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Victor Menotti

August 21, 2009

Presidente do Tribunal Regional Federal  
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Excellencies:

On behalf of the board of directors, staff, and worldwide membership of the International Forum on Globalization (IFG), I write to express my concern over the upcoming hearing on the case of Terra Indígena Marãwaitse. I urge the court to give high priority to ruling on instrument n.º 2007.01.00.042821-5/MT (originated as 9500006790). I also urge the court to reconsider the decision made by Desembargador Fagundes de Deus which interferes with FUNAI's ability to remove non-indigenous people from T.I. Marawãitse.

In 1996, the President of the Republic confirmed the validity of this area. The Brazilian state thereby officially recognized this area as Xavante land. The court's delay in resolving this situation continues to aggravate tensions between Xavante and non-indigenous people in the region. Moreover, it has enabled invaders to destroy the area's natural resources, harass and threaten the Xavante people and prevent them from resettling on their land. According to the constitution and Presidential validation, this area belongs to the Xavante. IFG and human rights advocates around the world are counting on the Tribunal Regional Federal to uphold Brazil's constitution and the Xavante's constitutional right to Terra Indígena Marãwaitse.

Sincerely,



Victor Menotti  
Executive Director

# INTERNATIONAL FORUM ON GLOBALIZATION

## Background

Armed gunmen hired by powerful soy agriculturalists continue to harass Xavante and prevent them from living in an area known as Marãwaitse in the region of the Suya-Missú River near what is now the Xingu National Park. Ranchers have filed a court case asking the state government to overturn a previous Presidential decree that grants Xavante this land. Following the decision on Raposa do Sol, that indicates the judiciary is not favorable to upholding indigenous rights to land, this case is critical.

This case has a long history and is one of the most egregious examples of purging indigenous peoples from their lands. A São Paulo-based rancher, fraudulently purchased lands inhabited by Xavante in the 1950s, and flew an airplane over the area everyday, dropping food in a specific location. Eventually the Xavante relocated to the site to receive rations. The rancher then moved the group multiple times and finally settled it close to ranch headquarters, where Xavante were forced to work for food; the dislocated refugees were subjected to continuous harassment by the ranch's nonindigenous employees. Conditions for Xavante deteriorated so severely that, in 1966, the owners – at this point the powerful Italian-based Olmetto group whose corporate land holdings at one point reached 1,500,000 ha., making it Brazil's (and possibly Latin America's) largest landholder -- in collaboration with Salesian missionaries, the government Indian Agency, and the Brazilian Air Force, solved their "Indian problem" by airlifting the remaining Xavante some 400 kms to the Salesian mission at São Marcos. Within two weeks after their arrival more than 100 Xavante died of a measles epidemic.

In 1994, Xavante from this area finally won a long battle to recoup some of this land when the state demarcated the Marawãitse Indigenous territory. Ranchers who had fought Xavante's effort prevented them from returning to it. They hired gunmen to keep Xavante off the land and spitefully encouraged settlers to take their place and deforest large tracts when they were forced out, even though they were compensated for their losses. When, in 1998 a determined Xavante group attempted to enter their lands they were prevented by armed gunmen. The refugees set up camp on the opposite side of the dirt road (BR-158) and lived for 11 months in improvised shelters. Three babies died of pneumonia exacerbated by the incessant dust from camping alongside the road. In 2004, ranchers burned bridges in an attempt to stop a team carrying out a study for the UN commission on Human Rights. The team hired planes and accessed the Xavante by air. Gunmen continue to harass Xavante and prevent them from resettling the land. Ranchers are using the courts and legal means to purge Xavante from their land. A recent court decision prevents FUNAI, the government agency responsible for defending indigenous lands, from taking action to remove nonindigenous occupants of this land.

This letter asks the relevant officials to uphold the federal decision to grant Xavante this land and also to allow FUNAI to carry out its mandate.