

Case Study

Common Good and Customary Laws: Water Ethics in the Protection of Springs in the Rural Communities of Minas Gerais

By Flávia Maria Galizoni and Eduardo Magalhães Ribeiro

Water is a unique resource, the basis of life. It is so indispensable that it's difficult to treat this topic as something distant and detached, especially when it is no longer abundant and has become a limiting factor, as in this XXI Century. Water is no longer thought of as a "given" resource, for free, like air, or landscape. It becomes an object of control, merchandise that can be privatised and traded. The problem is not only in the unequal access to the resource, but also in the contamination, pollution and misuse of it. All of these problems, however, can be overcome through human action.

Understanding how a group or society shares the water sources is fundamental to manage this resource effectively. This case study describes the experience of managing the water resources in the "semiárido mineiro", which is a region of Brazil in the Northeastern part of the state of Minas Gerais. Here, the absence of a legal framework regulating the use of water, illegal consumption and the plans for modernizing agriculture turned water into an ever-present challenge for the region.

The area known as the Jequitinhonha Valley, by the name of the river that runs through it, has always been considered as a backward territory, featuring high emigration and environmental problems, including long droughts due to extremely irregular rainfall regimes (Ribeiro 2007). The upper Jequitinhonha Valley features grotas and chapadas: the former are small wet valleys where springs can be found; families live there, growing corn, beans, fruit plants and breeding pigs and chicken. The grotas are alternated with wide, flat highlands whose land is not very fertile. These are considered as common areas to all families, for pasture and wood gathering. Starting in the 70s, a federal development project planned, for these areas, the large-scale cultivation of eucalyptus trees. This monoculture brought about two great problems: the intensification of the exploitation of the grotas and the deforestation of the native vegetation of the chapadas, which also are the areas that recharge the water table. Notwithstanding this situation where the chapadas are "privatised" by large agricultural companies and used for the eucalyptus, the farmer families have adapted and reorganized their own production system, reducing the areas they use, intensifying the family use of the land in the grotas, and continuously increasing their seasonal migration to find work.

The families of the rural communities have ascertained that, over time, the amount of water available at the springs has decreased. They have



pointed out that the cause of this problem is the deforestation of the native vegetation and its replacement with the eucalyptus trees. This situation has forced the families to use more and more water from streams and rivers, which they call “heavier and coarser” – because it is less clean than the water from the springs. These water sources are defined as public because they are used for the animals and the crops, while the few “fine and live” spring water sources remain formally under the control of the families and are used by the people. The eucalyptus was not the only problem to worsen the health of the springs, but also agricultural practices such as “slash and burn” techniques, and the presence of animals in the areas of the springs.

In spite of the environmental, historical and cultural differences, the rural communities in the valleys of the Jequitinhonha and São Francisco rivers think of water as a gift: Water comes from the earth without any intervention by humans. Since it is a natural resource and a gift for human beings, it should be used by everyone, human beings, animals, and plants. For this reason, nobody should ever be denied it. You cannot own what is a gift that is in common with everybody. The families of the communities may use the water that goes through their land, but they can never be its absolute masters; they cannot hoard a good that is not produced through work. Whoever within the community breaks these unwritten rules risks being thrown out of community life, a truly feared punishment in civilizations that are based upon exchanges among individuals.

The management of water in these rural communities is based on four principles:

1. Water is a gift of nature and a common heritage;
2. It should be ethically used and jointly managed;
3. Rules are necessary to govern forms of access and use, and amount of consumption;
4. There should be structured forms of control in increasing circles: the control by family, then the community, then multiple communities and the public.

The access to and use of water is mediated by moral relationships among the families and between the families and nature. Nature supplies goods that cannot be privately appropriated, much less transformed into commodities. The right to water within this moral framework features historic and social-territorial rights: the people living in a territory where water comes from a spring have a right, but a non-exclusive one, to the water. The right to water has to do with balancing power to prevent inequalities; the customary laws are intended to guarantee a minimum level of mutual sharing.

The scarcity of this all-precious good has brought the families to try and solve the problems linked with water by creating rules for its common use. CAV (the Vicente Nica Centre for Alternative Agriculture), a Brazilian NGO operating in the Jequitinhonha Valley, in a partnership with a Federal University of Minas Gerais, has developed an interest in the issue and the situation of the community's families. It has offered training activities and ongoing support, organizing meetings in the communities on the topic of preserving the springs and proposing pilot trials for the revegetation of the areas around the springs. The eucalyptus trees continue to damage the ecology. By means of the studies undertaken with the University, it was discovered that the communities had their own methods for classifying water, thus confirming the importance of the springs for high-quality water to be used by the families.

The working method used is participative: representatives of the communities, thanks to the support by CAV, carry out analyses and assessments of the springs that can be protected. If the families show any

interest, committees are formed to visit the locations, and to identify the springs that might be fenced in. The families themselves do the work, and take part in meetings to raise environmental awareness. Finally, every community chooses two persons who will represent it within the group named “Famílias protetoras de nascentes” (Families protecting the springs). These people are responsible for monitoring and assessing the status of the community’s springs, participating in the training meetings organized by CAV, and reporting about them to their neighbours.

An exemplary case is the one of the Veredinha municipality. The inhabitants of the communities have taken responsibility for fencing in the springs. CAV has coordinated the initiatives, while CeVI (Centro di Volontariato Internazionale – Italy) contributed materials, and the municipality itself has made vehicles available to move the materials. Through these actions, the springs become a common good, and the public opinion, the state actors, and the environmental bodies are all encouraged to create further partnerships.

In this way, the preservation of springs has activated, albeit in a limited form, community agreements, where common interests prevail over the families’, because water is considered a common good: a good that may be used, but which must also be managed on behalf of future generations.

In Brazil, community management is at risk of being subordinated to the increasingly hegemonic vision of seeing water as a commercial good. Within this vision, what political and cultural role, and legal rights, will be left for the community to manage its water and exclude its commercialization?

Industrial and agribusiness water consumers are interested in the management of great rivers and lakes. These, however, are fed by the springs, managed by the communities. In this way, management procedures that are apparently not linked with each other actually cause conflicts over the control of the watercourses. In this way, how small bodies of water, like community springs, are managed is terribly important for the health of the large watersheds in which they sit. If communities are not supported in their management of these springs, it will lead to mismanagement of larger basins and inevitably lead to conflicts among users.

The rural families and communities have been forced to underwrite the costs for preserving water – restricting the use of land, forests, resources and seeking work outside their watersheds. They have adapted to a situation created by poor decisions made in a government development plan. Their work to restore their ecosystems builds upon their history of working together and will improve their livelihoods and communities. But not only that, it restores a common good, the water commons, and as such is a public service for all.

The full introduction, recommendations and case studies from *Water Commons, Water Citizenship and Water Security: Revolutionizing Water Management and Governance for Rio + 20 and Beyond* are available at www.ourwatercommons.org. Join us in exploring the following cases:

- Stopping an unnecessary dam on Australia’s Mary River after U.S. \$1 billion invested
- Repairing ecosystem damage from eucalyptus groves in Minas Gerais, Brazil
- Breaking through caste barriers to supply water for all in Parambur, India
- Strengthening peri-urban, locally-managed water systems in Bolivia
- Upstream-downstream coordination along the Lempa River in El Salvador
- Water citizenship tales from Filipino water districts
- Farmers protecting New York City’s rural water supply
- Building an extensive, participatory rural aqueduct system in Colombia