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Statement on

THE RIGHTS OF THE INDIAN PEOPLES OF BRAZIL

by

The Indian Law Resource Center

Presented To The Working Group On Indigenous Populations
Of The United Nations

My name is Ana Valeria Araujo. I am a Brazilian lawyer representing the Indian Law Resource Center, and speaking on behalf of the Union of Indian Nations of Brazil (Uniao das Nacoes Indigenas-UNI). The information we are presenting is relevant to the "review of developments pertaining to the promotion and protection of human rights and fundamental freedoms".

Recently we returned from a visit to Brazil where we were able to visit some Indian communities and to talk with leaders from various parts of the country. What we were able to observe was extremely serious, and the present problems are very similar to those that affect Indian populations in various other countries. At the heart of the problem rests the government's failure to demarcate Indian lands which has incited all sorts of contrary interests leaving the Indians at their mercy.

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The most critical situation involves the Yanomami Indians, whose population in Brazil is about 9,000, known as the last major group who remain largely isolated.

A few years ago a case was brought on behalf of the Yanomami in the Inter-American Commission on Human Rights of the OAS. As a result, the Brazilian government agreed to demarcate the Yanomami lands, creating a park to protect them against invasions and disease. After some initial steps, the government reneged on its commitment and has, in fact, encouraged an invasion of the lands by thousands of gold miners during the past year.

In 1987 there were about 200 gold miners in the area. Today, it is estimated that there are more than 20,000 gold miners among the Yanomami. The discovery of great quantities of minerals in the region awakened great economic interest.

The situation became even worse last year because the government prohibited access to the area to everyone else, even removing a group of physicians ~~and missionaries~~ who were providing assistance to the Yanomami. The removal was supposed to take all non-Indians from the region, but the gold miners were allowed to stay.

Until August 1987 there were six physicians assisting the Yanomami. Today, the government has reduced that number to only two physicians who are assisting not only the 9,000 Yanomami but also more than 20,000 other Indians in the region.

It is well known that Yanomami contact with non-Indians can be devastating. Sometimes half of a community dies from epidemics of diseases such as a simple cold or measles. This is what the Yanomami now face.

Conflicts between Indians and gold miners are occurring with increasing frequency. The gold miners are armed, but the Yanomami must defend themselves with only bows and arrows. It is reported that at least five Yanomami ~~who~~ have been killed and *There are* rumors that many others have also been killed. One of the Yanomami killed was a girl only two years old who was shot while being held in her father's arms. Her father was seriously wounded by the same bullet. He was recuperating in a hospital when he informed us that a group of gold miners had attacked them when they were near his camp, shooting and beating many of the Indians and also destroying their food and belongings. The government has not yet taken any action in this case.

The ^{PRESENCE} ~~presence~~ of the gold miners in the region has created a very hostile, violent and lawless environment. *It is as if there is no existing law* The Indians are constantly threatened and attacked by non-Indians who count on the support or inaction of the police and other governmental authorities. One of the Yanomami who speaks Portuguese, and who is a leader and link between his people and the outside world has received so many death threats from gold miners that he has been hiding in the forest since November 1987.

We heard from a Yanomami source that the gold miners are not only invading their land and killing their people, but also that they are polluting the rivers with mercury. Mercury is very poisonous and can cause birth defects. The Yanomami take fish and water from the rivers without even knowing whether it is contaminated. The rivers are also polluted with oil, mud and mineral wastes.

It has become clear that economic greed has resulted in the most serious violations of the rights of indigenous populations throughout the world. The rights and even the lives of Indians are often considered insignificant in comparison to those interests.

As we can see, in Brazil violations of indigenous land rights is a very serious problem. The seriousness of the situation is made worse by lawless conduct ~~by~~^{of} the government. It appears to us that government authorities are impassively watching killings, threats, assaults and invasions of Indian lands. This is a problem facing not only the Yanomami but all the Indian people of Brazil.

An example involves the Macuxi Indians who live near the Yanomami in the most northern region of Brazil. Their lands have not yet been demarcated. As a result, the Macuxi have been victims of violence designed to deprive them of the lands on which they live. Ranchers in the region hire gunmen to destroy houses and farms and to kill if necessary. With the cooperation of the local courts, and using "legal" procedures, the ranchers have acquired title to the Indian lands, using the legal fiction that they were vacant lands. This practice is common also in other countries, especially in Latin America. ~~Recently~~ With the help of the police, the ranchers enforce their "rights", prohibiting the Indians from using the lands that they, the Indians, have used for subsistence activities from time immemorial. In one incident last year, 112 Indians were arrested because they were trying to use their own lands to raise cattle. Incidents such as this have become very common.

The Macuxi have been arrested and prosecuted countless times.

We were able to travel to some villages and to talk with some chiefs or "Tuchauas" and to see this situation ourselves. The Macuxi are being restricted to very small areas of their own lands, where they are barely able to survive. There is constant fear of repression and retaliation. The government stands aside and leaves them unprotected.

These same, serious problems are being experienced by the indigenous populations of Acre in the extreme west of the country. In March of this year, about 10 Ticuna Indians were killed and about 20 others wounded in retaliation against the peaceful removal of lumbermen from Indian lands.

Another alarming situation involves health and medical assistance. In many Indian communities, the government refuses to control increasing, disorderly contact between Indians and non-Indians. The result is an enormous risk of contagion. At the same time, the government does not provide, and in some cases refuses to provide, necessary medical assistance.

~~It is a result,~~ Indians are daily dying because of lack of medical care. From our observations, this is not due to a lack of governmental resources. There are resources, although limited, but the government deliberately refuses to provide them to Indians .

When medical assistance is provided, many times it is not helpful at all, and, instead, makes the situation worse. Governmental medical facilities normally put Indians in contact with various diseases, resulting in more infection. Patients with a simple cold, tuberculosis, measles or leprosy are all mixed together in the same treatment facility. When Indians come to the facilities looking for medical assistance, they frequently return to their communities infected by other diseases that have fatal consequences for the communities.

We received testimony about involuntary sterilization of Indian women, vaccination programs that are begun but not completed, discriminatory treatment by hospitals and physicians, and other serious problems. All of the testimony seems to confirm this main point: the lawless and sometimes illegal conduct of the government. Almost all of the Indian people share the opinion that the problems they face are part of a government plan to slowly exterminate them, ^{that} the government intends to reduce the Indigenous population. This is such a widely held sentiment, from many different sources, that we must give it some credence.

In certain circumstances, Indian rights can be protected through provisions of national constitutions. We can say that Brazil has taken some positive steps in this respect. Recently the Constituent Assembly approved an Indian Chapter for the new Brazilian constitution. However, it is seriously deficient.

First, the Chapter does not recognize all Indian rights. For example, the right to land is not fully recognized, and the prohibition against removal of Indians from their lands is still conditioned on the interests of "national sovereignty." There is great concern about how to guarantee that the Indian Chapter will be enforced. The Brazilian government has so far failed to enforce the present laws for the protection of Indians. Something must be done to guarantee that the rights recognized in the Chapter will be respected.

From what we have observed in Brazil, we are able to conclude that these problems are not likely to be resolved internally. As in other countries, the government of Brazil will not change its attitude voluntarily. Governments will not change their attitudes unless the international community focuses its attention on the problems that result from those attitudes. It is necessary to give urgent attention to the problems in Brazil and in other countries.

Therefore, we ask this body to make all possible efforts to end the types of abuses we have reported here.

Thank you.
