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Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.

Violations of Indigenous Land Rights in Brazil

With great concern, Society for Threatened Peoples has been observing the alarming situation of Brazil's Indigenous population since Jair Bolsonaro became president of the country. Many of Bolsonaro's decisions have already severely curtailed the land rights of Indigenous peoples. He decided to transfer the responsibility of the demarcation of Indigenous territories, previously under the competence of the Indigenous Authority FUNAI, to the Ministry of Agriculture, which is dominated by agribusiness. As a result, Indigenous peoples are at the mercy of the economic interests of the agriculture and mining industries. Furthermore, the newly appointed president of FUNAI, Franklimberg Ribeiro de Freitas, previously served as a consulting advisor for Indigenous, community, and environmental affairs with the Canadian Belo Sun mining company. A planned goldmine has been opposed by FUNAI, while Freitas favors approval. Bolsonaro has made it clear that he does not support further demarcations of Indigenous territories. His statement that land occupiers are terrorists further fuels existing land conflicts. Bolsonaro's rhetoric seems to be encouraging attacks on Indigenous peoples and their lands and contributes to a climate of impunity. Since the beginning of his term, several Indigenous communities have already suffered attacks on their ancestral lands.

Among those communities affected are the approximately 30 Guaraní Mbya who in June 2018 returned to their ancestral land on the Ponta do Arado peninsula on the Guaíba River south of the city Porto Alegre in Rio Grande do Sul. Archeological finds and stories of the Indigenous peoples themselves prove that their ancestors settled in the area around Lake Guaíba hundreds of years prior to colonization of the area that constitutes Brazil today. Archaeological surface investigations of the Ponta do Arado peninsula revealed fragments of Guaraní pottery and dark soil indicating that there were once plantations in the area. Today, the forested peninsula is located in a nature reserve that is home of several animal species.

Since their return to the land that their ancestors once inhabited, the Guaraní Mbya have been threatened by the real estate company Arado Empreendimentos Imobiliários. It lays claim to the territory and plans to build 2,000 luxury apartments there. In order to drive the Indigenous community off their land, Arado Empreendimentos Imobiliários has taken various intimidating measures. An approximately ten-meter-long barbed wire fence the company erected from the river to the edge of a nearby farm limits the Guaraní Mbya in their freedom of movement as it blocks the land route to the nearby village. Because of this fence, they can only reach the disputed peninsula by boat. The fence complicates their access to drinking water and firewood, which they need for cooking and heating. Newly installed sensors also monitor all movements of the Guaraní Mbya. From a building with a lookout, only a few meters from their huts, the Indigenous are watched day and night. In addition, the company's private security guards patrol the site.

The situation escalated on 11 January 2019 when two masked men shot at the huts of the Indigenous people and one of them threatened to kill the entire community if they did not leave the land by Sunday, January 13. The events leading up to this attack strongly indicate an involvement of Arado Empreendimentos Imobiliários. The leader of the Indigenous community, Timóteo Karai Mirim, reported that on 9 January 2019 a person posing as the manager of the real estate company visited the community. The person offered to help the Guaraní Mbya move to the metropolitan area of Porto Alegre, as they could no longer stay in Ponta do Arado. On the evening of January 10, security guards surrounded the huts of the Indigenous community, spoke loudly, and fired some shots. Then, in the early morning of January 11, the attack took place.

The Guaraní Mbya reported the incident to the police, who opened a preliminary investigation. The Attorney General of Rio Grande do Sul was also involved. The police have already found 22 cartridge cases on the site proving that some of the gunshots originated from weapons of the military or the police. We find this extremely worrying, as this evidence indicates that members of national security institutions were involved in the attack. Meanwhile, activists along with the Ministério Público Federal (Federal Prosecution Service) and the Conselhos Estaduais de Direitos Humanos e dos Povos Indígenas (State Councils for Human Rights and Indigenous Peoples) have shown solidarity for the Indigenous community. They aim to support the Guaraní Mbya until the threats stop and they can stay on their ancestral land. The danger is by no means averted. On January 25, the Indigenous community once again reported shots fired near their huts to the police.

Ms. Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples, has voiced her concern about the future of the Indigenous population of Brazil. She fears that Bolsonaro's measures will lead to increased displacements and increased violations of the rights of Indigenous peoples. We share Ms. Tauli-Corpuz's worries and fear for the threatened Guaraní Mbya community.

Society for Threatened Peoples therefore calls upon the members of the United Nations Human Rights Council to urge Brazil:

- To take immediate protective measures to assure the safety and well-being of the affected Guaraní Mbya community. This includes ensuring the immediate cessation of the threats, securing their access to drinking water and firewood and ensuring their right to freedom of movement.
- To take the necessary measures to assert the right of the affected Guaraní Mbya community stated in Art. 231, Chapter VIII of the Brazilian constitution to a demarcation of their ancestral territory on the Ponta do Arado peninsula in the state of Rio Grande do Sul.
- To ensure the continuation of the policy of the demarcation of Indigenous territories enshrined in Brazil's constitution. For this, the responsibility of demarcation must be restored to FUNAI. Furthermore, FUNAI needs an impartial president with no links to the mining, agriculture or logging industries.
- To respect all Indigenous peoples' rights stated in Brazil's constitution, the Indigenous and Tribal Peoples Convention (No. 169) ratified by Brazil in 2002 and the UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly in 2007 with the vote of Brazil.