



Indigenous Lands, legal vulnerability, and current territorial issues in the Brazilian Amazon amidst COVID-19

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Introduction

This report accompanies a more general one regarding an overview of the impacts of COVID-19 pandemics at the level of the whole country of Brazil. Here, the focus is scaled down to the Amazon, in special with data from the states of Amazonas and Roraima, for to bring attention to the pre-existing structures of territorial vulnerability that are directly related to the severity of the impacts of COVID-19 on the region.

The Amazon has been struck hard by COVID-19, and its indigenous peoples, being already socially vulnerable before it, have been endangered of calamity. According to official statistics, by June, there have been confirmed over 60 thousand cases in the general population of the state of Amazonas and 10 thousand in Roraima. Among indigenous people¹, Amazonas has 2,453 confirmed cases², and Roraima has 262 confirmed cases³. Those numbers are, however, unfortunately underestimated, as the testing has been deficient all across the country, specially on the far countrysides, and there have been accounts of deliberate omission by the parts of the government and agencies responsible for the data.

1- The issue of the demarcation of Indigenous Lands on the Amazon

According to the *Relatório de violência contra os Povos Indígenas do Brasil - dados de 2018* (Report: violence against Indigenous Peoples in Brazil) published by CIMI, there are currently, in Brazil, approximately thirteen hundred Indigenous Lands. However over 800 of them are not yet fully regularized, or have not yet seen any kind of action towards official recognition by the Brazilian Government.

¹ See map attached.

² Data from Fundação de Vigilância em Saúde do Amazonas FVS/AM from June 15th.

³ Data from Centro de Operações Especiais de Saúde Pública - COE, Secretaria Especial da Saúde - SESAU.

Only at the Brazilian Amazon, there are 339 fully recognized Indigenous Lands, opposed to 410 Lands pending some kind of administrative actions. The number of Indigenous Lands that has no measures of recognition by the government is 280, a little over 36% of the total. A worrying fact lies on the 89 cases of Amazonian Indigenous Lands that are on the two first stages of the process: pending the conclusion of the Identification and/or Declaration. Those are stages that have stipulated terms to be concluded, but it can be verified that all those terms have not been respected.

The state of Amazonas is a crucial example, as it is the one that has both the biggest number of Indigenous Lands with pending proceedings in their processes of demarcation, and of Indigenous Lands to which no processes were created, i.e. to which no measures whatsoever were taken by the government as to recognize the indigenous territory. Amazonas represents in both cases more than half of the total values of the Brazilian Amazon. There are in the state a total of a 132 (or 37%) fully regularized Indigenous Lands, in contrast, the research realized by CIMI shows that there are approximately 222 (or 63%) lands still not fully regularized: 190 of which with no process created. Thus, just over half (53%) of the total of Indigenous Lands of the Amazonas (356) state are yet waiting for the beginning of the actions that could lead to fulfill their territorial rights. The cases in these two stages of recognition does not appear on official maps by the government, then becoming socially and geographically invisible.

Indigenous Lands of the Brazilian Amazon, by state					
State	Fully Regularized	%	Pending Regularization	%	Total
AC	27	58%	19	42%	46
AP	5	100%	0	0%	5
AM	132	37%	222	63%	354
MA	16	55%	13	45%	29
MT	57	52%	52	48%	109
PA	41	38%	65	62%	106
RO	20	40%	27	60%	47

RR	32	88%	3	12%	35
TO	9	50%	9	50%	18
Totals	339	45%	410	55%	749

In the last ten years, just over thirty Indigenous Lands were homologated in Brazil. At this pace, it would take more than 240 years to fully complete the regularization of over the 800 pendencies indicated by CIMI. If it is considered all the thirty years since the creation of the legislation in question, we calculate an average of 15 lands demarcated each year. Following this average, it would still take some 70 years to resolve the issue. However, the pace was not always that. On one hand, almost half of the Indigenous Lands recognized today were homologated during the first six years after the Constitution; for the other half it took 24 years.

Notoriously, the Brazilian federal government in recent years has paralyzed the processes of demarcation of Indigenous Lands, whether it has been via political pressure and lobby, or via massive reductions on the budget destined for the proceedings of demarcation. This posture by the government causes the delay of creation, execution, and conclusion of the processes of demarcation.

This comes to show that the matter has not been a priority for none of the recent governments, whether it has been a progressive or conservative party in power. Nonetheless, the recent events in Brazilian politics represented an intensification of that picture. The strengthening of the rural caucus in the last years, and its lobby against the Indigenous Lands, is shown clearly in the drop of the numbers of recognition of Indigenous Lands to zero in the most recent years. The president himself has affirmed, on television during the presidential run, that should he assume the position, there would not be even one centimeter of land to be demarcated for quilombola or indigenous peoples.

2- Territorial conflicts

In 2019, CIMI registered 66 cases of conflict involving indigenous peoples rights in the state of Amazonas: possessory invasions, illegal exploration of natural resources, and diverse damages to the indigenous people's patrimony. Those include, mainly, illegal acts of mining, deforestation for graze, logging and exploitation of other natural resources like fish.

2020 numbers are still unsure, but the reports from the indigenous peoples are of aggravation of the tendency. Satellite images found, between January and May, a total of 40,91 km² of

devastated areas by deforestation, mining or fires on indigenous lands⁴. A total count of 66 occurrences of mining activities (5,73 km²), 12 big forest fires (12,37 km²), and 113 deforested areas (22,81 km²). The vast majority located at the Amazon. Unfortunately, those numbers account only for indigenous lands recognized beyond the first two stages of official recognition.

A scenario that is, by no means, new. Between 2007 and 2018 there have been registered, in the Reports published by CIMI, four 516 cases, at the Amazon, relative to violations of the territorial rights of all kind. Nonetheless, it is noticeable that the situation is getting worse during the pandemics, specially due to two factors: (1) governmental actions of monitoring and surveillance were halted; and (2) the government has been vocally displaying its intentions to give amnesty to environmental offenders.

Between the states of Amazonas and Roraima lies one of the most iconic cases, the illegal mining of gold in the Yanomami Territory. There are, right now, an estimated 20 thousand non indigenous gold miners inside the limits of the Yanomami Land in pursuit of illegally exploring gold. The practice puts an immense threat to the Yanomami people. Gold miners are a focus of contamination and/or transmission of SARS-CoV-2; gold-digging pollutes the water courses and deforests large patches of land; conflicts between gold miners and indigenous people are bound to happen, frequently violent. The government does little to nothing to end the invasion on area or to support the indigenous groups. The Yanomami have groups with different levels of contact, including isolated groups inside their land. They have been one of the first indigenous peoples to be impacted by COVID-19, having recorded the first indigenous death related of the whole country: a 15 year old boy on april 10th.

Among many others, some cases are particularly worrying. One is the case of the Mura indigenous people. Having been denied full access to their territorial rights, the Mura now live on a complex of several small, separated, overcrowded Indigenous Lands - many of them still lacking regulation, surrounded by buffalo farms and pastures. Amidst the pandemics, several Mura communities installed sanitary barriers to protect their territories. Nevertheless, neighboring farmers and even the public institutions disrespect the barriers. Invasions are happening in the “Gavião”, “Ponciano”, “Sampaio”, “Murutinga/Tracajá”, “Trincheira e Patauá” Lands of the Mura people, most of them of illegal logging and to set the forest down to give place to new graze to the farmers cattle and buffalo.

In the southern region of the Amazonas state, from the Purus river basin have come the news of a widespread invasion of fishers in Indigenous Lands of the Cuniuá and Tapauá rivers, both from small canoes of the riverside dwellers and big entrepreneur fishing ships. The area is far from bigger urban concentrations, which leads to less presence of surveillance. The practice is affecting Paumari and Madihadeni indigenous peoples lands at those rivers, and

⁴ See map attached.

occurs in spite of a sanitary barrier created at the region by a conjoined effort of government and local initiative.

3- Distance, logistics and access to rights

The indigenous population that resides in non-demarcated lands faces series of problems due to the lack or delay in the regularization of their lands. Practically, all of the non-demarcated lands of the Amazonas suffer with invasions pursuing natural resources as fish, timber, and others. Extremely common is the presence of squatters and non indigenous self-proclaimed landowners, frequently intimidating and violent. In several cases, the political movement of the indigenous leaders in demand for their rights incurs in serious death threats to them by the landowners.

Those indigenous populations also face difficulties to access public services that should be destined for them as they are indigenous. Some of them demand land regularization to be implemented, like activities of territorial surveillance by FUNAI. Others are wrongly destined exclusively to the demarcated lands, in spite that they should be destined to all indigenous people, regardless the recognition state of their lands: like healthcare and formal education. This situation happens especially when the responsibility is on the municipality or the state, and has been occurring systematically with the actions taken to prevent and deal with COVID-19 distress.

The commonly distance geographic location of the indigenous territory and the scarce routes of access between villages and cities, typical in the Amazon region, imposes also a whole new set of problems and challenges during the coronavirus outbreak. Several indigenous people's villages are located hundreds of kilometers away from any hospital, let alone one equipped with adequate apparatus for dealing with acute cases of the disease. Health professionals who work with indigenous peoples have been reported getting sick themselves, straining the capabilities of personnel and sometimes being related to the transmission of SARS-Cov-2 to indigenous villages. The very first cases of coronavirus infection among indigenous people were reported been transmitted by an infected health professional who was on duty while asymptomatic.

Also, several indigenous peoples today have a routine of commerce and economic interactions with nearby non indigenous communities and cities. Those, more often than not, include buying certain types of goods that are not produced by the indigenous peoples. An acquired necessity that now translates, during the pandemic, as newfound scarcity. A part of those goods are superfluous, mostly including food and other expendables, but some have become vital for daily life and production back on the territories: it is the case of fishing materials, ammunition for hunting with firearms, steel tools as axes, machetes, knives, nails and so on. Although some effort has been put into providing indigenous peoples with those goods without having them visiting cities, combined with the distances of some territories, it

has been far from enough, and there are constantly accounts of groups leaving the isolation of the territory in search of the much needed goods.