

A SUMMARY OF THE REPORT



INDIGENOUS PEOPLE IN THE NORTHEAS UNDER THE IMPACT OF SÃO FRANCISCO RIVER TRANSPOSITION

EXPEDIENT

PARCERIA

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- AATR – Associação de Advogados dos Trabalhadores Rurais no Estado da Bahia
- NECTAS/UNEB – Núcleo de Estudos em Comunidades e Povos Tradicionais e Ações Socioambientais
- CPP – Conselho Pastoral I dos Pescadores/NE
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introduction

The Transposition of São Francisco River¹ water is a work undertaken by the Brazilian Government that violates ethnical and territorial rights of Traditional People and Communities, especially the Indigenous People, where some have already been affected by projects of large hydroelectric stations. The Brazilian State, by carrying out works, without Previous Consultation of the affected Indigenous people and the National Congress, disrespects the 1988 Federal Constitution, the 169 ILO Convention to which is undersigned, amongst other national and international judicial instruments, especially the ones referring to territory, access to natural goods, biological diversity and traditional resources.

The Indigenous People Truká, Tumbalalá, Pipipã, Kambiawá, Pankararu, Tuxá, Kariri-Xocó, Xocó and Anacé together prepared this Report indicting large socio environmental impacts caused by works, taking place since June 2007. This Report also relied upon support and guidance from APOINME - Articulação dos Povos e Organizações Indígenas do Nordeste (Articulation of North-east Indigenous People and Organizations), Minas Gerais and Espírito Santo, in partnership with AATR - Associação de Advogados de Trabalhadores Rurais no Estado da Bahia (Bahia State Rural Workers Lawyers Association), NECTAS - Núcleo de Estudos em Comunidades e Povos Tradicionais (Nucleus of Studies in Traditional Communities and

People) and Ações Sócio Ambientais - Universidade do Estado da Bahia (Socio Environmental Actions from the Bahia State University) (UNEB), Projeto Nova Cartografia Social do Brasil -Universidade Federal da Amazônia (New Brazilian Social Cartography Project from the Amazon Federal University) (UFAM) and CPP - Conselho Pastoral dos Pescadores (Fishermen Pastoral Council) through Popular Articulation and revitalization of São Francisco River.

The active voices from the Indigenous People denounce the large social environmental liabilities - not yet acknowledged by the Brazilian Government - created by the seven hydroelectric plants and about 30 dams so far built and, regarding the transposition project, they claim:

- 1) Acknowledgement of their ethnical and territorial identities;
- 2) The right of being duly informed and consulted about the transposition, according to the ILO 169 Convention and the Brazilian Constitution;
- 3) Full rights over their territories and demilitarization of areas presently invaded by the Brazilian Army in order for works to be carried, and non intrusion of other areas invaded by settlers, farmers and companies which have resulted in violent conflicts at the Indigenous land;

¹ São Francisco River represents 60% of water reserve in the Northeast region of Brazil. Recognized, since Imperial times, as the River of National Integration, it feeds six states: Minas Gerais, Bahia, Pernambuco, Alagoas, Sergipe, Goiás, besides Distrito Federal. Its basin also covers 504 cities, or 9% of the total number of cities in the country. It connects the Southerneast to the Northeast region, its source being in Piumi/MG; it flows between Piaçabuçu/AL and Brejo Grande/SE. It is inserted in the semi-arid Brazilian region, travelling amongst the most threatened biomass of the country: Cerrado and Caatinga, known by the concentration of rain under certain periods and long dry weather.

4) The right to access justice in order to enquire the Indigenous rights which are threatened by the transposition, peremptory denied by the Federal Supreme Court;

5) Ensured security and fair and equal treatment by the Country's judicial system, ceasing violent and crime actions that occur with impunity against Indigenous leaderships;

6) The right to the Indigenous self determination and a sustainable development model that respects nature and way of living and production; proposal of an alternative plan in view the solution of the water democratization issue, heading for the possible life in the Semi-Arid as well as prioritization of public investments towards the São Francisco revitalization.

The main elements of the Report are hereby summarized. For the full report, please access: http://www.cimi.org.br/pub/publicacoes/1241549933_relatapoinmetransp.pdf



1. São Francisco River or Opará: "Father and Mother of the Indigenous Nation"

São Francisco is the father and mother of the Indigenous nation and riverside people.
Neguinho Truká Indian Tribal Chief

*But, the greatest treasury we have here is the São Francisco River.
We don't give it away for anything in life, right? Nothing can buy this patrimony.*
Raimundo Xokó Shaman

Reports from Indigenous people affected by the transposition works show in a drastic manner that this work is reproducing historical practices nowadays opposed by the Human Rights International System as rights of the Indigenous people are denied in many aspects. In order to understand the impact of these works some comments are unfolded on the relationship of these People with the main River of the Northeast Region.

The São Francisco River is one of the most treasured goods both for its symbolic and material value throughout the pathway of the Indigenous People in the Northeast Region. It attracted migrations, determined population and guided the process of territory demarcation of many ethnic Indigenous groups in the Northeast. Its riverbed was crucial as an entry point towards the Country's interior as well as moments for Indigenous resistance and fights against physical and cultural dominance by colonizers.

From spring to mouth, the River crosses a continuous traditional territory occupied for more than nine thousand years. Nowadays, in its 2,800 km of extension, 32 Indigenous People are distributed into 38 territories: Kaxagó, Kariri-Xocó, Tingui-Botó, Akonã, Karapotó, Xocó, Katokin, Koiupanká, Karuazu, Kalankó, Pankararu, Fulni-ô, Xucuru-Kariri, Pankaiuká, Tuxá, Pipipã, Kambiwá, Kapinawá, Xukuru, Pankará, Tupan, Truká, Pankararé, Kantaruré, Atikum, Tumbalalá, Pankaru, Kiriri, Xacriabá, Kaxixó and Pataxó². Estimated population is about 70 thousand Indigenous people.

This meaningful value of São Francisco River echoes unanimous throughout the communities: the river was and is vital for their physical and cultural survival, including the low-water agricultural method, artesian fishery, cattle raising, etc. as well as the maintenance of the Indians rites, culture and religious beliefs.

1.1. SÃO FRANCISCO DAMS: WATERLESS PEOPLE OF AN "ALMOST DEAD RIVER"

For the past four decades, São Francisco River has undergone a series of interventions, especially after the 70's, marked by large development projects. Destruction of riparian forests, pollution from urban and industrial effluents dejects, soy beans and

sugar cane mono cultures and large irrigation projects have contributed for its daily degradation.

The River has a terrible environmental situation. Existing hydro power plants were res-

² Ecologias do São Francisco, Juracy Marques.

possible for the forced removal of over 150 people, amongst which several Indigenous people that were compulsory dislocated; irrigation projects, both public and private, occupy an area of 342 thousand hectares and expand themselves by the use of slavery and degrading labour; 500 thousand riverside people suffer from the lack of water supply and basic sanitation; the River has already lost 95% of its riparian forests and the sea, given subdued river mouth, has advanced 50 km into the river.

These impacts directly influence the way of life of Indians in the São Francisco Basin. The large number of hydro power undertakings has already resulted in population being mowed down, forced dislocation and destruction of archaeological and cultural patrimony and several Indigenous People, resulting in large social, ethnical and environmental liabilities for these people. Without due compensation by the Federal Government, they still demand regaining lost territories, access to water, land demarcation, river revitalization, material cultural patrimony regain, amongst other claims. They also withstand irreparable damage, such as loss of sacred places flooded by dam waters.

Waterfalls from dams created a situation of extreme poverty for most of the Indigenous population, with no access to vital goods such as water, land and food. This situation, against the historical associated images, did

not result from drought in the region, but from exploitation by economic elites in the region as well as national and multinational companies that systematically violated local population rights. Power and water did not aid the people, but did aid large mineral, irrigation, siderurgy and cattle raising undertakings. Corruption of public investments in the region is historical; elites are used to being benefited by the federal Government by the so-called "drought industry".

All contexts reveals the historical debt that the Brazilian Government has with the Indigenous People at the São Francisco Hydrographic Basin, where affirmative policies ensuring their territory as well as respect to their culture and rituals, access to natural goods and promoting self determined development for their lives should be created. Liabilities left by large undertakings, environmental degradation, water and land expropriations and successive diasporas have already left deep marks like social misery and Indigenous cultural extermination for any other intervention that may happen in a similar and unpunished manner.

Therefore, this scenario is our waived start to understand a Transposition Project - if it develops either under the perspective of recognition or denial of accrued Indigenous rights, reproducing historical practices presently opposed by the Human Rights International System.



2. The Transposition Project and the Violence of the State against the Indigenous People

The São Francisco River Integration Project with the Northern Northeast Hydro Basins, also known as the Transposition Project, is presented by the Brazilian Government as the final solution for the drought phenomena that hits the Northeast Semi-Arid region of the country. In theory, the project aims at the construction of two large channels of over 600 km long to supply 12 million people, 268 cities and to irrigate 300 thousand hectares of land, at the total cost of 6.6 billion Reais. The undertaking includes the construction of another two hydro electric dams (UHE Pedra Branca and UHE Riacho Seco), nine pumping stations, 27 aqueducts, eight tunnels and 35 water reservoirs, i.e. a complex engineer work in a degraded river. It's the largest infrastructure work from PAC (Economic Growth Programme) of Lula's Government and the perspective is that more than eight thousand Indians will be directly affected.

According to the Brazilian Government, the Project will supply localities that presently do not have easy access to water and its implementation will not cause negative impact either to riverside communities or to São Francisco River. However, drought and humans and animals thirst will be the least covered part of the project, since the most exposed to drought in the Semi-Arid regions will remain far from benefiting from channels and aqueducts. The text issued by the project itself confirms that only 4% of transposed waters will reach the so-called diffuse population, spread in the Caatingas; 26% will be used for both urban and industrial use and 70% for irrigation projects.

Although notorious throughout AID (Project's Direct Influence Area) for areas of environmental preservation, Indigenous reserves, reminiscent quilombo communities and other goods and social groups of priceless value, the Environmental Impact Study does not include a single line on the relationship between affected communities and use of cultural, archaeological, historical or ecological patrimony of the region.

The Project has been questioned by several organizations from civil society as well as by riverside people, fishermen, Indigenous people and quilombolas in the Basin on the lack of participation and consultation from the people directly affected, for the need and effective results of aimed proposals: the benefit of large projects, which will increase dispute of water in the Semi-Arid region, implying in further degradation of the river and therefore the effect on ways of life, production, habits of all groups historically living in the São Francisco Basin.

The São Francisco River Basin Committee, with the authority to approve the Plan of Hydro Resources of the Basin according to Law nr. 9.433/1997, was against the São Francisco River Integration Project with the Northern Northeast Basins, admitting the use of water only for human consumption and for animal thirst, if scarcity is proved and after infrastructure and management measures towards demands under the Receptor Basins Plan are adopted³.

³ To be added that the PISF foresees more than 70% of its waters for irrigation and cattle raising and not for human nor animal consumption. Scarcity at Receiving Basins was not proved as foreseen criteria in the São Francisco basin.

As to the Indigenous component, manifestation by Funai did not present obstacles as long as ethnological studies of affected people were carried out. Initially a plan to survey 10 affected communities was proposed, however without further excuses this number was lowered to four: kambiawá, pipipã, tumbalalá and truká. Before conclusion and discussion of the studies with the communities, Funai's president at the time, Marcio Meira, presented a favourable opinion for the project, although all studies present elements and facts that rejected the Project by the People, as well as it reinforced negative impacts on Indigenous territories.⁴

All irregularities seen in the implementation of the Transposition Project, such as lack of environmental impact studies and offence to the right of participation led to successive interruptions by judicial order. There were more than 15 judicial orders in several Brazilian states. However, on December 19, 2007, the Federal Supreme Court, the highest power in the Brazilian Judicial system, denied perusing the judicial resources presented by civil society organizations, considering them to be illegitimate. The Supreme Court restrained legitimacy to state organs and only judged the appeals by the Federal Public Ministry, confirming the Project's legality as it did not negatively affect the Indigenous lands.

Such positioning, considered as political by public opinion, violated constitutional guarantees as to access of justice, especially for Indigenous organizations, and the right to par-

ticipate and previous consult of affected communities by any Governmental project, be it for positive or negative impacts, where the people should also be able to measure it.

With the licensing project allowed by the Brazilian Justice and the installation license given by the Brazilian Environmental Institute, the works of the channels have already started in the region of Truká people, in Assunção Island (PE), and by Pipipã people, in the city of Floresta, both ruled the Brazilian Army, making the territory a militarized area. Therefore, the São Francisco River transposition project is taking place over the Indigenous land and voices. At general debates and institutional positioning, the three instituted powers, the Federal Government (executive), the National Congress (legislative) and the STF (judicial) did not face the question, but rather preferred to deal with different arguments, such as non existence of Indians in the area where the channels will go through, that there will be no harm and they will benefit to disregarding the need of consultation and public audiences. Ethno ecological studies undertaken by Funai were not taken into consideration for either its negative impacts or dialogue with the Indigenous People, thus explicitly resting the antagonism amongst the official positioning themselves.

As to what is determined by the international treaties on rights of the Indigenous People, like the 169 LIO Convention and what was recognized in the text of the São Francisco Water Transposition Project by the Brazilian Government violates the following:

2.1. IDENTITY AND ETHNIC DISCRIMINATION (ART.1.2, 3 AND 4 OF 169 CONVENTION; ART. 5, 215 AND 216 OF FEDERAL CONSTITUTION)

Article 1.2 of 169 Convention recognizes the self definition as the criteria definition on ethnical belonging the Indigenous commu-

nity and under articles 3rd and 4th condemns any discriminatory practice from the affirmation of Indigenous identity, where the State

⁴ Information verbally given by representatives of CGPIMA (Indigenous and Environmental Patrimony General Coordination), of Funai. Documents were sent but remained answered.

must offer measures to safeguard goods, institutions and culture of the people²⁷. Besides that, the Brazilian Government has compromised itself, through decree 6040/07, to "recognize, with celerity, the self identification of traditional people and communities, so that they can have full access to their civil individual and collective rights". The Federal Constitution, under article 5, incise 215 and 216, recognizing the diversity of groups that form the Brazilian society and its plural ethnicity, determines the protection and value of several cultural manifestation of creating, making and living of these people, in special the Indigenous People and the Afro Brazilian people.

The Indigenous People from the Northeast, however, considered by companies and the Government as problems to the implementation of development policies associated to an intensive and irrational use of natural resources, have their participation and self determination rights systematically denied by the denial of another right, the self affirmation of identity. Therefore, in several processes, as in the case of the conflict of the Transposition Project, which has become common the propagation of a speech that, supported on preconceived stereotypes, denies the existence of Indians in the region, accusing those who self identify themselves as such as liars, charlatans and profiteers.

There were moments, regarding the Transposition Project, when the Government recognized the Indigenous People as affected,

in order to affirm, under pretence care that against what people thought, they would be benefited by the Project. In other moments, representatives of the public power explicitly denied the existence of Indigenous land in the areas covered by the Project.

Another example refers to the possible construction of the Riacho Seco Hydro Power Plant, an undertaking that will aid pumping of waters from the transposition, where geo referential data confirms that there are no Indigenous land in the region, although all are aware that in Curaçá - city that will surely be affected - there is the Tumbalá village, with about 1500 female and male Indians, living in the gathering of Pambu.

Lastly, the fulfilment of millionaire investments in projects that are contrary to Indigenous interest, such as the transposition, contradicts the small investments of social politics in the Indigenous villages, which are considered as institutional and ethnical racism.

Report from the Federal Public Ministry, dealing with the impact of the transposition in Indigenous land, also shows that:

"Local population is treated as obstacles to development and as 'environmental problem'. Therefore impacts that the population undergo with the undertaking are not fully taken into consideration. Affected people are not treated as Citizens, as people from their history, carriers of strong relationship and importance for environmental maintenance."

2.2. PREVIOUS CONSULT (ART. 6 OF 169 CONVENTION), RIGHT TO INFORMATION AND PARTICIPATION

Federal Constitution, under § 3 of art. 231, in the constitutional chapter that deals exclusively with Indigenous population, establishes that the use of hydro resources in Indigenous land can only take place with permission of the National Congress, after the

affected community are heard, internally recognizing the important principle of International Right as to the rights of traditional communities, which is the Principle of Free and Informed Consent, established under art. 6 of the 169 ILO Convention.

Contrary to mentioned dispositions, the Government did not carry out any previous consult procedure with the Indigenous people affected by the Transposition Project, let alone submit the Project for the authorization by the National Congress with the heard Indigenous communities being affected, as foreseen under article 231 of the Federal Constitution. The few audiences that took place happened in the capital of States, far from the Basin and directly interested people. Therefore, there is clear interference to the constitutional principles of self determination of the People, in addition to several traditional riverside population, *quilombolas* and Indigenous to participate in a life decision process.

Also as an insult to the right to information and participation, reiterated reports indicate that the Government made use of informal negotiation

strategies, selling the transposition as exchange currency to guarantee other constitutional rights of Indigenous people that are duties of the State, to which carrying it out is already very weak, which confuses exercising citizenship and participation with possible favouritisms to one or other people that accepted the Project. In addition, there is intense institutional propaganda, spread by mass vehicles, showing the project as something to kill the thirst of the population, where the negative impacts were conveniently silenced, as well as the real aims of the transposition.

Besides the violation of the free and informed consent, reported facts offend the right-duty of all citizens in having access to information in the power of the State. Associating the right of information to the exercise of expression freedom, international documents give it large basis.

2.3. TERRITORIAL RIGHTS (ART. 13 TO 15 OF THE CONVENTION; ART. 231 OF FEDERAL CONSTITUTION)

The right of the Indigenous to their territories is under art. 231 of the Federal Constitution, defining as land traditionally occupied by the Indians, to which they have original rights. The 1988 Constitution demanded demarcation of all Indigenous land within five years. Article 231 and its paragraphs promoted to the category of Constitutional Theme the concept of Indigenous land, stating the right of Indigenous territory, namely: “land traditionally occupied by the Indians” are the ones where they live permanently; land used for production activities, essential to preservation of environmental resources needed for the well being and the ones needed for their physical and cultural reproduction, according to their use, habits and traditions (CF, art. 231, §1). The Federal Constitution establishes that land traditionally occupied by the Indigenous

people is part of Union’s patrimony, ensuring to Indigenous people occupying it the permanent ownership and exclusive usufruct of soil, river and lakes richness existing on it. It also forbids any process of forced removal.

The Transposition Project, however, on its own already represented the invasion of the Indigenous territories of the Truká and Pipipã, as they are occupied by the Brazilian Army and have had accesses closed to ensure the beginning of works. In June 2007, the Truká people were dumped under judicial order, by request of the Brazilian Government, of its own territory in Pernambuco.

Demarcation processes undertaken by FUNAI develop very slowly. Added to many territories, there is the insertion of directly affected areas, both by the Transposition

Project and other development undertaking, the People argue that the Government does not demarcate so that those lands are free for companies. People as Tuxá, Truká and Pankararu, for example, had their territories demarcated and await for years the review of its limits by FUNAI. Other affected people, like the Anacé, Pipipã and Tumbalalá do not have any demarcated area while the construction of the channels already takes place in them.

From the data above, we can verify the shameful non compliance by the Federal Government as to ensuring territorial rights of the Indigenous people, by omission and for not taking measures to demarcate and stop invasions and trespassers in those lands, as well as for direct action, through promotion and execution of economic projects for other interests, contrary to the Indigenous People, like the São Francisco River Transposition Project, where the Federal Government is the greatest invader.

2.4. ACCESS TO NATURAL GOODS; THE RIGHT TO ECOLOGICAL DIVERSITY AND TRADITIONAL RESOURCES (ARTICLE 231 AND 225 OF FEDERAL CONSTITUTION; ARTICLE 15 OF 169 ILO CONVENTION; ARTICLE 8 OF BIOLOGICAL DIVERSITY CONVENTION)

Typical environmental preservation that the Indigenous People have with nature was suppressed by an intense degradation process at the São Francisco River Hydrographic Basin. The situation of the river and its predominant biome, the Caatinga, is extremely poor, both as to water access and extermination of most of the traditional species, like fishes, trees, birds, forests, amongst others. It is estimated that 70% of the Caatinga was already deforested. Siltation and destruction of riparian forest, resulting from super exploitation of the river for development projects, especially hydroelectric ones, have reached an alarming proportion that took many people and environmental organizations to promote a national campaign entitled “Vamos Salvar o Velho Chico” (Let Us Save the Old Chico).

Serious problems are already faced by the riverside Indians, near the Baixo São Francisco region, close to the Velho Chico mouth, as the Xocó and Kariri-Xocó people, who cannot fish some native fishes due the impact of the dams, seriously interfering with the river flow and causing great advancement of the sea into the river, which also threatens access to drinking water. Others are already deprived of accessing the river margins as they are fenced, like the Pankararu.

Many Indian fishermen have to walk long distances to access the river because of farms, siltation and great advances of private companies of tilapia grow. Destruction of vegetation due mono agriculture ended most of the marginal lagoons, main nursery for fishes in the region of Baixo São Francisco, presently totally affected. These lagoons were part of the culture of providing subsistence means to the Indigenous people. Control of water by hydro powers, increasing and diminishing the volume according to energetic interest provoked a substantial impact on the river biotype which results in many people losing mud formation areas, traditionally used for the so-called ebb agriculture.

The transposition also tends to make access to water more difficult in a region where the riverside population suffers from lack of access to drinking water, given the lack of investments in the distribution system. The aim of the water transposition to supply large irrigation projects and new industrial projects in other states, like Pecém Port in Ceará, will harm even further the human supply and animal thirst supply, priority uses as per the Basin Decennial Plan. Supply of weirs will also not aid in the democratization of water; such weirs already have enough concentrated

water, privatized in the hands of a few. Water, taken through long channels, will undergo an intense process of evaporation, with waste and becoming more expensive. That is, the Indigenous and riverside people will have even further problems in accessing water.

Impacts of transposition as to access of certain natural goods directly interfere in the preservation of knowledge and traditional practices of the Indigenous people, as well as biological diversity, kept and also generated by such traditional knowledge.

2.5. VIOLENCE, CRIMINALIZATION AND ACCESS TO JUSTICE

Article 12 of 169 Convention establishes that the Indigenous people must have effective protection against violation of their rights and may start legal procedures, personally or through representative organs, to ensure effective respect of those rights. Article 18 determines that Government must adopt measures to avoid crimes related to land conflict and to identify, judge and sanction responsible people for committed facts in an exemplary manner.

However, territorial insecurity, given lack of demarcation and the fight against São Francisco River Transposition, has generated several conflicts for the Indigenous People at the São Francisco Basin. Violent actions include the murder of Indigenous leadership (as the five Truká People murdered in connection to territorial struggles in the last four years) and judicial processes of criminalization, with the strong endorsement from segments of the Brazilian Government.

The Transposition Project itself has been implemented through power of the Brazilian Army. Instead of dialogue, the Government

imposed by force the beginning of the works, fencing the work area, in the Truká and Pipipã regions, limiting the access to is People. In June 2007, demonstrators were thrown out by judicial order and by the police.

On the other hand, responsibility measures against transgression of Indigenous people rights are not taken. Murders are not investigated, the transposition, although with all evident irregularities continues with the endorsement by the Brazilian Government. The Supreme Court absurdly concluded the non existence of impact in the Indigenous land, against public and notorious facts, including official documents as Funai's ethnological studies. Is also just pronounced itself on the judicial action by the Federal Public Ministry, judging as illegitimate actions proposed by civil society. The Supreme Court, through this understanding, violated the right of access to justice by several organizations, amongst them Indigenous organizations, violating Article 12 of 169 Convention as well as articles 5 and 232 of the Federal Constitution and from the Universal Declaration of Humans Rights itself.

2.6. SELF DETERMINED DEVELOPMENT

Recognition on the right of all People to self determination, where they freely decide their political condition and freely follow their economic, social and cultural development, is co-embodied in the United Nations Letter, under the International Pact of Economic, Social and Cultural Rights, in the 169

Convention of the International Labour Organization (ILO), as well as in the Vienna Declaration and Programme Act.

The Transposition Project confronts completely with other intervention policies in the Semi-Arid and the use of Waters,

vindicated for years as an improvement condition for the riverside Indigenous people, like the immediate and urgent revitalization of São Francisco River. In March 2005, at the Tuxá de Rodelas Village, the First Meeting of Riverside Indigenous People took place aiming at collective reflection on the São Francisco River Integration Project with the Hydro basins of the Northern Northeast and the construction of dam that affects both the River and the Indigenous and *Quilombolas* People. Debates were about the following axis: the existing cultural, social and economic relationship between the Indigenous People and São Francisco River. The result was a favourable general position for a project that revitalizes the São Francisco River, with the drainage of its runway, reforestation, studies on agritoxic and organic products use, basic sanitation for riverside cities and democratization of water usage. This revitalization project also includes an improvement plan for life conditions for the Semi-Arid Indigenous People communities, with the balanced use of groundwater table, surface and rain water, storage and management of cisterns, wells, weirs and mud pools.

On the other hand, EIA/RIMA presented by the Entrepreneur did not show an alternative but the transposition, as if the only choice to be adopted, not taking into consideration a series of alternatives already practiced by the Indigenous and riverside people at the São Francisco Basin and at the receptor basins. The worst and most contradictory part is that other more viable and less costly forms already proved to work better for the drought question in the studies Atlas Nordeste, prepared by the Government itself through

the National Agency of Waters in view the consolidation of alternatives for water offer in the cities of the North-eastern region of Brazil and Northern Minas Gerais.

The concept of development as per the Indigenous People is far from the premises of “natural poverty at the Semi-Arid” and “drought fight” reproduced by the Transposition Project and it confirms the value of local biodiversity as well as needs of “living with the Semi-Arid”. Amongst the alternative proposals, is the universal of access to water from the democratization of stocked under in the 70 thousand weirs; supply of urban and rural population in the cities in the São Francisco Basin; sustainable use of all superficial and underground waters; major loss reduction in distribution and use, reaching up to 50% of given water; water re-use; detailed capture of rain water, which falls every year in the Semi-Arid; agrarian reform adjusted to Brazil’s Semi-Arid, guided towards family agriculture; implementation of a policy that will privilege co-living in the Semi-Arid according to interests and capacity of local and familiar reality: board cisterns, mandalas, underground dams, farm animals raising, production and storage of forage, demarcation of Indigenous territories; demarcation of *quilombolas* territories; demarcation and regularization of traditional riverside communities; regularization of public land from the Union and the Government, ensuring those who do not yet possess land to live and increasing those who do not have enough to ensure true sustainable development. Conservation and Sustainable Use of Biodiversity; Recovery of Degraded Areas and Desertification Fight.



3. Government Responsibility and Recommendations

If at least there was some dialogue, maybe we could seat down, we could look for better solutions besides the transposition. We need this land, this river... Lula must see that it's killing the river, while he is there saving, selling power, it's killing our Indians.

Cícero Tumbalalá Tribal Chief

The River is the most important thing, we get our living from here, enchanted light people live here. Here we have the trees, we have the Birds, the otter, the signs of life and death. We and the river is only one.

Adailson Truká Shaman

Analysis on the implementation of the São Francisco Water Transposition Project thus reveals serious and successive violations of fundamental rights recognized to the Indigenous People under international treaties and under the National Legislation itself, especially the 169 ILO Convention and the Federal Constitution. Under the threat of creating irreversible conditions in ensuring such rights, the urgent need that international and national instances of human rights protection voice themselves on facts reported and recommend that the Brazilian Government:

- a) Immediately suppresses works and licensing of São Francisco River Water Transposition Project as well as Riacho Seco and Pedra Branca Hydro Electric Plants until previous consult with the 32 Indigenous People from the São Francisco Basin and that an authorization project is sent to the National Congress, under terms stipulated by the National Constitution under its article 49, XVI;
- b) Immediately withdraws the Brazilian Army from the Truká People and agro village Icó Mandantes where Pipipã People live, amongst other resettlements affected by the Itaparica dam;
- c) Continues with demarcation and homologation of areas demanded as territories of the Pipipã, Tumbalalá, Truká, Tuxá, Kalankó, Anacé and other Indigenous People at the São Francisco Basin;
- d) Promotes, as guarantee to the right to development claimed by the Indigenous People at the São Francisco Basin, a broad Revitalization Programme at the São Francisco River, and also promotes public policies that ensure social, economic and cultural sustainability of the Indigenous People in their territories, as well as policies on Living with the Semi-Arid;
- e) Develops efficient actions towards overcoming the criminalized approach of institutes

from the State, such as the Police, Public Ministry and the Judiciary on the political fight of the Indigenous people; that efficient measures be adopted towards investigation and accountability for crimes against Indigenous leadership;

f) Repairs social, environmental and economic liabilities of previous projects, under main responsibility of CHESF (Companhia Hidroelétrica do São Francisco - São Francisco Hydro Electric Company).



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