

Your Honors

Dr. Joaquim Barbosa, President of the Federal Supreme Court – STF

Dr. Mário César Ribeiro, President of the TRF-1

Dr. Arthur Pinheiro Chaves, Judge of the 9<sup>th</sup> Federal Court of Belém

Dr. Raimunda do Carmo G. Noronha, President of the Court of Justice of the State of Pará

Respected Members of the National Council of Justice - CNJ

with a copy to:

Hon. Mr. Luiz Inácio Lucena Adams, Attorney General of the Union - AGU

Hon. Mr. Roberto Monteiro Gurgel Santos, Federal Prosecutor of the Republic

Hon. Mr. Ophir Filgueiras Cavalcante Junior, President of the Federal Council of the Order of Attorneys of Brazil

Hon. Mr. Gilberto Carvalho, Secretary General, Presidency of the Republic

Hon. Mrs. Maria do Rosário Nunes, Minister, Secretary of Human Rights / PR

Hon. Mrs. Isabella Teixeira, Minister of the Environment

Hon. Mr. Volney Zanzi, President of IBAMA

Hon. Mrs. Marta do Amaral Azevedo, President of FUNAI

Hon. Mr. Paulo Paim, President of the Commission for Human Rights and Participative Legislation – CDH Federal Senate

Hon. Mr. Rodrigo Rollemberg, President of the Commission for the Environment, Consumer Protection and Surveillance and Control - CMA, Federal Senate

Hon. Mr. Domingos Dutra, President of the Commission for Human Rights and Minorities - CDHM, House of Representatives

Hon. Mr. Sarney Filho, President of the Commission of the Environment and Sustainable Development of the House of Representatives

October 31, 2012

We, international civil society organizations and movements committed to the defense of human rights, the strengthening of democracy, and of development alongside socio-environmental responsibility, call attention to the existence of grave problems surrounding the Brazilian Judiciary's treatment of irregularities in the licensing process for the Belo Monte hydroelectric dam on the Xingu River in the Brazilian Amazon. These irregularities are being questioned by civil society as well as by Brazil's Federal Public Ministry and Public Defenders.

The authorization of Belo Monte by Brazil's National Congress, by means of Legislative Decree no. 788/2005<sup>1</sup>, violated the right to free, prior and informed consent guaranteed to indigenous peoples who are affected by the project.<sup>2</sup> Fulfilling of its role to defend the Brazilian Constitution and in defense of human rights, the Federal Public Ministry (MPF) filed a Civil Public Action lawsuit in 2006 to nullify the cited congressional decree<sup>3</sup>. Six years passed before courts ruled upon the lawsuit's merit, when the relevant circuit court (TRF-1) finally ruled that construction should be paralyzed on 08/13/2012, suspending the decree that illegally authorized Belo Monte<sup>4</sup>. Days after the decision of the TRF1, at the request of the office of the AGU (Attorney General), the President (Chief Justice) of the STF determined that the project could continue, ignoring all arguments pertaining to the case's merit, and ultimately postponing any resolution of the court challenge<sup>5</sup>.

Presidents and directors of the Brazilian Institute for the Environment and Renewable Resources (IBAMA) quickly ceded licenses and authorizations to the Belo Monte consortium Norte Energia, disregarding all of the risks stemming from grave irregularities with the licensing process. The granting of these permits indicates the use of powerful political pressure, as they contradict the technical opinions of IBAMA's own staff. In addition to this, legal conditions placed upon the issuing of environmental licenses, which are obligatory for initiation and continuity of construction, have been repeatedly disregarded by the dam-building consortium.

The countless illegalities associated with the environmental licensing process led Brazil's Federal Public Ministry (MPF) to file 13 Civil Public Actions and 2 Actions of Administrative Fraud by the middle of 2012. Nearly all the legal actions filed by the MPF and the Public Defender's Office of Pará remain unresolved in the Judiciary, as a result of: 1) unjustified delays, where judges' decisions are deferred, staying initial rulings that favored preliminary injunctions; 2) conflicts of jurisdiction between the Federal Court in Altamira and the recently created 9<sup>th</sup> Environmental Court in Belém, leaving cases stalled for more than a year at the decisive moment when construction commenced; and 3) abusive use of the legal instrument known as "suspension of security".

“Suspension of security” is an authoritarian and anti-democratic legal instrument frequently employed by judiciary powers in the rulings of high courts to impose political decisions on legal judgments, paralyzing their implementation while guaranteeing that the interests of the government and the private sector are met. Its assumptions were originally implemented in an extra-constitutional manner by the legislature to meet the needs of the military regime, and have remained in Brazil’s legal code since the period of the dictatorship. The suspension of security device defers the possibility of definitive judicial rulings on the legality and legitimacy of the legislative and administrative measures taken during the environmental licensing of Belo Monte. Presidents of high courts have repeatedly resorted to this mechanism to suspend legal rulings that prohibited the initiation and/or continuation of the damming of the Xingu River, based on the violation of human rights. While judgments on the legal merit of the Belo Monte lawsuits face years of delays, the AGU has obtained the overturning of preliminary injunctions, at times in a matter of hours, through the use of the “suspension of security” mechanism.

The rationale behind the use of this mechanism is inconsistent, citing a dubious argument that Brazil would suffer from blackouts without the construction of Belo Monte, resulting in a grave threat to public order, while damaging the economy. Recent technical studies for the electricity sector demonstrate opportunities for energy efficiency and alternative energy production with low socio-environmental and financial costs and economic viability when compared with hydroelectric dams.<sup>6</sup> However, the government is not open to debate.

There are currently no legal studies or decisions with findings that contradict the grave technical and juridical illegalities of the project as presented in the lawsuits filed by the MPF, public defenders, and by civil society organizations. How can a democratic society accept the use of unconstitutional instruments that undermine the responsibility of the Judiciary to uphold the Constitution? How can we ignore principles that dictate the supreme importance of public interest in the protection of the environment over that of private interests? How can arbitrary decisions be allowed that result in grave violations to the fundamental rights of affected populations, in addition to irreversible damages to Brazilian social, cultural and environmental heritage?

Decisions that uphold respect for constitutional guarantees, Brazil’s Democratic State of Laws and the foundations and objectives of the Republic of Brazil have been validated by Brazilian society. One example is the aforementioned decision by the Fifth Circuit Court of the TRF-1 that ruled on the obligation to provide prior consultation with the indigenous peoples affected by Belo Monte, according to Article 231 of the Federal Constitution, and the International Labor Organization (ILO) Covenant 169, both of which stipulate legitimate, fundamental and incontestable rights. It should be highlighted that the same findings appear in preliminary decisions that forbid the start and continuity of the project, given the proportion of the socio-environmental risks presented by the dam’s licensing process. These decisions cannot be subordinated to groundless or monocratic sentences founded on authoritarian artifice, steeped in unconstitutionality and illegitimacy.

The legal situation of the rights of fishermen, as well as riverine and farming communities of the Xingu is also dramatic. These traditional populations depend exclusively on the river for their livelihoods, subsistence, navigation, and cultural reproduction. In spite of warnings by specialists about Belo Monte’s consequences to navigation and fishing on the river, environmental licenses were granted with neither mitigation nor compensation measures to offset the impacts upon affected people. The moral damages as well as economic, social, cultural, and environmental losses that have already begun to affect these communities were not measured in advance, nor within the adequate Brazilian standards required for Brazilian companies. For this reason, the few measures that have been taken are insufficient to offset these impacts.<sup>7</sup> This situation is aggravated by the fact that the dam-building consortium does not recognize the existence of these impacts and has declared in meetings with extractivist groups that it will not assume responsibility for the various consequences of its own project.<sup>8</sup>

All of these problems and threats have been brought before the courts by the defenders of affected populations.<sup>9</sup> One lawsuit resulted in the granting of an injunction that was quickly overturned in 2011, as the judge did not consider the evidence that was presented due to the absence of the losses and harm claimed by the plaintiffs, without actually demonstrating the basis for his decision.<sup>10</sup> There are more than 32 lawsuits with individual and collective demands of these traditional populations in the courts, nearly all of them paralyzed.

The number of injunctions resulting from these lawsuits is insignificant and without tangible meaning for the life of thousands of people, many who still live in areas adjacent to the dam’s work camps among explosions and the traffic of heavy vehicles, among other impacts of the project. Because of the concession of licenses and legal decisions, these communities now find themselves in a situation of uninterrupted rights violations and the loss of their way of life provoked by the damming of the Xingu. It should be stressed that the right to work is raised in almost all of the lawsuits. Yet in the case of Belo Monte, the courts have disrespected principles and guarantees for workers’ rights such as swift, dynamic and simple procedures with short deadlines and less solemn processes. These are historical rights of absolute importance that guarantee the protection and juridical effectiveness for workers rights in Brazil.

Desperate with the destruction of their livelihood and ways of life, a group of fishermen and boat pilots recently set up camps on fluvial islands near Belo Monte's cofferdams to demand that urgent measures be taken. In reaction, the company legally requested the de-occupation of the encamped areas. The mandate received compliance in 24 hours, but other affected groups joined and the protest continued.

It was necessary to protest for one month on the cofferdam in disgraceful conditions before the courts placed conditions on the de-occupation orders, obliging the company to hear the communities and competent organizations in order to find a solution. Even so, the meeting took place without complying with the conditions obligated by the courts. The meeting resulted in the right to a technical audit of the river at the expense of the company, mandating the participation of assigned delegates from the fishermen colony. The agreement legally obliges the company to attend to their demands of affected people, but permits the project to continue while its compliance with demands, even those of the utmost urgency, are indefinitely delayed. Therefore the fishermen determine that in practice this judicial negotiation only served to allow the consortium to quickly and definitively dam the river, while affected people's rights continue to be violated. Proof of this is that immediately following the meeting the courts guaranteed the de-occupation of the area, allowing the project to resume.

In summary, in the name of a supposed "public interest" members of the judiciary are harming the rule of law, with the fundamental rights of the affected populations being discarded in favor of the ongoing construction, revealing that we are faced with a state of exceptions that violates, with the characteristics of a dictatorship, the Democratic Rule of Law and Brazilian society as a whole.

Petition for urgent measures

Given the grave situations denounced above we APPEAL to the authorities to take the following urgent measures:

1) Rule upon all the lawsuits brought by the MPF, Pará State Public Defenders, and civil society pertaining to the case of Belo Monte, with urgency and priority for: a) Judgment by Brazil's Supreme Court (STF) on the Public Civil Action lawsuit pertaining to the absence of free, prior and informed consent with indigenous communities. Urge that the STF issue an opinion on the merit of the decision by the 5<sup>th</sup> Court of the TRF1 (First Circuit Court), addressing the Agravo Regimental (Internal Appeal for review of previous decisions) and judge on the cases' merit(s) before Belo Monte becomes a fait accompli; b) Judgment by the Federal Court of Belém on the filings for preliminary injunctions of the Public Civil Action lawsuits of the MPF on the necessity of preventing the removal of the Arara and Juruna indigenous peoples of the Volta Grande (Big Bend) and to assure respect for the environment and of future generations<sup>7</sup>; c) Emergency emphasis upon the obligation to suspend the project, requiring the presentation of the socio-economic documentation with respect to the housing rights of and land regularization for rural communities;<sup>8</sup> d) Emergency ruling on suspended injunctions and required precautionary measures to protect the life and security of fishermen, riverine peoples, and farmers. Urgent recognition of the paralyzed lawsuits relating to the rights being violated as a result of the damming of the Xingu, above all the disrespect to the right to housing being carried out through the compulsory eviction of families and the fundamental respect to work, considering the short, medium, and long term impacts of the project upon these rights.

2) Monitoring by the National Council of Justice (CNJ) of lawsuits in cases pertaining to infrastructure projects like Belo Monte while establishing measures to assure prompt and immune judicial rulings.

3) We ask that before proffering their decision, that magistrates at least hear representatives of affected communities, organized civil society, academia, as well as representatives of all parties involved in the lawsuit. When possible they should visit the areas that are the object of the lawsuits in order to assess the socio-environmental damages provoked by the project and the modus operandi of the construction consortium. Most of all, they should visit the area to understand its natural attributes and the relationship between the environment and the local communities impacted by the projects before ruling over the direction of their lives. The single purpose of this request is to assist the judge in issuing an impartial decision, because we believe that a more tangible relationship with the case will help them to make well-informed decisions.

We believe that the respect for Brazilian democracy, constitutional guarantees, the rule of law, and socio-environmental responsibility must always be held paramount in the defense of public interest. We depend on Your Excellences to attend to this appeal and take urgent measures that seek to safeguard the constitutional role of the Brazilian Judiciary.

Cordially,

## The signatory Civil Society Organizations

Movimento Xingu Vivo Para Sempre

Associação dos Criadores e Exportadores de Peixes Ornamentais de Altamira - ACEPOAT

Associação de Preservação do Meio Ambiente e da Vida – Apremavi

Agencia da Hora

Amanu - Educação, Ecologia e Solidariedade

Amigos da Terra – Brasil

Associação Nacional de Presbíteros do Brasil – ANPB

Associação dos Presbíteros da Prelazia do Xingu – APREX

Articulação de Mulheres Brasileiras

Associação dos Moradores da Vila Santo Antonio

Articulação de Mulheres Brasileiras – AMB

Articulação de Mulheres Brasileiras do Rio de Janeiro

Articulação Por uma Educação do Campo no Semiárido Mineiro

Associação Franciscana Maristella do Brasil

Associação Movimento Paulo Jackson - Ética, Justiça, Cidadania

Associação Paraense de Apoio às Comunidades Carentes – APACC

Associação sociocultural Umbigada

Associação Terra Una

Casa da Cidadania

Casa das Cinco Pedrinhas

Central Informática

Centro de Agricultura Alternativa do Norte de Minas – CAANM

Centro Social das Mulheres do Paulista/PE

CEBI – Centro de Estudos Bíblicos

Coordenação das Organizações Indígenas da Amazônia Brasileira – COIAB

Coletivo Artemísia/AMB

Coletivo Educador Piracicauá

Coletivo Lumiarte

Comição pastoral de Terra

Comissão Pastoral da Terra

Comissão Pastoral da Terra - Equipe Nova Iguaçu-RJ

Comissão Pastoral da Terra – CPT

Comitê Intertribal

Comunidade Luterana

Cooperativa de Mulheres trabalhadoras da Bacia do Bacnaga – COMTRABB

Cooperativa Regional de Produtores Agrissilviextrativistas Sertão Veredas

Conselho Municipal dos Direitos da Mulher de Lins

Comissão Diocesana de Justiça e Paz de Santarém

Colônia de Pescadores Z 57 de Altamira

Centro Gaspar Garcia de Direitos Humanos

Danças Circulares RS

Diocese de Três Lagoas

Em Defesa das Florestas- SC

Em cima da notícia

FAOR - Fórum da Amazônia Oriental

Federação Indígena Brasileira-FIB

FIB - Faces Indígenas do Brasil

Firme & Forte Produções  
Fórum Brasileiro de Economia Solidária  
Fórum Carajás  
Fórum de Mulheres do RN  
Fórum dos afetados pela indústria do petróleo e petroquímica nas cercanias da Baía de Guanabara ( FAPP-BG)  
Forum dos Movimentos da BR 163  
Fórum Mudanças Climáticas e Justiça Social  
Fórum dos Movimentos Sociais da BR 163  
GEDMMA  
GEMDAC-Gênero Mulher Desenvolvimento e Ação para a Cidadania  
GESTA - Grupo de Estudos em Temáticas Ambientais  
Grupo Aroeira / UFMG  
Grupo de Combate ao Lixo de Belém  
Grupo de Mulheres Brasileiras  
Grupo de Teatro Loucas de Pedra Lilás  
Grupo Pesquisador em Educação Ambiental, Comunicação e Artes, GPEA  
Grupo de Trabalho Amazônico – GTA  
ICV – Instituto Centro de Vida  
IDESAM – Instituto de Conservação e Desenvolvimento Sustentável  
IMAI - Mulheres por Equidade  
IMV - Instituto Madeira Vivo  
Instituto Democracia e Sustentabilidade – IDS  
Instituto de Estudos Socioeconômicos – INESC  
Instituto Abya Yala  
Instituto Amazônia Solidária e Sustentável (IAMAS)  
Instituto de Permacultura EcoVida Sao Miguel  
Instituto Ecoar para a Cidadania  
Instituto Equit- Gênero, Economia e Cidadania Global  
Instituto Mar Azul  
Instituto Mar Azul  
Instituto O Direito por um Planeta Verde  
Instituto Physis  
Instituto Socioambiental – ISA  
Iny Mahadu Coordenação  
Ipoema Instituto de Permacultura: Organização, Ecovilas e Meio Ambiente  
Irmandade dos Mártires da Camnhada  
Irmandade Maria Pretinha  
Irmãs Franciscanas de Ingolstadt  
Instituto de Educação Popular de Rondônia – IEPRO  
ISMA - CENTRO JUVENIL SALESIANO DE MANICORÉ  
Instituto Madeira Vivo - IMV;  
Instituto Humanitas  
International Rivers – Brasil  
Justiça Global  
Manoel do Espírito Santo Silva Júnior  
Mestrado em Desenvolvimento Sustentável junto a Povos e Terras Indígenas  
Missão Salesiana – MT  
Movimento Bandeirantes  
Movimento das Mulheres Trabalhadoras de Placas Campo e Cidade  
Movimento de Mulheres do Tapanã

Movimento dos Atingidos por Barragens - MAB  
Movimento dos Trabalhadores sem Teto Urbano – MSTU  
Movimento Gota D'Água  
Movimento de Mulheres Trabalhadoras de Altamira Campo e Cidade - MMTA/CC  
Movimento Negro  
Movimento Paulo Jackson - Ética, Justiça, Cidadania  
Movimento Tapajós Vivo  
Multirão pela Cidadania  
Niep-Marx Núcleo Interdisciplinar de Estudos e Pesquisas sobre Marx e o Marxismo -  
NIISA/Unimontes (Núcleo de Investigação Socioambiental / Universidade Estadual de Montes  
Claros  
Nós Mulheres  
Núcleo de Educação Popular "Raimundo Reis" – NEP  
Núcleo de Estudos sobre Povos Indígenas (NEPI)  
Ocupa Belém  
Oficina Escola de Lutheria da Amazônia – OELA  
Oficina Território Livre  
ONG Verdejar Socioambiental  
Organização Coletiva dos Pescadores Tradicionais de Jaci-Paraná - PIRÁ;  
Oscip Yvy Kuraxo  
PACS - Instituto Políticas Alternativas para o Cone Sul  
Paróquia Nossa Senhora da Saúde Alter do Chão Pará  
Paróquia São Francisco de Assis  
Paróquia N.S. Auxílio dos Cristãos Vitória do Xingu – PA  
Pastoral da Juventude  
Pequi - Pesquisa e Conservação do Cerrado  
PermaculturaMG  
Pró-reitoria de Extensão da Universidade Federal Rural do Rio de Janeiro  
Rede de Educação Cidadã - RECID/RO  
Rede de Entidades em Defesa da Vida  
Rede de Notícias da Amazônia  
Rede Olhares da Juventude  
REDEH - Rede de Desenvolvimento Humano  
Relatoria Nacional Direito Humano Saúde Sexual e Reprodutiva Plataforma DHESCA Brasil  
Riopreto Sustentável  
Sindicato dos trabalhadores e trabalhadoras rurais de Igarapé-miri  
Sinfrajupe  
SINTEPP- Regional Transamazônica e Xingu  
SINTSEP-PA  
Sociedade Paraense de Defesa dos Direitos Humanos – SDDH  
Terra de Direitos  
UNIPOP - Instituto Universidade Popular  
União de C.C.A.A.Moradores E.Populares E Ambientalistas de Sta.Isabel do Pará  
UNIDOS PRA LUTAR  
VEDDAS - Vegetarianismo Ético, Defesa dos Direitos Animais & Sociedade

#### Organizações Internacionais

350.org  
Interamerican Association for Environmental Defense – AIDA  
Land is Life

Alemanha  
Acao Mundo Solidário  
Blue Essentia  
Brasilieninitiative Freiburg e.V.  
BUND/Friends of the Earth Germany/ County Ratzeburg  
Forum Ökologie & Papier  
Gegenstroemung – contracorrente  
Gesellschaft für bedrohte Völker  
Kooperation Brasilien e.V.  
Nord Süd Forum München  
POEMA - Programma Pobreza e Meio Ambiente na Amazônia  
Regenwald-Institut e.V.  
Rettet den Regenwald

Argentina  
Fundación M'Biguá, Ciudadanía y Justicia Ambiental

Áustria  
ECA Watch Áustria  
FIAN Austria Food First Information and Action Network, Austrian Section  
GLOBAL 2000 – Friends of the Earth Áustria  
Global Responsibility – Austrian Platform for Development and Humanitarian Aid  
Welthaus KA-Viena  
Welthaus/Casa do Mundo Diözese Graz-Seckau  
DKA Áustria

Bélgica  
Centre d'écologie urbaine

Bolívia  
CEADESC

Canadá  
Sierra Club Chinook Group

Chile  
Consejo Autónomo Aymara

Colômbia  
Grupo de Investigación DIVERSER- Universidad de Antioquia

Espanha  
CRISSOLUTIONS  
Salva la Selva

França  
France Libertés - The Danielle Mitterrand Foundation

Índia  
Society for Indigenous Development, Manipur

Indonésia  
Dewan Adat Papua

Iraq

Nature Iraq (Iraq BirdLife)

Italia

Franc. Penit. Carid. Crista

México

Alianza Mexicana por la Autodeterminación de los Pueblos (AMAP)

Colectivo los ABROJOS

Instituto Intercultural Nõõho, A.C.

Red Mexicana de Acción frente al Libre Comercio (RMALC)

Noruega

Rainforest Foundation Norway

Peru

ProNaturaleza

Puquio Solidario

Filipinas

ALDAW (Ancestral Land/Domain Watch)

Alyansa Tigil Mina (ATM)

Asia Pacific Indigenous Youth Network

Cordillera Youth Center

Indigenous Peoples Movement for Self Determination and Liberation

Portugal

Quercus - Associação Nacional de Conservação da Natureza

República Checa

Hnutí DUHA – Friends of the Earth Czech Republic

Suiça

Associação para os povos ameaçados Suíça

Incomindios Switzerland

Turquia

Turkish Nature Association

Reino Unido

Amazon Cry

Forest Peoples Programme

Rainforest Concern

Rainforest Foundation UK

Survival International

Tribos Vivas

EUA

Amazon Watch

Center for International Environmental Law – CIEL

Earth Peoples

Ecosocialist Horizons

Rainforest Foundation US

International Rivers

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<sup>1</sup> Available at: <http://www6.senado.gov.br/legislacao/ListaTextoIntegral.action?id=231371>

<sup>2</sup> Article 231 of the Federal Constitution and the international human rights norms of which Brazil is a party, Convention 169 of the International Labor Organization, the American Convention on Human Rights, the San Salvador protocol and the jurisprudence of the Inter-American System of Human Rights.

<sup>3</sup> Case number: Processo n. 2006.39.03.000711-8 e n. 709-88.2006.4.01.3903

<sup>4</sup> Jornal Brasil de Fato. By court order of the TRF1, *Norte Energia* paralyzes work on Belo Monte <http://www.brasildefato.com.br/node/10423>. Accessed on: 24/08/2012.

<sup>5</sup> Supreme Court News – Notícias STF. Belo Monte: Minister Ayres Brito defers injunction required by AGU. Available at (Portuguese): <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=216344> Accessed on: 27/08/2012

<sup>6</sup> See, for example: The Brazilian Electrical Sector and Sustainability in the 21<sup>st</sup> century: Opportunities and Challenges (2012) [O Setor Elétrico Brasileiro e a Sustentabilidade no Século 21: Oportunidades e Desafios (2012)] (Portuguese with English executive summary) Available at: <http://www.simposioenergia.com.br/?area=publicacao&lingua=pt-br>

<sup>7</sup> The Basic Environmental Plan (PBA) of the consortium reports that the mitigation measures will be implemented only after full installation of the project in 2020.

<sup>8</sup> In July and August 2011 the company technicians reported that starting in January 2012 fishermen would be forbidden to travel and fish on the Xingu River; which will dry nearby streams; where roads will not be available for transit; where local residents (including fishermen) will need to acquire cars for themselves (enabling them to transport themselves) even if they do not live in Altamira. In a meeting in September 2011, the President of one of the Fishermen Associations (ACEPOAT) questioned the consortium about the rights of fishermen in the context of the construction of Belo Monte. The company informed them that no rights would be afforded to fishermen, because after construction (2020) fishing would be permitted again, the company would build fish tanks to promote the livelihoods of fishermen, showing a budget for this project of R \$ 580,000,000 (US\$ 285,500,000).

<sup>9</sup> Representatives of the Public Defender and lawyers working on lawsuits brought by fishermen (ACEPOAT, Colony Z-57 and Z-12), riverine and farming communities, and other traditional populations.

<sup>10</sup> Afterward the judge reconsidered his decision and declared that his ruling had been altered.