
The situation of indigenous peoples in Brazil – a general exploration and assessment within the context of Belo Monte

Sharin Kleeberg

Karl-Franzens-Universität Graz,
Universitätspl. 3, 8010 Graz, Austria
Email: sharinklee@aol.com

Abstract: The paper aims at offering an understanding about the political and juridical situation for indigenous peoples in Brazil. Further, the paper examines how the government assumed their responsibilities to be anchored in national and international law with respect to the conflict over the construction of the hydroelectric dam construction Belo Monte in the Xingu River Basin. This article highlights the importance of sticking together as a global community to empower indigenous nations all over the world – otherwise governments and elites will continue to violate indigenous human rights, and contribute to environmental destruction through unsustainable mega projects which are threatening wildlife, nature and humans. The situation between indigenous and non-indigenous actors in Brazil is in need of change and transformation in order to create a peaceful coexistence and the survival of indigenous culture.

Keywords: global studies; rethinking indigenous empowerment; indigenous empowerment; Brazil; indigenous peoples; Belo Monte; indigenous juridical protection system; indigenous resistance; Xingu River Basin; UNDRIP; ILO 169; environmental conflict.

Reference to this paper should be made as follows: Kleeberg, S. (2021) 'The situation of indigenous peoples in Brazil – a general exploration and assessment within the context of Belo Monte', *Int. J. Foresight and Innovation Policy*, Vol. 15, Nos. 1/2/3, pp.64–75.

Biographical notes: Sharin Kleeberg has worked and lived with indigenous peoples in Ecuador, Peru, Bolivia and Brazil. Her passion is to evolve the indigenous discourse by showing different facets of what it means to be an indigenous person, leaving the idealised and suppressed perception of indigeneity aside. The deeper motivation of her work is to raise awareness and address obstacles of indigenous empowerment in socio-economic, political, legal and academic spheres.

1 Introduction

“... Indian culture is to be sacrificed for the repayment of the Brazilian foreign debt, through the destruction of the natural resource base of the indigenous economy and the proletarianization of the Indian people.” Pallemarts (1986)

The plans for the construction of the Belo Monte hydroelectric dam were made public in the 1970s, and have since then received strong opposition. The construction site is in the

state of Pará, Brazil at the northern part of the Xingu River. In particular the indigenous people and other interest groups, who would be negatively impacted by the construction, have received support from various national and international NGOs. The Brazilian Government claimed the project to be the third largest dam in the world (Survival International, 2010). In June 2011 the government issued a building license to Eletronorte, a Brazilian governmental agency. This happened only two months after the Inter-American Commission on Human Rights decided the case 'Indigenous Communities of the Xingu River Basin, Pará MC-382-10' in favour of the indigenous peoples of the Xingu River Basin in April 2011. Due to the adverse effects the construction would impose on the indigenous tribes, the court requested the government to stop the construction of Belo Monte. The Brazilian Government disregarded the request and stated that the indigenous peoples would not be affected by the dam construction (Jaichand and Sampaio, 2013).

Even today, 518 years after the 'discovery' of Brazil by the Portuguese colonisers, 196 years after the attainment of independence, 130 years after the abolition of slavery and 129 years after the Proclamation of the Brazilian Republic, indigenous people are still waiting for their legal equality, the assurance of full rights and national citizenship like everyone else in Brazil (Guzmán, 2013). The times of the romanticised wild indigenous people are over and they are pursuing their necessity to appear and be seen by the world as political actors with full rights. This seminar paper aims at providing the reader with an overview about the current situation for indigenous peoples in Brazil, the unfortunate legal entanglements which are creating obstacles for the indigenous participation and the violation of especially one important procedural right in connection with the construction of Belo Monte: the right to free, prior, and informed consultation.

2 Indigeneity in Brazil

2.1 Indigenous people

According to the International Work Group for Indigenous Affairs (IWGIA), one of the most relevant existential threats for indigenous nations in embracing their culture, is to move into urban areas. Most living situations of indigenous people in rural areas are defined by a poverty cycle, unemployment and lack of opportunity without hope of (prompt) improvement. More indigenous peoples see themselves pressured to move to the cities, attempting to leave their ancestral, traditional communities in search of better conditions for themselves and their children. Many indigenous people want to provide their descendants with access to education, work and an improvement of their living standards (IWGIA, 2017). Unfortunately, most of the migrating indigenous people coming from rural areas "end up in the low-income informal settlements that dominate cities and towns in Latin America" (Stephens, 2015) and especially "...indigenous women, children and young people may be particularly negatively affected by the new urban environment in terms of, for example, access to safe housing, water and sanitation, personal security and alienation. The most direct impact, or certainly the most readily measurable, is through urban poverty..." (Stephens, 2015).

According to the official typology, citizens are divided into five categories within the national census, depending on their self-identified skin colour. Out of 191 million Brazilians, 91 million self-identified as 'white', 82 million as 'mixed race' and 15 million

as 'black'. The 'white' population has declined, in comparison with the census from 2000, from 53.7% to 47.7%. For the first time, people of colour represent the majority in Brazil. But even though the census shows social indicators on the increase, as a result of economic growth and poverty-reducing policies, the Instituto Brasileiro de Geografia e Estatística [Brazilian Institute of Geography and Statistics, IBGE] depicts enduring social injustices and more than half of the Brazilian population earning less than the minimum wage. Generally speaking, 'white' citizens or Asian-Brazilians earn twice as much as those included in the cluster of 'mixed race' or 'black' (BBC, 2011). The social distance between the different typologies of colour can be explained as such: skin colour, income and degree of social injustice are interdependent. People with a 'brown' or 'black' skin colour are more disadvantaged than other colours as defined within the Brazilian citizen cluster (Hale, 2004).

Whereas in 1970 the Brazilian indigenous people numbered 120,000 and the majority (61%) lived in Amazonia (Pallemaerts, 1986), the most recent Brazilian census shows an overall population of 818,000 self-identified indigenous individuals. The distribution shows 503,000 indigenous people in urban areas and 315,000 individuals in rural areas. In comparison to the previous census from 2000: 383,000 indigenous people lived in rural regions and 351,000 in (the periphery of) cities (Santos und Teixeira, 2011). According to the German Federal Ministry for Economic Cooperation and Development it is sensible to consider statistics on indigenous people with caution, as they differ depending on political orientation and statistical method (BMZ Konzepte 139, 2006). The development of individuals, who self-identify as indigenous in the Brazilian census, indicates the process of re-affirmation of indigenous identity and culture. With the figures of individuals who self-identify as indigenous peoples on the rise, yet more indigenous people feel safe enough to show and re-affirm their identity. Likewise in Chile, "...the Mapuche and Aymara communities initially denied their identities..., but gradually there was a shift from 'negative ethnicity' to 'positive ethnicity'" (Stephens, 2015).

Interpreting the given figures as evidence for the existential threat towards indigenous life – their cultural and personal extinction – it is important to support the indigenous anti-resettlement movement and strengthen indigenous self-determination in their choice of where to live. Probably not all indigenous people left the *aldeias* [indigenous village, reserve] because they had no other option; some of them might have left because of curiosity and internal motivation. But what appears important to stress, especially in relation to various protests connected with the construction of Belo Monte, is that there is a necessity and an acute need for action to create space for indigenous nations and for their self-determined empowerment to choose the path they choose to walk and the place they desire to live – rural or urban.

2.2 Brazilian indigenous politics

Unlike some other countries in South America with the former colonising powers, no treaties have been made between Portugal and Brazil, and so the rights of indigenous peoples are determined entirely by Brazilian national law. One exception, as an international binding law, is the ILO Convention 169 (Pallemaerts, 1986).

Brazil opted positively for the Universal Declaration of Human Rights (UDHR) in 1948 and ratified the American Convention on Human Rights (ACHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), 35 and the International

Covenant on Civil and Political Rights (ICCPR) in 1992. In 1996 Brazil ratified the additional protocol to the ACHR in the area of economic, social and cultural rights and the convention concerning indigenous and tribal peoples in independent countries in 2002. In 2016 the country signed the American Declaration on the Right of Indigenous Peoples (Jaichand and Sampaio, 2013). Brazil also voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted in the general assembly in September 2007 – 143 countries were in support, four against and 12 abstained. The declaration manifests the latest comprehensive work on the rights of indigenous nations and pays special attention to the collective rights, which are anchored without precedent in the international bill of human rights. Over 20 years of transcultural work was necessary to finalise the declaration, which started with the first draft in 1985 issued by the UN Working Group. The adoption of this legal instrument can be interpreted as a sign of commitment to the protection of individual and collective indigenous rights. After publication of the declaration and during the creation process, indigenous nations from all over the world appeared as competent and global political actors, which is really important to support the process of indigenous empowerment (UN, 2018). Even though there are no legally-binding responsibilities involved with the adoption of the declaration, the document symbolises an internationally recognised standard for the protection of indigenous diversity and puts all indigenous nations on the planet at the same eye level. The recognition of the right to self-determination, the right to conservation and continuity of indigenous culture, traditions, institutions and identity and furthermore the prohibition of discrimination and marginalisation are thematically essential. Beyond that, Brazil signed the American ILO-Convention 169 in July 2002 under the government of the former president Luiz Inácio Lula da Silva. As initially stated, the convention is the only internationally binding instrument for the execution of indigenous rights. The convention puts the spotlight on the right to territory, a particular way of life, culture, religion and on problems with discrimination in all spheres of life (ILO, 2018).

The Brazilian constitution was established in 1988 and formally recognises the rights of indigenous peoples as first and natural owners of the land, and guarantees them their right to territory – with a lot of restrictions, as reality reveals. Extraction and exploration on indigenous land can legally only be done with the authorisation of the national congress after hearing the involved parties and assurance, that indigenous people receive a revenue share of an eventual extraction or development activity on indigenous grounds (IWGIA, 2018). The particularity with which Brazilian indigenous politics is conducted can be explicitly recognised, when we consider the necessity of a state-organised institution, which holds a tutelage for Brazilian indigenous peoples. According to the Brazilian Civil Code from 1916 – which was still valid until 2002 – Article six, III considered indigenous people “...as *silvícolas* or forest-dwellers, as relatively incapacitated and subject to a special legal regime of tutelage” (Pallemaerts, 1986). This tutelage and legal ‘incapacity’ is covered by the National Indian Foundation (FUNAI), which is not subject to any juridical control. Indigenous people are legally incompetent to own land and cannot initiate legal proceedings as “...Indians have no access to the courts of Brazil ...” (Pallemaerts, 1986) to defend what is assured as their rights of ‘possession’ and ‘usufruct’ on the inhabited lands (Pallemaerts, 1986). This also explains why NGOs filled out the case for the Inter-American Commission on Human Rights in the conflict over Belo Monte and not the indigenous nations itself. An additional fact is that the lands inhabited by the indigenous people are the property of the union (Pallemaerts, 1986).

One exemplary article out of many from the Brazilian constitution demonstrating the imbalance of power can be read in the following: Article 49 states that “the National Congress shall have exclusive powers ... to authorize exploitation and use of water resources, prospecting and mining of mineral wealth on indigenous lands” (Brazil’s Constitution of 1988 with amendments through 2014, Article 49, XVI). The deep-rooted inequality and continuing injustices can be clearly demonstrated, because even though the constitution recognises indigenous tribes as a permanent part of the Brazilian nation, the Statute of the Indio 6.0001 from 1973 is still valid and considered as dominant in the juridical practice. The Brazilian Government refuses to concern itself with the necessary attention, and a constant discomfort between government and rising indigenous activist voices is present (De Oliveira, 2006).

To bring the overview on the indigenous juridical situation to a close with a critical quote: “not surprisingly, Brazilian state practice at the international level has consistently been to emphasize on every possible occasion that these matters [indigenous peoples and the Amazon] fall within the ambit of national sovereignty and are the exclusive responsibility of each government, and are opposed to any substantive international legal obligations which would restrict Brazil’s freedom to dispose of the Amazon forest and its indigenous people in accordance to self-defined national interest. Consequently, whatever international agreements Brazil has entered into either generally reflects its own national priorities, sub-ordinating indigenous rights and conservation to development, or leaves sufficient room for discretion to accommodate them” (Pallemarts, 1986).

2.3 *State-governed indigenous tutelage: FUNAI*

“Thus it is the government, not the Indians, which controls exploitation and decided whether or not to allow mineral or hydropower development on Indian lands. (...) the only right of indigenous peoples with respect to mineral resources and hydropower on their territories is to receive a share of any exploitation revenue through FUNAI in consideration of their exclusive usufruct.” (Pallemarts, 1986)

To understand the particularism of Brazilian politics, it is important to accentuate that there is a specialised state-funded agency which until today holds a tutelary for the indigenous peoples in Brazil. Even though the constitution from 1988 considers indigenous communities and their cultures as a permanent part of the Brazilian nation, the ordinary legislation continues to be powerful with its Estatuto do Índio (lei 6.001/73). This statute held a totally radical point of view with supervising authorities and an assimilative perspective that sees acculturation as a harmonious, spontaneous and slow process. This is considered as absolutely inadequate for environmental preservation and protection of indigenous culture. The statute also makes it clear that the right to the natural resources on indigenous land is entirely subordinate to national interest and sees exploitative behaviour from outsiders as compatible with the indigenous right to the “exclusive usufruct of the natural resources and of all useful things” as long as they receive revenue from such an activity (Pallemarts, 1986). The statute further permits activities on indigenous land, when in accordance with FUNAI, “in order to safeguard the interests of the Indian Estate and well-being of the forest dwellers” (Indian Statute, supra note 21, art. 45, para. 2). To constitute the native income as in art. 45, para 1. FUNAI administers not only the income, but also keeps to fund the administrative budget (Decree No. 68.377 of 19 Marc 1971, 1971 II Coleção 192). FUNAI is being questioned

and viewed with great suspicion by indigenous leaders and important elements of civil society [Final Document of the Conference of Indigenous Peoples and Organizations of Brazil (2000), 9th primary demand: indigenous leaders demanding the election of the FUNAI president by indigenous people from different regions in Brazil]. Overall, the Brazilian Government is resisting the incorporation of indigenous participation as one of their priorities in the Brazilian political world (De Oliveira, 2006).

In 1980 the former president of FUNAI stated: “a FUNAI staff member should, more than anything, act as a judge between two cultures: that of the whites and that of the Indians” (Guzmán, 2013). The activities of the Indian Protection Service (SPI, 1920–1967) and then FUNAI have expressed exactly this: they are not acting in the interest of the indigenous people, but rather deciding when they think it is necessary to act. This has led to the conclusion of various lawyers and anthropologists stating that “the guardianship has been transformed into an obstacle to the free expression of the ward’s will, whereas it is precisely the free expression of that will, i.e., that of the Indians, which ought to inform the free expression of that will, i.e., that of FUNAI” (Pallemaerts, 1986). In 2011, the situation appeared still unchanged and FUNAI fired several employees including Kayapó leader Megaron Txucurramãe for their opposition to Belo Monte (Guzmán, 2013).

3 The Belo Monte dam

3.1 Contrasting sides of the conflict

Belo Monte is a story that has been ongoing for over thirty years and was considered one of the leading projects of the Growth Acceleration Program (Programa de Aceleração do Crescimento, PAC), which was re-designed during the government of the former president Luiz Inácio Lula da Silva. Brazil has an extensive river network, and due to this fact is the second largest producer of hydroelectric power (US Energy Information Administrations, 2014). The project was officially designed to boost the Brazilian economy while bringing social inequalities to an end. In 1975 the first studies were conducted that demonstrated the great hydroelectric power of the Xingu River, which also suggested Belo Monte as the optimal starting point for the dam complex. Since then a lot has happened in the planning process: The initial plan was to flood an area of 1,225 km², which would also lead to the flooding of 13 indigenous peoples’ territories (Jaichand and Sampaio, 2013). More recent studies of the planning suggested a flooding of an area of 516 km² which is uninhabited by indigenous peoples. The adjustment has been the basis for congressional scrutiny and approval in a highly accelerated approval process from less than a month. From a governmental point of view it was unnecessary to consult the indigenous peoples, because neither the dam nor the reservoir was located on demarcated indigenous territory (Jaichand and Sampaio, 2013). The Belo Monte hydroelectric complex would cause an area of 668 km² to be flooded, including 400 km² of forest. All in all, an area of 1,522 km² would be affected by the dam construction. Taking into consideration the displacement of 20,000–50,000 people, the cost of the project, which would easily exceed US\$18 billion and measuring the efficiency of the project, it is hard to find enough convincing arguments to justify the grave direct impact and negative adverse effects to the livelihood of indigenous peoples and riverine families from 24 different ethnic groups (Amazonwatch, 2011).

Figure 1 Location plan for the hydroelectric dam Belo Monte and overview of Brazilian dams in three distinct phases: in operation, under construction and planned (see online version for colours)



Source: Issued by The Economist in 2013. Please see <https://www.economist.com/the-americas/2013/05/04/the-rights-and-wrongs-of-belo-monte>

The opposition of the dam led to the notable 1^o Encontro das Nações Indígenas do Xingu [first encounter of the indigenous nations of Xingu] in 1989 (Jaichand and Sampaio, 2013). Various letters have been sent to the president clearly demonstrating the adverse effects of Belo Monte throughout all the years of resistance, and a document which reports “threats made to the judges and public prosecutors by the secret service” has been released and sent to the United Nations (Jaichand and Sampaio, 2013). As was already stated in the introduction, the case of Belo Monte was already in front of the Inter-American Commission on Human Rights due to the various human rights violations which had already occurred and those that are likely to occur after construction is completed. This claim was based on national and international legal instruments addressing the vulnerable groups living in the Xingu River Basin (Jaichand and Sampaio, 2013). After analysing the case, the commission ruled in favour of the NGOs claim and asked to “suspend the licensing process for the Belo Monte hydroelectric project and prevent the implementation of any material works” [Indigenous Communities of the Xingu River Basin, Pará, Brazil, Inter-Am. Comm’n H.R. PM 382/10 (1 April 2011)]. The justification of the decision was *inter alia* based on the following: “the state had not fulfilled the following obligations: to carry out free, prior, and informed consultations with the affected indigenous peoples in accordance with the jurisprudence of the Inter-

American system; to adopt substantial measures that would guarantee the personal integrity of indigenous peoples and their collective existence as such; and to take appropriate measures to prevent the spread of diseases among indigenous peoples as a result of the construction of the dam and of the massive population influx that the project would cause” [Indigenous Communities of the Xingu River Basin, Pará, Brazil, Inter-Am. Comm’n H.R. PM 382/10 (1 April 2011)]. After the decision the court has threatened the Inter-American Commission to cut the Brazilian funding or even not being part of the commission anymore. This reaction led to the Organization of American States Secretary-General asking the commission for a reconsideration of their findings, due to the reaction of the Brazilian Senate, Department of Foreign Affairs and President, who considered the decision as “surprising and unacceptable” (Jaichand and Sampaio, 2013). Luis Inácio Lula da Silva responded in 2010 to the criticism of the PAC as follows: “(...) I saw in today’s papers that there are lots of foreign NGOs arriving from various corners of the world, renting boats to head to Belém to try to keep us from building the dam. Now, obviously the project, that was [originally] designed was modified. The lake is a third of what it was before, precisely so that we can give all the environmental guarantees and say to any citizen of the planet earth that no one cares more about taking care of the Amazon and our Indians than we do” (Guzmán, 2013).

The opponents of Belo Monte sent out an open letter to the former presidential candidates Dilma Rousseff and José Serra in the 2010 runoff elections: “why build at a potential cost of up to 30 billion reais and with public funds ... a dam that will only produce an average of 39 percent of its installed capacity? What justifies destroying the lives of more than 40,000 riverbank residents, small scale farmers, and indigenous peoples under the mistaken pretence that our lives are the price to be paid for the country’s development? What kind of development exports energy and minerals while creating few jobs and destroying [the environment]? Are we lesser citizens, or do we deserve less respect than Brazilians from large cities or owners of large, electricity-intensive companies just because, far from the limelight of the media, we live on the river, from the river, and from that which our forest provides to us?” (Guzmán, 2013).

3.2 The right to free, prior, and informed consultation

“La consulta no debe ser pensada desde la perspectiva de un evento único que crea una intercomunicación puntual y episódica entre mundos (...) La consulta no puede ser un mensaje metido en una botella y echado al mar, tampoco un ultimátum entregado por un mensajero al ejército enemigo.” (De Oliveira, 2006)

It is a government’s duty and moral responsibility to create a more just and adequate environment and treatment for all parts of society; in the case of Brazilian indigenous peoples especially, the assurance and guarantee of having a collective territory with natural resources is absolutely necessary for their survival in all spheres of life. Therefore, the procedural indigenous peoples’ right to be consulted in a free, prior and informed manner marks a prerequisite in avoiding the violation of all their substantive rights (Declaration on Indigenous Peoples, *supra* note 39, art 10). The right to be consulted derives directly from articles 6 and 15.2 of the ILO Convention 169, and determines that the government shall respect their autonomous right in any case in which a project might interfere with indigenous interests (Jaichand and Sampaio, 2013).

Furthermore, the Brazilian Constitution declares in Chapter VIII: Indians, Art. 231 §3°, that the “utilization of water resources, including their energy potential, and prospecting and mining of mineral wealth on indigenous lands may only be done with the *authorization of the National Congress*, after hearing from the communities involved, which shall be assured of participation in the results of the mining, as provided by law.” Thus the Brazilian Government itself not only recognises such an independent right, but has moreover introduced the requirement to have the hearing in front of the National Congress.

As the readership may perceive, indigenous participation in Brazil is lacking meaningful representative mechanisms and mutual respect between governmental forces and indigenous leaders. Considering the procedural right within the context of Belo Monte, it is important to stress that “the primary complaint of indigenous leaders in the protest against Belo Monte has been their absolute exclusion from any meaningful dialogue, despite the administration’s sponsorship of so-called discussion forums” (Guzmán, 2013). Overall, four public hearings have been made to inform the population and deal with the doubts and questions of Brazilian society – considering the more than 40,000 families that would be adversely affected by the construction, the amount of public hearings is not sufficient. Due to the absence of indigenous translators it is quite obvious that despite the government having stated the opposite, no such hearings have been planned to consult the indigenous tribes in a free, prior and informed manner. Especially, after analysing the constitution, it is obvious that even if translators had been present in the hearing, it could not have been considered legally valid. In addition to this, the hearings have been conducted by FUNAI and not by the National Congress. Furthermore, the meetings were accompanied by hundreds of armed federal and military police and national security forces, which leads to the conclusion that these encounters should not be considered as free consultations (Jaichand and Sampaio, 2013). Also, the ‘informed’ dimension of the consultation was not covered, as the social and cultural impacts on indigenous peoples were not assessed in the governmental report, leading to the conclusion that a hearing based on such an incomplete assessment is not valid. Additionally, the assessment, which contains 20,000 pages, was only provided two days before the hearing. This move made it impossible for the civil society to study the document and address the content adequately. The assessment has not been translated into any indigenous language, which again indicates the non-fulfilment of the ‘prior’ requisite (Jaichand and Sampaio, 2013).

Summarising the given arguments and interpreting the governmental responsibility in relation to national and international law, the government did not comply with their obligation towards the Brazilian indigenous peoples. Apart from not following the constitutional provision to have the consultation conducted by the National Congress and by that not complying with its own national legislation, “the government ... approved the bill that allowed the Belo Monte dam to be constructed without consulting these peoples, which is clearly at odds with internal law...” (Jaichand and Sampaio, 2013) the Inter-American Court also clarified in the case of Saramake people vs. Suriname that indigenous people should be consulted “at early stages of a development or investment plan, not only when the need arises to obtain approval from the community” (Inter-Am. Court H.R., Saramaka people v. Suriname, *supra* note 71). At no time had the Brazilian Government followed the Inter-American Commission on Human Rights’ interpretation of the procedural rights of indigenous peoples. A project like Belo Monte, “(...) would have a major impact within [indigenous peoples’] territor[ies],

the state has a duty, not only to consult with [such peoples], but also to obtain their free, prior, and informed consent” [indigenous and tribal people’s rights over their ancestral lands and natural resources (2009), Doc. No. 56/09, OEA/Ser.L/V/II, Supranote 330].

4 Conclusions

“(…) the fact that at least part of the coalition against Belo Monte has come to articulate its opposition in resonance with native conceptions of sovereignty, gives us cautious hope that despite – and perhaps also because of – the great challenges that together we face, a new political order may be on the horizon.”
[Marco Terena in Guzmán (2013)]

The Belo Monte project is one outstanding project in which indigenous and non-indigenous actors are joining their forces due to their shared interest in preventing the construction – imposing social and economic ills, environmental destruction and human rights violation – of the hydroelectric dam. Questioning the dominant notions of the government *inter alia* in the media, has been fuelling indigenous empowerment (Guzmán, 2013). The Brazilian priority for “capital-intense and export-orientated ‘development’ at the expense of human rights and ecological equilibrium” (Pallemaerts, 1986) gives little hope for reconciling indigenous rights as they are in need to be reconciled. As long as there is to be no enforcement of a intercultural dialogues or a deepened respect for indigenous life, the involved institutions will create “a new modality of colonialism, continuously establishing a form of dominance which perpetuates exclusion and inequality” (De Oliveira, 2006). Throughout Brazilian history, indigenous people have been viewed as sacrificial offerings to the building of the nation (Schwarcz, 2006) and throughout the present seminar work, it appears that the Brazilian Government was negating and abusing assured rights in order to pursue their desired economic growth. The government has been denying indigenous peoples “the minimum amount of control they should have as a result of their right to self-determination, leading to the restricting of their right to property...” (Jaichand and Sampaio, 2013) and by that signalling, even though the Inter-American Commission’s request to halt construction, that “democracy and legitimacy do not appear to be on the government’s development agenda” (Jaichand and Sampaio, 2013).

Even though indigenous empowerment in Brazil is more present than ever present to civil society and on the national and international stages, the ‘common’ practice in subordinating indigenous necessities under the concept of national sovereignty or development is likewise vivid and strong. The harm which has been caused by the construction of Belo Monte in the region is disastrous, and the future of the world’s third largest dam project is unclear. In January 2018 the Brazilian Government declared that the era of building big hydroelectric dams in the Amazon Basin has come to an end. Temer’s government claims the decision to be based on the resistance from environmental NGOs and indigenous groups. But experts consider the decline in political influence from the Brazilian gigantic construction companies through the recent corruption investigation scandal as the reason for this change in the construction policy. But this does not banish all the (potential) harm for indigenous people, because the rising pressure from Brazil’s rural lobby wants to open up conservation areas and indigenous lands for business. The fact is that the protests could not prevent the Brazilian Government from building the dam in a record time of less than three years, and they

were also not able to prevent the displacement of thousands of indigenous human beings and traditional riverbed families. Belo Monte, which started to operate in 2016, was forced onto the people of Altamira in the state of Pará and is broadly seen as a payback to Brazil's construction industry for campaign contributions received by the former ruling Workers' Party (Partido dos Trabalhadores, PT). The City of Altamira experienced a boom-time during construction and was abandoned afterward as the workers left again. The conditions in Altamira turned out so bad that a lawsuit was filed against the company Norte Energia for causing loss of livelihoods of the indigenous and traditional communities by limiting their access to the Xingu River as a source of food, sustenance, transportation and entertainment. According to the report, the damages suffered by the communities are due to allegedly inadequate impact assessment and lack of oversight by the Brazilian authorities, as well as Norte Energia's failure to comply with the conditions established by the government for the dam operation (Business Humanrights, 2015).

What remains to highlight is that even though the dam was constructed, the unified forces in trying to prevent the project have been sowing hope in the Brazilian indigenous empowerment movement backed up by a global supportive civil society.

References

Academic literature

- De Oliveira, J.P. (2006) *Entre la ética del diálogo intercultural y una nueva modalidad de colonialismo*, Los Pueblos Indígenas en las Directres del Banco Mundial in *Hacia una antropología del indigenismo: estudios críticos sobre los procesos de dominación y las perspectivas políticas actuales de los indígenas en Brasil*, pp.181–219.
- Guzmán, T.D. (2013) *Native and National in Brazil: Indigeneity after Independence*, University of North Carolina Press.
- Hale, C.R. (2004) Rethinking Indigenous Politics in the Era of the 'Índio Permitido', in *NACLA Report on the Americas*, Report on Race, Part 1, Vol. 38, No. 2, pp.16–21.
- Jaichand, V. and Sampaio, A.A. (2013) 'Dam and be damned: the adverse impacts of Belo Monte on indigenous peoples in Brazil', in *Human Rights Quarterly*, May, Vol. 35, No. 2, pp.408–447.
- Pallemaerts, M. (1986) 'Development, conservation and indigenous rights', in *Brazil in Human Rights Quarterly*, August, Vol. 8, No. 3, pp.374–400.
- Santos, R.V. and Teixeira, P. (2011) 'The 'indigenous' category in the 2010 Brazilian national census', in *Cad. Saúde Pública*, Vol. 27, No. 6, pp.1048–1049, Rio de Janeiro.
- Schwarz, L.M. (2006) 'A mestizo and tropical country: the creation of the official image of independent Brazil', in *Revista Europea de Estudios Latinoamericanos y del Caribe*, April, No. 80, pp.16–21.
- Stephens, C. (2015) *The Indigenous Experience of Urbanization* [online] https://www.researchgate.net/publication/280089541_The_Indigenous_Experience_of_Urbanization (accessed 4 July 2018).

Others resources

- Amazonwatch (2011) *Fact Sheet: the Belo Monte Dam* [online] <https://amazonwatch.org/assets/files/2011-august-belo-monte-dam-fact-sheet.pdf> (accessed 5 July 2018).
- BBC (2011) *Brazil 2010 Census Shows Changing Race Balance* [online] <https://www.bbc.com/news/world-latin-america-15766840> (accessed 4 July 2018).
- Business Humanrights (2015) *Consórcio Norte Energia Lawsuit (re Belo Monte dam in Brazil)*, 7 October.
- BMZ Konzepte 139 (2006) *Entwicklungszusammenarbeit mit indigenen Völkern in Lateinamerika und der Karibik*, Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung Referat 'Entwicklungspolitische Informations und Bildungsarbeit'.
- International Labour Organization (ILO) (2018) *Ratifications of C169 – Indigenous and Tribal Peoples Convention, 1989 (No. 169)* [online] http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312314 and <http://www.ilo.org/global/topics/indigenous-tribal/lang--en/index.htm> (accessed 3 July 2018).
- International Rivers (2015) *Brazilian Public Prosecutors Denounce Ethnocide and Call for Judicial Intervention in Belo Monte* [online] <https://www.internationalrivers.org/resources/9221> (accessed 6 July 2018).
- Indigenous Communities of the Xingu River Basin v. Brazil, Inter-American Commission on Human Rights (2011) PM 382/10, Ch. III, Paragraph 32, 1 April.
- IWGIA (2018) *Indigenous Peoples in Brazil* [online] <https://www.iwgia.org/en/brazil> (accessed 5 July 2018).
- Survival International (2010) *Belo Monte Dam* [online] <https://www.survivalinternational.org/about/belo-monte-dam> (accessed 4 July 2018).
- UN (2018) *Indigenous People at the UN*, UN Declaration on the Rights of Indigenous Peoples [online] <https://www.un.org/development/desa/indigenouspeoples/about-us.html> (accessed 9 June 2018).
- US Energy Information Administrations (2014) *Hydropower Supplies More than Three-Quarters of Brazil's Electric Power* [online] <https://www.eia.gov/todayinenergy/detail.php?id=16731> (accessed 5 July 2018).