

**Human Rights Dossier**  
**Indigenous Land Disputes in Brazil**

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## EXECUTIVE SUMMARY

The vast South American country of Brazil is home to roughly nine hundred thousand indigenous people, and their land is spread out through Brazil, making up about thirteen percent of the overall land.<sup>1</sup> Brazil's fast growing economy and commitment to becoming a global economic power has had adverse effects on the indigenous population as well as the surrounding environments. Much of the world praises economic achievements and advances while putting little to no emphasis on the costs of achieving those economic successes and advances. What remains hidden, however, are the devastating effects this economic growth has caused to Brazil's oldest inhabitants and surrounding environments. Some of those costs are human rights violations namely in the form of land disputes between the state and the indigenous people. Former president Michel Temer along with the current president of Brazil, Jair Bolsonaro, have long had disputes with indigenous people over their land. In fact, even though Brazil is currently a democratic republic, the struggle over indigenous rights has arguably never been as contentious, given the current handling of indigenous rights by the Bolsonaro administration. As a result, the differences in the goals of the Brazilian government and indigenous people have caused a dispute that looks set to continue for the foreseeable future.

On one side, the indigenous people have inhabited the land prior to even the establishment of the Brazilian nation.<sup>2</sup> The indigenous people want only to preserve and remain on their land. Though it has seen amendments in the past few decades, the Brazilian constitution clearly outlines the rights afforded to Brazil's indigenous tribes and peoples in regard to the

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<sup>1</sup> Survival International, "Brazilian Indians," *Survival International*, [www.survivalinternational.org/tribes/brazilian](http://www.survivalinternational.org/tribes/brazilian)

<sup>2</sup> Sterling Evans, "From Southern Alberta to Northern Brazil: Indigenous Conservation and the Preservation of Cultural Resources," In *Environmental Activism on the Ground: Small Green and Indigenous Organizing*, (Calgary, Alberta: University of Calgary Press, 2019), 108.

protection of their land. Specifically, when looking at the amended Brazilian Constitution of 1988, the excerpt stating, “the lands traditionally occupied by Indians are destined for their permanent possession, and they shall be entitled to the exclusive usufruct of the riches of the soil, rivers and lakes existing thereon”<sup>3</sup> stands out. This excerpt undeniably grants the indigenous people the land they inhabit without question. Additionally, The National Foundation for the Indigenous, or FUNAI, help fight for and promote indigenous people’s rights, though they unfortunately have little funding and support from the federal government.

As mentioned, twelve percent of Brazil’s land is classified as indigenous land.<sup>4</sup> This came about through an the demarcation effort by the government to identify indigenous land in 1988, outlined in the new constitution. Damna Alzahrani summarizes the setbacks to the demarcation process:

“demarcation of indigenous lands was met by a backlash from commercial interests and local non-indigenous communities, primarily settlers, who engaged in human rights violations against indigenous peoples out of resentment that commercial livelihoods would be threatened by these demarcations.”<sup>5</sup>

This resentment would become the basis for land disputes between the indigenous communities, farmers and the Brazilian government.

The Brazilian government’s goal for economic growth calls for large scale development that will have massive implications for the environment. Development is at the center of their economic plan, a lot of which comes at a huge cost for indigenous people and their land in Brazil. Former president Michel Temer cut FUNAI’s budget nearly in half, a precursor to the

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<sup>3</sup> Brazilian Constitution, 1988, title eight, chapter eight, article 231.

<sup>4</sup> Survival International, “Brazilian Indians”.

<sup>5</sup> Damna A. Alzahrani, “Indigenous Conserved Areas in Brazil,” *Murdoch University Law Review*, 2012.

incumbent president's own plan upon assuming office in 2019.<sup>6</sup> One of President Bolsonaro's first acts as president was to replace FUNAI with the Ministry of Agriculture, a group that stands in support of Bolsonaro's bid for presidency and represents his philosophy on development in the Amazon.<sup>7</sup> This act is extremely disturbing, as Jair Bolsonaro has stood time and time again against the interests of indigenous people.

It is through the campaign and actions made through Bolsonaro that pernicious events are influenced in other non-governmental sectors, such as farming and logging. Such actions are accomplished through man-made fires, lawsuits, and sexual abuse committed on the indigenous populations and their lands.<sup>8</sup> In the situation in which lawsuits are brought to the national courts, as is shown with the people of Mato Grosso do Sul, it appears that their own land has been sold and repossessed by farmers—a court case which was later won by the indigenous people.<sup>9</sup> Although such victories may occasionally take place, investigating the persistence of violent actions executed by groups such as farmers and loggers continue to be supported by the government, in a profound demonstration that illuminates the limitations of current human rights practices for the indigenous people in Brazil.

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<sup>6</sup> Sam Cowie, "Jair Bolsonaro Praised the Genocide of Indigenous People. Now He's Emboldening Attackers of Brazil's Amazonian Communities," *The Intercept*, Feb. 2019, <https://theintercept.com/2019/02/16/brazil-bolsonaro-indigenous-land>

<sup>7</sup> Cowie, "Jair Bolsonaro Praised the Genocide of Indigenous People".

<sup>8</sup> Scott Wallace, "Illegal Loggers Wage War on Indigenous People in Brazil," *National Geographic News*, 25 Jan. 2018.

<sup>9</sup> Al Jazeera, "Brazil Court Favours Indigenous Groups in Land Dispute," *Al Jazeera News*, 16 Aug. 2017, [www.aljazeera.com/news/2017/08/brazil-court-favours-indigenous-groups-land-dispute-170816225254876.html](http://www.aljazeera.com/news/2017/08/brazil-court-favours-indigenous-groups-land-dispute-170816225254876.html).

## **HISTORICAL BACKGROUND**

### **I. HISTORY OF LAND DEMARCATION IN BRAZIL, AND PROTECTIVE LEGISLATION IN THE BRAZILIAN CONSTITUTION FROM 1988 TO PRESENT**

In 1988, the Brazilian Government drafted an entirely new Constitution which outlined new perspectives on how the nation would work with the Indigenous People within Brazil, and detailed new policies on how land would be demarcated between the government and the native people.<sup>10</sup> This rewriting of the nation's ethos resulted in several changes to the way the nation would run, but it also very importantly changed the ways in which the lands of Brazil's indigenous peoples would be separated and portioned from the Nation of Brazil's land. In this new constitution, article 67 stated "The Union shall conclude the demarcation of indigenous lands within five years after promulgation of the Constitution."<sup>11</sup> This was an important article because it set a tangible deadline for when lands needed to be portioned and set aside for indigenous people. The issue with this deadline was that it set up no consequences for the nation or established any sort of committee to oversee the progress of this deadline, so the five year deadline was never met. Several decades later, the nation is still debating and formulating a plan for how best to demarcate the lands of the native people.

Furthermore, the constitution created new perspectives on how the nation would recognize its native people. Prior to the 1988 draft of the Constitution, the dominant ideology of the nation toward indigenous Brazilians was one centered around progressive assimilation, which would eventually lead to the dissolution of indigenous peoples as their own classification of

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<sup>10</sup>Meredith Hutchinson, Sue Nichols, and Marcelo Santos, "Demarcation and Registration of Indigenous Lands in Brazil," *University of New Brunswick* (2006), <http://www2.unb.ca/gge/Pubs/TR238.pdf>.

<sup>11</sup> Brazilian Constitution 1988.

Brazilian resident. Article 231 changed that as the leading perspective on how to handle the indigenous peoples of Brazil, and wrote that

“It is recognized that the indigenous peoples have the right to their social organization, customs, languages, beliefs and traditions, and their original rights over the lands that they have traditionally occupied, it being the duty of the federal government to demarcate these lands, protect them and ensure that all their properties and assets are respected.”<sup>12</sup>

By putting this official recognition of the respect that would henceforth be ascribed to the nation’s indigenous residents, the nation of Brazil made a progressive distinction between the past perspective and treatment of natives and how they would be treated and respected going forward. Many critics and scholars have referred to this article as the guaranteed “right to be different” for native people in the nation.<sup>13</sup>

Perhaps the most important new principle outlined in the new constitution of 1988 was the creation of the FUNAI, the National Indian Foundation agency within the national government. FUNAI was given the task of conducting anthropological surveys of Brazilian territory that had historically viewed as native land.<sup>14</sup> Based on the surveys they were assigned to do, land was demarcated and portioned to native tribes. This agency has proven to be of great importance both in practice and symbolically as the Republic of Brazil has progressively given more and more priority to the betterment of the indigenous peoples that reside within their borders up until now. By establishing an agency whose sole purpose is to monitor and advocate

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<sup>12</sup> Brazilian Constitution 1988.

<sup>13</sup> “Constitutional rights of the indigenous peoples,” Povos Indígenas no Brasil, accessed March 3rd, 2019, [https://pib.socioambiental.org/en/Brazilian\\_Constitution](https://pib.socioambiental.org/en/Brazilian_Constitution).

<sup>14</sup> Constitutional Rights of the Indigenous Peoples.

for native peoples of Brazil, the nation illustrated its forward movement toward the better treatment of their Native people.

## **II. HISTORY OF LAND DISPUTES BETWEEN INDIGENOUS PEOPLES AND BRAZILIAN GOVERNMENT, AND THE MASSACRE OF THE 11TH PARALLEL**

The Brazilian government and its indigenous population have a long history of land disputes and violence. Much of their past disputes were motivated by struggles over natural resources and numerous attempts to industrialize indigenous lands. The state's violations of indigenous rights stem from "ingrained political and economic interests that run contrary to those of indigenous peoples."<sup>15</sup> One of the most notable violent events between the state and the indigenous population was The Massacre of the 11th Parallel. The massacre, which occurred in 1963, erased the entire village of Cinta Larga in order to clear land for rubber tappers. The massacre was ordered by Antonio Mascarenhas Junqueira, the head of Arruda, Junqueira and Co., a rubber tapping company.<sup>16</sup> Junqueira ordered sticks of dynamite to be thrown from a plane into the village, then ordered men to enter the village by foot to execute the rest of the villagers.<sup>17</sup> This is just one of many massacres that occurred in order to clear indigenous lands for private companies.

This vicious event not only demonstrates the horrid interactions between the indigenous people and private companies, but also illuminates the lack of defense and protection the state is willing to provide the indigenous population. Even though the massacre was detailed in an

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<sup>15</sup> Georgia O. Carvalho, "The Politics of Indigenous Land Rights in Brazil." *Bulletin of Latin American Research*. Vol. 19, Ed. 4. Oct. 2000. <http://www.jstor.org/stable/3339531>.

<sup>16</sup> Survival International, "Why do they hide," Survival, accessed 3 March, 2019, <https://www.survivalinternational.org/articles/3104-why-do-they-hide>.

<sup>17</sup> Survival International, "Why do they hide".



extensive 7,000 page report written by Figueiredo Correia, a public prosecutor, 0 officials were jailed even though 134 officials were charged with 1,000 crimes.<sup>18</sup> The report not only describes numerous atrocities committed, but also implicates the Indigenous Protection Service or IPS, the government agency responsible for protecting Brazil's indigenous population in the crime. For example, the report estimated that, "property worth 62 million dollars had been stolen from the Indians in the past 10 years; cattle and personal possessions."<sup>19</sup> The Figueiredo Report of 1967 demonstrated that the IPS, instead of bettering and protecting the lives of the indigenous population, "often ended up as a mechanism to rob them of land or wipe them out with guns or poison."<sup>20</sup> In light of the corruption occurring at IPS, the National Indian Foundation, FUNAI, was setup to replace the IPS.<sup>21</sup> Unfortunately, the Figueiredo Report went missing during the period of dictatorship rule and was only recently found in an archive.<sup>22</sup> The report is currently being investigated by the National Truth Commission.<sup>23</sup> The Massacre of the 11th Parallel is an obvious example of the disastrous relationship between the state and the indigenous population due to the lack of protection from the state, especially when the interests of private companies come into play.

### **III. HISTORY OF BRAZILIAN POLICY TOWARD NATIVE LANDS THROUGH DIFFERENT ADMINISTRATIONS**

Along with the changes in Brazilian leadership and political systems, the rights of the indigenous also changed with the implementation of new laws and constitutions reflecting the

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<sup>18</sup> Survival International, "'Lost' report exposes Brazilian Indian genocide," *Survival International*, April 25th, 2013, <https://www.survivalinternational.org/news/9191>.

<sup>19</sup> Norman Lewis, "Genocide," *Sunday Times Magazine*, February. 1969.

<sup>20</sup> Jonathan Watts, & Jan Rocha, "Brazil's 'Lost Report' into Genocide Surfaces After Forty Years," *The Guardian*, May 29th, 2013, <https://www.theguardian.com/world/2013/may/29/brazil-figueiredo-genocide-report>.

<sup>21</sup> Lewis.

<sup>22</sup> Watts & Rocha, "Brazil's 'Lost Report' into Genocide Surfaces After Forty Years".

<sup>23</sup> Watts & Rocha, "Brazil's 'Lost Report' into Genocide Surfaces After Forty Years".

political atmosphere at the time. Shortly after Brazil gained independence from Portugal, they reverted the Portuguese's policy of holding indigenous peoples as slaves and instead proclaimed them as peoples in need of protection by the state in what the state called the "Justice of Orphans" in the hopes that the indigenous people would one day assimilate into Brazilian culture and society.<sup>24</sup> This goal of assimilating the indigenous population persisted only until recently when the Constitution of 1988 was signed and implemented after the fall of military rule.

Under the dictatorship that reigned from 1964 to 1984, the state began to impose harsher and more controlling laws onto the indigenous population. Unlike the "regime of tutelage"<sup>25</sup> that was implemented in 1916, in which the state attempted to control the population in order to assimilate them, the laws passed during the dictatorship were put in place in response to the government's fear of a threat to national security.<sup>26</sup> Maria Guadalupe Rodriguez explains that in attempting to protect national security, the indigenous people's rights and lands were stripped away from them, she goes on to explain that "the national security ideology prioritized economic development, particularly Brazil's north and northwest Amazon regions. The idea of securing indigenous people's lands in any part of the Brazilian territory, but in particular in Amazonia, was anathema to the military's economic development plans."<sup>27</sup> One example of these harsh laws was the 1973 Indian Statute. The 1973 Indian Statute plays on the "Justice of Orphans" ideology in which the indigenous population is treated as a people without rights until they fully assimilate into "Brazilians."<sup>28</sup> This statute is particularly constraining since it dictates their political,

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<sup>24</sup> Rodrigues, Maria, "Indigenous Rights in Democratic Brazil," *Human Rights Quarterly* 24, no. 2. (May 2002).

<sup>25</sup> Rodrigues, "Indigenous Rights in Democratic Brazil", 490.

<sup>26</sup> Rodrigues, "Indigenous Rights in Democratic Brazil", 490.

<sup>27</sup> Rodrigues "Indigenous Rights in Democratic Brazil", 490.

<sup>28</sup> Rodrigues "Indigenous Rights in Democratic Brazil", 492.

cultural, social, and economic rights.<sup>29</sup> Rodriguez explains, “the state determines the destiny of economic resources available in indigenous areas, whether or not an indigenous individual is able to travel abroad, and the type of education indigenous communities should receive (in Portuguese, rather than bilingual, for instance), among other things.”<sup>30</sup> The laws implemented during the period of dictatorship were extremely constraining to the indigenous population.

It was only until after the end of dictatorship rule in Brazil that the indigenous people were able to exercise their freedom to live independent from the state. The Constitution of 1988 laid out specific rights and freedoms for the indigenous population and created a new relationship with the state and their indigenous population.<sup>31</sup> The Constitution of 1988 specifically lays out their right to be different and their right to land.<sup>32</sup> The right to be different abandons the “Justice of Orphans” ideology and gives the indigenous people the right to live their lives in keeping with their own traditions, language, and culture.<sup>33</sup>

## **CASE STUDIES AND ANALYSIS**

Land disputes between the remaining indigenous populations and state or nonstate actors are complex though simultaneously distinct situations largely driven by group interests. Even with contemporary human rights policies that recognize the right to environment and the right of indigenous people, the events of land disputes in Brazil, which are increasing in frequency and in violence, demonstrate the lack of resolute and fundamental dedication to these rights, particularly

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<sup>29</sup> Rodrigues, “Indigenous Rights in Democratic Brazil”, 492.

<sup>30</sup> Rodrigues, “Indigenous Rights in Democratic Brazil”, 492.

<sup>31</sup> “Constitutional rights of the indigenous peoples,” Povos Indígenas no Brasil, accessed March 3rd, 2019, [https://pib.socioambiental.org/en/Brazilian\\_Constitution](https://pib.socioambiental.org/en/Brazilian_Constitution).

<sup>32</sup> “Constitutional rights of the indigenous peoples”.

<sup>33</sup> “Constitutional rights of the indigenous peoples”.

on behalf of the Brazilian government, which both fails to protect the indigenous people from non-state illegal actions and is itself responsible for such human rights abuses as well. In the analysis that follows, there will be a closer focus on the events of land disputes in the sectors of state action that appears to be benevolent but is institutionalized harm against the indigenous population, and a brief look into logging violence that is often carried out by nonstate actors. Of the many cases of land disputes that occur in Brazil, these two groupings are significant and require further analysis due to the frequency and correlation that occurs within these groupings simultaneously. Additionally, these groups of land dispute cases must be considered closely when thinking about temporality, as they have the potential to become direr in effect under Brazil's current political climate.

## **I. COLLECTIVE INDIGENOUS KNOWLEDGE AND IDENTITY**

In the case of national parks protected by the state, one notable park is the role of Sete Cidades in the northern area of Brazil. Located in the state of Piaui, Sete Cidades is not only the park which holds the diverse *cerrado* ecosystems but also holds artwork of now extinct indigenous tribes of the Poti and Quirridi, which are said to be the tribes that made one of the oldest forms of artwork in the Americas.<sup>34</sup> The existence of a national park that is state-protected and holds such priceless artifacts has the image of a great example of state protection for vulnerable groups, both human and non-human. However, as Sterling Evans challenges in "Indigenous Conservation and the Preservation of Cultural Resources", the Brazilian government may reflect themselves as an altruistic institution, while profiting from the existence of such national parks, particularly, with the economy of tourism that the national park provides.<sup>35</sup> It is in

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<sup>34</sup> Sterling, "Indigenous Conservation and the Preservation of Cultural Resources", 108.

<sup>35</sup> Sterling, "Indigenous Conservation and the Preservation of Cultural Resources", 109.

this instance that one may think, what direct benefit do the indigenous people receive as a result? The answer to this would be that evidently, very little benefits are given to the remaining indigenous tribes. More precisely, since the indigenous folk who created the artwork have been extinct, and other remaining tribes are located elsewhere, the more concrete effect of the national park becomes not one of indigenous conservation, but a method of attaining revenue for the state.

This is reproduced in a different example of archaeology and environmental licensing in Brazil. Author of the article, “Development Projects, Violation of Human Rights, and the Silence of Archaeology in Brazil” Loredana Ribeiro emphasizes how contract archaeology may contribute to the desensitization of the relationship between archaeological sites, and indigenous heritage that is still present.<sup>36</sup> More specifically, the example that Ribeiro discusses is the role of archaeology in silencing indigenous cultural knowledge in the production of state-sponsored archaeological findings, thus separating indigenous people from their own land-knowledge. Another case of more discrete state actions is the role of the state in defunding FUNAI, or the National Indian Foundation. While the existence of such a governmental institution appears exemplary, its defunding has created massive destruction for the protection of indigenous lives and land. By cutting state funding to this sector, the state is effectively endorsing the genocide of indigenous people who can no longer be protected by state presence as it is needed.

These events as an assemblage work to help in the understanding of human rights discourse under the consideration of collective knowledge and identity. While the state practices are presented as indigenous protection, the effect of these practices is ultimately the irrevocable

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<sup>36</sup>Loredana Ribeiro. “Development Projects, Violation of Human Rights, and the Silence of Archaeology in Brazil.” *International Journal of Historical Archaeology*, vol. 19, no. 4, (2015), 810–821.

neglect of indigenous knowledge and identity, of the knowledge of indigenous landmarks that maintain the cultural memory of practices, or the identity as being intertwined with the environment in a historically specific manner. Moreover, this grouping exposes the necessity to take a look at indirect abuses to indigenous people as a result of state actions.

## **II. ENVIRONMENTALISM AS INDIGENOUS HISTORY**

The role of land disputes of the indigenous people of Brazil is significant to human rights theory because it calls for an expansion and reconfiguration of human rights discourse. To be exact, the current policies in place to which the state is expected to abide by- such as its own constitution and international treaties- are largely insufficient because they fail to take into account the specific role of the indigenous people to the environment. Environmentalism, in these cases, are indeed factors of indigenous history—by which the indigenous populations have always had a specific role in engaging with and protecting the environment for their own livelihood. Such specific living conditions deserve recognition between this relationship that may require a new framework of human rights policy that attends to this specific need. Additionally, the situation in Brazil specifically exemplifies that while there is human rights policy that condemns the abuse of the environment and indigenous people respectively, there is a necessity to consider the role that interest groups play in determining who has the right to land, and when it will be given or taken away. With the current political congress, it becomes increasingly obvious that one such interest group is the conservative party currently heading the government, and thus there becomes a greater urgency to establish more precise policies for the protection of the indigenous and the environment as one categorical framework of human rights thinking.

Without taking the intrinsically connected dynamic of the environment and the indigenous people into account, there will continue to be a human rights abuse that needs to be addressed.

### III. THE FUTURE, AND BOLSONARO

Unfortunately, the circumstances by which land disputes are occurring are not anticipated to be alleviated any time soon. Since President Bolsonaro was elected in October of 2018, the situation for the indigenous and the rate of violence has exponentially increased. In fact, *The Intercept* reports that an NGO named, “Reporter Brasil” claims 14 fully protected indigenous territories are currently under attack since Bolsonaro’s term began by non-state actors—sometimes dubbed “land grabbers” or “grileiros.”<sup>37</sup> As discussed previously, the government has cut down on FUNAI under Bolsonaro, and such funding cuts also contribute to an increase in violence against indigenous people in competition for the exploitation of the land. Another similar article by *The Guardian* explains the dangers that have risen with the cut of FUNAI funding, “Three bases protecting isolated and recently contacted indigenous tribes have been closed, while others are barely functioning.”<sup>38</sup> Even if the government under Bolsonaro was not directly endangering the indigenous people and their land, then his influence certainly does. In the short months that this newly elected President came into office, the presence of land grabbers by loggers or members of agribusiness has significantly increased—with such interactions being detrimental to indigenous populations by the introduction of foreign diseases.<sup>39</sup> Due to his victory in a democratic election, it remains unclear whether or not the people of Brazil will vote for Bolsonaro again. However, what is strikingly apparent is that regardless of winning

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<sup>37</sup>Cowie, “Jair Bolsonaro Praised the Genocide of Indigenous People”.

<sup>38</sup>Dom Phillips, “Brazil's Indigenous People Outraged as Agency Targeted in Conservative-Led Cuts,” *The Guardian*, last modified July 2018.

<sup>39</sup> Phillips, “Brazil's Indigenous People Outraged”.

a second term, Bolsonaro has already made disastrous effects on the indigenous population—some effects which may be irreversible.

#### **IV. RECOMMENDATIONS FOR ADJUDICATION, RECONCILIATION, AND JUSTICE**

To begin the process of improvements, an important distinction should be emphasized in which Hannah Arendt makes when discussing rights in relation to the decline of the nation-state. Arendt specifies, “The paradox involved with the loss of human rights is that such loss coincides with the instant when a person becomes a human being in general...*and* different in general, representing nothing but his own absolutely unique individuality which, deprived of expression within...loses all significance”.<sup>40</sup> Though this philosophy was not intended directly for describing indigenous people, it helps to put in perspective that the fixation on indigenous peoples “otherness” then distracts from the characteristic of being human beings who also deserve the right to live and prosper in a healthy environment. By putting their situation into this context, further improvements can begin to occur. Among these improvements is for a recommended call to the replenishment of funding towards FUNAI, in order to reinstate the protection of indigenous people and their land. It is through organizations such as FUNAI that the state may prove direct assistance to people otherwise isolated from the world. Additionally, other actions may be taken to improve the conditions and contribution that the indigenous have in their own history—perhaps by implementing site management of national parks in which the indigenous may play a bigger role in their own conservation. In concerns to future policy making, it would do well for Brazil to follow suit in following the steps of Bertha Lutz, who was a delegate of

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<sup>40</sup>Hannah Arendt, “The Decline of the Nation State and the End of the Rights of Man,” *The Origins of Totalitarianism*, Harcourt Company, (1966): 101.



Brazil at the time of the UN Charter's conception. Lutz is an exemplary figure for Brazil to follow in her contribution to "inclusive language" in naming the Universal Declaration of Human Rights to the consideration of both male and female persons.<sup>41</sup> Following her steps, having indigenous people contribute to the implementation of an inclusive language that will reflect the presence of indigenous-specific needs in the country may change the method in which legislative action and accountability take place. It is through this inclusivity that may harbor the foundation for further expansion of human rights discourse to take place and establish justice for a group of people that have been historically marginalized.

### **IMPLICATIONS FOR THE FUTURE (WHO IS STANDING UP TO THE BOLSONARO ADMINISTRATION?)**

The current state of the treatment of Brazil's indigenous people and their territories looks bleak. The Bolsonaro administration has time and time again sided with private business and violent militias in land disputes between Brazil's indigenous people and those who wish to claim their territories. Bolsonaro seems hellbent on rewriting the territorial boundaries that outline the lands of natives, and is willing to employ various different methods and tactics in order to get what he wants; including cutting the budgets of native protective agencies within the government<sup>42</sup>, such as FUNAI, supporting the violence perpetrated on natives by violent militias<sup>43</sup>, using dangerous rhetoric that advocates for the reversal of the demarcation process<sup>44</sup>, and siding with private businesses who seek to cut down the forests of native lands.

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<sup>41</sup>Edward Cleary, "Mobilizing Human Rights in Latin America," *Kumarian Press* (2007): 20.

<sup>42</sup>Phillips, "Brazil's Indigenous People Outraged".

<sup>43</sup>Mia Alberti, "Brazil's Indigenous Groups Decry Bolsonaro's Escalating Attacks,," *Al Jazeera*, last modified February 13th, 2019.

<sup>44</sup>Cowie, "Jair Bolsonaro Praised the Genocide of Indigenous People".

There is light at the end of the tunnel, though. In the wake of the setbacks caused by the Bolsonaro administration, new actors have stepped forward to advocate for the rights of the indigenous peoples of Brazil and for the protection of the environment as a whole. One such group are the indigenous people themselves. For example, the Kayapo people of Brazil have been fighting for the rights to their lands for decades now, and are widely recognized a vocal and positive advocates for the rights of the environment and are stern protectors of their lands.<sup>45</sup> The native people do not take aggressors onto their territory lightly, and many tribes, of which the Kayapo are only an example, stand up and fight for their rights within the republic. There is also quite a bit of pushback from tribes such as the Guajajara tribe, which takes on the fight against loggers who attempt to steal land.<sup>46</sup> By defending themselves and their land, the Guajajara tribe are also protecting the isolated Awa tribe from destructive engagement to the outside world, and are consistently resisting through ensuring their own collaborative survival. Another vocal force that stands in opposition to the treatment of Brazilian natives by the Bolsonaro administration is the UN. While Bolsonaro advocates for and praises the assaults on the lands of the indigenous peoples of Brazil, the UN has been vocal recently in their disdain for the series of events against natives headed by the current Brazilian administration. If global attention can be drawn to this growing issue in the Republic of Brazil, forces outside of the nation can become louder and louder in their disapproval of the current course of action being put forth by the Bolsonaro administration, and the indigenous peoples may soon again not have to fear for the repossession of their lands.

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<sup>45</sup>Barbara, Zimmerman,“Rainforest Warriors: How Indigenous Tribes Protect the Amazon,” *National Geographic News*, last modified December 2013.

<sup>46</sup>Scott Wallace and Chris Fagan. “Rainforest Warriors: How Indigenous Tribes Protect the Amazon.” *National Geographic News*. Last modified October 2018.

## **CONCLUSION**

It is important to note that “ordem e progresso”, or order and progress, does not often happen in a linear fashion, but rather through a series of trial and error. Although the status of indigenous rights has improved slowly over time, the Brazilian population should be mindful as to the possible new effects the Bolsonaro administration could have. The steps that Bolsonaro has already taken in his battle against Brazil’s indigenous people should already be a wake up call to those who support natives. Through sufficient funding of the FUNAI and peaceful protests, the indigenous peoples of Brazil can restore their human rights and live their lives as they wish. Restoring indigenous lands and indigenous human rights is not only morally correct, but restoration of their rights as they were will also show respect for the centuries of culture and history the indigenous people have contributed the Brazilian country.

## Case File Bibliography

**Brazilian Constitution. “Constitutional rights of the indigenous peoples.” Povos Indígenas no Brasil. February 15th, 2019. [https://pib.socioambiental.org/en/Brazilian\\_Constitution](https://pib.socioambiental.org/en/Brazilian_Constitution).**

This website was very useful in general because it listed a lot of general and basic knowledge of the current indigenous populations in Brazil as well as the current policies and laws concerning indigenous rights to land and culture. This particular article on the website was interesting and useful because it goes over the history of the relationship between the State and the indigenous people, giving us an overlook of the tensions and problems they’ve had in the past and in some cases, still are having.

The article is split in five sections: cultural rights, land disputes, constitutional rulings, the reality of the rulings or the rulings in practice, and other past constitutions. I find that this will be useful to connect individual case studies and the laws dictating the events we focus on. I would have liked to see some current events in the article in order to shed some light onto the problems the indigenous people face today in light of the current laws.

This website comes from an organization focused on protecting the rights of Brazil’s indigenous people through academic research supported by Brazil’s public universities as well as the Instituto Socioambiental.

**Phillips, Dom. “Brazil’s indigenous people outraged as agency targeted in conservative-led cuts.” The Guardian. July 10th, 2017.**

**<https://www.theguardian.com/world/2017/jul/10/brazil-funai-indigenous-people-land>**

This article comes from a highly accredited and well known news journal, The Guardian. This news article is a great example of how public policy and funding is affecting indigenous populations by worsening the state’s ability to protect the indigenous communities. The article specifically talks about the slashing of the Funai budget for the ministry of justice in charge of protecting indigenous rights. The slashing of the budget has been linked to an increase in land disputes, illegal logging, and violence. This would be a great case study to observe the relationship between the state and violence and conflict.

This article however, does not go into detail about how it is impact the people in a cultural, social, or economic way. It is mostly focused on policy and conflict between the state and the indigenous community. It might be beneficial to look into the worsening state of the economy or the degradation of indigenous culture in connection with these policies.

**Alzahrani, Damma A. *Indigenous Conserved Areas in Brazil*. Murdoch University Law Review, 2012. <http://classic.austlii.edu.au/au/journals/MurdochULawRw/2012/4.pdf>.**

This scholarly article by Damma A. Alzahrani is a detailed overview of the specific measures taken by the State to protect the indigenous community and its failures in doing so. This would be very beneficial to examine the state's laws and how it was or was not upheld. Additionally, Alzahrani also goes into detail about the international decrees and laws that Brazil has signed on. Alzahrani examines these actions by the government and analyzes how these actions have failed. He specifically talks about the lack of enforcement, and the conflicts between the constitution and the statutes.

This article however, is very law focused, so it does not observe current events nor the social implications of the laws. This article would be used only in order to better understand laws and the state's motivations behind them.

**Cowie, Sam. "Jair Bolsonaro Praised the Genocide of Indigenous People. Now He's Emboldening Attackers of Brazil's Amazonian Communities." *The Intercept*. February 16th, 2019. Web. <https://theintercept.com/2019/02/16/brazil-bolsonaro-indigenous-land>**

"Jair Bolsonaro Praised the Genocide of Indigenous People. Now He's Emboldening Attackers of Brazil's Amazonian Communities" is a news article published by news outlet *Intercept*, and was written by Sam Cowie. The article takes an anti-Bolsonaro stance and ties together themes in his language and actions that are adversarial to Indigenous peoples of Brazil. Bolsonaro has gone on record as wishing that there were no demarcation of lands in Brazil between federal property and reservations, and the author makes assertions that based on these views he will soon start to implement plans to remove indigenous people from their lands, and believes that it may already be happening. According to the article, there are armed groups of

guerilla fighters assaulting the lands of indigenous people in attempts to remove them. Bolsonaro has taken a neutral stance toward the guerilla fighters, which has been perceived by the author as governmental support for their actions.

It's difficult to discuss this article without first discussing the political bias put forth by *The Intercept*. However, I don't think their political slant completely discredits their information or opinions put forth in this article, which will fit in nicely to our dossier topic by providing statistics regarding indigenous populations, and helps to flesh out the narrative around Bolsonaro and his views toward native communities.

**Alberti, Mia. "Brazil's Indigenous Groups Decry Bolsonaro's Escalating Attacks." *GCC News. Al Jazeera, Al Jazeera, 14 Feb. 2019, www.aljazeera.com/news/2019/02/brazil-indigenous-groups-decry-bolsonaro-escalating-attacks-190213205305375.html.***

This article demonstrates the growing threats that Brazil's indigenous people are facing on a daily basis. Since President Bolsonaro won Brazil's election back in October 2018, the mistreatment of the indigenous people has skyrocketed, all in the name of agricultural expansion. Several Indigenous organizations came together to bring awareness to these unauthorized attacks, they mentioned 4 homicides, stonings, deforestation, and threats of arson. The author also touches on the fact that indigenous people have known violence for over 500 years but only now is it being encouraged, even by the president. Angela Amanakwa Kaxuyana (coordinator of the COIAB) stated, "The difference is now these attacks are institutionalized, as in the president incites hatred". With Bolsonaro in office the Indigenous people are under great threat, all for agricultural expansion.

**Ribeiro, Loredana. "Development Projects, Violation of Human Rights, and the Silence of Archaeology in Brazil." *International Journal of Historical Archaeology*, vol. 19, no. 4, 2015, pp. 810–821., *JSTOR*, [https://www.jstor.org/stable/pdf/24572818.pdf?ab\\_segments=0%252Ftbsub-1%252Frelevance\\_config\\_with\\_tbsub&refreqid=excelsior%3Af4f1ddecdf2dc6d0bc05dece05a3359](https://www.jstor.org/stable/pdf/24572818.pdf?ab_segments=0%252Ftbsub-1%252Frelevance_config_with_tbsub&refreqid=excelsior%3Af4f1ddecdf2dc6d0bc05dece05a3359)**

This article targets developmental projects and some cases of how they violate human rights. For example, when the Sobradinho Hydroelectric Power Plant was built in Brazil, about 70,000 people had to be relocated. The INCRA moved them to lands hundreds of kilometers away, to lands already inhabited by an Indigenous group, because of this the indigenous group (the Pankaru) had to also be moved to a planned village and a small woodland area. The author shares their experience about how thirty years later speaking with some people who were forcibly relocated from Sobradinho, it made the author realize that these relocated people were the least benefited from this power plant, and most harmed by it. In this case, there were two violation of human rights that equally affected both groups of people involved. The Sobradinho people were forcibly moved to new lands for this power plant that didn't benefit them really, and the Pankaru people were forced out of their land for no good reason. This shows that some cases of developmental projects can greatly affect a number of people that have no say in what projects occur on their land.

**Wallace, Scott, and Fagan, Chris. "Isolated Nomads Are Under Siege in the Amazon Jungle." *National Geographic*. Oct. 2018. Web.**

**<https://www.nationalgeographic.com/magazine/2018/10/isolated-brazil-peru-amazon-tribes-remote-protected/>**

In this magazine article from October 2018 by the National Geographic, the article explores different tribal groups in Brazil and Peru who become increasingly threatened by often illegal transactions occurring in their forest land. For the purposes of our dossier, we will be focusing on the section of the indigenous tribal populations in Brazil exclusively. This magazine follows the position of the Guajajara tribe, one that remains tribal but occasionally has contact with the outside world, and their role in the forest. As it appears, the Guajajara tribe faces constant turmoil as illegal loggers sporadically target forest areas largely occupied by tribes in an effort to profit from lumber. This continuous struggle is marked by destruction to the land that the state of Brazil has forbidden, and thus this war is waged not only on the land but on the people who inhabit it. Additionally, the Guajajara consciously engage in such battles with illegal

loggers in an effort to protect the even more isolated tribes such as the Awa located in the center of the forest, as an effort to respect and maintain their desired isolation. Such isolation is interesting to examine further due to previous histories of tribal indigenous peoples in contact with the outside world that introduce disease and overall violence to their tribe. Moreover, this magazine will provide insight into violent and disastrous relations that take place not only at the sovereign level of national governments but displays more micro relations between the indigenous people and non-governmental groups.

**Evans, Sterling. "From Southern Alberta to Northern Brazil: Indigenous Conservation and the Preservation of Cultural Resources." In *Environmental Activism on the Ground: Small Green and Indigenous Organizing*, edited by Clapperton Jonathan and Piper Liza, 99-126. Calgary, Alberta: University of Calgary Press, 2019.**  
<http://www.jstor.org/stable/j.ctvbd8j4n.9>.

*From Southern Alberta to Northern Brazil: Indigenous Conservation and the Preservation of Cultural Resources* written by Sterling Evans follows the distribution and relationship between national parks and conservation in Brazil to that of how it is handled in countries such as the United States and Canada. The introduction of the concept of merging multiple fields of knowledge, in which the indigenous populations may be of significant contribution demonstrates the main concerns of this chapter along with complicating the role of conservation and the state. Utilizing Sete Cidades as the location framework from which these rights and concepts are imagined further helps to exemplify the role of Brazilian ecosystems as being intrinsically connected to indigenous peoples' histories and culture. Yet, to complicate this further Evans works to challenge the motives for the present national park and demonstrate where the indigenous people that contributed to the history of that area stand today. That is to say, that despite the role of national parks to the indigenous people of Brazil, their situation remains bleak and continues to be morphed into state profit.

This article, in particular, contains more regional focus outside of Brazil, such as that of Canada, the United States and more areas in the Americas. However, for the focus of our Dossier project, I will be focusing mostly on the section concerned with the Sete Cidades national park in



Brazil and other concepts of indigenous people that are introduced in the reading. Additionally, this article will help give a better transnational example of how Brazil is situated in terms of environmental conservation with the rest of the world as well. With Brazil leading the forefront of many of these decisions of national parks and conservation, it is also significant to utilize this article as a method for challenging and interrogating current or previous motives for the relationship between indigenous land and the sovereign state.

**Zimmerman, Barbara. "Rainforest Warriors: How Indigenous Tribes Protect the Amazon." *News: National Geographic*. Dec. 2013. Web.**

**<https://news.nationalgeographic.com/news/2013/12/131222-amazon-kayapo-indigenous-tribes-deforestation-environment-climate-rain-forest/>**

Logging of the Amazon rainforest in Brazil had reached an all-time high in 2004, and showed no signs of slowing until the logging companies reached the borders of land demarcated for Indigenous reservation land. The message put forth by this article is that the indigenous tribes of Brazil play an important role in keeping the destruction brought on by deforestation at bay for as long as possible. Since their land belongs to them and them alone, and the Brazilian constitution protects their rights, the government or private companies cannot legally continue to destroy the habitat that resides within their borders. The struggle here is in protecting their lands, which is too often a losing battle for the native communities. The article promotes an environmentalist standpoint wherein the indigenous peoples are the 'good' and the loggers are the 'evil'. The two are at constant odds, and while the tribes are constitutionally and legally protected, the author promotes the notion that the deep jungle regions of the Amazon are not unlike the wild American west of old; lawless, and unregulated. This article will play a role in our dossier by asserting the notion that the indigenous communities of Brazil are true champions of environmental conservation and preservation in the modern age.

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