



Editorial

The political relevance and the necessity to elaborate an agenda which prioritizes the demands of African descendants in defense of their territorial and cultural rights is becoming more evident every day. In Honduras, the persecution and death of a Garífuna leader was the result of an anonymous attack on their other representatives. In Brazil, the Navy has been interfering in the daily life of a Quilombo community on the island of Marambaia, Mangaratiba (RJ), community that has been dwelling in the area for more than 120 years; while there are notices from the federal government that certain "transfers" of Quilombo communities will be carried out to make space for the expansion of the Alcântara Launch Center (MA). The case of the urban Quilombo of the Silva Family in Porto Alegre (RS) is emblematic of the kind of conflict that can arise when there is a collision between individual and collective rights, as well as between property rights and housing rights. In this bulletin, we discuss the nature of the conflicts involving the Quilombos on the island of Marambaia, in Alcântara and of the Silva Family. An article about the Garífunas exposes the current demands of the African descendants in Honduras. We will attempt to show that national borders do not impede the spread of different forms of racial discrimination in the Americas.

Marambaia

Quilombo residents fight for their rights



Vania Guerra, the new president of the ARQIMAR, took charge of the entity on April 1st

The 156 families descended from slaves that have lived for more than a century in Marambaia, on the coast of Rio de Janeiro, are confronting the interests of the Brazilian Navy and suffer restrictions on the use of their residences and the possibility of remaining in the area. Marambaia is a narrow strip of land between the ocean and the Sepetiba bay. It was a mandatory stop for slave ships that crossed the South Atlantic and a place for quarantining newly arrived slaves. With the end of slavery and the economic decadence of the old proprietors, the remaining population managed to survive and raise their descendants.

In 1971, the Navy assumed control of the island and set up the Marine Drill Center for the training of recruits.

In the 90's, the residents became the target of successive attempts at eviction and seizure of property by the Navy, on top of the existing prohibitions and restrictions against constructing and reforming new and old buildings. The Navy claims that there exists an authorization of use that had been signed by a few of the residents and whose terms have not been followed.

The community has intensified the movement for their recognition as a Quilombo. In 1998, in a letter sent to then president Fernando Henrique Cardoso, the residents denounced the risk of losing their right to stay, the demolition of their houses and the lack of access to schools. In 2003, the Marambaia Island Quilombo Association (ARQIMAR) was founded and the anthropological report which resulted in an accord between Koinonia and the

Palmares Cultural Foundation was concluded.

Marambaia is an Environmentally Protected Area and is considered an ecological paradise as well as a habitat for wild animals. Besides the interests of the military, the area is attracting the attention of politicians such as the mayor of Rio de Janeiro, Cesar Maia (PFL).

In an article published in the magazine "O Globo" on the 25th of February 2005, Maia claimed there was a deterioration provoked by the "invasion" of the area and criticized the regularization of Quilombo territories, specifically their self-recognition by the Quilombo residents, as is stated in decree no 4.887/2003. In July of 2004, the PFL had already presented a Direct Unconstitutional Act (Ação Direta de Inconstitucionalidade-Adin) to the Federal Supreme Court requesting that the decree and its legal effects be annulled.

In response, the residents denounced the huge impact that the Navy's training camps were having on the environment in the region. The residents also claimed that the right to adequate housing was constantly being violated and even the addition a bathroom could be considered a sufficient reason to evict a family. In February of 2005, the Navy suspended a study by the INCRA which was already in the demarcation phase. According to Celso Souza, the manager of the INCRA's programs, meetings are being scheduled between the Institute and the Ministry of Defense in July to see about recommencing the study.

Social Justice**Trade and tourism threaten the Garífuna* people housing rights**

In this article, Leticia Osório analyzes the situation of the Garífuna people in Honduras. The author is a lawyer and the coordinator of COHRE Americas

The black Garífuna people are descendants from the indigenous Arawak tribe and from black slaves who were brought to the Caribbean Grenadine islands from Africa in 1635. In 1797, they were forcefully deported to Honduras by English colonists and rapidly spread throughout Belize, Honduras and Guatemala. Two centuries later, the Garífuna people now total about 250 thousand in Central America and continue fighting to remain on their ancestral land and to obtain collective deeds to their property. The black political movements have presented demands and strategies for the execution of housing and land rights using representations which express the "black identity" in a way similar to the representations of indigenous identity (1). In this sense, legal reforms related to rights of African descendants- typically based on indigenous rights- have been implemented in many Latin American countries (2). In many cases in which territorial rights and resources are in dispute, the African descendants' movements have adopted the language, demands and discourses associated with the rights and movements of indigenous people, linking their cultures and identities to ideas of collective territorial and cultural rights within the Nation-States (3). The paradigm of indigenous rights represents a solid structure from which African descendants may make collective demands, even if doubts as to the cultural authenticity and historical presence of these groups imposes limitations on the execution of those rights.

The cultural and territorial rights and the rights of access to natural resources contained in the articles of the 169th Convention of the International Labour Organization (OIT) on the rights of indigenous communities and tribal peoples have been claimed by ethnic groups of African descendants in Brazil (Quilombos), Nicaragua (Creoles), Colombia (Palenques), Honduras (Garífunas) and Ecuador.

The Garífuna's territories are desired by foreign investors for tourism, luxury hotels, resort and golf course developments, such as those that took place in Miami (on the coast of Honduras). Corruption in the country facilitates the buying of ancestral lands by these investors.

According to Gregoria Flores, general coordinator of OFRANEH (Fraternal Organization of the Black Peoples of Honduras), an entity that fights for the rights of the Garífunas, they are not against tourism, but against the private and unsustainable resorts and condominiums which do not bring any benefits

to the people.

For Hector Rodrigues, a representative of the Miami government on the implantation project of a 350 room hotel and golf course, tourists are mainly interested in luxury hotels by the sea-shore.

The investors encourage the local Garífuna population to open small businesses which rely on the tourists and argues that tourist projects will generate jobs and improve infrastructure and access to the location.

Gregoria Flores was shot in the arm while she was on the way from the Triunfo de la Cruz community to gather witnesses for the case on human rights violations against the Garífuna people to present to the Inter-American Commission on Human Rights. The incident occurred on the main avenue from the city of La Ceia (northern coast of Honduras).

Her organization is actively involved in the defense of Garífuna territory against the advances of mega projects and large real estate investments, like the one sponsored by the administration of Honduran Land Project, which is financed by the World Bank.

In July of 2003, the Inter-American Commission on Human Rights filed a suit against Honduras in the Inter-American Court of Human Rights due to the arbitrary and illegal detention of the Garífuna leader, Alfredo Lopez Alvarez, which had the direct effect of debilitating the movement for the territorial demands of his community in Triunfo de la Cruz. The facts are reminiscent of April 1997, when state authorities detained the leader and kept him in prison for six years, without trial, in subhuman conditions, and prohibited from speaking his native language. It is the first time that the Inter-American Court has dealt with violations of the Garífuna's rights, whose case is being handled by the Center for Justice and International Rights (Cejil). The sentences of the court must be obeyed and enforced in countries that are members of the American States and who have accepted the court's jurisdiction.

1) WADE, Peter. Race and Ethnicity in Latin America. London: Pluto Press, 1997.

(2) At the end of the 90's, the World Bank and the Desenv Interam Bank began supporting initiatives for land rights among African-Latinos. The World Bank also established projects associating indigenous with African-Latino matters in Colombia, Ecuador and Peru. (DAVIS, Shelton. Indigenous Peoples, Poverty and Participatory Development: the Experiences of the World Bank in Latin America. In: Multiculturalism in Latin America: Indigenous Rights, Diversity and Democracy. New York: Palgrave Macmillan, 2002.

(3) ANDERSON, Mark. African Descendants and Indigenous Rights. The paper was presented during the seminar "The Collective Rights of African Descendants to Land in Latin America", at the University of California, in Santa Cruz.

**Some of the information is from the Reuters Agency and the NGO Rights Action (June 2005)*

Alcântara

Authorities defend new Quilombo relocations

The possibility of there being new relocations for the Quilombo communities of Alcântara was reaffirmed by the Brazilian Space Agency (AEB) in a meeting with the Inter-ministerial Executive Group (GEI), on the 17th of June, in Brasília.

The agency defended the necessity to remove the people to make way for the expansion of the Alcântara Launch Center (CLA) during a meeting to discuss the Technical Cooperation Accord which shall be signed by the federal government, the state government of Maranhão, the prefecture and municipal chamber of Alcântara and the entities and representatives of local communities.

The Cooperation Accord foresees investments in infrastructure (electricity, port services, basic sanitation, waste disposal and tourism), social policies, generation of professional employment and income and financing, as well as the strengthening of the organizations of Quilombo communities.

The investment plan of 2005/2006, as foreseen in the Accord, was the result of a seminar promoted by the GEI in March, in Alcântara.

In the meantime, the actions of land regularization have generated the main divergences between the federal government, the Quilombos and the NGOs.

The community and social entities have demanded the inclusion of a safeguard against new relocations, while the Civil Case, represented by Aldemar de Miranda Torres, argued against it, stating that the Accord should have a generic content and political character which demonstrates the will of the federal government to pay their debts for the development of Alcântara and makes possible the execution of transversal and articulated actions. In Torres's opinion, the matter of land regularization must be handled by a

subgroup of the GEI, created to propose a solution for the conflict between the expansion of the CLA and the titling of ethnic territory, and whose job must result in specific Terms of Adjustment and Conduct.

The representative of the Ministry of Agrarian Development (MDA) has already defended the titling of Alcântara as an ethnic territory, but concluded that the Accord must not handle the land regularization, since that is the jurisdiction of the Institute for Colonization and Agrarian Reform (INCRA), and not of the GEI.

According to Andrea Butto, there are no new plans for the relocation of Quilombo communities, even with the expansion of the CLA. "They are not relocations, just transfers", affirmed Butto.

A representative of the Brazilian Space Agency, Yu Chi Au, affirmed that there will be "transfers of small communities", without giving details as to which communities or how many people will be affected.

For Ivo Fonseca (ACONERUQ) and Servulo Borges (MABE), both Quilombo representatives, the Accord is the Brazilian government's attempt at passing the bill to the Organization of American States' Commission on Human Rights.

The Commission received a demand from the Quilombo communities of Alcântara against new relocations and for the restitution and reparation of housing and property for those who have already been relocated.

The MABE insists on the necessity of the government to go to the area and concretely delimitate what parts are to be incorporated into the CLA, so that the community and civil society will know exactly where they stand.

The MABE also argues that it is not necessary to sign a Technical

Cooperation Accord for the government to invest in social and public policies.

The implementation of the actions mentioned in the Accord shall be coordinated by a National Executive Committee and a Locally Managed Committee.

Initially, the participation of Quilombo representatives in the committees was not included.

During the meeting, the representative of the Civil Case rectified the proposal and stated the necessity of representation by the local organizations and communities.

Without conciliation as to the content of the Accord concerning land regularization, it was decided that the GEI would hold a new public audience in Alcântara in July, while the entities would continue to consult the communities over the terms of the accord.

COHRE reiterates the obligation of the Brazilian government to follow the International Treaty on Economic, Social and Cultural Rights with General Commentary no.7, which establishes rules for the protection of people threatened with eviction, such as the necessity of consultation and the offer of compensation for the impacts caused by the implantation of public policies.

Besides the members of the GEI, representatives of COHRE, the POLIS Institute, the Association of Black Communities and Rural Quilombos (ACONERUQ), the National Coordination for the Articulation of Rural Black Quilombo Communities (CONAQ) and the Movement for those Affected by the Base (MABE) also participated in the meeting.

The GEI was established by the Decree of the 27th of August 2004 to articulate, make viable and accompany the necessary actions for the sustainable development of the city of Alcântara.

Porto Alegre**Court guarantees the right to stay for the Silva Family**

The urban Quilombo of the Silva Family, located for more than 60 years in the Três Figueiras neighborhood, an upper-class area in the Rio Grande do Sul capital, has managed to hold out against the threats of eviction and was awarded the decision of the Federal Justice Court which guaranteed them the possession of the area where they live for as long as the titling process, already initiated by the INCRA, lasts.

On June 2nd, the community was surprised by a repossession order, which was originated in the possession claim process of the area, which would have resulted in eviction.

The mentioned process was set into motion by João Antônio Mazza Leite, resident veterinarian in the city of Pelotas, in the south of the state; Emílio Rothfuchs Neto, lawyer; and Marília Coelho de Souza Rothfuchs, both residents of Porto Alegre, and filed in the 13th Civil Court of the Porto Alegre State Justice (proc. 10505382729).

Facing the threat, the community reacted through legal and political means and managed to mobilize sectors of authority and public opinion.

The INCRA and the Palmares Cultural Foundation applied to the Federal Justice system with an Act for Maintaining Possession in favor of the Silva Family Quilombo Community Association. The objective of the action was to guarantee that

the Quilombos would not suffer any damages during the course of the administrative process of titling the area, which had already begun. A federal judge honored the request on July 5th and the decision was also honored at the state level. The judge responsible for the possession claim process that originated the eviction order against the Silva Family called for the “withdrawal of the eviction order” that would have removed the Silva family from their lands.

The titling process of the area was set into motion by the INCRA with the publication of a “summary of the detailed technical report on the identification, delimitation and occupational and documentary survey of the Silva Family Quilombo Association” in the Union’s Official Daily on June 21st, an annex to governmental decree no. 19 of June 7th, 2005, conforming to Decree no. 4887/2003.

The document turned public the Descriptive Memorial of the area, which covers the 6,510.78 square meters where the family lives. The completion of the Silva Family’s titling process is expected for September 2005, when the deadline for the contestation the decision will expire, as foreseen in the legislation on the titling processes for Quilombo lands in the country.

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FORD FOUNDATION

**Inter (Ações)****1st, 2nd and 3rd of September - Capacity Building Workshop in Marambaia**

COHRE is promoting a seminar on housing rights and land regularization for Quilombo territories. The activity is being promoted together with the ARQIMAR and CONAQ and is directed at the community residents. Besides discussing the national and international legislation which guarantees protection of the right to land and housing in Quilombo territories, the workshop will be an opportunity to analyze the specific situation in Marambaia and to help in the definition of possible strategies for mobilization.