

Tribunal Popular

“Ferrogrão in the defendant’s chair”

Santarém, March 4, 2024

Note: This is an automatic Google translation of the original text in Portuguese, which can be found [here](#).

Defendants: Ferrogrão project and accomplice companies.

Judges: Representatives of the Munduruku, Kayapó, Panará, Apiaká, Kumaruara, Tupinambá and Xavante, quilombolas and traditional communities, family farmers, settlers, and social movements from the Tapajós and Xingu regions.

VERDICT

1. Report

This Popular Court, composed of representatives of the indigenous peoples Munduruku, Kayapó, Panará, Apiaká, Kumaruara, Tupinambá and Xavante, quilombolas and traditional communities, family farmers, settlers, and social movements from the Tapajós and Xingu region, installed in the city of Santarém (PA) on March 4, 2024, judge the Ferrogrão project (EF-170), its violations and its accomplices.

This project was designed by a group of agribusiness trading companies (ADM, Cargill, Bunge, Louis Dreyfus and Amaggi) in 2014, when the paving process of BR-163 was already at an advanced stage. This is a 933 km railway project that would follow the route of BR-163 and part of the Transamazônica, connecting Sinop, in the north of Mato Grosso and the district of Miritituba, on the right bank of the Tapajós river, in the State of Pará The primary objective is to make the flow of agricultural production in the region cheaper, aiming to expand the production and export of soybeans and corn within the scope of the Northern Logistics Corridor - whose

ports, waterways, and highways already accumulated liabilities and serious violations of human rights and the rights of nature.

The project gained traction with Michel Temer and became a priority in Jair Bolsonaro's government, being under analysis by the Federal Audit Court (TCU) since 2020. To make the work viable, a Provisional Measure issued by Temer intended to exclude around 862 hectares from the Jamaxim National Park, a large and important area of environmental preservation where indigenous peoples of the region develop their ways of life and have ancestral ties.

This measure gave rise to Direct Unconstitutionality Action 6,553 in the Federal Supreme Court, which resulted in 2021, in an injunction that suspended the development of the project. In May 2023, however, Minister Alexandre de Moraes authorized the resumption of studies on Ferrogrão and recommended a conciliation process, providing a more favorable environment for the project.

Sectors of the Lula government defend Ferrogrão and resources for its studies were assured by the new Growth Acceleration Program (PAC), published in August 2023. In the same month, the president of Cargill in Brazil, Paulo Souza, declared that "It is not possible to be against Ferrogrão. It's irresponsible."

Studies indicate that at least 16 indigenous lands and 104 rural settlements will be affected by the synergistic and cumulative impacts of the railway, which would profoundly affect the ways of life and rights of the region's inhabitants, who were never consulted. It is noteworthy that the railway proposal increases pressure on territories already impacted by the Northern Logistics Arc, ignores logistical alternatives, has flawed technical studies, questionable economic and socio-environmental viability, and favors an increase in deforestation, land grabbing, mining expansion of the agricultural frontier over the Cerrado and the Amazon.

In this context, the present People's Court welcomed and investigated the following accusations against the Ferrogrão project and its sponsors and accomplices:

1.1 Violation of the right to free, prior, informed and good faith consultation, guaranteed by Convention 169 of the International Labor Organization (ILO) and internalized into Brazilian

legislation. According to the accusation filed by Alessandra Korap Munduruku, from the Pariri Association, a is the People's Court:

We have to be consulted. The government has to understand that it will not be the one who decides. It's us: the indigenous peoples, the quilombolas, the fishermen, the farmers. No one was consulted and this is a violation.

1.2 Flawed studies and subdimensionament of related socio-environmental impacts and risks by

not properly considering the impacts on local populations, including indigenous peoples in voluntary isolation, ignore the relationship between the railway and the expansion of the agricultural and mining frontier in the region, and fail to evaluate the synergistic and cumulative effects of several projects in the same territory, such as the paving of the highway BR-163, the transshipment station in Matupá, port terminals, existing and planned waterways and hydroelectric plants in the Tapajós basin. Representing the Kabu Institute, Mydjere Kayapó Mekrãgnotire stated in his indictment that:

There are flawed studies that say that the railway would go far, but that's not true. We who are in the territory know. We will no longer accept studies carried out without our participation, they must be transparent.

1.3 Flagrant violation of the rights of nature, notably in relation to the Amazon and Cerrado

biomes as a result of the deforestation necessary for the construction of the railway and the expansion of the production of agricultural commodities in the region, affecting parks and conservation units. When presenting its accusation, the representative of the Tapajós Vivo Movement, Vivi Borari, highlighted that:

Article 5 of the Federal Constitution imposes on the public authorities and on all of us the duty to defend and preserve nature for present and future generations. (...) The impacts of this project would violate the Environmental Conservation

Units; Settlements and Indigenous Lands that protect our common good, that is, nature.

1.4 Increase in land speculation, grabbing of public lands, deforestation, fires and land conflicts due to the announcement of the Ferrogrão project, which harms the territorial governance of the Tapajós-Xingu Corridor region and promotes socio-environmental impacts even before its development. In the accuser's terms chief Abiri Kayapó chief:

Everything is already deforested, it's all soybean plantations. Ferrogrão will bring more impact and many bad things, people are increasing soybean plantations. The trees that I saw when I was young no longer exist, the road (BR 163) passed right through the middle.

1.5 Undue favoritism of the interests of transnational companies Cargill, Bunge, Louis Dreyfus and Amaggi, who are creators of the project and accomplices in its violations, aiming to increase its profits by facilitating and expanding the transport of agricultural commodities for export. In the accusation of representative of the Movement of People Affected by Dams (MAB), Frede Vieira:

Transnational companies such as Bunge, Cargill, Louis Dreyfus, Amagi and all the companies subordinate to them, defend a narrative with the false discourse of 'development and progress', have been committing crimes wherever they operate. (...) The project of Ferrogrão aims to increase profitability, with the concentration of wealth in the hands of a few and the distribution of misery in the lives of thousands and millions, reducing their logistics routes, ignoring cultures, traditional ways, indigenous peoples, peasants, riverside dwellers, workers from urban areas, districts, and hundreds of communities in the Tapajós region and not just BR 163, taking away the right of those affected to say no.

Going over the right to fair consultation. (.. .) AHistory has already proven to us that this model does not serve us.

2. Facts and testimonies

Over 8 hours of testimonies from representatives of indigenous peoples and affected traditional communities, farmers, settlers, experts, social movements, and government representatives; and having gathered studies, opinions and declarations, which are included as annexes to this sentence, the People's Court recorded the following evidence regarding the charges:

2.1 Regarding violation of the right to prior, free, informed and good faith consultation (CPLI)

It is observed that in September 2016, the Temer Government took the political decision to include Ferrogrão's proposal in the Investment Partnership Program (PPI) using only preliminary studies that did not effectively consider its socio-environmental impacts and without any consultation process free, prior, informed and in good faith, together with indigenous peoples and other traditional communities affected.

The project continued as a government priority during Bolsonaro's administration, when it was included in the National Logistics Plan (PNL 2035), again without carrying out the necessary prior consultation with potentially affected people and communities. PNL 2035, under the responsibility of the Ministry of Infrastructure, did not even consider socio-environmental risks as a factor for project selection, and did not consider any future scenario without Ferrogrão, which demonstrates the strong influence of the agribusiness lobby and international companies.

Under the current government, the project was maintained in the PPI and included in the new PAC (Growth Acceleration Program), again without any prior, free and informed consultation process.

In testimony to this Court, the witness Edivaldo Poxo Munduruku declared that:

The government cannot decide without consultation. (...) We ask that Alexandre de Moraes see us. He can send people to the Indigenous Land to listen to us. But who will decide whether the project will happen or not is us, the indigenous peoples. The consultation must be carried out in all villages, from the youngest to the oldest. (...) We hope that the government listens to our voices, because we, the indigenous people, have the power of veto.

In turn, in his testimony, Takakpe Kayapo, representative of the Raoni Institute and FEPOIMT stated that:

Our territory in Mato Grosso is already greatly affected by soy. Everything will get worse with the railway. We have children and life in our territory. We are here as a voice to defend nature. Today around our territory there are only farms, we were cut off by a road. (...) But today each territory has its own consultation protocol. And we are here to demand respect for our right to be consulted in good faith, before placing a project near or within our territory. We are here to say no to any project that affects nature and affects our rights.

On this point, it should be noted that the obligation to carry out CPLI is contained in Convention No. 169 of the International Labor Organization, which was incorporated into the internal system by Decree No. 5,051, of April 19, 2004. This provision determines that the consultation must be given in the political mold of traditional peoples and communities, which have the right to consent to or veto the proposal presented and their position must be respected by the State and entrepreneurs.

In the case of the impact zone of the Ferrogrão project, the witness Pedro Martins, FASE lawyer, highlighting the plurality of people and experiences in the Tapajós Basin, presented a survey of existing consultation protocols, highlighting that none of them were respected given the complete absence of consultation in the project planning stages, namely:

Munduruku Protocol, Protocol of the Fishermen and Fisherwomen of Itaituba, Mountain and Mangabal Protocol, Panará Protocol, Xingu Park Protocol, Kayapo Protocols of the Baú and Menkragnoti TIs Pimental and São Francisco Protocol, Kumaruara Protocol, Tupinambá Protocol, Protocol of Munduruku de Taquara, Protocol Munduruku and Apiaka do Planalto, Protocol of TI Cobra Grande, Protocols of Fishermen and Fisherwomen of Z20, and Protocol of Quilombolas of Santarém

Martins also highlighted that:

Even without having left the drawing board, this grain transport railway presents damage to those who will be affected. [...] Its planning follows an expropriatory model of development designed for the Amazon, clashing with local ways of life. {...} While the executive and the judiciary deal with the project and its economic viability, it is the indigenous and traditional peoples who demand the right to participate in decisions and the right to consultation. [...] The TCU indicated that the project should carry out consultation in its planning process, that is, in the decision-making phase.

The witness Kleber Karipuna, Executive Coordinator of the Articulation of Indigenous Peoples of Brazil (APIB) and representative of the Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB) pointed out that:

(...) This court and this defendant represent not only Ferrogrão, but other projects that are being considered without any consultation with the affected people. The right to consultation was won by indigenous peoples, quilombolas and traditional communities and must be respected and not left as just an international convention: it has the power to read and must be respected. [...] Public hearings held in municipal headquarters do not compare in any way to the consultation that must be carried out in the territories. The people's consultation protocols must be respected as they were designed in the territories and the absence of the protocol instrument is not an impediment to the consultation of a people affected by the project. The physical protocol is just the materialization of a people's traditional way of making decisions. Convention no. 169 of the ILO is self-applied and the people must be heard on any measure that may affect it. [...] We highlight the importance of the consultation process being carried out by the State and not by businesspeople, to guarantee both the consultation process and the community's final decision.

A witness Pasyrna Panará, president of the Iakiô Association reported that:

When BR 163 was opened it was a huge problem for the Panará people, we were even expelled from that territory. (...) Today everything is contaminated by BR163. Why? Because we were not consulted. We didn't know what it was or what it was for. For us it was a great destruction. That's why I came here to talk about our Protocol. (...) You need to consult us, you need to listen now. We don't want any more conflict, we want respect.

Also in this sense, Alexandre Arapiun from the Tapajós Arapiun Indigenous Council (CITA), representing 14 peoples from the region, declared in his testimony to the Court that:

Ferrogrão represents a project of death. [...] The result of indigenous struggles is respect for self-determination. We don't need to stop being indigenous, we can live the way we think is best, respecting our identity. The State needs to respect our identity! And this identity is realized in the territory. We are the ones who make decisions in the territories and this process is materialized in the consultation protocol. The materialization of the consultation protocol is the result of our autonomy and dignity. Not respecting the consultation is not respecting our perspective of life in the territory. [...] History has already shown that our life projects always win, but for that to happen we need to be united!

2.2 Regarding the failure of studies and underestimation of regional socio-environmental impacts

Network SurveyXingu+ highlights that the preliminary studies that supported the Ferrogrão project are flawed because they do not consider the inclusion of the Matupá/MT Terminal, do not present an analysis of cumulative impacts at a regional level, nor do they provide an assessment of climate risks in the context of Ferrogrão. Furthermore, the aforementioned studies are not in accordance with federal guidelines for reducing deforestation in the Amazon, prioritized in the fifth phase of the Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm) and do not present a socioeconomic cost assessment. benefit with distributional analysis.

Among the serious deficiencies in Ferrogrão's planning, there is also an “optimistic bias” that greatly overestimates the economic viability of the project. In studies contracted by the Amaggi-ADM-Bunge-Cargill-Dreyfus consortium, capital goods investments (CAPEX) of R\$ 10.68 billion were estimated with a project implementation time of nine years. In contrast, the independent study by economist Cláudio Frischtak demonstrated that Ferrogrão's CAPEX would, in reality, be in the order of R\$34 to 40 billion, with an implementation time of 22 to 24 years, and draining R\$30 to 37 billions of reais from public coffers.

It is, therefore, a public work operating as a concession for a private project, which allocates billions of reais that could be spent on improving lives for the Brazilian people instead of serving government interests and transnational companies. Witness João Andrade, from the Infrastructure and Socio-Environmental Justice Working Group (GT Infra), heard by this People's Court, also highlighted that:

(...) preparatory studies on the economic viability of the work did not consider competition with other flow routes, such as FICO (Center-West Integration Railway / section: Mara Rosa-GO to Água Boa-MT) and the Ferronorte extension (extension of the São Paulo network / section: Rondonópolis-MT to Lucas do Rio Verde-MT), as well as the Oeste Leste/FIOL Integration Railway, integrated by the Centro Atlântica Railway towards Bahia de Todos os Santos, as shown by studies of the Bahia Strategic Logistics and Transport Plan in 2005.

It is worth noting that the impacts of using BR-163 as an access road to construction sites, in terms of traffic congestion and deterioration of the highway's maintenance conditions, were not considered in Ferrogrão's planning. Furthermore, the calculations mentioned above about the economic and financial unfeasibility of Ferrogrão do not even consider various externalities, such as negative socio-environmental impacts of this mega-project in a sensitive region of the Amazon.

About the undersized impacts and socio-environmental risks of the project, including cumulative and synergistic effects with other large projects in the region, such as ports and waterways in the middle and lower Tapajós, hydroelectric plants on the Tapajós, Jamanxim and Teles Pires rivers, and the paving of the BR- 163, it is worth highlighting the gigantic liabilities regarding the violations and impacts of these other projects and the capacity that Ferrogrão would have to deepen deforestation and violations against traditional peoples and communities.

Francisca Barroso, of the Agroecological Network of the municipality of Trairão, located on the edge of the BR163, testified to this effect to this People's Court:

Ferrogrão bypasses settlements already titled without anyone being consulted. Relatives have a consultation protocol, but we are expelled because we were thrown into settlements without documents. This damn Ferrogrão project will hurt us even more. There is still the duplication of BR-163 and they will need more places to plant soybeans. With BR 163 already implemented, we are unable to plant because soybean pesticides are dropped by drones that destroy small farmers' crops. [...] This project of death, without studies, will end our people and our nature.

A witness Caique Kretó Panará, the oldest of this people, also described the impacts of the construction of BR 163 on them:

BR-163 destroyed all nature, where the Panará planted and hunted. The tractors destroyed the territory and pushed the Panará out. [...] Ferrogrão, soy is poisonous, children don't eat soy. We will continue to defend the territory we have.

Professor Jondison Rodrigues, from the Federal University of Pará, testified to this Court about his research regarding the impact of ports in the region:

Transnational companies that control 70% of world soybean production are concentrated in Media Tapajós. (...) There are 22 ports operating in the region. (...) In addition to the population swelling caused in Itaituba, there was an increase in the cost of living; greater demand for education and health; what the city cannot provide; worsening access to drinking water; 24 hours a day of noise pollution with 1800 trucks coming and going; pollution of the Tapajós River;

privatization of roads and rivers; prohibition of fishing in traditional locations; destruction of archaeological sites; increased deforestation; real estate speculation; increased vulnerability points for children; encouraging prostitution and the sex market in the region.

2.3 Regarding the violation of the rights of nature

Studies by the Climate Policy Initiative (CPI) and the Pontifical Catholic University of Rio de Janeiro (PUC-Rio) indicate that Ferrogrão will stimulate the production of soybeans and other agribusiness commodities destined for export, intensifying carbon emissions by 75 million tons by directly contributing to the deforestation of more than 2 thousand km² of native forest.

The Remote Sensing Center at the Federal University of Minas Gerais (CSR/UFMG) also warns of the impact on another 4.9 million hectares of protected areas in 48 municipalities in the railway's area of influence. Furthermore, In terms of socio-environmental risks, there is the possibility that Ferrogrão will also allow the expansion of mining projects.

It should be noted that there are several protected areas that would be impacted by Ferrogrão and, for the most part, were not even considered by the studies that support the project, namely: FLONA do Crepori; FLONA do Amanã; FLONA do Trairão; FLONA from Altamira; RESEX Riozinho do Anfrísio; Tapajós APA; FLONA do Jamanxim; APA Tapajós; PARNA Amazonia; PARNA Jamanxim (considered in the feasibility study); FLONA Itaituba I; FLONA Itaituba II; FLONA Betray; FLONA Altamira; FLONA Jamanxim; FLONA do Crepori; REBIO Nascentes da Serra do Cachimbo (considered in the feasibility study); RESEX Riozinho do Anfrísio; and Cristalino II State Park.

In his testimony to this Court, Chief Jairo Saw Munduruku stated:

What is progress for them (companies) is destruction for us. What remains of our forest, of our territory, is just a small piece. We reoccupy our territory because it is ours, we are not invading. The government has already recognized, in the

Constitution, that this territory is indigenous. It is the State's duty to demarcate, protect and to recognize that people live from agreement with their organizations, beliefs, cultures... their policies. [...] All non-indigenous societies talk about the Amazon, Brazil's and the world's greatest heritage. But are they worried about protecting? Are they protecting the Amazon? [...] The trees, nature are dying.

Speaking of Kayapó, Greimoroi Kayapó denounced the impacts that soy already causes in its territory. In her speech she pointed out that Ferrogrão would intensify attacks on nature:

They throw poison on soybeans and when it rains it takes this poison to the stream, and the stream falls into the river. It's where our children bathe, where we catch our fish, and because of this pesticide some children got sick. (...) I am against Ferrogrão because it brings destruction, it only brings death to the environment.

Haggai Mangabal also gave his testimony:

We were not consulted, this violates ILO Convention 169. I am here to say that Ferrogrão violates the rights of people and nature. We are against Ferrogrão.

Guilherme Antunes, anthropologist from the Indigenous Missionary Council (CIMI) denounced the illegality of the attempt to dismantle conservation units for developments, the subject of ADI 6,553 in relation to Jamanxim Park. Pointed out:

The commodification of nature is not the future, it is the past. (...) Ferrogrão will affect 11 thousand hectares of protected areas and will encourage more deforestation, more species extinction, terrestrial and aquatic. This is because it is not just a grain corridor, it will also serve logging and mining. Does this image

match the image that Brazil wants to convey to the world with COP 30 next year?
(...) The future is recognizing that nature also has rights.

2.4 Regarding the anticipated impacts of Ferrogrão on the territorial governance of the region

Decree 1164/1971 can be understood as the land AI 5 of the Amazon, being the act that authorized the Dictatorial Government to practice genocide against the indigenous peoples of the Amazon, as it authorized forced contact, the removal of these people from their traditional territories, and exposure to unknown diseases that exterminated several indigenous groups along BR 163. Since then, without concrete measures to prevent land grabbing, large farmers continue to improperly occupy public lands, destroying the forest, receiving money from public banks and installing vast areas of livestock and soybean farming, removing the forests with intense fires that release thousands of tons of carbon into the atmosphere.

In this context, the mere announcement of the possibility of building Ferrogrão and expanding ports in the region heated up the illegal land market, and real estate speculation, increased the number of fires and put at risk Rural Settlements such as Environmentally Differentiated ones, Conservation Units and Lands Indigenous.

In this regard, witness Adriano Macedo from the Pastoral Land Commission (CPT) highlighted that:

In Miritituba, real estate pressure is putting pressure on two Munduruku villages on the banks of the river, Praia do Índio and Praia do Mangue. The areas where people used to fish and hunt are now subdivisions. In this region there is intense traffic of trucks with soybeans. In Trairão, real estate speculation operates in rural properties: people are pressured until they have no option but to sell their land.

Furthermore, as highlighted by a survey by the Instituto Socioambiental (ISA), the Ferrogrão project disrespects the Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm) 5th Phase, notably the objectives for land and territorial planning

in the Amazon, the know: “guarantee the allocation and protection of undesignated public lands; Expand and strengthen the management of protected areas; and Align the planning of large enterprises and infrastructure projects with national goals for reducing deforestation”.

The ISA survey also points out that there is still no full recognition of territorial rights of indigenous peoples in the region where Ferrogrão is located, given that the identification, delimitation, demarcation, approval and regularization, as well as the removal of invaders, of the 16 indigenous lands are still pending. potentially impacted by the Ferrogrão project; and that the completion of the titling of rural properties in agrarian reform settlements in the region remains pending.

Regarding the situation of the settlers, Maria Márcia, from the Terra Nossa Settlement, highlighted:

We respect each other, but the government is the one who has to respect us. It is the government that can stop Ferrogrão. [...] It's the same as Belo Monte! [...] We are going hungry, farmers are living on a basic food basket because we cannot plant crops.

Chief Manoel Munduruku, in his testimony, highlighted that the situation on the Santareno Plateau is extremely worrying and that the advance of soybeans has intensified. In turn, witness Raquel Tupinambá highlighted that:

Ferrogrão is a project of death for the Forest Peoples. It is linked to other projects, such as the “Tapajós Waterway”, exploring our territories. Other areas will be allocated to soybeans. [...] In addition to deforestation, soy brings contamination of soil, water and our bodies by pesticides. [...] With Ferrogrão the pressure will increase even more and the populations living in Tapajós will suffer even more.

Eli Tupinambá, representative of the Federation of Indigenous Peoples of Pará (FEPIPA) stated:

For us indigenous peoples, the territory is life. The river today is poisoning breast milk, the fish are consuming poisonous water. [...] White people in suits aren't worried about us, about our Tapajós River.

2.5 Regarding the role of transnational companies in the marketing and export of agricultural commodities

The path for the flow of grains through the north of Brazil was opened by two of the largest trading companies in the world – with origins in the United States –, which are present in Miritituba: Bunge and Cargill. But they are not alone. Through diverse corporate strategies, which include direct investments, business alliances with national agribusiness, purchase of land and the operation of some of the links in this logistics corridor, we verified the presence of a group of transnational marketing companies specializing in exports: ADM, Bunge, Cargill and Louis Dreyfus, which are known as the ABCDs.

ABCDs are giant companies that appear in the rankings of the largest traders of grains, seeds, wheat, oils, oilseeds, soy, corn, cocoa, coffee, rice, sugar, salt, orange juice, fertilizers, metals, coal, plastic, petroleum and gas. These companies do not produce goods, their profit comes from intermediation and speculation with primary products, which explains the fact that they are the proponents and biggest defenders of the Ferrogrão project.

It should be noted that the ABCDs are all centuries-old companies and originate from countries in the Global North. The “youngest” is 118 years old. They operate in a culture of confidentiality and aggressiveness. Together, the ABCDs control around 80% of global soybean trade. In South America, they account for around 85% of total soybean exports.

In relation to Cargill, the witness Matthew Jacobson, representative of the American organization Stand Earth pointed out that:

The 1,000,000 km of railway that would pass through the heart of the Amazon were proposed by transnational companies Cargill, Bunge, Louis Dreyfus and

Amaggi for the Federal Government of Brazil. If it is built, the Government will hand over this country's resources to China and Europe. The profit will not be for the people of Brazil. Ferrogrão will be built in Brazil, it will be financed by Brazil, it will destroy Brazil's forests and territories, but only a small profit will remain in Brazil. The rest will be exported, as well as soybeans and corn.

Founded in 1865, Cargill operates in 59 countries and is the largest privately held company in the world, with members of the Cargill-McMillian family as the sole shareholders. In 2010 alone, its sales in the sectors of grains, seeds, fertilizers, metals and energy reached US\$ 108 billion. In 2019, the profits distributed to its shareholders amounted to US\$640 million. The giant is marked by a culture of confidentiality and aggressiveness and invests in advertising campaigns to create a friendly image, with its main motto “helping the world prosper”.

Cargill began its activities in Brazil in 1965 and is today one of the most important companies in the country's food industry. It owns several brands of food products: tomato products such as On Pomaro, Elefante, Tarantella and Pomodoro, as well as mayonnaises such as Liza and Maria. In 2019, the company led soybean exports in Brazil with total shipments of more than 17 million tons. It began operating an export terminal in Santarém/PA in 2003, where it encountered strong social protests. At the Private Use Terminal (TUP) in Santarém, the circulation (shipping, storage and transshipment) of around 5 million tons of soybeans is carried out. In this TUP, 95% of the soy received comes via the Tapajós and Madeira rivers by barges. Only 5% comes directly by land to TUP.

The soy that comes from Mato Grosso via the Tapajós River arrives by truck at the Cargo Transshipment Station in Miritituba (ETC), which began operating in 2014. Currently, this ETC operates 4 thousand tons of soy per month, in idle capacity, according to information on the company's page. With the operation of the Arco Norte infrastructure, on the Tapajós Axis, which includes Ferrogrão, this capacity could enter full operation, with the TUP in Santarém being able to operate 15 million tons with the installation of the railway.

Bruna Balbi, lawyer for Terra de Direito, testified to the Court that:

The consortium EDLP – Estação da Luz Participações Ltda, chaired by Guilherme Quintella, representative of the largest Brazilian agribusiness companies, carried out the Ferrogrão studies. The companies that paid for the railway's technical and environmental diagnostic studies also have names: Amaggi, ADM, Bunge, Cargill, Dreyfus. ADM, Bunge, Cargill and Dreyfus are the four largest cereal traders in the world and, together with Amaggi, the five largest soybean traders in Brazil.

(...) The Ferrogrão project is being conceived as the backbone of the logistics network that directly favors companies linked to agribusiness, to the detriment of the rights of traditional peoples and communities to land and territory and to prior, free and informed consultation and consent. informed. The curious thing is that these companies only exist and operate because centuries ago other people who spoke the same foreign languages stole the gold from our rivers and the milk from the rubber trees. The people and other authorities who meet in this court today have the future of the Amazon and the Cerrado in their hands, which, as has already been widely demonstrated, is, inevitably, the future of the human species.

In his testimony to this Court, the Chief Jurandir Xavante, pointed out that:

The government is handing over our lives, without looking at the environment and without seeing the violence. The STF has to say no to Ferrogrão! [...] Cargill came to exploit Brazil as if the workers were slaves and hit us. We have to go there to the land of this company to report what they're doing. [...] Is soy food? It's for cat and dog food. Cargill is a killer company, along with Bunge, Dreyfus and Amaggi. We can't hide this, we need to talk about these companies that destroy us. Cargill killer! Cargill genocide!

The representative of the Tapajós Vivo Movement, Alice Matos also testified in this regard, highlighting:

We residents of the region only see death, death of nature, death of people, death of our history, we only notice the dust when loading Corn and Soy, which contaminates the river, the fish and the people, which makes the city ugly, not even being able to see the sunset as it is like a monster on the banks of the Tapajós. (...) Without Ferrogrão, Cargill exports 5 million tons of grains per year. With Ferrogrão, this number triples, with 15 million tons. But what does it mean? This is not good, it triples our destruction. It means more deforestation, more land grabbing, more pesticides, more deaths of our people.

3. Other testimonials

After speaking to everyone present at the People's Court, the following demonstrations were recorded:

3.1 This is Pitaguary, from the Ministry of Indigenous Peoples, declared: "We know we have many challenges ahead. We managed to place a popular president, but we did not achieve the same feat in the National Congress, people who could join the indigenous people's demands. When we come across these agribusiness projects, with strength in Congress, our hands are often tied. But we will defend the rights of indigenous peoples until the end. Affected people and communities must be consulted."

3.2 Divanildo from CIMI stated: "Even this one isn't a court linked to the justice system, it serves as a light, an overview of what is happening in the ferrogrão project and its impacts. It is time to bring about the justice that springs from the land and from the original and traditional peoples. To achieve this, the rights to consultation and self-determination must be guaranteed. It's time to raise our conscience and go upwards. The Tapajós-Xingu logistics corridor already

exists in the form of BR 163, in the form of terminals of transshipment and the liability for environmental damage that is already visible.”

3.3 Lilian Braga, from the Federal Public Ministry of Pará, said: “Today there is a decision from you regarding the existence of this infrastructure logistics. We are open to listening to you and contributing to you. The Public Ministry is supporting the task that has been very well carried out by APIB in guaranteeing indigenous rights.”

3.4 Karami Meturire, from the Raoni Institute, said: “We ask the authorities to listen to us first and support us. State representatives have to be here listening to us, there’s no point just following on social media.”

3.5 Gisela Baer, Public Defender of the Union, stated: “This is the first time that the DPU is here dealing with the Ferrogrão issue, I place myself as an institution at your disposal to deal with Ferrogrão. I make myself available to carry out a meeting with the National Human Rights Defender.”

3.6 Andrei, from Quilombo Bom Remédio de Abaetetuba, said: “We are in the fight together, today and always. We will always fight for what is rightfully ours, especially for the indigenous peoples, who were here long before. We are not just people, we are territory. Trails of destruction: Ferrogrão no!”

3.7 Thais Medeiros, attorney at the Federal Public Ministry of Itaituba, declared: "I congratulate the idea of the Court, which puts you in the position that you should never have left, the position of deciding. What you do here is call on the State to observe its duty (to promote free, prior and informed consultation). We are monitoring the impacts of the people who may be affected by this project and I say that the MPF is walking alongside you. Our agenda is your agenda”.

3.8 Ediene Kirix Munduruku declared: The Munduruku People came to repudiate this company that is violating our rights. This court was formed by us to say that we are against these projects that are coming to our territory. I want to ask companies: 'Cargill, what right do you have to enter our territory the way you are entering these rights violations?'

4. Conclusions

Having presented the reasons of fact and law, this People's Court concludes that all accusations presented against Ferrogrão and its accomplice companies are valid. The undisputed fact that the project was included in government planning (PPI, PNL, PAC) without considering its socio-environmental risks and economic viability, without observing possible alternatives and without respecting the people's right to prior consultation and consent indigenous people and other traditional communities affected by the proposal results in blatant defect of origin.

Lack of free, prior, informed and good faith consultation with all affected indigenous peoples and traditional communities – and which invariably would suffer with the loss of their territories and ways of life - it is incompatible with the Brazilian legal framework and with the Human Rights commitments assumed internationally by Brazil. In that sense, the Ferrogrão project and the identified complicit companies affront the rights of dozens of indigenous peoples and traditional communities.

The proof of the existence of flawed studies, which underestimate the socio-environmental risks and ignore the flagrant synergistic and cumulative impacts, in addition to the existing liabilities of violations resulting from other infrastructure works in the Tapajós-Xingu Logistics Corridor, constitute a scenario of dangerous socio-environmental destruction. Likewise, the alarming estimates of deforestation and expansion of the agricultural frontier over the Cerrado and the Amazon constitutes clear violations of the rights of nature.

This People's Court also concludes that there is no there are doubts that the A mere announcement by Ferrogrão has already caused damage to territories and their inhabitants, having proven increased land speculation, grabbing of public lands, deforestation, fires and land

conflicts, generating losses for indigenous peoples, riverside people, settlers and other traditional communities in their area of influence.

In view of the above, this Popular Court considers Ferrogrão as a dangerous symptom of a system of predatory and inappropriate infrastructure development, therefore, it is necessary to make determinations that go beyond the case of the railway in question. We therefore judge:

- a) that the federal government immediately proceed to carry out structural changes in decision-making instruments and processes in infrastructure planning, such as the National Logistics Plan (PNL), in order to guarantee the effective analysis of socio-environmental issues, with the evaluation of alternatives from the perspective of public interest, with transparency and participation of civil society, respecting the rights of people and local communities . Aligned with priority government initiatives, such as the PPCDAM, Climate Plan and Ecological Transformation Plan, these changes should serve as a basis for making decisions about new infrastructure works in the Tapajós-Xingu, Madeira and Tocantins logistics corridors;

- b) whatBefore making any political decisions on transport and energy infrastructure projects in the transport and energy sectors in the PPI, PPA and PAC, the right to free, prior, informed and good faith consultation is guaranteed of indigenous peoples, quilombolas, riverside communities and other traditional communities, respecting their binding nature of consent or veto. It is noteworthy that when there are autonomous protocols for people and communities, this consultation must take place in their terms,as in the case of the Munduruku Protocol, Protocol of the Fishermen and Fisherwomen of Itaituba, Mountain and Mangabal Protocol, Panará Protocol, Xingu Park Protocol, Kayapo Protocols of the Baú and Menkragnoti TIs, Pimental and São Francisco Protocol, Kumaruara Protocol, Protocol Tupinambá, Protocol of the Munduruku of Taquara, Protocol of Munduruku and Apiaka of Planalto, Protocol of TI Cobra Grande, Protocols of Fishermen and Fisherwomen of Z20, and Protocol of Quilombolas of Santarém;

- c) that the Federal Government and the state governments of Pará and Mato Grosso take urgent measures to strengthen territorial governance in the region of influence of the BR-163 highway and waterway between Miritituba and Santarém, especially in terms of combating the grabbing of public lands, recognition of territorial rights of indigenous peoples and other traditional populations, and combating organized crime, taking into account the liabilities of non-implementation of the BR-163 Sustainable Plan and setbacks in environmental policy during the last government, and promoting removal of improper occupants from undesignated and designated public lands (Indigenous Land, Conservation Units and Environmentally Differentiated Settlements).
- d) that the Federal Government adopt a new vision on infrastructure for the Amazon, based on the recognition of forests and rivers as the main infrastructure of the biome and the need to prioritize support for community initiatives aimed at strengthening food security and sovereignty, generating income based on socio-biodiversity chains, as well as improvements in programs of health care and education, with investments in transport, energy, sanitation, and communication, including access to high-speed internet, respecting traditional knowledge and the need for transparency and popular participation.

Finally, considering the serious defects in Ferrogrão's planning, the violations of the rights of nature and of the region's traditional peoples and communities, as well as the need to protect Brazilian biomes and the future of the planet from the interests of multibillion-dollar transnational companies, **is the People's Court determines a immediate and definitive cancellation of the Ferrogrão project by the Federal Government and the due responsibility of ADM, Bunge, Cargill, Amaggi and Louis Dreyfus for the data incurred against nature and the inhabitants of the Tapajós and Xingu region.**

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