


In defense of indigenous territories in Brazil: rights, demarcations and land retake

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Abstract

In recent decades Brazil has been living through a crossroads of civilization; the race for natural resources in the period of advanced neoliberal capitalism has accentuated a violent extractive process, invasion and spoliation of indigenous territories. The objective of this text is to analyze, based on data from the SNCR, INCRA and FUNAI registers, the land tenure situation of indigenous claims and possessions in Brazil from a comparative perspective to that of medium and large rural properties. The methodological outline consisted in categorizing and mapping the land situation of indigenous lands in Brazil. Currently the bio/necropolitical government acts to expand and enlarge the corporate territories of globalized agribusiness by carrying out an attack on indigenous lands, annulling public policies, administrative and legislative devices in defense of the peoples and interdicting the demarcation of the lands. In a country as unequal as Brazil, the power relations that lead to violence are based on the historical concentration of land ownership. The strengthening of the provisions of the 1988 Federal Constitution and of Convention 169 of the International Labor Organization is indispensable for the demarcation of lands traditionally occupied by indigenous peoples, as well as through self-demarcation (land retake), in order for social justice to be achieved.

Keywords: Indigenous Lands. Conflicts. Demarcation. Rights. Brazil.

Em defesa dos territórios indígenas no Brasil: direitos, demarcações e retomadas

Resumo

Nas últimas décadas, o Brasil vive numa encruzilhada civilizatória: a corrida por recursos naturais no período do capitalismo avançado neoliberal tem acentuado um processo extrativo violento, de invasão e de espoliação dos territórios indígenas. Este texto analisa, a partir de dados dos cadastros do SNCR, do Incra e da Funai, a situação fundiária das demandas e possessões indígenas no Brasil em perspectiva comparativa com a média e a grande propriedade rural. O delineamento metodológico consistiu em categorizar e mapear a situação fundiária das terras indígenas do Brasil.

Atualmente, o governo bio/necropolítico atua para expandir e ampliar os territórios corporativos do agronegócio globalizado atacando terras indígenas, anulando políticas públicas, dispositivos administrativos e legislativos de defesa dos povos e interditando a demarcação das terras. Num país tão desigual, o cerne das relações de poder que primam pela violência é a histórica concentração fundiária. É imprescindível fortalecer os dispositivos da Constituição Federal de 1988 e da Convenção n. 169 da OIT para a demarcação de terras tradicionalmente ocupadas por indígenas, bem como a autodemarcação (retomada), para que se faça justiça social.

Palavras-chave: Terras indígenas. Conflitos. Demarcação. Direitos. Brasil.

En defensa de los territorios indígenas en Brasil: derechos, demarcaciones y recuperación

Resumen

En las últimas décadas Brasil ha vivido una encrucijada civilizatoria, la carrera por los recursos naturales en el período del capitalismo neoliberal avanzado ha acentuado un proceso de extracción violenta, invasión y expoliación de los territorios indígenas. El objetivo de este texto es analizar, a partir de los datos de los registros del SNCR, del INCRA y de la FUNAI, la situación de la tenencia de la tierra de las reivindicaciones y posesiones indígenas en Brasil en perspectiva comparativa con las medianas y grandes propiedades rurales. El esquema metodológico consistió en categorizar y mapear la situación de las tierras indígenas en Brasil. Actualmente, el gobierno bio/necropolítico actúa para expandir y ampliar los territorios corporativos de la agroindustria globalizado, llevando a cabo un ataque a las tierras indígenas, anulando las políticas públicas, los dispositivos administrativos y legislativos para la defensa de los pueblos e interviniendo en la demarcación de las tierras. En un país tan desigual, las relaciones de poder que conducen a la violencia se basan en la concentración histórica de la propiedad de la tierra. El fortalecimiento de las disposiciones de la Constitución Federal de 1988 y del Convenio 169 de la Organización Internacional del Trabajo es esencial para la demarcación de las tierras tradicionalmente ocupadas por los indígenas, así como a través de la autodemarcación (recuperación), para lograr la justicia social.

Palabras clave: Tierras indígenas. Conflictos. Demarcación. Derechos. Brasil.

Introduction

In Brazil, according to the 2010 Census of the Brazilian Institute of Geography and Statistics (*IBGE*), the indigenous population is 896,917, with 305 peoples speaking 274 languages. Of these, 572,083 reside in rural areas and 324,834 in cities, corresponding to 0.47% of the total population of the country. The state of Amazonas, with 168,680 inhabitants, concentrates the largest indigenous population.

The report *Violência contra os povos indígenas no Brasil*, from Indigenous Missionary Council (Cimi, [2020]), showed the increase of violence against indigenous people from 2018 to 2019. There were 276 cases of violence against an individual in 2019, more than double the total recorded in 2018 (110 cases). The report also recorded an increase in land/territories invasions and damage to indigenous heritage in 2019, the first year under the presidency of Jair Bolsonaro. There were 256 cases of invasion, 135% more than in 2018.

In addition, there were 113 assassinations, and the health of these people was at risk in the fight against Covid-19. In the 19 categories of violence listed in the Cimi report ([2020]), which involves not only violence against individuals, but also against indigenous heritage or as a result of the omission of public power, in 16 of these categories there was an increase, highlighting the intensification of land expropriation, whether by invasion, land seizure or land allocation, in addition to the death of children up to 5 years of age due to lack of assistance. In comparison to 2018, the number of cases of violence almost doubled in five categories: (1) “territorial conflicts”, which went from 11 to 35 cases in 2019, (2) “death threat”, which jumped from 8 to 33, (3) “various threats”, which went from 14 to 34 occurrences, (4) “willful bodily harm”, from 5 to 13, and (5) “deaths from lack of assistance”, which, from a total of 11 in the year of 2018, went to 31 cases in 2019. The cases of violence against people decreased a little compared to 2018, with 113 murders, 33 death threats, 34 assorted threats, 24 attempted murders, 20 culpable homicides, 16 acts of racism and ethnic-cultural discrimination, 13 intentional bodily harm, 13 cases of abuse of power and 10 sexual violence cases. The Cimi report ([2020]) considers that the target of these assassinations are indigenous leaders and highlights that, in 2019, death threats increased from 8 to 33 and more than doubled in relation to other types of threats.

Violence against indigenous peoples is part of a neoliberal government project, whose objective is to make available their lands and the common goods contained therein to agribusiness, mining and logging companies, among others. In Brazil, this attack on indigenous territories is linked to the neoliberal advance of “accumulation by spoliation” (Harvey, 2004).

We start from the premise that one of the fundamental issues in the country today is the defense of indigenous lands and their relationship with the health, environmental, economic, geopolitical, social, institutional, civilizational crisis and the violation of human rights. This is justified by ethnocentric state initiatives and the struggle¹ for land and territory. The bio/necropolitical government (Foucault, 2004; Mbembe, 2011) acts to expand and extend the

¹ Porto-Gonçalves (2013, p. 169) formulated the concept of *r-existence* to show that “more than resistance, which means taking up a previous action and, thus, is always a reflex action, what we have is *r-existence*, that is, a way of existing, a certain matrix of rationality that acts in the circumstances, even re-attends from a *topoi*, in other words, from a place of its own, both geographically and epistemically. In truth, it operates between two logics”.

“corporate territories of globalized agribusiness” (Silveira, 2007), attacking all free forms of life and annulling public policies, administrative and legislative mechanisms for the defense of indigenous peoples. On the one hand, big finance, extractive and agro-industrial capital and the “commodity consensus” (Svampa, 2013, 2019) acts to explore and privatize public lands and, on the other, the evangelical and military *lobby* seeks to mischaracterize/deterritorialize/precarize the indigenous peoples with the intention of converting their soul, their spirit, in order to alter the immanent relationship between people and land, people and territory – the inseparable relationship between the indigenous peoples and their autonomy. This attack seeks to integrate the indigenous into national society. Even so, as we shall see, there are ongoing strategies of struggle for land and territory, collective actions, intensive alliances of bodies and street politics.

According to Schwarcz (2019), the current attacks on minority groups such as indigenous peoples and quilombola communities, among other peoples of the land, water and forest, demonstrate the period of democratic crisis we are living through. The repression of freedom justified by ideological doctrine, the relaxation of the carrying of firearms justified by the defense of private property, in times of necropolitics (Mbembe, 2011), has accentuated, on the one hand, the climate of fear, fright and despair.

Combating violence, intolerance and social inequality as authoritarian practices and ideas is fundamental for the survival of minority groups in contemporary Brazil. The struggle for collective rights, citizen vigilance, territorial defense and the incentive to cultural diversity are part of the current struggles against the dismantling of public policies of education, health, security, land regularization, freedom and attacks on the Federal Constitution of 1988 (Schwarcz, 2019). These lines of struggle have the potential to generate new ideas and practices, based on the insubordination and decolonization of powers and colonial imaginaries about, for example, indigenous peoples, their bodies, lands and territories.

The territorialities of indigenous peoples are alive with r-existence (existing to resist) against the bio/necropolitical governance of agribusiness and corporate territories. At a time when the actions of the Brazilian State and capital, in its neoliberal phase (Dardot; Laval, 2016), aim at the dismantling, retreat and withdrawal (privatization) of natural resources (land, water, forest, mineral, air, among others), it is essential to understand the strategies adopted by these peoples to conquer and/or maintain their territorial rights. For this, this text focuses precisely on territory as a category of practice, as a device of r-existence, and the subaltern and hegemonic territorialities in dispute (Haesbaert, 2018). Land, territory, autonomy, self-determination, the body, the State, public policies, etc. are part of the future of indigenous peoples.

In this context, this article analyzes, based on data from the National System of Rural Registry (*SNCR*) and the National Institute of Colonization and Agrarian Reform (*Incra*) and the National Indian Foundation (*Funai*), the land situation of indigenous claims and possessions in Brazil in relation to medium and large rural properties. This work consists of quantitative and qualitative research. We adopted the bibliographic and documentary survey and the collection of data and information. The methodological outline consisted of a categorization, by large regions, of the foundational situation of indigenous territories in Brazil. Based on the data, tables were elaborated to analyze the land structure of the country and, from the data collected together with *Funai*, also a cartography of the land tenure situation of the indigenous lands.

The results and discussion are structured in three sections: (a) lands traditionally occupied by Indians, (b) the dilemma of the demarcation of indigenous lands in Brazil and (c) the defense of indigenous territories. In the final considerations, we recognize the importance of the defense of biodiversity and the strength of the territorial ethnodiversity of indigenous peoples in Brazil.

Land traditionally occupied by Indians

The normative (legal-political) category “lands traditionally occupied by Indians” was conquered and recognized as a right in the Federal Constitution of 1988. This category of indigenous land, determined in article 231, §1º of the Constitutional Charter of 1988, defines:

The lands traditionally occupied by Indians are those inhabited by them on a permanent basis used for their productive activities, those indispensable for the preservation of the indispensable for the preservation of the environmental resources necessary for their well-being and well-being and those necessary for their physical and cultural reproduction, according to their uses, customs their uses, customs and traditions (Brazil, 1988).

Regarding the indigenous issue, in its chapter VIII, article 231, the Federal Constitution of 1988 recognizes that Indians have the right to traditional territory, determining that all indigenous lands in the country must be identified, delimited, demarcated and approved by the Union. It also recognizes that:

Their social organization, customs, languages, beliefs and traditions, and the original rights over the lands they traditionally occupy are recognized to Indians, and the Union is responsible for demarcating them and protecting and enforcing respect for all their assets (Brazil, 1988, emphasis added).

However, even with the constitutional protection won by the indigenous peoples, in addition to international norms – such as Convention No. 169 of the International Labour Organization (ILO) –, colonial conceptions and practices that lead to genocide, ethnocide and ecocide are still reproduced in the contemporary Brazilian context. The struggle of these peoples in the juridical-political territorial order is for the *recognition* of indigenous peoples’ “original rights over the lands they traditionally occupy”.

At a time of institutional crisis, the *Proposta de Emenda Constitucional* (PEC) 2015 was made,² with attempts of changes proposed by the Temporary Framework³ in the face of the

2 The purpose of PEC 215 is to transfer the responsibility for land demarcation to the Legislative Branch, and no longer to the Executive Branch, contrary to the 1988 Constitution, more specifically, to the stone clause in Article 60. This will cause damage to democracy and to the conquests of the indigenous population, because, as well as land demarcation, other issues will be dealt with by the Legislative Branch, such as the refusal to expand indigenous lands.

3 The Temporary Framework is a draft law that is under discussion so that indigenous and quilombola lands are only declared if they have been occupied since the promulgation of the Federal Constitution of 1988. It defends indigenous rights, since it represents harm to this population and denies the expulsion/territorialization that these peoples have suffered on their lands. In the field of law, Viegas (2018) considers the importance of territorialization as a legal-constitutional institute and as a counterpoint to the Temporary Framework.

traditionality of the land defined in the Federal Constitution of 1988, the anti-indigenous discourse of the current government, which materialized in attacks on indigenous peoples, the indigenist policy, with the ruralist apparel of *Funai* and the invasion of territories by prospectors, loggers and squatters. According to the executive coordinator of the *Articulação dos Povos Indígenas (Apib)* Sônia Guajajara (2020, p. 182), “the main focus of the attacks are the traditional territories, whether for the exploration of timber, mining, agricultural expansion of farms, agribusiness or real estate speculation”. Thus, the lives of all those “who fight in defense of the Earth and the environment are at risk”.

This bio/necropolitics builds political-legal devices for the flexibilization of environmental legislation to allow mining activities and agribusiness partnerships for agricultural production on indigenous lands (taking up the discourses and practices of integration of the indigenous into the national society by the capitalist market during the period of the Brazilian military dictatorship, from 1964 to 1985), as well as the attempts to extinguish the *Secretaria Especial de Saúde Indigenista (Sesai)* within the Ministry of Health together with the Union, with the objective of municipalizing health, without differentiated attention. These changes show that the new government is positioning itself against the indigenous rights recognized and conquered by the Federal Constitution of 1988. The objective of promoting, on the one hand, the dismantling of *Funai*, which survives in the limit of inoperability, with budgetary and personnel restrictions, and, on the other hand, of “instrumentalizing it as a branch of ruralism in Brazil” (Cimi, [2019]), demonstrate the denial of indigenous rights in the bio/necropolitical governance of pesticides.

According to the Federal Constitution of 1988, the lands traditionally occupied by Indians are assets of the Union (art. 20, XI). It is important to remember that the definition of the nature of the constitutional rights of the Indians was a conquest that took place through a movement of struggle by the indigenous peoples. The 1988 Constitution incorporated the principles of indigenous peoples in its article 231, which recognizes their social organization, customs, languages, beliefs and traditions, and their physical and cultural reproduction, according to their uses, customs and traditions.

According to Silva (2018, p. 32-33), the Federal Constitution of 1988 recognizes “that the lands traditionally occupied by the Indians are destined for their permanent possession, this does not mean an assumption of the past as an effective occupation”, but gives “a guarantee for the future, in the sense that these inalienable and unavailable lands are destined, forever, to their habitat”. This is due to the recognition of the rights of the indigenous communities to permanent possession of the occupied lands, as defined in the terms of article 231, §§ 1 and 2. Hence the importance of permanence and territorialization explicitly stated by the constitutional norm in force.

The daily life of indigenous lands and territories has been marked, historically and geographically, by the colonial violence of the prospectors, loggers, the mega-development projects such as the hydroelectric plants in the Amazon, the agribusiness so present in the Center-West, and which has intensified since the recent changes published in Provisional Measure number 870/2019 by the new government, with the force of law, and determining, among other changes, the transfer of the demarcation and protection of indigenous lands from *Funai* to the Ministry of Agriculture, Livestock and Supply, which is currently commanded by

the popularly known “ruralist, pro-gun and evangelical bench”, which form a majority bloc.⁴ This provisional measure put into practice the attack, the dismantling and the looting of the territories of traditional, indigenous and quilombola peoples, corroborating the spoliation of indigenous lands in the Amazon for loggers, logging companies, hydroelectric companies, meat packing plants and agribusiness companies.

It is important to clarify that the Provisional Measure number 870/2019 was the first one issued, on January 1st, by the new government, with the force of law, which altered the administrative structure, reducing the number of Ministries from 29 to 22 and determining, among other changes, the transfer of the land regularization of indigenous and quilombola lands to the Ministry of Agriculture, Livestock and Supply. Previously, the indigenous lands were under the responsibility of *Funai*, an agency linked to the Ministry of Justice, which became part of the structure of the Ministry of Women, Family and Human Rights. The quilombola lands were previously under the responsibility of *Incra*, linked to the Civil House. The Chamber of Indigenous Peoples and Traditional Communities of the Federal Public Ministry expressed its opposition to the provisional measure and considered that this new governmental structure violates the indigenous rights defined in the Federal Constitution of 1988 and violates the right of native peoples to prior, free and informed consultation, as provided for in ILO Convention number 169.

According to the Federal Constitution of 1988, the lands traditionally occupied by Indians are assets of the Union (art. 20, XI). It is important to remember that the definition of the nature of the Indians’ constitutional rights was a conquest that took place through a movement of struggle by the peoples. The 1988 Constitution incorporated the principles of indigenous peoples in its article 231, which recognizes their social organization, customs, languages, beliefs and traditions and their physical and cultural reproduction according to their uses, customs and traditions.

In addition, in chapter VIII, article 231, the Federal Constitution of 1988 recognizes that Indians have the right of access to land by determining that all indigenous lands in the country must be identified, delimited, demarcated and approved by the Union: “Their social organization, customs, languages, beliefs and traditions, and the original rights over the lands they traditionally occupy are recognized to Indians, the Union being responsible for demarcating them and protecting and enforcing respect for all their assets” (Brazil, 1988).

ILO Convention number 169 guides indigenous policy in Brazil and in countries that adhere to the reservation policy. Here, this text was approved by means of Legislative Decree number 143, of 2002. This Convention, on the one hand, reduced the right of these peoples to self-determination and autonomy in the context of modern colonial states. Thus, while the State is recognized for the sovereignty of its territory, the original nations are, under the sign of this convention, recognized as *peoples*, with the right to self-determination and, in specific cases, to autonomy. In these countries, the right to the lands they originally occupied is recognized, assuring a relative *autonomy*, and not the sovereignty of their ancestral territories.

4 In 2020, the ruralist bench was formed by 251 federal deputies (out of a total of 513) and 40 senators (out of a total of 81).

For this reason, ILO Convention number 169 has been used by indigenous peoples as a device regarding the right to free, prior and informed consultation against the attack and disrespect of States and companies to their territories and natural resources and all the resulting violence and insecurity. Thus, both the Federal Constitution of 1988 and ILO Convention number 169 are legal, normative and practical devices in the struggle for indigenous rights to the demarcation of traditionally occupied lands.

The dilemma of indigenous land demarcation in Brazil

In 2010, indigenous lands represented 12.5% of the national territory, with the largest part located in the North region, in the Brazilian Amazon. Currently, “Indigenous Lands occupy 13% of the national territory and are home to more than half a million people. The true large landowners [...] 97 thousand large landowners control 21.5% of the country’s land” (Leite, 2019).

According to Porto-Gonçalves (2002), the contradictory process of development of the agrarian space of Brazilian society is characterized by power relations that are dominated by violence and that have as a backdrop the historical concentration of land. Since the 1970s, already under the military dictatorship (1964-1985), a new phase of economic development – known as the “Green Revolution” or “Conservative Modernization” – began, and its “advances” in the technological field consecrated the profound social injustice and violence that underlie this contradictory power pattern. Since then, a process of expropriation of indigenous peoples, quilombola and peasant communities from their territories of collective use has deepened.

Regarding this process, it is necessary to understand the current land structure in Brazil (Table 1). Based on *SNCR* and *Incra* data, we can verify that, in April 2020, the farms in the class of up to 200 acres, small properties, corresponded to 92.22% of the total, but occupied 14.98% of the area of all rural farms. The properties with an area of over 1,000 acres, large properties, corresponded to 1.78% of the total and occupied 49.75% of the area. Thus, it is possible to affirm that 1.78% of the number of farmers own almost 50% of the country’s land. This demonstrates the intense concentration of Brazilian landholdings, resulting from the historical-geographical process of capitalist domination of the land by non-indigenous people and currently from the articulation between landowners, corporations, militias and the State.

Table 1 – Brazil: foundational structure – 2020

class total area (ha)	n. properties	%	total area (ha)	%
0 to less than 200	7.290.705	92,22	254.049.429,64	14,98
200 to less than 500	348.698	4,41	289.800.877,45	17,00
500 to less than 1,000	125.702	1,59	310.662.720,30	18,27
more than 1,000	140.782	1,78	845.997.685,06	49,75
total	7.905.887	100	1.700.510.712,45	100

Source: Incra-SNCR, 1 Apr. 2020.

Organization: The author.

About the current land situation of Indigenous Lands in Brazil, according to *Instituto Socioambiental* (ISA, 2019), based on *Funai* data, in March 2020, there are 723 lands in different phases of the demarcation process: 120 are under identification - lands under study by working group appointed by *Funai*, 43 are identified - lands with study report approved by the *Funai* presidency, 74 are declared - lands declared by the Minister of Justice, 486 are approved and reserved - lands approved by the presidency of the republic, acquired by the Union or donated by third parties.

It is important to note that since 2016, after the *impeachment* of President Dilma Rousseff, no more indigenous lands have been demarcated (Table 2). As we demonstrate, the 1988 Constitution recognizes the original rights over the lands traditionally occupied by indigenous peoples, attributing to the Union the competence to demarcate them. The Brazilian State did not comply with the determination foreseen in the Constitution to demarcate indigenous lands in five years. This context shows the attack on the constitutional rights of native peoples and how traditional territories are in dispute. For this reason, in contemporary Brazil, indigenous groups fight for the recognition and defense of their lands of traditional use and occupation, but, as territories of *r-existence*, these lands have the potential for social transformation of this reality.

Table 2 – Homologation of indigenous lands by presidential administration

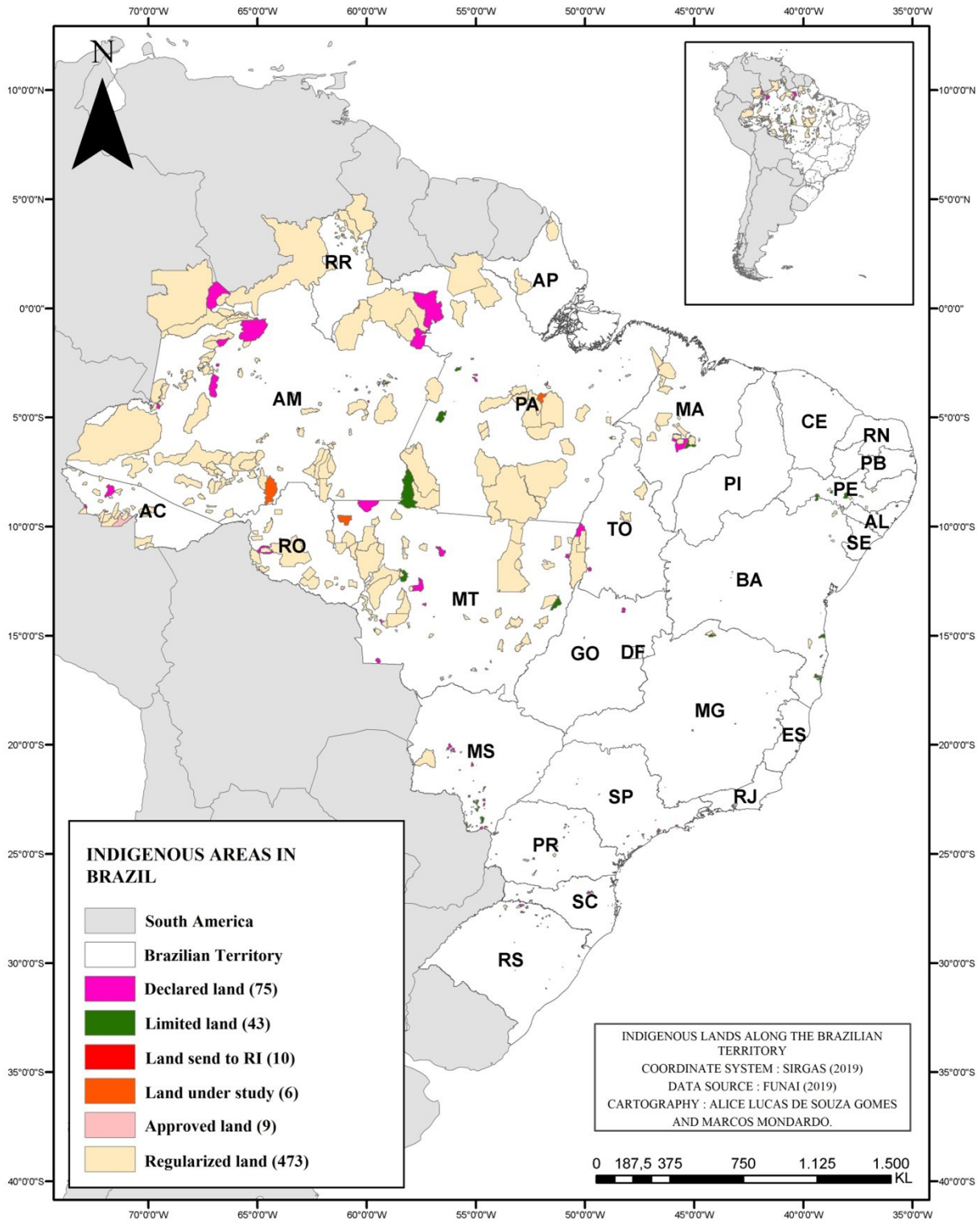
government	Period	n. approvals
José Sarney	1985-1990	67
Fernando Collor de Melo	Jan. 1991-set. 1992	112
Itamar Franco	Out. 1992-dez. 1994	18
Fernando Henrique Cardoso	1995-2002	145
Luiz Inácio Lula da Silva	2003-2010	79
Dilma Rousseff	Jan. 2011-Aug. 2016	21
Michel Temer	Aug. 2016- Dec. 2018	1*
Jair Messias Bolsonaro	Jan. 2020-current days	0

* The only approval granted during the Michel Temer administration was suspended by judicial decision.
Organization: The author.

According to *Funai* ([2018a]), there were 462 regularized lands in Brazil, representing 12.2% of the national territory. By region, the regularized Indigenous Lands are distributed as follows: 54% are in the North, 19% in the Center-West, 11% in the Northeast, 10% in the South and 6% in the Southeast. Most of them are concentrated in the Brazilian Amazon, and this fact is explained by the policy of national integration and consolidation of the northern and northwestern borders in the 1980s. In the other regions, the indigenous peoples were kept in reduced and scattered areas, many of them recognized by the Indian Protection Service (*SPI*) between 1910 and 1967, without taking into account the necessary requirements for their biological and cultural reproduction.

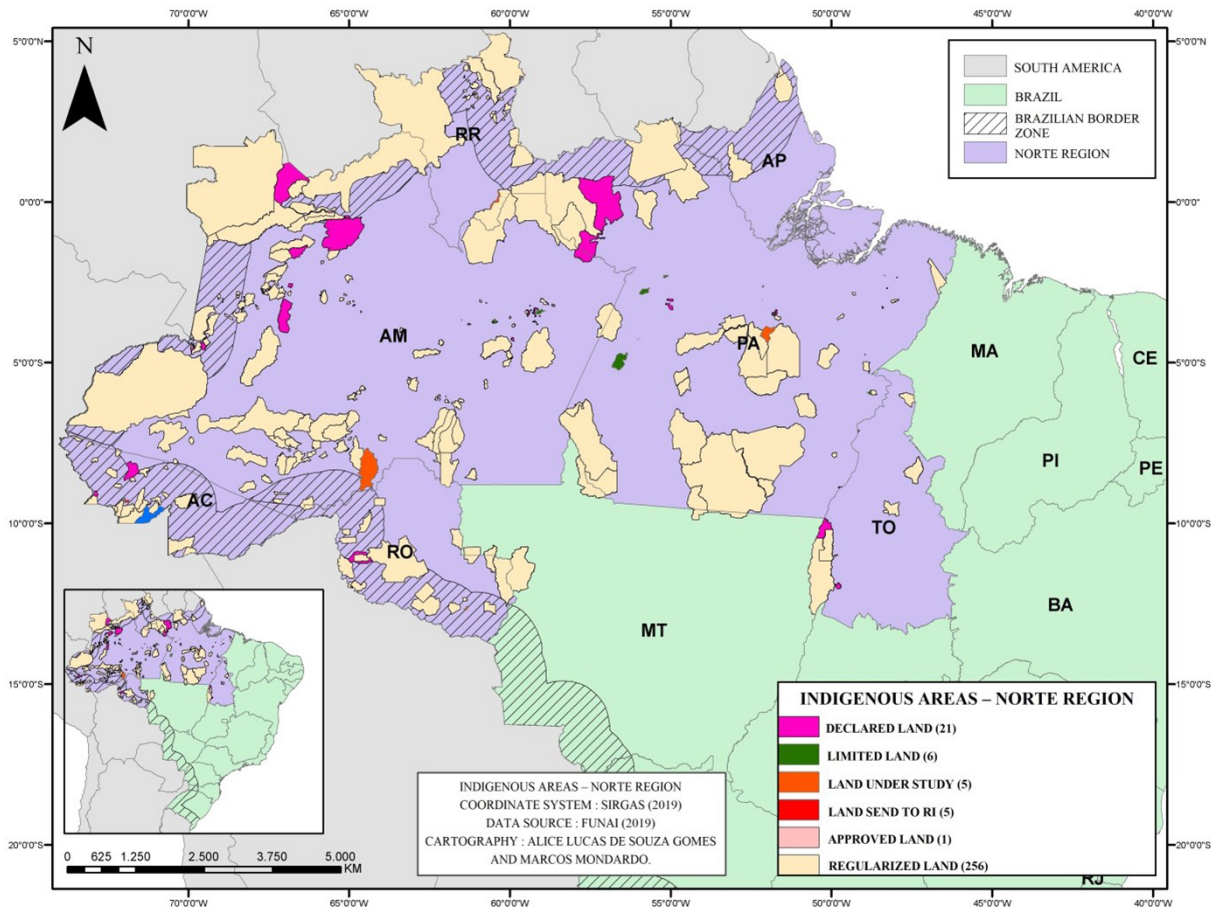
Based on *ISA* data, we can affirm that the areas claimed by the indigenous populations in Brazil amount to almost two million acres and include lands in several states, such as *Mato Grosso do Sul*, *Rio Grande do Sul* and *Santa Catarina*. To illustrate this process, we present the land situation of indigenous lands in the North, Center-West and South regions.

Figure 1 – Land tenure situation of the indigenous lands of Brazil



Regarding the land situation of Indigenous Lands in Brazil, based on *Funai* data, in 2019, there are 616 lands in different phases of the demarcation process: ⁵six under study, 75 delimited, 75 declared, nine approved and 473 regularized.

Figure 2 – Foundation situation of the indigenous lands of the Northern Region



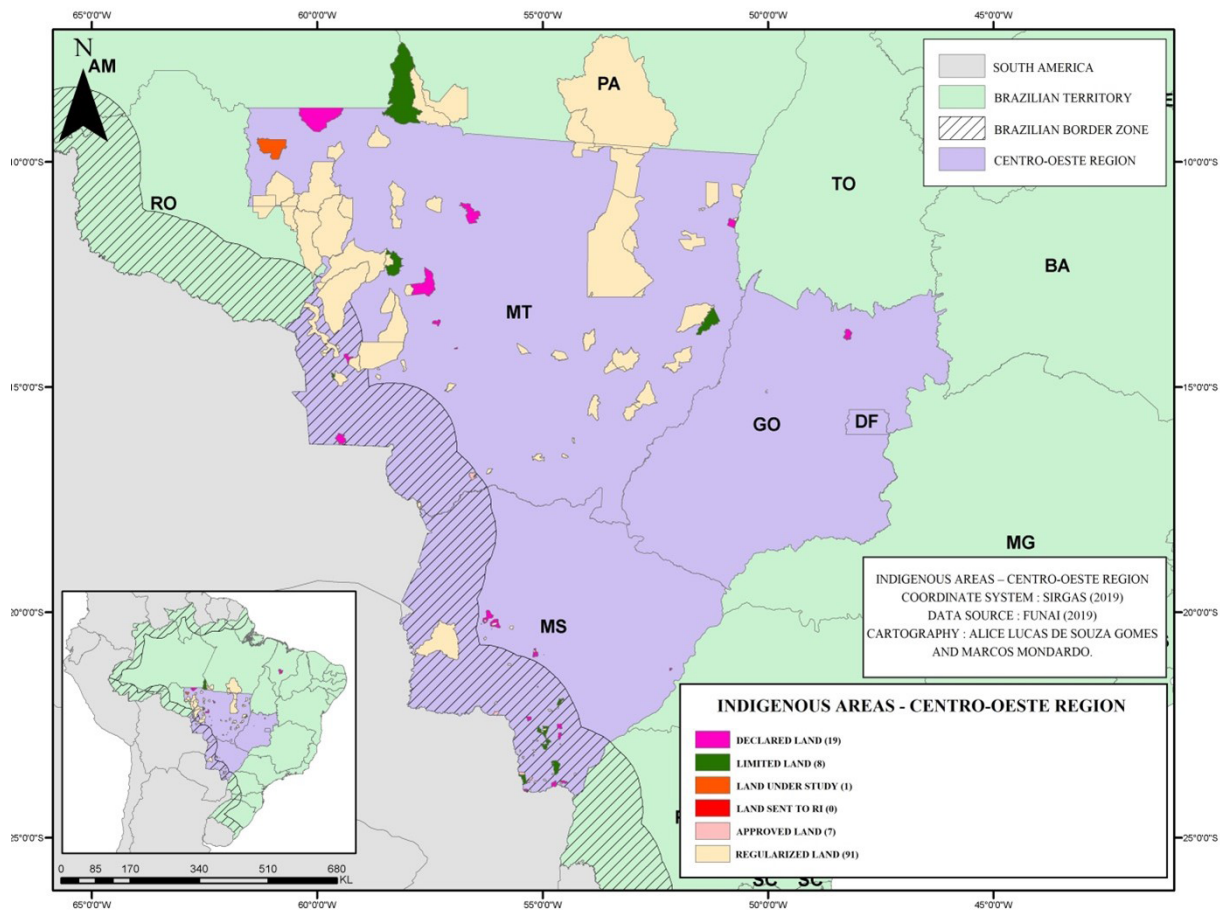
Regarding the land situation of Indigenous Lands in the large Brazilian regions, based on *Funai* data, in 2019, in the Northern region there were 294 lands in different phases of the demarcation process: five are under study, six are delimited, 21 are declared, one is approved and 256 are regularized.

5 Collet, Paladino and Russo (2014, p. 79-80) explain that Indigenous Lands are defined in the following way: (a) lands under study: when anthropological, historical, foundational, cartographic and environmental studies are made that support the delimitation of an Indigenous Land, (b) delimited lands: are those that have had the conclusion of the studies published in the *Diário Oficial da União* by *Funai* and are under analysis by the Ministry of Justice, for the eventual issuance of the *Portaria Declaratória da Posse Tradicional Indígena*, (c) declared lands: are those that have obtained the issuance of the *Portaria Declaratória* and have authorized demarcation, (d) approved lands: are those that have been demarcated and have had their boundaries approved by the presidency of the republic, (e) regularized lands: are those that, after the homologation of their limits, have been registered in the Union's name and in the Union's Patrimony Service and (f) indigenous reserves: correspond to lands donated by third parties, acquired or disappropriated by the Union, which are not confused with those of traditional possession and, for this reason, are not subject to any of the procedures described above.

These indigenous lands are the target of the privatizing interests of the powers of the global south. In recent decades, according to Porto-Gonçalves (2017), the Brazilian Amazon – where the largest number of indigenous lands are located – lives a civilizational crossroads, the race for natural resources in the period of advanced neoliberal capitalism has accentuated a violent extractive process of invasion and spoliation of territories of traditional occupation and use, especially of indigenous peoples, denying their inseparable relationship to their place. In this “Amazonian sociometabolic complexity”, we have a “productivist consumerist demand for ‘natural resources’ fed by the logic of capital accumulation in search of profit”. This process has ecological implications, in the rights of the Amazonian peoples and ethnic groups, and an ethical-political challenge (Porto-Gonçalves, 2017, p. 26).

For Porto-Gonçalves (2017, p. 15), “visions prevail about the Amazon, and not of the Amazon”, or of the region as (a) nature, (b) demographic void, (c) reserve and inexhaustible source of resources and (d) region of the future, reproducing in all of them a colonizing optic of that place.

Figure 3 – Foundation situation of the Indigenous lands of the Midwest region



In the Center-West, there are 126 lands in different phases of the demarcation process: one is under study, eight are delimited, 19 are declared, seven are approved and 91 are regularized. In this region, one of the fundamental issues is the struggle for the demarcation of Indigenous

Lands. In *Mato Grosso do Sul*, the *Guarani* and *Kaiowá* peoples are experiencing fundamental conflicts and confrontations with the globalized agribusiness landowners in mobilizations for territorial rights. If, on the one hand, the struggle for the land regularization of indigenous territories mobilizes ethnic groups in defense and retaking of their lands, on the other hand, this process promotes violent and authoritarian reactions from agribusiness sectors and their allies, such as farmers, rural unions, agricultural federations, companies, corporations and fronts composed of ruralist parliamentarians, among others.

Regarding this process, it is important to understand the land structure of the state. Based on *SNCR* and *Incra* data, it is possible to verify the concentration of land in *Mato Grosso do Sul* (Table 3).

Table 3 – Mato Grosso do Sul: land structure – 2020

class total area (ha)	n. properties	%	total area (ha)	%
0 to less than 200	96.128	69,92	4.058.301,53	6,87
200 to less than 500	17.384	12,64	5.629.621,76	9,52
500 to less than 1,000	10.884	7,92	7.775.178,98	13,14
more than 1,000	13.094	9,52	41.671.530,76	70,47
Total	137.490	100	59.134.633,03	100

Source: *Incra-SNCR*, 1 Apr. 2020.

Organization: The author.

In April 2020, the farms of up to 200 acres, the small properties, corresponded to 69.92% of the total, but occupied 6.87% of the area occupied by all rural farms. On the other hand, the properties with more than 1,000 acres, the large properties, corresponded to 9.52% of the total and occupied 70.47% of the area. This shows the intense concentration of Brazilian landholdings, resulting from the historical-geographical process of capitalist domination of the land by non-indigenous people and, currently, from the articulation between landowners, corporations and the State.

As for the effect of this land concentration on indigenous peoples' territories, the center-south of the state stands out, where land concentration is high, especially in areas of conflicts and land confrontations between large landowners and indigenous peoples, region occupied by means of the capture and transformation of traditional lands – *tekoha* – into capitalist farms by the process of dispossession and expulsion/territorialization of indigenous people since the first decades of the 20th century, and where the greatest concentration of settlements and indigenous reserves is found, and where the conflicts for the retaking of traditional territories against agribusiness also take place.

As already stated, since 2016, after the end of Dilma Rousseff's government, no more indigenous lands have been demarcated. This anti-indigenous policy of the State is emblematic in *Mato Grosso do Sul* due to the failure to recognize the original lands. According to the Report (Cimi, [2019]) the *Guarani* and *Kaiowá* peoples are in possession of 29% of the lands recognized by the State. This occurs because, in the 31 demarcated and titled indigenous lands, the *Guarani*

Kaiowá and *Ñhandeva* occupy or are in possession of only 29% of them. With a population of 54,658 people (Funai, [2018b]), the communities occupy 70,370.08 of the 242,370.08 acres officially recognized as traditional territories, *tekoha*.

In *Mato Grosso do Sul*, in the indigenous perspective and practice of decolonization of territories, the struggle for land is said to be *retaken*. For Fernandes Alarcon (2013), the retaking of land is a form of political action that, over the last decades, has become a symbol of indigenous mobilization. According to the author, land retaking has increasingly become the way in which indigenous people exert pressure for the required indigenous land demarcation process to be carried out.

According to the *Guarani Kaiowá* anthropologist Tónico Benites (2014, p. 25), the land retaking processes in *Mato Grosso do Sul* date back to the 1990s. The retaking of their territories involves “articulations of the political (*mburuvicha*) and spiritual (*ñanderu*) leaderships of the extensive *Guarani* and *Kaiowá* families”. These areas are the result of the dynamics of territorialization that the *Guarani* and *Kaiowá* have experienced since the colonization process and the creation of indigenous reserves.

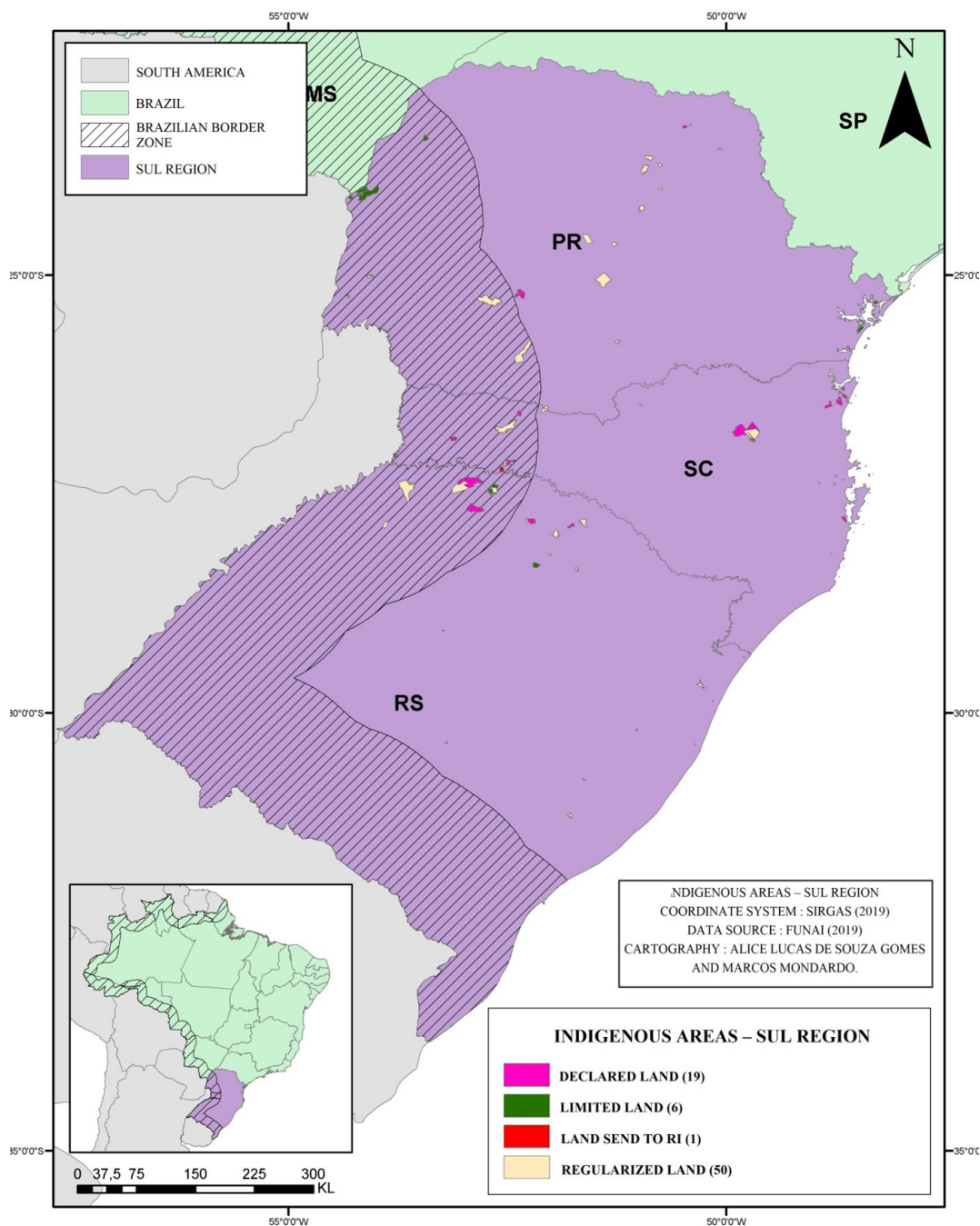
The *Guarani* and *Kaiowá* peoples have an “ethnic-systemic-local project” (Escobar, 2015) of autonomy in the struggle for land. The retaking, that form of struggle, is given by the return to the *teko porã* (or “good living”, in the words of Acosta, 2015), in practices of retaking: camps and occupations. In the last three decades, in the Brazilian countryside, direct actions of struggle for land, called retaking of traditional territories, have been gaining strength. The action has gained semantic variations, depending on the land and territories required and the social subjects involved: territorial retakings, *tekoha* retakings, territorial retakings, quilombo retakings, reoccupation and recuperation, among others.

The practical, political and strategic sense attributed and applied in the retakings turns the territory into a “weapon of struggle”, political and catalyst of the practices adopted by the movements of the traditional populations in r-existence in the Brazilian space. In the name of the territory – *tekoha* –, they are retaken in acts of mobilization: camps and occupations. In *Mato Grosso do Sul*, as far as the *Guarani* and *Kaiowá* peoples are concerned, the retaken area is usually the one where conflicts and confrontations take place and where the hope of reconnecting the inseparable relationship of the peoples with the land and the territory is deposited. There are retaken territories with different territorial, political and legal conditions, depending on the collective, ethnic and racial subjects involved in the struggle for the land and the hegemonic groups opposed to the movements of return to traditional territories.

Once the retaking is a geo-strategy of struggle adopted by the *Guarani* and *Kaiowá* peoples to retake the lands from which they were expelled during the colonization process, this implies drawing alternative lines, redesigning spaces, contouring fences and building living strategies in territorialities of r-existence. In this cultural re-elaboration of their ways of being (the *teko*), in the walk, the relationship with nature is altered due to the r-existences traced by the groups in *front of* battle and in reconnection with the land. In this movement of re-appropriation, nature is seen as culture. For this, a politicization of culture is necessary, as proposed by Latour (2004).

Thus, in this state, in addition to the economic relations of agribusiness that monopolized the land and attributed new functions to it, it is necessary to understand the contemporary local actions of r-existence of the indigenous peoples. In this research, territory is seen from the perspective of the struggle for land. In the contradictory spatial-temporal dynamics of agribusiness, on the one hand, the actions of landowners and large companies (with the frequent support of the State) act to dominate the land and explore its natural resources in the global logic of capital accumulation, and, on the other hand, indigenous peoples fight for territory in direct retaking actions – camps (Loera, 2014) and occupations – in alternative territorialities to reproduce their way of *being – teko*.

Figure 4 – Foundation situation of the indigenous lands of the Southern Region



In the southern region, there are 76 lands in different phases of the demarcation process: six are delimited, 19 are declared, one is on the way to the IR and 50 are regularized. In this region of oldest non-indigenous occupation, the smallest indigenous areas in the country remain. However, according to the Cimi report ([2020]), in 2019 there were 17 land occupations. The indigenous people, mainly *Guarani*, claim in the states of *Rio Grande do Sul*, *Santa Catarina* and *Paraná* 26 territories of traditional occupation. The indigenous struggle is taking place through the retaking of traditional territories spoliated in the first decades of the 20th century by large landowners and with strong support from the State. This process of spoliation confined the indigenous people in small reserves and titled large extensions of land to non-indigenous people, mainly hegemonic economic groups, linked to modern agriculture, in the south of the country. The conflicts are more accentuated in the west of *Santa Catarina* and in the west and southwest of *Paraná*, on the borders of Brazil with Argentina and Paraguay.

Thus, it is important to point out that these maps (Figures 1-4) show (although without portraying them, due to the limits of this text, the Southeast and Northeast regions, where there are also struggles for the demarcation of indigenous territories) an indigenous geography present in Brazil and made invisible by the idea of “empty spaces” and by developmental megaprojects for the modernization of the national territory. The processes of recognition of traditional territories currently demonstrate the need to defend indigenous rights and land demarcation in the face of the neoliberal government that acts on fronts of neo-extractivist violence.

In defense of indigenous territories

Historically, the State and the modern-colonial society acted/act as genocidal to the indigenous peoples. In Brazil, the members of the current government think and act as enemies, anti-indigenous, of the native peoples. The anti-indigenous and anti-environmental government implements a policy of death, that is, necropolitics (Mbembe, 2011), to guarantee genocide, ethnocide, ecocide and epistemicide in favor of the “dispossession” (Harvey, 2004) of the lands of traditional occupation in order to consolidate large projects of “development” of the Brazilian national territory, the politics of the global market and corporate social risk (Giffoni Pinto, 2019), for example, agricultural lands that were transformed into platforms for the production of agricultural and mining *commodities* of agribusiness and active think tanks of large cooperations. In these terms, the land is not seen as a living organism, mother earth, *Pachamama*, as the indigenous Latin American peoples see it, but as a metabolism of production of material and energy for the functioning of the logic of accumulation of capitalist society in a neoliberal regime (Toledo, 2013). This means that the march of programmed execution of the extermination of indigenous peoples continues and, with it, the entire ethnic pluriversity and biodiversity of the planet are being assassinated.

For indigenous peoples, it is necessary to carry forward the struggle of the ancestors, incorporating ancestry as a founding dimension of the territorialities that make up this potential for resistance. The ancestors orient the path to follow and the means for the defense of traditional territories. The search for the autonomy of the territories through dissident practices (not standardized by the colonial-modern western logic) passes through the action project of

self-determination and r-existence in favor of the own modes of socio-political, spatial and cosmological organization, in the struggle for the rights of the people. In the name of indigenous land and traditional territory, the *Yanomami*, in the Amazon, fight for territorial defense and for the conquest of rights. The indigenous territory incorporates the dimension of material and political condenser of the struggle for rights. Currently, this territory has been elaborated by conceptions articulated with cosmologies and practices in the eco-territorial context of struggles and r-existences.

Since the 1970s, in the world, in *Abya Yala*/Latin America, in Brazil and in the Amazon, we have seen a growing visibility of native/indigenous populations in international and national contexts, on the one hand, thanks to the struggles for their territorial rights as distinct peoples and, on the other hand, due to the conflicts over land, body and territory in all the major continents at the beginning of the 21st century. Concomitantly, on a global scale, global warming shows the need for an ecological change, for example, from “neoliberal ecology of disasters to indigenous ecology” (Krenak, 2018), valuing the “biocultural memory” and the agroecology produced by the knowledge of traditional and indigenous populations of the world, of the different forms of agricultural management and conservation of communities inserted in ecosystems around the planet (Toledo; Barrera-Bassols, 2008), to guarantee and protect environmental conditions that allow the future of humanity (human and “non-human”) and the Earth.

For some time now, species and planet Earth, societies and their environments, “humanities” and “worlds”, the ways of “feeling-thinking with the earth” (Escobar, 2014), have entered into an ominous ecological crisis, increasingly evident, but only now, with the Covid-19 pandemic, it is becoming increasingly difficult to deny and ignore. This “time of catastrophes” (Stengers, 2015) is repeatedly associated with the controversial names of *Anthropocene* and *Gaia*. The first term designates a period in which the human being has become a force of transformation on global and geological scales; in this geo-historical experience, the “environment” of the planet is transforming faster than “society”, bringing the scales of geophysical and biological mutation closer to those of human history. The second, *Gaia*, designates another way of inhabiting worlds and imagining geographic spaces, recognizing the ecological crisis at the same time that it makes it possible to create conditions for the continuity of life and the Earth as a heterogeneous ontological composition of species.

This shows that indigenous ecology is vital for the recognition that the traditional knowledge of these peoples is relevant to the environments in which they live and which they have wished to preserve. This knowledge is currently revealed as geostrategic in the face of the “limits of the Western civilizational model” (Lander, 2016, p. 216), of the material limits of the planet by the adopted hegemonic form of existence (Nodari, 2014), and of the alternatives to development to curb consumption through degrowth and post-extractivism (Acosta; Brand, 2018).

In Brazil, even with the hatred of democracy (Rancière, 2014), the democratic setbacks and the accentuation of violence against traditional peoples and communities (Guajajara, 2020), mobilizations, demonstrations and struggles occur in favor of indigenous territorial rights and the “rights of nature” (Gudynas, 2019). However, the bio/necropolitical governance of agribusiness and large corporations and authoritarian society deny and combat this movement to withdraw

indigenous rights, such as in disputes involving: (a) the transfer of *Funai* to the Ministry of Women, Family and Human Rights, (b) the transfer of the demarcation of indigenous lands to the Ministry of Agriculture, (c) the dismantling of the special and differentiated indigenous health policy and the municipalization of indigenous health, (d) mining and deforestation on indigenous lands, (e) the end of social participation in councils and boards, (f) the persecution of NGOs and (g) the violation of human rights and of prior and informed consultation, among other guidelines that affect the territories, rights and existence of these peoples.

But why do these land disputes occur? The lands where these indigenous peoples live in Brazil or claim or demand the recognition of their old territories of traditional use and occupation are currently propitious for the increase of agricultural production, installation of hydroelectric plants, exploration of mines in deposits, removal of timber due to deforestation, exploration of rivers and subway water from aquifers, in addition to other natural resources. But for this to happen, the indigenous peoples living in these areas must agree or disagree with these actions by exercising their right to free, prior and informed consultation, as determined by ILO Convention number 169. In most cases, this consultation does not take place. The insatiable use of natural resources negatively affects the cosmology of each people and also the lives of non-indigenous people. Some indigenous people live stuck in small reserves in the unhealthy policy of integration – which, currently, under the management of biopolitical governance (Foucault, 2004) and necropolitics (Mbembe, 2011) of the corporate territories of the necropolitics that agribusiness wants to return –, in conditions of social vulnerability, with precarious health and often brutally harassed by the violence of militias, loggers and ranchers.

The indigenous peoples, in its turn, make us feel and think about the potentialities of collective use of the land, of nature, of supernature (which make up the world of the spirits), of kinship relations and of the relationship of “society against the State” (Clastres, 1974), perspectivism and multinaturalism (Viveiros de Castro, 2002), in order to understand other forms, non-statist or Eurocentric, of conceptions of territories and territorialities. This leads us to think about the territories created from the indigenous point of view, by the multiplicity of Amerindian cosmologies. Perspectivism allows us to think about territories of multi naturalist nature, in line with Amerindian thoughts, their native mythologies and practices. Thus, cosmopolitics is essential to understand the power relations in indigenous societies and between these and the State and societies (Stengers, 2011).

Currently, in the face of bio/necropolitical governance and the overlapping of territorial conflicts and a change of strategy in the struggle for traditional lands and territories in Brazil. It is verified that the indigenous peoples became protagonists in the demarcation of their lands. This form of action of indigenous movements is due to the fact that traditional territories are in dispute with globalized agribusiness, which leads to the territorial centralization of conflicts by means of at least two forms of struggle: land occupation and social demonstrations. Even with democratic setbacks and with the escalation of violence, processes of r-existence, struggle and confrontation occur in the Brazilian countryside by movements such as those of the indigenous peoples.

There has been a change because, in addition to land occupations (retaking of *traditional territories*) and camps (for *land* retaking), other actions began to be mobilized by social movements

to confront the latifundia and globalized agribusiness. However, in addition to these direct actions, demonstrations emerged in 2019 and became the main strategy of the struggle to reclaim land and territory from the State. This showed that indigenous movements did not cool down in the face of constant threats. This collective action also reveals an intense process of indigenous resistance against the unleashed violence of the latifundia of globalized agribusiness and the power of the State.

This change in the strategy of struggle for the land demonstrates a change in the meaning of territory for the indigenous movements. The occupations and camps of retaking joined the demonstrations in cities and public bodies and the temporary blocking of roads, to give visibility to the issue of the struggle for the land and to pressure the authorities for the recovery of the traditional territories of occupation. It is possible to affirm that, for the indigenous peoples, the proliferation of occupations and retaking camps, demonstrations and temporary road blockades are implied in the very concept of territory. Thus, as a concrete, political and symbolic strategy, in the last decade, the expansion of indigenous struggles for the demarcation of territories had resonance in the retaking, occupations and demonstrations.

Final considerations

In a country as unequal as Brazil, with a concentrated land structure, as we have shown, it is essential to strengthen the provisions of the Federal Constitution of 1988 for the exercise of power in order to achieve social justice. Unfortunately, demarcation is still not a guarantee of territorial rights in the country. Since 2016, after Dilma Rousseff's *impeachment*, no more indigenous lands have been demarcated. This anti-indigenous policy of the State is emblematic in *Mato Grosso do Sul* due to the failure to recognize traditionally occupied lands. The *Guarani* and *Kaiowá* peoples are in possession of 29% of the lands recognized by the State. This occurs because, in the 31 demarcated and titled indigenous lands, the *Guarani Kaiowá* and *Ñhandeva* occupy or are in possession of only 29% of them. With a population of 54,658 people, the communities occupy 70,370.08 of the 242,370.08 acres officially recognized as traditional territories, *tekoha*. These data show the demand of these peoples for territories and the need to demarcate their ancestral lands.

Thus, it is necessary to deepen the debate on traditional indigenous territories and their practices, denounce the violations and give visibility to the struggles and claims to build categories with power, "weapons of struggle", for the effective support of the Federal Constitution and the customary right to land recognition claims of indigenous peoples. Through the debate of traditional peoples and populations, territory is a right that condenses ways to obtain ethnic recognition and to conquer or have access to and advance rights such as health, education, food, security, land, territory, social justice and consultation mechanisms such as ILO Convention number 169. Therefore, the right of indigenous peoples to health is part of the defense and strengthening of specific public policies for ethnic groups and implies the recognition of the lands of original use and occupation, as defined in the Federal Constitution of 1988. The right to life is conditioned to the right to land of traditional occupation, which is connected to the struggle for land for the demarcation of territories.

Considering that the struggle is a collective commitment, it is important to fight for self-determination (self-governance), autonomy and territory against all forms of violence or violation of the human rights of indigenous peoples. In Brazil, combating and re-exist the idea of empty space, of space of natural resources, against neo-extractivism, mining and deforestation, among other colonialist visions, is fundamental to give visibility to struggles and claims that are effective and capable of generating effective policies of territorial surveillance, of territorial protection, recognizing the strength of biodiversity and the resistance of ethnodiversity for dialogue, plurality and coexistence with the standing forest and the re-existing peoples.

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