

UNIVERSITÀ DEGLI STUDI DI
VERONA

Corso di Laurea in
Lingue e culture per il turismo e il commercio
internazionale

Elaborato finale

**Indigenous peoples of Brazil:
a neglected but powerful resource**

Relatore
Prof. Francesco PALERMO

Candidata
Sofia FIETTA
Matr. VR414009

Anno Accademico 2020 – 2021

*La storia è un profeta con lo sguardo rivolto all'indietro:
da ciò che fu e contro ciò che fu annuncia ciò che sarà.*

- Le vene aperte dell'America Latina, Eduardo Galeano –

*A mia nipote Emma,
che tu possa avere il coraggio di superare
gli ostacoli della vita e i limiti di te stessa
per arrivare laddove il cuore ti porterà.*

TABLE OF CONTENTS

Introduction	p. 7
CHAPTER I: A past that cannot be forgotten	p. 9
1.1 The Importance of Words: Definition of Indigenous Peoples	p. 12
1.2 National legal instruments for the recognition of Indigenous Peoples' Rights	p. 16
1.3 The First International Legal Instrument: The ILO Convention	p. 18
1.4 The role of The United Nations	p. 20
CHAPTER II: The main challenges of Indigenous Peoples	p. 25
2.1 Multiples forms of damage to Brazil's environmental heritage	p. 27
2.2 Persisting discrimination against Indigenous communities	p. 35
2.3 Lack of Support and Healthcare services for Indigenous communities	p. 38
CHAPTER III: Bolsonaro and the Covid-19 pandemic: Brazil on the verge of collapse	p. 43
3.1 The alarming increase of environmental threats and the withdrawal of Brazilian government from its responsibilities	p. 45
3.2 Violence on and threats to Indigenous peoples caused by the inaction of Bolsonaro's government	p. 50
3.3 The apparently unstoppable effects of the Covid-19 pandemic	p. 53
3.4 Vito Comar's First-hand Account	p. 57
Conclusion	p. 61
Bibliography	p. 63
List of Regulation Sources	p. 67
Web References	p. 68

Introduction

This study aims to further examine in a concise but detailed way, an image of the Indio as a human being and intends to fight residual preconceived and institutionalised ideas that are part of Western culture.

Following Eurocentric principles – the worldview that glorifies the historical and cultural role of Europe over that of other civilizations – since the discovery of Latin America, Western society has imposed economic evolution and social progress taking advantage of all available resources in terms of environment and human capital. This paper inspects the troubled history of Latin America's natives, from their origins to the present day focusing on the current situation to analyse the causes of their progressive disappearance.

The first chapter presents the historical background and the processes that have distinguished Latin America's colonisation. In addition, it proposes several legal instruments related to the protection of Indigenous populations' rights, both national and international, such as the Brazilian Constitution, the ILO Convention, and some UN Declarations based on the safeguard of human beings regardless of any discriminatory criteria.

The second chapter is focused on the struggle that Indigenous peoples have been facing in the last decade with a specific reference on what has not been done to protect their rights on land and on self-preservation by the Brazilian State. Furthermore, it will examine the process of marginalisation and deprivation of human rights in favour of economic interests conducted by local farmers and multinationals. It offers a general description of the exploitation of natural resources and the effects it has on indigenous peoples' lives, as well as their continuous persecution and discrimination.

Finally, the third chapter sets out to examine how the Covid-19 pandemic has caused a drastic “socio-economic decline” in Brazil, particularly affecting the most marginalised people. The emergence of problematic realities and the increase in their

severity require a concrete and immediate response from the government. Despite the pressure, the Brazilian administration is proving unfit for its role. Consequently, this thesis will shine a light on the government's mismanagement and indifference in protecting its citizens.

In summary, this thesis is intended to be a text of social criticism and an open call for the preservation of Brazil's environmental, social and cultural heritage. In particular, it wants to encourage the respect and inclusion of indigenous peoples as protectors of Brazilian heritage and as active citizens.

CHAPTER I: A past that cannot be forgotten

Centuries have passed since the Europeans of the Renaissance landed on the coast of the city that was baptized San Salvador. Although Christopher Columbus died thinking he sailed to the island of Cipango in Japan, he was soon after proven wrong and an era of exploitation of natural and human resources has started.

As stated by historical sources and demographic calculations, at the arrival of Europeans, the approximate number of Indios was in the millions¹. “When foreign conquerors appeared on the horizon, the Aztecs, Inca, and Maya were numbered, collectively, seventy to ninety million: a century and a half later their numbers had dwindled to a total of three and a half million.”²

According to Anthropologist Darcy Ribeiro, the Amazon basin was populated by approximately 2 million Indios who had been drastically reduced to 500,000 throughout the years³.

As a matter of fact, the impact of Western culture was dramatic: the main reasons for moral and political discrimination were the negation of diversity and the fear of the unknown. Europeans exploited the dissimilarity of native’s culture, their seemingly barbaric and unexplainable behaviours and traditions, and the obvious morphological differences as pretexts for brutality against them. The ethnocentric and racist ideology behind Western civilised society helped to spread imaginative prejudices and theories about the origins, habits and rituals of the Indios that are still rooted in the European mentality⁴. Following the principle of Eurocentrism – the conception that glorifies the historical and cultural role of Europe and diminishes other civilizations – colonialists imposed their idea of evolution and progress taking advantage of all available resources

According to the *"Brevissima relación de la destrucción de la Indias Occidentales"* (1552) by Bartolomé de Las Casas - a 16th-century Catholic bishop who dedicated

¹ cf. Maurizio Leigheb, *L'indio muore. Origine vita e destino degli Indios*, Milano, 1977, pp. 13

² Eduardo Galeano, *Le vene aperte dell'America Latina*, Milano, 2013, pp. 47

³ cf. Ribeiro Darcy, *Os Indios e a Civilizacao*, Rio de Janeiro, 1970, pp. 41;

⁴ cf. M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, pag.14-15.

himself to defending Native Americans - colonization was an opportunity to inflict unimaginable destruction and violence on the Indigenous population⁵ De Las Casas described their treatment as inhumane and ruthless. Nevertheless, at the beginning of the 16th century, the enslavement of the Indios was blessed by the Christian Church⁶. The stipulated agreement provided the possibility for Indigenous people to convert to the Catholic faith in order to avoid any military advance. Specifically, the conquerors were obliged to read a long and rhetorical warning written in Western languages incomprehensible for natives. With this method, European troops were legally and morally allowed to occupy the lands and enslave or massacre their inhabitants.

As Maurizio Leigheb declared in his book *The Indian Dies* (1977), "next to the genocide intent, there was a more insidious and systematic extermination caused by forced labour to which the invaders subjected the natives without worrying about the limits of their physical resistance, limits that the conquistadores often mistook for laziness"⁷. The system applied in the indigenous lands required that each conqueror be entrusted with a village or group of villages and their respective inhabitants. The latter were under the command of their owners, who abused their ability to work to the point of exhaustion and sometimes of death. Moreover, the exploitation of raw materials in Latin America and later, the acquisition of property rights by the colonists, were the origin of continuous expeditions against the natives to expel them from the lands that they intended to occupy⁸. A real vicious circle of power and slavery was created, within which indigenous peoples' rights were considered less important in relation to civilised countries' economic returns.

While the colonists pursued their aims of conquering both the territory - with its riches and resources - and the human component; missionaries were a key figure in the encounter between Indios and Europeans⁹. In fact, they intended to convert native in the Catholic religion and facilitate the process of acculturation of

⁵ cf. M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, Milano, 1977, pp. 146

⁶ cf. M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, pp. 146

⁷ M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, pp. 147

⁸ cf. M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, pp. 146

⁹ cf. M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, Milano, 1977, pp. 224

indigenous "pagan" peoples. In addition to divulging the Christian message, the missionaries' pretext was to transform Indios' habits and beliefs by applying the society's models. Some instances of this process were the imposition of the monetary system or of working hours, the destruction of the regulation pertaining to their culture, and the progressive dismantling of indigenous society due to forced colonial acculturation¹⁰. This cultural import reflects a Western presumption that Western culture is superior to others and for this reason, entitled to impose itself¹¹. As Vito Comar, professor of Biological and Environmental Sciences at the Greater Dourados Federal University, affirmed "the vision of Portugal's conquistadors was to extract natural sources from Brazilian land and exploit submitted Indios as manpower to process them. In this view, missionaries had the task of taming the indigenous spirit in order to further their economic intentions"¹². Unlike African slaves, Indigenous peoples didn't accept these brutal and oppressive conditions so the Indios hunting intensified, and they started to be seen as insolent people.

In support of this idea, the first scientific legitimacy and credibility related to racial superiority and inferiority was offered by Charles Darwin in his publication "*The Origin of Species*" (1859). In his study, he created the term "natural selection" to indicate the preservation of favourite races in the struggle for life. This is one of the theories at the basis of scientific racism, the practice which classifies humans into distinct species according to various different morphological, physiological and behavioural characteristics. As Darwin mentioned in his study, natural selection is the process through which a population of living organisms adapts and changes. Since human beings are different in many ways, this variety implies a superiority for the ones who have features that are more suitable to different

¹⁰ cf. M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, pp. 224

¹¹ cf. M. Leigheb, *L'indio muore. Origine vita e destino degli Indios*, pp. 221, "In general, when considering the evangelizing strategy, the contrast between the «good intentions» of the missionaries, even if the result of a questionable ethnocentric ideology, and the «real effects produced by their actions», that is, the negative consequences of catechesis, jumps out at the eyes. In the serious discrepancy between ethical-religious instances and the results obtained, one grasps the sense of a great human tragedy. [...] This great effort promoted, for utilitarian purposes, by numerous governments and institutions, was often accompanied by the optimistic conviction that it was just and humanistic and served to bring the benefits of our civilization to the peoples left on the margins of the material progress of the West. [...]"

¹² Extract from meeting with Vito Comar, professor and researcher at the Greater Dourados Federal University.

environmental conditions. Over time, Western society has considered the economic progress as the only evaluating factor for determining the superiority of Western culture in respect of others.

The aim of this historical summary about colonization and its consequences and negative impacts on indigenous peoples is to introduce a preamble in this analysis that concerns Indigenous peoples' struggles to obtain recognition of their identity and, consequently, the implementation of their fundamental rights to preserve their culture, tradition, language, the structure of their society and, finally, the right to keep their properties.

1.1 The Importance of Words: Definition of Indigenous Peoples

The word "Indios", like "indigenous", is the emblem of a past victim of brutality. It was dictated by the lust for power which brought suffering to those who had no fault but to be inhabitants of the new discovered lands. The American continent has witnessed one of the cruellest genocides of all times, marked by the elimination of 90% of its indigenous population, as well as the exploitation and forced occupation of their lands by the *victorious force*¹³. This paragraph recalls the terminology used to refer to Indigenous peoples from the discover of America to the current years. The aim is exposing the transition of Indios from manipulable natives to people who demand recognition of their communities and respect for their rights.

The first Europeans who disembarked in America treated the newly found human beings with rejection and contempt, attributing negative characteristics to them and comparing them to beasts, without the ability to understand and choose. Indeed, the term "Indios" alluded to the synonym "barbarian" or a gullible person. Starting from this assumption, the inhabitants of the American continent were described using the terms "aboriginal" and "indigenous", both of Latin origin, in

¹³ cf. Eduardo Galeano, *Le vene aperte dell'America Latina*, Milano, 2013, Foreword by Isabelle Allende, pp. XI - XVI.

order to implement a process of homologation and unification of natives encompassing the different characteristics of each community in a single concept. Therefore, the word "Indios" represents the history of this process of reducing complexity and inevitably creating a stereotype¹⁴.

Three old and backward criteria were used as the basis for the creation of the Indio's category. The first one is the racial criterion as the Indio was considered a "race" distinct from the European one for its morphological characteristics, denying the plurality that characterises the different populations. The second refers to cultural criterion, since a single common cultural heritage was considered taking into account the features of the single individual and not what distinguishes the different populations. Finally, the economic criterion, proposed by Lewis and Maes¹⁵, according to which the indigenous category was defined as that part of the population that had a lower degree of economic development due to qualitative and quantitative deficiencies. This parameter "did not recognize for the Indios a cultural autonomy and the possibility to evolve and progress"¹⁶.

Taking into consideration the fact that indigenous populations differ from each other in their traditions, customs and beliefs, the adaptation of these particularities into a single concept minimize the Indios' history and all the aspects concerning them. The use of racial, cultural and economic criteria underlines the Western attitude to "take no account of the indigenous population's feelings of ethnic identity or self-identification"¹⁷. In fact, these parameters satisfied the ideological and socio-economic needs of the dominant population without respecting the diversity of indigenous populations.

Despite the difficulties in defining such a large number of groups, in 1917 Mr. José R. Martínez Cobo – Special Rapporteur on the situation of the Human Rights and Fundamental Freedoms of Indigenous People – gave a definition that is still applied:

¹⁴ cf. Laura Giraudó, *La questione indigena in America Latina*, Roma, 2020, pp. 14 -15;

¹⁵ cf. Lewis Oscar e Maes Ernest E., *Base para una nueva definición práctica del Indio*, «América Indígena» 1945, Mexico, pp.107-118

¹⁶ Laura Giraudó, *La questione indigena in America Latina*, pp. 46 - 48

¹⁷ Laura Giraudó, *La questione indigena in America Latina*, pp. 49

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that develop on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institution, and legal system”¹⁸.

Later, in 1949, another definition was formulated at the Inter-American Indigenist Congress in Cuzco which was developed with a deeper awareness of Indigenous population’s multiplicity.

“The Indio is the descendant of pre-Columbian peoples and nations who have the same social awareness of their human condition. They are also considered by themselves and by outsiders, in their system of work, in their language and in their tradition, even if these have been modified by foreign contact.”¹⁹

"The Indio is the expression of a social consciousness linked to the systems of work and economy, to one's own language and to the respective national tradition of the aboriginal peoples or nations". Such definitions do not in any way affect

¹⁸ Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, “Study of the Problem of Discrimination against Indigenous population”, Chapter XXI-XXII of the Study, “Conclusion, proposals and recommendations”, UN Doc. E/CN.4 Sub.2/1983/21/Add.8, 30 September 1983, para. 379

¹⁹ Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Final report submitted by the Special Rapporteur Mr. José R. Martínez Cobo, UN Doc. E/CN4 Sub.2/1982/2/Add.2, 5 May 1982

the status of the Indian in those countries whose special legislation provides for another legal characterisation.²⁰”

Another attempt to elaborate a collective definition for the Indios was proposed during the ILO Indigenous and Tribal Peoples Convention (No. 169) in 1989²¹. It has distinguished indigenous peoples and tribal status indicating a subjective and objective criterion:

	Subjective criteria	Objective criteria
Indigenous peoples	Self-identification as belonging to an indigenous people.	Descent from populations who inhabited the country or geographical region at the time of conquest, colonization or establishment of present State boundaries. They retain some or all of their own social, economic, cultural and political institutions, irrespective of their legal status.
Tribal peoples	Self-identification as belonging to a tribal people.	Their social, cultural and economic conditions distinguish them from other sections of the national community. Their status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.

²⁰ Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Final report submitted by the Special Rapporteur Mr. José R. Martínez Cobo, UN Doc. E/CN4 Sub.2/1982/2/Add.2, 5 May 1982

²¹ cf. International Labour Standards Department, *ILO: Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)*, Geneva, 2013

Source: ILO: Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169). Handbook for ILO Tripartite Constituents, International Labour Standards Department (Geneva, 2013).

Despite the many attempts made since the discovery of America, the process of defining indigenous peoples still remains ambiguous and uncertain in some respects.

1.2 National legal instruments for the recognition of Indigenous Peoples' Rights

A crucial element in the recognition of Indigenous Peoples as civilized peoples is the Brazilian Constitution, which entered into force in 1988 and assured the acknowledgment of Indigenous Peoples' rights in maintaining their cultural connection to their traditional lands, necessary for their survival. It imposes onto the Republic the assumption to respect and recognize indigenous' social organization, customs, languages, beliefs, traditions, and their original rights over the lands, specifically in keeping with the necessity of their physical and cultural reproduction²².

For the topics that I'm going to analyse, it's fundamental to keep in mind Article 231.

Lands traditionally occupied by Indians are those on which they live on a permanent basis, those used for their productive activities, those indispensable to the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction, according to their uses, customs and traditions²³.

²² cf. Julia Mello Neiva, *Lack of consultation and free, prior and informed consent, and threats to Indigenous Peoples' rights in Brazil*, in *The Prior Consultation of Indigenous Peoples in Latin America*, New York, 2019, pp. 226

²³ Constitution of the Federative Republic of Brazil, Brazil, 1988, Article 231, para 6

Indeed, this section includes the consultation and participation of Indigenous Peoples in the process of decision making whether they are related to their rights:

Hydric resources, including energetic potentials, may only be exploited, and mineral riches in Indian land may only be prospected and mined with the authorization of the National Congress, after hearing the communities involved, and the participation in the results of such mining shall be ensured to them, as set forth by law²⁴.

It mentions as well the prohibition for the State to land-grabbing these territories belonging to indigenous peoples and, at the same time, using the natural resources present in them:

Acts with a view to occupation, domain and possession of the lands referred to in this article or to the exploitation of the natural riches of the soil, rivers and lakes existing therein, are null and void, producing no legal effects, except in case of relevant public interest of the Union, as provided by a supplementary law and such nullity and voidness shall not create a right to indemnity or to sue the Union, except in what concerns improvements derived from occupation in good faith, in the manner prescribed by law²⁵.

And,

The Indians, their communities and organizations have standing under the law to sue to defend their rights and

²⁴ Constitution of the Federative Republic of Brazil, Article 231, para. 3.A

²⁵ Constitution of the Federative Republic of Brazil, Article 231, para. 6

*interests, the Public Prosecution intervening in all the procedural acts*²⁶.

(Brazilian Constitution, 1988, article 232)

Furthermore, in 1987 the Brazilian Government instituted FUNAI – the National Indian Foundation - as body responsible for establishing and carrying out policies relating to Indigenous Peoples such as the protection of lands traditionally inhabited by them and the promotion of their rights ²⁷. Indeed, it is in charge of ensuring the correct interpretation and application of Indigenous Peoples' rights as set out in the Brazilian Constitution and Indian Statute.

1.3 The First International Legal Instrument: The ILO Convention

In 1919, the same year of the Treaty of Versailles, a body was created whose principal objective would be the search for social justice: The International Labour Organization²⁸.

Since its implementation, it was appointed to analyse the living and working conditions of the indigenous peoples. As a consequence, in the fifties, the Committee of experts started to discuss the possible adoption of a recommendation on the general social policy regulations to be adopted for indigenous peoples ²⁹. The result was *ILO Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries*, approved in 1957 ³⁰. The document was the first binding treaty in the matter of Indigenous Peoples' Rights and it recognises the value of their cultures and social organizations, also referring to the customary law and right to propriety. Even if it was considered an advanced legal instrument during that period, it soon

²⁶ cf. Constitution of the Federative Republic of Brazil, Brazil, 1988, Article 232.

²⁷ cf. Julia Mello Neiva, *Lack of consultation and free, prior and informed consent, and threats to Indigenous Peoples' rights in Brazil*, in *The Prior Consultation of Indigenous Peoples in Latin America*, New York 2019, pp. 227

²⁸ cf. Alexandra Tomaselli, *Indigenous Peoples and their Right to Political Participation*, *The Prior Consultation of Indigenous Peoples in Latin America*, New York, 2016, pp.34

²⁹ cf. Alexandra Tomaselli, *Indigenous Peoples and their Right to Political Participation*, pp.34

³⁰ Alexandra Tomaselli, *Indigenous Peoples and their Right to Political Participation*, pp.44

showed some limitations: the contents and the implemented rules were based on the principle of assimilation and the inevitable principle of cultural inferiority.

Therefore, the ILO started a revision process with the representatives of the Global Committee and the non-government organization Survival International that lasted until 1989, when Brazil signed The *ILO Convention no. 169* concerning Indigenous and Tribal Peoples in Independent Countries³¹. The revised document includes the respect of culture, life-style, and traditions, as well as the effective participation of those indigenous populations in the decisions affecting them. The Convention states a duty for governments to guarantee the active participation of Indigenous peoples and develop a coordinated and systematic action in order to pledge the respect of their integrity³². Moreover, Article 3 proclaims that:

1. Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. [...]

2. No forms of force or coercion shall be used in violation of the human rights and fundamental freedoms of the peoples concerned, including the rights contained in this Convention³³.

In an approach that involves Indigenous Peoples in the process of decision-making, the Convention conveys the consultation of peoples concerned with appropriated measures to examine the legislative and administrative actions that could afflict them. This matter is dealt with in Article 7 that presents some steps to follow before the implementation of new regulatory measures.

The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to

³¹ cf. Alexandra Tomaselli, *Indigenous Peoples and their Right to Political Participation*, pp.52

³² cf. Alexandra Tomaselli, *Indigenous Peoples and their Right to Political Participation*, pp.52

³³ International Labour Organization, The ILO Convention no. 169, Article 3

*the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly*³⁴.

And,

*Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit*³⁵.

Indeed, before authorizing any program of geological exploration or resource exploration of indigenous lands, governments are required to establish and maintain procedures for consultation with subjects concerned in order to assess the threat for their safeguard. Otherwise, appropriate penalties should be provided for all unauthorized uses of these lands to prevent infringements.

Furthermore, the governments have the responsibility to make available adequate health measures and allow Indigenous populations to benefit from these aids.

1.4 The role of The United Nations

As previously mentioned, the approach of the United Nations started with the Study of the Problem of Discrimination and Protection of Minorities commissioned by the UN Commission of Human Rights directed by José R. Martínez Cobo³⁶. This initiative brought considerable attention to Indigenous issues, such that a Working Group on Indigenous Populations was established in 1993 with the task of defining the standards of the rights of indigenous peoples.

³⁴ International Labour Organization, The ILO Convention no. 169, Article 7

³⁵ International Labour Organization, The ILO Convention no. 169, Article 7

³⁶ cf. Claire Wright and Alexandra Tomaselli, *Indigenous Peoples in International Law*, The Prior Consultation of Indigenous Peoples in Latin America, New York, 2016, pp. 33

Indeed, in 1992, the United Nations Conference on Environment and Development, held in Rio de Janeiro and a part of Agenda 21, was dedicated to indigenous peoples³⁷.

Following a series of initiatives, which helped highlighting the indigenous question at the heart of the debates, in 2000 the *UN Permanent Forum on Indigenous Issues (UNPFII)* was created. It is a consultative body, made up of representatives of the governments and indigenous populations, responsible for organizing meetings, updating and raising awareness of indigenous issues, and making recommendations to other UN bodies or countries concerned. Moreover, a year later it was instituted the figure of *Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples*. Fundamentally, an independent expert in charge of gathering information on alleged violations of rights and making proposals for their resolution, as well as collaborating with other UN bodies and agencies. As declared in the essay *Indigenous Peoples and Their Right to Political Participation: International Law Standards and Their Application in Latin America* by Alexandra Tomaselli “The creation of the former followed a proposal to establish an international Independent Tribunal for indigenous peoples put forward by the Indigenous Initiative for Peace convened by the Nobel Peace Prize Laureate Rigoberta Menchu Tum.”³⁸

As a result of the establishment of these international bodies for the safeguard of indigenous populations, the *Declaration on Rights of Indigenous Peoples* was adopted during the 63rd session of the UN General Assembly on 13th September 2007, and was ratified by all Latin American countries, except Colombia. It’s a non-binding declaration that outlines the individual and collective rights of indigenous peoples by virtue of which they freely determine their political status and pursue their economic, social and cultural development in line with their own needs and aspirations. In addition, the document claims their right of ownership over cultural and ceremonial expression, identity, language, employment, health,

³⁷ cf. Claire Wright and Alexandra Tomaselli, *Indigenous Peoples in International Law*, The Prior Consultation of Indigenous Peoples in Latin America, New York, 2016, pp. 47

³⁸ Claire Wright and Alexandra Tomaselli, *Indigenous Peoples in International Law*, pp. 47

and education, and promotes their effective active participation in all decisions that affect them directly.

Due to past and ongoing abuses of power and ill-treatment of indigenous peoples, Article 6 defines bold safeguards against genocide or any form of violence, such as individual right to life, physical and mental integrity, freedom and personal safety.

According to Article 27,

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process³⁹.

And, in relation to the current Covid-19 pandemic, it's useful to mention Article 25 (part.2) which underlines that:

Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right⁴⁰.

³⁹ UN Declaration on Rights of Indigenous Peoples, Resolution adopted by the General Assembly on 13 September 2007 [without reference to a Main Committee (A/61/L.67 and Add.1)], Article 27

⁴⁰ UN Declaration on Rights of Indigenous Peoples, Resolution adopted by the General Assembly on 13 September 2007 [without reference to a Main Committee (A/61/L.67 and Add.1)], Article 25

Other instruments adopted by the United Nations for the recognition of human rights are, in addition, human rights recognized in the International Covenant on Civil and Political Rights (1966), in particular Article 27 of the ICCPR, the cd. *Grundnorm* for the protection of minorities⁴¹.

Furthermore, the Convention on the Elimination of All Forms of Racial Discrimination, entered into force on 4 January 1969, condemned colonialism and all practices based on racial discrimination since they represent an obstacle to peaceful relations among nations and forbid the security among peoples around the world⁴². It aims to eliminate every kind of prejudice linked to race, colour, or national origin and to create an international community. According to Article 2, each state ensures to adopt the values written in the Convention eliminating barriers between races and supporting a racial integration. This means that acts or practices of segregation and marginalization against people, groups of people, or institutions are forbidden in order to defend the full and equal enjoyment of human rights and fundamental freedoms⁴³. In particular, Article 5 underlines that everyone has:

- a. The right to equal treatment before the tribunals and all other organs administering justice;
- b. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- c. Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to

⁴¹ cf. Claire Wright and Alexandra Tomaselli, *Indigenous Peoples in International Law*, The Prior Consultation of Indigenous Peoples in Latin America, New York, 2016, pp. 54

⁴² cf. Claire Wright and Alexandra Tomaselli, *Indigenous Peoples in International Law*, pp. 54

⁴³ cf. International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article 19.

take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service⁴⁴.

In addition, Article 6 remarks upon the duty of each State's jurisdiction to guarantee and adequate an equal protection for any damage suffered as a result of racial discrimination⁴⁵. For these purposes, the Convention has established a committee to monitor the effective implementation of recommended procedures and may take early warning actions to prevent the creation of conflicts.

Finally, other resolution acts for the protection of vulnerable groups should be taken into account. For example, the Convention on the Elimination of all Forms of Discrimination against Women of 1979; and, for the children, the Convention on the Rights of the Child came into effect in 1989.

As the first chapter shows, over the years Indigenous peoples have obtained the juridical recognition both at the national level and at the international one. These results do not exclude the fact that their dignity always risk to be trampled on as their existence.

⁴⁴ International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article 15., pp. 14

⁴⁵ cf. International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article 6.

CHAPTER II: The main challenges of Indigenous Peoples

The chapter aims to investigate the fundamental reasons at the basis of several conflicts concerning Indigenous population and their claims for the recognition of identity and land's rights. They are struggling with an environmental, social and sanitary unacceptable and alarming condition. The study will explore the process of indigenous adaptation in the habits and customs and how outsider subjects and government prioritize economic interest in respect of environmental and cultural heritage's protection. Moreover, it will show the impacts of this modern development that is increasing inequality and contributing to a further decoupling of economic growth and poverty reduction.⁴⁶

According to Survival International - the worldwide movement for the rights of indigenous peoples - in Brazil there are 35 indigenous populations that totals 900,000 people. They live in 690 territories recognized by the federal government covering about 13% of Brazil's land mass. The 98,5% of recovered land is situated in the Amazon region. Although many of the survivors were wiped out upon the arrival of Europeans, most of them live in the Amazon rainforest, in remote border areas in the state of Acre, in protected territories such as the Vale do Javari, on the border with Peru, and in other parts scattered throughout Brazilian territory.⁴⁷ Currently, the largest tribe is the Guarani population, comprising of 51,000 people who are forced to live into overcrowded reserves or connected with the industrial society. Two other important groups are: Yanomami, who occupies the largest territory in the northern Amazon where 19,000 people live in 9.4 million hectares, and the Tikuna tribe, the largest in Amazonia, that counts over 40,000 people⁴⁸.

Most communities are settled in regions and ecosystems in which they are engaged in a range of rural occupations, such as agriculture, pastoralism, fishing, handicraft production, and hunting and gathering. As I mentioned in the previous paragraph,

⁴⁶ cf. S. Hallegatte, M. Bangalore, L. Bonzanigo et al., *Shock waves: managing the impacts of climate change on poverty*, *Climate Change and Development Series*, Washington DC, 2016, pp.79

⁴⁷ cf. Survival International: <https://www.survivalinternational.org/tribes/brazilian>

⁴⁸ cf. Survival International: <https://www.survivalinternational.org/tribes/brazilian>

the arrival of Europeans implied a strict and constant contact with new technologies in terms of transportation, agricultural production, and social administration⁴⁹. Over the years, these developed methods have influenced environmental, climatic, social and administrative conditions. As consequence, the struggle to preserve Indigenous dependence on natural resources and traditional approaches became more complex. They have been forced to adapt to the unrestrained economic progress and to accept new implementations in their lands. In this context, they have relied on their primal connection with Earth and their capacity to adapt and move through forest systems.

In the latest years, a violent and undisciplined economic development has increased. As consequence, Indigenous peoples' attempts to resilience seem to be worthless since their integrity is continuously threatened. The processes of dismantlement of Brazil's environmental heritage in order to facilitate the invasion, exploitation and commercialisation of natural resources have culminated in a persisting discrimination against indigenous populations. In the current legislation, the procedure of indigenous land demarcation has been obstructed to promote the interest of large landowners and agribusinesses. Other capitalistic interests of those eager for these territories such as miners, loggers, agro-industrialists, contractors⁵⁰.

The fundamental concept behind this development model is the modern myth that associates the constant and relentless economic progress to the consequent happiness of the human being⁵¹. Indeed, it expresses the idea that by fulfilling all material needs of society, people will find serenity, high quality of life and wellbeing. However, this mentality is supported by an ongoing need for consumerism to guarantee the constant consumption and profit. For this reason, it

⁴⁹ cf. S. Hallegatte, M. Bangalore, L. Bonzanigo et al., *Shock waves: managing the impacts of climate change on poverty*, *Climate Change and Development Series*, Washington DC, 2016, pp.79

⁵⁰ cf. Coordinating Body of Indigenous Peoples of Brazil (APIB) and participants of National Conference of Indigenous Health, *Public Letter from the Indigenous Peoples of Brazil*, 4 December 2013

⁵¹ cf. Clóvis Antônio Brighenti, "*Development*" versus the indigenous people, in Report Violence against the Indigenous Peoples in Brazil, Brazil, 2014, pp. 20

inevitably caters to the privileged categories of society and forgets to support the underprivileged one. In Brazil, this modern myth is actualized through the incessant search for new spaces, territories to be explored and appropriated. As a matter of fact, indigenous lands represent the ideal environments since they have all requirements for far-reaching development. As this chapter will show, in the logic of capital, there is no space for human rights and respect for cultures⁵².

2.1 Multiples forms of damage to Brazil's environmental heritage

The subsistence of Indigenous people depends on natural resources present in their territories. The increase in the number of economic projects in the Brazilian lands inevitably affected the lifestyle of those people forcing them to reshape their traditions and live in a marginalized position. In fact, most of the time, these processes imply land alienation or restrictions of access to the lands traditionally occupied by Indigenous people which provide essential resources for their living⁵³. This is the result of the pressure for natural resource extraction and the consequent environmental degradation imposed by national and international economic interests, as well as policies regarding environmental preservation that do not take into consideration indigenous peoples' needs⁵⁴. Faced with this reality, since the beginning of the new decade, leaders of Indigenous people, FUNAI and other organizations of support, are attempting to assert their right to the land and, consequently, to protect it from harmful developments.

Deforestation – Land grabbing

The key for understanding the process of environmental decline in the Brazilian State is the phenomenon of deforestation. The INPE - National Institute of Space Research of Brazil - defines deforestation as “the conversion of areas of primary forest by human activities aiming at the development of agriculture/cattle ranching

⁵² cf. Clóvis Antônio Brighenti, “Development” versus the indigenous people, in *Report Violence Against The Indigenous Peoples in Brazil*, Brazil, 2014, pp. 23

⁵³ cf. Rishabh Kumar Dhir, *Indigenous peoples in the world of work in Asia and the Pacific: a status report*, Geneva, 2015

⁵⁴ cf. United Nations, UN: State of the World's Indigenous Peoples, New York, 2009

activities, as detected by orbiting satellites”⁵⁵. Due to a relentless search for new spaces for intensive livestock farming, as well as cultivation of soya and wheat, in recent years this process has dramatically increased and its effects brutally intensified. As data Global Forest Data shows, in Brazil from 2001 to 2019, 66% of tree cover loss occurred in areas where the dominant drivers of loss resulted in deforestation⁵⁶. It peaked in 2016 and has maintained the highest levels of deforestation ever since. The alarming expansion of this phenomenon in parallel with the increase in incidents, especially in the Amazon rainforest, are causing irreversible climatic consequences such as global warming⁵⁷.

According to the World Bank, among the more direct and visible costs of tropical deforestation are the losses of forest products such as timber, fuelwood, fibers, canes, resins, oils, pharmaceuticals, fruits, spices, and animal hides. Less direct, but equally important, long-term costs are soil erosion, flooding, and the siltation of reservoirs and hydroelectric facilities; the destruction of wildlife habitat; and climatic changes associated with the removal of forest cover in tropical regions. Perhaps the single most important long-term cost of deforestation, however, is the irreversible loss of biological diversity⁵⁸.

Holding the small farmer responsible for tropical deforestation blames the victim because the real causes are likely to be poverty, unequal land distribution, and low agricultural productivity combined with rapid population growth. To this list one must add misguided public policies which purposely or inadvertently encourage rapid depletion of the forest⁵⁹.

⁵⁵ Merle D. Faminow, *Cattle, Deforestation and Development in the Amazon: An Economic, Agronomic and Environmental Perspective*, UK, 1998

⁵⁶ cf. Global Forest Data: <https://gfw.global/3w8vUxH>

⁵⁷ cf. S. Hallegatte, M. Bangalore, L. Bonzanigo et al., *Shock waves: managing the impacts of climate change on poverty*, *Climate Change and Development Series*, Washington DC, 2016, pp.79

⁵⁸ cf. Dennis J. Mahar, *Government Policies and Deforestation in Brazil's Amazon Region*, The World Bank, Washington D.C., January 1989

⁵⁹ cf. Dennis J. Mahar, *Government Policies and Deforestation in Brazil's Amazon Region*, The World Bank, Washington D.C., January 1989

Mineral exploitation

Another important issue related to Brazil's environmental heritage is the persisting exploitation of gold and precious minerals, especially in the Amazon rainforest. In fact, this region is overflowing of small deposits of gold, diamonds, amethysts, emeralds, opals, tourmaline and cassiterite ⁶⁰. Despite the economic potential of these minerals, their uncontrolled mining is associated with socio-environmental factors that cause the exploitation and deterioration of Brazil's environment heritage and the displacement of indigenous communities from their traditional land.

Brazil holds the third-largest global iron ore reserves' world, with 23 billion tonnes, equivalent to 13.2 percent of world's total reserves ⁶¹. Despite federal and state government recent efforts, deforestation rates are still very high, about 3.6 million hectares per year ⁶². Protected areas cover 18 percent of Brazil's territory and 39 percent of the remaining area of native vegetation. However, only 6 percent of total territory is under restriction through strictly protected areas.

In 2012, some change in the Brazil's Forest Code made the obligations in terms of natural forests preservation and recovery clearer for rural landowners, individuals and companies⁶³. The Federal Constitution also determines that any mining activity in indigenous areas require prior approval of the Brazilian National Congress, and that the indigenous communities have the right to receive royalties from the exploitation of any deposits located in their lands. Nevertheless, these specific provisions related to the payment of royalties have to be regulated by the Brazilian Congress prior to its implementation⁶⁴.

⁶⁰ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2008*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2008, pp. 189

⁶¹ cf. World Bank, *Forest-Smart Mining: Large-Scale Mining on Forests*, 2019, pp. 71

⁶² cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2008*, pp. 185

⁶³ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2008*, pp. 186

⁶⁴ cf. Vieira Rezende Advogados, *Mining in Brazil*, Brazil, 2019

Some of the effects of the minerals' poorly managed extraction are contamination of waters, deforestation, loss of local wildlife and biodiversity, soil erosion, drastic changes in the local population's customs and an increase in contagious diseases⁶⁵.

Implementation of policies and infrastructure aiming to accelerate the economic growth

Since the beginning of the 2000s, the image of these populations as an obstacle to national economic progress and a threat to national autonomy has become more popular⁶⁶. During 2007, Lula Da Silva announced the launch of the Plan for Accelerated Growth (PAC) which provides 504 billion Brazilian reais for private and public infrastructure⁶⁷. The PAC sees the implementation of economic initiatives within the Indigenous territories comprising a series of promises made by Brazilian administration to improve the quality of Indigenous peoples' lives. Some of the actions included in the PAC are the construction of hydroelectric plants and small power station, for example in the Mato Grosso, and it also includes road works and projects that are hoped to have socio-environmental impact⁶⁸.

Simultaneously, the Brazilian administration created a method to circumvent the consequences of PAC establishing the Indigenous Peoples' Social Agenda⁶⁹. It consists of a plan which has three basic goals: protection, promotion and high quality of life for these populations. In practice, it has these principal objectives:

- the demarcation of 127 indigenous territories and the resettlement of 9,000 local workers who have illegally occupied them;
- the rehabilitation of indigenous lands promoting their right to preserve life-style, culture, traditions related to their environment;

⁶⁵ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2008*, pp. 185

⁶⁶ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2009*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2009, pp. 190

⁶⁷ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2009*, pp. 190

⁶⁸ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2009*, pp. 190

⁶⁹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2009*, pp. 190

- finally, the guarantee to bring federal government benefits to all villages and in general indigenous population, as well as the capacity of indigenous movement and organization to be part of governmental decision process⁷⁰.

The PAC Social Indigenous Agenda was a clear intent to balance the two sides of the issue: on the one hand, the national desire of economic progress and, on the other hand, Indigenous peoples' demand for recognition of their rights. Although the greatest prospective, in the process to implement PAC Indigenous peoples have never been invited to discuss the project and its effects on their lands. Moreover, as stated by the Socio-environmental Institute – the institution providing an informational programme that can influence decisions about public policies and government actions concerning the defence of collective rights and the protection and preservation of Brazil's environmental heritage ⁷¹ - since the Lula da Silva's government, 12,888,594 hectares have been declared as Indigenous lands instead of 23,972,455 hectares that have been ratified. The federal government's slowness in the demarcation process is the result of pressure from groups with an economic interest in the Indigenous lands. ⁷² With reference to the UN Declaration on the Rights of Indigenous Peoples, signed by Brazil in 2007, and the ILO Convention, we can clearly affirm that appropriate legislative and administrative measures have not been taken. The consequences of PAC like the construction of highways and hydroelectric power stations are altering the environment and the people who live in it. In addition, this process of economic modernization is spreading organized crime, contagious diseases and violence because it is not under control and aimed only at economic profit⁷³.

Regarding mining exploitation, in 2012 the South American countries started planning about the IIRSA – South American Regional Infrastructure Integration Initiative – which aims to build new infrastructure in the countries to exploit

⁷⁰ cf. Maria de Lourdes Alcantara de Beldi, The Indigenous World 2008, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2008, pp. 184

⁷¹ cf. Socio-environmental Institute: <https://www.socioambiental.org/en>

⁷² cf. Maria de Lourdes Alcantara de Beldi, The Indigenous World 2010, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2010, pp. 208

⁷³ cf. Maria de Lourdes Alcantara de Beldi, The Indigenous World 2010, pp. 210

natural resources and freely circulate them. Basically, the governmental intention is making natural resources more attractive for the national and international market. This implies a transport network, communication systems, border crossing and a huge use of energy resources. In order to guarantee the realization of work contents in the IIRSA and the PAC project, governments have overlooked environmental legislations, human rights and the national and international agreements connected to the safeguard of Indigenous peoples and local populations⁷⁴.

As a consequence of this philosophy that places the economy above the environment, on 16 July 2018 the Brazil's new president Dilma Rousseff approved Decree 303. In other words, it stipulates different parameters to interpret the safeguards of Indigenous lands without previously consulting them. To be more precise, it permits indigenous land's occupation by military units and other interventions; it allows the construction of roads, hydropower projects, and mining projects; it prohibits the demarcation of new lands limiting the establishment of indigenous rights to the exclusive use of natural resources and restricting their autonomy on ancestral territories.⁷⁵

The peak of the propensity for the economic profit in the Brazilian environment has culminated with the PEC 215 - Proposed Constitutional Amendment 125/00 - which aims to transfer responsibility for the demarcation and approval of indigenous lands and environmental preservation areas to the National Congress according to the Federal Constitution, or rather the Executive's responsibility⁷⁶. This is a clear demonstration of the Brazilian development model proposed by the government, which uses the territories of indigenous peoples and other traditional communities as areas of uncontrolled and disproportionate exploitation of natural resources to promote the expansion of agribusinesses and large-scale projects.

⁷⁴ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2012*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2012, pp. 181

⁷⁵ cf. John Ahni Schertow, *Brazil: Indigenous Peoples Demand Repeal Of 'Anti-Indian' Decree*, Independent Uncompromising Indigenous, 2002, <https://intercontinentalcry.org/brazil-thousands-of-indigenous-peoples-mobilize-against-absurd-decree-303/>

⁷⁶ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2013*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2013, pp. 166

According to the Indigenous Missionary Council (CIMI): “This situation did not get worse overnight. For the last 20 years, the strong agribusiness group in Congress, the economic power, has had no interest in issues of sustainability, and the socio-environmental costs of projects have not been included in the accounts of large works projects”⁷⁷. Indeed, Brazilian government is allowing illegal actions in order to improve economic progress without considering environmental and social impacts. Subsequently, PEC 215 has facilitated a process of Indigenous peoples’ marginalization and exclusion since it has allowed all land demarcation procedures to be reviewed, even those already finalized. In fact, it directly affects all land currently in process of being recognized and which have not reached the final stage of the demarcation process since the power of final decision on demarcations is entrusted to the Executive to the Legislature. Indeed, the Supplementary Law Bill 227 allows the possibility of mineral exploitation, hydroelectric projects, the construction of oil and gas pipelines, ports, airports, energy transmission lines, infrastructure works and non-indigenous rural settlements and farming activities ⁷⁸. Therefore, it would contradict the Brazilian Constitution and the international treaties based on the strategic role played by Indigenous Lands for environmental preservation and safeguard of biodiversity⁷⁹.

In the meantime, the implementation of PAC 2007 is still affecting Indigenous people’s lands creating tension among them, the large landowners, and small farmers. Following the government’s growing interest in promoting mining, logging companies and establishing hydroelectric power plants, the “Ten-year Energy Plan 2021” will set out thermoelectric plant which directly threatens the wellbeing of indigenous lands and put at risk the safeguard of their culture and traditions. In fact, some of these projects present in PAC are going to occupy around 91,308 hectares without a fair prior consultation for those that belong to

⁷⁷ Socio-environmental Institute, news 17/06/2012, www.socioambiental.org

⁷⁸ cf. Constitutional text of October 5, 1988, Constitutional Amendments No. 1/1992 through 64/2010 and Revision Constitutional Amendments No. 1/1994 through 6/1994, Brasília, 2010

⁷⁹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2016*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2016, pp. 179

Indigenous people and for this reason legally protected by ILO Convention No. 169 of the Brazilian Constitution⁸⁰.

Proposal for improving Indigenous populations' recognition

The invasion of Indigenous Lands by external entities for the illegal exploitation of natural resources is a reality that affects nearly every indigenous territory across the country⁸¹. Several minerals are presented in the subsoil of Indigenous territories making them an attractive investment for businessmen, prospectors, and tradesmen. According to the Brazilian Constitution, the exploitation and exportation of mineral resources are forbidden under any circumstances without the authorization or concession on behalf of the Union⁸². The Brazilian legislation has the duty to protect and maintain unchanged the respect of all indigenous assets⁸³.

According to the report of the UN Special Rapporteur on the rights of indigenous peoples (James Anaya in 2008⁸⁴ and Victoria Tauli Corpuz in 2016⁸⁵), the Lula da Silva and Rousseff's government was not considered as defenders and promoters of Indigenous communities' rights. Instead of encouraging the active participation of indigenous people in decision-making processes for Brazil's development, they have preferred to exclude Indigenous communities by appeasing their demands with more promises. In particular, the UN Special Rapporteur Victoria Tauli-Corpuz has placed the attention on the PEC 215 emphasizing that it should be the task of the National Congress and not the Minister of Justice to ensure a final decision in order to reflect the legislation and support indigenous peoples demands⁸⁶.

⁸⁰ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2017*, Brasilia, 2017, pp. 180

⁸¹ Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2017*, 2017, pp. 234

⁸² cf. ILO C.169, Art. 6 and Brazilian Constitution 1988, Art. 176

⁸³ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2017*, 2017, pp. 183

⁸⁴ cf. Janes Anaya, *Report on the situation of human rights of indigenous peoples in Brazil*, 2009

⁸⁵ cf. Victoria Tauli-Corpuz, *Report of the Special Rapporteur on the rights of indigenous peoples on her mission to Brazil*, 2016

⁸⁶ cf. Victoria Tauli-Corpuz, *Report of the Special Rapporteur on the rights of indigenous peoples on her mission to Brazil*, 2016

Despite the efforts, with Ordinance 80/2017, the Minister of Justice has the power to review the entire land recognition process⁸⁷. Moreover, the Ordinance 80/2017 has also introduced the principle of “temporal framework” that reconsiders the acquisition of right to a territory if it was propriety of Indigenous population in October 1988, the date of entry into force of the National Constitution⁸⁸. As a consequence, most of Brazil’s indigenous people have been forcibly displaced from their ancestral territories.

The measures taken by the Brazilian government have distorted and denied the values of the Constitution (Article 231 and 232) and other laws with national and international legislation since the right to free, prior, and informed consultation of indigenous peoples on any initiatives involving them and affecting their territories has been persistently violated⁸⁹.

2.2 Persisting discrimination against Indigenous communities

As consequence of this uncontrollable development, Indigenous peoples are suffering discrimination, persecution and illegal criminal proceeding because they represent an obstacle for the economic progress. Pain, threats, invasions, torture, daily aggressions are the tragic consequences of the indigenous policies employed by the Brazilian government. In fact, “the amplification by the Brazilian government of the political power of the ruralists over decisions regarding the demarcation of lands has heightened violence in all regions of the country. Congressmen connected to the sectors that view the land simply as a source of exploration and profit have promoted public hearings to instigate the population to take a stand against the rights of the indigenous peoples inscribed in the Federal Constitution”⁹⁰.

⁸⁷ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2017*, pp. 235

⁸⁸ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2017*, pp. 235

⁸⁹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2017*, pp. 236

⁹⁰ Clóvis Antônio Brighenti, *“Development” versus the indigenous people*, in *Report Violence Against the Indigenous Peoples in Brazil*, Brazil, 2014, pp. 23

According to Cláudio Beirão – advisor to the Indigenist Missionary Council (CIMI) – between 2004 and 2006 there were a total of ten cases of summary executions of indigenous persons, and then in the first 10 months of 2007 alone there were 15⁹¹. Moreover, the CIMI reported 76 murders of indigenous people during the 2007, 48 of which were in Mato Grosso do Sul⁹², the Brazil’s region home of the second largest Brazilian indigenous populations. In Mato Grosso do Sul, most communities live on the margins of land and face the cruellest social, economic, cultural and political adversities.

Since 2007, conflicts based on large- and medium-scale environmentally projects have increased, as well as the consequences faced by Indigenous peoples. In fact, those projects related to “economic development” have radically modified their territories and traditional ways of life. In the opinion of Clóvis Antônio Brighenti - History professor at the Federal University of Latin American Integration (Unila) and Cimi collaborator - “from Small Hydroelectric Plants (PCHs) to megaprojects involving billions of reais, the impact on the populations that have inhabited those spaces for thousands or hundreds of years is severe and, in most cases, irreversible. They are often forced out and made to leave behind their historical sources of survival such as fishing and collecting”⁹³.

As declared in the report “Violence against Brazil’s Indigenous Peoples”, written in 2014 by The Indigenous Missionary Council (CIMI)⁹⁴, in that year Brazil was characterized by an increase of 26% in terms of violations of indigenous lands. In fact, there were 138 homicide cases due to internal conflict, dissemination of alcoholic beverages on indigenous areas, consequence of the situation of population confinement, or result of land disputes with loggers who invaded indigenous lands that had already been demarcated. In addition, Indigenous

⁹¹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2008*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2008, pp. 187

⁹² cf. Clóvis Antônio Brighenti, “Development” versus the indigenous people, in *Report Violence Against The Indigenous Peoples in Brazil*, Brazil, 2014, pp. 23

⁹³ Clóvis Antônio Brighenti, “*Development*” versus the indigenous people, in *Report Violence Against The Indigenous Peoples in Brazil*, Brazil, 2014, pp. 23

⁹⁴ cf. Clóvis Antônio Brighenti, “*Development*” versus the indigenous people, 2014, pp. 23

communities are exposed to danger and threats for their lives through intimidation, omission and even criminalization of their political actions, of expulsion, of rejection, of prejudice expressed in that which is said about the indigenous in different contexts⁹⁵. From 2015 to 2017, the relentless appropriation of indigenous lands for economic projects has increased along with violence against indigenous communities. Faced with this reality, the Brazilian government has not taken any concrete action to investigate and protect these peoples⁹⁶.

On the subject of violations and limitations imposed on indigenous peoples in recent years, as declared by Vito Comar – Professor at the Department of Environmental Management in the Greater Dourados Federal University – Indigenous people are suffering the imposition of an economic developmental model that does not consider their habits and customs. Their cultures incorporate resilience to different ecological conditions by developing methods of adaptation to climate and conditions dictated by mankind. Indeed, although their views of nature have been influenced by modern views, they still maintain a connection to nature and its natural processes. Their souls are strictly connected with their ancestral lands where they continue to practice traditions passed on for centuries by their ancestors. The absence of a moral and ethical posture of political offices, the hostile living conditions imposed on them, and the lack of support in terms of structures and tools, are gradually eliminating their possibilities of sustenance and survival.

Despite the existence of FUNAI and other organizations created to ensure traditional communities' rights, the rate of crimes in Brazilian lands does not stop increasing. Furthermore, the governmental funds destined to FUNAI have been drastically reduced and rerouted towards other projects connected to environmental and social issues. This strategy clearly reveals an attempt to gradually phase the organization out of existence by cutting its financing and its strategic social structure. In addition, in 2017 the scarcity of personnel and the

⁹⁵ cf. Clóvis Antônio Brighenti, *“Development” versus the indigenous people*, 2014, pp. 41

⁹⁶ cf. Clóvis Antônio Brighenti, *“Development” versus the indigenous people*, pp. 23

replacement of the president - in favour of political factions that are historically anti-indigenous, agribusinesses and mining entrepreneurs, religious fundamentalists and military personnel - marked the new political guidelines that Temer's government was intended to pursue⁹⁷. In fact, after a drastic year characterized by Dilma Rousseff's impeachment and the unfolding of Operation Car Wash (Lava Jato), Michel Temer took the presidency of Brazil heading over a succession of conservative governments openly adverse to the demands of indigenous peoples for the recognition of their human rights⁹⁸.

2.3 Lack of Support and Healthcare services for Indigenous communities

The realities of Indigenous communities in Brazil are several and different. There are isolated peoples, who have never had contact with the society; recently integrated peoples, who have an actual understanding of the social, political, and legal structures of the State; peoples who have decided to rekindle their ties with their original traditions and culture and fight for specific and differentiated rights; also communities that have migrated from their traditional territories to cities and live in the context of urbanization; and finally communities that have built their lives in roadside shacks and camps⁹⁹. In this multiplicity of entities, FUNAI is responsible for their healthcare. Moreover, on 19 October 2011 the Special Ministry for Indigenous Health was created. This organisation reports directly to Ministry of Health and the National Health Foundation (FUNASA). Despite the creation of these organization and their assignments, some municipalities are not providing healthcare facilities, doctors and the appropriate equipment to take care of the indigenous peoples.

⁹⁷ cf. Ricardo Verdum, *Parliamentary coup and indigenous citizenship: one step back, one step forward*, Report "Violence Against Indigenous Peoples in Brazil", Brasilia, 2017, pp. 31

⁹⁸ cf. Felice Nunes and Carlos Ranulfo Melo, *Impeachment, Political Crisis and Democracy in Brazil - Impeachment, crisis politica y democracia en Brasil*, in *Journal of Political Science, Brazil*, 2017, Volume 37

⁹⁹ cf. Lucia Helena Rangel and Roberto Antonio Liebigott, *The Temer government has legitimized violence against indigenous peoples*, Report "Violence Against Indigenous Peoples, Brasilia, 2017, pp. 17

Every year the yearning for environmental issues extremely affects the wellbeing and health of indigenous communities. As a result, in the last decade conflicts between indigenous peoples and non-indigenous people have caused an increase in suicide, homicide, manslaughters, and body injuries. In the absence of justice, the Brazilian State has been nominated the “Country of impunity” since it has not taken any measures to guarantee their safeguards ¹⁰⁰. Malnutrition, distribution of old and spoiled food, lack of medical treatments and adequate infrastructures for the services and the technical team, and lack of structural conditions of the Indigenous Health Support Shelters (CASAI) are not sufficient to give proper care to the totality of the patients ¹⁰¹. As a consequence, Indigenous peoples have been suffering physical and mental health problems due to lack of adequate medical support. Urgent and emergency medicines are not supplied, forcing them to resort to natural remedies with hardly any efficacy, especially in treating life-threatening conditions. Vehicles and speedboats are also compromised for lack of fuel and maintenance. Doctors complain about the very poor state of the roads that connect villages to cities, for example in Mato Grosso where the BR-070 highway distances 98 km from the indigenous villages. Moreover, during the rainy season, on critical spots, there is a risk of accidents during the removal of patients in serious conditions who need to be admitted at a hospital. Transporting people with serious diseases - as children with pulmonary and gastrointestinal infections, with dehydration or pregnant women - most of the time jeopardizes people’s survival¹⁰². In addition, the lack of a communication system that works in all the villages, since not all of them have a radio station, decreases the efficiency of health support¹⁰³.

As stated by the Report on Violence Against the Indigenous Peoples in Brazil, in recent years Indigenous health has been unevaluated compared to the interests of the political and economic interests. Activities related to basic sanitation have been

¹⁰⁰ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2017, pp. 135

¹⁰¹ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 120

¹⁰² cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 135

¹⁰³ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 147

halted; actions and services related to food and nutrition guarantees seem to have been abandoned and the consequences are evidenced by the prevalence of malnutrition and anaemia in children and women¹⁰⁴. Many adults suffer from high blood pressure and diabetes as a result of a poor diet dominated by carbohydrates which include pasta, cookies, rice, sugar, pastries, and soft drinks. This deficiency of vitamins, proteins and fibres becomes more alarming because of the lack or scarce distribution of ration baskets that include water. Without basic sanitation and preventive actions, infectious and parasitic diseases are spreading throughout Brazil.

Furthermore, a worrying increase in alcohol consumption and drugs assumption is characterizing the indigenous villages¹⁰⁵. Due to the contact with society, Indigenous people became easy targets for alcohol and drugs. The reasons at the basis are constant commuting to the city; presence of fishermen and people involved with the construction in the villages; unrestricted sale of alcoholic beverages in bars or in commercial establishments¹⁰⁶. For example, in the Dourados Indigenous Territory, Guarani-Kaiowá leaders have reported the lack of policing, which turns the indigenous area into a hideout for criminals, where more than 60 drug dealing spots have been mapped out. Four in every 10 young natives have already used some type of drug¹⁰⁷. These habits are associated with the increase in the number of disagreements, theft, rape, murder and growing domestic violence. Moreover, the growth of injuries includes sexual violence dealing with indigenous women who are victims of theft, rape, attempted rape, harassment and kidnapping¹⁰⁸. Finally, Brazilian government also has been neglecting indigenous education since teachers complain about the lack of teaching and pedagogical

¹⁰⁴ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2017, pp. 17

¹⁰⁵ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 132

¹⁰⁶ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 132

¹⁰⁷ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 132

¹⁰⁸ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 113

materials¹⁰⁹. In some municipalities, schools have not been completed because of the difficulty in transporting construction materials and the lack of financial resources. Therefore, children are obligated to attend classes in a shack without toilet and drinking water¹¹⁰.

The chapter presents the environmental, social, and sanitary reality of which Indigenous communities are subjected in Brazil. The widespread attitude to sabotage their safeguard is putting at risk their preservation and existence since they are forced to live in the shadows of a State that does not recognize them as a special characteristic to be protected.

¹⁰⁹ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2017, pp. 141

¹¹⁰ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2017, pp. 141

CHAPTER III: Bolsonaro and the Covid-19 pandemic: Brazil on the verge of collapse

On 1st January 2019, Jair Bolsonaro – the candidate of the evangelical caucus and a former captain of the Brazilian army – became the new President of Brazil. His electoral campaign was marked by rhetoric which strongly expressed his outdated and conservative intentions in respect to environmental, social and cultural aspects. From the outset, he has shown an authoritarian attitude when dealing with minorities, in particular Indigenous populations. On many occasions he publicly declared to be a supporter of violence if it would help with Brazilian economic growth.

Bolsonaro's government continued the political activity of its predecessors in terms of Indigenous issues, but went further, managing one of the worst setbacks related to demarcation of land and recognition of Indigenous rights. Since the beginning of his political office, he claimed his resolute position in respect of not allowing any demarcation of Indigenous land and promoting a “civilising policy” for Indigenous peoples. Some extracts of Bolsonaro's speech can testify his outdated convictions in respect to Indigenous identity and environmental issues. Despite the fact that they seem to be statements apparently in support of indigenous peoples, in reality Bolsonaro alludes to a process of homogenization and civilization of these communities as was proposed in the past by colonizers. For example:

“Most of our Indians are condemned to live as prehistoric men in our own country. This has to change. The Indian wants to produce, to grow, he wants the benefit and marvels of science, technology. We are all Brazilians¹¹¹”

And “The government has no middlemen, no false Brazilians, no false defenders of Indians. We will remove the Indians from slavery, the slavery to which they were subjected by terrible Brazilians and international NGOs¹¹².”

¹¹¹ Maria de Lourdes Alcantara de Beldi, The Indigenous World 2020, Report on Brazil's situation, International Work Group for Indigenous Affairs, Brasilia, 2020, pp. 361

¹¹² Maria de Lourdes Alcantara de Beldi, The Indigenous World 2020, pp. 361

Despite these statements, data for 2019 shows the significant increase in federal government inaction of constitutional duties towards indigenous peoples ¹¹³. In fact, the thesis supported is that at the base of the Bolsonaro government's activities there is the ideology that sees Indigenous populations as an obstacle to national economic growth and therefore elements to be marginalized and set aside.

The rationale of the Bolsonaro government displays three other serious characteristics: the denial for indigenous peoples to having rights, something widely broadcasted by the Brazilian President throughout 2019, who went as far as saying that indigenous people don't need land and that they must be integrated into society ¹¹⁴. Furthermore, the disrespect for indigenous forms and processes of production, bringing back stereotypes such as "unproductive, lazy and obsolete" and, therefore, stating that the lands that would be demarcated for the exclusive enjoyment of indigenous peoples can be made available to producers; the dehumanization of indigenous people by resurrecting the concept that they are an obstacle, a hindrance, a problem to be fixed. And this ideology leads to the most varied forms of racially-driven behaviours, such as intolerance, racism, government inaction and neglect, land invasions, physical assaults, threats, and murders¹¹⁵.

The chapter aims to critically analyse the measures implemented by the current Brazilian president regarding environmental protection, decrease in violence and management of health access policies during the Covid 19 pandemic, with particular attention towards the repercussions on indigenous peoples.

¹¹³ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2019*, Report on Brazil's situation, International Work Group for Indigenous Affairs, Brasilia, 2019, pp. 136

¹¹⁴ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2019*, pp. 136

¹¹⁵ cf. Lucia Helena Rangel and Roberto Antonio Liebgott, *Bolsonaro Set Up a Government of Predators and Destroyers of Lives*, in Report "Violence Against Indigenous Peoples in Brazil", Brasilia, 2019, pp. 15

3.1 The alarming increase of environmental threats and the withdrawal of Brazilian government from its responsibilities

During 2017, the Temer government approved Opinion NO.001/2017 of the Office of the Attorney General of the Union (AGU), a release of the rural caucus that makes the demarcation of indigenous lands unobtainable¹¹⁶. Furthermore, he applied the principle of “time frame” – for which only land recognized before the implementation of the current Brazilian Constitution could be legally claimed by Indigenous communities in relation to demarcation procedure. Besides attempting to modify land rights laws, the government has acted to dismantle FUNAI through the replacement of 72% of its annual budget to personnel expenses (active and retired), agency’s structure maintenance and payment of liabilities¹¹⁷. Unfortunately, the Temer government paved the way for policies that threaten human and land rights. In fact, since September 2018, the CIMI had been drawing attention to the increasing number of invasions in indigenous territories, such as attacks by miners, loggers, land-grabbers and farmers. These illegal interventions on indigenous lands were growing exponentially, especially in the states of Acre, Amazonas, Rondônia, Roraima, Maranhão, Pará, and Mato Grosso¹¹⁸.

In addition to this critical environmental situation, in 2019 Brazil was the focus of international attention because of the incessant fires spreading in the Amazon rainforest and the government's failure to protect the environment and the people within it. The fires in Brazil, specifically in the Amazon rainforest, are caused by people who illegally burn an area with the purpose of cleaning it up in order to use it for the cultivation or farming. In fact, throughout the Amazon, the deforestation system follows a roadmap known to the authorities and researchers: the invader cuts down the forest located on public land, sells the wood to capitalise, plants grass and puts up

¹¹⁶ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2019*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, Brasilia, 2019, pp. 136

¹¹⁷ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2019*, pp. 138

¹¹⁸ cf. Renato Santana and Tiago Miotto, *And Still the Earth: In a Year Marked by Land Burning, Indigenous Territories Were Devastated by Fire*, in Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019, pp. 20

cattle¹¹⁹. The criminal interventions are committed by three different categories of subjects. The first one is composed by anonymous environmental criminals, called “cats” since they are hired by a manager in order to cut forest and sell timber. The second category includes criminals with tools, equipment and weapons aiming to commit environmental crimes and spare no effort to achieve their goals of carrying out mining and/or deforestation activities, selling timber and grabbing land. The last one involves groups of criminals who promote deforestation and fire of public areas including indigenous lands, environmental reserves and quilombola lands¹²⁰.

As a result, during the course of 2019, the INPE has recorded almost 90,000 fires in the Amazon, 30% more than 2018¹²¹. Between 1st August 2018 and 31st June 2019, a 65% deforestation rate on Indigenous land was recorded¹²². This is the highest figure on record since 2009 and represents a 4% loss in total Amazon biomass¹²³. The culmination of this alarming situation happened on 10th August, known as “Fire Day”, when some farmers from around the BR-163 highway in Pará set several fires. As a consequence, fire outbreaks in the towns of Novo Progresso and Altamira grew overnight by 300% and 743%, respectively¹²⁴. This event incentives hundreds of people hired by farmers and loggers starting fires all over the forest.

Furthermore, in respect of mining activity, the Socio-Environmental Institute stated that requests for mining concessions in 2019 cover approximately 28 million hectares, one-third of the area of the Indigenous Lands¹²⁵. As matter of fact, land grabbing, illegal mining and theft of timber by invaders still continue to be the main issues at the heart of the problem¹²⁶. As stated in a report by Human Rights Watch, in 2019 in Brazil there were a total of 2,195 hospitalizations due to respiratory diseases linked with

¹¹⁹ cf. Janaina César, *Amazzonia in fiamme: ecco perché brucia ancora*, in Osservatorio Diritti, 2020,

¹²⁰ cf. Renato Santana and Tiago Miotto, *And Still the Earth: In a Year Marked by Land Burning, Indigenous Territories Were Devastated by Fire*, in Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019, pp. 20

¹²¹ cf. Data from INPE - National Institute for Space Research

¹²² cf. Data from INPE - National Institute for Space Research

¹²³ cf. Data from INPE - National Institute for Space Research

¹²⁴ cf. Renato Santana and Tiago Miotto, *And Still the Earth: In a Year Marked by Land Burning, Indigenous Territories Were Devastated by Fire*, 2019, pp. 22

¹²⁵ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020, Report on Brazil’s situation*, International Work Group for Indigenous Affairs, Brasilia, 2020, pp. 365

¹²⁶ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, pp. 364

ambient air pollution from deforestation-related fires¹²⁷. Demolishing trees across Brazil contribute to the loss of biodiversity and the extinction of several species because of the fires meant a lack of food source and habitat. In the same way, mining activities contribute to soil erosion that can be detrimental to vegetation. As consequences, these two processes are denying the right of clear water and healthy food for Brazilian citizens, including Indigenous communities, as well as the right not to inhale polluted air.

Widespread malnutrition and the risk of disease through food intake is the result of an increase in the use of pesticides in intensive cultivations near indigenous lands. As reported in the IWGIA Report of 2020, 325 pesticides are commercially available in Brazil¹²⁸. They contained 96 active ingredients, 28 of which are not marketed or registered in the European Union¹²⁹. Some of the active ingredients used in Brazilian agriculture have been linked to around 193,000 deaths combined around the world due to contaminations during application of the products and their dissemination in the water and air¹³⁰. The Indigenous populations have been denouncing the use of pesticides and its consequent contamination of the water and air but evidently their complaints have not been taken in consideration¹³¹. The presence of pesticides in food and water they use on a daily basis is a wrongdoing which can put their lives at risk¹³².

The illegal market supported by the government is an implicit permission that allows the fulfilment of these processes. President Jair Bolsonaro's rhetoric in favour of deforestation and the attempts to diminish protected areas are all encouraging the fires and all the procedures hidden behind them. In order to give away public goods to loggers, prospectors, miners, farmers, and land grabbers, the president has reduced the power of protection and inspection agencies as well as of those charged with combating invasions - such as the Brazilian Institute for the Environment and

¹²⁷ cf. Andre Albuquerque Sant'Anna and Rudi Rocha, *Health Impacts of Deforestation-Related Fires in the Brazilian Amazon*, Human Rights Watch, 2020

¹²⁸ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, Report on Brazil's situation, International Work Group for Indigenous Affairs, Brasilia, 2020, pp. 367-368

¹²⁹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, pp. 367-368

¹³⁰ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, pp. 367-368

¹³¹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, pp. 367-368

¹³² cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, pp. 368

Renewable Natural Resources (IBAMA) and the Chico Mendes Institute for Biodiversity Preservation (ICMbio)¹³³. Furthermore, since the election of President Bolsonaro, the official indigenous agency - FUNAI – starts to play the role of controlling indigenous demands, interrupting any land demarcation procedure, and preventing actions that could aim at defending indigenous interest. Its directors were clearly anti-indigenous people such as Federal Police commissioners, retired police officers, military personnel, pastors, civil servants, and assistants who began to work against territorial rights¹³⁴. As a consequence of these backward policies applied by followers of Bolsonaro’s ideology, there is a notable environmental and social impact due to change in the reproductive cycle of the wildlife, changes in the traditional use and occupation of territory, contamination and intoxication by toxic substances, pollution of the water sources and of soil, as well as a lack of irregularity in authorising environmental licences and in the demarcation of traditional territories¹³⁵.

The governmental decision to abandon the Paris Agreement and the consequent deviation from the Sustainable Development Goals proposed in the Agenda 2030 are unequivocally symbols of how the Brazilian government does not want to deal with sustainable development. The goals included in the Agenda 2030 refer to a set of important development issues that take into account in a balanced manner the three dimensions of sustainable development - economic, social and ecological - and aim to end poverty, fight inequality, address climate change, and build peaceful societies that respect human rights¹³⁶. Nonetheless, the minister of Environment, Agriculture, Health and Justice is working to dismantle economic and social policies ensuring the development of Brazilian economic capital¹³⁷. The results are increased fires in environmental preservation areas, invasion by squatters, logging and other mineral extractors, and increased deaths among environmental activists and the Indigenous

¹³³ cf. Ricardo Verdum, *The Budget and Politics of Bolsonaroian Indigenism in 2019*, in Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2017, pp. 37

¹³⁴ cf. Claudio Angelo, *Bolsonaro plan works and deforestation hits new high*, Climate Observatory

¹³⁵ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, Brasilia, 2020, pp. 365

¹³⁶ cf. Agency for Territorial Cohesion: <https://www.agenziacoessione.gov.it/comunicazione/agenda-2030-per-lo-sviluppo-sostenibile/>

¹³⁷ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2020*, pp. 365

population generally¹³⁸. Indeed, Ricardo Salles – Minister of the Environment – is accused of intentionally restricting funding the environmental control agencies in order to spread the expansion of agricultural and mineral lobbies¹³⁹. In 2021, during a government meeting, he urged to approve simplification reforms about environment activities, taking advantage of the fact that press and public attention were focused on the COVID-19 pandemic and the consequent health crisis in Brazil¹⁴⁰. According to the Climate Observatory, over the last two years, Brazil has witnessed “the enforcement of fines by IBAMA, the freezing of the Amazon Fund under false pretences, the rigging of the National Environment Council, the harassment and dismissal of environmental agents for doing their job, the disregard of technical opinions by the head of IBAMA to satisfy outlaws and release illegal wood, the submittal of proposals to Congress to make indigenous lands available for exploitation and to legalize land grabbing, the attempt to legalize the theft of unapproved indigenous lands, the criminal failure to spend funds earmarked for inspection and environmental actions, the defamation of those who produce technical and scientific knowledge and an improvised attempt to militarize the forest”¹⁴¹. All these actions go against the protection of the environment and must be considered illegal as they violate the laws of the Brazilian Constitution.

On 14th April 2020, Bolsonaro sent a letter to the US President Joe Biden in which he announced that he was committed to eliminating illegal deforestation in the Amazon by 2030. He had also stated that it would require "enormous resources" and economic support from the U.S. government. Despite the promise in regards to commit to Brazil's environmental protection, on 23rd April Bolsonaro has approved a 24% cut of environmental budget¹⁴². This shows the implacability that characterises the current Brazilian government which prefers economic development in favour of

¹³⁸ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2021*, Report on Brazil's situation, International Work Group for Indigenous Affairs, Brasilia, 2021, pp. 337 - 338

¹³⁹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2021*, 2021, pp. 337 - 338

¹⁴⁰ cf. Lorenzo Brenna, *Brasile, il ministro dell'Ambiente chiede di indebolire le leggi ambientali*, Lifegate, 2021

¹⁴¹ Climate Observatory, <https://www.oc.eco.br/en/plano-de-bolsonaro-funciona-e-desmatamento-tem-nova-alta/>

¹⁴² cf. The Guardian, *Bolsonaro slashes Brazil's environment budget, day after climate talks pledge*, 2021

environmental and social preservation. In fact, part of the political and economic forces that sustain the Bolsonaro government are, in the regions, the same forces that attack and delegitimize the fight of indigenous peoples for their territories ¹⁴³. The approach implemented by the current Brazilian government, ranging from populist, to authoritarian and, to indifferent depending on the interests, raises doubts as to whether there can be a real change of gear that is more attentive to environmental and social sustainability. For all these reasons, and in light of this analysis, there is no precedent for hope of real change that is more mindful of the environment and the people whose survival depends on the natural resources in it.

3.2 Violence on and threats to Indigenous peoples caused by the inaction of Bolsonaro's government

As was anticipated in the analysis of the issues, violence and threats against indigenous peoples have significantly increased under the new presidency since 2019. Following the analysis of CIMI, “[the] set of measures and speeches delivered by member of the Bolsonaro government show that assistance policies in the areas of education, health, protection of free peoples and land demarcation are in shambles, and that a climate of insecurity and violence is emerging in all regions with indigenous presence”¹⁴⁴. Indeed, the policies enacted by President Jair Bolsonaro are an attempt to activate a process of assimilation in order to contrast the differences that distinguish Indigenous communities of Brazil from society. From the authorisation of environmental predators' presence around the country to the interruption of Indigenous demarcation land's processes, the data points to the fact that he is pursuing his intent to remove Indigenous populations and permit the unstoppable exploitation of Brazil's natural resources.

The indigenist policy of the Bolsonaro government embodies three characteristics: the disqualification of Indigenous peoples as subjects of rights, the belittling of Indigenous

¹⁴³ cf. Antônio Eduardo Cerqueira de Oliveira and Cléber César Buzatto, 2019: *Hope in the Perseverance and Resistance of Indigenous Peoples as a Counterpoint to a Return to the Dark Ages*, in Report “Violence Against Indigenous Peoples in Brazil”, Brasília, 2019, pp. 12

¹⁴⁴ Antônio Eduardo Cerqueira de Oliveira and Cléber César Buzatto, 2019: *Hope in the Perseverance and Resistance of Indigenous Peoples as a Counterpoint to a Return to the Dark Ages*, pp. 13

communities' production form and processes and, the dehumanization of them since society has to see them as an obstacle to development¹⁴⁵. These processes are activated through varied forms of violence promoting intolerance and racism behaviours against traditional communities. The methodology used to enforce these procedures is allowing invasion of territories, assaults, threats and, murders against Indigenous peoples. Although the government's presence behind these actions is evident, President Jair Bolsonaro persists to retract the role of government in those criminal activities¹⁴⁶.

Most of the death threats against Indigenous peoples are directly related to the claim for land demarcation and protection of traditional territories¹⁴⁷. In particular, members of the “Guardians of the Forest” - an indigenous group monitoring Indigenous people territories, putting their own lives at risk to prevent invaders from pillaging the forests and their common goods – are continuously threaten by army and illegal actors¹⁴⁸. Official data from the Special Secretariat for Indigenous Health (SESAI) and state health care secretariats indicate 113 indigenous murders in 2019¹⁴⁹. On 1st November the murder of the guardian Paulo Paulino Guajajara had an important repercussion both in Brazilian community and international one¹⁵⁰. In fact, this event exposed the brutality that characterizes the current Brazilian state and the unwillingness of the government to take action to remedy the mistreatment of indigenous people. Generally, victims could be categorized in: leaders who fought for the demarcation of their territories and, as a result, were targeted and threatened; victims of homicides related to the conditions of vulnerability experienced by communities living in degraded areas, and people who end up addicted to alcohol and involved in trafficking and prostitution¹⁵¹. In this regard, it is necessary to emphasize that drug and alcohol

¹⁴⁵ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019, pp. 108

¹⁴⁶ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2019, pp. 108

¹⁴⁷ cf. Maria de Lourdes Alcantara de Beldi, The Indigenous World 2021, Report on Brazil's situation, International Work Group for Indigenous Affairs, Brasilia, 2021, pp. 338

¹⁴⁸ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2019, pp. 112

¹⁴⁹ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2019, pp. 125

¹⁵⁰ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, 2019, pp. 125

¹⁵¹ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019, pp. 125

abuse as well as prostitution are consequences of contact with outsiders who seek to persuade them and make them vulnerable in order to take advantage of their ancestral lands.

In addition, the number of bodily injuries skyrocketed in illegal invasions all over the country and with no distinction of ages. For example, as reported by CIMI, a group of Indigenous students went to Brasilia asking for the return of the Permanence Scholarship Program – which maintain students attending federal universities, as it provides them with home and board and transportation - that has been discontinued. During the mobilization they were attacked by Military Police officers with tear gas bombs and rubber bullets¹⁵². President Bolsonaro's past as a former general manifest itself in the increase in violent actions by the national police. From January through May 2020, police killed 744 people - the highest number for that period since at least 2003 - even though crime levels were lower as Covid-19 social distancing measures reduced the number of people on the streets.¹⁵³ As the Human Rights Watch's report of Brazil stated, "while some police killings are in self-defence, many others are the result of excessive use of force. Police abuses contribute to a cycle of violence that undermines public security and endangers the lives of civilians and police officers alike"¹⁵⁴. In this climate of general violence, especially against indigenous peoples, were recorded 10 cases of sexual violence against Indigenous women made by non-Indigenous peoples. Sexual violence suffered by traditional communities include also the exploitation of adolescents, children and men lured to prostitution¹⁵⁵.

With regard to the education policy, the president and his ministers declared that indigenous peoples must be integrated into the market and adopt the forms of living and thinking of the majority society in order to become "human beings just like

¹⁵² cf. Indigenist Missionary Council (CIMI), Report "Violence Against Indigenous Peoples in Brazil", Brasilia, 2019, pp. 136

¹⁵³ cf. Human Rights Watch, World Report 2021, 2021

¹⁵⁴ Indigenist Missionary Council (CIMI), Report "Violence Against Indigenous Peoples in Brazil", 2019, pp. 136

¹⁵⁵ cf. Indigenist Missionary Council (CIMI), Report "Violence Against Indigenous Peoples in Brazil", 2019, pp. 146

us”.¹⁵⁶ According to Article 231, 232, 210¹⁵⁷ and ILO Convention 169¹⁵⁸, Indigenous communities have the right to hang out specific, differentiated and multilingual schools providing pedagogic and learning processes adequate to every Indigenous culture¹⁵⁹. Although the legislation, in 2019 CIMI reported an inadequate system for indigenous schools characterizing by lack of infrastructures, teachers, school meals, equipment such as desks, blackboards and cabinets and finally, lack of adequate teaching material¹⁶⁰.

The feeling of insecurity and abandonment is increasing within Indigenous villages since they witness the increasing denial and non-fulfilment of their rights. In the face of these innumerable difficulties and problematic situations, this analysis shows an unwillingness on the part of the Brazilian government to apply adequate measures and support for indigenous peoples.

3.3 The apparently unstoppable effects of the Covid-19 pandemic

The governmental aim to gradually exclude the possibility for Indigenous communities to have an administrative and financial autonomy had already been reached before the start of the Covid-19 pandemic. In fact, the Bolsonaro government terminated the More Doctors program, which supported and ensured basic assistance in vulnerable regions of the country¹⁶¹. In addition, he then placed the entire administration of health resources under suspect and suspended healthcare services for more than four months¹⁶². At the end of 2019, the government announced measures to suspend all agreements with health service providers. As an alternative, it suggested

¹⁵⁶ Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019, pp. 161

¹⁵⁷ cf. Constitution of the Federative Republic of Brazil, 1988, article 210, 231,232

¹⁵⁸ cf. ILO Convention no. 169,

¹⁵⁹ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, pp. 161

¹⁶⁰ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, pp. 161

¹⁶¹ cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, pp. 162

¹⁶² cf. Indigenist Missionary Council (CIMI), Report “Violence Against Indigenous Peoples in Brazil”, pp. 162

the creation of a National Health Agency whose duties would include promoting the privatization of all providers and services¹⁶³. As a result, Indigenous people would be completely kept out of this new health policy.

The beginning of the year 2020 saw the inception of Covid-19 pandemic, a new and unknown threat to global health that is still challenging world governments as they grapple with the continuing health, economic and social repercussions. On 26th February 2020, the Covid-19 pandemic emerged in Sao Paulo, the largest Brazilian city. On September 19, 2020, data from the Ministry of Health indicated that more than 4.5 million people had been infected by the new coronavirus in Brazil, and 136,895 deaths had been recorded¹⁶⁴. According to the Articulation of Indigenous Peoples of Brazil (APIB), on September 21st the number of infected indigenous peoples totalled 32,615, with 818 deaths. About 80 percent of the infected indigenous people live in the Amazon¹⁶⁵.

In the middle of this national catastrophe, President Jair Bolsonaro is basing his policy on denial and false narratives without recognising the state of emergency. He denied the protocols of the World Health Organization (WHO) and called the pandemic and its symptoms like “a light flu”¹⁶⁶. According to the CIMI, “the Covid-19 pandemic exposes the weaknesses of the structured care system to protect and promote the individual and collective health of the indigenous population, and their level of vulnerability to and reliance on the (non-) commitment of public administrators to their rights, including the right to a healthy life”¹⁶⁷. Following the strategy of dismantlement Indigenous peoples’ policy and its consequent process of assimilation to society, the Special Secretariat for Indigenous Health (SESAI) was instituted, which is committed to reporting to the Ministry of Health and is linked to the Unified Health System¹⁶⁸. Despite being responsible for providing primary sanitary services, the policy reflects

¹⁶³ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2021*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, Brasilia, 2021, pp. 341

¹⁶⁴ cf. APIB website, frequently updated: http://emergenciaindigena.apib.info/dados_covid19/

¹⁶⁵ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2021*, pp. 341

¹⁶⁶ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2021*, pp. 341

¹⁶⁷ Ricardo Verdum, *The Budget and Politics of Bolsonaroian Indigenism in 2019*, Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019, pp. 36

¹⁶⁸ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2021*, pp. 342

the same results of other years: lack of resources, layoffs or transfers of technical staff, allegations of corruption to discredit NGOs working in the sector, a ban on hiring more doctors and biomedical staff¹⁶⁹.

On 10th July 2020, Bill 1142/2020 was signed by the President in order to recognize Indigenous communities and traditional peoples as “extremely vulnerable groups”. Nevertheless, he vetoed that the text stipulated government’s responsibilities in respect to providing for basic sanitary resources. In fact, the Bill 1142/2020 obliged the Brazilian government to supply access to drinking water and distribution of basic food, as well as tools for hygiene, cleaning and disinfection. In addition, to facilitate the communication and the access to emergency aid, the law entrusted the Bolsonaro government the duty of assigning part of the emergency funds to Indigenous health. At the same time, the law did not mention “the emergency supply of hospital and intensive care beds” and there is no obligation to purchase “ventilators and blood oxygenation machines” for Indigenous communities¹⁷⁰.

As Human Rights Watch has pointed out, “President Bolsonaro refused to take measures to protect himself and the people around him; disseminated misleading information; and tried to block states from imposing social distancing rules. His administration attempted to withhold Covid-19 data from the public. He fired his health minister for defending World Health Organization recommendations, and the replacement health minister quit in opposition to the president’s advocacy of an unproven drug to treat Covid-19 [...] Poor access to health care and prevalence of respiratory or other chronic diseases made Indigenous people particularly vulnerable to complications from Covid-19.”¹⁷¹

¹⁶⁹ cf. Maria de Lourdes Alcantara de Beldi, *The Indigenous World 2021*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, Brasilia, 2021, pp. 343

¹⁷⁰ cf. Joana Oliveira. “Bolsonaro veta obrigação do Governo de garantir acesso à água potável e leitos a indígenas na pandemia”, *El País*, 8 July 2020

¹⁷¹ Human Rights Watch, *World Report 2021*, 2021

Furthermore, the Regulatory Instruction No. 9/2020¹⁷² allows the invasions of non-indigenous peoples in the traditional lands that have not yet demarcated. This measure is contrary to the Federal Constitution and promote the illegal occupation of Indigenous territories by external subjects which contribute in an exponential way to the transmission of COVID-19 virus within traditional communities, including those living in voluntary isolation¹⁷³. The government established a set of policies that signals the intent to make Indigenous populations invisible even in front of the policies applied in contrast to the Covid-19 pandemic.

As consequence, in July 2021, APIB and six political parties have brought the Indigenous health situation to the Federal Supreme Court (STF) for Non-Compliance with Fundamental Precept No. 709, demanding health protection actions for Indigenous Peoples due to the coronavirus¹⁷⁴. As a result, the government was obliged to set up a COVID-19 control plan for Indigenous communities and to arrange road blocks and limitations of contact with the surrounding society in order to avoid potential disease spreaders¹⁷⁵. Despite the APIB's efforts and the legislative measures of the STF, Indigenous populations are still facing enormous difficulties to contrast and limit the infection of the Covid-19 virus within their lands.

The freezing of funds dedicated to Indigenous populations' health, education and rights of traditional lands by Bolsonaro government is another strategy to take apart social policies that take into consideration minority and underprivileged people. Despite international accusations moved to the Bolsonaro's government, he persists his predatory campaign in favour of economic development which is an incredible defeat for human and Indigenous rights in the State.

¹⁷² cf. UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), Advisory Note - Protection of indigenous peoples' rights in Brazil under COVID-19, 30 March 2021 of conflicts

¹⁷³ cf. Maria de Lourdes Alcantara de Beldi, The Indigenous World 2021, Report on Brazil's situation, International Work Group for Indigenous Affairs, Brasilia, 2021, pp. 343

¹⁷⁴ cf. Maria de Lourdes Alcantara de Beldi, The Indigenous World 2021, pp. 344

¹⁷⁵ cf. Maria de Lourdes Alcantara de Beldi, The Indigenous World 2021, pp. 344

3.4 Vito Comar's First-hand Account

The following interview is the result of a series of meetings held from February to May 2021 with Vito Comar, professor at the Department of Environmental Management at the Greater Dourados Federal University, and researcher on Brazilian indigenous issues, particularly in Mato Grosso do Sul. The purpose was to understand the current indigenous situation through a direct testimony with an Indigenous peoples' researcher in order to deeply understand the cultural traits that make them special and worthy of study, the daily challenges they face to survive, and the possible paths to take in the future to rebuild a fair and respectful environment-human link.

“I have been living in Dourados for 21 years. I have spent most of my time in these traditional villages and have actively participated in the lives of these indigenous people. I have engaged with these people and worked with women, leaders, families, and individuals from these ethnic groups to develop measures and processes together that can provide relief from the inhumane conditions of these populations. I have chosen to live in Brazil to deepen my knowledge about indigenous peoples, give true meaning to the past they have lived in, and look for opportunities to help them to claim their rights as human beings. I have developed friendships and bonds of mutual respect and love with them. When you can come to a deep level of understanding with these people, you are overwhelmed by a desire for justice and a search for solutions that can end this brutality”.

Professor Comar starts the interview by emphasizing the fact that the indigenous question is part of 500 years of Eurocentric vision that has been intellectually and structurally imposed on American territories and their original inhabitants, together with weapons, germs, and the exploitation of resources for economic profit. In the past, countries that followed the same historical path - implementing a real genocide of traditional populations - such as Australia, Canada, and the United States, publicly acknowledged the historical facts and apologized for what happened. Faced with the inhuman atrocities suffered by the indigenous populations of those places are trying to offer compensatory and structuring measures to restore the dignity of Indigenous

people. The methods used were legislative, functional, and financial compensations to ensure the preservation of their habitats and the consequent physical and cultural survival.

Despite the comparatively better example set by these governments, Brazil has not taken seriously its duty to compensate for what has happened in its lands and against the people who have preserved them. Quite the opposite, the Brazilian state has granted indigenous lands to uninformed and unsuspecting settlers, also victims of a distorted and deficient historical ideology. Many multinationals or companies have obtained ownership of traditional indigenous lands that have been granted by the government. Therefore, we can deduce that the Brazilian government is willingly letting the situation degenerate into conflicts with no end and no solution. This is a threat to Brazil's environmental, social and cultural heritage that could only be defused by a government administration capable of implementing structured measures that guarantee the physical and cultural survival of its indigenous peoples. In other words, a government administration that gives a chance to save the Indigenous populations' beauty and knowledge that the dominant population has been ignoring for too long. This can only be achieved by a broad and deep formal and informal education process that reclaims history with justice and sensitivity.

Throughout these years, political and religious groups have used these indigenous peoples as political lava to achieve their interests, maintaining a situation that is shameful and condemnable from every point of view. The same ethnic groups, victims of these processes and distortions, have been divided in such a way that they can no longer be called "communities". As a result, in the current unfortunate situation [the Covid-19 global pandemic], there is a lack of leaders who have the humane characteristics and concrete possibilities to identify long-term solutions.

Indeed, a vortex of indifference and hatred - in which the fundamental principles of human dignity are denied at all levels - is gradually sucking in Brazilian society. For this reason, we need to redefine our individual, collective and institutional purposes through processes of open and fair dialogue. In this space of confrontation, the main

topic should be what human beings can do to get out of this vortex of intolerance and violence caused by the desire for economic wealth. Otherwise, we will always be labelled as opportunists using minorities as a shield to manipulate the masses.

Recently, he has published his book "Ethno-development: an integrative vision" which presents concrete possibilities and socio-environmental solutions that logically depend on the political will to address this chronic and degenerative situation. More specifically, he illustrated "currently, at the Institute for Environment and Development-IMAD, we are working at the regional level to activate processes of active participation and dialogue. In concrete terms, we are implementing analysis that include the possibility of consulting with families and indigenous leaders to enact projects of agroforestry systems and food production. At the same time, we provide training in the management of socio-environmental projects, which can raise funds to support indigenous, progressive, and continuous development."

The situation in Brazil is surreal. In indigenous lands, and also in general, there are deplorable human conditions that will not be resolved with temporary and ineffective solutions. For the moment, the responses given by the Brazilian government are inadequate and are fostering a national climate of violence. Instead, to improve the situation, we need to mature delicate processes that require patience and time because conflicts are much more troubling than we are led to believe. "

This analysis proposes reflections on the logical connection between the situation of indigenous people in Brazil and the general situation of global emergency, the consequence of inappropriate management of the relationship between man and the environment. As mentioned by the professor, cultural awareness and institutional willingness are needed in order to intervene, and right now in Brazil there seem to be a lack of both. While in many ways different from modern society, the condition of Brazil's indigenous communities reflects a peculiarity of a much broader condition, one that has to do with the loss of cultural consciousness with respect to other human beings and the environment that surrounds us.

Conclusion

As anticipated in the introduction, this thesis is intended to be a text of social criticism and an open call for the preservation of Brazil's environmental, social and cultural heritage. In particular, it wants to encourage the respect and inclusion of indigenous peoples as protectors of Brazilian heritage and as active citizens.

The decision to include at the beginning of the analysis the legislative instruments, both national and international, regarding the protection and safeguarding of the existence of indigenous peoples, including lands, cultures and traditions, was made in order to critically read the events that characterize the past and the present in the state of Brazil. While the arbitrary oppression of Indigenous peoples and the suppression of fundamental rights recognition has been recognized by the international community, Indigenous communities' rights deserved to be guaranteed by the Brazilian government. According with the latest news, the frequency in the violation of rights has intensified, in particular against indigenous lands, as well as the harassment of indigenous rights activists. This outdated and backward government's attitude that support illegal actions which put at risk Indigenous lives clearly demonstrates the unwillingness to recognize Indigenous importance and the potential in the preservation and enhancement of Brazil's heritage.

In light of this analysis and the resulting considerations, the Brazilian state needs to regain its veer in a different socio-political direction. The populations are an inalienable resource, not only for the preservation of the environment, but also to acquire a deep awareness of the important values of life such as respect, the pleasure of sharing and love for nature and people. In conclusion of this analysis, the main reflection that emerged is the fact that the quest of wellbeing in economic interest ends in itself because society cannot survive without a safe environment and the possibility to share it with others.

Bibliography

Albuquerque Sant'Anna André and Rocha Rudi, *Health Impacts of Deforestation-Related Fires in the Brazilian Amazon*, Human Rights Watch, 2020

Brighenti Clóvis Antônio, “*Development*” versus the indigenous people, in Report Violence against the Indigenous Peoples in Brazil, Brazil, 2014

Cerqueira de Oliveira Antônio Eduardo and Buzatto Cléber César, *2019: Hope in the Perseverance and Resistance of Indigenous Peoples as a Counterpoint to a Return to the Dark Ages*, in Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019

Coordinating Body of Indigenous Peoples of Brazil (APIB) and participants of National Conference of Indigenous Health, Public Letter from the Indigenous Peoples of Brazil, 4 December 2013

De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2008*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2008

De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2009*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2009

De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2010*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2010

De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2011*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2011

De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2012*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2012

De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2015*, Report on Brazil’s situation, International Work Group for Indigenous Affairs, 2015

- De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2016*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2016
- De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2017*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2017
- De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2018*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2018
- De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2019*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2019
- De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2020*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2020
- De Lourdes Alcantara de Beldi Maria, *The Indigenous World 2021*, Report on Brazil's situation, International Work Group for Indigenous Affairs, 2021
- Dhir Rishabh Kumar, *Indigenous peoples in the world of work in Asia and the Pacific: a status report*, Geneva, 2015
- Faminow Merle D., *Cattle, Deforestation and Development in the Amazon: An Economic, Agronomic and Environmental Perspective*, UK, 1998
- Galeano Eduardo, *Le vene aperte dell'America Latina*, Milano, 2013
- Giraud Laura, *La questione indigena in America Latina*, Roma, 2020
- Indigenist Missionary Council (CIMI), Report "*Violence Against Indigenous Peoples in Brazil*", Brasilia, 2014
- Indigenist Missionary Council (CIMI), Report "*Violence Against Indigenous Peoples in Brazil*", Brasilia, 2017
- Indigenist Missionary Council (CIMI), Report "*Violence Against Indigenous Peoples in Brazil*", Brasilia, 2019
- Leigheb Maurizio, *L'Indio muore. Origine vita e destino degli indios*, Milano, 1977

Lewis Oscar e Maes Ernest E., *Base para una nueva definición práctica del Indio*, «América Indígena», Mexico, 1945

Mahar Dennis J., *Government Policies and Deforestation in Brazil's Amazon Region*, The World Bank, Washington D.C., January 1989

Mello Neiva Julia, *Lack of consultation and free, prior and informed consent, and threats to Indigenous Peoples' rights in Brazil*, in *The Prior Consultation of Indigenous Peoples in Latin America*, New York, 2019

Nunes Felice and Melo Carlos Ranulfo, *Impeachment, Political Crisis and Democracy in Brazil - Impeachment, crisis política y democracia en Brasil*, in *Journal of Political Science*, Brazil, 2017

Rangel Lucia Helena and Liebigott Roberto Antonio, *Bolsonaro Set Up a Government of Predators and Destroyers of Lives*, in Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019

Rangel Lucia Helena and Liebigott Roberto Antonio, *The Temer government has legitimized violence against indigenous peoples*, Report “Violence Against Indigenous Peoples”, Brasilia, 2017

Ribeiro Darcy, *Os Indios e a Civilizacao*, Rio de Janeiro, 1970

S. Hallegatte, M. Bangalore, L. Bonzanigo et al., *Shock waves: managing the impacts of climate change on poverty*, Climate Change and Development Series, Washington DC, 2016

Santana Renato and Miotto Tiago, *And Still the Earth: In a Year Marked by Land Burning, Indigenous Territories Were Devastated by Fire*, in Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2019

Tomaselli Alexandra, *Indigenous Peoples and their Right to Political Participation*, *The Prior Consultation of Indigenous Peoples in Latin America*, New York, 2016

Vieira Rezende Advogados, *Mining in Brazil*, Brazil, 2019

Verdum Ricardo, *Parliamentary coup and indigenous citizenship: one step back, one step forward*, Report “Violence Against Indigenous Peoples in Brazil”, Brasilia, 2017

Vieira Rezende Advogados, *Mining in Brazil*, Brazil, 2019

World Bank, *Forest-Smart Mining: Large-Scale Mining on Forests*, 2019

Wright Claire and Tomaselli Alexandra, *Indigenous Peoples in International Law*, The Prior Consultation of Indigenous Peoples in Latin America, New York, 2016

List of Regulation Sources

Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, “Study of the Problem of Discrimination against Indigenous population”, Chapter XXI-XXII of the Study, “Conclusion, proposals and recommendations”, UN Doc. E/CN.4 Sub.2/1983/21/Add.8, 30 September 1983, para. 379

Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Final report submitted by the Special Rapporteur Mr. José R. Martínez Cobo, UN Doc. E/CN4 Sub.2/1982/2/Add.2, 5 May 1982

Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Final report submitted by the Special Rapporteur Mr. José R. Martínez Cobo, UN Doc. E/CN4 Sub.2/1982/2/Add.2, 5 May 1982

Constitution of the Federative Republic of Brazil, Brazil, 1988, Constitutional Amendments No. 1/1992 through 64/2010 and Revision Constitutional Amendments No. 1/1994 through 6/1994, Brasília, 2010

International Labour Standards Department, *ILO: Understanding the Indigenous and Tribal Peoples Convention*, 1989 (No. 169), Geneva, 2013

UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), Advisory Note - Protection of indigenous peoples’ rights in Brazil under COVID-19, 30 March 2021

UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article 19.

UN General Assembly, Resolution of the UN Declaration on Rights of Indigenous Peoples, 13 September 2007

United Nations, UN: State of the World’s Indigenous Peoples, New York, 2009

Web References

Agency for Territorial Cohesion:
<https://www.agenziacoessione.gov.it/comunicazione/agenda-2030-per-lo-sviluppo-sostenibile/>

APIB website: http://emergenciaindigena.apib.info/dados_covid19/

Claudio Angelo, *Bolsonaro plan works and deforestation hits new high*, Climate Observatory, 2020, <https://www.oc.eco.br/en/plano-de-bolsonaro-funciona-e-desmatamento-tem-nova-alta/>

Climate Observatory: <https://www.oc.eco.br/en/plano-de-bolsonaro-funciona-e-desmatamento-tem-nova-alta/>

Global Forest Data: <https://gfw.global/3w8vUxH>

Human Rights Watch, World Report 2021, 2021: <https://www.hrw.org/world-report/2021/country-chapters/brazil>

Janaina César, *Amazzonia in fiamme: ecco perché brucia ancora*, Osservatorio Diritti, 2020, <https://www.osservatoriodiritti.it/2020/09/14/amazzonia-in-fiamme-2020-oggi-cause-conseguenze/>

Janes Anaya, Report on the situation of human rights of indigenous peoples in Brazil, 2009, http://unsr.jamesanaya.org/docs/countries/2009_report_brazil_en.pdf

Joana Oliveira. *Bolsonaro veta obrigação do Governo de garantir acesso à água potável e leitões a indígenas na pandemia*, El País, 8 July 2020. Available at: <https://brasil.elpais.com/brasil/2020-07-08/bolsonaro-veta-obrigacaodo-governo-de-garantir-acesso-a-agua-potavel-e-leitoes-a-indigenas-napandemia.html>

John Ahni Schertow, *Brazil: Indigenous Peoples Demand Repeal Of 'Anti-Indian' Decree*, Independent Uncompromising Indigenous, 2002, <https://intercontinentalcry.org/brazil-thousands-of-indigenous-peoples-mobilize-against-absurd-decree-303/>

Lorenzo Brenna, *Brasile, il ministro dell'Ambiente chiede di indebolire le leggi ambientali*, Lifegate, 2021: <https://www.lifegate.it/ricardo-salles-chiede-indebolire-leggi-ambientali-brasile>

National Institute for Space Research INPE:
http://www.inpe.br/amazonia1/en/uses_applications.php

Socio-environmental Institute: <https://www.socioambiental.org/en>

Survival International, <https://www.survivalinternational.org/tribes/brazilian>

The Guardian, *Bolsonaro slashes Brazil's environment budget, day after climate talks pledge*, 2021, <https://www.theguardian.com/world/2021/apr/24/bolsonaro-slashes-brazils-environment-budget-day-after-climate-talks-pledge>

Victoria Tauli-Corpuz, Report of the Special Rapporteur on the rights of indigenous peoples on her mission to Brazil, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/17-4/05/PDF/G1617405.pdf?OpenElement>