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Traditional peoples: eviction cause impact in quilombola population

The impact of evictions, the restrictions to the use of and right to territory restitution to traditional peoples is a rarely discussed subject in Brazil. A significant number of the people of Brazil have their specificities made invisible towards the national society, what facilitates the State and others to take over these peoples' lands. Great projects not always respect the obligation to consult with the traditional peoples regarding the impacts caused, for many of these peoples become the target of removals, evictions and restrictions of use of the land.

Removing traditional peoples from their lands implies imposing the great threat of harming their human and cultural rights and breaking the international legislation, specially the Convention 169 of the International Work Organization and the General Comment no. 7 from IPESCR. Culture, means by which man and woman express themselves in the world, is not alienated and its deprivation can cause intense pain and collective suffering, characterizing a true crime of torture.

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For traditional peoples, territory is their material support, the place in the world where practices and moral values make sense. Ethnic territories are those that offer the necessary natural resources for the survival of the people and are the place where their marks of historicity and religiosity are imprinted.

Thus, displacements and evictions end up harming the cultural rights of such peoples because they separate human beings from the symbols, places and natural resources that enable them to interact with their surroundings. In this sense, all harm caused to cultural rights also harms the dignity of the human being. Displacing or evicting traditional peoples, whose social identity is based upon territory, means inflicting suffering to the group.

International legislation, by Convention 169 of OIT, defines traditional territory as “the one that comprehends the totality of the habitat of the regions that interested peoples somehow occupy or use” (article 13.2). The same document states that the displacement or removal of the traditional peoples can only take place as a last option,

even so, with the consent and thorough understanding of the reasons that provoke the removal (article 16). For the removal to happen it is necessary to elaborate a public consultation (article 16.2). Even after the removal, traditional peoples have their right to return to their lands assured as soon as the causes that obliged them to be removed are no longer present (article 16.3).

The Pinheiro Principles, approved by the Committee of Elimination of Racial Discrimination, in 2005, define the parameters for the restitution of housing, land and property when the removals are made in an arbitrary way or in disagreement with the law, removing people from their houses, lands and properties or from places where they established residence (Principle 1). The principles innovate by enlarging the concept of forced removal by not applying it only to those caused by armed confrontation and give conceptual assistance to the actors involved in the subject of restitution.

The 4.887/2003 decree assures the possibility of return to the quilombola people to the lands from which they were forced to move or to those they maintain historic relations of appropriation when article 13 foresees the possibility of disappropriation of private lands in which a quilombola territory resides.



Sino's beach

Traditional peoples of Brazil run the risk of losing access to the totality of their territory due to the militarization of the spaces they live in. Located in the end of an island at the seashore of Rio de Janeiro, the community of Marambaia fears to be left without access to the Sino beach, place where it used to be the old central village of the island and that is still a reference of historic memory of the quilombolas.

The Brazilian government has been implementing discussion among Union departments and the Army, without, however, assuring quilombolas access to these discussions.

Team

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For information on the National Campaign for the Regularization of Ethnic Quilombo Territories or any of Cohre programs for the Americas, contact cohreamericas@cohre.org



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