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Indian Lands, Environmental Policy and Military Geopolitics in the Development of the Brazilian Amazon: The Case of the Yanomami

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ABSTRACT

This article examines the realignments of the developmentalist discourse and strategy of the Brazilian military for the Amazon during the civilian government of the 'New Republic' (1985-90). It focuses on a case study, i.e. the official expropriation of the lands of the Yanomami Indians in the states of Roraima and Amazonas along the Brazil/Venezuela border. The analysis brings to light how, during this period, the military aimed at neutralizing both the pressure of environmental NGOs on Brazil's international creditors and the emergent democratization of decisions on land use in Amazônia. It shows how such attempts involved manipulating environmental legislation and ecological rhetoric in order to perpetuate military hegemony over the development of Amazônia to the benefit of mining interests. Finally, the paper traces the roots of these manoeuvres to a geopolitical and economical model for Amazonian integration still inspired by the national security doctrine drawn up in the 1950s and 1960s by the Escola Superior de Guerra.

INTRODUCTION

Since the military coup of 1964 the Brazilian Amazon has been subjected to a new and aggressive policy of demographic occupation and economic development informed by a geopolitical strategy of regional integration drawn up in the 1950s and early 1960s under the influence of the Escola Superior de Guerra (Arruda, 1983; Silva, 1967). In the 1970s and 1980s, the policy to develop Amazônia under the national security doctrine (Comblin, 1980) was carried

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out through a series of plans such as *Operação Amazônia*, *Plano de Integração Nacional* and *Polamazônia*. These were intended to develop infrastructure (roads, airports, telecommunications); to allocate fiscal incentives and subsidized credit lines with a view to attracting business interests to the region; to open up programmes of public colonization; and to facilitate the implantation of large-scale agri-business, mining and forestry projects (Allen, this issue, 83–90; Mahar, 1989: 9–45). In the 1980s the burden of the foreign debt was an important factor in increasing the role of the Amazon region as a source of raw materials for export and as a site for large-scale development projects designed to attract international loans, especially in the mining sector (Becker, 1990: Ch. 4). Throughout the decade the geopolitical concern of the military for the region remained an essential parameter for Brazilian development policy in the Amazon (Mattos, 1980; 1983), especially during the civilian government of the 'New Republic' (1985–90), whose detrimental environmental and indigenist policies have provoked intense national and international campaigns of protest (Albert, 1990).

Amazônia is the home of approximately 60 per cent of the 236,000 Brazilian Indians. Of the 526 Indian lands of the country, 71 per cent of lands and 98 per cent of their extension (794,000 km²) are located in that region (see CEDI/PETI, 1990: 19–20). In their development plans for Amazônia, the military governments contrived an indigenist policy specifically to open up Indian lands for large-scale exploitation of natural resources and to administer the social consequences of the encroachment of this new economic frontier upon these lands. These policies were put into effect through a series of administrative measures designed in the context of a complex dynamic of confrontation between military-business interests, national civil movements and pressure from the international media and environmentalist/indigenist non-governmental organizations (NGOs).

This paper analyses a recent configuration of the dialectical relationship between the Brazilian official indigenist policy and the opposing national and international pressures during the 'New Republic' government of 'democratic transition'. It examines the realignments imposed upon the developmentalist strategy and discourse of the Brazilian military over the Amazon, both by the repercussion of NGOs' campaigns on the sources of international loans and by the influence of the local indigenist movements on the 1988 constitutional process.¹

First, I give a brief retrospective of official policy with regard to the legal recognition of Indian land rights between 1967 and 1987. I then focus on a case study, namely, the delimitation of the Yanomami territory (1988-9) along the Brazilian/Venezuelan border, in the Brazilian states of Roraima and Amazonas. Finally, I use the Yanomami case to illustrate the administrative strategies developed by the Brazilian military in order, firstly, to maintain their hegemony in planning the development of *Amazônia* for the benefit of mining interests and, secondly, to neutralize not only the role of the emerging civilian power in the definition of land use in that region, but also the pressure applied by NGOs against the social and ecological costs of the predatory exploitation of Amazonian natural resources.

DEVELOPMENT OF THE AMAZON AND THE MILITARY'S INDIGENIST POLICY (1967-87)

After decades of mismanagement in the protection of Brazilian Indians from the advancing extractivist and agri-business frontiers, the *Serviço de Proteção aos Índios* (SPI), created in 1910, was abolished in 1967. This occurred amidst accusations of corruption and scandals involving various forms of collusion in the extermination and exploitation of Indians — eighty-seven groups died out in the first half of this century (Ribeiro, 1982: 250). Pressure from abroad denouncing the SPI excesses led to the creation of the *Fundação Nacional do Índio* (FUNAI) in 1967, during the Costa e Silva military government. In 1973, a new indigenist legislation, the *Estatuto do Índio* (Indian Statute, Law 6.001 of 19 December 1973) was published.

The purpose of this law was not only to repair the image of the country in the international press, but also, and more subtly, to accommodate the indigenist legislation to the requirements of the new development plans for the Amazon region. At first sight, the Indian Statute appears to contain a series of measures intended to protect Indian lands and to guarantee a system of medical, educational and economic assistance for the Indians, all couched in a protectionist rhetoric that echoed the humanist-positivist discourse of the original SPI (see Lima, 1987). On closer examination, however, one finds embedded in its text many clauses inspired by the military model of development of *Amazônia*, which are extremely harmful

to Indian rights. For example, there are discriminatory clauses, such as FUNAI's legal wardship of the Indians who are defined as 'relatively incapable'; assimilationist clauses that take 'Indian' to be a temporary condition; and expropriatory clauses, such as the non-recognition of landed property of the Indians, the provisions that Indian groups can be removed from their own lands for reasons of national security or for the construction of public works, and permission for state companies to mine in indigenous territories and for FUNAI to lease Indian lands (see Oliveira Filho, 1985).

In the years following the promulgation of the Indian Statute, the demarcation of Indian lands (which was to have been completed by 1978) proceeded at an extremely slow pace, and usually only when forced by emergency situations. Thus, a mere 15 per cent of the identified Indian lands were legally ratified between 1973 and 1981 (Oliveira Filho and Almeida, 1989: 15-20; Oliveira Filho, 1985: 22). At the same time, land conflicts involving Indian areas multiplied, and the mobilization of Indians and their white allies demanding the fulfilment of the protective clauses of the Indian Statute gained strength.²

Under increasing political pressure, the military began to intervene more directly in the Indian issue, as the magnitude and frequency of these land conflicts came to be viewed as a threat to national security. The administrative mechanisms for granting the Indians official recognition of their lands were reshaped so as to curb the advance of those claims based on land clauses of the Indian Statute, by then regarded as an obstacle to the economic occupation of *Amazônia* (Albert, 1987: 123-6). From 1980 the decision-making power for the demarcation of Indian lands was gradually taken away from FUNAI, which was considered too vulnerable to political pressures by the Indians and their allies (Oliveira Filho and Almeida, 1989: 49-50). In 1983, the demarcation process was entrusted to an inter-ministerial work group (GTI) headed by the Ministry of Home Affairs (MINTER) and the Ministry of Land Affairs (MEAF), the latter under the authority of the Secretary-General of the National Security Council (CSN).³ The mandate of this GTI explicitly recommended that the economic activities of third parties already operating in Indian areas should be taken into account when deciding on demarcations (Carneiro da Cunha, 1984). Authorizations for private mining companies to operate on Indian lands were also granted (CPI/SP, 1985).

The political changes which brought about the end of military rule

in 1984 neutralized the immediate effects of these measures, and under the civilian 'New Republic' the MEAF was replaced by the Ministry of Agrarian Reform and Development (MIRAD), run by civilians. During this period, the publicly admitted military intervention in Indian affairs suffered a brief decline. But their continued influence in this issue, albeit unobtrusive, could be seen by the fact that the GTI's work in the demarcation of Indian lands came to a virtual standstill. Between March 1983 and March 1985 the GTI approved only fourteen of the fifty applications for demarcation requested by FUNAI. A year later, thirty-six cases had been approved but were still blocked by MINTER, and, since democratic resurgence was by then fading, the military once more reasserted themselves in Indian affairs (Oliveira Filho and Almeida, 1985).

The new Secretary-General of the National Security Council began to demand openly that 'reasonable criteria' be applied when it came to the delimitation of Indian areas, especially in frontier zones (Albert, 1987: 134-9). By 1987 the unofficial freeze on demarcation of Indian lands had given way to an official recognition of the National Security Council's role as decision-maker in establishing geopolitical and economic criteria for the reduction of Indian territories (Decree 94.945, 23 September 1987).

In 1988-9, both the social mobilization around the writing of the new Brazilian Constitution, and the international campaigns launched by environmentalist NGOs denouncing the accelerating rates of destruction of the Amazon rainforest in Brazil, led to new changes in the official policy for the expropriation of Indian lands — a policy now more than ever regarded as essential if the military model for the integration and development of *Amazônia* were to continue. An analysis of the demarcation process of the Yanomami lands, carried out at that time, sheds some light not only on these new administrative mechanisms, but also on the new discourse in which this policy was expressed.

YANOMAMI LANDS: CHRONICLE OF AN 'ECOLOGICAL EXPROPRIATION'

Over the last twenty-two years, a large number of humanitarian, scientific and religious institutions, both in Brazil and abroad, have voiced support for the legal recognition of the lands of the approximately 10,000 Yanomami Indians in Brazil⁴ as a continuous area,

with the legal status of an 'Indian National Park', which would also be an area of ecological preservation.⁵ Finally, in August 1988, the president of FUNAI announced an inter-ministerial *portaria* (directive) for the demarcation of the Yanomami lands. This Directive (160), first signed in September, was curiously redrawn and signed again in November (as Directive 250).⁶ On this occasion the Minister of Home Affairs, in a reference to the pro-Yanomami movement, said that this directive was a reply to national and international concerns for the preservation of that Indian group and its habitat (*Correio Brasiliense*, 26 August 1988). FUNAI then launched a propaganda campaign in the mass media with the motto: 'More than eight million hectares of Yanomami lands demarcated'.⁷ This measure was presented as an historic event in Brazilian environmental and indigenist policy.

*'Yanomami Indian Land' in Directive 160:
A Double-dealing Demarcation*

FUNAI's campaign was built around a blatantly misleading slogan claiming that the Yanomami were to be granted an area 'equivalent to four times the surface area of the State of Sergipe' (north-east Brazil). The public, however, were not given details as to the exact shape or legal status of that area. The reasons for this are obvious. The area of 8,216,925 ha supposedly being granted to the Yanomami represented a 13 per cent reduction of the territory that, in 1985, FUNAI itself had recognized as their traditional homeland.⁸ Furthermore, several villages were left out of that area. The result took on the appearance of a patchwork made up of twenty-two distinct sub-areas under different jurisdictions, in most cases contradictory to Yanomami land rights.

Directive 160 did not, as FUNAI would have the public believe, give legal protection to Yanomami lands. Quite the contrary, it established an ambiguous territorial and administrative arrangement, the whole purpose of which was to appease national and international protests, while at the same time making way for their progressive expropriation. In the legalization of Yanomami lands, the duplicity of Directive 160 lies in the deliberate overlap of incompatible indigenist and environmentalist concepts, thus allowing for a double interpretation of the territorial rights of these Indians.

Let us examine the main features of this territorial and administrative construct. Paragraph I of Directive 160 states that the "Yanomami Indian Land", with an area of 8,216,925 hectares, is for the purpose of its demarcation, in the permanent possession of the Indians', and defines its boundaries. This paragraph contains the only relatively adequate measure in the directive, that is, the recognition of the Indians' right to occupy an area which roughly corresponds to their traditional homeland. It would have been more beneficial to the Indians if the boundaries of the 'Yanomami Indian Land' had been corrected and brought into line with the concept of 'traditionally occupied lands', for which provision was made in Article 231 of the new Constitution.

Paragraphs II and III of Directive 160, however, establish an administrative and territorial patchwork within the 'Yanomami Indian Land' in complete contradiction to paragraph I, which declares that it belongs exclusively and in its entirety to the Indians. The 'Yanomami Indian Land' is thus fragmented into a mosaic made up of two kinds of areas with conflicting functions and status:

— Areas that come under the jurisdiction of the Forestry Code (Law 4.771, 15 September 1965), i.e. two National Forests (Roraima and Amazonas), and one National Park (Pico da Neblina) which was established in 1979 (Decree 83.550, 5 June 1979). These make up 5,781,710 ha and thus account for 70 per cent of the 'Yanomami Indian Land'.

— 'Indigenous Areas':⁹ nineteen separate and disjointed areas enclosed within the National Forests and the National Park. Ten are located within the Roraima National Forest, five within the Amazonas National Forest and four within the Pico da Neblina National Park. The nineteen areas add up to 2,435,215 ha, that is, 30 per cent of the 'Yanomami Indian Land'.

It is worth noting here that the regulation and use of these conservation areas (National Forests and National Park, now under the jurisdiction of the Brazilian Institute of Environment, IBAMA¹⁰) in many respects contradict Article 231 (paragraph 2) of the new Brazilian Constitution, which safeguards for the Indians their exclusive rights to use the lands they traditionally occupy. The National Forests are areas where non-Indian economic activities are permitted, such as the marketing of timber and other forest products, even though these activities are totally incompatible with the

Indian patterns of land use and exploitation of natural resources. National Parks, on the other hand, are designed to be areas of total preservation, and as such they involve certain restrictions on the Indians' rights to hunt or gather forest products essential to their livelihood. In both cases, these provisions clash with the legally acknowledged rights of the Indians to their land and natural resources. Furthermore, tourism and recreational facilities may be developed within both kinds of conservation area, even though strangers are forbidden to enter Indian territories.¹¹

By overlapping most of the 'Yanomami Indian Land' with conservation areas whose status is incompatible with indigenous occupation, Directive 160 ensured that the exclusive land rights of the Yanomami would eventually be confined to the nineteen 'Indigenous Areas', thus taking away from them the remaining 70 per cent of their traditional territory which is necessary for their economic and social survival. In this way Directive 160 did not simply create an anomalous administrative framework, it was also a legal device designed to facilitate the expropriation of most of the Yanomami lands. The ambiguity as to whether Yanomami land rights covered the whole of the 'Yanomami Indian Land', or whether their exclusiveness was to be restricted to the nineteen 'Indigenous Areas', opened up a loophole for legal manoeuvring to reduce the Indian territory further. The strategy was to force the Yanomami into a sedentary life and by so doing provoke such a change in their economic activities as to preclude their traditional spatial mobility over a large territory for hunting-gathering and shifting cultivation. In due course they would be confined to the archipelago of nineteen 'Indigenous Areas'. In the meantime, those parts of the Yanomami territory which were to be expropriated would be temporarily controlled by a conservationist status until such time as deemed convenient to integrate them into the regional economic frontier, by opening them up to settlers and to timber and mineral exploitation.

*The Yanomami Archipelago in Directive 250:
An Explicit Expropriation*

The structure of the expropriation plan built into Directive 160 did not, however, satisfy its authors. Two months later, they published Directive 250 with a new version of the demarcation of Yanomami

lands. As we have seen, Directive 160 granted the Yanomami the right to permanent possession of most of their traditional lands, even if it was with the prospect of opening them up, *de facto*, in the long run. Its authors must have realized the political danger inherent in this clause, that is, that it left the way open to court cases against the inclusion of environmental conservation areas within Yanomami territory, which might spoil their plans to open up the area to gold prospectors and mining companies.

The territory of the Yanomami has been invaded since 1987 by approximately 40,000 gold-panners (*garimpeiros*), who have taken over the headwaters of all its main rivers (APC, 1989, 1990; CCPY, 1989; Albert, 1991). The federal government has been under constant pressure from the placer-mining lobby to legalize this invasion by granting prospecting rights on sites within the conservation areas lodged inside Yanomami lands (*Correio Brasiliense* and *Folha de S. Paulo*, 20 August 1988). The creation of the 'Yanomami Indian Land' (as defined in Directive 160) was regarded by this lobby as an obstacle to the fulfilment of their demands (*Folha de Boa Vista*, 21 August 1988; CCPY, 1988: 4-5).

Pressure from the placer-mining business no doubt influenced the decision to amend Directive 160, and thus accelerated the process of expropriation of Yanomami lands which the National Security Council was already planning (Albert, 1991), although it was probably expecting to introduce mining companies into the area at a slower pace. By 1987, 37 per cent of the Yanomami territory had already been claimed: 27 permits and 363 applications for authorization to prospect for minerals had been registered at the National Department of Mineral Production (DNPM) by Brazilian and transnational companies (CEDI/CONAGE, 1988: 11).¹²

Let us briefly analyse the provisions of Directive 250. The first and most significant difference is that all previous reference to the Indians' permanent possession and exclusive rights to usufruct of the so-called 'Yanomami Indian Land' of 8,216,925 ha — the show-piece of FUNAI's campaign in August 1988 — has simply disappeared. The territorial rights of the Yanomami are now explicitly restricted to the nineteen separate 'Indigenous Areas' of Directive 160. These are referred to, in paragraph I, as 'lands traditionally occupied by the Yanomami', an expression borrowed from Article 231, paragraph I, of the new Constitution. In the constitutional text, however, the concept of occupation refers not only to dwelling sites, but also to the land used by the Indians for productive

purposes, for the preservation of the natural resources necessary for their well-being and for their physical and cultural reproduction, in accordance with their own usages, customs and traditions. By fencing in clusters of villages that were mapped after one single survey in 1988 (thus including only sites occupied at that time¹³) the boundaries of the nineteen 'Indigenous Areas' as defined by Directive 250 fail to take into account areas which are effectively occupied and used by the Yanomami on a long-term basis, and which are essential to their economic and socio-political activities. There is, therefore, a deliberate distortion in the use of the expression 'lands traditionally occupied' in the context of this directive, in order to circumvent the provisions for Indian lands in Article 231 of the new Constitution (see note 1).

The lands excluded from the Yanomami traditional territory maintain essentially the same character as conservation areas as in Directive 160, except for a slight increase in the size of the Amazonas National Forest which increases the extent of the conservation units — 71.5 per cent of 'Yanomami Indian Land' — in relation to the 'Indigenous Areas' — 28.5 per cent. The safeguard that would give the Indians exclusive use of these areas, already weakened in Directive 160, was totally abandoned in Directive 250 with the suppression of the concept of 'Yanomami Indian Land' which encompassed them (paragraph IV). In its place we find that the Indians are granted a vague 'preferential use' of the natural resources of the National Forests, a provision lacking any legal or constitutional basis.

Lastly, paragraph IV of Directive 250 also determines that economic activities by non-Indians within the National Forests be subject to the exclusive approval of FUNAI and IBAMA. It is worth mentioning here that in July 1988 IBAMA (then the Brazilian Institute of Forestry Development, IBDF) made a proposal to regulate the use of these National Forests, in which mining was allowed within their boundaries,¹⁴ and that a law of July 1989 authorizes IBAMA to grant mining concessions for mineral prospecting in the conservation areas under its jurisdiction (Law 7.805, 18 July 1989, Article 17). Through these measures, the 50 per cent of Yanomami lands that have been transformed into National Forests by Directive 250 can be opened up *ex officio* to placer-mining or to mining companies directly by IBAMA with FUNAI's consent. In this way Directive 250 gets around another fundamental provision of the new Constitution which states that all decisions regarding the exploitation of mineral resources in

Indian lands must be approved by the National Congress and by the Indians themselves (Article 49-XVI; 176 § 1° and 231 § 3° and § 7°).

In short, Directive 250 annuls the creation of the 'Yanomami Indian Land' and leaves only its internal subdivisions, i.e. nineteen small and disjointed 'Indigenous Areas' inserted within three conservation units. As an instrument for the expropriation of Indian lands it is much less ambiguous than Directive 160. Half of Yanomami territory, transformed into National Forests, is no longer recognized as Indian land, and can thus be delivered directly into the hands of mining interests, via the regulations for these so-called conservation units, and according to the agencies that have jurisdiction over them.

NATIONAL FORESTS: MINING INTERESTS AND ECOLOGICAL RHETORIC

In February and March 1989, Directive 250 became twenty-one presidential decrees that sealed the dismemberment of the Yanomami territory.¹⁵ At the same time the regional superintendent and the local administrator of FUNAI officially admitted that the gold-panners had as much right to use the National Forests as the Indians (see *Manchete*, 28 January 1989 and *O Jornal*, 24 February 1989). In April 1989, the justification for a new decree regulating placer-mining activities and signed by the Minister of Home Affairs and the head of the Secretariat for National Defence (SADEN),¹⁶ stated that 'mining activities are not incompatible with the concept of National Forest'.¹⁷ In July, a committee chaired by the Minister of Mines and Energy, with members of FUNAI, IBAMA, SADEN and the Governor of Roraima, announced the legalization of placer-mining in the National Forest with the creation of 'placer-mining reserves' (see *Folha de S. Paulo*, 26 July 1989). The announcement followed the recommendations of 'Project Meridian 62' of the Roraima government, according to which 'placer-mining will be a priority in the National Forest of Roraima in those areas where this activity is already being carried out' (Governo de Roraima, 1989). Three of these 'placer-mining reserves' were officially created in January and February 1990.¹⁸

One-and-a-half years after it began, the process that purported to regulate Yanomami lands showed its true face, and revealed its real purpose, i.e. to surrender the largest part of the Indians' territory to

the placer-mining lobby. The demarcation of 'Indigenous Areas' surrounded by conservation units that had been proclaimed as an historical indigenist and environmentalist achievement, proved to be no more than a trick by the Brazilian government for getting around the new Constitution's provisions regarding Indian lands, and for 'greening' the plans for the military-plus-business occupation of the northern Amazon region.

Indeed, it was with the intention of 'greening' the expropriation of most Yanomami lands that Directive 250 dressed its rhetoric with such environmental concerns as the need to preserve the head-water ecosystems of west Roraima and the need for ecological buffer zones ('green belts') to protect the habitat of the Indians. The rhetorical dimension and strategic function of this recourse to environmentalist language and environmental legislation is confirmed by other factors. First, concern with the environment appeared in the developmentalist discourse of the Brazilian state precisely at a time when an effort was being made to bury the legal concept of an 'Indian National Park'. Corresponding to the concept of 'Cultural Park' (CS, 1985: 25), this would have been the only measure that could have adequately harmonized environmental concerns with the recognition of Indian land rights (Gaiger, 1989b: 21). Moreover, the forests in Indian territories were, by law, meant to be permanently preserved;¹⁹ therefore, if the main purpose of Directive 250 was really to protect the environment of Indian lands, then nothing would have been better than to demarcate the whole of the Yanomami traditional territory using the boundaries ratified by FUNAI in 1985 (see note 8). As for the creation of alleged 'green belts' around Yanomami 'Indigenous Areas', far from being additional ecological buffer zones, they were taken out of the land traditionally occupied by the Yanomami. The only appropriate legal solution for the protection of these Indians and their habitat was thus discarded in favour of National Forests (and a National Park) which were open to non-Indians and offered no legal guarantee to the Indians. By choosing to create these environmental units, the authorities deliberately restricted the exclusive land rights of the Yanomami to less than 30 per cent of their original territory.²⁰

Such distortion of environmental concepts and legislation for the purpose of reducing and fragmenting the Yanomami territory is not an isolated case. The lands of many other Indian groups in the frontier zone of the northern Amazon region suffered similar treatment in 1988 and 1989. The territories of the sixteen Indian groups

of the upper Rio Negro region were also cut up into fourteen 'Indigenous Colonies'²¹ or 'Indigenous Areas' and eleven National Forests, representing a loss of 61 per cent of the traditional lands over which they had exclusive rights (Buchillet, 1990: 134, Table III). In the same way, six groups in the states of Acre and South Amazonas had their lands carved up into twenty 'Indigenous Colonies/Areas' and six National Forests, thus losing 34 per cent of their territory (Guimarães, 1989b: 76-7). Demarcation studies have also been carried out for the Waiãpi Indians of Amapá, with a resulting land loss of 23 per cent.²²

The recurrence of this model of ecological expropriation of Indian lands in northern and western Amazônia reveals a systematic policy. In fact, this policy is based on a series of projects and measures from the National Security Council (later SADEN) over the last few years, designed to put into effect a geopolitical framework of military and economic occupation in the frontier zone of the Brazilian Amazon (Guimarães, 1988).²³ Two of these projects have appeared so far: the Calha Norte Project launched in 1985 (Albert, 1987, 1991; Allen, 1992; Miyamoto, 1989; Oliveira Filho, 1990b; Santilli, 1987, 1990; SG/CSN, 1985, 1988), and the Programa de Desenvolvimento da Faixa de Fronteira da Amazônia Ocidental (PROFFAO) being studied since 1989 (Bayma Denys, 1989; CIMI, 1989). These are to be complemented by a network of land portions reserved for the military throughout Amazônia: two decrees signed in 1988-9 granted the military thirty-five plots of land in the region, with a total area of 6,206,015 ha.²⁴

ENVIRONMENTAL POLICY AND AMAZONIAN GEOPOLITICS: THE PMACI AND NOSSA NATUREZA PROGRAMMES

The tropical forest of Amazônia is notorious for its ecological vulnerability, and north Amazon for its important Indian population. Given that both features have become increasingly sensitive issues in relation to the establishment of Brazilian development policies with international loans, SADEN adopted a strategy between 1986 and 1989 to take direct control of environmental and indigenist policy, in order to guarantee the continuity of its geopolitical planning in the Amazon region.

As part of the Calha Norte Project, the Secretariat-General of the

National Security Council took upon itself, first unofficially in 1985, and then officially in 1987, the total control of the process of demarcation of Indian lands.²⁵ The rationale for this move rested on the argument that Indian affairs have a significant bearing on many subjects that come directly under its jurisdiction, such as national integration and sovereignty, the integrity of national patrimony and social peace.²⁶ Apparently judging Brazilian Indians to be subversive non-citizens, the military have been developing an indigenist policy aimed at the systematic reduction of Indian lands on the border strip of the Amazon region, and the political isolation of the Indians through severance of all their links with support groups and institutions. In the Yanomami case, this policy was demonstrated by the expulsion from their territory of the medical teams working for the Comissão pela Criação do Parque Yanomami (CCPY), a São Paulo-based NGO, and the breaking up of the Yanomami territory (Albert, 1991).

The first direct interference of the National Security Council in Amazon environmental policy occurred in 1988, when it took charge of the Projeto de Proteção do Meio Ambiente e das Comunidades Indígenas (PMACI). Until then, the PMACI had been the responsibility of the Secretariat for Planning of the Presidency of the Republic (SEPLAN). The Brazilian government created the PMACI in order to meet the requirements for protection of the environment and of Indians lands which were set as conditions for a loan of US\$146.7 million from the Inter-American Development Bank (IDB), for the paving of the BR-364 highway from Porto Velho (state capital of Rondonia) to Rio Branco (state capital of Acre). The National Security Council took command of the PMACI precisely at a time when national and international environmental organizations protesting against the road project had put so much pressure on the IDB that it had decided to suspend the loan (Allegretti, 1988).

In August 1988 the authors of PMACI presented a definitive action plan, drawn up under the strict control of the National Security Council, proposing (with IDB financing) a complex zoning system consisting of conservation units, areas for extractive activities (rubber tapping) and Indian areas in Acre and in the south of Amazonas. The stated purpose of the system was to soften the social and environmental impact on the region of the paving of the BR-364. However, one can clearly recognize the pattern for reducing Indian land once again being applied by the National Security

Council on this project: the PMACI zoning plan cut up the lands of the Apurinã, Kasharari, Kashinawa, Paumari, Yamamadi and Yaminawa Indians into a mosaic of twenty 'Indigenous Areas' and 'Indigenous Colonies' and six National Forests (Guimarães, 1989b: 76-7). The pattern is identical to the land reduction of the Yanomami and of the Indian groups of the upper Rio Negro.

Despite the protests that came from local Indian leaders,²⁷ the PMACI was hurriedly approved in September 1988 and presented to the IDB, thus assuring that credit would again be forthcoming to finish the paving of the BR-364 highway. Even though the IDB had strong reservations about the guarantee of Indians' rights to the National Forests carved into their territory (called 'associated forests'), it apparently allowed itself to be convinced into disbursing the loan by the environmentalist rhetoric of the Brazilian delegation, which, ironically enough, invoked the Yanomami case as an example of successful economic and ecological zoning (July 1989).²⁸ (Two years later, only four 'Indigenous Areas' and two National Forests had been created; see *Jornal do Brasil*, 16 November 1990).

The next step in SADEN'S incursion into Amazonian environmental policy was the launching, in October 1988, of the Programme for the Defence of the Legal Amazônia Ecosystem Complex — Programa Nossa Natureza (Decree 96.944, 12 October 1988). Its aim was to develop a propaganda campaign of ecological concern as a response to the growing pressures coming from the movements for the protection of the Indians and the preservation of the rainforest against large-scale economic projects in Brazilian Amazônia.

The Programa Nossa Natureza came into being after two years of intensive press coverage of apocalyptic burnings of the Amazonian forest for agri-business. The Brazilian National Institute for Space Studies (INPE) showed estimates of forest destruction in 1987 and 1988 (204,608 and 300,000 km² respectively) which attracted an enormous amount of attention from the press both in Brazil and abroad.²⁹ Just after the decree that created the Programa Nossa Natureza had been signed, several major events took place, including the murder of Chico Mendes, the leader of the rubber tappers, in December 1988 (CNS, 1989), and the meeting of the Kayapó Indians in Altamira, in February 1989, to protest against the building of the Kararao dam on the Xingu river (Turner, 1989). This was a period of intense mobilization for various social movements in

Amazônia (Almeida, 1989). All this added to the increasing interest of the international media in the destruction of the Amazon forest. Last but not least, foreign governments and multilateral agencies began to pressurize Brazil into taking environmental protection measures, a role that had previously been associated with NGOs.³⁰

The first step taken by the Executive Committee of the Programa Nossa Natureza (headed by the Secretary-General of the SADEN and dominated by five of its members) was to set up six inter-ministerial work groups (GTIs) charged with studying, proposing and promoting measures for the protection of Amazônia.³¹ The work groups were defined as follows:

- I. Protection of the Forest.
- II. Chemical Substances and Inappropriate Mining Processes.
- III. Structure of the Environmental Protection System.
- IV. Environmental Education.
- V. Research.
- VI. Protection of the Environment, of Indian Communities and Populations involved in Extractive Activities.³²

The results of these work groups can be found in the drafts of twenty-two legal texts (laws, decrees and directives); in twenty-five memoranda from the President of the Republic to the appropriate ministers, making various recommendations on different measures to be taken; and in the publication of four decrees, creating three National Parks and one Biological Reserve.

The announcement of these results, in April 1989, was the occasion for a great media event, orchestrated by SADEN for the benefit of the national and international press, where once again the Yanomami case was used as an example (IBAMA, 1989b: 15). Significantly enough, this event was preceded by a raging campaign on the part of the military against the threat of an 'internationalization of Amazônia', the supposed aim of the indigenist and environmental protests.³³ Here we see a curious inversion of the position of leftists who, in the 1970s, accused the military of handing over Amazônia to the multinationals (Ribeiro, 1989).

The launching of the Programa Nossa Natureza also had repercussions on the diplomatic front. The Brazilian government mobilized the members of the Treaty of Amazonian Cooperation (which resulted in the March 1989 Declaration of Quito, and in a meeting in Manaus in May of the same year), for the purpose of reinforcing, at the regional level, its disavowal of the international debate on the

ecological protection of *Amazônia*, seen as a threat to national sovereignty and security (Santilli, 1989b).

Once the measures that made up the Programa Nossa Natureza had served their purpose as political propaganda, the programme's projects were sent to Congress between April and July 1989. Thanks to timely action on the part of NGOs and members of the Parliamentary Committee on the Environment, many of those projects went through significant changes, removing anti-democratic clauses and technical improprieties (IBAMA, 1989b; Oliveira and Born, 1989). None the less, at its core, the programme maintained the same strategy of ecological expropriation observed in the case of the Yanomami lands.

The main purpose of GTI VI (Protection of the Environment, of Indian Communities and Populations involved in Extractive Activities) was to systematize the procedures for the environmental-economic planning of the PMACI, to apply its zoning model to other areas and to find international funding for these projects. Unlike the other GTIs, it did not produce results in policy, apart from one law creating a National Environmental Fund (Law 7.797, 10 July 1989), and one memorandum to the Minister of Agriculture giving priority to the implantation of Extractivist Reserves (see Menezes, 1990 on these). However, its activities have been prolonged for an indefinite period, and it has been placed under the direct control of the Executive Committee of the Programa Nossa Natureza (Decree 97.636, 10 April 1989 and SADEN Directive 60, 25 July 1989). Furthermore, an examination of its budget for 1990 reveals that it is to carry out the territorial planning, following the PMACI model, of nine priority areas in *Amazônia*. These are: Xingú/Iriri; lower Rio Negro/Uatumã; middle and lower Tapajós; Carajás; upper Capim and lower Tocantins; Tocantins/Araguaia; Rio Branco; Juruena and Rio Araguari (IBAMA, 1989b: 57). Finally, in total disregard of the new Constitution, the 'socio-economic assumptions' laid down by SADEN as guidelines for the work of GTI VI with Indian populations, subject the definition of their lands to 'the development of these communities with a view to their total integration into the regional society'.³⁴

It appears then that SADEN's intention was to transform GTI VI into a kind of parallel territorial zoning agency, directly guided by military geopolitical orientations, for the purpose of legitimizing and expanding its model of ecological expropriation of Indian lands (a patchwork of 'Indigenous Areas'/'Indigenous Colonies' and

National Forests) so as to cover all of *Amazônia* under the cloak of the national-environmentalist propaganda of the Programa Nossa Natureza (Leitão, 1990: 111-2).

MINERAL INVESTMENTS AND NATIONAL SECURITY IN NORTHERN AMAZÔNIA: THE CALHA NORTE PROJECT

So far we have seen how the military projects for the territorial zoning of *Amazônia*, by manipulating environmental legislation, were dressed in administrative mechanisms to allow the progressive opening up of Indian lands to the economic frontier at a time of worldwide NGO mobilization. We now examine the economic and geopolitical goals underlying these projects, taking as an example the role of mining interests in the implementation of the Calha Norte Project.

The Calha Norte Project encompasses 6771 km of Brazil's northern border, and involves substantial public funding intended to increase military occupation, develop communication and transport networks, energy resources and basic services, with a view to attracting settlers and investments to the region. More precisely, the text of the project, as well as other studies by the Secretariat-General of the National Security Council, make clear that the planned basis for the development of the Calha Norte area rests on the exploration of its considerable mineral potential and not on its agricultural occupation (Oliveira Filho, 1990b: 24-5). In this perspective, the military consider that the legal limitations put on mining by the presence of extensive Indian lands in this region constitute a crucial obstacle to its economic integration. They express this view very clearly, for example, about the Yanomami lands:

The main problem of the mineral exploration in the State of Roraima, as in other regions of the Solimões and Amazonas river basin, rests on the fact that the areas surveyed as richer in mineral deposits are situated in indigenous, or presumably indigenous lands, this being especially notable in the region inhabited by the Yanomami Indians. (SG-CSN Study 10, 1985 quoted in Oliveira Filho, 1990b: 25)

These considerations make it obvious that the rationale for the Calha Norte Project, as a project for 'bringing poles of development into the interior' under military control, revolves around a strategy to reduce Indian territories in order to facilitate the access

of large-scale mining companies and placer-mining groups to the deposits located in these lands.

The mineral interests concentrated on the border strip of northern Brazil represent a formidable threat to Indian lands.³⁵ There are approximately 243,000 km² of Indian lands in this region (data from 1987). There are seventy-six permits and 973 applications for permission to conduct mineral prospecting registered at the National Department of Mineral Production, on twenty-two of the forty-nine Indian territories officially recognized as such within the 150 km-wide strip along the northern frontier, which is considered a national security zone (see note 23). The area covered by these prospecting authorizations totals approximately 93,872 km². This means that mineral rights to the subsoil of 39 per cent of the Indian territories in the region have been allocated to mining companies, most of them Brazilian private companies, for future prospecting and exploitation.³⁶

In this context, it is significant that the Indian areas where ecological expropriations were carried out in 1988–9 under the Calha Norte Project — the Tukano, Baniwa and Maku lands of the upper Rio Negro were reduced by 61 per cent, and the Yanomami lands of west Roraima by 70 per cent — are precisely the areas with the greatest mining potential in northern Amazônia. It is no coincidence that the largest areas of Amazônia reserved for the army are also located in these two regions. The lands of the upper Rio Negro are the object of 17 permits and 359 applications for mineral prospecting, and the Yanomami lands of 27 permits and 363 applications, adding up to a total of 766 mineral prospecting titles, or 73 per cent of all the titles registered for the northern border area. It should not be forgotten, furthermore, that the Indian lands of that area have also been invaded by a large number of unregistered, small-scale placer-mining outfits, operating in fourteen of the forty-nine officially recognized Indian areas of the region.

The central position which mining interests hold in the efforts of the Brazilian military to carry out a territorial zoning in the northern Amazon is not only a matter of economic development, but also a question of geopolitical strategy. From the angle of the doctrine of national security, the military intelligence circle regards the campaigns to preserve the Amazon forest and protect Indian land rights as subversive manoeuvres by foreign interests against Brazil's national sovereignty. The concern is that these 'foreign interests' could support the delimitation of large Indian reserves in the border

areas of *Amazônia* and transform them, in the long run, into hotbeds of separatist ethnic revendications. Accusations against this supposed international plot have a precise link, in military reports, with the mineral question in northern *Amazônia*:

The suspicion of the existence of manipulations over indigenous lands gets stronger when one gives attention to the high frequency with which these areas expand and join each other towards the regions where rich mineral deposits have been discovered and towards border tracts where there already exist populations of the same ethnic groups in adjacent countries. (SG-CSN Study 29, 1986, quoted in Oliveira Filho 1990b: 28-9)

The Brazilian military believe that the international and national NGOs are pivotal in this subversive territorial strategy, being essentially movements aimed at encouraging 'indigenous communities to control their sub-soil and enjoy political and economic self-determination, or even recognition as separate nations from the rest of national society' so as to 'induce the formation of vast and underpopulated enclaves cut off from the national community which might become autonomous indigenous nations'.³⁷ Under its nationalist rhetoric of border protection against external threats, the Calha Norte Project thus consists of a traditional combination in Brazilian Amazonian development — large-scale mining investments, Indian land reduction and political control.

The fact that mining in Indian lands is considered a geopolitically decisive issue in the border area of northern *Amazônia* does not mean that it is not also a significant political and economic question for the rest of Brazilian *Amazônia*. On the contrary: 70 of the 242 Indian lands officially recognized as such in the whole region (1987) are the subject of 560 mineral prospecting permits and of 1685 applications for such permits; the subsoil of 33.5 per cent of the total area of these territories is under the control of mining companies; and placer-mining groups operate in 21 of the 242 Indian lands. Thus, although there are many other economic interests also present in Indian territories in central *Amazônia* (agri-business, timber operations, hydroelectric plants, etc.; see Albert, 1990; CEDI/PETI, 1990), the expansion of the mining frontier in the 1980s (Becker, 1990: Ch. 4) was fundamental to SADEN's strategy of extending throughout the region its model of ecological expropriation and its associated network of lands placed under military control.

CONCLUSION

We have seen that, during the 'New Republic' government (1985-90), Brazil's official indigenist and environmental policies were firmly linked to a pattern of integration of *Amazônia* which, economically and politically, was a direct continuation of the development and national security model of the 1960s and 1970s. It was a model that promoted large-scale exploitation of the region's natural resources for export, in the context of political stability guaranteed by strict military control.

However, the social and ecological costs of this highly unequal and predatory economic planning caused growing protest from NGOs and public opinion, which then exerted increasing pressure on international creditors upon whose financing these projects depended. The advanced provisions on environment and the Indians in the new Brazilian Constitution,³⁸ and the institutional growth of the popular movement for democracy also played a very important role within the country. In consequence, the military planners were forced to make substantial changes in their administrative and political style. As a direct response to these new trends in both the international and national political arenas, the members of the Secretariat-General of the National Security Council (later SADEN), in collusion with business interests, have thus developed a new strategy. Their aims are to take control of the Brazilian indigenist and environmental policy in an attempt to replace the worn-out ideological framework of the 'Brazilian miracle', and to guarantee the armed forces' involvement in the geopolitical and economic destiny of *Amazônia*. This survival strategy of military planning has consisted essentially in the creation of parallel administrative rules and structures in order to govern Amazonian development outside the formal democratic institutions considered too vulnerable to the pressures of national and international civil movements (Vainer, 1990).

SADEN viewed NGO campaigns as an obstacle to the economic occupation of *Amazônia*, and a threat to national sovereignty; not only because they supposedly encourage separatism among frontier ethnic groups, but also, more seriously, because those pressures directly affect Brazil's access to loans from the Multilateral Development Banks, thus reducing the availability of associated private credit which constitutes more than 80 per cent of Brazil's foreign debt (Schwartzman and Malone, 1988: 64-5). A top priority

of the military policies was, therefore, to neutralize the influence of indigenist and environmentalist movements on the conditions for social and ecological safeguards which were appended to international loans. This attempt to offset the weight of these movements was essentially made by 'greening' the government's rhetoric of development, and by manipulating the environmental legislation. At the same time, the military expelled researchers and NGO members from politically sensitive Indian areas of *Amazônia* such as Kayapó, Tikuna, Tukano, Yanomami and Waimiri-Atroari (Oliveira Filho, 1988; Farage, n.d.).

The case of the demarcation of the Yanomami lands is a particularly good example of the administrative manoeuvres carried out by the Brazilian armed forces as a cover-up for the high social and ecological costs of the continuing military-business development planning in Brazilian *Amazônia*.³⁹ This analysis of the military model for ecological expropriation of Indian lands developed by the Secretariat-General of the National Security Council/SADEN during the civilian government of the 'New Republic' provides challenging issues for environmentalist NGOs and for international institutions involved in the financing of development projects in Brazilian *Amazônia*. It draws attention to the need for the NGOs to monitor the political impact of their campaigns closely in order to thwart governmental manipulation of conservationist concepts, to the detriment of Indian populations and their habitat. It also brings to light the necessity for the Multilateral Development Banks to improve their criteria for assessing the indigenist and ecological projects submitted to them, especially with regard to the analysis of the political context surrounding the policies to be implemented by governmental agencies.⁴⁰ Lastly, the analysis of the Yanomami case shows the interest — in the 'political ecology' perspective proposed by Schmink and Wood (1987) — of studies focusing on the interaction of civil movements and state strategies in the definition and application of development policies for *Amazônia*.

**THE FIRST YEAR OF THE COLLOR
ADMINISTRATION: ENVIRONMENT, INDIANS AND
THE MILITARY (JUNE 91)**

With regard to Amazon development policy, the government of President Collor (first Brazilian president elected by direct vote

since 1960) has inherited a situation of antagonism between the democratic resurgence movement in the country and the military, who continue to pursue an unconstitutional administrative strategy to maintain their control over the region. In its first months (from March 1990), this new administration showed some signs of neutralizing the most conspicuous and anachronistic aspects of the military hegemony in the Amazon. But, superficial and publicity oriented as they were, these attempts provoked negative reactions from the armed forces which clearly indicate that the military role in Brazilian development policies for Amazônia has not yet weakened.

President Collor visited the Yanomami area on 24 March 1990 to announce the creation of a special committee to study the territorial zoning of Brazilian Amazônia, and to reformulate the Calha Norte Project (*Folha de S. Paulo*, 24 March 1990; *O Globo*, 25 March 1990). Two days earlier he had declared that the project would only continue on the condition that its central focus was the protection of Amazonian ecology (*Folha de S. Paulo*, 22–24 March 1990; *A Crítica*, 23 March 1990). The appointment by Collor of J. Lutzenberger, an internationally known militant ecologist who openly criticized the Calha Norte Project, as State Secretary of the Environment, also contributed to tension between the President and the military (*A Crítica*, 30 March 1990; *Folha de S. Paulo*, 11 May 1990).

Soon afterwards, the press made public a document of the Escola Superior de Guerra (ESG) entitled 'The Structure of National Power for the Year 2001. 1990–2000: the Vital Decade for a Modern and Democratic Brazil', dated 15 March 1990 (*Folha de S. Paulo*, 29 May 1990). In a chapter on 'Policies and Strategies for Amazônia' this document rephrased, in an astonishingly anachronistic style, the old Brazilian military obsessions with national security in the region. Among the 'obstacles' to the national integration of Amazônia were quoted the excessive number and size of Indian lands, especially in international frontier areas, and the campaigns of international environmentalist and indigenist NGOs, accused of using these 'indigenous enclaves' as bridgeheads (with the complicity of the governments of developed countries) to internationalize parts of Amazônia. The document is particularly vehement against the 'radical preservation of Indian cultures' as 'cysts within national space', and against 'preservationist activism': it even goes so far as to consider recourse to war against international pressures for the maintenance of 'anthropological cysts' in the country, as opposed

to the 'permanent national aims' of integration and sovereignty. These ESG arguments attracted public attention again in 1991 when declarations of the military commander of Amazônia claimed, given foreign pressures on the region, it could 'transform itself into a huge Vietnam' (see *Correio Brasiliense*, 18 June 1991).

Even though the Escola Superior de Guerra no longer has the political importance it once had as a 'think tank' for the military dictatorship in the 1960s and 1970s, the 'family resemblance' its documents have with SADEN directives and military-development projects (defended by the ESG text) indicates — to say the least — that the Brazilian armed forces are far from renouncing their hegemony over development policies in Amazônia.

Since mid-1990 several facts indicate that the military may indeed be continuing to interfere in the environmental and indigenist policies of the Collor administration, although less obviously than during the 'New Republic', and not without opposition from within the government (see *Gazeta Mercantil*, 10 October 1990). As a matter of fact, President Collor's Amazonian policy does reveal a painstaking attempt to conciliate divergent political factions in his government — one relatively open to the NGO community's views (essentially in order to better the international image of the country), the other linked to the military development model (still sustained by strong parallel structures under army control in the public administration).

Environmental Policy

In September 1990 the Collor government created a Co-ordinating Committee of Ecological and Economic Zoning with a priority toward Amazônia, under the direction of the Secretariat for Strategic Affairs (SAE) (Decree 99.540, 21 September 1990) which, although headed by a civilian, is the direct successor of SADEN and of the National Intelligence Service (SNI). The SAE was simultaneously given responsibility for special 'border projects' including the Calha Norte Project which was reactivated with a new budget in March 1991 (*BSB Brasil*, 25 September 1990; *Folha de S. Paulo* 30 September 1990, 11 March 1991). The SAE was also given control over the CONAMA (National Council of the Environment), the collegial committee entrusted to assist the President in the

formulation of Brazilian environmental policy (see *Istoé/Senhor*, 5 June 1991: 24).⁴¹

This 'militarization' of the environmental policy of the Collor government through the SAE – despite opposition from the IBAMA and the Secretariat for the Environment run by J. Lutzenberger – has been the object of press comments since the end of 1990 (*Folha de S. Paulo*, 1 November 1990, 26 December 1990). It has recently been condemned by representatives of more than 500 Brazilian environmental NGOs at their Fourth National Forum in São Paulo (CEDI, 15 April 1991, in *Aconteceu* 564: 5).

The parallel planning and executive functions given to the SAE, to the detriment of the formal administrations in charge of the environmental question, seem to indicate that the debate over the preservation of Amazônia is still treated by the Collor government above all as a topic of national security, the SAE zoning project being considered, in the first place, a strategic political element in the public refurbishing of Brazil's ecological image through the Rio-92 UN Environmental Conference (see *O Estado de S. Paulo*, 12 March 1991).

Indigenist Policy

In July 1990 the Collor administration created an inter-ministerial work group to define a new indigenist policy, including members of the SAE and the President's military cabinet (Decree 99.405, 19 July 1990). In August, an air force sergeant of the reserve was appointed as FUNAI's new president (*Folha de S. Paulo*, 17 August 1990) and his first public declarations were to justify the dismembering of Yanomami lands, defend the Calha Norte Project and recommend the economic use of natural resources in Indian lands by non-Indians (*Folha de S. Paulo*, 10 September 1990). The inter-ministerial work group on indigenist policy released its proposal in November. Although its assistance items (education and health) were acknowledged as progressive, all aspects regarding the legal status of the Indians and their lands were visibly inspired by traditional military views (automatic 'emancipation' of the Indians, voice given to non-Indian economic interest in the demarcation process of Indian lands). These unconstitutional points of the proposal were rejected not only by the NGO community but also by the Attorney General's office (CEDI, 12 November 1990, 11 December 1990,

in *Aconteceu* 554 and 556; *Porantim* 133–134). In December, President Collor announced the revocation of the decrees introduced by SADEN in 1987 creating 'Indigenous Areas' and 'Indigenous Colonies' (see notes 9 and 21) and, at the same time, the creation of an inter-ministerial committee to define a new administrative system for the demarcation of Indian lands (*Hoje em Dia*, 27 December 1990). In January 1991, a decree formalized this committee which also included members of the SAE and of the President's military cabinet (Decree 99.971, 3 January 1991).

Only in February 1991 did President Collor finally begin to give some definition to his indigenist policy, through the enactment of five decrees (22–26, 4 February 1991). Four of these (23–26) withdraw from FUNAI the responsibility for different aspects of state assistance to Indians, transferring it to the Ministries of Health, Education and Agriculture, and to the Secretariat for the Environment. The fifth decree (22) deals with the demarcation of Indian lands. It leaves FUNAI with only the technical responsibility for proposing demarcation limits, opens up the possibility for revision of previous demarcations and gives all the power of decision-making regarding the submitted demarcations and revisions to the Ministry of Justice.

A press release by the União das Nações Indígenas and several indigenist NGOs criticized these measures for creating a dispersed system of assistance without co-ordination and, above all, for giving discretionary powers to the Ministry of Justice (against the spirit of the Constitution); powers which could again favour the arbitrary influence of geopolitical and economic criteria in the demarcation of Indian lands (CEDI, 8 February 1991, in *Aconteceu* 559: 11). It must be said here that President Collor's Minister of Justice is seen as a symbol of the military dictatorship, having been minister during three of its governments between 1967 and 1985 (those of Costa e Silva, Medici and Figueiredo).

In March 1991, FUNAI published a new directive (239, 20 March 1991) on the technical process of 'identification' of Indian lands, the first step of the official procedures leading to demarcation (Oliveira Filho, 1990a). However, no measures have been taken yet on the 147 demarcation proposals awaiting a government decision (CEDI/PETI, 1990: 19). During its first year, the Collor government did not demarcate a single Indian territory (see CEDI, 1 April 1991, in *Aconteceu* 563: 11). The constitutional deadline set for all demarcations is October 1993, and 237 Indian lands are yet to be demarcated

(45 per cent of the 526 Indian territories in the country). The question thus remains entirely open as to whether or not this new government will reject the military pressures which led to the freezing of demarcations and the reduction of Indian lands during the 'New Republic' (Leite, 1990a, 1990b).

The Yanomami Land Question

The way the Yanomami case has been treated during the first year of the Collor administration has been rather ambiguous. On the one hand it has shown some, though not enough, efforts to assist those Indians; on the other, it has complied with a total administrative inertia on the land issue.

The scandal in the world press about the genocide of the Yanomami in early 1990 forced the government to take immediate measures. Operations were launched in May and October 1990 and February 1991 by FUNAI and the federal police to evacuate the gold-panners from Yanomami lands and to dynamite their illegal airstrips. Although groups of placer-miners continue to reinvade the core of Yanomami lands after each operation, their total number has been drastically reduced — from about 40,000 in 1989 (APC, 1989; CCPY, 1989), to approximately 7000 in June 1991 (*Folha de S. Paulo*, 4 July 1991). A Yanomami health project, first announced in November 1990 (*Jornal do Brasil*, 30 November 1990), was finally created by the Ministry of Health in April 1991 (Decree 316, 11 April 1991). Violence against the Yanomami, however, persists and, although efforts are being made to curb malaria epidemics, the disease still rages over their territory.⁴²

On 19 April 1991 (National Indian Day), President Collor at last revoked the disastrous delimitation of Yanomami lands put into force by the government of the 'New Republic'. Two directives issued by the Minister of Justice later ordered the study of a new delimitation within six months (223 and 224, 2 May 1991). In the meantime the Yanomami area has been placed under an interdict. This annulment of the SADEN reduction of Yanomami lands was certainly welcome, but it is no more than a much delayed ratification of a federal court decision of September 1990 to recognize their territory legally (CCPY, 1991; *Folha de S. Paulo*, 26 September 1990).⁴³ One might say that this six-month interdiction, far from offering a definitive solution, seems rather to be a strategy

for delaying the appropriate delimitation, while giving public opinion the false impression that an effective decision has been made.⁴⁴ In fact, it is difficult to understand why there should be a need for any new studies, when it is known that FUNAI's demarcation project of 1985 (see note 8) was based on lengthy research carried out after a first interdiction of Yanomami lands in 1982 (Directive of the Minister of Home Affairs 25, 9 March 1982).

In October 1990 President Collor received two projects for the creation of a single 'Yanomami Indian Land', one from FUNAI, the other from IBAMA (CEDI, 30 October 1991, in *Aconteceu* 3: 11). Once more this decision has been delayed not only because of SAE's opposition to the legalization of a large and continuous Indian area along the northern Amazonian border, but also because of lobbying by local politicians who support the gold-panners (*Folha de S. Paulo*, 8 March 1991; *Jornal de Brasília*, 31 March 1991; CEDI, 1 April 1991, in *Aconteceu* 564: 10). This alliance between the military and the placer-mining lobby is not new. At the end of the 'New Republic', representatives of the Brazilian armed forces had gone so far as to give overt support to the presence of gold-panners in the Yanomami lands (*Folha de S. Paulo*, 20 December 1989; *O Globo*, 4 February 1990). Moreover, the world's largest tin ore mining company, the Brazilian Paranapanema, has recently shown interest in claiming the heartland of Yanomami territory (CEDI, 14 June 1991, in *Aconteceu* 568: 10), while the Brazilian press revealed a project supported by 'a strong faction of the government' to cut out 38 per cent of the Yanomami lands for mining operations (*Folha de S. Paulo*, 8 July 1991).

One can only wonder if President Collor will have the political strength to antagonize such powerful interests and proceed to recognize appropriately Yanomami lands rights according to the Brazilian Constitution (Article 231), the 1985 FUNAI project and the federal court. This has been the plea of the Brazilian NGOs for thirteen years. It will certainly depend on the intensity of international pressure before the Rio-92 UN Conference takes place (see *Folha de S. Paulo*, 26 June 1991).

NOTES

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1. Article 231 of the 1988 Brazilian Constitution gives a broad definition of the concept of Indian land which includes not only the areas actually inhabited, but also all those areas that are necessary for the economic and social activities of the Indian communities, at present and in the future (see Allen, 1989; Carneiro da Cunha, 1990; Coelho dos Santos, 1989; Damasceno, 1990; Gaiger, 1989a; Santilli, 1989a; Souza Filho, 1990).

2. The role of the 'Indian Assemblies' organized during this period by the Conselho Indigenista Missionario (CIMI) deserves a special mention.

3. See Miyamoto (1987) on the National Security Council.

4. According to FUNAI's 'Position Paper' 190 (1988), the Yanomami in Brazil numbered 9910 in 1988, spread over 120 communities.

5. According to the Indian Statute (Article 28), the purpose of a *parque indígena* is to protect and give assistance to the Indian communities and to preserve their environment. For a recent compilation of Brazilian indigenist legislation, see Guimarães (1989a).

6. These directives were also signed by the Minister of Agriculture, the Minister of Agrarian Reform and Development and the Secretary-General of the National Security Council.

7. The title of a FUNAI press release of 19 August 1990.

8. FUNAI's Directive 1817/E of 8 January 1985, defined the boundaries of the territory effectively occupied by the Yanomami (9,419,108 ha) as a preliminary administrative measure to the creation of a 'Yanomami National Indian Park'.

9. Such as those defined by Decree 94.946 (23 September 1987) as areas 'occupied or inhabited either by unacculturated forest dwellers or by those undergoing the initial stages of acculturation'.

10. IBAMA was created in February 1989 (see IBAMA, 1989b).

11. For further details see Article 5 of the Brazilian Forestry Code (Law 4.771, 15 September 1965); the Regulation of National Parks of Brazil (Decree 84.017, 21 September 1979); Article 22 of the Indian Statute; and Directive 745 (6 July 1988) of FUNAI as well as IBDF/FBCN (1982: 20-1, 25-6). See also Gaiger (1989b: 20-1) for a legal commentary on the incompatibility between National Forests, National Parks and Indian lands.

12. A more recent document mentions a total of 451 permits and applications for mineral prospecting pending in Yanomami lands (Governo de Roraima, 1989).

13. In fact, not even all inhabited areas are included: at least twenty-three villages were left out of the nineteen 'Indigenous Areas'.

14. Article 1, § 3, of Memorandum 107 (1988) sent by the Director of the Department of Forestry to the President of IBDF (6 September 1988).

15. Decrees 97.512 to 97.530 (17 February 1989) (nineteen 'Indigenous Areas') and 97.545-97.546 (1 March 1989) (two National Forests).

16. The new name, since September 1988, of the Secretariat-General of the National Security Council.

17. Decree Justification EMI 8(1989) of Decree 97.627 (10 April 1989). Moreover, Article 13 of Law 7.805 (18 July 1989) which rules the granting of permission for gold-panning, mentions the creation of 'areas of placer-mining'.

18. Decrees 98.890 (25 January 1990) and 98.959 and 98.960 (15 February 1990) ('areas for placer-mining activities of Santa Rosa, Uraricoera, and Catrimani-Couto de Magalhães').

19. With a view to 'preserving the environment necessary for the life of forest-dwelling populations' (Forestry Code, Article 3, item g).

20. That the use of the concept of National Forest in the demarcation of Yanomami lands as laid down in Directive 250 was unconstitutional was confirmed by a Public Civil Enquiry by the Attorney General (3 October 1989).

21. The 'Indigenous Colonies' are areas 'occupied or inhabited either by acculturated Indians or Indians in an advanced process of acculturation' (Decree 96.946, 23 September 1987). FUNAI's Directive PP/1.098 (6 September 1988), defines the criteria for evaluating the degree of acculturation of Indian groups.

22. For information on the Waiãpi National Forest project, see FUNAI's 'Position Paper' 193 (1988) and 'Information Paper' 015 (SUAF) (1989).

23. Under the 1988 Constitution and with a new name, National Defence Council (CDN), the former National Security Council (CSN) preserves many of the attributes it enjoyed before. Article 91, paragraph 1^o-III of the Constitution thus empowers it to 'propose the criteria and conditions for the use of areas that are indispensable for the security of the national territory, and to rule on how they are to be used, especially on the border strip and in those areas related to the preservation and exploitation of natural resources of any kind'.

24. Decrees 95.859 (22 March 1988) and 97.956 (30 March 1989). The lands controlled by the army in Amazônia amount to 10,113,215 ha. All these reserved lands are located in areas that are considered to be politically 'problematical' — border areas, areas of land conflicts or Indian areas (see *Folha de S. Paulo*, 27 and 29 September 1989; *Tempo e Presença*, 244-5: 31).

25. The responsibility of the Secretariat-General of the National Security Council for the definition of Indian lands was made official by Decree 94.945 (23 September 1987).

26. See Secretariat-General of the National Security Council study 007/3a Seção (1986) entitled 'The Indian Question and the Risks for the Sovereignty and Integrity of the National Territory', quoted in *Senhor* (3 November 1987).

27. See the letter from the Union of Indigenous Nations (UNI) to the co-ordinators of PMACI and to the representatives of IDB dated 1 May 1988 (UNI, 1989: 44); also see *O Estado de S. Paulo* (17 September 1988) and *Jornal do Brasil* (28 September 1988).

28. See the IDB cable OD9/BR-665/88 to SEPLAN 8 December 1988 (IDB, 1988) and the Environmental Defense Fund (EDF) Memorandum to CEDI, São Paulo, on the PMACI meeting at IDB (EDF, 1989). See also *Jornal do Brasil* (1 April 1989) and *Correio Brasiliense* (6 September 1989).

29. See Deia (1988); *Veja* (9 and 23 November 1989). Current estimates reckon that of the 4,988,939 km² of *Amazônia legal*, deforestation has reached 582,869 km², or 11.7 per cent. The destruction of the rainforest amounts to 344,706 km² of a total of 4,127,087 km² (8.4 per cent); the destruction of the *cerrado* (shrub savanna) areas amounts to 238,163 km² of a total of 861,852 km² (27.6 per cent) (Fearnside, 1989: 9).

30. A parliamentary committee of enquiry was set up in March 1989 to 'investigate the accusations of devastation of Amazon flora and the role of foreigners in these accusations' (*Correio Brasiliense*, 1 March 1989).

31. Also, approvals for new fiscal incentives and credit for agri-business projects in Amazônia were suspended for a period of ninety days (Decree 96.943, 12 October 1988). The Presidency of the Republic recommended that the Ministry of Finance

suspend exports of unsawn logs, and that the Ministry of Agrarian Reform and Development adapt the legislation pertaining to land reform to the environmental norms established by the new Constitution (SADEN memos 001 and 002, 1988).

32. Addendum to the Decree Justification EMI 001 (12 October 1988).

33. See *Correio Brasiliense*, 1, 8, 9 and 28 March: 'Environment Mobilizes the Military', 'General Fears Campaign', 'Military React to Interference in Amazônia', 'Covetousness Motive for the Campaign for Amazônia'; *A Crítica* 8, 9 and 13 March: 'Military Presence in Amazônia is Increased', 'Military do not Accept Criticism on Amazônia', 'Army Alert to Foreign Pressures'.

34. SADEN 1988: 'Programa Nossa Natureza. Anexo D (Memento do relatório dos GTIs a NGA do "Programa Nossa Natureza") — Pressupostos econômico-sociais' (GTI VI documents).

35. All the estimates that follow are based on data from CEDI/Museu Nacional (1987) and CEDI/CONAGE (1988).

36. Data of July 1987. The mineral survey permits are valid for three years and are renewable; the validity period of the applications is unrestricted and results in a virtual blockading of the area (Ricardo and Rocha, 1990).

37. Conference by Colonel A. Nascimento on the Calha Norte Project at the Higher Institute of Amazônia Studies (ISEA) in Manaus (6 January 1988).

38. See Ch. VI of the 1988 Brazilian Constitution on environment, and Ch. VIII on Indian rights.

39. For a detailed account of the tragic impact of Calha Norte on the Yanomami Indians see Albert (1991).

40. When SADEN's ecological propaganda was broadcast in 1989, 46,000 km² of tropical forest — an area equivalent to the state of Rio de Janeiro — had already been destroyed (INPE quoted in *Folha de S. Paulo*, 26 June 1990), and mercury pollution of Amazonian rivers by gold-panners had reached critical proportions (*Jornal do Brasil*, 6 March 1990, 16 July 1990; Martinelli et al., 1989; Pfeiffer et al. 1990).

41. The SAE extended its powers so far as to forbid the public distribution of maps of Brazilian Amazônia published by SUDAM, the civil administration in charge of Amazonian development planning (L.F. Pinto, 12 April 1991, in *Aconteceu* 564: 4).

42. Seven Indians were murdered or wounded by *garimpeiros* in September 1990 and March 1991 at Olomai, Homoshi, Shilobi and Sheriana airstrips (*Folha de S. Paulo*, 11 September 1990; CCPY, 1990; *O Estado de S. Paulo*, 22 March 1991). A recent Church report mentions seventy Yanomami deaths resulting from malaria in Roraima state during the first three months of 1991 (*Folha de S. Paulo*, 18 May 1991); see also, on the dramatic Yanomami health situation (*Correio Brasiliense*, 26 May 1991; *Folha de S. Paulo*, 18 June 1991).

43. This decision of 24 September 1990 was, in fact, a confirmation of two previous judgments (20 October 1989 and 10 April 1990) never taken into account by the executive power.

44. It must be noted here that if the nineteen 'Indigenous Areas' and three 'placer-mining reserves' illegally created in Yanomami lands have been revoked, the two National Forests of Amazonas and Roraima in which they were enclosed are still in effect (CEDI, 29 April 1991, in *Aconteceu* 565: 10).

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Postscript: In spite of the strong opposition of the military until the last moment, President Collor finally authorized the demarcation of the claimed 'Terra Indígena Yanomami' on 15 November 1991.