

# КОРЕННЫЕ НАРОДЫ И КРУПНЫЕ КОРПОРАЦИИ: КОНФЛИКТЫ И ВЗАИМОДЕЙСТВИЕ

## INDIGENOUS PEOPLES AND BIG CORPORATIONS: CONFLICTS AND INTERACTION

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### THE CONFLICT BETWEEN AGRIBUSINESS AND INDIGENOUS PEOPLES OF BRAZIL

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**Abstract** The ongoing conflict between agribusiness and Brazilian indigenous peoples is one of the largest conflicts in contemporary Brazil. It combines territorial dispute with racial, ethnic, and environmental issues. On the one hand, as the Brazilian economy mainly relies on agriculture, agricultural business has consolidated power across the country, strongly supported by the government. On the other hand, indigenous communities have been fighting for decades to have their territory demarcated and to ensure their people's security and rights. Apart from unsettled issues between indigenous communities and agribusiness, confrontation is aggravated by social intolerance and the heritage of colonialism. Despite being one of the most violent and widespread conflicts in the country, it is often disregarded and silenced by the Brazilian media, and the Brazilian society is barely aware about it.

**Keywords** indigenous peoples, agriculture, agribusiness, the Bolsonaro government, the Amazon river, land disputes, land demarcation, human rights

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**Название статьи** Конфликт между агробизнесом и коренными народами Бразилии

**Аннотация** Продолжающееся противостояние между агробизнесом и бразильским коренным населением является одним из самых значительных конфликтов в современной Бразилии. Оно сочетает в себе территориальные споры с расовыми, этническими и экологическими проблемами. С одной стороны, сельское хозяйство в значительной степени является основой бразильской экономики, и агробизнес представляет собой сплоченную силу, пользующуюся весомой поддержкой со стороны правительства. С другой стороны, сообщества

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коренного населения десятилетиями борются за определение четких границ своей территории и за обеспечение своих прав и безопасности. Помимо неурегулированных проблем между коренным населением и агробизнесом, конфликты усугубляются социальной нетерпимостью и наследием колониализма. Хотя это противостояние является одной из наиболее распространенных проблем в стране, связанных с насилием, оно зачастую игнорируется и замалчивается бразильскими СМИ, из-за чего бразильская общественность слабо о нем осведомлена.

**Ключевые слова** коренное население, сельское хозяйство, правительство Болсонару, Амазонка, земельные споры, разграничение земель, права человека

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## I. Introduction

The ongoing conflict between the agribusiness and the indigenous population of Brazil has deep historical roots. The main problem has been the demarcation of Indigenous Territory (IT). Indigenous communities inhabited Brazil's territory even before its colonization in the 16th century and the IT have been the home to different ethnicities since those times. At present, however, most of these territories belong to the Brazilian state, also referred to as "the Union". Brazilian indigenous populations have been struggling for decades to get their lands of origin demarcated and thus to have the legal right for settling there.

Amidst the ever-growing modernization and industrialization of Brazil, agribusiness has consolidated itself as an important branch and factor of the Brazilian economy, accounting for 21% of the GDP in 2019<sup>1</sup> and for more than a half of all exports in 2020.<sup>2</sup> Agribusiness is particularly important for the country as a field of opportunities for investment, development, and generation of jobs. However, agribusiness requires large amounts of land to develop agricultural production and services for farming. No wonder that agribusiness owners and farmers often engage in, and initiate, conflicts with and offensives against indigenous communities over land that is inhabited by these communities, but does not belong to them officially. The legal basis and documents that secure indigenous rights are contradictory and provide no clear guidance on how to solve the problem of the IT demarcation.

This type of conflict is one of the most violent and frequent of all social tensions in Brazil. According to the report "Conflicts in the Field, Brazil 2019" prepared by Pastoral Land Commission (Comissão Pastoral da Terra, CPT), almost 14000 *conflicts in the field*, or local conflicts, were registered between 2010 and 2019. Such incidents peaked in 2019, with five conflicts per day on average.<sup>4</sup> The report defines the term "conflict" as "actions of resistance and confrontation that take place in different social contexts in rural areas, involving the struggle for land, water, rights, and the means of work or production. These conflicts happen between social classes, between workers or because of the absence or poor management of public policies".<sup>3</sup> *Conflicts in the field* include various types of conflict, such as conflicts over land, water, labor etc. As this article focuses on conflicts over land, it is important to provide a clear definition of this phenomenon. Such conflicts are defined by the CPT as "actions of resistance and confrontation for the possession, use and ownership of land and access to natural resources. Occupations and camps are also classified in the

conflicts over land category”.<sup>4</sup>

Conflicts over land account for the largest numbers of violent incidents and fatalities in Brazil. Out of a total of 13971 conflicts in the field in Brazil between 2010 and 2019, 10819 were conflicts over land. They accounted for the largest number of registered murders (386) and involved almost 5.3 million people over the period of nine years.<sup>5</sup>

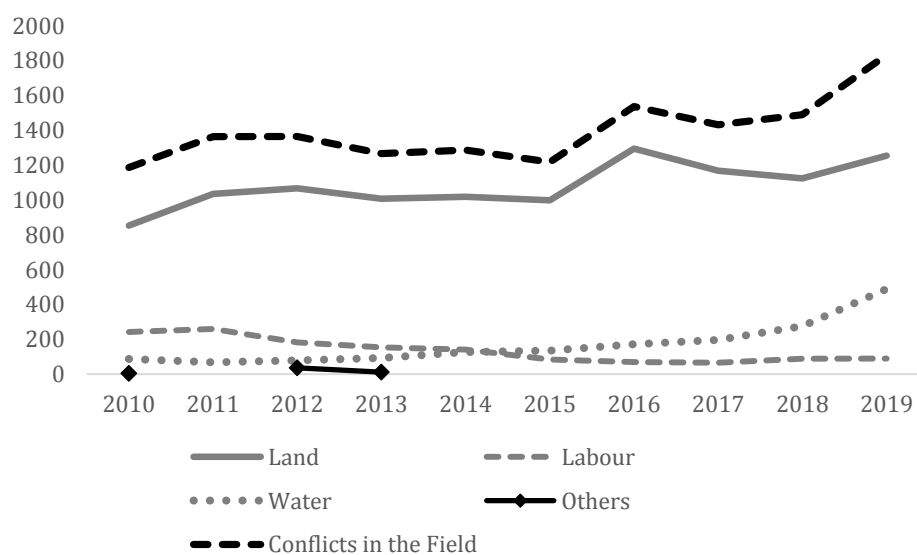
Conflicts between agribusiness and indigenous communities are often overlooked and rarely acknowledged and debated by the Brazilian public and in mass media channels. As data shows, this type of violent conflict has been exponentially on the rise over the past years and does not seem to be in decline or stabilizing.

**Table 1. Conflicts in the field in Brazil (2010–2019)**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total
Land	853	1035	1067	1007	1018	998	1295	1168	1124	1254	10819
Labour	242	260	182	154	141	84	69	66	89	90	1377
Water	87	68	79	93	127	135	172	197	276	489	1723
Others	4		36	12							52
Conflicts in the field	1186	1363	1364	1266	1286	1217	1536	1431	1489	1833	13971

Source: Conflitos no Campo Brasil 2019 [Conflicts in the Field Brazil 2019]. – Goiânia: Comissão Pastoral da Terra (CPT) Nacional, 2020. URL: <https://www.cptnacional.org.br/publicacoes-2/destaque/5167-conflitos-no-campo-brasil-2019> (accessed 24.05.2021).

**Figure 1. Types of conflict in the field in Brazil (2010–2019)**



Source: Conflitos no Campo Brasil 2019.

## II. Identity issues, history, and demography

Throughout the history of Brazil, starting from the colonization period, the native peoples of Brazil have been widely referred as “indigenous” or “Indians”. Taking into consideration the need to address them with respect, one of this article’s tasks has been to find the most appropriate way to call them. Kaká Werá, a Brazilian Kayapó<sup>6</sup> writer and politician, explains that the terms mostly used by indigenous people themselves are: “original people”, “natives”, or simply “citizens”.<sup>7</sup> Such terms as “indigenous” or “Indians” imply that these are distinct people, different from all other Brazilian citizens. This implication is part of the mentality of the colonization period, when colonizers wanted to make a clear distinction between different types of people in the society. Kaká Werá clarifies that using the two latter terms is not offensive, although this use does not comprise the plurality of many ethnic types of native people inhabiting the Brazilian territory. It is common therefore to use those terms for the purpose of simplification when speaking of them in general.

**Table 2. Total indigenous population in Brazil**

Year	Total population	Total population, %
1500	3000000	100
1570	1200000	40
1650	700000	23
1825	360000	12
1940	200000	7
1950	150000	5
1957	70000	2
1980	210000	7
1995	330000	11
2000	400000	13
2010	817962	27

Source: Índios no Brasil. Quem São [Indians of Brasil: know who they are] // Fundação Nacional do Índio.  
URL: <http://www.funai.gov.br/index.php/indios-no-brasil/quem-sao> (accessed 24.05.2021).

Another critical term for discussion is the word “tribe” that is frequently strongly criticized, as it implies pejorative connotation, associated with an idea of “primitive”. Other similar terms, such as “savages”, are considered to be disrespectful and thus to be completely avoided. According to Daniel Munduruku, a writer and doctorate in education by the University of São Paulo (USP),<sup>8</sup> “the word ‘tribe’ implies that these are small groups

unable to live without state intervention. To be a tribe is to be under the control of a lord to whom one must revere. This is the colonial logic, the logic of power, the logic of domination”.<sup>9</sup>

Taking into account these considerations, the author will use the terms “indigenous” and “native” community, “peoples”, and “population” interchangeably when referring to the native Brazilian people, sometimes specifying their particular ethnicities. Terms “indigenous” and sometimes “Indians” are employed simply to make it clear what group of Brazilian citizens is being referred to.

By the end of the Portuguese colonization in 1882, indigenous peoples suffered from genocide that led to 88 percent decrease of Brazil’s native population. In the following century, the indigenous population substantially increased in numbers, especially in the period since the 1990s until 2010. At present, there are a total of 817962 native Brazilians representing 305 different ethnicities and 274 indigenous languages registered in the country, of which 17.5 percent do not speak the Brazilian Portuguese language. Out of this total, 502783 live in rural areas and 315180 live in urban areas distributed all over 26 states of the Federation and the Federal District of Brazil. Also, according to the National Foundation of the Indian (FUNAI, Fundação Nacional do Índio), there are still some indigenous groups that are requesting recognition of their indigenous status.<sup>10</sup>

### **III. Legal foundations of indigenous rights**

The indigenous population inhabiting the Brazilian territory kept fighting for their civil rights throughout the centuries. Today two main documents that form the legal foundation of indigenous rights in Brazil remain the Statute of the Indian of 1973 and the Federal Constitution of 1988.

The Statute of the Indian is implemented by the FUNAI, the official governmental body dedicated to indigenous rights established in 1967. This document follows the same assumption as one can find in the old Brazilian Civil Code of 1916. According to this assumption, native Brazilians were “relatively incapable of taking care of themselves until they are fully integrated into the national community”, i. e. until they abandon their traditional practices and adopt non-indigenous society’s customs and behaviors. Therefore, the state, represented by the FUNAI, had the obligation to protect them until their “integration” is complete. As the statute emphasizes: “This Law regulates the legal situation of the Indians and indigenous communities, to preserve their culture and integrate them progressively and harmoniously into the national community”.<sup>11</sup>

Following the dictatorship period (1964–1986), the country adopted a new constitution in 1988 that introduced progressive measures to protect indigenous rights. The current constitution recognizes the right of native populations to maintain their culture that is now considered not as a “transitional culture” that needs to be integrated, but rather as a culture that is part of the Brazilian culture as a whole, to be respected and protected by the state. As it is mentioned in Article 231, “the Indians are recognized for their social organization, customs, languages, beliefs and traditions, and the original rights over the lands they traditionally occupy, and the Union is responsible for demarcating, protecting and ensuring respect for all its assets”.<sup>12</sup>

According to the current legislation, indigenous lands can be divided into three following types:

(1) Indigenous territory that is a segment of the national territory and thus belongs to the State whose right over IT is inalienable. To gain this status, a territory should undergo regular administrative demarcation process, and the status should be ratified by a Presidential Decree. One or more indigenous communities must live on such territory and use it for their productive, cultural, reproduction, and well-being activities.

(2) Indigenous reserves, i. e. the land that belonged to a third party, not the state, and was donated irreversibly to indigenous communities;

(3) Dominial lands, i. e. lands owned by indigenous communities and acquired by any form of acquisition under the terms of civil legislation.<sup>13</sup>

Regardless of a demarcation method, the importance of demarcation must not be underestimated, as it brings some benefits both for native communities and the state. According to FUNAI, demarcation contributes to mitigating conflicts over land ownership.<sup>14</sup> It also makes possible for states and municipalities to meet specific needs of indigenous peoples through targeted policies: the government can provide greater support for the vulnerable and remote areas, especially for ones located in border regions with other countries or for isolated communities that are more heavily affected by diseases and epidemics, as it is the case with the ongoing COVID-19 pandemic.

The Union and Federal Units must protect the Brazilian historical and cultural heritage,<sup>15</sup> making indigenous traditions and unique cultural knowledge a part of the nation's heritage and thus building a multi-ethnic and multicultural society. Also, according to the Plan of Prevention and Control of the Amazon Deforestation (Plano de Prevenção e Controle do Desmatamento na Amazônia, PPCDAM),<sup>16</sup> indigenous lands are considered to be the most environmentally protected areas that directly contribute to environmental protection and balance for Brazil and the world.

#### **IV. Latifundia and land reforms**

The Oxford dictionary defines "latifundium" as "a large landed estate or ranch in ancient Rome or more recently in Spain or Latin America, typically worked by peasants or slaves".<sup>17</sup> Brazil is the second country in the world with the highest concentration of land ownership, with 453 million hectares (53 percent of the national territory) belonging to private users. According to "Atlas of Brazilian Agriculture" ("Atlas da Agropecuária Brasileira"),<sup>18</sup> Brazilian *latifúndios*, if combined, would form the 12th largest territory on the planet, occupying the area of 2.3 million km<sup>2</sup> (larger than, for instance, Saudi Arabia).

It is challenging to find a single optimal definition of the term *latifúndio* in the Brazilian context, given the changes that the country underwent throughout the centuries and the divergent points of view on this matter. Fábio Luiz Zeneratti offers a suitable definition that is applicable to the context of contemporary Brazil. According to this definition, latifundium is "a land that does not exercise its social function, that is, it does not simultaneously respect the constitutional requirements for rational and adequate use of the soil, preservation of the environment, respect for legal labor relations and exploitation that favors social welfare; these are the modern components of the latifundium concept [...] regardless of the size of the area".<sup>19</sup>

Another important characteristic of *latifúndios* in Brazil, as previously mentioned, is the concentration of properties in the hands of few rural landowners, families, or companies. The data shows that 51.19 percent of Brazilian land are concentrated in the hands of just

1 percent of rural owners, making Brazil the top 5th country in the world in terms of inequality of land access.<sup>20</sup> According to the Agricultural Census of 2017 (Censo Agropecuário),<sup>21</sup> more than 4.1 million rural properties up to 50 hectares in size (equivalent to 500 thousand m<sup>2</sup> or 70 soccer fields each) represent 81.3 percent of the total of agribusiness establishments. Together, they are equivalent to 12.8 percent of the total productive rural area of Brazil. Out of the 26 states of Brazil, the Mato Grosso do Sul State has the highest concentration of land dedicated to agriculture practices and agribusiness. At the same time, the Mato Grosso do Sul state is home to 51000 indigenous people known as *Guarani*, which can be divided into three subgroups: *Kaiowa* (31000 people), *Nandeva* (13000) and *Mbya* (7000).<sup>22</sup> According to FUNAI,<sup>23</sup> the land ownership rate is less than one hectare per person in the territories populated by *Guarani-Kaiowá*. A case in point is for example, “Terra Indígena Dourados” (Land of Golden Indians) where 12 000 people live in the area of 35000 hectares. This area is exposed to permanent violence and accounts of more than 40 distinct family groups that were expelled from their native villages.

The opposition to growing land concentration gave rise to the Movement of Landless Rural Workers (Movimento dos Trabalhadores Rurais Sem Terra, MST).<sup>24</sup> MST is one of the most significant social movements in Brazil. It supports rural workers to struggle for agrarian land reform in Brazil, adding pressure on the government to carry out land reforms while counterbalancing the power of large agribusiness owners.

Since the period of colonization, there has been an ongoing national debate and struggle over land reforms. To understand this debate, it is important to keep in mind that during the colonization, the Brazilian territory was divided into 15 *hereditary captaincies*. In those times, land ownership was inherited by a firstborn son. The lands were given by the King D. João III of Portugal to wealthy, powerful families residing in the Brazil Colony. As a consequence, since this period there is a large concentration of lands in hands of few prestigious families, called “*latifúndios*” in Brazilian Portuguese.

For this reason, the government was pressured to carry out land reforms to reorganize land redistribution by changing land tenure and introduce legal regimes to promote the principles of social justice, sustainable rural development, and increased productivity. Unlike France (after the Great French Revolution) or the United States, Brazil has never carried out a structural land reform. This means that Brazil has never fairly distributed large amounts of lands since the colonization period. The first time this issue was addressed by the government was during the João Goulart’s (widely known as “Jango”) presidency. However, in 1964, he was overthrown as a result of a coup d’état that gave birth to a dictatorship that lasted until 1985.

While Jango’s approach to land reform was renounced during the dictatorship, the Land Statute was nevertheless adopted in 1964. Among other things, the Land Statute focuses on the following issues:

- (1) It seeks to distribute rural lands basing on possession and use, i. e. those lands that are not being used productively should be made available to rural workers who may use them to support their families;
- (2) The redistribution process involves purchase of this “unused” land by the government and its distribution among families of rural workers;
- (3) Agricultural policy is the set of guidelines that govern rural and agricultural activities making them work in an orderly and fair manner, both for owners and for workers.<sup>25</sup>

## **VI. Interests of the main sides of the conflict: agribusiness owners vs indigenous communities**

To understand the complexity of this issue and the challenges to demarcation, this section analyzes interests of both key sides of the conflict. On the one hand, there are native communities that are indigenous, as well as *quilombolas*<sup>26</sup> and *campesinas*<sup>27</sup> communities. On the other hand, there are agribusiness owners and farmers, landowners, land grabbers, loggers, miners, and big mining and agriculture corporations, as well as their supporters, especially politicians. For the sake of clarity, only indigenous communities and agribusiness owners and farmers will be the focus of this section, although it is important to keep in mind that other actors mentioned above mostly share their respective stances.

To get an idea about the economic power of agribusiness, it suffices to mention that it is responsible for a large part of the country's economy: 21 percent of the national GDP<sup>28</sup> and a half of the country's exports, as of 2017.<sup>29</sup> It is also an area of particular importance for investments, development, and jobs.

Typical arguments that illustrate the agribusiness' standpoint can be found in a 2014 interview by Paulo Cesar Quartiero,<sup>30</sup> a deputy of the Roraima State. He argued that indigenous and environmental policies were harmful to the Roraima State – one of the states that have the largest area of demarcated IT nationwide: IT make about 45 percent of Roraima's territory. According to Quartiero, the federal government agreed to relocate agribusiness owners and farmers, so that territory could be demarcated for indigenous communities to live, and to provide agribusiness owners with due compensations and other support. If indigenous communities inhabit a certain demarcated territory, they would be offered resources to become producers as well, thus resulting in no harm to the involved parties and the overall economy. Quartiero also argued the government should not indicate to indigenous communities that the land belongs to them, but instead clarify that under the law the territory belongs to the Union. If indigenous peoples would like to be given the right to live there without formally acquiring it, they should take into consideration the state's and society's interests. One of the key arguments presented by Quartiero was about the indigenous lifestyle and particularly subsistence farming that mainly involves manual labor, with the harvest destined to maintain the farmer's family, not for commercial purposes. Quartiero considered this practice “totally obsolete, outdated... an activity that dates back two centuries ago” and emphasized that he was “debating not their traditions, but their viability to survive as human beings”.<sup>31</sup>

This is a vivid illustration of a typical viewpoint of agribusiness owners, according to whom indigenous communities should use land for the benefit of the state and join the agribusiness if they want to live on the territory that legally belongs to the Union. Indigenous communities would have some land to live on, where in theory they are free to exercise their traditions and practices and obtain profits from agriculture production sales. As Quartiero pointed out, the indigenous people should use industrial machinery and technology in their farming and harvesting processes to optimize the results of their productive activities. Also, the indigenous people should be offered training to learn how to adapt to modern practices.<sup>32</sup>

The interests and attitudes of indigenous peoples are influenced by evolving activist movements. The first indigenous movements in Brazil emerged in the 1970s. During that period, Brazil launched major road and hydroelectric dam construction projects that led to



displacement of several indigenous communities. In this context, new forms of indigenous organization, different from traditional formats, started to emerge. The movement grew out of regional Indigenous Assemblies supported by the Indian Missionary Council (Conselho Indigenista Missionário, CIMI). New organizations paid little attention to institutional structures, formalities, and hierarchies. However, they developed strong political will and mobilizing capacities and sought to be heard and supported by both the international community and the Brazilian people. Such movements usually involved representatives of several indigenous communities, thus displaying diverse ethnic and geographic composition. It was also important that different indigenous ethnic groups did not get into conflict with each other and managed to coexist peacefully, even when they did not combine their forces to fight for their rights. Moreover, it was common to have political meetings involving indigenous leaders from regions across the country to discuss common goals and actions.

Since the 1990s, indigenous movements have become increasingly active and have managed to achieve several important results. More specifically, according to the Constitution of 1998, indigenous people were no longer considered to be “incapable transitory entities”, but instead got their status, including cultures and traditions, fully recognized. The main goals of such movements have been to resolve conflicts over land and territory, promote respect for ethnic and cultural diversity, and establish direct relations with the state to advocate public policies to protect and advance the interests of the native population. These movements have, indeed, managed to achieve more active public participation in the indigenous policymaking in various domains, such as education and health. However, there are still major problems in place, such as obtaining financial resources for these initiatives, inconsistency of activists’ efforts, and weak social control over significant policy issues.

According to CIMI, “the struggle for land was marked by initiatives on retaking (lands), self-demarcation and territorial control”.<sup>33</sup> For example, the *Macuxi* community managed to obtain the IT status for the Raposa Serra do Sol territory in the Roraima state as a result of its long-term efforts undertaken from 1993 until 2009. The creation of the Raposa Serra do Sol, first proposed in 1993, was only obtained in 2005, following formal approval by left-wing president Luís Inácio Lula da Silva (known as “Lula”). In a number of cases, indigenous communities started to occupy certain territories even before they were formally given an IT status. This happened in 2009 when the Brazilian Supreme Court ruled that the reserve lands should be exclusively inhabited by indigenous people and invaders to be banned. This strategy is still being used by other indigenous leaderships and movements, mostly in the Mato Grosso do Sul state and the Northeast region of Brazil.

It should be stressed that indigenous movements are much less likely to initiate violence or any other offensive actions and more likely to be a target of indiscriminate violence. Documents from the colonization period highlighted a peaceful stance of the Brazilian native people whose traditional values opposed violence. As Silveira and Felisbinho concluded on the basis of analysis of the letter by Pedro Vaz de Caminha in 1500 to King Manuel I of Portugal, “the ethos constructed by the speaker presents a pure, innocent, courageous, and curious indigenous person, who respects the European and becomes sociable for being peaceful”.<sup>34</sup>

Usually, when a conflict involves use of armed violence, the native communities find themselves on the defensive and suffer the largest numbers of deaths among conflict

participants.<sup>35</sup> In the case of Raposa Serra Sol, when non-indigenous people were in the process of being legally removed by local authorities (from the territory that was going to be officially destined to an indigenous community), the indigenous community was shocked by an attack against its members undertaken as they were building their homes (with nine civilians shot as a result).<sup>36</sup>

## **VII. Escalation of conflict after 2019**

In 2019, a new political factor made a turning point in this conflict. In the preceding year, Brazil experienced one of its most heavily contested presidential elections that followed a period of protracted political and economic instability that lasted since 2015. As a result, the right-wing candidate Jair Bolsonaro was elected with 55.13 percent of votes, leaving behind the left-wing candidate Fernando Haddad who received the remaining 44.87 percent of votes.<sup>37</sup>

Even before the election, Bolsonaro was known for his controversial statements concerning minority groups, such as the indigenous peoples. In 2017, Bolsonaro said during his lecture that if he would become president, “these communities will not have an inch demarcated for indigenous or quilombola reservation”.<sup>38</sup> This statement echoed throughout his presidential campaign and was reinforced during Bolsonaro’s inauguration speech. Indeed, Bolsonaro kept his promise, and by the end of 2019, after a year of his presidency, not a single IT was demarcated.<sup>39</sup>

At the beginning of his presidency, Bolsonaro undertook a ministerial reform through the provisional measure no. 870/2019 transferring the FUNAI and its duties to the Ministry of Human, Women and Family’s Rights and shifting the responsibility for demarcation of IT and environmental licensing to the Ministry of Agriculture, Livestock and Food Supply (MAPA).<sup>40</sup> The president saw the agency as a “barrier to development”.<sup>41</sup> According to an indigenous politician Sônia Guajajara, the FUNAI has become a target for the Bolsonaro government since it has obtained the power to act directly and indirectly in the domains of environmental licensing and demarcation of indigenous territories. Following the ministerial reform and as a reaction to it, the Mixed Parliamentary Front in defense of indigenous rights, aligned with indigenous movements, managed to alter the governmental arrangement through the National Congress. In particular, the FUNAI regained the power to demarcate IT, as confirmed by the final decision of the Supreme Federal Court (STF).<sup>42</sup>

Overall, the main economic aim of the respective governmental policy has been to make the land and the relevant common goods available to agribusiness, mining, and logging entrepreneurs.<sup>43</sup> It seems that one of the main incentives that prompted Bolsonaro to proceed with this policy was his desire to mobilize support from agribusiness. This support did not, however, prevent escalation of conflicts between the agribusiness and indigenous communities.

## **VIII. Fires**

Among other things, Bolsonaro’s rapprochement with agribusiness was conducive for the spread of the so-called *agricultural burning* that is used both in Brazil and abroad and aims to clear an area for planting temporary crops.<sup>44</sup> “Cleaning” of extensive areas of forest is commissioned by and serve the purposes of agricultural enterprises. In a nutshell, this

chain works like this: the invaders deforest, sell the wood, set fire to the forest, start the pasture, and, after an area is “cleaned”, bring in the cattle and (later) plant soy or corn. The remaining ashes initially contribute to soil’s greater fertility, but, if applied repeatedly and regularly, this practice impoverishes the soil. Thus, after few harvests are gathered, the area is left to recover. The agricultural burning must be authorized by Brazilian Institute of the Environment (IBAMA) and carried out under control with applying some safety techniques to confine fire by a specified area.

This practice is often mistaken for and even overlap with the concept of *wildfire*, which, according to the Brazilian Military Fire Department, “is uncontrolled fire that affects any form of vegetation, and can be either man-made or natural”.<sup>45</sup> Also, agricultural burnings have been used as part of a criminal land grabbing scheme known as *grilagem*. The difference between “agricultural burning” and “wildfire” has been further eroding, as Brazil experienced an exponential increase of fires in the Amazon rainforest and in the Pantanal wetland region. According to the Legislative Chamber of Brazil and National Institute for Space Research (INPE), the area of fires in Pantanal increased by 320 percent in 2019, compared to 2018. In 2020, the area of fires further increased by 200 percent. According to Alberto Setzer, the Substitute-Coordinator of the Fire Program at INPE, before the end of 2020 about 12 percent of the Pantanal Area was affected.<sup>46</sup> As for the Amazon forest, the number of fires in 2019 was 30 percent higher than in 2018.<sup>47</sup>

The circumstances in which such fires took place make it difficult to identify real causes behind them. While seasonal fires caused by weather conditions are common as well as agricultural burnings, the disproportional increase in fires for two consecutive years provides ground for alternative explanations. Given ongoing land conflicts between agribusiness owners and the native population, it is not clear whether the agricultural burnings accidentally became uncontrolled wildfires, or if they were purposefully initiated as part of criminal coercion strategy against those native citizens that live in those areas. In the last case, such actions can be identified as *criminal fires*, “when landowners intentionally burn the land, being motivated by disputes over agricultural land”.<sup>48</sup> One of such suspicious events was the so-called Fire Day that took place on August 10, 2019 in the Pará State. Farmers carried out several fires near the BR-163 highway and in just one day the areas of fire outbreaks in the cities of Novo Progresso and Altamira grew by 300 and 743 percent, respectively. According to Santana and Miotto,<sup>49</sup> few days before that event, the newspaper “Folha do Progresso” published a conversation with one of the leaders responsible for planning and initiating the fire, who claimed that his team felt “inspired by the words of President Bolsonaro” and “needed to show to the president that they are willing to work, and the only way is by taking action, that is, cleaning the land with fire”.<sup>50</sup>

While news about consequences of fires reached not only national but also foreign media, these consequences were mostly overlooked. Mainstream media largely discussed and criticized the Brazilian environmental policy and its impact on the world. In response to this criticism, Bolsonaro twice raised the issue of fires in Brazil at the UN, first in 2019 (concerning the Amazon) and then in 2020 (concerning the Pantanal).

In 2019, during the 74th UN General Assembly session, the Brazilian president insisted that “the Amazon is not being consumed by fire”<sup>51</sup> and that the fires either had natural causes, or were set by indigenous people.<sup>52</sup> He strongly condemned international media by arguing that while Brazil was suffering from sensationalist attacks due to the fires in the Amazon, the international community “instead of assisting, fell in with the press’s lies

and behaved disrespectfully, in the colonialist spirit”. Bolsonaro also condemned pressure from other countries to push for the demarcation of IT in Brazil, saying that “the attempts at instrumentalising the environmental matter or indigenous policies toward external political and economic interests, especially those disguised as good intentions... are not concerned with the indigenous human being, but with the mineral riches and biodiversity that exist in these areas”. The Brazilian president maintained that 14 percent of the Brazilian territory was already demarcated indigenous land. While he called to “understand that our native peoples are human beings, exactly like any one of us... and deserve to enjoy the same rights as all of us”, he also refused to increase the share of IT up to 20 percent of the national territory, “as some heads of state would like it to happen”. In his speech, he also accused foreign governments of using indigenous leaderships, such as Cacique Raoni, as “pawns in their informational war to advance their interests in the Amazon”. In conclusion, Bolsonaro reinforced Brazil’s strong commitment to preservation of the environment and sustainable development and assured that support for preservation of the Amazon Rainforest would be welcome as long as it is conducted in full respect to the Brazilian sovereignty”.<sup>53</sup>

In 2020, during the 75th UN General Assembly session, Bolsonaro again blamed international institutions for conducting a series of “disinformation campaigns... about the Amazon and the Brazilian wetlands... anchored on shady interests coupled with exploitative and unpatriotic Brazilian associations to undermine the Government and Brazil itself”. In response to Pantanal’s fires, he argued that the rainforest would not allow fire to spread out and that outbreaks of fire usually occur in the same places and for the same reasons as a “consequence of high local temperature coupled with the accumulation of decaying organic matter”. He also addressed the issue of criminal fires without pointing at potential culprits, but insisting that criminal activities are vigorously fought in Brazil with zero tolerance for them.<sup>54</sup>

## **IX. Increased violence**

As the previously cited data demonstrates, the level of violence towards the indigenous people is high and tends to grow. According to the report on “Conflicts in the Field in Brazil in 2019”, that year was marked by dramatic rise in the number of incidents, comparing with data for all previous years since 2010. During Jair Bolsonaro’s first year in office as president, five conflicts per day, 60 percent of land conflicts,<sup>55</sup> and eight out of ten murders<sup>56</sup> occurred in Brazil’s “Legal Amazon” (Amazônia Legal), a five million square kilometers area of nine states<sup>57</sup> which is home to most Brazilian native communities. As the data points out, in that region alone over 100 thousand people were affected by some sort of conflict, and out of those, more than 6000 families were evicted from their land. According to Jeane Bellini, a CPT coordinator, out of 32 murder victims of land conflicts in 2019, nine were native Brazilians and, out of those, the majority (seven) were indigenous leaders. Bellini considers these figures as an evidence of a strategy aimed at destabilizing, weakening, and discouraging indigenous movements.<sup>58</sup>

Not only murders but also other serious violent incidents were registered under the section “Violence against the person” of the report. Among these incidents were murder attempts, casualties as a consequence (of conflict), death threats, torture, extrajudicial arrests, sexual violence, physic injuries etc.<sup>59</sup> Combining those categories, there were a

total of 1833 violent episodes involving 859023 people. To sum up, the report's findings, for 16 out of 19 categories of violence established by CPT, increase in numbers of incidents was registered. Special attention was paid to "invasions, illegal exploitation of resources, and property damage" incidents that more than doubled in comparison to 2018.<sup>60</sup> Yet, the Brazilian population for the most part knows little or nothing about the nature or the current status of this conflict.

A couple of examples further illustrate the seriousness of the issue. Some leaders of the *Uru-Eu-Wau-Wau* people (Rondônia State) addressed a letter to IBAMA reporting over 40 land grabbing invasions to their IT and the use of *grilagem* practices with the goal to gain control over the land. The *Uru-Eu-Wau-Wau* people managed to expel invaders, but the latter threatened to return with 200 more people and harm the locals' offspring; in practice, about a thousand invaders returned three months later.<sup>61</sup> Another case involved the *Kinja* people from the Roraima State<sup>62</sup> who, according to Waimiri Atroari, became victims of a genocide that killed more than 2500 people and was linked to the construction of a hydroelectric dam and the BR 174 highway, in addition to mining practices. In spite of these events, Bolsonaro had the intention to adjust regulations for mining in ITs without including indigenous people or leaders in the consultation process. Several constitutional amendments, bills and proposals concerning the rights of indigenous people were already processed without any consultation.<sup>63</sup>

## **X. Conclusion**

The first two years of Bolsonaro's presidency had negative consequences for the environment and the native people of Brazil. The government has failed to provide support to indigenous people, while its policy to back agribusiness has directly and indirectly exacerbated the ongoing conflicts between the agribusiness and the native people, resulting in human rights violations and growing casualties.

As conflicts of this kind are rarely discussed, especially internationally, it is important to categorize them. They qualify as non-state conflicts, as the two main actors are indigenous communities and agribusiness owners and farmers, while the current Brazilian government can be considered as a supporter (either direct or indirect) of the agribusiness party. Such conflicts also fit the definition of intercommunal violence and tensions. No organized group has been established officially, and so far, no group that used arms against indigenous people has formally announced its name, even as some violent groups acting on behalf of agribusiness were formed with the sole goal of attacking indigenous people. Some of the more violent incidents can even qualify as one-side violence campaigns, having resulted in more than 25 deaths a year.

The term, used by the indigenous side to describe this conflict, is "genocide", as they claim it complies with the definition established in Article II of the Genocide Convention.<sup>64</sup> This term is often accompanied by terms "ethnocide" and "ecocide". The former refers to a kind of genocide against one of several ethnicities but, unlike genocide, has no specific legal implications. The term "ecocide" refers to destruction of the natural environment of an area or an ecosystem that causes essential damage to it. These three terms comprise what João Pedro Saddy called the "triple pillar", arguing that "offensives against indigenous societies, traditional populations and quilombola communities always go hand in hand, in a campaign that seeks both the physical extermination of their ethnic group, erasure and

destruction of their identity and cultural heritage, as well as the destruction of the environment where they were located, the land from which they originate from”.<sup>65</sup>

It can be concluded that land conflicts affect the rights and lives of indigenous peoples, boosting violence and practices of racism. While the Bolsonaro’s government has undoubtedly played a significant role in fuelling this conflict, it had already started five hundred years ago.

A way to move towards the resolution of this kind of conflict is to establish a middle ground. Brazil should allow indigenous communities to have their demarcated territories to live in safety. Their rights should be ensured and protected and no impunity for crimes committed against indigenous peoples should be allowed. At the same time, fair and comprehensive policy that promotes and supports responsible agribusiness practices should be offered. The processes of devising and implementing such a policy would require consultations involving representatives of both agribusiness and indigenous communities.

## ENDNOTES

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid. P. 20.

<sup>6</sup> The “kayapo”, also known as “caiapó” or “mebêngôkre”, are indigenous people in Brazil who inhabit a vast area spreading across the states of Pará and Mato Grosso, south of the Amazon River and along the Xingu River.

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<sup>40</sup> Ibid.

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<sup>42</sup> Ibid.

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