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## Document of the 1st Indigenous Assembly of the Tupinikim and Guarani

By way of this document we want to bring to the attention of the Minister of Justice, Iris Resende, the documents no. 08620.1352/97-74 and no. 08620.1353/97-10, which refer to the unification of the indigenous lands Caieiras Velhas and Pau Brasil, and the extension of the indigenous land Comboios. The extension in total of our lands will be more than 13,579 hectares.

The Federal Government has already complied with two phases of the administrative procedure for the demarcation of our lands. It realised the identification of the area and has analysed the contestations presented by Aracruz Celulose. Soon afterwards the documents were sent to the Minister of Justice to comply with the third phase: the signature of the decree for the delimitation, declaring the boundaries and determining the demarcation of our lands. In the act of the Minister of Justice, dated 4 August 1997, the Minister recognized that we have the legitimate right of permanent ownership to the lands that we have traditionally occupied and he rejected Aracruz Celulose's contestations, because they lacked legal basis. At the same time, he asked FUNAI to do an additional study. This request has already been attended by the Working Group GT 0783/94 of FUNAI within the legal period of 90 days. This means that since 4 November 1997 we have been waiting of the Minister's final decision, in other words the signature of the decree for the delimitation of our lands.

We want to emphasize the importance of our struggle, because our needs are great. We cannot wait for much longer, for we have been fighting for four years and we still have not received a decision.

First our struggle is just and supported by the Federal Constitution, which states in Article 231: "The social organisation, customs, languages, beliefs and traditions of the Indians shall be recognised, as well as their native rights to the lands traditionally occupied by them. The Union shall be required to demarcate that land, to protect it, and to make others respect the property of the Indians".

Second it is necessary for us to get back our lands, for the land we occupy at the moment is not sufficient to grow enough crops. As well we not have space for the new families in the villages nor can we offer our displaced Indian brothers a place to live. We want more land so that we can live in liberty, according to our culture and tradition.

Third we are not only worried about the teenagers, adults and elderly of the villages, but we are also thinking of the future of our children. If we continue to live on the little land we have, where are they going to live? We also want to reforest our land so that they will have better living conditions.

The reason why we have this problem at this moment, is because the Brazilian Government allowed Aracruz Celulose to invade our lands. Now we want the Government to correct this mistake and to give back the lands we are claiming. We want justice to be done, because at this moment Aracruz Celulose has the use of our lands without a legal basis. Whereas we the Indians have the support of the laws, but we do not have the ownership of the lands.

We know that the Minister of Justice does not have a time set when he will hand down his decision. However, we cannot wait any longer because all of this does not make sense. We are absolutely

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convinced that the moment for a final decision has come. All the necessary studies have been done, the arguments are clear, precise and legitimate.

We are also very worried about the fact that Aracruz Celulose is using all its power and influence to pressure the Brazilian Government.

Because of all these reasons, we the Tupinikim and Guarani, gathered at the 1st Indigenous Assembly, urgently request the Minister of Justice to sign the decree for the delimitation of our lands. We are willing to wait for an answer until 20 January 1998. After that date we will take all the necessary measures to guarantee our rights.

We are sure of our rights, and we hope that the Minister of Justice will take a decision soon that will take into account our claims and we hope that our friends and supporters will continue to help us in this struggle.

Coqueiral (ES), 8 December 1997

This document is signed, on behalf of the Tupinikim and Guarani communities, by their chiefs:

Village of Caeira Velha: Jose Sizenando, Tupinikim

Village of Pau Brasil: Antonio dos Santos, Tupinikim

Village of Irajá: Jonas do Rosario, Tupinikim

Village of Comboios: Alair Severo Elizario, Tupinikim

Village of Boa Esperanca: Antonio Carvalho, Guarani

Village of Tres Palmeira: Nelson Carvalho dos Santos, Guarani