

**Who owns the beach? Conflicts over public spaces in a
tourism economy**

*Quem é o dono da praia? Conflitos sobre espaços públicos na
economia do turismo*

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ABSTRACT

As the town of Canoas has transitioned from a fishing village to a growing tourist town, the beaches have become the center of economic and cultural activities. The occupation of beaches by small scale vendors has created conflict among different groups including hotel developers, surfers, migrants, and local politicians. These groups have different aesthetics and ideas of public space, creating conflicting over what beaches should look like and how they should be used. This research analyzes the day to day practices through which different groups claim beach spaces and the ways these claims are challenged. These conflicts illustrate the struggles over environmental governance between municipal, state, and federal governments. This research contextualizes the occupation of public space in a longer legal history of land occupation and environmental protection in Brazil, examining the constant negotiations between traditional and legal systems of land rights.

Keywords: Beach. Public Spaces. Tourism. Brazil.

RESUMO

Desde que a cidade de Canoas passou de uma vila de pescadores para uma cidade turística crescente, as praias se tornaram o centro de atividades culturais e econômicas. Esta ocupação de praias por vendedoras criou conflitos entre diferentes grupos incluindo empresários hoteleiros, surfistas, migrantes e políticos locais. Estes grupos têm diferentes estética e ideias de espaço público, criando conflito de como as praias devem aparecer e como elas deverem ser usadas. Esta pesquisa analisa as práticas cotidianas através das quais diferentes grupos ocupam espaços de praia e como estas ocupações são contestadas. Esses conflitos ilustram a briga sobre governança ambiental entre o poder público municipal, estadual e federal. Esta pesquisa contextualiza a ocupação do espaço público em uma longa história jurídica de ocupação do terra e proteção ambiental no Brasil, examinando as constantes negociações entre os sistemas tradicionais e jurídicos de direitos à terra.

Palavras-Chave: Praia. Espaço Público. Turismo. Brasil.

1. INTRODUCTION

When many people think of Brazil, their first image is of the beach. Maybe one of the famous curving white sand beaches of Rio de Janeiro, ringed by high rises and green promontories or a rustic fishing village in Northeastern Brazil with *jangadas* resting under coconut palms. The cultural salience of Brazilian beaches has a specific history and makes them important spaces to examine public policy and contests over power. This article examines the conflict between different groups—local vendors, tourist developers, government agencies, and surfers—as each group tries to control the beach in Canoas¹, a small fishing village turned tourist mecca in Northeastern Brazil. The beach, as public space, belongs to everyone and no one, making it a lens into conflicts and conversations about who controls the public sphere, highlighting contradictions in Brazilian legal systems and reinforcing specific cultural systems for claiming space in which occupation and care legitimize use rights.

The first outsiders to arrive in Canoas were surfers who arrived in the 1980s. However, it wasn't until the late 1990s that the paving of the principal road to the town led to an explosion of tourism development with accompanying population growth, and urban development. As part of this development, local families were pushed out of beach front neighborhoods as property values increased. When I arrived to explore the development of tourism, public spaces, and environmental change, these transformations were well underway. This research examines the historical development of the town's beaches as well as the ongoing conflict I observed during the period of fieldwork and uses these observations to argue that beaches illustrate how claims to public space are maintained. My central research problem is: how do different groups claim public space at the beach and what are the social, political, and economic implication of these formal and informal practices of claiming space? Through answering these questions, we can better understand how tourism spaces operate and ways to make them more beneficial for local residents.

¹ All names of places and participants have been changed to protect their privacy.

2. THEORETICAL BACKGROUND

2.1. Theorizing tourism, place and space

There is a body of scholarly work that critiques the ways that tourism extends capitalist projects of commodification, colonialism, and neoliberalism (Urry & Larsen, 2011; Hall & Page, 1999; Shaw & Williams, 2004). This literature describes how the tourism industry commodifies local cultures, promotes unequal development, and perpetuates neocolonial relationships (Crick, 1989; Hall & Tucker, 2004; Comaroff & Comaroff, 2009; Chambers, 2010). These processes shape how tourist spaces are “continually reinvented, respatialized, and remobilized through the structuring narratives of colonial histories, through the legal frameworks of post-colonial law, and through the international framework of post-colonial governance” (Sheller, 2004, p. 21). However, some scholars have questioned these critiques of tourism, focusing on how the social interactions between tourists and locals can give value to local cultural practices while selectively modifying them (Tilley, 1997; Kramer, 2006; Buntén, 2008). My own work adds to this later work, examining how tourist spaces, like the beach, are socially produced. While recognizing the potentially destructive and exploitative nature of tourist development, this paper examines how small local vendors gain access to and benefit from tourist markets on the beach spaces, sometimes successfully challenging much larger corporations.

Tourism, by marketing and selling certain kinds of imaginaries and related landscapes, like unspoiled beaches, wild rivers, blue oceans, and historic sites, encourages conversations about the production of place. Because tourists come for a certain experience of place, a tourist destination must be produced, molded, and maintained. Tourism, as a form of cultural production, like education or sports, markets and sells an experience rather than a commodity (MacCannell, 1999). The idea of cultural production is useful in examining the imaginaries, desire, and experiences that shape the development along the beach. Vincente Del Rio argues that post-modern places are formed through an interactive dialectic between the “imaginary city” and the “real city,” and “in subordination to the market, the city and its image have become a product to be sold, commodities that have been molded according to the expectation of the consumer” (Vincente Del Rio, 2004, p. 73). Although the concept of imaginaries is essential for tourism marketing and production, I focus on the material processes necessary to produce these desires and experiences as the tourism industry reshapes landscapes with specific tourist experiences in mind.

Despite the post-modern and neoliberal nature of the tourist industry and its focus on consumer identification and desire, the industry is diverse. The term industry is somewhat misleading because it belies the disperse, fragmented, and uncoordinated nature of the businesses that coalesce around tourism, quite unlike other industries. Despite a few large hotel operators, the tourism industry in Canoas is made up of hundreds of small individual and family-owned businesses throughout the city that each contribute to the ways that tourism constructs place in Canoas. It is through the conversation, negotiation, and conflict between these groups over public spaces that a tourist space is produced, always heterogeneous and contested.

Public spaces are key sites for the contestation and conflict over the future of the city and who has a right to that future. Rather than simply assume that tourist developers are successful in remaking places, I examine the competing visions of place in Canoas, drawing upon anthropological analyses of space that see it as heterogeneous and constantly remade through social interactions (Harvey, 2006; Low, 2009; Massey, 2005). It is through the production of place that people negotiate categories of citizenship, economic aspirations, and accompanying processes of social inclusion or exclusion (Banck, 1994; Caldeira, 2000; Holston, 1991).

2.2. The historical development of beach culture in Brazil

Brazilian beaches are important sites for the creation of national identity (Oliveira, 2007). The cultural significance of beaches in Brazilian society can be seen by looking at their representations in literature, music, and poetry, especially focused on the urban beaches of Rio de Janeiro. Tourism reinforces this significance. Most tourists in Brazil are Brazilian, and most Brazilians that can afford it go to the beach for their holidays from Christmas until Carnival. This is the middle of summer but also coincides with the New Year's Eve Celebration when much of the country flocks to the beaches to make offering to Iemanjá, a syncretic Mary and Afro-Brazilian goddess associated with the ocean. In this case, summer weather, religious pilgrimages, and school holidays all come together to strengthen people's identification with the beach as a nationally significant public space.

Beaches in Brazil are seen as cosmopolitan sites for relaxation, renewal, and social experimentation. Brazilians describe the beach as a democratic space, a liminal space in between the ocean and land, nature and culture, that is marked as free and egalitarian public spaces where different people interact across class, racial, age, and gendered differences representing a social

ideal, while at the same time recognizing that social divisions still exist (Fiske, 1983; Kallman & Lins e Silva, 2007; Godfrey & Arguizoni, 2012). Although social hierarchies based around class, age, or race congregate in different sections of the beach or at different beaches altogether, when compared to the concrete walls, armed guards, and barbed wire that separate social classes in other parts of the city, the beach is actually quite porous, with significant interaction across social differences (Lopes, 1999; Caldeira, 2000; Freeman, 2002; Carvalho, 2007).

The association of beaches with ideals of leisure, freedom, and sensuality has a specific history that begins in Western Europe and spreads through colonization. Medieval and Renaissance literary references to the ocean and the beach describe them as evil, chaotic, and repulsive (Corbin, 1994). European overseas colonization and discovery diminished the fear of the ocean and brought images of tropical sensuality from the South Pacific that began to influence ideas about the beach (Lencek & Bosker, 1994). In England around the middle of the 18th century the beach became a site for prescribed health ritual of sea bathing and an accompanying seaside resort industry developed (Lofgren, 1999). These practices transformed seaside space but also changed bodily practices and experiences at the shore. The sensory and experiential smells, sounds, and feel of the ocean were important parts of these transitions. Changes in scientific theories of creation, the Romantic Movement, the Grand Tour, and other cultural changes gradually paved the way for beaches to be perceived as sublime, peaceful, and playful, establishing the foundation for their centrality in modern tourism and leisure by the end of the 19th century.

Brazil followed a similar pattern with most of the historical analysis of beaches in Brazil centering on Rio de Janeiro and the specific history that developed around the beach in the Marvelous City. Brazilian elites took an interest in the ocean when sea bathing became encouraged as a public health measure in the 19th century. Bathers wore long clothing and avoided the sun because the focus was on the sea and salt and not the sun and they wanted to avoid darkening their complexion and being associated with the working class (Vincente Del Rio, 2004). At first bathing was difficult because of the trash that littered urban beaches (Freyre, 1963, p. 198). Gilberto Freyre, in writing about the urbanization of Brazil describes how,

Until the early years of the nineteenth century, the beach below the walls of the city residences of Rio de Janeiro, Salvador, and Recife was a place where one could not walk, let alone bathe. Here garbage was dumped; here the huge barrels of excrement, litter, and the refuse of houses and streets were brought and emptied; here dead animals and Negroes were thrown. Sea bathing is a recent habit of gentry or bourgeoisie in

Brazil, who, in colonial days and the early years of independence, preferred to bathe in the river. 'Beach' in these days was synonymous with filth (Freyre, 1963, p. 146).

The notion of the beach as dirty comes not only from their use for trash dumping and defecating, but also from their association with lower classes and occupations like transportation and fishing. The development of the beach as important public space in Brazil has a specific cultural history that has shaped how the space is used and occupied.

In Rio specifically, the development of the beach was linked with specific public works projects, cultural transformations, and urban development initiatives. In the early 20th century, the state opened up tunnels through the mountains from the city center to the Southern Atlantic beaches and trolley lines that made these neighborhoods develop as the new area for urban elite, re-centering the city around the Atlantic Beaches (Godfrey & Arguizoni, 2012). The development of beachfront apartments, hotels, and walkways in Rio and accompanying natural activities like surfing and rock climbing made possible by the readily accessible mountains and ocean developed new ways of seeing and interacting with nature that accompanied the new urban development (Dias, 2008).

Dias traces the urban development of Rio as it expanded towards the Atlantic beaches and connects it to the musical, artistic, and literary counter culture that developed in Brazil in the fifties and sixties. The beaches became a “stage for non-conformist demonstrations” and counter-cultural revolutions, including the use of bikinis in Copacabana in the 1950s (Dias, 2008, p. 98). For example, *tropicalismo* celebrated rather than denied stereotypes of Brazil's tropical nature: the heat, humidity, and social and moral undress that resulted. The Bossa Nova hit “Girl from Ipanema” by Antonio Carlos Jobim and Vinicios de Moraes typifies this new beach scene and its international popularity that placed it at the center of foreign imaginaries about Brazil (Vincente Del Rio, 2004). Ipanema beach became the focus of a tropical, Brazilian identity centered on Rio de Janeiro. Beaches became important sites for remaking tropical space and embodiment through new physical practices and urban developments.

However, although Rio de Janeiro played a significant role in establishing the centrality of beach culture in Brazil, the history of Rio is not the history of Brazil. Unlike the urban beaches of Rio de Janeiro, beaches in traditional fishing villages were not initially idealized as free, uninhibited, liminal spaces but rather were similar to DaMatta's conceptualization of the street; a public, dangerous, and male social space where fishermen hang out but women were notably absent (Kottak, 1983; Robben, 1989). As Northeastern Brazil is being recreated as a part of a

tourist economy, there is a renewed emphasis on the undeveloped beaches and tropical nature found outside the more urban Southeast (Lopes, 1999). The beaches of the Northeast come to signify Brazilian tropical sensuality, playfulness, and paradise for European and Southern Brazilian tourist consumers (Williams, 2013).

With the arrival of outsiders and a tourism economy, beaches in small fishing towns transform from being strictly sites of work to becoming sites of leisure, changing the gendered relationship between public and private and work and play. However, for many people the beach is a place of work, especially for those in the informal sector. Public spaces, like beaches, parks, streets, sidewalks and even inside buses and trains become important spaces for those in the informal sectors to sell their products. Even from 2011 to 2014, when the formal sectors has at its highest point ever, it only accounted for 45% of employment in Brazil (Lima, 2018). Since then a growing majority of workers occupy the informal sector and often use public spaces as a way to access clients, making this work particularly relevant. This research on the occupation and use of these spaces can provide insights into how to support informal sector workers. As there is an increased discussion to develop tourism that is socially and environmentally responsible, research that examines the position of informal sector workers within a tourist economy can support and inform these discussions (Gabiellie, 2017).

3. METHODOLOGY

This article is based on twelve months of fieldwork from August of 2011 to August of 2012 in Canoas. I conducted participant observation on the beaches, observing interactions between different groups and their claims to space. I also attended City Council meetings, regional planning meetings, conferences, and events that used and discussed public spaces in the town. Finally, I conducted a survey along all of the beaches with every *pousada* and restaurant owner, vendor, and everyone that occupied any of the urban or rural beaches to learn about their use and occupation of the beach spaces as well as more in-depth interviews with key participants.

4. ANALYSIS AND DISCUSSION OF RESULTS

4.1. The impacts of Federal ownership on beaches in Brazil

Unlike many places in the world, all Brazilian beaches are property of the Federal Government that can grant conditional use rights to people to build on, use, and occupy the area. The area owned by the government includes thirty-three meters from the mean high tide mark of 1831. The fact that beaches cannot be privately owned is significant for how beaches have developed as important public spaces. Although this could play out in a number of ways, in Canoas federal ownership and local activism have encouraged the democratization of the beach, limiting the power of large landowners in controlling use and access of the beaches and creating space for local vendors to access tourist markets. However, because the space is ultimately federal property, this access is always contingent and threatened.

In September 2010, the Secretaria do Patrimônio da União or SPU² called a meeting in Canoas and announced that everyone occupying federal land along the beach would be removed after the next summer, in March 2011. Similar removals had already happened in Salvador, Bahia. Within that zone were not just small shacks for selling food but homes, restaurants, bed and breakfast establishments, hotels, and surf shops. However, nothing happened until over a year and a half later in April of 2012, when a surveyor from the SPU surveyed all of the beaches in Canoas. According to the surveyor, all of the building on the sand itself would have to be removed while the buildings within the thirty-three meters but not built on the sand would be registered and pay a use tax, a new interpretation from the previous meeting. He projected that all of this would be done by the beginning of the World Cup in June of 2014, although as of the writing of this paper in 2017, no concerted federal effort to remove structures from the sand is in progress. Federal activity is often in sync with public events in which Brazil is placed in the global public eye. Two large-scale municipal projects to regulate and remodel beach vendor shacks in Rio de Janeiro coincided with the 1992 UN Earth Summit in Rio and the 2007 Pan-American Games (Godfrey & Arguizoni, 2012). These events serve as impetus to crack down on unregulated vendors who are perceived as poorly representing Brazil. Furthermore, as people talked about SPU's attempt to remove vendors, they often explicitly compared Brazilian beaches with European and American beaches that don't have small-scale vendors. The federal attempt to remove the vendors was seen as an attempt to create an aesthetic in line with foreign beaches.

² This is the Federal Agency that manages Federal Properties, including beaches.

These attempts to regulate are few and far between and usually the Federal government does nothing to manage or regulate the beaches, leaving it up to Municipalities and local organizations to manage the space.

4.2. Local management of Canoas' urban beach

Beaches in and around Canoas are roughly divided into two categories; a series of small urban beaches within walking distance from the town center and another group of secluded beaches to the south. Most of the urban beaches of Canoas were all once part of the Estrelas do Mar Ranch. The Ranch is a large development company who bought a large parcel of land to the south of the City in 1976 and then gradually began forcibly removing long-time residents about a decade later, dismantling and burning houses along the beach.

In response, local land rights activists invaded Estrelas beach in the late 1980s in order to take advantage of the location for entering the tourist market and provide space for locals to sell food and handicrafts to tourists. Despite some initial intimidation by the landowners, in 1989 the occupiers worked with the Municipal government and the Federal Government to get use rights to develop and occupy the coastline, distributing it in thirty-meter long parcels to the local residents who were already selling food and drinks out of coolers on the beaches. Since the original distribution, despite federal ownership, parcels on Estrelas and other beaches are essentially treated like any other kind of private property and the owners have built cabanas which they rent or lease, or sell. Rights to the space are also claimed and developed through diverse documents like business licenses, construction permits, and other legal documents that show Municipal legal approval of one's occupancy over time.

There are also daily practices that the cabanas along Estrelas beach use to claim the beach space in front of their establishments. For example, each morning restaurant employees clean and rake up the trash and driftwood. The invisible lines of beach ownership are made clear as driftwood and trash builds up in front of closed restaurants, in contrast with the expanse of clean white sand in front of open restaurants. The most obvious markers between different cabanas' spaces are the different styles of wooden tables, bright yellow and orange plastic table, lounge chairs, and umbrellas that spills out from the open shacks and onto the beach, usually up to the high tide mark.

Figure 1 – Umbrellas and table mark beach spaces of different vendors

Source: Prepared by the author, 2011; 2012.

These different groups continuously claim public space through quotidian practices of cleaning the beach, planting trees and shrubs, maintaining the building, and occupying the space. Although this process is relatively straightforward at Estrelas, other beaches illustrate the extent to which different groups contest each other's rights to occupy and use these public spaces. In addition to these practices of care and occupation, the formation of associations and a variety of vendor, business, or construction permits from the Municipal government also serve to legitimize vendor's presence. Thus right is established *de facto*, by occupying and using the space, and socially, by organizing with other residents, using local permitting processes, and gaining approval from local organizations. Although there are some exceptions, locals are generally more successful at making these practices work for them.

4.3. Praia do Tombo: conflicts over shacks and sewage

The most significant conflict I observed over the occupation of beach space was on Praia do Tombo. Praia do Tombo is the main surfing beach in Canoas. On any given day, there is a mix of tourists and locals surfing, walking on a slack line, playing soccer on the beach, or hanging out. At the north end, there is a grassy field with a concrete capoeira circle, a bowl for skating, and several small shacks for selling drinks, renting surfboards, beach chairs, and umbrellas. The South end of the beach contains half a dozen *pousadas*, and a few shops and restaurants. In the

summer, a few more tents are set up on the beach itself to sell food and drinks. The established *pousadas* and restaurants were granted rights to be there by Municipal authorities or purchased from previous occupants and the smaller scale vendors gradually established themselves over time.

At the beginning of 2010, Mateus, a Portuguese man, decided to open a restaurant in order to receive his permanent residence visa, which required that he invest US\$40,000 in Brazil. In order to do this, he leased a local vendor's space on the sand at Tombo for five years and then built a more permanent wooden cabana and hired several employees. Because the original occupant did not have a use concession from the Federal Government but was there because of his relationship with the Mayor and established presence, it is unclear what exactly Mateus was leasing. In many cases, people describe leasing or renting the building from the original builder but in this case the small shack was removed so he essentially paid for the traditional right to occupy the space. Although Mateus was successfully able to get a business permit to operate the first year, he was denied this permit in subsequent years because many people resented his construction on the beach itself. However, he continued to operate without a permit for several years, which is a fairly standard practice. Unlike the other vendors who take down their tents during the low season, he was required to have employees and operate year-round in order to fulfill the requirements for his visa.

Eventually a group led by the President of the Canoas Surf Association, several Municipal environmental agents, and some nearby *pousada* owners met to remove the vendors from the beach at Tombo and several other beaches. They described these beaches as favela-like, a term which implies unorganized, illegal, ugly, and low-income occupation. Several of the people involved owned businesses on Tombo and could potentially benefit economically by excluding the smaller vendors. However, they couched their arguments largely in environmental and legal frameworks, arguing that the vendors polluted the beach with cooking oil, litter, and didn't have the required legal paperwork. This group requested the local office of the Public Ministry to force the Municipality to remove the vendors. Eventually Mateus's structure was destroyed and hauled off by Municipal workers while those with less permanent structures knew what was happening and simply packed up and moved when the municipal workers were cleaning up the beach. This illustrates how more permanent structures and outsiders can be more vulnerable.

In response to the *pousada* owners' critiques of the vendors' environmental impact, the

vendors responded that the *pousada* owners' motivation was economic and political. They argued that the *pousadas* were leaching sewage onto the beach. Given the rocky outcropping and shallow water table, the ability of the septic tanks to drain properly was questionable and sewage leaks were fairly common at several spots on the beaches if the septic tanks overflowed or had not been pumped often enough. At the same time the vendors were temporarily removed, municipal workers shut off the outflow of the septic tank to the only *pousada* owned by an outsider, citing a federal regulation that requires that all septic tanks be at least a hundred meters from water, a requirement that none of the half dozen establishments in the area met.

When the municipal sewage system was built in 2010 the original plan included connecting all of the urban beaches onto the grid. Later, this decision was changed to only include the Cabanas on Estrelas Beach but none of the further away urban beaches including Tombo. While some say this was because of the threats from the Federal Government to remove all of the development from the beaches, others say that it was because the owners of Estrelas do Mar Ranch were working behind the scenes to delegitimize the businesses and residences along these beaches. Ironically, the cabanas on Estrelas which are connected to the sewage system are the only ones threatened with removal by the SPU under the most recent reinterpretation of the law. This points to a disconnect between local, state, and federal organizations charged with managing the space, the general confusion around these political processes, and the political ineptitude in solving basic problems of sanitation.

The overcrowding of small scale vendors on beaches, trash, and sewage are problems that stem from growing populations and increasing consumption from tourism based activities. From examining the conflicts over the presence of local vendors and their occupation of the beach as well as disagreements over sewage and trash, we can see how different groups establish their rights to occupy a certain space and keep other groups out. If care is an essential mechanism for establishing a right to occupy a space, then a lack of care can be grounds for removal. Outsiders without local political connections are more vulnerable because they have more invested in the area and have less leverage should something go wrong. We also see the conflict generated due to an informal land use system in which the primary enforcement mechanisms, public opinion and social pressure, are weak and there is considerable disagreement about what form development should take.

Although couched in environmental language, complaints about trash or environmental

damage, the disagreements over the small-scale vendors were also differences in opinion about what a beach should look like. Some people imagine the perfect beach to be natural without vendors shacks and their plastic tables and chairs. Others see the beach as a site of relaxation but not necessarily natural, and are comfortable with a beach full of plastic tables, chairs, and umbrellas. The aesthetic of a pristine, unoccupied beach is more common among outsiders who tend to be higher social class and see Canoas as a natural paradise. They are also more likely to own larger *pousadas* and restaurants that are set back from the sand and compete with the shacks and tarps set up directly on the beach. Importantly, these opinions about the beach as natural are also held by many that work in the SPU, the federal entity that is ultimately responsible for the beachfront areas in Brazil.

The irony is that by removing the larger vendor who control the space, the SPU creates space for smaller vendors. In Salvador, where the Federal Government actually bulldozed the restaurants and cabanas built within the thirty meters they have been replaced by small scale vendors selling from coolers. The Federal Government removal of cabanas from the beach is a failed attempt to establish a more natural looking beach aesthetic and culture where people come to the beach without eating or shopping. The complete elimination of vendors would require a constant police presence as well as larger structural changes to the Brazilian economy to reduce informal sector employment, neither of which is likely to happen in the near future.

While federal ownership of the beach originally opened up space for local control of the beach, it also threatens to take it away as federal interpretation of the law and beach aesthetics changes over time. The Federal Government opens up space for smaller vendors not through a populist ideal but by making the distribution of space a political process connected to local municipalities and by creating legal vulnerabilities that weaken everyone's claim to the space.

4.4. The southern coast and luxury resort development

To the south of Canoas are half a dozen or so rural beaches. Because of their distance and the challenge of getting to them, these beaches tend to have fewer, wealthier visitors. Similar to the small urban beaches, these are relatively small beaches framed by rocky headlands covered in Atlantic rainforest. All of these beaches require crossing private property which is owned by large landowners which has led to numerous conflicts over access over the years. In addition, several of these beaches are the sites of luxury resort developments, where their privacy and

distance from the city make them more attractive to elite tourists whose image of the beach is one of unspoiled natural beauty, a white sand beach framed by verdant forests.

All of the southern beaches are accessible by short trails, either from Canoas or from the main road. There are many small businesses where local guides will take tourists along these trails to the beach. Praia Deserta is the closest beach to Canoas and is accessible by a three-kilometer trail from the town and winds its way through old pastures, regrowth forests, and several small streams. Although the land is privately owned by the Estrelas do Mar Ranch, guides maintain and clear the trail periodically, establishing a limited right to use it. They make sure tourists don't get lost but are also there to protect visitors from potential robberies.

Because the majority of these beaches are surrounded by large private landholding, many landowners have tried to charge for beach access. These landowners want beaches that are empty and pristine, a vision of nature that necessarily excludes locals, especially vendors whose occupations visually transform the beach. They also want beaches that are exclusive and can keep their visitors separate from lower social classes. This exclusion affects local tour guides, vendors, as well as surfers or surf schools who use these beaches. Many locals didn't necessarily have a problem with charging tourists, but were appalled at the idea of charging locals for beach access. A series of organized complaints, protests, and lawsuits from local residents forced landowners to grant free access.

Because surfers often also work as guides and instructors, taking visitors to these remote beaches, the Canoas Surf Association spearheaded the movement to maintain open access to the Southern beaches. Danilo, a surfer from São Paulo who has lived in Canoas for 12 years, describes a period where most the beaches were charging entrance fees. In response, the surfers of the city decided to protest. Danilo explains:

– Started a protest. They took their boards. Surfers and non-surfers were both there, I remember there being a thousand people. There were some legal complaints. The protest was awesome, by the surfers themselves. Everyone took their boards and they paralyzed the city...The surfers have always protected the city from destruction. They were the warriors for the city...If it wasn't for them, there wouldn't be nearly as much area preserved. They the only group that fought and is still fighting. (Danilo, interview, April 30, 2012).

Surfers are often the first to know about environmental problems on the beaches and have

a special interest in the development of the beach. As a group, they also represent a cross section of natives and outsiders, and the Surf Association has been one of the few productive spaces in which these groups work together.

One example of this conflict can be seen at São João, the beach immediately to the south of Praia Deserta. Access from the road was closed around 2000, when two resorts and a collection of expensive private vacation homes were built in the area. All of this tourist development closed access from the road and later they tried to close access from the beach as well, shutting down the coastal trail that fisherman formerly used to travel from Canoas to the south. In response, the Canoas Surf Association organized a protest against the closure and demanded public access to the beach, which is required by federal law. They organized several boatloads of surfers, guides, and fishermen to occupy the beach. The resort had been warned and the surfers were met by a large police presence. Edison, the past president of the Surf Association and one of the organizer of these protests describes their involvement.

– The beaches were all private. All of the beaches to the south of Canoas were privatized. We had a variety of protests in the city, with the population, the people revolted and made things happen. The Surf Association was involved. So one day we got a boat, because they wouldn't let us go by trail. We got a boat and went by the sea. We took seventy people and when we go there all the police from the city were there to put us in jail. But then we stayed on the beach and spent all day at the beach. When night came the police started to beat up the protesters. We made a protest and pressured the justice department at the time and the Public Promoter and the Judge had a public hearing, which resulted in an Adjustment of Conduct Contract (TAC) for the beaches of Canoas.³ If anyone closed access to the beaches they had to pay a fine of a thousand Reais per day. After this, the beaches to the South opened up. All of the beaches were opened. The beaches were all shut and they were charging to visit them. Praia Deserta charged the most. Jaboticaba, all of the beaches charged admission. People stayed at gates at the front and if you wanted to arrive at a public space you had to pay. After the TAC, the beaches of Canoas were opened. According to federal law you can't change access. All of the beaches are required to have public access. The access has to be included in the documentation of the property owner, in this case the hotel. The document has to recognize public access points. (Edison, interview, March 14, 2012).

³ A TAC (Termos de Ajuste de Conduto) is a legal document that requires parties to change their behavior to comply with the legal requirements of the law or decision of the court.

In the end, there was somewhat of a compromise as a result of a decision by the public ministry. The trail from Praia Deserta is open, but you have to present identification documents to get past the guard at the entrance, making it more of a challenge to get to the beach.

On another Southern beach, the developers for a huge proposed hotel succeeded in closing the access trail to the beach, but after lawsuits from the vendors and guides who used the beach, they were forced to build another trail. They rerouted this trail along the coastline, tripling the amount of time it took to get to the beach. After the initial hotel project was abandoned, the resort owners maintained guards who kept people out for several years until in 2011 when the guards left and the old trail, which runs right through the middle of the hotel development, was re-opened by vendors, guides, and local beach users. When the developers challenged the reopening of the trail, the judge noted that the Corporation was not maintaining the new trail they built and allowed the old trail to be reopened. Because the developers didn't effectively occupy the beach and trail—they are not actually using it, maintaining it, or caring for it, they are unable to exclude others and control the area. Legal rights in this sense are connected to the ability to use and take care of an area, despite the size and power differential of the groups involved.

These conflicts of access to the beaches have universally resulted in local surfers, guides, and fishermen being granted access to the beach. Landowners can, at best, make the requirement for access to discourage local visitors but cannot prohibit them outright. Interestingly, we also see that even large landowners are required to maintain a presence if they want to enforce their right to control and regulate access. Large landowners, like smaller vendors, with a continuous and active presence are much more successful in maintaining control of their space whereas absentee landlords can easily lose control.

5. CONCLUSION

The small picturesque beaches of Canoas are the epicenter of the changing social relationships embedded in a tourist economy. As public spaces, the conflict around aesthetics, access, vendors, sewage, and ocean front development on the beach closely resembles larger conflicts around power and place in Brazilian society. In each of these cases, the constant negotiations between the Federal Government, the courts, Municipal authorities, small scale vendors, homeowners, and large tourist developers is an ongoing process, with winners and loser decided around an understanding of property and public spaces. Longtime local residents and

small vendors, through Municipal political connections and progressive courts, gain access to the tourist economy on the beach, even as their neighborhoods and residences are excluded.

Although some larger resorts near the city try to maintain their exclusivity, none have been able to exclude local residents altogether. Local surfers, guides, farmers, and fishermen, and their intimate connections to and knowledge of local geography, have been key in maintaining this access. Even larger resorts can only establish their right to occupy the beachfront in the same way as small-scale vendors, through use, care, and continuous occupation. The continued back and forth between informal and formal land tenure, between legal documentation and traditional use rights established through occupation and care, opens up space for different local residents to maintain and claim public space.

From these examples, we can see how the beaches, as federally owned and public spaces have maintained important spaces for small scale vendors, guides, and surfers to earn money in the tourist economy. Federal ownership combined with a lack of enforcement or maintenance of the beach opens space for smaller scale vendors to thrive through their flexibility and connections to local political organizations while larger, more established outside companies are limited in their ability to control the beach space. However, both large and small businesses secure their use of the beach spaces through de facto occupation, use, and most importantly care of the beach. The right to use a public space is granted to whoever uses and cares for it, similar to other kind of traditional land tenure systems in Brazil.

Public space in this regard does not mean that the space is open and everyone has equal ability to use the space. Rather, this designation draws our attention to the political processes and negotiation through which use and ownership are determined. In practice, this conditional status of public spaces can benefit smallholders who are more willing to operate without permanent guarantees or legal status. For all users, rights to public space are established through occupation, use, maintenance and care over time. These use rights are most vulnerable when people are perceived as no longer taking care of the area. If the beaches, trails, streets, parks, and other public spaces of Canoas are cared for, cleaned, and maintained, it is not simply by the Municipal governments but rather by local residents, associations, and NGOs who occupy and use these spaces. As one vendor described it

– If it wasn't for us, the beaches would be abandoned. The Municipality can barely get the trash from the neighborhoods and doesn't do anything for the beaches. We are the ones who take care

of the beaches.” (Paulo, interview, April 23, 2012).

The vendors, businessmen, and surfers all claim credit, to some extent, for preserving and protecting the beaches. Without active municipal or federal oversight, the care and maintenance of public spaces is done by local groups. More importantly, it is through the idiom of care that different groups legitimize their presence and rights to use and occupy a given space.

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