

**SETTLERS, FARMERS, ARTISANAL MINERS AND INDIGENOUS PEOPLE
AGAINST THE LAND AND ENVIRONMENTAL DIMENSIONS OF THE VOLTA GRANDE MINING
PROJECT – A VENTURE OF BELO SUN MINING COMPANY IN PARÁ, BRAZIL**



Arara hill, Source: Elielson Pereira da Silva, 2021

MEGAPROJECTS UNDER IMPLANTATION IN THE AMAZON: IMPACTS ON SOCIETY AND THE THE ENVIRONMENT

Sub-Project: Indigenous people and traditional communities in the Altamira region, Xingu – land and environment dimensions of the expropriation dispositives

Introduction

Over almost 50 years, the planning of infrastructure projects in Altamira have brought significant ventures: the Trans Amazonian road; Belo Monte hydroelectric power plant, agricultural, timber and mining investments that are established without public consultation and engage in violent acts against indigenous and traditional peoples. These actions can be classified as genocidal by their provocation of the disappearance and destruction of natural resources that assure the living of Amazonian people.

The opening of traditionally occupied land, the invasion of indigenous peoples' land and the accelerated deforestation constitute strategic actions of mining mega-projects in the region of Volta Grande do Xingu that conform to ultraliberal economic rationality. The theft of indigenous lands and expropriation of land that was intended for agrarian reform are legitimatised in accordance with the present government intentions of 'regulating' and thus legitimising large scale and smaller scale (garimpo) regulation, and, thus, land mercantilization.

At a distance of fourteen kilometres from the dam location (Pimental) of Belo Monte hydroelectric powerplant, a mega-venture of open-cast gold exploration is in progress, property of the Canadian mining company Belo Sun Mining Corp. This mega-venture concerns environments where the ecological effects of the Belo Monte powerplant are still unknown and under monitoring until 2025. This document seeks to enhance understanding of the actions of Belo Sun, whose interaction with the agrarian reform agency, INCRA, and environmental agency, SEMAS, aimed to enable and legalize the Volta Grande mining project, to the detriment of indigenous people land and agrarian reform land in the region of Volta Grande do Xingu.

Originally, Belo Sun Mining Corp presented a project for 12 years period of duration, which was later extended for 16 years, and, in the concession contract of use granted by INCRA, this duration was modified for 20 years, renewable for the same time. The goal is to extract 74 tons of ore during the first operation period. The enterprise contemplates the construction of a tailings dam, with capacity for 35 millions of cubic meters – a volume similar to the Mariana (Minas Gerais) dam, which collapsed in 2015.

The mining project carry over the 'Three palms' ecological corridor and takes in the municipalities of Altamira, Anapu, Pacajá, Senador José Porfírio and Vitória do Xingu. The research processes that Belo Sun Mining introduced to the National Mining Agency are a total of 80, concerning the Volta Grande do Xingu, forming an enclosed territory of 188,300 hectares. From the research processes in progress, 11 directly affect the Indigenous Territories (TI) of Arara da Volta Grande do Xingu and Trincheira Bacajá, in Pará state. At the agrarian reform settlement of PA Ressaca there are four processes and a land sale corresponding to 1,439 hectares in PA Ressaca and 989 hectares of Gleba Ituna. Nevertheless, the contracts signed between the enterprise, agrarian reform settlers and former *garimpo* owners, contradicts these figures and the constitution. It was identified that the negotiated land in PA Ressaca sum at least 1,761 hectares, while Gleba Ituna has an area of 1014 hectares. The total area - 2775,8 hectares – is well above the constitutional limit, and, then, should be directly submitted to the Congress.

Irregularities in the land acquisition by Belo Sun Mining company

Belo Sun Mining directly negotiated with the settlers for at least 29 parcels at PA Ressaca, in the municipality of Senador José Porfírio. Several houses were acquired in the town of Vila Ressaca. In the agrarian reform lots, the mining company included in the contracts a clause absolving the company from any labour, environmental, tax or any other type of liability. Moreover, after the

payment, the enterprise states that there is no further obligation with the settler, nor “participation in the gold extraction” to be performed in the location.

There are legal requirements for the negotiation of agrarian reform parcels are established as such: if the settler wishes to sell a parcel, several conditions are imposed, such as the minimum possession for at least 10 years and the definitive possession title, considering all of the relevant cancellation clauses. A few parcels in PA Ressaca received this document, which was issued by INCRA, an agency of the Ministry of Agriculture, responsible for the agrarian reform in Brazil. By 2016, the Federal Police (PF) launched an investigation to examine the transactions performed by the enterprise. Besides there is a p about “eventual transgressions practiced by Belo Sun Mining Corp, which could be invading the area of an indigenous community - São Francisco, from Volta Grande do Xingu – without the necessary clearance of indigenous leadership, to collect soil samples and demarcate this area.



Sentry house built by Belo Sun Mining Corp at the entrance of Vila do Galo. In the surroundings a gate was erected, blocking the traditional paths of local residents from

In 2017, the Volta Grande mining project had its installation license suspended by the federal justice, due to the absence of studies considering indigenous people in the environment impact assessment and lack of a consultation process, anticipating and informing the indigenous people. Further studies were requested to evaluate the social-environmental and cultural feasibility of the project. The positions of FUNAI, SEMAS and INCRA, endorsed by the Federal Regional Court of the first region, located in Brasília, depends the restoration of the implementation license. In this sense, Belo Sun Mining Corp. defines strategies and trends to obtain this result.

Contract for the Concession of Granting Rights for Real Use signed by INCRA, in favour of Belo Sun Mining

Reports from 2021 demonstrated the acceleration of agreements and evaluations inside the administration of INCRA that culminated in the Contract for the Concession of Granting Rights for Real Use, signed on 26 November and published in the Official Gazette by 29 November. This agreement implied several benefits for the Canadian enterprise, prejudicing the policies of agrarian reform, the interests and rights of PA Ressaca settlers, ignored by the disfranchisement process.

In concert with the entrepreneurial discourse, these governmental actions sustain the notion of a non-existence of families in the “land parcels”, even while many of these people remain there, stubbornly living. Many “affected people”, who live above the tailing dam and the mine, are simply not considered. It is well known that the stream (*igarapés*) and river will be destroyed, due to intense water flux coming from large scale extractive activities; yet INCRA only contemplates narrowly defined “directly affected” land parcels. In this sense, this agency does not recognize the arguments

from INCRA Specialized Federal Procuratorate in terms of conditions to be considered before the accomplishment of the agreement. The contracts with the settlers were signed with a situation of systemic violence, and in an unconstitutional manner.

Vila Ressaca and Pará under control of Belo Sun mining

Vila Ressaca is the place where families of settlers, miners, fishermen and indigenous people live. They have been targeted with institutional and entrepreneurial actions of denial and destruction of the spaces for social life. The residences located in this village suffer from unilateral, derogatory property evaluation, resulting in derisory compensations. Belo Sun Mining Corp performed actions of control and repression, creating a tense scenario that has grown. This enterprise went further and “put a sign indicating that the entrance of residents was forbidden”, as pointed out by José Pereira da Cunha in 2019. The company of property security recruited by the Canadian mining Corporation - Invictus – realises daily actions of surveillance and persecution. The main goal appears to be the disappearance of the village.

INCRA denies the existence of the settlers and the settlement, acting as a saboteur of the agrarian reform policies, which is, in turn, its institutional objective. The agency contributes to the increasing land ownership of the aforementioned mining enterprise.

As the corollary of the negotiations between INCRA and Belo Sun Mining Corporation, three agreements were signed in the period 2016 – 2020, whose effects paved the path to consolidate a scenario of social, environmental and land violations, contradicting the institutional purposes that based the creation of the land agency: the promotion of land structure planning and agrarian reform in Brazil. The coronation of this government strategy occurred through a Concession of Granting Rights for Real Use favouring the enterprise on 26 november 2021.

The position assumed by the public managers promoted the search for legal base arguments mandatory for a viable large scale mining venture in PA Ressaca, as if mining featured as an absolute *public interest matter* and the agrarian reform figured as an optional constitutional dispositive without materiality.

The strengthening of relations between the land agency and the enterprise, materialized in form of documents and information exchange, as well as in the discursive alignment concerning lots abandonment of the settlement that are targeted by the mining venture. In possession of supporting documents of irregular parcel acquisition (assignment contracts, lending contracts and valuation reports of improvements), INCRA central direction authorized and normalized the narrative of inexistence of settlers in areas invaded by the “mining titles”, instead of rejecting entrepreneurial practices against the principles of the agrarian reform.

The maps constitute a central document in the analysis of INCRA’s operational logic, which proposes the disfranchisement of PA Ressaca, an action that has been put into practice through a constellation of abuses and illegalities, as observed in legal processes driven by the Union Public Defenders. The map of mining processes in name of Belo Sun Mining Corp., gather data present in SIGMINE system of the National Mining Agency (ANM), elaborated based on mining processes broad list. As previously stated, the ANM website informs about the existence of 80 processes in Volta Grande do Xingu referring to Anapú, Pacajá e Senador José Porfírio municipalities. These processes demonstrate the overlap in state actions that resulted in the creation of settlement projects – PA, Sustainable Development Projects – PDS and Agricultural-Extractive Settlement State Project – PEAEX, and the areas of interest for mining ventures. Furthermore, indigenous peoples’ lands bordering and close to mining sites are also involved. The maps that update this data are taken from the report,

‘Mining and Appropriation of agrarian reform land in the PA Ressaca, Volta Grande do Xingu’, authorship of Silva, E. P. (2018; 2021; 2022).

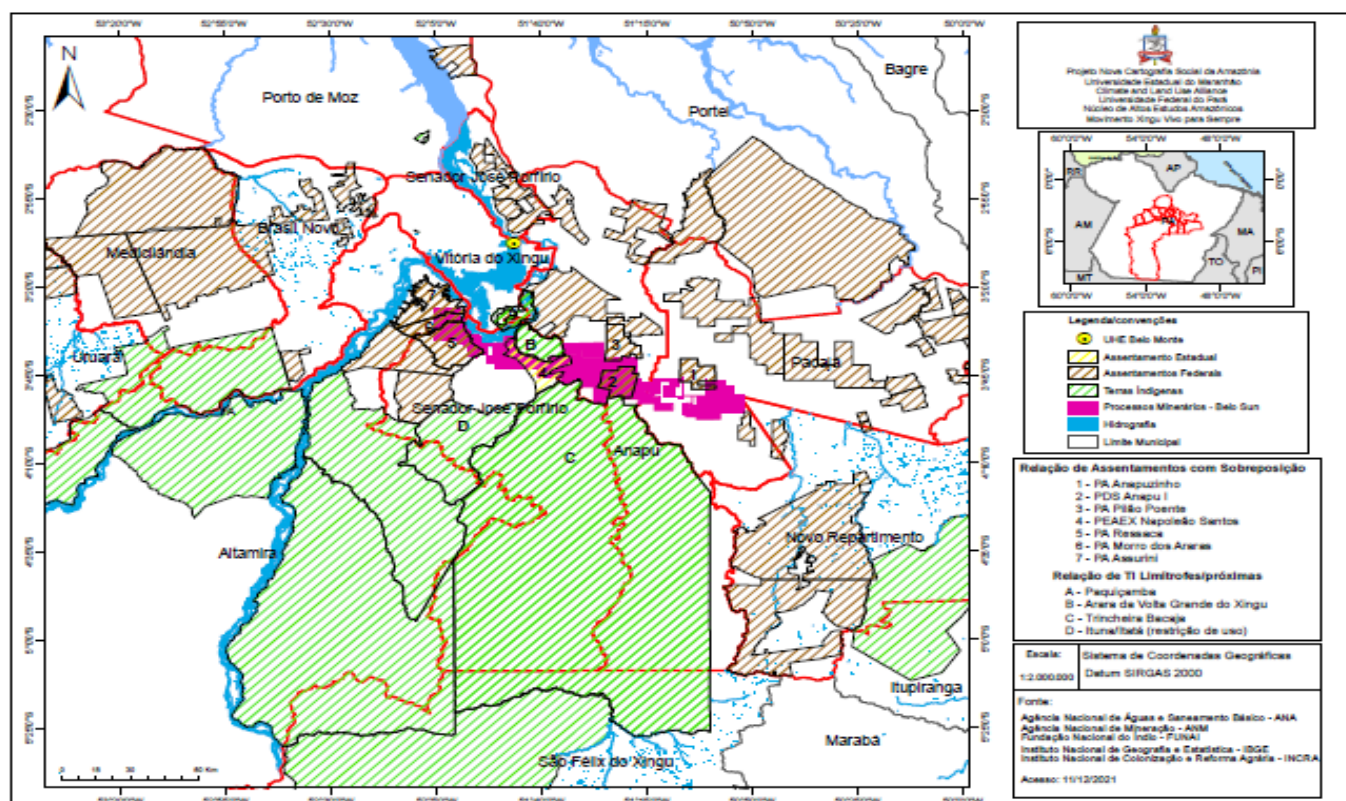


Figure 1: Mining processes in name of Belo Sun Mining Corp at sigmine and anm and overlap with settlements

Category	Name	Prediction of Family settlement	Area (ha)
PA	Anapuzinho - INCRA	231	17500.00
PDS	Anapu II (Virola Jatobá) INCRA	180	41631.76
PA	Pilão Ponte - INCRA	250	14800.00
PEAEX	Napoleão Santos - ITERPA	153	27000.00
PA	Ressaca - INCRA	600	41023.19
PA	Monte dos Araras INCRA	200	20820.34
PA	Assurini - INCRA	500	32140.16

Table 1: list of PA/PDS and PEAEX with overlap of mining processes

The implications for families are depicted in the testimonies that follow.



Diego Maciel Nogueira – son of Raimundo Nogueira Filho and Maria Maciel Nogueira reported: *“Father was one that they [Belo Sun] paid for the land, right. They went at the house, first they did a registration, but never presented a value for what we had. They never observed how much costed a cocoa tree... they finished the registration and we asked: how much is the price of our cocoa? Because we did not have the information. My father is illiterate, my mother too. Then they went in our house, a contract was*

established and the brothers signed it, after that, they brought mother and father to Belém to sign the paperwork at INCRA and me, as the son who lived my entire life with them, I said that I wished to go as well, but they did not allowed it, only mother and father traveled. When they arrived there, the talk was like this: father and mother only could tell what Toninho said, the mister who bought their land, to sign the documents in Belém, at INCRA office”.

Edwirges Ribeiro de Souza and Antonio Nilson da Silva work in a parcel of PA Ressaca, since 1998. Sons and grandsons formed new families and possess more than 6000 cocoa trees. There are eight familial units that work in this lot and they are suffering na invasion by Francisco Nobre da Silva, in more than one bushel. The latter is located at a distance of 7 km to the site defined to build the tailing dam of Belo Sun Mining, which represents an immense threat for their lives:



“Now Belo Sun comes here wishing to make a huge mine, right? We see what happened with the other mines, and how are we? We are in a trap, only a small hole to lift the head and breathe, all the rest is blocked. We are arrested here. If they take Galo off, the Ressaca for us, it is quite bad for us, and Itatá. And nobody wants to go outside. We live of the small mine, we live of the fish, the caris, there are lots to grab, it is like us here, we live together with them, we sell, we do flour, we sell cans for them, here from Ressaca, from Itatá, even in ilha da Fazenda we sell flour.

Mrs. Maria dos Santos Leite and João Xipaia Leite has her land situated in the “Travessão da Firma” close to the worksite of Belo Sun Mining Corp. Five families live in this land. Belo Sun Mining Corp. advanced over the land regulations and it is cutting the land from the bottom part.



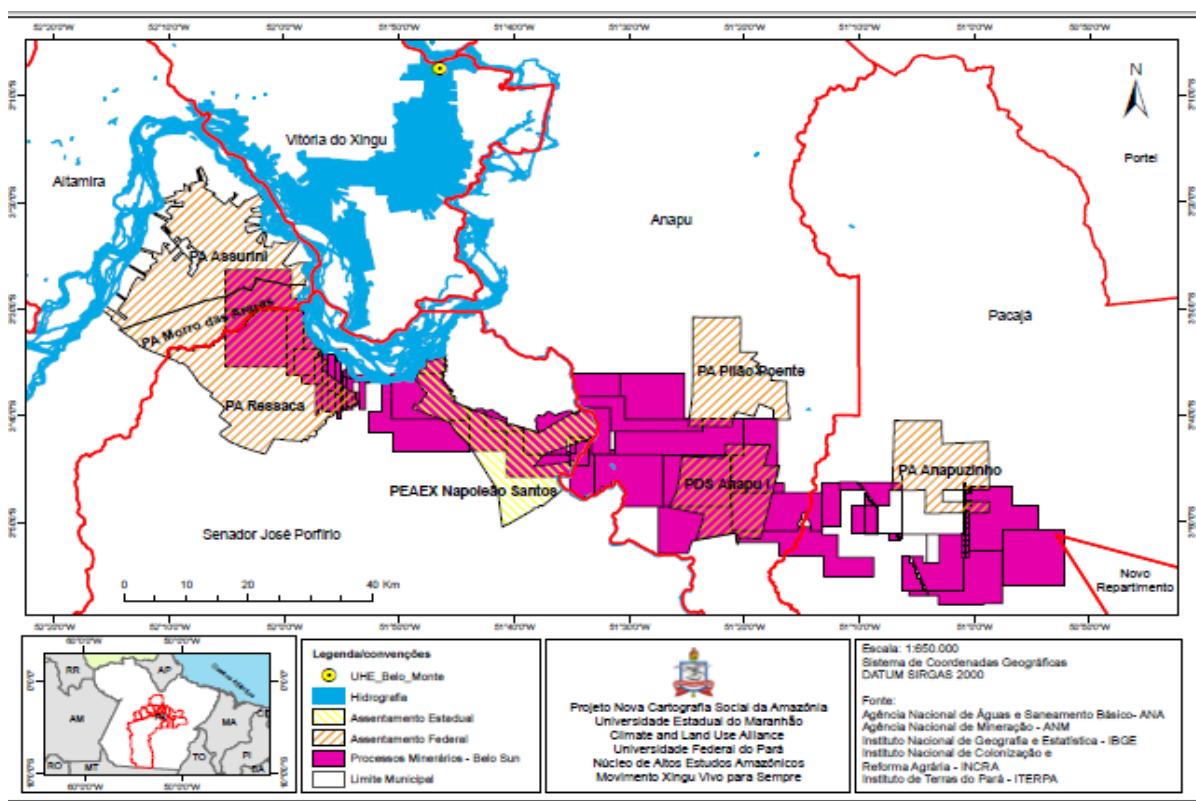


Figure 2 Overlap of mining requirements of Belo Sun Mining Corp and Federal and State agrarian reform settlements

Indigenous land	Ethnicity	Area/ Distance to the headquarters
Paquiçamba	Juruna	4.348 ha 9,5 km
Arara da Volta Grande do Xingu	Arara	25.524 ha 16,51 km
Trincheira Bacajá	Araweté e Asurini Mëbengôkre-Xikrin	1.650.939 ha 37,86 km
Ituna/Itatá	Indígenas em isolamento voluntario	142.000 ha 31,10 km

Table 2 Indigenous lands on the border of, or in proximity to mining ventures

Claims

DENUNCIATION LETTER

Vila da Ressaça, 25 November 2021.

To the following authorities:

Governor of Pará state, Mr. Helder Barbalho

INCRA President, Geraldo José da Câmara Ferreira de Melo Filho

Regional superintendent of INCRA in Santarém – SR (30), Mr. Francisco de Souza

Agrarian Public Defender of Altamira – DPE/PA, Dr. Bia Albuquerque

European Union Representative for the Human Rights, Mr. Eamon Gilmore
High Commissioner for Human Rights in the United Nations
Federal Prosecution Office of the state of Pará – PR/MPF – Altamira
National Council of Human Rights – CNDH
Federal Public Defender– DPU, in Altamira

Greetings to the honourable members of the state and other organisations, we communicate questions related to the settlers from PA Ressaca, Brazilian citizens which had their rights repeatedly violated by public institutions (INCRA, IBAMA, SEMAS, ITERPA, Pará state administration, Legislative Assembly of Pará and Senador José Porfírio municipal administration) which have the duty to respect territorial and human rights, as we describe in the following:

- The creation of Ressaca settlement project was through the INCRA/SR-01/PA nº 67 decree, from September 3rd of 1999, edited by the Regional Superintendence of INCRA in Pará (SR-01), which at that time had circumscription over the municipalities of the Trans Amazonian and Xingu region. The publication in the Official Gazette occurred on 15 September 1999, in the nº177 edition, Section 1, page 16. The administrative process, which resulted in the birth of the settlement got initiated in the advanced unit of INCRA in Altamira on 24 August 1999, under the number 54101.000611/99-80.
- The PA Ressaca resulted from the destination of a portion of Gleba Ituna, raised and registered by the union through the decree nº 329, on 3 December 1982, under the auspices of the dispositions of Decree-Law nº 1.164, of 1971, which turned Amazon public lands as federal matter. This settlement has an area of 30.265,6330 ha, with a total capacity to settle 500 families.
- As plaintiffs of the settlement creation, appear the Syndicate of Rural Workers from Altamira (STRA) and the Ilha da Fazenda/Ressaca Farmers Association (AGRIFAR), through the Official Letter nº 083/99-STRA and Letter nº 103/99, both of 23 August 1999, respectively, i.e., ten days before the publication of the ordinance that instituted the PA Ressaca. In the document subscribed by AGRIFAR it is demanded the *“creation of a settlement project for 200 families in Gleba Ituna-Ressaca/ Senador José Porfírio municipality-PA”*.
- Over 22 years, the official land agency has offered a diminished number of public policies, in contrast to the propositions by the National Program of Land Reform
- With the installation of Belo Monte hydroelectric megaproject, which dammed the Xingu river for the production of electric energy, several settlers have been experiencing detrimental ecologic effects in their work zones, their production and living. Those interventions resulted in the drying of important streams, or Igarapés, due to the subtle reduction of the river flow, scarcity of fish due to lower feedstock coming from ichthyofauna; restrictions to navigation, difficulting the river circulation.
- The settlers, river-dwelling families and traditional peoples of the Volta Grande do Xingu have been severely hit by the effects of the hydroelectric plant, among which the PA Ressaca settlers, became a target of another mega venture: the Canadian Belo Sun Mining Corporation, which aims to establish the “Projeto Volta Grande” for open-cast gold extraction in an area granted by the National Department of Mineral Production (DNPM), which at present is the National Mining Agency. This area has been prospected and explored by different mining companies.
- Starting from Vila do Galo, Vila da Ressaca and Vila Ouro Verde, Belo Sun Mining Corp. became engaged in a campaign of terror and the obliteration of the life stories of honourable people, which brought significant instability to social life, increased social dissent, the imposition of a permanent surveillance and frequent humiliations, criminalising the persons who refused to sell their land and accept unfair conditions, incurring in a permanent loss of their life and work places.

- Following the suspension of the establishment license in 2017, determined by the Regional Federal Court of the 1st region, in the process of the civil public action n° 25.05-70.2013.4.01.39.03-3/PA, there was a silencing of enterprise actions and also from the land agencies regarding the destination of lots of PA Ressaca which constitute part of the territorial claim of the Volta Grande project, of Belo Sun Mining Corp. Initially, this intrusion corresponded to 2050 ha, or 6.7% of the settlement area.
- On 27 July 2018, the advanced unit of INCRA in Altamira released the public notice n° 276/INCRA, summoning “the settlers, related below to present their defense as they were framed in the article 10 from the normative instruction n° 71/2012. *This norm determines that in case of land parcel abandonment by its beneficiary, this person will be noticed to return to this area, whenever it is possible, and to present defense, in a period of 30 days, under penalty of contract termination or land title invalidation. The cited people below have a period of 30 days to present their defense, from 27 July 2017, date of public office release in the website www.incra.gov.br. The defence paperwork must be sent to the Special Advanced Unit of Incra in Altamira, Pará state, located at Travessa 10 de Novembro, 345, Centro, Altamira - PA CEP 68.310-130. Any question can be solved calling on the telephone (93) 3515-0976/1499. The notified persons that do not provide their defence will be automatically expelled from the National Program of Land Reform (PNRA), and, will loose the lot legal rights. The defences will be analyzed individually by INCRA/UAE/ALTAMIRA* (no original emphasis).
- At a first glance, it is observed that the aforementioned document was digitally subscribed on the Electronic Information System (SEI) on 27 July 2018, with motion time limit fixed on 30 days. Still, the deadline of contestation receipt started on **27 July 2017**, i.e., one year before its signature.
- The situation get worse as the PA Ressaca and the Volta Grande do Xingu experience a significant technologic exclusion, which is a present reality in rural communities located in the Amazon. In this sense, how is it possible to acknowledge a public notice published in the Union Official Journal for settlers who do not have access to the internet? How can the constitutional principles of the adversarial and broad defence, both being fundamental in any democratic regime, if the publication in the Official Gazette does not correspond to the most adequate media to dialogue with the settlers, informing them? Concretely, all 124 people cited in the public notice claim that they were not notified by INCRA.
- In this context of proliferation of acts presenting authoritarian inspiration, INCRA published decree nº 1905, on 4 December 2018, expanding the area of PA RESSACA in more than 10757.56 hectares of Gleba Ituna, adding more 100 lots to the settlement, totalling an area of 41023.19 hectares and capacity for 600 families. It has to be remarked that the “expansion” overlaps with the emergence of Vila Mocotó as a strategic support base for the invasion of traditionally occupied land that form the Indigenous territory Ituna-Itatá. In this regard, we question if this measure meets this goal.
- As we gather the list of beneficiary of PA Ressaca, from 7 July 2021 – the most updated version available at INCRA website – and compare it to the public notice n° 276/2018, it was observed the elimination of 93 settlers that appear in a list of persons accused for land eviction (parcels from the agrarian reform) due to “abandonment of lots”. Examining the seriousness of these events, we question the following: what interest does the allegation of “lots abandonment” meet, regarding a settlement strongly influenced by mining lobbies? To whom does the exclusion of settlers from their lands benefit?
- In conjunction with these bureaucratic maneuvers, Belo Sun Mining Corp. has insisted with INCRA in the establishment of a technical agreement to realize the disfranchisement of PA Ressaca, i.e., a partial settlement exclusion, precisely where this enterprise plans to launch high-scale gold extraction. The initial target of the company was 2050 hectares (process nº 54101.000361/2016-

12). Furthermore, Belo Sun informed that contracts concerning the cession of property rights were signed with the settlers affected by the venture, assigning them a proper “compensation” for land and improvements. Nevertheless, in the undergoing disfranchisement process at INCRA/Sede (nº 54000.002023/2017-34), the overlap was adjusted for 1.439 hectares in the PA Ressaca and 989 hectares in Gleba Ituna. Regarding the “compensations”, it is worth mentioning that the civil public action Nº 0005149-44.2013.8.14.0005, IPL nº 1002158-73.2020.4.01.39-03-IPL209/2019, Criminal procedure NF-1.23.003.000305/2021-7.

- We do not believe in “pure chance” between the facts under compilation. The acts practiced by INCRA openly intend to favour the interests of Belo Sun Mining Corp., supporting the government policies. The process of “disfranchisement” nº 54000.002023/2017-34 has been formatted to seal the land transfer destined to agrarian reform through “concession of real use right”, to be signed by INCRA president and Belo Sun chief executive.
- Based in arguments that normalise the speeches of “emptying” of lots affected by mining, INCRA contributes to the campaigns and planned actions aiming to suffocate and eliminate the settlers from PA Ressaca. These practices inspired in a reversal of agrarian reform policy that undermine the institutional objective of this land agency, created to promote the agrarian reform instead of expelling families that rely on the land for living and subsistence.
- Thus, we integrally contest the “Contract of Concession of Real Use Right” which results from INCRA specialized Federal Procuratorate technical statement and ordinance, in the process nº 54000.002023/2017-34, for the violation of territorial rights and agrarian policy based on the Federal Constitution of 1988, which support the settlers and traditional rights. We reject authoritarian acts that INCRA realized against these people lives and rights during the COVID-19 pandemic.
- We strongly contest the campaigns and purposeful actions to erase, silence and disappear the settlers and the PA Ressaca. We do not admit the deletion of our history, the burial of our existence by INCRA, which is engaged in changing lives for GPS devices, notebooks, tablets, cars and the Ricaville farm. We do not accept the deforestation, the imminent death of Xingu River and their affluents, as well as our lands.
- Finally, we claim that all meetings regarding our rights occur with our effective participation. In this terms, we do not authorize any attempts of agreements such as conciliations, mediation or arbitration conducted by INCRA without our expressed consent.

In the presented terms, we subscribe this letter with extreme indignation.

Organization

MOVIMENTO XINGU VIVO PARA SEMPRE

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New Social Cartography Project of the Amazon
State University of Maranhão
Federal University of Pará

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