

# Environment and legal perception: a study of case of the existing relations between the operators of tourism nautical transport and the state park of Anchieta Island, Ubatuba - SP, Brazil

**PERCEPÇÃO AMBIENTAL E JURÍDICA: UM ESTUDO DE CASO DAS RELAÇÕES EXISTENTES ENTRE OS OPERADORES DE TRANSPORTE TURÍSTICO NÁUTICO E O PARQUE ESTADUAL DA ILHA ANCHIETA, UBATUBA, SP**

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## **ABSTRACT**

The environment and the culture are raw material of tourism, and can support the economy, generate jobs and redistribute gains by attracting visitors flows. In this century XXI - everybody for searches the sustainability with social participation, organization, awareness and professionalization, aiming at to the economic efficiency, environment balance and social justice. In this idea, the objective of this work is to contribute with the agreement of the existing relations between the tourist operator and the insulars parks, making possible the effective participation of these operators of tourism for the planning and implementation of the preservation politics and conservation of these areas. Thus, this research used as case study the State Park of the Anchieta Island, located in the city of Ubatuba - coastal north of the State of São Paulo -Brazil, in order to evaluate the perspectives and the perception of the operators of the tourism companies who realize activities in the park and its surrounding, face to the pertinent legislation. The results obtained by documents surveys and semi-structured interviews together to the target public, had allowed to diagnosis the environment and legal perception in the relations these actors and the State Park.

## **KEYWORDS**

Environment and legal perception. Operators of

tourism nautical transport. Conservation units. Parque Estadual da Ilha Anchieta -PEIA.

## **RESUMO**

O meio-ambiente e a cultura são matérias-primas do turismo, que podem alavancar a economia, gerar empregos e redistribuir divisas por meio da atração de fluxos de visitantes. Neste século XXI, busca-se a sustentabilidade participativa, organização, conscientização e profissionalização, visando à eficiência econômica, equilíbrio ambiental e justiça social. Nesta senda, o objetivo deste trabalho é contribuir com o entendimento das relações existentes entre os operadores de turismo e os parques insulares, possibilitando a participação efetiva destes interessados para o planejamento e implementação das políticas de preservação e conservação dessas áreas. Assim, esta pesquisa utilizou como estudo de caso o Parque Estadual da Ilha Anchieta, localizado no município de Ubatuba - litoral norte do Estado de São Paulo, a fim de avaliar as perspectivas e a percepção dos operadores das empresas de turismo que realizam atividades no parque e seu entorno, frente à legislação pertinente. Os resultados obtidos por meio de levantamentos documentais e entrevistas semi-estruturadas junto ao público alvo, permitiram identificar a percepção ambiental e jurídica na relação destes atores e o Parque.

## **PALAVRAS-CHAVE**

Percepção ambiental e jurídica, Operadores de Transporte Turístico Náutico, Unidades de Conservação, Parque Estadual da Ilha Anchieta.

## **1. INTRODUCTION**

Attractives naturals had always been a very important element in the development of tourist destinations. With the introduction of the concept of ecological tourism or ecotourism in the 90's, the great performance of this modality in the modern economies, also to awake the interest in the tourism as source of income to preserve the nature (Janér, 2003). In this way, the National Parks had become it "a great favourite" of natural wealth, consequently, attractive of great importance for the tourism and generators of income source.

Currently, Brazil counts with 53 National Parks (Silva, 2004), created by the Federal Government since 1937 until the current days. Besides, the State and Municipal Agencies had also created its own parks, that are respectively called State Parks and Municipal Natural Parks. Beyond the parks, the country also counts with more eleven categories of handling, divided in two groups of protection, that integrate the National System of Conservation Units - SNUC, law 9,985, July, 18, 2000, that consist at Units of Integral Protection Grups and Units of Sustainable Use.

In the terms of law, art. 2, paragraph I, a unit of conservation is the "territorial space and its environmental resources, including territorial waters, with excellent natural characteristics, legally instituted for the Public Power, with objectives of conservation and defined limits, under special regimen of administration, to which if they apply adequate guarantees of protection" (Sistema, 2004).

The National Parks, as demonstrated, belongs to the group of the integral protection units, and includes, beyond the destined area the protection, the areas of its surrounding (damping zone), territorial waters and, when it's possible, the ecological corridors of migration. As an integral protection, no direct form of use of its natural attributes is allowed, being admitted only the indirect use of its resources.

This handling category is regulated in article 11 of law 9,985/00, and have as "objective basic the preservation of natural ecosystems of great ecological relevance and scenic beauty, making possible the

accomplishment of scientific research and the development of activities of education and environment interpretation, recreation in contact with the nature and of ecological tourism." It also defines that the areas of the national parks are "of public ownership and domain, being that the enclosed particular areas in its limits will be dispossessed", that the public visitations will be subject "to the norms and restrictions established in the plan of handling of the unit, to the norms established for the responsible agency for its administration, and to those foreseeing in regulation" (Sistema, 2004).

In the SNUC terms, all the conservation units (CUs) of integral protection "will be created by act of the public authority" (Sistema, 2004). In these terms, the parks can be created by law, decree or resolution of the competent agency, being an initiative of the public administration, either Federal, State or Municipal.

The Cities, as Federative Beings, can, inside of the limits of the Federal Constitution, promote diverse politics public, aiming the development of the tourism and the environmental protection. Some of the possibilities could be imphasize: to promote environments politics for the city, to create norms and environments standards of protection, to consider and to follow the implantation and management of the CUs, to collaborate with plans and programs of expansion and development of the tourism, to elaborate and to participate of programs of environmental education, to inquire themselves and to propagate the scientific manifestations and the generated environments technological progress in the city, to implement measured of integration of the CUs with the community and to indicate solutions for the social conflicts in surrounding of the CUs, among others (Brasil, 2000; Rocca, 2003).

In the past, it was common that speculate on spokesmen presented the CUs as an impediment to the progress and the generation of jobs or parts of the city that the inhabitants could not use.

That is the motive, modernly, what it legitimizes the act of creation of a CU, and gives the base for the litigating, are the studies technician and the ample consults to the local community, resident population in the area and around of the unit proposal, by the agencies of government, the research institutions and the not-governmental organizations. This consultation can be carried through by audiences or direct consultation the interested parties, to define the

identification and localization of the protected area, besides facilitating the understanding on the necessity of the protecting area creator.

However, the majority of the CU created until the advent of the SNUC, did not count on any participation of the communities directly reached. Many times until the State and Municipal administrations were unaware of the reasons that had taken the creation of the protecting area - they had been purely technical acts only based on seeming technician conceived and managed in a centralized and not participative form. These areas lacked of necessary regional legitimacy to its consolidation, what made it difficult the implantation and mainly the management of them.

In the case of the State Park of Ilha Anchieta (SPAI), one of the 26 Parks managed for the Forest Institute of the Secretariat of the Environment of São Paulo, was not different. The lack of participation of the social actors connected to the Park always resulted in conflicts, who was obliged to apply the effective laws without a widely arguin with the population.

The main questions, that caused and still causes conflicts, are the norms that regulate the public visitation, it as follows: rules of the visitors landing in the island and in the pier, zones limitation of intensive use, requirement of controlling in the tracks of the extensive use zones, limitation of the load capacity in 1020 people/day and the prohibition of fish around of the island.

In 2002, with the intention to guarantee the participative management in the implantation and consolidation of the unit Handling Programs, as well to promote the interaction of the involved social actors, the Council Consulting of the SPAI was created, composed for the representatives of the local society.

The decisions taken by the part of this Advice have demonstrated some improvement in the relation of the park with the local authorities. However, the operators of the nautical tourist transport, still do not perceive it as legitimate representation of its interests. Whit this established conflict, urges the necessity to extend the social participation, in order to identify the problems and to search the solutions of participative form, based in the SNUC principles and inherent to the exercise of the social participation democracy.

On intention to contribute with one better interaction park-society, this work counted with five main objectives, it as follows: (1) raise the social profile of the operators of nautical tourism, who act together

with the park. (2) identify inside of the local culture of the operators the concept and the paper of the CUs for the region. (3) analyze the legal perception and the ambient protection concerning the park and its surroundings. (4) raise the perspectives to the development of the tourism in the city and the perception of these to the effectiveness of the municipal public agencies. (5) raise the positive and negative points of the management of the park.

## **2. EXPERIMENTAL PROCEEDING**

### **2.1 THE STUDY AREA**

The selected area for this research was the State Park da Anchieta Island (SPAI), located in the State Coastal North. Its geographic coordinates are: 23° 31' and 23° 34' of South latitude and 45° 02' and 45° 05' of longitude West of Greenwich, referring to the city of Ubatuba - one of the main tourist pole regions of São Paulo coast. The State Park is located in all territorial extension of the island (828 ha). Its main access occur in the Palmas bay, as far as 4,3 nautical miles from the Pier of the Saco da Ribeira, in the Bay of the Flamengo in the Continent (Robim, 1999).

The choice of the SPAI, as object for the evaluation of the legal and ambient perception of the involved operators in the tourist transport nautical front to the State Parks, was done by the fact of the great volume of visitors that it receives (approximately 80.000/year) and also its characteristics insulars. Among the three parks insulars of the São Paulo State - Anchieta Island, Ilhabela and Cardoso Island - the SPAI have the smaller extension, for this rason it could be considered the most fragile among the three parks.

### **2.2 THE METHOD RESEARCH**

In accordance with the documentary surveys, the transport sector nautical tourism of Ubatuba adds sixty four individuals, counted approximately between employees, autonomous worker and agencies owners.

In order to get a minimum of security about the results, 16 individuals had been interviewed, that constitute the fourth part of these operators.

In this researcher was used a semi-structuralized questionars as a script for individual interviews. The elaboration of this questionars, was based on the researcher experiences lived in the park and in the specific bibliographical revision. This questionars was

conceived in two parts:

The first part of the questionnaire (quantitative), looked for eight characteristics social-cultural of the investigated population, to know: (1) sex, (2) age, (3) professional bond, (4) school level, (5) specific professional formation in the area of the tourism, (6) place of origin and time of residence in the city, (7) time of work with the tourism and the SPAI, (8) the operationalization in other legally protected areas or not.

In concerning to the second part of the questionnaire (qualitative), in accordance with the objectives established for this research, the answers concerning the knowledge and of the perception of the interviewed ones had been analyzed and grouped in five topics: (1) concept and importance of the conservation units, (2) knowledge of the environmental laws and the regulations of the SPAI, (3) the representation of the SPAI for the regional tourism, (4) knowledge of the activities of ecotourism and environment education in the SPAI, (5) knowledge of the municipal actions for the development of the tourism and the ecotourism in the city.

The population was examined from a sample random, and consisting exclusively of operators of tourism nautical, who works directes with the SPAI. With the park direction help and surveys in its registers, it was possible to identify the companies who operate in the region and the three points of embarkment of the tourists in the continent - what it made possible to determine the proportional number of interviews to be carried through in each point of embarkment.

### 3. RESULTS AND DISCUSSION

#### 3.1 PARTNER-CULTURAL CHARACTERISTICS OF THE OPERATORS OF THE NAUTICAL TOURISM

The majority of the interviewed ones is composed of men, being 81% against 19% of women. Therefore the main functions involving the nautical tourist transport still are typically masculine. The age of the interviewed ones varied of 17 the 48 years, with a general average of 33,8 years.

The majority of the interviewed ones (82%) possess up to 11 years of study. Between the sailors, assistant and adjutant of edge, this level decreases drastically. Since 62% of these possess in average 5 years of study and 38% only possess up to 10 years. A small parcel of the total of interviewed (11%) attended the university,

all they proprietors of agencies.

From interviewed ones, 25% consisted of proprietors of agencies of nautical tourist transport and the remain in subordinated workers. From subordinated workers (not proprietors), more then a half (58%) possess signed wallet of work and 42% are independent. These numbers show that a little more of the half of the workers has its guaranteed social rights, thus demonstrating, the social importance of the companies of tourist transport for the region.

Only 31% of the interviewed ones declared to possess some professional formation in the tourism area and, exactly thus, the majority of these informed have frequented courses of short duration. These data demonstrate the unpreparedness of the involved professionals, to take care of the increasing demand of tourist services in the region.

Only 25% of the interviewed ones declared as were born in city of Ubatuba. Among who borned in other localities, the average time of residence in the city is around 13 years, what it guarantee to them, legitimacy to participate of the local subjects.

About the number of declared years of professional devotion to the tourism, was evidenced the importance of the State Park for the social and economic development of the region. The interviewed ones had declared a average of ten years of work with the tourism and eight years (in average) of work with the SPAI. Thus demonstrating, that many of the operators had started to work with the tourism due to the implementation and revitalization of the destined area to the public use of the SPAI. Moreover, 38% of the interviewed ones had declared to also work only with the transport of the tourists for park and 62% with the SPAI and other CUs and not protected areas.

#### 3.2 THE ENVIRONMENT AND LEGAL PERCEPTION OF THE OPERATORS TOURIST OF NAUTICAL TRANSPORT

The results of the analysis of the interviews, in accordance with the subjects, had been:

##### ***The concept and the importance of the CUs for the region.***

Law 9,985/00 deals with the legal technical definition of the CUs and its objectives of handling (System, 2004). However, ahead of this subject, the majority of the interviewed ones demonstrated to be unaware of the concept, the purposes and the objectives of the

CUs. When asked about what was a unit of conservation, common it was the attainment of very discrepantes answers of the legal concept. However, some answers if had approached to the generalista concept of CU.

When asked about the paper of the CUs for the region, the great majority of the interviewed ones limited to answer that they assist in the captation of tourist and contribute for the scenic beauty of the city. But a small parcel of these interviewed, mentioned the importance of the conservation of the natural environment, as form to prevent the increase of the temperature, the over sediments, the effect greenhouse, the destruction of the water resources and the depreciation of the quality of life - among others benefits that the conservation in situ of the nature propitiates.

### ***The knowledge and legal perception of the tourist operators of nautical transport.***

With relation to the questions on the knowledge of the laws and regulations that deal with to the CUs and the public use in the parks, the majority of the interviewed declared not know absolutely nothing, and, only a small parcel, affirmed to have a superficial knowledge. However, when these were questioned about the possibility in mention some of them, they only mentioned the norms of landing of the visitors in pier of the SPAI and the limitation of the load capacity in 1.020 people day in the zones of intensive and extensive use of the park.

Not even current law 9.985/00 - the SNUC, the most important for the creation, implementation and management of the CUs, and that it had great spreading by the part of the media, was mentioned by any of the interviewed ones.

When questioned if the laws were enough and efficient and, what could do to improve its fulfilment, the interviewed ones that had affirmed to have one some knowledge declared that the laws were enough, however inefficacious.

In regards the increase of the environmental laws, the interviewed, as almost unanimous form, had declared to have the necessity of bigger spreading of this legislation next to the operators and the population. Already a small parcel of the interviewed ones, mentioned the growth of the fiscalization as form to increase the respect to the environmental laws.

The respondents also had been questioned concerning the blockage or the aid of the environment

legislation in the tourist development of the city. The results demonstrated that, the operators in general, see the protection of the environment as a form to keep the qualities that as much attract the tourists for the city. However, the environment legislation is still considered by this public as an obstacle for the local development.

### ***The importance of the SPAI for the tourist and economic development of the city.***

In relation, the importance of the SPAI for the development of the Ubatuba city, all interviewed had declared, without exception, that without the park, the sector of nautical tourist transport would be very affected. The city of Ubatuba possesss diverse beaches and islands, however, the SPAI only offers a infrastructure of historical and ambient interpretation that pleases the visitor. These factors, become the SPAI, the favourite destination of the maritime strolls in the city. This question was answered of passionate form for the interviewed ones.

### ***Ecotourism and environmental education in the SPAI.***

The respondents were questioned of the knowledge of the term ecotourism, the influence of this in the development of the tourism in the city, the perception of the practical ones of this specific modality of tourism and of the environment education inside of the limits of the State Park. The results had surprised. Therefore, more of the half of the respondents, have declared to be unaware of the term ecotourism, thus not being able, to contribute with the development of this subject. What it makes an impression in these results is that this term widely is divulged by all the Brazilian medias and has been presented as a available form of sustainable tourism.

### ***The perception and the perspectives of the operators in the municipal public politics.***

In relation to this subject, and ahead of the roll of possibilities appointed by Rocca (2002), the interviewed ones had been questioned of the concern of the city stop with the development of the tourist activities, in general, and of the ecoturismo, in special. The declarations had been unanimous in demonstrating to the insatisfação and total ahead unfamiliarity of the townsperson of the recent criminal actions for the development of the local tourism.



#### 4. CONCLUSION

The results had disclosed that the inquiry concerning the perception of the operators of nautical tourism (directly on sector to the public use of the insulars parks), generate a wealth of practical information, that can be useful, during the process of elaboration and management of the parks that they depend on this type of transport for the traffic of its visitors.

How much to the social-cultural data (quantitative) of the operators, it can be confirmed some negative characteristics of this sector, that are not isolated, they are part of the Brazilian reality, they are: the low level of escholarity, mainly of the workers not proprietors of the sector; the low number of women; the low number of young that, associated the long time of work with the tourism, on the part of the operators, demonstrates the stagnation of the sector, that does not obtain to generate new chances; low the qualification of the workmanship hand.

The results had also demonstrated some positive data, such as follow: the importance of the SPAI for the income generation; the reasonable number of registered employees. Another positive fact is that not been born in the city, to possess one high degree of involvement with the local questions, had to the great time of residence in the city.

The qualitative data - legal and environment perception - had pointed with respect to some conclusions as:

In general The operators, do not possess knowledge how much to the concept and the objectives of the parks, and, only a small parcel of these, understands the real necessity of the CU's for the environment balance and the quality of life.

The operator, despite the daily contact with the park, has little knowledge of the legislation that regulates it. Ahead of the efforts for the spreading of this legal skeletal, on the part of the SPAI, few practical results had been obtained, thus needing a change in the form of this on the part of its managers, in order to reach of more efficient form the workers of the sector of nautical tourist transport.

The SPAI is a very important element in the economic development of the tourism and mainly of the sector of nautical tourist transport, therefore it attracts a expressiva amount of customers for the rendering of these services in the Ubatuba city.

The results also show, that these operators little know of the some programs of environmental

interpretation, ecotourism and environmental education for existing in the SPAI. These programs, although to be total compatible with the plan of handling of the parks, are deserving of a bigger spreading between the population.

In relation to the municipal public politics, with emphasis in the development of the tourism and the ecotourism, these are inexistent or they do not possess a together dynamics of spreading to the community. Thus, it remains the operators, little or no perspective of improvement in the sector.

Finally, if it cannot consider that, for in them bringing benefits, the CUs must be only objects of shopwindow for the delight of the scenic beauty or any other reasons that let us judge individually important, and, neither to be seen as mere islands represented for isolated portions of earth - thus being able to be rejected for its situation of use conflicts and its delimitation.

Initiatives and actions of fiscalization, preservation and conservation must be undertaken by all the citizens with a social and democratic participation.

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