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"Yanomami é gente como a gente. Vamos fazer força para que não acabem com esse irmão nosso em nome do progresso".
Carlos Drummond de Andrade, 1979

Durante uma semana, o jornal "O Estado de São Paulo" publicou acusações que visavam confundir a defesa dos direitos dos índios com uma fantástica conspiração internacional interessada no embargo à mineração em terras indígenas. Seria a Igreja o agente dessa pretensa conspiração. Já foram desmentidos pelos seus supostos autores os três documentos que serviam de base às acusações e a CNBB anunciou estar movendo uma ação por difamação contra o jornal. Na sua coluna da "Folha de São Paulo" de 16 de Agosto, o senador Severo Gomes historiou com precisão as razões e os momentos desta campanha, a que chama de "Plano Cohen da mineração", pelo uso que faz da "força da mentira e da calúnia". Trata-se do segundo grande episódio - o primeiro foi comentado nesta mesma seção, a 9/7, sob o título "Alienígenas versus indígenas" - de uma ofensiva junto à opinião pública e aos constituintes, ofensiva que promete ter novos capítulos até que se decida a redação da nova Constituição. Convem voltar aos fatos.

Quais são os fatos? Um livro publicado em Julho deste ano pelo CNPq, intitulado "Quem é quem no subsolo brasileiro" e que se baseia em dados oficiais do DNPM (Departamento Nacional de Produção Mineral), do Ministério de Minas e Energia, mostra o seguinte: 19% do território nacional acha-se bloqueado por autorizações de pesquisa ou de lavra mineral, sendo mais de 60% desta área localizada na Amazônia. Grupos estrangeiros detêm sozinhos 38,1% da área bloqueada por grupos econômicos. As empresas privadas nacionais vêm em segundo, com 35% e as estatais vêm por último, com 26,9%. O grupo British Petroleum/Brascan/Associados estrangeiros, somado ao grupo sul-africano Anglo-American detêm sozinhos 61% do total atribuído a grupos estrangeiros, o que corresponde a 12 projetos Jari. Na faixa de fronteira, em associação com pessoas físicas ou jurídicas brasileiras, a British Petroleum detem seis empresas. Da área bloqueada por autorizações a grupos privados brasileiros, quatro grupos econômicos controlam sozinhos mais da metade; são eles a Paranapanema, Monteiro Aranha, Brumadinho e Best.

É no mínimo curioso que os que lançaram tão graves acusações de conspiração internacional sequer tenham mencionado os dados arrolados acima, que configuram a profunda internacionalização e privatização da exploração mineral, a verdadeira ameaça à soberania nacional e a ausência de

(*) artigo para a seção "Tendências e Debates" da FOLHA DE SÃO PAULO.

controle do Estado sobre a política mineral. Por que não se falou nisto? Tampouco foram lembrados os resultados da pesquisa do CEDI e da CONAGE, de Abril de 1986, entregues oficialmente aos ministros de Minas e Energia e do Interior, e que mostravam que os alvarás de pesquisa mineral em terras indígenas, concedidos pelo DNPM ilegalmente (já que baseados em decreto não regulamentado) beneficiavam apenas 10% de empresas públicas, 50% de empresas privadas nacionais e 40% de multinacionais, embora o decreto estipulasse deveriam ser concedidos exclusivamente a companhias estatais e só excepcionalmente a companhias privadas nacionais. A verdade é que garimpeiros e mineradoras, em guerra aberta entre si, tentam ocupar terreno físico e político: a tentativa das mineradoras de criar fatos consumados através da obtenção de alvarás de pesquisa correspondem as invasões recentes de garimpeiros em áreas indígenas, como a que ocorre agora na área Yanomami e que deixou saldo de mortes de um lado e de outro. Na ausência de um posicionamento firme do Poder Público, os índios vêm-se compelidos a recorrer a mineradoras privadas (tendo à frente a Paranapanema) que lhes são apresentadas como a tábua de salvação. Em suma, trata-se de optar entre entradas e bandeiras.

A questão indígena vinha sendo tratada, no processo constituinte de forma consensual e supra-partidária, assentada em três princípios coerentes: respeito às formas de vida dos índios; proteção de suas terras e dos recursos naturais nelas existentes; direito à assistência da União, interlocutora privilegiada dos índios. Este tratamento corresponde a uma longa tradição, manifesta nas cinco Constituições que regeram o Brasil desde 1934. Foi formulado na "Comissão Afonso Arinos", na Sub-Comissão de Minorias, na Comissão de Ordem Social e nos dois Ante-Projetos da Comissão de Sistematização, com base nos mesmos princípios. No dia 12 de Agosto, foi entregue à ANC a proposta popular de emenda elaborada pela União das Nações Indígenas (UNI), a Associação Brasileira de Antropologia (ABA), a Coordenação Nacional de Geólogos (CONAGE), a Sociedade Brasileira para o Progresso da Ciência (SBPC), além de outras entidades num total de dezessete, propondo um capítulo sobre as populações indígenas. Esta proposta foi assinada por mais de 45.000 eleitores e inclui, no que se refere ao tratamento do subsolo indígena, os mesmos dispositivos do ante-projeto da Comissão de Sistematização.

Recentemente, interesses ligados a empresas privadas de mineração articularam-se para atacar o tratamento especial que se dava, neste Ante-Projeto, ao subsolo das terras indígenas, particularmente por restringir à União a eventual mineração nessas terras, que deveria ser aprovada pelo Congresso Nacional, na ausência de alternativas, ou seja quando inexistissem reservas conhecidas e exploráveis, suficientes para o consumo interno, em outras partes do território nacional. Na estei

ra das matérias de "O Estado de São Paulo", foi publicada uma matéria paga contendo uma nota conjunta de três entidades representativas do empresariado nacional e multinacional do setor de mineração, contrária ao texto do Ante-Projeto. Argumentava a nota que se estaria impedindo a participação do Brasil no mercado internacional. Ora, o argumento não procede por pelo menos duas razões: primeiro, porque a maioria dos títulos minerários atualmente em poder dos grupos econômicos corresponde a áreas legalmente bloqueadas mas ainda não pesquisadas, como se fossem "reservas de mercado" das empresas; no caso das áreas indígenas, são conhecidas algumas ocorrências minerais e não jazidas, uma vez que não há mapeamento geológico que as caracterize; segundo, porque as ocorrências minerais mais cobiçadas em terras indígenas são a cassiterita de Surucucus (Roraima) na área Yanomami e o ouro, nesta e em outras áreas. Quanto à cassiterita, o Brasil é um dos três maiores produtores mundiais de estanho, dispondo de reservas conhecidas suficientes para vinte anos. Da produção nacional de estanho (cerca de 25.000 toneladas por ano), 80% é exportada e 20% abastece o mercado interno. Quanto ao ouro, existem algumas minas e dezenas de campos de garimpo espalhados pela Amazônia, a maioria fora de terras indígenas, com uma produção estimada da ordem de 50 toneladas por ano, sendo mais da metade da produção sabidamente contrabandeada.

Querer então dizer que as terras indígenas contêm jazidas minerais que poderiam desorganizar e colocar em risco o mercado internacional de bens minerais constitui argumento destituído de seriedade e de qualquer conotação científica, não passando de vulgar manobra política.

O condicionamento proposto pelo projeto de Constituição de que a extração mineral nas terras indígenas só se dê quando inexistirem outras reservas do minério em questão, em quantidade suficiente para atender às necessidades de consumo interno, busca dar às reservas minerais existentes nas terras indígenas um caráter de reserva nacional de minérios.

Trata-se da caracterização do interesse nacional e da compatibilização entre as necessidades minerais do país e o objetivo de resguardar os índios da exploração desordenada e irracional dos recursos naturais de suas terras, como hoje se verifica.

Diante desses condicionamentos para a exploração mineral nas terras indígenas, e levando-se em conta que a União é a interlocutora preferencial dos índios junto à comunhão nacional, o Ante-projeto de Constituição estabelece o privilégio da União para a pesquisa e a lavra de minérios nas terras indígenas. Esse privilégio fundamenta-se no complexo de relações entre a União e os índios, pois a ela pertencem as terras indígenas, a ela compete a assistência e a proteção jurídica aos índios e ela é quem tem a exclusividade, através do Congresso Nacional, de legislar sobre o assunto.

Finalmente, o Ante-projeto de Constituição atribui ao Congresso Nacional a função de interpretar, em cada caso, a validade da exploração mineral em terras indígenas segundo o interesse nacional. O Poder Legislativo seria, então, o fiador de todo esse processo, a garantia simultânea da soberania nacional sobre as terras indígenas, da articulação dos recursos naturais dessas terras com o processo de desenvolvimento econômico e da preservação do direito histórico que os índios brasileiros têm de sobreviver.

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MINING, INDIGENOUS LANDS, AND THE CONSTITUTION

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(Article to be published in the "FOLHA DE SÃO PAULO")

"The Yanomami people are like everyone else. Let's make an effort to stop them from finishing off these our brothers, in the name of progress."

- Carlos Drummond de Andrade, 1979

For a week, the newspaper "ESTADO DE SÃO PAULO" published grave accusations which sought to confuse the defense of Indian rights with a bizarre story of an international conspiracy designed to put an embargo on mining on Indian lands. The Church is supposed to be the principal agent behind this alleged conspiracy. The three documents (published by the Estado de São Paulo) which served as the basis of these accusations have already been shown to be falsified and have been denounced by their supposed authors. The National Council of Brazilian Bishops has also announced that it is entering into legal action against the newspaper for defamation.

In his column of the newspaper "Folha de São Paulo," of 16 August, Senator Severo Gomes gives a precise history of the events and reasons behind this campaign, which he calls the "Cohen Plan for Mining" because of its use of the "force of lies and slander." We are dealing with another major episode of an offensive on public opinion and the delegates to the National Constitutional Assembly (the first episode was commented on in an article of 9 July, titled "Foreigners and Indians") - an offensive which promises to have new episodes until the content of the new Constitution has been decided. But let us return to the facts.

What are the facts ? A book published in July of this year by the National Research Council, titled "Who's Who in the Brazilian Subsoil", and which is based on official data of the National Department for Mineral Production (DNPM), of the Ministry of Mines and Energy, shows the following: 19% of national territory has been blocked by authorizations for mining and mineral exploration, more than 60% of this area being located in Amazonia. Foreign companies alone detain 38.1% of the area blocked by economic groups. Private national companies come second, with 35% and state companies are last, with 26.9%. The conglomerate of British Petroleum/Brascan/Foreign Associates, together with the South African company Anglo-American, together detain 61% of the total attributed to foreign groups, which corresponds to 12 Jari projects. In the frontier area, British Petroleum, in association with physical or juridical corporations, detains six companies. More than half of the area blocked by authorizations to private Brazilian groups is controlled by four economic groups: Paranapanema, Monteiro Aranha, Brumadinho, and Best.

To say the least, it is curious that those who are making such grave accusations of international conspiracy have hardly mentioned the data outlined above, which together spell the profound internationalization and privatization of mineral exploitation, which is the real threat to national sovereignty and the reason for the lack of the State's control over mineral policy. Why was there no mention of this ?

Neither were the results of research undertaken by the CEDI (Ecumenical Center for Documentation and Information) and the CONAGE (National Coordination of Geologists), and officially delivered to the Ministry of Mines and Energy, recalled. These results showed that permits for mineral exploration on indigenous lands, illegally conceded by the DNPM (illegal, since they were based on an unregulated decree) would provide benefits to only 10% of the public companies, 50% for national private companies, and 40% for multinationals, even though the decree stipulated that authorizations should be granted exclusively to state companies and, only in exceptional cases, to private national companies. The truth is that prospectors and mining companies, who are at war with each other, are attempting to occupy the same physical and political terrain: the attempt of the mining companies to

create faits accomplis by obtaining research permits, corresponds to the recent invasions of prospectors in indigenous areas, as is now occurring in the Yanomami area and which has left its balance of deaths on both sides. In the absence of a definite position from the federal government, the Indians see themselves as forced to appeal to private mining companies (Paranapanema being the principal) which present themselves as their salvation. In short, the choice is between invasions and company banners.

In the Constitutional Assembly process, the Indian question has come to be treated, in a consensual and supra-party way, focusing on three coherent principles: respect for the Indians' way of life; protection of their lands and the natural resources existing on them; and the right to assistance from the Union, which is considered to be the privileged interlocutor of the Indians. This consideration corresponds to a long tradition in Brazilian constitutional law, manifest in the five constitutions which have governed Brazil since 1934.

On 12 August, the popular proposal for constitutional amendment on Indigenous Populations was delivered to the National Constitutional Assembly; this proposal was prepared by the Union of Indian Nations (UNI), the Brazilian Anthropological Association, the National Coordination of Geologists, the Brazilian Society for the Progress of Science, along with 17 other organizations. The proposal was signed by over 45,000 voters and includes the same articles on the treatment of the subsoil as are found in the preliminary project of the Commission on Systematization of the Assembly.

Recently, interest groups connected to private mining companies have mobilized to attack the special treatment accorded to the subsoil of indigenous lands by the pre-project. The pre-project restricts control of mining on these lands to the Union, with the approval of the National Congress, and in the absence of alternative sources; that is, where there exist no other known and exploitable reserves in other parts of national territory which would be sufficient for domestic consumption. This measure would give mineral reserves on indigenous lands the status of national reserves.

In the wake of the material published in the "Estado de São Paulo," three associations representing the national and multi-national sector of mining companies in Brazil published a note, as paid material, in several newspapers against the text of the pre-project. The note argued that this project would prevent Brazil's participation in the international mineral market.

Now, their argument does not follow for two reasons: first, because the majority of mining titles actually held by economic groups corresponds to the areas legally blocked but still not explored, as if they were "market reserves" for companies; in the case of Indian areas, there are several mineral occurrences, which are not large deposits, as demonstrated by geological maps which characterize these areas. Secondly, because the mineral occurrences most sought after in Indian areas are the cassiterite (tin) in Surucucus (Roraima) in the Yanomami area, and the gold, in this and other areas. As for cassiterite, Brazil is one of the three major world producers of tin, with known reserves sufficient for 20 years. Eighty percent of the national tin production (about 25,000 tons per year) is exported, while 20% supplies the domestic market. As for gold, several mines and dozens of prospecting camps exist throughout Amazonia, the majority of them outside of indigenous areas, with an estimated production on the order of 50 tons per year, half of which, it is known, ends up in the contraband market.

Thus to say that indigenous lands contain mineral deposits which could disorganize and put in risk the international mineral market constitutes an argument which is utterly lacking in seriousness and devoid of scientific meaning, being merely a crass political manoeuvre.

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(transl.: R.M. WRIGHT)

CHRONOLOGY OF A CONSPIRACY

-- Senator Severo Gomes
 Folha de São Paulo, 16/8/87, p.2

"Conspiracy against Brazil" was the title of a series of articles published in the Estado de São Paulo from August 9 to 15.

An uninformed reader could interpret these front-page headlines as a 180 degree change in the editorial policy of the journal. In the body of the material, the key words - defense of sovereignty, threats of imperialism, and the interests of industrialized capitalist countries - confuse readers who are used to exactly the opposite reporting.

The thesis of the articles is that imperialism is acting through the Church, which "domesticates" indigenous peoples, against the interests of the Brazilian nation, in a "conspiracy against Brazil."

The readers are not fools. It could be that they are confused with the change, and we will try to clarify the matter.

Indigenous populations today occupy the territory left over for them after the invasion of the whites and genocide initiated more than four centuries ago. They were squeezed into the northern frontier of the country. It happens that the subsoil of these lands is rich in precious minerals, among them gold - increasingly less useful in dental work but which has the molecule most saturated with blood in the history of man.

I begin here the chronology:

1.) In the initial work of the subcommissions of the National Constitutional Assembly, the principle that mining on indigenous lands could only be done with the approval of the Congress and by public enterprises was approved (is this a conspiracy against Brazil?). With that, the law-makers opened space for the exploitation of minerals essential to our development, but through the State, forcing the creation of an indigenist policy which preserved the physical and cultural life of the people affected.

This measure was one of basic decency in the eyes of those who do not accept the "final solution" for the indigenous people.

2.) It was all that was needed, however, for the mining companies to run amok. They plotted, they corrupted, they suborned, and finally they succeeded in registering mineral exploration rights on indigenous lands in order to create a faite accomplie. The "Jornal do Brasil" on July 1st announced: "Government Decree of FUNAI (National Indian Foundation) and the DNPM (National Department for Mineral Production) - Kept Secret until now, has opened indigenous areas to exploitation by mining companies since 18 May of this year."

3.) The Impossible - from the point of view of those who do not believe in decency - happened: the Minister of Mines and Energy Aureliano Chaves, on the day following the publication of the above announcement, called the press together and announced "the suspension of concessions for mineral exploration permits on indigenous lands, and the annulment of those already conceded," "in light of advice from the President of the Republic himself."

4.) If the law, the President of the Republic, and public opinion presented obstacles to greed, then the only thing left was the classic tactic: the Cohen Plan for Mining. The force of lies and slander.

We are left with no doubts about one thing: with this campaign, the "Estado de São Paulo" will be passing out dividends.

(transl. R.M. Wright)

CEDI Centro Ecumênico de Documentação e Informação

20 August 1987

Dear

Over the past two weeks, an extremely dangerous campaign has been developing against the Brazilian Indian Movement and particularly against church groups such as the Indigenist Missionary Council (CIMI), since 1973 one of the leading organizations working in defense of indigenous rights. Through a series of major, front-page headline articles published in the newspaper "Estado de São Paulo", this campaign is designed, on the one hand, to completely undermine the popular amendment (endorsed by over 45,000 Brazilians) for indigenous rights currently being considered in the National Constitutional Assembly and, on the other, to destroy the pro-Indian movement through false accusations and slander.

The titles of the articles themselves indicate the extreme nature of this campaign:

"The Conspiracy against Brazil", "The Constitution and the Conspiracy," "Defense of Indians and Material Interests" (9 August); "Violation of National Sovereignty," "The Church is also Preoccupied with Minerals," "The Fight for Restricted Sovereignty" (11 August); "CIMI and 'The Tin Brothers'", "The World Council of Churches wants to take the country out of the Foreign Market," "...And Even Control the Inter-American Bank's Application of Funds in the Amazon" (12 August); "Indians, the Way to Minerals" (13 August); "CIMI Proposes the Dividing of Brazil" (14 August); "CIMI's Gospel: Indians, Gold..." (15 August).

What, and who, is behind this campaign? As the attached articles show, it is without question the powerful mining lobby

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and its interests in gaining control over minerals on indigenous lands.

The implications of this campaign are extremely grave not only for the Constitutional Amendment, which would guarantee Indian rights to land and mineral resources, but also for the future of the Indian movement and Brazilian Indians.

As a sign of the gravity of the situation, Yanomami lands in northern Brazil have recently been invaded by over 5,000 prospectors which has resulted in violent conflicts and the deaths of over five Yanomami. Even though the Federal Police have mobilized to remove the prospectors, this will merely open the way for the mining companies, who have requested the entire Yanomami area, with their false promises of protecting indigenous lands from the prospectors.

We ask that the information in the attached articles be publicized.