

Silenced Genocides



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Silenced Genocides

The conservative and neoliberal strategy to deny indigenous peoples and traditional communities their rights in Brazil

Silenced genocides: Brazil's failure to recognise indigenous peoples living in voluntary isolation

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Foreword

According to UN data, there are approximately 370 million indigenous people in the world. They are considered to be the most vulnerable of peoples in terms of health and education and have the lowest levels of income. In this context, there is an urgent need for countries that ratified the Declaration on the Rights of Indigenous Peoples (2007) to formulate specific policies and implementation strategies to protect and empower these population groups.

The Declaration on the Rights of Indigenous Peoples did not introduce new exclusive rights for indigenous peoples, but simply applied basic human rights principles to their specific historical, cultural, political and social situation. It aimed to overcome the marginalization and discrimination that indigenous peoples have faced throughout the world as a result of historic processes of colonization, conquest and dispossession¹. In this report on Brazil, two articles describe the difficulties and barriers created by sectors of Brazil's society, government and state regarding the application and observance of this declaration, which was ratified by Brazil in 2007 and forms part of the Brazilian Constitution.

Many programmes have been implemented following pressure from indigenous organizations, civil society and national and international non-governmental organizations that work directly with indigenous associations and organizations. However, analysis of government decisions shows it has contributed little of note. Ricardo Verdum describes how indigenous

voices are silenced and decisions are taken without considering the cultural diversity of Brazil's indigenous population (274 languages, 305 ethnic groups and approximately 896,000 people²), lists the institutional forces that oppose the demarcation of indigenous land and explains how the policies that protect these peoples have been weakened.

In the great majority of cases, indigenous organizations do not have decision-making powers, only the right to be consulted about public policies. Decision-making powers over the issues that have the greatest implications for indigenous populations and collectives are still in the hands of the Brazilian state, which favours agricultural, mining, extractivist and hydroelectric interests. A series of allegations against these interests has been submitted to the United Nations (UN) and the Inter-American Commission on Human Rights of the Organisation of American States (OAS)³, mainly regarding non-compliance with International Labour Organisation Convention 169, the demarcation of indigenous land⁴ and violence resulting from elimination of the presence of institutions that protected indigenous rights.

The reports of the two visits to Brazil made by UN rapporteurs on the rights of indigenous peoples eight years apart, James Anaya⁵ in 2008 and Victoria-Tauli Corpuz⁶ in 2016, tell a story of continuous disregard on the same issues: the Brazilian state's failure to comply with prior, free and informed consultation and the lack of and delay in legalising indigenous lands. This

points to the dangers posed by developmentalist programmes that do not respect indigenous territories, culture or traditions⁷.

In this context, the article by Fabricio Amorin et al makes a critical analysis of the Brazilian government's reduction in the staff and budget of the National Indian Foundation (FUNAI). Several programmes are inactive, including the programme on voluntarily isolated peoples, an issue on which Brazil used to set an example to Latin America, and the programme on the demarcation of indigenous land. The institutional vacuum left by [the absence of] FUNAI creates the conditions for violent conflict between indigenous and non-indigenous populations in various sectors.

The result is and will be disastrous because these peoples are immensely fragile and they will be exterminated if they are exposed to any kind of risk. According to Fabricio et al "(...) isolated and recently-contacted indigenous peoples are subjected to an immense range of vulnerability vectors, including epidemiological: a common cold can cause devastating waves of extermination, as history has proved. The actions of government officials (indigenous and sertanista) and specialised technical teams, such as the General Coordination for Isolated and Recently-Contacted Indians (CGIIRC) in Brasília and the Protection Fronts and Bases (Frentes e Bases de Proteção) in the field are therefore essential".

How to survive the dismantling of public policies and rights acquired by indigenous peoples? This process, resulting from setbacks to democracy, as described by the authors, shows that this is an emergency situation and there is a need to seek alternatives and for pressure from indigenous and civic organizations to help them exercise their rights. This appears clearly in Ricardo Verdum's report, which shows how public policies that are pro-indigenous peoples are being gradually deactivated and being left to wither.

Although indigenous movements are increasingly active and growing in strength, the Brazilian state and a part of civil society has undertaken an offensive with the clear objective of "integrating indigenous peoples into civilization"⁸. However, several questions remain. How can decisions be made without free, prior and informed consultation? How can indigenous peoples achieve self-determination? What does development mean for these population groups and what alternatives do they propose? The fact that Brazil's current president can say that they need "civilising" betrays a strong and antiquated colonialist vision and threatens their extermination. ■

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NOTAS

1. www.iwgia.org. Indigenous peoples make up less than 5% of the world's population but account for 15% of the poorest. They face many barriers to accessing education. Yet their right to education is protected by the UN Declaration on the Rights of Indigenous Peoples and learning indigenous languages is recommended for indigenous children.
2. <https://www.ibge.gov.br>
3. Violations of indigenous peoples' rights in Brazil are among the central points of the preliminary report circulated by the Inter-American Commission on Human Rights (IACHR) after its visit to the country on 5-12 November (12). The report highlighted the frequent violence against indigenous people and the state's failure to demarcate their traditional lands and made recommendations to Brazil. The report identified "serious structural problems that require urgent attention", a situation made worse by "gradual institutional weakening of the Fundação Nacional do Índio (FUNAI) over the past four years". On the issue of the demarcation of indigenous lands, the IACHR recommends "executing and completing pending demarcation procedures, especially with respect to territories that are affected by massive projects and large-scale business activities". <https://cimi.org.br/2018/11/relatorio-de-visita-da-cidh-ao-brasil-destaca-violacoes-aos-direitos-dos-povos-indigenas/>

4. <https://deolhonosruralistas.com.br/2017/05/23/brasil-sera-denunciado-na-oea-por-violar-direitos-dos-povos-indigenas/>.<https://www.oas.org/pt/cidh/prensa/notas/2017/144.asp>.https://www.bbc.com/portuguese/noticias/2015/10/151020_brasil_violencia_indios_jf_cc.<https://politica.estadao.com.br/noticias/geral,orgaos-da-onu-e-a-oea-denunciam-massacre-de-indigenas-isolados-no-brasil,70002010579>.<https://nacoesunidas.org/onu-cobra-protecao-de-comunidades-indigenas-no-brasil/>.<https://nacoesunidas.org/pnud-publica-manual-para-assegurar-direitos-de-indigenas-processados-criminalmente/amp/>.<http://www.mpf.mp.br/mg/sala-de-imprensa/noticias-mg/noticias-mpf-antes-2007/201010081316440300-mpf-denuncia-estado-brasileiro-a-oea-por-violacao-aos-direitos-humanos>.<https://jornalggn.com.br/questao-indigena/apib-denuncia-a-cidh-violacoes-a-direitos-humanos-dos-povos-indigenas-no-brasil/>.
5. "I heard the complaint that industrial development programmes like the PAC lead to a type of development that does not take into account the specific nature of indigenous peoples, especially with regard to demarcation of lands, and they are, in many cases, in conflict with the interests of indigenous peoples". <http://g1.globo.com/Noticias/Brasil/0,,MUL736199-5598,00-RELATOR+DA+ONU+CRITICA+EXCLUSAO+DE+INDIGENAS+DO+PAC.html>
 "Nevertheless, we cannot agree with the Rapporteur's statement in the introductory paragraph of the report according to which, between the visit of former Special Rapporteur James Anaya in 2008 and her own visit, there was "a disturbing absence of progress in the implementation of his recommendations and the resolution of long-standing issues of key concern to indigenous peoples", as well as "a worrying regression in the protection of indigenous peoples' rights". The Brazilian government doesn't underestimate the challenges faced in the promotion and protection of the rights of indigenous peoples. Nonetheless, as shown in the comments below, significant positive developments have taken place. https://www.socioambiental.org/sites/blog.socioambiental.org/files/nsa/arquivos/resposta_do_governo_brasileiro_-_ingles.pdf.
6. This includes the following: immediate measures must be taken to protect the safety of indigenous leaders and complete investigations, especially into the killing of indigenous people; efforts to overcome the impasse regarding the demarcation of lands must be redoubled because urgent and vital solutions are possible given the necessary political will; there is a compelling and immediate need to review the cuts proposed in FUNAI's budget and ensure that local FUNAI officers are not the target of such measures, and that they are in truth, strengthened in order to be able to provide the basic services on which indigenous peoples and other state agencies depend; there is a need to review and observe the jurisprudence of the ILO's supervisory bodies and guidance from the Special Rapporteur on implementation of the law and previous consultations on policies, legislation and projects that might have potential impact on indigenous peoples rights. These consultations should be conducted in a way as to deal with the specific nature of each indigenous people, as established by the ILO Convention and the United Nations Declaration on the Rights of Indigenous Peoples.<https://cimi.org.br/2018/11/relatorio-de-visita-da-cidh-ao-brasil-destaca-violacoes-aos-direitos-dos-povos-indigenas/>
7. See The Indigenous World, IWGIA.
8. Ribeiro, D. O processo civilizatório. Companhia das Letras. São Paulo, 1988.



The conservative and neoliberal strategy to deny indigenous peoples and traditional communities their rights in Brazil

Ricardo Verdum¹

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Introduction

The Federal Government's 2016-2019 Multiannual Plan came into effect in 2016. This was also the year in which the coalition of parties that had ruled Brazil both institutionally and politically for the past 14 years collapsed. Unfortunately, those who benefited from this breakdown were the most conservative (or, perhaps better put, most neoliberal) wing, and this has resulted in the revision and reversal of a raft of political, economic, cultural and social rights, particularly those rights achieved by the different social sectors as set out in the Brazilian Constitution of October 1988.

For indigenous peoples, the impeachment of President Rousseff in 2016 (which, following a vote in both chambers - Congress and Senate - resulted in her removal from office) strengthened the hand of sectors that had been acting relentlessly for non-recognition and non-enforcement of their rights both within the State apparatus and outside (in different institutional spaces, the media, etc.). These sectors have traditionally taken systematic action against any rights that could act as an obstacle to the free market or to the integration of new lands and territories into the capitalist system of production and natural resource exploitation. The new government set-up is challenging notions of sustainable development as well as the different public policies that have served as an ideological reference point for the last 25 years.

Most worrying of all is the fact that this political shift offered the far right the optimum conditions in which to organize and publicly portray themselves as the political alternative. In 2018, with the election of Jair M. Bolsonaro (federal deputy and former Army captain), this grouping took over the Presidency of the Republic and, since January 2019, they have been working to dismantle the rights of indigenous peoples and other vulnerable and historically marginalized social sectors

as well as the policies established to benefit them.²

There is an urgent need to try and understand how such an impeachment became possible, and this includes analysing why it occurred after almost a decade and a half of "progressive" government. This task will surely haunt Brazilians for many years to come but it must not become a "blame game". Any such attempts would clarify very little with regard to the underlying structures that guide the direction of politics in our country. Such a strategy would have little capacity for understanding the logical connections between politics and powers that limited the emergence and implementation of the most socially radical public policies during the first 15 years of the 21st century. Any approach that involves personifying the "guilty" will fail to adequately explain the institutionalised structures of social resistance and the "creative process" that brought about the political opportunity to overthrow (hopefully temporarily) the constituent legal and political power of the social sectors: social sectors motivated by a desire to break with a system that produces and reproduces social inequality, ethnic and racial discrimination, political exclusion, economic exploitation, epistemic extractivism and in which the State's priority focus is on certain sectors of the population to the detriment of others.

One of the lessons that must be learned from 2016 is that it is not enough to achieve the highest positions of authority within the State apparatus. The 2003-2016 period began with various opportunities to transform relations

² As a federal deputy, Jair Bolsonaro was the author of Draft Legislative Decree No. 365/93 which proposed revoking the administrative demarcation of the Yanomami Indigenous Land. This initiative was tabled and presented by Bolsonaro several times, latterly in 2008. For this and other reasons, it seems unlikely that, as President, he will do anything to support the rights of this indigenous people in the face of the growing occupation of their territory by groups, settlers and mining companies.

between the State and indigenous peoples in the country but it was some time before the limitations and institutionalized social resistance, both within the State machinery and elsewhere, became clear. In our opinion, these limitations came about through the dilemma of governance that faced the governments of Presidents Lula and Dilma Rousseff and, in particular, the Workers Party (PT) in terms of stabilizing and achieving a balance between conflicting interests arising between strategic actors on both sides, both allies and adversaries.³ To this must be added the ever-present habitus indigenista or indigenist mindset that marks the country's language, institutions and socio-intellectual life in relation to the so-called "indigenous issue". And this is not to mention the clear difficulty the Brazilian Left has about indigenous peoples' demands for autonomy and self-determination over the lands and natural resources of the territories they traditionally occupy.⁴

The aim of this essay is therefore to contribute to an analysis and understanding of the changes in the configuration and correlation of forces in Brazilian politics in recent years and how they have affected the human rights (economic, social, cultural and environmental as well as civil and political) of the country's indigenous peoples.

3 Yvone Magalhães Duarte analyzed the legislative bills that passed through National Congress in 2003, and noted that, of a total of 71 draft bills, 16 were aimed at facilitating mining activity on Indigenous Lands and 15 of them proposed restrictive changes to the recognition and demarcation of the indigenous territories. Nothing escaped this process of managing and exploiting indigenous territories, not even water either as a natural resource or as a marketable product. There has been increased grain production (soya etc) in Mato Grosso in recent years. One of the authors of this project was the then governor of that state, the businessman Blairo Maggi, who at that time had huge capacity for influencing the decisions of the Federal Executive (See Inesc, Technical Note N° 81, August 2003).

4 See Ricardo Verdum, *Povos indígenas, meio ambiente e políticas públicas: uma visão a partir do orçamento indigenista federal*. Rio de Janeiro: E-papers, 2017.

The effectiveness of indigenous rights: disputes over land

The social and political dynamic in the country over the last 30 years has meant that a number of significant demands won during the constitutional process that ran from 1986-1988 have been forgotten, ignored for different reasons or interests or eclipsed by other issues which, at a particular point, were considered "more important". One specific idea, which was also a call to action, emerged from that constitutional process and was enshrined in the 1988 Federal Constitution. It remains present to this day albeit not always with the radicalism originally intended. I am, of course, referring to the concept of diversity. Significant progress was made in different policy areas, including the legal and administrative recognition of Indigenous Lands (see table) and the creation of the Indigenous Healthcare System (SASI-SUS).

Although the Constitution (specifically Articles 231 and 232) does not use explicit terms and key words, the text in and of itself acknowledges the existence of a multicultural and pluriethnic country. It recognises that there are forms of social organisation in Brazil other than those set out in law as "societies" (business, commercial, civil or cooperative). I am referring here to indigenous forms of social organisation or, better put, to a range of different indigenous social organisations based on the specific habits, customs and traditions of each indigenous society or people, a specific social order other than the State's legal order as set out in the Constitution. The Constitution goes further, however: by recognising indigenous social organisations, customs, languages and traditions, it is effectively recognising their right to manage their own affairs and property, as well as possible internal conflicts. In other words, it recognises the right to territorial autonomy and self-determination.⁵

5 We recommend reading two books by the lawyer Carlos Frederico Marés Souza Filho, *A liberdade e outros direitos*

The rules relating to recognising indigenous peoples' and traditional communities' territorial rights, as well as those governing the creation and use of protected areas and Conservation Units (UCs) have, over the last three years, been at the heart of indigenous peoples' conflict with economic-political and financial groups wishing to relax and revise these rights. More recently, legislative proposals have emerged and the Executive has redefined the physical boundaries of Conservation Units and other legally and administratively established protected areas while at the same time turning up the political pressure to do the same to Indigenous Lands. It is a neoliberal strategy of reclassifying, reducing and eradicating protected areas.⁶ There has also been increased pressure on regulations governing environmental licences for infrastructure projects (energy, transport and communication), which are directly and indirectly related to extractive activities in the broadest sense (mining, agricultural and livestock farming, oil and gas, etc.).

Laws and regulations: the erosion of rights

Law No. 13,334 / 2016: creating the Public-Private Investment Initiative (PPI), public-private partnerships (PPPs) for infrastructure projects (concessions and privatisations);

Decree No. 9,188 / 2017: authorising State-controlled joint companies such as Banco do Brasil, Petrobras, Banco do Nordeste and Eletrobrás to sell their assets without requiring a competitive tender process;

- Curitiba: Letra da Lei, 2011; and *O renascer dos povos indígenas para o direito* - Curitiba: Juruá, 1998.

6 See Shalynn M. Pack, et al. (2016) Protected area downgrading, downsizing, and degazettement (PADDD) in the Amazon. *Biological Conservation*, 197: 32-39.

MP 735/2016 (Law No. 13,360 / 2016): facilitating the privatization process in the electricity sector. State companies (federal and State) represent around 40% of generation capacity, 65% of transmission lines and 25% of the national distribution market (Dieese, 2017).

MP 759/2016 (Law No. 13,465 / 2017): relaxing the rules on regularization of rural and urban land;

MP 789 (Law No. 13,540/2017), MP 790 (now obsolete) and MP 791 (Law No. 13,572/2017): establishing new regulations governing the country's mining industry;

PL 3,729 / 2004: relaxing the rules and procedures for granting environmental permits;

Draft Senate Bill 261/2018: allowing private initiatives to build and run their own rail services;

PEC 215/2000 and PEC 132/2015: relaxing the territorial rights of the country's indigenous peoples;

PL 490/2007: establishing that Indigenous Lands will be demarcated by law;

PL 2289/2007 and PL 4059/2012: facilitating the purchase and leasing of rural properties by foreign private individuals and companies;

PL 37/2011: relaxing the rules governing mining;

PL 1610/96 and PL 37/2011: regulating mining on Indigenous Lands;

PLP 260/1990: establishing an assumption of “significant public interest to the Union” for the purposes established in Article 231(6) of the Constitution in relation to natural resource exploitation in the subsoil, rivers and lakes of Indigenous Lands;

Ruling 001/2017 of the AGU: reducing indigenous peoples’ territorial rights (the “temporal framework” and the 19 conditions of the Federal Supreme Court in the Raposa Serra do Sol-RSS case).

The National Congress is furthermore considering another 140 legislative proposals that will affect indigenous territorial rights and their rights to natural resources and knowledge.

Another example is the publication of Order No. 68 of the Ministry of Justice in the Official Journal of the Union (DOU) on 19 January 2017, creating a “specialist technical group” to take part in the process of identifying, demarcating and authorising indigenous territories with the aim of “providing subsidies related to the demarcation of indigenous land”. As if the limitations and pressures to which recognition of an Indigenous Land is subjected by the official indigenist body were not enough, a structure has now been created within the Ministry of Justice with the power to challenge the results of its identification work.

The problem with this Order is that it arises at a time when the Ministry of Justice and Public Security (MJSP) is clearly aligned with the interests and aims of the farming lobby and agribusiness sector. The MJSP is controlled by the same sectors responsible for Draft Constitutional Amendment (PEC) 215, aimed at limiting the indigenous peoples’

age-old territorial rights. And so they want to transfer the decision to politically, legally and administratively recognise territorial spaces as Indigenous Lands to National Congress, which is under the influence and control of those representing agribusiness, mining, contractors, etc.⁷

The MJSP is aligned with the same sectors that, since the end of 2015, have been questioning Funai’s work and which established a Parliamentary Investigation Commission (CPI) in National Congress with the explicit aim of challenging the territorial and ethnic rights of the country’s indigenous peoples and Quilombola communities. The CPI-FUNAI/Incrá, composed largely of parliamentarians from the Parliamentary Front for Agriculture, the so-called Rural Caucus, concluded its work on 30 May 2017 with a threat to prosecute any indigenous and Quilombola leaders, public officials, academic researchers or technicians from non-governmental organizations who were working to enforce these rights.⁸

The establishment of this Parliamentary Investigation Commission into the actions of Funai and the National Institute for Settlement and Agrarian Reform (CPI-Funai/Incrá) within the Chamber of Deputies in November 2015, in addition to the impeachment of Dilma Rousseff as the country’s President in April 2016, had a bad effect on public policymaking for indigenous peoples. It highlighted the

7 <http://politica.estadao.com.br/noticias/geral,mpf-diz-que-portaria-da-demarcacao-de-terras-indigenas-e-ilegal-e-pede-revogacao,70001634429>

8 The Commission concluded its sessions on 17/08/2016 without submitting the results of the diligence and investigations conducted. Established formally on 17/10/2016, the CPI was reinstated on 25/10 this year. For more on the work of CPI-Funai e Incra 2, see <http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-temporarias/parlamentar-de-inquerito/55a-legislatura/cpi-funai-e-incra-2> <http://mjb.com.br/pais/noticias/2017/05/30/cpi-da-funai-finaliza-trabalhos-e-pede-o-indiciamento-de-67-pessoas/> e <http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=2132846>

fragility of the social indigenism that had been implemented by State and civil society for the last 20 years.⁹ Dilma Rousseff's government, together with various sectors of the country's indigenous and indigenist movement, arrived in 2016 worn out by the ambiguity of their action in relation to recognizing and implementing indigenous peoples' social and territorial rights.¹⁰

With a paucity of budgetary and staff resources within Funai, a new concept of indigenous territories began to gain ground within the country's official indigenism, and even within the indigenous movement, from 2016 on. Narratives began to re-emerge that questioned why indigenous peoples could not become entrepreneurs themselves and take out loans. Why should indigenous populations and their territories have to remain outside of the transformative power of modern capitalism? These narratives gained strength with the development of an indigenism focused on neoliberal farming methods which, in recent times, has begun to reveal a different face through its links with the conservative sectors of evangelical Christianity. The increased influence of these evangelical Christians within official indigenism can be seen in the appointments of the last five Funai presidents, who all came to office on the advice of the Christian Social Party (PSC), a member of Michel Temer's government coalition and which, in 2016, also

included federal deputies Jair Bolsonaro and Marcos Feliciano.¹¹

In 2017, a new indigenous social actor emerged from within this same conservative coalition to represent indigenous sectors unhappy with Funai's direction: the self-appointed "Indigenous Grassroots Farmers Group". This group is calling for urgent changes to Funai and for restrictions on the actions on Indigenous Lands of NGOs branded "communists" and "Bolivarians", echoing the national/populist rhetoric of the Brazilian far right.

Indigenous agriculture is an important issue and requires careful consideration given its complexity and ambiguity. Many indigenous families and family groupings in the south and centre-west of the country have transitioned to commercial farming and now depend on it. A number of indigenous families are now opting to produce and export their production in order to generate income and achieve their social inclusion; they are supporting business-focused, even technological, agricultural policies that are harmful to both human and environmental health. Many opportunists see in this a way to make gains on both sides of the so-called ethnic border. Those with experience who point towards an alternative institutional and political path to that being imposed by "agribusiness" indigenism have been silenced under the pretext of indigenous self-sustainability and progress.

The conservative alliance has acted in a coordinated, systematic and ruthless manner to change legislation through insinuation and fraudulent accusations, biased legal arguments, procedures that feign institutional normality, exchanges of favours and other illegal

9 Cf. Felipe Milanez, "Golpe, Funai y la resistencia indígena en Brasilia", published on 25/10/2016, in the e-magazine Carta Capital; available at: <http://www.cartacapital.com.br/sociedade/golpe-funai-e-a-resistencia-indigena-em-brasilia>; Articulación de los Pueblos Indígenas de Brasil - APIB, "El golpe llega a la Funai", published on 18/10/2016; available at: <https://mobilizacaonacionalindigena.wordpress.com/2016/10/18/o-golpe-chega-a-funai/> On 24 March 2017, the Federal Government published Decree 9010 in the Official Journal, amending Funai's structure and making radical cuts to jobs and responsibilities.

10 More information from: <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-para-garantir-o-direito-a-terra-e-areas-para-conservacao>

11 The four Funai presidents elected by the PSC were the dentist and minister Antônio Fernandes Toninho Costa, Army General Franklimberg Ribeiro de Freitas, the businessman Wallace Moreira Bastos, General Franklimberg Ribeiro de Freitas once more, and the federal police delegate Marcelo Augusto Xavier da Silva.

Table 1: Recognition of Indigenous Lands (TI) in the last 24 years

President (period)	TIs Declared		TIs Approved	
	Nº	Area (Ha)	Nº	Area (Ha)
Fernando Henrique Cardoso (01/1995 to 12/1998)	58	26,922,172	114	31,526,966
Fernando Henrique Cardoso (01/1999 to 12/2002)	60	9,033,678	31	9,699,936
Luiz Inácio Lula da Silva (01/2003 to 12/2006)	30	10,282,816	66	11,059,713
Luiz Inácio Lula da Silva (01/2007 to 12/2010)	51	3,008,845	21	7,726,053
Dilma Rousseff (01/2011 to 12/2014)	11	1,096,007	11	2,025,406
Dilma Rousseff (01/2015 to 05/2016)	15	932,665	10	1,243,549
Michel Temer (05/2016 to 12/2018)	3	3,397,569	1	19,216
Jair Messias Bolsonaro (01/2019 to 05/2019)	0	0	0	0

Source: Instituto Socioambiental

procedures such as corruption. CPI-Funai/Incra was one example of this strategy, which affected Funai officials, anthropologists from the Brazilian Association of Anthropology and indigenous communities and leaders, for example in Mato Grosso do Sul.

The political environment was so transformed that, on 1 June 2017, the President and Rapporteur of the CPI-Funai/Incra, federal deputies Alceu Moreira and Nilson Leitão respectively, called on National Congress (via a demand to the Chamber of Deputies) not to be involved in the demarcation and recognition of Indigenous Lands:

“The latest events in this area have shown the initial requirement set out in PEC 215/2000 to be unnecessary, and the main author of that proposal has given their agreement to the terms of these amendments given that, in their opinion, it is not necessary for Indigenous Land demarcation procedures to be approved by Congress.”¹²

On taking office in January 2019, the first action of the Bolsonaro government was to take the decisions and procedures for identifying, delineating and demarcating Indigenous Lands

¹² http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?codteor=1565709&filename=Tramitacao-PEC+215/2000

out of Funai's hands, as well as its analysis of and decisions with regard to licencing requests (Provisional Measure No. 870/2019). These responsibilities were transferred to the Ministry of Agriculture, Fisheries and Supplies (MAPA), under the control of federal deputy Teresa Cristina (DEM / MS),¹³ one of the main leaders of the agribusiness bloc in National Congress. In May, on analysing Provisional Measure 870/19, the Chamber of Representatives and Senate rejected the decision to hand over Indigenous Land demarcation to MAPA. The Federal Government was not pleased with the deputies' and senators' decision, and enacted MP 886 to save the rejected text. Finally, in a session held on 1 August, the Federal Supreme Court (STF) decided unanimously that the demarcation of Indigenous Lands should remain with the National Indian Foundation (Funai) which, in turn, should fall under the Ministry of Justice.

¹³ The decision resulted in protests and demonstrations both nationally and internationally. On 28 May last, a full sitting of the Federal Senate approved the basic text of Provisional Measure 870/2019. The text approved was the Draft Bill on the Conversion Law (PLV) 10/2019, tabled by Senator Fernando Bezerra Coelho (MDB-PE), which went forward for presidential approval. This returned Funai to the Ministry of Justice, with the power to demarcate Indigenous Lands.

Economic frontiers expanding at the expense of rights and territories

The situation becomes even more complex if we look at the bigger picture beyond the politico-institutional environment described above. Waterways, highways and hydroelectric power plants are all infrastructure projects that have a high impact on Indigenous Lands. There are, moreover, indigenous communities living in voluntary isolation in at least five TIs affected by the Energy Project (PAC-1) of the Federal Government's Growth Acceleration Programme, launched in 2007.¹⁴ Data gathered in recent years reveals a clear coalescing of interests between the agribusiness and mining sectors around the need to establish infrastructure that can extract and distribute the agricultural and mineral products coming from the Brazilian Amazon and wider Amazon region. This business link will be at the heart of major changes in this region in the coming decade.¹⁵

¹⁴ See <http://amazonia.inesc.org.br/artigos/amazonia23hidreletricaseseusefeitos/> and <http://www.oeco.org.br/blogs/salada-verde/26517-pac-ameaca-territorios-indigenas-na-amazonia-aponta-estudo/>

¹⁵ See Denise H. Bebbington, Ricardo Verdum, Cesar Gamboa and Anthony J. Bebbington (2018). *Assessment and Scoping of Extractive Industries and Infrastructure in Relation to Deforestation: Amazonia*, available at http://www.climateandlandusealliance.org/wp-content/uploads/2018/12/Amazonia-Impacts-of-EII-on-Forests-1.pdf?fbclid=IwAR1ApVO-JI_J8PflSs2FtnCq7WYfhrLdyaRGVo4BRJCWiLF9NEGimNv-wwU; Denise H. Bebbington, Ricardo Verdum, Cesar Gamboa and Anthony J. Bebbington (2018). The Infrastructure-Extractives-Resource Governance Complex in the Pan-Amazon: Roll Backs and Contestations. *European Review of Latin American and Caribbean Studies*, (106), 189–214, available at <https://www.erlacs.org/articles/abstract/10.32992/erlacs.10414/>; Anthony J. Bebbington, Denise Humphreys Bebbington, Laura Aileen Sauls, John Rogan, Sumali Agrawal, César Gamboa, Aviva Imhof, Kimberly Johnson, Herman Rosa, Antoinette Royo, Tessa Toumbourou and Ricardo Verdum (2018). Resource extraction and infrastructure threaten forest cover and community rights. *Proceedings of the National Academy of*

The clearest example of this is the waterways. There are nine waterways planned to transport the produce of the so-called "Grain Production Area" in the north of the country. Of these, five will transport most of the agricultural and mining produce: Tocantins-Araguaia; Solimões-Amazonas Complex; Río Madeira; Tapajós-Teles Pires; and Paraguay/Paraná. Under Dilma Rousseff's government, the Ministry of Transport drew up the Strategic Waterways Plan (PHE) in 2012. The following year, on 19 February 2013, the National Aquatic Transport Agency (ANTAQ) launched the National Waterway Integration Plan (PNIH), designed with two objectives in mind: to produce a detailed study of Brazilian waterways, and a map of areas suitable for establishing a port.

Launched by the Federal Government on 12 May 2016 in the form of a Provisional Measure (MP), the Public-Private Investment Initiative (PPI) became Law No. 13,334 on 13 September 2016.¹⁶ The programme is intended to encourage more dynamic decision-making with the aim of prioritising and supporting projects to be implemented via concessions, public-private partnerships (PPP) and privatizations, while also ensuring "an environment suitable for infrastructure expansion". The PPI covers three ministries: Ministry of Transport, Ministry of Mines and Energy and the Ministry of Urban Development. The Programme has been supported by the Brazilian Development Bank (BNDES) and the *Caixa Econômica y Federal* (Caixa).

The most recent report on the PAC 3 (2015–2018) states that 30 waterway terminals were planned in the North region over this period, of which 17 are underway and three are complete. A contract was signed during 2016 to proceed with rock demolition at Pedral do Lourenço, located between the Tucuruí dam

Sciences, 115 (52) 13164–13173, available at <https://www.pnas.org/content/115/52/13164.abstract>

¹⁶ Cf. https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/Lei/L13334.htm

Table 2 – Waterways for mineral and agricultural produce

Waterway	Main products transported	Observations
Tocantins-Araguaia	Bauxite and aluminium	With a navigable length of 2,250 km, it runs through the states of Goiás, Mato Grosso, Tocantins, Maranhão and Pará.
Solimões-Amazonas	Soya, bauxite and iron ores	It is considered the largest hydrographic network in the world and the main transportation route through the Amazon. Around 16,777 km in length. Bauxite, for example, travels along the Solimões-Amazonas de Oriximiná / PA and Juruti / PA corridor for its export or transfer to other Brazilian ports via the coast. Some 47,800 million tonnes per km (TKM) have been transported along this waterway, representing more than 74% of the Brazilian waterways' TKM.
Madeira	Soya and maize	The Madeira River waterway is the second most significant Brazilian waterway in terms of TKM. A significant volume of soya produced in the Brazilian centre-west starts at Porto Velho/RO and descends via the Madeira River to Itacoatiara/ AM or Santarém / PA, where it continues its journey outside the country.
Tapajós – Teles Pires	Soya and maize	This is an option for transporting grain from the country's central region. Its environmental viability plus the presence of indigenous ethnic groups along the river's route have resulted in uncertainty as to the waterway's future.
Paraguay/ Paraná	Iron ores, magnesium and soya	The minerals are loaded in Corumbá / MS and Ladário / MS and transported to ports in Argentina from where they are exported.

and Marabá city (PA), work that will enable increased transportation capacity along the Tocantins waterway.¹⁷ In July 2012, the Ministry of Transport began work on the draft Inland Waterway Strategic Plan (PHE), the aim of which is to prepare a proposal for implementing the Internal Waterway Transportation Plan (THI) to 2031. The ARCADIS LOGOS Consortium has been chosen to produce this plan and the World Bank is co-funding the project.¹⁸

Industrial and small-scale (artisanal) mining have similar interests in Indigenous Lands. When conducting a preliminary study into the legislative proposals underway in Congress, it was found that more than 140 of them related to territorial rights and indigenous rights to natural resources. Draft bills of law 1610/96 and 37/2011 explicitly advocate regulating mining activity on Indigenous Lands. There are a number of proposals that aspire to regulate Article 231(6) of the 1988 Federal Constitution, which relates to issues of “significant public interest to the Union”, establishing limits on the ethnic and territorial rights of the indigenous peoples, as well as other traditional communities in the Amazon and other regions of the country.¹⁹

17 <http://www.pac.gov.br/pub/up/relatorio/5454bd0c87a6ed2e3fb86ee141246093.pdf>

18 <http://www.transportes.gov.br/conteudo/2790-plano-hidroviario-estrategico.html> Cf. also http://www.transportes.gov.br/images/TRANSPORTE_HIDROVIARIO/PHE/SUMARIO_EXECUTIVO.pdf

19 In September 2006, the Federal Government sent a draft bill of law (PL) to National Congress regulating informal mining activity in the country, and establishing the Informal Mining Statute. The PL was drawn up by the Ministries of Mines and Energy (MME) and Work (MTE). In a note published at the time, the MME stated that the statute would only recognise professionals regularised by the National Department for Mining Production (DNPM) as informal mine workers. It was argued that regulating the activity would help combat illegal mining and forced labour in the mining sector. The project anticipates establishing different working systems for informal mining. The passage of the PL through National Congress was relatively speedy; it was passed on 03/04/2008 and published in the Official Journal of the Union (DOU) as Law No. 11,685. In December

Another threat to indigenous peoples’ ethnic and territorial rights comes from Draft Constitutional Amendment (PEC) 76/2011, tabled by the Ministry of Agriculture during Temer’s government, and which changes the wording of Article 231(3). The original wording of this article stipulates that the exploitation of water resources, including their energy potential, along with the exploration and extraction of the mineral wealth of Indigenous Lands can only be done with the authorization of Congress, once the communities affected have been consulted and guaranteeing their participation in the benefits of this resource exploitation in the form of a law.

Although illegal, there is a practice in the south and centre west of the country whereby rules are established governing the use of plots on Indigenous Lands by third parties, in the form of a transfer of use or the leasing of plots. There are legislative proposals passing through Congress in this regard. According to current regulations – Article 231(2) of the Constitution and Article 18 of Law No. 6,001 / 1973 (Indian Statute) – Indigenous Lands can neither be leased nor form the object of any legal action or deal that restricts the full exercise of their usufruct and their direct possession by the indigenous community.

Given the dominant politico-economic interests currently represented in Congress (the so-called “agribusiness bloc” represented institutionally by the Joint Parliamentary Front for Agriculture / FPA with 225 representatives in the current Chamber of Deputies and 32 in the Senate) and this bloc’s capacity to influence decisions in both legislative chambers, as well as within the Federal Executive, we understand that these changes, provided the same balance of power is main-

2018, the Amazonian Network for Geo-referenced Socioenvironmental Information (RAIS) issued an unpublished map of mining activity in Pan-Amazonia, available at: <https://mineria.amazoniasocioambiental.org/>

tained, are likely to take place between 2019 and 2020.²⁰

According to current information, the Brazilian Amazon's hydrocarbon sector (oil and gas) is currently focused on along the sedimentary basin of the Solimões River, where it is increasing.²¹ The Oil Province project on the Urucu River has its origins in Coari town, in Amazonas state, some 650 kilometres from Manaus, when oil was extracted for the first time from Urucu River well number one (RUC-1) in 1986. These days, Urucu Province is considered the largest onshore reserve of high-quality light oil and the largest Brazilian natural gas reserve. The main exit route for these products is via the Urucu-Coari-Manaus gas pipeline, built in 2009. Being 663 kilometres long, the pipeline has the capacity to transport up to 5.5 million cubic metres of natural gas a day from Urucu to the capital of Amazonas. In percentage terms, its share of Amazonas state's Gross Domestic Product (GDP) is around 15%. In short: there are powerful interests at play.²²

20 See Alceu Luís Castilho (2012), *Partido da terra: como os políticos conquistam o território brasileiro* (São Paulo: Contexto). The author provides an important analysis of the Brazilian political system, its agents and their dominance over the Brazilian territory. For a summary of the book cf. <http://www.scielo.br/pdf/sn/v26n1/0103-1570-sn-26-1-0189.pdf>

21 See Codato, Daniele et al. (2019). *Oil production, biodiversity conservation and indigenous territories: Towards geographical criteria for unburnable carbon areas in the Amazon rainforest. Applied Geography* 102: 28–38. <https://www.sciencedirect.com/science/article/pii/S0143622818303333?via%3Dihub>

22 In addition to Urucu Oil Province, there are also the Juruá gas fields located in the Solimões basin, discovered in 1978, and Araracanga, discovered in 2006. Exploitation of these fields was included among the priority projects given in Petrobrás' strategic planning document to 2021. <http://m.agenciabrasil.ebc.com.br/economia/noticia/2016-12/urucu-completa-30-anos-de-exploracao-de-petroleo-em-plena-amazonia&ei=ePwOLuFY&lc=pt-BR&s=1&m=217&host=www.google.com.br&ts=1493613187&sig=AJsQQ1AmHQYfB2vLor84diXcpEG-DTApBg>

The new agro-extractivist expansion front in the Brazilian Amazon: the Barão do Rio Branco Programme (PBRB)

The government has still not presented its Infrastructure Works Plan since taking office in January 2019. It is highly likely that the broad outlines followed by previous governments will be continued in the transport, energy and communications sectors. It is highly likely, too, that there will be further opening up of the "works market" to international capital, keen to seize and exploit Brazil's natural resources. Should this not appear, as a result of the documentation gathered, in official records or in the press, there is the so-called Barão do Rio Branco Programme (PBRB), planned for implementation in the north of Pará state, in a region known as Calha Norte.

The documentation to which we have had access reveals that this programme forms part of the current government's wider strategy to open up new mining and grain production areas in the Amazon for national and international private and joint equity firms. The PBRB will include areas traditionally occupied by indigenous peoples, Quilombola and traditional communities, areas of great importance for the conservation of the Brazilian Amazon's cultural and environmental heritage.²³ As the current government has thus far shown no sympathy towards nor willingness to adequately fulfil legal human and environmental rights standards, particularly in relation to the indigenous and Quilombola peoples and traditional communities affected, it is highly likely that the politico-economic and financial interests will impose themselves over these peoples' rights to self-determination and to decide their own models of development.²⁴

23 More information at <http://cpisp.org.br/publicacao/terras-quilombolas-em-oriximina/>

24 Such as, for example, the consultation of Indigenous Peoples and other affected populations, as established in Decree N° 5,051 of 19 April 2004 enac-

A wide river flows through a landscape at sunset. The sky is filled with dark, heavy clouds, with a bright, golden light breaking through near the horizon, reflecting on the water's surface. In the distance, a long bridge spans the river. The foreground is framed by the dark silhouettes of trees on both banks.

Rail terminals in the North region

Amazonas, Tapajós, Purus, Tocantins, Araguaia, Xingu, Iriri, Teles Pires, Jurena, Arinos, Juruena, Guaporé, Mamoré Grande, Beni, Madre de Dios...



Machado, Madeira, Trombetas, Peru, Jari, Para, Negro, Putumayo, Jupurá, Juruá, Purus, Javary, Ucavali, Napo, Caquetá, Apaponie, Tigre, Vaupés, Ene.

The PBRB forms part of the long-term strategic agenda of the Special Secretariat for Strategic Affairs of the General Secretariat of the Presidency of the Republic (SAE / SGPR), the structure of which was amended by Decree No. 9,670 of 2 January 2019. It forms one of the eight priorities defined by government in 2019. It will need to be included in a 2020-2023 Multiannual Plan which the Bolsonaro government must have submitted by the end of August this year for its analysis and approval by National Congress. The aim is to relax the conditions for accessing, exploring and removing the natural resources from the Calha Norte region of the Amazon River.²⁵ The main actions planned are the following:

- a) construction of the Trombetas River hydro-electric complex;
- b) construction of the Óbidos Bridge over the Amazon River;
- c) extension of the BR 163 highway to the Brazilian border with Suriname;
- d) implementation of a "regional development pole" in the Óbidos / Oriximiná region.

It has also emerged that there are meetings underway to design a planning and implementation schedule for this programme. On 25 April this year, the Special Secretary for Strategic Affairs of the Presidency of the Republic, retired Army General Maynard Marques de Santa Rosa, together with staff from the secretariat, met with some 225 people from private companies, academia and civil society, at the offices of the Belém Agriculture and Livestock Farming Federation (FAEPA), to discuss the geopolitics

ting ILO Convention 169 on indigenous and tribal peoples. More information at <http://cpisp.org.br/quilombolas-repudiam-pacote-de-obras-anunciado-para-o-oeste-para-y> and <https://www.oeco.org.br/noticias/governo-quer-criar-hidreletrica-e-abrir-estradas-em-uma-das-regioes-mais-preservada-da-amazonia/> See also: http://cpisp.org.br/wp-content/uploads/2019/02/Antes_agua_era_cristalina.pdf

²⁵ More information at: <http://www.secretariageral.gov.br/arquivos-1/conheca-a-secretaria-geral-da-presidencia-da-republica.pdf>

of the Calha Norte, its economic potential, infrastructure and the region's economic and socioenvironmental situation, as well as to garner support for a decree that will create the Interministerial Working Group (GTI) responsible for producing the programme.²⁶ We also know that General Santa Rosa took this opportunity to meet with the Governor of Para State, Helder Barbalho, to present and discuss the details of a strategy for cooperation between the federal and state governments.²⁷

In his report, "A national strategy for the Legal Amazon", General Santa Rosa confirms that the aim of constructing the Trombetas River hydroelectric plant is to make aluminium exploitation viable and expand the "Oriximiná Development Pole". He adds that the government will need to implement actions aimed at "breaking the national wing" of the international indigenist/environmentalist movement, which is supposedly acting against the national interest and national sovereignty, and to "cut off transfers of public funds to indigenist and environmental NGOs", in addition to implementing accelerated "assimilation" strategies for the indigenous population of the Legal Amazon, primarily through government agencies based in the region. These statements raise yet more concern as regards compliance with legal human and environmental rights standards in relation to the affected indigenous, Quilombola and traditional communities, as well as sectors of society that have supported these peoples and communities.²⁸

It is no small matter, then, that it is the region's indigenous peoples who are most affected by infrastructure projects, particularly the peoples and organisations of the Huara, Juminã, Galibi,

²⁶ See <http://sistema faepa.com.br/faepa/2019/04/26/desenvolvimento-e-integracao-da-calha-norte-reune-governo-federal-e-autoridades-do-para/>

²⁷ See <http://agenciapara.com.br/Noticia/194254/governador-recebe-secretario-especial-da-presidencia-e-discute-obras-de-infraestrutura>

²⁸ http://www.aaafaap.org.br/pdf/uma_estrategia_nacional_para_amazonia_legal.pdf

Protected Area	Year of creation and official recognition	Area (hectares)
Paytuna Environmental Protection Area	2001	56,129
Grão Pará Environmental Station	2006	4,245,819
Jari Environmental Station	1984	231,078
Faro National Park	2006	525,434
Paru National Park	2006	3,612,914
Trombetas National Park	2006	3,025,667
Mulata National Park	2001	216,601
Saracá-Taquera National Park	1989	441,283
Monte Alegre National Park	2001	5,800
Trombetas River Biological Reserve	1979	407,754
Maicuru Biological Reserve	2006	1,151,761
Kaxuyana-Tunayana Indigenous Land	2015	2,184,000
Nhamundá-Mapuera Indigenous Land	1989	1,050,000
Paru d'Este Indigenous Land	1997	1,195,785
Trombetas-Mapuera Indigenous Land	2009	3,971,000
Wajãpi Indigenous Land	1996	607,017
Zo'e Indigenous Land	2009	668,565
Água Fria Quilombola Territory	1996	557
Ariramba Quilombola Territory	2018	10,454
Boa Vista Quilombola Territory	1995	1,125
Cachoeira Porteira Quilombola Territory	2018	225,175
Alto Trombetas Quilombola Territory	2003	61,212
Rio Cabeceiras Quilombola Territory	2000	17,190
Rio Erepecuru Quilombola Territory	1998	218,044
Trombetas Quilombola Territory	1997	80,887
Pacoal Quilombola Territory	1996	7,473
Peruana Quilombola Territory	2018	1,945
TOTAL		22,036,669

Technical Note on the Barão do Rio Branco Programme (APIB, COIAB, APOIANP and SEPIPA, 2019).

Waiãpi and Río Paru d'Este Indigenous Lands and Tumucumaque National Park, and who feel under threat, as they stated on 17 February: "The indigenist policy of the current Federal Government is being driven by conservative, excessive and preconceived ideologies damaging to the 1988 Brazilian Federal Constitution in relation to ILO Convention 169 and its defence of indigenous peoples' rights".

According to the Technical Note of 17 May last from the Coordinating Group of Indigenous Peoples of Brazil (APIB), the Coordinating Body of Indigenous Organisations of the Brazilian Amazon (COIAB), the Coordinating Group of Indigenous Peoples of Amapá and Norte de Pará (APOIANP) and the Federation of Indigenous Peoples of Pará (FEPIPA), some 27 protected areas will be directly or indirectly affected, including Indigenous Lands (TIs),

Quilombola Territories (TQs) and Conservation Units (UCs) for Comprehensive Protection and Sustainable Use.²⁹

There is not the slightest doubt that this government decision is linked to another set of legislative initiatives underway aimed at easing legislation on the rights of indigenous peoples and Quilombola and traditional communities. It is a question of attracting new projects into this and other regions of the country on the basis of urgent actions taken undemocratically, ignoring or leaving little space for discussion with the peoples and populations directly affected, civil society representatives, local authority members, researchers or members of scientific associations.

Fires in the Amazon and the future risk to protected areas

Since taking office on 1 January 2019, Jair Bolsonaro has shown himself a willing supporter of expanding the country's agricultural frontier at the expense of those protected areas already demarcated or currently in the process of being so. His attacks are aimed particularly at Indigenous Lands and Conservation Units. This was one of the main pledges of his electoral campaign and it is still being implemented and defended even though it has received harsh criticism from both within the country and abroad. Since he took office, he has begun to dismantle the institutions that comprise the environmental protection system and there has been a serious increase in deforestation and in forest fires in the Amazon and other areas.

According to data from the National Institute for Spatial Research (INPE), the annual rate of felling obtained through the Legal Deforestation Satellite Monitoring Project for the Amazon (PRODES) was 7,536 km² between August 2017

and July 2018.³⁰ INPE also notes that the area deforested due to felling between April and June 2019 was a total of 1,907.1 km². The figure for the same period in 2018 was 1,528.2 km², in other words an increase of 24.8%. When the annual deforestation schedule for August 2018 to June 2019 is analysed, DETER indicates that the total is 4,574.9 km², i.e. 15.1% more than during August 2017 to June 2018, when it was 3,975.5 km². The states with the largest areas of deforestation are Pará and Mato Grosso.³¹

In addition to increased deforestation, between 20 July and 20 August of this year (the period during which the largest number of fires occurs in the Amazon region and which lasts until September), INPE detected some 33,060 outbreaks of fire in the Legal Amazon. This situation became yet more urgent and worrying following the so-called "day of fire", an action planned and organised by farmers and land grabbers which took place on 10 August and which consisted of grasslands in the process of deforestation being set on fire, particularly in what is known as the Deforestation Arc and in Roraima state.³²

According to a survey by the Socioenvironmental Institute (ISA), the ten Indigenous Lands most affected by the burning of grassland and by arson attacks³³ are: the Araguaia Indigenous Park (TO), Pimentel Barbosa TI (MT), Parabubure TI (MT), Apyterewa TI (PA), Marãiwatsédé TI (MT), Kayapó TI (PA), Areões TI (MT), Kanela

²⁹ <http://apib.info/2019/05/17/nota-de-repudio-contra-o-programa-barao-do-rio-branco-o-governo-bolsonaro-e-sua-politica-genocida/>

³⁰ http://www.inpe.br/noticias/noticia.php?Cod_Noticia=5138

³¹ http://www.inpe.br/noticias/noticia.php?Cod_Noticia=5147

³² The Deforestation Arc is the area of the Brazilian Amazon where the agricultural frontier is advancing towards the forest and also where the highest levels of deforestation are found. It is an area of some 500,000 km² of land stretching from the south and east of Pará state to the west, passing through Mato Grosso, Rondônia and Acre.

³³ In terms of the difference between forest fires, grass burning and burning for felling, see <http://amazonia.org.br/2019/08/fogo-na-amazonia-ler-antes-de-falar/>

TI (MA), Mundurucu TI (PA) and Pareci TI (MT). Some 752 outbreaks of fire have been identified in Araguaia Indigenous Park in the last month alone. In all, there have been 3,553 outbreaks of fire on 148 Indigenous Lands of the Brazilian Amazon.³⁴

In the Conservation Units, 7,368 outbreaks of fire were identified in 118 UC. The 10 UC most affected by fire and arson between 20 July and 20 August were: APA Triunfo do Xingu (APA), Florex Rio Preto-Jacundá (RO), Jamanxim Flona (PA), Resex Jaci Paraná (RO), Pes do Mirador (MA), Apa do Tapajós (PA), Esec de Terra do Meio (PA), Flona de Altamira (PA) and Pes de Guajará-Mirim (RO).

The ISA report also indicates that most of the outbreaks took place outside of protected areas. Of the 33,062 outbreaks recorded, 22,141 (67%) were outside the UC and TIs and 10,921 (33%) within. The five municipalities of the Amazon with the most deforestation and the greatest number of outbreaks of fire between January and July 2019 were: Altamira (PA), with 297.3 km² deforested and 1,630 outbreaks; São Félix do Xingu (PA), with 218.9 km² deforested and 1,202 outbreaks; Labrea (AM), with 197.4 km² deforested and 1,170 outbreaks; Porto Velho (RO), with 183.5 km² deforested and 1,570 outbreaks; and Apuí (AM), with 151.0 km² deforested and 1,754 outbreaks of fire.³⁵ In a meeting with the nine governors of the Amazonian states, held in Brasília on 27 August with the aim of finding a solution to the forest fires, President Jair Bolsonaro once more stated his opposition to and questioned the process for recognising and demarcating

the Indigenous Lands, Quilombola Territories and Conservation Units, as set out in the 1988 Federal Constitution. He also announced that the Federal Government would be taking action to revise the current legal framework and even to overturn previous government decisions.

³⁴ https://www.socioambiental.org/pt-br/noticias-socioambientais/isa-mostra-terras-indigenas-mais-afetadas-por-incendios-na-amazonia-brasileira?utm_source=isa&utm_medium=manchetes&utm_campaign=

³⁵ See Divino Silvério, Sonaira Silva, Ane Alencar & Paulo Moutinho (2019) *Amazônia em chamas - Nota Técnica do Instituto de Pesquisa Ambiental da Amazônia – IPAM*. Available at <https://ipam.org.br/wp-content/uploads/2019/08/NT-Fogo-Amazo%CC%82nia-2019-1.pdf>

Final considerations

Regardless of Funai's fate over the next four years, one thing is for sure: political decisions regarding the country's indigenous peoples have been directly linked to the alliance between agribusiness, mining and infrastructure projects for at least the last three years. Social indigenism, and the related concept of social justice, are being isolated and losing strength, while a new coalition of social and political actors with conservative (neoliberal or right-wing) beliefs, ideas and interests holds in its hands the power to define political priorities and dictate public policies for indigenous peoples. They gained this power by dubiously democratic means.

In actual fact, this coalition of actors never disappeared from the scene, as they were always in the background, ensuring their interests were protected. The institutionalization of Brazilian indigenism began with the creation of the Service for the Protection of Indians and Tracking of National Workers (SPILTN, 20/6/1910), under the Ministry of Agriculture, Industry and Trade. Its creation also marked the start of the republican project to replace religious education via the incorporation of indigenous peoples into the "civilising process" and gaining their commitment to "national progress". They were transformed into farmers. The SPILTN was linked to the Ministry of Agriculture for a large part of its 56 years of existence, and continuously from 1939 to 1967. In addition, during its first 24 years of existence (1967-1991), Funai was linked to the Ministry of Integration (Minter).

Restricting indigenous peoples' territorial rights, changing the criteria by which Indigenous Lands are identified, delineated and demarcated, opening up lands for natural resource exploitation, revising the rules for evaluating the impact and authorisation of environmental licences and transferring the power to demarcate land to Na-

tional Congress is not only in the interests of the agribusiness sector: it is also in the interests of a series of national and international political, economic and financial interests linked to infrastructure and mining projects, water, oil and gas projects as well as others already operating in the country. These are all agents wishing to continue to profit at the expense of the Brazilian population, and this includes the indigenous peoples and their territories. ■

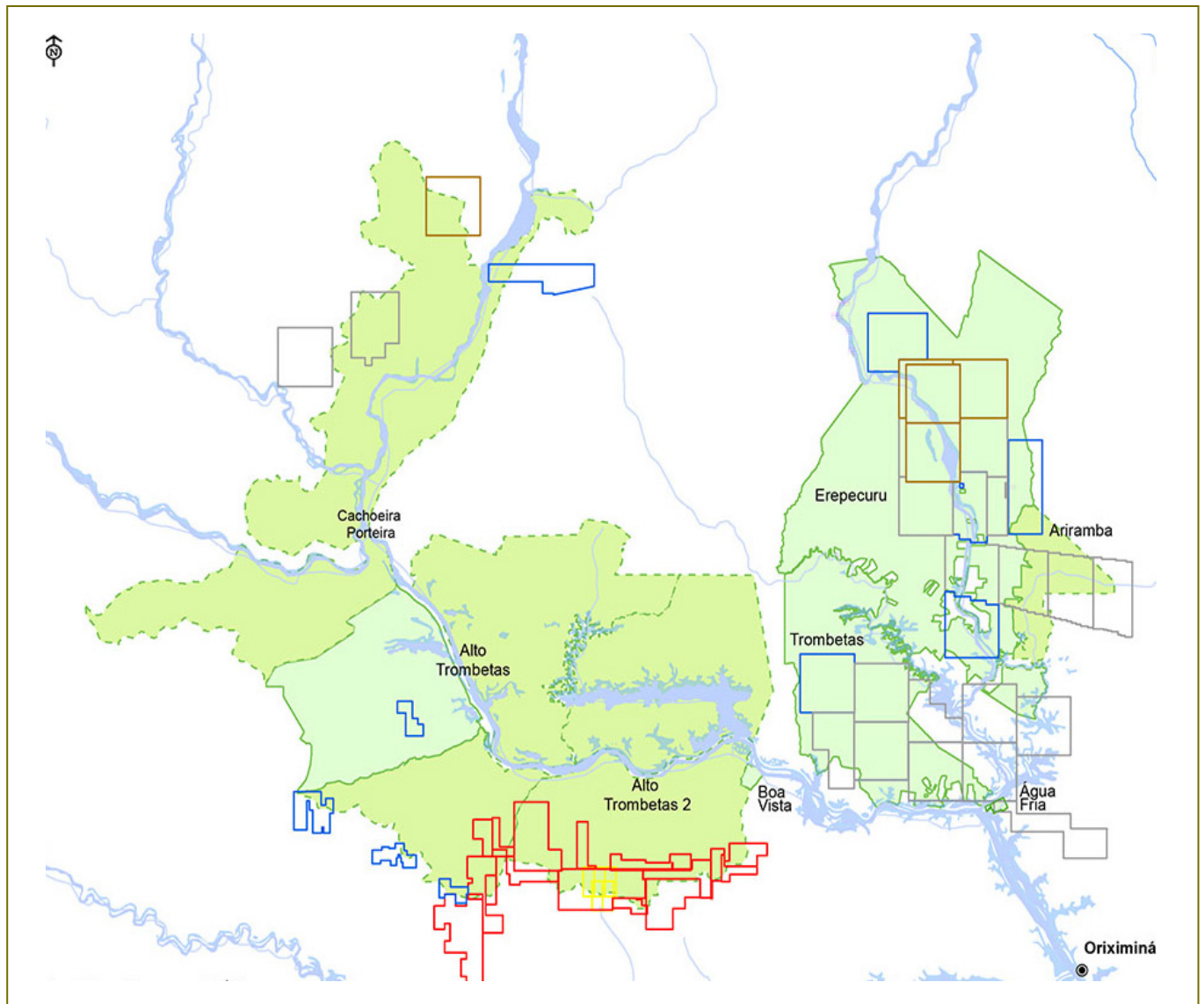
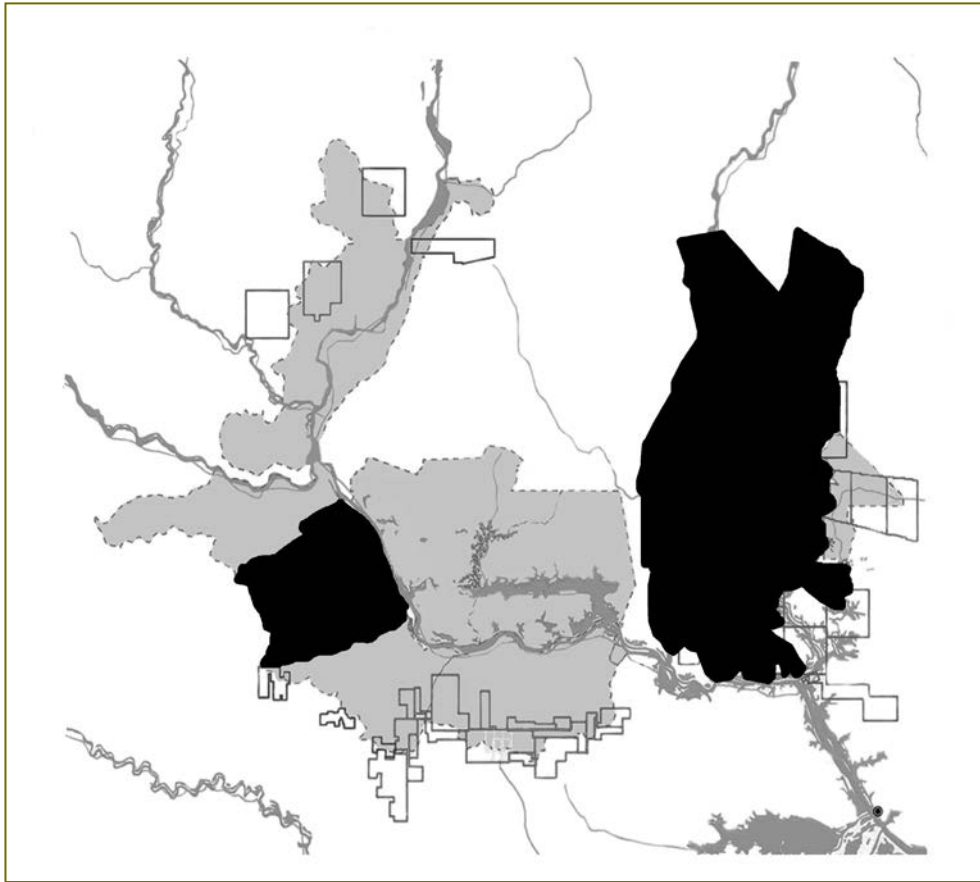
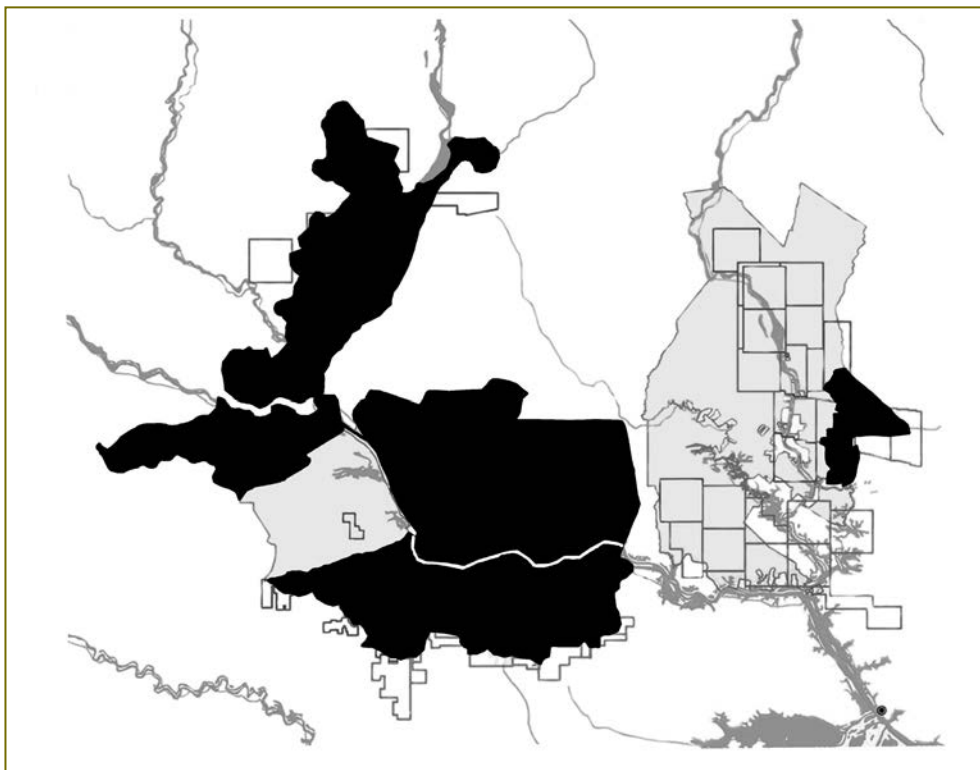


Figure 1: Quilombolas' lands and the ore process at Oriximiná

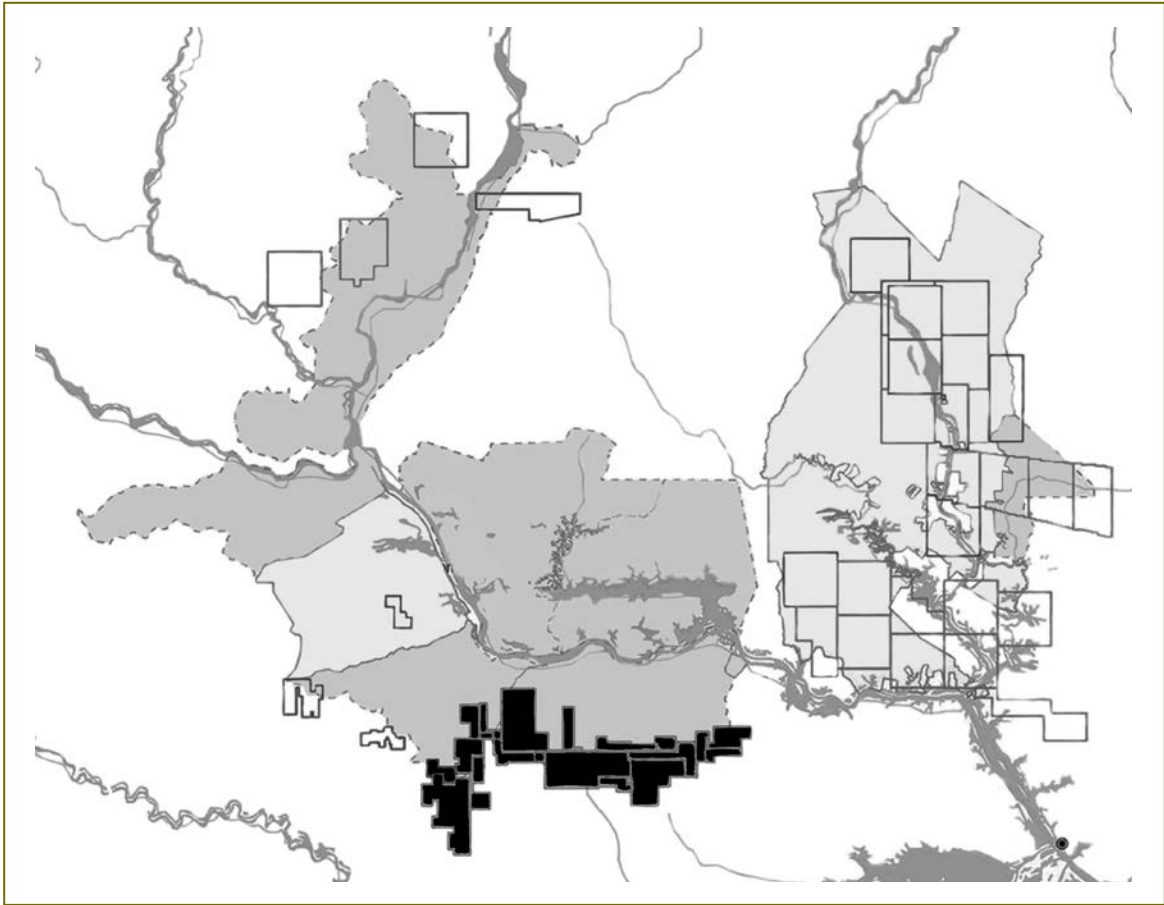
Produced in April 2016
Sources: CPI-SP, 2015; DNPM, 2016
Comissão Pró-Índio de São Paulo



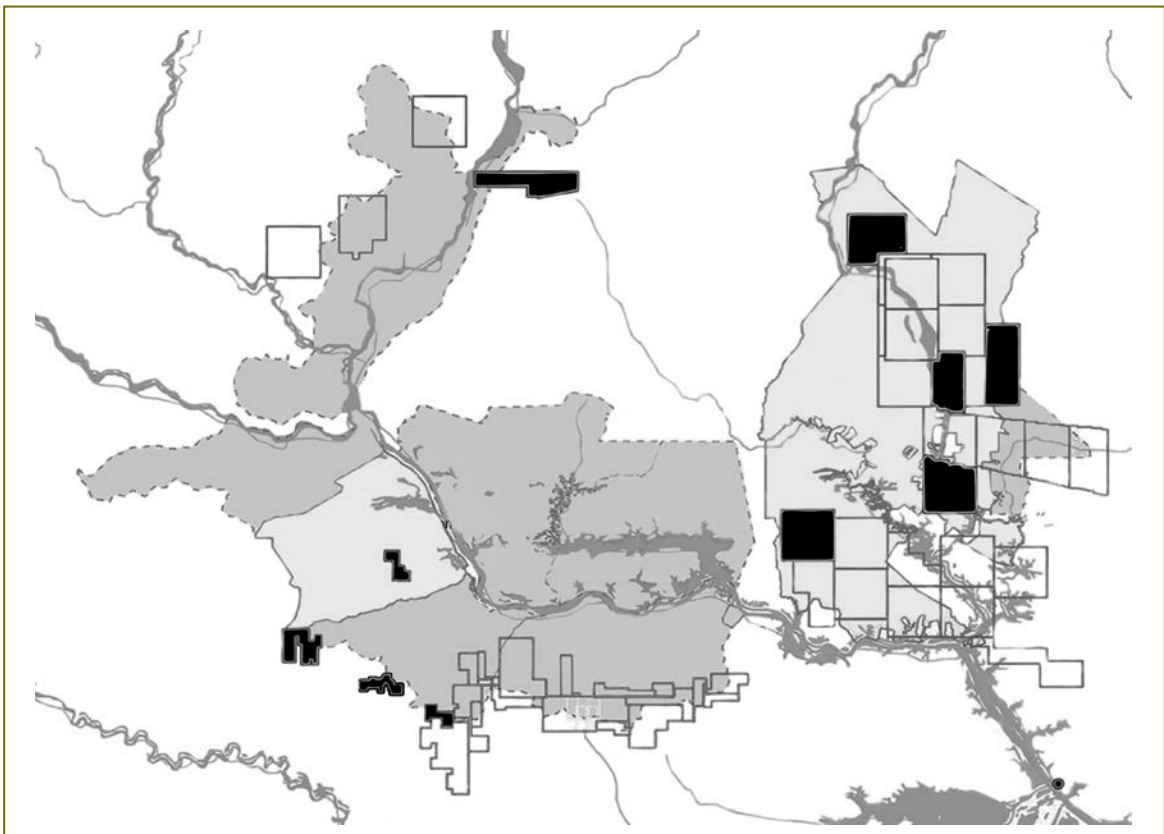
■ Demarcated Quilombolas lands



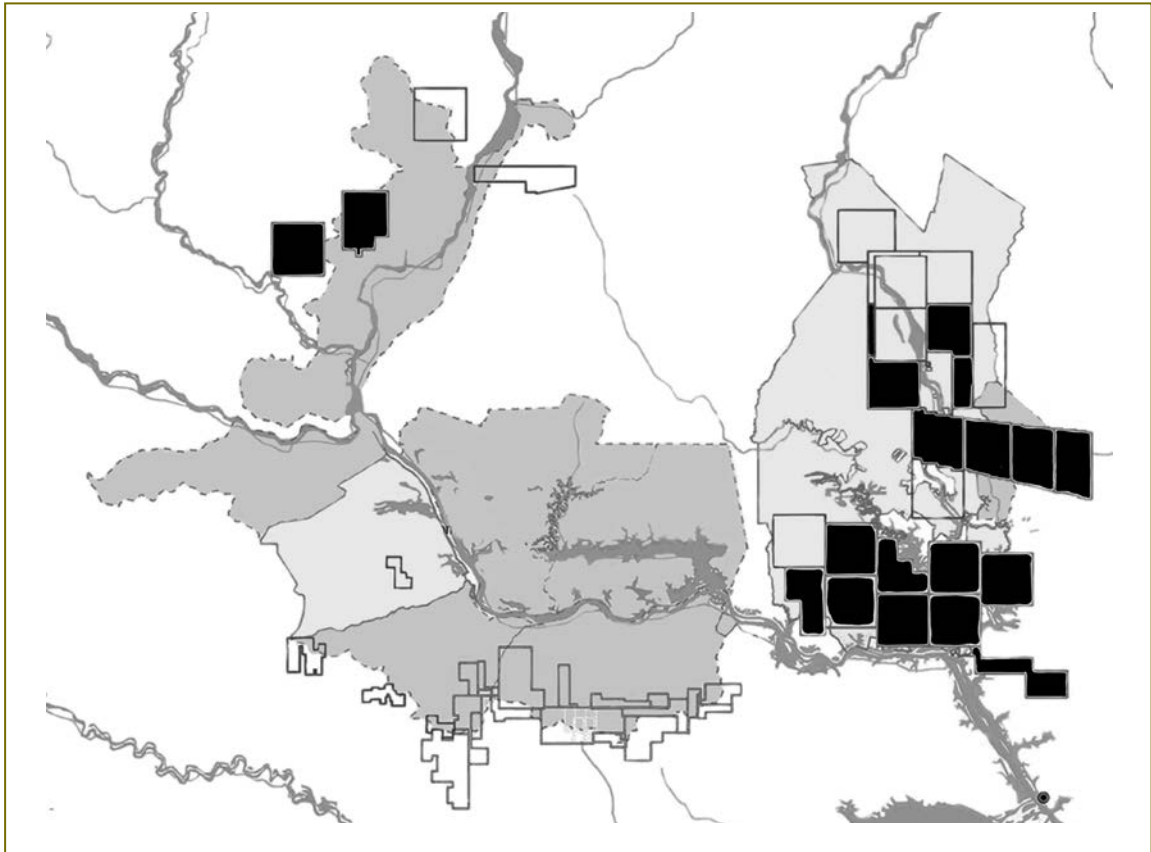
■ Regulated Quilombolas lands



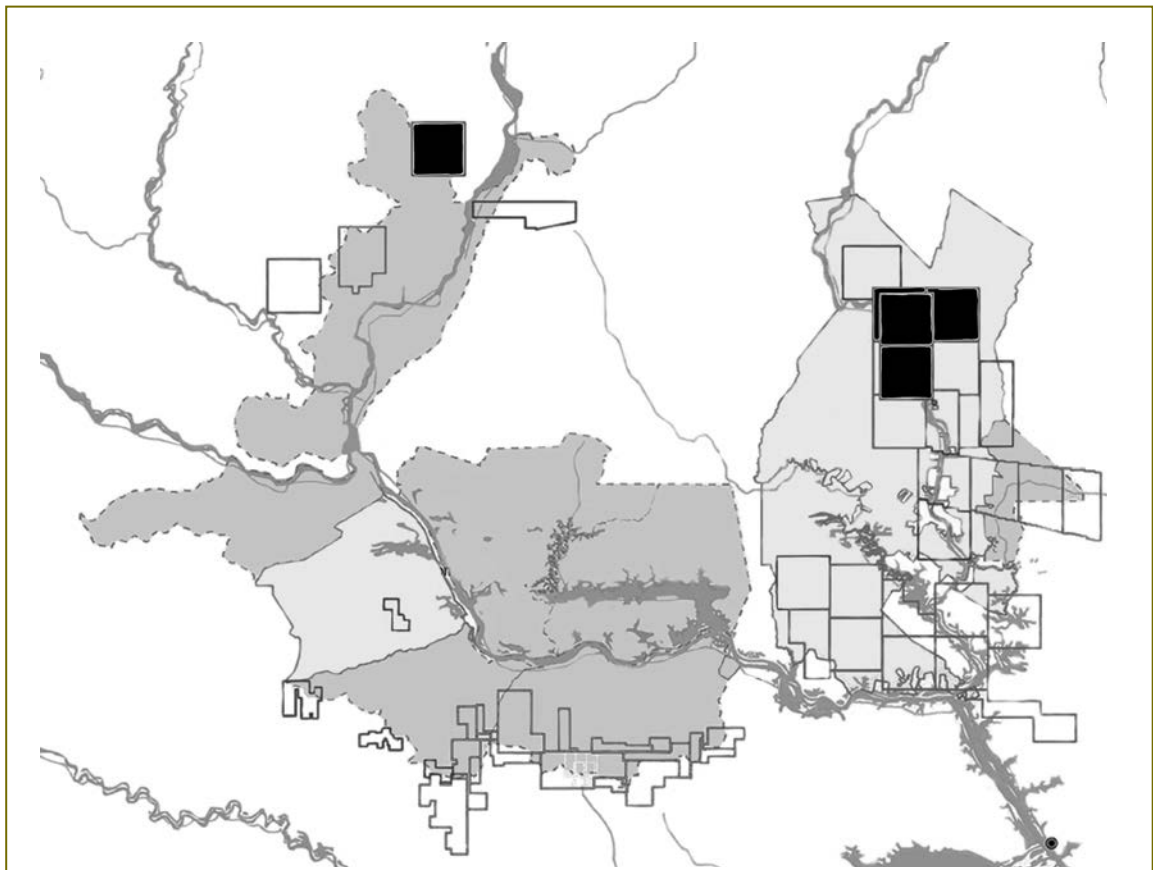
■ Ore process



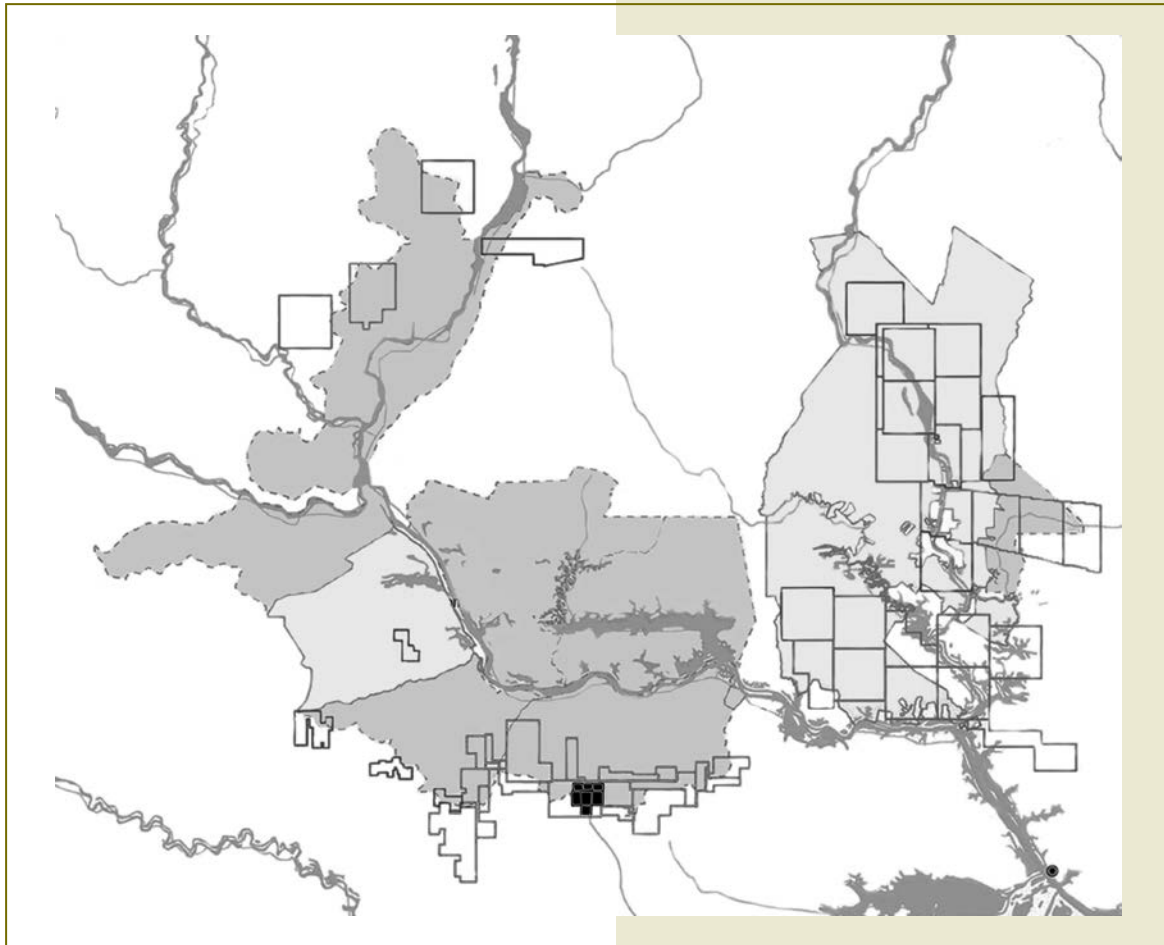
■ Ore concession



Research authorization



Available



■ Ore requeriments



- ▶ Demarcated Quilombolas lands
- ▶ Regulated Quilombolas lands

Ore process at Oriximina

- ▶ Ore process
- ▶ Ore concession
- ▶ Research authorization
- ▶ Gold digging requirements
- ▶ Available
- ▶ Ore requeriments

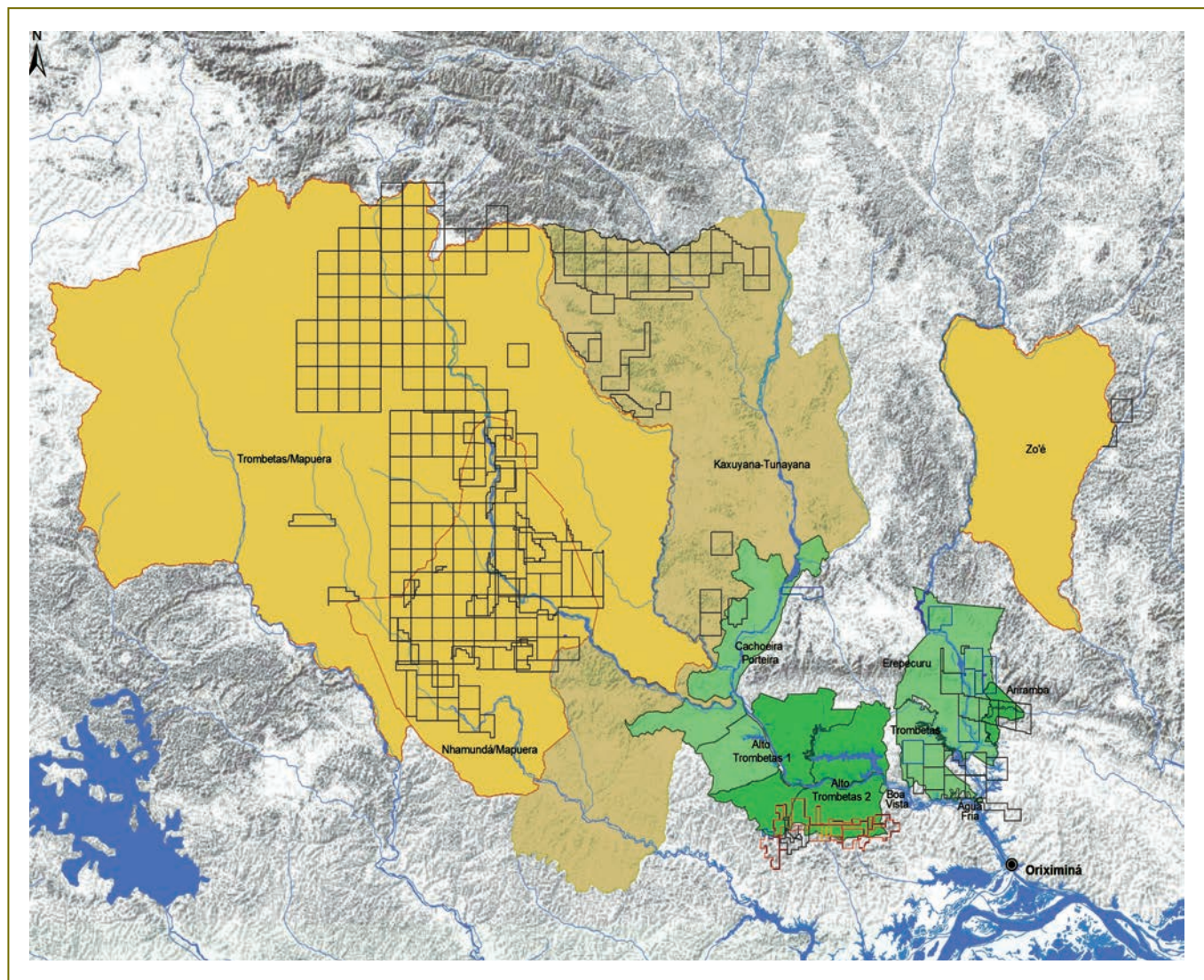


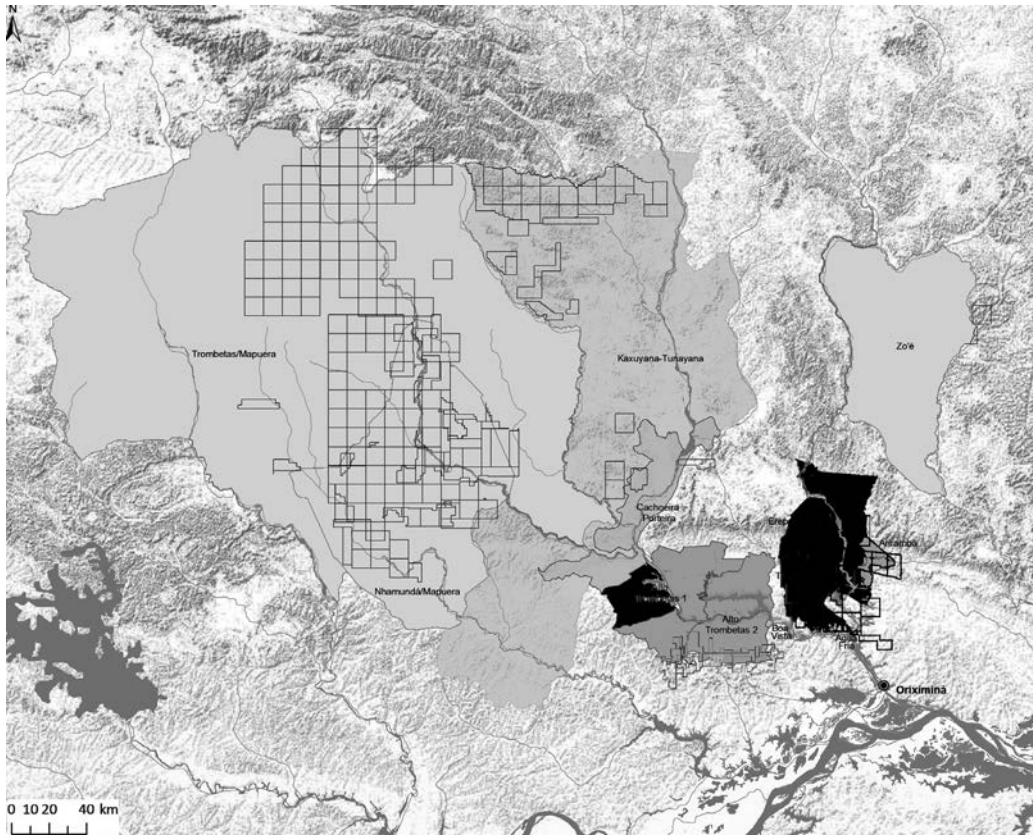
Figure 2: Ore interests in Quilombola and Indigenous Lands of Oriximiná

Produced in April 2016.

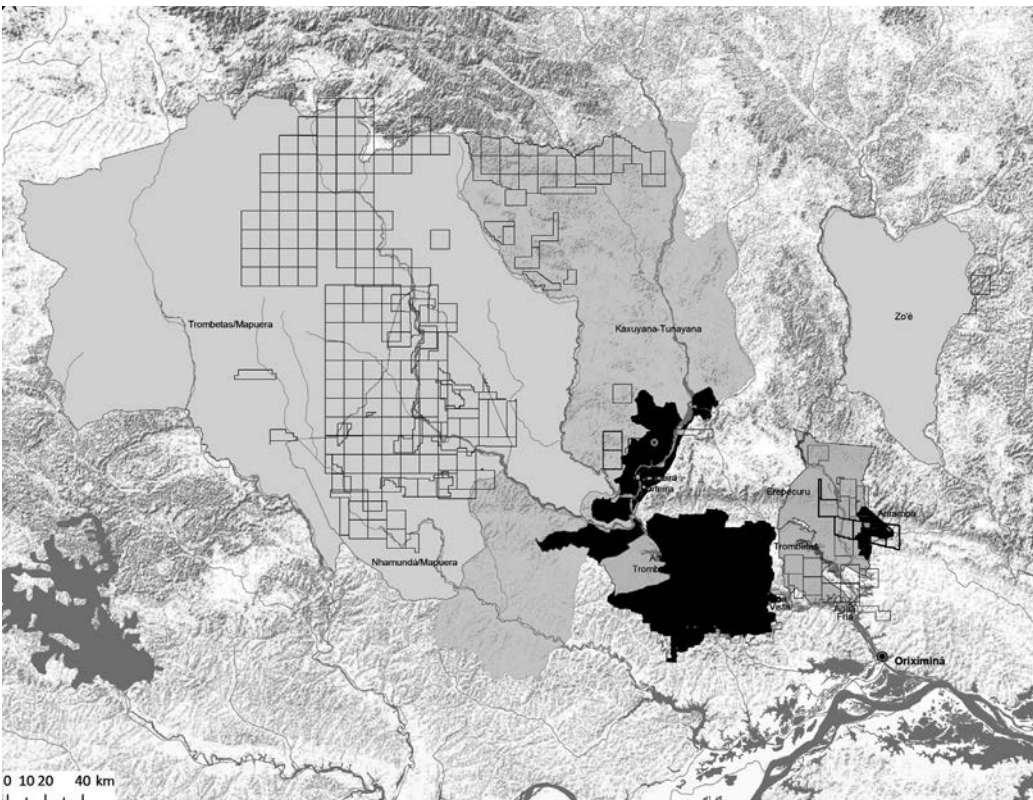
Sources: Funai, 2019; Incra, 2019; Iterpa, 2018;

ANM, 2019

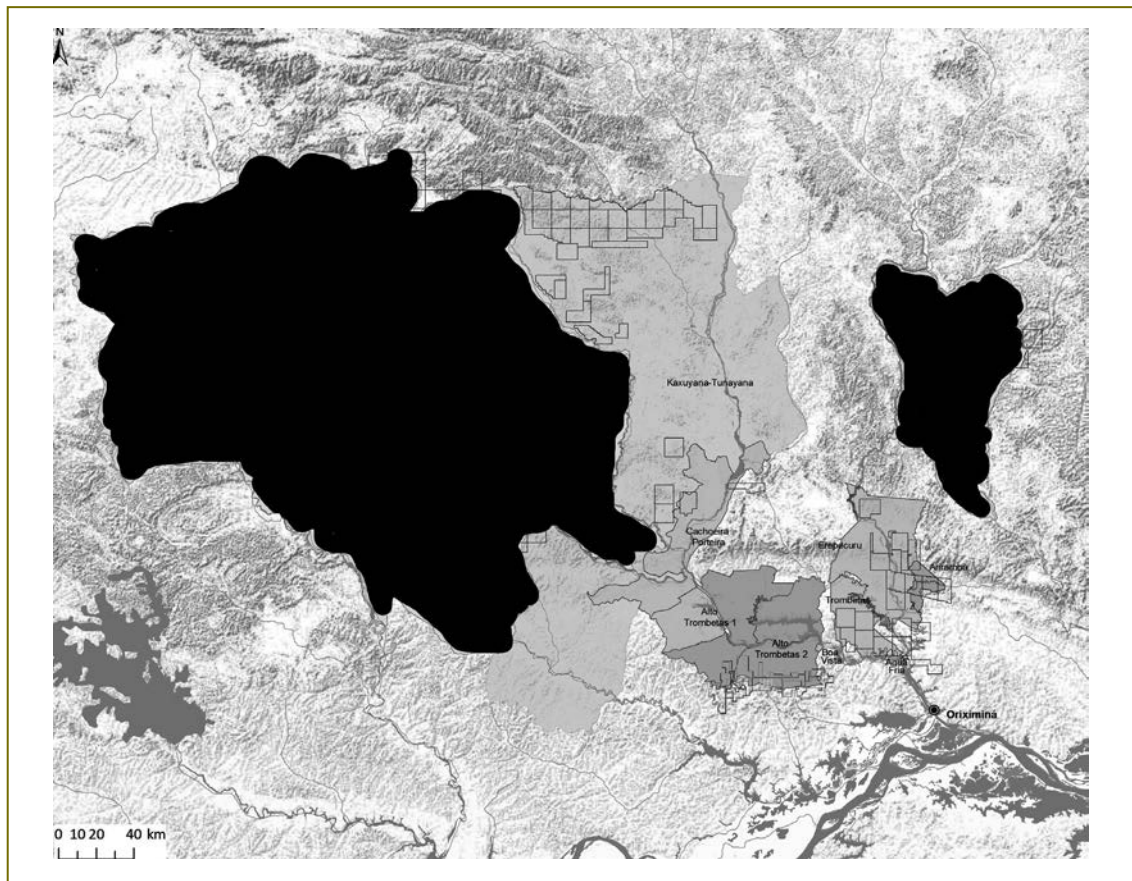
Comissão Pró-Índio de São Paulo



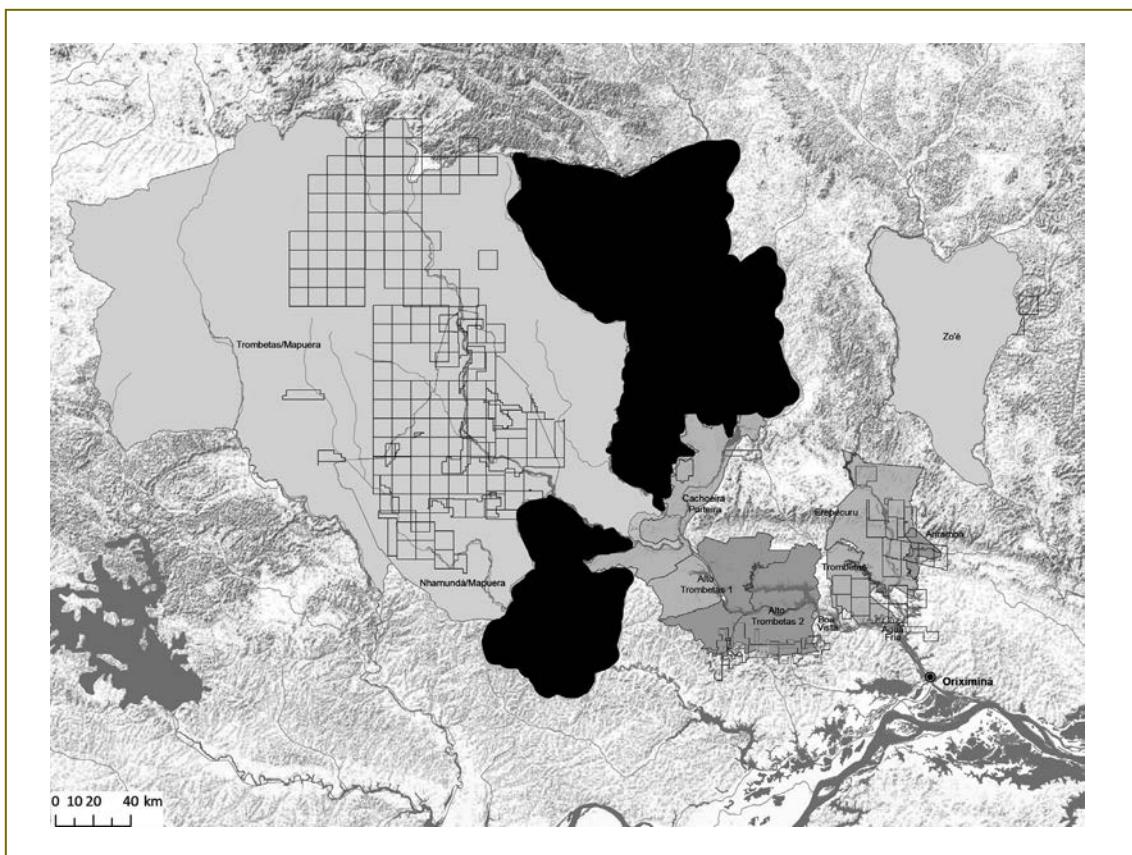
■ Demarcated quilombolas lands



■ Regulated Quilombolas lands



Demarcated indigenous lands



Indigenous Lands in process of regulation



- | | |
|---|-------------------------------|
| ▶ Demarcated quilombolas lands | Ore Process - ANM |
| ▶ Regulated Quilombolas lands | ▶ Forrow`s concession |
| ▶ Demarcated indigenous lands | ▶ Research Authorization |
| ▶ Indigenous Lands in process of regulation | ▶ Research requirement |
| | ▶ Ore prospecting requirement |
| | ▶ Available |
| | ▶ Forrow`s requirement |

Silenced genocides: Brazil's failure to recognize indigenous peoples living in voluntary isolation

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- 3 Leila is a social scientist with a degree in anthropology from the University of Brasília. She worked for 20 years in FUNAI's General Coordinating Unit for Identification and Demarcation and for six years in its General Coordinating Unit for Indigenous Peoples in Isolation and Initial Contact: two years as General Identification Coordinator and 18 months as Isolated Indigenous Peoples Coordinator. She was responsible for three reports identifying the Pataxó lands in Bahia, and many others on the Amazon region.
- 4 Patrícia holds a doctorate in anthropology from the University of Chicago, and has been an indigenous peoples' researcher focusing on the Araguaia region since 1990. She has coordinated several of FUNAI's technical groups for the identification of indigenous lands in Brazil.
- 5 Victor is an anthropologist with the Indigenous Work Centre (CTI) and doctoral student in social anthropology at PPGAS / UnB. He has been researching and working with the Karib peoples of the northern Amazon since 2010. From 2015 to 2018 he worked on the project entitled “Ethno-environmental protection of indigenous peoples in isolation and initial contact in the Amazon”, conducted by the CTI in technical cooperation with FUNAI, with the support of the Amazon Fund.

Introduction

This article documents recorded evidence of the presence of indigenous peoples living in voluntary isolation in Brazil. There is still much research to be done in this regard, and their existence has not been confirmed by the Brazilian state. The National Indian Foundation (FUNAI), the government body responsible for Brazil's indigenist policy, estimates that there are 114 records of the presence of isolated peoples currently being assessed and analysed. Of the 86 records yet to be confirmed, FUNAI data⁶ suggests that 33 of these occurred outside the boundaries of the Indigenous Lands (TI in Portuguese, IL in the following) or areas of restricted use.⁷ This reflects the enormous reticence of the Brazilian state to officially recognize the existence of these groups.

Brazilian civil society organizations such as ISA (Socio-Environmental Institute) and CIMI (Indigenist Missionary Council) are conducting their own research into isolated peoples, unrelated to the government.⁸ By combining data from the three institutes, FUNAI, ISA and CIMI, there are a total of 44 records of isolated people outside of indigenous lands.

The following pages describe the specific details of these unconfirmed records. In terms of records confirmed by the Brazilian state, while many of these take place within indigenous

and or in areas of restricted use established by FUNAI, these people are threatened by increasing invasions on the part of private individuals and by government speculation that is protecting extractive expansion for economic gain.⁹

Brazilian political context

According to the 1988 Constitution, field investigations and the consequent recognition of the presence of isolated peoples still living outside the boundaries of officially demarcated indigenous lands are necessarily related to the guarantee of indigenous territorial rights in Brazil. There is no effective way of recognizing the presence of isolated peoples that are not linked to their territorial rights.

FUNAI's Ethno-environmental Protection Brigades¹⁰ are responsible for conducting research into the presence of groups in isolation and studies on the demarcation of indigenous lands. In terms of guaranteeing the territorial rights of isolated peoples, the main administrative instrument currently used by FUNAI is that of "restricted use". It is a mechanism that limits entry into, transit through, settlement on and use of the land by people outside of FUNAI, and FUNAI exercises its policing powers to regulate the entry and transit of third parties in and across areas where the presence (possible or confirmed) of isolated indigenous peoples has been noted, in accordance with Article 7 of Decree nº 1775/96.

Despite the new scenario for indigenous peoples' rights set out in the Brazilian Constitution, it has been no easy matter to enforce this break with previous legislative texts and the

6 FUNAI data from 2017: Informação técnica n. 16/2018 / COPLII / CGIIRC / DPT-FUNAI adjunta al Oficio nº 521/2018 / DPT-FUNAI.

7 Restricted use is an administrative mechanism established by Decree nº 1775 of 1996 the aim of which is to restrict access to the area in question, as determined by FUNAI, in order to ensure the temporary safeguarding of a territory occupied by an isolated group (while the normal demarcation process takes its course).

8 Although it does not produce its own statistics on records of isolated indigenous peoples, the Indigenous Work Centre (CTI) has worked on behalf of indigenous peoples for decades. Its most recent actions include the work conducted between 2015 and 2018 as part of a technical cooperation project with FUNAI.

9 For more information, see the recently published report on the situation of peoples in isolation officially confirmed by the Brazilian state, submitted to the last UN Permanent Forum on Indigenous Issues and produced with the support of COIAB and Land is Life.

10 There are currently 11 Ethno-environmental Protection Brigades. They are the field units of FUNAI responsible for guaranteeing the rights of indigenous peoples living in isolation and initial contact.

concept of assimilation introduced by Law nº 6001 of 1973. The mere existence of a specific chapter on indigenous peoples in the Federal Constitution is insufficient to ensure that their rights are enforced. Indeed, the resistance that has existed for decades, perhaps centuries, with regard to implementing a territorial policy for indigenous peoples has even increased over the last few years. The enforcement of these territorial rights in Brazil is now in turmoil because of the systematic regulatory and structural dismantling that has been actively encouraged by the government since it came to power in early 2019, particularly in relation to FUNAI.

The growing pressure from Brazil's agribusiness and landowning lobby creates doubts as to whether indigenous rights can still be effectively protected, particularly the rights of those still living in isolation. Conflicts are now frequent in the regions where territories are claimed and where there is a presence of isolated indigenous groups while, in parallel, the decentralized units of FUNAI - responsible for protecting those peoples - have been weakened, degraded and deprived of human resources.

The election of Jair Bolsonaro as President of the Republic has resulted in the most flagrant attempt to eradicate indigenous territorial rights. In response to the unconditional support for his candidacy from the agribusiness and landowning lobby in Brazilian Congress, the President published Provisional Measure nº 870 on his first day in office (1 January 2019), drastically changing the structure of government, amending the presidential bodies and abolishing, merging and altering the different ministries' powers. FUNAI was thus taken away from the Ministry of Justice and part of its functions moved to the Ministry for Women, Family and Human Rights (MMFDH). The remainder of its units, including the department responsible for recognizing and consolidating the physical demarcation of indigenous lands, the DPT

(Directorate for Territorial Protection),¹¹ and the body responsible for granting environmental permits, the CGLIC (General Coordinating Body for Environmental Licencing), were moved to the Special Secretariat for Land Affairs (SEEF),¹² which is also responsible for the National Institute for Settlement and Agrarian Reform (INCRA),¹³ the body responsible for demarcating Quilombola (Afro-Brazilian) lands. This is in clear disregard for the history of conflict between these two institutions.

One of the government's proposed amendments¹⁴ is that any decision to initiate an administrative process aimed at demarcating an indigenous land, together with the subsequent procedures necessary for its full recognition, must be taken by an interministerial council formed of the MMDFDH and MAPA together with the Ministries of Justice and Public Security, Environment, Defence, the Institutional Security cabinet and the Civil Office (these latter with ministerial status). According to our information, neither indigenous peoples nor civil society organizations will be involved in this council.

These measures have not come into immediate effect because, quite apart from their negative consequences, such Provisional Measures (MP) have to be approved by National Congress

11 It should be noted that only the General Coordinating Bodies of Isolated Indigenous and Territorial Monitoring were integrated into the structure of the Special Secretariat for Land Affairs.

12 Nabhan García, President of the Democratic Union of Landowners (UDR), was elected Special Secretary for Land Affairs, a known and untiring "enemy" of indigenous rights.

13 INCRA is a federal body created by Decree nº 1,110, of 9 July 1970, with the aim of carrying out agrarian reform, maintaining the national registry of rural landholdings and administering the state lands of the Union. It also conducts titling of the Quilombola territories(<http://www.INCRA.gov.br/historico-do-INCRA>).

14 Available at: <https://www.valor.com.br/politica/6083467/demarcacao-de-terra-indigena-dependera-de-aval-de-conselho-ministerial.idem>. Accessed 25/05/2019.

before they can become law. Numerous complaints have been made both nationally and internationally. Given the severe consequences this action would have, the Brazilian Socialist Party (PSB) lodged a Direct Action of Unconstitutionality against this particular measure with the Federal Supreme Court (STF) at the end of January 2019.¹⁵ In mid-February, following legal advice from MAPA, the Attorney-General's Office (AGU) ruled in favour of MP No. 870, arguing that administrative organization was the remit of the government and that the regulations governing the measure did not threaten any harm to indigenous peoples' rights, which are protected by the Federal Constitution. The Human Rights Council (CDH) – an autonomous body linked to the MMDFDH – issued a recommendation that powers over the demarcation of indigenous lands should remain with FUNAI.¹⁶ At the beginning of March, as part of the same process, the Federal Public Prosecutor's Office (MPF) issued a technical note that reinforced the presumption that MP No. 870 was unconstitutional, supported by the PSB and bolstered by the CDH's recommendation. The process is still passing through the Brazilian Congress. In May of this year, the Chamber of Deputies voted against the proposal to break up FUNAI and its current powers, a decision ratified days later by the Senate.

In April of this year, a protest movement of more than 4,000 indigenous people assembled at the 15th Free Land Camp (ATL) in Brasilia. Organized by the Coordinating Body of Brazil's Indigenous Peoples (APIB) and the National Indigenous Mobilisation (MNI), and supported by related organizations, the camp has remained in place to this day under the slogan "One FUNAI Not Half a FUNAI", demanding that FUNAI should remain fully under the Ministry

of Justice. Another of their claims relates to their opposition to the municipalization of indigenous health.¹⁷ The following text is an extract from the final document produced by participants in the ATL:

We demand and expect that the National Congress makes changes to MP 870/19 and removes the power to demarcate indigenous lands and issue environmental permits from the Ministry of Agriculture, Fisheries and Supplies (MAPA) and that these powers are returned to the Ministry of Justice (MJ) and the National Indian Foundation (FUNAI). We demand and expect that FUNAI and all its responsibilities remain under the Ministry of Justice, with the necessary budget and human resources to fulfil its institutional mission to demarcate and protect indigenous lands and ensure the protection of our rights. (APIB, 2019).

In light of the above paragraph, the government has proposed changes that do not take the indigenous peoples into account and which fail to respect ILO C169 on free, prior and informed consultation. The national indigenous movement is well aware of such common practices in relation to indigenous peoples, and has rejected them. This is creating a backdrop of political and legal conflicts between the government, agribusiness and mining interests on the one hand, and indigenous peoples, parliamentarians in favour of indigenous rights and non-governmental organizations working for social and environmental rights, on the other. Special mention should be given to the new indigenous representative in National Congress, who has been a key person in this process. Her name is Joênia Wapichana, a federal deputy for the REDE, and she has been at the forefront of the discussions in the Joint Commission and the plenary sessions of the Chamber of Deputies.

In addition, Wapichana has formed and coordinated the Joint Parliamentary Front in Defence

¹⁵ Information available at: <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=402544>
Accessed 25/05/2019.

¹⁶ Available at: <http://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=14/03/2019&jornal=515&pagina=67.idem>. Accessed 25/05/2019.

¹⁷ Proposal submitted by the Ministry of Health, Luiz Henrique Mandetta.

of Indigenous Peoples' Rights, comprising 219 deputies and 29 senators and this was also fundamental to this success.¹⁸

Despite this initial victory for the indigenous/indigenist movement over the current government, there are still many obstacles to be overcome in this new political landscape. The local election of conservative politicians aligned with agribusiness has also resulted in serious conflict over indigenous lands. Areas with the presence of indigenous peoples living in isolation are particularly vulnerable in this situation, for example the Uru-Eu-Wau-Wau Indigenous Land in Rondônia; the *Ãwa e Araribóia* IL in Maranhão; the Kaxuyana/Tunayana, Cachoeira Seca and Apyterewa IL in Pará; and the Kawahiva do rio Pardo and Piripkura IL in Mato Grosso.

According to the indigenous/indigenist movement, these initial actions on the part of the new government are providing people with an incentive to grab and clear (deforest) land. A new phase of illegal appropriation of indigenous lands is being unfurled and this may well not stop with the mere return of FUNAI to the Ministry of Justice. There will be other strategies implemented with the aim of weakening indigenist policy, such as Proposed Constitutional Amendment No. 215¹⁹ and the previously noted interministerial council for monitoring demarcation processes.

Army's return

A number of strategic government positions are currently in the hands of the military, most of them members of the Reserves. Over the last few years, since the Truth Commission's ruling on events that took place under the dictatorship, the Armed Forces have been

absent or relegated to posts directly related to national security. Under President Bolsonaro, himself a retired Army Captain, the Armed Forces now hold positions within various ministries and in the Cabinet Office of the Presidency of the Republic, including within FUNAI, whose current president is a general. Of the 20 ministries (excluding the Federal Attorney-General's Office and the Presidency of the Central Bank, which have ministerial status), seven are now controlled by members of the Armed Forces. During the Geisel government (1974-1979), the most cruel period of the dictatorship, which ended with National Congress being prorogued in 1968 (on the basis of Institutional Act No. 5), seven of the 18 ministries existing at that time were also in the hands of the military.

Unlike the rhetoric on national sovereignty during the dictatorship, the military sector of government has unanimously established a developmentalist policy that supports a position of openness towards foreign capital aimed at exploiting the mineral resources on indigenous lands.

In contrast with the conclusions of the 2014 report of the National Truth Commission (CNV),²⁰ the military sector of Bolsonaro's government shows great admiration for Brazil's past military dictatorship (1964 to 1988). This can be seen by the presence of General Santa Rosa who, while not a minister, currently occupies the post of Special Secretary for Strategic Affairs within the General Secretariat of the Presidency, an important government portfolio. General Santa Rosa was dismissed from his post in the Ministry of Defence in 2010 by former President Luís Inácio Lula da Silva following his criticism of the creation of the National Truth Commission. He is the main supporter of the

¹⁸ <http://apib.info/2019/05/23/nota-da-apib-sobre-a-aprovacao-do-texto-da-mp-8702019/>

¹⁹ A Proposed Constitutional Amendment (PEC) that grants National Congress (Chamber of Deputies and Senate) the power to demarcate indigenous and Quilombola lands. This PEC has come under heavy criticism from the indigenous/indigenist movement.

²⁰ In the context of Law No. 12,528 of 2011, the aim of the CNV was to bring to light human rights violations that occurred between 1946 and 1988. Its creation resulted in acrimonious disputes between the government and the most reactionary sectors of the Armed Forces.

“Barão do Rio Branco” program, broadly aimed at ensuring the economic integration of the Amazonian region known as “Calha Norte”, which encompasses Amapá state, the north of Pará and Roraima. This project re-establishes the old “developmental” theories from the 1950s to 1980s, which considered the Amazon to be an empty and wild space in which natural resource exploitation could be advanced by means of flagship infrastructure projects. In the north of Pará state in particular, however, there is a significant presence of Quilombola and indigenous communities, and especially a large number of indigenous peoples living in voluntary isolation in areas marked by dense vegetation, preserved forests and great water reserves.

The program, which is at the planning stage, anticipates (i) the extension of highway BR 163²¹ from the banks of the Amazon River to the border with Suriname, crossing indigenous and Quilombola lands and conservation areas in the north of Pará; (ii) a 1.5 km bridge over the Amazon, at the town of Óbidos, in the west of Pará; (iii) the construction of a hydroelectric plant on the Trombetas River, generating 3,000 MW close to the Quilombola community of Cachoeira Porteira, and also affecting the Kaxuyana/Tunayana Indigenous Land, also in the north of Pará; and (iv) the implementation of a regional development hub in the area of Óbidos/Oriximiná, with the aim of stimulating the economic development of the lower Amazon region (Pará).

Information from the 2014 CNV report recalls that at least 8,300 indigenous people died due to the government’s economic integration policies between 1948 and 1988, the period of the military dictatorship. This number is well below the reality, as it only includes studies into 10²² of the country’s indigenous peoples,

21 The highway connecting the cities of Mato Grosso and Santarém, in Pará, passing along the southern banks of the Amazon River.

22 Around 1,180 Tapayuna, 118 Parakanã, 72 Arawete,

a small proportion of the country’s indigenous peoples as a whole. Many of these deaths were caused by the large infrastructure projects (highways, hydroelectric plants, and so on) established to facilitate the economic integration programmes for the Amazon region. Numerous indigenous peoples were decimated by these projects, which unleashed violent genocidal and ethnocidal forces. Such was the case of the Waimiri-Atroari, victims of the construction of highway BR-0174 (Manaus-Boa Vista) and the Balbina hydroelectric plant. The case of the Yanomami is also noteworthy, and the attempts to extend the Northern Perimeter road over their lands in Caracaraí municipality (RR).

Many of the peoples in voluntary isolation affected by this devastating colonization were not included in the CNV report, and nor were those wiped out during the colonization process in Rondônia, Mato Grosso and Goiás/Tocantins, who resisted in small groups, nor even was the solitary indigenous man on the Tanaru Indigenous Land (“the Loneliest Man on Earth”), nor the Akuntsu, the Kanoê, the Kawahiva of Muqui River or the Avá-Canoeiro of Minaçu and Araguaia, to name but a few.

In addition to MP No. 870, on 2 January 2019²³ the government enacted Decree No. 9,667, moving responsibility for analysing and recording the issuing of environmental permits for projects that may have cultural and socio-environmental effects on indigenous peoples and lands from CGLIC/FUNAI to the Secretariat of Land Affairs under MAPA. This transfer was, according to the government, necessary to speed up the work and to simplify the licencing process which, in the words of the current President of the Republic,²⁴ “is delaying and hindering

more than 14 Arara, 176 Panará, 2,650 Waimiri Atroari, 3,500 Cinta-Larga, 192 Xetá, at least 354 Yanomami and 85 Xavante from Marãiwatsédé.

23 Available at: http://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/57633308

24 Available at: <https://www1.folha.uol.com.br/ambiente/2018/12/bolsonaro-diz-que-licenca-ambiental-atrapalha->



Figures 1, 2 – Houses destroyed by landowners in the native village of the “Loneliest Man on Earth” in Rondônia. On the right, an area intentionally deforested to hide the attack and destruction of their houses. 1995. Scenes from the film “Corumbiara”.

the country’s development”. This supposed streamlining and consequent downplaying of FUNAI’s involvement in these processes may be disastrous for indigenous peoples, particularly those living in isolation, and we still do not know the real extent of the impact of projects yet to come. Such is the case of the Belo Monte (PA) and São Manoel (MT) hydroelectric plants which, in line with current legislation, received their operating licences from the government without due consideration of whether any isolated peoples might be living in the area. If the changes proposed by the current government are made to the environmental licensing process then respect for the constitutional rights of indigenous peoples, together with their guarantee, will suffer a serious setback.

The BNDES and developmentalist policies²⁵

The National Social and Economic Development Bank (BNDES) has been the main financier of large public works in recent years. It also enthusiastically supports agricultural and lives - stock production in Brazil.²⁶ Resources from other banks, such as the World Bank and

the Inter-American Development Bank (among others), supplement its funds for such kinds of investment.

Between the launch of the Growth Acceleration Programme (PAC) in 2007²⁷ and 2011, the BNDES supported 503 projects with total funding of 327 billion R\$. Of this amount, the BNDES provided 179.4 billion R\$, 55% of which was destined for the energy sector, justifying the enormous amount intended for the Amazon region to accommodate large-scale energy projects (VERDUM, 2012). According to VAZ (2013, p. 21), the projects envisaged by the PAC will affect 28 records of the presence of peoples in isolation.

For example, in 2012 the BNDES approved a 22.5 billion R\$ budget for the construction of the Belo Monte hydroelectric plant, the estimated cost of which at the time was 28.9 billion R\$.²⁸

²⁷ The developmentalist government programme launched during Lula’s government, via Decree No. 6,065 of 2007 (available at: http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2007/Decreto/D6025.htm), with the aim of expanding Brazil’s infrastructure through the construction of large hydroelectric power stations, highways, and other large-scale projects. See also “As Obras de Infraestrutura do PAC e Povos Indígenas na Amazônia Brasileira”, by Ricardo Verdum, available at: <https://www.amazonia.org.br/wp-content/uploads/2012/10/Obras-de-Infraestrutura-do-PAC-e-Povos-Indigenas.pdf>

²⁸ <http://restrito.norteennergiasa.com.br/site/wp-content/uploads/2012/12/Informe-Belo-Monte-n-2.pdf>.

obras-e-que-vai-acabar-com-capricho-de-fiscais.shtml Accessed: 20/05/2019

²⁵ Fragment from AMORIM, 2019.

²⁶ Information available at: <https://www.bndes.gov.br/wps/portal/site/home/onde-atuamos/agropecuaria>

The initial anticipated cost had been 16 billion R\$.²⁹ In 2017, the final cost was estimated at more than 30 billion R\$. Of that figure, the BNDES contributed almost 70% in 2017.³⁰

Another example is the Jirau hydroelectric power plant, on the Madeira River in Rondônia which, together with the Santo Antônio hydroelectric plant, forms the Madeira River hydroelectric complex. In 2009, expenditure to the order of 10.5 billion R\$ was anticipated for construction of the Jirau hydroelectric plant. By 2012, the cost was already estimated at 15.7 billion R\$, of which the BNDES had contributed 60%.³¹ The final estimated cost in 2016 was 19 billion R\$.³² The Teles Pires hydroelectric power plant, on the river of the same name, a tributary of the Tapajós River, had an initial cost of 3.6 billion R\$ in 2010. For construction and commissioning of the power plant, the BNDES contributed 3,624,000.00 R\$ in different kinds of funding (Vazquez et al, 2016).

Both the Belo Monte hydroelectric plant and the Jirau and Santo Antônio, Teles Pires and São Manoel power plants will have a direct or indirect impact on regions with a presence of indigenous peoples in isolation at the investigative stage. In both cases, insufficient studies have been conducted to confirm their presence and yet no money has been provided to pay for studies related to the indigenous component of environmental permits or mitigation programs.

The concentration of lands and power³³

One of the most harmful results of the political exploitation of Brazil's forests is the great concentration of land in the hands of a powerful minority. According to information in the 2017 Agricultural and Livestock Census,³⁴ 0.04% of farming units are large rural properties (over 10,000 hectares) that account for 14.8% of the country's total productive area, while 81.3% of farming units are small plots of 50 hectares or less, accounting for 12.8% of the country's total productive area. According to an Oxfam Brazil study, published in 2016,³⁵ large properties make up scarcely 0.91% of all rural holdings in Brazil but account for 45% of the country's total rural area (including unproductive lands). Moreover, farms of less than 10 hectares make up 47% of the country's total but account for less than 2.3% of the total land area. Most areas are, in fact, in the Cerrado and Amazonian biomes of Mato Grosso and Pará states.

The concentration and ownership of land (generally by violent means³⁶) is closely related to the exercise of political power in Brazil. Research by the journalist Alceu Luís Castillo³⁷ (2012) into politicians elected in 2006, 2008 and 2010 found that senators, federal and state deputies, vice-presidents, state governors, municipal mayors and deputy

29 <https://www.ecodebate.com.br/2015/03/10/os-custos-de-belo-monte-indicios-para-a-lava-jato-investigar-por-telma-monteiro/>.

30 <https://apublica.org/2017/11/belo-monte-esta-de-pe-mas-precisa-de-mais-dinheiro-para-ficar-pronta/>.

31 https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20120928_jirau.

32 <http://g1.globo.com/ro/rondonia/noticia/2016/12/3-maior-hidreletrica-do-brasil-jirau-e-inaugurada-oficialmente-em-rondonia.html>.

33 Fragment from AMORIM, 2019.

34 Information available at: <https://censos.ibge.gov.br/agro/2017/>.

35 Available at: <https://www.oxfam.org.br/noticias/no-brasil-1-das-propriedades-detem-metade-da-area-rural>.

36 Information available at: <https://reporterbrasil.org.br/2018/06/juradas-de-morte-como-sobrevivem-liderancas-rurais-em-meio-ao-aumento-da-violencia-no-campo/>.

37 The journalist published a book "O partido da terra: como os politicos conquistam o território brasileiro" on the basis of an analysis of 13,000 statements of assets that candidates to the Senate, Chamber of Deputies, State Governors, Vice-Presidents, and other elected politicians submitted to the Higher Electoral Tribunal.

mayors controlled at least 4.4 million hectares of the country (1.2% of the national territory).

Castillo's work demonstrates that politicians' holdings have multiplied, not only in the regions in which they were elected but, above all, in areas of the agricultural frontier such as Mato Grosso, which is at the forefront of deforestation. We, therefore, argue that rather than being used for production, the grabbing and hoarding of public lands is currently a preferential way for politicians to perpetuate the system of power. And the indigenous peoples, particularly those living in isolation, live precisely in these coveted areas.

Another aspect that reflects land ownership as political capital is the high rate of unproductive lands in the country. According to the Agri-business Atlas (2018, p. 14), there were 66,000 plots declared as "large unproductive properties" in Brazil in 2010, accounting for 175.9 million hectares, an area more than the size of all the regularized indigenous lands in Brazil put together, which cover nearly 106 million hectares.³⁸

There has been a significant transformation of the agricultural industry over the last few years. According to IBGE's 2017 Agricultural and Livestock Census, the area of lands belonging to joint stock companies (S.A) and limited liability companies (Ltd) has increased to the detriment of individual property owners, the number of which has declined. This movement is linked to the opening up and globalization of the raw materials markets over the last decade, particularly in relation to food stuffs (soya, maize, meat, etc.). There is a strong presence of large economic agricultural and livestock conglomerates in Brazil such as JBS (Brazilian company) and the companies that form part of the group known as "ABCD" (ADM, Bunge, Cargil and Louis Dreyfus Company).

The ABCD Group is directly or indirectly responsible for much of the deforestation of the Amazon and Cerrado forests. In 2018, in the region known as Matopiba (formed of Maranhão, Tocantins, Piauí and Baia), IBAMA imposed fines of 24.6 million R\$ on five large corporations (including Cargil and Bunge) for purchasing soya produced on illegally deforested areas.³⁹ It is estimated that 52% of the area of the Cerrado biome is degraded or irreversibly damaged due to significant increases in soya cultivation (Bassi, 2018, p. 15).

The growing involvement of large corporations encourages the archaic political model that we have already seen. According to Castilho (2012), most of the politicians received large sums of money for their respective election campaigns in 2010. More than 50 million R\$ was donated by corporations linked to agribusiness, including JBS, which donated more than 30 million R\$, Bunge Fertilizantes, 2.72 million R\$ and Marfrig, 1.2 million R\$.

Progress made by the agribusiness lobby in National Congress⁴⁰

Over the period 2004 to 2017, the agribusiness lobby proposed 25 draft bills of law to National Congress that represented a clear threat to the territorial rights of indigenous peoples. One example is the draft legislative decree of Federal Deputy Jair Bolsonaro (PDL No 365/1993), now President of the Republic, which proposed revoking the administrative demarcation of the Yanomami Indigenous Land (Verdú, 2017, p.19).

Such is the case of the timeframe thesis that emerged in the context of the declaratory embargoes (Petition No. 3,388/RR) related to the process for demarcating the Raposa Serra

38 Information available at: <http://www.FUNAI.gov.br/index.php/indios-no-brasil/terras-indigenas>

39 <https://www1.folha.uol.com.br/ambiente/2018/05/ibama-multa-empresas-por-plantio-ilegal-no-matopiba.shtml>

40 Fragment from AMORIM, 2019.

do Sol Indigenous Land in Roraima,⁴¹ and which establishes that the lands traditionally occupied and which are to be administratively demarcated shall only be those occupied by the indigenous peoples at the time of enactment of the 1988 Constitution or if persistent “dispossession” has been noted.⁴²

In the middle of 2017, by means of Order No. 001/2017 of the Federal Attorney-General’s Office, the Temer government made the conditions set down by the STF in the case of Raposa Serra do Sol binding and urged public bodies to apply them to all indigenous lands. In addition, this order established the timeframe thesis⁴³ as a paradigm for the demarcation of indigenous lands. Clearly, in the case of peoples living in isolation, this is an enormous error, and a violation of their rights, since proving the presence of a particular isolated people retroactively in 1988 is no easy task and, in some cases, impossible.

The imminent disappearance of isolated groups yet to be confirmed

As noted earlier in this article, FUNAI and the civil society organizations, CIMI and ISA,

⁴¹ Information available at:

<https://especiais.socioambiental.org/inst/esp/raposa/>.

⁴² According to the agreement that reflects binding interpretation 650 / STF, the concept of “lands traditionally occupied by the Indians” does not include those that belonged to them in the distant past. (...) Persistent “dispossession” should not be confused with past occupation or forced eviction that occurred in the past. For it to be “dispossession”, there must have been a conflict over ownership, even if initiated in the past, that still persists to the current timeframe and context of the demarcation (date of enactment of the 1988 Constitution), a conflict that can be evidenced by facts or, at least, a legal case for ownership [ARE 803.462 AgR, rel. min. Teor Zavascki, j. 9-12-2014, 2ª T, DJE de 12-2-2015.] Available at: <http://www.stf.jus.br/portal/constituicao/artigobd.asp?item=%202051>

⁴³ <http://www.mpf.mp.br/pgr/noticias-pgr/mpf-reafirma-incoerencia-de-parecer-da-agu-sobre-marco-temporal-e-demarcacao-de-terras-indigenas>

estimate that there are records of a total of 44 signs of isolated peoples outside of indigenous lands or areas of restricted use. Many of these peoples are living in areas with high rates of deforestation, such as Rondônia, northern Mato Grosso, southern Amazonas and the centre-south of Pará state. In these and other areas with a presence of indigenous peoples in isolation, serious conflicts are occurring over lands, caused by speculation on the part of private individuals and by government sectors wishing to implement large-scale projects and high-impact economic projects such as mining. Faced with this reality, there is a need for urgent action to gather data and conduct *in loco* investigations aimed at protecting the territories occupied by these peoples and guaranteeing both their physical survival and their right to live in isolation. The annex shows the distribution of unconfirmed records of isolated indigenous peoples in Brazil.

The devastation in 2019 is threatening areas of possible isolation

The number of fire hotspots in the Amazon increased dramatically in August 2019 to reach its highest level in the last nine years. These events have had a huge international impact and clearly demonstrate the government’s current stance on the environmental agenda. There is still speculation as to the current and future impacts of such devastation. Since his presidential campaign, Jair Bolsonaro’s government has adopted an anti-environment rhetoric that is creating a state of impunity for environmental crimes. This can be seen, for example, in Bolsonaro’s repeated interventions delegitimising the Brazilian Institute for the Environment and Sustainable Resources (IBAMA)⁴⁴ and directly criticising the environmental audits and fines imposed on

⁴⁴ State body, which, among other things, is responsible for auditing environmental crimes and combating deforestation.

those responsible for the devastation.⁴⁵ This position led to a fall in the number of inspections and thus the number of fines imposed in 2019. According to the Brazilian media,⁴⁶ there were approximately 30% fewer fines in the first half of 2019 compared to the same period in 2018.

"Spurred on by President Bolsonaro's words",⁴⁷ producers from the town of São Feliz do Xingu, south of Pará state, in the vicinity of highway BR-163, thus proclaimed a "Day of Fire" on 10 August. The local media⁴⁸ announced these plans and, according to the daily *"Folha do Progresso"*, "they were aimed at drawing the authorities' attention to the lack of government support for expanding the agricultural frontier in the region", and showing President Bolsonaro that the only way of increasing agricultural and livestock production was by clearing the forest and - in order to prepare for pasture - setting fire to it. Coincidence or not, the fact is that, after 10 August, environmental conservation areas along highway BR-163, in the municipalities of Altamira, Novo Progresso and São Feliz do Xingu, recorded record numbers of fires. Not only did Pará state record a very high number of fire hotspots but also the states of Mato Grosso, Tocantins, the south of Amazonas and Rondônia, particularly the municipalities located in regions at the forefront of the advancing deforestation, the so-called agricultural and economic frontiers. According to a study by the Institute for Amazonian Environmental Research (IPAM),⁴⁹ published on 20 August 2019,⁵⁰ there is a clear relationship between deforestation and fires and

the 10 Amazonian municipalities with the most outbreaks of fire were also those with the highest rates of deforestation. *"This concentration of forest fires in areas recently deforested (...) is clearly indicative of the intentional nature of the fires, their aim being to clear recently deforested areas."*

According to FUNAI's research, it is precisely in regions with the largest areas of preserved forest that there are records of the possible presence of unconfirmed isolated groups. The fact that, according to IPAM, there are at least 11 records of possible isolated indigenous groups living outside of indigenous lands that are still being investigated in nine⁵¹ of the 10 municipalities with the highest rates of deforestation and greatest number of fire hotspots in 2019 is worrying.

If FUNAI is not effectively strengthened, once the deforestation advances beyond its current demarcation line into areas that may be inhabited by isolated peoples, we will never know if these groups actually existed or not. Not only will they end up the problematic spectres of our past but we will also come to realise that the genocidal processes to which they have been exposed are similar to those that have historically occurred in other regions of the Amazon, and their numbers will add to the myriad of mistreated peoples that Brazilian society already bears responsibility for.

The case of the Tapayuna

The Tapayuna, who call themselves the Kajkwakratxi, are a people of the Jê linguistic family. They currently live in the Wawi Indigenous Land of the Kĩsêdjê people, and in the Capoto Jarinã Indigenous Land of the Mebêngókre people, both in Mato Grosso. They comprise a group of around 200 individuals together with their children from marriages to the Kĩsêdjê and Mebêngókre. They were officially contacted

45 <https://videos.bol.uol.com.br/video/bolsonaro-quer-acabar-com-industria-da-multa-do-ibama-04024E98366CDCA96326>

46 <https://g1.globo.com/natureza/noticia/2019/08/24/queimadas-disparam-mas-multas-do-ibama-despencam-sob-bolsonaro.ghtml>

47 <http://www.folhadoprogresso.com.br/dia-do-fogo-produtores-planejam-data-para-queimada-na-regiao/>

48 Idem

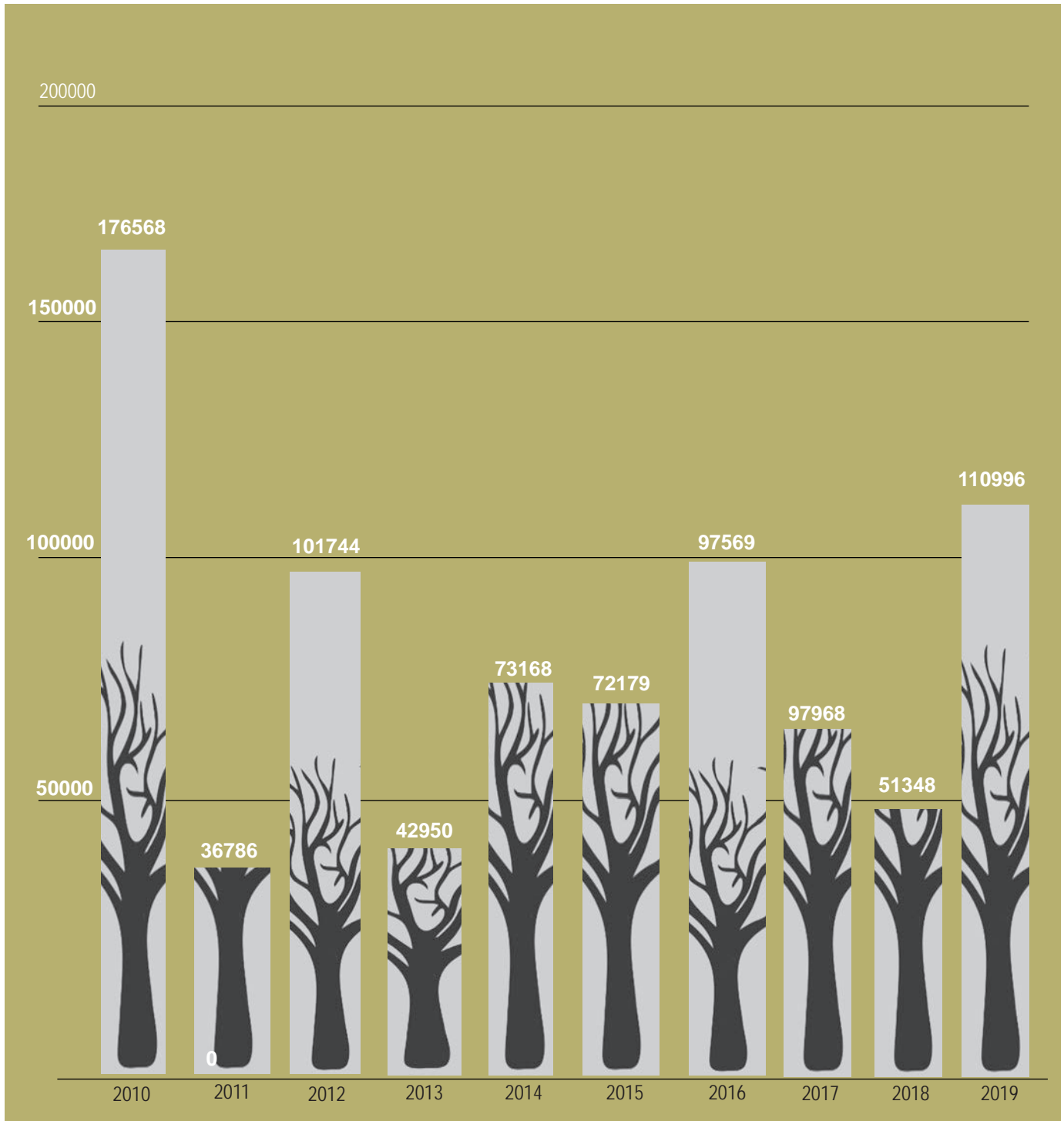
49 IPAM is a non-governmental and not-for-profit scientific organisation founded in 1995.

50 https://ipam.org.br/wp-content/uploads/2019/08/NT-Fogo-Amazo%CC%82nia-2019-1_2.pdf

51 Apuí, Lábrea and Novo Aripuanã in the south of Amazonas; Altamira, Itaituba and São Felix do Xingu no Pará; Colniza in Mato Grosso; Porto Velho in Rondônia; and Caracaraí in Roraima.



Graph 1: Number of fire hotspots in the Amazon from 2010 to 2019 (01/01 to 23/08 each year). Source: Ananda Santos Rosa, specialist geographer.



by the indigenist body at the end of the 1960s around the Arinos River, in the west of Mato Grosso state. In 1969, during a FUNAI expedition, the Tapayuna were infected with influenza. The virus spread rapidly and left many dead, leading to a drastic decline in their population. Prior to this official contact from FUNAI, the Tapayuna had already suffered two poisonings intentionally organized by individuals who wanted their lands.

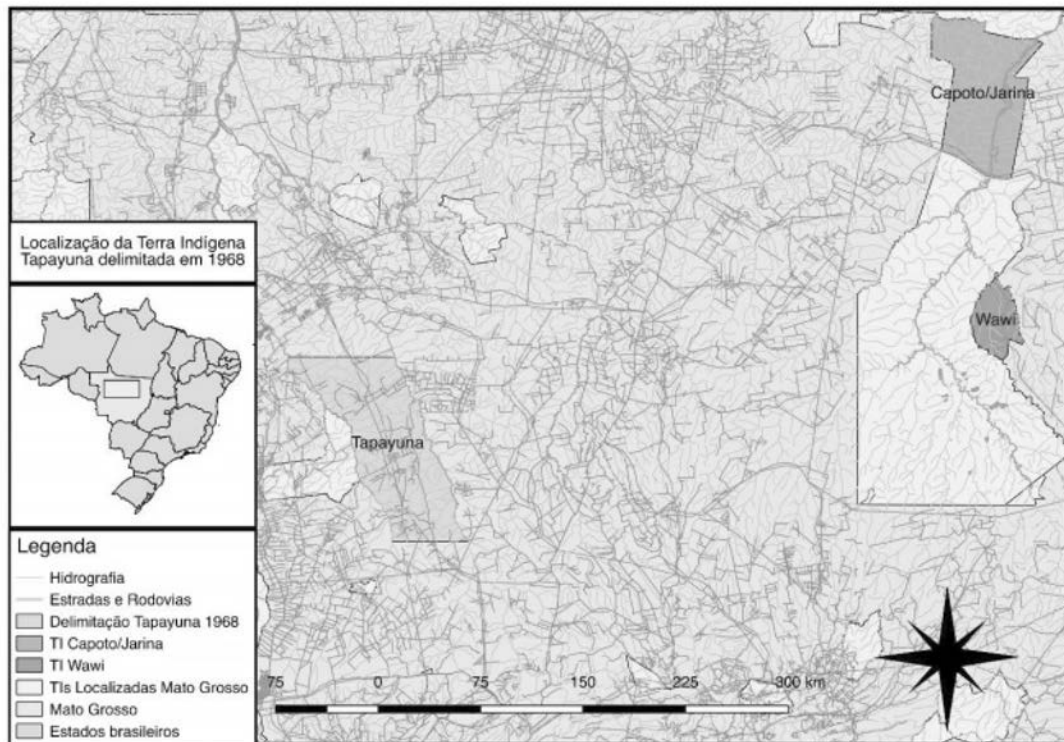
The Tapayuna territory, in the area between the Arinos and Sangre rivers, was demarcated by FUNAI in 1968 by means of Decree No. 63,368. In 1970, the 41 survivors of the flu epidemic were moved to the Xingu Indigenous Park (PIX). After the Tapayuna's transfer, their territory was officially declared extinguished via Decree No.

77,790 of 9 June 1976. Throughout the 1950s and 60s, there were fragmented and chaotic attempts at contact, and these most likely did not reach all the settlements and groups along the Arinos and Sangre rivers equally. The Tapayuna lived in dispersed settlements and each group adopted a distinct policy with regard to non-indigenous outsiders. According to their elders and the records of the Jesuits, some groups decided to be deliberately hostile, particularly following the spread of flu and the large number of deaths caused by FUNAI's contact. In any case, given the chaotic and disparate way in which these attempts at contact occurred, it is possible to assume that not all settlements and groups were affected by the virus.



Municipality State Fire hotspot Deforestation between January and July 2019 (km²). Fonte: IPAM/INPE/SAD

Municipality	State	Fire hotspot	Deforestation between January and July 2019 (km ²)
Apuí	AM	1754	151,0
Altamira	PA	1630	297,3
Porto Velho	RO	1570	183,5
Caracaraí	RR	1379	16,0
São Félix do Xingu	PA	1202	218,9
Novo Progresso	PA	1170	67,8
Lábrea	AM	1170	197,4
Colniza	MT	869	82,4
Novo Aripuanã	AM	665	122,3
Itaituba	PA	611	67,8



Map 1 - Lima, 2019.

In 1971, following the Tapayuna's transfer to the PIX, there was an expedition to their traditional territory in the Arino coordinated by the explorer, Antônio de Souza Campinas, accompanied by a Tapayuna leader known as Tariri, with the aim of trying to find survivors who had remained in the region. Antônio Campinas' expedition detected the signs of survivors in the area around the Tapayuna Indigenous Reserve but Campinas attributed these signs to other indigenous people due to the presence of sleeping nets, which were not used by the Tapayuna. In this report, he categorically concluded that there were no Tapayuna survivors in this area. The same report, however, also acknowledged that to confirm the lack of Tapayuna survivors in the area of their traditional territory, the expedition would have needed to cover the whole area, which it clearly did not do.

Following repeated demands from the Tapayuna made in the aftermath of their forced transfer, FUNAI, and particularly the General Coordinating Body of Indigenous Peoples in

Isolation and Initial Contact (CGIIRC) commenced an investigation in 2016 to document the presence of Tapayuna in the area of their traditional territory.

In August 2016, CGIIRC/FUNAI flew over the Tapayuna Indigenous Reserve and noted the favourable environment for the presence of indigenous people due to the region's vast areas of preserved vegetation, despite the threat of an exponential advance of the deforestation and agricultural frontiers.

After the flyover, the CGIIRC received logistical and operational support from the "Project for the Ethno-environmental Protection of Indigenous Peoples in Isolation and Initial Contact in the Brazilian Amazon", implemented by FUNAI, the Indigenist Work Centre and the Amazon Fund/BNDES, in order to continue the research into the presence of Tapayuna in the Arino region through *in loco* studies.

Reports from different actors reinforce the possible existence of Tapayuna in the Arinos region, both as workers on estates and living



Figures 3, 4 - Tapayuna in the Arinos River area during the period of contact. CIMI archive.

in isolation. There are various accounts of the presence of isolated indigenous people on the Tapayuna territory.

During the research conducted by FUNAI, one of the informants stated that they had met a Tapayuna of unknown origin, who had been living for around 10 years on the banks of the Arinos River, near an estate. Despite being hostile to indigenous peoples, the informant was friendly with an indigenous Kayabi family living in the area. This Tapayuna had been murdered by settlers in 2013 and the place where he used to live deforested for farming, an action possibly intended to destroy all signs of his presence. This story was confirmed by another informant, who also used to live on the banks of the Arinos River and who described the existence of traces of fire and *tapiri* (shelters) in the vicinity of the farm itself, on the left bank of the Arinos River (Amorim and Katukina, 2017: 21).

In September 2017, a land expedition was conducted to the Tapayuna territory. The action was coordinated by CGIIRC/FUNAI with the participation of six Tapayuna. On this occasion, the team toured a number of places and found broken branches along the path. This could indicate the presence of isolated indigenous people although there is a need for further

investigation for a conclusive opinion of these signs. It was noted that, despite extensive areas of deforestation, the plant cover remained fairly intact, particularly in the north of the reserve. During the trip, the Tapayuna identified various plant species used for different purposes. In addition, an area of *capoeira* (cultivation) was even found in the area around the former Reserve, on the Tomé de França River, where there are records of previous Tapayuna settlements.

During this expedition, in a visit to the Apiaká Kayabi Indigenous Land, residents recounted former and recent sightings of isolated indigenous individuals around the settlement. In one statement, the informant mentioned a villa known as Tapaiana, some 40 km from the Apiaká/Kayabi Indigenous Land, in Juara municipality. According to this informant, the farmer had killed the Tapayuna living in that area but some had managed to flee into the forest. He believed that the isolated individuals in Apiaká Kayabi Indigenous Land could be these Tapayuna survivors.

One of the residents recounted a massacre that took place in 1996 on Tapayuna territory. Even given these accounts and reports, however, it has not been possible to confirm the information given the early stages of the inves-



Figures 5, 6 – Deforestation in Tapayuna territory where there is a complaint of a massacre of isolated groups. Fabrício Amorim, 2017.

tigations and the lack of operational conditions for more incisive action by FUNAI. There is an urgent need to continue the work with a view to banning entry into the area and protecting the groups that possibly live there. Legal proceedings must also be commenced with the aim of investigating complaints of massacres and assassinations of isolated indigenous people in the area.

Plans for the construction of the Castanheira hydroelectric power plant, on the Arinos River,

should be noted. This plant is considered a priority in the inventory study of the hydrographic basin of the Juruena River, and its possible impacts, direct or indirect, on the traditional Tapayuna territory have not been assessed.

The formation of a Technical Group to review the boundaries of the Tapayuna Indigenous Reserve is essential. The extinction of the area via Decree No. 77,790 of 9 June 1976 was improper and overlooked the likely presence



Figure 7 - The Āwa, Apoena Meirelles and curious inhabitants of the region in 1973. Mario Chimanovitch

of Tapayuna in the region. It also ignored the rights and wishes of the survivors, who were forcibly transferred to the PIX, to remain on their lands. Their right to return must be respected, as stated in the Indian Statute (1973) and ILO C169 (2004).

The Avá-Canoeiro of Araguaia

The history of the Brazilian state's violence against and neglect of the Avá-Canoeiro of Araguaia (Āwa), who speak the Tupí-Guaraní language, is one of the most emblematic cases in the CNV report (2014). These people are known in the literature as the people of central Brazil who put up the greatest resistance to colonization and who have never accepted peaceful contact since the early 19th century. Having clashed with and fled from the colonizers, part of the group who had been living around the headwaters of the Tocantins River moved to the middle courses of the

Araguaia River. Here, they came into territorial conflict with the Karajá and Javaé, speakers of a language belonging to the Macro-Jê linguistic family and who had been living in the area for centuries.⁵² The two groups became enemies, maintaining a common past of hostility and murder.

Following centuries of genocide against the local population, only 11 remained of what had been a group of some 4,000 people in the mid-18th century. In 1973, this small group was rounded up and violently captured by FUNAI's "Attraction Brigade" in Mata Azul, between the Javaés and Formoso do Araguaia rivers, in the region of Isla del Bananal, now Tocantins state. According to accounts of the Avá-Canoeiro and other witnesses,⁵³ the FUNAI team, led by explorer Apoena Meireles and accompanied by four Xavante indigenous people, entered the

⁵² Rodrigues (2011, 2012, 2013).

⁵³ Rodrigues (2011, 2012, 2013).



Figure 8 - The Āwa being exhibited in the Canuanã Estate shortly after contact in 1973. Author: Klaus Gunther. Source: www.flicker.com/klausdg-rio

area firing rubber bullets into the Avá-Canoeiro settlement. One child was hit and died days later. Six people were captured, tied up and exposed for weeks to the curiosity of the local population in the backyard of the immense Canuanã Estate, owned by the rich Pazzanese family from São Paulo, who then formed an alliance with the BRADESCO Foundation.⁵⁴ Four people managed to flee this first incursion by the FUNAI team and, when they were contacted a year later in 1974, the health reports of the time confirmed they were still in a state of shock.

At FUNAI's suggestion, the 10 survivors lived for around a year and a half in a temporary settlement on the farm under the custody of the Javaé, indigenous people from a different ethnic background trained at a Military Police barracks in techniques of torture⁵⁵ and who had received this training from the Indigenous Rural Police, the notorious GRIN, during the

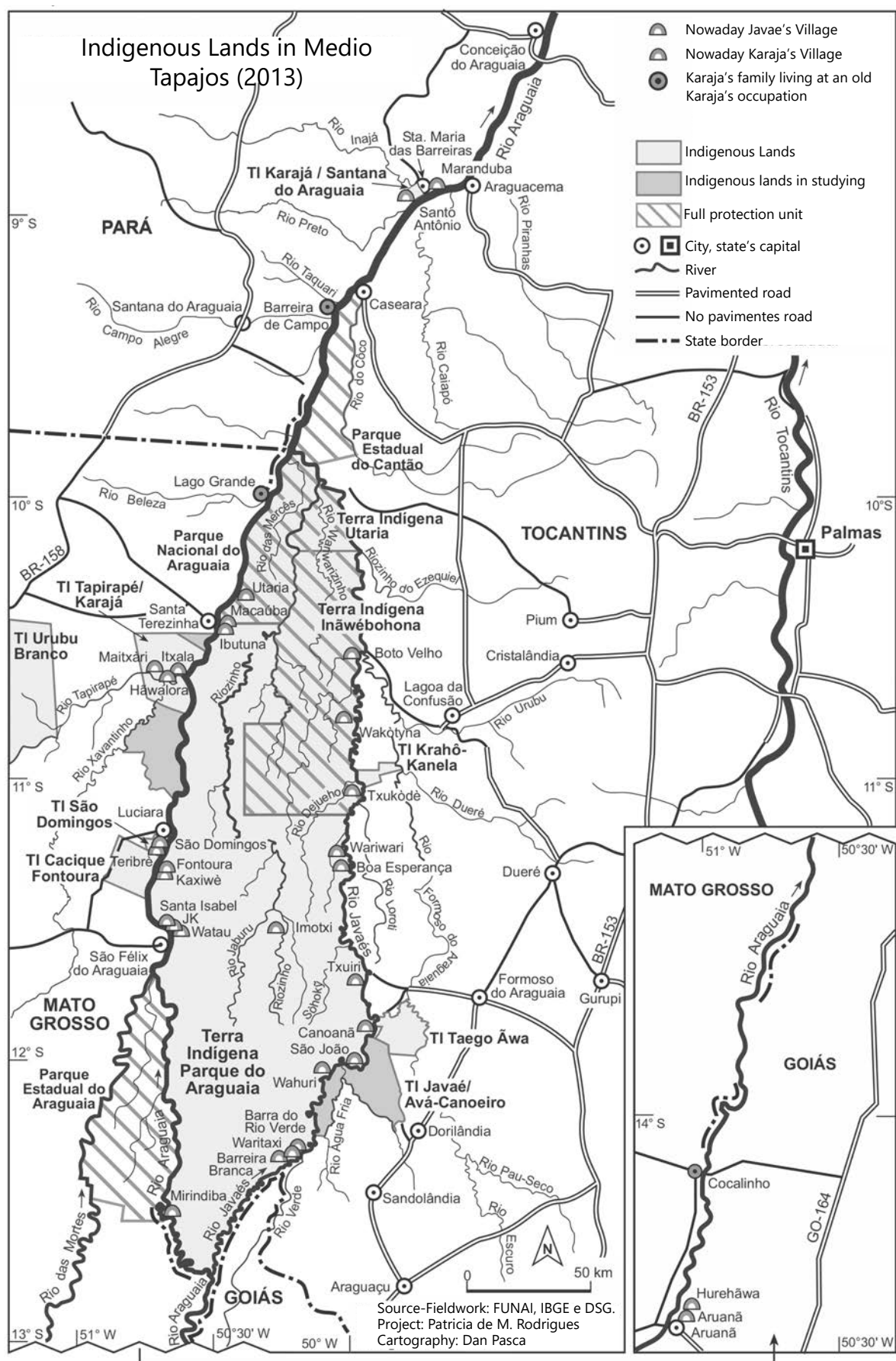
military governments of the 1960s. FUNAI ignored the fact that there were almost 400 Javaé at the time and that the Avá-Canoeiro had an historical relationship of enmity with them, such that these latter have traumatic memories both of the time they were captured and of the settlement guarded by the GRIN, where they suffered physical and emotional abuse.⁵⁶

In 1976, under a fairly militarised regime, FUNAI ordered the immediate transfer of the survivors to the neighbouring Javaé hamlet of Canuanã, without consulting either of the two groups. Considered inferior human beings, the Avá became the Javaé's prisoners of war, although it was a war that the Brazilian state always won. Not long after, the group had declined to five people, largely due to illnesses against which they had no immunity. The land previously occupied by the Avá-Canoeiro was released for large agricultural and livestock projects and the Avá have to this day lived a highly vulnerable and socio-economically marginalised life in Javaé and Karajá hamlets on the Isla del Bananal.

⁵⁴ Philanthropic institute for integral education created by the BRADESCO Bank, the second largest private bank in Brazil.

⁵⁵ Valente (2017)

⁵⁶ Rodrigues (2011, 2012, 2013).



One single woman has been responsible for the group's reproduction, through the brief and often scorned unions with the Javaé, Karajá and Tuxá, and now 27 people identify as Avá-Canoeiro and are recognized as such by the local community. Their language and the important elements of their culture, such as ancestral names and shamanism, have been maintained thanks to the group's leader, the *pajé* Tutawa, who died in 2015. Today, the young people are leading a process of ethnic affirmation and determinedly demanding the recovery of part of their traditional territory, invaded by an agrarian reform settlement and two large farms. The Taego Indigenous Land - including part of Mata Azul - was recognised by FUNAI in 2012 as a first step towards State reparations. This was the same year that the Federal Attorney-General's Office commenced legal proceedings for moral and material damage against the Union. In 2016, the Ministry of Justice declared the Taego Āwa Indigenous Land to be of traditional ownership and the federal justice system established its demarcation in 2018. At the same time, at the request of the Avá, their official documents were rectified to give only their indigenous names.

At the time of forced contact, there was another group of Avá-Canoeiro in the wider region historically shared with the Javaé, living in the same tragic conditions of flight and isolation experienced by the captured Avá and later described by them. In 1972, the explorer Israel Praxedes, who was for two years the first coordinator of the Attraction Brigade in the region, informed FUNAI that the Avá-Canoeiro were crossing the vast area between the Formoso do Araguaia and Javaés rivers, an area estimated at more than 50,000 *alqueires*, more than 300 km wide, where they had been seen in the distance by farmers and drovers.⁵⁷ According to the Avá,⁵⁸ this area was much larger than the area in which they had been

confined in years before the forced contact, due to continuous persecution. The Praxedes team found an abandoned camp with signs of the presence of more than 30 people, although the Apoena Meirelles team only found 11 such signs sometime later.⁵⁹

During the 1980s, the anthropologist André Toral (1984, 1984/1985) noted the existence of isolated groups in the Mata del Mamão region, in the centre-north area of the Isla del Bananal, in what is now the Inawébohona Indigenous Land, revealing, however, that the demarcation of a land for the contacted Avá was conditional upon first attracting these isolated groups.

"In October 7, 2019, a fire fighting team saw 8 isolated indians during a helicopter flight over the remnants of Mata do Mamão after a huge fire".

The existence of at least one group of uncontacted Avá-Canoeiro in the region, whose footprints, food remains and even shelters are often found, is commented on by drovers, intruders and the Javaé themselves, primarily by those living closest to Mata do Mamão. There are reports that reflect the existence of another group to the south of the Parque del Araguaia Indigenous Land, according to the Technical Group for Identification and Demarcation of the Taego Āwa Indigenous Land in 2009. The stories describe how the two groups enter and leave the Isla del Bananal through different places during the dry season. The chief of the Javaé settlement of Wakòtyna, near Mata do Mamão, has detailed - in various communications to FUNAI - the presence of isolated indigenous people around the settlement during the dry season. Regional CIMI teams have made expeditions in search of signs of the group in recent years. In 2016, FUNAI in Brasília tried to initiate an investigation but made no progress due to a lack of knowledge of the area. In 2017, a Javaé from Canoanã reported (to the Federal Attorney-General's Office) having heard com-

57 FUNAI Processes Nos 1166/73, 7/362/72, 7/322/72, Rodrigues (2012)

58 Rodrigues (2012).

59 FUNAI Process No. 1166/73

ments from a drover regarding the murder of a number of Avá-Canoeiro from Mata do Mamão; however, it was not possible to carry out an investigation.

This people, with records of isolated families closer to the capital of Brazil,⁶⁰ have thus remained without any kind of official recognition and under serious threat because, all around them, the forest is being destroyed by illegal fires and cattle farming, drastically degrading an environment in which reported sightings of isolated groups and their signs are occurring. In October 7, 2019, a fire fighting team saw 8 isolated indians during a helicopter flight over the remnants of Mata do Mamão after a huge fire.

The presence of isolated peoples in Escudo Guayanés⁶⁰

Jus peoples in the 1960s and 70s. At the end of the 1950s, the First Zone of the Brazilian Air Force (FAB), responsible for supervising the Legal Amazon, entered into an alliance with Catholic missionaries from the prelate of Óbidos to establish a military base in the area of the Erepecuru River in Pará state, near the border with Suriname. In an informal agreement, the “Tripartite” programme was created, establishing joint work between the military, missionaries and indigenous people to increase the military presence in the border region to the north of Amazonas. Landing strips were created to provide support to the bases already established in Amapá and Roraima. With this aim, the military provided logistical and medical support to the missionaries for their work of “acculturation” and settlement of the indigenous population, who could then serve as labour and inhabitants to repopulate the border areas. The Tiriyo Mission was thus born.

⁶⁰ On the presence of isolated peoples in Escudo Guayanés, see also Ribeiro e Caixeta de Queiroz, 2015.

This experience was repeated in other places with the support of evangelical missions already operating in the area. In 1960, the FAB organised the Parima Operation to seek out evangelical missionaries in the territory of the Branco River. From this investigation emerged an alliance between the FAB and the missionaries of the Worldwide Evangelisation Crusade, the Unevangelized Fields Mission, which, since 1949 had been focusing on various indigenous groups from the upper reaches of the Essequibo River in Guyana and the Mapuera River in Brazil, around the Kanaxen Mission, where the Waiwai people come from. This association with the Crusade was practically implemented in 1962 when the First Air Zone decided to open another landing strip near Guyana. The operation, composed of US military, indigenous people and missionaries, left Kanaxen and crossed the Serra do Acari until they reached the headwaters of the Cafuini River, where they opened the “Uai” strip. At the same time, another team created another landing strip in Anauá. The military’s strategy was based on opening strips in other places, and forming other “Tripartite” agreements based on the “repatriation” of indigenous peoples who had abandoned their settlements and been displaced to Kanaxen.

In other areas, such as the Nhamundá River, the missionaries of the Summer Linguistics Institute (SIL) established a mission in Kassawá in 1958, where they brought together various Hixkaryana and Xowiyana groups. Following a conflict between rubber tappers and thus far isolated indigenous groups in the region of the Jatapu River, from 1942 on, the Indigenous Protection Service (SPI)⁶¹ established an Isolated Indigenous Protection Post (PIA Jatapu) where they brought together Xowiyana, Karara and Okoimoyana groups

⁶¹ The Indigenous Protection Service was created in 1910 to provide assistance to Brazil’s indigenous peoples with the aim of bringing about their peaceful integration into national society, and it was the official indigenist body until 1967, when it was replaced by FUNAI.

who were then transferred to the Nhamundá Indigenous Post by FUNAI. Throughout the 1960s, the Tiriyo Mission was at the forefront of the evangelical missions established by the Dutch in Suriname and by UFM around the Tiriyo and Wayana rivers, bringing segments of these peoples together in the upper Erepecuru. In 1968, with the cooperation of the Óbidos priests, the Nãtxuyana of the Cachorro River were transferred by air force planes to the Tiriyo Mission. A small group that remained on the Cachorro River were moved to the Nhamundá River, where missionaries prevented them from returning to their territory. Others, the Txikiyana and Kahyana, who were living in isolation following the removal of their family members and under pressure due to the uncontrolled entry of non-indigenous peoples onto their territory, were moved to the Triillos Mission by land. In 1969, the settlement of Apalaí or Bonaen was established on the Paru de Leste River, an alliance between FUNAI and the Brazilian air force.

All these initiatives left a vacuum in the traditional territory of this indigenous population. They also gave rise to the current "isolated" groups, who rejected this contact and retreated into remote areas. The concerns regarding border areas, the concentration and settlement of the indigenous population, their "training" on the part of the missionaries to work with the regional population that was to occupy these areas, the freeing up of large areas of the Amazon, the "unpopulated areas" proclaimed by the dictatorship, all of this had been created prior to the military coup, in coordination with the missionaries. This vision of what was to become known in military jargon as the "Calha Norte" project was a part of the government's plans under the military dictatorship and it is no coincidence that, some years following the transfer of the last contacted groups in the region, the military government began the main infrastructure projects. The National Integration Plans I (PIN) (1970) and HI (1973)



Figure 10 – Indigenous Waiwai at the start of the 20th century. Farabee, 1924.

planned different kinds of infrastructure projects for the region. The RADOM project was initiated (1970) as part of the PIN in order to identify natural resources that could be exploited in the Amazon, particularly minerals. With the RADOM data, mining and agricultural settlement programmes were created such as POLAMAZONIA, the priorities of which included the Trombetas river valley, with the creation of the Oriximiná Hub. The territories of the peoples of the north of the Amazonian Caribbean were to be affected by a series of initiatives, including:

- Construction of the BR-210 Northern Perimeter Highway, the aim of which was to connect Macapá, in Amapá state, with Boa Vista, in Roraima state, cutting across the courses of the Erepecuru, Maradi, Trombetas, Turín, Maguera and Jatapu rivers. The Amapá stretch was built as far as the territory of the

Waiãpi between 1973 and 1976 and, in Roraima, it continued to the banks of the Jatapu River. The consequent settler colonisation along the BR210 placed pressure and a risk of contact on the indigenous areas of Roraima.

- Construction of the northern stretch of the BR-163 highway, between Alenquer-PA and the BR210, passing through Oriximiná-PA and Cachoeira Porteira. In 1973, only five years after the transfer of the Katxuyana peoples and those from the Trombetas River, the consortium headed up by Andrade Gutiérrez turned Cachoeira Porteira into a quarry for highway construction works, with 220 kilometres built along the banks of the Trombetas River.

The Alcan company has been conducting mining studies in the Trombetas River basin since 1966 and has discovered large bauxite deposits. From 1975 on, a consortium was established in the region, formed primarily of the Vale do Rio Doce Company and known as Mineração Rio do Norte S.A, with the aim of exploiting the mineral in Porto Trombetas. At the same time, near the mouth of the Mapuera River, forests were felled to supply the Rio do Norte mining operation.

- From 1972 on, Eletrobrás carried out hydro-electric potential studies in the Trombetas River basin and, in the 1980s, Eletronorte began technical and economic viability studies for the construction of a hydroelectric power complex on the Trombetas River, with dams on the Mapuera, Cachorro, Turuni, Erepecuru and Trombetas rivers.

- On the Jatapu River, at the end of the 1960s, mineral prospecting took place in several locations near the Jatapu PIN, and the Amazon Steel Company (SIDERAMA) set up base in the region in order to mine iron and limestone. Over the same decade, Eletrobrás conducted an energy inventory of the Jatapu and Uatumã rivers, where the Balbina hydroelectric plant was built.- DNPM asked CPRM for a detailed

geological study of the Trombetas River basin in order to identify minerals for their large-scale exploitation. In 1982, the "Trombetas-Mapuera" project began to map the Mapuera River.

- From 1985 on, the "Calha Norte Programme" was created to increase the military presence in the Amazon region, one of their main focal points being the municipality of Oriximiná.

Most of these works, which were dependent on international funding, were suspended in the 1980s. From the 1970s on, some of the groups that had been moved to Kanaxen began to return to their territories in Brazil. The Waiwai, who had no interest in occupying the areas designated by the army in 1962, settled in Kaxmi on the Novo River in Roraima and Mawtohrî (Mapuera) on the Mapuera River in Pará, once more with missionary and air force support. A decisive factor in choosing these places was the Waiwai's desire to re-establish contact with the two groups that had remained in isolation on the Jatapuzinho River, the Karapawyana and the Waimiri-Atroari, who were resisting contact with FUNAI in the context of the construction of the BR-174 highway. The Waiwai had also lost contact with some of the Mawayana, who remained in the upper reaches of the Mapuera. In addition, in 1999, sections of the Katxuyana, Txikyana and Kahyana groups returned to the Trombetas and Cachorro rivers. Some groups on the Nhamundá River had abandoned Kassawá and settled downstream since the 1980s. New settlements were created on the Jatapu River in 2003. In all these cases, on returning to the areas of their old settlements, the indigenous peoples found signs of the presence of isolated peoples.

In 1981, after various attempts, the Waiwai found the Karapawyana and took eight people to Mapuera. The following year, Ewká, who was leading the expeditions, informed FUNAI that he would return to try to find the rest of the Karapawayana. The explorer Sebastião Amâncio da Costa and a team of 14 indigenous

Mapuera and two Karapawyana, plus another team of nine people led by Yakuta from Kaxmi village, crossed part of the Jatapuzinho river valley, finding eight abandoned huts (CEDI, 1983: 238).

From 1981 on, Sebastião Amâncio, who began working in the region with the arrival of Eletronorte and the construction of the Cachoeira Porteira hydroelectric power plant, together with the anthropologist Maria da Penha Cunha de Almeida, produced a number of reports containing information on the presence of isolated peoples around the Jatapu, Trombetas and Cachorro rivers. With regard to the construction of the northern stretch of the BR163, Cunha de Almeida said:

The aim was to build a highway giving access to the Northern Perimeter highway. It was not completed, however, and between 1973 and 1975 only 210 km were built along the Trombetas River in Mapuera. At the time of construction, there was a rumour of incursions by indigenous people and the agricultural day labourers likely rushed to return to their settlements (Cunha de Almeida, 1981).

Having accompanied the expedition of the Waiwai and Karapawyana, Amâncio indicated in a 1982 report that there was a need to establish an attraction post in the region:

Through Eletronorte, the Brazilian government have studies for the construction of numerous hydroelectric plants in the Amazon, with an estimated commissioning date of 2000. These projects and the rapid occupation of uninhabited spaces will directly or indirectly affect indigenous areas, some inhabited by tribal groups in isolation and, given their specific features, once affected the damage will be irreversible. A similar situation is arising in the Trombetas river valley (...) with the construction of the Cachoeira Porteira hydroelectric power plant near the mouth of one of its great tributaries (...), the Mapuera River. FUNAI needs to take preventive measures, taking into account the information on the tribal Waiwai and Hiskaryana groups (...), as well as information on the surrounding non-indigenous society, which indicates the presence of isolated tribal societies in both the Trombetas river valley and the Nhamundá and Jatapu river valleys; these latter rivers would be directly or indirectly impacted by this situation,



Figure 11 – On the left, the hut of isolated Karafawyana and, on the right, the burned and abandoned hut located by FUNAI in 1982.

and permanently affected (Amâncio de Costa 1982: 9).

Despite Amâncio's warnings, FUNAI took no notice of this information at that time. New information was only to come to light in subsequent demarcation reports, primarily from the Trombetas-Mapuera Indigenous Land. These two sets of information served as official reference documentation until 2011 when the FPEC, which had been set up in 1992 at the time of contact with the Zo'é and had worked solely with them until this year, took over the FPEC's jurisdiction between the Jatapu River in Amazonas state and the Oiapoque River in Amapá state. Between 2015 and 2018, their investigative work was supported by the Indigenous Work Centre, through the "Ethno-environmental protection of indigenous peoples in isolation and initial contact in the Amazon" project conducted by CTI in technical cooperation with FUNAI, with the support of the Amazon Fund. On the basis of field work in the settlements and localisation expeditions by FPEC, it was during this period possible to classify these references and, together with peoples living close to those in isolation and who are in the process of returning to occupy their territories, initiate dialogue aimed at their protection, on the basis of their own relationship strategies and official indigenous policy. In these conversations, at least three signs were found of isolated peoples outside of the indigenous lands: in the middle reaches of the Jatapu River, the upper Mapuera and on the left bank of the middle reaches of the Erepecuru. This last reference relates to the Inkarĩni, a group close to the Xikiyana, Kahyana and Katxuyana, and who were visited in 1970 and 1971 by the Tiriyo Mission. Invited to join the Mission, the Inkarĩni chose to remain in their settlements (Alcantara and Silva, 2019).

In 2019, with the announcement of a new onslaught in the region, peoples who had resisted the attacks of the missionaries and soldiers

throughout the 1950s to 80s, rejecting contact, remaining on their territories and going into isolation, are now being threatened once more by the same projects. In this context, despite the fact that all indigenous peoples and traditional communities are under threat, the isolated groups – above all those living in isolation outside of the indigenous lands – are the most vulnerable. Following the strategy outlined by General Santa Rosa in 2013, the current government is weakening the official indigenous organisation, attacking civil society organisations that are working to defend the environment and traditional and indigenous communities, and encouraging deforestation and illegal mining by cutting funding to the bodies intended to supervise this. Finally, it is waging an advance battle to prepare for the brutal opening up of the region to large-scale economic occupation and exploitation.

Final considerations

The current Brazilian political landscape is marked by strong "developmentalist" conceptions that reflect the period of the military dictatorship, with public management of projects and practices that demonstrate a lack of respect for human rights and a roll-back of environmental protections along with threats to the physical and cultural survival of the indigenous peoples. Against this backdrop, it is essential that both national and international public opinion are urgently mobilised to raise awareness of the severe vulnerability of the peoples living in isolation and, above all, to publicise cases where confirmation of their existence is necessary and to highlight the imminent threat of veiled genocide. If not, these peoples' existence on Brazilian territory will be destroyed and erased.

One of the ways in which the indigenous/indigenist organisations and the multilateral bodies can contribute is through the creation of spaces in which to monitor the situation

of isolated peoples. Civil society institutions can also help by putting political pressure on the Brazilian government to enforce the constitutional rights won by indigenous peoples and to ensure there is no roll-back of current legislation. In addition, it is essential that FUNAI - the body officially responsible for investigating and confirming the presence of isolated peoples - is strengthened. More trained officials are needed along with the increased funding necessary to conduct research, which would result in more expeditions and field work.

The Avá and the Tapayuna found a way to strengthen their resilience. They have re-emerged as independent peoples and are struggling to take back control of their territory. They are experiencing a process of demographic recovery and there are now 27 indigenous Avá and more than 200 Tapayuna. There is, however, the risk of a likely split with the peoples remaining in isolation. The cases of the Tapayuna and Avá-

Canoeiro peoples of the middle reaches of the Araguaia demonstrate the tragic consequences of forced contact, transfer and a lack of respect for their way of life and territory. In both cases, there are strong signs that members of these peoples have remained in isolation. There is an urgent need for research into the presence of indigenous populations living in a situation of flight and isolation in order to avoid further genocide. Some of these peoples, as we have described, live in Escudo Guayanés, a region in which economic projects are being planned. There is an urgent need for in-depth research into the 44 references of isolated peoples located outside of indigenous lands and a need to strengthen FUNAI so that it has the technical and operational capacity to conduct such investigations. The link between civil society and indigenous peoples is also an important aspect of this struggle aimed at guaranteeing the survival of and respect for the ways of life of Brazil's indigenous peoples. ■



Figure 12 – Ayaramã settlement, located in the upper reaches of the Trombetas River, within the Kaxuyana-Tunayana Indigenous Land. Source: Victor Alcantara e Silva, 2017.

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How can indigenous peoples survive the dismantling of public policies and rights acquired by decades of work? This process, resulting from setbacks to democracy, as described by the authors, shows that this is an emergency situation. There is a need to seek alternatives and for pressure from indigenous and civic organizations to help indigenous peoples exercise their rights. This report shows that pro-indigenous public policies are being gradually phased out and being left to wither. Although indigenous movements are increasingly active and growing in strength, the Brazilian state and a part of civil society have undertaken an offensive with the clear objective of “integrating indigenous peoples into civilization”. However, several questions remain. How can decisions be made without free, prior and informed consultation? How can indigenous peoples achieve self-determination? What does development mean for these population groups and what alternatives do they propose? The fact that Brazil’s current president can say that they need “civilizing” betrays a strong and antiquated colonialist vision and threatens their extermination. *(Maria de Lourdes Beldi de Alcântara)*



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