

The landmarking of natural areas by the CONDEPHAAT: mark of innovation and memory of São Paulo's heritage institution (1976-1995)

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Abstract

This article focuses on the landmarking of natural areas by the CONDEPHAAT - Council for the Protection of Historical, Artistic, Archaeological and Tourist Heritage. It discusses the potentialities and limits of landmarking in the preservation of natural landscape in all its aspects between 1970 and 1990, when most actions were developed by this agency in the state of São Paulo. It also proposes the landmarking of natural areas should be discussed as a current issue, in constant interdisciplinary dialogue as an indispensable debate in the renewal of studies on preservation, and especially under the responsibility of cultural heritage.

Keywords: Landmarking; CONDEPHAAT; Natural Heritage.

Introduction

The preservation of natural areas as cultural heritage is an interdisciplinary challenge that implies parting with classical paradigms of Brazilian's preservationist practice. One of these paradigms is the idea, wrongly widespread over the time, that preservation agencies should not be responsible for nature protection. To overcome this challenge, this text debates the experience of the Council for the Protection of Historical, Artistic, Archaeological and Tourist Heritage – CONDEPHAAT in the protection of natural spaces, to demonstrate its current importance and feasibility as preservation practice.

This study understands São Paulo's heritage institution as a current issue and source of unceasing debates between intellectuals, organized civil society, and different ideological groups. It also considers the landmarking of natural areas by the CONDEPHAAT as technical-

scientific memory and innovative preserving practices innovation in the state of São Paulo.

A brief critical overview of the “meaning of being” of nature as heritage is presented in the trajectory of the federal policy of cultural heritage preservation, subject discussed by Mongelli (2011), in detail Magalhães (2015) and Pereira (2018). After that, we analyze the landmarking of natural areas in São Paulo between the 1970s and 1990s. Its characteristics are considered groundbreaking for the enlargement of the landmarking concept as defined since its creation in 1937, for the protection of natural spaces upon the recognition of scientific and ecological values based on a geographical approach of landscape. A singularity of São Paulo's heritage institution is present in this innovation: the influence of the academic concepts in the definition of the CONDEPHAAT's guidelines. Members of

this agency are members of São Paulo's state university – University of São Paulo, UNESP and UNICAMP in the fields of Architecture, History, Geography, Archaeology, Ethnography and Social Sciences (RODRIGUES, 2000) since 1975.

The guideline of our investigation is centered in the idea that landmarking of natural areas by the CONDEPHAAT needs to be incorporated in São Paulo's technical-scientific memory. This will renew the debate about the role of natural heritage preservation agencies in nature preservation, a current and urgent discussion.

Heritage and Landscape in the Brazilian preservation policies

The protection of natural spaces by cultural heritage preservation agencies in Brazil is provided in the decree-law 25 from 1937, responsible for the creation of landmarking and organization of the National Historical and Artistic Heritage Service – SPHAN¹. The government should protect natural monuments, sites and landscapes, as registered in the Historic Environment Record – HER:

Art. 1st The national historical and artistic heritage is constituted by the set of tangible and intangible property existing in the country and whose conservation is of public interest, either by its connection to memorable facts of Brazilian history, or by its exceptional archaeological, ethnographic, literature or artistic value.

§ 1st The properties referred to in this article shall only be considered an integral part of the national historical or artistic heritage after being inserted, separately or grouped, in one of the four Historic Environment Record, which is referred in article fourth of this law.

§ 2nd The natural monuments, as well as the landscape sites, which must be conserved and protected by the remarkable features with which they have been endowed by nature or managed by human industry, are equally subject to the landmarking and the property referred to in this article (BRASIL, 1937).

The artistic and historical values of natural monuments, sites and landscapes would be defined from its capacity of equating to human artifice, for its natural characteristics such as “remarkable traits gifted by nature” or as a result of the human action on natural space “managed by nature”. Parts of the national territory where the human presence was not too prevailing or noticeable could be landmarked in the sites and landscapes whose “natural trait” was gifted by nature.

It was believed heritage was related to history of art, aesthetics and visibility. It understood nature through the look of an observer – a State's agent, whose discretionary power identified and legitimized the historical and artistic values capable of justifying the landmarking. In addition, when it came to natural elements, it should

1. Organ created by law 378 of January 13, 1937, during the changes in the Ministry of Education and Public Health. In 1946, it changed its name to Board of National Historical and Artistic Heritage, and its name changed between 1970 and 1979 to National Historical and Artistic Heritage Institute. Between 1980 and 1990, it was called National Service of Historical and Artistic Heritage (SPHAN), sharing its responsibilities with the Pro Memory National Foundation (FNpM). Both were extinct in 1990, when the Brazilian Institute of Cultural Heritage (IBPC) was created. In 1994, under the Ministry of Culture, it was once again called National Historical and Artistic Heritage Institute (IPHAN), which is the current denomination.

mandatorily meet the demands of exceptionality and scenic beauty.

The procedures of identification and appreciation of cultural properties in the first years of heritage institutionalization in Brazil had major influence of the French legislation. Its principles were a model to many legislations about preservation in Europe and in Latin America. In France, the Historical Monument Law of 1913 protected the natural monuments and sites of artistic, historical, scientific, legendary or picturesque character².

The philosopher and landscape scholar, Anne Cauquelin (2007), says that the 1930's definition of "site" and "landscape" by the French Ministry of Public Education and Fine Arts highlights ambiguity. The definition has two opposite objects of the landscape notion: the built ordering and the eternal principle, a perfect equivalency between art and nature:

(...) on the one hand, carrying back the landscape as the only way of making it visible, on the other hand, unfolding it leading to the nature's unalterable principle, erasing the idea of its possible construction. Well-marked confusion in the notion's flow of "site", "environment", "ordering" or "integration". Because the ones who want to safeguard the landscape's nature as primitive data, are also engaged to protect "sites" from a certain historical and cultural memory. The "site", which stays there, designated both the monument (this arc, this old town, and this

vestige) and the singular geological form that intervened in a natural environment. In this point of view, the landscape is a "natural monument of artistic character"; the forest, a "gallery of natural frames, a green museum". (CAUQUELIN, 2007, p. 40-41)

To beyond the influence of the French heritage protection laws, the decree law 25/37 was based on Mário de Andrade's preliminary draft, from 1936, by the request of the Minister of Education and Health, Gustavo Capanema. As indicated by Chuva (2009) and Fonseca (2009), in his act of heritage's institution, Andrade understood the notion of art as a unifying concept of a National Artistic Heritage idea as:

(...) all works of applied, popular or erudite art, be it national or foreign, belong to public authorities, to social organisms and to national or foreign Brazil private residents divided into eight categories – archaeological art, Amerindian art, popular art, historical art, erudite national art, erudite foreign art, national applied arts and foreign applied arts. (ANDRADE, 1980, p. 90-92)

The landscape is seen as part of one or more art categories established by Andrade always as an expression of the human mind:

(...) certain places of the nature, which floristic, hydrographic or any other expansion be definitively determined by the Brasis' human industry, such as lake cities, channels, villages, roads, grottos etc. (ANDRADE, 1980, p. 92)

2. <https://www.vie-publique.fr/politiques-publiques/politique-patrimoine/chronologie/>

Ribeiro (2007) says Mário de Andrade's idea of landscape was subordinated to ethnography, a construction of the popular art in a wide sense. Through the landmarking of landscapes, the material properties printed in the space by collective work, unassociated from what it considers as erudite art, could be recognized as heritage and be preserved. (RIBEIRO, 2007, p. 71) The final text published in November 31, 1937, as decree law 25, had significant alterations of scope and content about the imminent artistic character of the national heritage as established by Mário de Andrade's preliminary draft. The Decree chose the notion of "historical and artistic heritage" and created, at the National Service of Historic and Artistic Heritage – SPHAN, the Archaeological, Ethnographic and Landscaping. It established a political place registration of natural spaces as national heritage, although its concepts and definitions were not precise.

Besides this, the landscaping heritage did not find a clear definition during the establishment of a collection of cultural properties landmarked by IPHAN. Since 1937, the criteria used for the registration of properties in the Archaeological, Ethnographic and Landscaping Historic Environment Record was tough. At this place, the typologies of natural properties related to the national world and to the non-built environment were supposed to be reunited (RIBEIRO, 2007). As affirmed by Magalhães (2015), the landscaping

heritage protected by the IPHAN until 1950 would have been selected upon a signed agreement, in 1938, between the agency, then directed by Rodrigo Melo Franco de Andrade, and the National Museum, whose president was Heloisa Alberto Torres. This partnership made great part of the registered properties in the Archaeological, Ethnographic and Landscaping Historic Environment Record be identified based on natural sciences' criteria such as botanic and anthropogeography, in the scientific key, anthropological-botanic and not necessarily landscaping. (MAGALHÃES, 2015, p. 222)

Besides this agreement established through the action of members of the National Museum such as Raimundo Lopes and Alberto Childe in the IPHAN's Consulting Board, in 1980 a partnership of the agency with the Brazilian Institute for Forestry Development Ministry of Environment's Environment autarchy, would be signed to make a General Guideline to the Rio de Janeiro Botanical Garden's area. The General Guideline Plan standardized the cooperation of the two agencies of revitalization and modernization of the Rio de Janeiro Botanical Garden. It established a regime of strict, intense and mutual collaboration between the parts in the making of projects and investments in restoration, conservation and protection of historical, archaeological and landscaping sites in the conservation units managed by the Institute (PEREIRA, 2018, p. 63).

The new agreement made possible the cooperation between two agencies that had been historically distant because of the legislation, although they protected the natural spaces on a complementary and non-conflicting way. After this innovation, the Natural and Archaeological Heritage Coordination, under the direction of the architects Carlos Alberto Xavier and Carlos de Moura Delphim, was extinct in 1990 because of the Brazilian Institute of Cultural Heritage and reorganized only between 2009 and 2013 under the denomination of General Coordination of Natural Heritage (PEREIRA, 2018, p. 63)

In the national scenario, the marginality and lack of definitions about the protection of natural spaces by the preservation policies are highlighted. Because of that, a debate on the case of São Paulo and its peculiarities regarding the national scenario is proposed.

The landmarking of natural areas by the CONDEPHAAT

In her PhD thesis in human geography *The construction of the natural heritage*, Simone Scifoni (2006) conducted a pioneering study about the landmarking of the *Serra do Mar* mountain range, in the state of São Paulo. The study presents the role of the *Serra do Mar* in the production of the geographical space in the northern coast, characterized by the increase

of urbanization. The preservation of the *Serra do Mar* is attractive to the real estate market of vacation houses renting and to the maintenance of São Paulo's spatial division of labor. (SCIFONI, 2006, p. 5)

The author's analysis shows the trajectory of the term natural heritage in the list of the World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to the natural spaces recognized since 1972 with the recognition of exceptionality and universality's values. The natural heritage concept gains more dynamism and expressivity in the preservation of local experiences – when used to reference the fights of populations and communities to nature's preservation, a socially appropriated nature that is lived in the daily life of social groups. (SCIFONI, 2006 p. 115)

The CONDEPHAAT's experience is found in the preservation of natural areas, landmarkings that would become paradigmatic not only by the unprecedented use of geographical concepts in the identification and valuing of natural areas, but also by the landmarkings being almost always requests of the civil society and of the São Paulo's scientific community. The heritage is a place of expression of the citizen practices during the country's political opening and re-democratization (CRISPIM, 2016).

The geographers from the University of São Paulo and the architects of the Faculty of Architecture and Urbanism from the same university started to work in the CONDEPHAAT in 1976. They built a conducive environment to the emergence of safeguard practices under the geography's view and the valuing of typologies still not contemplated by landmarking: the ones of different ethnic origins, the heritage of African and Indigenous origins and the architectural styles of the 21th and 20th centuries with special attention to the eclecticism. (RODRIGUES, 2000)

In this innovative scenario in conceptual terms and of dialogues between environmentalists, geographers and architects through the heritage field, favorable conditions were created related to the emergence of an idea of natural heritage originated from the geography's concepts of landscape and territory, and that for a first time influenced the heritage field. The landmarking was a tool of the territory management and the land tensions characteristic of the natural areas, especially those bordering the great urban centers. (CRISPIM, 2016)

Since the landmarking was the only Brazilian legal instrument that made possible the recognition of the public interest above the private without the expropriation consequence, geographers such as Aziz Nacib Ab'Saber designed guidelines for the preservation of large natural areas. The idea was that the natural environment conservation is possible through the social uses and the cultural, scientific and ecological values in these areas. In these areas, the human presence fits the high spatial selectivity such as the mountain ranges

the *Serra do Mar*, the *Serra da Cantareira* or even the *Serra do Japi*, surrounded by medium and big-sized cities in process of expansion of their urban areas since 1950. (AB'SABER, 1986)

At these places, Ab'Saber thought, the landmarking could allow development and preservation to walk together. Even with the long time human occupation –small settlements, family farming, *caçara* (local inhabitants) communities, indigenous villages and *quilombos* (settlement of people with African origin), – it would be possible to preserve nature as cultural, scientific and ecological reference and memory of the different groups that formed the Brazilian society. That is, the natural areas as culture documents.

Nothing more worthy of being subscribed in a country's records of basic natural heritage than the spaces of its exception landscapes. Its most delicate and representative ecological tissues. The remaining terrestrial or marine ecosystems. Everything that is not part of topographic and landscaping banality, underlined by any type of ecological and biotic exceptionality deserved, since the beginning, a legal protection by any kind of statutory filling. For that, the preservationist imagination was very fertile, resulting in the typology of landmarking instruments: national parks, state parks, City parks, forest reserves, biological reserves, ecological stations, sanctuaries and wild life preservation areas. Besides the indigenous reserves that constitute in some type of natural and anthropological space defended by the own Constitution. (AB'SABER, 1986, p. 7)

The use of landmarking to the preservation of natural areas had very clear and delimited specific criteria. It dismissed the landmarking to the preservation of areas of hard monitoring and distant from urban areas that affect the biodynamic of the ecological, hydrological and physiographical processes. In addition, it was dismissed in spaces with another preservation legal policy, as long as it is suitable to safeguard the space.

Paradoxically, the most suitable spaces for landmarking are located near areas with human intervention, subject to a strong and irreversible pressure from the real estate speculation (...) It is not by other reason that the Atlantic façade of São Paulo on sectors not very distant from the big city had been pioneering in efforts for the landmarking of some basic natural heritage: the *Serra do Mar*, *Juréia*, *Pedra Grande*, *Cantareira*, *Jaraguá*, *Boturuna* and *Cabeceira do Rio Tietê*. (AB'SABER, 1986)

The CONDEPHAAT, between geography and heritage

The CONDEPHAAT had nine representative chairs³ and later enlarged its councilors' body, since 1976 by the decree 7516/76. Representatives from the departments of History of Architecture and Geography of the University of São Paulo, State Commission of Fine Arts, and National Conference of Bishops of Brazil (CNBB) totalized thirteen members.

The enlargement of the councilor's body happened because of the increasing need of specialized work in the heritage field since the 1970s. In 1974, a report of the activities organized by the CONDEPHAAT's executive secretary Ruy de Azevedo Marques pointed that the selection criteria was amateur and interfered in the renovation of the agency's practices. (RODRIGUES, 2000, p.55)

It was believed that the scientific knowledge of the history of architecture and geography would enable the adoption of objective criteria to the selection of cultural properties. It reveals the theoretical and technical complexity of heritage far beyond academic knowledge could gain social coverage and cultural dimension to the society. These beliefs became partially viable since 1975, when the CONDEPHAAT started to integrate the Department of Culture, Science and Technology that replaced the old Department of Culture, Sports and Tourism. Its first head, the bibliographer and industrialist José Mindlin, was the one who tried to answer the demands pointed by Ruy de Azevedo Marques in his report. (RODRIGUES, 2000, p. 55)

The Council's enlargement happened in May 1976, during Nestor Goulart Reis Filho's management. The posts of the History of Architecture and Project Aesthetics department from the Faculty of Architecture and Urbanism were occupied by Benedito Lima de Toledo and Aziz Ab'Saber, representing the Geography Department of

3. State Department of Culture, Sports and Tourism; University of São Paulo's History and Pre-History Departments; Institute of Architects of Brazil – São Paulo Section. São Paulo Metropolitan *Curia*, Board of National Historical and Artistic Heritage; Historical and Geographical Institute of São Paulo (IHGSP) and Brazilian Historical and Geographic Institute (IHGB). (RODRIGUES, 2000)

the Faculty of Philosophy, Letters and Human Science. It was a renovation period of the agency's practices when academic knowledge and international discussions about preservation gained ground and allowed new points of views to new preservation objects.

The ideas of "cultural heritage", "natural heritage" and "cultural asset" became part of the everyday life of the field of preservation in Brazil. These ideas were consolidated internationally and became recurrent in the 1970s, in the UNESCO 17th General Conference hosted in Paris, November 1972, when the concepts of cultural and natural heritage were defined in the World Heritage Committee.

Regarding environmental policies, the Human Environment Conference took place in Stockholm, Sweden, in 1972 a landmark in the worldwide environmental awareness emergency (MCCORMICK, 1992, p. 53). In Brazil, this Conference favored the establishment of the Special Agency of the Environment (SEMA), founded in 1973 and directed by jurist Paulo Nogueira Neto. This agency divided the work with the Brazilian Institute for Forestry Development (IBDF) and nowadays it is incorporated by the Chico Mendes Institute for Biodiversity Conservation (ICMBio) from the Ministry of the Environment. (NOGUEIRA-NETO, 2009)

The international context and the environment discussions echoed in the cultural heritage agencies. Until today, the classical separation

between nature and culture according to the UNESCO 17th General Conference of 1972 that defined natural heritage exists:

Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; – geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; – natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty. (UNESCO, 1972, art. 2)

A specialization course was designed by museum specialist and art historian Hugues de Varine-Bohan in the Faculty of Architecture and Urbanism of the University of São Paulo. The course remembered the heritage preservation practices with innovative concepts of culture, environment and preservation (RODRIGUES, 2000).

The "1974's course", as it is known, was promoted after the "1970's Brasília Commitment", that established specialization courses about cultural heritage and restoration of works of arts as priority through partnerships between the preservation agencies and universities. (NASCIMENTO, 2016, p. 207)

In the CONDEPHAAT, a new work perspective with innovative heritage definitions came up. These definitions understood the preservation

as a value assignment practice that denied the idea that cultural properties had immanent values which should be recognized by the technical look of the preservation agencies, originated from an erudite vision of culture:

Among continuous contradictions, the CONDEPHAAT would adopt new protection objects, an unprecedented concept of preservation action that placed man as last agent, as culture producer. Under the influence of Aziz Ab'Saber, representative of the University of São Paulo's Geography Department, the landmarking began to be adopted as a way to protect the environment and, on that line of thinking, heritage would be understood as an improvement in quality of life (RODRIGUES, 2000, p.80).

The preservation of natural areas guided São Paulo 'heritage. The monumental scale and the conception of landscape nook attributed to nature from its tourist potential gives way to geographical scale from which scientific and ethical values are attributed to nature as a vector for quality of life and environmental balance. This shows the alarming devastation of the natural resources.

The formulation of specific guidelines for the protection of natural areas

As the representative of the University of São Paulo's Geography Department, Ab'Saber presented the text later published in the department's journal:

We have tried with effort to deal with the complex questions involved in a line of thinking that holds a search for rational criteria, objective enough to try to help the preservation of the remnants of a destroyed and disfigured nature. And then, minimizing the flaws of territorial space basic organization, considering the benefit of all São Paulo's inhabitants and social groups. In a contingency of high land appreciation and sensible reduction of available and non-compromised spaces, the development of a selective policy becomes indispensable to enable the protection and permanence of some significant frames of the nature on the inside of the São Paulo's landscape and ecological universe. (AB'SABER, 1977, p. 24)

In the Guidelines the intention was to synthesize key concepts as total space and landscape to preserve São Paulo's natural heritage. The text established three action levels: firstly, critical and ecologically strategic areas related to the biosphere filters were prioritized; secondly, the exception landscapes (hills of slight land relief, rocks' seas, and caves, etc.), and finally, the substitution landscapes such as city nurseries, gardens and parks with tourist and recreational purposes (AB'SABER, 1977, p.24).

Part of the mountain range *Serra do Mar* in São Paulo, the *Serra do Japi* and many other areas bordering São Paulo's great urban centers were suitable critical areas, what gave them priority in the execution of the natural areas policy. Then, CONDEPHAAT designed a reference framework of São Paulo's landscapes to safeguard actions between the 1970s and 1980s.

Natural Areas landmarked by the CONDEPHAAT (in chronological order)

Landmarked asset	City	Resolution	Historical Environment Record (HER)
Jequitibás' Grove	Campinas	09/04/1970	Archaeological, ethnographic and landscaping
Monções' Park	Porto Feliz	20/03/1972	Historical
Lorena's Road, Victor Dubugras' monuments and surrounding woods' area	Cubatão e São Bernardo do Campo (Estrada Velha de Santos)	11/08/1972	Historical
Varvitos' Quarry	Itu	18/03/1974	Archaeological, ethnographic and landscaping
Independence Park	São Paulo	02/04/1975	Historical
City Nursery and Eduardo Navarro de Andrade Museum	Rio Claro	09/12/1977	Archaeological, ethnographic and landscaping
Juréia's Massif and Green rive	Iguape	25/07/1979	Archaeological, ethnographic and landscaping
Morro Grande Forest Reserve	Cotia	02/06/1981	Archaeological, ethnographic and landscaping
Luz Garden	São Paulo	08/08/1981	Archaeological, ethnographic and landscaping
Trianon Park	São Paulo	13/05/1982	Archaeological, ethnographic and landscaping
José Pedro de Oliveira Foundation Forest Reserve	Campinas	03/02/1983	Archaeological, ethnographic and landscaping
Picinguaba Residential Units	Ubatuba	01/03/1983	Archaeological, ethnographic and landscaping
Jaraguá State Park	São Paulo	04/02/1983	Archaeological, ethnographic and landscaping
Serra do Japi, Guaxinduva and Jaguacoara	Jundiaí, Cabreúva, Pirapora do Bom Jesus	08/03/1983	Archaeological, ethnographic and landscaping
Serra de Atibaia or Serra de Itapetininga	Atibaia, Bom Jesus dos Perdões	06/07/1983	Archaeological, ethnographic and landscaping
Serra da Boturuna	Pirapora do Bom Jesus and other cities	04/08/1983	Archaeological, ethnographic and landscaping
Cantareira State Reserve and City Nursery	Caieiras, Mairiporã, São Paulo e Guarulhos	04/08/1983	Archaeological, ethnographic and landscaping
Botelho Hill	Guarujá	01/08/1984	Archaeological, ethnographic and landscaping
Serra do Mar and Serra de Paranapiacaba	Apiá e demais municípios	06/06/1985	Archaeological, ethnographic and landscaping

Landmarked asset	City	Resolution	Historical Environment Record (HER)
Monduba Hill, Pinto Hill and Icanhema Hill	Guarujá	10/12/1985	Archaeological, ethnographic and landscaping
Aclimação Park and Adjacent Green Areas	São Paulo	02/10/1986	Archaeological, ethnographic and landscaping
Jardins District	São Paulo	23/01/1986	Archaeological, ethnographic and landscaping
Modernist House	São Paulo	20/10/84	Historical
Paranapiacaba Railway Complex	Santo André	30/09/1987	Historical
Quilombo Village	Guarujá	22/10/88	Archaeological, ethnographic and landscaping
Haras São Bernardo	São Bernardo do Campo	09/03/1990	Archaeological, ethnographic and landscaping
Tietê River Source	Salesópolis	21/02/1990	Archaeological, ethnographic and landscaping
Pacaembu District	São Paulo	14/03/1991	Archaeological, ethnographic and landscaping
Serra do Guarau and Prainha Branca Village	Guarujá	18/12/1992	Archaeological, ethnographic and landscaping
Ibirapuera Park	São Paulo	25/01/1992	Archaeological, ethnographic and landscaping
Moutonnée Rock	Salto	18/12/1992	Archaeological, ethnographic and landscaping
Tangará Country House	São Paulo	06/04/1994	Archaeological, ethnographic and landscaping
People Park	São Paulo	03/06/1995	Archaeological, ethnographic and landscaping
Islands, islet and slabs	Bertioga, Caraguatatuba, Itanhaém, Santos, São Sebastião e Ubatuba	24/03/1994	Archaeological, ethnographic and landscaping
Fernando Costa Park	São Paulo	11/06/1996	Historical
Colony Crater	São Paulo	20/08/2003	Archaeological, ethnographic and landscaping
Juquery Hill and Olho d'água Peak	São Paulo	13/10/2004	Archaeological, ethnographic and landscaping

Font: List of landmarked assets by chronological order- CONDEPHAAT, available at: www.cultura.sp.gov.br. Access in April 18, 2019.

The landmarking of the *Serra do Japi* (1983) and the *Serra do Mar* (1985) are examples of innovation in the CONDEPHAAT'S preservation practice. The geomorphology justifies natural environment protection in its dynamic relation with the urban centers (DETONI, 2016). Among the methodological innovation, it highlights the landmarking of the Rio Claro City Nursery (1977), now called Edmundo Navarro de Andrade State Forest. At this place, the references to the acclimatization of eucalyptus and the inhabitant's quality of life were valuing criteria. The landmarking criteria joined technical-scientific memory related to the fruition of eucalyptus culture landscape as demanded by the population (PINTO, 2018).

The resolution of the *Serra do Japi's* landmarking highlights scenic beauty as one of the values that would justify its preservation:

The area comprised by the *Serra do Japi*, the *Serra Guaxinduva* and the *Serra Jaguacoara* are landmarked. These are important topographical and geological accidents from Jundiaí's mountain ranges, that with great scenic and landscaping value have the multiple condition of tropical nature's genetic bank, of a "castle" with radial drainage waters, an ecological area hydraulically critical, a mosaic of ecosystems. This area represents flora and fauna, and a mountaineer space for quality of life of São Paulo's interior plateaus, subject to strong urbanization and industrialization. The landmarking is based on criteria of high-level spatial selectivity, with

the concern for an organization induced in the space, capable of balancing preservation and development. (SÃO PAULO, 1983, Art. 1º)

The use of geographical scale as a justification for its preservation is remarkable in the landmarking of the *Serra do Japi*. As a mosaic of ecosystems and mountain range spaces that regulates the quality of life in the city of Jundiaí, the *Serra* should be preserved because of its relationship with society and cultural heritage (CRISPIM, 2016).

This argument is used for the landmarking of other mountain range through territorial planning, considering the city as structural axis of the preservation practice. Thus, the 1985 Resolution of the *Serra do Mar's* landmarking in São Paulo shows the growth of the action in terms of scale and social coverage:

Article 2 - The regional set to be landmarked presents the condition of tropical nature's genetic bank, gifted of representative ecosystems in terms of fauna and flora, along with its great geological, geomorphic, hydrological and landscaping value. It is a region working as regulator space to the maintenance of the environmental qualities and hydric resources of the coastal region and immediate reverse of the São Paulo Atlantic Plateau. The *Serra do Mar's* scarp, once a climate refuge to the humid costal tropical forest, is today the last remnant of São Paulo's original forest coverage, essential to the stability of the local high slopes,

unfit for agricultural activities thanks to its great ecological vulnerability, subject to the greatest rainfall impacts known in the country. (SÃO PAULO, 1985, Art. 2º)

The *Serra do Mar's* landmarking, whose process had been opened in 1979 by the representative of University of São Paulo's Geography Faculty at the CONDEPHAAT, José Pereira de Queiroz Neto, signaled the clashes and efforts of articulation between the CONDEPHAAT and the environment institutions responsible for the management of a set of parks and reserves all over the *Serra's* extension. The landmarking as a tool of integrated management of these spaces:

The landmarking mainly seeks to articulate and consolidate the multiple initiatives of the public power that has been creating many parks, reserves and protected areas throughout this area, of the highest importance for the nature preservation and maintenance of environmental quality. (SÃO PAULO, 1985, Art. 2º)

In the case of *Serra do Mar*, the landmarking happened on the protection areas already existent such as the *Serra do Mar's* State Park, conservation unit of integral regime instituted in 1977 by the Special Department of the Environment (SEMA). This agency was created in 1973 in the Ministry of Internal Affairs and had the same function of the Brazilian Institute for Forestry Development. These two agencies merged into the current Chico Mendes Institute for Biodiversity Conservation (ICMBio), linked to the Ministry of

Environment. (RIBEIRO; ZANIRATO, 2008) In São Paulo, in 1983, the State Environment Council (CONSEMA) was created. Later, in 1986, the State Department of Environment, the agencies responsible for managing the São Paulo's conservation units from the prerogatives of article 193 of the 1989's State Constitution and of the Brazilian Forestry Code.

The creation of conservation units, as they generated the expropriation of big lands, causes the removal of long time human settlements in natural areas such as the *caçara* (local inhabitants) communities, the remaining *quilombos* (settlement of people with African origin), and the indigenous villages in the *Serra do Mar's* limits. In this scenario, the landmarking could become an alternative (as per decree law 25/37) since it does not imply in expropriation.

Thus, it is noteworthy that the role of CONDEPHAAT in nature protection developed immediately prior to the emergence of the first institutions dedicated to the protection of the environment in São Paulo.

The document *Subsidies for a landscape systematization plan of the State of São Paulo* published as Service Order number 1/1982 established a conceptualization for landscape that would consolidate the agency's action guidelines for the preservation of natural areas.

The landscape corresponds to the global character of the natural components articulated in a determined spatial and temporal context. It cannot be confused with “natural resource” that applies economic harnessing. It is possible to consider the term landscape as a summary of different arrangement and the different interaction processes of natural components (SÃO PAULO, 1982, p. 17).

The 1982's Guidelines represent the summit of a discussion about natural heritage in the CONDEPHAAT. Geography is protagonist and capable of referencing preservation practices, specially related to the concepts of landscape and territory in the domain of cultural action, even though the sources about the context of this document are scarce.

The landmarking process 20868/79, of the *Serra do Mar*, is a reference to the establishment of a working group in natural areas supposed to write operational guidelines to safeguard the natural areas. This group started their activities in November 1980, under the direction of Lea Goldenstein, geographer and councilor of the University of São Paulo's Geography Department at the CONDEPHAAT. The group was composed by Gil Sodero de Toledo, referred by the University of São Paulo's Geography Department, Manuel Carlos de Oliveira, referred by the São Paulo's Geological Institute, Maria Lagaspe Vieira, referred by the Forestry Institute, and Rodolfo Ricardo Geiser and Ricardo Oneken, both referred by the Brazilian Society of Landscaping. (SÃO PAULO, 1979, fls. 35-36)

The Guidelines highlight the precise definition of action criteria that involved many elements

of the natural world in its relationship with social dynamic:

Art. 1 – Landmarking should consider:

A) Remnant forms of native vegetation, specially the areas where this vegetal coverage is threatened of imminent extinction;

B) Secondary vegetation forms with scientific value or scarcity of original forms;

C) Areas with geological monuments or geomorphological and pedological particular features;

D) Areas whose landscape maintains a balance of the environmental system, assuring the maintenance of wellsprings (geological and geomorphological particular features);

E) Areas considered a habitat for rare animal species;

F) Landscapes as examples of anthropic action, made through managements that consider the preservation of territorial space and of local social structures;

G) Every landscape, be it modified or not by the anthropic action, characterized by its expressivity, rarity and exceptional beauty, and by what it represents in terms of tourist, social and scientific interest.

Scifoni (2006) states the influence of the academic debate on the French geography's concept of landscape is noticed in CONDEPHAAT's

definitions in 1982 based on George Bertrand's (1978) work, a remarkable French geographer scholar of the landscape as complex geo system. He views landscape as a phenomenon subscribed in history, a product of social history, moved by forces from the production system that defined its content through the material production; an economical and cultural product integrated to a social system. Landscape does not get tired of showing up and of working as an ecological system. (Bertrand, 1978, p. 253 apud SCIFONI, 2006, p. 48)

Other references to the French geography can be found in the process 20868/79, of the *Serra do Mar's* landmarking, what demonstrates the capillarity of the debate established between geographers in the instruction of processes and design of landmarking resolutions. In 1985, during the establishment of final criteria for the preservation of *Serra do Mar*, an inter-agency commission was suggested to manage it, along with the Department of Environment and the State Basic Sanitation Engineering Company (CETESB), and the following works were mentioned in the technical studies and opinions throughout the process:

Bertrand, Georges. *Paysage et Géographie des Pyrénées et du Sud-Ouest*, Tome 39, Fasc. 3, Toulouse, 1968 p. 249-272;

Erthart, Henri (1967) *La genèse des sols en tant que Phénomène géologique. Esquisse d'une théorie – géologique et géochimique. Exemples d'application*, Paris, 2 ed., 1967 p. 177. (SÃO PAULO, 1979, fl. 128)

In 1983, when the demand for studies of the landmarking of natural areas in the CONDEPHAAT increased, conditions for the establishment of a Natural Areas Team as supporting center for the Technical Service of Conservation and Restoration was favored. The interdisciplinary team was made up of geographers, agronomist engineers, biologists, and other agents responsible for managing the landmarked landscape heritage and proposing new actions of this same nature (SCIFONI, 2006, p. 149).

The legacy of Aziz Ab'Saber favored teamwork because of the "Guidelines for a preservation policy of the São Paulo's natural reserves" (1977) while he was the agency's councilor and president. Between November 1982 and March 1983, Aziz Ab'Saber brought the CONDEPHAAT's technical staff to meet the demand of technical and academic specialized knowledge. (CRISPIM, 2016 p. 172)

Between 1983 and 1995, the team was composed by professionals from many different areas in a collective effort of resistance and

conceptual renovation of the São Paulo's heritage practices. The first team was composed by only four members: the geographer Wilson Morato, the biologist Sueli ngelo Furlan, and two anthropologists, José Guilherme Cantor Magnani and Virgínia Valadão. After 1986, the biologist Francisco de Arruda Sampaio and the geographer Luis Paulo Ferraz joined the team. From 1988 to 1995, the biggest crisis in its activities - as stated by Scifoni (2006), the ecologist Roberto Varjabedian, the geologist Maria Cristina Scalope, the biologist Denis Euri, and the geographers Simone Scifoni, Antônio Carlos Sampaio, Eliane Del Vecchio and Rodrigo Cerqueira Nunes joined the team. (FURLAN, 2018, p .67 e SCIFONI, 2006 p. 49)

The extinction of the natural areas team, in 1995, by deliberate and authoritarian act of the state's government, resulted in the abandonment of the preservation of natural areas, even if the specific reason for this decision is still unknown. The agency lost its technical capacity related to natural heritage demands. According to Scifoni (2006), this shows deregulation and exclusion of natural heritage, denying the historical represented by the incorporation of this concept into heritage-related practices. (SCIFONI, 2006, p. 157)

When nature is no longer a cultural heritage, it also loses its dynamic character as memory support to the different groups that formed the territory, losing sight of the historical character

of the landscape's construction. According to Furlan (2018), the landmarked natural areas "represents the permanence set of nature's times and culture's times that interest the society" on a broadly (FURLAN, 2018, p. 71), according to Ab'Saber (1977):

The general principle of the natural area protection, according to the landmarking articles of association, was to protect the landscape as total space of remnants with the cultural marks, protecting what should not have been "erased" by the sovereignty of the exclusively economic interests that, thanks to the market's acceleration, quickly eliminates the slow, significant and relevant landscapes. The contemporary acceleration eliminates the historic, geomorphic, biogeographic and cultural marks. It was a vision strongly innovative to the heritage and of the bond with living culture, the more alive as possible. (FURLAN, 2018, p. 74)

The search for the construction of preservation policy between 1970 and 1990 is a chapter of the São Paulo's heritage institution expressed in the actions of many agents among the CONDEPHAAT's technical staff and councilors, and in fights of the civil society fights. The civil society saw the bases of a democratic State in the right to the urban and natural environments.

Landmarking, legal entity historically associated with the preservation of built heritage, acted as a possible direct intervention on the scale of values attributed to the territory in which cultural value

would enable the construction of social pacts for the preservation of the landscape. Thus, the loss of conceptual references and the memory of actions since 1976 with the “Guidelines for a preservation policy of the State of São Paulo” (Ab’Saber, 1977) - including the work of other advisors representing the geography field such as Augusto Humberto Titarelli, José Pereira de Queiroz Neto and Lea Goldenstein -, produces a questioning space in the history of space when it comes to memory underground, always tends to resurface challenging old paradigms of the field of cultural heritage.

Therefore, the actual character of the reflection about protection of nature by cultural heritage preservation agencies is still present in the memories of the CONDEPHAAT, in the decision making to safeguard the natural spaces noticed and reflected in the history of different groups that built the society. The landmarking of natural spaces, considering the term landscape as an enunciation resource of new heritage concepts, is a thermometer of the democracy strengthening and of the full exercise of the right to memory and quality of life established in the 1988 Constitution. Resuming the debate about the feasibility of its application is a way of fighting the dark ages that Brazilian public policies live.

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