

Indigenous Resistance in Brazil

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Abstract: Indigenous tribes in Brazil attempt to ensure their survival by organizing acts of social disobedience in defiance of a nation that neglects to uphold their basic rights. Land disputes are especially volatile because ownership of land leads to profit, even though laws exist that are meant to prevent the displacement of indigenous peoples. However, legal resources are not as equally available to indigenous communities as they are to special interest groups. Failure to implement protective policies leads to the eradication of native environments which leads to the eradication of their cultures and lives.

Keywords: Brazil, colonization, indigenous peoples' rights, land rights

Resumen: tribus indígenas de Brasil tratan de asegurar su supervivencia al organizar actos de desobediencia social en desafío a una nación que se niega a defender sus derechos básicos. Conflictos sobre tierras son especialmente volátiles porque las tierras producen beneficios financieros para corporaciones privadas, a pesar de que existen leyes que están destinadas a evitar el desplazamiento de los pueblos indígenas. Sin embargo, los recursos legales no están tan igualmente disponibles para las comunidades indígenas como para los grupos que tienen intereses especiales. El incumplimiento de las políticas de protección conduce a la erradicación de sus entornos y como corolario a la liquidación de su vida y cultura.

Palabras Clave: Brasil, colonización, derechos de los pueblos indígenas, derechos sobre la tierra

For the native inhabitants of Brazil who struggle to protect their lifestyles, the results of conquest continue to plague them as they did in the sixteenth century. Indigenous communities have consistently lost rights in an unceasing battle against industrial concepts of progress. They have taken action to gain an international audience and legislative advances but their voices remain muffled as a disparity persists between legislation and execution. The core of the social ills afflicting indigenous communities is the failure of the Brazilian government to recognize and enforce protection of their rights to land and sovereignty. In order for Brazil to become a democratic nation, it must offer everyone equal representation and the ability to participate in its creation.

The struggle for land ownership in the area that is now Brazil began with the genocide of the native inhabitants at the turn of the sixteenth century. They were seen as obstacles to imperial growth by the Portuguese who sought to become wealthy at any expense. In order to exploit the land and drain it of its resources, they needed to eliminate the people who depended on the land for their survival. The amount of indigenous people alive significantly plummeted and they have remained a marginalized, minority group to this day. In 2004, they consisted of “roughly 0.2 percent of the population of Brazil” with “350,000 people left in 217 tribes” out of the initial estimation of “3 million to 5 million indigenous people” in the year 1500, and they continue to deteriorate (Johnson-Steffey *n. pag*). The existence and flourishing of indigenous cultures relies substantially on their relationship with their land. Over centuries of isolation, they discovered how to extract and apply natural elements of their environments to their everyday lives. To lose indigenous cultures and their lands as they knew them would be to eradicate from 4,000 to 5,000 of “the estimated 6,000 cultures of the world” in addition to “around threequarters of the world’s 6,000 languages” (Sorensen *n. pag*).

Despite resistance, the fatal consequences of colonization have merely been delayed, instead of eliminated, for several tribes. There are indigenous tribes that have

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chosen to remain in isolation but are eventually challenged for their land by those seeking profits during industry booms. Glenn Shepard is “an anthropologist at the Goeldi Museum in Belém, Brazil” and states that “most uncontacted groups choose to stay in isolation as they escaped the widespread massacre of the rubber boom in the Amazon at the turn of the century” (Rossi *n. pag.*). When these communities contact modern society and its preoccupation with economic gain, they experience consequences similar to those that were faced by their ancestors five centuries earlier, including inhumane working conditions and lethal diseases.

Before the 1980s, the aim of the Brazilian government was to integrate indigenous communities into a colonial society that, after independence, persisted as one with inherent and overt features of colonization. As reported by “Brazil’s government-run National Indian Foundation (FUNAI), the result observed with time was that such policies led to the death of and sub-par life conditions for the natives” (Rossi *n. pag.*). Tribes that have been able to resist homogenizing, culture-stripping efforts viciously defend their isolation and thus, survival. The Mashco-Piro group, for example, has been documented to assault people they perceive to be encroachers, including other natives who seem to be helping outsiders make contact with the group (Rossi *n. pag.*). These are not excessive precautions to them considering that a single encounter with a virus they have low immunity towards may lead to the demise of many of precious few, as they have experienced in the past (Rossi *n. pag.*).

The year 1988 seemed like a clear victory for the indigenous people of Brazil in the fight for the recognition of their “traditional lands and natural resources” in the country’s constitution (Delavan *n. pag.*). However, decades later, they are still fighting for that recognition to be upholstered with concrete legislation. Not even the “declaration of the International Decade of the World’s Indigenous People” in 1994 prompted the Brazilian government to act in accordance with its constitution (Johnson-Steffey *n. pag.*). This recognition signaled the shift from integrationist approaches to indigenous people to the acceptance of their unique contributions to society and their right to retain their lifestyles on land that is uncontestably theirs. Yet, this recognition is of no value until it is used to create laws that are enforced. For example, Article 20 required that the government and FUNAI “make the territorial boundaries of these lands known, to defend the boundaries, and to uphold the cultures of the indigenous groups who live within them” by the year 1993 (Johnson-Steffey *n. pag.*). That year passed without a serious effort to implement the new guidelines towards land reform.

Article 231, which presents the indigenous people of Brazil with these rights and names them the “original inhabitants of Brazil”, cannot be enforced on its own (Johnson-Steffey *n. pag.*). Legislation must accompany it in order to give indigenous people weight within the legal system. Unfortunately, they are still presumed incompetent by the members of society’s elite due to the legacy of colonization. The shackles of a period of slavery long declared to be legally over are very much intact. Their perceived status of inferiority makes the indigenous community susceptible to an elite class that will not make their demands a priority. Not only have new laws that uphold the constitution of 1988 not been enacted, previous laws that contradict the constitution have not been nullified either.

In particular, the Indian Statute of 1973 remains the legal foundation for Brazil’s policy towards its indigenous inhabitants. Tutelage is its main component which contradicts the constitution because it “considers indigenous peoples to be incompetent and needy of the government’s protection for their survival” (Johnson-Steffey *n. pag.*). Indigenous people are not inherently inferior to the rest of the population. It is the fact that the country’s corrupt governmental and legal systems

keep them from the source of their self-sufficiency, their land, which keeps them from thriving as they had centuries ago. It is troubling that this is the base for “the organizational structure of the federal indigenous protection agency FUNAI” and that despite the clamor being created by the indigenous population, the elite refuse to question their bias against them (Johnson-Steffey *n. pag.*).

In keeping the indigenous population subordinate to the elite, the agency that was intended to protect their survival is keeping them from reaching their full potential. The FUNAI agency is a symbol of the paternalistic relationships between the native inhabitants of Brazil and foreign, colonial forces that were established during their initial contact centuries ago. For example, “tribes must get permission from FUNAI for everything from constructing roads, to selling mahogany seeds gathered in the forest, to importing cattle onto their land,” and “funds from the sales of forest produce or development project reimbursements are kept in accounts controlled by FUNAI” (Johnson-Steffey *n. pag.*). This intentionally keeps the indigenous population stagnant and dependent on the biased legal system, demonstrating that they are presumed to be inept at governing themselves.

Additionally, Presidential Decree 1775 was passed in 1996 and allowed

any party wishing to contest the demarcation of indigenous lands...to do so up to 90 days after that territory had been reviewed by FUNAI and published in the Union’s Official Journal” along with “all lands that had been reviewed previously but were not yet through the full demarcation process. (Johnson-Steffey *n. pag.*).

This demonstrates the disparity between the resources that are accessible to the indigenous population and those that are obtained by elite groups in order to contest for the same land. While deadlines to grant indigenous people what had been declared theirs in the constitution passed without proper recognition, claims by others for the same land were heard in a court that is skewed to the disadvantage of the indigenous community. Article 5, which “guarantees that the courts grant due process to any party concerning judiciary or administrative procedures, including indigenous territorial demarcation,” was manipulated by “multinational corporations, local landowners, ranchers, mining and logging corporations, and other powerful market groups” (Johnson-Steffey *n. pag.*). Indigenous tribes, via the Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB), denounced the decree to be “more than a setback: it is a death sentence for many indigenous groups” (Delavan *n. pag.*). The pursuit of profits prevails at the expense of human rights.

Ultimately, corporate interests speak with the loudest, clearest voice in governmental affairs, as it has for centuries. The process of demarcating land for the indigenous population is intrinsically skewed in order to make it difficult to grant them land titles while it facilitates the process of challenges for the same land by outside groups. It was intentionally created, by the elite, to be an extensive and lengthy process that “involves several Brazilian ministries and departments, and requires hundreds of hours of labor by staff of the underfunded and understaffed FUNAI in the isolated jungles to review border claims” (Johnson-Steffey *n. pag.*). The elite do not view the system as being broken because it is working perfectly to their advantage. The lack of funding impedes many cases in favor of the indigenous community from being expedited and keeps indigenous people out of the process, which corresponds with their perceived ineptitude.

The Yanomami’s highly diverse area is especially vulnerable to challenges “in the north of Brazil where, because of its rich mineral deposits, mining companies and political and military authorities have never accepted the demarcation of the

Yanomami territory” (Delavan *n. pag.*). In 1995, the U.S. State Department’s Annual Human Rights Report “noted that less than half of the land demarcation required by the 1988 constitution [had] been completed, and eighty-four percent of indigenous territories [had] been invaded by miners and colonists” (Selverston *n. pag.*). The government’s preferential treatment towards colonists as opposed to its deplorable treatment towards natives is highlighted by how they remove each group from land that they are not legally entitled to. While indigenous tribes are violently forced off of their sacred lands, colonists are carefully negotiated with and are even compensated for the inconvenience of having to relocate, if they are made to relocate at all. For the country to accept corrupt approaches to indigenous land demarcation is for it to accept that all laws are void and shatter any illusion of justice and democracy.

Rights to land ownership are invariably tied to human rights. Without proper land demarcation, indigenous communities live in constant threat of violence and extinction. The failure of the government to act on the constitution to protect them sends a clear message that their lives are not as valuable as the lives of those in the elite groups of society, including the people who fill bureaucratic positions in government agencies. Terrorist acts against indigenous tribes have not been granted the same degree of urgency as similar acts would against government agencies. The right to survive with dignity should not have conditions. It should not be reserved exclusively for people who cooperate with homogenizing, colonizing goals to achieve global conquest.

In the continuous struggle to reconcile industrial progress and respect for the livelihood of indigenous humans, corporations keep on encroaching on land occupied by indigenous tribes without being subjected to legal repercussions. The Amazon region has experienced a large portion of this destruction due to its richness in resources that attracts, among others, loggers. They have introduces:

about 180 illegal sawmills...around the Awa's land, often in plain sight,” along with “rail [lines] where trains shuttle tons of iron ore through the forest, from mines in the heart of the Amazon to Atlantic Ocean ports, with much of it headed for Chinese steel mills. (Sibaja *n. pag.*).

Ideas of development are influenced by foreign ideals, like those from China, that are imposed on the country in an attempt to gain its cooperation in its exploitation of it. As of 2012, “11 percent of Brazilian territory and 22 percent of the Amazon [had] been turned over to indigenous groups” (Sibaja *n. pag.*). However, these territories do not exist without invasions from unsolicited settlers and other prospectors.

The dense population in the coast and the growing industrialization in the center of the country are encouraging people to move inward and into the Amazon, where even the capital of Brasília was built in part to encourage population redistribution. The ensuing displacement of entire tribes of indigenous people led to about a quarter of them and “over eighty percent of Native people... [in the northeast to] live in hunger” by 1995 (Conditions Deteriorating for Indians in Brazil *n. pag.*). They are not capable of sustaining themselves without land but the government has not made it feasible for them to obtain titles to the land that sustained them. Feudal relationships of land tenure resurface with inhumane living and working conditions as a result. Colonization is not a historical concept for them, it is reality.

Dire living conditions that include starvation and a myriad of other dehumanizing hardships contribute to a sense of hopelessness that at times defeats tribes internally. Clashes over land have become notoriously violent and lethal.

Indiscriminate murders of indigenous people occur frequently along with planned murders that are intended to set an example, like the murder of Nisio Gomes. Gomes was a Guaraní-Kaiowá elder who “was gunned down in November [of 2011] by masked men, his body [was then] dragged into a waiting pickup and spirited away” (Sibaja *n. pag.*). Eighteen people were arrested in 2012 in connection to this murder but it is estimated that 40 gunmen from a private firm were involved along with landowners who plotted this act (Weaver *n. pag.*). This may seem like a step towards justice but arrests do not guarantee convictions. Farmers covet this area to grow sugar cane and know that local authorities rarely protect indigenous tribes. Such atrocious acts against humanity, in which the sacred remains of a revered elder are disposed of haphazardly, affect the collective psyche of tribes. Psychological abuse facilitates other types of abuse.

Suicide has become a way for indigenous people to escape despair and to protest against it. In the first eleven years of this century, “more than 550 tribe members killed themselves...according to statistics from Brazil’s secretariat on indigenous health” (Sibaja *n. pag.*). The same report indicates that “an additional 282 [indigenous people] were murdered, mostly in fights over land, between 2003 and 2011...making up half of all native people killed in Brazil during that period” (Sibaja *n. pag.*). It is necessary to note that these numbers may not account for all occurrences of suicide and that the number may be higher in reality. This violence does not encourage trust in the government that is supposed to protect their rights; it incites more tension between the many different worlds that exist within Brazil. Wamaxua Awa is a member of the Awa tribe who, after contact with the outsiders who terrorized his tribe, advises other tribe members “to stay [in the forest], that it’s better in the forest. There is nothing in the outside for [them]” (Sibaja *n. pag.*).

A startling development has been the use of suicide as a way to gain international attention. While some indigenous people retreat inward due to unrelenting oppression, others are fueled by the rage that it produces and become more willing to take extreme measures to demand what is rightfully theirs. Leaders of the Guaraní-Kaiowá tribe located in Mato Grosso do Sul signed a letter in which they threatened the Federal Court that they would commit suicide in front of them if they order them to leave their current place of occupation, *cambará granja* (Salim *n. pag.*). Their eviction from land they call their ancestral graveyard would result in the collective suicide of 50 men, 50 women, and 70 children; a total of 170 people (Salim *n. pag.*). Their actions of agency have gained an international audience, which they hope will hold the Brazilian government accountable for their atrocities against human rights. A government that has desecrated indigenous land and now requires the FUNAI to pay fines in order for tribes to reside on their ancestors’ land. In *cambará granja*, the court has ordered that the FUNAI pay approximately \$250 per day of occupation (Salim *n. pag.*).

Along with claiming land for the development of agriculture, including sugar cane, the government has outrageously coerced indigenous tribes off of their land in the name of entertainment. Brazil is set to host the upcoming Olympic Games in 2016 and World Cup in 2014, heightening tension over land disputes and adding urgency to their resolution. This has demonstrated to result in near-sighted, inhumane executions of land grabbing by the government. All notions of justice and democracy are set aside to construct stadiums for the world’s recreational pleasure. Once again, the elite are prioritizing the projection of a false image of prosperity over equality among all living beings. In Rio de Janeiro, in March 2013, nearly 200 police officers were ordered to disperse a crowd of twenty indigenous squatters at the soccer stadium Maracanã along with about a hundred supporting protestors (Barnes, Romero *n. pag.*). The fact that they were referred to as squatters magnifies the relationship that the government erroneously presumes they have with land.

That indigenous group had previously resided in huts in an area adjacent to the stadium, near the “building that once housed Brazil’s first Indian Museum” (Barnes, Romero *n. pag.*). It is appalling that combat ready officers were deemed necessary by an elite group of people, the minority in Brazil, to violently quell what they saw as a momentary disturbance. State authorities claim to “have offered the squatters temporary housing” and the “State Office for Human Rights said the construction of a different ‘indigenous reference center’ was under discussion” (Barnes and Romero *n. pag.*). However, experience has taught us that what is under discussion is rarely brought to fruition.

The Brazilian government intentionally upholds the paternalistic relationship that was imposed on the indigenous population at the beginning of the colonization process over five centuries ago. Its desire to compete with industrially advanced nations has led to the extinction of indigenous cultures and the encroachment of their land. Although a legal precedent for their protection exists in the constitution, elite groups are not allowing concrete legislation to manifest. Social problems that affect a larger portion of the population, like poverty, take priority over the specific plights of indigenous tribes. They advocate for themselves because in a just democracy, like the one Brazil claims to be, we are all connected and the life of one individual is not worth more than that of any other.

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