

Heads of Prosecution Services Forum for Cop30

Prevention of environmental illicit activities: The role of traditional communities, the use of new technologies, and the role of financial institutions



Structure of the presentation

- The role of the MPF in defending the rights of indigenous peoples and traditional communities
- Indigenous peoples and traditional communities as guardians of the climate/nature
- Environmental illicit activities and the indigenous peoples and traditional communities
- Cases monitored by the MPF
- Final Considerations

The role of the MPF in defending rights

Constitutional role - Article 129, III and V of the Federal Constitution of Brazil:

- To act in defense of the rights and interests of indigenous populations;
- To promote civil investigations and public interest civil actions for the protection of public and social heritage, the environment, and other diffuse and collective interests.

The 6th Chamber of Coordination and Review (6th CCR):

- Activities related to the defense of the rights of indigenous peoples and traditional communities (civil area);
- Coordinated activities of the Members (Federal Prosecutors) who operate in the states and municipalities in defense of the rights of indigenous peoples and traditional communities;
- Review activities.

The role of the MPF in defending rights

Action Instruments:

- Civil Investigations
- Public Interest Civil Actions
- Conduct Adjustment Agreements
- Recommendations
- Technical Notes and Public Notes
- Guardian of the law in legal actions that affect collective rights

MPF Action and Priorities

Judicial and extrajudicial action in cases of violation of or threat to rights, including:

- Demarcation and Territorial Protection
- Right to Free, Prior, and Informed Consultation
- Socio-environmental Conflicts

Performance Indices (CNJ): High engagement of the Prosecution Service in socio-environmental conflict actions in the Amazon:

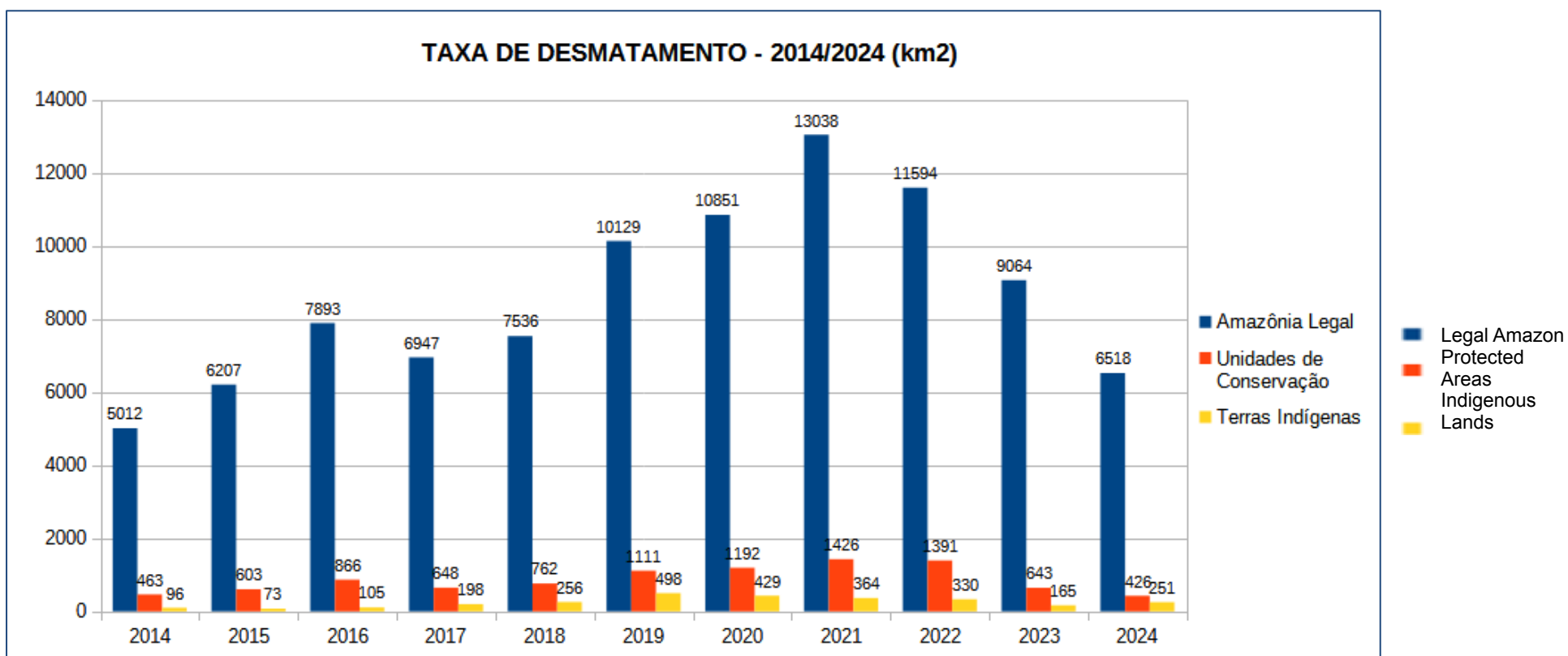
- 2020: 90.67%
- 2021: 95.59%
- 2022: 92.68%

Traditional Communities as Guardians of the climate and nature

- **Essential Role:** They perform a crucial function in environmental protection and in tackling the climate crisis.
- **Protection Mechanisms:** Indigenous Lands and other Traditional Territories and Protected Areas as barriers against forest degradation and deforestation.
- **PRODES/INPE Data and MapBiomas:**
 - Indigenous Lands and Protected Areas are consistently the areas least affected by deforestation.
 - **IPCC Report (2022):** Traditional territories show significantly lower rates of vegetation cover loss.
 - **Climate Contribution:** Direct contribution to global climate regulation.

Traditional Communities as Guardians of the climate and nature

Deforestation rate - 2014/2024 (km2)



Source: Prodes/INPE, 2024

Traditional Communities as Guardians of the climate and nature

- **IPAM Data:**

- Traditional communities and indigenous peoples prevent greenhouse gas emissions through the conservation of their territories, which represent about 65% of all protected areas.
- They act as barriers to deforestation both inside and outside their boundaries.
- **Archaeological Evidence (Prof. Eduardo Neves/USP):**
- Archaeological research indicates that ancient populations of the Amazon actively modified and enhanced soil quality.
- Millennial agroecological practices (diversification) shaped the forest's biodiversity.
- The current Amazonian landscape is a product of millennial anthropogenic intervention, reflecting a dynamic balance.

Environmental illicit activities

- **Disproportionate Vulnerability:**

- International Court of Justice and the Inter-American Court of Human Rights have recognized that indigenous peoples and traditional communities suffer **disproportionately** from climate change due to their dependence on ecosystems.

- **Causes of Illicit Activities:**

- **Agribusiness Pressure:** More than **97%** of deforestation (MapBiomas-Alerta).
- **Illegal Mining:** Major impact in specific locations.

- **Land Regularization:** Holds back the advance of deforestation.

Environmental illicit activities

Forest cover in the indigenous lands of the Suruí Aikewara people
Cobertura florestal nas terras indígenas do povo Suruí Aikewara

Imagem de 2025



The Impact of Illegal Mining

- **Exponential Growth:**

- The area of illegal mining in Indigenous Lands in the Amazon grew by **361%** between 2016 and 2022 (IPAM/MapBiomas).
- **Multiple Damages:** Deforestation, contamination of rivers/fish by mercury, and transmission of diseases.

- **The Yanomami Case:**

- Concentration of more than 25 thousand illegal miners.
- Serious environmental, health, and socio-cultural problems.
- 2023: Federal Government declares Public Health Emergency.
- **Results of the Disintrusion (Yanomami Indigenous Land):** Reduction exceeding **90%** in the area of active illegal mining (some estimates reach 98% in relation to the peak of the crisis).

Illegal Mining inside Yanomami Land- January/ 2023



MPF Actions related to ADPF 709

- **ADPF 709 (STF).** Requests in the initial Pleading:
 - Proposed by an indigenous NGO during the Covid-19 pandemic, focusing on defending the right to life and health of indigenous peoples.
 - “Disintrusion”: Risk of contamination by coronavirus is aggravated by the presence of invaders (illegal miners/loggers)
- **Requests Granted:** Justice Barroso ordered the preparation and execution of the Disintrusion Plan for Indigenous Lands.
- **Current Procedural Status:** The lawsuit continues before the STF, with Pet 9985 (confidential) proceeding autonomously to monitor the conclusion of the disintrusion.
- **Current Focus:** Ensuring **post-disintrusion** measures (preventing the return of invaders) and **environmental and social recovery** of the areas.

MPF Action Against the Financing of Illicit Activities

- **Action in Financial Oversight:** Curbing the financing of illegal activities in protected areas.
- **RECOMMENDATION No. 01/2024 (GT Legal Amazon/4th CCR):**
 - **Target:** Financial institutions.
 - **Origin:** Greenpeace complaint that pointed to rural credit operations (2018-2022) superimposed on 7 Indigenous Lands, 41 Protected Areas (UCs), and Undesignated Public Forests.
 - **Measure:** Determine the **declassification and early liquidation** of the irregular operations.
 - **Results:** To foster the construction of more **effective mechanisms for monitoring** the environmental requirements for granting rural credit.

Final Considerations

- **Indigenous Protagonism:** Representing only 0.8% of the population, they play a prominent role in preservation and are guardians of environmental knowledge.
- **Conservation Evidence:** Indigenous Lands (TIs) register the lowest deforestation rates, with a loss of only **1.2%** of their native vegetation in the last forty years.
- **Indigenous Proposal for the NDC (UNFCCC):** For Brazil to effectively meet its climate goals, **the demarcation and full protection of its Indigenous Lands are indispensable.**
- **Célia Xakriabá (Federal Deputy):** "Demarcation of Indigenous Lands is a way out to stop the climate crisis." (COP 27, 2022).

MPF

Ministerio Público Federal