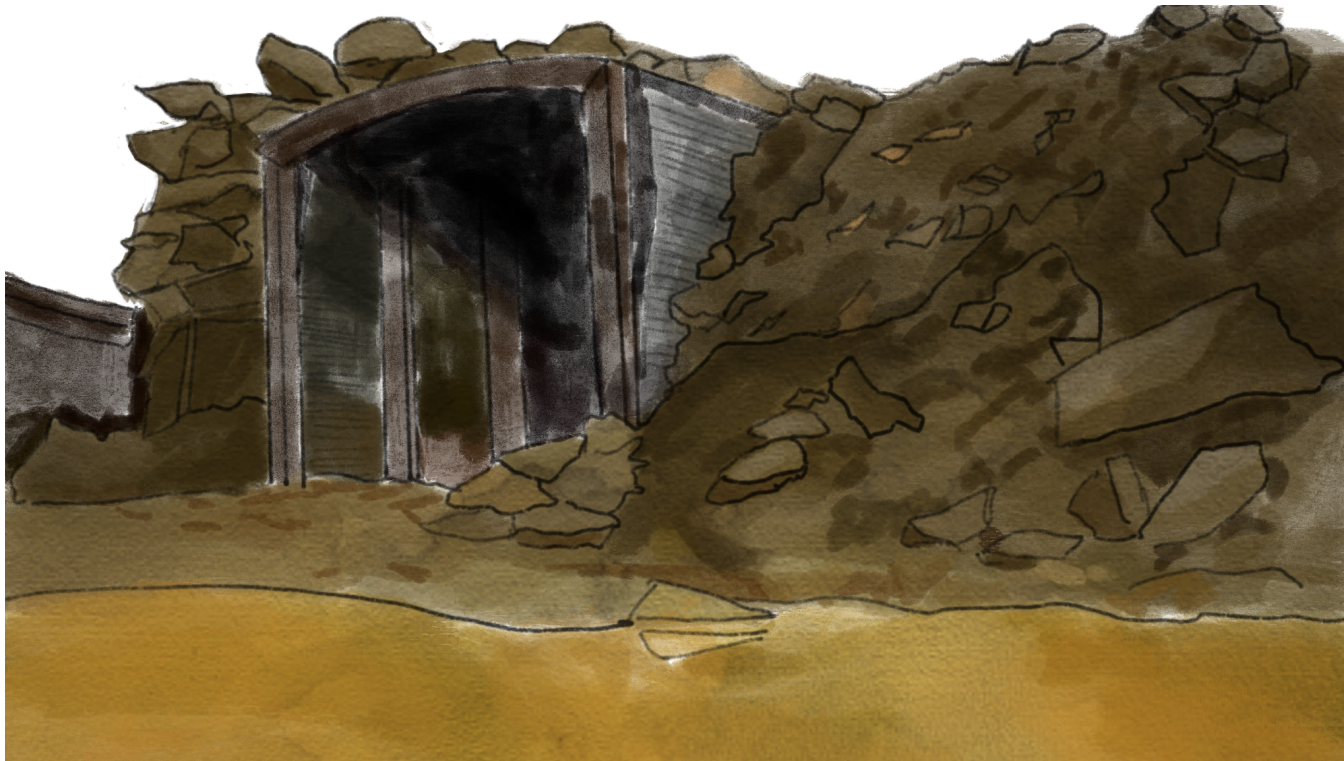


# Securing (Land) Rights for the Indigenous Peoples of Brazil

By Stacey Na



## Introduction

In May 2021, armed miners raided the Fazenda Trapajós village of the Munduruku People and set several homes on fire including that of Maria Leusa Munduruku, an opponent of illicit mining operations and coordinator for the Wakoborün Munduruku Women's Association.<sup>1</sup> On Yanomami Indigenous land, two children drowned while fleeing from miners that opened fire with automatic weapons from the Uraricoera River in October 2021.<sup>2</sup> Attacks on the Indigenous Peoples of Brazil have continued with former President Jair Bolsonaro's efforts to revoke Indigenous Peoples' rights and his loosening of mining and deforestation regulations. Illicit mining and deforestation operations on Indigenous lands have resulted in short and long-term harmful effects on the livelihoods of the Indigenous Peoples, including those related to their well-being and modes of subsistence. In January 2022, President Luiz Inácio Lula da Silva announced six decrees revoking or altering Bolsonaro's anti-Indigenous and anti-environmental efforts, combating illicit mining and deforestation operations on Indigenous lands.<sup>3</sup> Lula's attitudes and actions are a restorative and refreshing inflection in Brazilian Indigenous

policy for Brazilian political and economic institutions that have long favored the conservative movement.

The Brazilian government must continue to propose and pass legislation to enforce Indigenous Peoples' rights, especially their land rights to remove illegal miners and loggers from their lands, and participate in sustainable human and non-human development. In addition to the social element of sustainability is the ecological element that is achievable with enforcing Indigenous land rights for there are also complementary climate change mitigation solutions at the global level.

## Overview of the affected indigenous peoples

The 2010 census conducted by the Brazilian Institute of Geography and Statistics (IBGE) states that Brazil is home to at least 305 Indigenous Peoples and a total population of over 800,000 people that speak more than 274 languages.<sup>4</sup> 22 percent of the Amazon belongs to the Indigenous Peoples of Brazil, much of which is also the Amazon's best-maintained land.<sup>5</sup>

Those worst affected by illicit mining operations by size

include the Kayapó, Munduruku, and Yanomami lands. A total of 10,000 hectares of Indigenous land is occupied by illegal miners, growing 500 percent between 2010 and 2020.<sup>6</sup> Special Reporters within the Human Rights Council state that the Munduruku and the Yanomami Peoples are highly vulnerable and are among the most affected by illicit mining operations in the Amazon.<sup>7</sup> Furthermore, the Kayapó land is in the center of the “arc of deforestation” in the southeast Amazon.<sup>8</sup>

The Kayapó People live in villages along the upper course of the Iriri, Bacajá, and Fresco rivers and other Xingu river tributaries in Central Brazil. Their land is mostly equatorial forest, but the eastern region is partly cerrado, a savanna ecosystem. Their diet consists mainly of crops cultivated on their swiddens including sweet potatoes, corn, and sugar cane, vegetables, and fatty meats such as tapir, collared peccary, and deer. Kayapó villages are composed of a circle of homes around a public square. The circle of homes is considered women’s territory for they manage the household. Male political figures meet in the square, which is also associated with rituals. For the Kayapó People, the village is the center of their universe and is a social space. Outside the village is an antisocial space. Men can transform into animals or spirits and it is associated with danger due to the appropriation of the social by nature.<sup>9</sup>

## **To understand why Brazilian political and economic institutions have favored the conservative movement, it is important to look into the history of the political and economic barriers that the Indigenous Peoples have met.**

The Mundurku People had a warrior tradition, dominating the region of the Valley of the Tapajós River, which was in colonial times referred to as Mundurukânia. Their cultural expressions were associated with war activities, but due to colonialism, many forms of their culture changed including the loss of the men’s house, which was once a part of their village, and the changes in their rituals. The Mundurku rely on agriculture, in particular

manioc, bananas, potatoes, sugarcane, and yams. Fishing is also their main source of protein.<sup>10</sup>

The Yanomami People live in the tropical forest of the northern Amazon, located on both sides of the border between Brazil and Venezuela. The Eastern and Western Yanomami live in a conical multi-family home called a yano or xapono, respectively. The North and Northeastern Yanomami live in villages of rectangular homes. The collection of homes or the villages are distinct political and economic entities but their social circles overlap. Outside the social space is considered dangerous. They rely on fishing and hunting within their forest space circles.<sup>11</sup>

### **History of political barriers**

Brazilian policy had an assimilationist attitude towards Indigenous Peoples from colonial times to the late 1980s. “Absorption into the Brazilian nation represented evolutionary progress and...social and cultural homogenization was central to the building of a strong Brazilian state.”<sup>12</sup> However, the Constitution of 1988 includes two articles on Indigenous Peoples’ rights. This attitude change is attributed to the growing international criticism of the situation of Indigenous Peoples in Brazil, the formation of alliances between Indigenous, environmental, and human rights movements, and Brazil’s economic crises at the time.<sup>13</sup> In Title VIII: The Social Order of the Constitution, the rights of Indigenous Peoples are organized into Articles 231 and 232. Article 231 recognizes their “social organization, customs, languages, creeds, and traditions...as well as their original rights to the land they traditionally occupy.” It is the duty of the government that their lands are respected. Furthermore, Article 232 recognizes that they have standing to sue to defend their rights. In 1991, Decree 22 was announced, which described the demarcation process and a deadline of 5 October 1993. The demarcation processes were not completed by this deadline.<sup>14</sup>

Signed into law in 1996, Decree 1775 also revoked Decree 22 and allowed state governments and commercial interests to oppose the demarcation of Indigenous lands. The government claimed that reform is necessary to protect Indigenous land from future challenges which is achieved through assessing counterclaims to Indigenous lands by non-indigenous institutions. Once demarcated in this way, the legality of the land will be assured. However, this addition allowed development to continue on lands that developers have successively claimed.<sup>15</sup>

### **Economic barriers**

Brazil is naturally rich in minerals, making mining a valuable industry for the economy. Furthermore, the abundance of trees in the Amazon and the demand for

timber encourage deforestation and illicit logging operations. Illegal mining and logging, allowed in a decree by Bolsonaro and his lack of enforcement of Indigenous Peoples' land rights have put the well-being and modes of subsistence of Indigenous Peoples at risk.

Brazil's mining industry is dominated by iron ore, followed by copper, aluminum, nickel, and gold.<sup>16</sup> Many miners work illegally on Indigenous land, displacing the locals. Furthermore, deforestation occurs when building airstrips that allow for workers, resources, etc. to reach mining destinations. Illicit mining operations also have negative health effects. Pollution from buildings and the use of diesel-powered pumps to loosen minerals and the use of mercury to separate gold from mud negatively affect ecosystem health, including that of humans. Waste mercury ends up in the air, vegetation, and water. In the Tapajós River, it is transformed into methylmercury, a toxic substance that usually ends up in fish, an important source of protein for the Indigenous people.<sup>17</sup> The high incidences of mercury exposure among Indigenous peoples is in the vicinity of gold mining operations.<sup>18</sup> Mercury is also associated with fetal abnormalities and neurological and motor problems. In one Yanomami village, it was found that 92% of inhabitants had unsafe levels of mercury in their blood.<sup>19</sup> Illicit mining surged under Bolsonaro, a long supporter of the legalization of mining on Indigenous land.<sup>20</sup> Bolsonaro had loosened regulations in favor of mining and logging in the Amazon and cut federal funding for agencies that enforce Indigenous and environmental laws.<sup>21</sup>

Furthermore, illegal logging accounts for the majority of Brazil's timber production. 80% of all logging in the Amazon was illegal during the 1990s.<sup>23</sup> Some loggers start fires as a "diversionary tactic," drawing out Indigenous patrols.<sup>24</sup> These fires also negatively affect the air quality, which has many health effects for the local Indigenous Peoples, including decreased lung function and respiratory diseases. Under Bolsonaro, deforestation reached a record high, and more than 34,000 square km (8.4 million acres) disappeared from the Amazon (not including natural forest fires).<sup>25</sup>

## Implications for the environment

Indigenous Peoples are stewards that have knowledge of the land in which they live, using natural resources responsibly and looking after the environment. Knowledge of the environment and natural resources has been passed down for generations. Furthermore, lifestyles are sustainable and sustaining, for they do not need fossil fuels and depend on the natural resources of the environment.

Indigenous lands have high biodiversity and contain on average about 50% more carbon per hectare than unpro-

tected areas in the Brazilian Amazon.<sup>26</sup> When properly protected, they act as barriers against deforestation. Differing from non-protected areas, they consist mostly of primary forest which has more biomass and biodiversity. Therefore, losing these lands to illegal miners and loggers would result in a disproportionately negative impact on the environment.<sup>27</sup>

A study conducted in 2020 has shown that collective property rights have reduced deforestation in the Brazilian Amazon.<sup>28</sup> When Indigenous lands are granted full property rights, they are more effective at curbing deforestation than those outside of the border. In 2012, the National Policy for Environmental and Territorial Management on Indigenous Lands (PNGATI) was established with the consultation of 150 Indigenous Peoples. Its aim is to guarantee and promote "the rehabilitation, conservation, and sustainable use of Indigenous land and territorial natural resources." In doing so, the integrity of Indigenous land, the improvement of the quality of life, and the whole conditions of physical and cultural reproduction for the present and future generations of Indigenous Peoples are ensured and socio-cultural autonomy is respected.

In January 2023, Lula stated in his inaugural address, "Indigenous peoples ... are not obstacles to development — they are guardians of our rivers and forests and a fundamental part of our greatness as a nation."<sup>29</sup> It is imperative that the new government enacts legislation that enforces Indigenous land rights. On a global scale, working with Indigenous Peoples and enforcing their land rights can help mitigate climate change by reducing deforestation. In 2019, the Intergovernmental Panel on Climate Change (IPCC) stated that Indigenous Peoples are forest guardians and should be recognized as a solution to the climate crisis.

## Conclusion

For a sustainable future that encompasses all three facets of sustainability—social, ecological, and economic—Indigenous Peoples' rights must be enforced. The legacy of political and economic barriers that Indigenous Peoples face continue in contemporary society. Furthermore, Brazil's economic dependence on the mining and logging industries has made cracking down on illicit operations difficult. However, the culture of stewardship in Indigenous Peoples is long fostered for generations. They have knowledge of how to responsibly and sustainably use natural resources from the environment. Indigenous Peoples have been humbly doing for centuries what developed countries with new technologies and industries could not: promoting social, ecological, and economic well-being with a fraction of the natural resources.