



# Policy Brief 2020/1

Photo: Fernanda Terra

## Social participation in coastal and ocean management in Brazil: Lessons learnt and ways ahead

### SUMMARY

This policy brief reviews participatory practices and their outcomes in the Brazilian coastal zone. Since the 1988 Brazilian National Constitution came into force, a number of instruments and policies were developed to foster social participation in coastal management. New actors, initiatives, practices and networks have opened up alternative pathways for social engagement. From the many examples of participatory processes in the last decades, we can learn about achievements and challenges. As the new millennium advances, a fragile institutional infrastructure hampers established participatory processes, and in particular the involvement of the poorest stakeholders, who ultimately bear the costs of most top-down coastal management decisions.

Here, we present the main findings of a collaborative study of Brazilian and German partners that reviews and analyses participatory practices and their outcomes in the Brazilian coastal zone. **How has Brazilian coastal and ocean management evolved in terms of including vulnerable populations, in particular direct ecosystem users?**

Based on the analysis of large sets of data raised in several projects and bringing together the extensive experience of our co-authors, we offer recommendations for decision-makers from local to national level in Brazil and for other national and international actors (UN Agencies, donors, social-environmental movements). Based on the Brazilian experience, our recommendations are also of relevance in other contexts of decentralising coastal and ocean management.

### KEY RESULTS

- Since the Brazilian National Constitution of 1988 came into force, social participation in coastal and ocean management has increased with regional divergence.
- Achievements include: Formalisation of social participation, democratisation and improved networking.
- Political shifts in late 2018 have led to aggravated implementation challenges in social participation.

### RECOMMENDATIONS

Social participation is threatened and needs to be supported by improving the effective representation of civil society, through:

- Safeguarding institutional support for social participation and (re-)formalising participation in management policies and decision-making fora.
- Addressing social imbalances, e.g. through funding a fair representation of artisanal fishers.
- Supporting social networks as vehicle for participation.



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## THE CONTEXT

Mainly understood as “bringing government closer to the people”, decentralisation transfers power from central to lower levels of government. This is expected to advance the participation of civil society actors, respond to the needs of the more vulnerable sections of society, and democratise governance and management.

Importantly, the equity impacts of coastal management are more likely to be positive where decisions are embedded in community participation that explicitly includes those whose livelihoods directly depend on the resources concerned. But where diverse, and usually divergent, interests overlap spatially, the balanced, equitable and ideally consensus-based inclusion, as well as the active participation of small-scale producers and other stakeholders with fewer resources and power is challenging.

The Brazilian coastal zone is among the largest on Earth, about 10,800 km in length, with 274 municipalities in 17 coastal states, comprising highly biodiverse ecosystems. Since the 1988 National Constitution, which declares the coastal zone as national heritage, a series of public policies (e.g. land and sea use, sewage treatment) to protect coastal ecosystems were mandated.

## RESEARCH RESULTS

Under the umbrella of a supportive labour government from 2003 to 2016, major coastal zone governance actors adopted civil society or stakeholder participation as an explicit goal. The active participation of ecosystem users but also of academic bodies and wider civil society with explicit decision-making rights has improved outcomes, responsibility sharing and compliance.

However, despite the improved record of participation in the planning process, contradictions and environmental justice conflicts persist in coastal areas. The fragility of coastal ecosystems continues to be increased by inadequate governance, high policy fragmentation, low levels of policy implementation and an unstable institutional and political context. For instance, the implementation of the participatory instruments envisaged in the National Coastal Management Plan is seen as poor due to a lack of institutional buy-in and of human and financial resources.

Important challenges to the effective participation of civil society, in particular of poor ecosystem users remain: local public participation is low and unevenly distributed and the effective enfranchisement of local ecosystem users in the coastal planning process is rare. This enhances poverty and exclusion from decision-making of about one million coastal fishers<sup>1</sup>.

Post-2018, Brazil has a changing governance context in which the legal rights of Brazilian citizens to participate in public authority decisions on the natural environment are

In 1988, the Brazilian National Constitution and the National Coastal Management Plan heralded a new era for Brazilian coastal management, with decentralisation in public sector policy planning and practice. Decentralisation occurred in diverse institutional forms and across spatial and institutional levels in Brazil, including local community, municipality, state and federal levels. What have been the associated changes in social participation?

Social participation in Brazilian coastal management has largely focused on local municipal or territorial management policies (e.g., Urban Director Plans and Economic-Ecological Zoning) and on public decision-making fora (e.g. environmental councils). Several consultative or deliberative opportunities were created:

- in integrated coastal zone management with the 1988 National Coastal Management Plan,
- in watershed management policy implementation since 1997,
- and for coastal and marine protected areas with the National System of Protected Areas since 2000.

facing challenges. Although embedded in the constitution of 1988, public participation is regulated by laws that are passed (and revoked) by government. In 2019, the right-wing government decreed the extinction of social councils (including in the environmental sector<sup>2</sup>) that had been created by previous left-wing governments as part of the “National Policy for Public Participation<sup>3</sup>”.

Although some measures were soon reversed, this demonstrates the institutional fragility of participation mechanisms in Brazil. The recent moves to reduce and abolish the environmental management rights of local ecosystem users are threatening to undo previous achievements including direct local user rights to manage coastal environments. How social participation is affected by the ongoing weakening of the formal institutions that support it will need to be closely monitored.

Here, we identify the main achievements and challenges for social participation in Brazilian coastal and ocean management by reviewing the **outcomes of major participatory coastal management instruments and strategies** implemented by important **national coastal and ocean management actors and programmes**, and in **four case studies** along the Brazilian coast.



## Our case studies and their context were:

1. Reserva Extrativista (RESEX) Caeté-Taperaçu (North). Local ecosystem user engaged in the formulation of management rules and the management board for the protected area but participation fell and changed in purpose over past two decades;
2. Tamandaré (Northeast). Social participation of local citizens in the formalised Municipal Environmental Defence Council (COMDEMA) engaged them and integrated some of their priorities into regional decision-making;
3. Araçá Bay (Southeast). Social participation in the research-led elaboration of a Local Plan for the Sustainable Development of the bay. This supported social mobilisation, participatory diagnosis of, and solutions to the problems of the bay and surrounding areas;
4. Babitonga Bay (South). Social participation as an integral part of a co-design of novel ecosystem-based governance arrangements that involve all six coastal municipalities of the bay. This promoted social mobilisation, strategic planning and social-ecological systems analysis.



Modified from the original map from NordNordWest @ commong.wikipedia.org

Figure: Case studies distribution along Brazilian coast.

## ACHIEVEMENTS in Social Participation

### Democratisation at all levels

Our case examples show improved social representation in coastal and ocean management. Public participation in coastal management is ongoing at the national (e.g., collective mandate at the federal "Coastal Management Integration Group"; Confederation of Marine Extractive Reserves - CONFREM<sup>4</sup>), subnational, regional (Babitonga Bay) and municipal levels (e.g., Araçá Bay).

### Formalisation of social participation

The participation in coastal and ocean management of direct ecosystem users in the south and southeast is being established formally (e.g. Babitonga), with some success in terms of including the agendas of these groups.

### Inter-institutional synergies

Policy and process innovations in our case studies have better linked public sector and civil society actors and institutions to each other. Social participation has enhanced democracy and social-ecological sustainability in all our case studies. In North Brazil, the participation of poor ecosystem users in coastal management increased till about a decade ago, mainly in the RESEX, but has now fallen. Participatory coastal management initiatives in our South and Southeast Brazilian cases are more recent with perhaps more vibrant current institutional support.

### Representation through improved national networking

Since 1991, regular meetings on coastal and ocean matters of Brazilian national interest have brought together professionals, researchers and community-based initiatives. These meetings led to the creation of new networks. PainelMar (Network of Ocean Governance Networks<sup>5</sup>) has advanced the inter-sectoral integration of public authorities and their interactions with coastal and ocean leaders and the representatives of less affluent and influential ecosystem users, such as small-scale fishers.

## CHALLENGES in Social Participation

### Low representation of vulnerable groups

Although social representation in our cases has generally improved, an equitable representation of the socially disadvantaged requires a better inclusion of vulnerable groups and sectors, such as small-scale fisheries. Funding and capacity building can counterbalance the inherent weaknesses of such sectors.

### Funding the representation of the poorest

In at least one exceptional case, funding for social participation was provided. The proceeds of an environmental fine on an oil company in Babitonga Bay allowed funds to support the participation of disadvantaged groups with a promising longer-term outlook. In Araçá Bay, RESEX-CT and Tamandaré COMDEMA, only temporary funding has been provided for participation, thus giving voice to the concerns of the poorest ecosystem users whose livelihoods are most directly dependent on coastal and marine ecosystems.

### Social inequality

Throughout Brazilian history, contrasts between formally established participatory principles and clear discriminatory practices have placed the costs of economic growth on poor and vulnerable groups. Other groups, e.g. those interested in the development of ports and other large infrastructures, attempt to thwart user participation even where it is formally required. Environmental destruction and increasing disparity between rich and poor are the result.

### Regional divergence in social participation

Participation rights are being undermined for instance by the abolition of environmental social councils that was part of the "National Policy for Public Participation"<sup>3</sup> (Política Nacional de Participação Social - PNPS). But social participation also differs between regions. In contrast to the south and southeast, formally well-established social participation in the north and northeast has fallen in extent and impact.



## POLICY RECOMMENDATIONS

“Leaving no one behind” is the transformative goal of the UN Agenda 2030 and its Sustainable Development Goals (SDGs). SDG target 16.7 calls to “Ensure responsive, inclusive, participatory and representative decision-making at all levels”. Inclusive decision-making increases the trust in decision-makers and in the decision-making process: it becomes more transparent and accountable and can better reflect the needs of all citizens. But decision-making in environmental management is a complex challenge further complicated where government powers are decentralised. Where social participation is threatened, it needs to be safeguarded by supporting effective and adequate representation of civil society. A few recommendations can be derived from our analysis of the Brazilian experience:

### **Safeguard institutional support for social participation, (re)formalise participation in management and decision-making fora:**

Participatory processes are subject to the fragilities of the institutions that are meant to foster them. The post-2018 Brazilian government has been curtailing the rights of local ecosystem users<sup>2</sup>, thus undermining previous achievements. The abolition of the formal rights of coastal ecosystem users to participate in managing the environments they depend on impairs social and ecological sustainability, it contradicts the Brazilian Constitution, and it is causing loss of biodiverse ecosystems and violent conflict which affects local populations, with reports of drastic human rights infringements. To be able to maintain sustained commitment, local people need a rights-based involvement in protecting their natural environment.

**Address social imbalances, support representation e.g. through funding** of less influential ecosystem users with fewer resources versus more powerful, large, often industrial or export-oriented interests. To date, the integration of locally rooted system understanding into decision-making remains a methodological and funding challenge. A crucial question is how the motivation at societal, group and individual levels to engage in oceans and coastal governance and management can be generated and maintained. There is growing evidence that attention is required to inequalities in power and rights to resources, and to whether system actors perceive governance and management interventions as legitimate<sup>6</sup>. On this basis, the participation of motivated stakeholders from disadvantaged groups can be supported through funding and capacity-building.

**Combatting unsustainable practices at multiple levels:** Unsustainable coastal and marine practices in diverse sectors and system levels need to be reduced. Defining and pursuing sustainability collaboratively within the planetary boundaries of our “one Earth” via the multiple goals of Agenda 2030 of the SDGs is crucial. In this, Brazilian decision-makers need to pay attention to divergent regional practices in social participation and coastal and marine management.

**Foster multiple networks as vehicle for participation:** Brazilian coastal and marine governance and management are increasingly supported by efforts to “orchestrate” multiple networks across the country and internationally<sup>7</sup>. With funding and capacity-building support, such efforts increase the potential for the participation of local ecosystem users and other civil society stakeholders.

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## ABOUT THIS POLICY BRIEF

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