

Human Rights, Native Lands and Environmental Issues: The Demise of Mother Nature and of the Indigenous Peoples of Brazil

Marlei Angela Ribeiro dos Santos¹, Thais Janaina Wenczenovicz², Émelyn Linhares³

¹Doctoral student in Law at the University of the West of Santa Catarina/UNOESC; Prosuc/Capes Scholarship in the Doctoral course; Master in Fundamental Rights. Member of the Citizenship and Human Rights Research Line/UNOESC. Graduated in Law-Faculties of Applied Social Sciences, /FACISA. Technologist in Environmental Management-Universidade Norte do Paraná, UNOPAR. Specialist in Public and Private Law: Material and Procedural-Universidade do Oeste de Santa Catarina/UNOESC.

Email: marlei.ange.adv@hotmail.com

²Adjunct professor/senior researcher at the State University of Rio Grande do Sul/UERGS. Full Professor at the Stricto Sensu Postgraduate Program in Law/UNOESC. Collaborating Professor at the Stricto Sensu Postgraduate Program in Education at the State University of Paraná - UNIOESTE. INEP Evaluator - BNI ENADE/MEC. Member of the International Committee Global Alliance on Media and Gender (GAMAG) - UNESCO. Leader of the Citizenship and Human Rights Research Line: decolonial perspectives/PPGD UNOESC.

Email: t.wencze@terra.com.br

³Student of the Interdisciplinary Master's in Human Sciences at UFFS, Erechim/RS campus. Scholarship holder of the Capes Social Demand Program, for the Interdisciplinary Postgraduate Program in Human Sciences – UFFS. Specialist in Public Law (Fundação Universidade Regional de Blumenau – FURB), in Criminal Law and Criminal Procedure (Faculdade Santa Rita). Bachelor of Laws (Facisa/Funoesec).

Email: emy_dr@outlook.com.br

Received: 17 Mar 2022,

Received in revised form: 20 Apr 2022,

Accepted: 25 Apr 2022,

Available online: 30 Apr 2022

©2022 The Author(s). Published by AI
Publication. This is an open access article
under the CC BY license
(<https://creativecommons.org/licenses/by/4.0/>).

Keywords— Death, Environment,
Indigenous Peoples; Territories.

Abstract— The aim of this paper is to analyze the historical trajectory of demarcations of Brazil's traditional lands, as well as the rights and emergent violence concerning this issue. The choice of this topic is justified by the constant violation of the demarcation rights of indigenous lands, the lag in administrative processes, or judicial decisions and bills that do not acknowledge or hamper these rights, as well as the effects of this oversight on the life and demise of indigenous peoples and on nature. The method used was bibliographical-investigative through the use of data from the Social-environmental Institute, the Indigenous Missionary Council, national and international court of laws and current legislation. First, a reflection on the identity and personal construction of Amerindians is carried out; followed by an analysis of the development of colonialism in Brazil through its effect on traditional territories and peoples; and, finally, numbers and consequences regarding the life and demise of indigenous peoples and the environment are discussed. State negligence concerning the demarcation of these lands is confirmed, as well as the occurrence of violations and violence towards native peoples, along with scarce environmental protection. There is a need for the evolution and reconstruction of concepts and of the legal framework within a decolonial perspective, in order for the full-fledged recognition of indigenous peoples' rights to take place.

I. INTRODUCTION

Taking the colonial and capitalist trajectory into consideration, and the emerging environmental and climate crisis seen in Brazil and around the world, it is important to recall the definition of the environment as the complex of domains, influences and physical, chemical and biological factors that allow, shelter and determine life in all its forms (art. 3, item I, Law no. 6938/81 – Brazil, 1981). Within this mindset, it is essential to understand the causes and origins for the demise of indigenous peoples in Brazil as a result of the destruction of the environment.

Brazilian society is known for its diversity and the contrast of its cultures and experiences. The concepts accepted by a part of the population regarding lifestyles, property, nature, death and borders are hegemonic. The composition of individuality and humanity is a result of several factors related to identity, culture, race and subjectivities. Within this context, there are factors that dictate the legitimacy to appoint the truth, rationality, knowledge, power and domination over communities. As clearly expressed in the Brazilian Constitution, life, property and an ecologically balanced environment are rights seen as the backbone of numerous international legal orders. Nevertheless, one can clearly see a contention in the fact that members of the Union are the exclusive interpreters of these rights, seeing individual rights according to the idea of equality, hence, not allowing differentiations according to race, color or gender. In other words, the possibility of difference is invalidated. Thus, the Brazilian Constitution, as well as most Brazilian juridical orders, is based on a classical liberal perspective, with the establishment of the State in a mono-judicial system.

The actions of Brazilian legal orders, as well as state practices, are part of a heritage of colonialism that has endured with coloniality, and these have repercussions in the mechanisms of subalternation of indigenous peoples, who have routinely experienced the violation of their rights and freedoms since colonial times, resulting in violent and discriminating narratives and episodes.

Hence, the aim here is to analyze the historical and legislative narrative of indigenous peoples and their right to land demarcation, as well as the connection between non-demarcation and the demise of numerous indigenous individuals (ethnocide) and the destruction of nature (ecocide). This article is divided into three parts: 1) Breaking away from Eurocentric ideology: building the Amerindian identity and being; 2) Colonialism and the “discovery” of Brazil: territories and indigenous peoples; 3) Death to the natives and death to nature: numbers and consequences.

The present text turns to Brazilian juridical orders, as well as national and international court interpretations. It is also based on decolonial theories taken from the Modernity/Coloniality group established in the 1990s under the direction of Anibal Quijano, Maldonado-Torres and Mignolo. The method used is bibliographical and investigative through statistics found in the Social-environmental Institute (Instituto Socioambiental – ISA), the Indigenous Missionary Council (Conselho Indigenista Missionario – CIMI), among others.

The question of non-demarcation of Indigenous land (Terras Indígenas – TI) and the effects of this negligence on the life and demise of indigenous peoples and on the environment are evident. Conflicts over land lead to violent actions against native peoples and the failure to respect their fundamental and human rights. These conflicts are instigated by a hegemonic culture based on European beliefs that have categorized race and class with the undeniable support of capitalism and patriarchy that continue to influence traditional communities, keeping them bound to inhospitable situations and invalidating their rights.

II. BREAKING AWAY FROM EUROCENTRIC IDEOLOGY: BUILDING THE AMERINDIAN IDENTITY AND BEING

Although Brazil recognizes indigenous peoples and their right to live according to their “practices, customs and traditions” (Art. 231, §1º, CF/88 – BRAZIL/1988), which are different from those adopted by society in the rest of the nation, the very same policy allows for the dissolution of these communities and their rights. Indeed, the reality is that equality is associated to totality, the idea of “one and only nation”, and does not include the notion of community, which is essential in understanding Amerindian logic, knowledge, memory and being, especially in terms of life, death, property and the environment/nature. In regard to building an individual’s being and to the social body, Le Breton states that

The sociology of the body is a chapter within sociology particularly dedicated to understanding human corporality as a social and cultural phenomena, symbolic motive, the object of representations and the imaginary. It reminds us that the actions that weave the fabric of daily life, from the most trivial, or the least concrete, to those that take place in a public scenario, involve the mediation of corporality; if nothing else, it is through perceptive activity that man can develop at every instance and is able to see, hear, taste, feel and thus supply the world around him with precise meanings.

By reason of ideas regarding the development of meanings in the world that surrounds individuals, and based on the view of indigenous communities, it is imperative that we back away from modern representations and put an end to processes that aim at suppressing ambivalence, difference and multiplicity.^{NT2} The construction of the indigenous being and identity goes beyond hegemonic and Europeanized perceptions because it is connected to external elements, the majority of which are not linked to human possessions but to a relation between people and other beings (nature, animals), including entities, the deceased, kin, friends, enemies and white people.

From the time one is born, living in community/society/with people calls for the acceptance of impositions and sanctions to cosmological impossibilities and practical decisions. The starting point is an idea of body, person, death and social dynamics. The relations found in structural systems are constituted by bodily references that generate identities. In these we find an abundance of exchanges, whether through blood or affects, in a continuous chain of knowledge and local teaching/learning¹.

The being is elaborated through the construction and development of learning what it means to be human. In this sense, the knowledge obtained regarding social life (being and acting necessarily according to rules) determines the nature of the consubstantiality of the defined being and, hence, kinship. Through ancestralism and the cosmology of the indigenous peoples, unions and entities are confirmed (through the earth or forest/nature), and this constitutes indigenous universes. In other words, it is the protagonism of the body that gives structure to the Amerindian. The foundation of the social worlds diversifies all beings, and this alterity shapes relations among kin, ethnicities, the earth and death.

By the same token, there is a constant relation among the living, the dead and the gods, which is the result of how the body is conceived as central to the world and the difference among beings and the relations they establish. With death, the fracture between the social world of the living is created, in other words, it is a transformation, a continuation of the processes in which the body flows. This is expressed with clarity by Viveiros de Castro:

^{NT2} Tradução livre de “ambivalências, das diferenças e aos múltiplos” (BAUMAN, 1999).

¹ “Ensinagem” in Portuguese. Term coined by Léa das Graças Camargos Anastasiou in 1994 to refer to a complex and critical social practice in education between teacher and student, “comprising both teaching and learning (ANASTASIOU; ALVES, 2004, p. 15) whether in the classroom or not.

One dies repeatedly during our lifetime – and we shall die numerous times in death. Dying is defined by all states in which there is a loss of “consciousness”, with the inebriation from cauim [...], states of shock produced by frights, illness or severe wounds and, finally, the temporary situation of homicide – in which, between death and decay, and until the dead enemy spirit revives it [...] any victim of a violent bodily “transition” that extirpates a person from him/herself is “dead”. [...] this does not mean that there is a rush to bury those who are “dead” in this manner. Indeed, one of the most important human traits is that “we do not actually die” – even when we do. Actual death is merely one more violent situation, from a certain stance, among the many deaths and resurrections a person will be submitted to.

According to Amerindian ontologies, the notion and condition of being a person is not exclusive to humans. There are certain differentiations among relationships, i.e., an individual belongs to a community constituted by material and immaterial elements in which bodies have successive formations. Undoubtedly, Amerindian ideas on body and being are not the same as those held by western society, which are hegemonical. The civilizing and “evolutionary” stages that take us from primitiveness to modernity, also known as “progress”, are different and removed from indigenous humanity and the advancement of the body, which are connected to kinship.

What are the boundaries between the human and the forest/environment/earth according to indigenous understanding? There are clear differences interpretations, concepts and perceptions between indigenous and non-indigenous peoples. Hence, what happens to indigenous people after death by homicide and suicide, and what their causes are (personal/intimate, social/collective) is detached from the hegemonic and biomedical idea which sees death as simply the end of biological life.

III. COLONIALISM AND THE “DISCOVERY” OF BRAZIL: TERRITORIES AND INDIGENOUS PEOPLES

It is imperative that we address the historical and legislative narrative of the traditional peoples of Brazil by revisiting the year 1500, the period in which colonization and the process of personification of the State took place, brought about by colonialism, capitalism and patriarchy, and bolstered by coloniality. Before the “uncurtaining” of the country, the territory was inhabited by indigenous peoples. However, with European occupation, a hegemonic European ideology established the domains of an exploitative society, one in which indigenous identities and rights were eradicated. As a consequence, colonialism,

through its power and the establishment of patterns of racial classification, bastardized certain types of knowledge and practices, specifying and differentiating oppressors and the oppressed (QUIJANO, 2005).

The colonial context was founded on violence and the exploitation of slave/indigenous land and labor, resulting in ethnocide and memocide. These exploitations strengthened the concepts of social class, racial phenotype and brute power relations, all in association with colonial/modern capitalism. The ballast of capitalism was the worldwide standard consolidated by coloniality, which warrants and certifies social, racial, regional and gender classifications. These, in their turn, take shape in the scope of human existence by means of the family, culture, school/academia, work and the economy, which are carried out according to the social hierarchy imposed.

Thus, colonialism founded the territorial and social-political structure (bodies, identities and land as property) widely reproduced by means of coloniality today. As a reflex and a result, we witness violence and the violation of individual and collective rights, leading to cases of epistemicide, genocide and ethnocide. Likewise, capitalism has used Eurocentric knowledge (considered superior and the only rational possibility) to naturalize the violence against subaltern groups according to the powers that be.

As a result of the process of colonialism and capitalism, European laws were imposed upon Brazilian territories. Thus, Portuguese juridical law was established, as well as its ordinances and systems, all in alignment with its traditions, religion and language. This led to ethnic and territorial adversities and subsequent violence and the exclusion of several peoples from their lands. As for the legislation brought over to this country, it is relevant to refer to the 1824 Constitution, which, in article 179, guaranteed the inviolability of the civil and political rights of its citizens, based on liberty, individual safety and, especially, property (Brazil, 1824).

Another important Constitution was the 1934 version which, in article 129, recognized the land ownership of indigenous peoples, with special emphasis to the lands “where they are found”, and making the divestiture of these territories by these peoples void (Brazil, 1934). Later, in 1973, the Statute of the Indian (Bill no. 6001/December 19) was issued, and native areas were divided among occupied lands, reservations (indigenous reserves, indigenous parks and indigenous agricultural colonies), indigenous federal territories, as well as lands under indigenous domain (Brazil, 1973). These laws and measures demonstrate in a perfunctory manner the lack of recognition of territorial property by native peoples, in

alignment with the indigenous policies of cleansing in colonization.

It was only with the proclamation of the 1988 Federal Constitution (CF/88) – known as the “Citizen’s Constitution” – that the precepts of integration were discontinued (at least officially) and the lands traditionally occupied by native peoples were recognized, along with their practices, customs and traditions (Brazil, 1988). I would like to highlight that, in spite of this recognition, the constitutional text is clear when it states that indigenous territory is the property of the Union and hence native peoples can benefit from the land (article 231§ 2º, CF/88). Furthermore, CF/88 determines that the Union is responsible for marking off land (article 231), and gives indigenous peoples the assurance that they can take legal action to defend their rights and interests (article 232, Brazil, 1988).

Indigenous land in Brazil comprises 724 areas and occupies an extension of 290,046,250 acres (1,173,776 km²), a total of 13.8% of the total of the country’s area. Most of these are located in Legal Amazon (around 98.25%), while the rest (1.75%) are found in the northeastern, southeastern and southern regions, as well as in the states of Mato Grosso do Sul and Goiás (ISA, 2021a). Currently, indigenous lands can be classified as being a) in the process of identification/with restrictions upon non-native use (120 TIs); b) identified (44 TIs); c) designated (73 TIs); and d) reserve approved (487 TIs) (ISA, 2021b).

Undoubtedly, depending on the situation the abovementioned land is going through as to its ordinance and the (de)territorialization of indigenous communities, there are several effects for both indigenous and non-indigenous groups in national, international and worldwide terms, especially when the issue is environmental, not to mention the social, economic, cultural and health impacts concerned.

As important areas for the protection of a large share of global forest resources and, consequently, of the capacity to store over 293 gigatons of carbon, 1/3 of the TIs in 64 countries are under threat due to the absence of proper demarcation (Clara, 2018). Until 2016, changes caused by human action on the Earth’s surface reached 95%. In face of this scenario, TIs are areas in which climatic balance is preserved, and respect for nature is upheld (LEPAN, 2020). Currently, Brazil has only 13.8% of the territory reserved for native peoples, the highest it has ever been in the last 35 years, in a total of less than 1% of deforestation in the country during this period (APIB, 2021a). More data can be seen in the following:

In the last 36 years, the area for soy and sugar cane crops reached the same extension of the entire cropland formation in Brazil. Just as an example, soy crops represent an area equal to that of the state of Maranhão, while sugar cane occupies double the country's urbanized area. The main form of land occupation in Brazil is still forests: 59.7%. However, this percentage is mostly found in the Amazon region. In other words, with the exception of the Amazon region, what we see in the rest of the country is very different. In the Pampa, only 12.5% of the territory is forestland. Almost half is taken up by agriculture and cattle raising. In the Atlantic Forest, the area used for farming and cattle raising is even larger, amounting to 2/3 (66.7%) of the biome. The Cerrado (45%) and Caatinga (37.4%) comprise third and fourth places in aforementioned activities. In a more detailed analysis of land occupation and use in Brazil, the study shows that the 66.3% of native vegetation does not necessarily correspond to preserved areas. "A part of this native vegetation is already degraded or has been cleared or is in the process of regeneration [...] On the other hand, the indigenous territories that have been marked off, or that are awaiting this process, are those that have most kept their original characteristics. Less than 1% of deforestation in Brazil between 1985 and 2020 took place on indigenous land.

In the last few years, severe climatic tragedies have taken place in Brazil due to deforestation, mining, fires, among others. For example, from 1985 to 2020, the average area burned annually comprised 370.66 acres (1.8% of the country's total area); among these, 83% occurred between July and October. In addition, 59% of river basins had a reduction in their water surface; the loss of water surface in the country was 7.6%. Furthermore, the following increases were observed: 600% in mining areas; 300% in mining inside conservation areas, in which 50% of the mining area is found inside preservation units and indigenous land (MAPBIOMAS, 2021).

Though many indigenous territories have been marked off, they are in a state of conflict/lawsuit, or legislative risk (in which a solution is still pending), while unconstitutional forms of disavowing the presence of traditional peoples in the country and, above all, in their own lands, where they have been before the very "discovery" of Brazil, are upheld. As examples of the obstacles to indigenous rights, we can refer to proposals for bills (projeto de lei – PL) that hinder and restrict specific indigenous rights, such as PL 490/07, which submits the demarcations of TIs to Congress (Congresso Nacional – CN), and addresses a time frame and reforms in how indigenous peoples may benefit from the land, with the installation of military bases, the expansion of

highways and the possibility of tapping into energy sources. According to aforementioned bill, national defense and sovereignty take precedence over any indigenous benefits (CÂMARA DOS DEPUTADOS, 2021a).

In addition, PL 2633/2021, known as the "grilagem" (land grabbing) PL, has harmful consequences for indigenous peoples (CÂMARA DOS DEPUTADOS, 2021b). According to the interpretation of a lawyer from the Social Environmental Institute (ISA), this project manifests the "disposition of a parliamentary majority to legislate in favor of land grabbers and organized crime in the Amazon region", adding that the text "hands over property deeds to deforesters and invaders, without verifying if environmental damages caused were ever recovered. It is a blank check and an inducement to crime" (ISA, 2021c).

In order to analyze the legal aspects regarding these territories and their adequate demarcations, it is essential to verify the interpretations of national and international tribunals and courts concerning the demarcations of TIs and what their repercussions are. In the legal area, we should bring up the international disapproval of Brazil in 2018 by the Inter-American Court of Human Rights (IACHR) due to the disproportionate delay in marking off the Xucuru/PE indigenous land, which had begun in 1989. The Court ordered compensation be paid due to collective moral damages, and sentenced the country to comply to other measures as well (IACHR, 2018). As to national case laws, the situation that occurred in the north of the state of Santa Catarina is relevant. Natives of the Guarani tribe were kept in limbo due to governmental indecision regarding the demarcation of lands in Mbiguaçu, Corveta I and II, Rio do Meio, Garuva, Rio Bonito, Reta, Pindoty, Piraí and Tarumã. Studies of these occupations had begun in 1996 and, due to the delay, the Federal Public Ministry (federal prosecutors) decided to file a civil lawsuit demanding the expediency of the case. The preliminary injunction put forward was granted in 2002 and the lawsuit was judged to be undeniably justified in 2007 when it was established that the identification and demarcation of all Guarani land in the abovementioned towns should necessarily be carried out within 24 months, subject to daily fines. This decision was confirmed by the Federal Regional Court of the 4th Region, the Superior Court of Justice and the Supreme Court (MPF, 2019).²

² For more information, RESP 1114012/SC, Ministra Relatora Denise Arruda, 1^o Turma do STJ, 11/10/2009. The decision in its entirety can be accessed at <https://processo.stj.jus.br/processo/revista/documento/mediado/?c>

As we can see from the examples mentioned, the demarcation and ownership of indigenous lands is one of the most important rights demanded by these peoples, and that have been breached by a part of the State. Indigenous land demarcation must be seen not only as a right of these communities, but also as an assurance, insofar as it implements the recognition of their identities, culture and knowledge. Moreover, it protects Brazilian society as a whole in that indigenous peoples care for the land, flora and fauna, hence abating climatic crises in the country and the world. It is tantamount that Federative Agencies carry out demarcations swiftly according to the law, assuring that these peoples be protected.

IV. DEATH TO THE NATIVES AND DEATH TO NATURE: NUMBERS AND CONSEQUENCES

The impact that deforestation, mining and the non-demarcation of indigenous lands has had can be seen in the long trajectory of these peoples since colonization. Nevertheless, they remain unrecognized, their rights disregarded, and their identities despised, subjected to state negligence and to social decline, which daily affect their livelihood and experiences. Sonia Guajajara's words clearly express what the land means to native peoples: "We do not negotiate land rights because the earth, to us, is our life: Mother Earth. And you do not sell your mother, you do not negotiate. You have to take care of your mother, defend her and protect her" (MPF, 2019, p.69).

Indigenous movements have been seen on the news in the struggle different ethnicities and nationalities go through, protesting against deforestation, climate change and the illegal exploitation of natural resources and the violation of rights. An example of this type of struggle could be seen in the United Nations Climate Change Conference in Glasgow, Scotland (COP26) between October 31 and November 12, 2021 (ONUNews, 2021a). It must be noted that the indigenous movement represented the largest delegation of Brazilian indigenous leadership in the history of the climate conference, emphasizing the importance of indigenous land demarcation as one of the solutions given. Over 40 representatives of traditional peoples were represented in Glasgow, stressing the urgent need of territorial demarcation and the protection of peoples for the benefit of the planet's future (APIB, 2021b).

During the COP26, the Brazilian indigenous delegation denounced the indigenous genocide and ecocide taking

place in Brazil, exacerbated by the Covid-19 pandemic and the indigenous policies adopted by the federal government (APIB, 2021b). The delegation also stated that

We shape and protect our biomes with the blood of millions of our kin. The genocide of native peoples, the oppression against those who defend our land, and its illegal confiscation are the largest and most widespread crimes that humanity has produced throughout history. It is a constant and ongoing crime which we denounce at every forum we can [...] We are in Glasgow to, once again, warn the world, and, at this moment, with even greater significance: humanity is leading the fate of us all to chaos and death! Our Mother Earth is exhausted. The future of the planet and the species that inhabit it depend on our global capacity to cooperate in the defense and strengthening of indigenous peoples and local communities, to ensure the safety of traditional territories in face of predatory economic interests, and to create and promote effective climatic solutions with nature and the communities that protect it in mind.

Indigenous voices call out for climatic justice, stating that the management of these territories and fundamental regard to these peoples is the solution. It is important to remember that during the COP26, the Coordinating Body of Indigenous Organizations of the Amazon Basin (Coordenadoria das Organizações Indígenas da Bacia Amazônica - COICA) launched a campaign called "No consultation, no consent" with the aim of reviving and strengthening the right of native people to deliberate and approve in advance and with information in hand (COICA, 2019), in other words, with the purpose of creating a pluri-national constitutionalism.³

An issue that must be brought to the front is that the COP26 emphasized how women have taken the brunt of climate change, in other words, that it is not neutral in terms of gender since the burden of this emergency widens the inequalities faced by women. Of the people who are displaced due to climate change, 80% are women and girls. It is crucial to recognize that a real or potential female contribution will help the planet survive and develop in a sustainable form. In regard to this, the indigenous activist of the Wapixana people from Guyana stated that her activity is aimed at giving the women in her community more power to "break" with patriarchy. Casimero also pointed out that women are better leaders than men and that "all of humanity exists" because of them. (ONUNews, 2021b).

[omponente=ITA&sequential=927736&num_registro=200900825478&data=20091201&formato=PDF](https://www.ijaers.com/component=ITA&sequential=927736&num_registro=200900825478&data=20091201&formato=PDF)

³ "Native people are a part of the construction of the State (in terms of the origin of power) and indigenous law is considered (with no juridical monism). There are also important mechanisms for direct democracy" (NUNES JÚNIOR, 2018, p. 96).

Indigenous peoples have long been observing climate change and how their rights are being violated. Nevertheless, they go on fighting for the preservation of forests. The Indigenous Amazon Agenda presents some solutions for a sustainable life, some of which are guided by the autonomy of native peoples; gender and generational equity; indigenous territories and their natural resources; legal systems pertaining to the peoples themselves; collective and individual rights; maintaining regional and worldwide significance; strengthening ancestral knowledge, as well as academic and scientific education, intercultural bilingual education, and virtual interactive education; an ancestral economy in production and commercialization; regional, national and international systems, technology and communication, among others (COICA, 2017).

When considering the evidence found in climate change caused by accumulation, the incorrect disposal of substances, land exploitation, and air and water pollution, it is unrealistic to expect any solutions from practices in a consumer, liquid society. Environmental and energy solutions can be found in the knowledge/experience of indigenous peoples, without prejudice or stigmas on the part of white society, as we have witnessed for centuries.

Technological debate and million-dollar solutions ignore and underestimate the indigenous agenda with its multiple factors and focus on human relations and the land. The enhancement of indigenous procedures and resources can ensure land protection, as seen in the Plans for Territorial and Environmental Management of Indigenous Lands (Planos de Gestão Territorial e Ambiental das Terras Indígenas - PGTA), an instrument that was collectively created by these communities in an attempt to follow through on pledges related to the land and the well-being of current and future generations (APIB, 2021a).

It is widely known that indigenous land has been the scope of a great number of disputes that began with the colonization of the country, and that there is structural and symbolic violence consolidated by the ideology of colonialism and coloniality. Added to this is the current problem of omission and delay in land regulation due to the conflicts concerning territorial rights, the invasions for ownership, the illegal exploitation of natural resources and a myriad of damages done to the land.

It is crucial the world, and especially the Brazilian population, understand that there is no solution for the planet unless it is grounded in reality. The Earth is undergoing a cycle of unbalance that causes not only environmental damage, but also harms humans, whether individually/personally or collectively, resulting in ecocides, ethnocides, homicides, suicides and

epistemicide. When nature is harmed, so are the keepers of the forests, and this is seen in the number of homicides and suicides among indigenous people. According to data from the Special Department for Indigenous Health (Secretaria Especial de Saúde Indígena – SESAI) 182 murders of indigenous people took place in 2020, an increase of around 61.06% from 2019. In addition, there were 110 indigenous suicides in 2020 (21 females and 89 males) (CIMI, 2021). Below are the Reports of Violence against Indigenous Peoples in Brazil (2020 data) listing the percentages:

Table 1 – Number of indigenous homicides per state from January to December 2020.

State	Number of homicides
Amazonas	41
Bahia	5
Ceará	15
Maranhão	1
Mato Grosso	1
Mato Grosso do Sul	34
Minas Gerais	1
Pará	4
Paraíba	2
Pernambuco	6
Paraná	1
Rondônia	2
Roraima	66
Santa Catarina	3
Total	182

Source: CIMI, 2021, p. 156.

Table 2 – Number of indigenous suicides per state from January to December 2020.

State	Deaths by self-inflicted wounds
Acre	1
Amazonas	42
Bahia	1
Ceará	2
Espírito Santo	1
Maranhão	2
Minas Gerais	2

Mato Grosso do Sul	28
Mato Grosso	1
Pará	1
Paraíba	2
Pernambuco	2
Paraná	3
Rio de Janeiro	1
Roraima	15
Santa Catarina	2
Tocantins	4
Total	110

Source: CIMI, 2021, p. 217.

The understanding of how murder and suicide are represented and what their personal and social causes are in the indigenous context is a qualitative dimension that is rarely researched despite its extreme relevance. Which of these deaths are masked as suicides? Which of them are actual suicides? Who is the perpetrator of indigenous suicide? These are some of the questions that need answers, especially in regard to the actions and reasons that cause these fatalities. Can an act that caused the death of a native individual by his own hand have been some other person's fault? In other words, the focus has leaned towards aspects of the biomedical classification system that differentiates homicide and suicide (the latter evidently referring to death by one's own hand), however, they are also associated to constitutive relations of indigenous being and the violence it undergoes.

Is death by homicide and suicide, according to an indigenous standpoint, the result of acts practiced by others? What is brought up here is an investigation of suicide as caused by a third party and not exclusively pertaining to the person who has died. This demands ethnographic studies on the social-cosmic systems of the native peoples. By understanding the processes of construction of indigenous being and kinship, as well as their context, relationship with the land, nature and natural resources, the reconstruction of suicide episodes can be carried out, associating these to conflicts (social and territorial) that permeate these communities within historical, social-cultural and intergenerational issues.

V. CONCLUSION

As a final comment, it is fundamental that we recognize the processes of Brazil's occupation and settlement founded on colonialism and coloniality and thus analyze

the triad of this reflection: indigenous peoples, the environment and death. It is indispensable that we commit to laying down a decolonial path with the aim of accepting the approaches presented by native peoples who, historically, have been petitioning that their demands be heard. Therefore, one of the solutions is the reconstruction of concepts, arguments and formulas that unravel the categories established by colonialism, coloniality, capitalism and the patriarchy, breaking free from the obsolescence of specific uses, wordings and actions that have so far been understood as scientific and accepted by the judicial world.

The fight against the worldwide and national crises concerning these peoples must be dealt with considering the broad diversity that comprises Brazilian society, governed by social, cultural, environmental, economic and ethnic-racial experiences. Maintaining coloniality, capitalism and other social marks of domination and power, and the non-recognition of traditional peoples and their rights, only leads to more ecocide, ethnocide, epistemicide and memocide in relation to society and science.

It is key that the epistemological movement for the critical renewal of Juridical and Social Sciences in Latin America is encouraged, based on the postcolonial argument associated to the idea of a decolonial turn. The critique carried out in Latin American studies offers historical re-readings, bringing up ponderous old and new issues for the continent, defending the "decolonial option" in understanding a world characterized by coloniality at different levels in personal and collective life.

ACKNOWLEDGEMENTS

An acknowledgement section may be presented after the conclusion, if desired.

REFERENCES

- [1] ANASTASIOU, L. G. C.; ALVES, L. P. (Org.). *Teaching processes at the university: assumptions for classroom work strategies*. 5. ed. Joinville, SC: UNIVILLE, 2005.
- [2] APIB – Articulation of the Indigenous Peoples of Brazil. *Demarcation as a solution to the global climate crisis*. 2021a. Available in: <https://apiboficial.org/cop26/>. Access on: 10 Nov. 2021.
- [3] APIB – Articulation of the Indigenous Peoples of Brazil. *Indigenous peoples attend COP26: "There is no solution to the climate crisis without us"*. 2021b. Available in: <https://apiboficial.org/2021/10/29/povos-indigenas-vaio-a-cop26-nao-ha-solucao-para-crise-climatica-sem-nos/>. Access on: 11 Nov. 2021.

- [4] BAUMAN, Zygmund. *Modernity and Ambivalence*. Rio de Janeiro: Jorge Zagar, 1999.
- [5] BRAZIL. *Political Constitution of the Empire of Brazil*. Political Constitution of the Empire of Brazil, prepared by a Council of State and granted by Emperor D. Pedro I, on 03.25.1824. Rio de Janeiro: March, 1824. Available in: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao24.htm. Access on: 10 Agu. 2021.
- [6] BRAZIL. *Constitution of the Republic of the United States of Brazil*. Rio de Janeiro: July, 1934. Available in: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao34.htm. Access on: 11 Agu. 2021.
- [7] BRAZIL. *Law no. 6001, of December 19, 1973*. Provides for the Indigenous Statute. Brasília: Official Diary of the Union, 1973. Available in: http://www.planalto.gov.br/ccivil_03/leis/l6001.htm. Access on: 11 Agu. 2021.
- [8] BRAZIL. *Law no. 6,938, of August 31, 1981*. Provides for the National Environmental Policy, its purposes and mechanisms of formulation and application, and other provisions. Brasília: Official Diary of the Union, 31 Agu. 1981. Available in: http://www.planalto.gov.br/ccivil_03/leis/l6938.htm. Access on: 11 nov. 2021.
- [9] BRAZIL. *Constitution of the Federative Republic of Brazil of 1988*. Brasília: Official Diary of the Union, 5 October, 1988. Available in: http://www.planalto.gov.br/ccivil_03/leis/l6938.htm. Access on: 11 Agu. 2021.
- [10] CÂMARA DOS DEPUTADOS. *Bill 490 of March 20, 2007. Amends Law n. 6001, of December 19, 1973, which provide for the Indigenous Statute*. Processing Information. Brasília, 2021a. Available in: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=345311>. Access on: 15 Agu. 2021.
- [11] CÂMARA DOS DEPUTADOS. *Bill 2633/2020*. Processing Information, Brasília, 2021b. Available in: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2252589>. Access on: 15 Agu. 2021.
- [12] CIMI. Report Violence Against Indigenous Peoples in Brazil: 2020 data. RANGEL, Lucia Helena (Coord.) 2021. Available in: <https://cimi.org.br/wp-content/uploads/2021/11/relatorio-violencia-povos-indigenas-2020-cimi.pdf>. Access on: 11 Nov. 2021.
- [13] CLARA. *Missing Pathways to 1.5°C: the role of the land sector in ambitious climate action*. October, 2018. Available in: https://static1.squarespace.com/static/610ffde0dd5c39015edc6873/t/614941978e904e3e3f260db3/1632190875859/MissingPathwaysCLARAexecsumm_2018.pdf. Access on: 10 Nov. 2021.
- [14] COICA – Coordination of Indigenous Organizations of the Amazon Basin. *Amazon indigenous agenda*. COICA: 2017. Available in: <http://coica.org.ec/wp-content/uploads/2017/10/Agenda-Indi%CC%81gena-Amazo%CC%81nica.pdf>. Access on: 11 Nov. 2021.
- [15] COICA – Coordination of Indigenous Organizations of the Amazon Basin. At COP25, COICA launched the campaign "No consultation without Consent". COICA Communications: 13 Dec. 2019. Available in: <https://coica.org.ec/en-la-cop25-la-coica-lanzo-la-campana-no-hay-consulta-sin-consentimiento/>. Access on: 11 Nov. 2021.
- [16] IACHR - Inter-American Court of Human Rights. Case of the Xucuru Indigenous People and their members v. Brazil. Sentence of February 5, 2018. Available in: https://www.corteidh.or.cr/docs/casos/articulos/seriec_346_por.pdf. Access on: 12 Agu. 2021.
- [17] ISA – Socio-environmental Institute. *Location and extent of ITs*. Page last modified on January 25, 2021. 2021a. Available in: https://pib.socioambiental.org/pt/Localiza%C3%A7%C3%A3o_e_extens%C3%A3o_das_TIs#:~:text=A%20maior%20parte%20das%20TIs,Grosso%20do%20Sul%20e%20Goi%C3%A1s. Access on: 12 Agu. 2021.
- [18] ISA – Socio-environmental Institute. *Legal status of ITs in Brazil today*. Page updated on August 12, 2021. 2021b. Available in: https://pib.socioambiental.org/pt/Situa%C3%A7%C3%A3o_jur%C3%ADdica_das_TIs_no_Brasil_hoje#Situa.C3.A7.C3.A3o_das_TIs_no_Brasil. Access on: 12 Agu. 2021.
- [19] ISA Socioenvironmental Institute. 'Blank check' for land grabbing, PL 2633 goes to the Senate. Posted on 04 Aug 2021c. Available in: <https://www.socioambiental.org/pt-br/noticias-socioambientais/cheque-em-branco-para-a-grilagem-pl-2633-segue-ao-senado>. Access on: 15 Agu. 2021.
- [20] LE BRETON, David. *The sociology of the body*. 2nd ed. Petrópolis, RJ: Vozes, 2007.
- [21] LEPAN, Nicholas. *This maps shows the extent of human impact on the Earth's surface*. Visual Capitalist; World Economic Forum. December, 2020. Available in: <https://www.weforum.org/agenda/2020/12/visualizing-the-human-impact-on-the-earth-s-surface/>. Access on: 10 Nov. 2021.
- [22] MAPBIOMES. *Native vegetation loses space for agriculture in the last three decades*. Mapbiomes: August, 2021. Available in: <https://mapbiomas.org/vegetacao-nativa-perde-espaco-para-a-agropecuaria-nas-ultimas-tres-decadas>. Access on: 10 Nov. 2021.
- [23] MPF – Federal Public Ministry. *Handbook of jurisprudence on indigenous rights*. 6th Coordination and Review Chamber, Indigenous Populations and Traditional Communities. – Brasília p: MPF, 2019. 920 p. Available in: <http://www.mpf.mp.br/atuacao-tematica/ccr6/documentos-e-publicacoes/manual-de-atuacao/manual-de-jurisprudencia-dos-direitos-indigenas.pdf>. Access on: 12 Agu. 2021.
- [24] NUNES JUNIOR, Flávio Martins Alves. *Constitutional law course*. 2nd ed. rev., current. and amp. – São Paulo: Thomson Reuters Brazil, 2018.
- [25] ONUNews. *COP26: UN News Special Coverage*. 2021a. Available in: <https://news.un.org/pt/events/cop26>. Access on: 11 Nov. 2021.
- [26] ONUNews. *COP26 highlights that women bear the brunt of the climate crisis*. 2021b. Available in:

<https://news.un.org/pt/story/2021/11/1769822>. Access on: 11 Nov. 2021.

- [27] QUIJANO, Aníbal. *Coloniality of power, Eurocentrism and Latin America*. In: *The coloniality of knowledge: Eurocentrism and social sciences*. Latin American perspectives. Latin American Council of Social Sciences – CLACSO, 2005. Available in: http://biblioteca.clacso.edu.ar/clacso/sur-sur/20100624103322/12_Quijano.pdf. Access on: 01 Jul. 2021.
- [28] VIVEIROS DE CASTRO, Eduardo. *Araweté: the cannibal gods*. Rio de Janeiro: Jorge Zahar, 1986.