

MOVIMENTO 'TERRAS DE NINGUÉM':

LETTER TO THE PRESIDENT OF THE REPUBLIC, APRIL 1978

Your Excellency the President of the Republic,

We, the undersigned, inhabitants of the Altos and Córregos of the hills of Casa Amarela in the city of Recife, want to make our situation known to Your Excellency in the conviction that this gesture will help to put an end to the exploitation we have been facing for so many years.

We are some ten thousand families of workers who live on the lands known as the "Propriedade Marinho," managed by the Empresa Imobiliária Pernambuco Ltd of Dr. Roberto Rosa Borges. This Enterprise, which claims to be the legitimate owner of these lands, although this was never proven through the competent channels, submits us to various forms of exploitation such as:

1. The Enterprise makes about five thousand families pay a monthly rent known as "foro" or "land rent" to an amount varying from Cr\$ 8.00 to Cr\$ 30.00 for each family that lives here. From time to time the rent is raised, according to the whim of the Enterprise. The tenants who are behind in their payments are submitted to constant pressure by letters and by collectors (*cobreadores*), receiving intimidations and threats of eviction;
2. The Enterprise urges, intimidates and even forces tenants to buy the land which they have been living on for so many years already, paying land rent. More than two thousand plots (*posses*) were already sold at prices varying from Cr\$ 7,000.00 to Cr\$ 40,000.00. The payment is divided into instalments that increase every year. If the tenant falls behind with the payments and can not pay the interest (which is very high), the Enterprise rescinds the contract: the tenant loses everything he has paid and, if he does not want to return to the position of rent-payer (*foreiro*), has to sign a new contract which is much more expensive than the first. In this way there are tenants who have bought the same plot of land three times over;
3. People who buy a plot and succeed in paying all the instalments receive a special document (*documento particular*) of proprietorship (*posse*), drawn up in the office of the Enterprise. If the tenant wants a legally valid document (*documento público*), he has to pay a fee of Cr\$ 400.00 to Cr\$ 600.00. There are few who succeed in having their ownership (*posse*) registered at the Registry Office for Real Estate (*cartório de imóveis*) and many who tried did not succeed;

4. The large majority of the houses belong to the tenants - in many cases we have constructed them ourselves. But we are kept from carrying out improvements and even repairs, because the municipality only gives licences to alter the houses if the Enterprise approves: that is if one is up to date with the payments for the plot. Moreover, if one of us wants to sell his house, the transaction has to take place at the office of the Enterprise, which accords itself the right to discount the back payments for the plot and in addition, collects 8% of the value of the sale.

Besides these, there are other forms of exploitation like taking a piece of land occupied by an old tenant and giving it to a new inhabitant. We are in the possession of an enormous number of testimonies and registered cases and also of documents proving what is happening in these lands. We ask: is this not against the law? Do we not have rights? The pressure against us has been increasing since 1974, when this situation was made public in the Municipal Council of Recife. There were also reports in the local (like the *Diário de Pernambuco* of May 26, 1974, June 1, 1976 and June 23, 1976) and national press (the weekly *VEJA* of May 26, 1976 and the daily *O Globo* of June 7, 1976). It was already a year ago that the parishes of the various sectors of the neighborhood sent a letter to the Governor and the Mayor asking them to take measures - but so far to no avail. In the face of the increasing difficulties that confront us, a group came together and hired a lawyer to defend their rights in the Court of Justice.

Casa Amarela is the most populous neighborhood of Recife, where 230 thousand people live on the Altos and 120 thousand in the *Córregos*. We are peace-loving and orderly people, simple and poor. What we earn is often not enough to feed our families. For thirty years now, we have been forced to take bread from our tables to pay for this land which we deforested, where we planted and where we built and made improvements. The Enterprise never realized a single improvement in all the thirty years of its existence in this vast stretch of inhabited land. We have only seen the Enterprise grow, progress and get richer, whereas our situation became more difficult by the day. We know from the oldest inhabitants of these lands that the Enterprise is not the owner, that it appropriated vast areas that were part of the legacy of an old *Irmandade* - and until now this has not been clarified. We ask: how is it possible that a single Enterprise is the owner of such a large area in a city and, moreover, exploits so many families?

We resolved appeal to the authority of the President of the Republic in the hope that the Government would expropriate these lands to sell them at prices compatible with the inhabitants' means. Only in this way will our right to shelter (*direito de morar*) be officially guaranteed, avoiding exploitation by people who enrich themselves with what is not theirs, through the improvements the government makes in the area (light, water, paving, etc.), extorting the poor down to their last penny and subjecting them to the worst affronts. We are certain that we are on the side of Justice and Truth and that in this Country there are Laws to defend the humble.

In the assurance that Your Excellency will take into consideration this plea for Justice we sign respectfully....".

DWELLERS' COUNCIL OF BRASÍLIA TEIMOSA:

MANIFESTO OF OCTOBER 1979

Your Excellency Mr. President João Batista de Figueiredo, Your Excellency Mr. Governor Marco Maciel, Your Excellency Mr. Mayor Gustavo Krause: We, residents of Brasília Teimosa, have been urbanizing the area for the past twenty years at the cost of many painful sacrifices and often in conflict (*contra*) with the Public Powers. The threat of eviction was always there. But we resisted stubbornly and with dignity, under the firm leadership of the Council. Today we are over 4,000 families, the majority living on a minimum wage.

We know very well that because of its good location, our area is becoming more coveted with each passing day. We do not deserve either blame or credit for that: it was the need to survive that brought us here. And it is for the same reason of survival that we must stay here: close to the natural resources of the sea and with easy access to work in the Center and in Boa Viagem.

Moreover, we can not permit the values that are so rare today's society but which abound in our way of life to be destroyed: good neighborhood, fraternity, a spirit of struggle and, in spite of everything, the joy of living.

Taking advantage of the political moment, we resolved to address the Government and public opinion to communicate the following decisions which have been approved at three general assemblies:

1. First and foremost, we demand the legalization of the land for us, the actual inhabitants, through *aforamento* (direct lease), to provide us definitive security.
2. We are elaborating our own urbanization project with the participation of the whole population, which we consider indispensable for any such project.
3. When the project is ready we shall present it to the Public Power, asking for approval and collaboration in its realization.
4. We do not accept the eviction of any inhabitant for whatever reason (*em hipótese alguma*). Eventual relocations will be permitted only if they take place within the neighborhood.
5. In our urbanization project, we give priority to the most needy part of the neighborhood, which is the seashore (*beira-mar*), or the area of *palafitas*.
6. We demand that, if necessary, special laws be adopted to effectuate the legalization and urbanization, as well as special measures so that, afterwards, everyone will be enabled to pay for the improvements.
7. Any collective matter shall be dealt with through the *Conselho de Moradores*.

Let us briefly examine these points:

1. The legalization of the land is a need all of us deeply feel because of the many threats against our right to be here in the past fifteen years. We believe every family should have a secure place to establish its household. A guaranteed place. It is necessary for every family to have a piece of land for its home. It is urgent to grant this right to people who do have no land. And free of charge, because God

gave this land without asking anyone a penny.

Why impede the poor from having a plot of their own? Why make it so difficult for the worker to have at least a place to rest after the daily struggle for survival?

The concession of the right of lease (*concessão do direito de aforamento*) would meet our need for a secure place to live (*morar*). Leasing, because we know that the majority of us should be spared the charge of another expense. Let the *Prefeitura* not be deaf and blind; let it recognize that most of us already paid for this land. Let the lease be free of charge.

2. A legitimate urbanization project must meet our requirements and needs. We are preparing a project because we are aware of the reality of our situation and we know of the absurdities produced by the administrative agencies (*administrações governamentais*) with public funds, which are the money of the people.

Most of us are poor people. Therefore, our urbanization must be for poor people. Without luxuries, without motorways (*autopistas*). But with the comfort we were denied during the long and hard years. The comfort of being able to walk a street without puddles, without mud and without the dust of the summer.

The comfort of having running water in our houses. The comfort of having more hygienic sanitation. The comfort of having a school, a health post, a maternity ward and a market nearby. And above all, the comfort of God's blessing, having the legal guarantee that we can not be sent away (*mandados embora*) due to egotistic and paltry interests.

An urbanization project, finally, that does not come down from the top, imposed without the participation of the population. An urbanization project for us, inhabitants, and made by us like we are doing now, because only through discussion and the unison of all will we win greater justice for the majority of the population.

3. The main directions of our political project of urbanization have been practically defined. To execute it, we accept the help of the Housing Department. We know no one but ourselves, if adequately organized and supported, is in a better position to take part in such a project.

We therefore demand that the public authorities collaborate technically and financially to realize this project soon. Ten months of meetings, debates and assemblies have passed. After having given its word, could the government go back on it and deny us its collaboration?

4. We regard the eviction of any resident as unnecessary violence, which is aggression against all of us. Those who live here with us shall only leave our neighborhood (*só sairão da nossa convivência, da nossa vizinhança*) if they wish to themselves.

People may be moved within the neighborhood if it is necessary for our common well-being. For us it is a matter of honor that before any removal (*remoção*) is undertaken, the families concerned receive a plot equal to or better than the one they had.

Now that we are on the topic of the inhabitants, we want to draw the attention to the *inquilinos*, tenants who rent a place. They should be granted the right to remain leaseholders of the plot they occupy. The houses can be confiscated or the owners can be indemnified (*Seja desapropriada a casa dos seus donos; sejam eles devidamente indenizados*).

A plan should be drawn up so that those who presently live in a rented house can eventually buy the house, paying small instalments every month.

5. Near the seashore, nearly 300 families live in houses on stakes (*palafitas*). This is where urban improvements are most urgently required. We would even accept moving some of these families to use the area for leisure and collective equipment. We know the urbanization of the seashore will require sizeable federal funding, to defend us from the violence of the sea. But even if it is expensive, the urbanization must be humble and simple, so as not to overly arouse real estate speculators. For us the situation of the people living in the houses on stakes (*palafitas*) is of special importance and interest and we shall be particularly attentive in monitoring the measures for the urbanization of the seashore.

We also think the Public Powers should take immediate action to end the unclear situation created by the Yacht Club. Thanks to an unjustifiable and incredible exchange or a donation, this club was given a lease to the area known as the Buraco da Velha and even controls access to the dike known as the Estrada de Santos. This happens to be the main leisure area, the beach for the majority of the population.

We think this measure was unnecessary. We want the area to be given back to us. We want the walls being constructed by the employees of the Yacht Club in an attempt to enclose this public area to be pulled down.

The problem of the Yacht Club should be resolved in a just way, but without depriving young children and adults of an opportunity for wholesome and tranquil leisure.

6. We think that, if need be, the urbanization of Brasília Teimosa should be as special as is required to guarantee the permanence of the present population in the neighborhood. We know about the greed our area arouses in the land exploiters or people in a better economic situation. Due to their voracity, we have to proceed cautiously. The technically best solution is not always in the interests of the inhabitants, since some urbanization measures may foster *expulsão branca*, indirect eviction. A specific process of urbanization might succeed in achieving in three or four years the eviction which could not hitherto be realized.

7. We residents know what we want and we are organizing ourselves, following the ideas of our Council, which we regard as the representative and protector of our interests.

We do not want any measure to be taken without first being submitted to the Council. We want the Council to be recognized as the legitimate representative of the resident of this neighborhood so that no measure can be taken, be it through clientelism (*apadrinhamento*) or in vengeance, against the interests of the majority of the population.

We demand that any decision concerning our neighborhood be submitted to our appraisal and judgment. So that the global project be respected. So that the sovereign will of the majority of the inhabitants be respected, because the voice of the people is the voice of God.

8. This also applies to economic activities and social measures that might seem at first to be beneficial for us. The economic conditions of the majority are very poor. Many perform the miracle of surviving, accustomed to receiving low wages

and to having daily expenses amounting to more than we earn.

This is why when we speak of urbanization, we should also speak of a just income distribution. It will not help to install a water supply, lighting, sewerage, medical posts and other improvements (*benefícios*) in the poor neighborhoods without substantially improving the wages of the workers.

Because the day when there is no food for the family, no money for the doctor or for the children to go to school, that is the day the worker will sell his house to provide these more urgent needs, and go to live in a worse place. We know the whole poor population is confronted with the same problems and we do not want anything to be done for us that might hurt the interests of other poor people. We do not want privileges, but only justice for all.

We think the improvements should be carefully and thoroughly examined in the light of the well-being of the majority. This is the criteria by which we shall evaluate the proposals for improvement, whether they concern health, education, work or leisure.

For example, if there is a project for establishing an industry here, we shall only approve it if we are convinced it will contribute to the general well-being.

9. Finally, though we are happy about the social and economic measures of the present federal and state administrations to benefit the people, we also, Mr. President of the Republic, wish to voice our protest because the chance for the population to express itself here was curtailed. Only one person from our neighborhood was allowed to speak.

And then only within the limits of a text which had to be previously submitted to your assistants. We hand you this petition, signed by nearly 7,000 inhabitants of our neighborhood, to underline what has just been said. We want our rulers to realize an authentically popular administration. This text was proposed, discussed and approved during the special meeting of our Council on the 14th of October. Brasília is ours. Thank you.

(Diário de Pernambuco, 10-17-1979)

FEDERATION OF NEIGHBORHOODS OF THE METROPOLITAN REGION OF RECIFE (FEMEB)

A. Structure of the FEMEB

- The Congress is the highest authority.
- The Council of Representatives is the highest organ of power after the Congress.
- The Directory consists of an executive and eight departments, bringing the total to fifteen directors.
- The eight Departments shall consist of representatives of affiliated organizations plus representatives of specific movements.

B. The Role of the Federation

- To guarantee internal democracy and make collective decisions.
- To unify the struggle of the Popular Movement.
- To guarantee the autonomy of the Movement from parties, the government, the Church and others.
- To prioritize a politics of mobilizing the masses and organizing the Movement.
- To seek articulation with other bodies and maintain a good relationship with the trade union movement.
- To struggle for a strong and representative Council of Representatives, respecting its decisions and measures.
- To strengthen the sector articulations, federations and already existing movements.
- To guarantee the participation of dwellers' councils and associations in the various internal participation bodies of the FEMEB.
- To guarantee its financial and political autonomy.

C. How the FEMEB views the National Situation:

-The José Sarney administration is a conservative government without an economic, social or political project capable of responding to the anxieties of the popular sectors. What we see are top level negotiations to guarantee the big interests of national and foreign capital to the detriment of the workers' interests. The National Plan for Agrarian Reform, despite all its limitations, was never more than paper and suffered various setbacks which increased the land conflicts and the murder of rural leaders, while the assassins go unpunished.

The economic plans Cruzado I, II and Bresser originated in the crisis the country is in, appearing to be attempts to stop inflation.

What we observe is the contrary. Unemployment and inflation are on the rise, the *arrocho salarial* (erosion of wages) is becoming insupportable and generates discontent and popular revolt (plunder and *quebra quebra* in various parts of the country), because these Plans only attend to the interests of national and international capital. All this has contributed to the popularity decline of the Sarney administration.

It is in this context that the popular forces seek alternatives and wish to mobilize the population for direct elections for the presidency and to pressure the National

Constitutional Congress to approve the Popular Amendments and preserve some of the conquests (*conquistas*) made in the Systematization Commission.

D. How we view the Municipal and State administrations:

There has effectively been a new type of relationship between the Popular Movement and the Prefecture of Recife ever since a local problem discussion process was established through the institutional mechanism of the *Programa Prefeitura nos Bairros*.

Nevertheless the widely expected participation and decentralization did not occur, popular organizations do not participate in the decision-making process concerning municipality budgetary priorities. In this new discussion process there is a certain confusion of roles. On the one hand the public powers try to establish forms of movement organization, on the other hand people in the movement have adopted the official discourse based on the lack of resources and thus justify the limitations of this power.

In this context, as an indispensable condition for our conquests, we have to advance in the political process and in popular organization. The situation is much worse in other municipalities of the Metropolitan Region, where we observe cooptation, clientelism and rigging (*aparelhamento*). The persecution of popular organizations is part of daily life in these municipalities.

As to the State Government:

Until now there has been no significant change. On the contrary: the recent price rises for bus tickets show the continuity in the policy of strengthening the transportation companies.

The Military Police continue to carry out repressive actions (as in the case of the demonstration against public transportation policies) to contain the advance of the Popular Movement. Besides, there is indiscriminate violence in the treatment of citizens.

Over half of the State Deputies are from the PDS and PFL. So the changes that have been promised and are desired so much by the population will have to be brought about by the organized sectors of civil society through pressure.

The state seeks to manage (*administrar*) conflict, asking understanding and patience from the popular organizations. To commit the state to the demands of the Popular Movement, it is necessary to mature and seek the growth and broadening of the latter's consciousness level. Therefore we think the most serious and correct policy is the policy of mobilization as the principal power of political pressure.

Our task, therefore, is to advance in mobilizing and organizing the popular movement, because **WITHOUT STRUGGLE SOCIETY WILL NOT CHANGE.**

3. GENERAL STRUGGLES

- Against payment of the external debt and for an inquiry about how and where the money was used so that the people guilty of irregularities may be punished.
- Broad, massive radical and anti-latifundarian agrarian reform under workers' control.
- Confiscation without indemnification of land owned by foreign groups.

- Immediate expropriation of unproductive land with an indemnification in agrarian debt bonds according the declared tax value over the past five years.
- Labor rights, trade union autonomy, 40-hour week, employment stability, real minimum salary (calculated by DIEESE), unrestricted right to strike, trade union rights for all workers.
- An end to the exception laws (National Security Law, Strike Law, Press Law, etc.) and the dismantling of repressive organs (DOPS, DOI-CODI, SNI, etc.).
- Punishment of the murderers of workers and the crimes committed by the "White Collars" (*Colharinos Brancos*).
- Urban reform that guarantees a housing policy in the interests of the people (guarantee of infrastructure, sanitation, etc.); the right to housing should prevail over property rights.
- Tax reform.
- Nationalization of collective transportation.
- Against privatization of state enterprises.
- A unitary healthcare system.
- Nationalization of the education system.
- Direct elections for president of the Republic in 1988.

4. SPECIFIC STRUGGLES

4.1. Transportation:

- For a new policy of nationalization of collective transportation.
- Vale Transporte*.
- Popular Movement participation in defining this new policy
- End of the EMTU.

4.2. Education and Culture:

- Free public education at all levels.
- Direct elections for schools principals and university deans.
- Real participation of popular bodies in the municipal and state education councils.

4.3. Housing and Sanitation:

- Installation of basic sanitation equipment.
- Progressive taxation for real estate speculation areas.
- Formulation of a housing policy to give priority to households with less than two minimum wages.
- Immediate guarantees for possession of occupied areas.

4.4. Health:

- Nationalization and unification of the healthcare sector.
- Strengthening of laboratories and health equipment at the state level.
- Nationalization of pharmaceutical industries and producers of vaccines, serum and processed blood.
- Installation of more health posts, hospitals and the improvement of existing ones, giving priority to preventive health care.

4.5. Security and citizens' rights (*direitos de cidadão e cidadã*):

- End of police violence at all levels.
- End of arbitrary imprisoning and torture and punishment of the torturers.
- Revision and transformation of the penitentiary system.
- Dismantling of the repressive organs and of the death squads.

4.6. Food supply:

- Promotion and technical support for gardens and concession of municipal and state fallow lands, under control of the popular bodies.
- Increase in the number of COMPARE (*Mesa Popular*) posts with a better supply of basic food products.
- For the perfect functioning of the PROAB and improved quantity and quality of the products and merchandise under the agreements and an expansion to all municipalities of the Metropolitan Region with rigorous control of the quality of products and the lowering of prices.

(From: FEMEB, 1987: *1º Congresso do Movimento de Bairros da Região Metropolitana do Recife*).

In July 1987 the PREZEIS law, in force by then, and the *Direito Real de Uso* (DRU) were presented in the FEACA *Jornal de Casa Amarela* (Ano II, no. 14) in the following terms:

LAW OF THE FAVELAS

PREZEIS WITH DRU

THE DRU REGULARIZES THE USE OF URBAN LAND - The Cession of the Real Right of Use also known as DRU is a legal rule (*jeito legal*) on land use. The DRU is a form of urban land regulation. Through the DRU, people who use the land are called CESSIONARIES. The DRU is conceded (*acontece*) by means of a CONTRACT.

2. WHAT GOES INTO THE CONTRACT - For any contract there are at least two persons interested in reaching an agreement. In the case of the DRU, the interested parties are, the owner called the YIELDER and the receiver of the land called the CESSIONARY. The contract has a TERM, a certain period during which it is in force. The contract also sets a price. This price can be low, so that it can be paid in full in one installment (*de uma vez*), so you can use (the land) as if you are the owner (*ficando-se no uso como se fosse proprietário*), without need to pay so much.

3. THE PREZEIS WITH REAL RIGHT OF USE - As you know, the PREZEIS is the Plan for Regulation of the Special Zones of Social Interest. The PREZEIS is a law, known as the LAW OF THE FAVELAS, in force in Recife. Some communities want the PREZEIS for their areas. But there are people who worry (*gente mordendo a corda*) about the DRU. According to the PREZEIS, if it concerns public land conceded free of charge, the duration of the contract is five years at most. But the dwellers have the right to demand the repeated renewal of the contract. However, it is difficult to adjust (*ajeitar*) the ideas on property.

4. THE ADVANTAGES OF THE RIGHT TO REAL USE OF URBAN LAND - The capitalist system of private property creates better opportunities for the people who possess the most. The people who struggle for an egalitarian and fraternal society want equal opportunities for all. Whoever struggles to create a fraternal society should know about the advantages of the DRU, which are: 1) whoever receives the land can negotiate the improvements (*benfeitorias*) he constructs; 2) the Public Power and the Dwellers' Council control who can and who can not live in the area; 3) the Public Power and the Dwellers' Council will have to approve the sale of any improvements. This is a guarantee to keep real estate agents or bourgeois persons (*burgueses*) from entering land improved by the people. There may be sales, but not just any sale (*não vender de qualquer jeito*). This may seem like an oppressive prohibition, but in reality it is a correct way to guarantee that the community be defended. Not just selling in any way is a means of assuring that the interests of the community (*os interessados da comunidade*) prevail over individual interests. It is in this way that an egalitarian community distinguishes itself: the well-being (*o bem*) of the community prevails over the advantage of individuals.

5. THE IDEAS OF CAPITALISM INSIDE OURSELVES - The world we live in is

dominated by capitalism, which penetrates everything, even our own minds. Capitalism invented private property with deeds registered at real estate registry offices (*cartório de imóveis*). Private property is one of the values of capitalism. The powerful have succeeded in planting the idea of private property within us, to the point of making us forget that God is the owner of the earth and that we are only strangers and pilgrims (Leviticus). To combat the capitalist idea we should deepen our understanding of the advantages of the DRU.