

## **Brazil's colonial dilemma: gold mining and deforestation in the Amazon**

*Encroachment onto Indigenous Lands has increased under Jair Bolsonaro's government and is threatening the communities' culture, economy and ways of life. Numerous bills are now passing through Congress in response to the need for extractivism and these will affect traditional Indigenous occupation. In turn, the presence of "garimpos" or informal gold miners on the territories is spreading malaria and Covid-19, placing further strain on an already wholly inadequate health system. The possibility of genocide is now a real and impending threat.*

**By María de Lourdes Alcantara - November 1<sup>st</sup> 2021**

Over the past 20 years, Brazil has focused its economic development on the production of commodities: agricultural raw materials, minerals and oil. This strategy is very similar to the one previously implemented by the military governments, who believed that exporting commodities and expanding the agricultural-livestock frontier onto lands classified as "uninhabitable" formed the basis of progress. A prime example of this was [the opening of the Trans-Amazonian Highway \(BR-230\)](#), which decimated several Indigenous populations and was a colossal failure due to its high cost and lack of utility. The opening of roads and waterways along which to export grains and minerals was one of the pillars of the country's development infrastructure.

The encroachment of mining onto Indigenous Lands (IT) has been causing major national controversy and has placed Brazil in the international spotlight due to the environmental problems it is creating, along with the possibility of newly-emerging diseases and the damage the plundering of the Amazon is causing to sustainable development globally. From a legal viewpoint, this is in violation of the 1988 Constitution and international agreements: International Labour Organization (ILO) Convention 169 as regards free, prior and informed consultation with Indigenous Peoples; and the Paris Agreement on climate change and reducing deforestation.

## **Mining on Indigenous Lands: from *bandeirantes* to contemporary development**

Minerals have, since colonial times, been one of the most exploited commodities in Brazil. Who could forget the excursions of the *bandeirantes* [17<sup>th</sup>-century Portuguese Brazilian slavers, fortune hunters and adventurers] in search of precious stones and gold: [the well-known \*entradas e bandeiras\*](#). This reality persists in the 21<sup>st</sup> century in the form of mining activities that feed contemporary development: iron, gold, bauxite and niobium. Gold is the country's second most exported mineral after iron and [there is evidence that almost 30% of the 48.9 tonnes of gold sold abroad between 2019 and 2020 came from illegal sources](#). This is due to a lack of oversight, improper actions on the part of companies and false documents being used to launder gold extracted from protected areas.

“Illegal” mining is generally found on Indigenous territories or in environmental conservation areas. There are 321 active and inactive illegal gold mines in the Brazilian Legal Amazon (an area comprising nine states and covering more than five million square kilometres) alone. The Amazonian state of Pará is the location for most of the mining processes that encroached onto Indigenous Lands during the first year of Jair Bolsonaro's government. The Kayapó Indigenous Land faces the most incursions, followed by Sawré Muybu of the Munduruku. This territory has been disproportionately affected over the last decade, accounting for more than 14% of mining applications in Indigenous Amazonian areas. In addition, 97 mining actions have taken place on gold, copper and diamond deposits and, to a lesser extent, cassiterite and gravel deposits.

After Pará, the states of Mato Grosso and Roraima were those with the highest concentration of mining activity on Indigenous Lands during the first year of Bolsonaro's government. One territory particularly affected by mining titles is that of the Uru-Eu-Wau-Wau people in Rondônia, whose approval process was completed in 2006. Nine peoples live in this territory, including Indigenous Peoples living in isolation. Data indicates that mining activity has increased by 91% in Amazonian Indigenous territories since the start of 2019: after falling steadily year on year, this was the first increase recorded since 2013.

## **The mining industry's attack on regulatory frameworks**

Any individual or legal entity wishing to conduct exploration work in the Brazilian subsoil must register its application with the National Mining Agency. The process begins with a request for authorisation and ends when an exploration or extraction licence is granted. Between the time of the Constituent Assembly and 2020, several bills were tabled with the aim of appropriating the Indigenous territories. Strong pressure from civil society, the international community and the Indigenous movement, however, meant that none of these projects was able to progress through the National Congress.

According to the Federal Public Prosecutor's Office, there are currently 4,073 applications for mining titles on Indigenous Lands in the Legal Amazon, of which 3,114 have been “blocked”. [The prosecutors report that the most affected Indigenous Lands in the region are Alto Río Negro \(where applications are targeting more than 174,000 hectares\) and Médio Río Negro I, where applications for plots exceed 100,000 hectares.](#)

Proposals for mineral exploration on Indigenous Lands are taking place simultaneously with the tabling of legislation that is in violation of Indigenous rights guaranteed by the Brazilian Constitution. Such is the case of the controversial Bill 191 on the Temporary Framework. These proposals are the result of agreements between the Federal State, the National Indian Foundation (FUNAI), the Executive Office of the President [*Casa Civil*], the Partnership and Investment Programme, and the Ministry of Mines and Energy.

In addition to Bill 191 on the “temporary framework”, there is also a set of converging proposals aimed at weakening the legal status of “traditionally occupied lands” and Indigenous territorial rights. [These initiatives advocate exceptions to the permanent ownership of the lands traditionally occupied by Indigenous Peoples, as well as to the usufruct of their rich soil, rivers and lakes.](#) They furthermore promote the entry, transit and settlement on these lands of non-Indigenous people.

## **Bill 191: the encroachment of mining onto Indigenous territories**

There are currently 17 Constitutional Reform Bills related to territorial disputes passing through the Chamber of Deputies and three through the Federal Senate. As of November

2019, 148 mining-related articles had been detected in these bills across both Chambers, of which 14% related to mining activities on Indigenous Lands. This statistic reveals the degree of mobilisation of legislators in the National Congress.

Bill 191/2020, tabled by the Executive branch and aimed at regulating mining, oil and gas production, and electricity generation on Indigenous Lands, is a direct consequence of pressure from the extractive industries. The section referring to the demarcation of Indigenous territories is extensive and complex, and is underscored by different disputes. The laws that first regulated these issues date back to the 1960s and 1970s, particularly the 1967 Mining Code and the 1973 Indian Statute. Although parts of both regulations are still in force, the 1988 Federal Constitution subsequently established new parameters.

The 1973 Indian Statute permits certain forms of subsoil exploration on Indigenous Lands in cases of “great national interest”, i.e. when the lands contain “subsoil riches of relevant interest to national security and development”. Just 10 years later, Decree 88,985 established that subsoil exploration in these areas could only take place by means of mechanised mining, in accordance with requirements established by FUNAI to protect the Indigenous heritage.

The Federal Constitution recognises collective rights and breaks with the principle of integration. According to Article 231 of the 1988 Federal Constitution, Indigenous reserves are: “The lands traditionally occupied by Indigenous Peoples, those inhabited by them on a permanent basis, those used for their productive activities, those essential for the preservation of the environmental resources necessary for their well-being and those necessary for their physical and cultural reproduction.” And yet the Indigenous populations have no power of veto, despite the fact that free, prior and informed consultation is a right recognised in ILO Convention 169, which has been ratified by Brazil.

### **The devastation caused by gold mining: some statistics**

Mining is extremely predatory in every way: it affects the entire ecosystem, and is threatening the very survival of vulnerable minorities such as Indigenous Peoples (0.49% of the Brazilian population) and of the entire coastal population that depends on fishing for food and work. The environmental devastation and threats to health and welfare do not form part of the

government's economic equation, however. Quite the opposite, they see these as hindrances to Brazil's development.

Deforestation increased by 25% in the first half of 2020, according to the National Institute for Space Research. As of 10 June 2020, the mining sector's contribution to deforestation rates in Indigenous territories had increased from 4% in 2017 to 23%, particularly in Indigenous territories. Here, environmental degradation caused by mining increased by 107% between 2018 and 2019. This situation has a direct impact on deforestation rates and poses a health risk for Indigenous populations.

In the Tapajós basin, where the Munduruku Indigenous people live, an estimated 30 tonnes of gold is traded illegally each year: this equates to approximately R\$4.5 billion in undeclared income, or six times more than the legal activity in the region. This accounts for a good proportion of the total amount of gold produced by mining in 2018.

The State had already exported 288 kilos of gold from the Yanomami Indigenous Land in Roraima in the first half of 2019, despite there being no mines authorised there for its extraction. This phenomenon highlights the challenges of irregularity and illegality in the gold production chain. According to Brazil's Federal Public Prosecutor's Office, one kilo of gold represents R\$1.7 million of environmental damage, thus generating an environmental cost almost 10 times higher than the price of the gold itself.

Indigenous Peoples are thus threatened economically, socially and culturally, and lack any protection for their health. In this "scorched earth" scenario, the alarms is being raised as to a possible genocide. With the contamination of the rivers with mercury (as in the case of the Tapajós) and the lack of game to hunt due to deforestation and fire, widespread outbreaks of malaria and Covid-19 are leaving this population at the mercy of a country in which the law, as the Brazilian jurist and politician Ruy Barbosa commented, "only applies to enemies".

### **The impact of mining on the spread of malaria and Covid-19**

Following an outbreak of malaria on Indigenous Lands on 4 November, the Jacareacanga Municipal Health Secretariat requested assistance from the Evandro Chagas Institute, the renowned tropical medicine research centre under the Ministry of Health. The letter warned

of the high turnover of miners and the possibility of the disease spreading to urban and Indigenous areas: “As gold prospectors make a living by moving from one mine to another, malaria is spreading to other non-Indigenous lands.” Another factor of concern is the responsiveness of the local health system: “In addition to new cases, there are still a large number of relapses, caused by an interruption of their treatment.”

Although [malaria is endemic in the Amazon region](#), the Public Health Secretariat of Pará State notes that the 13 regional health centres in Pará, Santarém and Altamira are the only ones to register an increase in cases between 2019 and 2020. In contrast, other areas recorded a drop of more than 50%. As of 10 November this year, the Santarém region, which includes the municipality of Jacareacanga, had recorded 8,536 new cases of malaria. Throughout the whole of 2019, there were only 8,427 cases.

The Indigenous population is fighting to preserve its environment and for a health service that can guarantee its survival. And yet this is also one of the sectors the current government has been working to dismantle. The result has been an increase in malnutrition, endemic diseases and outbreaks caused by legal and illegal invaders onto their territories. By the time Covid-19 arrived on the Indigenous Lands, the communities had been totally weakened and were lacking any federal resources. FUNAI and the Special Secretariat for Indigenous Health have no funds and their officials answer only to the interests of agribusiness and extractivism.

The Coordinating Body of Brazil’s Indigenous Peoples (APIB) has recorded 60,190 cases of Covid-19 on Indigenous territories, 1,221 Indigenous deaths and 162 peoples affected. [The highest incidence is in areas with a non-Indigenous presence](#): “We live in an alarming situation that is worsening by the day because, in addition to the threat of the pandemic, there is an increase in racism, illegal deforestation, agribusiness, the criminal action of land grabbers, loggers, miners and many other crimes that continue to encroach onto our territories.”

Although multiple causes underpin this increased violence against Indigenous Peoples, Jair Bolsonaro’s government is playing an important role in adding fuel to the fire of conflict. In addition to the lack of an action plan to combat the coronavirus and its anti-vaccine preaching, there is a battery of legislative measures seeking to curtail the territorial rights of

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communities. While National Congress is now beginning to move against the President, the Indigenous Peoples have long been resisting on the streets and in the territories.

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