CONSERVATION OF CULTURAL HERITAGE IN BRAZIL: SOME REMARKS

Pedro Paulo A. Funari

Abstract
The paper discusses some aspects of the conservation of cultural heritage in Brazil. It deals with the history of archaeology in Brazil, followed by a sketch about legislation regarding the protection of heritage. Attention is then paid to cultural resource management and fresh water use and its consequences for cultural heritage conservation. The paper concludes with some steps proposed in order to preserve heritage and respect people’s rights and concerns.

Key-words: Brazilian archaeology; heritage protection legislation; cultural resource management; fresh water use; heritage and people’s rights.

Introduction
The aim of this paper is to discuss some aspects of the conservation of cultural heritage in Brazil. I introduce Brazil to the foreign reader and then describe a brief history of archaeological activities in the country, followed by a sketch view of the legislation protecting heritage. I then turn to fresh water and the its role in prehistoric and historic settlement, stressing how human life has always been directly linked to the river banks. Centuries of human activity led to rich cultural heritage, destroyed systematically in the last decades, as a result of the search for electric power and the construction of dams, flooding large tracts of land. The paper finishes with some steps to be taken in order to preserve heritage.

Archaeology and heritage in Brazil
The history, main subjects and archaeological resource management in Brazil must be understood within the context of its complex geography and historical development. Brazil is a large country (8,511, 965 square Kilometers), its Atlantic coastline reaches 7,408 Km. Almost the entire country has a tropical or semi-tropical climate: in the north there is the heavily wooded Amazon Basin covering half the country; the northeast region is semi-arid scrubland; a large savannah, or serrado area stretches to the south; and semi-tropical vegetation exists from São Paulo State in the south up to the Pampa in Rio Grande do Sul State. Several scholars have been studying the intrinsic features of Brazilian society, astonished by the apparent contradictions of such an odd social structure. Brazil has witnessed more than three hundred years of absolutist Portuguese rule, its inhabitants being vassals rather than citizens, living in a rigid hierarchical system. Independence in 1822 perpetuated this system with the continuation of dynastic rule up to 1889 and the aggiornamento of the
republic did not change the _arcana_ of social power: people in power rule, others obey, as privilege and patronage are pervasive. The private will of elite families is often assumed as a public policy and personal subordination is a feature of the national character. The sphere of the public, or _Öffentlichkeit_, to use Habermas’ definition of the common interest, is considered by the authorities as _cosa nostra_, being loyalty a key word to define a society based on privilege.

During the colonial period (1500-1822), there are few references in the written sources to archaeological sites. The evidence provided by such documents, including drawings and paintings, must be interpreted with reference to their social context, as they are generally biased against native Americans, Africans and poor people. The Brazilian Empire (1822-1889) witnessed the beginning of archaeological activities, when Peter Wilhelm Lund came to the country, in 1825, and established a palaeontological laboratory in Lagoa Santa, a village in Minas Gerais Province, where he found human and animal fossils. Between 1834 and 1844 Lund surveyed some eight hundred caves and collected a great deal of material, especially extinct fauna. Later, the Imperial Museum in Rio de Janeiro was active in archaeological research, thanks to C. Wiener and his pioneering studies of lithic material, in the 1870s. The Canadian Charles Friedrich Hartt, Ferreira Penna and Barbosa Rodrigues explored the Amazon Basin, from the 1870s to the 1890s. C. Rath studied shell middens, known by the tupi name _sambaqui_, while the Museum director, Ladislau Neto was the first Brazilian to explicitly write about archaeology as such. Archaeology was also carried out in the context of the Brazilian Geographical and Historical Institute and its journal, “Revista do IHGB”, published regularly on archaeological matters. All these activities were due not to a small degree to Emperor Peter the Second and his enlightened approach to scholarship. Isolated research was carried out also in the South of the country, published from the 1870s in Germany and in Rio Grande do Sul Province.

The early republican period (1889-1920s) witnessed a weakening of archaeological scholarship in the country. During the nineteenth century the scholars dealing with archaeology were in touch with what was going on in the international academic world. Ladislau Neto regularly exchanged letters with the leading French intellectual Ernst Renan and the contacts with foreign experts were deemed as important. The shift of the cultural center of Brazil from the Court in Rio de Janeiro to the new coffee producing elite in São Paulo helps to explain the new inward looking aspects of archaeology, even though paradoxically the field was dominated by foreigners. Museum directors were now the main actors, like the Swiss Emil Goeldi at Belém, where he was in charge of the Museu Paraense (later named after him “Museu Emílio Goeldi”) and Hermann von Ihering, Director of the Paulista Museum, in São Paulo, from 1895 to 1916. Von Ihering was out of touch with modern research abroad, as he opposed the idea that shell mounds were evidence of prehistoric human settlements. T. Sampaio, another leading scholar in the 1910s and early 1920s, contrary to what academics were proposing abroad, believed wholeheartedly that rock scratches should be interpreted as hieroglyphic writing.

Between the 1920s and the 1940s important changes occurred in Brazil: political, social and cultural upheavals. Modernism and, later, fascist and communist ideas led to the emergence of “the people” in intellectual discourse. Accordingly, this period saw two new developments: the beginning of the study of artifact collections and the publication of the first archaeological manuals. A. Costa and F. Barata produced several papers in those years, and the Argentine Antonio Serrano studied collections of artifacts and thus established a whole new field of research within Brazilian archaeology.
The inception of university research (1950s-1964) is related to Brazil’s longest period of democracy (1945-1964). Academic archaeology was established by the leading humanist Paulo Duarte. Due to his friendship with Paul Rivet, Director of the Musée de l’Homme, Paris, France, Duarte created the Prehistory Commission at São Paulo State University in 1952. Duarte pushed for legal protection of the Brazilian heritage, and as a result of his efforts the Brazilian Congress enacted a federal law (3537/57, approved as law 3924 in 1961) protecting archaeological sites. To this day, it is still the only explicit federal law on the protection of archaeological heritage.

The military period (1964-1985) changed the situation. The project of scholarly archaeology as proposed by Duarte was opposed by the new authorities who used the lack of funds to undermine his efforts. At the same time, the Americans Clifford Evans and Betty Meggers were able to set up a National Program of Archaeological Research, known by its acronym PRONAPA. The Program was sponsored by the Smithsonian Institution, in Washington, and by Brazilian institutions, like the National Research Council (CNPq). In the period between 1965 and 1971 PRONAPA trained Brazilian practitioners and carried out surveys and excavations throughout the country, with few resulting publications. Duarte, on the other hand, was expelled from the University of São Paulo in 1969 and the Institute of Prehistory he created suffered restrictions. Archaeology suffered then a lot, as a result of authoritarian trends inside the profession. However, democracy (1985 onwards) favoured the flourishing of archaeological interest and freedom led to the development of a variety of new activities regarding archaeological resources. Interpretive books have been published, as well as a greater number of articles in scholarly journals, for the first time not only in Brazil but also abroad.

Heritage legislation

Regarding legislation, even though from the nineteenth century, Brazilian identity has been linked to archaeological heritage, it was to be introduced later. In the Court in Rio the Janeiro, Romantic nationalism was grounded on the idealisation of natives and archaeology played a role. After an eclipse in the beginning of the twentieth century, prehistoric and historic archaeological heritage contributed to forging Brazilian identity. In this context, it is natural that the earliest document relating to the official protection of archaeological heritage, dating of the eighteenth century in Portugal, tries to protect “any old building, statues, inscription in Phoenician, Greek, Latin, Gothic or Arabic, as well as coins”, whose application in the Portuguese colony in South America is not probable. In the nineteenth century, despite the attention paid by the court to scholarship in general and the foundation of the Historical and Geographical Institute, there was no law regarding the subject. Museum officials, as well as amateurs and others often collected and registered archaeological artefacts. Archaeological resources have been the subject of several bills, the first of them in 1920, when the Brazilian Society for the Fine Arts, or “Sociedade Brasileira de Belas Artes”, through its then president, Bruno Lobo asked the keeper of classical antiquities of the National Museum, Alberto Childe to prepare a bill regarding the protection of the national artistic heritage. Childe’s proposal treated mostly of the archaeological sites and defended the nationalisation of these cultural resources. The bill stated that “archaeological remains, buildings, sites, caves, cemeteries, shell middens are considered national assets and are to be owned only by each state of the Union”. The proposal was not taken into consideration by the Congress, dominated as it was
by representatives not interested in nationalisation of private property even if it was aimed at preserving of archaeological resources.

In 1923 again there was a proposal regarding the subject, this time by a representative from Pernambuco, Luiz Cedro. During the debates in the Congress, Cedro referred to archaeological remains and their importance to building the historical identity of the country. In 1925 another bill was proposed, but this time the prehistoric remains were considered worth of attention only when art was expressed. Only in 1930, the bill 230 by the representative José Wanderly de Araújo Pinto was explicit about the protection of archaeological resources, but it was never to be approved. Outside the parliament discussions continued, despite the lack of proper laws regarding archaeological resources. Raimundo Lopes in 1935 published a comprehensive and innovative study on cultural resources, and some of his suggestions are worth mentioning: to keep cultural monuments in their original shape; to reconstruct of the original natural and cultural environment; to forbid the economic exploitation of shell middens; to set up educational programs; to register Native cemeteries; to preserve sites and Indians alike; to co-operate with religious authorities on Church heritage; to publicise about the archaeological sites, among other topics.

In 1936 a bill was prepared by the leading intellectual, Mário de Andrade, regarding archaeological and ethnological resources, split in four items: artifacts, monuments, landscapes and folklore. Mário de Andrade, a leading intellectual from the State of São Paulo, prepared in 1936 the draft of a bill protecting cultural assets, appreciated by representatives in the Congress and which was almost approved as a law when there was a coup d’état by the president himself, Getúlio Vargas. President Vargas, who had supported the law through his minister for Education, published soon afterwards the bill as a decree (decree number 25, dated of the 30th November, 1937) and from 1940 the National Artistic and Historic Heritage Service begins to register and protect archaeological sites and collections. However, most cultural properties continued outside the protection of the decree and another leading intellectual, Paulo Duarte, was to become the main fighter for heritage protection in Brazil. It included pottery, lithics, cemeteries, shell middens, rock art, caves, as well as a variety of natural resources, like rivers, fauna, caves and even traditional paths. In January 1937 it is established the Brazilian Heritage, “Serviço Histórico e Artístico Nacional”, aiming at protecting, preserving and publicizing the heritage. The bill 511/36, originally proposed by Mário de Andrade was being discussed in the Congress in November 1937 when a coup close the parliament. Soon afterwards, still in November, president Vargas, now as a dictator, published the bill as a decree, “decreto-lei n. 25/37”. A new Penal Code was also issued, in 1940, for the first time punishing the destruction of cultural resources, including archaeological ones. From 1940, Brazilian Heritage established a register of protected sites and archaeological collections. The decree 25/37 is still in force. In 1948, in Paraná State a law was passed protecting Spanish and Jesuit settlements, with a protected surrounding area of one hundred hectares, resulting in the later establishment of the heritage Parks of Vila Rica, Santo Inácio and Ciudad Real. Several judges and other officials were also trying to protect shell middens in different areas of the country.

The Commission for prehistory, established in 1952 by Paulo Duarte, aimed at protecting archaeological sites, shell middens and others. Duarte, a liberal who fought for the creation of the first University in Brazil, the University of São Paulo, early in the 1930s, lived in exile during the dictatorship of Vargas (1937-1945) and when he returned to the country he brought with him the idea of initiating the scholarly study of prehistory. Duarte had been influenced by French humanism, and his friendship with Paul Rivet and his admiration of the Musée de l’
Home, in Paris, lead him to propose the constitution of the Prehistory Commission, in São Paulo, later renamed “Prehistory Institute”.

Duarte was very active in the years of democracy in Brazil (1945-1964), organizing a series of initiatives for the development of archaeology and heritage protection. A Bill protecting archaeological sites was finally approved by the Congress in 1961 (Law number 3924), the first actual comprehensive law regulating the protection of archaeological remains. While the decree of 1937 aimed at protecting “those assets linked to the memorable facts of Brazilian history and those of exceptionable value” (first article), the law of 1961 was much broader in its scope, referring to “whatever archaeological or prehistoric monument” (first article). Archaeological sites are protected immediately ex uie legis. The commission was headed by Duarte and comprised Helbert Baldus and Egon Schaden, leading anthropologists, among others. Duarte and the commission prepared a draft of law regarding archaeological resources. It was approved by the Congress in 1961 as Law 3924/61, and remains in force as the only explicit federal law on archaeological heritage. The Law deals with “archaeological and prehistoric monuments” and establishes that they are protected by the law and should be preserved; they are to be controlled by the State and are not subjected to the general rules of private property. Archaeological sites in general, like shell middens, mounds, any ancient human settlement as established by experts are considered monuments. It is thus forbidden to destroy the sites, explicitly it is not allowed the economic use of ancient remains. The sites are considered as property of the Federal State. The Law also mentions archaeological excavations and the necessary registration of sites, controlled by Brazilian Heritage. A report by the archaeologist and the necessary arrangements relating to the housing of the archaeological material is also mentioned. The export of archaeological resources must be authorized by Brazilian Heritage. In the 1960s and 1970s, several scholars, like Duarte in São Paulo and Father Rohr in Santa Catarina tried to use the law to protect shell middens, but Brazil was under military rule and it was not easy to enforce the law.

A military dictatorship was established with a coup d’état in 1964 and the humanist approach to the past, so clearly expressed in the efforts to preserve humble shell middens against developers, was being first sidelined and later opposed by the authorities. Betty Meggers and Clifford Evans, two American archaeologists who had worked since the 1940 in Brazil, used the opportunity offered by the new authoritarian regime in Brazil to set up, soon after the coup, a large archaeological survey project, known as Pronapa (National Program of Archaeological Research). Several Brazilian archaeologists were trained by the program and the Americans worked in close co-operation with the authorities.

The restoration of civilian rule in 1985 led to a growing activity of State assemblies and Town councils, free to legislate on a wide range of subjects, not least resource management. Several states introduced legislation protecting archaeological sites and establishing state registers of monuments and archaeological collections. This has been particularly the case of states with strong archaeological activities, like São Paulo and Rio Grande do Sul. Town councils also introduced legislation to that effect, and several municipal administrations introduced town Heritage offices. Urban archaeology has thus been developing and there has been a sprout of interest in archaeological resources. A new primary school syllabus, introduced in the 1990s, emphasised the importance of learning from the local reality, so that the town became the starting point for understanding social life. In this context, archaeology can play a special role, enabling school children to know that their town was inhabited by natives, in prehistoric times. Furthermore, material evidence from the historic period has also been used to show that the picture given by documents is biased and that blacks, natives, people of mixed
complexion, immigrants, migrants and poor people in general, usually underrepresented in official documents, left material evidence now recovered by archaeology. Local primary school textbooks are now introducing archaeological evidence in order to give the children a more complex view of the past, enabling them to better understand present-day contradictions in society.

**Fresh water use and cultural resource management**

Especially relevant for cultural resource management in Brazil is the consequences of the use of water for electric power and the construction of dams. Water has been essential for both prehistoric and historic settlement, so much so that most archaeological heritage is located on the banks of rivers. Let’s turn then our attention to water as a main cultural factor in the occupation of the country. The use of freshwater in Brazil today is the result of five centuries of European colonisation. For thousands of years, native inhabitants used rivers and brooks as the most important factors to their settlement strategies. In the first millennia of human settlement in South America, fishing has been a particularly significant source of feeding input and the easiest way to explore the landscape has always been to use the rivers to travel. The thousands of rock art references to rivers and boats suggest both the economic and ideological importance attached to rivers by these prehistoric inhabitants. The spread of agriculture in the last few thousand years did not diminish the role of rivers and it is enough to say that this is clear if we look for place names, a lot of them meaning “river” in native language. So Pará, in Tupi, the most widespread language branch spoken by several ethnic groups, means precisely “river” and is now used to refer not only to rivers, but to whole areas, as is the case with Pará and Paraná states in Brazil, even though these names were given not by the original natives, but by the pioneers who used to speak Tupi in the sixteenth and seventeenth centuries.

The European colonisation of Brazil, first by the Portuguese and later by other groups, led to a radical change in the use of fresh water. The Portuguese decimated the vast majority of natives in a few decades after their arrival, in 1500. The Portuguese first settled the coast, with most settlements not far from the Atlantic Ocean. Each settlement, called first vilas, or hamlets, and later cidades, or towns, was established near a river or brook, usually in one or more hills close to the fresh water source. In the countryside too, when setting up the fazendas, or plantations, in the first centuries producing sugar from sugarcane, the main factor considered by the settlers was the fresh water resources. Water was used not only for human and animal consumption, but also it was also an important source of energy used in the processing of sugar in the mills. In the eighteenth century, the Portuguese went west to settle the hills of Minas Gerais, the mining district which produced so much gold and other minerals in the whole eighteenth century. Towns were established always close to brooks, in the hills, and again water was used for industrial purposes.

The nineteenth century would witness the introduction of new technologies, but up to the 1870s rivers were still the quickest way of transportation and brooks were the main factor in the human settlement. Railways led to a growth of communications far from rivers and brooks, but still plantations, of sugarcane in the Northeast and of coffee in the Southeast, continued to be located near fresh water sources. But it would only be in the twentieth century, with the development of modern industry, that the use of water would change radically. Gradually, people living in the countryside moved to towns and cities and mechanisation changed the face of agriculture in some areas of the country. Cities swelled and
the old towns in the hills surrounding brooks underwent changes still with us today. Rivers were rectified and brooks were put into underground galleries. In the old urban landscape, the curved brooks were the main natural feature, in opposition to the Church building on top of hills. There were thus artefacts, the Church buildings, and natural fresh water brooks, the curves of the streets from the brook to the hills being the human counterpart of the natural curves of brooks. The new cities were made by human endeavour, the rivers and brooks tamed by the industrial society. Many brooks became thus invisible and the curved rivers became rectified areas. Their banks were now highways and avenues.

In this process, water was the first to suffer, as rivers and brooks were used as dump for both industrial and home sewage. To get fresh water for human consumption, large water storage dams were built. In the countryside, irrigation was another sign of the taming of fresh water, at least in the rich areas of the south and Southwest of the country. In the poor, arid Backlands in the Northeast, since the 1950s at least, several small dams were also built. These reservoirs, usually inside huge plantations owned by semi-feudal overlords, contribute to the maintenance of social unbalances, so much so that the potentates who control fresh water do also control people. In the huge Amazon basin, extending from the Andes to the Atlantic, the rain forest is still a potent natural area, but towns and cities have change the landscape in specific micro-environments. Still, rivers are the main route for people and goods, and water pollution is not as felt as in the rest of the country. However, to get drinkable water is not always an easy task and the tropical environment also contributes to the spreading of river diseases.

In cities in general, the poor migrants are those most often living at the banks of the polluted rivers and brooks, resulting in several problems. The most obvious and permanent one are health hazards, caused by the close contact with polluted water. Related to this problem is also flooding, as in the rainy season, varying in time in different areas of the country, the banks of polluted brooks and rivers are under water, spreading death and disease. Furthermore, large cities, like Greater São Paulo, with some twenty million inhabitants, and Greater Rio de Janeiro, with twelve million, now face the threat of drinkable water scarcity, as the huge reservoirs are being constantly affected by pollution.

In this context, fresh water education and community participation in water use planning is felt as a major concern. Environmental movements, NGO, or state-sponsored, have been paying attention to the spreading the knowledge about fresh water preservation. School syllabus now deals with environmental subjects and freshwater is one of the topics stressed also in official educational documents. However, the main structural problem is poverty, as to work with the community to preserve fresh water sources is not always that easy. The illegal settlement of squatters with poor or no sanitation facilities is a threat to fresh water preservation, but these settlements are communities with little option, but to live in the most awful conditions and naturally with few possibilities of getting out of this condition. There are initiatives however worth mentioning, as is the case with empowerment strategies. If people run their own affairs and have access to information, then they will bother to protect fresh water sources. Unfortunately though, this is not the rule, but steps are being made in this direction both by authorities and NGOs. The construction of dams in Brazil is the important cause of destruction of the environment and heritage. Of the 939 large dams in South America, 590 (63%) are in Brazil, with Argentina’s 96 large dams (10%) a distant second. Given that Brazil encompasses the Amazon Basin, the largest hydrological basin in the world, hydroelectric development will continue in the near future at a relatively fast pace. In fact, nine major dam projects are currently under development. This means not only the destruction
of forests and natural sanctuaries, archaeological sites and whole villages and towns, but also the disregard for the people affected by these projects.

Conclusions and outlook

The ethics of the use of fresh water in Brazil, thus, is linked to a much broader issue: ethics in society in general. Alienation and poverty go hand in hand and information and education are possible liberating tools. The use of fresh water is a basic human right but the only way it can be enacted in Brazil is through a much wider policy of promoting social and environmental awareness. For several decades, there has been a technocratic attitude towards the use of fresh water, as if the preservation and distribution of water were only technical issues. However, this is a misleading path to follow, as the only way we can really preserve fresh water is to put the responsibilities on the shoulders not only of the authorities and experts but of the people concerned, that is, the citizenry. Information and education are included in this perspective. There are some steps in order to preserve heritage and the rights of both indigenous peoples and humanity, considering that human heritage is of universal interest:

1. The co-operation between archaeologists and other professionals and institutions is essential. For this though, there is a need for archaeologists to be trained in heritage issues. Several archaeology courses do not have any heritage disciplines in the curriculum and this should be a priority. Every fieldwork should also include a heritage strategy, including professionals and the community. Rather than 'general public', there is a need to address the interests of several publics, first and foremost the local community, but also other interested groups, especially indigenous peoples.

2. Education of archaeologists in legislation is also essential, both at scholarly contexts and at level of professional associations, being in touch with local, national and supranational parliaments, especially select committees on heritage.

3. Co-operation between archaeologists and the community is vital. It is usually the uneducated community and the elected officials who favour development projects detrimental to the archaeological heritage and the only way to intervene in this is enhancing the co-operation with community and elected officials. Co-operation with indigenous peoples is also essential, as they depend on the maintenance of traditional ways of life and often oppose the destruction of the cultural heritage, being ignored by authorities and archaeologists alike.

4. The education of archaeologists is usually not concerned with heritage in any meaningful way. A priority should thus be directed towards this. Furthermore, educational experts are not usually aware of archaeological themes and issues and there should be institutional links between the professional archaeological associations in the North and other associations of archaeologists and associations of education scholars and teachers.

5. International co-operation in heritage issues is important to the spread of successful experiences from one area to others. International committees are thus also to be encouraged. Particularly, it should imply a commitment to include North/South and West/East scholars to exchange their experiences. The World Archaeological Congress is an appropriate forum for such an endeavour.
6. Contract archaeology is important for the heritage preservation, but universal standards and commitments should be established, especially regarding the prompt publication of research assessments, the inclusion of community interests and their concerns and the proper storage and exhibition of archaeological material from contract fieldwork.

The conservation of cultural heritage in Brazil faces many challenges, but there is a growing awareness among archaeologists and other people concerned with the heritage and cultural management that co-operation with indigenous peoples and ordinary people in general is essential. Engagement is the key word, for the past must be meaningful for present day people, otherwise there is no way to preserve what is not at heart of people’s interests.

Acknowledgements

I owe thanks to the following colleagues: Maria Cristina Oliveira Bruno, Solange Caldarelli, Denise Cavalcante Gomes, Zbigniew Kobyliński, Arkadius Marciniak, Maggie Ronayne, Elizabete Tamanini. The ideas presented here are my own, for which I am therefore solely responsible.

For further readings on the subject, with extensive literature, I have published the following titles:

Books

Articles
1990 Education through Archaeology: a bumpy but exciting road, Archaeology and Education, 1,2, 9-11.
1999 Historical archaeology from a world perspective, in P.P.A Funari, M. Hall & S. Jones (eds), Historical Archaeology, Back from the edge, Londres, Routledge, 37-66.
1999 Considerações sobre o profissional de museu e sua formação, Anais da II Semana dos Museus da Universidade de São Paulo, São Paulo, USP, 81-86.

Other titles:
Arantes, A.A. 1990. La Preservación del Patrimonio como Práctica Social. Campinas: Instituto de Filosofia e Ciências Humanas da UNICAMP.