



Igreja Episcopal Anglicana do Brasil

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Anselm of Canterbury

To the Honorable Justice Cezar Peluzo

To the members of the Episcopal Anglican Church of Brazil (IEAB)

To the people of Brazil

But let justice roll down like waters, and righteousness like an ever-flowing stream.

(Amos 5:24)

“The Church is the only society that exists for the benefit of those who are not its members.”

Archbishop William Temple, 1942.

Inspired by this desire and counsel of the prophet Amos and the words of archbishop William Temple, we write this letter to the members of our Church, to the honorable justice Cezar Peluzo – reporting judge for Direct Action of Unconstitutionality (ADI) No. 3239 – , and to all persons of good will.

Rural black and quilombo¹ communities throughout Brazil are experiencing a delicate and tense moment due to the imminent judgment of ADI No. 3239 by the Federal Supreme Court (STF). The action seeks to annul presidential Decree 4887/03, which established the criteria and procedures for the legal settlement and registration of *quilombo* territories. It is important to note that this decree is consistent with the Brazilian constitution and international conventions ratified by Brazil, especially Convention 169 of the International Labour Organization (ILO, Geneva, 27 June 1989), regarding the territory and self-identification of peoples.

Decree 4887/03 was an important achievement for people in the remaining *quilombos* throughout the country, and its repeal would cause serious damage to *quilombo* rights by making it impossible for them to initiate new proceedings to register their land rights, paralyze proceedings in progress, and wipe out their achievements thus far.

We are all aware that Brazilian society is greatly indebted to those brought by force from Africa to our country as slaves. The *quilombos* were one of the ways the slaves found to resist the slave-trading system. After abolition, remaining in their territories was and still is one of the primary factors for their survival and reproduction as communities, on both a material and cultural level.

In fulfillment of our responsibility as bishops of the Episcopal Anglican Church of Brazil (IEAB), in faithfulness to the values of the Gospel, and aware that, as a church, we must seek justice and contribute to bridge the enormous social, cultural, and economic gaps that affect the remaining *quilombos*, we cannot stand idle in light of the possibility – which we would like to assume is improbable – that the Federal Supreme Court could strike down a legal procedure that has clearly sped up procedures for ensuring the territorial and cultural rights of quilombo communities and thus restored justice in their favor.

¹ “A remote, inland settlement originally settled by fugitive slaves (or others).” (<http://en.wiktionary.org/wiki/quilombo>)



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Thus, we call on the Episcopal Anglican Church of Brazil (IEAB) to:

1) Intercede so that the God of love in whom we believe will continue to give our brothers and sisters in the *quilombos* the courage they need to continue to fight for their rights;

2) Mobilize in the defense of *quilombo* rights and express this view to those in power, especially at the Federal Supreme Court.

To the Federal Supreme Court, in the person of Justice Cezar Peluzo, reporting judge for ADI No. 3239, we request that a public hearing be held so that the highest Brazilian court can hear representatives of *quilombo* communities and specialists in the matter before rendering a judgment on the action.

This action, ADI No. 3239, filed by the Party of Democrats (DEM, formerly known as the Liberal Front Party - PFL) is yet another maneuver by representatives of powerful landholders, agribusiness, and mass media against *quilombo* rights, which are guaranteed by the Constitution of 1988. There are nearly 5,000 *quilombo* communities in Brazil, some 1,300 of which are in the process of registering land titles through the National Institute of Land Settlement and Agrarian Reform (INCRA) in accordance with Decree 4887/03.

Decree 4887/03 was an important achievement for the remaining *quilombos* in Brazil. Its article 2, paragraph 1, provides that: "*the remaining quilombo communities will be attested by self-identification by the communities themselves.*" Paragraph 2 establishes that "*lands occupied by remaining quilombo communities are those used to ensure the communities' physical, social, economic, and cultural reproduction,*" using the current concepts in anthropology and social sciences to define the notion of territory for the demarcation of *quilombo* lands: "*the criteria of territoriality indicated by the remaining quilombo communities will be taken into consideration, and the interested community may submit technical elements for support.*" This shows that Decree 4887/03 is in harmony with the international conventions ratified by Brazil, notably Convention 169 of the ILO (Geneva, 27 June 1989) regarding the definition of territory and self-identification of peoples. A repeal of Decree 4887/03 would cause serious damage to *quilombo* rights by making it impossible to initiate new proceedings to register land rights, paralyze proceedings already in progress, and wipe out their historical achievements.

We trust in the impartiality of this Supreme Court to ponder and discern between rational dilettantism and the incarnation of justice.

In Christ who was resurrected, our hope and basis for solidarity with the cause of justice,

The Most Revd. Maurício José Araújo de Andrade,
Archbishop of Brazil and Bishop, Brasília, Federal District (DF)