

RIFS-Blogpost

Datum:

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Projekt:



Legal Innovation and the Journey of Rights on the Arapiuns River]

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Zitation: [Oliveira, Maria Cecilia; Karim, Igor] (2025): [Legal Innovation and the Journey of Rights on the Arapiuns River] – RIFS-Blogpost, 06.06.2025.

URL:





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Rights of the River Workshop with Movimento Tapajós Vivo and RIFS.

We're writing this from a boat on the Arapiums River in northern Brazil, where we are working on an ethnographic documentary. The film explores the relationship between humans and nature – and more specifically, whether granting legal rights to nature could help to address the intertwining climate and environmental crises. In this post, we'd like to share some impressions from the "Pre-COP30 of the Forest Youth" and offer a glimpse into the work on our film.



In the vast expanse of the Brazilian Amazon, a confluence of environmental crises has seen the emergence of a growing movement for legal innovation. For nearly two decades, 155 traditional communities, home to a population of some 35,000 people, have been engaged in a protracted struggle to secure their land rights in the western regions of the state of Pará. The communities, which are part of the Lago Grande Agro-extractive Settlement Project (PAE), are battling against the relentless encroachment of illegal logging and land grabbing, and the pervasive influence of mining interests – challenges that are often exacerbated by a lack of support from government entities.

Central to this territory is the Arapiuns River, a pristine tributary of the Amazon River. Its basin, spanning approximately 7,064 square kilometres sustains a rich biodiversity and provides the foundation for the livelihoods of the communities, which rely on the river's resources for transport, their traditional agro-florestal practices, and lately also for community-based tourism, as a sustainable form of income generation.

The Arapiuns River.

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1.1 Youth mobilisation and the path to COP30

In preparation for COP30 in Belém, Pará, Amazonian youth gathered in Lago Grande under the twin mottos of “We are not in the territory, we are the territory” and “Climate justice is good living”. This "Pre-COP30 of the Forest Youth" was organized by the youth



collective “Guardiões do Bem Viver” and highlighted their collective determination to engage directly with global climate dialogues. As RIFS researchers studying sustainable futures for the Amazon, we visited the territory and attended the event, which attracted over 800 participants from communities within the PAE and neighbouring areas. Over two days, we attended a series of workshops on climate justice, political engagement and the challenges for environmental conservation in the area. We also helped the Movimento Tapajós Vivo organisation (Living Tapajós Movement) to host a workshop on the “rights of the river,” which collected views on Arapiuns River conservation and discussed the potentials and challenges of granting rights to the river.

The opening ceremony of the Pre-COP event in Vila Brasil, PAE Lago Grande.

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A central outcome of this gathering was the formulation of a "Political Letter," a document identifying land rights as a primary concern, intended for presentation at COP30. The "Political Letter" comprehensively outlines concerns regarding the impacts of unchecked economic activities, emphasizing their contribution to



environmental degradation, human rights violations, and threats to community leaders. Crucially, the initiative also presented alternative economic models, articulated by Sara Pereira, Coordinator of FASE Amazônia. She highlighted the necessity of shifting from current economic paradigms towards a model centred on "bem viver" (good-living), emphasizing human and ecological relationships over material accumulation, and promoting agroecology for sustainable and chemical-free food production with equitable labour practices.

Discussions at the Pre-COP also involved a critical assessment of existing climate solutions, including carbon credits, which were viewed as potentially masking, rather than resolving, greenhouse gas emissions. Youth representatives advocated for genuine solutions originating within the territories, promoting decentralized and diverse economic approaches that would directly benefit local communities.

The closing ceremony of the youth summit and signing of the Political Letter.

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1.2 Land titles: an unfulfilled promise

The Pre-COP youth summit is just one of the several activities organized since 2019 by Guardiões do Bem Viver in cooperation with FEAGLE, a regional federation of community associations.



These efforts are part of a broader struggle for land rights in PAE Lago Grande, where communities have awaited the granting of collective land titles since its official recognition in 2005 by the National Institute for Colonization and Agrarian Reform (INCRA) and 2008 by the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA). This process, which involves georeferencing 250,000 hectares of land, updating cadastral records, and regularizing the status of settled families, is essential for residents to obtain the Real Right of Use Concession Contract (CCDRU). This document secures their land tenure, a vital guarantee for communities living within federal conservation units and "environmentally differentiated settlements" like Lago Grande.

According to Darlon Neres, one of the leaders of Guardiões do Bem Viver, collective land titling is among the communities' greatest aspirations. However, this goal remains elusive, hindered by what the group sees as a lack of willingness on the part of the authorities. Although the PAE was established some 19 years ago, residents still lack access to public policies that should be implemented by INCRA and the federal government as part of agrarian reform efforts. In the absence of official titles, communities are prevented from accessing essential support and resources.

This prolonged delay has rendered the PAE Lago Grande vulnerable to pervasive environmental degradation, including illegal grazing, road construction, and land grabbing. The Brazilian Federal Prosecutor's Office (MPF) reports a staggering 6,500 judicial and extrajudicial proceedings related to environmental crimes in the area, with 87 specifically citing grilagem (land grabbing) or the "invasion of public lands". This insecurity directly impedes communities' access to essential public policies, support



programmes for agro-extractive production, education, and healthcare, exacerbating social problems and violence.

Darlon Neres of Guardiões do Bem Viver.

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The region's abundant mineral resources, particularly bauxite, have attracted significant interest from outsiders. The American mining corporation Alcoa, which already has a foothold in the neighbouring town of Juruti, expressed its interest in Lago Grande as early as 2003. Although it is not licensed to operate within the settlement,



Alcoa has engaged in 'social actions' and pledged to support 'development', raising concerns that it intends to co-opt communities. Similarly, illegal logging operations frequently offer 'contributions' to residents, ostensibly to mitigate the damage caused by their activities. But legal logging operations upriver are also taking a toll on the Arapiuns River and the communities that depend on it. Poisonous chemicals are applied copiously to treat logs stockpiled in open depots against rot and insects. When it rains, the chemicals are washed into the river. Bark and other detritus from logging operations is also discarded into the river, which then rots and ferments, harming fish stocks and making the water unsuitable for bathing or washing clothes.

The struggle for land rights in PAE Lago Grande carries a heavy personal cost. Over 20 leaders have reported threats relating to their advocacy. Under the Bolsonaro Administration (2018-2021), tensions escalated in what locals describe as the "true war against invaders." Defamation campaigns, often fuelled by misinformation, targeted community leaders and undermined their standing. Some leaders eventually aligned themselves with agribusiness interests, leading to internal conflicts and false accusations against community organisations.

Despite these immense challenges, the Guardiões do Bem Viver and FEAGLE continue to map irregular land properties, assess community infrastructure needs, and steadfastly advocate for their rights. The struggle within PAE Lago Grande, which is now deeply intertwined with efforts to advance legislation securing the "rights of nature" for the Arapiuns River, mirrors broader conflicts across the Amazon and raises fundamental questions about how governments balance the traditional rights of communities, the need for



environmental conservation, and the interests of large-scale agribusiness and mining.

Open air depot for logging operations in the upper Arapiuns River.

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1.3 The Arapiuns River of Rights Bill

Recognizing the escalating threats to this critical ecosystem from anthropogenic pressures, the Guardiões do Bem Viver have spearheaded a ground-breaking legislative initiative. Their efforts, which commenced in 2023, have culminated in the proposed



Arapiums River of Rights Bill. If enacted by Santarém City Council and sanctioned by the mayor, this legislation would set a historic precedent and mark a significant shift in legal practice by making the Arapiuns the first river in Pará to be legally recognized as a subject of rights.

The bill aims to align local environmental legislation with global best practice: the recognition of nature as a subject possessing inherent rights. Specifically, the Guardiões do Bem Viver seek to bestow rights upon the Arapiuns River, mirroring the legal personhood and entitlements afforded to human individuals. This would broaden existing legal protections for environmental and water resources, ensuring the river's ecological integrity, natural balance, and the continuity of its vital eco-systemic functions. The bill also proposes the establishment of a "River Guardian Committee," providing a formal mechanism for community members to advocate for the river's protection within established Water Basin Committees.

Guardioes do Bem Viver on the Arapiuns River in the research boat.

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1.4 The Amazon of Rights project: documenting a paradigm shift

We are writing this post from our production boat on the Arapiuns River, where we are undertaking a nine-day journey, covering 270 kilometres. Together with seven leaders from the Guardioes do



Bem Viver Youth group, we're visiting communities to carry out fieldwork and produce our documentary film. Part of our work on the Amazon of Rights project (AoR), the film will focus on the rights of the river and the youth-led struggle to protect ancestral territories. The project explores the dynamic interplay of rights within the Amazon, particularly how eco-centric normativity — the idea that ecosystems possess inherent value — influences and is influenced by the social practices and legal imaginations of local communities, Indigenous peoples, activists, and legal practitioners.

Understanding these multifaceted practices requires more than an analysis of state constitutions and legal systems. It calls for the close observation and study of daily customs, legal cultures, and the rich oral knowledge traditions of riverine populations – especially the diverse Indigenous peoples who live along the river's course. While Indigenous communities in the Amazon have long held beliefs about nature as a living being, it is important to understand that not all universally embrace the Western concept of "rights." For some, the notion of "rights" itself is foreign to their cosmologies, and the global enthusiasm for the "rights of nature" occasionally risks romanticizing or objectifying Indigenous communities.





To capture these complex interactions, we are employing ethnographic methods, with a particular emphasis on visual ethnography and documentary film. This approach is valuable for collecting primary data in oral and community-based settings, particularly for researching non-state normative orders where legal systems are often conveyed through oral traditions. Ethnographic documentary film provides a unique lens for legal research, sensitive to the contextual nuances of eco-centric normativity and its social realities. The project's main output includes a cinematographic documentary film (approximately 60 minutes), which is now in the principal photography phase. Cecilia Oliveira (RIFS-Potsdam) together with Mariana Lacerda (former-RIFS Fellow) are the film directors, working closely with a team that specializes in producing movies on indigenous and environmental rights in Brazil. Igor Karim (RIFS-Potsdam) is assisting the research group in addressing the ethico-theoretical dimensions of scientific film-making and supporting the integration of film production as a part of the research methodology.

With the project, we aim to build an international and transdisciplinary collaborative network, bringing together legal scholars, political scientists, legal anthropologists, documentary filmmakers, and local stakeholders from the Amazon region. Through a combination of desktop legal research, joint workshops, ethnographic fieldwork, documentary film, and interviews with activists, Indigenous leaders, and academics in Ecuador, Peru, Colombia, and Brazil, we want to understand how different conceptions and applications of the Rights of Nature across the Amazon Basin feed into and shape the emergence of new metaphysical, epistemological and normative orders within this globally significant ecosystem.



