

ISOLATED ON A KNIFE-EDGE RISKS POSED TO ISOLATED INDIGENOUS PEOPLES

Martha Fellows¹, Maria Emília Coelho², Rafaella Silvestrini¹, Tito de Souza Menezes²,
Patrícia Pinho¹, Fabrício Ferreira Amorim², Luciano Pohl², Carolina Guyot¹,
Luiz Fernandes de Oliveira Neto² and Ane Alencar¹

¹ Amazon Environmental Research Institute, (IPAM, Instituto de Pesquisa Ambiental da Amazônia)

² Coordination of Indigenous Organizations of the Brazilian Amazon, (COIAB, Coordenação das Organizações Indígenas da Amazônia Brasileira)

Introdução

Brazil is home to the largest number of isolated indigenous peoples in South America (Amorim 2016; IACHR, 2013). The National Indian Foundation (FUNAI) recognizes 114 registries of the occurrence of isolated Indigenous Peoples in the Amazon biome and the Cerrado¹, of which 28 have been officially confirmed. This number may be even higher, as can be predicted from the indigenist body's non expression in the face of evidence registered almost a year ago by the field teams of the Madeira-Purus with regard to the location of isolated Indigenous People in the Mamoriá river². These isolated peoples, by distancing themselves from national society and also from other Indigenous Peoples, continuously resist in their autonomy to the colonization process (Brasil, 1988; FOCIMP, 2022; IACHR, 2013; Matos et al., 2021).

Highlights

- The Indigenous Lands (ILs) Ituna/Itatá, Jacareúba-Katawixi, Piripkura and Pirititi, -with the confirmed presence or under study presence of isolated Indigenous Peoples, are threatened, and their fundamental rights are at risk;
- Altogether, the Indigenous territories with the presence of Isolated groups account for 653 km², equivalent to 62% of the area of all the Indigenous Lands of the Brazilian Amazon biome. Nevertheless, while this number is expressive, the demarcation process of the 34% of the 44 IL inhabited by isolated groups has not been concluded;
- When the increase of deforested area in the last three years is compared with the previous one, the Ituna/Itatá IL is in the second most affected. Six of the ten IL that registered deforestation augment are territories with the presence of isolated peoples;

The sovereignty of Indigenous Peoples to maintain and strengthen their livelihoods is recognized by international agreements, of which Brazil is a signatory³ (ILO, 2011), and the national legislation (Brazil, 1988 TERRITORY). The process of land regularization of a specific territory, which is based on the original right of Indigenous Peoples, is one of the mechanisms used to formalize this land recognition in Brazil. This process, outlined in Article 231 of the Federal Constitution, follows several stages that can take years or even decades to come to fruition. The **identification and delimitation studies** are the first step toward the Indigenous Peoples Land legalization process after the expressed claim by the Indigenous Peoples. The next step is the declaratory stage undertaken by the Ministry of Justice. The physical **demarcation** of the area, which falls, in theory, within FUNAI's competence, can now be carried out concomitantly with the steps required by the specific legislation; and the Presidency of the Republic must sign the **ratification** of the Indigenous Territory by means of a presidential decree, and FUNAI then proceeds to **register** it as property of the Union (Figure 1).

However, not all demarcations follow the same pace (Tourneau, 2019). When multiple political-economic interests aim to exploit the valuable natural resources of the Indigenous territories, the demarcation process becomes slow and lengthy (Soares et al., 2021). Currently, 17% of the 332 ILs in the Amazon biome have not yet completed their demarcation process (Figure 2).

- Among the Indigenous Lands in the Amazon inhabited by isolated peoples, the Ituna/Itatá, again, have registered a large intensification in the number of hotspots resulting in a 441% rise between the period 2016-2018 and 2019-2021. The Piripkura IL was also strongly affected with an increase of 54% for the same period;
- 94% of the Ituna/Itatá IL area is overlapped by Rural Environmental Registration (CAR), suggesting land appropriation and threats to the isolated peoples who inhabit this territory. Furthermore, the isolated peoples are more affected by land occupation, with an average of 10.9% of the IL with CAR overlapping against 7.8% of the Indigenous Lands where no isolated peoples live;
- Half of the Indigenous Lands, which have been exploited by miners, are territories of isolated Indigenous Peoples.

¹ Technical Note issued by FUNAI, through the Coordenação Geral de Índios Isolados e de Recente Contato (CGIIRC - General Coordination of Isolated and Newly-Contacted Indians) on July 21, 2020. In the states of the Legal Amazon 114 isolated peoples were registered, 28 with confirmed references, 26 with references under study, and 60 informed.

² The presence of the Rio Mamoriá isolated people was not considered by FUNAI, which violates Article 231 of the Federal Constitution. For more information, access: <https://bit.ly/36sAwah>, accessed in March 17, 2022. Note from the Federação das Organizações e Comunidades Indígenas do Médio Purus (FOCIMP- Federation of Indigenous Organizations and Communities of the Middle Purus), 2022.

³ Decree No. 5051 promulgated Convention 169 of the International Labor Organization (ILO) in 2004. However, the Draft Legislative Decree No. 177/2021 proposes to authorize the President of the Republic to denounce to the ILO Convention 169. For more information, access: <https://www.camara.leg.br/propostas-legislativas/2279486>, acessado em 06 de fevereiro de 2022.

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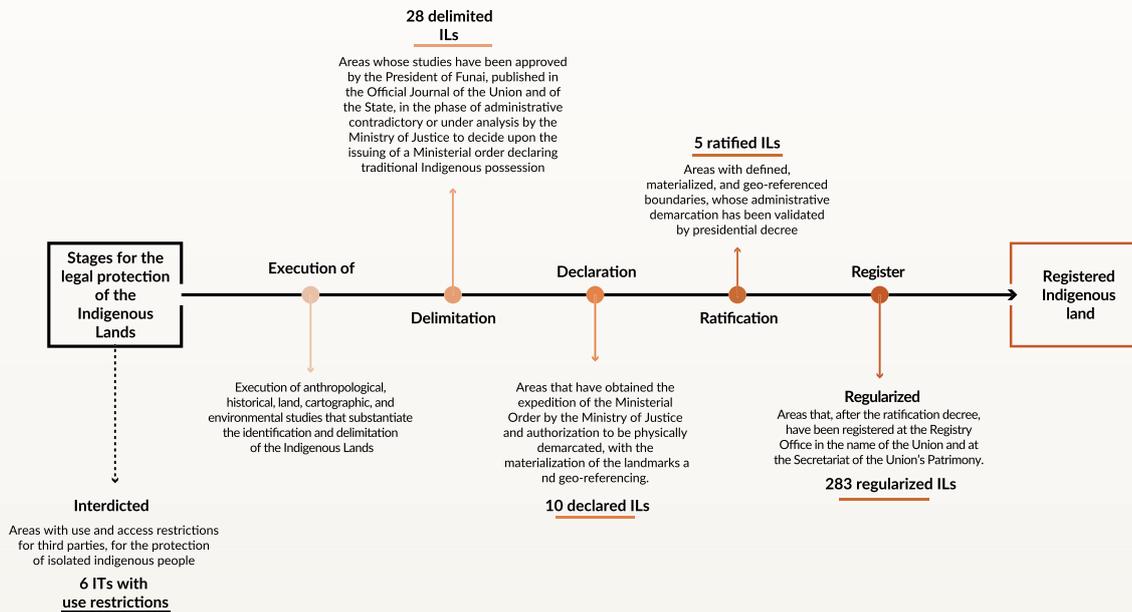


Figure 1. Stages of the Indigenous Lands demarcation process as defined by Law 6.001/73, Article 231 of the Federal Constitution of 1988 and Decree 1.775/96. Source: IPAM.

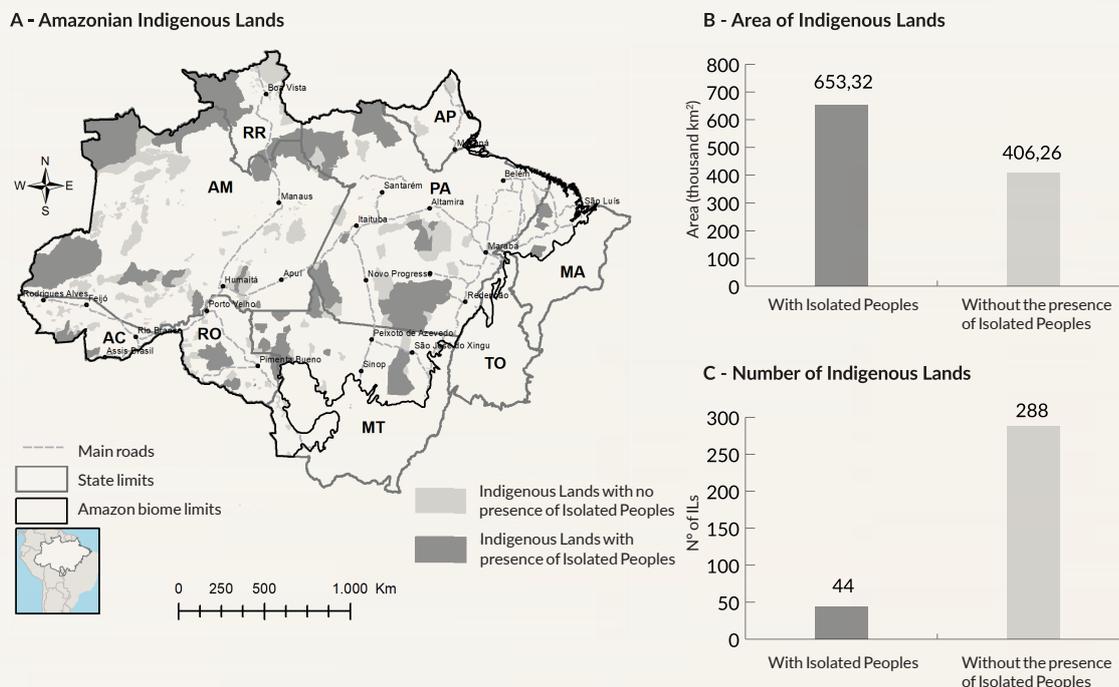


Figure 2. Distribution of the Indigenous Lands on the Amazon biome highlighting the Indigenous Lands with confirmed or yet-to-be confirmed the presence of Isolated Indigenous Peoples. (A) Location of Indigenous Lands; (B) Area occupied by Indigenous Lands; (C) Number of Indigenous Lands. Source: IPAM, using data provided by FUNAI (2022).

Among the territories inhabited by isolated Indigenous Peoples in the Amazon, previous studies have demonstrated that the situation of the Ituna/Itatá, Jacareúba-Katawixi, Piripkura and Pirititi ILs is particularly serious (COIAB & OPI, 2022a; OPI, 2020, 2021). For this technical note, five categories were considered as risk criteria based on the aforementioned studies, along with official data and the manifestation of the COIAB Network in its territories: the first is the **legal-institutional framework**, the second is **illegal deforestation**, followed by **fire, illegal occupation of public lands**, and **illegal mining**. In this sense, this technical note aims to present how these five risk dimensions are associated, mainly, with illegal activities that increase substantially the pressure on Indigenous Lands inhabited by isolated Indigenous Peoples.

METHODOLOGY

Threat level was evaluated from the combination of data related to the legal situation of each IL, namely, deforestation, fire hotspots, mining areas, and CAR registers overlapping with the Indigenous Lands of the Amazon biome, also aligned with what was stated by the Indigenous organizations network from the Brazilian Amazon. Emphasis was placed on the ILs with the presence of isolated peoples, whether confirmed or under study, especially the Ituna/Itatá, Jacareúba-Katawixi, Piripkura, and Pirititi. COIAB, along with its network of partners, have been demanding attention and protection by providing technical data and comparative studies, on a case-by-case basis, for the selected areas.

The analysis's first step was to make a qualitative and quantitative survey of the legal situation of each IL, observing the phases of demarcation of these territories. Thereafter, an evaluation of illegal deforestation and fire hotspots was conducted. Deforestation data refer to the forest cover loss mapped in the last six years by the PRODES system of the National Institute for Space Research (INPE, *Instituto Nacional de Pesquisas Espaciais*)⁴, covering the period from August 2015 to July 2021. For the same period, the data of hotspots consist of active fire activity signals detected by INPE's Aqua satellite⁵. Each year-cycle, therefore, runs from August to July of the following year (PRODES-year).

After estimating the deforested area and the number of fire hotspots within the ILs, these values were compared in two triennials, namely August 2015 to July 2018 versus August 2018 to July 2021. The periods were chosen based on the study by Alencar et al (2022), which revealed dramatic deforestation increases in the Amazon biome between these triennials.

Afterwards, the degree of land grabs and illegal occupation by miners inside the Indigenous Lands was also assessed. The degree of land occupation was analyzed based on CAR as an indicator of invasion in each of the ILs with presence of isolated peoples, by calculating the proportion of the overlapping area of the CAR in the ILs. The CAR data refers to the land polygons registered until September 2021 in the Rural Environment Cadastre System (SICAR, 2021). Information about the ILs was obtained through FUNAI's geographic database (FUNAI, 2019). Information about the mining area was obtained from

4. Project PRODES-INPE, for more information, access: <http://terrabrasilis.dpi.inpe.br/>, accessed on February 6, 2022.

5. Project BDQueimadas-INPE: <http://inpe.br/queimadas/bdqueimadas>, accessed on February 6, 2022.

MapBiomias (2020) and refers to the land polygons in which mining activity was detected through satellite images with the aid of artificial intelligence (MapBiomias, 2020).

Finally, an overlap map was created for the threats analyzed in this study in the ILs, to summarize a general risk. The estimations of the overlying threats were made by summing the severity levels of each of the previous threats (deforestation, hotspots, CAR, and *garimpo*). For each one of the threats, such severity levels refer to the categories shown on the thematic maps in the Outcomes section, to which the values 1, 2, and 3 were assigned, from lowest to highest. The sum of the threat values for each IL combined to form the map of overlapping threats. In all phases of the study, it was sought to simultaneously examine the deforestation pressure

on the surrounding ILs, through a map depicting the deforestation increase during the triennial periods for the entire biome.

OUTCOMES

Legal-institutional risk

The legal-institutional dimension is crucial for the institutional protection of isolated Indigenous Peoples and their territories. According to FUNAI, these groups, confirmed or to be confirmed in 44 ILs in the Amazon biome; among them, 34% await the completion of the demarcation process (Figure 3). Most of the territories inhabited by the isolated peoples are shared with other groups, but there are also ILs exclusively inhabited by Isolated Indigenous Peoples dedicated to their use and cultural reproduction, as is the case of the Piripkura IT.

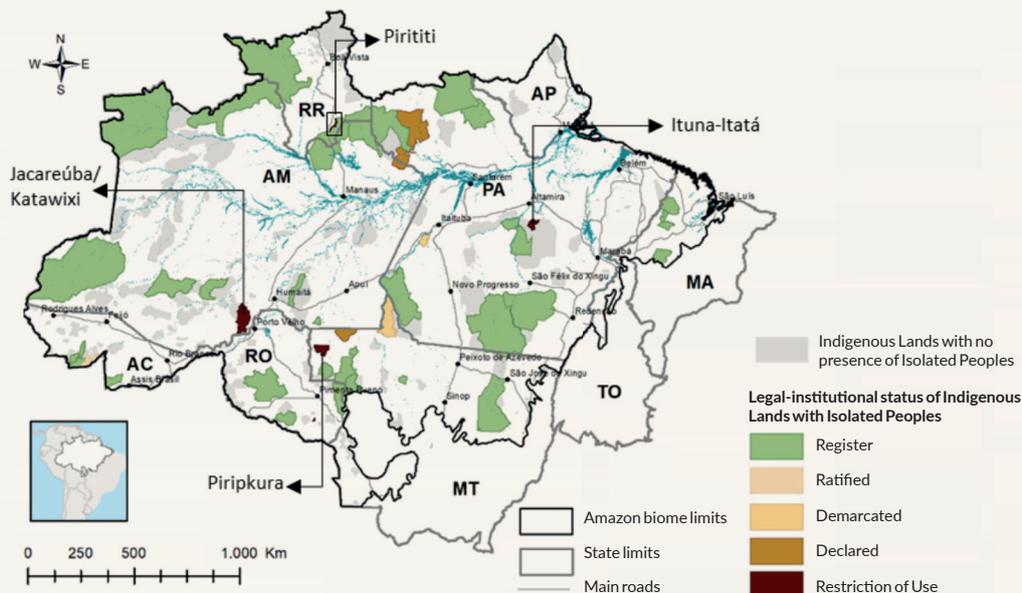


Figure 3. Legal-institutional status of Indigenous Lands with isolated peoples. Source: IPAM, IPAM, using data provided by FUNAI (2022).

There are specificities in the demarcation process of the territories occupied by isolated Indigenous Peoples, given their isolated situation. Restriction of Use Ordinances are signed in some cases to guarantee the protection of the isolated groups and their territories, following the precautionary principle. This mechanism can occasionally unfold in the identification and delimitation of a territory, but not always is the case (Matos et al., 2021). FUNAI's specialized technical teams carry out the research and aim to point out evidence of the presence of these peoples in a specific region. Whether the restriction of use ordinance is renewed or not is up to the presidency of the federal indigenous body. In the last triennium, the isolated peoples had the guarantee of protection of their ILs threatened several times (COIAB & OPI, 2022, 2022; OPI, 2021), and they still are.

The ILs referenced in this analysis should rely fully on a **Restriction of Use** mode, until other administrative and technical steps advance, but this is not the case. It should be noted that the permanent possession of the territories inhabited by the isolated peoples should be acknowledged, regardless of the demarcation of its area,

but the constant violation of this right⁶ is observed (OPI, 2021). One example is the critical situation of the Jacareúba-Katawixi IL, since in December 2021 the ordinance restricting the use of the IL at issue was not renewed. Despite strong indicators of the presence of the isolated Indigenous People known as Katawixi, at present no legal mechanism is in place to guarantee the precautionary principle of their safety and the protection of their territory. This has set precedents for occupation by third parties, endangering the lives of these people, such as the increase in CAR requests in this territory, as will be presented in this study.

Deforestation Risk

Although ILs are the least deforested public lands historically (Crisostomo et al., 2015; Nepstad et al., 2006), in the last three years these areas have registered a 153% increase in forest loss concerning the immediately preceding years (Alencar et al., 2022). This was the largest relative increase among the main land tenure categories in the Amazon. The Ituna/Itatá IL in the state of Pará and the Piripkura IL in Mato Grosso are among the ten most deforested lands in the last three years (Figures 4 and 5A).

6. Furthermore, there are legislative projects that currently go against fundamental indigenous rights, such as the Legislative Decree Project 177/2021, which in practice extinguishes the ILO Convention 169 in Brazil.

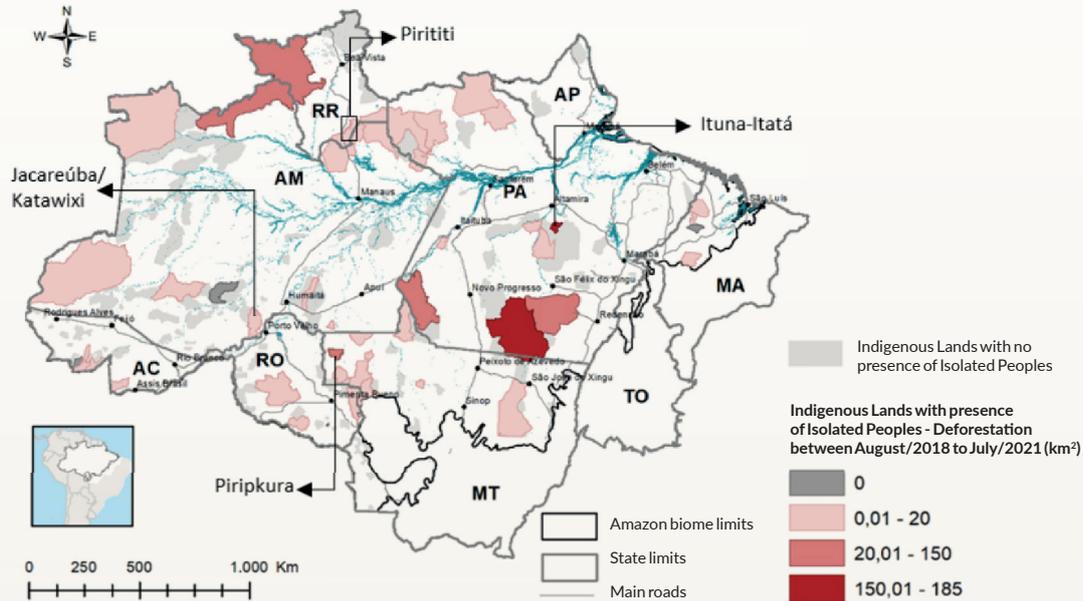


Figure 4.: Deforestation inside Indigenous Lands with isolated peoples in the last triennium (August/2018 to July/2021) Source: IPAM, using data provided by PRODES – INPE (2022) and FUNAI (2019).

A- Deforestation in the 10 ILs with the highest absolute increase between triennial periods



B- Deforestation in the 10 ILs with Isolated Peoples showing the highest absolute increase between triennial periods



● Deforestation between August/15 to June/18 ● Deforestation between August/18 to June/21

Figure 5. Deforestation in two groups of Indigenous Lands in the three years of reference: (A) 10 ITs of the Amazon biome that exhibited the greatest absolute increase in deforestation between the triennials and (B) 10 ITs with isolated Indigenous Peoples with the greatest absolute increase in deforestation between the triennials. Source: IPAM, using data provided by PRODES – INPE (2022) and FUNAI (2019).

Deforestation of ILs increased abruptly from 495 km² to 1,255 km², whereby 70% of the clearings opened in Indigenous areas are concentrated in only ten ILs, six of which have the presence of isolated Indigenous Peoples (Figure 5A). Within the analyzed period, the Ituna/Itatá IL increased six times between the years 2019 and 2021 when compared to the previous period (2016-2018). In the same period, the absolute deforestation rose from only 1 km² to 22.5 km² when comparing the two triennial periods analyzed.

Even though the deforestation rates in the Jacareúba-Katawixi and Pirititi ILs are low, the pressure in their surroundings, added to the legal-institutional instability to which these territories are submitted, is very serious. The Jacareúba-Katawixi IL is located in the central axis of the border region of agricultural expansion among the states of Amazonas, Acre, and Rondônia, known as AMACRO⁷ (Figure 4). Pirititi

IL is next to the BR-174 highway, which infrastructure has had a list of negative socio-environmental impacts throughout its extension and history (Oliveira, 2007; Rodrigues & Pinheiro, 2011) (Figure 4). Inevitably, this opens the precedents for the invasions and illegal deforestation within these ILs to increase significantly in the coming years or months, irreversibly and tragically for the people who live and resist in these areas.

Fire Risk

For the period analyzed, the Ituna/Itatá IL was the second Indigenous Land with the highest number of hotspots, increasing from 74 (2016-2018) to 400 fire hotspots (2019-2021), that is, an increment of 441% (Figures 6 and 7A). When the cut is made for the ILs with presence of isolated peoples, the Piripkura IL is among the ten most affected, with a 54% increase in the number of hotspots in relation to the previous period (Figures 6 and 7B).

7. There is already evidence of deforestation increase in the states of Rondônia, Acre, and Amazonas which comprise AMACRO, exactly where the Jacareúba-Katawixi IL is located (Barros et al., 2021).

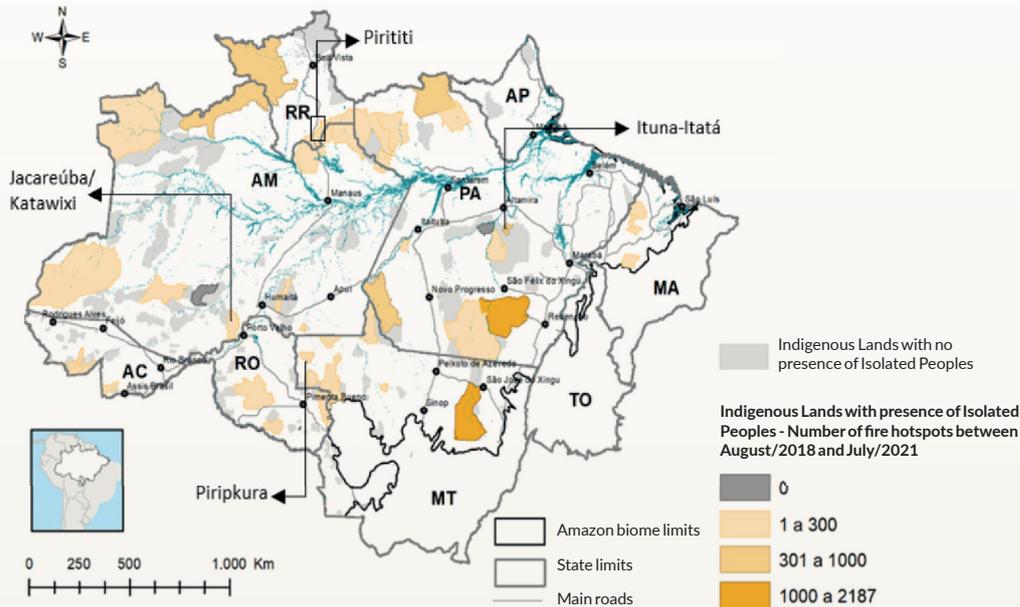
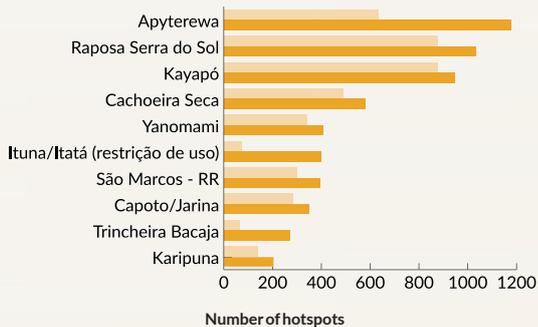


Figure 6. Number of fire hotspots within the ILs with presence of isolated peoples in the last triennium (August/2018 to July/2021). Source: IPAM, using data provided by the program BDQueimadas from INPE (2022) and FUNAI (2019).

A - Fire hotspots in the 10 ILs with the highest increase among the triennials



B - Fire hotspots in the 10 ILs with presence of Isolated Peoples with the highest increase among triennial periods

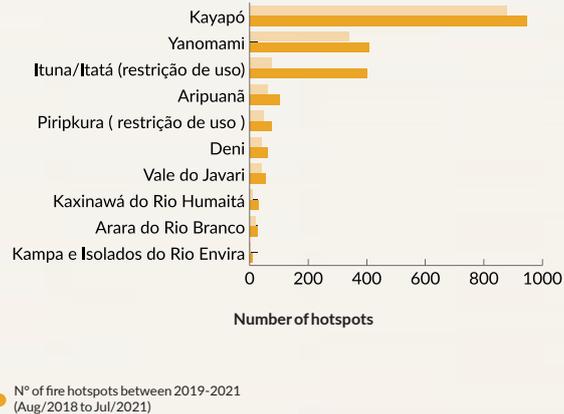


Figure 7. Increase in the number of fire hotspots in the triennium in two groups of ILs: (A) the 10 ILs of the Amazon biome with the greatest increase in the number of hotspots; (B) the 10 ILs with presence of isolated peoples that presented the greatest increase in the number of hotspots. Source: IPAM, using data provided by the program BDQueimadas from INPE (2022) and FUNAI (2019).

As already described in previous studies (Fellows et al., 2021), the concentration of 48% of the hotspots in 10 ILs - three with the presence of isolated peoples (Figure 7A) - indicates a direct relationship with the illegal occupation of public lands and mining activities. The associated risk with illegal fires is related to the presence of invaders who, in addition to the native vegetation loss, impacts negatively and irreversibly the isolated peoples.

The socio-cultural effect of the landscape destruction by illegal activities within ILs is difficult to measure, especially for isolated peoples, whose livelihood is intimately linked to the ecosystem and biodiversity of their territories; hence, the increasing number of fire hotspots is a direct threat to the autonomy of these groups (FAO &

FILAC, 2021; Ricardo & Gongora, 2019).

Land Grabbing risk

Land grabbing is an extremely worrying situation. While the Ituna/Itatá IL has 94% of its area overlapped with CAR registrations, the Pirititi IL has 56%, and the Piripkura IL has 22%, which presents an alarming picture for the isolated peoples (Figures 8 and 9). There are 111 Rural Environmental Registration requests for the Jacareúba-Katawixi IL, and it should also be noted that more than 95% of the territory overlaps with a Federal Conservation Unit of integral protection⁸. Besides the Indigenous Lands outlined in this technical note, the Tenharim do Igarapé Preto IL is also among those lands at great risk, since 94% of its territory is occupied by CAR registrations (Figures 8 and 9).

8. For further information, access: <https://www.car.gov.br/publico/imo-veis/index>; and <https://bit.ly/3fpBXLv>; accessed on June, 2022.

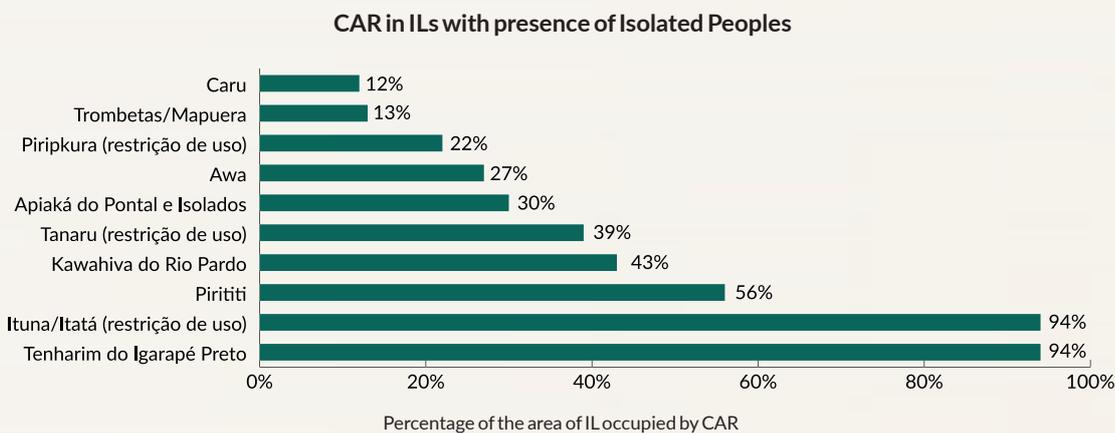


Figure 8. Proportion of the IL with overlapping CAR registry, for Indigenous Lands with the presence of isolated groups. Source: IPAM, using data provided by FUNAI (2019) and SICAR (2021).

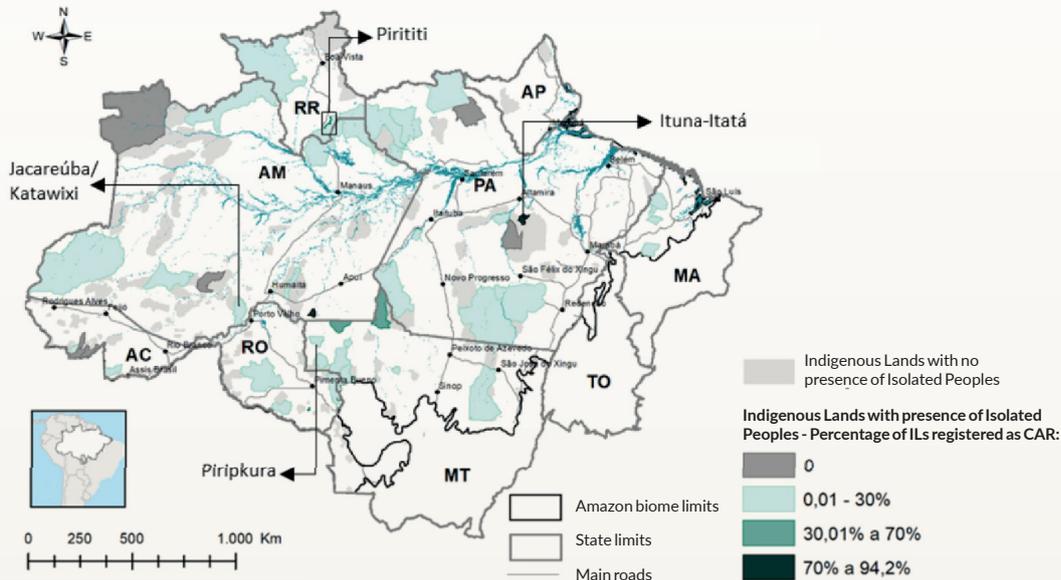


Figure 9. Proportion of ILs with CAR registration in the ILs with the presence of isolated groups in 2021. Source: IPAM, using data provided by FUNAI (2022) and SICAR (2021).

Isolated Indigenous Peoples are more affected by land grabbing than other Indigenous Peoples, as is evident when comparing them to the other Amazonian ILs. Those that have records of isolated

peoples have a greater overlay with illegal CAR registrations (10.9%) in their territory than those without the presence of isolated peoples (7.8%) (Figure 10). This is a potential violation of the Indigenous territorial rights.

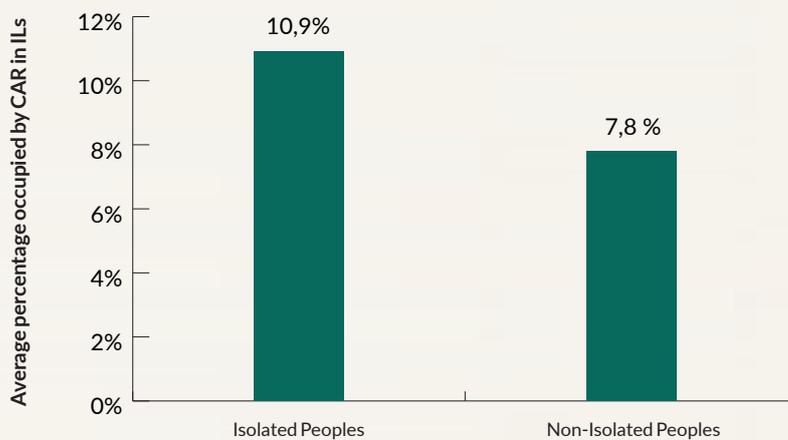


Figure 10. Proportion of the area of the ILs registered as CAR in ILs with and without the presence of isolated groups. Source: IPAM, using data provided by FUNAI (2022) and SICAR (2021).

Risk of illegal mining

From all of the 332 ILs analyzed, half of which have the presence of isolated peoples, 12 were invaded by miners and damaging the soil caused by illegal mining during the years 2015 and 2020 (Figure 11).

In comparative terms, the risk of mining is alarming, and even more so if compared with previous years, because the four ILs with the larger area under mining activities are territories inhabited by isolated peoples (Figure 12).

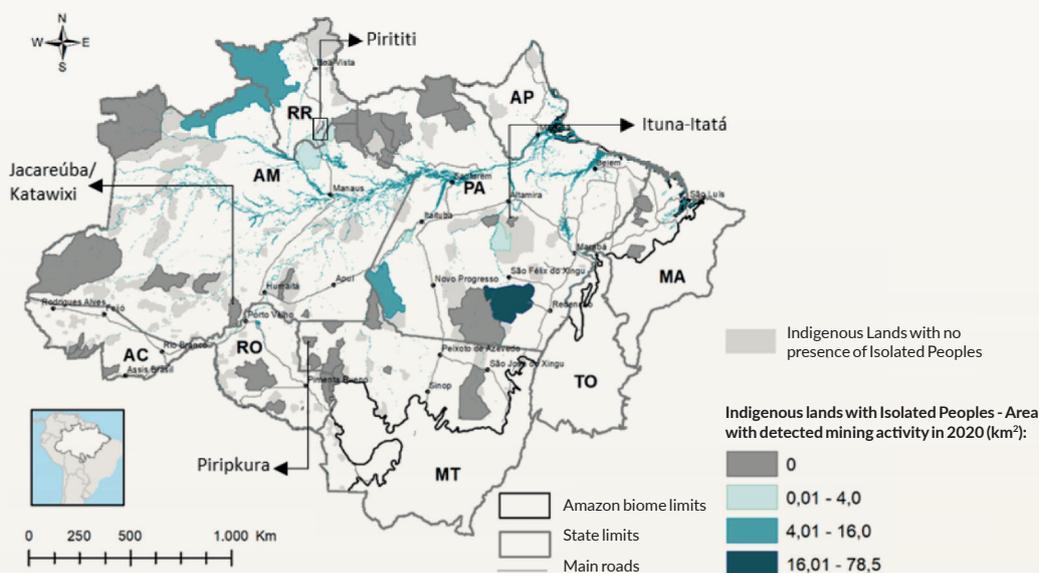


Figure 11. Proportion of area of the ILs occupied by illegal mining in 2020 in ILs with the presence of isolated peoples. Source: IPAM, using data provided by FUNAI (2022) and MapBiomias (2020).



Figure 12. Total area in km² of mining in ILs with isolated peoples of the Amazon biome. Magnifying lens for the Araweté Igarapé Ipixuna and Waimiri-Atroari ILs due to the scale difference. Source: IPAM, using data provided by FUNAI (2019) and MapBiomias (2020).

As a result of the dismantling of socio-environmental protection, the Indigenous Lands have been exposed to mining activities, regardless of the illegality of such activities in these territories⁹. It is therefore necessary to take action quickly, as this type of invasion has been growing at a high rate and the consequences can lead to the extinction of isolated Indigenous Peoples (Villén-Pérez et al., 2020). Mining effects go beyond the areas directly affected by this activity as its impacts travel some distances affecting directly the quality of life of its people who have in its surroundings mining prospection (Siqueira-Gay and Sánchez, 2021).

Overlapping threats

Overlaying the previous threats showed that twelve isolated ILs are at high or very high risk, according to the sum of the risks previously analyzed (Figure 13). The Ituna-Itatá IL is at very high risk, mainly for being at extremely high levels of deforestation

and CAR. The Indigenous Lands Piripkura and Pirititi have presented a high level of risk while the Jacareúba-Katawixi has a medium level inside its area, even though it is at deforestation arc limits in the southern Amazon and for being surrounded by high impact activities such as land grabbing and trafficking; large road enterprises, among which are the highways BR-319, BR-230, BR-364, and BR-317; hydroelectric dams on the Madeira River, and small hydroelectric plants (PCH) on the tributaries of the right bank of the Purus River; and the expansion of the agricultural frontier of soy, cattle, and corn (Figure 13). Accordingly, it should be noted that the risks analyzed in this study are only a fraction of the impacts to which isolated peoples are exposed. There are several other factors that can not be reached by the satellites and that can covertly affect the lives of these peoples. These impacts are irreversible, leading to the risk of extermination of these peoples.

9. A study by Forensic Architecture (FA), in partnership with Climate Litigation Accelerator (CLX) provides an analysis of how recent legal and administrative measures pushed since 2019 have encouraged the expansion of mining activity in Indigenous Lands in the Brazilian Amazon. For further information, access: <https://www.humanitariancoalition.ca/emergency-water-sanitation-and-hygiene-wash>, accessed September 5, 2021.

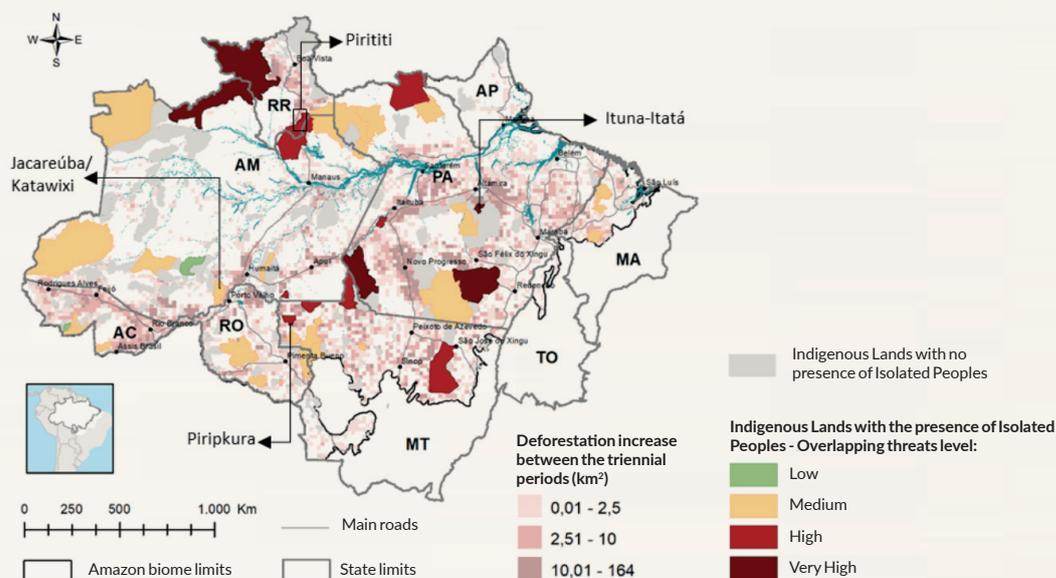


Figura 13. Map of overlapping threats (deforestation, fire hotspots, % of CAR and mining) at low, medium, high and very high levels in Indigenous Lands with isolated peoples. Source: IPAM.

DISCUSSION

The fundamental precepts of the Federal Constitution guarantee to the isolated Indigenous Peoples not only the recognition and protection of their territories, but also their “isolation conditions” as the highest expression of their autonomy. So many risks combined put the isolated peoples’ life on a knife-edge. The instability caused by the violation of their rights is reinforced by the dissolution of the State bodies, which should be ensuring the protection of these peoples and acting against the systematic invasion of their territories by many illegal activities (INESC, 2021; Amorim, 2016). This creates a cumulative and extremely dangerous effect that impacts the Indigenous Lands and their inhabitants.

The legal-institutional framework has shown that it is unstable, especially in the last three years. While some of the legal pillars of the Indigenous rights still stand, others are targeted by a series of threats that negatively affect Indigenous Peoples (Cardoso et al., 2020; Fearnside, 2019; INESC, 2021), particularly the isolated ones (COIAB & OPI, 2022a). There are various forms of rights violations, whether from the entry of invaders seeking minerals or illegal land appropriation (Villén-Pérez et al., 2020), or by legislative proposals that are contrary to fundamental Indigenous rights (Tourneau, 2019).

One symptom of this complex scenario is the permanent revision of the Ordinances of Use Restriction of the ILs analyzed in this technical note (COIAB & OPI, 2022b; Vaz & Balthazar, 2013). Furthermore, the absence

of a solid legal basis paves the way for the threats and risks registered in the territories of the isolated peoples to materialize. About 70% of the deforestation in ILs is concentrated in only ten Indigenous Lands, six of which have isolated populations. Some cases are of particular attention. The Ituna/Itatá IL has been the target of a series of illegalities in recent years, a fact that has placed it under extremely high threat (Figure 13). It concentrates the highest rates of accumulated deforestation in the last six years (215 km²), an increase in the number of fire hotspots between the triennial periods analyzed (441%), and a high percentage of its area covered by land grabbing (94% overlapping with CAR records) among the ILs of the Amazon biome.

Land grabbing in public lands is a serious concern and is even more serious when it involves the territories of isolated Indigenous Peoples. The factors that fuel this illegal activity in these areas are linked to the implementation of infrastructure works, such as highways and hydroelectric dams (Oviedo, 2018). Although the CAR was created for the environmental regularization of private properties, studies show that this is an indication of illegal land tenure in the Amazon (Fellows, Alencar, et al., 2021; Salomão et al., 2021). The mining activity is difficult to trace and highly risky. The miners operate at a local level, without a mining permit, causing soil and river contamination, triggering a series of risks to the lives of isolated peoples (Siqueira-Gay and Sánchez, 2021; Villén-Pérez et al., 2020).

Considering the multiple risks (Silvério et al., 2015), reversing this scenario demands a coordinated action involving all the aspects that today already have irreversible and irreparable impacts on the lives and autonomy of the isolated peoples. Several Indigenous organizations have joined forces to recover and ensure fundamental indigenous rights to address the situation of insecurity imposed on those peoples, such as the Brazil's Indigenous Peoples Articulation (APIB). APIB, along with six political parties, filed a lawsuit directed to the Federal Supreme Court with specific guidelines on the situation of isolated peoples (APIB, 2021). As a result of the seriousness of the situation, the tone of the debate was also raised in international courts so that appropriate measures could be taken to ensure the safety of the isolated peoples¹⁰.

In a broad action to draw the attention of public opinion, the Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB), the Isolated and Recent Contacted Indigenous Peoples Human Rights Observatory (OPI) along with allies launched the campaign "Isolated or Decimated"¹¹. This campaign seeks to exert pressure on the Brazilian Indigenous body to fulfill its institutional mission, which is to guarantee the integrity of indigenous territories where there are peoples living in isolation. In addition, it demands the renewal of the decrees restricting the use of ILs where the presence of isolated peoples has been confirmed or is under study.

A series of political-institutional actions must be activated and be expeditious to ensure the enforcement of these rights, as the violations against isolated peoples and their territories are multiple and can

have several negative consequences. Consequently, each and every action against the autonomy of the isolated Indigenous Peoples guaranteed by the Federal Constitution and by International Conventions, must be prevented and reversed, and attention must be paid to the following recommendations.

Recommendations

- **Guaranteeing fundamental Indigenous rights**

The isolated Indigenous Peoples have had their rights neglected and usurped (Soares et al., 2021; Tourneau, 2019). Therefore, the enforcement of Article 231 of the Federal Constitution and other legislative instruments for the protection of Indigenous rights is necessary to prevent these instruments from becoming worthless, respecting the Indigenous social organization, and granting due and agreed upon territorial and environmental protection. The indigenist legislation should be applied to all Indigenous Peoples, especially to isolated peoples.

In line with the application of the legislation, it is essential that any and all measures that go against Indigenous rights to be banned. The non-retrogression principle to social rights guarantees isolated peoples a solid foundation that must be preserved (Dotta & Marques, 2017). Thus, the Temporal Framework (*Marco Temporal*), PL 191/2020¹², PDL 177/2021¹³ and other draft bills that in any way remove in whole or in part conquered Indigenous rights should be permanently suspended.

10. The Inter-American Commission on Human Rights, through resolution 1/2021, ruled in favor of the Indigenous Peoples in voluntary isolation living in the Arariboia Indigenous Land, requesting that measures be taken by the Brazilian State to guarantee their safety. For further information, access: https://www.oas.org/pt/cidh/decisiones/mc/2021/res_1-21_mc_754-20_br_pt.pdf. Accessed on April 19, 2022.

11. For further information, access: <https://www.isoladosoudizimados.org/>. Accessed on April 20, 2022.

12. The Bill 191/2020 proposes the research and exploitation of mineral resources and the installation of hydroelectric enterprises in Indigenous Lands. For further information, access: <https://bit.ly/3H4pMMd>, accessed in February 22, 2022.

13. The draft legislative decree 177/2021 authorizes the president of the republic to denunciate to ILO Convention 169. For further information, access: <https://bit.ly/3LTT9nS>, accessed in February 22, 2022.

Reinforcing FUNAI's technical character

Decisions made by FUNAI must follow technical precepts so that the legislation can be applied and be effective. The Restriction of Use Ordinance is the mechanism that controls the entry of non-Indigenous Peoples into areas occupied by isolated peoples, and it ought to be both technically and normatively strengthened, and it should rely on more financial investment to ensure the effective protection of the territory. Any decision that lacks technical vision can compromise the security of the isolated peoples and their territories, such as the case of the Jacareúba-Katawixi IL whose Restriction of Use Ordinance was not renewed. Therefore, it is necessary that the entire staff of FUNAI, especially the coordinating positions, to be composed by personnel with technical capacity to ensure that the decisions made by the agency respect the Foundation's accumulated work experience.

- **End the illegal activities**

The Brazilian international goals to end deforestation will succeed only if there is no more illegal activities. The entry of invaders into Indigenous Lands should be inhibited through the effective protection of Indigenous territories. In order to make the responsible actors accountable for socio-environmental crimes, the command-and-control structures and actions should to be recovered and articulated with permanent intelligence and surveillance mechanisms.

Furthermore, it is necessary to promote economic, fiscal, and legal incentives that stimulate socio-bio-economy in the

Indigenous or non-Indigenous surroundings of the territories with the presence of isolated peoples. These are key pillars to ensure the control of illegal deforestation, the incidence of fire, and violations of the human rights of the original peoples and their territories. It is also fundamental that the territories claimed by Indigenous Peoples to be immediately demarcated.

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