

Environmental Protection in the Amazon and the Rights of Indigenous Peoples in Brazil

by Maria Alejandra Torres

Participating Organizations:

- Center for Human Rights and the Environment Institute for Governance and Sustainable Development (IGSD)
- Amazon Watch
- Indian Law Resource Center (ILRC)
- Articulação dos Povos Indígenas do Brasil (APIB)
- Coordenação das Organizações Indígenas da Amazônia (COIAB)
- Instituto Socioambiental
- Asociación Interamericana para la Defensa del Ambiente
- Operação Amazonia Nativa
- International Rivers
- Fórum Teles Pires
- Movimento Xingu Vivo para Sempre
- Justiça Global
- Conselho Indigenista Missionario
- Defensoria Pública da União

The following is a summary of a hearing of the 173rd Period of Sessions at the Inter-American Commission on September 27, 2019. At a hearing before the Inter-American Commission on Human Rights (IACHR) on September 27, 2019, organizations representing civil society urged Brazil to take immediate measures to curtail the fires in the Amazon that have been impacting the environment and isolated Indigenous communities.[1]

A representative of the Terena Indigenous people argued that the current Brazilian president does not respect the provisions of the 1988 Constitution, which protect Indigenous people.[2] He stated that from July to August 20, 2019, more than 3,500 fires have invaded about 148 isolated Indigenous peoples' lands and burned about 3,000 hectares. Loggers and cattle ranchers are cutting down 533 ancient trees per minute. In around 300 Indigenous villages, about 20,000 illegal miners have contaminated water sources with mercury. Consequently, mercury is now present in fifty-six percent of Indigenous women and children in those villages. Because Indigenous people are putting their own lives on the line to save the land from agro-industry activities, the Terena representative begged the President to respect his people and the Amazonian

region.

Mr. Vieira, the representative of a research agency, echoed concerns about how environmental crimes have skyrocketed without government sanctions. He noted that from April to July 2019, the government received fifteen alerts of illegal deforestation per day (about a thirty-eight percent increase) but failed to take action. There has been a ninety-five percent increase in deforestation in what used to be areas of environmental conservation. About 114 isolated Indigenous peoples are gravely affected by illegal logging, mining, and planned infrastructure projects. Mr. Vieira lamented how Brazil effectively launched an anti-deforestation policy in 2003, and deforestation dropped by eighty percent from 2004 to 2012, but that policy is presently nonexistent.

Amazon Watch criticized the government for financing companies that are involved in deforestation. [3] The Defensoria Pública da União affirmed that the Brazilian government is obliged to mitigate the destruction of the Amazon by approving a nondiscriminatory plan to stop deforestation.[4] Further, the current administration has violated the right to information, contravening Article 13 of the American

Convention on Human Rights (ACHR), because it is misinforming the public about the gravity of the fires. [5] The organizations further expressed that the government must take immediate measures to protect the right to a healthy environment and to avoid aggression against human rights defenders; it must avoid the forced displacement of Indigenous communities, an obligation under Article 22 of the ACHR.

The State claimed that Brazilian environmental law is among the most advanced in the world and rebutted the gravity of the fires. In the State's view, the fires were caused by the dry season. The State asserted that the average number of fires from January to August of 2019 was less than that of past years. President Jair Bolsonaro signed Decree 9985 on August 24, 2019, authorizing the use of armed forces to guarantee environmental law and order.[6] "Operation Green Brazil," an interagency cooperation between highway police and Amazonian state governments, partially funded by international support, is leading an effective fight according to the State.[7] It has reclaimed 20,000 hectares of land from aggressive actors and detained sixty-eight of those actors. The last speaker, on behalf of the State, began his introductory sentence in an Indigenous language. Continuing in Portuguese, he then added that Brazil has nineteen remote centers that are monitoring the ongoing situation. He assured the civil society representatives that President Bolsonaro is dedicated to protecting Indigenous communities, human rights, and environmental defenders.

Commissioner Urojola explained that the Commission will be releasing a Pan-Amazonian report analyzing the status of Indigenous communities in nine countries. She asked the State whether "Operation Green Brazil" was also providing healthcare to affected Indigenous villages and if there was any early alert coordination between armed forces and Indigenous peoples. Commissioner García Muñoz followed, inquiring about the nature of sanctions on those arrested under "Operation Green Brazil." She also asked the State if it plans on enacting reforestation projects.

The participating organizations responded that the Brazilian Development Bank has not allotted a budget for projects that protect Indigenous peoples. The Terena representative noted that the Brazilian government's data is outdated and that President Bolsonaro's initial dismissal of the situation greatly compromised the impact of the government's eventual response. Further, the government does not consult with Indigenous communities before releasing decrees. Mr. Vieira closed by acknowledging that Brazil has taken a leading role in environmental protection, so he did not understand why the State is presently ignoring that history.

In closing, the State claimed that the media has sensationalized the situation. In response to the

Commissioners' questions, the State admitted that it does not have complete information about those detained under "Operation Green Brazil" but maintained that there are seventy-six trials taking place and the detained will be judged appropriately for their crimes.

The IACHR President called for more information on the topic and assured commitment to Civil Society and State efforts. The future of the Amazon, however, will remain in peril if civil society, and Brazil cannot agree on the severity of deforestation.

1 Organization of American States, Inter-American Commission on Human Rights, <https://www.oas.org/en/iachr/>.

2 Constituição Federal art. 231 (Braz.).

3 Amazon Watch.org, <https://amazonwatch.org/>.

4 Defensoria Pública da União, <https://www.dpu.def.br/>.

5 American Convention on Human Rights, Organization of American States, Nov. 16, 1999.

6 <http://www.loc.gov/law/foreign-news/article/brazil-brazilian-president-signs-decree-authorizing-use-of-armed-forces-in-amazon-region/>.

7 Reuters, Brazil Environment Agency Launches Operations to Combat Amazon Deforestation, VOICE OF AMERICA (June 8, 2019), <https://www.voanews.com/americas/brazil-environment-agency-launches-operation-combat-amazon-deforestation>.