

by Flavio Valente

***Até onde os Juruá (homem branco) pensam que podem ir? Será que eles não sabem que estão acabando com a terra, com a vida? Será que eles não percebem que a natureza precisa ser bem cuidada?***

***How far do Juruá (white men) think they can go? Do they not know they are destroying land, and the life? Do they not realize that nature must be well cared for?***

*Quote by Guarani leader*

Violations of the rights of the Guarani Kaiowà in the state Mato Grosso do Sul in Brazil continue unabated. Issues regarding the homologation of traditional lands and resettlement remain unresolved as the State Government and the State Judicial branch bow to the influence of local land owners engaged in agroindustrial monoculture production, including agrofuels, on large tracts of land in the southern region of the state. FIAN's initiatives with regard to this high priority case now include approaching the Inter-American Court.

While appropriation of indigenous land by farmers has been occurring in Mato Grosso do Sul since the 1940s, the expansion of soya plantations and cattle ranches in the 1970s accelerated the displacement and expulsion of communities from their native lands. In 2007 alone, 48 indigenous people were killed in Mato Grosso do Sul as a result of disputes over territory while health and social issues continue to plague displaced communities. Among those most affected are the 30,000 Guarani Kaiowà peoples whose access to clean water, food, fuel for food production and medicinal herbs is compromised by eviction from traditional lands, the biodiversity of which is being progressively destroyed by monocultural agricultural practices.

Evicted and displaced communities are forced to move to reservations where overpopulation and poor sanitation results in health and social impacts including alcoholism, homicides and suicides, even among the very young. The only alternative for many is to camp by the side of the road. Between 2005 and 2008, 34 indigenous children under five died while it is estimated that 600 more were affected by malnourishment. A fact-finding mission carried out by the National Human Rights Council in conjunction with FIAN in March 2010 revealed increasing malnutrition among Guarani children and the failure of measures to support food production, due to a disregard of traditional practices. Furthermore, the mission highlighted that none of the 30 families of the Guyraroká community were receiving the Bolsa Familia Cash Transfer<sup>1</sup>. The misery of confinement of communities in roadside camps has been exacerbated by periods of heavy rain and flooding which brings with it the threat of contaminated water and water-borne diseases that can escalate to epidemics.

Today, the Brazilian federal government, challenged by state administrators with strong links to land-owners, is failing to enforce demarcation of indigenous lands despite the constant violations of the Constitutional provisions that guarantee Guarani's rights of access to land and resources. A Terms of Adjustment of Conduct (TAC) in 2007 requiring FUNAI (the National Indian Foundation) to carry out the identification and demarcation of all indigenous lands in Mato Grosso do Sul, significant as a legal basis for indigenous land claims, has not progressed. Ranch and plantation owners, and particularly sugar cane and ethanol producers, have denied anthropologists the access to the sites that is necessary for them to complete the relevant studies. They have threatened lawsuits and even physical harm to indigenous people and others engaged in the identification work.

FIAN and other organizations working with the Guarani General Assembly, Aty Guasu, have increased international pressure to open dialogues with the Brazilian government on this issue. In April and June 2010, in my capacity as Secretary-General of FIAN, I instigated and participated in two high level meetings in Brazil, one of which included a member of the Presidential Cabinet. However while President Lula claimed that the issue was a central priority for his government in 2010 it was not resolved before the end of his term. Incoming President Dilma has been addressed in a letter from the Assembly of the Guarani Kaiowà in January of this year. It demands "give back our living conditions that are our lands, our traditional lands. We are not asking for anything else, just what are our rights in law in Brazil and abroad".

Internationally, FIAN is striving to maintain the visibility of the case, and particularly the ongoing criminalization and violence against the Guaranis, with a view to advance its importance on the agendas of the Brazilian Federal Government and that of the UN Special Rapporteur for the Right to Food. A visit by a Brazilian delegation to Germany, Switzerland, Norway and Brussels took place in late 2010, and included the presentation of a dossier that documents the case and highlights the role of agribusiness and agrofuel interests in the debate.

Homologation is the first axis of FIAN's strategy. Immediate plans include driving forward the implementation of the TAC, thereby establishing the obligation to demarcate the 36 traditional lands of the Guaranis in Mato Grosso do Sul. Should progress on the TAC continue to be delayed, taking the case to the Inter-American Court is an increasingly viable option. A claim may be made on the grounds that the TAC process is taking too long and that the Government response has been ineffective. The Court has been effective in advancing such matters previously in similar cases in Paraguay. Meanwhile popular support is essential to place pressure on decision-makers on local, national and international levels.

The second axis of FIAN's strategy pertains to guaranteeing the provision of food, health and nutritional assistance to vulnerable Guarani families and individuals to reduce and prevent malnutrition. The early detection and treatment of new cases is vital. In the immediate term FIAN's strategy aims to pressure the government to respond in meaningful ways to the serious health and social impacts identified in

<sup>1</sup> Bolsa Familia Cash Transfer started in 2001, with a program aimed at education. It expanded in 2003 to include a range of services like food and fuel and now covers 2.6 million families in Brazil. The government transfers cash straight to a family, subject to conditions such as school attendance, nutritional monitoring, pre-natal and post-natal tests. [http://www.moneycontrol.com/news/features/are-direct-cash-subsidies-better\\_530680-1.html](http://www.moneycontrol.com/news/features/are-direct-cash-subsidies-better_530680-1.html)

the fact-finding mission and subsequent evaluation. In collaboration with other organizations, including the Catholic Church's Indigenous Missionary Council (CIMI), FIAN will monitor the provision of emergency support to families and the impact of new labor legislation, which provides for the mechanization in sugarcane cultivation, potentially depriving 11,000 indigenous people of their jobs without the provision of adequate alternatives.

FIAN's mandate concerning the Guarani case rests on Brazil's commitment to the International Covenant on Eco-

nomie, Social and Cultural rights, and to the International Labour Organization (ILO) Convention 169. As a signatory the country is duty-bound under international law to respect, protect and fulfill the rights of the Guarani-Kaiowà to access land and to feed themselves. The Brazilian government must demarcate the land of the Guarani properly and therefore protect their human right to food through the provision of adequate access to land and natural resources.

*Flavio Valente is the Secretary General of FIAN International.*

## Food Security: Legitimizing Rhetoric for Land Grabbing?

*by Roman Herre*

This conclusion was drawn by over 150 experts at the landmark Global Land Grabbing Conference, held at the Institute of Development Studies (IDS), University of Sussex, Great Britain, on April 6-8, 2011. The participants, primarily academics but also representatives of the World Bank, the Food and Agriculture Organization (FAO), the International Fund for Agriculture (IFAD), civil society organizations (CSOs) and peasant movements, discussed the local impacts, wider implications and drivers of the global phenomenon that is land grabbing.

Over 100 research papers, the majority based on data from the field, were presented in 32 panels over three days. The overall findings were very clear. The appropriation of land and water by national and transnational corporations, elites and governments is occurring at an unprecedented scale and speed, resulting in the widespread displacement and dispossession of rural and urban communities. Smallhold agricultural producers are especially affected.

Findings presented at the Conference claim that up to 80 million hectares of land are under negotiation or already transferred under land grabbing schemes. Comparatively, this represents almost half the volume of the agricultural land of the European Union. It is noteworthy that not one positive outcome of land-grabbing for local communities in terms of food security, employment and environmental sustainability was identified in any of the studies presented at the Conference.

### THE LONG LIST OF NEGATIVE IMPACTS

A long list of negative aspects, starting with direct violations of human rights like forced evictions and loss of access to land, was documented over the course of the Conference. Land grabbing was seen to contribute to the destruction of local food production rather than the enhancement of food security. 'Community consultations' were identified as a particularly problematic area. In some cases, the consultations with local communities referred to by investors were held after land transactions were completed and investment projects commenced. In other cases affected groups were not informed that their agricultural land was part of an agreement that they made. In further cases, private land titling – which is often seen as an instrument that *protects* - fuelled land loss by the poor.

### LARGE SCALE RURAL TRANSFORMATION

Also topical at the Conference were the ongoing efforts of the World Bank and other international institutions to justify large scale land investments with claims of "responsibility". FIAN reiterated the CSO's collective response to the Principles on Responsible Agricultural Investment (RAI) as an attempt to legitimize land grabbing.

Keynote speaker Olivier De Schutter, the UN Special Rapporteur on the Right to Food, declared the RAI approach insufficient. He identified the very real concern that large-scale investments in farm land, rather than just benefiting investors, will result in an increase in industrial farming that will contribute little to poverty-reduction in comparison to making improvements in access to land and water for the local farming communities. Accelerating the shift towards large-scale, highly mechanized forms of agriculture will not solve the problem of hunger. It will make it worse.

The concluding remarks of the conference were very clear. There is overwhelming evidence of the destructive impact of land grabbing on peasant livelihoods and the environment. Those CSOs in attendance promoted the need for a moratorium on large-scale land investments. As one participant put it, large-scale land investors and their supporters now bear the burden of proof as to the benefits of these practices.

*Roman Herre works for the German section of FIAN. He coordinates the Access to Resources program.*

The papers presented at the Conference can be downloaded at [www.future-agricultures.org](http://www.future-agricultures.org)

The Open-ended Working Group (OEWG) meeting on the first draft of the "Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests" was held on June 14, 16 and 17 at the FAO headquarters in Rome. Follow developments at [www.fian.org](http://www.fian.org)