

# **Indigenous Peoples Living in Voluntary Isolation in the Amazon and Gran Chaco Regions**

*Territories and Development*

REGIONAL REPORT



**Land is Life**

# INDIGENOUS PEOPLES LIVING IN VOLUNTARY ISOLATION IN THE AMAZON AND GRAN CHACO REGIONS

REGIONAL REPORT: TERRITORIES AND DEVELOPMENT



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**Regional Report: Territories and Development**

Regional Report: Antenor Vaz. Coordinator

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# INTRODUCTION

Land is Life is pleased to present one of the most complete works on the subject of isolated peoples in South America: Regional Report: Territories and Development – Isolated Indigenous Peoples in the Amazon and Gran Chaco.

There are accounts of 185 indigenous groups in both the Amazon and Gran Chaco regions (the existence of 66 has been confirmed) that have resisted processes of conquest and integration by Latin American nations. On more than one occasion, their presence has surprised authorities and those in charge of drawing up local public policies.

For the most part, indigenous peoples in isolation are sub groups of larger indigenous populations, and due to different forms of exploitation and integration, have decided to remain in voluntary, relative, seasonal or other forms of isolation. But on the great majority of occasions they have been forced into isolation or into hiding in the depths of their territories, and have reduced as much as possible any contact with national society and with their own relatives who have been contacted and subjected to various types of exploitation for centuries.

The present report is the product of a major collective effort to gather information in distinct regions of seven countries. We have gathered together the valuable experience of numerous indigenous organizations working to protect other isolated indigenous groups that are their neighbors, and in several cases with whom they share territory. We have also incorporated the committed efforts of several NGOs that have worked on this issue for decades. In both cases, there is an evident and profound commitment to the cause of protecting the life, territories and cultural continuity of peoples in isolation.

A least one local report has been drawn up in each country: with information obtained from Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru and Venezuela. In each case, the same methodology was used to gather information and analyze the situation of local or national territories. A regional analysis was then undertaken based on the reports received.

The regional information contained in these pages affords a complete overview, including a great deal of information that for years was either not available or did not address the regional situation. In addition to the local and regional analyses, this Report also presents concrete recommendations to States, multilateral organizations and organized civil society, with a view to strengthening the protection of indigenous peoples in isolation.

The presence of national, international and private sector capital in one or more countries is recurrent, as is that of financial institutions and corporations that exploit natural resources in areas with a presence of peoples in isolation.

Mining, oil and logging companies form powerful lobbies, operating simultaneously in different countries to promote extractivist policies and projects in territories that until recently had not

formed part of such proposals. An important finding of the research undertaken for the Report is the alarming presence of illegal activities in areas where no effective authority exists to control the trafficking of wood and land, animal species, illicit crops, and the extraction of minerals such as gold and coltan.

The extension of the agricultural frontier in Brazil, Bolivia and Paraguay has generated a huge loss of vegetation cover, in the process affecting the biodiversity that peoples in isolation depend on for survival. Agricultural policies which permit 'slash and burn' practices have recently led to a series of fires that have affected the territories of several isolated groups, causing irreversible damage and leading to their displacement.

This Report offers institutions and indigenous organizations the region a valuable perspective as well as the information necessary to expand their local work and better understand how regional integration initiatives in infrastructure, energy, agriculture and mining are being imposed. These initiatives have negatively affected the integrity of ancestral territories already divided by history, economic interests and management plans, and in many cases have increased cultural differences and provoked territorial conflicts between the different indigenous groups

This report is dedicated to the understanding of how we, as institutions and societies, could act more affectively to protect the territories and forests that still remain free of exploitation. The home of indigenous peoples in isolation is the last space unconquered by consumer society, governments and States, ranchers and illegal actors. But now we have the precise locations, and we know where to turn for enforcement measures. We also now know the origins of the capital and loans that are affecting peoples in isolation. This information is timely, because time itself is running out for us to act at both the local and regional levels, and to demand the guarantee of their rights and the protection of the last frontier of life.

Land is Life  
September, 2019

# FOREWARD

Victoria Tauli-Corpuz

It is my pleasure to present this regional report on *Indigenous Peoples in Isolation. Territories and Development in the Amazon and Gran Chaco* published by Land is Life and coordinated by Antenor Vaz. The Report represents an exceptional effort on an issue to which I have devoted my attention as the United Nations Special Rapporteur on the rights of indigenous peoples. The Report helps us better understand the situation of indigenous peoples in isolation in this geographical area, the obstacles that hinder respect for their human rights, and the strategies and measures in place at the national and regional levels for their protection, pointing out both progress and shortcomings.

I would like to comment on two of the characteristics of the text that I consider to be of particular importance. A first noteworthy aspect is the participatory methodology used, one that drew on the participation of indigenous and other support organizations in the seven countries analyzed, which are points of reference on the issue of indigenous peoples in isolation. Their work has resulted in 11 local studies that have made it possible to update the information provided by the assessment prepared in 2005 for the first International Meeting on this issue that took place in Belem do Pará.

A second noteworthy aspect is the importance given not only to national realities but also to a regional approach. This is fundamental when dealing with peoples that in many cases live in territories that transcend national borders, making a coordinated regional framework indispensable for solving existing problems. This need has been grasped by the international bodies that have devoted their attention to this issue, and is reflected both in the *United Nations Guidelines* and in the *Reference Report* of the Inter-American Commission on Human Rights<sup>1</sup>

This Report explores aspects that were discussed at the 2017 working meeting organized in Lima by both my Rapporteurship and the IACHR's Rapporteurship on Indigenous Peoples, whose focus was the existing regulatory framework on the subject at the international level, its necessary revision and, above all, its practical application<sup>2</sup>.

The Lima meeting reaffirmed some important principles in relation to the international human rights framework for indigenous peoples in isolation that I would like to reiterate. According to the United Nations Declaration on the Rights of Indigenous Peoples, these peoples have the right to self-determination and related rights to their lands, territories and natural resources. As international

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1 United Nations Guidelines for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact in the Amazon Region, the Gran Chaco and Eastern Paraguay. Outcome of consultations conducted by OHCHR in the region: Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru and Venezuela (May 2012); and IACHR, Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of their Human Rights, OAS/Ser.L/V/II. Doc. 47/13 (30 December 2013).

2 A/HRC/39/17/Add.1 28 February 2018 Summary of meeting issued jointly by Victoria Tauli-Corpuz, United Nations Special Rapporteur on the Rights of Indigenous Peoples, and Francisco Eguiguren, Rapporteur on the Rights of Indigenous Peoples at the Inter-American Commission on Human Rights.

bodies have pointed out, in most cases their decision to remain in isolation is precisely the expression of their right to self-determination. States must therefore guarantee respect their decision through respect for the principle of non-contact and, in turn, by adopting the necessary protective measures.

As the Report rightly points out, this requires, fundamentally, effective measures for the protection of their lands, territories and the natural resources on which their survival as distinct peoples depends. The Report notes the progress that has taken place in almost all the countries analyzed, in relation to the standards, public policies and the framework that existed in 2005. To this we should add the adoption of the American Declaration on the Rights of Indigenous Peoples in 2016, which dedicates a specific article, XXVI, to the rights of these peoples.

However, it is evident that a implementation gap remains on this particular issue, as with so many others affecting indigenous peoples. Existing policies are poorly defined, and implemented slowly and ineffectively. The human and material resources necessary for the delineation of the territories of peoples in isolation, for their effective protection through permanent monitoring, and for putting in place the necessary urgent response systems, are not being provided.

The situation is accompanied by an increase in the threats facing peoples in isolation, threats that are fundamentally linked to the intrusion of third parties into their traditional territories. In addition to the existence of illegal activities on the lands and territories of indigenous peoples in isolation, of particular concern is that these intrusions are the result of activities supported by States themselves. The granting of extraction licenses continues, as does planning for infrastructure, in the process directly affecting the territories, livelihoods, health, migration patterns and, consequently, survival of indigenous peoples in isolation.

The situation of vulnerability described in the Report requires an urgent commitment on the part of the international community to the protection of the human rights of indigenous peoples in isolation. As I have pointed out on several occasions, this is an issue in which international human rights mechanisms have an important role to play. Firstly, because of the cross-border dimension to which I earlier referred. Secondly, because of the urgency with which the necessary measures must be adopted and implemented. The consequences of not doing so, as we have seen in the recent past, are irreversible.

In this regard, I would like to recall the recommendations made at the Lima meeting regarding concrete actions the international human rights system could take. Throughout my mandate I have tried, as did my predecessors, to pay special attention to human rights violations that have affected, or could affect peoples in isolation. But I believe that a more determined commitment is necessary in order to place the issue of peoples in isolation in a more prominent position on the agenda of the United Nations and Inter American system of human rights. The involvement of organizations such as the United Nations Office for the Prevention of Genocide and the Responsibility to Protect has stimulated discussion of this issue among Latin American States as one relevant to their mandate. At the same time, Inter-institutional coordination and coordination with other relevant institutions, such as ACTO, must undoubtedly be increased in order to design a monitoring and response system that can complement the fundamental efforts that the States of the region must undertake.

I am confident this appeal will be taken up by international bodies thanks to the impact of indigenous and other support organizations working in this area. I am sure that they, as well as States, indigenous organizations, experts, civil society organizations and other interested parties will find in this Report to be a strategic tool with which to advance the adequate protection of the rights of indigenous peoples in isolation.

Victoria Tauli-Corpuz  
United Nations Special Rapporteur on the rights of indigenous peoples

# REGIONAL REPORT



*Antenor Vaz*

## 1. INTRODUCTION TO THE REGIONAL REPORT

This Regional Report is the result of the analysis and classification of eleven Local Reports prepared by indigenous and indigenist organizations<sup>3</sup> (or allied, as they are referred to in some Spanish-speaking countries), from seven South American countries with a confirmed presence<sup>4</sup> of indigenous peoples in isolation (IPIs). Using a consensual reference methodology, the organizations have produced their reports that take into account the specific political, historical and cultural contexts of each country.

The data presented in this Regional Report reflects, first of all, the information presented in each Local Report related to the peoples in isolation that have been confirmed by the indigenous and indigenist organizations of each country. The opinions presented in the regional analysis, to which research and interviews have been added, are the sole responsibility of this author.

The entire output of the Local and Regional Reports is focused on the territories of indigenous peoples in a situation of isolation. The year 2005 was used as the starting point because in that year the “Regional assessment of the situation of the last indigenous peoples in Isolation in Latin America (Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Venezuela) - a regional diagnostic for facilitating protection strategies”, was prepared for the first “International Meeting on Indigenous Peoples in Isolation in the Amazon and Gran Chaco”<sup>5</sup>. Using that document we were consequently able to establish a baseline for carrying out a comparative analysis.

The development of this Regional Report proved to be a significant challenge, as the many studies on indigenous peoples in isolation address these peoples separately (by community and by country). In addition, understanding the regional situation of these peoples’ territories, with their specific political realities and specific legal frameworks for recognizing indigenous territories, required a group of professionals with different areas of knowledge of the countries involved. In

3 Bolivia: Central de Comunidades Indígenas Tacana II - Río Madre de Dios-CITRMD, coordinated by Adamo Diego Cusi; Brazil: Coordenação das Organizações Indígenas da Amazônia Brasileira-COAIAB, coordinated by Fabrício Amorim; Colombia: Amazon Conservation Team Colombia-ACT Colombia, coordinated by Daniel Aristizábal; Ecuador: Fondo Ecuatoriano Populorum Progreso-FEPP and consultant Enrique Vela; Paraguay (two reports): Iniciativa Amotocodie-IA coordinated by Miguel Lovera and Miguel Alarcón and Organización Payipie Ichadie Totobiegosode-OPIT, coordinated by Tagüide Picanerai; Peru (three reports) Asociación Interétnica de Desarrollo de la Selva Peruana-AIDSEP, coordinated by Ángela Arriola Escalante and consultant Fernando Rivera, Federación Nativa del Río Madre de Dios y Afluentes-FENAMAD, coordinated by Jose Dumas and consultant Daniel Rodríguez, and Organización Regional de Pueblos Indígenas del Oriente (ORPIO), coordinated by David Freitas Alvarado and consultant Adam Bahuer; Venezuela: Grupo de Trabajo Sociambiental de la Amazonía -WATANIBA and Organización Regional de los Pueblos Indígenas de Amazonas-ORPIA, coordinated by Luis Bello Diaz.

4 Confirmed Indigenous People in Isolation are those peoples who, on the basis of irrefutable evidence and testimony, have had their existence and territorial location recognized. The reports take into account indigenous peoples in isolation confirmed by civil society organizations, which in some cases coincide with official data.

5 Brackelaire, V. 2006 “Regional assessment of the situation of the last indigenous peoples in isolation in Latin America (Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Venezuela)”. Brasília.

the same way, the large volume and the quality of information presented in the Local Reports demanded urgent systematization and analysis.

Approaches to researching and understanding indigenous peoples in isolation often lead to long discussions about the appropriate term with which to designate them (isolated, in isolation, voluntarily isolated, autonomous, etc.), about the responsibilities involved in drawing up and implementing production policies (State and/or civil society), and about self-determination (in contact or isolation)<sup>6</sup> etc. We have sought to transcend these types of approaches and to provide reliable information about indigenous peoples in isolation, their universe and, above all, their territories.

In the regional analysis we have prioritized the presentation of the factors and initiatives, as well as those responsible for the actions and measures that have placed indigenous peoples in isolation in a position of vulnerability. We have also placed the causes within the macro-political and economic 'context' of the region.

We reject the ways in which "development" is implemented, as they create a context of confrontation in the cultural-ideological arena as well as the construction of identity.<sup>7</sup> The decision of indigenous peoples in isolation to remain in isolation is a form of resistance to development interventions (as conceived and implemented by Western thought). It is therefore important to stress that if we want to provide continuity to the existence of indigenous peoples in isolation this aspect is crucial in discussions related to their

protection. This is, after all, a question of cultural-ideological resistance and of universal heritage. In this sense peoples in isolation should be considered as "World Heritage".

From the outset we decided to base the Report on a country by country analysis of the information gathered about indigenous peoples in isolation, before proceeding with the regional analysis. And in that regard we wish to highlight the difficulty of accessing official information, especially that related to the initiatives that are affecting their territories and surrounding areas.

It is our desire that this Report help governments, academia, indigenous and indigenist organizations, multilateral organizations and civil society in general, to further their understanding of indigenous peoples in isolation in South America. We also hope it will have an impact on the formulation of public policy and the effective protection of these peoples; and above all, that it will lead to widespread engagement with the recognition and delineation of intangible and integral territories in order to achieve the comprehensive protection of indigenous peoples in isolation.

## 2. CONCEPTUAL FRAMEWORK

### Indigenous Peoples in Isolation

For the Regional Report, we have used the concept of indigenous peoples in isolation contained in the document "Guidelines for the Protection of Indigenous Peoples in Isolation and Initial Con-

6 There is an ongoing discussion between those who, on the one hand, defend the absence of contact as a premise for the self-determination of peoples in isolation (with the effective implementation of systems of definition, monitoring, remote surveillance and protection of their territories) and those who, on the other hand, defend "well-organized" contact for indigenous groups in isolation whose population is not increasing. Those who defend the latter position argue that, as a result of various pressures, there is a demographic decline in these peoples and that they are therefore heading for extinction. This discussion lacks depth, particularly a more detailed analysis of the protection systems already in place in Brazil, Peru, Colombia and Ecuador. I do not intend to address this discussion in this Regional Report. However it should be made clear that most isolated peoples in Latin America show an interest in industrialized artifacts (knives, axes, ropes, pots, etc.) and in the products of surrounding plantations. However, these peoples rarely show interest in establishing ongoing relationships with outsiders. Between contact and lack of contact there are a number of procedures to be adopted. The principle one being that protection systems are in fact put in place with the aim of eliminating the dangers to which these peoples are exposed. Otherwise, contact emerges as the easiest solution and hides the failure of States to implement protection systems.

7 In this sense, the government bodies that implement protection policies do not present informative reports for the national/regional population. What do the indigenous people recently contacted "say" about their thoughts prior to contact? What do they say about why they accepted or sought contact? What do they think of the surrounding society? What demands do they make on those with whom they interact? In the end, who are these contacted people (beyond the language they speak or the photos they publish)? What affects and has affected them? These are questions that would make Indigenous Peoples in Isolation and Initial Contact the protagonists of their own stories!

tact in the Eastern Region of Paraguay” (UN/OH-CHR-February 2012)<sup>8</sup>, which is transcribed below:

“Peoples in isolation are peoples or segments of indigenous peoples who do not maintain regular contact with the majority population, and who also tend to avoid all contact with people outside their group.”

## Territory

The concept of territory has become extremely important, particularly since the 1960s, when the first more specific and scientifically systematic approaches to the subject began to appear. Due to its extensiveness, a diverse range of approaches have been applied to the subject, ranging from biology, which focuses on animal territory; to Sociology, with its special focus on the construction of territory through social relations; to anthropology, which highlights its symbolic dimensions through the study of traditional communities; political science, which emphasizes the State and its territory; economics, which sees it as a base of production; and finally, psychology, which includes the individual/collective search for identity (Haesbaert, 2009).

The concept of territory/territoriality is intimately related to the political, economic, cultural, natural, symbolic and historical dimensions of each country/people. And when we refer to indigenous territory, what is striking is the diversity of understandings and cultural elements at play in the experiences of occupation and territorial management.

In this Report we have adopted the following concept: presented in “Territorial Corridor for Pano, Arawak and other Indigenous Peoples in Isolation and Initial Contact - Diagnosis and anthropological principals”, published in 2015 by the “Platform of indigenous organizations for the protection of peoples in isolation and initial contact in Peru”<sup>9</sup>:

“Territory for indigenous peoples consists of the set of material and subjective elements of which consists, and through which they establish a historical, geographical, ecological, economic, cultural, social, symbolic and political connection.”

## Vulnerabilities

The Report addresses vulnerability in its multiple dimensions: sociocultural, territorial, epidemiological, political and demographic.

It is consequently important to emphasize that vulnerability is a condition relative to determining factors, and that the vulnerability of indigenous peoples in isolation can therefore be seen to be due to the context imposed upon them by Western society. Amongst these determining factors, of particular importance is the institutional dimension of the development policies implemented in the region, which, together with autonomous and/or illicit initiatives, are placing indigenous peoples in isolation in increasingly vulnerable situations.

As the Brazil report points out, it is important to understand the condition of isolation when analyzing vulnerability (...)

“Isolation is not a condition of vulnerability in itself. On the contrary, it is a condition that seeks to diminish vulnerability in relation to the historical colonizing practices employed against peoples in isolation. These peoples are in a situation of extreme vulnerability because we (as the State and the majority of society) have made them vulnerable. The same can be said of all indigenous peoples (LRBr 2019).

From this point of view, vulnerability is configured within a dynamic of reciprocal interdependencies that express multidimensional, biological, existential and social values. A situation of vulnerability restricts relational capacity’s ability to assert itself in the world, including forms of social agency, thus leading to fragility.<sup>10</sup>

8 Available at: <http://acnudh.org/wp-content/uploads/2012/03/Final-version-Guidelines-on-isolated-indigenous-peoples-february-2012.pdf>. Date accessed: 27 March 2019.

9 Huertas, Beatriz. Territorial Corridor for Pano, Arawak and Other Indigenous Peoples in Isolation and Initial Contact. Diagnosis and anthropological foundations, published in 2015 by the “Plataforma de organizaciones indígenas para la protección de los pueblos en aislamiento y contacto inicial in Perú”.

10 Ovideo, Rafael Antônio Malagón e Czeresnia, Dina. O conceito de vulnerabilidade e seu carácter biossocial (The concept of vulnerability and its biosocial character). Interface (Botucatu)-29/09/14.

“The degree of individual or group susceptibility to problems and damage that threaten their living conditions can be expressed in sociocultural, territorial, epidemiological, political and demographic dimensions.”<sup>11</sup>

### 3. INDIGENOUS PEOPLES IN ISOLATION IN SOUTH AMERICA (2005-2019)

**Who, how many,<sup>12</sup> and their specific characteristics**

The first International Meeting on ‘Indigenous Peoples in Isolation in the Amazon and Gran Chaco’ was held in 2005 in Belén (Pará State, Brazil)<sup>13</sup>, with the participation of specialists on the issue, human rights specialists and Public Defenders (Ombudsmen) from Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru and Venezuela. On that occasion, the analysis prepared by Brackelaire revealed, in summary, the following situation:

**Table 1: Indigenous Peoples in Isolation in the Amazon and Gran Chaco (until 2005)**

Indigenous Peoples in Isolation in the Amazon and Gran Chaco (as of 2005)					
COUNTRY	REGISTERED PEOPLES IN ISOLATION	JUDICIAL FRAMEWORK (Legal Provisions)	OFFICIAL TERRITORY AND/OR TERRITORY WITH THE PRESENCE OF PEOPLES IN ISOLATION	Instance of IPI Protection	
				NGO	State
<b>Brazil</b>	Confirmed: 20 To confirm: 28	Judicial framework infraconstitutional	06 Indigenous Territories <sup>14</sup>	Yes	CGII/FUNAI/MJ
<b>Bolivia</b>	Confirmed: 05 To confirm: 03	Non existent	Parque Nacional Kaa Iya -Parque Nacional Madidi	Yes	Non existent
<b>Colombia</b>	Confirmed: 01	Non existent	PNN Purê (2002)	Yes	Non existent
<b>Ecuador</b>	Confirmed: 02 To confirm: 01	Non existent	Tagaeri Taromenane Intangible Zone (IZ), 1999 Inside Yasuni Nacional Park	Yes	Non existent
<b>Paraguay</b>	Confirmed: 02	Non existent	Non existent	Yes	Non existent
<b>Peru</b>	Confirmed: 20	Non existent	-05 Protected Natural Areas <sup>15</sup> -05 Territorial Reserves <sup>16</sup> and one pending	Yes	INDEPA/MINCUL
<b>Venezuela</b>	To confirm: 01	Non existent	Non existent	Yes	Non existent
<b>TOTAL</b>	Confirmed: 51 / To be confirmed: 33				

11 Vaz, Antenor. Institutional Diagnosis. Grupos Indígenas Isolados e de Recente Contato no Brasil (Institutional Diagnosis - Isolated and Recently Contacted Indigenous Groups in Brazil). Strategic Framework Program for Indigenous Peoples in Isolation and Initial Contact-OTCA-2013.

12 In terms of quantity, I would like to emphasize that at the regional level there is no single methodology for systematizing the registration of indigenous peoples in isolation. It should be noted that in some countries registration is done by ethnicity, while in others registration is done by “locality/region”; the same ethnicity may consequently be registered more than once, as evidence could be found in different regions at the same time.

13 Organized in Belém, Pará (Brazil) from November 8 to 11, 2005 by the Coordenação Geral de Índios Isolados (General Coordination of Isolated Indians)-CGII of FUNAI and the Centro de Trabalho Indigenista (Centre for Indigenous Work) (CTI) which has its headquarters in Brasília.

At this meeting, the consultant Vincent Brackelaire presented: “Regional diagnosis of the situation of the last isolated indigenous peoples in Latin America (Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Venezuela) a document written specifically for the meeting. In 2006, the same author presented a second version of the document which included the results of the 2005 meeting: “Situation of the last isolated indigenous peoples in Latin America (Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Venezuela). Regional diagnosis to facilitate protection strategies. Available at: [http://jasyrenyhe.com/fobomade/wp-content/uploads/sites/10/2016/11/Situacion\\_pueblos\\_ind%C3%ADgenas\\_aislados2006.pdf](http://jasyrenyhe.com/fobomade/wp-content/uploads/sites/10/2016/11/Situacion_pueblos_ind%C3%ADgenas_aislados2006.pdf). Date accessed: April 5, 2019.

14 TI Massaco (1998) / TI Hi Merimã / TI Alto Tarauacá / TI Rio Muqui (2003) / TI Rio Pardo / TI Riozinho do Alto Envira.

15 The following are areas of movement indigenous peoples in isolation: Amarakaeri Communal Reserve / Biabo Cordillera Azul Reserved Zone / Manu National Park / Ashánunka Communal Reserve, Matsigenka Communal Reserve and Otishi Ashaninka National Park; / Alto Purus National Park.

16 State Territorial Reserve (1990) established for the benefit of Kugapakori and Nahua Machiguenga; Nanti; Kirineri and Other groups in isolation. / Territorial Reserve (1997) for the Murunahua and Chitonahua ethnic groups (two partitions) / Territorial Reserve (1998) for the Isconahua ethnic group (three partitions) / Territorial Reserve (1997) for the Mashco-Piro ethno-linguistic group - Territorial Reserve for the Mashco-Piro or Iñapari isolated groups (1997) (extensive partitions) / Territorial Reserve for the Cacataibo (in process as of 2005).

The above table reveals the total absence (with the exception of Brazil) of legal frameworks and specific public policies for indigenous peoples in a situation of isolation in South America.<sup>17</sup>

In 2005 there were 51 confirmed indigenous peoples in isolation and 33 as yet unconfirmed accounts. On the other hand, using the example of ILO Convention No. 169 on Indigenous and Tribal Peoples, to which all seven coun-

tries are signatories,<sup>18</sup> a number of international legal instruments had been enacted in the seven countries but were not being implemented, even for those indigenous peoples with a history of contact.<sup>19</sup>

### Location of Indigenous Peoples in Isolation in South America (2005-2019)

Map 1. Location of Indigenous Peoples in Isolation in South America (2005)



This map provides an approximate idea of the location of the remaining indigenous peoples<sup>20</sup> in isolation in the region, but does not contain all the information presented in the study (2005).<sup>21</sup>

Based on the data presented in the local reports (January 2019), the overall picture concerning the recording of Indigenous Peoples in Isolation, fourteen years later, is as follows:

17 State Territorial Reserve (1990) established for the benefit of Kugapakori and Nahua Machiguenga; Nanti; Kirineri and Other groups in isolation. / Territorial Reserve (1997) for the Murunahua and Chitonahua ethnic groups (two partitions) / Territorial Reserve (1998) for the Isconahua ethnic group (three partitions) / Territorial Reserve (1997) for the Mashco-Piro ethno-linguistic group - Territorial Reserve for the Mashco-Piro or Iñapari isolated groups (1997) (extensive partitions) / Territorial Reserve for the Cacataibo (in process as of 2005).

18 Brazil (2004); Bolivia (1991); Colombia (1991); Ecuador (1998); Paraguay (1993); Peru (1995); Venezuela (2002).

19 We use the term "indigenous peoples with a history of contact" to differentiate between indigenous peoples who maintain regular or sporadic contact with the non-indigenous population, and indigenous peoples in isolation.

20 Brackelaire, V. 2006 "Regional diagnosis of the situation of the last isolated indigenous peoples in Latin America (Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Venezuela)". Brasília.

21 Ibid.

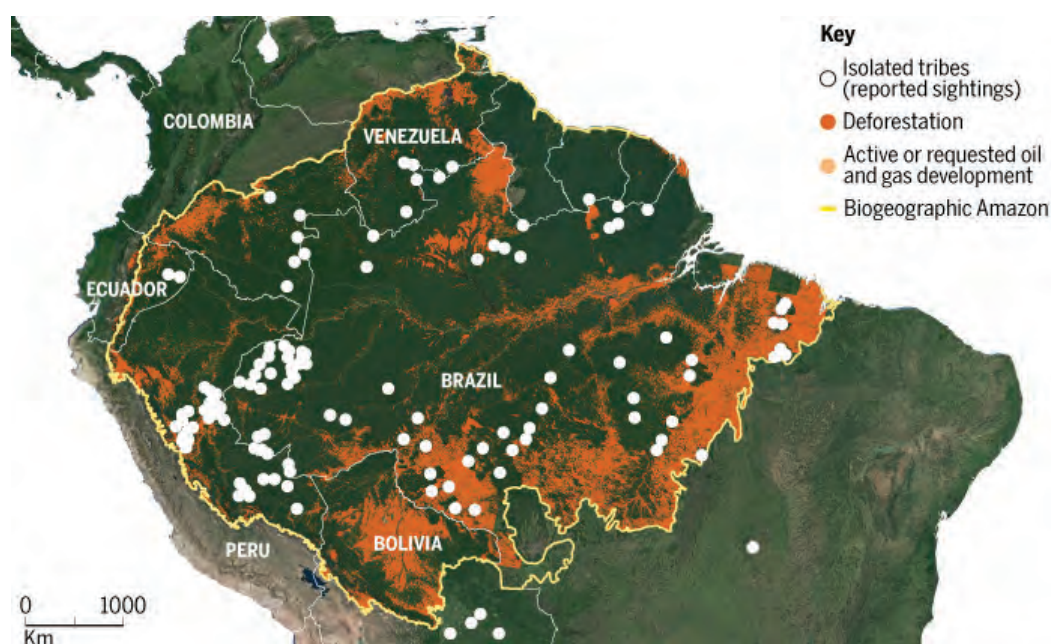
Table 2: Registered Indigenous Peoples in Isolation by Country 2019

Registered indigenous peoples in isolation by Country - 2019						
<b>BOLIVIA</b> Confirmed: 02 To be confirmed: 07	<b>BRAZIL</b> Confirmed: 28 To be confirmed: 86	<b>COLOMBIA</b> Confirmed: 02 To be confirmed: 16	<b>ECUADOR</b> Confirmed: 03 To be confirmed: 04	<b>PARAGUAY</b> Confirmed: 02 To be confirmed: 05	<b>PERU</b> Confirmed: 26 To be confirmed: 00	<b>VENEZUELA</b> Confirmed: 03 To be confirmed: 01
2019 – TOTAL Confirmed: 66 To be confirmed: 119						

Between 2005 and 2019, progress has been made both in the number of confirmed records of peoples in isolation (an increase from 51 confirmed records in 2005, to 66 in 2019) and in the number of records to be confirmed (from 33 records in 2005, to 119 in 2019).

A Considerable growth in protection practices and the systematization of information on indigenous peoples in isolation in South America, carried out in particular by civil society, has also led to improved social oversight.

Map 2: Location of Indigenous Peoples in Isolation in South America (2019)



IPIIC Initiatives in the Amazon Basin: Oil and Gas, Deforestation.  
Source: Science (AAAS)/RAISG/Antenor Vaz - 2017<sup>22</sup>

## 4. COUNTRY BY COUNTRY ANALYSIS

### Legal Protection Framework for Indigenous Peoples in Isolation (legal provisions)

With regard to the provision of specific legal frameworks for the protection of peoples in isolation:

Peru (2006) and Colombia (2018, yet to be implemented) have passed legislation by Presidential Decree covering specific policies for peoples in isolation, while in Bolivia, as of 2013 no such measures had been passed. In Ecuador a proposal has been under discussion since 2007, while Paraguay and Venezuela lack specific legal frameworks.

22 Available at: <http://www.sciencemag.org/news/2017/08/maps-reveal-how-amazon-development-closing-isolated-tribes> Accessed: 7 April, 2019

In Brazil there is still no federal law governing policy for indigenous peoples in isolation. Only one set of administrative measures has been established, by FUNAI (the National Indian Foundation) the official indigenist body responsible for official policy, but this could be revoked

by the management of the agency without having to pass through the National Congress.<sup>23</sup>

In the following section we present the respective legal frameworks of each country, highlighting the specific features of each.

## BOLIVIA

**Table 3: Legal Protection Framework for Indigenous Peoples in Isolation (Legal Provisions) - 2019**

### BOLIVIA

- C Article 31 of the Political Constitution of the Plurinational State of Bolivia (2009) recognizes Indigenous Peoples in Isolation.
- Law 450/2013, on the Protection of Native Indigenous Nations and Peoples in a Situation of Extreme Vulnerability. (Not yet in effect)

Article 31 of the Political Constitution of the Plurinational State of Bolivia (2009) recognizes the existence, the self-determination to remain in isolation, and the right to legal recognition of territories occupied and inhabited.

In December 2013, Evo Morales, President of the Republic, passed Law 450/2013 on the Protection of Native Indigenous Nations and Peoples in Situations of Extreme Vulnerability, specifying in Article 2 (Rights holders) that:

I. Rights holders are the native indigenous nations and peoples, or segments thereof, that are in a situation of extreme vulnerability, and whose physical and cultural survival is gravely threatened.

II. For the purposes of the present Law, the following are defined as situations of extreme vulnerability: danger of extinction; voluntary isolation; forced isolation, non-contacted; in

initial contact; cross-border ways of life and other situations of vulnerability that may be identified by the respective state entity.

Article 4 establishes the General Directorate for the Protection of Native Indigenous Nations and Peoples (DIGEPIO). However, at the date of writing the Regional Report, after six years, this Directorate is still not operational.

In the absence of state action, civil society organizations have played an important role in the protection of indigenous peoples in isolation. These organizations have assumed the role of carrying out studies and surveys related to their existence: they draw up, record, inform the State and report on situations of extreme vulnerability experienced by these peoples. And when the State fails to carry out actions to protect peoples in isolation, the organizations submit complaints to multilateral bodies.

## BRAZIL

**Table 4: Legal Protection Framework for Indigenous Peoples in Isolation (Legal Provisions) - 2019**

<sup>23</sup> We discuss this specific issue in Brazil, in the chapter on legal frameworks.

## BRASIL

- System for the Protection of Indigenous Peoples in Isolation (Sistema de Proteção aos Índios Isolados - SPII 1988)
- Ordinance No. 290/PRES/FUNAI, of 20/04/2000, established the “Frentes de Proteção Etnoambiental (FPEs)”.
- Ordinance No. 666/PRES/FUNAI of 17/07/2017 - Internal Regulations of FUNAI
- Contingency plans for situations of contact or outbreaks of epidemics amongst peoples in isolation (from 2014)
- Council on Protection Policy and the Protection of the Rights of Isolated and Recently Contacted Indigenous Peoples, May/2017 (Conselho da Política de Proteção e Promoção dos Direitos dos Povos Indígenas Isolados e de Recente Contato.)
- Decree No. 9.010, of March 23, 2017 - Statute of FUNAI.
- Joint Ordinance (Ministry of Health and FUNAI) No. 4,094, of 20/12/2018<sup>24</sup> - defines the principles, guidelines and strategies for health care for Isolated and Recently Contacted Indigenous Peoples.

Through its official indigenist body FUNAI (the National Indian Foundation), the Federal Republic of Brazil has led the development and implementation of the protection system for indigenous peoples in isolation since 1988: a system based on the principle of “no contact” and respect for the self-determination of these peoples to remain in isolation. Despite having a ‘fragile’ legal framework<sup>25</sup> (most legal provisions being FUNAI’s internal administrative measures, subject to revocation by order of the President of the Institution or Minister responsible for FUNAI, without requiring Congressional approval), over the years Brazil has nevertheless developed a consistent protection methodology (location, monitoring and vigilance).

With regard to the health of indigenous peoples in isolation, what is important to note is Joint Ordinance No. 4,094 of the Ministry of Health and the National Indian Foundation, FUNAI (December 20 2018),<sup>26</sup> which defines the principles, guidelines and strategies for the health care of indigenous peoples in isolation and initial contact.

And despite this above mentioned legal fragility, over the last three decades Brazil has established the largest number of indigenous territories with rights to exclusive (not shared) use for peoples in isolation. In total, protected territories (including those of ‘shared use’ and ‘restricted use’<sup>27</sup>) amount to 27,687,471 Ha. (twenty-seven million six hundred and eighty-seven thousand four hundred and seventy-one hectares).

## COLOMBIA

**Table 5: Legal Protection Framework for Indigenous Peoples in Isolation (Legal Provisions) - 2019**

## COLOMBIA

- Decree 1232, 2018 [Ministry of the Interior], establishes special measures for the prevention and protection of the rights of Indigenous Peoples in Isolation or Natural State and creates and organizes the National System for the Prevention and Protection of the Rights of Indigenous Peoples in Isolation or Natural State. July 17, 2018<sup>28</sup>

By means of Decree No. 1232 of July 2018, the Executive Branch has recently “established special measures within the state system for the prevention and protection of the rights of indige-

24 Available at: [http://www.in.gov.br/material/-/asset\\_publisher/Kujrw0TZC2Mb/content/id/57220459](http://www.in.gov.br/material/-/asset_publisher/Kujrw0TZC2Mb/content/id/57220459). Date accessed: 6 April 2019.

25 We will return to this aspect in the chapter “Legal frameworks and administrative procedures for (official) territorial delineation and responsible bodies. Regional Analysis”.

26 Available from: [http://www.in.gov.br/material/-/asset\\_publisher/Kujrw0TZC2Mb/content/id/57220459](http://www.in.gov.br/material/-/asset_publisher/Kujrw0TZC2Mb/content/id/57220459). Accessed: 8 April 2019.

27 Instrument provided for in Decree No. 1775 of January 08 1996 (which establishes the procedure for the demarcation of indigenous lands in Brazil): “Article 7: The federal agency for assistance to Indians may, by the exercise of the policing power provided for in paragraph VII of article 1 of Act No. 5371 of 5 December 1967, discipline the entry and transit of third parties in areas with an established presence of Indians in isolation, and take the necessary protective precautions for the protection of Indians”. This instrument, which is of a temporary and preventive nature, is intended to ensure the basic conditions for the physical and cultural reproduction of isolated peoples and groups, as well as for carrying out work to locate isolated Indians and for the elaboration of studies to identify and delineate them within the framework of the process of land regularization of the respective indigenous lands.

28 Cited by LRC 2019. With regard to international soft law normative frameworks, the international recommendations issued by the UN (2012), IACHR (2013) and ACTO (2014-2016) are considered and respected within the processes that have led to the territorial delineation of indigenous peoples in isolation in Colombia.

nous peoples in isolation, and created the National System of Prevention and Protection of their rights, assigning coordination responsibilities to the Directorate of Indigenous Affairs, Roma and Minorities within the Interior Ministry”.

As described in the Colombia local report, the first public consultation with indigenous peoples with a history of contact was carried out in Colombia (according to the norms of ILO Convention No. 169) with the goal of drawing up protection policies for indigenous peoples in isolation.

For the development of a national public policy for the protection of indigenous peoples in isolation, Colombia decided upon a process of prior consultation with the indigenous com-

munities adjacent to these peoples, and the indigenous organizations that represent them. The consultation, lasting from 2014 to 2018, is perhaps the most comprehensive and protectionist in the world to date, for the establishment of mechanisms to protect indigenous peoples in isolation.

The above process meant that the structure and mechanisms of prevention and protection established in Decree 1232 of 2018 were part of a long negotiation process with the peoples of the Colombian Amazon in their territories, as well as with indigenous organizations at the regional and national levels, with seats at the Permanent Consultation Round Table -MPC and the Amazon Regional Round Table -MRA (LRC-2019).

## ECUADOR

**Table 6: Legal Protection Framework for Indigenous Peoples in Isolation (Legal Provisions) - 2019**

### ECUADOR

- Article 57 of the Constitution of the Republic of Ecuador (2008)
- Plan of Precautionary Measures for the Protection of Indigenous Peoples in Isolation - PMC-IPIs. (CIDH Precautionary Measure-2006) / Intangible Zone (2007)
- National Policy on Peoples in Voluntary Isolation 2008 (not yet approved)
- Update of PIACI National Protection Policy 2015 2008 (not yet approved)
- Technical Health Regulations: “Health Protection for Indigenous Peoples in Voluntary Isolation and Initial Contact” (August 2017)
- Interministerial Agreement No. 120; March 2008
- The Coordinating Ministries of Cultural and Natural Heritage, and Mines, Petroleum and the Environment<sup>29</sup>

The Ecuador local report (LRE-2019) states that in 2007 the Ecuadorian government initiated discussion of a public policy proposal for the protection of indigenous peoples in isolation and initial contact, and adds that:

“The third public policy proposal for the protection of indigenous peoples in voluntary isolation and initial contact is currently being drawn up [2019]. The first proposal was presented by former President Rafael Correa in 2007. An update of this public policy was presented in 2014 within the framework of the government commission of inquiry created to investigate the violence between Waoranis and Taromenane a year earlier. Finally, due to general changes in the public policy guidelines

and formats instigated by the National Secretariat for Planning and Development, the policy on indigenous peoples in voluntary isolation is still under review” (LRE, 2018).

The technical regulations relating to “Health protection for indigenous peoples in voluntary isolation and initial contact” were published on August 2017 with a view to establishing specific mechanisms for the treatment of diseases in communities bordering on indigenous peoples in isolation. The technical regulations are still in the process of dissemination but a lack of resources has prevented their implementation in the territories.

<sup>29</sup> Article 1 states: “The present Code of Conduct is established with the purpose of ensuring that the activities and procedures of the hydrocarbon companies adjacent to the intangible zone are developed under the standards of respect for the forms and socio-cultural expressions of peoples in voluntary isolation.

## PARAGUAY

**Table 7: Legal Protection Framework for Indigenous Peoples in Isolation (Legal Provisions) - 2019**

<p>PARAGUAY</p> <ul style="list-style-type: none"> <li>• There is no legal protection framework.</li> <li>• Paraguay lacks a public policy for the protection of indigenous peoples in isolation and initial contact</li> </ul>
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In her report on her mission to Paraguay,<sup>30</sup> the United Nations Special Rapporteur on the rights of indigenous peoples highlights the role of legal frameworks ratified by the Paraguayan Government

“The Government of Paraguay has ratified all core international and regional human rights treaties, including the Convention on the Elimination of All Forms of Racial Discrimination. It has also ratified the International Labor Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries No. 169 (1989), and in September 2007 voted in the United Nations General Assembly in support of the UN Declaration on the Rights of Indigenous Peoples. Paraguay also joined the consensus in the United Nations General Assembly that adopted the final document of the World Conference on Indigenous Peoples in September 2014. The Constitution of Paraguay recognizes the pre-existence and rights of indigenous peoples, and specific legislation on those rights has also been adopted.”

However, despite having defined the “Ayoreo Totobiegosode Natural and Cultural Heritage (PNCAT)” for indigenous peoples in initial contact (still in process), and having recognized the existence of the Ayoreo people in isolation within the framework for the protection of the Defensores del Chaco National Park, (the area recognized constitutes only a small fraction of their total territory, giving them secondary status within the National Park’s protection scheme, LRPy IA, 2019), the Paraguayan State lacks a legal framework and state entities specifically dedicated to the protection of Indigenous Peoples in Isolation and initial contact.

It should be mentioned that the territories of indigenous peoples in isolation in Paraguay are located in the Gran Chaco region, and do not, therefore, form part of the Amazon biome.

## PERU

**Table 8: Legal Protection Framework for Indigenous Peoples in Isolation (Legal Provisions) - 2019**

<p>PERÚ</p> <ul style="list-style-type: none"> <li>• Law No. 28736 of 2006, Law for the Protection of Indigenous or Original Peoples in situations of Isolation and Initial Contact (PIACI)<sup>31</sup></li> <li>• Regulation of Law No. 28736, by Supreme Decree No. 008-2007-MIMDES, Specific mechanisms for the protection of peoples in isolation and modified by Supreme Decree No. 008-2016-MC published on July 24, 2016).</li> <li>• Legislative Decree No. 1374 (August 2018).</li> <li>• Establishes the Regime for penalizing non-compliance with the provisions of Law 28736.</li> <li>• Health Technical Standard (National Center for Intercultural Health) NTS “Prevention, Contingency and Mitigation of Health Risks in scenarios with Isolated and Recently Contacted Indigenous Peoples”.</li> <li>• Technical Standards and Guide for Health-Indigenous Peoples in Isolation and Initial Contact (MS / INS-2007).</li> </ul>
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30 United Nations Special Rapporteur’s Report on the Rights of Indigenous Peoples. Mission to Paraguay - <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=15361&LangID=S>. Accessed: April 5, 2019.

31 Cited by LRPe FENAMAD 2019. Since the approval of Law No. 28736, there have been considerable delays in the implementation of the Special Transectoral Regime, a situation that places the effective protection of peoples in isolation and their territories at serious risk. The aforementioned law provides for the development of important management and planning instruments for the strategic and articulated protection of rights, such as: the National Policy and Plan for Indigenous Peoples in Isolation and Initial Contact, the Plans for the Protection of Indigenous Reserves, and the Management Committees. However, as of the closing of this report, no progress has been made in either their development or implementation.

In Peru, indigenous and allied organizations play a decisive and important role in the protection of Indigenous Peoples in Isolation. Initiatives promoted by civil society organizations are pressing the Peruvian State to move ahead in the formulation of public policies and the implementation of protection measures in the field. The country has the second highest number of confirmed records of peoples in isolation in South America; there were twenty confirmed records in 2005, while in 2019 indigenous organizations confirmed the existence of 26, with the State officially acknowledging the existence of seventeen.<sup>32</sup>

Between 2005 and 2019, the Peruvian State designed and created a legal framework focused on protection for isolated peoples, but implemented only part of it. Heavy pressure from sectors linked to oil and timber exploration, influenced political decisions and made it extremely difficult to guarantee respect for the fundamental rights of indigenous peoples in isolation and initial contact, particularly with regard to territorial demarcation.

The reality is that legal mechanisms are not respected, while bodies responsible for the protection of indigenous peoples in isolation operate with a minimum budgetary provision and a team of officials who do not have the necessary basic skills. This scenario is yet another expression of what is commonly called a “lack of political will”; or rather of a “real political will” that entails promoting economic development through increased deforestation, extractivism and predatory colonization, excessive logging through unsupervised forest concessions, and the building of infrastructure that serves the interests of the international market, etc.

In the three 2019 Peruvian local reports prepared by AIDESEP, (Asociación Interétnica de Desarrollo de la Selva Peruana) FENAMAD (Federación Nativa del Río Madre de Dios y Afluentes) and ORPIO (Organización Regional de Pue-

blos Indígenas del Oriente), there are numerous statements illustrating the difficulty experienced by those responsible for protection measures, as can be seen below (LRPe-2019):

#### **LRPe-AIDESEP-2019**

“Since the approval of Law 28736 in 2006, there have been considerable delays and irregularities in its implementation. This situation puts the effective protection of indigenous peoples in isolation and initial contact and their territories at risk. For example, management committees have not been formed and protection plans have not been implemented in the already existing territorial and indigenous reserves, actions that are mentioned in the legislation itself. In addition, in the 13 years since the Law came into force, the State has not formally proposed or created new indigenous reserves, despite five new applications having been submitted by AIDESEP since 1999, all of which have been favorably received, with some receiving official recognition of the peoples in isolation that inhabit them. According to the law, these peoples should receive precautionary state protection while the required studies are carried out. This protection has not been granted however. Delays in the process have led to the establishment (far more quickly) of other legal entities in their territories, many of which are economic initiatives: forest concessions, hydrocarbon lots, etc.”

#### **LRPe-FENAMAD-2019**

“A recent research article<sup>33</sup> reviewed the implementation of the Prior Consultation Law in Peru over a 6-year period. In this period it identified only 25 consultations carried out relating to extractive projects, together with 4 of national scope: pointing out that some were incomplete. The analysis also points to the current incomprehensibility of the official database and to the existence of conflicts due to the exclusion of certain communities. Other problems identified include flaws in the implementation of consultations, particularly in relation to failures within the relevant institutions related to the establishment of the appropriate context of intercultural dialogue and in the

32 In Supreme Decree No. 001-2019-MC of 26/02/18 the President of the Republic declares recognition of the Remo or Isconahua, Mayoruna and Kapanawa indigenous peoples in isolation, corresponding to the scope of the request for the creation of the Sierra del Divisor Occidental Indigenous Reserve.

33 Cited by LRPe FENAMAD 2019. Available at: <http://elgranangular.com/consultapreviaperu/reportaje1/>. Date accessed: April 5, 2019.

case of mining and hydrocarbon projects, to the orientation of the process itself.”

There is even information in the FENAMAD report about the possible reactivation of oil activities in Lot 76, superimposed on the Amaraeri Communal Reserve in the Alto Madre de Dios region, close to the Mascho Piro Territory. We will address this issue later.

## LRPe-ORPIO-2019

“The Special Trans-Sectorial Regime for protection of peoples in isolation, contains an obligation to “implement the necessary mechanisms and measures in the areas proposed for the categorization of indigenous reserves, guaranteeing the protection of peoples in isolation

and in situations of initial contact”. However, despite this, after the submission of requests for the creation of five Indigenous Reserves following the enactment of Law No. 28736 and its Regulations, and even after the favorable technical qualification of the proposed Indigenous Reserves, during the process of preparing the Preliminary Recognition Studies for the creation of Indigenous Reserves, the Peruvian State, through the Forestry and Wildlife Executive Directorate of the Regional Environmental Authority of the Regional Government of Loreto, the National Forestry Service (SERFOR) and the Ministry of Energy and Mines (MINEM) granted at least 41 new illegal forest concessions and 4 hydrocarbon lots (numbers 135, 137, 95 and 138) within the areas of the proposed Indigenous Reserves, no action was taken by the Special Trans-Sectorial Regime.”

## VENEZUELA

**Table 9: Legal Protection Framework for indigenous peoples in isolation (Legal Provisions) - 2019**

VENEZUELA
<ul style="list-style-type: none"> <li>There is no specific legal framework for indigenous peoples in isolation and initial contact<sup>34</sup></li> </ul>

With regard to the legal framework for the protection of indigenous peoples in isolation, the Venezuelan local report, prepared by WATANIBA (Grupo de Trabajo Socioambiental de la Amazonía) and ORPIA (La Organización Regional de los Pueblos Indígenas del Estado Amazonas), presents the following situation:

“Ten years ago there was no systematized information on the presence of groups of indigenous peoples in isolation in Venezuela. An initial report was produced in 2010<sup>35</sup>, making their presence more visible. This was updated in 2017<sup>36</sup> and presented to both the Rapporteurship on Indigenous Peoples of the Inter-American Commission on Human Rights, and the UN High Commissioner for Human Rights.

Efforts have also been made to submit public and state information in order to gain official recognition. The Ombudsman’s Office, a state institution, has not only recognized their presence but made proposals to bodies such as the National Constituent Assembly in an effort to ensure the Constitution makes reference to indigenous peoples in isolation.”(LRV-2019)

An analysis of the information on indigenous peoples in isolation by Venezuelan socio-environmental and indigenous organizations paints a picture of extreme vulnerability, further aggravated by the fact that the Venezuelan State does not recognize the existence of isolated indigenous peoples in its national territory.

34 Cited in LRV 2019. A State body, the Ombudsman’s Office, has not only recognized their presence, but also made proposals to bodies such as the National Constituent Assembly in an effort to ensure the Constitution makes reference to indigenous peoples in isolation.

35 Bello, Luis Jesús. Indigenous peoples in isolation or with little contact in Venezuela. IWGIA Report 8/2010. Available in Spanish at: [http://www.servindi.org/pdf/Informe\\_8.pdf](http://www.servindi.org/pdf/Informe_8.pdf) Date accessed: April 6, 2019.

36 Report on the Current Situation of Groups of Indigenous Peoples in Relative Isolation and with Little Contact in Venezuela (Jödi, Uwottúja, and Yanomami). October 2017. Available at: <https://boletimisolados.trabalhoindigenista.org.br/wp-content/uploads/sites/3/2018/01/informe-situacion-grupos-aislados-venezuela.pdf> Date accessed: April 8 2019.

## Territories for Indigenous Peoples in Isolation

As of January 2019, there has been no significant regional increase was produced in 2010 in the number of territorial units demarcated for indigenous peoples in isolation (with the exception of Brazil). The six dedicated territories in Brazil in 2005 increased to nineteen by 2018, while Peru remains on the same level with five territories, although three Territorial Reserves did change category to become Indigenous Reserves. In the other countries, Bolivia created the “Zona Intangible de Protección Integral de Reserva Absoluta Toromona”<sup>37</sup> and Paraguay created the “Patrimonio Natural y Cultural Ayoreo Totobiegosode” (PNCAT) for indigenous peoples in initial contact.

We now present a country by country analysis of the territories for indigenous peoples in isolation, highlighting the specific legal frameworks used to delineate territory and the respective governmental entities responsible for their implementation.

## BOLIVIA

In 2006, by means of Resolution No. 48/2006, the National Service of Protected Areas (SERNAP) established the “Zona Intangible de Protección Integral de Reserva Absoluta Toromona - ZRAT - Intangible Integral Protection Zone, of the Toromona Absolute Reserve) within Madidi National Park) for the Toromona indigenous people in isolation. In its second clause, the resolution states that the:

“National Service of Protected Areas (SERNAP), by means of “its four central directorates, will with immediate effect manage and carry out the relevant technical legal actions to validate and certify the situation of the native indigenous group through a preliminary study that will contain a historical, anthropological, geographical, environmental and legal analysis of the situation of the native ethnic group within the PN-ANMI Madidi protected area.

An action plan should then be drawn up that articulates the technical conclusions and intervention strategies of all sectors involved in preserving the voluntary isolation of the native indigenous group.”

In practice, no action has been observed on the part of SERNAP.

By means of Supreme Decree No. 1,286, July 4, 2012<sup>38</sup>, the Council of Ministers establishes in Articles 1, 2 and 3, that:

“Article 1°.- (Objective) The purpose of the present Supreme Decree is to establish the scope and institutional coordination of a Multidisciplinary Technical Study in the area between the outgoing vertex of the strict protection area of the Kaa-Iya del Gran Chaco National Park and Integrated Management Natural Area (southern zone) in a straight line up to the north-western vertex of the beginning of the Otuquis Pantanal National Park and Integrated Management Natural Area, over an area of five hundred and thirty-six thousand five hundred and sixty-eight hectares (536,568 ha) according to the listed descriptions and grid coordinates in the attached Annex, in order to: Identify the presence of groups of Ayoreo in voluntary isolation and their corresponding areas of occupation and movement (camps, trails, hunting and fishing areas, and other sites); and to determine mechanisms that guarantee the exercise of their right to remain in voluntary isolation, and recommendations for corresponding protection measures.

Article 2°.- (Supplementary studies in the areas identified with populations of Ayoreos in voluntary isolation). Provision is made for the addition of supplementary studies regarding Ayoreo populations in voluntary isolation in the one million nine hundred thousand hectares (1,900,000 ha) declared as a strict protection zone (intangible zone) within the Kaa-Iya del Gran Chaco National Park and Integrated Management Natural Area.

Article 3° - (Ratification of the protection category) The current demarcation of the protected area, particularly the Strict Protection Zone within the Park, is ratified in order to ensure by means of strict protection: the maintenance of hydrological functions and the conservation of viable populations of flora and fauna;

37 Administrative Resolution No. 48/2006 of the National Service of Protected Areas (SERNAP) - “Toromona Absolute Reserve Intangible Protection Zone” within Madidi National Park and Integrated Natural Management Area (INMA).

38 Available at: <https://www.lexivox.org/norms/BO-DS-N1286.html>. Date accessed: April 5, 2019.

foreseeing absolute protection that would not allow any modification to the natural environment, in accordance with the provisions of the Supreme Decree that created the Kaa-Iya del Gran Chaco National Park and Integrated Management Natural Area and the corresponding Management Plan.”

These standards and conceptions are mere statements however, and have been countermanded on occasion by other regulations and policies.

Despite having a broad legal framework which would enable the drafting of legal instruments for the strengthening of existing procedures, Bolivia has no specific legal territorial demarcation framework for indigenous peoples in isolation.

In the table below it is possible to see a link between conservation areas and indigenous territory (for peoples with a history of contact), in which indications of indigenous peoples in isolation have been found.

**Table 10. Bolivia: Specific Legal Framework for Territorial Demarcation of Peoples in Isolation**

SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION	FORMALIZED TERRITORY AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION	TERRITORIAL DEMARCATION BODIES
<ul style="list-style-type: none"> <li>Nothing specific exists for peoples in isolation Article 31 of Political Constitution of the Plurinational State of Bolivia (2009) recognizes peoples in isolation.</li> <li>Supreme Decree No. 1286, July 4, 2012 for the Ayoreo peoples, establishes the following in Articles 2 and 3:</li> <li>Article 2°.- (Supplementary studies in the areas identified with Ayoreo populations in voluntary isolation)</li> <li>Article 3°.- (Ratification of protection category)</li> <li>Law 450/2013, on the Protection of Native Indigenous Nations and Peoples in Situations of High Vulnerability<sup>39</sup></li> </ul>	<ul style="list-style-type: none"> <li>Kaa Iya National Park<sup>40</sup> (Ayoreo)</li> <li>(3,441,115 ha, of which 1,900,000 for peoples in isolation)</li> <li>Otuquis National Park</li> <li>Border with Brazil and Paraguay</li> <li>1,005, 950 ha.</li> <li>Tacana II TCO <sup>41</sup> (in dispute) <sup>42</sup> And Araona TCO and Ese Ejja (Taromonas) TCO</li> <li>Tacana II Border with Peru</li> <li>(342, 930, 990.6 ha)</li> <li>“Toromona Absolute Reserve Intangible Integral Protection Zone” <sup>43</sup> (ZRAT) in Madidi NP-IMNA <sup>44</sup> (Taromonas) Border with Peru (1 895 740 ha)(PNMI).</li> </ul> <p>Claims:02</p>	<p>MJ/VMJIOC/DIGEPIO<sup>45</sup></p> <p>-DIGEPIO</p> <p>(not institutionalized)</p>

## BRAZIL

Brazil does not have a specific legal framework for territorial demarcation for indigenous peoples in isolation. According to the Brazil local report, legal norms applicable to indigenous peoples who already have a history of

contact with non-indigenous peoples, are used in their place. These state procedures are structured around contact and interaction with indigenous people. In order to demarcate an indigenous territory, for example, it is deemed necessary to carry out studies based on dialogue with the indigenous population, which is incongruous with protection policy for peoples in isolation.

<sup>39</sup> Cited in LRBo 2019. If the DIGEPIO is created (under Law 450), it would establish prevention, protection and strengthening mechanisms, considering different areas for each mechanism. In addition, Article 138 of the Criminal Code (Genocide) has been amended, as has Article 216 (Crimes against Public Health), and finally Article 353 Bis (Unauthorized Entry).

<sup>40</sup> Cited in LRPy and IA 2019. Las Salinas, which are today inside the Kaa Iya Park, have traditionally been visited by all the isolated Ayoreo groups to obtain salt. It is part of the territory currently used by the different Ayoreo groups in isolation.

<sup>41</sup> Cited in LRBo 2019. Tierra Comunitaria de Origen (Community Origin Land, or TCO in Spanish) is the denomination for collectively owned lands by indigenous peoples. The Political Constitution of the Plurinational State of Bolivia (2008) changed this denomination to Territorio Indígena Originario (Original Indigenous Territory).

<sup>42</sup> Cited in LRBo 2019. Tierra Comunitaria de Origen (Community Origin Land, or TCO in Spanish) is the denomination for collectively owned lands by indigenous peoples. The Political Constitution of the Plurinational State of Bolivia (2008) changed this denomination to Territorio Indígena Originario (Original Indigenous Territory).

<sup>43</sup> Cited in LRBo 2019. According to INRA (Determinative Resolution RD-ST 116/2007) - still awaiting certification in 2018

<sup>44</sup> Madidi Park was created on September 21, 1995, by Supreme Decree No. 24123.

<sup>45</sup> Cited in LRBo 2019. Ministry of Justice (MJ)/Vice Ministry of Indigenous and Peasant Justice (VMJIO) / Dirección General de Protección a Naciones y Pueblos Indígenas Originarios

The solution was based on work carried out by the Guaporé Localization Team in the 1980s, which worked on locating isolated indigenous groups within the Guaporé Biological Reserve (REBIO) in Rondonia State, near the border with Bolivia. The large volume of information collected by the team was systematized into a detailed study of occupation and land use dynamics of the people in isolation, and served as input for the entire territorial delineation process for the REBIO Guaporé indigenous group in isolation.

With the 1998 Massaco Indigenous Land decree, Brazil consequently established its first Indigenous Area for the exclusive use of indigenous peoples in isolation without the need to promote contact.<sup>46</sup> This set a precedent that would later be used in the territorial delineation of three other areas for isolated indigenous groups. The continuous, detailed and judicious work carried out by the Ethno-Environmental Protection Fronts (FPE) has served as the basis for all official knowledge of the presence of isolated groups or peoples in Brazil.

It is important to emphasize that the whole territorial delineation procedure for indigenous peoples, including peoples in isolation, is now under threat due to changes in Brazilian indigenous policy<sup>47</sup> implemented by the recently elected president of the Republic, Jair Messias Bolsonaro.<sup>48</sup> Consider the account of Interim Measure No. 870 in the Brazil local report:

“On January 1, 2019,<sup>49</sup> its first day in office, the new Brazilian government published Provisional Measure No. 870, which transferred responsibility for the demarcation of indigenous lands from FUNAI (a subordinate to the Ministry of Justice) to the Ministry of Agriculture, Livestock and Supply (MAPA). According to the Provisional

Measure, the technical and operational responsibility for addressing the issue would fall to the National Institute of Colonization and Agrarian Reform (INCRA), also under MAPA, which was already managing the Quilombola territorial issue. The Provisional Measure placed FUNAI's other powers, including those related to access to social and citizenship rights - and indeed FUNAI itself - under the Ministry of Women, Family and Human Rights (MMFDH). The situation of isolated peoples and the protection of indigenous lands was not clear, but, a priori, they should remain FUNAI's responsibility under the MMFDH.” (LRBr, 2019)

In Technical Note No. 1/2019, 6<sup>th</sup> CCR, issued on March 01 2019, the Federal Public Prosecutor's Office (MPF), through the office of the Attorney General of the Republic (PGR) and the 6th Chamber of Coordination and Review -Indigenous Populations and Traditional Communities (CCR), analyzed the legal aspects of the aforementioned Provisional Measure (No. 870) and its impact on the rights of indigenous peoples in five aspects: 1. Affront to the constitutional status of indigenous people; 2. Absence of prior consultation with indigenous peoples-ILO/169; 3. Convergence of indigenous interests and environmental preservation; 4. Conflict between indigenous interests and the Union's (Brazil's) agricultural policy; and 5. Conflict between indigenous interests and the Ministry of Women, Family and Human Rights.

The Technical Note concludes that, in view of a potential clash between the legislative changes contained therein and the strict terms of the Federal Constitution with regard to the regulation of the original rights of indigenous peoples in Brazil, the indigenous policy implemented by the Federal Government and introduced into the

46 It is worth noting that other indigenous lands such as TI Uru Eu Wau Wau (Decree No. 275 of 30/10/1991) had already been identified, demarcated and recognized as having a presence of indigenous peoples in isolation. The key distinction is that TI Massaco had been identified and demarcated on the basis of the principle of self-determination of the isolated indigenous people living there, for exclusive use by those peoples and without any requirement of contact.

47 Measures on indigenous demarcations are racist”, says UN rapporteur (“Medida sobre demarcações indígenas são racistas”, diz relatora da ONU). Available at: [https://amazonia.org.br/2019/01/medidas-sobre-demarcacoes-indigenas-sao-racistas-diz-relatora-da-onu/?utm\\_source=akna&utm\\_medium=email&utm\\_campaign](https://amazonia.org.br/2019/01/medidas-sobre-demarcacoes-indigenas-sao-racistas-diz-relatora-da-onu/?utm_source=akna&utm_medium=email&utm_campaign) Accessed: 5 April 2019.

48 Available at: <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-muda-ou-sobra-para-os-indios-com-a-reforma-de-bolsonaro>. Date accessed: 5 April 2019.

49 Cited in LRBr 2019. Available from: [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2019-2022/2019/Mpv/mpv870.htm](http://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Mpv/mpv870.htm). Accessed: 5 April 2019.

legal system by MP No. 870/19 is both unconstitutional and legally unfeasible.<sup>50</sup>

In accordance with the Technical Note issued by the Office of the Attorney General General (PGR) and the 6th Chamber of Coordination and Review, Indigenous Populations and Traditional Communities (CCR), cited above, the National Human Rights Council issued Recommendation No. 02, 7 February, 2019, to the Presidency of the Republic, National Congress, the

Attorney General General's Office and the Federal Supreme Court, recommending:

"(...) That the identification, delineation, demarcation and register of lands traditionally occupied by indigenous people, as well as the environmental licensing on indigenous lands, remain the responsibility of FUNAI - the National Indian Foundation."<sup>51</sup>

The following is a summary of the legal frameworks, territories and state bodies responsible for the territorial demarcation of indigenous peoples in isolation in Brazil:

**Table 11. Brazil: Specific Legal Framework for Demarcation of Territories of Indigenous Peoples in Isolation**

SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION	FORMALIZED TERRITORY AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION	TERRITORIAL DEMARCATION BODIES
<ul style="list-style-type: none"> <li>No specific framework</li> <li>Constitution of the Brazilian Federal Republic of 1988.</li> <li>Law No. 6.001/73 - Statute of the Indian.</li> <li>Decree No. 1.775/96<sup>52</sup> of 08/01/1996 - Amongst other provisions, includes dispositions on the administrative procedure for the demarcation of indigenous lands.</li> <li>Ordinance MJ 14 of 09.01.1996 - includes detailed provisions on the identification of Indigenous Lands.</li> <li>FUNAI Ordinance No. 116 of 14.02.2012 includes provisions on the guidelines and criteria to be observed in the design and implementation of indigenous land demarcation measures.</li> </ul>	<ul style="list-style-type: none"> <li>04 (T) Indigenous Lands (TI) exclusively for IPI use 2,595, 849 ha</li> <li>1 (T) Shared Use Indigenous Lands 24, 140, 975. ha</li> <li>04 (T) Restricted Use Indigenous Lands<sup>53</sup> 941, 647.00 ha</li> </ul> <p>GENERAL TOTAL: 27,678, 471 ha</p> <p>16 Formalized Indigenous Lands<sup>54</sup>, <sup>55</sup></p> <p>01 Declared Indigenous Land</p> <p>03 Restricted Use Indigenous Lands</p> <p>CLAIMS: 11 <sup>56</sup> <sup>57</sup></p> <p>Border: YES (Peru/Venezuela)</p>	<ul style="list-style-type: none"> <li>CGID<sup>58</sup> /DPT/ FUNAI / MJ FUNAI for the demarcation and General Coordination of Identification and Delimitation (CGID), linked to the Department of Territorial Protection. CGID has the legal faculty to instruct and carry out studies and formalize processes. In the case of Indigenous Lands for Isolated People, procedures are based on the work carried out by the CGIIRC (General Office of Isolated and Recently Contacted Indigenous Peoples), which verifies the existence of IPIs as well as the occupation of their territories. It is the CGIIRC that has the institutional legitimacy to carry out this work.</li> </ul>

50 Available from: <http://www.mpf.mp.br/pgr/noticias-pgr/ministerio-publico-federal-defende-inconstitucionalidade-da-medida-provisoria-870>. Accessed: 5 April 2019.

51 The recommendations directed to the above mentioned bodies can be reviewed here: <https://www.mdh.gov.br/informacao-aocidadao/participacao-social/conselho-nacional-de-direitos-humanos-cndh/Recomendao2MP870FUNAI.pdf>. Date accessed: 27th March 2019.

52 Available at: [http://www.planalto.gov.br/ccivil\\_03/decreto/D1775.htm](http://www.planalto.gov.br/ccivil_03/decreto/D1775.htm). Date accessed: 17 March 2019.

53 Due to the delays, Brazil has adopted a provisional and more agile administrative instrument called "restriction of use" that is provided for in Decree No. 1,775/96. As already mentioned, this is a precautionary instrument which limits the entry of third parties in a certain administratively defined region. Meanwhile, studies are being carried out with a view to concluding the recognition process for isolated peoples and the deployment for the recognition of territorial rights.

54 Regularization is the last administrative stage in the demarcation of indigenous lands. In short, it involves the registration of indigenous lands with the Union Heritage Secretariat. See: <http://www.funai.gov.br/index.php/2014-02-07-13-24-53>. Accessed: 27 March 2019.

55 Available at: <http://www.funai.gov.br/index.php/indios-no-brasil/terras-indigenas>. Date accessed: 27 March 2019.

56 Cited in LREq 2019. There are 3 lawsuits for the extension of Indigenous Lands (TI); 4 restrictions of use not recognized as Indigenous Lands; 1 in which the process of Indigenous Land demarcation has been initiated; and 3 that have not yet been initiated.

57 Cited in LRBr 2019: Research and studies carried out to determine the presence of indigenous peoples in isolation are even important for the demarcation of lands still in the research phase, and therefore not yet confirmed. These are lands that are located outside any designated protected area, in regions with high rates of deforestation in the States of Rondonia, northern Mato Grosso, southern Amazon, central-southern Para and western Maranhao.

58 Coordinación General de Indios Aislados y de Reciente Contacto - CGIIR / Dirección de Protección Territorial (DPT) / Fundación Nacional del Indio / FUNAI (the DPT includes the following departments that carry out the process of indigenous territorial delineation: Coordinación General de Identificación y Delimitación (CGID)/ Coordinación General de Asuntos Fudiaros / Coordinación General de Geoprocuremento/ Coordinación General de Monitoreo Territorial).

## COLOMBIA

In terms of the territorial area provided to indigenous peoples in isolation, there has been no expansion in Colombia since 2005. There is still only one territory, although an additional 979,496 hectares were declared intangible in the Serranía de Chiribiquete Natural National Park in

2018. The national park was expanded to a total of 4,268,095 ha. in order to provide protection in areas where there is a strong indication of the presence of indigenous peoples in isolation. On the other hand, considerable progress has been made in terms of the conception, formulation and knowledge of these peoples, something we will address later on.

**Table 12. Colombia: Specific Legal Framework for Demarcation of Territories of Indigenous Peoples in Isolation**

SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION	FORMALIZED TERRITORY AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION	TERRITORIAL DEMARCATION BODIES
<ul style="list-style-type: none"> <li>Decree 1232, 2018.</li> <li>By means of Decree 1232, 2018, the Interior Ministry is the state entity in charge of identifying, registering and declaring territories for indigenous peoples in isolation, their buffer zones and intangibility.</li> <li>Decree 2333, 2014, included in the Single Regulatory Decree of the Ministry of Agriculture, number 1071, 2015<sup>59</sup></li> <li>Decree-Law 4633, 2011, Article 172<sup>60</sup></li> <li>Resolution 0156 National Parks. Guidelines for the protection of IPIs within the system of protected areas.</li> </ul>	<ul style="list-style-type: none"> <li>PNN Río Puré (2002), 999,880 ha protected, of which 529,338 ha are intangible.<sup>61</sup></li> <li>RI Curare Los Ingleses, 90,408 ha is an intangible zone. This territory of (619, 746 ha) has been recognized by both measures as an intangible zone, where the use of natural resources and entry is prohibited (PNNRP, 2012; Resolution 001, 2013).</li> <li>PNN Serranía de Chiribiquete (1989, 2013, 2018), has a total of 4,268,096 ha of strict protection where 979,496 hectares have been declared intangible due to signs of unconfirmed presence of peoples in isolation (precautionary measure).</li> </ul>	<p>DAIRM<sup>62</sup> / MI<sup>63</sup> National System for the Prevention and Protection of the Rights of Indigenous Peoples in Isolation, composed of:</p> <ul style="list-style-type: none"> <li>The National Commission for the Prevention and Protection of IPI.</li> <li>Local Committees for the Prevention and Protection of peoples in isolation. (Not in place)</li> </ul>

## ECUADOR

There is no dedicated legal framework for the demarcation of territories of Indigenous peoples in isolation in Ecuador, although Article 57 of the Constitution, transcribed below, clearly expresses their territorial rights:

“The territories of peoples in voluntary isolation are of irreducible and intangible ancestral possession, and all types of extractive activity shall be prohibited in them. The State shall take

measures to guarantee their lives, ensure respect for their self-determination and desire to remain in isolation, and protect the observance of their rights. The violation of these rights will constitute the crime of ethnocide, which will be penalized by law.” (CRF Ecuador, 2008)

The Ecuadorian State recognizes the existence of three indigenous groups in isolation, located in the “Zona Intangible Tagaeri Taromenane” (Intangible Zone), which according to the LRE- 2018 Report, has the following legal characteristics:

- 59 Cited in LRC 2019. Decree 1232 of 2018 establishes the procedures for guaranteeing the possession and legal protection of the territories of peoples in isolation in a coordinated fashion between the Interior Ministry and the National Land Agency. The territorial protection instrument is called “Ancestral Territories”, in this case intangible, which is regulated by Decree 2333, 2014, within the the Ministry of Agriculture’s Single Regulatory Decree No. 1071, 2015.
- 60 Cited in LRC 2019. The Colombian State must ensure the protection and recognition of the territories of indigenous peoples in isolation as collective and intangible property. Under no circumstances may their territories be intervened or dispossessed, nor may they be the subject of policies, programs or actions, whether private or public, that promote contact or instigate interventions for any purpose (Decree-Law 4633 of 2011, Article 17).
- 61 Cited in LRC 2019. The intangible territory of the Yuri-Passé is immersed in two land management entities; the Río Puré National Natural Park and the Curare-Los Ingleses Indigenous Reserve.
- 62 Cited in LRC 2019. The team in charge of protection is located within the Directorate of Indigenous, Roma and Minority Affairs under the Ministry of the Interior. Recently issued Decree 1232 does not allocate specific national resources for the protection of peoples in isolation, which suggests technical staffing difficulties (reduced to one person as of 2018).
- 63 Cited in LRC 2019. Ministry of the Interior (MI) / Directorate of Indigenous, Minority and Roma Affairs / Technical Assistance Group of Indigenous Peoples in Isolation-GATPIA.

The Intangible Zone was created in 1999, but without geographical delimitation. On January 3, 2007, under Executive Decree No. 2187, a designated area of 758,051 hectares was established, with an additional 10 km buffer around the Intangible Zone (LRE, 2018).

It should be noted that the Intangible Zone, which overlaps parts of Waorani territory and the Yasuní National Park (YNP), was the product of an 2006 appeal to the Inter-American Commission

on Human Rights (IACHR)<sup>64</sup> by civil society, NGOs and private institutions, regarding violations of the rights of indigenous peoples in isolation:

“(…) which asked Ecuador to establish a plan of precautionary measures, that was eventually accepted by the National Government. Currently, due to the lack of compliance with the precautionary measures by the Ecuadorian State, the parties to the complaint are requesting that the case be referred to the Inter-American Court of Human Rights” (LRE, 2018).

**Table 13. Ecuador Specific legal framework for demarcation of territories of indigenous peoples in isolation**

SPECIFIC LEGAL FRAMEWORK FOR IPIIC TERRITORIAL DEMARCATION	FORMALIZED TERRITORY AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION	TERRITORIAL DEMARCATION BODIES
<ul style="list-style-type: none"> <li>No specific framework for peoples in isolation.</li> <li>Article 57 of the Constitution of the Republic of Ecuador</li> <li>Plan of Precautionary Measures for the Protection of Isolated Indigenous Peoples - PMC-IPIs. (Precautionary Measure of the IACHR - 2006) / Intangible Zones (2007)</li> <li>National Policy of Peoples in Situation of Voluntary Isolation 2008 (Not implemented)<sup>65</sup></li> <li>Protocols and Guidelines in Situations of Contact with Indigenous Peoples in Voluntary Isolation - 2014</li> <li>Organic Law of Rural Lands and Ancestral Territories passed on March 14, 2016.</li> </ul> <p>Communication No. T.4570- S/n.1-10-1516 / October 2010 - Organic Code of Territorial Organization, Autonomy and Decentralization (Art. 100 and 101).</p>	<ul style="list-style-type: none"> <li>Intangible Zone Tagaeri Taromenane (Intangible Zone)<sup>66</sup>, covering 758,051 ha.<sup>67</sup></li> </ul>	<ul style="list-style-type: none"> <li>DPPIAV<sup>68</sup> / MJDHC</li> <li>Subsecretariat of Lands<sup>69</sup> under the Ministry of Agriculture and Livestock (MAG).</li> </ul>

An extension of at least 50,000 ha of the Intangible Zone (the reduction of territory available for oil exploration in block 43-ITT) was approved in February 2018 by means of a popular consultation, with approximately 70% accep-

tance. In view of this consultation, the LRE -2018 states that:

“By Executive Decree No. 314, on the 16 February 2018, President Lenin Moreno formed an interministerial commission for the expansion of the Intangible Zone, composed of the

64 Inter-American Commission on Human Rights. 2006. Tagaeri and Taromenane Indigenous Peoples. Precautionary Measures MC-91/06. Washington D.C.

65 Cited in LRE 2019. It should be noted that, as of 2019, the State does not have a formal public policy on Indigenous Peoples in Voluntary Isolation and Initial Contact, despite the fact that in 2008 the President presented this document and in 2017 an update was made.

66 Cited in LRE 2019. The Intangible Zone was created through Presidential Decree in 1999, but without geographical delineation. It overlaps with parts of Waorani territory and the Yasuni National Park (YNP). On 3 January 2007, by Executive Decree No. 2187, an additional 758,051 hectares was demarcated, with a 10 km buffer zone around the zone.

67 Cited in LRE 2019. In February 2018, a popular consultation was held in which approximately 70% approved the extension of the Intangible zone by at least 50,000 hectares (corresponding to the reduction of territory available for oil exploitation in block 43-ITT). President Lenin Moreno, through Executive Decree No. 314 of February 16, 2018, formed an inter-ministerial commission for the extension of the Intangible Zone, composed of the Ministry of Hydrocarbons and the Ministry of Justice, Human Rights and Worship; under the coordination of the Ministry of the Environment. In summary, oil interests are again included in the territorial analysis of indigenous peoples in a situation of isolation.

68 Cited in LRE 2019. The Intangible Zone was created through Presidential Decree in 1999, but without geographical delineation. It overlaps with parts of Waorani territory and the Yasuni National Park (YNP). On 3 January 2007, by Executive Decree No. 2187, an additional 758,051 hectares was demarcated, with a 10 km buffer zone around the zone.

69 Cited in LRE 2019. The Secretariat for Land and Agrarian Reform in the Ministry of Agriculture and Livestock oversees indigenous land claims and disputes in order to establish possible solutions and instigate titling processes.

Ministry of Hydrocarbons and the Ministry of Justice, Human Rights and Religious Affairs, under the coordination of the Ministry of Environment. In short, oil interests are once again part of the territorial analyses of indigenous peoples in isolation.” (Local Report-Ecuador- LRE, 2018)

As pointed out in the same report, the main obstacle to the implementation of the territorial rights of indigenous peoples in isolation comes from sectors linked to oil activities. Both international private companies (REPSOL-Spain, PETROORIENTAL-China, PETROBELL-Ecuador/USA) and the Ecuadorian State itself (PETROAMAZONAS) are opposed to the expansion of the

Intangible Zone insofar as, according to these sectors, it would place hydrocarbon exploration activities at risk.

With regard to specific territorial demarcation entities, the Ecuadorian State established the Secretariat for Land and Agrarian Reform within the Ministry of Agriculture and Livestock. The Secretariat was to manage procedures related to indigenous territorial claims and disputes in general, in order to establish possible solutions, and to initiate land title procedures. However as of yet there is no specific legal framework for the territorial demarcation of indigenous peoples in isolation.

## PARAGUAY

The Republic of Paraguay does not have a legal framework or bodies that focus specifically on the protection of indigenous peoples in isolation. Civil society sectors, NGOs and indigenous organizations carry out studies and surveys, compile consistent registers with speedy methodologies, inform the State and submit complaints regarding the highly vulnerable situation of indigenous peoples in isolation.

And while the State is failing to provide solutions, these organizations are presenting complaints before multilateral bodies.

As previously reported, Paraguay recognized the existence of indigenous peoples in isolation only within the protection framework of the Defensores del Chaco National Park, which constitutes only a tiny fraction of traditional Ayoreo territory, making them a secondary factor to the protection of the National Park. Meanwhile, Paraguayan indigenous civil society organizations recognize the existence of two confirmed groups in isolation, the Jonoineurasade and Totobiegosode, as described in PLR-IA - 2019:

“The research and monitoring carried out by the Amotocodie Initiative (IA), reveals the existence of several small or family groups, separated and apparently without communication between them, that continue with their traditionally sustained nomadic life in the

North and West of the Chaco. They amount to between 80 and 150 people. At least one of the groups belongs to the local Totobiegosode group; others belong to other groups not yet identifiable on the basis of the available data.” (LRP& AI, 2019)

As mentioned in the two local reports prepared by the non-governmental organizations “Amotocodie Initiative” (IA) and Payepie Ichidie Totobiegosode Organization (OPIT):

“(…) there are no formalized procedures for the regularization of indigenous territories. Some rights are recognized very poorly, at best, over lands occupied in a sedentary manner by already colonized peoples. The practical criterion in response to demands from certain indigenous groups has been to delineate lands that are not occupied by other landowners. The National Indigenous Institute (INDI) is the state agency responsible for the surveys and protection of indigenous territories. In practice, it only has a register of properties in the name of indigenous communities and of INDI’s own properties that should be transferred to settled indigenous communities. However, INDI has itself also lost the rights to lands assigned to it due to political, legal and technical ineffectiveness in the face of the occupation of those lands by third parties, and their subsequent obtaining of title for having invested in them.” (LRPy - IA, 2019)

“Regarding indigenous territories, we have already mentioned that there has been no formal recognition of the groups of Ayoreo

peoples living in isolation; neither, therefore, has there been any implementation of protection instruments.” (LRPy - IA, 2019)

After an extremely long process initiated in 1991 by the Ayoreo Totobiegosode, the Ministry of Education and Culture - Directorate General of Cultural Assets-MEC/DGBC, registered and declared the “Ayoreo Totobiegosode Natural and Cultural Heritage”<sup>70</sup> in February 2001 by means of Resolution No. 01/2001, with the territorial procedures still pending. According to OPIT’s Paraguay local report:

“The granting of this area was appealed by ranchers in the region, and the Supreme Court of Justice recently issued Agreement and Judgment No. 98 dated 2 March 2016 which “confirms Resolution No. 01/2001 of the Directorate General of Cultural Assets and Resolution No. 491/2009 of the Minister of the National Secretariat of Culture”, with this provision regarded as a positive development.” (LRPy-OPIT, 2018)

In their local reports The Amotocodie Initiative - IA and the Payepie Ichidie Totobiegosode Organization - OPIT, describe the State’s attempts to initiate the territorial organization of indigenous peoples in isolation in Paraguay:

“Until now, Paraguay has lacked a public policy that provides for the protection of isolated or forest-based groups, as well as those previously contacted or in initial contact (Totobiegosode contacted in 1986, 1998 and 2004).

In the 1990s, the Public Prosecutor’s Office assumed an active role in the protective measures related to specific cases. In 1998, at the request of the Prosecutor’s Office, a judge issued Judicial Cautionary Measures in the Northern Chaco region, where there were indications of the presence of isolated groups in the area known to the Ayoreo peoples as Amotocodie. These measures were repeatedly violated, however, with very few real consequences, as the political will to intervene of successive Public Prosecutors gradually diminished.

In the first decade of the 21st century, the INDI and the Departmental Government of Boquerón issued ordinances or resolutions recommending the protection of Amotocodie groups and territories (INDI Council Resolution No. 37/2002; Boquerón Departmental Board Ordinance No. 02/02).

The State has at no time adopted any measures for the protection of forest-based groups and their respective territories outside the Amotocodie region and the Ayoreo Totobiegosode Natural and Cultural Heritage.

Some state bodies have issued protection measures, but these do not take into consideration the reality of all the isolated Ayoreo groups living in various regions of the Paraguayan Chaco:

Despite the recognition of the Ayoreo Totobiegosode Natural and Cultural Heritage (PNCAT), licenses have been granted enabling extensive livestock grazing within its boundaries, disregarding indigenous territorial claims. The local Ayoreo Totobiegosode group recovered just a fifth of the traditional territory they had claimed, an area of around 100,000 hectares, in areas frequented by their relatives living in isolation.

In 2013,<sup>71</sup> precautionary measures were requested of the IACHR due to the serious threats facing the PNCAT as a result of growing deforestation and the presence of third parties.

On February 3, 2016, the IACHR requested specific measures on the part of the Paraguayan State through Resolution 4/2016.<sup>72</sup> The IACHR considers that the requisites of gravity, urgency and irreparability as set forth in Article 25 of its regulations are met *prima facie*.

The State replied on June 8, 2016 requesting the initiation of an Amicable Solution Process. The Petitioners declared their good will and commitment to the proposal, requesting a working meeting to initiate the procedure within the framework of the 159th Ordinary Session of the IACHR held in Panama in December 2016.<sup>73</sup>

<sup>70</sup> Available at: <http://gat.org.py/patrimonio/del-silencio-a-la-palabra-89> Date accessed: April 6, 2019.

<sup>71</sup> Cited in LRPy IA 2019. In Paraguay on 22 February 2013, the OPIT filed a request for precautionary measures with the IACHR MC 54-13 Subject: Communities in voluntary isolation of the Ayoreo Totobiegosode People from Paraguay, issued by Resolution 4/2016 IACHR.

<sup>72</sup> Cited in LRPy OPIT 2019. Available at: <https://www.oas.org/es/cidh/decisiones/pdf/2016/MC54-13-Es.pdf>. Date accessed: April 6, 2019.

<sup>73</sup> Cited in LRPy OPIT 2019. Panama’s Memorandum of Understanding and opening of the Negotiation Table. The working meeting, scheduled within the framework of the aforementioned Ordinary Session of the IACHR, was established on December 2, 2016 in the city of Panama, during which a Memorandum of Understanding was signed establishing the constitution of a Negotiating

After more than a year of negotiation, an Interinstitutional Agreement was signed in February 2018 in which several state institutions committed to comply with the Protocol of Action, Prevention and Contingency in the case of contact in the Ayoreo Totobiegosode Natural and Cultural Heritage<sup>74</sup> (PNCAT). The Inter-institutional Commission in charge of the implementation of the document was formed in May, 2018.

As a consequence of the violation of the rights of the Ayoreo Totobiegosode People and their group in isolation in Paraguay, a “Request for the Application of the Early Warning Mechanism” was presented to the UN Committee on the Elimination of Racial Discrimination (CERD) against the State of Paraguay in December 2013. In August 2015, additional information and an appeal for urgent action<sup>75</sup> were submitted within the framework of this same request. Two years later, the UN Rapporteur issued a report and recommendation on the situation of the Ayoreo people.

The legislature passed Law No. 5540 in 2015, establishing the boundaries of the Defensores del Chaco National Park. Article 4 mentions

“the prohibition of high-impact activities that alter the natural ecosystem of indigenous forest-based communities”. This is the first recognition by the Paraguayan State of the existence of isolated groups outside the Ayoreo Totobiegosode Natural and Cultural Heritage - PNCAT. This national park has an area of 750,000 hectares of forest with vital resources for several of the isolated groups that roam the region.”

Indigenous peoples in isolation are found in five national parks (two of which border Bolivia) and two natural reserves (one bordering Bolivia) in the Paraguayan Chaco. “Remarkably, Paraguay has suffered the highest rate of deforestation in the Chaco region in recent years, particularly in the northern border area with Bolivia, where there is a focus of new private projects for opening up large ranches.” (LRPy, 2019)

The following table outlines the legal frameworks, territories with a presence of indigenous peoples in isolation, and the state bodies responsible for their territorial demarcation:

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Table and its mechanism of operation. The Petitioners and the Paraguayan State agreed on an impartial third party, entrusting this task to the United Nations Office in Paraguay. A maximum period of one (1) year was established for the achievement of an Amicable Settlement Agreement, and ad hoc groups were constituted on the following topics: Territory; Health and Education; and Protocol. It was decided to create an early warning mechanism for acting on threats to land, territories and natural resources. Deforestation detected within the PNCAT, cases of trespassing, and encroachment by unknown third parties have all been reported, and a request made for the establishment of an ecological hiatus in the PNCAT as well as reparatory measures.

74 Available at: [http://www.ministeriodejusticia.gov.py/noticias/historico-establecen-protocolo-de-actuacion-con-el-pueblo-ayoreo-totobiegosode?ccm\\_paging\\_p=101](http://www.ministeriodejusticia.gov.py/noticias/historico-establecen-protocolo-de-actuacion-con-el-pueblo-ayoreo-totobiegosode?ccm_paging_p=101). Date accessed: April 6, 2019

75 A/HRC/30/41/Add.1 <https://www.ohchr.org/en/hrbodies/hrc/regularsessions/session30/pages/listreports.aspx>. Date accessed: 6 April 2019.

**Table 14. Paraguay: Specific legal framework for demarcation of territories of Indigenous Peoples in Isolation**

SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION	FORMALIZED TERRITORY AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION	TERRITORIAL DEMARCATION BODIES
<ul style="list-style-type: none"> <li>No specific framework for peoples in isolation</li> <li>Law 43/89 December 1989</li> <li>Establishes a regime for the regularization of settlements of indigenous communities.</li> <li>Law 904/81 "Statute of Indigenous Communities" modified in several articles by Law No. 919/96.</li> </ul> <p>Paraguay has recognized their existence only within the framework of the protection of the Defensores del Chaco National Park, which constitutes a small fraction of the territory, and then only as a secondary factor in the protection of the aforementioned National Park.</p>	<ul style="list-style-type: none"> <li>Ayoreo Totobiegosode Natural and Cultural Heritage (PNCAT) - 1997<sup>76</sup> <sup>77</sup> <sup>78</sup> 121, 600 ha</li> <li>In all of the protected areas (below)<sup>79</sup> there are signs of the presence of Ayoreo groups in isolation.</li> <li>Médanos Park 514, 233 ha. Bolivian Border</li> <li>Cerro Cabrera-Timane Natural Reserve. 125,823 ha. Bolivian Border</li> <li>Defensores del Chaco National Park <sup>80</sup> 720,000 ha<sup>81</sup></li> <li>Tte Enciso Agripino National Park (1980). 40, 000 ha.</li> <li>Chovoreca National Park (1998) 100,000, ha. Bolivian border</li> <li>"Punie Paesoi" Private Natural Ayoreo Reserve (2008) 3,780 ha</li> </ul> <p>CLAIMS: 02</p>	<ul style="list-style-type: none"> <li>Nothing specific for peoples in isolation.</li> <li>National Indigenous Institute (INDI) <sup>82</sup></li> </ul>

## PERÚ

In 2006, the Peruvian State passed Law No. 28736, "Law for the Protection of Indigenous or Native Peoples in Situations of Isolation and Initial Contact (PIACI)".

On the basis of the Law and its accompanying regulation, the Peruvian State formed a set of administrative procedures of territorial delineation for indigenous peoples in isolation. It established the Vice-Ministry of Intercultural affairs (VMI) within the Ministry of Culture (MinCul) as the body responsible for the implementation of the "Special Trans-sectorial Protection Regime" for the rights of indigenous peoples in isolation and initial contact. In accordance with these regulations, the Vice-Ministry of Interculturality - VMI - plays a fundamental role in measures related to

the peoples in isolation and initial contact. The measures can be divided into two essential elements: the recognition of indigenous peoples in isolation, and their territorial recognition through the demarcation of indigenous reserves.

As part of this regulatory framework, a series of procedural requirements and processes were put in place that would lead to the granting of official title to indigenous territory. These procedures are difficult to meet within the timeframe established by law, leading to processes dragging on for years (and in some cases decades) without the implementation of protection measures in the field.

With regard to the de facto titling of territories for indigenous peoples in isolation, there were five Territorial Reserves in 2005 (two of them within existing national parks); as of 2019, the situation has not changed apart from three

76 Cited in LRP - IA 2019. They constitute only one fifth of their ancestral domains, an area of some 550 000 ha requested.

77 Available at: <http://www.cultura.gov.py/2011/09/pronunciamiento-de-la-organizacion-ayoreo-totobiegosode-opit-sobre-intervencion-fiscal/ubicacion-del-patrimonio-natural-y-cultural-ayoreo-totobiegosode-en-el-alto-paraguay/>. Accessed: 6 April 2019.

78 Disponible en: <http://parquesnacionalesdelparaguay.blogspot.com/2014/03/otro-mapa-de-las-areas-silvestres.html>. Fecha de acceso: 6 de abril de 2019.

79 Available from: <http://www.cultura.gov.py/2011/09/pronunciamiento-de-la-organizacion-ayoreo-totobiegosode-opit-sobre-intervencion-fiscal/>. Date accessed: 6 April 2019.

80 In 2015, the legislature passed Law No. 5540 established the boundaries of the Defensores del Chaco National Park. Article 4 mentions "the prohibition of high impact activities that alter the natural ecosystem of indigenous forest-based communities". This is the first recognition by the Paraguayan State of the existence of isolated groups outside the Ayoreo Totobiegosode Natural and Cultural Heritage - PNCAT. This national park covers 750,000 hectares of forest with resources vital to the lives of several of the isolated groups that travel through the region.

81 Available at: <http://parquesnacionalesdelparaguay.blogspot.com/2015/11/parque-nacional-defensores-del-chaco-el.html> Accessed: 6 April 2019.

82 Cited in LRPy IA 2019. There are no formalized procedures for the regularization of indigenous territories. In a very substandard way, certain rights are, at best, recognized over the lands occupied in a sedentary way by already colonized peoples. The practical approach has been to delineate the lands that are not occupied by other owners, in response to pressure from certain indigenous groups.

of the Territorial Reserves changing category to become Indigenous Reserves..

All of these territories are shared between indigenous peoples with histories of contact, indigenous peoples in initial contact, and/or indigenous peoples in isolation (of the same and/or different ethnicities). There are currently five claims for territorial demarcation for indigenous peoples in isolation in Peru, all at different stages of resolution.

Using the concept of “Territorial Corridors”, the indigenous organizations of Peru, led by AIDESEP, are engaged in the development of a new form of territorial organization for indigenous peoples in isolation and initial contact. The local report classifies these corridors as follows:

“Indigenous Territorial Corridors are large continuous cross-border territorial areas designated as different legal entities (Territorial/Indigenous Reserves, Protected Natural Areas, Native Communities, economic activities, amongst others) They share the presence and movement of in-

digenous peoples in isolation and initial contact as a common element, making it necessary to implement and manage their protection in a coordinated and strategic manner with each of the actors and sectors linked to the corridors. AIDESEP has identified three territorial corridors that require protection strategies:

- The Pano, Arawak and others Territorial Corridor (Madre de Dios, Cusco, Ucayali-Peru-Acre, Brazil).
- The Yavari Tapiche Territorial and Continuous Forest Corridor (Northern Territorial Corridor) (Ucayali, Loreto, Peru / Yavari Valley, Brazil).
- The Napo-Tigre and Yasuni Indigenous Territorial Corridor (Peru and Ecuador) (LRPe AIDESEP, 2019)”

The following table outlines the territories for indigenous peoples in isolation, the legal frameworks, and the state bodies responsible for territorial demarcation in Peru:

**Table 15. Peru: Specific Legal Framework for the Demarcation of Territories of Indigenous Peoples in Isolation**

SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION	FORMALIZED TERRITORY AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION	TERRITORIAL DEMARCATION BODIES
<ul style="list-style-type: none"> <li>• Law No. 28736 of 2006, Law for the Protection of Indigenous or Native Peoples in Situations of Isolation and Initial Contact<sup>83</sup></li> <li>• Regulations to Law No. 28736 of 2007, by Supreme Decree No. 008-2007-MIMDES. Specific mechanisms for the protection of Indigenous Peoples in Isolation and Initial Contact, modified by Supreme Decree No. 008-2016-MC (July 24, 2016).</li> </ul>	<p>5 Territories (2 Territorial Reserves and 3 Indigenous Reserves<sup>84 85</sup>)</p> <ul style="list-style-type: none"> <li>• Total territory for Indigenous Peoples in Isolation and Initial Contact: 2, 812, 678. ha</li> </ul> <p>CLAIMS (1999): Requests for the creation of 05 Indigenous Reserves in favor of peoples in isolation and initial contact<sup>86 87</sup></p>	<p>MINCUL<sup>88</sup> / VMI / DACI / DGPI / Multi-sectoral Commission for Indigenous Peoples in Isolation and Initial Contact</p>

83 Cited in LRPe 2019. Since the approval of Law No. 28736, there have been considerable delays in the implementation of the Special Trans-sectoral Regime, seriously jeopardizing the effective protection of peoples in isolation and their territories. The aforementioned law provides for the development of important management and planning instruments for the strategic and articulated protection of rights, including: the National Policy and Plan for Indigenous Peoples in Isolation and Initial Contact, and the Plans for the Protection of Indigenous Reserves and the Management Committees. As of the closure of this report, however, no progress has been made regarding their preparation or implementation.

84 Cited in LRPe 2019. Mascho-Piro IR (768, 848 ha) / Madre de Dios TR (829, 941 ha) / Murunahua IR (481, 560 ha) / Manu NP (1,909,800 ha); / Alto Purús NP (2,510,694.41 ha) / Isconahua (IR) (275, 665 ha) / Kugapakori, Nahua, Nanti and Others TR (456, 672 ha).

85 Cited in LRPe 2019. It is important to highlight that Peru still uses both territorial reserves and indigenous reserves for the protection of indigenous peoples in isolation and their territories because the five existing territories were created through Law No. 22175, still in force, before the existence of Law No. 28736, for which the adaptation processes are not yet concluded.

86 Cited in LRPe 2019. Application for Yavari-Mirin Indigenous Reserve: indigenous peoples in isolation identified: Matses, Matis, Korubo or Kulinapano and Flecheiro (Takavina); application for Yavari-Tapiche Indigenous Reserve: indigenous peoples in isolation identified: Matses, Remo (Isconahua) and Marubo; Application for Sierra del Divisor Occidental Indigenous Reserve: indigenous peoples in isolation identified: Kapanawa, Remo, and Mayoruna; application for Cacataibo South Indigenous Reserve and Cacataibo North Indigenous Reserve: Indigenous peoples in isolation identified: Kakataibo.

87 Cited in LRPe 2019. ORPIO and ORAU have been working on an initiative to protect the “Yavari-Tapiche Territorial and Continuous Forest Corridor” (“CTBCYT”): A multiethnic and transboundary territorial space in the Peruvian and Brazilian Amazon that covers an area of 15,729,761 hectares. The Indigenous Organizations ORPIO and ORAU have been drawing up the final supporting studies for the CTBCYT protection proposal.

88 Cited in LRPe 2019. Ministry of Culture (MINCUL) / Vice-Ministry of Interculturality (VMI)/Directorate General for the Rights of Indigenous Peoples (DGPI)/Directorate for Indigenous Peoples in Situations of Isolation and Initial Contact (DACI) (Created in 2013).

## VENEZUELA

The Venezuelan State does not officially recognize the presence of Indigenous Peoples in Isolation in its national territory and does not, therefore, have specific legislation or entities to protect them. The Local Report of Venezuela highlights that:

“It is important to note that the 1999 Constitution and the laws that it promulgates concerning indigenous matters, refer to indigenous peoples and communities in general terms, but do not make explicit reference to indigenous peoples in isolation or conditions of initial contact. Thus, at the normative level, there is no specific recognition of these indigenous groups or their unique situations.” (LRV, 2019).

There is an official body with explicit jurisdiction over indigenous affairs within the Venezuelan executive branch: the ‘Ministry of Popular Power for Indigenous Peoples’ (‘MINPPI’), which is responsible for formulating public policies to protect and promote the implementation of the constitutional rights of indigenous peoples, but without political expression and with a minimal budgetary allocation. Other state sectors do act, however, within their jurisdiction and limitations, looking for support for issues related to the recognition and protection of indigenous peoples in isolation:

“At the level of the Venezuelan State, the Ombudsman’s Office and some sections of the Ministry of Health not only recognize the presence of groups in isolation, but have also taken practical steps to provide special protection, and to promote their recognition and, more specifically, the provision of health care.” (LRV, 2019)

Mirroring what is happening elsewhere in South America, in practice it is the civil society organizations in Venezuela that, in practice, are taking on the issue of protecting the country’s three confirmed peoples in isolation (a register is presently being established). The organizations promote a set of initiatives aimed at making indigenous peoples in isolation visible in both the public and private sectors. The LRV 2019, drawn

up by the Social-Environmental Working Group of the Amazon (WATANIBA) and the Regional Organization of Indigenous Peoples of the Amazon (ORPIA), adds that:

“Various reports on the situation of indigenous peoples in isolation have also been prepared and submitted to national bodies such as the Office of the Ombudsman, the Ministry of Foreign Affairs and the Ministry of Indigenous Peoples, as well as to international bodies such as the Rapporteur for Indigenous Peoples of the Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights. As a core strategy, the aim is for the various bodies of the Venezuelan State to recognize the existence of indigenous peoples in isolation, and to subsequently promote their specific rights. The State’s principal human rights body, the Office of the Ombudsman, recognized the existence of three indigenous peoples who have groups in relative and voluntary isolation in its 2017 annual report. In 2018, the Office of the Ombudsman also submitted an Article on indigenous peoples in isolation to the National Constituent Assembly which is currently being debated. In other words, a constitutional provision on indigenous peoples in isolation is currently under consideration in Venezuela. The following is the Article submitted to the Constituent Assembly regarding indigenous peoples living in voluntary isolation or in initial contact (...):

Article XXX: Indigenous peoples and communities living in isolation or initial contact have the right not to suffer forced assimilation or the destruction of their culture and habitat. The State shall ensure the guarantee of their rights and access to the services required by the population, respecting their ethnic and cultural identity, world view, values, spirituality, and sacred and religious sites. The State shall ensure that these indigenous communities are not affected by persons or civil, religious or political organizations alien to them” (LRV, 2019).

The demarcation of indigenous territories in Venezuela has been paralyzed since 2009. Below is an outline of the territorial legal framework for Indigenous Peoples in Isolation and the governmental bodies responsible for territorial demarcation in Venezuela:

**Table 16. Venezuela: Specific Legal Framework for the Demarcation of Territories of Indigenous Peoples in isolation**

SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION	FORMALIZED TERRITORY AND/OR TERRITORY WITH A PRESENCE OF INDIGENOUS PEOPLES IN ISOLATION	TERRITORIAL DEMARCATION BODIES
<ul style="list-style-type: none"> <li>There is no specific legal framework for Indigenous Peoples in Isolation and Initial Contact<sup>89</sup></li> <li>Law N° 37.118 “Demarcation and Guarantee of the Habitat and Lands of Indigenous Peoples” (2001); establishes that the Ministry of the Environment and Natural Resources (MARN) will be in charge of the coordination, planning, execution and supervision of the entire national assessment process.</li> <li>Decree No. 1392 establishing the National Commission for the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities, published in the Official Gazette of the Bolivarian Republic of Venezuela No. 37,257 of 9 August 2001, in which is established the “National Commission for the Demarcation of the Habitat and Lands of Indigenous Peoples and Communities”.</li> </ul>	<ul style="list-style-type: none"> <li>Collective Ownership Title of Habitat and Lands to the Caño Iguana Community of the Hoti People (2012)<sup>90</sup></li> <li>Area; 223.78 ha (The indicated area represents a 40 % reduction of the map area according to the self-demarcation of the group)<sup>91</sup></li> </ul> <p>Parima Tapirapeco National Park<sup>92</sup> 4,000,000 ha. CLAIMS:03<sup>93</sup> Border: Brazil and Colombia</p>	Do not exist <sup>94</sup>

## Threats to Indigenous Peoples in Isolation

Based on this geopolitical and legal overview, we will now present the main territorial threats and vulnerabilities affecting Indigenous Peoples in Isolation in South America.

## Social and Territorial Integrity of Indigenous Peoples in Isolation (Threats and Vulnerabilities)

An reading of the eleven local reports made it possible to classify the different risks and territorial threats confronting indigenous peoples in isolation in South America. These

threats are recorded in tables, by country, and analyzed on a case-by-case basis. The main factors place indigenous peoples in isolation in a situation of vulnerability were found to be the absence of State apparatus and the lack of ‘political will’. On the other hand, many existing threats are the direct result of the development policies implemented by Nation-States, private enterprises, and illegal groups.

By analyzing each local report we were able to identify groups of threats, which we have organized as follows: 1. Pollution; 2. Colonization; 3. Legal/illegal logging of forest species and the presence of loggers; 4. Tourism and the presence of outsiders; 5. Infrastructure; 6.

89 Cited in LRV 2019. There are general bodies responsible for the territorial delimitation of indigenous peoples, but nothing specifically for peoples in isolation.

90 Cited in LRV 2019. The Hoti people with groups in isolation in the state of Amazonas are the only people who have part of their territory demarcated: the product of a self-demarcation project prepared by the Hoti of the Caño Iguana Community, Amazonas.

91 Cited in LRV 2019. Stanford Zent, Egleé L. Zent, Lucas Juave Móllo et Pablo Chonokó, “Reflexiones sobre el proyecto Auto-Demarcación y EtnoCartografía de las Tierras y Hábitats Jodi y Eñepa”, *Revue d’ethnoécologie* [Online], 9/2016, posted on 1 July 2016, accessed 5 July 2016. URL: <http://ethnoecologie.revues.org/2670>; DOI: 10.4000/ethnoecologie.2670 p. 05

92 Cited in LRV 2019. The Yanomami people live in a territory in Venezuela of approximately 4,000,000 ha. The territory is in an environmental protection entity in the Amazonas State called the “Parima Tapirapeco National Park”, which, although not an entity for the protection of native inhabitants, does recognize their presence and their right of occupation. In addition, the Yanomami have officially requested the Venezuelan State to demarcate their territory, although the process remains pending. There is another environmental protection entity in the area called the “Alto Orinoco Casiquiare Biosphere Reserve” that also recognizes the Yanomami presence and their rights.

93 Cited in LRV 2019. It is important to note that the three peoples with groups in isolation have self-demarcation projects for their territories, which include certain areas where these isolated groups are located. All of this has occurred regardless of the lack of official funding.

94 Cited in LRV 2019. A State body, the Ombudsman’s Office, has not only recognized the presence of indigenous peoples in isolation but made several proposals to other institutions, including the National Constituent Assembly, in an effort to incorporate references to indigenous peoples in isolation into the Constitution.

Diseases; 7. Poaching; 8. Oil Prospecting/Hydrocarbon Activities; 9. Missionary presence/action; 10. Institutionalism, Public Policies and Legal Frameworks; 11. Mining; 12. Drug Trafficking; 13. Issues resulting from the trans-nationality of territories of indigenous people in isolation; and 14. Guerillas. It was not possible to cover every aspect for every country due to gaps in the information in some of the local reports.

In the following section we will analyze the information presented in each of the eleven local reports and, at the end of each analysis, present a table summarizing the information for each country's report.

## BOLIVIA

In Article 31 of the Bolivian Constitution, the State recognizes the existence and self-determination of peoples in isolation - should they remain so - as well as the right to the legal consolidation of occupied and inhabited territory.

The Government published Law 450/2013 on the Protection of Native Indigenous Nations and Peoples in Situations of High Vulnerability which, in Article 2, places Indigenous Peoples in Isolation in the category of highly vulnerable peoples.

The application and implementation of that legal framework is unfortunately rarely applied in practice. The prioritization of economic policy interests over the rights of indigenous peoples in isolation is clearly visible.

There is a widespread presence of Chinese capital in Bolivia in both existing and planned infrastructure ventures, as well as in the exploration of various mineral reserves (copper, gold, iron, lithium, etc.). The Chinese are currently in negotiations over Bolivia's present main source of revenue: gas. Two Chinese companies, Sino-

hydro and Sinopec, are in the Chaco and Tariquia regions<sup>95</sup> in search of gas reserves. The amount of Chinese investment in Bolivia has grown exponentially within a decade, as outlined in Bolivia's Local Report:

"Bilateral external debt with the People's Republic of China grew more than 21 fold between 2007 and 2017: by 2122 per cent. It went from US\$75.4 million to US\$1.6 billion in 2017." <sup>96</sup> (LRBo, 2019).

The analysis in Bolivia's Local Report presents a rather worrying picture with regard to the State's development plans for regions with a confirmed presence of indigenous peoples in isolation. One example is the Ixiamas-Chive Highway Infrastructure Project which, by crossing the Madidi NP-IMNA, affects areas of vital importance to indigenous peoples in isolation. In 2006 the State, by means of Administrative Resolution No.48/2006 of the National Protected Areas Service (SERNAP), created the "Intangible Integral Protection Zone of the Toromona Absolute Reserve" within the Madidi National Park and IMNA for the Toromona indigenous people in isolation. Other examples include the construction of the hydroelectric plants ("El Bala" Mega Hydroelectric Project) and the hydrocarbon seismic exploration project (2D Seismic Acquisition Project, Madre de Dios Basin, Nueva Esperanza Area, Madidi Block).

As examples of ventures that have an impact indigenous peoples in isolation, we can highlight the following:

1. Highway infrastructure project  
Highway Ixiamas-Chive<sup>97</sup> 254.02 km  
With environmental license category No. 4;  
Bolivian Highway Administration Company (ABC)<sup>98</sup>, and the Chinese company Sociedad Accidental CCCC (or Asociación Accidental CCCC).

95 Available at: <https://www.elpaisonline.com/index.php/sociales-2/item/274632-tariquia-explicacion-de-la-china-sinopec-no-convence>.

96 Cited in ILBo 2019. Available at: <http://www.lostiempos.com/oh/actualidad/20180115/incursion-desembarco-chino-bolivia>. Access date: April 5, 2019.

97 Cited in LRBo 2019. Available from: [https://cedib.org/post\\_type\\_titulares/asfaltado-vial-ixiamas-chive-ya-tiene-licencia-ambiental-s-in-saber-diseno-del-proyecto-el-dia-29-10-18/](https://cedib.org/post_type_titulares/asfaltado-vial-ixiamas-chive-ya-tiene-licencia-ambiental-s-in-saber-diseno-del-proyecto-el-dia-29-10-18/). Date accessed: 6 April 2019.

98 Cited in LRBo 2019. Bolivian Roads Administration (ABC), and its published Fundamental Network on the 209th anniversary of the Pacha revolution. And the Ixiamas-Chive road asphalt project, which has an environmental license despite as of 2018 not knowing the design of the project.

Investment \$US 744,601,845. Financing being sought from the Chinese government.

2. “El Bala” Mega Hydroelectric Project<sup>99</sup>

100 101

The “El Bala” project is part of the complex of mega hydroelectric dams that the government has been trying to implement since 2007.

The National Electricity Company - ENDE, is in charge of carrying out the studies.

The dam will affect the Madidi Protected Areas, National Park and Integrated Management Natural Area (with a presence of indigenous peoples in isolation) and the Pilon Biosphere Reserve and Indigenous Territory. The Identification Study (IS) by Italian company Geodata Engineering warned that the multimillion dollar project will not be profitable (LRBo - 2019).

3. Nueva Esperanza Block

Hydrocarbon seismic exploration project developed within the Tacana II TCO, known as the 2D Seismic Acquisition Project, Madre de Dios Basin, Nueva Esperanza Area, Bolivia<sup>102</sup>

National Bolivian Oilfields Company -YPFB. 1,008 linear km. Status: Implemented by Chinese company BGP 2016-2017. In process of analysis.

Accidental Association BGP is part of an Accidental Association in Bolivia, and is a subsidiary of the Chinese company BGP International, which is itself the operational arm of the giant China National Petroleum Corporation, one of the largest companies in the world (LRBo, 2019).

4. Madidi Block

The Madidi Petroleum Concession was granted to the transnational company Petroandina<sup>104</sup> in 2010, ignoring Resolution 048 of the Evo Morales’ government.

Neither the superposition nor the prohibition of carrying out these types of extractive activities in National Parks were an obstacle to the Government’s willingness to sacrifice the Toromona Reserve area and the MADIDI Protected Area and turn them into a hydrocarbon extraction zone. The Bolivian oil company, YPFB, and PDVESA, the Venezuela state company formed a Mixed Limited Company in the Madidi block, and in view of Petroandina’s problems, the possibility of an agreement with the Russian company GAZPROM<sup>105</sup> to study the area has recently been announced.

The following table presents the analysis of the Bolivian Local Report, with information gathered by the CITRMD indigenous organization (Tacana II-Río Madre de Dios Indigenous Communities) regarding threats to the physical integrity of the Toromona and their territory:

Table 17. Activities in Bolivia with State Participation

THREATS	ACTIVITIES WITH STATE PARTICIPATION	
	Initiative	Actor
Colonization (Development policies)	Forest concessions Agriculture or Livestock It is necessary to investigate the major loss of habitats, the encroachment into and/or displacement of primary forest due to the advance of the agricultural frontier (traditional and non-traditional crops), and fields for agroforestry activities for personal use rather than mechanized, but without proper quantification.	Legal actions through the colonization policy of the Bolivian State: by implementing agricultural projects and forestry concessions in Gran Chaco in territories of indigenous peoples in isolation.

99 Cited in LRBo 2019. Available at: <http://www.ende.bo/noticia/noticia/57>. Accessed: 6 April 2019.

100 Cited in LRBo 2019. Available at: <https://fundacionsolon.org/tag/el-bala-chepete/>. Accessed: 6 April 2019.

101 Cited in LRBo 2019. Available at: [https://cedib.org/post\\_type\\_mapas/el-bala-proyecto-hidroelectrico-en-area-protegida/](https://cedib.org/post_type_mapas/el-bala-proyecto-hidroelectrico-en-area-protegida/). Access date: 6 April 2019.

102 Cited in LRBo 2019. Available at: <http://www.paginasiete.bo/revmiradas/2017/10/22/tacanas-pueblo-enganado-156451.html>. Accessed: 6 April 2019.

103 Cited in LRBo 2019. The oil industry threatens uncontacted peoples in the Amazon [https://cedib.org/post\\_type\\_titulares/la-industria-petrolera-amenaza-pueblos-no-contcatados-en-la-amazonia-internationalcry-20-2-17/](https://cedib.org/post_type_titulares/la-industria-petrolera-amenaza-pueblos-no-contcatados-en-la-amazonia-internationalcry-20-2-17/). Date accessed: April 6, 2019.

Tourism and the presence of outsiders	Tourism and researchers in National Parks	
Infrastructure	<p>Highway infrastructure project: 1. Ixiamas - Chive Highway<sup>104</sup> - 254.02 km</p> <p>This is one of the new threats with the greatest potential impact on the living areas of peoples in isolations. As of October 2018, knowledge became available of an existing Environmental License (Category #4)<sup>105</sup> for the Ixiamas-Chive section of the highway, which would open up pristine Amazonian forest (95 km), as well as crossing indigenous territories and part of the nucleus of Madidi Park, which contradicts its being designated category 4: issued for Activities and/or Projects without socio-environmental impact. This undermined the right to consent of indigenous peoples through prior consultation and participation.</p> <p>Until more information is available on the course of the road (Environmental Impact Evaluation Study -EEIA), the TCO Tacana II has submitted a request for information to the corresponding authorities,<sup>106</sup> fearing that the road would lead to massive incursions which would promote colonization and affect living areas species diversity.</p>	<p>1. Status: Environmental License category N°4</p> <p>-Bolivian Road Administration Company (ABC)<sup>107</sup>, and the Chinese company Sociedad Accidental CCCC (Asociación Accidental CCCC).</p> <p>- Investment \$US 744,601,845 – Financing being sought from Chinese government.</p>
	<p>1- Mega Hydroelectric Project “El Bala”<sup>108 109 110</sup></p> <p>The Bala project is part of a complex of hydroelectric mega-dams the Government has been seeking to implement since 2007.</p>	<p>1. The “El Bala” Narrows Hydroelectric Project is one of the country’s development schemes with the longest history. It is a project of National Interest and Priority (Law No. 628, May 28, 1984; Law No. 1887 of August 31, 1998), while Supreme Decree No. 29191 of July 14, 2007, indicates that the National Electricity Company-ENDE- is in charge of carrying out the related studies.</p> <p>The project will affect the Protected Areas of Madidi National Park and Integrated Management Natural Area (with the presence of peoples in isolation) as well as the Pilon Biosphere Reserve and Indigenous Territory. The results of the Identification Study (IS) carried out by the Italian company Geodata Engineering warned of the lack of profitability of the multi-million dollar facility.</p>

104 Cited in LRBo 2019. Available at: [https://cedib.org/post\\_type\\_titulares/asfaltado-vial-ixiamas-chive-ya-tiene-licencia-ambiental-s-in-saber-diseno-del-proyecto-el-dia-29-10-18/](https://cedib.org/post_type_titulares/asfaltado-vial-ixiamas-chive-ya-tiene-licencia-ambiental-s-in-saber-diseno-del-proyecto-el-dia-29-10-18/). Date accessed: April 6, 2019.

105 Cited in LRBo 2019. MMAyA 2018. Environmental License 021501-09020306N8312/17. Ixiamas-Chive road paving. An environmental license has already been issued without knowledge of the design of the project. Eldia: [http://m.eldia.com.bo/articulo.php?articulo=Asfaltado-vial-Ixiamas-Chiv%C3%A9Ya-tiene-licencia=-ambiental-s-in-saber-dise%C3%B1o-del-proyecto&id=357&id\\_articulo=263212](http://m.eldia.com.bo/articulo.php?articulo=Asfaltado-vial-Ixiamas-Chiv%C3%A9Ya-tiene-licencia=-ambiental-s-in-saber-dise%C3%B1o-del-proyecto&id=357&id_articulo=263212). Access date: April 6th, 2019.

106 Cited in LRBo 2019. CITRMD note presented to the corresponding authorities and the ABC.

107 Cited in LRBo 2019. Bolivian Roads Administration (ABC), and its Red Fundamental published on the 209th anniversary of the Pacha revolution. And the Ixiamas - Chive road paving project in which an environmental license has already been issued without knowledge of the design of the project, as of 2018.

108 Cited in LRBo 2019. Available at: <http://www.ende.bo/noticia/noticia/57>. Accessed: 6 April 2019.

109 Cited in LRBo 2019. Available at: <https://fundacionsolon.org/tag/el-bala-chepete/>. Date accessed: 6 April 2019.

110 Cited in LRBo 2019. Available at: [https://cedib.org/post\\_type\\_mapas/el-bala-proyecto-hidroelectrico-en-area-protegida/](https://cedib.org/post_type_mapas/el-bala-proyecto-hidroelectrico-en-area-protegida/). Date accessed: 6 April 2019.

Oil Prospecting Hydrocarbon Activities	<p>1. Nueva Esperanza Block. Hydrocarbon seismic exploration project developed within the Tacana II TCO, known as the 2D Seismic Acquisition Project, Madre de Dios Basin, Nueva Esperanza Area, Bolivia<sup>111</sup> The project was given Environmental License No.021501-090203/04/DIA/n°5749/2015, dated November 26, 2015.</p> <p>There is a high probability of involuntary contact and damage to the health of peoples in isolation by epidemics that could threaten their existence<sup>112</sup> as in Madre de Dios by Diarrhea and acute respiratory diseases.<sup>113</sup> In 2016, the 2D seismic exploration (20,000 detonations in order to locate pockets of oil/gas) carried out in the Tacana II TCO and Madidi Park, did not provide clarity in relation to events and evidence linked peoples in isolation.<sup>114</sup> Nor did it demonstrate clarity on the part of the Bolivian State regarding a request for Cautionary Measures made to the IACHR, by Tacana II (CEDIB-CEJIS).<sup>115</sup> Due to the likely costs of a day without production in the field, it is difficult to believe that any oil company in a future 2D Seismic exploration, would agree to withdraw their activities and personnel to within a perimeter of 10 km due to indications of the presence of peoples in isolation.</p> <p>Not only has it not been possible to implement a monitoring plan for the protection of the Toromona People in Voluntary Isolation, but in 2007 there were also reports of drug traffickers and loggers threatening the isolated peoples by their presence in the area.</p> <p>2. Madidi Block. The rating of the Madidi Petroleum Concession to the transnational company Petroandina was approved in 2010,<sup>116</sup> ignoring Resolution 048 of the Government of Evo Morales.</p>	<p>1. Bolivian National Oilfield Company -YPFB- 1,008 linear km –</p> <p>Status: Carried out by Chinese company BGP 2016-2017. In process of interpretation.</p> <ul style="list-style-type: none"> <li>- \$US 57 million invested, Chinese funds (Eximbank)</li> <li>-Accidental Association BGP is part of a consortium and is a subsidiary of the Chinese company BGP International, which is in turn the operating arm of the giant China National Petroleum Corporation, (CNPC), one of the largest oil companies in the world. CITRMD.<sup>117</sup></li> </ul> <p>Neither superposition nor the prohibition of carrying out these types of extractive activities in National Parks were an obstacle to the government's willingness to sacrifice the Toromona reserve area and the MADIDI protected area and turn them into a hydrocarbon extraction zone: YPFB together with PDVESA created a Joint-Stock Company in the Madidi block and recently, in view of Petroandina's problems, a possible contract for surveying in the area has been announced with Russian company GAZPROM<sup>118</sup></p>
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There is also an institutional weakness (absence) of the Bolivian State in areas where there are territories of indigenous peoples in isolation. This results in a series of illegal activities directly affecting indigenous peoples in isolation and their territories: mercury contamination of rivers; illegal colonization (land trafficking); illegal logging activity, illegal exploitation of jungle species; unregulated tourism and the presence of unknown people; clandestine hunting and fishing; missionary action and drug trafficking.

Due to its very nature, it is difficult to collect information about illegal activities. Despite this difficulty, the Bolivia Local Report presents a range of information summarized below:

Land trafficking according to the National Institute of Agricultural Research (INRA) by people connected to the Tupac Katari (Tupac Katari Guerrilla Army).

The colonization or trafficking of lands in the north of the department of La Paz<sup>119</sup> (leading to agriculture, cattle ranching, firewood extraction, mining pollution and illegal forest exploitation), has, in 2017, once again been condem-

- 111 Cited in LRBo 2019. Available at: <http://www.paginasiete.bo/revmiradas/2017/10/22/tacanas-pueblo-enganado-156451.html>. Date accessed: 6 April 2019.
- 112 UNHCR-AECID 2012. Guidelines for the protection of indigenous peoples in isolation and initial contact in the Amazon region, the Gran Chaco, and the eastern region of Paraguay. OHCHR, AECID. GINERBRA. P. 28-30. In which the issue of health for peoples in isolation is explained in detail.
- 113 Cited in LRBo 2019. IWGIA 2007. Indigenous Peoples in Voluntary Isolation and Initial Contact in the Amazon and El Gran Chaco. Proceedings of the Regional Seminar of Sta Cz de la Sierra. OACNUDH, IWGIA, VM. TIERRAS, CIDOB. Copenhagen, p. 44.
- 114 Cited in LRBo 2019: YPFB-BGP 2016 - Transmittal Technical Report HSE 068, Reference: "Contact with potential members of indigenous native peoples, 18/09/16". Line 11031; YPFB 2016 Field Technical Report to YPFB National Management; Ref: "Presence of Native Indigenous Peoples in a Situation of High Vulnerability - 2D Seismic Acquisition Project Madre De Dios-Área Nueva Esperanza".
- 115 Cited in LRBo 2019. Request for Cautionary Measures MC-1064-16. People in voluntary isolation in the Amazon area north of La Paz
- 116 Cited in LRBo 2019. Available at: <https://www.elpaisonline.com/index.php/noticiastarja/item/24738-bloque-petrolero-amenaza-la-existencia-de-los-toromona>. Access date: 6 April 2019.
- 117 Cited in LRBo 2019. UN Universal Periodic Review Third Cycle of Civil Society Participation Report: Noncompliance with the People's Republic of China's Extraterritorial Obligations: Violation of the Rights of the Indigenous Peoples of Tacana and Toromona by the Company BGP Bolivia SRL, a subsidiary of Chinese state-owned CNPCC company. Available at: <http://pub.flowpaper.com/docs/%22http://chinaambienteyderechos.lat/wp-content/uploads/2018/10/Informe-Bolivia.pdf>. Accessed: April 6, 2019.
- 118 Cited in LRBo 2019. The oil industry threatens uncontacted peoples in the Amazon [https://cedib.org/post\\_type\\_titulares/la-industria-petrolera-amenaza-pueblos-no-contcatados-en-la-amazonia-internationalcry-20-2-17/](https://cedib.org/post_type_titulares/la-industria-petrolera-amenaza-pueblos-no-contcatados-en-la-amazonia-internationalcry-20-2-17/). Accessed: April 6, 2019.
- 119 Cited in LRBo 2019. INRA Confirms Land Traffic in Tacana II. Available at: [www.eldia.com.bo/index.php?cat=1&pla=3&id\\_articulo=235891](http://www.eldia.com.bo/index.php?cat=1&pla=3&id_articulo=235891). Date accessed: April 6, 2019.

ned<sup>120</sup> and repelled by CITRMD, in defense of the TCO (Territorial Communal Lands) and the peoples in isolation (colonists tried to settle close to their living areas). For this reason it is necessary to carry out integrated studies on the threat of colonization and its impacts on the socio-environmental situation of the isolated peoples and the region (LRBo-2019).

**Illegal hunting and fishing:** The jaguar (*Panthera onça*) for the Chinese black market. In 2018, two Chinese citizens were found to be in possession of skins and some 185 jaguar fangs. In November of the same year they avoided conviction when 13 hearings were suspended in the courts of the Palace of Justice in Santa Cruz de la Sierra<sup>121</sup> (LRBo-2019).

**Missionary Activity:** In 2018, following press reports of isolated peoples in the region, an evangelical religious group and its devotees mentioned the possibility of entering these areas and preaching their faith to them (personal communication from former CITRMD RRN secretary, October 2018) (LRBo-2019).

**Narco-trafficking:** There were reports in 2007 of the presence of drug traffickers and loggers affecting indigenous peoples in voluntary isolation in the Toromona Absolute Reserve Zone: a territory designated for the Toromona People in isolation (Administrative Resolution 048/2006) (LRBo-2019).

Below is a table with information on the illegal activities that directly impact indigenous peoples in isolation and their territories:

**Table 18. Activities in Bolivia Resulting from the Absence of the State**

THREATS	BOLIVIA
	ACTIVITIES RESULTING FROM THE ABSENCE OF THE STATE
Illegal Pollution	Mining and gold production There is no state information or monitoring of the deterioration of water quality due to contamination by chemical waste or mercury <sup>122</sup> . Water bodies are of extremely valuable as a source for both isolated communities and settlements. Nor is there monitoring of noise pollution, or of possible conflicts between miners and isolated peoples, as in Peru. Initial studies are required of aquatic invertebrates that indicate water quality in bodies of water (Madidi, Heath, Toromona, La Asunta, Manupare, and others).
Illegal Colonization	Attempts at colonization - Land Trafficking according to INRA by people connected to the Tupac Katari (Tupac Katari Guerrilla Army). - Forest fires The colonization and trafficking of land in the north of the Department of La Paz <sup>123</sup> (which brings with it agriculture, cattle ranching, firewood extraction, mining pollution and illegal logging), has, in 2017, again been condemned <sup>124</sup> and repelled by CITRMD in defense of the TCO and the isolated peoples (colonists attempted to settle close to areas where they live). Integrated studies are therefore needed regarding the threat of colonization and its impacts and on the social-environmental impacts on isolated peoples and the region.
Illegal felling of forest species and the presence of loggers:	In 2005, there was uncontrolled illegal logging activity - with Peruvian capital - in the communities near the Colorado River which, given the high risk of violent contact with isolated groups, triggered the presentation of the "Resolution 48" project to the SERNAP authorities. Many precious species such as Mara or Caoba mahogany ( <i>Swietenia macrophylla</i> ) are well preserved in the Absolute Reserve. The SERNAP has some knowledge of events within the Park <sup>125</sup> although as of 2018 there has been no follow-up.

120 Cited in LRBo 2019. Available at: <https://www.noticiasfides.com/nacional/seguridad/defensa-de-ciudadanos-chinos-dilata-justicia-en-caso-trafico-de-colmillos-de-jaguar-392678>. Access date: 6 April 2019.

121 Cited in LRBo 2019. Available at: <https://www.noticiasfides.com/nacional/seguridad/defensa-de-ciudadanos-chinos-dilata-justicia-en-caso-trafico-de-colmillos-de-jaguar-392678>. Date accessed: 6 April 2019.

122 Cited in LRBo 2019. SPDA (2015). The Illegal Gold Routes. Case Studies in Five Amazon Countries. Peruvian Society for Environmental Law. (1st ed.), Lima, Peru. The main environmental impacts on water resources are the direct discharge of oil and grease into watercourses; deforestation and the clearance of banks, among others, which are abandoned after the depletion of the deposits. Chemical contamination by mercury, dispersed in the atmosphere, soil and water, is another danger. The absorption of mercury, either by consumption of contaminated fish or by inhalation, causes serious damage to the human nervous system.

123 Cited in LRBo 2019. INRA Confirms Land Trafficking in Tacana II. Available at: [www.eldia.com.bo/index.php?cat=1&pla=3&id\\_articulo=235891](http://www.eldia.com.bo/index.php?cat=1&pla=3&id_articulo=235891). Accessed: April 6, 2019.

124 Cited in LRBo 2019. Available at: [https://erbol.com.bo/noticia/indigenas/30082013/tierra\\_enfrenta\\_campesinos\\_e\\_indigenas\\_en\\_la\\_paz](https://erbol.com.bo/noticia/indigenas/30082013/tierra_enfrenta_campesinos_e_indigenas_en_la_paz). Accessed: April 6, 2019.

125 Cited in LRBo 2019. Cingolani P., Díez Astete and Vincent Brackelaire 2008, p. 80.

Tourism and the presence of outsiders	Unregulated tourism
Diseases	As of 2018, there has been no known application of any healthcare protocol or monitoring of indigenous peoples in isolation
Hunting and poaching	1-Reports of trafficking of major vertebrate species such as the jaguar ( <i>Panthera onca</i> ) from the Bolivian Amazon region to China's black market, with 380 fangs seized between 2013 and 2016, mainly by Bolivian authorities (death of 95 jaguars). Chinese citizens pay rural community members inside and outside the parks or TCOs up to \$215 per fang in the Sena and Rurrenabaque. In 2018, two Chinese citizens were found to have stockpiled 185 fangs as well as jaguar skins, and in November of the same year they avoided conviction through the suspension of 13 hearings in the courts of the Palace of Justice in Santa Cruz de la Sierra <sup>126</sup> . 1- The jaguar is being targeted by a network of Chinese traffickers, in coordination with Bolivians; the animal is killed, and its fangs, claws and testicles torn off. These are valued like gold on the Chinese market, given the idea that they increase the sexual potency of men and cure diseases that scientific medicine cannot alleviate. <sup>127</sup> 2- Fishing with dynamite and commercial fishing.
Missionary activity	In 2018, following press reports about Indigenous Peoples in Voluntary Isolation in the region, an evangelical religious group and its devotees mentioned the possibility of entering these areas and preaching their gospel to them (personal communication from former CITRMD RRN secretary, October 2018) (LRBo-2019).
Institutional, Public Policy, and Legal Framework Weaknesses:	An absence of state institutions in regions with presence of isolated peoples that could address the threats that place them in a situation of vulnerability.
Drug trafficking	- Coca and drug trafficking Reports in 2007 of drug traffickers and loggers threatening isolated peoples by their presence in the Toromona Absolute Reserve Zone, assigned as territory for the Toromona People (Administrative Resolution 048/2006).
Issues arising from the transnational nature of the territories of isolated peoples	See illegal logging of forest species and presence of loggers.

## BRAZIL

A set of infrastructure and colonization programs for the Amazon were implemented through state development policies without consulting those affected. These projects gained momentum during the military dictatorship period (1964 to 1985) and took on new life during the New Republic (from 1985), principally as a result of the Growth Acceleration Plan (Plano de Aceleração do Crescimento) – PAC, under the government of Luiz Inácio “Lula” da Silva (2003 to 2010).

Threats to indigenous peoples in isolation and their territories are directly related to the implementation of development policies in the Brazilian Amazon region, where almost all con-

firmed records of indigenous peoples in isolation are located (there is only one record outside the Amazon biome). These policies take advantage of the “eternal” economic logic that focuses on income and the power of accumulation, rather than the intrinsic value of the forest.

Brazilian agribusiness, one of the major expressions of anti-indigenous policies, has modernized. In the past it financed politicians who, once elected, would take up the Agribusiness cause, whether in relation to the legalization of land or to the many activities in the chain of production and commercialization. Now, in addition to financial support, they also elect their own representatives, acting in the National Congress through the Frente Parlamentar de la Agropecuaria-FPA, also known as the “beef caucus”.<sup>128</sup> The

<sup>126</sup> Cited in LRBo 2019. Available at: <https://www.noticiasfides.com/nacional/seguridad/defensa-de-ciudadanos-chinos-dilata-justicia-en-caso-trafico-de-cormillos-de-jaguar-392678>. Date accessed: 6 April 2019.

<sup>127</sup> Cited in LRBo 2019. Available at: <https://es.mongabay.com/2018/01/bolivia-jaguar-cormillos/>. Date accessed: 6 April 2019.

<sup>128</sup> Alongside the Ruralist Block is the Bullet Block and the Bible Block, collectively known as the “BBB” Block, a coalition of representatives of agribusiness, public security hardliners and Christian fundamentalists. In the new legislature of the Chamber of Deputies which was installed in 2019, despite the reelection of 52.24%, a qualitatively similar, or even more conservative position will

“lobbyists” are now the very deputies and senators who represent the interests of agribusiness and the sector’s mega-companies (agro-toxins, fertilizers, and heavy machinery, for example). The *bancada ruralista* (or ‘ruralist group’) acts directly in the National Congress by proposing legislation with an anti-indigenous perspective:

In the period between 2004 and 2017, the *Bancada Ruralista* proposed 25 pieces of legislation in National Congress that clearly threatened the territorial rights of indigenous peoples. An example of this was the draft legislative decree authored by federal deputy Jair Bolsonaro (PDL No. 365/1993), the current President of the Republic, which proposed rescinding the administrative demarcation of the Yanomani Indigenous Land (Verdum, 2017, p. 19 cited in LRBr, 2019).

Modernization is paying off for Brazilian agribusiness in terms of land concentration. The 2017 IBGE Agricultural Census, cited in the Brazil Report, notes that:

(...) since 2006 there has been an increase in the land area owned by Corporations (S/A) and the property of Limited Liability Companies (LTDA), to the detriment of individual owners, who in turn have decreased their total landownership area in this period. The change is linked to the opening up and globalization of commodities markets in the last decade, particularly related to food (soy, corn, meat, among others). Large agricultural economic conglomerates have a major presence in Brazil: for example JBS (a Brazilian company) and companies that make up the group known as “ABCD” (ADM, Bunge, Cargil and Louis Dreyfus Company) (LRBr, 2019).

The Archer Daniels Midland Company (ADM) is a global food processing and trading company based in Chicago, Illinois. The company operates more than 270 plants and 420 agricultural procurement facilities worldwide, and processes cereal grains and oilseeds into products used in the food, beverage, nutraceuti-

cal, industrial and animal feed markets around the world.

Bunge is a multinational agribusiness and food company. Of Dutch origin, in Brazil it is the largest company in the agribusiness sector and the country’s biggest exporter.

Cargil Incorporated is a privately held, closed capital American corporation. In terms of revenue, it is the largest privately held corporation in the United States.

The Louis Dreyfus Company B.V. (LDC) is a Dutch global trading company involved in agriculture, food processing, international transport and finance. The company owns and manages hedge funds, ocean-going vessels, develops and operates telecommunications infrastructure, and is also involved in the development, management and ownership of real estate. It is one of four members of the “ABCD” quartet - along with Archer Daniels Midland, Bunge and Cargill - that together dominate the international agricultural commodities market.

The Louis Dreyfus Company is based in Rotterdam, in the Netherlands. Louis Dreyfus companies are present in more than 100 countries, with 72 offices. The main offices are located in Geneva, London, Beijing, Buenos Aires, Paris, Sao Paulo, Singapore, New York and Connecticut.

The large corporations operate in Brazil together with agribusiness as well as in infrastructure. They finance political campaigns with generous donations. The survey presented in the Brazil Local Report notes that:

(...) a large number of politicians received a total of more than R\$50 million for their 2010 electoral campaigns; money donated by corporations linked to agribusiness, such as JBS, which donated more than R\$ 30 million; Bunge Fertilizantes, which donated R\$2.72 million; and Marfrig, which R\$1.2 million (LRBr, 2019)<sup>129</sup>.

be maintained. In 2019, the BBB block underwent a significant reconfiguration. Between 2014 and 2018, there were 109 Ruralist deputies; today there are 77. Meanwhile, going in the opposite direction, the evangelicals went from 75 to 85, while the Bullet Block increased from 35 to 61 deputies. Together, they went from 219 to 223. Available at: <http://www.diap.org.br/index.php/publicacoes/viewcategory/41-radiografia-do-novo-congresso>. Date accessed: April 3, 2019.

129 Cited in LRBr 2019. CASTILHO, Alceu Luís. O partido da terra: como os políticos conquistam o território brasileiro. São Paulo: Context, 2012. Survey of 13,000 statements of financial support that candidates for the Senate, House of Representatives, State Governments, Vice President, and other elected positions in the Brazilian political system, presented to the Superior Electoral Court.

The Federal Republic of Brazil has the largest number of records of peoples in isolation in South America (114 official registers). Confirmed indigenous peoples in isolation (28 official registers) have an official entity (Front for Ethno-Environmental Protection-FPE) that acts directly in the field, in addition to the General Coordination of Isolated and Recently Contacted Indians (CGIIRC/FUNAI), a management and support

agency based in Brasília. Due to the constant budget cuts suffered by the official indigenist body (FUNAI), these agencies have lost the practical capacity to advance the system of protection for these peoples. The reduction of financial resources in FUNAI's budget has led to the closure of protection structures (Bases de Proteção Etnoambiental-BAPE) for indigenous peoples in isolation in Brazil, and to a considerable reduction in staff.

Figure 1



Available at: [https://brasil.elpais.com/brasil/2018/04/29/politica/1525027221\\_084117.html](https://brasil.elpais.com/brasil/2018/04/29/politica/1525027221_084117.html). The unusually high sum available in 2013 was due to the end - as a result of judicial procedures - of the work undertaken by FUNAI in conjunction with other bodies in the Awá Indigenous Land in the Marañón (cited in the LRB, 2019).

A recent civil action requesting urgent tutelage<sup>130</sup>, initiated on October 2, 2018 by the Federal Public Prosecutor's Office, through the Office of the Attorney General General of the Republic in the State of Amazonas, demanded the condemnation of the National Indian Foundation and the Brazilian State, obliging them to take the following measures:

(...) the adoption of the measures necessary for providing FUNAI's Ethno-Environmental Protection Front stations in the State of Amazonas with the minimum human and material resources for the effective fulfillment of their tasks. To this end, the Brazilian State must again be ordered to transfer resources to FUNAI in sufficient quantity for it to adequately and efficiently carry out its functions or, alternatively, as a secondary measure the transfer of the aforementioned assignments. These obligations must include a schedule that deter-

mines the measures necessary for their effective compliance, including budgetary considerations, with the respective implementation dates and penalties to be presented at trial by the defendants (Public Civil Action-65; Federal Public Prosecutor's Office).

In a preliminary decision on December 19, 2018, Judge Jaiza Maria Pinto Fraxe, in compliance with the above-mentioned Public Civil Action, determined the following:

In view of the foregoing, and having fulfilled the legal requirements, I grant the requested protection, within the limits of the request and the legal action, in the manner outlined below, hereby determined:

Submission by FUNAI, within 90 days, of a schedule to be registered by that ruling, in case there is agreement between the two parties, with binding effect and determined by

130 Case: 1004249-82.2018.4.01.3200 / Class: Public Civil Action (65) / Plaintiff: Federal Public Prosecutor's Office Defendants: UNIÃO and FUNAI.

means of consultation with the recently contacted peoples and the participation of CGIIRC/FUNAI for the restructuring of the Ethno-Environmental Protection Fronts in the state of Amazonas. The schedule should consider the physical restructuring and the hiring of personnel for the provision of services to isolated and recently contacted indigenous peoples by all the Ethno-Environmental Protection Fronts in the state of Amazonas, taking into account the above mentioned omissions, damages and statements, as well as the cost of such restructuring (and additionally including items 2.a) to 2.f) below);

- i. That the Union makes the necessary arrangements for the allocation of resources to FUNAI within 60 days so that the latter can execute the schedule, guaranteeing the adequate and necessary budget for the implementation of the measures of the timeline of the Ethno-Environmental Protection Fronts in the State of Amazonas, which thereafter shall be annual. The Union is expressly empowered to carry out the transfer according to a financial reorganization that it itself proposed, preferably based on the ample resources originating from institutional publicity, as the MPF has observed historical violations and improper use of the aforementioned rubric for publicity.
- ii. FUNAI shall begin to implement the program within no more than 120 days after its approval by this federal court (which must be duly preceded by the corresponding ministerial statement);
- iii. The UNION shall refrain from setting contingencies in the budget categories of FUNAI, in general, and of the CGIIRC, designed to allow at least that necessary for action within the scope of the policy for the protection of isolated and recently contacted indigenous peoples, taking into account the specific risk in view of the aforementioned contingencies set out in the Technical Information No.24/2018/DIAT-FUNAI (par. 20);
- iv. In the event that the above-mentioned determinations are not met within the aforementioned deadlines, the Secretariat shall ascertain the necessary provision of multiple jurisdictions, including criminal and lack of probity.
- v. To be implemented with the necessary urgency by means of the assigned authorities

To be made known to the MPF.

Manaus, December 19, 2018.

Federal Judge JAIZA MARIA PINTO FRAXE

FUNAI was notified on 20/12/18. However, at this point there is no record of any procedural developments on the part of FUNAI or the Brazilian State.

Associated with the “demolition” of the official indigenist body,<sup>131</sup> over the last six decades a series of activities (mining, construction of railways, colonization of the Amazon, construction and paving of federal and state highways, hydroelectric plants and electricity transmission lines, road infrastructure, etc.) have had, and continue to have, direct and indirect impacts on indigenous peoples in isolation and their territories. While indigenous peoples have not been consulted with regard to any of these activities, the “agribusiness” sector has advanced in rural areas and in political-administrative relations. And together with the State apparatus, the sector exerts a complex pressure on Brazilian indigenous policy, in particular territorial management, including already established indigenous territories.

While the protection of indigenous peoples in isolation in Brazil may have taken major steps forward, with favorable results in the territorial demarcation and protection of these peoples, today the latter find themselves immersed in an unfavorable political environment due to a recently installed government (January 2019) that is totally allied with anti-indigenous forces (agribusiness, fundamentalist religious congregations, etc.).

The unfavorable outlook for the protection of indigenous peoples in isolation in Brazil, and for indigenous policy more broadly, implies a huge coordinated effort from civil society, particularly indigenous organizations, in order to confront the systematic dismantling already underway by means of Legislative and Judicial branches that have been further empowered under the recently elected Executive, as shown by the publication of Provisional Measure No. 870, 1 January 2019, transferring and modifying FUNAI’s structure.

<sup>131</sup> Available at: <https://www.socioambiental.org/pt-br/noticias-socioambientais/massacre-de-indios-isolados-expoe-o-estrangulamento-da-funai>. Last accessed: April 5, 2019.

The following information, compiled from LRBr-2019 and complemented by research carried out by this author, presents an overview of the threats facing (confirmed) indigenous peoples in isolation and their territories in Brazil.

## Colonization (and Development Policies)

### 1. *Awá in isolation*

Both the Arariboia and Caru Indigenous Territories (with an area of 413, 288,047.2 ha and 172, 667,3777 ha respectively) are located in regions with high rates of deforestation in the west of the state of Maranhão State. These lands constitute the last remaining areas of forest in the region. Between 2012 and 2017 more than 1,500 ha were deforested (ISA, 2018). The high rates of deforestation were initially the result of the construction in the 1960s and 1970s of the Carajás railway (VALE Mining Company<sup>132</sup>), which carries iron from the Carajás mine in Pará to the port of Itaqui on the Maranhão coast, and that lead to the subsequent colonization of the region and its deforestation (LRBr, 2019).

With the discovery of the Sierra dos Carajás mineral reserves in 1966, the then Vale do Rio Doce Company (CVRD) partnered with U.S.

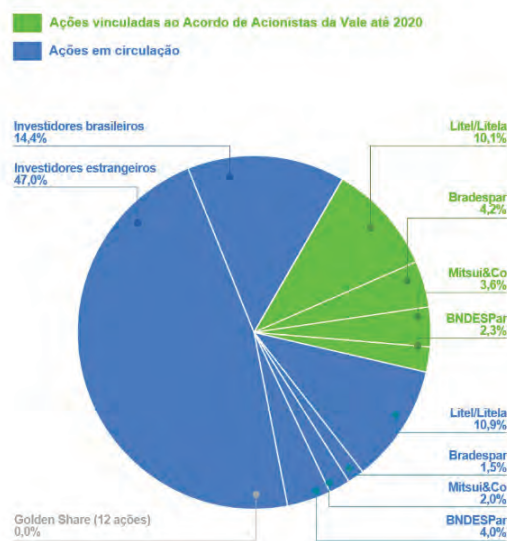
Steel, and founded Amazônia Mineração S/A (AMAZA) in 1970.

The PGG engineering studies were concluded in 1976 and the federal government granted the concession for the construction and operation of the Carajás railway to the AMZA consortium. In 1977, the CVRD acquired the remaining shares of AMZA from U.S. Steel, assuming exclusive responsibility for implementation.

The 892km long Carajás Railroad was built during the 1960s and 1970s. It specializes in the transport of minerals extracted from the Serra dos Carajás mines (the largest open-cast iron mine in the world). Originally funded by the World Bank, the main source of present financing, both for operational investments and for the recent expansion of the railway, comes from the Brazilian development bank, BNDES.

Beginning in 2010, the Carajás railroad has been undergoing a 570 km network expansion process, including the construction of a new 101 kilometer stretch of track. The work was 66% complete as of June 2017, suggesting that approximately 367 kilometers had been completed. The initial transportation capacity of 150 million tons per year was due to reach 230 million tons on completion of the work in 2018. The project has an estimated cost of US\$7.9 billion.

Total de ações (sem tesouraria), 31 de janeiro de 2019



## 2. Tanaru in Isolation

The Tanaru Indigenous Territory is located in the Rondonia State - RO. The legal status of this territory is “restriction of use”.

The Tanaru IT is an 8,070 ha island of forest surrounded by haciendas. Although there are presently no deforestation initiatives under way, environmentally the land is extremely vulnerable. Its rivers are effected by high rates of agrochemical run off from the surrounding plantations (soy, cotton, etc.).

The present high rates of deforestation and transformation to crop production in the region, is a consequence of large government-driven colonization projects in Rondonia State that were developed by the military regime in the 1970s and 1980s. The (at least attempted) colonization process and the economic integration of the region began in the 1980s via the Integrated Development Program of Northwest Brazil (POLONOROESTE), with financing from the World Bank.

The Tanaru lands are also affected by small hydroelectric plants including PCH Tabcoça I and PCH Cesar Filho, built by the Cesar Cassol Group,<sup>133</sup> a private Brazilian company based in Rondônia. There is no public information about the others.

## 3. Rio Pardo Kawahiva

The Rio Pardo Kawahiva Indigenous Territory (Northwest of the Mato Gross State - MT) is suffering from intense pressure from agribusiness. The Territory already has deforested sections within its boundaries which contain cattle-raising farms created before FUNAI started working in the region in the early 2000s. The terri-

tory is surrounded by haciendas, most of which are cattle ranches, while the district of Guaribá, the closest urban nucleus, is considered a center for the regional timber industry.<sup>134</sup> The Territory is located in the municipality of Colniza, considered one of the most violent in the country<sup>135</sup> due to the presence of numerous land disputes; crimes related to land occupation and use are common in the region, which remains dominated by large landowners.

Deforestation is primarily the result of the actions of large landowners and land grabbers (grileiros),<sup>136</sup> some with strong links to the region's political system.

In 2018 FUNAI's local Ethno-Environmental Protection station was attacked by an armed group.<sup>137</sup>

An article published<sup>138</sup> on March 23, 2019 by a local web page, reported on the agreement between MAPA - the Ministry of Agriculture and Supply, MCT - the Ministry of Science and Technology and the Federal Government's Casa Civil (Governor's office) with Mato Grosso's State Government, “to clear the way for important state projects together with the Federal Government”. The construction and paving of BR-174 between the municipalities of Castanheira (779 km northwest of Cuiabá) and Colniza (1,065 km northwest of Cuiabá) was discussed during the exchange.

Current planning for the BR-174 highway, for example, has it passing through the limits of the Rio Pardo Kawahiva Indigenous Territory and also impacting the Rikbaktsa, Cinta Larga and Ara-ra do Rio Branco Indigenous Territories. The potential construction of this road along its present route is of concern due to the negative impacts it could have on the indigenous peoples in isolation and other indigenous peoples in the region.

133 Available at: <http://www.grupocesarcassol.com.br/>. Accessed: February 3, 2019.

134 Cited in LRBr 2019. Available at: <https://www.wwf.org.br/?29587/expedicao-guariba-retrato-de-problemas-ambientais>. Last accessed on April 6, 2019.

135 Cited in LRBr 2019. <http://amazonia.org.br/2017/07/colniza-a-cidade-do-mato-grosso-a-espera-da-proxima-chacina/>. Last accessed: April 6, 2019.

136 Cited in LRBr 2019. The grabbing of land is, in short, the illegal possession of vacant, public lands, through the production of fraudulent documents and violence in the countryside

137 Available at: <https://g1.globo.com/mt/mato-grosso/noticia/2019/01/25/apos-invasao-armada-funai-deve-providenciar-seguranca-para-tribo-que-vive-isolada-em-mt.ghtml>. Accessed: April 6, 2019.

138 Available at: <https://www.24horasnews.com.br/noticia/equipe-do-ermat-trabalha-para-destravar-projetos-de-mt-em-brasil.html>. Last accessed: April 6, 2019.

As already mentioned in this report, besides having an impact on indigenous populations with a history of contact due to the arrival of new patterns of consumption and government programs (conceived according to non-indigenous logic) which compel people to go to urban centers in order to access them, roads (particularly paved roads) also facilitate access for illicit activities in indigenous territories and accelerate a predatory form of uncontrolled colonization.

Regarding the (BR-174) road initiative, representatives of Mato Grosso State reported in the aforementioned article that:

The bidding process for the work has already been carried out and a company contracted; however the proposed route passes through indigenous lands and the environmental licenses consequently required from the National Indian Foundation (FUNAI) have not been forthcoming. The documentation to obtain the license from FUNAI was delivered and the expectation, according to them, is that by the end of the year the licenses will have been issued.

#### 4. Massaco

Massaco Indigenous Territory adjoins and is a part of the Rio Branco Territory, located in the central-western part of Rondônia State, close to the Guaporé River, which forms the natural border between Brazil and Bolivia.

As of the beginning of the 1990s, Massaco IT had experienced more than 1,000 hectares of deforestation caused by the settlement of outsiders. As a result of FUNAI's ongoing work in the region, deforestation has been halted and there are no such activities at present. The surrounding area consists of haciendas with high rates of deforestation.

The paving of federal highway BR-429 was created and incorporated into the National Highway Plan by means of Federal Law No. 5.917, on September 10, 1973. The road connects six municipalities in the state of Rondônia: Presidente Médici, Alvorada do Oeste, São Miguel do Guaporé, Seringueiras, São Francisco

do Guaporé and Costa Marques, which borders Bolivia. BR-429 was completed with indications of overpricing and corruption.<sup>139</sup>

#### 5. Pirititi

The Pirititi Indigenous Territory (covering an area of 40,095 ha in the state of Roraima, and currently under study) is situated on a pivotal axis of colonization and deforestation. Highway 174 runs close by the Territory, making colonization viable and facilitating illegal activities such as logging. Although the region is still relatively well preserved, the process of deforestation is underway.

The Manaus (capital of the State of Amazonas) - Boa Vista (capital of the State of Roraima) Transmission Line

The Government is seeking to enforce the construction of the transmission line, which is currently in the licensing phase. On 27 February 2019, the National Defense Council (a body that consists of the President of the Republic, the Presidents of Congress, the Senate and the Federal Supreme Court, as well as ministers and two heads of the Armed Forces) decided to accelerate the construction process, claiming that it is an initiative of "national defense interest". While environmental issues would be considered, these would be deliberated in the context of something more important, namely national sovereignty.<sup>140</sup>

#### 6. Piripikura

The Piripikura Indigenous Territory (covering an area of 242,500 ha in the state of Mato Grosso, and presently of 'restricted use' status) was among the 18 most deforested indigenous territories between 2003 and 2016 (Amorim, 2016). Due to its administrative situation (restricted use) and being embedded in an area of heavy colonization and deforestation in the northwest of the state of Mato Grosso State, the Territory is considered extremely vulnerable.

The Piripikura Territory has also been affected by the São Pedro Island hydroelectric

139 Cited in LRBo 2019. Available at: <http://amazonia.org.br/2016/07/mpf-denuncia-25-pessoas-por-esquema-de-corrupcao-em-obra-da-br-429/>. Last accessed: April 5, 2019.

140 Available at: <https://economia.estadao.com.br/noticias/geral,governo-define-linhao-manaus-boa-vista-como-estrategico-para-a-soberania-nacional,70002738685>. Last accessed: April 5, 2019.

plant, (planned, but with little information) and by BR-174 highway (Castanheiras - Colniza, in the licensing phase), the same road that impacts the Rio Pardo Kawahiva Territory.

### 7. *The Rio Muqui Kawahiva-Muqui in Isolation*

The Rio Muqui Kawahiva are located to the southeast of Uru Eu Wau Wau Indigenous Territory (covering an officially recognized area of 1,867,117.80 ha in the State of Rondônia) near the reserve limit, where there are numerous completely deforested haciendas bordering the indigenous territory. The process of deforestation is therefore similar to that described for Tanaru Indigenous Territory of the Tanaru indigenous community in isolation.

The Uru Eu Wau Wau Territory has been affected by a series of projects including: the Jirau Hydroelectric plant (see Yraparikuara in isolation); the BNDES-funded BR-364 road expansion, currently in the licensing phase (2017); and the BR-429 highway (see Massaco in isolation), with asphaltting having been completed amidst signs of overpricing and corruption.<sup>141</sup>

### 8. *Yraparikuara*

Similar to the situation of the Rio Muqui Kawahiva (inside the Uru Eu Wau Wau Indigenous Territory), the Yraparikuara live in regions bordering the Uru Eu Wau Wau, near haciendas with high rates of deforestation. This is a region under intense pressure from land grabbers and intruders seeking to transform the forest into pastureland.

The Uru Eu Wau Wau Territory has been affected by the following works: Santa Cruz de Monte Negro Hydroelectric plant, the asphaltting of the BR-429 road, and the Jirau hydroelectric plant.

#### Jirau Hydroelectric Plant<sup>142</sup>

The construction was carried out by the Energia Sustentável do Brasil- ESBR, a consortium formed of Suez Energy (GDF Suez, now

Engie - a French MNC with 50.1 %), Eletrosul (a Brazilian public company controlled by Eletrobras and linked to the Ministry of Mines and Energy, with 20 %), Chesf (a Brazilian economically diverse limited corporation, holding 20 %) and Camargo Corrêa (a private Brazilian conglomerate, composed of publicly and privately held companies, holding 9.9 %).

Chesf and Eletrosul each continue to have a 20 % stake in ESBR. Engie (GDF Suez) increased its holdings to 60 % with the purchase of Camargo Corrêa's share in 2012, but later sold a 20 % stake to Mizha Participações (a subsidiary of the Japanese company Mitsui), reducing its total share holdings to 40 %.

BNDES - the Brazilian 'National Bank for Economic and Social Development' - was the largest financier of the project, combining direct financing with transfers through other financial institutions including: Banco do Brasil, Banco do Nordeste, Caixa Econômica Federal, Bradesco and Itaú Unibanco.

In February 2009, BNDES approved a further R\$7.2 billion reales of project financing on top of the R\$19 billion already invested, the highest figure for a single project in the bank's history.<sup>143</sup>

### 9. *Himerimã*

The Himerimã Indigenous Territory is located in the municipalities of Tapauá and Lábrea in the state of Amazonas. It is a formalized indigenous territory, with an area of 677,840.32 ha.

The Himerimã Territory is likely to be affected by the repair/asphaltting of highway BR-319 (currently under discussion and initial licensing).

### 10. *Moxihatetea*

Moxihatetea is a formally recognized territory located in the interior of the Yanomami Indigenous Territory (the largest indigenous territory in Brazil, with an area of 9,664,975.48 ha) in the state of Roraima.

141 Cited in LRBr 2019. Available at: <http://amazonia.org.br/2016/07/mpf-denuncia-25-pessoas-por-esquema-de-corrupcao-em-obrada-br-429/>. Date accessed: 15 March 2019.

142 Available at: [https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20090218\\_jirau](https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20090218_jirau). Date accessed: 15 March 2019.

143 Available at: <https://www1.folha.uol.com.br/mercado/2009/02/506028-bndes-aprova-maior-financiamento-de-sua-historia-para-a-usina-jirau.shtml>. Date accessed: 15 March 2019.

As well as having suffered from the impact of thousands of artisanal miners for decades, Yanomami Indigenous Territory will also be affected by the Paredão hydroelectric plant (currently in the licensing phase, with no prior consultation with indigenous peoples).

The table below presents information from the LRBr-2019 showing the scale of the challenge to be confronted. It's worth noting that if there are difficulties in continuing to expand the protection system for the 28 confirmed records of indigenous peoples in isolation, the prospects of locating and confirming the 86 as of yet unconfirmed records are bleak.

**Table 19. Activities in Brazil with State Participation**

THREATS	BRAZIL	
	ACTIVITIES WITH STATE PARTICIPATION	
	ACTIVITIES - DANGERS FACING INDIGENOUS PEOPLES IN ISOLATION	ACTOR
Colonization (Development Policies)	<p>1. Awá in isolation Both the Arariboia and Caru Indigenous Territories are located in regions with high deforestation rates, in the west of Marañon State. These lands consist of the last remaining patches of forest in the region. More than 1,500 hectares were deforested between 2012 and 2017 (ISA, 2018). The high rates of deforestation in the region were initially a consequence of the construction during the 1960s and 1970s of the Carajás railway, which transports iron from the Carajás mine in Pará State to the port of Itaquí on the coast of Marañon. This initiative led to the colonization of the region and further deforestation.</p> <p>2. Tanaru Tanaru Indigenous Territory (IT) is an 8,070 ha island of forest surrounded by haciendas. Although there are currently no deforestation initiatives in this remnant of forest, it is extremely environmentally vulnerable. - Hydroelectric Plants - Tabcoça I, Cesar Filho, MU2</p> <p>3. Rio Pardo Kawahiva The Rio Pardo Kawahiva IT is under intense pressure from agribusiness. The territory experienced deforestation linked to cattle ranches in certain areas within its boundaries, before FUNAI began to operate in the region in the early 2000s. Currently, there are no new deforestation initiatives; though pressure is constant.</p> <p>4. Massaco As of the early 1990s, more than 1,000 hectares of deforestation had occurred in the Massaco IT due to settlers. As a result of FUNAI's ongoing work in the region, deforestation has stopped and there are no current initiatives. The surrounding area consists of haciendas with high rates of deforestation. - Highway BR 429</p> <p>5. Pirititi The Pirititi IT lies on a major axis of colonization and deforestation. Highway 174 passes close by, facilitating colonization and illegal activities such as logging. Although the region is still relatively well preserved, deforestation is ongoing. - Manaus-Boa Vista Transmission Line</p> <p>6. Piripkura The Piripkura IT was one of the 18 most deforested indigenous terrains between 2000 and 2016 (Amorim, 2016). Based on its administrative situation (restriction of use) and its location on a pioneer area of colonization and deforestation in the northwest of the state of Mato Grosso, it is considered vulnerable.</p>	<p>1. Ferrovia Carajás: built during the 1960s and 1970s with financing from the World Bank. Currently, BNDES is one of the main sources of financing, both for operational investments and for the recent expansion of the railway.</p> <p>2. The current rate of deforestation and the conversion of forests into areas of crop production in the region is a consequence of large state colonization projects in the state of Rondonia undertaken in the 1970s and 1980s by the military regime, with World Bank financing. The (attempted) colonization and economic integration programs in the region were carried out via the Integrated Development Program for the Northwest of Brazil (POLONOROESTE), beginning in the 1980s. -Hydroelectric plants - Tabcoça I, Cesar Filho, Cesar Filho, built by the Cesar Cassol Group,<sup>144</sup> a private company from Rondônia. There is no public information on the others.</p> <p>3. Deforestation is mainly the result of the actions of large landowners and "grilagens",<sup>145</sup> some with strong links to the region's political system.</p> <p>4. Highway BR-429: Asphalted completed with indications of overpricing and corruption.</p> <p>5. The government seeks to impose the construction of the transmission line. Currently in the licensing phase.</p> <p>6. Hydroelectric plant Sao Pedro - Planned (little information)</p>

144 Available at: <http://www.grupocesarcassol.com.br/nossos-negocios>. Date accessed: 8 April 2019.

145 A 'grilagem de terra' means, in short, the illegal possession of untitled public lands through the production of fraudulent documents and violence in the countryside

	- Hydroelectric scheme UHE São Pedro Island - Highway BR-174 (Castanheiras-Colniza) - in licensing phase 7. Yraparikuara Similar to the situation of the Rio Muqui Kawahiva (inside Urueu Wau Wau IT), the Yraparikuara live near haciendas with high rates of deforestation near the limits of the Uru Eu Wau Wau IT. This region is under intense pressure from outsiders seeking to transform the forest into pastureland. - PCH Santa Cruz de Monte Negro, Highway BR 429 / Asphalt BR-429 / UHE Jirau 8. Rio Muqui Kawahiva Highways BR-364; BR-429; UHE Jirau 9. Himerimã Renovation asphaltting of highway BR-319 10. Moxihatetea UHE Paredão hydroelectric plant	7 Santa Cruz de Monte Negro hydro plant, Highway BR 429 / Asphalt BR-429 / Jirau Hydroelectric plant 8. Highway BR-364 Duplication in licensing phase (2017). Resources from BNDES. BR-429 Asphalt completed, with signs of overpricing and corruption Jirau hydro plant in operation. BNDES one of the main financiers. In 2009, BNDES approved \$ 7.2 billion reales in financing for its construction. <sup>146</sup> 9. In discussion phase, initial licensing. 10. In the licensing phase.
Infrastructure	Rio Muqui Kawahiva in Isolation The Uru Eu Wau Wau IT is under great pressure from state infrastructure works such as the paving of the BR-429 highway and the construction of the Jirau and Santo Antônio hydroelectric plants on the River Madeira.	

Below is a summary of illicit activities affecting the territories of indigenous peoples in isolation in Brazil:

### 1. *Illegal Pollution*

Moxihatetea in Isolation (Peoples in Isolation in Serra da Estrutura)

In addition to the diseases brought by the illegal miners (garimpeiros), mining unleashes large amounts of mercury<sup>147</sup> into the environment, directly affecting the health of indigenous populations. There is significant uncontrolled mining activity at present (around five thousand artisanal miners)<sup>148</sup> with little prospect of improvement.<sup>149</sup>

### 2. *Illegal colonization*

The Himerimã Indigenous Territory, in the South of Amazonas State, is considered a major area of deforestation.<sup>150</sup>

Rio Muqui Kawahiva in Isolation: The surrounding area is densely populated, consisting of extensive agro-pastoral lands with high rates

of deforestation. As a result, the region is under significant pressure from colonizers, loggers and poachers.<sup>151</sup>

Rio Pardo Kawahiva in Isolation: Land grabbers and loggers threaten the life processes of the Kawahiva and the environmental balance of the area. Land incursions are also reported due to the harvesting of Brazil nuts.<sup>152</sup>

### 3. *Illegal felling of forest species and the presence of loggers*

Riozinho: Logging exploration on the Peruvian side stands out as the most worrying problem in non-indigenous territory. The Santa Rosa River is the international boundary and the border of Riozinho Indigenous Territory; the city of Santa Rosa do Purus is also nearby.

Rio Muqui Kawahiva in Isolation: Located inside the Uru Eu Wau Wau Indigenous Territory, which suffers major pressure from outsider encroachment, principally from land owners and colonists. Recently there were even requests

<sup>146</sup> Available at: [https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20090218\\_jirau](https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20090218_jirau) Date accessed April 8, 2019.

<sup>147</sup> Cited in LRBr 2019. Available at: <http://g1.globo.com/rr/roraima/noticia/2016/03/pesquisa-revela-nivel-alto-de-mercúrio-em-indios-de-area-yanomami-em-rr.html> Date accessed: 8 April 2019.

<sup>148</sup> Cited in LRBr 2019. Available at: <https://www.folhabv.com.br/noticia/Lideranca-denuncia-presenca-superior-a-5-mil-garimpeiros-na-terra-yanomami/38575> Accessed: 8 April 2019.

<sup>149</sup> Cited in LRBr 2019. Available at: <https://hutukara.org/index.php/hay/problemas-ambientais> Accessed: 8 April 2019.

<sup>150</sup> Cited in IRBr 2019. Available at: <http://portalamazonia.com/noticias/operacao-de-combate-ao-desmatamento-ja-soma-mais-de-r-9-milhoes-em-multas-no-amazonas> Last accessed: April 8, 2019.

<sup>151</sup> Available at: <https://racismoambiental.net.br/2018/05/11/povo-uru-eu-wau-wau-e-associacao-kaninde-denunciam-invasoes-a-tis-de-rondonia/> Last accessed: April 8, 2019.

<sup>152</sup> Cited in LRBr 2019. Although the indigenous land has suffered intense invasion by loggers and *grileiros* in recent years, it is now reasonably protected due to the ongoing work that FUNAI carries out in the region.

(2018) from influential regional politicians (Federal Deputy: Lúcio Mesquita- PMDB/Rondônia) to reduce the amount of indigenous territory.

Although intense in the past, there is currently no record of large-scale logging in the Rio Muqui Kawahiva territory; though it does occur further to the north of the Uru Eu Wau Wau Indigenous Territory<sup>153</sup>.

Yrapararikuara in Isolation: Similar to the situation of the Rio Muqui Kawahiva in isolation. The Indigenous Territory is under heavy pressure, which is taking place further to the north of the Uru Eu Wau Wau.

Mascho Piro in Isolation: Legal and illegal exploration takes place on the Peruvian side. There are logging concessions at the Acre River on the border, as well as illegal activities along the westernmost border at the headwaters of the Envira River.

Pirititi in Isolation: The Pirititi Indigenous Territory suffers regular timber exploration<sup>154</sup> due to territorial disputes with adjacent haciendas.

In 2018, IBAMA seized more than 7,000 illegally sourced trunks from the Pirititi Territory which had been stored on nearby haciendas, and along 20 kilometers of clandestine roads within the indigenous lands.<sup>155</sup>

Piripkura in Isolation: The Piripkura Indigenous Territory is very vulnerable and currently under intense pressure from logging exploration and large landowners who own property within the limits of the reserve. According to Amorim (2016), the Piripkura was among the 18 most deforested indigenous territories between 2003 and 2016.

The non-indigenous environs consist of cattle ranches, with no nearby urban centers. The region is however characterized by constant violence arising from land conflicts,<sup>156</sup> and intense illegal logging activity.

Even though FUNAI has a permanent presence in the area, there are persistent timber exploration operations, as noted by IBAMA in 2017.<sup>157</sup> This is similar to the situation in the Rio Pardo Kawahiva Territory.

Awá in Isolation. Both the Arariboia and Caru Indigenous Territories are situated in regions with high rates of deforestation, to the West of Maranhão State. One of the most important sources of income in the region is timber exploitation together with agro-pastoral production. Maranhão State today has just 25 % of its original forests.<sup>158</sup>

The immense pressure of the illegal logging network in Maranhão is widely recognized. Indigenous territories hold the last vestiges of forest and, as a result, are heavily besieged by illegal logging groups. Timber exploration is the main economic activity of several of the municipalities located around the Arariboia and Caru indigenous territories. The mapping of illegal routes by Federal Police reveals that much of the timber is taken to northeastern Brazil, especially the State of Pique.

Rio Pardo Kawahiva. Logging has been a constant threat since FUNAI began working in the area in 1999. It currently occurs in a more targeted manner. The district of Guariba, within the jurisdiction of the municipality of Colniza and the urban center closest to the indigenous territory, is a logging center and a key driver of colonization in the region.

153 Cited in LRBr 2019. Available at: <http://www.extraderondonia.com.br/2019/01/17/pf-realiza-operacao-em-reserva-indigena-e-pren-de-invasor-da-ti-uru-eu-wau-wau/> Last accessed: April 4, 2019.

154 Cited in LRBr 2019. Available at: <https://g1.globo.com/rr/roraima/noticia/ibama-apreende-madeira-suficiente-para-carregar-mil-caminhoes-em-terra-indigena-de-roraima.ghtml> Accessed: April 4, 2019.

155 Cited in LRBr 2019. Available at: <https://www1.folha.uol.com.br/ambiente/2018/04/ibama-apreende-7387-toras-extraidas-ilegalmente-de-terra-indigena-em-rr.shtml> Accessed: April 4, 2019.

156 Cited in LRBr 2019. Available at: <https://g1.globo.com/mt/mato-grosso/noticia/2019/01/05/confronto-deixa-feridos-e-morto-em-fazenda-de-ex-governador-e-de-ex-deputado-em-mt.ghtml> Accessed: April 4, 2019.

157 Cited in LRBr 2019. Available at: <https://www.ibama.gov.br/noticias/422-2017/1188-cinco-sao-presos-por-caca-e-furto-de-madeira-na-terra-indigena-apiaka-kayabi-mt> Accessed: April 4, 2019.

158 Cited in LRBr 2019. Available at: <http://www.terrabrasil.org.br/ecotecadigital/index.php/estantes/pesquisa/2891-amazonia-maranhense>. Accessed: April 4, 2019.

#### 4. Hunting and Poaching

Himerimã in Isolation: Illegal fishing activity takes place in the immediate surroundings of Himerimã Indigenous Territory.

Korubo in Isolation: Vale do Javari Indigenous Territory. There are communities to the North, on the banks of the Ituí River (where it meets the Coari River), close to the limits of the Territory, which largely support the influx of illegal fishermen who are mainly after Pirarucu fish. Illegal hunting and fishing is presently the greatest threat in regions occupied by Korubo groups in isolation, and in December 2018, armed groups linked to the illegal Pirarucu and turtle fishing economies fired upon a FUNAI station that provides protection to Korubo occupied territory.<sup>159</sup>

Rio Quixito/Igarapé Esquerdo Peoples in Isolation: The region occupied by the Maya Peoples in isolation is currently under intense pressure from an illegal commercial hunting network, which may be diminishing wildlife reserves and fueling conflict situations. There is currently no timber exploration on the Quixito River within the Vale do Javari Indigenous Territory.

Warikama Djapá in Isolation: As well as artisanal miners and illegal hunting, there is also nearby deforestation in the haciendas of the Eirunepé region.

Peoples in Isolation Upper Humaitá River: There is pressure from commercial hunters and fishermen who cater to the town of Jordão, as well as drug trafficking from Peru.<sup>160</sup>

#### 5. Missionary Activity

Himerimã in Isolation: JOCUM missionaries have made attempts at forced contact in Himerimã

Indigenous Territory (Vaz, 2008). FUNAI received complaints in December 2018 about the presence of missionaries in the territory of peoples in isolation, including in abandoned Himerimã camps.<sup>161</sup>

#### 6. Artisanal Mining (known as “Garimpo”)

Moxihateta in Isolation (peoples in isolation in the Serra da Estrutura)

At present, the largest problem directly and negatively affecting territorial management is the substantial increase of artisanal mining in the region.

It is estimated that there are more than 5,000 Garimpeiros (informal, small-scale miners) operating in the Indigenous Territory, including in the area occupied by peoples living in isolation, as denounced by the leadership of Davi Kopenawa.<sup>162</sup> A conflict occurred recently when Garimpeiros entered a farmstead of peoples living in isolation,<sup>163</sup> with possible casualties on both sides. In addition to the diseases carried by miners, the activity itself releases large amounts of mercury into the environment, directly affecting the health of indigenous populations. At present, uncontrolled mining activity is occurring on a large scale, with little prospect of improvement.

The Federal Police estimates that the financing for this mining is coming from the states of Roraima, Amazonas, Rondônia, Pará and São Paulo. The miners sell the gold to traders in Rio Branco, who in turn resell it to representatives of the DTVMs (Gold Traders) in the northern part of the country.<sup>164</sup> According to the Federal Police, these traders move more than R\$360 million Reales per year. The DTVMs have legal mining permits in other States which they use to “legalize” the illegal gold extracted from the

159 Available at: <https://www1.folha.uol.com.br/poder/2018/12/funai-aciona-exercito-apos-ataque-a-tiros-contr-base-no-amazonas.shtml> Accessed: April 4, 2019.

160 Cited in LRBr 2019. Available at: <https://trabalhoindigenista.org.br/invasao-na-fronteira-brasil-peru-ameac-indios-isolados/> Accessed: 8 April 2019.

161 Cited in LRBr 2019. Available at: <https://noticias.gospelmais.com.br/missionario-alvo-funai-terra-indios-isolados-106021.html> Accessed: 8 April 2019.

162 Cited in LRBr 2019. Available at: <https://www.folhabv.com.br/noticia/Lideranca-denuncia-presenca-superior-a-5-mil-garimpeiros-na-terra-yanomami/38575> Accessed: 8 April 2019.

163 Cited in LRBr 2019. Available at: <http://redamazonica.org/2018/07/cir-repudia-ataque-de-garimpeiros-ao-povo-yanomami-do-grupo-isolado-moxihateta-e-pede-providencias-urgentes-as-autoridades-brasileiras/> Accessed: 8 April 2019.

164 Cited in LRBr 2019. Available at: <http://g1.globo.com/rr/roraima/noticia/2015/05/extracao-ilegal-em-garimpo-de-rr-movimentou-quase-r-1-bi-diz-pf.html> Accessed: 8 April 2019.

Yanomami Indigenous Territory. They then send it to São Paulo together with an invoice, possibly to another DTVM company located on Avenida Paulista.<sup>165</sup> The DTVM are one of seven types of financial institution authorized by the Brazilian Central Bank to operate on the domestic and international gold market.

Korubo Curuena: There is intense exploration by mining rafts on the Jutai River. The presence of these rafts has been recorded near the mouth of the Curuena River. It is well-known that there are local politicians involved, notoriously in the municipality of Jutai.

Warikama Djapá: There have been sightings of artisanal mining rafts on the Jandiatuba River. Allegations this year point to the existence of conflict between the miners and peoples in isolation.<sup>166</sup>

There is no public information on who is financing the informal mining.

Yrapararikuara: There are no records of garimpeiros operating in the Yrapararikuara territory (south of the Uru Eu Wau Wau Indigenous Territory), however the team regularly finds traces of movement by trackers in the service of miners. According to RAISG,<sup>167</sup> the illegal mining of diamonds, gems and gold is likely to be occurring further to the North.

There is no public information about who is financing this illegal mining.

## 7. Drug trafficking

Awa in Isolation: Drug trafficking networks are known to be operating in the Arariboia and Caru Indigenous Territories, using remote corners of the indigenous lands for marijuana cultivation.

Production is not extensive in these areas; the majority of the marijuana consumed in Maranhão State comes from the Brazilian Midwest.<sup>168</sup>

Mascho: Between 2011 and 2016, FUNAI more than once intercepted the Portuguese operator Antônio Fadista, who is linked to international trafficking<sup>169</sup> and maintains a regular route on the Envira River. It is believed he was looking for alternative routes to transport narcotics produced across the border in Peru. On one of those occasions, the FUNAI team found him carrying an arrowhead that came from peoples in isolation. There is also knowledge of the movement, and possibly the cultivation and processing, of 'cocaine paste' in the Murunahua Territorial Reserve<sup>170</sup> and in the Alto Purus National Park<sup>171</sup> on the other side of the border. The Envira River therefore represents a potential trafficking route for drugs originating on the Peruvian side of the border.

Massaco: It is believed that the Massaco Indigenous Territory is being used as part of international drug trafficking routes for products originating on the Bolivian side of the border. The towns of Izidolândia and Alta Floresta del Oeste in the state of Mato Grosso adjoin the Massaco Territory and are known transit points.<sup>172</sup> In 2009, the FUNAI Guaporé team located a site within Massaco Territory with remnants of air-dropped cargo, possibly of coca paste.

Illicit activities in the territories of indigenous peoples in isolation are a major challenge that requires efficient coordination between the operators of the protection system and the bodies responsible for combating them.

Below is a summary of these illicit activities in Brazil:

<sup>165</sup> Cited in LRBr 2019. Available at: <http://amazoniareal.com.br/ouro-da-terra-yanomami-era-vendido-em-empresa-da-avenida-paulista/> Accessed: 8 April 2019.

<sup>166</sup> Cited in LRBr 2019. Available at: <http://g1.globo.com/jornal-nacional/noticia/2017/09/mp-e-pf-investigam-suspeita-de-massacre-de-indios-de-tribo-isolada.html> Accessed: 8 April 2019.

<sup>167</sup> Cited in LRBr 2019. Available at: Rede Amazônica de Informação Socioambiental: <https://mineria.amazoniasocioambiental.org/>

<sup>168</sup> Cited in LRBr 2019. Available at: <https://imirante.com/oestadoma/noticias/2018/04/21/senarc-garante-que-rota-do-traffic-esta-mapeada-no-ma/> Accessed: 3 April 2019.

<sup>169</sup> Cited in LRBr 2019. Available at: <http://apiwtxa.blogspot.com/2011/08/segue-tensao-na-fronteira-brasil-peru.html> Accessed: April 3, 2019.

<sup>170</sup> Cited in LRBr 2019. Available at: <http://extwprlegs1.fao.org/docs/pdf/per161303anx.pdf> Accessed: April 3, 2019.

<sup>171</sup> Cited in LRBr 2019. Available at: <https://larepublica.pe/politica/668986-el-narcotrafico-y-el-blancqueo-de-madera-amenazan-el-parque-nacional-de-purus> Accessed: April 3, 2019.

<sup>172</sup> Cited in LRBr 2019. Available at: <https://www.youtube.com/watch?v=G5OWxjls3v0> Accessed: April 3, 2019.

Table 20. Activities in Brazil Resulting from the Absence of the State

THREATS	BRAZIL
	ACTIVITIES RESULTING FROM THE ABSENCE OF THE STATE: INSTITUTIONAL WEAKNESSES, POLICIES AND LEGAL FRAMEWORKS
Illegal Pollution	Moxihateta in Isolation (Serra de Estrutura peoples in isolation). In addition to the diseases brought by artisanal miners, the activity releases large amounts of mercury <sup>173</sup> into the environment, directly affecting the health of indigenous populations. Uncontrolled mining activity is currently large scale (around 5,000 artisanal miners), <sup>174</sup> with little prospect of improvement. <sup>175</sup>
Illegal Colonization	1. Himerimã IT, in the South of Amazonas State, is considered a major area of deforestation <sup>176</sup> 2. Rio Muqui Kawahiva in Isolation: the surrounding area is densely populated and consists of extensive agro-pastoral lands and high rates of deforestation. As a result the region is under great pressure from colonizers, loggers and poachers. <sup>177</sup> 3. Rio Pardo Kawahiva in Isolation: Land grabbers and loggers threaten the life processes of the Rio Pardo Kawahiva and the environmental balance of the area. There are also incursions due to the harvesting of Brazil nuts. <sup>178</sup>
Illegal felling of forest species and the presence of loggers	1. Riozinho: Timber exploration on the Peruvian side stands out as the most worrying activity in non-indigenous territory. The Santa Rosa River is the international border and the limit of the Riozinho Territory; the city of Santa Rosa do Purus is also nearby. 2. Rio Muqui Kawahiva in Isolation: Located within the Uru Eu Wau Wau IT, which suffers intense pressure from outsiders, mainly land owners and colonizers. There were even requests (2018) from influential politicians in the region (Federal Deputy: Lúcio Mesquita - PMDB/Rondônia) to reduce the amount of indigenous territory. Although it has been intense in the past, there is currently no record of large-scale logging exploration in the Rio Muqui Kawahiva territory, though it does occur further to the North of Uru Eu Wau Wau Territory <sup>179</sup> 3. Yraparikuara in Isolation: In a similar situation to the Rio Muqui Kawahiva. Uru Eu Wau Wau Territory is now under considerable pressure, which is occurring further to the North. 4. Mascho Piro in Isolation: Legal and illegal timber exploration occurs on the Peruvian side. There are logging concessions at the Acre River on the border, and illegal activities along the westernmost border at the headwaters of the Envira River. 5. Pirititi in Isolation: The Pirititi Territory is repeatedly subject to timber exploration <sup>180</sup> due to territorial disputes with neighboring haciendas. In 2018, IBAMA seized more than 7,000 trunks illegally logged on Pirititi territory, which had been stored on nearby haciendas and along 20 kilometers of clandestine road within the Territory. <sup>181</sup> 6. Piripkura in Isolation: The Piripkura Indigenous Territory is quite vulnerable and currently under intense pressure from logging exploration and large landowners who own property within the limits of the restricted area. According to Amorim (2016), the Piripkura was among the 18 most deforested indigenous territories between 2003-2016. The non-indigenous environs consist of cattle ranches with no nearby urban centers; the region is also characterized by constant violence due to land conflicts <sup>182</sup> and intense illegal logging activity.

173 Cited in LRBr 2019. Available at: <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-povo-yanomami-esta-contaminado-por-mercúrio-do-garimpo> Accessed: April 3, 2019.

174 Cited in LRBr 2019. Available at: <https://www.folhabv.com.br/noticia/Lideranca-denuncia-presenca-superior-a-5-mil-garimpeiros-na-terra-yanomami/38575> Accessed: April 8, 2019.

175 Cited in LRBr 2019. Available at: <https://hutukara.org/index.php/hay/problemas-ambientais> Accessed: April 8, 2019.

176 Cited in LRBr 2019. Available at: <http://portalamazonia.com/noticias/operacao-de-combate-ao-desmatamento-ja-soma-mais-de-r-9-milhoes-em-multas-no-amazonas> Accessed April 8, 2019.

177 Cited in LRBr 2019. Available at: <https://racismoambiental.net.br/2018/05/11/povo-uru-eu-wau-wau-e-associacao-kaninde-denunciam-invasoes-a-tis-de-rondonia/> Accessed: April 6, 2019.

178 Cited in LRBr 2019. Although the indigenous land has suffered intense invasion by loggers and grileiros in recent years, it is now reasonably protected due to the ongoing work that FUNAI carries out in the region.

179 Cited in LRBr 2019. Available at: <http://www.extraderondonia.com.br/2019/01/17/pf-realiza-operacao-em-reserva-indigena-e-pren-de-invasor-da-ti-uru-eu-wau-wau/> Accessed: 4 April 2019.

180 Cited in LRBr 2019. Available at: <https://g1.globo.com/rr/roraima/noticia/ibama-apreende-madeira-suficiente-para-carregar-mil-ca-minhoes-em-terra-indigena-de-roraima.ghtml> Accessed: 4 April 2019.

181 Cited in LRBr 2019. Available at: <https://www1.folha.uol.com.br/ambiente/2018/04/ibama-apreende-7387-toras-extraidas-ilegalmente-de-terra-indigena-em-rr.shtml> Accessed: 4 April 2019.

182 Cited in LRBr 2019. Available at: <https://g1.globo.com/mt/mato-grosso/noticia/2019/01/05/confronto-deixa-feridos-e-morto-em-fazenda-de-ex-governador-e-de-ex-deputado-em-mt.ghtml> Accessed: 4 April 2019.

	<p>Despite the permanent presence of FUNAI, there are still persistent logging incursions, as noted by IBAMA in 2017.<sup>183</sup> This is similar to the situation of the Kawahiva of the Rio Pardo Indigenous Territory.</p> <p>7. Awá in Isolation: The Arariboia and Caru Indigenous Territories, in the West of Maranhão State, are both located in regions with high rates of deforestation. Timber exploitation and agro-pastoral production are two of the most important sources of income in the region. The State of Maranhão today has only 25 % of its original forest cover remaining.<sup>184</sup></p> <p>The immense impact of the illegal logging network in Maranhão is widely known. Indigenous territories contain the last remnants of forest, and as a result are under heavy pressure from illegal logging groups. Timber exploitation is the main economic activity for several of the municipalities located around the Arariboia and Caru indigenous territories. Federal Police mapping of illegal routes reveals that much of the timber is taken to Northeastern Brazil, especially to the State of Piauí.</p> <p>8. Rio Pardo Kawahiva: The threat from logging has been constant since FUNAI began working in the area in 1999. It currently occurs more sporadically. The district of Guaribá, within the jurisdiction of the municipality of Colniza, the closest urban nucleus to the IT, is a logging hub and a major force behind colonization in the region.</p>
Hunting and Poaching	<p>1. Himerimã in Isolation: Illegal fishing occurs in the immediate vicinity of the Himerimã Territory.</p> <p>2. Korubo in Isolation: Vale do Javari Indigenous Territory. There are communities to the North, on the banks of the Itui River (where it joins the Coari River) near the limits of the Territory. Most of these support the encroachment of illegal fishermen who are primarily pursuing Pirarucu fish. The illegal hunting and fishing network is currently the most serious threat affecting regions occupied by Korubo groups in isolation. In December 2018, armed groups linked to the illegal Pirarucu and turtle fishing network fired on a FUNAI station protecting territory occupied by the Korubo.<sup>185</sup></p> <p>3. Rio Quixito/Igarapé Esquerdo River Peoples in Isolation: The region occupied by the Maya in Isolation is currently under intense pressure from an illegal commercial hunting network, which may be diminishing wildlife reserves and exacerbating conflict situations. There is currently no timber exploitation on the Quixito River within the Vale do Javari Territory.</p> <p>4. Warikama Djapá in Isolation: As well as small-scale mining and illegal hunting, there is also significant deforestation in nearby haciendas in the region of Eirunepé.</p> <p>5. Peoples in Isolation from the Upper Humaitá River: There is pressure from commercial hunters and fishermen, who in practice supply the town of Jordão, as well as from Peruvian drug traffickers.<sup>186</sup></p>
Missionary Activity	<p>1. Himerimã in Isolation: JOCUM missionaries have made attempts at forced contact in the Himerimã Territory (VAZ, 2008). In December 2018, FUNAI received complaints about the presence of missionaries in the territory of peoples in isolation, including in abandoned Himerimã camps.<sup>187</sup></p>
Illegal Mining (Garimpo)	<p>1. Moxihateta in Isolation (peoples in isolation from Serra da Estrutura): The substantial increase of artisanal mining in the region is the largest current problem directly and negatively influencing territorial management. It is estimated that there are more than 5,000 artisanal miners operating in the Indigenous Territory, including in the area occupied by those living in isolation, as denounced by the leadership of Davi Kopenawa.<sup>188</sup> A recent conflict occurred when miners entered a homestead of peoples living in isolation,<sup>189</sup> with possible resultant casualties on both sides. In addition to the diseases carried by illicit miners, the activity itself releases large amounts of mercury into the environment, directly affecting the health of indigenous populations. Uncontrolled mining activity currently operates at significant levels, with little prospect of improvement.</p>

183 Cited in LRBr 2019. Available at: <https://www.ibama.gov.br/noticias/422-2017/1188-cinco-sao-presos-por-caca-e-furto-de-madeira-na-terra-indigena-apiaka-kayabi-mt> Accessed: 4 April 2019.

184 Cited in LRBr 2019. Available at: <http://www.terrabrasil.org.br/ecotecadigital/index.php/estantes/pesquisa/2891-amazonia-maranhense>. Accessed: 4 April 2019.

185 Cited in LRBr 2019. Available at: <https://www1.folha.uol.com.br/poder/2018/12/funai-aciona-exercito-apos-ataque-a-tiros-contrabase-no-amazonas.shtml> Accessed: 8 April 2019

186 Cited in LRBr 2019. Available at: <https://trabalhoindigenista.org.br/invasao-na-fronteira-brasil-peru-ameac-indios-isolados/>. Accessed: 5 April 2019.

187 Cited in LRBr 2019. Available at: <https://noticias.gospelmais.com.br/missionario-alvo-funai-terra-indios-isolados-106021.html>. Accessed: 5 April 2019.

188 Cited in LRBr 2019. Available at: <https://www.folhabv.com.br/noticia/Lideranca-denuncia-presenca-superior-a-5-mil-garimpeiros-na-terra-yanomami/38575>. Accessed: 5 April 2019.

189 Cited in LRBr 2019. Available at: <http://redamazonica.org/2018/07/cir-repudia-ataque-de-garimpeiros-ao-povo-yanomami-do-grupo-isolado-moxihatetea-e-pede-providencias-urgentes-as-autoridades-brasileiras/>. Accessed: 5 April 2019.

	<p>The Federal Police estimates that the financing for this mining activity is coming from the states of Roraima, Amazonas, Rondônia, Pará and São Paulo. Miners sell the gold to traders in Rio Branco, who in turn resell it to representatives of DTVMs (Gold Traders) in the northern part of the country.<sup>190</sup> According to Federal Police, these traders move more than R\$360 million Reals per year. The DTVMs have legal mining permits in other states which they use to “legalize” the illegal gold extracted from the Yanomami Territory. They then send it to São Paulo along with an official invoice, possibly to another DTVM company located on Avenida Paulista.<sup>191</sup> DTVMs are one of seven types of financial institutions authorized by the Central Bank to operate on the domestic and international gold market.</p> <p>2. Korubo Curuena: There is intense exploration by mining’ rafts on the Jutai River. The presence of these rafts has been documented close to the mouth of the Curuena River. The involvement of local politicians is well-known, particularly in the municipality of Jutai.</p> <p>3. Warikama Djpá: There have been recordings of artisanal mining from rafts on the Jandiatuba River. Recent allegations point to the existence of conflict between miners and communities in isolation.<sup>192</sup> There is no public information about who is financing this mining.</p> <p>4. Yraparikuara: Though there is currently no record of artisanal mining operating in the territory of the Yraparikuara (South of the Uru Eu Wau Wau IT), the team regularly finds remnants of the passage of trackers in the service of such activity. According to RAISG,<sup>193</sup> the small-scale mining of diamonds, gems and gold is likely to be occurring further to the North. There is no public information about who is financing the mining.</p>
Drug-trafficking	<p>1. Awa in Isolation: It is known that drug trafficking networks were operating in the Arariboia and Caru ITs, using remote corners of the indigenous lands for marijuana cultivation. Production is not extensive in these areas. The majority of the marijuana consumed in Maranhão comes from the Brazilian Midwest.<sup>194</sup></p> <p>2. Mascho: Between 2011 and 2016, FUNAI has more than once intercepted Portuguese operator Antônio Fadista, who is linked to international trafficking,<sup>195</sup> and maintains a regular route on the Envira River. It is believed that he was looking for alternative routes for transporting narcotics produced across the border in Peru. On one of those occasions, the FUNAI team found him with an arrowhead that came from peoples in isolation. There is knowledge of the movement, and possibly the cultivation and processing, of coca ‘base’ or ‘paste’ in the Murunahua Territorial Reserve<sup>196</sup> and in the Alto Purus National Park,<sup>197</sup> on the other side of the border. The Envira River therefore represents a potential trafficking route for drugs originating on the Peruvian side of the border.</p> <p>3. Massaco: The Massaco Territory is believed to be used as part of international drug trafficking routes for products originating on the Bolivian side of the border. The towns of Izidolândia and Alta Floresta del Oeste in the state of Mato Grosso adjoin the Massaco Territory and are known transit points.<sup>198</sup> In 2009, the FUNAI Guaporé team located a site within the Massaco Territory with remnants of air-dropped cargoes, possibly of coca paste.</p>

## COLOMBIA

The Río Puré Natural National Park - Puré NNP - was created in 2002 by Resolution No. 0764, and amongst its conservation objectives was the protection of the Yuri indigenous people in isolation. According to Colombia’s Local Report, the creation of the national park was:

“(...) the first administrative act for the protection an isolated group in Colombia. Resolution 035 (2007) adopted the management plan for

Rio Puré NNP, establishing the limits of the Park and created an intangible area for the protection of indigenous peoples in isolation.” (Colombia Local Report, LRC, 2019)

Beginning in 2006, the management of the Puré NNP initiated contact with the Javari Ethno-Environmental Protection Front (in the state of Amazonas, Brazil) with the objective of initiating collaboration and exchanging experiences regarding protection systems for indigenous peoples in isolation.

190 Cited in LRBr 2019. Available at: <http://g1.globo.com/rr/roraima/noticia/2015/05/extracao-ilegal-em-garimpo-de-rr-movimentou-quase-r-1-bi-diz-pf.html>. Accessed: 5 April 2019.

191 Cited in LRBr 2019. Available at: <http://amazoniareal.com.br/ouro-da-terra-yanomami-era-vendido-em-empresa-da-avenida-paulista/>. Accessed: 5 April 2019.

192 Cited in LRBr 2019. Available at: <http://g1.globo.com/jornal-nacional/noticia/2017/09/mp-e-pf-investigam-suspeita-de-massacre-de-indios-de-tribo-isolada.html>. Accessed: 5 April 2019.

193 Cited in LRBr 2019. Rede Amazônica de Informação Socioambiental. Available at: <https://mineria.amazoniasocioambiental.org/>. Accessed: 5 April 2019.

194 Cited in LRBr 2019. Available at: <https://imirante.com/oestadoma/noticias/2018/04/21/senarc-garante-que-rota-do-traffic-esta-mapeada-no-ma/>. Accessed: 5 April 2019.

195 Cited in LRBr 2019. Available at: <http://apiwtxa.blogspot.com/2011/08/segue-tensao-na-fronteira-brasil-peru.html>. Accessed: 3 April 2019.

196 Cited in LRBr 2019. Available at: <http://extwprlegs1.fao.org/docs/pdf/per161303anx.pdf>. Accessed: 5 April 2019.

197 Cited in LRBr 2019. Available at: <https://larepublica.pe/politica/668986-el-narcotrafico-y-el-blanqueo-de-madera-amenazan-el-parque-nacional-de-purus>. Accessed: 5 April 2019.

198 Cited in LRBr 2019. Available at: <https://www.youtube.com/watch?v=G5OWxjls3v0>. Accessed: 5 April 2019.

The protection of indigenous peoples living in isolation in Colombian territory has shown significant progress after little more than a decade. Despite the lack of information and protection measures in the field for the 16 unconfirmed records of indigenous peoples in isolation, important protection initiatives have been undertaken in the two confirmed cases (Yuri-Passé), institutionally and in the field and with the participation of indigenous people with a history of contact.

“The Colombian Local Report describes how the State, through the Ministry of the Interior as the body responsible for national public policy for indigenous peoples in isolation:

(...) has, via the Directorate of Indigenous, Roma and Minority Affairs (DAIRM), promoted the circulation of information regarding the existence, rights and responsibilities of government entities in the protection of peoples in isolation and their territories. The Ministry has been leading the inter-institutional process of formulating a public policy for guaranteeing the rights of peoples in isolation since 2013. The formulation process was carried out in two parallel forums: on the one hand, the ministries and government entities concerned with their protection established an ad hoc committee which outlined public policy guidelines between 2013 and 2017, and on the other, a broad drafting and participatory consultation process was carried out with indigenous organizations and civil society representatives.

This led to the first national consultation in South America regarding a national policy for the protection of these peoples. The consultation and drafting process culminated in the promulgation of Decree 1232 in 2018, establishing a national prevention and protection system for indigenous peoples in isolation.” (LRC, 2019)

With the recent promulgation of Decree No. 1.232/2018, the Colombian State now faces

a challenge common to other South American countries with a presence of indigenous peoples in isolation, that of institutionalizing and implementing the decisions included in the decree. The problems include the lack of human and budgetary resources allocated to the new body, and implementation depends, above all, on the political resolve of the recently-installed Government.

An analysis of the Colombia Local Report (LRC-2019) reveals some unique threats in Colombian territory. Among these is the problem of guerrillas in regions with a presence of indigenous peoples in isolation. A number of guerrilla groups did not accept the peace process agreement reached in 2016, and an as yet undefined number continue to operate near and within territory inhabited by indigenous peoples in isolation.

With the exception of one effort by the National Parks Service, which with few resources has led protection efforts in the country, a major factor is the low incidence of government initiatives that directly or indirectly support indigenous peoples in isolation. As the Colombia Local Report points out, the State’s efforts leave much to be desired:

“(...) the Directorate of Indigenous, Roma and Minority Affairs has no staff in the field nor significant financial resources for the protection of peoples in isolation. It has however, accompanied National Parks technically in their efforts to promote protection and establish alliances with indigenous organizations to back their both efforts and those of NGOs, for example ACT Colombia.” (LRC, 2019).

The following table outlines the information contained in the Colombia Local Report (2019) regarding threats to indigenous peoples in isolation and their territories due to the activities of the Colombian State.

Table 21. Activities in Colombia with State Participation

THREATS	COLOMBIA	
	ACTIVITIES WITH STATE PARTICIPATION	
	ACTIVITIES	ACTOR
Colonization (Development policies)	<p>Expansion of agricultural activity<sup>199</sup></p> <p>-Amazon development policy</p> <p>There is evidence of factors contributing to an increase in deforestation rates, some of which are a result of legal and political state activities, while others are due to illegal activities by different actors in the territory (Botero, 2018).</p> <p>Key drivers of conflict in the Colombian Amazon include: roads, coca cultivation, widespread land grabbing, cattle ranching, the institutionalization of development, African palm and illegal mining.</p>	<p>The legal development projects pursued at the national level in the Colombian Amazon are located outside areas designated as the territory of confirmed indigenous peoples in isolation.</p> <p>This is because the agricultural frontier and road construction have largely been restricted to the Andean-Amazonian foothills (slopes of the Andean mountains) rather than on the Amazon plain (Andrade, 2004; Lapidus, 2018). Armed conflict, particularly in the more remote areas of the Amazon, has also discouraged large-scale development and capitalist ventures, and thereby reduced formal threats to indigenous peoples in isolation.</p>
Legal felling of forest species and presence of loggers	<p>-Natural resource extraction.</p> <p>-Extractive activity in the Putumayo River basin (bordering on Peru) not only puts at risk forest cover with its associated fauna loss, but also increases the possibility of contact with indigenous peoples in isolation.</p>	<p>Timber Companies/State</p> <p>The Tarapacá forest management zone (423,648 ha) south of the Puré River has been the subject of timber exploration and exploitation since 1996 (PNNRP, 2012). In 2018, anonymous sources recorded the extensive extraction of white wood (more than two thousand units) along the course of the Pupuña River, as well as the presence of abandoned camps and one still in operation. The Lobo y and Ana tributaries of the Pupuña river – located near the Protected Area's intangible zone - are under major pressure, posing an alarming risk of contact with indigenous peoples in isolation.</p>

On the other hand, illegal activities amongst different actors include: mercury contamination as a result of gold extraction, the extraction of forest resources, missionary activity, illegal land colonization, deforestation, drug trafficking, and guerrilla groups which, as mentioned above, continue to exist in some areas.

The Colombia local report details the tactics of state bodies and indigenous organizations that attempt to put an end to illicit activities, mainly related to the arrival of missionaries loo-

king to initiate contact with indigenous peoples in isolation. It also recounts how the environmental and military authorities coordinated the removal of a mining raft that was operating clandestinely inside the Puré National Park in 2018. These are isolated instances, however, and lack the necessary decision-making power in order to establish definitive deterrent structures.

Below is a summary of the illicit activities that affect confirmed indigenous peoples in isolation in Colombia:

<sup>199</sup> Cited in LRC 2019. Available at: <https://boletimisolados.trabalhoindigenista.org.br/2018/01/10/povos-indigenas-isolados-na-colombia-politicas-publicas-e-iniciativas-comunitarias-indigenas/> Accessed: 15 March 2019.

**Table 22. Activities in Colombia Resulting from the Absence of the State**

THREATS	COLOMBIA
	ACTIVITIES RESULTING FROM THE ABSENCE OF THE STATE
	ACTIVITY/ACTOR
Illegal Pollution	<p>Water contamination from mercury<sup>200</sup> is most acute in the middle and lower Caquetá River (Cuevas, 2015). Some research reports that mercury concentration levels are highest amongst samples taken from the mouth of the Bernardo River (Camacho, 2018) close to the territory of indigenous peoples in isolation.</p> <p>It is suspected that mercury contamination in this section of the river is affecting inhabitants in the higher reaches, including the Yuri-Passé.</p> <p>Reports indicated the substantial presence in 2017 of approximately 18 rafts and 7 illegal gold mining dredges on the Brazilian section of the Puré River (Purui in Brazil).</p>
Illegal Colonization	<p>The armed conflict, drug trafficking and the extraction of natural resources, particularly wood and gold, have all put pressure on the territories of indigenous peoples in isolation in Colombia (Franco, 2012, Aristizábal, 2013, Mejía, 2017).</p>
Illegal logging of forest species and the presence of loggers	<p>-Logging</p> <p>-Timber extraction. With permission from Corpoamazonia, the extraction of precious woods is permitted along the tributaries of the Putumayo River to the South, which is part of the Amazon Forest Reserve. It is, however, being carried out indiscriminately.</p> <p>Logging activity between the Pupuña River and the Brazilian border has affected the southern limits of the territory of isolated groups. In addition to representing a risk of contact, the incursions of loggers with their chainsaws and boats have been detrimental to hunting due to noise and tree felling (Franco, 2012). The reduction of threat-free areas has also diminished the resources necessary for self-sufficiency and hindered the mobility of indigenous peoples in isolation in the south of their territory.</p> <p>Logging has increased along the Pupuña River, a tributary of the Putumayo whose headwaters border the territory of indigenous peoples in isolation. Monitoring and surveillance reports from environmental authorities and official complaints in 2018 by the Association of Traditional Indigenous Authorities of the Arica Zone (Aiza, 2018), corroborate this worrying situation.</p>
Disease	<p>Health:</p> <p>Malaria represents a major threat to indigenous peoples in isolation, as neighboring communities and illegal miners are often very sick, and the potential for vector transmission can be high.</p>
Missionary Activity	<p>Evangelicals, tourists and adventurers also present a threat. Two Polish people got lost in the Chiribiquete National Nature Park only last year and used a satellite phone to call Germany, from where the entry of rescue helicopters into the Park was coordinated.</p> <p>The presence of North American Evangelical Baptist missionaries on the borders of the Río Puré National Natural Park was identified in 2015. They were looking for the Yuri people with the aim of establishing contact. Indigenous and environmental authorities intercepted them on the ground, and gave them a formal warning. Information was received the following month of a possible incursion by the same missionaries - guided by people from the Peruvian communities of Huapapa, Cauchillo and Alamo - whose objective was the installation of camera traps on a trail potentially used by peoples in isolation.</p> <p>The following year the American evangelist Travis Rent Burkhalter arrived in Tarapacá attempting to begin unauthorized contact with communities in initial contact or semi-isolation around Puerto Nuevo and Pupuña (the most traditional Ticuna community) inside the Cotuhé-Putumayo Reserve. The incident was reported to the Interior Ministry by the National Natural Parks authority, the Amazon Conservation Team and the Supreme Indigenous Council of Tarapacá-CIMTAR. The Interior Ministry informed Travis of the illegality of his actions and presented him with a written warning (#OFI 15-000022351-DAI-2200), formally notifying him of the prohibition of contacting indigenous peoples in isolation. Upon receipt of the notification and a subsequent visit by a delegation from the Interior Ministry, Travis stated that he had no intention of going upstream on the Putumayo River, nor of contacting indigenous peoples in isolation (Formal written communication, 2016).</p>
Illegal Mining <sup>201</sup>	<p>Illegal mining is the greatest threat to the Yuri-Passé.</p> <p>The Puré River is an atypical watercourse in Colombia, as its upper and middle courses pass through Colombian territory, while its lower course runs through neighboring Brazil, flowing into the Japurá River. Illegal gold dredging activity on the Puré was initiated by Brazilians in 1992, but it was only in 2001, after a study was conducted for the establishment of the Puré River National Natural Park, that the activity was reported to the Ministry of the Environment, Housing and Territorial Development (Franco, 2012). In 2015, five rafts were reported to be working illegally within the intangible zone of Río Puré NNP. Recent and confidential information reveals the presence of nearly twenty illegal mining rafts on the Brazilian section of the Puré (Purui) River.</p>

200 Cited in LRCO 2019. Available at: <https://www.elespectador.com/noticias/medio-ambiente/alarma-altos-niveles-de-mercurio-etnias-amazonicas-articulo-576602>. Accessed: 22nd February 2019.

201 Colombia's Constitutional Court has ordered the protection of indigenous communities, especially the more traditional ones, from proselytizing actions. "If contact occurs, in addition to generating possible contagion due to their high immunological vulnerability, it may lead to sedentarization and nuclearization, rejection of their traditional practices and world view, and a dependence on missionaries; as occurred with the Nükak community and the New Tribes organization" (Judgment No. T-342/94).

Drug trafficking	<p>Instances of violence between guerrilla groups, drug traffickers and isolated tribes were common during the 1980s and 1990s.</p> <p>There are indications that dissidents from Frente 1 of the FARC-EP are opening up new drug trafficking routes at the meeting point of the Apaporis and Caquetá rivers in the North of Amazonas State as an exit point for drugs into Brazil and later Europe (Álvarez, Pardo and Cajiao, 2018).</p> <p>Drug traffic pilots have flown over the huts of indigenous peoples in isolation several times and dropped goods (Franco, 2012). On some occasions the indigenous peoples remained calm, but there have been instances when they tried to shoot down the planes with arrows. On one occasion a helicopter searching for a downed plane landed in the yard of a small indigenous settlement in the Cahuinari River basin, causing the indigenous people to run away, as evidenced by smoke from their extinguished campfires (Río Puré National Natural Park, 2012).</p>
Issues arising from the Transnationality of territories	<p>The confirmed Indigenous peoples in isolation in Colombia are not found in border areas. However, the situation of the Río Puré National Natural Park on the border with Brazil presents several challenges in terms of controlling and monitoring the pressures related to illegal mining and trafficking of drugs that move from the Brazilian Puré to the Colombian Puré.</p>
Former FARC guerrillas and dissident groups	<p>Guerrillas of the ex FARC entered the territory of indigenous peoples in isolation in the late 1980s when airstrips and laboratories for processing coca paste into cocaine had already been constructed in remote areas.</p> <p>As yet uncorroborated accounts from residents of the Caquetá and Putumayo Rivers suggest the possibility of clashes between indigenous peoples in isolation and guerrillas. In one such case, four guerrillas were allegedly killed with poisoned arrows and two with poisoned spears, in both cases the guerrillas retaliated violently (Franco, 2012). Despite the Colombian government and FARC guerrillas signing an agreement in Havana in 2016 to formally end the conflict and commit to the construction of a stable and lasting peace, some factions (dissidents) did not agree to the accord, and an unknown number are now operating in the vicinity of indigenous peoples in isolation.</p> <p>By passing through their territories, perhaps to explore new routes associated with drug trafficking, these actors jeopardize the integrity and self-determination of the communities in isolation (Aristizábal, 2017). The Frente 1 dissidents have been the most active faction since the end of 2016, and are thought to be opening new drug trafficking routes between Vaupés in the North of the Department of Amazonas and the area around Puerto Córdoba and La Pedrera, where the Apaporis and Caquetá rivers converge and indigenous peoples live nearby in isolation. This has historically been a point through which all kinds of merchandise and contraband have been moved, dating at least as far back as the rubber industry in the early 20th century (Álvarez, Pardo and Cajiao, 2018), and would now be an exit point for drugs and weapons going to Brazil. This development could have a worrying humanitarian impact including the possible recruitment of indigenous children to be used as “assistants” or “mules” (OCHA, 2017).</p> <p>With regard to the armed conflict, the presence of illegal armed actors in remote parts of the forest increases the potential for hostile actions against indigenous peoples in isolation. It is known that there is an overlap between areas of refuge for the guerrillas, drug trafficking routes and areas used by indigenous peoples living in isolation.</p>

## ECUADOR

The Ecuadorian State passed an executive decree in 1999 creating the Tagaeri-Taromenane Intangible Zone for the Tagaeri and Taromenane peoples. In reference to the rights of peoples and nationalities, article 57 of the Constitution of the Republic of Ecuador of 2008 states in its final clause that:

“The territories of peoples in voluntary isolation are of irreducible and intangible ancestral ownership, in which any kind of extractive activity is forbidden. The State shall adopt measures to guarantee their lives, ensure respect for their self-determination and wish to re-

main in isolation, and safeguard the observance of their rights. The violation of these rights will constitute the crime of genocide, which will be punishable by law” (Constitution of the Republic of Ecuador, 2008).

Explicit recognition did not however lead to effective action. To date, Ecuador has no public policy for the protection of indigenous peoples in isolation,<sup>202</sup> and the current President of the Republic recently issued a decree altering the administrative structure of the sector responsible for their protection, as described in Ecuador’s Local Report:

“On August 22, 2018, the President of the Republic issued a decree merging the MJDHC (Mi-

202 Cited in LRE 2019. The third public policy proposal for the protection of indigenous peoples in voluntary isolation and initial contact is currently being drafted. The first proposal was submitted by former President Rafael Correa in 2007. An update of this public policy was submitted in 2014 as part of the government commission of inquiry set up to investigate the violence that occurred between Waorani and Taromenane a year earlier. Finally, due to changes implemented by the National Secretariat of Planning and Development in the guidelines and formats of public policies in general, the Policy on Indigenous Peoples in Voluntary Isolation is still under construction.

nistry of Justice, Human Rights and Religious Affairs) and the National Secretariat for Policy Management. The powers and competences of the Ministry are hereby transferred to said Secretariat. The characteristics of this transfer will be established in the coming days.” (LRE, 2019)

As took place in Brazil, the administrative measure has caused considerable uncertainty and could potentially lead to the dismantling of protection policies for indigenous peoples in isolation in these two countries. Such alterations also facilitate greater interference from sectors that known to be anti-indigenous:

“Despite past efforts, one of the weaknesses of the Ecuadorian state has always been that successive ministries responsible for promoting extractive policies have posed a serious risk to the survival and respect for the rights of indigenous peoples in voluntary isolation.” (LRE, 2018).

The three confirmed peoples in isolation recognized by the Ecuadorian state (the Tagaeri, the Taromenane and the Dugakairi) share the intangible zone (IZ) with the Waorani people.

According to LRE-2019, the main threat to these three isolated groups and their territories is oil activity promoted directly by the Ecuadorian State (Blocks 14 and 17 - with Chinese capital, Petrooriental S.A; Block 16 - with Spanish capital, Repsol; and Blocks 31, 43 and 55 with Ecuadorian capital).

Chinese economic influence is growing rapidly across Latin America,<sup>203</sup> but is perhaps most evident in Ecuador,<sup>204 205</sup> where it is close to having a total monopoly on the export of raw materials. Ecuadorian critics say that Chinese influence has grown too much and now poses a severe threat to national sovereignty, indigenous peoples’ rights and biodiversity.

In Ecuador, Petrooriental S.A. operates in blocks 14 and 17 in Orellana Province. The company’s equity comes from state-owned companies in the People’s Republic of China, including: China National Petroleum Corporation (CNPC), with a 55 % stake, and China Petrochemical Corporation (SINOPEC), with a 45 % stake.

Repsol S.A. is an energy company based in Madrid, Spain, that carries out upstream and downstream activities throughout the world. It operates in all areas of the oil and gas industry, including exploration and production, refining, distribution and marketing, petrochemicals, and energy generation and marketing. Repsol Ecuador began operations in Ecuador in 2001 with a *prestación de servicios* agreement for the exploration and production of two blocks. The company’s main operations in the country are located within in Yasuní National Park and the Waorani Reserve, due to upstream activities related to Block 16.

In addition to an increase in oil exploration activities, government initiatives that directly or indirectly place indigenous peoples in isolation in a more vulnerable position are also apparent. As the Ecuador Local Report points out, colonization is on the rise:

“The growth of populated areas and the expansion of the agricultural frontier is placing indigenous peoples in voluntary isolation and surrounding populations at greater risk. Moreover, as the capacity of local government increases, more and more infrastructure is built, particularly new roads towards high-risk areas and the creation of other service infrastructure for surrounding populations.” (LRE, 2019)

Table 23 summarizes the information presented in the 2019 Ecuador Local Report regarding government activities directly or indirectly affecting the Tagaeri, Taromenane and Dugakairi indigenous peoples in isolation who share the Intangible Zone with the Waorani:

203 Cited in LRE 2019. Available at: <https://www.economist.com/the-americas/2014/04/12/flexible-friends>. Accessed: 15 March 2019.

204 Cited in LRE 2019. Available at: <https://web.archive.org/web/20141019004748/http://www.cuencahighlife.com/post/2013/11/29/China-enjoys-near-monopoly-on-Ecuadorian-oil-and-critics.aspx> Accessed: 15 March 2019.

205 Cited in LRE 2019. Available at: <http://www.expertise.com.ec/en/the-presence-of-chinese-firms-increases-in-the-oil-sector/>. Accessed: 15 March 2019.

**Table 23: Activities in Ecuador with State Participation**

THREAT	ECUADOR
	ACTIVITIES WITH STATE PARTICIPATION
	ACTIVITY / ACTOR
Illegal Pollution	<p>1. Pollution</p> <p>-Oil exploration and extraction polluted water, soil, air and forest. Noise pollution from oil platforms, engines and explosions (in the case of seismic exploration).</p> <p>-The pollution of rivers due to oil activities and the use of plant based poisons such as barbasco, which later filters into surrounding rivers and streams.</p> <p>Company</p> <p>-Repsol-Spain,</p> <p>-PetroOriental-China,</p> <p>-Petrobell-Ecuadorian State /USA</p> <p>-Petroamazonas -Ecuadorian State</p> <p>Financing mostly from China, Spain and the Ecuadorian government.</p>
Colonization (Development Policies)	<p>-The increase of oil exploration and extraction. With a dollarized economy, Ecuador depends on exports, incentivizing oil companies to expand their activities to higher-risk areas. This demands further infrastructure such as the opening of new roads, the installation of work camps, platforms, the drilling of wells, etc. Much of this infrastructure promotes further colonization and the relocation of communities. Financing comes mainly from China, Spain and the Ecuadorian State.</p> <p>-The growth of inhabited areas and the expansion of the agricultural frontier further threaten indigenous peoples in voluntary isolation and surrounding populations.</p> <p>-As the capacity of governments increases, new infrastructure is built; in particular the construction of new roads into high-risk areas.</p>
Infrastructure	<p>-The creation of infrastructure in the vicinity of indigenous territories, particularly the opening of new roads close to their territory, as well as the creation of other service facilities for neighboring populations (See institutional framework).</p>
Oil prospecting-Hydrocarbon activities	<p>Repsol (Block 16) and Petro Amazonas (Blocks 31, 43 and 55) are operating in the northern area around the Intangible Zone and within its Buffer Zone. Petrooriental is to the West (Blocks 14 and 17). To the South, Blocks 83, 84 and 87 have not currently been contracted out.</p> <p>At present, the greatest risk to the territories of indigenous peoples in voluntary isolation is oil activity promoted directly by the Ecuadorian State. The most significant investment capital comes from China (Blocks 14 and 17), Spain (Block 16) and Ecuador (Blocks 31 and 43).</p>
Mining	<p>As of yet there is no mining activity in the area, although there are some concessions in nearby risk zones that could soon be developed.</p>
Shared use territory	<p>The coexistence of indigenous peoples in voluntary isolation and other nearby populations is marked by tension and conflict. The last fatalities, most likely caused by indigenous Taromenane, occurred in 2013 and 2016. On the other hand, the last attacks by the Tagaeri occurred in 1987, and there is no record of attacks of any kind by the Dugakairi.</p> <p>-The most extreme form of territorial protection have been spear attacks by the Tagaeri/Taromenane against loggers, settlers and the Waorani in 2005, 2006, 2007, 2008, 2009, 2013 and 2016.</p> <p>This group is subject to the greatest pressure from oil activities, illegal logging, the development initiatives of local and national government, missionaries from various churches, NGOs and surrounding communities (settlers, Waorani and other indigenous nationalities). The Waorani indigenous people have also been the protagonists of two massacres of indigenous peoples in voluntary isolation, with numerous victims in both 2003 and 2013. The first attack was apparently motivated by loggers who provided the Waorani with arms and ammunition to kill an isolated Taromenane family in the Cuchiyacu River area. In 2013, an attack was carried out by Waoranis to avenge the death of two elderly people who had been killed by isolated Taromenane 325 days earlier.</p>

In addition to government-related threats, there are a number of illegal activities that could be reduced if an effective protection policy (with the necessary human resources and budget allocation) were implemented on the ground.

The absence of regional government oversight institutions increases the direct and indirect threats to indigenous peoples in isolation

and regional populations, as described in LRE-2019:

“Rivers contaminated by oil activities and the use of plant based poisons such as barbasco, which are deposited in the rivers and estuaries of the area.” (LRE, 2019)

Additional threats include: The advance of illegal colonization into the forest, that cha-

ses away wildlife and promotes deforestation in the territory of indigenous peoples in isolation; illegal logging in high-risk areas within the Intangible Zone on border with Peru; adventure and eco-tourism; religious and scientific organizations; film and television companies; state officials encroaching into important areas in the Intangible Zone; and illegal hunting and fishing for commercial purposes.

As the region does not have effective health care coverage for indigenous peoples with a history of contact and the surrounding populations, the Ecuador Local Report highlights the serious threats to the health of the indigenous peoples in isolation:

“There are no health centers in any of the indigenous or mestizo communities; however, depending on logistical resources and inter-institutional agreements, a medical team can be put in place (...). The following risks to public health have been identified among indigenous people with a history of contact: influenza, hepatitis A and B, malaria, dengue, chikungunya, parasitosis, and certain types of poisoning due to the contamination of rivers from oil activities and the use of plant based poisons such as barbasco which are deposited in the rivers and streams of the area.

Community visits of vaccination and fumigation brigades tend to depend upon requests made to provincial health directorates by community leaders. In the absence of these procedures, the teams do not carry out their work because there is no regular vaccination schedule.” (LRE, 2019)

**Table 24. Activities in Ecuador Resulting from the Absence of the State**

THREATS	ECUADOR
	ACTIVITIES RESULTING FROM THE ABSENCE OF THE STATE
Illegal Pollution	Another source of contamination comes from the waste dumped by mestizo and indigenous communities into the rivers and streams, such as garbage, poisons, chemicals, etc.
Illegal Colonization	The advance of the agricultural frontier, driven in particular by settler farmers who are increasingly entering the area, chases away the wildlife and reduces biodiversity. -Deforestation.
Illegal logging of forest species and the presence of loggers	In addition to the destruction of valuable species, the illegal felling of wood in various high-risk zones generates noise from chainsaws and other machinery. This also involves the encroachment into the territory of peoples in isolation. Forest resources continue to be illegally extracted in several areas, especially in the Quebrada Lobo on the border with Peru, as there are no permanent controls of any kind along the 50 km stretch of border. People from the Kichwa indigenous communities report that the felled trees and hunted animals are being taken to Iquitos. It is not known where the capital that finances these activities comes from. Illegal logging activities also continue inside the Intangible Zone, especially along the Peruvian border and in the recently established indigenous and mestizo settlements as a result of any new hydrocarbon projects. This implies imminent territorial pressure on the environment.
Tourism and the presence of outsiders	The activities of private actors such as the tourism sector, on a small scale. There is a hotel on the banks of the Shiripuno River (Shiripuno Lodge) very close to the Tagaeri-Taromenane Intangible Zone. The guides and workers are indigenous Waorani and usually avoid walking the trails with tourists when they have identified footprints or bent branches which are attributes of the Taromenane. They have been working in this area for more than 10 years and so far there have been no reports of conflicts with the indigenous people in isolation. Another tourism company abandoned its hotel (Bataboro Lodge) in 2013 after not renewing an agreement it had maintained for more than 20 years with Waorani communities. It is also located near the Intangible Zone, on the banks of the Tiwino River. Reports from the Ministry of Environment indicate a degree of environmental damage left behind: motor oil, pipes, plastics, damaged outboard motors, wires, etc. Some inhabitants of nearby communities report that very close to the trails of this old hotel there is an area constant used by indigenous Taromenane who live on the banks of the Cuchiyacu River.
Diseases	-Endemic diseases of the area include malaria, dengue, chikungunya, hepatitis, typhoid, flu, etc.
Hunting and poaching	-The products from indiscriminate hunting along the Peruvian border are taken to Iquitos. It is not known where the capital that finances these activities comes from. -Illegal hunting for commercial purposes: Despite being punishable with imprisonment, illegal hunting is a problem of non-isolated populations that live in and around the Intangible Zone.
Missionary activity	

Institutionalization, public policy and legal frameworks	The lack of knowledge of indigenous peoples in voluntary isolation and the areas they inhabit leads local governments to build more infrastructure as their capacity increases. The construction of new roads in high-risk areas is especially problematic.
Issues arising from the transnational territories of peoples in isolation	The indigenous peoples currently living in voluntary isolation closest to the Peruvian border are what have been called the Dugakairi.

## PARAGUAY

The weak governance capacity of the Paraguayan State and the development programs implemented in the Gran Chaco form an alarming backdrop for the region's indigenous peoples in isolation. Serious threats have been identified that directly affect isolated peoples. The 2019 Paraguay Report stresses that government-incentivized agribusiness is currently the main cause of deforestation in the native forests of the Chaco, a region occupied by the Ayoreo (in isolation and initial contact); deforestation poses a major threat to the indigenous peoples in isolation, as described below:

"It should be noted that Paraguay has recorded the highest rate of deforestation in the Chaco region in recent years; the northern border with Bolivia has become the focus of new private projects for the opening-up of cattle ranches (LRPy IA, 2019)

(...) deforestation and territorial settlement is occurring in sensitive areas such as seasonal waterways, lakes, watering holes, animal reproduction sites, and fruit and honey collection areas. Cultivation areas and hunting grounds have also been affected." (LRPy IA, 2019).

Colonization is the result of a development policy that permits and incentivizes: the legal predatory felling of forest species and the presence of loggers; unregulated tourism and the presence of people unfamiliar with the interests of indigenous peoples in isolation; infrastructure construction such as the opening and asphaltting of roads and the Bioceanic Route. As outlined in the Paraguayan Local Report, all of these activities have irreversible effects on the lives of peoples in isolation:

"(...) the Bioceanic Route in Bolivia crosses Ayoreo territory longitudinally, constituting a serious danger to the nomadic people who travel through the forests on both sides. On a smaller scale, but with a similar end result, the

same thing is occurring with Routes 1 and 2 in Paraguay, which cut across the territory longitudinally and transversally. These two routes are travelled day and night by high-speed vehicles and caravans of cattle trucks, known as "transganados" in Paraguay, which totally alter the natural life of the forest, particularly that of the Defensores del Chaco National Park." (LRPy IA, 2019)

Oil and mining activities also stand out as particularly harmful activities promoted by the Paraguayan State:

"After deforestation, hydrocarbon exploitation, particularly in the exploratory phase, has the greatest impact on the lives of peoples in isolation.

Mining pressure is becoming more intense in Ayoreo territory, and private companies are beginning to operate in various areas with the intention of exploring and extracting resources in areas with a presence of peoples in isolation, including forest reserves, national parks, protected areas and nature reserves. These initiatives are supported by national governmental bodies. In Paraguay, they come under the protection of the Public Private Alliance law, while in Bolivia it is the government's own development interests that support these initiatives. Mineral resources have been identified in the area of Cerro León and Salinas de San Miguel, while there are also hydrocarbon shale resources whose extraction is presently done through the hydraulic fracturing of rocks, a method known as 'fracking'. (LRPy IA, 2019)

According to the Paraguay local report drawn up by the Payipie Ichadie Totobiegosode Organization - OPIT (LRPy OPIT-2019):

"(...) several environmental licenses have been granted within the Ayoreo Totobiegosode Natural and Cultural Heritage (PNCAT) without any consultation process and disregarding the claims of the Ayoreo for territorial recognition. Environmental impact statements or

environmental licenses were approved, with the corresponding authorization for land use changes and forest clearing in order to facilitate extensive livestock operations. A recent case demonstrating a serious violation of Ayoreo peoples' rights was related to trespassing on previously designated indigenous land. The Ita Poti S.A. company encroached the Ayoreo Totobiegosode Community's land and erected barbed wire fences citing overlapping claims of property titles. However, the Ayoreo Totobiegosode Community's lands were granted by a clear and legally enforced judicial ruling that precisely established their location. The facts have been reported to the Public Prosecutor's Office on the grounds trespassing and the commission of crimes against the environment. Despite the facts having been verified, the investigations have not made any real progress." (LRPy-OPIT, 2019).

The main agricultural production initiatives promoted by the Paraguayan Government that affect the native territory of the Ayoreo peoples in isolation, are financed by loans from private banks, including financial institutions that receive contributions from European governments, such as LAAD - the Latin American Agribusiness Development Corporation.

LAAD is a private equity development and investment company that finances and develops

agribusiness projects in Latin America and the Caribbean, involving all phases of production, processing, storage, services, technology, and marketing in the agricultural and fisheries sectors. The company is based in Coral Gables, Florida. LAAD has regional and national offices in the Dominican Republic, Colombia, Costa Rica, Nicaragua, Guatemala, El Salvador, Honduras, Belize, Bolivia, Brazil, Chile, Ecuador, Peru, Paraguay, and Uruguay.

The Bioceanic Corridor rail interconnection infrastructure project will be internationally financed within the IIRSA framework and backed by MERCOSUR, with the objective of connecting the Brazilian port of Santos on the Atlantic Ocean with Ilo (Peru) on the Pacific coast. Through a combination of improving existing roads and constructing new ones (a total of 4,000km), the project would also connect Paraguay with high-speed convoys passing through Bolivia. The project, originally drawn up in 2007, is still in the discussion and study phase, but brings together multilateral economic interests with a view to reducing the travel time between Brazil and Asia by three weeks.

The following table summarizes the activities carried out with the participation of the Paraguayan State:

**Table 25. Activities in Paraguay with State Participation**

THREATS	PARAGUAY
	ACTIVITIES WITH STATE PARTICIPATION
	<p>At present agribusiness is the main driver of native forest loss in the Chaco region, and the engine behind the destruction of the Ayoreo world.</p> <p>Between 2015 and 2017, the Great American Chaco region experienced the highest average rate of deforestation in the world. Ayoreo territory suffered the greatest impact and its forests were the most intensively destroyed. Statistics from the NGO Guyra Paraguay show that on average close to 400,000 hectares of forest is lost each year. In-depth studies based on case study analysis have revealed countless violations of environmental and even procedural laws. These were widely exposed in a report<sup>206</sup> on the situation of the isolated Ayoreo in the northern Paraguayan Chaco in 2014 and 2015.</p> <p>The deforestation and occupation of territory is carried out in sensitive areas including seasonal watercourses, lakes, watering holes, animal breeding sites, and fruit and honey collection areas. Areas of cultivation and hunting grounds are also affected.</p> <p>Actor</p> <p>The interruption of the migratory routes of peoples in isolation to the salt lakes. The political border between Paraguay and Bolivia is largely unrecognized as a territorial barrier by peoples in isolation. They move as their ancestors have since first occupying the region. The salt lakes of San Miguel and Santiago, just 30 km from the Paraguayan border in present-day Bolivia, are a site of vital importance for the life of Ayoreo in isolation and a historic place for all Ayoreo peoples.</p>

206 Cited in LRPy IA 2019. Amotocodie Initiative (2015). Isolated Ayoreo people in the northern Paraguayan Chaco. 2014-2015 Report. Asunción. Available at: <http://www.iniciativa-amotocodie.org/wp-content/uploads/2016/04/Informe-Aislados-2014-215-final-web.pdf>. Accessed: 5 April 2019.

<b>-Colonization (Development Policies)</b>	<p>The advance of agribusinesses and the monopolization and control of land by foreign companies endangers the conservation of these routes.</p> <p>Environmental resources are fundamental to the lives of isolated groups of the Ayoreo. The decrease in species number and diversity due to deforestation (the transformation of complex biodiversity systems into simplified systems) threatens the survival capacity of these groups. This is especially the case when such transformations occur in important areas such as those used for cultivation or turtle hunting sites (an important species to the life of the Ayoreo people, constituting a highly symbolic source of food and health).</p> <p>Actor</p> <p>The main “development” initiatives identified in the territory occupied by the Ayoreo in isolation are related to agricultural production, financed mostly by loans from private banks that are assured by the assets of registered land owners; and secondly, the road interconnection infrastructure projects for the Bioceanic Corridor that are financed by international loans acquired by the companies responsible for its development.</p> <p>The sources of financing for agricultural activities are mainly private banks located in Paraguayan territory, including financial institutions that receive contributions from European governments (e.g. LAAD).</p> <p>The Bioceanic Corridor that crosses Ayoreo territory.</p> <p>Actor</p> <p>The sources of funding for the segment of the Bioceanic Corridor that crosses the Ayoreo territory have not yet been identified. OPIT (Payipie Ichadie Totobiegosode Organization)</p> <p>Several environmental licenses have been granted within the Ayoreo Totobiegosode Natural and Cultural Heritage Area (PNCAT) without consultation process, and disregarding demands for territorial recognition. Environmental impact statements were approved and licenses granted with the corresponding authorization for land use changes and forest clearing so as to enable extensive cattle ranching.</p> <p>Actor</p> <p>Yaguareté Pora S.A.; Carlos Casado</p> <p>S.A./San José Group of Spain; River Plate S.A.; Ita Poti S.A.; BBC S.A., among others.</p> <p>Another serious recent violation of these peoples’ rights was trespassing upon officially recognized indigenous land. The Ita Poti S.A. company encroached on the Ayoreo Totobiegosode Community’s land and erected barbed wire fences, alluding to an alleged overlapping of titles. However the Ayoreo Totobiegosode Community’s lands were granted by means of a clear and legally enforced judicial ruling that established their precise location. These facts were reported to the Public Prosecutor’s Office alleging the offense of trespassing and the commission of crimes against the environment. Despite the facts reported having been verified on the ground, the investigations have not made any real progress (ILPy-OPIT, 2019).</p> <p>Actor</p> <p>Ita Poti S.A. Company</p>
<b>Felling of forest species and pre- sence of loggers</b>	<p>Due to weak state capacity and inadequate control mechanisms, illicit logging and the legal and illegal trafficking of precious woods, live animals and skins for export represent a constant threat to peoples in isolation. Territorial incursions for exploratory surveying or for clearing, likewise pose a risk of casual encounters. More than once on the roads and in the inns of the Chaco there has even been mention of the existence of human hunting with the intention of clearing the area of ‘intruders’.</p>
<b>Infrastructure</b>	<p>The opening of new roads, the construction of paved roads, and the Bioceanic Corridor.</p> <p>The extension of the road network and the corresponding opening up of tracks and paths has a serious and irreversible impact on the territory and lives of people living in isolation.</p> <p>The Bioceanic route in Bolivia crosses the Ayoreo territory longitudinally and constitutes a major threat to the nomadic people who travel the forests on both sides of the line. The same thing occurs in Paraguay on a smaller scale along Routes 1 and 2, which cross the territory longitudinally and transversally. These two routes are traversed day and night by high-speed vehicles and caravans of cattle trucks (transganados), totally altering the natural life of the forest, particularly in the Defensores del Chaco National Park.</p>
<b>Oil Prospecting</b>	<p>After deforestation, hydrocarbon exploration, particularly in the exploratory phase, has the greatest impact on the lives of people in isolation.</p>
<b>Mining</b>	<p>Mining pressure is intensifying in Ayoreo territory and private companies are beginning to operate with the intention of exploring and extracting resources in areas with a presence of peoples in isolation: including forest reserves, national parks, protected areas and nature reserves; these initiatives are supported by national governmental bodies. In Paraguay the companies operate under the protection of the Public-Private Alliance law, while in Bolivia exploration is driven by the government’s own development interests. Mineral resources have been identified in the area of Cerro León and Salinas de San Miguel. There are also shale hydrocarbon resources, whose extraction is done through the hydraulic fracturing of rocks, a method known as “fracking”</p>

The risks shown in the table are associated also with a range of illegal activities. The limited capacity of the State to deal with these illegal activities further contributes to the growth of adverse conditions for indigenous peoples in isolation living in the Paraguayan Grande Chaco. As described in the Paraguayan report prepared by the AMOTOCODIE Initiative, these peoples are subject to:

“(...) persecution, murder, forced contact, diminishing resources and food security, and the loss of access to crucial physical and symbolic resources.” (LRPy IA, 2019)

It is worth noting the complex situation stemming from the transnationality of the territory of Ayoreo people living in isolation. The Paraguay-Bolivia border and private property boundaries do not form part these peoples’ cognitive system. The local reports note in this regard that:

“The frontier forests of Bolivia and Paraguay are not two “distinct territories”, but one undivided world. It is evident that people in isolation see their areas of movement reduced due to constant deforestation, the opening up of access trails, mining and hydrocarbon exploration and extraction, and the construction of roads, etc. Paraguay has two protected areas close to the Bolivian border that allow for an extensive connection with Bolivia’s protected areas, creating biological corridors: Defensores del Chaco and Médanos del Chaco National Parks and the Cabrera-Timane Natural Reserve on the Paraguayan side connect with the Kaa Iya Integrated Management National Park and the Cerro Chovoreca Natural Monument that

borders Otuquis National Park on the Bolivian side. There are private properties between these areas and Kaa Iya, whose owners engage in constant deforestation.” (LRPy IA, 2019).

The absence of a conception of “borders” amongst isolated peoples is evident in the many activities practiced by the Ayoreo in the transnational region encompassing Bolivia and Paraguay. The AMOTOCODIE Initiative’s local report emphasizes that:

“About 30 km from the Paraguay border within the Kaa Iya park, the Santiago and San José salt flats in Bolivia are the principal source of salt for all Ayoreo peoples. These salt flats form the common territorial heartland that links all groups. Depending on the need for salt, groups set off to supply themselves with the mineral on either an annual or biannual basis. The salt flats are generally covered by a thin layer of water that evaporates in the months of July and August, leaving the salt exposed on the surface.” (LRPy and IA, 2019).

The Ayoreo’s situation is aggravated by a lack of protection policies in both Paraguay and Bolivia. Official development policies and illicit activities present a bleak picture for indigenous peoples in isolation in Paraguay (as well as Bolivia). There is an absence of policies for monitoring health, regulating water and controlling the use of agrochemicals, particularly pesticides, in their recognized territory, which coincides with the Paraguayan Chaco Biosphere Reserve (LRPy - IA, 2019).

The following table is a summary of the analysis presented in the two local reports:

**Table 26. Threats in Paraguay Resulting from the Absence of the State**

THREATS	PARAGUAY
	ACTIVITIES RESULTING FROM THE ABSENCE OF THE STATE
<b>Illegal pollution</b> <b>Illegal colonization</b> <b>Illegal felling of forest species and the presence of loggers</b> <b>Tourism and the presence of outsiders</b>	Legal and illegal incursions into territory with a presence of isolated people. Due to weak state capacity and inadequate control mechanisms, illicit logging and the legal and illegal trafficking of precious woods and live animals and skins for export, represent a constant threat to peoples in isolation. Territorial incursions for exploratory surveying or for clearing, likewise pose a risk of casual encounters or even with the intention of hunting humans to clear the area of ‘intruders’ a phrase that has been heard more than once on the highways and inns of the Chaco.
<b>Infrastructure</b>	The extension of local road networks and the corresponding opening up of access trails has a serious and irreversible impact on the territory and lives of people living in isolation.

<b>Diseases</b>	<p>-The absence of a health monitoring policy for ranch workers is a factor in the incidence of disease in the area, particularly in light of their relationship with peoples in isolation (who travel to areas that are simultaneously occupied by ranch workers to collect and use things the latter have left behind).</p> <p>-The absence of water quality control on the tajamares (water sources) within the area travelled by groups in isolation.</p> <p>-The absence of strict controls on the use of agrochemicals and pesticides in the recognized territory which coincides with greater Chaco Biosphere Reserve area</p>
<b>Missionary activity</b>	<p>Missionaries from the US New Tribes Mission continue to instigate relations with the sedentary Ayoreo population. In Bolivia it is customary for witnesses to inform the Ayoreo missionaries of the Puesto Paz mission or of the Barrios de Santa Cruz when isolated people appear, or when there are signs of their presence. According to accounts from Ayoreo in Bolivian communities, the missionaries organize excursions from time to time to Las Salinas or to the border area of Palmar de las Islas in an attempt to find peoples in isolation. The idea persists among Mennonites or landowners in areas of Paraguay with a presence of isolated people that the missionaries must “tame” and “drive out” these peoples. In both countries it is the New Tribes Mission that maintains missionary activity with the Ayoreo and organizes constant international and intercommunity trips as part of its evangelizing.</p>
<b>Issues arising from transnational territories of peoples in isolation</b>	<p>The Ayoreo move freely according to their customs and the traditional knowledge that each group possesses of the territory and the specific places frequented by different local groups, without recognizing the existence of modern state borders or the significance of private property boundaries.</p> <p>The forests adjoining Bolivia and Paraguay are not two “distinct territories” but one undivided world, and it is evident that people in isolation see their areas of movement diminished due to constant deforestation, the opening up of access trails, mining and hydrocarbon exploration and extraction, and the construction of roads, etc. Paraguay has two protected areas close to the Bolivian border that permit an extensive connection with Bolivia’s protected areas: creating biological corridors. Defensores del Chaco and Médanos del Chaco National Parks and the Cabrera-Timane Natural Reserve on the Paraguayan side connect on the Bolivian side with the Kaa Iya Integrated Management National Park, and the Cerro Chovoreca Natural Monument that borders Otuquis National Park. There are private properties between these areas and Kaa Iya whose owners engage in constant deforestation.</p>

## PERU

The analysis of the threats facing indigenous peoples in isolation and their territories in the three Peru local reports, reveals a predatory development model that does not take Amazonian forest communities into consideration. The construction of infrastructure (mainly access roads), oil exploration, deforestation, forest concessions, settler colonialism, illegal activities etc., all directly affect indigenous peoples in isolation. These phenomena contain both direct and indirect consequences such as water pollution, a decrease in hunting and fishing, potential contact situations, the proliferation of pollution sources, drug trafficking, the presence of missionaries, tourist activities, an increase in external colonization pressure, extractivism etc.

The local reports also point to institutional weakness on the part of the State as well as regulatory shortcomings in both the design and implementation of protection policies for indigenous peoples in isolation. This institutional weakness stems from the difficulty faced by the

body responsible for indigenous peoples in isolation and initial contact, in enforcing the legal frameworks and deadlines in conjunction with the State. Protection policies for indigenous peoples in isolation and initial contact are subordinated to macroeconomic policy. Regarding the regulatory shortcomings, AIDESEP’s report states that:

“(…) the most controversial aspect of the legislation on Indígenas Peoples in Isolation and Initial Contact, is related to the intangibility of indigenous territories. Due to the form in which Art. 5 of the Law and Art. 35 of its corresponding regulations are set out, the possibility exists that this right is not absolute, but relative. By declaring the natural resources of the territories to be of national interest, the State can remove its protection and proceed with exploitation.” (LRPe AIDESEP, 2019)

The threats facing indigenous peoples in isolation have been divided into five categories: 1. Colonization and Infrastructure; 2. Oil and gas prospecting; 3. Tourism and the presence of outsiders; 4. Disease, Sanitation and Immunology; 5. Institutional Weakness.

The following is a summary of the principal threats involving the Peruvian State that indigenous peoples in isolation are facing.

## 1. Colonization and infrastructure (Development policies)

### *Mascho Piro*

Agricultural colonization is mainly a result of the construction of access roads promoted by public authorities or local resident themselves; the roads lead to deforestation and the degradation of the environment. The FENAMAD Local Report provides the following example:

A recent example of this is the Nuevo Eden-Boca Manu road<sup>207</sup> in Alto Madre de Dios<sup>208</sup> which is under development along the right bank of the river (opposite the area inhabited by the Mashco Piro). This is a serious threat to the group in isolation and to protection work in the sector, as it forms a new colonization front in the Alto Madre de Dios [further discussed in the 'infrastructure' section]; an area that is already relatively accessible to external actors. The project was commissioned by the Madre de Dios Regional Government without complying with the established procedures, and led to the rapid arrival and settlement of people in the area, and from there to an increase in deforestation (LRPe FENAMAD, 2019).

FENAMAD's Local Report notes that several deforestation zones have been confirmed in the eastern section of the Madre de Dios Reserve close to indigenous peoples in isolation, with financing provided principally by the Peruvian government:

1) Along the Inter-Oceanic road; 2) In the area around the city of Iberia; 3) Along the Tahuamanu River. These examples highlight the accumulation of external pressure placed on the Mashco Piro territories by extractive fronts and agricultural and livestock colonization.

Access to public funds for this type of work is on occasion granted without following the es-

tablished guidelines. The Nuevo Edén-Diamante-Boca Manu road, commissioned by the Madre de Dios Regional Government, is a case in point. On the other hand, the construction of access roads to forestry and other concessions relies mainly on private investment (LRPe FENAMAD, 2019).

### *Isconahua*

#### *Forest timber concessions*

AIDSEP's report also mentions logging concessions bordering, and in the vicinity of the territorial limits of indigenous peoples in isolation:

Mashco Piro / Mastanahua / Yora (Nahua)<sup>209</sup>

On the west side of Mascho Piro Indigenous Reserve, with Peruvian financing: Complejo Industrial Maderera Pezo Villacorta-CIMPEVISAC, Industrial Maderera Los Angeles Agro Forest A&J SAC, SANRA Inversiones SAC, Agrupación IRIS, Shamboyacu Forest SAC, Sepahua Tropical SAC, Juanito Gratelli Rengifo, Tropical Timber Group SAC. The concessions of Héctor Soto García and Atlantic Forester SRL have now expired (WWF, 2015, pp. 35-36). [There are nine forestry concessions], most of which are Peruvian financed and operate independently. One forestry concession contract was granted for conservation in the Río Los Amigos sector and is currently active. Eight forestry concession contracts were granted for the extraction of timber, of which four are currently active (Maderya, Catahua A, Catahua B, Wood Tropical Forest), they all have management plans approved by the regional and national forest authorities; two others (EMETCI and Manuel Mayorga) have been "temporarily suspended"; and the last two (MADEBOL and Maderera el Inca) are due to expire according to the supervisory body OSINFOR, but as of yet it has not been possible to return them to the State (Cited in LRPe AIDSEP, 2019).

FENAMAD's Local Report identifies the following actors as involved in deforestation in the vicinity of the Madre de Dios Territorial Reserve:

Acre-Tahuamanu Basin: Forestry companies

207 Cited in LRPe FENAMAD 2019. The "Law Declaring the Construction of Roads in Border Areas and the Maintenance of Motorized Trails in the Department of Ucayali to be of National Interest and Priority" was enacted in 2018.

208 Cited in LRPe FENAMAD 2019. Available at: <https://ojo-publico.com/sites/apps/amarakaeri-parte1/>. Accessed: 5 April 2019.

209 The Mastanahua in Isolation suffer the same impacts and the same vulnerabilities as the Mashco Piro, as they share the same territory in the Mashco Piro Indigenous Reserve.

The three main companies exploiting concessions that neighbor on the Madre de Dios Territorial Reserve in the Acre-Tahuamanu sector are:

1. **MADERYJA.** The Rio Yaverija timber concession is located in the Madre de Dios region of Tahuamanu province, Iñapari district, and covers an area of 49,556 ha. Of this, 47,568 ha are for timber production, leaving 1,988 ha of forest for conservation: 4.01 % of the total concession area. The forest concession formed part of the first round of concessions, and has contract No. 17-TAH/C-J-004-02 granted by the State for a period of 40 years, from May 2002 to 2042. The Rio Yaverija logging company's forestry concession was certified in accordance with the principles and criteria of the FSC (Forest Stewardship Council) under certificate number SW-FM/CoC-2175, in force since 2007.

i) Las Piedras Basin: Loggers; chestnut gatherers; tourists, filmmakers and researchers; drug-traffickers

2. **MADERACRE.** 220,000 hectares of forestry concessions certified by the Forest Stewardship Council (FSC®) for the production, processing and marketing of certified wood, and with Voluntary Carbon Standard (VCS) and Climate Community and Biodiversity (CCB) certifications for the Reducing Emissions from Deforestation and Forest Degradation (REDD) Project, of which it is a member. As part of the "Madre de Dios Amazon REDD Project", Carbon Credits are offered to companies or individuals who wish to offset their carbon footprint.

(i) Pariamanu River Basin: Forestry companies; illegal loggers; illegal miners; illicit activities.

3. **CANALES TAHUAMANU.** The Consolidated Catahua concession is comprised of the "A" and "B" Canales Tahuamanu S.A.C. Forestry Concessions, and the Agro Industrial Victoria S.A.C. Forestry Concession, an area of 52,869 ha that is now engaged in sustainable forest management according to FSC (Forest Stewardship Council) principles. CATAHUA is an FSC certified company - RA-FM/COC-005485 and SW-COC-005307 (LRPe FENAMAD 2109).

(i). Los Amigos area: Loggers; miners; researchers

**MURUNAHUA/CHITONAHUA FORESTRY CONCESSIONS:** The closest concessions to the Murunahua Indigenous Reserve in the Yurua sector are operated by the following companies: Forestal Cabrera, whose contract has now

expired and the concession area returned to the state (which could re-concession it in the future); and ALPI ROSA S.A.C, which has an existing contract and is on the timber trade's best practice list (LRPe AIDSESEP, 2019, p. 25).

With regard to the Korubo, Kulina-Pano, "Flecheiro"/Tavakina, Isconahua, "Remo", "Mayoruna", Kapanawa, Marubo, Mates, Mates and other as yet unidentified peoples in isolation, the local report from the Regional Organization of Indigenous Peoples of the Amazon - ORPIO - points out that:

The Special Cross-Sectorial Regime for the Protection of Indigenous Peoples in Isolation has the obligation to "implement the necessary mechanisms and measures in the areas proposed for the establishment of indigenous reserves, guaranteeing the protection of peoples in isolation and situations of initial contact". However, the Special Regime did nothing when, after the submission of the requests for the creation of the 5 Proposed Indigenous Reserves following the promulgation of Act No. 28736 and its corresponding legislation, and even after the favorable technical qualification of the proposed indigenous reserves during the process of preparing the Preliminary Studies for the Recognition of the Creation of Indigenous Reserves, the Peruvian State, through its Executive Directorate of Forestry and Wildlife of the Regional Environmental Authority of the Loreto Regional Government, the National Forest Service (SERFOR), and the Ministry of Energy and Mines (MINEM), granted at least 41 new illegal forestry concessions and 4 hydrocarbon lots (lots 135, 137, 95 and 138) within the areas of the proposed Indigenous Reserves. (LRPe ORPIO, 2019).

## 2. Infrastructure

### *Mascho Piro*

As mentioned above, the Nuevo Eden-Boca Manu road runs along the right bank of the upper Madre de Dios River in an area frequented by the Mascho Piro peoples. There has previously been conflict in the area between indigenous peoples in isolation and the Shipetiarri indigenous community, and in one instance a member of that community died. The road represents a serious threat to both the isolated

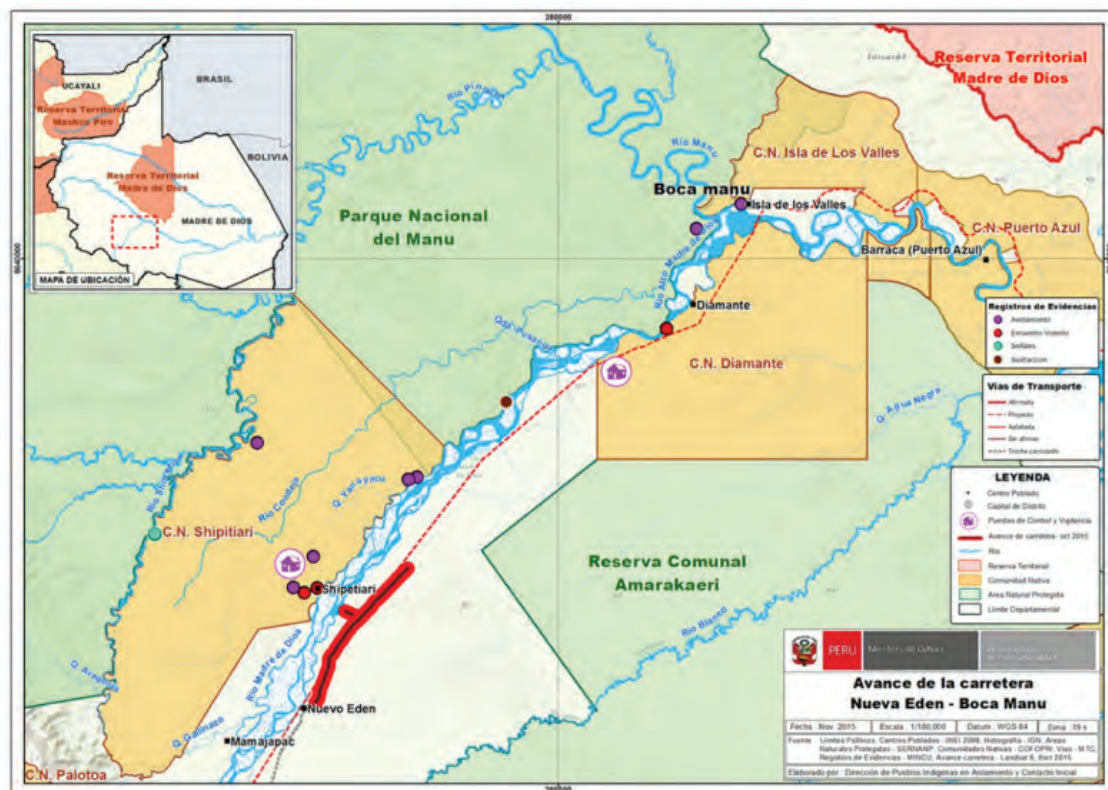
group and the protection work being carried out in the Alto Madre de Dios area. Construction was undertaken by the Madre de Dios Regional Government without compliance with the procedures established in the current legal framework, which has led to rapid and unregulated colonization and a subsequent increase in deforestation.

In the area of infrastructure, the AIDSEP local report points out that the Pucallpa-Cruzeiro do Sul road is a communication route that ser-

ves the interests of Peruvian and Brazilian authorities.

The route connecting Pucallpa and Cruzeiro do Sul at the Brazilian border crosses a series of conservation areas and indigenous territories, including the Sierra del Divisor Reserved Zone and the Isconahua Territorial Reserve, as well as other sites that are part of the National System of State-Protected Natural Areas (SINANPE).

Map 3. Route of the New Eden-Boca Manu Road<sup>210</sup>



### 3. Oil prospecting - Hydrocarbon activities

With regard to hydrocarbon activities that directly or indirectly affect indigenous peoples in isolation in regions of Peru, the local reports prepared by the indigenous organizations present a long and detailed list of information which we present below:

#### Mascho Piro

The possible reactivation of hydrocarbon activities in Madre de Dios Reserve. At present, there are no active hydrocarbon extraction projects in the territories of indigenous peoples in isolation and initial contact in Madre de Dios.<sup>211</sup> Recent changes in the sector, however, point to a possible reactivation of hydrocarbon activities in lot 76, which extends into the Amarakaeri Communal Reserve and

210 Available at: <http://www.minam.gob.pe/wp-content/uploads/2016/02/Dossier-Carretera-Boca-Manu.pdf>. Accessed: 5 April 2019.

211 Cited in LRPe FENAMAD 2019. It is interesting to note that, unlike the Alto Purus and Manu National Parks, the Madre de Dios Territorial Reserve is not identified as an intangible area on the above map.

is close to parts of the Mashco Piro territory in Alto Madre de Dios.

These changes include confirmation from state-owned company PERUPETRO of the interest expressed by several companies in operating in this lot,<sup>212</sup> and a call by the same company for a review of the existing restrictions for developing activities within protected natural areas.<sup>213</sup>

In 2018, new regulations for the sector were passed via Bill No. 2145/2017-PE, the “Law for the Promotion of the Hydrocarbon Industry”, which amended more than 30 articles in the former Organic Hydrocarbon Law (26221).

Several companies have carried out hydrocarbon prospecting in the Madre de Dios Territorial Reserve and surrounding area, among them the Exxon-Mobil-ELF Consortium<sup>214</sup> in lot 77 at the end of the 1990s, and SAPET DEVELOPMENT PERU INC-Sino-American Petroleum Development Peru Inc. (SAPET, is a Peruvian subsidiary of the Chinese CNPC), in a section of lot 113 after obtaining a license in 2005.<sup>215</sup> (LRPe FENAMAD, 2019)

Exxon Mobil Corporation, known as ExxonMobil, is an American multinational oil and gas company based in Irving, Texas. Exxon Mobil’s main brands are Exxon, Mobil, Esso and ExxonMobil Chemical.

Funding is predominantly private. Following the suspension of activities by the Hunt Oil company in lot 76, there are currently no active lots in Madre de Dios. However, several companies have expressed interest in renewing hydrocarbon activity.<sup>216</sup> (LRPe FENAMAD, 2019).

Most of the indirect impacts caused by oil operations, are the result of legally authorized contracts with Perupetro, with little in the way of social responsibility or best practices such as continuous supervision, prompt and ongoing accountability, or mandatory consultation with

local inhabitants. In effect, the ecosystem is being degraded due to interaction with a series of external agents that cause disease epidemics and alterations in the way of life for the Mashco Piro, in addition to possible exposure and contact with outsiders in the Buffer Zones (LRPe AIDESEP, 2019).

### **Matsiguenka (Nanty and Kirineri)**

Hydrocarbon lot 88 (Camisea gas) overlaps the Kugapakori, Nahua, Nanti and Others Territorial Reserve (RTKNN).

The operational expansion of lot 88 carried out by Pluspetrol, will lead to more direct contact between company workers and indigenous peoples in isolation, forced displacement, the contamination of water sources, the destruction of forest, and a reduction of wild animals and fish (LRPe AIDESEP, 2019).

Adjacent to Camisea, Lot 58 has been awarded to the China National Petroleum Corporation (CPNC) which is currently exploring the possibility of expanding the Urubamba, Picha, Taini and Paratori fields, and the drilling of 10 development wells. The Environmental Impact Study foresees the construction and operation of flow lines, the expansion of the oil camp and the construction of a natural gas processing plant.

The Camisea Gas Project has exposed indigenous peoples in initial contact to more intense interaction with surrounding communities, to accelerated cultural changes and organizational problems, and to disease transmission. This continues despite attempts by CEDIA and COMARU to push for the provision of a more extensive health service by the Peruvian Gas Transport Company, given that the Ministry of Health (MINSA) has not implemented the relevant plans and protocols (LRPe AIDESEP, 2019).

### **Mastanahua / Yora (Nahua)**

Fish known as ‘mota punteada’ have been identified as being contaminated with mercury

212 Cited in LRPe FENAMAD 2019. Available at <https://elgasnoticias.com/lote-76-atrae-cinco-petroleras/>. Accessed: 12 March 2019.

213 Cited in LRPe FENAMAD 2019. Available at: <https://fronterapirata.com/2018/01/15/la-exploracion-petrolera-en-areas-naturales-protégidas/>. Accessed: 28 March 2019.

214 Cited in LRPe FENAMAD 2019. Available at: <http://repositorio.pucp.edu.pe/index/bitstream/handle/123456789/113658/9898-Texto%20del%20art%C3%ADculo-39175-1-10-20140801.pdf?sequence=2&isAllowed=y>. Accessed: 28 March 2019.

215 Cited in LRPe FENAMAD 2019. Due to pressure from FENAMAD, the company did not carry out exploration within the Reserve and ultimately decided to suspend activities in lot 113. Available at: [https://www.iucn.nl/files/publicaties/exemplary\\_cases\\_of\\_good\\_chinese\\_investor\\_responsibility/casos\\_ejemplares\\_de\\_responsabilidad\\_social\\_y\\_ambiental\\_de\\_inversionistas\\_chinos\\_caso\\_2\\_bloque\\_113.pdf](https://www.iucn.nl/files/publicaties/exemplary_cases_of_good_chinese_investor_responsibility/casos_ejemplares_de_responsabilidad_social_y_ambiental_de_inversionistas_chinos_caso_2_bloque_113.pdf) Accessed: April 5, 2019.

216 Cited in LRPe FENAMAD 2019. Available at: <https://elgasnoticias.com/lote-76-atrae-cinco-petroleras/>. Accessed: March 12th, 2019.

as a result of the Camisea Gas Project.<sup>217</sup> Environmental resources are also dwindling due to the presence of Block 88, forcing communities in initial contact to trade with nearby villages.

#### **Murunahua/Chitonhua**

Hydrocarbon Lot 169: Given that the 491,892 hectare site of Lot 169 covers a large part of the Yurua district, hydrocarbon extraction is a serious potential threat. Its exploitation is currently in a process of international bidding while local inhabitants know very little about the consequences that its development would have for their communities. Although lot 169 does not include the Murunahua Indigenous Reserve, it does comprise direct tributaries of the Yurúa River which is also inhabited and frequented by the Chitonahua people in isolation, who use the area as a source of supply, settlement and transport. Using similar extractive projects as a point of reference, the possibility of environmental and social impacts is foreseeable. (LRPe AIDESEP, 2019).

#### **Korubo, Kulina-Pano, “Flecheiro”/Tavakina, Isconahua, “Remo”, “Mayoruna”, Kapanawa, Marubo, Matis, Matsés and other as yet unidentified peoples**

Twelve years after ILO 169 came into force in Peru, and one month after the publication of the Regulations to Law No. 28736, Supreme Decrees No. 065-2007-EM and 066-2007-EM were passed on 20 November 2007, approving the establishment, size, demarcation and designation of lots 135 and 137 in the Province of Requena in the Department of Loreto, awarding them to PERÚPETRO S.A. and making them available for contracting out. It should be noted that lots 135 and 137 extend into the Matsés Peoples territory in the Matsés Native Community, Matsés National Reserve, in the Sierra del Divisor National Park (then the Sierra del Divisor Reserved Zone), as well as the proposed Tapiche-Blanco-Yaquerana-Chobayacu and tributaries Indigenous Reserve (LRPe ORPIO, 2019)<sup>218</sup>.

## **4. Tourism and the Presence of Outsiders**

The report prepared by FENAMAD highlights the presence of people unrelated to the indigenous peoples in isolation, who carry out activities related to tourism and the exploitation of natural resources such as chestnut gathering. The report also mentions the presence of tourists, filmmakers and researchers in the “Cuenca Las Piedras” and “Cuenca Manu” regions. In this context, FENAMAD explains:

#### **Mashco Piro**

History of conflict: Throughout their history, the Mashco Piro have confronted violence and conflict, including inter-ethnic conflicts with other indigenous peoples in their territorial sphere, and successive incursions into their territories by non-indigenous people associated with illegal resource extraction activities, such as logging invasions during the “mahogany boom”. In addition to the “material” connections between indigenous peoples and their territory, there are also historical, cultural and symbolic dimensions “written”<sup>219</sup> into the landscape. The Mashco Piro’s relationship with their territory may therefore also include a “geography of violence” which determines the way in which the territory is used (LRPe FENAMAD, 2019).

## **5. Disease, Health and Immunology**

The healthcare of indigenous peoples in isolation, and the communities living in the vicinity of their territories, must be considered of fundamental importance in any protection system. Below are some of the concerns raised by the AIDESEP report:

#### **Mascho Piro**

The “Special Assistance Plan for the Mashco Piro indigenous peoples on the banks of the upper Madre de Dios River” has been in place since 2015. The policy has brought about the

217 Cited in LRPe AIDESEP 2019. Visit the following two hyperlinks: Analysis of the Current Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN and Others Territorial Reserve. Available at [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf). Accessed: 12 March 2019. And a virtual newsletter: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/>. Accessed: 12 March 2019.

218

219 Cited in LRPe FENAMAD 2019. Santos-Granero (1998). Writing History into the Landscape: Space, Myth, and Ritual in Santos-Granero (1998). Writing History into the Landscape: Space, Myth, and Ritual in Contemporary Amazonia, *American Ethnologist*, Vol. 25, No. 2 (May, 1998), pp. 128-148.

intensification of their relations with MINCUL officials, generating a dangerous relationship of food dependency among members of the group, and exposing them forced contact and its adverse effects on their health, way of life and territory. The Plan does not work in practice, given the lack of the necessary human and economic resources (LRPe AIDESEP, 2019).

### **Matsiguenka (Nanti and Kirineri)**

**Ineffective healthcare monitoring:** The RTKNN is the only reserve with a Protection Plan that identifies the necessary healthcare measures to be implemented by the health sector in order to guarantee the rights and protection of indigenous peoples in isolation and initial contact (LRPe AIDESEP, 2019).

Hydrocarbon activity in the area continues to generate acute respiratory and diarrhea epidemics that contribute to the premature death of the population, and determine its population structure and potential for demographic growth. It also contributes to the poor nutritional health of children.

Various socioeconomic processes in the RTKNN, resulting from changes in its surroundings, have led to the displacement of Isolated peoples to areas outside of the Reserve, with corresponding outbreaks of diarrhea and respiratory infections and the appearance of sexually transmitted diseases. In 2012, this led to a situation of prolonged contact in the upper Camisea. There is also a risk of widespread transmission of Hepatitis B and tuberculosis due the high incidence of the diseases<sup>220</sup> (LRPe AIDESEP, 2019).

## **6. Institutional Weakness and Regulatory Gaps**

### ***Mascho Piro/Isconahua/Murunahua/Chitonahua***

The local reports drawn up by the Peruvian indigenous organizations AIDESEP, FENAMAD and ORPIO point to a series of institutional weaknesses, and highlight some ‘regulatory loopholes’ in existing protection policy for indigenous peoples in isolation and initial contact. Because the Law and its corresponding regulations

permit the exploitation of natural resources in designated territories when they are declared by the government to be ‘of national interest’, the central issue lies in the intangibility and integrity of these territories. The issue of the classification of Territorial and Indigenous Reserves is also relevant. We will now look at the analysis of these ‘institutional weaknesses’ as presented in the Local Reports:

(...), in the development of territorial initiatives related to indigenous people in isolation and initial contact, the existence of significant institutional weaknesses have become evident within the responsible governing body in its relation to other state sectors. This is particularly clear in the classification of the Madre de Dios Indigenous Reserve. The EAC proposed an expansion of the existing territorial reserve which, despite being approved by the Multi-Sectorial Commission in November 2016, has still not been made official in a Supreme Decree due to opposition from several state bodies. Based on empirical data demonstrating the presence of indigenous peoples in isolation and initial contact in areas located outside the current reserve, the Ministry of Culture’s technical position was overridden by other arguments centered on upholding the acquired rights of concession holders who would be affected by the expansion of the reserve. This situation sets a serious precedent by reflecting the lack of institutional consensus on the importance of respecting the principles of “non-contact” and “intangibility” (LRPe FENAMAD, 2019).

(...) in the case of existing Territorial Reserves, the focus of the procedures has essentially been on altering their classification to that of Indigenous Reserves, while failing to consider broader, already existing proposals that envisage the recognition of the territorial integrity of indigenous peoples in isolation and initial contact. The problems of the official model are particularly evident in the case of the Mascho Piro people, whose territory includes a vast, continuous area categorized under a number of different entities including: Reserves, Natural Protected Areas, Native Communities, as well as areas concessioned to third parties. Despite being aware of this, the State has focused solely on Indigenous Reserves, understood as areas disconnected from each other, ignoring the problems arising from the frag-

220 Cited in LRPe AIDESEP 2019. Visit the link below for an Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the Kugapakori, Nahua, Nanti and Others Territorial Reserve: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 12 March 2019.

mentation of territory into a disparate array of categories, and thereby disregarding the right of people in isolation to protect their territorial integrity. It is clear that the legal framework upon which the categorization of territories of indigenous peoples in isolation and initial contact is based, does not respond to the reality of the aforementioned peoples, given that it is based on the concept of Indigenous Reserves, (LRPe FENAMAD, 2019).

AIDESEP's report reiterates the issue of the intangibility of the territories of indigenous peoples in isolation and questions the inadequacy of human and financial resources for the work of the protection agents.

“ (...) the most controversial aspect of the law relates to the intangibility of the Indigenous Reserves; due to the way intangibility is stated in Art.5 of the Bill and Art.35 of its regulations, it is possible that this right is not absolute, but relative. By declaring natural resources in the territories of isolated indigenous peoples to be in the national interest, the State can remove its protection and proceed with its exploitation.

The protection system for Indigenous Reserves. The work of the guards and checkpoints located in the main entrances of the Territorial/

Indigenous Reserves is in danger as they do not have the necessary financial and logistical resources to carry out their work, although they have recently been given the power to issue administrative sanctions. (LRPe AIDESEP, 2019)

### Matsiguenka (Nanti and Kirineri)

Weaknesses in the management of Natural Protected Areas (NPAs) for the protection of indigenous peoples in isolation and initial contact. Protected areas such as Manu National Park have long endured the presence of external agents with differing interests. Their presence is the main reason for the high incidence of disease and death affecting the Matsiguenka peoples in initial contact on the Manu and Piñi-piñi Rivers. Manu National Park has witnessed a growth in diseases introduced by visitors, fatally impacting the Matsiguenka peoples in isolation and initial contact that inhabit the area.

The weakening of protection standards in the Kugapakori, Nahua, Nanti and Other Territorial Reserves, in terms of human resources.”

Based on information provided in the three Peru local reports, the following table provides the complete classification of threats facing indigenous peoples in isolation and their territories:

**Table 27. Activities in Peru with State Participation**

THREAT	PERU
	ACTIVITIES WITH STATE PARTICIPATION
Colonization (Development policies)	<p>FENAMAD/ AIDESEP -Mascho Piro / Mastanahua/Yora (Nahua) <sup>221</sup> Deforestation/colonization The increase of external pressures due to colonization and extractive activities. Finer et al. (2017)<sup>222</sup> have identified several deforestation hotspots in the region, located in areas near to indigenous peoples in isolation and initial contact close to the eastern border of the Madre de Dios Territorial Reserve: 1) Along the Interoceanic Highway; 2) Around the city of Iberia; 3) In the Tahuamanu river basin. This evidence points to the accumulation of external pressure on the Mashco Piro territories from extractive projects and agricultural and livestock colonization.</p> <p>Actor -Mascho Piro Agricultural colonization trends in the region are mainly associated with the construction of access roads that facilitate the arrival of outside settlers. Deforestation and the resulting forest degradation depend, on the one hand, on public sector initiatives for the development of infrastructure and, on the other, on private initiatives led by newcomers. A recent example of this is the case of the Nuevo Eden-Boca Manu road in Alto Madre de Dios, whose construction by the Madre de Dios Regional Government was in breach of established procedures; it caused the rapid arrival and settlement of newcomers to the area, and consequently an increase in deforestation.</p>

221 Cited in LRPe AIDESEP 2019. The Mastanahua in isolation experience the same impacts and vulnerabilities as the Mashco Piro because they share the same territory in the Mashco Piro Indigenous Reserve.

222 Cited in LRPe FENAMAD 2019. Finer M, Novoa S, Garcia R (2017). The Pope will visit Madre de Dios, a region with a deforestation crisis. MAAP: 75.

	<p>AIDSESP Forestry Concessions On the western border of Mashco Piro there are Peruvian financed timber concessions that either border on, or are very close to, the reserve. Existing but currently inactive concessions: Complejo Industrial Maderera Pezo Villacorta-CIMPEVISAC, Industrial Maderera Los Angeles Agro Forest A&amp;J SAC, SANRA Inversiones SAC, Agrupación IRIS, Shamboyacu Forest SAC, Sepahua Tropical SAC, Juanito Grattelli Rengifo, Tropical Timber Group SAC. Concessions with expired contracts: Héctor Soto García and Atlantic Forester SRL. (WWF, 2015:35-36)</p> <p>ISCONAHUA -Pucallpa-Cruzeiro do Sul road: A route based on a mutual long term interest in intercommunication on the part of the Peruvian and Brazilian authorities.</p> <p>MURUNAHUA/CHITONAHUA -Forestry Concessions: The closest concessions to the Murunahua Reserve in the Yurua sector belong to the following companies: Forestal Cabrera, whose contract has since expired and been returned to the State, which may re-concession it in the future; and ALPI ROSA S.A.C, which has an existing contract and is on the list of timber industry best practice companies.</p> <p>Actor Forestry concessions: There are Peruvian-owned timber concessions that adjoin or are nearby the western border of the Mashco Piro Indigenous Reserve. Concessions with existing but currently inactive contracts: Complejo Industrial Maderera Pezo Villacorta-CIMPEVISAC, Industrial Maderera Los Angeles Agro Forest A&amp;J SAC, SANRA Inversiones SAC, Agrupación IRIS, Shamboyacu Forest SAC, Sepahua Tropical SAC, Juanito Grattelli Rengifo, Tropical Timber Group SAC. Concessions with expired contracts: Héctor Soto García and Atlantic Forester SRL. (WWF, 2015:35-36) There are nine forestry concessions in the eastern zone of the Madre de Dios Territorial Reserve, most of which are Peruvian owned and operate independently. One forestry concession contract was granted for conservation in the Rio Los Amigos sector and is presently active; eight contracts were granted for the extraction of timber resources, of which four are presently active (MADERYJA, CATAHUA A, CATAHUA B, Wood Tropical Forest), with management plans approved by the regional and national forest authorities; two others (EMETCI and Manuel Mayorga) have been "temporarily suspended"; and the last two (MADEBOL and Maderera el Inca) are due to expire according to OSINFOR but have not yet been returned to the State (WWF, 2015b:44).</p> <p>ORPIO Korubo, Kulina-Pano, "Flecheiro"/Tavakina, Isconahua, "Remo", "Mayoruna", Kapanawa., Marubo, Matsis, Matsés and other undetermined peoples). The Special Cross-Sectorial Regime for the Protection of Indigenous Peoples in Isolation has the obligation to "implement the necessary mechanisms and measures in the areas proposed for the establishment of indigenous reserves, guaranteeing the protection of peoples in isolation and situations of initial contact", However, the Special Regime did nothing when, after the submission of the requests for the creation of the 5 Proposed Indigenous Reserves following the promulgation of Act No. 28736 and its corresponding legislation, and even after the favorable technical qualification of the proposed indigenous reserves during the process of preparing the Preliminary Studies for the Recognition of the Creation of Indigenous Reserves, the Peruvian State, through the Executive Directorate of Forestry and Wildlife of the Regional Environmental Authority of the Loreto Regional Government, the National Forest Service (SERFOR), and the Ministry of Energy and Mines (MINEM), granted at least 41 new illegal forestry concessions and 4 hydrocarbon lots (lots 135, 137, 95 and 138) within the areas of the proposed Indigenous Reserves. (LRPe ORPIO, 2019).</p>
<p><b>Felling of forest species and presence of loggers</b></p>	<p>FENAMAD Mascho Piro</p> <p>MADRE DE DIOS TERRITORIAL RESERVE AND SURROUNDING AREA 1. Acre-Tahuamanu Basin/: Forestry companies The 3 main companies operating concessions near the Madre de Dios Territorial Reserve in the Acre-Tahuamanu sector are: 1. MADERYJA. The Rio Yaverija timber concession is located in the Madre de Dios region, Tahuamanu province, Iñapari district, and covers an area of 49,556 hectares. Of these, 47,568 hectares are for timber production, leaving 1,988 hectares of forest for conservation: 4.01 % of the total area. Concession No. 17-TAH/C-J-004-02 was granted by means of a bidding process under the General Forest Management Plan for a period of 40 years - from 2002 to 2042. The Rio Yaverija logging company's forestry concession was certified in accordance with the principles and criteria of the FSC (Forest Stewardship Council) under certificate number SW-FM/CoC-2175, in force since 2007.</p>

	<p>2. Las Piedras Basin: Loggers</p> <p>2. MADERACRE. 220,000 hectares of forestry concessions certified by the Forest Stewardship Council (FSC®) for the production, processing and marketing of certified wood, and with Voluntary Carbon Standards (VCS) and Climate Community and Biodiversity (CCB) certification, from the Reducing Emissions from Deforestation and Forest Degradation project (REDD) of which it is part. As part of the “Madre de Dios Amazon REDD Project”, Carbon Credits are offered to companies or individuals who wish to offset their carbon footprint.</p> <p>3. Pariamanu Basin: Forestry companies / Illegal loggers</p> <p>3. CANALES TAHUAMANU. The Consolidated Catahua Forestry Concession is formed of the “A” and “B” Canales Tahuamanu S.A.C. Forestry Concessions, and the “Agro Industrial Victoria S.A.C” Forestry Concession: an area of 52,869 ha of sustainable forest management according to FSC (Forest Stewardship Council) principles. CATAHUA is an FSC certified company - RA-FM/COC-005485 and SW-COC-005307.</p> <p>4. Los Amigos Basin: Loggers</p> <p>MANU NATIONAL PARK AREA</p> <p>5. Upper Madre de Dios Basin: Loggers</p> <p>AIDSESEP</p> <p>- Forestry concessions: There are Peruvian owned timber concessions bordering and nearby the Mashco Piro of the Mashco Piro Indigenous Reserve. The following concessions are under contract but currently inactive: Complejo Industrial Maderera Pezo Villacorta-CIMPEVISAC, Industrial Maderera Los Angeles Agro Forest A&amp;J SAC, SANRA Inversiones SAC, Agrupación IRIS, Shamboyacu Forest SAC, Sepahua Tropical SAC, Juanito Gratelli Rengifo, Tropical Timber Group SAC.</p> <p>The concessions of Héctor Soto García and Atlantic Forester SRL have now expired.</p> <p>- In the eastern part of the Madre de Dios Territorial Reserve there are 9 forestry concessions, most of which are Peruvian financed and operate independently. One forestry concession contract was granted for conservation in the Río Los Amigos sector and is currently active. Eight forestry concession contracts were granted for the extraction of timber resources, of which four are currently active (MADERYJA, CATAHUA A, CATAHUA B, Wood Tropical Forest), with management plans approved by the regional and national forestry authorities; two others (EMETCI and Manuel Mayorga) have been “temporarily suspended”; and the last two (MADEBOL and Maderera el Inca) are due to expire according to OSINFOR but have not yet been returned to the State.</p> <p>- The closest concessions to the Murunahua Reserve in the Yuruúa sector belong to the following companies: Forestal Cabrera, whose contract has now expired and the concession area returned to the State (which could re-concession it in the future); and ALPI ROSA S.A.C, which has an existing contract and is on the list of timber trade best practice companies.</p> <p>FENAMAD</p> <p>-Mascho Piro</p> <p>History of conflict: Throughout their history, the Mashco Piro have faced violence and conflict, including inter-ethnic conflicts with other indigenous peoples in their territorial sphere, and successive incursions by non-indigenous people into their territories, mainly associated with illegal resource extraction activities, such as the logging invasions during the “mahogany boom”. In addition to the “material” connections between indigenous peoples and their territory, there are also historical, cultural and symbolic dimensions “written” into the landscape.<sup>223</sup>The relationship of the Mashco Piro with their territory may therefore also include a “geography of violence” which determines the way in which the territory is used.</p> <p>- Las Piedras Basin: Chestnut gatherers / Tourists, filmmakers and researchers /</p> <p>-Manu Basin: Tourists / researchers</p>
<b>Tourism and the presence of outsiders</b>	<p>FENAMAD</p> <p>-Mashco Piro</p> <p>Infrastructure</p> <p>Threats from the construction of road infrastructure. The “Law declaring the construction of roads in border areas and the maintenance of motorized tracks in the Department of Ucayali to be of national interest and priority” was enacted in 2018.</p> <p>The project to build a road between Nuevo Edén and Boca Manu,<sup>224</sup> which is under development along the right bank of the river (opposite the area inhabited by the Mashco Piro) represents a serious threat to the group in isolation and to protection work in the area, as it forms a new colonization front in the Alto Madre de Dios; an area that is already relatively accessible to external actors.</p>

223 Cited in LRPe FENAMAD 2019. Santos-Granero (1998). Writing History into the Landscape: Space, Myth, and Ritual in Contemporary Amazonia, *American Ethnologist*, Vol. 25, No. 2 (May, 1998), pp. 128-148.

224 Cited in LRPe FENAMAD 2019. Available at: <https://ojo-publico.com/sites/apps/amarakaeri-parte1/>. Accessed: 5 April 2019.

	<p>Enterprise Infrastructure</p> <p>Relies mainly on state financing. Access to public funds for this type of work is on occasion granted without following the established guidelines. The Nuevo Eden-Diamante-Boca Manu road in the Alto Madre de Dios area, commissioned by the Madre de Dios Regional Government, is a case in point. On the other hand, the construction of access roads to forestry and other concessions depends mainly on private financial investment.</p> <p>AIDSEP -Mashco Piro</p> <p>2. State-sponsored Road Infrastructure</p> <p>Direct territorial impacts: State-sponsored road infrastructure; forced contact promoted by religious organizations; tourism television and exploration companies (searches for lost treasure); forestry concessions; neighboring native communities; drug trafficking; the illegal extraction of wood; the sale of land to miners who often hunt and practice secretive deforestation.</p> <p>Indirect impacts: Most indirect impacts are a result of legally authorized contracts with Perupetro, with little by way of accountability, business ethics, oversight or mandatory consultation with local residents. In effect, the sustainability of the Ecosphere is being diminished due to interaction with a series of external agents that cause epidemics, alterations in the way of life of the Mashco Piro, and increase the possibility of confrontations in the buffer zones.</p> <p>Illegal logging is accompanied by an increase of wildlife hunting by workers in the area, who live in the forest for several months at a time, placing greater pressure on scarce resources and reducing the space isolated groups have in which to move in order to hunt forest animals for food.</p> <p>Road infrastructure projects put greater pressure on natural resources and increase land invasion. The proliferation of illegal activities such as timber trafficking, drug trafficking, land tenure conflicts and diseases, have a direct impact on the indigenous peoples in isolation and initial contact in their territory.</p> <p>ISCONAHUA Road infrastructure;</p> <p>MATSIGUENKA (NANTI and KIRINERI) Road Infrastructure: There are road projects in Peru sponsored by the State as well as by regional and local governments: Pucallpa-Cruzeiro do Sul road project: The project affects the Isconahua peoples in isolation and initial contact. The road, developed by the Pucallpa Road Consortium (commissioned to design the project by state entity Provias), was initially scheduled to pass within the Isconahua Indigenous Reserve but was re-routed to pass at a distance of 6 kilometers, which is still close enough to be a possible threat to the territories and lives of indigenous peoples in isolation and initial contact.</p> <p>A railroad linking these same cities, and whose initial section would cross the Reserve, has also been discussed. Hence the importance of pointing out the fragility of the ecosystems in these areas and how a road could affect and put at risk the Isconahua peoples and species of fauna in the area (IBC, 2015: 159) The Pucallpa - Cruzeiro do Sul Highway: A route based on the long held interests of Peruvian and Brazilian authorities for greater intercommunication.</p>
Infrastructure	<p>Southern Inter-Oceanic Road Corridor (CVIS): This road was deemed “of national interest and public necessity” by the Peruvian State in Law No. 28214, and built with funds from the Andean Development Corporation. The Peruvian State and the CONIRSA Consortium (Odebrecht, Graña y Montero, ICCGSA and JJ Contratistas generales) signed the concession contract in 2005 and the project was completed in 2010. This road affected the Matsigenka people in the Kugapakori, Nahua, Nanti and Others Territorial Reserve, the Mashco Piro, and an indigenous people from the Madre de Dios Indigenous Reserve whose ethnicity has not yet been identified.</p> <p>Breu-Nueva Italia, Puerto Ocopa-Atalaya and other road projects: These roads affect indigenous peoples in isolation and initial contact in the Mashco Piro Indigenous Reserve including the Mastanahua, Mashco Piro and an indigenous group whose ethnic identity has not been identified. They would also affect the Murunahua, Chitonahua, Mashco Piro and Amahuaca indigenous peoples in isolation and initial contact in the Murunahua Indigenous Reserve. These roads have been promoted by the Provincial Municipality of Atalaya in Ucayali Province.</p> <p>Construction of the Boca Puguientimari Neighborhood Road, Left Bank, Km. 21. Mapotoato, C.P.M. Kepashiato. Operator: Mayor’s Office, Echarate District, Cusco, Mayor Basilides Guzmán Conchatupa, Peru, and would affect the Kugapakori, Nahua, Nanti and Others Territorial Reserve.</p> <p>Puerto Esperanza - Iñapari road: This road was approved by Law No. 1295/2006 CR on November 13, 2007 and was commissioned by the Peruvian Congress’ Transport and Communications Commission. The project could interrupt the Mashco Piro’s subsistence practices and detrimentally affect their physical, mental and emotional health; which is to say it could trigger food problems by limiting access to fruits and animals and increase instances of forced contact and conflicts due to a sense of being invaded. (Huertas, 2015: 138).</p>

	<p>Puerto Esperanza - Iñapari land interconnection project: This road was approved on 1 June 2012 by Law No. 1035-2011/CR which declared, –the land connection between the city of Puerto Esperanza, in the border province of Purús, Department of Ucayali, and the city of Iñapari, in the border province of Tahuamanu, Department of Madre de Dios, by means of a road or railway line that joins Puerto Esperanza, capital of Purús, with Iñapari, capital of Tahuamanu– to be of –public necessity and priority national interest”. It was commissioned by Peruvian Congress’ Transport and Communications Commission. However MINCUL’s Vice-Ministry of Interculturality communicated with those responsible in order to draw attention to the absence of technical feasibility studies, putting at risk indigenous peoples in the Madre de Dios Territorial Reserve as well as those communities that would be fragmented. The Mashco Piro and Yora peoples would be affected in a similar manner to that outlined above in the case of the Esperanza - Iñapari road (Huertas, 2015: 139).</p> <p>Forestry road in Sepahua: According to the Additional Classification Study of the Mashco Piro Territorial Reserve, a road could be under construction for the transportation of wood as a consequence of the forestry concession near Sepahua. The risk would be that the road could reach the headwaters of the rivers that adjoin the Mashco Piro Indigenous Reserve (WWF, 2015).</p>
<b>Disease, Health and Immunology</b>	<p>AIDSESP Disease, Health and Immunological Factors: The “Special Assistance Plan for the Indigenous Mashco Piro on the banks of the Upper Madre de Dios River” has been in place since 2015. This policy has fostered the intensification of their relations with MINCUL officials, generating a dangerous relationship of food dependency among members of the group, and exposing them to the adverse effects of forced contact on their health, way of life and territory. The scheme does not work in practice due to the lack of necessary human and economic resources.</p> <p>Matsigenka (Nanti and Kirineri) Inefficient healthcare monitoring: The RTKNN is the only Reserve with a Protection Plan that identifies the necessary measures to be implemented by the health care sector in order to guarantee the rights and protection of indigenous peoples in isolation and initial contact. -Hydrocarbon activity in the area continues to generate acute respiratory and diarrhea epidemics that contribute to the premature death of the population, affect its population structure, and impact its potential for demographic growth. The activity also contributes to the poor nutritional health of children. -Various socioeconomic processes in the RTKNN area as a result of changes in its surroundings have led to displacement to areas outside of the Reserve, with corresponding outbreaks of diarrhea and respiratory infections, and the appearance of sexually transmitted diseases. In 2012, this led to a situation of prolonged contact in the upper Camisea. There is also a risk of the widespread transmission of Hepatitis B and tuberculosis due to the high incidence disease in the surrounding areas.<sup>225</sup></p> <p>FENAMAD Mascho Piro Oil prospecting - Hydrocarbon activities Funding is predominantly private. Following the suspension of operations by Hunt Oil in Lot 76, there are currently no active lots in Madre de Dios. However, several companies have expressed interest in resuming activities.<sup>226</sup></p>
<b>Oil prospecting -Hydrocarbon activities</b>	<p>AIDSESP Most of the indirect impacts are a result of legally authorized through contracts with Perupetro, without social responsibility or best practices such as continuous supervision, direct and ongoing accountability, or mandatory consultation with local inhabitants. In effect, the sustainability of the ecosystem is being degraded due to interaction with a series of external agents which cause epidemics and alterations in the way of life for the Mashco Piro, in addition to possible exposure and contact with outsiders in the Buffer Zones.</p> <p>MATSIGUENKA (NANTI and KIRINERI) -Hydrocarbon lot 88 (Camisea Gas) overlaps the RTKNN Reserve. The operational expansion of lot 88 carried out by Pluspetrol will lead to: greater contact between company workers and indigenous peoples in isolation, forced displacement, the contamination of water sources, the destruction of forest, and a reduction of wild animals and fish. A contract signed in 2000 between Perupetro (a state-owned company) and a consortium of hydrocarbon companies led by the Peruvian branch of Pluspetrol Corporation S.A. (an Argentinean company) began exploration and extraction in lot 88. This consortium is formed of Hunt Oil Company of Peru L.L.C. (an American company); SK Innovation (a South Korean company); Tecpetrol Peru S.A.C. (a Spanish corporation); Sonatrach Peru Corporation S.A.C. (an Algerian-financed company); and Repsol</p>

225 Cited in LRPe AIDSESP 2019. Visit the link below for an Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the Kugapakori, Nahua, Nanti and Others Territorial Reserve: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf). Accessed: 15 March 2019.

226 Cited in LRPe FENAMAD 2019. Available at: <https://elgasnoticias.com/lote-76-atrae-cinco-petroleras/>. Accessed: 12 March 2019.

	<p>Exploración Peru (a Spanish company).<sup>227</sup> Known financiers include Scotiabank and commercial advisors to Clark Hill PLC.<sup>228</sup> The lot affects the Matsigenka and Yora indigenous peoples in isolation and initial contact (Nanti in Initial Contact; Nanti in Isolation; Kirineri and Nahua in Initial Contact, among others in the RTKNN Reserve).</p> <p>The Camisea Gas Project has exposed indigenous peoples in isolation and initial contact to more intense interaction with surrounding communities and society at large, leading to greater transmission of disease, accelerated cultural changes and organizational problems. This continues despite attempts by CEDIA and COMARU to push for the provision of a more extensive health service from the Peruvian Gas Transport Company because the Ministry of Health (MINSA) has not implemented the relevant plans and protocols.</p> <ul style="list-style-type: none"> <li>- Fish known as 'mota punteada' have been identified as being contaminated by mercury resulting from the Camisea Gas Project.<sup>229</sup> Environmental resources are dwindling due to the presence of Block 88, forcing communities in initial contact to trade with nearby villages.</li> <li>- Next to Camisea, Lot 58 has been concessioned to the China National Petroleum Corporation (CNPC)<sup>230</sup> which is considering the expansion of the Urubamba, Picha, Taini and Paratori fields and the drilling of 10 development wells. The Environmental Impact Study envisages the construction and operation of flow lines, the expansion of facilities and the construction of a natural gas processing plant. This would affect the indigenous peoples in isolation and initial contact in the RTKNN.</li> </ul> <p>MASTANAHUA/YORA (NAHUA)</p> <p>Fish known as 'mota punteada' have been identified as being contaminated by mercury resulting from the Camisea Gas Project.<sup>231</sup> Environmental resources are dwindling due to the presence of Block 88, forcing communities in initial contact to trade with nearby villages.</p> <p>MURUNAHUA/CHITONAHUA</p> <p>-Hydrocarbon Lot 169: Given that the 491,892 ha Lot 169 covers a large part of the Yurua district, hydrocarbon extraction is a serious potential threat. Its exploitation is currently open for international bidding while local inhabitants know very little about the consequences that its development would have for their communities. Although lot 169 does not include the Murunahua Indigenous Reserve, it does comprise the right bank of the Yurua River which is also inhabited and frequented by the Chitona-hua people in isolation, who use the area as a source of supply, settlement and transport. Using similar extractive projects as a point of reference, the possibility of environmental and social impacts is clear.</p> <p>Lot 169 Hydrocarbon Program: This program is sponsored by state-owned Perupetro, which has already carried out the first consultation process related to the exploration and development of hydrocarbon lots; the company intends to hold an international bidding process. There is no available information on present or pending hydrocarbon contracts on Perupetro's official website. Despite this, Perupetro has published the Prior Consultation Process for Lot 169 which details the subscription of the Asháninka (Nueva Santa Ana; Shoniro; Beu; Oori; Koshireni; Sawawawo; Paititi; and Capirushary), Ashéninka (Nueva Shahuaya; Nueva Victoria; Dulce Gloria; Nueva Luz de Arara; Onconashary; and Nueva Bella), Yaminahua (El Dorado; Doradillo; Coronel Portillo; Boca Dorado; Nueva Belén; San Pablo; San Pablillo; and Nuevo San Juan), and Amahuaca (Santa Rosa) indigenous peoples on December 20, 2013, as transcribed in the minutes of the first Prior Consultation process in hydrocarbon exploration and extraction activities. In compliance with the Law on the Right to Prior Consultation of Indigenous or Native Peoples, the Act of Consultation was carried out in Pucallpa with the participation of accredited representatives from the four nations, Perupetro, and technical advisors from the Vice-Ministry of Interculturality of MINCUL;</p> <p>AIDSESEP</p> <p>Most of the indirect impacts are a result of legally authorized through contracts with Perupetro, without social responsibility or best practices such as continuous supervision, direct and ongoing accountability, or mandatory consultation with local inhabitants. In effect, the sustainability of the ecosystem is being degraded due to interaction with a series of external agents which cause epidemics and alterations in the way of life for the Mashco Piro, in addition to possible exposure and contact with outsiders in the Buffer Zones.</p>
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227 Cited in LRPe AIDSESEP 2019. See link: <ftp://ftp.perupetro.com.pe/88/L%2088-11.pdf>. Accessed: 12 March 2019.

228 Cited in LRPe AIDSESEP 2019. Available at: <http://www.globallegalchronicle.com/pluspetrol-camisea-s-a-s-150-million-credit-facility/>. Accessed: 12 March 2019.

229 Cited in LRPe AIDSESEP 2019. Visit the following two hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 12 March 2019; and a virtual news bulletin: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/> Accessed: 12 March 2019.

230 Cited in LRPe AIDSESEP 2019. Available at: <http://semanaeconomica.com/article/sectores-y-empresas/energia/263916-china-cnpc-invertiria-mas-de-us4400-millones-en-el-lote-58-en-el-cusco/>. Accessed: 12 March 2019.

231 Cited in LRPe AIDSESEP 2019. Visit the following two hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 12 March 2019; and a virtual news bulletin: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/> Accessed: 12 March 2019.

	<p>MATSIGUENKA (NANTI and KIRINERI)          -Hydrocarbon lot 88 (Camisea Gas) overlaps the RTKNN Reserve.          The operational expansion of lot 88 carried out by Pluspetrol will lead to: greater contact between company workers and indigenous peoples in isolation, forced displacement, the contamination of water sources, the destruction of forest, and a reduction of wild animals and fish.          A contract signed in 2000 between Perupetro (a state-owned company) and a consortium of hydrocarbon companies led by the Peruvian branch of Pluspetrol Corporation S.A. (an Argentinean company) began exploration and extraction in lot 88. This consortium is formed of Hunt Oil Company of Peru L.L.C. (an American company); SK Innovation (a South Korean company); Tecpetrol Peru S.A.C. (a Spanish corporation); Sonatrach Peru Corporation S.A.C. (an Algerian-financed company); and Repsol Exploración Peru (a Spanish company).<sup>232</sup> Known financiers include Scotiabank and commercial advisors to Clark Hill PLC.<sup>233</sup> The lot affects the Matsigenka and Yora indigenous peoples in isolation and initial contact (Nanti in Initial Contact; Nanti in Isolation; Kirineri and Nahua in Initial Contact, among others in the RTKNN Reserve).</p> <p>The Camisea Gas Project has exposed indigenous peoples in isolation and initial contact to more intense interaction with surrounding communities and society at large, leading to greater transmission of disease, accelerated cultural changes and organizational problems. This continues despite attempts by CEDIA and COMARU to push for the provision of a more extensive health service from the Peruvian Gas Transport Company because the Ministry of Health (MINSA) has not implemented the relevant plans and protocols.</p> <p>- Fish known as 'mota punteada' have been identified as being contaminated by mercury resulting from the Camisea Gas Project.<sup>234</sup> Environmental resources are dwindling due to the presence of Block 88, forcing communities in initial contact to trade with nearby villages.          - Next to Camisea, Lot 58 has been concessioned to the China National Petroleum Corporation (CNPC)<sup>235</sup> which is considering the expansion of the Urubamba, Picha, Taini and Paratori fields and the drilling of 10 development wells. The Environmental Impact Study envisages the construction and operation of flow lines, the expansion of facilities and the construction of a natural gas processing plant. This would affect the indigenous peoples in isolation and initial contact in the RTKNN.</p> <p>MASTANAHUA/YORA (NAHUA)          Fish known as 'mota punteada' have been identified as being contaminated by mercury resulting from the Camisea Gas Project.<sup>236</sup> Environmental resources are dwindling due to the presence of Block 88, forcing communities in initial contact to trade with nearby villages.</p> <p>MURUNAHUA/CHITONAHUA          -Hydrocarbon Lot 169: Given that the 491,892 ha Lot 169 covers a large part of the Yurua district, hydrocarbon extraction is a serious potential threat. Its exploitation is currently open for international bidding while local inhabitants know very little about the consequences that its development would have for their communities. Although lot 169 does not include the Murunahua Indigenous Reserve, it does comprise the right bank of the Yurua River which is also inhabited and frequented by the Chitona-hua people in isolation, who use the area as a source of supply, settlement and transport. Using similar extractive projects as a point of reference, the possibility of environmental and social impacts is clear.</p> <p>Lot 169 Hydrocarbon Program: This program is sponsored by state-owned Perupetro, which has already carried out the first consultation process related to the exploration and development of hydrocarbon lots; the company intends to hold an international bidding process. There is no available information on present or pending hydrocarbon contracts on Perupetro's official website. Despite this, Perupetro has published the Prior Consultation Process for Lot 169 which details the subscription of the Asháninka (Nueva Santa Ana; Shoniro; Beu; Oori; Koshireni; Sawawawo; Paititi; and Capirushary),</p>
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232 Cited in LRPe AIDESEP 2019. See link: <ftp://ftp.perupetro.com.pe/88/L%2088-11.pdf>. Accessed: 12 March 2019.

233 Cited in LRPe AIDESEP 2019. Available at: <http://www.globallegalchronicle.com/pluspetrol-camisea-s-a-s-150-million-credit-facility/>. Accessed: 12 March 2019.

234 Cited in LRPe AIDESEP 2019. Visit the following two hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 12 March 2019; and a virtual news bulletin: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/> Accessed: 12 March 2019.

235 Cited in LRPe AIDESEP 2019. Available at: <http://semanaeconomica.com/articulo/sectores-y-empresas/energia/263916-china-cnpc-invertiria-mas-de-us4400-millones-en-el-lote-58-en-el-cusco/>. Accessed: 12 March 2019.

236 Cited in LRPe AIDESEP 2019. Visit the following two hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 12 March 2019; and a virtual news bulletin: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/> Accessed: 12 March 2019.

	<p>Ashéninka (Nueva Shahuaya; Nueva Victoria; Dulce Gloria; Nueva Luz de Arara; Onconashary; and Nueva Bella), Yaminahua (El Dorado; Doradillo; Coronel Portillo; Boca Dorado; Nueva Belén; San Pablo; San Pablillo; and Nuevo San Juan), and Amahuaca (Santa Rosa) indigenous peoples on December 20, 2013, as transcribed in the minutes of the first Prior Consultation process in hydrocarbon exploration and extraction activities. In compliance with the Law on the Right to Prior Consultation of Indigenous or Native Peoples, the Act of Consultation was carried out in Pucallpa with the participation of accredited representatives from the four nations, Perupetro, and technical advisors from the Vice-Ministry of Interculturality of MINCUL; and finally, as observers, the Office of the Ombudsman and the General Office of Social Management of the Ministry of Energy and Mines.<sup>237</sup> According to the document The Implementation of the Right to Prior Consultation in the Hydrocarbon Sector, the following conclusions regarding the 4 points of dialogue have been accepted: The collective rights of indigenous peoples; concern about the contamination of forests, rivers and animals; the preferential hiring of indigenous labor; and finally, the revision of the contract.<sup>238</sup> At the same time, there are commitments to be assumed by the operator and the populations at risk of being impacted, logistical arrangements to be provided by Perupetro, and measures to be taken by MINCUL in order to address any unofficial concerns in the four stipulated areas.</p> <p>ORPIO</p> <p>-Korubo, Kulina-Pano, “Flecheiro”/Tavakina, Isconahua, “Remo”, “Mayoruna”, Kapanawa and other peoples as yet unidentified.</p> <p>Supreme Decrees No. 065-2007-EM and 066-2007-EM were passed on 20 November 2007 (12 years after ILO 169 came into force in Peru and one month after the publication of the Regulations to Law No. 28736), approving the establishment, scope, boundaries and designation of lots 135 and 137, located in the Province of Requena in the Department of Loreto. The lots were handed to PERÚPETRO S.A. and declared open for contracting out. It should be noted that lots 135 and 137 overlap the Matsés Peoples territory in the Matsés Native Community, Matsés National Reserve, in the Sierra del Divisor National Park (then the Sierra del Divisor Reserved Zone), as well as the proposed Tapiche-Blanco-Yaquerana-Chobayacu and tributaries Indigenous Reserve. At this moment Lots 135 and 137 have not been awarded to any company. However the threat remains that the State could license the concessions at any time.</p> <p>AIDSEP</p> <p>Lot 187 hydrocarbon project: This project was approved by Perupetro, Peru's state-owned company, for international public bidding for hydrocarbon exploration and extraction contracts. Though there is no information on record of present or pending hydrocarbon contract holders, in July 2013 it was approved by Petroperu for international bidding under the terms of exploration and extraction (HUERTAS, 2015: 125). The author of the report also maintains that it overlaps “(...) with the territories inhabited by Mashco Piro people in isolation on the Acre, Tahuamanu and Las Piedras rivers and their tributaries” (Ibid.). As mentioned by the author and in the online information presented by SERVINDI (last dated January 6, 2015), the problem is that Perupetro does not recognize the official presence of indigenous peoples in isolation. According to SERVINDI, the Mashco Piro indigenous peoples in isolation along the Las Piedras River feel threatened by their ethno-historical experiences of raids, epidemics, confrontations, etc.</p> <p>According to Huertas' report, during the August 2014 consultation meeting held in the town of Iberia, Tahuamanu Province, in compliance with the citizen participation regulations, company representatives stated that there was no convincing information about the presence of indigenous peoples in isolation. As a result, Perupetro did not guarantee to fulfill its obligations, rejecting the 2013 defense of the indigenous territory, which lacked the paternal vision of a political State, and consequently imposing an asymmetrical power relationship. There is however, evidence of their presence thanks to the combined work of protection agents from FENAMAD; Alto Purús National Park; members of Yine Monte Salvado, Puerto Nuevo and Nuevo Oceania Boca Shupiwí.</p> <p>Lot 157 Hydrocarbon Project: This lot was awarded to the Norwegian company Discover Petroleum in 2008. However, due to allegations of corruption, alleging the misappropriation of funds by those in charge of the bidding process, the contract was suspended until 2013, when it was again considered by Perupetro. According to the aforementioned report, carrying out the project would not only affect the Mashco Piro people. SERVINDI reports that the Tres Islas native community, which is made up of the Shipibo and Ese'Eja indigenous peoples of Tambopata province, Department of Madre de Dios, filed a complaint with the Constitutional Court to keep oil concessions away from their territory. In September 2012 the Constitutional Court issued STC Exp. N° 1126-2011-PHC/TC recognizing “(...) their rights to territorial property, autonomy and self-determination”. Likewise, the community assembly stated that none of its members</p>
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237 Cited in LRPe AIDSEP 2019. See: <https://www.perupetro.com.pe/wps/wcm/connect/6cf7cdfa-fa27-4030-ae94-4b3d27ad156c/Suplemento+Consultation+Preview+-+Batch+169.pdf?MOD=AJPERES>.

238 Cited in LRPe AIDSEP 2019. Review page 27 of the following link: <file:///C:/Users/Rodrigo/Downloads/LAIMPLEMENTACIONDEL-DERECHOALACONSULTAPREVIAENELSECTORHIDROCARBUROSLAEXPERIENCIADELOSLOTES169Y195.pdf>.

	<p>had authorized any type of extractive activity within their territory, and that only the general assembly can provide authorization according to the communal statute by which they are protected. As a result, on July 17, 2015, Perupetro prepared a Technical Report No. GFOD-OPUC-097-2015, entitled Face-to-Face Citizen Participation Event for the Initialization of the International Public Bidding Process for Lot 157, which outlines the two objectives for carrying out citizen consultation. The first is: "To provide clear information regarding the project (...), on its future bidding process and the possible activities to be carried out as part of it"; and second, "To gather the perception, opinion, initiatives, contributions, comments and suggestions of the authorities and general population". According to Perupetro the event was carried out based on the criteria of respect, good faith and cordiality. The authorities, officials and the population present expressed their availability for future coordination with PERUPETRO (...). and finally, as observers, the Office of the Ombudsman and the General Office of Social Management of the Ministry of Energy and Mines.<sup>239</sup> According to the document The Implementation of the Right to Prior Consultation in the Hydrocarbon Sector, the following conclusions regarding the 4 points of dialogue have been accepted: The collective rights of indigenous peoples; concern about the contamination of forests, rivers and animals; the preferential hiring of indigenous labor; and finally, the revision of the contract.<sup>240</sup> At the same time, there are commitments to be assumed by the operator and the populations at risk of being impacted, logistical arrangements to be provided by Perupetro, and measures to be taken by MINCUL in order to address any unofficial concerns in the four stipulated areas.</p> <p><b>ORPIO</b> -Korubo, Kulina-Pano, "Flecheiro"/Tavakina, Isconahua, "Remo", "Mayoruna", Kapanawa and other peoples as yet unidentified. Supreme Decrees No. 065-2007-EM and 066-2007-EM were passed on 20 November 2007 (12 years after ILO 169 came into force in Peru and one month after the publication of the Regulations to Law No. 28736), approving the establishment, scope, boundaries and designation of lots 135 and 137, located in the Province of Requena in the Department of Loreto. The lots were handed to PERUPETRO S.A. and declared open for contracting out. It should be noted that lots 135 and 137 overlap the Matsés Peoples territory in the Matsés Native Community, Matsés National Reserve, in the Sierra del Divisor National Park (then the Sierra del Divisor Reserved Zone), as well as the proposed Tapiche-Blanco-Yaquerana-Chobayacu and tributaries Indigenous Reserve. At this moment Lots 135 and 137 have not been awarded to any company. However the threat remains that the State could license the concessions at any time.</p> <p><b>AIDSEP</b> Lot 187 hydrocarbon project: This project was approved by Perupetro, Peru's state-owned company, for international public bidding for hydrocarbon exploration and extraction contracts. Though there is no information on record of present or pending hydrocarbon contract holders, in July 2013 it was approved by Petroperu for international bidding under the terms of exploration and extraction (HUERTAS, 2015: 125). The author of the report also maintains that it overlaps "(...) with the territories inhabited by Mascho Piropeople in isolation on the Acre, Tahuamanu and Las Piedras rivers and their tributaries" (Ibid.). As mentioned by the author and in the online information presented by SERVINDI (last dated January 6, 2015)<sup>241</sup>, the problem is that Perupetro does not recognize the official presence of indigenous peoples in isolation. According to SERVINDI, the Mascho Piro indigenous peoples in isolation along the Las Piedras River feel threatened by their ethno-historical experiences of raids, epidemics, confrontations, etc. According to Huertas' report, during the August 2014 consultation meeting held in the town of Iberia, Tahuamanu Province, in compliance with the citizen participation regulations, company representatives stated that there was no convincing information about the presence of indigenous peoples in isolation. As a result, Perupetro did not guarantee to fulfill its obligations, rejecting the 2013 defense of the indigenous territory, which lacked the paternal vision of a political State, and consequently imposing an asymmetrical power relationship. There is however, evidence of their presence thanks to the combined work of protection agents from FENAMAD; Alto Purús National Park; members of Yine Monte Salvado, Puerto Nuevo and Nuevo Oceania Boca Shupiwí.</p> <p>Lot 157 Hydrocarbon Project: This lot was awarded to the Norwegian company Discover Petroleum in 2008. However, due to allegations of corruption, alleging the misappropriation of funds by those in charge of the bidding process, the contract was suspended until 2013, when it was again considered by Perupetro. According to the aforementioned report, carrying out the project would not only affect the Mascho Piropeople. SERVINDI reports that the Tres Islas native community, which is made up of the Shipibo and Ese'Eja indigenous peoples of Tambopata province, Department of Madre de Dios, filed a complaint with the Constitutional Court to keep oil concessions away from their territory. In September 2012 the Constitutional Court issued STC Exp. N° 1126-2011-PHC/TC recognizing "(...) their rights to</p>
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239 Cited in LRPe AIDSEP 2019. See: <https://www.perupetro.com.pe/wps/wcm/connect/6cf7cdfa-fa27-4030-ae94-4b3d27ad156c/Su-plemento+Consultation+Preview+-+Batch+169.pdf?MOD=AJPERES>.

240 Cited in LRPe AIDSEP 2019. Review page 27 of the following link: <file:///C:/Users/Rodrigo/Downloads/LAIMPLEMENTACIONDEL-DERECHOALACONSULTAPREVIAENELSECTORHIDROCARBUOSLAEXPERIENCIADELOSLOTES169Y195.pdf>.

241 Cited in LRPe AIDSEP 2019. See: <https://www.servindi.org/actualidad/120714> and <https://www.servindi.org/actualidad/120261>.

	<p>territorial property, autonomy and self-determination". Likewise, the community assembly stated that none of its members had authorized any type of extractive activity within their territory, and that only the general assembly can provide authorization according to the communal statute by which they are protected. As a result, on July 17, 2015, Perupetro prepared a Technical Report No. GFOD-OPUC-097-2015, entitled Face-to-Face Citizen Participation Event for the Initialization of the International Public Bidding Process for Lot 157, which outlines the two objectives for carrying out citizen consultation. The first is: "To provide clear information regarding the project (...), on its future bidding process and the possible activities to be carried out as part of it"; and second, "To gather the perception, opinion, initiatives, contributions, comments and suggestions of the authorities and general population". According to Perupetro the event was carried out based on the criteria of respect, good faith and cordiality. The authorities, officials and the population present expressed their availability for future coordination with PERUPETRO (...)" <sup>242</sup></p> <p>As with lot 169, however, the measures are still under the management of MINCUL and it is essential to continue monitoring compliance and the respect for the protection of indigenous peoples in initial contact and in isolation.</p> <p>Lot 133: Managed for the first time by Petrolifera Petroleum del Peru S.A.C., as of April 16, 2009. The contract was drawn up under the Exploration and Extraction license by Perupetro, represented by General Manager Milton Ubalde Rodríguez Cornejo. Perupetro's website does not offer more information and its link is temporarily disabled. As indicated, to date there has been extraction in the area for 9 years.</p> <p>Lot 135: Pacific Rubiales and Pacific Stratus Energy de Peru S.A. which operate under an Exploration and Extraction contract, awarded control on 21 November 2007, by General Manager of Perupetro S.A. Carlos Edgar Vives Suárez Perupetro also effected the transfer of investments to new shareholders, sharing the concession with Canadian company Frontera Energy Corporation (TSX: FEC). Lot 135 is not currently concessioned to any company however the threat remains that the state could re-license it at any time.</p> <p>Lot 67: Managed by Perenco PLT. The first contract was signed on February 26, 1998 by General Manager Miguel Hernan Celi Rivera under an Exploration and Extraction license. According to information from the Global Chronicler<sup>243</sup>, the China Development Bank Corporation and Fortune Lianjiang Shipping S.A. are combining their investments in order to concentrate landownership in Latin America. The contract, managed by Perupetro, states that the following companies were invited to bid: Advantage Resources International, Peru Branch; Korea Petroleum Development Corporation, Peru Branch; Hanwah Energy Company Limited, Peru Branch; and Hyundai Corporation, Peru Branch. Perupetro's website does not offer more information because its link has been temporarily disabled, however the Excel table indicates that there has been extraction in the area for 20 years.</p>
<p><b>Institutionalization, Public Policies and Legal Frameworks</b></p>	<p>FENAMAD -Mascho Piro</p> <p>Institutionalization, Public Policies and Legal Frameworks: The Institutionalization of Protection Policies for Indigenous Peoples in Isolation and Initial Contact. The Ministry of Culture, the principal institution responsible for these matters, displays significant institutional weaknesses, affecting the development and implementation of effective protection policies.</p> <p>-The implementation of the state's Special Assistance Plan has increased the presence of Mascho Piro on the banks of the Upper Madre de Dios River as a result of the delivery of food (banana, yucca and sugar cane); new food needs have been generated amongst the population, which now require permanent attendance. This has led to an increase in the number of sightings and encouraged competition and conflict amongst the Mascho Piro in their efforts to obtain these products (AIDESEP, 2017).</p> <p>AIDESEP</p> <p>ISCONAHUA / MURUNAHUA/CHITONAHUA</p> <p>This poses a threat to all Indigenous Peoples in Isolation and Initial Contact.</p> <p>Regulatory loopholes: The most controversial aspect of the legislation concerns the intangibility of the Indigenous Reserves... due to the way it is stated in Art. 5 of the Bill and Art. 35 of its regulations, it is possible that this right is not absolute, but relative. By declaring natural resources in the indigenous territories to be of national interest, the State can remove protection and proceed with exploitation.</p> <p>The protection system for Indigenous Reserves: Though recently given the power to issue administrative sanctions, the system of management of the guards and checkpoints located in the main entrances of the Territorial/Indigenous Reserves is in danger, as they do not have the necessary financial and logistical resources to carry out their work.</p>

242 Cited in LRPe AIDESEP 2019. See: <http://www.perupetro.com.pe/wps/wcm/connect/corporativo/5e9a39e1-f00c-4777-93c0-922a75e411f0/EP%20LOTE%2B%2B157.pdf?MOD=AJPERES>.

243 Cited in LRPe AIDESEP 2019. See: <http://www.globallegalchronicle.com/pluspetrol-camisea-s-a-s-150-million-credit-facility/>.

	<p>According to Huertas (2015: 169-175), the following agencies and checkpoints exist for the territories: There are 3 checkpoints in the Kugapakori Nahua Nanti and Others Territorial Reserve: "Boca Tigre" on the Mishagua River, "Inaroato" on the Camisea River and "Sababantiari" on the Ticumpinia River, the latter having been inactive for the past two years.</p> <p>There are two checkpoints for the Madre de Dios Territorial Reserve: "Nomole (Hermano)" in the Diamante community and "Las Piedras" in the Monte Salvado community and Las Piedras river; as well as a control and surveillance cabin in the Puerto Nuevo community, which also supervises any emergencies due to the isolation of the Mascho Piropeoples in the Monte Salvado community.</p> <p>There are two checkpoints and a guard post financed by the Rainforest Foundation Norway in the Murunahua Indigenous Reserve: "Dulce Gloria" in the Ashéninka Dulce Gloria community on the upper Yurua; "Inmaculada" at the confluence of the Mapuya and Inuya Rivers - previously in the Ashéninka Ojeayo community; and "Boca Raya" in the Ashéninka Onconashari community in the canyon of the same name on the tributary of the Huacapishtea river - supervised by the "Dulce Gloria" post.</p> <p>In the Mascho PiroIndigenous Reserve, the "Cetico" post is situated on a tributary of the Curanja River in the "Santa Rey" Cashinahua community. In the Natural Protected Areas that have isolated communities in the interior - there are 2 posts in the Purús Communal Reserve: "Saniruja" (no further information) and "Santo Tomás" on the Curanja River; 2 in the Alto Purús National Park - "Tahuamanu" on the river of the same name, and "Cocama" at the headwaters of the creek of the same name, and a tributary of the Purús river; and 3 in the Manu National Park - "Puzanga" on the tributary of the Alto Madre de Dios River, and "Pakitza" and "Refugio Amalia" at the mouth of the Amalia Creek on the Piñipiñi River to the South of the Territorial Corridor.</p> <p>Finally, there are two Monitoring Centers in the Los Amigos Conservation Concession (ACCA) - where personnel are trained, and there are mandatory observation and contingency protocols for staff.<sup>244</sup></p> <p>MATSIGUENKA (NANTI and KIRINER)</p> <p>10- Institutional, public policy and legal framework weaknesses:</p> <ul style="list-style-type: none"> <li>-Weaknesses in the management of Natural Protected Areas for the protection of indigenous peoples in isolation and initial contact: Areas such as Manu National Park have endured the presence of external agents with differing interests for many years. Their presence is the main reason for the high incidence of disease and death in the Matsigenka peoples in initial contact on the Manu and Piñipiñi Rivers. Manu National Park has witnessed the growth of diseases introduced by visitors; these have fatal impacts on the Matsigenka peoples in isolation and initial contact that inhabit the area.</li> <li>-The weakening of protection standards in the Kugapakori, Nahua, Nanti and other Territorial Reserves, in terms of human resources management.</li> <li>- Regulatory loopholes: The most controversial aspect of the legislation concerns the intangibility of the Indigenous Reserves... due to the way it is stated in art. 5 of the Bill and art. 35 of its legislation, it is possible that this right is not absolute, but relative. By declaring the natural resources in the indigenous territories to be in the national interest, the State can remove its protection and proceed with exploitation.</li> </ul>
<b>Drug trafficking</b>	<p>FENAMAD</p> <p>Las Piedras Basin: Drug Trafficking</p>

The illicit activities highlighted in the Peru Local Reports tend to be the result of infrastructure programs implemented by national and/or regional governments, as indicated in AIDESEP's report:

"Road infrastructure projects lead to greater pressure on natural resources, the invasion and illegal trading of land, the proliferation of illegal activities such as timber and drug trafficking, land tenure conflicts, and various diseases that all impact directly upon the lives and territory of indigenous peoples in isolation and initial contact." (LRPe AIDESEP, 2019).

There are numerous illicit activities that directly and/or indirectly affect indigenous peoples in isolation: Illegal mining (which pollutes rivers and increases the risk of contact); illegal hunting

and commercial fishing (for the sale of meat and trafficking of live wild animals) which diminishes wildlife and fish stocks; illegal logging and mining (which causes deforestation and opens up access to riverbanks, headwaters and the lower regions of rivers and lagoons); unregulated adventure tourism; researchers, academics, missionaries and drug traffickers. All of these activities can lead to chance encounters with isolated peoples, increasing the risk of contact and the subsequent transmission of infectious diseases to which these people have no immunity, potentially resulting in death within a short space of time.

Below are excerpts from the three local reports that reveal the situation:

244 Cited in LRPe AIDESEP 2019. Huertas (2015) Territorial corridor for the Pano, Arawak and other indigenous peoples in isolation and initial contact. AIDESEP.

“Fish known as ‘mota punteada’ have been identified as being contaminated due to mercury pollution from the Camisea Gas Project.<sup>245</sup> Environmental resources are dwindling due to the presence of Block 88, forcing isolated communities to trade with nearby villages (LRPe AIDSEP, 2019).

In the Madre de Dios region there is a serious socio-environmental problem linked to the extraction of alluvial gold. The area designated for mining activity occupies about half a million hectares, but the activity has expanded beyond this area. The presence of miners has been recorded in certain areas of the Mascho Piro territories, particularly around the Pariamanu River basin. The expansion of this extractive front into other sensitive areas in Manu Province could be further accelerated if a road building project between the towns of Boca Manu and Boca Colorado materializes (ILPe FENAMAD, 2019).

Eastern limit of the Madre de Dios Territorial Reserve: Incidents of various kinds are regularly recorded along the eastern border of the Reserve (as defined by coordinate 343) between the Mascho Piro indigenous people in isolation and external actors (loggers, indigenous people from native communities, fishermen, among others) (LRPe FENAMAD, 2019).

Commercial hunting: Commercial hunting exists along the Inuya River. In addition to obtaining meat, live animals are also captured to be sold as pets in the city of Atalaya. This activity is carried out by the community members themselves, motivated by local demand as well as by foreigners who even arrive in the communities themselves looking to buy wild animals (LRPe AIDSEP, 2019).

Fishing activity: a large proportion of the violent encounters between indigenous peoples in isolation and nearby native communities occur in the context of fishing activities undertaken by the latter. Due to the intensity and extensive nature of these commercial fishing operations, the activity becomes increasingly risky in the upper sections of the Purús basin, far from the communities, where indigenous peoples in isolation exercise greater territorial control (WWF, 2015a; LRPe AIDSEP, 2019).

Incidents with loggers and other outsiders involved in extractive activities in areas inhabi-

ted by the Mashco Piro. These mainly take place in the eastern sector of the Madre de Dios Territorial Reserve and involve not only loggers but chestnut gatherers, fishermen, and to a lesser extent, miners.

Logging activity presently takes place in different areas of the territories of indigenous peoples in isolation and initial contact. Several logging companies are operating, according to forest certification standards, between the Tahuamanu and Acre River basins in areas near the Reserve with a documented presence of Mascho Piro people. Logging by both concessionaires and illegal operators also takes place in the Pariamanu River area, outside the Reserve with a recorded presence of peoples in isolation (LRPe FENAMAD, 2019).

Risks associated with tourism and research activities are particularly evident along the Manu River where the presence of the Mascho Piro has been documented on both banks. External actors in this case include groups of tourists who visit the sector on organized multi-day trips, as well as students and researchers who carry out work at the Cocha Cashu Biological Station (LRPe FENAMAD, 2019).

-MURUNAHUA/CHITONAHUA: Forced contact initiated by churches, including the Dominican Mission in Sepahua (Catholic Church) and the Bible Training Centre (Evangelical Church). On several occasions both churches have shown interest in initiating contact with indigenous peoples in isolation (ProPurús, 2016, pp. 38-39; LRPe AIDSEP, 2019).

ISCONAHUA: The presence of proselytizing religious activities. According to the Additional Classification Study of the Isconahua Territorial Reserve, this type of activity poses risks to the population because it challenges the cultural preservation of customs and jurisdiction. The study points out that representatives of both evangelical and catholic churches are prone to making efforts to contact indigenous peoples in isolation and initial contact with little concern for the regulations, the choices of peoples in isolation, or the standards that protect them. These include Adventist, Catholic and Evangelical congregations such as the South American Mission; the Assembly of God of Peru; Shintuya and Yine Diamond Dominicans; and finally, the New Covenant Israelite

245 Cited in LRPe AIDSEP 2019. Visit the following two hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 15 March 2019; and a virtual news bulletin: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/> Accessed: 15 March 2019.

Congregation (IBC, 2015, p. 159; LRPe AIDESEP, 2019).

There is increasing evidence that due to their inaccessibility and relative intangibility, territories inhabited by peoples in isolation in areas along the eastern border of the Territorial Reserve, the Bahuaja Sonene National Park,<sup>246</sup> and Manu National Park,<sup>247</sup> have become strategic areas in the international drug trafficking economy, both for production and transportation. Salisbury and Fagan (2013) published a pioneering article<sup>248</sup> about this emerging problem in the traditional territories of indigenous peoples in isolation in three territorial reserves on the Peru-Brazil border (Murunahua,

Madre de Dios and Mashco Piro). The study concludes that the eradication of coca crops in Ucayali has resulted in the suspension of activities in remote border areas such as the Sierra del Divisor National Park (Brazil) and the Alto Purus National Park (Peru). The impacts on indigenous peoples in isolation of outsiders involved in this illegal economy have been widely documented in recent years, and include involuntary relocation, conflict and even contact.”<sup>249</sup> (LRPe FENAMAD, 2019)

The following table summarizes the information of the indigenous organizations’ local reports on illicit activities affecting the territories of indigenous peoples in isolation:

**Table 28. Activities in Peru Resulting from the Absence of the State**

THREAT	PERU
	ACTIVITIES RESULTING FROM THE ABSENCE OF THE STATE
<b>Illegal pollution</b>	AIDESEP Mastanahua/Yora (Nahua) Fish known as ‘mota punteada’ have been identified as being contaminated by mercury due to pollution from the Camisea Gas Project <sup>250</sup> Environmental resources are dwindling due to the presence of Block 88, forcing isolated communities to trade with nearby villages.
<b>Illegal logging of forest species and the presence of loggers</b>	FENAMAD Mascho Piro 1-Illegal felling of forest species and presence of loggers: Incidents with loggers and other outsiders who carry out extractive activities in areas inhabited by the Mashco Piro. This situation is mainly located in the eastern sector of the Madre de Dios Territorial Reserve, and involves not only loggers but chestnut gatherers, fishermen, and to a lesser extent, miners. Despite the intense illegal extraction of precious woods that took place in Madre de Dios over a period of approximately a decade during the so-called “mahogany boom” <sup>251 252 253</sup> , there are still forest resources in the traditional territories of the Mashco Piro.  At present, logging activity across the region continues under different circumstances inside the territories of indigenous peoples in isolation and initial contact. Several logging companies are operating, based on forest certification standards, between the Tahuamanu and Acre River basins, in areas near the Reserve that have a documented presence of Mashco Piro. Logging by both concession holders and illegal operators also takes place in the Pariamanu River basin in areas outside of the reserve that also have a recorded presence of peoples in isolation.

246 Cited in LRPe FENAMAD 2019. Available at: <https://es.mongabay.com/2018/05/bahuaja-sonene-mineria-ilegal-narcotrafico/>. Accessed: 5 April 2019.

247 Cited in the LRPe FENAMAD 2019. Available at: <https://elcomercio.pe/peru/madre-de-dios/droga-alto-vuelo-manu-policia-detecta-pistas-clandestinas-noticia-532243>. Accessed: 5 April 2019.

248 Cited in LRPe FENAMAD 2019. Salisbury, D. & Fagan, C. (2013). Coca and Conservation: Cultivation, Eradication, and Trafficking in the Amazon Borderlands. *GeoJournal*, 78, 1.

249 Available at: <https://www.cartacapital.com.br/blogs/blog-do-milanez/esqueca-mitos-coloniais-o-contato-dos-xatanawa-no-acre-poe-fim-a-uma-resistencia-centenaria-8896.html> Accessed: 5 April 2019.

250 Cited in LRPe AIDESEP 2019. Visit the two following hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the previously mentioned RTKNN: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 15 March 2019; and a virtual newsletter: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/> Accessed: 15 March 2019.

251 Cited in LRPe FENAMAD 2019. Available at: [https://www.spda.org.pe/?wpfb\\_dl=101](https://www.spda.org.pe/?wpfb_dl=101). Accessed: 5 April 2019.

252 Cited in LRPe FENAMAD 2019. Available at: [https://www.iwgia.org/images/publications/0336\\_madre\\_de\\_dios.pdf](https://www.iwgia.org/images/publications/0336_madre_de_dios.pdf). Accessed: 5 April 2019.

253 Cited in LRPe FENAMAD 2019. Available at: [http://www.pro169.org/res/materials/es/forced\\_labour/Documento%20de%20Trabajo%20-%20El%20Trabajo%20Forzoso%20en%20la%20Extraccion%20de%20la%20Madera%20en%20la%20Amazonia%20Peruana.pdf](http://www.pro169.org/res/materials/es/forced_labour/Documento%20de%20Trabajo%20-%20El%20Trabajo%20Forzoso%20en%20la%20Extraccion%20de%20la%20Madera%20en%20la%20Amazonia%20Peruana.pdf). Accessed: 5 April 2019.

	<p>Enterprise</p> <p>Mascho Piro 1-Illegal felling of forest species and presence of loggers: This activity is privately financed and conducted by a variety of actors including native communities, small local extractors, and large international companies, some of which have certification labels.<sup>254</sup> Control and supervision mechanisms are limited and there is a significant degree of informality and illegality in certain sectors.</p> <p>AIDSEP</p> <p>Mastanahua/Yora (Nahua) -illegal logging.</p> <p>Isconahua -Illegal logging As well as causing deforestation, illegal logging and mining also open up roads and access to riverbanks, lakes, headwaters and lower catchment areas. Illegal Logging: Based on information provided by the National Service of Natural Protected Areas (SER-NANP), AIDSEP's latest report (2017:18) notes that there were more than 30 illegal logging camps within the Isconahua Indigenous Reserve in 2016, most of which were located on the Utuquinia River and in Shesha. This activity was likely undertaken by villagers located near the aforementioned river and neighboring areas. The presence of illegal loggers in the upper Utuquinia River area displaces indigenous peoples in isolation and totally restricts access to resources such as Quelonio and Taricaya eggs.</p> <p>MURUNAHUA/CHITONAHUA Illegal activities such as logging. -Illegal logging: The most severely impacted areas are around the Inuya River and its Mapuya tributary, from where wood is taken to the city of Atalaya. An over flight carried out in May 2015 by specialized personnel from the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples (INDEPA)<sup>255</sup> confirmed the presence of this type of activity in the Kipashari River basin near the headwaters of the Envira River. -Native communities: The inhabitants of some of the communities located in the Inuya River area are involved in illegal logging activity, in which they operate under vague agreements with businessmen who often end up cheating them.</p>
<b>Tourism and the presence of outsiders</b>	<p>FENAMAD Mascho Piro Tourism and the presence of outsiders Risks associated with tourism and research activities are particularly evident along the Manu River, where the presence of Mascho Pirohas been recorded on both banks. External actors in this case include groups of tourists who visit the sector on organized multi-day trips, as well as students and researchers who carry out work at the Cocha Cashu Biological Station.</p> <p>AIDSEP -Forced contact promoted by religious organizations and tourist, television and exploration companies (e.g. searches for lost treasure). -Neighboring native communities. -The presence of the media in the Alto Madre de Dios has been permitted and promoted by the Peruvian State without considering the regulatory mechanisms for the responsible use and dissemination of the information obtained. The stigmatization of the area's inhabitants in several of the broadcasts and publications has created insecurity and undermined the dignity of the population.<sup>256</sup></p> <p>Murunahua/Chitonahua Forced contact due to surrounding communities entering the territory of indigenous peoples in isolation for commercial hunting; Drug trafficking.</p>

254 Cited in LRPe FENAMAD 2019. As is the case of MADERYJA and MADERACRE, among others.

255 Cited in LRPe FENAMAD 2019. See pages 39-40 of RAEZ, Ernesto y VALERA, Alipse, 2015. Additional classification study of the Murunahua Territorial Reserve. Environmental Study Report. PROPURUS, Pucallpa. Also review: PROPURUS. 2010. Report. First special patrol of the Inuya-Mapuya sector. Sepahua; Ibid. 2011. Socio-Economic Assessment of the Yurua sector of Alto Purús National Park.

256 2007 CICADA films media coverage and the representation of Mashco Piro on TV Panorama programs on Peruvian terrestrial television between the years 2013 and 2014. See Huertas (2015, p. 144).

<p><b>Disease, Health and Immunology</b></p>	<p>FENAMAD Mascho Piro -Diseases Health. Protection policies, particularly in the case of the Mascho Piroin Madre de Dios, focus on territorial protection but not on measures aimed at addressing the healthcare needs associated with the vulnerability of indigenous peoples in isolation and initial contact.</p> <p>Enterprise Mascho Piro -Disease, Health and Immunology:</p> <p>AIDSESEP Mastanahua/Yora (Nahua) State-sponsored road infrastructure. Road infrastructure projects lead to greater pressure on natural resources, the invasion and illegal trading of land, the proliferation of illegal activities such as timber and drug trafficking, land tenure conflicts, and diseases which impact directly upon the lives and territory of indigenous peoples in isolation and initial contact. -Inadequate epidemiological monitoring: interactions between communities in isolation and the inhabitants of neighboring communities are frequent and occur in different contexts, any one of which could generate an epidemic. -Illegal logging: this activity can result in forced contact, the spread of disease, and violent confrontations with isolated indigenous people, with potential deaths on both sides. Illegal logging takes place alongside other illicit practices into which the most vulnerable, often indigenous people in initial contact, are being drawn. -Chitonahua: incursions into Ashéninka villages bordering the Murunahua Territorial Reserve on the Yurua River put them at risk of contagion by transmissible diseases and parasites that can be spread via utensils, food, clothing, contact and other vectors.</p>
<p><b>Hunting and poaching</b></p>	<p>FENAMAD / AIDSESEP Mascho Piro / Mastanahua/Yora Nahua) -Hunting and poaching Illegal logging also leads to an increase in hunting in the area by loggers, who go into the forest for several months, placing more pressure on resources and reducing the space available for isolated groups to move around and hunt forest animals for food. -Fishing activity: A large proportion of violent encounters between indigenous peoples in isolation and nearby native communities occurs in the context of fishing activities undertaken by the latter. Due to the intensity and extensiveness of these commercial fishing operations, the activity becomes increasingly risky in the upper part of the Purús basin, far from the communities, where the indigenous peoples in isolation exercise greater territorial control (WWF, 2015a).</p> <p>Enterprise Mascho Piro -Hunting and poaching Eastern border of the Madre de Dios Territorial Reserve. Incidents are regularly recorded along the eastern border of the Reserve (as defined by coordinate 343), between the Mascho Piro indigenous people in isolation and other external actors (loggers, indigenous people from native communities, fishermen, amongst others). Mastanahua/Yora Nahua) -Commercial hunting: Commercial hunting exists along the Inuya River. In addition to obtaining meat, live animals are also captured to be sold as pets in the city of Atalaya. This activity is carried out by the community members themselves, motivated by local demand as well as by foreigners who even arrive in villages looking to buy wild animals.</p>
<p><b>Missionary Activity</b></p>	<p>FENAMAD / AIDSESEP Mascho Piro /Mastanahua/Yora (Nahua) -Missionary Action Interest amongst Evangelical and Catholic missionaries in instigating contact and “civilizing” the Mascho Piro has intensified in the Upper Madre de Dios and certain points along the eastern border of the Territorial Reserve. Forced contact is caused by religious organizations and tourist, television and exploration companies (e.g. searches for lost treasure). Greater interaction with external actors: settlers, Dominican Catholic and Christian Protestant missionaries, tourism operators, local officials, anthropologists, and media personnel all with different purposes; to view these peoples in greater detail, to photograph and/or film them, to give them food or objects, and in some extreme cases to try to evangelize and study them.</p>

	<p>-Forced contact: Various (Catholic and Evangelical) churches working in areas bordering the Mascho Piro/Indigenous Reserve have instigated contact with indigenous peoples in isolation as they consider them to have been totally abandoned and feel obliged to evangelize them. For example, the formation of the Puerto Paz (Curanja) and Monterrey (Purús) communities was encouraged by the Pioneer Mission, but due to repeated denunciations by NGOs and FECONAPU the missionaries activities diminished until they eventually withdrew completely (WWF, 2015a:39).</p> <p>Isconahua</p> <p>-The presence of proselytizing religious activities: According to the Additional Classification Study of the Isconahua Territorial Reserve, this type of activity poses risks to the population because it challenges the cultural preservation of customs and jurisdiction. The study points out that representatives of both Evangelical and Catholic churches are prone to making efforts to contact indigenous peoples in isolation and initial contact with little respect for the regulations, their desires, or the standards that protect them. These include Adventist, Catholic and Evangelical congregations such as South American Mission, Assembly of God of Peru, Shintuya and Yine Diamond Dominicans, and finally the New Covenant Israelite Congregation (IBC, 2015, p. 159).</p> <p>Murunahua/Chitonahua</p> <p>-Forced contact sponsored by churches including the Dominican Mission in Sepahua (Catholic Church) and the Bible Training Centre (Evangelical Church); that on several occasions have shown interest in initiating forced contact with indigenous peoples in isolation (ProPurús, 2016, pp. 38-39).</p>
<b>Mining</b>	<p>Mascho Piro / Mastanahua/Yora (Nahua)</p> <p>-Mining</p> <p>There is evidence of alluvial gold mining in different parts of the Mascho Piroterritory. This has advanced in conjunction with logging activity, most notably in the Pariamanu River area. There are reports of artisanal gold mining activity during the summer season on the banks of the Upper Madre de Dios River near the town of Boca Manu. The possible extension of the Nuevo Edén-Boca Manu highway<sup>257</sup> to the mining town of Boca Colorado could result in an increase in mining activity further upstream in Manu Province, putting at risk the southern part of the Madre de Dios Territorial Reserve and the Alto Madre de Dios sector of Manu National Park.</p> <p>There is a serious socio-environmental problem linked to the extraction of alluvial gold in the Madre de Dios region. The area designated for mining activity occupies about half a million hectares, but the activity has expanded beyond this area. The presence of miners has been recorded in certain parts of the Mascho Piroterritories, particularly around the Pariamanu River. The expansion of this extractive front into other sensitive areas in Manu Province could be further accelerated if a road building project between the towns of Boca Manu and Boca Colorado were to materialize.</p> <p>Isconahua</p> <p>-Illegal mining</p> <p>Murunahua/Chitonahua</p> <p>Illegal activities such as mining.</p>
<b>Drug trafficking</b>	<p>FENAMAD / AIDESEP</p> <p>Mascho Piro / Mastanahua/Yora (Nahua)</p> <p>-Drug Trafficking</p> <p>There is increasing evidence that, due to their inaccessibility and relative intangibility, territories inhabited by peoples in isolation such as those along the eastern border of the Territorial Reserve, Bahuaja Sonene National Park <sup>258</sup>and Manu National Park <sup>259</sup> have become strategic areas for the international drug trafficking economy, both for production and transportation. Salisbury and Fagan (2013) published a pioneering article<sup>260</sup> on this emerging problem within three traditional territorial reserves for indigenous peoples in isolation on the Peru-Brazil border (Murunahua, Madre de Dios and Mashco Piro). The study concludes that the eradication of coca crops in Ucayali has resulted in the suspension of activities in remote border areas such as the Sierra del Divisor National Park (Brazil) and the Alto Purus National Park (Peru). The impacts on indigenous peoples in isolation of outsiders involved in this illegal economy have been widely documented in recent years and include involuntary relocation, conflict, and even contact.<sup>261</sup></p> <p>-Drug trafficking;</p>

257 Cited in LRPe FENAMAD 2019. Available at: <https://ojo-publico.com/sites/apps/amarakaeri-parte1/>. Accessed: 5 April 2019.

258 Cited in LRPe FENAMAD 2019. Available at: <https://es.mongabay.com/2018/05/bahuaja-sonene-mineria-ilegal-narcotrafico/>. Accessed: 5 April 2019.

259 Cited in LRPe FENAMAD 2019. Available at: <https://elcomercio.pe/peru/madre-de-dios/droga-alto-vuelo-manu-policia-detecta-pistas-clandestinas-noticia-532243>. Accessed: 5 April 2019.

260 Salisbury, D. & Fagan, C. (2013). Coca and Conservation: Cultivation, Eradication, and Trafficking in the Amazon Borderlands. *GeoJournal*, 78, 1.

261 Cited in LRPe FENAMAD 2019. Available at: <https://www.cartacapital.com.br/blogs/blog-do-milanez/esqueca-mitos-coloniais-o-contato-dos-xatanawa-no-acre-poe-fim-a-uma-resistencia-centenaria-8896.html> No access as of 5/04/2019, but it is possible to locate the article here: <https://acervo.socioambiental.org/acervo/noticias/esqueca-mitos-coloniais-o-contato-dos-xatanawa-no-acre-poe-fim-a-uma-resistencia>. Accessed: April 5, 2019.

	<p>-Drug trafficking activities: Although various testimonies and reports concerning the activity exist, the lack of formal accusations has enabled authorities to avoid intervening. Underlying threats posed by the activity include: a) the level of violence that the activity entails, b) the presence of potential disease carriers, and c) the armed confrontations that can arise (Huertas, 2010; WWF, 2015).</p> <p>Isconahua</p> <p>Drug trafficking has led to the clearing of forests for illicit crops.</p> <p>The cultivation of coca and the establishment of trafficking routes: The Additional Classification Study (IBC, 2015) references a report by the Ministry of Culture<sup>262</sup> that confirms evidence of drug trafficking related activities in the following sectors: Sogal Gorge, Caserio Pamaya, San Juan Settlement, Caserio Nueva Esperanza, and Caserio Primavera in the Callería basin.</p> <p>-The cultivation of coca and the establishment of trafficking routes: In addition to the deforestation necessary in order to cultivate crops, the use of substances that heavily pollute waterways poses a major risk to the physical integrity of indigenous peoples in isolation who find themselves within the probable transit areas of traffickers en route to Brazil. The latter, following a similar transit route to the Isconahua themselves, cross the basins that take them to the Utiquinia and Azul Rivers, and from there continue to Brazil or the Abujao River.</p>
<b>Issues arising from transnational territories of peoples in isolation</b>	<p>FENAMAD</p> <p>Mascho Piro / Mastanahua/Yora (Nahua)</p> <p>Transnational communities.</p> <p>Existing public policy has failed to develop bilateral strategies to address the specific needs associated with the transnational character of several peoples in isolation.</p> <p>-Drug trafficking</p>

## VENEZUELA

As outlined in Venezuela's 2019 local report, the Venezuelan government's development policies for the Amazon region, the lack of state recognition, and the resulting absence of protection policies for indigenous peoples in isolation, are the main threats to these peoples' survival (a situation that has not changed significantly since 2010). Worth noting, however, is the marked increase in information about indigenous peoples in isolation produced by civil society organizations.

Civil society has reported on and condemned the Bolivarian Republic of Venezuela's extractive projects in the Amazon region and the out-of-control illegal mining<sup>263</sup> affecting territories inhabited by indigenous Yanomani, Y'ekuana, Uwottuja (Piaroa) and Hoti (Jödi), that have a confirmed presence of Indigenous peoples in isolation. The State has failed to take effective steps in the search for solutions, indeed governmental decisions are moving in the opposite direction. According to Venezuela's Local Report:

Faced with the reduction of state oil production, the Venezuelan government has proposed a new mining policy called the "Orinoco Mining Crescent" (AMO) in the southern states of Bolívar and Amazonas, which, through the creation of joint ventures between national government and transnational companies, aims to explore and mine various blocks or areas where different indigenous communities, including groups in isolation, are living. The most striking case is block one (1), situated in the Alto Cuchivero, close to an area inhabited by Hoti groups that could be affected by the extractive activities of the above mentioned mega-project. For the time being this project is under way in the state of Bolívar, but there is open discussion about the possibility of extending it into the State of Amazonas, which could affect groups in isolation and initial contact. Prospecting initiatives are currently being carried out to assess potential resources (LRV, 2019).

As is the case in other countries, state enterprises in Venezuela are co-financed by Chinese, Russian and Canadian multinational companies. The 2019 Venezuela Local Report offers a detailed review of the multinational companies that, on signing agreements with the Venezue-

262 Cited in LRPe FENAMAD 2019. Report 001-2014/PACR-SSA-MVA/DACI-DGPI-VMI 27 June 2014.

263 The situation is so serious that the indigenous organizations grouped under the Regional Organization of Indigenous Peoples of the Amazon (ORPIA) and the Coordination of Indigenous Organizations of the Venezuelan Amazon (COIAM) requested via an April 2016 communication, that Nicolás Maduro, President of the Republic, adopt urgent measures in the face of the serious and growing issue of illegal mining in the Venezuelan Amazon. (In: Report on the Current Situation of the Groups of Indigenous Peoples in Relative Isolation and Little Contact in Venezuela [Jödi, Uwottuja, and Yanomami]. October 2017). [https://issuu.com/wataniba3/docs/informe\\_situaci\\_n\\_grupos\\_pueblos\\_i](https://issuu.com/wataniba3/docs/informe_situaci_n_grupos_pueblos_i) Accessed: 3 April 2019.

lan state, form transnational groups for carrying out the 'Orinoco Mining Crescent' mega-project:

"The precedent for the 'Orinoco Mining Crescent National Strategic Development Zone' mega mining project, was the then President of the Bolivarian Republic of Venezuela, Hugo Chávez's 23 August 2011 approval of the Orinoco Oil Belt and the Guyana Mining Crescent Strategic Development Project, a natural resource exploration and extraction initiative to boost the nation's economic and social growth. Decree No. 841, published in Official Gazette No. 40,376 on March 20, 2014, created the Presidential Commission for the Protection, Development and Integral Promotion of Lawful Mining Activity in the Guyana Region. The Coordinator of Indigenous Organizations of the Amazon (COIAM), warned in a press release that the implementation of the so-called "Orinoco Mining Crescent" represented a new dimension of the Venezuelan State's mining policy, promoting and developing mining operations and large-scale extraction of natural resources across the entire Guyana region south of the Orinoco (Amazon region). They then requested a moratorium, on the basis that the project violated the rights to prior, free and informed consultation, to demarcation, and the environmental and socio-cultural impacts on the living conditions of indigenous peoples in the area. On 24.02.2016, President Nicolás Maduro issued Decree No. 2,248 during the Council of Ministers, creating the "National Strategic Development Zone of the Orinoco Mining Crescent".

As part of the denominated "National Plan: Second Socialist Economic Development Plan 2013-2019", the large-scale extraction of gold, coltan, diamond, copper, iron and bauxite mineral deposits will affect a territorial area of 111,843.70 km<sup>2</sup>. On February 24 2016, the Executive signed four memorandums of understanding linked to the Mining Crescent: One with China Camc Engineering CO.LTD. which will be licensed for the exploration and extraction of coltan in Area 1; <sup>264</sup>one with the

Yakuang Group company, which will be involved in the exploration and extraction of gold in Area 4; an agreement with Afridiam mining company from the Democratic Republic of Congo, which will operate in Areas 1 and 4 in the exploration and extraction of diamonds, gold and coltan; and a memorandum of understanding with Gold Reserve of Canada for the formation of a joint venture to explore and extract gold and other minerals.

The National Executive signed agreements with national and international companies at the Central Bank of Venezuela (BCV) in Caracas on August 05, 2016 to promote investment in AMO to the order of US\$4.5 billion dollars:

1. A contract with Faoz Corporation C.A. for the exploration and exploitation of the Tantalum-Niobium deposit in the state of Bolívar;
2. The creation of a joint venture between Venezuela and Gold Reserve of Canada to carry out gold and copper exploration and exploitation activities through the Brisas-Cristinas integral project, Km 88, municipality of Sifontes, State of Bolívar;
3. A memorandum of understanding with Energold Minerals, also from Canada, for the extraction and processing of the Tantalum-Niobium deposit in the state of Bolívar;
4. A memorandum of understanding with U.S. financed Guaniamo Mining Company for the certification of diamond reserves in the municipality of Cedeño. On August 26, 2016, the President of the Republic announced letters of commitment with 5 companies to the order of US \$5.5 billion dollars for the creation of The creation of joint ventures with Canadian companies Barrick International Corporation and MPE International Inc. for the extraction of gold and other minerals; with Italian company Bedeschi for the extraction of coal; with Afridiam of the Democratic Republic of Congo for the processing of gold, diamonds and tantalum; and with Chinese company Yang Kuang Group for the production of gold.

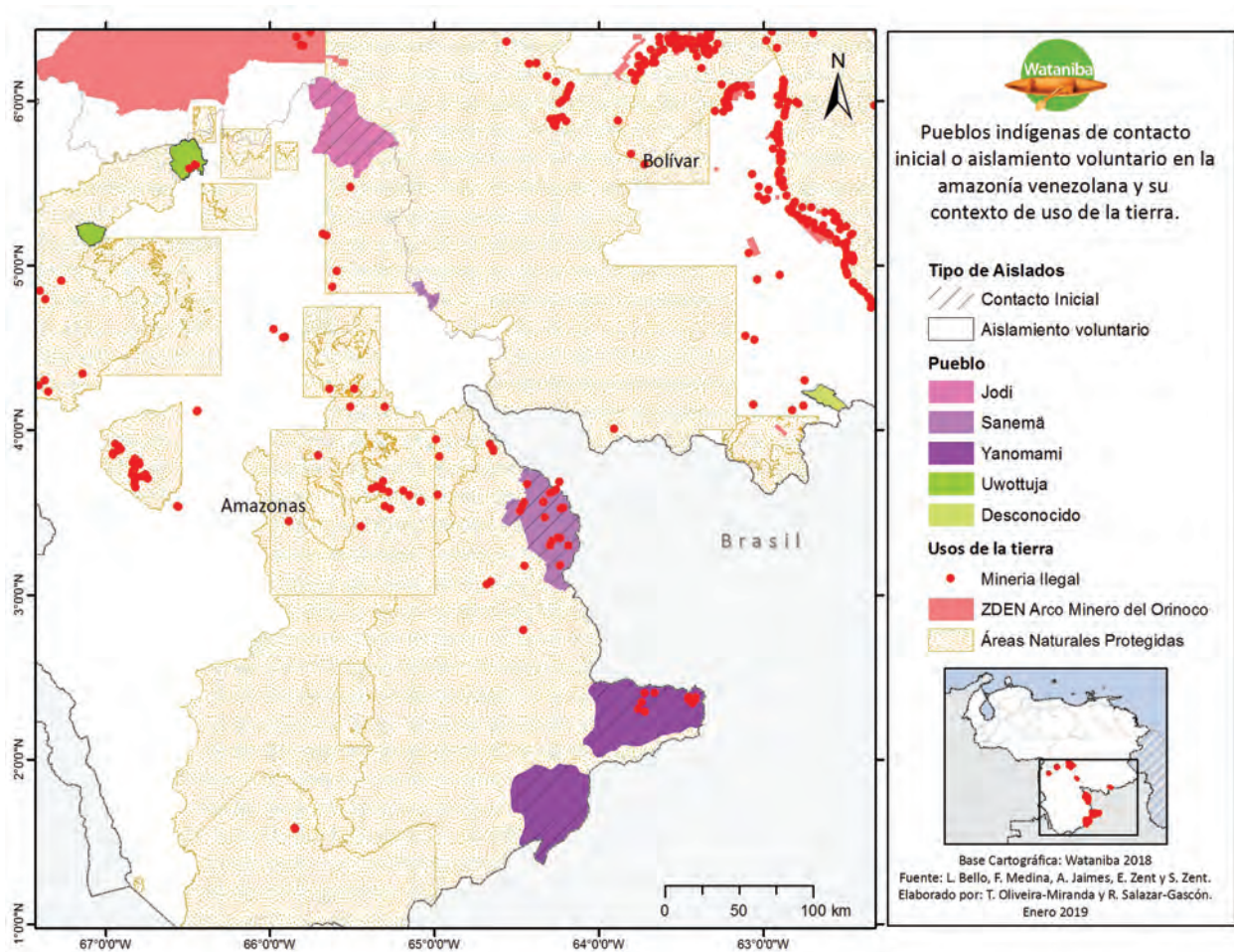
President Nicolas Maduro approved implementation of the "2016-2017 Financing Plan

264 The exploration and extraction of minerals in the Orinoco Mining Crescent is located in four zones: Area 1, bordered by the Cuchivero River, is of 24,717 km<sup>2</sup> and for the extraction of diamond, coltan, and bauxite; Area 2 covering 17,246 km<sup>2</sup>, and bordered by the Cuchivero and Aro Rivers, for the extraction of non-metallic minerals and alluvial gold; Area 3, covering 29,730 km<sup>2</sup>, and bordered by the Aro River, for the extraction of iron, gold, and bauxite; and Area 4, comprising 40,152 km<sup>2</sup>, in the Municipality of Cedeño, for the extraction of copper, kaolin, dolomite and gold. In addition, a special block of 1,754 km<sup>2</sup> and bordering the Icabarú River (a tributary of the Caroní River) is being considered in the south of the State of Bolívar for the extraction of diamonds and gold. There are traditional indigenous territories in all of these areas, with the presence of groups of Hoti people (Jödi) in conditions of isolation in the case of the upper Cuchivero River. (In: Report on the Current Situation of the Groups of Indigenous Peoples in Relative Isolation and Little Contact in Venezuela [Jödi, Uwottüja, and Yanomami]. October 2017). [https://issuu.com/wataniba3/docs/informe\\_situacion\\_grupos\\_pueblos\\_i](https://issuu.com/wataniba3/docs/informe_situacion_grupos_pueblos_i) Accessed: 3 April 2019.

for the Mining Engine, more than US 4 billion dollars of investment” in AMO on November 04, 2016. He also announced the creation of three international joint ventures for the exploitation of coltan: The first with Energold Minerals Inc., with a US5 billion dollar investment

plan, forming joint venture company Metales del Sur; the second, with Supracal, forming the Oro Azul joint venture company; and the third with Faoz CA, forming the eco-socialist company Parguaza, which will work in the Parguaza River area.” (LRV, 2019)

**Map 4. Indigenous Peoples in Isolation and Initial Contact in the Venezuelan Amazon**



The following table provides a summary of the Venezuelan State initiatives that endan-

ger Indigenous Peoples in Isolation and their territories:

Table 29. Activities in Venezuela with State Participation

THREAT	VENEZUELA
	Activities with State Participation
Colonization (Development policies)	- State-driven extractivist projects (development mega-projects in the Amazon region). See Mining.
Oil prospecting -Hydrocarbon activities	Orinoco Oil Belt: The Orinoco Oil Belt is in the North where there are no indigenous communities in isolation (which are generally located in fairly remote regions of the South).
Mining	<p>-Extractivist state projects (development mega-projects in the Amazon region). Faced with the reduction of state oil production, the Venezuelan government has proposed a new mining policy called the “Orinoco Mining Crescent” in the southern states of Bolívar and Amazonas. Through the creation of joint ventures between the national government and transnational companies, the project seeks to explore and mine various blocks or areas where different indigenous communities live, including groups in isolation. The most evident case is block number one (1), situated in the Alto Cuchivero close to an area inhabited by Hoti groups that could be affected by the mega-project’s extractive activities. The mega-project is currently being implemented in the state of Bolívar but there is open discussion about the possibility of extending it into the State of Amazonas where it could affect groups in isolation and initial contact.</p> <p>-Prospecting initiatives are currently underway to assess potential resources, predominantly with Chinese, Russian and Canadian transnational companies.</p> <p>Actor</p> <p>-Financing is mixed, although the Venezuelan government always retains a majority share.</p> <p>-These are co-financed governmental initiatives (joint ventures between the Venezuelan State and other countries). The precedent for the “Orinoco Mining Crescent National Strategic Development Zone” mining mega-project was the August 23, 2011 approval by Hugo Chávez, then President of the Bolivarian Republic of Venezuela, of the Orinoco Oil Belt and the Guyana Mining Crescent Strategic Development Project, a natural resource exploration and extraction initiative to boost the nation’s economic and social growth. Decree No. 841, published in Official Gazette No. 40,376 on March 20, 2014, created the Presidential Commission for the Protection, Development and Integral Promotion of Lawful Mining Activity in the Guyana Region. The Coordinator of Indigenous Organizations of the Amazon (COIAM) warned in a press release that the implementation of the so-called “Orinoco Mining Crescent” represented a new dimension of the Venezuelan State’s mining policy, promoting and developing mining operations and the large-scale extraction of natural resources across the entire Guyana region south of the Orinoco (Amazon region). The organizations requested a moratorium on the basis that it violated the rights to prior, free and informed consultation, to demarcation, and the environmental and socio-cultural impacts on the living conditions of indigenous peoples in the area. On February 24, 2016, President Nicolás Maduro issued Decree No. 2,248 in the Council of Ministers, creating the “National Strategic Development Zone of the Orinoco Mining Crescent” (AMO). As part of the denominated “National Plan: Second Socialist Economic Development Plan 2013-2019”, AMO will allocate a territorial area of 111,843.70 km<sup>2</sup> for the large-scale extraction of gold, coltan, diamond, copper, iron and bauxite mineral deposits. On February 24 2016, the Executive signed four memorandums of understanding related to the mining crescent: one with China Camc Engineering CO.,LTD, which will be licensed for the exploration and extraction of coltan in Area 1; one with the Yakuang Group company, which will be involved in the exploration and extraction of gold in Area 4; an agreement with Afridiam mining company from the Democratic Republic of Congo, which will operate in Areas 1 and 4 in the exploration and extraction of diamonds, gold and coltan; and a memorandum of understanding with Gold Reserve Canada for the formation of a joint venture to explore and extract gold and other minerals. The National Executive signed agreements with national and international companies at the Central Bank of Venezuela (BCV) in Caracas on August 05, 2016 to promote investment in AMO to the order of US 4.5 billion dollars: 1. A contract with Faoz Corporation C.A. for the exploration and exploitation of the Tantalum-Niobium deposit in the state of Bolívar; 2. The creation of a joint venture between Venezuela and Gold Reserve of Canada to carry out gold and copper exploration and exploitation activities through the Brisas-Cristinas integral project, Km 88, municipality of Sifontes, State of Bolívar; 3. A memorandum of understanding with Energold Minerals, also from Canada, for the extraction and processing of the Tantalum-Niobium deposit in the State of Bolívar; 4.- A memorandum of understanding with U.S. financed Guaniamo Mining Company for the certification of diamond reserves in the municipality of Cedeño. On August 26, 2016, the President of the Republic announced letters of commitment with 5 companies to the order of US 5.5 billion dollars: The creation of joint ventures with Canadian companies Barrick International Corporation and MPE International Inc., for the extraction of gold and other minerals; with Italian company Bedeschi for the extraction of coal; with Afridiam of the Democratic Republic of Congo for</p>

	the processing of gold, diamond and tantalum; and with Chinese company Yang Kuang Group for the production of gold. On 04.11.2016, President Nicolas Maduro approved implementation of the “2016-2017 Financing Plan for the Mining Engine, more than US 4 billion dollars of investment” in AMO, and announced the creation of three international joint ventures for the exploitation of coltan: The first with Energold Minerals Inc., with an investment plan of more than US 5 billion dollars, forming joint venture company Metales del Sur; the second, with Supracal, becoming the Oro Azul joint venture company; and the third with Faoz CA, forming the eco-socialist company Paruaza, which will work in the Paruaza River area.
<b>Issues arising from transnational territories of peoples in isolation</b>	There are coordinated bilateral initiatives for indigenous peoples in general, and in specific areas such as healthcare. The measures concern the coordination of healthcare initiatives between Venezuela and Brazil, for which a memorandum of understanding has been signed between the respective Ministries of Health.

Both the absence and presence of the State (in the guise of military bases, for example) exacerbate the situation with regard to the threats affecting the physical, cultural and territorial integrity of indigenous peoples in isolation. Initiatives to combat illegal mining are isolated and lack continuity. The presence of irregular armed groups (guerrillas and paramilitaries from Colombia) and drug smuggling involves the forced recruitment into mining or involvement in armed groups of young Uwottuia people, who have a history of contact.

Illicit activities carried out by outside parties such as miners and armed groups, contribute and foster the outbreak and spread of endemic diseases such as malaria and hepatitis, and epidemics such as measles and yellow fever, amongst others:

Malaria is widespread and in some cases rampant in areas occupied by isolated peoples. A measles epidemic in the upper Ocamo region on the Brazil-Venezuela border in March-April

2018 affected numerous Yanomami communities and, according to figures from the Pan-American Health Organization, led to approximately 100 deaths. The appearance of the epidemic coincided with April 2018 reports from Hutukara, Brazil's Yanomami organization, that there were approximately 5,000 artisanal miners exploiting gold in Yanomami territory. The deaths occurred primarily in communities in relative isolation or initial contact (LRV, 2019).

In the current political climate the prospects for the protection of Indigenous Peoples in Isolation in Venezuela are not very encouraging. International support for Venezuelan civil society organizations is of fundamental importance in this context, not only in pressuring the State to recognize the existence of indigenous peoples in isolation and in initial contact, but also developing and implementing a specific legal framework for their protection. The first step is for the National Constituent Assembly to include and recognize the existence of Indigenous Peoples in Isolation and Initial Contact in Venezuela:

**Table 30. Activities in Venezuela Resulting from the Absence of the State**

Threat	VENEZUELA
	Activities resulting from the absence of the State
	Activity
<b>Illegal pollution</b>	Yanomami Illegal mining activity which destroys areas of dense rainforest, mercury contamination of rivers, deposition of sediment, changes in fishing grounds.
<b>Tourism and the presence of outsiders</b>	Yanomami There is also an intermittent presence of illegal miners and irregular armed groups (Colombian guerrillas and paramilitaries). Uwottuja (Piaroa) - The excessive presence of tourists and other outsiders has led to sacred sites being desecrated. - Conflicts related to drug smuggling. - The presence of armed groups operating outside the law. - Forced recruitment of Uwottuja youths for mining activities or participation in armed groups.

<b>Diseases, Health and Immunology:</b>	<p>Yanomami</p> <ul style="list-style-type: none"> <li>-Increase in widespread diseases such as malaria and hepatitis and of epidemics such as measles, and yellow fever, amongst others.</li> <li>-Epidemiological vulnerability to the introduction of diseases by outsiders, especially miners and irregular armed groups due to high mobility in areas associated with mining activity, spreading epidemic and endemic diseases as a result. Malaria is widespread and in some cases rampant, in areas where isolated groups live. A measles epidemic in the upper Ocamo region on the Brazil-Venezuela border in March-April 2018 affected numerous Yanomami communities, and according to figures from the Pan American Health Organization, led to approximately 100 deaths. The appearance of this epidemic coincided with April 2018 reports from "Hutukara", Brazil's Yanomami organization, that approximately 5,000 artisanal miners were exploiting gold in Yanomami territory. The deaths primarily occurred in communities in relative isolation or initial contact. This information has been published on the Wataniba Association's website as well as in several international newspapers such as the Folha de Sao Paulo. The Pan American Health Organization (PAHO) also published a report on the number of cases and deaths, as did the Indigenous Rights organization Survival International, which launched an urgent action campaign on its website.</li> <li>-Environmental destruction, and contamination of rivers with mercury from mining activity. The reduction of food sources such as fish.</li> <li>-Uwottuja (Piaroa)</li> </ul> <p>The prevalence of diseases such as malaria and the contamination of water have been detrimental to life in and along the rivers, with serious environmental and socio-cultural impacts.</p> <ul style="list-style-type: none"> <li>- Hoti Community (Jödi)</li> </ul> <p>Pressure from illegal miners entering areas adjacent to Hoti territory causes habitat destruction (rainforest), the contamination of streams and rivers with mercury, the disappearance of animals for hunting, and an increase in the transmission of diseases such as malaria.</p>
<b>Hunting and Poaching</b>	<ul style="list-style-type: none"> <li>-Uwottuja (Piaroa)</li> </ul> <p>Reduction of food sources such as fish.</p>
<b>Missionary Activity</b>	<ul style="list-style-type: none"> <li>-Yanomami</li> </ul> <p>From the second half of the 20th century, the expedition that discovered the sources of the Orinoco River began to establish a group of religious missions in the area: both Catholic and Protestant. These churches have a permanent and organized presence, thus establishing more direct contact. Certain state agencies were also installed such as: the Directorate of Malariology, some branches of the Ministry of the Environment, and military institutions (National Guard and Army). The presence of Protestant and Catholic religious missions meant the introduction of educational and health services and a supply of industrial material goods.</p> <ul style="list-style-type: none"> <li>- Hoti Community (Jödi)</li> </ul> <p>Socio-cultural impacts due to the presence of religious groups, the military and government officials who have introduced lifestyles alien to the daily routines of the Hoti people.</p> <ul style="list-style-type: none"> <li>-Religious missions, military posts, government officials, illegal miners and others such as unregulated tourism.</li> <li>-The government expelled the Caño Iguana religious mission in 2006, establishing a military-civic center in its place as part of a plan to increase state presence and national security. A series of military, medical and educational services were established. The presence of state agencies has resulted in new pressures and cultural changes. All this suggests that beyond the relative isolation in which some Hoti groups have lived, there exists a whole range of inter-ethnic relations with other indigenous peoples, religious groups and state institutions, based on trade, the exchange of goods, and access to education and health services.</li> </ul>
<b>Institutional weakness, public policies and legal frameworks</b>	<ul style="list-style-type: none"> <li>- The absence of protection policies for Indigenous Peoples in Isolation.</li> </ul>
<b>Mining</b>	<ul style="list-style-type: none"> <li>-The presence of illegal miners from Brazil, Colombia and other regions of Venezuela, who extract gold, coltan (a mineral composed of niobium and tantalum and used in the microelectronic, telecommunications and aerospace industries), diamonds and other minerals in areas in the vicinity of peoples living in isolation. This chaotic and unregulated mining activity has serious environmental and socio-cultural effects on surrounding territories. The border between illegal mining and isolated groups is narrowing, putting pressure on miners to enter territories where isolated groups are located. All this produces the destruction of the habitat the traditional life of these peoples depends on, as well as the destruction of the forest, the contamination of rivers, problems of sedimentation, deforestation, the disturbance of hunting and fishing, the introduction of outside actors (organized crime), and the presence of irregular armed groups that guard the miners and control these territories. Numerous members of neighboring indigenous communities have also become involved in mining activities, bringing the activity ever closer to isolated groups that can often be swallowed up by this reality. A concrete example of the situation is the Hoti community of Caño Mosquito, a tributary of the Parucito River, which used to exist in relative isolation but has been increasingly surrounded by miners who, in exchange for certain material goods, use the indigenous people as a source of labor to extract gold. In such cases the indigenous people are effectively used as slave labor in the mines. Yanomami groups also face exploitation from so-called 'garimpeiros' (illegal miners) from Brazil.</li> </ul>

	<p>-Extensive illegal mining is carried out in the Venezuelan Amazon region where all three groups of peoples in isolation are located, but the State has not taken effective measures to control the situation.</p> <p>Yanomami</p> <p>-There is Illegal mining in Yanomami territory on both sides of the border. According to Davi Yanomami (April 2018), there are approximately 5,000 illegal miners in the area.</p> <p>Uwottuja (Piaroa)</p> <p>There have been several attempts by illegal miners to enter the area over the last 5 years, posing a threat to their traditional territory.</p> <p>There is a presence of illegal miners (approximately 4,000 according to environmental and human rights organizations) as well as irregular armed groups that control the activity.</p> <p>-Environmental destruction and the contamination of rivers with mercury as a result of mining activity.</p> <p>Hoti Community (Jödi)</p> <p>-The arrival and presence of illegal gold and diamond miners in the area has been observed in recent years, with attempts to directly enter Hoti communities in isolation.</p> <p>-Pressures due to the arrival of illegal miners in areas adjacent to the Hoti territory causes habitat destruction (tropical forest), the contamination of canals and rivers with mercury, the disappearance of fauna for hunting, and an increase in the transmission of diseases such as malaria.</p> <p>- Vulnerability would be dramatically increased in the State of Bolívar by the “Orinoco Mining Crescent” mega-project the Venezuelan government is implementing in the region.</p>
<b>Drug trafficking</b>	<p>Uwottuja (Piaroa)</p> <ul style="list-style-type: none"> <li>- The excessive presence of tourists and other outsiders has led to sacred sites being desecrated,</li> <li>- Suffering from the consequences of drug smuggling.</li> </ul>
<b>Issues arising from transnational territories of peoples in isolation</b>	<p>In Venezuela there are three indigenous groups with peoples in isolation. Of these, the Yanomami and the Uwottuja have transnational territories. The Yanomami people inhabit both Venezuela and Brazil, with groups in isolation on both sides of the border. The Uwottuja people have territories on both sides of the Venezuela-Colombia border. Uwottuja groups in voluntary isolation are present on the Venezuelan side in the Cuao River basin.</p>



# REGIONAL ANALYSIS

## 1. INFORMATION ON INDIGENOUS PEOPLES IN ISOLATION

Comparing Brackelaire's 2005 analysis of the condition of indigenous peoples in isolation in South America with the information from the eleven local reports in 2019, it is clear that there has been significant progress in terms of both the quality and quantity of information. There are now 185 records of indigenous peoples in isolation in South America, of which 66 have been confirmed by indigenous and indigenist organizations (or "allied", as they are called in some countries). The evidence of their existence includes an extensive ethnographic and ethno historical information system as well as comprehensive spatial monitoring, including geo-referenced maps.

The methodologies for gathering and analyzing information on indigenous peoples in isolation include: field research; traveler and missionary accounts; interviews with indigenous and non-indigenous people living in the surrounding area, or who share territory with indigenous peoples in isolation (including accounts from people involved in illicit activities); official reports from public institutions; the narratives of anthropologists and information in scientific publications; bibliographic information; field trips

specifically organized to visit particular areas; and the widespread use of new technologies linked to remote sensing (high-resolution satellite images).

The methodologies differ from country to country however, pointing to the need to establish a regional mechanism for the exchange and development of methodological guidelines for the collection, registration and systematization of information on the presence of indigenous peoples in isolation, above all in cross-border situations.<sup>265</sup>

The local reports provide a detailed description of these different methodologies. The methodologies used by the Amotocodie Initiative (Paraguay) and FUNAI (Brazil) are particularly worthy of note, both having sophisticated designs that have been developed, implemented, tested and refined over decades.

"The methodology used by the Brazilian State for locating and official confirmation of the presence of indigenous peoples in isolation, involves documentary research, field reports, the analysis of satellite imagery, overflights and arduous tracking expeditions in areas where presence is assumed. These tracking expeditions are Brazil's expertise, and one of the aspects of Brazilian policy that stands out

<sup>265</sup> For more information on the Brazilian methodology, see: Vaz, Antenor. *Isolados no Brasil. Política de Estado: da tutela para a política de direitos - uma questão resolvida?* IWGIA, 2011. Available at: [https://www.iwgia.org/images/publications//0453\\_informe\\_10\\_ne.pdf](https://www.iwgia.org/images/publications//0453_informe_10_ne.pdf). Accessed 15 March 2019.

vis-a-vis those of other South American countries. To officially confirm the presence of indigenous people in isolation in a given region, irrefutable indications and traces of their presence (such as abandoned camps, plantations and material cultural artifacts) must be identified and documented, sometimes even including photographs in the case of exceptional and fortuitous sighting.”<sup>266</sup> (LRBr, 2019)

Colombia, on the other hand, has adopted the “indirect and non-invasive methodology” following proposals presented by indigenous organizations at the April 10 and 11, 2012 meeting of La Pedrera Association of Indigenous Authorities, Amazonas (AIPEA):

“In order to strengthen territorial management as a strategy for the conservation of the Yuri territory [...] Our intention is to look for mechanisms to promote the protection of the Yuri in isolation “from outside.” [...] It is clear to everyone that when we talk about the protection of the Yuri and their territory, we are not interested in making contact with them in order to protect them. However, it is also worth clarifying what ‘not disturbing them’ means for us: overflights or any kind of search for traces are not appropriate, nor do we agree with them. This does not mean that we cannot jointly define actions or models of protection for these peoples. [...] In the case of the Yuri, if the Curare Resguardo has decided to initiate a series of actions for their protection, they have every right to do so. [...] The traditional authorities have expressed their point of view, and it is our responsibility as leaders to define actions that fall within their framework.” (Cited in the LRC, 2019)

“In compliance with this mandate, the Rio Puré NNP, the Amazon Conservation Team Colombia, and the Curare Los Ingleses protected area, signed an agreement in the same year [2012] regarding the gathering of traditional oral information, in an effort to establish whether there is evidence of the existence of indigenous peoples in isolation in the Yuri territory.” (LRC, 2019)

With regard to the gathering and organizing of information for the identification, recognition and territorial management of indigenous peoples in isolation, the local reports set out

the existing official procedures contained in the resolutions and decrees of each country. In the Peruvian case it is important to note that despite having specific legislation, the designated body appears unable to meet deadlines and its decision-making processes suffer from political interference from various governmental sectors. The situation is not exclusive to Peru, however, the scenario is repeated in all countries.

It is therefore important to pay greater attention - in an administrative-official sense - to the bureaucratic machinery of States. By way of example we can consider the region known as “Escudo”, which affords greater weight to local indigenous knowledge regarding isolated peoples. The “Planalto das Guaianas”, in the region to the North of the States of Pará and Amazonas on the borders with Suriname and the Guianas, is another example in which indigenous peoples confirmed the existence of isolated groups. And in the 1970s and 1980s, there was even some contact between these communities and segments of groups in isolation. However, despite the Brazilian government being involved in research and the collection of field records in the area, it has not officially confirmed their presence (LRBr, 2019).

The legitimization and institutionalization of the participation of civil society and indigenous people with a history of contact (via their organizations) in the design, implementation and monitoring of protection policies for indigenous peoples in isolation is a demand found in all the local reports. Another frequently criticized area is that of methodologies accepted by States as ‘scientific’: Research methodologies regarding the use of territorial space should be more complex, taking non-invasive research methodologies and testimonial information into account (LRPe AIDSEP, 2019).

Given the gap between governmental authorities and civil society, with the exception of Brazil, it is non-governmental organizations (indigenous, indigenist and/or allied) that have been instigating and advancing preliminary te-

266 Cited in LRBr 2019. FUNAI’s teams avoid encounters with peoples in isolation at all costs. The objective of the expeditions is not to make visual contact with those in isolation; on the contrary they seek to avoid such situations.

territorial recognition and classification studies (“Additional Classification Studies” or “EAC” in Peru). Even so, there are still delays of several years in relation to the statutory deadlines established in the legislation.

## 2. INFORMATION ON THE TERRITORIES OF INDIGENOUS PEOPLES IN ISOLATION

In the current context of extreme pressure on the traditional territories of indigenous peoples in isolation, and a marked tendency toward colonization and the appropriation of indigenous heritage, public policy strategies for defining territory must take into account the fact that these peoples live under constant threat, and are driven to movement as a survival strategy.

In this regard, territorial planning must take into account the integrity and inviolability of these territories, as well as the difference that may exist between state-administered lands/reserves and the traditional territory occupied by indigenous peoples in isolation.

Although there was a significant increase in the number of confirmed records of indigenous peoples in isolation in South America between 2005 and 2019, we did not find a corresponding increase in the number of officially-established territorial units. As already noted, Brazil went from having just six territories in 2005 to nineteen in 2018, while Peru continued to have the same five reserves - of which three Territorial Reserves have changed category to become Indigenous Reserves. Bolivia designated the “Intangible Zone for Integral Protection of Toromona Absolute Reserve”<sup>267</sup> for the Taromona people in a situation of isolation, establishing by means of Supreme Decree No. 1286, July 04 2012, a strict or intangible protection zone for the Kaa-lyá people of the Gran Chaco. Articles 2 and 3 of the Decree stipulate the supplementary study of areas identified as having an Ayoreo population in a state of voluntary isolation.

Paraguay created the “Ayoreo Totobiegosode Natural and Cultural Heritage” (PNCAT) for indigenous peoples in initial contact, which also acknowledges the presence of the Jonoineurasades people in isolation. That country also recognized the existence of Ayoreo in isolation, although only within the protection framework of the Defensores del Chaco National Park, (an area which constitutes a small fraction of their territory) and then only as a secondary factor in the protection system of the National Park. (LRPy, 2019)

Unfortunately, these legal-administrative measures are not being implemented in either Bolivia and Paraguay, converting them into mere administrative acts. The AMOTOCODIE Initiative’s local report notes that in the case of the PNCAT:

“Despite the recognition of the Ayoreo Totobiegosode Natural and Cultural Heritage (PNCAT), licenses have been granted that permit extensive cattle ranching within the Reserve, with no regard for indigenous territorial claims. The local Ayoreo Totobiegosode group recovered just one fifth of its traditional territory, an area of around 100,000 hectares in areas frequented by their relatives in isolation.” (LRPy IA, 2019)

In this context, it is important to highlight the different officially recognized territorial “categories” that States establish for indigenous peoples in isolation. An initial approach adopted by countries without specific policies for indigenous peoples in isolation was the designation of National Parks or the creation of ‘Intangible Zones’ (territorial reserves and/or indigenous reserves) within existing parks. This is the case of Bolivia, Ecuador, Colombia, Paraguay and Peru. In most instances, the act of creating these intangible zones required the formation of special regimes of intangibility, leaving it to the parks’ management to formulate specific territorial policies for these peoples. Rare were the parks that defined such policies, and those that did usually failed to implement them effectively. Only the Tagaeri Taromenane Intangible Zone (within the Yasuni National Park in Ecuador) and the Puré

267 Administrative Resolution No. 48/2006 of the National Protected Areas Service (SERNAP) - “Zona Intangible de Protección Integral de Reserva Absoluta Toromona” within Madidi National Park and IMNA (Integrated Management Natural Area).

National Park (in Colombia) have implemented protection measures. Two reserves were also created in Peru (Mascho-Piro IR - within Alto Purus NP - and RT Kugapakori, Nahua, Nanti and others - within Manu NP).

In South America there are a large number of confirmed records and traces of indigenous peoples in isolation within formally recognized conservation areas and/or territories of indigenous peoples with a history of contact.

For the purpose of classification (and based on the system adopted in LRBr-2019), we have used the following categories: territories for the exclusive use of indigenous peoples in isolation; sha-

red territories (either with peoples with a history of contact and/or with other peoples in a situation of isolation); and territories that overlap with conservation areas (national parks, nature reserves, etc.). We have added information on existing demands for territorial demarcation in each country; some of these have been submitted and are being processed by the competent bodies, while in other cases no action has been taken. Other information compiled refers to the number of records of indigenous peoples in isolation in border regions, the availability of legal frameworks for territorial demarcation, and the existence of government bodies for the territorial management of indigenous peoples in isolation. See the summary table below:

**Table 32. Territories of Indigenous Peoples in Isolation - Regional Summary**

TERRITORIES FOR INDIGENOUS PEOPLES IN ISOLATION (AMAZON AND GRAN CHACO - AS OF JANUARY 2019) SUMMARY		
SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION	OFFICIAL TERRITORY (T) AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION	CASES OF TERRITORIAL DEMARCATION
Bolivia • Nothing specific to peoples in isolation	<ul style="list-style-type: none"> <li>• 00 (T) Exclusive Use IPI</li> <li>• 02 (T) Shared Use (TCO and IZ)</li> <li>• 02 (T) Conservation Area (NP)</li> <li>• 02 Claims (Ayoreo and Taronomas)</li> <li>• GENERAL TOTAL: 5,144,620 Ha</li> <li>• Border: YES (Peru and Paraguay)</li> </ul>	<ul style="list-style-type: none"> <li>• YES (not institutionalized)</li> </ul>
Brazil • Nothing specific to peoples in isolation <sup>268</sup>	<ul style="list-style-type: none"> <li>• 04 (T) Exclusive Use IPI</li> <li>• 11 (T) Shared Use</li> <li>• 01 (T) Conservation Area (Biological Reserve)</li> <li>• 04 (T) Restriction of Use <sup>269</sup></li> <li>• 11 Claims</li> <li>• GENERAL TOTAL: 27,678,471 Ha.</li> <li>• Border: YES (Peru and Venezuela)</li> </ul>	<ul style="list-style-type: none"> <li>• YES</li> </ul>
Colombia • Yes Specific to peoples in isolation	<ul style="list-style-type: none"> <li>• 00 (T) Exclusive Use IPI</li> <li>• 03 (T) Shared Use (Puré, Curare e Chiribiquete)</li> <li>• 02 (T) Conservation Area (NP)</li> <li>• 00 Claims</li> <li>• GENERAL TOTAL: 5,267,976 Ha. protected; 1,599,242 intangible <sup>270</sup></li> <li>• Border: No</li> </ul>	<ul style="list-style-type: none"> <li>• YES (but not institutionalized)</li> </ul>

<sup>268</sup> Article 7 of Decree No. 1775/96, which deals with the administrative procedure for the demarcation of indigenous lands in general, mentions FUNAI's role in "disciplining the entry and transit of third parties in areas with a documented presence of indigenous peoples in isolation, and taking the necessary measures to protect them". It consequently requires that FUNAI determine the "restriction of use" territorial status.

It should be noted that the identification and subsequent land demarcation and regularization in the territories of indigenous peoples in isolation in Brazil occurs thanks to the exhaustive work and incontestable field and documentary research tests carried out by the Protection Fronts and Identification Working Groups set up by the presidency of the indigenous body.

<sup>269</sup> "Restriction of use", provided for in Decree No. 1775/96, is a precautionary instrument which limits the entry of third parties into a particular administratively defined region. In the meantime, research is being carried out with a view to concluding the recognition process of peoples in isolation and removing barriers to the recognition of territorial rights and the demarcation of indigenous land.

<sup>270</sup> Protection (999,880 hectares Río Puré National Natural Park, 4,268,096 hectares Serranía de Chiribiquete National Natural Park). Intangible (529,338 ha Río Puré National Natural Park, 979,496 ha Serranía de Chiribiquete National Natural Park and 90,408 ha Curare-Los Ingleses protected area).

Ecuador • Nothing specific to peoples in isolation	<ul style="list-style-type: none"> <li>• 00 (T) Exclusive Use IPI</li> <li>• 01 (T) Shared Use (Intangible Zone)</li> <li>• 01 (T) Conservation Area (NP)</li> <li>• 01 Claims (re. Expansion)</li> <li>• GENERAL TOTAL: 758,051 Ha.</li> <li>• Border: No</li> </ul>	• YES
Paraguay • Nothing specific to peoples in isolation	<ul style="list-style-type: none"> <li>• 00 (T) Exclusive Use IPI</li> <li>• 01 (T) Shared Use (PNCAT)</li> <li>• 03 (T) Conservation Area (NP)</li> <li>• 01 Claim</li> <li>• GENERAL TOTAL: 1,625,436 Ha</li> <li>• Border: Yes (Bolivia)</li> </ul>	• NO
Peru • Yes Specific to peoples in isolation	<ul style="list-style-type: none"> <li>• 00 (T) Exclusive Use IPI</li> <li>• 05 (T) Shared Use (PNCAT)</li> <li>• 02 (T) Conservation Area (NP)</li> <li>• 05 Claims</li> <li>• GENERAL TOTAL: 2,812,678.02 Ha</li> <li>• Border: Yes (Brazil, Ecuador and Bolivia)</li> </ul>	• YES
Venezuela • Nothing specific to peoples in isolation	<ul style="list-style-type: none"> <li>• 00 (T) Exclusive Use IPI</li> <li>• 01 (T) Shared Use (PNCAT)</li> <li>• 00 (T) Restriction of Use</li> <li>• 02 Claims</li> <li>• GENERAL TOTAL: 27,678,471 Ha</li> <li>• Border: Yes (Brazil and Colombia)</li> </ul>	• NO
<b>TABLE - GENERAL OVERVIEW</b>		
<b>SPECIFIC LEGAL FRAMEWORK FOR TERRITORIAL DEMARCATION</b>	<b>OFFICIAL TERRITORY AND/OR TERRITORY WITH PRESENCE OF PEOPLES IN ISOLATION</b>	<b>CASES OF TERRITORIAL DEMARCATION</b>
Existing: Yes: 02 No: 05	SUMMARY ANALYSIS <ul style="list-style-type: none"> <li>• (T) Exclusive Use IPI Territory = 04</li> <li>• (T) Shared Use = 24</li> <li>• (T) Restriction of Use = 04</li> <li>• (T) Territory within Conservation Areas = 14</li> <li>• Claims = 23</li> <li>• Border: YES = 05 countries/NO = 02 countries</li> <li>• GENERAL TOTAL: 70,965,703 Ha</li> </ul>	03 Yes 02 Yes (not institutionalized) 02 No
TOTAL presence of indigenous peoples in isolation	2019 Confirmed: 66 To be confirmed: 119	

The analysis shows that there are 41 ‘territories’ in South America with a registered presence of indigenous peoples, 14 of which are located in conservation areas. The cases of Bolivia, Paraguay and Peru nevertheless stand out, because despite the confirmation of isolated peoples in certain national parks (one in Bolivia, five in Paraguay and two in Peru), these territories are not officially recognized as being for indigenous peoples in isolation. There are 119 records of indigenous peoples in isolation in South America that have yet to be confirmed. As a result these peoples do not have designa-

ted territories nor a protection system in place. Amongst the 66 confirmed cases of peoples in isolation, there are a total of 23 claims for official recognition in differing stages, but most of these have not been acted upon.

Brazil has four “Indigenous Lands” for the exclusive use of indigenous peoples in isolation that are not shared with any other peoples. Some reserves and/or intangible areas in other countries have been specifically established for indigenous peoples in isolation, however these are shared with other peoples.

### 3. SHARED TERRITORY

The sharing of territory with other peoples (with or without a history of contact) occurs in 24 territories. All the local reports document cases of conflict between indigenous peoples in isolation and outsiders (tourists, researchers, loggers, oil company workers, settlers, hunters and fishermen, drug traffickers, forest rangers, missionaries and public officials). We have documented here three accounts of conflict between indigenous peoples in isolation and indigenous peoples with a record of contact that resulted in deaths on both sides: The Tagaeri-Taromenane/Waorani in Ecuador;<sup>271</sup> the Diamante/Mascho Piro and Shipetiari/Mascho Piro in Peru; and the Matis/Korubo (Coari) in Brazil. These cases showed a lack of experience and “preparation” of the western justice system in dealing with such situations.<sup>272</sup> These cases will be analyzed later.

Although there are other elements, territorial disputes are the common element underlying these conflicts. The specialists in protection systems for indigenous peoples in isolation face several challenges regarding shared territory and the defense of these peoples based on the intangible and integral nature of their territories. What level of participation (interference?) should specialists assume in the protection of shared territory in a context of inter-ethnic conflict? How can the physical integrity of indigenous peoples in isolation and peoples with histories of contact be safeguarded? Who decides on contact in the name of a supposed peace, and when? In this latter case, how can we ensure that the decision to establish contact according to Western peace plans will correspond with the reality?

### El caso Tagaeri-Taromenane/ Waorani - Ecuador

On this question of shared territory, Ecuador's local report offers the following reflection:

“The participation of the different indigenous nationalities is key to the protection of indigenous peoples in voluntary isolation in Ecuador. The involvement of the Waorani nationality is particularly important because they stem from the same cultural heritage as the peoples in isolation, and consequently know their customs and more frequently encounter them or discover signs of their presence.

While the Waorani have been able to establish dialogue and achieve mutual understanding with the indigenous peoples in voluntary isolation, they were also protagonists of two massacres of indigenous peoples in isolation in 2003 and 2013. The first attack is said to have been motivated by loggers, who provided the Waorani with arms and ammunition to kill a Taromenane family in voluntary isolation in the Cuchiyacu River area. The 2013 attack was carried out by Waorani families in order to avenge the death 325 days earlier of two elderly people attacked by Taromenane in voluntary isolation.

The majority of Waorani communities today are aware of the need to live in peace and build a culture that fosters it; the Directorate for the Protection of Peoples in Isolation (DPPIAV) has subsequently enlisted Waorani people and signed conventions with its representative organization, NAWA (The Waorani Nationality of Ecuador).

The Waorani are aware that they share territory with indigenous peoples in voluntary isolation and, despite a certain rejection of state intervention, are looking for potential avenues and methods to establish a culture of peace that allows for mutual respect, knowing that

271 Cited in LRE 2019. “The trial for the massacre that occurred in 2013 at the hands of a group of Waoranis against a family group of Taromenane indigenous people in voluntary isolation was resolved at the legal level. The court found the Waorani guilty of the murder of 17 indigenous Taromenanes with firearms as well as the forced displacement of two minors (girls) from the same family. They were sentenced to four years’ imprisonment. Considering the international norms regarding ILO Convention 169 and the anthropological studies that demonstrate that avenging death is a cultural trait inherent to Waorani culture, it was deemed important to establish a council of elders who would be responsible for applying the punishment to the guilty and avoid prison; a suggestion that ironically is totally alien to Waorani culture due to the autonomy that each of their family groups has always had” (LRE- 2019). “In this sense, a sentence of impunity was passed using the argument of compliance with intercultural norms; that is, the intercultural rights of the Waorani were respected over the rights of the murdered Taromenane indigenous people and the kidnapped girls” (LRE-2019). Identification of Process No.: 22251-2013-0223. Available at: <http://consultas.funcionjudicial.gob.ec/informacionjudicial/public/informacion.jsf> Accessed: 3 April 2019.

272 In relation to this issue see Daniela Salazar's Article - When Justice Does Not Allow Peace: The Need to Apply Transitional Justice Measures to Protect Isolated Indigenous Peoples in Ecuador - 2017. Available at: [https://law.yale.edu/system/files/area/center/kamel/sela17\\_salazar\\_cv\\_sp.pdf](https://law.yale.edu/system/files/area/center/kamel/sela17_salazar_cv_sp.pdf) Accessed: 3 April 2019.

this coexistence will not be easy or straightforward.

Mutual support agreements have also been established with NGOs, and in previous years, consultancy contracts were signed with specific objectives, such as the preparation of contingency plans, the dissemination of protocols, and workshops designed around constructing a “culture of peace.” (LRE, 2019)

### **El caso Korubo (Coari) - Brazil**

In the case of the Korubo (Coari) and Matis in Brazil, FUNAI (the National Indian Foundation) decided it was necessary to initiate contact, and in notes<sup>273</sup> published in the press on March 07 2019, the institution announced an expedition to establish contact with the Coari Korubo isolated group. Representatives from FUNAI emphasized the importance of avoiding further deaths between the (contacted) Matis and the above mentioned Korubo (Coari) isolated group. The context of such decisions is highly complex and involves different actors and cultures. The Local Report from Brazil clarifies that:

The two known Korubo groups in isolation are located on the Curuena and Coari Rivers, both within the Javari Valley Indigenous Territory in the State of Amazonas. In addition to the two groups in isolation, there are three recently contacted groups. The Korubo groups cut down large areas and build extensive communal huts, and the recent well-known history of Korubo territorial dynamics is sometimes confused with the invasion and exploration of their territories, whether by the State or illicit actors.

Between the 1970s and 1990s numerous massacres were committed against the Korubo, who it is believed occupied the interfluvial region between the Ituí and Itaquai Rivers until the early 1980s. Conflict, dispersion and fragmentation into different local groups increased with the intensification of timber extraction, and the isolated groups that exist today in di-

fferent areas, are the outcome of these processes of resistance and migration.<sup>274</sup> In addition to timber exploration, Petrobras<sup>275</sup> also sparked conflict in the 1980s when it conducted extensive hydrocarbon surveys in the region. FUNAI has made several attempts at contact since the 1970s, but these culminated in rejection and even attacks that caused the death of officials.

The historical relationship between the Matis and the Korubo people took a violent turn in 2015 when Matis people came into involuntary contact with a group of 21 Korubo (Coari). This encounter occurred as a result of another in late 2014 when an isolated Korubo group attacked and killed two indigenous Matis on the Coari River (See Box below). The Matis maintained their position and, fearing further conflict and tension, demanded that FUNAI intervene and make contact with the rest of the Korubo group that remains in isolation on the Coari River. In another unrelated incident, 2012 the Korubo on the Curuena River attacked Kanamary people and two Kanamary were killed, a child remains missing to this day and a number of Kanamary villages were abandoned.

Since the 2015 contact, the Matis have been warning of the proximity of the Korubo, who remain in isolation close to two Matis villages (Paraiso and Tawaya). Considering the history of conflict, the proximity of the isolated Korubo has increased the level of tension amongst the Matis and fuelled further unrest. The Matis have consequently been demanding FUNAI's assistance in reaching out to the isolated peoples. For its part, FUNAI is working together with the Korubo people contacted in 2015 in order to begin reoccupation of Coari River territory and to establish contact with the group that remained in isolation near the Matis villages on the Branco river. No contingency plan has been prepared for the Korubo on the Curuena River, nor are

273 Government begins mega expedition to contact isolated Indians in the Amazon: <https://www.bbc.com/portuguese/brasil-47351472> Accessed: 5 April 2019 and, FUNAI conducts largest expedition to contact isolated Indians in the last 20 years: <https://g1.globo.com/politica/blog/matheus-leitao/post/2019/03/07/funai-realiza-maior-expedicao-para-contato-com-indios-isolados-dos-ultimos-20-anos.ghtml> Accessed: 5 April 2019.

274 Cited in LRBr 2019. Available at: <https://povosisolados.com/2017/06/18/nos-tapis-korubo-uma-perspectiva-indigenista-das-tensoes-e-distensoes-korubo-e-matis/>. Accessed: 5 April 2019.

275 Cited in LRBr 2019. Brazilian state-owned publicly-owned company producing, refining, distributing and marketing oil, gas, electricity and biofuels.

there any known situations of imminent contact (LRBr, 2019).

Contact with Korubo groups in 2014 and 2015 triggered discussions leading to the joint elaboration of a contingency plan by SESAI (the Special Secretariat for Indigenous Health) and FUNAI. In recent years SESAI has invested in the technical and methodological training of operatives working in the Javari Valley, and in improving coordination with FUNAI. As part of the cooperation, the Ministry of Health and FUNAI signed a joint ordinance concerning healthcare for isolated and recently contacted peoples<sup>276</sup> in late December 2018, at the end of Michel Temer's interim government.

Communities living in the Javari Valley Indigenous Territory are also affected by countless diseases. There is a high rate of transmission of diseases including malaria and hepatitis (B, C and Delta) (ISAC/ITC, 2011). The ever-present possibility of transmitting these diseases to peoples in isolation is an ongoing concern. For example, in 2014, when with the help of Kana-mary indigenous peoples<sup>277</sup> contact was established with a Korubo group, it was discovered that some had malaria. Although it is not known exactly how this transmission occurred, it is important that systematic health and epidemiological monitoring be established in the immediate environment of peoples in isolation.

#### **Conflict and Contact Between the Matis and the Isolated Korubo on the Coari River 2014-2015**

At the end of 2014, a small number of male Korubo indigenous people from the Coari River appeared in a field of the Matis Todowak village (built on the Coari River in 2010), when three Matis were planting corn.

They talked, but then a tense atmosphere set in. The Korubo attack was carried out with newly felled tree branches. One Matis managed to run and survive, but the other two unfortunately did not. Based on accounts from the Korubo themselves on the Branco River, it is understood that shortly before the attack there was a serious epidemiological outbreak, which had had a considerable impact on the population of their community. Successive encounters that occurred on the Coari River after the Matis moved there in 2010 probably contributed to the occurrence of the violence.

A FUNAI team travelled to the Matis village immediately after the conflict<sup>278</sup> in order to re-establish dialogue, at which time the Matis decided to evacuate the village and move to the Branco River, to an area near two other Matis' villages. In light of the recent attack and deaths, the Matis asked FUNAI to make contact with the Coari Korubo group in order to resolve the problem.

In September 2015, the Matis initiated contact with the Coari Korubo in an area between two Matis communities on the Branco River. The Matis found a lame man from the isolated Korubo standing on the riverbank and followed him until they came across Korubo children. The children were in the area collecting fruit, while the adults had continued ahead. The children were taken to a Matis village (Tawaya), while another group of Matis men remained on the path waiting for the return of two adult Korubo. Noticing the absence of the children, the Korubo adults returned and encountered the Matis. They were taken, together with the children, to a camp made by the Matis on the bank of the Branco River. FUNAI intervened shortly after this incident and, in conjunction with SESAI, initiated contact mediation and contingency plan procedures.<sup>279</sup> About two weeks after this event, the Matis found a second Korubo group in the vicinity consisting of 10 people, and brought them to meet the other recently contacted people.

276 Cited in LRBr 2019. Joint Ordinance No. 4,094 of 20/12/2018, which defines the principles, guidelines and strategies for the healthcare of Isolated and Recently Contacted Indigenous Peoples. Available at: [http://www.in.gov.br/materia/-/asset\\_publisher/Kujrw0TZC2Mb/content/id/57220459](http://www.in.gov.br/materia/-/asset_publisher/Kujrw0TZC2Mb/content/id/57220459). Accessed: 5 April 2019.

277 Available at: <https://povosisolados.com/2017/06/18/nos-tapis-korubo-uma-perspectiva-indigenista-das-tensoes-e-distensoes-korubo-e-matis/>. Accessed: 5 April 2019.

278 [https://povosisolados.com/2017/06/18/nos-tapis-korubo-uma-perspectiva-indigenista-das-tensoes-e-distensoes-korubo-e-matis/#\\_ftnref43](https://povosisolados.com/2017/06/18/nos-tapis-korubo-uma-perspectiva-indigenista-das-tensoes-e-distensoes-korubo-e-matis/#_ftnref43)

279 <https://povosisolados.com/2017/06/18/nos-tapis-korubo-uma-perspectiva-indigenista-das-tensoes-e-distensoes-korubo-e-matis/>. Fecha de acceso: 5 de abril de 2019.

We know about the epidemiological outbreaks that occurred amongst the Coari Korubo from the accounts collected by the FUNAI team during the post-contact procedures. The Coari Korubo also told the team about the revenge carried out by the Matis after the incident in the Todowak field at the end of 2014 which resulted in the death of several Korubo.

This situation resulted in a disagreement between the Matis and the FUNAI team. One of the main reasons for the Matis' dissatisfaction was that FUNAI initiated relocation of the Korubo from the Branco River (near the Matis villages where the contact occurred) to another nearby location where other Korubo groups, contacted in 1996 and 2014, currently live. Despite disagreement on the part of the Matis, the FUNAI relocation of the Coari group went ahead based on the Korubo's own decision not to remain in the area: they still feared the Matis, as well as for their own physical and epidemiological well-being.

\*We Korubo tapiris: an indigenist perspective on Korubo (and Matis) tensions and détente

By Fabrício Amorim

## El caso Shipitiari / Mascho Piro - PERÚ

Instances of conflict in Peru between Mascho Piro and the Diamante and Shipetiari Indigenous communities, are not isolated events.<sup>280</sup> Information from indigenous organizations and from Peru's Ministry of Culture points to complex, conflictive situations involving the Mascho Piro. Report No. 07- LFTE/DACI/DGPI/VMI/MC, prepared by an adviser at the Directorate for Indigenous Peoples in Isolation and Initial Contact in the Vice-Ministry of Interculturality, an organ of the Ministry of Culture responsible for emergency situations in the Shipetiari native community, upper Madre de Dios, presents the following information with regard to the presence of Mascho Piro indigenous people in isolation in the above-mentioned community:

"There have been numerous reports of encounters and sporadic contact with the Mascho Piro in recent decades due to external actors entering their territories, many of these encounters have ended violently and with fatal consequences for both sides, but especially for the Mascho Piro (Huertas, 2002). On the other hand, there have been many reports over the last decade of Mascho Piro people approaching native communities' territories and facilities such as control posts, many of which were established in territory previously travelled by the Mascho Piro, particularly in the Purús, Tahuamanu, Las Piedras and Manu (Alto Madre de Dios) River

areas. This represents a new situation in the protection of the indigenous people, and requires measures that include both the protection of intangible territories and response strategies for neighboring populations that fall within the framework of the protection of the fundamental rights of these peoples (...)

Monitoring data obtained from the Ministry of Culture, as well as that provided by local people, authorities, SERNANP officials (the National Service of State-Protected Natural Areas), and others, indicates that various people have maintained intermittent relationships with Mascho Piro families in the Yanayacu sector for approximately 20 years. Mr. Alberto Flores, for example, currently living in Diamante, was assimilated into the community as a child. Nicolas Flores "Shaco", also from the community of Diamante, provided tools and other goods to the Yanayacu Mascho group for several years until the relationship culminated in his death in 2011 for indeterminate reasons at the hands of the Mascho Piro. Finally, other community members and actors such as religious missionaries have also deliberately established contact with the Mashco Piro, providing them with food and other objects."<sup>281</sup>

With regard to the Mascho Piro's intrusions into the Shipetiari Native Community, the report states the following:

"This year two Mascho Piro incursions into the native community of Machiguenga de Shipetiari have been recorded. This community,

280 Available at: <https://www.news24.com/Green/News/isolated-amazon-tribe-kills-one-wounds-two-in-peru-20161106>. Accessed: 5 April 2019.

281 Report No. 07-LFTE/DACI/DGPI/VMI/MC, dated 9 April 2015, prepared by advisor to the Vice-Ministry of Interculturality, Peru.

first settled in 1988 and officially recognized in 1996, is located in the district and Province of Manu, in the department of Madre de Dios. It is situated on the left bank of the Madre de Dios river, on territory formerly inhabited by Mascho Piro peoples. As there are no previous reports of Mascho Piro incursions into the community, this is considered unusual behavior.

The first sighting of Mascho Piro in Shipetiari occurred on January 21. Attached is report No. 03-FVS/DACI/DGPI/VMI/MC which provides details of the sighting as well as the actions being taken by the Ministry of Culture in coordination with other governmental bodies and civil society organizations.

The second sighting in Shipetiari occurred at approximately 1 pm on March 26th of this year. There were five Mascho Piro individuals on this occasion: two males, one adult female, one young woman of approximately 14 years of age, and one child. They were spotted near the house of Romelia Rivera Italiano (in the center of the community) while the majority of the community members were holding a meeting in the community hall. The Mascho Piro shot several arrows at the villagers, who were unable to engage in dialogue with them and responded by firing shots into the air. However, there were no injuries or serious consequences.

The Ministry of Culture's protection officers in Shipetiari called for calm among the local community and health workers, so as to avoid further exposure to risky situations with the Mascho Piro indigenous people in isolation (such as following them). In view of these facts, the Ministry of Culture, through the Vice-Ministry of Interculturality, has a team of specialists to manage activities in the area and coordinate options with indigenous organizations and local authorities."<sup>282</sup>

The above-mentioned 2015 Report from the Vice-Ministry of Interculturality also states that, regardless of the reasons for the appearances of the Mascho Piro in different places in the Upper Madre de Dios region, the facts indicate the existence of a serious threat to both the Mascho Piro and the inhabitants with whom the indigenous group has been establishing intermittent contact. The report recommends:

"A specific healthcare protocol should be drawn up to address a possible contact situation with Mashco Piro in the Upper Madre de Dios, as well as to form a trained team with logistical capacity in accordance with the directives of the Health Regulations and Technical Guidelines approved by the Ministry of Health (2007). It is important that in this case the Ministry of Health act in conjunction with the National Health Strategy for Indigenous Peoples and the National Center for Intercultural Health, as well as with the Madre de Dios Regional Government through its Regional Health Directorate.

In addition to the Contingency Plan drawn up for the native community of Shipetiari, in the event of contact the establishment of dialogue - with relevant safety protocols - is recommended between the Ministry of Culture's Yine protection agents and the aforementioned Mashco Piro group, with two objectives: (1) to gather as much information as possible about the situation of the Mashco Piro in this area (population number, location of dwellings, possible diseases, type of diet, interests, needs, etc.) and (2) to convey messages geared towards the establishment of peaceful relationships with neighboring communities (avoiding incursions into Shipetiari territories). The dialogue is designed to establish protection measures appropriate to the Mashco Piro's current situation, and is in no way intended to force more permanent contact. To this end, it is necessary to coordinate the constant presence in the area of Manu National Park rangers and health personnel from the Salvation Health Micro-Network."

Another 2015 report<sup>283</sup> concerning the Mascho Piro incursion into the Shipetiari Native Community on May 01, 2015, drawn up by the same adviser, describes the events as follows:

"The first two Mascho Piro incursions into Shipetiari community, in January and March 2015, were reported to have caused material damage (theft of tools and crops). A third incursion took place at approximately 10:30 a.m. on May 01, 2015, when a group of Indigenous Mascho Piro entered a property in the community. On this occasion when they came across community members on one of the paths, they shot an arrow that struck and killed 20-year-old Leonardo Pérez.

282 Ibid., p. 4.

283 Report No. 09 - LFTE/DACI/DGPI/VMI/MC. May/2015. Prepared by Advisor to Vice-Ministry of Interculturality, Peru.

In the wake of this incident, Paola Baccarat, the Director General for the Rights of Indigenous Peoples, traveled to the Upper Madre de Dios River basin with a team of specialists from the Vice-Ministry of Interculturality. His aim was to establish, together with local authorities and indigenous organizations in the area, additional security measures for the Shipetiari community and attend to the emergency that had arisen.”

The report (numbered 09) analyzes the events that occurred and, using video footage of the Mascho Piro’s movements on the left bank of the Upper Madre de Dios, identified several indigenous people who had appeared years earlier, some of whom were recognized by the Shipetiari community. The analysis adds:

The Mascho Piro’s incursions have been in search of goods that are valuable to them, and should not be understood as an act of war (the recovery of territory); nevertheless, they have not hesitated to use violence (shooting arrows) when surprised by the villagers. In the various assemblies the Ministry of Culture has attended in the community of Shipetiari, the villagers for their part have made clear their decision to defend their territory, and their refusal to evacuate or relocate from the land they presently legally occupy.

The native community of Shipetiari is a scattered settlement, with houses (33 families) built tens or hundreds of meters away from each other, in an area covered mostly by forest and some fields. The houses are connected by a main trail that surrounds the community and a small network of intermediate paths. As it is possible to walk through wooded areas to the very core of the community without being seen, the conditions for a Mascho Piro incursion are favorable. Effective surveillance and emergency warning systems are complicated by the dispersed nature of the area and the large spaces of forest between each house.

The recommendations made by the Vice-Ministry’s adviser to the Director of the Directorate for Indigenous Peoples in Isolation and Initial Contact continue along the same lines as those presented in the previous report (Report No. 07), adding:

“It is necessary to continue with the implementation of the Shipetiari Contingency Plan, and community training in the prevention measures that should be continually undertaken, as well as with the installation of a surveillance post in the area.

A permanent presence and patrols are required in the Upper Madre de Dios area (between the Yanayacu and Puzanga Rivers) in order to ensure the area’s intangibility, to monitor the movement of Mashco Piro indigenous people and control any contact that might be made by third parties. According to the framework of the Inter-Institutional Cooperation Agreement between the Ministry of Culture and SERNANP,<sup>284</sup> the patrols should be carried out by SERNANP officials (Manu National Park rangers) as the entity responsible for the protection of the area, and should include the participation of officials (protection agents and/or specialists) from the Ministry of Culture, as the entity responsible for the protection of indigenous peoples in isolation and initial contact in Peru.

The logistical and human resources should be made available for the establishment of dialogue (conversations) - with relevant health and safety protocols - between the Ministry of Culture’s Yine interpreters and the aforementioned Mascho Piro group, with two objectives: (1) to gather as much information as possible about the situation of the Mascho Piro in this area (population number, location of dwellings, possible diseases, type of diet, interests, needs, etc.), and (2); to convey messages geared to establishing a peaceful relationship with neighboring communities.<sup>285</sup> This dialogue should not be understood as a form of assimilation or as a way to oblige more permanent contact.

284 Ministry of Culture-SERNANP Inter-Institutional Agreement. Clause Five Commitments of the Parties: 5.3 By both parties: 5.3.2 To coordinate joint protection, supervision and monitoring actions in NPAs (Natural Protected Areas) where indigenous peoples in isolation and initial contact exist or are presumed to exist. (Note transcribed from REPORT No. 09- LFTE/DACI/DGPI/VMI/MC).

285 The dialogue should only take place on the beaches where they usually appear, on the left bank of the Upper Madre de Dios River between the Yanayacu and Pusanga gorges. Their presence on the beaches makes it possible to assume that they are willing to meet with people outside their group (they call out to passing boats). People should not go into the forest to look for them; this could be understood as an intrusion into their territory and provoke a violent response. Furthermore, the open space on the beach allows better visibility than the forest, helping to avoid possible aggressions such as arrow shots. A minimum distance of 5 meters will be respected for dialogue, preferably separated by a creek or branch of a river (strategic places have been identified in front of the beaches where their excursions are more frequent). (Transcribed from Report No. 09 - LFTE/DACI/DGPI/VMI/MC)

A specific health protocol should be approved by the Health Department to address possible contact situations with the Mascho Piro in the Upper Madre de Dios. In addition, a trained and permanently available team, equipped to deal with emergencies involving either Shipetiari and Mascho Piro community members, should be assembled in Shipetiari in accordance with the directives of the Health Regulations and Technical Guidelines approved by the Ministry of Health (2007). In this case it is important that the Ministry of Health participate, through the National Health Strategy for Indigenous Peoples and the National Center for Intercultural Health, together with the Madre de Dios Regional Government through its Regional Health Directorate.”

### The Diamante - Mascho Piro Case - PERU

In view of the events that occurred in the Upper Madre de Dios involving members of the Diamante Native Community and the Mascho Piro in situation of isolation, the Vice-Ministry of Interculturality and FENAMAD visited the Diamante Native Community in February 2018 to monitor events and provide assistance as requested by the community itself.

A chronology of the events that occurred and the measures taken by the Vice-Ministry of Interculturality and FENAMAD, are set out in the “Completed Action Report”<sup>286</sup> dated February 27 to March 08, 2018. The report is transcribed below:

- On February 24, 2018, 71-year-old villager Victor Gorilla Teen was reported missing to staff at the Vice-Ministry of Interculturality.
- On 25 February 2018, personnel from the Vice-Ministry of Interculturality set out in search of him. Finding no evidence, they went to Boca Manu village.
- On 26 February 2018, the Diamante native community asked for FENAMAD’s support in appealing to the directors of the Vice-Ministry of Interculturality for

help in its search for the missing person. The community then formed a team to search for the missing person, together with Protection Agents. The body was found at 3:00 pm.

- On 27 February 2018, directors and technical personnel from FENAMAD urgently traveled to the Diamante native community to assist in the transport of families, to discuss the issues with the community and to provide any necessary support. Arriving at 5:00 p.m., it was not possible to see the body of the deceased because Manu (Salvation) Provincial Prosecutor’s Office had already transported it to the city of Cusco for the legally required autopsy. The body was returned to the community on 1 March 2018 with the cause of death confirmed as being an open thoracic wound caused by a sharp object.

The report presents the different institutions’ initiatives in response to requests from the family of the deceased and the Diamante Native Community. After a series of meetings, the following agreements and commitments were signed between the Diamante Community, FENAMAD and the Vice Ministry of Interculturality:

The Vice-Ministry pledges:

- To provide more peoples in isolation protection agents in the community in order to carry out continuous monitoring.
- To provide food to the eight families affected by the Mascho Piro occupation of their lots until new lots can be opened in comparable production conditions.
- To make the relevant arrangements to declare a state of emergency in order to direct aid to the Diamante Native community.
- To hold an assembly with the participation of the relevant district, provincial,

<sup>286</sup> Report on emergency assistance measures for the Diamante Native Community confronted by the presence of Mashco Piro indigenous people. 27 February to 8 March 2018. FENAMAD.

regional and national authorities in the Diamante Native Community.

- To meet with the relatives of the deceased to commit to provide the necessary aid.
- To transport the head of the household and relatives of the deceased to the city of Puerto Maldonado so that they can meet with regional authorities.
- The Diamante Native Community pledges:
- Not to cross to the left bank of the Upper Madre de Dios River. In emergency situations it should always be done with the knowledge and accompaniment of protection agents.
- On the part of FENAMAD:
- Community member Tania Gómez Saavedra is elected as a protection agent by means of a vote in the communal assembly.

A series of meetings were held with the Diamante Native Community following the activities outlined in FENAMAD's Report. Commitments were made at several meetings held in the city of Puerto Maldonado involving FENAMAD, the Ministry of Culture, the Vice-Ministry of Interculturality, the Madre de Dios Regional Government and the Madre de Dios Ombudsman's Office. Sixteen agreements were signed in total. Other meetings took place over two days, this time with various bodies of the Madre de Dios government, which resulted in the adoption of several agreements benefitting the Diamante Community.

The above accounts of events in Ecuador, Peru and Brazil demonstrate the complexities of the conflict situations involving indigenous peoples in isolation and indigenous peoples with a history of contact.

Indigenous peoples in isolation often provide advance notice of any action taken, it is therefore worth bearing in mind that such events can sometimes be avoided. On the other hand,

deficiencies in protection systems are principally the result of a lack of human and financial resources for their implementation.

#### **4. LEGAL FRAMEWORKS, BODIES RESPONSIBLE, AND ADMINISTRATIVE PROCEDURES FOR OFFICIAL TERRITORIAL DEMARCATION**

In Latin America a series of protection practices and the systematic gathering of information concerning indigenous peoples in isolation have been in place since 2006, mainly through the work of civil society organizations. Today, only Peru (as of 2006) and Colombia (in 2018, though not yet implemented) have developed a set of programs, actions and activities resulting in an official public policy for the protection of peoples in isolation. The public policy proposal in Ecuador has been under discussion since 2007, but is still without approval. Law No. 450 (on the Protection of Native Indigenous Nations and Peoples in a State of Extreme Vulnerability) was adopted by Bolivia in 2013, addressing indigenous peoples in isolation and establishing the "General Directorate for the Protection of Native Indigenous Nations and Peoples (DIGEPIO)". However, at the time of concluding this Regional Report, there is no public knowledge of its implementation, or about whether the regulations for the Law have been promulgated. We therefore do not consider Bolivia to have a specific public policy for indigenous peoples in isolation. There is no specific legal framework for indigenous peoples in isolation in either Paraguay or Venezuela.

Brazil is a unique case, as despite the existence of a set of administrative acts designed to protect indigenous peoples in isolation issued by the official indigenous body - FUNAI (and not Presidential Decrees), these can be officially revoked at any time by the President of the aforementioned institution (and/or the Minister to whom FUNAI is linked); we therefore do not consider there to be a specific public policy for indigenous peoples in isolation. In FUNAI's internal regulations, document No. 666/PRES/

FUNAI of July 17 2017 sets out the objectives of the institution and the corresponding powers and authorities relating to isolated indigenous peoples. Only one Presidential Decree mentions indigenous peoples in isolation directly: Decree No. 9010, 23 March 2017 (the FUNAI Statute); which states in article 2, paragraph II, subparagraph “d” of Annex I that, as a principle of the Brazilian State’s indigenous policy, isolated indigenous peoples are guaranteed the exercise of their freedom and traditional activities without obligation to be contacted. This Decree also designates the relevant planning, drafting, coordination and operational bodies for the protection of isolated and newly contacted groups. The protection policies in question, however, are not specified. On the other hand, FUNAI’s programs and initiatives actually developed in the field have enabled it to accumulate an experience in the protection of indigenous peoples in isolation that is without precedent in South America.

Despite the fragility of the legal framework, given the ease of its possible revocation (except for the Decree establishing FUNAI’s Statute) by the President of the institution or the Minister responsible, it should be noted that these administrative acts have been internally institutionalized within FUNAI and provide substantial support to the field teams by enabling the creation of Protection stations and the consequent identification and demarcation of indigenous lands with a presence of indigenous peoples in isolation.

Strictly speaking, therefore, five of the seven South American countries under study, do not have public protection policies for indigenous peoples in isolation that have been approved by the President of the Republic and/or Parliament.

The same picture emerges with regard to specific legal provisions for territorial classification. Only Peru and Colombia have decrees regulating the territorial management of indigenous peoples in isolation. The remaining countries use generic regulations (originally designed for contacted indigenous populations).

In the case of Peru, the 2019 Local Reports Peru are critical of the slow implementation of Law No. 28736/2006<sup>287</sup> as well as the political lobbying groups that slow its implementation and the delineation of indigenous territory. Below is a summary of these issues from the 2019 FENAMAD Local Report:

“In the case of adjustments to the Madre de Dios Territorial Reserve, structural issues remain, as summarized below:

- The existing legal framework represents a model based on Indigenous Reserves, which presents problems for the recognition of the integrity of territories of peoples in isolation.

- There is a lack of governmental will and commitment to safeguard the right to territory of indigenous peoples in isolation and initial contact, reflected in the minimum resources dedicated to these issues and the lack of compliance with the established timeframes.

- The exclusion and/or limited participation of indigenous organizations in the technical work and decision-making processes regarding the recognition of indigenous peoples and the designation of indigenous reserves.

- There are institutional weaknesses in the principal body responsible for matters related to peoples in isolation, (the Ministry of Culture,) which broadly affect the operations of the Special Trans-sectorial Regime and, in particular, territorial matters.

- There is no consensus among state institutions regarding basic principles of protection for peoples in isolation such as “intangibility” and “non-contact”, which leads to contradictions and a lack of articulation between the different institutions positions, as well as delays and even paralysis of processes.” (LRPe FENAMAD, 2019)

Another aspect raised in Peru’s Local Reports refers to the relative nature of the intangibility of indigenous reserves, as provided for in Law No. 28736/2006 (Article 5.c) and Article 35 of the regulations. Indigenous organizations recommend the reformulation of the above-mentioned articles in order to eliminate any exception to intangibility vis a vis potential resource exploration, thus guaranteeing the intangibility, integrity and

287 Cited by LRPe 2019. Available at: [http://www4.congreso.gob.pe/comisiones/2010/CEM\\_Problematica\\_indigena/\\_documentos/leyes%20de%20comunidades/\(6\)ley\\_protecciondepueblosindigenas28736.pdf](http://www4.congreso.gob.pe/comisiones/2010/CEM_Problematica_indigena/_documentos/leyes%20de%20comunidades/(6)ley_protecciondepueblosindigenas28736.pdf) Accessed: 5 April 2109.

inviolability of the territories of peoples in isolation. AIDSEP's Local Report adds:

"The State's institutional architecture for the protection of peoples in isolation, presently under the control of the Ministry of Culture, should be reconsidered. Leadership should be moved from a sectorial level to the Presidency of the Council of Ministers (PCM), thus enhancing state capacity in the protection of indigenous peoples in isolation and initial contact.

Furthermore, there is no national policy or plan for the protection of indigenous peoples in isolation and initial contact. The Peruvian Government recently passed Legislative Decree No. 1374 granting the Ministry of Culture the power to penalize actions that violate or put at risk the rights of indigenous peoples in isolation and initial contact, but its regulations are still pending.

In recent years the role of the Ministry of Culture can be characterized as being predominantly declaratory and in some cases contradictory. On the one hand it has issued official directives to convert territorial reserves created between 1990 and 2002 into indigenous reserves and granted recognition to certain peoples living in isolation within the proposed reserves. On the other hand it has increased the number and implementation of activities within these reserves, in the process invalidating intangibility affecting the life and health of peoples in isolation.

The difficulties facing demarcation of territories for indigenous peoples in isolation stem from the criteria set out in the standards governing the approval of indigenous reserves, which demand scientifically valid evidence and supporting studies. This could involve some form of direct contact with indigenous peoples in isolation and initial contact in order to prove their presence, in the process contradicting the guiding principles of non-contact or the prevention of contact in the protection of these peoples. The criteria is defended by a number of sectors that have interests in these territories; for example the Ministry of the Environment has a more conservation-centered approach, the Ministry of Economy regards such territories predominantly as spaces for the exploitation of resources, the Agriculture Sector sees them through the lens of forestry

concessions, and so on. In light of the situation, research methodologies on the use of these territorial spaces must be more complex and adopt non-invasive research methodologies, centered more on testimonial information. " (LRPe AIDSEP, 2019)

In Colombia, Decree No. 1232, of July 17, 2018, provides special prevention and protection measures for the rights of indigenous peoples in isolation (or 'natural state'), and establishes and regulates the National Prevention and Protection System for the Rights of Indigenous Peoples in Isolation. However, the system is yet to be implemented. The challenge in this case is to implement and institutionalize the decree in such a way as to reduce the gap, present in all countries, between *de jure* and *de facto* rights.

## 5. THE SOCIAL AND TERRITORIAL INTEGRITY OF INDIGENOUS PEOPLES IN ISOLATION (THREATS AND VULNERABILITIES)

The dangers facing indigenous peoples in isolation in South America are both numerous and serious. The analysis of the eleven local reports demonstrates that both the presence and the absence of the State can create and/or increase risks for the survival of these peoples.

At the regional level, the development model implemented by Latin American governments (based on the export of primary goods and corresponding building of infrastructure) contradicts protection measures for indigenous peoples in isolation. This type of initiative disrupts, destroys and fragments the natural systems of the Chaco and the Amazon Basin on which indigenous populations depend.<sup>288</sup> It is development model based on a view of natural resources as commodities that are there to be extracted, leaving a trail of destruction for the living beings of the forest.

Both these predatory state-driven development policies and poorly defined or absent legal frameworks and protection structures, infringe

288 The inalienable relationship (reciprocity and "kinship") between indigenous peoples in isolation and their territories (ecosystems) and all living beings in their environment, must be respected as the prevailing factor in their quality of life, self-determination, self-sufficiency, sustainability of their social systems, and the conservation of their health.

decisively upon indigenous peoples in isolation and their territories. The absence of legal frameworks is not coincidental, as made evident by the speed with which States implement colonization policies in the Amazon and Gran Chaco.

The local reports also make it evident that the protection policies and/or protection initiatives for indigenous peoples in isolation (which in some countries are making progress through the design of legal frameworks) are being undermined by a lack of human and financial resources. That lack is due to political-administrative interference, the implementation of mega-projects, and the impacts of both the latter and illicit activities.

The principle effects on indigenous peoples in isolation and their respective territories in the seven countries are summarized below.

National development plans involving colonization policies and the implementation of mega-projects in the Amazon and Chaco regions:

- Infrastructure construction: Roads, hydroelectric projects and transmission lines;
- The (legal and illegal ) exploration of natural resources: mining, oil (hydrocarbons), logging, hunting and commercial fishing;
- Agro-industry (mainly cattle, soy and corn);
- Institutional weakness: lack of human and financial resources and an absence of “political will” to define and/or implement effective protection measures;

- The weakening and/or relaxation of legislation protecting indigenous rights and safeguarding environmental and territorial protection;
- Illicit activities: drug trafficking, evangelization (religious proselytism), mining, unregulated tourism, land occupation (trafficking), forest fires, hunting and fishing, guerrillas, etc.

The above factors constitute serious threats to indigenous peoples in isolation and their territory as they: contaminate rivers (mainly with mercury); lead to sedimentation of river channels; they reduce and drive away wild-life and fish; diminish plant cover, reducing the availability of food and medicinal plants; increase the transmission of infectious diseases that are deadly for peoples in isolation; they alter the dynamics and management of territories; they destroy sacred spaces, and so forth... driving the majority indigenous peoples in isolation into a life of perpetual flight.

These local and regional-level state-sponsored mega-projects are generally internationally financed (Chinese, Russian, French, Dutch, U.S., Japanese, Canadian, World Bank and IDB) through multilateral agreements and the formation of conglomerates of mixed capital transnational corporations.

Sixty-one companies (national, international and funding agencies) were found to be operating in regions with a presence of indigenous peoples in isolation, and negatively affecting their territories.<sup>289</sup>

289 China Sinohydro and Sinopec; Bolivia Highway Administration (ABC), and the Chinese Company Accidental Association (CCCC); BGP China Company; China National Petroleum (CNPC); YPFB (Bolivia); Venezuela Petroleum-PDVESA; Petroandina (Bolivia); Russian Gazprom; JBS (Brazil); ADM (USA); Bunge (Netherlands); Cargil (USA); Louis Dreyfus Company (Netherlands); Minera Vale; World Bank. BNDES is one of; Litel/Litela (Brazil); PREVI (Brazil); FUNCEF (Brazil); BRADESPAR (Brazil); Mitsui&Co (Japanese); Chesf E A Eletrosul (Brazil); Engie (GDF SUEZ); Mizha Participações (Japanese Mitsui); Chino, Petroriental S.A.Nm; Español, Repsol; Blocks 31, 43 and 55; Ecuadorian financed. ITA POTI S.A.; LAAD (USA); CIMPEVISAC; Industrial Maderera Los Angeles Agro Forest A&J Sac; Sanra Inversiones SAC; Agrupación Iris; Shamboyacu Forest SAC; Sepahua Tropical Sac; Tropical Timber Group Sac; Catahua A E B; Wood Tropical Forest -Maderya; Maderacre; Canales Tahuamanu; Alpi Rosa SAC; Perupetro; Móvil-Exxon-Elf(USA); China Camc Engineering Co. Ltd; Yakuang Group; Afridiam of the Republic of Congo; Gold Reserve of Canada; Central Bank of Venezuela (BCV) in Caracas; Faoz C Corporation.A.; Joint Venture between Venezuela and the Gold Reserve of Canada; Energold Minerals of Canada; Guaniamo Mining Company, US financed; Barrick International Corporation and MPE International Inc.; Italiana Bedeschi; Afridiam of the Democratic Republic of Congo; China Yang Kuang Group; Energold Minerals Inc.; Metales del Sur; Supracal which will be the Oro Azul Company; Faoz Ca.; Paruaza Ecosocialist Company.

## 6. THE LATIN AMERICAN CONTEXT

### Development and the Risks for Indigenous Peoples in Isolation

In some parts of South America, in particular in Brazil, Bolivia and Paraguay, the “Beef, Bullet and Bible” trinity,<sup>290</sup> ‘infiltrates’ and even finances Legislative, Executive and Judicial authorities, in the process influencing and even imposing decisions with complete disregard for the rights of the populations that depend on the forest for their survival.

A false “extractivism or poverty” dilemma (current throughout Latin America)<sup>291</sup> is used as a way to influence the strategic planning of Latin American governments, despite the low value-added nature of agro-industrial and mineral/oil commodities. Conversely, trade liberalization entails the import of high value-added goods and services. In practice this merely serves to uphold patterns of economic domination and subordination vis-à-vis the countries with which trade is conducted.

We live in an era of mega-projects<sup>292</sup> in which transnational corporations<sup>293</sup> influence markets and the daily lives of citizens (one example of this is China, which has more than half of the world’s large hydroelectric plants,<sup>294</sup> and the Chinese companies that are active in South America, including those in the Amazon)<sup>295 296</sup> These corporations are non-state transnational actors that benefit from the expansion and intensification of the globalized market, in the process limiting the capacity of the State (state-centrism).

Chinese companies are building dozens of dams in Latin American countries in exchange for oil and access to mineral and food resources. However, according to critics these companies are neither transparent nor accountable, and authorities frequently find legislative loopholes that allow those responsible for operating hydropower plants to bypass mechanisms designed to protect fish, wildlife and water quality, as well as indigenous and other river-based communities.<sup>297</sup>

290 The Ox, representing agro-industry, the Bible representing religious fundamentalist proselytism and the Bullet, the military. For further information on the activities of this group in Brazil, see: [https://brasil.elpais.com/brasil/2017/12/01/politica/1512148795\\_433241.html](https://brasil.elpais.com/brasil/2017/12/01/politica/1512148795_433241.html) Accessed: 28 March 2019.

291 Since 2000, all South American governments have placed extractivism at the centre of their national development plans.

292 Despite recognition that the strict meaning of the word “mega” refers to million-dollar projects, convention in the academic management literature deems that mega-projects are those with a cost of more than one billion dollars, meaning that technically speaking, the increasingly common billion-dollar projects would be characterized as “gigaprojects” (Flyveberg, 2014).

293 Bilateral agreements are a common political framework for specific mega-projects, as is the case with the agreements between Ecuador and China for the financing and construction of the Coca-Coda Sinclair Dam on the Coca River, or the agreements with Chinese company Citic Group in Venezuela for drawing up a mining map of the country, or the particularly ambitious Peru-Brazil Energy Agreement which covers the financing of not just one, but a series of infrastructure projects over a period of several years, despite having received strong resistance from social movements: Walter, Carlos. A IIRSA e a Amazônia: tensões territoriais em curso-Uma introdução à ecologia política da região (IIRSA and the Amazon: Territorial Tensions in Progress - An Introduction to the Political Ecology of the Region) [unpublished document], 2015.

294 Who are the Chinese that are interested in the Amazon. Article Repórter Brasil. Available at: <http://reporterbrasil.org.br/2016/02/quem-sao-os-chineses-de-olho-na-amazonia/> Accessed: 22 April 2019.

295 Of the 412 hydroelectric plants that were either already built or in the construction or planning phase in the Amazon basin as of 2015, 77 were in Peru, 55 in Ecuador, 14 in Bolivia, 6 in Venezuela and 2 in Guyana. There are also several large hydroelectric plants under construction in Chile, Argentina, Bolivia, Costa Rica, Nicaragua, Panama, El Salvador and Honduras. Available at: <https://www.theguardian.com/global-development-professionals-network/2017/may/23/por-que-a-america-latina-tem-tamanha-obsessao-por-mega-hidreletricas>; and <http://blogs.correiobraziliense.com.br/vicente/o-dragao-chines-invade-america-latina/>; and <http://fase.org.br/wp-content/uploads/2017/06/A-geopolitica-de-infraestrutura-da-china-na-America-do-Sul.pdf> and [http://actionaid.org.br/wp-content/files\\_mf/1493418194actionaid\\_investimentoschineses\\_web\\_2.pdf](http://actionaid.org.br/wp-content/files_mf/1493418194actionaid_investimentoschineses_web_2.pdf) Accessed: 22 April 2019

296 For the case of Brazil see: <http://amazonia.inesc.org.br/destaque/grandes-projetos-na-amazonia-expoem-influencia-da-china-em-violacoes-socioambientais/> Accessed: 22 April 2019.

297 Mega-projects in the Amazon Basin (and across the world) lead to spatial-temporal reordering and consequently create conflicts between territorialities, directly affecting the peoples who depend on forests for their survival.

We live in times in which compensation policies<sup>298 299</sup> supplant emancipation policies: personal goods are held to be above social goods, and Latin America social policies have been designed and implemented to facilitate the prevailing economic model. In turn, social/public government programs<sup>300</sup> rarely become State policies (and therefore often disappear with a change of mandate) and, at best, include populations economically on the basis of consumption (through individualized and conditioned incentives) which does not reduce historical social inequality. These social policies consequently strengthen individualism as a form of social agency, to the detriment of collective action.

As discussed below, even with the ratification of the ILO Convention 169 and international legal frameworks for the defense of Indigenous Peoples and isolated groups, and even with the implementation of progressive constitutional reforms, it will still not be possible to guarantee ethnic/indigenous rights (in the broader sense) in the face of mining, forestry, oil extraction activities and large-scale agro-industry, etc. The major challenge is therefore to reduce the huge gap between *de jure* and *de facto* rights, particularly, with regard to our focus, those related to indigenous peoples in isolation.

## 7. LOCAL UNDERTAKINGS AND REGIONAL INTEGRATION PROJECTS - AMAZON AND GRAN CHACO

### Development and Indigenous Peoples in Isolation and Initial Contact

As briefly outlined above, in the Amazon basin the extractivist and export-driven development model (electricity generation, mining, civil construction, logging, agriculture, oil industry, etc.) which presently prevails in the Latin American context, runs counter to the lifestyles and constitutional guarantees of forest peoples. There is a contradiction between the protection policies for indigenous peoples in isolation and the development plans/activities of the State.

### The Amazon Basin

About 33 million people live in the Amazon basin,<sup>301</sup> which is composed of 12 macro-basins and 158 sub-basins. The area is home to 385 indigenous groups with 66 confirmed records of peoples in isolation; there are 2,334 indigenous territories.

298 In Brazil, the Bolsa Família became the main program under the Lula government. In Bolivia, Evo Morales' government implemented the Juanito Pinto school vouchers and the Renta Dignidad vouchers for the elderly. In Venezuela there were the so-called Social Missions. Daniel Ortega, president of Nicaragua, created Zero Hunger; in Peru there was the Juntos Program; in Paraguay, there was Tekoporã; Familia en Acción and Red Juntos were subsidies dependent upon school attendance in Colombia. In Ecuador, Rafael Correa's government implemented the Bono de Desarrollo Humano, Pensión para Adultos Mayores e Pensión para Personas con Discapacidad.

299 The idea of compensation would hardly make sense with respect to indigenous peoples if it is taken as reparation for the assimilationist policies that have always characterized state actions towards these peoples. This differentiation includes the right to social self-organization, including differentiated forms of power, as well as to representation. In this sense, they would be policies of affirmation of the right to break with the established order. See: Coelho, 2015 in <http://www.periodicoeletronicos.ufma.br/index.php/rppublica/article/viewFile/3802/1910> Accessed: 28 March 2019

300 Despite the rhetoric of respect for diversity, the development of public policy continues to be based on antagonism to these peoples, on a generic concept of *Indian*, and with disregard to existing diagnoses and information (Coelho, 2015).

301 The Amazon Network of Geo-Referenced Socio-Environmental Information is a space for the exchange and coordination of geo-referenced socio-environmental information at the service of processes that positively link collective rights with the valuation and sustainability of socio-environmental diversity in the Amazon region. Available at: <https://www.socioambiental.org/pt-br/campanha/raisg> Accessed: 5 April 2019.

Map 5. Amazon Basin Countries with Indigenous Peoples in Isolation and Initial Contact



Source: RAISG/Antenor Vaz. 2017.

Map 6. Indigenous Peoples in Isolation and Initial Contact in the Amazon Basin and El Chaco

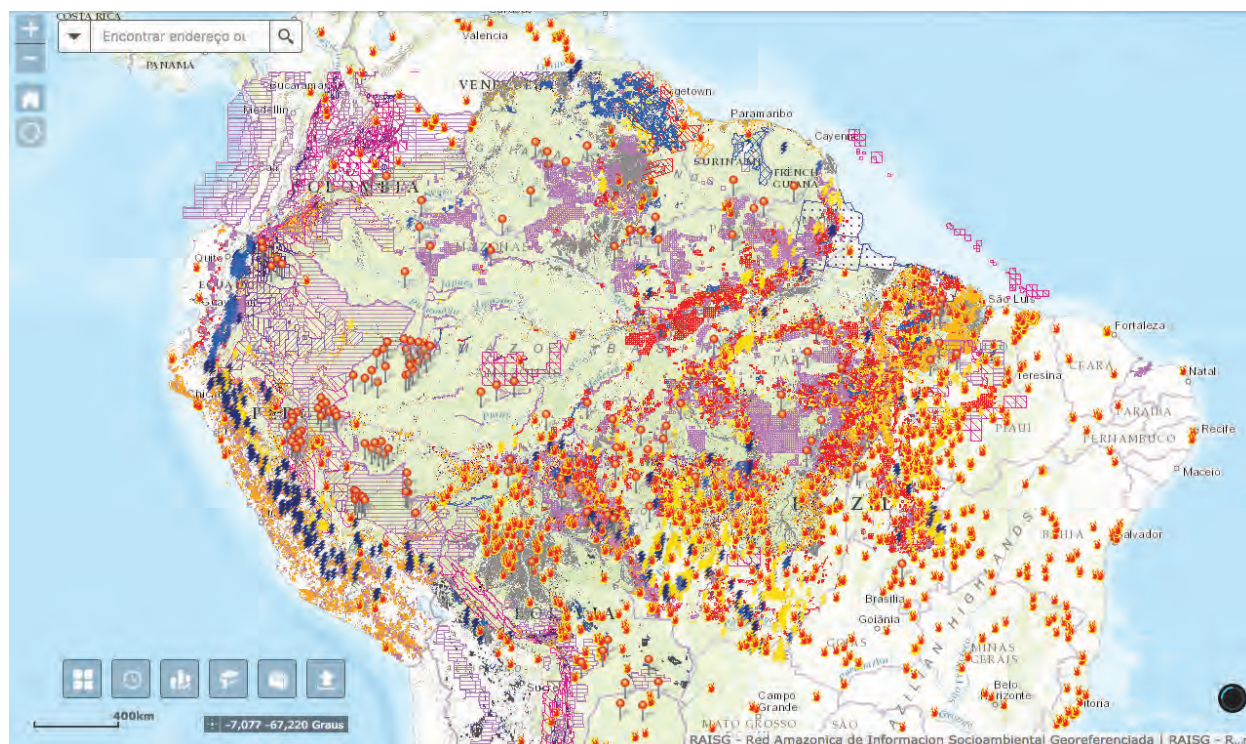


Source: RAISG/Antenor Vaz -2017

The following map shows the recorded locations of indigenous peoples in isolation and initial contact in the Amazon Basin, overlaying the hydroelectric plants (in operation, in construction, potential and projected), mining activities

(potential, in process of licensing, in exploration and prospection), oil and gas activities (potential, licensing, in exploration), hot spots and areas of deforestation.

Map 7. Indigenous Peoples in Isolation and Initial Contact and Enterprises in the Amazon Basin



Source: RAISG/Antenor Vaz 2017.<sup>302</sup> Hydroelectric plants, Mining, Oil and Gas, Hot Spots, Deforestation.

The above map shows the extent to which nearby projects, fires and deforestation next to or even within areas indigenous peoples in isolation can directly affect them and their territories. It is impossible to address the protection of these peoples without considering the direct and indirect effects of, for example, a road.<sup>303</sup> Neither is it possible to define protection policies for indigenous peoples in isolation without taking into consideration the advance of large projects and illicit activities in their territories.

Faced with this reality, the protection of indigenous peoples in isolation must consider the extractive and export-oriented development

model to be the main risk to indigenous peoples in isolation. The model produces a contradiction between protection policies for these peoples and the macroeconomic policies adopted by the State. In practice, these conditions push indigenous peoples in isolation towards forced contact (as the only option for survival), and promote a public opinion that regards indigenous peoples, especially those in isolation, as ‘obstacles to development’. At stake are different ways of being and of understanding the world, in which, for example, territory might have various functions and meanings, both amongst different indigenous peoples and non-indigenous society.<sup>304</sup>

302 Available at: <http://www.sciencemag.org/news/2017/08/maps-reveal-how-amazon-development-closing-isolated-tribes> Accessed: 5 April 2019.

303 Roads facilitate access for illicit activities within indigenous territories, as well as the arrival of consumption patterns and government programs (built upon non-indigenous logic) that oblige indigenous peoples to go to urban centers if they wish to access them.

304 Kawsak Sacha is the living space of all beings that inhabit the forest from the tiniest to the largest and most supreme beings, including the animal, vegetable, mineral and cosmic worlds. It is a transcendental territorial area destined to revitalize the emotional, psychological, physical and spiritual aspects and restore the energy, life and balance of native peoples. It is the domain of waterfalls, lagoons, swamps, mountains, rivers and trees, populated places where the supreme beings, masters and protectors of Kawsak Sacha inhabit and develop their life in a similar way to humans. The Kawsak Sacha is also the place where the knowledge of the Yachay is transmitted, where they sense in the world the wisdom of the Masters and Lords of the living places and the sublime cosmovision for methodical learning. This universe, the natural balance, the harmony of life, the cultural perpetuity, the existence of living beings and the continuity of the Kawsak Sacha all depend on the permanence and the inter transmission of the powers of the supreme protective beings of Kawsak Sacha with the Yachak, as well as the correlation and respect between human beings and the beings of the forest. In our Amazon, in Sarayaku, there are similar beings to us such as the Amazanga, which we can see

These differing views impact on State decisions when addressing the indigenous issue. AIDSESP's 2009 Peru Local Report illustrates the effects of these ways of thinking and acting on the interpretation (and implementation) of protection policies for indigenous peoples in isolation:

"The difficulties facing territorial demarcation for indigenous peoples in isolation and initial contact are reflected in the criteria used in the standards for the establishment of an Indigenous Reserve, specifically that the evidence and supporting studies be scientifically valid. This could entail direct contact with indigenous peoples in isolation and initial contact in order to demonstrate their presence, which contradicts the guiding principles for protection: i.e. non-contact and prevention. This criteria is defended by different public sectors, each with their own distinct territorial interests: The Ministry of the Environment, for example, has a more conservation-oriented approach, while the Ministry of Economy views such territories

as potential areas for the exploitation of resources, and the Agricultural Sector as areas for forestry concessions." (LRPe AIDSESP, 2019).

Economic development and illicit activities in the Amazon Basin increase and enhance the socio-epidemiological vulnerability of indigenous peoples in isolation and initial contact. Confronted with this situation, States, when they act from a protection perspective, only mitigate to a minor degree the harmful effects on indigenous peoples in isolation.

Below we outline how so-called 'development' implemented in each of the seven countries (reported upon and individually analyzed in the Local Reports) affects indigenous peoples in isolation on the regional level in South America.

We will start by highlighting the major nationally and/or internationally financed ventures:

**Table 33. Initiative/Source of Finance**

INITIATIVE	ORIGIN OF CAPITAL / OBSERVATIONS
<b>BOLIVIA</b>	
<b>1- Ixiamas-Chive Road</b> <b>2- "El Bala"</b> <b>Hydroelectric Mega-Project</b> <b>3- Hydrocarbon seismic exploration project (2D Seismic Acquisition Project, Madre de Dios Basin, Nueva Esperanza Area, Madidi Block)</b> <b>4- Madidi Block</b>	<p>1 - The CCCC Sociedad Accidental (or CCCC Accidental Association) - Investment \$US 744,601,845 - CHINA</p> <p>2 - The results of the Identification Study (IS) conducted by ITALIAN company Geodata Engineering warned of the lack of profitability of the multi-million dollar complex (LRBo-2019).</p> <p>3 - Yacimientos Petrolíferos Fiscales Bolivianos -YPFB</p> <p>- 1,008 linear Km</p> <p>- Status: carried out by Chinese company BGP, 2016-2017. In process of evaluation.</p> <p>\$US 57.00 million Invested Chinese funds (Eximbank)</p> <p>4 - YPFB and PDVSA (Venezuelan Petroleum) established a Joint Venture in the Madidi block. In view of Petroandina's problems, a possible survey agreement was recently announced for the area with Russian company GAZPROM.<sup>305</sup></p> <p>Observations</p> <p>-Bilateral external debt with the People's Republic of China grew more than 21 times, by 2,122 percent, between 2007 and 2017. It rose from US\$ 75.4 million to US\$ 1.6 billion in 2017<sup>306</sup> (LRBo-2019).</p> <p>-Accidental Association BGP is part of Accidental Association in Bolivia and a subsidiary of the Chinese company BGP International, which is the operating arm of the giant China National Petroleum Corporation, one of the largest companies in the world (LRBo-2019).</p>

and hear. That is why we do not want them to extract oil in our territory. If they extract these resources all the beings and spirits of the jungle will disappear. The masters and the animals of the forest will become extinct. Without them our land will be orphaned. That's why we defend and preserve our living jungle. Available at: [https://www.youtube.com/watch?v=LmJjO6tYp\\_4&t=18s&app=desktop](https://www.youtube.com/watch?v=LmJjO6tYp_4&t=18s&app=desktop). Accessed: 5 April 2019.

305 Cited by LRBo IA 2019. Available at: [https://cedib.org/post\\_type\\_titulares/la-industria-petrolera-amenaza-pueblos-no-contcatados-en-la-amazonia-internationalcry-20-2-17/](https://cedib.org/post_type_titulares/la-industria-petrolera-amenaza-pueblos-no-contcatados-en-la-amazonia-internationalcry-20-2-17/). Accessed: 5 April 2019.

306 Cited by LRBo IA 2019. Available at: <http://www.lostiempos.com/oh/actualidad/20180115/incursion-desembarco-chino-bolivia>. Accessed: 5 April 2019.

BRAZIL	
<p><b>1-Extention of the Ferro Carajás Highway (EFC) (Minera VALE).</b></p> <p><b>2-Hydro Projects - Tabco I, Cesar Filho, MU2</b></p> <p><b>3-BR - 429</b></p> <p><b>4-Transmission Line Manaus (AM) - Boa Vista (RO)</b></p> <p><b>5- Ilha de São Pedro Hydro project (Planned) (little information)</b></p> <p><b>6-BR - 174 (Castanheiras-Colniza) (Under licensing).</b></p> <p><b>7- Jirau Hydro project<sup>307</sup></b></p> <p><b>8-BR - 364 Duplication in licensing phase (2017). Resources from BNDES.</b></p> <p><b>9-BR - 319 Repair/paving</b></p> <p><b>10 -Muro Hydro Plant</b></p> <p><b>11-Agroindustry</b></p>	<p>1- Vale S.A. is a Brazilian multinational company involved in metals and mining and one of the largest logistics operators in Brazil. The extension of the EFC is an estimated US\$ 7.9 billion project. Currently, BNDES is one of the main sources of financing for both operational investments and for the recent extension of the railroad.</p> <p>2-PCH Cesar Filho was built by the Cesar Cassol Group,<sup>308</sup> a private Brazilian initiative based in Rondônia (RO).</p> <p>3-BR-429: Asphaltting concluded (between 2009 and 2011), with indications of overpricing and corruption.<sup>309</sup></p> <p>4- In the licensing phase. The government plans to impose, by force, the construction of the transmission line. On February 27, 2019, the National Defense Council argued that this is an undertaking of "national defense policy interest" and decided to accelerate the construction process, stating that environmental issues will be considered within the larger context of national sovereignty.<sup>310</sup></p> <p>5- No information.</p> <p>6- In the licensing phase for the completion of asphaltting. BR-174 is a 3,321 km federal highway linking Cáceres to Pacaraima, on the Venezuelan border. It is the only road connection between the state of Roraima and the rest of the country.</p> <p>7-Built by the Brazilian Energia Sustentável consortium - ESBR - Energy (GDF Suez, now Engie -French - 50.1 %), Eletrosul - (20 % - Brazilian), Chesf (20 % - Brazilian) and Camargo Corrêa (9.9 % - Brazilian). Chesf and Eletrosul hold 20 % of the ESBR's share capital. Engie's (GDF Suez) participation was increased to 60 % with the purchase of the Camargo Corrêa's portion in 2012, later reduced to 40 % as a result of the sale of 20 % of shares to Mizha Participações (a subsidiary of the Japanese company Mitsui).</p> <p>In February 2009, BNDES approved R\$7.2 billion in financing for the project; the total invested, however, is R\$19 billion, the largest amount ever invested in a single project<sup>311</sup></p> <p>8-Duplication in the licensing phase (2017). Resources from BNDES.</p> <p>9-In discussion and initial licensing phase.</p> <p>10-In licensing phase.</p> <p><b>11-AGRO-INDUSTRY</b></p> <p>There is a strong presence and activity of large agricultural conglomerates in Brazil, such as JBS (Brazilian company) and companies that make up the group known as "ABCD" (ADM, Bunge, Cargil and Louis Dreyfus Company).</p> <p>Archer Daniels Midland Company (ADM) is a global food processing and commodities trading company, based in Chicago, Illinois. The company operates more than 270 plants and 420 agricultural procurement facilities worldwide, and those grain and oilseeds are processed into products used in the food, beverage, nutraceutical, industrial and animal feed markets around the world.</p> <p>Bunge is a multinational agribusiness and food company. Of Dutch origin, it is present in Brazil, where it is the principal food industry company and largest exporter in the country.</p> <p>Cargil Incorporated is a private American company with closed capital. It is the largest closed capital corporation in the United States in terms of revenue.</p> <p>Louis Dreyfus Company B.V. (LDC) is a Dutch global trading company involved in agriculture, food processing, international transportation and finance. The company owns and manages hedge funds, ocean-going vessels, develops and operates telecommunications infrastructure, and is also involved in the development, management and ownership of real estate. It is one of the quartet of "ABCD" companies - alongside Archer Daniels Midland, Bunge and Cargil - that dominate the world market in agricultural commodities.</p> <p>Louis Dreyfus is present in more than 100 countries, with 72 offices. Its main offices are located in Geneva, London, Beijing, Buenos Aires, Paris, São Paulo, Singapore, New York and Connecticut.</p> <p>Large corporations operate alongside agribusiness as well as in infrastructure works in Brazil. They finance political campaigns with large donations. (...) A significant number of politicians received a total of more than R\$50 million for their election campaigns in 2010, donated by corporations linked to agribusiness, such as JBS, which donated more than R\$ 130 million; Bunge Fertilizantes R\$ 2.72 million; and Marfrig R\$ 1.2 million. (LRBr-2019)</p>

307 Cited in LRBr 2019. Available at: <https://economia.estadao.com.br/noticias/geral,governo-defne-linhao-manaus-boa-vista-como-estrategico-para-a-soberania-nacional,70002738685>. Accessed: 5 April 2019.

308 Cited by ILBr 2019. Available at: [https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20090218\\_jirau](https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20090218_jirau) Accessed: 5 April 2019.

309 Cited in LRBr 2019. Available at: <http://www.grupocesarcassol.com.br/nossos-negocios>. Accessed: 5 April 2019.

310 Cited in LRBr 2019. Available at: <http://amazonia.org.br/2016/07/mpf-denuncia-25-pessoas-por-esquema-de-corrupcao-em-obra-da-br-429/>. Accessed: 5 April 2019.

311 Cited in LRBr 2019. Available at: <https://www1.folha.uol.com.br/mercado/2009/02/506028-bndes-aprova-maior-financiamento-de-sua-historia-para-a-usina-jirau.shtml>. Accessed: 15 March 2019.

COLOMBIA	
<b>1-Expansion of agri-cultural ventures.</b> <small>312</small> <b>2-Extraction of natural resources.</b>	<p>1- Drivers of transformations in the Colombian Amazon: roads, coca cultivation, massive land grabbing, cattle ranching, the institutionalization of development, African palm and illegal mining.</p> <p>2--Extractive activity in the Putumayo river area, (bordering Peru) not only represents a risk in terms of forest cover loss and associated fauna, but also increases the chances of contact with peoples in isolation.</p> <p>Observations</p> <p>Legal development projects promoted at the national level in the Colombian Amazon are located outside areas with a confirmed presence of indigenous peoples in isolation.</p> <p>The Tarapacá forest management zone (423,648 ha), south of the Puré River, has been subject to exploration and timber exploitation since 1996 (NNPRP, 2012). In 2018, anonymous sources recorded the extensive extraction of white wood along the course of the Pupuña River (more than two thousand logs), as well as a number of abandoned camps and one still in operation. Tributaries of the Pupuña river - near the Caño Lobo and Caño Ana PA Intangible Zone - are under significant pressure, posing an serious risk of contact with Indigenous Peoples in Isolation.</p>
ECUADOR	
<b>1 - Blocks 14 and 17- Chinese capital, PetroOriental S.A.</b> <b>2 - Block 16 - Spanish capital - Repsol</b> <b>3 - Blocks 31, 43 and 55 - Ecuadorian capital</b>	<p>1-PetroOriental S.A. operates in blocks 14 and 17 (Province of Orellana). The company consists of capital provided by state-owned enterprises of the People's Republic of China: China National Petroleum Corporation (CNPC) - 55 % stake; and China Petrochemical Corporation (SINOPEC) - 45 % stake.</p> <p>2-Repsol S.A. is an energy company based in Madrid, Spain. It carries out upstream and downstream activities throughout the world. It operates in all areas of the oil and gas industry, including exploration and production, refining, distribution and marketing, petrochemicals, power generation and marketing. In 2001 Repsol Ecuador began exploration and production activities in two blocks based on a service provision agreement. The majority of operations in the country are located within Waorani Territory in Yasuni National Park, due to the development of upstream activities related to Block 16.</p> <p>3-Petrobell - Ecuadorian/USA</p> <p>-Petroamazonas -Ecuadorian State</p> <p>Most of the capital is from China, Spain and Ecuador.</p> <p>Observations -China's economic influence is growing rapidly throughout Latin America,<sup>313</sup> perhaps most evidently in Ecuador <sup>314</sup> <sup>315</sup> where it has close to a monopoly on the export of raw materials. Critics say that Chinese influence has grown too much and threatens national sovereignty, as well as biodiversity and the rights of indigenous peoples.</p> <p>The companies Repsol (Block 16) and Petroamazonas (Blocks 31, 43 and 55) in the northern zone are operating around and even within the Intangible Zone. To the West is the company Petrooriental (Blocks 14 and 17) while Blocks 83, 84 and 87 to the South are not currently under contract.</p>
PARAGUAY	
<b>1-Agroindustry</b> <b>2-Bioceanic Corridor</b> <b>3- Hydrocarbon exploration</b> <b>4- Mining</b>	<p>1-The main agricultural production initiatives that affect the original territory of the Ayoreo people in a situation of isolation, incentivized by the Paraguayan government, are financed by loans from private banks, including financial institutions that receive contributions from European governments (Latin American Agribusiness Development Corporation (LAAD).</p> <p>LAAD is based in Coral Gables, Florida. The Latin American Agribusiness Development Corporation has regional and national offices in the Dominican Republic, Colombia, Costa Rica, Nicaragua, Guatemala, El Salvador, Honduras, Belize, Bolivia, Brazil, Chile, Ecuador, Peru, Paraguay, and Uruguay.</p> <p>-Yaguareté Pora S.A. (Brazil). <sup>316</sup></p> <p>Yaguareté Pora was the only ranch that conducted deforestation activities in the area during 2015 (until October). This occurred inside the Totobiegosode Natural and Cultural Heritage area to the West of an already deforested area.<sup>317</sup></p> <p>-Carlos Casado S.A./San José Group of Spain; River Plate S.A.; Ita Poti S.A.; BBC S.A., among others.<sup>318</sup></p>

312 Available at: <https://boletimisolados.trabalhoindigenista.org.br/2018/01/10/povos-indigenas-isolados-na-colombia-politicas-publicas-e-iniciativas-comunitarias-indigenas/>. Accessed: 15 March 2019.

313 Cited in LRPE 2019. Available at: <https://www.economist.com/the-americas/2014/04/12/flexible-friends>. Accessed: 15 March 2019.

314 Cited in LRPE AIDSESP 2019. Available at: <https://web.archive.org/web/20141019004748/http://www.cuencahighlife.com/post/2013/11/29/China-enjoys-near-monopoly-on-Ecuadorian-oil-and-critics.aspx>. Accessed: 15 March 2019.

315 Cited in LRPE 2019. Available at: <http://www.expertise.com.ec/en/the-presence-of-chinese-firms-increases-in-the-oil-sector/>. Accessed: 15 March 2019.

316 Cited in LRPY 2019. Available at: <https://noticias.uol.com.br/meio-ambiente/ultimas-noticias/redacao/2014/08/21/empresa-brasileira-e-denunciada-por-ameacar-indigenas-isolados-do-paraguai.htm>. Accessed: 5 April 2019.

317 Cited in LRPY IA 2019. The isolated Ayoreo in the northern Paraguayan Chaco Report 2014-2015 - Amotocodie Initiative. Available at: <https://www.iniciativa-amotocodie.org/wp-content/uploads/2016/04/Informe-Aislados-2014-215-final-web.pdf>. Accessed: 5 April 2019.

318 Available at: <https://www.survivalinternational.org/about/yaguarete>. Accessed on 5 April 2019. See also: <https://www.business-humanrights.org/en/survival-intl-calls-on-un-to-remove-yaguarete-pora-from-global-compact-over-allegedly-destroying-land-belonging-to-paraguayan-indigenous-tribe>. Accessed: 5 April 2019.

	<p>2-The railway interconnection infrastructure for the Bioceanic Corridor, to be financed with international capital (within the framework of the IIRSA and guaranteed by MERCOSUR), aims to connect the Brazilian port of Santos on the Atlantic Ocean with Ilo (Peru) on the Pacific; a total of 4,000 kilometers, with a junction connecting Paraguay. Still in the discussion and study phase, the project dates back to 2007 and brings together multilateral economic interests whose aim is to reduce transport time between Brazil and Asia by three weeks.</p> <p>The Bioceanic Corridor in Bolivia crosses Ayoreo territory longitudinally and constitutes a serious threat to the peoples that move through the forests on both sides. On a smaller scale, but with a similar end result, this also occurs in Paraguay with Lines 1 and 2, which cross the territory longitudinally and transversally. These two routes are traveled day and night by high-speed vehicles and caravans of cattle trucks (transganados), totally altering the natural life of the forest, particularly that of Defensores del Chaco National Park.</p> <p>3- No consistent information.</p> <p>4- Mining pressure is increasing, and private companies are beginning to operate in various areas of the Ayoreo territory, exploring and exploiting resources in areas with the presence of peoples in isolation, including forest reserves, national parks, protected areas and nature reserves. These initiatives are supported by state bodies; in Paraguay under the protection of the Public-Private Alliance law and in Bolivia according to the government's own development interests.</p> <p>Mineral resources have been identified in the area of Cerro León and Salinas de San Miguel. Hydrocarbon resources from shale, whose extraction currently involves the hydraulic fracturing of rocks, a method known as "fracking".</p> <p>Observations</p> <ul style="list-style-type: none"> <li>-After deforestation, hydrocarbon exploration, particularly in the exploratory phase, has the greatest impact on the lives of people in isolation.</li> <li>-Between 2015 and 2017, the Gran Chaco region suffered the highest average deforestation in the world. Studies carried out by the NGO Guyra Paraguay show that the average annual rate of deforestation is close to 400,000 hectares. Ayoreo territory was worst affected, with its forests being most severely destroyed.</li> <li>-The interruption of the migratory routes of isolated peoples: the route to the salt flats. The political border between Paraguay and Bolivia is not recognized as a territorial barrier by isolated peoples, who move as their ancestors did since they first occupied this region. The salt flats of San Miguel and Santiago are located in present-day Bolivia, just 30 km from the Paraguayan border. These sites are of vital importance for the lives of isolated people and are a historic place for all Ayoreo people.</li> <li>-Another serious recent violation of the rights of these people was the invasion of an already titled indigenous property. The firm Ita Poti S.A. encroached on the lands titled to the Ayoreo Totobiegosode Community by erecting fences And citing alleged overlapping of titles. However, the lands of the Ayoreo Totobiegosode Community were granted by judicial measure, with a clear and enforceable judgment that established the exact location of the land. These facts have been reported to the Public Defender's office as a crime of encroaching on another's property and as crimes against the environment. Despite the fact that the reported events have been confirmed on the ground, prosecutorial investigations have not made any real progress.</li> </ul> <p>Actor: Ita Poti S.A.</p>
PERU	
<p><b>Colonization/ Infrastructure</b> <b>1- Road Infrastructure</b> <b>2-Timber and logging concessions</b></p>	<p>FENAMAD</p> <p>1-Nuevo Eden-Boca Manu Road</p> <p>Madre de Dios Regional Government</p> <p>Financing principally from Peruvian governmental funding. The work was sponsored by the Madre de Dios Regional Government. The construction of access roads to forest and other concessions, however, depends mainly on private investors (LRPe FENAMAD 2019).</p> <p>AIDSEP</p> <p>Road infrastructure: Road projects are promoted by the Peruvian State and sub-national governments (regional and local):</p> <p>Pucallpa - Cruzeiro do Sul Road Project: Affects the Isconahua people in isolation. The road initially passed within the Isconahua Indigenous Reserve, but at the section designed by the Pucallpa Road Consortium, commissioned by State entity Provías to draw up the project proposal, now passes at a distance of 6km from the Isconahua Reserve, though it remains a possible threat to the territory and lifestyle of the peoples in isolation. The route for a similarly proposed railroad project connecting these same towns also appears to cross the reserve. It is important to point out the fragility of the ecosystems in these areas and that a road could affect both the Isconahua and various species of fauna (IBC, 2015: 159). The Pucallpa-Cruzeiro do Sul road is the result of a long standing desire for intercommunication on the part of the Peruvian and Brazilian authorities.</p> <p>Southern Inter-Oceanic Road Corridor (CVIS): Deemed a "public necessity and of national interest" by the Peruvian State in Law No. 28214, and constructed with funds from the Andean Development Corporation. The Peruvian State and the CONIRSA Consortium (Odebrecht, Graña y Montero, ICCGSA and JJ Contratistas generales) signed the contract in 2005, and the project was concluded in 2010. This road affects the Matsigenka of the Kugapakori, Nahua, Nanti and others Territorial Reserve, the Mashco Piro, and another indigenous people from the Madre de Dios Indigenous Reserve whose identity could not be determined.</p>

	<p>Breu - Nueva Italia road; Puerto Copa - Atalaya road; and other road projects: These roads affect peoples in isolation in the Mascho Piro Indigenous Reserve such as the Mastanahua, Mascho Piro and another indigenous people whose identity has not been determined. It would also affect the Murunahua, Chitonahua, Mascho Piro and Amahuaca peoples in the Murunahua Indigenous Reserve. These roads have been sponsored by the Provincial Municipality of Atalaya, Department of Ucayali.</p> <p>Construction of the Boca Puguientimari local Road, Left Hand Side, Km. 21. Mapotoato, C.P.M. Kepashiato, operator: Mayor Basilides Guzmán Conchatupa, Mayor's Office of the Echarate District, Cusco, Peru, section 4 would affect the RTKNN.</p> <p>Puerto Esperanza - Iñapari road: This road, commissioned by the Transport and Communications Commission of the Congress of the Republic of Peru, was approved by Law No. 1295/2006 CR on November 13, 2007. The project affects the Mascho Piro as it would cause the disruption of subsistence practices and the deterioration of physical, mental and emotional health. It would contribute to nutritional problems by limiting access to fruits and animals, and increase instances of forced contact and other undesired confrontations (Huertas, 2015, p. 138).</p> <p>Puerto Esperanza-Iñapari land interconnection project: This road was approved by Law No. 1035-2011/CR on June 1, 2012, which declares "...the land connection of the city of Puerto Esperanza, in the border province of Purus, Department of Ucayali, with the city of Iñapari, in the border province of Tahuamanu, Department Madre de Dios, by means of a road or railroad line that joins Puerto Esperanza, capital of the Purus, with Iñapari, capital of the Tahuamanu, of "public necessity and priority national interest". It was commissioned by the Transport and Communications Commission of the Congress of the Republic of Peru; however, the Vice-Ministry of Interculturality of the Ministry of Culture is sending a letter to those in charge to indicate the absence of technical feasibility studies, thus putting at risk the indigenous peoples of the Madre de Dios Territorial Reserve as well as other fragmented peoples. The Mascho Piro and Yora peoples would be affected in the same way as with the Terreira Esperanza - Iñapari Road (Huertas, 2015, p. 139).</p> <p>Sepahua forest road: According to the Additional Classification Study of the Mascho Piro Territorial Reserve, a road could be built for transporting wood because of the forest concession near Sepahua. The risk of such a road is that it would extend to the headwaters of the rivers that border the Mascho Piro Indigenous Reserve (WWF, 2015).</p> <p>2- On the western side of the Mascho Piro Reserve, with Peruvian funding: Complejo Industrial Maderera Pezo Villacorta-CIMPEVISAC, Industrial Maderera Los Angeles Agro Forest A&amp;J SAC, SANRA Inversiones SAC, Agrupación IRIS, Shamboyacu Forest SAC, Sepahua Tropical SAC, Juanito Gratelli Rengifo, Tropical Timber Group SAC. Expired concessions include Hector Soto Garcia and Atlantic Forester SRL. (WWF, 2015, pp. 35-36) (Cited in LRPe AIDESEP-2019).</p> <p>One forestry concession contract was granted for conservation in the Rio Los Amigos sector and is currently active. Eight forestry concession contracts were granted for the extraction of timber resources, of which four are currently active (MADERYJA, CATAHUA A, CATAHUA B, Wood Tropical Forest), two (EMETCI and Manuel Mayorga) are in "temporary suspension", and two others (MADEBOL and Maderera el Inca) have expired according to OSINFOR, but have not yet been returned to the State (WWF, 2015, pp. 35-36) (Cited in LRPe AIDESEP-2019).</p> <p>FENAMAD</p> <p>In the Madre de Dios Territorial Reserve area, the FENAMAD LRPe shows the following forestry extraction companies:</p> <ul style="list-style-type: none"> <li>- Acre-Tahuamanu Basin: Forest extraction companies</li> <li>-The 3 main concessionary companies, adjacent to the Madre de Dios Territorial Reserve in the Tahuamanu-Acre sector, are:</li> </ul> <p>A-MADERYJA. The Rio Yaverija timber concession, contract No. 17-TAH/C-J-004-02, was awarded by the State in the first round of forestry concessions for a period of 40 years, from 2002 to 2042.</p> <p>B-MADERACRE. 220,000 hectares of forestry concessions.</p> <p>C-CANALES TAHUAMANU. Catahua Consolidated is formed from Canales Tahuamanu S.A.C. "A", "B" and Agro Industrial Victoria S.A.C. Forestry Concessions, covering an area of 52,869 ha. CATAHUA has FSC- RA-FM/COC-005485 and SW-COC-005307 certification (LRPe FENAMAD-2109).</p> <p>AIDESEP- Murunahua/Chitonahua Forestry Concessions: The closest concessions to the Murunahua Reserve in the Yurua sector belong to: Forestal Cabrera, whose contract has now expired, with the concession area reverting to the State, which could re-concession it again in the future; and ALPI ROSA S.A.C, which has a contract and is on the list of holders of a timber trade best practices certification (LRPe AIDESEP- 2019) <sup>319</sup>.</p> <p>ORPIO</p> <ul style="list-style-type: none"> <li>-Korubo, Kulina-Pano, "Flecheiro"/Tavakina, Isconahua, "Remo", "Mayoruna", Kapanawa, Marubo, Matis, Matsés and other peoples yet to be identified.</li> <li>-The Peruvian State, in the form of the Executive Directorate of Forestry and Wildlife of the Regional Environmental Authority of the Regional Government of Loreto, the National Forestry Service (SERFOR) and the Ministry of Energy and Mines (MINEM) granted at least 41 new illegal forestry concessions and 4 hydrocarbon lots (lots 135, 137, 95 and 138) within the areas of the proposed Indigenous Reserves, without the Special Cross-Sectorial Regime for the protection of indigenous peoples in isolation doing anything to prevent them (LRPe ORPIO- 2019).</li> </ul>
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319 Available at: <https://www.survivalinternational.org/about/yaguarete>. Accessed on 5 April 2019. See also: <https://www.business-humanrights.org/en/survival-intl-calls-on-un-to-remove-yaguarete-pora-from-global-compact-over-allegedly-destroying-land-belonging-to-paraguayan-indigenous-tribe>. Accessed: 5 April 2019.

<p><b>-Oil prospecting -Hydrocarbon activities</b></p>	<p>FENAMAD Mascho Piro 8-Oil Prospecting -Hydrocarbon Activities Majority privately funded. Following the suspension of Hunt Oil's operations in lot 76, there are currently no active lots in Madre de Dios. However, several companies have expressed interest in resuming hydrocarbon activities<sup>320</sup> AIDESEP Most of the indirect impacts are legally authorized through contracts with Perupetro, with no social responsibility or best practices such as ongoing supervision, direct accountability, or mandatory consultation with local inhabitants. In effect, the sustainability of the ecosystem is being degraded due to interaction with a series of external agents which cause epidemics and alterations in the way of life for the Mashco Piro, in addition to possible exposure and contact with outsiders in the Buffer Zones. MATSIGUENKA (NANTI y KIRINERI) -Hydrocarbon lot 88 (Camisea gas) overlaps the RTKNN. Hydrocarbon Lots: the presence of lot 88 and the expansion of Pluspetrol's operations will cause: more forced contact between company workers and the peoples in isolation; involuntary displacement; the contamination of water sources; destruction of sections of the forest; and a decrease in the number of wild animals and fish. The licensing contract signed in 2000 between Perupetro (a state-owned company) and the consortium of hydrocarbon companies led by the Peruvian branch of Pluspetrol Peru Corporation S.A. (an Argentinean company) approved the exploration and extraction of lot 88, Camisea. The consortium is formed of Hunt Oil Company of Peru L.L.C. (an American company); SK Innovation (a South Korean company); Tecpetrol del Perú S.A.C. (a Spanish corporation); Sonatrach Peru Corporation S.A.C. (an Algerian-funded company); and Repsol Exploración Perú (a Spanish company),<sup>321</sup> Scotiabank and commercial advisors to Clark Hill PLC, are also known sources of funding.<sup>322</sup> The lot affects the Matsigenka and Yora people in isolation (Nanti in Initial Contact; Nanti in Isolation; Kirineri and Nahua in Initial Contact; among others in the Kugapakori, Nahua, Nanti and Others Territorial Reserve). The activity of the Camisea Gas Project in the area has exposed indigenous peoples in isolation and initial contact to more intense interactions with society, the transmission of diseases, accelerated cultural changes and organizational problems. Despite CEDIA's and COMARU's initiative to exert pressure on the Peru Gas Transport Company for the provision of a more extensive service, things continue as before because the Ministry of Health (MINSA) has not implemented the relevant plans and protocols. - Fish known as 'mota punteada' have been identified as being contaminated by mercury pollution from the Camisea Gas Project.<sup>323</sup> Environmental resources are dwindling due to the presence of Block 88, forcing communities in initial contact to exchange and trade with nearby villages. Next to Camisea, Lot 58 has been concessioned to the China National Petroleum Corporation (CNPC),<sup>324</sup> which is considering the expansion of the Urubamba, Picha, Taini and Paratori fields and the drilling of 10 development wells. The Environmental Impact Study envisages the construction and operation of flow lines, the expansion of facilities and the construction of a natural gas processing plant. This would affect peoples in isolation in the RKTNN. MASTANAHUA/YORA (NAHUA) Fish known as 'mota punteada' have been identified as contaminated as a result of mercury pollution from the Camisea Gas Project.<sup>325</sup> Environmental resources are dwindling due to the presence of Block 88, forcing Communities in Initial Contact to exchange and trade with nearby villages. MURUNAHUA/CHITONAHUA -Hydrocarbon Lot 169: Hydrocarbon extraction activity is a potential threat, given that Lot 169, with an area of 491,892 hectares, covers a large part of the Yurua district. The lot is currently open for international bidding and the local inhabitants know very little about the consequences that its development would have for their communities. Although lot 169 does not include the Murunahua Indigenous Reserve, it does comprise the right bank of the Yurua River which is also inhabited and frequented by the Chitonahua people in isolation, who use it as a source of provisions, settlement and mobility. Using similar extractive projects as a point of reference, the possibility of environmental and social impacts is clear.</p>
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320 Cited in LRPe FENAMAD 2019. Available at: <https://elgasnoticias.com/lote-76-atrae-cinco-petroleras/>. Accessed: 12 March 2019.

321 Cited in LRPe AIDESEP 2019. See: <ftp://ftp.perupetro.com.pe/88/L%2088-11.pdf>. Accessed: 12 March 2019.

322 Cited in LRPe AIDESEP 2019. Available at: <http://www.globallegalchronicle.com/pluspetrol-camisea-s-a-s-150-million-credit-facility/>. Accessed: 12 March 2019.

323 Cited in LRPe AIDESEP 2019. Visit the following two hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN Reserve: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf). Accessed: 12 March 2019; and a virtual newsletter: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/>. Accessed: 12 March 2019.

324 Cited in LRPe AIDESEP 2019. Available at: <http://semanaeconomica.com/articulo/sectores-y-empresas/energia/263916-china-cnpc-invertiria-mas-de-us4400-millones-en-el-lote-58-en-el-cusco/>. Accessed: 12 March 2019.

325 Cited in LRPe AIDESEP 2019. Visit the following two hyperlinks: Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the RTKNN Reserve: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf) Accessed: 12 March 2019; and a virtual newsletter: <https://es.mongabay.com/2018/02/peru-contaminacion-por-mercurio/> Accessed: 12 March 2019.

	<p>Lot 169 Hydrocarbon Program: This program is sponsored by state-owned Perupetro which has already carried out the first consultation process for the exploration and development of hydrocarbon lots, with a view to holding an international bidding process. There is no available information on present or pending hydrocarbon contracts on Perupetro's official website. Despite this, Perupetro has published the Prior Consultation Process for Lot 169 which details the subscription of the Asháninka (Nueva Santa Ana; Shoniro; Beu; Oori; Koshireni; Sawawawo; Paititi; and Capirushary), Ashéninka (Nueva Shahuaya; Nueva Victoria; Dulce Gloria; Nueva Luz de Arara; Onconashary; and Nueva Bella), Yaminahua (El Dorado; Doradillo; Coronel Portillo; Boca Dorado; Nueva Belén; San Pablo; San Pablillo; and Nuevo San Juan), and Amahuaca (Santa Rosa) indigenous peoples on December 20, 2013, as transcribed in the minutes of the first Prior Consultation Process in hydrocarbon exploration and extraction activities. In compliance with the Law on the Right to Prior Consultation of Indigenous or Native Peoples, the consultation was carried out in Pucallpa with the participation of: accredited representatives from the four nations; Perupetro; technical advisors from the Vice-Ministry of Interculturality of MINCUL; and finally, as observers, the Office of the Ombudsman and the General Office of Social Management at the Ministry of Energy and Mines.<sup>326</sup> According to document The Implementation of the Right to Prior Consultation in the Hydrocarbon Sector, among the conclusions related to the 4 points of dialogue are: The collective rights of indigenous peoples; concern about the contamination of forests, rivers and animals; the preferential hiring of indigenous labor; and finally, the revision of the contract.<sup>327</sup> There are agreements to be reached between the operator and the populations at risk of being affected, logistical arrangements to be provided by Perupetro, and measures to be taken by MINCUL to address any unofficial concerns in the four stipulated areas.</p> <p>ORPIO</p> <p>-Korubo, Kulina-Pano, "Flecheiro"/Tavakina, Isconahua, "Remo", "Mayoruna", Kapanawa and other peoples not yet identified.</p> <p>Supreme Decrees No. 065-2007-EM and 066-2007-EM were passed on November 20, 2007 (12 years after ILO 169 came into force in Peru, and one month after the publication of the Regulations of Law No. 28736), by which it was resolved to approve the formation, extension, delimitation and allocation of lots 135 and 137 in Requena Province, Department of Loreto, and award them to PERÚPETRO S.A. subject to the signing of the contract. It should be noted that lots 135 and 137 overlap the Matsés Peoples territory in the Matsés Native Community, Matsés National Reserve, in the Sierra del Divisor National Park (then the Sierra del Divisor Reserved Zone), as well as the proposed Tapiche-Blanco-Yaquerana-Chobayacu and tributaries Indigenous Reserve.</p> <p>AIDSEP</p> <p>Lot 187 hydrocarbon project: This project was approved by Perupetro, Peru's state-owned company, for international public bidding for hydrocarbon exploration and extraction contracts. While there is no information in the records of present or pending hydrocarbon contract holders, it was opened to bidding in July 2013 under the terms of an exploration and extraction contract (HUERTAS, 2015: 125). The author of the report also maintains that it overlaps "(...) with the territories inhabited by members of the Mascho Piro people in isolation on the Acre, Tahuamanu and Las Piedras rivers and their tributaries" (Ibid.). As mentioned by the author and in the online information presented by SERVINDI (last dated January 6, 2015),<sup>328</sup> the problem is that Perupetro does not officially recognize the presence of indigenous peoples in isolation. According to SERVINDI, the Mascho Piro along the Las Piedras River feel threatened by their ethno-historical experiences of the raids, epidemics, confrontations, etc. According to Huertas' report, during the August 2014 consultation meeting held in the town of Iberia, Tahuamanu Province, in compliance with the citizen participation regulations, representatives stated that there was no convincing information about the presence of indigenous peoples in isolation. Perupetro did not, therefore, guarantee compliance with its obligations as the 2013 defense of the indigenous territory (which the company rejects) did not have the paternal vision of a State. The consequence is the imposition of an asymmetrical power relationship. In spite of everything there is evidence of progress thanks to the joint work of protection agents from FENAMAD; Alto Purús National Park; members of Yine Monte Salvado, Puerto Nuevo and Nuevo Oceania Boca Shupiwí.</p> <p>Lot 157 Hydrocarbon Project: This lot was awarded to the Norwegian company Discover Petroleum in 2008. However, due to accusations of corruption alleging the misappropriation of funds by the executors of the bidding process, the contract was suspended until 2013, when it was again considered by Perupetro. According to the above mentioned report, the implementation of the project would have an impact beyond the Mascho Piro people. SERVINDI reports that the Tres Islas native community, which is comprised of the Shipibo and Ese'Eja indigenous peoples of Tambopata Province, Department of Madre de Dios, filed a complaint with the Constitutional Court in order to keep oil concessions away from their territory.</p> <p>In September 2012 the Constitutional Court, through STC Exp. N° 1126-2011-PHC/TC, recognized "(...) their rights to territorial property, autonomy and self-determination". The community assembly also stated that none of its members had authorized any type of extractive activity within their territory, and that according</p>
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326 Cited in LRPe AIDSEP 2019. Available at: <https://www.perupetro.com.pe/wps/wcm/connect/6cf7cdfa-fa27-4030-ae94-4b3d27ad156c/Supplement+Consultation+Preview+-+Batch+169.pdf?MOD=AJPERES>. Accessed: 12 March 2019.

327 See page 27 of the following link: [file:///C:/Users/Rodrigo/Downloads/LAIMPLEMENTATION OF THE LAW FOR THE PREVIOUS CONSULTATION IN THE HYDROFURES SECTOR OF THE EXPERIENCE OF THELOTS169AND195.pdf](file:///C:/Users/Rodrigo/Downloads/LAIMPLEMENTATION%20OF%20THE%20LAW%20FOR%20THE%20PREVIOUS%20CONSULTATION%20IN%20THE%20HYDROFURES%20SECTOR%20OF%20THE%20EXPERIENCE%20OF%20THE%20LOTS%20169%20AND%20195.pdf).

328 Cited by LRPe AIDSEP 2019. Available at: <https://www.servindi.org/actualidad/120714> (Accessed on 12 March 2019) and <https://www.servindi.org/actualidad/120261>. Accessed: 12 March 2019.

	<p>to the communal statute under which they are protected, only the general assembly could provide authorization. As a result, on July 17, 2015 Perupetro prepared a Technical Report No. GFOD-OPUC-097-2015, entitled Face-to-Face Citizen Participation Event for the Initialization of the International Public Bidding Process for Lot 157, which presents the two objectives of carrying out citizen participation: First, "To provide clear information regarding the project (...), on its future bidding and the possible activities to be carried out therein"; and second, "To gather the perception, opinion, initiatives, contributions, comments and suggestions of the authorities and population, in conditions of respect, good faith and cordiality. The authorities, officials and the population present expressed their availability for future coordination with PERUPETRO (...)." <sup>329</sup></p> <p>On the other hand, as with lot 169, the measures are still under the control of MINCUL and it is essential to continue monitoring both compliance and respect for the protection of indigenous peoples in initial contact and in isolation.</p> <p>Lot 133: Petrolífera Petroleum del Perú S.A.C. took charge of the lot for the first time on April 16, 2009. The contract was prepared under the condition of Exploration and Exploitation by Perupetro, whose representative was General Manager Milton Ubalde Rodríguez Cornejo. The Perupetro page does not offer more information as its link has been temporarily disabled. However, according to the Excel table to date there nine years of exploitation have been carried out in the area.</p> <p>Lot 135: General Manager Carlos Edgar Vives Suárez representing Perupetro S.A. has been in charge of Pacific Rubiales and Pacific Stratus Energy de Perú S.A. since November 21, 2007, which operate under an Exploration and Extraction License. Perupetro also implemented the transfer of investments to new shareholders, sharing the concession with Canadian company Frontera Energy Corporation (TSX: FEC). Currently, lot 135 has not been awarded to any company, however the possibility and threat remains that the State could auction this lot to another company at any time.</p> <p>Lot 67: Managed by Perenco PLT. The first contract was signed on February 26, 1998 by General Manager Miguel Hernan Celi Rivera under an Exploration and Extraction license. According to information from the Global Chronicler, <sup>330</sup> the China Development Bank Corporation and Fortune Lianjiang Shipping S.A. are cooperating in their investments in order to concentrate landownership in Latin America. According to the contract managed by Perupetro, the following companies were invited to bid: Advantage Resources International, Peru Branch; Korea Petroleum Development Corporation, Peru Branch; Hanwah Energy Company Limited, Peru Branch; and Hyundai Corporation, Peru Branch. Perupetro's website does not offer more information because its link has been temporarily disabled. However, the Excel table indicates that there has been extraction in the area for 20 years.</p>
<b>-Tourism and the presence of outsiders</b>	<p>FENAMAD</p> <p>-Mascho Piro</p> <p>History of conflict: Throughout their history, the Mascho Piro have faced violence and conflict, including inter-ethnic conflicts with other indigenous people in their territorial area and successive incursions into their territories by non-indigenous people, mainly associated with illegal resource extraction activities (LRPe FENAMAD, 2019).</p>
<b>-Diseases, Healthcare and Immunology</b>	<p>AIDSESEP</p> <p>-Mascho Piro</p> <p>-The "Special Assistance Plan for the indigenous Mascho Piro of the banks of the Alto Madre de Dios River" has been in operation since 2015, and has led to the intensification of the relationship between the group and MINCUL officials, attracting numerous members of the isolated group, generating a dangerous relationship of food dependency, and exposing them to forced contact and its effects on their health, ways of life and territory. The scheme does not work in practice, due to lack of necessary human and economic resources for the provision of assistance and care to peoples in isolation.</p> <p>Matsiguenka (Nanti and Kirineri)</p> <p>Inefficient healthcare monitoring: The RTKNN is the only Reserve with a Protection Plan that identifies the necessary measures to be taken by the health sector in order to guarantee the rights and protection of the peoples in isolation.</p> <p>-Hydrocarbon activity in the area continues to provoke epidemics of diarrhea and acute respiratory infections that lead to the premature death of the population. The infections impact population structure and potential for population growth, as well as the poor nutritional health of children (amongst peoples in a situation of initial contact).</p> <p>Various socio-economic processes in the area due to changes in the surrounding environment have increased contact in the upper Camisea, and driven people in isolation to move to areas outside the Reserve. In 2012 this led to outbreaks of diarrhea, respiratory infections and the appearance of sexually transmitted infections. There is also a risk of the widespread transmission of Hepatitis B and tuberculosis due to high levels of infection in the surrounding environment. <sup>331</sup></p>

329 Cited in LRPe AIDSESEP 2019. Available at: <https://www.perupetro.com.pe/wps/wcm/connect/e0837d1b-5b8f-43b0-a22f-e508a-c64bd66/EP+LOTE++157.pdf?MOD=AJPERES>. Accessed: 12 March 2019.

330 Cited in LRPe AIDSESEP 2019. Available at: <http://www.globallegalchronicle.com/pluspetrol-camisea-s-a-s-150-million-credit-facility/>. Accessed: 12 March 2019.

331 Cited in LRPe AIDSESEP 2019. Visit the following link on the Analysis of the Health Situation of the Nahua people of Santa Rosa de Serjali in the Kugapakori, Nahua, Nanti, and Others Territorial Reserve: [http://www.dge.gob.pe/portal/docs/asis/Asis\\_Nahua.pdf](http://www.dge.gob.pe/portal/docs/asis/Asis_Nahua.pdf). Accessed: 22 February 2019.

<p><b>10-Institutional weaknesses, public policy and legal frameworks</b></p>	<p>-Mascho Piro / Isconahua / Murunahua / Chitonahua</p> <p>The Local Reports of the Peruvian indigenous organizations AIDESEP, FENAMAD and ORPIO present a set of institutional weaknesses and point out some “normative gaps” in protection policy for peoples in isolation. The central issue is the intangibility of the territories, as the Law and its regulatory framework permit the exploration of natural resources in indigenous territory if they are declared to be of “national interest”. Some of the points addressed in the Local Reports are summarized below:</p> <p>FENAMAD</p> <p>(...), in the development of territorial processes of indigenous people in isolation, there are some evident and significant institutional weaknesses in the relationship between the governing body responsible for this area and other state sectors. This is particularly clear in the case of the categorization of the Madre de Dios Indigenous Reserve. The EAC proposal included expanding the existing territorial reserve, and despite having been approved by the Multisectoral Commission in November 2016, the proposal has not been officially sanctioned by Supreme Decree due to opposition from several state bodies. The technical position of the Ministry of Culture, based on empirical data demonstrating the presence of peoples in isolation in areas located outside the current Reserve, was subordinated to other arguments centered on upholding the acquired rights of concession holders who would be affected by the expansion of the Reserve. This situation sets a serious precedent by reflecting a lack of consensus amongst institutions about the importance of respecting the principles of “non-contact” and “intangibility”.</p> <p>(...) in the case of already established Territorial Reserves, the focus has essentially been on their change of category to Indigenous Reserves, failing to consider broader, already existing proposals that envisage the recognition of the territorial integrity of the lands of indigenous peoples in isolation. The problems of the official model are particularly evident in the case of the Mascho Piro people, whose territory includes a vast continuous area categorized according to a number of different classifications including Reserves, Natural Protected Areas and Native Communities, as well as areas granted to third parties. Despite being aware of this, the State has focused on the isolated categorization of Indigenous Reserves, understood as areas disconnected from each other. There is consequently no response to the problems generated by the fragmentation of territory into a heterogeneous mosaic of classifications, and the right of people in isolation to the protection of their territorial integrity has been consequently ignored. In this case, it is evident that the legal framework within which the categorization of the territories is located, centered as it is on the concept of Indigenous Reserves, does not respond to the reality of the aforementioned indigenous peoples.</p> <p>AIDESEP</p> <p>(...) the most controversial aspect of the Law related to peoples in isolation is the intangibility of the Reservations... Due to the way in which intangibility is defined in Art. 5 of the Law and Art. 35 of its regulations, it is possible that this right is not absolute, but relative. By declaring the natural resources in the territories to be in the national interest, the State can remove their protection and proceed with their exploitation.</p> <p>The indigenous reserves protection system: the management agencies and checkpoints located in the main entrances of the reserves are in jeopardy because they do not have the necessary financial and logistical resources necessary to carry out their work, even though they were recently given the ability to issue administrative fines.</p> <p>-Matsiguenka (Nanti and Kirineri)</p> <p>-Weaknesses in the management of Natural Protected Areas (NPAs) for the protection of indigenous peoples in isolation: Areas such as Manu National Park have endured the presence of external agents with differing interests for many years. Their presence is the main reason for the high incidence and growth of epidemics in the park that affect the health and cause the death of Matsiguenka peoples in initial contact on the Manu and Piñipiñi Rivers.</p> <p>-The weakening, in terms of human resources management, of the protection standards in the Kugapakori, Nahua, Nanti and Others Territorial Reserve.</p>
<p><b>Venezuela</b></p>	
<p><b>2- Colonization (Development Policies)</b></p>	<p>-Mining - Orinoco Mining Crescent - AMO</p> <p>This project is presently under way in the State of Bolivar, but there is open discussion about the possibility of implementation in the State of Amazonas, which could affect groups in isolation and initial contact. The AMO will allocate a territorial area of 111,843.70 km<sup>2</sup> for the large-scale extraction of gold, coltan, diamond, copper, iron and bauxite mineral deposits.</p> <p>Actors:</p> <p>Joint ventures between the national government and transnational corporations:</p> <p>Agreement with the Chinese company Camc Engineering CO. LTD, which will be licensed for the exploration and extraction of coltan in Area 1; agreement with the Yakuang Group company, for the exploration and extraction of gold in Area 4; an agreement with Afridiam mining company of the Democratic Republic of Congo, which will operate in Areas 1 and 4 in the exploration and extraction of diamonds, gold and coltan; and a memorandum of understanding with Gold Reserve of Canada for the formation of a joint venture to explore and extract gold and other minerals.</p> <p>At an event held at the Central Bank of Venezuela (BCV) in Caracas on August 5, 2016, the National Executive signed agreements with national and international companies to promote investment in the AMO to the order of US\$4.5 billion dollars:</p>

	<p>1. Contract with Faoz Corporation C.A. for the exploration and exploitation of the tantalum-niobium deposit in the State of Bolívar; 2. The creation of a mixed company between Venezuela and Gold Reserve of Canada to carry out gold and copper exploration and exploitation activities through the Brisas-Cristinas integral project, Km 88, municipality of Sifontes, State of Bolívar; 3. Memorandum of understanding with Energold Minerals, also from Canada, for the extraction and processing of the tantalum-niobium deposit in the State of Bolívar; 4.- Memorandum of understanding with U.S. financed Guaniamo Mining Company for the certification of diamond reserves in the municipality of Cedeño. On August 26, 2016, the President of the Republic announced letters of agreement with 5 companies to the order of US 5.5 billion dollars: The creation of joint ventures with Canadian companies Barrick International Corporation and MPE International Inc., for the extraction of gold and other minerals; with Italian company Bedeschi for the extraction of coal; with Afridiam of the Democratic Republic of Congo for the processing of gold, diamond and tantalum; and with Chinese company Yang Kuang Group for the production of gold. President Nicolas Maduro approved implementation of the “2016-2017 Financing Plan for the Mining ‘Engine’”, with more than US4 billion dollars of investment” in AMO on November 04, 2016. He announced the creation of three joint international ventures for the exploitation of coltan: The first with ENERGOLD MINERALS INC, with an investment plan of more than US5 billion dollars, forming joint venture company Metales del Sur; the second, with Supracal, forming the Oro Azul joint venture company; and the third with Faoz CA, forming the eco-socialist company Paruaza, which will work in the Paruaza River area.</p>
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The analysis in the above table presents the main threats stemming from State activities, the majority of which operate with international financial capital. Identifying the origin of financial capital is challenging because governments do not present transparent information and companies only provide very generic data. The origin of the financial capital is as follows: Regarding oil extraction in the Amazon and Grande Chaco region – China,<sup>332</sup> Venezuela, Spain, USA, Japan, Canada, Algeria, Argentina, South Korea; in the mining industry - China, Canada, Republic of Congo, USA, Venezuela and Italy; In civil engineering and road infras-

tructure: Brazil, China, France, Japan, Peru; in the agribusiness sector - USA, Brazil, Netherlands, private banks; in the construction and management of hydroelectric power plants: China, Brazil, Japan, France and USA.

State-certified timber extraction occurs within and/or in regions adjoining the territories of indigenous peoples in isolation. The industry is most intensive in Peru, but also exists in Bolivia, Paraguay, Brazil and Colombia. It is financed by local private capital (to supply the local market, but mainly for export).

**Table 34. Activities with State Participation / Funding Source**

<sup>332</sup> The International Federation for Human Rights (IFHR) and the Collective on Chinese Finance and Investment, Human Rights and Environment (CICDHA) presented a report at the UN European headquarters with 18 cases implemented by 15 Chinese consortia in which they denounced a pattern of human rights and environmental rights violations. The report details that between 2009 and 2017, Chinese loans to Latin America and the Caribbean (LAC) reached \$145 billion, surpassing those granted by the World Bank and the Inter-American Development Bank. In 2017, Chinese direct investment reached a cumulative total of 113,662 billion US dollars, and 65 % of this investment was allocated to the extraction of minerals, oil and gas. Bilateral trade between China and LAC increased 26 fold between 2000 to 2016, with LAC exports to China concentrated around oil, mineral and agricultural products. Available at: <https://www.proceso.com.mx/554900/en-la-onu-denuncian-a-empresas-chinas-por-avasallar-derechos-de-pueblos-indigenas-en-america-latina>. Accessed: 28 March 2019.

Initiatives with State participation - Origin of Financial Capital			
Bolivia (Bo); Brazil (Br); Ecuador (Ec); Colombia (Co); Paraguay (Pa); Peru (Pe); Venezuela (Ve)	Highways/Roads -Bo (China) -Br (Private, France, Japan, Brazil, USA) -Pa -Pe (Peru, Brazil)	Agroindustry -Bo -Br (USA, Netherlands, Brazil) -Co -Pa (Private Banks, LAAD, USA, Brazil)	Oil company -Bo (China, Venezuela) -Ec (China, Spain, USA) -Pa -Pe (Argentina, USA, Japan, China, South Korea, Spain, Algeria, Canada, South Korea)
Timber -Bo -Co (Peru) -Pa -Pe (Peru, Brazil)	Tourism -Ec (Ecuador) -Pe (Peru)	Mining -Pa -Ve (China, Canada, Congo, Venezuela, USA, Italy, Paraguay)	UHE / Transmission Lines -Bo (China) -Br (Brazil, Japan, China, France, USA)

Most of the specific projects financed by transnational corporations involve bilateral agreements that form ‘groups’, ‘consortiums’ or ‘conglomerates’ in which non-state transnational actors enter into alliances with state and/or private companies, limiting the decision-making capacity of States.

The international and local capital invested in the electricity, mining, civil construction, timber, agricultural and oil industry sectors is promoted by ‘lobbies’ at the Executive, Legislative and Judicial levels of power. The “lobbies” facilitate favorable legislative shifts and influence the approval of projects that undermine previous gains made by isolated groups and indigenous peoples in general.

With the influence of globalization, and the focus on “national interests” and “national security” already evident in legal protection frameworks for indigenous peoples in isolation in Latin America, extractive and export-driven development policies are making great strides across the region, to the detriment of these peoples and their territories. Such policies, even when they do not lead directly to conflict and death, undermine non-contacted peoples’ fundamental right to self-determination and interfere with the exercise of their autonomy in the context of isolation.

Defending the self-determination of indigenous peoples in isolation requires local protection initiatives, but it also demands more coordinated action in combatting the region’s macroeconomic policies. At stake are different ways of being and understanding the world; different ideologies in which, for example, territory acquires different meanings and functions.

The intangibility and integrity of the territories occupied by indigenous peoples in isolation in South America is threatened in all countries by both large governmental and pri-

vate projects, as well as illicit activities. These activities primarily affect border regions, where the protective presence of States is minimal. The situation has meant that indigenous peoples in isolation have resorted to forced migration, leading them into unwanted encounters with riverside populations and/or already contacted indigenous groups, and even into involvement in the illicit activities of drug traffickers, loggers, miners and guerrillas.<sup>333</sup>

Although some countries’ regulatory frameworks clearly express a respect for the territorial inviolability of indigenous peoples in isolation and initial contact, the local reports indicate frequent breaches of this principle.

If the presence of States and their development policies negatively affect indigenous peoples in isolation, the absence of the State provides the conditions for the emergence of illegal activities. Detailed in the local reports, these include land trafficking, mining, drug trafficking, unregulated tourism, commercial hunting and fishing, missionary activity, guerrilla activity and illegal logging.

The harmful consequences of both legal and illegal activities on indigenous peoples in isolation include, amongst others, the possibility of involuntary contact, the proliferation of disease transmission vectors (to which non-contacted peoples have no immunological resistance), and a reduction in wildlife and fish and a corresponding decline of food security. These impacts have forced some isolated groups to make contact, as occurred for example in Brazil and Peru between 2014 and 2016. Drug trafficking, with its routine access to lethal weaponry and its historical tendency to enslave populations, stands out as a particularly worrisome problem.

“There is increasing evidence that, due to their inaccessibility and relative intangibility, territories inhabited by peoples in isolation have become strategic areas in the international

333 The United Nations’ leading expert on indigenous peoples has stressed the need for Latin American states to “redouble efforts to protect the territories” of uncontacted indigenous peoples. During a meeting of the Latin American Network for the Prevention of Genocide and Mass Atrocities, held earlier this month in New York, Victoria Tauli-Corpuz stated that pressure on the lands of isolated indigenous peoples has led to “a growing wave of contact and interactions in the border regions of Peru and Brazil; some initiated by isolated indigenous peoples themselves, as a result of the extreme circumstances they face due to incursions into their lands. Available at: <https://www.survival.es/noticias/11853>. Accessed: 4 March 2019.

drug trafficking economy. The presence in the forest of people dedicated to this activity, and who are generally armed, represents a risk for indigenous peoples whose real impact is difficult to quantify. A concrete example is the history of the recent contact with the “Envira people” on the Brazilian border, precipitated after an encounter with possible drug traffickers.” (LRPe FENAMAD, 2019).

The situation of indigenous peoples in isolation is of great concern in all countries, but the situation in Paraguay and Venezuela is particularly worrying given that there are no legal

frameworks or protection mechanisms in place. Despite the existence of a broad legal framework in Bolivia, it has not been implemented, and state protection measures are consequently non-existent. Non-governmental organizations are therefore the only entities in these countries working in the field of protection for indigenous peoples in isolation.

The following table summarizes the main illicit activities affecting indigenous peoples in isolation in South America:

**Table 35. Illicit Activity / Country**

SUMMARY OF ILLICIT ACTIVITIES					
Water Pollution Bolivia Brazil Colombia Ecuador Paraguay Peru Venezuela	Diseases resulting from illicit activity Bolivia Brazil Colombia Ecuador Paraguay Peru Venezuela	Tourism / Outsiders Bolivia Ecuador Paraguay Peru Venezuela Colombia	Drug trafficking Bolivia Brazil Colombia Peru Venezuela	Hunting/Fishing Bolivia Brazil Ecuador Paraguay Peru Venezuela	Weakness Bolivia Brazil Colombia Ecuador Paraguay Peru Venezuela
Missionary activity Bolivia Brazil Colombia Paraguay Peru Venezuela	Illicit activities in border regions Bolivia Brazil Colombia Paraguay Peru Venezuela	Land occupation (trafficking) Bolivia Brazil Paraguay Colombia	Mining Bolivia Brazil Colombia Peru Venezuela	Guerrillas Bolivia Colombia	Logging activity Bolivia Brazil Colombia Paraguay Peru

## 8. CROSS-BORDER DIMENSIONS OF ISOLATED INDIGENOUS PEOPLES' TERRITORIES

Territory, nature, space, time, matter and spirituality are inextricably linked for indigenous peoples. Reciprocity and “kinship” simultaneously coexist in ecosystems (territoriality), maintaining a relationship with all “living beings” in their environment. These are determining factors in the quality of life, self-determination, self-sufficiency, and continuity of the sustainable social system and the ‘living’ substance of these peoples.

Indigenous peoples in isolation move within the territories known to them and their

ancestors. They resist borders created by States and perceive, and experience their effects. Borders alter their territorial relationship/jurisdiction and force them to devise new survival strategies: to insist, to resist and to persist. Despite constant efforts to affirm their non-presence, borders force them to become “visible”.

For indigenous peoples in isolation, invisible borders, imposed through the historic processes of colonization and land appropriation, are inevitably subsequent to their own native territorial jurisdiction. Today they feel the bitter effects of a geopolitical and socioeconomic matrix which exposes them to constant risk, exacerbated by actors who embody the global development model. The local reports feature a range of indigenous

peoples in isolation whose territories are located in international border regions.

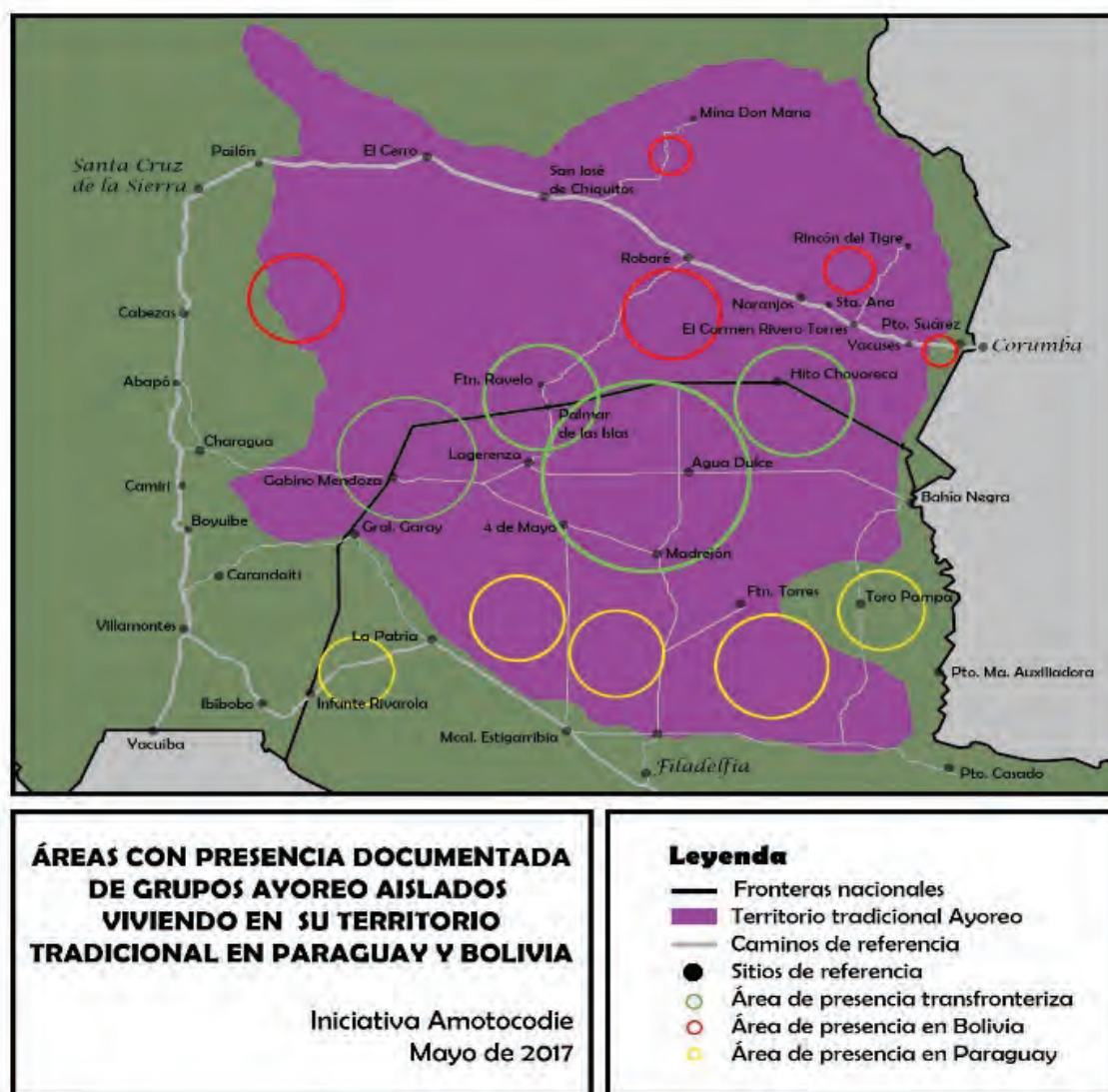
We now present the issues confronting these cross-border peoples and the consequences of their situation.

### Paraguay-Bolivia(Ayoreo)

The traditional cross-border territory of the Ayoreo people in isolation (Paraguay-Bolivia) has been heavily plundered in the absence of effective state protection measures. The Paraguay Local Report prepared by the AMOTOCODIE Initiative presents the following overview:

“The isolated groups of the Ayoreo people occupy the northern part of the Great American Chaco and are among the groups in this situation that live outside the Amazon Basin. Their traditional territory covers an area of nearly 33 million hectares between Bolivia and Paraguay. The Ayoreo in isolation move in the territory known by them and their ancestors without acknowledging present-day borders, and without regard for modern territorial legislation or the conventions of the surrounding society. The territoriality of the Ayoreo people, shaped through a process of adaptation that has consolidated their entrenchment with this territory, is still intact today.” (LRPy IA, 2019).

Map 8. The Ayoreo in Paraguay and Bolivia



The forests of the Bolivia/Paraguay border region are not two “different territories”, but one, undivided world. It is clearly evident that people in isolation face diminishing areas of movement caused by constant deforestation, the opening up of tracks, mining and hydrocarbon exploration and extraction, the construction of roads, etc. Paraguay has just two protected areas close to the Bolivian border that allow for a connection with Bolivia’s protected areas, creating biological corridors: the Defensores del Chaco and Médanos del Chaco National Parks and the Cabrera-Timane Natural Reserve on the Paraguayan side connect with the Bolivian Kaa Iya Integrated Management National Park, while Cerro Chovoreca Natural Monument in Paraguay borders the Otuquis National Park on the Bolivian side. Between these areas and Kaa Iya, there are a number of private properties whose owners constantly engage in deforestation. Notably, Paraguay has recorded the highest rate of deforestation in the Chaco region in recent years, and the northern border with Bolivia has now become the focus of new private projects for the opening-up of ranches.

This phenomenon, which has accelerated over the last five or six years, has led to the mistaken or only partially correct assumption that the Ayoreo are in Bolivia because extractive activities in Paraguay have forced them to flee North. Such assumptions would be reasonable if the traditional territorial use and movement patterns of different Ayoreo groups in isolation into account were not taken into account. While signs of their presence have been found on the Bolivian side of the current border region, additional evidence indicates their presence in other areas of their vast territory.

The interruption of migratory routes of peoples in isolation: The path to the salt flats. The political border between Paraguay and Bolivia is not recognized as a territorial barrier by isolated peoples, who move as their ancestors have done since first occupying the region. The salt flats of San Miguel y Santiago, for example, are just 30 km from the Paraguayan border in present-day Bolivia, and a site of vital importance for the life of those in isolation, and a historic place for all Ayoreo peoples. Research conducted by Amotocodie Initiative over the past 12 years shows that, depending on their location, all isolated groups migrate there every one or two years in order to collect salt from the flats. Each group travels on a different path, with

those who inhabit the area south of Palmar de las Islas undergoing the journey using paths they were shown by their grandparents. According to various testimonies, the paths “climb” alongside streams that descend to the north of Cerro León, between current border markers VI and VIII. Due to testimonies, and sightings of people moving up and down (trails crossing ranches, sightings in the Palmar de las Islas area on both the Paraguayan and Bolivian sides), and to the ongoing salt requirements of groups currently in isolation, the practice continues to the present day. The advance of agribusinesses and the monopolization and control of land by foreign companies endangers the preservation of these routes, as well as the survival of historical and cultural values that constitute a large part of the Ayoreo peoples’ identity, especially those in isolation. It also endangers the very lives of those who move nomadically over the land, using those paths. The protection of this area is therefore a high priority for ensuring a biological, natural and cultural corridor that will continue to enable these vital journeys (LRPy IA, 2019).

### **Bolivia-Peru (Taromona/Esse Ejja)**

The Taromona and/or Esse Ejja peoples living in border territory (Bolivia-Peru) are highly vulnerable due to the impact of oil and logging activities, and possibly also drug trafficking. The local reports from Bolivia and Peru present the following data:

“There is also evidence of the existence of an indigenous community in isolation on the Peru-Bolivia border, in the Provinces of Madre de Dios and Puno in Peru, and in Iturralde Province to the North of La Paz, in Bolivia. There is very little information about these peoples: Their ethnic affiliation is unknown, although specialists suggest that they may be one or more groups belonging to the Takana ethnolinguistic family (LRPe FENAMAD, 2019).

The people in voluntary isolation, presumably Toromona, share the territory with both indigenous people from the Native Tacana II Territorial Community and the Araona TCO<sup>334</sup> in the northern area of Madidi Park (LRBo, 2019).

The exact location of the territory used by the Toromona people in isolation is unknown and confusing because in 2006 the Plurinational

334 Cited in LRBo 2019. Verbal communication by “Chanito Matahua”, Head of Native Indigenous Araona Community Land.

State of Bolivia designated them the Toromona Absolute Reserve in the northern heart of Madidi Park through Administrative Resolution 048. But the Toromona must be nomadic and, contrary to other authors, we believe that they make use of state-owned lands and Madidi Park as well as part of Tacana II (Araona and Esse Ejja) territories.” (LRBo, 2019).

## Colombia-Peru-Brazil-Venezuela

Indigenous peoples in isolation whose territories are located in the border regions (or areas influenced by them) of Brazil, Colombia, Venezuela and Peru, are affected by illicit activities as well as the lack of bilateral agreements that would enable effective protection. The local reports prepared by each of these countries characterize the situation, as outlined below:

“The recognized indigenous peoples in isolation in Colombia are not located in border areas. However, the Río Puré National Natural Park’s border situation with Brazil entails several challenges in terms of controlling and monitoring the pressures related to illegal mining and drug trafficking that flows from the Brazilian section of the Puré River to the Colombian section. (LRCo, 2019).

Extractive activity in the Putumayo basin (a river on the Peruvian border) not only represents a risk in terms of loss of forest cover and associated fauna, but also increases the possibility of contact with indigenous peoples in isolation (LRCo, 2019).

In 2016, National Parks and the Amazon Conservation Team built a cabin in the Puerto Franco area on the Puré River on the border with Brazil in order to contain the influx of illegal mining from Brazil. The cabin is staffed by three park officials who have counted more than 35 rafts and dredges on the river (Lizcano, 2018). Since its construction, Puerto Franco has been successful in preventing mining rafts from entering Colombia and the territory of the Yuri Passé (LRCo, 2019).

Logging activity between the Pupuña River and the Brazilian border has affected the southern limits of isolated groups’ territory. In addition to posing a risk of contact, the incursions of loggers with chainsaws and boats have affected hunting as a result of noise and tree felling (Franco, 2012). Access to subsistence resour-

ces and even the mobility of isolated peoples in the southern part of their territory have also been affected by the reduction of threat-free areas (LRCo, 2019).

The Tarapacá forest management area bordering the Río Puré National Natural Park to the North has historically been subject to timber exploration and exploitation. While in recent years a few users have been able to apply for forest exploitation permits via the relevant authorities and within the current regulatory framework, in 2018 anonymous sources recorded how the lack of control in this border zone was facilitating the illicit extraction of large volumes of white wood. These sources documented more than two thousand logs along the course of the Pupuña River as well as a number of abandoned camps (and one which was still operational). Tributaries of the Pupuña River - Caño Lobo and Caño Ana – near the AP Intangible Zone are under intense pressure and pose an alarmingly high risk of contact with indigenous peoples in isolation. The three most exploited species of tree are Achapo, Abarco and Polvillo (Cedrelinga Cateniformis, Cariniana Decandra and Tabebuia respectively).” (LRCo, 2019).

## Ecuador-Peru

As described in the Ecuador Local Report, the designated territory of the Dugakairi lies close to the Peruvian border, within the Tagaeri Taromenane Intangible Zone (IZ) where there is illegal logging activity:

“The indigenous peoples in voluntary isolation currently closest to the Peruvian border have been named the Dugakairi. It is possible that in the past they would have crossed the border, but at present that seems unlikely given the presence of illegal Peruvian loggers in the so-called Quebrada Lobo border area, which has obliged the Dugakairi to move further to the East. People from the Kichwa indigenous communities report that felled trees and game from unregulated hunting are being taken to Iquitos. It is not known where the financing for these activities comes from.” (LRE, 2019).

## Peru-Bolivia-Brazil-Colombia-Ecuador

The following information has been compiled from the local reports from Brazil, Bolivia,

Colombia, Ecuador and Peru, and concerns indigenous peoples in isolation whose territories lie in border regions. These regions exhibit significant levels of illicit activity (logging, drug trafficking, mining, etc.), infrastructure works (mainly roads), and a limited state presence.

### Peru-Brazil (General Overview)

“The presence of indigenous peoples in isolation belonging to the Matsés, Remo and Marubo indigenous groups, and other peoples whose ethnicity has not yet been determined, has been documented in the area of the proposed Yavarí Tapiche Indigenous Reserve (on the border with Brazil) in the region of Loreto. In the same region, indigenous Matsés, Matís, Korubo or Kulina-pano, Flecheiro (Takavina) and Capanahua have been identified within the limits of the proposed Yavarí Mirim and Sierra del Divisor Indigenous Reserves.

Isconahua, Murunahua, Chitonahua, Mascho Piro and Amahuaca are found in the Ucayali region on the border with Brazil. The Mascho Piro and a yet to be identified indigenous group are located in the Madre de Dios region. Isolated peoples found in the area bordering Acre State in Brazil include: Matsés, Manchineli, Cashinahua and peoples in isolation from the upper Jordao river; the Cashinahua from Shiringal Independencia; peoples in isolation from the Humaitá and Tarahuacá Rivers, and its tributaries; Kulina from the Envira River; Jaminahua/Envira, Tsapanawa or Pano from the Xinane river; peoples in isolation from the Riozinho River; Mamoadate; and Cashinahua/Asháninka from the Breu River.” (LRPe AIDESEP, 2019).

### Mascho Piro

“The Mascho Piro are a ‘cross-border’ people. The traditional Mascho Piro territory in Peru is an extensive geographical area comprising three regions (Madre de Dios, Ucayali, Cusco) and extends beyond the Brazilian border into the state of Acre (LRPe FENAMA, 2019).

Road infrastructure. The threats to the geographical area of the Mascho Piro people were heightened by Congress’ 2018 enactment of the “Law declaring the construction of roads in border areas and the maintenance of motorized trails in the department of Ucayali to be a priority and matter of national interest”. This regulatory framework for the development of road infrastructure along the border between Peru and Brazil could potentially be a catalyst for the influx of external actors (loggers, settlers, drug traffickers, missionaries and others) into indigenous territories, leading to forced contact, violent conflict and the spread of epidemic diseases among isolated peoples. The potential external impacts on the environmental integrity (biological and ecological processes) of these ancestrally inhabited forests could also compromise the living conditions and livelihoods of isolated peoples. Law No. 30723 was also approved without input from the appropriate technical and political bodies, and with disregard to the warnings issued by various institutions. As the petitioner of MC IACHR 262-05 Peru, FENAMAD carried out extensive advocacy work and repeatedly alerted Congress and the various responsible executive bodies to the danger, both during the course of its discussion (legislative project 1123/2016-CR) and upon the enactment of Law No. 30723, that the legislation would imply the Peruvian State’s non-compliance with its international legal obligations<sup>335</sup> (LRPe FENAMAD, 2019).

Drug trafficking: There is growing concern in the Madre de Dios region about the proliferation of this activity in geographical areas where there is a presence of indigenous peoples in isolation. Difficult to access areas in regions on the eastern limits of the Madre de Dios Territorial Reserve, Bahuaja Sonene National Park,<sup>336</sup> and in Manu National Park,<sup>337</sup> have become strategic points for both production and transport. Salisbury and Fagan (2013) published a pioneering article<sup>338</sup> that researched this emerging problem along the Peru-Brazil border, specifically within the three territorial reserves (Murunahua, Madre de Dios and Mas-

335 Cited in LRPe FENAMAD 2019. See additional information on the case and FENAMAD’s actions at: <https://www.dropbox.com/s/b3gh90avwxqxad/MC%20262-05%20documentacion%20enviada%20a%20la%20CIDH%20sobre%20ley%2030723.pdf?dl=0>.

336 Cited in LRPe FENAMAD 2019. Available at: <https://es.mongabay.com/2018/05/bahuaja-sonene-mineria-ilegal-narcotrafico/>. Accessed: 5 April 2019.

337 Cited in LRPe FENAMAD 2019. Available at: <https://elcomercio.pe/peru/madre-de-dios/droga-alto-vuelo-manu-policia-detecta-pistas-clandestinas-noticia-532243>. Accessed: 5 April 2019.

338 Cited in LRPe FENAMAD 2019. Salisbury, D. & Fagan, C. (2013). Coca and Conservation: cultivation, eradication, and trafficking in the Amazon borderlands. *GeoJournal*, 78, 1.

hco Piro) traditionally inhabited by indigenous peoples in isolation. The study concludes that the eradication of coca crops in Ucayali has resulted in the discontinuation of the activity in remote border areas, especially in the Sierra del Divisor National Park (Brazil) and the Alto Purus National Park in Peru. In recent years the impacts of the outsiders involved in this type of illegal economy on indigenous peoples in isolation have been well documented: including involuntary relocation, conflict and even contact<sup>339</sup> (LRPe FENAMAD, 2019).

Portuguese operator Antônio Fadista is linked to international trafficking and maintains a regular route on the Envira river. He was intercepted and detained by FUNAI on more than one occasion between 2011 and 2016<sup>340</sup> while thought to be looking for alternative routes for the transport of narcotics produced across the border in Peru. On one of those occasions the FUNAI team found an arrowhead in his possession that came from isolated peoples. There is evidence of the movement, and possibly also the cultivation and processing, of cocaine paste in the Murunahua Territorial Reserve<sup>341</sup> and Alto Purus National Park<sup>342</sup> on the other side of the border. The Envira River therefore represents a potential trafficking route for drugs originating on the Peruvian side of the border.” (LRBr, 2019)

### ***Isconahua (Brazil-Peru)***

The Isconahua are located in the province of Coronel Portillo, Callería district, in the Department of Ucayali, spanning the headwaters and tributaries of the Abujao, Shesha, Piyuya-Bushnaya, Utuquinia, and Callería rivers (including the Peru-Brazil border area).

Pucallpa - Cruzeiro do Sul Highway: This route is based on the long held desire of Peruvian and Brazilian authorities for improved inter-communication.

“The cultivation of coca and the establishment of trafficking routes: In addition to the environmental impacts of deforestation due to the cultivation of crops using substances that seriously pollute waterways, this activity

also poses considerable risk to the physical wellbeing of isolated indigenous peoples who are situated within the likely transit areas of traffickers en route to Brazil. follow a similar transit pattern to the Isconahua, crossing the basins leading to the Utiquinía and Azul Rivers, and from there to Brazil or the Abujao River.” (LRPe AIDSEP 2019).

### ***Isolated Peoples on the Upper Humaitá River (Brazil/Peru)***

“Situated on the Upper Humaitá River. Their territory in Acre State, close to the Peruvian border, encompasses the Kaxinawa do Rio Humaitá and Kampa and isolated peoples from the Envira and upper Tarahuacá Rivers. There are both legal and illegal logging operations on the Peruvian side, as well as logging concessions on the border at the Acre river and illegal activities further west along the border, at the headwaters of the Envira river (LRBr, 2019).

### ***Riozinho Peoples in Isolation (Brazil/Peru)***

“The Riozinho do Alto Envira, to the West of Acre State on the Peruvian border, within the Riozinho do Alto Envira Indigenous Territory, that has 260,972 ha of recognized land in the Juruá River basin. The huts of peoples in isolation on the Peruvian side are situated between the Juruá and Purus rivers.<sup>343</sup> The huts and planting areas of these people have been identified on both sides of the border between Brazil and Peru, evidencing cross-border occupation in the State of Acre. The presence of Riozinho peoples in parts of both Peru and Brazil makes the recognition and protection of their territorial rights particularly difficult. On the Brazilian side there is a recognized territory, while on the Peruvian side there is a Communal Reserve (LRBr, 2019).

### **Venezuela- Brazil-Colombia**

Indigenous peoples in isolation in the border regions between Brazil, Venezuela and Colombia are subject to a range of impacts, as described in the local reports of these countries:

339 Cited in the LRPe FENAMAD 2019. Available at: <https://acervo.socioambiental.org/acervo/noticias/esqueca-mitos-coloniais-o-contato-dos-xatanawa-no-acre-poe-fim-uma-resistencia> Accessed: 5 April 2019.

340 Cited in LRBr 2019. Available at: <http://apiwtxa.blogspot.com/2011/08/segue-tensao-na-fronteira-brasil-peru.html> Accessed: 3 April 2019

341 Cited in LRBr 2019. Available at: <http://extwprlegs1.fao.org/docs/pdf/per161303anx.pdf>. Accessed: 5 April 2019.

342 Cited in LRBr 2019. Available at: <https://larepublica.pe/politica/668986-el-narcotrafico-y-el-blanqueo-de-madera-amenazan-el-parque-nacional-de-purus>. Accessed: 5 April 2019.

343 Cited in LRBr 2019. Available at: <https://terrasindigenas.org.br/es/terras-indigenas/3983>. Accessed: 5 April 2019.

“There are three indigenous peoples in Venezuela that include groups in isolation. Of these, only the Yanomami and the Uwottuja have cross-border territories. The Yanomami people can be found between Venezuela and Brazil, with groups in isolation on both sides of the border. The Uwottuja people, in contrast, have cross-border territories between Venezuela and Colombia, with groups in voluntary isolation on the Venezuelan side located in the Cuao River basin.” (LRVe, 2019).

### ***Yanomami (Brazil-Venezuela)***

“The Yanomami inhabit an extensive territory of about 83,000 square kilometers on the border between Venezuela and Brazil, in the State of Amazonas comprising the headwaters of the Orinoco River and its tributaries the Mavaca, the Ocamo, while in the State of Bolívar it includes the Padamo, the upper Siapa and the Sierra Parima, the Caura, Erebató and Paragua River basins. In Brazil the Yanomami inhabit the area between the Negro and Branco rivers, in the States of Amazonas and Roraima.” (LRVe, 2019).

Illegal mining activity (“garimpeiros”) in Yanomami territory is found mainly in Brazil, destroying areas of primary forest, contaminates rivers with mercury, increases river sedimentation and alters fishing grounds. According to statements made by Yanomami representative David Kopenawa to the *Folha da Boa Vista* newspaper<sup>344</sup> in Roraima State, Brazil, the latest estimates of illegal mining in Yanomami territory on both sides of the border (April 2018) include the presence of approximately 5,000 “garimpeiros” (LRVe, 2019).

In 2018 a conflict broke out between artisanal miners and peoples in isolation when the miners entered indigenous chacras, with possible casualties on both sides.<sup>345</sup> And in addition to the diseases carried by the “garimpeiros”, the mining activity itself releases large amounts of mercury into the environment, directly affecting the health of indigenous populations. Uncontrolled mining activity is currently rampant, and with little prospect of improvement.

“There are specific reports from Shiriana members of the Upper Paragua and Upper Uruicaa communities (Brazil), who state that there is a group of nomadic indigenous people who are constantly moving along both sides of the border between the headwaters of the Paragua and Karún Rivers in Venezuela, and the headwaters of the Chokotoi River in Brazil. The accounts describe how this group of indigenous people totally avoids contact with any group of indigenous Shirian, stating that face-to-face encounters have been very rare and fortuitous. One of the testimonies (2014-2017) describes an encounter in the border area when a group of Shiriana encountered a hunting dog. Voices were heard calling out from behind the dog, in an unknown language that was neither Shiriana nor Brazilian Portuguese. (LRVe, 2019)

The presence of illegal miners from Brazil, Colombia and other regions of Venezuela, who are looking for gold, coltan (a mineral composed of columbite and tantalite used in the microelectronics, telecommunications and aerospace industries), diamonds and other minerals in areas surrounding communities in isolation. This type of anarchic and uncontrolled mining has grave environmental and socio-cultural consequences in the territories. The boundaries between illegal mining and isolated groups are narrowing, with miners under pressure to enter areas with a presence of groups in isolation (LRVe, 2019).

Isolated peoples vulnerability to the introduction of diseases by outsiders is especially worrying given the presence of miners and irregular armed groups. The principal concern is the high level of movement associated with these activities, which facilitates the spread of epidemic and endemic disease. Malaria is endemic and in some cases hyperendemic in areas with a presence of peoples in isolation. A measles epidemic also erupted on the border between Brazil and Venezuela in the upper Ocamo region in March-April 2018, affecting numerous Yanomami communities, and according to figures from the Pan-American Health Organization, leading to approximately 100 deaths; The reported deaths occurred primarily in communities in relative isolation or initial contact.

344 Cited in LRV 2019. Available at: <https://www.folhabv.com.br/noticia/Lideranca-denuncia-presenca-superior--a-5-mil-garimpeiros-na-terra-yanomami/38575>. Accessed: 5 April 2019.

345 Cited in LRBr 2019. Available at: <http://redamazonica.org/2018/07/cir-repudia-ataque-de-garimpeiros-ao-povo-yanomami-do-grupo-isolado-moxihatetea-e-pede-providencias-urgentes-as-autoridades-brasileiras/>. Accessed: 5 April 2019

The appearance of the epidemic coincided with reports in April 2018 from Brazil's "Hutukara" Yanomami organization, that there were approximately 5,000 artisanal gold miners in Yanomami territory. This information has been published on the Wataniba Association's website, as well as in several international newspapers such as *Folha de Sao Paulo*. The Pan American Health Organization (PAHO) also published a report on the number of cases and deaths, as did the Indigenous Rights organization Survival International, which launched an urgent action campaign on its website." (LRVe, 2019)

The local reports are unanimous in insisting on the need for coherent state initiatives in the search for solutions to the border-related issues of indigenous peoples in isolation. In this vein, the reports point out some existing initiatives that have been promoted primarily by indigenous and indigenist organizations.

The initiatives developed by multilateral agencies (UN, OAS and ACTO) will be addressed in a specific chapter below.

## Colombia-Brazil

Given that there is (yet to be confirmed) evidence of the presence of isolated peoples in border regions, and taking previous cases into consideration, it is important to advance international coordination measures and specific precautionary initiatives (LRCo 2019).

Bilateral 'neighbor' commissions have in fact been established between the Peruvian, Colombian, Ecuadorian and Brazilian governments with the objective of promoting border integration and development (Foreign Ministry, 2017). The Colombian government has sought to involve indigenous communities living in the border integration zones in these neighbor commissions, so that the policies better reflect the needs of the people inhabiting these areas. Local participation remains very limited, however, and decision-making continues to be centralized, with very little representation from local communities and people living in protected areas (Molano, 2016) (LRCo, 2019).

Progress made by the bilateral committees is connected to the provision of spaces for dialogue and collective action, although several challenges remain in terms of coordination, the

pooling of information, and common strategies. The absence of a coordinated action plan results in ineffective action in border areas, such as the overlapping and duplication of initiatives, inefficiencies in the investment of financial resources, deficiencies in inter-institutional and inter-sectorial communication, and fragmentation of national and bi-national initiatives and mechanisms (DTAM, 2017). (LRBo, 2019)

## Ecuador

The only measure currently being undertaken by the Ecuadorian State is the occasional monitoring of the border between Ecuador and Peru by the Ministry of Environment and the Ministry of Justice, Human Rights and Worship (MJDHC). The only existing coordination is between local governments with regard to nationalities with a history of contact that have cross-border populations. However, between 2017 and 2018 the indigenous Kichwa Curaray communities organized, on their own initiative, two meetings with other indigenous and mestizo populations living in the same river basin, but on the Peruvian side. In the meetings they presented management plans and discussed territorial protection and the specific protection requirements of the Intangible Zone. (LRE, 2019)

## Peru

AIDSESEP has proposed the creation of three Indigenous Territorial Corridors for indigenous peoples in isolation and initial contact, and is working in coordination with indigenous partner organizations on their promotion and protection. These corridors are:

- The Pano, Arawak and Others Territorial Corridor (Madre de Dios, Cusco, Ucayali-Peru-Acre- Brazil).
- The Yavari Tapiche Territorial and Continuous Forest Corridor (Northern Territorial Corridor) (Ucayali, Loreto, Peru / Yavari Valley, Brazil)
- The Napo-Tigre and Yasuni Indigenous Territorial Corridor (Peru and Ecuador)

AIDSESEP, the national Peruvian organization, has formed partnerships at the regional le-

vel with indigenous and indigenist organizations in Brazil, and is currently promoting protection proposals within the institutional structure of COICA: Coordinadora de las Organizaciones Indígenas de la Cuenca Amazónica (LRPe AIDESEP, 2019).

In recent years there has been a degree of coordination between the respective Peruvian and Brazilian authorities on the issue of indigenous peoples in isolation and initial contact. An institutional area was created by the signing of a Memorandum of Understanding<sup>346</sup> between the Ministry of Culture, MINCU, and the National Indian Foundation, FUNAI, in March 2014 with the objective protecting and promoting the rights of isolated and recently contacted indigenous peoples living in the border region. (...) While at times the agreement has provided a degree of coordination in specific cases, in practice it has not been effectively or consistently implemented (LRPe FENAMAD, 2019).

In 2012, AIDESEP and its regional associations, including FENAMAD, created the Platform of Indigenous Organizations for the Protection of Indigenous Peoples in Isolation and Initial Contact (also known as the 'Plataforma PIACI' or 'IPIIC Platform') to unify and strengthen community protection proposals from the Amazon indigenous movement. One of the priorities of the IPIIC Platform is to convince Peruvian and Brazilian States to recognize the protection of indigenous rights in the so-called Pano Arawak and Others Territorial Corridor.<sup>347</sup> (LRPe FENAMAD, 2019)

"FENAMAD began to develop proposals in 2017 to directly involve the Peruvian and Brazilian States in the implementation of concrete practical protection measures in the Madre de Dios-Acre border region." (LRPe FENAMAD, 2019).

"In this regard, FENAMAD recommends the establishment of a bi-national protection system specifically focused on the Mascho Piro people on the Acre River, whose area of influence would include the Yaco River basin in Brazil and the Las Piedras River basin in Peru. This model would require the participation of the respective public institutions, MINCU and FUNAI, which would manage two control posts (one on each of the river's banks) in collaboration with indigenous organizations." (LRPe FENAMAD, 2019).

In its local report FENAMAD presents a detailed account of its coordination with Brazilian civil society organizations and governmental bodies in both countries:

FENAMAD contacted the relevant institutions in both countries during 2017 in order to present the proposal and supporting arguments. In the meetings held on the issue, both the Peruvian Ministry of Culture's 'Directorate of Indigenous Peoples in Isolation and Initial Contact' (DACI), and FUNAI's 'General Coordination of Isolated and Recently Contacted Indians' expressed their interest in further coordination. FENAMAD presented the proposal at the international meeting 'Territorial control and protection, and regional health plan for Indigenous Peoples in Isolation and Initial Contact', that had been organized by ACTO in Puerto Maldonado (August 15-21, 2017).<sup>348</sup> FENAMAD's proposal was adopted as

346 Cited in LRPe FENAMAD 2019. Available at: <http://www.funai.gov.br/index.php/comunicacao/noticias/2621-funai-assina-cooperacao-com-ministerio-da-cultura-do-peru-para-protecao-de-povos-indigenas-isolados-e-de-recente-contato-em-areas-de-fronteira>. Accessed: 5 April 2019.

347 Cited in LRPe FENAMAD 2019. The Corridor's proposal includes five recommendations:

1. The Peruvian and Brazilian government authorities should recognize the existence of the Pano, Arawak and Others Territorial Corridor for peoples in isolation and initial contact.
2. To establish a mechanism with decision-making and economic resource management capacity, including representatives from Ucayali, Madre de Dios and Cusco regional governments in Peru and the government of the state of Acre in Brazil, national-level public sector representatives, and civil society organizations from Peru and Brazil, for the formulation and implementation of a comprehensive protection strategy, with a cross-border approach, for the Territorial Corridor. This strategy should be based on the principles of respect for the life, health, territory, culture and self-determination of the aforementioned peoples.
3. To raise the legislative protection standards for peoples in isolation and in initial contact, to strengthen the institutions responsible for guaranteeing their rights, and to comply with the implementation of the protection measures established by law.
4. To ensure the capacity of the relevant regional health systems in the Corridor to respond in a coordinated manner and with a cross-border approach to situations that require their intervention.
5. To contribute to the consolidation of the protection initiatives designed and implemented by indigenous organizations and NGOs as part of the integral protection strategy of the Territorial Corridor.

348 Cited in LRPe FENAMAD 2019. Available at: <http://www.otca-oficial.info/news/details/266>. Accessed: 14 November 2017.

one of the recommendations of the report 'Assessment of Mashco Territorial Dynamics on the Brazil-Peru Border' ('Diagnóstico de caracterização das dinâmicas territoriais dos Mashco na fronteira Brasil-Peru'), drawn up as part of a technical cooperation agreement between the 'Indigenist Work Center' and the National Indian Foundation (FUNAI). (LRPe FENAMAD, 2019)

The improvement in coordination between civil society organizations from 2012 has resulted in international meetings, the formation of research groups, the sharing of information etc. A platform was created by the Technical Working Group, with the participation of FENAMAD and allied indigenous communities and organizations, as well as CPI-Acre<sup>349</sup> from the State of Acre (Brazil). Due to the political context in Brazil however, these efforts have suffered from a lack of continuity:

FENAMAD recently sponsored a Peru-Brazil-Colombia tri-national exchange in coordination with the Peruvian Ministry of Culture. The first phase of this exchange took place in Madre de Dios and included a meeting of delegations from the three countries and a field mission to learn about the experience of the Monte Salvado indigenous community (Las Piedras River), with the participation of state institutions and indigenous and civil society organizations<sup>350</sup> (footnote 341). A second phase took place in 2017 with a visit to Colombia by a delegation of representatives from Brazil and Peru. (LRPe FENAMAD, 2019)

Indigenous and indigenist organizations from Bolivia, Paraguay and Venezuela have also participated in previously cited international events, where they presented their proposals

and concerns, including in the area of territorial issues arising from international border zones.

## 9. STATE - CIVIL SOCIETY RELATIONS

Broadly speaking, nation-states and certain sectors of civil society subvert, convert, coopt, intimidate or repress social movements in the name of a supposed "greater good", and there has recently been a marked increase in the criminalization/prosecution of popular movements across South America. In this context, Indigenous populations affected by state initiatives or private enterprise are not being adequately consulted, undermining the right to consultation, and to free, prior, and informed consent as guaranteed by ILO Convention No.169: ratified by all countries with a presence of indigenous peoples in isolation.<sup>351</sup>

## 10. CIVIL SOCIETY AND MULTILATERAL AGENCY PARTICIPATION IN THE PROTECTION OF INDIGENOUS PEOPLES IN ISOLATION

The term "protection", as applied to indigenous peoples, has undergone changes in both conception and practice over the centuries. The integration, emancipation, pacification, engagement, civilization, etc. of indigenous peoples has been a determining factor in influencing the behavior of colonizers across South America. This colonizing viewpoint led western thought

349 The GTT (Technical Working Group) was formed at the meeting at the "Oficina de mapeamento dos territórios e ameaças aos Povos Indígenas em Isolamento Voluntário da Fronteira Binacional Madre de Dios - Acre" or "Office for mapping territories and threats to Indigenous Peoples in Voluntary Isolation of the Madre de Dios Binational Border - Acre" organized by FENAMAD and CPI/Acre (Rio Branco, October 2012). The listed members of the GTT are: FENAMAD, CPI/ACRE, Monte Salvado Native Community, Puerto Nuevo Native Community, Representatives of the Mamoade-Aldeia Extrema Indigenous Land, River Acre - River Aldeia Nova União Headwaters Indigenous Land, National Indian Foundation (FUNAI), Chandless State Park and the Division of Ethnic Affairs of the Acre Secretary of the Environment, the Department of Indigenous Affairs of the Acre State Government and the Brazilian Federal Police Department.

350 Cited in LRPe FENAMAD 2019. Available at: <http://www.fenamad.com.pe/2016/10/28/fenamad-y-mincul-impulsan-intercambio-de-experiencias-para-la-proteccion-de-los-pueblos-indigenas-en-aislamiento-y-contacto-inicial-peru-brasil-colombia-en-la-ciudad-de-puerto-maldonado/> Date accessed: 5 April 2019.

351 Colombia is an isolated case in that an "Association Agreement M-766-2015" was signed between the Nation - the Ministry of the Interior - and OPIAC, the Organization of Indigenous Peoples of the Colombian Amazon, with the aim of "uniting efforts to promote and carry out prior consultation on the public policy for the protection of indigenous peoples in a state of voluntary isolation in Colombia and its regulatory framework". Available at: <https://www.elespectador.com/noticias/medio-ambiente/una-politica-de-buen-vecino-para-los-pueblos-aislados-articulo-721038>. Accessed: 22 February 2019.

to regard indigenous people as a source of labor, their territories as a means of production, and natural resources as commodities.

As a consequence, indigenous resistance to enslavement, extermination and the loss of their territories has rendered them a hindrance to development in the eyes of non-indigenous people. The (largely post-war) culture of development excluding any way of life that did not conform to consumerism.

As part of this perspective, 'protection' initiatives were linked to the need to 'attract' and 'integrate' indigenous peoples in isolation, but new concepts of protection gradually emerged that were distinct from the integrationist paradigm. While contact was previously understood as a precondition for protection, at the end of the last century the notion of contact was increasingly rejected by indigenous peoples in isolation, given a context of high post contact mortality rates. Protection therefore became associated with the notion of "non-contact" (based on the principle of the self-determination of peoples).

Today the concept of protection in South America is based on the notion that respect for the concept of isolation is a prerequisite for the self-determination of indigenous peoples in isolation.<sup>352</sup> With this in mind, we present below a series of civil society, multilateral organization and certain state initiatives that have contributed to the

design and dissemination of protection policies based on the perspective of self-determination.

In the 2000s, the Madre de Dios Indigenous Federation (FENAMAD/Peru) entered into dialogue with the National Indian Foundation (FUNAI/Brazil) with the goal of seeking solutions to the problems affecting indigenous peoples in isolation in the border region between the two countries. Unfortunately, the initiative did not prosper due to the lack of bilateral agreements. However, the 'Brazil-Peru Binational Action Group for the Protection of Isolated Indigenous Peoples' was established in Cusco in 2003, during a meeting proposed by the Pro-Manu Project.

At the same time, indigenous organizations succeeded in including a reference to the need to respect isolated peoples' territories in the 2004 Kito Declaration resulting from the Second Continental Summit of Indigenous Peoples and Nationalities of Abya Yala.

The first "International Meeting on Isolated Indigenous Peoples of the Amazon and Gran Chaco" (2005)<sup>353</sup> ended with the circulation of the 'Belem Declaration'<sup>354</sup> on Isolated Indigenous Peoples', and the formation of the 'International Alliance for the Protection of Indigenous Peoples in Isolation'.

The Working Group on Transboundary Protection of the Serra do Divisor and Alto Juruá - Brazil/Peru<sup>355</sup> (GTT) was also created in 2005, followed by the International Indigenous Committee for the Protection of Indigenous Peoples

352 There are still academic viewpoints, private initiatives and state sectors that defend contact as a form of protection for indigenous peoples in isolation.

353 For more information, see: <https://site-antigo.socioambiental.org/nsa/detalhe?id=2150> Accessed: 26 November 2017.

354 The declaration includes a series of demands to States and international organizations as a working proposal related to peoples in isolation. Among these demands are: the protection of their right to decide on their life in isolation; the respect and guarantee of their human rights, both individual and collective; the recognition of their territories and measures to protect them against any type of interference; the effective application of Convention No. 169 of the International Labour Organization (ILO); and the suspension of all projects related to the exploitation of natural resources that directly or indirectly affect groups in isolation. In addition to the declaration, it is also important to note the assessment study by Vincent Brakelaine entitled "Situation of the last isolated indigenous peoples in Latin America (Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru, Venezuela)" which served as a working document at the Belem international meeting Diagnosis to Facilitate Protection Strategies. CGII/CTI, Brasília, 2006.

355 The CGT created the Technical Working Group for the Geo-Referenced Monitoring of Isolated Indians in the Acre-Peru Region in 2012 (the last meeting was held in 2015) as well as the Indigenous Component Working Group. In 2016, CPIACRE and FENAMAD met to take stock of the agreement signed in July 2014, and evaluate the joint agenda for 2015. The outcome of the meeting was an update of the convention and a 2016-2018 extension period. In 2011 the Asháninka del Rio Armonía- Apiwtxa Association signed an agreement with the ASSOCIATION OF NATIVE COMMUNITIES FOR THE INTEGRAL DEVELOPMENT OF YURUA YONO SHARAKOIAI - ACONADIYSH which was renewed in 2016. In 2015, a large MAP meeting was held to discuss the Madre de Dios - Acre border, with a specific round table coordinated by CPI - the Pro-Indigenous Commission of Acre, to discuss the indigenous issue (Information provided by Maria Luiza Pinedo Ochoa - CPI Acre member).

of the Amazon and Gran Chaco in Voluntary Isolation and Initial Contact (CIPIACI)<sup>356</sup> in 2006: the first regional initiative led by indigenous organizations. This latter committee emerged during a Regional Seminar in Santa Cruz de la Sierra, Bolivia, organized by the United Nations High Commissioner for Human Rights, Bolivia's Vice-Ministry of Lands, the Confederation of Indigenous Peoples of Bolivia (CIDOB), and the 'International Work Group for Indigenous Affairs' (IWGIA). The objective was to address the problems of indigenous peoples in isolation and initial contact and present public policy proposals. The seminar resulted in the publication of the "Santa Cruz Appeal".<sup>357</sup>

In Mikel Berraondo's 2006<sup>358</sup> paper, 'Seeking Protection. Peoples in isolation and the challenge of rights' which was presented at the Santa Cruz de la Sierra Seminar in November of the same year, Berraondo offered a survey of international protection initiatives, stating:

"On the international level, the situation has been quite similar to that of the national level. As recently as 2004, international institutions did not pay attention to the condition of groups in isolation. From that year onwards, however, a awareness of the situation of these groups began to spread, and we could say that international institutions are now gradually assuming the need to pay special attention to them, wherever they may be (...) Looking at it chronologically, we should first mention the World Conservation Union's resolution on indigenous peoples living in voluntary isolation and nature conservation in the Amazon region and El Chaco.<sup>359</sup> In that resolution the assembly called on the organization to coordinate with the countries of the Amazon and El Chaco the development of national and regional measures for the protection of the rights these groups have over the lands and territories they inhabit, and demanded that such coordination should take place in close cooperation with the Amazon Treaty Cooperation Organization. (...) Finally, the resolution urged the governments of the Amazon and El Chaco region to develop, in cooperation with

local and national indigenous organizations, policies and measures that ensure respect for the right of groups in voluntary isolation to lands and territories, as well as to the effective protection of these lands and territories and the cultural diversity that these groups represent, including amongst these measures the provision of sufficient funding and effective legal mechanisms." (Berraondo, 2006)

Most noteworthy at the UN level are the initiatives of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples and the Permanent Forum on Indigenous Issues (UNPFII). During her visit to Colombia, the rapporteur highlighted the dangers faced by various Amazonian peoples (including groups in isolation and initial contact) and proposed the establishment of an emergency program to assist indigenous communities in danger of extinction. In its May 2005 report on its Fourth Session, the Permanent Forum introduced the need to protect the human rights of indigenous peoples in isolation for the first time. Paragraph 73 of the report recommends that: States should pay attention to the situation of indigenous peoples in isolation; that the United Nations Special Rapporteur should pay attention to the situation of these peoples in her annual report; and that it was important to address the situation of these peoples in the activities of the Second International Decade of the World's Indigenous Peoples through the organization of an international meeting.

Recognizing the importance of the "Santa Cruz Appeal", in 2007 the Permanent Forum on Indigenous Issues issued a number of recommendations, as highlighted by Berraondo:

" (...) in the first instance, it recommended that the Office of the High Commissioner, "other international agencies and States, in collaboration with indigenous organizations and non-governmental organizations (NGOs), replicate and follow similar initiatives in developing and consolidating long-term sustainable po-

356 Cited in LRPe FENAMAD 2019. CIPIACI's last international advocacy action was at a public hearing on the situation of peoples in isolation and initial contact across the continent at the 141st session of the IACHR in March 2011. (ILPe FENAMAD 2019). In 2012 CIPIACI ceased its operations.

357 Available at: <https://www.servindi.org/pdf/LlamamientoSantaCruz.pdf>. Accessed: 29 March 2019.

358 Further information available at: [www.servindi.org/print/41383](http://www.servindi.org/print/41383). Accessed: 24 November 2017.

359 Adopted at the 3rd session of the World Conservation Congress, 17-25 November 2004. CGR3.RES082.

licies, mechanisms and procedures that can guarantee the security of these peoples and their chosen livelihoods, including ensuring the inviolability of their territories and natural resources.”<sup>360</sup> The Permanente Forum also recommended that the Office of the High Commissioner “address in 2007, in consultation with indigenous organizations, NGOs, experts, States and bilateral and multilateral agencies, the development of guidelines for all governmental and non-governmental actors, establishing respect for and protection of the rights of indigenous peoples in voluntary isolation and initial contact.”<sup>361</sup> (Berraondo, 2006)

## The United Nations - UNO

In 2007 the Office of the High Commissioner began work on the development of protection guidelines for indigenous peoples in isolation and initial contact. And after a period of lengthy consultation with indigenous and indigenous organizations, specialists, as well as the governments of the seven countries with a presence of isolated peoples, in 2012 it submitted its “Guidelines for the Protection of Indigenous Peoples in Isolation and in Initial Contact of the

Amazon Region, Grande Chaco and the Eastern Region of Paraguay” (UNHCHR/2012)<sup>362</sup> to the Expert Mechanism on the Rights of Indigenous Peoples. This was done as an example of the application of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the protection of the rights of peoples in isolation and in initial contact.

As part of the Commission’s system of special procedures, in 2001 the UN Commission on Human Rights appointed a Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples. The Rapporteur, in compliance with their mandate, submits Annual Reports,<sup>363</sup> carries out country visits,<sup>364</sup> disseminates information received on the rights of indigenous peoples in specific countries,<sup>365</sup> and follows up on the recommendations presented in the reports submitted on visited countries.<sup>366</sup>

Below are a number of the Rapporteurs’ reports issued as a result of visits to countries with a presence of indigenous peoples in isolation:

**Table 36. UN Country Reports**

COUNTRY	REPORT	LINK
Bolivia	A/HRC/11/11	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/109/18/PDF/G0910918.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/109/18/PDF/G0910918.pdf?OpenElement</a>
	A/HRC/6/15/Add.2	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/151/50/PDF/G0715150.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/151/50/PDF/G0715150.pdf?OpenElement</a>
Brazil	A/HRC/33/42/Add.1	<a href="https://undocs.org/es/A/HRC/33/42/Add.1">https://undocs.org/es/A/HRC/33/42/Add.1</a>
	A/HRC/12/34/Add.2	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/151/13/PDF/G0915113.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/151/13/PDF/G0915113.pdf?OpenElement</a>
	Rapporteur’s visit	Brazil visit report from the Special Rapporteur on the rights of indigenous peoples. <a href="http://unsr.vtaulicorpuz.org/site/index.php/es/documentos/country-reports/154-report-brazil-2016">http://unsr.vtaulicorpuz.org/site/index.php/es/documentos/country-reports/154-report-brazil-2016</a>
Colombia	A/HRC/12/34/Add.9	<a href="https://www.ohchr.org/Documents/Issues/IPeoples/SR/A-HRC-12-34-Add-9_sp.pdf">https://www.ohchr.org/Documents/Issues/IPeoples/SR/A-HRC-12-34-Add-9_sp.pdf</a>
	E/CN.4/2005/88/Add.2	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G04/165/18/PDF/G0416518.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G04/165/18/PDF/G0416518.pdf?OpenElement</a>
	A/HRC/15/34	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/149/86/PDF/G1014986.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/149/86/PDF/G1014986.pdf?OpenElement</a>
	A/HRC/15/37/Add.3	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/136/69/PDF/G1013669.pdf?OpenElement</a>

<sup>360</sup> Cited in Berraondo 2006 E/2007/43-E/C.19/2007/12, para. 39.

<sup>361</sup> Ibid., para. 40.

<sup>362</sup> Available at: <http://acnudh.org/wp-content/uploads/2012/03/Final-version-Guidelines-on-isolated-indigenous-peoples-february-2012.pdf>. Date accessed: 28 February 2019.

<sup>363</sup> Available at: <https://www.ohchr.org/SP/Issues/IPeoples/SRIndigenousPeoples/Pages/AnnualReports.aspx>. Accessed: 28 February 2019.

<sup>364</sup> Available at: <https://www.ohchr.org/SP/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx>. Accessed: 28 February 2019.

<sup>365</sup> Available at: <https://www.ohchr.org/SP/Issues/IPeoples/SRIndigenousPeoples/Pages/Comunicaciones.aspx>. Accessed: 28 February 2019.

<sup>366</sup> Available at: <https://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/ThematicStudies.aspx>. Accessed: 28 February 2019.

Ecuador	A/HRC/4/32/Add.2	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/100/29/PDF/G0710029.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/100/29/PDF/G0710029.pdf?OpenElement</a>
	A/HRC/15/37/Add.7	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/161/60/PDF/G1016160.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/161/60/PDF/G1016160.pdf?OpenElement</a>
	Rapporteur's End of Mission Statement	<a href="https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23864&amp;LangID=S">https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23864&amp;LangID=S</a>
Paraguay	A/HRC/30/41/Add.1	<a href="http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15361&amp;LangID=E">http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15361&amp;LangID=E</a>
		A request for the implementation of the Early Warning Mechanism was also submitted to the UN Committee on the Elimination of Racial Discrimination (CERD) on December 19 2013. Additional and urgent information was submitted in August 2015 within the framework of this request. Two years later the UN Rapporteur issued a report <sup>367</sup> and recommendation on the situation of the Ayoreo (LRPy IA 2019).
Peru	A/HRC/27/52/Add.3	<a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/072/49/PDF/G1407249.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/072/49/PDF/G1407249.pdf?OpenElement</a>
	A/HRC/12/34/Add.8	<a href="http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=dtYoAzPhJ4NMyl4Lu1TOebGEKJ6ENBw%2feYUb2hyFGP%2bL1Sp1VKz93OrpErGSvbNF1Wo710JrFwd8Hvtm27dzR0eqmD1xMzaBTER5W6TO%2b6jVgPfj9pxPH4qPtbb8zhdeF">http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=dtYoAzPhJ4NMyl4Lu1TOebGEKJ6ENBw%2feYUb2hyFGP%2bL1Sp1VKz93OrpErGSvbNF1Wo710JrFwd8Hvtm27dzR0eqmD1xMzaBTER5W6TO%2b6jVgPfj9pxPH4qPtbb8zhdeF</a>
Venezuela		
IACHR / OHCHR	A/HRC/39/17/Add.1	<a href="https://undocs.org/es/A/HRC/39/17/Add.1">https://undocs.org/es/A/HRC/39/17/Add.1</a>
ANNUAL	A/HRC/15/37/Add.1	<a href="https://undocs.org/es/A/HRC/15/37/Add.1">https://undocs.org/es/A/HRC/15/37/Add.1</a>
	A/HRC/24/41	<a href="https://undocs.org/es/A/HRC/24/41">https://undocs.org/es/A/HRC/24/41</a>
	A/71/229	<a href="https://undocs.org/es/A/71/229">https://undocs.org/es/A/71/229</a>
	A/70/301	<a href="https://undocs.org/es/A/70/301">https://undocs.org/es/A/70/301</a>

## The Organization of American States (OAS)

In Article XXVI, the American Declaration on the Rights of Indigenous Peoples<sup>368 369</sup> explicitly recognizes the rights of indigenous peoples in voluntary isolation or initial contact:

“Article XXVI: Indigenous peoples in voluntary isolation or initial contact

1. Indigenous peoples in voluntary isolation or initial contact have the right to remain in such condition, and to live freely and in accordance with their cultures.

2. States shall adopt appropriate policies and measures, with the knowledge and participation of indigenous peoples and organizations, that recognize, respect and protect the lands, territories, environment and cultures of these peoples, as well as their individual and collective life and integrity.”

In 2013 the Inter-American Commission on Human Rights (IACHR) released the report

‘Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of their Human Rights.’<sup>370</sup> In the introduction to the report, the IACHR states that since the 1980s:

The Inter-American Commission has systematically addressed the rights of indigenous peoples in its special reports and through the case system, in admissibility reports, substantive reports, amicable settlement reports, the mechanism for precautionary measures, as well as through petitions and requests for provisional measures filed with the Inter American Court of Human Rights (hereinafter ‘Court’ or ‘Inter-American Court’). The Inter American Commission has also addressed the situation of some indigenous peoples in isolation through precautionary measures, the system of petitions and cases, and thematic hearings. (...) The report was prepared with input from various sources, including, experts, States and indigenous and civil society organizations. An expert workshop was also held at the Commission’s headquarters on May 06

367 A/HRC/30/41/Add.1. Available at: <https://www.ohchr.org/en/hrbodies/hrc/regularsessions/session30/pages/listreports.aspx>. Accessed: 28 February 2019.

368 (AG/RES. 2888 (XLVI-O/16)) Available at: <https://www.oas.org/es/sadye/documentos/res-2888-16-es.pdf>. Accessed: 28 February 2019.

369 For a critical analysis see: Clavero’s opinion on the American Declaration at: <https://www.servindi.org/actualidad-opinion/27/06/2016/clavero-opina-sobre-declaracion-americana>. Accessed: 28 February 2019; Nancy Yáñez at: <https://www.servindi.org/actualidad-radioteca-audios/25/06/2016/la-intencion-ha-sido-limitar-los-derechos-indigenas>. Accessed: 28 February 2019.

370 OAS/Ser.L/V/II. Doc. 47/13 30. Available at: <http://www.oas.org/es/cidh/indigenas/docs/pdf/informe-pueblos-indigenas-aislamiento-voluntario.pdf>. Date accessed: 5 April 2019.

2013, with the participation of anthropologists with extensive experience in the field.<sup>371</sup>

On 23 October 2017, at the IACHR's 165th Period of Sessions in the city of Montevideo,

Uruguay, a hearing was convened on 'The Human Rights Situation of Peoples in Voluntary Isolation and Initial Contact in the Amazon and Gran Chaco'.<sup>372</sup>

**Table 37. 165th Session of the OAS**

HEARING TITLE
Human rights situation of peoples in voluntary isolation and initial contact in the Amazon and Gran Chaco
PARTICIPANTS
Land is Life / Centro de Derechos Económicos y Sociales (CDES) / Central de Comunidades Indígenas Tacana II Río Madre de Dios (CITRMD) / Coordinación de las Organizaciones Indígenas de la Amazonía Brasileña (COIAB) / Articulación de los Pueblos Indígenas de Brasil (APIB) / Centro de Trabalho Indigenista (CTI) / Conselho Indigenista Missionário (CIMI) / Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP) / Organización Regional de Pueblos Indígenas del Oriente (ORPIO) / Amazon Conservation Team (AC) / Asociación de Autoridades Tradicionales Indígenas de La Pedrera Amazonas (AIPEA) / Waorani Nationality of Ecuador (NAWE) / Acción Ecológica / Iniciativa Amotocodie / Federación para la Autodeterminación de los Pueblos Indígenas (FAPI) / Organización Payipie Ichadie Totobiegosode (OPIT) / Grupo de Trabajo Socioambiental de la Amazonía (WATANIBA) / International Work Group for Indigenous Affairs (IWGIA)
Key recommendations
<ul style="list-style-type: none"> <li>-Adoption of measures necessary for the recognition of the territories of these peoples in accordance with their systems of life and customs, guaranteeing their integrity and intangibility.</li> <li>-Protecting territories through mosaics of protected areas, territorial corridors and cross-border bio-cultural corridors.</li> <li>-Develop and implement effective instruments and mechanisms to prevent unwanted contact for these peoples.</li> <li>-Prohibit extractive activities in the territories of isolated peoples</li> <li>-Guarantee the right to free, prior and informed consent for peoples in initial contact, elaborating protocols with the participation of indigenous leaders and indigenous organizations.</li> </ul>

Below we present the petitions and requests for precautionary measures presented to the IACHR in relation to indigenous peoples in isolation in South America:

## Petitions and Precautionary Measures

### *Bolivia*

On 22 December 2016 the Rio Madre de Dios Tacana II Indigenous Community Center (CITRMD), the Bolivian Center for Documentation and Information (CEDIB) and the Center for Legal Studies and Social Research (CEJIS), filed a demand for precautionary measures (four actions) with the IACHR on behalf of the indigenous peoples in voluntary isolation of northern La Paz Department, in the area affected by the '2D Seis-

mic Acquisition Project, Madre de Dios Basin, Nueva Esperanza Area', YPFB/BGP Bolivia.

The victims/beneficiaries of the demand are non-contacted peoples in voluntary isolation living in the Amazon area in the North of the Department of La Paz, whose presence has been detected within the area affected by the '2D Seismic Acquisition Project, Madre de Dios Basin, Nueva Esperanza Area, Bolivia'. The petitioners state that they will not make use of the right to have their identity withheld during the procedure.

The IACHR Secretariat noted in a letter dated 12 July 2018 that, based on the information sent by the parties, the Bolivian State had been notified by the IACHR on 23 January 2017,<sup>373</sup> that the request for precautionary measures and

371 The workshop was attended by Antenor Vaz of Brazil, Beatriz Huertas Castillo of Peru, José Proaño of Ecuador, and Benno Glauser of Paraguay.

372 More information at: <https://www.servindi.org/actualidad-noticias/03/11/2017/piden-intangibilidad-de-territorios-de-los-piacci>. Access date: 5 April 2019.

373 IACHR Notes; 2016, Request for Precautionary Measures MC-1064-16. People in voluntary isolation in the North of La Paz in the Amazon region. And 2018, closure of said request.

four proposed actions had been closed and archived.<sup>374</sup>

## **Brazil**

*MC 382/10. Indigenous Communities of the Xingu River Basin, Pará, Brazil.*<sup>375</sup>

On April 01 2011, the IACHR granted precautionary measures in favor of members of the indigenous communities of the Xingu River basin in Pará State, Brazil: Arara de la Volta Grande de Xingu; Juruna de Paquiçamba; Juruna de “Kilometer 17”; Xikrin de Trinchiera Bacajá; Asurini de Koatinemo; Kararaô and Kayapó of the Kararaô indigenous land; Parakanã de Apyterewa; Araweté de Igarapé Ipixuna; Arara of the Arara indigenous land; Arara de Cachoeira Seca; and the indigenous communities in voluntary isolation of the Xingu River basin. The request for a precautionary measures alleges that the lives and personal integrity of the inhabitants would be at risk from the construction of the Belo Monte hydroelectric installation.

The IACHR requested that the Brazilian Government immediately suspend the licensing process for the Belo Monte Hydroelectric Plant and prevent any construction work from being carried out until the following minimum conditions were met: (1) that consultation processes be carried out in compliance with Brazil’s international obligations, in the sense that the consultation be prior, free, informed, in good faith, culturally appropriate, and with the objective of reaching an agreement with each of the affected indigenous communities beneficiaries of these precautionary measures; (2) guarantee that prior to the implementation of said consultation processes, in order to ensure that the consultation is informed, that the beneficiary indigenous communities have access to a Social and Environmental Impact Study of the project, in an accessible format, including translation into the respective indigenous languages; (3) that measures be taken to protect the lives and personal integrity of the indigenous peoples living in voluntary isolation in the Xingu River Basin,

including measures to prevent the spread of diseases and epidemics among the aforementioned indigenous communities as a consequence of the construction of the Belo Monte hydroelectric plant, both from diseases resulting from the massive population influx into the area and from the exacerbation of waterborne vectors of diseases such as malaria.

During its 142nd Session on 29 July 2011, the IACHR assessed MC 382/10 on the basis of information submitted by the State and the petitioners, and amended the objectives of the ruling, requesting that the State: 1) Adopt measures to protect the life, health, personal integrity and cultural integrity of the indigenous communities in a situation of voluntary isolation in the Xingu basin, including the implementation and execution of existing formal legal measures in addition to the design and implementation of specific mitigation measures that address the effects the construction of the Belo Monte dam will have on the territory and lives of these isolated communities; 2) Adopt protective health measures for members of the indigenous communities of the Xingu basin affected by the Belo Monte project, including (a) the prompt completion and implementation of the Integrated Indigenous Health Program for the region of the Belo Monte hydroelectric plant, and (b) the effective design and implementation of the plans and programs specifically requested by FUNAI recently issued Technical Opinion 21/09; and (3) Guarantee the prompt completion of the pending regularization processes concerning the ancestral lands of indigenous peoples in the Xingu River Basin and adopt effective protection measures for these ancestral territories against their intrusion and occupation by non-indigenous people, and the exploitation or deterioration of their natural resources. The IACHR also determined that the dialogue concerning prior consultation and informed consent between the parties in relation to the Belo Monte project had become a discussion about fundamentals that transcended the scope of the precautionary measures procedure.

374 <https://www.procuraduria.gob.bo/2017/?p=3266> Accessed: 5 April 2019.

375 [https://www.cidh.oas.org/medidas/2011\\_port.htm](https://www.cidh.oas.org/medidas/2011_port.htm) Accessed: 5 April 2019.

Inappropriate reaction.

Despite being an OAS member state, co-founder of the IACHR and signatory of all the respective conventions, the Brazilian government reacted inappropriately to the request for compliance with the commitments made to the IACHR, and to its peers, the other American states. In addition to the disastrous statements made by several ministers, Brazil resorted to the use of inappropriate pressure against the OAS, including the withdrawal of its candidate (the former minister of the Special Secretariat for Human Rights, Paulo Vanucchi) from the upcoming IACHR elections. According to the human rights organizations that drafted the request for precautionary measures in defense of the indigenous people of Xingu, this stance was likely an attempt to intimidate the IACHR - of which Brazil is one of the principle financiers - into backing down on the Belo Monte episode.<sup>376</sup>

*Initial Petition - Indigenous Missionary Council (CIMI) and Survival International*

In 2013 Survival International<sup>377</sup> and the Indigenous Missionary Council - CIMI- submitted a complaint to the IACHR regarding the State of Brazil, and in defense of the Awá Guajá Indians from the Alto Turiaçu, Arariboia, Awá and Caru indigenous lands (with a confirmed presence of indigenous peoples in isolation) in Maranhão State, northeast Brazil. Its objective was to seek redress for the violation of the Awá's rights to their ancestral lands and natural resources.<sup>378</sup>

The petition calls for the adoption of precautionary measures in favor of the Awá people as a safeguard against the irreparable damage being caused to their territories. The IACHR put pressure on the Brazilian State to act on the requested petition, by releasing documents and requesting information about the measures being taken. Following a decision by the Brazilian justice system in 2013, the State began removing trespassers from Awá Indigenous Territory - one of the indigenous lands under petition - a process that was concluded in 2014.

## Colombia

Although no such measures exist in Colombia for indigenous peoples in isolation, they do exist for the Nükak and Mapayerri ethnic groups in initial contact.

The Nükak National Natural Reserve was legally established in 1989 as an 855,000 ha protected area for the Nükak people (Resolution 112). This was followed by the creation in 1993 of the 632,000 ha. Nükak-Makú Reserve (Resolution 136), which was later expanded in 1997 to 954,480 ha. (Resolution 00056). Order No. AIR-18-115, mandating various institutions to address the territorial, social and health situation of the Nükak people, was issued in September 2018.

Interlocutory decision No. AIR-18-068 was issued on March 2018 on behalf of the Mapayerri people, located in the department of Vichada, outside the Amazon biome, urging institutional compliance with the necessary measures to guarantee their rights. This resulted in the establishing of the Nacuanedorro Reserve, with an area of 95,038 hectares (Agreement 68, 2018).

Despite the legal measures enacted, inter-institutional cooperation remains limited, suggesting that considerable challenges remain if we are to see visible improvement in the protection of the rights of peoples in initial contact in Colombia, (LRCo 2019).

## Ecuador

*Precautionary Measure MC-91/06 Tagaeri and Taromenane indigenous peoples.*

At the request of civil society sector, in particular NGOs and private institutions, allegations concerning the violation of the rights of indigenous peoples in voluntary isolation have been lodged with the Inter-American Commission on Human Rights (IACHR).

On 10 May 2006, the IACHR granted precautionary measures in favor of the Tagaeri and

376 Available at: <https://jornalggn.com.br/documento/comissao-interamericana-de-direitos-humanos-da-oea-medida-cautelar-38210>. Date accessed: 5 April 2019.

377 Available at: <https://www.survivalinternational.org/ultimas-noticias/9215>. Date accessed: 5 April 2019.

378 Available at: [https://www.cimi.org.br/pub/MA/Awa-Guaja/PETICAOAWA\\_03MAIO2013.pdf](https://www.cimi.org.br/pub/MA/Awa-Guaja/PETICAOAWA_03MAIO2013.pdf). Accessed: 5 April 2019.

Taromenane indigenous peoples living in a situation of voluntary isolation or “concealed” in the Ecuadorian Amazon near the Peruvian border. According to the information available, members of the Taromenane group were allegedly killed in the Cononaco sector (Shiripuno River) on 26 April 2006, in the course of reprisals linked to illegal logging in the Yasuní National Park and the invasion of indigenous territory. In view of this background, the IACHR requested that the Ecuadorian State adopt the necessary measures to protect them from the presence of third parties in their territory.<sup>379</sup>

Ecuador’s acceptance of the Plan of Precautionary Measures was the basis for the development in 2007 of government protection for indigenous peoples in voluntary isolation. Initially assigned to Ecuador’s Ministry of the Environment, it was later transferred to the Ministry of Justice, Human Rights and Religious Affairs (MJDHC) on October 11, 2010.

During this period the Plan of Cautionary Measures - PMC - evolved into the Directorate for the Protection of Indigenous Peoples in Voluntary Isolation (DPPIAV) which has been strengthening the protection system through the implementation of monitoring systems, the creation of awareness-raising campaigns for the communities and surrounding populations, the prohibition of activities in high-risk areas, and the further coordination with other state agencies and local government.

Progress has been made in the implementation of protocols and contingency plans, and the development of the new public protection policy.

The Cautionary Measures Plan and the Directorate for the Protection of Indigenous Peoples in Voluntary Isolation have steadily been improving their control, monitoring and knowledge of Indigenous Peoples in Voluntary Isolation.

Ecuador has received regular visits from the Commissioner to assess progress, establish recommendations for the improvement of existing measures, and to propose further initiatives.

Ecuador is also under obligation to report to the IACHR on the processes being implemented. Consistent pressure from sectors of civil society has helped ensure greater protection for these peoples and allegations against Ecuador have reached the Inter-American Court of Human Rights, although the case has not been admitted to trial.

Certain NGOs have been working with the State, in particular with the Ministry of Justice, Human Rights and Religious Affairs (MJDHC), to help improve the protection system through research, the collection and compilation of data, and public policy recommendations.

The present political circumstances are, however, creating uncertainty about the future of the process.

Despite the institutional progress made since 2007, the situation has been deteriorating in recent years. A lack of funds, personnel and trained technical staff, and problems with inter-institutional coordination, among other limitations, have undermined compliance with precautionary measures and weakened the protection of the rights of indigenous peoples in isolation. The Directorate for the Protection of Indigenous Peoples in Voluntary Isolation (DPPIAV) is the only remaining indication to national and international society that the State is complying with its legal obligations. However, it is not doing so in a responsible manner, nor in line with the everyday needs and problems which arise across approximately 2 million hectares.

Now, due to the ongoing failure of the Ecuadorian State to comply with the precautionary measures, the Inter-American Court of Human Rights is being asked to take on the case. (LRE 2019).

379 Available at: <http://www.cidh.org/medidas/2006.sp.htm>. Accessed: 28 March 2019.

**Paraguay**<sup>371</sup>

*MC 54/13. Ayoreo Totobiegosode communities in voluntary isolation, Paraguay.*<sup>380</sup>

On 22 February 2013, the Payipie Ichadie Totobiegosode Organization (OPIT) submitted a request for precautionary measures to the Inter-American Commission on Human Rights (IACHR). The request was based on the presence of serious threats facing the Ayoreo Totobiegosode Natural and Culture Heritage (PNCAT) and its surrounding area, in the form of increasing deforestation, the presence of external third parties, and the need to protect the population in a situation of isolation and initial contact.

In 2015, OPIT triggered the IACHR's mechanism of petitions and cases, filing Petition 850-15 'Ayoreo Totobiegosode People and their Group in Isolation in Paraguay', on the basis of human rights violations under Article 4 'right to life'; Articles 8, 24 and 25, 'effective judicial protection and judicial guarantees'; article 21, 'land, territories and resources'; and articles 26 and 31, 'traditional culture and practices' of the American Convention on Human Rights. Given the exhaustion of internal procedures, the petition calls for the safeguarding of the Ayoreo Totobiegosode territory by means of a non intervention order, and the restoration of the natural environment of the territory.

The protection mechanism of the Inter-American Human Rights System was called on because internal judicial resources were inadequate and ineffective for the protection of the environmental and cultural rights of the indigenous group. These collective rights should be guaranteed with particular due diligence by the Paraguayan State in the context of populations in a situation of isolation or initial contact. However, as there is no indigenous jurisdiction in Paraguay; the Ayoreo Totobiegosode cannot

resort to the Judicial Branch in order to protect their territorial rights.

After more than two decades from the time the Ayoreo Totobiegosode began proceedings to safeguard their territory, and without receiving valid explanations or justifications, the conditions for the Inter-American Commission on Human Rights could intervene and consider Appeal MC 54-13,<sup>381</sup> and Petition 850-15<sup>382</sup> were met. (LRPy OPIT, 2019)

**Peru**

*Mascho Piro, Yora and Amahuaca Indigenous Peoples in Voluntary Isolation*<sup>383</sup>

On the March 22, 2007 the IACHR granted precautionary measures in favor of the Mascho Piro, Yora, and Amahuaca indigenous peoples in voluntary isolation living in the Las Piedras River area, Department of Madre de Dios, Peru. As early as 2006 the Commission had requested information from the Peruvian State regarding the situation of these indigenous communities, in particular the implementation of measures to guarantee their lives and personal integrity, and the eradication of illegal logging activity in their territory. At the time, the IACHR was also informed of the continuing illegal extraction of timber in protected territory, placing the communities in the Department of Madre de Dios in danger of extinction. In view of the situation, the Commission requested that the Peruvian State adopt all necessary measures to guarantee the life and personal integrity of members of the Mascho Piro, Yora, and Amahuaca indigenous peoples in voluntary isolation; with particular emphasis on the adoption of measures to avoid irreparable damage being occasioned in their territory by the activities of third parties. On October 12 2007, during the IACHR's 130th regular session, a public hearing was held in which information was submitted by the State and by representatives of the aforementioned parties

380 Available at: <http://www.oas.org/es/cidh/decisiones/cautelares.asp>. Accessed: 5 April 2019.

381 Cited in LRPy ITPO 2019. MC 54 - 13 Subject: Ayoreo Totobiegosode Communities in Voluntary Isolation, Paraguay, issued by IACHR Resolution 4/2016. Available at: <https://www.oas.org/es/cidh/decisiones/pdf/2016/MC54-13-Es.pdf>. Accessed: 5 April, 2019.

382 Cited in LRP and ITPO 2019. Petition 850 - 15 "Petition by the Ayoreo Totobiegosode People" and its group in isolation in Paraguay IACHR.

383 Available at: <http://www.cidh.org/medidas/2007.sp.htm>. Accessed: 5 April, 2019.

on the implementation of the precautionary measures issued. The Commission continues to monitor the situation.

## AIDSESEP

In 2007 the IACHR approved the FENAMAD request (262-05-Peru), originally presented in 2005, that it issue precautionary measures due to the lack of protection for the Madre de Dios Indigenous Reserve, given the imminent risk of death among indigenous people in isolation due to large-scale territorial incursion from loggers. The precautionary measures issued by the IACHR favored the adoption of protective actions by the Peruvian State. These have proven insufficient, however, and the threat to the integrity of isolated peoples in the area remains, principally due to external pressure on their territories and the increased vulnerability of a Mascho Piro group in the upper Madre de Dios.

Although Servindi announced that as a result of the IACHR's decision, measures against the illegal logging of mahogany would be announced on Friday March 30 2007, and despite the ongoing mercury contamination of the Yora-Nahua river in the Kugapakori, Nahua, Nanti and Others Territorial Reserve,<sup>384</sup> AIDSESEP is still fighting to get the measures implemented. There are still no measures to comprehensively address all the threats facing indigenous peoples in isolation and initial contact within their territories, Buffer Zones and Territorial Corridors (used by itinerant groups and unidentified peoples). Letters have been sent<sup>385</sup> to UN Rapporteurs alerting them to the Nahua people's health problems due to exposure to mercury. These measures are explained

in detail in section 5a, which analyzes relations between the State and civil society organizations.

At the request of AIDSESEP and the regional organization FENAMAD, the Inter-American Commission on Human Rights (IACHR) granted precautionary measure 262-05-Peru in view of the gravity of the situation facing indigenous peoples in isolation and initial contact. Following a June 2017 meeting held in Peru with the President of the Inter-American Commission, the UN Special Rapporteur on Indigenous Peoples also issued special recommendations for the protection of isolated peoples. Despite this, as of 2017 the precautionary measures issued in 2007 remain under review. Assuming decision-making continues in this vein, the Peruvian ministries and institutions responsible will have little motivation to implement the much-needed strategic relief approaches and coordinated cooperation objectives together with the isolated communities. As a result of this situation, as of 2018 the objectives of recognition, guidance, assistance and protection have been almost entirely disappointing.<sup>386</sup> (LRPe AIDSESEP, 2019).

FENAMAD has also developed specific initiatives in defense of indigenous territorial rights at the Inter-American Commission on Human Rights (IACHR). The Federation succeeded in getting the Commission to grant precautionary measures (MC-262-05 Peru)<sup>387</sup> in 2007, in defense of the Mascho Piro, Yora and Amahuaca indigenous peoples in isolation. In response to the continued failure to implement protective measures on behalf of these peoples, the Federation subsequently filed another petition before the same body referencing the above-mentioned precautionary measure.<sup>388</sup>

384 Cited in LRPe AIDSESEP 2019. 2017 information can be accessed at: <https://www.servindi.org/actualidad-noticias/24/10/2017/aideseppresenta-informe-y-recomendaciones-la-cidh-sobre-los-piacci-en>. Accessed: 5 April 2019. Also see: <https://www.servindi.org/actualidad/1847> Accessed: 5 April 2019. Attached is a slide presentation prepared by FENAMAD's former president, Antonio Iviche Quique, which outlines the problems faced by the organization: <http://191.98.188.189/Fulltext/15583.pdf> Accessed: 5 April, 2019.

385 These letters are in the AIDSESEP archive and, upon request, can be consulted at the PIACI Coordination.

386 Cited in LRPe FENAMAD 2019. Available at: [http://docs.seace.gob.pe/mon/docs/procesos/2007/000015/001524\\_01\\_EXO-5-2007-MEM-INSTRUMENTO%20QUE%20APRUEBA%20LA%20EXONERACION.doc](http://docs.seace.gob.pe/mon/docs/procesos/2007/000015/001524_01_EXO-5-2007-MEM-INSTRUMENTO%20QUE%20APRUEBA%20LA%20EXONERACION.doc). Accessed: 5 April, 2019.

387 Cited in LRPe FENAMAD 2019. Available at: <http://www.cidh.org/medidas/2007.sp.htm>. Accessed: 5 April, 2019.

388 Cited in LRPe FENAMAD 2019: The IACHR requests through precautionary measure 262-05 that the Peruvian State: "...adopt all necessary measures to guarantee the life and personal integrity of the members of the Mashco Piro, Yora and Amahuaca indigenous peoples in voluntary isolation, particularly the adoption of measures to avoid irreparable damage as a result of the activities of third parties in their territory".

In 2013 FENAMAD presented updated information to the IACHR regarding both mechanisms, arguing that:

The ancestral territory of the Mashco Piro, Yora and Amahuaca peoples, beneficiaries of measures MC-262-05, consists of an area stretching from the Ucayali to the Madre de Dios region. This territory is currently fragmented by various legal frameworks that fail to adequately protect the intangibility, integrity and inviolability of their territory (LRPe FENAMAD, 2019).

### **Venezuela**

There are no cases pending before the IACHR/OAS for precautionary measures concerning indigenous peoples in isolation in Venezuela.

In 2017 indigenous and civil society organizations sent updated information to the Rapporteurship on the Rights of Indigenous Peoples at the Inter-American Commission on Human Rights and to the UN High Commissioner for Human Rights (as previously mentioned in this report).

### **ONU/OAS**

The Working Meeting on International Legal Norms Concerning the Human Rights of Indigenous Peoples in Voluntary Isolation and Initial Contact in the Amazon and El Chaco: review and recommendations jointly convened by the South American Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Work Group for Indigenous Affairs (IWGIA), the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, and the Inter-American Commission on Human Rights (IACHR) was held in June 2017, in Lima, Peru.

The principle conclusions of the meeting were presented in a jointly issued summary (A/HRC/39/17/Add.1)<sup>389</sup> by Victoria Tauli-Corpuz, United Nations Special Rapporteur on the Rights of Indigenous Peoples, and Francisco Eguiguren, Rap-

porteur of the Inter-American Commission on Human Rights on the Rights of Indigenous Peoples.

The summary states that:

“(...) the main objective of the working meeting was to identify the progress, best practices, major challenges, potential gaps and emerging issues to be addressed in relation to the implementation of the Guidelines and Report of the IACHR. It concluded with a series of general recommendations with respect to issues on which States and various relevant stakeholders in the region must increase their efforts, and to which international human rights bodies and the international community should also pay particular attention.”

Once again the vulnerability of indigenous peoples in isolation in Brazil was the subject of concern and criticism from international human rights bodies. In this particular case, it was the condemnation of the massacre of indigenous people in isolation, known as “Flecheiros”, in the Vale do Javari Indigenous Territory in the extreme west of the Brazilian Amazon. A long-since shutdown Ethno-Environmental Protection station in this region was reopened following the allegations. Below is the summary of the IACHR’s position:

The IACHR and OHCHR expressed concern about allegations of massacres of indigenous peoples in voluntary isolation and initial contact in the Brazilian Amazon:<sup>390</sup>

“Washington D.C. / Santiago de Chile - The Inter-American Commission on Human Rights (IACHR) and the Regional Office for South America of the United Nations High Commissioner for Human Rights (UNHCHR) are concerned about reports of a possible massacre of indigenous people known as “Flecheiros” living in voluntary isolation near the upper Jandiatuba River in the Vale do Javari Indigenous Territory in the extreme west of the state of Amazonas. Widespread media reports indicate that about 10 indigenous people in isolation, including women and children, were killed. The Federal Public Prosecutor’s Office (MPF) has publicly confirmed that it is investigating reports of deaths of indigenous people in isolation in the Vale do Javari indigenous territory.”

<sup>389</sup> Available at: <https://undocs.org/es/A/HRC/39/17/Add.1>. Accessed: 28 March, 2019.

<sup>390</sup> Available at: <http://www.oas.org/pt/cidh/prensa/notas/2017/144.asp> Accessed: 5 April, 2019.

## OTCA

### *Amazon Cooperation Treaty Organization (ACTO)*

In the context of multilateral initiatives, the “Strategic Framework for the Development of a Regional Agenda for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact” was implemented between 2011 and 2018 through technical cooperation between the Inter-American Development Bank (IDB) and the Amazon Cooperation Treaty Organization (ACTO).<sup>391</sup> All member states with a presence of indigenous peoples in voluntary isolation and initial contact participated in this program,<sup>392</sup> with the exception of Venezuela<sup>393</sup> and Paraguay.<sup>394</sup> According to Colombia’s Local Report, the protection and health of indigenous peoples in isolation in each of the participating countries were evaluated during the first phase of the program, while on the regional level, standards, protocols, and guidelines for dealing with emergency situations were consolidated and unified, with particular emphasis on border regions:

“Two texts were prepared to assist in the development of public policy and national processes for the construction of judicial tools in member states: “Guidelines for the Health Care of Indigenous Peoples in Isolation and Initial Contact (IPIIC)” and “Guidelines for the Protection of Indigenous Peoples in Isolation and Initial Contact” (LRBo, 2019)

“In the second phase between 2016 and 2018, collaborative and interactive exercises were carried out within the framework of international forums such as dialogues, regional and bilateral meetings, technical exchanges, regional workshops, amongst others. These meetings have focused on health protection,

threats, challenges and progress, traditional knowledge and territorial management, the research and identification of indigenous peoples in isolation, international norms, and human rights, public policy and peoples in initial contact (ACTO, 2018). These events have enhanced cooperation between countries, aided the formation of a network of experts and organizations working to promote protection, as well as strengthening internal policy and strategy development in each of the member countries.”(LRCo, 2019)

“In 2017 FENAMAD made direct arrangements with the Executive Director of the Permanent Secretariat of ACTO in Brasilia. The objective was to discuss issues related to indigenous peoples in isolation on the Madre de Dios-Acre bi-national border, as well as the territorial initiatives of indigenous organizations (Pano Arawak Territorial Corridor). FENAMAD emphasized the need for greater participation from indigenous organizations in the protection initiatives developed by ACTO, which are mainly directed at strengthening the articulation between State institutions.<sup>395</sup> The importance of incorporating indigenous organizations was again highlighted at ACTO’s regional-level “Territorial Control and Protection and Regional Health Plan for IPIIC” meeting (Puerto Maldonado, August 2017) attended by indigenous organizations and governmental bodies from member countries.”<sup>396</sup> (LRPe FENAMAD, 2019)

### *Recommendations for Multilateral Organizations from the Local Reports*

The local reports recognize that multilateral agencies play an important role in the protection of indigenous peoples in isolation to the extent that government judicial officials fail to respond to appeals presented by indigenous and civil society organizations. The Reports from Brazil, Colombia, Ecuador, Peru and Venezuela

391 Further Information at: <http://www.otca.org.br/piaci/componentes/comp01>. Accessed: 5 April, 2019.

392 Based on the results of the first phase of the program, ACTO’s Member Countries suggested its continuation with a focus on indigenous peoples’ health and territorial management in regions close to territories with people in isolation and initial contact.

393 In a communication addressed to ACTO, the Government of the Bolivarian Republic of Venezuela (DM/OAMI/No. 002206 of 14 July 2011) stated that “neither the internal governing body nor the coordination of the National Commission have any observations about the documents corresponding to the implementation of the aforementioned project”. Likewise, it reiterated its “...satisfaction and desire to remain informed of the documents and other elements that affect the development of the project, despite the fact that the Bolivarian Republic of Venezuela will not apply same in its territory due to the fact that it does not have indigenous peoples or communities in voluntary isolation and/or initial contact in its territory”.

394 Not being a member of ACTO, Paraguay cannot participate. The IDB approved a specific project for Paraguay but the Paraguayan Government did not sign the cooperation agreement.

395 Cited in LRPe FENAMAD 2019. Available at: <http://www.otca-oficial.info/news/details/246>. Accessed: March 29, 2019.

396 Cited in LRPe FENAMAD 2019. Available at: <http://www.otca-oficial.info/news/details/266>. Accessed: March 29, 2019.

also offer suggestions to multilateral organizations with regard to cross-border issues and the guidelines issued by the Office of the UN High Commissioner for Human Rights, OHCHR.

### *Cross-border Issues*

The “Guidelines for the Protection of Indigenous Peoples in Isolation and Initial Contact of the Amazon Region, Gran Chaco and the Eastern Region of Paraguay” - OHCHR / UN-2012 addresses the issue of the presence of indigenous peoples in isolation in border regions:

“79. There is a need to create frameworks for coordination between the various States that share borders where, in many cases, people in isolation are living on both sides. The respective public institutions responsible for the protection of these peoples should establish bilateral or multilateral cooperation and coordination programs with their counterparts in other States.”

In practice there are no relevant UN/OHCHR and OAS/IACHR measures that address the characteristics of isolated peoples’ territories that straddle state boundaries. Existing legal defense mechanisms and international protection standards are limited to the particular State subjected to the measures issued by multilateral bodies:

Regarding the Inter-American System of Human Rights:

FENAMAD is considering at least two ways of furthering an advocacy agenda for the rights of indigenous peoples in isolation and initial contact which would be applicable to strategy building in both its general and cross-border dimensions. Firstly, the two legal defense mechanisms in the Inter-American System to which FENAMAD is a signatory (the precautionary measures and the recently opened case) apply to transnational peoples (Mascho Piro and others). Existing international protection commitments, however, are currently restricted exclusively to the Peruvian State. According to FENAMAD’s unofficial consultations with specialists on the subject, given that the transnational character of at least one of the beneficiary peoples (Mashco Piro) has been proven, there is a possibility of expanding the applicable geographical scope of such mecha-

nisms to include Brazil. Secondly, the recently approved American Declaration on the Rights of Indigenous Peoples includes a specific article on the rights of indigenous peoples in isolation and initial contact (Article 26). The development of proposals for cross-border protection could be based on the practical application of this declaration, in particular to underpin the participation of indigenous organizations which are explicitly recognized in the aforementioned Article (LRPe FENAMAD, 2019).

It is important that the rulings, recommendations and precautionary measures to protect peoples in isolation take a macro territorial approach that recognizes the mobility of these peoples and the incompatibility of their protection with an extractivist development model within their territories or boundaries. Multilateral organizations should therefore establish a biocultural conservation perspective for the Amazon together with other financing or cooperation agencies, and prioritize the rights of humans and nature over the promotion of invasive developmentalism. The health of the Amazon forests not only guarantees the well-being of peoples in isolation, but also that of their neighbors, the countries that share the basin, and the planet at large (LRCo, 2019).

Multilateral organizations should develop territorial protection projects for peoples in isolation in border regions. This implies bilateral territorial protection projects that prevent the entry of illegal miners and health projects that specifically address the epidemiological situation of indigenous peoples in isolation (LRV, 2019).

It is therefore important to adopt measures that promote mediation between governments/States, indigenous organizations, and broader civil society regarding health care and the inviolability and intangibility of cross-border territories with a presence of indigenous peoples in isolation “(...) the establishment of dialogues between governments/States, the further development of protection principles for isolated peoples within Bilateral Conventions, and the preparation of reports, opinions and recommendations in favor of the protection of these peoples.”<sup>397</sup> (LRPe AIDSESP, 2019)

397 In addition to the compilations and analyses found throughout the report, we have also presented specific suggestions which can be found highlighted in bold.

### *UN Guidelines and State Compliance*

The local reports highlight the importance of the UN/OHCHR ‘Guidelines for the Protection of Indigenous Peoples in Isolation and in Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay’ as an instrument on which to base the formulation of public policies for the protection of indigenous peoples in isolation, in accordance with international human rights standards. On the other hand, the reports also demonstrate a pattern of State non-compliance with the recommendations presented in the OHCHR/UN guidelines. As mentioned in the AIDESEP local report, governments are failing to allocate:

“ (...) the necessary economic resources and technical personnel to implement effective measures for the management of situations of initial contact, as for example in the current health crisis amongst the Yora/Nahua peoples in the Kugapakori, Nahua, Nanti and Others Territorial Reserve (RTKNN). Although special protocols recommended by the United Nations were approved for this case, they have not been implemented. The UN Rapporteur also recommended that the recognition of the lands of peoples in isolation be based on use, and not only on possession or some kind of agreement. And taking into account transitory use patterns, the protection measures could be implemented by means of territorial corridors, buffer zones, monitoring and control stations. The proposals have not been implemented by the Peruvian government.” (LRPe AIDESEP 2019)

“It would be timely for the OHCHR (...) to carry out advocacy work so that the indigenous peoples in isolation guidelines can be used by other UN bodies, in particular the Special Rapporteur, UPR and the Permanent Forum.” (LRPe FENAMAD, 2019)

“Another component of this strategy could be the linking of UN Guidelines with the protection mechanisms existing under the Inter-American System for the rights of indigenous peoples in isolation and initial contact (precautionary measures and cases). This would involve building bridges between the two regional and global human rights systems.” (LRPe FENAMAD, 2019)

“One strategy for the practical implementation of UN Guidelines could be to define a number of specific cases. One of these could be the Mascho Piro case in Madre de Dios, and the carrying out of field missions by an international team, including UN bodies (Special Rapporteur) and the IACHR, whose objective would be to assess the situation in relation to international protection standards.” (LRPe FENAMAD, 2019)

### **OTCA**

#### ***Amazon Cooperation Treaty Organization (ACTO)***

As mentioned above, in its two phases (2011-2014 / 2014-2018), ACTO’s ‘Strategic Framework Program for the Preparation of a Regional Agenda for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact’ presented a set of initiatives designed to establish a positive agenda, resulting in a process of exchange and formulation of a series of instruments:

“Regional Guidelines for the Protection and Health Care Guidelines and Principles of indigenous peoples in isolation. A network of technical experts, specialists in the subject, was also established with the participation of representatives from civil society, government and indigenous communities. The objective was to exchange information and experiences related to the protection of indigenous peoples in isolation and initial contact. In the second phase:- Indigenous Peoples in Border Regions, with a focus on Traditional Knowledge and Health in Border Regions - the aim was to create mechanisms for advancing the exchange of information for health assessments and programs in border regions. The project developed guidelines for (i) the exchange of information on the epidemiological monitoring of indigenous peoples in ACTO’s border regions; and (ii) mechanisms for the exchange of information on traditional knowledge.” (ACTO website)<sup>398</sup>

With regard to the creation of exchanges between experts from member countries, the ACTO initiative includes technicians from the seven countries that have indigenous peoples living in isolation, thus representing a unique and innovative approach in the governmental arena.

The exchange consequently led to the formation of a network of actors, involving both governments and civil society advocates in the field of protection for indigenous peoples in isolation in South America.

As stated in the Brazil report, between 2010 and 2018 the Amazon Cooperation Treaty Organization (ACTO):

“ (...) launched the “Strategic Framework Program for the Development of a Regional Agenda for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact” with funding from the Inter-American Development Bank (IDB). A series of field visits and exchanges took place during the period, involving government, indigenous and civil society specialists from ACTO countries that recognize the presence of indigenous peoples in isolation. In the increasingly complex challenges posed by cross-border situations, the network of technicians and specialists continues to operate today in a limited, informal fashion. (LRBr, 2019)

## Recommendations to Multilateral Agencies

The local reports expressly recognize the importance of the UN Guidelines as a public policy reference tool for indigenous peoples in isolation and initial contact. They also, however, present suggestions for their improvement and greater effectiveness in specific contexts. These suggestions stem from an assessment of the implementation of the Guidelines in each country:

### **Brazil**

“Among the UN guidelines yet to be met by the Brazilian State, are, most importantly, those related to the establishment of consultation protocols and environmental impact studies in the licensing of large infrastructure projects. In recent years a series of large infrastructure works have been implemented without allowing FUNAI sufficient time to conduct the appropriate studies on the presence of isolated peoples, with records of their presence remaining in the research phase. The hydroelectric power plant Telles Pires, for example, on the river of the same name, was built without any in-depth research on the presence of isolated communities. Other examples include the Belo Monte,

Santo Antônio and Jirau hydroelectric projects. In each of these cases there are records of the possible presence of isolated groups in nearby regions, who are directly and indirectly impacted by these initiatives.

In the case of indigenous peoples in isolation it is necessary to understand that the application of the right to consultation and the preparation of environmental impact studies is intimately linked to the official recognition of those peoples, which in Brazil’s case entails FUNAI carrying out field expeditions to locate evidences, confirm their presence, and understand their territorial dynamics and socio-cultural characteristics. The production of thorough and accurate impact studies consequently requires sufficient time, equipment and infrastructure, as well as the reinforcement of the institutions responsible for the research. None of these criteria were met in the cases discussed here.

Given the importance of official recognition processes, determining the presence of isolated peoples, to the fulfillment of the rights to consultation and consent, these should be given particular support by human rights bodies both locally (Public Prosecutor’s Offices, Ombudsman’s Offices, Human Rights Councils) and internationally (OHCHR and IACHR).” (LRBr, 2019).

With regard to State recognition of the existence of indigenous peoples in isolation, Brazil’s local report highlights the importance of investing in recognition processes for these peoples, as expressed in the UN/OHCHR guidelines. The report considers that:

“(...) there is an important distinction between official recognition and the actual existence of these peoples. The Brazilian State’s knowledge about the total universe of isolated peoples is far from encompassing that reality. It is unrealistic to simply present the number of people living in isolation in Brazil; on the contrary, what can be mentioned is the number of people whose existence is recognized by the Brazilian State. This is a fundamental difference that must be made clearer in the UN Guidelines.

Countries also adopt different methodologies and criteria for the official recognition of peoples in isolation, for that reason official records vary quite a lot between countries. Brazil, for example, has 28 confirmed records,

while Peru has 9. (LRPe, 2019)<sup>399</sup> It is therefore essential that countries use compatible instruments for the recognition of the presence of peoples in isolation, especially with regard to cross-border situations. This aspect must be made clearer in the Guidelines, and States must make greater efforts to ensure compatibility, despite the fact that the normative, administrative and political structures always differ from one country to another.

Although the Guidelines address the issue, it is necessary to give more importance - in the administrative-official sense of the State's bureaucratic machinery - to indigenous knowledge regarding the presence of peoples living in isolation. By way of example, indigenous peoples have confirmed the existence of several groups in isolation in the region known as 'Planalto das Guianas' in the northern parts of Pará and Amazonas States, on the borders with Suriname and the Guyanas. There was even some contact between these peoples and segments of the isolated communities in the 1970s and 1980s. However, despite carrying out research and field surveys, the Brazilian State has not officially confirmed this presence.

With regard to the recognition of territorial rights, in Brazil there are delays in complying with this guideline caused by bureaucratic and administrative procedures and technical studies, as well as politically motivated interruptions. The delay in demarcating the Rio Pardo Kawahiva Indigenous Land for the exclusive use of a Tupi-Kawahiva-speaking indigenous people in isolation, is one example. The still ongoing (as of 2019) administrative process of territorial recognition began back in 2001, with important steps still pending: such as physical demarcation, the removal and compensation of occupants, and official approval by the President of the Republic (...).

The delays increase the vulnerability of indigenous peoples in isolation and place more pressure on territories, as loggers and settlers take advantage of the situation and encroach further into indigenous territories, with a consequent decline in hunting:

"The above-mentioned Guidelines and recommendations suggest that States must work harder to implement responsive provisional

territorial protection instruments which can be put in place while the procedures for the final processes are still being worked out. Countries that recognize the presence of isolated peoples should adopt immediate provisional preventive measures to protect and safeguard their territories while the recognition processes are being processed at the technical-administrative and political levels." (LRBr, 2019).

### **Colombia**

The Colombia Local Report presents a recommendation regarding the UN Guidelines:

"The UN Guidelines could include the establishment of an international mechanism or body to formally coordinate and monitor the protection of indigenous peoples in isolation. These guidelines could also become obligatory, with binding mechanisms for governments that have indigenous peoples in isolation and initial contact." (LRCo, 2019)

### **Peru**

The Peru local reports prepared by AIDESEP and FENAMAD offer the following suggestions:

"(...) the reformulation of Article 5.c of the Law relating to peoples in isolation [Law No. 28736 of 2006] and Article 35 of its corresponding regulations [Supreme Decree No. 008-2016-MC published on July 24, 2016], removing the absolute nature of intangibility in the case of potential resource extraction. The application of the Law is also recommended, providing a larger budget and more personnel for the protection of indigenous peoples in isolation and initial contact (LRPe AIDESEP, 2019).

In light of regional and contextual developments, as well as specific cases such as that of the Mascho Piro of the Upper Madre de Dios, FENAMAD considers it important to revise the Guidelines with the aim of updating them at both the conceptual and operational levels. The process should be led by indigenous organizations and would benefit from the involvement of various United Nations and State bodies, as well as ensuring that this revision is linked to processes and mechanisms already existing within the Inter-American System." (LRPe FENAMAD, 2019)

<sup>399</sup> Available at: <https://centroderecursos.cultura.pe/sites/default/files/rb/pdf/PUEBLOS-%20INDIGENAS-EN-AISLAMIENTO-Y-EN-CONTACTO-INICIAL.pdf>. Accessed: 7 April, 2019.

FENAMAD reports that it has been holding conversations with multilateral organizations, contributing suggestions, and cautioning that the inclusion of other organizations is necessary if the proposals are to become reality.<sup>400</sup> Along these lines, it suggests:

A possible space for the discussion and definition of proposals of this kind could be opened up by proposing the initiation of the review and updating of the existing guidelines, based on two principal factors: 1) The significant changes that have occurred in the context of peoples in isolation since their publication in 2012; and 2) the lack of existing mechanisms for their practical implementation (LRPe FENAMAD, 2019).

### *Venezuela*

Highlighting the importance of the UN Guidelines, as well as their drafting process, the Venezuela local report presents the following suggestion:

“(...) aspects related to the territorial protection and epidemiological situation of indigenous peoples in isolation should be strengthened, as the physical survival of isolated groups is often threatened due to multiple epidemics and endemic diseases in difficult-to-access territory.” (LRV, 2019)

## 11. FINAL CONSIDERATIONS

In addition to the summaries and analyses presented throughout this regional report, we have also provided suggestions (highlighted) for ‘alternative’ solutions to issues that have an impact on indigenous peoples in isolation and their territories and leave them in a situation of vulnerability.

For the purpose of comparative analysis, we have considered the different historical and social-political contexts, as well as the stages in which legal frameworks find themselves in the seven South American countries with a presence of indigenous peoples in isolation.

**Although the local reports have stressed a number of health policy issues (both in and**

**around the territories) as key to the protection of indigenous peoples in isolation, these have not been the major focus of this regional report. We therefore consider it necessary to prepare another regional assessment that specifically examines the current public health situation of both indigenous peoples in isolation and, in particular, the communities living in their vicinity, including the public health-care policies that exist for them.**

Considerable progress being made over the last fifteen years in the protection of indigenous peoples in isolation in South America, progress that is undoubtedly the result of pressure from both organized civil society (indigenous and indigenist, or ‘allied’ organizations as they are called in some countries) and international efforts. However, Nation-States continue to consider their protection (and environmental policies) as secondary to economic policies.

The agroextractive-export model is dominant in all seven countries reviewed here. Also notable is the absence of official consultation processes that would enable indigenous organizations and civil society in general to have greater input (design, monitoring and evaluation) into public policies for indigenous peoples in isolation. In this sense, in order to further the protection of indigenous peoples in isolation it is expedient that indigenous organizations, civil society and multilateral organizations pressure governments and their respective relevant authorities create “IPIIC Protection Policy Councils”, with equal representation from civil society and government sectors.

All seven countries have also witnessed a considerable increase in the criminalization of human rights defenders and civil society organizations. In her report to the Human Rights Council (A/HRC/39/17), Tauli Corpus, the UN Special Rapporteur on the Rights of Indigenous Peoples, draws attention to the 2017 Annual Report on Human Rights Defenders at Risk (Dublin, 2018), prepared by Front Line Defenders and Global Witness - Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016 (London, 2017). She cited the following:

400 Cited in LRPe FENAMAD 2019. This document explains FENAMAD’s position regarding the largely operational weaknesses of these instruments. Available from: <https://www.dropbox.com/s/q7ydudq9v17333h/%C2%A0PROPUESTA%20FENAMAD%20ONU%20CIDH.pdf?dl=0>. Accessed: 1 April, 2019.

“A report on human rights defenders around the world who lost their lives in 2017, documents the killing of 312 defenders in 27 countries and notes that 67 per cent of those killed were defending land rights, environmental rights and the rights of indigenous peoples. Almost all of the deaths occurred in the context of mega-projects, extractive industries and large corporations, and about 80 per cent occurred in only four countries: Brazil, Colombia, Mexico and the Philippines. Another report documented in 2016 the deaths of 200 people in 24 countries for defending their lands, forests and rivers against destructive industries. The authors concluded that almost 40 per cent of those killed were indigenous people and that 60 per cent of the deaths took place in Latin America.”

It is important to highlight the role of defenders and civil society organizations in proactively and persistently gathering information (in the process running ahead of the State), proving the existence of indigenous peoples in isolation, and presenting findings (often anthropological), with the aim of recognizing their territories and making these peoples ‘alive and visible’. The organizations have spurred States to take more decisive action, and the participation of international civil society organizations and multilateral bodies in this is also noteworthy. By taking up reports on human rights violations of indigenous peoples in isolation, they have also increased the visibility of those people on the global level. Their requests for state clarifications, and their recommendations, have provided an important measure of support to local defenders, as well as serving to better inform public opinion and, to a certain extent, to pressure States to implement protection and reparation measures. State responses, however, remain slow, and in some cases non-existent!

The local reports also present supplements/amendments in the area of the protection policies for already implemented by some States, as well as the UN-HCHR’s ‘Guidelines for the Protection of Indigenous Peoples in Isolation and Initial Contact in the Amazon Region, Gran Chaco and the Eastern Region of Paraguay’. They also suggest country specific changes to the im-

plementation of protection policies for peoples in isolation, and, more broadly, have demanded more effective participation in their design, implementation and evaluation.

The local reports also make recommendations to multilateral bodies with the aim of developing instruments and entities that can facilitate more effective intervention on issues related to the cross-border territories of indigenous peoples in isolation and initial contact. All of these recommendations can be found in the main body of the regional report, both in the individual country analyses and in the regional analysis section.

The following aspects, already highlighted in the local reports, are particularly important with regard to the territories of indigenous peoples in isolation:

### The Intangibility of Territories

The legally binding public policies for indigenous peoples in isolation, implemented by means of Decree (less binding) in Peru and Colombia, and in the administrative codifications of other countries (Brazil, Bolivia, Ecuador)<sup>401</sup>, all express the intangibility of the territories of peoples in isolation. However, in all cases this intangibility has been rendered relative by the possibility of classifying the natural resources in these territories as of “national interest and/or national defense”, consequently permitting their exploitation. Colombia is an exception, in that Decree 1232 of July 2018 (which creates and organizes the National System for the Prevention and Protection of the Rights of Indigenous Peoples in Isolation or Natural State) does not permit the exploitation of natural resources in cases of “national interest”, although State officials are, in exceptional cases, allowed into the territories of isolated peoples to deal with matters of national security and public order. It is therefore necessary that Multilateral organizations play a more prominent role in this regard, particularly in border regions.

### The Integral Nature of Territories / Integral Protection

As it is not possible to interview indigenous peoples in isolation, territorial delineation

401 As previously mentioned, Paraguay and Venezuela do not have specific legal system for indigenous peoples in isolation.

methods have been established in line with the development of new land management methodologies applicable to indigenous peoples in isolation. Each country has designed concepts and strategies for verifying the existence of these peoples, and for formulating proposals for the recognition and demarcation of their territories.

The new methodologies are based on current and traveler-based bibliographic and field research; traveler and missionary accounts; interviews with indigenous and non-indigenous populations living in the area, or sharing territories inhabited by indigenous peoples in isolation, including accounts of those involved in illegal activities. Also valuable are official reports from public institutions; accounts from anthropologists and scientific publications; field localization expeditions and overflights organized for that purpose, and, finally, extensive use of new technologies linked to remote sensing (high-resolution satellite images) etc. This material, once compiled and thoroughly processed into anthropological reports, and accompanied by cartographic, socio-economic and territorial studies of the region, has enabled the formulation of consistent territorial proposals. These procedures have been in place in Brazil and Peru since the 1990s.

Despite of the internal consistency of the methodologies developed in each of the countries, there are differences between countries, highlighting the need to establish a regional mechanism for sharing and developing methodological guidelines for the collection, registration and analysis of information on the existence and territorial delineation of peoples in isolation, especially in border regions.

The physical delimitation of a particular territory directly influences the territorial management of indigenous peoples in isolation, even though the latter are external to that management framework and know nothing of such restrictions. The Brazil Report reflects on this issue:

“ (...) there is room for a more in-depth discussion on the difference between territoriality

and territory administratively defined by state mechanisms, particularly in the case of isolated peoples. It is common for isolated groups or peoples to be unaware of the boundaries of demarcated indigenous lands and even the political boundaries of countries. Reflection on the processes of territorialization amongst isolated peoples is consequently difficult, as it also is in relation to the adoption of administrative measures to define boundaries. It is therefore important to provide legitimacy to the actions of official agencies responsible for public policy on peoples in isolation that are found outside these territorial limits, in a type of administrative buffer zone, a strategy recommended in the UN guidelines on indigenous peoples in isolation.” (LRBr 2019).

In their local report, The indigenous organizations of Peru, led by AIDESEP, present an alternative proposal for situations in which territory is occupied beyond the boundaries that have been administratively established by States. In such cases they propose the concept of ‘Indigenous Territorial Corridors’<sup>402</sup> based on the concept of ‘integral and articulated protection’.

“A territorial corridor for indigenous peoples is construed as a geographical space that encompasses a series of interconnected territories inhabited by indigenous peoples on a continuous basis. The recognition and comprehensive protection of a corridor would be a way to guarantee the well-being and sociocultural continuity of these peoples.”

On this basis, it is the responsibility of all those defenders of indigenous peoples in isolation and multilateral organizations, to promote cross-border coordination and to urge States to rethink and reform existing regulations in order to better safeguard the integrity and intangibility of the territories of indigenous peoples in isolation.

## Rights and Self-Determination

The process of securing the rights of indigenous peoples in isolation involves the same two initial stages in all countries: state recognition of the existence and right to self-determi-

402 Cited in LRPe AIDESEP 2019. Huertas, Beatriz. “Indigenous Territorial Corridor for Pano, Arawak and Others in Isolation and Initial Contact: Diagnosis and Anthropological Foundations”. “Platform for Indigenous Organizations for the Protection of Peoples in Isolation and Initial Contact of Peru”. 2015.

nation of these peoples, and the recognition and demarcation of their territories. It should be stressed that recognizing existence and defining territory do not, in themselves, constitute the ultimate goal. Once the existence of these peoples is proven, introducing immediate and effective protection measures in the field is imperative, together with the prompt initiation, in parallel, of the territorial demarcation process. Bearing in mind that the presence of these indigenous peoples precedes the establishment of the earliest States, protection measures for isolated peoples should not have to depend on an official territorial recognition process based on some type of acquired 'ancestral right'. In short, States must implement protection systems in the field even before official territorial recognition.

In each country the government agencies responsible for the protection of indigenous peoples in isolation should implement, in collaboration with civil society organizations, flexible instruments that allow preventive action to be promptly taken once the existence of a given isolated group has been verified. These instruments must enable government agencies to regulate the entry and transit of third parties in areas where there is evidence of the presence of indigenous peoples in isolation, and to take necessary steps to protect them and their territories until the official territorial regulation process can be completed.

### **Institutional Failings**

On the institutional plane, the local reports detail weaknesses in the government bodies responsible for the protection of peoples in isolation, both within the bodies themselves and related to the institutionalization of protection policies within other state agencies.

The local reports identify 41 territories (indigenous lands, territorial reserves, indigenous reserves and/or conservation areas) with a confirmed presence of indigenous peoples in isolation. They also identify 66 confirmed accounts and 119 yet to be confirmed, totaling an additional 185 registers of indigenous peoples in isola-

tion across seven countries. An analysis of the data therefore suggests that States are ineffective when it comes to recognizing and regulating the territories occupied by indigenous peoples in isolation in South America.

The argument about a lack of budgetary and human resources for implementing protection policies for indigenous peoples in isolation is recurrent, and is used as a justification for the inefficiency (and in the cases of Paraguay and Venezuela, the non-existence) of services involved in the implementation of these policies. Behind the argument lies a suggested 'lack of political will' that prevents the implementation of already existing national and international legal instruments. However, this "lack of political will" on the part of the leaders, can be better understood from the reverse perspective. In other words, that their 'true political will' is to promote economic development through an increase in deforestation, extractivism and predatory colonization, excessive logging due to unsupervised forest concessions, the construction of infrastructure in accordance with the interests of the international market, and the ongoing lack of initiatives to prevent illegal activities etc. The scenario is the result of the decision of elected officials to adopt fundamentally anti-indigenous policies that have previously led to genocide throughout South America.

In this context indigenous and allied organizations should promote, in conjunction with multilateral agencies, roundtable discussions with the participation of state representatives. The aim would be to assess the degree of compliance with international agreements in each State; carry out training and exchange programs for state officials who work directly or indirectly in the protection of indigenous peoples in isolation; and organize meetings with legal practitioners in the various countries with a view to providing information and training. In this context, the participation of indigenous and allied organizations, as well as experts in the field of indigenous peoples in isolation and initial contact, is indispensable for fostering dialogue between the different local and regional-level actors.

## Development and Indigenous Peoples in Isolation

Since 2000 all Latin American governments have placed extractivism at the center of their national strategic development plans, and have consolidated them through the formation of transnational corporations. When they appear in places such as the Amazon Basin and Gran Chaco (and elsewhere) these corporations create spatial-temporal realignments which result in conflicts between territorialities, directly affecting the peoples who depend on the forest for their survival.

Given the trend towards globalization, 'national security' and 'national interest' (all present in the existing legal protection frameworks for indigenous peoples in isolation in South America), there is an evident paradox between these extractive and export-driven development policies and policies for the protection of indigenous peoples in isolation.

Compounding the problem, the international and domestic capital deployed in the energy, mining, civil construction, timber, agricultural and oil industry sectors is channeled through lobbies that target the Executive, Legislative and Judicial Branches of States. In doing so, they encourage a series of legislative amendments, and influence the approval, without consultation, of projects that threaten to reverse the achievements already made for isolated peoples and for indigenous peoples in general.

Given this situation, it is not possible to think about formulating public policies for the protection of indigenous peoples in isolation without taking into account the large projects and illegal activities affecting indigenous territories and indigenous peoples in general. It is therefore a matter of extreme urgency that protection policies for people in isolation themselves emerge from "isolation", and that their proponents engage in dialogue with the bodies responsible in each country for the design and implementation of development policies, as well

as with the legislative bodies, legal practitioners, and society in general (this last category will be addressed below).

Indigenous and allied civil society organizations must be involved in this process, where the goal of dialogue should be to find an interface between existing international conventions and the policies for the protection of indigenous peoples in isolation in each individual country. Here, Multilateral agencies have a fundamental role to play in organizing and galvanizing the process.

## The Outlook for Indigenous Peoples in Isolation in South America

A number of different types of leftist leaders (moderate left, pink tide, or conservatives hiding behind leftist rhetoric) came to power in South America beginning in the 1990s.<sup>403</sup> In recent years, however, there has been a swing in the political-ideological pendulum, bringing with it the distinct possibility of democratic regression.

The change may well have negative consequences for policies of protection for indigenous peoples in isolation. Brazil and Ecuador are two examples (discussed in more detail in the respective local reports) in which the Executive Branch endorsed, without consultation, the restructuring of the administrative sectors responsible for protection of peoples in isolation: Fundação Nacional do Índio - FUNAI - in Brazil, and the Directorate for the Protection of Indigenous Peoples in Voluntary Isolation - DPPIAV - in Ecuador.

These restructurings create a climate of insecurity because they reduce operational capacity. In the case of Ecuador this occurred by transferring the DPPIAV from the Ministry of Justice to the Secretariat of Human Rights, while in the case of Brazil, FUNAI, to that point linked to the Ministry of Justice, was transferred to the Ministry of Women, Family and Human Rights-MMFDH, with responsibility for the demarcation of indigenous lands being transferred from FUNAI to the Ministry of Agriculture and Supply -

403 Venezuela (Hugo Chávez, in 1999), Brazil (Lula, in 2003), Bolivia (Evo Morales, in 2006), Ecuador (Rafael Correa, in 2006), Paraguay (Fernando Lugo, in 2008).

MAPA - historically an anti-indigenous entity dominated by agribusiness interests.

Colombia, for its part, is now operating under a newly elected government and faces the challenge of implementing a public policy for indigenous peoples in isolation approved by the previous administration. In view of this situation, the local report reflects that:

“Colombia is facing a new government that showed itself to be little interested in the needs and demands of indigenous communities during its electoral campaign, and that later presented an economic growth plan based principally on the development of the mining and energy sectors. The new situation implies extensive work for institutions that promote respect for the rights of ethnic communities, as well as for the indigenous peoples demanding the recognition and protection of the territories and ecosystems in which they live.

As indigenous peoples in isolation are particularly vulnerable in this respect, the challenges posed by the scenario require the persistence and the strengthening of indigenous and non-indigenous institutions working for their protection.” (LRCo, 2019).

In Paraguay the combination of development policies affecting the Chaco region and the absence of protection policies, is causing the fragmentation of Ayoreo territory in the Bolivian border region. The Paraguayan local report warns that:

“Territorial fragmentation, particularly in the border regions of Paraguay, is putting at risk the movement of groups living in the remnants of forest, as the routes they are accustomed to use are now disappearing. It should be noted that the problem in this case is that there are only a certain number of alternative routes peoples in isolation can use, as the vital resources they depend on are not available everywhere.

As previously mentioned, the process of biodiversity simplification undermines the food security and sovereignty of these groups in terms of their use of, and relationship with the different biomes. The simplification of biomes through deforestation leads to the loss, re-

duction and/or insufficiency of the ecological systems that are essential to the groups’ daily life.” (LRPy IA, 2019)

In Bolivia the lack of regulations and consequent inadequate implementation of legal frameworks for indigenous peoples in isolation, combined with the absence of protection initiatives in the Paraguayan border region, put the survival of the Ayoreo people in isolation at serious risk. The presence in the TCO Tacana II of oil activity (Nueva Esperanza Block), promoted by the State and financed by Chinese companies, is also threatening the survival of a nearby (possibly Taromona) indigenous group in isolation.

In Peru, various private and state sectors linked to hydrocarbon exploration and exploitation<sup>404</sup> are coordinating to ensure approval of a new hydrocarbons law, as described in AIDESEP’s report:

As a result of the economic slowdown that Peru has experienced in recent years, a number of governmental sectors are pushing for new Hydrocarbons legislation, with the aim of promoting the exploration and exploitation of natural resources in the Amazon. And when resources are declared to be of national interest, indigenous peoples will be stripped of their rights, ignoring the progress made in the regulatory framework for the protection of indigenous peoples. In view of the above, it is essential to draw up and implement the National IPIIC Plan and Policy and amend Article 5, paragraph c and Article 35 of the IPIIC Act and its corresponding legislation (LRPe AIDESEP, 2019).

The Peru local report, prepared by the Native Federation of the Madre de Dios River and its tributaries, FENAMAD, presents some key issues regarding the general difficulties surrounding protection policies for peoples in isolation: institutional weakness; legal and political frameworks (Law 29736) that are centered on the concept of reserves (compromising intangibility), with several important elements yet to be resolved and implemented (special multi-sectoral regime, national policy); fragile mechanisms of control over the Executive (Legislative - Congress); indigenous organizations that des-

404 Cited in LRPe FENAMAD 2019. Available at: <https://fronterapirata.com/2018/01/15/la-exploracion-petrolera-en-areas-naturales-protegidas/>. Accessed: 28 March, 2019.

pite assuming state functions in the protection of indigenous peoples in isolation and initial contact, are not recognized or consulted about the current legal and political frameworks; the non-conformity of the current territorial protection model (“Reserves”) with existing territorial trends/practices (“Corridors”, “Integral Territories”); current protection policies that are focused on territorial protection activities to the detriment of the healthcare needs linked to isolated peoples’ vulnerability; and public policies that have failed to develop bilateral strategies to address the specific vulnerability associated with the cross-border territorial nature of several indigenous peoples in isolation.

The Venezuelan situation is dramatic. In addition to the profound crisis the country is currently experiencing, the State does not recognize the presence of indigenous peoples in isolation within its national territory. There are consequently no protection policies in place for them. Indigenous and indigenist organizations are working to:

Submit public and state information to obtain official recognition. This has led to the Ombudsman’s Office, a state entity, not only recognizing the presence of indigenous peoples in isolation but also submitting proposals to other bodies such as the National Cons-

tituent Assembly, in an effort to ensure that the Constitution makes explicit reference to indigenous peoples in isolation. At the present time efforts are being made to secure official recognition and to give their current situation greater visibility (LRVe, 2019).

### Regional Coordination as an Alternative Method for Strengthening Local Initiatives

The local reports indicate the need to establish ‘regional coordination’ on two distinct levels:

1. Coordination between indigenous organizations (an example of which occurred in the International Indigenous Committee for the Protection of Peoples in Isolation and Initial Contact - CIPIACI - until 2012).
2. Coordination that encompasses relevant governmental entities, multilateral agencies (UN, OAS and ACTO), indigenous organizations, indigenist (or allied) organizations, and experts on indigenous peoples in isolation.

In view of the different national contexts, below is an overview of the proposals included in the Local Reports of each country:

**Table 38. Regional Coordination**

Regional Coordination
Given the uncertain scenario regarding the fate of Brazil’s indigenous peoples, strengthening regional networks to protect the territories of indigenous peoples in isolation and improving regional monitoring and information systems are important strategies. The support of international public opinion - including that of other governments - is fundamental in the current context. Brazil (LRBr, 2019) It is important to consider the creation of regional bodies, linked to the UN/OHCHR and/or the OAS/IACHR, with the aim of providing specialized technical support to the region’s countries (governmental, civil society and indigenous peoples): a) for the implementation of protection guidelines; b) for conflict situations; c) for the improvement of methodologies for the recognition of isolated peoples and the protection of their territories; d) for the establishment of a regional observatory; e) for raising awareness and promoting the recognition and rights of these peoples among governments, civil society and indigenous peoples. Brazil (LRBr, 2019)
Coordinated border initiatives between government, civil society and indigenous organizations are necessary in order to address the territorial threats and needs of isolated peoples who cross borders. Colombia (LRCo, 2019)
It is imperative that the Office of the United Nations High Commissioner for Human Rights play a more central role in assessing the implementation of the rights and territorial protection of peoples in isolation. The involvement of the ILO and a delegation from the United Nations Permanent Forum on Indigenous Issues is also essential. Ecuador (LRE, 2019).
By means of cross-border agreements, working groups, and dialogue between countries, representative indigenous organizations and other allies in the defense of indigenous peoples in isolation and initial contact... The participation of representative indigenous organizations, States and international cooperation institutions or organizations participate is crucial. Peru. (LRPe AIDESEP, 2019).

(...) considering the need to revitalize the coordination of indigenous organizations through some kind of regional mechanism (a network or platform), some possible steps might include:

- Diagnosis of the problem. The identification and analysis of the problem, i.e. the situation of indigenous peoples in isolation and protection context in each country, as the starting point of the process.

- Consolidation of proposals and definition of road map. This step would include an analysis of the elements identified in the diagnosis of the local organizations, the elaboration of proposals to address the problems, defining institutional responsibilities, and the drafting of an action plan.

- Institutionalism and support structures: Two important elements should be considered when defining a regional-level strategy led by indigenous organizations, of which some previous experience was gained in the process of establishing CIPIACI:: the International Indigenous Committee for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact: (1) the establishment of a model for operational institutional coordination; (2) the establishment of a network of partnerships with external actors committed to accompanying and facilitating the processes.

- Coordination of the process with international human rights instruments and mechanisms. The next step might include the initiation by the relevant organizations, or a review and, of a process of review process and updating of the UN Guidelines for the Protection of Indigenous Peoples in Isolation and in Initial Contact in the Amazon Region, Gran Chaco and the Eastern Region of Paraguay (OHCHR, 2012) in light of the current regional context of peoples in isolation, and bearing in mind potential coordination with the Inter-American Human Rights System, using as reference the recent American Declaration on the Rights of Indigenous Peoples and protection mechanisms such as MC 262-05. Peru (LRPe FENAMAD, 2019).

The main coordination should be between the Ministry of Indigenous Peoples and the Regional Commissions for the Demarcation of Habitats and Indigenous Peoples. This has not been an easy task, given the numerous obstacles and prejudices that exist in various state bodies towards indigenous peoples and the demarcation of territories. Nevertheless the indigenous organizations are exploring all avenues to make sure this takes place. Venezuela (LRV, 2019).

## **Territories: Intangibility, Comprehensive Protection and Respect for Legal Frameworks**

There is an implementation gap in all countries between national legal frameworks and international recommendations and conventions, which creates regulatory inconsistencies and discrepancies.

This gap represents the major challenge for narrowing the gap between *de jure* and *de facto* rights. Solving the problem necessarily requires the cooperation of national governments, as meaningful protection will not be achieved without institutional adaptation, the provision of human and financial resources, and the political “will” of leaders to draw up and actually implement public protection policies for indigenous peoples in isolation.

The Local Reports also stress the importance of involving the nearby indigenous communities (including those who share territory with peoples in isolation) as well as representatives from indigenous organizations. The participation of indigenous people with a history of contact has previously contributed to improving the protection of isolated peoples at the local level; in Colombia and Peru, for example, partici-

pation is helping to bring about institutional and legal reform at the national level.

In Peru the leadership of indigenous organizations in the protection of indigenous peoples in isolation has proved to be a decisive factor in furthering the recognition of these peoples, the delineating of their territories, and the elaboration of a legal protection framework. The Peruvian State, albeit tardily, has responded to these efforts. However, in its local report FENAMAD observes that:

(...) the current State position with regard to criticism of the model based on Indigenous Reserves, and the demands of indigenous organizations for the implementation of an alternative (“corridors”, “integral territories”), is based on a conceptualization of the territories of peoples in isolation as being either “inside” or “outside” a reserve; rather than recognizing the integral nature of territories in accordance with international standards on the rights of indigenous peoples (LRPe FENAMAD, 2019).

Territorial planning in Venezuela faces a number of operational and political difficulties with regard to indigenous peoples. Venezuela’s local report indicates that the national level process of territorial demarcation has been paralyzed since 2009. There is consequently little prospect that:

...progress will be made at the official level on territorial demarcation as a protection mechanism. The real prospects for protection are linked to the development of self-demarcation and territorial management projects by indigenous peoples themselves, and that as a result these peoples, communities, and organizations can take control of their territories. In the cases of the three peoples in isolation in Venezuela, self-demarcation projects are being undertaken by indigenous organizations (ILV, 2019).

In WATANIBA and ORPIA's 2017 report on the Current Situation of the Groups of Indigenous Peoples in Relative Isolation and Little Contact in Venezuela (Jodi, Uwottuja, and Yanomami) pointed to a troubling outlook for indigenous peoples in isolation, as well as for the wider indigenous population:

The different analyses of the lack of effective implementation of national demarcation processes (the main public policy to ensure the territorial rights of indigenous peoples in Venezuela) point to the fact that beyond the apparent political will of the government and other state bodies, as expressed in constitutional and legal norms, there are obstacles and difficulties related to the lack of planning and provision of adequate resources to prioritize their implementation in each of the regions with an indigenous population. Opposition to demarcation and indigenous rights also exists as a characteristic of the integrationist discourse, which makes reference to national security, to the potential dangers that affect the integrity of national territories, and the alleged presence of transnational interests in indigenous territories. Also problematic is the inefficiency of the operational processes and mechanisms in resolving practical issues during the early years; and the lack of comparability with other favorable demarcation experiences in Latin America such as those of Brazil, Ecuador and Bolivia.<sup>405</sup>

## Communication and Public Opinion

In all countries there is recognition of the need to establish communication strategies, using different media and social networks, that

speak to the general population about the existence of, and problems affecting indigenous peoples in isolation and initial contact. The communication must, however, safeguard the location of these peoples so as to protect them from possible adventurers and religious proselytism, and consequently avoid contact by third parties. There is also a need to implement outreach and awareness-raising campaigns among communities living in the vicinity of isolated peoples' territories, regarding the importance of protecting these territories and respecting the decision of peoples to remain in isolation.

It is important to highlight the sensationalist way in which most of the media generally tends to deal with the issue of indigenous peoples in isolation. The Colombia local report offers one possible solution:

In this sense, it would be advisable to launch an ethical discussion about the definition of editorial principles (...) "that enable the media to better identify content that can be disclosed, content that should remain confidential, who can have access to what information, and when and how it can be disclosed etc., always bearing in mind the principle of non-contact" (LRCo 2019).

FENAMAD's local report offers some general considerations with a view to enhancing the effectiveness of communication initiatives:

"Broad strategies: In general, communication initiatives should be developed as part of a broader strategy, which includes legal and advocacy initiatives.

Hearings: The existence of various types of "hearings" should be taken into account; each requires a specific approach to the information presented<sup>406</sup>.

Contextual complexity: In all parts of the region the current context is characterized by a greater visibility of indigenous peoples in isolation and initial contact. The increase in visibility is related to the proliferation of images, as well as the existence of complex situations

405 Bello, Luis Jesús; Mirabal, José Gregório Díaz. Report on the Current Situation of Groups of Indigenous Peoples in Relative Isolation and Little Contact in Venezuela (Jodi, Uwottuja and Yanomami). WATANIBA and ORPIA-October, 2017. Available at: [https://issuu.com/wataniba3/docs/informe\\_situacion\\_grupos\\_pueblos\\_i](https://issuu.com/wataniba3/docs/informe_situacion_grupos_pueblos_i). Accessed: 3 April, 2019.

406 Cited in LRPe FENAMAD 2019. Some of the most significant areas for advocacy are: the indigenous and non-indigenous local populations, public and private institutions, and national and global public opinion.

which can appear contradictory, and which therefore require careful treatment in terms of their dissemination to different audiences.

**Media awareness:** Indigenous organizations could promote a strategy to better inform and raise awareness within the national and international media, possibly by holding some kind of specific event or seminar on the topic, aimed at professionals in the sector. In this case, the involvement of organizations with a long history of disseminating information on the issue, such as Survival International, would be beneficial. Some key issues to consider are: 1) Terminology: the ostensible contradictions in the present contexts of concepts such as “isolation” and “non-contact policies”, among others; 2) The right to dignity/intimacy: particularly in the way these peoples are represented, and in the use of images and audiovisual material; 3) Particularly sensitive and/or emerging issues: for example the Mascho Piro in the Upper Madre de Dios, and the recent changes in Brazil’s political landscape related to the protection of peoples in isolation, among others.

**Clarifying public opinion:** A strategy might include several types of complementary advocacy initiatives. Firstly, a set of media and social network campaigns aimed at the general public with the objective of denouncing, informing and making specific problems more visible. Platforms that promote citizen activism in relation to specific issues, such as AVAAZ, could be useful in this sense. This type of general level activity could be strengthened by the development of other initiatives undertaken in “funding agencies” home countries. For this purpose it would be important to count on the support of local partner institutions in accompanying and facilitating the campaigns.” (LRPe FENAMAD, 2019).

## We exist, but with what purpose?

The book *Pacificando o Branco* (“Pacifying the Whites”),<sup>407</sup> presents research on the complexity of contact made with sixteen indigenous communities in the northern Amazon, including elements of the understanding these peoples had about whites. In formulating a white anthropology, indigenous peoples emphasize, for example, the indivisibility of whites and disease/death. And in becoming subjects and thinkers rather than victims, they formulate cosmologies, examine stories of past contact, and reflect on the policies of these whites. Through the use of other subjectivities, i.e. their own, other knowledges and other politics, they position us as object, in the gaze of the other, as Manoela Carneiro da Cunha so aptly explores in the book’s prologue. Bruce Albert (2002) explains in the introduction to the same book:

“(…) the privileged angle of approach is not, as usually occurs, to define the identity of the Other; on the contrary, it is to analyze the constructions of our own alterity by the Other; the white here becomes “the object of other anthropologies”. In this way we allow ourselves to be guided by the premise that anthropology is primarily interested in analyzing how alterity is constructed by Others, essentially dealing in an “anthropology of the anthropology of others.” (ALBERT 2012)

By self-determining their relationship approach, indigenous peoples in a situation of isolation are, in fact, exercising their understanding of the circumstances, and of the way in which they desire to interact with others. In this context, and going beyond the historical misfortunes that Western society has already imposed on them, we ask how, in this saga of protection, might we ally ourselves with indigenous peoples in isolation in order to guarantee their existence and self-determination? How might we overcome the aggressiveness and deadliness of our Western culture and from there build instruments that will at least mitigate the nefarious impacts that lead to ethnic violence and genocide?

How difficult and arduous is the task of acting in defense of, and speaking out for peoples with whom we do not speak: the indigenous peoples in isolation? Studying the eleven local reports presents us with some possible routes, and even more importantly, with a significant corpus of orga-

407 “Pacifying the White. Contact Cosmologies in the Northern Amazon” (*Pacificando o Branco. Cosmologias do contato no Norte Amazônico*). Editors: Bruce Albert and Alcida Rita Ramos, São Paulo: UNESP Publishing House, Official State Press: 2002.

nizations, technicians and citizens, who, by getting involved in the protection of isolated indigenous peoples, have found a meaning in life and thus a response to the question: We exist, but with what purpose?

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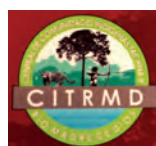
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The regional report “Indigenous Peoples Living in Voluntary Isolation- Territories and Development in the Amazon and the Gran Chaco”, produced by Land is Life, was constructed from 11 local reports prepared by indigenous organizations and allies from Brazil, Bolivia, Colombia, Ecuador , Paraguay, Peru and Venezuela, which used a consensual reference methodology, according to the specific political, historical and cultural contexts of each country.

The objective is to broaden the understanding of the challenges of recognizing the territorial rights of Indigenous Peoples Living in Voluntary Isolation, the protection strategies of these territories at the regional level and the capacity for action of civil society and indigenous organizations in regional articulation. The study also sought to recognize the different levels of legality of the lands, the initiatives implemented on the territories of these peoples, and the economic and political actors that promote interventions in those territories.

This document is expected to help States, academia, indigenous and allied organizations, civil society in general and multilateral organizations improve their understanding of Indigenous Peoples Living in Voluntary Isolation and the actors that impact their territories in South America; to influence the formulation of effective public protection policies for those Peoples and, mainly, contribute to the commitment of all in the recognition and definition of intangible and integral territories, from the perspective of their effective protection.

The document closes the gap between studies on Indigenous Peoples Living in Voluntary Isolation in South America, by presenting a regional perspective on the reality of these peoples.



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