



Report of the 51st Human Rights Council Side Event:

SITUATION OF HUMAN RIGHTS OF INDIGENOUS PEOPLE IN AMAZONIA

27 September 2022, 11:00 – 12:00
Room XXV, Palais des Nations
United Nations Office in Geneva



Overview

This Side Event was organised by No Peace Without Justice in the margins of the 51st session of the UN Human Rights Council to shed light on the human rights violations suffered by Kayapó, Munduruku, Yekwana and Yanomami peoples, as well as other communities living in the Amazon rainforest. The indigenous leaders delegation came to Europe to bear witness to their situation, raise their voices and spread awareness of their cause in front of the international community gathered in Geneva.

Background

In May 2022, the Yanomami, Ye'kwana, Kayapó and Munduruku Indigenous Peoples formed a joint Alliance for the Defense of Territories in relation to the growing and expanding threat by illegal gold mining and invasion of their respective legally demarcated territories. On 1 July 2022, the Inter-American Court on Human Rights issued an historic decision, asking the Government of Brazil to adopt a series of urgent measures to protect the life, personal integrity and health of the Yanomami, Ye'kwana and Munduruku peoples in the Brazilian Amazonia, as well as other Indigenous Peoples threatened by violence and invasions, in particular as a result of illegal gold digging. The Court established the deadline of 20 September 2022 for the Government to demonstrate that it is complying with its decision, a deadline that passed with no action by the Government. On 15 July 2022, the Inter-American Commission on Human Rights and the Regional Office for South America of the UN High Commissioner for Human Rights issued a joint statement to strengthen and broaden the request to Brazil to take adequate measures. At the same time, the National Space Research Institute registered the highest rate of forest fires in the past 15 years in August 2022, bringing further threats to the life of Indigenous People, including in the Xingu Park, home to the Kayapó people, who face unprecedentedly serious threats in these days.

Side Event Summary

1. List of participants

Gianfranco Dell'Alba, President of No Peace Without Justice; **Francisco Cali Tzay**, Special Rapporteur on the Rights of Indigenous Peoples; **Patxon Metuktire**, Kayapó leader and representative of the Raoni Institute; **Maurício Ye'kwana**, Yanomami and Ye'kwana leader and director of Hutukara Association; **Yabuti Metuktire**, chief of the Metuktire community from the Kayapó people.

2. The panel discussion

The Chair of the event, **Gianfranco Dell'Alba**, warmly welcomed the audience and the speakers and introduced the discussion on the situation of human rights of indigenous peoples in Amazonia, in view of the Inter-American Court decision on Brazil's obligation to protect the life, personal integrity and health of Indigenous Peoples threatened by violence and invasions.

As first intervening speaker, the UN Special Rapporteur for Indigenous Peoples, **Francisco Cali Tzay**, presented his observations regarding recent and long-standing concerns of his mandate for the realisation of the individual and collective rights on Indigenous Peoples in Brazil, in a moment in which reports of attacks on Indigenous Peoples are multiplying, and general elections are coming up.

First, according to the Special Rapporteur, notwithstanding Article 231 of the Constitution, which provides for a State-led indigenous **land demarcation** process, many Indigenous Peoples are increasingly deprived of their lands and means of subsistence. Stagnation of the process is negatively impacting the political, socio-economic and cultural rights of Indigenous Peoples. The State's prolonged lack of effective action and protection is forcing Indigenous Peoples to reclaim their lands in order to guarantee their survival. This situation mostly derives from the debilitation and understaffing of FUNAI, the agency in charge of the process; a lack of political will due to conflicting economic interests; a poor understanding and appreciation for indigenous peoples' distinct ways of life; administrative delays; and the judicialisation of almost all demarcation processes by vested interests. The urgency for land demarcation – and protection of already demarcated land - is exacerbated by the increase in deforestation, destruction of rivers and depletion of soil quality due to intensive mono-cropping and mining activities, all of which render land and water inadequate for sustaining Indigenous Peoples' lives.

Another pressing concern raised by the Special Rapporteur is the worrying number of **attacks on indigenous leaders and rights defenders**. Attacks and killings are often reprisals for Indigenous Peoples having reoccupied ancestral lands after long delays in demarcation processes, or for having protected their demarcated territories from illegal extractive or logging activities. Indigenous and environmental rights activists have been the target of hired gunmen or private militias commissioned by powerful landowners in rural areas. Land rights activists have been killed, harassed, intimidated and threatened by large estate owners, sometimes in collusion with local authorities. To its credit, the Brazilian justice system has investigated and prosecuted many of these cases, but impunity persists in several others and the threat of further confrontation and violence remains.

Finally, not only legal but also **illegal business activities** caused a negative impact on Indigenous Peoples' rights. Indeed, the State has too often failed to protect Indigenous Peoples' lands from illegal activities, in particular mining and logging. Even where indigenous peoples have demarcated territories, such as in the Amazon region, they are still exposed to threats and attacks, deforestation of their territories, pollution of their rivers, sexual violence and contamination of new diseases because of invasions associated with illegal activities.

As a leader of Kayapo people in the state of Mato Grosso, in the Brazilian Amazon, and great nephew of Chief Raoni, **Patxon Metuktire** expressed the need of indigenous people to have their lands to live. According to him, even if the Brazilian Government is saying that land demarcation would threaten economic growth and development, this is not true. Instead, he upheld indigenous peoples' rights to have lands, clean waters, traditional activities and to live in accordance with their costumes. Indigenous people want to learn from white men, but at the same time they want to preserve their customs. Therefore, on behalf of Kayapo community, Patxon declared their willingness to continue fighting illegal mining, illegal fishing and deforestation. And to do this, they rely on UN support.

Mauricio T. Rocha, leader of Yanomami and Ye'kwana peoples, focused the relevance of the Inter-American Court of Human Rights decision, delivered on 1 July 2022, that supports the rights of Yanomami, Kayapo and other indigenous peoples. Accordingly, Brazil should have adopted precautionary measures of protection for the Yanomami, Ye'kwana and Mundurucu peoples, with the deadline for compliance expiring on 20 September 2022. In this regard, Mauricio underlined that the Brazilian Government never reported any plan for compliance to indigenous peoples and have never consulted them on the issue. Therefore, Mauricio asked for support from the international community in order to encourage the government to abide by the decision.

According to Mauricio, the governments are not acting in the interests of indigenous peoples, while private companies do not worry about human lives. Indigenous leaders came to Europe to fight the

indigenous' feeling of being ignored and to witness in front of the international community the human rights violations they are suffering. Their spirit is strictly linked to their territories where their traditions and their ancestors are contained. "If our lands are destroyed, indigenous peoples are lost", said Mauricio.

As Kayapo Chief, **Yabuti Metuktire** spoke in his own native language, which was translated by Patxon, not only on behalf of his community but on behalf of all indigenous peoples of Amazonia. He stressed the need for having uncontaminated lands, clear rivers and healthy fish, in this moment but also in the future, for their grandchildren to enjoy these natural resources. In view of this, he called for the audience's help to prevent farming, mining and deforestation from destroying indigenous homes, warning that in case of invasion, Kayapo people will be ready for an open conflict. Nevertheless, his uncle Chief Raoni, who was sick and therefore not able to fly, sent him to advocate on Raoni's behalf in the rooms of international institutions to avoid conflict and try to solve the issue through the dialogue. Indeed, communicating with the international community represents for the indigenous leaders an opportunity to describe their situation and to be heard. "We, the indigenous people of Brazil, we need your support, so we can find strength to defend our territory. We are here asking you to pledge your support. Show strength to support us," concluded Yabuti.

3. Discussion from the floor

During the open debate, journalists and civil society representatives took the floor to thank the panellists, underscore their commitment to support the cause of indigenous peoples and ask the indigenous leaders and the Special Rapporteur a series of questions. Among them, **Roberto Smeraldi**, in charge of NPWJ's Amazonia Project, pointed out that last September the highest rate of burnings and forest fires in one month was assessed as being even higher than the record reached in August 2019. Given that, Roberto wondered how indigenous communities fight the fires and how they are planning to join forces and organise among themselves, considering that such an alliance is something unheard of nowadays. In his reply, Patxon underlined the continuous effort of his community to fight the destructive fires through the constitution of indigenous fire brigades and through the training of young indigenous people. Those fires are often fraudulent, as they are created by farmers to destroy and then invade the forest. In this regard, Mauricio made clear that the mining and farming companies involved are always the same. Therefore, indigenous communities decided to join strengths and bring the companies to justice: when working individually to fight one single company, the impact is not effective, but if the indigenous peoples fight together, change can occur. Lastly, Mauricio denounced the persecution that is leading his community to death and his threat of reprisals, as happened to his colleagues after COP26, noting that in the 1980s, the Yanomami community was considered extinguished.

In response to the question on a possible support from the European Union, formulated by the journalist **Jamil Chade**, from UOL portal and Folha de São Paulo daily, the UN Special Rapporteur stated that the political will of governments working and exchanging with Brazil, including the European Union, is needed, given that the UN recommendations sent to the Brazilian Government have almost all been disregarded and that miners do not care about human rights.

Conclusion

This side event was intended as an opportunity for prominent representatives of the Yanomami, Ye'kwana and Kayapó peoples, to brief United Nations Member States, relevant UN Bodies and Special Procedures, NGOs and other interested parties and provide an in-person update on the situation on the ground and an evaluation of the implementation of the decision by the Court.