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Environmental protection in Brazil and Italy*

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From Third Generation Rights to Collective Intelligence. Environmental Protection in Brazil and Italy¹

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Abstract

The articles deal with the environmental rights in the present world, proposing a general framework and connecting the environmental problems to capitalism and economic growth. The article focuses on two cases: that of Mariana (Minas Gerais, Brazil), where the disruption of the Fundão mining tailings dam in 2015 provoked 17 people deaths, and that of Taranto (Italy), where the factory Ilva has caused a serious environmental damage, which jeopardize the health of the local people. The article aims at providing a further demonstration that, where the logic of capital prevails, the concern with the human being and the nature are canceled.

Keywords: Environmental rights, Capitalism, Industrialization, Mining, Steel sector.

1. From Third Generation Rights to Collective Intelligence

Environmental rights are among those defined by Norberto Bobbio in *The Age of Rights* (1996) by “Third generation”, after civil and political (first generation) and social (second generation) rights. Bobbio claims that rights are not the product of nature but of human civilization and in that sense are historical rights, therefore changeable, legitimizing themselves in the general consensus.

The Italian Constitution does not explicitly refer to environmental rights; however, if we consider them to be linked to the right to life and health, we find references in two articles: in the first paragraph of article 32, which “protects health as a fundamental right of the individual and interest of the community”, and in the article 12, second paragraph, letter

¹ The article is the result of active collaboration among the authors. In the final draft, Giovanna Truda wrote par. 1, and Regiane Aparecida Costa Nozaki wrote par. 2 and Conclusions.

b, in which a reference is made to “International pact on economic, social and cultural rights”, of 1966, according to which the States must take measures for “improving all aspects of environmental and industrial hygiene”.

When we talk about environmental rights we must necessarily refer to the future generations and to the sense of responsibility towards them, as Hans Jonas reminds us in his *“The principle of responsibility. An ethic for technological civilization”* (Jonas, 2002). In the volume, he argues that we all have a responsibility to future generations when we undertake any action, meaning that we are faced with a right that is not only intragenerational, but also intergenerational.

In the last months, environmental rights have been at the center of social and political debate. The environmental movement led by the young Swedish activist Greta Thunberg has become increasingly known. To face global climate change, the voice of this 16-year-old, who suffers from Asperger's syndrome, triggered a movement of young people at an international level. Many of them went to the streets every Friday for the so-called “Friday of the future” to claim for more incisive policies to oppose the global warming and climate change in progress. The strike, every Friday, of this girl, followed by the local, national and international media, has inspired many young people in around 300 cities since August 2018, who followed her example.

Greta's case is emblematic, either because of the ideas she proposes, or because it is a reflection about climate change, life on our planet and all of its people, all of which are prerogative of the adult world.

The question evidently is not so simple to solve; anyone is able to understand that what young people who adhere to this movement are pursuing is necessary to the survival of our planet and consequently to all of its inhabitants. However, economic and political interests of private companies and individual nations make them minimize the problem or even deny it, as is happening in the Trump administration, in America.

In our opinion, there is no single recipe, but we should begin to change the perception we have of our planet, starting from our territory. The reflection of human thought about the interaction between human beings and the environment and the need to rethink development logics with a view to preserving the territory have given sight to a new concept of territorial intelligence. The territory is not only conceived as a constrictive

form, but also as a construction of the actors, like a dynamic system animated by the interactions between a human community and a geographical space, consisting of formal and informal networks.

In general, the concept of development refers to the economy. However, today, when we speak of development, we refer to a sustainable development, which includes environmental services, social and economic aspects of a community. It is a new concept of sustainable development different from that characterized the industrial society; the wealth of a territory no longer derives only from the ability to produce commodities that easily took place in the market, but also by the ability to integrate all the subjects who constitute the community, even if they are disadvantaged.

In this sense we are talking about a territory development based on its ability to place the human resources in sustainable ways. This is a development that must last over the time inspired by the promoting of a social environment. Valuing territorial resources means to maintain and to re-evaluate the cultural tradition of a community.

Since 2002 the concept of territorial intelligence is part of a scientific project of MSH Maison Science de l'Homme, coordinated by Prof. Jean Jacques Girardot, with a double objective: "(elle) désigne the ensemble des connaissances pluridisciplinaires qui, d'une part, contribue à la compréhension des structures et des dynamiques territoriales et, de l'autre, ambitionne d'être an instrument for the service of the sustainable development des territoires" (Girardot, 2002).

Over the years the project has activated a European network of universities and local authorities from 2006 to 2009 and has been funded with European funds. From 2009 onwards, the network has expanded and enriched the concept of territorial intelligence. The network has been extended and expanded to Latin America with the "Rete Territorios Posibles", from which professor Horacio Bozzano, from University de la Plata (Argentina) is a reference.

The concept of territorial intelligence, merged into the concept of collective intelligence, proposes a model of development that enhances and privileges the historical-cultural components of a territory - which make up the intangible heritage - and identifies the paths that make goals shared with the community and that respond to the environmental policies logic.

Collective intelligence activates the production and knowledge of territorial dynamics, activating choice of means and strategies, by public

and private actors and social parts, oriented to the development of the territory. In this way communication processes are activated between the social partners who operate in a territory. In this sense the concept of collective intelligence becomes a development strategy that aims to increase the sense of territorial belonging; all this becomes possible when social groups, bearers of material interests, demands and differentiated needs, share values relating to fundamental aspects of society, such as participation and growth of the social capital, which is a prerogative of development of a territory.

Rethinking the role of human activity in society challenges the responsibility of each to agreed cooperation activities. In this sense we face a system of fundamental rights that despite having been considered from the beginning as natural, they were not given once and forever. The way of dominant power today distinguishes the present phase with respect to previous eras and fortifies the demand for new rights aimed to reduce inequalities and to create systems of protection and of safeguarding of the socio-ecological system.

The new development models must consider the abilities of all those who do part of a system; as for the role of women (Truda, 2013), it is not just about reducing an imbalance, but gender represents an identity dimension through which it is possible to analyze what today on the level of the collective imagination is presented as one clash of civilizations, but it is also a dimension through which it is possible to study some aspects of the social integration process.

The transformation of rhythms and lifestyles of society have made more complex dynamics and social relations between people; however, they have also highlighted fundamentals links between life and environment, cultural identity and sustainable development. And in this context, human being has learned to adapt, to grow and to find each time the balance after each critical event.

2. Capitalism and environment: environmental disasters in Brazil and Italy

2.1 Capital crisis, globalization and center periphery relationship: the environment

In order to approach the Brazilian question of the production and organization of its territory, we must base our understanding that, in

Brazil, the phenomenon of internationalization of economy and the subordinate form of the capitalist periphery countries make the social inequalities reproduction. In this context, we have the environmental issue, since nature becomes a commodity and its destruction form is an integral part of this process (Camacho, 2010). The origin of this problem is presented to us by Novicki (2007) when considering that “the current situation is permeated by economic, political, social, institutional and cultural transformations that intensify the socio-environmental and the world of work crises” (p. 154).

Harribey (2001) asserts that the twentieth century ended in a general world crisis scenario. The capitalist mode of production spread to the entire planet and subject all human activities to the domain of the commodity, but, undoubtedly, for the first time in its history, produces two important simultaneous degradations: The first is the social one, because, despite a considerable increase in the produced wealth, poverty and misery do not regress in the world; the second major degradation concerns the nature and ecosystems seriously threatened by the depletion of certain non-renewable resources and pollution of all species. Capitalism does not regard the ability of ecosystems to reproduce, neither human needs, but is guided exclusively by its need to self-reproduction.

Harvey (2012) points out that the contradictory character of capitalism leads it, from time to time, to face violent crises that usually results from their accumulation that forces the system to find new ways of overcoming which, according to the author, goes through the spatio-temporal ordering. In an attempt to overcome the crisis, the spatial ordering through geographical expansion would play an important role, because it implies investment in new territories, often rich in natural resources, as is the case of peripheral capitalism countries.

Thus, the supposed inevitability of the so-called neoliberal globalization, characterized by a global space of economic, marketing, technological and territorial developments, take on new forms of space production, due to a new configuration that makes it a-spatial. Indeed, the notion of globalization hides the relationship of incorporation of new territories, in which the central countries take manpower and natural resources from the peripheral countries, according to the international division of labor. In this sense, Quijano (2005) points out that the so-called globalization is the

culmination of a historical process that had begun with the constitution of the America and colonial/modern and Eurocentric capitalism.

The countries of the peripheral capitalism, Brazil for instance, remains giving away their territories and sacrificing their natural wealth to subalternly insert themselves as suppliers of raw materials, which will be used for the production of disposable goods, for purpose of the companies to export large part of their production to the central capitalism.

The assumption that the model of development undertaken by the capital would be within the reach of all countries that were willing to follow the neoliberal ideas has become evident in Brazil. This country's effort to enter the international market is evident by the adoption of that prescription, which even though it was imposed, had the wide adhesion of its basic principles, like the opening of the economy to the entry of multinationals and the relaxation of environmental and labor laws. In this characteristic that fits the global corporations in the mining sector, which have already settled in the country with legal and institutional requirements for the introduction of accumulation by spoliation.

2.2 The case of Mariana/Minas Gerais

An example in Brazil concerning the peripheral insertion of capitalism and consequent concentration of the export tariff and environmental damage is the mining sector. Brazil, according to Porto and Milanez (2015), extracts more than 500 million tons/year of iron ore from the earth, mainly in Minas Gerais, the largest reserve and production state in the country. However, most of the ore, around 80%, is exported and a large part of the domestic market is used to produce crude steel, used also for exportation.

This process contributes to the central capitalism countries keeping their unsustainable patterns of consumption, which depend on the exploitation of peripheral capitalism's nature. "Currently less than 1/4 of the population consumes 80% of goods and commodities produced by man". (Martine, 1993, p. 25 apud Franco; Druck, 1998, p.65).

Regard to the incalculable environmental impacts, we point to the disruption of the Fundão mining tailings dam located in Mariana, Minas Gerais, that occurred on November 5, 2015. The dam is the responsibility of the mining company Samarco, controlled by Vale do Rio Doce (VALE), the largest mining company of the world, and the Anglo-Australian company BHP Billiton, which installed itself Brazil, since 1977, making iron ore for

steel production, with projects in the states of Minas Gerais and Espírito Santo. (Felippe et al., 2016). This process is in consonance with the context of the spatial deconcentration wave, with polluting industries migrations from the center to the periphery.

The data collected in the report of the expedition carried out in 11 cities affected by the mud of waste dumped in the Rio Doce point out that the Fundão dam has been considered by several risk agencies as the largest environmental disaster in the history of Brazil, known as “The Mariana disaster”:

The tragedy caused 17 people deaths, two disappearances and one incalculable damage to towns and villages on the banks of the Doce river and in the extensive rural areas over more than 500 km of the river Doce (maker of the fifth largest basin in the country). It is estimated that approximately of 60 billion cubic meters of liquid have been wasted, with impacts poorly evaluated until now (Felippe et al., p. 4).

The case of the tragedy in the Mariana city shows negligence in relation to environmental issues. Even in the face of the greatest environmental disaster in Brazil, draft laws which make the environmental licensing more flexible are being approved and processed at the state and federal levels. In Minas Gerais, only twenty days after the tragedy in Mariana, the Legislative Assembly approved the draft law 2946/15, which provides for the acceleration of the environmental licensing of mining companies. (Projeto..., 2015). In the federal sphere, presenting a proposal of the same nature, the Senate draft 654/2015 was approved on November 25 in the National Commission of Development (POEMAS, 2015).

In December of 2015, the country was about to vote on a new Mining Code (PL 37/11) for the country. The project was forwarded to the Congress by the Executive in 2013, and since then the rapporteur has made a number of changes to the reports which, if approved, would considerably increase the risks to which the population and the environment would be exposed (POEMAS, 2015). All this process has been taking place at a time when the recent history of Brazil still bears the marks of the human, environmental and cultural massacre of that disruption of the ore dam.

In this scenario of destruction formed with the disaster of Samarco/Vale/BHP, there were local communities that have been doubly subjected to a violent process of territorial spoliation. At first, by the strangeness of the new landscape generated by the territorial

transformations that demand implementation of a mine tailings dam. And, in the second moment, by the process of involuntary displacement to which they were subjected due to the rupture of the dam, when they lost their essential references, when they had their histories, their identities and their cultural traits taken along with the mud of tailings.

From the perspective of the relationship with the labor force, Samarco increased the total number of workers by adopting a outsourcing that was accompanied by the increased precariousness of the work conditions. Among the main forms of non-compliance with labor legislation by the Samarco, we highlight: “the illegal outsourcing; the non-payment of hours in itinerary for direct and outsourced workers; non-inspection of the conditions of labor standards and compliance with labor standards by service providers; among others “ (POEMAS, 2015, p. 7).

However, the researchers of POEMAS (2015) remember us that the precariousness of work through the large number of outsourced workers is not exclusive from Samarco, since mineral extractive industries commonly use intensive labor patterns, as well as high levels of of work.

2.3. Brazil and Italy: environmental tragedies related to the same company

One of the destinations for iron ore mined in Brazil is the city of Taranto in southern Italy, to be used in the ILVA power plants, the largest the main supplier of iron ore, the Brazilian VALE (Patrucco, 2014).

Tricked by false promises of well-being and development that accompanied the implementation and start-up phase of ILVA, the residents of Taranto, but directly those of the district of Tamburi, coexist today with an impact in social terms (increase of cancer, cardiorespiratory diseases, congenital malformations), as environmental (contamination of air, sea, soil and food chain), according to Beatrice Ruscio (2014, p. 180): Italy has a strategic location for ore exploration, either by the labor force, the ports and the roads to run the commodities. The promises of development bring impacts such as: the risk of unemployment, contamination of the air, the food chain, cardiovascular problems, increased of cancer. The release of dioxins into the soil raises the incidence of cancer into the region. As an example, it was pointed out that in every eighteen inhabitants, one has cancer. It is also noted that pollutants such as lead bring neurological factors for the population, as well as the reduction of life expectancy. Conditions of dementia, respiratory, skin and congenital formation

diseases are recorded, directly affecting the health of the local population of Taranto in a degenerative way. The port of Taranto has 800 shipyards, 1/3 of production goes to the city through jobs. In the Cambure neighborhood children are being deprived of playing in the streets because of the risk of contamination of soil and water through mercury.

The communities of Tamburi (Taranto, Italy) and Bento Rodrigues (Mariana, Brazil) are united by the condition of mass exploited by the accumulation of capital, under the logic of development related to neoliberal economic imbrications. Those are two examples of realities victimized by the externalities generated by the mine activities within the new configurations that are imposed on the territories by the globalization.

For a sad reality, the cities of Taranto and Mariana and their respective districts, Tamburi and Bento Rodrigues, are related by the fact that their residents have been directly affected by the impacts of the mining cycle and the steel industry linked to VALE, pollution generator, disease and all kinds of violation. As Marescotti (2013) wrote, comes from Brazil the mineral that is breathed by inhabitants of Taranto, after having reached the lungs of the Brazilian natives.

Clouds of red smoke are common in the sky of the Tamburi neighborhood [...] is the iron ore mined in Brazil, transported along the iron road of Carajás, which arrives by ship to Taranto to be used in the steel mills of Ilva (Ruscio, 2014).

Conclusions

It is understood that the mining and steel sectors, with their production based on the excessive exploitation of nature and of the human being, inherent to the process of social accumulation and redistribution of capital, are embedded in the elemental structure of globalized capitalism and that the cases of Taranto and Mariana are another evident sign of the suppression of rights to the common goods, that in the search for profit turned non-commercial goods into commodities to meet private interest, leaving behind territories devastated by soil contamination.

On January 25, 2019, in the state of Minas Gerais. another dam of the mining company VALE, in the city of Brumadinho, metropolitan region of Belo Horizonte, the state capital, ruptured, leaving an avalanche of mining

tailings which devastated part of the city. There was burial of houses and environmental catastrophe with still non-calculated damages, considering that it reached the river Paraopeba, one of the affluents of the São Francisco river, of great importance for the region. Although the area of the environmental accident's impact was lower than Mariana's, the human loss this time was higher, going as far as to confirm more than 240 deaths as of May, 2019. The demographics of missing persons was practically all formed by the mining workers, for the most part, as in the case of Mariana, outsourced from their company.

We conclude that the present contradiction in relation to progress and environment, identified in the logic of the productive process of capital, has demonstrated that, where the logic of capital prevails, the concern with the human being and the nature are canceled. In the dynamic of capitalist accumulation, the relation man-nature was reduced to a relation of property, in which control of nature and of the work process is subject to the condition of product.

Thus, it is understood that the precariousness of the labor force and the degradation of environment, led by capitalist society in its globalizing process, requires a discussion that seeks to understand the origin of the factors that benefit the migration of industries - with high polluting potential and likely to cause imminent and irreparable damage - from the countries in the center of world capitalism to the peripherals. Another aspect that deserves analysis is the historical process of lightening of environmental and work legislation of peripheral countries, such as Brazil, in favor of large enterprises, thus creating legal conditions for the implementation of the processes of accumulation by spoliation if put into practice.

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