouflaging of conflicts, making space for the paradigm of ecological modernization and its operative logic of adequacy in the scope of environmental licensing (Zhouri 2008; Zhouri 2011).

However, the participative aims of accommodating interests and reaching consensual decisions became increasingly frustrated due to the multiplication of tensions among environmentalists, social movements, entrepreneurs, firms, the technical bureaucracy, and others, where the meanings of the terms “development” and “sustainability” remained contested. Meanwhile, Brazilian environmental policy was being consolidated, and new ways of involving the country in the global economy were being experimented with, together with the corresponding economic adjustment and liberalization. Through this process, the achievements of re-democratization in the environmental field ended up being captured and devoured by new conjunctural constraints that resulted in the hegemony of ecological modernization and pragmatic environmentalism (Zhouri et al. 2005; Zhouri 2004).

The notion of environmental conflict is central to this discussion for two reasons. First, the term suggests that the interaction between experts, entrepreneurs and those affected by projects is not presented as a process of negotiation through open communication and consensus-building; on the contrary, it implies a clash between social groups that express not only opposing interests, but conflicting projects, worldviews, and cultures. It questions the definition of “environment” institutionalized in licensing, invalidating the idea that there can be undifferentiated representations of space and its resources. After all, as shown by Fuks (2001), the very legal formulation of the environmental question strives to build an apparent consensus founded on a definition of the environment as a universal asset detached from particular practices, projects and meanings.

Environmental licensing reveals a continuing series of conflicts marked by a differential distribution of power in which social groups in dispute each have their visions, values and discourses shaped by the social place from where they are pronounced. As a field in the Bourdieuan sense (Bourdieu 1993), environmental licensing structures the relations among these agents, defining for them the place and the possibilities of action. The unequal distribution of economic, political and symbolic capital locates the agents within the field, providing distinct powers to enunciate and assert claims to their respective political projects.

It is within this field of structural inequalities that attempts at negotiation and conflict mediation take place. The environmental adequacy paradigm in the core center of ecological modernization extrapolates the context of environmental impact assessment and, in fact, shapes the fields of environmental governance itself, including the juridical field, which is the field of action of the Ministério Público.

The instrument called *Termo de Ajustamento de Conduta* (TAC, Term of Adjustment of Conduct) intersects other ecological modernization instruments such as *Zoneamento Ecológico Econômico* (ZEE, Economic-Ecological Zoning), River Basin Committees and other Councils. The general principle of harmonization between constitutionally protected assets guides the interpretation of the law. This, in addition to actions of prevention and extra-judicial strategies, corroborates with consensualist premises of so-called sustainable development, which has negotiation as a core institutional principle. As the case of mining shows and previous works already discussed (Zhouri et al. 2005; 2012), the conflict negotiation perspective institutionalized by the environmental adequacy paradigm – disseminated worldwide by the World Bank (Laschefski 2014; Strautman and Furtado 2014) – departs from the liberal principle of individualization of subjects and the equality of treatment which is supposedly assured by the universality of the law.

Nonetheless, such principles, which are said to be democratic and fair (so-called “win-win solutions”), when applied in societies structured by various types of inequalities, that is, social, economic, cultural and environmental inequalities, and also composed of groups with differential rights of citizenship (indigenous, *quilombolas*), tend instead to perpetuate such unequal conditions, as shown by the hundreds of cases displayed in the Map of Environmental Conflicts of Minas Gerais, as well as in the broader cartography of environmental conflicts already mentioned earlier in this paper. Therefore, within the paradigm of adequacy, dissent is eliminated by restricting the voice of the *atingidos* to the place in which they are expected to speak: the place of acceptance, of adjustment, of negotiation, of consensus. The egalitarian prospect of stopping a major enterprise in

the name of already existing traditional projects at the local level is not on the horizon of possible decisions according to the ecological modernization paradigm. Large investments are made inexorable and even stronger when evoking the most abstract categories, such as progress, civilization, development, which in turn are presented in the name of similarly broad collectivities, such as the nation, the public interest, and so on. By such means, the logic of private appropriation of capitalist accumulation is kept hidden. In the opposite direction, the category of *atingido* is confined to the space of the local interest of minor groups. Hence, the *atingido* is fragmented and individualized by a patrimonialist perspective, made possible by the instrument called *cadastro de atingidos* (the registry of affected individuals).

Under the justification proposed by measures of compensation and mitigation, the *cadastro* in fact produces insidious violence to the recognition of the social differences actually existing in a culturally diverse society such as Brazil. Indeed, the *cadastro* conjugate and enroll name, ground and bricks and mortar. That is, it is a list composed basically of private owners (individual subjects), their plot of land and their buildings. In becoming a number, the individual subject can not only be counted but also possibly compensated. In that sense, it becomes conformed to a pattern and the rationalization promoted by an instrument at the service of regulation and control, the logic of governmentality (Foucault 1986).

A comprehensive assessment of the mode of living of rural communities, their kinship networks and economic interdependencies, their specific relations to their environment, or the fact that they are frequently also ethnic or traditional communities, all of these conditions are not recognized in the institutionalized forms of environmental regulation. Such lack of assessment poses the following question: how much of the actual impacts do the current instruments such as *Estudo de Impacto Ambiental* (EIA-RIMA, Environment Impact Assessment) actually measure? On the other, the TAC, within the environment adequacy paradigm, promotes in fact the adjustment of the *atingidos* to the logic of market society, accommodating companies, as a consequence, to the norms that are settled on a case-by-case basis within the environment licensing process. Thus, as there is no questioning of the licensing process and the procedures forged within the changes of the environmental impact assessment norms, the TAC, instead of assuring the rights of the *atingido*, ends up legalizing the ad hoc changes when it was intended only to regulate and adjust adverse effects.

Such processes raise questions concerning the efficacy of the central juridical premises of prevention, correction and reparation when the core of the conflict is the loosening of current norms. To the crisis of environmental regulation is added, thus, the crisis of the

institutions created to assure the observance of rights, indicating a delicate moment for the still-young Brazilian democracy.

6. Final Remarks

The Map of Environmental Conflicts of the Brazilian State of Minas Gerais depicts over 500 cases of struggles involving subjects organized in the defense of their environment which also means, in many situations, the defense of their differentiated modes of being and living. It also reveals the structural inequalities in which the struggles take place, because major economic projects within the overall project of insertion of Brazil in the world economy, especially via the export of commodities, have priority and impinge irreversible changes in the territory and its peoples. The act of voicing objections by such a diversity of groups and their environments is made to be illegitimate in the terms of the hegemonic perception of the environment and its destination. Administrative categories such as environmental impact and *atingidos* operate towards the standardization and homogenization of subjects and territories, processes that perpetuate historical inequalities in the country. The state is caught up in an ambiguous position: on the one hand, it defends a model of development by expropriation of territories aiming at positioning the country in a world economy, in alignment with transnational actors, including financial corporations; on the other hand, it pursues policies of poverty reduction and social rights, but with dubious democratization of the access to territories, because forced displacement goes hand in hand with development. At the same time, sectors of the state in its margins (Daas and Poole 2008) act as mediator of conflicts, making regulatory frames more open to foreign investors at the same time as they try to comply with rules created within transnational spheres. Attempts to loosen up the package of environmental regulatory frames constructed since the 1980s are underway.

The process of environmental deregulation underway has demanded greater efforts of social control. As stated by Rancière: “the political exists when the natural order of domination is interrupted by the institution of the parcel of the parcel-less” (Rancière 1996: 26, own translation). The number of investigations and formal complaints of irregularities filed with the Public Prosecutor’s Office of Minas Gerais is multiplying. In this context, the Public Prosecutor’s Office has been challenged by the increasing demand from the judicialization of actions and environmental processes. Thus, the moment is also critical for the Ministério Público, the agency responsible for the assurance of the rights of citizens and the environment. Subsumed by the logic of ecological modernization, the Ministério Público has implemented strategies of conflict mediation and conflict resolution that are actually created by external financial institutions with different aims than those related to the defense of citizens. Indeed, win-win strategies

disseminated by the World Bank are grounded in economic principles that deal with negotiation between interested parties. That is, they equalize in the market level social subjects that enjoy, in reality, unequal volumes of social, political, cultural and technical capital. Such processes allow us to consider the perpetuation of environmental inequalities and the compromising of rights by the hegemony of economic practices, concerns raised by complaints filed with the police about infringements of rights in the case of mining.

In this context, it is relevant to recall that environmental conflicts arise within the struggle of social subjects to realize their ways of perceiving and interacting with their environment. This is a political issue which has developed in the course of the social process. Now, it happens that the political (Mouffe 1999), as difference and dissent, is being replaced by meanings of negotiation as bargain while democracy has been confused with consensus building. Nonetheless, as Rancière again argues,

for the political community to be more than the contract between the exchange of services and goods, it is necessary that the equality that reigns in it be radically different than that in which goods are exchanged and damages repaired (Rancière 1996: 21).

Another meaning of equity and democracy emerges then as the theme of social struggle focused in the contestation of the submission of the common good or assets to the logic of exchange. Such a perspective implies the understanding of justice as something that goes beyond the balance of interests among individuals or the reparation of damages that one causes to another. It implies a meaning of justice constructed as a horizon that encompasses and comprises geometric differences rather than simply arithmetic operations.

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