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**VIOLATIONS OF THE RIGHTS OF THE GUARANI  
OF MATO GROSSO DO SUL STATE, BRAZIL**

**A Survival International Report to the UN Committee  
on the Elimination of Racial Discrimination (UN CERD)**

Survival is an NGO in consultative status with ECOSOC

**Survival** 



**'If they don't do something for us, it's better to put out the sun.'**

Amilton Lopes, Guarani Kaiowá<sup>1</sup>

A SURVIVAL INTERNATIONAL REPORT SUBMITTED TO CERD UNDER ITS URGENT PROCEDURE SYSTEM

## INTRODUCTION

**The lives and livelihood of the Guarani Indians in the state of Mato Grosso do Sul in Brazil are being seriously damaged by the denial of land rights. The occupation and theft of their land by industries and governmental colonisation schemes has resulted in a desperate and explosive situation where the Guarani suffer from unfair imprisonment, exploitation, discrimination, malnutrition, intimidation, violence and assassination, and an extremely high suicide rate.**

Following her visit to Brazil in November 2009, United Nations High Commissioner for Human Rights Navi Pillay stated that, for the most part, Brazil's indigenous people 'are not benefiting from the country's impressive economic progress, and are being held back by discrimination and indifference, chased out of their lands and into forced labour'.<sup>2</sup>

This situation is particularly serious amongst the Guarani who, following decades of losing their ancestral lands to sugar cane, soya and tea planters, cattle ranchers, and government colonisation schemes, face one of the worst situations of all indigenous peoples in Brazil, if not the Americas. Prof James Anaya, UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous

people, visited Brazil in August 2008. With regard to non-indigenous settlement of indigenous land, he singles out the appalling situation in Mato Grosso do Sul, stating in paragraph 73 of his *Report on the situation of indigenous peoples in Brazil* that:

**'Tensions between indigenous peoples and non-indigenous occupants have been especially acute in the state of Mato Grosso do Sul, where indigenous peoples suffer from a severe lack of access to their traditional lands, extreme poverty and related social ills; giving rise to a pattern of violence that is marked by numerous murders of indigenous individuals as well as by criminal prosecution of indigenous individuals for acts of protest'.<sup>3</sup>**

After her visit to Mato Grosso do Sul as part of the Commission of Human Rights and Participatory Legislation in October 2009, Brazilian senator and former environment minister Marina Silva declared that the problems faced by the indigenous population 'are of a very grave nature', and that the 45,000 Indians of Mato Grosso do Sul face a true 'social apartheid', owing to their inability to exercise their rights.<sup>4</sup>

In his report about the Guarani Kaiowá of Mato Grosso do Sul, anthropologist Marcos Homero

Ferreira Lima of the Public Prosecutor's Office of Dourados, Mato Grosso do Sul, the body charged with protecting and enforcing indigenous rights, states that:

**'The situation of the Guarani Kaiowá of the Curral do Arame requires an immediate and urgent solution. It is not an exaggeration to speak of genocide, since the series of events and actions committed against this group since the end of the 1990s has contributed to subjecting its members to conditions preventing their physical, cultural and spiritual existence. Children, young people, adults and the elderly are subjected to degrading experiences which directly harm their human dignity.'**

**The way of life imposed on the Guarani Kaiowá reveals how the white people see the Indians. Prejudice, indifference, mistreatment, non-consideration of their rights to the land, to life, to dignity are all evident. They are living in a situation analogous to that of a refugee camp. It is as if they were strangers in their own country. It is as if the 'whites' have gone to war with the Indians and the latter are left with the thin strip of land separating a ranch from the side of a road.'**<sup>5</sup>

Dr. Marcio Meira, President of Brazil's Indian Affairs Agency (Fundação Nacional do Indio-FUNAI) stated that Brazil is being observed internationally regarding the situation of the Guarani and that it is unacceptable that the tribe live in such 'precarious conditions'. **'It is a serious conflict and it requires much attention'**, he said. **'Several indigenous people have been assassinated in the area, and they suffer from violence and prejudice. It is an area in which economic and agroindustrial expansion has been particularly strong in recent years. We do not want the indigenous peoples to be guaranteed their rights only through blood and death'**.<sup>6</sup>

In May 2002, Deputy Orlando Fantazzini, President of Brazil's Commission on Human Rights, made an urgent request for the government to protect the Guarani. In relation to malnutrition and suicide amongst the Guarani, he stated that 'the Guarani Kaiowá are losing, together with their ancestral lands, their hope for the future and their faith in the State and its laws... the efficient demarcation of the Guarani Kaiowá lands, amongst other public policies, are necessary in order to create conditions where the Guarani can exercise their fundamental rights, such as the right to food. If this is not done, the State could be held responsible and be punished by the international courts of Human Rights'.<sup>7</sup>

This Survival International report to CERD examines the human rights abuses suffered by the Guarani of Mato Grosso do Sul state, Brazil. It concentrates on this particular state as Survival International has worked with these Guarani for many years. We acknowledge that the Guarani of the Brazilian states of Rio de Janeiro, São Paulo, Santa Catarina, Rio Grande do Sul, Espírito Santo and Paraná, and those living in Bolivia, Paraguay and Argentina also face serious problems and their situation must also be addressed.



**'The situation of the Guarani Kaiowá of the Curral do Arame requires an immediate and urgent solution. It is not an exaggeration to speak of genocide...'**

## 2. THE GUARANI AND THEIR LAND

**‘This here is my life. My soul. If you take me away from this, you take my life.’**

Marcos Veron<sup>8</sup>

The Guarani Indians in Brazil are divided into three groups: Mbyá, Kaiowá and Ñandeva. The Kaiowá and the Ñandeva live in the state of Mato Grosso do Sul, on the border with Paraguay.

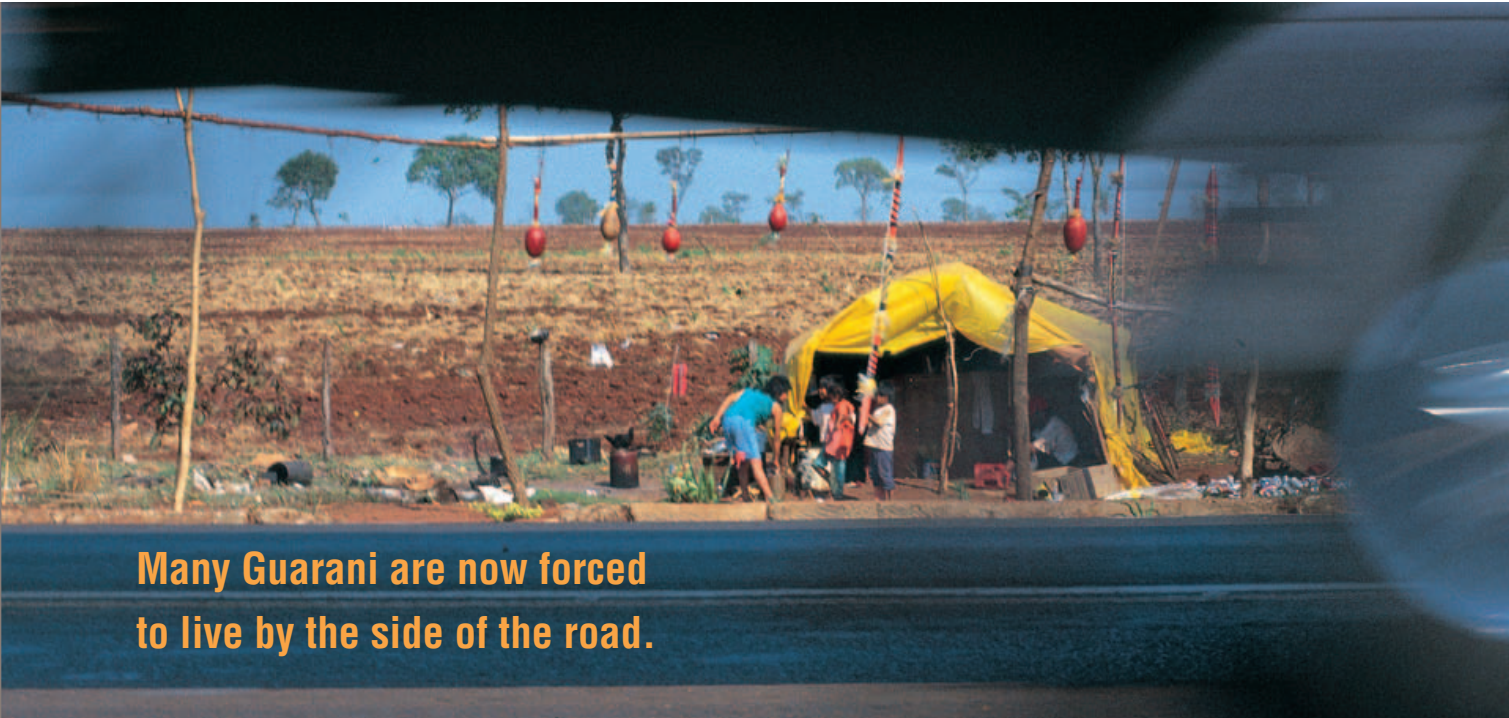
The Guarani live in extended family groups and each has its own land called *tekohá* which refers to the whole space occupied by natural resources: land, rivers, forests and gardens which are integral to sustaining their way of life.<sup>9</sup> Rosalino Ortiz Ñandeva told Survival **‘Land is sacred for us Kaiowá. Land is the essence of Kaiowá life for us. Land is the structure of life for us Guarani indigenous people’**.<sup>10</sup>

Land is a vital reference point for the Guarani, not just in its physical but also in its mystical dimension, which structures the whole of Guarani society around the *tekohá*. Indeed, the word *Kaiowá* means ‘people of the forest’. The Guarani need not just any land, but that on which their ancestors built up the base for constructing the ‘Land without Evil’.

Before the arrival of the Europeans in the sixteenth century, the Guarani occupied a vast region in the south-centre and south-east of South America. There were an estimated 1,500,000 Indians in a territory of about 350,000 square kilometres.<sup>11</sup> The Guarani population in Brazil now numbers approximately 43,000<sup>12</sup>. Following decades of violent invasions by cattle ranchers, and the more recent occupation of Guarani lands by sugar cane companies, nearly all of their land has been stolen. Waves of deforestation have converted the once-fertile Guarani homeland into a vast network of cattle ranches, soya farms, and sugar cane plantations for Brazil’s biofuels market.

Paulito, a Guarani shaman, summed up his people’s situation in an interview with Survival in 1998: **‘Our religion and way of life are under attack. We do not have enough land to continue our old ways in the correct way. In the past this was a very big Indian area. I got married when I was a young man, and I had 25 hectares of land for my garden, and this land fed my family and parents. We didn’t know about sugar and salt then. For sugar we used the honey we collected from bees. We had our *chicha* (fermented corn drink) and we had lots of fish. I would perform a fish prayer and I would see the fish fatten over time. Then I would put a line in the water and take two or three, just what I needed. There were always plenty of fish in those days. There were no white people then. And then the white people started to come in. We saw them cut down the forest and make gardens for themselves. In those days my people lived in four large communal houses. I always remember one old man said, ‘The whites – they’re going to finish us off. They’re going to finish off our houses, finish our fish, even our crops. And once all our forest is gone, we as a people will be finished. It’s all going to change and our land will become very small.’ And you know, that man, all those years ago, calculated absolutely right.’**<sup>13</sup>

Many of the injustices the Guarani suffer are in breach of the Brazilian Constitution, Brazil’s Indian Statute, the UN Declaration on the Rights of Indigenous Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Labour Organisation’s (ILO) Convention 169, to which Brazil is a signatory.



## Many Guarani are now forced to live by the side of the road.

The forced evictions of the Guarani from their land are in breach of:

1. Article 231 of Brazil's Constitution which states that 'Indians shall have their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy, it being incumbent upon the Union to demarcate them, protect and ensure respect for all of their property... The removal of Indian groups from their lands is forbidden, except ad referendum of the National Congress, in case of a catastrophe or an epidemic which represents a risk to their population, or in the interest of the sovereignty of the country, after decision by the National Congress, it being guaranteed that, under any circumstances, the return shall be immediate as soon as the risk ceases',

2. Article 2.IX of Brazil's Indian Statute, which emphasises the 'guarantee to the Indians and indigenous communities, following the conditions of the Constitution, of the permanent possession of the land on which they live, recognising their right to exclusive use of the natural resources and all of the facilities on their lands',

3. Article 14 of International Labour Organisation Convention 169 which states that 'The rights of ownership and possession of the peoples

concerned over the lands which they traditionally occupy shall be recognised' and 'Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession', and

4. Article 10 of the UN Declaration on the Rights of Indigenous Peoples, which states that 'indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return'. Article 26.1 adds that 'indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired'.

Today many Guarani live in chronically overcrowded reserves,<sup>14</sup> for example Dourados Reserve where 12,000 Guarani are living on 3,000 hectares of land. Here they are no longer self-sufficient because they have very little land on which to hunt, fish and grow crops. Lack of opportunity, migrant labour outside the community and cramped conditions have led to social tensions, high rates of internal violence, alcoholism and disease.

Some Guarani communities have no land at all, and live camped by roadsides in appalling conditions with no access to clean water and food. We know of at least six communities currently living on the roadside. These include the Guarani of Laranjeira Nanderu who were evicted from their land in September 2009 and whose village was set on fire by unidentified people<sup>15</sup>, and the Guarani of Apyka'y whose roadside camp was attacked and torched in the same month<sup>16</sup>.

Eviction from their lands has led to the de-structuring of Guarani society. The process of expulsion of the Guarani has forced them to take up temporary employment in the region's large farms and alcohol refineries, thus separating them from the extended family and the traditional form of social organisation.

Profoundly affected by their huge loss of land, the Guarani of Mato Grosso do Sul suffer a wave of suicide unequalled in South America. They also suffer from high rates of unfair imprisonment, exploitation in the work place, malnutrition, violence, homicide and assassination.



**Damiana, religious leader of Apyka'y, stands by one of the homes burnt down in a recent attack.**

The Guarani Kaiowá Indigenous Rights Commission stated that **'At the root of the situation is the lack of land, which is the consequence of the history of theft and destruction of our traditional territories, of the policy to confine us in reserves, of the loss of our liberty and even the loss of a will to live'**.<sup>17</sup>



### 3. LAND DEMARCATION

As stated above, Brazil's Constitution upholds the right of indigenous people to the lands which they have traditionally occupied, as do Brazil's Indian Statute, ILO's Convention 169 and the UN Declaration on the Rights of Indigenous Peoples.

Article 67 of the Brazilian Constitution's Act of Transitional Dispositions stipulates that demarcation of indigenous lands should be completed by 1993. This has still not been done.

In 2004, the UN CERD recommended that the Brazilian government complete the demarcation of all indigenous lands by 2007, expressing its concern that possession and use of indigenous land by indigenous peoples was threatened and restricted by recurring acts of aggression against them.<sup>18</sup>

In November 2007, Brazil's Ministry of Justice, Public Prosecutor's Office, Indian Affairs Agency (Fundação Nacional do Índio- FUNAI) and 23 indigenous leaders signed an agreement – the Termo de Ajustamento de Conduta (TAC), which obliges FUNAI to identify 36 Guarani ancestral lands and demarcate seven large territories encompassing them, and to return them to the indigenous communities by April 2010.<sup>19</sup>

This programme is bitterly opposed by landowners and the state government, and has not proceeded as scheduled. After the signing of the TAC, André Puccinelli, governor of Mato Grosso do Sul state, threatened not to honour the accord and the acting vice-governor, Jerson Domingos, inflamed the situation by warning the process would inevitably lead to a 'bloodbath', with conflict between the police, the Indians and the land owners. Local farming interests have opposed the process, exaggerating the amount of land that could be identified as 'indigenous' in the media, and repeatedly trying to block the process judicially. In November 2009 there were over 80 appeals

being heard in the Regional Federal Court involving indigenous land in Mato Grosso do Sul.<sup>20</sup>

At the time of writing, FUNAI is still in the preliminary stages of the demarcation process and has not yet completed its fieldwork, for which the deadline was June 2009<sup>21</sup>. It is not set to meet its 2010 deadline of handing back the land to the Guarani communities.

One of the obstacles that FUNAI faces is the violence its employees face when sent to the ranches to identify Guarani land. They are denied entry by gunmen and security guards hired to prevent any outsiders from entering the ranches. This intimidation has been growing as part of a fierce campaign against demarcation pushed by ranchers and their politician allies.

Landowners frequently resort to the courts in order to delay and oppose demarcations. One Guarani territory named Sete Cerros was ratified in 1993<sup>22</sup>, but a court injunction presented by the company Sattin Agropecuária against the ratification led to ten years of judicial disputes until the rights of the Indians to this land were consolidated.<sup>23</sup> Many similar cases are now languishing in the courts with little prospect of decisions being made in the near future.

Many Guarani communities are desperate for their land and are tired of waiting decades for the authorities and courts to recognise their land rights.

Overleaf we highlight just a few of many examples:

## NANDERU MARANGATU

NANDERU MARANGATU, A LARGE GUARANI TERRITORY IN THE MUNICIPALITY OF ANTONIO JOÃO WAS RATIFIED BY PRESIDENT LUIS INACIO LULA DA SILVA ON 23 MARCH 2005.<sup>24</sup> RATIFICATION IS THE FINAL LEGAL STEP IN THE PROCESS OF LAND RECOGNITION.

HOWEVER, THE RANCHERS WHO OCCUPY THE TERRITORY PETITIONED BRAZIL'S SUPREME COURT WHICH, UNDER ITS THEN PRESIDENT, NELSON JOBIM, SUSPENDED THE RATIFICATION. ON 15 DECEMBER 2005, 150 HEAVILY ARMED FEDERAL AND MILITARY POLICE ARRIVED IN HELICOPTERS TO EVICT THE GUARANI FROM THEIR LAND, FORCING THE INDIANS TO CAMP ON THE SIDE OF THE ROAD.

ONE OF THE EVICTED GUARANI WOMEN TOLD SURVIVAL ON 16 DECEMBER 2005, **'HELICOPTERS FLEW VERY LOW OVER THE AREA. CHILDREN WERE SCREAMING AND CRYING. THREE PEOPLE FAINTED AND WERE TAKEN TO HOSPITAL. EVERYONE WAS CRYING AND STANDING ON THE SIDE OF THE ROAD WITH NOTHING IN THE BAKING SUN. WE HAVE NOTHING TO EAT. WHEN THE POLICE WEREN'T THERE, THE RANCHERS BURNED ALL OUR FOOD, OUR CLOTHES AND DOCUMENTS. THEY BURNED FIFTEEN HOUSES. THE ONLY THINGS WE HAVE LEFT ARE THE CLOTHES ON OUR BODIES.'**<sup>25</sup>

A GUARANI WOMAN WHO WAS SEVEN WEEKS PREGNANT MISCARRIED AFTER FALLING DURING THE EVICTION AND A ONE MONTH OLD BABY DIED FROM DEHYDRATION AND DIARRHOEA.<sup>26</sup>

ON 24 DECEMBER 2005, NINE DAYS AFTER THE EVICTION, 39 YEAR-OLD GUARANI ACTIVIST DORVALINO ROCHA WAS SHOT IN THE CHEST AT THE ENTRANCE TO THE FRONTEIRA FARM IN THE MUNICIPALITY OF ANTÔNIO JOÃO IN MATO GROSSO DO SUL. ACCORDING TO REPORTS, HE WAS KILLED BY A PRIVATE SECURITY GUARD EMPLOYED BY GASPEN SEGURANÇA LTD, AND HIRED BY LOCAL LANDOWNERS.<sup>27</sup> NOBODY HAS BEEN BROUGHT TO TRIAL FOR THIS CRIME.

AFTER SIX MONTHS LIVING AT THE SIDE OF THE ROAD, THE COMMUNITY RETURNED TO LIVE ON APPROXIMATELY 100 HECTARES INSIDE THEIR TERRITORY IN AGREEMENT WITH THE LOCAL RANCHERS. THE COMMUNITY STILL LIVES ON THESE 100 HECTARES TODAY. THIS IS A FRACTION OF THE 9,300 HECTARES RECOGNISED BY THE PRESIDENT. GUNMEN PATROL THE AREA DAILY, FREQUENTLY FIRING AT PEOPLE'S HOUSES. PRIVATE SECURITY GUARDS HIRED BY LOCAL RANCHERS WERE ACCUSED OF RAPING THREE GUARANI WOMEN IN THE YEAR 2007<sup>28</sup>, AND IN MARCH 2008, THE COMMUNITY'S LEADER SHOWED A SURVIVAL RESEARCHER BULLET HOLES IN THE WALLS AND ROOF OF HIS HOUSE.

ACCORDING TO LEIA AQUINO, A GUARANI KAIOWÁ TEACHER OF NANDERU MARANGATU, **'THE COMMUNITY IS SCARED, WE FEEL TRAPPED. NOBODY WALKS AROUND ALONE ANY MORE AND WE CANNOT EVEN PLANT CROPS. A GROUP OF US WAS PLANTING CROPS IN OUR CLEARING – IT WAS COMPLETELY DESTROYED AND THE GUNMEN SHOT AT US. EVERYBODY WAS VERY SCARED AND NOBODY RETURNED TO THE CLEARING'**.<sup>29</sup>

## ARROIO-KORÁ

THE GUARANI KAIOWÁ OF ARROIO-KORÁ WERE EVICTED FROM THEIR LAND IN 1983. THEY WANDERED AROUND THE AREA FOR MONTHS, LOOKING FOR NEW LAND, UNTIL FUNAI TOOK THEM TO SETE CERROS, WHERE THEY REMAINED FOR FIFTEEN YEARS. IN JUNE 1998, THEY REOCCUPIED A PART OF THEIR LAND, BUT THEY WERE REMOVED AGAIN BY FUNAI AND ABANDONED AT THE SIDE OF HIGHWAY MS-156. IN OCTOBER 1998 THEY WERE TRANSFERRED TO GUASUTY, AND LATER TO JAGUAPIRÉ. IN AUGUST 1999, TIRED OF BEING MOVED FROM ONE PLACE TO ANOTHER, THE GUARANI KAIOWÁ OF ARROIO-KORÁ REOCCUPIED A PART OF THEIR LAND.<sup>30</sup>

AFTER THE REOCCUPATION, THE HARASSMENT CONTINUED. SEBASTIÃO GONÇALVES AND CORNÉLIO



RODRIGUES, GUARANI KAIOWÁ FROM ARROIO-KORÁ, WERE SHOT IN THE CHEST AND SERIOUSLY INJURED IN AUGUST 2000. ARISTEU CAMPOS OF THE POLEGAR RANCH WAS ACCUSED OF ATTEMPTED MURDER.

PRESIDENT LULA RATIFIED THE INDIGENOUS TERRITORY OF ARROIO-KORÁ IN PARANHOS ON 21<sup>ST</sup> DECEMBER 2009, THREE YEARS AFTER THIS LAND WAS DECLARED AN INDIGENOUS TERRITORY BY THE MINISTRY OF JUSTICE. HOWEVER, JUDGE GILMAR MENDES OF THE SUPREME COURT HAS SINCE SUSPENDED THE RATIFICATION OF 94% OF THIS LAND AT THE REQUEST OF RANCHERS ON THE GUARANI'S LAND, FOLLOWING THE ARGUMENT THAT SINCE THE RANCHES WERE REGISTERED EARLIER THAN THE 1988 CONSTITUTION, THE INDIANS DO NOT HAVE THE RIGHT TO LIVE ON THEIR LAND.<sup>31</sup> THE FACT THAT THE JUDGE CONSIDERED THIS ARGUMENT IS OF GREAT CONCERN AS MOST OF THE GUARANI WERE EVICTED FROM THEIR ANCESTRAL LAND BEFORE 1988.

### **KURUSU MBA**

UNDER PRESSURE FROM RANCHERS, THE COMMUNITY OF KURUSU MBA ABANDONED ITS LAND IN 1975. SINCE THEN, THEY HAVE LIVED IN THE OVERCROWDED RESERVES OF SASSORÓ AND AMAMBAI<sup>32</sup>, AND MORE RECENTLY FROM 2005 UNTIL THE PRESENT DATE THEY HAVE BEEN LIVING AT THE SIDE OF HIGHWAY MS 289, WHERE THEY HAVE NO ACCESS TO CLEAN DRINKING WATER.<sup>33</sup>

THE GUARANI OF KURUSU MBA HAVE ATTEMPTED TO REOCCUPY THEIR ANCESTRAL LAND AT LEAST THREE TIMES. IN THIS PROCESS, THEIR LEADERS HAVE BEEN SYSTEMATICALLY TARGETED AND SOME ASSASSINATED, AND THE COMMUNITY HAS BEEN EVICTED FROM THEIR LAND AND ENDED UP ON THE SIDE OF THE ROAD.

SINCE 2007, KURETÊ LOPES (A 70 YEAR-OLD WOMAN LEADER AND SHAMAN), ORTIS LOPES AND OSVALDO LOPES, ALL FROM KURUSU MBA, HAVE BEEN KILLED

BY GUNMEN, AND THREE CHILDREN HAVE DIED FROM MALNUTRITION. THE RANCHERS AND THEIR GUNMEN HAVE NOT BEEN BROUGHT TO TRIAL FOR THEIR CRIMES.

A SURVIVAL RESEARCHER VISITED THE ROADSIDE CAMP OF THE COMMUNITY IN FEBRUARY 2008 AND INTERVIEWED FIVE GUARANI KAIOWÁ WHO HAD BEEN SHOT AND BADLY INJURED AFTER ONE OF THE REOCCUPATION ATTEMPTS. THEIR LEADER HAD GONE INTO HIDING AFTER RECEIVING DEATH THREATS.

THE MOST RECENT ATTEMPT AT REOCCUPATION BY THE GUARANI OF KURUSU MBA TOOK PLACE ON 25<sup>TH</sup> NOVEMBER 2009. THE GUARANI ATTESTED THAT THE NIGHT AFTER THE REOCCUPATION, RANCHERS AND GUNMEN ARRIVED IN TEN TRUCKS AND FIRED SHOTS AT THE 250 PEOPLE WHO HAD RETURNED TO THEIR LAND. IN DECEMBER 2009, THE BODY OF 15-YEAR-OLD OSMAIR FERNANDES OF KURUSU MBA WAS FOUND BEATEN AND TORTURED.

IN A LETTER WRITTEN BY THE GUARANI OF KURUSU MBA, THEY STRESS THAT THEY HAVE BEEN WAITING FOR A LONG TIME FOR THEIR LAND TO BE DEMARCATED. THEY WRITE **'WE ARE GROWING IMPATIENT WITH THE EXCESSIVE DELAY (OF DEMARCATION). IT IS SLOWLY KILLING US AND EXPOSING US TO GENOCIDE'**.<sup>34</sup>



**Guarani reoccupations of their land often lead to violence and death.**

## 4. ETHANOL PRODUCTION AND SUGARCANE PLANTATIONS



Whilst many Guarani remain landless and the demarcation programme is proceeding at an unacceptably slow pace, nine new sugarcane plantations and alcohol distilleries are planned to be opened by the end of 2010, four of which are to be located on ancestral land claimed by the Guarani.

This growth in Brazil's ethanol industry stems from the growing international demand for biofuels. Demand for ethanol is estimated to require almost 200 million tons of sugarcane by 2013, representing a production increase of 50% from 2005. However, the current rate of mill expansion suggests an even greater increase in production. The southeast and east of Mato Grosso do Sul is an area where sugarcane expansion is particularly concentrated.<sup>35</sup>

Conab, a Brazilian government agency that is part of the country's Ministry of Agriculture, estimated an increase of 51,000 hectares of sugarcane plantations in Mato Grosso do Sul in the 2007/2008 harvest: a 32% increase from the previous harvest which already covered 160,000 hectares. According to the Secretary for Agrarian Development, in 2008, there were almost 50 new ethanol projects seeking funding, which threaten to occupy 800,000 hectares in the next few years. In August 2008, the state governor André Pucinelli

affirmed that 'Mato Grosso do Sul will be the world's biggest producer of ethanol in seven years' time'.<sup>36</sup> One Guarani Kaiowá leader in Dourados said '**our last land demarcation here in November/ December of last year was reversed. I think it has to do with the arrival of sugarcane in the region. The way it's going, the conflict for land is only going to get worse**'.<sup>37</sup>

Amilton Lópes, Guarani Kaiowá, stated that '**our people don't profit from the sugar cane, it is not necessary for our lives. We used to plant some sugar cane for consumption but the big plantations are now occupying our lands... Sugar cane is polluting our rivers and killing the fish... The men in our villages work in sugar cane plantations and mills. It is the only work they can do to have an additional income. The work is physically very hard, the working hours are long, there is insufficient food and water, and all this causes serious health problems – the working life is 15 years**'.<sup>38</sup>

As indicated by Lópes, many Guarani, having been forced off their land, are forced into working in the sugarcane factories, where they are exploited and where they often fall ill from the intense manual labour. This will be further considered in section 9.

## 5. VIOLENCE

The forced removal of tribal peoples from their ancestral land and the relocation of communities lead to an increased rate of violence suffered by these peoples.<sup>39</sup> This phenomenon has been seen in many indigenous peoples all over the world, and is most extreme when the people affected are forced to live in overcrowded reserves.

As stated in section 3, there is a fierce resistance amongst the non-indigenous society in Mato Grosso do Sul against any process of recognition and demarcation of Guarani Kaiowá lands. This resistance is increasing and forming a strong prejudice in the form of racism against the indigenous population. Indeed, Dr. Marcio Meira, President of FUNAI (government's indigenous affairs department), said that **'in Mato Grosso do Sul, there is a very strong anti-indigenous movement, which harms the Guarani Indians who live in the area'**.<sup>40</sup>

These attitudes frequently result in violence, especially around the reoccupations where groups of Guarani, in desperation at their lack of land and frustrated by the inefficiency of the government's land demarcation programme, move back to their ancestral lands, often to face intimidation and violent evictions by gunmen and private security firms contracted by ranchers.

44 Indians were assassinated in Mato Grosso do Sul in 2007, a 214% increase from the previous year. This figure demonstrates the effects of the government's paralysis in demarcating indigenous land. Egon Heck of the Brazilian NGO CIMI (Conselho Indigenista Misionário or Indigenist Missionary Council) stated that '2007 was the year when nothing was done. Rather than land demarcations, what we saw was the encouragement of alcohol factories. Add this to the increasing social tensions and the result is this vicious circle of violence'.<sup>41</sup>

In 2008, there were 70 cases of violence

registered against the Guarani Kaiowá, almost 50% of the total cases registered in 21 states of Brazil.<sup>42</sup> Meanwhile, the homicide rate amongst Guarani Kaiowá was 210 per 100,000 population, 20 times higher than the homicide rate of the state of São Paulo.<sup>43</sup> These figures reflect the racism towards the Guarani as well as the tensions within and amongst Guarani communities provoked by their lack of land, and their forced cohabitation in small reserves.

There were 60 assassinations of indigenous people in 2008, of which 42 occurred in Mato Grosso do Sul and whose victims were Guarani Kaiowá.<sup>44</sup> Assassination is a constant threat for the Guarani, especially the community leaders who are campaigning for land rights or who lead the reoccupations. These leaders often suffer violent attacks and killings, with little or no protection from the state.<sup>45</sup>

In September 2009, the makeshift houses of Guarani in the Apyka'y camp at the side of Highway BR-463 were torched and reports said that one Guarani was shot.<sup>46</sup> It was reported that ranchers' security guards made gunshot sounds whilst shouting 'those vagabonds must die!'<sup>47</sup> Such racist attitudes are common amongst the ranchers and the non-indigenous population of Mato Grosso do Sul. The Public Prosecutor Marco Antonio Delfino said that this case could be treated as an attempted genocide, stating that 'an armed group had the explicit intention of attacking a group for its ethnic characteristics, because they are indigenous'.<sup>48</sup>

On 8th December 2009, Guarani from the Sessoró and Porto Lindo reserves were attacked by ranchers and gunmen as they attempted to return to their ancestral land, Ypoi'i in the municipality of Iguatemi, from which they had been expelled by ranchers in the 1950s. Five Indians were shot and wounded. Some were beaten up and thrown on the top of the trucks with their hands and feet tied

up, and taken to Sessoró. There, they were beaten up again. Whilst the five most seriously injured were taken to hospital, the rest of the group remains on the side of the road, with no food or water.

The Guarani of Laranjeira Nanderu are forced to camp by the side of a road.



#### **We list some of the killings of Guarani:**

**In 1983**, Marçal de Souza Tupa'i, renowned Guarani advocate of indigenous rights, was shot dead at his home by gunmen reportedly linked to a local rancher. Nobody was convicted for his murder.

**In 2001**, the young Guarani Kaiowá Samuel Martin was killed by gunmen during the reoccupation of his community of Ka'a Jari in Coronel Sapucaia municipality.

On **13<sup>th</sup> January 2003**, the internationally renowned Guarani Kaiowá leader, Marcos Verón, was beaten to death by gunmen working for a local rancher, in front of family members after he led his community's reoccupation to Takuara in Juti municipality.

On **24<sup>th</sup> December 2005**, nine days after the eviction of Guarani from Nanderu Marangatu, 39 year-old Guarani activist Dorvalino Rocha was shot and killed by a private security guard employed by ranchers.

Following the attempted reoccupation of their land by the community of Kurusu Mba in 2007, community leader Kuretê Lopes was assassinated. Ortiz Lopes and Osvaldo Lopes, also leaders of the community, were assassinated on **8<sup>th</sup> June 2007 and 30<sup>th</sup> May 2009** respectively. Nobody has been tried or convicted for these killings.

The day after their return to their ancestral land of Ypo'i on **29<sup>th</sup> October 2009**, a group of Guarani was attacked by gunmen. Ten days later the body of Genivaldo Verá, a member of the group, was found dead and bruised in a nearby river. At the time of writing, a second Guarani man, Rolindo Verá, is still missing and it is feared that he too has been killed.

On **25<sup>th</sup> November 2009**, the approximately 250 Guarani Kaiowá who had returned to their ancestral land of Kurusu Mba, were attacked by ranchers who approached the community in ten trucks and fired gunshots. The body of Osmair Martins Ximenes, a teenager of Kurusu Mba, was found beaten up on 16<sup>th</sup> December. It is suspected that his killing is directly related to the community's recent return to their land.

**These assassinations and cases of violence are in breach of Article 5b of the International Convention on the Elimination of all Forms of Racial Discrimination, which guarantees the right of all people to 'security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution'.**

## 6. SUICIDE

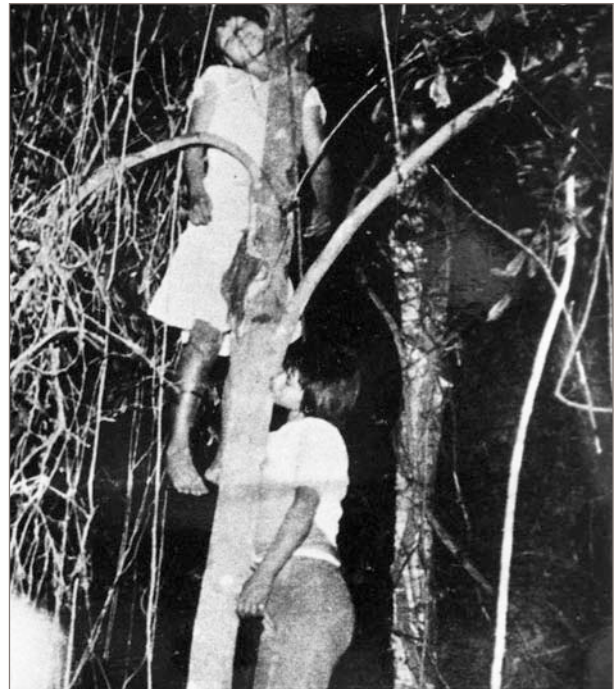
The response to the injustices and desperation the Guarani face is reflected in their very high suicide rate: one of the highest amongst any tribal and non-tribal people in the world. The suicides of the Guarani Kaiowá are emphasised as a particularly notable case in the UN's 2009 report entitled *The state of the world's indigenous peoples*.<sup>49</sup>

In 2005, the overall Guarani suicide rate was 86.3 per 100,000 population. The suicide rate overall in Mato Grosso do Sul was 8.6 per 100,000 population, and the national rate was 4.5. The Guarani suicide rate in 2005 was thus approximately ten times the rate in Mato Grosso do Sul and 19 times the national rate in 2004.<sup>50</sup>

In 2005, the suicide rate amongst Guarani Indians between the age of 20 and 29 years was 159.9 per 100,000 population, whilst the national rate for the same group was 6.1 per 100,000 in 2004.<sup>51</sup> The youngest Guarani to commit suicide, Luciane Ortiz, was just nine years old.

Data compiled by the NGO CIMI show a total of 625 suicides amongst the Guarani population in the past 28 years.<sup>52</sup> Appendix A shows Guarani suicides from 1981 to 2008. Research by the National Health Agency (Fundação Nacional de Saúde- FUNASA) shows that of the 34 Guarani communities and reserves, suicides have been reported in 28 communities and one reserve.<sup>53</sup>

The main reason for this high suicide rate is the lack of land that the Guarani suffer, as Rosalino Ortiz Guarani Ñandeva explains: **'The Guarani are committing suicide because we have no land. We don't have space any more. In the old days, we were free, now we are no longer free. So our young people look around them and think there is nothing left and wonder how they can live. They sit down and think, they forget, they lose themselves and then commit suicide.'**<sup>54</sup>



**Guarani Kaiowá children as young as nine have taken their own lives.**

Indeed, the municipality with the highest suicide rate is that of Dourados,<sup>55</sup> where the land problem is most acute and Guarani of different *tekohá* live together in over-populated reserves. As one Guarani told Survival 'In Dourados where there have been most suicides a young person told me he didn't want to live any more because there was no reason to carry on living – there is no hunting, no fishing, and the water is polluted.'

CIMI also indicates that high rates of suicide occur in communities where people were trapped in the centre of their territories which had been invaded by ranchers<sup>56</sup>, as in the case of Porto Lindo or in settlements such as Panambizinho.

Other motives for suicide are poverty, hunger and precarious housing, as well as the lack of opportunities to earn wages in the communities following the loss of land, the destabilising impact of the intense manual labour in the sugarcane factories, and the prejudice that the Guarani face from non-indigenous society.<sup>57</sup>

## 7. MALNUTRITION AND POOR HEALTH



The destruction of the Guarani's forest and occupation of their lands by outsiders has meant that hunting and fishing are no longer possible, and there is barely enough land to plant crops. In 2006, 90% of Guarani Kaiowá depended on food baskets (*cesta básica*) provided by the state for their survival.<sup>58</sup> This dependency on the state government and FUNASA for food is humiliating for the Guarani who were once self-sufficient and enjoyed a healthy diet.

Guarani Kaiowá, Amilton Lopes said to Survival **'it is essential for us to have more land to live our lives in dignity. We depend on food baskets now. They are insufficient and we want to be independent and we want to grow and provide our own food'**.<sup>59</sup>

In reference to the very basic food items the baskets contain (with no protein or vegetables), Marcos Homero Ferreira Lima of the Ministério Público Federal declared that 'in the basic food basket delivered by FUNAI, there is no variety'.<sup>60</sup>

This failure to permit a balanced diet, as well as the unreliability of their deliverance has resulted in a high rate of malnutrition amongst the Guarani.

Data presented in 2008 by CIMI indicate that, in five years, 80 indigenous children died as a result

of malnutrition in Mato Grosso do Sul.<sup>61</sup> In 2004, 21 children of Dourados reserve died of malnutrition.<sup>62</sup> In 2005, 31 Guarani Kaiowá children died of malnutrition in Mato Grosso do Sul.<sup>63</sup> In 2008, 24 children in Dourados reserve suffered from severe malnutrition and 200 from moderate malnutrition.<sup>64</sup> This malnutrition suffered by the Guarani led the public prosecutor of Dourados to state in 2005 that 'Ethiopia is here'.<sup>65</sup>



**Lack of land, overcrowding and poor diet has led to high rates of malnutrition and infant mortality for the Guarani.**

This malnutrition is likely to be exacerbated by the pesticides which are used on the soya plantations

and which can poison food. Dr. João Paulo Botelho Vieira Filho of the Escola Paulista de Medicina (School of Medicine) of the Federal University of São Paulo- UNIFESP, who has worked in indigenous health for many years, reported that 'it is very probable that the pesticides used in the frequent aerial spraying are contaminating the ground, the water and the food of the children'.<sup>66</sup>

In the region of Dourados in the south of Mato Grosso do Sul, the number of children who died before their first birthday was 64 per 1,000 born alive in 2004.<sup>67</sup> Meanwhile, the national average was 30 per 1,000.<sup>68</sup>

Meanwhile, life expectancy of the Guarani is much lower than that of Brazilians as a whole. Life expectancy of the Guarani Kaiowá is 45<sup>69</sup> whilst the life expectancy of Brazilians as a whole is 72 years.<sup>70</sup>

The high rates of malnutrition and infant mortality and the low life expectancy of the Guarani are another result of the poor diet and sanitary conditions resulting from the overcrowded settlements and the lack of land.

Meanwhile, the health services available to the Guarani are scarce and wholly inadequate. ILO Convention 169 states in Article 25.1 that 'governments shall ensure that adequate health services are made available to the peoples concerned, or shall provide them with resources to allow them to design and deliver such services under their own responsibility and control, so that they may enjoy the highest attainable standard of physical and mental health'.

The laws of Brazil's Ministry of Health recognise that 'access to food is a fundamental human right', and that 'it is imperative that we act to reduce the inequalities and make every effort to allow indigenous peoples to have an equal chance of living a healthy life and having their right to food guaranteed'.<sup>71</sup>

Malnutrition and lack of health care is most extreme amongst the communities living on the roadside. In their recent declaration, the community of Kurusu Mba stated that '**It has been almost four years since we have been living on the side of Highway MS 289... where our families, our children, are only drinking dirty water. We are not able to continue with or subsistence agriculture, we have no health services and no prospects for the future. We have been thrown into this fate, stripped of all our dignity and living a supposed 'life' which in fact is death for us**'.<sup>72</sup>

A statement by the Guarani Kaiowá Indigenous Rights Commission says that '**death and starvation are due to many factors, among which is the loss of land, which leads to the break up of our economy, of our way of producing food and feeding ourselves, and of our families... We were a free people who lived surrounded by abundance. Today we live dependent on the government's aid. We feel that this policy is paternalistic and does not enable us to go back and produce our own food**'.<sup>73</sup>

The government's External Commission on deaths of indigenous children of Mato Grosso and Mato Grosso do Sul observes that 'Having analysed the reality of the Guarani Kaiowá in the Indigenous Reserve of Dourados, it is clear that the problems of malnutrition, suicide, alcoholism, the search for work in the factories and ranches of the area, begging in urban areas and low self-esteem are the result of the lack of land where the Guarani Kaiowá can practice their culture, agricultural and ancestral activities'.<sup>74</sup>

**'We have been thrown into this fate, stripped of all our dignity and living a supposed 'life' which in fact is death for us.'**

Guarani community of Kurusu Mba, Brazil

## 8. UNFAIR IMPRISONMENT

There are many Guarani in prison with little or no access to legal advice and interpreters, trapped in a legal system which they do not understand. This has resulted in innocent people being condemned. Many are serving disproportionately harsh sentences for minor offences.

In recent years, imprisonment of Guarani Indians has become increasingly common. This comes as a result of the takeover of Guarani land by agricultural landowners, especially soya and sugarcane planters, which provokes conflicts over land.<sup>75</sup> FUNAI has not been following up cases of imprisoned Guarani as it should be doing.

In a statement, the Guarani of the community of Kurusu Mba emphasise that ‘ranchers and police officers are constantly plotting against members of our community to take people to prison accused of theft, fraud and other things, in what is clearly a campaign to criminalise our fight for our land’.<sup>76</sup>

In 2006, 97% of trials in Mato Grosso do Sul were of indigenous people, and 45% of those arrested were imprisoned.<sup>77</sup> The imprisonment of these Guarani is in breach of Article 10.2 of Convention 169 of the ILO, which states that for indigenous and tribal peoples, ‘preference shall be given to methods of punishment other than confinement in prison’, and Article 56 of Brazil’s 1973 Indian Statute, which states that for indigenous people ‘the sentences of confinement and detention will be carried out, wherever possible, in semi-freedom, in the FUNAI base which is closest to the home of the condemned’.

Of the 100 convictions of indigenous people in Mato Grosso do Sul in 2008, the majority were Guarani Kaiowá, who were forced to serve a sentence without having been able to fully exercise their right to legal defence.<sup>78</sup>

According to a letter written by Guarani Kaiowá prisoners on 29th April 2005:

**‘We were convicted based on testimonies we gave at police stations where we were tortured and suffocated, and we received electric shocks when we confessed. We even admitted to crimes we didn’t commit for fear of being killed by the police’.**<sup>79</sup>

The frequent failure of authorities to allow the Guarani a full legal defence and/or an interpreter, is in breach of ILO Convention 169, article 12 which states that ‘measures shall be taken to ensure that members of these (tribal and indigenous) peoples can understand and be understood in legal proceedings, where necessary through the provision of interpretation or by other effective means’. It is also in breach of Brazil’s Code of Penal Punishment, Article 193, which states that ‘When the accused does not speak the national language, the questioning will be done through an interpreter’, and Article 5a of the United Nations Convention on the Elimination of All Forms of Racial Discrimination, which states that all people have the ‘right to equal treatment before the tribunals and all other organs administering justice’.

Meanwhile, impunity is granted to the landowners and gunmen operating in Mato Grosso do Sul, who frequently commit crimes far more serious than those committed by the Guarani, and often avoid imprisonment by paying a fine or by not being brought to trial and convicted at all. Various entities defending human rights, and the National Conference of the Bishops of Brazil (CNBB) have highlighted the gravity of this situation and called for support of parliamentarians and jurists to put an end on the impunity for the crimes executed by security companies contracted by large estate owners.<sup>80</sup>



## 9. EXPLOITATION OF MANUAL LABOURERS

Having been moved off their land, the Guarani are unable to feed themselves and must look for work in order to buy food. They often end up working at sugarcane plantations which rely heavily on indigenous labour and where workers earn pitiful wages whilst being exposed to terrible conditions. There are currently twenty sugarcane factories in Mato Grosso do Sul, thirteen of which are on land which the Guarani claim, and four more are planned to be opened on Guarani territory by the end of 2010.

According to Brazil's Ministry of Work and Employment (Ministério de Trabalho e Emprego-MTE), Mato Grosso do Sul is in second place in a ranking of Brazilian states which most exploit their labour force.<sup>81</sup>

Work in the ethanol industry is often extremely tough, and the useful work-life of a sugarcane cutter is just fifteen years.<sup>82</sup> Sugarcane workers today are expected to cut between twelve and twenty tons of sugarcane per day with the same tools and technique that were used a few years ago, when workers were expected to cut between six and ten tons per day.<sup>83</sup>

Comar and Ferraz in their report on the sugarcane industry found that **‘the mean worker’s age is dropping; women have already been excluded for some time, as they cannot keep up with the work load. It’s so bad that the firms provide iso-tonics, to replace body fluids and salts – very high perspiration rate – and vitamins, to prevent muscle rigidity. This is during the day. At night alcohol runs free. The combination is critical. Workers are so lit up that, after a minimum of a twelve hour working day, they come back from the fields and go to play soccer (football). They don’t realize they are exhausted, as the cocktail combination gives them energy. Many sugarcane cutters are indigenous people... and they are getting more sick every day.’**<sup>84</sup>

Comar and Ferraz add that ‘maturators (organic agents to homogenize the cane’s growth) put out cancerous gases which are ingested by nose and mouth, through the cold food eaten in the fields. This obviously accumulates in the worker’s blood and reduces his life span. Small urine doses from sugarcane cutters taken during the cutting season killed specimens of the bacteria *Salmonella typhimurium*, indicating high toxicity levels in their organisms.’<sup>85</sup>

In 2007, Brazil’s Ministry of Work and Employment discovered more than 1,000 indigenous people living in degrading conditions in a Debrasa alcohol and sugar factory.<sup>86</sup> The majority of these people were Guarani Kaiowá.



On the 29<sup>th</sup> July 2008, the Ministry of Work and Employment inspected the Centro Oeste Iguatemi ethanol distillery and stated that ‘the work environment to which the workers were submitted (unsatisfactory facilities for preparing and consuming meals, unhygienic accommodation, failure to provide individuals with safety equipment and of first aid materials, scarce food, lack of toilet facilities, and dirty drinking water) amounted to a degrading treatment prohibited by Article 5, clause III of the Brazilian Federal Constitution’.<sup>87</sup> 600 Guarani were found to be subjected to these conditions at this factory.

On 23<sup>rd</sup> November 2009, the Ministry of Work reported that the Santa Olinda sugarcane factory in Sidrolândia municipality had been operating a bus in the Guarani communities of Bororó, Panambizinho and Jaguapiru, in the municipality Dourados, to bribe Guarani children and bring them to work at the factory.<sup>88</sup> Paulo Douglas of the Ministry said that there had been similar cases relating to other factories, and that Guarani youths are exposed to an unstable social situation. The social risks faced by youths, he said, 'do not amount only to the difficult situation in the sugarcane factories, but also the alcoholism, violence and drug abuse to which the indigenous workers contracted by the factories are exposed'.

These cases and many others are in breach of Article 5, Clause 3 of the Brazilian Constitution which states that 'nobody shall face torture nor inhumane or degrading treatment'. They are also in breach of ILO 169 Article 20, clause 3b, which states that 'measures (must be taken) to ensure that workers belonging to these (indigenous and tribal) peoples are not subjected to working conditions hazardous to their health', and Article 5i of the United Nations Convention on the Elimination of All Forms of Racial Discrimination, which declares that all people have 'the rights to just and favourable conditions of work, ..., and to just and favourable remuneration'.

Article 149 of Brazil's Penal Code states that there is a punishment of between two and eight years for exposing people to slave-like conditions. However, no factory owners are known to have been imprisoned for this in Mato Grosso do Sul; they have only been made to pay a fine.

The injustices that the workers face extend beyond the individual to the whole Guarani community. As men and teenage boys leave their families, and often their schools, to work between twelve and fourteen hours per day in the sugarcane fields, they are absent from their communities for long periods and this has a major impact on Guarani health and society. Women are left to raise families

and feed them. Sexually transmitted diseases and alcoholism have been introduced by returning workers and internal tensions and violence have increased.

Guarani Ñandeva Isidro Caceres told Survival that, **'the main problem in our areas is that people go often to work out contracts in the sugar cane plantations. These people earn a little bit of money, they return to the communities, they buy rum... they drink, they pick fights, they beat their family. It is very serious. And now there are divisions among families and that is when the suicides happen...'**

**'People don't want to work in the sugarcane plantations because they know you have to sacrifice yourself, you are ill treated there and you are under someone else's hand. So it's like being a slave – whatever the boss says you have to do. People feel imprisoned there.'**<sup>89</sup>



Guarani Kaiowá Amilton Lopes told Survival **'the work in the plantations, the absence from their families, the lack of perspectives for the future increases internal violence: suicides mainly among youngsters, alcoholism and murder'**.<sup>90</sup>

## CONCLUSION



In Survival's opinion, the situation of the Guarani of Mato Grosso do Sul is one of the worst of all indigenous peoples of the Americas.

The Guarani of Mato Grosso do Sul live trapped in a situation of exploitation, unfair imprisonment, malnutrition, prejudice, murder and assassination, and have the highest suicide rate of South America. The root of all of these problems is a severe lack of land and the denial of their collective land ownership rights. The facts outlined in this report underline the gravity of the situation facing the Guarani in Mato Grosso do Sul, and indeed owing to the likelihood of many events and numbers not being reported, the true situation is likely to be even worse than the data indicate.

In its 2005 report, the Guarani Kaiowá Indigenous Rights Commission stated that 'public policies on indigenous peoples do not respect the Federal Constitution or ILO Convention 169, and do not take into account our way of being, of living, of thinking and of organising ourselves'.<sup>91</sup>

In their recent statement, the Guarani of Kurusu Mba speak of their reoccupation as their attempt to 'speed up the demarcation process of their ancestral *tekohá* and bring to life the Federal Constitution which (for us) is an unkept promise'.<sup>92</sup>

Before he was assassinated by gunmen, Marçal Tupa-i Guarani said '**some nights I don't sleep, thinking about our problems. We are tired of waiting. All of us here have had the same experience. Our reserves are devastated, without timber. Who took it? Was it the Indians, to make their houses? No, it was the white man. We can no longer keep our arms folded. Perhaps this is the last time we will be able to rise up as tribes, to raise the voice of our tribes... We mustn't be afraid. Because we are in our country. We are in our land. Our fathers were born here, they live here. We can't even think of the time, because it is very long, the history of our people. So, we have to shout.**'<sup>93</sup>

In his open letter about the situation of the Guarani in Mato Grosso do Sul, anthropologist Fabio Mura highlights that it is necessary that the Brazilian government take action to protect the Guarani. He states that 'it is the government's constitutional obligation to create and firmly assume a dynamic under which their rights will be respected... it is their duty to assign financial and human resources and to plan strategies which bring effective solutions to the key problems and the production of food of these people. Such initiatives must contribute to improving the quality of life of the Guarani, whose problems are increasing'.<sup>94</sup>

Successive Brazilian governments, including the current one, have acknowledged the dire situation the Guarani face and promised to act upon it but have failed dismally. However, although some public bodies, notably the Public Prosecutors' Office in Dourados, have been particularly active in defending Guarani rights, faced with the prejudice and racism prevalent in certain sectors of Mato Grosso do Sul (fuelled by the current governor and some state deputies), as well as the persistent violence and impunity, in practice very little has been accomplished in terms of land rights for the Guarani.

**Survival International calls upon CERD to urge the Brazilian government to:**

- comply with the Public Ministry and complete its land demarcation programme (TAC) as a matter of urgency,
- comply with the international instruments to

which it is a signatory, especially the International Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention 169 on the rights of indigenous and tribal peoples,

- speed up the cases of disputed Guarani land currently before the courts,
- address the issue of impunity for crimes committed against the Guarani, and
- take measures to ensure that the Guarani are not imprisoned for petty crimes and have access to proper legal representation and a hearing in their own language.

If immediate and effective action is not taken, the physical and mental health of the Guarani will further deteriorate and we fear many more will die as a direct or indirect result of the illegal and highly unjust theft of their land and the continued denial of their most fundamental rights.



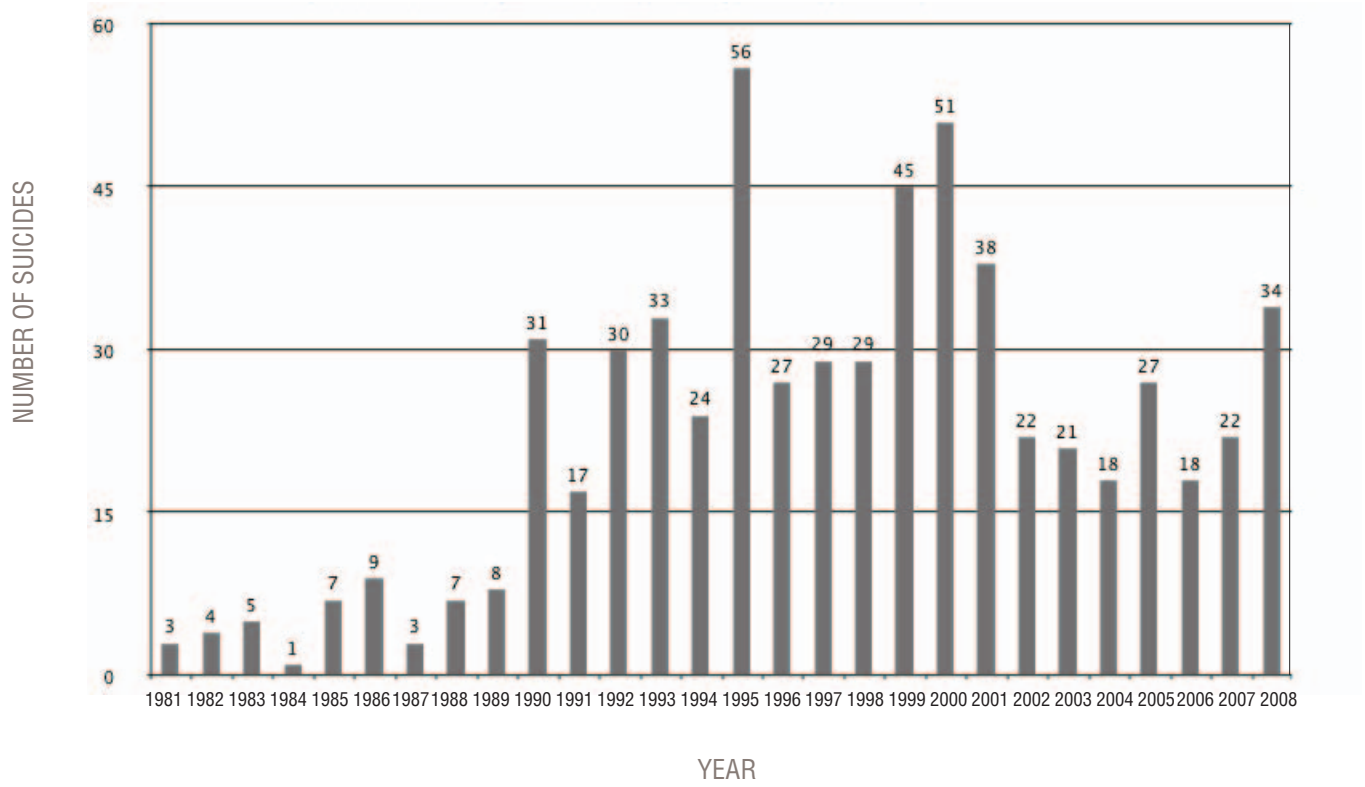
## FOOTNOTES

- <sup>1</sup> Personal communication 1996
- <sup>2</sup> UN 2009
- <sup>3</sup> Anaya 2009: 29
- <sup>4</sup> Senado Federal 2009
- <sup>5</sup> Ferreira Lima 2009: 9
- <sup>6</sup> FUNAI 2009
- <sup>7</sup> Fantazzini 2002
- <sup>8</sup> Personal communication 2000
- <sup>9</sup> Ferreira Thomaz de Almeida and Mura 2003
- <sup>10</sup> personal communication to Survival
- <sup>11</sup> Pierre Clastres in Survival International 1999: 1
- <sup>12</sup> Centro de Trabalho Indigenista 2008: 5
- <sup>13</sup> personal communication 1998
- <sup>14</sup> The Guarani reserves, created by the Indian Protection Agency (Serviço de Proteção ao Índio- SPI) between 1915 and 1928, are Dourados, Amambai, Aldeia Limão Verde, Pirajuy, Porto Lindo, Caarapó, Takuapery and Sassoró.
- <sup>15</sup> <http://www.survivalinternational.org/news/4949>
- <sup>16</sup> <http://www.survivalinternational.org/news/4959>
- <sup>17</sup> Guarani Kaiowá Indigenous Rights Commission 2005
- <sup>18</sup> UN CERD 2004 and Amnesty International 2005: 9
- <sup>19</sup> Ministério Público Federal 2007
- <sup>20</sup> Amnesty International 2009
- <sup>21</sup> Ministério Público Federal- Procuradoria da República em Dourados 2007: 7 (clause 3)
- <sup>22</sup> CIMI, Comissão Pró Índio and Procuradoria Regional da República 2000: 135
- <sup>23</sup> ISA 2001
- <sup>24</sup> Amnesty International 2007
- <sup>25</sup> Leia Aquino, personal communication
- <sup>26</sup> American Anthropological Association 2006
- <sup>27</sup> Amnesty International 2006
- <sup>28</sup> Amnesty International 2007
- <sup>29</sup> CIMI 2007a
- <sup>30</sup> CIMI, Comissão Pró Índio and Procuradoria Regional da República da 3 região 2000: Introdução
- <sup>31</sup> Supremo Tribunal Federal 2010
- <sup>32</sup> Ibid
- <sup>33</sup> CIMI 2009e
- <sup>34</sup> Guarani of Kurusu Mba 2009
- <sup>35</sup> Friends of the Earth 2008: 11
- <sup>36</sup> Mendonça, M.L. 2008: 8
- <sup>37</sup> Ibid: 14
- <sup>38</sup> López 2009
- <sup>39</sup> Survival International 2007: 9
- <sup>40</sup> Folha de São Paulo 2010
- <sup>41</sup> Folha de São Paulo 2008
- <sup>42</sup> CIMI 2008: 10
- <sup>43</sup> Instituto Socio-Ambiental 2009b
- <sup>44</sup> CIMI 2008: 16
- <sup>45</sup> Amnesty International 2005: 3
- <sup>46</sup> <http://www.survivalinternational.org/news/4959>
- <sup>47</sup> CIMI 2009d
- <sup>48</sup> Reporter Brasil 2009
- <sup>49</sup> United Nations 2009b
- <sup>50</sup> CDC 2007
- <sup>51</sup> Ibid
- <sup>52</sup> CIMI indicates that the above figures are not official, since the data was collected from the press and in the communities. However, the figures show an extremely large number of suicides, and it is probable that the actual number of suicides is higher than those stated above as not every suicide will have been recorded.
- <sup>53</sup> FUNASA 2009.
- <sup>54</sup> Rosalino Ortiz personal communication 1996
- <sup>55</sup> CIMI 2008.
- <sup>56</sup> CIMI 2008.
- <sup>57</sup> CIMI 2009 a.
- <sup>58</sup> CIMI 2006.
- <sup>59</sup> López 2009
- <sup>60</sup> Ferrera Lima 2009: 7
- <sup>61</sup> Campo Grande notícias 2008
- <sup>62</sup> Campo Grande notícias 2007
- <sup>63</sup> CIMI 2007b
- <sup>64</sup> Instituto Socio-ambiental 2009b.
- <sup>65</sup> CIMI 2006
- <sup>66</sup> Botelho Vieira Filho 2005
- <sup>67</sup> CIMI 2005.
- <sup>68</sup> Index Mundi 1009
- <sup>69</sup> FUNASA in Açúcar Etico 2007
- <sup>70</sup> Index Mundi 2009b.
- <sup>71</sup> Ministério de Saúde 2002
- <sup>72</sup> Guarani of Kurusu Mba 2009
- <sup>73</sup> Guarani Kaiowá Indigenous Rights Commission 2005
- <sup>74</sup> Comissão externa, mortes de crianças indígenas no Mato Grosso e Mato Grosso do Sul 2005
- <sup>75</sup> CIMI. 2008: 60.
- <sup>76</sup> Guarani of Kurusu Mba 2009.
- <sup>77</sup> Centro de Trabalho Indigenista. 2008: 38 and 36.
- <sup>78</sup> CIMI 2008:17
- <sup>79</sup> Harry Amorim Costa prisoners 2005
- <sup>80</sup> CIMI 2007b
- <sup>81</sup> Reporter Brasil 2008b
- <sup>82</sup> Orplana n.d.
- <sup>83</sup> Comar and Ferraz 2008
- <sup>84</sup> Ibid
- <sup>85</sup> Ibid
- <sup>86</sup> Reporter Brasil 2008a
- <sup>87</sup> Brasil de Fato 2009.
- <sup>88</sup> Ministério Público do Trabalho 2009
- <sup>89</sup> personal communication 1996
- <sup>90</sup> López 2009
- <sup>91</sup> Guarani Kaiowá Indigenous Rights Commission 2005.
- <sup>92</sup> Guarani of Kurusu Mba 2009.
- <sup>93</sup> Marcal Tupa-i n.d.
- <sup>94</sup> Mura, Thomaz de Almeida and Barbosa da Silva 2006

## APPENDIX A

### SUICIDES AMONGST THE GUARANI BETWEEN 1981 AND 2008

(data compiled by CIMI, 2009)



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