

## 22<sup>nd</sup> INTOSAI WGEA Assembly, January 2024

### Call for audit cases: TCU's work on indigenous public policies in Brazil.

Brazil has some remarkable figures related to indigenous peoples. The latest census data inform that there are 305 indigenous ethnical groups, with almost 1.7 million individuals, who speak 274 languages, but there might be more undeclared or uncontacted. Moreover, the indigenous territories represent almost 14% of the national territory of Brazil—the 5<sup>th</sup> largest country in the world.

The Constitution acknowledges the indigenous peoples' original right over the territories they traditionally occupy, which must be demarcated and protected by the State. Besides, Brazil ratified the United Nations Convention on Biological Diversity (CBD) and the International Labour Organization (ILO)'s Convention 169 (Indigenous and Tribal Peoples Convention). In 2023, the Ministry of Indigenous Peoples was created, and many indigenous individuals were appointed as managers in the public administration—including the Minister herself.

The Supreme Audit Institution of Brazil (the TCU) has done some audits and works on indigenous public policies, most of them indirectly, due to the overlap of indigenous territories with other lands, and the cross-cuttingness of these policies to many other public policies. That is the case, for example, of the environmental licensing of electricity transmission lines that cross indigenous territories,<sup>1</sup> the concession of federal protected areas for tourism activities in areas overlapping indigenous lands,<sup>2</sup> and the contribution of indigenous lands to absorb carbon from the atmosphere.<sup>3</sup>

Directly, TCU identified in 2015 the main risks that threaten the work of the National Foundation for Indigenous Affairs (FUNAI): its inability to reduce the impacts caused by infrastructure projects to indigenous peoples, deficiencies in control and workforce, as well as invasion of indigenous territories, environmental damage, and irregular exploitation of the genetic heritage in indigenous lands.<sup>4</sup>

Indigenous health is one topic that has received especial attention from TCU.<sup>5</sup> In 2023, SAI Brazil conducted an audit regarding the humanitarian crisis experienced by the Yanomami people, especially considering their health conditions: dozens of children and elderly people with severe malnourishment and diseases, such as malaria and acute respiratory infections. The audit concluded that the main drivers of the crisis were inefficient management (due to lack of planning and control), illegal mining (including mercury contamination and increased violence), and deficient environmental protection, facilitating the entry of miners and drug traffickers into the Yanomami Land. Hence, the TCU issued many recommendations towards the improvement of the management of indigenous health, such as establishing priorities based on the real needs and epidemiological indicators, recording the data of the medical care offered to indigenous individuals, recording the data of indigenous health teams' professionals, integrating the subsystem of indigenous health to the other systems of the public health scheme, and offering solutions for health units with limited or no access to internet. Besides, the TCU recommended reinforcing the supervision of the Yanomami Land and the fight against illegal mining, as well as monitoring and treating the indigenous individuals who use alcohol harmfully.<sup>6</sup>

SAI Brazil was also requested by a Commission of Senators to oversee the use of the equivalent to USD 131.7 million assigned for actions to protect indigenous peoples. Over 22% of this amount was allocated to activities of regularization, demarcation and inspection of indigenous lands and protection of isolated indigenous peoples. This work is under development, and the preliminary report has been submitted to the entities' comments last December.<sup>7</sup>

Besides the audit itself, SAI Brazil held two public hearings with the presence of indigenous representatives, and federal entities related to demarcation of indigenous lands, security, and environmental protection, aiming to discuss the institutional articulation in the Public Administration towards guaranteeing indigenous health care and the protection of indigenous territories.

<sup>1</sup> Decision 1/2023-TCU-Plenary, TC-041.477/2021-9.

<sup>2</sup> Decision 498/2021-TCU-Plenary, TC-038.019/2020-5; Decision 2804/2021-TCU-Plenary, TC-024.127/2021-3.

<sup>3</sup> TC-023.646/2018-7, audit report.

<sup>4</sup> Decision 2626/2015-TCU-Plenary, TC-008.223/2015-7.

<sup>5</sup> Decision 402/2009-TCU-Plenary, TC-013.233/2008-5; Decision 6791/2012-TCU-1<sup>st</sup> Chamber, TC-019.793/2012-0; Decision 1439/2017-TCU-Plenary, TC-022.388/2016-8.

<sup>6</sup> Decision 2467/2023-TCU-Plenary, TC-001.308/2023-8.

<sup>7</sup> TC-020.642/2023-7.