

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

The Yanomami People¹ is the largest indigenous people living with less contact with national societies for whom land and health have been vital issues². 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 side³. It was widely known⁴ and there was an international campaign for their survival. The 1993 Haximu Community massacre⁵ 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.⁶

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 illegal gold mining businessmen⁷.

Today there are less gold miners inside the Yanomami area at the Brazilian side but they are more organized and inter connected thus the lethality of their operation is the same. Federal Police operations, Xawara in 2012⁸ and Warari Koxi, in 2015⁹, 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 them¹⁰. 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 operation¹¹.

Yanomami environment is degrading, the forest they depend upon devastated, their rivers polluted, their women and children mercury poisoned, and there is not one person convicted by such crimes. Gold mining is the genocide of the Yanomami People.¹²

¹ <http://pi.b.socioambiental.org/en/povo/yanomami/569>

² <http://www.cidh.org/annualrep/84.85eng/brazil7615.htm>

³ http://anthroniche.com/darkness_documents/0399.htm

⁴ <http://www.nytimes.com/1989/12/24/world/for-an-amazon-indian-tribe-civilization-brings-mostly-disease-and-death.html>

⁵ <http://www.proyanomami.org.br/frame1/ingles/massacreHX.htm>

⁶ https://en.wikipedia.org/wiki/Haximu_massacre

⁷ <http://www.bbc.com/news/world-latin-america-18839464>

⁸ <https://forestrivers.wordpress.com/2012/08/01/miners-ask-to-leave-the-regionyanomami/>

⁹ <http://agenciabrasil.ebc.com.br/en/direitos-humanos/noticia/2015-05/federal-police-clamp-down-illegal-mining>

¹⁰ <http://www.theglobeandmail.com/news/world/the-lust-for-gold-in-the-amazon/article29758670/>

¹¹ <http://assets.survivalinternational.org/documents/1261/hutukara-statement-engl.pdf>.

¹² <http://www.counterpunch.org/2010/02/26/the-life-and-death-struggle-of-the-yanomami/>

It is big business too¹³. 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 Roraima¹⁴."

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 rainforest¹⁵. Illegal gold mining is also hugely affecting the Yanomami in Venezuela.¹⁶

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 consequences¹⁷. 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 Ye'kuana Association, found that over 90% of the Indians in one region are severely affected. More can be seen in the link bellow ¹⁸.

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. ¹⁹

¹³ <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/>

¹⁴ <http://globalinitiative.net/organized-crime-and-illegally-mined-gold-in-latin-america/>

¹⁵ <https://www.lrwc.org/brazil-death-threats-against-indigenous-leader-mr-davi-kopenawa-letter/>

¹⁶ <https://www.theguardian.com/global-development/2016/apr/07/illegal-gold-mining-drives-human-rights-abuses-in-latin-america-claims-giatoc-study>

¹⁷ <http://www.forbes.com/sites/kitconews/2014/09/10/illegal-gold-miners-in-brazil-destroying-amazon-indigenous-tribes-at-risk/#4a565cd2e70c>

¹⁸ <https://www.youtube.com/watch?v=kGmmgv7Q7GI>

¹⁹ <http://www.survivalinternational.org/news/11182>

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 service²⁰. 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"*.²¹

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 their 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."*²²

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.²³

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 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.

²⁰ <http://www.coha.org/the-yanomami-malaria-genocide-and-policy-prospects/>

²¹ <http://www.ipsnews.net/2013/06/healthcare-for-native-people-in-brazil-is-ailing/>

²² http://www.scielo.br/scielo.php?pid=S1413-81232016000501597&script=sci_arttext&tlng=en

²³ www.yanomami-hilfe.de/en/2012/06/25/letter-from-davi-yanomami-shaman-hutukara-to-the-new-brazilian-president-dilma-roussef/

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 to be equal to formal education in order to indigenous peoples individuals be able to be paid 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 police investigations against gold miners and investors have opened compared to how made claims the Federal Police have received. It should also show how many have become judicial procedures and if there are convictions regarding crimes against the Yanomami and Ye'kwana and their environment. The report should show how long these procedures have taken and how effective they are.

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 government 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 feeding and take measures to avoid the increase use of industrial foods. The PNAE 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 receive treatment 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 continuous health instructions and education enabling them to perform as health professionals.

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

Brazilian Government should provide the Yanomami territory with a permanent 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 are affected by the gold mining invasion of the Yanomami Territory, including with the increasing of sexual diseases.