

**Cultural Survival**

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States.

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**Call for input on the impact of toxics on Indigenous Peoples**

*Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes*

**Questions**

1. Are Indigenous communities in your country suffering from the adverse effects of hazardous substances and toxic wastes? Please describe the case and circumstances of these effects in detail, including the source of the toxic exposure, the types of hazardous substances Indigenous peoples are being exposed to, the degree of government and company consultation and consent to relevant activities, as well as any efforts made by the government and companies to provide effective remedies.

2. What are the adverse impacts of toxic and hazardous waste on Indigenous communities’ collective and individual rights, such as their rights to lands, resources, culture, health, livelihood, political and economic involvement, etc.?

The small Yanomami village of the Kayanaú community, near the Mucajaí River in the Rio Negro basin, numbers about 200 people who are dealing with a contingent of more than 1,600 illegal gold prospectors on their lands.

Yanomami associations are raising the visibility of this issue and have collected more than 439,000 signatures from people in Brazil and abroad in a petition demanding the removal of 20,000 illegal prospectors in the Yanomami territories.

The mining, beyond causing the degradation of rivers and forests, and undermining the land and resource rights and protections of Indigenous Peoples, has caused serious health issues and rights violations for communities near and far. The miners, prospectors and their entourage are the main sources of transmission of the novel coronavirus, and other diseases, such as STDs and the flu. A total of 1,202 Yanomami were infected by COVID-19 and 23 have died, according to a report produced by the Yanomami and Ye'kwana Leadership Forum.[[1]](#footnote-0)

The lands of the Yanomami are located in two states in the north of the country, Roraima and Amazonas. They are neighbors to the territories of the Munduruku and Kayapo Peoples, who are also facing a systematic invasion of their lands and are endangered by genocide and unprecedented environmental impacts.

The Munduruku People, with a population of approximately 14,000[[2]](#footnote-1) living in three states, have 442 authorized and unauthorized mining sites on their territorities without the Free, Prior and Informed Consent of impacted Peoples.[[3]](#footnote-2)

Illegal activities in the Amazon have had serious health consequences for Indigenous Peoples and others who depend on the forest. The cultural and biological integrity of Yanomami, Munduruku, and all Indigenous Peoples is dependent upon the ecological integrity of their living environment.[[4]](#footnote-3)

The Amazon Network of Georeferenced Socio-Environmental Information, or Raisg, in their report entitled “Looted Amazon,” shows that there are more than 2,500 mining sites in the Amazon region, comprising areas in Bolivia, Brazil, Ecuador, Peru and Venezuela.[[5]](#footnote-4) The report also shows the general routes going in and out of mining areas in the region as well as the rivers and Indigenous lands impacted by illegal practices.

The Mercury Observatory[[6]](#footnote-5) reveals that illegal mining is common throughout the South American Amazon. The database brings together 40 years of studies on mercury poisoning in the Amazon, actions by the Federal Public Ministry (MPF), deforestation, and contamination of people and fish. In Brazil, mining occurs on Munduruku, Kayapó, Yanomami, and Xikrin do Cateté Lands. The river is central to these Indigenous Peoples’ way of life.[[7]](#footnote-6) In one case, around 2010, the Xikrin community living along the Cateté River, observed extensive contamination symptoms, including changes in the population of fish upon which they subsisted, headaches, skin conditions, food poisoning, and high rates of birth defects.

Patkore Kayapo, a Mebemgroke People’s representative, and Bekwaja Kayapo, another local leader, repeated one sentence almost in unison: “Study us, we are poisoned.”[[8]](#footnote-7) The mercury surpasses their territories, traveling in fish brought to a regional market; thus demands for Indigenous rights are in service of protecting people in urban areas in the eastern Amazon, where the fish are sold, as well.[[9]](#footnote-8)

In November 2020, journalist Alden Bourscheidt reported, "[a]ll the indigenous people of three Munduruku villages in Pará are contaminated by mercury from mining."[[10]](#footnote-9) In November 2020, Fiocruz, a government agency dedicated to global health research, published a study analyzing mercury contamination among the Munduruku People.[[11]](#footnote-10) All participants were contaminated, with about 60% having levels over what is considered safe. Contamination was greater in areas “most impacted by mining,” where 90% of people had “a high level of contamination.” About 16% of children were found to be affected neurodevelopmentally. 96% of community members eat fish regularly, and 100% of sampled fish were contaminated. The same study estimated that participants consume 4-18 times the safe mercury levels established by the US Environmental Protection Agency.[[12]](#footnote-11)

In April 2021, Cássio Beda, environmentalist and long-time activist against mining in Indigenous lands, died of mercury poisoning.[[13]](#footnote-12) He had spent a lot of time with the Munduruku People and was poisoned by the mercury dumped in the Tapajós River.[[14]](#footnote-13) UN human rights experts subsequently expressed concerns over mercury contamination on Amazonian Indigenous lands, noting that “[i]llegal mining activities and associated mercury pollution threaten the health, water, and food sources of the Munduruku and Yanomami Indigenous Peoples.”[[15]](#footnote-14)

Health concerns are even greater among children than among adults; mercury directly affects the central nervous system, still developing in those under five years of age, and the brain of fetuses still forming in the mother's womb. A study conducted by Fiocruz and the NGO WWF found that 40% of children in three villages surveyed had high mercury concentrations. The study also evaluated 89 children 0-9 years old. Fifty-seven underwent neurodevelopmental assessment and, of these, nine had problems in language development, fine motor skills, and gross motor skills. This is high considering the size of the community.[[16]](#footnote-15)

Toxic waste resulting from mining also has a deleterious effect on spiritual and cultural health, with disproportionate impacts on women and children, violating UNDRIP Articles 7, 21, and 22, and AMDRIP Articles 7 and 17. Children can no longer play in the river, an important cultural relationship, as it is unsafe for them to do so. The rivers and forests, now contaminated, are sacred aspects to Munduruku cultural and spiritual life. Munduruku woman and mother Aldira Munduruku says, “‘Everything that lives in the [forests and rivers] is sacred to us...If what is in your land dies, spirituality and culture are also threatened. Without health, without sustenance, without culture, how can indigenous populations and their children survive?”[[17]](#footnote-16)

Under the Bolsonaro government, these situations have been exacerbated, as the administration had dramatically cut the budgets ofGiven this situation, protection agencies such as FUNAI (the National Indian Foundation), the federal police, and IBAMA–the federal agency of monitoring and protection of the environment–have seen their budgets cut dramatically. In the case of FUNAI, its mission has been changed profoundly, “from an Indian affairs agency to a State agency against Indigenous Peoples,” as described by Alessandra Munduruku, an Indigenous activist from the Munduruku People.

This land-grabbing, invasion, exploitation, and inefficiency of the Brazilian State violates the UNDRIP by failing to ensure the Free, Prior and Informed Consent of impacted Peoples. These land rights violations bring concomitant, systemic negative outcomes and rights violations for Indigenous Peoples, including violating the right to physical health and to cultural, spiritual, and mental wellbeing, economic livelihoods, and related rights.

1. "Yanomami Sob Ataque: Garimpo ilegal na Terra Indígena Yanomami e propostas para combatê-lo. <https://acervo.socioambiental.org/acervo/documentos/yanomami-sob-ataque-garimpo-ilegal-na-terra-indigena-yanomami-e-propostas-para> [↑](#footnote-ref-0)
2. “Munduruku”. *Povos Indígenas No Brasil,* [https://pib.socioambiental.org/pt/Povo:Munduruku#Localiza.C3.A7.C3.A3o\_e\_popula.C3.A7.C3.A3o](https://pib.socioambiental.org/pt/Povo%3AMunduruku#Localiza.C3.A7.C3.A3o_e_popula.C3.A7.C3.A3o) [↑](#footnote-ref-1)
3. O Globo. “Explosão do garimpo em terra indígena deixa 4 lições sobre como a devastação avança na Amazônia”. https://g1.globo.com/natureza/amazonia/noticia/2021/06/27/munduruku-explosao-do-garimpo-em-terra-indigena-deixa-4-licoes-sobre-como-a-devastacao-avanca-na-amazonia.ghtml [↑](#footnote-ref-2)
4. Westra, Laura. *supra note 1.* [↑](#footnote-ref-3)
5. Amazonia socioambiente. <https://garimpoilegal.amazoniasocioambiental.org/?lang=pt> [↑](#footnote-ref-4)
6. The Mercury Observatory. <https://panda.maps.arcgis.com/apps/webappviewer/index.html?id=e6717bfa09504157b187e076f79e1d0e&extent=-10897572.6347%2C-2120803.93%2C-5702300.6962%2C877973.5636%2C102100>. [↑](#footnote-ref-5)
7. Naira Hofmeister and José Cícero. ‘‘’The river is dead’: is a mine polluting the water of Brazil’s Xikrin tribe?”, *Publica* (15 May 2018), <https://apublica.org/2018/05/the-river-is-dead-is-a-mine-polluting-the-water-of-brazils-xikrin-tribe/> > [↑](#footnote-ref-6)
8. Krenak, Edson and Landgraf, Luciana. “Study us, we are being poisoned: Indigenous rights, deterritorialization, and engaged anthropology”. T*he Anthropologist from the 'South': New Collaborative Directions beyond Radical Alterity. Association of Social Anthropologists of United Kingdom.* ASA March/2021. (Conference). <https://nomadit.co.uk/conference/asa2021/paper/60574>. [↑](#footnote-ref-7)
9. Krenak, Edson and Landgraf, Luciana. “Study us, we are being poisoned”: Indigenous rights, deterritorialization, and engaged anthropology”. T*he Anthropologist from the 'South': New Collaborative Directions beyond Radical Alterity. Association of Social Anthropologists of United Kingdom.* ASA March/2021. (Conference). <https://nomadit.co.uk/conference/asa2021/paper/60574>. [↑](#footnote-ref-8)
10. Aldem Bourscheit. “Todos los indígenas de tres aldeias Munduruku estão contaminados.” <https://infoamazonia.org/2021/11/26/todos-os-indigenas-de-tres-aldeias-munduruku-no-para-estao-contaminados-por-mercurio-do-garimpo/>. [↑](#footnote-ref-9)
11. “Estudo analisa a contaminação por mercúrio entre o povo indígena munduruku”, *Fiocruz*  <https://portal.fiocruz.br/noticia/estudo-analisa-contaminacao-por-mercurio-entre-o-povo-indigena-munduruku> > 26 November 2020, [↑](#footnote-ref-10)
12. United States Environmental Protection Agency. *“*Health effects of exposures to mercury”, <https://www.epa.gov/mercury/health-effects-exposures-mercury>.

3/24/22 [↑](#footnote-ref-11)
13. ‘Morre o ambientalista Cássio Beda, “Vítima do mercúrio dos garimpos ilegais na Amazônia”, *Brasil Amazonia Agora* (12 April 2021), <https://brasilamazoniaagora.com.br/morre-o-ambientalista-cassio-beda-vitima-do-mercurio-dos-garimpos-ilegais-na-amazonia/>. [↑](#footnote-ref-12)
14. *See* <https://www.youtube.com/watch?v=7e5XQ_DXUaU&t=1s&ab_channel=Vin%C3%ADciusBarros> [↑](#footnote-ref-13)
15. United Nations Office of the High Commissioner for Human Rights. “Brazil: UN experts deplore attacks by illegal miners on indigenous peoples; alarmed by mercury levels”, (2 June 2021), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27134&fbclid=IwAR3yRDRetEOQ5P_aKInA7PLN0yeu58psY9nbd5TasNZORLGSdIcWBX_EG4Q>. [↑](#footnote-ref-14)
16. “Estudo analisa a contaminação por mercúrio entre o povo indígena munduruku”, *Fiocruz*, (Nov. 26, 2020), <https://portal.fiocruz.br/noticia/estudo-analisa-contaminacao-por-mercurio-entre-o-povo-indigena-munduruku> > [↑](#footnote-ref-15)
17. "As infâncias indígenas sob ameaça do garimpo ilegal na Amazônia.” *Lunetas.com,* (Feb. 20,2022) <https://lunetas.com.br/garimpo-ilegal-amazonia-criancas>. [↑](#footnote-ref-16)