

Human Rights in Brazil 2007

A Report by
Network for Social Justice and Human Rights

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Preface

The annual Report of the Network for Social Justice and Human Rights represents the work of several community-based organizations. This document includes monitoring of public policies as well as proposals. These organizations are committed to the defense of grassroots communities that suffer repression from State and private agents.

Awareness that “human rights” must be respected is growing on all continents and constitutes one of the pillars for the construction of “another possible world.” In order for this construction to come to fruition, it is necessary to define a “human right” as one inherent in an individual, independent of nationality, social class, religion, and personal condition. Even a criminal has human rights, without prejudice to any punishment he or she may receive for a committed crime.

Being a universal right, its acknowledgment must be demanded worldwide. This has begun to be a reality with the creation of the International Penal Court, although care must be taken to prevent large powers, under the pretext of defending human rights, to feel authorized to invade other countries in order to ensure the interests of multinational corporations or their geopolitical strategies. The Report is, therefore, part of a large social movement on a worldwide scale.

Its contents include: reports on violence, reproduction of statistics on the assassination of indigenous peoples, on quilombolas (Afro-Brazilian rural communities) and on landless workers, news on the usurping of the lands of indigenous peoples, denouncement of illegal imprisonment and violent evictions, among many other issues.

In addition to these facts, which must shock well-educated consciences, each year the document incorporates analyses of equally serious violations, with regard to which, however, the social conscience has not yet awakened. Just as physical aggression and assassination are grave offenses against human rights, an equal or even greater offense lies in abuses committed by the State itself or by private enterprises that deprive entire human groups of minimal conditions for survival. Included among these attacks are:

the devastating effect of agri-business on family-run agriculture; the perverse effect of marketing water on the ways of life of the poor in the Northeast; the destruction of riverside communities who have been forcibly displaced from their property in order to make way for hydroelectric projects; the need of workers to make an exhausting effort in order to receive starvation wages in the sugarcane fields to produce ethanol.

Until today these terrible human dramas have been debated on the deceptive level of economic rationality, even being considered by many to be a price to be paid for “progress” and “modernization” of society.

The Report, with its narratives of concrete cases, questions all of society with regard to the negation of basic human rights for millions of Brazilians, including: the right to plant and harvest on one’s own small property; the right to use seeds saved from the planting; the right to live where one has always lived; the right to a salary sufficient for a proper life, without reaching the point of compromising one’s health or even one’s life.

Through this wider window on reality, it can be shown, not without sadness and indignation, that the human rights situation in Brazil keeps getting worse year after year, and that 2007 was no different from previous years.

The great contribution made by the Network of Social Justice and Human Rights to the Report’s readers is to provide this wider perspective, so as to help them position themselves correctly in the hard and deceptive reality that surrounds them.

Plínio de Arruda Sampaio
Attorney and President of ABRA (Brazilian Association for Agrarian Reform)

Introduction

In its 29 articles, the 2007 Report on Human Rights in Brazil incorporates important data and analyses. This year, the publication once again denounces what indigenous movements are calling the Guarani-Kaiowa holocaust in Mato Grosso do Sul. “How else can one explain a 70-year old Guarani-Kaiowa being assassinated by gunmen, or another aged Guarani-Kaiowa, 107 years old, being raped and killed, or an 8-year-old girl of the same group being attacked violently after leaving a children’s party?,” asks the political advisor of the Missionary Indigenous People’s Council, Paulo Maldos, in his article. He continues in his critique with: “How can one explain that gunmen under orders from ranchers keep on killing the leadership with impunity in several states; that a group of young men in Minas Gerais, two groups in Mato Grosso do Sul, one in Pernambuco and yet another in São Paulo harass and kill both young and elderly indigenous people in the cities, for no known reason or for supposed “entertainment;” that dozens of people, many children and 13 and 14-year-old adolescents, the majority Guarani-Kaiowa, continue to commit suicide and are encouraging other suicides; that illnesses are spreading to entire populations in the Amazon region that, given the neglectfulness of the State, can only lead to death and genocide?”

Traditional communities, indigenous peoples, and river dwellers are some of the principal victims of the conflicts over land, advises the secretary of the National Pastoral Coordinating Commission for Land, Antonio Canuto, based on an analysis by Professor Alfredo Wagner de Almeida. “Soon after reelection, in November of 2006, President Lula, speaking at the inauguration of an ethanol and sugar mill in Barra do Bugres, Mato Grosso, suggested that environmentalists, Indigenous people, and quilombolas are “impediments” against Brazil regaining economic growth. The President’s speech seems to have furnished extra ammunition for those who have always considered

Indigenous communities, and more recently, quilombolas and environmentalists, to be obstacles to development.”

With regard to the Brazilian quilombolas, attorney and Director of the Social Justice and Human Rights Network, Aton Fon Filho, shows that, based on INESC data, the federal government failed to invest about R\$ 100.62 million in these communities. He writes: “And it is exactly in the Brazil Quilombola Program that we find the biggest bottleneck in the application of funds, given that of R\$ 101.4 million provided for program actions between 2004 and 2006, scarcely 32.3% (R\$ 32.84 million) was used. The biggest problem lies in providing titles for their territories. Of the amount budgeted for Surveying, Establishment of Boundaries, and Title of the quilombo lands, only R\$ 5.94 million (53.97%) was spent out of a total of R\$ 11.01 million.

Criticism is also the keynote of Gabriel Fernandes, Technical Advisor of Alternative Agriculture Project Advisory and Services (AS-PTA). According to him, in the dispute between different projects for the countryside, the experience of rural populations has shown that the current agriculture policies cause greater land concentration, violence in the countryside, rural exodus, urban unemployment, and unprecedented degradation of biodiversity.

The Movement of Dam-Affected People (MAB) once again has a key place in the Report, with an analysis of energy policies. According to an August 2007 survey by the Minas Gerais Commerce Federation (Fecomercio-MG), the energy bill is already weighing more heavily in the household budget of consumers than other essential items, such as purchases at the supermarket, including food, hygiene, and cleaning supplies. Electric energy represents 21.9% of household expenses, with food, hygiene, and cleaning coming to 19.8%.

The right to water is another point discussed in this Report. Universal access to water is already recognized as a fundamental human right by the United Nations. Such recognition is contrary to the interests of transnational corporations, and other sectors of the economy which view water as an asset for economic use. For example, Aracruz Celulose Corporation obtained a grant for using water from the Rio Doce river to produce eucalyptus in the state of Espírito Santo. The amount of water used by this company could be sufficient to meet the daily needs of a city of 2.5 million inhabitants.

Data on slave labor in Brazil are also included in the 2007 publication. In his article, Professor Ricardo Rezende Figueira, a member of the Contemporary Slave Labor Research Group of the Federal University of Rio de Janeiro, analyzes the connection between Brazilian authorities and the crime of slave labor, in addition to discussing the number of workers freed in recent years, properties inspected, and the amount paid in labor indemnification.

With respect to the right to housing, researchers Nelson Saule Junior and Patricia de Menezes Cardoso, both with the Polis Institute City Rights team, state that official (IBGE, PNAD) data count a housing deficit of 7.9 million units in Brazil, with 96.3% concentrated in the population with a income of up to five minimum salaries. The total housing deficit in the west central region is 6.8%; 10.8% in the north; 11% in the south; 36.7% in the southeast; and 34.7% in the northeast.

Public safety in the State of Rio de Janeiro is the theme of an article by Alessandro Molón, President of the Commission for the Defense of Human Rights and Citizenry of Rio's Legislative Assembly. He writes: "In spite of a trivial reduction in urban violence, Rio de Janeiro's Public Security Department insists on staying the course. Statistics for the first semester of 2007, recently released by the Public Security Institute, reveal a significant rise in the number of deaths in alleged confrontations with the police – 33.5% more than in the first semester of 2006. By contrast, there was a reduction in the number of detentions (-23.6%) and in the number of drug and weapon apprehensions (respectively -7.3% and -14.3%). These figures reveal at the least the inefficiency of the chosen method for fighting crime in Rio de Janeiro, not to mention all the lives lost in the process."

In urban centers, another question under debate is that of undocumented immigrants. Estimates by the Latin American office of Migrant Pastoral show that there are today more than 200 thousand Bolivians living in São Paulo. Of these, nearly 12 thousand are in conditions of slavery. As they work illegally, Brazilian authorities do not have exact information in order to quantify their numbers. The small sewing shops where Bolivian workers are exploited produce clothing for famous stores. Organizations that attend to migrants' needs fear that cases of tuberculosis are increasing among the workers.

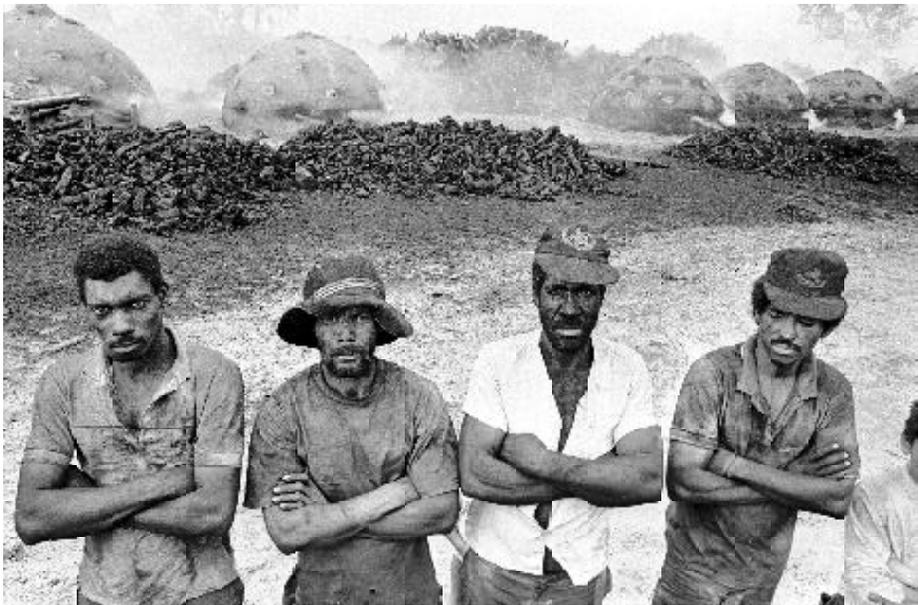
Human rights and violence against women are the themes of researcher Cecilia MacDowell Santos, of the Social Studies Center of the University of Coimbra. For her, there is no doubt that the Maria da Penha Law represents an important achievement for the feminist and women's movement, as it is a significant advance in Brazilian legislation with regard to combating domestic and family violence against women. But this advance should not lessen the need for adoption or reform of other laws and other public policies aimed at combating the various forms of violence against women.

Marcia Sprandel, a member of the Ethnic and Race Relations Commission of the Brazilian Anthropology Association, points out advances in the institutionalization and critical thinking with regard to trafficking in persons. "The Ministry of Justice reaffirms that confronting trafficking in persons falls under the integral protection of migrant worker rights and defends ratification by Brazil of the International Convention on Protection of the Rights of All Migrant Workers and their Family Members. It is expected

that during discussion of the 2008-2011 Pluriannual Plan and the Union's 2008 Budget, our legislators will take action to guarantee programs aimed at combating trafficking in persons in its various guises (slave labor, commercial sexual exploitation, and organ trafficking).

Another issue regularly monitored by the Report on Human Rights in Brazil concerns internal and external debt. According to Maria Lúcia Fattorelli, coordinator of the Citizens' Debt Audit Group, the external debt rose substantially in 2007, in spite of the government's claims to the contrary. "It was US\$199 billion in December 2006 and increased 18% in the first seven months of 2007, reaching US\$235 billion in July this year. This increase did not appear in the data published by the government, since it happened in the "private" part of the foreign debt – that part of the debt taken on by national businesses with their foreign creditors. However the "private" foreign debt is paid by the Brazilian people since it falls to the government to furnish the dollars for the private creditors to pay their debts. Besides this, these "private" debts received the guarantee of the government, so they were literally taken over by the Brazilian state."

HUMAN RIGHTS IN THE COUNTRYSIDE



Workers at a coal mine in Mato Grosso do Sul

Agrarian policy, always subordinate to economic policy, barely fulfills its role. On the one hand, it is submissive, timid, and inefficient regarding landless workers and those resettled by agrarian reform. On the other, it is innocuous for large landholdings, and useful for agribusiness' interests.

The (Old) New Agrarian Issue, and Agribusiness

José Juliano de Carvalho Filho¹

“More Victims of Armed Militia in Paraná”

[Press release from CPT-PR, Oct 22, 2007]

“Sygenta Hires Private Militia to Murder Rural Worker”

[Brasil de Fato, October 25-31, 2007]

“Sugar-Cane Workers Live As Little As Slaves in SP”

[Folha de S. Paulo, April 29, 2007]

“Death and Human Rights Violation in Ethanol Plants in São Paulo”

[Maria Luiza Mendonça, ALAI, in América Latina em Movimento, September 2, 2007]

“Too Much Work Kills Bóias-Frias* in Ribeirão Preto”

[Regional Labor Prosecutor Office for the 15th Region, Labor Attorney General Office: Ribeirão Preto, April 25, 2007]

“Enslaved Youths Freed in Maranhão”

[Beatriz Camargo and Maurício Hashizume, Repórter Brasil]

“Government Stops Action Against Slave Work”

[Folha de S. Paulo, September 22, 2007]

¹ Economist, retired professor from FEA-USP, and director of the Brazilian Association for Agrarian Reform (ABRA, Portuguese acronym). Member of the Consulting Council of the Human Rights and Justice Social Network.

* Translator's Note: Literally “cold-meals,” slang for temporary rural workers who take their own lunches to the field every day.

“Uncontrolled Foreign Invasion; Biofuel: Government Does Not Check Land Acquisition by Large Multinationals”

[Cover story in Jornal do Brasil, September 28, 2007]

“Government Authorizes Sugar-Cane Plantations in Amazonian Deforested Areas”

[Folha de S. Paulo, September 28, 2007]

“Agrarian Reform in 2006: Agribusiness Politics Won”

[Ariovaldo Umbelino de Oliveira, ANP, August 10, 2007]

The ten headlines that precede this text reveal the main characteristic of the agrarian issue in today's Brazil. What do they imply?

Outrageous labor exploitation, total capital domination, violence, environmental devastation, the State's collusion and inefficiency. All of them are related to agribusiness.

The Concept, and Something About the Past

In this article, the agrarian issue is analyzed from a labor perspective, not from that of capital, i.e., from the viewpoint of the interests and destiny of populations victimized by the advancement and increasing domination by capital. For capital, there is no issue to be dealt with that might be an obstacle to its accumulation. In opposition, the issue very much exists for exploited and impoverished populations, expelled or not, in the rural areas of the country. In the world generated by financial capitalism, particularly here in this subordinate periphery of the global system, there is no place for the great majority of people – they are the remnants of the process, mere side effects of the capitalist progress. To them, the agrarian issue is real, and it means survival.

At the end of the 50s and start of the 60s the so-called “classical debate” took place about the Brazilian agrarian issue, with the participation of many important intellectuals linked to diverse political powers in confrontation. It was the time of the “Basic Reforms,” the agrarian among them. Brazilian Society, its origins and characteristics as well as its future and solutions for the crisis, were in debate. There were many conflicting opinions. They varied from an orthodox Marxist interpretation, and its critique within the Left itself, to the structuralist position and the basic duality thesis to the conservative and liberal position based on neoclassical economic theory, for which reform of the Brazilian agrarian structure had no meaning for the future of the country, and was no condition for capitalist development of agriculture.

With the military coup in 1964, the latter position prevailed. The country went through a long dictatorship. Debate was suffocated. Peasant organizations and unions were strongly repressed. The agrarian policy then implemented resulted in the so-called “Conservative

Modernization” of the sector. There were technological changes and integration into international markets but no changes in the agrarian structure.

In the second half of the 70s, the debate resurfaced with the need to explain the nature of the transformation because, to the contrary of some hypothesis, capital had dominated economic activity in the rural area. Modernization was induced by the State and resulted in the deepening of the inequity in land distribution, revenue, and power. Population exclusion reached high levels, generating rural-urban and rural-rural population flows. Agrarian conflict and violence multiplied. Environmental impact was remarkable.

At that time, many decreed the death of the agrarian issue, and the inadequacy of agrarian reform. Moreover, they forecast the impending disappearance of rural workers and peasants; all would become proletarian or small entrepreneurs.

This vision has remained ever since, with some variants. Indeed, there was a “general asepsis of the agrarian issue,” following the World Bank manual. Class struggle was thus abolished from the Brazilian agrarian reality. In its place, in academe and in the media, the “neoliberal-agrobusiness” vision dominated – with honorable, important, and respectable exceptions.

The country went through different administrations, coming apparently from different political options. But nothing changed. It is easy to note the consistency that aligns their implemented economic policies – specially the sequence of Collor, FHC and Lula’s administrations. These three presidents integrated and handed the country to neoliberalism, i.e., to the interests involved in the financial capital globalization process, i.e., they were obedient to capital’s designs.

What happened in the rural world was not much different. In the course of the three administrations mentioned above, Brazilian agriculture was gradually integrated to the logic of the large multinational companies that control the main chains of global agribusiness. The process of integration into global trade started by the dictatorship was exacerbated.

During the 90s, the doors to national agriculture and cattle breeding were totally opened to international capital: the process of concentration, centralization, and internationalization of capital was consolidated.² Currently, the Brazilian government accepts, smiling and shameless, the integration of the country in a subordinate role to the new capitalist labor international division. It means specialization in primary products of low aggregate value, where productive processes often use dirty technology. It also means subjection of the Brazilian rural environment to the interests of a few huge

² Benetti M.D.: “Reestruturação do Agonegocio no Brasil e no Rio Grande do Sul: Concentração, Centralização e Desnacionalização do Capital”, in *Economia Gaúcha e Reestruturação nos anos 90*. Porto Alegre: Fundação Economia e Estatística, October 2000, pp. 64-116.

transnational companies. As an example, see the purchase of lands by foreigners, and the arrival of speculative capital to agribusiness activities.

Agrarian policy, always subordinate to economic policy, barely fulfills its role.. On the one hand, it is submissive, timid, and inefficient regarding landless workers and those resettled by agrarian reform. On the other, it is innocuous for large landholdings, and useful for agribusiness' interests. Always with much rhetoric – not to say far-fetched.

The Agrarian Issue Repositioned

The negative implications of the process of capitalist modernization in Brazilian rural areas, by themselves, would justify the return of the agrarian issue to national debate. However, those who indeed brought it back were the “sem terra,” landless workers and peasants, who were discarded in advance by many. They simply did not accept the destiny designed for them by Brazilian society. They confronted the agrarian structure. They denounced injustices and the latifundia, they repositioned the agrarian issue in the debate, and demanded reform. They built organizations and fought for their rights. The Movement of the Landless Rural Workers, known by its Portuguese acronym MST, was founded in 1984. Many other workers' organizations came into being later on, all now players in the struggle for the rights of populations victimized by the process of transformation of Brazilian agriculture. The struggle is hard and unequal. Workers face the so-called “ruralists,” who are always very close to power. They are the heirs of the old truculent latifundia Right, now disguised as heroic and modern.

Current Agrarian Issue: Exacerbation

The headlines at the beginning of this article do not just insinuate, they confirm the current character of the agrarian issue.

The prevalence of agribusiness – with no public control, and no connection to a larger plan for the nation – will negatively impact the Brazilian agrarian issue. This statement holds for the main productive chains in the country – soybean, eucalyptus, sugar-cane, etc.

There is evidence confirming the trend toward an exacerbation of negative impacts on workers and the environment, the worsening of the conflict, and the usurpation of rights.

To inform on these matters, this article will highlight some evidence brought up by recent research about the sugar-alcohol industrial complex, done by intellectuals linked to the Brazilian Association for Agrarian Reform (ABRA).

Here are some highlights:

§ Professor Tamás Szmrecsányi, on the effects on land ownership concentration, food security, displacement of cultures, and loss of biodiversity (in “Expansão do

agronegócio e ameaças à soberania alimentar: o problema dos biocombustíveis,” to be published in the next issue of the ABRA magazine):

“Back to agribusiness (...), I see in its current expansion an increase in our already high land ownership concentration, for both productive and speculative ends, further enlarging the extremely unequal levels of wealth and power distribution in the rural environment. (...) in the case of ethanol, a technology well-known and used in the country even though it is far from state-of-the-art. Concerning the sugarcane industry, its most attractive features and motivation for the current process are land expansion and speculation. The reason is that the most practiced sugarcane production method in the country is extensive monoculture, where production grows more as a result of the extension of cultivated areas than because of the increase of productivity per area. As a monoculture, it by definition opposes biodiversity as well as polyculture, both of which end up expelled and replaced by it. (...) the main threats to the food sovereignty of those who actually have it come from, on the one hand, the expulsion of small independent farmers, and, on the other, the increase of real or disguised unemployment in the cities as well as in the fields. The former reduces the local food supply to the population and causes a price increase, while the latter reduces the effective demand for food. Those two factors end up requiring an expansion of compensatory welfare initiatives, and become ipso facto a decrease of food sovereignty.”

§ Professor Maria Aparecida Moraes, on the worsening of work conditions, deaths by exhaustion, repetitive effort, and migrant workers (“Atrás das cortinas do teatro do etanol,” or Behind the Scenes of the Ethanol Theater, published in *Folha de S. Paulo*, October 2, 2007):

“The majority of them are migrants coming from the Northeastern states, and from Northern Minas Gerais (around 200,000, according to the Migrant Pastoral Commission*). They are young men between 16 and 35 years old. (...) For eight months a year, they remain in dormitory-towns, staying in rustic inns (shacks) or in lodgings placed amidst the sugarcane fields. (...) They endure harsh control throughout the workday. They must cut around ten tons of sugarcane a day (...). The answer to any kind of resistance, or strike, is dismissal. During the workday, they suffer excessive perspiration due to high temperatures and excessive effort, as they must thrust a large knife a thousand times for each ton of cane. Many suffer from “birola,” jargon for pain

* *Translator's Note: The Catholic Church in Brazil has community commissions that deal with major social issues in the country, from the youth and the family to the land problem and urban street minors. These groups are called “Pastorals,” and consist of nationwide social movements that involve lay as well as religious people, backed by the Church. The Migrant Pastoral is one of them.*

* T.s N.: Literally, “illness-aid.” It is a social security benefit for those who suffer some sort of chronic illness caused by or related to work.

* *Comisso Pastoral da Terra (CPT): Pastoral Land Commission.*

caused by cramps. (...) Wages, at R\$ 2.5 per ton (US\$ 1.40), are insufficient to ensure adequate nutrition (...). The consequences of this exploitation-domination system are: - from 2004 to 2007, 21 deaths were allegedly caused by excessive effort during work (...). I found the following health threatening situations: wear of the spine, tendinitis of the hands and arms due to repetitive effort, respiratory diseases caused by cane soot, foot deformation due to the use of large shoes reinforced with metal, and shortening of the vocal cords due to the neck's curbed posture during work."

§ Professor Guilherme Costa Delgado, on labor market trends (in "Nota Técnica: Desequilíbrios criados pela expansão do agronegócio – versão preliminar; 21/09/07," or Technical Note: Imbalances Generated by the Expansion of Agribusiness – Preliminary Version, September 21, 2007):

"The consequences of [agribusiness] expansion for labor relations and employment are problematic in many ways: 1) there is a reduction of total employment of the workforce; 2) there is an increase of the "degree of formalization" of the workforce involved in the productive process – which implies increase in "formal employment" (with links to social security); 3) there is a dramatic increase of the "morbidity rate" in formal labor relations as measured by an almost epidemic growth of auxílio-doença,* correlated to osteomuscular illnesses."

§ Agricultural Engineer Luiz Octávio Ramos Filho, researcher at Embrapa, on environmental impacts (talk at the I Sugarcane Expansion Forum, in Presidente Prudente, SP, August 22, 2007):

"(...) the way in which sugarcane plantations have been expanding in the last three decades, and its most immediate environmental impact on the local landscape, is very worrisome, and representative of a larger reality (...) [the sugarcane expansion] generates obvious contradictions: on one hand, it directly contributes to the increase of urban areas, due to the rural population exodus as well as to the attraction of temporary labor from other regions; on the other, it significantly reduces the pre-existing polyculture, diminishing local supply of food, and also, due to the contamination of aquifers and the reduction or absence of restoration of the forest on the edges of rivers, it generates a reduction of drinking water needed by a growing urban population."

§ Professor José Juliano de Carvalho Filho, on the agrarian policy of the Lula administration (in the Social Justice and Human Rights Report for 2005, p.32.):

"The agrarian policy of the Lula administration, when compared to the proposed plan, reveals a change in character – from structural to compensatory. (...) The aim of triggering a structural change process to benefit populations that are vulnerable to the current model was abandoned. Agribusiness prevails. (...) As did its predecessors, the administration continues to simply react to social movements, and tries to appropriate them."

§ Professor Ariovaldo Umbelino de Oliveira, on the agrarian policy of the Lula administration (ANP, August 10, 2007):

“In my last article, I stated that although the Agrarian Development Ministry (MDA/ INCRA) announced the settling of 136,358 families in 2006, this was not true. In reality, they keep adding up all different goals of the II National Plan for Agrarian Reform (PNRA), and releasing the results as if all were new settlements (Goal 1). I also advised that, when data were purged and reclassified, the results were: land resettlements – 165 families; land reclassification: 31,120 families; land regularization: 59,294 families; and real agrarian reform (Goal 1 of the II PNRA) – 45,779 families. (...) The distribution throughout Brazilian regions, and their respective states, reveals that the agrarian policy of the Lula administration is characterized by two principles: do not do it in areas where agribusiness dominates; and do it in areas where it can “help” agribusiness. In other words, agrarian reform in Brazil is definitely connected to agribusiness expansion. By the way – it is always good to remember this once more – that is why the decree establishing new productivity indexes for rural properties was not yet signed.”

§ CPT,* on the conflicts in the countryside (in J. Pereira, “A repressão aumenta no camp,” *Brasil de Fato*, April 17, 2007):

“Although the total number of conflicts in the countryside has diminished in 2006, other data point to repression of rural workers. The number of murders grew from 38 to 39. By the same token, attempted murder of workers grew 176% compared to 2005; there were 72 attempts in 2006 compared to 26 in the previous year. (...) At the core of violations of human rights in the countryside is the model of agribusiness and expansion of agricultural borders. Jelson Oliveira, CPT-Paraná’s advisor, says, ‘the violation of labor rights, as in the case of slave labor, is connected to the expansion of agribusiness, which also damages the environment.’”

§ Via Campesina, on a recent murder in the Brazilian state of Paraná (Press release, October 21, 2007):

Deaths and Injuries in Attack by Syngenta Armed Militias – Syngenta used to hire security services that acted in an irregular way in the region, articulated with the West Regional Rural Society (SRO) and the Rural Producers Movement (MPR). During a Federal Police operation in October, one of the directors of the NF security company was taken into custody, and the owner escaped; illegal ammunition and weapons were apprehended. There is evidence that the company is just a façade, and that, when needed, more security agents were illegally hired, forming an armed militia that promotes violent evictions, and attacks encampments in the region. Last Thursday (18), Syngenta and SRO/MPR’s armed militias action in Paraná’s Western region was once again denounced, during a public hearing organized in Curitiba-PR

by the coordination of the Human Rights and Minorities Commission (CDHM) of the Federal House of Representatives.

Land concentration, loss of biodiversity, polyculture reduction, exacerbation of labor exploitation, slave labor, deaths by exhaustion, migration, sugarcane in the Amazon, water and air pollution, rural militias at the service of national and international capital, reduction of rural employment, increase in morbidity, land denationalization, speculative capital, damage to food security, intensification of the agrarian conflict; health depredation; public policies inefficiency, etc. The highlights speak for themselves.

An analysis by Prof. Alfredo Wagner de Almeida of the data on land conflicts for the year 2006 found that around twenty percent of these conflicts involved traditional communities, indigenous groups, quilombolas (maroon communities descended from escaped slaves), riverine communities, and other vulnerable populations. President Lula, soon after he was re-elected in November 2006, in a speech given to inaugurate an alcohol and sugar refinery in Barra do Burges, in Mato Grosso state, suggested that environmentalists, Indians, maroon communities, and the Public Ministry are “impediments” against Brazil regaining economic growth. President Lula’s speech appears to have given extra ammunition to those who always considered the Indians and, more recently, the quilombolas and environmentalists, to be obstacles to development. In 2007, some of the land conflicts with the greatest repercussions were those involving environmentalists, maroon communities, and Native Americans.

Agricultural Industries take over new territory and feed violence

Antônio Canuto¹

A partial improvement in the statistics for murders in rural areas in 2007 might give us the impression that the situation of conflicts and violence is in some way improving. From January through October, twenty-two murders of small farmers and rural workers were registered—an alarming number, but fewer than in the same period of 2006,

¹ *Antônio Canuto is secretary of the National Coordinator of the Pastoral Land Commission (CPT).*

when thirty homicides were recorded. But what at first glance appears to be a better situation in respect to violence in the countryside, in the end leaves one worried, as no qualitative change has occurred that might form the foundation for this “improvement.”

Violence in rural areas is structural. It is linked intimately to the unequal concentration of land ownership; and agrarian reform or land reallocation, a process that would be an effective instrument to democratize access to property, is not in any way a priority of the current government. From the attitudes taken by the administration, it appears to consider agrarian reform a thing of the past that no longer forms part of the national agenda. This absence explains the existence of hundreds of camps near highways around the country with families living in shacks made of plastic tarpaulins. The simple existence of these camps and the conditions in which the families are living is, by itself, a great violence and a disrespect of the fundamental human rights of all people. Thanks to the creativity of the landless, the bitterness of the camps is transformed into a space of citizenship with schools for the children, care for health, the organization of work groups, and the like, activities nonexistent in many rural communities. These encampments, however, demonstrate the extreme difficulty and the violations of human rights to which the landless are subjected, and, on the other side, they reflect the urgent necessity of agrarian reform.

But what is more worrying is that what little is done in the area of agrarian reform, many times, is contaminated by corruption and by interests that are alien to the rural workers. One example of this are the charges made against one of the supervisors of INCRA (the government body charged with carrying out rural property reform), held up as a model because of the number of settlements that he was able to accomplish, the Superintendência (a supervisor responsible for a specific region) of Santarém. The accusations brought against this office of INCRA are based upon two separate issues. The settlement projects did not have the necessary environmental licenses to be established, and, in their creation, a spurious alliance was made with lumber companies to create basic infrastructure, such as the opening of highways and the construction of schools and other community facilities.

The Public Prosecutor, in making the accusations, alleged that the establishment of the settlements better accommodated the interests of the logging companies than the landless workers, because the approval of management plans for the removal of timber from the settlements is much simpler. Prior to this, the Federal Court, on August 28, 2007, issued an injunction against ninety-nine settlement projects implemented by INCRA in the area overseen by the Superintendência of Santarém, beginning in 2005, because of the failure to receive the environmental licenses demanded by law. According to the judge presiding over the case, INCRA has put at the disposition of the settlers “vast

pieces of federal land, carved from the Amazon with all of its coveted biodiversity, without, however, conducting the necessary and careful examination of the effects that might be generated by the settlements on the environment.”

The case achieved national repercussions after the television program *Fantástico*, on the Rede Globo network, carried the judge’s statement with a denunciation from Greenpeace that accused INCRA of facilitating the activities of logging companies in rural settlement areas in the region. The reports in the media and the decision reached by the courts found support in a denunciation issued by the employees of INCRA itself.

The Association of Agrarian Reform Service Workers (ASSERA) of Western Pará gave public notice on August 21, 2007, saying: “The service workers in the last few months have been overwhelmed by arbitrary and unilateral decisions in the creation and abolition of settlements, in the freezing of areas, in the grouping together of beneficiaries (many people without the appropriate qualifications were included), in the concluding of agreements, in the liberation of financial credit, etc. This being so, innumerable technical decisions have been made on the basis of political considerations, without consulting the body of professionals of the institutions responsible and in direct violation of the relevant rural legislation, environmental regulations, and even the internal guidelines of INCRA itself. We have questioned since the first moment the proposal of a Public-Private Partnership between the members of the settlements and the timber industry, a proposal advanced by the directory of INCRA as a new model of agrarian reform for Amazônia. It is necessary to insist that the responsibility for all irregularities ought to be assigned to the national directors of INCRA and of the Ministry for Agrarian Development (MDA).”

The courts eventually found against the settlement communities, members of which, in the middle of October, held demonstrations in Altamira and Santarém and closed the Transamazonian Highway on the way out of Altamira in the direction of Itaibuna. In these demonstrations they affirmed that, if there have been errors, those responsible for the errors ought to be punished rather than the rural workers.

The corporations, on their part, criticized the decision of the courts, saying that the cancellation of the settlements aggravated a crisis in the timber sector, which laid off more than twenty thousand employees this past year: “The Union of Forest Industries of the State of Pará (UNIFLOR) has complained that delays in the release of management plans and transportation guides for forest products has already caused a decrease of sales in the state. We say that the cancellation by judicial decree of INCRA’s rural settlements in the west of Pará... worsened the situation of the crisis.”²

² *Eco. O. – Salada Verde. Notícias do Meio Ambiente, 10/16/2007* <http://aruda.rits.org.br/oeco/servlet/newstorm.nspresentation>.

The agrarian reform politics of the Lula government are contaminated, therefore; in the words of Professor Ariovaldo Umbelino de Oliveira, “they are marked by two principles: don’t conduct reform in areas of agro-industries and conduct it in areas where it can ‘help’ the agro-industrials.”³ This interpretation corroborates what has been said by professors Carlos Walter Porto Gonçalves, Paulo Alentejano and Andressa Lacerda of the Universidade Federal Fluminense after an analysis of the data on rural conflicts, produced for the Pastoral Land Commission (CPT), in 2006: “‘Agrarian reform’ is concentrated in the Amazon, in a process favourable to agribusiness, each time moving to advance the agricultural frontier, with the settlers doing the dirty work of opening the forest.”⁴

Violence is much greater than it is possible to register

Violence of one form has been interrupted. The introduction to the report, *Conflicts in the Countryside Brazil 2006*, emphasized that “it is necessary to highlight that this long litany of conflicts and violence is only a pale portrait of the reality. It can be affirmed with confidence that, in the case of slave labor, for every case brought to light, another four will never reach the public eye. The same happens with too many cases of conflict and violence. Those that are registered publicly do not represent even half of the cases that occur in reality.”⁵

This assertion by the Pastoral Land Commission is confirmed by stories in the media such as an account that appeared in the *Jornal Nacional* of the Rede Globo network, on August 31, 2007. The story reported that in a municipal action in Colniza, Mato Grosso, the Civil Police and the Military Police of the state had arrested thirty-nine people, among them loggers accused of environmental crimes, torture, and murder. The story resulted in the imprisoned also being charged with associating with gunmen to bring a climate of terror to the region. “In only one year, eight inhabitants were killed and dozens tortured. The police seized more than forty firearms, along with hoods, military uniforms, and ammunition,” the story reported. One of the witnesses agreed to bring the police to the scene of the crimes where he indicated to the detective the place where two neighbours had been murdered and buried.

These homicides and other acts of aggression never arrive to the documentation sector of the Pastoral Land Commission. Like this one, many other situations happen

3 Oliveira, Ariovaldo Umbelino. – *A Reforma Agrária para ao agronegócio; Crime à vista no Pará*, in *Rádio Agência Notícias do Planalto*, 9/27/2007.

4 Lacerda, Andressa Elisa, Carlos Walter Porto-Gonçalves, and Paulo Roberto Cardoso Alentejano – “A Geografia serve para desvendar máscaras sociais!” in *Conflitos no Campo Brasil, 2006*, pp. 90-92. *Comissão Pastoral da Terra, Abril 2007*.

5 *Conflitos no Campo Brasil, 2006, Apresentação*, pg 7.

in a rural area, far from the eyes, not only of the authorities, but also of those who defend human rights. The violence that does not reach public awareness is many times greater than that which is denounced.

Economic interests speak more loudly than the lives and rights of individuals

Violence in the countryside continues in Brazil because economic interests and private ownership of land are many times considered more important than the life and fundamental rights of human individuals. Landowners, plantation owners, and agribusiness, in addition to counting on the support of the judiciary many times, continue to take the initiative of “doing justice with their own hands” to defend their properties and their interests and to bar the action of social movements in the country. This happens not only where the agricultural frontier is advancing, but also in states considered more “developed,” such as Paraná.

Some examples of the forms of violence employed by this sector in the state of Paraná are:

Murder: On October 21, in the experimental farm of Syngenta Seeds, in Santa Tereza do Oeste, Paraná, in an attack by an armed militia with around forty gunmen, Valmir Mora, a leader for the Movement of Landless Rural Workers (MST), was executed at point-blank range, and another five people were wounded.

Expulsion: On January 16, hired guns drove around one hundred landless families from the farm 3 J, property of the ex-federal representative José Janene, located in Londrina, Paraná.

On April 21, the recently created Movement of Rural Producers (MPR) promoted the expulsion from Gasparetto Farm, in Lindoneste, Paraná, of a settlement occupied by sixty families of the Movement of the Liberation of the Landless (MLST).

Armed Aggression: On March 9, heavily armed gunmen wounded three workers who were on the Videira Farm, located in the municipality of Guairacá, Paraná.

Pressuring and intimidation: Around eight hundred families that occupied the Mes-tiça Farm, in the municipality of Rio Branco do Ivaí, in the central region of Paraná, on September 1, 2007, suffered extreme pressure from the farmers of the region who occupied the hotel of the city and, during the early morning, intimidated and threatened to evict the encamped families by their own means.

Cases of violence in Rio Grande do Sul

In the state of Rio Grande do Sul, the large landowners have positioned themselves in opposition to a peaceful march organized by the Movement of Landless Rural Workers,

which left in three separate columns from three different regions of the state on September 11, 2007. The march headed toward Fazenda Guerra, municipality of Coqueiros do Sul, in the northern region of the state, demanding the release of the area—enough to settle five hundred families—which had already been occupied eight times in the last three years. Among other acts of aggression, the farmers of Bagé sought out many ways to intimidate the landless families. On the night that they were to spend in the city, the electrical box of the high school where they were to be housed was destroyed and attempts to repair it were impeded by the farmers who camped outside of the school. Brother Wilson Zanatta, of the CPT of Rio Grande do Sul, was threatened along with having the windows of his automobile broken and his tires slashed.

The threats and aggression continued all along the route of the march and the judge of Carazinho, on October 1, issued a judicial order demanding that the Military Brigade prevent the march from arriving in the region near Fazenda Guerra. Not even a committee formed by members of parliament and representatives of diverse organizations could succeed in getting this decision lifted.

Violence against indigenous peoples and quilombolas

An analysis of data on conflicts over land in 2006 by Professor Alfredo Wagner de Almeida found that around twenty percent of these conflicts involved traditional communities, principally Native Americans, descendants of maroons or escaped slaves, and river dwellers.

President Lula, soon after he was re-elected in November 2006, in a speech given to inaugurate an alcohol and sugar refinery in Barra do Bugres, in Mato Grosso, declared that environmentalists, Indians, maroon communities, and the Public Ministry were all “impediments” against Brazil regaining economic growth. President Lula’s speech appears to have given extra ammunition to those who have always considered Indians, and more recently, have begun to consider quilombolas and environmentalists, to be “impediments to development.”

In 2007, some of the conflicts with the widest repercussions involved environmentalists, maroon descendants, and indigenous peoples. The great dispute is over territory. The agricultural industries advance quickly, taking over new areas and their natural resources. The official policy of the government, which has designated the agricultural industry to be the flagship of national development, with a special emphasis on agriculturally-derived fuel (ethanol and bio-diesel), has stimulated the spread of monoculture to new areas. Due to this policy, the pressure on the agricultural sector has increased to secure greater territory for the production of biofuels. In keeping with this policy, indigenous peoples and the descendants of escaped slaves, as they struggle for

their lands, and environmentalists, because they defend the natural environment, end up becoming “impediments” to the advance of monoculture over areas of the forest and grasslands.

On July 8, the Indian Ortiz Lopes, leader of the Guarani-Kaiowá people in Mato Grosso do Sul, was killed by gunshots. Before he took aim, the assassin was heard to say: “The farmers have ordered that accounts with you be settled.” Ortiz Lopes had participated in the retaking in January of the indigenous lands, Kurussu Ambá, in the municipality of Coronel Sapucaia, on the border with Paraguay. On that occasion, the Indians were violently expelled, the religious leader Xurete Lopes (70 years old) was executed in his shack in front of his family, and a young man, Valdeci Ximenes (22 years old) was shot.

In the state of Maranhão, on October 15, fifteen armed men invaded the village Lagoa Comprida in the indigenous land of Araibóia, in the municipality of Amarante; they killed Tomé, a Guajajara Indian, and left two others with gunshot wounds. Days earlier, the Indians had seized trucks that were being used to remove wood from their forest reserve.

In Juína, in Mato Gross state, on August 19, farmers, supported by the mayor and council members of the city, had prevented members of OPAN (Operation Native Amazon) and Greenpeace, accompanied by two French journalists, from visiting the indigenous area of the Enawenê-Nauê Indians. The groups were to have accompanied the Indians in a visit to an indigenous area invaded by the farmers. The members of the groups were threatened and harassed and ended up retreating inside the hotel where they were staying, passing the night completely surrounded by the farmers. On the following day, forty of the farmers’ small trucks followed the vehicle of the activist group, honking, as the group drove itself to the airport to leave the city. There, the farmers still threatened to set fire to the airplane if the group did not take off quickly.

The Indians did not demand the return of this area by accident; rather, it was one of the places where traditional sacred sites had suffered the most due to deforestation in the month of July, in Mato Grosso.⁶

In the state of Roraima, in the indigenous area Raposa Serra do Sol, already declared in 2005, seven large rice farms, led by Paulo César Quariero, refused to leave the area even though they have already been compensated for the land by FUNAI, the Brazilian National agency for Indians. Their removal by the police, planned for the middle of the year, was postponed due to threats, which have generated additional conflict, with acts

⁶ *O Globo*, 20/09/07, *O País*, p. 14.

of arson and the contracting of hired gunmen, who travel throughout the communities on motorcycles, shooting guns in the air to intimidate the indigenous people.

Ideological war against maroon communities

In 2007, one of the primary concerns has been to attempt to disqualify the groups that define themselves as quilombolas. The central focus of this dispute, however, is territory. Along with physical violence, the violence against quilombola communities has acquired an ideological character and has developed along four principal fronts:

First, this ideological violence has gone on through media of social communication, carrying on a campaign against the self-recognition of the community, with an eye toward creating a public opinion against them and isolating the public organs responsible for them. For example, a story carried by *Jornal Nacional* on May 14 and 15 of this year, with the headline, “Crime in the Quilombo — suspected of fraud and the extraction of lumber from the Atlantic Rainforest,” against the quilombo community São Francisco do Paraguassu, is a minor example of the ideological war that is brought against them and of the disrespect with which these Afro-Brazilian communities are treated.

Second, this violence is carried out in the Parliament, through a legislative decree already in process in the Chamber of Deputies, authored by Deputy Valdir Colatto, the PMDB party representative of Paraná state, which is intended to halt the application of Decree 4887/03, the decree that established the recognition process for quilombo communities.

Third, the campaign is carried out in the judiciary, through a Direct Action of Unconstitutionality, a proposal put forward by the former party PFL, now the Democrats, before the Brazilian Federal Supreme Court, with the objective of declaring the decree for recognition unconstitutional.

Finally, in the Executive branch, efforts against the quilombo communities have taken the form of a new decree being processed in the Civil House of the Presidency that would modify Decree 4887/03. There is also pressure on the Brazilian National Congress not to approve the Statute of Racial Equality that would regulate the question in more permanent form.⁷

Violence in the rural countryside is not being overcome. Actually, it tends to increase given the voracity with which capital attempts to increase its profits, stimulated by the high priority given to industrial agriculture in the government’s rural policies. A note from the National Coordinator of the Pastoral Land Commission, issued soon after President Lula’s comments about the “impediments to development” in Mato Grosso,

⁷ Honorato, Maria José, and Marta Anjos. – *Empresários e latifundiários usam a mídia contra comunidades tradicionais* – In *Pastoral da Terra*, year 32, edition 189 – July and September 2007, p. 3.

affirms: “With the speech of the president, land swindlers, loggers, and plantation owners disguising themselves as agricultural companies feel supported and considered, those who deplete our natural resources, invade indigenous reservations, quilombo communities, and areas of environmental preservation, and who exploit the workers of this country, many times submitting them to conditions analogous to slavery.”⁸ The cases reported above support this judgment.

⁸ “Os ‘entraves’ para o desenvolvimento, segundo o presidente Lula.” *Public note dated December 1, 2006.*

The government estimates that more than 90 million hectares of Brazilian land can be used to produce agrofuels. In Amazônia alone, the proposal is to cultivate 70 million hectares with palm oil. This product is known as the “fuel for deforestation”. Its production has already caused the devastation of huge parts of the forest in Colombia, Equador, and Indonesia. In Malaysia, the major producer of palm oil in the world, 87% of the forests were devastated. In Indonesia, the government intends to expand the production of palm oil to 16.5 million hectares, which can result in the destruction of 98% of the forests. Various environmental organizations are calling attention to the fact that expansion of monocultures in forest areas represents a greater risk to global warming than the carbon emissions that come from fossil fuels.

Agro-energy: Myths and Impacts

Maria Luisa Mendonça¹ and Marluce Melo²

Brazil is the world's fourth largest emitter of carbon gas into the atmosphere. This happens mainly as a result of the destruction of the Amazon forest, which represents 80% of the country's carbon emissions. The expansion of monoculture to produce agrofuels makes this problem worse, putting ever-greater pressure on the agricultural frontier of the Amazon region and of the Brazilian Cerrado (area of open pasture).

The acceleration of global warming is a fact that puts the life of the planet at risk. However, we need to demystify the main solution that is currently put forward,

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publicized through the supposed benefits of agrofuels. The idea of “renewable” energy must be discussed, starting with a broader vision of the negative effects of these energy sources.

The production of ethanol from sugarcane and corn

In the case of ethanol produced from sugarcane, the cultivation and processing of the cane pollutes the soil and the sources of potable water because they use a great many chemical products. Each liter of ethanol produced in a mill, in a closed circuit, consumes around 12 liters of water. This quantity does not include the water used in the cultivation of sugarcane, which in the case of irrigated monocultures consumes much more. Therefore the production of agrofuels presents a risk of greater scarcity of natural springs and aquifers.

The process for distilling ethanol produces a residue called vinhoto (stillage). Ten to thirteen liters of vinhoto are produced for every liter of ethanol. A part of vinhoto can be used as fertilizer, if diluted in water. However researchers advise that this substance contaminates rivers and sources of underground water. If the annual production of ethanol in Brazil is 17 billion liters, it means that at least 170 billion liters of vinhoto are deposited in the sugarcane growing regions.

Burning the cane makes it easier to harvest, besides the fact that manual labor is cheaper to cut burnt cane. However this practice destroys a large part of the micro-organisms in the soil, pollutes the air, and causes respiratory illnesses. The processing of cane in the mills also pollutes the air through the burning of the bagasse, which produces soot and smoke. The National Institute of Special Research has decreed a state of alert in the cane growing regions of São Paulo (the largest producer of cane in the country) because the fires take the relative humidity of the air to extremely low levels, between 13% and 15%.

In the case of ethanol production from corn, the main problem is the risk that this project represents for food sovereignty. The difference in relation to other plants is that corn is one of the main grains that form the basis of human nutrition and its use as a fuel can cause a rise in the price of various food products.

Recently, the government of the United States announced that it intends to substitute 20% of gas consumption with ethanol. Currently corn is the base for the production of ethanol in the United States. The goal of the Bush government is to reach an annual production of 132 billion liters of ethanol by 2017. For this, the US (greatest producer of corn in the world), would have to use all its current production (268 million tons of corn) and still need to import around 110 million tons – the equivalent of all of Brazil’s annual production of corn.

In 2006, the price of corn on the world market rose by 80%. In Mexico, the increase in exports of corn to furnish the ethanol market in the US caused an increase of 100% in the price of tortillas, which represents the main food source for the population. In China, foreseeing a problem of nourishment, the government prohibited the production of ethanol from corn.

The March 2007 issue of *Globo Rural* magazine contains an article that says: “In world-wide terms, the cultivation of corn must advance over areas planted with soy, wheat, and cotton, which is going to cause a general rise in these prices of these products in a true domino effect.” The prices of wheat and of rice have already gone up, since the demand for these grains increases as the population seeks alternatives to corn.

The high price of corn must also affect the cost of raising poultry, cattle, and pigs, since it represents 75% of all the grains used in animal feed. This would cause an increase in the price of derivatives, such as milk, eggs, cheese, butter, etc. According to the director of the Brazilian Union of Poultry Raisers, Clóvis Puperi, “no grain would be able to be substituted for corn rapidly without causing an earthquake in the market.”

Another threat is the large amount of water used in the production of corn. According to Professor David Pimentel, from Cornell University in New York, for each kilo of corn produced, 500 to 1500 liters of water are needed. And to produce a liter of ethanol from corn, 1200 to 3600 liters of water are needed. Besides this, the mills are powered by coal or gas, which results in major emissions of carbon into the atmosphere.

The production of vegetable diesel from soy and palm oil

In the case of soy, the most optimistic estimates indicate that the balance of renewable energy produced for each unit of fossil energy used in the cultivation is .4 units. This is because of the high consumption of oil used in fertilizers and in farm equipment. Besides this, the expansion of soy has caused enormous devastation of the forests and of the open pasture (or savannahs), destroying biodiversity in various countries including Brazil.

Even so, soy has been presented by the Brazil government as the main plant for agrofuels by the fact of Brazil being one of the main producers in the world. “The cultivation of soy is presented as the jewel in the crown of Brazilian agribusiness. Soy can be considered the wedge that will allow the opening of the biofuels market”, state the researchers from the Brazilian Company for Farming Research (Empresa Brasileira de Pesquisa Agropecuária, or EMBRAPA).

The government estimates that more than 90 million hectares of Brazilian land can be used to produce agrofuels. In the Amazon alone, the proposal is to cultivate 70 million hectares with palm oil. This product is known as the “fuel for deforestation”. Its

production has already caused the devastation of huge parts of the forest in Colombia, Ecuador, and Indonesia. In Malaysia, the major producer of palm oil in the world, 87% of the forests were devastated. In Indonesia, the government intends to expand the production of palm oil to 16.5 million hectares, which can result in the destruction of 98% of the forests. Various environmental organizations are calling attention to the fact that expansion of monocultures in forest areas represents a greater risk to global warming than the carbon emissions that come from fossil fuels.

Besides the destruction of farm lands and forests, there are other polluting effects in this process, such as the construction of the transport and storage infrastructure, which requires a great deal of energy. It would be necessary also to increase the use of farm machinery, of inputs (fertilizers and agrottoxins), and of irrigation to guarantee the increase in production. In the case of palm oil, a study by the Delft Hydraulics Institute stated that each ton produced represents 33 tons in carbon dioxide emissions. However, the plant-based fuel pollutes ten times more than common diesel.

The production of biodiesel from castor oil plant and from Barbados nut

The Brazilian Biodiesel Program includes the castor oil plant and the Barbados nut as possible plants for the production of agrofuels, mainly involving small farmers. However, there are serious doubts about the viability of these projects. According to analysis, the castor oil plant is economically more viable for other things, such as the production of lubricating oil for the aviation sector and for high-performance automobiles.

As for the Barbados nut, researchers from EMBRAPA emphasize that there is no reliable technical knowledge that ensures the viability of this plant in sufficient volume for the Biodiesel Program. They state that “a large part of the information published about this plant comes from sources that are not reliable, mainly from the internet, on web sites of private companies where the advantages of the plant are exaggerated.” And they add that “there are no well established studies of at least five years where its productivity and yield can be confirmed. Whether in Brazil or in other countries, there are no reports of long-term scientifically valid experiments.”

The production of biomass from cellulose material

New studies intend to introduce into the world market the so-called “second generation” of agrofuels, developed from cellulose materials that would be available in about ten years. Based on this, the idea emerged that the agrofuels developed from food sources would be quickly substituted, putting off the risk of the impact on security

and food sovereignty. However, if the current rate of expansion of farming of corn, cane, soy, and palm (which are currently the main source material for agrofuels), within ten years we would already be impacted in a major way.

According to the International Food Policy Research Institute, the price of food can rise from 20% to 30% by 2010 and from 26% to 135% by 2020 if the current expansion of production of agrofuels continues. According to the FAO, currently around 854 million people do not have access to adequate nourishment. This number can rise to 1.2 billion as a result of a rise in the cost of food.

Another myth in relation to agrofuels from cellulose is that farm lands would not be used and that organic residue of corn, cane, etc. would be used. First of all, what they call organic residue are natural fertilizers that serve to protect the soil. If this material is used for another purpose, it would be necessary to apply petroleum-based chemical fertilizers, which would cancel the positive effects related to global warming. Biomass from cellulose material is being developed mainly through genetically modified species of trees and this presents a big danger of contamination of other plants because it is practically impossible to control its pollination besides the risk of contaminating the forest areas.

Transgenic agrofuels

Businesses for genetically modified organisms (GMOs) or transgenics are beginning to develop types of non-edible plants for the production of agro-energy. Since there are no ways to avoid the contamination of GMOs in native farms, this practice places food production at risk and can aggravate the problem of hunger in the world.

In the United States, the production of ethanol is already done through a type of non-edible GMO corn. The farmers themselves admit that there are no ways to control contamination since they are cultivating corn for ethanol and for human consumption at the same time.

The expansion of the production of agro-energy is of great interest for GMO companies such as Monsanto, Syngenta, Dupont, Dow, Basf, and Bayer, which hope to gain greater public acceptance if they publicize GMOs as sources of “clean” energy.

In Brazil, the Votorantin Group has developed technology for the production of GMO sugar cane to produce ethanol through two companies, Alellyx and CanaVialis, which recently entered into a partnership with Monsanto. This agreement will allow Alellyx and CanaVialis to have access to GMO soy and cotton genes developed by Monsanto and to apply this technology in studies of GMO sugarcane.

Destructive effects for agrarian reform and for the rural workers in Brazil

In many regions of the country, the increase in the production of ethanol caused the expulsion of small farmers from their lands and created dependency on the so-called “sugarcane economy”, where there are only very precarious jobs in the sugarcane fields. The monopoly of the land by the sugarcane mills prevents other economic sectors from developing, creating unemployment, encouraging migration and the submission of workers to degrading conditions.

Despite the propaganda of “efficiency”, the agro-energy industry is based on the exploitation of cheap manual labor and even slave labor. Workers are paid by the amount of cane they cut, not by the hours worked. In the state of São Paulo, the largest producer in the country, the goal of each worker is to cut between 10 and 15 tons of cane per day. Workers receive R\$2.44 for each ton of cane cut and stacked. To receive R\$413 per month, the workers have to cut an average of 10 tons of cane per day. To achieve this, 30 blows of a knife are needed per minute, during eight hours of work per day.

According to Professor Pedro Ramos of the University of Campinas, during the decade of the 80s, the workers cut around 4 tons and earned the equivalent of R\$9.09 per day. Currently, to earn R\$6.88 per day they need to cut 15 tons. New studies with GMO sugar cane, lighter and with more sugar, means bigger profits for the mill owners and more exploitation for workers. According to a study by the Ministry of Work and Employment, “before, 100 metres of cane equaled 10 tons; now 300 metres are needed to get 10 tons”.

Slavery and death of workers

This pattern of exploitation has caused serious health problems and even worker deaths. Between 2005 and 2006, the Pastoral Migrant Service registered 17 migrant worker deaths in the sugarcane fields of São Paulo. In 2007, five deaths of migrant workers by overwork in the cane fields were registered.

On March 28, 52 year old José Pereira Martins died of a heart attack after working in the sugarcane fields in the city of Guariba. He had migrated from the town of Araçuaí in Minas Gerais. On April 24, 20 year old Lourenço Paulino de Souza who had migrated from Tocantins, was found dead in the São José mill in Barretos. On May 19, 34 year old Adailton Jesus dos Santos died; he had migrated from Piauí to the cane fields of São Paulo. On June 20, 33 year old José Dionísio de Souza died; he had migrated from Minas Gerais. On September 11 in the town of Guariba, 28 year old Edilson Jesus de Andrade died. He had come from Bahia but his body was buried in São Paulo.

Besides these cases, there have been other accidents and worker deaths in the sugarcane region of São Paulo. In 2005, the Regional Worker Delegation registered 416 deaths in the state's mills, a majority by work accidents and as a result of illnesses such as heart attack and cancer, along with cases of workers overcome by smoke in the burning of the fields. Maria Cristina Gonzaga, a researcher from Fundacentro, a group within the Labor Ministry, estimates that 1,383 sugarcane workers have died in a similar situation between 2002 and 2006.

On April 15, 2007, a worker in the Santa Luiza mill in the town of Motuca died of asphyxiation and another was seriously wounded when they were burning the cane and the flames reached them. Adriano de Amaral, 31 years old, died when water ran out in the fire truck that he was driving to control the fire. He was the father of a seven year old and a 20 day old baby. The other worker, 44 year old Ivanildo Gomes, had burns on 44% of his body.

Slave labor is common in the sugar cane sector. The workers are generally migrants from the Northeast or from the Vale do Jequitinhonha in Minas Gerais enticed by intermediaries or "cats" who recruit manual labor for the mills. In 2006, the Attorney at the Public Ministry inspected 74 mills in the state of São Paulo and all were fined. In March 2007, inspectors from the MTE rescued 288 workers in slave conditions at six mills in São Paulo. In another operation carried out in March, the Inspection Group for the Regional Labor Police Headquarters in Mato Grosso do Sul rescued 409 workers in the sugarcane fields of the Centro Oeste Iguatemi alcohol mill. Among them was a group of 150 Indians.

In July 2007, Ministry of Labor inspectors freed 1108 workers who were harvesting cane for the Pagrisa Pará Pastoral e Agrícola S.A farm, in the township of Ulianópolis (Pará), located 390 km from Belém.

The International Labor Organization (ILO) states "According to labor inspector Humberto Célio Pereira, there were workers who received less than R\$10 per month, after illegal deductions by the company used up almost all of their wages. The inspector states that the food given the workers was spoiled and there were various people suffering from nausea and diarrhea. Water to drink, according to what the workers reported, was the same used to irrigate the sugarcane and so dirty that it looked like bean soup. Housing, according to Humberto, was overcrowded and the sewer overflowed. The majority coming from Maranhão and from Piauí, there was no transportation for the workers to go from the farm to the center of Ulianópolis, 40 kilometers away.

Every year, hundreds of workers are found in similar conditions in the sugarcane fields: without work registration, without protective equipment, without water or adequate food, without access to bathrooms and living in precarious housing. Often the workers

need to pay for their equipment such as boots and knives. When accidents happen, they don't receive adequate treatment.

In the state of São Paulo, the largest producer of ethanol in the country, it is estimated that half of the manual labor in the mills comes from migrant workers who are mainly from the Northeast and from Minas Gerais, living in a very vulnerable situation. The workers spend around half their wages to survive in the cane fields and not much remains to send to their families who also depend on these funds for their survival. At the end of the harvest, many migrants don't have enough money to return to the places they came from. The minimum salary on average is R\$413 per month and the workers end up spending R\$250 monthly to cover their costs of food, water, and housing, in extremely precarious conditions.

"The employer does not offer a place to rest and take a meal, does not offer adequate sanitary conditions for the workers' needs, does not furnish adequate work tools, does not respect rest breaks required by Regulation 31 and does not furnish work clothes for the cutters", states Labor Prosecutor José Fernando Ruiz Maturana. He adds, "Without shade for shelter or chairs to sit on, there is no alternative for the workers but to take their lunch sitting on the ground under the hot sun."

The Public Ministry intends to investigate the impact of environmental conditions (exposure to strong sun, heat, dirt and ash) and of the use of agro-toxins on the workers' health. Another area for investigation will be the calculation of the "payment for production", since the workers do not have control of the weight of the cane that they cut. This year more than 40 public civil actions for violations of labor laws were brought by the Attorney General for Labor of the 15th Region against mill owners and those who supplied and contracted manual labor from São Paulo.

In August 2007, solicitors of the region of Bauru found out about a document scheme to defraud rural workers by a fake company called Escritório Contábil Avenida in Lençóis Paulista. The "fraud kit" contained blank documents that the businesses forced the workers to sign in order to be hired. "The kit was composed of irregular documentation such as a request to be terminated, terms by which the labor contract could be rescinded, work registration, receipts for equipment, contract for the period of the harvest and a contract for determined stated period, all of them blank for the workers", states the document published by the Public prosecution service. The Labor Attorney Luis Enrique Rafael estimates that "thousands of workers may have been victims of the fraud."

In September 2007, the Public Ministry suspended cane cutting in the township of Mineiros do Tietê, in the interior of Sao Paulo state until the mills straighten out the workers' situation. One of the difficulties in punishing the mills is the fact that contracts

can be carried out by intermediaries or “cats” whose function is to entice the mainly migrant workers, who often do not even know who the employers are. For this reason, the Public Ministry began to adopt punishments for the whole chain of production. In practically all the investigations carried out in the mills of São Paulo, violations of labor laws were noted.

Frequent accusations of violations of workers’ rights in the mills has led the sugar cane industry to speculate about the possibility of increasing mechanization in the sector. However there are doubts about this possibility because the low salaries and bad working conditions makes it more profitable for the businesses to use manual labor than to invest in machinery. At present, more than 60% of the cane harvest is done manually in Brazil. Since the colonial period, this sector has depended on exploiting manual labor, on a great deal of public funding and on violating environmental laws in order to keep going.

Food Sovereignty and Peasant Agriculture

The experiences of small farmers in the production of source material for agro-energy show the risk of depending on large farm businesses that control prices, processing, and distribution of production. The small farmers are used to give legitimacy to agribusiness through the distribution of certificates of “social fuel”. Besides this, the lack of a policy of supporting the production of food can lead small farmers to substitute agrofuels for their food crops and thereby compromise food sovereignty. In Brazil, the small and medium producers are responsible for 70% of production of food for the internal market.

Researchers at the University of Minnesota call attention to the fact that to fill up a tank it’s necessary to use the same amount of grains that can feed a person for one year. Francisca Rodriguez, leader of La Via Campesina, denounces the fact that “the big estates (latifúndios) are going to control land to feed motors and not people”. And she adds, “Faced with these challenges, we have to defend our commitment to the land, encourage a serious discussion about the current model of consumption and energy production. We want to avoid the destruction of our lands since we know what extensive monoculture means in our countries.”

A change in the patterns of consumption is essential, since no source of alternative energy would be capable of supplying current demand. In the meantime, the choice to reduce consumption is practically excluded from the official debate when it’s a question of discussing means to lessen atmospheric pollution. The first step in this direction would be a massive investment in public transit along with rationalization, an end to wastefulness, energy saving and implementation of a diversity of alternative and truly renewable sources of energy.

We need to strengthen the organizations of rural workers, wage earners, and small farmers to build a new model based on peasant agriculture and on agro-ecology, with diversified production. We need to ensure policies of subsidies for the production of foods that come from small farmers.

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Data from the Pastoral Migrant Service and the Public Ministry of Labor show that there were 22 deaths by exhaustion in the sugar cane fields from 2005 to 2007. The cutters died because they could not withstand the more than 10,000 swings of the machete per day needed to cut at least 10 tons of cane. But there are also cases of work accidents and deaths of sugar cane workers as a result of illnesses such as heart attacks. In 2005 alone, the Regional Police Department for Work reported 416 deaths in the São Paulo mills. In October 2007 there was a case of a worker from the Dois Córregos mill, 73 kilometers from Bauru who had two legs ground to powder by a machine that grinds the sugar cane.

Work in the sugarcane mills of São Paulo

Evanize Sydow¹

Two mills in the interior of São Paulo are opposites in respect to the situation of sugarcane cutters: the Ester Mill and the Furlan Mill. The first is located in Cosmópolis, the so-called City of the Universe, 142 kilometers from the capital city. The second is in Santa Bárbara d'Oeste, 130 kilometers from São Paulo. Both are in the region of Campinas.

Carlita da Costa, the president of the Syndicate of Rural Workers of Cosmópolis, was a cane cutter in the Ester Mill from 1983 to 1986. Those were difficult years. The workers were like slaves: they worked during heavy rains, they couldn't drink water

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when they were thirsty, they didn't get any extra hours, they didn't have protective clothing and they had no control over the payment they received. "This work motivated me to do something else", she says.

This "something else" today means that the Ester Mill is one of the best in the conditions that it offers to workers in the region. But Carlita emphasizes that this is not the result of the owners' consciences but rather the confrontations by the workers' organization and the struggles carried out by the union.

Currently, the cane cutter who works in the Ester Mill has a good basic food basket, help with costs of medicine, and control of the cane that he cuts. According to Carlita, it is the only place in Brazil where the worker himself has this control. Generally, the mills pay the worker on the so-called "champion" system, which is named after the truck that carries the cut cane to the scale, where an estimate of the worker's payment is made. "It's the most fraudulent system that exists", states a union member.

In Cosmópolis, the method of the closed square was developed. With this method, the cut cane is collected from one enclosure and carried to the scale, where three inspectors paid by the union take turns from one Sunday to the next during the harvest monitoring the weight. Each truckload of cane that comes in is registered by the mill and the bill of sale is conferred by the inspectors. The data is entered into a computer. The control of the production of cane, therefore, is very strict. Spread sheets are issued weekly with the squares identified by letters, the weight estimated in each one, the work day and how many meters of cane were cut by day and by week; besides this, the number of tons of the total harvest is registered in the square and the actual weight by meter.

This form of monitoring of production is part of the Collective Work Agreement. For the mill to begin cutting cane, the union imposes conditions. But, as was stated earlier, it was not always like this. This agreement went into effect in 1998. "We had to carry out many complicated struggles. There were strikes met with violence in which we had losses, but also wins. And one of the major wins that we had was respect", says the president of the Union of Cosmópolis, who was often threatened during those times. Today, Carlita can go to the Ester Mill to meet the workers with asking authorization of the director of the business.

In 1991, the first agreements were made in Cosmópolis. From 1986 to 1991 there were many fights, without negotiation. Starting with a big 21 day strike in 1991, which resulted in the defeat of a directorship –a process of dialog began with the union. In 1994, the agreement included a basic food basket for the workers. During this period until 1998, the union tried to get the workers to control the production of cane. This was because they were paid by weight.

Under threats by the workers to occupy the lands of the mill, the directors had to dialog with the union. After trying other methods of controlling the cutting of cane, such as following the trucks – and after a general strike in 1998, when cutting was brought to a complete halt, the mill agreed to hear the workers and there was just one demand – the monitoring of the weighing of cane. One cutter had the idea of the closed square enclosure, in other words, the evaluation of all the cane harvested in one square enclosure. The mill agreed, providing the documentation so that the maps of the enclosures and the spreadsheets could be produced. The earnings of each worker then increased by more than 30%.

The decrease in the number of workers – the Ester Mill had 2000 cutters in 1988, today there are around 1500—can be explained by mechanization. “The mills don’t want to abide by the labor laws. So from year to year they increase mechanization because it is more in their interests to mechanize than to be in the headlines as exploiters of workers”, Carlita analyzes. They don’t want to give what the workers should have as a right. It seems that for the mill owners, it’s a point of honor not to obey the law. The bosses’ way is to break the law.”

Proof that the mill owners do not respect the workers is the inspection by the Public Ministry of Labor in August 2007, at the Furla Farm S/A, where there were various irregularities. These included lack of protective clothing like protective glasses and safety boots, an overly-long work day, no bathrooms or breaks for rest or meals. The workers’ housing had no showers or toilets. With no cupboards to keep their belongings, the workers had to leave their belongings such as pots on the floor with the rats and cockroaches. Besides this they were not given drinkable water or sheets or pillows.

Deficient nourishment was another problem found at this site. The workers had to buy overpriced food of very poor quality and not enough was served to meet their daily needs. All they had to eat was rice, beans and some giblets; meat was served sporadically. At times the food was spoiled. As though the food situation wasn’t bad enough, the workers had to take their meals seated on the ground, since there was no place to sit down for meals.

The barracks that served as housing for the workers was improvised and in very bad condition, without comfort or hygiene. There was no lighting, windows, tables, or chairs. There were no bathrooms or partitions, or adequate cooking space.

The president of the Union of Cosmópolis, who took part in the activity – since the union is also sought after by cutters in other cities of the region to denounce bad treatment and irregularities in pay – found four workers from the Furlan Mill in such a serious condition that she is overcome with emotion on remembering it. “There were

four men in a cubicle where there was just one mattress. They slept with part of their bodies on the mattress because they were afraid of catching pneumonia. Their legs stayed on the floor.” She says that one of the men cried on telling how the rats would not let him sleep because they were crawling on top of the men’s bodies.

Working until death: 10,000 machete blows per day – data from the Pastoral Migrant Service and the Public Ministry of Labor show that there were 22 deaths by exhaustion in the sugar cane fields from 2005 to 2007. The cutters died because they could not withstand the more than 10,000 swings of the machete per day needed to cut at least 10 tons of cane. But there are also cases of work accidents and deaths of sugar cane workers as a result of illnesses such as heart attacks. In 2005 alone, the Regional Police Department for Work reported 416 deaths in the São Paulo mills. In October 2007, there was a case of a worker from the Dois Córregos mill, 73 kilometers from Bauru, who had two legs ground to powder by a machine that grinds the sugar cane.

According to Professor Maria Aparecida de Moraes Silva, of UNESP, “the growth of productivity levels can be seen by means of the following data: in 1980, the average requirement in cutting cane was around 6 to 8 tons per day; in the decade of 1990s, this rose to 10 tons and starting in 2000, from 12 to 15 tons.” In relation to salaries, she reports that calculations from the Union of Salaried Workers of Bebedouro show that before 1988 the wage level corresponded to 2.5 times the minimum wage. After that, these values fell to little more than one minimum wage (RS410 in 2006).

Among Brazilian politicians, some are suspect of ties to the crime of slave labor and others support companies accused of such crime, for having received financial support from these companies during their electoral campaigns.

Slave Labor and Promiscuity among Brazilian Authorities

Ricardo Rezende Figueira¹

Even a casual survey² shows that the Brazilian press published, between January and October 2007, many news stories regarding slave labor. From this material, for example, we can see that the Federal Government freed, in the rural area, 260 workers on four properties in Goiás; 168 workers on five properties in Maranhão; 67 workers on two properties in Mato Grosso; 1,439 workers on 23 properties in Pará; and one case in urban Rio de Janeiro, which involved 60 workers.³ In ten months, 2,014 people will have been freed in five states.

In fact, the national press continues to reserve space for claims pertaining to slave labor. Assuredly not at the growth rate noted by the International Labor Organization (ILO) between 1999 and 2003, which was 1,900%.⁴

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2 Survey carried out by Sinara Rubia Ferreira at GPTEC.

3 "Three men accused of forming a gang to exploit slave labor in Baixada Fluminense were imprisoned(...). The gang is accused of maintaining 60 street vendors, brought from Pombal (PB) with promises of employment selling hammocks, carpets, and pans in exchange for housing" Folha de São Paulo (17 Oct 2007) <http://www.adpf.org.br/modules/news/article.php?storyid=37613>.

4 Ricardo Rezende Figueira. "A escravidão por dívida: novidades e persistências" in Direitos Humanos no Brasil 2006: Relatório da Rede Social de Justiça e Direitos Humanos. São Paulo, Rede Social de Justiça e Direitos Humanos, 2006: p. 63; <http://www.reportersocial.com.br/noticias.asp?id=561&ed=trabalho>, 26 May 2004.

In addition to the information on the occurrence—date, name of production unit, owner, number of persons involved, etc.—there have also been attempts in the press to understand the problem by means of articles signed by prestigious writers who, although representing differing viewpoints, have one thing in common: a critical view of the situation. One of the relevant aspects pointed out by them is the close relationship between certain authorities and these crimes. This fact makes it difficult to change laws and apply existing laws, and obstructs investigations.

In October of this year, jurist Dalmo Dalari published in the *Jornal do Brasil* (20 Oct 2007: p. A 11) that there was a “slave bank” in the Brazilian Congress, creating difficulties for the eradication of slave labor. Two days later, in the same newspaper (22 Oct 2007: p. A 2), Mauro Santayana noted the existence of a “ruralist party,” a party which, he found it strange, did not exist formally, was not provided for in electoral legislation, was not known to the Electoral Court, but had about 120 members in the legislature. Many of these were large landowners, such as the senators for Tocantins,

Leomar Quintanilha⁵ and Katia Abreu, and the federal deputy for Goiás, Ronaldo Caiado. One of the characteristics of this “party” of landowners and politicians elected with funds from agri-business is to block approval of the Constitutional Amendment Bill (PEC 438/2001) which provides for loss of property involved with slave labor.

Another journalist, Miriam Leitão, has regularly written on slave labor. At the beginning of the year, she wrote in her column (*O Globo*, 13 Feb 2007) entitled “The Downside of Things” that Brazil was strange: the new governor of Rio de Janeiro, Sérgio Cabral (PMDB/RJ) sponsored for the Commission on the Constitution and Justice, the Federal Chamber’s most important commission, the controversial deputy and landowner Leonardo Picciani (PMDB/RJ). This legislator and his father, Jorge Picciani (PMDB/RJ), the latter being President of the Legislative Assembly of Rio de Janeiro and the “terror of the sertão”⁶, are accused of using slave labor in Mato Grosso as well as of environmental crimes.

In fact, many things are strange in our country. In the text that I wrote for the Social Network’s Report in 2006⁷, I stressed that, among the businessmen accused of the practice of slavery, some exercised or still exercise public roles. At that time there was even an accusation against a university chancellor. Some of the accused resided outside the state where the crime took place. There were authorities from Pernambuco, Pará, Alagoas, Minas Gerais, Maranhão, Tocantins, Paraná, Rio Grande do Norte, Paraíba,

⁵ *President of the Senate Ethics Council. He was active in Arena during the dictatorship, later with the PDC, PMDB, PCdB, and once again PMDB.*

⁶ *According to Marcos Sá Correa in an article entitled “Picciani, o derrubador” in NoMínimo (12 Sep 2004).*

⁷ *Direitos Humanos no Brasil: 2006; Report of the Social Network for Justice and Human Rights (org. Evanize Sydow and Maria Luísa Mendonça; photos: J. Ripper). SP, Social Network for Justice and Human Rights, 2006: 61-66 (www.social.org.br).*

and Rio de Janeiro. The authorities included mayors, judges, legislators, and secretaries of state.⁸

The situation doesn't seem to have changed in 2007, as shown by the authors cited at the beginning of the article. And, in fact, on September 14th, a judge from the Imperatriz, Maranhão, District, for example, was accused of such crime. On a ranch owned by him, 25 persons, including one minor, were freed by the Movable Group of the Labor and Employment Ministry. Again, in 2005 and 2006, at locales under the Court of Justice of the State of Rio de Janeiro, labor was used under conditions that the Labor and Employment Ministry considered to be analogous to slavery. In the first case, in Cabo Frio, the workers were from Bahia, São Paulo, and Minas Gerais.

The same magistrate, Humberto Célio Pereira, who coordinated the September 14th operation in Maranhão, coordinated another inspection, this time at the Pagrisa ranch in Ulinópolis, Pará. There, the Movable Group carried out one of the largest operations involving freeing workers: 1,064 persons.⁹ The property owners did not exercise any public role, they were not authorities. Nevertheless, they showed great capacity for mobilizing the authorities from the State of Pará and other regions. To wit: the enterprise's director, Marcos Villela Zancaner, accompanied by Pará federal legislators, got an audience with the Minister of Labor and Employment, Carlos Lupi. The retiree complained about the rigor of the inspection and cast suspicion on the results.

To the surprise of the organizations involved in combating this crime, the legislators present included, besides senator and sponsoring leader Fernando Flexa Ribeiro (PSDB) and rancher and federal deputy Giovanni Queiroz (PDT), federal deputy Paulo Rocha (PT/PA), one of the supporters of PEC 438/2001's approval. A few days later, five senators from the "ruralist contingent" and members of the Partido da Social Democracia Brasileira (PSDB) and the Partido Democrático (DEM), in the name of the Senate's External Commission, were at the ranch, decided that the treatment received by the workers was in their view adequate, joined together with the property owners, and requested that the Federal Police begin an inquiry into the actions of the Movable Group. According to these senators, authorities who fulfill their responsibilities should be investigated, and accused parties should be protected.

Pará Governor Ana Júlia Karepa (PT), who as a senator had supported approval of PEC 438 along with Deputy Paulo Rocha, complained that she had not received prior notice of the Movable Group's operation at the Pagrisa Mill. This was surprising,

8 There is a list in GTEC files of almost thirty authorities or ex-authorities who were in some way accused during these last few years of involvement in the crime of slave labor. Among them, in addition to some deputies and senators, there were nine mayors, two ministers, one secretary of state, one chief judge and two judges.

9 This explains in part why Pará by itself had, as seen in the first paragraph herein, 71% of the cases involving freeing workers in Brazil between January and October 2007.

since the success of the Movable Group inspectors' activities depends on the secrecy of their operations. In the face of disqualification by the Senate's External Temporary Commission, Ruth Vilela, Secretary of Labor Inspection, temporarily suspended the actions of the Movable Group.

Among Brazilian politicians, some are suspect of ties to the crime of slave labor and others support companies accused of such crime, for having received financial support from these companies during their electoral campaigns.¹⁰

The example cited of what unfolded in the Pagrisa case has precedents. One such case is that of Luís Pereira Martins, known as Luis Pires. He was accused of slave labor on several ranches in the state of Pará over consecutive years.¹¹ Finally, after an incidence unearthed by the Movable Group, the government decided to expropriate the property. Immediately, the ruralist contingent from Tocantins, where Luís Pires lived, joined forces and put pressure on the Federal Government on behalf of the landowner. Thus, the property was appropriated in 1997, but the landowner received compensation considered to be well in excess of the market value of the property. Several human rights organizations condemned the fact that, instead of being punished, Pires received an award.

There was another case in 2005, that of the Gameleira Distillery in Confresa, Mato Grosso, which saw the liberation of more than 1,000 people. At the time, the enterprise was controlled by a businessman who was the brother of Federal Deputy Armando Monteiro (PTB/PE)¹² and a relative of José Múcio Monteiro Filho (PTB-PE), Leader of the House. The President of the House of Representatives, Severino Cavalcanti (PP-PE) interfered on behalf of the enterprise when the country's principal fuel distributors, such as BR, Ipiranga, Shell and Texaco, resolved, in the face of the accusation, to suspend ethanol purchases.

Even caught in the crossfire—sometimes quite literally, such as happened during an investigation in Mato Grosso, where the Military Police attacked the Movable Group—not all is lost. There are positive signs. The governor of Pará signed a decree creating the State Commission for Eradication of Slave Labor (COETRAE-PA). Earlier, Tocantins and Maranhão had done the same. And, at the suggestion of the ILO, Governor Ana Júlia Karepa proposed a Federative Pact to the states of Pará, Piauí, Maranhão, Tocantins,

10 Such as Deputies Inocêncio de Oliveira (2002)(PL/PE), August César Farias (2003)(PTB/AL), Jorge and Leonardo Picciani (2004)(PMDB/RJ), Senator João Ribeiro (2006)(PL/TO), and the Unai Mayor José Braz da Silva (2002)(PTB/MG). Others are in solidarity with and in some way support the accused—Deputies Ronaldo Caiado (DEM/GO), Moacir Micheletto (PMDB/PR), Abelardo Lupion (PFL/PR), Senators Flexa Ribeiro (PSDB/PA), Kátia Abreu (DEM/TO), Cícero Lucena (PSDB/PB), Romeu Tuma (DEM/SP), Jarbas Vasconcelos (PSDB/PE).

11 For example, he was accused of crimes committed at ranches in Pará: Santa Fé, in 1981, 1982, 1996, and 1997; Rio Negro in 1994; Lagoa das Antas, Umuarama and Flor de Mata in 1997.

12 He was President of the Federation of Industry of the State of Pernambuco and of the National Confederation of Industry.

Bahia, and Mato Grosso, in which the most serious slave labor cases have happened. Of these, Piauí, Maranhão, and Tocantins have already written and enacted laws that prohibit the government from contracting the services of enterprises accused of using slave labor on the so-called “dirty list” of the Ministry of Labor and Employment. The pact was consolidated at the swearing in of COETRAE-PA in October 2007.

By Way of Conclusion

There are great difficulties in implementing the National Plan for Eradication of Slave Labor as a result of pressure from the rural oligarchies.¹³ José de Souza Martins, writing about the interests of large landowners and conflicts with the Church’s pastoral actions in Amazonia, explains that these form the essential basis for the national economic and political system: “No political pact has been agreed to in this country, since Independence in 1822, until the recent 1988 Constitution, that did not make ample concessions to the interests of large landowners.” Some members of this rural oligarchy act like a gang and are accused of other crimes that, in general, are connected to slave labor, such as tax evasion and environmental crimes.

The existence of the promiscuous relationship between crime and the authorities refers us to the study developed by Professor Adriano Oliveira, author of *Tiros na Democracia*.¹⁴ Reflecting on organized crime in other areas, such as trafficking and corruption, he shows that such has its origin in some way in the State, thanks to the actions of certain public servants who promote crime or are negligent in the investigation, accusation, and sentencing. Oliveira considers that, in these cases, crimes originate within the State.

With regard to crimes involving the use of slave labor, certainly, if it weren’t for the presence of politicians who are directly or indirectly involved, the efficiency of operations of the Special Group for Movable Inspection would be greater and the possibilities of suppression would increase. It is clear that the solution will require more than correction and the impartiality of the authorities. We must go to the root of the problem: social inequality, concentration of income and land ownership. The National Plan for Eradication of Slave Labor must be put into application, as President Lula promised at the beginning of his first term.

¹³ *O Poder de Atraso: ensaios de sociologia da história lenta*. São Paulo, Ed. Hucitec, 1994; p. 96.

¹⁴ *O Globo*, 28 Oct 2007, p. *The Nation* 15.

With the decision to recognize the applicability of the ILO Convention 169 with regard to quilombola peoples, we have an excellent indicator that besides the political struggle of the quilombolas in defense of their ethnic territory, a legal battle must also be fought to seek respect and practical effectiveness for quilombola rights, seeing that the number of actions before the Judiciary pertaining to quilombola rights is quite low in the face of the enormous violations throughout the country.

Quilombolas: Struggles and Resistance in 2007

Roberto Rainha¹

Four facts stand out in the realm of quilombola communities in 2007. 1) a judgment by the Federal Justice Court in São Luis, in Maranhão, recognizing the applicability of the International Labor Organization's Convention 169 for Indigenous and Tribal peoples to quilombola peoples; 2) opinion by the Federal Public Ministry in Opposition to Legislative Decree Draft – PDL no. 44, of 2007, authored by Federal Deputy Valdir Colatto; 3) the recovery of territory as a form of fighting for quilombola peoples in Espírito Santo; 4) a hearing at the Interamerican Commission for Human Rights of the Organization of American States (OAS) covering the situation of quilombola peoples in Brazil.

The present article discusses these events in the context of the struggle against the conservative forces that oppose recognition of their rights as conferred by the 1988

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Federal Constitution, by the ILO Convention 169, and by various presidential decrees. They also represent the fact that, as a result of the national networking and mobilization of these communities, their demands are getting more support from other Brazilian organizations.

1) ILO Convention 169: a concrete case

On the way to Maranhão, in September 2006, in order to provide continuity for the teaching and training workshops with quilombola communities in the municipality of Alcântara, attorneys from the Social Network for Justice and Human Rights obtained from the leaders of the Movement of those Affected by the Space Base (MABE), the information that:

- on March 9, 2006, military personnel destroyed the fields of the workers Raimundo Petronilio, known as Dico, and José Carlos Araújo Neves, known as Carriinho, both of the village of Trajano, and the workers were restrained;
- on June 20, 2006, a quilombola youth—João Batista, known as Teco—and another youth (a minor) were detained by military personnel at the Alcântara Launch Center (CLA), in the community of Manival. The youths were working at removal of rocks for sale in order to gain their livelihood;
- in the village of Pepital, 65 families are being pressured to leave the land holdings that are essential for their very subsistence, because the military arbitrarily stipulated August 15, 2006, as the deadline for removal, threatening to destroy the fields should that not occur by the deadline.

Keeping in mind that this authoritarian attitude of the CLA military disrespects the negotiation process underway in that ethnic territory and places the quilombola families in the position of risking their lives, the Social Network attorneys drafted an injunction to file with the Federal Justice Court in São Luis, with the aim of guaranteeing the right of the quilombola families to enter in the planting area called Pepital Velho and harvest what they had planted, and to, furthermore, prepare new fields for later planting.

Due to the large number of claimants (47 quilombola workers) the injunctions were broken down into five actions. The claims were granted on September 22, 2006, and CLA was barred from prohibiting the quilombolas from harvesting their fields and preparing the area for new planting until judgment was passed on all the writs.

The CLA Command, on being advised of the decisions, through the General Advocacy of the Union (AGU), presented, for each claim, an appeal before the 1st Region Federal Regional Court – TRF1, seated in Brasília. However, prior to hearing the appeals, there was, in the first instance, a sentence of merit on the injunctions, which resulted in negating the continuance of the Union's appeals, due to loss of purpose.

In the sentence the Federal Magistrate guaranteed the quilombola rights and recognized the applicability of ILO Convention 169. The judicial decision, on recognizing the applicability of ILO Convention 169 as guaranteeing quilombola rights, solidifies the understanding of civil society that, since the Convention came into effect in the Brazilian legal framework (July 25, 2003), has been fighting for this important instrument to be respected whenever administrative measures (public or private) affected quilombola communities.

With the decision, we have an indication that, besides the quilombolas' political struggle in defense of their ethnic territory, a legal battle must also be fought to win respect and practical effectiveness for quilombola rights, seeing that the number of actions before the Judiciary Branch regarding quilombola rights is quite low in the face of the enormous violations throughout the country.

2) Decree 4887/03

Brazilian ratification of the ILO Convention 169, in 2002, and internal effectiveness as of July 25, 2003, made the Federal Government issue, on National Black Consciousness Day, Decree 4887/03, which regulates the procedures for identifying, recognizing, delimiting, demarcating, and titling of lands occupied by the heirs of quilombola communities dealt with in Article 68 of the Transitory Constitutional Dispositions Act, granting to the Ministry of Agrarian Development – MDA, through the National Institute for Colonization and Agrarian Reform – INCRA, jurisdiction over dealing with issues related to quilombola land.

This document contained many of the claims made by the quilombola movement. Based on Decree 4887/03, mirrored in the text of the ILO Convention 169, the criterion for recognizing a quilombola community is self-identification. The same decree provided a new way to deal with the quilombola land issue, tying the delimiting of territory to physical, social, economic, and cultural reproduction of the community involved, which included not only the area for dwellings, but also for planting, hunting, fishing, agri-forestry, religious ceremonies, etc.

3) Reclaiming land in the state of Espírito Santo

Another important event in 2007 was a massive campaign to recover quilombola territory in the state of Espírito Santo, as established in the Federal Constitution, the ILO Convention 169, and Decree 4887/03. The main actions of this campaign were organized by the Quilombola Ethnic Territory Sapê do Norte, which comprises the municipalities of Conceição da Barra, São Mateus and Aracruz.

The Sapê do Norte region came to be inhabited by nearly 12,000 quilombola families, with an average of 60,000 being of African descent, up through the end of the

1960s. Then, with the arrival of Aracruz Celulose Corporation, which appropriated these areas, the number was reduced to 1,200 families, who to this date live in small communities in the middle of the company's eucalyptus trees.

The first recovery action occurred in April 2006, when the members of various communities decided to concentrate their forces and remove the eucalyptus trees planted in an area of the quilombola community of Linharinho, where, in the past, there was a cemetery for the community's members, today overtaken by eucalyptus plantations. After that action, the Courts of that state quickly decided to return possession of the land to Aracruz Celulose.

However, this action put the community in the limelight and resulted in INCRA speedily publishing Order No. 78, recognizing the area as quilombola territory. This Order represented a great victory for the quilombolas, aside from bringing into play the ILO Convention 169 for Indigenous and Tribal peoples. But the good news didn't go beyond publication, seeing that, after this proceeding, the definitive titling work for the area did not advance, and the quilombolas continued to be exploited by Aracruz corporation.

On July 23, 2007, about 500 quilombola workers from the Sapê do Norte communities, supported by Via Campesina, the Landless Workers Movement (MST), and the Small Farmers Movement, retook the area of the Linharinho "Quilombola Community, invaded by the Aracruz Celulose Company. In this new recovery, they were able to resist for 16 days, before the Courts once again give Aracruz Celulose possession over their land.

But for the quilombolas, the new way of struggling, consisting of the massive recovery of their territories, became an important instrument for applying pressure to make sure that their claims stay on the national agenda.

4) Quilombola rights at the OAS' Interamerican Commission on Human Rights

The OAS' Interamerican Commission on Human Rights (CIDH-OEA), at a hearing in Washington, on October 10th, heard accusations regarding the violation of the rights of Brazilian quilombolas.

Representatives of Brazilian social organizations denounced before the Interamerican Commission the infractions perpetrated by the Brazilian State against the rights of traditional communities, whether when acting directly, displacing them from their territories, or when by acts of omission in the face of discriminatory acts against the quilombolas by multinational corporations and large landowners.

The hearing was requested by the National Coordinating Office of Quilombola Communities (CONAQ), the Social Network for Justice and Human Rights, the Center

for Justice and International Law (CEJIL), the Federation of Educational and Social Assistance Organizations (FASE) and the São Paulo Pro-Indian Commission.

A representative from CONAQ, Jô Brandão, pointed out the importance of the hearing before the OEA for the defense of quilombola rights. She stressed that the Brazilian State doesn't know who the quilombolas are, how many there are, or where they are. She further noted the inefficiency of the State in defending their rights. The Special Rapporteur on African Descendants of the Interamerican Commission on Human Rights, Clare Roberts, affirmed that, on a visit to Brazil, had the opportunity to see the reality of the quilombola communities, and agreed with the situation exposed by the petitioners.

"We recognize the attempts on the part of the Brazilian government to take on this question. However, I personally visited these communities and witnessed their living conditions. Therefore, I know exactly what the petitioners are saying. One problem is the bureaucracy involved in complying with the law for titling of lands. This process should be shorter, because titling is urgent in order to improve the Quilombolas' living conditions," said Roberts.

The Rapporteur concluded: "In addition, it is necessary to create economic opportunities for these communities. There are government programs in this regard, but there seems to be a problem in their execution, as scarcely a small part of the funds for these programs is utilized. This is one of the obstacles for effective implementation of these policies. Therefore, there are two areas of intervention that the government should focus on: the land question, which is central. The titling processes must be quickly carried out; the implementation of projects guaranteeing social justice for quilombola communities, which is theirs by right."

The members of the Interamerican Commission on Human Rights signed a commitment to monitor the issue with recommendations and demands made to the Brazilian State for effective implementation of policies for quilombola communities. A Press Release (No. 54/07) summarized the work of the 130th Session Period:

"The CIDH wishes to particularly point out the hearing on the Status of the descendants of runaway slaves from the Colonial Period ('Quilombolas') in Brazil, an example of the attention and close follow-up given by the Commission regarding the situation of the descendants of Africans in the region."

According to INESC studies, of the R\$ 202.5 million authorized in the budget between 2004 and 2006, the federal government failed to invest nearly R\$ 100.62 million in promoting the rights of quilombola communities. And it is exactly in the Brazil Quilombola Program that we find the biggest bottleneck in the application of funds, given that of the R\$ 101.4 million provided for program actions between 2004 and 2006, scarcely 32.3% (R\$ 32.84 million) was used. The biggest problem lies in providing title for the territories. Of the budget amount for Surveying, Demarcation, and Titling of quilombo lands, out of a total of R\$ 11.01 million, only R\$ 5.94 million was spent (53.97%).

Brazilian Quilombolas and reminiscences of the past

Aton Fón Filho¹

Due to the interests of the company Aracruz Celulose, a TV and press campaign is presenting Decree 4887/2003 of the Presidency of the Republic, which established the procedure for titling quilombola territories, as a threat to the Nation. The choice of the Decree as the main target is understandable, because without it the associated right becomes unrealizable. Art. 68 of the Transitory Constitutional Dispositions Act establishes that “for the remainder of the quilombo communities that are occupying their land, such is recognized to be their property, and the State shall issue the respective titles to them.”

This created expectations, the rule didn't bother large property owners, based on the allegation that it would not be self-applicable and on the state's inertia, for just as how the devil can be in the details, it is in the interpretation of the details that he robs us

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often of the right written into the rule. The fruit of this was merely 71 areas titled since then, some of them with unrecordable titles.

The discussion covered the content of the term quilombo, and from the start the resultant understanding was that only areas occupied by quilombos in 1888 and occupied by their descendants as of October 5, 1988,² should be granted title.

Self-applicability of Art. 68 of the ADCT was signed by President Fernando Henrique Cardoso, with issuance of Decree 3912/2001. But the defenders of this criterion were caught in a spider web, because their thesis threatened the very reason for the constitutional order. In the end, why guarantee the quilombolas ownership of the area that required occupation for 100 years, 4 months, and 22 days, when they could have the same title, under the 1916 Civil Code, if occupation was for 20 years?³

In mid-discussion, the National Congress ratified, in 2002, Convention 169 of the International Labor Organization, which went into effect on July 25, 2003, under President Lula. The Convention adopted the concept for traditional populations:

“...whose social, cultural, and economic conditions distinguish them from other sectors of national collectivity, and which are governed wholly or in part by their own customs or traditions, or by special legislation.”⁴

And, along with other important rights, it established that they would have ownership and possession of their territories, comprehending the lands that they traditionally occupy and lands that may not be exclusively occupied by them, but which, traditionally, have provided access for their traditional and subsistence activities.⁵

Into this ethnic mold formulated by the ILO Convention 169, without any adjustments, once can fit the quilombola communities that possess undeniably differentiated roots and for their social, economic, and cultural conditions—in particular the collective and traditional mode of tenancy and exploitation of the land—distinguishing them from other sectors of the national collectivity. In the end, the Convention left the self-applicability argument aside, because, on being allowed in the internal order, such suppressed the need for regulatory law for the constitutional disposition which it envisaged.

Decree 4887, thus, adapted the titling process ordered by Art. 68 of the ADCT to the determinations of the ILO Convention 169. It provided, in conformance with

² Article 1, sole paragraph, Para. I and II of Decree No. 3912 of September 10, 2001.

³ The 2002 Civil Code reduced this extraordinary prescription term to 15 years.

⁴ Art. 1, a of ILO Convention 169.

⁵ ILO Convention 169 – Article 14.1. *The right to ownership and possession is recognized for the people concerned with regard to the lands they traditionally occupy. Additionally, in appropriate cases, measures shall be taken to safeguard the right of the people concerned to the use of lands that are not exclusively occupied by them, but to which, traditionally, they have had access for their traditional and subsistence activities. In this regard, particular attention shall be paid to the situation of nomadic peoples and itinerant agricultural workers.*

Art.1.2 of the Convention, that consciousness of quilombola identity constitutes the fundamental criterion for its recognition and protection and emphasized the second rule by which quilombola areas should be considered, in satisfaction of the objective of guaranteeing the physical, social, economic, and cultural reproduction of the community. Denial of the quilombola right centered on one thing: the right to affirm their identity.

That which entrepreneurs or the adepts of a religion recognize for themselves, the foes of quilombola rights deny to those who wish to affirm their ancestral status, their culture, their identity, which is a condition for application of the standard and for attribution of the right. Exclusion of social identity entails the legal repercussion of exclusion of rights granted, so as to impair at one time the condition for title under ILO Convention 169 and Art. 68 of ADCT.

Such actions do not prevent this right of the quilombolas from being recognized judicially, whether by denial of the challenges by Aracruz Celulose against the process of granting title to quilombola communities in Espírito Santo, whether by the preliminary rejection in ADIN of a proposal made by the Liberal Front Party against Decree 4887, whether by the sentences that, with the support of ILO Convention 169, recognized the rights of the Alcântara quilombolas to plant inside the area expropriated by the Aerospace Launch Center.

Defeated in the Judicial realm, the anti-quilombola forces focused their efforts on media and legislative action. A draft was presented in the Chamber of Deputies for Legislative Decree No. 44, of 2007, by Deputy Valdir Colatto (PMDB/SC), aimed at stopping application of Decree No. 4887, as well as all administrative acts based thereon. The chief failing of the draft legislation, as pointed out in the opposing opinion, by the 6th Chamber of the Federal Public Ministry, is that its author is unaware or pretends to be unaware of the fact that Decree 4887/2003 is based on ILO Convention 169, and is not dependent on the mood of a congressman. Lacking legal purpose, the draft legislation in question was finally shelved, preventing further restrictions by both the proponent and the Brazilian State itself.

In the area of propaganda, however, the efficacy of money enabled the participation of celebrities from the sports and cultural worlds, including a Minister of State, affirming that the companies in conflict with the quilombolas are the good guys. It should be noted that celebrities were chosen also for their racial traits, as they would thus be more effective in confronting the quilombola status as descendents of enslaved Africans.

Nothing, however, caused greater impact and problems than the anti-quilombola campaign disguised as news by the television media. Led by the principal television network in Brazil, it began to contest the quilombolo self-identity criterion, particularly attempting to impugn it with accusations that the declarations had been, in some cases, falsified.

Put on the defensive in the face of the alliance between the legislative opposition and media opposition, the Federal Government took several steps backwards, giving ground it didn't have, with regard to quilombola rights. Initially, the Palmares Cultural Foundation—whose previous role had been the merely decorative one of certifying the existence of self-identification declarations by quilombola communities, and which later came to be considered the entity responsible for certifying the very existence of those communities—decided to suspend issuing those certificates, although nothing authorized the Foundation to stop doing its job.

A certificate issued by the Palmares Cultural Foundation stating that a given quilombola community had declared their status, being logically expendable, came to be, thanks to the bureaucratic ties of the Brazilian State, required for concretizing innumerable rights and access to public policies. Suspension of their issuance, therefore, gave rise to difficulties and violated the rights of many communities who found themselves unable to receive funds and establish partnerships, among others, with the National Health Foundation – FUNASA. Proof of the falsity of the television accusations restored the certificates, but, as such was not made known to the public, the anti-quilombola spirit was still on an upswing.

The most notable writers of the extreme right also garnered space in the press, all poisoned against the titling of quilombola territories. Having abundant resources, this group ended up promoting the resurgence of old actors in the now-called Peace in the Countryside Movement, which paraded forth its objections to quilombola populations, and in propaganda dressed in blue and white uniforms, lead by an heir to the Brazilian throne—whatever that means in a republic.

All these elements resulted in the coercion of the government, which was shaking from fear of the press, to establish a new Working Group, this time coordinated by the General Advocacy Office of the Union, to face the threat of further aggression in the press and indeed against Decree 4887/2003. This Working Group was formulating, at the end of 2007, a new proposal for standardized instructions to replace No. 20, currently in force, which governs INCRA actions in titling quilombola areas.

Since the very idea of replacing Standardized Instruction No. 20 is harmful, as its admission would imply the reopening of terms and the need to redo acts in progress in the titling proceedings, or even those already completed, since no one yet has gotten to the point of issuing property titles. Thus, such modification could reflect a suspect protection of Aracruz Celulose Corporation, which would have the title proceedings reopened with regard to its having been recognized as occupying part of the Linharinho quilombola community's territory, in the Sapê do Norte region of Espírito Santo.

If this were not enough, several points are immediately indicative of the fear experienced by GT members:

- Exclusion of reference to Convention 169 from among the legal references of the proposal;
- Exclusion of the term territory from its articles;
- Introduction of the requirement that the FCP issue a certificate of self-identification as a pre-condition for the titling procedure;
- Establishment of a new appeal, previously not provided for, after judgment is made on disputes
- Introduction of limitations on INCRA's actions, before other entities, particularly the Executive Secretary of the National Security Council.

It can be seen, without closer examination, that none of the proposed changes are aimed at protecting the rights of quilombola communities, all of such changes having been designed to create for opponents the possibility of legal challenges through new procedural acts that were not previously provided for, through the possibility of meddling by military authorities averse to recognition of the human rights of the quilombolas, as already demonstrated in the Alcântara and Marambaia cases and through the withdrawal of rights provided for in Convention 169, such as the right to title to territories and not just to dwelling places.

This proposal shall be, under the terms of ILO Convention 169, submitted to an inquiry at which the quilombola communities shall appear. And here again we already see a violation of rights in the proceeding which the federal administration intends to use.

This past November 21st the Working Group set a meeting to which quilombolas would have access, and would be taken as the Inquiry mentioned in Convention 169. An attempt was thus being made to avoid the necessary proceedings, substituting the Inquiry with a mere meeting, failing to hear all interested parties, in order to give voice to only a few.

Deceptive and worrisome, with respect to the process of titling territories, the picture is not much different with regard to public policies. With admirable constancy, a provision was included in Decree 4887, of November 20, 2003, for a Managing Committee to draft a plan of ethnodevelopment composed of representatives of 18 ministries and secretariats with ministerial status, plus the Civil House of the Presidency of the Republic.

In the text of the same Decree, however, the very government ignores the determination under ILO Convention 169 – art. 6, 1, a and b – which mandates that interested populations be consulted whenever legislative or administrative measures are anticipated which might affect them directly, as well as establish the means by which they can participate in decisions regarding these programs.

It is not surprising, therefore, that although mention is expressly made in the National Quilombola Program to the need for participation by those populations in all phases, this rarely is a reality, as there was no provision made for how to achieve this. By way of

example, we have INCRA Standard Instruction No. 16, as well as No. 20, which succeeded it, that contain Article 27 stating:

Art 27. The heirs of quilombola communities are assured participation in all phases of administrative proceeding, as well as follow up on regularization processes underway with the Regional Superintendency, directly or by means of representatives indicated by them.

This right is, however, not realizable in practice, since the proceedings are held at the administrative seats of INCRA, far from the quilombola communities, which are almost always rural. Whether due to distance or lack of resources, such a provision guaranteeing a right ends up being more than anything a mere nod to what might be, but never comes about. And thusly an important feature, that pertaining to social surveillance and control of public policies, is prevented from being realized.

The effort to achieve a dialogue with the communities is not ignored, so that they can at least be partially listened to, nor are the difficulties that they themselves face in following the discussions and programs. But state intervention to improve the quilombola' capacity for participation is very necessary in order to make up for this lack and realize the potential for representation.

One way or another, given the historically accumulated social debt, the advent of the Brazil Quilombola Program, the result of the work of that Managing Committee, created the possibility of substantially advancing the situation of the quilombo peoples.

Prioritizing the land issue met the most important demand of the communities, but the entire program, in a general way, made for positive expectations, even though innumerable demands may arise, which seems normal in the face of a plan laid out on general lines that must be made more specific on projects that involve both the states and municipalities.

At the beginning of 2007, another Presidential Decree, No. 6040 of February 7, 2007, established the National Policy on Sustainable Development of Traditional Communities and Peoples, aimed at indigenous and quilombola peoples, incorporating elements, directives, and objectives from the Brazil Quilombola Program.

The allocation of resources to concretize the program also seemed adequate, perhaps because it was the first time they were made explicit in the Pluri-Annual Plan, or because the nominal volume of funds was considered sufficient for the purposes. The undeniable legislative advances and the formulation of the program of action, however, did not prove sufficient to substantially alter reality. After three years, it grows more likely that the Brazil Quilombola Plan runs the risk of dying on paper.

The difficulties seem to arise not only from unresolved operational challenges, such

as “political interests that make it difficult to recognize the rights of quilombola populations.”⁶ According to INESC studies, of the R\$ 202.5 million authorized in the budget between 2004 and 2006, the federal government failed to invest nearly R\$ 100.62 million in promoting the rights of quilombola communities.⁷

And it is exactly in the Brazil Quilombolo Program that we find the biggest bottleneck in the application of funds, given that of the R\$ 101.4 million provided for program actions between 2004 and 2006, scarcely 32.3% (R\$ 32.84 million) was used. Within the Program, the biggest problem lies in providing title for the territories. Of the budget amount for Surveying, Demarcation, and Titling of quilombo lands, out of a total of R\$ 11.01 million, only R\$ 5.94 million was spent (53.97%), and out of the funds for payment of indemnity to occupants of demarcated and titled lands, R\$ 56.53 million, only 11.65%, R\$ 6.58 million, were spent in three years.

With reference to support of sustainable development for quilombola communities, of the R\$ 3.15 million authorized for 2004/06, R\$ 2.26 million were spent (71.83%), leaving a balance of R\$ 888.68 thousand. To foster local development, a program under the auspices of the Special Secretary for Policies Promoting Racial Equality (Seppir), performance was less than expected: of the R\$ 21.73 million authorized for the period, there remains a balance of R\$ 9.86 million. The Ministry of the Environment also failed to spend the funds available for environmental management on Quilombola Lands, about R\$ 445.92 thousand.

In the realm of the Afro-Brazilian Culture program, under the auspices of the Ministry of Culture (Minc), Ethnodevelopment of Communities Derived from Quilombos had about R\$ 3.31 million allocated for the 2004/2006 period, with expenditure of R\$ 2.64 million. A total of R\$ 11.86 million, however, failed to be utilized for activities pertaining to local development of quilombola communities.

INESC itself showed that up until June 2007, of the R\$ 92.475 million budgeted for the year, only R\$ 5.90 (6.39%) had been used. Given that of the R\$ 31.80 million destined for regularization of Quilombola Lands within the Brazil Quilombola program, little more than R\$ 444 thousand had been spent, or 1.40% of the total.

From among the totality of rural communities, traditional populations, marginalized and discriminated against due to origin and race, the quilombola populations are out of step with Brazilian society to a degree that requires radical measures to rectify the situation.

⁶ INESC – Instituto de Estudos Sócio Econômicos, Technical Note No. 126. July 2007, attachment.

⁷ *Idem*

The communities themselves relate that, among quilombola children of up to five years of age, 76% suffer from malnutrition, more than 90% com from families with an income less than R\$ 400.00 per month, and 97% of them live in dwellings without a public sewer system.⁸

As stated by the CONAC Coordinator, Jhonny Martins, all funds destined for the quilombolas take a long time to come. “For that reason, we are fighting for the communities themselves to take the lead with their own resources and organize such transfers.” This brings us, once again, to the realm of observing the right of quilombola populations to participate in the definition of public policies and the execution and monitoring of actions.

The incapability of the federal administration to meet its obligations on human rights with regard to quilombola communities presents a worrisome picture for 2007. This is true with regard to public policies destined for such communities, even when there is a nominally sufficient allocation of funds for the measures that could guarantee the start of overcoming the historic social abyss. This is true with regard to the titling processes pertaining to the territories of what is left of quilombos, even though the conclusion of the titling process of the Linharinho area may have given rise to positive expectations at a certain point of the year.

The means employed by the Working Group under the coordination of the General Advocacy of the Union, with the gently restricted agreement of SEPPIR, FCP and INCRA, acknowledge the urgency which is stimulating government actions, seeking to appease the hunger of the legislative opposition, landowners, and media lions, even though this may involve feeding them by throwing into the arena the bodies of the quilombola communities’ rights.

8 Report presented during the I Quilombinho – National Meeting on Quilombola Children and Adolescents

This article narrates the holocaust of the Guarani-Kaiowá people in the state of Mato Grosso do Sul. How else can one explain a 70-year old Guarani-Kaiowa holy person being assassinated by gunmen, or another aged Guarani-Kaiowa, 107 years old, being raped and killed, or an 8-year-old girl of the same group being attacked violently after leaving a children's party; rapes and assassinations of women in Amazonia during daylight hours; the invasion of a community in Maranhão in which several people were injured and an elderly man was assassinated in by armed men associated with logging companies; the invasion of another community in that State by businessmen who burnt houses, spread terror and assassinated one person; gunmen under orders from ranchers keep on killing the leadership with impunity in several states; that a group of young men in Minas Gerais, two groups in Mato Grosso do Sul, one in Pernambuco and yet another in São Paulo harass and kill both young and elderly indigenous people in the cities, for no known reason or for supposed "entertainment;" that dozens of people, many children and 13 and 14-year-old adolescents, the majority Guarani-Kaiowa, continue to commit suicide, which provokes other suicides; that illnesses are spreading to entire populations in the Amazon region that, given the neglectfulness of the State, can only lead to death and genocide?

The Guarani-Kaiowá Holocaust and Anti-indigenous Violence in Brazil¹

Paulo Maldos²

I – INTRODUCTION

We are now officially entering the 21st century and the beginning of this millennium is marked as a period in the history of Latin America in which many popular governments are being elected: in Bolivia, Evo Morales was the first indigenous president elected; in

1 This report is made possible by research, investigation, and classification of material from the press; from reports from the teams of the Regional Cimi; and from reports from indigenous people, communities, and organizations. The investigation was carried out by Leda Bosi Magalhães and Aída Marise Cruz, from the Documentation Section of Cimi.

2 Paulo Maldos is a Political Advisor of the Indigenous Missionary Council (Cimi).

Ecuador, Rafael Correa was elected and is a president with a social base among indigenous people; in Venezuela, the discourse of Hugo Chávez is strongly pro-indigenous; in Brazil, the reelected president Luis Inácio Lula da Silva criticized his own government about the debt owed by the Brazilian government to indigenous people; he promised to recover lost time and created the National Commission for Indigenous Policy (CNPI). This year, 2007, with the active contribution of Brazil, the United Nations approved the UN Declaration on the Rights of Indigenous People.

Yet, if we were to categorize the information about the current situation of indigenous communities in Brazil, we would find that the indigenous communities have suffered from violence throughout this year, and we can certainly confirm that the colonial barbarity in our country continues to repeat itself, and with it, a roll call of pain and death.

The Guarani-Kaiowá Holocaust

We would like to focus here on the holocaust of the Guarani-Kaiowá people in Mato Grosso do Sul, a genocide we point out year after year, and one that is continually confirmed in newspapers almost every day. It is difficult to understand how this cruel extermination of an entire population can continue even today while the entire country, including the federal and state governments, the institutions of the Republic, and the indigenous agencies are watching, with no effective measures being taken to solve this problem.

We cannot understand the coldheartedness of such silence when we are surrounded by the agony of a people whose rights have continually been violated. It is difficult to understand the very brutality of the crimes that have continued to occur up to the time at which we completed this analysis – at the end of October 2007 – against the Guarani-Kaiowá people in Mato Grosso do Sul in particular and other indigenous peoples in Brazil.

How else can one explain a 70-year old Guarani-Kaiowa holy person being assassinated by gunmen, or another aged Guarani-Kaiowa, 107 years old, being raped and killed, or an 8-year-old girl of the same group being attacked violently after leaving a children's party; rapes and assassinations of women in Amazonia during daylight hours; the invasion of a community in Maranhão in which several people were injured and an elderly man was assassinated in by armed men associated with logging companies; the invasion of another community in that State by businessmen who burnt houses, spread terror and assassinated one person; gunmen under orders from ranchers keep on killing the leadership with impunity in several states; that a group of young men in Minas Gerais, two groups in Mato Grosso do Sul, one in Pernambuco and yet another in São Paulo harass and kill both young and elderly indigenous people in the cities, for no known reason or for supposed "entertainment;" that dozens of people, many children and 13 and 14-year-old adolescents, the majority Guarani-Kaiowa, continue to commit suicide, which

provokes other suicides; that illnesses are spreading to entire populations in the Amazon region that, given the neglectfulness of the State, can only lead to death and genocide?

The Brazilian colonial matrix, with its burden of brutal and disjointed violence, is alive and present, and produces crimes that are infinitely repeated with impunity. This same ideological matrix generates violence against workers, campesinos, black people, poor people, slum dwellers, and marginalized people in this country. This is the ancient and barbaric violence of the elite – and of the State at the service of the elite – against the people, that repeats itself in time and in space, making us question the meaning of the existence of our society and our country.

II – VIOLENCE AGAINST INDIGENOUS PEOPLE IN 2007

1. Assassinations

This year, 58 indigenous people were assassinated. Thirty five of these assassinations occurred in Mato Grosso do Sul, and all except one were Guarani-Kaiowá people. The other states in which assassinations occurred were Pernambuco, with 9 assassinations, Maranhão with 2, Amazonas with 2, and Bahia, Ceará, Espírito Santo, Minas Gerais, Mato Grosso, Paraná, Roraima, Rio Grande do Sul and São Paulo each with one assassination.

It is important to point out the age of the victims, many of them were adolescents or elderly victims.

Some examples include: an elderly Guarani-Kaiowá of 107 years of age who was raped and assassinated in her own home in Mato Grosso do Sul; another Guarani-Kaiowá man, 76 years old, who was beaten to death on a road in the interior; a 70 year old holy person, also Guarani-Kaiowá, Xuretê Lopes, was killed by gunmen that attacked a peaceful encampment; a 60 year old Guajajara from Maranhão who was killed by a group of loggers that invaded his village.

On the other hand, 13 youths ranging in age from 14 to 20 years old were killed. Of these, 12 were Guarani-Kaiowá and one was Bororo. All were from Mato Grosso do Sul and all were killed this year.

Among the 58 victims, 12 were women and 46 were men. Among the women, many cases of rape were followed by death, such as in two cases in the São Gabriel da Cachoeira Amazon region. This is also confirmed or suspected in many cases in Mato Grosso do Sul.

Among these cases, there have been several assassinations ordered of indigenous leaders such as Ortiz Lopes, a Guarani-Kaiowá leader who had participated in taking back the traditional territory of Kurusu Ambá in Mato Grosso do Sul. When the gunman pointed the gun at him, he said: “The landowners ordered us to settle accounts with

you". Helenildo Bataru Egiri, an indigenous leader of the Bororo people in the Jarudori region of Mato Grosso do Sul, was also killed when his land was invaded by ranchers, as was José Lindomar Santana of the Xukuru people in Pernambuco and son of Chico Quele, a leader of Pedra D'Água who was assassinated in 2001 by people who invaded his indigenous land.

Among these cases, many were motivated by hate and prejudice prevalent in national society. This includes loggers and businessmen that invaded indigenous villages to terrorize and assassinate the people, and groups of people who attacked indigenous people in the cities, resulting in serious injuries or assassinations. Here we point out the case of Avelino Nunes da Costa, an indigenous Xakriabá man who was assassinated in Pedrinhas, Minas Gerais by a group of young people, two of whom were underage. They stated that they wanted to "have fun" with an indigenous person by taking off his clothes and beating him to death. Cases like these have occurred in the city of São Paulo (1), in Santarém do Pará (1), in Mato Grosso do Sul (2) and in Pernambuco (1).

It is important to point out the number of assassinations committed against the Guarani-Kaiowá people in Mato Grosso do Sul: a total of 35 assassinations of Guarani-Kaiowá people out of 58 in the entire country. As in previous years, it is important to note the increasing number of aggressions followed by deaths amongst the indigenous peoples themselves. In the majority of these cases, close relatives like husbands, wives, parents, children, cousins and friends (many of whom were adolescents) were involved. The context of these crimes is extreme poverty, a lack of land and work, absence of traditional territory, abandonment and overpopulation of indigenous reservations, coupled with an increasing use of alcohol and drugs. As in previous years, the superficiality of the conflicts that generate such deaths stands out; many times these deaths occur as a result of small fights and misunderstandings.

2. Assassination attempts

In 2007, 36 indigenous people were the victims of assassination attempts throughout the country. Of this total, 26 of the victims were from Mato Grosso do Sul, 5 from Maranhão, 3 from Ceará and 2 from Bahia.

These assassination attempts targeted the Pataxó Hã Hã Hãe people in Bahia, the Tapeba people in Ceará, and the Guajajara people in Maranhão and say something about the violence evidenced by ranchers and other invaders of indigenous lands, invading communities and attacking people with impunity. Communities in the Northeastern states were invaded, terrorized and threatened by armed gunmen. In Maranhão, the Guajajara community was invaded, their houses burned and their heritage destroyed by the invaders.

In the case of Mato Grosso do Sul, 13 of the 26 agressions, at least half, involved indigenous people against indigenous people. The proximity of the victim to the aggressor is alarming, these being children, husbands, wives, or cousins. It is also important to note the apparent superficiality of the motives, for example, adolescents might have arguments about “who cuts more sugar cane.” The most common social context is that of extreme misery, excessive use of alcohol, and strenuous work in the sugar cane mills.

The violence against children is surprising: an eight year old Guarani-Kaiowá child was attacked after a children’s party; another 12 year old Guarani-Kaiowá child was attacked by friends after a dance in which all of the children were drunk, and even more surprising is the case of a 1 year old Guarani-Kaiowá baby (whose mother was only 17 years old) who was a victim of gunshots that hit three other people in the same family while they were sleeping. Just hours before this brutal violence occurred, a 16 year old adolescent committed suicide by hanging himself.

Of all the victims of assasination attempts, nine were children and adolescents ranging in age from 1, 8, 12, and up to 16 and 17 years old.

3. Suicides

In the year 2007 there were 27 cases of indigenous people who committed suicide. Twenty of these were Guarani-Kaiowá people from Mato Grosso do Sul and 7 were Tikuna people from the Amazonas. While this is a chronic and ancient situation amongst the Guarani-Kaiowá people, suicides amongst the Tikuna people have been becoming more frequent in recent years, with the largest incidence amongst adolescents.

Looking at the suicide statistics, it is surprising that 15 of the 27 victims were between the ages of 13 and 18.

Family members continue to say that “there was no reason” for the victim to commit suicide. In reality the suicides often occur in the middle of everyday activities, when the victims are acting normally: two adolescents who go out to gather wood, later on one of them hangs himself; a family leaves their house and the father seems okay, when they come back they find that he had hung himself. Other times, small arguments, sadness, depression, concern about unemployment, loss of a boyfriend or girlfriend, jealousy, or anything else becomes a detonator for suicide. Alchohoism is yet another symptom and less of a cause, and is many times part of the context of indigenous suicides.

In the stories of suicides from this year, which are similar to stories from previous years, we have found that having had contact with suicide victims, with other people who are suicidal, with funerals of those who committed suicide, family members or close friends who committed suicide, as well as suicides in the home or neighborhood, are all factors that are potentially capable of provoking other suici-

des. Suicides by the Guarani-Kaiowá people many times present themselves as a series that self-stimulate more suicides within family, friend, and community circles: one adolescent commits suicide upon returning from school; the next day a friend from school commits suicide; two days later one of his cousins hangs himself; a few days later, this girl's boyfriend kills himself. Things continue this way until one series of suicides slows down and another series begins with a new and unexpected suicide, such as a man who argued with his wife because there was not enough food in the house. With this, another series of suicides begins, of relatives, friends, or neighbors.

For years the public powers have been trying to understand and intervene in these processes in order to stop them from occurring: anthropologists and psychologists have been contracted since 1992 by the Ministry of Justice and by Funai with the hope of putting an end to these suicides. The fact is that these investigations have been unsuccessful, mostly because the reality of these populations remains the same: more than 100 indigenous territories continue to be invaded by landowners and by agrobusinesses, and the communities that live on these lands continue to be pushed off their land and confined to overpopulated spaces. They do not have land to cultivate, forest, or any internal equilibrium within the community and with the environment. In short, without their *tekoha*, or territory, in which they can live in the way the Guarani people are accustomed to living.

4. Deaths due to Neglect / Neglect of Healthcare

There were at least 19 cases of deaths reported in the first semester of this year due to neglect, and among these were the Kulina people in Vale do Javari, in Amazonas. Among the causes were serious illnesses like hepatitis, viral hepatitis, malaria, yellow fever, tuberculosis, and malnutrition. According to reports, the Funasa (National Health Foundation) does not have the minimal personnel, resources, equipment, and boats to attend to this indigenous population.

Deaths were documented in 11 indigenous regions of the DSEIs (Special Indigenous Health Districts) out of a total of 30 regions, due to illnesses like syphilis, STD/AIDS, and hepatitis.

Another population that has been greatly affected by deaths due to the lack of adequate medical attention in the region is the Kaxinawá people in Acre, with deaths related to malaria, yellow fever, typhoid fever, viruses, and infant malnutrition.

Cases of death have also been documented due to medical negligence, such as in the case of a community leader in Kaingang, Santa Catarina, and in the case of a young 24 year old who was giving birth in the town of Xokó, Sergipe.

According to information from the DSEIs, there are cases of syphilis that has spread in the indigenous populations in all regions in Brazil. One hundred sixty six cases were documented, 64 of these in Mato Grosso do Sul.

The DSEIs also documented 48 cases of HIV in 10 regions of Brazil. Of these, 17 were registered in Mato Grosso do Sul. In addition, according to the DSEIs, 64 cases of hepatitis were diagnosed in 15 regions in Brazil; 30 of these cases were in Vale do Javari.

According to a survey by Funasa, of the 300 indigenous people from Vale do Javari in the study, 169 people, or 56.6% had contact with the hepatitis B virus. This number is alarming since this illness is highly contagious and according to the World Health Organization an acceptable percentage is 2%.

The Zoé people, an isolated ethnicity in Pará, has a population of 238 people and 80% of these people have been infected with malaria. The devastation of the matas in their territory and the presence of invaders is clearly the cause of this tragic contamination.

Many complaints have also been filed about the precarious situation and high rate of infection with bilharziasis by the Potiguara people in Paraíba, and the lack of medical attention to the Mundurucu people in Pará. Reports during the last year speak of delays of 2 to 6 months to get access to medical attention, overpopulation and little food in hospitals, disrespect and abandonment of patients, and constant cases of losing test results by staff that “forgot” to look for them, thus paralyzing treatments and requiring that the tests be done again. This only increases the suffering of the population that should be attended to.

The abandonment and neglect of indigenous populations is reflected in the reports that have been filed, such as the contamination of streams that are used to prepare food by the Guarani-Kaiowá people in Mato Grosso do Sul; the cutting of 11,000 basic food baskets by the State government that were delivered to 8,000 Guarani-Kaiowá families, and the existence of entire families of this population that are wandering about the cities in Mato Grosso do Sul, looking for leftover food scraps in trash cans. According to Funasa staff, cutting the basic food baskets has resulted in an increase in infant malnutrition.

5. Infant Mortality

Reports of cases of infant mortality occurred in the states of Amazonas (4), Mato Grosso do Sul (8), Rondônia (1) and Tocantins (1).

In Amazonas, the people that have been affected by infant mortality were the Pirahã, Kanamari, Kulina and Tikuna people. These children suffered from dehydration, birth complications, pneumonia, tuberculosis, hepatitis, gastroenteritis, and hydrocephalus. According to the reports, medical attention for these children was lacking and Funasa

was indifferent about these concerns. Each report refers to an undetermined number of children. Many other children continue to be poorly attended to, or are not attended to, and therefore run the risk of death, including in the House of the Indian, in Manaus.

In Mato Grosso do Sul, the population affected was the Guarani-Kaiowá people. The reports that have been filed show that there are about 8 children between the ages of 0 and 2 who suffer from malnutrition. According to the reports and evaluations of the Funasa staff, the root causes of these deaths and of malnutrition are poverty, lack of land, work, and lack of sustainability in the Guarani-Kaiowá communities. All of the children died when they were in hospitals in Mato Grosso do Sul.

In Rondônia, three deaths of children were reported without references to the population they came from or the age of the victims. According to the reports, there is no transportation to take the medical team to the villages, nor to transfer the sick to hospitals or health centers.

In Tocantins, the ancient people that live here are the Apinayé people. These reports refer to the deaths of three babies, with symptoms of vomiting, diarrhea, and malnutrition. According to these reports, in the Apinayé villages the hygienic conditions are precarious, since adults, children and animals live in the same environment and drink and use the water from the same streams for all community activities.

6. Malnutrition

There have been several reports of malnutrition amongst indigenous children that could lead to death. There were two reports in Mato Grosso do Sul and one each in Acre, Mato Grosso and Tocantins.

In Mato Grosso do Sul, research revealed that 76.3% of the children from these two villages suffered from malnutrition; in Aldeia de Jaguapiru there were 36 children who were hospitalized with malnutrition and another 19 children were being treated at home for the same illness. According to Dr. Zelik Trajber, Coordinator of Indigenous Health for Funasa, there are 322 children from ages 0 to 5 in Dourados who are at risk of malnutrition and are being treated by the institution. According to Dr. Zelik, the greatest concern is not the cases of children who are hospitalized but those that are living with families considered to be at risk, and these are calculated to be 80 groups. These families have serious problems like alcoholism, and the community does not have the possibility of living sustainably in their territory.

Amongst the Xavante people in Mato Grosso, 250 children were found to be in a critical situation, 84 of which suffered from malnutrition. These are children of families that live in an unsustainable situation in their territory and without government support in order to survive.

In Tocantins, the Apinayé population reports 19 children hospitalized in the municipal hospital with malnutrition. According to the report the cause is the lack of hygiene in the villages.

7. Other Reports

In Mato Grosso do Sul, there was one report of illegal imprisonment of indigenous persons, unjustly accused by landowners of stealing a tractor, an event that never occurred. In reality, this is a region that is in conflict, many communities have taken back their traditional territory and these accusations are pretexts for the imprisonment of indigenous leaders of these movements.

Also in Mato Grosso do Sul, there were reports of invasions of soy plantations that occupy large regions in the Indigenous Reservation of Dourados. These plantations harm the community and the environment with the intensive use of agrottoxins.

In Ceará, the Pitaguary people denounced the invasion of the village, extraction of sand from the community, and the death of animals in a recently demarcated territory.

In Bahia, the Tupinambá de Olivença people denounced the local town government's failure to pay indigenous teachers in the municipality from March to June of this year.

In Santa Catarina, businessmen extorted 29 indigenous persons in Aldeia de Guarita. These indigenous people were in debt to local businessmen, and were forced to sign a statement that would give these criminals the right to control their bank accounts and their social welfare benefits. Also in Santa Catarina, the journalist Paulo da Costa Ramos was denounced for racism, having published a text about the Guarani de Morro dos Cavalos community, stating that it had been formed by "foreigners and opportunists, that were successful in life at the expense of others and that used prerogatives to undermine the National State".

III - Conclusion

The picture of violence against indigenous populations in Brazil continues to be shameful.

In order to sincerely look for a way to reverse this critical and permanent situation, it is necessary to change the actions of the three branches of the State in order to defend the constitutional rights of indigenous peoples with the participation of indigenous communities, organizations, and entities and all the allies of this cause.

To this end, the effective creation of the National Indigenous Policy Council is important. The Council has been under discussion and the proposal for same has been drawn up by the National Commission on Indigenous Policy.

It is likewise important to advance approval of the Indigenous Peoples Statute, held up in the National Congress 13 years ago. But it is important that the Statute be consistent

with the Federal Constitution and the international instruments signed by Brazil such as the 169th Convention of the World Labor Organization and the recently approved UN Declaration on the Rights of Indigenous People.

The demarcation, sanction, and protection and guarantee of all of the indigenous territories in Brazil is fundamental yet today and constitutes an enormous debt owed by the Brazilian State to the indigenous people, particularly since promulgation of the 1988 Federal Constitution in 1988 which set a term of five years for completion of the demarcation of all indigenous territories.

It is urgent and necessary to construct a high quality indigenous policy and specific policies on health, education, and self-sustainability of the communities. An indigenous body worthy of its own name is also necessary, a body that has access to the human resources, financial resources, and sufficient material required to provide essential services to the indigenous communities in our country.

It is most important to end the impunity of aggressors against the indigenous peoples, in order to fight violence at the root and punish those guilty.

It is also important that national society and the Brazilian state as a whole – including the press and the educational system – review our relationship with indigenous populations, so that we can move in the direction of respecting their culture, their way of life, and their leadership role in building the present and the future, once and for all breaking with the prejudice, hate, and discrimination that are the principal causes of violence against the indigenous communities in our country.

In the dispute between various projects for the countryside, the experience of the rural population demonstrates that the agri-business model is the principal factor responsible for concentration of land, for violence in the countryside, for the rural exodus, for urban unemployment, and is even associated with the unprecedented depletion of biodiversity, soils, and water. The predatory manner in which agri-business occupies land, promoting its physical destruction, is also a grave threat to rural populations.

GMOs and the Rights of Growers

Gabriel B. Fernandes¹

The fight against Genetically Modified Organisms (GMOs) ended 2007 with a very violent episode. In March 2006, Via Campesina activists occupied the Swiss company Syngenta Seeds' experimental farm in Santa Tereza do Oeste, Paraná, to expose the existence of illegal experiments with GMOs near the National Park of Iguaçu.

The company was fined R\$1 million by Ibama and the State Governor, Roberto Requião, accepted the movement's demands and issued a decree expropriating the area for the creation of a center of agro-ecological production. However, after a judicial order that admitted appeal by the company, the nearly 70 families who were camped in the area left the site.

As of today, Syngenta has not paid the fine and, at the end of October 2007, the Landless Workers' Movement (MST) and Via Campesina decided to encourage a new occupation of the area, where for over more than a year the families had worked to

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rescue and propagate local seeds, and reforest the area with native species. During the sixteen months they were encamped, the families received messages of solidarity from more than 300 organizations in Brazil and other countries, and from dozens of scientists and celebrities.

Shortly after the new occupation, a bus with nearly 40 gunmen stopped in front of the property and opened fire on the workers. Valmir Mota de Oliveira, 42 (known as Keno), MST leader in the region, was executed at close range with two shots to the chest.

Together with other MST and Via Campesina leaders, Keno had received death threats in the region by members of the Western Region Rural Society (SRO) and agri-business leaders from western Paraná.

Syngenta used the services of an armed militia, working through the firm NF Segurança, together with the Western Region Rural Society and the Rural Producers Movement (MPR), with links to local agri-business. In a deposition to the police, NF Segurança's owner confirmed having been contracted by Syngenta to render security services on the experimental farm.

Likewise reinforcing the connection, the Secretary of Security for Paraná divulged that security force personnel imprisoned after the confrontation with the landless workers confirmed having been contracted by the Rural Producers Movement to remove anyone who tried to enter the area.

In some ways, the crime was foreshadowed. Besides the death threats to local leaders, legislators from the Commission on Human Rights of the Federal Chamber participated, a few days before the crime, in a public hearing in Paraná's Legislative Assembly dealing with the formation of rural militias in the state. At the time, agri-business representatives affirmed that they were going to contract security forces to encourage the eviction of the families who occupied unproductive land.

A dispute between agricultural models

In the dispute between various projects for the countryside, the experience of the rural population demonstrates that the agri-business model is the principal factor responsible for concentration of land, for violence in the countryside, for the rural exodus, for urban unemployment, and is even associated with the unprecedented depletion of biodiversity, soils, and water. The predatory manner in which agri-business occupies land, promoting its physical destruction, is also a grave threat to rural populations.

The case of Syngenta in Paraná goes to the extreme of this dispute, which also involves control of genetic resources. With the advent of transgenic usage, the companies found a technical-scientific justification for seeking monopoly control of seeds through their patenting.

The subject of access to seeds as a basic right of growers is on the organizations' agenda. Their recent public demonstrations do not separate the right to seeds from the recognition and exercise of other related rights that have to do with full access to biodiversity resources. Privatization of an asset held by rural organizations at the same time as material and economic resources and cultural assets violates the conditions of their very existence.

The current formulations centered on the people's right to their territories unify the historic fight of peasants for the right to express their socio-cultural identity: the right to work; the right to access to and permanence on the land; their right to access to and availability of potable water; the right to preserve their cultures, their ways of life, and their practices regarding handling natural ecosystems.

Contamination by GMOs

The support of the Brazilian government for commercial planting of transgenic seeds is an enormous threat to biodiversity resources and the rights of growers. The inevitable genetic contamination is being imposed on farmers, and tends to increase with the release of transgenic corn or with the continued negligence of the State, which has shown itself to be in acquiescence with contraband and illegal diffusion of transgenic seeds. Genetic contamination may result in the loss of a variety of seeds, and exposes farmers to judicial penalties for patent infringement. With the contamination of seeds, farmers don't have the right to choose what to plant. Consumers also don't have the right to choose organic food.

To facilitate even further the entry of transgenic products into the Brazilian market, the Bio-Security Law of 2005 was amended by the government. However, civil society is trying, through the Campaign for a Transgenic Free Brazil, to halt release of transgenic seeds.

In 2007, commercial planting of a variety of transgenic corn by Bayer, Monsanto, and Syngenta was authorized by the National Technical Biosecurity Commission (CTNBio), but later suspended by the Federal Justice Department, as a result of a civil suit by AS-PTA (Alternative Agriculture Project Services and Advice), the National Association of Small Farmers, and the Brazilian Consumer Protection Institute (IDEC). With this decision, the Justice Department recognized the illegalities committed by CTNBio in the analysis and decision process regarding the commercial release of GMOs.

If on the one hand these suspensions denote a victory, on the other they represent a new and quite concrete challenge for rural organizations. Seeing how soy and cotton were introduced into the Country—illegally and without prior health and environmental impact studies—it is not difficult to imagine that pressure will now grow for this scenario to repeat itself with corn, given the frustration of the biotechnology companies.

Peasant organizations, especially in the agro-ecological field, in defense of a new plan for the countryside and in defense of their seeds, have before them the job of monitoring the illegal entry and diffusion of transgenic corn seeds, filing complaints about irregularities and taking direct action to call society's attention to the subject. They must continue to confront the impact of corporations that wish to control seeds. The chief peasant resistance strategies reside in strengthening local experiments in sustainable use of biodiversity resources, and in demanding public policies to support ecological agriculture.

While energy companies hold onto energy so they can sell it later at a higher price, Brazilians are already paying top price to energy distributors. According to Minas Gerais Federation of Commerce (Fecomércio-MG) research from August 2007, the electricity bill already costs more in a consumer's domestic budget in Belo Horizonte than supermarket purchases, including food, personal items, and cleaning supplies. Electric energy represents 21.9% of domestic expenses, surpassing those for food, personal items, and cleaning supplies, which represent 19.8% of expenses.

Putting Out Sun

because	they do not sustain the bank
unlike the solar system	but rather unpaid work
these systems	
do not sustain the sun but rather	And this is the reason that
bodies	when people leave
that spin around it:	(like in Alcântara)
they do not sustain the table	they put out the suns...
but rather hunger	
they do not sustain the bed	FERREIRA GULLAR
but rather sleep	Dirty Poem

Leandro Gaspar Scalabrin¹

This is the reason that, when people who are affected by dams left their land and homes, as in Itá (the Itá dam – Santa Catarina) and Itueta (the Aimorés dam – Minas Gerais) – cities that were totally submerged by water from hydroelectric plants, they put out the suns that sustained these cities. Only the church towers from the “old” Itá emerged

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from the artificial lake; in Itueta, only rubble was left. When the people who are affected by the dams leave, the systems that they maintain stop. And this is why even the vendors, like those in Machadinho, in Rio Grande do Sul, took to the streets to protest being affected by the dam after it was built, because they did not have anyone to sell their merchandise to.

The existing system in the affected areas, whether that of the soapstone artisans in Diogo de Vasconcelos and Mariana, affected by the Fumaça dam in Minas Gerais, or the fishermen and river dwellers on the Tocantins River, affected by the Tucuruí dam in Pará, or yet the system of small farmers in Severiano de Almeida and Natuba, affected by the Machadinho dam in Rio Grande do Sul and the Acauã dam in Paraíba, do not sustain *Cemigs*, *Tractebéis*, *Eletronortes* or *Novelis* with energy. In order to create this new system of production, or of electrical energy generation, that will sustain the profits of these and other companies, it is necessary to destroy the affected population's way of life and the environment.

The profitability of this system is so great that the energy and gas companies established in Brazil were the second largest segment to send profits out of the country in 2006: \$1.378 billion (close to 10% of total remittances), just behind banks, who sent \$1.404 billion to their foreign partners, and ahead of car manufacturers, who sent \$1.318 billion.

In the second quarter of 2007 (April, May, and June) alone, electric energy production in plants operated by Tractebel Energia (a subsidiary of the French-Belgian multinational Suez-Tractebel)—the largest private energy generating company in Brazil—was 9,017 GWh; the Cana Brava Plant produced 364.23 GWh (4.04%) of that total. In the same period, the company earned a net profit of R\$229.5 million. In proportion to produced energy, it can be said that the profit earned from the Cana Brava Plant in those three months was R\$9.18 million. According to the complaint being investigated by a special commission from the Council for the Defense of Human Rights (CDDPH), many people lost their activities, land, or homes because of this dam. As a compensatory measure, the company and the federal government plan to create a Regional Development Fund, using R\$5 million, which is close to half the net profit earned from this plant in three months.

There is an immense social and ecological divide in Brazil and a record of human rights violations due to the construction and operation of dams. The social and environmental costs of hydroelectric plants are being paid by the population in the affected areas and by Brazilian society in general, which is left, among others, with a burdensome inheritance: the flooding of forests, a reduction in biodiversity, the loss of landscape, and the death of many of our principal rivers and hydrographic basins that give way to immense artificial lakes. The astronomical company profits that are sent abroad are paid for by electric energy consumers.

The way in which environmental licensing, the construction of dams and their effect on local populations and Brazilian society as a whole has occurred has sidestepped many normative procedures regarding the right to adequate housing, a healthy environment, human dignity, work, the avoidance of a worsening standard of living, information, not meddling in people's private lives, popular participation, and the protection of human rights defenders. Furthermore, it has violated international treaties and constitutional and infra-constitutional Brazilian legislation.

The social and ecological cost of these dams should be absorbed by the companies that profit from these enterprises. The Brazilian government should guarantee respect of human rights in the process of hydroelectric plant development.

Among the dams with an open-ended social and environmental debt, among innumerable others and in addition to the aforementioned Cana Brava, we can cite the Barra Grande case², where 350 inhabitants in the municipalities affected by the plant occupied, in March of this year, a lumber business in Anita Garibaldi (Santa Catarina) that was accused of participating in a scheme to reallocate wood. The objective of the lumber yard occupation was to reinforce the claim that 10,785 trees had been diverted from the selective logging destined to construct 400 low-income houses in the region. The construction of these houses was designated by contract by the Agreement Terms, in December 2004, and involved Consórcio Baesa, the Public Federal Ministry, the Movement of People Affected by Dams, IBAMA, FATMA, COHAB and the Ministry of Mines and Energy.

Despite the enormous social and ecological debt and the innumerable cases of human rights violations that were never addressed, the federal government insists on this model for constructing dams. Currently, the following hydroelectric plans (with their respective budgets) make up PAC—the Growth Acceleration Program, and are in the construction phase:

- UHE Estreito (Tocantis/Maranhão) – R\$2 billion;
- Eclusas da UHE de Tucuruí (Pará) – R\$611 billion;
- UHE Foz do Chapecó (Rio Grande do Sul/Santa Catarina) – R\$2.2 billion;
- UHE São Salvador (Tocantins/Goiás) – Tractebel - R\$424 million,
- UHE Serra do Facão (Goiás) – R\$707 million;
- UHE Salto Pilão (Santa Catarina) – R\$352 million;
- UHE Castro Alves (Rio Grande do Sul) – R\$47 million;
- UHE 14 de julho (Rio Grande do Sul) – 72.7 million.

² At this dam, fraud was discovered when the reservoir was filled: close to 5,000 hectares of Mata Atlântica forest would be flooded. This impact was not analyzed, nor even noted, in the *Environmental Impact Study*.

With these projects alone, close to 20,000 families will be affected and will be required to relocate. In other words, they will be obliged to abandon their traditional way of life, land and houses because these were declared “in the public interest” for “hydroelectric use.” In Foz do Chapecó (where the construction site was occupied twice this year), 5,000 families on small farms will be relocated to other lands. The majority of these will receive a so-called credit card as compensation, which is used by the affected family to buy some small rural property (which is usually difficult due to lack of availability of property), or a house in the city, which ends up causing a rural exodus. There will be 5,000 more families without homes in Rio Grande do Sul and Santa Catarina in the next two years as a result of this dam. This is the same number of families that was settled by the agrarian reform in Santa Catarina as a result of 20 years of struggle by the Landless Workers’ Movement.

In UHE São Salvador, where Tractebel is the majority shareholder, the dredgers, gold miners, and garbage collectors in the municipality of Minaçu are losing their work without any compensation under the allegation that they are not licensed laborers. These laborers will lose their means of making a living because of the dam lake formation without compensation of any sort, which has caused many conflicts in the region. On September 10th MAB occupied the plant’s construction site. In the month of October, three members of the movement were arrested.

In Minas Gerais, where so-called small hydroelectric power plants caused big social problems, the affected inhabitants had a “camp in” from May 26 to June 29, 2007, to demand their rights from the Novelis company, owner of the “Small” Hydroelectric power plants of Fumaça, Brito and Brecha (Guaraciaba) and also to protest new projects by the same company: Jurumirim, Cantagalo and Bom Retiro. In Minas as well, 80 families camped for two months on the future construction site of the Baguari dam, planned on the Rio Doce, and the site was occupied on October 16, 2007. The Furnas, CEMIG and Neoenergia companies (the latter a transnational) formed a consortium to build the dam, in accordance with the Federal Government’s PPP (Public-Private Partnership) criteria. The camped families were removed with the use of violence and heavy weapons on May 8th.

In Pará, those who were affected by lock construction at Tucuruí occupied the plant in May, which had national repercussions and was treated as a police case. In October, the construction site was occupied in order to demand compensation for the inhabitants of the Matinha neighborhood who would be displaced because of the construction.

The Brazilian energy model is the cause of human rights violations: the rivers are public, the construction concession process is public, environmental licensing is public, but the profits are private. So many concessions have been made to so-called independent

energy producers (like Tractebel Energia). Independent producers are the owners of energy that they produce and they have the liberty to sell this energy on the “free market.” This model, which transforms energy into merchandise, gives rise to speculation within the so-called law of supply and demand. Since the prediction is that there will be a shortage of energy in the next few years, independent producers do not want to sign long-term contracts for the supply of energy. The consequence is that some free consumers will have to buy energy upfront on the market and be subject to short-term prices, where variation is greater. This fact is recognized even by the president of the Energy Research Company (EPE), Maurício Tolmasquim: “The position of some producers who are waiting for the shortage of energy in the next few years has been to hold onto the supply and sell energy at a higher price in the future.” To avoid this, the government is obliged to encourage the construction of new hydroelectric plants without even having a concrete need for energy. There is no solution to the problem since speculators will also be bidding on the new plants, such as those in Jirau and Santo Antonio in Amazônia. In other words, the government is a hostage of the model that it itself created.

While energy companies hold onto energy so they can sell it later at a higher price, Brazilians are already paying top price to energy distributors. According to Minas Gerais Federation of Commerce (Fecomércio-MG) research from August 2007, the electricity bill already costs more in a consumer’s domestic budget in Belo Horizonte than supermarket purchases, including food, personal items, and cleaning supplies. Electric energy represents 21.9% of domestic expenses, surpassing those for food, personal items, and cleaning supplies, which represent 19.8% of expenses

For this reason, the Movement of those Affected by Dams created a campaign entitled “The Price of Energy is Robbery.” The campaign held many marches in Brazilian capitals this year, and one of its proposals is to provide 100Kw/h of electric energy to Brazilians at no cost. In Minas Gerais, in May, the Movement of those Affected by Dams and the National Conference of Brazilian Bishops, together with a group of other organizations, declared a protocol in the State Legislative Assembly, called the Dom Luciano Mendes de Almeida Popular Initiative Bill which requests this exemption. The bill, which required 10,000 signatures to move through the Legislative Assembly, gathered more than 130,000 in the entire state. Minas Gerais is the Brazilian state with the most expensive electrical energy rate, reaching \$R670.00 per MW. While a family pays, on average, a 30% tax on energy, companies pay only 18%. Approval of this bill would benefit 2.5 million families.

The National Bank for Social and Economic Development (BNDES) has had a prominent role in human rights violations in hydroelectric plant development, in that it

does not demand that the financiers respect international pacts that Brazil has signed. BNDES approved \$R8.3 billion in financing for the electric energy sector in the past 12 months, which was a 156% increase from the approved amount from the year before. Disbursements for that period grew 15% to R\$4 billion—a record number. BNDES reduced the costs covered in their PAC project financing in the area of energy by 60% to try to stimulate investments in that sector. The basic rate for hydroelectric plant projects fell from 2.5% in 2005 to 1% in 2007. The reduction in rates affected 80% of the cases involving financing hydroelectric plants with a generation capacity of more than 2,000 MW. One of PAC's main measures was to permit BNDES to finance up to 80% of hydroelectric projects and increase the payment time for financing to up to 20 years.

The high price of electric energy provided to residential consumers, the mandatory displacement of thousands of families by dams, and the destruction of the environment has caused a deterioration in the quality of life of those affected by these projects, consumers of electric energy, and Brazilian society in general. Article 11 of the International Pact on Economic, Social, and Cultural Rights (PIDESC), recognized by Brazil, as a member state, recognizes the right for continued improvement in the quality of life for all persons. Having access to electric energy is not a luxury—it is the right of every citizen. The price of energy has obliged needy families to eat less, have less leisure time and have worse living conditions, which is a clear deterioration in their quality of life. Two people died, one in Ceará and the other in Rondônia, both ill, who had their electricity shut off because they did not have the means to pay their electricity bills. The population affected by hydroelectric construction owned land, worked, had housing and had leisure activities fitting with their lifestyles before the construction began. After construction, their situation in life worsened in clear violation of the right to improved quality of life established in Article 11 of PIDESC.

Those affected by dams, organized in a movement, need and will continue to demand responsibility from the State to comply with national and international documents that guarantee the defense and promotion of human rights. This especially applies to the State's obligations under PIDESC, which refer to the guarantee of continuous improvement in the quality of life for the Brazilian population.

Government practices have been characterized by authoritarianism, by repression and prejudice, as if these populations needed supervision and could not, through their own organizations, exercise their right as citizens to participate in the decisions that affect them. Victimized by the “zoological” model of the reservations and discriminated against because of their identity, these populations have insisted on their own models for sustainable reproduction of living conditions in their ecosystems, and have fought desperately against the advance of the monoculture agri-business model that exports sugarcane, soy, wood, and corn. This predatory economic model has forced these communities from their territories.

The Right to Stewardship

*“I love the land with an old love consecrated
over generations of rural grandparents”
(Cora Coralina)*

Jelson Oliveira¹

One of the conditions for the existence of biodiversity is social diversity. Genetic diversity is very closely tied to the ethnic diversity of our peoples; it is not by coincidence that countries such as Brazil, that possess the greatest diversity in plant life, also have the largest number of ethnic groups. Seeds, which are responsible for proliferation and reproduction of biodiversity, are of great symbolic value for social groups and carry

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the cultural values that identify them; they are a “burden from the past in the present, and a bridge to the future,” a symbol of mysterious and occult forces that create a people’s culture. In this amalgam of people, animals, and plants, culture is formed and the embryos of cultural and social values translate diversity and harmony over the planet. This is because the various cultures historically become protectors of life, with their myths and values. The more pluri-ethnic a people are, the greater are their chances to live together in a sustainable manner with natural resources, because their tastes and imagery contribute to saving seeds, plants, and animals. On destroying the peoples’ variation as a result of elevating a life style said to be ideal, contemporary civilization contributes to the debilitation of immense socio-cultural richness and, thusly, compromises maintaining biodiversity.

There is a reason that, insofar as we are living with the expansion of agricultural models based on monoculture, we also see many conflicts between this model and traditional populations. To be effective as an economic model, monoculture land ownership causes death and isolation of social groups known as traditional communities. We are dealing with a conflict between plantations and territories. The first model is based on concentration of land, exploitation of natural resources and human labor, and large scale production for export; the second is based on collective use of the land, associative forms of occupation and restricted use of natural resources, the latter being a condition for the preservation and expansion of a given population’s life.

As provided for in Paragraph 1 of Art 231 of the Federal Constitution, the territories are recognized as “traditionally occupied territories.” The concept restored to these areas a sense of tradition also present in Art. 14 of the 169th OIT Convention, which guarantees to the respective populations the right to the territory that they have “traditionally” occupied and to which they should have the right to return in the event they might have been forced out or robbed of them (cf. Art. 16). For this very reason such territory, due to its non-mercantile nature, has been characterized as an obstacle to expansion of areas reserved for rural commodities. More than a few times the communities’ tradition is falsely juxtaposed against the “modernity” of the agro-export monoculture model.

Many of these communities have been neglected historically by public policies, despite the fact that they represent an enormous cultural richness (socio-diversity) that is directly linked to the immense network of biodiversity and environmental stewardship in various regions of Brazil. Indigenous peoples, quilombolas, seaside dwellers, squatters, gatherers, nut harvesters, fishermen, coconut shellers, rubber tappers, wood gatherers, river dwellers, and other cultural groups today claim the right to participate in making public policy on environmental protection. These communities are often marked by something close to symbiosis with natural cycles and resources, given that their way of life is quite different

from the model in force in the capitalist world, the latter being marked by subjection and exploitation of nature as an inert thing at man's service. Their intimate relationship with nature makes it possible for these communities to have a wide knowledge of natural processes, a fact that assures them of sufficient and sustainable handling of resources and their patrimony. Such knowledge, accumulated orally through myths and sacred things makes up an intense cultural experience that allows them to transform land into a place, a "topofilia" (topos meaning place and filia meaning love). This has to do with seeing nature and the land not as mere goods for use and consumption, but as places that symbolize the reproduction of life. In the words of the geographer Yu-Fu Tuan: "Place is an archive for affective memories and splendid realizations that inspire the present; place is permanent and for this reason has a calming effect on man." In this case, the homo moralis complements and surpasses the homo oeconomicus: "he doesn't see the land as an object for work, but rather as an expression of a morality; not its exterior as a factor in production, but as something thought and represented in the context of values" (Klaas Woortman).

The permanence of this place-of-life (which is therefore a moral place) makes these communities true "guardians of life": over several successive generations, in veneration of what has gone before, and by the respect shown for traditional means of economic and cultural production and reproduction, community members place greater value on relations with family and friends than on commercial ones, less value on accumulation and more on egalitarian division of riches, which, in turn, has less impact on the environment, due to the smaller need to accumulate material goods.

Pestles, graters, and sieves, canoes, hammocks, straw houses, jointly held lands and itinerant ones, the burning of pasture land, and techniques and snares for hunting and fishing, bathing and collective forms of organization such as mutual aid, in addition to innumerable uses and customs dealing with food, are part of the Brazilian heritage of this type of knowledge derived from traditional communities, principally the indigenous ones.

If Brazilian society wants to combat deforestation and take care of biodiversity, it is necessary to guarantee sustainability for the traditional peoples on their lands and to return to them the lands from which they were forcibly removed. Amazonia, brushland, wetlands, Atlantic forest, savanna, and the Pampas will be preserved to the degree in which rights are guaranteed for the populations which traditionally inhabit these areas and develop therein experience in managing their own territories. Official data recognize that there are traditional dwellers in the majority of the so-called conservation units. We must stop treating these communities as "national folklore," or as representatives of backwardness and exclusion (non-integration) and recognize them as citizens of the Brazilian State. This was the rallying cry of the forest peoples at their 2nd National

Meeting, held in Brasilia in September 2007, in memory of the twenty years since the assassination of Chico Mendes. On this occasion the National Rubber Tappers Council (CNS), the Coordinating Body for Indigenous Organizations of Brazilian Amazonia (Coiab), and the Amazon Working Group network (GTA) demanded that the federal government take effective actions aimed at guaranteeing the right of these populations, both with regard to being affirmed as identities with their own rights, which includes possession of their territories, and with regard to effective economically and culturally viable actions, which includes canceling the infrastructure mega-projects that threaten and weaken these communities. Only thus will these populations be recognized as something positive in life and not as victims of backwardness and lack of development. If the so-called environmental question leads to recognition of these populations, given that it puts the idea of productivity in second place, highlighting the need for sustainable handling techniques, the leadership role of these populations must be recognized, at the cost of [otherwise] once more using their knowledge to preserve a parasitic way of life.

We are not, therefore, trying to romantically go back to Rousseau's myth of the "noble savage" or the like, or even to appeal to those experiences to safeguard our self-destructive lifestyle. To the contrary, we are talking about learning the knowledge acquired by these communities, regulated by custom and common usage, and relying on their testimony to show the need for change in capitalist ways of life that are proving to bankrupt our civilization. We are dealing with valuing socio-cultural experiences with regard to occupying space and using natural resources, whether they come from indigenous races and quilombolas that are spread throughout Brazilian culture as a whole, or are peculiar to the peoples of the nation's interior regions.

The example of Brazilian Amazonia is unique: besides its biodiversity, this immense territory which covers 59% of Brazil and contains 30% of all the species of fauna and flora of the world, contains an immense socio-cultural network, with a population of 23 million inhabitants. Amazonia is formed of organized populations, not just animals and plants as is commonly seen in the media. The forest is also a place for people and, above all, for people who have contributed historically to the maintenance of this enormous network of biodiversity, because they understand themselves to be a part of this biome and have learned to relate to it in a sustainable, respectful, and loving manner. The same is true for all other national biomes.

Therefore, the people claim their right to stewardship. But to this end, in the first place they demand their right to information and clarification, to cognizant and organized participation, to recognition of their demands and opinions. In other words, we are dealing with recouping the leadership role of local communities who demand explanations by the government regarding the true interests and motives behind the

large works and development projects that have such immense social and environmental impacts and costs.

It is organized people that will be stewards for Brazil. These are the indigenous peoples that, in spite of our being unaware, have inhabited these lands for at least 12 million years and are united in innumerable organizations outside Brazil; they are the peoples who are descendants of Africans, organized into the National Coordinating Body for Rural Quilombola Communities; they are the more than 400,000 women working as babaçu coconut shellers, organized in a large national movement; they are the river dwellers protecting the more than 2,000 sanctuary lakes; they are the rubber tapper organized into the Peoples' Forest Alliance; those affected by dams who are linked by MAB (Movement of Those Affected by Dams); the workers on the land and the landless of the Sustainable Development Projects; the fishermen in their innumerable cooperatives; the squatters who are "not contaminated by the private property virus."

Government practices have been characterized by authoritarianism, by repression and prejudice, as if these populations needed supervision and could not, through their own organizations, exercise their right as citizens to participate in the decisions that affect them. Victimized by the "zoological" model of the reservations and discriminated against because of their identity, these populations have insisted on their own models for sustainable reproduction of living conditions in their ecosystems, and have fought desperately against the advance of the monoculture agri-business model that exports sugar cane, soy, wood, and corn. This predatory model has forced these families from their territories. Unfortunately, in this fight there are more than a few cases of poverty, indigence, and marginality suffered by these communities. The Brazilian government cannot continue to ignore the potential of these communities, and must act to give them the right to make decisions about policies that affect them.

A new popular conscience must be formed so that the practices of stewardship regarding the environment do not disappear. If we wish to preserve what is still left to us, the State must ally itself with its people and provide them with the means to participate in the development of public policies. Either the State relies on its people, or it really won't have the means to take care of its territory, thus giving up its sovereignty and providing incentive for internationalization, disorderly occupation, drug traffic, bio-piracy, dominion over water resources and all natural wealth.

Water is already recognized as a fundamental human right. This recognition, however, runs contrary to the financial interests of transnational water companies and of those sectors of the economy that see water as an asset for economic use. For the production of eucalyptus, the company Aracruz Celulose in Espírito Santo secured a water allocation from the Rio Doce (Sweet River) sufficient to supply the daily water needs of a city of 2.5 million inhabitants. It is evident that Aracruz's use of water is for economic ends. As the Rio Doce is a federal river, authorization for the concession came from the National Water Agency, therefore, with the recommendation of the Committee for the Rio Doce Basin.

The complex situation of the human right to water

Roberto Malvezzi¹

Perhaps this is the most complicated moment to talk about the human right to water, above all when we talk about the terrible dispute over the waters of the São Francisco River. This dispute, however, is not over who will be allowed to drink the last twenty-six cubic meters that remain to be allocated. If it were a project to quench the thirst of people, there would be no opposition, as there never is. Our problem is to know, beforehand, that this water will be used either for shrimp farming for export, for fruit growing for export, or for the steel industry of Porto de Pecém, to the detriment of the populations that most need it.

If the government's objective was to satisfy the thirst of those who most need it, the government would have taken notice of the proposal put forward by the Network of the Semi-Arid (ASA) for rural areas—to invest heavily in a network of small projects to

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capture rainwater for household and productive use—and by the National Water Agency (ANA), organized in the Atlas of the Northeast, which envisions urban supply services for 1,112 towns of more than five thousand people, benefiting nine states of the Northeast, with a total of 34 million people.

It becomes stressful to repeat this information with every sentence that we write, but the water that remains in the São Francisco River will be “drunk” by economic projects. “Do you have something against economic development?” the government officials ask us. No, we don’t have anything against development. It is only that the first priority for water should be to supply humans and for the provisioning of animals; only after these needs are met should it be available for economic ends. Moreover, no clear debate was held about the use of water for economic gain in the semi-arid regions.

What has happened is that powerful national and international economic groups have shaped the use of water to conform to their interests. The poorest populations in the Northeast, who also need the water to drink and to produce, are already excluded from using the water for domestic purposes, let alone for economic endeavours. Therefore, the current water project is imposed against the will of the population living along the São Francisco and also fails to meet Brazil’s own environmental and water use laws. It is no coincidence that, in the end, the movement of water wound up militarized as the initial work was also carried out by the engineering unit of the Brazilian Army.

Is water already recognized as a human right? That depends. Water is included among the human rights in the 15th General Comment of the United Nations Committee on Economic, Social, and Cultural Rights. To specialists in the area of Economic, Social, Cultural and Environmental Human Rights, like Flávio Valente, International Director of Foodfirst Information and Action Network (FIAN), the commentary is not binding, but if the right to water is included, it is because of its relevance. Therefore, at least politically, a fundamental human right to water has already been generally recognized.

In this case, is not Brazil, as a signatory to the relevant documents on Economic, Social, Cultural and Environmental Human Rights, also subject to international monitoring of these rights? In fact, it is. In spite of this, when the Brazilian National Bishops’ Conference proposed that a right to water be inscribed in our laws as a human right, the message from the President of the Republic to the National Secretary of Water Resources was emphatic: “Water as a human right—no.”

Today, looking at the economic ends to which Brazilian water is being put, it becomes evident that this emphatic rejection was not merely a detail of the moment, but was a profound reading of the implications of recognizing water as a human right. Effectively, recognition as a human right opposes the interests of transnational water corporations and of those sectors of the economy that see water fundamentally as an asset for

economic use. They want, in practice, to steal away from human consumption and use by animals the priority for the water supply. The recognition that water is a right—just as we recognize that this right is violated every day—constrains companies that use water simply as a commodity for the generation of profit. The problem is not the violation of human rights, but to have the company's brand linked to the violation of these rights. In other words, to recognize water as a human right disturbs the commercialization of water.

The crucial question in this debate about the human right to water is this one: to what extent is water a human right? Is water merely for domestic use (forty or fifty litres per day)? Or is water a right at all levels and quantities, including its economic use?

The question is pertinent because today, everything is a minimum: the state, salary, the 'basic basket' of goods, one's daily water, energy, income, etc. It is evident that on the other end is the maximum, capital, which devours our natural goods and the riches we produce. To guarantee the minimum to the masses is merely the other side of the coin to guaranteeing all rights of accumulation to capital.

It so happens that small farmers, above all others, need water to produce with the goal both of survival and also of economic gain. In Brazil, we all know, it is family farming that puts food on the table—according to the most recent data, 65% of all food. Our small farmers, except in the states of Rio Grande do Sul and Espírito Santo, use very little irrigation. More often medium- and large-sized farms use irrigation intensely, as is the case in the Valley of São Francisco, above all in fruit farming. Therefore, in this case, the use of water becomes a fundamental element in the production, even if this fruit is produced for desserts or for exportation. In whichever case, the production of fruit is a noble goal.

But how is it when this water is used for the intensive irrigation of cane, with the goal of producing sugar and ethanol? Or when the water is used intensively by companies for the production of aluminium for export, or likewise in the brewing of beer or manufacture of soft drinks? In the production of beer and soft drinks, water represents around 99% of what is sold to the consumer. In this case, it is not possible to talk about this use of water as a human right.

There are other cases that are still more illustrative. To produce eucalyptus, the company Aracruz Celulose in the state of Espírito Santo, acquired an allocation of water from the Rio Doce (Sweet River) sufficient to supply the daily needs of a city of 2.5 million inhabitants. Clearly, the use of water by Aracruz is for economic ends. Being a powerful company, it is able to put its technicians and lawyers to work searching through legal and political channels to free up this volume of water. As the Rio Doce is a federal river, the authorization emanated from the National Water Agency, therefore,

with the recommendation of the Committee for the Rio Doce Basin. Was it not then a democratic decision? While it might be legal, it was hardly democratic. Who controls the Committee for the Rio Doce Basin?

This is the question asked by the small farmers, producers of irrigated coffee, in the rural areas of Espírito Santo. They have been planting irrigated coffee for decades, without license or water allotment, and they now fear they will lose access to the water because they have difficulty getting access to the water allocation they need, and fear that they have arrived too late, after a huge company has already gained a large portion of the allocatable water. In this sense, water concessions might act to discipline the use of water from designated sources—a necessity—but they do not guarantee the social equality of that use. Access will be facilitated for those who have economic and political power. Although technicians and the government deny it, the allocation of water is one way to privatize its use, above all economically. As we have been arguing for years, much to the irritation of many technicians and intransigent defenders of Law 9.433 on Water Resources, the allocation process is a black box of water management. This law was demanded by the World Bank and the International Monetary Fund (IMF) to normalize the use of Brazilian water as a function of capital, although hydrological specialists, with an eye on public opinion, have successfully avoided the excessive privatization intended by these multilateral financial institutions. The concession process is a mechanism advocated by companies. After all, they are now acquiring the right to an allocation for thirty years, renewable for thirty more, of a determined volume of water, from a designated source, and for their exclusive use.

What is in play from the point of view of human rights, then, is no longer water to securely sustain human life (four litres per day to drink) or for domestic uses (forty litres per day for each member of a household), but the economic use of water. The former, personal uses are recognized as a fundamental human right even by the Brazilian government. My personal thesis is that, for small farmers, who will have their subsistence and productive activities rendered unviable due to a lack of water, water for productive ends should also be secured as a human right. When the use of water becomes corporate or industrial, for purposes of profit, this no longer is a human right, and companies should have to pay a progressive fee based upon their profits with the use of the water. In this way, we might attempt to guarantee a minimum of social equality in the economic use of water.

Even under this system, there ought to be a limit to the allocation of water to a single company. The case of Aracruz Celulose ought to serve as an example of what we should not and cannot do. The company uses one quarter of all the allocated water in its region of the Rio Doce. There ought to have been a proportional limit much

lower than this amount, even if the other allocatable water had not yet been given in concession. To limit the percentage of the total resource to a single company means opening opportunities for access to small companies and small irrigators. In the final analysis, it would provide access to many users, avoiding oligopolies or even monopolies.

This risk is still greater when the concessionary law opens the possibility of “preventative allocation”; that is, a juridical or physical entity can purchase a determined quantity of water allocation from a particular source, not to use, but to have the possibility of future use. Water, then, would turn into a way of storing value or wealth. Some even call for the creation of a market in water concessions, where allocations might be sold without first returning to their true owner, that is, the Brazilian state. This would be the most complete commodification of water. Until now, due to resistance from the National Secretary of Water Resources, this legal mechanism has not yet passed. As the old adage says, “The devil is in the details.” With this legal opening, the commercialization of Brazilian water would be complete.

In the transfer of the São Francisco River, a case already crystallized, we will see the first privatization and commodification of a great volume of water in Brazil. These are the sordid hidden truths that are part of the price of this process. The mechanism for the commercialisation of water will be to turn the sale of water from the São Francisco over to the receiving states through the CHESF ÁGUAS, that is, CHESF (the Hydro-Electric Company of São Francisco) will cease to be exclusively a producer and seller of energy to become also a retailer of water. The participating states will have companies—public or private—that will buy the water from CHESF and sell the water to their users, whether they be in industry or agriculture or companies in a branch of the sanitary supply. Only then will water, particularly in the sanitary supply, arrive to the end consumer. This whole process will follow the rules of the market. Only through this is it possible to perceive the final cost of this water to human consumers.

The waters of the São Francisco will be stored in the same reservoirs that hold rainwater. Soon, these companies will also appropriate rainwater, without cost, which until this time has been the patrimony of the people, at least in principle. In this way, we are seeing the first privatization of the waters of an entire region in Brazil, precisely where the resource is most scarce. It will be one of the greatest privatizations of water in the world.

As we see crystal clearly, the defense of water as a human right gradually gives ground to large economic interests. The transfer of the São Francisco is the most complete example of this reality in progress. The true battle for the right to water is in its economic use, even though 1.2 billion people in the world do not have daily access to potable water.

The case of Aracruz provides a good example. A world leader in the production of the white pulp of eucalyptus cellulose (controlling 31 percent of the world supply), this corporation exports 95 percent of what it produces in Brazil. This one company alone owns 252,000 hectares of eucalyptus plantation in the states of Minas Gerais, Bahia, Rio Grande do Sul, and Espírito Santo, and holds an additional 71,000 hectares managed by other agriculture firms in these states. Besides repressing and assassinating indigenous people, quilombolas (Afro-Brazilian rural communities) and other traditional populations, this company has left local populations without water by consuming on a daily basis the equivalent of 2.5 million people, that is, the same as the entire population of Espírito Santo.

The Shamelessness of Silviculture: Environmental Destruction and Human Rights Violations

Jelson Oliveira¹

“The Lumber Corporation will turn and already is in the process of turning our lands, our green plateau into a desert. The day will come when one who goes looking for a pine tree will not find even one.”

*(Spoken by Brother José Maria, in the novel Demônios do Planalto
(Demons of the Plateau), by Aracyllo Marques)*

Fueled by the unsustainable and irresponsible level of consumption maintained by a segment of the world's population, the expansion of tree monoculture for paper and cellulose has become one of the gravest threats to the human rights of people in

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various Brazilian states. It is an agro-exporting model of immense environmental and social impact, promoted nowadays by *green slogans* that aim to hide the economic, social, cultural, environmental, and political injustices that it results in.

This predatory and exclusive model of planting forests of pine and eucalyptus results in the expulsion of traditional communities and substitution of vegetal covering, consequentially leaching the soil, reducing biodiversity to practically nothing, raising pollution, clogging rivers with silt, spreading disease, causing biological contamination and putting at risk the health and cultures of surrounding populations. By altering wind speed and air temperature, these forests modify the climate and transform countryside into veritable *green deserts* contaminated by indiscriminate use of agro-toxins and by soil leaching. Lacking the ability to plant crops, populations in this area are obliged to abandon the countryside and move to already-crowded impoverished urban regions.

Behind these ventures are national and transnational corporations that persist in consuming the natural resources and exploiting the workers of low-income regions. These businesses benefit from fiscal, financial, and infrastructure advantages offered by states that practice a shameful legislative liberalization; for example, in this year of 2007, the government of the state of Rio Grande do Sul approved a law that simplified the rules for planting eucalyptus and pine, removing the requirement that businesses conduct environmental impact studies. In the state of Rio de Janeiro, a bill altered environmental legislation so as to open the state's doors to silviculture businesses. Among these businesses are giants in the field, such as the transnational Aracruz Celulose S.A., controlled by the groups Lorentzen (owned by the Norwegian royal family), Votorantim Cellulose and Paper, the Swedish-Finnish company Stora Enso, and Klabin. These businesses came to Brazil attracted by its superior climate in relation to that of the Northern hemisphere (in Brazil, trees have cutting cycles of 5 to 7 years, while there it is 25 to 35 years), as well as by modest land prices, fiscal advantages, legal liberalization and lack of oversight over legal violations, and the accumulation of technology for forest management.

Beyond the aforementioned advantages, Brazil offers abundant water, indispensable in the industry not only for the process of chlorine bleaching of paper, but above all for the planting and care of forests. Experts have commented on the immense waste of water resources provoked by this type of monoculture, with its depletion of wells, drying out of soil, extinction of rivers, lakes, and streams, stopping the flow of water tables, and jeopardizing the supplies of local populations. Data reveal that at least 350 liters of water are needed to produce one kilo of wood, principally due to the evaporative transpiration of trees, which, in general, consume more water (at least 20 percent more) than brought by natural precipitation; this gap leads to the soil drying out.

Through its disrespect of the environment, concentration of land, and creation of so-called “population vacuums”, the green desert serves no beneficial social function. In relation to the employment index, studies show that, according to documentation from businesses seeking assistance from the government and support from the under-informed public, on average only one new unit of employment is generated by each additional 185 hectares of land (family agriculture generates 50 units of employment with the additional land area). Furthermore, data show that available employment is declining due to the mechanization process. In the case of Aracruz do Espírito Santo, from 1989 to today only 8,807 new jobs have been created, of which 2,031 are direct and 6,776 indirect. It is interesting to note that in 1989, direct jobs numbered 6,058, two times the current amount. In addition, the few jobs generated are based on exploitation of manual labor: the majority of workers hired by these businesses live in improvised shelters in the middle of the forest, in miserable conditions of hygiene and nutrition, subject to various illness, principally those transmitted by insects and small animals (such as the *Hantavirus*). Beyond this, there are innumerable cases of work-related accidents, unregistered employment, and other violations of workers’ rights. Even worse, the green desert hides the shame of slave labor. Outside of Curitiba (the well-known capital of Paraná), the Ministry of Labor liberated, in 2006, 49 workers in three cases of slave labor in areas of pine and eucalyptus farming in the municipalities of Bocaiúva do Sul, Rio Branco do Sul, and Campo Magro; in 2005, 85 workers were liberated in the same region.

The case of Aracruz provides a good example. A world leader in the production of the white pulp of eucalyptus cellulose (controlling 31 percent of the world supply), this corporation exports 95 percent of what it produces in Brazil. This one company alone owns 252,000 hectares of eucalyptus plantation in the states of Minas Gerais, Bahia, Rio Grande do Sul, and Espírito Santo, and holds an additional 71,000 hectares managed by other agriculture firms in these states. The company’s production has grown at an accelerated rate since 2004, with equivalent growth in installed capacity, infrastructure investments, and, consequently, in profits. Aracruz has operated in Espírito Santo for 35 years. Besides repressing and assassinating indigenous people, *quilombolas* (Afro-Brazilian rural communities) and other traditional populations, according to work by FASE (Federation of Organs for Social and Educational Assistance), the business has left local populations without water as a result of its taking possession of land with springs and consuming on a daily basis the equivalent of 2.5 million people, that is, the same as the entire population of Espírito Santo.

The impacts of Aracruz’s plantations since 1967 in Espírito Santo provide an example of the tragedy brought on by this model in traditional populations. *Quilombola* populations in the municipality of Conceição da Barra and São Mateus, which before the company’s

arrival comprised 2,000 communities (10,000 families), have been reduced to 35 communities, with 1,300 remaining families. Various studies assert that this decrease is due to the expansion of eucalyptus farms in the region: dispossessed of their lands, impoverished and famished, residents of this region saw their soils being leached and animals dying from exposure to poisonous chemicals, and were obligated to flee for urban centers, becoming another disaster brought upon by this form of agriculture in Brazil and other countries of the world (such as Argentina, Uruguay, and Indonesia). The situation was summed up in verse by the poet Ditão Virgílio: “A man separated from the countryside / Goes to live in the city / And works with eucalyptus / Against his will / From time to time he remembers / That he used to be happy / In a corner, he cries / He longs for the country.”

It is worth remembering as well that in January of 2006, Aracruz Celulose conducted a full-fledged war operation against indigenous Tupiniquim and Guarani people in the municipality of Aracruz (Espírito Santo). Helicopters, bombs, and heavy artillery were used to expel 50 indigenous people from their lands. The action, which left two imprisoned and 12 wounded, depended on the logistical support of Aracruz, which offered housing and food for the 120 members of the Federal Police who conducted the action. After the action, the company’s tractor destroyed what remained of the houses and belongings of the expelled community. Today the *quilombola* and indigenous populations are organizing to retake their lost lands: 9,500 hectares have already been recognized by INCRA as belonging to quilombolas, and another 11,000 hectares belong to indigenous peoples, according to anthropological studies conducted by Funai (the National Foundation of the Indian). These lands are now planted with eucalyptus.

The case of Klabin in Paraná provides another good example: in 2006 the company obtained a loan from BNDES of almost 2 billion reais for the expansion of its unit in the municipality of Telêmaco Borba, which is the fifth largest financing in the history of the bank. Supported by ample advertising regarding progress and the generation of jobs in the region (which has also been threatened by the construction of the hydroelectric power station of Mauá, on the river Tibagi, which receives the majority of polluted effluent from the paper-making company), the company plans to almost double its annual production of paper and cardboard. The business will also expand by 34,000 hectares the cultivation of pine and eucalyptus between 2006 and 2008, including the creation of a nursery in the state of Santa Catarina, where it plans to cultivate 30 million eucalyptus seedlings per year.

The example of Telêmaco Borba and its experience with Klabin shows how advertising alters ideas about development, since the projects are usually carried out in places until now abandoned by public policy and suddenly placed in the way of expansion

of businesses that have as their only objective the accrual of profits, regardless of violations of the environmental and social rights of local populations. It is interesting to see that, in the case of wood, the expansion of the industry is occurring exactly in the regions with the lowest human development indices in the state. It is estimated that this small municipality in the interior of Paraná, with 65,000 inhabitants, will take in around 5,000 additional residents over the next two years due to the expansion of Klabin, raising the local population by 7.6 percent. Eyes are closed to the capacity of this municipality to guarantee basic services ensured by the Brazilian Constitution. The impact of this project on the Basin of the River Tibagi, one of the most important rivers of Paraná, has been ignored. As in other cases, the company has hidden its effects on the land transformed into desert, polluted water, biodiversity, and the climate. Nothing interests the champions of progress if not easy profits gained taking advantage of the ignorance of the impoverished population.

Another problem with this monoculture has to do with transgenics: recently, the CTNBio (National Technical Commission on Bio-security) permitted experiments with transgenic eucalyptus in Brazil, aggravating even more the situation of insecurity in relation to genetically modified agriculture and its impacts on the environment. The idea is to produce, for example, eucalyptus with less lignin, a substance that hardens wood destined for cellulose production. If this tree were to “escape” its areas of production, it could provoke, for example, grave difficulties for the furniture industry, which depends on a harder wood. Beyond this, the experiments intend to raise harvest efficiency, improve quality, and augment eucalyptus volume. Currently, in all there are 24 requests for transgenic eucalyptus trees awaiting CTNBio’s permission.

Finally, eucalyptus production, despite all the harm and irrecoverable damage done to the environment and the populations of affected regions, allows businesses to trade their “investments” for carbon credits in a billion-dollar market. It so happens that eucalyptus absorbs 10 million tons of carbon per hectare per year, and the resulting credits can be sold on the international carbon market created by the Kyoto Protocols, signed by 141 countries (but not by the United States, Canada, or Australia), which aim to reduce greenhouse gases. This agreement will likely transform Brazil into one of the largest markets worldwide for sales of carbon credits, since developed polluting countries must reduce by 5.2 percent the emissions produced in 1990, and to this end the CDM (Clean Development Mechanism) was created to allow these countries to buy carbon credits generated in developing countries such as Brazil. Various non-governmental organizations, underwritten by business such as General Motors, Texaco, and American Electric Power, have promoted this fraudulent business that incentivizes the deforestation of native forests to justify “reforesting” with monocultures that expand the “green

desert”. Without any criticism of the consumption and exploitation of nature, by compensating these polluting businesses this system benefits and incentivizes the emissions of greenhouse gases, and therefore constitutes a false solution for global warming.

For the negotiation of these credits, the Bank of the Emissions Reduction Project and the Brazilian Emissions Reduction Market were created. The World Bank notes that Brazil is already responsible for 13 percent of carbon credit transactions, which transforms it into one of the most promising markets of this markedly colonialist billion-dollar economic sector that continues to exploit and pillage the natural resources of poor countries, to the advantage of wealthy countries. For an idea of how much these credits are worth, in Chicago, one ton of carbon is sold for a trifling 2.85 million dollars, considered to be a low value. But this amount has a differential: it attracts the interest of paper and cellulose companies that would like to sell their credits. Calculating the quantity of carbon captured by the forests of the green desert and in projects of water transportation, the use of biomass, *etc.*, these businesses will profit from this promising market that has transformed even the air into a commodity traded in open markets.

This marketing fallacy that transforms natural processes into money in exchange for destruction, carbon credits have counted on the support of governments that, as much with the resources made available to these businesses by BNDES and the Ministry of the Environment (through the National Forestry Plan), as with special treatment through the Clean Development Mechanism, have shown themselves to be complacent with the model of exhausting natural and social resources that quantifies natural photosynthesis and incentivizes ever more the accelerated process of global warming. To paraphrase the popular saying, “it’s wooden-faced shamelessness”.

In its newsletter of May 2004, the Alert Network Against the Green Desert, founded in Espírito Santo, affirmed: “Contrary to the current monoculture order in the territory, we propose another model of agriculture, in which priorities are reoriented toward Land Reform, Agro-ecology, Food Security, and the defense of forests, scrublands, and their traditional populations. Only a new model of development can guarantee the reduction of socio-environmental inequalities and their secondary effects in urban centers.” It has never been so urgent to politicize the environmental debate and provoke a radical change in policies that, dressed up in “green clothing”, continue to aggravate the environmental crisis and violate the rights of affected populations.

HUMAN RIGHTS IN URBAN AREAS



Military Police training in Rio de Janeiro

In the first six months of the year in Rio de Janeiro, the police recorded 694 “acts of resistance followed by death.” This is frequently a euphemism for extralegal executions with regard to deaths caused by the police and is a category that virtually guarantees impunity. Homicides are the principal cause of death for individuals between the ages of 15 and 44. There are between 45,000 and 50,000 homicides committed per year in Brazil. The victims are for the most part young, male, black, and poor. In Rio de Janeiro and São Paulo scarcely 10% of homicides are brought to trial; in Pernambuco, only 3%.

Preliminary Conclusions of the Special UN Rapporteur on Arbitrary, Summary, or Extra-judicial Executions in Brazil

On November 14, 2007, the UN Human Rights Council Special Rapporteur on arbitrary, summary, or extra-judicial executions, Philip Alston, released the preliminary conclusions on his eleven day mission in Brazil. The Rapporteur stated to the press: “My most important role is to assist Brazilian society to acknowledge the scale of the killings that are occurring, and to act as a catalyst to discussions designed to identify effective solutions.” He clarified as follows:

The cities of Brazil face enormous challenges in keeping their residents safe from the violence of gangs involved in drug trafficking, arms trafficking, and other organized crime. In Rio de Janeiro, such gangs dominate entire communities, subjecting residents to senseless violence and constant repression. In São Paulo, the events of May 2006, in which a gang brought the city to a halt with systematic attacks on public institutions provided a shocking demonstration of the need for more effective policing. I should emphasize that human rights law not only prohibits governments from committing extrajudicial executions, but that it

also requires governments to protect their people from murderers. Indeed, one of the central pillars of the idea of human rights has always been the right to life and the freedom from fear. Thus, ensuring security for all citizens is a key role that governments must play. Human security is a part of, and not in competition with, human rights. In the Brazilian context in particular, my findings show that the issues of ending human rights abuses by the police and ensuring effective crime prevention by the police are tightly linked. A key reason for the ineffectiveness of the police in protecting citizens from these gangs is that they too often engage in excessive and counter-productive violence while on-duty and participate in what amounts to organized crime while off-duty.

Some of the Rapporteur's chief concerns refer to the figures on violence in Brazil. He cites, for example:

- Homicide is now the leading cause of death for persons aged 15-44 years. For some time now there have been 45,000-50,000 homicides committed every year in Brazil. Victims are overwhelmingly young, male, black, and poor.
- In Rio de Janeiro and São Paulo, only about 10% of homicides are tried in the courts; in Pernambuco it is about 3%. Of that 10% tried in São Paulo, about 50% are actually convicted.
- In the first 6 months of this year in Rio de Janeiro, the police recorded 694 "acts of resistance followed by death". This is very often a euphemism for extrajudicial executions by the police killings and it is a category which virtually ensures that impunity will follow.
- In Pernambuco, 61 prison deaths were reported during the first ten months of 2007, with 23 occurring in the Anibal Bruno prison, including more than a dozen killings this year, several of which occurred earlier this week.
- In the same state, a reliable estimate is that 70% of all homicides are committed by death squads, and many of those death squads are made up of policemen and former policemen. The 197 people who have been arrested this year for death squad activity represent only the tip of an iceberg.
- Recently, some 2,000 files which were turned over to the Public Prosecutor by the police in Pernambuco expired because the police had delayed action for so long that the statute of limitations on the crimes had passed.
- Over-crowding in Brazilian prisons is now so bad that the occupancy rate is often 3 or more times as many prisoners as the facility was designed to hold. Is it any wonder that riots take place?

Another point in Philip Alston's report refers to the main problems generated by this situation, including:

- Very high homicide rates, and high rates of impunity: This includes violent killings by individuals, lethal confrontation between drug traffickers and other gangs, and the killings of police and other officials by criminals. These killings have sown widespread fear and insecurity among the general population, but remarkably little is being done in the vast majority of such cases to investigate, prosecute, and convict the culprits. The low rate of cases going to trial illustrates the system's failure in this regard.
- Killings by vigilante groups, death squads, extermination groups, and militias: These generally consist of off-duty police, ex-police, firefighters, and private citizens involved in activities such as: (a) contract killing; (b) taking over a geographical area, and extracting 'protection' money from residents, often under threat of death; and (c) killing or issuing death threats on behalf of landowners to landless workers or indigenous persons as a result of land disputes.
- Prison killings: Including: (a) inmates killing other inmates; (b) security guards killing prisoners; and (c) inmates killing security guards.
- Killings of police: the police in Brazil clearly operate at significant risk to their lives in many situations. The number of police killed is totally unacceptable and all appropriate lawful measures need to be adopted to prevent such deaths. But we also need to look carefully at the figures. In Rio in 2006 for example the statistics show that 146 police were killed. But only 29 of those were killed while on-duty. The remaining 117 were killed when off-duty. A very significant proportion of those 117 is likely to have been engaging in illegal activities when killed.
- Police killings: These killings are of major concern because they indicate a degree of lawlessness which undermines other efforts to reduce homicides and other forms of criminal activity. They break down into two categories.

Extrajudicial executions by on-duty police

In most cases killings by on-duty police are not included at all in the homicide statistics. Instead they are registered as "acts of resistance" or as cases of "resistance followed by death". In theory, these are instances in which the police have used necessary and proportionate force in response to the resistance of criminal suspects to the orders of law enforcement officers. In practice the picture is radically different. The determination

as to whether an extrajudicial execution or a lawful killing has occurred is first made by the policeman himself. Only rarely are such self-classifications seriously investigated by the Civil Police. I have received many highly credible allegations that specific “resistance” killings were, in fact, extrajudicial executions. This is reinforced by studies of autopsy reports, and by the fact that the ratio of civilians killed to police killed is astonishingly high.

This and other problems are well illustrated by the events involving some 1,350 police that took place in the Complexo do Alemão community of Rio de Janeiro on 27 June 2007. Nineteen individuals died in the so-called “mega-operation” that took place. I interviewed the relatives of eight of those victims and reviewed a range of other reports on the incident. I also spoke with those responsible for directing the operation and to the officers at the police station that is responsible for investigating the killings. They provided me with no evidence that any sustained investigation has been undertaken. They confidently asserted that nearly all of those killed had criminal records. This “fact” could not have been known positively to the police when they killed the individuals. The assertion was firmly denied in statements made to me by families of victims in several of the cases, including that of the killing of a 14 year old boy. And, even if each of the victims had had a criminal record, the appropriate response is arrest not execution. The investigators have apparently failed to ascertain which police fired even a single one of the shots, and have not reconstructed the circumstances in which each of the 19 died. (Their response to these deaths in Complexo do Alemão appears to be typical: The officers I spoke with could not recall that station ever having ever concluded that a single case in which a policeman alleged that he had lawfully killed in response to a suspect’s violent resistance was actually a homicide.)

I asked the head of the Civil Police in Rio de Janeiro about the findings of an independent autopsy report which strongly suggested that some of the individuals had been extrajudicially executed by the police. His response was to attack the credentials of the ‘out-of-state’ experts and to question their constitutional right to undertake such an analysis. I requested from him, but have not yet received, a scientifically credible response to the report.

Many of those with whom I spoke from the Government and Police in Rio de Janeiro considered the action in Complexo do Alemão to be a model for future action, and most asserted its success. Indeed, person after person casually used the terminology of “war”. But “war” cannot be fought against selected criminal individuals. It is fought against entire communities. The language of war provides a convenient justification for a military-style invasion, and for a strategy that focuses only on force and confrontation. I sought to discover why exactly the operation had been undertaken. Many reasons

were offered, but there was little consistency. At the end of the day, unspecified intelligence reports were usually cited by way of justification. The actual results achieved are noteworthy. The most important major drug dealers and traffickers were not arrested or killed. I was told “many” weapons were seized. Given that the community was said to have been awash in arms I was staggered to hear that a 24 hour occupation by 1,350 men yielded: 2 machine guns, 6 handguns, 3 rifles, 1 submachine gun, 2,000 cartridges, and 300 kilograms of drugs. Not a single policeman was killed and few were hurt, but the “resistance” encountered apparently necessitated the killing of 19 persons.

To the extent that the Complexo do Alemão operation reflects the main strategy of the State Government, it is politically driven and amounts to policing by opinion poll. But, it is popular among those who want rapid results and displays of force. The irony is that it is counter-productive. Various senior police officers with whom I spoke were highly critical of the “war” approach. The Military Police forces involved have had little relevant training in the use of non-lethal weapons, there have been no attempts to develop community-based policing in this area, and almost no sustained social services are provided by the state to the people of the affected community.

Extrajudicial executions by off-duty police

State police, especially state military police, routinely work second jobs while off-duty. Some form “militias”, “extermination groups”, or “death squads” and other groups that engage in violence, including extrajudicial executions, which occur for several reasons. First, their protection rackets – in which shopkeepers, transport providers, and others are coerced into paying money to the group – are violently enforced. Second, to prevent gangs from undermining their control, persons suspected of providing information to, or otherwise collaborating with, gangs are killed. Third, while such groups do not generally begin as death squads per se, the already illicit relationship that they have developed with the more powerful and affluent elements of the community frequently results in their engaging in murder for hire. For the residents of these communities, control by a “militia” is nearly indistinguishable from control by gangs and traffickers.

Prison violence

High levels of riots and killings in prisons are the result of a number of factors. Severe overcrowding in prisons contributes to inmate unrest, and also to the inability of guards to effectively prevent weapons and cell-phones from being brought into prisons. Wardens are insufficiently trained and supervised. Low levels of education and work opportunities also contribute to unrest, as does the failure to ensure that inmates are transferred from closed to open prisons when they are entitled to do so.

Delays in processing transfers, together with warden violence and poor general conditions encourage the growth of gangs in prisons, which can justify their existence to the prison population at large by purporting to act on behalf of prisoners to obtain benefits and prevent violence.

There are many bodies with the power to investigate prison conditions, but none are doing their job adequately. This lack of external oversight permits poor prison conditions and abuses of power to continue. Requirements in some places to identify with one gang faction facilitates the growth of gang-identification, and gang related activity.

The criminal justice system's response to extrajudicial executions

A necessary reform to address the problem of extrajudicial executions committed by the police is to change the strategies and culture of policing. This approach is immensely important, and my final report will make a number of specific recommendations in this regard. However, another equally important approach is to ensure that when extrajudicial executions occur, those policemen responsible are convicted and imprisoned, and to ensure that the victims get justice and the guilty cannot kill again. It is disturbing that, as I noted earlier, very few homicides result in convictions.

This might suggest that the criminal justice system is hopelessly broken. This is not the case. A successful conviction for murder is the end result of a process handled by a number of institutions: Typically, that process would be that the Civil Police effectively finds witnesses and preserves the crime scene; those witnesses may then require protection; the Technical-Scientific Police gather specialized forensic evidence; the Ministério Público builds a case against the suspect; a jury court hears the evidence and finds the suspect guilty. Every step depends on those that come before it. If any institution fails to act in an effective manner, the whole process is a failure. The bad news is that one or more institutions generally do fail.

The good news is that all of the institutions include a significant number of competent personnel, and that some of the institutions generally function quite well. For example, I have been especially impressed with the professionalism and dedication of the Ministério Público. Similarly, while the witness protection programs suffer from both funding shortfalls and institutional defects, they do succeed in protecting a large number of witnesses.

In my final report, I will make a number of specific recommendations regarding how the criminal justice system should be reformed so as to effectively prosecute extrajudicial recommendations. However, as a preliminary observation I would note

both that the criminal justice system is in desperate need of large-scale reform and that such reform is completely feasible. Brazilian society should feel a sense of great urgency in making these reforms, but it should also feel confident that if it acts with urgency, it will succeed.

Preliminary conclusions and recommendations

My report will include detailed recommendations to the federal and state governments for reforms in approaches to policing, and in how the criminal justice system functions. However, a few preliminary recommendations are in order:

Police pay: Low pay for police leads to a lack of professional pride and encourages police to engage in corruption, to take second jobs, and to form “extermination groups”, “death squads”, “militias” and other vigilante groups to supplement their pay. Reforms must include higher salaries.

Investigations into police killings: The Civil Police and the internal affairs services of the Civil and Military Police must effectively investigate killings committed by the police. The current system in many states of immediately classifying police killings as “acts of resistance” or “resistance followed by death” cases is completely unacceptable. Every killing is a potential murder and must be investigated as such.

Forensics: Forensics police and institutions are under-resourced and under-equipped, and they lack independence. To ensure effective prosecutions, this must be changed.

Witness protection: Witnesses to extrajudicial executions committed by the police and organized crime legitimately fear reprisals for testifying. This fear is increased when the police remain on duty throughout the investigations. There is much that is impressive about the current witness protection programs, but their inadequacies must also be candidly recognized and urgently addressed.

Ombudsmen: In the states that I visited, the police ombudsmen lacked true independence or the ability to gather facts on their own. This must be changed: The police require genuine external as well as internal oversight.

Public prosecutors: The Ministério Público must play a key role from the very outset in the investigation of every single incident involving killing by the police.

Prisoners have an immense and justified fear of reporting the violence to which they are subjected. The many institutions required by law to monitor prison conditions — most notably including judges of penal execution — are unable or fail to play this role in any adequate manner. The number of such judges must be increased, and the manner in which they work must be greatly improved.

Prisons must be run by the wardens, not by the inmates. This is an undeniably complex issue, and the safety of prisoners must always be the first priority. However, some practices must be discontinued immediately. The practice in Rio de Janeiro of forcing new prisoners who have never belonged to any gang to choose one upon entry into the system is both cruel and needlessly swells the size of the gangs. The human rights of the prisoner and of society at large are violated.

The people of Brazil did not struggle valiantly against 20 years of dictatorship, nor did they adopt a federal Constitution dedicated to restoring respect for human rights, only in order to make Brazil free for police officers to kill with impunity in the name of security. It is imperative that the Federal and State Governments implement sustained reforms in the directions I have indicated in order to enhance the security of ordinary citizens and promote respect for human rights.

In spite of a trivial reduction in urban violence, Rio de Janeiro's Public Security Department insists on staying the course. Statistics for the first semester of 2007, recently released by the Public Security Institute, reveal a significant rise in the number of deaths in alleged confrontations with the police – 33.5% more than in the first semester of 2006. By contrast, there was a reduction in the number of detentions (-23.6%) and in the number of drug and weapon apprehensions (respectively -7.3% and -14.3%). These figures reveal at the least the inefficiency of the chosen method for fighting crime in Rio de Janeiro, not to mention all the lives lost in the process.

Public Security in the State of Rio de Janeiro

Alessandro Molon¹

*“In Rio, a police officer
must choose between
corruption, omission, or war.”*

The sentence above, said by Captain Nascimento, a fictitious character in the movie “Tropa de Elite” (“Special Unit”), is a fair synthesis of the culture of public security that has ruled in the State of Rio de Janeiro in the last decades. The local reality of violence has ingredients such as partial corruption of the police forces, low efficiency of police internal and external control mechanisms, deliberate omission or involuntary incompetence in crime fighting, and a mentality of armed conflict as justification for abuse.

The culture of public security has not served well the goal of efficiently fighting violence in the State. On the contrary, it feeds violence and is fed by it, stimulating

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* Translator's Note: the adjective refers to those born in the State of Rio de Janeiro.

brutality and barbarism, besides generating enough room for militia proliferation. Pressed in between drug dealers, militia, and a violent and corrupt police, the population remains a cornered hostage.

Statements by the new public security administration have been reinforcing the idea of a “war” between the State and the criminals. This is a dangerous concept because, when one talks about war, one may be sending a message of legitimacy for all and any behaviors. But even in wars there are rules that define how the enemy must be treated and, when such rules are violated, one may claim a war crime has been committed. In the case of the State of Rio de Janeiro, on some occasions, we have seen strong evidence that public security officers would not observe the rules of legal combat.

The new administration sent some positive signs in the security area, specially regarding the fight against police corruption. In the first place, people of good reputation were nominated to the top positions in public security. Moreover, it appears that there was not an “auction” of battalions and police stations. From the beginning, the State government announced it would fight the collusion between members of its police force and drug dealers, and Fluminense* society already celebrated some successful operations that resulted in the detention or removal of police officers involved with the illegal commerce of narcotics. Operations that target corruption networks in the State are vital to the progressive weakening of organized crime and to undoing impunity’s perverse effects, and should be intensified.

Of course, the intention is not to limit crime fighting to preventive action. It would be ingenuous, even foolish, to deny the need of repressive action, which has to be firm. It is true that fighting drug trafficking means to enforce the human rights of those who live in the favelas. It is important to emphasize the oppression of thousands of residents in communities subjugated by drug dealers. However, it is a serious mistake to legitimate police violence on behalf of security. The fight against drug trafficking must be within the rule of law, and its priority has to be the greatest good to be protected by the State: human lives. In the case of the police, holder of the State monopoly on legitimate violence, abuses are unacceptable either against “good people” or criminals.

In spite of a trivial reduction in urban violence, Rio de Janeiro’s Public Security Department insists on staying the course. Statistics for the first semester of 2007, recently released by the Public Security Institute, reveal a significant rise in the number of deaths in alleged confrontations with the police – 33.5% more than in the first semester of 2006. By contrast, there was a reduction in the number of detentions (-23.6%) and in the number of drugs and weapons apprehensions (respectively -7.3% and -14.3%). These figures reveal at the least the inefficiency of the chosen method for fighting crime in Rio de Janeiro, not to mention all the lives lost in the process.

The official rhetoric supporting the operations in favelas is based on the idea of reoccupying and pacifying the territory with the goal of implementing social programs only afterwards, with large resources, including federal money. This concept resulted in the mega-operation at the Alemão Complex in June 2007. Let us analyze this action of the Fluminense police, in view of its consequences and its national and international repercussion.

In the Alemão Complex, besides the worrisome figure of 19 deaths, the police attack resulted in more than 40 injured, the closing of area schools for about two months, the bankruptcy of small entrepreneurs, and the fear and indignation of resident workers. Some evidence resulting from the operation generated suspicion of excessive use of force and summary executions, which led me to require the State Attorney General to act, and also to ask the Special Human Rights Department of the Presidency of the Republic to designate independent experts to follow the investigation. The independent experts' final report confirmed that at least two of the 19 deaths were executions. Instead of regretting the fact, and committing to account for those executions, the Public Security State officer disqualified the work of the independent experts, and credited the polemic to "those who try to distort the just cause of human rights."

After the Alemão experiment, security authorities must reflect on how efficient such incursions are toward retaking the State sovereignty on these territories. There are reports assuring that, after the police forces retreated and the corpses were collected, the situation went right back to the previous status. The question is unavoidable: what is the real benefit of such an operation?

I am sure that it is possible, and also necessary, that the police respect the legal limits constructed with difficulty by Brazilian society. I firmly believe that real confrontation with crime can only be achieved by policemen that respect the law. I have been presenting propositions in that direction as a representative, and as the president of the Commission for the Defense of Human Rights and Citizenship in the State Assembly.

I suggested to the State Government, for instance, the creation of a workgroup to define strategies for reducing the lethality of police operations. The workgroup, which was already created by decree, but not yet installed, is composed of representatives from the federal and State executive branches, from the legislative branch, and from organized civil society. I also authored a number of bills aimed at protecting and assisting victims of violence and defenders of human rights. However, I also have confidence in the value and training of good police officers, and to that end I presented bills that forbid the use of violent methods in the training of public security personnel; veto the use of death-related symbols and images on public property; establish medical and psychological assistance for public servants in the area of public security; and, finally, a bill that determines the payment

of a pension to dependents of public security officers killed in the line of duty. As I believe that we need really independent expertise in order to step up the quality of our investigations, I proposed and got approved an amendment to the State Constitution establishing the autonomy of institutions in charge of expert tests and investigations. This amendment still awaits implementation by an Executive law.

My initiatives stem from the understanding that prevention and repression must occur in parallel, and always in full respect of human rights. I will continue my efforts in search of a more daring alternative to what is now being implemented in the State of Rio de Janeiro, recovering the value of human dignity and strengthening democracy and the rule of law.

Estimates by the Pastoral Office for Latin American Migrants note that there are today more than 200,000 Bolivians living in the city of São Paulo. Of these, nearly 12,000 are in conditions of slavery. As they work illegally, Brazilian authorities do not have exact information in order to quantify their numbers. Organizations that attend to migrants' needs fear that the cases of tuberculosis are increasing among them.

Walls of Shame

Luiz Bassegio and Luciane Udovic

The Berlin Wall made the news every day.
From dawn to dusk we read about it, saw it, and heard about
it: The Wall of Shame,
The Wall of Infamy, the Iron Curtain... Eventually, this wall,
which deserved to fall, fell.
But other walls have sprung up, and continue to spring up in
the world, and
although they are far larger than the Berlin Wall, little or nothing
is said about them.
Eduardo Galeano

The term Wall of Shame is used informally to describe walls or barriers that shame their builders or that are planned to shame someone else. The expression was first used in 1961 to refer to the Berlin Wall. A wall to impede movement by Germans, which became a

1 Luiz Bassegio and Luciane Udovic are members of the continental coordination of Grito dos Excluidos/as (Cry of the Excluded).

symbol of ideological apartheid, a symbol of the Cold War, and a mark of separation between two blocks, that is, separating the communist side from the capitalist side.

We can cite other examples of walls of shame, from which cries continue to sound, with no echo, although they cause many deaths and separation. The Fence between the United States and Mexico is one of them. It is a long line of 3,140 km, which crosses North America, from West to Southeast, from California, on the Pacific Ocean, to the south of Texas, on the Gulf of Mexico. Currently, this wall extends for 1,300 km, and the construction of additional 1,226 km was approved, as well as the installation of remote operated cameras, unmanned planes, and satellites.

Contrary to the arguments of the US government, the construction of this wall doesn't deter "illegal" migration and the transit of migrants; it only increases the number of deaths. And along the 3,140 km of this border, how many deaths will there be? We don't know for sure. There is no way to get precise numbers of how many people die, for instance, in the desert, where their bodies cannot be found.

How is it possible to defend the complete freedom for the circulation of capital and, at the same time, construct a sophisticated wall to impede free circulation of workers? But other walls continue to be built. The Israeli Wall on the border with Palestine is another example. It is a fortification with barbed wire, a thickness of eight meters of concrete and control towers every 300 meters, around the West Bank and Eastern Jerusalem. Mined from point to point, and from point to point guarded by thousands of soldiers, it is 60 times greater than the Berlin Wall. There is also the Wall of Morocco, 1,500 km long and 4 meters high, which for 20 years has perpetuated Moroccan occupation of the Western Sahara. The Spanish barrier to impede entry by immigrants is known as the Walls of Ceuta and Melilla in Africa. And more: the Wall of Korea, which is nearly 200 km long.

To these walls one must add the floating walls made up of naval units that patrol the maritime borders of Southern Europe, especially those of Spain and the Canary Islands. It should be noted that in these areas as well, hundreds of deaths have been recorded.

In the words of Cardinal Renato Martino, president of the Pontifical Council of the Pastoral Office on Migrations, "it is regrettable that, in a world that celebrated the fall of the Berlin Wall, new walls are being built between neighborhood and neighborhood, city and city, country and country."

Brazil: behind the walls, from dream to slavery

Leaving their country in search of a better life on Brazilian soil, South Americans, chiefly Bolivians, come to Brazil aware that they will work a great deal and earn little money. But when they arrive, it is not uncommon for them to earn nothing at all, and to end up living in the shadows, oppressed by the fear of deportation and of returning

empty-handed to the poverty they left behind. Estimates by the Pastoral Office for the Latin American Migrants note that there are today more than 200,000 Bolivians living in the city of São Paulo. Of these, nearly 12,000 are in conditions of slavery. As they work illegally, Brazilian authorities do not have exact information in order to quantify their numbers.

The exploitation of Bolivians is in large part fueled by their not understanding that they are being enslaved, since they usually come from rural areas, and don't understand urban work or Brazilian labor legislation. But, in the current situation, this wouldn't help them much, because their status in the country is irregular ("illegal").

Of the main goals of the Pastoral Migrant Service is to change the Statute on Foreigners, making it easier to regularize the status of immigrants in Brazil. The current Statute was drawn up in the period of military dictatorship, and it was based, above all, on the ideology of "national security", leaving out human rights issues. Another goal is to deal with the market that benefits from this system. If at one point in the chain of commercialization we have the sweatshops in which the Bolivians are exploited, at another point we have the clothing stores that sell their production. The small sewing shops where Bolivian immigrants work often produce clothing for famous stores.

These clandestine sewing shops, setup in old apartment buildings and slums, began to spread throughout São Paulo. Their machines operate from 6 am until 10 pm. Many even operate up to midnight. The workers are paid by what they produce. When they stop, they throw themselves on a mattress on top of the machine and sleep right there; or they squeeze themselves into bunks in small rooms, service areas or bathrooms. They only leave the workplace late on Saturday or on Sunday.

A story published in the newspaper *O Estado de São Paulo* on December 17, 2006, carried a statement by Pedro, a thin youth with black, sad eyes. He said he slept in a narrow bathroom, indicating the width by the space between his arms. The window was sealed with tile and cement because it opened on the street and could attract the attention of the police. He said that he was no longer bothered by the musty smell, the humidity and the dark, but still was made nauseous by the cockroaches that came out of their holes in the roof and floor drains. The boy arrived in São Paulo just days before turning 18, enticed by a cousin who owned a sewing shop. "He said that I would earn a lot, but he only pays me R\$ 100.00 reais per month. He says he has to deduct for food and housing, and that I still owe part of the money for the trip from La Paz to São Paulo."

He suspects that he has contracted an illness: "I wake up two or three times each night covered with sweat. I put on a dry shirt and soon I am wet again. Is this normal?" It could be that he is not ill, but the account recalls a fear that is becoming more credible among organizations serving migrants: cases of tuberculosis among them are increasing.

We must meet the challenge of thinking and dreaming about another possible world

In a world which favors the circulation of financial capital and, at the same time, establishes walls and restrictive and xenophobic legislation for workers, immigrants must meet the challenge of thinking and dreaming about another possible world, which respects human rights and fosters the integration of peoples.

Migrants are persons that not only have their rights violated, but also have their dreams put on hold and their family ties threatened. Gender inequalities in the migration process affect all social sectors, but children and women have fewer possibilities for resisting the aggression imposed by current policies.

Migratory policies should be based on solidarity and free circulation of people. Migration is a fact that cannot be ignored. The fact that millions of people leave their countries points up the need for profound changes, not only in public policies in each country, but also in international relations. To inhabit the planet where we live is an intrinsic right of all. Migrants should strive for full integration into the political system, because their presence and their labor contribute to the common good of society.

We are not foreigners. The world is our country!

Concretely, the Pastoral Office for Migrants is carrying on several campaigns to guarantee migrant's rights. Some of these are: a new and inclusive Immigration Law, putting into practice the International Convention on Protection of the Rights of All Migrant Workers and Their Family Members, General Amnesty throughout the Americas, and homogeneous immigration laws in our countries. We must assume positive reciprocity, in other words, treat immigrants in our country the way we wish Brazilians would be treated in other countries.

In conclusion, our struggle should be aimed at seeking to guarantee all rights for migrants: labor, social, cultural, economic, civil and political rights. May human rights be guaranteed in all societies, independent of the administrative status of the person; may migrants not be criminalized for not having their papers up-to-date. (The proposals presented in this article are included in the preparatory document for International Immigrant Day – Integration, Universal Citizenship, and Human Rights – published by SPM - Pastoral Migrant Service).

Source:

Journeys in Global Disorder – Forum Social Mundial das Migrações, 2005 – published by Edições Paulinas.

The Ministry of Justice reaffirms that confronting trafficking in persons falls under the integral protection of migrant worker rights and defends ratification by Brazil of the International Convention on Protection of the Rights of All Migrant Workers and their Family Members. It is expected that during discussion of the 2008-2011 Pluriannual Plan and the Union's 2008 Budget, our legislators will take action to guarantee programs aimed at combating trafficking in persons in its various guises (slave labor, commercial sexual exploitation, and organ trafficking).

Trafficking in Persons: advances in institutionalization and in critical thinking¹

Marcia Sprandel²

*I leave because here I can't, I come back because there I can't either
I leave because here I'm owed, I come back because there they're crazy
South or not south...
(Kevin Johansen – Sur o no sur. Sony Music. 20002).*

We can group the question of trafficking in persons in Brazil in 2007 along three main axes: institutionalization, incorporation of critical thinking, and budgetary challenges. It can be said that we have advanced a great deal in institutionalization and working together with civil society (which allowed for an interesting incorporation of its critical

¹ Many things happened in 2007 in the area of combating trafficking in human beings in Brazil, both in terms of the government and in terms of international organisms, NGOs, and social movements. Due to the limited space for each subject in the 2007 Report on Human Rights in Brazil, I apologize for any omission of programs, campaigns, or publications.

² Marcia Sprandel is an anthropologist and a member of the Commission on Ethnic and Race Relations of the Brazilian Anthropology Association. She thanks Maria Alice Pereira de Souza, Leadership budget adviser of the Government Support Block in the Federal Senate, for budgetary information.

thinking in the discussion of the National Plan for Confronting Trafficking in Persons), but there is still a way to go regarding funds for implementation.

Axis 1 Institutionalization

In February 2007 the Federal Government launched text of a National Policy on Confronting Trafficking in Persons.³ In presenting the document, the Minister of Justice, Márcio Thomaz Bastos, affirmed that the debate and reflection on trafficking in persons in Brazil has taken off with the publication of Decree No. 5948 of October 26 2006, which approved the National Policy on Confronting Trafficking in Persons: today it can be said that the theme is definitively on the agenda of the Federal Executive Branch, it only being left to be assigned specifically or exclusively to one ministry or another, depending on the existence of international technical cooperation projects (BASTOS, 2007:5).

Thomaz Bastos reminds us that the National Policy was put out for public consultation in June 2006 in recognition of the accumulated experience of Brazilian civil society, which over the years has single-handedly carried the banner of confronting trafficking in persons in the country.

In June 2007, with publication of the “Report on Trafficking in Persons 2007” by the U.S. State Department, Brazil was readmitted into the intermediary group, together with other countries that do not met the minimum goals recommended for combating this type of trafficking, but are making an effort to eradicate the problem. The betterment of the Brazilian position was the result of publication of the National Policy, the process of drawing up the National Plan, actions against slave labor – including the veto by President Lula of Amendment Three – and against sexual exploitation/sexual tourism, particular note being given to the code of conduct, the campaign of the National Secretary of Justice called “First they lose their passport, then their freedom,” the increase in the number of Sentinel Program offices and the record of arrests in police actions.

The National Plan for Confronting Trafficking in Persons, after being amply discussed by a Working Group formed of 13 ministries, plus the Public Ministry, the Public Labor Ministry, and various organizations from civil society in the area of children and youth, from the women’s movement and from the national movement mobilized against slave labor, as well as international organizations, will be officially launched by the President of the Republic before the end of the year. The Plan establishes priorities for action,

3 The process of constructing the text was begun in December 2005, when the Ministry of Justice, the Special Secretary for Women’s Policies and the Special Secretary on Human Rights, both the latter under the Presidency of the Republic, began discussion of the base text for a national policy. As the process developed, nine more ministries, besides the Federal Public Ministry and the Public Labor Ministry, were involved.

over the next two years, along the three thematic axes determined by the National Policy: prevention of trafficking in persons, repression of trafficking in persons, and attention to victims. For each priority action there is a responsible entity, a goal, and a term for its completion or review. One of the main points of the plan are the partnerships that will be established with other levels of government, especially states and municipalities, and also with organizations from civil society.

The process of constructing the Plan and the various aspects of the question of trafficking in persons in Brazil were debated in October 2007 during the National Seminar on Trafficking in Persons, which was part of the launching of the UN's Global Initiative Against Trafficking in Persons (UN.GIFT) in Brazil. The following agencies, in our country, participate in the Global Initiative: UNODC (guardian of the UN Protocol on Trafficking in Persons and responsible for rendering technical cooperation to the States in developing policies for prevention, accountability, and attention to victims); UNICEF (responsible for protecting children from situations involving violence, abuse, and exploitation); OIT (responsible for promotions against forced labor and prevention of child labor); UNFPA (responsible for promoting the rights of populations vulnerable to trafficking); and UNIFEM (responsible for protecting women and girls from all forms of gender discrimination). The Initiative provides for the involvement of governments, NGOs and other institutions from civil society. The Seminar held in Brazil is in preparation for a world forum to be held in Vienna in February 2008.

The actions of international organizations is then most important for placing the theme of trafficking in persons on national agendas. Besides UNODC, UNICEF, UNFPA, and UNIFEM, we also note herein the Project for Prevention of Trafficking in Persons on the Triple Frontier between Argentina, Brazil, and Paraguay, of the International Organization on Migrations (OIM), for its actions in one of the most critical areas of the country in terms of traffic⁴ and the Project for Combating Trafficking in Persons, of the International Labor Organization (OIT) for the breadth of their actions⁵, which include publication of "Passport to Freedom: A Guide for Brazilians Overseas."⁶

During the UN.GIFT Seminar one could see how much the theme of trafficking in persons is being incorporated by Brazilian institutions, including academic ones. For example,

4 In February 2007 OIM sponsored the Tri-National Seminar on the Role of the State in the Fight Against Trafficking in Persons on the Triple Frontier Between Argentina, Brazil, and Paraguay, held at Foz do Iguaçu (PR). In that same city, in May, a public information campaign was launched to combat trafficking in persons, with materials in Portuguese, Spanish, and Guarani.

5 Among which we note other publications, such as the Guide to Attention Abroad for Victims of trafficking in persons for purposes of sexual exploitation; PRF/OIT Guide for Locating Vulnerable Points for Child-Youth Sexual Exploitation along Brazilian federal highways; Manual on Trafficking in Persons; Research on Trafficking in Persons (3 volumes); Revista Acadêmica MERCOPOL (Mercosul's Police Training and Cooperation Center) and the publication "Men and Women of Brazil Abroad.:"

6 Available at www.oitbrasil.org.br/pec/campanhas/passaporte_para_liberdade.pdf

we have the publication of “Trafficking in Persons and Sexual Violence,” organized by the Research Group on Violence and Sexual Exploitation (Violes); a publication with a translation into Portuguese of the chapter on Brazil, produced by the worldwide publication of the Global Alliance Against Trafficking in Persons (GAATW); the “Map of Points of Occurrences of Commercial Sexual Exploitation of Children and Adolescents on Federal Highways” (Federal Highway Police/OIT); the preliminary results of the “Atlas of Trafficking in Persons in Brazil,” by the Geopolitical Laboratory of the University of São Paulo/OIT; the preliminary results of the tri-national research on the dynamics of trafficking between Brazil, Surinam, and the Dominican Republic, by the NGO Só Direitos (Rights Only) of Belem (PA); and the preliminary results of research by the anthropologist Antonieta Vieira “Profile of the Actors Involved in Modern-Day Slavery in Brazil.”

Axis 2

Critical Thinking

We have come a long way in the relativization of the concept of “trafficking in persons” and in political understanding of the reality that can or cannot be covered by this concept. This is clearly seen in the National Policy for Confronting Trafficking in Persons. Both in its presentation, made by Minister Thomaz Bastos, and in the various articles signed by jurists, specialists, and activists, it is clear that the government and Brazilian society are aware that one cannot talk about trafficking in persons without a critical understanding of the concept. The articles put into context its appearance and the manner in which it was put on the agenda internationally and question whether the focus of worldwide attention (and its protective system) should not be more on irregular migrations and on the sex trade, in the context of economic crisis.

The kickoff comes from Minister Thomaz Bastos, when he affirms that to put into practice the directives, principles, and actions provided for in the National Policy on Confronting Trafficking in Persons, we will have to overcome many obstacles. The greatest of these lies within each of us, in the prejudices we generally direct against those who decide to migrate...and this prejudice increases further when the migrant in question works as a sex professional (BASTOS, *ibidem*:7). Concluding his argument, the Minister categorically affirms that there is no doubt that in order to confront trafficking in persons, we must consider the wider context of prostitution and immigration, often irregular, into which it is inserted (*ibidem*).

In keeping with this position, the Minister of Justice reaffirms that confronting trafficking in persons falls under the protection of migrant worker rights and defends ratification by Brazil of the International Convention on Protection of the Rights of All Migrant Workers and Their Family Members.”

We should also like to note the preparation of “Men and Women of Brazil Abroad” – useful information, coordinated by the Ministry of Labor and Employment, working jointly with various ministries, special secretaries, international organizations and those from civil society. The booklet tries to alert Brazilians who are thinking about emigrating about what it means to live overseas (including the danger presented by trafficking in persons), orient those who are already overseas about their duties and rights and to help those who want to return to Brazil.

In the meetings of the Working Group formed to put the booklet together, one could see how urgent the need is for coordination of public policies for Brazilians overseas who are pulverized by various public entities, as well as for designation by the Federal Government of a specific organization to deal with the matter.

Returning to the publication on the National Policy for Confronting Trafficking in Persons, I make special mention of the article by Ela Wiecko V. de Castilho, Under Attorney General of the Republic and Federal Attorney for the Rights of the Citizen, who, on listing the principal international instruments that preceded the additional protocol on trafficking in persons of the Palermo Convention, concluded that the theme of consent, in the manner in which it was written, is ambiguous: The “situation of vulnerability” can be applied in the majority of cases in which exploitation of any kind occurs, but it depends on interpretation by police, the public ministry, and the judiciary, permitting applicability of another Protocol, relative to illegal immigration, that does not consider the migrant to be a victim. Now, once the finality of a person’s exploitation is configured, there exists violation of human dignity as expressed in the 1949 Convention. The State cannot set its stamp on consent. Protection has been weakened for adult women when dealing with prostitution or other forms of sexual exploitation, and in general for persons in the exploitation of their work. (CASTILHO, 2007:14-15).

In their article, Leonardo Sakamoto (NGO Reporter – Brazil) and Xavier Plassat (Pastoral Land Commission) praise the makers of the National Policy for having given support to the “dirty list” (rural property owners who use slave labor) within the directives and principles of Decree No. 5948/2006 (which provides for greater scrutiny of those listed and their exclusion from bidding and access to rural credit), but defend specific measures for the makers of public policies to combat trafficking in human beings for purposes of sexual exploitation and slave labor trafficking: the attempt to standardize actions will repeat the same errors as all policies imposed in a centralized manner. Or worse, they will only be cosmetic actions to convince the U.S. State Department...to reverse its position on this country. (SAKAMATO and PLASSAT, 2007:20).

The Brazilian organizations affiliated with the Global Alliance Against Trafficking in Persons/GAATW⁷ signed one of the most critical articles in the publication, in which

they question who benefits from trafficking in persons. They affirm that trafficking in persons was never considered to be a problem of the Brazilian government before international organizations began to place the item on their agendas; that in countries on the receiving end the governments are not concerned with the suffering and violation of the rights of the persons subject to trafficking and that policies to confront trafficking in persons will only have an effect if economic policies and those on migration are in conformance with same, strengthening persons, broadening their opportunities and access to their rights and having a real choice about whether to remain or to migrate...the "trafficking law" teaches that the stricter the laws on migration, the more trafficking in persons flourishes (HAZEU, 2007:24).

We can also see that violation of human rights do not decrease with anti-trafficking policies and legislation and that, although persons subject to trafficking may be designated as "victims" in various policies and laws, they tend to be treated as illegal immigrants, criminals or threats to national security. Consider that, to avoid any debate over prostitution, there is a strong tendency to focus on intervention only in cases concerning children and adolescents, even when it is known that the great majority of victims of trafficking are young women exploited in the sex trade. NGOs, however, see the process of discussion of a National Policy in a positive light, independent of external orientation and based on the guaranteeing of human rights.

Professors Maria Lúcia Leal and Maria de Fátima Leal understand that trafficking in persons for purposes of sexual exploitation has its roots in the model of unequal development, the globalized capitalist world, and the collapse of the State, and suggest that the concept of globalization incorporate a counter-hegemonic discourse that says that the construction of knowledge and rights by means of valuation of various facts that emerge from the fight by diverse sectors of the world population (women's movement, children and adolescents, blacks, homosexuals, sugar cane workers, day laborers, sex workers, etc. (LEAL and LEAL, 2007:28). In the case of Brazil, they suggest that, besides a policy on providing service centered on immediate assistance, it may be possible to also construct an institutional practice capable of politically and socially strengthening the exploited subject, with a view to fostering a critical consciousness which elevates such subject to the status of citizen (ibidem:30).

Incorporation of these critical visions in National Policy is a noteworthy advance in the formulation of public policies in our country. This same vision prevailed in organizing the UN.GIFT Seminar, which brought to the table various sectors of society which discussed the National Plan even more. The regional characteristics of trafficking in persons were analyzed, with a panorama of differing national realities, as well as exploitation of labor (including domestic) and its interface with trafficking in persons;

migration and vulnerability to trafficking in persons; HIV and trafficking in persons; and the specific case of children and adolescents.

Axis 3

Budgetary Resources

Concern with the resources needed to implement the National Plan is already apparent in Minister Thomaz Bastos' National Policy presentation, where he affirms that once each priority action has a responsible entity, a goal, and a term, the 2008-2011 Pluri-annual Investment Plan (PPA) shall guarantee the funds necessary for its implementation.

Renato Sérgio de Lima, in an article also appearing in the publication, defends the idea that the fixing of common goals and objectives, the existence of budgetary headings, management and juridic capabilities and priorities for execution of projects and expenses, scheduling the Pluri-annual Plans (PPA) are elements that should be incorporated in PNETP's coordination agenda, against the risk of reducing it to merely a statement of political will and not one of public policy (LIMA, 2007:38).

In an interview with this researcher in November 2007, Reiner Pungs, of the Brazilian office of UNODC, indicated his concern particularly with the financial burden for States and Municipalities anticipated in the National Plan. Implementation of State Plans and Centers for Attending to Victims may depend on the interest on the part of the governors in investing their budgets in combating trafficking in persons. Thus, the importance of pressure from civil society is magnified, working through the state and local networks for the defense of the rights of women, transgenders, children and adolescents.

It is worth noting that the Budgetary Bill for the fiscal year 2008 anticipates, by initiative of the Executive Branch:

- R\$ 245,000 for Action 8204 – Support for Nuclei Combating Trafficking in Persons, under the auspices of the Ministry of Justice (budgetary item 30101).
- R\$ 4,919,292 for Action 8787 – Integrated Actions for Confronting Abuse, Trafficking, and Sexual Exploitation of Children and Adolescents – PAIR, under the auspices of the National Fund for Children and Adolescents/Presidency of the Republic (budgetary item 20928).
- R\$ 468,500 for Action 8787 – Integrated Actions for Confronting Abuse, Trafficking, and Sexual Exploitation of Children and Adolescents – PAIR, under the auspices of the Special Secretary for Human Rights/Presidency of the Republic (budgetary item 20121).

The expectation is that during discussion of the 2008-2011 Pluri-annual Plan and the 2008 Union Budget, our legislators will act to guarantee the programs aimed at combating

trafficking in persons in its various guises (slave labor, commercial sexual exploitation, and trafficking in organs).

Final Considerations

There is no doubt that trafficking in persons is closely linked to economic questions, the labor market (including prostitution), and restrictions on displacement of populations. It makes no sense to deal with trafficking in persons in an isolated fashion. This seems to be clear for government and for society in our country. It is, however, necessary to advance public policy on migration, old claims from the Brazilian community overseas and from entities defending the rights of foreigners in Brazil.

For the National Plan for Confronting Trafficking in Persons not to fail, besides the matter of budgetary guarantee, it is fundamental that work with civil society be strengthened and the voice be heard of those involved in the issue. Employees working at the service center at the Guarulhos Airport have already noticed that many sex professionals and transgenders who return deported or not admitted to Brazil refuse to be treated as victims. We must listen to them. It doesn't seem to me that associations of sex professionals are in tune with the trafficking policies. Why? We must listen to them. Many workers freed by inspections by the Ministry of Labor and Employment end up right back caught in the slave labor networks. Why? We will listen to them. Good public policies need to know what the people for whom they were created think.

This concern is present in the National Policy publication, both in the article by Maria Lúcia and Maria de Fátima Leal, which affirms that one of the important tasks necessary for another world to be built...is political participation of violated subjects, and not only the bureaucratic technical sectors of the State and civil society (LEAL and LEAL, 2007:31), and in the article by the NGOs from GAATW, that asserts that the challenge is to insert PNETP within the scope of economic policies and guarantee funds for its implementation, assuring participation by civil society, so that measures against trafficking do not continue to have negative effects for the persons they were intended to protect (HAZEU, 2007:2).

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According to the official data (IBGE, PNAD), the housing deficit¹ is 7.9 million dwellings, and 96.3% of this number affects the population with income of up to five minimum wages.² The total housing deficit in the Center-West region of Brazil is 6.8%, 10.8% in the North; 11% in the South; 36.7% in the Southeast; and 34.7% in the Northeast.

A brief sketch of urban policies on the promotion of the human right to housing

*Nelson Saule Júnior³
Patrícia Menezes Cardoso⁴*

I. The Social and Land Inequality Picture in Brazilian Cities

The high degree of urbanization of Brazilian society occurred in a short period of time and was based on the processes that produced urban spaces – cities with a high degree of social inequality. These processes contributed to deepening the segregation problems and conflicts that already existed in the metropolitan areas and regional centers of the country. The urbanization process brought negative results related to the socioeconomic conditions of city inhabitants, which comprise of more than 80% of

¹ *Housing Deficit in Brazil is a study by the João Pinheiro Foundation with data provided by the National Research by Housing Sampling (PNAD) collected in 2005, and developed by the Brazilian Geography and Statistic Institute (IBGE).*

² *The minimum wage at this writing was US\$ 246.36.*

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the Brazilian population. In the last decades, the absence of effective public policies in the areas of planning and land management, housing, sanitation, and urban mobility and transportation resulted in the intensification of negative social and environmental conditions in the cities. This intensification is present especially with regard to housing and sanitation, which demonstrates the socio-environmental degradation of the cities.

According to the official data (IBGE, PNAD), the housing deficit⁵ is 7.9 million dwellings, and 96.3% of this number affects the population with income of up to five minimum wages.⁶ The total housing deficit in the Center-West region of Brazil is 6.8%, 10.8% in the North; 11% in the South; 36.7% in the Southeast; and 34.7% in the Northeast.

The housing deficit quantitatively shows that in the nine metropolitan regions, which have the state capitals as the urban centers, the number is 2,285,462 dwellings. In relation to the favelas, the number is 1,469,831, which corresponds approximately to the housing in these metropolitan regions.

Social and land inequality is shown also in the number of people living in inadequate housing, which are believed to be located on irregular lands. This number amounts to more than 12 million units and corresponds to almost 30% of the total housing in the country. This number of inadequate dwellings is part of the socio-territorial deficit inherited from an accelerated urbanization that occurred in the previous decades. These irregular dwellings were established in areas lacking basic socioeconomic rights, such as health care, schools and social welfare, as with the favelas. Within this deficit in adequate housing we find 1.96 million dwellings located in the favelas. More than half of these dwellings are located in the Southeast region (60.2%), followed by the Northeast (19.8%), North (14.4%), Center-West (12%), and South with the least numbers of favelas (4.5%).

In the area of environmental sanitation, in the year 2000, 80% of the Brazilian population had water supply services. However there is still a high deficit in sewerage, which this year served only 50% of the national population. This lack of services and sewerage becomes even more severe when we consider that only 4% of domestic sanitation receives some type of treatment, while the rest is thrown into the environment (washes, rivers, ocean), contaminating chiefly surface and underground bodies of water.

More than half of the deficit in sanitation services is centered in the large cities – those with more than 1 million inhabitants and metropolitan regions. The other half of this deficit is shared among the smaller cities, with 12% centered in cities of 200,000 to 1 million inhabitants, 15% in cities with 50,000 to 200,000, and 21% in cities of up to 50,000 inhabitants.

⁵ *Housing Deficit in Brazil* is a study by the João Pinheiro Foundation with data provided by the National Research by Housing Sampling (PNAD) collected in 2005, and developed by the Brazilian Geography and Statistic Institute (IBGE).

⁶ The minimum wage is US 246.36.

In the area of transport and urban mobility the focus on individual transportation over public transportation is one of the main factors hindering the functioning of the cities and degrading the quality of life of the inhabitants. Traffic accidents are the main cause of death provoked by external factors. The use of fossil fuel in automobiles emits tons of pollutants into the air, particularly gases that provoke the green house effect.

Social and territorial inequality was also inherited from colonial agrarian practices which consist of the concentration of land ownership in large estates and the economic development models based on exclusion of the large number of low income population from the formal labor market and from benefiting from the economic and cultural wealth generated by the cities.

The growth of the population in segregated areas in cities, as in the favelas, has also contributed to the growth of urban violence, targeting mostly the youth population due to lack of opportunities in the labor market.

II. Necessary Measures and Actions to Implement a Social Housing Policy

1. The National Social Housing System

To face the housing deficit, the actions anticipated under housing policies coordinated by the National Department of Housing, in connection to the Ministry of Cities, focus on the production of new low-income housing and on the regularizing and urbanizing of informal settlements such as favelas which evidence the greatest lack of services and infrastructure. To put these actions into effect, there exists a set of housing programs and private and public funding which make financing and transfer of funds possible for the states and municipalities.

There are several private and public funds designated to provide financial resources for these housing programs, especially the Worker Warranty Fund – FGTS (private funding) and the National Social Housing Fund (public funding).

As the result of a popular initiative, a bill to create a National Popular Housing Fund – which was presented in the early 1990s in congress by a group of popular organizations and housing movement groups (which amount to about 1 million people) – in 2005 legislation was approved which established the National Social Housing System (Federal Law No 11.124/2005). This system comprises National Social Housing Fund, and the application of its resources is defined by a managing council formed by representatives of the Council of Cities.

The objective of the National Social Housing System is to focus on providing access to urbanized land and affordable and decent housing for the low-income population; to implement investment and subsidy policies and programs that allow

viable access to housing to the low-income population. Promoting agencies include national, state, municipal and Federal District entities, foundations, community associations, housing cooperatives, and private institutions active in the housing area.

The National Social Housing System is guided by the decentralization principle. The states and municipalities need to fulfill a few prerequisites in order to be integrated in the System, such as forming management councils on housing policies with representatives from civil society, which can be either city councils or urban development groups; creating Public Funds for Social Housing; create and implement housing plans, and in the case of municipalities, these plans should be compatible with participatory directive plans.

Since the National Social Housing System was originated as a popular initiative which was presented by a network of popular organizations, civil associations and housing cooperatives are strategic members of the System. In addition, since the Brazilian government created administrative and legal obstacles for the above network to receive funding from the National Social Housing Fund to work on housing projects, Representative Zezéu Ribeiro presented an amendment to Provisional Measure 387/2007 submitted by a group of entities from the National Urban Reform Forum, which aims to change the National Social Housing System Law in order to assure this right for non-profit civil associations and housing cooperatives. The Provisional Measure was approved by the House of Representatives, and now needs to receive approval by the Senate.

Impacts of Giving Priority to the Low-Income Population

In 2006, the federal government resources for housing assistance was 56% for those who earned from 0 to 3 minimum wages; 19% for those earning between 3 and 5 minimum wages; and 26% for those earning above 5 minimum wages. This year, assistance reached 469,651 people, earning up to 5 minimum wages, and 352,218 people earning between 0 and 3 minimum wages.

In 2006, the federal government dedicated R\$14.1 billion to the housing sector, including private investments – SBPE of the Federal Savings Bank, an amount 169% higher than the 5.3 billion invested in 2002. From the total of families served, 75% earned income below 5 minimum wages. The percentage corresponds to more than 470,000 families and exceeds by more than 200% the 168,000 provided assistance for this socioeconomic level in the year 2002.

Between 2003 and 2007, R\$43.71 billion was invested in housing construction and acquisition, urban renewal, acquisition of construction materials, remodeling and expansion of housing units, land regularization, and reclassification of real estate for

housing use affecting more than 2.1 million families. Of the total families served during this period, 70.4% earned income below 5 minimum wages.⁷

2. The Impact of the Expedite Growth Program – PAC – on Housing and Urban Development Policies, and Measures for Promoting the Right to Housing

The Expedite Growth Program is the main Brazilian Government investment program for implementation of infrastructure projects to serve the country's socioeconomic development needs from 2007 to 2010. The Expedite Growth Program (PAC) projects have the following objectives: projects with a strong potential to generate socioeconomic returns, synergy between projects, renovating existent infrastructure, and finalization of projects in progress. PAC is geared to the support of logistical infrastructure projects (roads, highways, railroads, ports, waterways, and airports); energy infrastructure (generation and transmission of electric, petroleum-based, natural gas, and renewable energy); and social and urban infrastructure (sanitation, housing, public transportation, and water resources).

An investment of 58.3 billion Reais is anticipated for logistical infrastructure projects in the 2007-2010 period; 274.8 billion Reais for energy infrastructure; and 127.2 billions Reais for social and urban infrastructure projects.

Investments in social and urban infrastructure are to be used in an articulated manner at the state and municipal level to implement projects in the areas of water supply, sanitation, and urbanization and regularization of favelas. An investment of 43.6 billion Reais is projected for 2007. These investments are intended for the 27 federative states and 394 municipalities. The 11 Metropolitan Regions, the state capitals and cities with a population of more than 150,000 were designated as priority recipients of these investments.

The investments anticipated by the Expedite Growth Program – PAC for sanitation and housing, especially for the regularization and urbanization of informal settlements such as favelas, are without doubt a response and innovative step of great impact focusing on reversing the picture of social and land inequality, making the right to the city effective for the inhabitants of these settlements.

On the other hand, the remaining Expedite Growth Program – PAC investments in the logistic and energy areas will have an impact on the cities, generating transformations in the forms and economic values pertaining to use and occupation of urban land, and

7 Sources of funding: FGTS, subsidies from FGTS, FAR, FDS, PSH, OGU, FAT, and Caixa Econômica Federal (Federal Savings Bank).

on the dynamic of population growth in urban areas with large infrastructure projects without corresponding services.

To face the challenge of ensuring that the impact on the cities created by PAC-financed infrastructure projects will reverse the social and land inequality conditions, and that promote and respect the right to a sustainable city, a few steps and measures are fundamental for the articulation and integration of national, regional, and urban sector policies, and the strengthening and consolidation of democratic and social control processes, instruments, and organizations, in particular:

- To constitute a National Urban Development System with a view to articulation, integration, and cooperation among the federated entities in social control through City Conferences, Urban Policy Supervisory Councils comprised of Public Power representatives and the various segments of society concerned with urban issues, and Public Urban Development Funds that financially support investment programs in the cities.

- To develop a National Urban Development Policy in concert with public policies on socioeconomic and environmental development, underlining the social diversity of the cities, including women as heads of households, persons with disabilities, the elderly, traditional communities such as urban quilombolas, fishermen's and river dweller communities, urban refugees, and indigenous populations which reside in the Amazon region.

- To elaborate and implement national housing and sanitation plans focusing on the use of federal funds, especially from the Expedite Growth Program - PAC, for urban infrastructure, housing, and sanitation, taking into consideration the socio-environmental and cultural diversity, regional inequalities, and concentration of the urban populations in metropolitan regions.

- To designate the resources from the Expedite Growth Program - PAC for urban infrastructure, housing, and sanitation to meet the urban investment needs defined by the municipalities as priorities through their respective Participatory Directive Plans and their municipal housing and sanitation plans. Each municipality should create and implement its housing and sanitation plans in a democratic and participatory manner, and in accordance with the determinations of their Participatory Directive Plans related to these policies.

- Approval and enactment in the Brazilian Congress of the new law on the division of urban land (Law of Territorial Responsibility), with measures and instruments that allow for access to urban land by the low-income population, and simplify procedures and eliminate juridical, administrative, and recording

obstacles concerning regularization of social interest lands of informal settlements.

- To amplify and strengthen social control in the cities of the resources provided by the Expedite Growth Program - PAC, designated for investments in urban infrastructure, housing, and sanitation, with the implementation and consolidation of democratically managed institutional spaces in the cities by the municipalities which are the Supervisory Councils on Urban Policies and the City Conferences.

- To designate resources of the Expedite Growth Program - PAC, based on the new urban laws, recognized by the Statute of the City for municipalities to implement participatory directive plans that contain effective measures and instruments to reverse the picture of social and land exclusion, such as the identification and definition of land use, that meet the urban population's needs for urban properties that do not fulfill their social function, priority investments in the area of urban mobility and transportation for the use of collective public transit, demarcation of informal settlements for purposes of regularization and urbanization, as well as defining urban areas that already enjoy infrastructure and services, considered to be underutilized or having potential for the development of social interest housing projects, through the creation of special social interest zones.

- To adopt as a strategic action by the Brazilian State a housing policy designation of resources for the development of economic development projects to generate work and income for the population benefiting from social interest housing actions and programs, whether such deal with urbanization and regularization of informal settlements, or with actions and programs for generating housing.

- To effect the new federal law (Law number 11.481 of May 31, 2007) on the regularization of land in the Union, to allot unused public land and properties for social interest housing, particularly properties of the extinct Federal Railroad System (estimated at 52,000 properties) and those of the National Social Security Institute, which can be developed by community associations and housing cooperatives, and to regularize the informal settlements located on federal public land and property.

- To establish and implement a National Policy on the Prevention and Mediation of Urban Land Conflicts, defining a mediation methodology, mapping and identification of typologies of urban land conflicts, with the goal of protecting the right to the city and to housing for those inhabitants affected by said conflicts.

III. Relevant Initiatives for the Prevention and Mediation of Urban Land Conflicts focusing on the protection of the Human Right to Housing

1. Building a National Policy on the Prevention and Mediation of Conflict in Urban Lands focusing on the protection of the Human Rights to Housing

Conflicts over urban land are a reality in Brazilian cities that result in violation of the right to housing and the right to the city, which is coming to be dealt with as a part of the urban policy. In facing these conflicts, the international human rights agreements and conventions on promotion and protection of the human right to adequate housing, ratified by the Brazilian government, and the guarantee of the right to housing, which is part of the 1988 Federal Constitution, and regulated by Federal Law number 10.257, of July 10, 2001 (The Statute of the City), establish that conflicts over land should be handled with respect for human dignity and human rights, avoiding in particular situations of violence generated by the use of police force in repossessions and the abuse of power by the state police.

In view of the need to organize a national policy to deal with urban land conflicts, the Council of the Cities instituted in 2006 a Working Group on Urban Land Conflicts⁸ with the following goals: a) to subsidize the establishment of a National Policy on Prevention and Mediation of Urban Land Conflicts; b) to strengthen preventive actions through programs of social interest land and housing regularization; c) to create a methodology of mediation, mapping, and identification of typologies in urban land conflict cases.

The Council of the Cities, through the Working Group on Urban Land Conflicts, and with the support of the Urban Development Department and the Urban Development Company of the State of Bahia, and of the legislative branch of the city of Salvador, Bahia, sponsored the National Symposium on Prevention and Mediation of Urban Land Conflicts held in Salvador between August 6 and 8, 2007, with the objective of garnering subsidies for building a National Policy on the Prevention and Mediation of Urban Land Conflicts.

The results of this symposium were systematized in the proposal for a National Policy on the Prevention and Mediation of Urban Land Conflicts, which will be the subject of discussion, analysis, and deliberation of the III National Conference of Cities to be held in November 2007. In this proposal, this policy is directed toward the protection by the Brazilian State of the right to the city and of the right to housing in situations concerning urban land conflicts.⁹

Through this work it has been possible to identify that urban land conflicts are present in 17 states, 38 municipalities, and 66 settlements, where 73,047 families have

⁸ Council of the Cities Administrative Resolution number 01, approved August 30, 2006

⁹ In this proposal urban land conflicts are understood to be collective disputes over the possession or ownership of an urban property, involving low-income families who are demanding protection by the state in guaranteeing the right to housing and to the city.

initiated the regularization process, 4,945 families have processes in an advanced stage, and 4,315 have received their land titles.¹⁰

An important initiative in the state of Bahia was the creation of the Working Group on Urban Land Conflicts and Violations of the Human Right to Adequate Housing in the metropolitan region of Salvador by the State Legislative Human Rights Commission, with the objective of visiting, analysis, and agreements leading to resolution of the main situations related to land conflicts and/or violation of the right to housing in the metropolitan region of Salvador. Correspondingly, the Housing Supervisory of the Urban Development Department organized a Working Group in response to requests by social movements to mediate urban land conflicts involving occupation in environmental preservation areas, cultural historical sites, or disputes over areas designated for social interest housing programs, among others.

A relevant initiative to protect the right to housing and the right to the city in situations of urban land conflicts is the bill to alter the legal code on the legal proceedings for evictions in cases of collective lawsuits for the ownership of urban and rural real estate. This proposal, formulated by a group of organizations and social movements, was discussed in the Ministry of Justice as a necessary measure in the Reform of the Judiciary, that pledged to present the bill as a proposal from the Federal Executive Branch in the Brazilian Congress.

¹⁰ Data from the National Urban Policy Department of the Ministry of the Cities, September 2007.

The National Nuclear Energy Commission (CNEN) has already issued several Initial Operating Authorizations for the URA/Caetité Uranium Concentrate Unit, which can only occur twice in accordance with its own safety rules. But the company continues to ignore the Precaution and Prevention Principles set forth in environmental legislation, violating human rights, such as the right to health, to job safety, and to information, all with disregard for national and international nuclear safety rules.

Insecurity, Contradictions, and Risks of Nuclear Activity

Zoraide Vilasboas¹

1. The uranium exploration problem

The Brazilian Institute on the Environment and Renewable Natural Resources (IBAMA) recognizes the illegalities of the Brazilian Nuclear Industries (INB), which, in seven years of activity, was the target of various judicial actions, filings, and punishments by environmental and professional organizations. Under the National Nuclear Energy Commission (CNEN), INB is a mixed economy partnership that produces goods and services related to the nuclear fuel cycle and operates the URA/Caetité Uranium Concentrate Unit, in Bahia. On January 8, 2007, IBAMA assessed a fine against the company for environmental crimes, in the amount of R\$ 300,000, for failure to comply with Condition 2.12 (which determines monitoring the health of workers and of the population around the mine), imposed in Operating License 274/2002, which expired in October 2006. As usual, the company appealed the new penalty.

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However, neither the recognition by the monitoring agency itself of the irregularities identified since 2000, when the Lagoa Real/Caetité Mining-Industrial Complex began operation (757 km from Salvador), prevented the company, a few days after being fined, from obtaining a renewal of their Operating License (LO), with a term of validity increased from four to six years and authorization to increase production from 300 to 400 tons/year. At the beginning of August 2007, socio-environmental organizations showed that INB failed to comply with Condition 2.5 of the LO, renewed on January 15 of that year, which obliged INB to “submit within six months (up in July) proof of having contracted the epidemiological studies defined in the Term of Reference sent to IBAMA on 25 October 06.”² In fact it gained another two months to comply with the Licensing requirements.

The industry continues to disregard legislation and failure to comply with commitments assumed before society and monitoring entities, such as IBAMA and the National Nuclear Energy Commission (CNEN). This Commission, which has conflicting roles, regulates, licenses, participates in formulating nuclear policy and also performs operational activities, directly or through subordinate institutions. CNEN has already issued several Initial Operating Authorizations for the URA/Caetité Uranium Concentrate Unit, which can only occur twice in accordance with its own safety rules. Such benevolence strengthens the arrogance of the enterprise, which continues to ignore the Precaution and Prevention Principles set forth in environmental legislation, violating human rights, such as the right to health, to job safety, and to information, all with disregard for national and international nuclear safety rules.

Licensing minimizes impacts – The claims approved at the 2005 Public Hearing, which discussed “INB and the Health of Workers and the Populace,” were not attended to by the competent entities. Society continues to seek clarifications on the doubts hanging over INB, in view of the magnitude of the socio-environmental problems brought to the region due to the perversity of the devastating development model imposed on local communities. Supply will be critical in 5 to 10 years, according to the Bahian Water and Sanitation Company (EMBASA). The increasing pollution of springs, scarcity of water, and the suspected contamination in the Caetiteense district of Maniaçu, headquarters of the mining operation, were never duly addressed by the government.

INB, which came to control the water since it was set up in the region, has begun to feel the scarcity, a chronic drama for hundreds of persons around the mine who, living through the worst drought of recent years, lost their crops and fear for their cattle. The Riacho da Vaca dam, which held 250,000 cubic meters of water and was exhausted for the first time in 2005, turned into mud. Surface reserves such as the dam and tanks were used up. Aside from

² *Renewal of Operating License 274/2002, MMA/IBAMA, 15 January 2007.*

not being good quality, there is water that won't even serve for industrial consumption, due to the high percentage of chloride. The company admitted that the scarcity is a threat to the production anticipated for this year. But it keeps up its triumphant discourse in the media, bragging about astronomical profits and that production will be doubled in 2008 to meet the needs of the Angra 3 power plant, ignoring the fact that the URA/Caetité expansion project was not approved by IBAMA, due to technical problems.

The environmental destruction was aggravated by mining companies such as INB and Bahia Mineração (Iron), eucalyptus plantings (large consumers of water), and the ceramic industry.

In 1997, the EIA-RIMA (environmental impact report) foresaw great negative effects on the physical environment, altering air quality; installation of sediment erosion and deposit processes; contamination of underground springs; soil pollution and destruction of natural habitats by radioactive particles.

Society demands protection

This year, a group of non-governmental organizations created the Caetité Socio-Environmental Forum to take actions against the increasing environmental degradation in the region. The Association of the Earth Environmental Movement (AMATER) took action with the Public Prosecutor's Office, seeking to guarantee application of Municipal Law 545, of 22 November 2001, which prohibits cutting native species and planting eucalyptus in the area covering the main water sources. Another group of organizations are struggling to transform the Passagem da Pedra into a protected area, where there are springs that feed the Contas and São Francisco Rivers.

Local communities demand independent inspection by a multidisciplinary team of professionals, to evaluate all the operating conditions of uranium mining activities. They likewise defend replacing CNEN's monopoly on inspection with an autonomous inspection model, as well as the establishment of infrastructure in the public health care area to create an epidemiological, toxicological, and radiological monitoring system capable of protecting the populace and the environment. The expectation is that municipal, state, and federal health organizations will resolve alleged conflicts pertaining to jurisdiction, and assume the responsibility that, institutionally and legally, falls to each of them, and will promote a joint effort to guarantee the effective intervention that the case demands.

2. Actuality of the Cesium-137 Tragedy

In September 2007 demonstrations in Brazilian cities reminded the country of the tragedy caused by Cesium-137 in Goiânia (GO), proving that, 20 years later, the largest radiological accident in the world still hadn't healed the wounds of the 104 acknowledged

victims, who had been haphazardly assisted by the State, and of the six thousand persons who suffer from the effects of contamination. As happens every year, several actions demanded medical and social assistance for those radioactively harmed, advised about the irresponsible use of nuclear technology, and protested against the Government's decision, although it alleges it lacks funds to take care of human lives, allocates investments for the return of the Brazilian Nuclear Program and construction of Angra 3.

In September of 1987, two rag pickers found a capsule with nearly 19 grams of Cesium-137 (a radioactive element) in the building abandoned by the Goaino Radiotherapy Institute. After it was broken into, the bomb caused an accident the true scope of which is still unknown, contaminating thousands of people and leaving 20 tons of nuclear waste. The delay in identifying the origin of the contamination and the improvisation used in dealing with the accident evidenced how unprepared the Brazilian State was to deal with such extreme situations. Ever since the tragedy, which killed about 60 people, the situation has not changed much. As of today, CNEN continues to be the licensing and inspection entity for nuclear activities, but it is incapable of guaranteeing safety for the installations nor to deal with nuclear accidents. Even so, the government insists on adopting nuclear energy, which will only serve to aggravate the existing safety issues.

In Brazil, the Nuclear Program Protection System, instead of protecting the population, maintains the philosophy of the military program, characterized by secrecy and lack of social control. Article 27 of Law 6.453 (17 October 1977) establishes a sentence of four to ten years for anyone who "impedes or makes difficult the operation of a nuclear facility or the transport of nuclear material." A bill to revoke this article has been waiting for a vote in the Chamber of Deputies since 2003.

Although the instruments for protecting human and humanitarian rights may be recognized and incorporated into internal law, even when applied by national Courts of Justice, as in the Guerrilha do Araguaia case, the Brazilian State has, irrespective of what has been agreed in the various Conventions that repudiate the violation of such rights, exempted itself unfairly and illegally from complying with the judicial determinations requiring that the family members of the Araguaia dead and disappeared be furnished with the truth about their relatives' fates and the circumstances of their deaths, including information about where they were buried by the forces of repression.

For Justice that Keeps Truth in Memory

“She picked up the photos, settled into the chair, put on her glasses, and, in a low but firm voice and with a pained expression, affirmed: ‘It’s my sister.’ Then, as if she were looking at a sleeping child, she began caressing the photo: ‘It’s her. She had that shadow in the eyes because she used glasses. She used to have long hair, afterward she cut it short. Look at the cleft chin, the turned-up nose.’ Afterward she cried as if she had just lost her sister. For the first time in more than twenty years she was confronting the reality of Y’s death, until then only coldly informed by official reports on the guerrilla war. For the first time she had a body to cry over.” (a Rosângela Rennó Cicatriz and Arquivo Universal project)

Suzana Angélica Paim Figuerêdo

On August 29 of this year the document Memory and Truth was released, in which the Brazilian State recognizes the responsibility of the organs of repression of the military

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regime for the assassination of hundred of leftwing movement militants who opposed the exclusionary regime.

The initiative not only once again places on the agenda the issue of the right to memory and the truth, as a fundamental human right, but revives necessary discussion on real implementation of the international pacts and treaties on human rights to which Brazil is a signatory, and their application in the internal sphere. It also generates inquiry on the validity of the auto-amnesty laws relative to international law with regard to exclusionary terms on responsibility and sanction for human rights violations, particularly when used to set up obstacles to recognizing the truth about human rights violations during the military dictatorship, such as forced disappearances, torture, and summary execution of opponents of the exclusionary regime and sanctioning of those responsible.

From the beginning of the development of human rights in the international community, Brazil made a commitment internationally to protect these inalienable, non-transferable, and infeasible rights.

[Brazil] signed the UN Charter of June 26, 1945, the Organization of American States Charter of April 30, 1948. It approved the American Declaration on the Rights and Duties of Man, of May 2, 1948, and the Universal Declaration of Human Rights of December 10, 1948.

The following are recognized by Brazilian law: the Convention on the Prevention and Repression of the Crime of Genocide (Decree No. 30,822 of May 6, 1952); the Convention on the Treatment of Prisoners of War, ratified by Brazil by the Charter of May 14, 1957 (Decree No. 42,121 of August 21, 1957); The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Decree No. 40 of February 15, 1991); the American Convention on Human Rights (Pact of San José, Costa Rica); the Interamerican Convention Against Torture, agreed to in Cartagena; and, recently, the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, among other sources of human and humanitarian rights which censure crimes against human dignity, consolidating with each passing day the conviction that these crimes should be effectively judged and duly sanctioned.

In addition to these instruments, [Brazil] ratified the Convention on Treaties, the Convention of the Rights and Duties of States, in cases of civil struggles, dated August 29, 1929 (promulgated on October 22, 1929) and the Convention for the Coordination, Amplification, and Guarantee of Performance of Existing Treaties Between the American States, committing to carrying out and complying with same to their fullest extent.

Although the instruments for protecting human and humanitarian rights may be recognized and incorporated into internal law, even when applied by national Courts of

Justice, as in the Guerrilha do Araguaia case, the Brazilian State has, irrespective of what has been agreed in the various Conventions that repudiate the violation of such rights, exempted itself unfairly and illegally from complying with the judicial determinations requiring that the family members of the Araguaia dead and disappeared be furnished with the truth about their relatives' fates and the circumstances of their deaths, including information about where they were buried by the forces of repression.

From another viewpoint, [the State] has failed to comply with what was agreed under the international human rights rules regarding punishment of the atrocities committed during the military dictatorship.

Appeal is made to the interpretation that the amnesty laws, edited by the military regime as a preliminary step for redemocratization of the nation, include two-way content so as to benefit agents of repression and victims. And, thusly, this presents an obstacle to penal proceedings against and sanction of those agents of the state and their assistants who were responsible for the crimes perpetrated against the people, in spite of being considered indefeasible as being, above all, crimes against humanity.

The standards for amnesty entered our regulations after the occurrences during the dictatorship, occurrences which were recognized by the Brazilian State itself as indefeasible when it signed the Treaties and Conventions that repudiate them.

At the time at which the auto-amnesty laws were sanctioned, there were two orders of prohibition of high institutional content to refute any idea of impunity before the State. On the one hand, an imperative system of international standards, accepted by Brazil; on the other, a system for the protection of human rights established by the various treaties to which Brazil was a party.

Although during the Amnesty Law era Brazil had not yet ratified, and effectively has not yet as of today, the 1969 Treaty Law Vienna Convention, in force internationally since January 27, 1980, prior to this international statute, in the American sphere, the 1928 Havana Convention on Treaties was signed, as well as others regarding fulfillment of the treaties, which expressly forbids exempting oneself from complying with the agreed-to regulations.

Although the order in force at the time of the publication of the Amnesty Law consisted of rhetorical stipulation that the specification of rights and guarantees expressed in that Constitution did not exclude other rights and guarantees under the regime and of the principles adopted thereby, including the inviolability of rights pertaining to life (Art. 153 and Section 36, of the 1969 Federal Constitution, instituted by Amendment No. 01 of October 17, 1969, and did not expressly foresee recognition of international treaties and conventions as a part of the internal order, but, by reason of a prohibitive order stemming from treaties in the field of human rights, that refuted any idea of impunity

and necessitated a system for protection of those rights, turned the auto-amnesty standards, prevented from holding the agents of the state responsible, into regulations contrary to the international order for the protection and respect of human rights.

Those international sources already included as crimes against humanity: torture, summary execution of persons, and what is called “other inhuman acts” committed by employees of the State and prohibit the issuance of standards that hinder penal proceedings aimed at verification of the existence of a crime, typification of conduct, and sanction of the agents of the state or their assistants who are responsible for the perpetrated crimes, such as those that were committed against the opposition during the military dictatorship.

It should be noted that although it might be argued that the circumstances of the era—suppression of public liberties and those against the constitutional order—did not permit the adoption of standards aimed at punishing those responsible for the violation of human rights, this would not remove from those standards prohibiting holding one responsible, their confrontational nature vis-à-vis those other standards dictated by international statutes on human rights. Furthermore, under the Havana Convention, even when a State’s constitution is modified for reasons of establishing rules for exceptions, the Contracting States should continue to respect that which was agreed to in the international treaties and conventions.

Neither does it make them rules in accordance with the current constitutional and international order protecting human rights and prohibiting the impunity with regard to crimes against human dignity, including, among other aspects, that pertaining to the inviolability of rights concerning life.

For these reasons, regulations that preclude the possibility of punishment are not applicable to cases of torture, summary execution, and forced disappearance.

Despite the recent position of the Supreme Federal Court with regard to the idea of incorporating international treaties in the Constitution, accepting them as ordinary laws, divergent opinion upholds the primacy of international law when dealing with human rights.

Even if one admits, for argument’s sake, that the international treaties ratified by Brazil are situated at an intermediary hierarchical level—below the Constitution and above infra-constitutional legislation—they are for that very reason not on a normative parity with other ordinary laws.

Treaties on human rights, on being incorporated in the internal order, right away have two significant consequences. Because they deal with principles and values that are the *ratio essendi* of the Constitutional State, they become fixed clauses that cannot be modified to suit the tastes of affected parties or the ideological passions which rule any

given government. And, because of this exceptional character as pertains to principles, they have the ability to make inapplicable and invalid any ordinary laws conflicting with agreed to standards and those incorporated as fixed clauses in the body of regulations, even those issued previously.

Since the 1907 Hague Convention Prologue, although a code had not been created regarding the laws of war, the High Contracting Parties considered it advisable to declare that, in cases not expressly provided for in the regulations they adopted, the rule of the principles of the law of nations obtained, as a result of the uses established between civilized peoples, as well as the laws of humanity, dictated by the human conscience (similar language adopted in Point No. 9 of the preamble to the 1899 Hague Convention and later used in Protocols I and II of the 1977 IV Geneva Convention).

The catalogue of fundamental rights, as noted in Art. 5 of the Republican Constitution, admits not only those enumerated therein, but also other fundamental rights arising from rules and principles, that is to say, it recognizes the existence of fundamental rights the nature of which is eminently related to principles—implicit or in effect—such as those agreed upon at The Hague and adopted in Protocols I and II of the 1977 IV Geneva Convention.

The incorporation of international standards on human rights into universal positive law since the Universal Declaration on Human Rights and later conventions regarding protection of these rights assumes recognition of the essential character of the protection of human dignity, which cannot be abolished by internal regulations that oppose it.

The Federal Constitution, under the influx of values pertaining to the respect for and protection of human dignity, on decreeing the indefeasibility of the crime of torture, did not hold to the previous laws which held it to be defeasible.

And, as the dignity of the human person is one of the pillars of the Federative Republic of Brazil, standards contrary to the values which form the basis of the very Republic are necessarily unconstitutional.

From this perspective, and with consideration of the international standard on human rights, the jurisprudence of the Interamerican Court on Human Rights has admitted in particular, and repeatedly, the retroactive application of indefeasibility for crimes of that nature.

In the March 14, 2001 sentence in the Barrios Altos case (Chumbipuma Aguirre and others vs. Perú) series C No. 75, it was understood that the dispositions on establishment of prescription and exclusion from responsibility are inadmissible, such as aim to impede investigation and sanction of those responsible for the serious violations of human rights, such as torture, summary, extra-legal, or arbitrary execution, and forced disappearance, all of which are prohibited as they are contrary to the non-derogable,

universal, absolute, inalienable, and infeasible rights recognized by the International Law on Human Rights.

The Interamerican Court considers that these laws lack legal effect and cannot continue to be an obstacle to investigation of the facts that constitute crimes against humanity, nor for purposes of identification and punishment of those responsible.

Along these lines, other countries on the continent have tried to overcome the affront to the fundamental rights of the human person, during the military dictatorships that devastated them, by reviewing the standards that impeded penal proceedings for these crimes, recognizing as appropriate the jurisprudence already established in the International Courts, in order to apply same to internal decisions on incrimination of agents of the State responsible for crimes against human rights.

Meanwhile, Brazil continues in denial with respect to the validity of international rules in this regard, under the assumption that the issued auto-amnesty laws impede retroactive action to sanction facts imputable to agents of the state for atrocities committed during the military dictatorship.

Failure to carry out penal proceedings for the crimes against human rights practiced during the military dictatorship implies an inexcusable distancing from international principles and from the standards framework within which civilized nations have acted since creation of the UN. The result is to deny the validity of the principles on which the Federative Republic of Brazil's Constitution rests.

Such denial contradicts international and humanitarian standards on human rights, which reject the practice of crimes against human dignity and obstacles to judgment and sanctioning of those responsible.

The Brazilian State has an obligation to put into effect the international treaties on human rights which it has signed.

Therefore, along with the obligation to apprise the Brazilian people of the truth on all acts committed by military repression during the dictatorship and to make civil reparation to victims and their families, there is also a duty to institute penal sanctions against those responsible.

Only with full knowledge of the truth and by obtaining Justice will we be able to overcome the hatreds of the past and to bequeath to future generations the possibility that practices such as those included in the book "The Right to Memory and the Truth" cannot be repeated.

Aside from being the most important official historical record of those who died in the fight against the dictatorship, “The Right to Memory and the Truth” is a tool for continuing the fight. That is the promise it makes. For family members, we fight so that there may be full disclosure of all files, and for the creation of a Truth Commission that will have the power to investigate, to effectively seek the bodies of those who disappeared for political reasons, establish the circumstances of their deaths, and identify those responsible for these crimes.

The Right to Memory and the Truth

Suzana Keniger Lisbôa¹

Publication of the book *The Right to Memory and the Truth* by the Special Secretary for Human Rights of the Presidency of the Republic is a landmark in the history of those who suffered political deaths and disappearances in Brazil. From now on, the torture, assassinations, and disappearances committed by the military dictatorship will have an official version that is closer to the truth.

The book is the result of work by the Special Commission on Political Deaths and Disappearances (CEMDP), established by Law 9140/95. This is not a partial view of history, as some would have us believe. This is the Brazilian State recognizing, based on concrete proof, that during the military dictatorship there were illegal imprisonments, kidnappings, execution of prisoners, deaths due to torture, and disappearances. The introduction records that the Dossier with the accusations pertaining to the cases, prepared by the Commission of Family Members of the Political Dead and Disappeared, served as the basis and starting point, with depositions, documents, and investigations that corroborated the accusations.

¹ *Suzana Keniger Lisbôa is a member of the Commission of Family Members of the Political Dead and Disappeared.*

Analysis of the cases presented to CEMDP allowed for an advance in the recovery of the truth. “There could not continue to be colliding versions such as the innumerable fraudulently communicated ones,” notes the Introduction. The dictatorship’s official false versions regarding suicides, persons being run over, and shootings, denounced for years by family members and political prisoners, fell apart after being confronted with photos of the bodies of tortured militants; with the laconic necroscopic reports prepared by persons enmeshed in the system; with the testimony of survivors; with reports by technical experts from the era; from exhumations made by family members in search of the truth; with the investigative reports requested by CEMDP; with documents recovered from security organizations. Each case put to a vote was well-armed with proofs.

The book tries to relate the history of each of the deaths and disappearances, show the victims faces, record their lives, and relate the conditions under which they died. It depicts the arduous effort by family members with regard to the assembly and preparation of the cases and by CEMDP with regard to examining them. All cases were fully discussed and some passed through many reviews prior to the final vote. Democratically, all members had access to all case and to the proofs presented prior to casting their vote. After reading the book, there is no way it can be claimed that the

voting wasn’t in accordance with formal procedure and strictly followed the letter of the law.

In the first phase, begun based on Law 9.140/95, many cases from the Dossier on Political Deaths and Disappearances were rejected by the majority of the members as not following within legal guidelines. Two later laws, those of 2002 and 2004, widened the criteria with an eye to providing greater scope, thus permitting approval of almost all cases. But, even so, there were rejected cases that may still be revisited, should new proofs be presented. Such was the situation with the cases of Miriam Lopes Verbena and Luiz Andrade de Sá e Benevides, militants killed in a car crash; and with that of Father João Bosco Penido Burnier, rejected in the first CEMDP phase. With regard to some of the dead or disappeared, not even their names are yet certain. This occurred with the Var-Palmares driver known as Baiano, who disappeared in 1973 and who might be named José Carlos Costa. This is also the case with Wilton Ferreira, who died in Rio de Janeiro. And again in the case of the foreigner who died at the DOI-CODI/SP in November 1973, who might be a Venezuelan named Miguel Sabat Nuet. There are incomplete histories of life and death that disclosure in this book and total access to the files will clarify.

A reading shows that almost all the dead were militants from political organizations who fought the military dictatorship, especially those engaged in armed combat. The

chronological sequence of the described facts allows us to identify the intensification of political repression and the decision to eliminate the guerrillas and leaders of the clandestine organizations.

The first cases related refer to the Ipatinga Massacre, in the Minas city of that name, in 1963. Five thousand workers demonstrated against the terrible working conditions at Usiminas. Surrounded by the Military Police, they were dispersed by gun shots. The official version of the time stated threw eight deaths, including a 3 month old girl, and 78 wounded. Commentary at the time referenced dozens of deaths, but only five cases were presented and accepted. In 1964, 15 dead. By 1968, another 21.

With AI-5 and intensification of political repression, in 1968 we have 21 dead and in 1970, 31 were recorded. The following years illustrate in numbers the dictatorship's policy of extermination: nearly 60 per year. In 1974 there were 54—all disappeared, with the exception of two suicides abroad. Brother Tito, in France, and Maria Auxiliadora Lara Barcelos, in Germany, sought death to free themselves from the violence of the torture that incarcerated them.

The last death rejected by CEMDP was that of Gustavo Buarque Schiller, in 1985. Banished from the country in the same kidnapping as Brother Tito and Maria Auxiliadora, Gustavo, known as Bicho to his friends, returned home under the Amnesty, but was unable to free himself from the consequences of torture and threw himself from his apartment window in Rio de Janeiro—the same city in which The Right to Memory and the Truth records the first death after the military coup, that of the lovely sixty year old Labibe Elias Abduch, who died on April 1, 1964.

The accounts cover not only the 221 accepted cases and the militants who disappeared whose names appear in the Attachment to Law 9.140, but also cases that, in spite of being rejected, constitute a part of history: the peasant leader João Pedro Teixeira; the Communist worker Angelina Gonçalves; the Var-Palmares manager James Allen da Luz, killed in a car accident in Rio Grande do Sul; the guerrilla Jane Vanini, who died in Concepción and is venerated in Chile as one of the heroines of the Chilean people's fight for liberty.

The book's 500 pages reveal details from widely publicized histories and from others that were totally unknown. Among the approved cases, there were 34 deaths that did not appear in the Dossier on Political Deaths and Disappearances, and 13 new cases of disappearances. Some cases should yet be reexamined by CEMDP, which should concentrate on seeking bodies and should also systematize the collection of testimonies not only from family members, journalists, former political prisoners, but also from agents of the organs of repression—a task which will only be possible if the Commission's powers are broadened.

Among many others, one of the histories revealed by CEMDP's work was that of the Bolivian student Juan Antonio Carrasco Forrastal, whose story could only be known through expansion of Law 9.140.

Juan lived in Brazil with his parents and brother, Jorge Rafael. Juan wanted to be a physicist. He was a hemophiliac and had a prosthesis on his leg. Jorge studied Engineering and lived at CRUSP. At the end of 1968 Jorge was taken prisoner when the 2nd Army invaded the USP campus. Juan went out to look for his brother and ended up also being imprisoned by the 2nd Army; both he and his brother were tortured.

In the torture, Juan's mechanical leg was removed and his walking stick taken from him. He couldn't move. Because he was hemophilic, the beatings he suffered caused hemorrhages in his body. With the help of the Bolivian Consulate, his parents had him transferred to the Clinic Hospital for a while, but he was then removed again by the Army and taken to the Cambuci Military Hospital, where he remained under constant psychological torture.

The two brothers found each other when they were taken to the Quitaúna Barracks, in Osasco, and there, by order of Colonel Albin, they were sexually violated and their bodies burned with cigarettes.

Just before the beginning of the 1969 school year, they were let go. Jorge Rafael returned to his studies, graduated in Electronic Engineering, and went to live in Curitiba. Juan was still trying to get his life back, when his brother died a year later in a car accident.

Physically and psychologically shaken by the torture, Juan couldn't stand the pain. He had only one year to go to finish the Nuclear Physics course, but he couldn't study anymore. He was hospitalized various times, but the treatment didn't help.

In an attempt to save him from the fear that paralyzed him, his parents took him to Spain. After 12 days at the Red Cross Hospital, Juan became delirious and committed suicide in the one brief moment he was alone. It was October 28, 1972. On that same date, in São Paulo, the noted student and USP professor Antonio Benetazzo was taken prisoner. He was assassinated under torture two days later at the São Paulo DOI-CODI.

Aside from being the most important official historical record of those who died in the fight against the dictatorship, "The Right to Memory and the Truth" is a tool for continuing the fight. That is the promise it makes.

For family members, we fight so that there may be full disclosure of all files, and for the creation of a Truth Commission that will give the Special Commission on Political Deaths and Disappearances the power to investigate, to effectively seek the bodies of those who disappeared for political reasons, establish the circumstances of their deaths, and identify those responsible for the crimes committed.

So that we will not forget. So that it will never happen again.

ECONOMIC, SOCIAL, AND CULTURAL RIGHTS



Landless family migrating from the Northeast

There is no doubt that the Maria da Penha Law represents an important achievement for the feminist and women's movements and represents a significant advance in Brazilian Legislation with regard to the struggle against domestic and family violence towards women. But this advance and the resulting mobilizing effects on society and the state to effectively implement the Maria da Penha Law should not diminish the need to adopt or review other laws and public policies to combat the various forms of violence against women.

Human Rights for Women and Violence Against Women: Advances and Limits of the Maria da Penha Law¹

Cecília MacDowell Santos²

During the 1990s, the Latin American and Caribbean Committee on the Defense of Women's Rights (CLADEM) launched a series of campaigns and prepared several publications aimed at promoting international instruments for the protection of the Human Rights of Women in Latin America. CLADEM-Brazil, with offices located in

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São Paulo and led by the renowned jurist and feminist Sílvia Pimentel, had a fundamental role in promoting the human rights for women discourse in Brazil. In 1993, CLADEM-Brazil published a book about “women and the construction of human rights,” focusing on the issue of violence against women as a violation of human rights (CLADEM-Brazil 1993). Two years later, it published an anthology on the “declaration of human rights” from the “gender perspective” (CLADEM-Brazil 1995). CLADEM-Brazil also launched the campaign “Without Women, Rights Are Not Human.”

Since then, militant Brazilian feminists and the federal government have framed the issue of violence against women as a violation of human rights.³ In addition, the feminist discourse has also pluralized its language on violence. For example, the Patrícia Galvão Institute, with the support of Special Office for Policies on Women (SPM), and the Prosare-Citizenship and Reproduction Committee published a booklet on violence entitled: “Violence Against Women – Where There is Violence, Everyone is a Loser” (Patrícia Galvão Institute 2004). Although the title addresses violence in general, the booklet and the campaign specifically address domestic violence (Patrícia Galvão Institute 2004, 15).

In effect, the pluralized terminology of “violence against women” and framing this violence as “violation of the human rights of women” have not altered the predominant feminist discourse on violence, which is still pushed into the category of gender and has as its principal object domestic and family violence against women.⁴ To this end, Law number 11.340/2006, known as the “Maria da Penha” Law, that deals with the restraint of “domestic and family violence against women,” sanctions the hegemony of the discourse. There is no question that such law represents an important advance in the feminist and women’s movements, as it is a significant development in Brazilian legislation on combating domestic violence against women. But this development and its resulting social and political mobilizing effects to successfully implement the “Maria da Penha” Law should not diminish the need to adopt or reform laws and public policies on combating the varied forms of violence against women.

With regard to the human rights of women discourse, it is important to note that “Brazil is a signatory to all international agreements to ensure, directly or indirectly, the human rights of women as well as elimination of all forms of gender discrimination and violence” (Freire 2006, 9). Starting in the mid-1990s, Brazil ratified the following international agreements, protocols, and plans related to women’s rights in addition to other international instruments on human rights: The InterAmerican Agreement for

³ In addition to CLADEM-Brazil (1993; 1995) publications, see also the Rio De Janeiro State Board for Women’s Rights (1993); Juridical Advisory Board on Gender Studies-Themis (1997); State Office of Women’s Rights-SEDIM and AGENDE-Gender Actions, Citizenship, and Development (2002); Frossard (2006); Teles (2006); Thurler (2006).

⁴ These observations can be found in Cadernos AGENDE (Vol. 5, December 2004), entitled “Violence against women: The experience of empowering the DEAMs (Special Women’s Police Stations) of the Center-West Region” edited by L. Bandiera et al.

Prevention, Punishment, and Eradication of Violence Against Women (Belém, Pará Agreement, 1994), which Brazil endorsed in 1995; the Program for Action of the IV World Conference on Women, endorsed by United Nations and Brazil in 1995; the Elective Agreement to the Accord to Eliminate All Forms of Discrimination Against Women, adopted by the UN in 1999, signed by the Brazilian government in 2001, and approved by the National Congress in 2002. In March 1983, Brazil signed, with limits, the Accord to Eliminate All Forms of Discrimination Against Women, known as CEDAW, endorsed by the UN in 1979. In 1984, CEDAW was approved by the Congress, maintaining the limits previously imposed. It was only ten years later, in 1994, that the Brazilian government removed the limits and signed the Agreement in its entirety (Freire 2006, 9). In 1992, Brazil also signed the American Agreement on Human Rights, which made possible the processing of a greater number of reports of human rights violations in Brazil initiated by NGOs and victims.

Due to the ineffective processing of domestic violence cases against women by the Judicial power, the feminist NGOs begin looking into the possibility of requesting protection at the international agencies for the defense of human rights, denouncing the impunity and the failure of the Brazilian state to follow through in the justice department and enforce the human rights of women. In the second half of the 1990s, two cases were sent to the Interamerican Commission on Human Rights: those of Márcia Leopoldi, in 1996; and of Maria da Penha, in 1998.

Brief examination of the two cases shows that although the women's police stations had been created, there was a need to transform the entire Brazilian criminal justice system, and to implement more efficient mechanisms for prevention and restraint of domestic violence against women. The handling of the two cases reveals the Brazilian government's disregard for accusations made at the international level on domestic violence against women, as well as the sluggish Interamerican Human Rights System. These two cases also show that the feminist movements played an important role in politicizing and materialization of the discourse on "the human rights of women," which contributed to some legal changes concerning domestic violence against women. These two cases show chiefly that the victims and their families did not give up and transformed their pain and suffering into action for justice, seeking persistently and with determination collective ways to fight for women's rights in Brazilian society.

In 1984, Márcia Cristina Leopoldi was murdered by her ex-boyfriend, José Antônio Brandão do Lago, who, refusing to accept their break up, strangled the victim in her apartment in the city of Santos. In the first trial, in 1992, the jury condemned the defendant to five years in prison. In the same year, the victim's sister, Deise Leopoldi, turned to the Women's Union of São Paulo and became a member of that institution,

and is now its vice-president. The Women's Union then mobilized around the case on various fronts by organizing campaigns, protests at courthouses, marches, and by denouncing the case at feminist forums and human rights organizations, at the local, national, and international levels. The Márcia Leopoldi case was the focus of the campaign "Impunity is the Accomplice of Violence," promoted by the Women's Union in 1992 in connection with the Black Woman's Cultural Center. In that same year, Lago underwent a second court trial and sentenced to fifteen years of prison. He was detained for two months in Santos Jail, received a habeas corpus, which allowed him to wait in freedom for the decision on his appeal at the State of São Paulo Superior Court. His sentence was announced in 1993, but by then Lago was a fugitive. He was finally arrested in 2005, twelve years later. His arrest occurred only after Deise Leopoldi took the case to the Globo Network TV show "Mais Você" ("It's All About You") hosted by Ana Maria Braga.⁵

In 1996, nine years before the arrest of Lago, the Women's Union of São Paulo in conjunction with CLADEM-Brazil, the Center for International Rights and Justice (CEJIL), and Human Rights Watch denounced Márcia Leopoldi's case to the InterAmerican Human Rights Committee (CIDH). The appeal was based on the American Convention on Human Rights and on the Belém do Pará Convention. The CIDH filed the case in 1998 under number 11.996. In that same year, the Brazilian government responded to the request for information from CIDH alleging that, among other items, that the defendant's truancy should not be attributed to the habeas corpus, and that the authorities were looking for him. In 2004, the CIDH requested updated information from the accusers to decide on the admissibility of the case. The petitioners faced the major challenge to proving the inefficiency of the State of São Paulo Public Security System in capturing the defendant. At that time CLADEM-Brazil and CEJIL were hesitant to proceed at the CIDH, doubting their capability to win this case. Deise Leopoldi and other members of the Women's Union did not give up.⁶ Even after Lago's arrest, the members of the Women's Union were certain that the case should be taken and decided by CIDH. As the founder of the Women's Union, Maria Amélia de Almeida Teles explained in an interview granted to the author in 2006: "We want the Brazilian State to be condemned for negligence and ineptness, and that it be required to create and implement public policies on combating, punishing, and preventing violence against women."⁷

The Maria da Penha case had the same goals, in addition to other more specific goals regarding the victim's right to reparation. This case was decisive in setting forth the

⁵ See Leopoldi et al. (2007) for more details.

⁶ See Leopoldi et al. (2007) for more details on bringing the case before the Interamerican Human Rights Commission.

⁷ Interview with Maria Amélia de Almeida Teles, San Francisco, California, March 4, 2006.

“Maria da Penha” Law in August 2006 to curb domestic violence against women, further explained below. In May and June of 1983, Maria da Penha Fernandes was the victim of two murder attempts by her ex-husband Marco Antônio Heredia Viveros, and the first attempt left her paraplegic. In the first court trial, nine years after he committed the crime, Viveros was sentenced to fifteen years of prison, which was reduced to ten years because it was his first offense. In 1996, the jury decision was annulled and he was retried and sentenced to ten years and six months of prison. The defendant appealed several times, including by means of corruption, which allowed Viveros to remain in freedom for nineteen years, finally being arrested in October of 2002, just before the expiration of the statute of limitation. We can assert that the conclusion of the judicial process and the arrest of the defendant only occurred thanks to pressure from the Interamerican Human Rights Commission, which took on the case in 1998.

The Maria da Penha case was taken to CIDH by CLADEM-Brazil, by CEJIL, and by the victim, Maria da Penha. The complaint was based on the American Convention on Human Rights and on the Belém do Pará Convention. In April 2001, CIDH published a report on the merits of the case, concluding that Brazil violated Maria da Penha’s right to due process. This violation was seen by CIDH as part of a pattern of discrimination evidenced by the acceptance of violence against women in Brazil, through an inept judicial system. CIDH made the following recommendations to the Brazilian State: that it conduct a serious, impartial, and exhaustive investigation seeking to establish the aggressor’s responsibility for the attempted murder of Maria da Penha; identify the practices by agents of the state that posed obstacles to the rapid and efficient procedure of judicial actions against the defendant; provide immediate monetary compensation to the victim; adopt measures at the national level to end tolerance by agents of the state with regard to violence against women.⁸

As observed by CEJIL, CLADEM, and AGENDE, “the extreme relevance and importance of this case surpass Maria da Penha’s personal interest to include all Brazilian women.”⁹ In addition to the recommendations by CIDH pertaining to reparation of the victim’s individual rights, this was the first case in which an international human rights organization applied the Belém do Pará Convention, issuing an unpublished decision in which a country who signed the convention was also, for the first time, responsible for domestic violence practiced by an individual. Thus, the “Maria da Penha case became a symbolic case for recognizing a pattern of systematic domestic violence against women, and for establishing the state’s responsibility at the international level due to the inefficiency of the judicial system at the national level.”¹⁰

⁸ Report No. 54/01, Case 12.051, Interamerican Human Rights Commission.

⁹ CEJIL, CLADEM, and AGENDE (2003).

¹⁰ *Ibid.*

In spite of several communications between CIDH and the Brazilian government, the case was ignored by the Brazilian authorities during almost all the mandate of President Fernando Henrique Cardoso – even when CIDH published its report on the merits of the case in which it condemned the Brazilian government. It was only in October of 2002 that Solange Bentes, then Secretary of the newly created Department of Women’s Rights (SEDIM), made an effort to have the Superior Court review the appeals presented by Viveros’ attorneys in 2000.¹¹ In 2003, the women’s movement mentioned this case in a document sent to the Committee on the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), in which it denounced, among other things, the Brazilian State’s failure to fulfill CIDH’s recommendations regarding the Maria da Penha case.¹²

During its first year, the Luiz Inácio Lula da Silva administration also ignored the Maria da Penha case. In 2003 Lula created the Special Department on Policies for Women (SPM), and it was only in the first part of 2004 that it began to take action to follow through on CIDH’s recommendations. In March 2004, President Lula created an Inter-Departmental Working Group to draft a bill on mechanisms to combat and prevent domestic violence against women (Law Decree n. 5.030 of March 31, 2004). The Working Group, managed by SPM under the supervision of Minister Nilcéa Freire, was subsidized by a Consortium of Feminist Non-Governmental Organization composed of ADVOCACY, AGENDE, THEMIS, CLADEM/IPÊ, CEPIA, and CFEMEA, which prepared a draft of the bill. After consulting with representatives from civil society through seminars and debates around the country, SPM sent the Bill 4.559/2004 to the President of the House of Representatives and to the President of Brazil, which later became Law 11.340, on August 7, 2006 (known as the “Maria da Penha Law”). In its “Explanatory Statement” the bill explicitly referred to the condemnation of the Brazilian government in the Maria da Penha case.

The “Maria da Penha” Law was so named to symbolically provide reparation to Maria da Penha Maia Fernandes for the sluggish performance of the Brazilian Justice System in the judicial procedures against her attacker. Maria da Penha was a special guest in the Presidential ceremony to sign the law on August 7, 2006. In Maria da Penha’s words:

First they invited me to watch the ceremony of signing the law into effect. The day before, the secretary from the Secretary’s Office called me and said: “we’re thinking of naming the law after you.” And I answered: “I don’t believe it! Am I now going to be famous?” Joking, you know. Then that evening I received a call from a reporter who said: “How do you feel having a law named after you?” I said: “And is it really true?”

¹¹ Department of Women’s Rights – SEDIM (2002).

¹² See CEJIL, CLADEM-Brazil, and AGENDE (2003).

That is when I got it... Look, I cannot even begin to tell you; I was so touched by the people naming the law after me, and it's catchy because people do not remember the number of the law, but that it's called "Maria da Penha."¹³

The act of signing the law into effect on September 22, 2006 had great repercussions among the media, society, women's movements, and several government departments, including the Executive and Judiciary branches. Several newspapers and radio and television stations publicized the news widely.¹⁴ The women's movement mobilized around the implementation of this new law and has since been debating the conditions regarding its applicability. On September 18, 2006, the Women's Forums of sixteen states participated in a debate on the implementation of this law, by means of a videoconference organized by the Articulation of Brazilian Women (AMB). Under Decree 479/2006, President Lula created a Committee to Establish Specialized Jurisdictions for Family and Domestic Violence Against Women, under Law 11.340/2006. In February 2007, SPM published a call to "non-governmental organizations and/or academic institutions to organize consortia to present proposals for a Monitoring Entity for Implementation and Expansion of Law 11.340/2006" (www.spmulheres.gov.br). The State Superior Court of Mato Grosso published a multidisciplinary manual to facilitate implementation of Law 11.340/2006 by public agencies (State Superior Court of Mato Grosso 2007).

The objective of Law 11.340/2006 is to create "mechanisms to repress family and domestic violence against women," in other words, it focuses on a specific form of violence against women. There are several innovations under this law, such as the withdrawal from the jurisdiction of Special Criminal Trial Courts to judge crimes of "family and domestic violence against women," independent of the type of sentence issued. Although the advent of this law is extremely important and demanded by the women's movement since the 1980s, it should be noted that it confers irrefutable hegemony for one form of violence against women, that is "family and domestic violence against women," conceived to be a "violation of the human rights of women" (Article 6).

With the growing knowledge of the plurality of interests and the differences among women, according to feminist discourse, Law 11.340/2006 mentions race, ethnicity, and sexual orientation in several articles. But the definition of "family and domestic

13 Telephone interview with Maria da Penha Maia Fernandes on April 3, 2007. It is important to note that even though the law served to partially meet the demands made by CIDH, up to the day of the interview Maria da Penha had not received the monetary compensation which the state of Ceará was ordered to pay. Those responsible for the sluggish procedures in the Judicial system also have not been identified or punished.

14 The event was widely publicized by several TV networks, such as Rede Globo, which covered the story in the Jornal Hoje, Jornal Globo, and Jornal Nacional [three main news hour broadcasts on Globo TV]. The AM Radios Joven Pan and Nacional also publicized the event. There were also several articles on the site <http://copodeleite.rits.org.br/apc-aa-patriciagalvao/home/index.shtml>, accessed on September 18, 2006.

violence against women” is based solely on the category of gender, and focuses above all on marital violence. As established on Article 5: “To the effects of this Law, family and domestic violence against women is defined as any action or omission based on forms that cause death, injury, physical, sexual, or psychological suffering, and moral or property damages.” Violence may occur in the “realm of the domestic unit” (Article 5, clause I), in the “realm of the family” (Article 5, clause II), or “in any intimate or affective relationship” (Article 5, clause III). This definition is important because it considers “family and domestic violence” as instances of violence which occur not only in the domestic space, but having as a basis gender relations. In addition, the forms of family and domestic violence provided for in Law 11.340/2006 are not restricted to physical, sexual, or psychological violence; they also include moral and property damages (Articles 5 and 7). In the event that family and domestic violence results in bodily damages, Law 11.340/2006 increased detention time from six months to one year, with a minimum prison time of three months to a maximum of three years (Article 44). If the crime is committed against a disabled individual, the punishment is increased by one third.

In addition to expanding the concept of family and domestic violence and increasing punishment in view of the physical limitations of the victim, Law 11.340/2006 takes into consideration the “sexual orientation” of the parties involved in the personal relationships as described in Article 5, even though it may not seem to address violence against lesbians based on discrimination due to sexual orientation. The sole paragraph of Article 5 provides for the following: “The personal relationships expressed in this article are independent of sexual orientation.” This paragraph has been interpreted as the juridical recognition that “homo-affective unions constitute a family entity.”¹⁵ In my view, it is necessary both to recognize homo-affective unions and to curb violence among lesbians, but in this case it is a perverse recognition of homo-affective relations, which is done through the criminalization of violent conjugal relations, which, in the light of the Law, only warrants recognition of duties, and not rights. If this interpretation corresponds to the legislators’ objective to criminalize violent marital relations, independent of sexual orientation, this standard also reinforces the tendency to think of “family and domestic violence against women” as only “conjugal violence.” Why not consider that the Sole Paragraph of Article 5 also addresses situations of violence against lesbians committed by her parents or other family members, in the realm of the domestic unit or the family?

In short, in several ways Law 11.340/2006 represents an advance for women’s rights, but it also has limitations and sanctions the hegemony of feminist discourse on violence against women based solely on the gender perspective, which in the case of the

¹⁵ See the article “Domestic violence and homo-affective unions – what does the Maria da Penha Law has to do with it?” at the site http://www.comuniles.org.br/index.php?option=com_content&task=view&id=67&Itemid=36 (accessed on February 5, 2007).

violence theme, is restricted even more to the realm of conjugal and family relations. The problem does not lie in talking about family and domestic violence from the gender perspective. The problem is not talking enough about the connections between this and “other” forms of violence based on race, ethnicity, and sexual orientation which do not occur solely in the domestic realm, and are also politicized in and outside of the feminist movement. In my view, Law 11.340/2006 is not the end of the line in the adoption of laws and public policies to combat the diverse forms of violence against women, including the issue of domestic violence against women. This law was a great partial victory in a long and arduous road of feminist struggles against all forms of discrimination and violence against women. The women’s and feminist movements’ agenda should not be set by the State’s agenda, although the opportunities afforded by the current political conjuncture should be taken advantage of.

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There has been a lot of discussion around the adoption of public affirmative action policies for the Black population. The quest for opportunities to access areas that have historically been denied has been the focus of the Black movement over the last 10 years. For EDUCAFRO, the historic inequalities accumulated from centuries of slavery cannot be corrected with a simple apology. Concrete actions are needed above all to combat unequal opportunities coming from racism.

White rights. Black rights. Human rights

“Black people have a collective project: to build a society founded on justice, equality, and respect for all human beings; a society whose intrinsic nature make economic or racial exploitation impossible. An authentic democracy, founded by the destitute and disinherited of the earth.”

Abdias Nascimento, 1980:160

Douglas Elias Belchior¹

The African continent, incomprehensible to “civilized” eyes, especially in the last five centuries, served as the guinea pig for the interests of profit-seeking groups. Already by 1452, through the publication of *Dum Diversas*, Pope Nicolaus V authorized the “slavery of the infidels”. Thence forward, the motherland of humanity would be the world’s captive. From then on, occupation, the imposition of culture, human assault and genocide would transform daily life on this continent. It is calculated that between the 16th and the 19th centuries, more than 15 million African men and women were torn from their lands. Of these, more than 40% were destined – when they didn’t die during the voyage—

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for forced work in the sugar cane fields, in the mines, the coffee plantations, and other killing occupations in Brazil. Enslaved, with their souls uncared for, according to the evaluation of the Holy Catholic See, and with the status of merchandise, the Blacks/Africans and their descendants began their saga in our country.

There was such intense oppression used against this people for so long and so lucrative were the results, the wealth proportioned by the fruit of slave labor on the sugar-cane plantations, from mining gold, silver, and diamonds, from the extraction of rubber, or on coffee plantations and other activities that the “senhores” ordered, the very marketing of African men and women signified one of the major undertakings of the epoch. The sum of these commercial and financial activities and the resulting abundant profits constitute the accumulation of capital needed for the advent of the system that would come to dominate the planet. Not by chance, the English cities of Liverpool and Manchester are noted in modern history as the cradle of world capitalism. As is well known, they were port cities and fundamental poles for the sale of African people for America.

For around 350 years, Brazil based itself on slavery. From the beginning of the European presence, to maintain their rule, the ruling groups customarily put down slave uprisings. In time, they perfected the forms of combat that went beyond brute force. There arose legal and juridical actions of the State that had as their goal the control and later the extermination of the black population. Besides daily violence, the “State”, since the time it was a colony, promoted genocide by its own hands and the marginalization of the black people.

During the 19th century, the colonial government implemented Decree 1331 with the constitution of 1824. According to this law, no “children who carried contagious diseases, or were not vaccinated, or slaves” could be admitted to school. The prohibition of the presence of blacks in schools lasted until 1889. The historical difference in levels of schooling observed even today in the black population certainly has its origin in this action by the State. In a study done in 2006, the Intersyndicate Department of Statistics and Socio-Economic Studies (Departamento Intersindical de Estatísticas e Estudos Sócio Econômicos or DIEESE) confirmed what dozens of other studies reveal each year: an enormous distance between blacks and whites in relation to rates of unemployment and level of schooling. The data show that only 6.6% of Blacks completed secondary school. Among non-blacks, the percentage changes to 20.7%. Among all the states studied, the state of São Paulo presents the biggest distortions. Only 3.9% of Blacks have a secondary school diploma. Among whites, 18.9% have diplomas – a number that is five times greater. In relation to wages, according to the Brazilian Institute for Geography and Statistics (Instituto Brasileiro de Geografia e Estatística, or IBGE) in a study done in

2006, black professionals make only 51.1% of the income of white professionals, or just half. In September of the same year, still according to the study, in the six main metropolitan regions of the country, while blacks received R\$660.45, whites had a median salary of R\$1292.19. Such data reinforce the theory that the wage differential is integrally related to level of schooling as well as to skin color.

In 1850, with the high number of freed blacks establishing families and with the occupation by Quilombos of large areas, the Imperial Government instituted the so-called Law of Lands, that regulated its property, thus ensuring rule by the large landowners. The concentration of hereditary ownership of the land goes back to the times of the Hereditary Companies and is reflected today as a fundamental element in the structure of national poverty. The Sesmarias Law was repealed the same year as Independence, 1822, and almost 30 years later the Law of Lands was created, which would orient the nation's land ownership structure up to today. The Law determined that whoever wanted to have a right to land should pay for it –which excluded the better part of the Brazilian population, which had no resources. At this point the number of freed Negroes was very large. This population in particular⁵ was kept from the right to land ownership precisely because it constituted the majority of the dispossessed. Once again the State, in the service of private interests, would impede access to fundamental goods by the African population and their descendants.

Between 1864 and 1870, Brazil became involved in a large-scale armed conflict: The Paraguayan War, considered to be the largest and bloodiest international armed conflict to occur on the American continent. Political justification for the conflict was based on the preoccupation of Dom Pedro II's government with political instability in Uruguay, which might influence recently-pacified Rio Grande do Sul. The Emperor, through an ultimatum, resolved to interfere in internal Uruguayan politics. The reaction of the Paraguayan military which ensued triggered the war. Brazil, Argentina, and Uruguay became allies and defeated Paraguay, decimating close to 90% of that nation's male population. With regard to political factors, the fact is that under the influence of racist ideas from Europe, veritable multitudes of blacks were recruited—with the promise of freedom—for the death ranks of the Paraguayan War. It is estimated that nearly 1 million blacks died in the conflict, which reduced the presence of blacks and descendants of Africans in the Brazilian population from 45% to 33%.

The second half of the 19th century, particularly after the prohibition of the transatlantic African slave trade—imposed by the English (in 1850), saw the end coming of the slave –owning period in Brazil. Large scale escapes of slaves, added to the ever-greater number of freed slaves, strengthened this trend. Under the influence of liberal ideas, abolitionist political groups were organized. In response to these pressures and as

a way to prolong the end of slavery, the State interfered for the first time in the slave-master relationship and set up regulations. The Free Womb Law was enacted, guaranteeing the “right” to freedom of all those born of a slave mother. But how could freedom be guaranteed to a newborn if his mother was still a slave? As authorized by that same Law, the newborn could remain under the care of the Master, rendering services until 21 years of age, when he would chose between continuing in servitude or go free. In this case would be obligated, as it were, to indemnify the former owner for his investment. There is no doubt about the perversity of the effects of this law. Children were abandoned by their mothers in Santas Casas de Misericórdia and government orphanages, where there was a record of ill treatment and deaths. Abandoned children appeared on the streets, especially in southeastern Brazil.

Similarly, in 1885, the Sexagenarian Law was enacted in 1885, guaranteeing freedom to slave over the age of 60. In practice, such a regulation condemned those slaves who miraculously lived to 60 to abandonment and a marginal existence. Both the Free Womb Law and the Sexagenarian Law served more to calm rebellious abolitionists and slaves than to actually benefit the enslaved. For years both were treated in the classroom as beneficial concessions for the enslaved population. Today, however, we see how detrimental they were for building citizenship⁰ for the African descendant population. It must be noted that in 1890, in writing the first Republican Penal Code, the legal age for imputability lowered from 14 to 9. During the first four decades after the end of formal slavery, that legal age of 9 remained in force in Brazil. Evidently, knowledgeable regarding constructed reality, the groups in charge had to institute repressive and containment actions against the enormous black population condemned to misery.

The last decades of the 19th century were marked by European political and ideological influences. And not only liberal thinking gained adherents. From the 1860s on, in particular the core of power, including Emperor Dom Pedro II himself, were influenced by racist ideas. Based on the theories of the Frenchman Count Joseph Arthur de Gobineau (1816-1882). The State began to act deliberately to whiten the Brazilian population. We can see such influence even in the mass calling up of a large black African and African descendant contingent to fight in the Paraguayan War. However, nothing characterizes this thinking being put into practice better than the European immigration policies enacted beginning in the second half of the 19th century.

The Brazilian State, since the mid-18th century and up to the beginning of the 20th, established public policies for European immigration. These, especially in the last decades of their implementation, had as their basis the “whitening” and consequent “improvement in the population’s quality,” which, according to then current thinking, would be degraded by the African and African descendant presence. This motivation was coupled with

political justifications such as the occupation of strategic areas from the geopolitical point of view, the creation of an agrarian middle class with the transformation of the land ownership structure, and its connection to the food production and supply for the internal market. Particularly beginning in the 1860s, the State assumed the burden and financed the arrival of thousands of European immigrants, chiefly Italians, Spanish, and Portuguese, but also Germans, Austrians, Polish, and, at the end of this period, Japanese. These took over the functions previously performed by slaves on the coffee plantations, as well as occupying other positions on the job market, including in the nascent industrial sector. The immigrants, in spite of the degree of exploitation to which they were submitted, had sufficient opportunities guaranteed by the State to provide for social mobility.

After the republican declaration of the so-called “Formal equality among all citizens,” one more crime was committed, given that blacks, excluded from the conditions necessary for access to land, education, and the job market, were in no position to compete with white immigrants under the new economic reality of the country. In spite of equality before the law, various incentive policies—affirmative actions—directed at the European immigrant populations were not duplicated for the descendants of Africans. This entire enormous black contingent would remain on the sidelines, prejudicially marginalized from the social and economic development process from then on throughout the 20th century.

The response by the black populace to this picture of injustices was never limited to cries of pain. Black intelligence and physical strength, so well taken advantage of by European explorers, were also employed in rebel actions. The most typical of these were mass escapes and organization of communities of escaped slaves, the most well-known of which being the Quilombo of Palmares. Since Zumbi, black resistance grew in force and achieved great advances in the search of justice and liberty. Cabanada, Cabanagem, the Males Revolt, Farroupilha, Balaiada, Canudos, the Abolitionist Movement, the Chibata Revolt, the Brazilian Black Front, the Experimental Black Theatre all figure, among many other actions not recorded by history, as a memorial to this history of resistance. Black organizations gained power and achieved great advances in the search for justice and the end to racism. However, we can see how much resistance the demands of the black population meet from the white/bourgeois oligarchies which are still dominant in our country.

The Brazilian State is, from the historical point of view, the great promoter of the inhumane conditions to which the African descendant population is still subject, while society as a whole, from the viewpoint of ethics and justice, has the moral duty to support concrete actions aimed at lessening such inequalities.

There has been a lot of discussion around the adoption of public affirmative action policies for the Black population. The quest for opportunities to access areas that have historically been denied has been the focus of the Black movement over the last 10 years. For EDUCAFRO, the historic inequalities accumulated from centuries of slavery cannot be corrected with a simple apology. Concrete actions are needed above all to combat unequal opportunities coming from racism. To that end, we support Affirmative Action for blacks in all areas, especially with regard to university admittance quotas, given that public universities continue to be a privileged space for the white, rich elite. Their children are still monopolizing access to knowledge and power, holding 92% of the seats at public Brazilian universities.

In the Amazon, sustainable development became a fashionable concept. In the name of sustainability, Gusa Norte intends to plant clonal eucalyptus, a species developed in a laboratory, in an area of 4.1 thousand hectares. Their justification is based on the premise that “reforestation is most important for the steel sector and for the future of the business, which cannot base its production on unsustainable exploitation, such as the use of native forest.”

Debate about Development in the Amazonian Context

Lindomar Silva¹

Recent History

The Amazon of the last 50 years is a product of exogenous development implemented by the military regime, based on a practical-theoretical matrix of conservative modernization. The military regime had a modernization plan permeated by the National Security Doctrine, whose general objective was to turn Brazil into a nation comparable to developed countries. To this end, with the aim of modernizing the country, successive governments sought to achieve various strategic objectives that varied from institutional reforms, such as the creation of the Central Bank, to the stimulus of the economy, and to the settlement and integration of the Amazonian region.

Based on the logic of ensuring the presence and colonization of the Amazon, the federal government granted tax incentives in order to stimulate export-orientated activities. These incentives benefit private companies. Thus, the government strengthened the

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tendency to prioritize major agro-industrial companies, cattle production and private colonization projects, associated with investments in infrastructure and extraction and processing of minerals (Brasil, 1974).

This harsh incorporation of the region failed to promote an occupation that was efficient and organized. Indeed, such investments produced fantastic economic gains for national and international companies and accelerated the impoverishment of the population, original resident or migrant to the region. At the same time, it produced a process of unequal and perverse spatial occupation, resulting in predatory exploitation of natural resources, which places value on large farm estates (*latifúndio*) and the concentration of land holdings, and aggravates social disparities.

Amazonia in the 1990s

The model established in the region, focusing on conservative modernization, resulted in negative impacts for the local populations and the environment, even within the context where global society was discussing a way to balance economic growth and environmental preservation, as well as to achieve social justice and human development. It was in this environment that the then-government of Fernando Henrique Cardoso (FHC) launched, in 1998, a program called “Eixos Nacionais de Integração e Desenvolvimento” (National Axes of Integration and Development), that, in practice, signified a return to the military government’s old concept of development. In the document “Brazil in Action” (Brasil, 1996), instead of *Pólos de Desenvolvimento* (Poles of Development), the government moved to adopt the *Eixos de Desenvolvimento* plan. For the government, the difference between the two consisted in the latter’s potential to generate positive effects for a much wider area to the extent that infrastructure and economic development were designed in an integrated way. The *Eixos de Desenvolvimento*, also known as the *Corredores de Integração* (Corridors of Integration), came to have as its principle objective the integration of the various regional economies, in addition to better coordination with the international market.

The *Eixos de Desenvolvimento* plan places more emphasis on the actual flows of goods and services and introduces in the planning a broad concept of sustainability, taking into account the realities of each territory and its social, economic and environmental questions. The *Eixos* were defined by four criteria: the existing transport network; the functional hierarchy of cities; the identification of the dynamic foci in the country; and the characterization of the ecosystems in the different Brazilian regions (BNDES/Con-sórcio Brasileira, 2000). These criteria were used to divide the national territory into nine *Eixos*: the Northern Arc; Madeira-Amazonas; Araguaia- Tocantins; West; Southwest; Transnortheast; São Francisco; Southeast network; and South.

Even knowing the negative effects, in a totally verticalized vision, the federal government stressed the importance of the metallurgical sector for the Amazonian region. In a typical contradictory formulation, the government said that new and old projects in the Amazonian region would have to be compatible with the environment.

Within this concept, the Amazon comes to have fundamental importance in the proposal formulated by the FHC government and of that of his successor. In the Amazonian region the Eixos followed the same logic as past models, where the principal investments for the region would be in road infrastructure programs aimed at guaranteeing the competitiveness of the country in national and international markets, principally in those markets where transport is a strategic factor in the value of goods.

The export bias of the Eixos is clear, since it was a front to obtain the resources necessary to balance the country's current debt. This stimulus for exportation was based on the regional potential of extreme importance, but the priority of the Eixos should have been centered on territorial integration (the majority of the nine Eixos did not introduce integration and they are oriented toward connecting producer regions with the ports) in such a way as to take full complete advantage of the geographic, economic and demographic dimensions of the country (Diniz, 2002).

The integration boasted about in the discourse of the Eixos would be dangerous for the Amazon, since this integration of the region only anticipates the appropriation of the region's natural resources by the international and national production sector. This is clear in that the majority of projects would be undertaken by private initiative, chosen based on their internal rate of return (Diniz 2002).

In truth, the Amazon was not integrated, but colonized. This is evident in the tendency to exacerbate the concentration of income and increase poverty, producing, thus, a region that is increasingly more unequal relative to other parts of the country, principally the central-south. It produced, in a region extremely rich in biodiversity and natural resources, one of the largest pockets of poverty in the country.

The constructed discourse

The brief account above allows us to understand that the proposals for the integration of the Amazonian region were characterized by a process of colonization, putting natural resources at the service of the interests of large national and international economic groups. And within this colonization process there lies the construction of a discourse that increasingly justifies and shades reality. This certainly applies to the discourse on sustainable development. For SHIVA (1991), sustainable development uses the logic of the market in order to determine the future of natural resources.

The concept of sustainable development appeared in 1987, when the UN's World Commission on the Environment and Development (UNCED), presided by Gro Harlem Brundtland and Mansour Khalid, presented the document called *Our Common Future*, also known as the Brundtland Report. In the report "Sustainable Development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

In 1992, the United Nations Conference on the Environment and Development, held in Rio de Janeiro, showed a growth in global interest in the future of the planet. Many countries no longer could ignore the relationship between socio-economic development and changes in the environment. But discussion of this was overshadowed by the United States' delegation, which forced the withdrawal of the timetables for elimination of CO₂ emissions (which were part of the climate agreement) and did not sign the convention on biodiversity.

Therefore, when we speak of "sustainable development" it should be clear that this notion does not represent a shift in the paradigm built on a new socio-economic model aimed at ecological principles that respect nature. What it actually represents is a retardation of the processes of exploitation and environmental destruction, not an effective change of direction.

So the expression "sustainable development" is confusing, and it is not a symbol for a new way of thinking about the world. Development yoked to the old model of spoiler and dominator "presents itself merely as material and unidirectional, therefore, as mere growth" and "sustainability is only rhetoric and illusory."²

Between the discourse and practice of sustainability

In the Amazon, sustainable development became a fashionable concept. In the name of sustainability, Gusa Norte intends to plant clonal eucalyptus, a species developed in a laboratory, in an area of 4.1 thousand hectares. Their justification is based on the premise that "reforestation is most important for the steel sector and for the future of the business, which cannot base its production on unsustainable exploitation, such as the use of native forest." This conception of sustainable development has in itself two problems: The first is that the forest loses its purpose, primary and essential to the Amazon, which is that it guarantees biodiversity, and, the second is that the discourse tends to mask the predatory practices of businesses in the Amazon: it encourages the illegal purchase of charcoal, and, consequently, the exploitation of slave labor.³

² BOFF, Leonardo. *Ecologia: grito da Terra, grito dos pobres*. Rio de Janeiro: Sextante, 2004, p. 97.

³ Aggravating the situation further, the ILO report clearly shows the links between deforestation, slave labor and coal production. The two regions with the greatest incidence of slavery in Brazil are also those responsible for the most deforestation in Amazonia. Both are in Pará and are answerable for half of the cases involving freeing of slaves and 40% of deforestation in Amazonia up to 2002.

Like Gusa Norte, Vale do Rio Doce (the largest mining company in Brazil) is encouraging the planting of eucalyptus in the region. In this sense, it is important to remember that we are not dealing with reforestation, but rather the planting of exotic monoculture that is foreign to the region, the consequences of which cannot yet be measured. Illegal coal pits are fundamental to maintaining industrial production, as the report of the Brazilian Institute of the Environment and Renewable Natural Resources (Ibama) divulged in 2005. It showed that there was a deficit between the quantity of charcoal necessary to maintain production in the region between 2000 and 2004 and that declared by the sector. Just remember that this activity is expanding and the production of this industry is entirely dedicated to the international market. In other words: the coal surplus comes from a non-official source. According to Ibama, the amount illegally handled is \$385 million reais.

The area of Brazil's forest is the largest in the world, at 554 million hectares, which represents 14% of the world's area and occupies 64.3% of the national territory (FAO, 2005). Of this total, 50% of the forests are found in public areas ⁴, in the Amazon this percentage reaches 75%. Of that the areas protected as Units of Conservation and Indigenous Land represent 30% of the total and the other 45% are public lands where use has not been defined or protected ⁵ (LBA, 2005).

Under the current government, a bill was sent to Congress, with 84 articles, recorded in the Chamber of Deputies as number 4.776, on February 21, 2005. This bill raised the need to expand and consolidate a network of national forests, where there would be sustainable management, principally in the Amazon. It considers the National Forests of the Amazon to have an area sufficient to supply, in a sustainable form, only 8% of the current market and that, to meet the present demand and that of the next 20 years, it will be necessary to bring the total to approximately 700,000 km², or nearly 14% of Amazonia.

The principle defended in the document is that the concession could prevent the degradation and devastation of the forest by the disorderly presence of activities and, at the same time, facilitate the sustainable management of same and increase the income

4 The creation of public forests in Brazil was established in the Forest Codes of 1965 (Código Florestal de 1965). They consist of natural forests or plantations located in different biomes of Brazil, under the domain of the Union, the states, the municipalities, the Federal District or indirectly administered entities. Until recently, the Public Forests were administrated by Ibama, under the supervision of the Ministry of the Environment (Decree 1.298, 27 October 1994). However, because of the precarious system of monitoring and supervision and the expansion of livestock activities, the government created (Decree 2.473, January 1998) the National Forest Program (Programa Florestas Nacionais, Flonas), with the objective of implementing sustainable management and promoting the creation of new areas as a way to develop a sustainable form of wood exploitation and meet the planned demand. Consequently, in the face of the scarcity of resources in the public sector and the failures in monitoring and supervision, what emerged as the solution was establishment of a policy of concessions of public forest areas for exploitation of commercial woods by the private sector and local communities. The project was not implemented.

5 It is in these lands that we find expansion of soy and ranching pointed to as the chief causes of deforestation, illegal felling of trees, and illegal land appropriation and occupation (Presidency of the Republic, 2004).

and improve the quality of life of local populations. Besides protecting the conservation units such as the National Parks and reducing the possibility of the disorderly occupation of areas without an agricultural vocation, the creation and adequate management of the National Forests by the Government, in conjunction with private enterprise and organized communities, will allow for improvement in the efficiency of the monitoring and control system, decrease predatory exploitation, regulate the raw material supply, revitalize the forest sector in the region, increase regional income and improve the quality of life for the local population (item 10 of 135/2002).

Law 11.476 was approved, on March 2, 2006, regulating the management of public forests. This means all of the natural forests on federal, state and municipal land, with the exception of the fully protected Conservation Units (Extractive Reserves, Sustainable Development Reserves, and Indigenous Lands) and the areas prioritized for the conservation of Brazil's biodiversity ⁶.

The consequences of this process are that the national, state and municipal forest areas will be mapped and divided into areas, which will be conceded to private enterprises, by bidding, for a maximum of 10 years, as of the date of this publication (articles 5^o, § 1, 13 and 48). The other consequence is that the National Forests, that were covered with native forest, destined for scientific research; formed part of the public domain; and were a refuge for traditional populations, become areas that can be conceded to private companies, with proposals of sustainable economic activities, so that they can exploit the natural resources present in such areas.

In the government's conception this would make possible management of the national forests, reduction of governmental costs associated with administration, monitoring and supervision and still allow the possibility of reconciling "sustainability" with the exploitation of public forest resources. Generally, the law considers regulating the access and exploitation of natural resources through concessions of the national, state or municipal forests, for a determined amount of time, which will be licensed and have monetary contracts for the use of the resources. The lands continue to be under public domain, but with permission for the private sector to develop activities such as the production of timber, non-timber products and services like tourism.

Implicit in this governmental initiative is the government's conception that the management of "public" natural resources is problematic for diverse reasons, such as the lack of human resources for supervision. It transfers management to the private

6 The Law provides for three forms of public forest management for sustainable production (Article 4). One is the creation and direct management by public power (federal, state, or municipal). Another is aimed at forests for common use, such as forest settlements, extractive reserves, and quilombola areas, the areas of which were set by Law 9.985, of 18 July 2000. The third is the concession of public forests by means of bidding. The same law also establishes an entity to manage the system, the Brazilian Forest Service, and a fund to finance the process, The National Forest Development Fund.

sector, strengthening the tendency of public goods to be treated as “private goods” and subordinates them to a market logic that is expected to deliver results. In truth it is trying to reconcile the irreconcilable: “To maximize economic profits and environmental well-being.” According to this logic, granting concessions to companies is, therefore, the only alternative.

In proposing this law for Public forest management, the Brazilian government reinforces the concept that private property—or private management, as Brazilian law suggests—is the best way to guarantee the sustainable use of natural resources; in actuality it entails the division of resources, where each individual continues managing his resource in the best possible way, thus guaranteeing benefits.⁷

In the Amazon, history has shown that the private sector cannot be trusted. An example of this is the municipality of Paragominas where 90% of the area is degraded. And, even if extractive timber businesses had utilized discourses of management and sustainability, it would still be only rhetoric, since less than 3% of the managers were from the region. Today, the municipality of Paragominas suffers from an extreme scarcity of natural resources and with the largest pockets of poverty that arose due to the expansion of capital into the region.

Final Considerations

The present text sought to review some concepts that have influenced the debates about development in the Amazon. There is a need for social movements to question the concept of sustainable development and not fall into a trap that can compromise the present and the future of the Amazonian region, since it “does not question the notion of progress and existing market rationality, but continues to privilege industrial consumerism.”

The second concept is that presented in Brazilian law about the management of forest resources, approved in 2006. In our vision, the concept is impregnated with the conclusions of the famous text “The Tragedy of the Commons” by Garret Hardin. In this text, Hardin affirms that in order to avoid the super-exploitation of common goods, the best solution is to transfer them to the private sector. The Brazilian law about the management of forest resources clearly goes in this direction, since it grants the legal rights of forest management to legal persons, foreign or not, in partnership or otherwise.

The question is that, on delimiting and surveying the extractive reserves and the reserves of sustainable development, a marginal and limited role is conceived for the populations. Another question concerns traditional populations. What is their position? And how will they be treated? What is known is that in order for them to compete, they

will have to form community associations or cooperatives that will enable them, as legal persons, to get the same treatment as businesses.

Masked discourses on sustainable development have influenced governmental policies. As a consequence, the rights of indigenous peoples, quilombolas (descendants of runaway slaves), river-dwellers, and small farmers are constantly violated. We must, however, believe in the resistance of the people who, even suffering repression, are not silent and remain firm in their quest for a just and fraternal society.

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In August of 2007 the Special Reporter on the Right to Food, Jean Ziegler, presented a report to the General Assembly of the United Nations, warning that each year more than six million children under the age of five die as a result of hunger-related illnesses. The second point of the report was concern with increased utilization of basic foodstuffs for production of agro-fuels. The International Institute for Research on Food Policies (IIPA) estimates that agro-fuel production can cause a 20% increase in the price of corn and a 26% increase in the price of soy and sunflower seeds by 2010. IIPA studies warn that the number of persons suffering from malnutrition may increase by 16 million for each percentage point increase in the price of basic foodstuffs.

The Right to Food

Maria Luisa Mendonça¹

The principal international standard regarding the Right to Food is contained in Article 11 of the International Convention on Economic, Social, and Cultural Rights. In accordance with this standard, hunger should be eliminated and peoples should have permanent access to adequate food, both qualitatively and quantitatively, guaranteeing physical and mental health of individuals and communities, in addition to a life of dignity.

In accordance with the International Convention on Economic, Social, and Cultural Rights, States are obliged to “respect, protect, and guarantee” the right to food. Respecting this right means that States cannot obstruct or make access to adequate food difficult for the population, as is true in the case of rural workers being forced from their land, especially those who depend on subsistence agriculture. The Convention further prohibits States from using toxic substances in the production of food.

¹ *Maria Luisa Mendonça is a journalist and co-director of the Social Network for Justice and Human Rights*

In addition, the document establishes the principles of non-regression and non-discrimination with regard to the approval of laws guaranteeing access to food. This means that governments should not approve laws that make social organization difficult in favor of this right. On the contrary, governments should facilitate organizing society for access to land, work, and environmental protection. States should guarantee the universal right to food by means of concrete actions and measures that protect vulnerable social groups and allowing the means necessary for them to be able to eat.

In August of 2007 the Special Reporter on the Right to Food, Jean Ziegler, presented a report to the General Assembly of the United Nations, containing information on the most recent events in that period. The first concern of the Reporter was the growing increase in hungry people in the world—800 million in 1996 and today approximately 854 million. The report also warns that each year more than six million children under the age of five die as a result of hunger-related illnesses. The Reporter characterizes this situation as “unacceptable.” According to Ziegler, “hunger is not inevitable. It is a violation of human rights. In a world that is richer than ever, more people are suffering from malnutrition, hunger, and starvation. The world can produce sufficient food to feed twice the entire world population.”

The second point of the report, which received great prominence, was concern with increased utilization of basic foodstuffs for production of agro-fuels. It states: “The Special Reporter is seriously concerned because bio-fuels will have hunger as a consequence. The sudden and poorly conceived haste to convert foodstuffs such as corn, wheat, sugar, and palm oil, into fuels, can lead to a disaster. There is a serious risk of creating a battle between food and fuels, which will leave the poor and those suffering from hunger in developing countries at the mercy of the price for food, land and water, which are increasing rapidly.

The International Institute for Research on Food Policies (IIPA) estimates that agro-fuel production can cause a 20% increase in the price of corn and a 26% increase in the price of soy and sunflower seeds by 2010. IIPA studies warn that the number of persons suffering from malnutrition may increase by 16 million for each percentage point increase in the price of basic foodstuffs.

The production of agro-fuels demands an even greater quantity of water, within a very troubling context. According to UN estimates 1.2 billion people do not have access to potable water and 2.4 billion do not have access to basic sanitation. Every year nearly two million children die from diseases caused by contaminated water. In the poorest countries, one in every five children dies before reaching five years of age due to illnesses related to water contamination. The Special Reporter on the Right to Food, Jean Ziegler, characterizes this situation as a “silent genocide.”

Water is an irreplaceable natural resource. At the present rate of destruction of its sources, half the world population will not have access to potable water in merely 25

years. The increase in monoculture for production of agro-energy tends to intensify the violation of the fundamental right to access to water for human consumption.

Each liter of ethanol produced from sugarcane, in closed circuit, consumes about 12 liters of water. This quantity does not include the water utilized in cultivation which, in the case of irrigated monocultures, consumes even more. According to Professor David Pimentel of Cornell University, for each kilo of corn produced 500 to 1,500 liters of water are used. And to produce a liter of ethanol based on corn, water usage runs between 1,200 and 3,600 liters. Therefore, production of agro-energy represents a risk for greater scarcity of natural sources and aquifers.

In the most recent report to the UN General Assembly, the Special Reporter on the Right to Food recommends that “a five-year moratorium be declared on production of bio-fuels with modern methods so that there is sufficient time to create technologies and establish regulatory structures for protection against negative environmental and social effects and for protection of human rights.”

Violation of cane cutters workers’ rights and the right to food in Pernambuco

*And if we Severinos
are all the same in life,
we die the same death,
the same Severino death.
The death of those who die
of old age before thirty,
of an ambushade before twenty,
of hunger a little daily.
(The Severino death
from sickness and from hunger
attacks at any age,
even the unborn child).*

“Morte e Vida Severina,” João Cabral de Melo Neto²

September 2007. A new cane harvest begins in Pernambuco. In this harvest, sugarcane production should reach 15% more than in the past year, according to data from the National Supply Company (CONAB). This expansion is chiefly owing to an increase in

² Translated by the North American poet Elizabeth Bishop, published in João Cabral de Melo Neto, *Selected Poetry, 1937-1990*. Ed. Djelal Kadir. Wesleyan University Press, 1994.

ethanol production, which should reach 21 billion liters, while in 2006 Brazil produced 17 billion liters of the product.

In the municipality of Aliança, Severino gets up at three in the morning. Before five he is already cutting cane. He is an undocumented worker at the San José mill. He already had a signed card, but after two harvests can only find day work. His daily quota is to cut thirty “braças”—the equivalent of seventy square meters. The overseer says this comes to three tons of cane, but Severino knows that he cuts seven to eight tons per day.

In steep terrain, he goes up and down the hill, between the rows of cane. His movements are precise: first he bends to cut close to the ground and afterward cuts the leaves above. In a constant rhythm, he only stops to eat when the sun is high. It is already after eleven. He still has something in his lunch bag. The food hardly has any effect. And Severino goes back to cutting cane. He goes up and down the slope, bends and stands so many times that he no longer feels his body. His hands aren't talking to him. The boss doesn't provide gloves or boots. His salary isn't enough for soap to wash his clothes, encrusted with ash from the burnt cane.

Five in the afternoon, almost nighttime. Severino returns home. His seven children wait for him at the window. There are still embers in the fire, but nothing in the pan. Severino received \$120 reais last week, his salary for two weeks. But the sum only lasted for six days. The other half of his salary will only arrive next week. There are two chairs in

Severino's house. There is no table and no bed. When it isn't raining, water is taken from the river. But today, no. It is slippery and far away. Severino lies down on the floor and waits for other days.

Severina Maria has lived for forty years at the Meia Légua mill in the municipality of Cortes, Mata Sul, Pernambuco. She arrived with her father when she was eight. This region is called Forest Zone, because previously it was all Atlantic forest. Now the mills plant cane even on the river banks. The Meia Légua stream is covered with cane.

Severina knows cane field work well: sow, fertilize, poison, clear, cut the cane... She has already done a little of everything. She only stopped working when she felt labor pains, but returned after a few days of rest. She never received a certificate when she was pregnant. She had fourteen children, but now there are only ten.

Now the mill is bankrupt, but Incra¹ never came to make an inspection. Severina has nowhere to go, she is afraid of being evicted. The mill boss won't allow planting. If Severina had had a little piece of land to plant yuca, yams, corn, she would never have begun cutting cane. Not she nor anyone else.

After so many years of waiting, Severina almost lost hope. She always tells her

¹ The National Institute for Agrarian Reform.

children to keep studying, even if there, although they may know how to read, the only work to be found is in the cane fields, and then only for five months during harvest. There is no other employment in the region. People are hungry.

But Severina is proud because she wants to learn how to read. She already knows how to write half of her name and is learning the other half. Forty years in the cane fields and all she got was illness. Severina's dream is to have a sewing machine. She knows how to sew well. She always made the children's clothes by hand, from sacks. But if she had a sewing machine life could be better.

Maria Severina worked in the cane fields almost all her life. Like other severinas, she began to work early, at only twelve years old. One day she had an accident, she cut her leg and had no means to go to the hospital. Work in the cane fields caused a sickness in her lungs due to the burning and the poison. At 41 years of age, Severina is still strong, but she knows that anyone working in the cane fields dies early.

It is for that reason that Severina doesn't want to ever go back to cutting cane. After being driven out of the mills, she refuses to go to the favelas. Today she coordinates a camp for the landless in the municipality of Palmares. That mill is bankrupt, like so many others here in Pernambuco.

Even at the side of the road, the camp's garden has everything: yuca, corn, tomatoes, watermelon. The beans were already gathered and dried over the winter. The biggest problem is feeding the babies, because the price of milk is sky high. The future? Severina doesn't see a future for herself, only for her children. And that's why she fights for land.

Incra isn't coming and the police already threatened eviction. But Severina has hope. What does she think of the camp? Wonderful. The barracks have to be well cleaned and organized. This is much better than living on the street, because everyone helps each other. And people aren't going hungry, but when cutting cane, you work and work and never get enough to eat.

If the form adopted for distribution of resources discloses, on the one hand, the insufficiency of investments in education, on the other hand it shows what might be the greatest merit of the PDE: the voluntary transfer of resources from the MEC to the localities that most need them. It is exactly the poorest cities, therefore, the ones that most need investment of federal funds, which are those that are unable to access the transfer programs administered by the National Fund for Educational Development (FNDE). This is because they lack the information or technical competence to respond constructively to PDE projects.

The Debate about the Education Development Plan

Mariângela Graciano e Sérgio Haddad¹

In the realm of education 2007 stood out as the year that the Education Development Plan (PDE) was inaugurated. In March a general outline of the plan was publicized, while in April a series of strategic policies were launched in tandem with the implementation of several already planned actions. At the beginning of October, in response to criticism that there was no document that enumerated the principles, objectives and justifications of the Plan, the Ministry of Education and Culture released the document, “The Education Development Plan (PDE): Motivations, Principles, Programs.”

What is the PDE?

The PDE translates into a series of forty measures. Some of these were instituted by decree of the President of the Republic, others had already been formulated and still others were formulated outside the PDE and then later incorporated into it.

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The Education Development Index (IDEB) was among the measures that stood out in the media. IDEB combines information on the performance of students (average proficiency on the Brazil Exam or SAEB) and scholastic output (average rate of approval at the level of teaching). First, the averages for student proficiency order to calculate the IDEB levels of proficiency in the Portuguese language and mathematics on the Brazil Exam and the SAEB are measured on a scale of zero to ten, after which an average of the two is taken and then, to calculate the IDEB, divided by the number of years students take, on average, to complete a series at each level. In this way it is possible to calculate the IDEB for states, municipalities, schools and individual students. However, the index, focusing on students, does not take into account other essential indicators necessary for the improvement of education, such as the training of teachers, the participation of communities, and so on.

The actions that together make up the PDE were announced gradually over the course of six months. The minister, Fernando Haddad, defended the strategy: the fluidity that marks the construction of the EDP permits constant and permanent reformulations and amendments and allows for the incorporation of demands from civil society. In other words, that which many consider to be weakness constituted for the Minister the democratic form of developing public policy. The truth is that the confusing way in which the plan was launched was linked with the necessity of rapidly introducing a proposal to address the terrible educational situation in the context of a political dispute at the beginning of the second mandate of the President of the Republic.

Who has already participated?

Since the beginning of the Plan, the Minister of Education has led the so-called “Education Caravans”, the objective of which is to introduce proposals to mayors, stimulating them to sign on to the goals of the “Everyone for Education Commitment”. By September, nearly three thousand municipalities from the North and Northeast had agreed to participate in the Plan. Participation in the program is encouraged by the offer of financial resources and technical assistance to help meet these goals—now that the federal government no longer has the power to impose its policies on States and municipalities.

According to official information, the 1,242 municipalities with the worst performance on the IDEB have been most encouraged to participate and have already started to receive visits from specialists contracted by the Ministry of Education (MEC) to help local managers to plan actions to improve the quality of education. The visits will take place until April of 2008. The majority of the cities (820) are located in the Northeast region.

Moreover, the MEC showed that the capitals, and indeed the great Brazilian cities in general, performed poorly on the IDEB. For this reason, it created a working group so that the leaders of 106 cities with more than two hundred thousand inhabitants could “exchange experiences and debate subjects related to management and implementation of the Education Development Plan.”

Of course cities that do not fall within the two groups above also can participate in the Commitment. In these cases, the counterpart of the MEC can furnish technical and even financial support, in accordance with the evaluation of local situations, although the MEC is not sending consultants to these localities.

Financing

The PDE was focused, at first, on the poorest cities. The reason for the absence of universal access to education, which is an essential element of public policy, is the lack of resources. On this subject, the MEC at least formally admits the insufficiency of the current investment in education, which is around 4% of the GDP, and affirms the necessity of expenditures on the order of 6 to 7% of the GDP, as foreseen in the original National Education Plan—a plan vetoed by President Fernando Enrique Cardoso, and not reestablished in the Lula administration.

In 2007, the funds destined for the implementation of the PDE for distribution among participating cities was R\$ 1 billion. Without doubt these resources will have an impact on the cities in question, especially considering that they are among the poorest in the country. However, this sum of money is far below what is needed to meet the challenge of a universal system of quality basic education. If things work out, the PDE will have made advances, but there will still be widespread violation of the right to universal education.

If the form adopted for distribution of resources discloses, on the one hand, the insufficiency of investments in education, on the other hand it shows what might be the greatest merit of the PDE: the voluntary transfer of resources from the MEC to the localities that most need them. It is exactly the poorest cities, therefore, the ones that most need investment of federal funds, which are those that are unable to access the transfer programs administered by the National Fund for Educational Development (FNDE). This is because they lack the information or technical competence to respond constructively to PDE projects.

Management and participation

When announcing the pillars that sustain the PDE, the MEC did not speak in terms of participation, but of social mobilization, which may indicate that civil society fits into

the plan only in so far as it can realize the already established Plan, but not participate in the definition of the implementation strategies themselves.

Moreover, the Plan does not make reference to the possible relation between management councils and social control in the field of education nor the process by which PDE implementation would be monitored.

The subject of social participation caused much controversy in the months that followed announcement of the Plan. Much of this controversy was created by those critical of the strategy adopted in the Plan during its construction, for there had been no formal consultations with educational organizations, students or even the National Council of Education.

It was certainly the case that there had not always been a lack of time for consultations. Although the MEC and the “All for Education” movement deny it, the fact is that the MEC adopted goals developed for the PDE by leading business institutions and entrepreneurial foundations. The criticisms of this were many, and arose regarding both the relationship of MEC with these groups and the disrespect of the original goals of the PNE. The MEC justified this by claiming that the new goals did indeed engage with their predecessors and that, moreover, the original goals did not account for issues relating to the quality of education. Perhaps, because of this initial approach, the PDEp strongly emphasizes management, and not the principle of universal rights and the working conditions of teachers.

In the document that justifies the PDE, President Luiz Inácio Lula da Silva affirmed the importance of searching for ways make the process accessible to the “interaction “of all those that are committed to education, independent of ideological and political sympathies.”

Affirmation by the President of the Republic strengthens the statement by Minister Fernando Haddad regarding the need to “armour” Education so as to protect its programs from discontinuities provoked by changes in management.

Without a doubt, the fact that powerful business people defend the educational plan is very important both for dissemination, as it is these entrepreneurs who control the great commercial vehicles of communication, and for providing continuity in its future management. This provokes difficulties in other sectors however. Considering that, historically, the approach of the business class towards the public sector is marked by the defense of private interests, it is necessary to explore the real public interests of entrepreneurs, or their representatives, in the formulation of the PDE.

Last September, “All for Education” made available on its home page a document called “Preliminary Technical Notes: Methodology for the attainment of the final and partial goals “, where it presented the methodology used to formulate the goals of the

All for Education Commitment. The committee responsible for the study gathered researchers, managers of different spheres of government, the MEC, directors of business councils and even someone from the educational sector. Obviously it is legitimate that all these groups are worried about the quality of education in Brazil, but certainly their interests and principles are significantly different.

This heterogeneity of interests, vision and principles placed on the public stage turned the PDE into a field for dispute. Moreover, it points to the great challenge formulated in its principles: the participation of the educational community and the poor—who are in general the great absentees in public debate and in influential groups. It is thus left to the government to find a kind of “a posteriori” form of participation. It seems that the MEC is little open to participatory mechanisms and must rely on municipal, state and national conferences to trigger full dialogue within society. After all, the educational sector was the only one that failed to hold a National Conference in the four years of the first mandate of the Lula government and throughout 2007. Its first National Conference is very tentatively set for the first part of 2008, in which, moreover, the PDE is not the central subject on the agenda and participatory mechanisms are restricted and controlled. Much ground still needs to be covered, therefore, before there is any significant improvement in the universality and quality of public education—which is, of course, a human right.

INTERNATIONAL POLICY AND HUMAN RIGHTS



Despite the government's statement to the contrary, the foreign debt grew substantially in 2007. It was US\$199 billion in December 2006 and increased 18% in the first seven months of 2007, reaching US\$235 billion in July this year. This increase did not appear in the data published by the government, since it happened in the "private" part of the foreign debt – that part of the debt taken on by national businesses with their foreign creditors. However, the "private" foreign debt is paid by the Brazilian people since it falls to the government to furnish the dollars for private creditors.

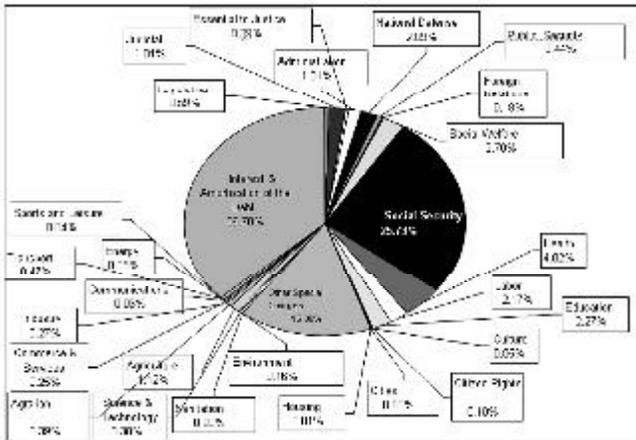
Internal and External Public Debt as Impediments to the Achievement of Human Rights

Maria Lucia Fattorelli Carneiro ()*

The year 2006 was marked by the bleeding of public funds to service the payment of external and internal debt. Almost 40% of the funds of the Federal Budget were allocated to interest and amortization of the internal and external debt, as shown in the following graphic.

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Federal Budget - 2006



Source: SIAFI (Sistema Access da Câmara dos Deputados – National Congress Access System)
 Note: The other special assessments mainly refer to transfers to the states and municipalities.

In 2007, the payment of charges related to the internal and external debts continues to be a priority of the federal government. According to the forecast of the expenses available on the SIAFI System, almost 30% of the budget will go for interest and amortization of the debt this year.

The graphic provides evidence of the social sacrifice represented by this bleeding of funds in 2006: while almost 40% of the funds were destined to Debt, Health Care received only 4.82%, Education received only 2.27%, Citizen Rights received only 0.1% and Housing received only 0.01%. Two decimal points are not enough to represent the miserable funds destined for Sanitation, which appears as 0.00% in the graphic. Besides this, it is impossible to think about agrarian reform when only 0.39% of the budget is destined for the agrarian concerns. The disregard for the environment is represented by the 0.16% destined for Environmental Management. The graphic also reflects the degree of violence and trashing of the State that predominate in our country: only 0.44% of the funds are destined to Public Security. National Defense, which includes the Navy, Army, and Air Force, receives only 2.09%. The disregard for the foundations of the country's development is reflected in the allotment of only 0.05% for Energy, only 0.47% for Transportation, and only 0.38% for Science and Technology.

Finally, evidence of the top priority given to the debt is there for all to see. And it should be emphasized that the above picture does not include the value that corresponds to the so-called "Rolling" of the Debt, that is, the value corresponding to the part of the Debt that was not paid in 2006, but substituted with new bonds. If this part had been

accounted for in the graphic, the debt would be represented by 57.71% of the budget. The rolling over of the debt should be taken into account because it is that which requires the government to pay billions of dollars every month, related to new loans from the financial sector. In this way, the market is blackmailing the country every day and the country gives in, conditioning these new loans to the absolute fulfillment of the neoliberal remedy, i.e., fiscal adjustment (synonymous with social sacrifice of funds that should be destined to public services like health, education, etc.), privatization, freedom for capital, among other policies harmful to the population.

To pay the debt, the government uses the funds collected through taxes that fall mainly on the workers and low-income consumers, while big fortunes, large land holders, and enormous profits enjoy exemptions and tax breaks. Another important source of funds for the payment of the public debt has been the federal government's collection of the debts of the states and municipalities that were assumed by the government beginning in the 1990s. After that operation, the government began to reproduce the same model of debt management with very high interest rates. This caused the exponential growth of these debts, which should also be audited since there are indications of being illegal and illegitimate. The high profits of public corporations such as Petrobrás, Banco do Brasil, and Eletrobrás, are also by law, destined to financial creditors. In other words, the high prices that we pay for fuel, electricity, and bank services are also destined for debt repayment.

If we add what we find documented in the official bulletins of the Central Bank and of the National Treasury under the title of received loans and we compare this sum with everything we paid throughout the years, we conclude that the public debt has been a sieve through which the resources extracted from society are drained off by means of the weighty and unjust tax burden and also through the denial of public services and attention to social rights, at a cost of immense social sacrifice.

Just to cite an example that shows the bleeding of resources, in the period from 1997 to 2006, R\$ 1.179 trillion were paid in interest and amortization of external and internal debt, without counting the corresponding values for the rolling of the debt. Despite this, these debts didn't stop increasing, reaching in July 2007 the impressive figure of US\$235 billion (external debt) and 1.361 trillion reais (internal de

The most serious thing is that we don't succeed in seeing the counterpart of such immense debts. In truth, such funds, which ended up mainly in the hands of the bankers, were taken out of the mouths of the hungry who suffer in misery. This causes the deaths of many who can't get medical care or access to school. It's a question of a crime against basic human rights, according to the major jurists specializing in International Law, for example the Argentine Ambassador Miguel Angel Espeche Gil.

The Debt in 2007: Facts indicating another year of human rights violations

In 2007, some remarkable facts provided additional evidence of these crimes against Brazilian society. Most shocking was the chaos in public health, when the Minister of Health himself requested from his colleague in Finance an advance of R\$2 billion so that the Schedule of Services of the Health System could be readjusted in an attempt to end the strike of doctors' and health workers in various states. In 2007 we also had a serious epidemic of dengue fever in the country, an illness that should have been eradicated decades ago except for the indifference about public health.

Alleging that it wanted to improve public health, the government worked very hard at the end of 2007 to approve the Proposal for a Constitutional Amendment no. 50/2007 (PEC 50/07) and to maintain the Provisional Contribution on Financial Handling (Contribuição Provisória sobre Movimentação Financeira, or CPMF). This is an unjust tax that primarily penalizes low-income consumers who pay the CPMF as part of the price of products, including those that are essential to survival such as food and medicines. However, this tax imposed by the IMF is not aimed at improving health but at repaying the debt, since the other remedies that supported health before the creation of the CPMF were diverted to fulfill the goals of the primary surplus. Besides this, 20% of the CPMF were also diverted for this same purpose, by means of the DRU (Desvinculação das Receitas da União [Divestment of the Union's Revenues]), also imposed by the IMF.

Another consequence of the debt in 2007 was the launch of the so-called Program to Accelerate Growth (Programa de Aceleração do Crescimento, or PAC), published in January 2007, which brought limitations never before made in this country on social spending, with the goal of prioritizing debt repayment. Complementary Bill nº 1 /2007 heavily limits spending on public services while Bill 1/2007 limits the increase in the minimum salary to laughable rates, with the result that it will take 50 years to reach the minimum salary calculated by DIEESE needed to meet the basic needs of a family. In this way, the PAC in reality will be sacrificing millions of Brazilians who depend on the minimum salary for their survival. On the other hand, the PAC did not deal with expenditures with the debt; this is what should be drastically reduced to make possible true economic growth. For this reason, the PAC represents in reality a big Program for Assisting Creditors.

And to prevent public employees from protesting against these measures, in 2007 the government put forward proposals to limit the right to strike and the so-called State Foundations, which consist of destabilizing public employees, allowing them to be punished by firing without any justification. Workers in the private sector are also a target of the government, which insists on carrying out the Labor Reform imposed by

the IMF and the World Bank. As such, the government initially sent to Congress Bill 1990/2007, which consists of hitching the Central Unions to the government (by means of receiving part of the union dues) so that it can be easier to move Labor Reform ahead—it is also being moved ahead through Bill 1987/2007, which counts on strong support from the government and which simply takes apart the CLT.

In 2007, the payment of the debt also created more privatizations. The Lula government privatized roads using the old argument that there are no funds to maintain them, while billions from the Contribution of Intervention in the Economic Domain (Contribuição de Intervenção no Domínio Econômico, or CIDE), which should have been destined for road improvements, has for several years continued to rot in the primary surplus in order to ensure the payment of the financial creditors. With the bill that creates the Fund for Complementary Social Welfare for Public Servants (Fundo de Previdência Complementar dos Servidores Públicos or FUNPRESP) the government also carried out insurance reform, which is translated into the explicit handover of the pensions of public servants to the financial sector, deepening the privatization of social welfare. The National Forum for Social Security, created by PAC, is also preparing reforms that target workers in the private sector, with the goal of freeing up more funds for payment of the external debt.

In the Education sector, the debt is also translated into the intensification of privatization through “Reuni”, published by decree at the beginning of the year. This program envisions the creation of more spaces in the public universities. However, with the corresponding increase in investments and in the number of teachers and employees, once the number of spaces increases it would compromise the payment to financial creditors. This program moreover strongly increases the ratio of students to professors, endangering public teaching and thus favoring private schools.

In the environmental area, we are seeing an increase of deforestation in the Amazon, the result of opting for the agro-export model, which is needed to obtain the foreign exchange credits for payment of the foreign debt. According to the Ministry of the Environment, between June and September of 2007 the deforestation increased 107% in Mato Grosso and 53% in Rondônia in relation to the same period in 2006, owing to the increase in the international prices of soy and beef. The road work of PAC in Amazônia will increase the environmental degradation since they specifically aim to drain off the production of primary products for export, opening new agricultural borders.

In 2007, owing to the absolute lack of investments in the airline sector, resulting from the successive cuts to fulfill the goal of the primary surplus and pay the debt, we saw a chaotic situation. Operating with defective radar and radios and insufficient personnel, flight controllers were constantly obliged to stop traffic, causing many delays

in the airports. On March 30, 2007, this situation got so bad that the controllers, working in subhuman conditions, had to stop flights at all airports, in defense of the lives of the thousands of people who use air transport in Brazil.

In relation to the situation of workers, despite the great deal of government propaganda to publicize an improvement in the employment picture, the situation is still very bad. In August 2007, in São Paulo, Recife, Salvador and Brasilia, the rate of unemployment remains equal to or above 15%, according to DIEESE. In Belo Horizonte and Porto Alegre, the unemployed still represent more than 10% of the Economically Active Population. The rates of unemployment vary depending on the international winds, since the reduction in the last few years is the result of a favorable external situation because these generally still show as greater than those which were in effect before the financial crises during the Cardoso government, starting in 1997. Early in the beginning of his term, Cardoso promoted a big opening to imports, resulting in a picture of unemployment and labor instability. And this picture remains the same today, despite the propaganda of the current government.

In relation to the income from work, according to IBGE in July 2007, the real average monthly income for a worker (R\$ 1,099.70) was still 6% less than the income of the same month in 2002, the last year of the Cardoso government (R\$ 1,168.50), at the prices of August 2007. This picture of permanent instability of work is a result of the debt policies of the federal government, which puts the highest priority on servicing the barren goals of the primary surplus and control of inflation, depriving the public investments that create jobs and maintaining high interest rates. In this way, the private financial sector benefits by obtaining an all-time world-record high rate of profit.

The frightening growth of the debt in 2007 and the record losses of the Central Bank

While the private financial sector accumulated profits of R\$33.8 billion in 2005 and R\$42 billion em 2006, the Central Bank in the same period entered losses of R\$10.45 billion (2005) and R\$13.17 billion (2006) and, in the first semester of 2007, accumulated the record loss of R\$30.3 billion.

This flagrant transfer of funds from the public sector to the private sector has its roots in the management of the public debt, which caused explosive growth in the internal federal debt in 2007, despite the social sacrifice that has been practiced to achieve the goal of the primary surplus and fulfill the creditors' demands. From December 2006 to July 2007, this debt grew from R\$1,153 trillion to R\$1,361 trillion, which is an 18% rise in only seven months. In absolute figures, the debt grew R\$208 billion in the first seven months of 2007, a value equal to more than nine times all the expenditures on

health until August 20 of this year.

Despite the government's statement to the contrary, the foreign debt grew substantially in 2007. It was US\$ 199 billion in December 2006 and increased 18% in the first seven months of 2007, reaching US\$ 235 billion in July this year. This increase did not appear in the data published by the government in the press, since it happened in the "private" part of the foreign debt – that part of the debt taken on by the national businesses with their foreign creditors. However the "private" foreign debt is paid by the Brazilian people since it falls to the government to furnish the dollars for the private creditors to pay their debts. Besides this, these "private" debts received the guarantee of the government, so they were literally taken over by the Brazilian state. This explosion of the foreign debt occurred primarily in short term operations, those in which the national banks take loans outside the country at reduced interest rates and use these funds to loan to the Brazilian government by means of acquiring internal debt bonds, earning the highest rates in the world. Such an operation explains part of the high profits of Brazil's private financial sector.

Strangely enough, the government has stated that the debt is no longer a problem due to Brazil having paid the IMF ahead of time and due to the Liquid Debt of the Public Sector (the raw debt less the credits that the government has to receive) having fallen from 46.5% of the Gross National Product (GNP) in December of 2005 to 44.4% of the GNP in July of 2007. But how can the liquid debt have been reduced by 2% of the GNP, if the internal liquid debt rose by 8% of the GNP in the same period? The only reason for this fall in the liquid debt is the fall in the external liquid debt, which fell 10% of the GNP since the end of 2005, counterbalancing the increase in the internal debt. But why is the external liquid debt falling so much?

This fall in the external liquid debt is not because of any improvement in the management of the debt by the government but rather is mainly because of the recent accumulation of exchange reserves by the country. When the government calculates the liquid external debt, it subtracts from the raw external debt the dollar reserves that the country accumulates when it exports or when it receives foreign investments. In the current situation, the exchange reserves have gone up owing to the increase in exports (with all the harmful effects on the environment, as we have already seen), and the attraction of speculative foreign investments, which have bought many Brazilian internal debt bonds, in search of the highest interest rates in the world, besides CPMF and income tax exemption.

However, it is important to emphasize that for the country to accumulate these reserves, the Central Bank buys dollars from exporters and foreign investors, giving them Brazilian currency (reais). And when it gives these reais, the Central Bank assumes

that it is injecting money into the economy, which can cause inflation. So the Central Bank takes out of circulation an equivalent amount of money by placing internal debt bonds, that is to say, taking money that is loaned and increasing the internal debt. So the accumulation of exchange reserves and the consequent lessening of the liquid external debt do not signify reduction of the debt but the exchange of external debt for internal debt. For this reason, the liquid internal debt rose 8% of the GNP since the end of 2005.

This exchange of the external debt for the internal debt is extremely harmful to the country since some of the creditors of the “internal” debt are foreigners, which increases our external vulnerability. It’s also harmful because the internal debt pays the highest rates in the world, while the exchange reserves pay very low rates. It’s like a person going into credit card debt while their money is deposited in a savings account. It seems crazy, counter-intuitive, but it is what the government is doing. When the government subtracts from the external debt the exchange reserves (to calculate the DLSP), it hides this operation, which signifies a true robbery of public coffers. What’s worse is that the government has applied these new reserves to the purchase of bonds from the American Treasury. So we are financing the US government to cover its deficit and defraying the cost, for example, of the Iraq War.

Another factor that contributed to the reduction in the liquid external debt and damaged the country’s finances was the devaluation of the dollar, caused by the big influx of foreign money into the country, which was stimulated by the government offering the highest interest rates in the world and generous fiscal exemptions. The fall in the liquid debt occurs when the government calculates the liquid external debt and causes the conversion of the external debt (denominated in dollars) into reais. So if the dollar is devalued, the same debt in dollars becomes worth a smaller amount in reais. For this reason the external liquid debt has been falling, since the dollar was devalued 16% from the end of 2005 to September 2007. However, Brazil’s external debt in dollars has risen strongly owing to the “private” debt not accounted for by the government.

On the other hand, the devaluation of American currency relative to the Brazilian real has caused big financial losses for the Central Bank, which on buying such a quantity of dollars ends up holding a currency that has its value reduced. On the other hand, the ones who come out ahead are on the other side of the operation (especially the banks), selling dollars to the Central Bank. This explains the other part of the exorbitant profits that have been obtained by the private financial sector in Brazil.

Owing to the devaluation of the dollar and the purchases of foreign currency, in the last few years the loss to the Central Bank has been assumed totally by the National

Treasury, in other words, by us. Taking just the most recent data, in the first half of 2007 alone, the Central Bank presented a record loss of R\$ 30.3 billion. This value is almost double what the federal government spent in the same period on Health, which is undergoing a big crisis and can barely obtain the advance of a miserable \$R 2 billion. To sum up: for the speculators, everything. For social services, crumbs.

Audit of the Debt

The struggle to respect Human Rights in Brazil is inexorably confronting the issue of the public debt.

We must open up this black box, since we need to know: Where did all this public debt come from? How much have we paid already and how much more do we owe? How much really? Who took on such loans? Where were the funds applied? Who benefitted from this brutal debt? What is being done about this highly illegal process?

While the institutional powers – Executive, Legislative, and Judicial – leave themselves out of the picture, organized social movements continue carrying out the Citizens' Audit of the Debt (www.divida-auditoriacidada.org.br), carrying out studies, research, investigating current facts and denouncing this process that has impeded respect for human rights of the immense majority of Brazilians and taken our country to an unprecedented state of social degradation.

Between June 23rd and July 3rd, 2007, the Brazilian Bar Association (Ordem dos Advogados do Brasil – OAB) conducted an observation mission in Haiti and showed that MINUSTAH (United Nations Stabilization Mission in Haiti) plays a “violent” and “repressive” role that cannot be characterized as a “humanitarian action.”

UN Troops Accused of Human Rights Violations in Haiti

Maria Luisa Mendonça¹

On October 15, 2007 the UN Security Council decided to extend the mandate of the MINUSTAH (United Nations Stabilization Mission in Haiti) through October 15, 2008. In a note made public on October 16, 2007, The [Brazilian] Foreign Relations Ministry declared that “The Brazilian Government was pleased by the news.” The Brazilian Government is responsible for coordinating the MINUSTAH forces, made up of approximately 9,000 troops. However, there is very little discussion in Brazil about the country’s role in the occupation of Haiti, and especially, about the accusations leveled against the UN troops for their participation in human rights violations.

One of the cases documented by Haitian human rights organizations was that of the massacre that took place on December 22, 2006 in the Cite Soleil neighborhood, following the organization of a protest by about 10,000 people who demanded the return of President Jean-Bertrand Aristide to Haiti and the withdrawal of foreign military forces. According to reports by local residents and video footage recorded by the Haiti Information Project – HIP, the UN forces attacked the community and killed around 30 people, including women and children.

¹ *Maria Luisa Mendonça is a journalist and coordinator of the Network for Social Justice and Human Rights.*

In response to the criticism by human rights organizations that denounced the massacre, MINUSTAH justified their actions by claiming to be combating so-called gangs in Cite Soleil. However, the images shot by HIP showed that UN troops shot unarmed civilians from helicopters. The news agency Inter Press Service (IPS) documented the conditions in the neighborhood immediately following the attack and showed evidence of high-caliber bullet holes in many homes. The director of HIP, Kevin Pina, accuses MINUSTAH of taking part along with the Haitian National Police in summary executions and arbitrary arrests, and concludes that “In this context, it is hard to continue seeing the UN mission as an independent and neutral force in the country.”

Camille Chalmers, a Haiti University professor and member of the Haitian Platform for Social Movement Integration, explained in an interview with journalist Claudia Korol of the Adital Agency that “MINUSTAH tried to build legitimacy by saying that it is fighting criminals. But many people realize that the only things that can truly reduce the lack of safety are public policies and social services. Unfortunately, what we have is a violent military apparatus.”

Another violent military operation took place in July of 2005. At that time, 22 thousand bullet holes were found during an attack by MINUSTAH at Cite Soleil. Reports by HIP cite accounts by residents that the wounded and dead were found inside their own homes. These accounts charge that soldiers shot at people indiscriminately, which had devastating effects in a neighborhood where housing conditions are extremely precarious. These accounts also charge that MINUSTAH did not allow the Red Cross to enter the neighborhood, which is a violation of the Geneva Convention.

U.S. Government confidential documents, obtained by human rights organizations through the Freedom of Information Act, show that the American Embassy knew that the UN troops planned an attack on Cite Soleil. Local community organizations believe that the goal of the military was to prevent a demonstration commemorating Aristide’s birthday, which was on July 15.

A report by Project Censored estimates that more than 1,000 members of Lavalas, supporters of president Jean-Bertrand Aristide, were arrested and about 8,000 people killed during the “interim government” that ran the country from 2004 to 2006, following the coup against Aristide on February 29, 2004. Camille Chalmers characterizes this action as an “intervention led by the governments of the United States and France.” He further explains that “solidarity with the people of Haiti means helping to rebuild the country and find answers to the most pressing social problems, and the military presence does not help. The goals of security and human rights have not been met. On the contrary, we believe that the presence of MINUSTAH constitutes a violation of the Haitian people’s right to self determination.”

More recently, on February 2, 2007, the UN troops conducted another operation at Cite Soleil that resulted in the deaths of two young women who were sleeping in their homes. On February 7, various demonstrations took place in the country, and on February 9 there was another military attack against the neighborhood, which was denounced by local organizations such as the Institute for Justice and Democracy in Haiti.

On October 30, 2007, the kidnapping of Dr. Maryse Narcisse, who is a member of the national leadership of Lavalas and worked with health and education social programs in Haiti, was made public. Another member of Lavalas, the psychologist and human rights activist Lovinsky Pierre-Antoine, disappeared on August 12. Local organizations accuse the UN troops of generating public instability and attacking those who defend democracy and human rights.

Between June 23rd and July 3rd, 2007, the Brazilian Bar Association (Ordem dos Advogados do Brasil – OAB) conducted an observation mission in Haiti and recognized that MINUSTAH (United Nations Stabilization Mission in Haiti) plays a “violent” and “repressive” role that cannot be characterized as an “humanitarian action.” Anderson Bussinger Carvalho, the lawyer responsible for the report, supported the withdrawal of Brazilian troops from Haiti. “I have concluded that the presence of Brazilian troops is not humanitarian. It is a strictly military mission. Haiti has a history of military occupations and Brazil ends up playing a role in this history”, said Carvalho in an interview with the newspaper A Folha de São Paulo on September 4, 2007.

The role played by Latin American countries in Haiti today is similar to the one played by the multilateral forces that stayed in the Dominican Republic following the invasion by the United States in 1965. The Dominican Republic suffered under a long military dictatorship that lasted until 1961 when Dictator Rafael Trujillo died. In 1962, Juan Bosch is elected president but is deposed by a military coup after 7 months in power. In April 1965, there were a series of widespread demonstrations demanding the return of ex-president Juan Bosch. It was during that time that U.S. President Lyndon Johnson ordered a military invasion of the Dominican Republic by 20,000 marines. A few weeks after the invasion, the Organization of American States (OAS) sends the Inter-American Peace Force made up of 1,129 soldiers. During that period, while Brazil was under a military dictatorship, the role of Brazilian troops in the Dominican Republic was similar to the one they play in Haiti today.

According to the North American writer Norman Solomon, writing in his book *War Made Easy*:

“In retrospect, the 1965 invasion of the Dominican Republic foreshadowed a series of U.S. military actions in the Western hemisphere and beyond. Covert intervention by the CIA in Latin America was as constant as the seasons, the overwhelming arrival of so

many U.S. troops in the small country was a kind of political and media prototype for a pair of lightning strike invasions in the 1980s – Grenada and Panama—as well as, in more complicated ways, the relatively limited military interventions in Haiti during the Clinton and George W. Bush administrations. In each case, the man living in the White House found ways to set the media agenda for public approval to affirm the kind of desire expressed by Lyndon Johnson to Assistant Secretary of State Mann: ‘We’re going to have to really set up that government down there and run it and stabilize it some way or other.’”²

The experience of Brazilian troops in Haiti was described by soldier Tailon Ruppenthal in his book *A Brazilian Soldier in Haiti* (Globo Publishing). He was 20 years old in 2004 when he took part in the UN mission for six months. “Even today, more than two years since I got back to Brazil and left the Army, I can’t forget what I saw there. Once when I was on foot patrol, I saw something far away that looked like a pig that had been completely burnt. As I got closer, I started to shake and almost lost control before a horrifying sight: it wasn’t a pig, but a child around three years old”, recounts Ruppenthal in his book.

He explains: “A soldier must have courage above all. But the collective depression starts to spread and after a few months even getting out of bed is hard. You remember that you will cross paths with all those people who are starving and there’s nothing you can do.” In another part of the book Ruppenthal describes what happened during a visit from then UN Secretary Koffi Annan, “The shooting was petrifying. There were bullets flying everywhere. You couldn’t tell from where in the slum the bullets were coming and so the soldiers started to shoot blindly, setting off the biggest barrage of bullets that I experienced in the peace mission. The whole situation was out of control and within one or two minutes bullets were flying from every direction.”

When Ruppenthal returned to Brazil his behavior changed. “I was very aggressive and started to drink a lot. My mom noticed how much I had changed and we found a doctor who diagnosed post-traumatic syndrome. I would need to receive psychological help. We approached the Army, but they refused to help me, claiming that they examined me upon my return and found nothing wrong with me.” And he sums up, “And I just would like to remind everyone that we are losing the real war: against poverty. Just like the soccer players on the national team said the day of that ridiculous game, only the fight against poverty will bring peace. When will they see that?”

Unfortunately, Ruppenthal’s opinion and the many criticisms of the negative role the UN troops play in Haiti are not taken into account by the Brazilian government. Under the pretext of trying to get a seat on the UN Security Council (which is very unlikely

² Solomon, Norman. *War Made Easy*. John Wiley & Sons Inc. 2005.

today), the Brazilian government's policy in relation to Haiti serves to legitimize a coup d'etat and strengthen the United States' interests in the region.

