LAND RIGHTS

The Yanomami Territory, created by the Brazilian state in 1992, is under a number of threats.

1. Since 1994 the agency charged with indigenous affairs in Brazil, known by the acronym FUNAI, has presented numerous cases on behalf of the Yanomami in regional federal courts. Among these include approximately ten that demand the removal of colonists practicing ranching or agriculture within the reserve. Recently (June 1 & 2, 2001), 143 Yanomami representatives met in the village Yawarípe to discuss removal of ranchers along the margins of Brazil Road 210, also known as Perimetral Norte. According to reports by the state indigenous association CIR, (Council of Indigenous Peoples of Roraima), Yanomami arrived in war paint and armed with bows and arrows. A "confrontation" was "narrowly avoided," according to these reports, by the timely arrival of FUNAI representative Manuel Reginaldo Tavares. One participating Yanomami, Marino Yanomami, asked this rhetorical question: "Must we present official documentation of our complaints daily [before action is taken]?" The episode illustrates the transition in Yanomami strategies from civil action to performative measures, and evidences failures in the participatory political process, guaranteed to the Yanomami and all other indigenous peoples in the 1988 Brazilian constitution.

2. The Yanomami estimate approximately 2,000 wildcat gold prospectors illegally operating within their territories. FUNAI is aware of this, and, in media interviews, acknowledges the presence of "between 400 and 1000 illegal miners operating within Yanomami territories." These intruders have long been recognized as sources of disease and social destruction. In October of 2000, the deaths of four Yanomami and one miner were linked to clashes with miners. In response to that tragedy a petition to FUNAI President Glenio da Costa Alvares, and signed by 78 Yanomami, demanded the immediate removal of miners. FUNAI has proposed a "Permanent Monitoring Plan" (Plano de Vigilancia Permanente); this plan received the backing of CCPY (Comissao Pro-Yanomami), an advocacy NGO that has worked with the Yanomami for 25 years. Yanomami spokespersons to the media recalled the massacre of Haximu of 1993 and the importance of avoiding such disasters. Although FUNAI is the federal agency responsible for removal of these trespassers, to do so it requires resources from the federal government, as well as participation of the Ministry of Justice and federal law enforcement agents (Policia Federal).

3. A strong mining lobby would pass legislation allowing for mining in indigenous territories; the Yanomami lands in the states of Roraima and Amazonas would be among those most affected. A powerful legislative proposal (Projeto Ley 1610/96), introduced by Senator Romero Juca of the state of Roraima where the majority of Yanomami lands are located, is still under consideration. It has been approved by the Senate and received amendments in the House of Representatives. It must receive further approvals, including the Commission of the Environment and Minorities; if approved in these it would pass to the Commission of Constitutional Justice and then to the Congress.

4. Three military bases now exist inside the reserve, and others are planned. The Yanomami have formally registered, through FUNAI, the governmental body in charge of indian affairs, sexual abuses by
army recruits against Yanomami women at Surucucu, a large military base with several resident shabonos. The United Nations has stipulated that national security does not justify a failure by states to guarantee the rights of indigenous peoples.

5. The position of the military regarding the reserve is ambiguous. In March of 2001, the Minister of Defense, Geraldo Quintao, called the demarcation of the reserve a "mistake." Although this was quickly corrected, much of the Yanomami reserve falls within the zone "Calha Norte," a strip that includes all lands 60 kms from the northern borders of Brazil; these lands are under military and national security jurisdiction.

6. A number of "conservation areas" exist inside the reserve. By law, units of conservation are under the protection of the national environmental agency, IBAMA, not the national bureau of Indian affairs, FUNAI. This, and the relaxed definition of one type of reserve (the FLONA, or National Forest), which allows for economic activities of all kinds, could threaten the integrity of the reserve. It is of concern, for example, that among the most vociferous supporters of the National Forest are lumber interests. Moreover, a National Park that also overlaps with the Yanomami reserve, carries with it the greatest amount of activity restrictions.