

## The Permanent Invasion of the Yanomami Territory in the Brazilian Amazon and Genocide

Submitted by **Hutukara Yanomami Association (HAY)**, an all indigenous organization created in 2004 to defend the rights of the Yanomami and Ye'kwana peoples living in Brazil, with focus on their territory protection, proper public education and health services, according to their language and culture. Its president is Davi Kopenawa, a UN 1989 Global 500 awarded. In 1992, Davi represented the indigenous peoples of the Amazon at the United Nations in New York for the official opening of the UN Year for the World's Indigenous Peoples. Next year, at the UN in Geneva, he expressed concern at the possible negative effects of government development policies on the Yanomami's land. In April 1999, Davi was awarded the Ordem do Rio Branco by President Fernando Henrique Cardoso in recognition of his work on behalf of the Yanomami people. The jury of Spain's Bartolomé de las Casas prize awarded Davi an Honourable Mention in 2008 for his 'outstanding leadership in defence of the Yanomami people and other indigenous peoples in Brazil'. In 2012, Davi was in Geneva to participated in the 10<sup>th</sup> International Film Festival and Forum on Human Rights (FIFDH) and the launch of the film *Indiens en Sursis* about the Yanomami and Kayapo's efforts to stop the destruction of their rainforests. In 2012, the Municipal Chamber of Boa Vista awarded Davi the *Honra ao Mérito Rio Branco* in recognition of services to the Yanomami community of Roraima state as a spokesman for his people. In 2009 and in 2015, the Brazilian Ministry of Culture awarded him for his work in defense of indigenous peoples in Brazil.



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And, **Instituto Socioambiental (ISA)** established in 1994, by a group of people with a significant professional background and experiences in the struggle for social and environmental rights. ISA has incorporated the material and non-material heritage amassed during the 15 years' experience of several knowledgeable organizations in the indigenous rights issues in Brazil, such as the Ecumenical Documentation and Information Center's Brazilian Indigenous Peoples Program, and the Indigenous Rights Nucleus (NDI) of Brasília. ISA's mission is to propose integrated solutions to social and environmental issues. ISA's main objective is to defend the social good and rights, both collective and diffuse, relating to the environment, cultural heritage, human rights and the peoples. ISA has been working with Hutukara since 2008, and has increase its partnership through the support of a Bilateral Forum of several Yanomami and Ye'kwana organizations from Brazil and Venezuela.



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## **The Permanent Invasion of the Yanomami Territory in the Brazilian Amazon and Genocide**

The Yanomami People is the largest indigenous people living with less contact with national societies for whom land and health have been vital issues<sup>1</sup>. They are about 40.000 people living on the border of Brazil and Venezuela. In the middle 80's there was a massive gold mining invasion at the Brazilian side that spread over the Venezuelan side<sup>2</sup> widely spread<sup>3</sup>. The 1993 Haximu Community massacre<sup>4</sup> of sixteen Yanomami, most of them women and children, committed by Brazilian gold miners at the Venezuelan Yanomami community is a tragic illustration of the problem that persists nowadays. Five gold miners were convicted for genocide crime and their sentence confirmed by higher courts.<sup>5</sup>

In 1992, during the UN Environment Conference in Rio de Janeiro, the ECO 92, Brazilian Government announced the official recognition of the Yanomami territory. Shortly after there was a strong repression by the Brazilian Federal Police at the illegal mining activities inside the territory. Many gold miners left to Venezuela, Guyana and other countries at the Guyana shield to keep illegal operations. Without being followed by a permanent surveillance and protection program of the Yanomami land, criminals organized themselves in gangs and started operating in a network of small airplanes pilots, jewelry owners, investors and gold miners illegal businessmen<sup>6</sup>.

Today there are less gold miners inside the Yanomami area at the Brazilian side but they are more organized and connected thus the lethality of their operation is the same. Federal Police operations, Xawara in 2012<sup>7</sup> and WarariKoxi, in 2015<sup>8</sup>, have shown that some of the same gold miners, of the same airstrips, and the same airplanes have been acting and in use for the last decades without effective judicial measures to stop them<sup>9</sup>. Pedro Emiliano Garcia, convicted by genocide in the Haximu massacre of 1993, was arrested gold mining at the same site of the massacre, in the 2015 Xawara Federal Police operation<sup>10</sup>.

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<sup>1</sup><http://www.cidh.org/annualrep/84.85eng/brazil7615.htm>

<sup>2</sup>[http://anthroniche.com/darkness\\_documents/0399.htm](http://anthroniche.com/darkness_documents/0399.htm)

<sup>3</sup><http://www.nytimes.com/1989/12/24/world/for-an-amazon-indian-tribe-civilization-brings-mostly-disease-and-death.html>

<sup>4</sup> <http://www.proyanomami.org.br/frame1/ingles/massacreHX.htm>

<sup>5</sup> [https://en.wikipedia.org/wiki/Haximu\\_massacre](https://en.wikipedia.org/wiki/Haximu_massacre)

<sup>6</sup> <http://www.bbc.com/news/world-latin-america-18839464>

<sup>7</sup> <https://forestrivers.wordpress.com/2012/08/01/miners-ask-to-leave-the-regionyanomami/>

<sup>8</sup> <http://agenciabrasil.ebc.com.br/en/direitos-humanos/noticia/2015-05/federal-police-clamp-down-illegal-mining>

<sup>9</sup> <http://www.theglobeandmail.com/news/world/the-lust-for-gold-in-the-amazon/article29758670/>

<sup>10</sup> <http://assets.survivalinternational.org/documents/1261/hutukara-statement-engl.pdf>.

Yanomami environment has permanent been damaged, the forest they depend upon devastated, their rivers polluted, their women and children mercury poisoned, and there are not one person convicted by such crimes. Gold mining is the genocide of the Yanomami People.<sup>11</sup>

It is big business too<sup>12</sup>. Brazilian Federal Police said that in two years, 2014 and 2015, it has moved a billion of reais (Brazilian currency). The Global Initiative Report on Organized Crime and Illegally Mined Gold in Latin America, published in April 2016, says that Brazil is the 11th biggest gold producer in the world and that according to official statistics Brazil produced 80 tons of gold in 2013, to which can be added a further 10-15% in illegal production. It adds up: "Some 75,000 illegal miners operate in the Brazilian Amazon basin. Illegal mining is taking place in nine of 26 states and the main centres of illegal mining in Brazil are located in the states of Pará, Mato Grosso, Rondônia and Roraima<sup>13</sup>."

Roraima, is the state where the illegal gold mining of the Yanomami territory most take place. Internationally-renowned Yanomami shaman and President of Hutukara Yanomami Association, [Davi Kopenawa, have received death threats in Boa Vista, because of its work against gold mining and in defense of his people and the rainforest<sup>14</sup>](#). [Illegal gold mining is also hugely affecting the Yanomami in Venezuela.<sup>15</sup>](#)

The rise of gold price makes it increase the presence of gold miners inside the region. The Federal Police, the Army, the Federal Indian and Environmental Agencies provoked by Hutukara have all acted to diminish the impact of the illegal activities in the Yanomami and Ye'kwana communities. There is not yet although, a definitive solution by the Brazilian Government to stop the invasion and its consequences<sup>16</sup>. Some of the communities most affected by gold mining are recently being reported mercury poisoned as their river and fishes are mercury contaminated.

A study of hair samples from Indians of 19 communities conducted in 2015 by Brazilian health foundation [Fiocruz](#), together with the [Hutukara Yanomami Association](#), Brazilian NGO [ISA \(Socio-Environmental Institute\)](#), and APYB, the Yekuana Association, found

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<sup>11</sup> <http://www.counterpunch.org/2010/02/26/the-life-and-death-struggle-of-the-yanomami/>

<sup>12</sup> <http://blogs.nelson.wisc.edu/es112-309-3/mining/> and <http://www.ipsnews.net/2014/08/brazils-dalai-lama-of-the-rainforest-faces-death-threats/>

<sup>13</sup> <http://globalinitiative.net/organized-crime-and-illegally-mined-gold-in-latin-america/>

<sup>14</sup> <https://www.lrwc.org/brazil-death-threats-against-indigenous-leader-mr-davi-kopenawa-letter/>

<sup>15</sup> <https://www.theguardian.com/global-development/2016/apr/07/illegal-gold-mining-drives-human-rights-abuses-in-latin-america-claims-giatoc-study>

<sup>16</sup> <http://www.forbes.com/sites/kitconews/2014/09/10/illegal-gold-miners-in-brazil-destroying-amazon-indigenous-tribes-at-risk/#4a565cd2e70c>

that over 90% of Indians in one region are severely affected. More can be seen in the link below <sup>17</sup>.

The President of Hutukara Yanomami Association, [Davi Kopenawa as mentioned above](#), presented the evidence to the UN Special Rapporteur on Indigenous Peoples' Rights, Victoria Tauli-Corpuz, during her visit to Brazil earlier this year.<sup>18</sup>

The deadly impact of gold mining invasion of Yanomami territory in the health of its inhabitants has long been well reported. It gets worse as it is invisible to their health service<sup>19</sup>. Despite the huge amount of money spent by the Federal Government through SESAI, the Indian Health Agency, the quality of the health service and the result of their work shown by numbers do not match. In 2013, an adviser to the United Nations Children's Fund (UNICEF) noticed that "*Child mortality in indigenous areas is double the national average, and improvements in the indicators have been very slow*".<sup>20</sup>

Recent academic study made public in July 2016, shows that Yanomami children under five years hospitalized because of pneumonia suffer from malnutrition and lack of health care in its communities. The study says that: "*As also observed in other indigenous groups in Brazil the average hospital stay of over seven days, for Yanomami children with pneumonia, may be considered a long period. The need for a prolonged hospital stay can indicate that these children had a precarious state of health before the episode that led to their hospital admission, or that the disease showed serious clinical symptoms. It can also be because the teams did not have the means to provide adequate treatment to these children and to monitor their development prior to the case being resolved in the villages.*"<sup>21</sup>

It is also important to consider that the Yanomami have part of its communities living in voluntary isolation and that gold miners are a threat for them.<sup>22</sup>

Preventing the genocide of the Yanomami People requires bilateral cooperation between Brazil and Venezuela to stop gold mining operations, to improve the health service of both countries and to implement cultural proper public policies. They should also open their together planning to the Yanomami and Ye'kwana organizations to consult and participation, according to the UN 169 ILO Convention. More

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<sup>17</sup> <https://www.youtube.com/watch?v=kGmmgv7Q7GI>

<sup>18</sup> <http://www.survivalinternational.org/news/11182>

<sup>19</sup> <http://www.coha.org/the-yanomami-malaria-genocide-and-policy-prospects/>

<sup>20</sup> <http://www.ipsnews.net/2013/06/healthcare-for-native-people-in-brazil-is-ailing/>

<sup>21</sup> [http://www.scielo.br/scielo.php?pid=S1413-81232016000501597&script=sci\\_arttext&tIng=en](http://www.scielo.br/scielo.php?pid=S1413-81232016000501597&script=sci_arttext&tIng=en)

<sup>22</sup> [www.yanomami-hilfe.de/en/2012/06/25/letter-from-davi-yanomami-shaman-hutukara-to-the-new-brazilian-president-dilma-rousseff/](http://www.yanomami-hilfe.de/en/2012/06/25/letter-from-davi-yanomami-shaman-hutukara-to-the-new-brazilian-president-dilma-rousseff/)

recommendations are proposed below for the monitoring of indigenous peoples human rights in Brazil focusing in the Yanomami people.

## **Areas and Recommendations**

### **2.1 Acceptance of International Rules**

New:

Brazilian Government should ratify Minamata Convention and provide specific reports about mercury pollution in indigenous land, and poisoning of indigenous communities, affected by gold mining.

Brazilian Government should follow the 2011 UN Guiding Principles on Business and Human Rights (also known as the Ruggie Principles), a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity.

### **3.3 Cooperation with other international mechanisms and institutions**

New:

The UN system has several mechanisms and institutions that can contribute to Brazil enforce the Conventions ratified by the country.

## **4. Inter-State Cooperation and assistance for development**

New

Brazilian Government should insure indigenous peoples' organizations, including Yanomami's and Ye'kwana's, participation at Brazil and Venezuela bi-lateral talks concerning the protection of their territories, specifically against gold mining operations, and improving their health conditions.

## **8 – Non Discrimination**

New

Brazilian Government should create legal mechanisms to assure that indigenous peoples knowledge be equal to formal education in order of indigenous peoples individuals be able to receive work payment like other recognized professionals inside their territories.

## **16 – Justice and Impunity**

New

Brazilian Government should provide a report about how many gold miners and investors have been investigated, prosecuted and been convicted of crimes against the Yanomami and Ye'kwana indigenous peoples and their environment.

#### **15.1 Administration of Justice and Justice Access**

New

Brazilian Government should provide a report about how many are investigations against gold miners and investors have opened, how many judicial procedures have been started and how many convictions regarding crimes against the Yanomami and Ye'kwana indigenous peoples and their environment have been made.

### **18 – Economic, Social and Cultural Rights**

New

Brazilian Government should provide reports to ensure that the social programs extended to indigenous peoples do not affect their local economy, social and cultural rights, observing ways to improve individual and collective well being and values.

#### **22.1 Right to a proper way of life**

New

Brazilian Government should assure that social programs contribute to the governance of indigenous peoples over their territories and create measures to avoid attracting them, inclusive elders with their families, to the cities. They come in order to receive payments, all spend in the cities, where they do not even have a place to stay. In the case of the Yanomami the cost of air transportation is much higher than what they have to receive which often leads them into debt.

#### **22.2 Right to a proper food supply**

New

Brazilian Government should assure that indigenous peoples maintain their nutritious way of eating and take measures to avoid the increase use of industrial foods. The PNAEE program that obliges the government to buy 30% of school food from local farmers should be enforced in all Indigenous peoples' schools.

### **24. Right to Health and to Land**

New

Brazilian Government should ensure that SESAI enforces health treatment inside indigenous peoples territories, giving attention to prevention measures and reduce the removal of them to be treated in the cities, where they stay for too long and not rarely become sick of a different disease first acquired.

Brazilian Government should assure indigenous peoples receive health instructions and education enabling them to perform as health professionals.

Brazilian Government should assure that coordinators of Indigenous Peoples Health Programs be chosen by their technical capacity and not political appointment.

Brazilian Government should provide the Yanomami territory with a surveillance and monitoring permanent program to protect it against invasions by gold miners, fishermen, local peasants, farmers, loggers and others.

### **29. Discrimination against women**

Brazilian Government should provide reports about how women and children have been affected by the gold mining invasion of the Yanomami Territory.