



Submission for the Universal Periodic Review, 4th cycle, 41st Session

BRAZIL

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Submission by:

Society for Threatened Peoples

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The Society for Threatened Peoples is a non-governmental organization with special consultative status.

The Society for Threatened Peoples (STP) is an independent international human rights organization. Our activities concern the rights of minorities and threatened peoples, the promotion of human rights and the fight against human rights violations. We provide an extensive documentation on various issues regarding our field of work for any people interested in minorities and human rights in general.

STP already participated at the 2nd and 3rd cycle of the UPR on Brazil. The following remarks are mostly based on the STP's own research. When information was obtained from other sources, their references can be found in the footnotes.

Endangered Indigenous Territories

1. The Amazon has always been a target of stakeholders interested in its economic potential due to its diverse natural resources. In the endeavours to turn Brazil into one of the leading global economies, the Brazilian government follows a history of taking different measures to connect the Amazonic region to the rest of the world. Exploration proposals have enabled infrastructure projects such as the construction of waterways, railways and roads. Until today such projects shall, on the one hand, facilitate the access to natural resources, such as gold, oil, iron and aluminium. On the other hand they should enable a more direct transport from Brazil's agrarian areas to the country's international ports. With great concern the Society of Threatened Peoples has been observing the developments at the middle and lower Tapajós basin, a region of the Amazon characterised by its unique culture and biodiversity. Many indigenous territories in the area are endangered due to infrastructure projects such as the EF-170 Ferrogrão railway.

The Example of the Planned Railway EF-170 Ferrogrão

2. After successive periods of spice, rubber and gold exploitation, the Tapajós basin is nowadays victim of road-building, agricultural production and settlements that spread along the roads planned since the 1960s. The most important among them is the BR-163 Highway. A new project called the EF-170 Ferrogrão Railway foresees the construction of a 933km railway parallel to the BR-163 Highway, leading from Sinop (MT) to Miritituba (PA). Its main purpose will be the transportation of crops (corn, soya bean and soya bran) via the central-northern corridor of Mato Grosso towards northern Brazil. It is estimated that the Ferrogrão project could bring about a 70% increase in yearly grain collection over ten years¹.
3. To understand the gravity of the impact of the project on the Amazonic region, different aspects need to be emphasized. In order to lay the tracks as planned, it would firstly be necessary to shift the boundaries of the Jamanxim Nature Reserve. The project is likely to cause more than 2000km²² of deforestation in the state of Mato Grosso. In addition, the project depends on dredging and desilting the Tapajós river and the building of port infrastructure in the Miritituba port section up to Santarém (PA), to ensure the transport of the agricultural production internationally. Moreover, 54 loading and unloading terminals would be built along the monorail track³. Finally, the route will be traversing Tapajós Garimpeiros Reserve and Conservation Unit, a region containing an enormous amount of gold reserves, even more than the nowadays-closed Serra Pelada mine. The facilitated access will promote further destructive mining exploitation in the Amazon.

Economic Growth at the expense of Social and Environmental Values

¹ Araújo , Rafael; Assunção , Juliano; Bragança, Arthur. Resumo para política pública. Os impactos ambientais da Ferrogrão: Uma avaliação ex-ante dos riscos de desmatamento. Rio de Janeiro: Climate Policy Initiative, 2020

² Araújo , Rafael; Assunção , Juliano; Bragança, Arthur. Resumo para política pública. Os impactos ambientais da Ferrogrão: Uma avaliação ex-ante dos riscos de desmatamento. Rio de Janeiro: Climate Policy Initiative, 2020

³ <https://www.correiocidadania.com.br/colunistas/telma-monteiro/13000-ferrograo-consolidando-a-invasao-da-amazonia-parte-1>

4. In short, the building of the EF-170 Ferrogão Railway will have immense negative impacts on the area by the shrinking Conservation Units (UC), biodiversity destruction, water table contamination, and changes in river regimes. 19 local indigenous communities will be affected, as their habitats will be damaged due to deforestation and a decline in subsistence fishing. These communities can be identified on the basis of the National Indian Foundation (FUNAI), that has demarcated these 19 Lands, which have different statuses: declared, delimited, regularised, validated, referred and under consideration. The project will demand mandatory displacement of traditional communities from their lands. Finally, as the railway will generate migratory flows, land grabbing, illegal mining and deforestation are further adverse consequences of the project.
5. The railway was qualified for the Federal Government Investment Partnerships Program and declared a government priority. Thereby the social and environmental risks could not outweigh against Brazil's visions for economic growth and development. Additionally, representatives of the project have been promoting Ferrogrão as ecologically sustainable, as the railway offers a low-carbon transport as opposed to transport by trucks. This however is a one-sided sustainability approach that misses social components and the inherent side effects mentioned above.

Trivialization of Negative Impacts and Disregard of Indigenous People's Right for FPIC

6. Requests for environmental studies (EIA-RIMA) that allow local communities to understand the extent of impact the project could have on their livings were rejected, because they could be made after the licensing process. The hearing of indigenous peoples would follow the same sequence. Generally, none of the Indigenous People who will be affected by the railway construction have been consulted on the project. This violates indigenous people's right to free, prior and informed consent (FPIC). Brazil has ratified the ILO Convention on Indigenous and Tribal Peoples in Independent Countries (ILO 169) and approved of the United Nations Declaration on the Rights of Indigenous Peoples. The state therefore has an obligation to guarantee indigenous peoples' right to self-determination.
7. Conducted preliminary studies point out the importance of the region's biodiversity. However, they subsequently trivialize the project's potential damage, for example by claiming that the construction only involves selective logging exploitation. After several complaints from civil organisations and local communities, a judge from the Federal Supreme Court (STF) had suspended all processes related to the infrastructure project in March 2021. However the injunction is due to be ruled upon by the STF this year in June.

Weakening of Environmental and Human Rights Institutions under Bolsonaro's Administration



8. The renegotiation is particularly worrying since several Brazilian environmental Institutions have lost their influence due to dissolving measures taken by the administration of President Jair Bolsonaro. The government has reduced the participation of civil society in the National Council of Environment (CONAMA), favoring the business sector and governmental agencies and policies imposed by financial and economic interests. Furthermore, the funding of the Brazilian Institute for the Environment and Natural Resources (IBAMA) was reduced. Farming and mining industries that work as a lobby group to encourage more flexible Brazilian environmental laws have gained influence. And last but not least, FUNAI is staffed step by step with anti-indigenous people.
9. A clear indication for the weakened environmental protection is the increase of deforestation in the Amazon. In the period between 2005 and the current President's take over in 2018, the deforestation had constantly been decreasing, reaching its lowest rate in 2012. The deforestation has risen again and even more dramatically since the current president's takeover⁴, reaching the highest rates in the last years. In light of these developments indigenous territories and Conservation Units have become even more threatened than before and the advancements of infrastructure projects are more probable.

Demands and Recommendations

10. The EF-170 Ferrogrão is one example of how the Brazilian government lacks to follow its duty to protect indigenous peoples' rights and to cease and prevent violations. Not only are the environmental damages foreseeable, but it will also negatively affect the habitats and livelihoods of indigenous communities. The example further illustrates, that demands made by the Society of Threatened Peoples and submitting states in Cycle 3 of UPR have not been implemented. The Society for Threatened Peoples therefor makes the following recommendations to Brazil:
11. To fully respect the Federal Constitution and particularly Art. 231 and Art. 232 regarding the rights of indigenous peoples, as recommended by Canada in the last UPR Cycle.
12. To respect international norms and standards ratified or supported by Brazil such as the ILO 169 and UNDRIP. With this recommendation, STP resumes recommendations made by Estonia and El Salvador during the last Cycle.
13. To guarantee the right of indigenous peoples to FPIC for any major project affecting their way of life. STP thus re-emphasises its recommendation and those made by Norway and Moldova during the 3rd Cycle.

⁴ http://www.inpe.br/noticias/noticia.php?Cod_Noticia=5465