

Tipití: Journal of the Society for the Anthropology of Lowland South America

ISSN: 2572-3626 (online)

Volume 18

Issue 1 *Mediating care: Amerindian health agents across worlds, bodies and meanings*

Article 12

10-28-2022

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Recommended Citation

Ribeiro, Fabio; Aparicio, Miguel; and Matos, Beatriz de Almeida (2022). "Isolation As A Statement of Refusal: Indigenous Policies Against The Violence of The Brazilian State in Difficulties in the Enforcement of Territorial Rights, Brazil," *Tipití: Journal of the Society for the Anthropology of Lowland South America*: Vol. 18: Iss. 1, Article 12, 143-147.

Available at: <https://digitalcommons.trinity.edu/tipiti/vol18/iss1/12>

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Isolation As A Statement of Refusal: Indigenous Policies Against The Violence of The Brazilian State

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On June 5, 2022, on the Itaquai river, in the state of Amazonas, our dear Bruno da Cunha Araújo Pereira, together with journalist Dominic Phillips, was brutally and cowardly murdered for defending for more than a decade the rights of the isolated indigenous peoples of the Vale do Javari Indigenous Land.

On August 25, 2022, we received news of the death of Tanaru, the “Indian of the hole”, the only survivor of an indigenous people massacred in the state of Rondonia in the 1990s. Tanaru’s body was found, all adorned, by the sertanista Altair Algayer. Tanaru prepared his own death, in a grandiose gesture of refusal to contact. This text is a small tribute to the struggle, the memory and the legacy of these two warriors.

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The present text addresses some of the difficulties in ensuring the rights of isolated indigenous peoples in Brazil to life and land. We seek here to complement the contributions of Section 3 “*Dificuldades na efetivação dos direitos territoriais*” of the publication “*Povos Tradicionais e Biodiversidade no Brasil: Contribuições dos povos indígenas, quilombolas e comunidades tradicionais para a biodiversidade, políticas e ameaças*”¹, since that volume does not specifically address the issue of isolated indigenous peoples and their territories in the country.

Besides covering the largest portion of the Amazon basin, Brazil is the country with the largest number of isolated indigenous peoples in the world. According to official data, there are 114 records of isolated indigenous peoples, twenty-seven of which are confirmed. Although the rights of these peoples to self-determination and to the territories they occupy are guaranteed by the Brazilian Federal Constitution and by ILO Convention 169 (to which Brazil is a signatory), and although Brazilian public policy for the protection of isolated indigenous peoples, structured on the principle of non-contact, is a reference, what has been observed in

1. “Difficulties in the Enforcement of Territorial Rights” in “Traditional Peoples and Biodiversity in Brazil: Contributions of Indigenous Peoples, Quilombolas and traditional communities to biodiversity, policies and threats”.

practice, especially over the last five years, is that the Brazilian State itself is the principal agent of systemic violence against isolated indigenous peoples and their lands. Within this scenario, as an effect of this violence, we have also observed an increase in the activities of organized civil society, principally indigenous organizations (e.g., APIB, COIAB, Univaja, Guardiões da Floresta), in defense of the rights of these peoples. To describe this state of things, the text is organized into three sections: the first argues in favor of an understanding of the “isolation of indigenous peoples” as an expression of self-determination; the second addresses some of the ways in which the State systematically violates isolated indigenous peoples; and the third section conversely addresses some indigenous forms of organizing resistance against the State and makes some observations about possible paths to follow to guarantee the fundamental rights of isolated indigenous peoples.

Isolation as self-determination

As mentioned above, Brazilian public policy for the protection of indigenous peoples considered to be “isolated” has been based, since 1987, on the principle of non-contact (FUNAI 1988). That is, it is based on the assumption that not forcing contact with isolated indigenous peoples, but rather protecting the territories they occupy, is the best way to guarantee the well-being and lives of these vulnerable populations². “Isolated indigenous peoples” is, of course, a public policy category, not an anthropological category. Isolation (often incorrectly thought of as a supposed pristine condition that would currently persist among some “more primitive” indigenous groups) is, contrary to what common sense often believes, an exceptional position, derived from the violent effects of the invasion and colonization of Amerindian lands. Amazonian ethnology, after all, has long evidenced the constitutive relationality of Amerindian socialities (see, for example, the review by Viveiros de Castro 2002). There were no isolated indigenous peoples on *terra brasilis*. It was the lethality of armed violence and epidemics that led the survivors of some groups to interrupt their networks of external relations and consolidate a political and territorial position of refusal and cancellation of the permanent exchanges they had always developed. Relationships of alliance, ceremonial exchange, war, the flows of visitation, cooperation, or conflict defined broad circuits of circulation of people, objects, and knowledge. Isolation is, therefore, a state of interruption: it is not an original or “traditional” position, but rather a contemporary (lack of) choice of groups that have defined coexistence with Western society as unfeasible.

Although it obliterates a great ethnographic diversity, the category of “isolated indigenous peoples” is still fundamental for guaranteeing the rights of those peoples. It is in this sense that one of the strategies of the current Brazilian government to dismantle public policy is precisely to criticize the idea of “isolation”, as if anthropologists and NGOs wanted to keep isolated indigenous peoples “like animals in a zoo”. Recalling arguments from the time of the military dictatorship, when the indigenist practice was precisely to force contacts in order to liberate indigenous territories for National Development (“Integrate so as not to hand over”), various members of the current government have publicly spoken out against the policy of non-contact, saying that it is necessary that these isolated indigenous peoples be incorporated into Brazilian society.

To counter this harmful idea, we argue that the way of life in isolation, whether “voluntary” or “involuntary” (forced), is itself an expression of the refusal of these collectives to be contacted and/or consulted. In light of the international human rights system, national states should recognize and guarantee this right to self-determination, or the right of isolated indigenous peoples to refuse to participate in “national society”. We emphasize that this refusal is manifested through explicit procedures of nonverbal communication by the indigenous peoples who find themselves in this situation. This refusal is communicated by the isolated

indigenous peoples in a variety of ways: whistling, coverings, traps, barriers on paths and streams, stretches of land, and burrows³. Their movements of escape, evasion and, ultimately, attacks and suicides must be interpreted in the same way. Brazil's recent history is replete with examples of how the state's failure to understand indigenous nonverbal communication has led the isolated peoples into action: Kayapó attacks on extractivist fronts in southern Pará in the 1950s and 1960s (Verswijver, 2018); Arara (Pará) attacks on teams of laborers working on the opening of the Transamazon highway in the 1970s (Teixeira-Pinto, 1997); Zo'é (Pará) attacks on New Tribes Mission missionaries in the 1980s (Ribeiro, 2020); Korubo attacks on fishermen and loggers (Amazonas) in the 1980s and 1990s; the murder of indigenist Rieli Franciscato by one of the isolated groups in the Uru Wau Wau IT (Rondônia) in 2020 (Opi, 2020); death of Tanaru (Rondônia) in 2022 (Opi, 2022).

Five modes of state violence against isolated indigenous peoples

Briefly, we observe that there are five modes of violence against isolated indigenous peoples, which are the responsibility of the action and/or omission of the Brazilian State.

- A. Handing over of indigenous lands to agribusiness, mining, logging companies, and fundamentalist missionaries;
- B. Dismantling of the public policy of protection and production of fraudulent documents and/or official fake news;
- C. Administrative shelving of processes of recognition of the existence and regularization of land ownership;
- D. Abandonment, quite simply, of the Indigenous Lands and the actions once initiated in favor of territorial protection;
- E. Abandonment by public authorities of effective mechanisms to protect indigenous peoples and their allies, with the consequent extermination of indigenous leaders and human rights defenders.

It is precisely because of this systemic violence of the state against isolated indigenous peoples that we understand that the idea of "voluntary isolation" (Shepard, 1996) does not translate some of the realities and contexts of isolation in Brazil, nor does the idea of "free peoples" (Heck *et alii*, 2005; Cimi, 2011). After all, how can one speak of voluntarism or freedom in the case of survivors of massacres (e.g. Piripkura, Kawahiwa, Omerê, Tanaru, etc.)? Or in the case of isolated indigenous peoples living in indigenous lands under total pressure from loggers (e.g. Araribóia, Awa), from gold miners (e.g. Yanomami), from squatters (e.g. Ituna-Itatá) or even from federal highways (e.g. Pirititi)?

We argue, in this sense, that in most situations it would be more appropriate to speak of "forced" isolation, or even of "refugees within their own territories". Moreover, the supposed "remote" condition of the territories in which these groups have consolidated their isolation is increasingly characterized by the imminence of a situation of "siege". If, in past decades, less exploited areas of forest provided escape routes to reestablish collective life, in the 21st century we are witnessing an unbridled increase in the devastating pressure of state and global market colonization fronts. The conversion of the forest into a resource exploitation, commodity production, or energy, leaves isolated groups in a state of siege, often subjected to a real blockade of their territories. Indigenous isolation is at the same time reactive (as an effect of the agro-extractivist advance on their territories) and proactive (by expressing a deliberation against the establishment of bonds of coexistence with invading agencies). This choice for refusal must be respected.

Ways to ensure the right to life and land

In addition to the strategies of alienation, warfare, and non-verbal communication carried out by isolated indigenous peoples with the aim of refusing contact and taking on the protection of their own territories, one of the principal effects of the increase in state violence against indigenous peoples has been the strengthening of forms of institutional resistance by indigenous organizations against the state. We can mention, for example: at the local level, the actions of organizations like the Union of Indigenous Peoples of the Javari Valley (Univaja) in the Amazon and the Guardians of the Forest (Araribóia IT) in Maranhão; at the regional level, the actions of the Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB); and at the national level, the actions of the Articulation of Indigenous Peoples of Brazil (APIB).

An important indigenous political action, in this sense, based on Article 232⁴ of the Brazilian Federal Constitution, was ADPF No. 991 (BRASIL 2022), by means of which APIB requested an injunction from the Supreme Court,

“that the isolated way of living be recognized as a declaration of the free self-determination of the isolated indigenous peoples, with the act of isolation being considered sufficient for the purposes of consultation, in the terms of Convention 169 of the International Labor Organization (ILO), the United Nations Declaration on the Rights of Indigenous Peoples, and the American Declaration on the Rights of Indigenous Peoples, international human rights norms internalized in the Brazilian legal system” (ADPF nº 991, Section XII, p. 121).

In order to make effective this demand, arising from an attentive reading by the APIB of the diverse forms of expression of the decision of the isolated indigenous peoples in their nonverbal communication procedures, a series of requests were made that require the guarantee of the right of these groups to their self-determination, namely: a) the urgent publication of use restriction ordinances as a mechanism for the integral protection of their territories, until the constitutional obligation to demarcate their lands is fulfilled; b) the immediate elaboration of action plans for the regularization and protection of indigenous lands with the presence of isolated and recently contacted indigenous peoples, with effective implementation of Union budgetary resources that provide the necessary human resources and infrastructure; c) the installation of a permanent working group within the National Council of Justice (CNJ) to monitor legal actions that enforce respect for the rights of isolated indigenous peoples; d) the urgent issuance of use restriction ordinances and protection plans for the register of isolated indigenous peoples who are partially or totally outside indigenous lands.

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In conclusion, and faced with the radical and deliberate expression of the isolation of these indigenous peoples, we understand that it is up to State to guarantee a form of response and action that includes the immediate demarcation of their indigenous lands and the implementation of effective and secure mechanisms to protect life and respect the Amerindian decision of refusal, with all the consequences that this implies. The maintenance of these ways of life strengthens democracy, ensures the continuity of a plural society, and guarantees a perspective of a future in the face of the devastating threats impacting the Amazon accelerated by Bolsonarism.

4. Art. 232: “The Indians, their communities and organizations are legitimate parties to enter court in defense of their rights and interests, the Public Prosecution Service intervening in all the acts of the process”.

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