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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE: FOLLOW-UP TO AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

**Written statement^{*} submitted by VIVAT International,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 August 2009]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human Rights and Indigenous Communities – Valley of the River Ribeira, São Paulo, Brazil

The Human Development Report 2005 published by the United Nations calls attention to the enormous gap worldwide between blacks and whites in the area of social development in a total of 173 countries. Brazil, if the white population alone is considered, finds itself in 44th position. But when statistics relating to the black population of the country are examined, the country finds itself in 105th position. These figures point to the enormous inequalities present in the country. When figures for the entire population – black and white, are examined, Brazil finds itself in 73rd place worldwide and is thus found well behind other Latin American countries such as the Argentine (34th place), Uruguay (40th place) and Mexico (54th).

In the Valley of the River Ribeira, marginalization, discrimination and racism are very much present.

This region has not been developed economically; it has a deficient infrastructure and has one of the worst set of social indicators in the State of São Paulo. The rural population is gradually decreasing, but the urban population has almost quadrupled in the last 30 years. 90 percent of rural dwellings have no internal water supply as against 19 percent in the towns. 20 percent of rural dwellings have no toilet facilities, compared to 2 percent having no toilet facilities in the towns¹. Almost one half of the heads of households in rural areas have never had any formal education. So one can see how social development indicators show great poverty in rural areas, but still much room for improvement in urban areas also. The Gross Domestic Product of the River Ribeira is just half that found in the State of São Paulo. We note that this region is host to the largest number of Quilombo communities of the State of São Paulo.² These are found in the poorer rural areas.

The Valley of the River Ribeira region is characterized by a land ownership situation which is characterized by lack of clarity on land titles (land documentation / deeds). A significant part of the rural properties, especially those of small landholders, have totally inadequate documentation.

The Quilombo communities here which have survived and resisted for a very long time are found in areas of difficult access, in the higher areas and in mountain valleys. They all use the natural resources according to traditional methods. To a significant extent, the root of the problem in the Ribeira Valley lies in the lack of clarity about property rights. Because of this, the region has one of the largest concentrations of non legalized land documentation (*posse*) in Brazil. Thus, the right of ownership is denied to the poorest segments of the local population Afro-Brazilians in the Ribeira Valley, as in the rest of Brazil, suffer from environmental racism: the fact that the majority of farms in the country which suffer environmental restrictions are in areas cultivated by black people and indigenous peoples is no mere coincidence.

In the Ribeira Valley there are four “developments” which impact very negatively on the black communities:

¹ IBGE, Demographic Census 1991, Tabulações Especiais, NEPO.

² A QUILOMBO is a black rural community which groups together descendents of runaway slaves living from subsistent farming and where cultural expressions have a strong link with the past.

1. The project to construct four hydro electric dams along the course of the Ribeira de Iguape River.

A project which is well advanced in its licensing process is that of Tijuco Alto which belongs to the CBA / Votorantim Group. The Ribeira de Iguape River is the last large river in the State of São Paulo without dams. Its valley has been designated a Natural Heritage of Humanity site by UNESCO in 1999. It contains 21% of the entire remaining Atlantic Rainforest in Brazil. 78% of the area of the Valley of the River Ribeira with its neighboring coastlands is still covered by the original Atlantic Rainforest and hosts a significant portion of the biological diversity of Brazil. Dam construction here would cause enormous damage to the local vegetation and fauna with the flooding of an estimated 11 thousand hectares of forest³.

In the past, one of the principal economic activities in the Ribeira Valley has been lead mining. There are still vestiges from this activity in the region and with the construction of dams, the entire river could be polluted, thus putting the lives of the local population at risk as well as the lives of the animals.

If these dams are constructed vast areas of the Atlantic rainforest will be submerged. This will cause very serious environmental, social and cultural damages in the region. Lands used by the Quilombo communities and by small farmers will be covered by water. Important caves in the region (in total there are over 200) and part of the nature reserve will be destroyed or threatened by flooding.

2. The lack of demarcation, land deeds and regularization of the areas occupied by the traditional communities.

Members of the traditional communities are homesteaders (*posseiros*) even though Article 68 of the Temporary Constitutional Provisions Act of the 1988 Brazilian Federal Constitution states “*Final ownership shall be recognized for the remaining members of the ancient runaway slave communities who are occupying their lands and the state shall grant them the respective title deeds*”.

It is thus incumbent on the Brazil state to issue these title deeds without delay.

Articles 23 and 24 of the Brazilian Federal Constitution establish that the Union, the States, the Federal District and Municipalities have, in common, the incumbency to protect assets of historical, artistic, or cultural value and prevent their waste and destruction.

The rate at which legalization is taking place is slow and is much less than what is needed. This is due to constant administrative changes which affect the work of surveying the land, the legal work and action which needs to be taken and the legitimization of the title deeds of the homesteaders (*posseiros*). The result of this is that

- Conflict is provoked regarding the ownership of the land.
- Agricultural production is prejudiced.

³ <http://www.ciliosdoribeira.org.br/en/campaign>

- Investment is not stimulated and the obtaining of credit becomes difficult.
- The environmental licensing for homesteaders is prejudiced because for this they need to present documentation which shows that they are owners.
- Fraudulent activity is encouraged where ownership of property is recognized of people who have never been in the region. In such conditions homesteaders cannot defend themselves.

3. Environmental laws which restrict the rights and punish the traditional populations.

A few years ago, preservation and conservation areas were created in Brazil. The manner in which the government imposed these without the participation of the local population has brought many conflicts to the Ribeira Valley region. Published studies in fact show that the traditional population of the region has in fact been the chief agents in the preservation of the Atlantic Rainforest.

The environmental question has become of central importance in the day-to-day situation of the region. This state of affairs has become more difficult with the demand that a land title document is needed in order to obtain the necessary environment license even to plant a small subsistence area. This state of affairs reaches its extremity in the case of the traditional communities who have had their properties transformed into environmental conservation units and their means of access to the communities' traditional natural resources modified by environmental legislation. While there are no official statistics to quantify how many residents are within the environmental conservation areas, informal evaluations show that there are between 4 and 8 thousand families in this situation in the middle and lower Ribeira Valley area.

4. The implantation and advance of the “green desert”.

Huge plantations of euclyptic and pine trees are taking place on an industrial scale. This provokes the disappearance of native flora and fauna species and consequently leaves large tracts of land occupied by monoculture. Local population is left unemployed by highly mechanized monoculture. The lands which have been, for centuries, used for cultivation of food, are now taken over by eucalypt and pine trees. Their health is also in danger because their houses, home grown animals, water fountains, etc are always exposed to the chemical and toxic product spread throughout the plantations by low flying planes.

Vivat International has urged the government to engage in a constructive dialogue with all stakeholders to ensure that no violations of human rights, such as right to housing, food, water, and sanitation of the Afro Brazilians will take place in the Valley do Ribeira.

Vivat International remains concerned and urgently call upon the Human Rights Council to fully support the protection of Human Rights of the Indigenous and Afro Brazilian Quilombo communities in the Ribeira Valley and to call on the Brazilian government to take the necessary steps to ensure this protection and that the rights assured to such communities in the Brazilian Federal Constitution are respected and immediately implemented.

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