

Policy Setbacks and Rights Reversals faced by Indigenous Brazilians under Bolsonaro and how to Fight Back: a view from the Belo Monte case

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(TRANSLATION INTO ENGLISH: WILLIAM FISHER)

“First, We struggled to guarantee
our rights;
Afterwards to implement them;
Now, to not lose them”

Soninha Guajajara

Diretora da Articulação dos Povos
Indígenas do Brasil (APIB)

Vice-presidential candidate from the Party
for Socialism and Liberty (PSOL)

Her speech can be found in the book dedicated to her in the
Tembeta collection or hear in the interview in film “Indian
Citizen” , disponível em

<https://www.youtube.com/watch?v=Ti1q9-eWtc8>



INDIGENOUS RIGHTS IN BRAZIL

- ▶ Since the introduction of the Citizens Constitution and the results that have flowed from its implementation the legal landscape is, in principle, a favorable one for Brazil's indigenous peoples.
 - Rights to land in the condition of its original inhabitants;
 - Full citizenship with respect for cultural differences:
 - healthcare with an exclusive subdivision of the federal health agency)
 - education with respect for language, learning methods, social organization & cultural differences
 - But..... The term to finalize recognition of Indian Lands (TI) was to have been completed by 1993. Without this having been accomplished Bolsonaro has said that he won't demarcate one more millimeter of indigenous land and wants to abandon the current health care department for Indians.....

Environmental impacts & building standards

- ▶ Large scale development projects and environmental impacts
- ▶ ILO convention 169 ratified in 2003— huge violations occur nonetheless

Belo Monte (Main turbines)



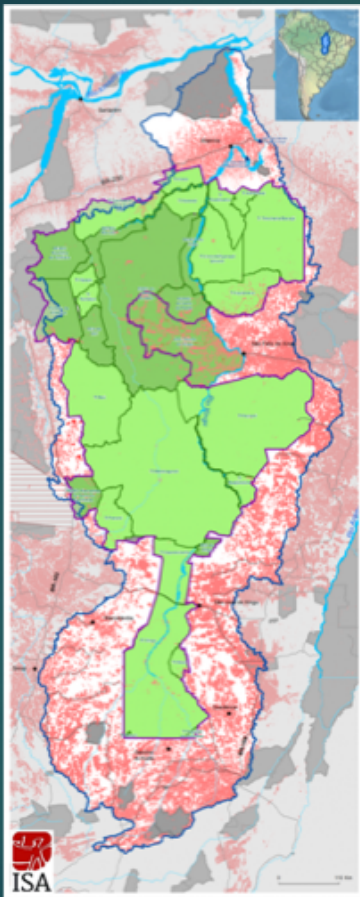
(cf. http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2004/decreto/d5051.htm , Decreto de 19/04/2004, Dia do Índio no Brasil)

Environmental Impact statements and right to prior consultation

- ▶ This is one of the areas of great conflict today
- ▶ Belo Monte (2006-2009), when consultation should have taken place, discussion got diverted to “technical issues” of how consultation should be done.
- ▶ Construction without consultation!
- ▶ https://www.youtube.com/watch?time_continue=21&v=zdLboQmTAGE)

Steps of consultation process

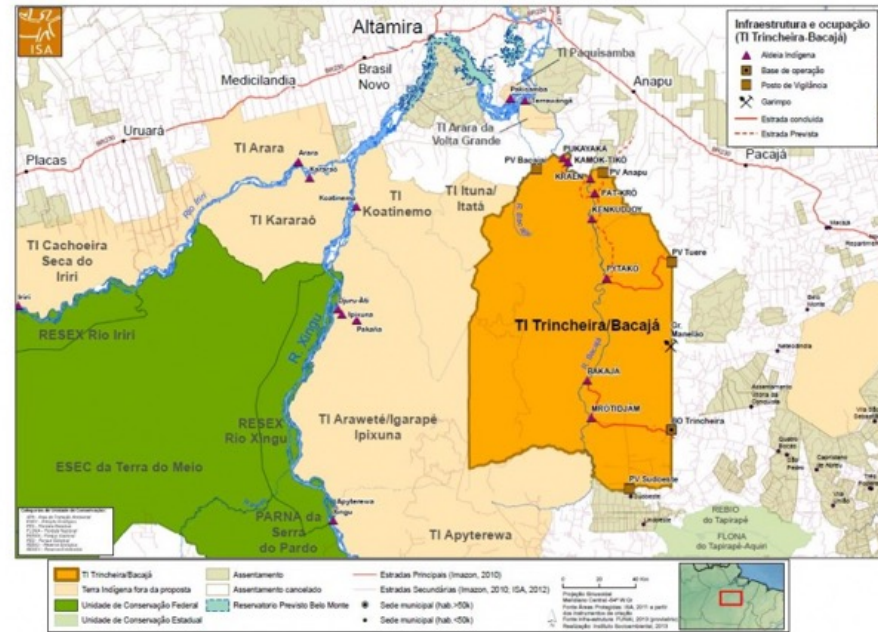
- ▶ Completed prior to viability studies
- ▶ As etapas:
 1. Socioeconomic & environmental impact
 2. Public hearings with those affected
 3. Basic environmental plan, including mitigation and compensation
- Installation and operation license
- None of this was done



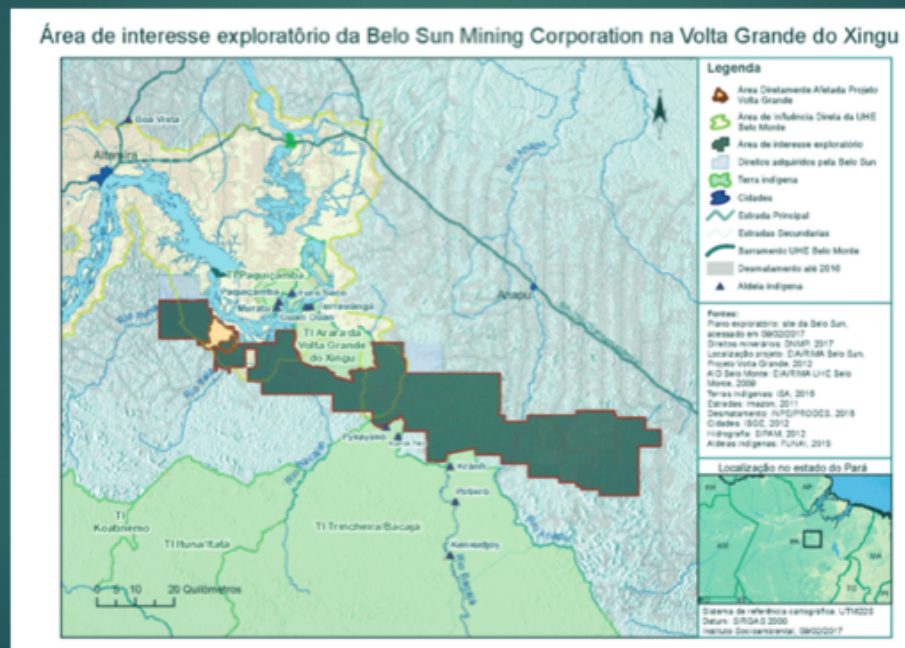
Terras Xikrin Kayapó



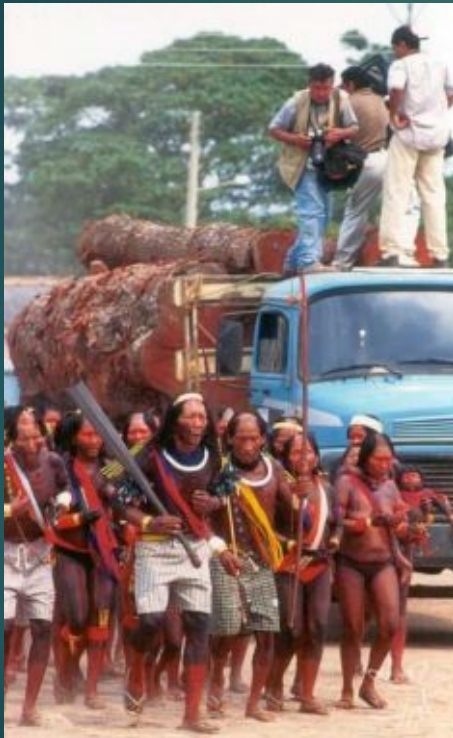
Terra Indígena Trincheira-Bacajá - Entorno



Mining Project in the region: Belo Sun



Indigenous resistance: occupation of the cofferdam



Lack of prior consultation and non-observance of conditioning factors

- ▶ No prior consultation;
- ▶ President of FUNAI signed key documents that allowed the Project to move ahead.
- ▶ FUNAI also guaranteed that the necessary mitigation and compensation had occurred.
- ▶ The agreements for compensation and mitigation have now legally expired.
- ▶ There also exists dozens of suits filed by the Public Prosecutors Office against various aspects of the project

Backsliding

- ▶ In January 2019 Bolsonaro sought to streamline the licensing process, ostensibly to reduce bureaucracy.
- ▶ Allows the construction firms to develop their own assessments of environmental and socioeconomic impacts and their own plans for mitigation and compensation.
- ▶ “Um grupo interministerial vai discutir a forma de racionalizar as normas. Técnicos do governo afirmam que não se trata de flexibilizar regras, mas torná-las mais viáveis. Uma licença que precisasse de autorização de cada uma das agências de água, de mineração, de energia elétrica, além dos órgãos estaduais, por exemplo, passaria por um único conglomerado.”
- ▶ (Fonte: jornal *O Estado de São Paulo*, 31/01/2019)

If we let the builder self-license then
we are decreeing the “end of the
world”



The indigenous movement

15° encampment Terra
Livre, 2019

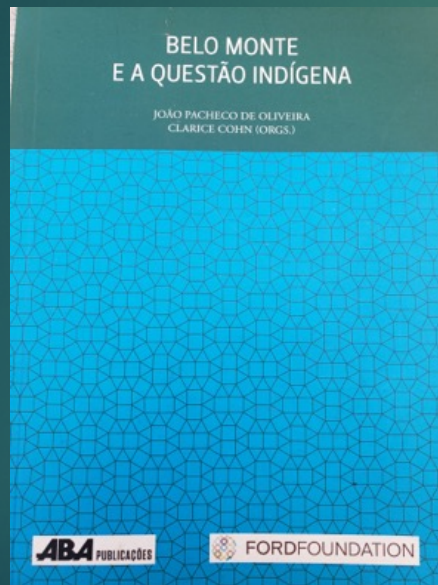


- ▶ How did we let this happen? How do we explain the power of authoritarianism and the intolerance of the right that took power in the 2016 couple and then in the elections?
- ▶ In the face of changes, the indigenous movement never folded and closed up shop.

“Who can't with the ant doesn't touch the anthill”

https://www.google.com/search?q=belo+monte+e+a+quest%C3%A3o+ind%C3%ADgena+pdf&rlz=1C1GGRV_enBR753BR753&oq=be&aqs=chrome..69i59l2j69i57j0l3.4980j0j4&sourceid=chrome&ie=UTF-8

Tedjore Xikrin em reunião com a Norte Energia (foto: Thaís Mantovanelli)



Fight like na Indian – Diógenes Cariaga

Joênia Wapishana, 1ª. Deputada Federal indígena depois de Mario Juruna (1980's)

- ▶ Indigenous peoples today are struggling to maintain the FUNAI within the Justice Dept. and to maintain its legal authority over the demarcation of lands. Also to maintain the federal health service .



The production of indigenous protocols for consultation and consent



.... And the fight continues!

Thanks
(Foto: Xakriabá, Edgar
Kanaikô)

