



There Will Be Blood

The Ugly Truth Behind
Cheap Chicken

 **earthsight**

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Earthsight

Earthsight is a non-profit organisation committed to harnessing the power of primary investigative research and reporting to bring attention to pressing issues of human rights and environmental justice. We aim to get to the core of an issue, using a range of investigative research methods to obtain first-hand, documented evidence of crimes against both people and the planet which is irrefutable and impossible to ignore. By following the money and tracing supply chains, our research also aims to expose the complicity of consumers and financiers in abetting these abuses.

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Cross at Takuara marking the burial site of Kaiowá leader Marcos Veron. Farm trucks can be seen in the background

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INTRODUCTION

This is a story which takes in ritzy celebrity-studded birthday parties in gilded mansions. But also brutal murder.

It features one of a handful of businesspeople whose actions helped spark the environmental catastrophe which has swept Brazil in the last few decades. They and their ilk have grown rich from the destruction of vast tracts of its precious tropical forests, bringing devastation to the people dependent on them. It also features one of Brazil's most prominent indigenous rights defenders, and a powerful tale of bravery and defiant hope on the part of his family and community, against all the odds.

On its own, it is a shocking tale, and one which demands justice in Brazil and action by the Western brands to which it is linked. But it is more than that. There are a multitude of similar cases equally deserving of attention, but which remain unexplored. This story therefore holds much wider lessons, both for Brazil and the world.

It exposes the shadowy, complex links involving multiple countries and commodities which characterise the nexus of money, corruption, land grabbing and environmental destruction which plague Latin America. But most of all, it shows that even when the forest is long gone, the story is far from finished – and neither are Western consumers' responsibilities.

The world is beginning to recognise those responsibilities. But in the legislative efforts underway in Europe and the US to sever ties to deforestation and human rights abuses overseas through the consumption of commodities, the devil is in the detail. And the details are not yet right.

**THIS IS A SHOCKING
TALE THAT
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1. A LANDSCAPE OF VIOLENCE

PROMINENT INDIGENOUS LEADER MARCOS VERON WAS BEATEN TO DEATH DURING ONE AMONG A LONG HISTORY OF VIOLENT ATTACKS AGAINST GUARANI KAIOWÁ COMMUNITIES

In the dark, early morning hours a peaceful silence fills the encampment in rural Brazil where Guarani Kaiowá men, women and children rest after a momentous journey back to those lands.

Alas, that peace was not to last. The dozens of armed men who stormed the camp moments later were determined to inflict all the terror and pain necessary to drive the indigenous people away for good. Following the attack, prominent Kaiowá leader Marcos Veron lies dead on the ground after being mercilessly beaten.

These shocking events took place in Takuara, the sacred land where countless generations of Guarani Kaiowá had lived in harmony with nature.

But they are no longer welcome. As this investigation by Earthsight and Brazilian agribusiness watch group De Olho nos Ruralistas will show, Takuara is now a profitable soy farm inconspicuously but closely connected to household brands used by unsuspecting consumers across Europe.

Valdelice Veron lists the members of her family killed during the decades-long struggle for their ancestral lands. It's a long list. Among them is her father, still remembered for his courage and charisma. While she has drawn much inspiration from him, Valdelice has

become an important Guarani Kaiowá leader in her own right.¹ "Every time they kill a Veron, 10,000 Verons will rise up," she says. Valdelice remains firm her community will not give up their dream.

"Many massacres have happened for us to be here today. We're here because this is our sacred land, it's where we have our history and our memory. It's our *Tekohá* and we don't forget it."

While encroachment of indigenous territories in the Amazon has recently received much attention, the lesser-known Brazilian state of Mato Grosso do Sul, outside the Amazon biome, has a



Location of Brazil's Mato Grosso do Sul state

© Shutterstock



Guarani Kaiowá people in Mato Grosso do Sul, Brazil, mourn the killing of a community member by a farmer

© Ricardo Funari / Alamy

MATO GROSSO DO SUL LEADS NATIONAL RANKINGS OF KILLINGS OF INDIGENOUS PEOPLE, AS WELL AS OF SUICIDES AND OTHER SOCIAL ILLS AMONG INDIGENOUS COMMUNITIES

long history of egregious indigenous rights violations, not least against the Guarani Kaiowá people. Experts interviewed by our team were not afraid to use the terms genocide and extermination to describe this reality.² Mato Grosso do Sul leads national rankings of killings of indigenous people, as well as of suicides and other social ills among indigenous communities due

to extreme levels of deprivation and violence.³

The state is located in Brazil's centre-west region. Most of its territory falls within the Cerrado biome, although its northwest is dominated by the swampy lands of the Pantanal and its south-eastern tip by what little remains of the Atlantic Forest.⁴

It is in this state where the Guarani Kaiowá lived for millennia in numerous communities and in peace with the environment, without polluting its rivers or destroying its forests – a state of affairs that would drastically change following their expulsion from the land.⁵ One such community was Takuara, located in the municipality of Juti.



Photo: UESLEI MARCELINO REUTERS / Alamy Stock Photo

INDIGENOUS COMMUNITIES IN MATO GROSSO DO SUL WERE FORCIBLY REMOVED FROM THEIR ANCESTRAL LANDS AND CONFINED TO 'RESERVATIONS' TO MAKE WAY FOR AGRIBUSINESS EXPANSION

White settlers have been in contact with indigenous people in Mato Grosso do Sul for centuries.⁶ Yet it was not until after the War of the Triple Alliance (1864-1870)⁷ that an intense period of economic expansion in the region began. This period would eventually culminate in the large-scale displacement of Guarani Kaiowá and other indigenous peoples in Mato Grosso do Sul, as the history of Takuara illustrates.

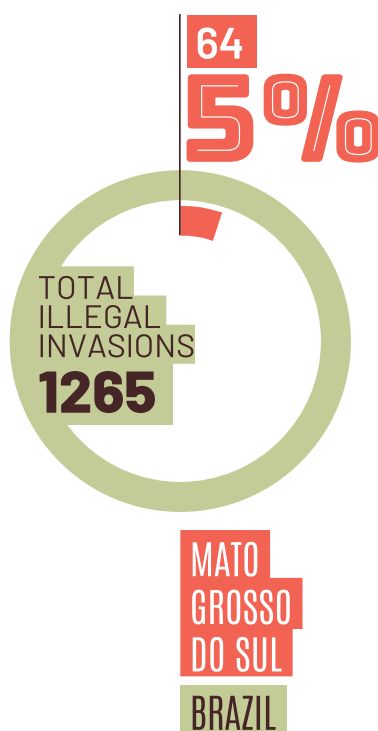
Following the war, the Brazilian government granted millions of hectares in concessions in the region to Companhia Matte Larangeira to grow yerba mate, a plant used to make tea.⁸

The heyday of Matte Larangeira in the late 19th and early 20th Centuries coincided with the Brazilian state's early efforts to 'pacify' relations between indigenous people and white settlers. In 1910, the Indian Protection Service (SPI) was created. Contrary to what its name suggests, SPI implemented the official state policy of forcibly removing indigenous communities from their ancestral lands and confining them to 'reservations' to make way for agribusiness expansion.^{9, 10}

Brazilian authorities saw indigenous communities as an impediment to progress. More than that, their presence was wilfully ignored. Anthropologist Levi Marques Pereira, who has studied Mato Grosso do Sul indigenous history for decades, told our researchers that "the state saw the territory as unoccupied. Indigenous communities were disregarded."

Removals were often violent, with accounts of children drowning while attempting to flee, women being raped, men beaten, and houses set on fire. Those who resisted or fled the reservations to return to their lands were branded 'savages' and either killed or sent to 'reformatories'.¹¹

Life within the reservations was grim. The SPI appointed so-called 'captains' among the indigenous people to maintain order. Communities were not allowed to perform their traditional prayers or rituals without their permission. Beatings, torture and restrictions of movement were common.¹² "To a large extent, the reservation was akin to a concentration camp," Pereira said.



Tellingly, Mato Grosso do Sul only accounts for 5 per cent of the country's cases of illegal invasions of indigenous lands due to a lack of titling of such lands compared to other states

Source: CIMI 2003-2020 annual reports

Source: CIMI 2003-2020 annual reports

Government inaction and a powerful agribusiness lobby in the state help place Mato Grosso do Sul among the Brazilian states with the highest numbers of indigenous land conflicts, **accounting for 30 per cent of the total**

It was within this context that the Guarani Kaiowá from Takuara found themselves in the crosshairs of authorities and businessmen. Despite Matte Larangeira's activities in the region, the Guarani Kaiowá held out in Takuara until the early 1950s.

With yerba mate in decline due to political pressures for the expansion of coffee and other crops, Matte Larangeira was keen to sell its increasingly unprofitable lands.¹³ The company initially offered the Guarani Kaiowá compensation to move out of Takuara.¹⁴ But after they refused, in 1953 SPI and police forces torched their houses and violently moved the community to the Caarapó Reservation, several kilometres away.¹⁵ The episode was traumatic. The bodies of two Kaiowá were found incinerated, and one child drowned while being chased.

With the community out of the picture, Matte Larangeira sold its 9,300 hectares of Takuara to coffee baron Geremia Lunardelli.¹⁶

Since then, the lives of the Guarani Kaiowá and other indigenous communities in Mato Grosso do Sul have seen little improvement. The SPI is long gone¹⁷, but with communities still lacking access to their ancestral lands, now dominated by large plantations and cattle ranches, its dark legacy lives on. Gruesome attacks against communities perpetrated by armed militias and state forces – often leaving behind a trail of death, physical and psychological trauma – have continued.¹⁸

Historian Rosely Stefanos of the Mato Grosso do Sul State University told Earthsight and De Olho nos Ruralistas that "indigenous people in Mato Grosso do Sul are treated like dogs. Their humanity is stripped away so they can be killed. These killings are meant to instil fear in the communities."¹⁹

Yet Mato Grosso do Sul is also a place of hope and resistance. Out of this cruel reality, brave indigenous men and women have sacrificed much, including their own lives, to defend their peoples' rights.

WITH COMMUNITIES STILL DENIED ACCESS TO THEIR ANCESTRAL LANDS, NOW DOMINATED BY LARGE PLANTATIONS AND CATTLE RANCHES, THE DARK LEGACY OF EVICTIONS LIVES ON



2. THE STRUGGLE FOR TAKUARA

"THE COURTS ALLOW THE FARMER TO STAY BUT NOT THE INDIGENOUS PEOPLE. WE HAVE TO WAIT OUTSIDE. IT'S ALWAYS BEEN THAT WAY."

TONICO BENITES,
GUARANI KAIOWÁ LEADER

Marcos Veron, Valdelice's father, had a tough childhood. According to some accounts, both his parents were murdered by a farm overseer before he was 10. As a young man he ended up in one of SPI's reservations, where he reportedly endured forced labour.²⁰ Veron is said to have become acutely aware of his people's suffering from an early age. His life-long activism bears this out.

From the 1960s to the early 2000s Veron was a prominent leader in indigenous struggles in Mato Grosso do Sul, acquiring national and international notoriety for his powerful oratory and conviction. The state, however, saw things differently. During that period, Veron was twice imprisoned²¹ for supporting communities attempting to reclaim their ancestral lands from agribusiness.²²

The aim of these incursions, known in Brazil as *retomadas*²³, was to pressure the federal government to officially recognise ill-gotten farmland as traditional indigenous lands. Brazilian law provides the legal basis for such policy, although successive governments have failed to fulfil this mandate.

The *retomadas* came at a high human cost – with killings and episodes of cruelty committed against indigenous men, women and children – as repression against them grew from

the 1970s onwards. According to Valdelice, it was common for civilian and military police to act alongside private gunmen hired by farmers to stop the indigenous returnees.²⁴

After being in the hands of the Lunardelli family for several years, 'Takuara'²⁵ was sold in 1966 to cattle rancher Jacintho Honório da Silva Filho. Renamed Brasília do Sul in 1979, the 9,300-ha farm quickly became a model of efficiency in the region, boasting up to 10,000 heads of cattle by the 1990s. Da Silva Filho's acquisition of the land, which had remained largely forested under the previous owners, ushered in a period of intense deforestation for the creation of pastures.

The Guarani Kaiowá confined in the Caarapó Reservation, of course, saw none of the profits Brasília do Sul was reaping from their land.²⁶ By 1999 Marcos Veron and his community had had enough. In the early evening of 27 April, they entered the northwest corner of Brasília do Sul and camped over an area of just under 100 hectares. Brasília do Sul owners immediately sued for repossession of the area. The family argued the farm had been legally purchased in 1966 and had all the necessary property titles and registration.

A local judge in Caarapó acted swiftly, in a display of judicial efficiency rarely



The entrance sign for Brasília do Sul bears the name of the late cattle baron Jacintho Honório da Silva Filho, who bought the land in 1966

© Earthsight / De Olho nos Ruralistas

KAIOWÁ ATTEMPTS TO REGAIN ACCESS TO TAKUARA MET WITH VIOLENT REPRESSION AND AGGRESSIVE USE OF THE COURTS BY BRASÍLIA DO SUL'S OWNERS

seen in the country. On 29 April, she issued an eviction order against the Kaiowá and requested the Federal Police to oversee the operation.²⁷ However, the community successfully resisted its removal.

Over the following months Funai – the federal agency that replaced the SPI and is tasked with protecting indigenous rights – took up an intense legal battle for the right of the Kaiowá to occupy their ancestral lands. In the meantime, the community stayed put and started growing vegetables and building prayer houses.

Brasília do Sul lawyers presented land surveys conducted in the 1920s and 1950s²⁸ claiming there had never been evidence of an indigenous presence in the area. To corroborate these views, the family commissioned anthropologist Hilario Rosa to visit the farm in July 1999. Based on this visit, Rosa concluded that no indigenous people had ever lived in Takuara. Rosa and Brasília do Sul lawyers accused Funai of being controlled by "revisionist anthropologists" working on behalf of ideological NGOs and external actors.²⁹

Funai's lawyers claimed the local judge in Caarapó had no authority to rule over a federal matter that involved indigenous land disputes.³⁰ The case was soon moved to a federal court.



Location and borders of Takuara / Brasília do Sul

Design by @FlavitoReis

JUDGES AND BRASÍLIA DO SUL LAWYERS IGNORED OR OUTRIGHTLY CONTRADICTED STRONG EVIDENCE OF THE KAIOWÁ'S CENTURIES OLD PRESENCE AT TAKUARA

Funai requested time to conduct a study of the area to clarify whether the Kaiowá had traditionally occupied it. Even before such a study could be concluded, the agency already knew of the Kaiowá's long history at Takuara based on a 1983 field study.³¹

Funai's lawyers also argued the Guarani Kaiowá's eviction in 1953 was blatantly illegal and represented a major failure by the SPI and Brazilian government to safeguard the community's land rights, which were protected under the law.³²

Funai's arguments were to no avail. In September 1999, a federal judge requested police forces to oversee the community's eviction from Brasília do

Sul. But again, the community – now numbering around 250 – resisted.³³

In a preliminary analysis released in January 2001, Funai concluded Takuara was indeed Kaiowá land. It didn't matter. In October the community was violently evicted by police forces and Brasília do Sul's private security following a federal court order.³⁴

Heralding worse things to come, Marcos Veron and other members of the community were shot at and handcuffed, and their houses were destroyed.³⁵

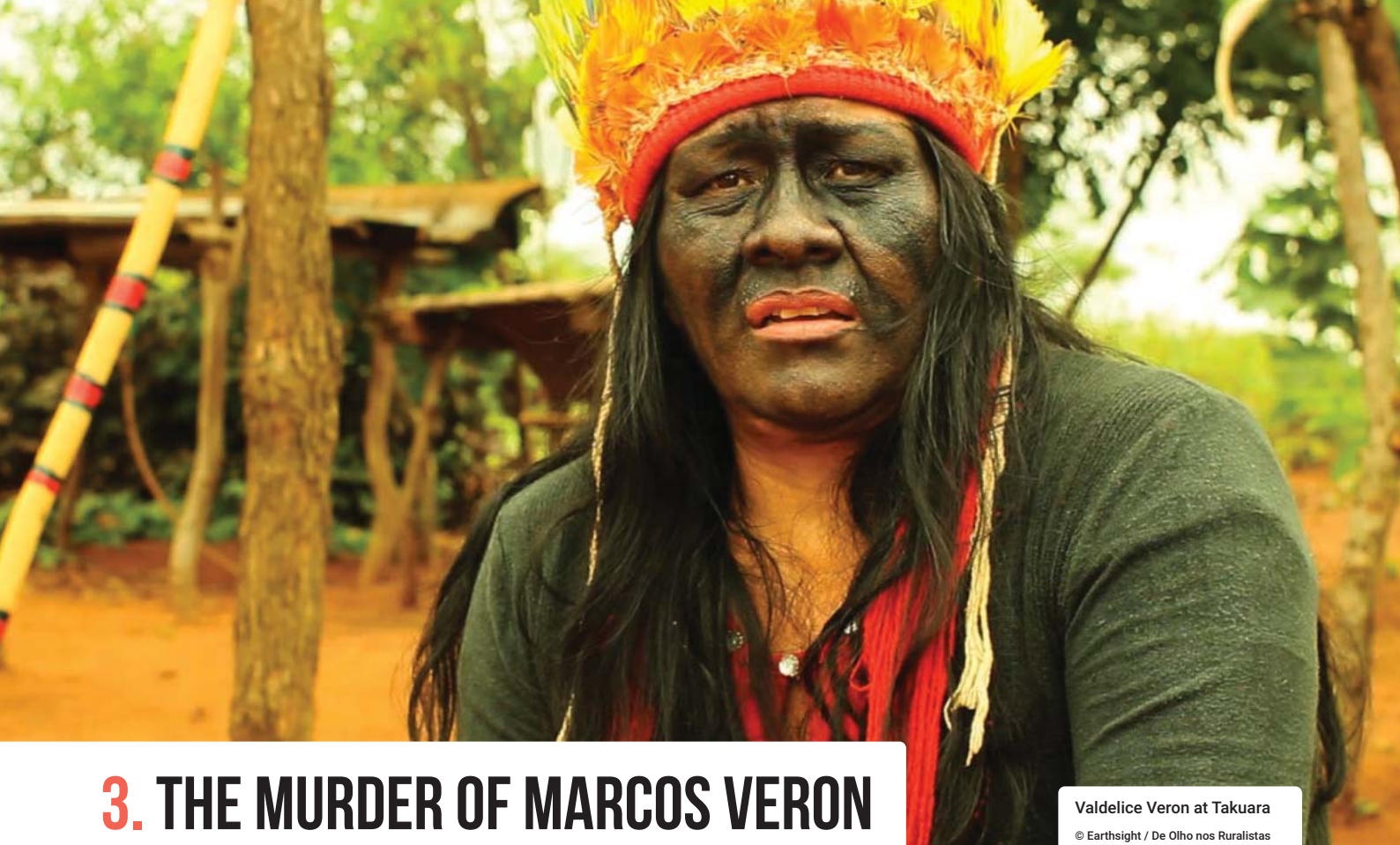
"When you hear there's going to be an eviction in indigenous land in Mato Grosso do Sul you can conclude that the judge signed off on our deaths," Valdelice says. "When we're not struck by gunmen we're struck by the courts."

She vividly remembers her father's words to her that harrowing day: "We're going to surrender now but we'll come back, and we won't leave again. I won't leave again." In a tragic way, he was right.



Aerial view of Takuara in Mato Grosso do Sul state, Brazil

© Earthsight / De Olho nos Ruralistas



Valdelice Veron at Takuara

© Earthsight / De Olho nos Ruralistas

3. THE MURDER OF MARCOS VERON

That Sunday in January 2003 Valdelice was reluctant to leave. The community had returned to Takuara the day before after more than a year camping in difficult conditions by the side of a road. Sitting on a log with her father, she asked him to let her stay. But he was adamant. Valdelice was tasked with notifying federal prosecutors in a nearby town that the Kaiowá had returned to their lands.

"It felt like my last moment with him," she recounts. She left in the afternoon. At 3:30am Monday, while the rest of the community rested around a fire or in tents, cars approached.³⁶ Upon arrival, between 30 and 40 armed men jumped out and began shooting. Members of the community tried to flee but everything happened too fast.

Marcos Veron was dragged out of his tent, repeatedly kicked and struck with the butt of a rifle while on the ground. Other indigenous people were also beaten. One of Veron's daughters, Geisabel, was dragged by her hair and beaten. She was seven months pregnant. Seven people, including Veron and his son Ládio, were thrown into a red Silverado pickup truck and had their hands bound. Veron was barely conscious. After a several-minute drive, they were dumped next to a road and tortured. Ládio was threatened with being burned alive. Once the attackers had left Veron was taken to a hospital

where he arrived lifeless.³⁷ He was 73. Upon hearing the news Valdelice rushed to the hospital only to find her father in an unrecognisable state.

Veron's murder caused a storm, and not only in Brazil. It was reported in the mainstream press as far afield as the UK.³⁸ Tony Blair's government sent condolences. According to Valdelice, his body was taken in procession to Takuara by around 10,000 indigenous people from various ethnicities in Brazil.³⁹ Such was Marcos Veron's reputation. To this day, every 13 January the Kaiowá gather around his grave in Takuara to commemorate his legacy.

What followed was a legal battle to bring the perpetrators to justice, stretching over more than 15 years – one that has never been concluded. A total of 27 people were charged. In 2010 federal prosecutors charged Jacintho Honório da Silva Filho – the man who had overseen the destruction of Takuara's forests for cattle – accusing him of being the mastermind and financial backer of the attack. In 2009 the case against a few of the defendants was transferred to São Paulo out of concerns over farmers' political influence in Mato Grosso do Sul. The case against da Silva Filho and several others, however, remained in the state.⁴⁰

In 2011 three former Brasília do Sul employees were each sentenced to over

"I LOOKED AT HIM, HE WAS ALL BEATEN AND COVERED IN BLOOD. IT DIDN'T EVEN LOOK LIKE HIM ANYMORE. I DIDN'T WANT TO BELIEVE IT. I WENT OUTSIDE AND SCREAMED AND SCREAMED WITH MY INDIGENOUS BROTHERS."

VALDELICE VERON,
GUARANI KAIOWÁ LEADER AND
DAUGHTER OF MARCOS VERON

12 years in prison for kidnapping, torture, bodily harm, conspiracy to commit a crime, and procedural fraud.^{41, 42, 43}

Antonio Batista Rodrigues, aka 'Rodrigoinho', a former military police officer seen by the prosecution as a key figure in the case, was captured in Paraguay in 2019 under an international arrest warrant and extradited to Brazil the following year.⁴⁴ Rodrigoinho was accused by the prosecution of hiring gunmen and supplying firearms for the attack against the community. By the time of his capture, he reportedly had 14 arrest warrants against him for kidnapping, homicide, attempted homicide, and criminal organisation.⁴⁵

In previous years Rodrigoinho's lawyers appealed against such warrants to three different courts. They all denied the request, including the Supreme Court in 2016. Judges pointed to Rodrigoinho's status as a fugitive of justice since 2003, when the first arrest warrant against him was issued, his prominent role in the attack, and past charges against him for murder in the state of Roraima.⁴⁶

Still, according to information provided to Earthsight by the court overseeing the case, Rodrigoinho was released on a provisional basis in March 2020 with the requirement to wear an ankle tag for two years. In March 2022, the tag was removed. Rodrigoinho still awaits trial.⁴⁷ It has not been possible to determine his current whereabouts.

Federal prosecutor Marco Antonio Delfino de Almeida, who worked on the case and talked to our team for this report, is critical of Rodrigoinho's release: "It was alleged that he posed no risk. That's absurd. The guy was a fugitive of justice, and the judge released him."

To this day, no-one has been convicted of the murder of Marcos Veron.

Jacintho Honório da Silva Filho stood accused of homicide, attempted homicide, torture, kidnapping, conspiracy to commit a crime, and grave threat.⁴⁸ He never stood trial.

In 2017 a federal judge ruled that the 2010 charges brought against da Silva Filho were time barred as a result of the time that had passed since the crimes and the accused's advanced age. An investigation into his role in witness tampering and evidence forgery to favour the three defendants sentenced in 2011 never led to a conviction.^{49, 50}

With da Silva Filho's death in 2019 aged 102, most think the whole case is essentially closed. "Had Rodrigoinho remained in detention, the case may have moved forward more quickly. That hope is gone," Delfino laments.

Valdelice bemoans the outcome: "There has been no justice because the masterminds [of the crime] were never arrested. Da Silva Filho died peacefully of old age."

**NO-ONE HAS EVER
BEEN CONVICTED OF
THE MURDER OF
MARCOS VERON IN A
CLEAR CASE OF
IMPUNITY OF
POWERFUL
AGRIBUSINESS ACTORS**



Guarani Kaiowá leader Marcos Veron addresses members of the indigenous group

© Ricardo Funari



Members of the Guarani Kaiowá indigenous group in Mato Grosso do Sul state, Brazil, search through a landfill for food and clothes

© Earthsight / De Olho nos Ruralistas

4. A PEOPLE IN LIMBO

Following Marcos Veron's murder, the process to officially recognise Takuara as Guarani Kaiowá land – or 'demarcate' it in the Brazilian parlance – gained momentum. Funai concluded its study in 2005, which laid to rest any doubts about the ancestral presence of the community on that land.⁵¹

Levi Marques Pereira, the anthropologist who led Funai's study, is in no doubt that the SPI committed an illegal act by forcibly evicting the Kaiowá, and that the then state of Mato Grosso first sold the land to a private owner in the 1920s without checking for the presence of an indigenous community in the area.⁵²

Satisfied with the weight of the evidence, in June 2010 the Ministry of Justice issued a 'declaration' recognising the Guarani Kaiowá's rights over the area occupied by Brasília do Sul.⁵³ However, two weeks later Supreme Court Justice Cármen Lúcia suspended the demarcation process following a lawsuit by the farm's owners.^{54, 55}

Lúcia alluded to previous court rulings on similar cases that had favoured farmers on the basis of a concept known in Brazil as *marco temporal* (time frame). The Justice seems to have accepted the view commonly held by some judges – and vociferously promoted by the agribusiness lobby – that if an indigenous community were not in possession of their land in 1988, when the Constitution came into force, it had no legitimate claims over it. This view has been strongly rejected by indigenous communities and rights advocates as unconstitutional.

Driven by extreme poverty, in January 2016 the Guarani Kaiowá expanded the area they had been occupying at Takuara – around 300 hectares – to over 1,500 hectares.^{56, 57} Tensions escalated again. In February that year the community suffered six consecutive nights of armed attacks and a "relentless siege by armed men."⁵⁸ The following month a federal judge ordered the community's removal. However, since then both the Supreme Court – twice – and Brazil's Attorney General have ruled against evicting the Kaiowá due to the potential for more bloodshed.⁵⁹

Since then, the community has been in legal limbo. Dozens of families currently live in precarious conditions in a corner of Brasília do Sul. Some try to make a living in informal plantation jobs.⁶⁰

Takuara's final status still awaits resolution. None of the court rulings issued over the years have a definitive character. The community's ultimate fate depends on whether the federal government will abide by its constitutional mandate and grant the Kaiowá exclusive rights over their ancestral lands.

Valdelice points to the lasting precariousness of her community's situation nearly 20 years after her father's sacrifice and a stalled demarcation process. "We can't collect roots or medicinal plants. The Jacintho family says this is their private land," she remarks.⁶¹ To understand how it's come to this, we need to look deeper into the interplay of power, wealth, politics, race, and justice in one of the world's largest commodity producers and exporters.

DESPITE YEARS OF OFFICIAL RECOGNITION OF ITS STATUS AS INDIGENOUS LAND, TAKUARA STILL AWAITS DEMARCATION



5. MEET THE JACINTHOS

JACINTHO HONÓRIO DA SILVA FILHO HAS A SPECIAL PLACE IN BRAZILIAN AGRIBUSINESS HISTORY AS ONE OF THOSE WHO HELPED REVOLUTIONISE THE COUNTRY'S CATTLE INDUSTRY

What a memorable jamboree. "Joy and sophistication," quipped the lifestyle press.⁶² Interior designers, chefs and a live band were brought in to provide an unforgettable experience to the 800 black-tie guests who thronged the glitzy mansion in São Paulo's exclusive neighbourhood of Jardim Paulistano. Among them were a who's who of Brazilian high society, including a Rothschild, a former justice minister, a Victoria's Secret model, and many more. One of Brazil's most iconic artists, Grammy winner Gilberto Gil, even wrote a song to mark the event.⁶³

The occasion demanded such a shindig. Jacintho Honório da Silva Filho was celebrating 100 years. The centenarian has a special place in Brazilian agribusiness history. In the early 1960s he was part of a small group of pioneers who travelled to India in search of a cattle breed that could thrive in Brazil's tropical climate and withstand its implacable parasites.⁶⁴ They brought back Nelore, the breed that would revolutionise Brazil's cattle industry and help transform the country not only into the beef powerhouse it is today, but also the largest hotspot of tropical deforestation worldwide.⁶⁵

A descendant of landowners stretching back to the days of the Empire⁶⁶, da Silva Filho was already an established cattle rancher in São Paulo state when he bought Brasília do Sul in 1966.⁶⁷ Still, the

new farm quickly became central to the family's wealth. In the late 2000s Brasília do Sul ditched its cattle herd and entered the lucrative soy business.⁶⁸ In 2012 the farm's total area was officially expanded from its original 9,300 to 9,700 hectares following a request by the Jacintho family to federal authorities.⁶⁹

Before that, in the early 1990s, da Silva Filho had transferred ownership of Brasília do Sul to his adult children.⁷⁰

The true scale of the family's landholdings and wealth have proved impossible for Earthsight and its partners to properly assess. What we do know is that the family's businesses include over a dozen farms in Mato Grosso do Sul and neighbouring states totalling at least 50,000 hectares⁷¹, some of which have been fined and embargoed by federal authorities for illegal deforestation in the Pantanal biome.⁷² But it's their ranches across the border in Paraguay that have drawn most attention.

In 2020 Earthsight's *Grand Theft Chaco* report revealed that ranching firm Yaguareté Porã had a long history of illegal land dealings and pasture development within PNCAT, the ancestral lands of the Ayoreo Totobiegosode in Paraguay's Chaco.⁷³ The territory, protected by several government resolutions since the 1990s, is home to some of the last uncontacted tribes in the Americas outside the Amazon.



An image from the music video for 'Jacintho' by Brazilian singer-songwriter Gilberto Gil, which uses family photos to chart the life of the eponymous cattle baron Jacintho Honório da Silva Filho

Source: Gilberto Gil / YouTube

THE POLITICALLY CONNECTED JACINTHO FAMILY HOLDS NUMEROUS PROPERTIES IN BRAZIL AND PARAGUAY, WHERE THEY HAVE ALSO BEEN LINKED TO INDIGENOUS RIGHTS VIOLATIONS AND ILLEGAL DEFORESTATION

Yaguareté Porã is owned by Marcelo Bastos Ferraz, who is married to one of da Silva Filho's daughters. Of all the farms researched by Earthsight, Yaguareté's egregious behaviour stood out. In the early 2000s, the firm cut roads deep into the heart of PNCAT, slicing through historic Ayoreo sites, and then used its political influence to acquire a licence to clear the surrounding forest. Yaguareté was later fined for concealing information about uncontacted groups in its application for environmental licences, and in the mid-2010s further cleared thousands of hectares at PNCAT.⁷⁴

In 2014 Bastos Ferraz met with a delegation of the Ayoreo Totobiegosode and reportedly rebuffed their pleas to stop destroying their ancestral lands.^{75, 76}

Other members of the family have ventured into Ayoreo Totobiegosode lands. Gino de Biasi Neto, the husband of another of da Silva Filho's daughters, owns two ranches at PNCAT called River Plate and BBC, which have stood accused of deforesting thousands of hectares of forests inhabited by the Ayoreo, including over the last two years.⁷⁷

Back in Brazil, the family has close connections with state governors, ministers, lawmakers and even presidents.⁷⁸ The family's support for right-wing politicians has been known for several years.⁷⁹ In 2018 it played its part to help elect Jair Bolsonaro to the

presidency.⁸⁰ As recently as April 2021, Vanda Moraes Jacintho, da Silva Filho's widow, met with Bolsonaro – well known for his anti-indigenous policies – during business gatherings.⁸¹

The Jacintho family did not reply to Earthsight's repeated requests for comment.

The Jacinthos are not the only ones to have profited from Takuara. Those who

do business with Brasília do Sul are taking their cut, knowingly or not, from a land scarred by cruelty and injustice. Worse, unsuspecting consumers thousands of miles away may be abetting the plight of a people because a chain of exporters, importers, manufacturers, wholesalers and retailers have either not bothered to check the links between their goods and this disaster or have readily ignored them.



Aerial view of Brasília do Sul

© Earthsight / De Olho nos Ruralistas



6. SOY SECRETS

"IT'S AS IF SOY CAME FROM NOWHERE. THERE'S NOTHING TO IDENTIFY IT SO THE CONSUMER IS NOT ABLE TO SEE THAT IT COMES FROM AN INDIGENOUS LAND."

**TONICO BENITES,
GUARANI KAIOWÁ LEADER**

On the face of it, Brazilian chicken may seem a safe bet. Estimates indicate its deforestation risk is 1,000 times lower than that of Brazilian beef, because most of the feed is sourced from low-deforestation areas in Brazil's southern regions.⁸² Yet as this report shows, these regions face their own challenges related to indigenous rights violations, abuse of power, and government failures. Consumers don't just care about forests and would surely also be interested to know if the chicken they buy at the supermarket or their local KFC – or the pet food they feed their dogs and cats – has any reported links to murder and impunity abroad.

Our team found that Brasília do Sul's soy is purchased and processed by some of the world's most important grain traders and two of Brazil's largest cooperatives.⁸³

One of them is Lar Cooperativa Agroindustrial, Brazil's fourth largest chicken slaughtering company. Boasting over 11,000 members and 22,000 staff in the states of Paraná and Mato Grosso do Sul, Lar buys nearly a fifth of all the soy produced in Mato Grosso do Sul.⁸⁴ With grain storage facilities and a soy processing complex

in Caarapó, a municipality near Brasília do Sul, Lar uses soy to produce animal feed for its own members, who raise poultry, pigs and dairy cattle. Confidential sources on the ground have confirmed to Earthsight that Lar's Caarapó unit receives soy from Brasília do Sul.

Rearing over 1.1 million birds at any given time, poultry farming accounts for a third of Lar's annual revenue of around \$1.9 billion. In Caarapó, the cooperative has a crushing capacity of 1,500 tons of soy per day.⁸⁵ Lar, which exports chicken to over 80 countries, expects to double its chicken production by 2024. In order to keep pace with livestock expansion, Lar has invested millions of dollars in growing feed capacity by acquiring new feed mills and building new factories.⁸⁶ In fact, according to the cooperative, its soy processing facility in Caarapó is part of its "strategic planning focused on expanding meat production in Paraná and receiving grains in Mato Grosso do Sul."⁸⁷

Since 2020 Brazil has been the world's largest chicken meat exporter and second largest producer.⁸⁸ Paraná state, where Lar is headquartered, is the country's main producer, accounting for



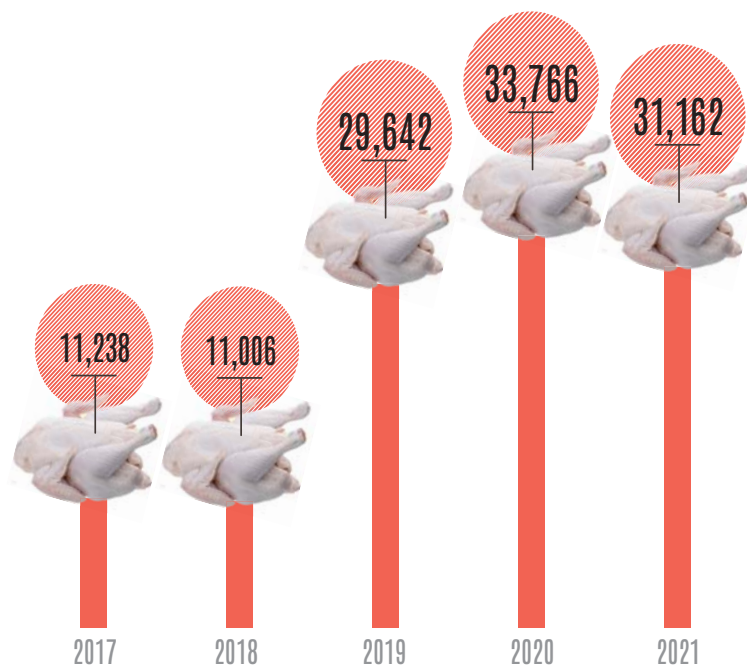
General view of a soy plantation

© Pond5

WESTBRIDGE FOODS IN THE UK AND PAULSEN FOOD IN GERMANY IMPORT LARGE VOLUMES OF CHICKEN PRODUCTS LINKED TO BRASÍLIA DO SUL'S SOY

a third of the total.⁸⁹ Brazilian chicken production and exports have broken records⁹⁰ in recent years and are expected to keep rising in the near future.⁹¹ In September 2021, it was announced Brazil had been in talks to increase export quotas to the UK by about a third.⁹² British imports of Brazilian fresh, chilled and frozen chicken have already risen 70 per cent in the last five years.⁹³ In January 2022, the EU increased its imports of Brazilian chicken meat by 53.5 per cent compared to the same month last year.⁹⁴

Trawling through tens of thousands of rows of shipment records we obtained, Earthsight was able to trace how between 2017 and 2021 Lar exported 117,000 tonnes of frozen and marinated chicken products to the EU and UK, with exports in 2021 nearly three times as high as those in 2017. LAR's main markets in the region are Germany, accounting for 42 per cent of exports, the UK (36 per cent), and the Netherlands (15 per cent).⁹⁵



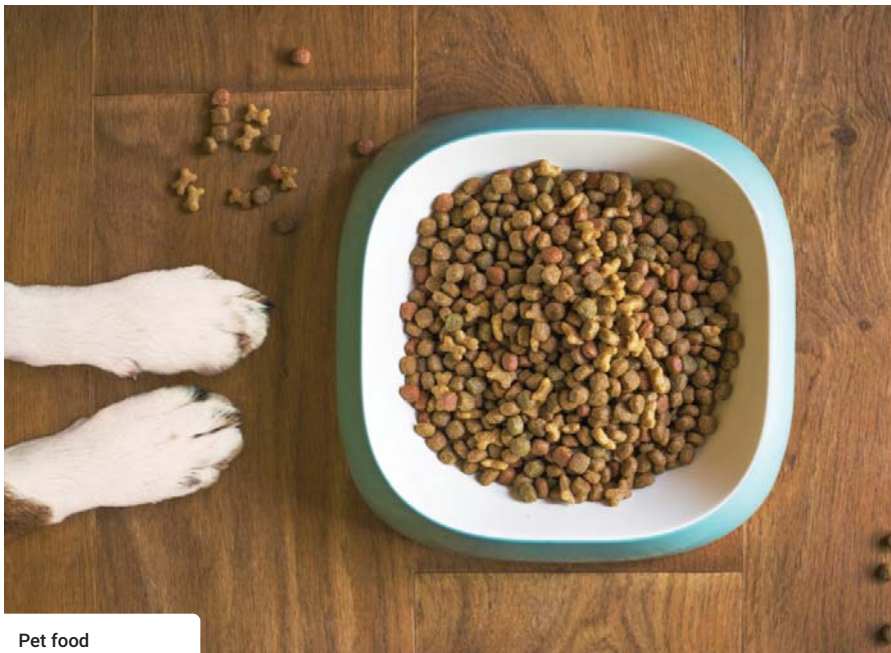
Lar's most important customer in the UK is Westbridge Foods, a major manufacturer and distributor of chicken products to some of the country's largest retailers and restaurant chains,



Lar exports tonnes of frozen and marinated chicken to the EU and UK

TOTAL (tonnes)

116,814



Pet food

CHICKEN SOLD BY KFC AND LARGE SUPERMARKETS IN THE UK AND PET FOOD FOUND IN GERMANY'S LARGEST RETAILERS ARE TAINTED BY INDIGENOUS LAND THEFT AND MURDER

including Sainsbury's, Asda, Aldi, Iceland and KFC. Between 2018 and 2021 Westbridge imported nearly 38,000 tonnes of frozen and marinated chicken from LAR, accounting for a third of all Lar chicken exports to the EU and UK in the period.⁹⁶

Westbridge claims to be a supplier to "all the major retailers in the UK", including premium and discount retail brands, as well as high end restaurants, gourmet pubs, and restaurant chains.⁹⁷ Sainsbury's stocks Westbridge's Valley Foods brand, including chicken fillets and chicken breast strips. In recent years KFC has awarded multiple supplier awards to Westbridge, "a longstanding KFC partner who's [sic] desire to generate a better KFC world just continues to grow and grow."⁹⁸

Westbridge, KFC and Iceland did not respond to Earthsight's requests for comment. Aldi stated that the chicken they source from Westbridge has no links to Brasília do Sul. Asda said its Westbridge chicken does not come from "this continent" (possibly meaning South America). Sainsbury's stated that the chicken supplied to it by Westbridge and sold as Sainsbury's "own brand" does not come from Lar. When asked about Valley Foods, the company replied that "as Valley Foods is a branded product you would need to speak to the manufacturer." But as stated above, Westbridge did not answer our questions.

Both Sainsbury's and Aldi added that they are continuing to investigate the matter with Westbridge. Asda, Aldi and Sainsbury's emphasised their commitments to respecting human rights throughout their supply chains and sourcing sustainable soy (see their full responses on pages 32-41). All three retailers seem to be relying solely on Westbridge's assurances about the origin of their chicken.

When asked for evidence to support their claims of not having any links to Lar or Brasília do Sul, Aldi and Asda provided almost identical responses and pointed to their use of Global Food Safety Initiative (GFSI) certification as proof of traceability.

We questioned Aldi and Asda further on the relevance of the GFSI to this investigation but neither responded. GFSI is a food safety programme and not designed to monitor indigenous rights violations.

Since 2017 Westbridge has been owned by Thai food giant Charoen Pokphand Foods (CPF), which went on a shopping spree in Europe that year and also acquired the German firm Paulsen Food. Paulsen is an even more important buyer of Lar chicken, accounting for nearly half of the Brazilian exporter's sales to the EU and UK.⁹⁹ Between 2017 and 2021, Paulsen's imports from Lar to Germany increased more than five-fold.

Before being acquired by CPF, Paulsen belonged to the Heristo AG group¹⁰⁰, which also owns major pet food manufacturers Saturn Petcare and Animonda Petcare. In the 2017-2021 period, Paulsen bought over 14,000 tonnes of chicken products for the manufacture of pet food from Lar, being the latter's only major customer for this type of product in the EU. Paulsen's purchases of this type of product from Lar in 2021 were 17 times higher than in 2017.

Through their correspondence with Earthsight, Animonda's and Saturn's supply chain links to Paulsen were confirmed.¹⁰¹

Saturn Petcare sells pet food to some of the largest retailers in Germany, including Aldi Nord, Aldi Süd, Lidl, dm-drogerie markt, Edeka, Netto

DESPITE DENIALS OF WRONGDOING, NOT A SINGLE COMPANY COULD CONVINCINGLY EXPLAIN HOW THEY ENSURE THEIR SUPPLY CHAINS ARE NOT TAINTED BY INDIGENOUS RIGHTS VIOLATIONS

Marken-Discount, Rewe Markt and Rossmann. These retailers sell Saturn Petcare products under their own brand names.¹⁰² Animonda, on the other hand, supplies its own pet food brand to several retailers in Europe, including Fressnapf and online retailers Zooplus, Vetsend and Medpets.¹⁰³

Onlinepets (which owns Vetsend and Medpets) did not reply to Earthsight's requests for comment. Edeka, Netto Marken-Discount, Lidl, Aldi Süd, Aldi Nord, dm-drogerie markt, Fressnapf, Rossmann, Zooplus, Saturn Petcare and Animonda emphasised their efforts to monitor and vet suppliers based on, among other things, environmental, social and human rights criteria (see their full responses on pages 32-41).

Fressnapf, Rossmann and Saturn Petcare mentioned their adherence to the International Labour Organization's human rights standards, while Lidl, Netto Marken-Discount and Edeka highlighted codes of conduct based on the Accountability Framework Initiative. Animonda, Rossmann, Saturn Petcare and Zooplus said they would terminate relationships with suppliers found to be linked to indigenous rights violations. Fressnapf and Rossmann stated they will further investigate the issues highlighted in this report. Animonda, Saturn Petcare and Zooplus pointed to Lar's BRC and Smeta certifications to indicate their careful approach when selecting suppliers. Several companies also said they fully support the implementation of ambitious EU-level regulations to stop commodities linked to environmental and human rights abuses from entering the common market.

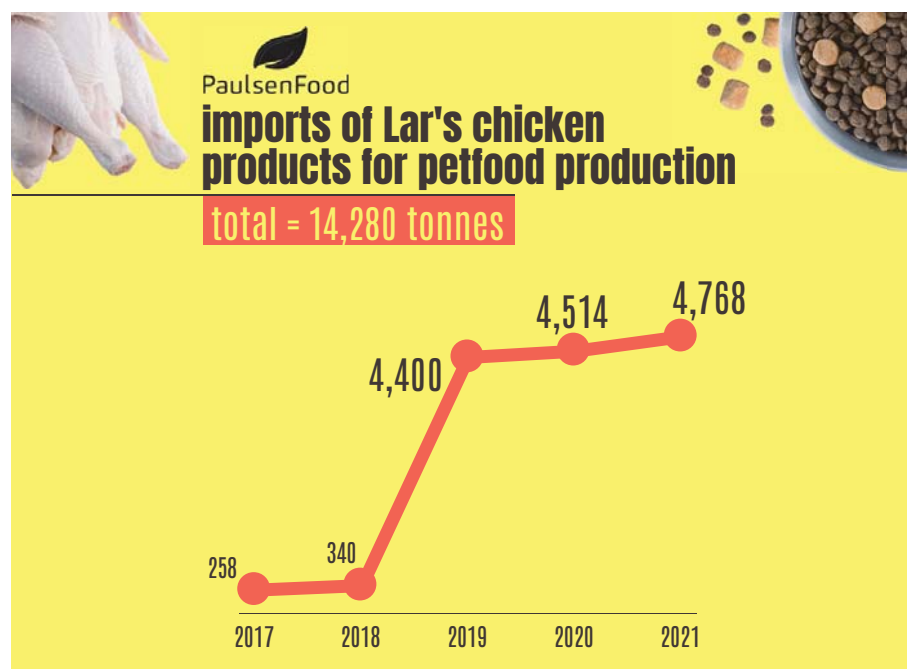
Rewe Markt, Rossmann and Saturn Petcare stated that the soybeans Lar buys from Brasília do Sul are not used in the production of animal feed and, as such, are not linked to their pet food products. Rossmann stated that, according to Lar, the soy used in its animal feed comes from Paraguay.

dm-drogerie markt said they "do not use any raw materials that originate from Brasília do Sul" for their Dein Bestes brand.

The companies did not provide any evidence to substantiate these statements, which appear to contradict Lar's public declarations linking its Caarapó soy processing unit to meat production. Their responses seem to indicate they are relying on Lar's assurances alone.

Neither Lar itself nor Paulsen ever replied to Earthsight's repeated requests for comment.

None of the companies in Germany denied doing business – directly or indirectly – with Lar. These firms do not seem to have found reason for concern in sourcing chicken products from an exporter with clear links to a farm implicated in the violent suppression of indigenous rights. Based on their responses to this report, Lar's links to Brasília do Sul did not raise red flags in their monitoring efforts. Lar's BRC and Smeta certifications mentioned by some





BRASÍLIA DO SUL'S SOY ALSO REACHES EUROPEAN CONSUMERS THROUGH THE SUPPLY CHAINS OF LARGE COMMODITY TRADERS

companies are schemes meant to verify food safety and workers' conditions, not compliance with indigenous rights.

Not a single manufacturer or retailer mentioned in this report was able to convincingly explain how they are able to stop chicken products linked to indigenous rights violations from entering their supply chains. Their responses indicate that Brasília do Sul's links to Lar – or, for that matter, Lar's links to Westbridge and Paulsen – were first brought to their attention by Earthsight. As to the UK retailers' denials that their Westbridge chicken is linked to South America, Brazil or Lar, it's far from clear whether this is the result of a policy decision or otherwise. Also unclear is whether the companies that have stated a willingness to terminate relationships with suppliers found to be linked to indigenous rights violations will do so in relation to Lar.

Lar allegedly reported to Rossmann that the soy it uses to feed its chicken comes from Paraguay. This raises further questions. As the history of the Jacintho family itself shows, agribusiness in Paraguay has its own track record of

environmental and human rights abuses, including in soy production.¹⁰⁴ Are Paulsen, Saturn, Animonda and their retail customers now looking into this alleged Paraguayan origin of the soy for animal feed and its potential links to illegalities in the country? Nothing in their statements indicates they already knew about this apparent Paraguayan connection. Is this something they are going to investigate?

What's more, the soy industry is subject to change. It's been recently reported that, due to droughts, Paraguay's soybean production will drop by over two-thirds this year compared to the 2020-21 harvest. The country's soy exports will be significantly affected.¹⁰⁵ If Lar's allegations about the source of its soy for animal feed are true, are businesses in Europe prepared to identify potential shifts in the company's sourcing patterns?

As some firms stated support for upcoming EU regulations banning commodities linked to deforestation or human rights violations from the common market, it is important to raise some final questions. Once such



ROSSMANN



Soy oilcake is used in the production of livestock feed for poultry, pigs and cattle.

Coamo's largest customer in Europe is its own subsidiary Coamo International AVV, a company registered in the tax haven of Aruba and cited in the International Consortium of Investigative Journalists' Offshore Leaks Database, which is part of the Pandora Papers, Paradise Papers, Bahamas Leaks, Panama Papers and Offshore Leaks investigations.¹⁰⁸ Coamo also exports oilcake to other large global traders in Europe.

The company was implicated in what has been publicly referred to as the 2016 "Massacre of Caarapó", a violent attack against the Guarani Kaiowá community of Tey'i Kue in Mato Grosso do Sul perpetrated by over 70 gunmen linked to local farmers.¹⁰⁹ The convoy of trucks that attacked the community reportedly left the Coamo facility in Caarapó after spending nearly two hours there. The episode, infamous for its extraordinary levels of brutality and cruelty, left indigenous health worker Clodiode Aquileu Rodrigues de Souza dead and several others injured.^{110, 111} There is no evidence that Coamo was involved in the attacks. Coamo did not reply to Earthsight's requests for comment.

The Jacintho family members' ranches implicated in reported indigenous rights violations and illegal deforestation in Paraguay have also been linked to global markets. Earthsight's *Grand Theft Chaco* revealed the links between Yaguareté Porã, Bastos Ferraz's farm at PNCAT, and leather used by BMW and Jaguar Land Rover, as well as other giant car manufacturers.¹¹²

Firms' inability or unwillingness to cut ties with suppliers linked to reports of egregious human rights abuses turns consumers into unwitting instruments of injustice. While some of the businesses highlighted above have indigenous rights or human rights policies in place, none has done enough to ensure their supply chains are not implicated in the ongoing destitution of an indigenous community. Industry voluntary certification schemes have fallen short of the necessary levels of monitoring and accountability.¹¹³ For these reasons, campaigners have for years demanded government intervention. We are presently closer than ever to achieving that. But some obstacles remain.

FIRMS' INABILITY OR UNWILLINGNESS TO CUT TIES WITH SUPPLIERS LINKED TO HUMAN RIGHTS ABUSES TURNS CONSUMERS INTO UNWITTING INSTRUMENTS OF INJUSTICE

regulations are in place, what kind of 'due diligence' practices are they going to implement to guarantee compliance? Will they be entirely dependent on suppliers' assurances? Perhaps more importantly, will enforcement authorities take blanket denials of links to problematic sources at face value, or will they demand convincing evidence? These are critical issues for the success of new legislation currently under debate in Europe, the UK and the US, to which we'll return shortly.

Brasília do Sul's soy is linked to European consumers in other ways too. Coamo Agroindustrial Cooperativa, a major grain and vegetable oil producer in southern Brazil with over 29,000 members¹⁰⁶, has silos in Caarapó, the same municipality in Mato Grosso do Sul where Lar operates a soy processor. According to our field investigation, these silos receive soy from Brasília do Sul.

Between 2017 and 2021, Coamo exported 3.9 million tonnes of soy oilcake to the EU and UK, where its main markets are Germany, accounting for about half of its exports to the region, and the Netherlands (36 per cent).¹⁰⁷



7. KEEPING BAD AG AT BAY

AFTER YEARS OF CAMPAIGNING, GOVERNMENTS IN THE EU, UK AND US ARE DEBATING LEGALLY BINDING RESTRICTIONS TO IMPORTS LINKED TO ENVIRONMENTAL AND HUMAN RIGHTS ABUSES

The role consumer markets play in global deforestation has been highlighted on several occasions.¹¹⁴ Their high-volume imports of soy, palm oil, beef, leather, cocoa and other agri-commodities create market incentives for agribusiness expansion into producer countries' forested areas. They are by far the largest driver of global forest loss, which is in turn responsible for some 12 per cent of annual climate emissions.¹¹⁵

Equally important are the impacts this deforestation and other associated practices – land grabbing, corruption, violence – have on local communities.¹¹⁶

After years of campaigning, governments in some of the largest consumer markets – including the EU, UK and US – have finally begun to debate legally binding regulations to limit their countries' contribution to both forest loss and human rights abuses abroad.

With regard to forests, the EU Commission's proposal for a regulation, currently under consideration by the European Parliament and Council, is possibly the most ambitious. Not only does it aim to ban commodities and derived products linked to illegal deforestation, but it also attempts to address sustainability concerns by demanding that supply chains be deforestation free.¹¹⁷

While a zero-deforestation demand for supply chains linked to Brasília do Sul is less relevant – as the area was mostly cleared of its native vegetation several decades ago¹¹⁸ – the businesses using the farm's soy should be accountable for their role in propping up a farm implicated in ongoing indigenous rights violations. This is where the EU's proposal becomes more contentious.

As it stands, the regulation would only consider national law as a basis for human rights monitoring in supply chains. This falls short of demanding that businesses take into account international treaties and customary law in assessing their exposure to communities' rights violations. This is important because not all producer countries have the necessary national legal protections in place to guarantee indigenous and other traditional peoples' rights over their ancestral lands in line with international law and standards.^{119, 120}

Brasília do Sul is in a country with such laws.¹²¹ But successive Brazilian governments have failed to implement them. More than that, Brazil's current government is openly against such laws and has attempted to undermine them.¹²² The EU regulation could therefore offer a check to European supply chains profiting from Brasília do Sul's soy.¹²³ But again, efforts to hold



The European Parliament in session in Strasbourg, France

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WHILE NEW LEGISLATION IS WELCOME, CURRENT PROPOSALS FALL SHORT OF WHAT'S NEEDED TO FULLY PROTECT BIOMES AND LOCAL COMMUNITIES

companies to account under the regulation would run against another limitation.

As we have seen, Brasília do Sul's soy enters supply chains linked to European markets through chicken exports. While soy is covered by the upcoming EU regulation, chicken is not.¹²⁴ This means chicken importers will not be under the same monitoring obligations. Campaigners have called on the EU to expand the scope of products covered by the regulation, both by adding commodities such as poultry to the list, as well as by including all products that contain, have been fed with or have been made using any of the covered commodities.¹²⁵

If the Guarani Kaiowá and other peoples are to have opportunities to hold businesses profiting from their lands to account, it will be crucial that upcoming regulations – in Europe and elsewhere – include provisions to such effect. Right now, all of them fall short in this regard.¹²⁶

Dissuasive penalties for companies that flout the rules will be key. A crucial enforcement element would be a requirement for authorities to publish lists of non-compliant companies. Such a list is readily enforceable and serves as a powerful deterrent regardless of the financial penalty likely to be applied. Such a clause was

included in an earlier draft of the EU Commission's proposal but was later dropped. It must be reinstated in the final regulation.

The UK Environment Act, approved by Parliament last year, is less ambitious than its EU counterpart as it is focused solely on legality and ignores sustainability concerns. Of more immediate effect for the case highlighted here is the fact that it does not directly address human rights violations. This is a glaring shortcoming for a regulation that should aim to not only limit Britain's role in forest loss overseas but also the human impacts of agribusiness expansion.¹²⁷

Recently the UK Department for Environment, Food and Rural Affairs (Defra) ran a public consultation to inform secondary legislation that will determine the commodities to be covered, types of businesses to be subjected to the law, and how it will be enforced. Signs are not encouraging. The way the consultation is framed suggests authorities are favouring an extremely limited list of commodities to be included and exemption to all but the largest businesses. Numerous loopholes seem to be under consideration.¹²⁸

Ambitious secondary legislation could ensure the Environment Act has a meaningful impact. It must

therefore cover a broad range of commodities from the outset, ensure effective enforcement – not least by way of a public list of offending actors – and provide access to justice for affected communities.

Apart from forest-specific legislation, wider supply chain ethics laws are under debate. One example is the EU's Corporate Sustainability Due Diligence Directive, an initial proposal of which was published in February.¹²⁹ Civil society has already raised concerns over the proposal's restricted scope on company size and loopholes on companies' liability.¹³⁰ As with regulations on forest-risk commodities, these broader laws will need to be well designed if they are to prevent consumers from being associated with abuses such as the ones highlighted here. The devil is in the detail.

Bold consumer market legislation will be crucial in the global fight against deforestation, climate change and human rights abuses. But on its own it won't be enough. The case of Takuara also reveals deeper structural issues that need to be tackled with equal resolve by a range of stakeholders, including governments in both producer and consumer countries. The plight of the Guarani Kaiowá contains lessons that are yet to be learned.

The Guarani Kaiowá occupy 29% of the demarcated land in Mato Grosso do Sul, which averages 1.1 ha per person

Source: ISA, 2021



Photo: RICARDO FUNARI
BrazilPhotos



Photo: LUNAE PARRACHO
REUTERS / Alamy Stock Photo

Mato Grosso do Sul has 22 Guarani Kaiowá precarious encampments (nearly 800 families), a symptom of the struggle for their traditional lands amid government inaction

Source: ISA, 2021





Meanwhile the largest 10% of farms average 2680 ha per landowner

Source: ISA, 2021

THE JACINTHO FAMILY ENJOYS A LIFE OF LUXURY AND GLAMOUR, WHEREAS INDIGENOUS COMMUNITIES IN MATO GROSSO DO SUL STRUGGLE



Valdelice Veron (right) with her mother Júlia Cavalheira at Takuara

© Earthsight / De Olho nos Ruralistas



8. DEAD LETTER

BRASÍLIA DO SUL IS EMBLEMATIC OF THE LACK OF RESPECT FOR TRADITIONAL COMMUNITIES, THE POISONOUS POLITICAL INFLUENCE OF THE AGRIBUSINESS LOBBY, AND THE IMPUNITY THAT UNDERPIN LATIN AMERICA'S DEFORESTATION CRISIS

This is not a story about recent deforestation. The Brasília do Sul farm is also only a fairly small dot on a much, much larger landscape of devastation and theft which spans Brazil. But while Takuara was denuded of most of its forest cover decades ago – especially after da Silva Filho acquired the land – the profits from Brasília do Sul have helped the Jacintho family cement and grow its political influence. In doing so, the family has increased its control of land in Brazil and Paraguay, in direct conflict with the ancestral land rights of local communities.

In this sense, Brasília do Sul is just a part of a bigger story regarding the Jacintho family's wider – and continuing – destruction of lands and forests that should rightly belong to indigenous people. It is also emblematic of the underlying causes behind Latin America's wider deforestation calamity: the lack of respect for the rights of indigenous and other traditional communities, the undue and poisonous political influence of the agribusiness lobby, and the violence and impunity it breeds.

The murder of Marcos Veron, the encroachment of protected Ayoreo Totobiegosode lands in Paraguay, and the persistent destitution of so many forest communities speak volumes

about states' historical failure to fulfil their legal obligations and correct the wrongs of the past.

When it comes to Funai's efforts to clarify Takuara's status as an indigenous land, Jacintho Honório da Silva Filho adopted an intimidating attitude from the start.¹³¹

The Jacintho family has not been shy about using the justice system to obstruct government efforts to demarcate Takuara. Faced with overwhelming evidence to the contrary, their lawyers have flatly rejected the notion of any historical indigenous presence in the area and instead accused Funai of being captured by ideological interests.^{132, 133}

Indigenous leaders emphasise the odds communities face in Brazil's justice system.¹³⁴ The last 23 years of litigation on Takuara illustrate this. In 1999 it took a local judge less than 24 hours to rule for the Guarani Kaiowá's eviction, without even having the authority to do so.¹³⁵ Contrast this with the impunity enjoyed by those accused of Marcos Veron's murder for the last 19 years.

Federal prosecutor Delfino is categorical: "We have to understand that racism in Brazil is structural. If we had the



The Brazilian National Congress, in Brasília, Brazil

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COLOSSAL POLITICAL FAILURE AND MISGUIDED COURT RULINGS HAVE LEFT NUMEROUS INDIGENOUS COMMUNITIES UNPROTECTED AND WITH THEIR CONSTITUTIONAL RIGHTS CONTINUALLY VIOLATED

opposite situation where an indigenous person had killed a landowner, this case would have concluded a long time ago."

"Jail in Brazil has always been for black people, prostitutes, and the poor. The release of Rodriguinho reflects this logic," he added.¹³⁶

Antônio Eduardo Cerqueira de Oliveira, Executive Secretary of the Indigenous Missionary Council (CIMI), one of the largest indigenous rights organisations in Brazil, has seen several cases of judges cancelling demarcation processes. "There's considerable legal insecurity for indigenous people as a result of political pressures," he says.

Indigenous people have faced obstacles all the way up to the Supreme Court. The court's 2010 decision to suspend Takuara's demarcation dealt a blow to the community. In her decision, Justice Lúcia relied on the *marco temporal* precedent set by her peers (see above).

Marco temporal has been used by the agribusiness lobby to block demarcations.^{137, 138} Indigenous organisations have decried it as a cynical ploy that violates the Constitution and its intent to protect communities long hurt by state policies. In June this year the Supreme Court is expected to hold a hearing on the issue

with the aim to put it to rest.¹³⁹ If the ruling sides with agribusiness, it could become much harder for communities to ever regain access to their lands.

Tonico Benites, a Guarani Kaiowá leader and anthropologist from the Sassoró indigenous land in Mato Grosso do Sul, believes few people stand to lose more than his own.¹⁴⁰ "I think the *marco temporal* was created to hurt the Guarani Kaiowá in particular because everyone knows we were evicted [from our lands] before 1988," he argues.

With a justice system stacked against them, indigenous peoples have for years tried to pressure the federal government to demarcate their lands as stipulated in the Constitution. But here too, the obstacles are daunting.

Jorge Eremites de Oliveira, historian and anthropologist at the Federal University of Pelotas, says that "all governments, some more others less, have been anti-indigenous. But Bolsonaro's government is the worst of the worst. What we have now is the radicalisation of a genocidal war."

Bolsonaro has publicly declared his opposition to indigenous land rights and promised not to demarcate one centimetre of land to indigenous communities.¹⁴¹ Under his direction,

THE KAIOWÁ OF TAKUARA AND NUMEROUS OTHER COMMUNITIES LIVE IN PRECARIOUS ENCAMPMENTS WITHOUT ACCESS TO THEIR LANDS AND TRADITIONAL WAYS OF LIFE

Funai – now stacked with his allies – has adopted perverse anti-indigenous stances.^{142, 143} Last year the Articulation of Indigenous Peoples from Brazil (APIB) filed a statement to the International Criminal Court asking its prosecutors to "examine the crimes perpetrated against indigenous peoples by President Jair Bolsonaro since the beginning of his term." The Guarani Kaiowá were highlighted in the report as one of the most affected groups.^{144, 145}

For Cerqueira de Oliveira, an anti-indigenous decision over the *marco temporal* would be a great boost to Bolsonaro's administration: "The government is counting on this ruling to proceed with the so-called 'final solution' for indigenous people, which is the complete appropriation of their lands by private capital, especially agribusiness."

In Mato Grosso do Sul, the state government has also sided with landowners. During the litigation over Takuara, it petitioned courts to be included as a party to the case in order to argue against demarcation.¹⁴⁶

"The crux of the issue is the State, which created this whole situation in the first place by selling indigenous lands as if they were vacant. Now you have agribusiness pitted against indigenous people and the State is absent," Stefanos argues.

The federal judge who ordered the Guarani Kaiowá's eviction from Takuara in 2001 stressed that courts are put in an impossible position. In his ruling, he argued he could not ignore the Jacintho family's legal ownership of Brasília do Sul. On the other hand, he acknowledged that courts cannot have the final say on indigenous land disputes, which often arise and endure as the result of political decisions.¹⁴⁷



On the issue of legal ownership, though, Cerqueira de Oliveira thinks judges are getting it wrong: "The Constitution is clear. As soon as the land is recognised as traditional indigenous land based on a Funai study, all [private] titles over it are to be considered void."

The Jacintho family enjoys a life of luxury and glamour, whereas indigenous communities in Mato Grosso do Sul struggle. While visiting the region for this report, our team came upon indigenous people collecting food, clothes and other items at a landfill. Maristela Aquino, a schoolteacher for Guarani Kaiowá children, was at the site. "The Kaiowá feel guilty, embarrassed, inferior and despised, but this situation is not their fault," she said. "This comes from a historical process of discrimination, displacement, confinement to the reservations, and government failure to return to them what's theirs."

Indigenous communities in Mato Grosso do Sul currently live in areas that are a fraction of their traditional lands.¹⁴⁸ This prevents them from living according to



Indigenous leader Erleide Domingues, of the Guyraroká community near Takuara

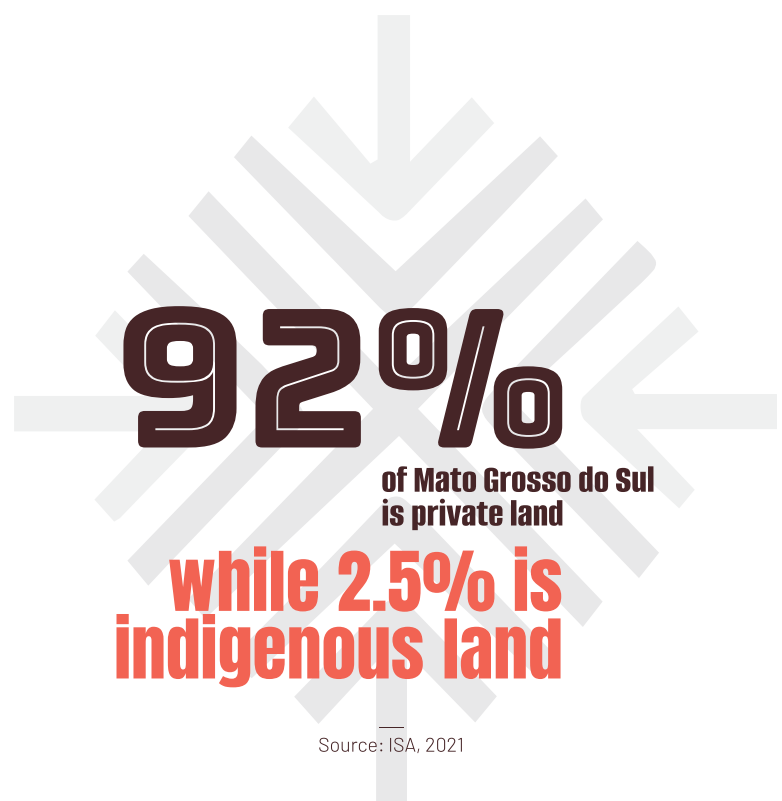
© Earthsight / De Olho nos Ruralistas

their customs and traditions, which include hunting, fishing, gathering medicinal plants, and visiting the sites that have a significance to their cosmology and collective memory.

"Article 231 of the Constitution about guaranteeing the cultural and physical reproduction of indigenous peoples is ignored," Eremites de Oliveira says.¹⁴⁹

Even if the communities were to reoccupy larger areas, their troubles wouldn't be over. "The rivers, forests, wildlife are all dying," Valdelice notes in reference to the heavy use of agrichemicals by landowners and the near total absence of native forests in the area.

Indigenous leader Erleide Domingues, of the Guyraroká community near Takuara, agrees. "They spray their hatred over our communities" in the form of pesticides.¹⁵⁰ Reported cases of aerial spraying of agrichemicals in Mato Grosso do Sul were called "chemical aggressions" by prosecutor Delfino.¹⁵¹





9. RETURN OF THE GUARDIANS

"THE GUARANI KAIOWÁ'S RESISTANCE IS UNIQUE IN THE WORLD. THEIR CHILDREN, WOMEN AND MEN ARE VERY STRONG AND VERY CLEAR ABOUT THEIR RIGHTS."

ANTÔNIO EDUARDO CERQUEIRA DE OLIVEIRA, EXECUTIVE SECRETARY OF THE INDIGENIST MISSIONARY COUNCIL (CIMD)

The Guarani Kaiowá have a special relationship with the land. The term *Tekohá* came up often during interviews. Eliel Benites, a Guarani Kaiowá leader and academic from the Te'yikue village in Mato Grosso do Sul, calls the *Tekohá* the "sacred village".¹⁵² It can be understood as the place where the community can live according to its beliefs, cosmology and traditions, with important markers of ancestry and collective memory.

"The forests, rivers, plants and the wind have spiritual guardians. Our aim is to restore the health of the land to allow us to reconnect with this divinity and give meaning to our lives," Benites says.

Benites is aware of the challenges they face in a deforested landscape. "Amid this destruction the guardians withdraw, and the land becomes naked, with an open wound. If we can reforest the land the guardians can return," he adds.

The loss of their lands has meant the loss of a sense of place in the world for

many Kaiowá. Historian Rosely Stefanos, who has seen first-hand cases of suicide among Guarani Kaiowá youth, stresses the lack of perspectives affecting them. "They are dehumanised because [outside their communities] they are expected to behave as non-indigenous and this generates deep internal conflicts in young people," she says.¹⁵³

Several Guarani Kaiowá leaders interviewed by our team mentioned issues of domestic violence, alcoholism, drug abuse, suicides, and a general sense of despair among many young indigenous people.

Some remember fondly the attempts to reoccupy their lands, even faced with enormous risk. "We prayed for several days to ward off bad spirits from our path. It was so beautiful, we felt happy. It was as if we were returning to our mother's lap," recounts Anastácio Peralta, a Guarani Kaiowá leader from the village of Panambizinho, about preparations for a *retomada* several years ago.¹⁵⁴



Guarani Kaiowá child seen during a protest to defend indigenous land, outside Brazil's Supreme Federal Court in Brasilia, Brazil, June 2019

© REUTERS / Adriano Machado / Alamy Stock Photo

Farmers have learned they can hit indigenous communities where it hurts. "Twenty prayer houses have been set on fire since 2021. They realised they must attack this source of mystical-religious strength so [indigenous people] lose this cultural force," says Cerqueira de Oliveira, the head of CIMI.¹⁵⁵

Despite their current predicament, the Guarani Kaiowá do not see themselves as helpless victims. Those who have spent time with them often highlight their capacity for resilience and hope. "The Guarani Kaiowá always have a smile on their faces," says Maristela Aquino, the schoolteacher we met at the landfill.

Valdelice embodies this spirit and calls on others to join their struggle. "The aim of Brazil's rulers is the extermination of our people. My message to you watching our situation in Mato Grosso do Sul and in Brazil is that you rise up with us."

THE GUARANI KAIOWÁ WANT TO RESTORE THE HEALTH OF THE LAND AND CONNECT ONCE AGAIN WITH THEIR DIVINITY



Eliel Benites, a Guarani Kaiowá leader and academic from the Te'yikuê village in Mato Grosso do Sul

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COMPANIES' RESPONSES

Companies' comments submitted to Earthsight in response to our report's findings

COMPANIES IN GERMANY:



ANIMONDA PETCARE

How does your company ensure the traceability of the products used in its brands back to the origin (e.g. to the farm of origin for soy used in animal feed)? How are your company's traceability practices monitored and evaluated (e.g. third party audits, internal reviews, etc.)?

All materials used in the production of petfood are recorded in the inventory management system of the production companies. With the corresponding batch number of each material, the reference to the direct upstream supplier is established. If necessary, e.g. in the event of a crisis, we receive further information from the supplier about their respective upstream suppliers. As part of our risk assessment, we conduct supplier audits or explicit batch traceability tests.

All these measures are part of the IFS certification, according to which our production sites have been certified for years.

Our intermediary is IFS Broker certified, which means that our requirements are passed on in the supply chain. The supplier in Brazil has BRC (analog IFS) and SMETA certification.

Does your company have a policy on human rights or indigenous rights? How is this policy implemented, monitored and evaluated?

We have a Code of Conduct based on the International Labour Organisation (ILO) standards on human rights. Compliance with this Code of Conduct is required in the general terms and conditions and is signed by our suppliers. SMETA-certified companies are taken into account in the supplier qualification process.

What action does your company take when it finds evidence of violations of indigenous peoples' rights in its supply chains?

In cases of proven human rights violations, consequences are derived that also lead to the termination of supplier relationships.

Has your company ever blocked a supplier associated with Brazilian chicken because of concerns about violations of indigenous peoples' rights? Can you provide details?

To date, there has been no evidence in this regard that would have resulted in a supplier being blocked.

What is your company's view on the need for legally binding regulations in the EU to ban goods and derived products that are linked to violations of indigenous people's rights?

In our company policy, we are committed to complying with all legal regulations relevant to us, including social and ethical aspects.



SATURN PETCARE

We take information of this kind very seriously. Consequently, after receiving your letter we have immediately started investigations and have contacted our suppliers. Our suppliers have confirmed that the soybeans grown in the area in question are not used for the production of animal feed. We can therefore with certainty exclude any connection to our products.

We would nevertheless like to give you some information about our traceability system and our supplier requirements.

All raw materials that we use to produce pet food are recorded in our inventory control system. This guarantees that each raw material can be linked directly to the upstream supplier. In the context of our risk assessment we carry out supplier audits or conduct explicit traceability tests to check traceability through the supply chain. All these measures form part of the globally accepted IFS certification by which our company has been certified for years. Our agent is an IFS-certified broker, which ensures that our requirements are also passed down through the supply chain. The supplier in Brazil is certified by BRC (comparable to IFS) and SMETA.

Our company's Code of Conduct is based on the standards of the International Labor Organization (ILO) for human rights. We require our suppliers to sign and comply with this Code of Conduct by their agreement to our general terms and conditions. In cases of proven violation of human rights we take steps that may also lead to blocking a supplier. So far, there have been no indications in this regard that might have led to the disqualification of a supplier. With our company policy, we commit to complying with all relevant legal requirements, which also includes social and ethical aspects.



EDEKA

The EDEKA Group is aware of its responsibility as a food retail enterprise and as an active part of society at all levels. Our top priority is thus assigned to the protection of human rights and compliance with applicable laws by suppliers, for instance as regards protection against land grabbing. We are therefore very interested in any cases of abuse or irregularities being brought to our attention so that we can investigate them in depth.

After all, part of a sustainable product range policy is to ensure that the products we carry have also been manufactured under socially and ecologically responsible conditions. EDEKA calls for strict compliance with minimum social standards from its business associates – this requirement is part of its general business terms and conditions. Further certification systems as well as standards and product parameters feature as additional requirements from time to time. The contractual terms and conditions hence also include specific requirements for environmental sustainability and social responsibility. In product questionnaires and contract annexes, we call upon our suppliers to disclose e.g., the exact countries of origin for all raw materials, production conditions and social standards.

Moreover, compliance with our requirements and criteria is monitored within the scope of the applicable certification systems, partly also unannounced, as well as during random visits by EDEKA employees or external service providers. In the event of any violations, audits generally provide for the preparation of action plans, their implementation and subsequent re-inspection. In the event of continued non-compliance or particularly severe violations (“zero tolerance”), suppliers must expect loss of certification all the way through to being suspended or banned.

The relevance of traceability and the implementation of additional criteria for careful use of resources and protection of human rights along the supply chain are addressed in the course of supplier dialogues. We assign priority to those suppliers who are already working on implementing the additional criteria or have delivered proof of compliance with these. Furthermore, in the event of suspicious circumstances and/or intensified need for information, we can always ensure traceability for all raw materials or commodities used. In the case of soya, EDEKA is meanwhile working on a pilot project with ftrace to backtrack the soya feed supply chain (see current article in a major German trade publication: <https://www.lebensmittelzeitung.net/tech-logistik/nachrichten/f-trace-transparency-lidl-und-edeka-pilotieren-transparenz-tool-fuer-lieferketten-163964>)

On the environmental front, the EDEKA Group has been cooperating with the WWF for years to significantly reduce its environmental footprint – primarily by extending its range of more sustainable products and conserving natural resources. This includes the objective of implementing supply chains in conformity with the Accountability Framework Initiative (AFI) guidelines. This is to ensure ethically responsible, deforestation- and conversion-free supply chains in the future, especially for forest-risk raw materials such as soya, for instance.

We also exchange views with market participants and NGOs and, within the ambit of our possibilities as a food retailer, also approach policymakers.

- We are actively involved in various initiatives/standards (as regards deforestation, including FONAP, FONEI, RSPO). To some extent, human rights criteria are also partially integrated in this regard.
- The application of the principle of “Free, Prior and Informed Consent” (FPIC) e.g., in relation to indigenous peoples in advance of any activities that may impair their rights or resources is also an element and commitment in our standard systems in use.
- In many cases, global deforestation is also associated with human rights abuses and violations of the rights of indigenous peoples. This is another reason why we have been committed to zero- conversion and zero-deforestation supply chains since the end of 2021, with the objective of meeting the AFI requirements. Besides, we also take a public stand against over- exploitation of rainforests and have, for instance – along with 40 other European companies – called for strict EU legislation to stop global deforestation and to encourage deforestation-free supply chains. Please refer to: <https://verbund.edeka/verbund/statement-of-support-from-businesses-for-an-effective-eu-law-to-halt-the-trade-in-commodities-and-products-linked-to-deforestation-and-conversion.pdf>

The EDEKA Group as a whole is therefore committed to developing ecologically and socially responsible actions and campaigns along the entire supply chain, introducing standards and promoting structures that also monitor these endeavours. And, in doing so, it goes without saying that we refer to applicable case law and regulations.



NETTO MARKEN-DISCOUNT

Netto Marken-Discount is aware of its responsibility as a food retail enterprise and as an active part of society at all levels. Objectives such as protection of human rights and compliance with applicable legislation by suppliers, for instance as regards prevention of land grabbing, therefore enjoy high priority for us. We are very interested in any cases of abuse or irregularities being brought to our attention so that they can be investigated.

Part of a sustainable product range policy is ensuring that products we carry have also been manufactured under socially and ecologically responsible conditions. We call for our business associates to firmly comply with minimum social standards – this requirement is part of our general business terms and conditions. Additional requirements include further certification systems as well as standards and product requirements. Accordingly, our contractual terms and conditions also feature specific requirements for environmental sustainability and social responsibility. We call upon our suppliers to use our product questionnaires and contract annexes to disclose e.g., the exact countries of origin for all raw materials, production conditions and social standards.

Moreover, compliance with our requirements is generally monitored by external service providers, in some cases unannounced, within the scope of the applicable certification systems. In the event of any violations, audits generally provide for the preparation of action plans, their implementation and subsequent re-inspection. In the event of continued non-compliance or particularly severe violations (“zero tolerance”), suppliers must expect loss of certification all the way through to being suspended or banned. The relevance of traceability and the implementation of additional criteria along the supply chain are addressed within the framework of supplier dialogues. Netto assigns priority to suppliers who are already working on implementing the additional criteria or have delivered proof of compliance with these.

Furthermore, we proactively pursue the objective of further reducing our environmental footprint – above all by expanding our range or more sustainable articles and conserving natural resources. In order to underpin this with external expertise, we have been working with our strategic sustainability partner WWF for over ten years now. This includes the objective of implementing supply chains in accordance with the Accountability Framework Initiative (AFI) guidelines. In the future, this is to ensure ethically responsible, deforestation- and conversion-free supply chains, especially for forest-risk commodities such as soya. As part of our group of companies[1] Netto Marken-Discount additionally exchanges views with market participants and NGOs and, within the ambit of our possibilities as a food retailer, we also approach policymakers.

- The company is proactively engaged in various initiatives/standards (as regards deforestation, including FONAP, FONEI, RSPO). Human rights criteria are also partially integrated here.
- The application of the principle of “Free, Prior and Informed Consent” (FPIC) e.g., in relation to indigenous peoples in advance of any activities that may impair their rights or resources is also an element and commitment in our standard systems in use.
- In many cases, global deforestation is also associated with human rights abuses and violations of the rights of indigenous peoples. This is one of the reasons why Netto Marken-Discount has been committed to conversion- and deforestation-free supply chains since the end of 2021. We therefore have the goal of meeting the AFI requirements. Besides, a public stand is also taken against over-exploitation of rainforests and, for instance – jointly with 40 other European companies – strict EU legislation has been demanded to stop global deforestation and to encourage deforestation-free supply chains. Please refer to: Press release calling for EU legislation.

Netto Marken-Discount as a whole is therefore committed to developing ecologically and socially responsible actions and campaigns along the entire supply chain, introducing standards and promoting structures that also monitor these activities. And, in doing so, we refer to applicable case law and regulations.



LIDL

Lidl takes its corporate due diligence extremely seriously. We have specified our requirements for social and ecological standards, such as the protection of forests and ecosystems, in our purchasing policy to work towards supply chains that are free of deforestation and conversion (the English version from our Lidl GB colleagues, but which is still applicable to Lidl in general can be found here). In doing so, we follow the guidelines of the Accountability Framework Initiative (AFI) which includes acting in accordance with the UN Declaration of the Rights of Indigenous Peoples.

To understand and increase the transparency and traceability in our soy supply chains, we regularly carry out soy mappings with external service providers. The soy quantities and their distribution among the various animal products in our own label range are recorded. In addition, the certifications are evaluated.

Further Lidl established a broader, publicly available due diligence policy in 2019 (the English version from our Lidl GB colleagues, but which is still applicable to Lidl in general can be found here) as well as a dedicated human rights policy in 2021 (the English version from our Lidl GB colleagues, but which is still applicable to Lidl in general can be found here). Implementation and monitoring of both policies rests on a range of actions including strengthening supplier policies and supplier capacity, enhanced risk analyses including Human Rights Impact Assessments, auditing and certification (Ecovadis, Sedex/SMETA, Fairtrade, Danube Soy, RTRS) as well as industry-wide projects aiming to address identified adverse human rights impacts. Lidl also advocates for an ambitious European supply chain law that covers both material human rights and environmental concerns.

We are aware of the social and environmental impact of soy farming. With this in mind, we have committed to making the sourcing of soy in our supply chains sustainable by the end of 2022. As part of our international soy strategy, we are working to reduce the use of soy in the long term by trialling alternative feed sources with our suppliers such as rapeseed scrap. If the soy content cannot be replaced by alternatives, for example due to a lower protein content, we aim to source soy from the European Union. To this end, we have entered into a close and distinctive protein partnership with Donau-Soja in order to compensate the entire Lidl soy footprint in the DACH region with an equivalent amount of European and sustainable soy. This represents an important first step towards achieving the long-term goal of segregated flows of goods. As long as there is a need to import soy, we are also committed to increasing the proportion of certified, non-GMO and more sustainable soy.

We are therefore promoting sustainably grown soy through certification and driving change towards sustainable soy cultivation through projects and initiatives. For this purpose, we also compensate in other Lidl countries outside of the DACH region soy quantities in animal feed with RTRS that come from the regions of Maranhão and Piauí in Brazil.



ALDI SÜD

We can immediately assure you that Aldi takes any allegations of this kind very seriously and will investigate the matter further with our supplier. We are committed to respecting human rights and improving living and working conditions throughout our supply chains. We expect our business partners and other suppliers to also respect human rights and ensure that business activities comply with our human rights and environmental standards and policies.

We are aware that the violation of indigenous rights and deforestation in Brazil - especially under the current government - is a pressing issue. We are committed to respecting human rights and improving living and working conditions throughout our supply chains. We describe our approach in our International Policy Statement for Human Rights. Respecting the rights of indigenous people is one of the aspects of human rights that we consider salient in this context as our actions could have a stronger impact on these.

In addition to our commitment to source 100 percent sustainable soy by 2025, we support strict legal requirements that go beyond our own supply chains:

- To counter the Brazilian government's plan to shrink existing protected areas and restrict indigenous peoples' rights, we supported a public letter to the Brazilian government in 2020 and 2021.
- In addition, we have been publicly advocating for the introduction of a robust and impact-oriented European legislative framework to protect human rights since 2020. We believe the introduction of corporate mandatory due diligence into legislation is an important building block for the realisation of human rights along international supply chains. Mandatory legislation creates a level playing field and makes human rights along supply chains non-negotiable. We are convinced that legislation can only effectively contribute to realising human rights, if we engage in real collaboration, align the scope of due diligence with the UNGP, ensure practicality, and strive for harmonization of requirements. We describe our position on mandatory human rights due diligence legislation in our Position Statement.

Since 2010, the ALDI Social Standards in Production are our definitive standard for cooperation with business partners for our food and non-food products. These standards are contractually binding and prohibit human rights infringements such as forced labour and child labour as well as discrimination in any form.

We constantly assess our actual and potential impacts on human rights in order to prevent or mitigate the adverse impacts of our business or remediate where necessary. Based on our assessments we develop strategies and continually improve our processes and practices. To date, soy production for animal feed was not identified as a priority for our human rights activities. The supply chains for soy in animal feed are very complex and it is very difficult to trace the soy back to the origin. In Europe, we have been working since 2018 through the so-called Collective Soy Reporting together with other retailers and our suppliers on processes to build knowledge and traceability about the origin of animal feed. This process is conducted and verified by an external service provider. However, due to the very complex soy supply chains, this is a difficult process for us and our direct suppliers. Our goal to source 100 percent sustainable soy by 2025, meaning either from certified sources or from low risk regions such as Europe, supports the protection of human rights in our soy supply chain.



ALDI NORD

Thank you for your letter regarding alleged indigenous rights violations in Brazil. We thank you for bringing this matter to our attention.

We can immediately assure you that ALDI takes any allegations of this kind very seriously and will investigate the matter further with our supplier. We are committed to respecting human rights and improving living and working conditions throughout our supply chains. We expect our business partners and other suppliers to also respect human rights and ensure that business activities comply with our human rights and environmental standards and policies.

We are aware that the violation of indigenous rights and deforestation in Brazil - especially under the current government - is a pressing issue. We are committed to respecting human rights and improving living and working conditions throughout our supply chains. We describe our approach in our International Policy Statement for Human Rights. Respecting the rights of indigenous people is one of the aspects of human rights that we consider salient in this context as our actions could have a stronger impact on these.

In addition to our commitment to source 100 percent sustainable soy by 2025, we support strict legal requirements that go beyond our own supply chains:

- To counter the Brazilian government's plan to shrink existing protected areas and restrict indigenous peoples' rights, we supported a public letter to the Brazilian government in 2021.
- In addition, we have been publicly advocating for the introduction of a robust and impact-oriented European legislative framework to protect human rights since 2020. We believe the introduction of corporate mandatory due diligence into legislation is an important building block for the realisation of human rights along international supply chains. Mandatory legislation creates a level playing field and makes human rights along supply chains non-negotiable. We are convinced that legislation can only effectively contribute to realising human rights, if we engage in real collaboration, align the scope of due diligence with the UNGP, ensure practicality, and strive for harmonization of requirements. We describe our position on mandatory human rights due diligence legislation in our Position Statement.

Moreover, the BSCI Code of Conduct in its current version is the definitive standard for cooperation with business partners for our food and non-food products. These standards outlined in the CoC are contractually binding and prohibit human rights infringements such as forced labour and child labour as well as discrimination in any form.

We constantly assess our actual and potential impacts on human rights in order to prevent or mitigate the adverse impacts of our business or remediate where necessary. Based on our assessments we develop strategies and continually improve our processes and practices. As we have to prioritize based on our conducted risk assessment, soy production for animal feed was not identified as a priority up to now. The supply chains for soy in animal feed are very complex and it is very difficult to trace the soy back to the origin. In Europe, we have been working since 2021 through the so-called Collective Soy Reporting together with other retailers and our suppliers on processes to build knowledge and traceability about the origin of animal feed. This process is conducted and verified by an external service provider. However, due to the very complex soy supply chains, this is a difficult process for us and our direct suppliers. Our goal to source 100 percent sustainable soy by 2025, meaning either from certified sources or from low risk regions such as Europe, supports the protection of human rights in our soy supply chain.



FRESSNAPF

For our suppliers, our comprehensive Code of Conduct is part of the contract and is signed as such. The Code of Conduct is based on the standards of the International Labor Organization (ILO) for human rights. It explicitly stipulates that our suppliers undertake to protect the interests of indigenous people in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

Our suppliers also commit to ensure that these requirements are also met by their subcontractors. Any allegation of a breach of this commitment will be fully investigated. In this context, it is irrelevant to us whether we receive such reports via contractual partners or, for example, our complaints office. If we become aware that a supplier or sub-supplier is in breach of our requirements, we will immediately demand and support measures to rectify the situation. If the violations are still not remedied and are of a corresponding severity, as is the case with human rights violations, we immediately terminate the business relationship with our suppliers.

So far, we have not received any information regarding the violation of the rights of indigenous people, so that we will now comprehensively examine the facts in our company as described by you.



ZOOPLUS

Respecting human rights is a core value of our company. Based on this, zooplus is strongly committed to conducting its business relationships as well as sourcing of quality merchandise and services in a manner that reflects our ethical, moral and social values.

All our contracts contain a Supplier Code of Conduct which sets out our requirements and expectations that all suppliers and their affiliated organizations – including suppliers, factories, and authorized subcontractors – must comply with, in order to conduct business with zooplus and its related businesses. This also applies to the contract with our supplier Animonda Petcare, who has committed itself to this Code of Conduct in the course of concluding the contract.

As we take the findings of your report very seriously, we have double-checked with our supplier Animonda. Correspondent to the information available to us, the IFS certification of Animonda, according to which the Animonda production sites have been certified for years, remains valid. Pursuant to Animonda, the same applies for their supplier in Brazil, which is certified in accordance with the BRC Global Standard for Food Safety and the SMETA Ethical Audit.

Please find below our answers to your questions.

How does your company ensure traceability of the products used in the petfood it sells back to origin (for example, the farm of origin for the soy used in animal feed)? How are your company's traceability practices monitored and assessed (for example, third party audits, internal reviews, etc.)?

Our suppliers are required to record all materials used in the production of petfood in an inventory management system. With the corresponding batch number of each product or raw material, the supply chain becomes transparent. If necessary, we receive further information from the supplier about their respective suppliers.

Does your company have a human rights or indigenous rights policy in place? How is this policy implemented, monitored and assessed?

At zooplus, we have a Company Code of Conduct, applicable to all companies and locations of the zooplus Group, as well as a Supplier Code of Conduct in place.

The Supplier Code of Conduct sets out our requirements and expectations that all our suppliers and their affiliated organizations – including suppliers, factories and authorized subcontractors – must comply with, in order to conduct business with zooplus and its related businesses. This is a fundamental part of all our contracts.

Suppliers and their affiliated organizations must ensure that they are not complicit in human rights abuses, ensure workers are treated with dignity and respect, and avoid any type of harassment. In addition, they must actively maintain the protection of human rights as detailed in the UN Universal Declaration of Human Rights.

Furthermore, zooplus is strongly committed to respecting human rights, including the identification and elimination of modern slavery and human trafficking. Although zooplus has never been linked to any types of human rights violations, the company is aware of its responsibility along its entire value chain

and endorse the transparency that the UK Modern Slavery Act 2015 encourages. Therefore, we act according to our Modern Slavery Act – Transparency Statement and comply with the requirements set out in section 54 of the UK Modern Slavery Act 2015. We disclose annually our activities related to the protection of human rights and social standards in our business and supply chain.

We have implemented a supplier screening and risk monitoring tool which continuously monitors the so-called PESTEL risk factors (political, economic, sociocultural, technological, environmental, legal) in thousands of international sources (e.g., press, legal information, databases). With its help we check our suppliers before concluding a contract and continuously during the contractual relationship following a risk-based approach.

In addition, we monitor compliance with our Code of Conduct following a risk-based approach and undertake social audits with or without notice at the supplier's premises to verify compliance with our principles.

What actions does your company take when it finds evidence of indigenous rights violations in its supply chains?

We expect all our suppliers to comply with the regulations and principles contained in our Supplier Code of Conduct and to similarly commit their affiliated companies, including suppliers, manufacturers and approved subcontractors, to comparable principles. If our expectations are proven not to be met, we reserve the right to terminate the current business relationships.

Has your company ever blocked any supplier linked to Brazilian chicken due to concerns over indigenous rights violations? Can you provide details?

To date, there has been no such situation that would have resulted in zooplus blocking a supplier.

What are your company's views on the need for legally binding regulations in the EU to ban commodities and derived products linked to indigenous rights violations from being imported to the single market?

In our Company Code of Conduct, our Supplier Code of Conduct and our Modern Slavery Act – Transparency Statement, we are committed to complying with all legal regulations relevant to us, including social and ethical aspects.

We very much welcome the initiatives on the part of German and European legislators to make legally binding and, above all, uniform requirements for business in order to contribute to improving the human rights situation in the world.



REWE MARKT

Referring to your request, we checked our entire supply chain and interviewed all our suppliers. According to the supplier (LAR Cooperativa Agroindustrial), the soybeans obtained from the affected area are intended exclusively for sale in kind and are under no circumstances used for animal feed respectively for the production of petfood. In this respect, there is expressly no connection to our products neither for our petfood products ZooRoyal nor for ja!.



DM-DROGERIE MARKT

Kerstin Erbe: "We do not use any raw materials that originate from the Brasilia do Sul soy farm in Brazil for the products of our Dein Bestes brand. At dm, we select the suppliers for our dm-branded products in a responsible and environmentally conscious way. We have contractually agreed on the adherence to extensive social and environmental standards with our suppliers, also with regard to the upstream supply chain. We only work with suppliers who have incorporated social responsibility along the supply chain in their terms of business, actively implement it and ensure compliance through regular on-site audits and inspections. Furthermore, we signed a voluntary commitment and a declaration to promote living incomes and wages in the global agricultural supply chains relevant for our dm-branded products in January 2020. We are committed to fair trade and due diligence in supply chains in order to identify possible gaps and initiate the necessary adjustments. This way, we want to honor our social and environmental responsibility even further in the future."

How does your company ensure traceability of the products used in its brands back to origin (for example, the farm of origin for the soy used in animal feed)? How are your company's traceability practices monitored and assessed (for example, third party audits, internal reviews, etc.)?

Dirk Rossmann GmbH (hereinafter referred to as ROSSMANN) contractually commits its suppliers to use a traceability system organised by lot/batch numbers or codes or other specific design features, allowing traceability right back to the raw material manufacturer. Further measures are taken to ensure that the raw materials supplied by raw material manufacturers can be assigned to precise batches by means of supplier management and that each raw material has been checked with regard to its origin and manufacturing conditions prior to 'initial approval' for production. Random checks are carried out at our manufacturers to ensure that such provisions are working and are being observed. Such checks also include audits, but primarily queries and controls stemming from the analytical quality assurance tests, where the focus is on individual raw materials in particular. Safeguarding via certified supply chains – as in the case of organic products, for example – is also taken into account.

Feed producer Saturn Petcare GmbH has also confirmed to ROSSMANN that these requirements have been met. After our explicit traceability request, Saturn Petcare GmbH reported back to our company with the following statement:

All materials used in the manufacture of pet food are entered in the enterprise resource planning system. The corresponding batch number of each material establishes a link to the direct upstream supplier. If necessary – in the event of a crisis, for example – we obtain further information from the supplier about their respective upstream suppliers. As part of our risk assessment process, we conduct supplier audits or explicitly carry out batch traceability tests. All of these measures are part of the IFS certification programme, in accordance with which our company has been certified for a number of years. Our intermediate agent has IFS broker certification, which means that our requirements are passed on within the supply chain. The supplier in Brazil is certified in accordance with BRC (equivalent to IFS) and SMETA.

Following demands from Saturn Petcare GmbH customers such as ROSSMANN and the request from Earthsight, measures were once again taken to trace the supply chain of the soya used.

According to the supplier (LAR Cooperativa Agroindustrial), the tracing process revealed that the soya beans sourced from the affected area are intended solely for sale in Natura and are not used for animal feed. As such, there is absolutely no connection to ROSSMANN branded products. According to the supplier LAR Cooperativa Agroindustrial, the source of the soy used for the animal feed is the country of Paraguay.

Does your company have a human rights or indigenous rights policy in place? How is this policy implemented, monitored and assessed?

ROSSMANN is absolutely committed to protecting human rights. In order to live up to this commitment, ROSSMANN has produced a code of conduct for the above measures. It forms the basis for every order involving ROSSMANN branded products and non-food articles. The ROSSMANN code of conduct is based on various principles, such as the Universal Declaration of Human Rights, the UN Guiding Principles on Business and Human Rights and the ILO's core labour standards. This code of conduct applies not only to suppliers and production facilities themselves, but is also binding for upstream businesses, such as weavers and dyeing plants in the textile sector. Acceptance of the supplier code of conduct is a requirement for cooperation with ROSSMANN. The code of conduct is regarded as a tool that clearly defines the importance of human rights and environmental standards as the basis for cooperation – also as an obligation in respect of our suppliers.

Saturn Petcare GmbH also uses a code of conduct. According to the company, this is based on the standards of the International Labour Organization (ILO) for human rights. Compliance with this code of conduct is demanded by Saturn Petcare GmbH through its general terms and conditions, which its suppliers are required to sign. SMETA-certified companies form the basis of all considerations relating to supplier qualification.

Commitment to various social projects also shows that ROSSMANN attaches considerable importance to the right to self-determination and the right to live life in freedom and peace.
<https://unternehmen.rossmann.de/nachhaltigkeit/soziale-verantwortung.html>

What actions does your company take when it finds evidence of indigenous rights violations in its supply chains?

If ROSSMANN is notified of such violations, an internal process is launched to establish the facts. To this end, all obtainable data concerning any allegations is gathered and affected suppliers are contacted along with other involved parties, where practical or necessary.

There may also be discussions with certification or consulting companies, depending on the nature of the allegations and the data available. Measures are then agreed and implemented on the basis of an overall assessment of the situation. In this context, ROSSMANN also relies on the responsibility to improve existing situations and, in the event of violations, to find the most sensible solution possible with the suppliers involved. Termination of the supplier relationship is also not ruled out. Saturn Petcare GmbH has confirmed to ROSSMANN that it takes such human rights violations very seriously and, if proven, will take appropriate measures up to and including the possible termination of supplier relationships.

Has your company ever blocked any supplier linked to Brazilian chicken due to concerns over indigenous rights violations? Can you provide details?

There has not yet been a case involving Brazilian chicken meat in connection with concerns about violations of the rights of indigenous peoples in relations with ROSSMANN suppliers. In the case cited by Earthsight, ROSSMANN has already initiated the above-mentioned review process together with the supplier Saturn Petcare GmbH and will continue to work on it as stated. In this regard, we would like to express our sincere thanks to you for providing the data and background information on this case.

What are your company's views on the need for legally binding regulations in the EU to ban commodities and derived products linked to indigenous rights violations from being imported to the single market?

ROSSMANN expressly welcomes the safeguarding of human rights and thus also the safeguarding of the rights of indigenous peoples. The UN Declaration on the Rights of Indigenous Peoples from 2007 also states the right of peoples to control the natural resources in their territories, reaffirming in particular that indigenous peoples are entitled to compensation for occupied, appropriated or damaged lands, resources and territories.

Even though this declaration was aimed at states, it makes sense to apply it to corporate activities. ROSSMANN is therefore using the German government's so-called NAP (National Action Plan) for Business and Human Rights from 2011 as a basis for implementing the UN Guiding Principles on Business and Human Rights (United Nations Guiding Principles on Human Rights). It should be emphasized here that the NAP has explicitly classified indigenous peoples as particularly vulnerable groups and that special attention must be paid to protecting them.

ROSSMANN advocates legal regulations that define equal responsibility for supply chains for all parties involved in the consumer goods trade. ROSSMANN views the challenges of the German Supply Chain Act (Lieferkettensorgfaltspflichtengesetz) as supplementary to its own aforementioned tools and measures being used to fulfil its responsibility in the context of global trade and reinforce compliance with ILO Convention 169 on the protection of indigenous peoples.

Furthermore, ROSSMANN is continuing to engage in dialogue with its suppliers. Besides ROSSMANN's corporate policy on social commitment, relevant legal developments on social, environmental and sustainability requirements are also being discussed. This is often the case when corresponding laws are only available in draft form. ROSSMANN also wishes to use this information policy to make foreign suppliers aware of the implementation of corresponding laws and engage in dialogue with them during the implementation of such laws.

COMPANIES IN THE UK:

ALDI (UK)



Can I immediately assure you that Aldi takes any allegations of this kind very seriously and will investigate the matter further with our supplier. Westbridge Food Group confirmed that there is no link to Aldi from Brasília do Sul Farm. We are committed to respecting human rights and improving living and working conditions throughout our supply chains. We expect our business partners and other suppliers to also respect human rights and ensure that business activities comply with our human rights and environmental standards and policies.

As you may already know, Aldi has strict policies around how our suppliers use soy. Aldi accepts a range of certifications for deforestation-free soy feed benchmarked to the FEAC guidelines, which has clear requirements on using land that has proven ownership with no unresolved claims with indigenous peoples. We are also a member of the Global Roundtable on Responsible Soy (RTRS), which works to promote responsible soy production.

Furthermore, we recognise the potential impacts that our sourcing can have and continue to work hard to protect the rights of everyone who takes part or is affected by our sourcing. Based on our

assessments, we develop strategies and continually improve our processes and practices.

Answer to follow up questions requesting evidence on the statements made on first reply:

To ensure product safety and legality, all own label food supplier manufacturing and supplying sites must have a Global Food Safety Initiative (GFSI) certification.



ASDA

I can confirm that no Asda products which are supplied to us via Westbridge originate on this continent.

We have robust criteria which all of our suppliers must follow to ensure all of our products are sourced responsibly, and details of those criteria can be found here: <https://www.asdasupplier.com/responsible-sourcing-supplier-standards>

We also have specific targets relating to the sustainable farming of Soya, you can see our commitments here: <https://www.asda.com/creating-change-for-better/better-planet/farming-and-nature#soy>

If you have any evidence suggesting that Asda products may be sourced from this region please do share that with me and I can look to investigate this with Westbridge.

Answer to follow up questions requesting evidence on the statements made on first reply:

We have traceability for all Westbridge products in our supply chain and every year Asda and Global Food Safety Initiative (GFSI) carry out own and third party audits on every supplier.



SAINSBURY'S

We have investigated this report and can confirm that none of our own brand chicken is sourced from LAR Cooperativa Agroindustrial in Brazil.

Sourcing products ethically and sustainably is important to us – this includes working to ensure our own brand products do not contribute to deforestation.

We have strict standards that all our suppliers have to meet, and we work with them to ensure that the products we sell are sustainably and ethically sourced. We want to treat people fairly throughout our business and supply chains and we remain committed to championing human rights.

Our Supplier Policy on Sustainable Sourcing outlines the employment practices and standards we expect from our suppliers, wherever in the world they may be. The policy is based on the Ethical Trading Initiative's (ETI) Base Code, the International Labour Organisation (ILO) core conventions and the Universal Declaration of Human Rights. Our aim is for the policy to be adopted as a minimum standard and to see suppliers' performance continuously improving. We are committed to respecting human rights across our value chain, by providing training, sharing our knowledge, and engaging in collaborative industry initiatives.

Answer to follow up questions requesting evidence on the statements made on first reply:

Westbridge does not source any of our own brand chicken from Brazil.

As Valley Foods is a branded product you would need to speak to the manufacturer. But I can say that we are in contact with them about this report.

COMPANIES THAT DID NOT REPLY TO EARTHSIGHT'S REQUESTS FOR COMMENT:

Paulsen Food (Germany), Westbridge Foods (UK), KFC (UK), Iceland (UK), Onlinepets (owner of Vetsend and Medpets)

Lar Cooperativa Agroindustrial (Brazil), Coamo Agroindustrial Cooperativa (Brazil)

The Jacintho family also did not reply to Earthsight's request for comment.

REFERENCES

- 1** While the Veron family have been important Kaiowá leaders, they are not the only ones. For decades other individuals and families have assumed key leadership roles in the Guarani Kaiowá struggle to return to their ancestral lands. The fact that this report has a stronger focus on the Veron family – due mainly to research and other constraints – should not be taken as judgement on the importance of other families' historical roles. It's worth highlighting that, in addition to her role as an indigenous leader, Valdelice Veron is an anthropologist with the Federal University of Grande Dourados.
- 2** Interviews with anthropologist and historian Jorge Eremites de Oliveira, historian and lecturer in law Roseli Aparecida Stefanec Pacheco, federal prosecutor Marco Antonio Delfino and indigenous leader Valdelice Veron
- 3** G1 Mato Grosso do Sul, 'MS tem maior número de homicídios entre indígenas do país em 2019, diz CIMI', 30 Sep 2020, available at <https://g1.globo.com/ms/mato-grosso-do-sul/noticia/2020/09/30/ms-tem-maior-numero-de-homicidios-entre-indigenas-do-pais-em-2019-diz-cimi.ghtml> (accessed on 11 Mar 2022). See also the charts and their sources.
- 4** The Cerrado is a tropical biome of savannas, grasslands, humid and dry forests that borders the Amazon and covers most of Brazil's centre-west and centre-north states. The Pantanal encompasses the world's largest tropical wetland area and flooded grasslands, covering parts of Mato Grosso, Mato Grosso do Sul, and spilling over Bolivia and Paraguay. The Atlantic Forest once boasted lush and biodiverse forests stretching for thousands of kilometres from Brazil's northeastern coast to its southernmost states. All these biomes in Mato Grosso do Sul, especially the Cerrado and Atlantic Forest, have suffered heavy levels of deforestation for several decades.
- 5** The Guarani Kaiowá are one of several indigenous ethnicities in South America who share the Tupi-Guarani linguistic family. While often referred to as a subethnicity of the Guarani people, the Kaiowá have also been portrayed as a separate group. See Instituto Socio Ambiental, 'Guarani Kaiowá', available at https://piib.socioambiental.org/en/Povo:Guarani_Kaiowa%C3%A1 (accessed on 7 Mar 2022); Paulo Roberto Cimó Queiroz, 'Uma esquina nos confins da América: encontros e desencontros nos processos de povoamento e ocupação do território do atual Mato Grosso do Sul', in Graciela Chamorro and Isabelle Combès (ed), *Povos Indígenas em Mato Grosso do Sul: História, cultura e transformações sociais*, 2015, UFGD Editora, available at https://www.secic.ms.gov.br/wp-content/uploads/2019/07/povos_indigenas_em_mato_grosso_do_sul.pdf (accessed on 21 Feb 2022). For thousands of years the Guarani inhabited a vast territory of millions of square kilometres in the River Plate basin extending over southern and central Brazil, all of Paraguay, south-eastern Bolivia, and northern Argentina. The Guarani Kaiowá, on the other hand, have lived mostly in the southern half of Mato Grosso do Sul and in Paraguay. Mato Grosso do Sul has been characterised as an 'indigenous state' due to the long history of a high number of indigenous communities occupying vast expanses of its lands. See SECIC, 'Comunidades Indígenas, Mato Grosso do Sul', available at <https://www.secic.ms.gov.br/comunidades-indigenas-2/> (accessed on 7 Mar 2022)
- 6** Paulo Roberto Cimó Queiroz, 'Uma esquina nos confins da América: encontros e desencontros nos processos de povoamento e ocupação do território do atual Mato Grosso do Sul', in Graciela Chamorro and Isabelle Combès (ed), *Povos Indígenas em Mato Grosso do Sul: História, cultura e transformações sociais*, 2015, UFGD Editora, available at https://www.secic.ms.gov.br/wp-content/uploads/2019/07/povos_indigenas_em_mato_grosso_do_sul.pdf (accessed on 21 Feb 2022). The last Indigenous census took place in 2010. According to the Brazilian Institute of Geography and Statistics (IBGE), 43,000 Guarani Kaiowá lived in the state at the time, representing the third largest indigenous group in the country. See G1 Brasil, 'Censo mapeia etnias e linguas indígenas', 10 Aug 2012, available at <https://g1.globo.com/brasil/noticia/2012/08/censo-mapeia-etnias-e-linguas-indigenas.html> (accessed on 10 Mar 2022)
- 7** A war fought between Paraguay and a coalition of Brazil, Argentina and Uruguay.
- 8** Used for centuries by indigenous communities to make tea, and which has remained popular in Uruguay, Paraguay, Argentina, and southern Brazil. The Guarani Kaiowá and other indigenous people in Mato Grosso do Sul provided up to 70 per cent of the labour in the yerba mate plantations, often working in conditions analogous to slavery. Interview with anthropologist Levi Marques Pereira, who concluded Funai's study of Takuara in 2005, as will be discussed later in the report.
- 9** Between 1915 and 1928 SPI established eight such reservations in Mato Grosso do Sul, covering an area of around 18,000 ha, or less than one per cent of the area traditionally occupied by the Kaiowá. Reservations often had thousands of people in small areas. To this day, the Caarapó Reservation, to which the Kaiowá from Takuara were sent in the 1950s, has around 6,000 people in an area of 3,600 ha. The Dourados Reservation is even more crowded, with 17,000 residents sharing 3,400ha without running water or sanitation. Alcoholism, drug abuse, depression and suicide are common among indigenous people forced to live in these places. See Survival International, 'New study reveals world's highest suicide rate among Brazilian tribe', 5 Jun 2014, available at <https://www.survivalinternational.org/news/10261> (accessed on 11 Mar 2022); Antônio Brand, 'O confinamento e o seu impacto sobre os Pãi/Kaiowá', *Dissertação (Mestrado em História) – Pontifícia Universidade Católica do Rio Grande do Sul*, 1993; Tonico Benites, 'Rojeroky hina ha roike jevy tekohape (Rezando e lutando): o movimento histórico dos Aty Guasu dos Ava Kaiowa e dos Ava Guarani pela recuperação de seus tekoha', *Tese de doutorado*, Rio de Janeiro: PPGAS/Museu Nacional, 2014.
- 10** In 2014 a National Truth Commission in Brazil acknowledged the forceable removal of Guarani communities and their confinement to reservations as grave human rights violations. See Anderson de Souza Santos, Luiz Henrique Eloy Amado and Dan Pasca (2021), 'É muita terra para pouco índio? Ou muita terra na mão de poucos? Conflitos fundiários no Mato Grosso do Sul', Instituto Socioambiental, available at https://www.socioambiental.org/sites/blog.socioambiental.org/files/ns_a/arquivos/conflitos_fundiarios_no_ms_-_versao_final_1.pdf (accessed on 30 Mar 2022)
- 11** Interview with Levi Marques Pereira, the anthropologist who led Funai's study of Takuara in the early 2000s.
- 12** A Publica, 'Ditadura criou cadeias para índios com trabalhos forçados e torturas', 24 Jun 2013, available at <https://apublica.org/2013/06/ditadura-criou-cadeias-para-indios-trabalhos-forcados-torturas/> (accessed on 11 Mar 2022)
- 13** Matte Larangeira's concessions were cancelled in 1943 as the federal government promoted the "March to the West", a programme to colonise Brazil's hinterlands through the expansion of cattle and crops seen as more profitable than yerba mate, including coffee. As a result, Matte Larangeira entered a period of long decline, culminating in its bankruptcy in 1966, when Argentina suspended yerba mate imports. See Larissa Rodrigues Vacari de Arruda, 'La Compania Matte Laranjeira: las relaciones políticas de la primera multinacional latinoamericana', *ALACIP 2015 – VIII Congreso Latinoamericano de Ciencia Política*, available at <https://alacip.org/cong15/pco-arruda8c.pdf> (accessed on 7 Mar 2022)
- 14** Matte Larangeira owned over 9,300 hectares of Takuara, which was a much larger territory traditionally occupied by the Guarani Kaiowá. See pp. 187-217 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacinto> (accessed on 29 Mar 2022)
- 15** Levi Marques Pereira, 'Relatório circunstanciado de identificação e delimitação da terra indígena Guarani/Kaiowá Taquara', Funai, Brasília, Sep 2005.

16 Lunardelli had made a fortune investing in cheap lands in central-western Brazil and Paraguay. At one point he owned over 100,000ha of farmland in Brazil and 350,000 in Paraguay. Known as one of the last 'kings of coffee', he was named in the Time magazine in 1954 as the donor of a series of paintings by Goya, Manet, Renoir, Degas and Cézanne to the new Sao Paulo Museum of Art, which had opened in 1947. Lunardelli is also said to have supported the 1964 military coup in Brazil and was implicated in the smuggling of arms used by the Brazilian armed forces during and after the takeover. See Time, 'Art. Senhor Robin Hood', 19 Jul 1954, available at <http://content.time.com/time/subscriber/article/0,33009,857507,00.html> (accessed on 11 Mar 2022); Fachin, V. S., Rodrigues, M. A. Z., Deffacci, F. A. (org.), 'Amambai: 70 anos de história', 2018, Seriem, available at <http://www.amambai.ms.gov.br/noticias/livro-amambai-70-anos-de-historia> (p. 199, accessed on 11 Mar 2022)

17 The agency was replaced in 1967 by Funai, the federal government's body tasked with promoting indigenous land rights and conducting studies of indigenous lands in order to facilitate their official recognition.

18 A 2020 CIMI report revealed that Mato Grosso do Sul has the second largest indigenous population in Brazil and that violent attacks against indigenous people are common in the state, resulting in episodes of murder and torture. See CIMI, 'Relatorio Violencia Contra os Povos Indigenas no Brasil, 2020', available at <https://cimi.org.br/wp-content/uploads/2020/10/relatorio-violencia-contra-os-povos-indigenas-brasil-2019-cimi.pdf> (accessed on 7 Mar 2022)

19 Stefanos also told our investigators that "farmers' actions are largely motivated by racism. It's not only a matter of losing their lands but losing their lands to indians. This is unacceptable to them."

20 Account provided by a source who wishes to remain anonymous.

21 Once at the notorious Krenak penitentiary used by the military regime to detain political prisoners and where torture was rife. See Ciclo de Historia, 'Reformatório Krenak: campo de concentração indígena na ditadura militar', 9 Apr 2021, available at <https://cliohistoriaeliteratura.com/2021/04/09/reformatorio-krenak-campo-de-concentracao-indigena-na-ditadura-militar/> (accessed on 7 Mar 2022)

22 By the end of the 1990s and with varying degrees of success, the Guarani Kaiowá had attempted to reoccupy 19 plots of land in Mato Grosso do Sul that were part of different communities' traditional lands. Nine of these were eventually earmarked as indigenous lands by President Fernando Henrique Cardoso (1995-2002). Interview with Levi Marques Pereira.

23 The act of retaking something. Rosane Freire Lacerda, 'A Pedagogia da Retomada: Uma contribuição das lutas emancipatórias dos povos indígenas no Brasil', in *Revistas Interterritórios*, 2021, available at <https://periodicos.ufpe.br/revistas/interterritorios/article/download/250069/38045> (accessed on 7 Mar 2022)

24 In 1987 Mato Grosso do Sul established the Border Operations Department (DOF), a police force created essentially to suppress the indigenous struggle. Interviews with anthropologists Levi Marques Pereira and Jorge Eremites.

25 State land registries from the 1920s to the 1960s referred to the plot of land as 'Takuara'. However, as noted in a previous reference, Takuara was in fact a much larger area occupied for centuries by the Guarani Kaiowá. See pp. 187-217 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)

26 Guarani Kaiowá and experts interviewed by our team mentioned the confined spaces and impossibility of hunting, fishing, and practicing their rituals without restrictions at the reservations, which helped

intensify their desire to return to their traditional lands. Yet, they were also clear that such dreams had now to be tempered by the loss of Takuara's native forests and contamination of water sources by agrichemicals.

27 Two days later, a Saturday, court officers accompanied by police forces and a representative from Funai – the federal agency that replaced the SPI and is tasked with protecting indigenous rights – arrived at the encampment. The community's successful resistance was aided by Funai's reluctance to support a forced eviction. See pp. 73-74 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)

28 The area was first purchased by Lieutenant Heitor Mendes Gonçalves from the then state of Mato Grosso. Mato Grosso do Sul was only created in 1977 after Mato Grosso was divided into two states. Lieutenant Gonçalves was a military official who first acquired over 5,000ha of land in Takuara from Mato Grosso in 1924. In 1928 he acquired more land in the area, increasing the size of his property to the 9,300ha that were then sold to Matte Larangeira and later to Jacintho Honório da Silva Filho. Before Gonçalves's ownership, the land was classified as public lands, giving the state the right to sell it. In order to demonstrate the land's suitability for sale, Gonçalves commissioned land surveys to prove it was unoccupied. According to Brazilian law at the time, an indigenous presence in the area would have meant the state could not sell the land to private landholders, as indigenous communities enjoyed land rights protections under the Constitution. Advocates of indigenous rights have criticised Mato Grosso for selling lands it had no right to sell and without verifying whether indigenous communities existed in the area, as will be discussed later in this report. Brasília do Sul lawyers also alleged that a 1952 Ministry of War map did not indicate the presence of an indigenous community in the area. See pp. 187-217 and 297-305 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)

29 See pp. 280-281 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)

30 Federal prosecutors also weighed in against the judge, whom they accused of hastily ruling on the case. They criticised the judge for failing to check all the facts, hear all the parties involved or consider the potential for violent conflict. They reminded the judge that the right to life should not be overridden by the right to private property. Throughout 1999 and the early 2000s federal prosecutors supported Funai's position and argued against eviction of the community, calling for anthropological studies to be carried out. Funai and federal prosecutors were also against excluding the Guarani Kaiowá themselves from legal proceedings. It was not until October 2000 that a federal court finally recognised that shortcoming and finally requested the community be included, which prompted Brasília do Sul lawyers to name Marcos Veron as a defendant in the case. See pp. 81-85, 95-99, 434, 548, 560-576 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)

31 The study was conducted by anthropologist Alceu Cotia Mariz. Historical accounts included those of the community's presence in the area in the early 20th Century and its removal in 1953. See pp. 148-161 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)

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- 32** Their arguments were based on legal protections provided by the country's Constitutions of 1934 and 1937, as well as other legal instruments from 1936 and 1946. Funai also claimed the state of Mato Grosso had no right to sell the lands as the indigenous presence in the area meant they were not to be considered as public lands and were not to be disposed of by a state government. Funai's lawyers demonstrated that Mato Grosso's land registry was chaotic and unreliable, which allegedly invalidated the Jacintho family's claims that land titles going back to the 1920s were enough to prove a lack of indigenous presence in the area. Documents seen by our researchers show that Funai wanted to buy Brasília do Sul and return it to the Guarani Kaiowá but lacked the resources to do so owing to the federal government's failure to allocate the necessary budget to the agency. See pp. 131-146 and 297-305 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)
- 33** Federal judges issued further eviction orders later that year but in the face of the community's and Funai's resistance, on 30 December federal judge Sylvia Steiner suspended the orders. The following year the Guarani Kaiowá and the Jacintho family traded accusations of violence, but Marcos Veron and Jacintho Honório da Silva Filho signed agreements of co-existence to alleviate tensions. Internal Funai documents seen by Earthsight and De Olho nos Ruralistas show the agency was concerned about the Jacintho's family lawyers repeated portrayals of the Guarani Kaiowá as a violent group responsible for attacking farm staff and invading Brasília do Sul headquarters. The head of Funai's office in Mato Grosso do Sul wrote to his superiors in Brasília stressing there was no evidence of such attacks, and that the community was peaceful. See pp. 344-355, 365, 385-388, 464-466, 485-486, 529, 550-551, 598-600 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)
- 34** The eviction order was issued by a federal court in Dourados on 16 October 2001. Instituto Socioambiental, 'Índios do MS denunciam violência', 18 Oct 2001, available at <https://acervo.socioambiental.org/acervo/noticias/indios-do-ms-denunciam-violencia> (accessed on 29 Mar 2022)
- 35** According to Valdelice Veron, who provided this account of events, rubber bullets were used. The Kaiowá were taken by trucks to the edge of a motorway, where they camped for over a year. During that time, three Kaiowá children reportedly died of malnutrition and two youngsters committed suicide.
- 36** Most of the description of the attack against the community contained in this paragraph and the next is based on the account provided by Ládio Veron to Funai, to which Earthsight and De Olho nos Ruralistas have had access. The exception is the description of what happened to Geisabel, which is from Campo Grande News, 'Morte de Veron completa 16 anos com processo em aberto e réu centenário', 11 Jan 2019, available at <https://www.campograndenews.com.br/cidades/interior/morte-de-veron-completa-16-anos-com-processo-em-aberto-e-reu-centenario> (accessed on 27 Mar 2022). According to Ládio's account, the day before the attack, on Sunday 12 January, police forces and a farm administrator went to the community proposing negotiations. The administrator reportedly told the community he would notify Jacintho Honório da Silva Filho of the situation. The passage about Valdelice Veron rushing to the hospital is based on the account provided by Valdelice herself.
- 37** According to federal prosecutors, Marcos Veron died of head trauma. Prosecutors also said that on 12 January a vehicle with two indigenous women and four children had been chased for 8 km and shot at. See Ministério Público Federal, 'MPF/MS: Julgamento do caso Veron encerra ciclo de impunidade', 1 March 2011, available at <http://www.mpf.mp.br/ms/sala-de-imprensa/noticias-ms/mpf-ms-julgamento-do-caso-veron-encerra-ciclo-de-impunidade> (accessed on 9 Feb 2022).
- 38** Sue Branford, 'Chief Marcos Veron, Brazilian Indian leader who died fighting for his people's rights', The Guardian, 28 Jan 2003, available at <https://www.theguardian.com/news/2003/jan/28/guardianobituaries> (accessed on 8 Mar 2022)
- 39** According to Valdelice Veron, these included the Kinikinau, Guató, Terena, Ofaié, Kayapó, Xucuru, Kaingang.
- 40** Folha de S. Paulo, 'Justiça transfere para São Paulo julgamento do assassinato de líder indígena', 12 Feb 2009, available at <https://www1.folha.uol.com.br/poder/2009/02/502932-justica-transfere-para-sao-paulo-julgamento-do-assassinato-de-lider-indigena.shtml> (accessed on 9 Feb 2022); also Ministério Público Federal, 'MPF/MS: Julgamento do caso Veron encerra ciclo de impunidade', 1 March 2011, available at <http://www.mpf.mp.br/ms/sala-de-imprensa/noticias-ms/mpf-ms-julgamento-do-caso-veron-encerra-ciclo-de-impunidade> (accessed on 9 Feb 2022)
- 41** One of the three stood accused of direct participation in Veron's murder by holding him down while another man – a fugitive of justice at the time – struck him. He was, however, acquitted of the crime of murder. Ministério Público Federal, 'MPF/MS: Julgamento do caso Veron encerra ciclo de impunidade', 1 March 2011, available at <http://www.mpf.mp.br/ms/sala-de-imprensa/noticias-ms/mpf-ms-julgamento-do-caso-veron-encerra-ciclo-de-impunidade> (accessed on 9 Feb 2022). The three defendants had already spent four years and eight months in preventive prison. They were the only ones of all defendants to have faced charges while in preventive prison. The fugitive eventually turned himself in in 2015, but sources told our researchers he was used by the defendants as a scapegoat. Prosecutors saw the sentences as a partial victory as they had hoped the defendants would also be convicted of homicide and attempted homicide. The defence, on the other hand, commemorated what they saw as lenient verdicts compared to the maximum sentences available in such cases. At the time, federal prosecutors still expressed hope they would be able to seek the conviction of da Silva Filho. See also Correio Braziliense, 'Acusado de matar cacique Guarani-Kaiowá é absolvido', 26 Feb 2011, available at <https://www.correiobraziliense.com.br/app/noticia/brasil/2011/02/26/interior-brasil,239962/acusado-de-matar-cacique-guarani-kaiowa-e-absolvido.shtml> (accessed on 9 Feb 2022)
- 42** G1 MS, 'Acusado de matar cacique se entrega 12 anos após crime, diz MPF em MS', 23 Jan 2015, available at <http://g1.globo.com/mato-grosso-do-sul/noticia/2015/01/acusado-de-matar-cacique-se-entrega-12-anos-apos-crime-diz-mpf-em-ms.html> (accessed on 9 Feb 2022)
- 43** The first hearing in the case against Jacintho Honório da Silva Filho and the other 23 defendants not sentenced in 2011 took place in 2017 in Mato Grosso do Sul. The fugitive who turned himself in in 2015 was one of the defendants in these hearings. The man acquitted of murder in 2011 was to stand trial again following a successful appeal in 2015 by prosecutors. See Campo Grande News, 'Após 17 anos, acusados de matar Marcos Veron têm novo julgamento', 21 Nov 2017, available at <https://www.campograndenews.com.br/cidades/interior/apos-17-anos-acusados-de-matar-marcos-veron-tem-novo-julgamento> (accessed on 9 Feb 2022)
- 44** Campo Grande News, 'Ex-PM procurado por ataque a índios em 2003 é entregue à PF na fronteira', 28 Feb 2020, available at <https://www.campograndenews.com.br/cidades/interior/ex-pm-procurado-por-ataque-a-indios-em-2003-e-entregue-a-pf-na-fronteira> (accessed on 9 Feb 2022)
- 45** Ibid. On the allegation that Rodriguinho supplied the firearms for the attack, see the summary of habeas corpus rulings issued by the Supreme Federal Court in 2016, available at Diário de Justiça Eletrônico, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=DJ&docID=10943295&pgl=76&pgF=80> (accessed on 25 Mar 2022)

- 46** Diário de Justiça Eletrônico, summary of habeas corpus rulings issued by the Supreme Federal Court in 2016, available at <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=DJ&docID=10943295&pgl=76&pgF=80> (accessed on 25 Mar 2022)
- 47** Following an Earthsight request, the information about Rodriguinho's release was provided by the press office of the Regional Federal Court – Third Region, which oversees the First Federal Court of Dourados/MS, where the case is held.
- 48** Prosecutors accused da Silva Filho of hiring the gunmen and providing the vehicles, food, weapons and munition for the attack, as well as planning the attacks against the Guarani Kaiowá on 12 and 13 January 2003. See Ministério Público Federal, 'MPF/MS: Julgamento do caso Veron encerra ciclo de impunidade', 1 March 2011, available at <http://www.mpf.mp.br/ms/sala-de-imprensa/noticias-ms/mpf-ms-julgamento-do-caso-veron-encerra-ciclo-de-impunidade> (accessed on 9 Feb 2022)
- 49** Federal prosecutors accused da Silva Filho of bribing two indigenous people to modify their statements on Veron's murder. Tribunal Regional Federal da 3ª Região (TRF-3), Ação Penal – Procedimento Ordinário (283) nº 0002101- 80.2007.4.03.6002, Sentença, available at <https://www.jusbrasil.com.br/diarios/273342436/trf-3-judicial-i-interior-26-11-2019-pg-1416> (accessed on 25 Mar 2022)
- 50** As recently as 2019, federal prosecutors were still reportedly collecting evidence and calling witnesses. Campo Grande News, 'Morte de Veron completa 16 anos com processo em aberto e réu centenário', 11 Jan 2019, available at <https://www.campograndenews.com.br/cidades/interior/morte-de-veron-completa-16-anos-com-processo-em-aberto-e-reu-centenario> (accessed on 9 Feb 2022)
- 51** Led by anthropologist Levi Marques Pereira, it concluded there was a "marked concentration of Kaiowá population residing on the contested land until the early 1950s" and that "it is the Indian Protection Service itself that, in 1953, removes the families who still resisted the pressure, transferring them by force to the Caarapó Reservation." Levi Marques Pereira, 'Resumo do relatório circunstanciado de identificação e delimitação da terra indígena Taquara-MS', Funai, Brasília, Sep 2005. See also Pick upau, 'Funai delimita mais uma área para os Guarani-Kaiwa', 9 Dec 2005, available at https://www.socioambiental.org/sites/blog.socioambiental.org/files/nsa/arquivos/rel.ver_final_1.pdf (accessed on 8 Mar 2022)
- 52** Ibid. The anthropologist maintains that Takuara qualifies as an "indigenous land traditionally occupied" under Article 231 of the 1988 Constitution and should be demarcated as such. One of Pereira's sources for the study was SPI documentation from the 1950s discussing the community's eviction, which can be accessed at https://www.socioambiental.org/sites/blog.socioambiental.org/files/nsa/arquivos/rel.ver_final_1.pdf (accessed on 8 Mar 2022)
- 53** The 'declaration' is a stage in the long process of indigenous land demarcation in Brazil. The process ends when Brazil's President signs off on the land's final status. See Ministério da Justiça, Portaria nº 954, de 4 de junho de 2010, Diário Oficial da União, Brasília, DF, 7 jun 2010, p. 33, available at <http://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?data=07/06/2010&jornal=1&pagina=33&totalArquivos=80> (accessed on 11 Mar 2022). See also Agência Brasil, 'Governo não tem previsão sobre homologação da terra indígena em Mato Grosso do Sul', 13 Jun 2010, available at <https://memoria.ebc.com.br/agenciabrasil/noticia/2010-06-13/governo-nao-tem-previsao-sobre-homologacao-de-terra-indigena-em-mato-grosso-do-sul> (accessed on 8 Mar 2022)
- 54** They again alleged no indigenous presence at Takuara had ever been detected. Brasília do Sul owners also claimed that the numerous "indigenous invasions of rural properties" in Mato Grosso do Sul had been incited by Funai's "bad faith" and the academic work of a university lecturer. See Diário de Justiça Eletrônico (DJe) nº 141, Medida Cautelar na Ação Cautelar 2.641 (532), 30 Jul 2010, pp. 85-88, available at https://www.stf.jus.br/arquivo/djEletronico/DJE_20100730_141.pdf (accessed on 12 Apr 2022)
- 55** Ibid. In her decision, and in addition to the marco temporal justification, Lúcia also argued that due to the several decades of private ownership of the land it was not possible for her to rule on the existence or not of an indigenous community in the area when it was first sold by the state.
- 56** CIMI, 'Índígenas Guarani e Kaiowá denunciam ataques a tiros após retomada da Terra Indígena (TI) Lechucha no MS', 18 Jan 2016, available at <https://cimi.org.br/2016/01/38094/> (accessed on 30 Mar 2022); Supremo Tribunal Federal, Suspensão de Liminar 982, AI 00018215820164030000 – Tribunal Regional Federal da 3ª Região, 30 Jan 2020, available at <http://portal.stf.jus.br/processos/downloadPeca.asp?id=15342277447&ext=.pdf> (accessed on 8 Mar 2022)
- 57** In July 2000 Jacintho Honório da Silva Filho and Marcos Veron signed an agreement stipulating the community would not occupy any areas beyond the 97ha it had occupied in 1999 until the courts made a final decision on the status of the land. Brasília do Sul's owners have argued that any occupation by the community beyond this original area is in breach of that agreement. The community, on the other hand, have alleged they are tired of waiting for the law to be fulfilled and their ancestral lands to be returned to them. See pp. 529, 550-551, 578-580 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022). See also the CIMI article referenced in the preceding footnote.
- 58** CIMI, 'Violência contra povos indígenas: Dados de 2016', available at https://cimi.org.br/pub/relatorio/Relatorio-violencia-contra-povos-indigenas_2016-Cimi.pdf (accessed on 30 Mar 2022). In March 2017 an Air Force helicopter landed in the area occupied by the Kaiowá. Masked men descended from the helicopter and momentarily held two indigenous women captive, according to testimonies provided to our researchers by members of the community.
- 59** When the federal judge ruled in favour of eviction in March 2016, Funai appealed against the decision to the Supreme Court (STF) alleging the risk of violent conflict. The argument was accepted by the STF, which annulled the previous ruling. However, Brasília do Sul owners appealed to the STF, which then sought the Attorney General's opinion. The latter agreed with the STF's position. In January 2020 Supreme Court President José Antonio Dias Toffoli maintained the court's previous ruling against eviction while also acknowledging the Jacintho family's legal ownership of the farm. See Supremo Tribunal Federal, Suspensão de Liminar 982, AI 00018215820164030000 – Tribunal Regional Federal da 3ª Região, 30 Jan 2020, available at <http://portal.stf.jus.br/processos/downloadPeca.asp?id=15342277447&ext=.pdf> (accessed on 8 Mar 2022)
- 60** For example, in sugarcane, manioc, eucalyptus and apple plantations in Mato Grosso do Sul and neighbouring states, often as seasonal workers. Interviews with labour public prosecutor Jeferson Pereira, federal prosecutor Marco Antonio Delfino, indigenous academic Eliel Benites, and president of the Indigenous Workers' Association of Mato Grosso do Sul (ATIMS), José Carlos Pacheco.
- 61** While Jacintho was Jacintho Honório da Silva Filho's first name, his wife, Vanda Moraes Jacintho da Silva, and subsequent generations of the family have adopted it as part of their surname.
- 62** Glamurama, 'Alegria e sofisticação na festa black tie pelos 100 anos de Jacintho Honório', available at <https://glamurama.uol.com.br/galeria/alegria-e-sofisticacao-na-festa-black-tie-pelos-100-anos-de-jacintho-honorio/> (accessed on 10 Feb 2022)

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- 63** Although Gil himself couldn't make the festivities owing to health issues. See the music clip of Gilberto Gil's song 'Jacintho' at <https://www.youtube.com/watch?v=lahbWuLZrFQ>
- 64** Fazenda Brumado, 'E a boiada deu um salto', available at <https://fazendabrumado.com.br/gado-nelore/> (accessed on 11 Mar 2022)
- 65** In the 1970s and 1980s the federal government promoted the adoption of Nelore by over 1500 large farms resulting in over 2.5 million Nelore cattle registered at the time. See Conhecendo Santos e o Mundo, 'O gado Nelore no Brasil', 20 Apr 2013, available at <http://cafepasa.blogspot.com/2013/04/o-gado-nelore-do-brasil.html> (accessed on 8 Mar 2022). It is estimated that 80 per cent of Brazil's beef cattle today is Nelore or derived breeds, numbering over 100 million animals. See the Brazilian Association of Nelore Breeders, <http://www.nelore.org.br/raca/historico> (accessed on 22 Feb 2022). The link between cattle ranching and deforestation in Brazil has been widely studied. See, for example, Skidmore et al (2021), 'Cattle ranchers and deforestation in the Brazilian Amazon: Production, location, and policies', *Global Environmental Change*, Vol 68, May 2021, 102280, available at <https://www.sciencedirect.com/science/article/pii/S0959378021000595> (accessed on 29 Mar 2022)
- 66** Following independence from Portugal, Brazil was a self-proclaimed 'empire' from 1822 until 1889, when it became a republic. Da Silva Filho's great-great-grandfather migrated from Portugal to Brazil still during colonial rule, in 1790. After a short period working in mining, he became a farmer. In the 19th Century, members of Da Silva Filho's family purchased military titles and became known as coronéis (colonels). The coronéis were a common fixture of Brazil's 19th and early 20th Century history. They were members of the elite who subverted public institutions and made use of armed troops to protect their personal economic and political interests. See Rainer Sousa, 'A Guarda Nacional', available at <https://brasilescola.uol.com.br/historiab/a-guarda-nacional.htm> (accessed on 22 Feb 2022)
- 67** Da Silva Filho's family was settled in the state of Minas Gerais for several years but moved to the state of Goiás in the early 20th century to expand their cattle breeding business. His father became a leading figure in Goiás and was able to influence much of what happened in the state, mostly behind the scenes. See Hora do Angelo Look, 'Coronel Jacintho Honório e a cidade de Quirinópolis', 21 Jan 2012, available at <http://horadoangelook.blogspot.com/2012/01/claroes-coronel-jacinto-honorio-e.html> (accessed on 8 Mar 2022)
- 68** It has done so by leasing out plots of land within the farm to soy growers. Interviews with confidential sources at the farm. This transition coincided with the Soy Moratorium, which has banned the purchase of soy from deforested areas within the Amazon biome since 2008, thus accelerating the profitable expansion of soy to other parts of the country. See Greenpeace, '10 years ago the Amazon was being bulldozed for soy – then everything changed', available at <https://www.greenpeace.org/usa/victories/amazon-rainforest-deforestation-soy-moratorium-success/> (accessed on 8 Mar 2022); H.K.Gibbs et al, 'Brazil's Soy Moratorium', *Science Mag*, 23 Jan 2015, available at https://www.researchgate.net/publication/271213939_Brazil's_Soy_Moratorium (accessed on 14 Mar 2022)
- 69** Funai's 2005 study had already recognised 9,700 hectares as the total size of Brasília do Sul and, therefore, the area that should be demarcated to the Guarani Kaiowá. Registro de Imóveis da Comarca de Caarapó – MS, Livro No 2, Matrícula 13.259, 2 Apr 2012 (document analysed by De Olho nos Ruralistas and Earthsight); Levi Marques Pereira, 'Relatório circunstanciado de identificação e delimitação da terra indígena Guarani/Kaiowá Taquara', Funai, Brasília, Sep 2005.
- 70** 1º Ofício de Registro Público e de Protesto de Títulos Cambiais, Comarca de Caarapó, Cadeia Sucessória da Matrícula nº 04.943, Fazenda Brasília do Sul. See also pp. 6-7 and 213 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacinto> (accessed on 29 Mar 2022)
- 71** Earthsight analyses of property data available through various public sources, such as SIGEF, Ibama and CAR.
- 72** De Olho nos Ruralistas, 'Acusados de desmatamento no Pantanal avançam também sobre Bolívia e Paraguai', 21 Oct 2020, available at <https://deolhonosruralistas.com.br/2020/10/21/acusados-de-desmatamento-no-pantanal-avancam-tambem-sobre-bolivia-e-paraguai/> (accessed on 11 Feb 2022)
- 73** Earthsight, 'Grand Theft Chaco: The luxury cars made with leather from the stolen lands of an uncontacted tribe', Sep 2020, available at <https://www.earthsight.org.uk/grandtheftchaco-en>
- 74** Earthsight, 'Grand Theft Chaco', Sep 2020, available at <https://www.earthsight.org.uk/grandtheftchaco-en>
- 75** Survival International, 'Brazilian rancher vows to destroy uncontacted Indians' forest', 11 Feb 2014, available at <https://www.survivalinternational.org/news/9972>, (accessed on 11 Feb 2022)
- 76** The farmer, who in 2014 and 2019 imported two brand new Porsche Cayennes from Germany to Paraguay (see Import Genius, <https://www.importgenius.com/paraguay/importers/marcelo-bastos-ferraz> (accessed on 11 Feb 2022)), owns two holding companies registered in London, Mayfair Worldwide LLP and Knightsbridge Worldwide LLP (See the UK government's Companies House register (<https://find-and-update.company-information.service.gov.uk/>) for companies OC360477 and OC360479 (consulted on 11 Feb 2022)). In Mato Grosso do Sul, Bastos Ferraz also owns the Kurupay farm, which he leases to giant food and biofuel producer Adecoagro. See De Olho nos Ruralistas, 'Barão da carne` avança em terra Ayoreo; no MS, família é ré no caso Marcos Veron', 20 Mar 2018, available at <https://deolhonosruralistas.com.br/deolhonoparaguai/2018/03/20/no-chaco-barao-da-carne-avanca-em-terra-ayoreo-no-ms-familia-e-re-no-caso-marcos-veron/> (accessed on 14 Mar 2022). Mega investor George Soros was an early backer of Adecoagro. See Nasdaq, 'George Soros Buys Altaba Inc, EQT Corp, Viavi Solutions Inc, Sells Adecoagro SA, Hewlett ...', Sep 2017, available at <https://www.nasdaq.com/articles/george-soros-buys-altaba-inc-eqt-corp-viavi-solutions-inc-sells-adecoagro-sa-hewlett-0> (accessed on 14 Mar 2022)
- 77** De Olho nos Ruralistas, 'Dupla brasileira investe no Chaco, no sudeste do Pará e prospecta no Piauí', 11 Jun 2018, available at <https://deolhonosruralistas.com.br/deolhonoparaguai/2018/06/11/dup-la-brasileira-investe-no-chaco-no-sudeste-do-para-e-prospecta-no-piaui/> (accessed on 14 Mar 2022); Liliana Raquel Cardozo Ocampos, 'El agro paraguayo y el subimperialismo brasileiro', Universidade Federal da Integração Latino-Americana, 2018, available at <https://dspace.unila.edu.br/bitstream/handle/123456789/4321/Trabaja%20de%20Conclusi%C3%B3n%20FINAL.pdf?sequence=1&isAllowed=y> (accessed on 9 Mar 2022). See also Earthsight, 'Grand Theft Chaco II: The vice continues', Oct 2021, <https://www.earthsight.org.uk/news/analysis-grand-theft-chaco-ii-the-vice-continues>, which shows satellite images of deforestation in 2020 and 2021 on BBC and River Plate. De Biasi hails from a traditional agribusiness and timber family in Sao Paulo that owns farms and timber plantations in Brazil's southeast and the Amazon. De Biasi himself is an advisor to the Brazilian Rural Society, which has links to the powerful agribusiness lobby in congress. See Consulta Sócio, <https://www.consultasocio.com/q/sa/gino-de-biasi-neto?page=2> and Sociedade Rural Brasileira, <https://srb.org.br/a-rural/>
- 78** In 2010 da Silva Filho hosted former Sao Paulo governor and federal congressman Paulo Maluf – a man sought by Interpol and banned from leaving Brazil – and Michel Temer, who would go on to become

Brazil's President in 2016. *Época*, Caderno Gente, 13 Dec 2010, available at <https://revistaepoca.globo.com/Revista/Epoca/0,,EMI159475-15518,00.html> (accessed on 14 Mar 2022)

79 In 2014, da Silva Filho made a donation to Tereza Cristina's electoral campaign for the lower house. As a lawmaker, Cristina was the president of the Agribusiness Parliamentary Front, the most powerful rural lobby in congress. Cristina, a farmer herself and Brazil's agriculture minister under President Jair Bolsonaro until the end of March 2022, played a key role in harnessing agribusiness support for Bolsonaro's presidential campaign in 2018. See *De Olho nos Ruralistas*, 'Artifice do apoio ruralista a Bolsonaro, deputada do MS legisla em prol dos seus financiadores', 2 Oct 2018, available at <https://deolhonosruralistas.com.br/2018/10/02/artifice-do-apoiaruralista-a-bolsonaro-deputada-do-ms-legisla-em-prol-dos-seus-financiadores/> (accessed on 14 Mar 2022). Asked in 2014 about a campaign donation coming from a defendant in a murder case, Cristina said she had been friends with da Silva Filho's family for a long time and that the farmer had never been convicted of the crime. *Folha de S. Paulo*, 'Futura ministra da Agricultura, Tereza Cristina recebeu doação de réu por assassinato de líder indígena em MS', 20 Nov 2018, available at <https://www1.folha.uol.com.br/mercado/2018/11/futura-ministra-da-agricultura-tereza-cristina-recebeu-doacao-de-reu-por-assassinato-de-lider-indigena-em-ms.shtml> (accessed on 14 Mar 2022). In March 2022 Cristina resigned from the agriculture ministry to run for a Senate seat for Mato Grosso do Sul in the October elections. See *Correio Brasileiro*, 'De olho no Senado, Tereza Cristina deixa Ministério da Agricultura', 31 Mar 2022, available at <https://www.correiobrasileiro.com.br/politica/2022/03/4997274-de-olho-no-senado-tereza-cristina-deixa-ministerio-da-agricultura.html> (accessed on 11 Apr 2022). In 2014, da Silva Filho also made a donation to Ronaldo Caiado for his bid to a Senate seat. Now governor of the state of Goiás, Caiado is the founder of the Rural Democratic Union (UDR). Since the 1980s UDR leaders have been implicated in dozens of murders, including that of globally renowned environmentalist Chico Mendes. See *De Olho nos Ruralistas*, 'Responsável por popularizar termo "ruralista", Caiado tem 14 fazendas em Goiás', 30 Sep 2018, available at <https://deolhonosruralistas.com.br/2018/09/30/responsavel-por-popularizar-termo-ruralista-caiado-tem-14-fazendas-em-goias/> (accessed on 14 Mar 2022)

80 Publicly available election funding documents show a donation by one of da Silva Filho's daughters of R\$1,000 to Bolsonaro's campaign. See *Tribunal Superior Eleitoral*, *Prestação de contas eleitorais – 2018*, available at <https://dadosabertos.tse.jus.br/dataset/prestacao-de-contas-eleitorais-2018> (accessed on 29 Mar 2022). To research donations, download one of the CSV files from the database. Family members also helped organise political rallies for Bolsonaro. One of da Silva Filho's granddaughters wrote on an Instagram post in 2018: "May God guide Bolsonaro every day!..Proud of you [her husband] for organising the two largest pro-Bolsonaro rallies...". The post, of which Earthsight and *De Olho nos Ruralistas* obtained a photo, has since been taken down.

81 *Folha de S. Paulo*, 'Paulo Guedes não apita em política, diz Bolsonaro em almoço com empresárias', 30 Apr 2021, available at <https://www1.folha.uol.com.br/mercado/2021/04/paulo-guedes-nao-apita-em-politica-diz-bolsonaro-em-almoco-com-empresarias.shtml> (accessed on 14 Mar 2022)

82 *Trase Insights*, 'Brazilian chicken: A thousand times lower deforestation risk than beef exports', <https://insights.trase.earth/yearbook/contexts/brazil-chicken/> (accessed on 14 Feb 2022)

83 Based on conversations with confidential sources at Brasília do Sul.

84 *Lar Comunicação*, 'Lar inaugura complexo industrial em Caarapó em MS', 1 Dec 2020, available at <https://www.lar.ind.br/lar-inaugura-complexo-industrial-em-caarapo-em-ms/> (accessed on 28 Mar 2022); *O Presente Rural*, 'Cooperativa Lar projeta dobrar faturamento e no de

funcionários', 3 Sep 2021, available at <https://opresenterural.com.br/cooperativa-lar-projeta-dobrar-faturamento-e-no-de-funcionarios/> (accessed on 28 Mar 2022); *O Presente Rural*, 'Lar se torna a quarta potência da avicultura brasileira', 4 Mar 2021, available at <https://opresenterural.com.br/lar-se-torna-a-quarta-potencia-da-avicultura-brasileira/> (accessed on 28 Mar 2022)

85 The plant produces soybean meal with high protein value, soy pellets, soy oil, and biodiesel. Lar received funding from the state of Mato Grosso do Sul for its opening. See *Avicultura Industrial*, 'Cooperativa Lar inaugura complexo industrial de soja em Caarapó', 1 Dec 2020, available at <https://www.aviculturaindustrial.com.br/imprensa/cooperativa-lar-inaugura-complexo-industrial-de-soja-em-caarapo/20201201-092349-y878> (accessed on 8 Mar 2022); and Lar's institutional video at https://www.youtube.com/watch?v=N04ArT-Q8_k (accessed on 8 Mar 2022)

86 *Avinews Brasil*, 'Lar planeja investir R\$ 350 mi em complexo industrial de Medianeira', 25 Jan 2021, available at <https://avicultura.info/pt-br/lar-cooperativa-medianeira-350-milhoes/> (accessed on 9 Mar 2022); *O Presente*, 'Lar amplia capacidade de produção da fábrica de rações de Entre Rios do Oeste', 19 Feb 2022, available at <https://www.opresente.com.br/municipios/lar-amplia-capacidade-de-producao-da-fabrica-de-racoes-de-entre-rios-do-oeste/> (accessed on 9 Mar 2022); *Lar Comunicação*, 'Com o apoio do Estado, Lar anuncia investimento de R\$ 2,4 bilhões', 10 Feb 2021, available at <https://www.lar.ind.br/com-apoio-do-estado-lar-anuncia-investimento-de-r-24-bilhoes/> (accessed on 9 Mar 2022). In Brazil Lar also owns supermarket and petrol station chains and produces a wide range of consumer products under its own brand. See Lar's website at <https://www.lar.ind.br/en/home-en/>

87 *Lar Cooperativa Agroindustrial*, 'Novo complexo industrial da Lar em Caarapó-MS', 14 Sep 2020, published by OCB/MS, available at <http://ocbms.org.br/noticia/novo-complexo-industrial-da-lar-em-caarapo-ms/6852/> (accessed on 8 Mar 2022)

88 *Embrapa*, 'Brazil is the world's fourth largest grain producer and top beef exporter, study shows', 1 Jun 2021, available at <https://www.embrapa.br/en/busca-de-noticias/-/noticia/62619259/brazil-is-the-worlds-fourth-largest-grain-producer-and-top-beef-exporter-study-shows> (accessed on 14 Feb 2022)

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- 108** Offshore Leaks Database, International Consortium of Investigative Journalism, available at <https://offshoreleaks.icij.org/nodes/85018042> (accessed on 9 Mar 2022)
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- 111** During a visit to Mato Grosso do Sul in March 2016, three months before the "Massacre of Caarapó", the UN Special Rapporteur on the rights of indigenous peoples at the time, Victoria Tauli-Corpuz, warned the Brazilian government not to underestimate the risk of violent attacks against indigenous communities in the state. See BBC Brasil, 'Tragédia anunciada: ONU 'previu' mortes indígenas em MS há três meses', 20 Jun 2016, available at <https://www.bbc.com/portuguese/brasil-36565454> (accessed on 30 Mar 2022)
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- 115** Sam Lawson, 'Consumer goods and deforestation: An analysis of the extent and nature of illegality in forest conservation for agriculture and timber plantations', Forest Trends, Sep 2014, available at https://www.forest-trends.org/wp-content/uploads/imported/for168-consumer-goods-and-deforestation-letter-14-0916-hr-no-crops_web-pdf.pdf (accessed on 26 Apr 2022)
- 116** A report produced in 2021 by the UN Food and Agriculture Organisation (FAO) and the Fund for Development of Indigenous People of Latin America and the Caribbean (Filac) considered indigenous people by far the best guardians of the region's forests. According to the report, indigenous territories tend to prevent deforestation as well as or better than other types of protected areas. See full report at <https://www.fao.org/americas/publicaciones-audio-video/forest-gov-by-indigenous/en/> (accessed on 14 Mar 2022). The Guardian, 'Indigenous peoples by far the best guardians of forests – UN report', 25 Mar 2021, available at <https://www.theguardian.com/environment/2021/mar/25/indigenous-peoples-by-far-the-best-guardians-of-forests-un-report> (accessed on 9 Mar 2022)
- 117** To ensure products are produced in compliance with producer country laws and are deforestation free, the proposed regulation relies on a supply chain due diligence system combined with a requirement for full traceability to the point of production.

118 As it stands, the definition of deforestation-free in the regulation sets a cut-off date of 31 December 2020. This means that only those products in the scope of the regulation produced on land subject to deforestation or forest degradation on or after that date are prohibited from entering or existing in the EU market. Civil society organisations, including Earthsight, have called for a cut-off date well before 2020, to prevent rewarding recent deforestation and to avoid undermining initiatives such as the Amazon Soy Moratorium, which aims to prevent the sale of soy from areas deforested in the Amazon region after 2008. See <https://www.earthsight.org.uk/news/civil-society-position-statement-proposed-eu-regulation>

119 International instruments to be considered should include: the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, and the International Labor Organization Convention 169.

120 Environmental and human rights organisations, including Earthsight, have called on the EU Parliament and Council to strengthen indigenous rights provisions in the proposal. See <https://www.earthsight.org.uk/news/civil-society-position-statement-proposed-eu-regulation>. Twenty-two associations of indigenous peoples and local communities with customary tenure, supported by 169 allied human rights and environmental civil society organisations, urged the EU to incorporate a requirement for businesses to respect the tenure rights of indigenous peoples and local communities in line with international human rights law requirements, and to respect the right of forest defenders to conduct their work without retaliation. See https://www.fern.org/fileadmin/uploads/fern/Documents/2022/EN_Open_Letter_-_Land_Rights_Final.pdf

121 Brazil's 1988 Constitution guarantees a series of indigenous rights, including the right to their ancestral lands, through articles 20, 22, 49, 67, 109, 129, 176, 210, 215, 231, 232. See Ministry of Education, 'Direitos Indígenas na Constituição da República Federativa do Brasil de 1988', available at <http://portal.mec.gov.br/secad/arquivos/pdf/cf.pdf> (accessed on 28 Mar 2022). In addition, in 2002 Brazil ratified the International Labour Organization's Convention 169 that guarantees indigenous communities the right to active participation in decisions that affect them. See Instituto Socioambiental, 'Consulta livre, prévia e informada na Convenção 169 da OIT', available at https://especiais.socioambiental.org/inst/esp/consulta_previa/index9c1e.html?q=convencao-169-da-oit-no-brasil (accessed on 28 Mar 2022)

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123 While Brazil's Constitution guarantees indigenous land rights, and Funai has argued that private properties on Takuara should have been considered illegal for decades because they violate several legal instruments (see pp. 395-422 at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacinto>), it is possible that European authorities enforcing the upcoming EU legislation will struggle to clearly establish the illegality of a farm that has been registered and titled by the state. Arguably, this is especially the case when producer country courts find it difficult to rule on indigenous lands conflicts due to competing priorities between indigenous rights and the rights of property owners (see pp. 344-355 of

the document linked above). This situation illustrates the need for stronger provisions in the final regulation that ensure supply chains are not linked to farms violating the rights of local communities, regardless of the actions or omissions of governments or courts in producer countries.

124 Commodities covered by the proposed regulation are cattle, cocoa, coffee, oil palm, soya, and wood. The proposal also covers a number of derived products of these commodities, namely those that are listed by reference to their HS Codes in Annex I of the regulation: https://ec.europa.eu/environment/system/files/2021-11/COM_2021_706_1_EN_annexe_proposition_part1_v4.pdf

125 See Earthsight, 'Civil society position statement on the proposed EU regulation on deforestation-free products', 3 Feb 2022, <https://www.earthsight.org.uk/news/civil-society-position-statement-proposed-eu-regulation>

126 The proposed EU regulation, as it currently stands, has no provisions for affected communities in producer countries to raise grievances against businesses – through formal grievances mechanisms – or to access courts in the EU. The UK Environment Act is equally silent on this, despite extensive calls by civil society for the inclusion of protections for indigenous communities. See the public statement prepared by Client Earth and supported by 20 academics and organisations, including Earthsight, available at https://www.clientearth.org/media/i1hmx1vc/endorsing-the-end-of-the-amazon-brazil-uk-policy-brief_10-09-21.pdf (accessed on 1 Apr 2022)

127 Schedule 17, Part 1, Paragraph 2, states that relevant local law for prohibition on using illegally produced commodities is only law that (a) relates to the ownership of the land on which the source organism was grown, raised or cultivated, (b) relates to the use of that land, or (c) otherwise relates to that land and is specified in regulations made by the Secretary of State. The legality requirement in the UK law therefore seems to be narrower than that of the EU regulation and does not include national human rights laws generally.

128 The options put forward by DEFRA in the public consultation on the implementing regulations fell far short of what is needed to address UK-driven deforestation overseas in light of the looming climate emergency. The consultation made participants choose between either including only two forest-risk commodities in the regulation or having to wait for up to five years for implementation to start if the law were to cover more than two commodities. It also suggested limiting the new measures to companies with an annual turnover of more than £200 million and with annual trading volumes of more than 1000 tonnes. A number of NGOs, including Earthsight, have estimated that, under the options presented in the consultation, the UK could still be contributing to rainforest destruction the size of Berlin between now and 2030. See the public letter sent to DEFRA by 11 organisations in March 2022, available at <http://www.ngoforestcoalition.org/media/ashx/open-letter-march-2022.pdf> (accessed on 1 Apr 2022)

129 European Commission, 'Proposal for a Directive on corporate sustainability due diligence and annex', 23 February 2022, available at https://ec.europa.eu/info/publications/proposal-directive-corporate-sustainable-due-diligence-and-annex_en (accessed on 7 Mar 2022)

130 Julia Christian, 'Corporate due diligence proposal could improve access to justice, but contains fundamental weaknesses', Fern, 4 Mar 2022, available at <https://www.fern.org/publications-insight/corporate-due-diligence-proposal-could-improve-access-to-justice-but-contains-fundamental-weaknesses-2476/> (accessed on 7 Mar 2022)

131 Pereira told Earthsight and De Olho nos Ruralistas that during an early visit to Brasília do Sul to meet with the rancher and his team of lawyers, da Silva Filho set up microphones under the table to record the meeting. According to Pereira, this was spotted by a crafty Funai member who pretended to drop a pen. On another occasion, Pereira was secretly photographed at Brasília do Sul. The following day his photo appeared on a local newspaper with statements he had not made.

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- 133** Sources within the indigenous movement interviewed by our researchers believe da Silva Filho used his influence to pressure the Supreme Court to suspend the demarcation process in 2010.
- 134** Interviews with Valdelice Veron and Tonico Benites.
- 135** See pp. 81-85 and 116-120 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacintho> (accessed on 29 Mar 2022)
- 136** The prosecutor also noted that a judge had ordered the detention of an indigenous person who had attacked police officers following his son's murder during the 'Caarapó Massacre': "How come in this case the judge ordered the detention, but Rodriguinho was released? It was the same judge" (see passage on Coamo in the supply chain section). Some experts have pointed to the structural racism in Brazil's justice system to explain the discrepancies between rulings that affect indigenous people and white people. See *Le Monde Diplomatique*, 'Massacre de Caarapó: Produtores rurais soltos, liderança indígena presa', 14 Jun 2021, available at <https://diplomatique.org.br/massacre-de-caarapo-produtores-rurais-soltos-lideranca-indigena-presa/> (accessed on 9 Mar 2022)
- 137** See, for example, the opinion piece published last year by the Brazilian Association of Soy Producers (Aprosoja) arguing that indigenous communities already control large areas and further demarcation of indigenous lands, which is led by anthropologists with "subjective and unilateral principles", will be a "tragedy" for agribusiness. Glauber Silveira, 'Marco temporal é fundamental para crescimento do país', 31 Aug 2021, available at <https://aprosojabrasil.com.br/comunicacao/blog/2021/08/31/opinioao-marco-temporal-e-fundamental-para-o-crescimento-do-pais/> (accessed on 30 Mar 2022)
- 138** In addition to marco temporal arguments, the agribusiness lobby in Brazil's Congress, known as bancada ruralista, has boycotted proposals aimed at resolving indigenous land conflicts, such as the proposal for a constitutional amendment that would allow farmers with legitimate land titles to be compensated for lands demarcated after October 2013. It has been argued that over the last 20 years every federal government has been characterised by close alliances with the agribusiness lobby, resulting in the subordination of indigenous issues to ruralista interests and the expansion of commodities production. See Anderson de Souza Santos, Luiz Henrique Eloy Amado and Dan Pasca (2021), "É muita terra para pouco índio? Ou muita terra na mão de poucos? Conflitos fundiários no Mato Grosso do Sul", Instituto Socioambiental, available at https://www.socioambiental.org/sites/blog.socioambiental.org/files/ns_a/arquivos/conflitos_fundiarios_no_ms_-_versao_final_1.pdf (accessed on 30 Mar 2022)
- 139** Supremo Tribunal de Justiça, 'Destques da pauta do plenário – 1º semestre de 2022', pp.14, available at <https://www.conjur.com.br/dl/pauta-stf-primeiro-semester1.pdf> (accessed on 10 Mar 2022)
- 140** Tonico Benites is a visiting lecturer and researcher at the University of Roraima.
- 141** Tellingly, it was in Dourados, Mato Grosso do Sul, shortly before a meeting with farmers that he made such promise while still a presidential candidate. See De Olho nos Ruralistas, "Nem um centímetro a mais para terras indígenas", diz Bolsonaro', 8 Feb 2018, available at <https://deolhonosruralistas.com.br/2018/02/08/nem-um-centimetro-mais-para-terras-indigenas-diz-bolsonaro/> (accessed on 30 Mar 2022). Bolsonaro has endeavoured to open up indigenous territories to agribusiness and mining. See The Brazilian Report, 'Government pushes for mining in indigenous land', 3 Mar 2022, available at <https://brazilian.report/liveblog/2022/03/03/mining-indigenous-ukraine-russia/> (accessed on 9 Mar 2022); Reuters, 'Brazil's Bolsonaro hands indigenous land decisions back to farm sector', 20 Jun 2019, available at <https://www.reuters.com/article/us-brazil-politics-indigenous-idUSKCN1TK370> (accessed on 9 Mar 2022)
- 142** In April 2020 Funai adopted a norm authorising landowners to occupy, buy and sell private properties within indigenous territories that had not yet been fully 'demarcated'. This meant that Takuara and 236 other indigenous lands in Brazil already recognised by Funai but still awaiting demarcation were now vulnerable to invasions by farmers and land grabbers. The measure has been struck down by federal courts in 13 states, but the federal district court overseeing Mato Grosso do Sul has kept it. Revealingly, the judge who authorised Funai's norm to be maintained in Mato Grosso do Sul is the same who had ordered the eviction of the Guarani Kaiowá from Takuara in 2016. See De Olho nos Ruralistas, 'Medida que reduz proteção a terras indígenas foi articulada por Nabhan Garcia', 28 Apr 2020, available at <https://deolhonosruralistas.com.br/2020/04/28/medida-que-reduz-protacao-a-terras-indigenas-foi-articulada-por-nabhan-garcia/> (accessed on 11 Apr 2022); CIMI, 'Após denúncia do Cimi e ação do MPF, normativa da Funai que facilita grilagem de terras indígenas é suspensa no Maranhão', 25 Feb 2022, available at <https://cimi.org.br/2022/02/normativa-funai-grilagem-suspensa-maranhao/> (accessed on 11 Apr 2022); Funai, 'Instrução Normativa nº 9/2020 da Funai é validada em toda a jurisdição do TRF3 (Mato Grosso do Sul e São Paulo)', 28 Jul 2021, available at <https://www.gov.br/funai/pt-br/assuntos/noticias/2021/instrucao-normativa-no-9-2020-da-funai-e-validada-em-toda-a-jurisducao-do-trf3-mato-grosso-do-sul-e-sao-paulo> (accessed on 11 Apr 2022); ISA, 'Despejo de comunidade Guarani Kaiowá pode ocorrer durante visita de relatora da ONU', 14 Mar 2016, available at <https://terrasindigenas.org.br/pt-br/noticia/161844> (accessed on 11 Apr 2022)
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- 144** Articulation of Indigenous Peoples from Brazil, 'Unprecedented: APIB denounces Bolsonaro before the ICC, in the Hague, for indigenous genocide', 9 Aug 2021, available at <https://apiboficial.org/2021/08/09/unprecedented-apib-denounces-bolsonaro-before-the-icc-in-the-hague-for-indigenous-genocide/?lang=en> (accessed on 30 Mar 2022)
- 145** It has been reported that violence against indigenous peoples in Brazil has worsened since the beginning of Bolsonaro's administration. In 2019 alone, seven indigenous leaders were killed in the country, the highest number in 10 years. See Greenpeace Brasil, 'Assassinatos de lideranças e violência no campo crescem em 2019', 17 Apr 2020, available at <https://www.greenpeace.org/brasil/blog/assassinatos-de-liderancas-indigenas-camponesas-e-violencia-no-campo-crescem-em-2019/> (accessed on 30 Mar 2022)

146 The state repeats claims that no indigenous community lived in Takuara when it was first privatised. It also argues that recognising Takuara as Guarani Kaiowá land would mean the “loss of part of its territory and, as a consequence, of tax revenues.” See *Diário de Justiça Eletrônico (DJe)* nº 141, Medida Cautelar na Ação Cautelar 2.641 (532), 30 Jul 2010, pp. 85- 88, available at https://www.stf.jus.br/arquivo/djEletronico/DJE_20100730_141.pdf (accessed on 12 Apr 2022). The state also argued that Funai was attempting to force it to incur the costs of compensation for the Jacintho family – which would allow the government to acquire the property and demarcate it in favour of the Guarani Kaiowá – since, according to Funai, it was the illegal selling of the land by Mato Grosso in the 1920s that eventually led to the illegal eviction of the community. Mato Grosso do Sul inherited the region when it was created in the 1970s following the division of Mato Grosso into two states.

147 See pp. 344-355 of the collection of legal documents related to Takuara published by Instituto Socioambiental, available at <https://acervo.socioambiental.org/acervo/documentos/processo-n-19996002001074-1-acao-de-reintegracao-de-posse-movida-por-jacinto> (accessed on 29 Mar 2022)

148 De olho nos ruralistas, ‘MS tem 1.351 hectares por político e apenas 1 hectare para cada Guarani Kaiowa’, 8 Nov 2018, available at <https://deolhonosruralistas.com.br/deolhonoms/2018/11/08/ms-tem-1-351-hectares-para-cada-politico-e- apenas-1-hectare-para-cada-guarani-kaiowa/> (accessed on 9 Mar 2022); Valor Econômico, ‘Estudos para definir áreas indígenas no MS geram polêmica’, 15 Aug 2008, available at <https://www2.senado.leg.br/bdsf/bitstream/handle/id/488712/noticia.htm?sequence=1&isAllowed=y> (accessed on 9 Mar 2022)

149 The 1988 Constitution predicted it would take five years for the federal government to demarcate all indigenous lands in the country. Over 30 years later, it’s estimated that only between 37 and 39 per cent of all indigenous lands recognised by Funai have been demarcated. See Anderson de Souza Santos, Luiz Henrique Eloy Amado and Dan Pasca (2021), “É muita terra para pouco índio”? Ou muita terra na mão de poucos? Conflitos fundiários no Mato Grosso do Sul’, Instituto Socioambiental, available at https://www.socioambiental.org/sites/blog.socioambiental.org/files/nsa/arquivos/conflitos_fundiarios_no_ms_-_versao_final_1.pdf (accessed on 30 Mar 2022)

150 The heavy use of agrichemicals nearby indigenous communities is a recurring theme in conversations with indigenous leaders in the area. They believe farmers deliberately spray drying agents and pesticides over communities to terrorise villagers. They describe several episodes of children falling ill with stomach pains, diarrhoea, and itchy eyes and throats, as well as cases of traditional crops being lost and water sources contaminated. See also Tab Uol, ‘Agrotóxico é usado como “arma química” contra aldeias indígenas em MS’, 21 Feb 2022, available at <https://tab.uol.com.br/noticias/redacao/2022/02/21/agrotoxico-e-usado-como-arma-quimica-contra-aldeias-indigenas- em-ms.htm> (accessed on 9 March 2022). It has been reported that indigenous populations in Mato Grosso do Sul are the third most affected by agrichemicals in Brazil, mostly in relation to soy, corn and sugarcane plantations. See Instituto Humanitas Unisinos, ‘População indígena do Mato Grosso do Sul é a terceira mais contaminada por agrotóxicos no país’, 31 Oct 2017, <https://www.ihu.unisinos.br/78-noticias/573195-populacao-indigena-do-mato-grosso-do-sul-e-a-terceira-mais-contaminada-por-agrotoxicos-no-pais> (accessed on 9 Mar 2022)

151 Tab Uol, ‘Agrotóxico é usado como “arma química” contra aldeias indígenas em MS’, 21 Feb 2022, available at <https://tab.uol.com.br/noticias/redacao/2022/02/21/agrotoxico-e-usado-como-arma-quimica-contra-aldeias-indigenas- em-ms.htm> (accessed on 9 March 2022)

152 Eliel Benites is a lecturer in Nature Sciences at the Intercultural Indigenous Faculty of the Federal University of Grande Dourados.

153 For a more detailed discussion on the issue of suicides among young Guarani Kaiowá in Mato Grosso do Sul, see Sonia Grubits et al, ‘Suicídios de jovens Guarani/Kaiowa de Mato Grosso do Sul, Brasil’, *Psicologia: ciência e profissão*, 22 Nov 2011, available at <https://www.scielo.br/j/pcp/a/CJBM5HwRpfBcNz56YCZfkHy/?lang=pt> (accessed on 9 Mar 2022)

154 Peralta is also a social anthropologist with the Federal University of Grande Dourados. Sources interviewed for this report also mentioned the ways in which the Kaiowá attempt to maintain contact with important places and spiritual beings. Anthropologist Levi Marques Pereira told our team that “it’s very common for the Guarani Kaiowá to go on clandestine expeditions of the farms, which is motivated by a need to maintain contact with the Jara, the beings who inhabit nature. These incursions generate tensions with landowners.” Pereira also noted the Kaiowá have often sought work at the farms as a way to maintain this connection to what’s sacred to them.

155 See also G1 MS, ‘Vídeo: Casa de reza indígena é incendiada com crianças e idosos; liderança suspeita de ataque criminoso’, 30 Dec 2021, available at <https://g1.globo.com/ms/mato-grosso-do-sul/noticia/2021/12/30/video-casa-de-reza-indigena-e-incendiada-com-criancas-e-idosos-em-ms-e-lideranca-suspeita-de-incendio-criminoso.ghtml> (accessed on 10 Mar 2022)

