

Brazil: The dangers of rolling back social and environmental safeguards for indigenous and forest peoples during COVID-19

An Analysis of the Consequences of Measures Taken During COVID-19 in Brazil

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Thais, Cathal, Chris and Sofea

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Cover image: Portraits of Resilience, Manaus, Amazonas, Brazil, 2020
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Foreword

The spread of COVID-19 has and will continue to exacerbate an already critical situation for many indigenous peoples: a situation where inequalities and discrimination already abound. The rise in national recessions and the real possibility of a world depression are set to aggravate it further, bringing the fear that many indigenous peoples will die, not only from the virus itself but also from conflicts, violence and neglect.

In some countries, urgent action has demonstrated that appropriate measures taken early on in the crisis can drastically reduce and control the transmission of this disease. In other countries, the denial of the seriousness of COVID-19, linked to political polarization and the undermining of democratic institutions as well as of constituted public policies on health, social security, environment and territorial protection have aggravated the situation. Racism and discrimination against specific groups are usually entrenched in those situations.

In the case of Brazil, the existing rollback on the rights of indigenous peoples even prior to the pandemic, the failure of the government's response to COVID-19 and the apparent use of the pandemic as an opportunity to further deny indigenous peoples' rights has profoundly impacted on indigenous peoples. This situation has gained national and international attention given the possible grave violation of human rights. Statements of the current President and Ministers have been contested by indigenous peoples, their partners and human rights lawyers in different national and international spaces, including a complaint submitted by Brazilian indigenous leaders to the International Criminal Court alleging Bolsonaro has committed "crimes against humanity" for his role in accelerating the destruction of the Amazonian forest and its devastating impact on indigenous peoples and all of humanity.

Governments' actions and inactions in the area of health, combined with the fact that indigenous lands invasion, illegal logging and mining have all increased during the pandemic and that the State institutions which should be protecting indigenous peoples and their environments have been weakened, are the central arguments of those claims. Multilateral spaces and International Financial Institutions are being called by indigenous peoples and their supporters to put pressure on the government of Brazil to respect the rights of indigenous peoples and to protect their cultures, forests and ecosystems from further destruction. A request for technical assistance has also been presented by the Coordination of the Indigenous Organizations from the Brazilian Amazon (COIAB) to the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

The EMRIP has called on all States to fulfil their human rights obligations, guided by the UN Declaration on the Rights of Indigenous Peoples, to protect the health and lives of indigenous peoples. In following WHO advice, the EMRIP has urged States to ensure that indigenous peoples become partners in the endeavour to fight against the further spread of COVID-19, and above all to protect indigenous lives and guarantee their rights. For that, States must avoid rollback of rights safeguards and acknowledge and accommodate the cultural, spiritual, and religious rights and responsibilities of indigenous peoples when considering measures to respond to the virus and in subsequent recovery activities. As with the adoption of any measures that may affect indigenous peoples, their free, prior and informed consent, grounded in the right to self-determination, should be sought.

In order to limit the spread of COVID-19, several communities of indigenous peoples have taken the initiative to put in place containment measures and controls at the entrance to their territories. In Brazil too, even in the middle of this disastrous pandemic, indigenous peoples have been responding to this in a range of ways - improving communications infrastructure, using support of traditional medicine, insisting on respect for their FPIC protocols and effective participation in impact assessments, filing complaints and mobilising in whatever way they can to protect their lives and territories.

The following chapter provides concrete examples of how indigenous peoples and traditional knowledge can effectively contribute to understand the problem in a more holistic way; to elaborate responses; and hopefully avoid repetition of disasters, crimes and human rights violations. It serves as a report with recommendations from the Xingu region, focusing in the situation of indigenous

peoples from two Indigenous lands located in Volta Grande do Xingu. Home to dozens of endemic species of ornamental fish and a rich biodiversity, Volta Grande do Xingu has been impacted by the construction and operation of the Belo Monte Hydroelectric Power Plant, and is threatened by interests of Belo Sun mining company.

The chapter connects the indigenous views and knowledge with current environmental and health issues, food sovereignty, territorial protection, government developed projects and community monitoring. Some examples of collective and interinstitutional efforts are described in the report. These collaborative efforts should be considered as important guidance for solutions to the pandemic and as important components of eventual pathways to recovery in Brazil and beyond.

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*This is an independent opinion and does not necessarily reflect the institutional position of EMRIP

Summary

Over the last several years, the Brazilian government has rolled back environmental and social protections, threatening ecosystems such as the Amazon rainforest and the livelihoods of indigenous peoples and traditional communities. The dismantling of inspection and protection programmes in indigenous territories coupled with political neglect towards the formal demarcation of indigenous lands or the strengthening of public policies to safeguard traditional ways of life has led to social, physical and cultural vulnerability for indigenous peoples. The Amazon region, the main focus area of this report, has also suffered its highest rates of deforestation and fires in recent decades.

With the outbreak of the new coronavirus pandemic, the threats facing traditional peoples and their territories have intensified. Guided by a denialist discourse regarding the seriousness of the pandemic and the appropriate methods for coping with it, such as social isolation, the government of current President Jair Bolsonaro has not adopted effective measures to slow the spread of COVID-19 among indigenous peoples and traditional communities. On the contrary, the government has acted with impunity towards increases in invasions, illegal exploitation of natural resources, and land grabbing in indigenous peoples' territories. This impunity has resulted in greater exposure to the virus and consequently to the deaths of many hundreds of people. Moreover, the Bolsonaro government has intentionally and proactively exploited the pandemic to further its economic agenda at the expense of indigenous peoples' rights.

As illustrative case studies of national-level problems, this report focuses in on two indigenous peoples' communities located in the Middle Xingu River basin in the region of Volta Grande do Xingu. This region is also home to dozens of endemic species of ornamental fish and rich biodiversity. For over a decade, the people of the Volta Grande do Xingu region have been impacted by the construction and operation of the Belo Monte Hydroelectric Power Plant. The plant's operation has caused an 80% reduction in the natural flow of the Xingu River in this stretch that is home to several indigenous lands and hundreds of riverside families and communities engaging in traditional fishing and farming. The reduction in water flow poses a serious risk to the food security of these peoples, leading to a decrease in fish supply, the main food staple for families, and water for irrigation. These existing vulnerabilities have been compounded by the emergence of the new coronavirus pandemic, and conflicts between indigenous peoples and Belo Monte have worsened during the crisis.

Despite facing adverse situations, indigenous peoples, traditional communities and civil society organizations have been working to reverse the government's environmental and social rollbacks and defend indigenous territories, rights, and forest ecosystems. Some examples of these collective and interinstitutional movements are described in this report with the aim of highlighting solutions to these serious problems that affect the entire planet, given the Amazon's critical role in the fight against global climate change. For the sake of humanity's survival, it is essential that the tractional knowledge of indigenous peoples who live in harmony with their ecosystems is considered a guide for decision-making by international organizations and national governments.

Political Context

On completion of her 2016 Mission to Brazil, the UN Special Rapporteur on the rights of indigenous peoples concluded that "[t]here would ... appear to be a perfect storm on the horizon, in which a convergence of...factors will lead to the pursuit of economic interests in a manner that further subordinates the rights of indigenous peoples. The risk of ethnocidal effects in such contexts cannot be overlooked nor underestimated."¹

Just two years later, the election of Jair Bolsonaro was fuelled by promises of opening up Amazonian indigenous lands to mining and agribusiness. The on-set of the COVID-19 pandemic in the context of this repressive political context has provided the perfect pretext for the aggressive pursuit of Bolsonaro's rights-denying economic agenda, unleashing the gravest existential threats faced by the country's indigenous peoples since the creation of the State.

Despite the progressive provisions of Brazil's 1988 Constitution, its ratification of ILO Convention 169 in 2002, its support for the United Nations Declaration on the Rights of Indigenous Peoples in 2007) and for the American Declaration on the Rights of Indigenous Peoples in 2016, successive governments have reinforced a discriminatory political system that excludes voices of indigenous peoples, quilombo (afro-descendants) and riverine and traditional communities,² while enacting policies that are profoundly adverse to their rights and interests.³ This is reflected in the national government's deliberate weakening of the National Indian Foundation (FUNAI), the government agency dedicated to protection of indigenous rights. While past Brazilian governments perpetuated these discriminatory practices to an already dangerous degree, President Bolsonaro's government is using the COVID-19 pandemic to escalate and accelerate the rollback on constitutionally and internationally recognized indigenous rights.

Increased disenfranchisement of indigenous peoples in Brazil has taken several forms during the COVID-19 pandemic. First, indigenous representatives, including members of the Articulation of Indigenous Peoples of Brazil (Articulação dos Povos Indígenas do Brasil/Apib), face sustained threats of violence and criminalization as retaliation for resistance to imposed industrial activities, deforestation and land grabbing.⁴ These intimidation tactics are bolstered by actual violence committed against communities in the Amazon in order to forcibly displace them from their lands in the name of both state sanctioned and illegal industrial expansion.⁵ The 2016 counterterrorism law has also been used as a means to restrict civil society and indigenous peoples ability to speak out about rights violations, reflecting Bolsonaro view that "we must criminalize the actions of those marginal people as terrorism" whenever they attempt to assert their rights and reclaim indigenous lands that were taken without their consent.⁶

Second, the government has proliferated false information about indigenous peoples that has fuelled discrimination against them by a range of public and private actors. In a salient example, (see Box 1 below), in September 2020 President Bolsonaro made unsupported claims in a speech to the UN General Assembly that indigenous peoples were to blame for the Amazon's worst set of fires in a decade.⁷ In addition, Bolsonaro's government has downplayed the dangers of the COVID-19 pandemic⁸, at one time even vetoing the issuance of aid to indigenous communities⁹, despite advocacy by indigenous peoples and civil society warning the government of the severe risks that the pandemic poses to their survival due to their isolation and inadequate access to health care.¹⁰

Third, the government has continued and escalated its attempts at undermining and taking control of FUNAI in the context of the pandemic. In early 2020, President Bolsonaro nominated an anthropologist and evangelical pastor to lead FUNAI's department for isolated and recently contacted peoples. Indigenous groups and the UN Special Rapporteur on the rights of indigenous people voiced serious concerns about this. Evangelical missionary groups have adopted positions seriously detrimental to indigenous rights and are closely aligned with agriculturalists seeking access to indigenous lands. Putting someone so deeply connected to them in such a position of power was regarded as having "the potential to cause genocide among isolated indigenous people" who have no built-up resistance to diseases and are thus extremely vulnerable to any contact.¹¹ This vulnerability is even more pronounced in the context of COVID-19. A legal battle was required before the nomination was overturned in May 2020. Despite this small victory, the federal attorney general released a report

in June 2020 citing the “patent deterioration” of FUNAI’s enforcement capacity due to steep budget cuts and reassignment of personnel.¹² The government has similarly weakened the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), transferring areas of its authority to the military, and committing retaliatory firing of IBAMA employees who merely enforced the law against illegal mining in indigenous lands.¹³

Fourth, the government’s historical and on-going exclusion of indigenous peoples from political participation, despite their demands for this,¹⁴ has been exacerbated in the pandemic context. Their lack of online connectivity, and the lack of information in indigenous languages, served to deny access to critical public health information during the pandemic.¹⁵ In addition, the government has sought to use the pandemic as a justification for decreasing the general public’s access to government information through the suspension of deadlines and appeals for responses to requests for information.¹⁶ Such measures place a disproportionate and increased burden on indigenous peoples in their efforts to assert their rights.

Bolstered by increased disenfranchisement of indigenous peoples and their allies, the Bolsonaro government has proceeded to espouse policies that directly violate constitutional protections for indigenous rights. One example is FUNAI’s Normative Instruction N° 9/2020 published on 22 April 2020 that allows the occupation and sale of indigenous lands that have yet to be demarcated, at odds with the constitutional and statutory guarantees that indigenous peoples have rights to the lands that they traditionally occupy.¹⁷ In another example, Vice President Mourao publicly defended illegal mining on indigenous lands, despite Constitutional provisions that prohibit them in the absence of legislation that authorises and regulates them.¹⁸ These discriminatory policies contradict and therefore endanger the rights of the indigenous peoples who have been denied participation in their formulation.

‘Bolsonaro’s inflammatory lies on the International Stage’

While advocating the use of chloroquine and hydroxochlorine as a measure to combat the new coronavirus pandemic, President Jair Bolsonaro refuses to accept data on increased deforestation in the Amazon released by nationally and internationally recognized environmental monitoring agencies, such as INPE (Institute for Space Research).¹⁹ The current president’s refusal can be exemplified by his official opening speech at the 75th Session of United Nations General Assembly on 22 September 2020. The head of the Brazilian Executive defended unfounded conspiracy theories and accused civil society organizations, especially those dedicated to the socio-environmental protection of the Amazon, as entities founded on “shady interests” of an unpatriotic nature that seek to harm the government and the country. In his words,

[...] we are victims of one of the most brutal campaigns of disinformation about the Amazon and the Pantanal. The Brazilian Amazon is known to be very rich. This explains the support of international institutions for this campaign, underpinned by shady interests that unite them with unpatriotic and profit-seeking Brazilian associations, with the aim of harming the government and Brazil itself.²⁰

Bolsonaro further claimed, without offering any scientific or environmental evidence, that the Amazon forest, because it is humid, is not conducive to fire propagation, and attributed the responsibility for the fires to the Indians and caboclos.²¹

[...] Our forest is humid and does not allow fire to spread inside it. The fires take place in the eastern surrounds of the forest, practically the same places where the caboclos and the Indians burn their land in order to subsist in deforested areas. Criminal fires are fought with rigor and determination. I maintain my policy of zero tolerance of environmental crime.²²

It is important to stress that these unfounded pronouncements of the president of the Republic of Brazil are not just words. There has been a sustained attempt to dismantle national policies aimed at combating deforestation and preserving the environment of the Amazon since the election of Bolsonaro. The persecution of institutions that seek to combat illegal deforestation and environmental devastation has had significant negative effects on several traditional indigenous territories, including the Trinchiera-Bacajá Indigenous Territory, of the Mëbengôkre-Xikrin people, in the Para state Amazon, as outlined below. The cancellation on 2 May 2020 of IBAMA’s inspection actions was justified by the government as part of the implementation of operation Verde Brasil

within the framework of the Read and Order Guarantee (GLO) aimed at containing illegal deforestation and outbreaks of fire in the Amazon. However, this measure is not realizing its purported goal as highlighted by John Razen, a lawyer with ISA (Instituto Socioambiental) “Even with the presence of the Army, deforestation rates have risen again after a period of relative decline a result of IBAMA's work. The question that remains is: how effective these actions are in the territories?”²³

Large-scale projects and absence of good faith consultation & environmental protections

In addition to rolling back on rights protections for indigenous peoples, the government is using the COVID-19 pandemic as a justification to advance large-scale projects with potentially profound impacts on indigenous peoples' rights without regard for constitutionally required consultation processes in order to obtain Free Prior and Informed Consent (FPIC) or for environmental protections.

In one example, the public Brazilian Logistics and Planning Company (EPL) sought to bypass the Munduruku Consultation and FPIC Protocol in the completion of the environmental impact assessment for a railway to be extended through a particularly vulnerable zone of the Amazon.²⁴ Ignoring their FPIC protocol and requirements of culturally appropriate in person consultations, the EPL sought on-line consultation despite the fact that this was entirely at odds with the traditional decision-making processes of the Munduruku.²⁵ The process also ignored the impacts of the railway on the Kayapó-Menkragnoti, Panará people, peoples in the Indigenous Territory do Xingu, the traditional communities of Montanha and Mangabal, and the Quilombolas of Santarém.²⁶

An emblematic case, addressed in Section 2 below, is that of the Juruna people on the Xingu river in the state of Pará, where the COVID-19 crisis has been the backdrop to rapid advancement of the Belo Sun mining project. The bidding process for the project has continued despite the recommendation of the Inter-American Commission of Human Rights that States “refrain from promoting legislative initiatives or advances in the implementation of productive or extractive projects in the territories of indigenous peoples for the duration of the pandemic.”²⁷ Similar to the EPL case, the bidding process for Belo Sun has not respected the Juruna Consultation and FPIC Protocol, despite a 2017 Federal Court decision mandating this and serves to compound ethnocidal impacts of the Belo Monte dam.²⁸

This heightened disregard for consultation and FPIC protocols has been widespread throughout the pandemic.²⁹ These violations are compounded by the government's undermining of IBAMA's power to regulate environmental impacts of large scale projects and to stop illegal mining and land grabs. Ultimately, the processes and institutions necessary for good faith consultation with indigenous peoples in relation to measures that directly affect them and their lands has been further eroded in the context of the COVID-19 pandemic and expose them to profoundly adverse impacts.

Government impunity for increasing land invasions and legalization of land-grabbing

Land-grabs and land invasions of indigenous lands in the Amazon have become increasingly legitimized, legalized, and encouraged since President Bolsonaro took office. A series of rollbacks on indigenous land rights protections have paved the way for these large-scale land-grabs by farmers, illegal loggers and miners with associated deforestation accelerating during the COVID-19 pandemic. For example, there has been a massive increase in farms encroaching on indigenous lands since FUNAI issued Normative Instruction Nº 9/2020 on April 22, 2020³⁰ authorizing the certification of private properties inside unratified indigenous areas, thereby putting at least 237 unfinished demarcation processes for Indigenous Lands at risk.³¹ According to data compiled by the National Institute of Space Research (INPE), alerts for deforestation in indigenous territory increased 59% in the first four months of 2020 compared to the same timeframe in the previous year, and there was a 64% increase in deforestation alerts in April alone.³² Later, between July and August, deforestation

was still increasing at a rate 28-34% higher than 2019, with approximately 8,700-10,100 km² of primary forest cover having already disappeared since August 2019.³³

In July 2020, the Inter-American Commission on Human Rights found that Yanomami and Ye'kwana peoples' territories have been increasingly invaded by illegal miners and loggers.³⁴ Data collected by the Special Rapporteur on the rights of indigenous peoples documented increased land-grabbing in the indigenous lands of the Ituna/Itatá, Apyterewa, Cachoeira, Trincadeira Bacajá, Kayapó, Munduruku, Karipuna, Uru-Eu-Wau-Wau, Manoki, and Yanomami.³⁵ These reports are also supported by data from the Instituto Soicoambiental's (ISA) deforestation monitoring system, which has shown continued illegal deforestation during the pandemic in lands containing indigenous peoples in voluntary isolation, among them the Pirititi, Uru-Eu-Wau-Wau, Araribóia, and Kaxinawá do Rio Humaitá.³⁶ In flyovers, Greenpeace observed extensive illegal gold mining in the Munduruku and Sai Cinza Indigenous lands in May 2020.³⁷ This expansion in illegal mining, driven by government impunity for the illegal miners and increasing gold prices,³⁸ is compounding the extensive health and environmental harms associated with existing illegal mining.³⁹

Governmental attempts at environmental rollbacks and deregulation were consistently met with political protest and backlash prior to the COVID-19 pandemic. The Brazilian government has intentionally and actively used the health crisis to push through deregulation and encourage illegal activities at a time when indigenous peoples and civil society can less effectively organize in protest. In May 2020, Brazilian Environmental Minister Ricardo Salles explicitly said that the Brazilian government needs "to make an effort while we are in this calm moment in terms of press coverage, because they are only talking about COVID, and push through and change all the rules and simplify norms."⁴⁰ The rule changes Salles was referring to were proposed in December 2019 and would allow farmers squatting on up to 25,000 hectares within government controlled reserves to legalize ownership over this land, which could massively reduce protected forest areas and land that should be designated as customary indigenous land.⁴¹ That rule change enacted by FUNAI in April 2020 opened up 37,800 square miles of unrecognized indigenous land to outside ownership by reversing a long-standing rights-compliant policy that prohibited squatter land claims on areas that were in the process of being formally recognized as indigenous land.⁴² A Mongabay study found that between March and May 2020, the Bolsonaro government passed 195 executive acts, including ordinances, decrees, and other measures, aimed at dismantling and bypassing environmental laws, a huge increase over the 16 acts passed in the same period in 2019.⁴³ The study concluded that together these acts provide for extensive impunity and amnesty for illegal land-grabbers settling in protected and indigenous land.⁴⁴

Brazilian government failure to reject record number of illegal mining permit requests on Indigenous Peoples' lands during COVID-19



Amazon landscape
scarred by open pit gold
mining
Credit: Rhett A.
Butler/Mongabay

A study released in November 2020 by the Mined Amazon project found that the Brazilian mining authority (ANM) has collected and failed to reject more than 3,000 requests to mine on Indigenous Peoples' land in the Amazon, including 145 new requests filed in 2020. This constitutes the highest number of requests filed in 24 years.

The mining authority should have immediately rejected these requests, which are in violation of the Brazilian Constitution. Federal Judge Felipe Gontijo Lopes stated, "These requests for mining research and mining itself, even if not granted, bring confusion and unrest to Indigenous People." ⁴⁵ The government's failure to reject these illegal mining requests bestows undue legitimacy on them and actively harms indigenous land rights.

"By not rejecting [the illegal mining requests], the ANM fuels undue expectations of preference, thus undermining the state's duty to protect indigenous communities".

— Felipe Gontijo Lopes, Judge on the Regional Federal Court of the 1st Region, Brazil⁴⁶

Impact of COVID-19 on indigenous communities' rights to life, health, self-governance and survival

Meanwhile, the Bolsonaro government has side-lined and refused to offer support to indigenous communities impacted by COVID-19 who are increasingly vulnerable due to the scale and number of illegal land-grabs intruding on their customary lands.⁴⁷ These failures on the part of the government are part of a larger historical trend of failure to meet indigenous peoples' needs and prioritizing economic interests over indigenous rights. Among the compounding factors are the absence of political participation, inadequacy of communication channels, vulnerability of communities due to lack of adequate and culturally appropriate health services,⁴⁸ and pre-existing environment and health damage caused by dams, mining, and deforestation through logging and agribusiness.⁴⁹ Clearing of forests as a result of logging, mining and farms and the absence of territorial control has been linked to increases in the number of confirmed COVID-19 cases in indigenous peoples in the Amazon.⁵⁰ Estimates suggest that up to 40% of indigenous populations living close to mining sites are particularly prone to infection, indicating the extent to which deforestation and illegal mining constitute environmental, economic and health disasters for indigenous peoples.⁵¹

The government's failure has led to particularly devastating COVID-19 outbreaks in indigenous and Quilombo communities.⁵² According to Apib, there have been over 38,643 cases and 870 deaths confirmed among 161 indigenous groups in Brazil,⁵³ while among the Quilombos there have been 4,604 confirmed cases and 167 deaths.⁵⁴ Information provided to the UN Special Rapporteur on the rights of indigenous peoples indicates that indigenous communities in Brazil have a fatality rate that exceeds the national average by 150%.⁵⁵ However, a pattern of lies and misinformation by Bolsonaro's government has consistently underreported and downplayed the extent of the impact of COVID-19 on these communities.⁵⁶

COVID-19 has also impacted on their exercise of their right to self-governance and self-determination, their potential for political mobilisation, and, due to the deaths of prominent elders and leaders, their ability to maintain and transmit traditional knowledge.⁵⁷ The extent to which the Bolsonaro government has failed indigenous peoples in Brazil on the issue of COVID-19 has led to some serious concerns that it is actively weaponizing the pandemic against them and using it as a means of squashing political dissent.⁵⁸

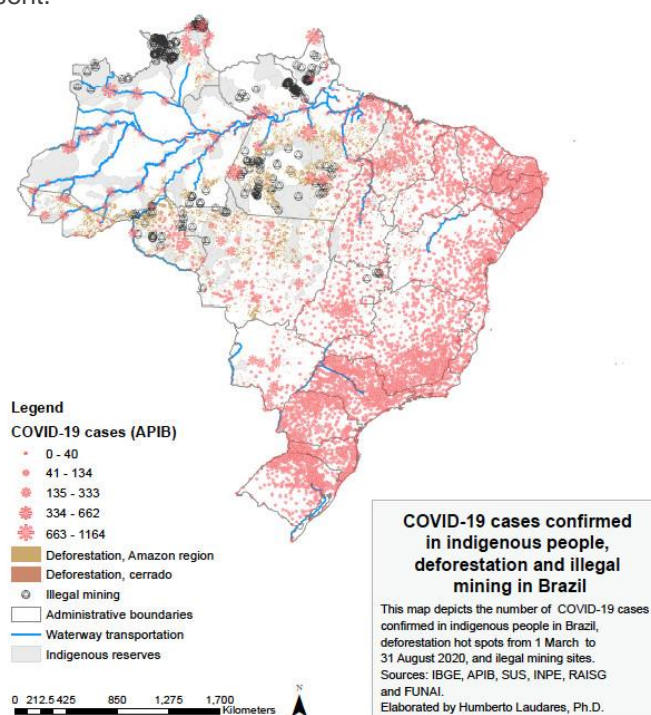


Figure 1: COVID-19 cases confirmed in indigenous people, deforestation, and illegal mining in Brazil
Source: Humberto Laudaes, Voxeu.⁵⁹

In August, the Brazilian Supreme Court ruled that the Bolsonaro government cannot continue to fail to protect Indigenous peoples during the pandemic and must address their health issues and evict illegal miners.⁶⁰ It remains to be seen how effectively the Bolsonaro government heeds this order, but its

track record and stated intent to rollback protections clearly does not augur well.

Case Studies

Indigenous and forest peoples' response to disinformation and neglect

In the absence of state measures to protect rights, indigenous peoples are proactively monitoring COVID-19 progress and impacts, disseminating information, establishing isolation zones and sanitary quarantines, installing communication infrastructure, taking steps to self-demarcate their lands, and continuing to develop and assert their consultation and FPIC protocols.⁶¹ Additionally, indigenous groups have been filing legal challenges to Bolsonaro government's lies and misinformation,⁶² and are engaging with international actors, such as the UN Special Rapporteur on the rights of indigenous peoples,⁶³ and regional human rights mechanisms, such as the Inter-American Commission on Human Rights, to draw attention to their situation and seek remedies.⁶⁴ Specific and emblematic examples of these proactive responses are addressed in the case studies of the Juruna Yudjá people of the Indigenous Land Paquçamba and the The Mëbengôkre-Xikrin people of the Trincheira-Bacajá Indigenous Land.

The COVID-19 pandemic has exposed structural problems and systemic discrimination faced by Indigenous Peoples and riverine communities throughout out Brazil. These include difficulties in accessing adequate health care and safe drinking water and the immense challenges they face in protecting their territories and the lives of their community members. These difficulties have been aggravated by the response of the Ministry of Health and the federal government to the pandemic.

This response included spreading false news about the seriousness of the disease, the extent of contamination, and denying the need for social isolation and the use of masks, despite these being fundamental measures recommended by the World Health Organization.⁶⁵ Compounding this, is the fact that many communities and villages have no health centres or Basic Health Units, thereby forcing families to travel and seek health services in municipalities or other communities, rendering social isolation impossible. Another serious problem is the exclusion of Indigenous People living outside approved Indigenous Lands, which includes people living in cities and peoples awaiting demarcation of their lands, from data on contamination and death by COVID-19 among the indigenous population. The risks posed to the lives of indigenous peoples and riverine communities arising from government action and inaction in light of the pandemic represents a major regression in the defence of the lives and constitutionally recognized human rights of these peoples. As highlighted by one indigenous association, "We are facing the neglect of the state, fighting for the right to live."⁶⁶

In response to this neglect, denial of services and information, and the dissemination of false news by the government, several civil society organizations, indigenous associations and riverine communities have disseminated information about COVID-19 contamination and deaths and appropriate measures for reducing the spread of contagion. An example is creation of an electronic platform by the Socio-environmental Institute (ISA) and indigenous association Articulation of Indigenous Peoples (APIB) that provides data on the evolution of the disease and addresses the affected peoples who are not recognized by the government⁶⁷. Podcasts are also recorded in the languages of the Indigenous Peoples, thus helping to confront the disease and defend life. The audios, circulated through WhatsApp, were instrumental in disseminating information on timelines and analyses for access to social benefits, deforestation data, hot spots in the territory and the importance of health measures, such as social isolation, to contain the pandemic, in the context of the cultural practices and lifestyles of the peoples and communities. Another important effort to confront the pandemic in a regional context was the creation of the Inter-institutional Committee to Confront COVID-19 in the Middle Xingu, a region that is home to several indigenous lands, extractive reserves and conservation units.

Civil society organisations together with indigenous peoples and traditional communities have played a central role in denouncing deforestation and environmental destruction throughout the country. This is core to their efforts to draw attention to the human and ecological impacts of these activities. An exemplary case of this coordinated action is SIRADX, a deforestation monitoring and alert system in

the Xingu Basin that publishes bimonthly bulletins.⁶⁸

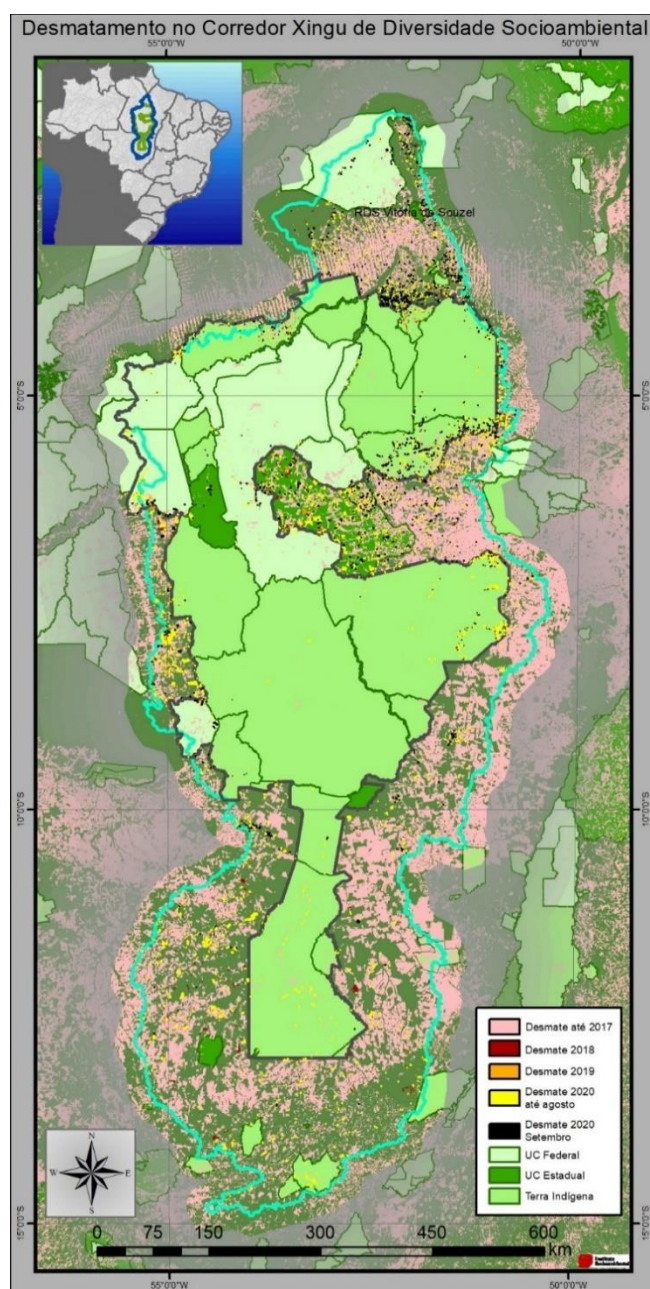


Figure 2: Map of the Xingu Corridor of Socio-Environmental Diversity with deforestation data up to September 2020
Source: ISA collection

The Xingu+ Network, which operates this remote monitoring system, consists of a network of civil society organizations and indigenous and riverine community associations that make up the Xingu corridor of socio-environmental diversity.⁶⁹ The Xingu+ Network's initiative dates back to resistance movements against the Xingu River dam initiated during the forest peoples' meeting in Altamira in 1989. It works to strengthen local associations and to enable them to be more effective in their efforts to ensure territorial protection and to defend the food, social and cultural sovereignty of peoples and communities. Satellite images of each section of the Xingu basin are regularly examined by a team of analysts who look for anomalies.⁷⁰ The deforestation polygons are evaluated "according to their proximity to other sources of degradation and considering the region's history, and if necessary, people who know the site are contacted to confirm the deforestation".⁷¹ Field knowledge is fundamental for this data validation. Multidisciplinary teams located in the affected territories are therefore involved and also engage in the dissemination of the ecosystem knowledge of traditional

indigenous peoples and river communities. Since 2018, at the end of each year, SIRADX has published a full analysis of the deforestation that occurred each month.

The following section of the report will focus on the Xingu Basin region to illustrate the nature of the socio-environmental rollbacks that have been occurring throughout the Brazilian Amazon since the on-set of the pandemic. To understand the implications of these rollbacks on the concerned peoples it is necessary to contextualize them in light of their experience of profoundly negative, at times ethnocidal, environmental and social impacts of the large-scale hydroelectric dam and extractive industry projects, as well as the escalating levels of illegal deforestation and land-grabs that have accompanied the Bolsonaro government. Foremost among these has been the notorious Belo Monte Dam, which as the UN Special Rapporteur on the Rights of Indigenous Peoples noted on her visit to the area “has been shrouded in controversy and resisted by the indigenous peoples whose lives it impacts” since its outset over 30 years ago, and raises “issues common to many megaprojects in Brazil”.⁷²

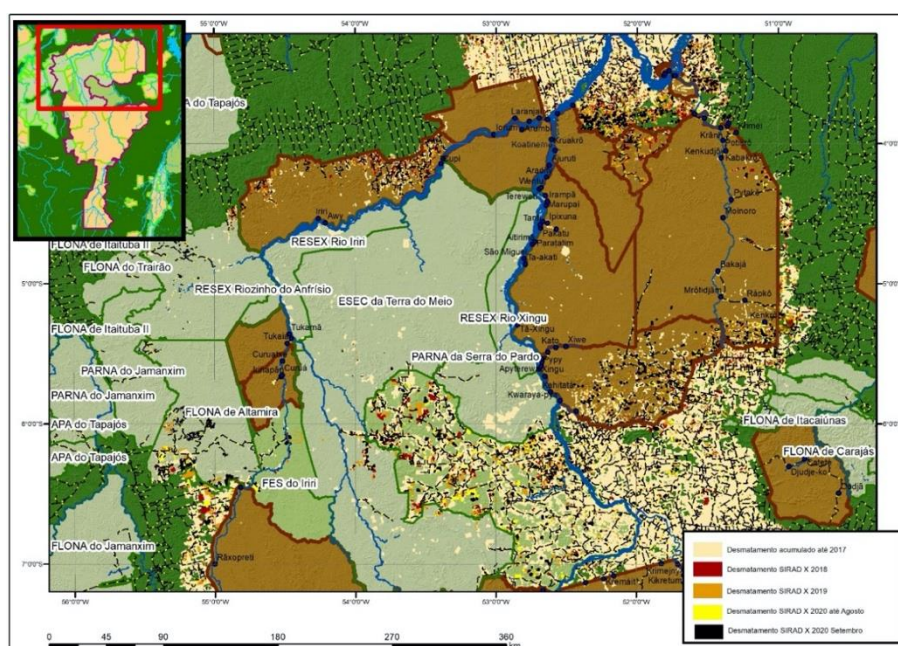


Figure 3: Terra do Meio map, Middle Xingu region with deforestation data until September 2020
Source: ISA Collection

Historical precedence – the Belo Monte Dam

The Middle Xingu region, also known as Terra do Meio, has been profoundly and irreversibly affected by the construction and operation of the Belo Monte hydroelectric plant. The failure to implement safeguards, such as good faith consultation and FPIC processes and adequate environmental and social impact assessments, during the construction of the Dam was highlighted by successive UN Special Rapporteurs on the rights of indigenous peoples following their visits to Brazil in 2007 and 2016, by the Inter-American Commission on Human Rights in 2011, FUNAI and the Federal Prosecutors Office.⁷³ The promised mitigation measures were not implemented and in 2015 the Public Prosecutor's office in Altamira filed a case against the Government and the company, Norte Energia, alleging genocide as a result of the profoundly adverse impacts of the project on the indigenous peoples in the Xingu River basin.

Five years later, many conditions for the licensing of the project have still not been met. These include the installation of a basic sanitation system in the municipality of Altamira, improvement in the health care structure of the municipality and indigenous health care, and implementing projects aimed at guaranteeing the food and economic security of the indigenous, riverine, and subsistence farming peoples of the region. In addition, dozens of families displaced by the construction of the dam have moved to housing estates in the urban peripheries that do not have a regular water supply.

Despite these genocidal impacts that are directly related to the failure to implement environmental and social safeguards, and the life threatening impact of the pandemic (which the failure to implement health care has contributed to), the government continues to ignore these basic rights safeguards and has permitted the increased diversion of the river that threatens the very survival of the indigenous and riverine communities. To increase energy generation, Belo Monte is in the process of diverting approximately 80% of this stretch of river, and in so doing is inducing a condition of perennial drought for the communities that rely upon it for their livelihoods and way of life. The indigenous and riverine peoples of the Volta Grande do Xingu refer to this as "the theft of the Xingu waters". The impact of this reduced water flow intensified in 2020 and led hundreds of families to mobilize and demonstrate in the midst of the pandemic, denouncing the drought and water shortage they were facing. In the letter written during the protest, they stated:

"We, the indigenous and riverine peoples of the Xingu Grand Tour, are here united in this letter and in our demonstration to defend the waters of the Xingu and our lives. Belo Monte, since it began, wants to divide us the way it did with the river. But we, like the Xingu, do not give up fighting for life. Belo Monte and the impacts of the power plant want to kill us little by little as they are doing with the river and the fish. Our knowledge must be respected by the authorities. We are helpless. We ask for the support of justice!"

— Letter from Riverine Peoples of the Volta Grande do Xingu to the Brazilian government

The relationship between the pandemic, the dismantling and weakening of oversight and enforcement mechanisms, including for the defence of protected areas and Conservation Units, and the impacts of mega-projects such as the Belo Monte dam, will be described from the perspective of two indigenous peoples on the Xingu River who have been profoundly affected as a result of the governments continued weakening of and disregard for environmental and social safeguards.

The Juruna Yudjá people of the Indigenous Land Paquiçamba

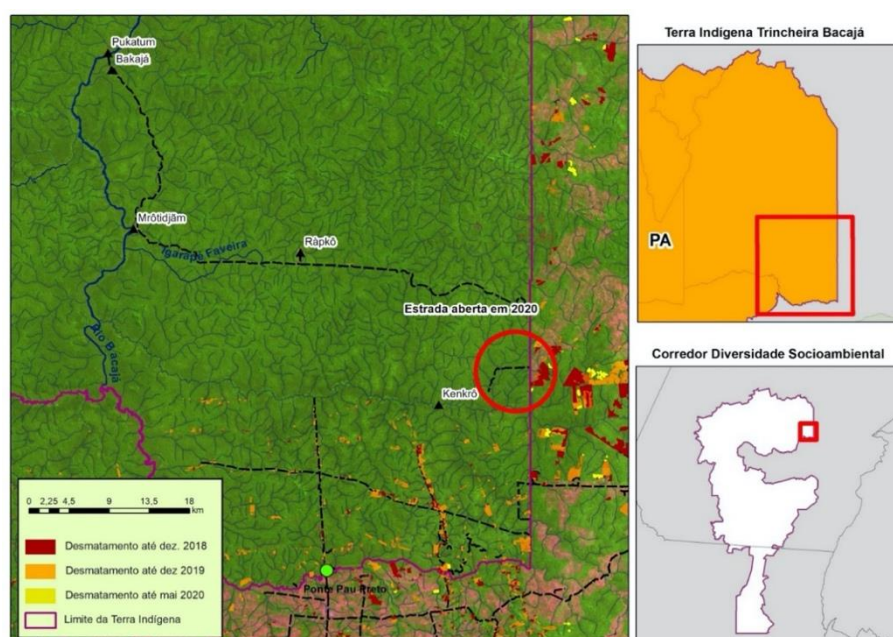


Figure 4: Map of the Xingu Grand Tour and the two Indigenous Lands that make it up, with emphasis on enterprises that impact the region. Source: ISA Collection.

The change in the flow regime of the Volta Grande do Xingu as a result of the Belo Monte hydroelectric project has caused serious impacts on the organization of the lives of the Juruna Yudjá people of the Indigenous Land Paquiçamba and on their economic and socio-environmental well-being. The impact on their food security of 2015 damming of the river was intensified in 2019 with the installation of the last turbine of the dam.



Figure 5: Photo of the Juruna Volta Grande do Xingu while performing Canoada Xingu in 2018, activist Tour event community - based. Source: ISA collection.

The decrease of fish as a result of the diversion of the river led created a dependence on the purchase of food products from the city. This loss of food security of Juruna Yudjá was further aggravated by the onset of the pandemic, given the need for social isolation and their distance from the city. The lack of adequate communication systems in the villages compounded their vulnerability, with the official communication system via radio restricted to certain hours and actions to remove patients who needed hospital care.

The onset of the pandemic in the absence of adequate measures to protect the Juruna, combined with the man-made drought imposed on a people who consider themselves none other than the 'owners of the Xingu', profoundly altered and threatened their whole existence. From being a self-sufficient people they have been put in a position of extreme vulnerability, both in terms of the risks to their health and lives and the quality of their lives that are now threatened by food insecurity and are increasingly forcibly removed from traditional livelihoods and ways of living.

Faced with this dire and deteriorating situation, the Juruna responded by initiating and publishing their independent monitoring of the impacts of the Belo Monte dam on their lands and lives. In doing so they aim to counter the government's attempts to discard social and environmental safeguards. Through their proactive monitoring and their development of their consultation protocol, the Juruna seek to promote the expansion of decision making spaces on the future of everything and everyone involved in the Volta Grande Xingu region.⁷⁴ It is an action of resistance against the attempts to empty a territory of both its river and its peoples that is being promoted by the company and sanctioned by a ruthless government. This ethnocidal effect, if not intent, is symbolized in the company's renaming of the Volta Grande do Xingu, the ancestral home and source of subsistence of the Juruna and other peoples, as "a stretch of reduced flow", or simply "TVR of the Belo Monte Hydroelectric Plant".

Rather than mitigate these profound harms, the government is pressing forward with the authorization of a gold mine in close proximity to the Juruna lands. The Belo Sun mine, which if completed would be Latin America's largest open-pit gold mine, will have cumulative impacts that compound the devastating effects of Belo Monte dam, as well as deforestation and land grabbing.⁷⁵ This deviation of the river and the attempts to initiate the mine are set against the increasing level of violence and intimidation against indigenous peoples who attempt to protect their rights and existence as peoples.

The Juruna were not consulted about the Belo Sun mining project, which was first announced in 2012. Having experienced the disastrous consequences of inadequate safeguards in the context of the Belo Monte dam, the Juruna, in an effort to ensure that their rights were safeguarded in the Belo Sun mine authorization process, developed their own consultation and FPIC protocol in 2017. In 2018, the Federal Court held that safeguards related to environmental protection and prior consultation had not been met in relation to the authorization of the Belo Sun project and ordered that any future consultation respect the Juruna consultation and FPIC protocol. IBAMA subsequently declared the environmental authorization to be invalid as it failed to meet the safeguards established by the Court. However, IBAMA's enforcement powers have been curtailed due to cuts in funding and FUNAI's role in protecting the rights of the Juruna has also been weakened.

Even though the mine is suspended by three court decisions, the last one in November 2019, the company has nevertheless been able to proceed with prospecting and received some authorizations from the municipal government. In April 2020, Belo Sun claimed to have completed the indigenous peoples component of its Environmental Impact Assessment, despite the fact that no consultation aimed at obtaining the Juruna FPIC had been carried out in accordance with ILO Convention 169 which Brazil has ratified, or the Juruna consultation protocol as required by the Federal Court.⁷⁶ This is also despite the alarming findings of substandard environmental safeguards being implemented by Belo Sun, including those related to the design of its tailing reservoir – an issue which is particularly concerning given the deadly disasters involving collapses of such inadequately constructed tailing dams in Brazil in recent years.⁷⁷ An independent expert study, published in June 2020, found that the Belo Sun mining tailing reservoir is designed in a way that increases the probability of dam failure to an unacceptably high level, violates dam regulations in relation to seismic safety, lacks adequate studies of seismic activity at the site, and has no plan for safe closure of the dam.⁷⁸ The report also found that

In the most likely scenario of the dam failure (release of 28% of stored tailings), the initial tailings flow would cover 41 kilometres along the Xingu River, with an impact significant in the Arara indigenous land of Volta Grande do Xingu. In the worst-case scenario 100% of the tailings stored), the initial flow would cover 98 kilometres along the river Xingu. After the initial event, normal river processes would transport the tailings to the river Amazonas and the Atlantic Ocean.⁷⁹

The independent expert concluded that the mine constitutes an "unacceptable risk" and recommended that Belo Sun's license be revoked.⁸⁰ Despite this warning, and the clear lack of compliance with environmental and indigenous rights safeguards, no action has been taken by the government. As highlighted by the UN Special Rapporteur on the rights of indigenous peoples, the Juruna experience is by no means unique in Brazil. Instead, it is illustrative of how far the government and corporations are willing to go to render environmental and social safeguards ineffective, even when faced with explicit instructions for the Federal Courts to adhere to these safeguards and damning legal actions by the Public Prosecutors that highlight the ethnocidal effects of their failure to do so.

The Mëbengôkre-Xikrin people of the Trincheira-Bacajá Indigenous Land



Figure 6: Photo of Mëbengôkre-Xikrin warrior men with their clubs on arrival for a meeting in Altamira on the impacts of the Belo Monte Hydroelectric Power Plant in 2012. Collection: Thais Personal archive

The Trincheira-Bacajá Indigenous Territory located in the Xingu Basin in the Amazon region of Pará, is one of the indigenous lands where scale of deforestation there has been mapped and monitored using the aforementioned SIRADX system. The indigenous people Mëbengôkre-Xikrin of the Trincheira-Bacajá Indigenous Territory live on the banks of the Bacajá River, a tributary of the Xingu River on which the Belo Monte dam is located. Official contact was established with them in the mid-1970s and consolidated in 1996 with the demarcation of their Indigenous Territory.⁸¹

In August 2019, the Trincheira-Bacajá Indigenous Land became the target of sustained invasion and deforestation at rates that the Mëbengôkre-Xikrin had never previously experienced. The invaders justified their actions by pointing to promises to reduce the landmass of demarcated indigenous lands throughout the country that were made by President Jair Bolsonaro in his 2018 electoral campaign. The subsequent increase in the invasion and deforestation of indigenous lands and conservation units reached worrying proportions in the Amazon region according to monitoring data from INPE (National Institute for Space Research) which was presented in the 14th SIRAX Bulletin of the Xingu+ Network at the end of 2019.⁸²

Deforestation in the Trincheira-Bacajá Indigenous Territory is a clear example of the effect of the decrease in enforcement actions in the region because of governmental decrees. Until May 2020, inspections were carried out by IBAMA, when a government decision cancelled the agency's activities. The cancellation of inspection activities had the impact of increasing deforestation from 3 hectares in May to 411 hectares in August 2020. A 12,980% increase in deforestation, as reported in SIRADX's 20th bulletin.⁸³

This increase in invasions and deforestation has been described by several advocates of traditional territories and environmental preservation as the "Bolsonaro effect". The context giving raise to this significant increase in invasions of traditional territories was discussed at the 4th Xingu+ Meeting in August 2019, held in the Kubenkokre village of the Menkragnoti Indigenous Land of the Mëbengokre people in the Xingu basin. Concerned about threats to their lands and loss of rights, indigenous peoples and riverine and traditional communities from across the Xingu Basin corridor came together to discuss the problems they were facing and establish joint strategies for action. The meeting was intended to be a united response by many indigenous voices against threats to their lives, and a cry out for life against the "greed of governments of destruction".

These invasions are coupled with threats of violence. As a young Mëbengokre-Xikrin reported in 2019, one of the invaders of the Trincheira-Bacajá Indigenous Territory said, that along with three hundred other armed men, they would enter the bush to "hunt the Indians". This audio was circulated by indigenous warriors from the villages of Rapkô, Mrotidjâm, Bacajá and Kenkro, in their denouncements to the Federal Prosecutor. At that time, Xikrin men and women saw smoke from the illegal fires from their Rapkô village and on several occasions heard the noise of chainsaws and

tractors of the nearby invaders. The Trincheira-Bacajá Indigenous Territory has been undergoing an intense and systematic process of invasion in its north-eastern, south-western, and south-eastern zones. The accelerated deforestation on all these fronts reveals the determination of the invaders to occupy and exploit the forest resources of the Trincheira/Bacajá IT.⁸⁴

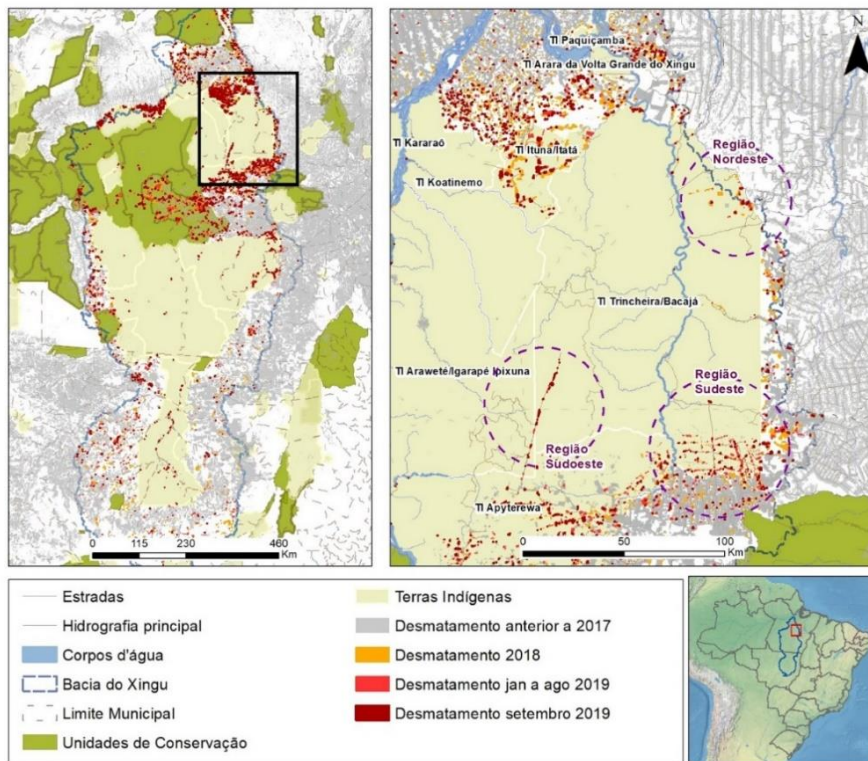


Figure 7: Map of deforestation with the three fronts of invasions in the Trincheira-Bacajá Indigenous Territory
Source: Acervo Rede Xingu+.

In early 2020 the invaders continued to pursue this goal. In February, the chiefs, warriors, and women of the Trincadeira-Bacajá, gathered in the Krimex village, to denounce the resumption of invasions, especially in the southwest portion of their territory. The ancient chief Tedjere Xikrin, from the village RapKô, started the meeting saying:

“The invaders who respect nothing are burning our forest. The forest animals are burning with it. How many jabotis have been burned? How many tapirs have been burned? How many armadillos have been burned? We need to make it stop. We need to take the invasion from our land.”

— Chief Tedjere Xikrin, RapKô village, Brazil⁸⁵

Tedjere's speech then took the *Kuben*, the foreigners, the non-Indians or the whites as the focus of conversation. In a connective sequence to draw attention to the problems of the invasions and their consequences, Tedjere assumed the posture of war chief:

Invaders go away, stop it. I am a former boss. We, the people Mëbengôkre, have our grandchildren, our children. We like the forest beautiful, good, alive. Now the *Kuben* are invading our lands, stealing the forest. We need to keep an eye on, inspect and monitor this land. We are not few and we are brave, very brave. Why are we angry? They are stealing the forest, that knowledge of ours. Why do they do this? Stop it! *Kuben* only know how to want money. Stop it. Don't steal the forest anymore. We need to make the *Kuben* respect us and respect our land. Today there is no such respect. In the past we managed to secure our land. Today horrible things are appearing. Today we need to show our thinking, our knowledge, the thought of the forest for the *Kuben*. The forest is good for all people who are alive. If they cut down the forest my grandson will ask me: Where are the trees and the bush, Grandpa? What will I say to him? Without the forest there is no wind or rain. I wanted to know where the people who will help us are. These invaders are stealing our chestnut trees, our chestnuts. I know that. To finish my speech, I say: Invaders, get off our land, stop stealing from our forest, stop stealing the wood from the forest. This land belongs to my grandchildren, to their grandchildren and to all living people.

With the onset of the pandemic in March of 2020, and with the reduction of surveillance and territorial monitoring in the Amazon region, the invasion of the southern portion of the Trincadeira-Bacajá Indigenous Territory increased. From March to June, an illegal road was opened near the Kenkro village and the invaders once again approached the villages. According to the Mëbengôkre-Xikrin chiefs and warriors, this was a strategic attempt to expand the invasion. In addition to the loss of biodiversity due to the deforestation, the problem has also become a humanitarian and health crisis, due to the risk of contamination by COVID-19 in the villages. According to the Interinstitutional Committee, 13 people were contaminated in March in villages near the invasion. In September, the number of contaminated people jumped to 159.

Given the underreporting that accompanies the extent of the pandemic in indigenous lands, that number could be much higher. Similar alarming rates of deforestation and dispossession are occurring elsewhere in and near indigenous peoples' territories in the Brazilian Amazon. The legitimization of, and encouragement for, this land grabbing by Bolsonaro and members of his government is not only killing the forest, but its peoples too. The ultimate effect of this could be their total annihilation. Under the cover of the COVID-19 pandemic, that perfect storm with ethnocidal effects, alluded to by the Special Rapporteur on the rights of indigenous peoples, in which environmental and social safeguards are further subordinated economic interests has moved from the horizon to envelop the entire Amazon region.

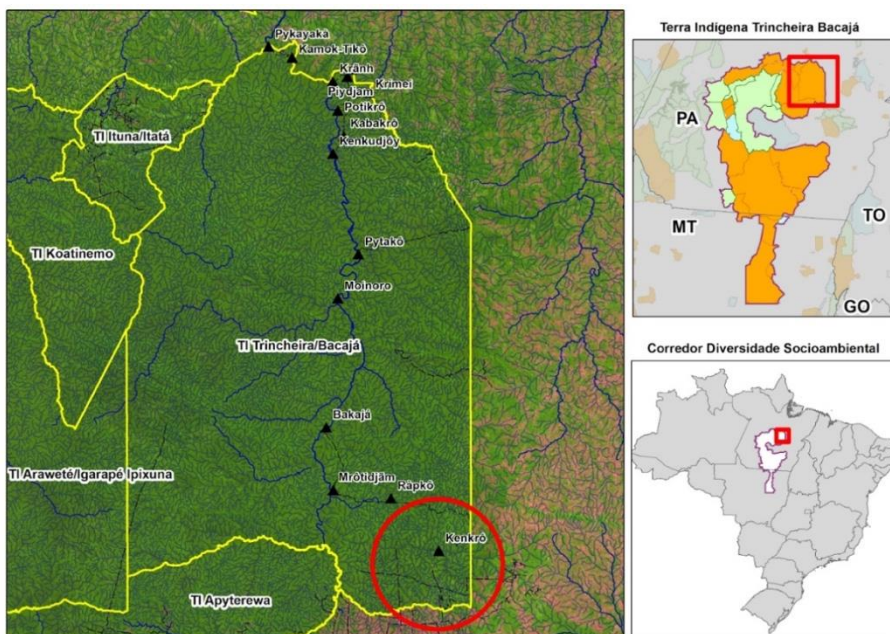


Figure 8: Map of the Trincadeira-Bacajá Indigenous Territory with emphasis on the region of invasion denounced by Mëbengôkre-Xikrin in June 2020
Source: Rede Xingu+ collection

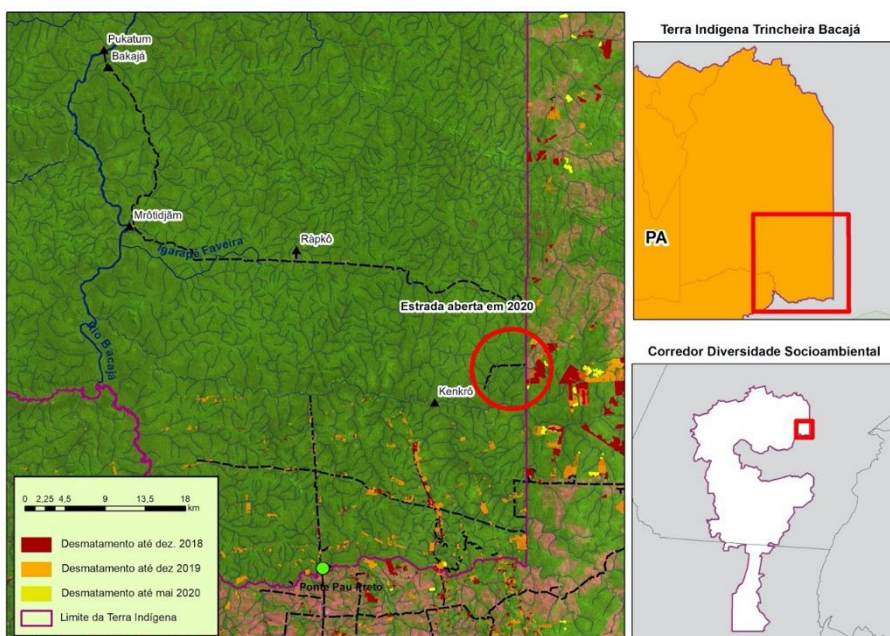


Figure 9: Map showing illegal road opened by invaders in the Trincadeira-Bacajá Indigenous Territory in 2020
Source: Rede Xingu+ collection

Importance of traditional knowledge and indigenous worldviews

Unlike Bolsonaro, the arguments underpinning indigenous peoples' concerns are perfectly aligned with scientific and environmental arguments linking the outbreak of pandemics with environmental imbalances and destruction. This highlights the urgency of supporting the traditional knowledge of indigenous peoples, riverine communities, subsistence farming communities and quilombolas. This knowledge is important not only because it is fundamental for the defence and preservation of the Amazon forest and other ecosystems. It is essential, because the ways of life of these collectives provide countless and unqualifiable social and environmental services to the entire planet and to tackling climate change. Indigenous peoples have refused to be passive witnesses to the social and environmental setbacks led by the current government of Jair Bolsonaro. As explained by the former chief Tedjere Xikrin their organizations have taken on the task of continuing to defend "the forest, this knowledge of ours". Together they defend the position that the survival of the planet depends on socio-environmental protection. In other words, the lives of the people of the forest matter.

Defending these worldviews and ways of existence is fundamental if we want to inhabit a planet that sustains the conditions necessary for the proliferation of life. As Raoni Metuktire, the chief and shaman of the Mebengokre-Metuktire people, has said, we need to work together for the proliferation of the good, cold winds that are created in forests. This means halting the deforestation and illegal burning of the Amazon. What kind of planet will we leave for future generations of human and non-human beings? This should not be a rhetorical question, but an urgent global premise of governments, international bodies and civil society organizations. Defending the ways of existence of indigenous peoples, riverbank dwellers and traditional communities who are guided by non-predatory ecosystem relations is key to preventing the Amazon from reaching a point of no return, which will have serious impacts on the entire planet and all life that depends on it. Confronting this problem is central to realising change: to transforming relations of exploitation premised on the language of possession, irresponsible profit and property, into relations of co-responsibility and care, that enable the continued existence of these peoples, their cultures and knowledge in the forest and by extension our own existence.

"All this destruction is not our mark, it is the footprint of the whites, your footprint on earth"

— Davi Kopenawa Yanomami, Yanomami, Brazil⁸⁶

Recommendations

Given the profound harm caused to indigenous peoples as a result of the context in which the pandemic arose, it is recommended that:

- a) The National Policy on Indigenous Health Care be strengthened in partnership with indigenous health professionals and traditional health knowledge be respected and promoted by government agencies.
- b) The National Indigenous Health Care Policy combat the spread of fake news about the new coronavirus pandemic.
- c) The Indigenous Health Differentiated Care System implement infrastructure to create more effective communication systems in villages and communities.

Given that the climate emergency will lead to the further spread of epidemics and pandemics, it is recommended that:

- a) Brazilian government institutions comply with international and multilateral agreements to combat climate change.
- b) International agencies support traditional knowledge as fundamental to combating climate emergencies and promote its role in public policies addressing environmental protection, protection of indigenous lands and conservation units.
- c) Brazilian government institutions support forest economies by recognising traditional peoples' livelihoods as important facilitators of environmental protection and climate regulation.
- d) International financial institutions create support mechanisms for community environmental preservation initiatives and discourage investments in projects that generate socio-environmental impacts.

Given that existing environmental permitting processes are incapable of preventing severe negative impacts on ecosystems and local populations, it is recommended that Brazilian licensing agencies and government institutions:

- a) extend the scope of environmental and social impact analysis and ecosystem monitoring well beyond project construction sites to include areas prone to flooding.
- b) consider the global importance of ecosystems impacted by projects in terms of their waters, nutrients, habitats and biodiversity.
- c) act according to the precautionary principle in relation to environmental licensing. This necessitates ensuring that the volume of water in the Xingu used for energy production is compatible with the volume needed for the maintenance and reproduction of life in the Greater Xingu Volta, including preservation of endemic species and guaranteeing the food supply and traditional cultures of indigenous and riverine peoples in the region.
- d) improve environmental licensing guidelines for planning, licensing and monitoring phases:
 - 1. Project planning documentation should address: local and regional biodiversity patterns; the presence of endemic or seasonal species; processes that maintain ecosystem diversity; relationships between floodable, aquatic and non-flooded environments; and climate change scenarios and modelling undertaken by the Intergovernmental Panel on Climate Change.
 - 2. Project licensing should be premised on revised Environmental Impact Studies and their Indigenous Component that include: sampling of the different floodable habitats; characterisation of these habitats at all stages of the hydrological cycle; assessment of the distribution of terrestrial and aquatic animal species throughout these habitats; assessment of the ecological processes that connect the floodable habitats to other habitats; assessment of the harm to or loss of floodable habitats upstream and downstream of the project, estimation and modelling of habitat suppression and loss of ecosystem connectivity; and conduct of free, prior and informed consultation with the peoples and communities impacted by the project in order to obtain their consent through

decision-making spaces that respect their traditional knowledge.

3. Project monitoring should be improved by:

- 3.1 conducting continuous and ongoing assessments of all issues raised during the planning and permitting phases, to enable adherence with the precautionary principle that should guide environmental permitting and decision-making.
- 3.2 adopting information sharing systems enabling the dissemination of research and monitoring data to inform the analysis of decision-makers and licensing bodies.
- 3.3 creating and maintaining spaces for inclusive debate and discussion so that traditional knowledge is effectively taken into account in evaluations and decisions regarding infrastructure projects and their impacts.

Given the increase in land invasions, deforestation, illegal logging and mining in Indigenous Lands since 2018, and the significant increase in 2020 following the outbreak of the pandemic which led to increased coronavirus infection among indigenous peoples, it is recommended that the Brazilian government institutions:

- a) resume inspection and protection measures in these territories and strengthen agencies such as the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) and the Chico Mendes Institute for Biodiversity Conservation (IMCBio).
- b) investigate the arbitrary political persecution of members of these agencies in the exercise of their functions, as well as the unconstitutional deviation by the Ministry of the Environment from its fundamental mission to protect the national biodiversity.

Methodology

Research for this report focused on indigenous rights violations perpetuated by government action and inaction, by private corporate actors, and by powerful armed groups during or otherwise in relation to the COVID-19 pandemic. Researchers reviewed academic journals, white papers, media reports, and collected interview data in order to explore developments on a comprehensive range of issues relevant to indigenous communities in Brazil during the pandemic, including:

- processes for consultation and for obtaining consent from communities for projects affecting their lands and lives
- procedures for land-use change; national macroeconomic policies that favour expansion of agriculture or mining into indigenous territories; state tolerance of illegal activities in relevant territories
- state-sanctioned impunity for those undertaking illegal activities and violence; states' use of arrest and criminal prosecution of indigenous persons and defenders
- the ability of civil society to advocate against rollback
- effects of rollbacks on individuals and communities, including on specific groups
- effects of private actors on the environment.

Findings were compiled and organized with the goal of presenting both a global and particularized view of important developments. The text of this report and that of a partner report on the particular experience of the indigenous peoples of the Xingu River Basin were produced in consultation with local indigenous groups and advocacy organizations.

By noting the patterns of these increasing encroachments, we aim to shed light on the dangerous and continuing challenges that indigenous peoples in Brazil face in the context of the COVID-19 pandemic and related recovery measures.

Endnotes

- ¹ "End of Mission Statement by the United Nations Special Rapporteur on the rights of indigenous peoples, Victoria Tauli Corpuz on her visit to Brazil", OHCHR, March 17, 2016.
- ² This paper focuses primarily on the rollbacks that are being implemented in relation to indigenous peoples, as their rights are most strongly protected under Brazilian law. However, quilombo, riverine and other traditional communities face similar threats and are suffering extensively as a result of Bolsonaro's efforts to open up their lands in the context of Covid-19 while also ignoring and undermining their rights, interests and well-being.
- ³ Victoria Tauli-Corpuz, "Report of the Special Rapporteur on the rights of indigenous peoples on her mission to Brazil", UN Human Rights Council, August 8, 2016.
- ⁴ "APIB Denounces Bolsonaro's Attacks and Misinformation on Indigenous Peoples, Traditional Communities, and the Amazon," *Amazon Watch*, September 25, 2020.
- ⁵ Inori Roy, "Deforestation and land-grabs bring Covid-19 threats to Amazon and Gran Chaco residents," *Unearthed*, September 17, 2020; David Gordon & Chris Allan, "Closing Civil Society Space: What Environmental Funders Need to Know," *Environmental Funders Working Group on Civil Society*, 2019.
- ⁶ Salo de Carvalho, David R Goyes, Valeria Vegh Weis, "Politics and Indigenous Victimization: The Case of Brazil", *The British Journal of Criminology*, azaa060, <https://doi.org/10.1093/bjc/azaa060>
- ⁷ "Brazil's Bolsonaro blames Indigenous people for Amazon fires in U.N. speech", *NBC News*, September 23, 2020.
- ⁸ Mauricio Savarese & David Biller, "AP Explains: Bolsonaro has downplayed virus fears for months", *Associated Press*, July 8, 2020.
- ⁹ Lisandra Paraguassu, "Brazil's Bolsonaro vetoes plans to offer COVID-19 support to indigenous people", *Firstpost*, July 9, 2020.
- ¹⁰ Terrence McCoy & Heloísa Traiano, "As coronavirus kills indigenous people in the Amazon, Brazil's government goes missing", *Washington Post*, June 12, 2020; Manuela Andreoni, Ernesto Londoño & Leticia Casado, "Brazil Health Workers May Have Spread Coronavirus to Indigenous People", *New York Times*, July 19, 2020.
- ¹¹ Dom Phillips, "'Genocide' fears for isolated tribes as ex-missionary named to head Brazil agency", *The Guardian*, February 5, 2020; Sue Branford, "Evangelical Group to Contact Indigenous Peoples in Amazon Amid Coronavirus Pandemic", *Earth Island Journal*, March 18, 2020; Manuela Lavinias Picq, "Spreading Faith, and Disease", *New York Times*, October 2, 2020.
- ¹² Scott Wallace, "Disaster looms for indigenous Amazon tribes as COVID-19 cases multiply", *National Geographic*, June 15, 2020.
- ¹³ Lucy Jordan, "Amazonian deforestation soaring while Bolsonaro administration weakens safeguards", *Unearthed*, May 8, 2020; "Governo exonera chefes de fiscalização do Ibama após operações contra garimpos ilegais", *Natureza*, April 30, 2020.
- ¹⁴ Dom Phillips, "Brazil: indigenous people rally in capital to protest against Bolsonaro onslaught", *The Guardian*, April 24, 2019.
- ¹⁵ Paula Dupraz-Dobias, "As COVID-19 takes off in Latin America, Amazon indigenous groups fear the worst", *The New Humanitarian* May 11, 2020.
- ¹⁶ "Brazil restricts access to government information amid COVID-19 emergency", *Committee to Protect Journalists*, March 26, 2020.
- ¹⁷ Juliana de Paula Batista, "Funai edita medida que permite ocupação e até venda de áreas em Terras Indígenas", *Instituto Socioambiental*, April 24, 2020.
- ¹⁸ "Brazil's VP Mourao Says Mining in Indigenous Lands Is Legal, but Needs Regulation", *U.S. News & World Report*, October 5, 2020.
- ¹⁹ "Home Page," National Institute for Space Research, 2017: <http://www.inpe.br>.
- ²⁰ "Bolsonaro says at the UN that Brazil is a 'victim' of 'brutal disinformation campaign' over the Amazon and Pantanal | Policy", *Time 24 News*, Sept. 22, 2020.
- ²¹ Caboclos is the term used for Brazilian of mixed white and indigenous or black and indigenous ancestry.
- ²² "UN: Bolsonaro attacks media for 'politicising the virus' at UN General Assembly opening", *Ruptly*, September 22, 2020, <https://www.youtube.com/watch?v=b2S4uFMzwys>.
- ²³ "Floresta roubada: invasões amaeçam Terras Indígenas no Xingu", Instituto Humanitas Unisinos & Adital, October 8, 2020.
- ²⁴ Biviany Rojas Garzón, "Consulta Virtual. Longe de ser Consulta," *Instituto Socioambiental*, September 8, 2020.
- ²⁵ *Id.*
- ²⁶ "Pandemia y Derechos Humanos en las Américas", Inter-American Commission of Human Rights, April 10, 2020
- ²⁷ Liana Amin Lima da Silva & Priscylla Monteiro Joca, "Failure to Comply with Autonomous Consultation Protocols During COVID-19 in Brazil", *Debates Indígenas*, October 1, 2020.
- ²⁸ *Id.*
- ²⁹ *Id.*
- ³⁰ Bruno Fonesca & Rafael Oliveira, "Illegal farms on indigenous lands get whitewashed under Bolsonaro administration", *Mongabay*, June 23, 2020.
- ³¹ "Inputs to the Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly: Impact of COVID-19 on indigenous peoples", Instituto Socioambiental, 2020.
- ³² The Brazilian Report, "Deforestation and Land-Grabbing in the Amazon During COVID-19", Think Brazil, Brazil Institute, June 23, 2020.
- ³³ Herton Escobar, "Illegal deforestation in Brazil soars amid climate of impunity", *Science Magazine*, August 5, 2020.
- ³⁴ Membros dos Povos Indígenas Yanomami e Ye'kwana em relação ao Brasil, Comissão Interamericana De Direitos Humanos Resolução 35/2020, Medida Cautelar No. 563-20, July 17, 2020.
- ³⁵ "Impact of COVID-19 on Indigenous Peoples in the Brazilian Amazon: Response to the Questionnaire of the Special Rapporteur on the Rights of Indigenous Peoples, submitted by COIAB (the Coordination of Indigenous Organizations of the Brazilian Amazon) and the Indian Law Resource Center", Indian Law Resource Center, June 12, 2020.
- ³⁶ "SiradX: Sistema de indicação por radar de desmatamento na bacia do Xingu", Xingu+, <https://www.xingumais.org.br/siradx>.
- ³⁷ Diego Gonzaga, "Illegal mining threatens the Amazon and exposes Indigenous Peoples to COVID-19", *Greenpeace*, June 29, 2020.
- ³⁸ Terrence McCoy & Heloísa Traiano, "In the Amazon, the coronavirus fuels an illegal gold rush – and an environmental crisis",

The Washington Post, September 4, 2020.

³⁹ Alan R.A. Ramos, Keyty Almeida de Oliveira & Francilene dos Santos Rodrigues, "Mercury-Based Mining in Yanomami Indigenous Lands and Accountabilities", *Ambiente & Sociedade* vol. 23, October 12, 2020.

⁴⁰ Jake Spring, "Brazil minister calls for environmental deregulation while public distracted by COVID", Reuters, May 22, 2020.

⁴¹ Dom Phillips, "Brazil using coronavirus to cover up assaults on Amazon, warn activists", The Guardian, May 6, 2020.

⁴² Mauricio Torres & Sue Branford, "Brazil opens 38,000 square miles of indigenous lands to outsiders", Mongabay, May 8, 2020.

⁴³ Jenny Gonzales, "Brazil dismantles environmental laws via huge surge in executive acts: Study", Mongabay, August 5, 2020.

⁴⁴ *Id.*

⁴⁵ Eduardo Goulart de Andrade, Hyuru Potter, Naira Hofmeister & Pedro Papini, "Brazil sees record number of bids to mine illegally on Indigenous lands", Mongabay, November 13, 2020.

⁴⁶ *Id.*

⁴⁷ Linda Paraguassu, "Brazil's Bolsonaro vetoes plans to offer COVID-19 support to indigenous people", Reuters, July 8, 2020.

⁴⁸ Ubirajara Oliveira et al., "Modelagem da vulnerabilidade dos povos indígenas no Brasil ao covid-19", Instituto Socioambiental, 2020.

⁴⁹ Sue Branford, "Brazil's indigenous hit especially hard by COVID-19: why so vulnerable?", Mongabay, June 25, 2020.

⁵⁰ Humberto Laudares, "Deforestation in Brazil is spreading COVID-19 to the Indigenous peoples", Voxeu, November 3, 2020.

⁵¹ "Inputs to the Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly: Impact of COVID-19 on indigenous peoples", Instituto Socioambiental, 2020.

⁵² Scott Wallace, "Disaster looms for indigenous Amazon tribes as COVID-19 cases multiply", National Geographic, June 15, 2020.

⁵³ Davi Kopenawa Yanomami, "COVID-19 e os Povos Indígenas", Instituto Socioambiental, 2020.

⁵⁴ "Quilombi sem COVID-19", CONAQ & ISA, 2020.

⁵⁵ "Inputs to the Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly: Impact of COVID-19 on indigenous peoples", Instituto Socioambiental, 2020.

⁵⁶ "Em 675 dias como presidente, Bolsonaro deu 1826 declarações falsas ou distorcidas", Aos Fatos, November 6, 2020.

⁵⁷ Davi Kopenawa Yanomami, "COVID-19 e os Povos Indígenas", Instituto Socioambiental, 2020.

⁵⁸ Philippe Charlier & Leandro Varison, "Is COVID-19 being used as a weapon against Indigenous Peoples in Brazil?", 396 The Lancet issue 10257, p. 1069 (2020).

⁵⁹ Humberto Laudares, "Deforestation in Brazil is spreading COVID-19 to the Indigenous peoples", Voxeu, November 3, 2020.

⁶⁰ Debora Álvares, "Top court rules Brazil must protect Indigenous peoples in pandemic", PBS News Hour, August 5, 2020.

⁶¹ "Impact of COVID-19 on Indigenous Peoples in the Brazilian Amazon: Response to the Questionnaire of the Special Rapporteur on the Rights of Indigenous Peoples, submitted by COIAB (the Coordination of Indigenous Organizations of the Brazilian Amazon) and the Indian Law Resource Center", Indian Law Resource Center, June 12, 2020.

⁶² "APIB Denounces Bolsonaro's Attacks and Misinformation on Indigenous Peoples, Traditional Communities, and the Amazon", Amazon Watch, September 25, 2020.

⁶³ Victor Alcantra, Fabrício Amorim, Angela Kaxuyana & Antenor Vaz, "Documento elaborado por la Coordinación de Organizaciones Indígenas de la Amazonía Brasileña – COIAB, como apoyo para el documento GTI PIACI que será enviado a la Relatora de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas", OHCHR Submission to the UN Special Rapporteur on the Rights of Indigenous Peoples, 2020.

⁶⁴ "Inter-American Commission Issues Precautionary Measures as COVID-19 Threatens Indigenous Communities", International Justice Resource Center, July 22, 2020.

⁶⁵ "Country & Technical Guidance – Coronavirus disease (COVID-19)", World Health Organization, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>.

⁶⁶ "Home", APIB, <https://apiboficial.org/?lang=en>.

⁶⁷ For access to the ISA website, see: <https://covid19.socioambiental.org/> and for access to the APIB website: [National Committee on Indigenous Life and Memory](https://www.nationalcommittee.org/).

⁶⁸ "Sistema de Identificação por Radar de Desmatamento na Bacia do Xingu," Xingu+, 2020.

⁶⁹ "Corredor Xingu de Diversidade Socioambiental – 2019," Instituto Socioambiental, 2019.

⁷⁰ "Home Page," Xingu+, 2020, <https://www.xingumais.org.br/siradx>.

⁷¹ *Id.*

⁷² Report of the UN Special Rapporteur UN Doc A/HRC/33/42/Add.1 para 36

⁷³ Report of the UN Special Rapporteur UN Doc A/HRC/33/42/Add.1 para 36-8

⁷⁴ "Xingu, o rio que pulsa em nós: Juruna denunciam impactos de Belo Monte", Instituto Humanitas Unisinos & Adital, August 13, 2018, <http://www.ihu.unisinos.br/eventos/188-noticias/noticias-2018/581720-xingu-o-rio-que-pulsa-em-nos-juruna-denunciam-impactos-de-belo-monte>.

⁷⁵ B. Rojas Garzon, "The Juruna (Yudjá) People's Protocol: A response to a hard-learned lesson", Infoe, ENIP, 2019, <https://enip.eu/FPIC/FPIC.pdf>.

⁷⁶ Movimento Xingu Vivo para Sempre, "Belo Sun signals a restart, but controversial gold mining project in the Amazon remains suspended by three court decisions", International Rivers, May 20, 2020, <https://www.internationalrivers.org/news/blog-belo-sun-signals-a-restart-but-controversial-gold-mining-project-in-the-amazon-remains-suspended-by-three-court-decisions/>

⁷⁷ "Projeto de mineração Belo Sun é inviável, aponta estudo técnico", Instituto Socioambiental, June 17, 2020, <https://www.socioambiental.org/pt-br/noticias-socioambientais/projeto-de-mineracao-belo-sun-e-inviavel-aponta-estudo-tecnico>.

⁷⁸ Steven H. Emerman, "Avaliação da Barragem de Rejeitos, do Uso de Cianeto e do Consumo de Água no Projeto de Ouro Volta Grande Proposto, Pará, Norte do Brasil", Amazon Watch, July 1, 2020.

⁷⁹ *Id.*

⁸⁰ Rede Xingu & Movimento Xingu Vivo para Sempre, "Proposed gold mine in Brazilian Amazon presents unacceptable risk", International Rivers, June 17, 2020, <https://www.internationalrivers.org/news/press-release-expert-report-proposed-gold-mine-in-brazilian-amazon-presents-unacceptable-risk/>.

⁸¹ Thais Mantovanelli, "Narrativas Mëbengôkre-Xikrin: a importância do fluxo das águas contra o barramento do rio Xingu", Revista, Fevereiro 2017, <http://revistafevereiro.com/pag.php?r=10&t=21>.

⁸² "SiradX – Boletim No.14", Xingu+, Jul. – Aug. 2019, https://ox.socioambiental.org/sites/default/files/2019-10/isa_jul_ago%2019_web_0.pdf.

⁸³ "SiradX – Boletim No.20", Xingu+, Jul. – Aug. 2020, https://ox.socioambiental.org/sites/default/files/2020-10/SiradX_JUL_AGO_E04.pdf.

⁸⁴ The Xingu+ Network filed two complaints with the Redemption Federal Prosecutor's Office about these invasions and highlighted an increase of about 32 km of a road in front of the invasion in the southwest portion. "Floresta roubada: invasões ameaçam Terras Indígenas no Xingu", Instituto Humanitas Unisinos & Adital, October 8, 2020, <http://www.ihu.unisinos.br/603561-floresta-roubada-invasoes-ameacam-terras-indigenas-no-xingu>.

⁸⁵ *Id.*

⁸⁶ Cited as the opening of COVI-19's emergency page with indigenous peoples, quilombola and riverine communities of the Socio-environmental Institute. Davi Kopenawa Yanomami, "COVID-19 e os Povos Indígenas", Instituto Socioambiental, <https://covid19.socioambiental.org/>.