
The Tupinikim and Guarani peoples reconquer their lands

Introduction

On 27 August 2007, Tarso Genro, the Brazilian Minister of Justice, signed the ministerial resolutions delimiting the Tupinikim (14,227 hectares) and Comboios (3,800 hectares) Indigenous Lands, totalizing 18,027 hectares.

According to the resolutions, the Brazilian Government recognizes that the lands have traditionally been occupied by the Tupinikim and Guarani peoples and that, over the past 40 years, they had been illegally occupied by Aracruz Cellulose.

It was a victory of indigenous resistance against the economic and political power of the company and its many allies. A victory of life and a defeat, although localized, of monoculture plantations and the green desert. It was also a victory of national and international solidarity encouraging and filling with hope all those who are struggling for their rights and who believe in the construction of a fairer and more equal society.

Over these past 40 years, neither the successive Governments nor the company were able to break down this resistance. The use of police force, unlawful agreements and financial compensations could not prevent the communities from continuing their struggle to recover their lands and to guarantee an autonomous territory without the economic dependency that the company has always tried to impose on them.

The resistance struggle

The process of occupation of indigenous lands by Aracruz Cellulose started at the end of the sixties and very quickly caused a profound breaking down of social, economic and cultural forms, particularly in the case of the Tupinikim, almost leading to their extinction. Their lands were immediately expropriated and almost all their villages destroyed (of some 40 villages only Caieiras Velhas, Pau Brasil and Comboios were left). The replacement of native forests by eucalyptus made their traditional subsistence practices unviable. Rivers and streams dried up and the few left were contaminated by agrochemicals used by the company.

Fenced in by the eucalyptus trees and with few alternatives for economic survival the Tupinikim and Guarani decided to act. In 1980, while the military dictatorship was in full swing, they carried out the first self-demarcation of their lands and recovered 6,500 hectares. The following year, an agreement between the military government and the company reduced this area to 4,491 hectares.

In 1993, the indigenous peoples claimed an extension of their lands from FUNAI (the state agency for indigenous issues). Studies by this organization carried out between 1994 and 1997 recognized their rights and the need to extend the land by some 13,579 hectares. However, in 1998 the Brazilian Government yielded once again to the company's interests and agreed to the demarcation of some scant 2,571 hectares.

Rising up against this Governmental decision, the indigenous peoples carried out their second self-demarcation. When they were about to conclude the demarcation of 13,579 hectares, the federal government ordered the Federal Police to intervene. The villages were occupied by the police, the defenders of the indigenous cause were arrested and brought to trial and the indigenous leaders were taken to Brasilia and obliged to sign an unlawful agreement with the company. In exchange for the reduction of their lands they received monetary compensation.

Seven years later, the Tupinikim and Guarani decided to breach this agreement. On 19 February 2005, some 350 indigenous people, gathered in a General Assembly, with the slogan of "Our Land, Our Freedom", resolved to recover the 11,009 hectares in the hands of Aracruz Cellulose.

On 17 May they started their 3rd self-demarcation. A few days later they rebuilt the villages of Olho D'Água and Córrego do Ouro, two of the almost 40 villages destroyed by the company at the end of the sixties.

At the same time, the Federal Public Ministry of Espirito Santo (MPF-ES) launched a public civil investigation, during which various unlawful actions undertaken in the 1998 demarcation came to light. The Ministry immediately sent recommendations to the President of the Republic and to the Ministry of Justice to proceed with demarcation of the remaining 11,009 hectares.

Since then the indigenous people carried out a number of actions to have the Ministry of Justice enforce the MPF-ES recommendations.

In 2005 they occupied Aracruz Cellulose's factories for 2 days. This action was coordinated by the Chiefs' Commission and had wide international repercussions.

In January 2006 the indigenous people were surprised by a violent Federal Police operation, enforcing a legal decision to return ownership to the company. This action, considered to be unlawful by the MPF-ES caused the destruction of the villages of Olho D'Água and Córrego do Ouro, during which 13 indigenous people were injured. One of the main irregularities noted was the active participation of Aracruz Cellulose, originator of the legal action and consequently benefitting from its enforcement.

The police operation turned out to be a blunder made by the federal government and the company, due to its international repercussions and to the action launched by MPF-ES against the federal government because of the existence of countless irregularities. The federal government quickly attempted to correct its mistake. During a public meeting of the Espirito Santo Legislative Assembly, the then minister of Justice, Marcio Thomaz Bastos, promised to conclude demarcation of the 11,009 hectares before the end of 2006.

However, the administrative process continued at a slow pace. The indigenous people then decided to carry out further actions having a high impact. In September 2006, over a period of 15 days, they slashed and burnt 100 hectares of eucalyptus trees to show that, contrary to accusations, they were not interested in the trees and that the struggle was to recover their lands. The company's reaction was immediate. A defamatory and racist campaign against the indigenous people invaded the streets, the schools and the shops in the city of Aracruz, and even involved other companies in the region. Posters were put up in the main streets of the city publicizing racist and offensive slogans against the indigenous people. Two important demonstrations took place, one in Aracruz and the other in the state capital, Vitoria. An action brought by MPF-ES, and backed by Justice, condemned the company for the crimes of racism and defamation, obliging it to retreat. In spite of this, the

campaign had succeeded in putting part of the Aracruz population against the indigenous people.

Weakened but not intimidated, the indigenous people occupied the port from where the company's pulp is exported (Portocel) to step up pressure on the Minister of Justice. However the company managed to mobilize some 1500 company and outsourced workers, removing the indigenous people by force, which almost led to their massacre.

In January 2007 the former Minister of Justice, although he had all the necessary elements to sign the ministerial resolutions for delimitation of indigenous lands, returned the files to FUNAI for this organization to seek an understanding (agreement) between the parties. In turn, FUNAI, refused to do so, but the Federal Justice of the city of Linhares (ES) decided to take on the task and ordered the parties to come to an agreement over the lands. Following two attempts, frustrated by the firm position of the indigenous people, the negotiation process was concluded and the decision on the dispute again sent to the executive.

On 5 July this year, FUNAI sent the proceedings to the Ministry of Justice and on this occasion, the minister, in an act of great steadfastness and political skill, signed the resolutions guaranteeing the Tupinikim and Guarani people the rights over the 11,009 hectares of land, thus putting an end to an almost 40 year old dispute. A few days later the indigenous people had again reconstructed the villages of Olho D'Água and Areal as further proof of their resistance, courage and determination.

By Fabio Martins Villas, e-mail: fabio.villas@bol.com.br, Fase/ES and Rede Alerta contra o Deserto Verde (Alert Against the Green Desert Network)