

# RESISTANCE

The Mura Struggle Against Canadian  
Potash Mining in Brazil's Amazon



## Resistance: The Mura Struggle Against Canadian Potash Mining in Brazil's Amazon

Front Cover Art:



**Graphic of the Lago do Soares Indigenous Community.**

The lines are for the generations, the red oval for the lake, and the points and triangles for the houses and territory.

**Front cover photo:** [Amazon Watch](#), VIII General Assembly of the Mura People, 29–31 May 2025

**Rear cover photo:** Krista Jones, Madeira River Sunset, 2025

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## CONTRIBUTING INSTITUTIONS

### **Cardozo Law Institute in Holocaust and Human Rights (CLIHHR)**

Through innovative clinical law practice, groundbreaking scholarship, and close collaboration with local partners, the Cardozo Law Institute in Holocaust and Human Rights (CLIHHR) works to protect human rights, prevent identity-based violence, and secure justice for survivors and communities in the wake of atrocity crimes. CLIHHR's Benjamin B. Ferencz Human Rights and Atrocity Prevention (HRAP) Clinic trains the next generation of human rights advocates, offering them the opportunity to develop practical legal skills while engaging in human rights legal advocacy globally.

### **Federal University of Rio Grande do Sul Graduate Program in Law (PPGD/UFRGS)**

The Graduate Program in Law at the Federal University of Rio Grande do Sul (PPGD/UFRGS) offers Master's and Doctoral degrees as a leading center for high-impact legal scholarship. The faculty of distinguished scholars conducts rigorous research and community-engaged projects, training jurists for critical societal engagement and transformative work in law and policy.

### **International Human Rights Program (IHRP), University of Toronto Jackman Law**

The International Human Rights Program (IHRP) at the University of Toronto Henry N. R. Jackman Faculty of Law serves as a center for international human rights work, through which experienced lawyers, faculty, and law students engage in meaningful social change. Drawing upon its unique position within Canada, the IHRP's work aims to encourage the country's adherence to its own international human rights commitments by ensuring accountability of its harms across the globe and those of third parties it is meant to regulate. The IHRP pursues change in the areas of corporate accountability, climate justice, and Indigenous rights.

### **Observatory of Socio-Environmental Law and Human Rights in the Amazon (ODSDH)**

The Observatory of Socio-Environmental Law and Human Rights in the Amazon is a research group accredited by the Federal University of Amazonas (UFAM). Its goal is to conduct research in the Amazon region involving the rights of Indigenous peoples, quilombola communities, and traditional populations. The group has been dedicated to a research project on large-scale mining enterprises in the state of Amazonas, Brazil, which have generated significant socio-environmental impacts on the Amazon biome and its peoples. The research conducted by ODSDH/UFAM includes undergraduate research projects, master's and doctoral studies, all linked to extension initiatives that involve direct engagement with Indigenous peoples and traditional communities in the Amazon.



# ABBREVIATIONS

<b>ACHR</b>	American Convention on Human Rights	<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ACP</b>	Ação Civil Pública (Public Civil Action)	<b>ICJ</b>	International Court of Justice
<b>ANM</b>	Agência Nacional de Mineração (National Mining Agency)	<b>IHRP</b>	International Human Rights Program at the University of Toronto Jackman Law
<b>APIB</b>	Articulação dos Povos Indígenas do Brasil (Articulation of Indigenous Peoples of Brazil)	<b>ILO Convention No. 169</b>	International Labour Organization: Indigenous and Tribal Peoples Convention
<b>C.F.</b>	Constituição Federal (Constitution of the Federative Republic of Brazil)	<b>IPAAM</b>	Instituto De Proteção Ambiental Do Amazonas (Amazon Environmental Protection Institute)
<b>CEDAW Committee</b>	Committee on the Elimination of Discrimination Against Women	<b>MPF</b>	Ministério Público Federal (Federal Public Ministry)
<b>CEO</b>	Chief Executive Officer	<b>OAS</b>	Organization of American States
<b>CESCR</b>	Committee on Economic, Social and Cultural Rights	<b>ODSDH</b>	Observatório de Direito Socioambiental e Direitos Humanos na Amazônia Informações (Observatory of Socio-Environmental law and Human Rights in the Amazon)
<b>CIM</b>	Conselho Indígena Mura (Mura Indigenous Council)	<b>OECD Guidelines</b>	Guidelines for Multinational Enterprises for Responsible Business Conduct
<b>CIMI</b>	Conselho Indigenista Missionário	<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>CLIHHR</b>	Cardozo Law Institute in Holocaust and Human Rights	<b>OLIMCV</b>	Organização de Lideranças Indígenas do Careiro da Várzea (Organization of Mura Indigenous Leaders of Careiro da Várzea)
<b>COIAB</b>	Coordenação das Organizações Indígenas da Amazônia Brasileira (Deliberative Council of Coordination of the Indigenous Organizations of the Brazilian Amazon)	<b>PdB</b>	Potassio do Brasil (Brazil Potash)
<b>CPI</b>	Comissão Parlamentar de Inquérito (Brazilian Federal Senate's Parliamentary Inquiry Committee)	<b>PEL</b>	Preliminary Environmental License
<b>CRC</b>	Committee on the Rights of the Child	<b>PPGD/</b>	Programa de Pós-Graduação em Direito Universidade Federal do Rio Grande do Sul
<b>ECI</b>	Estudo do Componente Indígena (Indigenous Component Study)	<b>UFRGS</b>	(Federal University of Rio Grande do Sul Graduate Program in Law)
<b>FEBRAGEO</b>	Federação Brasileira Geólogos (Brazilian Federation of Geologists)	<b>REM</b>	Soil Remineralizers
<b>FPIC</b>	Free, Prior, and Informed Consent	<b>SBPC</b>	Sociedade Brasileira para o Progresso da Ciência (Brazilian Society for the Advancement of Science)
<b>FUNAI</b>	Fundação Nacional dos Povos Indígenas (National Indigenous Peoples Foundation)	<b>STF</b>	Supremo Tribunal Federal (Supreme Federal Court) of Brazil
<b>GDP</b>	Gross Domestic Product	<b>TRF1</b>	Tribunal Regional Federal da 1ª Região (Federal Court of the 1st Region)
<b>HDPE</b>	High Density Polyethylene	<b>UFAM</b>	Universidade Federal do Amazonas (Federal University of Amazonas)
<b>HRAP</b>	Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic at Cardozo Law	<b>UN</b>	United Nations
<b>IACtHR</b>	Inter-American Court of Human Rights	<b>UNDRIP</b>	United Nations Declaration on the Rights of Indigenous Peoples
<b>IBAMA</b>	Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (Brazilian Institute of the Environment and Renewable Natural Resources)	<b>UNGPs</b>	United Nations Guiding Principles on Business and Human Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights	<b>UNISINOS</b>	Universidade do Vale do Rio dos Sinos (University of the Valley of the Sinos River)
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination	<b>USD</b>	United States Dollar

## METHODOLOGY

In March 2025, the Cardozo Law Institute in Holocaust and Human Rights (CLIHHR), the International Human Rights Program of the University of Toronto Henry N. R. Jackman Faculty of Law (IHRP), and members of the Federal University of Rio Grande do Sul Law Graduate Program (UFRGS) travelled to Manaus and Lago do Soares, Brazil to conduct interviews regarding potential human rights and environmental risks connected to Brazil Potash's Autazes Project. These interviews were conducted with the assistance of the Organization of Mura Indigenous Leaders of Careiro da Várzea (OLIMCV) *Organização de Lideranças Indígenas Mura do Careiro da Várzea (OLIMCV)* and the Observatory of Socio-Environmental Law and Human Rights in the Amazon of the Federal University of Amazonas (UFAM).

The interviewers met with key stakeholders in the Amazonas region, including Indigenous leadership and community members in Lago do Soares and Urucurituba (Mura communities most affected by the proposed Autazes Project), experts, such as geologists and lawyers, and civil society organizations. The interviews followed a semi-structured format and involved a mix of individual and group interviews.

Most of the interviewers are non-Indigenous and from Brazil, Canada, and the United States. To overcome a deficit in cultural knowledge and language barriers, two interpreters were present at all interviews to provide simultaneous translation between Brazilian Portuguese and English. Each interview began with an explanation of its purpose, a discussion of the measures taken to protect participants' information, and the participants' provision of informed consent. All individuals named in this report gave permission to be identified with the understanding of the risks they may potentially face because of their participation.

Information collected through field interviews in Brazil were supplemented with desk research, including examination of media sources, securities disclosures, press releases, and academic and grey literature. Additionally, authors of the report reviewed sources on Canadian, American, and Brazilian domestic law, as well as international law.

## SUMMARY

***“Many years ago, there were Mura people here. We were already here and today we continue to be here. There are Mura people who need this territory, and if we are dispersed, if we migrate elsewhere, we will not have this freedom. It will be harder to meet with each other – each one will go to a different place. We want to continue in Soares. We want to continue to be Mura.”***

***– Soares Mura Community Member***<sup>1</sup>

Brazil’s Amazon is home to many distinct Indigenous peoples, including the Mura, who live in communities surrounding Autazes in Amazonas state.<sup>2</sup> The Amazon rainforest is also critical for biodiversity and carbon capture; the biome serves as one of the planet’s greatest natural defenses against catastrophic climate change and global warming.

In 2010, Brazil Potash,<sup>3</sup> a Canadian owned mining company, began exploratory drilling for sylvinitite—the mineral mined to make potash for plant fertilizer—on Mura territories near Autazes.<sup>4</sup> Despite an ongoing process of land demarcation of the Mura peoples’ traditional territories and domestic litigation against Brazil Potash concerning its questionable licensing and consultation processes,<sup>5</sup> Brazil Potash has continued to pursue the proposed mining complex along with adjacent roads and ports to support potash extraction on Mura lands.<sup>6</sup>

Brazil’s constitutional and international legal obligations protect Indigenous rights to exist and continue as peoples, guaranteeing them collective rights to self-determination and to the use and enjoyment of their lands.<sup>7</sup> Moreover, Brazilian law does not permit mining on Indigenous lands.<sup>8</sup> Today, these legal guarantees are under serious threat as corporate and other economic interests push to change the laws and strip Indigenous peoples of their individual and collective rights.

The Mura are at the center of this fight. Their struggle to prevent extractive and destructive mining on Indigenous lands (i.e., lands that have been and continue to be occupied by Indigenous peoples) within the Amazon rainforest is critical for all Indigenous land rights in Brazil. Indigenous leaders, forest protectors and their allies recognize the importance of defending the Mura and joining their struggle. Indigenous peoples who continue to live collectively on their original territories often maintain their collective identities while also protecting the planet’s biodiversity against threats, such as mining and other resource extraction. Protecting the Mura peoples’ rights to self-determination and to continue as a distinct people on their lands means protecting all Indigenous peoples’ rights in Brazil, as well as protecting the Amazon biome from irreparable biodiversity loss and other environmental harm.

The Mura struggle is emblematic of an ongoing global fight against neocolonial expansion and Indigenous erasure; a fight against capitalist, corporate greed; a fight against environmental destruction. In resisting threats to their right to continued existence as a collective, the Mura are also resisting serious threats to the Brazilian Amazon biome, a natural resource needed for collective global survival. Everyone must join the Mura’s struggle: “resist to exist.”<sup>9</sup>

This Report explores Lago do Soares and Urucurituba communities' opposition to the Autazes mining project. Given that Brazil Potash's plan is to build the mining complex just two kilometers away from Lago do Soares village<sup>10</sup> and to erect a port to service the mine in Urucurituba,<sup>11</sup> these communities face the most serious threats to their continued existence on their lands, their health, and their lives if Brazil Potash prevails and the mining project moves forward.

Part I describes the Mura peoples' historical and present struggles to prevent violence, land dispossession, and forced removal through resisting state and corporate economic interests to extract natural resources on Mura lands. From colonial conquest and the rubber boom to the logging, mining, and agricultural industries of today, the Mura have suffered multiple individual and collective human rights violations, including violations of self-determination and land rights, that threaten their ability to survive and continue as Indigenous peoples.

Part II outlines the proposed Autazes Potash Project in the context of agribusiness politics in Brazil, highlighting the tension between state and corporate economic interests on the one hand, and Indigenous self-determination and land rights on the other. Part III then details the numerous environmental risks—including salination and destruction of fresh water in the area—and human rights concerns—including the absence of Indigenous prior consultation and consent, as well as threats of violence—that the Autazes Potash project raises.<sup>12</sup> This Part also describes domestic litigation efforts to prevent environmental harms and human rights violations despite the powerful corporate and political actors pushing for mining on Mura lands.

Part IV clarifies Canada's obligations and the Canadian-owned Brazil Potash's responsibilities in operating in Indigenous territory in Brazil. At the time of writing, Brazil Potash claims to have completed consultations with affected communities and to have received all permits needed to begin construction of the mine.<sup>13</sup> The company is hoping to move quickly toward full-scale production by the end of 2025 with a timeline of roughly four years to complete construction.<sup>14</sup> Additionally, despite its questionable legality and risk of serious environmental and human rights impacts, the project receives much support in Brazil given that the company plans to sell all of the mined potash domestically in the country,<sup>15</sup> which is heavily dependent on potash imports to support its massive agricultural industry.<sup>16</sup>

After documenting the harms that the Mura believe to have already experienced, and the future risks of harm should Brazil Potash succeed in constructing a potash mine on Indigenous lands in the Amazon, Part V closes with an urgent call for mobilization and support for the Mura in their resistance to mining on their territories. Brazil must conclude the formal legal recognition of all Mura lands as Indigenous and uphold their individual and collective rights. The Mura's request is simple: to live and be respected as Mura, free from unwanted encroachments on—and violence to—their lands and people.

**Specifically, this Report recommends:**

### **To the Brazilian Government:**

- Respect, protect and fulfill the constitutional guarantees in line with international rights of the Mura peoples to occupy their traditional lands, including by ensuring the demarcation of Mura territories and by prohibiting all mining or other resource extraction on their Indigenous lands.
- Uphold the self-determination rights of the Mura peoples, including by guaranteeing their rights to prior consultation as per the agreed-upon consultation protocol and by complying with obligations to ensure free, prior, and informed consent (FPIC).
- Protect the Amazon's fragile ecosystem from adverse environmental consequences of potash mining and related corporate activities on and near Mura lands by prohibiting environmental licensing in line with domestic and international legal obligations.
- Consult and cooperate openly and in good faith with relevant UN Human Rights Council Special Procedure mandate holders, Inter-American Thematic Rapporteurship mandate holders, UN Treaty Bodies, and the Inter-American Commission on Human Rights.

### **To the Canadian Government:**

- Ensure compliance with Canada's obligations under international human rights law, including the state obligation to prevent human rights abuses abroad by corporations under its jurisdiction or control, including Brazil Potash. Canada should establish and enforce clear regulatory mechanisms that prevent corporate conduct from impairing the enjoyment of economic, social, cultural, and environmental rights, as well as the full realization of Indigenous rights, abroad.
- Take necessary legal and policy measures to comply with the International Court of Justice's Advisory Opinion on Climate Change, which affirms that a state's failure to take appropriate action to protect the climate system from greenhouse gas emissions may constitute an internationally wrongful act. Canada should ensure that public support and investment (e.g., through Export Development Canada and diplomatic support) are conditional on a company's verified compliance with international human rights and environmental standards.
- Consult and cooperate openly and in good faith with relevant UN Human Rights Council Special Procedure mandate holders, Inter-American Thematic Rapporteurship mandate holders, UN Treaty Bodies, and the Inter-American Commission on Human Rights.
- Engage in international cooperation to address harms caused by Canadian corporate actors abroad, including through information-sharing and cooperative enforcement.

## To Brazil Potash:

- Suspend all development activities in Brazil until full, human rights rights-compliant consultation and consent processes have taken place with affected Mura communities, particularly in Lago do Soares and Urucurituba. Brazil Potash should immediately halt construction, exploration, and related development activities for the Autazes Project until adequate consultation and free, prior, and informed consent have been secured from all affected Indigenous peoples.
- Ensure that consultation processes are conducted in good faith, transparently, and inclusively with particular attention to the participation of Indigenous communities in Lago do Soares and Urucurituba, whose rights, lands, and livelihoods are directly affected. Brazil Potash should guarantee that all consultations are led by Indigenous leadership who have been chosen by and have the trust of the Mura communities who are directly affected in Soares and Urucurituba.
- Ensure that company representatives, subsidiaries, and contractors do not engage in any conduct that could compromise the independence of Indigenous decision-making, including offering inducements, exerting pressure, or otherwise influencing consent processes. Brazil Potash should fully respect the ongoing demarcation process of Mura lands and refrain from engaging in, supporting, or benefiting from any activities that interfere with or undermine that process.
- Consult and cooperate openly and in good faith with relevant UN Human Rights Council Special Procedure mandate holders, Inter-American Thematic Rapporteurship mandate holders, UN Treaty Bodies, and the Inter-American Commission on Human Rights.
- Commit to an ongoing process of remedy and redress for any harms already caused to Indigenous peoples and ecosystems resulting from Brazil Potash's activities.



# I. INTRODUCTION: THE “INDOMITABLE” MURA

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The Brazilian Amazon is an important biome that acts as a “carbon sink” to capture carbon dioxide, cooling the planet and mitigating the devastating impact of fossil fuels and other contributors to global warming. Additionally, it is home to diverse peoples, many of whom live according to their non-Western cultures and traditions and have varied levels of contact with dominant societies. Like many eastern tribes of North America, the Mura people were some of the communities of first contact with European colonizers, and, for that reason, have faced repeated and significant threats and harms to their existence as peoples for centuries. Today, against all odds, the Mura continue their resistance to colonization, dispossession, resource extraction, and environmental destruction to reclaim their identities and original territories as Indigenous.

The Mura Indigenous people inhabit territories in 37 communities along the Madeira, Amazonas, and Purus Rivers, major waterways of the Amazon River Basin, in what is today known as Amazonas and Rondonia states in Brazil.<sup>17</sup> The Mura people have inhabited these lands for more than two centuries and have a deep, long-standing, physical and spiritual connection to the Amazon rainforest, with expert knowledge of rivers, channels, islands, and lakes in the region.<sup>18</sup> Even though Mura live in rural villages (*aldeias*) led by local elders called chiefs (*tuxáua*) and in urban centers, their navigational, hunting, and fishing expertise as riverine people forms an important part of their cultural, collective identity.

The Mura’s concept of land and territory is deeply intertwined with mobility, ancestral memory, social relations, collective stewardship, and spiritual cosmology rather than rigid territorial boundaries or exclusive ownership.<sup>19</sup> Land is sacred, communal, and fundamentally inseparable from Mura cosmology and social life. While this distinctive, fluid understanding of land and land ownership contrasts sharply with Western notions of fixed, private property, some Mura lands have undergone the process of demarcation<sup>20</sup> as Indigenous territories, and some are in the process of demarcation by the Brazilian state for protection against further encroachment, displacement, and dispossession.<sup>21</sup>

Despite centuries of colonial violence, the Mura Indigenous peoples “resist to exist,”<sup>22</sup> continuing to root their lives in their culture, kinship, and cosmology in the Brazilian Amazon rainforest. They sustain these foundations through their deep connection and reciprocal relationship to the land and rivers, their communal ways of life, and their enduring relationships with one another as a people. Yet, the scars of colonization and imperialism are clear. Generations of violence, exploitation, and land dispossession have resulted in the Mura’s loss of traditional languages and oral histories, which today the Mura actively work to revitalize.<sup>23</sup> Moreover, the Mura remain vulnerable to displacement, the destruction of their culture, and the ability to live as Mura, as they continue to face encroachment from logging, mining, and agribusiness projects.<sup>24</sup> Indeed, one of the greatest threats faced by the Mura people is Brazil Potash’s Autazes Potash Project.

Brazil Potash, a Canadian-owned transnational mining company, seeks to build a massive sylvinitic mining complex, pave roads, and construct an adjacent port in and around Mura lands through its Autazes Potash Project.<sup>25</sup> Currently, the Project is subject to several ongoing lawsuits—contesting inadequate consultation with affected communities, licensing irregularities, and ongoing demarcation of the lands as



Indigenous—in the Brazilian courts and has fueled conflict and division among Mura leadership and communities. The Mura allege that Brazil Potash and local public officials have violated their human rights, especially regarding the right to prior consultation under the International Labour Organization: Indigenous and Tribal Peoples Convention (ILO Convention No. 169), which has led to the silencing of Indigenous voices struggling to stop the mining project that they believe will displace entire communities and lead to certain dispossession, forced displacement, and environmental destruction.

In June 2025, the Mura community came together in solidarity with environmental and Indigenous rights activists to resist mining on Mura lands.<sup>26</sup> Over the past decade, the Mura people have fought against Brazil Potash’s Autazes Potash Project to keep mining out of their territories, to defend their self-determination rights and to remain on their lands. For the Mura resistance, firm opposition to extractive mining projects and remaining on their traditional lands means combating erasure to ensure group survival and continuance as a people with their traditional belief systems, cultural practices, and reciprocal relationship with the land. For the rest of the world, protecting the Mura peoples’ land and self-determination rights means mitigating the catastrophic effects of global climate change and biodiversity loss.

For the Mura, the Autazes Potash Project is the latest of countless, ongoing state and private threats to their existence, survival, and continuance as peoples since conquest, colonization, and first contact. The Mura peoples’ continued resistance to enslavement and subjugation<sup>27</sup> during expeditions for gold and cacao<sup>28</sup> made them official enemies of the Portuguese Crown and Church.<sup>29</sup> As a result of their enduring struggle to maintain their Indigenous ways of life, the Mura became known to settlers as “indomitable.”<sup>30</sup>



## II. THE AUTAZES POTASH PROJECT

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Canadian company Brazil Potash's Autazes Potash Project is a \$2.5 billion USD mining project to extract and refine sylvinitite into potash—the main ingredient in plant fertilizer—from the Amazon River basin.<sup>31</sup> The Project began in 2009 when Brazil's National Department of Mineral Production (now the National Agency of Mining) granted Brazil Potash two permits for potassium research.<sup>32</sup> By 2015, the Company received its Preliminary Environmental License from the Brazilian Amazonas Environmental Protection Institute (IPAAM) and began exploratory drilling in Autazes in search of potash.<sup>33</sup> Over the last decade, the project has received significant dissent from the Mura community along with multiple legal challenges to Brazil Potash's authority to operate in the region.

Section A situates the Autazes Potash Project within the broader politics of agribusiness in Brazil, highlighting the contemporary tension between state economic interests and Indigenous self-determination that forms the backdrop of this project. Section B details the Autazes Potash Project.

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### A. FOREIGN FERTILIZER DEPENDENCE: THE POLITICS OF POTASH MINING IN BRAZIL

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Brazil Potash's proposed sylvinitite mine has gained political support within Brazil because of the country's agribusiness geopolitics. The term potash is used to describe various compounds, including potassium chloride, potassium nitrate, and potassium-magnesium sulfate, which are water soluble forms of potassium used primarily in fertilizer.<sup>34</sup> Brazil is currently the world's largest exporter of agribusiness commodities,<sup>35</sup> which is projected to account for 30% of Brazil's GDP by the end of 2025.<sup>36</sup> This growth is driven by record harvests in cereals, legumes, and oilseeds as well as projected increases in soybean and corn production.<sup>37</sup> Despite Brazil's leadership in agricultural exports, the country imports 85% of its fertilizer, making it highly dependent upon global potash markets.<sup>38</sup>

To address Brazil's agricultural industry's vulnerabilities stemming from its dependence on fertilizer imports, the Brazilian government launched a National Fertilizer Plan designed to increase domestic fertilizer production.<sup>39</sup> According to the 2022 plan, Brazil seeks to reduce the percentage of domestic use of foreign fertilizers from 85 to 45 percent by 2050.<sup>40</sup> Domestic potash production would lower costs for rural farmers and would allow Brazil to export its agricultural products, expanding its reach in foreign markets.<sup>41</sup> Consequently, strong government and political support exist for the domestic extraction and refining of potash generally, and for Brazil Potash's Autazes Potash Project specifically.

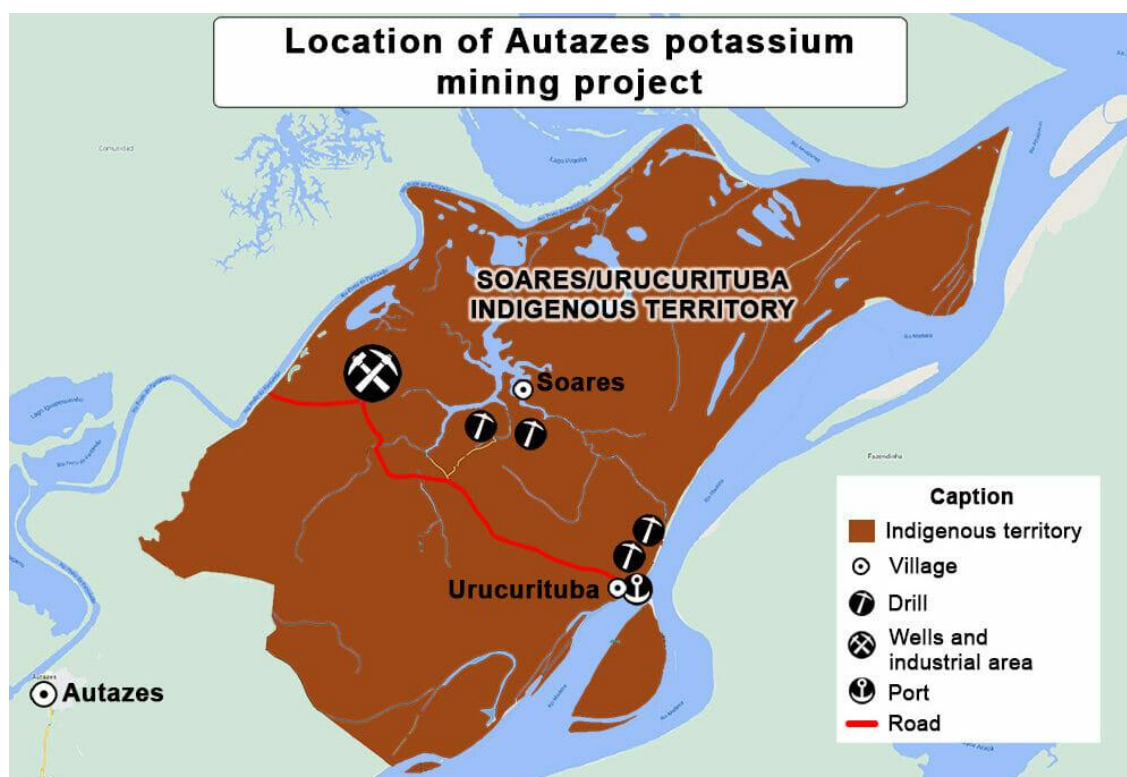
Experts, however, have identified sustainable, cost-effective, and legal alternatives to mining on Indigenous lands in the Amazon. A Technical Note endorsed by Brazilian academic institutions and civil society organizations promotes the use of soil remineralizers (REM), derived from widely available silicate rocks in the country, as an alternative to mining in the Amazon on protected Indigenous lands.<sup>42</sup> By including this alternative, the Technical Note challenges the argument that mining potassium in the Amazon is the only way for Brazil to achieve fertilizer independence from foreign imports.<sup>43</sup>

## B. POTASH EXTRACTION AND THE PROPOSED AUTAZES MINE

Potash is a group of minerals consisting of potassium salt mixed with the impure form of potassium carbonate.<sup>44</sup> Large solid potash deposits are generally of marine origin, formed from evaporated sea water.<sup>45</sup>

Potash is usually mined using either the solution mining<sup>46</sup> or the conventional underground mining method. Brazil Potash's \$2.5 USD billion mining project in Autazes is designed to extract and refine potash from the Amazon River basin using the conventional underground mining method.<sup>47</sup> In conventional underground mining, solid potash is extracted from underground mines using explosive charges.<sup>48</sup> Potash ore is then brought up to the surface using vertical shafts and ground into a "slurry" within a salt brine.<sup>49</sup> Insoluble materials are removed from this slurry to isolate potassium compounds.<sup>50</sup> This process can generate a large amount of "tailings," which are salty waste products composed of solid halite waste, clay, salt, and saturated brines.<sup>51</sup> On average, this method generates one kilogram of finished potash product and three kilograms of waste.<sup>52</sup>

The project envisions the construction of a large, underground room and pillar mining site, a processing plant, a shipping port on the Madeira River, an expanded and paved access road, and 16km of electrical infrastructure to connect stations in the nearby municipality of Silves to a new station in Autazes.<sup>53</sup>



Map of Brazil Potash's proposed potash mining project on Mura Indigenous land. Source: Amazônia Real

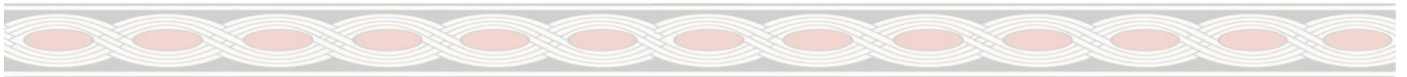
Importantly, the Autazes Potash Project plan, including the mine infrastructure, requires construction and development of an area on and affecting Mura Indigenous lands, including the villages of Lago do Soares and Urucurituba, which the Mura have occupied for at least two centuries.<sup>54</sup> Located within the municipality of Autazes, both the Lago do Soares and Urucurituba communities sit perched on the water. Soares is located just 2km from the proposed mining site, while Urucurituba, 10km away from the mine, is the proposed location for the project's cargo shipping port.

Brazil Potash estimates that the project's targeted potash shelf has a minable life of 23 years and the plant is estimated to generate approximately \$1 billion USD per year in revenue.<sup>55</sup> This potash shelf is part of a larger potash-containing basin, and according to the company, the 23-year life estimate is the "tip of the iceberg" for sustained potash mining in Autazes.<sup>56</sup>

Brazil Potash claims that the Autazes Potash Project will have a minimal surface footprint and that it will build the mine on deforested agricultural grazing land, eliminating the project's need to cut native Amazon rainforest.<sup>57</sup> It further claims that waste material will be managed safely through the use of dry-stack clay and sodium chloride—"like what you put on your fries or food to eat."<sup>58</sup> According to the company, the sodium chloride will either be backfilled into completed mine rooms or injected underground into what it describes as "a brackish aquifer, which just means an underground river" ensuring that "at the end of the day, there is no surface footprint."<sup>59</sup>



*Image depicting Brazil Potash's planned construction in Autazes. Source: Brazil Potash ([ir.brazilpotash.com](http://ir.brazilpotash.com))*



Additionally, Brazil Potash claims that it conducted “many free, prior and informed consultations with [I]ndigenous people” during the preliminary environmental study,<sup>60</sup> including with 36 Mura villages,<sup>61</sup> and that “over 90% of participants voted in support of the Autazes potash project being permitted for construction.”<sup>62</sup> The company also claims to be “currently working with Mura [I]ndigenous people to develop a mutually agreed upon impact benefit agreement outlining commitments that [Brazil Potash] will undertake to benefit all 36 villages and their local communities.”<sup>63</sup>

As will be discussed in the following Part, these claims appear to misstate the information collected from Mura community members and environmental experts. It appears that the information Brazil Potash provides about the Autazes Potash Project may fail to reflect salient and ongoing constitutional, environmental, and international human rights concerns arising from the proposed mine.



### III. ENVIRONMENTAL HARMS, HUMAN RIGHTS CONCERNS, AND LITIGATION IN BRAZIL

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Although Brazil Potash has publicly maintained that the Autazes Potash Project will have a minimal surface footprint and claims to have conducted necessary consultations with Indigenous communities, available evidence—including statements from affected Mura community members—and emerging legal challenges in Brazil tell a different story.

Significant concerns have been raised regarding the Autazes Potash Project’s compliance with international and domestic human rights standards, its environmental impacts, and the adequacy of consultation processes with affected Indigenous peoples. This Section examines these issues in turn: first assessing the potential environmental harms associated with Brazil Potash’s operations and then analyzing the potential human rights implications of the Autazes Potash Project—particularly its impacts on both procedural and substantive Indigenous rights. It also briefly discusses the ongoing domestic legal challenges in Brazil in response to these concerns.

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#### A. POTENTIAL ENVIRONMENTAL HARMS

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***“The agribusiness deforests [our lands], scares our people, and pollutes our rivers.”***

***- Filipe Gabriel Mura, Lago do Soares Chief & Mura Leader***<sup>64</sup>

The Amazon rainforest is one of the most biodiverse ecosystems on the planet and a critical global carbon reserve. It regulates rainfall patterns across South America, influences weather systems worldwide, and its rivers account for one quarter of the Earth’s available freshwater.<sup>65</sup> Yet, amid this vital and fragile ecosystem, Brazil Potash seeks to develop and operate a massive, industrial-scale mine.

The prospect of large-scale mineral extraction in the heart of the Amazon underscores the profound tension between Brazil’s constitutional commitments to environmental protection and Indigenous rights on the one hand, and state and corporate actors’ political and economic drive for resource exploitation and profit on the other.

Brazilian environmental experts confirm that the potassium deposit, located approximately 1000 meters deep in the environmentally fragile region of the lower Madeira River where it meets the Amazon River, faces significant environmental risks.<sup>66</sup> Further, these experts highlight that the project’s implementation faces other substantial challenges, including requiring large-scale energy supply, infrastructure needs, logistical complexities, tailings management, and “no less importantly, the impact on the [I]ndigenous communities of the Mura people.”<sup>67</sup>



Source: [IBGE](#) (Autazes, AM, is located to the south-east of Manaus, AM, approx. 110km)

Although mining projects may operate for only a limited number of years, their environmental impacts can be felt for generations.<sup>68</sup> Deforestation, contamination of soil and water, and the destruction of biodiversity persist long after a mine has closed. Recognizing this, the Brazilian Constitution grants the Amazon special status as “national patrimony,” mandating that it be used only in a manner that ensures the preservation of the environment.<sup>69</sup>

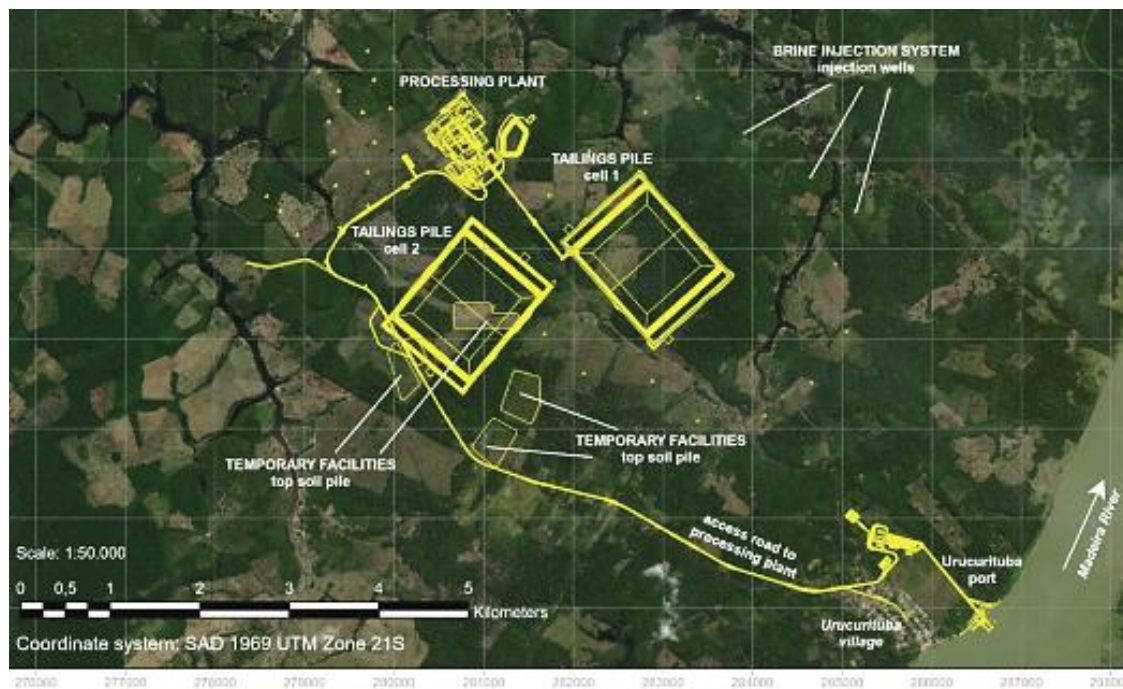
This constitutional protection is reinforced by international legal principles. According to Advisory Opinion No. 23 of the Inter-American Court of Human Rights, environmental elements “such as forests, rivers and sea...[are] legal interests in themselves.”<sup>70</sup> Moreover, the International Court of Justice in its 2025 Advisory Opinion on Climate Change confirmed that states have a legal obligation to take measures to protect the climate system from harm and failing to do so may constitute an internationally wrongful act,<sup>71</sup> which may require immediate cessation of the act and reparations to victims.<sup>72</sup>

The Autazes Potash Project’s potential environmental impacts, as discussed below, must therefore be considered in light of the Amazon’s critical ecological importance and the legal obligations Brazil owes to protect this unique and globally significant ecosystem.

## i. The Autazes Potash Project's Large Ecological Footprint

Although Brazil Potash insists publicly that the Autazes Potash Project will have a “minimal surface footprint,” a deeper look into the company’s plans for the project seem to show a significantly larger footprint. A Brazil Potash map depicts the river port, processing plant, and two tailings piles, each of which takes up a larger area than the processing plant.<sup>73</sup>

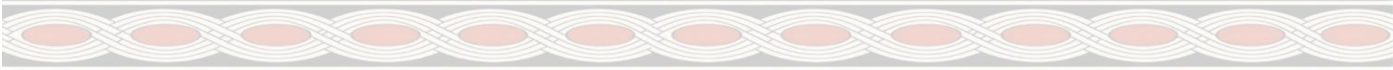
The descriptions of the tailings piles are alarming. Each pile will be a 1.2km by 1.2km square open-air pit with a maximum storage volume of 33.8 million cubic meters.<sup>74</sup> The first of these tailings piles will be built at the onset of the project, and the second pile will be constructed 13 years into the life of the mine.<sup>75</sup> The scale of the Autazes Potash Project, including the extensive tailings piles, carries the potential for significant environmental impacts, as further discussed in this section.



Brazil Potash [Technical Report](#), 2022

## ii. Devastating Freshwater Salination and Impacts on the Amazon Ecosystem

Brazil Potash claims that the mine’s salt tailings are mere “sodium chloride” and implies that these tailings are harmless because it is the same compound as table salt.<sup>76</sup> Changes in salinity of freshwater surface and groundwater reserves, however, can cause substantial harms, including loss of biodiversity in the surrounding ecosystems, particularly in those areas around potash and salt tailings mining projects.<sup>77</sup> River organisms that have exclusively adapted to freshwater sources are particularly vulnerable to changes in salinity, which can cause excessive stress and avoidance migration of, or outright mortality to, the river organisms.<sup>78</sup> Changes in salinity could have a devastating effect on the greater Amazon ecology



due to this area’s unique geology<sup>79</sup> and interconnected surface water river networks and groundwater aquifers.<sup>80</sup>

Alarmingly, Brazil Potash plans to dispose of brine and abandon the tailings piles in a way that will necessarily increase the salinity of the surrounding groundwater and soil. As CEO Matt Simpson explained in 2024, Brazil Potash plans to inject a portion of the Project’s excess brine into a “brackish aquifer”<sup>81</sup> through three brine injection wells.<sup>82</sup> The company identifies the ultimate destination of the brine as the Alter do Chão formation,<sup>83</sup> the sandstone and mudstone formations that contain the Alter do Chão Aquifer.<sup>84</sup> This aquifer is one of the most important fresh groundwater reservoirs in Brazil,<sup>85</sup> as approximately 71 percent of Amazonas state municipalities—as well as, presumably, the majority of rural areas—receive their potable water *exclusively* from groundwater reservoirs.<sup>86</sup> Because this aquifer consists of unconfined (water table) and semiconfined (“leaky” or porous aquifer) areas covered with surface vegetation,<sup>87</sup> the surface water river systems, soil, and vegetation are particularly susceptible to salinization and ecological destruction from brackish and salinized groundwater.<sup>88</sup>

Additionally, Brazil Potash has detailed how the company plans to dispose of the estimated 84.9 million cubic meters of tailings over the life of the mine<sup>89</sup> and the insoluble tailings after the mine has been depleted.<sup>90</sup> The open-air tailings pit will contain the dry-stacked salt tailings.<sup>91</sup> Precipitation falling on the piles will dissolve the salts creating a brine, which will be collected in settling ponds to allow insoluble solids to separate from the clear runoff.<sup>92</sup>

The runoff brine—with an estimated salt concentration between 260.5 and 300 grams/liter—will either be injected into the mine rooms or injected into the aquifer. The settling ponds are rated to accommodate a one-in-one-hundred year rain event—rain events that have occurred much more frequently in the last two decades due to climate change.<sup>93</sup> After the highly salinized water has been injected into the mine rooms or groundwater system, the insoluble material remaining in the tailings piles will just be covered in high density polyethylene (HDPE)—the same material used to make common plastic containers for motor oil, shampoo, and laundry detergent<sup>94</sup>—and buried underground.<sup>95</sup> The Mura community and expert geologists are extremely concerned that this plan will lead to salination of freshwater and, consequently, will destroy the surrounding ecosystem for all life in the surrounding area.

These plans associated with the mine may only provide a partial picture into the Autazes Potash Project’s environmental impacts, but it is clear from the above that the Project poses serious risks for permanent and potentially devastating impacts to the water, ecology, and Indigenous ways of life.

### iii. Other Environmental Harms

In addition to the mine's potential impacts on freshwater resources, particularly downstream from the mine site, extraction activities can cause other negative impacts, including noise and vibrations from drilling, blasting, and equipment operation.<sup>96</sup> Brazilian geologist Suzi Huff Theodoro explained the probability of subsidence—the caving or sinking of land—leading to sinkholes in and around Autazes (including on Mura lands), due to Brazil Potash's invasive drilling strategy. This possibility is a significant damaging risk for the region.<sup>97</sup>

Theodoro likened the case to other mines that caused disastrous consequences for the populations living on or near the mine sites, such as the communities living near the rock salt mine that recently caused sinkholes and massive forced displacement in Maceió, Brazil, in 2024.<sup>98</sup> Another case, with similar damages, occurred at a mine located in the Perm region, near the Solikamsk-2 Mine in Russia. The probable cause of that disaster was mine flooding, leading to the subsequent dissolution of underground salt layers, which caused the overlying soil and rock strata to subside.<sup>99</sup> The Autazes Potash Project carries these significant risks as it is situated between two major rivers—the Madeira and the Madeirinha—which are subject to periodic seasonal flooding.<sup>100</sup>



Subsidence damage from Maceió mines in Alagoas. Reported by [Mariana Zyberkan for Veja](#). (Ailton Cruz; Leo Caldas)



#### **2024 FEDERAL SENATE FINDINGS: SYSTEMIC MINING REGULATORY FAILURES**

*The Final Report of the Brazilian Federal Senate's Parliamentary Inquiry Committee (CPI) on Braskem concludes that Brazil's mining sector is operating unconstitutionally given the series of recent environmental and humanitarian disasters in Mariana, Brumadinho, and Maceió.<sup>101</sup> The Report documents multiple dimensions of systemic failure, including: massive and systematic violations of fundamental rights to environmental protection, public safety, and adequate compensation; structural complicity through inadequate regulatory oversight and public agency deference to corporate interests; a de facto self-regulation regime where mining companies effectively monitor themselves while regulators serve as mere licensing registries; and pervasive impunity as criminal cases remain unresolved for years.<sup>102</sup>*

Heavy vehicles and equipment associated with mineral extraction can also generate significant noise, affecting the wellbeing of neighboring communities.<sup>103</sup> The Mura in Soares have already begun to feel the impacts of heavy machinery. One elder in the community reported that the machinery sounds from the drilling kept people up all night.<sup>104</sup> Another community member reported that boats delivering equipment for Brazil Potash sped through the small waterways, overturning three small canoes of Mura fishermen, causing accidents and disturbing aquatic life.<sup>105</sup>

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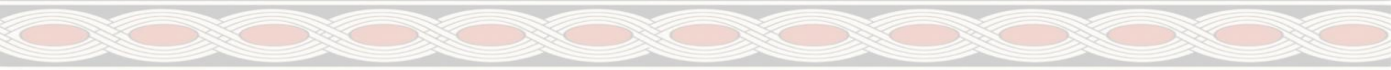
## **B. HUMAN RIGHTS IMPACTS OF THE AUTAZES POTASH PROJECT**

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Brazil is State Party to numerous international human rights treaties—and has endorsed key international declarations—that have application in the context of land rights, resource extraction, and impacts on the human rights of Indigenous peoples. The International Covenant on Civil and Political Rights (ICCPR), for example, protects the right to self-determination, including the right to freely pursue economic, social, and cultural development, the right to life and security of the person.<sup>106</sup> Additionally, the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes rights to self-determination and other rights that are inextricable from Indigenous self-determination and survival, including the rights to adequate food, water, housing, health, and culture.<sup>107</sup>

As State party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),<sup>108</sup> Brazil must recognize and respect Indigenous culture, history, language and way of life and promote its preservation; provide Indigenous peoples with conditions allowing for sustainable economic and social development; and ensure Indigenous communities can exercise their rights to practice and revitalize their cultural traditions and customs and to preserve and practice their languages.<sup>109</sup>

Specific to Indigenous rights, Brazil must ensure prior consultation and FPIC rights of Indigenous peoples.<sup>110</sup> ILO No. 169's Article 15 requires that the rights of Indigenous peoples concerning natural resources pertaining to their lands be specially safeguarded, including the rights of Indigenous peoples to “participate in the use, management and conservation of these resources.”<sup>111</sup> Importantly, under Article 16, Indigenous peoples “shall not be removed from the lands which they occupy” and where relocation is



considered necessary as an *exceptional measure*, such relocation “shall take place only with their free and informed consent.”<sup>112</sup>

Although not a treaty, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the UN General Assembly by a majority of 143 states in favor, including Brazil,<sup>113</sup> and reflects many existing state obligations under international law. Article 32 requires that states “consult and cooperate with Indigenous peoples in good faith in order to obtain their free, prior, and informed consent [...] prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”<sup>114</sup> Article 26 further states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.”<sup>115</sup> Moreover, Article 25 protects Indigenous Peoples’ right to maintain and deepen their spiritual relationship with their lands and to be able to share and transmit this spiritual relationship to generations to come.<sup>116</sup>

In addition to its international and regional obligations,<sup>117</sup> Brazil’s domestic legal framework also provides strong protections for Indigenous peoples. Under Article 231 of the Brazilian Constitution,<sup>118</sup> the Brazilian government has an obligation to protect Indigenous peoples against violations of their individual and collective rights.<sup>119</sup> Article 231 further guarantees Indigenous groups the collective rights of return to—and occupation and use of—their traditional lands.<sup>120</sup> These guarantees include the absolute rights (1) to possess the lands permanently, and (2) to use surface resources without limitation.<sup>121</sup>

This section examines Brazil Potash’s operations and Brazil’s responses in the Autazes region, evaluating how these actions and omissions have affected, and may affect, the rights of the Mura community as protected under the Brazil’s constitutional and international human rights obligations.

## **i. Impacts on Mura Self-Determination, Land and Consultation Rights**

***“Without our territories, we do not have our life.”***

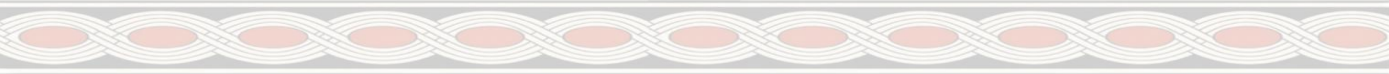
***- Ana Claudia Dos Santos Mendes,  
Vice President, OLIMCV & Mura Leader***

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### **a. RESOURCE DEVELOPMENT WITHOUT PROPER CONSULTATION**

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Since its introduction, the Autazes Potash Project has followed a contested path marked by Mura resistance. Beginning as early as 2010, Brazil Potash reportedly conducted exploratory drilling in the Lago do Soares (Soares) area, boring holes in areas surrounding the community.<sup>122</sup> The company allegedly drilled holes into a sacred cemetery in Soares, causing outrage among the Mura people.<sup>123</sup> Soares community members state that the company also trespassed upon the lands of a Mura farmer, and drilled holes into his lands without permission.<sup>124</sup> According to Soares Chief Filipe Gabriel Mura, one of the drill holes was over 600 meters deep.<sup>125</sup>



Mura leaders in Soares reported that they were not appropriately engaged for consultation and consent prior to drilling. They state that no representatives of the Brazilian government nor Brazil Potash spoke to them prior to the exploratory drilling to discuss the impact of the mine on the Indigenous population.<sup>126</sup>

By 2014, threats of encroachment and drilling on Mura lands led the Mura Indigenous Council (*Conselho Indígena Mura* or *CIM*)—an organization of Mura Indigenous people across the Madeira River region—to reinitiate the demarcation process to recognize Soares and Urucurituba as Indigenous lands by the National Foundation of Indigenous Peoples (*Fundação Nacional dos Povos Indígenas* or *FUNAI*),<sup>127</sup> the federal agency tasked with protecting Indigenous lands and interests in Brazil.<sup>128</sup> Demarcation of Lago do Soares and Urucurituba as Indigenous lands would make any mineral exploration or resource extraction on these lands illegal under Brazilian law.<sup>129</sup> *CIM*'s request for demarcation went unanswered and Brazil Potash began drilling one year later.<sup>130</sup>

Instead, in 2015, *IPAAM* granted Brazil Potash a Preliminary Environmental License (PEL)—a license meant to determine a project's feasibility from an environmental perspective.<sup>131</sup> Brazil Potash claimed that the company conducted an environmental and social impact assessment as part of its application for the PEL, including public hearings and several rounds of consultations with local Indigenous communities near the Autazes Potash Project.<sup>132</sup> Mura leadership, however, deny that Mura leadership from Lago do Soares were invited to the two public hearings held by Brazil Potash in Autazes, where very few Mura reportedly attended.<sup>133</sup> The next Section outlines the legal challenges against the PEL.

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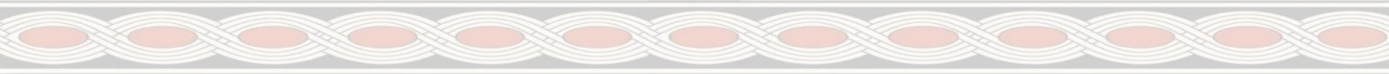
#### ***b. PUBLIC CIVIL ACTION TO ENFORCE FPIC PROCESS***

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In December 2016, the Federal Public Prosecutor's Office, or *Ministério Público Federal (MPF)*, filed a Public Civil Action seeking a cancellation of Brazil Potash's PEL and a suspension of all project activities until the company engaged in free, prior and informed consent (FPIC) processes with affected communities.<sup>134</sup> In 2017, the *MPF* and Brazil Potash reached a judicial agreement by which the judge suspended the PEL and ordered that the consultation process for FPIC take place.<sup>135</sup> The judge also declared that the PEL from *IPAAM* was not sufficient as *IPAAM* was a state agency; to move forward with the mine, Brazil Potash had to obtain licensing from the federal environmental agency, the Brazilian Institute of the Environment and Renewable Natural Resources (*IBAMA*).<sup>136</sup>

Following the judgment, the Mura community in Soares and their advisers began the in-depth process of developing an FPIC protocol<sup>137</sup> to guide Brazil Potash's consultation process and inform the company how the community wished to be consulted.<sup>138</sup> Community members, youth, and spiritual leaders collaborated and discussed with each other; they also consulted the *MPF*, anthropologists, and various Indigenous civil society organizations to develop a protocol that reflected the values and needs of the community.<sup>139</sup> The final protocol required Brazil Potash to, among other things, inform the Soares community of the positive and negative impacts of the project before construction began, and only allowed the project to begin if the Mura gave their consent after being freely and fully informed.

Unfortunately, according to Mura leadership, this protocol was not properly implemented. Instead, during the development of the protocol, and despite the court order suspending the company's PEL, Brazil Potash allegedly continued to open new drill holes, illegally survey the area, and deforest land,



according to an anonymous Soares community member.<sup>140</sup> The tide seemed to turn decisively against the Autazes Potash Project in March 2022. After a visit to Lago do Soares, the presiding judge discovered the mine was slated to be built just two kilometers from the community. Citing this finding, the court nullified Brazil Potash's earlier purchases of local land.<sup>141</sup> In a further blow to the project, the judge ordered *FUNAI* to begin the formal process of demarcating the Lago do Soares and Urucurituba territories—lands directly in the path of the proposed mine.

In September 2023, *CIM* amended its own consultation rules, effectively sidelining another main Indigenous representative organization, *OLIMCV*. Then, in an assembly that critics decry as illegitimate—reportedly held without the Lago do Soares community and with only a fraction of Mura leaders—*CIM* granted its official consent for the project.

*OLIMCV* and the Lago do Soares Community immediately took the matter back to court, arguing the process was a sham and demanding its annulment. They won a victory when the lower court judge rejected the consultation results, ruling that *CIM* had fundamentally violated the community's own consultation protocol.

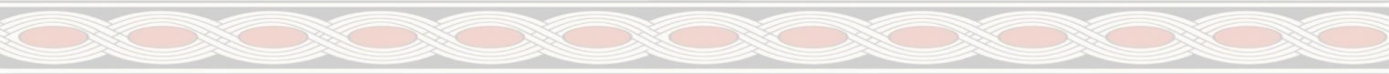
In November 2023, the judge issued a separate ruling that stripped the state-level environmental agency *IPAAM* of its licensing power. The court decreed that only the federal environmental agency *IBAMA* could issue licenses for a project of this scale and impact.

Adding to the complexity of this case, the appellate court *TRF1* has reversed the lower court rulings, creating a new legal front in the conflict between the Mura people and Brazil Potash.<sup>142</sup> The *TRF1*'s judgment led the state environmental agency *IPAAM* to immediately issue installation licenses authorizing the company to commence drilling, deforestation, and construction activities within the contested territory.<sup>143</sup>

The appellate court's rationale rested on two central findings. First, it determined that the Lago do Soares territory did not qualify as Indigenous land in the absence of a formal demarcation decree—a process the Brazilian government had stalled for over two decades. Second, the *TRF1* affirmed that *IPAAM*, rather than the federal agency *IBAMA*, was the competent environmental licensing authority for the project. The court also validated the contested consultation process, effectively ruling that the Mura had consented to the project, notwithstanding substantial evidence in the record that contradicted the existence of free, prior, and informed consent. These rulings were upheld and confirmed on October 15, 2025.<sup>144</sup>

Despite these procedural setbacks for the Mura, the legal battle continues on multiple fronts. The *MPF* has initiated two new Public Civil Actions to challenge the project's impacts. Crucially, the foundational 2016 Public Civil Action has yet to be adjudicated on the merits. A final ruling in this case is expected to be appealed to the Brazil's highest court, the *STF*.

The *STF* is positioned to reexamine the core legal question at issue. Aligning with the established jurisprudence of the IACtHR,<sup>145</sup> the *STF* recognizes that constitutional protection of an Indigenous territory does not depend on completing the demarcation process. This settled understanding, which was disregarded by the *TRF1*, provides a strong legal basis for the *STF* to overturn the appellate decision.



Concurrently, *FUNAI* is moving forward with the anthropological and field studies that constitute the initial, administrative phase of the demarcation process for the Lago do Soares and Urucurituba territories.<sup>146</sup> The continuation of this process represents a significant long-term legal threat to the project. Should the Indigenous land be officially recognized through demarcation, all environmental and operational licenses obtained by the company would be subject to immediate revocation, nullifying the permissions granted under the *TRF1*'s ruling. A timeline of major litigation events, along with a more detailed description of each action, can be found in the report Annex, *infra*.

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### C. ALLEGATIONS OF COERCION, THREATS AND CO-OPTATION

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Since the commencement of the Civil Public Action in 2016, there have been numerous allegations within the Soares community that Brazil Potash bribed and threatened Mura leaders throughout the region to convince their community members to support the mine.<sup>147</sup> Community members in Soares allege that Brazil Potash representatives pressured them to sell their lands.<sup>148</sup> One family reported receiving threatening phone calls from a Brazil Potash employee after they refused a financial offer to buy their land.<sup>149</sup> While this family has yet to sell, they state that others succumbed to the pressure and coercion, at times fearing for their lives if they refused.<sup>150</sup> For example, one Mura elder from Soares alleges that he was forced to leave his home and faced harsh living conditions following significant pressure and manipulation to sell his property to Brazil Potash.<sup>151</sup> A judicial inspection carried out in 2022 confirmed reports of coercion and threats against the Mura by Brazil Potash to sell land, including the coercion of a Mura elder to sell his plot of land on traditional Mura territory.<sup>152</sup> In fact, the judge considered the transaction so oppressive that she voided the sale and ordered the company to return the elder's land.<sup>153</sup>

Mura community members have also allegedly faced demands to stop resisting the mine, often from anonymous sources. One community member reported receiving a threat demanding that they give up their fight for demarcation.<sup>154</sup> Another reported that they received an anonymous note stating that there would be consequences if the mine was not built.<sup>155</sup> A previous Soares community leader reportedly received multiple anonymous phone threats.<sup>156</sup> It is alleged that anonymous messages and calls containing death threats have become so frequent that the Mura community members state that they are afraid of walking alone when visiting Autazes.<sup>157</sup>

Mura community members also alleged that Brazil Potash offered to fund new schools and hospitals,<sup>158</sup> and even provide a car,<sup>159</sup> if the mine was approved. Further troubling is the allegation that Brazil Potash made donations and gave gifts to members of *CIM*.<sup>160</sup> The company reportedly contracted with *CIM* in January 2025<sup>161</sup> and are allegedly paying the Council.<sup>162</sup>

In 2023, *CIM* unilaterally rejected the Lago do Soares community's FPIC protocol concerns and voiced support for the Autazes Potash Project, claiming that the Council had conducted its own consultation with the Mura people.<sup>163</sup> However, as explained by Mura leadership, the purported consultation process by *CIM* was deeply flawed; leaders report that at least 5,000 Mura were reportedly excluded from the process, including the Soares community.<sup>164</sup>

## *“We have been cheated by our own leadership”*

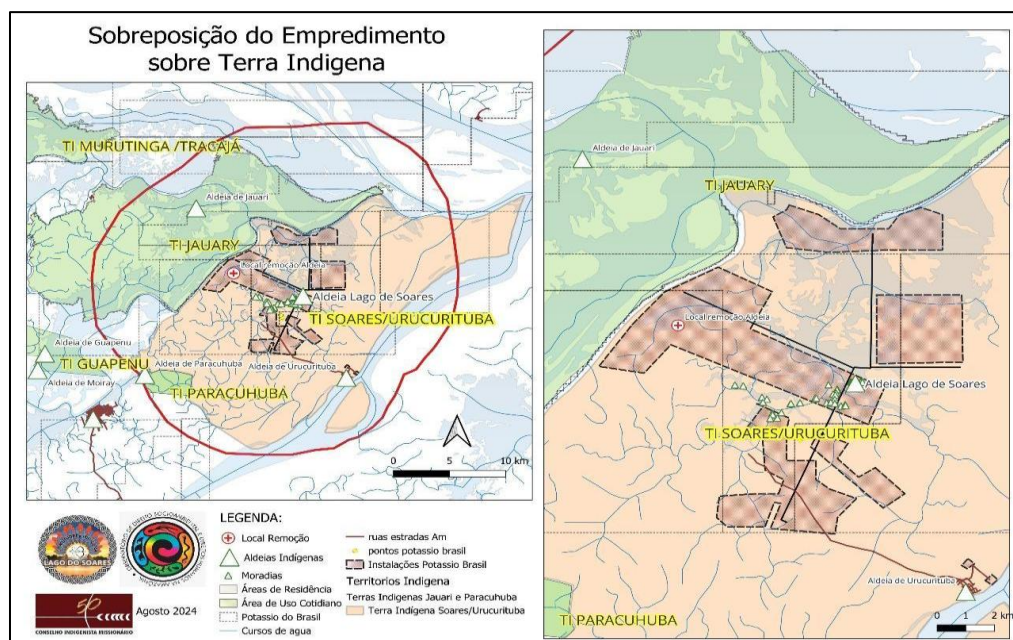
*- Filipe Gabriel Mura, Lago do Soares Chief & Mura Leader*<sup>165</sup>

As a result, the Mura leadership and the community are now divided between those who support the mine and those who do not. “One of the greatest impacts that the company is causing is the division of our people,” says Lago do Soares Chief Filipe Gabriel Mura.<sup>166</sup> Despite these seemingly insurmountable challenges, however, the Mura in Lago do Soares and Urucurituba—those directly impacted by the mine’s and port’s construction—refuse to acquiesce to the mine. “We are a warrior people. We are strong. We do not give up.”<sup>167</sup>

### **d. ONGOING DEMARCATION PROCESS**

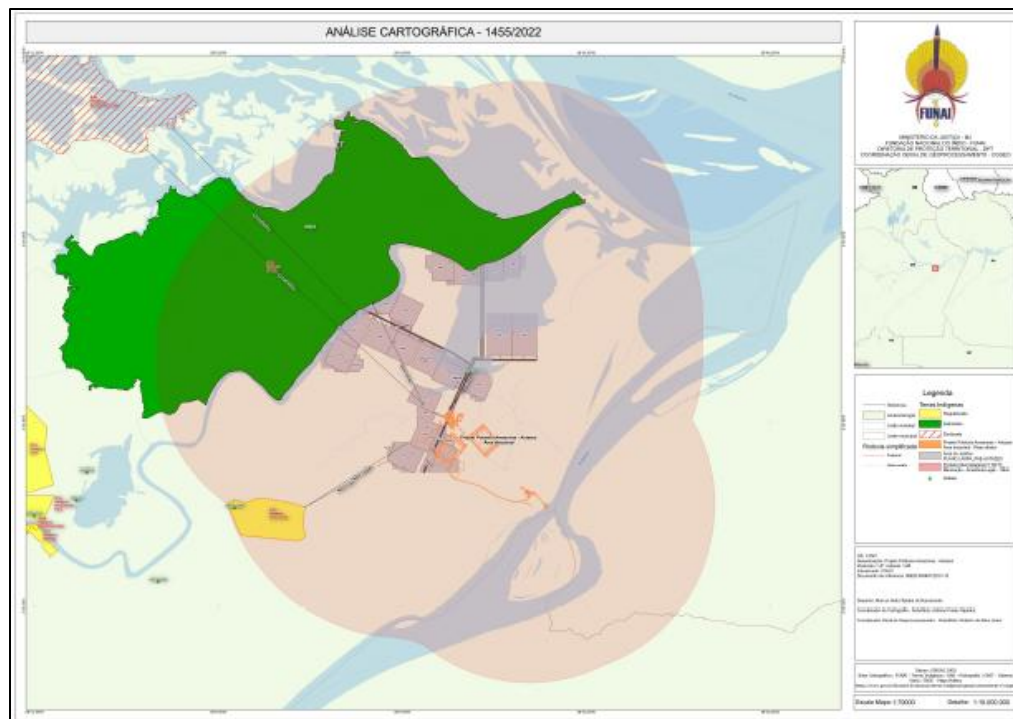
As discussed above, in 2014 CIM submitted a request to FUNAI to reinstate the demarcation process begun in 2003 to recognize Lago do Soares and Urucurituba as Indigenous lands, which would make any mineral exploration on these lands impermissible and illegal under Brazilian law.<sup>168</sup> Demarcation involves a five-stage process: (1) identification of the ancestral land by mapping boundaries; (2) response by interested third parties; (3) approval of the demarcation by the Ministry of Justice; (4) ratification of the decision by presidential decree; and finally, (5) formal registration of Indigenous territory.<sup>169</sup>

To date, the initial steps have been taken in the demarcation process. Firstly, members of the Mura community in Soares and Urucurituba developed a participatory mapping project in 2018, which, combined with official company location information, clearly demonstrates the overlap of indigenous land with the mining Project.



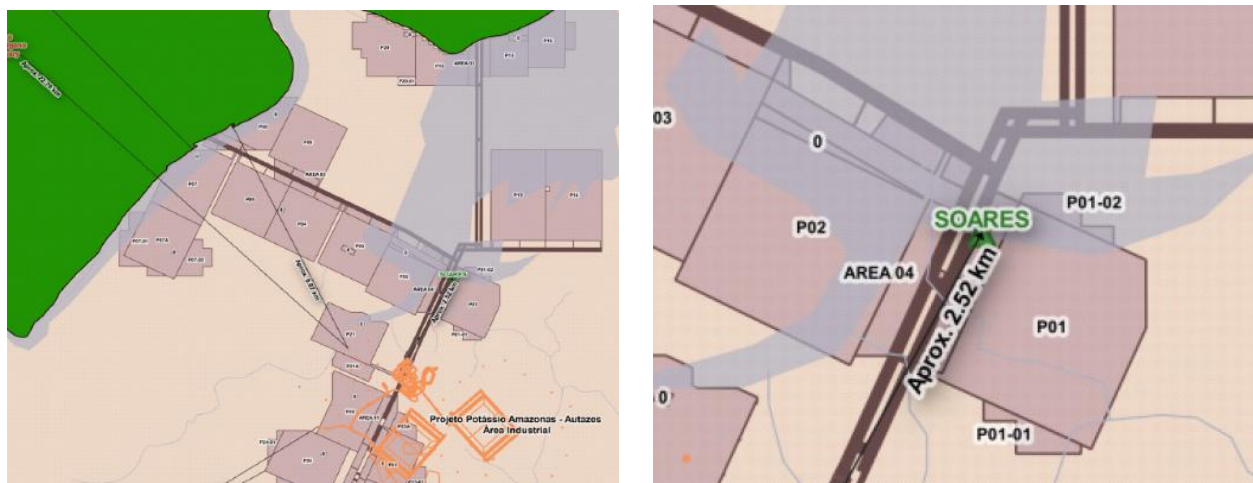
Source: CIMI (2018). AJUP/ODSDH; CIMI (2024).

Secondly, FUNAI established a Working Group for demarcation studies in Soares and Urucurituba in 2023. The cartographic analysis carried out by FUNAI, based on the Master Plan - Autazes Potassium Project, demonstrates the direct impact on indigenous lands.

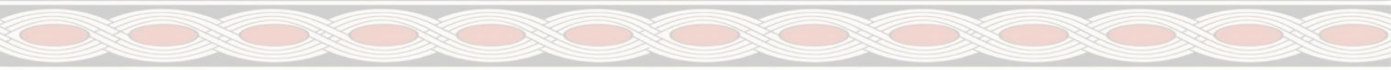


Source: FUNAI (2023). Coordenação Geral de Geoprocessamento - CGGEO. Diretoria de Proteção Territorial - CPT. Análise Cartográfica n° 1455/2022 - Mapa (SEI nº 4415713)

Enlarged images from the FUNAI Cartographic Analysis above help confirm that the area of the surface facilities and mining plans of the Autazes Potassium Project overlaps with the Lago do Soares indigenous land:



However, despite this progress, demarcation processes in Brazil can be lengthy and convoluted. Much time can elapse between an initial declaration of land as Indigenous and the federal government's formal registration of title in national land registries.<sup>170</sup> Private sector actors have often exploited these



prolonged demarcation delays, unequal power dynamics, and ambiguities in land ownership to carry out land grabs,<sup>171</sup> which remains a risk with respect to the Autazes Potash Project. While the Mura have been waiting for the legal protections that demarcation will guarantee, Brazil and Brazil Potash are moving ahead.

A prolonged delay in land demarcation may constitute a violation of Brazil's obligation under the American Convention on Human Rights (ACHR). In *Xucuru Indigenous People and its Members v. Brazil*,<sup>172</sup> the Inter-American Court of Human Rights found Brazil to be in violation of its obligations under Article 8(1)—which protects the right to a hearing within a reasonable time—for arbitrarily denying demarcation.<sup>173</sup> Without formal demarcation, Indigenous communities cannot fully exercise their collective rights to land or their right to self-determination. A prolonged delay may demonstrate to the Mura and others a clear prioritization of resource exploitation over the protection of Indigenous territorial and self-governance rights.

Should the Brazilian government fulfill its human rights obligations to the Mura and complete the demarcation of their traditional lands in a timely manner, the legal status of Brazil Potash's mining project would be fundamentally affected. The project's current location overlaps with territory that the Mura believe would fall within demarcated Indigenous lands, rendering the mine's license to operate illegal and potentially necessitating the suspension or shutdown of the mine. Consequently, the question of demarcation is not only central to the protection of the Mura's rights but also to the ongoing legal and operational viability of the Autazes Potash Project.

## ii. Risks to Health and Cultural Survival of the Mura People

***"We are Mura people who need this territory...if they come, there will be pollution, surely death. We don't want this to happen."***

***- Soares Community Member***<sup>174</sup>

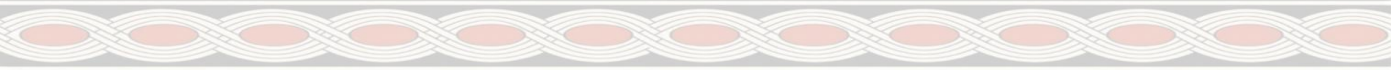
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### ***a. POTENTIAL IMPACTS ON HEALTH AND SAFETY***

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Large-scale mining projects in or near Indigenous territories have historically generated severe environmental, social, and health consequences. These include contamination of water sources, destruction of subsistence ecosystems, the spread of disease, and increased violence against Indigenous peoples. Despite claims of minimal environmental and social impact, the Autazes Potash Project threatens to reproduce many of the harms historically associated with extractive activities on Indigenous lands, placing the Mura people at significant risk of detrimental impacts to their health and safety, in violation of their human rights.

Mura communities rely predominately on fishing, hunting, and farming for their sustenance. However, extensive deforestation may reduce the availability of wildlife, undermining the Mura's ability to maintain traditional food systems through hunting and farming. In addition, salt contamination of river systems can poison drinking water and disrupt ecosystems, introducing toxins into the food chain.<sup>175</sup> Mura



women and children would be especially at risk, as toxins can accumulate in blood and breast milk, leading to risks of miscarriage, infertility, premature births, cancer, and early menopause.<sup>176</sup>

International law not only protects the right to health, but also the right to a healthy environment. The Inter-American Additional Protocol of San Salvador specifically protects the right to a healthy environment, as does the ICESCR, according to the Committee on Economic, Social and Cultural Rights.<sup>177</sup> The Brazilian Constitution also provides for this right: “All have the right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations.”<sup>178</sup>

The social dimensions of mining also carry significant health and safety implications, particularly for women and girls. “Mura women already face an increased risk of sexual assault and exploitation,” says one Mura Leader, “the mine will surely ignite this issue further.”<sup>179</sup> The anticipated influx of transient, predominantly male, workers into Autazes and surrounding villages poses heightened risks of prostitution, rape, assaults, and the spread of diseases within Indigenous communities.<sup>180</sup> In an interview, Auricelia Arapium, president of the Deliberative Council of Coordination of the Indigenous Organizations of the Brazilian Amazon (*Coordenação das Organizações Indígenas da Amazônia Brasileira*, or COIAB), stated that Indigenous girls and women are often co-opted or forced into prostitution around mining communities in Brazil,<sup>181</sup> which increases the risk of sexually transmitted diseases. Mura leadership have voiced that their communities lack the infrastructure to address the health and wellness crisis that may erupt,<sup>182</sup> and they fear that the health of Indigenous peoples will not be prioritized by public health institutions.<sup>183</sup>

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#### ***b. IMPACTS ON THE RIGHT TO CULTURE***

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***“As long as there is one Mura to fight and as long as the last Mura is not exterminated, we will be fighting in the resistance.”***

***- Ana Claudia Dos Santos Mendes,  
Vice President, OLIMCV & Mura Leader***<sup>184</sup>

Under international law, the Mura have the right not to have their culture destroyed,<sup>185</sup> and the right to practice, maintain, and transmit their customs, traditions, and ceremonies, whether these be of a secular or religious nature.<sup>186</sup> However, the impacts of the Autazes Potash Project may impede this right.

To date, Brazil Potash’s drilling has reportedly already desecrated a Mura cemetery, which has destroyed the ability of the community to venerate and pay condolences to their ancestors. Brazil Potash allegedly offered to compensate the community for this irreparable harm, but one Mura elder analogized this attempt to pay off the Mura as “prostitution” of the Mura’s sacred spaces.<sup>187</sup> The elder described the destruction of the cemetery as a physical act of supreme violence—likening it to the physical violence of an act of rape—against the community.<sup>188</sup>



***“Our culture doesn’t evolve or progress because we have to protect what little we have,” said Filipe Gabriel Mura. “We do not teach our children or youth about craftsmanship and the territory because we take all our time to defend ourselves from the company.”***

***- Filipe Gabriel Mura, Lago do Soares Chief & Mura Leader*** <sup>189</sup>

Mura cosmology is intrinsically tied to their land and relationship with nature. The predicted harmful impacts of the Autazes Potash Project carry a serious risk of dispossession of Mura ancestral lands, depriving future generations of the ability to engage with their traditional culture and environment. Moreover, the very act of continuously defending their territory has itself deepened the harm to Mura cultural and spiritual life. “Our culture doesn’t evolve or progress because we have to protect what little we have,” said Filipe Gabriel Mura. “We do not teach our children or youth about craftsmanship and the territory because we take all our time to defend ourselves from the company.”<sup>190</sup> The constant fight to protect their territory diverts the community’s attention and strength away from cultural transmission and daily life, inflicting yet another layer of destruction to Mura culture.

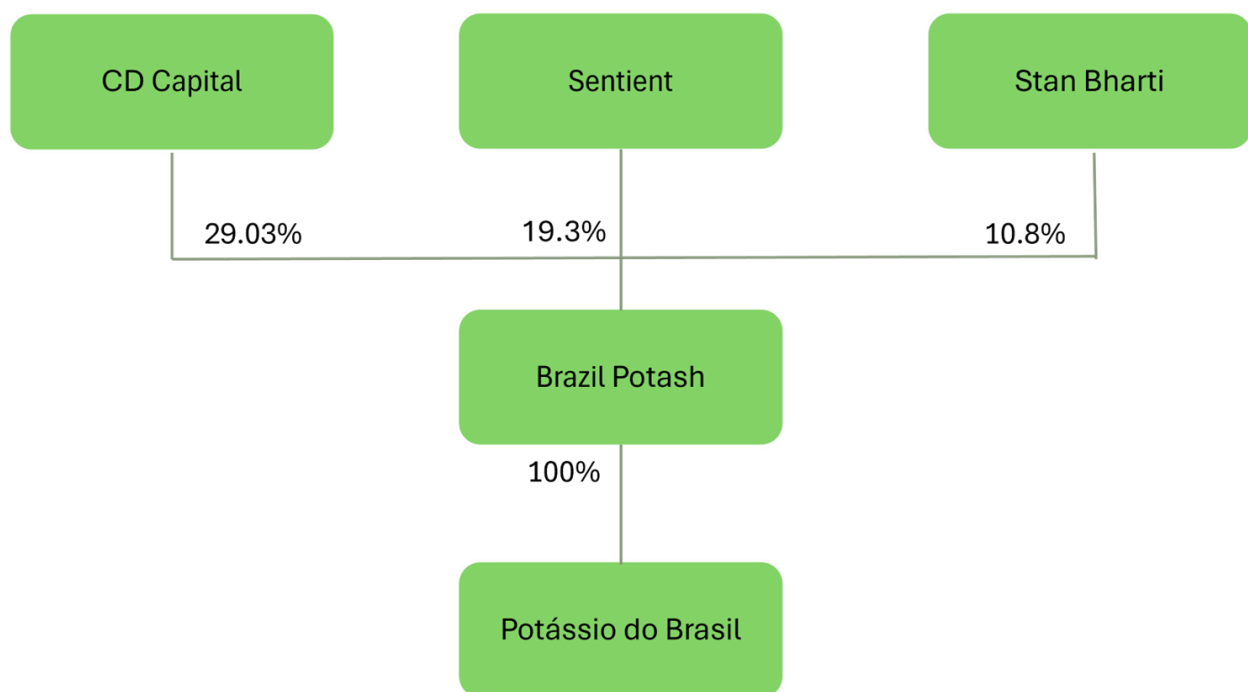
Filipe Gabriel Mura also identified the loss of the Mura language as another marker of cultural degradation: “We have not [spoken] our native tongue for a long time . . . First they took our tongue, so we are pressured to speak Portuguese. Now, we are pressured to learn other languages like English . . . but we want to rescue [our language] as a people, because it is our essence.”<sup>191</sup> The Autazes Potash Project, and the displacement and dispersal it threatens to cause, pose a serious obstacle to this cultural revitalization. Should families be forced from their traditional lands and potentially resettled in urban areas, opportunities for intergenerational language transmission and collective cultural renewal will diminish.

## IV. CANADIAN STATE ACCOUNTABILITY AND CORPORATE RESPONSIBILITY

Although the Autazes Potash Project operations are physically located in the Brazilian Amazon, Brazil Potash is headquartered in Canada, thus implicating Canada in the protection of the Mura peoples' rights. Canada is bound by international legal obligations to ensure that corporations under its jurisdiction do not harm the human rights of Indigenous peoples abroad. Brazil Potash, in turn, has its own international human rights responsibilities with respect to the ways in which it operates abroad.

### A. BRAZIL POTASH: A CANADIAN MINING COMPANY IN BRAZIL

Brazil Potash is a Canadian potash mining company headquartered in Toronto, Canada. Brazil Potash is reportedly owned by several shareholders, and major shareholders include: CD Capital (29%), Sentient (19.3%), and Stan Bharti (10.8%), who founded the Toronto-based merchant bank Forbes & Manhattan Group.<sup>192</sup>



*Chart depicting shareholder relationships between major shareholders, Brazil Potash, and PdB*

Brazil Potash is the sole quota holder of their subsidiary, Potássio do Brasil (PdB) Ltd.<sup>193</sup> Although separately incorporated, Brazil Potash and PdB appear to be wholly integrated; as Brazil Potash claims, they “are a holding company and [] conduct substantially all of [its] business through [its] subsidiary, Potássio do Brasil Ltda..”<sup>194</sup>



Moreover, Brazil Potash repeatedly represents that it maintains control over PdB through:

- The company's "ability to cause the appointment or removal of [PdB's] officers."<sup>195</sup>
- The maintenance of PdB funds in North America, whereby any funds disbursed to Brazil requires a request for funds, and a review by Brazil Potash's Chief Executive Officer and Chief Financial Officer.<sup>196</sup>
- Brazil Potash's Chief Executive Officer and Chief Financial Officer, who are based in North America, "indirectly have control over the bank accounts of Potássio do Brasil Ltda., including any revenues that are generated in Brazil, through the appointment of the officers of Potássio do Brasil Ltda."<sup>197</sup>

This structure suggests that Brazil Potash and PdB are tightly interwoven in both governance and financial operations, functioning in practice as a single entity under Canadian leadership.

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## B. CANADA'S EXTRATERRITORIAL OBLIGATIONS

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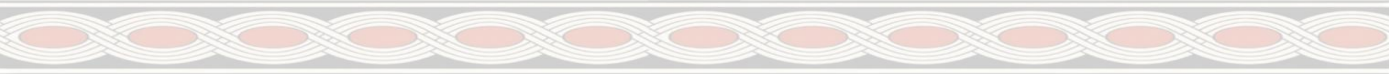
Canada's obligations extend beyond its borders, through its commitments under international human rights law. As a State party to the ICESCR, Canada has extraterritorial obligations to protect the Mura peoples' rights and to prevent rights violations against them by corporations headquartered in its territory.<sup>198</sup> These obligations follow from the fact that the ICESCR does not provide any restriction linked to territory or jurisdiction.<sup>199</sup> The Committee on Economic, Social and Cultural Rights (CESCR) has clarified that these extraterritorial obligations are triggered when a State party can influence situations abroad by "controlling the activities of corporations domiciled in its territory and/or under its jurisdiction."<sup>200</sup>

The Committee on Economic, Social and Cultural Rights (CESCR) has clarified that States must exercise due diligence in the context of extractive activities.<sup>201</sup> Canada would thus be in breach of its obligations where it failed to take reasonable measures to prevent reasonably foreseeable violations of the Mura peoples' rights under the ICESCR, harms that have now been outlined in this Report. Further, Canada should require Brazil Potash to act with due diligence to identify, prevent, and address abuses to Covenant rights by any of its subsidiaries or business partners, no matter where they are located.<sup>202</sup>

Other human rights bodies and experts have reinforced these principles with respect to corporate regulation. As the Human Rights Committee has stated in a case involving Canada, "there are situations where a State party has an obligation to ensure that rights under the [ICCPR] are not impaired by extraterritorial activities conducted by enterprises under its jurisdiction."<sup>203</sup> Similarly, the United Nations Special Rapporteur on the rights of Indigenous Peoples has stated:

*"The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate, and [Canada] has extraterritorial obligations to take steps to prevent and redress infringements of these rights committed abroad by business entities over which it exercises control."<sup>204</sup>*

International environmental law has been found to be an essential source of these obligations. The International Court of Justice (ICJ) Advisory Opinion on Climate Change affirms that all states have a



duty under international human rights law to take necessary measures to protect the climate system and other parts of the environment,<sup>205</sup> and a State's failure to take appropriate action to protect the climate system from greenhouse gas emissions may constitute an internationally wrongful act.<sup>206</sup> Likewise, the Inter-American Court of Human Rights (IACtHR) Advisory Opinion on Climate Change underscores that states' extraterritorial obligations extend to protecting ecosystems and prevent transboundary environmental harms, including those arising from corporate activities.<sup>207</sup>

To date, no evidence demonstrates that Canada has taken effective action to regulate Brazil Potash's operations or to protect the Mura and the Amazon, which implicates the State in both environmental and human rights harms. This is not new. Canada's chronic inaction in regulating the extraterritorial human rights impacts of its corporations has been a longstanding concern. Several UN treaty bodies have now raised concerns about the negative impact of the conduct of Canadian transnational companies and have called out Canada's failure to take effective measures. These include the Committee on the Elimination of Discrimination Against Women,<sup>208</sup> the Committee on the Elimination of Racial Discrimination,<sup>209</sup> and the Committee on the Rights of the Child.<sup>210</sup> A multitude of UN Special Procedures mandate holders have also called out Canada's persistent shortcomings in this respect.<sup>211</sup>

Canada's evident passivity in regulating the extraterritorial impacts of Brazil Potash constitutes a breach of its obligations under international law. Ensuring that the Mura's rights are respected is not solely a matter for Brazil. Canada must also take active steps to uphold its extraterritorial obligations through appropriate regulatory, monitoring, and enforcement measures.

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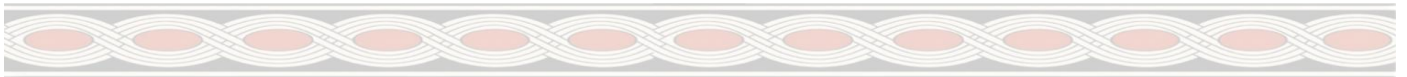
### **C. BRAZIL POTASH'S INTERNATIONAL HUMAN RIGHTS RESPONSIBILITIES**

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Brazil Potash's proposed mining operations in the Amazon region directly intersect with the rights of the Mura, whose traditional lands and cultural survival are at stake. In this context, the company's human rights responsibilities under international standards become critically relevant. The United Nations Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct ("OECD Guidelines")<sup>212</sup> provide the internationally accepted standards that define Brazil Potash's responsibility to respect human rights, regardless of national regulatory gaps or enforcement limitations. These frameworks set clear expectations for how the company must act to prevent, mitigate, and remedy human rights harms arising from its activities in Brazil.<sup>213</sup>

The UNGPs and OECD Guidelines both clarify that business enterprises should respect human rights; they should avoid infringing upon human rights and rectify such harms when they occur.<sup>214</sup> This responsibility is a "global standard" guiding business conduct, and, "exists independently of States' ability and/or willingness to fulfill their own human rights obligations."<sup>215</sup> These responsibilities encompass internationally recognized human rights, including, at minimum the International Bill of Human Rights, including the ICCPR and ICESCR.<sup>216</sup>

Brazil Potash has human rights responsibilities to avoid causing or contributing to adverse human rights impacts and to address any impacts that occur.<sup>217</sup> This includes carrying out, "human rights due diligence" and seeking ways to prevent or mitigate adverse human rights impacts that are linked to their



business operations.<sup>218</sup> Additionally, Brazil Potash should ensure that the company's operations meet its environmental responsibilities, as set out in the OECD Guidelines.<sup>219</sup> Among other things, Brazil Potash should conduct meaningful engagement with relevant stakeholders affected by adverse environmental impacts caused by the corporations' operations and should develop an "environmentally responsible and economically efficient" policy, for instance through partnerships that foster environmental awareness and protection.<sup>220</sup> Such due diligence and engagement processes are not possible without adequate consultation with relevant stakeholders—the most critical of which are the Mura peoples who live and rely on the lands affected by the proposed mine.<sup>221</sup>

For Brazil Potash, adherence to the UNGPs and OECD Guidelines is not merely a matter of voluntary compliance but a core element of human rights compliant corporate conduct. Ensuring that the company's operations—from development to implementation to execution—align with international human rights and environmental standards is vital to ensuring that Brazil Potash has the necessary social license to operate in the Amazon, and that the human and environmental costs of the Autazes Project do not far exceed the purported benefits.



## V. RECOMMENDATIONS

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### To the Brazilian Government:

- Respect, protect and fulfill the constitutional guarantees in line with international rights of the Mura peoples to occupy their traditional lands, including by ensuring the demarcation of Mura territories and by prohibiting all mining or other resource extraction on their Indigenous lands.
- Uphold the self-determination rights of the Mura peoples, including by guaranteeing their rights to prior consultation as per the agreed-upon consultation protocol and by complying with obligations to ensure free, prior, and informed consent (FPIC).
- Protect the Amazon's fragile ecosystem from adverse environmental consequences of potash mining and related corporate activities on and near Mura lands by prohibiting environmental licensing in line with domestic and international legal obligations.
- Consult and cooperate openly and in good faith with relevant UN Human Rights Council Special Procedure mandate holders, Inter-American Thematic Rapporteurship mandate holders, UN Treaty Bodies, and the Inter-American Commission on Human Rights.

### To the Canadian Government:

- Ensure compliance with Canada's obligations under international human rights law, including the state obligation to prevent human rights abuses abroad by corporations under its jurisdiction or control, including Brazil Potash. Canada should establish and enforce clear regulatory mechanisms that prevent corporate conduct from impairing the enjoyment of economic, social, cultural, and environmental rights, as well as the full realization of Indigenous rights, abroad.
- Take necessary legal and policy measures to comply with the International Court of Justice's Advisory Opinion on Climate Change, which affirmed that a state's failure to take appropriate action to protect the climate system from greenhouse gas emissions may constitute an internationally wrongful act. Canada should ensure that public support and investment (e.g., through Export Development Canada and diplomatic support) are conditional on a company's verified compliance with international human rights and environmental standards.
- Consult and cooperate openly and in good faith with relevant UN Human Rights Council Special Procedure mandate holders, Inter-American Thematic Rapporteurship mandate holders, UN Treaty Bodies, and the Inter-American Commission on Human Rights.
- Engage in international cooperation to address harms caused by Canadian corporate actors abroad, including through information-sharing and cooperative enforcement.



## To Brazil Potash:

- Suspend all development activities in Brazil until full, human rights rights-compliant consultation and consent processes have taken place with affected Mura communities, particularly in Lago do Soares and Urucurituba. Brazil Potash should immediately halt construction, exploration, and related development activities for the Autazes Project until adequate consultation and free, prior, and informed consent have been secured from all affected Indigenous peoples.
- Ensure that consultation processes are conducted in good faith, transparently, and inclusively with particular attention to the participation of Indigenous communities in Lago do Soares and Urucurituba, whose rights, lands, and livelihoods are directly affected. Brazil Potash should guarantee that all consultations are led by Indigenous leadership who have been chosen by and have the trust of the Mura communities who are directly affected in Soares and Urucurituba.
- Ensure that company representatives, subsidiaries, and contractors do not engage in any conduct that could compromise the independence of Indigenous decision-making, including offering inducements, exerting pressure, or otherwise influencing consent processes. Brazil Potash should fully respect the ongoing demarcation process of Mura lands and refrain from engaging in, supporting, or benefiting from any activities that interfere with or undermine that process.
- Consult and cooperate openly and in good faith with relevant UN Human Rights Council Special Procedure mandate holders, Inter-American Thematic Rapporteurship mandate holders, UN Treaty Bodies, and the Inter-American Commission on Human Rights.
- Commit to an ongoing process of remedy and redress for any harms already caused to Indigenous peoples and ecosystems resulting from Brazil Potash's activities.

## ACKNOWLEDGMENTS

We would like to thank the Mura community and all Mura community members who bravely shared their stories and continue to fight for their rights; this Report would not be possible without their indomitable spirit and inspiring resilience. We would like to extend our gratitude to Filipe Gabriel Mura (de Silva e Silvo), the Chief of the Mura community of Lago do Soares; Ana Claudia Dos Santos Mendes, a community and resistance leader and Vice President of OLIMCV; Matusalem Azevedo Dias; and anonymous community members for sharing their knowledge and supporting the research and interviewing that assisted the authors in writing this Report. Their guidance has been invaluable in providing historical, social, and economic context on the Autazes Potash Project and the Mura people.

Several other individuals have provided crucial guidance throughout the preparation of this Report. We deeply appreciate Jaíne de Sousa Fidelix and Francesc Comelles Carrera of the Indigenous Missionary Council, or *Conselho Indigenista Missionário (CIMI)* for their support during the interviewing process in Brazil; the journey would not have been possible without their logistic and organizational assistance. We also thank Suzi Theodoro and colleagues of *FEBRAGEO*, who offered essential scientific expertise, greatly enriching our understanding of the environmental risks associated with potash mining and the Autazes Potash Project. We owe a debt of gratitude to Cisnea Basilio of the Brazilian Observatory of Human Rights and Geosciences (*Observatório Brasileiro de Direitos Humanos nas Geociências*) for her expertise at the intersection of geology and Indigenous knowledge. Additionally, we thank Anoop Kumar who was instrumental in understanding the potential risks of potash mining in the Amazon. Fernando Merloto Soave from the Amazonas federal prosecutor's office (*MPF*) likewise provided essential contextual insights on the Brazilian litigation. We also extend our heartfelt thanks to Pedro Bigolin Neto for his excellent translation and interpretation skills.

Lastly, we would like to express our appreciation for the professors and students involved in researching, developing, authoring, and editing this report. In particular, we would like to thank Jocelyn Getgen Kestenbaum, Brett Jones, Krista Jones, Jeffrey Rula, Camila Cabrera Salazar, and Soraya Mazarei at Cardozo Law's Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic; James Yap, Sandra Wisner, Nabila Khan, Shelah Kwok, and Anastasia Castro from the International Human Rights Clinic at the University of Toronto Henry N.R. Jackman Faculty of Law; Fernanda Frizzo Bragato at the Federal University of Rio Grande do Sul Law Graduate Program; Lais Nardon Martins at UNISINOS Law Graduate Program; Christopher Campbell-Durufié and Priscilla Joca of Lincoln Alexander School of Law at the Toronto Metropolitan University; and Caroline Barbosa Contente Nogueira, João Vitor, Rafael Ocampos, Isabele Vilac, Gabriel Lisboa, Isabelly Sabriny, and João Batista from the Research Group on Socio-Environmental Law and Human Rights Observatory of the Amazon at the Federal University of Amazonas (UFAM). Special thanks go to Isabelly Sabriny and João Batista, who provided extensive research and support to understanding the ongoing, complex domestic litigation in Brazil.

## ANNEX

### Ongoing Domestic Litigation Concerning the Mura Indigenous People and the Autazes Potash Project in Brazil

#### I. TIMELINE OF JUDICIAL PROCEEDINGS

<b>2016</b> Dec	<b>MPF Files Action (ACP 1) to Suspend Licenses and Compel Consultation</b>
	<i>The Federal Prosecutor's Office (MPF) filed action to annul IPAAM's Preliminary License No. 54/2015 and to suspend all project activities until Free, Prior, and Informed Consultation conducted.</i>
<b>2017</b> Mar	<b>Conciliatory Meetings &amp; Suspension of Process</b>
	<i>Court orders suspension of the IPAAM licenses and facilitates the development of consultation protocol.</i>
<b>2018 – 2019</b>	<b>Preparation of Consultation Protocol</b>
	<i>Mura develop "Yandé Peara Mura Protocol," establishing procedural safeguards for community consultation. COVID-19 Delays Implementation.</i>
<b>2021</b> Nov	<b>Court Denies CIM's Petition for Irregular Schedule</b>
	<i>CIM proposes consultation schedule that disregards protocol. Judge denies proposal and schedules site visit to assess situation.</i>
<b>2022</b> Mar	<b>Judicial Inspection and Evidence of Brazil Potash Coercion</b>
	<i>Visit confirmed mine's encroachment on Lago de Soares and PdB's coercion. Judge orders land restitution and compliance with consultation protocol.</i>
July	<b>MPF Files Case (ACP 2) to Compel Demarcation</b>
	<i>After years of delay, MPF files action to compel FUNAI to proceed with demarcation based on findings from site visit and MPF's expert anthropological study.</i>
Sept	<b>Court Orders FUNAI to Proceed with Demarcation</b>
	<i>Judge orders FUNAI to establish working group. Appeals Court suspends ACP 2 pending constitutional question.</i>
<b>2023</b> Aug	<b>Judge Suspends BP License</b>
	<i>Based on site visit findings, overlap of mine with Mura community land, and reports of bribery and coercion, Judge suspends BP licenses from IPAAM.</i>
Aug	<b>FUNAI Creates Working Group Despite Judicial Stay</b>
	<i>Despite suspension of ACP 2, FUNAI establishes working group and continues to conduct studies to delimit Lago de Soares and Urucurituba Indigenous lands.</i>
Sept	<b>CIM Approves Consultation that Excludes Affected Mura Communities</b>
	<i>CIM informs the Court of a division in Mura community. CIM reports that the Mura People of Autazes independently revised the consultation protocol to exclude the affected communities—Lago do Soares and Careiro da Várzea. CIM reports that consultations under the revised protocol resulted in more than 60% of the present communities supporting the implementation of the mines.</i>
Oct	<b>Mura Leaders Formally Disassociate from CIM</b>
	<i>The Organization of Mura Indigenous Leaders of Careiro da Várzea (OLIMCV) and Lago do Soares Community Association notify court of their formal disassociation from CIM.</i>

Nov	<b>Court Denies CIM's Request to Close the Case</b>
	<i>CIM petitioned to close the case, claiming that FPIC had been satisfied based on its Sept 2023 consultations under the revised protocol. MPF, OLIMCV, and Lago do Soares Association cite illegal coercion, harassment, and intimidation from PdB. Court (1) denied CIM's request, (2) declared revised consultation process and protocol null and void, (3) reaffirmed IPAAM's prohibition on granting licenses, and (4) imposed fines.</i>
<b>2024</b> Feb	<b>Appeals Court Overrules Lower Court Suspension of Licenses</b>
	<i>PdB filed constitutional complaint with Appeals Court, which granted injunctive relief suspending the November 2023 decision despite documented evidence of license irregularities, coercion, and adverse effects on the community.</i>
Mar	<b>Mura Assembly Reaffirms Solidarity with Excluded Communities; Rejects CIM</b>
	<i>Second General Assembly of the Mura People of Autazes and Careiro da Várzea reaffirmed the Mura People's rejection of the CIM's actions, as they were contrary to their rights and violated their protocol of consultation and consent, as well as reiterating the Mura People's support for the Lago do Soares Indigenous Community, in the face of the intrusion of the Brazil Potash Corp into their territory.</i>
May	<b>IPAAM Issues New Licenses Without Consultation</b>
	<i>IPAAM issues multiple licenses for deforestation, drilling, and construction on Indigenous lands without consultation. IPAAM issued an additional 6 licenses to allow plant suppression, forest replacement, capture/collection/transportation of wildlife, and earthmoving for a total of 21 installation licenses.</i>
May	<b>MPF Files Action (ACP 3) to Suspend New Licenses; Case Remains Stalled</b>
	<i>MPF files action challenging IPAAM's license grants, identifying serious irregularities and environmental risks. The action requests the suspension of all licenses and seeks to transfer jurisdiction to IBAMA due to federal interest and the impact on Indigenous communities under federal law. PdB filed objections, and trial is pending.</i>
<b>2025</b> Oct	<b>TRF1 overturns lower Court decisions</b>
	<i>The court granted the interlocutory appeal, thereby: validating the prior Indigenous consultation; confirming the state agency's (IPAAM) licensing authority; waiving the need for congressional mining approval; and permitting the project's continuation, subject to future protective measures.</i>

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## II. DESCRIPTION OF JUDICIAL PROCEEDINGS

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Due to concerns regarding the lack of consultation with Indigenous communities and potential violations of Indigenous rights as well as the irregular environmental licenses issued by an incompetent agency (IPAAM instead of IBAMA), the Federal Public Prosecutor's Office (Ministério Público Federal – MPF) initiated three distinct legal actions in the Brazilian Federal Courts.

### 1. First Public Civil Action (1st ACP) – Case No. 0019192-92.2016.4.01.3200<sup>222</sup>

*Filed: December 2, 2016 | Forum: 1st Federal Civil Court of Manaus*

- **Plaintiff:** Federal Public Prosecutor's Office (MPF)
- **Defendants:** Potássio do Brasil (PdB), IPAAM, ANM, FUNAI; subsequently joined by the Federal Union and the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA).
- **Third-Party Intervenors:** Mura Indigenous Council (CIM), Organization of Mura Indigenous Leaders of Careiro da Várzea (OLIMCV), and Lago do Soares Community
- **Amicus Curiae:** Articulation of Indigenous Peoples of Brazil (APIB) and Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB)

As a result of a CIM complaint, the Federal Prosecutor's office filed this lawsuit seeking the annulment of IPAAM's Preliminary License No. 54/2015, and the suspension of all project-related activities until an FPIC process is conducted with Indigenous and riverine communities, in accordance with International Labour Organization (ILO) Convention No. 169.

Following judicial conciliation hearings in 2017, the Court ordered the suspension of the license and facilitated the development of a formal consultation protocol. Between 2018 and 2019, with the assistance of a court-appointed expert, affected communities developed the "Yandé Peara Mura Protocol," establishing procedural safeguards for community consultation. The COVID-19 pandemic subsequently delayed its implementation.

However, in a petition filed in November 2021, CIM informed the Federal Court that after five years of preparing the implementation and realization of the Autazes Potash Project, this delay was causing distress to the Mura indigenous leaders, forcing them into making hasty decisions. Furthermore, CIM proposed a meeting schedule to deliberate about the mining completely at odds with the Protocol, which the Judge denied.

In view of this unusual demonstration, the Judge decided to carry out an on-site inspection in the vicinity of the proposed mine location. A judicial inspection conducted in March 2022 confirmed that the proposed mine encroached on Indigenous land (Lago de Soares) and that coercive tactics were employed by PdB to induce Indigenous land sales. The Court mandated the restitution of plots illegally bought from the Mura holders, continuation of the consultation process according to the Protocol, and completion of the ECI study (Indigenous Component Study).

In August 2023, the Court suspended the licensing process and ruled that IBAMA—not IPAAM—holds jurisdiction over the matter. This decision was overturned in October 2023 by the Regional Federal Court of the 1st Region (TRF1), restoring IPAAM's authority.

In September 2023, CIM informed the Court of a division between the Mura communities of Autazes and Careiro da Várzea. CIM reported that the Mura people of Autazes had independently approved a revised consultation protocol and conducted community-level consultations. According to CIM, these consultations—excluding the Lago de Soares and Careiro da Várzea communities—resulted in a majority (over 60%) supporting the implementation of the Autazes Potash Project.

In October 2023, OLIMCV and the Lago do Soares Community Association notified the Court of their formal dissociation from CIM and requested recognition of their new legal representatives.

On November 13, 2023, CIM petitioned the Court to close the case, claiming that FPIC had been properly conducted and the project approved by the Mura majority. Two days later, the MPF, OLIMCV, and the Lago do Soares Association reported to the Court a series of illicit acts allegedly committed by PdB, including bad faith, harassment, psychological and moral harm, coercion, manipulation, and intimidation of Indigenous individuals.

In response, on November 16, 2023, the Court denied CIM's request, declared the consultation protocol and process null and void, reaffirmed IPAAM's prohibition from issuing licenses, and imposed monetary penalties. The Court also prohibited PdB, its representatives (including Indigenous or non-Indigenous supporters within CIM), from engaging in any further acts of harassment, inducement, pressure, or irregular contact with members of the Mura communities. The Court reaffirmed that only the

original consultation protocol, developed collectively by all Mura people, could serve as the legitimate framework for FPIC.

PdB subsequently filed a constitutional complaint before TRF1, which on February 9, 2024, granted injunctive relief suspending the lower court's November 2023 decision to restore the IPAAM's competence to issue licenses in the case. As a result, on May 5, 2024, IPAAM issued multiple installation licenses to PdB authorizing deforestation, drilling, and construction on Indigenous lands without prior consultation.

All original defendants—PdB, CIM, IPAAM, the Federal Union, IBAMA, and ANM—appealed to the TRF1 against these multiple interlocutory decisions from the lower court. Notwithstanding substantial evidence in the records indicating irregularities in the consultation process, the overlap of the proposed mine with indigenous land under demarcation process, and consequently, IBAMA's licensing obligation, the appeals were granted, reforming the first-instance decision on these points, on October 15, 2025. The interlocutory appeal was granted to: (i) deem the consultation conducted by the CIM as a representative of the Mura indigenous people of Autazes valid and consider the duty to consult fulfilled; (ii) recognize the competence of IPAAM to issue the environmental license for the project; (iii) dispense with the requirement for legislative authorization from the National Congress for mining activities in this case; and (iv) authorize the continuation of the mining project, subject to possible future protection of indigenous and environmental rights. The TRF1 ruled that the federal environmental agency (IBAMA) lacked jurisdiction to issue the license, reasoning that the “Lago de Soares” land had not been officially designated as indigenous territory. The court's decision wholly overlooked two critical facts: first, that the land in question is subject to an ongoing official demarcation process by FUNAI; and second, that, as the Supreme Court (STF) has already ruled, the Federal Union's role is to declare a land indigenous as a recognition of a pre-existing fact, not to constitute it as such.<sup>223</sup>

As these were interlocutory rulings, the lower court judge will still rule on the merits, allowing for further appeals that may ultimately reach the Supreme Federal Court.

## **2. Second Public Civil Action (2nd ACP) – Case No. 1015595-88.2022.4.01.3200** <sup>224</sup>

*Filed: July 22, 2022 | Forum: 1st Federal Civil Court of Manaus*

- **Plaintiff:** MPF
- **Defendants:** Federal Union and FUNAI

The action seeks judicial orders compelling the identification, delimitation, and formal demarcation of the Lago Soares/Urucurituba Indigenous Territory, located in the municipality of Autazes. The action resulted from the findings during the March 2022 in-site inspection, and the following anthropological study conducted by MPF expert team to verify whether Soares/Urucurituba communities' lands met the requirements of an Indigenous land eligible for demarcation.

In September 2022, the Court granted provisional relief ordering FUNAI to establish a technical working group and initiate anthropological studies. Although FUNAI appealed the decision, partial compliance was observed with three initial field visits completed. FUNAI's appeal is still pending trial in TRF1.

### 3. Anticipatory Injunction – Case No. 1014651-18.2024.4.01.3200<sup>225</sup>

*Filed: May 13, 2024 | Forum: 1st Federal Civil Court of Manaus*

- **Plaintiff:** MPF
- **Defendants:** PdB, IPAAM, IBAMA, FUNAI

This suit challenges the legality of installation licenses granted by IPAAM in light of a technical opinion (No. 139/2024 – ANPMA/CNP) identifying serious irregularities and environmental risks. It requests the suspension of all licenses associated with the Autazes Potash Project—including those for mining operations, water capture infrastructure, and port terminals—and seeks transfer of jurisdiction over the licensing process to IBAMA due to the federal interest and Indigenous impact.

The judge admitted the action on September 16, 2023. PdB has appealed the decision, alleging overlap with the issues under review in the 1st ACP. As of October 2025, the case is pending adjudication by the trial court (TRF1).

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### *III. CURRENT STATUS AND OUTLOOK*

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The litigation remains active across all three actions. The first ACP serves as the main proceeding and has spawned numerous interlocutory appeals, the majority of which have already been adjudicated by the Federal Regional Court of the 1st Region (TRF1). The second ACP is currently pending a ruling from the TRF1 on FUNAI's obligation to conduct identification studies on a preliminary (*liminar*) basis. The third action, despite its urgent nature, remains under review in the court of first instance, with no decision rendered to date.

In other words, none of these three actions has been adjudicated on the merits. Once a judgment is rendered, all parties will be entitled to file appeals, which may ultimately reach the Supreme Federal Court (STF)—a procedural avenue that was not available for the appeals against the first-instance interlocutory decisions. Furthermore, FUNAI is conducting studies to identify and delimit the indigenous lands of Lago do Soares and Urucurituba, the results of which will be crucial for the future of the Potássio Autazes project, potentially leading to the annulment of all licenses obtained so far.

## ENDNOTES

- <sup>1</sup> Interview with Anonymous Community Member, Soares Community Members, in Soares, Braz. (Mar. 27, 2025).
- <sup>2</sup> The Mura live in 37 rural communities along the Madeira River. AP ARCHIVES, [Potassium mining project in Brazil's Amazon rainforest divides Indigenous tribe](#), at 1:23–1:36 (YouTube, Mar. 7, 2025).
- <sup>3</sup> This Report uses “Brazil Potash” to refer to the activities of the parent company, Brazil Potash Corp., and its subsidiary, *Potassio do Brasil* or (PdB).
- <sup>4</sup> Brazil Potash Corp., [WHO WE ARE Learn About Brazil Potash](#), (last visited Oct. 18, 2025); Rosiene Carvalho, [Potassium mining project in Brazil's Amazon rainforest divides Indigenous tribe](#), ASSOCIATED PRESS (Mar. 7, 2025).
- <sup>5</sup> For a detailed summary of the domestic litigation surrounding this case, see Annex, *infra*.
- <sup>6</sup> Carvalho, *supra* note 4.
- <sup>7</sup> U.N.G.A. Res. No. 61/295, [United Nations Declaration on the Rights of Indigenous Peoples](#), art. 25 (Sept. 13, 2007); [Constituição Federal](#) [C.F.] [Constitution] art. 231 (Braz.); [International Labour Convention No. 169 concerning Indigenous and Tribal Peoples in independent countries](#), arts. 15, 6, 1650 U.N.T.S. 383 (Sept. 5, 1991)[hereinafter ILO Convention No. 169]; Fernanda Frizzo Bragato & Jocelyn Getgen Kestenbaum, *Recognizing and Reclaiming Indigenous Peoples' Constitutional Land Rights in Brazil: Challenges and Opportunities*, in [LAND RIGHTS NOW: GLOBAL VOICES ON INDIGENOUS PEOPLES AND LAND JUSTICE](#) (William Nikolakis ed., 2025).
- <sup>8</sup> Article 231 of the 1988 Constitution protects Indigenous land rights, and specifically ensures original, inalienable, and irrevocable rights over the lands that Indigenous Peoples traditionally occupy, permanent possession of traditional lands, and the exclusive use of natural resources found on their territories. [Constituição Federal](#) [C.F.] [Constitution] art. 231(1) (Braz.); see Thiago Leandro Vieira Cavalcante, [Terra Indígena: Aspectos históricos da construção e aplicação de um conceito jurídico](#), 35 HISTÓRIA e75 (2016). Traditional lands are then designated for Indigenous Peoples' permanent possession, exclusive use, and full enjoyment of their mineral and natural resource wealth. [Constituição Federal](#) [C.F.] [Constitution] art. 231(2) (Braz.). Despite these protections, the constitution also permits a carveout for the Federal Union to extract resources under certain circumstances. See [Constituição Federal](#) [C.F.] [Constitution] art. 231(3) (Braz.). No implementing legislation currently exists to permit and regulate mining or other natural resource extraction on Indigenous lands, but bills are pending before the National Congress to effectuate this carveout provision under the constitution. See Anthony Boadle, [Bolsonaro suffers setback on bill to mine indigenous lands](#), REUTERS (Mar. 9, 2022) (discussing national congressional bill 191/2020).
- <sup>9</sup> See Carvalho, *supra* note 4.
- <sup>10</sup> *Id.*; Thais Borges et al., [Potash Mine Plan Hits a Nerve in Amazon](#), ECOAMÉRICAS (last visited Oct. 26, 2025).
- <sup>11</sup> Carvalho, *supra* note 4.
- <sup>12</sup> Interview with Anonymous Community Member, Mura Leader, in Soares, Braz. (Mar. 26, 2025); Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.
- <sup>13</sup> Proactive Investors, [Brazil Potash's Autazes Project fully permitted, poised for construction](#), at 0:08–0:20 (YouTube, Mar. 28, 2025).
- <sup>14</sup> *Id.* at 5:52–5:53, 6:07–6:12.
- <sup>15</sup> *Id.* at 1:18–1:34.
- <sup>16</sup> Constanza Valdes, [Brazil's Momentum as a Global Agricultural Supplier Faces Headwinds](#), U.S. DEP'T OF AGRIC.: AMBER WAVES (Sept. 27, 2022).
- <sup>17</sup> Marta Amoroso, [Mura](#), POVOS INDÍGENAS NO BRASIL (Mar. 26, 2018); AP ARCHIVES, *supra* note 2, at 1:23–1:36.
- <sup>18</sup> Amoroso, *supra* note 17.
- <sup>19</sup> Land is tied to the memory and ongoing presence of ancestors, who are conceptually present through the landscape. The land is not just a physical space, but a living cosmological entity interwoven with histories, spirits, and ancestral beings. This spiritual dimension means land cannot be owned or commodified in the Western sense; instead, land is part of a relational system connecting people, ancestors, and non-human beings. Interview with Bruno Caporrino, Anthropologist, via Zoom (Sept. 13, 2024, 10:00 EDT) (notes on file with authors).
- <sup>20</sup> Bragato & Getgen Kestenbaum, *supra* note 7, at 58-59 (“Demarcation consists of an administrative legal process for recognizing lands as traditional territories under Decree 1.775, which includes: (1) identification; (2) delimitation;

(3) contestation by third parties; (4) demarcation; (5) ratification; (6) issuance of presidential decree; and (7) registration.”).

<sup>21</sup> Coletivo Mura de Porto Velho, [In Defense of Our Land and Sacred Rivers: Joint Actions by Mura Peoples in Brazil](#), CULTURAL SURVIVAL (Dec. 15, 2023). Historically, colonial and state policies attempted to impose fixed land boundaries based on Western legal categories on the Mura people. However, this contradicted traditional Mura conceptions of land as flexible, communal, and intertwined with mobility and spiritual renewal. Mura activism has actively reclaimed and redefined terms like “aldeia” (village) and leadership titles like “tuxaua” (chief) to assert Indigenous concepts and resist state-imposed assimilative models. See Amoroso, *supra* note 17.

<sup>22</sup> Interview with Anonymous Community Member, Mura Leader, *supra* note 12.

<sup>23</sup> HEATHER F. ROLLER, CONTACT STRATEGIES: HISTORIES OF NATIVE AUTONOMY IN BRAZIL 12, 97 (2021).

<sup>24</sup> *Id.* at 193; Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.

<sup>25</sup> BRAZIL POTASH CORP., [TECHNICAL REPORT](#) (Form S-K 1300), at 36 (Oct. 14, 2022).

<sup>26</sup> Ana Alfinito & Daleth Oliveira, [Mura People Rise Against Mining Invasion](#), AMAZON WATCH (June 10, 2025).

<sup>27</sup> Amoroso, *supra* note 17.

<sup>28</sup> HEATHER F. ROLLER, CONTACT STRATEGIES: HISTORIES OF NATIVE AUTONOMY IN BRAZIL 31–32, 38 (2021).

<sup>29</sup> Amoroso, *supra* note 17. The Mura refused to submit and join settlements, instead routinely attacking commercial ships in the Madeira River and thwarting Jesuit settler’s attempts to exploit cacao. Between 1760–1780, Portuguese records documented escalating Mura attacks, both in terms of intensity and regularity. Armed colonial expeditions attacked and targeted the Mura in response. In 1835, the Mura People joined the *Cabanagem* Rebellion, a revolt against the economically and politically powerful Portuguese. Led by the *Cabanos*, a pro-separatist movement dominated by Black and Indigenous rebels, the rebellion culminated in the storming of Belém, the capital of the Amazon region. Ultimately, the *Cabanos* were violently suppressed and the Mura population in the Autazes region suffering heavy losses. The period of several decades following the rebellion has been passed down in Mura oral history as the “Pega-Pega” (“the big catch”), remembered as a time of violence, kidnappings, and separation from kin. Amoroso, *supra* note 17; ROLLER, *supra* note 23, at 143.

<sup>30</sup> Amoroso, *supra* note 17.

<sup>31</sup> Brazil Potash Corp., [Video by Brazil Potash Corp.](#), at 2:15 (2024) (on file with authors); Brazil Potash Corp., [Presentation by Brazil Potash Corp.](#), BRAZIL POTASH CORP., at 21 (Mar. 26, 2018).

<sup>32</sup> Ministério Público Federal, [Caso Potássio: Linha do Tempo](#) [Potassium Case: Timeline], (last visited Oct. 25 2025) [Hereinafter Ministério Público Federal, *Potassium Case: Timeline*].

<sup>33</sup> Hyury Potter & Fábio Bispo, [Potash: Canadian mining giant roughshod over Amazon Communities](#), INFOAMAZONIA (Mar. 13, 2025).

<sup>34</sup> DONALD GARRETT, POTASH: DEPOSITS, PROCESSING, PROPERTIES AND USES vi (2012).

<sup>35</sup> Denise Vilera, [Brazil Takes Global Leadership in Agribusiness Commodity Exports](#), DATAMAR NEWS (Mar. 20, 2025).

<sup>36</sup> Richard Mann, [Brazil’s Agribusiness Share in GDP Hits, 22-Year High, Raising Questions About Economic Direction](#), THE RIO TIMES (June 18, 2025).

<sup>37</sup> *Id.*

<sup>38</sup> Valdes, *supra* note 16.

<sup>39</sup> Government of Brazil, [Brazilian Government launches National Fertilizer Plan to reduce input imports](#), GOV.BR (Apr. 20, 2022).

<sup>40</sup> *Id.*

<sup>41</sup> Gabriel Malheiros, [Brazilian Fertilizer Congress: Authorities Comment Sector Importance for Food Security](#), DATAMAR NEWS (Sept. 4, 2023).

<sup>42</sup> Brazilian Society for the Advancement of Science (“SBPC”) et al., *Sociedade Brasileira para o Progresso da Ciência (“SBPC”) et al.*, [Nota Técnica Conjunta](#) [Joint Technical Note] (May 2024). The technical note presents REM as a viable technological route that not only enhances agricultural production but also contributes to soil carbon sequestration. Its production costs are significantly lower than those of soluble fertilizers (such as potassium chloride, mined in Autazes), with the potential to reduce overall production costs by up to 50 percent. *Id.*

<sup>43</sup> *Id.* In fact, the document concludes that a major effort must be made to foster the use of REM, at least until Amazonian potassium mining can be proven to be a safe option in all its dimensions (economic, environmental, technological, and social). *Id.*

<sup>44</sup> Kathy Feick, [Potash](#), U. WATERLOO (last visited Oct. 18, 2025).

<sup>45</sup> *Id.*

- <sup>46</sup> Deep boreholes are drilled into the ground and pumped with freshwater to dissolve soluble potash salts in the deposits. The solution is then brought to the surface using large containers and left to cool off, causing potassium chloride to crystallize and settle. *Id.* While solution mining does not generate large tailings, the process can result in the release of hydrogen sulfide—an extremely hazardous gas for plants and animals, including humans. SRC Communications, [Potash Mining: Challenges and Solutions to Dealing with Hydrogen Sulfide](#), SASK. RESEARCH COUNCIL (Apr. 28, 2020).
- <sup>47</sup> Brazil Potash Corp., [Video by Brazil Potash Corp.](#), *supra* note 31 at 2:15; Brazil Potash Corp., [Presentation by Brazil Potash Corp.](#), *supra* note 31, at 21; BRAZIL POTASH CORP., [TECHNICAL REPORT](#), *supra* note 25, at 104.
- <sup>48</sup> Feick, *supra* note 44.
- <sup>49</sup> Evgeniya Ushakova et al., [Environmental Aspects of Potash Mining: A Case study of the Verkhnekamskoe Potash Deposit](#), 3 MINING 176, 180 (2023).
- <sup>50</sup> U.N. ENV'T. PROGRAMME & INT'L. FERTILIZER INDUS. ASS'N., [ENVIRONMENTAL ASPECTS OF PHOSPHATE AND POTASH MINING](#), 12, U.N. Sales No. 02.III.D.17 (2001); Ushakova et al., *supra* note 49.
- <sup>51</sup> Ushakova et al., *supra* note 51.
- <sup>52</sup> *Id.*
- <sup>53</sup> Brazil Potash Corp., [Discover Autazes Potash Project](#), at 1:44-3:34 (YouTube, Apr. 17, 2024).
- <sup>54</sup> Elaíze Farias, [The potassium war in Autazes](#), AMAZÔNIA REAL (Apr. 5, 2022).
- <sup>55</sup> Brazil Potash Corp., [Video by Brazil Potash Corp.](#), *supra* note 31.
- <sup>56</sup> Brazil Potash Corp., [Video by Brazil Potash Corp.](#), *supra* note 31, at 17:30-17:45.
- <sup>57</sup> *Id.* at 17:48-17:59; Brazil Potash Corp., [Discover Autazes Potash Project](#), *supra* note 53, at 2:53-3:04.
- <sup>58</sup> Brazil Potash Corp., [Video by Brazil Potash Corp.](#), *supra* note 31, at 18:09-18:18.
- <sup>59</sup> *Id.* at 18:22-18:45.
- <sup>60</sup> Brazil Potash Corp., [Commitment to the Community](#), BRAZIL POTASH CORP. (last visited Oct. 19, 2025).
- <sup>61</sup> BRAZIL POTASH CORP., [Prospectus](#), (U.S. Sec. & Exch. Comm'n, Form 424B3), at 6 (June 13, 2025).
- <sup>62</sup> Brazil Potash Corp., [Commitment to the Community](#), *supra* note 60.
- <sup>63</sup> BRAZIL POTASH CORP., [Prospectus](#), *supra* note 61, at 6.
- <sup>64</sup> Interview with Filipe Gabriel, Mura Leader, in Soares, Braz. (Mar. 26, 2025).
- <sup>65</sup> [Protecting the Amazon Rainforest and Basin](#), THE NATURE CONSERVANCY (Nov. 28, 2023).
- <sup>66</sup> SBPC et al., *supra* note 42.
- <sup>67</sup> *Id.*
- <sup>68</sup> LISA SUMI & SANDRA THOMSEN, [MINING IN REMOTE AREAS: ISSUES AND IMPACTS](#) 3 (2001); *see also* ENVIRONMENTAL MINING COUNCIL OF BC, [MORE PRECIOUS THAN GOLD... MINERAL DEVELOPMENT AND THE PROTECTION OF BIOLOGICAL DIVERSITY IN CANADA](#) 11 (MiningWatch Canada, 1998).
- <sup>69</sup> [Constituição Federal](#) [C.F.] [Constitution] art. 225 (Braz.).
- <sup>70</sup> Monica Faria-Tinta, [‘Rights of Nature’ In Human Rights Courts or a Parallel Protection System?](#), BLOG OF THE EUR. J. OF INT'L L. (Apr. 23, 2025).
- <sup>71</sup> [Obligations of States in Respect of Climate Change](#), Advisory Opinion, 2025 I.C.J. 117 ¶ 409 (July 2025).
- <sup>72</sup> [Draft Articles on Responsibility of States for Internationally Wrongful Acts](#), art. 28, ¶ 2, G.A. Res. 56/83, U.N. GAOR, 56th Sess., Supp. No. 10, U.N. Doc. A/56/10 (Dec. 12, 2001).
- <sup>73</sup> BRAZIL POTASH CORP., [TECHNICAL REPORT](#), *supra* note 25, at 38, Fig. 8.
- <sup>74</sup> *Id.*, at 142.
- <sup>75</sup> BRAZIL POTASH CORP., [TECHNICAL REPORT](#), *supra* note 25, at 142.
- <sup>76</sup> *See* Brazil Potash Corp., [Video by Brazil Potash Corp.](#), *supra* note 31, at 18:06 (“So the surface footprint is very small. There is no wet tailings impoundment. It’s just dry, stacked sodium chloride and clay. So, the sodium chloride will be much like what you put on your French fries or your food to eat.”).
- <sup>77</sup> Miguel Cañedo-Argüelles et al., [Effects of potash mining on river ecosystems: An experimental study](#), 224 ENV'T. POLLUTION 759, 759 (2017); Ushakova et al., *supra* note 49.
- <sup>78</sup> *Id.*; Miguel Cañedo-Argüelles et al., [Salinisation of Rivers: An Urgent Ecological Issue](#), 173 ENV'T. POLLUTION 157, 159 (2013).
- <sup>79</sup> Miguel Cañedo-Argüelles et al., [Salinisation of Rivers: An Urgent Ecological Issue](#), *supra* note 78.
- <sup>80</sup> *See* Dr. Júlio Henrichs de Azevedo & Dr. José Eloi Guimarães Campos, [Flow Patterns and Aquifer Recharge Controls Under Amazon Rainforest Influence: The Case of the Alter Do Chão Aquifer System](#), 112(2) J. S. AM. EARTH SCI., art. 103596, at 2 (Dec. 2021) (“More recent studies . . . highlight[] the continental character of groundwater dynamics.

These studies consider hydrogeological flow patterns with infiltration in the highlands of Peru and discharge towards the Manaus region. Hu et al. (2017) also highlighted the important contribution of other regions to the recharge of the Amazonas Aquifer System . . .”).

<sup>81</sup> Brazil Potash Corp., [Video by Brazil Potash Corp.](#), *supra* note 31, at 18:38-18:42.

<sup>82</sup> BRAZIL POTASH CORP., [TECHNICAL REPORT](#), *supra* note 25, at 38, Fig. 8.

<sup>83</sup> *Id.*, at 143. (“An AACE Class 4 estimate has been obtained for a Zero Liquid Discharge deep well brine injection system, which pumps the brine collected from the tailings pile, underground from 320m to 400m into the Alter do Chão Formation aquifer.”).

<sup>84</sup> See Dr. Júlio Henrichs de Azevedo & Dr. José Eloi Guimarães Campos, *supra* note 80.

<sup>85</sup> *Id.*

<sup>86</sup> See Ingo Wahnfried & Emilio Alberto Amaral Soares, [Água Subterrânea Na Amazônia: Importância, Estado Atual Do Conhecimento E Estratégias De Pesquisa](#) [Groundwater in the Amazon: Importance, Current State of Knowledge and Research Strategies], 44 CIÊNCIA & AMBIENTE 29, 31 tbl. 1 (Jan./June 2012); Dr. Júlio Henrichs de Azevedo & Dr. José Eloi Guimarães Campos, *supra* note 80.

<sup>87</sup> See Dr. Júlio Henrichs de Azevedo & Dr. José Eloi Guimarães Campos, *supra* note 80; [Semi-Confined Aquifer](#), GROUNDWATER DICTIONARY (“An aquifer that is partly confined by layers of lower permeability material through which recharge and discharge may occur. Synonym[:] Leaky aquifer.”); [Unconfined Aquifer](#), GROUNDWATER DICTIONARY (“An aquifer where the water table is the upper boundary and with no confining layer between the water table and the ground surface. The water table is free to fluctuate up and down.”).

<sup>88</sup> See Salomé M. S. Shokri-Kuehni et al., [Water Table Depth and Soil Salinization: From Pore-Scale Processes to Field-Scale Responses](#), 56(2) WATER RES. RSCH., e2019WR026707 1, 1 (Jan. 20, 2020) (“Soil salinization is a global phenomenon causing soil degradation and loss of productivity . . . . Salinity build-up in soil can be attributed to various natural and anthropogenic factors . . . . Natural salinization is controlled primarily by . . . saline groundwater intrusion, and shallow water tables”).

<sup>89</sup> See BRAZIL POTASH CORP., [TECHNICAL REPORT](#), *supra* note 25, at 131-32, tbl. 77 (showing the estimated process tailings in cubic meters for each year, which sum to 84,873,181 m<sup>3</sup>).

<sup>90</sup> See *id.* at 142-43.

<sup>91</sup> See *id.*

<sup>92</sup> See *id.*

<sup>93</sup> See Brooks Hays, [The Amazon Is Flooding Five Times More Often Than It Used To](#), UPI (Sept. 19, 2018) (“The data showed extreme floods—when water levels rise at least 95 feet, triggering an emergency declaration in the city of Manaus—occurred approximately once every 20 years during the first half of the 20th century. Today, extreme floods occur every four years.”).

<sup>94</sup> [HDPE, What Is It and What Is It Used For?](#), ARETE INDUSTRIES (last visited Oct. 25, 2025).

<sup>95</sup> BRAZIL POTASH CORP., [TECHNICAL REPORT](#), *supra* note 25, at 14 (“At the end of the tailings pile life after all of the salt has been dissolved, the remaining water insoluble material will be covered first by high density polyethylene (HDPE), followed by an earth fill levelling course and the pile will be revegetated.”).

<sup>96</sup> U.N. ENV’T. PROGRAMME & INT’L. FERTILIZER INDUS. ASS’N., *supra* note 50.

<sup>97</sup> Interview with Suzi Huff Theodoro, Geologist, UnB - University of Brasília and Febrageo (Apr. 7, 2025).

<sup>98</sup> Mariana Zylberkan, [Maceió: a terra afunda, prejudica moradores e complica a Braskem](#) [Maceió: Land sinks, harming residents and complicating matters for Braskem], VEJA (Nov. 29, 2019).

<sup>99</sup> Interview with Suzi Huff Theodoro, Geologist, *supra* note 97.

<sup>100</sup> *Id.*

<sup>101</sup> SENADO FEDERAL, [CPI DA BRASKEM—RELATÓRIO FINAL](#) [FINAL REPORT] (May 15, 2024).

<sup>102</sup> *Id.*

<sup>103</sup> U.N. ENV’T. PROGRAMME & INT’L. FERTILIZER INDUS. ASS’N., *supra* note 50.

<sup>104</sup> Interview with Anonymous Community Member, General Community Interview, in Soares, Braz. (Mar. 27, 2025).

<sup>105</sup> *Id.*

<sup>106</sup> [International Covenant on Civil and Political Rights](#), art. 1 Mar. 23, 1976, 999 U.N.T.S. 171, acceded to 24 Jan. 1992, at arts. 1 (self-determination), 6 (life) & 9 (security of the person).

<sup>107</sup> [International Covenant on Economic, Social and Cultural Rights](#), art. 1, Jan. 3, 1976, 993 U.N.T.S. 3., acceded to 24 Jan. 1992, at arts. 1 (self-determination), 11 (housing), 12 (health) & 15 (culture) [Hereinafter ICESCR]. The Committee on Economic, Social, and Cultural Rights later recognized the right to water. Committee on Economic,

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Social and Cultural Rights, [General Comment No. 17 \(2002\) on the right to water](#), U.N. Doc. E/C.12/2002/11, (Jan. 26, 2003) (recognizing the right to water).

<sup>108</sup> [International Convention on the Elimination of All Forms of Racial Discrimination](#), (adopted Dec. 21, 1965, entered into force Jan. 4, 1969) 660 U.N.T.S. 195, ratified Mar. 27, 1968.

<sup>109</sup> U.N.G.A. Res. No. 61/295, *supra* note 7; General Recommendation No. 23: Indigenous Peoples, U.N. Doc. CERD/C/51/Misc.13/Rev.4 (Aug. 18, 1997).

<sup>110</sup> ILO No. 169, *supra* note 7. The Inter-American Court of Human Rights has interpreted obligations of States parties, including Brazil, to the American Convention on Human Rights. In *Kichwa Indigenous People of Sarayaku v. Ecuador*, the Inter-American Court clarified the meaning of each of the requirements for valid consultation with Indigenous peoples. *Kichwa Indigenous People of Sarayaku v. Ecuador*, Merits and reparations, Inter-Am. Ct. H.R. (ser. C) No. 245, (June 27, 2012); *Afro-descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 270 (Nov. 20, 2013); *Indigenous Communities Members of the Lhaka Honhat Association (Our Land) v. Argentina*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 400 (Feb. 6, 2020).

<sup>111</sup> ILO Convention No. 169, *supra* note 7, at art. 15.

<sup>112</sup> ILO Convention No. 169, *supra* note 7, at art. 16 [emphasis added].

<sup>113</sup> U.N.G.A. Res. No. 61/295, *supra* note 7, at art. 26.

<sup>114</sup> *Id.* at art. 19.

<sup>115</sup> *Id.* at art. 26. UNDRIP further obligates protections for the collective & individual rights to life and the rights against forced assimilation and forced destruction (Art. 7 & 8). Article 8 of the UNDRIP specifically enumerates Brazil's obligation to prevent "any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities." *Id.*

<sup>116</sup> *Id.* at art. 25.

<sup>117</sup> Importantly, Brazil is also State party to regional human rights treaties, including the American Convention on Human Rights (ACHR), [American Convention on Human Rights \("Pact of San Jose, Costa Rica"\)](#), Nov. 22, 1969, O.A.S. T.S. No. 36, 1144 U.N.T.S. 123, acceded to 9 July 1992. The ACHR prescribes similar rights to ICCPR and ICESCR including, among other things, the right to life (art. 4), right to security (art. 7), land rights (art. 19), and economic, social and cultural rights (art. 26).

<sup>118</sup> [Constituição Federal](#) [C.F.] [Constitution] art. 231 (Braz.).

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*; [Constituição Federal](#) [C.F.] [Constitution] art. 231(1) (Braz.). ["Indigenous people shall have their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy."]; U.N.G.A. Res. No. 61/295, *supra* note 7, at art. 26; ILO Convention No. 169, *supra* note 7, at arts. 13–14; Organization of American States, [Declaration on the Rights of Indigenous Peoples](#), art. XXV(2) (June 15, 2016).

<sup>121</sup> [Constituição Federal](#) [C.F.] [Constitution] art. 231 (Braz.); Lisa Valenta, *Disconnect: The 1988 Brazilian Constitution, Customary International Law, and Indigenous Land Rights in Northern Brazil*, 38 TEX. INT'L L. J. 643, 651 (2003) (quoting L. Roberto Barroso, *The Sage of Indigenous Peoples in Brazil: Constitution, Law and Policies*, 7 ST. THOMAS L. REV. 645, 657–59 (1995)).

<sup>122</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64; Interview with Anonymous Community Member, Soares Community Members, *supra* note 1; see also BRAZIL POTASH CORP., [Prospectus](#), *supra* note 61.

<sup>123</sup> Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.

<sup>124</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64; Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.

<sup>125</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64.

<sup>126</sup> Interview with Anonymous Community Member, Mura Leader, *supra* note 12.

<sup>127</sup> FUNAI is Brazil's government agency for the protection of Indigenous peoples. The Mura people had first requested demarcation of Lago do Soares in 2003, long before Brazil Potash began drilling illegally on Mura lands. Memo no. 195/CGID/DAF, de 1.4.2003, encaminhado ao coordenador-geral de identificação e delimitação da FUNAI, Ministério Público Federal, [Potassium Case: Timeline](#), *supra* note 32.

<sup>128</sup> Ministério Público Federal, [Potassium Case: Timeline](#), *supra* note 32.

- <sup>129</sup> HUMAN RIGHTS WATCH, [BRAZIL: INDIGENOUS RIGHTS UNDER SERIOUS THREAT](#) (Aug. 9, 2022); Murilo Pajolla, [Preso por arrendar terra indígena, coordenador da Funai era considerado “modelo” pelo governo](#) [Arrested for leasing indigenous land Funai coordinator was considered a “model” by the government], BRASIL DE FATO (Mar. 17, 2022).
- <sup>130</sup> Ministério Público Federal, [Potassium Case: Timeline](#), *supra* note 32.
- <sup>131</sup> BRAZIL POTASH CORP., [Prospectus](#), *supra* note 61, at 5.
- <sup>132</sup> *Id.*
- <sup>133</sup> Interview with Anonymous Community Member, Mura Leader, *supra* note 12.
- <sup>134</sup> Ministério Público Federal, [Potassium Case: Timeline](#), *supra* note 32.
- <sup>135</sup> *Id.*
- <sup>136</sup> Anthony Boadle & Ana Mano, [Brazil Potash says Mura accept Amazon mine, prosecutors disagree](#), REUTERS (Sept. 29, 2023).
- <sup>137</sup> [PROTOCOLO DE CONSULTA E CONSENTIMENTO DO POVO MURA DE AUTAZES E CAREIRO DA VÁRZEA TRINCHEIRAS: YANDÉ PEARA MURA](#) (2019).
- <sup>138</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64.
- <sup>139</sup> *Id.*; Interview with Anonymous Community Member, Mura Leader, *supra* note 12.
- <sup>140</sup> Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.
- <sup>141</sup> TRF-1, [Ação Civil Pública No. 0019192-92.2016.4.01.3200](#), Relator: Jaiza Maria Pinto Fraxe, Mar. 20, 2022, 1, Processo Judicial Eletrônico (Braz.).
- <sup>142</sup> For details on all domestic litigation current as to the publication of this Report, see Annex.
- <sup>143</sup> TRF-1, [Ação Civil Pública No. 0019192-92.2016.4.01.3200](#), Relator: Jaiza Maria Pinto Fraxe, Mar. 20, 2022, 1, Processo Judicial Eletrônico (Braz.).
- <sup>144</sup> Tribunal Regional Federal da 1ª Região. Embargos de Declaração no Agravo de Instrumento nº [1037175-40.2023.4.01.0000](#) (Brasília, 2023).
- <sup>145</sup> Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No.79 (Aug 31, 2001).
- <sup>146</sup> [Portaria FUNAI Nº 741](#) [FUNAI Ordinance Nº 741], de 1º de agosto de 2023, Diário Oficial da União [D.O.U.] de 03.08.2023 (Braz.) (machine translated).
- <sup>147</sup> Interview with Anonymous Community Member, Mura Leader, *supra* note 12.
- <sup>148</sup> Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.
- <sup>149</sup> Interview with Anonymous Community Member, General Community Interview, *supra* note 104.
- <sup>150</sup> *Id.*
- <sup>151</sup> Interview with Anonymous Community Member, Soares Community Member, *supra* note 1.
- <sup>152</sup> Ministério Público Federal, [Potassium Case: Timeline](#), *supra* note 32.
- <sup>153</sup> Public Civil Action, TRF-1, [Ação Civil Pública No. 0019192-92.2016.4.01.3200](#), (Mar. 20, 2022).
- <sup>154</sup> Fábio Bispo, [Mineradora canadense é acusada de subornar indígenas para desistirem da demarcação do território e explorar potássio na área](#) [Canadian mining company accused of bribing indigenous people to abandon land demarcation and explore for potassium in the area], INFOAMAZONIA (Nov. 29, 2023).
- <sup>155</sup> Public Civil Action, TRF-1, [Ação Civil Pública No. 0019192-92.2016.4.01.3200](#), Relator: Jaiza Maria Pinto Fraxe, Mar. 20, 2022, 1, Processo Judicial Eletrônico; Ana Mano, [Brazil’s Mura people report threats amid pressure to approve Amazon potash mine](#), REUTERS (Apr. 28, 2023).
- <sup>156</sup> Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.
- <sup>157</sup> Interview with Anonymous Community Member, General Community Interview, *supra* note 104.
- <sup>158</sup> Fábio Bispo, *supra* note 154; Thais Borges et al., [Amazon’s Mura indigenous group demands input over giant mining Project](#), MONGABAY (Dec. 27, 2019).
- <sup>159</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64; Interview with Anonymous Community Member, Soares Community Members, *supra* note 1.
- <sup>160</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64.
- <sup>161</sup> Brazil Potash Corp., [Brazil Potash Subsidiary Potássio do Brasil, Signs Preliminary Agreement with Mura Indigenous People for Autazes Potash Project](#), BRAZIL POTASH CORP. (Jan. 13, 2025).
- <sup>162</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64.
- <sup>163</sup> Relatório de Inspeção Judicial, TRF-1, [Ação Civil Pública No. 0019192-92.2016.4.01.3200](#), Relator: Jaiza Maria Pinto Fraxe, Feb. 27, 2020, Processo Judicial Eletrônico; Ministério Público Federal, [Potassium Case: Timeline](#), *supra* note 32.

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- <sup>164</sup> Interview with Filipe Gabriel Mura, Mura Leader, *supra* note 64.
- <sup>165</sup> *Id.*
- <sup>166</sup> *Id.*
- <sup>167</sup> Interview with Ana Claudia Dos Santos Mendes, Mura leadership, in Soares Braz. (Mar. 26, 2025).
- <sup>168</sup> HUMAN RIGHTS WATCH, *supra* note 129 ; Pajolla, *supra* note 129.
- <sup>169</sup> *Xucuru Indigenous People and its Members v. Brazil*, Preliminary Objections, Merits, Reparations, and Costs, Judgement, Inter-Am. Ct. H.R. (ser. C) ¶ 63-70 (Feb. 5, 2018).
- <sup>170</sup> RITA DAMASCENO ET AL., [EVOLUTION OF LAND RIGHTS IN RURAL BRAZIL: FRAMEWORKS FOR UNDERSTANDING, PATHWAYS FOR IMPROVING](#) 40 (Mariana Campos & Jennifer Roche eds., 2017).
- <sup>171</sup> EUROPEAN COORDINATION VIA CAMPESINA, [HOW DO WE DEFINE LAND GRABBING?](#) 1–2 (2016).
- <sup>172</sup> *Xucuru v. Brazil*, at ¶ 149.
- <sup>173</sup> *Id.*
- <sup>174</sup> Interview with Anonymous Community Member, General Community Interview, *supra* note 104.
- <sup>175</sup> Miguel Cañedo-Argüelles et al., *supra* note 77.
- <sup>176</sup> Inter-Am. Comm’n. H.R., [Indigenous Women and Their Human Rights in the Americas](#), 74 ¶ 106, Doc. 44/17 (Apr. 17, 2017).
- <sup>177</sup> Organization of American States (OAS), [Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights](#) (“Protocol of San Salvador”) art. 10–11 (Nov. 17, 1988); ICESCR, *supra* note 107, at art. 12. The Committee on Economic, Social and Cultural Rights states that “a clean, healthy and sustainable environment is an essential precondition for the enjoyment of economic, social and cultural rights.” [Committee on Economic, Social and Cultural Rights, General Comment No. 27 \(2025\) on economic, social and cultural rights and the environmental dimension of sustainable development](#), U.N. Doc. E/C.12/GC/27, ¶ 1 (Sept. 26, 2025).
- <sup>178</sup> [Constituição Federal](#) [C.F.] [Constitution] art. 225 (Braz.).
- <sup>179</sup> Interview with Ana Claudia Dos Santos Mendes, *supra* note 167.
- <sup>180</sup> CARLOS ZORILLA ET AL., [PROTECTING YOUR COMMUNITY: FROM MINING AND OTHER EXTRACTIVE OPERATIONS](#) 9 (MiningWatch Canada, 2nd ed. 2016).
- <sup>181</sup> Ayla Tapajos & Fabio de Castro, [Indigenous Peoples Warn About the Serious Impacts of Gold Mining in Their Territories](#), WORLD WILDLIFE FUND (Apr. 26, 2023).
- <sup>182</sup> Interview with Anonymous Community Member, Mura Leader, *supra* note 12.
- <sup>183</sup> *Id.*
- <sup>184</sup> Interview with Ana Claudia Dos Santos Mendes, *supra* note 167.
- <sup>185</sup> U.N.G.A. Res. No. 61/295, *supra* note 7, at art. 8(1).
- <sup>186</sup> *Id.* at art. 11–13, 20, 31 & 34.
- <sup>187</sup> Interview with Bruno Caporrino, Anthropologist, *supra* note 19 (referring to statements gathered through Caporrino’s previous interviews with the Mura). Caporrino assisted in the formation of the FPIC protocol.
- <sup>188</sup> *Id.*
- <sup>189</sup> Interview with Filipe Gabriel, Mura Leader, *supra* note 64.
- <sup>190</sup> *Id.*
- <sup>191</sup> *Id.*
- <sup>192</sup> BRAZIL POTASH CORP., [Annual Report - Foreign Issuer](#) (U.S. Sec. & Exch. Comm’n, Form 20-F), at 118 (Mar. 28, 2025).
- <sup>193</sup> *Id.*, at 33.
- <sup>194</sup> BRAZIL POTASH CORP., [Prospectus](#), *supra* note 61, at 5.
- <sup>195</sup> BRAZIL POTASH CORP., [Annual Report - Foreign Issuer](#), *supra* note 192, at 63.
- <sup>196</sup> *Id.*
- <sup>197</sup> *Id.*
- <sup>198</sup> [Committee on Economic, Social and Cultural Rights, General Comment No. 24](#) (2017) *On State Obligations Under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities*, UN Doc. E/C.12/GC/24, ¶ 26, 28 (Aug. 10, 2017).
- <sup>199</sup> *Id.*, at ¶ 27.
- <sup>200</sup> *Id.*, at ¶ 28.
- <sup>201</sup> *Id.*, at ¶ 32-33, 42.
- <sup>202</sup> *Id.*, at ¶ 42.
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- <sup>203</sup> [Basem Ahmed Issa Yassin et al. v. Canada](#), Communication No. 2285/2013, U.N. Doc. CCPR/C/120/D/2285/2013, ¶ 6 (July 26, 2017).
- <sup>204</sup> Committee on Economic, Social and Cultural Rights, [Visit to Canada — Report of the Special Rapporteur on the rights of Indigenous Peoples](#), U.N. Doc. A/HRC/54/31/Add.2, ¶ 73 (July 24, 2023).
- <sup>205</sup> [Obligations of States in Respect of Climate Change](#), Advisory Opinion, I.C.J. , ¶ 457 (July 23, 2025). These obligations also require that States consider intergenerational equity in decisions affecting the climate. See *id.* at ¶ 155-57.
- <sup>206</sup> *Id.* at ¶ 130.
- <sup>207</sup> See *id.* at ¶ 345 (July 23, 2025).
- <sup>208</sup> Committee on the Elimination of Discrimination against Women, [Concluding Observations on the Combined Eighth and Ninth Periodic Reports of Canada](#), U.N. Doc. CEDAW/C/CAN/CO/8-9, ¶ 18 (Nov. 18, 2016).
- <sup>209</sup> Committee on the Elimination of Racial Discrimination, [Concluding Observations on the Eighteenth Periodic Report of Canada](#), U.N. Doc. CERD/C/CAN/CO/18, ¶ 17 (May 25, 2007).
- <sup>210</sup> Committee on the Rights of the Child, [Concluding Observations on the Combined Third and Fourth Periodic Reports of Canada](#), U.N. Doc. CRC/C/CAN/CO/3-4, ¶ 28 (Dec. 6, 2012).
- <sup>211</sup> José Francisco Cali Tzay et al., [Mandates of the Special Rapporteur on the rights of indigenous peoples](#), U.N. Doc. AL CAN 1/2022, at 4 (June 10, 2022); Baskut Tuncak et al., [Mandates of the Special Rapporteur on the implications for human rights of environmentally sound management and disposal of hazardous substances and wastes](#), U.N. Doc. AL CAN 5/2020, at 5 (July 20, 2020); José Francisco Cali Tzay et al., [Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises](#), U.N. Doc. AL CAN 7/2021, at 4 (Nov. 17, 2021).
- <sup>212</sup> Office of the United Nations High Commissioner for Human Rights, [Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework](#) (2011) [Hereinafter OHCHR, *Guiding Principles*]; Organisation for Economic Co-operation and Development, [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#) (2023) [Hereinafter *OECD Guidelines*].
- <sup>213</sup> Office of the United Nations High Commissioner for Human Rights, [Business & Human Rights — International Standards](#), OHCHR, (last visited Oct. 24 2025); Government of Canada, [Guidelines and Standards for Responsible Business Conduct](#), Canada.ca, (last visited Oct. 24, 2025).
- <sup>214</sup> OHCHR, *Guiding Principles*, *supra* note 212, at 13; *OECD Guidelines*, *supra* note 212, at 13, 15-16 & 25.
- <sup>215</sup> OHCHR, *Guiding Principles*, *supra* note 212, at 13.
- <sup>216</sup> *Id.* at 13-14.
- <sup>217</sup> *Id.* at 25.
- <sup>218</sup> *OECD Guidelines*, *supra* note 212, at 25.
- <sup>219</sup> *Id.* at 33.
- <sup>220</sup> *Id.* at 34.
- <sup>221</sup> OHCHR, *Guiding Principles*, *supra* note 212, at 19.
- <sup>222</sup> See Second Public Civil Action (2nd ACP) – Case No. [1015595-88.2022.4.01.3200](#) (Manaus, 2022).
- <sup>223</sup> Tribunal Regional Federal da 1ª Região. Embargos de Declaração no Agravo de Instrumento nº [1037175-40.2023.4.01.0000](#) (Brasília, 2023).
- <sup>224</sup> See Second Public Civil Action (2nd ACP) – Case No. [1015595-88.2022.4.01.3200](#) (Manaus, 2022).
- <sup>225</sup> See Tribunal Regional Federal da 1ª Região. Ação Civil Pública nº [1014651-18.2024.4.01.3200](#) (Manaus, 2024).

