



Foto: Agência Brasil/Wikipedia

Representantes indígenas acompanham julgamento sobre a demarcação contínua da TI Raposa Serra do Sol

Illegal mining on the Raposa Serra do Sol indigenous land (RR)

DATE

22/12/2011

DISTRICT

RR - Normandia
RR - Pacaraima
RR - Uiramutã

LATITUDE

-

LONGITUDE

-

SUMMARY

The Raposa Serra do Sol indigenous land lies in an area rich in minerals in Roraima. There, the Indians practice traditional activities, such as fishing and crop. However, there are records of gold and diamond prospecting activities in the region, an illegal practice that has consequences for the environment.

CASE DESCRIPTION

The Raposa Serra do Sol Indian Reserve lies on the border of Roraima with Venezuela and British Guiana, and includes the municipalities of Pacaraima, Uiramutã, and Normandia. Together, they add up to a vast expanse of land, totalling 1.7 million hectares — 7.7% of the Roraima State — covering the Serra da Raposa area up to Serra do Sol, hence the name "Raposa Serra do Sol". The reserve is the State's second in extension and the most populous. There are 17,000 Indians, whose ethnic origins are varied. In all, there are five ethnic groups: Macuxi, Wapixana, Ingarikó, Taurepang and Patamona. With different languages, customs and traditions, conflicts and disputes within the reserve are common (COSTA, 2009).

Besides being the world's second largest uranium reserve, the region is very rich in minerals and metals. Tin, diamond, amethyst, kaolin, zinc, copper, gold, diatomite, barite, molybdenum, titanium, niobium and limestone are some of the examples found there (COSTA, 2009).

The Indians from Raposa Serra do Sol live on traditional economic activities, such as hunting, fishing, fruit picking and collecting products used in the construction of their homes and for their survival (SILVA; BRAGA, 2011).

Due to mining and deforestation caused by rice-growing

farms, there was a decrease of animals in the region, a fact which reduced hunting among the Indians a lot. Therefore, livestock and raising of chickens, fish, pigs and other animals have become an increasingly common habit, a practice that is considered a white influence. They also practice gold and diamond manual extraction, which is carried out illegally, because they only have land ownership. To extract mineral wealth, they need authorization of the Union. Many non-governmental organizations (NGOs) sponsored by foreign countries are operating in the region for environmental protection and indigenous rights. However, their presence raises some suspicion, since the reserve is not only rich in minerals, but also in fauna and flora (SILVA; BRAGA, 2011).



Foto: Mario Sarto/Wikipedia

Diamantes

The process for reserve demarcation, which began at the end of the 1970s, was troubled and time-consuming (COSTA, 2009). There was an intense debate on how the demarcation would be carried out: whether by Islands, preserving the areas of rice-growing and other farms, or continuously, making everything a great indigenous land, encompassing the lands of squatters, prospectors and rice farmers of the region. In the island model, the goal was to allow contact between Indians

and non-Indians, ensuring trade and exchanges between them, and also to avoid reducing the State's productive activities, since the region has rich subsoil and arable land, especially for rice. The islands would permit greater access on the part of the State and the permanence of the population residing there (SILVA; BRAGA, 2011).

Many organizations were against the island model, since they considered that this kind of demarcation made the Indians' access to rivers and hunting areas difficult, and thus they fought for the continuous demarcation. The occupation by non-Indians was justified not only by the argument that the region would develop economically, but also for the defense of national sovereignty, since their stay would not only make the area more inhabited, but would facilitate access in case of defense of frontiers as well (SILVA; BRAGA, 2011).

The Government of the State of Roraima filed several lawsuits in order to prevent the continuous demarcation of the land, and created the municipality of Uiramutã, in 1995, in the central area of the reserve. The town was established in an old mining village which was practically abandoned (LAURIOLA, 2003).

In 2005, however, a decree of the President of the Republic, Luiz Inácio Lula da Silva, approved the region under the model of continuous demarcation. Since then, the negotiation process for the removal of non-Indians from the area started (SILVA; BRAGA, 2011). The approval was subsequently backed by the Supreme Court (STF) on March 20, 2009. The Supreme Court determined that the reserve should be established in the continuous model, a victory for the Indians, but established 19 conditions in return. These conditions can open legal prerogative to change the way they do the demarcations and approvals of indigenous lands in Brazil (SUSUKY, 2009).



One of the Supreme Court's most polemic restrictions was to determine that the Indians would not need to be consulted in case there was interest in the use of natural resources in their areas. The measure is controversial because Brazil has adopted the standards of the Convention No. 169 of the International Labor Organization (ILO), of which it is a

member. One of them establishes the duty to consult the Indians in advance, in case there is the intention to explore the riches of their land (SUSUKY, 2009).

Another is the impossibility to review the lands demarcated before 1988, when the Constitution was promulgated, which included indigenous rights. There are cases where the demarcation does not conform faithfully to the natural configuration of occupation of the indigenous communities, which is always a cause for claim and debate by the Indians. Still, the decision to recognize the homologation of the Raposa Serra do Sol Indigenous Land under the model of continuous demarcation, extending its limits, was considered an undeniable victory for the indigenous movement. For 30 years, these lands were the target of violent disputes between Indians and major producers of rice, especially (SUSUKY, 2009).

The delay in the Raposa Serra do Sol homologation and the indecision about the demarcation model may have contributed, above all, to the human and environmental impacts in the region. According to an assessment made by the Indigenous Council of Roraima (CIR) in 2003, this delay may have worked as an incentive for the return of prospectors to the Maú River, located on the border of Guyana and Venezuela. The mining-support base, according to CIR, would have gained strength in groups enemies of the Indians, which at that time, supported the demarcation under the island model. Politicians, farmers, rice planters and the military intended to exclude from the demarcation areas the villages of Socó, Uiramutã, Água Fria, Surumu and Mutum, besides its rice crops, roads, municipal headquarters and the farms entitled by Incra. It would be a way to ensure their possessions and in situ presence. According to CIR's evaluation, however, these villages may have been mainly responsible for the prospectors' return to Raposa Serra do Sol, since they acted as a supply spot. The presence of mining ferries in the surroundings of the villages would be the proof of that (CIR, 2003a).

Regardless of how the reserve had been demarcated, there is lack of legislation that specifically deals with the mining activity on indigenous lands. Currently, prospection is subject to authorization by the Brazilian State, and not even the Indians are allowed to exploit, except when authorized (POVOS INDÍGENAS NO BRASIL, 2011).

The Constitution of 1988 maintained the Indians' exclusive use of soil resources. This right is also expressed in The Indian Statute, in article 39, which reiterates the exclusive use and also in article 44, which determines that the riches of the soil in indigenous areas can only be explored by the Indians themselves, who have the exclusive exercise of mining, panning and picking. Article 45 also specifies that the Indians should not only participate in prospection but should also be included in the division of wealth (ESTATUTO DO ÍNDIO, 2011).



Foto: FUNAI

Cartaz do simpósio realizado para discutir a demarcação da TI Raposa Serra do Sol

The legislation on mining and prospecting is not the same. A specific article is dedicated to each one. Mining is regulated by article 231, paragraph 3 of the Constitution, whereas prospecting is referred to in paragraph 7, in which the possibility of gold prospecting by a third party on indigenous lands is excluded. The constitutional rules laying down specific conditions for mining on indigenous lands - necessity of National Congress authorization, consultation with the affected communities and their participation in the mining outcome – do not apply to gold prospecting by the Indians (POVOS INDÍGENAS NO BRASIL, 2011).

The conditions for the practice of mining activities by the Indians themselves should be edited by the public authorities. To this end, the Federal Government issued a decree on September 17, 2004, creating an Operational Group responsible for overseeing and curbing mineral exploitation on indigenous lands located in the States of Rondônia and Mato Grosso. The measure will last until that matter is regulated by law, pursuant to article 231, paragraph 3 of the Constitution (POVOS INDÍGENAS NO BRASIL, 2011).

This is a confusing issue, since the Indians cannot be prevented from exercising a legal right (to the exclusive use of their natural resources and to gold prospecting, panning and picking, activities allowed by the Constitution and by the current Indian Statute). Nevertheless, there is no clarification on the procedures and requirements that indigenous communities must meet when applying for mining authorization to public authorities (POVOS INDÍGENAS NO BRASIL, 2011).

Until there is a specific legal regulation for gold prospecting on indigenous lands, made by the Indians themselves, experimental prospecting projects in these sites should be subject to ad hoc authorizations granted by the National Department of Mineral Production (DNPM), on a case-by-case basis. In addition, during the legal proceedings, the environmental agency should be heard, in accordance with relevant legislation, as well as the indigenous body about the possible impacts of the gold prospecting project on the indigenous community (POVOS INDÍGENAS NO BRASIL, 2011).

Some congressmen from the State of Roraima accused the indigenous policy of being inefficient and the non-governmental organizations of being corrupt, but they also claimed that there is omission of public authorities in relation to indigenous peoples. According to them, these three factors would lead to: "indigenous association with miners", misery of indigenous peoples, and blockade of the development of the State. They advocate the exploitation of mining on Indian lands, according to a Bill which is under discussion in the Chamber of Deputies. In relation to the constitutional forecast, the indigenous peoples should be consulted about mining on their land, giving their prior authorization. In places where there are isolated Indians, mining activities would remain prohibited (CAPIBERIBE, 2011).

In Raposa Serra do Sol, the mining activity was suppressed by a special operation organized by the Federal Police and the army in 2009. The operation was named Golden Shield, and had repercussions in the press, highlighting that mining provides livelihood for indigenous families but the activity also brings the inevitable danger of deforestation (RAMOS, 2011).

At the time, the president of the Uiramutã Municipal Council, Councilor Milton Dário, confirmed the practice of mining among the Indians, and admitted that the activity was one of the ways for the local population to ensure its survival: "50 families live off the mining activity in the Mutum region and in the Flexal community". The Indians themselves admitted the importance of gold prospecting to the population of the reserve. There are reports that gold and diamond mining supported at least 72 families in the Flexal area. At the time, the Secretary of State of the Indigenous Peoples of Roraima, Jonas Marcolino, also confirmed the existence of mines in the reserve, and defended the activity as a means of survival for the communities. "Gold prospecting is a means of survival like any other carried out by indigenous peoples, such as hunting and fishing, for example" (RAMOS, 2011).

The Indians complained about the way the operation was put into practice and reported that not only their prospecting instruments were broken and burned, but also some kitchen utensils. On the occasion, the Indians explained that gold prospecting was done in the Sol stream, and that all the equipment used was of indigenous property, purchased with their money and work. According to reports at the time, on average five Indians prospected on the river daily. The profit, according to them, was shared by all the Indians, after withdrawing the resources for equipment maintenance and fuel acquisition. About five grams of gold were prospected weekly (CORREIA, 2009).

The issue of mining in the reserve gets even more complex by the presence of prospectors from outside of the region — maps of the Brazilian Institute of Geography and Statistics (IBGE) produced in 2005 indicated the existence of 26 active diamond mining areas within the reserve (COSTA, 2008). In addition to the Indians themselves, there have been reports of non-Indian men and even foreigners practicing the activity in

the reserve (TRAJANO, 2009).

According to Police Chief Alan Gonçalves of the Police Department of Repression of Crimes Against the Environment (Delemaph), in 2009, some foreigners were removed from the area of the reserve, including four Europeans and an Asian, all suspected of being linked to extraction activities. At the time, they said they were missionaries, but owned suspicious instruments and tools and did not have legal authorization to circulate in the indigenous region (TRAJANO, 2009).

As a border zone, with countries of different legislation, repression to prospecting on indigenous lands becomes even more difficult. In 2003, for example, when a group of miners was spotted in the Maú river, one of the prospection areas in the reserve, the group was soon placed on the left bank of the river, on the Guyana side – country where extraction is permitted by law. Despite being Brazilian, they continued prospecting and mining gravel across the river, using the village of Uiramutã as a fulcrum to supply the goods necessary for the illegal activity they were engaged in (CIR, 2003b).

At the time, CIR, through its legal counsel, reported environmental crimes to: Funai, The Public Prosecutor's Office, the Brazilian Institute of Environment and Renewable Natural Resources (Ibama) and the Federal Office of Agriculture. It was expected that the tuxauas would get together with the macuxi leaders, from Guyana, to discuss monitoring the presence of prospectors in Brazil and in Guyana, in accordance with an agreement signed between the villages to restrain gold prospecting in the region (CIR, 2003b).

Indians often do "patrols" against miners in areas of the reserve, mainly at the places closer to the border with British Guyana and Venezuela, where the activity continues to be exercised. Communities that live there take turns in patrolling areas, hoping to combat prospecting. The constant supervision of the Indians contrasts with the fact that there are cases in which they themselves work and pan for the white man – and even for themselves, as it has already been exposed. In the region of Urucá, near the town of Uiramutã, up to three grams of gold are prospected per day, the equivalent to R\$ 120.00 – an activity that, for the Indians, becomes a lot more profitable than working on farms (CARNEIRO, 2008).

The Uiramutã prospecting site is close to Urucá Falls, one of Roraima's most beautiful sightseeings. The damage to the landscape and to the environment is already visible (FATO REAL, 2009).

The lack of legislation on prospecting in indigenous areas, whether practiced by the indigenous people themselves or by white men, has inspired the drafting of a Bill, which provides the transfer of at least 4% of the revenue from mining activities to indigenous communities (COSTA, 2008).

GEOGRAPHIC LOCATION

BIBLIOGRAPHIC REFERENCES

- CARNEIRO, Fausto. Índios fazem 'patrulha antigarimpo' na Raposa Serra do Sol. In: G1, Globo.com, 01 jan 2008.
Disponível em:
<http://g1.globo.com/Noticias/Brasil/0,,MUL741085-5598,00-INDIOS+FAZEM+PATRULHA+ANTIGARIMPO+NA+RAPOSA+SERRA+DO+SOL.html>. Acesso em: 22 dez. 2011.
- CAPIBERIBE, Janete. Deputados cobrarão do Governo medidas para estrangular garimpo ilegal na Terra Yanomami. Amapá, 28 out 2011.
Disponível em:
<http://www.correaneto.com.br/site/?p=16247>. Acesso em: 22 dez. 2011.
- COSTA, Breno. Reserva abriga 26 áreas de garimpo ilegal de diamante. Folha de São Paulo, São Paulo, 29 ago. 2008.
Disponível em:
<http://www1.folha.uol.com.br/fsp/brasil/fc2908200802.htm>. Acesso em: 06 ago. 2013.
- COSTA, Lucio Augusto Villela da. A exploração ilegal dos minérios na Reserva Indígena Raposa Serra do Sol. In: Âmbito Jurídico, Rio Grande, n. 71. Rio Grande, 01 dez. 2009.
Disponível em:
http://www.ambito-juridico.com.br/site/index.php?n_link=revista_artigos_leitura&artigo_id=6974. Acesso em: 22 dez. 2011.
- CORREIA, Cyneida. Direito amazônico. Garimpos foram destruídos com granadas. Boa Vista, 15 out. de 2009.
Disponível em:
http://direitoamazonico.blogspot.com/2009/10/indigena-garimpo_15.html. Acesso em: 22 dez. 2011.
- CIR, Conselho Indígena de Roraima. Demora na homologação favorece retorno de garimpeiros à Raposa Serra do Sol. Roraima, 27 maio 2003a.
Disponível em:
http://www.fase.org.br/v2/admin/anexos/acervo/17_homologacao.pdf. Acesso em: 22 dez. 2011.
- _____. Flagrante: documentados crimes ambientais na terra indígena Raposa Serra do Sol. Roraima, 29 abr. 2003b.
Disponível em:
<http://www.cir.org.br/portal/?q=node/75>. Acesso em: 22 dez. 2011.
- ESTATUTO DO ÍNDIO.
Disponível em:
http://www.planalto.gov.br/CCivil_03/LEIS/L6001.htm. Acesso em 22 dez. 2011.
- FATO REAL. Turistas denunciam garimpagem na Cachoeira do Urucá. Roraima, 28 set. 2009.
Disponível em:
<http://www.fatoreal.blog.br/geral/raposa-serra-do-sol-turistas-denunciam-garimpagem-na-cachoeira-do-uruca/>. Acesso em: 22 dez 2011.
- LAURIOLA, Vincenzo. Ecologia global contra diversidade cultural? Conservação da natureza e povos indígenas no Brasil: O Monte Roraima entre Parque Nacional e terra indígena Raposa-Serra do Sol. Ambient. soc. vol.5, n.2, pp. 165-189, 2003.
Disponível em:
<http://www.scielo.br/pdf/asoc/v5n2/a10v5n2.pdf>. Acesso em: 06 Jun. 2013.
- POVOS INDÍGENAS NO BRASIL. Garimpagem pelos próprios índios. Instituto Socioambiental, 2011.
Disponível em:
<http://pib.socioambiental.org/pt/c/terras-indigenas/atividades-economicas/garimpagem-pelos-propios-indios>. Acesso em: 22 de dez. 2011.
- RAMOS, Wirismar. Escudo Dourado – Exército e PF contra garimpos ilegais em áreas indígenas. In: Fato Real.
Disponível em:
<http://www.fatoreal.blog.br/geral/escudo-dourado-exercito-e-pf-contr-garimpos-ilegais-em-areas-indigenas/>. Acesso em: 22 de dez. 2011.
- ROSENFELD, Denis Lerrer. Estado de Direito e questão indígena. O Estado de São Paulo, São Paulo, 12 set. 2011.
Disponível em:
<http://www.estadao.com.br/noticias/impreso,estado-de-direito-e-questao-indigena,771265,0.htm>. Acesso em: 22 de dez. 2011.
- SILVA, Luis Cláudio; BRAGA, Yaharra da Costa. Terra indígena Raposa Serra do Sol. As estratégias das ONGs indígenas no setentrão brasileiro. Revista de Administração de Roraima. Roraima, Ed. 1, v. 11, p. 121-144, 2011.
Disponível em:

<http://ufr.br/revista/index.php/adminrr/article/viewFile/579/596>. Acesso em: 22 de dez. 2011.

SUSUKY, Natália. As condições da Raposa Serra do Sol. *Le Monde Diplomatique*, 24 mar. 2009.

Disponível em:

<http://diplo.wordpress.com/2009/03/24/487/>. Acesso em: 22 de dez. 2011.

TRAJANO, Andreza. Operação retira estrangeiros de reserva. *Folha de Boa Vista*. Boa Vista, 22 set. 2009.

Disponível em:

http://www.folhabv.com.br/Noticia_Impressa.php?id=72676 Acesso em: 22 de dez. 2011.