Chapter 10: Semi-autonomy – Contemporary challenges for indigenous peoples in Brazil

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Introduction

The indigenous peoples in contemporary Brazil are the survivors of a long process of attempted annihilation, resulting from the colonization efforts by the Portuguese. The process was continued by successive Brazilian governments after the 1822 independence. Indigenous peoples have been subjected to genocide through the physical elimination of various populations as well as ethnocide through processes of forced assimilation (see Stavenhagen 1991).

According to the 2010 national census, Brazil has a population of 896,900 self-defined indigenous people. The indigenous population has been growing steadily for the past twenty years, and the national census data from the year 2000 and 2010 showed an increase of the indigenous population by 11 percent. This can be attributed both to improvements in data collection and to a natural population growth (Azevedo 2011).[2] In addition, more people are recognizing and declaring themselves as indigenous.[3] This is a new and positive development in the Brazilian society, especially considering the gloomy prospects under the military dictatorship from 1964 to 1985 when indigenous people were believed to be doomed to extinction.

The big shift in the history of the indigenous people in Brazil came with the new democratic constitution of 1988 (Souza Lima, 1995; Cardoso de Oliveira, 1996; Baniwa, 2006). For the first time, Indigenous people obtained the same civic, political, economic and social rights as everybody else in Brazil. Furthermore, the 1988 Constitution guaranteed to grant special protection to indigenous people, their cultures and their livelihoods. The *Terras Indígenas* (Indigenous Lands) were established, with exclusive rights of residence and use of the natural resources for indigenous communities. By the end of the 1990s an intensive process of territorial delimitation had been carried out (Santilli, 1999), resulting in nearly 600 Indigenous Lands being established. Today, these territories cover 12.5 per cent of the Brazilian territory (106.7 million ha) - including almost one fourth of the Amazonian regions. According to the 210 census, 517,400 people or 57.7 per cent of the total indigenous population in Brazil reside in these Indigenous Lands, (ISA, 2012).

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[2] The national census in year 2000 registered 760 000 indigenous citizens in Brazil, of whom 450 000 lived inside the indigenous territories and 310 000 outside. However, pro-indigenous NGOs criticized the methodology of the census and estimated the true total figure to be 1.2 million.

[3] In Brazil, the anthropologists refer to *povos indígenas emergentes, or* 're-emerging indigenous peoples' when describing people who at a given historical moment ceased to recognize themselves as indigenous and who, in a new historical context, reaffirm their indigenous identity. In Latin America, ethno-historians define these processes as 'ethnogenesis', through which indigenous peoples create or recreate themselves as distinct, non-Western cultures (Corr and Vieira Powers, 2012). In Brazil, recent processes of ethno-genesis have taken place in various regions, above all in the Northeast.

The establishment of the Indigenous Lands and their occupation by indigenous communities is providing a sense of self determination or semi-autonomy. The indigenous people enjoy exclusive occupancy rights, but not administrative sovereignty over the Indigenous Lands, as the territory is owned by the Brazilian State and not the communities themselves Indigenous Lands (Inglez de Sousa, 2010a).While the indigenous people inhabiting these territories have the exclusive surface usage rights in order to continue and maintain their traditional life styles and practises, they face restrictions regarding some economic activities such as tourism, forest management and large scale agriculture. They cannot exploit the subterranean resources (such as minerals), because they are owned and controlled by the Brazilian state, who determines exploration and exploitation of these resources.

There are several lacunas to the semi-autonomy of the indigenous peoples. Although indigenous social and political organizations are recognized by the Brazilian state, no formal governance structure has been established for the Indigenous Lands. There has been no devolution of authority from the Brazilian state to indigenous groups or indigenous representatives to allow them to govern their Indigenous Lands. The day-to-day decisions regarding land management are made by traditional leaders and communities, but governing authority remains with the state. The relationship with the state is fragmented, based on ad-hoc arrangements with a range of sector government institutions (National Indian Foundation - FUNAI, Health Ministry, Education Ministry, regional and local governments, the environmental agency IBAMA etc). This generates multi-level governance arrangements with very complex decision making processes.

Although indigenous organizations and associations have flourished since the 1980s, they are not formally recognized by the Brazilian state as legitimate representatives of the indigenous people livings in a specific territory (Souza Lima, 2010). Nevertheless, since 2003 there have been important political-institutional changes. In 2007 the federal government created the National Council for Indigenous Policies (*Conselho Nacional de Políticas Indigenas,* CNPI). It consists of representatives from government, pro-indigenous NGOs and indigenous regional organizations. In 2008 CNPI initiated discussions to design a National Policy for the Environmental and Territorial Management of Indigenous Territories (PNGATI), resulting in what is known as the Federal President Decree 7747 of 2012. The PNGATI is governed by a national committee and managed by regional and local committees, and each committee has representatives from indigenous organizations. These indigenous representatives are not elected in any formal sense, rather, they are appointed by the Northern, Northeast, South and Southeast regional Indigenous Organizations.[4]

Another important process to be highlighted started in 2012,when the Brazilian Government established practical procedures to implement the policy for Previous Consultation and the Free Prior and Informed Consent (FPIC), one of the most important statements of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) and the Convention 169 of the International Labour Organization. The establishment of FPIC has been a key demand from the indigenous peoples to gain more participation on decision making process and autonomy (Inglez de Sousa and Vaz Ribeiro, 2013).

This chapter will discuss the emergence of the new and complex system for indigenous self-organisation and representation in Brazil. Firstly, it will provide

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[4]COIAB in the Northern region of Brazil, APOINME in the Northeast, ARPINSUL in the South, and ARPINSUDESTE in the Southeast.

a historical and geographical background to give a contextual and political understanding of contemporary developments.

Secondly, the issue of territorial control will be discussed, including the demarcation of indigenous territories and the evolution of state policies that have allowed for this process. The institutional fragmentation of the indigenous relationship with the Brazilian state is emphasized, along with lack of capacity and sustainability characterizing the Indigenous Lands.[5] The ambiguity and limits of indigenous territorial autonomy in Brazil today demonstrates the semi-autonomous position of indigenous groups on the Indigenous Lands.

Thirdly, the article will address some of the current political challenges of the indigenous peoples. The democratisation of Brazil in the post-military rule era led to the Constitution of 1988 and was accompanied by a new indigenous movement creating a myriad of organizations and associations. After a period of politicised mobilization, the indigenous organizations became more concerned with day-to-day management of projects related to health, education and protection of the Indigenous Lands. However, a new generation of well educated indigenous leaders has emerged, with a better understanding of pan-ethnic[6] issues than previous generations. A new wave of endogenous political activism has emerged the last years. On the one hand, it is linked to resistance against federal policies related to infrastructural, hydropower and mining development. On the other, engagement with the federal government is enfolding in order to coordinate service delivery and policies related to the indigenous population. The indigenous population has restructured political-organizational relations both internally and with the federal state.

Historical and geographical background

The indigenous population in Brazil is very diverse in terms of culture, livelihood and environmental terms and history of contact with the Brazilian national society. The Socio-Environmental Institute *(Instituto Socio-Ambiental,* ISA) identifies more than 230 ethnic groups and over 180 languages (ISA, 2012). There are important variations between indigenous groups in terms of their size. The largest groups, such as the Guarani, Yanomami, Kaingang, Terena and Tikuna, each have more than 20,000 members. Smaller groups can range from a few hundreds to less than 10 members (ISA, 2012). Overall there is an evident population growth, but some of the very small indigenous groups are under serious threat of extinction.

The Brazilian regions have different compositions of indigenous groups, with some inhabiting territories across borders between Brazil and neighbouring countries. The majority of the population is concentrated in the North (Amazonas) and Northeast regions, where 38 and 25 per cent of the indigenous peoples live, respectively (IBGE 2012).While most indigenous peoples in the North live inside Indigenous Lands, the same cannot be said about other regions. In the Southeast, for example, over 80 per cent of the region's indigenous people live outside indigenous territories.

Many of these demographic and geographic variations have historical explanations, as the Portuguese colonization and the consolidation of territorial

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[5]Indigenous Land (in singular), or *Terra Indígena* in Portuguese refers to the general legal category of an official and specific, demarcated territory. Indigenous Lands (in plural) refers to the established and existing units of this legal category. .

[6]By 'pan-ethnic' issues and politics we refer to the political association of distinct indigenous groups, with a differentiated social, cultural and historical background, to act as an interest group before the Brazilian state.

control by post-colonial Brazilian governments did not occur uniformly across regions (Souza Lima, 1995). Indigenous populations living along the Brazilian coast and in the Northeast and Southeast regions were the first ones to be occupied by the Portuguese in the sixteenth and seventeenth centuries. In the south, indigenous peoples were especially confronted by Germans, Italians and other immigrants in the nineteenth century. In the Amazon region, the Portuguese occupation process started with the navigation of the big rivers during the Sixteenth Century. Another intense effort of the Northern region occurred with the national integration projects of the twentieth century, which gained special momentum under the military dictatorship 1965-1985. The military government sought to construct road networks and other infrastructures in the Amazonian territories in order to boost economic growth. It also attempted to colonize the area through providing land to landless farmers and low income groups from other parts of Brazil.. In addition to spreading diseases that brutally decimated indigenous populations, this re-colonization process threatened to deprive the indigenous peoples of territories and natural resources that had nurtured their cultures for generations (Cardoso de Oliveira, 1996).

Many indigenous groups resisted the colonial encroachment into their territories, and by the 1970s and 1980s they were being supported by anthropologists, the Catholic Church, national and even international NGOs ,and a growing environmentalist movement emerging from the urban Brazilian society. The indigenous people's struggle for survival became part of the huge pro-democracy and human rights movement which brought the dictatorship down in 1985 culminating in a new constitution in 1988.

The indigenous and the state (I): the issue of territorial control

When the Indian Protection Service (*Serviço de Proteção ao Índio,* SPI) was created in 1910 the national government's position towards indigenous peoples was based on a "guardianship" principle. Since indigenous people were considered "relatively disabled" they did not enjoy full citizenship rights and duties. The government's role to protect them and act on their behalf was delegated to the Indian Protection Service (SPI). Indigenous policies were guided by assimilation policies which aimed at incorporating the indigenous population in the mainstream society and the national economy, transforming them into a labour force for farming and cattle raising activities. This *assimilacionismo* policy had a major impact on land management. The indigenous territories demarcated during this period were usually very small and were established on the assumption that the indigenous peoples would be assimilated. Government policy actively opposed the traditional lifestyle of the people and refused to support their traditional culture, values, economy and social organisation.

In 1967 the Indian Protection Service (SPI) was replaced by the National Indian Foundation (*Fundação Nacional do Índio, FUNAI*). Despite this institutional change, the guardianship and assimilation policies remained in place until the late 1980s (Cardoso de Oliveira, 1996; Oliveira Filho, 1998). Additionally, indigenous policies also became aligned with the military government's policy of developmentalism (*desenvolvimentismo)*, which had a particular emphasis on the economic integration of Amazonia. FUNAI's role was to "pacify" the indigenous peoples and pave the way for large development projects such as the construction of hydroelectric power plants, roads, and mining industries. The policies that FUNAI promoted and implemented were a series of initiatives aimed at developing large scale economic activities such as logging and mining in indigenous territories.

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From a legal perspective, the 1988 Brazilian Constitution represented a paradigmatic shift in the government's policies towards the indigenous people.[7] Reflecting the international trend set by organizations such as the United Nations and the International Labour Organization towards recognition of indigenous rights, the new Constitution acknowledged indigenous socio-cultural diversity and set forth a number of specific rights and policies for indigenous people. The constitution recognizes that the 'Indians' were the first and natural habitants of Brazilian territory, and article 231 declares that they have an aboriginal right to the territories traditionally occupied by indigenous peoples.[8] Santilli (1999) argues that Article 231 is the key article that recognizes indigenous rights through including the right to the land and to "the environmental resources necessary for the well-being and physical and cultural reproduction" of the indigenous peoples.[9] Hence, it provides indigenous people with a mechanism to formalize the delimitation of Indigenous Lands, where the rivers, lakes and soils are for "the exclusive use by the indigenous peoples" that inhabit these territories.[10] The Federal President Decree 1775 of 1996 established clear procedures for the creation of Indigenous Lands, boundary demarcation, ratification and registration. It stressed the importance of ensuring indigenous participation during the demarcation stage, and anthropological reports have played a key role in highlighting indigenous perceptions and lifestyles during this process (Santilli, 1999).

According to Little (2002), the legal definition of Indigenous Land has instituted a new land category, namely land "for collective use", in contraposition to "private" land with private ownership and "public" land. The latter belongs to the Brazilian state, thus belonging, in theory, to all Brazilians. However, although the Indigenous Lands are not owned by the Indigenous Peoples, but by the Brazilian federal state, the land is "inalienable" and cannot be sold.[11] The federal state also retains ownership of the subterranean resources such as minerals (Inglez de Sousa, 2010a). Hence, the indigenous people enjoys semi-autonomy and not full sovereignty over the indigenous territories.

In addition to acknowledging indigenous claims to land, the Constitution recognizes indigenous socio-cultural diversity and establishes a series of rights and public policies especially for the indigenous peoples. It shifts the policy direction, at least legally, from the integrationist and assimilationist vision towards the government becoming the guardian of indigenous people's rights. Several initiatives focus on 'sustainable ethno-development', which are policies linked to economic activities, income generation and community development based on respect for indigenous culture and lifestyle, yet incorporate new consumption patterns.

Indigenous Lands: new problems

Many challenges surround the Indigenous Lands, as a modern attempt to nurture and re-establish the indigenous peoples physically and culturally. In this section, three current challenges will be presented. The first challenge is in spatial terms, and refers to the size and sustainability of the Indigenous Lands. The territories have to be large enough to secure the physical survival and cultural reproduction

[7] In particular the articles 231 and 232
[8] The paragraph 1 in article 231 of the Consitition states 'o direito originário', which we have translated to "the aboriginal right".
[9] This is stated in paragraph 1, article 231 of the Constitution.
[10] Paragraph 2, article 231 of the Constitution.
[11] Paragraph 4, article 231 of the Constitution.

of the inhabitants. This is challenged by a process of territorial fragmentation where one indigenous group might be spread out to several Indigenous Lands.

A second challenge refers to the administrative and political responsibilities for service delivery to the indigenous territories. The presence of a repressive-assimilative state had to be replaced with institutions that are truly indigenously controlled, and new and improved relationships with the outside world must be established. The challenge is not only to reduce environmental and other threats to indigenous ways of life, but also to secure human resources and organizational capacities - institutional management skills - to see the indigenous peoples thrive.

A final important challenge comes from outside, namely the impacts of large-scale industrial exploitation, such as agro-business (large scale and monoculture agriculture), hydro-power dams, mining, railways and roads on Indigenous Lands. This creates significant impacts not only on the environment, but also in social, economic and cultural terms for indigenous territories and communities (Inglez de Sousa and Vaz Ribeiro, 2013).

Demarcation of sustainable Indigenous Lands

During the first half of the 20th century the indigenous peoples were located in what was known as "Indian Reserves". These reserves were constantly shrunk in order to liberate land for commercial farming. The aim of the Brazilian government at the time was to expand the country's cattle production and sugar cane plantations (Grünber, 2006). The size of each cattle farm was allowed to be 3600 hectares (36 km^2). Indigenous people were forced to adapt to the government's farming objectives. This policy had a particularly hard impact on the Guaraní Indians.[12] Around 38,000 tribal members living in 30 separate indigenous reserves, which by the way averaged 1000 hectares, were affected (Grünber, 2006).

Traditional land and their natural resources are fundamental to indigenous peoples' social and cultural survival. Hunting and gathering requires vast areas of (rain) forests. Hence, an important issue has been to expand the size of the Indigenous Lands, to make them large enough to maintain traditional indigenous livelihoods. The Xingú Indigenous Park, established in 1961, is considered an appropriate model for an Indigenous Territory. The Park is 2.8 million hectares (28 000 km^2), with a population of approximately 4,000 people who live in villages averaging about 100 people. [13] Hence, the establishment of the Xingu Indigenous Park is considered a turning point for indigenous land delimitation (Inglez de Souza and Braathen, 2010).

Institutional fragmentation

Prior to 1988, *FUNAI* (*Fundação Nacional do Índio*) was the sole responsible agency for indigenous public policies, and the only entity providing welfare and social services to indigenous populations (healthcare, education, capacity building programmes, law enforcement, among others). The 1988 Constitution dissolved this type of institutional monopoly (see Souza Lima, 2010). After 1988, FUNAI's duties were distributed among several government actors: the Ministry of Health, the Ministry of Education, the Ministry of Environment, the

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[12]The Guaraní-Ñandeva and Guaraní-Kaiowá groups
[13]The population of Xingu Indigenous Park is grouped in 14 indigenous groups, each with a distinct language. They belong to the four main indigenous language groups in Brazil: Tupi, Aruak, Karib and Jê.

Ministry of Agrarian Development, the Ministry of Justice and others. The ministries often delegated tasks to more technical agencies such as the National Health Foundation (*Fundação Nacional de Saúde*, FUNASA). In many services such as health and education, the federal agencies were assisted by the sub-national states and municipalities. However, these public sector bodies were usually poorly coordinated, and for many years the quality and coverage of their services left a lot to desire. During the same period, many NGOs and international institutions intensified their cooperation with the indigenous peoples, at the same time that indigenous organizations and associations were flourishing. During the 1990s, several sustainable projects programs were developed to support indigenous peoples.

FUNAI survived, with tasks limited to assistance in the delimitation and surveillance of the borders of the Indigenous Lands. FUNAI was, nevertheless, also given the general task of coordinating the governmental indigenous policy. The Indigenous Lands have not possessed a legal person which could centralize the management of each of them,. The Indigenous Lands have geographical boundaries clearly defined by law, and the internal affairs of the Indigenous Lands are supposed to be under control of the indigenous peoples, as stated by the articles 231 and 232 of the federal constitution. No external agencies are allowed to enter without the consent of indigenous peoples. Still, the lack of governing bodies has made the control by the indigenous peoples elusive. The constitutional recognition of the social and political organization of the indigenous peoples are not accompanied by their administrative and managerial recognition. The indigenous communities cannot make decisions and definitions that are binding for any government bodies.

The fragmentation of 'indigenist' public policies has been criticized by many indigenous activists, such as Valéria Paye Pereira, from the Kaxuyana people:

"Some projects in the indigenous territories were executed in dispersed ways and with delays of until 10 years. There were a lot of uncoordinated actions. Everybody could make the same thing or over again I don't know how many times…. People from the state were never worried about the lack of coordination". (Inglez de Sousa, 2010b:209).

An indigenous land is not a closed territory, although it has boundaries. It maintains relations of strong inter-dependence with its immediate social and environmental surroundings and with its more distant political-institutional surroundings. The Kayapó people, who call themselves Mebengokrê, show examples of this. They are 6000 individuals who inhabit several Indigenous Lands in the states of Mato Grosso and Pará, in the southern and eastern parts of Amazonia. They left their semi-nomadic way of life and settled down in permanent villages, due to their dependence on services from outside, in education, health, pensions and transport, and in order to get access to markets and other modern urban services. In this context, the Kayapó expanded their relations with regional and national institutions. In addition to FUNAI, they established relationships with the federal health agency FUNASA, various municipalities in the region, the state governments, regional economic agents (large commercial farmers, loggers, miners), environmental and pro-indigenous NGOs and several other institutions (see Jerozolimski et al, 2011). Some Kayapó communities became involved in the exploration of gold and timber, while others preferred more sustainable practices. They have developed in different directions, and at the same time there has been no decision making and governing centre which could establish a clear guidance for all the communities.

In this situation, many NGOs and indigenous organizations had to compensate for the lack of public action, and they played a vital role in innovating new and more participatory approaches in favour of the indigenous peoples in welfare provision, land management, revenue generation and capacity building. Still, the NGOs could not mend the lack of public policy coordination. This lack of public action was underpinned by the neo-liberal doctrines dominating Brazilian public policy in the 1990s, encouraging the involvement of the private sector and NGOs to deliver public goods.

As a result, even if many institutional actors managed to cooperate, their joint interventions emphasized micro projects, or project-based development assistance. An example was PDPI (The Demonstration Projects of the Indigenous Peoples) sponsored by the Brazilian Ministry of Environment.[14] Large scale public programs were not on the agenda. On the other hand, as the piloting interventions needed to have a strong experimenting and learning orientation, it was perhaps not yet time for large scale programs.

Lack of capacity and sustainability

Project based interventions seemed to be what the indigenous communities themselves asked for. In the 1990s, Brazil saw a proliferation of indigenous associations and organizations within the Indigenous Lands. These associations were formed to present the demands of the communities to the Brazilian state, and to address concrete problems of the indigenous communities. They sought technical and financial assistance from state agencies to projects under community control. However, a common problem for these associations was their lack of familiarity with the state bureaucracy. They knew little about how to manage financial resources according to the bureaucratic rules of the state. There was much trial-and-error. There were even indigenous peoples with no one reading or writing Portuguese, so the ability to write applications and obtain funds for projects was unevenly distributed (Ingles Souza, 2010).

While NGOs and projects could help developing the organizational capacity of indigenous peoples, there were structural constraints which could only be addressed by political action at the federal level. The main structural problem was the limited size of most Indigenous Lands. The largest indigenous territories are in the Amazon region, where they cover one fourth of the surface. However, many indigenous territories are so small, particularly in the South region, that their residing groups are unable to maintain their livelihood based solely on traditional means of resource management, farming and extraction. Hence, outside the Amazon region, the territorial question is the critical one. The Indigenous Lands need to expand their territory to become sustainable.

The sustainability challenge is not only linked to the limited natural resource base of each Indigenous Land, but also to the environmental-economic management of areas surrounding the Indigenous Lands. One obvious example is large scale agricultural activities leading to deforestation, pollution and reduced ground water level, affecting indigenous territories directly. Another example is large dams and hydropower projects undertaken in the Amazon region, such as the Belo Monte project at the Xingu River. Indigenous communities have to be removed because of the dams constructed, and the bio-diversity and ecology of

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[14]The PDPI supported since year 2002 around 70 projects for sustainable economy, cultural appreciation, institutional strengthening and capacity building. It spent the equivalent of almost 20 million USD and attended 175 indigenous peoples in 20 states

neighbouring Indigenous Lands might be impacted by hydrological changes in a macro region.

There are specific procedures for the socio-environmental impact assessment studies and 'mitigation and compensation plans' related to indigenous lands and communities, which includes consultation processes. These procedures were consolidated at an inter-ministerial meeting, resulting in the resolution *Portaria Interministerial 419*, where FUNAI was given the responsibility to evaluate the impacts and measures for indigenous lands, based on anthropological reports of impact assessments. However, these procedures do not seem to be enough to ensure an effective participation of the indigenous peoples in the decision making processes for big projects at earlier stages, with reference to a much larger scale than the single Indigenous Land area. This is the reason why the design of practical implementation procedures for 'free prior and informed consent' (FPIC) is considered a priority for many indigenous leaders and their supporters (Inglez de Sousa and Vaz Ribeiro, 2013).

These challenges have increased with the new policy of large scale state interventions to promote economic growth, the so-called 'neo-developmentalism', which has characterized the governments of Luis Ignácio Lula da Silva (2003-2010) and Dilma Rousseff (2011-). The next section will argue that the indigenous peoples have experienced some improvements with the mentioned governments. However, it remains to be seen if the pro-growth policies become adjusted to pro-indigenous policies.

The indigenous and the state (II): a new partnership?

Indigenous self-organization and representativeness

The social and cultural diversity is a key element to understand indigenous peoples. The indigenous peoples who live within an Indigenous Land often have different forms of social and political organizations. While generically classified as "indigenous", these peoples cover an extremely broad and diverse set of human societies. Some of the groups live in large villages or communities and have strong leaders and a centralized power, while others have extremely decentralized leadership, living in small groups scattered all over an Indigenous Land. Some have only recently established contact with other ethnic groups and the outside world.[15] This makes decision-making processes complex. Frequently there are conflicts and disagreements among the indigenous peoples themselves, on how to manage their territories. In these cases, there are no clear definitions of how to proceed for a final resolution, especially when it has implications for public policies.

During the 1970's, it was common that FUNAI defined the indigenous spokespersons or representatives of the different indigenous territories and regions. Oliveira Filho (1989) presented a rich ethnography of the relationship between an ethnic group and FUNAI, describing in detail the figure of the indigenous "captain" or spokesperson. This person was not necessarily representing an indigenous people in a legitimate way. In many cases, the 'captains' chosen were not the traditional indigenous leaders, rather, individuals with greater knowledge of Portuguese who were favoured by FUNAI to facilitate dialogue. Other times, the choice of "captains" was a result of deliberate

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[15]The study of the relationship between indigenous peoples and the national society is named the study of *inter-ethnic contact*. The book of Roberto Cardoso de Oliveira is recognized as one of the major milestone in this area (Cardoso de Oliveira, 1996).

strategies to undermine traditional leaders who showed resistance to the state authority.

Prior to the Federal Constitution of 1988, the Indigenous Peoples had not been considered citizens on equal terms because the Brazilian State understood them as "semi-capable" persons in need of protection. As the state apparatus handling the indigenous population was fragmented after 1988, the indigenous groups began to establish a wide range of relationships with state and non-governmental Brazilian social actors. Thereby, the indigenous peoples formed their own associations and representative institutions. Together, these are known as the "indigenous movement" (Oliveira Filho, 1998).

An indigenous view of the new movement

Gersen Luciano dos Santos Baniwa, an indigenous anthropologist from the Baniwa's people in the Amazonas has contributed with valuable reflections on the indigenous movement, indigenous organizations, traditional indigenous leaders and contemporary political leaders (see Baniwa, 2006). He defines the "indigenous movement" as a set of actions, activities, events, strategies and encounters between people, communities and indigenous organizations that gather and articulate to defend their interests and their rights within the national society, surpassing previous conflicts and tensions. The origin of the current organized indigenous movement was the decade of the 1970's. Groups that until a few decades ago had led wars among themselves, today work together within an indigenous movement for the defence of their rights.

This process has been difficult and complex. In addition to overcoming past conflicts and tensions, often still dormant, these people have the difficult task of creating a common agenda. Creating unity of action among the variety of groups, realities, interests and aspirations is a big challenge. The indigenous *organizations* were created when the movement realized that the dialogue with the state, the state bureaucracy and agents of the national society was often difficult due to the lack of recognition of the diversity of indigenous social and political organization. The state, in general, can only engage with models, patterns and bureaucratic organizations. In order to make possible a dialogue with the state bureaucracy, the indigenous peoples incorporated this bureaucratic model - formal organization with legal identity and other protocols. This incorporation does not necessarily mean cultural "loss" or weakening, but represents an assimilation of external models with the purpose of improving the quality of their lives.

Gersen Baniwa also makes the differentiation between two general political categories: "traditional leaders" and "modern political leaders". The traditional leaders are the responsible for the internal leadership at the indigenous villages and among the indigenous peoples inside their territory. They play the traditional role as social and political leaders. However, in some cases, they do not conduct their association's management and external political representation at the state level.

For Baniwa, *traditional leaders* have a role in '... representing, coordinating, articulating and defending the interests of segments of indigenous peoples. They (…) have an inherited responsibility, passed on for generations and passed naturally from the social and political dynamics prevailing in every people' (Baniwa, 2006:65). Therefore, according to Baniwa they are the leaders legitimized by the internal social structures of indigenous peoples.

On the other hand, there are the indigenous *modern political leaders*[16], who are organized to make the dialogue within the indigenous movement and representative organizations. They usually '... perform specific functions as leaders of organizations, intermediaries and interlocutors between communities and institutions, local, regional, national and international community' (Baniwa, 2006: 65), hold dialogues directly with the non-indigenous world. Traditional leaders can also exercise political leadership, because these roles are not mutually exclusive. 'In the reality, traditional leaders and political leaders coexist and try to coordinate their actions and representations jointly, not always an easy task.' (Baniwa, 2006: 66).

The new organizations

Ever since they were created, indigenous organizations and their leaders have assumed the role as indigenous interlocutors in intercultural dialogues with non-indigenous entities; be they representatives of the Brazilian government or other non-indigenous sectors of national or international society. In recent years, these organizations have shifted their activities from the grassroots level to increasingly working with the administration of projects and programs. According to Matos (2006: 37-38),

> indigenous organizations have become less political, dealing less with wider political activism and more with management and execution of projects, including actions of state responsibility such as projects related to indigenous health and the protection of indigenous lands.

The indigenous organizations and their councils, unions, coordination offices etc) must register themselves in the General Register of Juridical Entities (*Cadastro Geral de Pessoas Jurídicas)* in order to become an institution recognized by the Brazilian government. In general, they imitate the organizational-structural forms of the larger Brazilian society, with the formation of boards elected by vote at meetings. In legal terms they are voluntary civil society organizations. In other words, they do not exercise any public authority in the management of Indigenous Lands, even if in some occasions and situations, these organizations enjoy a *political recognition* by the Brazilian state of representing indigenous interests and peoples.

In the first years after 1988 it was common to form organizations, or associations, that articulate all communities and indigenous groups in an indigenous land. However, divisions, conflicts and difficulties of internal management eventually led to a proliferation of various associations within one indigenous land. An example is the Wajãpi Amapá people. In the 1990s, they founded '*Apina*' – the Council of Wajãpi Villages. This council linked all the ethnic sub-groups, and its main focus was the territorial delimitation of their Indigenous Land. As the association gathered all Wajãpi villages, there was a political recognition of the representativeness of the institution. Over the years, however, a part of the Wajãpi decided to form another association (*Apiwata*). After that, other more localized associations were also founded (Braathen et al, 2007).

The same occurs at the regional and national level. The indigenous organizations continue to be voluntary entities, forming an indigenous civil society. There is no formal or institutional recognition of their representation, only political recognition. In other words, there are no statutes or regulations that

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[16]It is worth emphasising that Baniwa is not referring to democratically elected leaders. His notion of 'modern political' leaders refers to people in charge of the contact with the outside world.

formally delegate a responsibility or authority of representation of the indigenous peoples and Indigenous Lands to these organizations. Nonetheless, in their everyday dialogue and discussions with indigenous peoples, they have been recognized as "de facto" representatives of their ethnic groups. These organizations are consulted in decision-making processes, and are also requested by the state to nominate representatives for the governmental Councils and Technical Chambers (Conselhos e Câmaras Técnicas), among other bodies.

This is the case, for example, of the COIAB – the Coordination of Indigenous Organizations of the Brazilian Amazon *(Coordenação das Organizações Indígenas da Amazônia Brasileira)*, founded in 1989 and embodying a long and vast history of struggles and achievements of indigenous rights. It coordinates dozens of grassroots organizations in the Brazilian Amazon, has political recognition of the Brazilian government, and is included in decision-making and policy-making. Therefore one can observe an institutionalization of the role of COIAB as a *de facto* (but not *de jure*) representative of indigenous organizations.

At the federal (all-Brazilian) level is the Network of the Indigenous Peoples of Brazil (*Articulação dos Povos Indígenas do Brasil*, APIB). It has experienced a development similar to that of COIAB, with an increasing political recognition by the federal state as a representative of the indigenous peoples of Brazil. APIB is composed by the various regional indigenous organizations (Souza Lima, 2010):

- The network of indigenous peoples in the Northeast and the states of Minas Gerais and Espirito Santo (*Articulação dos Povos Indígenas do Nordeste, Minas Gerais e Espírito Santo*, APOINME);
- The network of indigenous peoples of the Pantanal region (*Articulação dos Povos Indígenas do Pantanal e Região,* ARPIPAN);
- The network of indigenous peoples in the Southeast (*Articulação dos Povos Indígenas do Sudeste,* ARPINSUDESTE);
- The network of indigenous peoples in the South (*Articulação dos Povos Indígenas do Sul,* ARPINSUL);
- The large assembly of the Guarani people (*Grande Assembléia do Povo Guarani*, ATY GUASSÚ, from the Mato Grosso do Sul province); and
- The Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB).

These organizations have a regional approach, and gather many sub-regional, local and smaller ethnic organizations. The regional networks incorporate a bureaucratic organizational structure, with an elected coordinating body (secretariat), a board and a general assembly. Their members are appointed by sub-regional organizations, which usually also have elected coordinators, and specific set-ups for the sub-region. The regional-territorial and socio-cultural differences led to a large variety of local organizations. Some of them represent only one ethnic group, others represent various groups. Some of them are related to only one indigenous Land, while others gather representatives from many. In sum, the scope of the sub-regional organizations is extremely diverse.

Nevertheless, the annual gathering *Acampamento Terra Livre (*the 'Free Land Camp'*)* has become the most important assembly of the indigenous leaders in Brazil. In 2004 it gathered 200 participants from 33 peoples, and in some of the subsequent camps more than 1000 leaders from more than 200 peoples have participated. The gatherings deal with policies in single sectors such as education and health, major conflict issues such as the government's hydropower projects and policies for economic growth, as well as overall issues related to bodies and

mechanisms for effective and democratic participation of the endogenous peoples in Brazilian policy making. The camps have accompanied the new dialogues with the federal government. These dialogues have resulted in the establishment of the National Commission for Indigenous Policies, *CNPI*.

The CNPI was established in March 2006 and is composed by twelve representatives from the government (three from the Presidency, three from the Ministry of Justice and six from other ministries), twenty indigenous representatives from the different regions in the country (ten of which hold the right to vote), and two representatives from civil society entities, thus ensuring voting parity between government and non-government representatives. CNPI has thematic sub-committees for policy areas such as Indigenous Lands, education, health, (economic) ethno development, and legislation. CNPI proposes directives and priorities for the 'indigenist'[17] national policy, monitors the actions of federal bodies working closely with indigenous peoples, and accompanies parliamentary activities.

The Free Land Camp pressured for the CNPI council to be 'deliberative' (with real influence for indigenous representatives) and not merely 'consultative'.[18] The Free Land Camps have become important supplements to the permanent inter-ethnic structures – in particular, the mentioned Network of the Indigenous Peoples of Brazil (APIB) (Souza Lima, 2010).

Pro-indigenous NGOs, national and international, have been important in the struggle for indigenous constitutional rights and in basic service delivery for the survival of the indigenous communities. The NGOs have supported indigenous empowerment and pioneered ethnodevelopment projects. However, gradually indigenous organizations have emerged to deal themselves directly with the government to improve their rights and welfare situation. The support from the NGOs is still important, but their role has become increasingly complementary to that of the indigenous organizations.

Government responses

The Brazilian federal state provides a very complex structure, making it hard for the indigenous movement, to influence the public policies. There are three government tiers (municipal, state and federal union) as well as meticulous check-and-balance arrangements between legislative, executive and judicial authorities. As mentioned earlier, the links between the state and the indigenous peoples became extremely fragmented after 1988. However, thanks to indigenous mobilizations and changes of government policies, new relations have emerged between the indigenous population and the federal state. First, the policies are more holistic – they link various policy areas which formerly were fragmented and dissociated. Second, they build on participation of indigenous representatives, although the participation is not 'deliberative' – with real decision-making and veto rights for the civil society representatives. In most of the cases, this participation is only consultative (advisory) (Inglez de Sousa and Vaz Ribeiro, 2013). FUNAI hosted a national conference of indigenous peoples in 2006, leading to a consultation process around a new Statute of Indigenous Peoples in 2009. It has, however, not yet been designed for implementation.

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[17]The category 'Indigenist' refers to state policies related to indigenous peoples.
[18]'Deliberative' means in the Brazilian political-juridical jargon that a committee or council has the authority to make decisions in the areas stated by the law, in contrast to 'consultative' bodies that lack this authority.

In 2009, the federal Ministry of Education organized a national conference for indigenous education. The conference proposed a policy to establish ethno-educational territories in order to transcend the differences in education contents offered by different municipalities or states serving one and the same indigenous people. The training, employment and active managerial involvement of indigenous teachers are key elements in this policy. It remains to be seen how effective the implementation is. Still, the indigenous vernacular has become the instruction language in most of the indigenous schools.

The Ministry of Health has organized similar national conferences for indigenous health. The ministry has a federal sub-system for health services to the indigenous population, organized in special districts, each with a multidisciplinary health team, a council with indigenous representatives and contacts in each village.

In spite of the importance of these government responses, a challenge is the fragmentation and lack of coordination between the different public policy areas, which can be witnessed, in the lack of common geographical scales and territorial units of implementation. The regional coordinating offices within FUNAI do not correspond to the same indigenous people as those defined by the Special Indigenous Health Districts (*Distritos Sanitários Especiais Indígenas*) of the Ministry of Health, which in turn are different from the areas defined for the Ethno-Educational Territories. These territorial-administrative units reflect specific institutional dynamics and are not congruent with the Indigenous Lands. On the one hand, this might be good for the work in each sector (FUNAI, Ministry of Education, Ministry of Health).On the other hand, it generates disarticulation between the institutional bodies, posing major difficulties for the indigenous to follow and influence its activities.

The most important response by the government was however the creation of the National Commission for Indigenous Policies, *CNPI,* in 2006 Based on previous programs for 'ethno-development' (sustainable economic development based on indigenous knowledge of natural resource management) and food security (*Carteira Indigena*), the CNPI) launched the National Policy for the Environmental and Territorial Management of Indigenous Territories, *PNGATI*, in 2008.[19] The PNGATI deals directly with the environmental and territorial management of the Indigenous Lands in Brazil. Its main goal is to guarantee and promote the protection, recuperation, conservation and use of sustainable natural resources in the Indigenous Lands. One of the main implementation tools used by the PNGATI is the Plan of Territorial and Environmental Management in Indigenous Lands. By recognizing the importance of the indigenous peoples' role and the respect for the existing rules and legislations, these plans aim for the social and cultural sustainability of the indigenous peoples and the establishment of agreements and deals between the communities living in the Indigenous Lands.

Still, the lacunas in the Indigenous Lands management structures stimulated the discussion and definition of a national policy for the environmental and territorial management of indigenous territories in 2007. A long process of dialogue between indigenous representatives, government and specialists was concluded on June 5, 2012, through the President Decree 7747. The general objective of the PNGATI was formulated this way:

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[19]The following information is based on own interviews but also on public information accessible on: http://sites.google.com/site/PNGATI/). We have especially used "Document to support consultation with indigenous peoples".

[…]to guarantee and promote the protection, recuperation, conservation and sustainable use of the natural resources in the Indigenous Lands and territories, by securing the integrity of the indigenous heritage, the improvement of the quality of life and the full conditions for physical and cultural reproduction of the present and future generations of indigenous peoples, respecting their autonomy and own forms of territorial and environmental management.[20]

Besides emphasizing the importance of the socio-cultural aspects related to territorial management, the idea and general objective of PNGATI thus highlights the need to implement mechanisms for participation of the indigenous peoples in decision-making processes. PNGATI defined the organs with guaranteed indigenous participation:

a. the National Commission for Indigenous Policy – CNPI;
b. The National Conference of PNGATI;
c. The National Deliberative Committee of PNGATI;
d. regional committees of PNGATI; and
e. local committees of PNGATI linked to a particular Indigenous Land.

The indigenous participants are nominated by the regional member organizations of APIB, which we have listed earlier.

Some specific objectives of PNGATI were announced, where the principal guidelines were concretized:

- protection of indigenous territories and their resources
- governance and indigenous participation
- regulation of the surroundings of the indigenous territories
- the relationships between indigenous territories, parks or units of conservation, and protected areas
- indigenous peoples in voluntary isolation and by the national frontiers
- prevention and reparation of damages
- environmental licensing of public works and activities that are potentially polluting Indigenous Territories and their surroundings
- sustainable use of resources and indigenous productive initiatives
- intellectual property and genetic heritage
- capacity building and training for the implementation of PNGATI
- financial resources and general dispositions.

The PNGATI reinforces the political dimension of territorial management. The political dimension stands out in terms of indigenous participation in the decision making processes connected to PNGATI, as well as in the necessity of capacity-building and training envisaged by the policy.

Half of the members of the national deliberative committee, regional committees and local committees controlling PNGATI are people nominated by the indigenous civic organizations at the national, regional and local levels. If there are more indigenous organizations than seats for indigenous people in these committees, the heads of the indigenous organizations come together and suggest joint candidates.

Indigenous representatives also participate in councils for policies that are not particularly 'indigenous', but are important for indigenous peoples: the National Council for the Environment (CONAMA), the National Council for Food Security and Nutrition (CONSEA), the Council for Genetic Patrimony (CEGEN) among others. Although the majority of these councils only play advisory roles, they have given voices to the indigenous peoples in an emerging

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[20]Op.cit.

Brazilian welfare state characterized by direct citizen participation in the formulation and implementation of policies.

The indigenous representatives on these structures are mostly nominated by the regional indigenous organizations described earlier.

Despite of some improvements, the last years also has brought many threats to the indigenous peoples rights, with direct impact on their semi-autonomy. The dialogue between federal government and indigenous movement has decreased, reversing a positive trend observed after the making of the Constitution of 1988. Several recent initiatives can lead to reversal of indigenous conquests. The major threat is related to the demarcation processes of indigenous territories. There is a proposal to amend the constitution (*Projeto de Emenda Constitucional,* 'PEC 215'), with the intention of transferring the responsibility for approval of the indigenous lands from FUNAI to the federal legislative power (the National Congress), where the anti-indigenous interests are in majority, headed by politicians connected with the agro-business. This proposal follows pressures on the Brazilian government, mainly from the agro-business sector, to stop new processes of indigenous land demarcation (Inglez de Sousa and Vaz Ribeiro, 2013). Another law proposal ('PL 1610') intends to regulate mining inside indigenous lands. This proposal clearly limits the consultation process with affected indigenous peoples.

Concluding remarks

In hindsight, the new federal constitution in 1988 marked a revolutionary divide in the history of the indigenous peoples of Brazil. Colonialism, centralism and authoritarianism were overthrown. The conquest of a comprehensive set of rights, including the right to establish Indigenous Lands, created an effective trend of decolonization, decentralization and democratization in the relationship between the indigenous population and the state. The principles of state 'guardianship', westernized 'assimilation' and 'development' have been replaced by indigenous self-organization and goals of sustainable 'ethno-development'.

However, the large majority of the almost 600 Indigenous Lands that emerged were too small and lacked the organizational-managerial capacities and resource endowments to become self-sustainable territories. The post-1988 federal state offered only an extremely fragmented institutional structure to support the Indigenous Lands, which depended on human and financial resources from the outside world to survive. National and international NGOs substituted to some extent the service delivery duties of the state.

These fragmentations led to some potential conflicts within the ethnic groups and Indigenous Lands. These conflicts often centred on trivial issues such as the localization of health centres and organizational headquarters, or on the choice of the preferred city outside the Indigenous Land for access to modern services and state agencies. At a larger scale there have been important regional differences between the indigenous peoples. For example, in the South and Southeast regions of Brazil the contact with the white man was established earlier, the genocide and 'assimilation' policies went deeper, and the recent indigenous territories have turned out smaller than in the Amazon region. In the latter, the natural resource base is richer, more diverse and more intact, and resistance against infrastructural (roads) and hydropower projects has been more paramount. Therefore, it has not been easy for the various peoples to agree on a common indigenous agenda.

Nevertheless, the most important development since 1988 is the opening of spaces for broad-based political mobilization, across the ethnical lines and beyond the local indigenous territories.

A proper sense of citizenship has been evolving among the indigenous peoples, following emancipation from paternalistic guardianship. The first steps of democratic self-organization and self-management have been taken (Souza Lima, 2010).

In this process, the indigenous population has restructured its political-organizational relations, both internally and with the federal state. The indigenous peoples, some of them enemies in the past, realized that a stronger political and ethnical alliance was necessary to face new challenges related to the wider national society. Besides, they realized that new knowledge was needed: skilled leaders, but also indigenous teachers, lawyers, health professionals, environmental specialists, organizational managers, negotiators, and many others.

Henceforth, by the beginning of the new millennium, an indigenous education system was in place and had fostered a younger and more educated layer within the indigenous peoples, such as school teachers. The indigenous movement became vitalized and more pan-ethnic in its outlook, as demonstrated by the annual 'Free Land Camp' since 2004.

An emerging Brazilian welfare state, characterized by direct citizen/"user" participation in the formulation and implementation of policies, has started to include also the indigenous population. In 2007, the National Commission for Indigenous Policies (CNPI) was established with federal government and indigenous representatives, and this committee has started to implement an ambitious policy for improved environmental and territorial management in Indigenous Territories (PNGATI).

However, the indigenous territories outside the Amazon region remain too small for sustainable ethno-development. Moreover, the Indigenous Lands belong to the federal state, and while the indigenous peoples inhabiting them have the exclusive right to use the surface of the land, the subterranean resources (such as minerals) are federal state property. Hence, the indigenous peoples enjoy semi-autonomy and not full sovereignty over the indigenous territories. This bodes for potential conflicts with the federal state on key economic issues. In this situation, the indigenous organizations realized they had to keep up some creative and strategic alliances with non-indigenous entities: national NGOs, international organizations, and certain federal government institutions which were delinked from economic policies.

The governments of Luis Inácio Lula da Silva (2003-2010) and his successor Dilma Rousseff have emphasized industrialism and *neo-desenvolvimentismo (*'neo-developmentalism'). This policy has led to the implementation of large projects for hydropower generation, mining and other economic purposes, particularly in the Amazon region. The most emblematic one has been the Belo Monte project by the Xingú River, building the third largest hydropower plant in the world. These endeavours tend to undermine territorial and other rights of the indigenous peoples, and they question the commitment of the Brazilian government to its own policy for consultation and Free Prior and Informed Consent (FPIC). Henceforth, the capacities for pan-ethnic mobilization, solidarity and pro-active policy formulation become key issues in the future indigenous politics of Brazil.

The recent anti-indigenous initiatives represent a real threat against the indigenous peoples in Brazil. These initiatives can lead to the reversal of many indigenous achievements in political, legal and territorial arenas. The already

limited autonomy of the indigenous peoples can become even more restricted. Still, it is important to note that the indigenous peoples, through their leaders and supporters, mobilize strongly against the attempts to undermine their conquests from the 1980s on. They demonstrate their will to create a major autonomy combined with real participation in the decision-making processes in federal Brazil.

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