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THE ECONOMIC-MILITARY INTEREST AND INDIGENOUS PEOPLES DURING THE NATIONAL CONSTITUENT ASSEMBLY

PRESENTED BY

FELIPE REIS POMPEU DE MORAES

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GETULIO VARGAS FOUNDATION

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SUMMARY

This paper analyzes the articulation of three major *pressure groups* in the National Congress during the constituent work and, fundamentally, seeks to understand which economic and geopolitical interests would be associated with the Brazilian constitutional indigenous issue. The mining and extractive industry sought to regulate and exploit deposits located in territories occupied by indigenous peoples, while rural producers sought to prevent new demarcations and legalize lands whose ownership was in doubt, while the military sought to expand and maintain certain prerogatives attributed to the Armed Forces, as in previous constitutions. The Army's Parliamentary Advisory had several fronts and concerns. Among these was the issue of national sovereignty in those border areas that were largely occupied by indigenous peoples. The development of "Operation Amazon" and other colonization projects in the country's hinterlands would face resistance from the Indigenous Movement. A movement that was subversive to the prevailing order and opposed these pressure groups. Its origins can be traced back to the emergence of the Indigenous Assemblies, which spread nationwide from the 1980s onwards and were coordinated by CIMI. The Brazilian constituent process is often associated with a controversial democratic transition that was benevolent to the military who influenced this long process, but at the same time it guaranteed indigenous peoples a series of unprecedented constitutional guarantees, such as the end of assimilationism from a formal point of view, despite the existence of a divided memory related to various other sensitive points and the countless questions related to the legacy of the Federal Constitution itself. The contemporary nature of this issue justified the development of this thesis, which used bibliographical sources as its research methodology, based on checking the National Congress databases, as well as collecting some oral testimonies.

Keywords: National Constituent Assembly - Social movements - Indigenous movement - Legislative pressure groups - Military dictatorship - military - rural producers - mining industry

ABSTRACT

Ce travail analyse l'influence de trois principaux groupes de pression au Congrès national durant le processus constituant, en mettant particulièrement l'accent sur la compréhension des intérêts économiques et géopolitiques liés aux questions autochtones au Brésil. Les industries minières et extractives ont cherché à garantir la réglementation et l'exploitation des gisements situés sur des territoires occupés par les peuples autochtones, tandis que les producteurs ruraux visaient à interrompre les nouvelles démarcations de terres et à légaliser les propriétés à la titularité contestée. Les Forces armées, quant à elles, ont cherché à élargir et à maintenir certaines prérogatives qui leur avaient été accordées dans les constitutions précédentes. Le Comité consultatif parlementaire de l'Armée a agi sur plusieurs fronts, dont la question de la souveraineté nationale dans les régions frontalières largement habitées par des peuples autochtones. Des projets tels que « l'Opération Amazonie » et d'autres initiatives de colonisation de l'intérieur brésilien ont fait face à la résistance du Mouvement autochtone, lequel contestait l'ordre établi et s'opposait à ces groupes de pression. Ce mouvement trouve ses origines dans les Assemblées autochtones, qui se sont diffusées à l'échelle nationale à partir des années 1980 et étaient coordonnées par le CIMI (Conseil Indigéniste Missionnaire). Le processus constituant brésilien est souvent décrit comme faisant partie d'une transition démocratique controversée, favorable aux militaires, qui y ont exercé une influence considérable. Toutefois, ce même processus a également accordé aux peuples autochtones des garanties constitutionnelles inédites, telles que le rejet des politiques assimilationnistes, et ce malgré les débats persistants et les mémoires divisées quant à l'héritage de la Constitution fédérale. Cette thèse explore cette problématique complexe en s'appuyant sur des sources bibliographiques, des données issues des archives du Congrès national, ainsi que sur certains témoignages oraux.

Mots-clés : Assemblée nationale constituante – Mouvements sociaux – Mouvement autochtone – Groupes de pression législatifs – Dictature militaire – militaires – producteurs ruraux – industrie minière

LIST OF ACRONYMS

Popular Action - AP

National Association for Indigenous Action - ANAÍ

National Association of Judges - ANDES

Brazilian Association of Anthropologists - ABA

Brazilian Agrarian Reform Association - ABRA

National Constituent Assembly - ANC

Army Parliamentary Advisory - APE

Institutional Act - AI

Historical bases of Congress - Draft Bills, Projects and Amendments of the 1988 National Constituent Assembly - APEM

General Workers' Center of Brazil - CGT

Unified Workers' Central - CUT

Center for Popular Education of the Sedes Sapientiae Institute - CEPIS

Ecumenical Documentation and Information Center - CEDI

Intercultural Training Center - CIDOC

National Truth Commission - CNV

Pastoral Land Commission - CPT

Pro-Indian Commission - CPI

Basic Ecclesial Communities - CEB

National Congress of Ecclesial Management - CONAGE

National Confederation of Agricultural Workers - CONTAG

National Conference of Bishops of Brazil - CNBB

Indigenous School Education Council - CEI

National Security Council - CSN

Indigenous Missionary Council - CIMI

National Council of Christian Churches - CONIC

National Agriculture Council - CNA

National Research and Mining Department - DNPM

National Security Doctrine - DSN

Constitutional Amendment - CE

Broad Front of Brazilian Agriculture and Livestock - FAAB

National Indian Foundation - FUNAI

Evangelical Missionary Work Group - GTME

Brazilian Institute of Social and Economic Analysis - IBASE

Institute for Socio-Economic Studies - INESC

National Institute for Colonization and Agrarian Reform - INCRA

Socio-Environmental Institute - ISA

Catholic University Youth - JUC

Landless Rural Workers' Movement - MST

Brazilian Bar Association - OAB

Organization of Brazilian Cooperatives - OCB

Liberal Front Party - PFL

Social Democratic Party - PDS

Brazilian Democratic Movement Party - PMDB

Liberal Party - PL

Settlement Project - PA

Directed Settlement Project - PAD

Rapid Settlement Project - PAR

Constitutional Amendment Bill - PEC

National Integration Project - PIN

Bill of Law - PL

Integrated Colonization Project - PIC

Indian Protection Service - SPI

Brazilian Society for the Advancement of Science - SBPC

National Society of Agriculture - SNA

Brazilian Rural Society - SRB

Superintendence for the Development of the Amazon - SUDAM

Union of Indigenous Nations - UNAÍ

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Introduction

Starting this paper with the justifications for the research seems the right or appropriate thing to do, despite the complexity involved in this task. The thematic relevance and topicality of the indigenous issue in contemporary Brazil could in itself justify the choice of this research object. Above all, it is a topic that can be covered in multiple time frames, and at the same time it is comprehensive and has substantial historical and political relevance. This is a contradiction, given the insufficient visibility given to this subject, even today. Ensuring visibility for indigenous issues is always a necessary task, but it is not the only reason for choosing this subject.

The originality of this work lies in an attempt to take a fresh look at this issue. Specifically, it seeks to identify and analyze the clash between certain pressure groups and the social movements that are sensitive to the cause of the indigenous peoples, here called the Indigenous Movement. A movement that resisted the current order, the forced assimilation of indigenous communities and the *years of lead*. Indigenous peoples were violated by the Brazilian military dictatorship. Although many works on this recent past have already been published as a result of the work carried out by the National Truth Commission, little has been published or explored about indigenous memory and its relationship with the military regime, as well as the organized reaction to this government project.

The negative image built up by part of Brazil's conservative society, attributed to Latin American social movements that resisted the military regimes during the 1970s,[1] needs to be demystified. This political force, clandestine for a long time, sought to establish unprecedented constitutional rights and guarantees (1987-1988) for native peoples.

In other words, it is necessary to reframe the national collective memory in relation to the indigenous issue. The notorious fact that Brazilian society as a whole is unaware of this movement's resistance to the authoritarian Brazilian state must be taken into account. According to Marilena Chauí, the dominant Brazilian social structure has always had a superior individual who commands, and an inferior one who obeys.[2] In the indigenous case, the authoritarian relationship was intrinsically related to the forced assimilation of those who, historically, were considered obstacles to the country's development[3] or a risk to national sovereignty.

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[1] GOHN, Maria da Glória. Movimentos sociais na contemporaneidade. *Revista Brasileira de Educação*, v. 16, n. 47, p. 333-361, 2011.

[2] CHAUI, Marilena. *Manifestações ideológicas do autoritarismo brasileiro*. Organização de André Rocha. Belo Horizonte: Autêntica, 2013, p. 201. (Escritos de Marilena Chauí, v. 2).

[3] Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022.

The authoritarian traces in Brazil, since its conception, have been associated with this thinking, impacting on the treatment given to the native peoples of Brazil. According to Lilian Schwarcz, "it is possible to note that the roots of authoritarianism in Brazil, which are currently resurfacing (...) are entangled in our history of just over five centuries".[4] The author highlights the existence of a strong authoritarian bias, both among the elite and in the behavior of the general population.[5] This behavior extends to the Brazilian state's relationship with indigenous populations.

Discussing the tensions between the Brazilian indigenous movement and certain pressure groups encompasses a number of other pertinent reflections. It encompasses, for example, the painstaking attempt to ensure notoriety for those indigenous communities murdered by the Brazilian state. This is a subjective choice, a specific historiographical cut[6] A narrative that chooses to bring to light all those ethnic groups decimated by official state bodies.[7] A reality that was present for countless reasons and motivations. Among them, the existence of legislation that was tolerant of indigenous genocide. In some articles of the Constitutions of 1934, 1946, 1967 and 1969, Brazilian legislation itself provided for assimilation as something that had to be done.

This traumatic reality for the indigenous peoples of Brazil necessarily leads this work to attempt to move away from the scientific neutrality so often demanded by academics. It is therefore necessary to forget about impartiality, considering the very difficulty of "approaching the past"[8] with neutrality. In this sense, Raphael Herberich-Marx adds:

> *By privileging the analysis of the excluded, the marginalized and the minorities (...) the importance of subterranean memories that, as an integral part of minority and dominated cultures, oppose the "official memory" (...) At first, this approach makes empathy with the dominated groups studied a methodological rule and rehabilitates the periphery and marginality. Unlike Maurice Halbwachs, this approach emphasizes the destructive, uniformizing and oppressive nature of national collective memory. On the other hand, these subterranean memories continue their work of*

[4] SCHWARCZ, Lilia Moritz. *Sobre o autoritarismo brasileiro*. São Paulo: Companhia das Letras, 2019, p. 27.
[5] *Ibidem*.
[6] Cf. MORAES, Felipe Reis Pompeu de. História oral: o "não dito" e a importância de ouvir aqueles que foram silenciados *Global Journal of Human Social Sciences*, p. 1-6, 2023. Disponível em: https://socialscienceresearch.org/index.php/GJHSS/article/view/103599/36965.
[7] Cf. CUNHA, Manuela Carneiro da. Antropóloga. 4ª Audiência Pública de abril de 1987. Discurso durante as fases iniciais da ANC. Comissão de Ordem Social presidida por José Carlos Saboia – Subcomissão dos Negros. Populações indígenas. Pessoas Deficientes e Minorias.
[8] CHESNEAUX, Jean. *Devemos fazer tábula rasa do passado?* Sobre a história e os historiadores. São Paulo: Ática, 1995, p. 24, *apud* DELGADO, Lucilia de Almeida Neves. *História oral*: memória, tempo, identidades. Belo Horizonte: Autêntica, 2002, p. 55.

> *subversion in silence and, in an almost imperceptible way, surface in moments of crisis through sudden and exacerbated upsurges.*[9]

At first, the author stresses the importance of listening to those who have been excluded or marginalized. In general, these "underground" memories are part of a dominated and oppressed culture, a type of memory that opposes the official or national memory and which can reconstruct these peripheral discourses.

Secondly, the author tries to reject the idea that there can be a negotiation or conciliation between collective (majority) memories and individual memories (sometimes oppressed by an imposition). In simple terms, memory is in constant conflict.

The explanation for the passage above is surgically provided by Philip Joudart. The author speaks of the need to give greater visibility to "populations without history, the illiterate, the defeated, the outcasts and other minorities".[10] The indigenous peoples of Brazil have historically been part of this context.

Somehow, although the country's re-democratization (which began in 1974)[11] was surrounded by controversy and, despite the necessary considerations arising from a tense democratic transition, Collective Rights were, albeit to a limited extent, guaranteed.[12] During the work of the National Constituent Assembly (ANC), even if only to a limited extent, the indigenous peoples who had traditionally been silenced by assimilationist state policies[13] were finally heard.

The book *The Rights of Brazil's Indigenous Peoples: Historical Development and Current State*, by German Harmut-Emanuel Kayser, argues that the Constitution "marked the formal end of Brazil's military dictatorship. It was with the 1988 Constitution that not only the constitutions of the military regime of 1967 and 1969 were renounced, but also the

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[9] HERBERICH-MARX, Geneviève; RAPHÄEL, Freddy. Les incorporés de force alsaciens. Déni, convocation et provocation de la mémoire. *Vingtième Siècle*, n. 2, 1985, p. 83.

[10] JOUTARD, Philipe. L'historie orale: bilan d'un quart de sièle de reflexion mèthodologique et de travaux. In: XVIIIe Congrès International de Scienses Historiques, Montreal 1995. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019, p. 45.

[11] ABREU, Alzira Alves de. A mídia na transição democrática brasileira. 2005. Disponível em: https://repositorio.iscte-iul.pt/bitstream/10071/193/1/SOCIOLOGIA48_cap04.pdf.

[12] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curtiba: Editora Appris, 2022.

[13] FRANÇOIS, Etienne. Fecundité de l'historie orale. *Les Cahiers de l'HTP*, Paris, v. 4, p. 33-43, jun. 1987. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019, p. 4.

representation of a new beginning".[14] The long-awaited democratic rule of law was therefore established,[15] through a constituent process that included popular participation.

Research justification: the topicality of the topic.

Although democracy was re-established during the 1980s, it should be noted that the old impasses and conflicts associated with the indigenous issue have continued over time. This is the second and main justification for researching this work. The subject is essentially contemporary. The pressure groups that organized themselves between 1986 and 1988 so that certain geopolitical and economic purposes would be typified in the Constitution not only exist today, but the same arguments from thirty-six years ago are always being (re)used. Arguments that have often become instruments for legislative maneuvers. New party acronyms, then led by experienced "political chieftains", regularly use certain ideological-assimilationist premises to assert their demands, such as the successive attempts to legalize mining in indigenous areas[16] . The former ordinary bill 1.610/1996 in question, authored by Senator Romero Jucá, is currently on file.[17]

Another case of great repercussion that proves the topicality of this issue was the promulgation of Decree 9.147/2017, during the mandate of former president Michel Temer. The Decree extinguished the National Copper Reserve (RENCA), a preservation area created during the military regime. With the extinction of the reserve located between the states of Pará and Amapá, mineral research was authorized for a short period of time; the concession, permission for mining and the licensing of mining activities in areas previously occupied by indigenous peoples. After strong reactions from the Indigenous Movement itself and the participation of civil society, this decree was eventually revoked via Decree 9.159/207.[18]

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[14] KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Safe, 2010, p. 174.

[15] A Constituição em seu preâmbulo dizia: "Nós, os representantes do povo brasileiro, reunidos em Assembleia Nacional Constituinte para instituir um Estado Democrático" (BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 5 ago. 2023).

[16] DE SOUZA, Braga. Oswaldo Braga. Ruralistas retomam tramitação de projeto sobre mineração em Terras Indígenas. Portal de Políticas Socioambientais. Disponível em: https://site-antigo.socioambiental.org/pt-br/noticias-socioambientais/ruralistas-retomam-tramitacao-de-projeto-sobre-mineracao-em-terras-indigenas. Acessado em 10 de julho de 2024.

[17] Projeto de 1610/96. Câmara dos deputados. Disponível em: https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-temporarias/especiais/54a-legislatura/pl-1610-96-exploracao-recursos-terras-indigenas Acesso em 10 de julho de 2024.

[18] Decreto nº 9.147/2017. Planalto. Disponível em: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/decreto/d9147.htm#:~:text=Revoga%20o%20Decreto%20n%C2%BA%209.142,conserva%C3%A7%C3%A3o%2C%20terras%20ind%C3%ADgenas%20e%20faixa. Acesso 10 de julho de 2024.

Some representatives of agricultural confederations continue to create obstacles and use old legal arguments to prevent the demarcation of "new" indigenous territories. The latest legal argument has been to try to invalidate indigenous claims arising from demarcation processes that began before 1988. In the recent judgment of Extraordinary Appeal No. 1017.365, under strong media pressure, the question submitted to the plenary ended up deciding "that the date of the promulgation of the Federal Constitution (5/10/1988) cannot be used to define a traditional occupation" . The decision with *ex-tunc* effect is extremely important for the indigenous cause, as it annuls the applicability of law 14.701/2023 recently approved by the National Congress, which said exactly the opposite, as well as serving as a parameter for resolving another 226 similar cases. [19]

Another opportune case is the Rapousa Serra do Sol case. Once again, this example corroborates the current and contemporary nature of the impasses and conflicts related to indigenous issues and the pressure from rural producers to legalize their areas. This is an issue that is associated with certain demands from the time of the constituent assembly, but which is still alive today. The old discussion relates to the fact that farmers and rice producers in the state of Roraima were encouraged by the military government in the 1970s to occupy and colonize part of the then "inhospitable" federal territory. They would therefore be entitled to possession and ownership of the area previously occupied by the indigenous peoples. The issue reached the STF[20] . Although this territory had already been demarcated in 1998 during the Fernando Henrique Cardoso administration, and homologated in 2005 during the mandate of President Luiz Inácio Lula da Silva, the landowners in the region insisted on regulating and legalizing these previously occupied rural areas[21] .

In August 2008, and after several debates, the judge reporting the case, Carlos Ayres Britto, voted in favor of the continuous demarcation of the entire territory. In a long vote, he decided for the supervised and immediate removal of the rural producers occupying the area. At the same time, the decision determined the "possibility of installing military bases in the region and the free access of the Federal Police and the Army, without the need for authorization from Funai (National Indian Foundation)[22] ". Finally, it established that the "usufruct of the

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[19] Notícia vinculada ao Superior Tribunal Federal. Disponível em: https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=514552&ori=1. Acesso em 10 de julho de 2024.

[20] Notícia vinculada a BBC Brasil. Entenda a polêmica em torno da reserva Raposa Serra do Sol. Disponível em; https://www.bbc.com/portuguese/lg/noticias/2009/03/090317_raposaqandacq. Acesso em 10 de julho de 2024.

[21] *Ibidem*

[22] *Ibidem*

lands by the indigenous communities would not include the exploitation of water and energy resources, the research of natural wealth or mining[23] ", a nod to the mining industry and the Armed Forces themselves, who were already fighting for similar prerogatives during the constituent discussions.

Dissatisfied with this court decision, the former President of the Republic Jair Messias Bolsonaro defended and promised in 2018 to review and annul, by decree, the continuous demarcation of this indigenous territory. This area, as previously mentioned, had been demarcated a decade earlier[24] . In December 2011, as a federal deputy, he openly said that "the Indian is a human being just like us. He wants what we want, we can't use the Indian, who is still inferior to us, to demarcate this huge amount of land, which in my opinion could be, according to the UN's determination, new countries in the future[25] ". After a short pause, he concluded: It's not justifiable, for example, to have a Yanomami reserve twice the size of the state of Rio de Janeiro, for perhaps 9,000 Indians[26] .

It can be said that the former president and retired army captain has always been close to well-known pressure groups, the military and the mining companies. His intentions go beyond those set out in Articles 231 and 232 of the Constitution. Although the legislation has guaranteed military control of border regions occupied by native peoples in cases of threats to national sovereignty[27] , it has yet to regulate other long-standing demands, such as the regularization of mining activities in indigenous areas.

The complexity and, fundamentally, the topicality of the indigenous constitutional issue and its multiple political and contemporary contours is unquestionable and, moreover, justifies this research. The book *História do tempo presente*, organized by Marieta de Moraes Ferreira and Lucília de Almeida Neves Degaldo, describes: "the delimitation of the current constitutive field and the contemporary time frame as fundamental characteristics of the history of the present time". According to the researchers, a "great plurality of journalistic sources can support

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[23] *Ibidem*

[24] GULLINO, Daniel Gullino e SCHMITH, Gustavo. Ideia de Bolsonaro de rever Raposa Serra do Sol é inconstitucional, dizem especialistas. Disponível em:´https://oglobo.globo.com/politica/ideia-de-bolsonaro-de-rever-raposa-serra-do-sol-inconstitucional-dizem-especialistas-23312435 Acesso em 10 de julho de 2024.

[25] VALENÇA, Lucas. Indígenas temem retrocesso na questão da demarcação de terras: O apoio da bancada ruralista ao presidente eleito, Jair Bolsonaro (PSL), desde o segundo turno das eleições deixam dúvidas quanto à continuidade dessa política. Disponível em: https://www.correiobraziliense.com.br/app/noticia/brasil/2018/12/31/interna-brasil,727997/indigenas-temem-retrocesso-na-questao-da-demarcacao-de-terras.shtml. Acesso em 10 de julho de 2024.

[26] *Idem*

[27] BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 23 jun. 2021

historical research[28] " and "incorporate the instance of memory in its collective and individual dimensions[29] ". The profusion of sources related to the history of the present guarantees various possibilities, such as the historian producing original sources for his research.

Finally, it should be noted that the oral history instrumentalized by the interview with constituent deputy Fábio Feldmann and the use of some other testimonies found in Luiz Maklouf de Carvalho's book *Os segredos da constituinte* also contributed to this research. Spaced examples of oral history, another important methodological research tool[30] . Finally, some iconographic records found in the CIMI archives were used, which can be seen in the final pages of this work. These sources end up "activating and evoking memories[31] ", as researcher Marieta de Moraes Ferreira points out.

The plurality of the use and handling of these methodological sources has brought some originality to this research. It is an attempt to give a new focus to the little-debated indigenous issue during the country's re-democratization process. The fundamental idea is to identify, analyze and specify the tensions between certain pressure groups and the Indigenous Movement, as demonstrated in the previous paragraphs. The aim of this new approach is to guarantee a degree of originality to this narrative.

Objectives

After briefly describing the justification for this work, we come to the research objectives. At first, this thesis will seek to identify and highlight the discourses and articulation of those social movements (combative to the military regime) that gave visibility to the Indigenous Movement. A counterpoint to those (powerful) voices that were never silenced throughout the Republic. A reality which, of course, also became pressing during the work of the ANC (between 1987-1988).

The second part of the research objectives is to describe the origins, organization, arguments, political-economic interests (involved) and the way in which certain legislative pressure groups articulated themselves during the constituent process (1986-1988), so that certain geopolitical and economic purposes, tangential to the indigenous question, were also achieved.

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[28] DELGADO, Lucilia de Almeida Neves. *História do tempo presente.* Rio de Janeiro: Fundação Getúlio Vargas, 2014, p 8.
[29] *Ibidem*
[30] *Ibidem*
[31] *Ibidem*

During the work of the Constituent Assembly, a pressure group organized and instrumentalized by large economic groups such as Acaraí, a subsidiary of Paranapanema, as well as Petrobras Mineração S.A. (Petromisa) and Mineração Monte Negro, sought legal protection for mineral exploration in areas previously inhabited by indigenous peoples.[32]

A second pressure group led by large rural producers and employers' confederations, such as CNA, FAAB and SRB, aimed to halt the demarcation of indigenous lands and legalize invasions and occupations (without property titles) of sites traditionally occupied by indigenous communities. Some occupations were even encouraged during the military dictatorship, during the National Integration Plan, then subdivided into multiple projects, such as the Settlement Project (PA), the Rapid Settlement Project (PAR), the Directed Settlement Project (PAD) and the Integrated Colonization Project (PIC).[33]

The third major pressure group was represented by geopolitical interests linked to the military of the now defunct CSN. Lands occupied by communities in border regions. An issue linked to national sovereignty that was a concern for the now-defunct National Security Council (CSN).[34]

It is necessary to show that, although the interests of these pressure groups are intertwined and interconnected, they do not necessarily cohere in a single political party or in linear reactionary or "anti-indigenous" ideas.

Thus, a federal deputy or senator could sometimes defend extractive economic interests or, specifically, be interested in regulating the exploitation of minerals in Indigenous Territories in infra-constitutional legislation, but they didn't necessarily have to be aligned with the interests of the CSN, for example.

Constituent deputy Fábio Feldmann, for example, although he did not comment on mining regulations in the Indigenous Territories, considered the military's geopolitical concern[35] that the indigenous peoples would establish an independent nation to be delusional.

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[32] Cf. DAVIS, S. *Victims of the miracle*: development and the Indians of Brazil. Cambridge: Cambridge University Press, 1977, *apud* CARVALHO, Georgia. The politics of indigenous land rights Brazil. *Bulletin of Latin American Research*, v. 19, n. 4, p. 461-478, 2000.

[33] TEIXEIRA, Carlos Corrêa. *Visões da natureza*: seringueiros e colonos em Rondônia. São Paulo: FAPESP, 1999, p. 7.

[34] Cf. MARTINS FILHO, João Roberto. *O palácio e a caserna*: a dinâmica militar das crises políticas na ditadura (1964-1969). São Paulo: Alameda Casa Editorial, 2020.

[35] Entrevista de Fabio Feldman concedida a Felipe Reis Pompeu de Moraes ocorrida em 12 de agosto de 2021. Disponível em: https://sites.google.com/d/1Q9jdt7lQR3ViytiHe1r5m4bkKFyqqm-k/p/1Q208GxmFthMKfkYr3GUsJ0m4Kbd6T8nS/edit.

In short, the parliamentarian said that the concern or risks involving those border regions, then inhabited by the Original Peoples, were misplaced.[36]

Another important point to make in this introduction is the use of the mistaken expression "mining and extraction lobby",[37] "land lobby"[38] and "military lobby",[39] represented by the Armed Forces and the interests of the now defunct CSN. The very existence of parliamentarians who represented "the interests of the barracks" and the APE played a fundamental role in articulating these objectives, but it is necessary to emphasize the misuse of this expression.

Questions about the conceptual framework for these activities: pressure group, interest group and *lobby*

There has been much discussion about whether these interests could be classified or defined as an activity related to *lobbying*. According to Gianfranco Pasquino, *lobbying* is an activity or "a process through which representatives of interest groups, acting as intermediaries, bring the wishes of their groups to legislators or *decision-makers*".[40]

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[36] *Ibidem*.

[37] "In early July 1987, several amendments were proposed to open Indigenous lands to private mining, by "Osvaldo Aranha (PL-RJ), Nilson Gibson (PMDB-PE), Leur Lomanto (PFL-BA), José Lourenço (PFL-BA), Cunha Bueno (PDS-SP), Gastone Righi (PFL-SP), and Lourenço Batista (PFL-SE)" (Ecumenical Center for Indigenous Documentation – CEDI. Indigenous Peoples in Brazil: 1987–1990. São Paulo: CEDI, 1991). "Pressure to legalize mining had existed since the military dictatorship. The Figueiredo administration, through an explicitly unconstitutional measure (violating the main clause of Article 198 of the 1967 Constitution), attempted to authorize mining on Indigenous lands through Decree No. 88,985/1983, but this openly breached the main clause of Article 198 of the 1967 Constitution, distorting its legal meaning" (CUNHA, 1987:98). Secret documents confirm the CSN's interest in this type of amendment. (FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 159).

[38] The term is used here to refer to the Broad Front of Brazilian Agribusiness (FAAB) between 1986 and 1988, during the debates of the Constituent Congress. Among its strategies were "blocking agrarian reform and maintaining land grabbing during the liberal transition from the military dictatorship (...) and the political organization of ruralist actors through employers' associations and the Centrão, with the aim of preserving the landholding structure and power without changes in the 1988 Constitution." Although the interests represented were broad and diverse, organizations such as the National Agriculture Council (CNA), the Brazilian Rural Society (SRB), and the National Agriculture Society (SNA) were opposed to the demarcation of Indigenous Territories. "The issue of agrarian reform, the political organizations fighting for land and territorial rights in rural areas, and the social reproduction of peasant communities and Indigenous peoples were the central enemies to be confronted." (PRIETO, Gustavo Francisco Teixeira. *Fincando as raízes do rentismo à brasileira*: os ruralistas na Assembleia Nacional Constituinte. (1987-1988). Disponível em: https://periodicos.ufpe.br/revistas/revistageografia/article/viewFile/240280/33237. Acesso em: 30 jun. 2022).

[39] A term coined as a result of the actions taken by the Parliamentary Advisory Office of the Ministry of the Army during the period of the National Constituent Assembly. It refers to an interaction between civilians and the military. (COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 28. Disponível em: https://repositorio.unb.br/handle/10482/34558. Acesso em: 3 jul. 2022).

[40] PASQUINO, G. Grupos de Pressão. In: BOBBIO, N.; MATTEUCCI, N.; PASQUINO, G. (Org.) Dicionário de

In this sense, a second concept of *lobbying* is worth mentioning. According to Arthur Trindade, "lobbying is a way of trying to influence *decision-makers* by transmitting messages between them (the *decision-makers*) and pressure groups, through their representatives, the lobbyists, or through intermediaries".[41] There would therefore be a discussion as to whether this legislative lobbying activity, related to indigenous issues, would be classified as the activity of a pressure group or an interest group. According to the author, interest groups have more specific objectives, while pressure groups have broader objectives.

The most appropriate term could be **pressure group**, to define the "organizations or entities that have sought to influence the decision-making process" throughout the constituent process, thus seeking to "meet their specific objectives".[42] A pressure group is also a derivative of an interest group. In other words, "a subset of interest groups that aim to put pressure on one or any body of political power (...), to change its policies in a direction favorable to the group or to maintain them if they are already favorable to the group's interest".[43]

In fact, the concept of *lobbying* is very similar to that of a pressure group. However, *lobbying*, according to Gastão Alves Toledo, "is the process by which representatives of interest groups, acting as intermediaries, bring the wishes of their groups to the attention of legislators or *decision-makers*"[44] . Bobbio's concept could be converged with the concept put forward by Oliveira. According to Oliveira, "*lobbying* is the process by which pressure groups seek to participate in the state decision-making process, contributing to the drafting of public policies",[45] for example. Therefore, interest groups, pressure groups and *lobbies*, although related, are different, as Meyer Pflug points out:

> i) latent or potential groups are the most wide-ranging, as they are configured as widespread interests in society that are not formally organized; ii) interest groups are

oolítica. Brasília: Editora Universidade de Brasília, 1998, *apud* COSTA, Lucas Nascimento Ferraz. O lobby dos trabalhadores no processo constituinte de 1987-88: um estudo sobre a atuação do DIAP. *Estudos Históricos***,** Rio de Janeiro, v. 29, p. 767-786, 2016.

[41] COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 55.

[42] TOLEDO, Gastão Alves de. *Grupos de pressão no Brasil*. São Paulo: Instituto dos Advogados de São Paulo, 1985, p. 3.

[43] BASTOS, Celso Ribeiro; MEYER-PFLUG, Samantha Ribeiro. *Curso de direito constitucional.* São Paulo: Saraiva, 1978, *apud* PIERINI, Alexandre José. Grupos de interesses, de pressão e lobbying – revisitando os conceitos. *CSOnline* – Revista Eletrônica de Ciências Sociais, n. 10, 2010, p. 9.

[44] TOLEDO, Gastão Alves de. *Grupos de pressão no Brasil*. São Paulo: Instituto dos Advogados de São Paulo, 1985, p. 3.

[45] OLIVEIRA, Andrea Cristina de Jesus. *Lobby e representação de interesses*: lobistas e seus impactos sobre a representação de interesses no Brasil. Tese (doutorado) –Departamento de Ciência Política, Instituto de Filosofia e Ciências Humanas, Universidade Estadual de Campinas, Campinas, 2004, p. 17, *apud* PIERINI, Alexandre José. Grupos de interesses, de pressão e lobbying – revisitando os conceitos. *CSOnline* – Revista Eletrônica de Ciências Sociais, n. 10, 2010.

> an offshoot of these, when they begin to formally organize themselves; iii) pressure groups are a derivative of interest groups, from the moment they exert pressure; iv) lobbies are more restricted groups, derived from pressure groups, as they use power resources in search of influence.[46]

As can be seen, Meyer Pflug's explanation differentiates between these terms, identifying a certain proximity and even a certain fungibility of these three meanings.

Lobby, according to Luiz Alberto Santos,

> (...) it is a consequence, not a cause; it is a means, not an end; and it is a practice, not a system of values. It submits to the objective, principles and values of an interest group, or rather an organized interest, and it is in this sense that its submission to norms and rules must be considered, disciplining the means and mechanisms used to exercise influence, in a context in which its institutionalization makes it possible, while respecting differences, to bring the conduct of lobbies closer to the conduct of formal representatives elected by society, in terms of their public control and transparency.[47]

This reality makes conceptual confusion quite common, reasonable, routine or even fungible. However, what makes the appropriation of the term *lobby* more sensitive is the fact that this activity has never been regulated, but exists as an activity or within the intricacies of legislative activity.

Despite the impossibility of classifying these legislative pressure activities as *lobbying*, since *lobbying* was, during the ANC, an unregulated activity in Brazil, the erroneous repetition of this term is necessary for procedural reasons and to ensure greater reliability of the quotes and reflections of those who have been writing about this subject for decades, which includes the documentation used by members of the Indigenous Peoples Commission of the Constituent Assembly. This erroneous repetition does not prevent the term *lobby* from being interpreted as erroneous by part of the literature related to this subject (Political Science).

Throughout this paper, we will use the term pressure group to refer to the participation of the military, sectors of the mining industry and some rural employers' unions, during the constituent process, in driving specific objectives in some way.[48] The last two groups in question sought and articulated the creation of a legal framework, enabling the right to mining

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[46] MEYER PFLUG, Samantha Ribeiro (Coord.). *Grupos de interesse (lobby)*. Brasília: Ministério da Justiça, 2009, p. 23. (Série Pensando o Direito).

[47] SANTOS, Luiz Alberto dos; CARDOSO, Regina Luna Santos. Corrupção, nepotismo e gestão predatória: um estudo do caso brasileiro e alternativas para seu enfrentamento. *In*: XVII Concurso del CLAD sobre Reforma del Estado y Modernización de la Administración Pública, Santiago, Chile, 2005.

[48] TOLEDO, Gastão Alves de. *Grupos de pressão no Brasil*. São Paulo: Instituto dos Advogados de São Paulo, 1985, p. 3.

and the legalization of agricultural expansion in areas (previously) occupied by native peoples. As for the Armed Forces, the purpose of creating the APE was to maintain the policy of colonization, assimilation and (forced) integration, which had already been promoted in the 1970s by the military itself and was therefore pre-existing. In these three cases, the purpose was to put pressure on the Brazilian parliament to create constitutional (and infra-constitutional) legislation favorable to these specific interests or to maintain an already existing policy, the control and guardianship of indigenous peoples in border areas[49] . For these reasons, the use of the term pressure group to designate them seems the most appropriate.

Having justified the use of the term pressure group (and not *lobby*) to name the participation of the Armed Forces, sectors of the mining industry and rural employers' unions in the constituent process, we arrive at the following factual observation: the fact that the interests of these **pressure groups** clashed directly with the demands of certain organized social movements. Confirming or not the relevance of the Indigenous Movement during the country's formal redemocratization process will be a key task throughout this work.

In other words, it has to be questioned whether this political force was, in fact, decisive for a new turn in the history of indigenous rights in Brazil, which would include the end of the assimilationist policy promoted by the Brazilian state and its multiple legal effects, including the institution of new legal guidelines for a differentiated indigenous education.[50] This is a relevant topic, although the present theme is more restricted to the role of the Indigenous Movement and opposition political forces during the ANC, and its more general significance.

Author Maria da Glória Gohn emphasizes the relationship between social movements and opposition to the military dictatorship that took place between 1964-1985. According to the political scientist, "in Brazil and several other Latin American countries, at the end of the 1970s and in the first half of the 1980s, the popular social movements articulated by opposition groups to the military regimes became famous, especially the Christian grassroots movements, under the inspiration of liberation theology".[51]

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[49] BASTOS, Celso Ribeiro; MEYER-PFLUG, Samantha Ribeiro. *Curso de direito constitucional.* São Paulo: Saraiva, 1978, *apud* PIERINI, Alexandre José. Grupos de interesses, de pressão e lobbying – revisitando os conceitos. *CSOnline* – Revista Eletrônica de Ciências Sociais, n. 10, 2010, p. 9.

[50] O fim do assimilacionismo indígena possui uma série de possíveis recortes. Entre os quais, a questão da educação diferenciada não assimilacionista (Cf. MORAES, Felipe Reis Pompeu. *Lived democracy in education*: a challenge for Brazil's Indigenous populations. *In*: HAUGE, Kjellrun Hiis (Org.). *Childhood learning on democratic practices*. Nova York: Springer, 2024. Disponível em: https://sites.google.com/d/1Wy6w25_Gh5c9dQcScxjUEciV76CJtUj5/p/1hebMuDqicVsFjyN5OQih3_4c1cDzNqiP/edit.

[51] GOHN, Maria da Glória. Movimentos sociais na contemporaneidade. *Revista Brasileira de Educação*, v. 16, n. 47, p. 333-361, 2011, p. 342.

Although the late 1980s and early 1990s were marked by a crisis in these associations, their contribution to ensuring that the demands organized by the Indigenous Movement were included in articles of the new Federal Constitution of 1988 is notable.[52]

The question of how the political articulation of the Indigenous Movement worked in a period of democratic transition that was very tense and benevolent to the military, which was gradually leaving power, will be highlighted. A movement "considered by the (military) regime to be subversive and destabilizing of the current order",[53] but which gained great capillarity and notoriety in the 1980s with the Indigenous Assemblies organized by CIMI.

The re-democratization of Brazil was marked by fierce political, political-ideological, economic and social negotiations and disputes. The ANC also represents the final years of Brazil's troubled, controversial and long process of redemocratization, after 21 years of military dictatorship, the famous "years of lead".[54]

Brazil finally seemed to be moving towards a moment of greater "civility"[55] . A tangible reality, after a turbulent process of political transition, which began (still) in 1974 under the government of General Ernesto Geisel.[56] Brazil's re-democratization was an extensive, complex and controversial process whose (formal) outcome was the new (and still current) Federal Constitution of 1988.[57]

Ideological and historical roots explain the origins of these legislative pressure groups. This reality makes a brief description of the democratic transition (which began in 1974)[58] and the policy of (forced) assimilation of the original peoples mandatory, as will be seen in separate topics.

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[52] *Ibidem*.

[53] BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020.

[54] CARVALHO, Luiz Maklouf. *1988: segredos da Constituinte*: os vinte meses que agitaram e mudaram o Brasil. Rio de Janeiro: Record, 2017, p 08.

[55] O termo civilidade é passível de ser conceituado, sob diversas formas, mas neste caso é contextualizado como “um marco fundamental para uma democracia saudável. ... a civilidade como virtude cívica que propicia a participação democrática”. Uma realidade que o Brasil parecia (re)experimentar com o fim da ditadura militar (1964-1985) (PETERSON, Andrew. *Civility and democratic education*. Singapore: Springer, 2019).

[56] DINIZ, Eli. A transição política no Brasil: uma reavaliação da dinâmica de abertura. *In:*. SZWARKO, José: José; MOURA, Rafael; D AVILA FILHO, Paulo (*orgs*). *Sociedade e Estado*, Araras: Editora Idea, 1985 Disponível em: http://inctpped.ie.ufrj.br/pdf/livro/Estado_e_Sociedade_no_Brasil.pdf#page=241SZWAKO. Acesso em 23 de maio de 2023

[57] Cf. KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010.

[58] ABREU, Alzira Alves de. *A mídia na transição democrática brasileira*. 2005. Disponível em: https://repositorio.iscte-iul.pt/bitstream/10071/193/1/SOCIOLOGIA48_cap04.pdf.

Many historians, political scientists and jurists have already looked into how benevolent the democratic transition was to the Brazilian military, which enacted the *amnesty law* more than eight years before the Constituent Assembly. The law that legally exempted them from any criminal liability for the crimes that occurred or in which they were directly involved.[59] Although this is not the central theme of this work, in summary, three reasons justify this reality of impunity, unlike the Argentine case, for example.

It seems appropriate to demonstrate the peculiarities of the Brazilian amnesty law and its controversial reflexes, highlighting some comparative differences with other Latin American amnesty laws. Understanding these singularities when analysing other (related) redemocratization processes is relevant, as it identifies the existence of other scenarios and political contours that are different to Brazil's in neighbouring countries. Identifying the consequences of the Brazilian redemocratization process and the impacts of the constituent process itself has had a number of practical effects, including indigenous issues.

According to Catalina Smulovitz, the Brazilian democratic transition is surrounded by controversy, unlike the Argentine case, because the Brazilian military, according to the author, had a high degree of political control over the transition, unlike what happened in Argentina, for example, with the military defeat of the dictators in the Falklands or Malvinas Wars, "plus the issue of the greater density of social demands on the subject in Argentina" compared to Brazil.[60] Finally, "the greater time lapse between the most serious violations and the re-establishment of democracy in Brazil" would also have been an important issue. In short, the Brazilian dictators "managed to build an 'exit strategy' that guaranteed them impunity through political channels, unlike what happened in Argentina," explains Acuna:

> The intensification of intra-military conflicts, which occurred as a result of the defeat of the Malvinas, made it very difficult for the Armed Forces to reach an internal consensus on a global exit plan. However, the obstacles encountered by the Executive Branch in imposing its authority on society and the Armed Forces themselves did not prevent it from trying to manage the withdrawal of power politically.[61]

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[59] Cf. NOVARO, Marcos; PALERMO, Vicente. *La dictadura militar (1976-1983)*. Del golpe de Estado a la restauración de la democracia. Buenos Aires: Paidós, 2003.

[60] ACUÑA, Carlos; SMULOVITZ, Catalina. Militares en la transición argentina: del gobierno a la subordinación constitucional. In: PÉROTIN-DUMON, Anne (Org.). *Historizar el pasado vivo en América Latina*. Buenos Aires: s.n., s.d., p. 83.

[61] *Ibidem*. N. Ed.: citação no original: "*la intensificación de los conflictos intramilitares, que se produjo como consecuencia de la derrota de Malvinas, les impuso a las Fuerzas Armadas grandes dificultades para acordar internamente un plan de salida global. Sin embargo, las trabas que el Poder Ejecutivo encontró para imponer su autoridad ante la sociedad y en las proprias Fuerzas Armadas no impidió que el mismo intentara administrar políticamente la retirada del poder*".

The "resounding political defeat" dragged down Argentina's military power, which would have been a decisive factor, as Paula Vera Canelo points out.[62] The author Stanley Cohen adds that, in addition to the Malvinas factor, the social movement of the relatives of the dead and disappeared (Argentinians) caused a public outcry, as well as the "movements of those dismissed for political persecution"[63] . Finally, the advances "towards accountability through the reparations commissions themselves, even if in a somewhat diffuse way. This mobilization has reached the level of forcing the Armed Forces out of the position that Cohen defines as 'literal denial'", where the perpetrator or agent of the violation defends themselves against criminal charges or responsibility by "laconic denials that 'nothing happened'". [64]

Despite the apparent distance between the object of this research and the controversial consequences of the Brazilian amnesty law, it is necessary to highlight its various political and social impacts, which are tangential to the indigenous issue addressed here. The first of these was the lack of accountability for the indigenous genocide promoted by the Brazilian state and justified by integrationist policies that would lead to national development and, concomitantly, curb external threats. This thinking was the ideological basis promoted by the APE for typifying these arguments in parts of Article 231 of the Constitution (On Indians) during the constituent debates . [65]

Secondly, describing the consequences of the amnesty law, making comparisons with other Latin American re-democratization processes and analyzing possible causes for the maintenance or validity of the (current) controversies associated with it is also connected to the discussions on indigenous issues during the Constituent Assembly. The execution of the regime's opening plan, planned since the Geisel government, not only ensured that the military would not be held accountable for their crimes, but also influenced the entire national indigenous policy.

In more specific terms, the high level of political control over the process of re-democratization in Brazil, technically called a typical "transition by transaction",[66]

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[62] Cf: CANELO, Paula Vera. *La política secreta de la última dictadura argentina (1976-1983)*: a 40 años del golpe de Estado. Barcelona: Edhasa, 2016.
[63] *Ibidem.*
[64] *Ibidem*.
[65] Cf: DINIZ, Eli. A transição política no Brasil: uma reavaliação da dinâmica de abertura. *In:*. SZWARKO, José: José; MOURA, Rafael; D AVILA FILHO, Paulo (*orgs*). *Sociedade e Estado*, Araras: Editora Idea, 1985 Disponível em: http://inctpped.ie.ufrj.br/pdf/livro/Estado_e_Sociedade_no_Brasil.pdf#page=241SZWAKO. Acesso em 23 de maio de 2023
[66] Cf. SHARE, Donald; MAINWARING, Scott. Transição pela transação: democratização no Brasil e na Espanha. *Dados*, v. 29, n. 2, p. 207-236, 1986.

instrumentalized multiple actions within the Armed Forces so that solid constitutional prerogatives and guarantees were assured to this institution. Throughout the democratic transition and the Constituent Assembly itself, the interests of the barracks were diverse, multiple and very clear, directly touching on issues related to Indigenous Peoples, as well as impunity for the extermination of indigenous people by state agents.[67]

Previously, the developmentalist policy promoted by the military governments, especially in the 1970s, was always linked to an ideology that rescued Brazil's "greatness". State developmentalism is a complex mechanism that led to "accelerated economic growth, the so-called 'Brazilian miracle', but which had fatal impacts on native peoples",[68] although the use of the term state developmentalism to define the economic and indigenous policy of the Brazilian military government can also be considered erroneous, as Leandro Mendes Rocha points out.[69]

The end of the 1960s and the first decade of the 1970s are symbolized by the Brazilian "economic miracle", which was then materialized by the execution of construction projects in the interior of the country. "Famous constructions, such as the highway complex called Transamazônica, took machines and workers towards the villages of various indigenous ethnic groups, millenary occupants of these regions."[70] Thus, the dictatorship was faced with sensitive issues, such as the need to incorporate indigenous people into the national development plan[71] - in the indigenous case: "Love it or emancipate it".[72]

Major construction projects and geopolitical projects, such as Calha-Norte, especially in the Amazon, have unleashed waves of "violence and massacres in indigenous villages and

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[67] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

[68] HECK, Egon Dionisio. Repressão e tutela nas políticas indigenistas da Ditadura Militar: o indígena é o inimigo. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 220.

[69] ROCHA, Leandro Mendes. *Da proteção fraternal ao integracionismo harmonioso*: aspectos ideológicos da política indigenista (1930-1967). Brasília: Ministério da Justiça-MJ, 1993, p. 14.

[70] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022.

[71] *Ibidem*.

[72] Charge de Henfil. *In*: COMISSÃO PRÓ-ÍNDIO. Histórico da emancipação. *Cadernos da Comissão Pró-índio/SP*, São Paulo, n. 1, p. 9-16, ago. 1979, p. 1-92 *apud* BICALHO, Poliene Soares dos Santos. Nem tudo eram flores": os indígenas, a Ditadura e o decreto de emancipação de 1978. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2022.; e FERNANDES, Fernando Roque; COELHO, Mauro Cezar. *"Ame-o ou emancipe-o"*: contradições da emancipação nos discursos, práticas e representações dos/sobre os povos indígenas no Brasil (1970/1980). São Paulo: Ed. Livraria da Física, 2018, p. 15-48.

communities"[73] throughout the country, leading to "the genocide and ethnocide of indigenous peoples".[74]

The propaganda promoted by the military dictatorship was associated with *slogans* such as "Brazil, love it or leave it".[75] A typical representation associated with a government steeped in nationalism and authoritarianism. "Assimilate (the Original Peoples) so as not to hand over" the nation to foreigners[76] was part of this historical context. Grandiose projects of colonization and occupation of the hinterlands, concomitant with (effusive) national campaigns, such as Indian Day, were part of this Brazilian political conjuncture. Major celebrations and events, such as soccer matches between indigenous communities, however, had a clear objective: to reinforce the "civilizing" process to which the native peoples would (necessarily) be subjected.[77]

The issue of assimilating the indigenous populations was thus a crucial one for achieving the country's development. Indigenous communities often represented an obstacle to Brazil's progress. It was even a theoretical justification for perpetuating a genocidal policy aimed (directly) at indigenous peoples.[78]

The military was also aware that indigenous populations could become a risk to national sovereignty, as the president of the SPI, General Albuquerque Lima, pointed out. Indigenous communities in border areas were seen in this light and could become an independent nation if there was support from the United Nations,[79] and, therefore, the need for measures to occupy and develop the regions occupied by the Original Peoples.[80] These issues were very present in the constituent debates and were part of the "Armed Forces *pressure group*".

The clashes and tensions between the powers that be and the opposition to the regime have created a kind of divided memory of the constituent assembly. There are those who praise

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[73] HECK, Egon Dionisio. Repressão e tutela nas políticas indigenistas da Ditadura Militar: o indígena é o inimigo. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 218.
[74] *Ibidem*, p. 217.
[75] ABREU, João Batista de. *As manobras da informação*: análise da cobertura jornalística da luta armada no Brasil (1965-1979). Rio de Janeiro: Mauad, 2000.
[76] Cf. OLIVEIRA, Ariovaldo Umbelino de. *Integrar para não entregar*: políticas públicas e Amazônia. Campinas: Papirus, 1991.
[77] Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022. Edição do Kindle.
[78] Cf. MUNDURUKU, Daniel. *O caráter educativo do movimento indígena brasileiro (1970-1990)*. São Paulo: Paulinas, 2012.
[79] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022, p. 38. Edição do Kindle.
[80] *Ibidem*.

the broad popular participation and the promise of (unprecedented) guarantees and the effective enshrinement of social and collective rights. These are fundamental premises for democracy. Others point to the existence of essentially corporate interests, once again typified in Brazilian legislation.[81]

Research problem to be addressed

Having explained the three aforementioned *pressure groups and*, therefore, the objectives of this research, there is a need for further clarification of the *central problem of this doctoral thesis.* How, even in the face of a parliament impregnated with pressure groups and conservative-assimilationist interests, was the indigenous cause still protected to a limited extent?

How, even in a political context of democratic transition, of so much mutual distrust[82] and with deputies and senators mostly from the centre-right, did indigenous peoples manage to be recognized as a social organization and cultural manifestation?[83]

To put it in more appropriate terms: how, even in the face of a parliamentary majority that was very articulate in defending some very explicit political and economic interests, did Article 231 of the Constitution, which is unprecedentedly non-assimilationist, become a reality?[84]

This tension between divergent interests gave rise to a chapter in the Federal Constitution full of contradictions (Chapter VIII: "Of the Indians"[85]). Contradictions arising

[81] Segundo Ney de Lima Figueiredo, "ao contrário da tradição na matéria, os trabalhos não partiram de anteprojeto que refletisse as aspirações dos principais segmentos sociais do país. Tancredo Neves havia constituído uma comissão para esse fim. E, embora José Sarney não a tivesse dissolvido, preferiu não utilizar o texto que ela produziu. A própria Constituinte, por sua vez, não formou uma Grande Comissão, como era de praxe, para chegar a um projeto que refletisse as opiniões representadas na Assembleia. Decidiu-se pela estruturação de Comissões Temáticas, que, por sua vez, atuaram como subcomissões. De sorte que o acompanhamento dos trabalhos pela sociedade civil se tornou praticamente impossível. Ainda assim, em conjunto com as entidades empresariais ou isoladamente, expressivos segmentos da nossa sociedade organizaram-se para pressionar a Assembleia a favor de seus interesses" (DE LIMA FIGUEIREDO, Ney. O lobby no Brasil: uma trajetória histórica. *Organicom*, v. 8, n. 14, p. 181-189, 2011, p. 187. Disponível em: www.revistas.usp.br/organicom/article/view/139093/134442. Acesso em: 2 jul. 2022).

[82] Segundo Celso de Castro, embora "o regime militar tivesse acabado em 1985 (…) havia muita desconfiança mútua dos militares em relação aos civis, e vice-versa" (CASTRO, Celso de. *Antropologia dos militares*: reflexões sobre pesquisas de campo. Rio de Janeiro: Editora FGV. 2009, p. 18).

[83] Cf. FERNANDES, Beth. Relação dos Constituintes inclui personalidades. *Correio Braziliense*, Brasília, 19 jan. 1987.

[84] *Ibidem*.

[85] CAPÍTULO VIII. DOS ÍNDIOS Art. 231. São reconhecidos aos índios sua organização social, costumes, línguas, crenças e tradições, e os direitos originários sobre as terras que tradicionalmente ocupam, competindo à

precisely from this socio-economic and political context. To some extent, the essence of article 231 and its seven paragraphs, article 232 and item XI of article 20 precisely corroborate these clashes.[86]

It is therefore necessary to describe the work of Poliene Bicalho and, in particular, her doctoral thesis *Protagonismo indígena no Brasil (Indigenous protagonism in Brazil)*. According to the author, it is in the Indigenous Movement that indigenous protagonism resides:

> Historically, the collective consciousness of the more than two hundred indigenous peoples of Brazil began to take on the consistency of an organized social movement, around common objectives, from the 1970s onwards (...) By defending the thesis that the contemporary Indigenous Movement in Brazil emerged in the 1970s, we do not mean to deny this indigenous past of struggles and resistance; on the contrary, we want to highlight its importance for the formation of consciousness for the social struggle that was systematically established from this decade onwards.[87]

The repression and clandestinity of social movements did not prevent the emergence of resistance to the regime or even a reaction to the indigenous massacre, which was then institutionalized and made official by the Brazilian state. In other words, there was "an awakening to a social struggle" that was necessary for the establishment of a new view of indigenous peoples. "A collective resistance, here called the Indigenous Movement."[88]

União demarcá-las, proteger e fazer respeitar todos os seus bens. §1º São terras tradicionalmente ocupadas pelos índios as por eles habitadas em caráter permanente, as utilizadas para suas atividades produtivas, as imprescindíveis à preservação dos recursos ambientais necessários a seu bem-estar e as necessárias a sua reprodução física e cultural, segundo seus usos, costumes e tradições. § 2º As terras tradicionalmente ocupadas pelos índios destinam-se a sua posse permanente, cabendo-lhes o usufruto exclusivo das riquezas do solo, dos rios e dos lagos nelas existentes. § 3º O aproveitamento dos recursos hídricos, incluídos os potenciais energéticos, a pesquisa e a lavra das riquezas minerais em terras indígenas só podem ser efetivados com autorização do Congresso Nacional, ouvidas as comunidades afetadas, ficando-lhes assegurada participação nos resultados da lavra, na forma da lei. § 4º As terras de que trata este artigo são inalienáveis e indisponíveis, e os direitos sobre elas, imprescritíveis. § 5º É vedada a remoção dos grupos indígenas de suas terras, salvo, "ad referendum" do Congresso Nacional, em caso de catástrofe ou epidemia que ponha em risco sua população, ou no interesse da soberania do País, após deliberação do Congresso Nacional, garantido, em qualquer hipótese, o retorno imediato logo que cesse o risco. § 6º São nulos e extintos, não produzindo efeitos jurídicos, os atos que tenham por objeto a ocupação, o domínio e a posse das terras a que se refere este artigo, ou a exploração das riquezas naturais do solo, dos rios e dos lagos nelas existentes, ressalvado relevante interesse público da União, segundo o que dispuser lei complementar, não gerando a nulidade e a extinção direito a indenização ou a ações contra a União, salvo, na forma da lei, quanto às benfeitorias derivadas da ocupação de boa fé. § 7º Não se aplica às terras indígenas o disposto no art. 174, § 3º e § 4º. Art. 232. Os índios, suas comunidades e organizações são partes legítimas para ingressar em juízo em defesa de seus direitos e interesses, intervindo o Ministério Público em todos os atos do processo. (BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 23 jun. 2021).

[86] O processo Constituinte, segundo Pilatti, "foi palco de grandes conflitos de interesse e de opinião que haviam permanecido latentes, irresolutos ou agravados, durante os anos da repressão" (PILATTI, Adriano. *A Constituinte de 1987-1988*: progressistas, conservadores, ordem econômica e regras do jogo. Rio de Janeiro: Editora PUC-Rio, 2008, p 1).

[87] BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 17 e 18.

[88] *Ibidem*, p. 105.

The time frame of this research - from September 1986 - the Afonso Arinos Commission

The title of this paper, The *Military-Economic Interests and the Indigenous Peoples during the National Constituent Assembly*, gives the impression that work on the constituent process officially began in February of that year.

However, it can be said that the discussions on the Constituent Assembly did not begin exactly in February 1987, when Constitutional Amendmentº 26 was approved. The amendment was in fact fundamental, as it authorized the convening of the National Constituent Assembly and, at the same time, granted amnesty to union leaders and student movements.[89] This is the time frame used to guide this research. Just for illustrative purposes, a second date deserves some attention: November 27, 1985, when the Afonso Arinos Commission was launched, but it did not succeed. The deputies elected in 1986 and the senators elected in 1982 would have the complex task of writing the new Brazilian Constitution. The National Constituent Assembly would be installed the following year (February 1987), although the work of the commissions and subcommittees began in April 1987, after the "failure" of the Afonso Arinos Commission.[90]

Research methodology

It can be said that the *research methodology used* in this work is documental. Specifically, the Constituent Assembly archives found in the Federal Senate (APEM). To this end, data mining will be used to prove the existence and tensions between the aforementioned *pressure groups* throughout the constituent process and *the political articulation of the Indigenous Movement*. The *web scarping* technique will allow for greater clarity in identifying the documentation to be investigated (https://github.com/felipereispompeudemoraes/web-scraping). [91]

This is a *Python* code that allows you to search for certain keywords in large databases, such as APEM, a repository provided by the Federal Senate website. This programming

[89] Artigo 4º da Lei complementar. Neste artigo, fica concedida a anistia a todos os servidores públicos civis da administração direta e indireta, e militares, punidos por atos de exceção, institucionais ou complementares. E, especificadamente, o § 1º onde **fica concedida**, igualmente, **anistia** aos autores de crimes políticos ou conexos, e aos **dirigentes** e representantes de **organizações sindicais** e estudantis, bem como aos servidores civis ou empregados que hajam sido demitidos ou dispensados por motivação exclusivamente política, com base em outros diplomas legais.

[90] OLIVEIRA, Mauro Márcio. *Fontes de informações sobre a Assembleia Nacional Constituinte de 1987*. Brasília: Senado Federal, Subsecretaria de Edições Técnicas, 1993, p. 11.

[91] O código, hoje armazendo na platorma Github, foi desenvolvido em parceria com os programadores Bruno Maline Baring e Rodrigo Veloso.

language, which is widely used and in the public domain, was the solution found to efficiently perform data mining of specific terms pertinent to this research. Terms such as CIMI, CSN, UNAÍ (among others). Something that turned out not to be a major methodological difference, once the existence of "clean data" in the aforementioned database was verified and there was little availability of results, according to the attached document.

The choice of this methodology, documentary analysis, does not preclude the existence of a number of limitations, as Michael Frisch points out:

> This critique often highlighted the links between these limited conceptions and the equally restricted notions of historical evidence - for example, formal documents, newspapers and written memoirs - on which we commonly base historical narratives and analyses, and the very notions of what can be known and said with certainty and evidence about the past.[92]

The author emphasizes the limitations of a traditional source, such as a formal document or a newspaper. The use of some existing interviews related to oral history therefore appears as an attempt to make a given historical fact less restricted, limited, homogeneous and undiversified. Proponents of this "other history" have coined an expression in German known as Alltagsgeschichte.[93]

The meaning of the word Alltagsgeschichte is associated with an "alternative, free and emancipatory history, a break with professional academic history. Oral history is innovative because of its special attention to those silenced and excluded from official history, which makes it innovative in relation to its objects."[94]

Theoretical background

This research uses the book Indians in Brazil: History, Rights and Citizenship by Manuela da Cunha as a theoretical reference. An excerpt from this work should be transcribed, elucidating the adherence and applicability of its theory to this research project:

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[92] THOMPSON, Alistair; FRISCH, Michael; HAMILTON, Paula. The memory and history debates: some international pespective. *Jornal of Oral History*, ago.1994, p.33-43. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019, p. 75.

[93] FRANÇOIS, Etienne. Fecundité de l'historie orale. *Les Cahiers de l'HTP*, Paris, v. 4, p. 33-43, jun. 1987. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019, p. 4.

[94] *Ibidem*, p. 5.

> At the end of the 1970s, non-governmental organizations supporting indigenous peoples multiplied and, at the beginning of the 1980s, for the first time, an Indigenous Movement was organized nationwide. This mobilization explains the great innovations achieved in the Federal Constitution, which abandoned the assimilationist objectives and jargon and recognized the indigenous rights of the Indians, their historical rights to possession of the land of which they were the first masters.[95]

Manuela Carneiro da Cunha, in some way, highlights the origin of the Indigenous Movement's political mobilization at a national level. This reality would have influenced the great innovations achieved in the Federal Constitution, the end of assimilationism and the recognition of the original rights of the Indian as a subject of Law(s), etc.

The subjects to be discussed in this work (in brief)

This work is divided into five chapters. In the first chapter, the Brazilian indigenist policy instituted in the country over the course of the 20th century, a genocidal policy since the time of the SPI, will be highlighted in general terms. This is followed by a critical analysis of this genocidal policy promoted by state agents: the creation of the Indian Protection Service (SPI) in 1910, the National Indian Foundation (FUNAI) in 1967, now the National Foundation for Indigenous Peoples, and the Emancipation Decree of 1978, where it is possible to think not only about the assimilationist bias of Brazilian indigenous policy but, fundamentally, how long-lasting the "'modernizing' and authoritarian project promoted by the Brazilian state was, which generated serious consequences for the native peoples".[96]

If we say that Brazilian indigenous policy has historically had an assimilationist bias, we need to pay attention to the fact that indigenous assimilation has been institutionalized by agencies such as the SPI and FUNAI. This fact makes it possible to understand that this practice was based on a very explicit ideology, that of integrating indigenous communities as a necessary path to the civilization of the "wild peoples", in addition to representing "a danger to national sovereignty[97] or even an obstacle "to the development" of the country. [98]

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[95] CUNHA, Manuela Carneiro. *História dos índios no Brasil*. São Paulo: Companhia das Letras, 1992, p. 22.

[96] Segundo Evangelhista, seria a Fundação Nacional do Índio e não tanto o SPI a questão do projeto modernizador (EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 25).

[97]Cf. TAVARES, Elaine. Darcy Ribeiro e os povos indígenas: acertos e equívocos. *Rebela*, v. 8, n. 1, 2018.

[98] FERNANDES, Florestan. Antecedentes indígenas: organização social das tribos tupis. In: BUARQUE DE HOLLANDA, Sérgio. *História Geral da civilização brasileira*. *A época colonial. Do descobrimento à expansão territorial*. 1º volume do primeiro torno. São Paulo: Difusão Europeia do Livro, 1960.

This body was eventually abolished to make way for FUNAI in 1967. This was a political maneuver to extinguish the fires of a major corruption scandal. The disclosure of this calamity would have a profound impact on the image of the federal government and, consequently, on the image of the Brazilian military dictatorship itself, as will be seen in Chapter II.

Chapter III is divided into several parts. Firstly, it analyzes the role, behind the scenes and influence of the Catholic Church in building a political bloc to oppose the recently established military regime. In other words, this political-historical circumstance led to the creation of a new social force opposing the forced assimilation of the original peoples. Among the fronts created by this movement was the creation of the indigenous assemblies, then coordinated by CIMI. The assemblies would have been decisive, as they organized the agenda and demands of the Brazilian Indigenous Movement. These regular meetings would drive a major national mobilization with significant capillarity from 1980 onwards.

It was the social movements linked to the indigenous cause that were responsible for approving a Minimum Program for Indigenous Peoples. The aim was to create a new program of rights and guarantees for indigenous peoples that would be provided for in Brazilian legislation. This program ended up inspiring the content of articles 231 and 232 of the 1988 Brazilian Constitution, despite attempts to boycott it. In parallel to this growing movement, the Geisel government was trying to implement a very controversial Decree. Also known as the Emancipation Decree, it proposed an end to indigenous guardianship from 1978. Once again, the (forced) assimilation of indigenous peoples came to the fore as part of a larger national project, considered by some to be "modernizing".

Chapter IV will describe the long and tense process of re-democratization itself. A brief explanation of the amnesty law, Diretas Já and the constituent process is necessary. Lastly: how it was composed, organized and proceduralized until the basic text was finally submitted to the plenary. There has been much debate about whether the final text, the 1988 Federal Constitution, was progressive in terms of social rights or whether it maintained corporate interests. A discussion that applies to indigenous rights themselves.

Finally, Chapter V will describe the three main legislative pressure groups that organized themselves during the Constituent Assembly to guarantee their various political and economic interests. The military *pressure group was* organized by the Army's Parliamentary Office (APE) and its various subdivisions. This group articulated the maintenance and expansion of the legal prerogatives attributed to the Armed Forces. These included the

possibility of military intervention in border areas occupied by indigenous peoples, in cases of threats to national sovereignty.

In addition to the military group, there was a second *pressure group*, interconnected with the first, the extractive-mining *group*. Their interests were linked to the regularization of areas previously occupied by indigenous peoples and, fundamentally, attractive to the exploitation of raw materials and mining. Large Brazilian and foreign mining groups were even accused of financing campaigns for the constituent congressmen, in exchange for which they would favor these interests, such as the creation of infra-constitutional legislation that would legally provide for the exploitation of minerals and raw materials in indigenous areas. There is a paragraph in article 231 that guarantees this possibility, as long as there is authorization from the National Congress, the vote of the indigenous peoples and a law regulating this activity, a probable consequence of this political articulation organized by this pressure group.

Finally, the last major *pressure group* represented by farmers and rural producers will be described. They were also decisive for the current configuration of articles 231 and 232 of the Federal Constitution. Consisting of agricultural confederations and some employers' unions, they blocked new demarcations of continuous indigenous areas and demanded the regulation of lands whose ownership was doubtful.

Chapter 1. BACKGROUND TO AUTHORITARIANISM IN BRAZILIAN INDIGENIST POLICY

1.1 Indigenous genocide as an institutionalized practice

Indigenous genocide has been a trademark throughout Brazilian history and, in part, a reality promoted by the *developmentalist* state itself. "In Brazil, Indians can even be killed as gifts, as in the case of the fronts of attraction, an official tradition of making indigenous peoples dependent on the state."[99]

Raphaël Lemkin, a Polish Jew, coined the term genocide in 1943. According to the jurist: "By genocide we mean the destruction of a nation or an ethnic group".[100] In more specific terms:

> a coordinated plan of different actions aimed at destroying the foundations essential to the life of national groups, with the purpose of annihilating the groups themselves. The objectives of such a plan would be the disintegration of political and social institutions, culture, language, national feelings, religion and the economic existence of national groups and the destruction of the security, freedom, health, dignity and even the lives of individuals belonging to such groups. Genocide is aimed directly at individuals, not in their individual capacity, but as members of national groups.[101]

The aforementioned concept fits perfectly with Brazil's indigenous condition throughout the 20th century. Thousands of deaths were tolerated or even promoted by the Brazilian government without criminal accountability[102] , partly due to the Amnesty Law, still in force and promulgated by General João Baptista Figueiredo. During the constituents' speeches, the indigenous genocide was frequently recalled by constituents such as José Saboia.[103]

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[99] RAMOS, Alcida Rita. *Seduced and abandoned*. The taming of Brazilian Indians. Questioning otherness. An interdisciplinary exchange. Papers from the 1995 Distinguished International Lecture Series (Virginia R. Dominguez & Catherine M. Lewis, comps.). University of Iowa, 1995, p. 1-23.

[100] LEMKIN, Raphaël. Genocide. *In*: HINTON, Alexander Laban (Comp.). *Genocide*: an anthropological reader. Londres: Blackwell, 2003, p. 27-42.

[101] *Ibidem*, p. 27, *apud* RAMOS, Alcida Rita. Vivos, afinal! Povos indígenas do Brasil enfrentam o genocídio. *Série Antropologia*, v. 461, 2018, p. 8.

[102] RIEF, David. In praise of forgetting. Historical memory and its ironies. New Haven: Yale University Press, 2016, *apud* Alcida Rita. Vivos, afinal! Povos indígenas do Brasil enfrentam o genocídio. *Série Antropologia*, v. 461, 2018, p. 9.

[103] "José Carlos de Sabóia Magalhães Neto nasceu em Sobral (CE) no dia 25 de outubro de 1945 (...) Ingressou na política filiando-se ao Partido do Movimento Democrático Brasileiro (PMDB), em cuja legenda foi eleito deputado federal constituinte pelo Maranhão, em novembro de 1986. Assumindo a cadeira na Câmara em 1º de fevereiro do ano seguinte, na Assembleia Nacional Constituinte integrou, como titular, a Subcomissão de Negros, Populações Indígenas, Pessoas Deficientes e Minorias, da Comissão da Ordem Social; e, como suplente, a Subcomissão de Educação, Cultura e Esportes, da

The parliamentarian said on April 22, 1987:

> It's important that at this moment, when we have the dream of designing a nation that has been destroyed, citizens whose rights have been disrespected, we have a very clear idea of what this symbolism means, today, of the Indians present here, of the Indians occupying the indigenous nations, of the indigenous peoples occupying this Subcommittee on Minorities, of those who are second, third and last class citizens, of those who are at the end of the queue, of those who don't have their rights respected. They handed the President of the Constituent Commission, Ivo Lech, their proposal, not the proposal signed by Constituent José Carlos Sabóia, who is merely the bearer of the wishes of all the demands made by indigenous nations and peoples in this country. **There were 6 million at the time of the discovery, there are 220,000 Indians today, who have been and continue to be decimated, who have been victims of genocide and atrocities, and who continue not to have their rights guaranteed. Life, the dignity of a nation passes through the conquest of land, life, the dignity of a nation passes through respect for the ethnic differences of minorities; the dignity of a nation, the conquest of national sovereignty, it passes, at this moment, through this proposal that the Indians are making here.** Either we are able to discuss this politically, and destroy the foundations of prejudice that make ethnic minorities, black people, people with physical disabilities and all the other groups victimized by prejudice and stigma, or we are able to discuss this politically and make it clear in the constitutional text that from now on it is impossible to ignore the demands of all the minorities in this country. If we are not able to understand the significance of the presence of indigenous populations from all over Brazil, represented here today in this Subcommittee, we will not be able to take a step forward, a step towards democratizing this country: there will be no democracy in this country without the presence of Indians in this room, throughout the Constituent Assembly and during the writing of the new constitutional text. There will be no democracy in this country without the black movement making it very clear that black people are not second or third class citizens: there will be no democracy in this country if we don't discuss all the bases of inequalities, and especially the inequalities that arise because someone is a different color, because someone is Indian, because someone is homosexual, because someone has a physical or mental disability. The presence of the Indians in this Chamber, in this Constituent House, means a moment of hope for the conquest of a new nationality, a free and sovereign nation. (Applause.)[104]

The deputy recalled facts such as the issue of indigenous genocide promoted by the Brazilian state and the need to guarantee sovereignty to Original Peoples, considering the marginalization of these people throughout Brazilian history. He stressed the need to give a

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Comissão da Família, Educação, Cultura e Esportes, de Ciência e Tecnologia e de Comunicação. Durante o período de elaboração da nova Constituição, deixou o PMDB e se filiou ao Partido Socialista Brasileiro (PSB). Destacou-se na defesa da causa indígena e dos trabalhadores rurais. Votou a favor do rompimento de relações diplomáticas do Brasil com países que tivessem uma política de discriminação racial, da limitação do direito de propriedade privada (...)Em 1988 tornou-se líder do PSB na Câmara e na Constituinte. Após a promulgação da nova Constituição em 5 de outubro desse ano, passou a exercer seu mandato ordinário de deputado federal" (CARNEIRO, Alan. Verbete José Carlos Saboia. CPDOC – FGV. Disponível em: https://www18.fgv.br/cpdoc/acervo/dicionarios/verbete-biografico/jose-carlos-de-saboia-magalhaes-neto. Acesso em 22 de julho de 2024)

[104] Discurso de José Saboia – Ata da Constituinte (ANC).

sovereign voice to all those who have been silenced. José Sabóia's speech during the constituent work had great symbolic importance, as it highlighted indigenous vulnerability and, at the same time, denounced the role of legislative pressure groups between 1987-1988[105] .

Manuela Carneiro da Cunha already pointed to the existence of this reality over the decades. The roots of these pressure groups will be analyzed in a separate chapter, but they are related to the development policy promoted by the Vargas dictatorship (1930-1945) and the military dictatorship (1964-1985).[106]

In a nutshell, from 1946 onwards, with the new Constitution, "there was a transition from the nationalism of the state to national developmentalism, a process that was accentuated by the Juscelino Kubitschek government at the end of the 1950s and which marked Brazilian politics until the coup d'état in 1964".[107] In relation to the indigenous issue itself, "the positivism and liberalism of the oligarchic republic, state-novist nationalism and populist developmentalism have in common" the idea of evolution and the belief in civilizing progress guaranteed through the assimilation of the original peoples. Therefore, "republican history in the period from the Old Republic to the Populist Republic maintains some of the ideological pillars that mark republican Indigenous Policy: the belief in the inexorability of the end of the Indians; evolutionism where 'being Indian' is conceived as a passing situation". In other words, "that of 'being' Indian; and, also, the authoritarian paternalistic vision, where the Indian is associated with a helpless child".[108]

Economic pressure in Brazil over the course of the 20th century is one of the factors, and also a preponderant one, that triggered the Brazilian indigenous genocide, a trademark of the country over the last five centuries, but here delimited by two time periods: the first between 1910 and 1967, during the term of the now defunct SPI, followed by the post-1967 genocide, during the military dictatorship.[109] An intentional cut to make this research possible.

Just for conceptual reasons, there are those who argue that what happened to the Original Peoples in Brazil during the 20th century was ethnocide and not exactly genocide. According

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[105] *Ibidem*.
[106] Cf. CARDOSO, Miriam Limoeiro. Ideologia do desenvolvimento do Brasil: JK-JQ. Rio de Janeiro: Paz e Terra, 1978, *apud* ROCHA, Leandro Mendes. *Da proteção fraternal ao integracionismo harmonioso*: aspectos ideológicos da política indigenista (1930-1967). Brasília: Ministério da Justiça-MJ, 1993, p. 14.
[107] *Ibidem*.
[108] *Ibidem*.
[109] Cf. VALENTE, Rubens. *Os fuzis e as flechas*: história de sangue e resistência indígena na ditadura. Editora Companhia das Letras, 2017.

to Juliana Santili, ethnocide "is the action that promotes or tends to promote the destruction or disappearance of an ethnic group".[110]

"The concept of ethnocide was developed in reference to the slow cultural extermination faced by the Bari people on the border between Colombia and Venezuela." They were caught up in a continuous invasion, a relentless denial and destruction of Bari culture and society, what anthropologist Jaulin called "small settlers"[111] victimized by the state.

Jaulin's book *La paix blanche: introduction à l'ethnocideé*, which is considered a reference, is important from a conceptual point of view, as it inaugurated the concept of ethnocide.[112] According to Jaulin, "it is not the means but the ends that characterize ethnocide". "The ethnocidal policy of integrating national societies aspires to the dissolution of civilizations within Western civilization."[113] The origin of the term, however, does not come from Robert Jaulin. It was possibly coined by Jean Malaurie or George Condominas in June 1968 or a few years earlier.

The aim in question was to replace the expression cultural genocide, since the term had been excluded from the Convention in 1948.

According to Quinonez:

> Western de-civilization is, by construction, a unitary phenomenon, in exactly the same way that death is unitary, since it constitutes the agenda of the similar or the identity of the various solutions with which life is expressed. Undoubtedly, the death we have just mentioned "attacks" life in its individual dimension, but there is no proof that the previous rationalization does not have the same validity if we take life in its collective, civilizing dimension; hence it can be said that a civilization that claims to be the only civilization is a system of de-civilization and necessarily oriented towards death. This death is certainly initially of a civilizing nature, aspiring to the establishment of a cemetery-civilization.[114]

What should be highlighted, from a careful reading of Quinonez's fragment, is the presence of the state factor or organization. The state, according to Clastres, "is in essence the use of a centripetal force that tends, when circumstances require, to crush the inverse centrifugal

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[110] SANTILLI, Juliana (Coord.). *Os direitos indígenas e a Constituição*. Porto Alegre: Núcleo de Direitos Indígenas e Antônio Sérgio Fabris Editor, 1993, p. 214, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011, p. 72.

[111] Cf. JAULIN, Robert. *La paix blanche*: introduction à l'ethnocide. Paris, Éditions du Seuil, 1970.

[112] JAULIN, Robert. *La paix blanche:* introduction à l'ethnocide. Paris: Éditions du Seuil, 1970.

[113]QUIÑONEZ, Santiago Arboleda. *Plan Colombia*: descivilización, genocidio, etnocidio y destierro afrocolombiano. Quito (Ecuador): Universidad Andina Simón Bolívar. 2016, p. 83.

[114] JAULIN, Robert. *La paz blanca*: introducción al etnocidio, Buenos Aires: Tiempo Contemporáneo, 1973, p. 14. *In*: QUIÑONEZ, Santiago Arboleda. *Plan Colombia*: descivilización, genocidio, etnocidio y destierro afrocolombiano. Quito (Ecuador): Universidad Andina Simón Bolívar. 2016, p. 84.

forces and, therefore, the core of the substance of the state" would be the acting or driving force, "(...) a vocation to refuse the multiple, the fear and horror of difference, which make ethnocidal violence an inseparable effect of the exercise of state power".[115]

During the constituent speeches, some parliamentarians, such as Júlio Germany[116] , used the term ethnocide to describe the violence perpetrated by state agents against indigenous peoples. A practice institutionalized by the Brazilian state and public agents throughout the 20th century. He uses Jaulin's work as a reference, according to part of his speech:

> **A few years ago, a Minister of the Interior said that progress in the Amazon should not be halted because of the Indians. At the beginning of the century, a newspaper in Santa Catarina preached military action to exterminate the Indians, who were seen as obstacles to the development of the region. Mr. President, what kind of progress is this that in almost half a millennium of history has always taken its toll on the Indians? Such a model of progress presupposes the deliberate practice of what has been called ethnocide, and this is what has been done in Brazil. Ethnocide that has resulted in the complete destruction of countless tribal societies**. See Jaulin's excellent book "La Paix Blanche", published by Seuil in Paris in 1970. Renouncing ethnocide, compulsory integration and internal colonialism is the objective in mind when we propose recognizing the plurinational character of the Brazilian state.[117]

This speech is fundamental, as it once again highlights the relationship between state developmentalism and the extermination of indigenous peoples, as if they were obstacles to the

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[115] *Ibidem*.

[116] "O advogado gaúcho Júlio Marcos Germany Gaiger foi presidente da Fundação Nacional do Índio (Funai) entre março de 1996 e julho de 1997. Ligado à questão indígena desde 1977 dirigiu a Associação Nacional de Apoio ao Índio em Porto Alegre, Gaiger foi assessor jurídico do Cimi até 1991 e trabalhou como assessor na Comissão de Defesa do Consumidor, Meio Ambiente e Minorias da Câmara. Foi um dos primeiros a ser contratado por concurso público para trabalhar na então recém-criada comissão. No Cimi, desempenhou importante papel da defesa dos direitos indígenas atuando em casos emblemáticos. Um deles foi a demarcação da TI Toldo Chimbangue dos índios Kaingangue (SC). Destacou-se ainda como assessor nos trabalhos da Assembléia Nacional Constituinte, com forte atuação na formulação do capítulo referente aos índios. Autor de vários textos de análise sobre a questão indígena no Brasil, entre eles destacam-se Para os índios fazerem mais festas, no qual enfoca os dilemas da inserção dos índios nas atividades econômicas dos brancos para poderem gerar renda para suas comunidades. Assumiu a presidência da Funai em substituição a Márcio Santilli, indicado pelo então ministro da Justiça, Nelson Jobim, em março de 1996 e deixou o órgão em junho de 1997. De lá para cá, voltou a trabalhar na Comissão de Meio Ambiente e Minorias da Câmara dos Deputados, onde acompanhou diversos projetos de interesse dos índios como o de saúde indígena, mineração em Terras Indígenas e o novo Estatuto do Índio. Júlio Gaiger morreu 27 de fevereiro de 2004 em Brasília, em conseqüência de um acidente de moto em Brasília, aos 47 anos" (ISA - Panorama Ambiental Brasília (DF) – Brasil Março de 2004. Disponível em: https://www.pick-upau.org.br/panorama/2004/09.03.2004/morre.htm Acesso em 11 de julho de 2024)

[117] BRASIL. 8ª Reunião da Subcomissão dos Negros, Populações Indígenas, Pessoas Deficientes e Minorias, de 29 de abril de 1987. p. 565-566. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=147. Acesso em: 1º dez. 2023.

"progress of the country".[118] The minister in question is Rangel Reis, Minister of the Interior during the military dictatorship. Finally, he highlights Jaulin's work as necessary for understanding that the renunciation of ethnocide and the compulsory integration of indigenous peoples is the recognition of the plurinational character of the Brazilian state. In other words, the recognition of indigenous multiculturalism or indigenous peoples as a cultural organization.[119] Indigenous peoples could not be considered an obstacle to the country's development.[120]

In this sense, ethnocide has been "practiced for the good of the savage" throughout Brazilian history. The spirituality of ethnocide is the ethics of humanism.[121] In the Brazilian case, the aim was to "civilize the native gradually"[122] In political, ethical and moral terms, for Jaulin, we cannot continue to allow European and North American singularities to oppose, crush and swallow plurality.[123]

The extermination of indigenous communities over the last five centuries is undeniable in the historical reality of Brazil and Latin America and has colonial origins. According to Jesus Contreras, "the Europeans brought with them in 1492 a series of evils that have not been completely overcome even today: genocide, ethnocide, disease, hunger, misery, slavery, servitude, and a series of many more".[124]

And it was from the 1970s onwards that a reaction to indigenous ethnocide began. Responses to extermination, violence against indigenous peoples and the development policy promoted by the Brazilian state emerged. And this is when the "protagonism of the Brazilian indigenous movement" was consolidated, where its genesis and motto can be contextualized by the government programs of the military dictatorship, "a reaction to the political development projects it fostered, especially the colonization, agricultural and mining expansion promoted in

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[118] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.
[119] Cf. artigo 231 da *Constituição da República Federativa do Brasil de 1988*.
[120] Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022.
[121] CLASTRES, Pierre. *A sociedade contra o Estado*. Pesquisa de antropologia política Tradução de Theo Santiago. São Paulo. Cosac Naify, 2003, p. 80, *apud* PALMQUIST, Helena. *Questões sobre genocídio e etnocídio indígena*: a persistência da destruição. Tese (doutorado) – Universidade Federal do Pará, Belém, 2018, p. 33.
[122] SANTILLI, Juliana (Coord.). *Os direitos indígenas e a Constituição*. Porto Alegre: Núcleo de Direitos Indígenas e Antônio Sérgio Fabris Editor, 1993, p. 214, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011, p. 72.
[123] JAULIN, Robert. *La paix blanche*: introduction à l'ethnocide. Paris: Éditions du Seuil, 1970, apud PALMQUIST, Helena. *Questões sobre genocídio e etnocídio indígena*: a persistência da destruição. Tese (doutorado) – Universidade Federal do Pará, Belém, 2018.
[124] CONTRERAS, Jesus (Comp.). *La cara indio, la cruz del 92*. Identidad étnica y movimientos indios. Madri: Editorial Revolución, 1988, p. 17-18, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011, p. 296.

the Midwest and North of Brazil". Leno Danner goes further by correlating "Brazilian indigenous literature, the Brazilian indigenous movement and the question of the military dictatorship". According to the author, the emergence and public-political consolidation of the indigenous movement "occurred precisely in the context of the military dictatorship and as a reaction to the processes of socio-economic expansion towards the center-west and north of Brazil".[125]

In 1972, the CIMI was created and actively participated in the Indigenous Assemblies, in addition to the emergence of other civil organizations and associations defending the indigenous cause.[126] From a more theoretical point of view, groups of anthropologists from Latin America and other parts of the world met in Barbados to create a document repudiating genocide, the Barbados Declaration of 1971.[127] These issues will be further discussed in a separate chapter, the emergence of the indigenous movement in Brazil and Latin America.

Ten years later, in 1981, the "Meeting of Experts on Ethnodesarollo and Ethnocide in Latin America" was held in San José, Costa Rica. On the initiative of UNESCO and the Latin American Faculty of Social Sciences (FLACS), the meeting ended up giving rise to the document that "has sought to guarantee the rights of Indigenous Peoples: the San José Declaration".[128] This event proved to be important, as it drew attention to the crime against human rights, in which "for the most part, the Latin American victims were the original peoples. The document affirms that ethno-development is an inalienable right of indigenous groups".[129]

The crimes committed by state agents throughout the 1970s and 1980s were highlighted and denounced by the Fourth Russell Tribunal in the Netherlands on the Rights of Indigenous Peoples of the Americas. The event took place between November 24 and 30, 1980 in the city

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[125] DANNER, Leno Francisco; DORRICO, Julie; DANNER, Fernando. A literatura indígena brasileira, o movimento indígena brasileiro e o regime militar: uma perspectiva desde Davi Kopenawa, Ailton Krenak, Kaká Werá e Alvaro Tukano. *Espaço Ameríndio*, v. 12, n. 2, p. 252-252, 2018, p. 252 e 256.

[126] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011.

[126] Cf. DANNER, Leno Francisco; DORRICO, Julie; DANNER, Fernando. A literatura indígena brasileira, o movimento indígena brasileiro e o regime militar: uma perspectiva desde Davi Kopenawa, Ailton Krenak, Kaká Werá e Alvaro Tukano. *Espaço Ameríndio*, v. 12, n. 2, p. 252-252, 2018.

[127] Cf. GRÜNBERG, Georg; CHIRIF, A. Barbados 1971, un desafío vigente. *In*: CHIRIF, Alberto (Org). *Por la conquista de la conquista de la autodeterminacíon en el cincuentenario de la Declaración de Barbados*, 2021, p. 45. Disponível em: www.iwgia.org/en/documents-and-publications/documents/publications-pdfs/spanish-publications/23-iwgia-libro-conquista-de-la-autodeterminacion-2021-esp/file.html#page=45.

[128] CARDOSO DE OLIVEIRA, Roberto. Os Povos Indígenas e seus direitos. Anuário antropológico de 1981. Fortaleza: UFC. Rio de Janeiro. Tempo brasileiro, 1981, p. 14, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011, p. 122.

[129] DECLARAÇÃO de São José. In: CARDOSO DE OLIVEIRA, Roberto. Os Povos Indígenas e seus direitos. Anuário antropológico de 1981: Fortaleza: UFC. Rio de Janeiro. Tempo brasileiro, 1981, p. 16, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011.

of Rotterdam.[130] The event denounced cases of genocide or ethnocide, such as Mangueirinha and Nambiquara, and reported on the ban on the presence of Xavante chief Mário Juruna at the Tribunal.[131] The main objective of this meeting was to denounce the crimes committed.

"Testimonies from participants at the meeting reported on the practices of ethnocide and genocide that have victimized indigenous populations on several continents." Once again, Brazil became the subject of several headlines in international and national newspapers, especially *Jornal do Brasil*.[132]

The good intentions documented in various declarations and denunciations in international courts, although important, did not lead to or prevent the continuation of development projects, such as the Calha Norte Project (PCN) of 1985, even during the democratic transition process. In numerical terms, the violence and murder of ethnic groups will be shown here based on three time periods: the first, between 1910 and 1967. The sources used will be those presented by Dary Ribeiro in a report submitted to Unesco. Next, the figures presented will be those shown in the Figueiredo Report. Finally, the data now available from the National Truth Commission, in which the crimes committed during the military dictatorship, especially against indigenous peoples, have finally been presented.

1.1.1 Indigenous (cultural) genocide or ethnocide between 1910-1967, based on an analysis of data from the Darcy Ribeiro Report and the Figueiredo Report

Darcy *Ribeiro*'s work *Os Índios e a civilização: a integração das populações indígenas no Brasil moderno (The Indians and Civilization: The Integration of Indigenous Populations in Modern Brazil)* is extremely important, as it highlights this reality of state genocide throughout the first half of the 20th century. At the request of UNESCO, the anthropologist calculated the extermination of 87 indigenous groups in the first half of the 20th century. With regard to isolated tribes, Darcy estimated a 75% reduction by 1957. "Already in the first half of the last century, the great cause of conflict was 'the fronts of extractive, agricultural or pastoral expansion'."[133]

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[130] HOLANDA (Rotterdam). 1980. I*nforme del Cuarto Tribunal Russell sobre Los Derechos de los Pueblos Indígenas de las Américas*. Conclusiones. Noviembre de 1980, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011.

[131] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 77.

[132] HOLANDA (Rotterdam). 1980. I*nforme del Cuarto Tribunal Russell sobre Los Derechos de los Pueblos Indígenas de las Américas*. Conclusiones. Noviembre de 1980, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). 2011, p. 123.

[133] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 48.

Ten years later, the accusations of extermination, enslavement, the creation of clandestine jails, and the prohibition of speaking one's own language (among other crimes) made the data in Darcy's report even frugal. According to Clovis Antonio Brighenti, the work carried out in the inquiry conducted by federal prosecutor Jader de Figueiredo Corrêa between 1967 and 1968, which amassed more than 5,000 pages, was responsible for identifying dozens of violations against indigenous peoples throughout Brazil. Specifically, more than 8,500 indigenous people were killed and more than 10 ethnic groups disappeared.[134] A genocide caused by the Brazilian state itself.

Marcelo Zelic, decades later, "when consulting the boxes of documents from FUNAI's headquarters in Brasilia, ended up finding Process nº 4.483 of 1968 and identifying it as an administrative process from 196760".[135] . Examining this documentation, the researcher noted the existence of the signature of the attorney Jader de Figueiredo Correia and came to the conclusion that the process dealt with the then 1967 Report of the Ministry of the Interior, known as the Figueiredo Report[136] of the Parliamentary Commission of Inquiry set up on November 3, 1967.The final contours would be the creation of FUNAI[137] to "put out fires[138] and the hush-up of the case by the Costa e Silva government, after the AI-5 was decreed, and reflected a feeling of impunity contextualized by the famous "years of lead", times of much "legalized" repression, based on legal instruments such as the AI-5.[139]

"The Figueiredo Report itself consists of a set of documents known by this name, as it is the documentary result of the Commission of Inquiry set up by the Minister of the Interior, Albuquerque Lima."[140] Lima was sworn in by Costa e Silva and was from the "hard-line" wing

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[134] BRIGHENTI, Clovis Antonio. Colonialidade do poder e a violência contra os povos indígenas. *PerCursos*, Florianópolis, v. 16, n. 32, 2016, p 4 e ss.

[135] ZELIC, *apud* CABRAL, Rafael Lamera Giesta; MORAIS, Vitória Larissa Dantas. Os povos indígenas brasileiros na ditadura militar: tensões sobre desenvolvimento e violação de direitos humanos. *Direito e Desenvolvimento*, Revista do Programa de Pós-Graduação em Direito, v. 11, n. 1, p. 106-122, 2020, p. 11. Disponível em: https://periodicos.unipe.edu.br/index.php/direitoedesenvolvimento/article/view/1218/706. Acesso em: 18 abr. 2021.

[136] Cf. FIGUEIREDO, Jader de. *Relatório Figueiredo, 1967*. Disponível em: https://midia.mpf.mp.br/6ccr/relatorio-figueiredo/relatorio-figueiredo.pdf. Acesso em: 1º jun. 2023.

[137] BRIGHENTIL, Clovis Antonio. Agitadores e subversivos: repressão, perseguição e violações dos direitos indígenas pela ditadura militar. *Revista do Centro de Ciências da Educação*, Florianópolis, v. 38, n. 1, p. 1-24, jan./mar. 2020, p. 4. Disponível em: ttps://periodicos.ufsc.br/index.php/perspectiva/article/view/2175-795X.2020.e61997/pdf. Acesso em: 23 abr. 2021.

[138] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022, p. 55.

[139] Cf. MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015.

[140] GUIMARÃES, E. (2013). Relatório Figueiredo em Processo. In: CONGRESSO INTERNACIONAL INTERDISCIPLINAR EM SOCIAIS E HUMANIDADES, II, Belo Horizonte. *Anais...* Recuperado de: www.2coninter.com.br/artigos/ pdf/1155.pdf, *apud* SANT'ANNA, André Luís de Oliveira de; CASTRO, Alexandre de Carvalho; JACÓ-VILELA, Ana Maria. Ditadura militar e práticas disciplinares no controle de índios: perspectivas psicossociais no Relatório Figueiredo. *Psicologia & Sociedade*, v. 30, p. e188045, 2018, p. 3.

of the government. One of his functions was to promote the occupation of the Brazilian Amazon and to hush up the CPI that he himself had chaired.[141] Jader Figueiredo sought not only to "investigate the crimes and irregularities of the Indian Protection Service (SPI) - the state body responsible for implementing Brazil's indigenous policy between 1910 and 1967".[142] His intention was to demonstrate the chaotic situation of this body, which would justify its closure, as well as the need to create a new, more modern indigenist body which, at the same time, was aligned with the development project of the current government. [143]

The death toll caused a great deal of repercussions and political impact not only "within the government", but also outside it. The case of the Cinta Larga drew a lot of attention. According to Zelic, "more than 3,500 indigenous people were murdered by poisoning and smallpox inoculation".[144] The report and denunciation of more than 2,000 deaths and disappearances of the Waimiri-Atroari ethnic group barraged public opinion at the time with headlines of great impact. "The cases of the Cinta Larga and Waimiri-Atroari are denounced in the book *Política de Genocídio contra os Índios do Brasil*".[145]

The intense national media coverage, by *Jornal do Brasil*, and international media coverage was a disturbing reality for the image of the Brazilian military dictatorship. According to researcher Georgia Carvalho, the allegations of indigenous genocide had already been publicized by the international press in previous decades,[146] but gained more repercussions with the report: "The accusations against this body reached the international press and mobilized readers and opinion formers, while at the same time upsetting the military, who had just given the coup d'état and didn't want to see their government tainted by the actions of civilian governments."[62]

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[141] Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022, p. 55 e ss.

[142] SANT'ANNA, André Luís de Oliveira de; CASTRO, Alexandre de Carvalho; JACÓ-VILELA, Ana Maria. Ditadura militar e práticas disciplinares no controle de índios: perspectivas psicossociais no Relatório Figueiredo. *Psicologia & Sociedade*, v. 30, p. e188045, 2018, p. 3.

[143] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022, p. 45

[144] ZELIC, Marcelo. *Povos indígenas e ditadura militar*: subsídios à Comissão Nacional da Verdade 1946-1988. Relatório Parcial 01 de 30/11/2012. São Paulo, 2012, *apud* AEPPA. Associação de Ex-Presos Políticos Antifascistas. Política de genocídio contra os índios do Brasil, 1974. Disponível em: https://docs.google.com/file/d/0B1dozPl63z_7M2RoanE2Y0dFVTg/edit, *apud* OLIVEIRA, Aline Nóbrega de. *Civilização ou barbárie?*: a política estatal de extermínio indígena no Relatório Figueiredo (1967-1968). Trabalho conclusão de curso. Universidade Nacional de Brasília, 2018.

[145] *Ibidem*.

[146] CARVALHO, Georgia O. The politics of indigenous land rights Brazil. *Bulletin of Latin American Research*, v. 19, n. 4, p. 461-478, 2000, p. 467.

The Figueiredo report found widespread corruption, as well as crimes that violated the Penal Code and the Civil Code.[147] The genocide was even reported to the Russell III Tribunal.[148] The report reported the existence of other crimes, such as active corruption, falsification of documents (among others):

> The crimes committed can be grouped by species, as shown below: 1. CRIMES AGAINST THE PERSON AND PROPERTY OF THE INDIAN 1.1. Murders of Indians (individual and collective: tribes) 1.2. Prostitution of Indians 1.3. Witchcraft 1.4. Slave labor 1.5. Usurpation of Indian labor 1.6. Appropriation and embezzlement of resources from indigenous heritage 1.7. Dilapidation of indigenous heritage a) Sale of cattle b) Leasing of land c) Sale of timber d) Exploitation of minerals e) Sale of nuts and other products of extractive and harvesting activities f) Sale of indigenous handicrafts g) Criminal donation of land h) Sale of vehicles 2. REACHING INCALCULABLE SUMS 3. TAMPERING WITH OFFICIAL DOCUMENTS 4. FRAUD IN THE ACCOUNTING PROCESS 5. MISAPPROPRIATION OF BUDGET FUNDS 6. IRREGULAR USE OF PUBLIC FUNDS 7. INTENTIONAL OMISSIONS 8. FRAUDULENT HIRING OF OFFICIALS 9. ADMINISTRATIVE NEGLIGENCE.[149]

The SPI degenerated to the point of persecuting Indigenous Peoples to the point of extermination. The aforementioned data somehow shows that, in addition to physical violations, there were also administrative and malfeasance complaints. The crimes were covered up and hushed up by the government. According to Pádua Fernandes, although the report was ready the following year, months later Institutional Actº 5 was passed. The CPI was therefore extinguished by the use of force. The report disappeared after a suspicious fire at the Ministry of Agriculture (where the SPI used to work).[150] Jader Figueiredo died in 1975 in a bus accident in circumstances that, according to his family, are not well explained.[151]

The proposal to indict more than a hundred of the indigenist agency's employees never really came to fruition, although it did contribute to the extinction of the SPI and the creation of a new indigenist agency, FUNAI, in 1967 (to put out fires), as will be seen in the following

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[147] BRIGHENTIL, Clovis Antonio. Agitadores e subversivos: repressão, perseguição e violações dos direitos indígenas pela ditadura militar. *Revista do Centro de Ciências da Educação*, Florianópolis, v. 38, n. 1, p. 1-24, jan./mar. 2020, p. 4. Disponível em: ttps://periodicos.ufsc.br/index.php/perspectiva/article/view/2175-795X.2020.e61997/pdf. Acesso em: 23 abr. 2021.

[148] Cf. ZELIC, Marcelo. *Povos indígenas e Ditadura Militar*: subsídios à Comissão Nacional da Verdade 1946-1988. Relatório Parcial 01 de 30/11/2012. São Paulo, 2012. Disponível em: . Acesso em: 18 jul. 2018.

[149] Relatório Figueiredo. Ministério do Interior. Brasília, 1967, p. 4.912. Disponível em: https://midia.mpf.mp.br/6ccr/relatorio-figueiredo/relatorio-figueiredo.pdf. Acesso em: 5 nov. 2023.

[150] A título ilustrativo, redescoberto em 2013 no Museu do Índio, Cf. GOMES, Mércio Pereira. *O índio na história*: povo Tenetehara em busca da liberdade. Petrópolis, Vozes, 2002.

[151] VALENTE, Rubens. *Os fuzis e as flechas*: história de sangue e resistência indígena na ditadura. São Paulo: Companhia das Letras, 2017, p. 388-389 *apud* RAMOS, Alcida Rita. Vivos, afinal! Povos indígenas do Brasil enfrentam o genocídio. *Série Antropologia*, v. 461, 2018, p. 14.

topic. It can be said that in the second half of the 20th century, indigenous genocide was not only perpetuated, but also enhanced, according to experts.[152]

1.2.2 The indigenous genocide promoted during the military dictatorship

Many academics and researchers, such as Felipe Milanez, say that the practice of indigenous genocide already existed during the Vargas dictatorship, but was intensified by the Castelo Branco government (1964-1967). Serious human rights violations against indigenous peoples occurred from the south to the north of the country and in all regions,[153] as "in the case of the Waimiri-Atroari or the Avá-Canoeiro of Araguaia, as well as the successive massacres of the Cinta Larga of Mato Grosso.[154] " Accusations of evictions, forced removals and the burning of villages by the National Institute for Colonization and Agrarian Reform (INCRA), then bombarded by Napalm[155] by the Armed Forces on the Waimiri-Atroari and in the Ribeira Valley[156] , are some examples that substantiate the existence of a typical genocide provoked or caused by agents of the state during the military government.[157]

The cases of three specific indigenous ethnic groups drew a lot of attention when it came to the violent conduct of the state's indigenous policy during the dictatorship, even after the accusations made in the Figueiredo Report: the Tapayuna, the Waimiri-Atroari, the Krenak Reformatory, the Guarani Farm and the Yanomami. These are just a few examples of ethnocide and genocide against indigenous communities, but they highlight the violence directed at native peoples.

The Tapayuna lived in western Mato Grosso and were the subject of an expedition organized by FUNAI in 1969. The expedition led by the sertanista João Américo Peret began

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[152] GIANNAZI, Carlos. *A doutrina da segurança nacional e "milagre econômico" (1969/1973)*. Cortez Editora, 2016.

[153] Cf. FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021.

[154] CNV, 2014, v. II, p. 201.

[155] "A Bomba de Napalm foi uma criação dos Estados Unidos para potencializar o poder das bombas incendiárias. Ela é considerada uma arma química e seu poder destrutivo chamou atenção pela letalidade quando foi usada em Tóquio e na Guerra do Vietnã" (SCHMIDT, Maria Auxiliadora; CAINELLI, Marlene. Lugares de aprendizagem, narrativas, reconhecimento e formação da consciência histórica. *História Revista*, v. 28, n. 2, p. 60-76, 2023, p 61)

[156] SCHMIDT, Maria Auxiliadora; CAINELLI, Marlene. Lugares de aprendizagem, narrativas, reconhecimento e formação da consciência histórica. *História Revista*, v. 28, n. 2, p. 60-76, 2023, p 61) .

[157] Cf. CNV, 2014, v. II.

on the Arinos River. The aim was to make contact with the isolated tribe and the strategy used was to distribute gifts. The next step was to colonize and occupy the backlands.[158]

It is estimated that the Tapayuna population was around 1,220 people. The community, however, was decimated in various ways: poisoning, firearms, forced removals and influenza. And what's worse: all with the state's approval. The expeditions were organized without the slightest care, there were no vaccines or health professionals. The lack of care, however, was not enough to prevent the expeditions from taking place. It is even speculated that this type of action was deliberate so that, at a later date, "the land could be taken over by Brasul and the Conamali colonization company on behalf of the Mato Grosso government".[159]

The Tapayuna were not the only ones to be the targets of disorderly actions during the military dictatorship. There were many massacres in Brazil between 1964 and re-democratization (and even afterwards). It is speculated, it should be added, that the violations of rights were not simply occasional. Sometimes they were carefully calculated, as they were part of the state's policies of action towards indigenous peoples and national expansion.

In the case of the Waimiri-Atroari, we have, among other factors, the opening of the BR-174 (Manaus-Boa Vista highway), one of the elements of the project to "integrate" the Amazon: "Contact with the Waimiri-Atroari had already been attempted since the beginning of the century, but had not been successful due to the abundance of indigenous malocas on different rivers and the resistance of the Indians to the invasion of their territory."[160]

Thus, it was known that the opening of the BR-174 highway would not be an easy task and would have to have broad military support. This orientation, in which FUNAI acted in tandem with the Army, is clear in Official Letterº 42-E2-CONF, signed by Brigadier General Gentil Paes in 1974, which reads: "This Cmdo, in the event of visits from the Indians, will carry out small demonstrations of force, showing them the effects of a machine-gun blast, defensive grenades and destruction through the use of dynamite".[161]

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[158] Cf. VALENTE, Rubens. *Os fuzis e as flechas*: história de sangue e resistência indígena na ditadura. São Paulo: Companhia das Letras, 2017.

[159] KEHL, M. R. Violações de direitos humanos dos povos indígenas. Brasil: *Comissão Nacional da Verdade*. Relatório: eixos temáticos. Brasília: CNV, p 206-265, 2014, p 227.

[160] Cf. FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021.

[161] SCHWADE, Egydio. *Por que continuam ocultos os assassinos dos Waimiri-Atroari*: 2000 Waimiri-Atroari desaparecidos durante Ditadura Militar, 2011. Disponível em: https://cimi.org.br/2011/09/32544/. Acesso em: 1º dez. 2023.

This case highlights the violence suffered by these peoples, according to documents recorded in the Final Report of the National Truth Commission, as well as transcripts of fragments of the Figueiredo Report itself. In addition to these crimes, which have already been recorded, indigenous peoples were subjected to other forms of violence, such as imprisonment, forced removals and the leasing of their territories to landowners and farmers.

Prisons were organized for indigenous people, among the most famous being the Krenak Reformatory and the Guarani Farm in Minas Gerais, the forced removal of Indians to villages occupied by traditional enemies among the ethnic groups, and they came to understand Indians as virtual internal enemies, in the name of national security. This led to the organization of an indigenous rural guard (GRIN) in 1969, as shown in the fragment below:

> GRIN (...) recruits Indians mainly along the Araguaia and Tocantins rivers, as well as in Minas Gerais, to act as a police force in indigenous areas. At first celebrated, GRIN was accused in an inquiry by the head of the Ministry of the Interior's Security and Information Division of arbitrariness, beatings and abuses of all kinds.[162]

The use of violence and police force were persistent practices in various indigenous territories throughout the 20th century and it was no different with the Yanomami. According to Alcida Rita Ramos, the Brazilian state has not been "kind to the Yanomami". The Yanomami people "were hit by the development projects of the military regime", with the construction of the Perimetral Norte highway. A reality that was perpetuated in the 1980s, starting with the Calha Norte Project. The death of thousands of indigenous lives in that region was an uninterrupted reality.[163]

The Yanomami example is timely, as it shows the continuity of the military program of occupation, development of the Amazon and the consequent indigenous ethnocide, during the military dictatorship, and also in the 1980s, in a context of democratic transition.

The Yanomami had already attracted the attention of sociological and anthropological intellectuals since the beginning of the last century,[164] when the first sporadic contacts with the

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[162] KEHL, M. R. Violações de direitos humanos dos povos indígenas. Brasil: *Comissão Nacional da Verdade*. Relatório: eixos temáticos. Brasília: CNV, p 206-265, 2014, p 212..

[163] DAVIS, Shelton. *Vítimas do Milagre*: o desenvolvimento e os índios do Brasil. Rio de Janeiro: Zahar, 1978, *apud* RAMOS, Alcida Rita. Vivos, afinal! Povos indígenas do Brasil enfrentam o genocídio. *Série Antropologia*, v. 461, 2018, p. 23.

[164] Até o fim do século XIX, os Yanomami eram então considerados totalmente isolados, com a exceção de contatos com outros grupos indígenas vizinhos. O referido isolamento teria se rompido entre as décadas de 1910 e 1940, com a instauração da atividade extrativista na região. Primeiro entre balateiros, piaçabeiros e caçadores. Mais tarde com soldados da Comissão de Limites, funcionários do Serviço de Proteção ao índio (SPI) e viajantes e pesquisadores estrangeiros. A partir da década de 1960, a missões religiosas da Igreja e alguns postos do SPI constituíram-se como verdadeiros polos de sedentarização e aculturação (ALBERT, Bruce; GOMEZ, Gale

white man appeared. The inaccessibility of this territory, guaranteeing the maintenance and cultural preservation of these "untouched" communities, began to break down decisively in the second half of the 1970s. Specifically, with the construction and opening of a stretch of the Perimetral Norte highway, forcing them to move.[165]

The background, however, was already the natural resources survey projects that detected the existence of important mineral deposits in the areas of Couto de Magalhäes, Uraricäa, Surucucus and Santa Rosa, boosting local settlement (a government plan to defend national sovereignty and combat "the foreign threat"),[166] definitively institutionalizing conflicts on a large scale, as can be seen below:

> *That following the discovery in 1976 of staghorn minerals and other metals in the region where the Yanomami Indians live, serious conflicts arose which gave rise to acts of violence between the explorers and exploiters of these minerals, on the one hand, and the indigenous people, on the other. These conflicts, which occurred especially in the areas of Serra dos Surucucus, Couto de Magalhäes and Furo de Santa Rosa, affected the lives, safety, health and cultural integrity of the Yanomami.*[167]

BR 2310 is the undisputed origin of the clashes between miners and indigenous people, as it allowed the first rural colonization programs to be set up, and therefore the first sawmills and the first mines, which aggravated the forced migration of the Yanomami and consolidated the clashes and conflicts between indigenous people.[168] From 1976 onwards, the first major epidemics and violent deaths spread, as well as the social and cultural disruption inherent in the

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Goodwin. *Saúde Yanomami. Um manual etnolingístico*. Coleção Eduardo Galvão. Museu Paraense Emilio Goeldi. Belém- Pará, 1997 p. 31 e ss.).

[165] "*En 1973 comenzó la construcción de la autopista BR-210 (Rodovia Perimetral Norte) la cual, al atravesar el territorio de los indios Yanomami, obligó a éstos a abandonar su habitat y buscar refugio en otras localidades*" (tradução livre de trecho da Resolução 12 de 1985, caso 7.615, Capítulo III, Resoluciones Relativas a casos individuales. Disponível em: www.cidh.org/annualrep/84.85sp/Brasil7615.htm. Acesso em: 10 jan. 2023.

[166] Quanto aos demais institutos, indaga-se, como era de se esperar, que os já citados órgãos, institutos e fundações desempenharam uma política indigenista alinhada ao regime militar, enfatizando o interesse geopolítico da região Norte e a soberania nacional como a defesa das fronteiras. A FBC, por exemplo, sob a ideologia "da marcha sob o oeste", estabeleceu o primeiro contato com inúmeras tribos isoladas ou sem nenhum contato com a civilização branca, principalmente na região Araguaia e Xingu, aculturando-os e promovendo a assistência concomitantemente, assim como a SPI (ROCHA, Leandro Mendes. A política indigenista como objeto de estudo: 1930-1967. *In*: SIMPÓSIO NACIONAL DE HISTÓRIA – HISTÓRIA E IDENTIDADES, XVIII, ANPUH, jul. 1995, p. 114).

[167] "*Durante la década del setenta fueron descubiertos ricos depósitos minerales en las zonas de Couto de Magalhäes, Uraricäa, Surucucus y Santa Rosa—territorios de los Yanomami—los que atrajeron a compañías mineras y a exploradores independientes (garimpeiros) agravando así el desplazamiento de miles de indios*" (tradução livre de trecho da Resolução 12 de 1985, caso 7.615, Capítulo III, Resoluciones Relativas a casos individuales. Disponível em: www.cidh.org/annualrep/84.85sp/Brasil7615.htm. Acesso em: 10 jan. 2022.

[168] Disponível em: https://pib.socioambiental.org/pt/Povo:Yanomami. Acesso em: 23 mar. 2022.

invasion of their territories. "It is estimated that 80% of the population directly impacted by the construction of the highway died."[169]

Since then, mining has become a continuous process of conflict generation.[170] In this sense, it can be seen that although the IACHR's recommendations were in fact complied with, such as the demarcation of the Indigenous Territory[171] and the adoption of health measures and educational programs, these suggestions were weakened by the constant practice of clandestine mining.[172]

During the 1980s, the ethnocide of the Yanomami people was not interrupted, due to the Calha Norte Project, which will be further developed in a separate chapter. The project envisaged the construction of four battalions and seven airfields in this indigenous territory. The justification, once again, for creating this military apparatus "was initially to better control the border area and maintain order in the process of colonizing the area". The issue, however, is that the "hoax of this rhetoric came to light when the Armed Forces failed to prevent and control the disorderly and illegal activities of tens of thousands of prospectors who, from August 1987, invaded their lands",[173] causing conflicts and deaths.

A precise example occurred in the village of Paapiú (in 1986). "A small airstrip of about 300 meters, which served the Evangelical Mission of the Amazon, was selected by the military for border surveillance." The Air Force, claiming that the area was in the national interest, extended the military perimeter to about a thousand meters; "a hundred meters on either side of the runway". This configuration forced the Yanomami "to demolish their large communal house, which they had built a long time before within this 100-metre strip", now militarized. The absence of any long-term plan or executive planning following the construction of the military base there meant that, once the base was finished, they "left, leaving behind the rubble of the Yanomami communal house and a poorly equipped FUNAI post". After a few months, "the airstrip was invaded by hundreds of gold diggers" and the so-called national security area

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[169] *Ibidem*.

[170] Um dos motivos decorre dos altos preços internacionais atribuídos aos metais preciosos (preço do ouro), tornando a atividade ainda mais difícil de se combatida. *Ibidem*.

[171] "*En 1992, la tierra yanomami fue finalmente demarcada como 'Parque Yanomami'. En 1995, la CIDH realizó una visita al Brasil en la que constató la existencia de puestos de salud y de vigilancia de organismos federales en el área indígena. Sin embargo, la integridad personal y cultural de la comunidad, así como su hábitat continúan siendo agredidos por mineros invasores. La protección estatal es débil e irregular*" (Disponível em:www.escr-net.org/es/caselaw/2006/comunidad-yanomami-caso-no-7615-resolucion-no-1285. Acesso em: 30 maio 2022.

[172] *Ibidem*.

[173] RAMOS, Alcida Rita Ramos. *Seduced and abandoned*. The taming of Brazilian Indians. Questioning otherness. An interdisciplinary exchange. Papers from the 1995 Distinguished International Lecture Series (Virginia R. Dominguez & Catherine M. Lewis, comps.). University of Iowa, 1995.

was soon taken over by shacks covered in that blue plastic typical of gold digging camps. In short, the Armed Forces' airstrips served as a bridgehead for the easy and unimpeded advance of predators of the Yanomami's resources and lives.[174]

The example mentioned above is part of a "gold rush" at the end of the 1980s in Roraima, where the presence of prospectors is said to have reached close to 40,000, or around five times the indigenous population living there, causing the death of around 30% of the Yanomami population, as well as the institution of a massacre.[175]

Illegal mining and land conflicts resulting from military projects have led to situations correlated with indigenous ethnocide. The CNV noted this situation, as well as the profound omission of the Brazilian state, including its negligence in relation to indigenous peoples' health issues.[176] From a theoretical point of view, one of the functions of the PCN was to combat serious epidemic outbreaks that could lead to the extermination of the indigenous community, or any illness that jeopardized the integrity of the forest dweller or tribal group.[177]

It is possible to list many other cases of indigenous ethnocide, especially in the north of the country, such as the case of the massacre of the parallel, in the Roosevelt Indigenous Land, in 1960, and the death of 3.500 Cinta Larga by arsenic poisoning,[178] and the death of another 29 miners in 2004 in this same location,[179] the massacre in the Javari Indigenous Territory in Amazonas and the death of possibly 18 people,[180] as well as other genocides that have not been reported and others that are in the process of being consummated, as in the case of the Rapousa Serra do Sol Indigenous Territory in Roraima, if the authorities do nothing.[181]

What is important to note, however, is that despite the ethnocide, persecution and extermination of Indigenous Peoples, Indigenous Peoples did not submerge "in the acceleration

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[174] *Ibidem*.
[175] Cf. URIHIPÊ, Kami Yamaki. Nossa terra-floresta. Série Antropologia, n. 153, 1993. Disponível em: https://pib.socioambiental.org/pt/Povo:Yanomami. Acesso em: 3 dez. 2023.
[176] BRASIL. Comissão Nacional da Verdade. *Relatório*: textos temáticos. Brasília, 2014.
[177] DINIZ, Eugenio. Um diálogo de surdos: o projeto Calha Norte. *Lua Nova*: Revista de Cultura e Política, p. 87-116, 1994, p. 92.
[178] DAL POZ NETO, João. Laudo histórico-antropológico: "uma ação de reintegração de posse, cumulada com perdas e danos – (Processo nº 17.452/86-V – 2ª Vara da Justiça Federal, Secção do Estado do Mato Grosso. *In*: Maldi, Denise (Org.). Direitos indígenas e antropologia: laudos periciais em Mato Grosso. Cuiabá: UFMT, 1994. p. 11-95, *apud* CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas***,** Brasília, v. 4, n. 2, p. 221-252, 2007, p. 246.
[179] RICARDO, F.; ROLLA, A. (Org.). *Mineração em terras indígenas na Amazônia brasileira*. São Paulo: Instituto Socioambiental, 2013, p. 2 e ss.
[180] MASSACRE de índios isolados expõe o estrangulamento da Funai. Disponível em: www.socioambiental.org/pt-br/noticias-socioambientais/massacre-de-indios-isolados-expoe-o-estrangulamento-da-funai. Acesso em: 25 out. 2022.
[181] RAMOS, Virismar. *Dezenas de garimpos se espalham na Raposa Serra do Sol*. Disponível em: www.fatoreal.blog.br/geral/a-raposa-e-a-mineracao/. Acesso em: 18 abr. 2023.

of the distancing from their ethnic orientation, which began in the 1970s"[182] . There were "hundreds of political emergency movements of an ethnic nature"[183] that reacted to the policy of extermination. "A kind of reaction to the ethnocide undertaken by indigenous communities in various parts of Brazil, supported by different sectors of civil society."[184] According to Fernando Roque Fernandes, "the political and social character of these emergencies is precisely the element that characterizes the processes of ethnogenesis".[185] As a reaction to ethnocide, there is an awakening of a collective consciousness.[186]

The Indigenous Movement was born "as a reaction to the development policy promoted by the military dictatorship in the 1970s. These issues will be explained more fully in a separate chapter".[187] What is important to describe, even in this chapter, is the intrinsic relationship between indigenous ethnocide, the military dictatorship and the emergence of the term economic miracle (1968-1973). A context of great economic growth, but one that accelerated indigenous genocide at the end of the 1960s and in the first half of the 1970s.

According to historian Carlos Fico, the growth of the Brazilian economy brought a kind of optimism, especially during the first military governments.[188] This enthusiasm was associated with the rhetoric of the economic miracle and the "expectations of a developmental and modernizing policy"[189] directed by the Brazilian state.[190]

Shelton H. Davis points out that "the fantastic economic performance led several foreign observers to point to Brazil as a classic case of a 'free enterprise' model of capitalist development".[191] This reality began to attract the attention of international observers from 1968 onwards. The author also points out that "at the height of the enthusiasm for the Brazilian 'economic miracle', for example, the *Business International Corporation* (BIC) published a

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[182] FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 77
[183] *Ibidem.*
[184] *Ibidem.*
[185] *Ibidem.*
[186] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.
[187] *Ibidem.*
[188] Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022.
[189] FICO, Carlos. Ditadura militar brasileira: aproximações teóricas e historiográficas. *Revista Tempo e Argumento*, v. 9, n. 20, p. 5-74, 2017.
[190] *Ibidem.*
[191] DAVIS, Shelton H. *et al. Vítimas do Milagre*: o desenvolvimento e os índios do Brasil. Zahar, 1978. p. 38 e ss.

report entitled Brazil: New Commercial Power in Latin America. BIC noted that Brazil was at an 'intense stage of development'".[192]

A development associated with the "conquest of the Amazon, the idea of Brazil, a country of the future, the need for order and progress (...)" allied to the beliefs of the deserved arrival of a promised grand future. And, according to Breno Evangelista, these "development enthusiasts were present throughout Brazilian society".[193]

It was a kind of generalized euphoria and, at the same time, contradictory. On the one hand, "the country, despite the political excesses and the torture and persecution carried out by the dictatorial state, experienced, at the beginning of the 1970s", hectic years of "unbridled developmental euphoria".[194] However, as Professor Poliene Bicalho rightly points out, "between economic advances and political setbacks, the indigenous peoples felt the thorns of the flowers on their skin and in their souls, because once again, capitalist greed would aggressively and violently affect their lives". The author points out that "the economic miracle" affected "communities, territories, cultures and social organization - after all, the victims of the miracle - were numerous, unfortunately, and many of them fatal".[195]

In the speeches recorded in the minutes of April 22, 1987 and during the ANC, constituent Benedita da Silva was effusive in highlighting the country's historical debt to indigenous peoples. And perhaps this debt, closely related to the indigenous genocide, gained some notoriety during the constituent discussions. Benedita's speech was coherent, despite the fact that all minorities were placed in a single subcommittee and that the speech was essentially generic, limited constitutional conquests and guarantees were finally typified.

1.3 Criticism of the Subcommittee's lack of organization and historical debt to indigenous peoples

Although the constituents' speeches were well-intentioned, they seemed to have little effect, as constituent Benedita da Silva pointed out:

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[192] *Ibidem*.

[193] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 24.

[194] BICALHO, Poliene dos Santos. *"Nem tudo eram flores"*: os indígenas, a Ditadura e o decreto de emancipação de 1978. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2022, p. 239.

[195] DAVIS, Shelton H. O desenvolvimento e os índios no Brasil, *apud* BICALHO, Poliene dos Santos. "Nem tudo eram flores": os indígenas, a Ditadura e o decreto de emancipação de 1978. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2022, p. 238.

> Mr. President, it seems that I misunderstood what we discussed at our first meeting, which was very informal, but which we formalized based on the understanding **that we would have to move this Subcommittee forward.** So, as I understand it, I scheduled hearings, which are public hearings in the street, to bring proposals to the Subcommittee. I mean, the fact that I have to be here on the 1stº , which I think is quite possible, not least because I have a series of commitments on those days, rallies, marches, etc., is going to be almost impossible, I've set aside Saturday and Sunday precisely to discuss this with the community who will be handing me a series of proposals, because they've already held meetings, a popular constituent assembly, a whole series of things. So I think we should have time to carry out what has already been planned and I will be very embarrassed if I can't be present here in this Subcommittee as well. I also won't be able to reschedule people as they schedule meetings, so it will be impossible for me to be here on the 2nd and 3rd; because my understanding is that we also have to hold public hearings, outside of this plenary. This was my understanding, perhaps not that of the other members. Then it gets a bit complicated.[196]

The constituent deputy complained about the informality of the meetings and, fundamentally, about the lack of organization and pragmatism to deal with the pertinent discussions of this thematic subcommittee, such as the issue of the demarcation of indigenous lands. The discussions between the parliamentarians who were most sensitive to the indigenous cause did not prevent the Armed Forces from working together in the Subcommittee for the Defense of the State, Society and Security to ensure that the "interests of the barracks" were constitutionally protected.[197] Even in a context of democratic transition (1985), the military continued to seek political and economic support for the Calha Norte Project. A subject to be further developed in a separate topic.[198]

Next, the Workers' Party parliamentarian emphasizes the limitation related to the end of assimilationism, from a formal point of view:

> We know that it's not enough to write this right of the Indian into the Constitution (...) We understand that there needs to be another process, along with the processes of the laws, which will make the debate permanent in society with regard to the situation of both the Indian and the black (...) How is this history passed on, how is the cultural process of the black community, of the Indian, passed on at the level of our histories in schools? Along with the constitutional process, we must also promote a debate that can make us, individually and collectively, reflect on the issue of prejudice.[199]

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[196] Discurso da parlamentar Benedita da Silva. BRASIL. *Diário da Assembleia Nacional Constituinte* (Suplemento), Comissão da Ordem Social. maio 1987, p. 128.

[197] Cf. SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022.

[198] Cf. FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015.

[199] Discurso da parlamentar Benedita da Silva. BRASIL. *Diário da Assembleia Nacional Constituinte*

The formal limitations related to the end of assimilationism seem appropriate, but it is from these that new agendas and more practical transformations are formed, such as the indigenous educational transformation that came about after the 1988 Constitution,[200] even though the limitations do indeed exist.

Assimilating indigenous peoples and not demarcating their territories, in the sense of not guaranteeing them ownership of their lands, was the way to achieve economic growth, the so-called state developmentalism promoted by dictatorial governments since the Vargas era (1930-1945) and also by the military (1964-1985).[201] Congresswoman Benedita da Silva's criticism of the lack of an organized agenda seemed to be a convincing discourse. A situation, therefore, favorable to majority interests. In other words, the corporate, economic and geopolitical interests tangential to the indigenous issue, which will be verified in the following chapters.

Among them was the "*Armed Forces pressure group*", at the time instrumentalized by the Army's organized and powerful Parliamentary Advisory and by numerous parliamentarians aligned with the regime. This pressure group proposed legal solutions for all indigenous communities located in border regions, a threat to national sovereignty. The background was the promotion or continuation of the integrationist policy implemented by various (forced) integration plans, such as the PIN, as well as development projects like the secretive Calha Norte. Modernizing projects, according to their creators. A preponderant or fundamental circumstance for the constitution or strengthening of the other pressure groups.[202]

Specifically, the "*pressure group of* mining companies" and their interest in legalizing the exploitation of minerals in areas previously occupied by indigenous communities. Finally, the colonization plans promoted by the military generated a third major pressure group, that of rural producers interested not only in blocking new demarcations of Indigenous Territories, but

(Suplemento), Comissão da Ordem Social. maio 1987, p. 128.

[200] Cf. MORAES, Felipe Reis Pompeu. *Lived democracy in education*: a challenge for Brazil's Indigenous populations. *In*: HAUGE, Kjellrun Hiis (Org.). *Childhood learning on democratic practices*. Nova York: Springer, 2024. Disponível em: https://sites.google.com/d/1Wy6w25_Gh5c9dQcScxjUEciV76CJtUj5/p/1hebMuDqicVsFjyN5OQih3_4c1cDzNqiP/edit.

[201] Cf. LIMA, Antonio Carlos de Souza. *Um grande cerco de paz*: poder tutelar, indianidade e formação de Estado no Brasil. Petrópolis: Vozes, 1985.

[202] Cf. COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998.

also in guaranteeing the legality of certain occupations partly encouraged by the military governments.[203]

The formation of these interest groups in the National Congress between 1987-1988 was based on state developmentalism linked to expansionist and economic interests. This policy has been visible and detected throughout the 20th century, since the creation of the SPI and FUNAI, and is accentuated by the Emancipation Decree of 1978, as will be seen in the next chapter.[204]

The reaction to this policy (militarized, centralizing, integrationist or even genocidal) **is associated with the emergence of the Indigenous Movement in 1974**. This is a subject that will be explored in due course, as will some of the concepts associated with indigenous cultural and ethnic genocide. Just as an illustration, it is worth reflecting on the fact that Indigenous Peoples in Brazil have been gradually exterminated "the denial of the right to exist of entire human groups, just as homicide is the denial of the right to life of individual human beings[205] ".

The cutting out of fragments of constituent speeches, highlighting issues such as the relationship between cultural identity and indigenous territoriality, as well as other issues such as the very question of the vulnerability of indigenous peoples, were fundamental, as they ensured notoriety for the Brazilian indigenous issue and its fragilities. The oralized fragments, although insufficient for a major structural change in relation to the issue, at least ensured that indigenous memory gained notoriety and drew the attention of part of civil society to the need for change.

Federal agencies were created to deal with the indigenous question, under different pretexts, but in practice they perpetuated old assimilationist practices and in a very militarized way, violated the native peoples in the most varied forms. The creation of the SPI in 1910 already reproduced this reality.

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[203] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015.

[204] BICALHO, Poliene dos Santos. *"Nem tudo eram flores"*: os indígenas, a Ditadura e o decreto de emancipação de 1978. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2022, p. 239.

[205] ONU. Whitaker Report. United Nations Economic and Social Council Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities. Thirty-eighth session, 1985. Disponível em: http://www.preventgenocide.org/prevent/UNdocs/whitaker/section5.htm#p17 Acesso em 11 de julho de 2024

Chapter 2. From SPI to FUNAI

2.1 The creation of the SPI - as a militarized pacification body, but with great popular adherence with the summoning of Marshal Rondon to join the team

The first time frame of this chapter will be 1910, the year the SPI was created. The SPI's "pacifying activities" "functioned as a real war of conquest, which, when successful, resulted in the invasion of indigenous territories through alliances and mergers",[206] as Henyo Barreto Filho states: "the conquering military organizations integrated the troops" and maximized their strength.[207]

The reflections of anthropologist Antonio Carlos de Souza Lima, in his analysis of the institutionalization of the republican project for pacifying indigenous peoples, starting with the creation of the SPI (1910), highlight its militarized nature. A reality that was perpetuated or deepened after the creation of FUNAI (1967).

There was, however, a strong popular appeal for the creation of the body. The idea was to alleviate the violence suffered by indigenous peoples. The SPI aimed to be the first Brazilian indigenous organization. "The plan found a powerful ally and enormous popular appeal in the period,"[208] Marshal Rondon:

> While the Minister of Agriculture Rodolfo Miranda and the positivist Teixeira Mendes took care of the bureaucratic paperwork, the military officer Cândido Rondon returned to Rio de Janeiro after coordinating the work of the so-called Telegraph Line Construction Commission, or Rondon Commission, as it would become known. Seen by a large part of Brazilian urban society as the embodiment of the modern bandeirante, Rondon was welcomed as a "national hero" on his arrival in the then federal capital in February 1910.[209]

The marshal was at the forefront of the creation of the agency and enjoyed great popular prestige. Rondon's role "in the commissions led to the establishment of various contacts with

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[206] RAMOS, Alcida. Rita. Nações dentro da nação: Um desencontro de ideologias. In: ZAHUR, George de Cerqueira Leite (Org.). *Etnia e nação na América Latina*. Washington: OEA, 1996, v. 1, p. 79.

[207] Tal visão esteve presente e embasou, por exemplo, a elaboração do Relatório Final da Comissão Nacional da Verdade (CNV), publicado em 2014, no que concerne às violências cometidas em decorrência da política indigenista do Estado brasileiro no século XX.

[208] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 29.

[209] GAGLIARDI, José Mauro. O indígena e a república. São Paulo: HUCITEC; Editora da Universidade de São Paulo; Secretaria de Estado da Cultura, 1989. Estudos Brasileiros, v. 25, *apud* EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: *a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974).* Curitiba: Editora Appris, 2022, p. 30

indigenous groups throughout the Brazilian Midwest".[210] With the creation of the agency, as anthropologist Antonio Carlos de Souza Lima points out, *a new tutelary power* arose, a new form or relationship of control over indigenous peoples. Indigenous territories are now strictly controlled by the state".[211]

The then director-general of the SPI, Marshal Candido Rondon, ended up occupying this space of notoriety because of his "dedication to the indigenous cause in a period deeply marked by the Brazilian state's neglect of these populations".[212] According to Breno Evangelista, "the military officer was one of the main people responsible for marking in the popular imagination indigenous work as an alliance between the pioneering impetus, inherited from the bandeirantes, and paternalism in caring for traditional communities".[213]

In fact, Rondon's official speech, at least on the surface, seemed to be well-intentioned. During his series of lectures and conferences in São Paulo and Rio de Janeiro in 1910, he described the massacre led by rubber tapper Domingos Antonio Pinto against the Irantxe people as cruel and inhumane. In his lectures: "the indigenous peoples are being hunted like animals".[214] He stressed the violence and cruelty then justified by the "imperative of evolution, almost like the ancient just wars that authorized the extermination and enslavement of the indigenous".[215] The rhetoric intended and used was to change the view of Brazil's indigenous peoples.

2.2 "SPI to put out fires"

It is "unusual" to think that the creation of the SPI in 1910 was also the solution found by then president Nilo Peçanha to "put out the fire" of accusations of indigenous genocide promoted by the Brazilian state.[216] A story that ended up repeating itself with the creation of FUNAI, following the denunciations highlighted in the Figueiredo Report of 1968 (and silenced by the military regime with the closure of Congress).

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[210] *Ibidem*.
[211] *Ibidem*.
[212] *Ibidem*.
[213] GAGLIARDI, 1989, p. 207 *apud* EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: *a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974)*. Curitiba: Editora Appris, 2022, p. 30.
[214] MILANEZ, Felipe. *Memórias sertanistas: cem anos de indigenismo no Brasil*. Edições Sesc, 2015, p. 33.
[215] *Ibidem*, p. 34.
[216] Cf. LIMA, Antonio Carlos de Souza. O Museu Nacional no contexto da criação do Serviço de Proteção aos Índios 1908-1911. *In*: DUARTE, Luiz Fernando Dias (org). *Museu Nacional 200 anos*. Rio de Janeiro: Editora UFRJ, 2022.

Alzira Abreu argues that the creation of the SPI was linked to international pressure and allegations of abuse and violence against indigenous peoples:

> The Indian Protection Service functioned until 1967, during the military dictatorship, when it was replaced by the National Indian Foundation - FUNAI. The SPI's history is not only controversial, but also reflects an indigenist policy that is questionable from every possible angle. The institute arose as a result of both internal problems and crises in relation to indigenous peoples, and international pressure against Brazil, accused of massacring Indians as early as 1908, at the XVI Congress of Americanists in Vienna (Austria)[217]

According to Alzira Abreu, the SPI was abolished as a result of a CPI, which was later hushed up by the Brazilian military. The international denunciations documented extensively by the Jarbas Figueiredo Report somehow show that the massacre and assimilation of indigenous people had been a trademark since the First Republic. The justification and the indigenous policy of the time was to open up new frontiers of expansion into the interior. The aim was to integrate the indigenous people at any cost, linked to the idea of "national communion" as something necessary for development or civilizing progress.

David Hall Stauffer's *Origin and Founding of the Indian Protection Service* explains in depth how the indigenous question was discussed at the time. The now absurd statements made by Hermann von Ihering, then director of the Museu Paulista, elucidate the dominant thinking: colonization and indigenous integration.

> *The present Indians of S. Paulo do not represent an element of labor and progress. As in the other parts of Brazil no serious and continuous labour can be expected of the civilized Indians and as the savage Caingangs are obstructing the colonisation of the forest regions inhabited by them, no other final result seems possible than that of their extermination.*[218]

The then director of the Museu Paulista, Von Ihering, defended the colonization, assimilation and extermination of the indigenous people if they were impeding what he called the "advance of civilization". The speech caused a great deal of revolt in various sectors of civil society. This mobilization ended up with Brazil being publicly accused of massacring

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[217] ABREU, Alzira Alves. Serviço de Proteção ao Índio. In: ABREU, Alzira Alves de *et al.* (Org.). *Dicionário histórico-biográfico pós-30*. 2. ed. rev. e atual. Rio de Janeiro: Editora FGV, 2001, *apud* CABRAL, Rafael Lamera Giesta; MORAIS, Vitória Larissa Dantas. Os povos indígenas brasileiros na ditadura militar: tensões sobre desenvolvimento e violação de direitos humanos. *Direito e Desenvolvimento*, Revista do Programa de Pós-Graduação em Direito, v. 11, n. 1, p. 106-122, 2020, p. 11. Disponível em: https://periodicos.unipe.edu.br/index.php/direitoedesenvolvimento/article/view/1218/706. Acesso em: 18 abr. 2021.

[218] RIBEIRO, Eduardo, *apud* VON IHERING, opúsculo publicado na revista *San Louis* (EUA) de 1904. Disponível em: www.etnolinguistica.org/doc. Acesso em: 23 jan. 2021.

indigenous peoples, during the XVI Congress of Americanists held in Vienna in 1908,[219] which accelerated the process of creating the SPI in June 1910.

Rondon and Luiz Horta Barboza took a stand against Von Lhering's statements. And some scientists from the National Museum itself, such as Edgar Roquette Pinto, signed a petition condemning the statement. The repercussions of these statements reached the president of the republic, Nilo Peçanha, who was then forced to take a stand, which increased the pressure to resolve the issue.[220]

According to Darcy Ribeiro, the indigenist policy of the 20th century used the Mexican model of Indianism[221] and, on different fronts, aimed to transfigure the indigenous ethnic group[222] on two major fronts. The first was linked to the interests of the frontiers of expansion and the second to economic interests.[223] As early as 1908, Marshal Rondon was already reverberating the importance of creating a federal agency with the aim of

> a) to establish peaceful coexistence with the Indians; b) to guarantee the physical survival of the indigenous peoples; c) to encourage the Indians to gradually adopt "civilized" habits; d) to have a "friendly" influence on indigenous life; e) to fix the Indian to the land; f) contribute to the settlement of the interior of Brazil; g) enable access to and the production of economic goods on the Indians' lands; h) employ the indigenous workforce to increase agricultural productivity; i) strengthen civic initiatives and the indigenous feeling of belonging to the Brazilian nation.[224]

A portent of a body that would use the technique of attracting and pacifying indigenous peoples, developed by Marshal Rondon himself, was emerging, something that was still being developed in the 19th century by the Telegraph Line Commissions.[225]

The agency ended up being created in 1910, through Decree No.º 8.072, to act as a "pacifying" body, supposedly with the aim of defending indigenous areas, but in practice it was

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[219] RIBEIRO, Darcy. *Os índios e a civilização*: a integração das populações indígenas no Brasil moderno. Petrópolis: Editora Vozes, 1982, *apud* CARNEIRO DA CUNHA, Manuela (Org.). *História dos índios no Brasil*. São Paulo: Companhia das Letras, 1992.

[220] MILANEZ, Felipe. *Memórias sertanistas*: *cem anos de indigenismo no Brasil*. Edições Sesc, 2015, p. 37.

[221] É de chamar atenção o fato de que o próprio Darcy Ribeiro defendia a existência do SPI como forma de se evitar a extinção indígena (ROCHA, Leandro Mendes. A política indigenista como objeto de estudo: 1930-1967. *In*: SIMPÓSIO NACIONAL DE HISTÓRIA – HISTÓRIA E IDENTIDADES, XVIII, ANPUH, jul. 1995, p. 107; e RIBEIRO, Darcy. *A política indianista brasileira*. Rio de Janeiro: Ministério da Agricultura, 1962).

[222] RIBEIRO, Darcy. *Os índios e a civilização*: a integração das populações indígenas no Brasil moderno. 2. ed. Petrópolis: Editora Vozes, 1982.

[223] ROCHA, Leandro Mendes. A política indigenista como objeto de estudo: 1930-1967. *In*: SIMPÓSIO NACIONAL DE HISTÓRIA – HISTÓRIA E IDENTIDADES, XVIII, ANPUH, jul. 1995, p. 107.

[224] LIMA, Antonio Carlos de Souza. Sobre indigenismo, autoritarismo e nacionalidade: considerações sobre a constituição do discurso e da prática da "proteção fraternal" no Brasil. *In*: OLIVEIRA, João Pacheco de (Org.). Sociedades indígenas e indigenismo no Brasil. Rio de Janeiro: Marco Zero, Ed. UFRJ, 1987, p. 149-204. Disponível em: www.funai.gov.br/index.php/servico-de-protecao-aos-indios-spi?start=2#.

[225] *Ibidem*.

fundamentally aimed at acculturating the "wild" communities.[226] There was a lack of financial structure in this body, making it difficult to provide the minimum conditions necessary for the preservation of indigenous peoples as an ethnic group in all their diversity.[227] Secondly, although there was concern about the ethnic extermination of indigenous peoples, there was little legislation to conduct an indigenous policy that was minimally dignified for the original peoples. During the First Republic, there were two currents: a) the positivists, who defended the exclusive competence of the state to promote integration, and b) the religious, who defended missionary work as the most appropriate way to "civilize indigenous peoples".[228]

The republican - positivist - guidelines sought to remove the Catholic Church's power to establish itself as a (quasi) indigenist agency.[229] This reality was present throughout the 20th century.[230] During the military dictatorship, this divergence was once again found, which had an impact during the constituent work. Part of the Catholic Church became a force of opposition to the regime, which included discussions on the indigenous question.

2.2.1 Heroic project, academic prestige and institutionalized violence

There was a certain common imaginary that the creation of the SPI, still in the First Republic, was part of "a heroic project", a kind of extremely positive self-image built up by those who created the agency. However, this institutionalized memory is not exactly unanimous, as stated by Antonio Carlos de Souza Lima, a critic of this ideal created around the SPI.[231]

The author brings a new interpretation of what was widely publicized or praised by anthropologist Darcy Ribeiro, then Minister of the Civil House in João Goulart's government. The fact that the SPI was created by a series of social agents, including many military-positivists, was "concealed".[232]

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[226] Termo utilizado durante os governos militares para designar as comunidades indígenas de forma pejorativa.
[227] ABREU, Alzira Alves de. Serviço de Proteção ao Índio. In: ABREU, Alzira Alves de *et al.* (Org.). *Dicionário histórico-biográfico pós-30*. 2. ed. rev. e atual. Rio de Janeiro: Editora FGV, 2001.
[228] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 42.
[229] ABREU, Alzira Alves de. Serviço de Proteção ao Índio. In: ABREU, Alzira Alves de *et al.* (Org.). *Dicionário histórico-biográfico pós-30*. 2. ed. rev. e atual. Rio de Janeiro: Editora FGV, 2001.
[230] LIMA, Antonio Carlos de Souza. Poder tutelar y formación del Estado en Brasil: notas a partir de la creación del Servicio de Protección a los Indios y localización de trabajadores nacionales. *Desacatos*, 2010, n. 33, p. 53-66, 2010, p. 53.
[231] *Ibidem*, p. 55.
[232] *Ibidem*.

The official image of the SPI was linked to an honorable attempt by the Brazilian state to protect and defend the indigenous people. Anthropologist Darcy Ribeiro, in his work *Os índios e a civilização (The Indians and Civilization*), defended what he called a "fraternal guardianship" of Brazil's indigenous people.

Regarding the militarization of the SPI, Ribeiro referred to the existence of "good military men" throughout the conduct of indigenist policy, especially in the early years of the SPI. Later on, he harshly criticized the "new military" who would become the creators of FUNAI. And, fundamentally, he "contrasted the 'inefficiency' of the 'religious missions' and the supposed suggestions of 'extermination' of the indigenous people with the precarious but honorable attempts of a Brazilian state entity created expressly to protect"[233] the indigenous peoples.

There are those who defend a positive memory of the SPI, such as Roberto Carlos de Oliveira in his works, when he emphasizes the often protective nature associated with this body. Elias Bigio also endorses some of the praise when he explains Rondon's use of the term *sertanista*. Originally, "the term identified the activities of the workers of the Construction Commission of the telegraph line from Cuiabá to Araguaia through the backlands". Since imperial times, telegraph commissions have had the function of guarding the country's borders, as well as promoting the economic integration of the Brazilian hinterland. Rondon redesignated this term during his lectures and conferences, giving it a humanitarian character. The word thus came to "designate the defenders of the Indians who had wandered into the backlands".[234]

Despite the controversies and criticisms related to this government agency, such as its link to the Ministry of Agriculture,[235] there are some positive aspects or practices to be remembered, at least in the initial years of this body. The SPI was responsible for "guaranteeing the effective possession of territories occupied by Indians and, jointly, of what is contained therein, entering into agreements with local governments whenever necessary".[236] The aim was in fact to legalize the indigenous people's possessions, confirming land concessions and granting vacant state lands to indigenous communities.[237]

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[233] *Ibidem*.

[234] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 45.

[235] OLIVEIRA, Humberto de. *Coletânea de leis, atos e memoriais referentes ao indígena brasileiro*. Rio de Janeiro: Imprensa Nacional, 1947.

[236] ROCHA, Leandro Mendes. A política indigenista como objeto de estudo: 1930-1967. *In*: SIMPÓSIO NACIONAL DE HISTÓRIA – HISTÓRIA E IDENTIDADES, XVIII, ANPUH, jul. 1995, p. 108.

[237] OLIVEIRA, Humberto de. *Coletânea de leis, atos e memoriais referentes ao indígena brasileiro*. Rio de Janeiro: Imprensa Nacional, 1947, p. 23.

During the work of the commission set up to establish the new federal agency, there was a rule, which at the time came from Major Gomes Carneiro: never react if you were attacked by indigenous people.[238] The rule ended up being transformed into an expression: "Die if necessary, never kill".[239] Cases in which this rule was broken became corporal punishment, which was then authorized by Rondon.

2.2.2 Academic prestige

The 1950s symbolize a context beyond the crises. Working and research groups of great academic prestige were created. More specifically, groups of anthropologists and sociologists sensitive to the situation of Brazil's indigenous populations were created. These employees were linked to the SPI's own recent training programs in the social sciences. Among the critics of the indigenous policy were some professors and researchers from the University of São Paulo (USP), which included figures such as the French anthropologist Claude Lévi-Strauss.[240] A sophisticated anthropology center, but not the only one.

The year 1953 is emblematic for yet another reason. Darcy Ribeiro created the Indian Museum. The intellectual invited anthropologist Roberto Cardoso de Oliveira and historian Carlos de Araújo Moreira Neto to join the new research center. According to Milanez, the Museum "began to form the influential lineage of anthropologists who would change the pattern of science in Brazil".[241] Both research centers had extremely high scientific quality and renowned researchers, such as the sertanist Curt Nimuendajú, who worked at both institutions.[242]

The remembrance of the humanitarian aspects in the early years of the SPI and the prestigious academic research centers did not erase the raids linked to the agency's controversial past. There was another, darker side, especially after Getúlio Vargas took power. The 1940s saw the start of the so-called "March to the West" or "March of the Amazon", a policy of

[238] Nota 20, *apud* MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 45.
[239] Nota 21, *apud ibidem*, p. 46.
[240] EVANGELISTA, 2018, p. 23, *apud* EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: *a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974).* Curitiba: Editora Appris, 2022, p. 233. Edição do Kindle.
[241] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 47.
[242] *Ibidem*.

exploration and occupation of the Midwest (when Rondon was no longer part of the institution's staff).[243]

2.4 Violence in the SPI

At the same time as the SPI's work, Vargas created the Brasil Central Foundation with the aim of organizing the territory and, at the same time, contacting the indigenous peoples, especially the isolated tribes. The indigenous policy of violent or forced integration is once again in evidence, as can be seen in the following fragment:

> the then president affirmed the need for the "March of the Amazon" and called for the rational exploitation of the region's natural wealth through the occupation of empty spaces by working settlers. In his speech, Vargas said: "(...) nothing will stop us in this undertaking which is, in the 20th century, the highest **task of civilized man**: to **conquer and dominate the valleys of the great equatorial torrents, transforming their blind strength and extraordinary fertility into disciplined energy**. The Amazon, under the fruitful impulse of our will and our work, will finally cease to be a simple chapter in the history of the earth and, on a par with the other great rivers, will become a chapter in the history of civilization." The position defended by the president, despite seeming ambiguous, given the attention paid to indigenous populations and the concomitant call for colonization and economic exploitation of the North and Midwest regions, found resonance in the period.[244]

This action greatly favored the invasion and titling of indigenous lands to third parties. This policy, it should be noted, had already been adopted by state governments as a kind of colonization[245] directed. It was implicit, therefore, "that, sooner or later, the Indians would be incorporated into the homogeneous mass of the Brazilian nation in its 'march towards progress'".[246] To this end, their evolutionary process had to be allowed to take place.

Indigenous policy during the Estado Novo "was an ambiguous project shaped by historical factors and social actors".[247] At the same time as there was an attempt to glamorize the figure of the indigenous person (a true icon of the nation), they needed to adapt, to be

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[243] Cf. ROCHA, Leandro Mendes. A política indigenista como objeto de estudo: 1930-1967. *In*: SIMPÓSIO NACIONAL DE HISTÓRIA – HISTÓRIA E IDENTIDADES, XVIII, ANPUH, jul. 1995.

[244] Nota de rodapé 30, *apud* EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 32-22.

[245]Cf. BRASIL. Comissão Nacional da Verdade. Relatório: textos temáticos. Brasília, 2014a

[246] ROCHA, Leandro Mendes. *Da proteção fraternal ao integracionismo harmonioso*: aspectos ideológicos da política indigenista (1930-1967). Brasília: Ministério da Justiça-MJ, 1993, p. 15.

[247] GARFIELD, Seth. As raízes de uma planta que hoje é o Brasil: os índios e o Estado-Nação na era Vargas. *Revista Brasileira de História*, São Paulo, v. 20, n. 39, p. 15-42. 2000, p. 15. Disponível em: www.scielo.br/j/rbh/a/5WGW9qddWRkHSnkrckzLHrx/?lang=pt&fomat=pdf. Acesso em: 23 abr. 2023.

"civilized" at any cost. "Reading the official texts, the legislation and the 'speeches' produced by the State, one can see that the objective of the Indigenous Policy was the 'incorporation' of the Indians into the 'national community' or their 'nationalization'."[248]

A vision that would be the fruit of the "so-called 'Rondonian ideology', based on the assumption that the Indians would, in the distant future, achieve the 'benefits' of civilization at the expense of technological and medical assistance."[249] The figure of Rondon is somewhat dubious and there is no consensus or peaceful understanding of him, as has already been shown.

After all, it was believed that the natural path of human evolution would be to convert to modern civilization, in which case the state would act as protector. A dubious policy of state assistance and reverence for indigenous peoples, as long as they weren't "violent like the Xavantes"; therefore, protective, but at the same time (forcefully) integrationist. There was a major development project to occupy the backlands,[250] which is why Vargas' visit to the Karajá community is very emblematic and representative:

> The Karajá, then under the responsibility of a federal agency, the Indian Protection Service (SPI), received the presidential delegation with a great ceremony. They performed "traditional" rituals and sang the National Anthem in front of the Brazilian flag and Vargas, in turn, distributed knives, hatchets and tools to the Indians. In keeping with his image as the "Father of the Poor", the president held a Karajá baby in his arms. After exploring the island, Vargas expressed his desire to recognize the territory of the "extremely ferocious Xavante" who lived nearby. From the safety of his plane, Vargas saw an uncontacted Xavante village through binoculars. Encouraged by this potential opposition, the illustrious visitor outlined his plan for the West. Vargas promised to distribute land to the caboclo Indians who lived in the region. By "attaching man to the land", the state would extirpate the roots of nomadism, converting backland Indians into productive citizens. The SPI would indoctrinate the Indians, "making them understand the need for work".[251]

Thus, once again, the persistent policy of forced assimilation was evident. The SPI's plan was for the indigenous people to work so that they could settle in just one part of the territory. And the presidential flight to the indigenous community was not very sophisticated, as the press would like to show.[252]

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[248] ROCHA, Leandro Mendes. *Da proteção fraternal ao integracionismo harmonioso*: aspectos ideológicos da política indigenista (1930-1967). Brasília: Ministério da Justiça-MJ, 1993, p. 15.
[249] *Ibidem*.
[250] GARFIELD, Seth. As raízes de uma planta que hoje é o Brasil: os índios e o Estado-Nação na era Vargas. *Revista Brasileira de História*, São Paulo, v. 20, n. 39, p. 15-42. 2000, p. 15. Disponível em: www.scielo.br/j/rbh/a/5WGW9qddWRkHSnkrckzLHrx/?lang=pt&fomat=pdf. Acesso em: 23 abr. 2023.
[251] *Ibidem*.
[252] *Ibidem*, p. 23.

According to Bringmann, during the first half of the 20th century, "everything from territorial expropriation and control of socio-cultural organizations, to the exploitation of indigenous labour in favour of a policy of 'self-sustainability' of the tutelary establishments".[253] The SPI, as well as having instituted a model of "acculturation" based on the "success" achieved with the Terena,[254] for example, systematically violated minimum codes of conduct, something that ended up being perpetuated to some extent in the years following 1967.

2.4.1 Successive crises at SPI: Figueiredo Report

The years following the 1930 Revolution that brought Vargas to power (for 15 years) coincided with new conflicts between rubber tappers and indigenous communities, starting with the new rubber cycle, as well as the reformulation of the SPI. The sanitary doctor Noel Nutels and Darcy Ribeiro became permanent members of the SPI,[255] which did not prevent violence against the indigenous peoples.

The agency's credibility crisis intensified from the 1950s onwards. "The SPI's positivist beliefs and permissive policy in relation to the expansion of economic fronts went through turbulent periods, marked by intense internal and external criticism of the institution," Evangelista points out in his work *Development enthusiasts: the National Indian Foundation and the dictatorship's modernizing project (1969-1974).*[256]

There was growing unease behind the scenes in the federal government. There was also "the internal SPI crisis, which basically concerned the disagreements made public between officials of the agency whose conceptions of its functioning, structure and actions differed". Evangelista emphasizes the "precarious conditions" among the civil servants, which would have deepened "the accusations of corruption, bad faith, unpreparedness and inefficiency in the performance of their duties that emerged at the time".[257] The argument is confirmed by Alzira Abreu. Throughout its existence, the agency "faced problems of lack of resources and

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[253] NÖTZOLD, A. L. V.; BRINGMANN, S. F. O Serviço de Proteção aos Índios e os projetos de desenvolvimento dos Postos Indígenas: o Programa Pecuário e a Campanha do Trigo entre os Kaingang da IR7. *Revista Brasileira de História & Ciências Sociais*, v. 5, n. 10, 2013, p. 149.
[254] CPI. *Boletim Jurídico*, ano VI, n. 13-14, fev. 1989, p. 11-23, *apud* KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Safe, 2010, p. 214.
[255] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 47.
[256] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: *a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974)*. Curitiba: Editora Appris, 2022, p. 45.
[257] *Ibidem*, p. 36.

difficulties in qualifying its staff. The agency's work ended up generating results that were the opposite of what it had set out to do"[258] . This reality may have contributed to the frequent denunciations of cases of hunger, disease, murder and enslavement gaining more notoriety.[259]

This reality was already being made visible by the Brazilian and international mainstream media years before the Figueiredo Report, such as the *O Globo* report from 1961. "The report focuses on the supposed scene of anthropophagy photographed by SPI employee José Cruz, described by Meireles as 'one of the most valiant and fearless SPI employees'." The story photographed and recorded, that of a body eaten by the Indians, was that of a 10-year-old Indian child "who had died of influenza" - without saying where and when she contracted the disease. An "outbreak of influenza" and "the dead" are again cited by Meireles.[260]

Seven days later, another report took a different turn. Gilberto Gama, an SPI official, gave an interview to *O Globo* in which he "accused Cruz of having sold the photos of the anthropophagy to the magazine 'O Cruzeiro' for Cr$250,000 - the sale was later confirmed by the SPI, which, however, downplayed the fact". The SPI allegedly said "that the money had been used to help the Indians themselves. Gama accused Cruz of carrying out the expedition 'as if it were all just a safari in the jungles'". "Bottles of whisky and the finest foodstuffs" had been taken along, in order to "promote himself to the press in various states".[261]

Other reports, such as those in the *Jornal do Brasil* (a haughty press outlet opposed to the regime), brought other accusations to light, which were then recorded in the Figueiredo Report (1967-1968) and will be described in more detail in the next few lines. There were dozens of reports, news items and editorials dealing with the situation of indigenous peoples in the first half of the 1960s,[262] in a clear attempt to erode the image of the military government. The newspaper consolidated its "republican, Catholic and liberal identity".[263]

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[258] FREIRE, C. Serviço; LIMA, A. Fundação; LIMA. A. Grande; Serviço de Proteção aos Índios, *apud* ABREU, Alzira Alves de. Serviço de Proteção ao Índio. In: ABREU, Alzira Alves de *et al.* (Org.). *Dicionário histórico-biográfico pós-30*. 2. ed. rev. e atual. Rio de Janeiro: Editora FGV, 2001. Disponível em: https://cpdoc.fgv.br/sites/default/files/verbetes/primeira-republica/SERVI%C3%87O%20DE%20PROTE%C3%87%C3%83O%20AOS%20%C3%8DNDIOS.pdf. Acesso em: 17 dez. 2024.

[259] FREIRE, C. Serviço; LIMA, A. Fundação; LIMA. A. Grande; Serviço de Proteção aos Índios, *apud* ABREU, Alzira Alves de. Serviço de Proteção ao Índio. In: ABREU, Alzira Alves de *et al.* (Org.). *Dicionário histórico-biográfico pós-30*. 2. ed. rev. e atual. Rio de Janeiro: Editora FGV, 2001. Disponível em: https://cpdoc.fgv.br/sites/default/files/verbetes/primeira-republica/SERVI%C3%87O%20DE%20PROTE%C3%87%C3%83O%20AOS%20%C3%8DNDIOS.pdf. Acesso em: 17 dez. 2024.

[260] VALENTE, Rubens. Agonia e extinção do Serviço de Proteção ao Índio na ditadura militar. *Campos* – Revista de Antropologia, v. 20, n. 2, p. 37-58, 2019.

[261] *Ibidem*.

[262] GOMES, Mércio Pereira. *O índio na história*: povo Tenetehara em busca da liberdade. Petrópolis, Vozes, 2002.

[263] *Ibidem*.

After the coup d'état in 1964, one of the proposals publicly defended by the newly established regime "was the 'moralization' of the state bureaucracy, putting an end to irregular practices, especially corruption, which became the object of greater corrective efforts".[264] The situation denounced by Jader Figueiredo at the regime's request and printed in the newspaper run by the Nascimento Brito family, the JB, published reports that said exactly the opposite. Newspapers opposed to the regime thus questioned the veracity of what had been promised by the newly established regime, that of resolving the issue of communism and corruption in federal agencies (a term used by Albuquerque de Lima).

> This binomial, anti-corruption and anti-communism, served as an argument for the construction of a legal framework that would allow for the investigation and punishment of individuals working in public administration who were suspected of committing crimes in the course of their work. Between 1964 and 1966 there was the indiscriminate creation of Police-Military Inquiries (IPMs) - a kind of investigative device that predated the coup and was used by the Military Justice system.[265]

> Relying on the fundamental role of part of the national press - especially newspapers with wide circulation, such as O Estado de S. Paulo, O Globo, Jornal do Brasil, among others - in 1964 alone, approximately 760 IPMs were opened in Brazil (...) It was no different with the indigenous organization. The Indian Protection Service (SPI) had been facing accusations about the actions of its employees since at least the 1950s, but until the 1960s few received the attention they deserved, although the press, already monitored by the military structure, already publicized the issue.[266]

These complaints therefore predate the investigation and publication of the aforementioned Commission of Inquiry, exposed by the hushed up Figueiredo Report and which would lead to the extinction of the SPI. "Research in the Jornal do Brasil collection and in the Digital Library of the National Library", using the CPDOC archive, shows records of violations against indigenous peoples between 1965 and 1968. The existence of dozens of texts even before the creation of the Commission of Inquiry of the Ministry of the Interior, chaired by Albuquerque de Lima, already addressed the corruption of the SPI and the issue of violations of indigenous rights. The news in 1965, for example, "dealt with crimes committed against indigenous people and the invasion of their lands. The agents of this violence were generally presented as civilians - rubber tappers, loggers, miners and farmers". The headline on March

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[264] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 36.
[265] *Ibidem*, p. 37-38.
[266] Nota 41, *apud* EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 39.

26, 1965 read: "Diseases and shootings kill one Indian a day in Mato Grosso", about hunger, diseases and shootings by land buyers and invading rubber tappers.[267]

"In March 1967, newly sworn-in President Arthur da Costa e Silva announced who he would choose to take over the ministry, with the name of General Afonso Augusto de Albuquerque Lima emerging for this post (...) Albuquerque Lima was one of the main hard-line leaders of the regime, representing an important segment of the military."[268] and who would later "chair a report and coordinate the extinction of the aforementioned body. A report would give Albuquerque Lima the necessary justifications for the extinction of the SPI," a measure announced with great impact by the press. The general used the "so-called 'SPI banditry' term to take up one of the main arguments used by the military to carry out the 1964 coup: the fight against corruption".[269]

"Once in office at the Ministry, Albuquerque Lima decided to open a Commission of Inquiry in mid-1967 to investigate allegations of administrative crimes committed by employees of the Indian Protection Service."[270] The accusations were manifold, such as the sale of children and minors for prostitution, torture of hundreds of individuals, etc.[271] but the military were not so much concerned with the humanitarian issue as with the political wear and tear suffered as a result of the hushed-up accusations and, above all, with the geopolitical issue involving the indigenous peoples of the Amazon. And Albuquerque Lima, an important name in the military's hard wing, stood out in the political contest to raise public funds "for the protection of the Amazon against possible attempts at foreign occupation and exploitation in the region". This was the discourse used by the campaign for investment in the development of the country's interior regions.[272] And this was the context "for the creation of Operation Amazonia and the Superintendence for the Development of the Amazon".[273] It was a practice that gave rise to the land *pressure group* during the ANC, and the demands that land interests and the non-demarcation of indigenous lands be ensured.

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[267] JORNAL DO BRASIL. Doenças e tiros matam um índio por dia no MT. CPDoc JB/Hemeroteca Digital BN, 26 mar. 1965.
[268] *Ibidem*, p. 39.
[269] VALENTE, Rubens. Agonia e extinção do Serviço de Proteção ao Índio na ditadura militar. *Campos* – Revista de Antropologia, v. 20, n. 2, p. 37-58, 2019, p. 38.
[270] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 37-38..
[271] Cf. Relatório da Comissão de Inquérito instituída pela Portaria nº 239/67, do Senhor Ministro do Interior – para apurar irregularidades no SPI - Relatório Figueiredo, v. 1, p. 2. Disponível em: http://6ccr.pgr.mpf.mp.br/institucional/grupos-de-trabalho/gt_crimes_ditadura/relatorio-figueiredo. Acesso em: 8 abr. 2015.
[272] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 40.
[273] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 65.

Brazil's indigenous policy during the first two governments of the military dictatorship was essentially assimilationist and authoritarian. The creation of FUNAI, back in 1967, stemmed precisely from this context. The accusations of corruption and indigenous genocide were highlighted by the international media and also in the Figueiredo Report, which only came to light with the National Truth Commission in 2014. But, fundamentally, the past marks of militarized indigenous guardianship remained in subsequent governments.

The strong policy of cultural assimilation advocated by the state's development plan was strengthened during FUNAI's early years. By de-characterizing the Indians as subjects of rights, social disintegration was promoted, such as killings and massacres, with deep political persecution of the indigenous peoples.[274]

> The new body promised to put an end to corruption and eliminate any possibility of seeing indigenous people involved with groups opposed to the regime. To this end, the Indigenous Posts (administrative units created by the government within the Indigenous Lands) were modernized and restructured. The system for controlling the entry and exit of indigenous people from their own 'reservations' became extremely strict. Any trip by an indigenous person to visit a relative in another land or even to do business in the city required a "portaria" issued by the head of the post, with the individual's name, date, time, destination, motivation and time of return. Failure to comply with the rules set out in the document resulted in severe punishments, which could range from "imprisonment", "trunk", "black ox" or forced labor.[275]

The creation of FUNAI and the indigenous policy promoted by this federal body will be better defined in a separate section. The militarized and violent guardianship of indigenous peoples was a trademark throughout the military regime.

2.5 The creation of FUNAI - repetitions and authoritarian "originalities"

The creation of this body by Law No.º 5.371, of 1967, under President Costa e Silva (1967-1969), must be put into context by the dictatorial regime, the lack of democratic

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[274] BRASIL Comissão Nacional da Verdade. *Relatório*: textos temáticos. Brasília, 2014, *apud* CABRAL, Rafael Lamera Giesta; MORAIS, Vitória Larissa Dantas. Os povos indígenas brasileiros na ditadura militar: tensões sobre desenvolvimento e violação de direitos humanos. *Direito e Desenvolvimento*, Revista do Programa de Pós-Graduação em Direito, v. 11, n. 1, p. 106-122, 2020. Disponível em: https://periodicos.unipe.edu.br/index.php/direitoedesenvolvimento/article/view/1218/706. Acesso em: 18 abr. 2021.

[275] BRIGHENTIL, Clovis Antonio. Agitadores e subversivos: repressão, perseguição e violações dos direitos indígenas pela ditadura militar. *Revista do Centro de Ciências da Educação*, Florianópolis, v. 38, n. 1, p. 1-24, jan./mar. 2020, p. 4. Disponível em: ttps://periodicos.ufsc.br/index.php/perspectiva/article/view/2175-795X.2020.e61997/pdf. Acesso em: 23 abr. 2021.

participation and representation in a *broad* sense and the closure of Congress in the following years and the banning of deputies and congressmen not aligned with the ruling power.[276]

The Figueiredo Report (1967-1968) in its thousands of pages denounced the genocide and murder of dozens of indigenous ethnic groups by SPI officials. In the end, very little was done by the federal government, despite the fact that the commission of inquiry had been commissioned by the executive itself. Years later, the federal prosecutor after whom the report was named died in a tragic bus accident in 1975, raising suspicions that his death may have been ordered by the uncomfortable and robust repercussions attributed to these accusations, which were spread by major newspapers.[277] The accusations made by the leader of the investigative team could have gone too far, eroding the image of the newly established regime.

As previously mentioned, the lengthy investigation was carried out at the request of the Minister of the Interior himself, Albuquerque Lima, in 1967. The minister appointed Jader de Figueiredo as chairman of this investigative commission. The then attorney for the National Department of Roads and Highways (DNER), with his team, traveled around 16,000 kilometers, interviewed dozens of SPI agents and visited more than 130 indigenous posts until a memorandum was published. [278] The document included serious evidence of crimes committed by state agents, such as work analogous to slavery, theft of indigenous property in the states of Mato Grosso and Amazonas [279] , among other accusations.

During the final stages of preparing the *dossier*, the Ministry of Agriculture's archive, where the documents were stored, was allegedly or criminally set on fire, making it impossible for Jader Figueiredo to continue his work. These circumstances led the prosecutor to travel the country again and rebuild the same line of investigation he had started months before. He ended up expanding the evidence originally obtained, proving once again the existence of the aforementioned acts of corruption and other crimes. [280]

The only records of the report available after the fire were journalistic reports published at the time, such as a press conference given by a team from the Ministry of the Interior in March 1968. This report was immediately verified by Jader and his team .[281]

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[276] KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 203-204.
[277] RAMOS, Alcida Rita. Vivos, afinal! Povos indígenas do Brasil enfrentam o genocídio. *Série Antropologia*, v. 461, 2018, p. 14.
[278] Cf: MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015.
[279] LIMA, Antonio Carlos de Souza. Sobre tutela e participação: povos indígenas e formas de governo no Brasil, séculos XX/XXI. *Mana*, v. 21, p. 425-457, 2015, p 345.
[280] *Ibidem*, p 345
[281] LEWIS, Norman. Genocídio, o extermínio sem fim dos índios no Brasil. Tradução: OLIVEIRA,

Unlike the short headlines published in Brazil, a report published by British journalist Norman Lewis for the *Sunday Times Megazine* in 1969 portrayed the real scale of the crimes committed with the consent of hundreds of civil servants. The title of the journalistic article was *Genocide*, which ended up becoming the book *A View of the World*, published by Eland. According to the article, which had huge international repercussions[282] , "entire tribes had been exterminated, landowners and gold miners in cahoots with corrupt politicians had usurped thousands of hectares previously occupied by indigenous people"[283] . The denunciations even included practices related to a supposed bacteriological war. Clothes impregnated with the smallpox virus were donated, in addition to the distribution of poisoned supplies and food, leading to the deaths of hundreds of people. The accusations also included the kidnapping of minors, mass murders, collective rape of women, among other crimes[284] The prosecutor said in an interview:

> It is astonishing that there is an office in the country's administrative structure that has descended to such low standards of decency. And that there are civil servants whose bestiality has reached perverse levels. Defenceless children have been sold to serve the instincts of inhuman individuals. Torture of children and adults, in monstrous and slow torture, in the guise of dispensing justice. Cruelty to the indigenous was only surpassed by greed. In the first case, not everyone was guilty of mistreating the Indians, but few escaped the crimes of embezzlement, appropriation or dilapidation of indigenous property[285]

But these were not the "only" crimes denounced by Jader Figueiredo. The prosecutor "calculated that properties worth 62 million dollars had been stolen from indigenous people over the last ten years"[286] , and accused "the director of the SPI, Major Luís Neves, of 42 crimes, including collusion in several murders, the illegal sale of land and the embezzlement of 300,000 dollars"[287] . "In the Ministry of the Interior, there were more than "a thousand crimes committed by certain former SPI officials, from pulling out Indians' fingernails to letting them die without any kind of assistance"[288] .

However, this report, which was silenced by the military government, was important because it was decisive in the extinction of the SPI. FUNAI was thus formed "from the assets

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Renato Marques. Edição 148, Jan 2019. Disponível https://piaui.folha.uol.com.br/materia/genocidio/ Acesso em 22 de agosto de 2024.

[282] *Ibidem*

[283] *Ibidem*

[284] *Ibidem*

[285] CORREIA, Jader Figueiredo. Relatório ao Ministro do Interior, 1968, p. 2.

[286] LEWIS, Norman. Genocídio, o extermínio sem fim dos índios no Brasil. Tradução: OLIVEIRA, Renato Marques. Edição 148, Jan 2019. Disponível https://piaui.folha.uol.com.br/materia/genocidio/ Acesso em 22 de agosto de 2024

[287] *Ibidem*

[288] *Ibidem*

of the SPI, the now defunct National Council for the Protection of Indians and the then Xingu National Park. In addition to its own budget allocations, part of its income would come from Indigenous assets".[289] In other words, the resources derived from the exploitation of those (lucrative) Indigenous Territories would finance the work of this federal agency. FUNAI was the first to regularize indigenous lands.[290]

As far as the development of national indigenous policy is concerned, the integration and exploitation of the "silvicultural" communities[291] was a very explicit priority after 1967 and, fundamentally, from 1973 onwards, with the creation of the Indian Statute, not least to generate economic revenue. The communities living on the land borders demanded more attention from the military, perhaps because they touched on issues related to national sovereignty and geopolitical issues of state interest.

In theory, the creation of FUNAI stemmed from "the need to give the state apparatus a positive international profile".[292] The institution of this body was intended to redefine the old model of bureaucracy and reorganize the state apparatus, which prevented the development of a "dynamic" Indian policy.

Leandro Mendes Rocha questions whether the extinction of the SPI and the creation of FUNAI "was the result of a broader process of the Populist State" and also a continuation of the project of assimilation at any cost, even though anthropologists such as the Villas Boas brothers, for example, defended the end of assimilationism.[293] It is no coincidence that, two years after FUNAI was created, Maurício Rangel Reis, Minister of the Interior in the Geisel government, declared that it would be possible to reduce the indigenous population from 220,000 to 20,000 within 10 years and to integrate all Indians into society within 30 years.[294]

The centralizing practice of indigenous acculturation was also carried out by FUNAI. The authoritarian political context in force at the time did not change with the creation of the agency, which coordinated and developed a single indigenous policy that did not respect the cultural particularities of each ethnic group.

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[289] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 55.
[290] *Ibidem*, p. 55.
[291] KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 203-204.
[292] SOUZA LIMA, A. C. Um grande cerco de paz: poder tutelar, indianidade e formação do Estado no Brasil. Petrópolis, RJ: Vozes, 1985, p. 298.
[293] KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 209.
[294] RICARDO, Carlos A. TORAL, André. RICARDO, Helena F. FARIA, Agenor AIDAR, João. COMISSÃO PRÓ-ÍNDIO. Histórico da emancipação. *Cadernos da Comissão Pró-índio/SP*, São Paulo, n. 1, p. 9-16, ago. 1979, p. 11.

The major criticism to be made of FUNAI, the crux of the matter, is that the development of a centralized and hierarchical indigenist policy like that of the aforementioned body homogenizes "ethnic groups in the eyes of the surrounding society",[295] criticism that the German-born Brazilian anthropologist Hebert Baldus had already made of the SPI, but which remained up to date after the creation of FUNAI. According to Baldus, "the SPI was excessively bureaucratic, corrupt, lacked qualified civil servants and had a lot of political interference".[296]

Massacres, as in the days of the SPI, continue to occur. During the early 1970s, articles published in the *Jornal do Brasil* brought to light new massacres such as that of the Irantxe,[297] once again drawing the attention of public opinion, which was pressing for new changes.

A reality also confirmed by Darcy Ribeiro:

> While for city dwellers the Indian was the character of an idyllic novel, like José Alencar, or the epic hero of Gonçalves Dias, inspired by Rousseau (...), in the interior the real Indian was purposely contaminated with smallpox, poisoned with strychnine or shot. Rondon was responsible for becoming aware of this contradiction and unmasking it.[298]

The suffering of the indigenous peoples echoed at national level and was once again echoed, as in the years before the creation of the agency. The same criticisms were leveled at the new agency, but with a few originalities.

The normative basis for the centralization of FUNAI derives from legal matrices and principles identical to those of the SPI, at least for the first six years. Some of these are worth highlighting: "respect for the person of the Indian and tribal institutions and communities", "guarantee of permanent possession of the land", with exclusive usufruct, "preservation of the cultural balance in contact with national society", as well as "safeguarding the spontaneous acculturation of the Indian, so that their socio-economic evolution is safe from sudden changes".[299]

The authoritarianism imposed on the indigenous people was not exactly the result of the tutelary power granted to the Foundation, as provided for in the Indian Statute, which was then in line with the Civil Code of 1916. This indigenist policy forged a false conception of a single

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[295] KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 213.
[296] Cf. *Ibidem*.
[297] *Ibidem*.
[298] MILANEZ, Felipe. *Memórias sertanistas*: *cem anos de indigenismo no Brasil*. Edições Sesc, 2015, p. 45.
[299] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 56.

nation by monopolizing "the exercise of various powers over native peoples".[300] The authoritarianism imposed by Law No.º 6.001/1973 lies in the fact that the country's national objective is the integration of the Indians, based on harmonious and progressive assimilation.[301] The Statute classifies indigenous people into three categories: isolated, in the process of integration and integrated in order to facilitate this "progressive assimilation".[302]

Guardianship power, according to Souza Lima, was not "legitimized" and stipulated by the Civil Code, but by techniques of "subjection" that the indigenous people were forced to submit to, based on techniques and practices typical of a "pacifying" war. A concept detailed by Foucault and applied to the Indigenous Territories as a "great siege of peace".[303]

The rationale for this practice and the way in which FUNAI perpetuated its Indian policy was based on "internal foundations of domination"[304] and a colonial framework. In addition to eliminating the proposal for an integrated Indian policy, with the participation of other federal entities, such as states and municipalities, something that has gradually been developed recently, the text created the idea that a single federal body would have the capacity to deal with a series of multifaceted competencies. In other words, a virtually single indigenous policy would encompass the cultural diversity of the indigenous peoples spread across the country.[305]

The creation of FUNAI is related to the intention of giving a more technical and scientific view to the indigenous issue, even though no indigenous person was placed on the technical staff of the authority - something to be considered, given the view that the Indian needs to be continually intermediated and exploited by someone who truly or better decides for them, an issue to be highlighted, even today.[306]

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[300] LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso (orgs) Além da tutela: bases para uma nova política indigenista. *In*: LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso. *Além da tutela: aspectos de uma nova regulação dos direitos indígenas no Brasil*. Rio de Janeiro: LACED, 2002, p 2.

[301] Cf. Estatuto do Índio. Disponível em: www.planalto.gov.br/ccivil_03/leis/l6001.htm. Acesso em: 1º nov. 2023.

[302] Cf. Estatuto do Índio. Disponível em: www.planalto.gov.br/ccivil_03/leis/l6001.htm. Acesso em: 1º nov. 2023.

[303] LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso (orgs) Além da tutela: bases para uma nova política indigenista. *In*: LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso. *Além da tutela: aspectos de uma nova regulação dos direitos indígenas no Brasil*. Rio de Janeiro: LACED, 2002, p 5.

[304] OLIVEIRA FILHO, João Pacheco. Terras Indígenas no Brasil: uma tentativa de abordagem. *Boletim do Museu Nacional*, Rio de Janeiro, n. 44, nova série, p. 1-6, 1983. Disponível em: www.ppgasmn-ufrj.com/uploads/2/7/2/8/27281669/boletim_do_museu_nacional_44.pdf. Acesso em: 28 jul. 2017.

[305] Cf. ROCHA, Leandro Mendes. A política indigenista como objeto de estudo: 1930-1967. *In*: SIMPÓSIO NACIONAL DE HISTÓRIA – HISTÓRIA E IDENTIDADES, XVIII, ANPUH, jul. 1995.

[306] LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso (orgs) Além da tutela: bases para uma nova política indigenista. *In*: LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso. *Além da tutela: aspectos de uma nova regulação dos direitos indígenas no Brasil*. Rio de Janeiro: LACED, 2002, p 5 e ss.

In both agencies, SPI and FUNAI, it was possible to see a policy of submission and dependence of indigenous communities on the state, seeking to make them incapable of deciding what they really wanted. Quite controversial thinking.

This is the context of an integrationist vision that places the Indian in a state of evolution prior to white "civilization" and denies cultural differences, even though cultural diversity between peoples is theoretically respected. This perspective is duly supported by the 1957 International Labour Organization (ILO), which established general principles for the protection and integration of indigenous populations; the Convention was internalized by Decree No.º 58.824/1966.[307] The objectives of FUNAI, which was responding to the demands of a policy strongly marked by an assimilationist perspective, and the Ministry of the Interior were combined with plans for national defense, the construction of roads, hydroelectric dams and territorial occupation through farms. The narrative to be produced, on a medium and long scale, was to identify the indigenous or resistant indigenous community as an obstacle to national development. The developmentalist movement of the military dictatorship was much more aggressive than the one started by Getúlio Vargas in the 1940s with the "Marches to the West".

The creation of FUNAI in 1967 should be seen as a (political) solution found by then-president Artur da Costa e Silva to "put out the fire" of accusations of indigenous genocide, which had been promoted by the Indigenous Protection Service between 1910 and 1967. The previous federal indigenist agency had thus shown itself to be violent towards indigenous peoples. From this context, a second indigenous agency was born, which was also authoritarian, violent and assimilationist.

Given the investigation into the SPI's activities and the record of crimes committed under its aegis, the creation of FUNAI was the solution found. The majority of SPI employees, including those accused of misconduct, continued in their positions. The new body would try to put an end to corruption and eliminate any possibility of seeing indigenous people involved with groups opposed to the regime.[308] In fact, the "accusations against this body reached the international press and mobilized readers and opinion formers, while at the same time upsetting

[307] COMPARATO, Fábio Konder. *Muda Brasil: uma Constituição para o desenvolvimento democrático*. Editora brasiliense, 1986, p 13.

[308] BRIGHENTIL, Clovis Antonio. Agitadores e subversivos: repressão, perseguição e violações dos direitos indígenas pela ditadura militar. *Revista do Centro de Ciências da Educação*, Florianópolis, v. 38, n. 1, p. 1-24, jan./mar. 2020, p. 4. Disponível em: ttps://periodicos.ufsc.br/index.php/perspectiva/article/view/2175-795X.2020.e61997/pdf. Acesso em: 23 abr. 2021.

the military, which had recently carried out the coup d'état and did not want to see its government tainted by the actions of civilian governments".[309]

> FUNAI was created by the military dictatorship to replace the old SPI, which had become an extermination organization, as proven in the so-called Figueiredo Report. This report was the final product of an investigation into the SPI carried out by the Ministry of the Interior in 1967, headed by General Afonso Augusto Albuquerque Lima and directed by prosecutor Jáder de Figueiredo Correia.[310]

There is a link between the fragment above and evidence that, with the creation of FUNAI, there was a greater militarization of indigenous colonization projects, in other words, a developmentalist proposal and the application of the National Security Doctrine: an idea that development would bring more "power" to the country and, with it, more security.[311] The militarization of FUNAI itself was one of the means by which the Brazilian state transformed itself into an entity for the extermination of indigenous people. Other state bodies or entities were involved in this, such as the National Security Council (CSN) and INCRA, which "was not only an invader of indigenous land, but also a wood thief", according to Sydney Possuelo, a sertanista and president of FUNAI between 1991 and 1993.[312]

2.5.1 FUNAI to put out fires and to (forcibly) emancipate indigenous peoples

There were already plans to create FUNAI when the conclusions of the Commission of Inquiry chaired by Jader Figueiredo had not yet been finalized. Denunciations of corruption and human rights violations by SPI officials were to reach the newspapers. The SPI, then under the command of the Ministry of the Interior (Minter) and headed by Minister Albuquerque Lima, announced that the plan for a new body should take place as soon as possible.[313]

There are those who disagree with this narrative, because the Parliamentary Commission of Inquiry (CPI) in the National Congress (CN) to investigate the actions of the

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[309] *Ibidem*.

[310] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 135.

[311] Cf. FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015.

[312] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, 227.

[313] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022. Edição do Kindle, p. 56 e ss.

SPI, created on March 20, 1968, was never concluded.[314] The National Congress was closed down using Institutional Actº 5, which authorized the President of the Republic to decree a recess for the National Congress.[315] Nothing could be more beneficial and "appropriate" for the regime than the possibility of using this authoritarian instrument,[316] especially at times when the regime could be threatened by investigations such as that of the SPI.

The military regime created many agencies and superintendencies associated with the various campaigns to develop the interior regions of Brazil. Not surprisingly, the Amazon Development Superintendencies (SUDAM), the Manaus Free Trade Zone, INCRA (1970),[317] and other bodies were set up. At this time, working groups were also created for the "Integration of the Amazon". A group made up of different ministries, such as the National Security Council (CSN).[318]

On July 11, 1967, the Rondon Project was created. The project recruited young university students "to assist indigenous and civilized communities". The well-known rhetoric was "integrate so as not to surrender".[319]

The creators of FUNAI (in 1967) spoke of the need to create "a more modern institution without the marks and vices of the SPI". Although part of the structure was maintained, it should be noted that this institution was (structurally) "militarized, a reality that began to be implemented during the Médici government".[320] The 1967 and 1969 Constitutions had little to say about indigenous issues,[321] which guaranteed a large legislative space for infra-constitutional laws that were very favorable to the intentions of the Brazilian military dictatorship.

"The legislation that underpinned FUNAI's work was similar in several respects to the SPI's work guidelines." The function of both was similar: "to contact the indigenous people in order to avoid conflicts between these communities and the 'civilized' people who were arriving

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[314] BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 15.
[315] Ato Institucional nº 5. Disponível em: www.planalto.gov.br/ccivil_03/ait/ait-05-68.htm. Acesso em: 23 nov. 2023.
[316] *Ibidem*.
[317] *Ibidem*.
[318] EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022, p. 57.
[319] *Ibidem*, p. 58.
[320] EVANGELISTA, Breno Luiz Tommasi. VIOLÊNCIA ESTATAL E RESISTÊNCIA INDÍGENA NA PRIMEIRA REPÚBLICA E NA DITADURA CIVIL-MILITAR BRASILEIRA. **Revista TransVersos**, n. 25, p. 54-72, 2022, p. 63.
[321] *Ibidem*, p. 64.

on their lands, driven by the advance of 'progress'".[322] Eleven years after FUNAI was created, a decree was issued whose purpose was to violently emancipate and integrate the indigenous communities of the country's hinterlands,[323] the Emancipation Decree. This will be better understood in due course.

[322] *Ibidem*.

[323] Cf: BICALHO, Poliene do Santos. Resistir era preciso: o Decreto de Emancipação de 1978, os povos indígenas e a sociedade civil no Brasil. *Topoi*, Rio de Janeiro, v. 20, p. 136-156, 2019.

Chapter 3. From the Indigenous Movement to the National Constituent Assembly (1970-1985)

3.1 Historical background and the birth of the indigenous movement in Brazil

Before going into the main theme of this chapter, the social movements of the 1970s and 1980s, the insurgency of the Indigenous Movement, exemplified by the Indigenous Assemblies, coordinated by CIMI - from 1972 onwards, it is essential to have a broader understanding of the fact that CIMI was part of an extensive historical-political context materialized by the new political role assumed by part of the Latin American Catholic Church in the 1970s. Important religious leaders led a complex process of opposition to the Brazilian military regime, starting with the creation of an extremely diverse structure, organized into different fronts and segments, although sometimes these segments interconnected with each other, as in the case of the CEBs, the pastorals and the Indigenous Assemblies.[324] A network that goes beyond the Indigenous Movement, although this is the focus of this research.[325] A network strongly inspired by Liberation Theology.

The CEBs, the JUC, AP, the new pastoral lines and CIMI itself, among other organizations, were decisively influenced by a doctrine developed by more progressive sectors of the Church and, as I said, inspired by *Liberation Theology*.[326] It was an ideology that had great echoes within the very structure of the Catholic Church and immediate reactions on the part of the Curia, which immediately formed a bloc of opposition and repudiation of the new political contours found in some segments of the Latin American Catholic Church, which were then seen as a threat to certain values of this religious institution.

A reality, for some or to a certain extent, aligned with the new guidelines of the Church brought about by the Second Vatican Council (1961)[327] . A new understanding consistent with

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[324] Cf. MENEZES NETO, Antonio Julio. A Igreja católica e os movimentos sociais do campo: a Teologia da Libertação e o Movimento dos Trabalhadores Rurais Sem Terra. *Caderno CRH*, v. 20, p. 331-341, 2007.
[325] Cf. NAPOLITANO, Marcos. *1964*: história do regime militar brasileiro. São Paulo: Editora Contexto, 2014.
[326] DIAS, Reginaldo Benedito. Da esquerda católica à esquerda revolucionária: a ação popular na história do catolicismo. *Revista Brasileira de História das religiões*, v. 1, n. 1, 2008.
[327] O Papa João XXIII realizou um concílio 25 de janeiro de 1959, menos de 90 dias, após sua eleição. O Concílio teria sido uma tentativa da cúria romana de se adaptar aos tempos contemporâneos. Dentre a novidades trazidas, a partir das reuniões de autoridades eclesiásticas de todo o mundo, estava a descentralização do poder papal, o fim das missas rezadas em latim, bem como o reconhecimento de que outras religiões também são capazes de garantir a salvação de seus fiéis. Por último, o reconhecimento dos meios de comunicação, como instrumentos de evangelização das massas. As referidas decisões, resumidamente, estariam previstas em quatro constituições aprovadas: a *Sacrosanctum Concilium*, *Dei Verbum*, *Lumem Gentium e o Gaudium et Spes*, além de nove Decretos e três Declarações (Cf: LIBANIO, João Batista. Concílio Vaticano II-*Em busca de uma primeira compreensão*. Edições Loyola, 2005)

the theme promoted by the Second General Conference of the Latin American Bishops in Medellín (1968)[328] and, therefore, in line with the principles verified at the Third General Conference of the Latin American Bishops in Puebla de los Angeles (1979)[329] . A new social front or force guided by the development of the Catholic Church's social doctrine.[330]

The Catholic renewal or revolution that took place at these conferences was the basis for the attempt to create yet another Council, the Third Vatican Council in 1965. The great theoretician "Ivan Illich went to Rio de Janeiro to meet Dom Helder Câmara". Both denied the idea that the Second Vatican Council was coming to an end. Ivan Illich therefore told Dom Hélder "that he wanted to set up a team of lay people and priests in Cuernavaca who would think about the future of the Church and thus prepare a third Council". Ivan indicated the name of Luiz Gomes de Souza to coordinate the Intercultural Formation Center (CIDOC).[331] Created by Ivan Illrich in the 1960s in Mexico, its aim was to sensitize missionaries to work and tackle the social problems of Latin America.[332]

The "option for the poor", taken up by these more left-wing sectors, would have "contaminated" the Latin American Catholic Church, predominantly in the 1970s and ended up gaining spaces of power or influence, such as the leadership of the CNBB, although liberation Christianity may have been identified a decade earlier. Under Marxist inspiration, this "new line" had as its trademark the criticism of deep social inequalities and class differences.[333]

The new movement raised concerns in the Roman Curia, especially among some members of John XXIII's cardinalate. According to Beozzo, this was an ideological legacy from Pius XII, whose principle was the Catholic Church's concern about the advance of communism. The anti-communist struggle seemed to be a banner to be defended or a priority and the risks of the growing influence of Liberation Theology justified the existence of the *Libertatis nuntius*

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[328] Trata-se de um conferência convocada pelo papa Paulo VI, ocorrida em Medellín (Colombia) entre 24 de agosto e 06 de setembro de 1968 e cujo objetivo seria a aplicação dos ensinamentos previstos no Concílio do Vaticano II, considerando as especificidades da Igreja Católica Latino Americana (Cf: MEDELLIN, Conclusões de. II Conferência Geral do Episcopado Latino-Americano - 1968)

[329] Esta conferência presidida por João Paulo II associa-se a tentativa de se conceituar evangelização, seu o conteúdo, bem como quem são os destinatários da evangelização e quem são seus agentes. O referido encontro aconteceu em Puebla - México – 1979 (Cf: PAULO II, J. O. Ã. O. Discurso Inaugural pronunciado no seminário palafoxiano de Puebla de Los Angeles, México. In: CELAM. Conclusões da Conferência de Puebla: Texto oficial. São Paulo: Paulinas. 1986)

[330] BETT, Ianko. Concílio Vaticano II e o anticomunismo católico no Brasil e na Argentina. The Second Vatican Council and the catholic anti communism in Brazil and Argentina. *HORIZONTE*, Revista de Estudos de Teologia e Ciências da Religião, v. 9, n. 24 (Especial) - p. 1169-1196, 2011.

[331] IVAN Illich, pensador radical e inovador. *Revista IHU*, ano 2, n. 46, 9 dez. 2002, p. 11.

[332] *Ibidem*.

[333] SOFIATI, Flávio Munhoz. O novo significado da “opção pelos pobres” na Teologia da Libertação. *Tempo Social*, v. 25, p. 215-234, 2013.

document drawn up by the Holy See in 1984 and signed by the then Cardinal Ratzinger.[334] This reality led to these sectors breaking with Rome, as was the case with CIDOC itself in the 1970s, which advocated "a kind of free university, especially focused on the problems of education and cultural dependence in the Third World, especially in Latin America". In other words, "a collection of dossiers on the great political and ideological debates of the time".[335] The bibliography of this important contemporary thinker, on the most varied topics, including the role of the Catholic Church itself in Latin America, is somewhat relevant.[336]

Returning to the question of the "Catholic revolution" itself, it should be noted that the origins of this progressive movement in the Church were associated with the encyclicals issued by Pope John XXIII in 1961, such as *Mater et Magistra* and *Pacem in Terris* of 1963 - post-Vatican Council. On the conservative side of the Curia, many Catholic leaders opposed this new wave, such as Cardinal Vicente Scherer, who said: "Communism is intrinsically perverse and no one who wants to save Christian civilization can collaborate with it in any field".[337] There was also opposition from some Catholic leaders, such as Plinio Corrêa de Oliveira.

Some of Radio Vaticano's texts, published in Argentinian and Brazilian newspapers, also echoed the fight for anti-communism and disapproval of the rapprochement between Christianity and Marxism. In 1963, the radio wrote about the need for "vigilant, constant and unwavering opposition to Marxist ideology, closing off all avenues of penetration". In other words, Catholicism's attraction to Marxist theory had to be fought hard and immediately.[338]

Despite the Vatican's resistance to the pastoral actions promoted by the CNBB, which until then had been too progressive, the guidelines of these pastoral actions, which were strongly social in nature, were aware that they could not go backwards because of external pressures. The CNBB and, consequently, the CIMI were willing to combat the human rights violations that had taken place in previous years and to fight for the re-democratization of the country,[339]

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[334] SAGRADA CONGREGAÇÃO PARA A DOUTRINA DA FÉ. *Instrução sobre alguns aspectos da Teologia da Libertação*. Disponível em: www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_po.html. Acesso em: 30 nov. 2023.

[335] LEONÍDIO, Adalmir; NETO, Edson Pereira de Souza Leão. A utopia de Ivan Illich. *Diálogos Latinoamericanos*, v. 20, n. 28, p. 30-40, 2019.

[336] KALLER-DIETRICH, Martina. *Vita di Ivan Illich*: il pensatore del Novecento più necessario e attuale.Roma: Edizioni dell assino, 2011.

[337] SCHERER, Vicente. Podemos ser socialistas e cristãos ao mesmo tempo? *Correio do Povo*, Porto Alegre, 10 set. 1963, p. 10, *apud* BETT, Ianko. Concílio Vaticano II e o anticomunismo católico no Brasil e na Argentina. The Second Vatican Council and the catholic anti communism in Brazil and Argentina. *HORIZONTE*, Revista de Estudos de Teologia e Ciências da Religião, v. 9, n. 24 (Especial) - p. 1169-1196, 2011

[338] *Ibidem*.

[339] Cf. CALDEIRA, Rodrigo Coppe. Bases temporais para o estudo histórico da Igreja Católica do século XX. Belo Horizonte, *Revista de Estudos de Teologia e Ciências da Religião*, .v 5, n. 10, p. 75-90, 2007.

despite strong opposition from within the Church itself. Dom Geraldo de Proença Sigaud, archbishop of Diamantina, "sent a report to the press, political and religious authorities denouncing communist infiltration everywhere and also in the Church". The report disqualified CIMI itself, which was then considered "a communist infiltration headed by the bishop of São Félix" in Goiás.[340]

Alceu Amoroso Lima was clear in his opposition to any attempt at a biased transfiguration of the aims and objectives of Liberation Theology. According to Alceu:

> Liberation theology does not in any way want the Church to take over the functions of the state or to carry out functions that are foreign to its mission, but rather to demonstrate that preaching social justice is part of that mission, as in the transformation of institutions and the fight against inequalities.[341]

The statement by Amoroso Lima or Tristão de Ataíde, his pseudonym, opened up two important avenues of defense: firstly, the defense of the institution against the accusations of the military governments that the Church wanted to become a second official indigenous agency. Secondly, and indirectly, the leader defended the role of the Indigenous Movement (MI). The leadership of this new front in the Latin American Church was decisive for the creation of Basic Ecclesial Communities, Pastoral Commissions and support for the Indigenous Assemblies,[342] a revision of the indigenist practices promoted by the Church in the past, harshly criticized in the Declaration of Barbados, as will be seen.[343]

The Catholic Church, however, was not the only institution to rebel against the authoritarianism of the military governments. Despite the active participation of other important sectors of Brazilian civil society, such as the Brazilian Bar Association (OAB) and part of the Brazilian press, such as *Jornal do Brasil*, this chapter will focus on the importance of CIMI in a broader context, as part of the ideology assumed by the Latin American "Catholic left", an active force in defense of the indigenous cause,[344] during the ANC. The Catholic Church was undoubtedly an important social force during the re-democratization process, and therefore fundamental to ending indigenous assimilationism under the new constitutional text. From the

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[340] IOKOI, Zilda Márcia Grícoli. *Igreja e camponeses*: Teologia da Libertação e movimentos sociais no campo, Brasil/Peru-1964-1986. 1996. Tese (doutorado) – Universidade de São Paulo, São Paulo, 1996, p. 164.

[341] AMOROSO, Alceu. Disponível em: https://estadodaarte.estadao.com.br/bombeiro-incendiario-alceu-amoroso-lima. Acesso em: 3 out. 2023.

[342] Cf. SANTOS, Silvio Coelho dos. *Os povos indígenas e a constituinte*. Florianópolis: EdUFSC; Movimento, 1989.

[343] Declaração de Barbados. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf.

[344] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

perspective of Liberation Theology - whose practice calls Christians to "a concrete, immediate, historical task in this world: to fight and struggle for a more just society" and to bring about a "historical transformation of society"[345] . This was the new motto of what became an important instrument of civil society in the struggle for the oppressed.[346]

It is worth noting that indigenous peoples were not the only ones defended by this religious institution. There were many Catholic organizations defending Brazilian democracy. Among them, the Catholic University Youth (JUC), the Brazilian Catholic Action (ACB), the Popular Action (AP), CEBs, Pastoral Organizations and CIMI itself. It is worth understanding that "the JUC is undoubtedly the main trunk in the process of the origin of the AP".[347] The ACB, for its part, was founded in the late 1950s and early 1960s, just like the JUC, "a lay arm of the Church structure, therefore subject to the disciplinary rules" of the Catholic hierarchy.[348] "Progressively, the JUC went beyond its strictly religious and doctrinal concerns and became involved in the struggles for university reform and for changing the structures of Brazilian society,"[349] which would include building an opposition to the authoritarian military regime. Although it didn't have its own political ideology, many Jucistas became, by personal choice, militants of humanist socialism.

The JUC and AP (re)interpreted the "encyclicals of John XXIII and the concept of socialization as a guiding line of interpretation of the civilizing process" [350] . According to the AP's basic document, there was a contradictory character in the bowels of capitalism, "which leads to a socialist outcome" and, in this "perspective, it is appropriate to situate (the need for) the advent of socialism"[351] . The capitalist system had to be overcome. This is what the AP's own documentation said.

The basic ecclesial communities (CEBs) and pastoral ministries (diversas), in turn, can be defined as "small groups organized around a parish (urban) or chapel (rural), on the initiative

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[345] CATÃO, F. A. C. *O que é Teologia da Libertação*. São Paulo, Brasiliense, 1985, p. 20-21 *apud* BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020.

[346] BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020.

[347] DIAS, Reginaldo Benedito. Da esquerda católica à esquerda revolucionária: a ação popular na história do catolicismo. *Revista Brasileira de História das religiões*, v. 1, n. 1, 2008, p. 170.

[348] CNBB. Diretrizes da Comissão Episcopal da Ação Católica Brasileira e do Apostolado dos leigos para a JUC nacional. Revista Eclesiástica Brasileira XXI. dez/1961, *apud* DIAS, Reginaldo Benedito. Da esquerda católica à esquerda revolucionária: a ação popular na história do catolicismo. *Revista Brasileira de História das religiões*, v. 1, n. 1, 2008, p. 168.

[349] *Ibidem*, p. 169.

[350] AÇÃO Popular. Documento base. *In*: SOUZA LIMA, L. G. *Evolução política dos católicos e da Igreja no Brasil.* Petrópolis: Vozes, 1979, p. 124.

[351] *Ibidem*

of lay people, priests or bishops. The first ones appeared around 1960, in Nísia Floresta[352] ", in Rio Grande do Norte. Some researchers argue that the first CEB was organized in Volta Redonda, but this argument is somewhat irrelevant from a practical point of view. The number of participants varied, according to Friar Betto: "There could be ten, twenty or fifty members. In parishes on the outskirts, communities can be distributed in small groups" or form a large (single) group. In a large group, the number of participants can reach 100 or 200 people.[353] The exact definition of a CEB seems appropriate. According to Friar Betto:

> (The Cebs) are communities because they bring together people who have the same faith, belong to the same church and live in the same region. Motivated by their faith, these people live a common union around their problems of survival, housing, struggles for better living conditions and liberating desires and hopes. They are ecclesial, because they are congregated in the Church, as basic nuclei of a community of faith. They are grassroots, because they are made up of people who work with their own hands (working classes): housewives, workers, the underemployed, pensioners, young people and service sector employees on the urban periphery; in rural areas, agricultural wage earners, squatters, small landowners, tenants, peasants and their families. **There are also indigenous communities**. According to unofficial estimates, there are currently 80,000 basic ecclesial communities in the country, bringing together around two million believers and oppressed people.[354]

A CEB or pastoral ministry is, in short, a place of welcome for all those who have been excluded from society or who have been silenced by the Brazilian state or who do not occupy dominant positions in the social stratum. A space reserved by the Church and its vocation for the poor. These modules became fundamentally forces of opposition to the military regime in Brazil. Although they were created in the 1960s, it was at the beginning of the 1970s that missionary work expanded at regional and national level, respectively. Pastoral commissions (for workers, youth, land and Indians), the Basic Ecclesial Communities and the Indigenous

[352] BETTO, Frei. *O que é Comunidade Eclesial de Base*. Brasília: Editora Brasiliense, 1985, p. 6.
[353] BETTO, Frei. *O que é Comunidade Eclesial de Base*. Brasília: Editora Brasiliense, 1985, p. 7.
[354] *Ibidem*.

Missionary Council (1972)[355] were created, providing a logistical support structure for the Indigenous Assemblies.[356]

Returning to the central theme of the research, the direct relationship between the Indigenous Assemblies and the Basic Ecclesial Communities must be emphasized. The CEBs were groups linked to thousands of Catholic parishes across the country - which gave unity and political strength to this essentially democratic movement. "The CEBs became known for their pedagogical approach which emphasized participation, community and egalitarian ideals. It is estimated that, at the beginning of the 1980s, there were around 80,000 communities in Brazil, bringing together approximately two million people."[357]

Rosane Lacerda highlights a fundamental point in the relationship between pastoral work, the CEBs and the Indigenous Assemblies. "While the 'indigenous chiefs' were holding their first meetings and assemblies, the urban and peasant social movements, with the support of the Basic Ecclesial Communities, were taking to the streets to protest against the military regime."[358] A reality that became more evident, from a temporal point of view, after the Second FUNAI/Religious Missions Seminar, which took place in Manaus in April 1975. The first seminar had taken place in 1972, in Brasilia. It was from this point in time that the break between the Catholic Church - and consequently the missionary movements - and the military dictatorship was sealed.

The Indigenous Assemblies, on the other hand, were meetings within the indigenous communities. The meetings could be held weekly, monthly or every six months, depending on

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[355] Uma observação relevante sobre a situação das pastorais na atualidade parece relevante. Transformações no cenário das religiões no Brasil nas últimas três décadas, segundo Maria da Glória Gohn, impactaram, especialmente, os trabalhos pastorais, considerando o declínio do número de católicos no país. Segundo a autora, "as mudanças na cúpula da Igreja Católica, a partir de Roma, desativaram apoios à militância política e estimularam um retorno às práticas tradicionais das orações, procissões, retiros espirituais etc.". "O programa das pastorais, ativo desde os anos de 1970, tem retomado impulso no final desta década deste novo milênio. Atualmente são cerca de 15 as pastorais da Igreja Católica e elas completaram, em 2006, 35 anos de atividades, sendo a Pastoral Operária e a da Periferia as primeiras". Embora interessante a busca sobre o papel da Igreja Católica nas questões sociais contemporâneas, o que envolve a questão indígena, este não é tópico central de pesquisa a ser desenvolvido (*Ibidem*, p. 113)

[356] Cf. CARDOSO DE OLIVEIRA, Roberto. *A crise do indigenismo*. Campinas. Editora da Unicamp, *apud* LOPES, Danielle Bastos *et al. O movimento indígena na assembleia nacional constituinte (1984-1988)*. Dissertação de Mestrado- Universidade Estadual do Rio de Janeiro, 2011

[357] Cf. VIOLA, E. and S. Mainwaring (1987) 'Novos movimentos sociais: cultura política e democracia: Brasil e Argentina', in I. Scherer-Warren and J. Krischke (ed.) Uma Revolução no Cotidiano: Os Novos Movimentos Sociais na América do Sul. São Paulo: Brasiliense *apud* CICONELLO, Alexandre. A participação social como processo de consolidação da democracia no Brasil. In: From Poverty to Power: How Active Citizens and Effective States Can Change the World, Naróbi: Oxfam International, 2008, p 04.

[358] LACERDA, Rosane. *Os povos indígenas e a Constituinte – 1987/1988*. Brasília: Conselho Indigenista Missionário (CIMI), 2008, p. 29.

demand. Each indigenous leader would get together with the other members of the community to discuss the main problems in that locality. The participants were diverse and were not restricted to the chiefs. Teachers, health workers, young people, etc. took part. Sometimes, government bodies such as FUNAI were involved. In some way, this logistical structure was created at the same time as CIMI (in 1972).[359]

The Indigenous Assemblies proposed a different reading of the indigenous peoples' way of life - based on the concept of "incarnation" summarized in the expression "quiet mission", in which insertion into the daily lives of the communities was valued without interfering in their customs and beliefs, as the culture of each people had to be respected.[360] The missionary practices of defending indigenous lands, culture, self-determination and cultural preservation of the original peoples were guided by "incarnation" and collective "awareness". In this sense, "incarnation" was an option related to overcoming the ethnocentrism, colonialism and Eurocentrism impregnated in the Brazilian social structure. "Conscientization", in turn, "consisted of leading the Church to make an option for the oppressed and marginalized"[361] , which would include the indigenous peoples of Brazil.

"The leaders who received support from CIMI were indigenous people who spoke Portuguese and differed from the traditional indigenous chiefs in that they focused on the Indians' relations with national society." [362] According to Oliveira, the political discourse adopted was aimed at meeting the needs of the villages themselves. And "as the contacts and links between the countless indigenous peoples who took part in the assemblies increased, the Indians took over this organization and sketched out the institution of the first nationwide entities"[363] .

According to the priest and theologian Paulo Suess, one of the members of the group, the Indigenous Missionary Council's orientation was guided by four basic principles or values: the first of these was "to promote missionary pastoral work"; next, to provide legal assistance to the missionaries; "to promote their theological and anthropological training; to promote the

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[359] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.
[360] SUESS, Paulo, 1989, *apud* LOPES, Danielle Bastos *et al. O movimento indígena na assembleia nacional constituinte (1984-1988)*. Dissertação de Mestrado- Universidade Estadual do Rio de Janeiro, 2011
[361] LOPES, Danielle Bastos *et al. O movimento indígena na assembleia nacional constituinte (1984-1988)*. Dissertação de Mestrado- Universidade Estadual do Rio de Janeiro, 2011.
[362] OLIVEIRA, 2006, p. 189, *apud* BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018.
[363] *Ibidem*

CNBB's relationship with government bodies, especially FUNAI, and the missionaries' relationship with each other".[364]

The indigenous assemblies were coordinated by the Indigenous Missionary Council and, although they spread throughout the country in the late 1970s and early 1980s, regional demands had already existed since the 1950s. A movement that began to interconnect with other organizations and associations and become a large, capillary network or political force.

An instrument that has undoubtedly strengthened "dialogues and struggles concerning the indigenous cause".[365] ."These are movements originating from different beliefs, sects and religious traditions", but which go beyond their Catholic origins. They were or "were a counterpoint to official indigenous policy".[366] In other words, a counterpoint to the forced assimilation promoted by the military governments. CIMI, together with civil associations, was decisive for the approval of a Minimum Program for indigenous peoples in later years,[367] something to be better defined and explained at an opportune moment.

The year 1974 is even more emblematic, as Poliene Bicalho points out. It was the year of the first indigenous assembly. From that year onwards, the Indigenous Movement gradually or systematically organized itself until it consolidated nationally as a national political force in the 1980s. The reaction to the power project institutionalized by the dictatorship formed "a collective indigenous identity capable of giving rise to a social movement" reacting to the experiences of disappointment and aggression promoted by the Brazilian state itself.[368] In some way, indigenous peoples have always resisted the violent integration movement promoted since the beginning of the 20th century, in a discontinuous manner, as Bicalho emphasizes.[369] The Indigenous Assemblies managed to spread throughout Brazil thanks to the support of the Indigenous Missionary Council (CIMI). "Between 1974 and 1980, fifteen of these assemblies took place in different parts of the country",[370] , carrying out grassroots mobilization work by

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[364] LOPES, Danielle Bastos *et al. O movimento indígena na assembleia nacional constituinte (1984-1988)*. Dissertação de Mestrado- Universidade Estadual do Rio de Janeiro, 2011.

[365] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

[366] OSSAMI DE MOURA, Marlene Castro. As assembleias de líderes indígenas no Brasil (1974-1984). *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 50.

[367] Cf. CUNHA, Manuela Carneiro da. Índios na Constituição. *Novos Estudos CEBRAP*, v. 37, p. 429-443, 2018.

[368] *Ibidem*.

[369] *Ibidem*, p. 25.

[370] DALLARI, Dalmo de Abreu. O índio, sua capacidade jurídica e suas terras. *In*: *A questão da emancipação*. Cadernos da Comissão Pró-Índio, n. 1, São Paulo, 1979, pp. 77-82. São Paulo: Parma, 1979 *apud* BICALHO, Poliene. Resistir era preciso: o Decreto de Emancipação de 1978, os povos indígenas e a sociedade civil no Brasil. *Topoi*, Rio de Janeiro, v. 20, p. 136-156, 2019, p. 139.

listening to indigenous leaders and the main demands related to the community. The historical context related to the creation of this important council seems appropriate.

The creation of the CIMI is also associated with a bold direction from the CNBB. This new "pastoral line", influenced by Liberation Theology (as already explained), and which brings the Catholic Church closer to indigenous populations, opens the way for the awakening of a new indigenous consciousness. The initial proponent of a "pan-indigenous consciousness", according to Alcida Ramos.[371]

The Jesuits Egydio Schwade and Thomas Lisboa sought to present a new work proposal for this more progressive sector of the Catholic Church. A meeting held in Gávea (Rio de Janeiro), "under the guidance and coordination of the then Father Luciano Mendes de Almeida" [372] , would have been fundamental for the first ideas related to the creation of a Council to emerge. The meeting was fundamental for these ideas, which at the time were considered subversive by the military dictatorship, to get off the drawing board and become a pastoral and collective practice. The priority objective was to secure support for the creation of indigenous assemblies. The priest and future first president of CIMI also had the support of Dom Tomás Balduíno and the strong collaboration of the Regional Indigenous Confederation of Cauca (CRIC).

CIMI played an important role in supporting the holding of indigenous assemblies, under the aegis of a "pan-indigenous associativism that would be emphasized, on a rhetorical level, as a privileged path to indigenous self-determination (...)".[373] CIMI provided transportation, food and lodging, and was thus able to bring together representatives of "various indigenous groups in one place with the aim of exposing each Indian to the interethnic experiences of the others and, on returning to his community, passing them on to his own people".[374]

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[371] Cf. RAMOS, Alcida Rita. *A convivência interétnica no Brasil*: o índio e a nação brasileira. Brasília: Departamento de Antropologia, Universidade de Brasília, 1997, p. 2 (Série Antropológica, n. 221).

[372] OSSAMI DE MOURA, Marlene Castro. As assembleias de líderes indígenas no Brasil (1974-1984). *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 50.

[373] LIMA, Antonio Carlos de Souza. Povos Indígenas no Brasil contemporâneo: de tutelados a organizados? *In*: SOUSA, C. N. I. de; LIMA, Antonio Carlos de Souza; ALMEIDA, F. V. R. de; MATOS, M. H. O. (Org.). *Povos indígenas*: projetos e desenvolvimento, II. Brasília; Rio de Janeiro: Paralelo 15; GTZ/LACED; Museu Nacional-UFRJ, 2010. p. 15-50, p. 34, *apud* BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 183.

[374] RAMOS, Alcida Rita. *A convivência interétnica no Brasil*: o índio e a nação brasileira. Brasília: Departamento de Antropologia, Universidade de Brasília, 1997, p. 2, (Série Antropológica, n. 221), *apud* BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 183.

The CNBB and, consequently, CIMI were already prepared to defend and combat the human rights violations that had taken place in the years prior to the country's re-democratization. And with greater visibility and political projection, they actively participated in the National Constituent Assembly (1987-1988) so that constitutional guarantees for indigenous peoples could be achieved.

One of its objectives was to defend indigenous groups in their struggle for land and self-determination. Between 1974 and 1984, CIMI supported 16 national indigenous assemblies, which led to the rise of leaders and the formation of the first national indigenous organizations.[375] The Brazilian Evangelical Churches with an ecumenical tendency, in turn, founded the Ecumenical Documentation and Information Centre (CEDI) in 1974, which in 1994 gave rise to the Socio-Environmental Institute (ISA) as an NGO that has since led civil society's political support for indigenous organizations and the defence of their constitutional rights.[376] Since its creation (in 1972), CIMI and the indigenous assemblies themselves have been criticized by the Brazilian and Latin American intelligentsia (in general), as will be seen in the discussions on the Barbados Declaration.

According to political scientist Maria da Glória Gohn, "in Brazil and several other Latin American countries, at the end of the 1970s and in the first half of the 1980s, the popular social movements articulated by opposition groups to the military regimes became famous" [377] . Especially the Christian grassroots movements, inspired by liberation theology"[378] , as already mentioned. This is especially true in Latin America. The author Maria da Glória Gohn highlights this relationship between social movements and opposition to the military dictatorship established between 1964-1985 and, at the same time, differentiates them from the Indigenous Movement**:**

Indigenous communities are "re-emerging" 118 and this is something new for Latin America. It is well known that the struggle of indigenous people to resist European and white colonization has been going on for centuries, but it has taken on new contours since the 1970s. They began to fight for new rights, such as recognition of indigenous culture, redistribution of

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[375] BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 183.

[376] GRÜNBERG, Georg; CHIRIF, A. Barbados 1971, un desafío vigente. *In*: CHIRIF, Alberto (Org). *Por la conquista de la conquista de la autodeterminacíon en el cincuentenario de la Declaración de Barbados*, 2021, p. 49.

[377] GOHN, Maria da Glória. Movimentos sociais na contemporaneidade. *Revista Brasileira de Educação*, v. 16, n. 47, p. 333-361, 2011, p. 342.

[378] *Ibidem*

their lands, schooling in their own language, among other issues. Several indigenous territories have become, in various countries, mainly Latin American, "a source of greed due to the minerals and other riches in their subsoil, as well as their watercourses, or merely because they are located on routes where gas pipelines and other macroeconomic interventions are planned, thus stirring up social tensions"[379] . Centuries ago, "the civilizer" plundered the treasures of the indigenous people, enslaving them in work fronts for the accumulation of the time, just as happened with the blacks coming from Africa. Therefore, from that moment on, there was greater awareness and organization in the form of social movements . [380]

It is important to note at this point that some authors "separate the term social movement from the term indigenous movement, because they consider that the latter has a specificity and a field of its own that cannot be confused with other social movements. And this reality meant that in some Latin American countries there was a radicalization of the process of struggle for re-democratization, which led to a resurgence of social struggles . [381]

Although the distinction between the two concepts, Indigenous Movement and Social Movements, is important, as Maria da Glória Gohn states, even considering the specificities of the Indigenous Movement, for purely subjective reasons in this work, both names will be mixed throughout this chapter.

This effervescent historical and political context and the emergence of "pan-indigenous associativism" influenced the creation of diverse and multiple social movements linked essentially to the indigenous cause.

Authors Lenno Francisco Denner, Julie Dorrico and Fernando Denner corroborate this view. They argue that the Indigenous Movement originated in the 1970s as a reaction to the military's aggressive projects for indigenous integration. It was an important political force that ended up consolidating itself as a reaction to the political development projects promoted by the military regime. Especially when they promoted "the expansion of colonization, agriculture and mining in the Midwest and North of Brazil, a situation that effectively threatened the existence of indigenous peoples in this context". This practice led to their expulsion from their territories through massacres, diseases, etc. The aforementioned authors relate the emergence of the Brazilian indigenous movement to its capacity for self-organization and its public-political

[379] GOHN, Maria da Glória. Abordagens teóricas no estudo dos movimentos sociais na América Latina. *Caderno CRH*, v. 21, p. 439-455, 2008, p. 440-441.
[380] Cf: *Ibidem*
[381] *Ibidem*

activism. They understood or had the perception that indigenous ethnocide-genocide could only be prevented or stopped if they organized themselves politically and campaigned .[382]

According to Ailton Krenak, the 1970s were definitely a milestone in the history of Brazilian society for indigenous peoples. With the "Brazilian Indigenous Movement, we have the entry into the public-political sphere and as a public-political subject of a new protagonist, until then marginalized and peripheralized politically, culturally, institutionally and epistemologically".[383]

According to Krenak, "the emergence of the Indigenous Movement represents the second discovery of Brazil, the most fundamental for the direction of contemporary Brazilian politics, culture and institutions". "The Indians discovered that, although they were symbolically the owners of Brazil," they had never been recognized in relation to this premise. According to the author, "it's not a ready-made conquest. It would be a kind of daily struggle in which they would seek to express their vision of the world, their power as human beings, their will to be and to live, starting from everyday life.[384]

Indigenous assemblies began to become increasingly present, participatory, articulate and united. The creation of the CIMI in 1972, the Pastoral Land Commission (CPT) in October 1975, and the National Union of Indigenous People (UNI) in 1979 (among other organizations), confirm this reality, that social movements related to the indigenous cause are spreading and are no longer necessarily associated with the Catholic Church.

In 1987, already in the National Constituent Assembly, this same political force, now with national reach, managed to articulate an article in the constitution (article 231 - On Indians) and, fundamentally, the end of assimilationism (from a formal point of view).[385] It also managed, despite its limitations, to block the interests of other social forces whose legislative pressure, in this constituent environment, was quite strong.

Even in the face of so many clashes, tensions and divergent interpretations involving Article 231, the Federal Constitution guaranteed the recognition of indigenous peoples as subjects of law. This was a tangible result, thanks to the effective mobilization (nationwide) of

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[382] DENNER, Leno Francisco; DORRICO, Julie; DENNER, Francisco. *A literatura indígena brasileira, o movimento indígena brasileiro e o regime militar*: uma perspectiva desde Davi Kopenawa, Ailton Krenak, Kaká Werá e Alvaro Tukano. p. 257. Disponível em: www.seer.ufrgs.br/EspacoAmerindio/article/view/83424/53067.

[383] KRENACK, Ailton 2015, p. 248, *apud* DENNER, Leno Francisco; DORRICO, Julie; DENNER, Francisco. *A literatura indígena brasileira, o movimento indígena brasileiro e o regime militar*: uma perspectiva desde Davi Kopenawa, Ailton Krenak, Kaká Werá e Alvaro Tukano. p. 257. Disponível em: www.seer.ufrgs.br/EspacoAmerindio/article/view/83424/53067.

[384] *Ibidem*.

[385] Cf. BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 5 jul. 2023.

social movements and missionary movements (especially). The existence of the innovative Article 231 of the Federal Constitution (at least the first part) can be attributed to this struggle.[386]

According to the author Roseane Lacerda, for the first time, together with other excluded sectors of society, indigenous communities had the chance or opportunity to participate, albeit in a limited way, in the drafting of the Constitution. This was a significant event, as it highlighted the emergence of the process of articulation and mobilization of this political force at a national level. This scenario was decisive for the recognition and conquest of new rights. The constituent process "motivated the agglutination of the country's indigenous peoples around a common political agenda during the mid-1980s" [387] . Secondly, "based on the active indigenous presence throughout the process, it defined the new legal and political paradigms for the state's actions in relation to these peoples, within the framework of the country's long-dreamed-of re-democratization". Finally, "since its promulgation, it has inspired and encouraged indigenous struggles to realize the rights it provides for"[388]

Thus, there is a regulatory framework that demonstrates, without a shadow of a doubt, the capacity for political articulation of Brazilian social movements of an ethnic nature, even in a mostly assimilationist environment. The post-constitutional recognition of indigenous peoples as subjects of rights is due to the effective mobilization of social movements (already mentioned), trade unions, associations and other civil society organizations[389] and the Basic Ecclesial Communities:

The challenges or obstacles they faced were diverse, "either because they were subject to the tutelary regime, or because of the colonial imposition of the political model of representative democracy, which was incongruous with their own participatory political practices". According to Rosane Lacerda, "despite these obstacles, the 1987-1988 Constituent Assembly process enjoyed the broad and persistent support of the indigenous peoples, who thus demonstrated that they understood the importance of that historic moment and were able to act in it to build important rights and guarantees".[390]

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[386] Cf. *ibidem*.

[387] LACERDA, Rosane Freire; FEITOSA, Saulo Ferreira. Os povos indígenas e a Assembleia Nacional Constituinte. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 254.

[388] *Ibidem*

[389] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 33 e ss.

[390] LACERDA, Rosane Freire; FEITOSA, Saulo Ferreira. Os povos indígenas e a Assembleia Nacional Constituinte. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 258.

According to André Gunder Frank, the social movements gave rise to "a kind of awareness (...) aimed at a process of **citizenization** of the less favored strata of Brazilian society",[391] which included the indigenous peoples.[392] According to Fernando Roque Fernandes, an element called **ethnogenesis** emerged. Indigenous communities from the most varied parts of the country and with the support of different sectors of civil society emerged as a political and social force never seen before.[393]

The term **ethnogenesis** can be interpreted as "ethnic emergence or resurgent peoples", or, according to Ossami de Moura, who uses Latin American indigenous themes as an example and conceptualizes the term "as a process of ethnic emergence, engendered from interethnic crossings, allowing the emergence of new social categories that constantly reposition and redefine themselves".[394] It is "a constant historical process that reflects the cultural and political dynamics of societies prior to the development of today's national states". In other words, "a basic process of shaping and structuring human cultural diversity. Its roots go back millennia and project into the present".[395] Other examples can be found in the "colonial policy of 'recongregations' in New Spain or in a wide variety of Mesoamerican and Andean communities".[396]

Ethnogenesis is associated with an awareness that the group is part of a minority swallowed up by factors such as colonialism, developmentalist policies and state integration. The question is: when and how do differences in a specific context become inequalities? In this sense, "ethnogenesis presents itself as the process of building a shared identification, based on a pre-existing or constructed cultural tradition that can sustain *collective action*".[397] In the Latin American example, this concept is associated with the "formation of consciousness for the social struggle" against oppression. Ethnogenesis and ethnicity, according to Fernando Roque

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[391] FRANK, André Gunder; FUENTES, Marta. Dez teses acerca dos movimentos sociais. Tradução de Suely Bastos. Lua Nova, São Paulo, n. 17, p. 28-48, jun. 1989, *apud* FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 73.

[392] BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 19 out. 2019.

[393] FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 77.

[394] BARTOLOMÉ, Miguel Alberto. As etnogêneses: velhos atores e novos papéis no cenário cultural e político. *Mana*, v. 12, p. 39-68, 2006, p. 41.

[395] *Ibidem*, p. 40.

[396] BARTOLOMÉ, Miguel Alberto. La desindianización de la Argentina. *Boletín de Antropología Americana*, v. 11, p. 39-50, 1985, p. 42.

[397] BARTOLOMÉ, Miguel Alberto. As etnogêneses: velhos atores e novos papéis no cenário cultural e político. *Mana*, v. 12, p. 39-68, 2006, p. 42.

Fernandes, "constitute the basis of indigenous protagonism in Brazilian history" and were decisive for indigenous and pro-indigenous associations and organizations to "begin to emerge in the second half of the 20th century".[398]

And it is in this collective action that "driving forces (...) reside, that is, the forces that "set entire peoples in motion and in turn, in each people, entire classes; and this (...) through a lasting action that results in a great historical transformation".[399] In the case of the indigenous question, ethnogenesis. There is thus an intrinsic relationship between the Indigenous Movement and ethnogenesis. Ethnogenesis was politically present at some decisive moments throughout the 20th century, such as in 1978, after the attempt to enact the Emancipation Decree.

When the Brazilian state tried to compulsorily emancipate indigenous people from all over Brazil in the 1970s (verified by the Emancipation Decree of 1978), the most varied pro-indigenous projects emerged in response to the state's action, such as the Pro-Indian Commissions, the National Association of Indigenous Action (ANAIS), the Indigenous Work Center (CTI) and the Indigenous Peoples in Brazil Project (PIB). It was precisely these movements and associations that took on a definitive visibility during the Constituent Assembly.[400]

It was a movement that reacted to the emancipatory proposals put forward by the Brazilian state in the 1970s. It was at this time that ethnogenesis gained greater relevance and visibility, when this collective consciousness began to organize itself and react to these proposals imposed by the government in force, the acculturation and assimilation of native peoples at any cost.[401]

The formation of the new constitutional content, enshrining the right to "exclusive possession and usufruct of their Territories" [402] , as well as "multiculturalism" as a constitutional principle, is due, without a doubt, to the victorious and democratic force of the struggle for the

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[398] FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, 2018, p. 72.

[399] LUKÁCS, Georg. A consciência de classe. *Estrutura de Classes e Estratificação Social*, v. 3, p. 11-60, 1974, p. 20.

[400]Cf. ROQUE FERNANDES, Fernando; DIAZ URIBE, Mauricio Alejandro. Movimentos indígenas latino-americanos da segunda metade do século XX: reflexões comparativas sobre processos decoloniais no Brasil e na Colômbia. *Revista Tellus*, v. 19, n. 39, 2019.

[401] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

[402] Cf. SOUZA FILHO, Carlos Frederico Marés. Constitucionalismo × democracia: o multiculturalismo e as comunidades tradicionais. *Braz. J. Int'l L.*, v. 7, 2010.

indigenous cause, even in the clashes during the Constituent Assembly, a recognition of the indigenous as a subject of rights with all their specificities .[403]

It was at this historical moment that these forces, now capillarized, articulated themselves in a decisive way to put an end to the official policy of an assimilationist state. This social force, now with national capillarity, articulates a new non-assimilationist constitutional text, despite the pressure groups, their divergent or opposing interests. Forces represented specifically by rural producers, mining companies and the military.[404]

It can be said that the Indigenous Movement played a key role in ensuring that the constituent deputies somehow listened to the demands of these peoples. And despite the resistance and opposition portrayed by deputies more aligned with the concerns of the National Security Council, the big mining companies and land interests. This political force managed to typify not only Articles 231 and 231 of the Constitution, but also Article 210 and other sparse provisions. There was also intense and effective political articulation on the part of the Catholic Church, which was more committed to the indigenous cause. According to Constituent Fabio Feldmann: "You had the Catholic Church that you mentioned represented by CIMI. And the indigenous people were there with great intensity. I remember them. And it was a very beautiful movement. You had the Kaiapós who performed some dances".[405]

During this decade, several indigenous leaders emerged "on the national political scene, not only as voices representing their peoples, but also (as a result) of a pan-indigenous articulation".[406] Angelo Cretã Kaingang was elected in 1976 as the first indigenous person to hold elected political office in Brazil, as a PMDB councillor in the municipality of Mangueirinha (Paraná).

The first indigenous federal deputy was elected in 1983 by the PDT, Mário Dzurará or Juruna. He died of complications from diabetes and was forgotten in a hospital in Brasilia. The presence of an Indian in the National Congress "was important for defending indigenous interests and for stopping projects that would harm them", explains anthropologist Fany Ricardo, coordinator of the ISA.[407] Juruna's emergence as a federal deputy deserves its own

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[403] *Ibidem*

[404] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

[405] Entrevista Fabio Feldmann concedida a Felipe Reis Pompeu de Moraes. Incluir a data da entrevista.

[406] *Ibidem*, p. 81.

[407] RICARDO, Fany, *apud* MENEZES, Maria Eugenia de. O gravador que era arco e flecha. *Jornal da USP*, 4 ago. 2002. Disponível em: www.usp.br/jorusp/arquivo/2002/jusp606/pag10.htm.

section. An almost folkloric image associated with the use of a tape recorder, since the white man was used to lying[408] and thus recording "everything the white man says".[409]

Indigenous leaders represented by various civil associations also made up the movement, whose main banner was the issue of land, as well as other priority demands. The movement was born as a reaction to the assimilationist-developmentalist policy promoted by the Brazilian state, which was intensified during the military dictatorship.

The overwhelming pressure groups, however, did not prevent the establishment of a social political force at national level. Indigenous communities from the most varied parts of the country and with the support of different sectors of civil society emerged as a social force never seen before.[410] A reality that was confirmed and gained momentum before and during the Constituent Assembly, despite its limitations.

This was a reaction to the emancipatory proposals spearheaded by the Brazilian state (in the 1970s). It was at this point that "ethnogenesis" emerged. A response far removed from what was expected by the Brazilian state, the acculturation and assimilation of native peoples into the dominant model.[411]

The important thing is to highlight the relationship between the Indigenous Movement and the presence of the collective actions of the churches, then associated with popular movements, especially those inspired by Liberation Theology,[412] as well as their connections with other organizations, such as ABA, UNAÍ, OAB (among others). This has already been pointed out on previous pages. The political strength and projection of the Catholic Church in Brazil, and especially of the CEBs and the Pastorals, perhaps made the difference,[413] during the ANC.

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[408] Cf. JURUNA, Mário. *Discursos de liberdade 1983/1984*: discursos e projetos de lei apresentados pelo Deputado Mário Juruna. Brasília: Câmara dos Deputados, 1984.

[409] CASTRO, Eduardo Viveiros de. No Brasil, todo mundo é índio, exceto quem não é. Povos indígenas no Brasil (2001/2005). 2006. p. 41-49, *apud* (não entendi o uso que você faz do Apud ao longo da tese. Aqui você quer dizer que leu o Viveiros de Castro no texto do Fernando Fernandes? De todo modo, devemos fazer uso moderadíssimo do Apud ou mesmo não fazê-lo) FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 77.

[410] FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 77.

[411] Cf. BICALHO, Poliene Soares dos Santos. Movimentos Sociais e Movimento Indígena – etnia e classe social: caminhos que cruzam, mas não se confundem. *Revista TransVersos*, n. 25, p. 11-32, 2022.

[412] Cf. PIERUCCI, Antônio Flávio Oliveira; PRANDI, Reginaldo. *Realidade social das religiões no Brasil*: religião, sociedade e política. São Paulo: Hucitec, 1996

[413] O envolvimento dos movimentos sociais ligados à Igreja Católica se associa a uma série de demandas (não necessariamente indígenas) e abrange os mais variados temas da sociedade brasileira contemporânea, conforme pontua Maria da Glória Gohn: “As novas orientações dos cristãos levaram, nos anos de 1990, no Brasil, ao apoio para a criação da Central dos Movimentos Populares (1993), e ao lançamento do Movimento da Consulta Popular

The new orientations linked to the Catholic Church and the leading role taken by the social-popular movements became a reality in Brazil in times of democratic transition and when part of the Church assumed the position of opponent to the Brazilian military dictatorship.[414] The articulations of this political force can be explained by various factors, "but on a symbolic level, that of the religious, there are possible explanatory paths, when observing changes in religious institutions that advise or mediate between social movements and public authorities; or, when observing the field of religiosity itself".[415]

At the same time as the emergence of the indigenous movement, part of the Latin American intelligentsia had drawn up a document a year earlier criticizing the role of the Catholic Church and its (evangelizing) participation in national indigenous policy. From this context, three thematic symposia were held, then called the Barabados Declaration (1971, 1977 and 1993). The declaration is very important because it is a reference for thinking about the Indigenous Movement in Brazil and Latin America,[416] from a theoretical point of view. A movement of resistance to neo-colonialism, of denunciation of the genocide and ethnocide promoted over centuries. A symposium of extreme theoretical and practical relevance.

(1997), assim como uma reativação de manifestações públicas como a marcha do Grito dos Excluídos, organizada desde 1995, e a Marcha das Margaridas (em sua maioria, mulheres camponesas), além das inúmeras Marchas dos Sem-Terra, que ganharam espaço na mídia a partir de 1997. O Movimento Consulta Popular do final dos anos de 1990, o Plebiscito sobre a Dívida Externa, em 2000; a Campanha Contra a Alca – Área de Livre-Comércio das Américas, que resultou no Plebiscito Popular sobre a Alca em 2002 (cf. SUYLAN SILVA, 2008). Foram grandes mobilizações populares que contaram com o apoio dos setores progressistas da Igreja Católica no Brasil. Em 2007, o Grito dos Excluídos, convocado pela CNBB – Conferência Nacional dos Bispos do Brasil, para demandar: trabalho, terra, moradia, paz, justiça, saúde, cidadania, ética, educação e soberania, mobilizou nas principais capitais do país simpatizantes e aliados, tais como o MST, partidos políticos (Psol, PSTU, PCB e o Partido Humanista). Tiveram presença importante no apoio a estes eventos algumas organizações como a Cáritas Brasileira, o Ibrades – Instituto Brasileiro de Desenvolvimento, a CNBB – Conferência Nacional dos Bispos do Brasil, MNDH – Movimento Nacional dos Direitos Humanos, Comissão de Justiça e Paz etc. Nesta lista merece destaque a Cáritas. Ela foi criada em 1956, durante a 3ª Assembleia da Conferência Nacional dos Bispos do Brasil, vinculada à criação do programa Alimentos para a Paz. No início teve relação com a criação da Fase – Federação de Órgãos para Assistência Social e Educacional –, outra ONG de apoio e assessoria aos movimentos sociais populares, assim como interlocução com a Misereor, no plano internacional. Até a década de 1990 a Cáritas se manteve no perfil das atividades promocionais e assistenciais. A partir dos anos de 1990, ela muda de perfil no Brasil, e passa a atuar na defesa dos direitos, da solidariedade libertadora, e progressivamente integra-se aos programas de economia solidária e cooperativas populares que são criados em diferentes pontos do Brasil. A entidade passa a apoiar mobilizações e cursos de formação de agentes comunitários para atuarem no controle social das novas políticas públicas, implementadas pelos requerimentos da nova Constituição de 1988" (*Ibidem*, p. 107 e ss.).

[414] Cf. BICALHO, Poliene Soares dos Santos. Protagonismo indígena no Brasil: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

[415] GOHN, Maria da Glória. *Movimentos sociais e redes de mobilizações civis no Brasil contemporâneo*. Petrópolis: Vozes, 2014, p. 111.

[416] Cf. BICALHO, Poliene Soares dos Santos. Protagonismo indígena no Brasil: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

3.1. 1 Declaration of Barbados

3.1.2 Barbados I

In January 1971, the Barbados Symposium marked the starting point of a new anthropology for Latin America oriented by actions in defense of indigenous peoples and then "designated as 'committed', 'anti-imperialist' and 'liberating'".[417] The first symposium was held at the University of the West Indies in Bridgetown, on the island of Barbados, and ended up gaining "a name that became a landmark for Latin American (indigenous) anthropology".[418] The Barbados Declaration gave rise to the formulation of a document "for the liberation of indigenous peoples", endorsed by intellectuals and anthropologists such as Miguel Alberto Bartolomé, Guillerme Bonfil Batalla, Víctor Daniel Bonilla, Gonzalo Castillo Cárdenas, Miguel Chase-Sardi, Georg Grünberg, Nelly Arvelo de Jiménez, Esteban Emilio Mosonyi, Darcy Ribeiro, Scou S. Robinson and Stefano Varese.[419]

The aim of the meeting was to "discuss and denounce the main problems faced by the indigenous peoples of the Americas".[420] A kind of indigenous diagnosis was drawn up, in which it was reported that "the condition of indigenous submission was associated with a persistent colonial relationship throughout Latin American history. A situation "that originated at the time of the colonial conquest and has not been undone within national societies".[421] Colonial and

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[417] GRÜNBERG, Georg; CHIRIF, A. Barbados 1971, un desafío vigente. *In*: CHIRIF, Alberto (Org). *Por la conquista de la conquista de la autodeterminacíon en el cincuentenario de la Declaración de Barbados*, 2021, p. 45 e ss.

[418] *Ibidem*.

[419] "Dos quatro brasileiros presentes, apenas Darcy Ribeiro assinou esta declaração, pois estava exilado no Chile. Os demais não o fizeram por questão de segurança, devido ao regime militar que imperava no Brasil. Eis a lista completa de todos os participantes: Pedro Agostinho da Silva (Universidade Federal da Bahia, Salvador, Brasil); Nelly Arvelo Jiménez (Instituto Venezuelano de Investigações Científicas, Caracas,Venezuela); Miguel Alberto Bartolomé (Universidade de Buenos Aires, Argentina); Guillermo Bonfil Batalla (Universidade Nacional Autônoma do México, México); Victor Daniel Bonilla (Comitê para a Defesa do Indígena, Bogotá, Colômbia); Oscar Bolioli (Conselho Mundial de Igrejas, Genebra, Suíça); Gonzalo Castillo Cárdenas (Comitê para a Defesa do Indígena, Bogotá, Colômbia); Miguel Chase-Sardi (Centro de Estudos Antropológicos do Ateneu Paraguaio, Assunção, Paraguai); Georg Grünberg (Universidade de Berna, Suíça); Carlos de Araújo Moreira Neto (Universidade de Rio Claro, Brasil); Esteban Emilio Mosonyi (Universidade Central da Venezuela, Caracas, Venezuela); Darcy Ribeiro (Universidade do Chile, Santiago, Chile); Scott S. Robinson (Whitman College, Walla Walla, USA); Sílvio Coelho dos Santos (Universidade Federal de Santa Catarina, Florianópolis, Brasil); Stefano Varese (Divisão de Populações Amazônicas, Ministério da Agricultura, Peru)." (Declaração de Barbados. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf. Acesso em: 14 set. 2023).

[420] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 118.

[421] DECLARAÇÃO de Barbados. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf.

neo-colonial roots, therefore, also present from the 1970s to the present day, would partly explain the indigenous genocide.

Part of the statement is important to cut out, as it highlights exactly these points:

> The indigenous people of America are still subject to a colonial relationship of domination, which originated at the time of the conquest and which has not been broken down within national societies. This colonial structure manifests itself in the fact that the territories occupied by the indigenous people are considered and used as no man's land, open to conquest and colonization. **Colonial domination over native populations is part of the situation of external dependence that most Latin American countries** maintain vis-à-vis the imperialist metropoles. The internal structure of our dependent countries leads them to act in a colonialist way in their relationship with indigenous populations, placing national societies in the dual role of exploited and exploiter. This generates a false image of indigenous societies and their historical perspective, as well as a deformed self-awareness of national society. This situation is expressed in repeated aggressions against indigenous societies and cultures, both in supposedly protective interventionist actions and in extreme cases of massacres and compulsory displacement, **not least by the army and other government agencies**.[422]

The fragment of the document endorses the persistent colonialism "between metropoles and peripheral countries", a term now considered outdated, but still important from a conceptual point of view.[423] Indigenous extermination, according to the document, is not only linked to this colonial relationship, but also to the actions of government agencies, state agents, catechizing and therefore integrationist religious missions and anthropology itself. Both carry in their essence a certain doctrinal baggage associated with "cultural domination" and Eurocentrism.[424]

The Barbados Declaration not only calls for "the responsibility of anthropologists and religious missionaries in the ethnocide suffered by (Latin American) indigenous peoples"; the document invokes the need to establish "self-government for these groups, development and defense instruments for indigenous populations",[425] as highlighted in the following fragment:

> *(...) We wish to reaffirm here the right of Indian populations to experiment with and adopt their own self-governing development and defence programs... These policies should not be forced to correspond with national economic and socio-political exigencies of the moment. Rather, the transformation of national society is not*

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[422] *Ibidem*.

[423] *Ibidem*

[424] DECLARAÇÃO de Barbados. p. 4. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf.

[425] ALCINA, José Franch. Indianismo e indigenismo en América. Madri: Alianza, 1990, p. 13, *apud* CALEFFI, Paula. "O que é ser índio hoje?" A questão indígena na América Latina/Brasil no início do século XXI. *Diálogos Latino-Americanos*, n. 7, p. 20-42, 2003, p. 22.

> *possible if there remain groups, such as Indians, who do not feel free to command their own destiny*.[426]

Regarding the meanings involved in the terms self-determination and self-government, it is necessary to conceptually identify a persistent practice throughout the history of (colonial) Latin America, the idea "of the need for intermediary figures to act between the indigenous groups and the different social agents, with the aim of protecting and representing the native groups, this conception remained after independence in some national states".[427]

This understanding, that of indigenous peoples' capacity for leadership or self-government, is corroborated by Florestan Fernandes, during his oral argument at the 4ª Public Hearing (ANC):

> I've heard some of these (indigenous) leaders speak. I've been impressed several times to hear these indigenous people speaking on behalf of their comrades: the articulation of their thoughts, the level of information they have, the objectivity with which they describe reality. If you take the book by one of the two French authors who dealt with the Tupinambás of the North and Northeast, you will find a dialog with an indigenous chief. This chief describes the different stages followed by the colonization process, from the occupation of the land, from the presence of the white man as a friend, the white man who was welcomed and incorporated into the indigenous family and given a wife, to the moment when he takes the Indian off the land and the later phase, when he ends up massacring the indigenous. This indigenous chief shows the diversity of the indigenous person in order to penetrate the concrete issues of life. We can't think that human beings are irrational because they are born indigenous, or because they are born African, or because they are born Asian.[428]

The professor highlights not only the immense capacity for articulation on the part of the Original Peoples and, in particular, indigenous leaders. Mediation of indigenous interests has traditionally been carried out by non-indigenous people, making it possible to manipulate and distort the cause or the real desires of Latin America's original peoples. A situation that facilitates interests that are not exactly indigenous, as the fragment above highlights.

In republican Brazil, for example, "certain sectors within the state bureaucracy itself, such as the Service for the Protection of Indians and the Localization of National Workers (SPILTN - later known only as SPI)",[429] always responded to indigenous peoples.

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[426] DECLARAÇÃO de Barbardos, p. 7 e 8, *apud* Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 118.

[427] CALEFFI, Paula. "O que é ser índio hoje?" A questão indígena na América Latina/Brasil no início do século XXI. *Diálogos Latino-Americanos*, n. 7, p. 20-42, 2003, p. 26.

[428] Declaração de Florestan Fernandes, durante a 4ª Audiência Pública da ANC.

[429] CALEFFI, Paula. "O que é ser índio hoje?" A questão indígena na América Latina/Brasil no início do século

The Declaration of Barbados ended up becoming a book, the *Book of Barbados*, an extensive and irrefutable record of the crimes committed against the indigenous peoples of Latin America and, at the same time, a warning to establish a new social configuration for indigenous peoples. It is a contemporary and current reality, as the current motivations for the continuation of indigenous ethnocide are persistent: the (colonial) interest in "expropriation of their lands and territories", provoking immediate (and necessary) "resistance against colonization, forced labour and integration into a system of life that denies them the right to their own way of being and being".[430] According to Pacheco de Oliveira, "although the problems were different for each group or nationality, many themes were common to the countries with indigenous communities, such as the issue of land demarcation (reservations)", the discussion on the concept of cultural otherness, among other issues.[431]

The concept of self-government in a dictatorial context was far removed from the reality imposed by Latin American dictatorial governments in the 1970s. In the name of (developmental) state interests and national sovereignty, state bodies and agents controlled indigenous peoples. The issue was not restricted to a mere intermediation of indigenous peoples' interests and the lack of self-government, Latin American national societies (continuously) promoted the extermination of indigenous populations, using the most varied justifications, such as the risk to sovereignty or an impediment to national development.

Throughout the symposiums, the group's main concerns about the situation of indigenous peoples at the time were indicated: the liberation of indigenous peoples from all forms of oppression and discrimination, as well as raising awareness about the responsibilities of the state, religious missions and (traditional) anthropology in the extermination of indigenous peoples. The Symposium also stressed the need for these peoples to overcome the colonial situation of which they were victims.[432] With regard to the responsibilities of the role of Anthropology, the need for a new look or a new direction for this branch of science was affirmed. Anthropologists could no longer view indigenous populations as mere objects of study

XXI. *Diálogos Latino-Americanos*, n. 7, p. 20-42, 2003.

[430] GRÜNBERG, Georg; CHIRIF, A. Barbados 1971, un desafío vigente. *In*: CHIRIF, Alberto (Org). *Por la conquista de la conquista de la autodeterminacíon en el cincuentenario de la Declaración de Barbados*, 2021, p. 48.

[431] PACHECO DE OLIVEIRA, João. *A presença indígena na formação do Brasil*. Secretaria de Educação continuada, alfabetização e diversidade (Secad). Laced/Museu Nacional, DF: coleção educação para todos, 2006, p. 26, *apud* LOPES, Danielle Bastos *et al. O movimento indígena na assembleia nacional constituinte (1984-1988)*. Dissertação de Mestrado- Universidade Estadual do Rio de Janeiro, 2011, p 41.

[432] BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 119.

and the traditional view of colonized peoples. They must commit themselves to the indigenous struggle for their liberation (1971).[433]

According to Bicalho, the emphasis of the Barbados Declaration is on the need to establish structural changes in the relationship between the state, national society and indigenous nations, making the Indian the subject and agent of their destiny - a concept linked to the idea of "what is now known as indigenous protagonism".[434] In other words, the recognition of indigenous rights, for example, their cultural preservation and social organization. In more specific terms, "to live according to their own customs and their own moral order, the freedom to develop their own culture".[435]

The document criticizes the Religious Missions which functioned "as a great enterprise of recolonization and domination, in collusion with the dominant imperialist interests".[436] These religious groups had an "ethnocentric and discriminatory vision". This type of evangelization "hitherto imposed on the indigenous should be extirpated, so that their customs and religious traditions would (finally) be respected".[437] In more literal terms, "in order to preserve the moral integrity of the churches themselves, it would be necessary to put an end to missionary activity",[438] because the "missionary presence has meant the imposition of criteria and standards which are alien to the dominated indigenous societies and which cover up, under the religious mantle, the economic and human exploitation of indigenous populations".[439] The document generated multiple reactions from the Church.

3.1.3 The reaction to mission criticism

"The Catholic Church, seeking to challenge the accusations made by anthropologists, held two regional meetings, in Peru (1971) and Paraguay (1972), and from then on began a

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[433] SANTOS, Silvio Coelho dos. *Os povos indígenas e a constituinte*. Florianópolis: EdUFSC; Movimento, 1989, p. 98.
[434] BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 118.
[435] Declaração de Barbados. Disponível: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf. Acesso em: 4 jan. 2024.
[436] DECLARAÇÃO de Barbados. p. 22. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf. Acesso em: 23 set. 2023.
[437]BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 120.
[438] DECLARAÇÃO de Barbados. p. 23. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf. Acesso em: 23 set. 2023.
[439]Cf. SUESS, Paulo, 1989, *apud* LOPES, Danielle Bastos *et al. O movimento indígena na assembleia nacional constituinte (1984-1988)*. 2011 e ASCENSO, João Gabriel da Silva. *"Como uma revoada de pássaros"*: uma história do movimento indígena. Tese (doutorado) – Pontifícia Universidade Católica, Rio de Janeiro, 2021.

process of reviewing its indigenist practices or policies."[440] The meetings resulted in the drafting of a document signed by the Latin American bishops criticizing the secular doctrine practiced by the Catholic Church and acknowledging the Church's responsibility for the practices of destroying the traditional indigenous way of life.

According to the Asunción document, "the churches should not fear, but should support the formation of indigenous organizations, as well as disseminating in the media the image of the indigenous person as a subject with inalienable rights".[441] In this way, the paths taken at the Latin American meetings began to create spaces for debate in countries where the indigenous question had always been a challenge. It was in this context that the changes announced by the Catholic Church regarding its new evangelization policy became evident.[442]

After the Second Vatican Council, held between 1962 and 1965, the General Conference of the Latin American Bishops met in Medellín, where it was decided that the Church would seek a new dialogue with indigenous people, contributing to their mobilization and organization. The "new pastoral line", influenced by Liberation Theology, "brought the Catholic Church closer to the indigenous populations".[443] After the Second Vatican Council in the 1960s and the General Conferences of the Latin American Bishops in Medellín (1968), Colombia, and Puebla (1969), Mexico, "a revision of the Catholic Church's conservative stance began. Still influenced by the Barbados debates, as Alcida Ramos points out, the Catholic Church was the initial driving force behind the formation of a 'pan-indigenous consciousness'"[444] and the role of CIMI was absolutely indispensable.

The Barbados Declaration was not the only document to question the legitimacy of the Indigenous Assemblies coordinated by CIMI. During the 1980s, anthropologist Eduardo Viveiros de Castro publicly criticized the role of religious missions: "Personally, I distrust the messianism underlying the positions of this body, I distrust the persistence of its non-

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[440] SANTOS, Silvio Coelho dos. *Os povos indígenas e a constituinte*. Florianópolis: EdUFSC; Movimento, 1989, p. 34, *apud* BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 182.

[441] SUESS, Paulo. Em defesa dos povos indígenas. Documentos e legislação. São Paulo: Ed Loyola, 1980. p. 30: 1980, *apud* LOPES, Danielle Bastos et al. O movimento indígena na assembleia nacional constituinte (1984-1988). 2011, p. 41.

[442] BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 119.

[443] BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 182.

[444] *Ibidem*, p. 183

catechetical action (which characterizes a very small portion of the missionaries), and I consider that a relativization of CIMI's role is important."[445]

The criticism of these anthropologists, however, was fundamental for the "resumption of the dialog between ethnology and missiology (...)".[446] This "previous journey" referred to the new context for missionary activity, where Pastoral Commissions had been created (for workers, youth, land and Indians) and the Basic Ecclesial Communities (CEBs), which sought to get closer to the poorest segments of society,[447] as already mentioned in a separate topic.

"This new context of Brazilian and Latin American missionary activity guaranteed CIMI's participation in the 2º Symposium on Interethnic Friction, held in Barbados (2ª Barbados Meeting) in 1977," then entitled "Indigenous Liberation Movements in Latin America",[448] in July 1977, at the University of the West Indies.

At the meeting, changes in missionary action were discussed. This was decisive for the final document of CIMI's Second General Assembly, which took place in Goiânia in November 1977:

> (...) in the face of the failure (...) to solve the problem of the Indian from the white world, the right of Indians to meet freely at regional, national and international level must be recognized and supported, creating the conditions for: a) the meetings of Indigenous Chiefs to continue; b) types of meetings exclusively for Indians; c) the emergence of indigenous organizations such as federations and confederations at national and continental level. In this work to make the various types of meetings and organizations possible, the natural leaders should be valued, without instrumentalizing them.[449]

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[445] CASTRO, Eduardo Batalha Viveiros de. Comentários. In: MONTEIRO, Douglas T. et al. *Religião e sociedade*. Rio de Janeiro: Civilização Brasileira, 1978., p. 191-192, *apud* OSSAMI DE MOURA, Marlene Castro. As assembleias de líderes indígenas no Brasil (1974-1984). *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 52.

[446] SUESS, Paulo. *Em defesa dos povos indígenas*: documentos e legislações. São Paulo: Loyola, 1980 p. 11, *apud* BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 183.

[447] BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 183.

[448] Declaração de Barbados II – ACSL & LFSC, *apud* NASCIMENTO, Denise Fernandes Lopes *et al.* Diretoria da ABA–Gestão 2017/2018, p. 14. *In*: RIBEIRO, Gustavo Lins; SOUZA LIMA, Antonio Carolo; CARVALHO, Luis Felipe dos Santos (Org.). *Interculturalidade(s)*: entre ideias, retóricas e práticas em cinco países da América Latina. Brasília: Laced, 2018.

[449] BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 184.

The recognition of a new anthropology, a new missionary action and new mechanisms to guarantee the self-determination of indigenous peoples was one of the central points discussed in the Barbados II Declaration of July 1977. The document was signed by 18 indigenous members and 17 anthropologists and academics from around the world. It also emphasized the strategies and instruments needed to achieve greater indigenous cultural diversity.[450] One of the strategies would be for as many representatives as possible to sign, including prominent intellectuals such as anthropologists and representatives of indigenous organizations from Ecuador, Argentina, Panama and Venezuela.[451] The same was repeated in the Barbados II group (p 134), which this time sought to ascertain what new repressive mechanisms would be imposed by national societies against indigenous peoples.[452]

In this second group, the main meeting was organized by Georg Grunberg and the Latin American Documentation Centre (CADAL), with the support of the International Affairs Commission of the World Council of Churches.[453] The central theme of the debates was once again the search for ways to overcome the physical and cultural domination to which the Indians are still subjected. According to the text of the declaration, "*physical domination is an* economic *domination*"[378] , which is expressed in the withdrawal of indigenous lands and their natural resources,[454] invasions by large companies that come in search of land and the indigenous workforce.

The importance of the second group is visible, as it drove the (re)organization of the Latin American Indigenous Movement,[455] . Among the main points were: "*proper and authentic political organization*"; "*consistent ideology*"; "*method of work*"; "*an agglutinating element*"; and "*conserving and strengthening forms of internal communication"*.[456] The second symposium also stands out for

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[450] BARRE, Marie-Chantal. Ideologías indigenistas y movimientos indios. 1983, p. 156-157, *apud* CALEFFI, Paula. "O que é ser índio hoje?" A questão indígena na América Latina/Brasil no início do século XXI. *Diálogos Latino-Americanos*, n. 7, p. 20-42, 2003.

[451] VERDUM, Ricardo. Desenvolvimento, utopias e indigenismo latino-americano: um estudo sobre indigenismo e cooperação internacional. Rio de Janeiro: Associação Brasileira de Antropologia, 2018. : 124-125, *apud* NASCIMENTO, Denise Fernandes Lopes *et al.* Diretoria da ABA-Gestão 2017/2018. *In*: RIBEIRO, Gustavo Lins; SOUZA LIMA, Antonio Carolo; CARVALHO, Luis Felipe dos Santos (Org.). *Interculturalidade(s)*: entre ideias, retóricas e práticas em cinco países da América Latina. Brasília: Laced, 2018, p. 14.

[452] BARRE, Marie-Chantal. *Ideologías indigenistas y 107movimentos indios*. 1983, p. 158.

[453] NASCIMENTO, Denise Fernandes Lopes *et al.* Diretoria da ABA-Gestão 2017/2018. *In*: RIBEIRO, Gustavo Lins; SOUZA LIMA, Antonio Carolo; CARVALHO, Luis Felipe dos Santos (Org.). *Interculturalidade(s)*: entre ideias, retóricas e práticas em cinco países da América Latina. Brasília: Laced, 2018, p. 14.

[454] BICALHO, Poliene Soares dos Santos. Protagonismo indígena no Brasil: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 119.

[455] *Ibidem*, p. 121.

[456] Declaração de Barbados II, p. 22.

> *the political struggle for the construction of an identity for the "Indian-American people" with the great objective of: "Achieving the unity of the Indian people, considering that to achieve this unity the basic element is the historical and territorial location in relation to the social structures and the rule of the national states, insofar as one is participating totally or partially in these structures. Through this unit, we take up the historical process and try to conclude the chapter on colonization.*[457]

And cultural domination occurs when "*the mentality of the Indian has become established that Western culture or the culture of the dominator is the only culture and the highest level of development...*".[458] The fight against this type of mentality can only be victorious when the integrationist and assimilationist indigenist policy is effectively changed, when the formal education presented to the Indian is no longer based on the idea of white superiority. The end of cultural domination would be a long process that will materialize as the indigenous population itself gradually becomes aware of the importance of uniting all indigenous peoples in a complex process of political organization towards indigenous liberation. [459]

Fifteen years later, in 1993, the last symposium was held, the Barbados Declaration, which was closely linked to issues such as globalization and sustainable development and which proposed that "a world without alternative communities, without differentiated social groups, would be a world condemned to a lack of creativity and fraternal loyalties[460] ".

Part of the third document stated that "States and their respective presidents have 'the obligation to respect their rights and indigenous cultural identity'". According to Grunberg, "the democratization process that is still underway - especially in Brazil - needs to make room for indigenous peoples", considering that the concept of people "corresponds to human populations that are socially organized, ethnically defined, culturally distinct and have a spatial dimension" of their own.[461]

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[457] GRÜNBERG, Georg; CHIRIF, A. Barbados 1971, un desafío vigente. *In*: CHIRIF, Alberto (Org). *Por la conquista de la conquista de la autodeterminacíon en el cincuentenario de la Declaración de Barbados*, 2021, p. 51.

[458] BATALLA, Guillermo Bonfil *et al*. La declaración de Barbados II y comentarios. *Nueva Antropología*, v. 2, n. 7, p. 109-125, 1977, p. 111.

[459] BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 121.

[460] GRÜNBERG, Georg. Os índios da América Central e a construção de uma cultura de tolerância. Tradução de Maria Denise Fajardo Grupioni. *In*: GRUPIONI, Luís Donisete Benzi; VIDAL, Lux Boelitz; FISCHMANN, Roseli (Org.). *Tolerância e povos indígenas*: construindo práticas de respeito e solidariedade. São Paulo: Edusp, 2001, p. 82.

[461] GRÜNBERG, Georg; CHIRIF, A. Barbados 1971, un desafío vigente. *In*: CHIRIF, Alberto (Org). *Por la conquista de la conquista de la autodeterminacíon en el cincuentenario de la Declaración de Barbados*, 2021, p. 52.

Professor Poliene Bicalho put it very succinctly when she said that "economic policies should seek alternative solutions to neoliberal economies; the Catholic Church should always review its evangelizing practices in order to respect the cultural differences of the Indians" [462] . Finally, this researcher says that "indigenous autonomy will not come about without a process of transformation taking place in various and varied instances of the state and society"[463] .

Finally, he said that "the image of a Church that curtailed freedoms, was ethnocentric and domineering - as the Barbados Declaration of 1971 pointed out - has been overcome by a new missionary presence among the indigenous peoples"[464] . The challenges of the new evangelization were many, such as dealing with a missionary past full of discomfort and conquering a present of **positive responses in the process of awareness and organization of the indigenous struggle in Brazil.**

In Brazil, reflections on the Declaration were the basis for the emergence of civil society groups that began to fight for the establishment of indigenous rights. In this context, the National Indian Support Association (ANAI) emerged in 1976, and the Pro-Indian Commission in 1977, as well as the reorganization process of the Brazilian Anthropology Association (ABA) in 1974.[465]

Criticism of the role of the Church and its catechizing role would have been overcome and can be instrumentalized by the new turn of part of the Latin American Catholic Church in the 1970s and, at the same time, can be exemplified by the inauguration of Dom Luciano Mendes de Almeida as president of the CNBB in April 1987. It was a very troubled inauguration, but one that confirmed the new direction taken by the Curia. It was an important position during the discussions of the National Constituent Assembly and for the 1988 Constitution to have exactly its contemporary contours. Contours that were not assimilationist towards indigenous peoples. Dom Luciano exercised his right of reply to the series of defamatory reports published in the newspaper *O Estado de S. Paulo*.

"In August 1987, the newspaper *O Estado de S. Paulo* published a series of reports on the participation of the Indigenous Missionary Council (CIMI). The organization linked to the

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[462] BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 121.
[463] *Ibidem*
[464] *Ibidem*
[465] SANTOS, Silvio Coelho dos. Os povos indígenas e a constituinte. Florianópolis: EdUFSC: Movimento, 1989. , p. 35, *apud* BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 182.

CNBB was part of a large international conspiracy aimed at creating new independent indigenous states, with the joint support of entities such as the UN and foreign companies.

The intention of this body, according to the newspaper, in recognizing the sovereignty of indigenous peoples was to support the creation of autonomous multi-ethnic states. The questionable way of doing journalism and the purpose of this media outlet, fundamentally, was to undermine the legitimacy of the body which, according to the reports, was heading against the interests of Brazilians and the nation . [466]

CIMI defended non-corporate interests when, for example, it opposed the exploitation of mineral wealth and indigenous lands[467] . As a result of these events, which sought to tarnish the legitimacy of the Indigenous Movement and CIMI itself (on a large scale), "Dom Luciano Mendes de Almeida proposed setting up a parliamentary commission of inquiry (CPI) to investigate the reasons that led to the publication of the article. During the course of the investigations, "the accusations that the CNBB defended the thesis of 'restricted sovereignty'"[468] over indigenous lands were refuted. Dom Luciano publicly stated that he was "in favor of the Union's monopoly over these regions, which in his opinion should only be exploited by the State, at the required time, taking into account national interests, and without the interference of the economic groups that were pressing for the immediate release of the areas for mining .[469]

Dom Luciano's visit to the USSR in September 1987 was not well interpreted by the still influential National Security Council. On his return to Brazil, the then president of the CNBB's praise of the Soviet socialist system would have been decisive for a new counter-attack by the National Security Council.[470]

At this time, as already explained, Liberation Theology influenced the direction of the Latin American Catholic Church and CIMI itself. A new "turn" that would have influenced the emergence of the Indigenous Movement with the participation of other organizations such as ABA, UNAÍ, OAB[471] . This bloc would have influenced the approval of the Minimum Program

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[466] KORMIS, Mônica. *Conferência Nacional dos Bispos do Brasil*. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-cnbb. Acesso em: 23 jan. 2021

[467] Cf: HECK, Egon; LOEBENS, Francisco; CARVALHO, Priscila D. Amazônia indígena: conquistas e desafios. *Estudos avançados*, v. 19, p. 237-255, 2005.

[468] KORMIS, Mônica. *Conferência Nacional dos Bispos do Brasil*. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-c nbb. Acesso em: 23 jan. 2021.

[469] *Ibidem*

[470] KORMIS, Mônica; MONTALVÃO, Sérgio. Conferência Nacional dos Bispos do Brasil. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-cnbb. Acesso em: 23 jan. 2021.

[471] Cf: CUNHA, Manuela Carneiro da. *Os direitos do índio*. São Paulo: Editora Brasiliense, 1987.

in the 1988 Constitution, despite successive attempts by the Executive Branch to meet the demands of the corporations and the military, for example through the Emancipation Decree of 1978[472] . There was resistance from these groups during the ANC.

3.2 The birth of the Indigenous Movement

3.2.1 The Indigenous Assemblies and the Emancipation Decree of 1978

In parallel with the indigenous movement, a social force organized in the form of indigenous assemblies (among other forms), the military government was articulating the continuity of its assimilationist policy. One of its strategies was the attempt to pass the Emancipation Decree of 1978.

"After seeing a project for the complete assimilation of indigenous societies frustrated, the then Minister of the Interior of the Ernesto Geisel government, Rangel Reis, to whom FUNAI was subordinate, proposed the emancipation of the Indians"[473] not yet assimilated by decree. And he stated this publicly in a Globo report:

> FUNAI's posts and reserves will be abolished and the Brazilian Indian will be definitively integrated into society as soon as possible, the future Minister of the Interior, Maurício Rangel Reis, announced yesterday at his first press conference: "We can't allow the Brazilian Indian to be marginalized. The idea of preserving indigenous communities is interesting, but not realistic. We have to start with a realistic and honest policy: let's emancipate our Indians... Brazil, which has been able to build a society with several races, including a black population that is now totally adapted and without any racial prejudice, has no reason to leave its Indians marginalized. Let's emancipate them[474]

The aim was to "put an end to Funai's paternalism and adopt an aggressive policy of integration (sic) through the implementation of economic development projects in indigenous areas".[475] The decree aimed to regulate articles 9º , 10, 11, 27 and 29 of Law nº 6.001, of

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[472] Cf: MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015.

[473] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 78.

[474] ÍNDIO será integrado à sociedade, diz Rangel Reis. *O Globo*, 1974. Disponível em: https://acervo.oglobo.globo.com/consulta-ao-acervo/?navegacaoPorData=197019740309, 1974. Acesso em: 12 set. 2020 *apud* MOREIRA, Luís Gustavo Guerreiro. *Entre o desenvolvimento e a (re)existência*: os militares e a exploração das terras indígenas. *Revista e Espaço Midiáticos*, p 1-15, 2022. , p. 104.

[475] CARTA da Indian Rights Association de 26 de outubro de 1978 ao Gal. Ismarth de Araújo Oliveira. Fundação Nacional do Índio/Ministro do Interior. Brasília – DF. Brasil. *In*: COMISSÃO PRÓ-ÍNDIO. Histórico da emancipação. *Cadernos da Comissão Pró-índio/SP*, São Paulo, n. 1, p. 9-16, ago. 1979. (Traduzida do inglês por Maria-Helena de Barros Pimentel-Advogada) e HISTÓRICO da emancipação São Paulo. 1979. Comissão Pró-Índio/SP. São Paulo: Parma, 1979, p. 11.

December 19, 1973, the Indian Statute[476] - another important defining moment in the process of formation and organization of the Indigenous Movement in Brazil.

The year is emblematic because, according to Poliene Bicalho, it "marked the apogee of the dictatorial government's expansionist and integrationist economic policy". The intention of this decree was based on "the attempt to forcibly emancipate not only individual indigenous people, but entire ethnic groups and communities - as well as their lands".[477] The pretext for emancipation was precisely to put (attractive) indigenous lands on the market.[478]

Developmentalism was once again used to serve public and private economic interests. According to anthropologist Stephen G. Baines, since the years of the military dictatorship (1964-1985), the Brazilian government has adopted developmentalist policies that have been associated with "systematic disrespect for indigenous rights"[479] . During the government of General Ernesto Geisel (in his last year in power), it was no different. His aim was to "challenge indigenous guardianship in order to secure new agricultural and mining frontiers". In other words, "to eliminate the Indian category, so that their lands would also be emancipated".[480]

According to João Pacheco de Oliveira, another relevant point about republican indigenous policy refers to the issue of indigenous guardianship, a persistent reality throughout the 20th century. "The state's relationship with indigenous peoples was marked by different legal and administrative resources that limited the civil capacity of the natives."[481]

The author Poliene Bicalho contextualizes how the emancipation project was conceived, scrutinizing sources from the time and analysing the literature produced about the period. This contextualization highlights the inconsistencies and violence committed by the dictatorial regime against Brazil's indigenous peoples, especially at the end of the 1970s. As Bicalho points out:

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[476] Estatuto do Índio. Disponível em: www.planalto.gov.br/ccivil_03/leis/l6001.htm Acesso em: 20 nov. 2023.
[477] BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020, p. 300.
[478] *Ibidem*.
[479] BAINES, Stephen Grant. Povos indígenas na fronteira Brasil-Guiana e os megaprojetos de integração econômica. *Ciência e Cultura*, São Paulo, v. 65, n. 1, p. 40-42, jan. 2013, p. 41 *apud* MOREIRA, Luís Gustavo Guerreiro. *Entre o desenvolvimento e a (re)existência*: os militares e a exploração das terras indígenas. *Revista e Espaço Midiáticos*, p 1-15, 2022, p. .105.
[480] RAMOS, A. R. O Brasil no Movimento Indígena Americano. Anuário Antropológico/82, Fortaleza, UFC; Rio de Janeiro, Tempo Brasileiro, 1984, p. 281-286, p. 284 *apud* BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. História Unisinos, v. 24, n. 2, p. 296-308, 2020, p. 301.
[481] OLIVEIRA, João Pacheco de. *O nascimento do Brasil e outros ensaios*: "pacificação", regime tutelar e formação de alteridades. Rio de Janeiro: Contracapa, 2016, p. 181.

> At the start of General Ernesto Geisel's government (1974-1978), debates began around the emancipation project, which culminated in the Emancipation Decree of 1978. It should be noted that both the Civil Code of 1916 and the Indian Statute (Law No.º 6.001/1973) were based on the idea of integrating indigenous people into the national community and provided for their consequent emancipation, with a view to overcoming the condition of incapacity, as indigenous people were classified in the aforementioned Code. There is a confusion of concepts and practices in this tangle of interests which, when clearly exposed, reveal the real motives behind this 'false emancipation', which has nothing to do with autonomy, but rather with the loss of specific rights for indigenous peoples.[482]

As already pointed out in the previous paragraphs, the aim of this decree was to reformulate the issue of indigenous guardianship, then regulated by the Brazilian Civil Code of 1916 - Lawº 3.071 -, which saw the Indian (generic concept) as a transitory being. They would cease to be protected as they adapted to the country's "civilization". Indians, "like prodigals and people between the ages of 16 and 21, became part of the category of the relatively capable".[483] According to José de Souza Martins, "the emancipationist kindness of the official, the minister or the president is nothing more than another form of repression against the subversive fact of difference".[484]

Assimilation and integration are different concepts - historian and anthropologist Pedro Agostinho da Silva points out the difference. He also signed the Barbados declaration.

> (...) a set of forms of articulation between indigenous societies deprived of their autonomy and the national society that dominates them, verified at the economic, social and political levels. But it is not because of this articulation that they cease to be such distinct ethnic entities, or that they cease to be discriminated against. Only if the opposite were true, if the loss of culture and ethnic identity were complete and the former tribal society became indistinguishable within national society, would it be possible to speak of assimilation. But this, as a deliberate political objective, is forbidden by the Indian Statute (art. 1º , art. 2º , V, VI, IX), as it presupposes the destruction of tribal culture and the breakdown of its social cohesion, as well as the probable loss of group lands; which, even if it occurs, is not, however, a guarantee that assimilation will be achieved.[485]

The Emancipation Decree, as highlighted in the fragment above, aimed to destroy indigenous culture through forced emancipation. And "those directly responsible for this

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[482] BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. História Unisinos, v. 24, n. 2, p. 296-308, 2020, p. 302.

[483] ESTATUTO do Índio. Disponível em: www.planalto.gov.br/ccivil_03/leis/l6001.htm.

[484] MARTINS, José de Souza. Expropriação e violência: a questão política no campo, São Paulo. Editora Hucitec, 1980, p. 48-50, *apud* MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 87.

[485] AGOSTINHO, P. *O índio e o direito*. Rio de Janeiro, Série OAB/RJ Debate 1, p. 26-61, 1981, p. 35-36, p. 35-36 *apud* BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020, p. 299.

stratagem were the Minister of the Interior (MINTER), the Ministry to which the National Indian Foundation (FUNAI) was subject, Dr. Maurício Rangel Reis, as described in the source consulted", as well as the president of FUNAI, Mr. Ismarth de Araújo de Oliveira.[486]

Rangel Reis seemed unconcerned about public opinion. In one of his statements reported in an interview (when asked about the decrease in indigenous populations), he said: "In twenty years there will be no more Indians. They will all be integrated".[487] Interior Minister Mário Andreazza also did not disguise the (real) intentions of the Emancipation Decree. In 1981, off the cuff (during Indian Week), he said: "We are trying to make the indigenous communities aware of the need to coexist with the economy of accumulation". To do this, it was necessary to understand that the Indians, like the whites, needed to accumulate in order to make each individual useful.[488]

From a legal point of view, the decree was intended to amend the Indian statute - also promulgated during the military dictatorship. According to Article 2º of the draft, it would be up to the indigenous person themselves, or FUNAI, to declare "their integrated status" and, in the case of the emancipation of the entire community and its members, the declaration would be made by presidential decree at the request of "the majority of the members of the group or on the initiative of FUNAI".[489] According to the decree, the integrated Indians would receive land, as well as state assistance.

It would be up to FUNAI officials, "notoriously specialized civil servants", to detect *in loco*, using their own forms "drawn up by competent FUNAI bodies", to decide whether or not an indigenous community and its members could be emancipated, taking into account the "stages of integration" they were at.[490] The decree ended up meeting with strong reactions from different sectors of civil society and the Indigenous Movement itself.[491]

The Decree faced resistance from some sectors of society, such as the Catholic Church and the Brazilian Bar Association. These were institutions that effectively opposed the

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[486] BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020, p. 301.
[487] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 77.
[488] Jornal da Cidade de Santos, 14 abr. 1988. Arquivo do Centro Ecumênico de Documentação e Informação (CEDI), *apud* MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 79.
[489] ARQUIVO NACIONAL, 1980, p. 7-8, *apud* BICALHO, Poliene Soares do Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020, p. 301.
[490] *Ibidem*.
[491] CARNEIRO, 1987, *apud* BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 130-131.

regime and supported those who suffered most from the government's authoritarianism: workers, students, blacks and Indigenous Peoples (the subject of this research).[492]

In the same year as the Decree in question, the São Paulo State Pro-Indian Commission (CPI-SP) was created, a commission opposed to the indigenist policy promoted by the military. Under the coordination of anthropologists Carmen Junqueira, Lux Vidal, Manuela Carneiro da Cunha and lawyers Dalmo Dallari and Carlos Marés, they organized a public event at the Tuca Theatre (PUC-SP) on November 8. The event was attended by more than 2,000 people, as well as important figures such as Darcy Ribeiro and Dom Tomás Balduíno.[493]

D. Tomás Balduíno, representing CIMI, in an interview with the press, said that the emancipation proposal, as presented by the government, was "a form of genocide", and said: "This government has no authority to talk about emancipation, because it has been a bad guardian".[494]

Darcy Ribeiro, for his part, declared: "There isn't really an indigenous question. There is a non-indigenous issue. We non-Indians are the problem". Darcy was inspired by a reflection by the leader Juruna, who was very close to Darcy at the time. Juruna used to say that "it's the white man's problem".[495]

Criticism of the Emancipation Decree was also made by anthropologist Cardoso de Oliveira, in an opinion dated July 10, 1978, in Brasília, on the draft Decree. According to the professor, the suggested "civil emancipation of the Indian or community", as well as the "donation of land" to individuals or communities, once they had reached the age of majority, would in fact lead to the transformation of "individuals and groups into owners". The other very pertinent aspect observed was that one of the direct consequences of this emancipatory discourse by the government/state would be irreparable losses to indigenous identity and rights to protection, in other words, "any emancipation can be understood as the spoliation of rights to protection".[496]

The intellectual Viveiros de Castro also severely criticized the Decree, "drawing attention to the repercussions of the Decree during the 11ª Assembly of Indigenous Chiefs, an

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[492] Cf. OLIVEIRA, João Pacheco de. *O nascimento do Brasil e outros ensaios*: "pacificação", regime tutelar e formação de alteridades. Rio de Janeiro: Contracapa, 2016.
[493] MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 78.
[494] COMISSÃO PRÓ-ÍNDIO. Histórico da emancipação. *Cadernos da Comissão Pró-índio/SP*, São Paulo, n. 1, p. 9-16, ago. 1979, p. 44.
[495] Jornal da Cidade de Santos, 14 abr. 1988. Arquivo do Centro Ecumênico de Documentação e Informação (CEDI), *apud* MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015, p. 79.
[496] OLIVEIRA, João Pacheco de. *O nascimento do Brasil e outros ensaios*: "pacificação", regime tutelar e formação de alteridades. Rio de Janeiro: Contracapa, 2016. apud ARQUIVO NACIONAL, 1980, p. 14

event that took place in May 1978, in the Xavante village of São Marcos":[497] "The general position was one of repudiation, characterizing the measure as a coup by the government and other forces to take the Indian's land".[498]

A note of repudiation, entitled "Anthropologists speak out against the project for the emancipation of Indigenous groups and ask for support", questioned the meaning of the emancipation presented and attributed in the Draft Decree.

It may seem that the following thought or statement is obvious or banal, the intrinsic relationship between state "developmentalism" (promoted by military governments) and forced integration, and, fundamentally, the connection between (institutionalized) indigenous genocide and resistance.

The military had very explicit political and economic aspirations and the indigenous communities were considered an obstacle to these demands: "behind the project to emancipate the indigenous there was a tangle of interests and intentions"[499] economic and geopolitical. This could even explain the institutional behavior of the Armed Forces during the Constituent Assembly: preserving these interests. At the same time as the indigenist policy promoted by the military governments, the Indigenous Movement was organized. Later, during the process of re-democratization, this same movement, now with greater capillarity, articulated the approval of a Minimum Program of rights and guarantees for Indigenous Peoples, during the Constituent Assembly in 1987.

3.2.2 The Minimum Program during the ANC

Under the leadership of indigenous and non-indigenous organizations, religious, anthropological and trade union institutions have drawn up five points to be debated during the discussions of the National Constituent Assembly. Five major themes related to the defense of the indigenous cause. This content was called the "minimum program".[500] The complexity of this content was widely debated by the constituents most sensitive to the indigenous cause. These five points were:

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[497] BICALHO, Poliene. Resistir era preciso: O Decreto de Emancipação de 1978, os povos indígenas e a sociedade civil no Brasil. *Topoi*, Rio de Janeiro, v. 20, p. 136-156, 2019, p. 249.

[498] COMISSÃO PRÓ-ÍNDIO. Histórico da emancipação. *Cadernos da Comissão Pró-índio/SP*, São Paulo, n. 1, p. 9-16, ago. 1979, p. 42.

[499] Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022.

[500] CUNHA, Manuela Carneiro da. Índios na Constituição. *Novos Estudos CEBRAP*, v. 37, p. 429-443, 2018, p. 432 e 436.

> 1. RECOGNITION OF THE LAND RIGHTS of indigenous peoples as the first inhabitants of Brazil (...); 2. DEMARCATION AND GUARANTEE OF INDIGENOUS LANDS. According to law nº 6.001/73, the deadline for demarcating all indigenous lands expired on December 21, 1978 (...) 3. EXCLUSIVE USE BY THE INDIGENOUS PEOPLE of the natural wealth existing in the soil and subsoil of their Territories (...); 4. RESETTING IN DIGNIFIED AND FAIR CONDITIONS OF THE POOR POSSESSORS who are on indigenous lands (...); 5. RECOGNITION AND RESPECT FOR THE SOCIAL AND CULTURAL ORGANIZATIONS OF THE INDIGENOUS PEOPLE with their projects for the future, as well as guarantees of full citizenship.[501]

A plan of intent, instrumentalized in a formal document, was duly signed by numerous organizations and associations related to the indigenous cause, including UNI, CIMI, the Centre for Indigenous Work (CTI), the Centre for Indigenous Studies (CEI) and the Brazilian Association of Anthropologists (ABA). The Pastoral Land Commission (CPT), the National Indian Support Association (ANAÍ), Operation Anchieta (OPAN), the Pro-Indian Commission (CPI), the National Council of Christian Churches (CNIC), the National Movement for the Defense of Human Rights (MNDDH), the Ecumenical Center for Documentation and Information (CEDI) also signed and participated in the program, the National Coordination of Geologists (CONAGE), the National Association of Higher Education Teachers (ANDES), the Brazilian Society for the Progress of Science (SBPC), the Institute of Socio-Economic Studies (IES), the Brazilian Institute of Economic Analysis and Studies (IBAEE), the Landless People's Movement (MST), the Central Workers' Union (CUT).[502]

With regard to the third point of the minimum program, it is worth noting that the Brazilian Democratic Movement Party (PMDB) had already approved "a decision at its first National Congress, in August 1986, according to which (...) indigenous areas should belong exclusively to the indigenous peoples living there and not only the use and exploitation of arable land (soil), but also its subsoil".[503]

It was a movement whose priority was: a) to guarantee the possibility of "exploiting the raw materials existing in indigenous areas" and b) to demonstrate that the mere existence of these indigenous areas already represented "a threat to national security and the development

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[501] CUNHA, Manuela Carneiro da. *Os direitos do índio*. São Paulo: Editora Brasiliense, 1987, p. 190.
[502] *Ibidem*, p. 191.
[503] *Ibidem*.

of Brazil".[504] These were the main grounds for the claim that the mere existence of Indigenous Territories represented an obstacle to settlement and, therefore, to the development of Brazil.[505]

The immense economic interest in mining a large part of the indigenous areas ended up making the discussion about the viability of and access to raw materials in these places even more heated.[506] The intense assimilationist *pressure* was duly represented by the then president of the Republic, José Sarney, mining companies, the National Security Council and FUNAI itself (as a state body, one of the most emblematic points of the Constituent Assembly itself, in general).[507]

This reality made the discussions in the Commissions and Subcommittees totally polarized. Among the commissions, the following stand out: the Constitutional Studies Commission, chaired by Afonso Arinos, the Systematization Commission (which would systematize all the matters discussed in the Commissions) and the Subcommittee on Blacks, Indians, the Disabled and Minorities, linked to the Social Affairs Commission and chaired by José Carlos Sabóia of the PMDB.[508]

The participation of indigenous leaders from all over Brazil during the discussions that took place in the commissions and subcommittees guaranteed the necessary representativeness and legitimacy to the debates. Among the existing leaders, the participation of the Caiapó, the Kaingang, Ailton Krenak and the Xavante chief Mário should be highlighted, even though he had already ceased to be a parliamentarian during the Constituent Assembly. Juruna knew how to navigate the offices of Brasília with political skill, always carrying a portable recorder with him and thus recording "everything the white man says".[509]

"White men" such as federal deputy José Carlos Sabóia (PMDB), representing the indigenous cause, and Senator Odacir Soares (PFL), representing the mining *lobby*, however,

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[504] KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 189.

[505] *Ibidem*.

[506] Vinte e cinco por cento (25%) dos Territórios Indígenas se mostram atrativos à exploração minerária (Cf. CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007, p. 224).

[507] Cf. SANTILLI, Juliana. Aspectos jurídicos da mineração e do garimpo em terras indígenas. *In*: SANTILLI, Juliana (Coord.). *Os direitos indígenas e a Constituição*. Porto Alegre: Núcleo de Direitos Indígenas e Antônio Sérgio Fabris Editor, 1993, p.145-160, p. 145 e ss.

[508] Instituto de Estudos Socioeconômicos. Disponível em: www.inesc.org.br/biblioteca/textos/idigenas. Acesso em: 23 abr. 2019.

[509] CASTRO, Eduardo Viveiros de. No Brasil, todo mundo é índio, exceto quem não é. Povos indígenas no Brasil (2001/2005). 2006. p. 41-49, *apud* FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 77.

prove the constant contradiction of parliamentary interests during the Constituent Assembly, as already pointed out.

Two sides in completely opposite directions. Sabóia, defending the existence of "a comprehensive project"[510] indigenous, which would include the understanding that "the exploitation of subsoil wealth should be reserved exclusively for the indigenous populations of the respective territories".[511] And Odacir Soares, leading "a massive intervention in favor of the interests of Brazilian mining companies and the unrestricted exploitation of natural resources. The amendments demanded by the other side ended up not being duly included by the Social Order Commission".

Other names, such as Aloizio Mercadante (Workers' Party - PT), Fábio Feldmann (Brazilian Democratic Movement Party - PMDB), Sidnei de Miguel (Democratic Labor Party - PDT), Nelson Jobim (Brazilian Democratic Movement Party - PMDB), José Carlos de Sabóia Magalhães (Brazilian Democratic Movement Party - PMDB), Bernardo Cabral (Partido do Movimento Democrático Brasileiro - PMDB), in turn, would prove the effectiveness of the political articulation exercised by the social movements and other correct organizations during the Constituent Assembly, even in the face of a "clash of multiple forces and interests [there] represented".[512] The final text, approved in plenary on September 2, 1988, ended up reflecting a collection of contradictions. Contradictions instrumentalized by the existence of semantically dubious constitutional articles. However, the consecration of Indigenous Rights and of the indigenous person as a subject of rights became an undeniable reality, thanks to the mobilization of social movements, the Pastoral Land Commission and other relevant organizations.

In other words, the influence of *pressure groups* seeking to exploit raw materials from indigenous areas, even though it "went beyond the scope of what was legally permitted"[513] and influenced the constitutional text, did not prevent the constitutional prerogatives laid down in articles 231 and 232 of the Constitution. These include the Right to Land and the cultural preservation of indigenous peoples as constitutional prerogatives.

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[510] *Ibidem*.

[511] KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 191.

[512] DOS 64 ausentes, 15 foram para a Europa. *Jornal do Brasil*, Rio de Janeiro, 2. ed., sexta-feira, ano XCVIII, n. 168, p. 2, 23 set. 1988. Hemeroteca Digital Brasileira, Fundação Biblioteca Nacional. Disponível em: http://memoria.bn.br/DocReader/docreader.aspx?bib=030015_10&pasta=ano%20198&pesq=Dos%2064%20ausentes>. Acesso em: 5 dez. 2017, *apud* FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 73.

[513] KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 202.

The National Constituent Assembly was the epicenter of heated and important discussions related to this cause. The CNBB, like many other organizations and institutions, developed many political demands. Among the many issues and demands, the importance of the document *For a new constitutional order* should be highlighted.[514]

The new direction of the Catholic Church aroused discontent among other forces, such as the military. New documents appeared in reports in *Folha de S.Paulo*. A Parliamentary Commission of Inquiry (CPI) was set up in the Chamber of Deputies. "The report accused the progressive clergy of encouraging the use of violence in the struggle for demands that the CNBB entities were putting national sovereignty at risk."[515] Undoubtedly, the entities of the CNBB encompassed the movements of the CIMI, which was concerned with guaranteeing indigenous cultural preservation. CIMI, too, was concerned with these issues, almost an extra-state indigenist agency.

The National Constituent Assembly was the epicenter of heated and important discussions related to the indigenous cause. The CNBB, like many other organizations and institutions such as the OAB, presented many political demands. Among the many issues and demands, the importance of the document *For a new constitutional order should* be highlighted.[516] This document highlighted the need to "create instruments that would allow popular participation, guaranteeing the legitimacy of the legal system that would be handed over to the nation".[517]

Under the coordination of Cândido Padim, appointed by the CNBB to monitor the progress of the constituent work, a radio program called *Café da manhã Constituinte* was produced. The program had two very clear functions: to broadcast discussions on issues related to the National Constituent Assembly and to ensure popular participation in the issue.[518]

It was a daily interview program with a constituent parliamentarian. The bishop of Bauru in São Paulo led the program with 15-minute interviews that were broadcast on Medianeira radio. The topics included the family, abortion, education, religious freedom, agrarian reform and indigenous issues.

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[514] Cf. CONSTITUCIONAL, por uma nova ordem. Declaração Pastoral. *Revista de Cultura Vozes*, Petrópolis, Vozes, v. 80, n. 80, 1986, p 05.

[515] KORNIS, Mônica; MONTALVÃO, Sérgio. *Verbete Conferência Nacional dos Bispos do Brasil*. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-cnbb. Acesso em: 23 abr. 2021.

[516] *Ibidem*.

[517] *Ibidem*.

[518] *Ibidem*

According to Mônica Kornis and Sérgio Montalvão, authors of the DHBB entry on the CNBB, the interviews were sent via text-telex to other parts of the country, with up to 300 transmissions a day. Another vehicle used by the CNBB was the inserts in its *News Bulletin*, to which 5,500 subscribers subscribed. This strategy was fundamental, as it ended up catalyzing popular participation for the popular amendments. These popular amendments played a decisive role in guaranteeing indigenous people the right to land and its preservation as a social organization, a victory for the social movements during the Constituent Assembly process.[519]

For the first time in Brazilian history, the 1988 *Constitution of the Federative Republic of* Brazil reserved an entire chapter for indigenous people. Specifically, Chapter VIII, "Of the Indians", and more precisely Article 231. The article says: "Indians are recognized for their social organization, customs, languages, beliefs and traditions, and their original rights over the lands they traditionally occupy, and the Union is responsible for demarcating them, protecting them and ensuring that all their assets are respected"; as well as determining that "Indians, their communities and organizations are legitimate parties to take legal action in defence of their rights and interests, with the Public Prosecutor's Office intervening in all actions".[520]

There are various aspects to the end of assimilation, from a formal point of view. The effects can be seen in the change in the education model for indigenous peoples, for example. In this new context, Lawº 9.394/1996 was enacted eight years later and regulated Article 210 of the Constitution. The National Education Guidelines and Bases Law (LDBEN) typifies many issues, and article 26 is fundamental, as it regulates a common national base for Basic Education.[521]

During the Fernando Henrique Cardoso administration (1995-2002), and under the coordination of Education Minister Paulo Renato Souza, this law formally guaranteed the right to a diversified, bilingual and democratic education for indigenous peoples, following J. Dewey's democratic model of education.[522]

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[519] SOUZA, Luís Otávio de; CORREIA, Maria Letícia Correia; ALMEIDA, Bruno. Verbete Dom Luciano Mendes de Almeida. Disponível em: http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-biografico/almeida-luciano-mendes-de. Acesso em: 23 abr. 2021. KORNIS, Mônica; MONTALVÃO, Sérgio. Verbete Conferência Nacional dos Bispos do Brasil. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-c nbb. Acesso em: 23 abr. 2021

[520] Artigo 231. BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 3 fev. 2023.

[521] Lei 9.394/96. Disponível em: www.planalto.gov.br/ccivil_03/leis/l9394.htm. Acesso em: 23 mar. 2023.

[522] Lei 9.394/96. Disponível em: www.planalto.gov.br/ccivil_03/leis/l9394.htm. Acesso em: 23 mar. 2023.

The law brought in a series of contemporary and wide-ranging themes. Such as Cultural Diversity, Food and Nutrition Education, Education for Ethnic-Racial Relations and Teaching Afro-Brazilian, African and Indigenous History and Culture, Human Rights Education, etc.[523]

According to Benzi:

> The Law on the Guidelines and Bases of National Education (LDB) contains two articles on the issue of indigenous education, recommending as a duty of the state the provision of bilingual and intercultural school education, which strengthens the socio-cultural practices and mother tongue of each indigenous community and provides opportunities to recover their historical memories and reaffirm their identities, while also giving them access to the technical and scientific knowledge of national society. Provision is also made for education systems to work together to draw up integrated teaching and research programs, which include the participation of indigenous communities in their formulation and which aim to develop a specific curriculum, including the cultural content corresponding to the respective communities.[524]

The author reflects on practices that resemble educational proposals related to lived democracy - a model of education based on interculturality and non-assimilation.[525]

Other regulatory frameworks have also been fundamental for a democratic indigenous education system. These include Decree No.º 26/1991. This decree transferred the responsibility and coordination of educational initiatives on indigenous lands from the indigenous institution FUNAI to the Ministry of Education (MEC). A rule that required coordination between the State Education Departments. This Decree gave rise to the "Guidelines for the National Policy on Indigenous School Education". This document establishes the principles of pedagogical practice in the context of cultural diversity, specificity, difference, interculturality, the use of mother tongues and the global nature of the learning process.[526]

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[523] HAUGE, Kjellen His; WERLER, Tobias; HERBELIN, Rune. An elaborated understanding of lived democracy in education: a synthesis. *In*: LIVED democracy in education. Young citizens democratic lives in Kindergarten, School and higher education. Routledge Research in Education. 2022.

[524] Act 9.394/96. Disponível em: www.planalto.gov.br/ccivil_03/leis/l9394.htm.

[525] GRUPIONI, Luís Donisete. Educação e povos indígenas: construindo uma política nacional de educação escolar indígena. *Revista Brasileira de Estudos Pedagógicos*, v. 81, n. 198, 2000. Disponível em: http://rbep.inep.gov.br/ojs3/index.php/rbep/article/view/3723/3459.

[526] "*Indigenous school education can be divided into two paradigms. Until very recently – in the end of the 1970s – the predominant paradigm was the Assimilationist Paradigm. In this paradigm, the aim is ultimately to educate Indigenous People so that he stops being Native People: the objective of the pedagogical work is to make him give up his language, his beliefs and his cultural patterns and incorporate, assimilate the values and behaviors, including linguistic ones, of national society. Initially, an attempt was made to achieve this through the guidelines provided by the Assimilationist Submersion Model. In this model, indigenous children were removed from their families, from their villages (...) to learn Portuguese and our customs There is a lot of written documentation attesting to the fact that the Indian was seen as an animal that urgently needed to be 'civilized', according to the project of building the Brazilian nation. Brazilian nation, to be 'civilized', 'humanized'. Moreover, it was up to*

Anja Franz proposes the defense of intercultural education:

> Intercultural education is fundamental to overcoming the challenges of our democratic societies. Its aim is to enable students to recognize social diversity and question unequal socio-economic distribution, thus participating in democracy (...). International and intercultural education is widely regarded as the key to a democratic, egalitarian and culturally diverse society. The aim of international and intercultural education is to recognize people with different cultural backgrounds (...) and to help them achieve social justice.[527]

With regard to the issue of Brazilian indigenous education, different researchers have supported the creation of public policies such as "the creation of a general coordination of indigenous school education in the Ministry of Education, which ended up encouraging the creation of management bodies in the State Education Departments to look after indigenous schools and teacher training". Other administrative measures can also be seen, such as the National Curriculum Framework for Indigenous Schools (RCNEI).[528]

If the norms, decrees and ordinances were aligned with the concept of lived democracy, why can we say that lived democracy is still not a reality in Brazil? Why is there no lived democracy in indigenous education? Why do Hjelmer's studies and reflections - those related to learning through democracy - still not effectively apply to an educational model that best suits indigenous communities in Brazil?

Why does the Brazilian model of education mean that indigenous peoples are still not fully guaranteed premises such as "freedom of expression, dissent and the exercise of human rights"? The Indigenous Movement (from the 1970s onwards) articulated new legislation, a break with the integrationist model, achieving various effects.[529]

The 1988 Constitution and specific legislation in fact created a new state policy called "differentiated education" or "special education". However, given the plurality of indigenous cultures and other diverse issues, creating a "differentiated education" "refers to an exogenous model of education".[530]

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the school to carry out this task, through cultural and linguistic submersion programs." (MAHER, Terezinha Machado. Formação de professores indígenas: uma discussão introdutória. *In*: GRUPIONI, Luís Donisete Benzi (org). *Formação de professores indígenas*: repensando trajetórias. Brasília: Ministério da Educação e UNESCO, 2006, p 11)

[527] Decreto nº 26/91. Disponível em: www.planalto.gov.br/ccivil_03/decreto/1990-1994/d0026.htm.

[528] Decreto nº 26/91. Disponível em: www.planalto.gov.br/ccivil_03/decreto/1990-1994/d0026.htm.

[529] JOBST, Solveig; FRANZ, Anja. Lived democracy in intercultural education and intercultural education research. *In*: LIVED democracy in education. Young citizens democratic lives in kindergarten, school and higher education. Routledge Research in Education. 2022, p. 40.

[530] HAUGE, Kjellen His; WERLER, Tobias; HERBELIN, Rune. An elaborated understanding of lived democracy in education: a synthesis. *In*: LIVED democracy in education. Young citizens democratic lives in Kindergarten,

According to Manuela Carneiro da Cunha, in her book *Indians in Brazil: history, rights and citizenship*, at the end of the 1970s "non-governmental organizations supporting Indians multiplied and in the early 1980s," and for the first time, "a nationwide indigenous movement was organized. This mobilization explains the great innovations achieved in the Federal Constitution in a wide variety of areas, including issues such as indigenous education. In addition, it extinguished assimilationist jargon, recognizing for the first time "the original rights of the Indians, their historical rights to the possession of the land of which they were the first masters".[531]

Carneiro da Cunha, in some way, highlights the origin of the Indigenous Movement's political mobilization at a national level. This reality would have influenced the major innovations achieved in the Federal Constitution. In other words, the end of assimilationism, the recognition of original rights and of the Indian as a subject of rights.[532]

The Federal Constitution inaugurated a new milestone of definitive rupture with the indigenous policy propagated by the state of indigenous acculturation. It fundamentally brought about a paradigm shift, numerous innovations relating to the indigenous cause as a whole, instrumentalized by the considerable increase in articles relating to indigenous law, specifically 11 articles.

The *caput of* art. 231, as well as §§ 1º and 2º of the Constitution, represent precisely this new constitutional turn, something unprecedented from a normative point of view. Furthermore, they prove the following fact: even in a conservative political context and democratic transition, the Constituent Assembly managed to approve a text that was progressive for the indigenous cause.[533]

However, this is a fairly recent reality. Throughout history, Brazilian legislation has always considered indigenous peoples to be an obstacle to national development. The pejorative term "silvícola", which had been used in other Constitutions, was extinguished. There is therefore a break with the previous policy promoted by the state of integrating them into a specific idea of "national communion".

The period explained by the author coincides with what Fernando Roque defined as the "ethnogenesis of the Indigenous Movement in Brazil":[534] a social process used to describe new

School and higher education. Routledge Research in Education. 2022.

[531] CUNHA, Manuela Carneiro da. *História dos índios no Brasil*. São Paulo: Companhia das Letras, 1992, p. 22.

[532] *Ibidem*, p. 22 e ss.

[533] BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 1º set. 2023.

[534] FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio

ethnic groups, now recognized in the Federal Constitution. The explanation of this term, in turn, is associated with other interrelated and interconnected concepts. These include *minority*, *territoriality*, *cultural identity* and *vulnerability*. Indigenous vulnerability, on the other hand, is associated with another issue debated here, the genocide or ethnocide of indigenous people promoted by the Brazilian state over the last five centuries, but here we will focus on just one, the 20th century.[535]

These concepts will be highlighted and pondered by congressmen and intellectuals in their speeches during the early stages of the ANC; they are very relevant, as they underpin not only the reaction organized by the indigenous movement in the 1970s, a response to state developmentalism or the crimes committed by the Brazilian military (a topic to be further defined in chapter 4), but fundamentally guarantee a greater understanding of the term *ethnogenesis*.

These speeches took place during the discussions that took place in the subcommittee on minorities, blacks, the disabled and indigenous peoples, guaranteeing, unprecedentedly, counter-hegemonic statements that highlighted the vulnerabilities associated with native peoples and, at the same time, the hegemonic economic and geopolitical interests involved in this issue. A kind of discourse in the form of a denunciation.

It must also be said that, although the fine speeches often prove to be ineffective from a practical point of view, the existence of an unprecedented indigenous representation in the Brazilian parliament is already a victory, as leader Ailton Krenak points out,[536] because only in democratic regimes and in the democratic process, such as the ANC, "can the minority make itself heard".[537] At the same time, however, the UNI leader stressed the need for further progress, such as "recognition of their historical and cultural rights and greater respect for their territories".[538]

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de Janeiro, v. 31, p. 71-88, jan./abr. 2018, p. 77.

[535] BRASIL. Comissão Nacional da Verdade. *Relatório*. Volume I. Brasília: CNV, 2014. Disponível em: http://cnv.memoriasreveladas.gov.br/index.php. Acesso em: 30 de jul. 2023. BRASIL. Comissão Nacional da Verdade. *Relatório*. Volume – II, Textos temáticos: violações de direitos humanos dos povos indígenas. Brasília: CNV, 2014. Disponível em: http://cnv.memoriasreveladas.gov.br/index.php>. Acesso em: 30 de jul. 2023.

[536] Cf. KRENAK, Ailton. História indígena e o eterno retorno do encontro. *In*: LIMA, Pablo Luiz de Oliveira (Org.). *Fontes e reflexões para o ensino de história indígena e afro-brasileira*: uma contribuição da área de História do PIBID/FaE/UFMG. Belo Horizonte: UFMG – Faculdade de Educação, 2012, p. 114-131.

[537] SODRÉ, Muniz. *Por um conceito de minoria*: comunicação e cultura das minorias. São Paulo: Paulus, 2005.

[538] ESTA carta é nossa. *Jornal da Constituinte*, Brasília, n. 1, p. 4-7, 1-7 jun. 1987, p. 7. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/publicacoes/Jornal%20da%20Constituinte/JornaldaConstituinte_n01_19870601.pdf.

3.3 The option for indigenous peoples, updating the concepts. Minority, territoriality - cultural identity, indigenous vulnerability (the counter-hegemonic discourse)

3.3.1 Why not minorities?

According to the *Oxford Dictionary*, the meaning of minority, in the anthropological and sociological sense, is associated with a "subgroup existing within a society that considers itself or is considered different from the larger or dominant group, due to ethnic, religious, or language characteristics, customs, nationality, etc.".[539] As such, they would not have "the same rights or opportunities as the majority group", or are the target of discrimination or prejudice. Throughout history, indigenous peoples in Brazil have been considered an ethnic minority, but this concept has become outdated.

According to Muniz Sodré, there were four characteristics associated with a minority: "legal-social vulnerability, identity in *statu nascendi* (an entity in formation that feeds off the strength and spirit of nascent states), the existence of a counter-hegemonic struggle (a minority fundamentally fights against hegemonic power) and discursive strategies in the form of marches, rallies (among others)".[540] However, this term can currently be considered outdated or sometimes mistaken, as the idea of the *people* is much more complex.

"Francisco Capotorti, special rapporteur of the Subcommittee on Prevention of Discrimination and Protection of Minorities, proposed in the "Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities", defined minority as "*A group numerically inferior to the rest of the population of a State, in a non-dominant situation, whose members, subjects of a State, pose from an ethnic, religious or linguistic point of view*"[541] .

Although indigenous peoples are in fact subject to a dominant society and the state to a large extent, this term does not seem to take into account the fact that the sovereignty of indigenous peoples has been violated as a result of a process of colonization. In other words, they were incorporated or assimilated against their will and dominated by modern nation-states.

According to Poliene Bicalho, Martínez Cobos' concept would therefore be the most

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539 DICIONÁRIO Oxford languages. Termo minoria. Disponível em: www.google.com/search?q=minoria+significado+&sca_esv=602370719&sxsrf.

540 PAIVA, Raquel; BARBALHO, Alexandre (Org.). *Comunicação e cultura das minorias*. São Paulo: Paulus, 2005, *apud* SODRÉ, Muniz. *Por um conceito de minoria*: comunicação e cultura das minorias. São Paulo: Paulus, 2005.

541 DOC. E/CN.4/Sub 2/384/Ver.1 *apud* WILHELMI, Marco Aparício. El Derecho de los Pueblos Indígenas a LaLibre Determinación. In: BERRAONDO, Mikel. (Coord.) *Pueblos Indígenas y derechos humanos*. Bilbao: Universidad de Deusto, 2006. p. 403 apud BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 116 e ss.

accurate or appropriate. The author was special rapporteur for the "*Study of the Problem of Discrimination against Indigenous Peoples*" published by the United Nations in 1987. According to him, indigenous peoples "*are communities, pueblos and indigenous nations which, having a historical continuity with the pre-invasion and precolonial societies that developed in their territories, consider themselves distinct from other sectors of the societies that now prevail in their territories or in parts of them*"[542] . In other words, "*they now constitute non-dominant sectors of society and have the determination to preserve, develop and transmit to future generations their ancestral territories and ethnic identity as the basis of their continued existence as a people, according to their own cultural patterns*"[543] .

It is important to highlight the expression: "*the existence of a territory*". This is a "claim of a collectivity that presents itself as a *people*; in addition to the struggle to be recognized as a subject of law, which implies a differentiation from minorities, who only seek recognition of the rights extended to national society"[544] . The term *minority*, however, was used a lot during the constituent speeches, as will be seen.

3.3.2 The concept of minorities during the ANC

Anthropologist Manuela Carneiro da Cunha, professor emeritus at the University of Chicago, then president of the ABA and an active interlocutor during the ANC, didactically conceptualizes the idea of *minority*:

> I would like to thank Constituent José Carlos Sabóia for his excessive words, as well as the Subcommittee for inviting me to speak here, and I apologize for having to be brief. I'm going to directly address a few issues that I think might shed some light on the question of minorities, especially the indigenous question. **Perhaps I should talk briefly about what a minority is. Minority**, it has often been observed, refers to population majorities. **There are minorities of women who are part of the population majority. What does being a minority mean? Basically, it means that they are minority members of a national project.** It's a problem that deserves some reflection, as it also means that, regardless of their demographic weight in a population, they can be partners in the fundamental decisions that will affect them.

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[542] PAPADÓPOLO, Midori. *El nuevo enfoque internacional en matéria de derechos de los pueblos indígenas*. Guatemala: Universidad Rafael Landívar, Instituto de Investigaciones Económicas y Sociales, 1995. p. 14 apud BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 116 e ss.

[543] WILHELMI, Marco Aparício. El Derecho de los Pueblos Indígenas a La Libre Determinación. In: BERRAONDO, Mikel. (Coord.) *Pueblos Indígenas y derechos humanos*. Bilbao: Universidad de Deusto, 2006, p 403 apud BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 116 e ss

[544] BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011, p. 116 e ss.

> In this sense, we need to think about how this **new Constitutional Charter should treat those who do not have majority power in the country, in other words, what role should be given to these population strata. This is the true meaning of minorities: it is not a demographic meaning.** I emphasize this point. In the case of indigenous people, the indigenous minority is also a strongly demographic minority. It's a tiny fraction of the population, but it's also a tiny fraction of the 6 million Indians who lived here when Brazil was supposedly discovered. This gives a measure of the genocide that was practiced in this country. Today, we have around **220,000 Indians, distributed in 180 different societies. This represents a cultural wealth that is difficult to assess. The trend towards homogenization, which was characteristic of the beginning of this century, for example, and continued until the post-war period, was also strongly marked by this expectation of a great homogenization that the world would be a global village**. On the contrary, what we saw was the rebirth of specificities and also the extraordinary values that we began to perceive in different societies. Brazil has **180 different societies, 180 different languages**, and this contributes to humanity's cultural heritage. Each society is an original and specific way in which human beings live together. It also means that this cultural wealth is an aspect of technological wealth. Perhaps it's worth remembering: a book by anthropologist Berta Ribeiro is coming out in the next few days, which deals exactly with this **technological contribution of the Indian** (...) Some **rights of the Indians derive from their condition as a minority**, in the sense that I was putting it earlier, that is, indigenous societies are particularly vulnerable, we all know that.[545]

The renowned researcher was of fundamental importance during the constituent work for a number of reasons. In this specific case, she once again defined the concept of minority for part of the Brazilian parliament. In doing so, she reverberated not only the vulnerability of indigenous peoples, who had been silenced throughout Brazilian history, but also the need for a paradigm shift.[546]

The anthropologist Eduardo Viveiros de Castro, during the 4ª Public Hearing, endorsed a critical tone during the work of the Constituent Assembly, characterizing Indigenous Peoples as (typical) minorities and the prejudices related to them:

> **These representatives of indigenous communities, who designate themselves as indigenous nations, are able to bring us here an invaluable contribution, which calls into question the issue of establishing legislation on minorities. To think of minorities is to think that Brazil is divided, and as if it were a patchwork quilt** (...) To consider a human group as a minority is, in a sense, to say that it belongs to the nation, but that, at the same time, it does not have the full civil and political rights that are enjoyed by those who form the majority of this nation. In other words, there are first-class citizens and citizens who are part of the minorities, and who are subject to some form of restriction, including constitutional, including protection from those who set themselves up as the conscience of the other (...).) The fact that we are

[545] BRASIL. *Diário da Assembleia Nacional Constituinte*. maio 1987, sexta-feira. Fragmento do discurso de Manuela Carneiro da Cunha, p. 132. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/o-processo-constituinte/comissoes-e-subcomissoes/comissao7/ComissaoVII_SubC_Reuniao4.pdf.
[546] *Ibidem*.

> prejudiced against not being prejudiced leads us to say that there is no racial prejudice in Brazil, that there is no discrimination, that there is no segregation, when, in fact, these forms manifest themselves in the most destructive and pernicious way, because they are dissimulated, hidden, and, as a great UDN leader once said, "prejudice is legitimate in the recesses of the home, it must be cultivated in the recesses of the home, and not publicly, in society". Now, what is done in the recesses of the home is part of man's nature (...).[547]

This important Brazilian thinker's impassioned speech attempted to reflect on the problems related to the classification of Original Peoples as a typical minority. Secondly, he denounced the prejudice attributed to those who segregate in a hidden way, from within their homes. The idea of a minority does not seem to encompass all the complexity involved in indigenous issues.

3.3.3 The counter-hegemonic discourse in the ANC: indigenous vulnerability and territoriality

The term vulnerability comes from Latin and, "in its original sense, means wound (*vulnus*). According to the Aurélio Dictionary, it means the weaker side of an issue, or the point at which someone can be attacked or injured".[548] A concept that is undeniably applied to Brazil's indigenous reality.

According to Bolivian Alvaro Diez, vulnerability is based on at least three elements: "exposure to external threats, pressures, crises or upheavals; the capacity to deal with them; and a greater or lesser propensity to the negative impacts of this pressure - as in the case of small population groups."[549]

In general, indigenous peoples "in Brazil are subject to the same threats: invisibility, lack of recognition of territorial rights, illegal mining, destruction of forests, land disputes promoted by agribusiness, illegal logging, land grabbing, murders".[550]

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[547] *Ibidem*.

[548] FERREIRA, Aurélio Buarque de Holanda. *Novo dicionário eletrônico Aurélio da língua portuguesa*. Versão 5.0. 3. ed. rev. atual, ref. 1. impr. Curitiba: Editora Positivo, 2004, *apud*. AGNOLETI, Michelle. *Contrapondo discursos*: vulnerabilidade como fator de relativização da autonomia. PublicaDireito. Disponível em: http://publicadireito.com.br/artigos/?cod=b81280cd90bc1a6c, p 3.

[549] DIEZ, Alvaro. *Etnocidio y alta vulnerabilidad en las tierras bajas de Bolivia* (para entender las desigualdades extremas). La Paz: Foro Boliviano sobre Medio Ambiente y Desarrollo, *apud* AMORIM, Fabrício. O papel dos povos indígenas isolados na efetivação de seus direitos: apontamentos para o reconhecimento de suas estratégias de vida. *Tipití*: Journal of the Society for the Anthropology of Lowland South America, v. 16, n. 1, p. 149-157, 2018.

[550] AMORIM, Fabrício. O papel dos povos indígenas isolados na efetivação de seus direitos: apontamentos para o reconhecimento de suas estratégias de vida. *Tipití*: Journal of the Society for the Anthropology of Lowland South America, v. 16, n. 1, p. 149-157, 2018, p. 150.

Part of the fragment to be exposed here will once again be by Manuela Carneiro da Cunha, and the reason will be shown after the fragment, although it is directly connected to the previous fragment, considering the issue of "indigenous vulnerability" and the historical debt that the Brazilian state has with these peoples. According to the anthropologist:

> That's why Marshal Rondon said that Brazil **owed** the Indians **a great debt, the great debt of preserving the possibility of their survival**. When Rondon started the Indian Protection Service, the debate was between the total extermination of the Indians and the possibility of giving them a future, and the policy followed from then on was to preserve the possibility, that is, the possibility of survival, the possibility of protecting the encounter that had always been fatal when fought directly between the surrounding society and the Indians. The state took it upon itself to provide special protection. This special protection stems from the **vulnerability** of the Indians.[551]

Something of fundamental importance is the extent to which the historical right of indigenous peoples to have their territories demarcated has been denied. Once again, the author highlights the vulnerability of indigenous societies:

> There is another issue that does not stem from the vulnerability of indigenous societies, which is the right to land. The right to land is a totally different right from the special protection given to indigenous societies. The right to land is the recognition that comes from the Colony, that the Indians are the first occupants of Brazil (...) I am emphasizing this point to show that all subsequent colonial legislation for Brazil and for Maranhão, throughout the Colony recognized these original rights of the Indians, for the simple fact that they were the first occupants. In the Land Law itself, in 1850, it is implicit, and João Mendes Júnior supports this very well in his book, a book from 1912, entitled "The Indians - Their Individual and Political Rights", that the indigenous titles to their lands do not need to be revalidated, they were congenital titles, they were original titles. I won't go into it here, because I wouldn't have time, but it's important to realize that there are two types of rights for the Indians: one, which derives from the vulnerability of their societies, and the other, which derives from their status as the first occupants of these lands, and which is a tradition. **I'd just like to point out here that it's a Brazilian legal tradition, because not only in the Colony, not only in the Empire, in the Brazilian Constitutions, since 1934, 37, 46, 67 and 69, they all have an article, one or more articles even, on Indigenous Territorial Rights**. The lands occupied by the Indians are their permanent possession, is the current text **of** art. 198. They are therefore historical rights. What is the nature of these indigenous lands? I'm emphasizing the issue of land because today it's **basically a question of land, a question of natural wealth**, mainly mining, and a question of borders. **As for borders, it's very ironic** that **during the Colony**, Indians were used both as a slave

[551] BRASIL. *Diário da Assembleia Nacional Constituinte*. maio 1987, sexta-feira. Fragmento do discurso de Manuela Carneiro da Cunha, p. 133. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/o-processo-constituinte/comissoes-e-subcomissoes/comissao7/ComissaoVII_SubC_Reuniao4.pdf.

> labor problem and as a border problem. Unlike today, Indians were used throughout the Colony to secure Brazil's borders.[552]

The author highlights the fact that indigenous peoples are the true owners of their lands. This is an original and de facto right that has been recognized since colonial times. This right was implicitly corroborated in the 19th century with the enactment of the Land Law in 1850. Finally, he pointed out how ironic it is to think that indigenous peoples were a solution to border issues during colonial times, and how much this thinking has changed since they have come to be considered a threat to sovereignty.

A second important element to be described in this chapter is Indigenous Peoples' relationship between territoriality and cultural identity, which can be translated as a "feeling of belonging to what belongs to us".[553] For Indigenous Peoples, there is a relationship between their ancestral territories and their cultural identity.[554] More abstractly, "man, being a territorial animal, needs a sense, a direction, in other words, he needs to feel situated in time, in space and also in his imagination".[555] The state developmentalism promoted by the Brazilian government (throughout the 20th century) prevented this prerogative from being maintained,[556] something that will be highlighted in the next chapter.[557]

Anthropologist Manuela Carneiro da Cunha, in her speech during the ANC, noted the strong relationship between the cultural identity of Indigenous Peoples and their territories and how this was seen as an impediment to the development of the nation by the country's more conservative wing:

> I will focus more directly **on the issue of land**. The Indians' **identity is based on the land**. Land is absolutely necessary for their physical and cultural reproduction. This is a peaceful point, which needs no further explanation, but it is important to remember that indigenous lands are a habitat, and in this sense, Justice Victor Nunes Leal, for example, was very explicit in several of his pronouncements, understanding, when he was a Member of the Federal Supreme Court, that

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[552] BRASIL. *Diário da Assembleia Nacional Constituinte*. maio 1987, sexta-feira. Fragmento do discurso de Manuela Carneiro da Cunha, p. 133. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/o-processo-constituinte/comissoes-e-subcomissoes/comissao7/ComissaoVII_SubC_Reuniao4.pdf.

[553] SANTOS, Milton. *Por uma outra globalização*: do pensamento único à consciência universal. 10. ed. Rio de Janeiro: Record, 2003.

[554] Cf. DIÉGUES JÚNIOR, Manuel. *Etnias e culturas no Brasil*. Rio de Janeiro: Biblioteca do Exército, 1980.

[555] DOS SANTOS, Marcelo Loeblein. Identidade cultural e conhecimentos tradicionais indígenas: do global ao local. *Direito e Humanidades*, n. 16, 2009, p. 92, *apud* ZAOUAL, Hassan. *Globalização e diversidade cultural*. Textos selecionados e traduzidos por Michel Thiollent. São Paulo: Cortez, 2003.

[556] Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Editora Appris, 2022. Edição do Kindle.

[557] SANTOS, Boaventura de Sousa (Org.). *A globalização e as ciências sociais*. São Paulo: Cortez, 2002, p. 47.

> indigenous land is exactly a habitat of the indigenous group, which means not simply the place where they live, their houses, their gardens, but their entire environment. This issue of indigenous lands has been the subject of some controversy recently. At a recent meeting between businessmen and **President Sarney in Itatinga, in the interior of the state of São Paulo, it was mentioned - and we heard about it from "Coluna do Castello" in the Jornal do Brasil - that the Indians had 70 million hectares of land, and that this was unreasonable and damaging to the country's development.**[558]

The objective of the Brazilian state has always been to assimilate in the sense of destribalizing, to consider Indigenous Peoples as obstacles to the country's development, as Manuela Carneiro da Cunha points out. Avoiding the demarcation of their territories was part of this (quite obvious) strategic choice, politically, throughout the 20th century.[559] According to the anthropologist, there is an intrinsic relationship between indigenous territory and their cultural identity.

Indigenous leader Ailton Krenak, when he took part in the ANC discussions, emphasized the fact that indigenous people have a way of thinking and a way of living. These are fundamental conditions for their existence and for the manifestation of their tradition, their life and their culture. He then highlighted the strong relationship between territoriality and indigenous cultural identity.[560]

Constituent Júlio Germany argues that the recognition of territorial rights is a question of justice that "requires us to recognize".[561] According to the deputy, "in the wake of copious anthropological legal doctrine and the memorable lesson of Justice Victor Nunes Leal, indigenous land is defined not by purely economic criteria, but first and foremost by the cultural criteria of the indigenous societies themselves".[562] Finally, he adds that "for the Indian, land is also the space for productive activities, but before that it is the basis for the exercise and reproduction of their culture".[563]

Throughout Brazilian history, recognition of indigenous territoriality and cultural identity has never really existed. On the contrary, as will be seen throughout this work, cultural genocide or indigenous ethnocide was a trademark throughout the 20th century, a time frame used here to demonstrate the relationship between indigenous ethnocide and the state

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[558] Discurso Manuela Carneiro da Cunha, durante os trabalhos constituintes (ANC – Audiência Pública).

[559] Florestan Fernandes identifica que a assimilação indígena forçada e pautada em uma "política de destribalização" advenha de períodos, ainda, coloniais (FERNANDES, Florestan. *Organização social dos Tupinambá*. São Paulo: Difusão Europeia do Livro, 1963).

[560] Discurso de Ailton Krenak – Audiência Pública, p. 555 e ss.

[561] 4ª Audiência Pública – ANC.

[562] *Ibidem*.

[563] *Ibidem*.

developmentalism instituted by the Vargas dictatorship (1937-1945). This is a subjective choice to make it possible to contextualize the genocide suffered by indigenous peoples in one chapter, since indigenous peoples have been decimated for five centuries.

A practice that promoted the forced integration of indigenous peoples in an institutionalized way, if we look at Decree nº 10.652, 16/10/1942, Regiment of the Indian Protection Service (SPI) Chapter I, Art. 1º , items h, j, l, m and p.[564] A reality that was also very visible during the military dictatorship (1964-1985), when we see multiple ordinances and normative instructions during the regime.

[564] BRASIL. Decreto nº 10.652, 16/10/1942, Regimento do Serviço de Proteção aos Índios (SPI). Disponível em: www2.camara.leg.br/legin/fed/decret/1940-1949/decreto-10652-16-outubro-1942-464627-publicacaooriginal-1-pe.html Acesso em: 20 jan. 2024.

Chapter 4. Indigenous peoples in Brazil: from the democratic transition to the National Constituent Assembly

4.1 The democratic transition

General Figueiredo (1980-1985), the last of the military men, carries in popular memory a mistaken and simplistic representation that he centralized or led the complex and tense transition of power to a civilian. The long-lasting process of Brazilian political détente was definitely a complex process, surrounded by nuances and densely calculated articulations, which are briefly explained here, since this is not the main object of the research.[565]

Figueiredo, in fact, carried out what had already been planned in a detailed *script* organized by Ernesto Geisel (in 1974) and drawn up by General Golbery do Couto e Silva (minister). Although discussions of "a transition from above" already existed in the Médici government,[566] it was in the following government that the conversations and articulations began to materialize. In more precise terms, the transition began "from above, with important liberalizing steps, but which soon became a process whose course was determined by many forces".[567]

Figueiredo promulgated the amnesty law in 1979 and continued with the political opening, although he gave the mainstream media and his supporters the impression that he was doing the opposite by, for example, refusing to hand over the presidential sash to President José Sarney. He preferred to leave the Planalto Palace through a side door.[568]

Some say that this theatrical performance, which until then was not in line with his practical attitudes, is associated with a family gift, comic theater.[569] Figueiredo was the brother of Guilherme, an important Brazilian playwright. In practice, the military continued a long process of political détente, which is briefly discussed here.[570]

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[565] MEZAROBBA, Glenda. *Um acerto de contas com o futuro*: a anistia e suas consequências, um estudo do caso brasileiro. Editora Humanitas, 2006.

[566] Cf. ARRUDA, Pedro Fassoni. *As Forças Armadas e o poder constituinte*: a tutela militar no processo de transição política (1974-1988). EDUC–Editora da PUC-SP, 2023.

[567] SOARES, Gláucio Ary Dillon; CASTRO, Celso (Org.). *A volta aos quartéis*: a memória militar sobre a abertura. Rio de Janeiro: Relume-Dumará, 1995, p. 39.

[568] Cf. CASTRO, C.; D'ARAUJO, M. C.; SOARES, G. A. D. *Os anos de chumbo*: a memória militar sobre a repressão. Rio de Janeiro: Dunará, 1994

[569] GASPARI, Elio. *A ditadura acabada*. Rio de Janeiro: Editora Intrínseca, 2016.

[570] ARAÚJO, Rosa Maria Barbosa; LOBO, Lúcia Lahmeyer. Entrevista Guilherme Figueiredo. Entrevista realizada no contexto da pesquisa "Trajetória e desempenho das elites políticas brasileiras", parte integrante do projeto institucional do Programa de História Oral do CPDOC, em vigência desde sua criação em 1975. Inclui

The 1980s are linked to the final years of the Brazilian military dictatorship,[571] considering the clear signs of fatigue, saturation and political-economic exhaustion. The risk of a political collapse, like the Argentine dictatorship (1982),[572] accelerated the process of opening up, which had been started by his predecessor, General Ernesto Geisel (1974-1979), who organized the "slow, gradual and safe transition" and who said in one of his speeches: "those who think they can hasten this process by manipulated pressures on public opinion and, through public opinion, against the government, make a serious mistake"[573] . According to the president, such pressures would serve "only to provoke counterpressures of equal or greater intensity, reversing the process of slow, gradual and secure distension, as required, to arrive at a climate of growing polarization and intransigent radicalization", with a certain "appeal to emotional irrationality and destructive violence".[574]

The speeches tried to reproduce the strength and vigor of those authoritarian years that were coming to an end. The final years of the Brazilian military dictatorship, in all their different senses, were also linked to the continuity of integration, development and security projects in the Amazon region, which had already been promoted in the second half of the 1970s. The largest of these, the secretive Calha Norte Project, began in June 1985, under the coordination of the CSN,[575] and during the mandate of indirectly elected president José Sarney, a conservative politician with a career strongly linked to the military governments and the country's powerful economic groups.[576]

The objectives in the mid-1980s were the same as in previous years: to forcibly integrate the indigenous peoples of the Amazon, to map mineral deposits for economic exploitation by large mining companies and to develop agricultural projects and thus settle the region.

índice onomástico de Nara Margareth A. de Brito. A escolha do entrevistado se justificou por ser irmão do ex-presidente João Figueiredo. Disponível em: www18.fgv.br/cpdoc/acervo/historia-oral/entrevista-biografica/guilherme-figueiredo. Acesso em: 27 dez. 2023.

[571] CASTRO, C.; D'ARAUJO, M. C.; SOARES, G. A. D. *Os anos de chumbo*: a memória militar sobre a repressão. Rio de Janeiro: Dunará, 1994

[572] CF. ACUÑA, Carlos; SMULOVITZ, Catalina. Militares en la transición argentina: del gobierno a la subordinación constitucional. In: PÉROTIN-DUMON, Anne (Org.). *Historizar el pasado vivo en América Latina*. Buenos Aires: s.n., s.d.

[573] BRASIL. Biblioteca da Presidência da República. Disponível em: http://www.biblioteca.presidencia.gov.br/ex-presidentes/ernesto-geisel/discurso-de-posse/discursode-posse/view. Acesso em 23 de maio de 2024.

[574] Discurso de Geisel encontrado no Centro de Informações da Aeronáutica (BRASIL. Arquivo Nacional. Centro de Informações da Aeronáutica, *apud* DE ALMEIDA RESENDE, Pâmela. Da Abertura Lenta, Gradual e Segura à Anistia Ampla, Geral e Irrestrita. *Revista Sul-Americana de Ciência Política*, v. 2, n. 2, p. 36-46, 2014, p. 37.

[575] Cf. OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990.

[576] LACERDA, Rosane Freire; FEITOSA, Saulo Ferreira. Os povos indígenas e a Assembleia Nacional Constituinte. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 259.

Occupying the Amazon region was a way of shielding the country from a foreign threat. Finally, the massive monitoring of indigenous communities in border regions, a risk to national sovereignty. During the ANC, the APE articulated the constitutionalization of these guidelines, which had a direct impact on the indigenous issue.

In the late 1970s, Geisel and ministers such as Goubery do Couto e Silva, the Chief of Staff, articulated not only the presidential succession,[577] but also the approval of the Amnesty Law, as part of this context of political détente and liberalization. There were various impacts associated with the passing of this law, which even covered issues related to Indigenous Peoples, as will be seen.

4.2 The Amnesty Law

"According to the analysis of various authors, including sociologists Fernando Henrique Cardoso and Florestan Fernandes, the objective (...) was to achieve 'institutional normalization', that is, to liberalize the regime not in order to overcome the authoritarian order, but to institutionalize it."[578]

According to Elio Gaspari, Geisel's intention was to "recover the republican power of the president".[579] This law, enacted in 1979, is explained in a fragment by Elio Gaspari, in his book *A ditadura envergonhada: as ilusões armadas*, and deserves to be highlighted:

> At its simplest, **amnesty seemed to mean forgetting the past. It was much more than that**. It would redesign the country's political future. Geisel's reforms, the end of press censorship and the repeal of AI-5 would be changes in the regime's structure**, but the amnesty would mean the end of it, returning to politics people who had been banned from it**. This change would affect both the government and the opposition, opening up space for old leaders, such as Leonel Brizola and Miguel Arraes, and for a generation of young left-wing radicals who were living underground or in exile.[580]

According to Elio Gaspari, the National Information Service became "a campaign committee" at the disposal of the last military man to head the country's executive branch. The

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[577] Cf. LEHER, Roberto. Tempo, autonomia, sociedade civil e esfera pública: uma introdução ao debate a propósito dos "novos" movimentos sociais na educação. In: GENTILI, Pablo; FRIGOTTO, Gaudêncio. *A cidadania negada*. São Paulo: Cortez/Clacso, 2001

[578] SALLUM JR., Basílio. *Labirintos*: dos generais à Nova República. São Paulo: Hucitec, 1996, p. 20-21.

[579] GASPARI, Elio. *A ditadura envergonhada*: as ilusões armadas. São Paulo: Companhia das Letras, 2002, p. 66.

[580] *Ibidem*, p. 67.

much more truculent General[581] João Baptista Figueiredo did indeed fulfill his promise, promoting political openness and the presidential succession to a civilian, the also controversial and "immortal"[582] José Sarney. The general fulfilled the predictions of Golbery, "the Witch"[583] or the "brown eminence",[584] who said: "Figueiredo is the one who will give the candy".[585] The transition, in the words of Ernesto Geisel himself (1974-1979), should "be gradual and under the tutelage of revolutionary power".[586]

One of the purposes of the transition that began at the end of the 1970s was to guarantee that state agents would not be held accountable for crimes committed during the military regime (1964-1985), and the Amnesty Law is part of this context. Institutionalized impunity includes the indigenous genocide promoted by FUNAI officials. The Original Peoples were the real victims of the "economic miracle" and the development policy promoted by the military governments.

The Amnesty Law passed by Figueiredo, therefore, "signified its outcome, returning to politics characters who had been banned from it".[587] The law promulgated and sanctioned by the man who preferred the smell of horses to the smell of people[588] could be a typical example of what Mariana Mota explains in her article "The paradox of reforms to the rule of law: when initial reforms become obstacles to future reforms".

The author argues that the resistance of interest groups, such as the Armed Forces, during re-democratization, formed a major obstacle to the success of legal reforms or, specifically, a major obstacle to attempts to revise this controversial legal framework[589] that is the Amnesty Law.

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[581] PÁDUA, Gesner Duarte. *A "metamorfose" do militar*: a construção positiva da imagem do presidente João Figueiredo nas revistas Veja e Manchete. Trabalho apresentado no DT 1 – Jornalismo do XVII Congresso de Ciências da Comunicação na Região Sudeste realizado de 28 a 30 de junho de 2012. Ouro Preto – Minas Gerais.

[582] Desde 1980 (e aos 50 anos), José Sarney autor do romance "*Marimbondos de fogo*" assuniu a cadeira nº 38, no lugar de José Amércico de Almeida. (D'ELBOUX, Paulo César. A trajetória comunicacional de José Sarney. 1º Encontro Nacional da Rede Alfredo de Carvalho, 2003)

[583] GASPARI, Elio. *A ditadura envergonhada*: as ilusões armadas. São Paulo: Companhia das Letras, 2002, p. 55, *apud* CAFARELLI, Andressa Patacho. Ação política e pensamento político de Golbery do Couto e Silva. *Pensata*, v. 9, n. 1, 2020. Disponível em: https://periodicos.unifesp.br/index.php/pensata/article/view/10022/7850. Acesso em: 7 ago. 2023.

[584] GASPARI, Elio. *A ditadura envergonhada*: as ilusões armadas. São Paulo: Companhia das Letras, 2002, p. 55.

[585] GASPARI, Elio. *A ditadura acabada*. Rio de Janeiro: Editora Intrínseca, 2016, p. 57.

[586] Apreciação, GAE, de 27 de janeiro de 1978. APGCS/HF, *apud ibidem*.

[587] *Ibidem*, p. 67.

[588] Cf. PASQUALETTE, Bernardo Braga. *Me esqueçam*: Figueiredo: A biografia de uma Presidência. Rio de Janeiro: Editora Record, 2020.

[589] Cf. PRADO, Mariana Mota. The paradox of rule of law reforms: how early reforms can create obstacles to future ones. *University of Toronto Law Journal*, v. 60, n. 2, p. 555-578, 2010, p. 567.

This same reflection ends up, in some way, justifying the existence of contradictory and tense constitutional provisions related to the indigenous issue.

Eli Diniz highlights:

> When what is at stake is the transformation of authoritarian regimes towards a democratic political order, the controversy around the degree of continuity or rupture takes the form of an effort to determine how much survival of authoritarian rules (...) will occur in the process of implementing the new order.[590]

According to the author, Brazil's re-democratization, which began under the Geisel government, "went through a long transitional phase (...), in which the aforementioned confrontation between the forces of conservation and those of renewal acquired particular significance".[591]

Although the National Constituent Assembly (ANC) and the 1988 Constitution legally represent the establishment of a new order, the return to democracy after 21 years of dictatorship and, specifically, the end of indigenous assimilationism, from a formal point of view, previous authoritarian elements and rules ended up surviving and being preserved, as will be shown.

The end of the Brazilian military dictatorship was a project initiated by General Ernesto Geisel (1974-1979) and finalized by General Figueiredo. And it was the military themselves who designed a democratic transition that would protect them from possible future punishment.[592] The main idea was always to guarantee the "interests of the barracks".[593] In other words, they used their prerogative to intervene in politics, to coordinate the democratic transition itself, as well as their high degree of autonomy in their typical state functions.[594]

Alfred Stepan points out "the existence of a high degree of control by the Armed Forces in the Brazilian 'transitional' process".[595] This, compared to other countries, as well as

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[590] DINIZ, Eli. A transição política no Brasil: uma reavaliação da dinâmica de abertura. *In:*. SZWARKO, José: José; MOURA,Rafael; D AVILA FILHO, Paulo (*orgs*). *Sociedade e Estado*, Araras: Editora Idea, 1985 Disponível em: http://inctpped.ie.ufrj.br/pdf/livro/Estado_e_Sociedade_no_Brasil.pdf#page=241SZWAKO. Acesso em 23 de maio de 2023

[591] Cf. PRADO, Mariana Mota. The paradox of rule of law reforms: how early reforms can create obstacles to future ones. *University of Toronto Law Journal*, v. 60, n. 2, p. 555-578, 2010, p. 566.

[592] COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022, p. 2. Disponível em: www.encontro2020.sp.anpuh.org/resources/anais/14/anpuh-sp-erh2020/1596639193_ARQUIVO_4828bf70f28922a29dfe47787f27cd7e.pdf.

[593] Cf. MARTINS FILHO, João Roberto. *O palácio e a caserna*: a dinâmica militar das crises políticas na ditadura (1964-1969). São Paulo: Alameda Casa Editorial, 2020.

[594] Cf. CODATO, Adriano Nervo. Uma história política da transição brasileira: da ditadura militar à democracia. *Revista de Sociologia e Política*, p. 83-106, 2005.

[595] STEPAN, Alfred (Org.). Democratizando o Brasil. Tradução de Ana Luíza Pinheiro. Rio de Janeiro: Paz e Terra, 1988.

throughout the Republic,[596] which would include the National Constituent Assembly. According to Arthur Trindade:

> During the National Constituent Assembly, there was a great deal of discussion about whether or not it was advisable to maintain a specific role for the Armed Forces in the constitutional text. Edmundo Campos Coelho (1985), even before the National Constituent Assembly (ANC), dealt with this vitally important issue: the political role of the Armed Forces is independent of their constitutional role.[597]

The author states that "Brazil's long democratic transition began with sectors of the military government".[598] Under his strict control, Ernesto Geisel promoted the policy of détente, which effectively began in 1974. A context applicable to the expression created by Donald Share and Scott Mainwaring: "transition by transaction". According to them, this phenomenon occurs when "the authoritarian regime initiates the transition, sets some limits to political change and remains a relatively important electoral force during the transition".[599] In the Brazilian case, the military relationship with Brazilian politics was almost a republican tradition.

In 1969, General Ernesto Geisel, "then Minister of the Army in the third military government"[600] justified the military's intervention in politics:

> Whether we like it or not, we are involved in politics. The general is often obliged to appear as if he's not involved in anything, that he's only looking after the professional side of things, but the general, of course, has to get involved in politics; he gets involved behind the scenes. (...) Captains, majors, colonels and even brigadier generals should stop doing politics; politics is only for the top echelons. The commander of the army does politics; he does less than I do, the minister does; and I do less than the president, but he does politics. We have to give the impression that we're not thinking about politics.[601]

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[596] ZAVERUCHA, Jorge. Relações civis militares; o legado autoritário da Constituição de 1988. *In*: SAFATLE, Vladimir; TELLES, Edson. (Org.). *O que resta da ditadura*: a exceção brasileira. São Paulo: Boitempo, 2010, p. 41-77.

[597] COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 36.

[598] *Ibidem*, p. 80.

[599] SHARE, Donald. From policy-seeking to office-seeking: the metamorphosis of the Spanish socialist workers *In*: MULLER, W. C.; STROM, K. (Ed.). *Policy, office or votes?* How political parties in Western Europe make hard decisions. Cambridge: Cambridge University Press, 1999, p. 207.

[600] GASPARI, Elio. *A ditadura envergonhada*: as ilusões armadas. São Paulo: Companhia das Letras, 2002, p. 38 *apud* CHIRIO, Maud. *A política nos quartéis*: revoltas e protestos de oficiais na ditadura militar brasileira. Tradução de André Telles. Rio de Janeiro: Zahar, 2012.

[601] *Ibidem*.

The interests of the Armed Forces were many, ever since the proclamation of the Republic (1889). A reality that was also present throughout the National Constituent Assembly, since it was the military that initiated the transition from an authoritarian regime to a democratic one.[602] This situation allowed for a great deal of military influence on a wide variety of issues, including the Brazilian indigenous issue and its relationship with issues such as national sovereignty.

In an interview about the ANC, General Leônidas Pires Gonçalves clearly demonstrated the Armed Forces' concern about the Indigenous Territories. Leônidas even influenced the entry of parliamentarian Bernardo Cabral to the National Congress, who was then responsible for issues relating to Indigenous Peoples.[603]

For many, the action of the Ministry of the Army's Parliamentary Adviser was decisive for the term "threat to national sovereignty" to be included. There was an intense concern or an intrinsic relationship between issues of national sovereignty and the indigenous communities that exist in border regions, as has already been pointed out.[604] The main objective of the *military pressure group* was precisely to make it possible to remove those (entire) indigenous communities located in border regions if there were threats to their sovereignty.[605]

In this process, the elements of the democratic transition and the Constituent Assembly itself generated a series of anachronisms, contradictions and tensions, such as the chapter reserved for the Indians. This is why it is so important to describe the democratic transition and the final phase of the Amnesty Law, as a kind of caveat to the already controversial constituent process[606] and, fundamentally, to the sacramentalization of impunity for crimes committed against indigenous peoples.

Gaspari defines Figueiredo's government in terms of three major explosions: "the economy; Rio Centro; and the Diretas Já campaign".[607] It is therefore essential to understand this complex and tense process of the re-democratization of the country in its multiple and

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[602] SHARE, Donald. From policy-seeking to office-seeking: the metamorphosis of the Spanish socialist workers. 1999. *In*: MULLER, W. C.; STROM, K. (Ed.). *Policy, office or votes?* How political parties in Western Europe make hard decisions. Cambridge: Cambridge University Press, 1999.

[603] CARVALHO, Luiz Maklouf. *1988: segredos da Constituinte*: os vinte meses que agitaram e mudaram o Brasil. Rio de Janeiro: Record, 2017, p. 20.

[604] Cf. COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022.

[605] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015.

[606] Cf. PRADO, Mariana Mota. The paradox of rule of law reforms: how early reforms can create obstacles to future ones. *University of Toronto Law Journal*, v. 60, n. 2, p. 555-578, 2010.

[607] GASPARI, Elio. *A ditadura derrotada*. Rio de Janeiro: Editora Intrínseca, 2014, p. 44.

possible sections or approaches, as well as to discuss the *amnesty movement* (which began in 1975), which can give the impression of a false idea of distance from the central object of this research, *The economic-military interest and the Indigenous Peoples during the National Constituent Assembly*.

This is a mistake, because it is impossible to dissociate the constituent process and its relationship with the Indigenous Movement without describing, even briefly, the tense democratic transition that had begun years before. In more precise terms, it would be difficult to dissociate the constituent process from the amnesty movement that began in 1974. A law that took practical effect in 1979.[608] , as mentioned earlier.

The movement for amnesty coincides with the time frame chosen by Poliene Bicalho as the period in which the Indigenous Assemblies began to organize "countless meetings of various ethnic groups".[609] These meetings were "initially conceived by the Indigenous Missionary Council (CIMI), but with the direct participation of indigenous leaders in the process of organizing and streamlining the internal demands necessary to hold these meetings".[610]

It can be said that the break with the authoritarian past during Brazil's democratic transition was surrounded by tensions, contradictions and limitations, as has already been shown. However, it is important to highlight or give visibility to the articulation of the pro-democracy movement. A political conjuncture began even before the official work of the Constituent Assembly, with a preliminary draft for a constitutional text in 1986. It was the Afonso Arinos Commission in its various meanings and scope.

4.3 The Afonso Arinos commission

The Commission began in September 1986, with the creation of a provisional commission by the then President of the Republic José Sarney (via Decree No.º 91.450, of July 18, 1985).[611] The purpose was "to carry out fundamental investigations and studies in the interest of the Brazilian nation"[612] in a political and temporal context directly related to the end of the Brazilian military dictatorship.

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[608] Cf. BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.
[609] BICALHO, Poliene. Resistir era preciso: o Decreto de Emancipação de 1978, os povos indígenas e a sociedade civil no Brasil. *Topoi*, Rio de Janeiro, v. 20, p. 136-156, 2019, p. 140.
[610] *Ibidem*.
[611] SILVA, José Afonso da. *A gênese do texto da Constituição de 1988*. Brasília: Editora do Senado Federal, 2013. Disponível em: https://edisciplinas.usp.br/pluginfile.php/4213631/mod_resource/content/1/J.A.%20SILVA.pdf. Acesso em: 23 fev. 2023.
[612] CAMPANOLE, loc. cit., p. 302 e ss., *apud* KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do*

The head of the Executive Branch ended up fulfilling his promise to set up "a Provisional Commission for Constitutional Studies, also known as the Afonso Arinos Commission, or, pejoratively, as the Notables Commission".[613] The text of the draft was not officially sent to Parliament,[614] , but it was presented to the head of the Executive Branch on September 18, 1986, in the form of an opinion, which was ultimately shelved by the Minister of Justice.[615]

Important names from Brazilian society took part in the discussions on what would or could become the new Federal Constitution. Specifically, 50 members of a collegiate body surrounded by "big names", such as "businessman Antônio Ermírio de Moraes, political scientist Bolívar Lamounier, anthropologist and sociologist Gilberto Freyre, writer Jorge Amado, jurist Miguel Reale, trade unionist José Francisco da Silva",[616] made up this commission. "There were thirty-one jurists, six of whom were university professors and seven businessmen."[617] The credibility of these names was notorious.[618]

More progressive sectors and other "notables" severely criticized the text to be voted on or the constituent context in question, refusing to participate, such as Hermann Assis Baeta, Miguel Seabra Fagundes, Fábio Konder Comparato. The latter, a university professor, ended up creating his own unofficial text (common practice at the time).[619] Other names, such as Paulo Bonavides, attended the first meeting but then left.[620]

Entities linked to the indigenous cause, such as the Brazilian Anthropology Association (ABA), together with the National Congress of Ecclesial Management (CONAGE), the National Association of Indigenous Action (ANAÍ-RS), the National Association of Graduate Studies in Social Sciences (ANPOCS), among others, were also dissatisfied with the text of the Commission presented to the President of the Republic. The discontent ended up generating an

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Brasil: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 181.

[613] SILVA, José Afonso da. *A gênese do texto da Constituição de 1988*. Brasília: Editora do Senado Federal, 2013. Disponível em: https://edisciplinas.usp.br/pluginfile.php/4213631/mod_resource/content/1/J.A.%20SILVA.pdf. Acesso em: 23 fev. 2023.

[614] DA REDAÇÃO. Comissão Afonso Arinos elaborou anteprojeto de Constituição. Agência Senado. Disponível em: www12.senado.leg.br/noticias/materias/2008/10/01/comissao-afonso-arinos-elaborou-anteprojeto-de-constituicao. Acesso em: 23 mar. 2023.

[615] BONAVIDE, *apud* KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 181.

[616] *Ibidem*.

[617] *Ibidem*.

[618] Cf. LAMOUNIER, Bolívar; FORTES, L. R. S.; NASCIMENTO, M. M. Os trabalhos da "Comissão Afonso Arinos". *In*: FORTES, L.R.S.; NASCIMENTO, M.M. (Orgs.). *A Constituinte em debate* São Paulo: Seaf/Sofia, 1986.

[619] EUCSTER. Loc cit, p. 93, *apud* KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 181.

[620] SILVA, José Afonso da. *A gênese do texto da Constituição de 1988*. Brasília: Editora do Senado Federal, 2013. Disponível em: https://edisciplinas.usp.br/pluginfile.php/4213631/mod_resource/content/1/J.A.%20SILVA.pdf. Acesso em: 23 fev. 2023.

official document "sent - via Telex - to all the members of the Afonso Arinos Commission". It was a kind of report criticizing the "formulation given to the indigenous issue and presented to the 'Social Order' Committee, which would be voted on in plenary, and supporting a substitute text by Professor José Afonso da Silva".[621]

The conflicts and resistance from these sectors did not, however, prevent the participation of Senator Cristovam Buarque (Democratic Labor Party-DF), "jurist Sepúlveda Pertence (then Attorney General of the Republic) and economist Walter Barelli (at the time technical director of the Inter-Union Department of Statistics and Socioeconomic Studies - Dieese)".[622]

Many researchers have scrutinized the subject of the Afono Arinos Commission, but this is not the main theme of this paper. One important issue that needs to be explained is the fact that, despite so much criticism, the commission "had indisputable relevance to the constituent process". During its existence, "it (the Afonso Arinos Commission) was the only and first forum for constitutional discussion. Perhaps, if it hadn't been for the commission, the constitutional issue would have taken a different direction, because there was pressure to make simple changes to the 1969 Constitution". The Commission was the starting point for the complex process of convening a Constituent Assembly (1987-1988).[623]

According to José Afonso da Silva:

> Even today, I still think that if it hadn't been for the constituent discussions it undertook, with intense media and popular repercussions, we might not have had the Constituent Assembly called, or the defective call we had. As we know, President José Sarney did not send the Commission's preliminary draft to the National Constituent Assembly, and he did not do so for two reasons contrary to his political thinking, namely the strong progressive social content and the adoption of a parliamentary system of government. Despite this, having had the preliminary draft published in the Diário Oficial da União, the constituents drew on it to make their constitutional proposals. This led to clear influences from the preliminary draft that materialized in the text of the Constitution.[624]

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[621] SANTILLI, Márcio. *Povos Indígenas no Brasil 1987, 1988, 1989 e 1990*. São Paulo: Centro Eucunêmico de Documentação (CEDI), 1991, p. 41. Disponível em: https://acervo.socioambiental.org/acervo/livros/povos-indigenas-no-brasil-1987-88-89-90. Acesso em: 15 abr. 2023.

[622] DA REDAÇÃO. Comissão Afonso Arinos elaborou anteprojeto de Constituição. Agência Senado. Disponível em: www12.senado.leg.br/noticias/materias/2008/10/01/comissao-afonso-arinos-elaborou-anteprojeto-de-constituicao. Acesso em: 23 mar. 2023.

[623] SILVA, José Afonso da. *A gênese do texto da Constituição de 1988*. Brasília: Editora do Senado Federal, 2013. Disponível em: https://edisciplinas.usp.br/pluginfile.php/4213631/mod_resource/content/1/J.A.%20SILVA.pdf. Acesso em: 23 fev. 2023.

[624] *Ibidem*.

The author stresses the importance of the Commission, despite the fact that the text was not sent to Parliament and the many other criticisms leveled at it. It is understood that it was the awakening of a democratic consciousness towards what would become the National Constituent Assembly and the 1988 Constitution itself, as highlighted by constitutionalist José Afonso da Silva.

The Constituent Assembly (1987-1988) is somehow intertwined with or directly linked to the final years of the Brazilian military dictatorship (1964-1985), so a brief contextualization of the democratic transition is essential. In the early 1980s, the countless political and economic losses accumulated by the military dictatorship led to the announcement of the so-called "slow and gradual opening", which had already been announced years before and led to the campaign, carried out in 1983-1984,[625] around the idea of "Diretas Já" (Direct Elections Now).[626]

"Diretas Já" can be conceptualized as a "supra-party political movement in defense of the return of direct elections to the presidency of the Republic. Having started in May 1983, the movement gained broader political and social dimensions", which can be instrumentalized by a "series of rallies in the first months of 1984, which mobilized millions of Brazilians when campaigning for the succession to the government of General João Batista Figueiredo, the last president of the military regime established in 1964".[627]

The "Direct Elections" in the form of a Constitutional Amendment Bill (Dante de Oliveira) No.º 5 of 1983, ended up not becoming a reality, coupled with the "feeling of frustration amplified when President-elect Tancredo Neves died a few days before the date set for his inauguration, which resulted in the presidency being handed over to his vice-president,

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[625] LACERDA, Rosane Freire; FEITOSA, Saulo Ferreira. Os povos indígenas e a Assembleia Nacional Constituinte. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 257.

[626] Cf. Fontes: COUTO, Ronaldo Costa. *História indiscreta da ditadura e da abertura: Brasil*: 1964-1985. (No Title), 1999; DINIZ, Eli. A transição política no Brasil: uma reavaliação da dinâmica de abertura. *In:*. SZWARKO, José: José; MOURA, Rafael; D AVILA FILHO, Paulo (*orgs*). *Sociedade e Estado*, Araras: Editora Idea, 1985 Disponível em: http://inctpped.ie.ufrj.br/pdf/livro/Estado_e_Sociedade_no_Brasil.pdf#page=241SZWAKO. Acesso em 23 de maio de 2023; DIRETAS JÁ. *Atlas histórico do Brasil*, *apud* GÓIS, Walder de; CAMARGO, Aspásia Alcântara de. *O drama da sucessão e a crise do regime*. (No Title), 1984.; SKIDMORE, Thomas E. Brasil: de Castelo a Tancredo, 1964-1985. *In*: SKIDMORE, Thomas E. *Brasil: de Castelo a Tancredo, 1964-1985*. 1989, p. 608-608;; STEPAN, A. *Mito*; *Veja* (14/12/83; 11, 18 e 25/1, 1, 8, 22 e 29/2, 11, 14, 21 e 28/3, 4, 11, 18 e 25/4/84. Disponível em: https://atlas.fgv.br/verbete/5843. Acesso em: 10 jan. 2024.

[627] Cf. Fontes: COUTO, Ronaldo Costa. *História indiscreta da ditadura e da abertura*: Brasil: 1964-1985. (No Title), 1999; DINIZ, Eli. A transição política no Brasil: uma reavaliação da dinâmica de abertura. *In:*. SZWARKO, José: José; MOURA, Rafael; D AVILA FILHO, Paulo (*orgs*). *Sociedade e Estado*, Araras: Editora Idea, 1985 Disponível em: http://inctpped.ie.ufrj.br/pdf/livro/Estado_e_Sociedade_no_Brasil.pdf#page=241SZWAKO. Acesso em 23 de maio de 2023; DIRETAS JÁ. Atlas histórico do Brasil, *apud* GÓIS, Walder de; CAMARGO, Aspásia Alcântara de. *O drama da sucessão e a crise do regime*. (No Title), 1984; SKIDMORE, Thomas E. Brasil: de Castelo a Tancredo, 1964-1985. *In*: SKIDMORE, Thomas E. *Brasil: de Castelo a Tancredo, 1964-1985*. 1989, p. 608-608. Parte Disponível em: https://atlas.fgv.br/verbete/5843 Acesso em 23 de outubro de 2023 .

José Sarney, a conservative politician with a career strongly linked to the military governments and the country's powerful economic groups".[628] The frustration of the "Diretas Já" (Direct Elections Now) didn't stop the popular sentiment and clamor for a process of openness that had been ongoing since 1974.

4.4 The National Constituent Assembly: procedural organization, composition (and arrangement) and effects

4.4.1 Procedural organization

The session of 24.3.1987 was fundamental, as it saw the promulgation of Resolution No.º 2/1987, "which established the Internal Rules of Procedure of the National Constituent Assembly", and also established the structure of this "complex and decentralized procedure". Via eight thematic commissions, each made up of three subcommittees, and a "systematization commission", totaling 24 Subcommittees, the resolution was established. "Once approved by the Subcommittee, the text went to the respective Thematic Commission, where the chapters were drawn up by theme."[629] The three drafts from each Subcommittee were then combined into a single draft, which was then transformed into a Commission Draft.

The committees were divided into:

> I - Committee on Sovereignty and the Rights and Guarantees of Men and Women (a - Subcommittee on Nationality, Sovereignty and International Relations, b - Subcommittee on Political Rights, Collective Rights and Guarantees, c - Subcommittee on Individual Rights and Guarantees), II - Committee on the Organization of the State (a - Subcommittee on the Union, Federal District and Territories, b - Subcommittee on the States, c - Subcommittee on the Municipalities and Regions), III - Committee on the Organization of Powers and the System of Government (a - Subcommittee on the Legislative Branch, b - Subcommittee on the Executive Branch, c - Subcommittee on the Judiciary and the Public Prosecutor's Office), IV - Committee on the Organization of Elections, Parties and the Guarantee of Institutions (a - Subcommittee on the Electoral System and Political Parties, b - Subcommittee **on the Defense of the State, Society and its Security**, c - Subcommittee on the Guarantee of the Constitution, Reforms and Amendments), V

[628] LACERDA, Rosane Freire; FEITOSA, Saulo Ferreira Os povos indígenas e a Assembleia Nacional Constituinte. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 259.

[629] NOGUEIRA, André Magalhães. Verbete "A Assembleia Nacional Constituinte". Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/assembleia-nacional-constituinte-de-1987-88. Acesso em: 1º jul. 2022.

> - Committee on the Tax System, Budget and Finance (a - Subcommittee on Taxes, Participation and Distribution of Revenue, b - Subcommittee on Budget and Financial Supervision, c - Subcommittee on the Financial System), VI - Committee on the Economic Order (a - Subcommittee on General Principles, State Intervention, Underground Property Regime and Economic Activity, b - Subcommittee on the Urban Question and Transportation, c - Subcommittee on Agricultural and Land Policy and Agrarian Reform), **VII - Committee on Social Order** (a - Subcommittee on Workers' Rights and Public Servants, b - Subcommittee on Health, Security and the Environment, **c - Subcommittee on Blacks, Indigenous Populations, Disabled People and Minorities**), VIII - Committee on the Family, Education, Culture and Sports, Science and Technology and Communication (a - Subcommittee on Education, Culture and Sports, b - Subcommittee on Science and Technology and Communication, c - Subcommittee on the Family, Minors and the Elderly).[630]

In this way, the indigenous issue, although not very prominent, would have been left to the Social Order Commission and, specifically, to the "Blacks, Indigenous Populations, Disabled People and Minorities" subcommittee. Chapter VIII of the Constitution (On Indians) ended up respecting the following phases of constitutional work:

> a. the Thematic Subcommittees were responsible for drafting the constitutional provisions by sub-theme; b) the Thematic Commissions were responsible for drafting the Chapters by theme; c) the Systematization Commission was responsible for drafting the Titles and systematizing the provisions approved by the Commissions and drafting the Constitution Bill; d) the Plenary of the ANC and the Drafting Commission were responsible for voting and final drafting of the entire matter.[631]

4.4.2 Composition (and arrangements)

The constituent parliamentarians were mostly from the Brazilian Democratic Movement Party (PMDB), which held 261 of the 487 seats in the Chamber of Deputies, as well as the presidency of the Chamber of Deputies itself (then held by Dr. Ulysses Guimarães). And in the Senate, 49 seats belonged to the PMDB, out of a total of 72.[632]

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630 Portal da Constituição Cidadã. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/o-processo-constituinte/lista-de-comissoes-e-subcomissoes. Acesso em: 15 abr. 2023.

631 BRUSCO, Dilson Emílio e RIBEIRO, Ernani Valter. *O processo histórico da elaboração do Texto Constitucional*. Brasília: Centro de Documentação e Informação, Coordenação de Publicações, 1993. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/publicacoes/o-processo-historico-da-elaboracao-do-texto/IntroducaoeSumariodov.1.pdf Acesso em: 23 jul. 2023.

632 EUGSTER, loc.cit., p. 93 e ss., *apud* KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010.

The Liberal Front Party (PFL) ended up being the second largest caucus in Parliament with 116 seats, followed by the Christian Social Party (PDS). And, regardless of the political bias of each parliamentarian (something that is often fluid) or the countless nuances inherent in the position or profile of each congressman, the members of the Constituent Assembly were predominantly conservative. Proof of this would be the fact that "the most influential supra-party grouping was the so-called 'Centrão', which brought together approximately 300 members of the PMDB, PFL and PDS" and "found support mainly in the Sarney government",[633] for matters such as private property and other demands.[634]

The party orientations ended up divided in the Chamber of Deputies, which was represented with a different configuration from that found in Harmut Kayser's work. According to Luiz Marlouf de Carvalho:

> Partido da Frente Liberal (PFL) - 135; PDS - 38; Partido Democrático Trabalhista (PDT) - 26; Partido Trabalhista Brasileiro (PTB) - 18; Partido dos Trabalhadores (PT) - 16; Partido Liberal (PL) - seven; Partido Democrata Cristão (PDC) - six; Brazilian Communist Party (PCB) - three; Communist Party of Brazil (PCdoB) - three; Brazilian Socialist Party (PSB) - two; Christian Social Party (PSC) - one - Brazilian Municipalist Party (PMDB)[635]

This fragment (above) only briefly points out the organization of this complex legislative process (of unprecedented proportions). Of these 559 parliamentarians, for example, "274 were freshmen, only 26 were women and 217 had been part of the National Renewal Alliance (ARENA) or the Social Democratic Party (PDS), parties that supported the dictatorship".[636] According to the newspaper *Folha de S.Paulo*: "32% were center, 24% center-right, 23% center-left, 12% right and 9% left."[637]

These figures have not prevented the adverse reality of indigenous peoples' rights. In other words: how was it possible to secure a series of guarantees[638] for indigenous peoples in a

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[633] EUGSTER, loc cit., p. 128, *apud ibidem*, p. 181.
[634] EUGSTER, loc cit., p. 128, *apud ibidem*.
[635] CARVALHO, Luiz Maklouf. *1988: segredos da Constituinte*: os vinte meses que agitaram e mudaram o Brasil. Rio de Janeiro: Record, 2017, p 08.
[636] *Ibidem*. CARVALHO, Luiz Maklouf. *1988: segredos da Constituinte*: os vinte meses que agitaram e mudaram o Brasil. Rio de Janeiro: Record, 2017, p 08.
[637] *Ibidem*.
[638] Especificamente, o Programa Mínimo estipulava: “a) reconhecimento dos direitos territoriais dos povos indígenas; b) demarcação e garantia das terras indígenas; c) usufruto exclusivo, pelos povos indígenas, das riquezas naturais existentes no solo e subsolo dos seus territórios; d) reassentamento, em condições dignas e justas, dos posseiros pobres que se encontram em terras indígenas; e) reconhecimento e respeito às organizações sociais e culturais dos povos indígenas. Este último ponto, além de incluir as garantias de plena cidadania, exigia o reconhecimento das organizações indígenas “assegurando-lhes a legitimidade para defenderem seus direitos e interesses e garantindo-lhes a plena participação na vida do país” (CUNHA, 1987. p. 170, *apud* RICARDO, Carlos

political context that was adverse to indigenous communities and predominantly conservative? Significant results, despite questions about the conservative legacy of the Constituent Assembly and the various inconsistencies that can be seen from a practical point of view.

This reality would be present throughout other various constitutional issues or themes. This is why there are so many questions about the retrograde or progressive nature of the constituent process (as a whole) and its (various) objective or effective effects. The contrasts evident in articles 231 and 232 of the Federal Constitution *(On Indians*) in some way mirror a reality present in other different contents or articles of the Constitution. The contrasts in indigenous issues reproduced a reality instrumentalized by clashes between corporatists and progressives **(concurrently)**, also observed in other (sensitive) agendas. Since **describing the results of the constitution** (in general terms) would be a way of distancing ourselves from this research topic, a long footnote seems more appropriate[639] .

Alberto (Ed.). *Povos indígenas no Brasil: 1991/1995*. São Paulo: Instituto Socioambiental, 1998.

[639] Sobre o legado conservador ou progressista da Constituição Federal, José Afonso da Silva argumenta que "a Constituição (…) é progressista, ainda que, em pontos fundamentais, os conservadores tenham levado a melhor". Segundo o jurista, dos "oito relatores das Comissões Temáticas, seis estavam no campo progressista, dois no campo conservador e um no moderado; dos vinte e quatro relatores das Subcomissões, doze eram progressistas, onze eram conservadores e um moderado". Isso teria feito a diferença, segundo o autor (SILVA, José Afonso da. *A gênese do texto da Constituição de 1988*. Brasília: Editora do Senado Federal, 2013. Disponível em: https://edisciplinas.usp.br/pluginfile.php/4213631/mod_resource/content/1/J.A.%20SILVA.pdf. Acesso em: 23 fev. 2023)"O relator da Comissão de Sistematização era considerado progressista; o presidente, moderado". A comissão de sistematização apresentava um equilíbrio: "dos quarenta presidentes e relatores, a serem integrados na Comissão de Sistematização, dezoito eram progressistas; vinte conservadores". Esse argumento é confirmado por Andrea Marcondes de Freitas: "os postos-chave da Constituinte acabaram ficando nas mãos de parlamentares de uma sigla mais identificada com o campo progressista e mais à esquerda" – uma esquerda limitada, mas de oposição (FREITAS, Andrea Marcondes, *apud* DELGADO, Malu. *Política brasileira. Afinal, o que é o Centrão?* Goethe Institut. Disponível em: www.goethe.de/prj/hum/pt/dos/ctr/24737158.html. Acesso em: 16 dez. 2023). Segundo Adriano Pilatti, "a vantagem progressista na distribuição das Relatorias do PMDB e, por consequência, seus impactos na composição da Comissão de Sistematização tiveram um grande artífice: o líder Mário Covas"(PILATTI, Adriano. *A Constituinte de 1987-1988*: progressistas, conservadores, ordem econômica e regras do jogo. Rio de Janeiro: Editora PUC-Rio, 2008, p. 65). Além da organização partidária supracitada, o caso indígena permeava a articulação política de "grupos de interesse" influentes: representantes dos interesses militares (vinculados à Doutrina de Segurança Nacional e à Assessoria Parlamentar do Exército), dos interesses fundiários (vinculados a grandes produtores rurais articulados em Confederações Rurais) e de interesses minerários (grandes mineradoras interessadas em explorar economicamente áreas indígenas). É inegável a influência desses grupos na composição do Capítulo VIII (Dos Índios), conforme se verificara na documentação do APEM (BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 3 ago. 2023). Várias interpretações foram utilizadas para explicar os resultados do processo constituinte e do próprio capítulo Dos Índios. Lamounier, por exemplo, aduz que a Constituição seria consequência "de uma cultura política conciliatória", cujas origens remontam aos anos 1940. O mesmo autor aduz "perda da capacidade decisória", pois "as forças políticas estavam demasiadamente fragmentadas". Outros autores, como Bruneau, vêem a Constituição de 1988 "como efeito direto da impossibilidade de

The important thing to note at this point is the fact that despite the contradictions and the legal provisions that were achieved through the articulation of specific "pressure groups", articles 231 and 232 guaranteed a series of prerogatives for indigenous peoples. Among these was the approval of a large part of the Minimum Program, a list of rights attributed to Indigenous Peoples and defended arduously by the Indigenous Movement, under the coordination of CIMI.

It can be said, on a second level of discussion, that the constituent legacy related to the indigenous issue did not produce "entirely objective" results[640] or linear results. The results in question would undeniably condense a *divided memory*.[641]

The article written by João Mitia Antunha Barbosa and Marcelo Gonzalez Brasil, "A flock of birds: indigenous protagonism in the constitutional process", discusses the popular campaign for the "decisive struggle of indigenous peoples in the Constituent Assembly". The essential points of the minimum program of indigenous rights in the Constituent Assembly were:

> a) the recognition of the territorial rights of indigenous peoples; b) the demarcation and guarantee of land; c) the exclusive usufruct by indigenous peoples of the natural wealth existing in the soil and subsoil of their territories; d) the resettlement, in dignified and fair conditions, of poor squatters who find themselves on indigenous lands; e) the recognition and respect for the social and cultural organizations of indigenous peoples.[642]

The testimonies collected by members of the Constituent Assembly (from the Social Order Commission and the Subcommittee on Blacks, Indigenous Populations, People with

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construção de um consenso entre as principais forças políticas durante a Assembleia Nacional Constituinte" (BRUNEAU, Thomas C. Constitutions and democratic consolidation: Brazil in comparative perspective. *In*: ETHIER, D. (Ed.). *Democratic transitions and consolidation in Southern Europe, Latin America and Southeast Asia*. Basingstoke: MacMillian, 1990, p. 123, *apud* GOMES, Sandra. O impacto das regras de organização do processo legislativo no comportamento dos parlamentares: um estudo de caso da Assembléia Nacional Constituinte (1987-1988). *Dados*, v. 49, p. 193-224, 2006) O resultado final, segundo Fleischer, teria sido visto como um problema de "soberania reduzida" e de "forte coerção do Presidente e dos militares". "A fragilidade dos partidos políticos brasileiros também foi utilizada ou explicada como importante fator explicativo do resultado final, um fracasso político (Cf. *Ibidem*)

[640] FERREIRA, Marieta de Moraes. História, tempo presente e história oral. *Topoi*, Rio de Janeiro, v. 3, p. 314-332, 2002, p. 314.

[641] PORTELLI, Alessandro. O massacre de Civitella Val di Chiana (Toscana: 29 de junho de 1944): mito, política, luto e senso comum. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. Rio de Janeiro: Editora da Fundação Getulio Vargas, 1996, p. 103-130.

[642] BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018, p. 19.

Disabilities and Minorities) in the preliminary phases of the Constituent Assembly confirm both a positive legacy and a counter-hegemonic discourse of hope for indigenous peoples.

A legacy that at least rescued some visibility for the indigenous cause or a certain notoriety and national projection for this issue. At least during the initial phases of the ANC. Proposals or intentions that would somehow be emptied in the following moments, as will be highlighted in a separate chapter. At the same time, they highlight the existence of pressure groups.

Chapter 5. THE ARMED FORCES OF BRAZIL IN THE NATIONAL CONSTITUENT ASSEMBLY (1985-1988): THE MINING AND LAND LOBBY GROUPS.

This chapter is divided into a few topics. In general terms, the main idea of this chapter is to look at how the pressure groups organized themselves during the constituent process. Specifically, the mining and extractive industry, rural producers and the military. Parliamentarians aligned with the military regime organized themselves so that the interests of the barracks were duly protected in the new Constitution. This reality would encompass various indigenous issues related to topics such as Brazilian national sovereignty, a sensitive point of interest for the Brazilian military.

The numerous issues of interest to the Armed Forces during the Constituent Assembly ended up predominantly concentrated in the Subcommittee on Defense of the State, Society and Security. This subcommittee was part of the committee on Electoral and Party Organization and the Guarantee of Institutions.[643] Many political scientists, such as Arthur Trindade Maranhão, stress the preservation or even expansion of military prerogatives in legal terms. In other words, the "interests of the barracks" were duly secured due to three factors outlined here.[644]

The alliance between the military and the "centrão" (a political force in formation and originating precisely in this context of democratic transition),[645] the institution of a parliamentary advisory body, the APE,[646] and the formation of a cabinet in a strategic position, with great influence and proximity to the president of the republic in office.[647] This proximity to the executive branch was a (possible) justification for proposing the Calha Norte Project (PCN), for example, the attempt to set up indigenous colonies with the aim of giving continuity to development projects and the integration of indigenous peoples.[648]

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[643] Cf. SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022.
[644] Cf: COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998.
[645] Cf. FREITAS, Andrea Marcondes, *apud* DELGADO, Malu. *Política brasileira. Afinal, o que é o Centrão?* Goethe Institut. Disponível em: www.goethe.de/prj/hum/pt/dos/ctr/24737158.html. Acesso em: 16 dez. 2023.
[646] Cf. COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998.
[647] Cf. Entrevista com o coronel Carlos Edmundo Vieira, assessor parlamentar, em junho de 1997 – Brasília, DF, *apud* COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998.
[648] Documento Projeto Calha Norte: Desenvolvimento e Segurança na Região ao norte das calhas dos rios Solimões e Amazonas. Disponível em:

These issues will be carefully explained, but in advance they serve to identify how decisive they were in partially achieving these institutional goals. A reality that provoked reactions in part of the Brazilian parliament and in opposition groups to the regime, such as the Indigenous Movement, causing or intensifying political tensions during that period.[649]

Among the various objectives of the Armed Forces was the attempt to guarantee the maintenance of the functions and attributions of the Armed Forces set out in the 1969 Constitution, as well as to ensure the continuity of the development policy promoted by the Brazilian state and the consequent and irreversible damage to the native peoples. Under the theoretical basis of the DSN, projects such as Calha Norte Perimetral Norte and the National Integration Project (PIN) proposed to occupy and "develop" the Amazon region. A reality denounced by part of the National Congress during the constituent work.[650]

The indigenous policy promoted and coordinated by the National Security Council aimed (once again) to control indigenous populations and their territories, especially if they were located in border regions. As a result, new demarcations would be limited or halted with the establishment of new indigenous colonies, a tragedy foretold. Economic objectives and interests fundamentally permeated these discussions, since the integration projects promoted by the federal government sought precisely to guarantee the exploitation and development of the mining and extractive industries in the Brazilian Amazon region, which was then occupied by indigenous peoples.[651]

The CSN and those parliamentarians aligned with the "*interests of the barracks*" concomitantly sought, in addition to maintaining development projects associated with major occupation projects, integration and assimilation, in other words, the possibility of removing those indigenous communities considered to be a threat to national sovereignty. It was a discourse directly inspired by the National Security Doctrine, as has already been pointed out. The speeches of parliamentarians and other participants during the constituent work, which highlight and denounce this reality, will be indispensable to support these arguments.[652]

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https://acervo.socioambiental.org/sites/default/files/documents/T5D00003.pdf. Acesso em: 23 mar. 2023

[649] Cf. CUNHA, Manuela Carneiro da. O futuro da questão indígena. *Estudos Avançados*, v. 8, p. 121-136, 1994.

[650] Cf. OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990; e TEIXEIRA, Carlos Corrêa. *Visões da natureza*: seringueiros e colonos em Rondônia. São Paulo: FAPESP, 1999, p. 7.

[651] Cf. Discurso de Erwin Krautler. BRASIL. *Diário da Assembleia Nacional Constituinte*, p. 148 e ss. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=147. Acesso em: 23 maio 2023.

[652] *Ibidem*.

A brief description of what the interests of the barracks are seems appropriate. This idea is associated with "the predominance of collectivity, the spirit of unity and 'camaraderie' and therefore, in a more general sense, encompasses the Army as a large collectivity that seeks to establish a strong group identity" and is instrumentalized in essentially corporatist interests[653] . In part, these interests were theorized and foreseen by the National Security Doctrine[654] and in part implemented by the legislative pressure of those who took part in the Subcommittee for the Defence of the State, Society and Security;[655] The articulation of these interests, *those of the barracks*, during the Constituent Assembly, as mentioned above, would have been decisive for the current conformation of articles 231 and 232 of the Federal Constitution.[656]

Another issue to be debated here, which is related to the *interests of the barracks* in the constituent assembly, is the fact that redemocratization in the country was a very troubled process, surrounded by conspiracies, splits and divisions within the military structure itself. There was no absolute consensus on whether the political opening should take place at that time, as Geisel had been planning since 1974. Many were resistant to the democratic transition.[657] The explosion of a car in Riocentro (west of the city of Rio de Janeiro) engineered by sectors of the army itself and the military police of Rio de Janeiro was a clear example of the willingness of some sectors of the government to try to stay in power at any cost. The attack was an unsuccessful attempt to incriminate groups opposed to the military regime. The aim was to make the population, dissatisfied with the military regime, turn against the movement for redemocratization.[658] Something that ended up not materializing, since the bomb installed in a car by some army soldiers at an event commemorating Workers' Day at the convention center exploded ahead of schedule, causing the death of Sergeant Guilherme Pereira do Rosário, the very terrorist who installed the explosive material. The event did not prevent the political opening articulated by Geisel, but it proves how redemocratization was not a linear process, without splits or disagreements, and the fact that the military influenced the entire process of transition and political détente.

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[653] SILVA, Cristina Rodrigues da. Famílias de militares: explorando a casa e a caserna no Exército brasileiro. *Revista Estudos Feministas*, v. 21, p. 861-882, 2013, p 866.

[654] Cf. Documento Projeto Calha Norte: Desenvolvimento e Segurança na Região ao norte das calhos dos rios Solimões e Amazonas. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/T5D00003.pdf. Acesso em: 23 mar. 2023.

[655] Cf. SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022.

[656] Cf. BAINES, Stephen Grant. *Identidades indígenas e ativismo político no Brasil*: depois da Constituição de 1988. 2008, p. 8.

[657] Cf. *Idem*. *A ditadura encurralada*. Edição com áudios e vídeos. Editora Intrínseca, 2017.

[658] Cf. GASPARI, Elio. *A ditadura acabada*. Rio de Janeiro: Editora Intrínseca, 2016.

The influence of the Armed Forces (Fas) throughout the democratic transition process was corroborated by constituent Luiz Inácio Lula da Silva (PT), as a federal deputy, when he reported difficulties in starting the constituent debates because of the *pressure group* linked to the military.[659] Agassiz Almeida (PMDB), for his part, considered it unacceptable to have yet another federal constitution drawn up in the offices of the military and technocrats. [660]

This thought was endorsed by deputy João Martins (from the PT) who said: "We cannot have a Constitution according to the military's conception. We cannot have Mr. José Sarney and the group he defends as conductors in this Constituent Assembly, as well as the interests that hide behind his representation, as if he were waiting for a signal from his baton."[661] The congressman was trying to say that "José Sarney's group" in question was a powerful and influential bloc of parliamentarians allied to the interests of the FAs. A group belonging to the newly-born "centrão" that sought to maintain the old policy of assimilating indigenous peoples. In part, parliamentarians from the party of the military dictatorship, ARENA, but who migrated to the PMDB. The idea was to get away from the unpopularity of the party that politically supported the unpopular generals of the Brazilian dictatorship.[662]

Although this is not the subject of the research in question, it should be pointed out that the military's interests were partly protected because they were aligned with certain nationalist interests, which were also present in opposition groups to the regime. At the same time, José Sarney sought the support of the military as a way of staying in power at a time of great political instability. The former president was one of the main leaders of a famous political group called the "Centrão", which still exists today. A brief explanation of the origin of this term seems appropriate. The beginnings of this term are associated with the two-party model established by the Brazilian state and the military dictatorship. During the political opening in the 1980s, the PMDB, the main or only opposition party to the regime, was home to many conflicting and therefore conservative and nationalist forces, which would include the indigenous issue. Since its inception, the "Centrão" has been surrounded by contradictions and is closely linked to the various and disparate ideological wings of the PMDB, most of which are even irreconcilable[663] and would please the interests of the barracks.

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[659] Sessão de instalação da ANC. Disponível em: www.senado.leg.br/publicacoes/anais/constituinte/N001.pdf. p. 49.
[660] *Ibidem*, p. 316.
[661] *Ibidem*, p. 501.
[662] Cf. KINZO, M. D. O quadro partidário e a Constituinte. *In*: LAMOUNIER, Bolívar (Org.). *De Geisel a Collor*: o balanço da transição. São Paulo, IDESP, 1990.
[663] *Ibidem*.

On the question of the FA's involvement in the constituent process, another important point should be noted: the military's articulation existed not only to ensure non-accountability for the crimes committed by agents of the state throughout the 1970s, but also to condemn those who participated in the genocide or ethnocide of Indigenous Peoples during the 1960s and 1970s.[664] "The effects of a 'broad, general and unrestricted amnesty' would also imply the dismantling of the political police and the prosecution of torturers." However, this proposal, according to Daniel Reis, approved by a small majority, "in addition to keeping political prisoners in jail, gave rise then, and still does today, to the debate about whether or not the torturers were covered by a certain and controversial article, which provided for amnesty for crimes related to those committed by those persecuted by the dictatorship".[665] And this controversial reality was once again highlighted, since the 1979 Amnesty Law (enacted in the first year of General Figueiredo's government) was validated in the new Constitution.[666]

In addition to not being held accountable for the crimes committed by the military (until 1979), "the interests of the barracks" were fundamentally focused on maintaining the attributions of Brazilian military institutions in the country, such as the control of national land borders.

"From the outset of the work of the subcommittees, the political pressure exerted by the Armed Forces to reach a position considered favorable to their institutional interests was latent in the spaces of the National Constituent Assembly,"[667] which included the geopolitical issue of border regions occupied by indigenous peoples. There was intense discussion to define which commission or subcommittee would be in charge of this issue, the institutional role of the Armed Forces in the Constitution (and its multiple ramifications). What had been assigned in Constitutional Amendmentº 1 of 1969 and the question of whether the FAs would be part of the Executive Branch, or whether the model of the 1946 Constitution would be repeated, in which the military would have a power configuration separate from the three powers.

The Subcommittee on the Defense of the State, Society and Security ended up being the one chosen to present a draft consistent with these interests. This Subcommittee was part of one of the three subcommittees that made up the Committee on Electoral and Party Organization

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[664]Cf. REIS, Daniel Aarão. Ditadura, anistia e reconciliação. *Estudos Históricos*, Rio de Janeiro, v. 23, p. 171-186, 2010.

[665] *Ibidem*, p 23

[666] Conforme previsão do artigo 8º, a Lei da Anistia foi sacramentada pela *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 16 dez. 2023.

[667] SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022, p. 1825.

and the Guarantee of Institutions, and had Ricardo Fiuza as rapporteur. The parliamentarian organized a substitute project that would later be submitted to the Systematization Commission.[668] The fundamental issue was to "rethink, on a more specific level, the functions of the military institution in the new constitutional order". [669]

It was up to this political force to ensure, maintain or even expand the various functions assigned to the Army, Air Force and Navy, now in a democratic context. "Articles 142 and 143 of the Federal Constitution that make up Chapter II are the result of this dubious constitutional debate or of ingenious political articulation (permeated by tensions in the relevant thematic commissions and subcommittees)."[670]

As already pointed out in the chapter on the Brazilian democratic transition, as in the case of the Spanish dictatorship, the term used by Donald Share and Scott Mainwaring, "transition by transaction", seems quite appropriate. According to the authors, this situation occurs "when the authoritarian regime initiates the transition, sets some limits for political change and remains a relatively important electoral force during the transition".[671] The Brazilian military did indeed organize Brazil's (controversial) democratic transition. Consequently, they worked to maintain their (institutional) influence in the country[672] and the "militarized tutelage" over the native peoples.

This context meant that the definition of the Armed Forces (and all the functions attributed to them) had (practically) the same wording as in the 1967 Constitution. Thus, art. 142 reads: "The Armed Forces, made up of the Navy, Army and Air Force, are permanent and regular national institutions, organized on the basis of hierarchy and discipline, under the supreme authority of the President of the Republic".[673]

In relation to the functions of the FAs, the text has a new wording: "they are intended for the defense of the Homeland, the guarantee of constitutional powers and, at the initiative of

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[668] Cf. ARRUDA, Pedro Fassoni. *As Forças Armadas e o poder constituinte*: a tutela militar no processo de transição política (1974-1988). EDUC–Editora da PUC-SP, 2023.
[669] SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022, p. 1822.
[670] BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 16 dez. 2023.
[671] MAINWARING, Scott. Transição pela transação: democratização no Brasil e na Espanha. *Dados*, v. 29, n. 2, p. 207-236, 1986, p. 207, *apud* SANTOS, Fabiano. Escolhas institucionais e transição por transação: sistemas políticos de Brasil e Espanha em perspectiva comparada. *Dados*, v. 43, p. 637-669, 2000.
[672] Cf. SANTOS, Fabiano. Escolhas institucionais e transição por transação: sistemas políticos de Brasil e Espanha em perspectiva comparada. *Dados*, v. 43, p. 637-669, 2000.
[673] BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm.

any of them, law and order".[674] The vagueness of the terms meant that the meaning of these expressions had to be regulated by a complementary law in 1991.

In general, the definition of the functions assigned to the FAs represented "a solution or compromise between the different actors, especially the constituents and the military themselves". According to André Cavaller Guzzi, "the military continued as guardians of national values and civilians could continue with their democratic project".[675] Many problems and risks arise with these (broad) terminologies used and attributed, based on an open semantic configuration such as this expression. The FAs appear as "the only professional institution that represents the entire nation". "No other organization can claim this representation. By defining them as 'national and permanent', they have legally transformed them into an entity superior to the legitimate representatives of the people in democracy."[676]

In a divergent interpretation, Eliezer de Oliveira suggests a sort of "middle ground" between the autonomy thesis and that of military subordination to civil authority.[677] The constituent process did in fact guarantee a series of social rights for the Brazilian people, including new guarantees for indigenous peoples. Among those who were most optimistic about the constituent process was Basílio Sallum. The researcher said that "even without the expected institutional rupture", after 21 years of dictatorship, the 1988 Constitution relied on popular struggle and a great deal of freedom for social movements, such as the Indigenous Movement, to organize and act. More optimistic or even naive views of the Brazilian democratic transition process permeate many other skeptical interpretations of the controversial democratic transition process.

Regardless of the bias or interpretation chosen, the FAs were given extensive institutional guarantees. And this reality was partly due to political pressure from the military to ensure that the interests of the barracks were guaranteed, which makes (for many) the use of the term "citizen's constitution"[678] quite questionable.

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[674] *Ibidem*.

[675] MATHIAS, Suzeley Kalil; GUZZI, André Cavaller. Autonomia na lei: as forças armadas nas constituições nacionais. *Revista Brasileira de Ciências Sociais*, v. 25, p. 41-57, 2010, p. 51.

[676] *Ibidem*.

[677] OLIVEIRA, Eliézer Rizzo. De Geisel a Collo: Forças Armadas, transição e democracia. Campinas, SP: Papirus, 1994, p. 110 *apud* COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022, p. 68.

[678] Cf. OLIVEIRA, Carlindo Rodrigues de; OLIVEIRA, Regina Coeli de. Direitos sociais na constituição cidadã: um balanço de 21 anos. *Serviço Social & Sociedade*, n 105, p. 5-29, mar 2011.

With regard to the indigenous issue itself, the possibility of removing (entire) indigenous communities in the event of a threat to national sovereignty,[679] as already pointed out, became a reality thanks to this intense articulation, despite opposition from part of the Brazilian parliament and from organizations such as ABA, UNAÍ, CIMI (among others).[680]

The analysis of the speeches used by the parliamentarians and rapporteurs who took part in the SDES is important because it elucidates the ideological basis attributed to this political reasoning. This thinking is interconnected with the state developmentalism promoted throughout most of the 20th century,[681] not just by the post-1964 military. The discourse impregnated with nationalism and ufanism, which sought the forced assimilation of Indigenous Peoples and the occupation of the country's hinterlands (and the Brazilian Amazon) as a response to external or foreign threats, even predates 1950.

These hegemonic discourses will be identified here[682] and then contrasted in due course. A discourse linked to the influence of the DSN, present in Brazil.[683] as early as the Vargas era. All indigenous communities located in border regions were (or could be) a risk to national sovereignty. Bibliographical sources indicated the (geopolitical) concern of the Brazilian Armed Forces with the indigenous question, a subject "of national interest" and, depending on the situation, "also a threat to sovereignty".[684]

Vanessa Schinke's work seems timely. The researcher analyzed "the discursive encounters and disagreements in the work of the SDES, one of the three subcommittees of the Commission on Electoral and Party Organization and the Guarantee of Institutions. Her aim was to elucidate which tools were used in that space by the Brazilian military".[685]

His work is important because it highlights the role of dialogues related to the role of the National Security Doctrine during the constituent work. The rapporteur of this subcommittee "Ricardo Fiuza Castro and constituent Ottomar Pinto insisted that the War College (ESG) be invited to address the role of the Armed Forces" in the country. "Ubiratan Macedo was the first to speak as a representative of the ESG." In an authoritarian speech devoid

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679 CF. *Constituição da República Federativa do Brasil de 1988*. Artigos 231 e 232.
680 Cf. CUNHA, Manuela Carneiro da. Índios na Constituição. *Novos Estudos CEBRAP*, v. 37, p. 429-443, 2018.
681 Cf. EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022.
682 Cf. OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990.
683 HECK, Egon Dionisio. Repressão e tutela nas políticas indigenistas da Ditadura Militar: o indígena é o inimigo. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002, p. 219.
684 *Ibidem*, p. 217.
685 SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022, p. 1825.

of common sense, he declared that he "did not obey orders from the government or the Armed Forces General Staff". In a speech full of frivolities, "he defended the idea that the ESG's concepts would be useful for both democratic and authoritarian regimes, going so far as to say that 'the theory presented is useful for any state, totalitarian or not, democratic or not, because every state uses a set of means to achieve certain ends'."[686]

Colonel Luiz Antonio Rodrigues Mendes Ribeiro, then head of the Office of the General Secretariat of the National Security Council, also went to the ANC to present the concept of national security, stating that national security was "a state of guarantee against external or internal threats, latent or potential. This definition would be present in the materials that were part of the Study Cycles of the Association of ESG Graduates."[687] "The expositions are paraphrases of the ESG concepts used throughout the authoritarian regime and published in its study materials in the 1960s and 1970s." [688]

There were also other objectives besides those that were merely expository or convincing of the importance of the National Security Doctrine for the country. Fiúza, (rapporteur and affiliated to the PFL in Pernambuco) and president José Tavares (PMDB-RJ) were trying to institute the creation of "the Ministry of Defense, maintain the jurisdiction of military justice, resolve the issue of the Military Police (under the command of the army), among other issues theorized by the National Security Doctrine,"[689] such as the military concern related to indigenous communities in border regions.

These more pragmatic demands did not prevent the importance of publicizing as much as possible the importance of the National Security Doctrine in its most varied themes. The origin of the National Security Doctrine (DSN) dates back to the post-war period (1945). To this day, there are questions about the origins of this doctrine, which was transferred to the Escola Superior de Guerra (ESG) in Rio de Janeiro after the Second World War. Despite so many disagreements between sociologists and historians, there has never been any kind of consensus as to whether the main thinkers of this theory were American, French or German. Professor and politician Carlos Giannazi, for example, says:

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[686] BRASIL 1987g, p. 31, *apud* SHINKE Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022, p. 1829

[687] BRASIL, 1987h, p. 118, apud SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1820-1846, 2022, p. 1830.

[688] ESCOLA SUPERIOR DE GUERRA, 1976, *apud ibidem*.

[689] OLIVEIRA, Eliezer Rizzo de. *De Geisel a Collor*: Forças Armadas, transição e democracia. Campinas, SP: Papirus, 1994, *apud* COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022. Disponível em: www.teses.usp.br/teses/disponiveis/8/8138/tde-03102022-130100/publico/2022_MarcusViniciusAssisDaCosta_VOrig.pdf.

> In addition to the presence of US political and military thinkers at the origin of the National Security Doctrine, French elements also appeared in this process. The beginning of the insertion of other political-military thinking coincides with the two major conflicts that France faced after the end of the Second World War, the war in Indochina and the war of liberation in Algeria, both in the 1950s.[690]

There are theoretical explanations, stemming from these questions, which indicate that the origins of the NSD are partly North American, partly French and partly German.[691] The author recognizes the existence of North American and French thinkers. Constituent Haroldo Lima, for his part, says that the origin of the DSN is fundamentally North American: "It comes from courses at the War College held in the United States of America." The Americans would have trained "a whole group of officers from the Latin American armed forces in their war schools and, as a result of this center of alien ideology, they began to develop the national security doctrine here".[692]

The strength of the DSN is partly attributable to the efforts of General Pedro Aurélio de Goes Monteiro, and much earlier. He was decisive "in establishing the military foundations of the Estado Novo (1937-1945)". His ideas and actions led to a long process that made the Brazilian Army "an organization with a unifying doctrine and its own demands", and the DSN was part of this context.[693] But it was during the military dictatorship (1964-1985) that all this doctrine ended up being consolidated in the legislative sphere and interconnected with this object of research.

What is fundamental in this controversy involving the origins of the National Security Doctrine is the fact that the policy developed by the Brazilian military, of populating and assimilating indigenous peoples (forcibly) and monitoring them to contain an external threat, was a true obsession of the military, then linked to this ideological theory.[694]

Conspiracy theories were fed by the Brazilian media, specifically about the threat posed by indigenous peoples.[695] During the ANC, the theory took on staggering interpretations. An

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[690] GIANNAZI, Carlos. *A doutrina da segurança nacional e "milagre econômico" (1969/1973)*. Cortez Editora, 2016.

[691] Há aqueles que aduzem que a base teórica desta referida teoria "remonta às teses clássicas da geopolítica do fort alemão Friedrich Ratzel em sua concepção de Estado orgânico (1897)". ANDERSEN, Sigrid. A fronteira na concepção da Geopolítica Brasileira: entendendo a origem dos conflitos. *In*: BIENAL DO COLÓQUIO DE TRANSFORMAÇÕES TERRITORIAIS, VII, 2008.

[692] Sessão de instalação da ANC. Disponível em: www.senado.leg.br/publicacoes/anais/constituinte/N001.pdf. p. 316.

[693] BRETAS, Marcos Luiz Bretas. O general Góes Monteiro: a formulação de um projeto para o Exército. *Militares e Política*, n. 2, 2008, p. 31.

[694] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015.

[695] Cf. Entrevista com Fabio Feldmann concedida a Felipe Reis Pompeu de Moraes.

article such as the one in *Estado de S. Paulo*, on August 9, 1987, carried the headline "The Indians in the new Constitution - Conspiracy against Brazil" and included the "accusation of a possible international conspiracy". For some parliamentarians and party leaders, an Indigenous Territory could end up emancipating itself from the Brazilian Amazon and, subsequently, could proclaim itself an independent nation-state. According to the report, support for the indigenous people was part of a plan by multinationals to internationalize the Brazilian Amazon.[696]

The indigenous issue associated with the theme of the DSN seems somewhat distant from reality. How can an indigenous community in a border region be associated with a revolutionary war, where it would be up to Brazil and the military to contain internal threats caused by enemies infiltrating their territories?[697]

Although surreal, the DSN tried to influence (effectively) the matters of the Federal Constitution that were voted on in plenary. Channels such as the Escola Superior de Guerra (ESG), the Associação dos Diplomados da Escola Superior de Guerra (Association of Graduates of the Escola Superior de Guerra), the Military Advisory of the Army[698] and the (very) Office of the General Secretariat of the National Security Council would have been decisive in the clear construction of the ANC's agenda. These objectives would be duly transformed into a constitutional text in line with these interests.

The Army's policy during the ANC can be divided into three major (interconnected) fronts: a) the establishment of a political alliance between the military and the "Centrão", an important party structure that was born precisely during this period. The "Centrão" was born out of the fragmentation of ARENA, the base party of the military dictatorship;[699] b) the institution of an (effective) Army Parliamentary Consultancy (APE), a very articulate and organized structure;[700] and c) the actions of the Army Cabinet, its advisors and chiefs.

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[696] Reportagem de *O Estado de S. Paulo*, *apud* KAYSER, Hartmut-Emanuel. *Os direitos dos Povos Indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010, p. 197.

[697] MARTINS FILHO, 2008, *apud* COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022, p. 60.

[698]COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 41.

[699] ARQUIVO NACIONAL. Documentos originários do Serviço Nacional de Informação e do Estado Maior das Forças Armadas e transferidos pela Agência Brasileira de Inteligência (ABIN).

[700] COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 41.

5.1 The alliance between the military and the centrão

As already mentioned in the chapter on the democratic transition and the legacy of the Federal Constitution, the key posts in the Constituent Assembly ended up in the hands of parliamentarians more identified with the progressive camp and more to the left - considering the context of the time and the limitations imposed by the dictatorial regime and resulting from the two-party system (ARENA-PMDB). The two-party system in force during much of the military regime (1965-1979) was a strategy used by the military to maintain power as a form of political control. The MDB was the only opposition party to the regime and, because of this, it ended up becoming an immense and diverse party with multiple programs, ideals and conceptions, including politicians more aligned with the dictatorship.[701] ARENA, in turn, as the party that supported the military, fragmented into other smaller acronyms. The political wear and tear attributed to the exhaustion of the military regime would have been decisive for certain parliamentarians, although they did not admit to being openly right-wing, to be aligned with the regime in transition.[702]

Many remaining ARENA deputies and therefore supporters of the dictatorship "organized themselves in Congress against the more left-wing bias that prevailed during the vote on the text of the Constitution". These parliamentarians called themselves the center. Hence the term Centrão. "Everyone knew that they positioned themselves as the center, because at that time you couldn't position yourself on the right."[703]

There were several parliamentarians (deputies and senators) associated with military interests. "This was the case of deputy João Batista da Silva Fagundes (PDS-RR), an Army Colonel R-l, and deputy Sebastião Curió Rodrigues de Moina (PDS-PA), an Army Major R-l linked to sectors of the intelligence community" and the National Intelligence Service. The powerful SNI. One senator who was very committed to the institution's objectives was Senator Jarbas Passarinho (PDS-PA), an R-l colonel, as well as various interest groups linked to ex-military personnel.[704]

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[701] Cf. COELHO, J. G. L.; OLIVEIRA, A. C. N. (1989), A Nova Constituição. Avaliação do texto e perfil dos constituintes. Rio de Janeiro: Revan, *apud* MUNHOZ, Sara Regina. A atuação do "Centrão" na Assembleia Nacional Constituinte de 1987/1988: dilemas e contradições. *Revista Política Hoje*, v. 20, n. 1, p. 343-394, 2011, p. 346-347.

[702] FREITAS, Andrea Marcondes, *apud* DELGADO, Malu. *Política brasileira. Afinal, o que é o Centrão?* Goethe Institut. Disponível em: www.goethe.de/prj/hum/pt/dos/ctr/24737158.html. Acesso em: 16 dez. 2023.

[703] *Ibidem*.

[704] Entrevista com o coronel Carlos Edmundo Vieira, assessor parlamentar, em junho de 1997 – Brasília, DF, *apud* COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 62.

This reality drew the attention of the constituents participating in the ANC, as can be seen in Amaral Neto's speech, when he criticized the existence of members of the "centrão" in the PMDB: "The PMDB, when thinking about resurrecting the past, should remember that, of the politicians linked to the military governments, the absolute majority are within the PMDB, with the return to Congress of former governors, former deputies and former senators". Amaral added that, "of the people who were important in the military governments, mentioned in that preamble, many are from the top of today's PMDB".[705]

"In an interview with journalist Luiz Maklouf de Carvalho, published in the book '1988: Secrets of the Constituent Assembly', General Leônidas Pires Gonçalves, Minister of the Army at the time of the Constituent Assembly, confirmed this perception. "We were really living through a difficult, critical period, without knowing where it was going to lead. Combining with other forces, we reinforced a very good group of military advisors in Congress," he said. These advisors would have articulated alliances between the military and Centrão MPs.[706]

During the Constituent Assembly's work, the Army's Parliamentary Advisory Service (APE) was made up of 12 officers. It was joined by the Parliamentary Advisors of the Navy, the Air Force, the National Security Council and the Joint Chiefs of Staff of the Armed Forces. Dozens of officers walked the halls of Congress every day to defend the interests of the military in changing the constitutional order.[707]

5.1.1 The Army Parliamentary Office (APE)

In addition to the parliamentarians aligned with the "centrão" who collaborated with the interests of the barracks, an Army Parliamentary Advisory Service (APE) was set up to meet and organize the demands of the military. Several officers were assigned to work as (special) advisors.[708]

The names in question highlight the existence of parliamentarians who would represent the main demands that should be carried out by these parliamentary representatives, in addition

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[705] Sessão de instalação da ANC, p. 511. Disponível em: www.senado.leg.br/publicacoes/anais/constituinte/N001.pdf. Acesso em: 28 abr. 2023.

[706] Cf: CARVALHO, Luiz Maklouf. *1988: segredos da Constituinte*: os vinte meses que agitaram e mudaram o Brasil. Rio de Janeiro: Record, 2017.

[707] PEDRETTI, Lucas. *Documentos inéditos mostram que Exército abraçou o centrão desde a Constituinte*. Aliança com 'moderados' garantiu aos militares que sua visão de tortura e anistia entrasse para a Constituição democrática. Disponível em: www.intercept.com.br/2022/10/04/documentos-ineditos-mostram-que-exercito-abracou-centrao-desde-a-constituinte/.

[708] COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 60.

to the parliamentary advisors themselves, who functioned as a single spokesperson for the interests linked to the FAs in the Legislative Branch.[709] Colonel Carlos Edmundo Vieira, parliamentary advisor to the Constituent Assembly, said that "we spoke on behalf of the minister".[710]

In addition to the advisors, there was also an Army Information Center (CIEx), whose role was to "guide, coordinate and supervise all Internal Security and information center activities".[711] This body was responsible for informing Leônidas Pires (Sarney's Minister of the Army) of issues of interest to the Army, by means of Periodic Monthly Reports (RPM).[712] The CIEx had a large information bank, which made it easier to check on parliamentarians who had been impeached during the regime, for example.

The Army's Social Communication Center (CcomSex), on the other hand, had the task of working on issues related to "the Army Ministry's public relations with civil society and the media." "Its task was to clearly publicize the Army's position on matters of interest to it." "Clarity of objectives is a fundamental requirement for the success of this legislative pressure group during the constituent work," points out Arthur Trindade. During the ANC, these (sometimes) diffuse objectives of the FAs were quite explicit, which included the concern and need for supervision and control of native peoples.

The Center distributed a booklet called *Temas constitucionais: subsídios* sobre os mais variados *temas* de interesse do Exército brasileiro. The distribution was also very efficient, guaranteeing effective results for the military.

The Legal Consulting Center (CJ), in turn, had the role of "providing legal advice on opinions, reports and decisions issued by the cabinet". This structure, as a whole, was important at the time of the democratic transition and, during the Constituent Assembly process itself, to ensure that the Army's interests were well aligned, which meant the need to guarantee legal certainty for the demands in question.

In addition to the Army advisors, there were also several officers from the Navy, Air Force and the National Security Council itself who were very active in the ANC's work. The ANC's work was extensive, divided into 24 thematic subcommittees. "After the work of these subcommittees was completed, it fell to two major committees, economic affairs and social

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[709] *Ibidem*, p. 62.

[710] Entrevista com coronel Carlos Edmundo Vieira, assessor parlamentar, em junho de 1997, Brasília, DF, *apud ibidem*, p. 62.

[711] COSTA, Milene Lopes Frade da *et al. Segurança pública-segurança nacional*: o serviço de informações da SESP/MG (COSEG-1970-1990). Dissertação de Mestrado.Universidade Federal de Minas Gerais, 2021, p 79.

[712] COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022, p. 68.

affairs, to organize and continue the debate." The result of these discussions was organized by a third committee, the systematization committee, which submitted the final text to the plenary of the National Congress. And the indigenous issue was not left out. The author highlights:

> During the democratization stage of the democratic transition period, **the Army seconded several officers to work as parliamentary advisors**. Special advisors were also deployed in times of need. During the ANC, for example, around twelve officers, including parliamentary and special advisors, accompanied the legislative work. Each of these officers continuously monitored two thematic subcommittees (...) the Army had an organizational structure that maximized its power to influence the decision-making process. The organization of the Gab Min Ex, equipped with a press office, information center, legal consultancy and a lobbying office in the National Congress, combined with its capacity for political pressure, made the Army one of the most influential political actors in the democratic transition process, at one of its most important moments, the National Constituent Assembly.[713]

Technical capacity and the existence of a (reasonable) contingent of important human resources would have been decisive in (almost) all of those "infiltrators" being promoted to the rank of general, a kind of reward for good services rendered. Of the eight generals verified, six were promoted to the highest rank in 1990, after the Constitution.[714]

The dominance of the Congress' regimental structure by parliamentary advisors and congressmen aligned with the previous regime would have been crucial for an effective articulation of the FAs' interests, which generated revolt on the part of some deputies and senators, such as Amaral Neto of the PDS.[715]

In addition to human resources, "visits by military personnel to the legislature were also quite common. During the work of the Subcommittee for the Defense of the State, Society and its Security, many military personnel, and even civilians directly linked to them, gave testimonies." This "hand-to-hand" would have been decisive. According to Oliveira, generals such as Bentes Monteiro and Andrada Serpa, from the Army Reserve, as well as generals Pereira Gomes and Pacífico Barbosa, from the Army Ministry, colonel Mendes Ribeiro, from the National Security Council, professors Ubiratan Macedo, Pedro Figueiredo and Paulo Cesar Milani Guimarães, from the War College, made a difference by frequently visiting Congress during the ANC.[716]

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[713] COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 66.
[714] *Ibidem*.
[715] Cf. Declaração de Amaral Neto. BRASIL. *Diário da Assembleia Nacional Constituinte*, p. 561.
[716] OLIVEIRA, Eliezer Rizzo de. *De Geisel a Collor*: Forças Armadas, transição e democracia. Campinas, SP: Papirus, 1994, p. 183.

5.1.2 The work of the Army Cabinet, its advisers and heads

The cabinet of the Ministry of the Army was made up of a head (a brigadier general) and three advisors. "The parliamentary advisors were directly linked to the head of the cabinet"[717] or, specifically, linked to the aforementioned brigadier general. Throughout the "democratic transition, the organ of the Ministry of the Army in charge of liaising with the other powers of the Union, in addition to liaising with the other organs of the Executive Branch, was the Office of the Minister of the Army (Gab Min Ex)".[718] This office, throughout the constituent process, was chaired by Brigadier General Benedito Onofre Bezerra,[719] a man of trust and "under the command of a prestigious general",[720] General Leônidas Pires Gonçalves. The general even guaranteed José Sarney's inauguration in 1985.[721]

From the Sarney government onwards, an organizational change in the adviser's office allowed for considerable reinforcement of the Army cabinet in cases where there was "interest" on the part of the FAs.[722]

General Leônidas Pires Gonçalves, as Minister of the Army (from March 1985 until the end of President José Sarney's term in 1990), knew how to meet the demands and interests of the FAs like few others. There are those who would dare to say that he was able to wall up anyone who went against "Army policy".[723] A controversial expression used by General Goes Monteiro during the "Vargas Era".[724]

The general was undoubtedly controversial. In an interview with Fernando Gabeira, he said that "the culture of the Indians was low, not very respectable and that the majority of the indigenous population in Brazil was made up of actors who wore jeans, Seiko watches and

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[717] COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998, p. 65.
[718] *Ibidem*, p. 41.
[719] COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022.
[720] CHIRIO, Maud. *A política nos quartéis*: revoltas e protestos de oficiais na ditadura militar brasileira. Rio de Janeiro: Editora Zahar, 2012.
[721] Cf. OLIVEIRA, Eliezes Rizzo de (Org.). *Militares*: pensamento e ação política. Campinas: Editora Papirus, 1987.
[722] COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998.
[723] Cf. COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). 2022. Tese de Doutorado. Universidade de São Paulo; CARVALHO, Luiz Maklouf. *1988: segredos da Constituinte*. Os vinte meses que agitaram e mudaram o Brasil. Rio de Janeiro: Record, 2017, p. 20.
[724] CARVALHO, José Murilo. *Forças Armadas e política no Brasil*: Rio de Janeiro: Record 2017, p. 41.

Panasonic camcorders".[725] The article carried the headline: "The Indians and the General". Leônidas had a deep contempt for Brazil's ethnic minorities. An army minister full of truculence and excessive power.[726]

General Leônidas had a large bureaucratic apparatus at his disposal, as well as all the prestige he enjoyed at the top of the Fas. General Leônidas held the position of president of the Army High Command (ACE), a council that held "meetings of the military top brass" on an almost monthly basis. Decisions on "army policy" were duly debated before being implemented[727] by this kind of council. The Council, at least in matters relating to indigenous peoples, had other objectives besides "sovereignty", the maintenance of indigenous guardianship and economic exploitation of their Territories.[728]

It should be noted, however, that the military fundamentally created abstract situations associated with the defense of national sovereignty. During the Constituent Assembly, this pressure group organized itself to raise more funds and investments in programs to occupy and monitor the Brazilian Amazon. Projects that imposed or proposed the legalization of mining in Indigenous Territories, as well as various agricultural projects in places inhabited by indigenous peoples.[729]

There were many projects to develop and integrate the country. Such as "the National Integration Plan (PIN), Polamazônia, Probor, Polonoroeste, Grande Carajás Program (PGC), Perimetral Norte", among others. The roots of these "modernizing" programs go back to the old military policy of the 1970s, the search for the integration of Indigenous Peoples,[730] from the "settlement and occupation of the interior", as well as "the progressive extension of the forms and criteria typical of the market economy". The PCN, like other military government

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[725] GABEIRA, Fernando. O Dia, 21 abr. 1989, apud SANTILLI, Márcio. *Povos Indígenas no Brasil 1987, 1988, 1989 e 1990*. São Paulo: Centro Eucunêmico de Documentação (CEDI), 1991, p. 41. Disponível em: https://acervo.socioambiental.org/acervo/livros/povos-indigenas-no-brasil-1987-88-89-90. Acesso em: 15 abr. 2023.

[726] *Ibidem*.

[727] COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022.

[728] CF. BRASIL. 8ª Reunião da Subcomissão dos Negros, Populações Indígenas, Pessoas Deficientes e Minorias, de 29 de abril de 1987. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=47. Acesso em: 21 fev. 2023.

[729] Cf. Discurso de Manuela Carneiro da Cunha, p. 132. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/o-processo-constituinte/comissoes-e-subcomissoes/comissao7/ComissaoVII_SubC_Reuniao4.pdf.

[730] OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990, p. 321.

programs, tried to promote "agricultural and agro-industrial activities" and was concerned with "indicators of economic efficiency and the adjustment of migratory flows".[731]

During the discussions on the constituent process, some projects such as the PCN gained more repercussions than the many others instituted by the military. Because of the timeframe in which the project was launched, its impact and the damage caused to indigenous peoples would have been sufficient justification for choosing this project over other government programs in this chapter.

According to Alcida Ramos, the infrastructure created by the military for the PCN led to the invasion of some of the support bases built during the initial phases of the project. Hundreds of miners invaded the area after construction was abandoned by the Executive itself.[732] The invasion of the miners, in turn, led to the death of many indigenous people (the numbers are imprecise), given all the logic that mining imposes on indigenous territories when it is invaded, be it through the contamination of mercury in the swings used by the native peoples, diseases caused by contact between the isolated tribes and the miners, or conflicts caused by the clandestine explorers themselves.[733]

The choice to give more attention to the PCN to the detriment of other projects raises another issue: the discussions related to indigenous issues (as a whole) during the constituent process can be divided, albeit simplistically, into two large groups. Those opposed to the military regime and the development projects instituted by the dictatorship, and those in favor of projects to integrate and occupy the Brazilian Amazon.[734]

João Oliveira identifies this same debate, this same dichotomy in relation to the PCN discussions. According to the anthropologist, the debates were polarized "between two rhetorics, on the one hand those who accused the PCN of causing serious harm (and perhaps even the extermination) of the indigenous peoples of the region, and on the other hand the rare manifestations of those who qualified the criticisms as entirely unfounded and pamphleteering," under the argument that the Project was a simple defense of national interests.[735] The size and

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[731] *Ibidem*, p. 322.

[732] RAMOS, Alcida Rita. *Sanumá memories*: Yanomami ethnography in times of crisis. Madison: University of Wisconsin Press, 1995, p 60

[733] Cf. ALBERT, Bruce. Indian lands, environmental policy and military geopolitics in the development of the Brazilian Amazon: the case of the Yanomami. *Development and Change*, v. 23, n. 1, p. 35-70, 1992.

[734] Cf: SANTILLI, Márcio. Os direitos indígenas na Constituição brasileira. *In*: CENTRO ECUMÊNICO DE DOCUMENTAÇÃO E INFORMAÇÃO (CEDI). Povos indígenas no Brasil 1987-1990. São Paulo: CEDI,1991

[735] OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990, p. 32.

repercussions of the bill fueled the speeches of parliamentarians and other ANC participants, which is why this bill was chosen over others.

We can see that one of the objectives of the PCN was to continue the state's development policy, to integrate and occupy the Brazilian Amazon and thus deter external threats. In this case, what is striking is the fact that even during the process of democratic transition, development projects in the Amazon continued.[736]

Another striking fact is that the Calha Norte Project (PCN) only came to light in 1986, fifteen months after the program was proposed.[737] A proposal programmed by General Rubem Bayma Denis, who asked the Presidency of the Republic for authorization to create a working group to plan the megalomaniacal integration project.[738] The PCN was "a secret project, drawn up by a group coordinated by the General Secretariat of the Security Council (CSN).[739]

Erwin Krautler drew attention to the secrecy surrounding the creation of the agency and, despite the great political dimension of the project, the fact that it was "conceived in secret, in absentia from the National Congress itself" and, fundamentally, in absentia from the Amazonian population. In 1986 (a year after its creation), *O Estado de S. Paulo* was the first major press outlet to publish the existence of the plan.[740]

The questions posed by the religious leader linked to CIMI about the reasons for the secrecy in question can be answered on the basis of João Pacheco de Oliveira Filho's reflections in the book organized by Jean Hébbete: *The siege is closing in* (1991). According to the anthropologist, the answer to secrecy, such as the case of the PCN, lies in the validity of Decree No.º 79.099/1977 promulgated by the Geisel government.[741] The legislation that began the process of "political openness" establishes "norms and directives for the circulation of

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[736] Cf. DINIZ, Eugênio. *O Projeto Calha Norte*: antecedentes políticos. Dissertação de Mestrado. Universidade de São Paulo, 1994.

[737] BRASIL, CNV, 2014, vol. II: 205, 210 e 211, *apud* FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 144-145.

[738] OLIVEIRA, João Pacheco de. *Projeto Calha Norte*: índios, militares e fronteiras. Rio de Janeiro: Editora UFRJ, 1990. P. 16, *apud* FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 153.

[739] Cf. DINIZ, Eugênio. *O Projeto Calha Norte*: antecedentes políticos. Dissertação de Mestrado. Universidade de São Paulo, 1994.

[740] *Ibidem*.

[741] BRASIL. *Decreto nº 79.099, de 6 de janeiro de 1977*. Disponível em: www.planalto.gov.br/ccivil_03/decreto/1970-1979/d79099.htm#:~:text=DECRETO%20No%2079.099%2C%20DE%206%20DE%20JANEIRO%20DE%201977.&text=Aprova%20o%20Regulamento%20para%20Salvaguarda,que%20lhe%20confere%20o%20art. Acesso em: 3 abr. 2023.

documents considered confidential". The Explanatory Memorandum 018 and the report of the Interministerial Working Group were marked "twice by a 'confidential' stamp".[742] This stamp can be identified at the top and bottom of each page.[743]

The objectives of the PCN were very clear. The inter-ministerial group's priority was to interrupt or halt indigenous demarcations (which had already been claimed), to guarantee national sovereignty or, in other words, to continue the "military guardianship" over indigenous populations and, at the same time, to colonize the region and thus guarantee "development" for the country, based on the exploitation of raw materials.[744]

5.1.3 "Colonizing" indigenous peoples and the interruption of new indigenous demarcations

First of all, it is important to demonstrate the concept of a colony. The origin of the term colony is associated with a dependent "country", without political and economic autonomy to decide and direct its own destiny. Everything came to exist according to the objectives and needs of the metropolis (colonizing country). In a colony, there is a relationship of dependence between the colonized and the colonizer. This is the rule that characterizes a colonial system within the context of commercial capitalism and European mercantilist politics from the 15th to the 18th centuries. The essence of this system was submission, exploitation and the monopoly of the colony's trade by the Metropolis.[745] The dynamics of an indigenous colony instituted by the Brazilian government (throughout much of the 20th century) is, in some ways, a repetition of this past colonial system, despite the peculiarities involved.

The villages and indigenous communities (guarded by the military) in some way repeated this colonial configuration. A reality that was present throughout the 20th century. During the democratic transition, the military tried to continue this colonial system through integration, forced assimilation and militarized tutelage. The PCN's guidelines were not much

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[742] Cf. OLIVEIRA, João Pacheco de. *Projeto Calha Norte*: índios, militares e fronteiras. Rio de Janeiro: Editora UFRJ, 1990.
[743] Documento Projeto Calha Norte: Desenvolvimento e Segurança na Região ao norte das calhos dos rios Solimões e Amazonas. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/T5D00003.pdf. Acesso em: 23 mar. 2023. p. 169 e ss.
[744] Cf. *Ibidem*.
[745] ROSÁRIO, Maria José Aviz do; MELO, Clarice Nascimento de. A educação jesuítica no Brasil colônia. *Revista HISTEDBR On-Line*, v. 15, n. 61, p. 379-389, 2015, p. 380-381.

different and still needed public funding. During the initial phases of the project, the military had to rely on contributions from the Federal Government to set up barracks and military units in the Brazilian Amazon.[746]

According to Alcida Ramos, the project envisaged "the construction of a vast infrastructure - airfields, highways, barracks, schools, banks, food distributors - to make the 'vivification' of the international border zone possible". The term vivification is associated with "the settlement of Brazilian colonists and the installation of mineral projects that demonstrate the power and control of the Brazilian state, with the aim of obtaining geopolitical hegemony in the Amazon region".[747]

There were two other objectives of the PCN to be demonstrated here: the creation of indigenous colonies and to halt new demarcations of indigenous areas, on the grounds that the peoples were a threat to national development.[748]

Regarding the establishment of indigenous colonies (like those of the colonial past), the fragment taken from the PCN's proposal for establishment did not hide the use of the term "colonize", according to the document: "The implementation and expansion of basic essential activities of health, education, water supply (...) as well as the internalization of the poles of economic development (...) particularly through a process of colonization with the directed settlement of families".[749]

A snippet taken from Manuela Carneiro da Cunha's speech during the ANC is essential, as it highlights the real objectives related to the establishment of indigenous colonies.

> I'd like to mention the issue of indigenous colonies. This figure, the indigenous colony, has been widely discussed lately, particularly in the Calha Norte discussion. The representatives of the National Security Council have insisted on the convenience of a special figure in the border region, **which would be the figure of the indigenous colony. In justifying this figure, they argue that it would be a way of encouraging the development of the Indians in these regions, providing**

[746] Neste sentido, a fala do deputado Percival Muniz parece oportuna: “Sr. Presidente, Srs. Constituintes, podemos citar a vergonhosa disparidade entre os recursos previstos para o Ministério do Exército, em 87, na casa dos 14,6 bilhões de cruzados, e os recursos previstos para o Ministério da Reforma Agrária, no mesmo período, na casa dos 4,1 bilhões de cruzados. O que mais interesse à nossa população? Construir quartéis e diversas unidades militares no Projeto Calha Norte? (Sessão de instalação da ANC. Disponível em: www.senado.leg.br/publicacoes/anais/constituinte/N001.pdf. p. 316)

[747] RAMOS, Alcida Rita. *Sanumá memories*: Yanomami ethnography in times of crisis. Madison: University of Wisconsin Press, p. 59; RAMOS, Alcida Rita et al. *O papel político das epidemias*: o caso Yanomami. Universidade de Brasília, 1993.

[748] Cf. BICALHO, Poliene. Resistir era preciso: o Decreto de Emancipação de 1978, os povos indígenas e a sociedade civil no Brasil. *Topoi*, Rio de Janeiro, v. 20, p. 136-156, 2019.

[749] Documento Projeto Calha Norte: Desenvolvimento e Segurança na Região ao norte das calhos dos rios Solimões e Amazonas. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/T5D00003.pdf. Acesso em: 23 mar. 2023. p. 170.

> **them with inputs, supplying** them with cattle, in short. I would just like to remind you that the indigenous colony, without going into the merits of the discussion about whether or not this type of support is convenient for indigenous societies - which is highly doubtful from my point of view - but I would just like to remind you of another aspect, which is this: the indigenous colony has a legal definition in the Indian Statute. Article 29 of the Indian Statute mentions the existence of an indigenous colony, which has the peculiarity of admitting the presence of non-Indians in the territory, in other words, to ration indigenous colonies is to sanction the possibility of non-Indians entering indigenous lands. That's it in a nutshell. It's a practice that was already carried out, for example, in the 18th century. The Marquis of Pombal deliberately promoted massive entry into indigenous areas that had previously been reserved for indigenous peoples.[750]

The National Security Doctrine imposed very clear guidelines on the most varied bodies. This included FUNAI itself, which began to monitor and colonize indigenous populations in the 1970s. An indigenous policy of integration and control associated with a geopolitical issue. A reality and a way of thinking that were also present throughout the National Constituent Assembly (1987-1988).[751]

The argument and use of the term "military tutelage" is confirmed by Márcio Santilli. Santili was a federal deputy and president of FUNAI in 1995 and, according to him, "the Calha Norte Project was an example of the 'intensification of military tutelage' over indigenous policy, exploiting indigenous lands in an 'assimilationist perspective' coupled with a 'strategy of isolation and segregation'".[752] In fact, the aims and objectives of the PCN "were not to ensure the original rights of indigenous peoples, but only to monitor and colonize the frontiers".[753]

This argument was confirmed by anthropologist Eduardo Viveiros de Castro during the discussions on the PCN:

> In fact, the purpose of the Bill was not to guarantee the original rights of indigenous peoples, **but only to monitor** and **colonize the borders. On May 5, 1987, at the** ANC's **Subcommittee** on Blacks, Indigenous Populations, Disabled People and Minorities, anthropologist Eduardo Viveiros de Castro denounced that the strange relationship between indigenous peoples and the state "made them the object of attention not of FUNAI, but of the National Security Council".[754]

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[750] Discurso de Manuela Carneiro da Cunha, durante Assembleia Nacional Constituinte ocorrido em 20 de maio de 1987. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=147. Acesso em: 3 ago. 2023. p. 159.

[751] Cf. BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio. O movimento indígena no Brasil: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2021.

[752] SANTILLI, Márcio. Os direitos indígenas na Constituição brasileira. *In*: CENTRO ECUMÊNICO DE DOCUMENTAÇÃO E INFORMAÇÃO (CEDI). Povos indígenas no Brasil 1987-1990. São Paulo: CEDI,1991, p. 11-14, *apud* FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 153.

[753] *Ibidem*, p. 154.

[754] CASTRO, Eduardo Viveiros de. *Todo mundo é índio exceto quem não é*: povos indígenas no Brasil. São Paulo:

The starting point for the declared PCN "is the explanatory memorandumº 018/85 drawn up by General Bayna Dennis, Secretary General of the CSN, a position he held in addition to his position as Chief Minister of the Military House of the Presidency of the Republic".[755]

The old and secretive document linked to the Executive Branch and containing some 35 pages is currently available in the archives of the Socio-Environmental Institute. Some major concerns about the project, outlined here:

> Introduction. Accepting the proposal set out in the explanatory memorandumº 018 (Annex 1), dated June 1º , 1985, from the General Secretariat of the National Security Council (SG/CSN), the President of the Republic decided to set up an inter-ministerial working group (GT1) with the mandate of drawing up a development plan for the region situated to the north of the Solimões and Amazonas river channels (...). President of the Republic decided to set up an inter-ministerial working group - GT1 - with the mandate of drawing up a **development plan for the region situated to the north of the Solimões and Amazonas river channels** (...) Diagnosis: In terms of confidentiality, it should be made clear that the government's priority, if it were to be given to "Calha Norte", could give rise to both exaggerated domestic expectations and unfounded fears in neighboring countries (...) d) Definition of an Indigenous Policy appropriate to the region.[756]

The last four lines of this fragment of the document draw attention to two points: the first, as already mentioned, is the issue of secrecy. The issue of secrecy has specific consequences and purposes, since "the actions carried out by FUNAI on the border strip are confidential and are only transmitted to the newspapers through notes and interviews by qualified officials or spokespeople from the guardianship body";[757] the second issue and objective is to contain the external threat itself. To prevent the establishment of an indigenous

Instituto Socioambiental, 2005, p. 10.

[755] Segundo João Pacheco de Oliveira Filho, esse projeto de colonização das áreas de fronteira na Amazônia, ao norte dos rios Solimões e Amazonas foi gestado a mando do então secretário-geral do Conselho de Segurança Nacional, general Bayma Denis, em 1985. Tratou-se de “assunto sigiloso, elaborado por um grupo reduzido”; a “opinião pública só tomou conhecimento da sua existência através de denúncias e críticas formuladas por integrantes do Conselho Indigenista Missionário (CIMI) em outubro/86”, 15 meses após o general ter solicitado à presidência da república a autorização para criar o grupo de trabalho para planejamento do projeto (OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990).

[756] Anexo – EM 018/85 p. 38 e ss, *apud* Documento Projeto Calha Norte: Desenvolvimento e Segurança na Região ao norte das calhos dos rios Solimões e Amazonas. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/T5D00003.pdf.

[757] OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990.

state. The Yanomami peoples, for example, were considered a threat, according to PCN documentation, now available from the Socio-Environmental Institute (ISA).[758]

But there is another point to be highlighted here: the question of strategy and military objectives with the PCN:

> I Immediate actions on the border strip, through the implementation of special projects (...) The area is characterized by the presence of Yanomami Indians, with a small population estimated at 7,500 Indians living in dozens of sparse malocas, adjacent to a long stretch of 900 kilometers of border with Venezuela, a country where numerous indigenous contingents of the same ethnicity also reside. **For some time now, there has been pressure, both national and foreign, to create a Yanomami state at the expense of the current Brazilian and Venezuelan territory**.[759]

This document proves what was propagated by the newspaper *O Estado de S. Paulo*. A conspiracy theory in which CIMI was involved. The article raised the risk that indigenous communities, such as the Yanomami, could declare themselves a nation-state with the collaboration of multinationals.[760]

The document is a request to the President of the Republic for the approval and constitution of an Interministerial Working Group with "the task of drawing up guidelines and subsidies for government action in the region, with a view to overcoming the 'great difficulties imposed by the environment on development'".[761] promoting "its effective integration into the national context".[762] This integration, according to the document above, would remove the risks of creating indigenous nation-states, a pressure arising from an international context or demand associated with large multinationals.

These arguments were also repeated by "centrão" parliamentarians like Mazarildo Cavalcanti during the constituent debates. The parliamentarian represented the state of Roraima and was affiliated to the now-defunct PFL. In his 1987 speech, he alluded to the need to "remove any foreign interference in the conduction and execution (of the PCN), because the indigenous question is intimately linked to national unity and sovereignty, especially when the communities are located in border regions". The deputy said that "the creation and recognition of indigenous

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[758] Anexo – EM 018/85 p. 38 e ss, *apud* Documento Projeto Calha Norte: Desenvolvimento e Segurança na Região ao norte das calhos dos rios Solimões e Amazonas. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/T5D00003.pdf.

[759] *Ibidem*.

[760] Reportagem de *O Estado de S. Paulo*, *apud* KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora Safe, 2010.

[761] OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990.

[762] *Ibidem*.

'nations' within the Brazilian nation is only of interest to large and powerful foreign groups and nations".[763]

5.1.4 Denunciations related to military development projects.

Criticism emanating from CIMI representatives during the ANC public hearings deserves attention, such as that of Erwin Krautler. According to him, the Calha Norte Project, for example, had a strong theoretical basis linked to the National Security Doctrine. And the religious leader's concern was non-compliance with existing indigenous legislation. The priest reiterated in his speech to the ANC that it was not up to the Church to question the military aspect of the Project, but he did question the real intentions involved in the (developmentalist) project.[764]

These include limiting the demarcation of indigenous lands, especially those in border regions, a historical injustice, according to Manuela Carneiro da Cunha.[765] The bill would prevent the demarcation of areas occupied by indigenous peoples within a 150 km border strip. Although the claim was to defend national sovereignty, the intentions were also economic, as Erwin Krautler points out:

> In May 1986, CIMI published a document on the National Security Council's announced decision to no longer demarcate the indigenous lands located in the 150 km wide strip along Brazil's international borders. On January 26 of this year, in the words of the Head of the Military House and Secretary General of the National Security Council, General Rubens Bayma Denys, addressed to this deponent, Dom Luciano Mendes de Almeida and Dom José Martins da Silva, as well as other members of CIMI, such a decision would be irrevocable and authored by the President of the Republic himself - who had taken it, the General expressly stated, even though he was aware of the illegality that vitiates it. The General claimed that the presidential decision was based on national security criteria. From this point of view, the Indigenous Peoples are not capable of guaranteeing the effective occupation of Brazil's borders, a phenomenon that can only be achieved through economic occupation. **Therefore, in order to prevent indigenous territories from**

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[763] Discurso parlamentar de Marizildo Cavalcanti. Anais da Constituinte, p. 400. Disponível em: www.senado.leg.br/publicacoes/anais/constituinte/N001.pdf. Acesso em: 22 dez. 2023.

[764] Discurso de Erwin Krautler. BRASIL. *Diário da Assembleia Nacional Constituinte*, p. 148. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=147.

[765] A fala de Manuela Carneiro da Cunha parece oportuna. Ao inverso do que é hoje, os índios eram usados, durante toda a Colônia, para garantir as fronteiras brasileiras. Eles eram chamados de "as muralhas do sertão". Ironicamente, hoje, se põe em dúvida. Consta do Projeto Calha Norte, que está sendo implementado, que os índios não são bons defensores das fronteiras, por isso, não se deve assegurar terras indígenas na faixa de fronteira. É uma gritante injustiça, inclusive histórica (4ª Audiência Pública, maio de 1987. p. 133. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/o-processo-constituinte/comissoes-e-subcomissoes/comissao7/ComissaoVII_SubC_Reuniao4.pdf).

> **becoming obstacles to the intended economic occupation**, it is necessary to reduce their size, relativizing the rights legally granted to indigenous populations.[766]

Manuela Carneiro da Cunha and Erwin Krautler presented impressive figures. Perhaps to ensure greater reliability for their arguments. According to Cunha (in 1987), there were 58 indigenous areas or territories approved by the inter-ministerial group, whose processes were paralyzed and, of these 58 processes, 30 were in the National Security Council, and, coincidentally, 28 of them involved the issue of borders.[767] According to Krautler, there is a link between the PCN and the paralysis of the legal demarcation procedures for 24 indigenous areas totaling 4,120,753 hectares. There were another six areas whose proceedings had also been interrupted on the initiative of the National Security Council, totaling 1,377,064 hectares.[768]

Erwin Krautler's speech was very effusive and one more fragment seems appropriate: "the Indians have always had to give in to the interests of the dominant society or, more precisely, to the interests of the dominant segments of our society". Development interests have always been present there.[769] Developmentalism has always been present throughout the 20th century and, as can be seen, this reality was also present during the democratic transition, as emphasized. Erwin ended his speech by saying that "the pretext of progress has always been used to justify the oppression of indigenous peoples. Lately, it is national security that once again demands the violation of indigenous rights."[770] And the very halt in the demarcation of indigenous lands was part of this context.

This reality didn't stop the Indigenous Movement and the social movements from working together to prevent such (developmentalist) intentions as the PCN from moving forward, at least under those conditions. A difficult reality, since the military and business groups (interested in the project) boycotted the legitimacy of the arguments used by the Indigenous Movement during the ANC. These (powerful) political forces even used questionable artifacts or strategies (from an ethical point of view), such as linking fake news to major media outlets, like reports in the newspaper *O Estado de S. Paulo*. The strategy was to defame the intentions of the Indigenous Movement, such as CIMI.

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[766] Discurso de Erwin Krautler. BRASIL. *Diário da Assembleia Nacional Constituinte*, p. 149 e ss. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=147.
[767] *Ibidem*.
[768] *Ibidem*.
[769] *Ibidem*.
[770] *Ibidem*.

CIMI had to seek the right of reply in court to counter the slanderous remarks made by this major media outlet.[771] Part of the (progressive) Catholic Church showed itself to be a political force of resistance to the developmentalist intentions imposed by the military during the ANC. At the same time, the occupation and integration of the Brazilian Amazon continued to be a priority for the government, even in a context of democratic transition. A brief explanation of the geopolitical context surrounding the PCN is necessary.

5.1.5 The geopolitical context surrounding the PCN

According to Martins Filho, between 1987 and 1988, "the Armed Forces initially focused on the work of the 1988 Constituent Assembly"[772] in some strategic terms, such as the geopolitical interest involved in the border regions then occupied by indigenous communities.[773]

In part, the focus on the Amazon region and the consequent attention paid to the Original Peoples living there was a result of "the military détente between Brazil and Argentina"[774] that had taken place since the Falklands War (1982).[775] At the end of the 1970s, the diplomatic incidents between Brazil and Argentina were moving towards a solution. With the Malvinas war "the points of friction regarding the use of the hydroelectric potential of the rivers of the River Plate basin were resolved".[776]

The prospect of easing tensions in the South made it possible to concentrate military efforts, especially those of the Brazilian Army, on the area that was beginning to consolidate itself as its main focus of concern, the Brazilian Amazon.[777] The Amazon issue had been the subject of the Cooperation Treaty (TCA) between the countries of the region, a Brazilian

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[771] KORNIS, Mônica. Conferência Nacional dos Bispos do Brasil. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-c nbb. Acesso em: 23 jan. 2021.

[772] ZAVERUCHA, Jorge. Rumor de sabres. Tutela militar ou controle civil? São Paulo: Ática, 1994, *apud* MARTINS FILHO, João Roberto. As Forças Armadas brasileiras no pós-guerra fria: Brazilian armed forces in the post-Cold War. *Tensões Mundiais*, v. 2, n. 3, p. 78-135, 2006.

[773] BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/o-processo-constituinte/comissoes-e-subcomissoes/comissao7/ComissaoVII_SubC_Reuniao4.pdf. Acesso em: 31 maio 2023.

[774] MARTINS FILHO, João Roberto. As Forças Armadas brasileiras no pós-guerra fria: Brazilian armed forces in the post-Cold War. *Tensões Mundiais*, v. 2, n. 3, p. 78-135, 2006.

[775] *Ibidem*.

[776] *Ibidem*.

[777] *Ibidem*.

proposal signed by Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Ecuador and Suriname in 1978.

The aim of the treaty was "to reinforce their sovereignty over the region, in response to external 'threats' perceived as questioning the pattern of development that these countries were adopting in the area".[778]

"The southern borders are consolidated, while the northern borders can be called living borders,"[779] said General Fernando Bethlem. General Gobery do Couto e Silva said that the objective was to "flood the Amazon Himalayas with civilization, under the cover of the border nodes, starting from an advanced base in the Midwest, in coordinated action with the E-O progression, along the axis of the great river".[780]

"The military concern was to avoid foreign interference in the Amazon area considered to be the responsibility of the countries of the region, in the spirit of the ATT", in view of "the threat perceptions centered on international greed for the Amazon".[781] The effort was to populate the Brazilian Amazon and integrate the original peoples at all costs. In the event of a "threat to sovereignty" (a generic term, to say the least), it would be up to the FAs to forcibly remove them, as can be seen (in summary) in the text of article 231 of the Brazilian Federal Constitution (in force today), despite the fact that the end of assimilationism has become a reality, from a formal point of view.[782] An article full of contradictions, without a shadow of a doubt, and with the participation of the military so that indigenous integration and forced assimilation were once again provided for in the Federal Constitution, as Pádua Fernandes points out.

> One issue not addressed in the report, however, is how the Armed Forces accompanied the process of drafting the rights of indigenous peoples in the National Constituent Assembly (ANC), and tried to prevent the current Article 231 from having its current shape so that the "integrationist" policy defended by the national security doctrine could be maintained, in other words, the horizon of the end of

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[778] TORRECUSO, Paolo Alves Dantas. *O Tratado de Cooperação Amazônica e a Organização do Tratado de Cooperação Amazônica*: análise da criação, evolução e eficácia de um regime internacional. Brasília: Universidade Estadual de Brasília, 2004.

[779] *Folha de S.Paulo*, 19 nov. 1977, *apud* MARTINS FILHO, João Roberto. As Forças Armadas brasileiras no pós-guerra fria: Brazilian armed forces in the post-Cold War. *Tensões Mundiais*, v. 2, n. 3, p. 78-135, 2006.

[780] SILVA, Golbery do Couto e. *Conjuntura nacional, o poder executivo & geopolítica do Brasil*. 3. ed. Rio de Janeiro: Livraria José Olympio Editora, 1981, *apud* MARTINS FILHO, João Roberto. As Forças Armadas brasileiras no pós-guerra fria: Brazilian armed forces in the post-Cold War. *Tensões Mundiais*, v. 2, n. 3, p. 78-135, 2006.

[781] MARTINS FILHO, 2003, *apud* MARTINS FILHO, João Roberto. As Forças Armadas brasileiras no pós-guerra fria: Brazilian armed forces in the post-Cold War. *Tensões Mundiais*, v. 2, n. 3, p. 78-135, 2006.

[782] Cf. BAINES, Stephen Grant. *Identidades indígenas e ativismo político no Brasil*: depois da Constituição de 1988. 2008, p. 8.

> indigenous peoples. This exploratory study, the result of documentary and bibliographical research, seeks to identify and analyze how the National Security Council accompanied and sought to influence the work of the National Constituent Assembly with regard to the chapter on indigenous peoples.[783]

In his article, the author highlights the legislative pressure for the integrationist indigenous policy (defended and promoted by the National Security Council) to once again become a constitutional premise. To this end, they sought to influence members of parliament or even elect parliamentarians who would carry out "the Army's policy". As has been shown, indigenous integration has geopolitical roots that saw the indigenous populations to be integrated as a geopolitical priority. But its interrelationship with certain economic purposes must also be emphasized, as will be seen and as denounced by Erwin Krautler.[784] In other words, the "developmentalism" promoted by the military governments is, in some way, associated with the *pressure groups of* the mining companies and the extractive industry, the subject of the next chapter. In even more specific terms, there are interconnections between the interests put forward by the military, such as the Calha Norte Project, and the support given by business groups, since development projects have always been aimed at producing *commodities*.[785]

5.2 The interconnections between the National Security doctrine and mining and extractive interests

It is very difficult to dissociate the issue of national security (a theoretical debate) from the mining and extractivist interests that are part of it. The implementation of the PCN and the articulation (on part) of congressmen aligned with the military dictatorship are related to other interests, beyond external threats and geopolitical discussion. Constituents linked to these interests sought, fundamentally, to guarantee the legalization of mining in those territories

[783] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 144-145.
[784] Cf. Discurso de Erwin Krautler. BRASIL. *Diário da Assembleia Nacional Constituinte*, p. 148. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=147.
[785] Cf. ZUCARELLI, Marcos Cristiano *et al*. *Infraestrutura para produção de commodities e povos etnicamente diferenciados*: efeitos e danos da implantação de “grandes projetos de desenvolvimento” em território sociais. Mórula Editorial, 2023.

already occupied by Indigenous Peoples and the use of indigenous land for agricultural production.[786]

Throughout the constituent work, there were even accusations that part of parliament had been financed by foreign business groups (agricultural and mining). The speech by constituent Haroldo Lima of the PMDB highlighted this concern, the risk "of handing over our mineral deposits, national sovereignty, borders and indigenous territories to the exploitation of supposedly Brazilian companies that are in fact multinationals".[787]

The Brazilian parliament's amplified or more obvious discourse, throughout the constituent work, ended up being mostly related to national sovereignty issues, as can be seen in the CNS document below, even though there were (in the background) other intentions or interests. The strong interconnection between the geopolitical discourse and regional and extraregional economic motivations or interests should therefore be emphasized, especially those of logging and mining companies that used the rhetoric of "geopolitical development strategies,"[788] then associated with sovereignty issues.

According to a document from the National Security Council:

> With the Calha-Norte Project, the current government is seeking to intensify Brazil's presence and effectively occupy the area north of the Amazon and Solimões rivers. To this end, the established strategy prioritizes the border strip, where it triggers immediate actions. Other subsequent actions are planned for the area as a whole. It is also worth mentioning the existence of a small and sparse population of around 10,000 Yanomami Indians along a 900 km stretch of the border with Venezuela, a country that also has the presence of some indigenous groups of the same ethnicity. For some time now, there has been pressure, both internal and external, to create a Yanomami state that would encompass portions of the territories of both countries. This proposal, which may be related to **external economic interests, is potentially dangerous for national security.** The "Yanomami area" is the object of the aforementioned immediate actions of the Calha Norte Project.[789]

In short, the working group had relations with the legislative branch, especially during the Constituent Assembly process. The aim was, based on the PCN, to typify "a New Indigenist Policy":

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[786] *Ibidem*.
[787] Discurso do constituinte Haroldo Lima do PMDB (BRASIL. *Diário da Assembleia Nacional Constituinte*, p. 148 e ss. Disponível em: https://imagem.camara.gov.br/Imagem/d/pdf/sup62anc20mai1987.pdf#page=147).
[788] Cf. OLIVEIRA, João Pacheco de. Projeto Calha Norte: índios, militares e fronteiras. Rio de Janeiro: Editora UFRJ, 1990, p. 14.
[789] *Ibidem*.

> It is in this sense that the implementation of the PCN would require a review of the legal and administrative provisions that frame indigenist policy, regardless of who may be in charge of the guardianship body. Thus, in addition to localized proposals for action, the CSN lobbied hard in the Constituent Assembly and worked with FUNAI on the issue of mining on indigenous lands. In the preliminary stages of drafting the new constitutional text, in the Subcommittee and in the Social Order Commission, the CSN's efforts, including the substitute amendments presented by some deputies (José Lourenço, leader of the PFL; Nílson Gibscn and others) always converged towards making mining activity legally feasible in indigenous areas, while the parliamentarians, advised by scientific and indigenous defense entities, tried to outline and get approved criteria that would limit the negative effects of this exploitation. This work with the Legislative Branch was linked to efforts made with the Executive.[790]

This is the subject of the next chapter: the *pressure group of mining companies* involving indigenous issues during the ANC. The focus will be on confirming the role of the big mining industries in getting a text that suits their interests.

During the five years following 1970, the president revealed that "the Brazilian government would spend more than a billion dollars on a massive program of road building, rural colonization, mineral exploration and the construction of hydroelectric dams and ports in the Amazon Basin".[791]

In some way, the integration projects promoted by the military governments intertwined with what in the future (two decades later) would be the *legislative* activities *developed by the pressure groups* of mining companies and rural producers, which were then interconnected.

> Between 1970 and 1974, Brazil's indigenous policy became increasingly committed to the overall economic development policy of the Brazilian military regime. During this period, the National Indian Foundation became the main accomplice in the processes of ethnocide unleashed against the tribes of the Amazon Basin. To define the situation in the simplest terms, it can be said that its "reformed" indigenist policy accelerated, rather than halted, the processes of ethnic destruction that so bitterly characterize the history of the expansion fronts in Brazil. Obviously, a deeper analysis of the motives behind indigenist and development policies in Brazil's Amazon region is needed. One might ask why the Brazilian government chose to build these roads at such a high human, social and cultural cost. Or, more specifically, for whom these new roads were really being built, and why it was necessary for them to cut through indigenous parks and reserves.[792]

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[790] OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/T5D00044.pdf. p. 336.
[791] DAVIS, Shelton. *Vítimas do Milagre*: o desenvolvimento e os índios do Brasil. Rio de Janeiro: Zahar, 1978.
[792] *Ibidem*.

This chapter has described the military's involvement in subcommittees such as the Defense of the State, Society and Security. The aim was to guarantee, maintain or expand the constitutional prerogatives attributed to the Armed Forces in the Federal Constitution. Possibly under the inspiration of the DSN and based on the CSN's articulation, the military influenced the contours and configuration of the current § 5º of article 231 of the Federal Constitution.[793]

Despite all the conditions attached to the removal of indigenous communities, the Constitution provided for the possibility of removing indigenous communities in cases of interest or threat to national sovereignty. It was up to the Brazilian Armed Forces to guarantee order and national sovereignty.[794] In a second moment, the articulation of the FAs for the progress and execution of developmentalist-integrationist projects such as the PCN was described. The objectives, in addition to national sovereignty issues or interests, were to guarantee "military tutelage" over indigenous peoples, create indigenous colonies and promote mining and the exploitation of raw materials on their lands.[795]

Despite all the conditions, mining in Indigenous Territories is a possibility, if a regulatory law is passed, as provided for in §3º of article 231 of the Federal Constitution.[796] In both cases, the articulation of the Armed Forces throughout the constituent process allowed for texts that were coherent with the interests of the barracks and the interests of business and agricultural groups (at the same time).[797]

However, another pressure group, the mining companies, began to jointly articulate constitutional guarantees for the economic exploitation of Indigenous Territories. The description of the Calha Norte Project throughout this chapter symbolizes exactly this reality, which is why this project was singled out. The PCN highlighted the existence of two rhetorics related to the indigenous issue. A kind of portrait or mirror of the discussion on indigenous rights throughout (a large part of) the 20th century and during the constituent process.

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[793] Cf. § 5º do artigo 231 da *Constituição da República Federativa do Brasil de 1988*: § 5º **É vedada a remoção dos grupos indígenas** de suas terras, **salvo**, "ad referendum" do Congresso Nacional, em caso de catástrofe ou epidemia que ponha em risco sua população, ou **no interesse da soberania do País**, após deliberação do Congresso Nacional, garantido, em qualquer hipótese, o retorno imediato logo que cesse o risco

[794] Cf. artigo 142 da *Constituição da República Federativa do Brasil de 1988*.

[795] Cf. OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/T5D00044.pdf.

[796] Cf. § 3º do artigo 231. BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 30 jun. 2023.

[797] Cf. ZUCARELLI, Marcos Cristiano *et al*. *Infraestrutura para produção de commodities e povos etnicamente diferenciados*: efeitos e danos da implantação de "grandes projetos de desenvolvimento" em território sociais. Mórula Editorial, 2023.

On the one hand, there were those few who stressed the need to develop and integrate the interior of the country, even as a matter of sovereignty. Some parliamentarians aligned with the military and the designs of the NSC chose to put pressure on the legislature and thus guarantee the development interests of the state, linked to national sovereignty, but also associated with extractive economic interests. On the other hand, intellectuals and parliamentarians opposed to the military regime guaranteed support for the Indigenous Movement's aims.

5.2.1 The (interconnected) origins of the pressure groups represented by rural producers and the mining industry during the ANC.

This chapter aims to deal with the so-called "mining and extractive industry *pressure group*" and, briefly, *the rural producers' pressure group*, both of which were present in the constituent debate and whose main interest was: the release of indigenous lands for private mining,[798] based on the mapping (by the DNPM) that took place in the 1960s and 1970s and which located the large ore deposits in indigenous or bordering areas, and, concomitantly, the boycott of demarcations of Indigenous Territories, and thus guarantee or encourage the legalization of occupations promoted by (past) rural producers of areas that, in part, were occupied by indigenous peoples. According to Stephen Baines, the strategy of agribusiness and mining companies is exactly the opposite of what will be described here. The strategy was to encourage the regularization of indigenous lands so that they could then exercise their economic power and thus "entice new indigenous leaders and sign direct agreements between indigenous communities and companies in the name of indigenous self-determination".[799]

In the case of past occupations by rural producers in indigenous areas, the argument used (to this day) is that they were encouraged by the Brazilian state, during the military dictatorship, to occupy, exploit and produce in this inhospitable agricultural frontier. In fact, during the 1970s, some National Development Plans (PNDs) created agricultural and mineral hubs, mining and metallurgical complexes and even an Agricultural District, increasing the flow of migrants to the Amazon region and, consequently, heightening social tensions between the new occupants of the area and the indigenous peoples.[800]

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[798] Cf. CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007.
[799] BAINES, Stephen G. O território dos Waimiri-Atroari e o Indigenismo Empresarial, capítulo 9, *Ciências Sociais Hoje*, São Paulo, p. 219-243, 1993, p. 219.
[800] BRASIL. Ministério do Interior. *I Plano Nacional de Desenvolvimento (I PND) – 1972/74*. Brasília:

The mining issue, the first topic to be covered in this chapter, also has its origins in the military regime. The military governments, as already shown, financed geological studies using their own state structure, the DNPM. This body located the main areas attractive to mineral exploration, causing major impacts on indigenous peoples. In the 1970s, the country went through an intense process of creating geological mapping projects, when it was already suspected that there were some of the largest mineral reserves on the planet, as Max White points out:[801]

> In May 1973, a short article by a geologist from the United States Geological Survey, Max White, entitled "Probing the Unknown Amazon Basin - An Investigation of 21 Mineral Exploration Programs in Brazil", appeared in the Engineering and Mining Journal. White's article described 21 geological and mining projects initiated in the Amazon Basin as part of a cooperation program between the National Department of Mineral Production, the Mineral Resources Research Company, and the United States Geological Survey, under the sponsorship of the Brazilian government and the U.S. Agency for International Development (U.S. AID).[802]

The project in question deployed hundreds of geologists and engineers throughout the Amazon region to carry out geological investigations, mainly in the Amazon basin and in the states of Amazonas and Roraima, and ended up being divided into three major projects: (1) the Northern Amazon project;[803] (2) the Roraima project;[804] (3) the Aripuanã Sucunduri project.[805]

The studies ended up being reported in specialized mining journals, indicating that "large deposits of iron ore, manganese, tin, bauxite and coal had been found in this region". In the former Territory of Roraima (now a state of the Federation), there were "important

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IBGE, 1971a; BRASIL. Ministério do Interior. *I Plano de Desenvolvimento da Amazônia* – subsídios ao Plano Regional de Desenvolvimento (1972-1974). Belém: Sudam, 1971b; BRASIL. Ministério do Interior. *II Plano Nacional de Desenvolvimento (II PND) – 1975/79*. Brasília: Imprensa Oficial, 1974; BRASIL. Ministério do Interior. *Diretrizes e estratégias para ocupação do cerrado – Polocentro*. Brasília: Sudeco, 1975; BRASIL. Ministério do Interior. *II Plano de Desenvolvimento da Amazônia* – detalhamento do II Plano Nacional de Desenvolvimento (1975-79). Belém: Sudam, 1976a; BRASIL. Ministério do Interior. *Polamazônia (Programa de Polos Agropecuários e Agrominerais da Amazônia)*. Brasília: Ministério do Interior, 1976b; BRASIL. Ministério do Interior. *III Plano Nacional de Desenvolvimento (III PND) – 1980-1985*. Brasília: Secretaria de Planejamento da Presidência da República, 1981.

[801] Cf. MELLO, Neli Aparecida de. *Políticas territoriais na Amazônia*. Annablume, 2006.

[802] WHITE, Max G. Probing the unknown Amazon Basin – a roundup of 21 mineral exploration programs in Brazil. *Engineering and Mining Journal*, v 174, n 0005, maio 1973, p. 119. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf.

[803] Que consistia num reconhecimento geológico e geoquímico. (PROJECT Radam maps the unknown in Brazil. *Engineering and Mining Journal*, nov. 1975, p 165-168).

[804] Que consistia em trabalhos geológicos numa área de 120 mil quilômetros quadrados na parte setentrional do Território de Roraima, perto da fronteira com a Guiana e a Venezuela (*Ibidem*).

[805] Que cobria uma área de 80 mil quilômetros quadrados nos sistemas de drenagem dos rios Aripuanã, Roosevelt, Guariba, Juma e Sucunduri, na parte sul do estado do Amazonas (*Ibidem*).

indications of uranium deposits". Elsewhere in the Northern Region, the RADAM Project indicated the existence of "large deposits of columbium, tantalum, zirconium, gold and diamonds". "The results of these surveys indicated that the Amazon Basin contained one of the most valuable and diversified mineral profiles in the world."[806]

The *pressure group* from the mining industry is gaining even more strength with the aforementioned discoveries and with the adherence and participation of a (large) state-owned company "in the game", specifically Vale do Rio do Doce and its interest "in joining multinational companies and financing large-scale mining projects in the Amazon Basin".[807]

The first of these projects, "with an estimated cost of 2 billion dollars when completed in 1980, was a joint venture between the U.S. Steel Corporation and CVNN to extract iron ore from the Serra dos Carajás". But there were other ventures, such as "Mineração Rio do Norte, a company formed to mine large deposits of bauxite discovered along the Trombetas River in northern Pará".[808]

The original agreement to form the company included: "Companhia Vale do Rio Doce (41%); Alcan Aluminum Company, from Canada (19%); Companhia Brasileira de Alumínio (10%); Aardal of Sunndal Verk and Norsk Hydro, from Norway". Other groups, such as "the National Institute of Industry, from Spain, Reynolds Alum num Company, from the United States, Rio Tinto Zinc, from Great Britain, and Mineração Rio Xingu, from Brazil (all of these with a 5% stake)"[809] have also taken an interest in the economic exploitation of these regions.

It was from the 1970s onwards that the mining companies began to work together to exploit the region as quickly as possible. One emblematic example was the invasion of the Apipuã Indigenous Park. According to Eduardo Galvão, the area of the Aripuanã Indigenous Park has one of the richest deposits of tin in the world, "and there are large national and international mining companies eager to enter it". They are not "willing to wait five, ten or twenty years while the Indians are contacted, pacified and prepared for integration into our

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[806] PROJECT Radam maps the unknown in Brazil. *Engineering and Mining Journal*, nov. 1975, p. 165 e ss. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf.

[807] Em 1º de maio de 1977, a U. S. Steel retirou-se do imenso projeto Carajás de minério de ferro e noticiou-se que recebera 51 milhões de dólares em compensação. Publicações da área de mineração informam que a CVRD irá continuar com o trabalho de infraestrutura do projeto Carajás. (CVRD: charging into the future with a bungle of new projects. *Engineering and Mining Journal*, nov. 1975; SCHILLER, E. A. Mining exploration and mining in Brazil – 1977. *Mining Magazine*, 245-253, set. 1977, p. 121. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf).

[808] *Ibidem*.

[809] *Ibidem*.

society". The author reflects on the fact that "Brazil is trying to speed up the process of contact with the Indians, but we don't know where to go".[810]

This scenario, like the case of the Aripuanã Indigenous Park, indicates how the exploitation of mining and extractive activities in the Amazon region was part of a larger political context, "the integration plans" promoted by the military governments.

Years later, this same association of mining companies (national and foreign) would form a legislative pressure group during the ANC to make it possible to exploit these areas, even if they were located on indigenous lands.[811] Some of these mining companies went on to fund representatives in Congress (1987-1988) to organize the creation of a very strong "pressure group" to regulate the infra-constitutional law that provides for the exploitation of mineral resources located in indigenous reserves, PL 2057/1991.[812]

The notoriety of the issue and the aforementioned mapping promoted by the military government ended up being decisive for the successive "gold rushes" in the northern region of the country, such as the case of Serra Pelada, between 1981 and 1992,[813] generating harmful damage to indigenous peoples and exponentially increasing violence in the Amazon region. The notoriety of the issue also led to a surge in requests for mineral research at the same DNPM by business groups.[814]

A pre-Constituent and post-Constituent reality, as Melissa Volpato Curi points out when she looks at the figures provided by the federal agency itself. According to the ISA, there were "1,835 requests for mineral research on indigenous lands, filed before the approval of the Federal Constitution". After October 5, 1988, there were a further 2,792 applications, making a total of 4,627 applications". There were also requests for "mining titles, but these were fewer: 244 titles, covering a total of 41 indigenous lands".[815] The surge in administrative requests from

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[810] Eduardo Galvão, antropólogo brasileiro, citado em: Progress, lndians collide in Brazil. *Los Angeles Times*, 26 abr. 1973.

[811] CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007, p. 228.

[812] Projeto de Lei nº 2.057/1991, que prevê a regulamentação da exploração de minérios em terras indígenas. Disponível em: www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=17569. Acesso em: 23 mar. 2023.

[813] Cf. MONTEIRO, Maurílio de Abreu *et al*. Ouro, empresas e garimpeiros na Amazônia: o caso emblemático de Serra Pelada. *Revista Pós Ciências Sociais*, v. 7, n. 13, 2010.

[814] CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007, p. 228.

[815] Segundo a autora, os requerimentos de pesquisa, bem como os de lavra garimpeira, fazem parte dos chamados interesses minerários. Já os títulos minerários abrangem as autorizações ou alvarás de pesquisa, os requerimentos de lavra, as concessões de lavra e o licenciamento. Essa diferenciação se faz necessária, pois para cada caso há uma aplicabilidade legal diferenciada. Os interesses minerários, por exemplo, marcam apenas prioridade, geram uma expectativa de direito, e os títulos minerários constituem direitos individuais concedidos pelo poder público

the 1980s onwards is also seen in the Yanomami Territory *in Roraima*, as Albert Bruce points out: "In 1987, 37% of the Yanomami territory had already been claimed: 27 permits and 363 requests for mineral research authorization were filed with the National Department of Mineral Production (DNPM) by Brazilian and transnational companies."[816]

The German Harmut Keiser, in his book *O direito indígena do Brasil*, lists the thousands of existing requests, dividing them up according to the names of the companies[817] and the types of request. Thousands of administrative requests to exploit these spaces were already underway long before the 1988 Constitution, as has already been pointed out, and were intensified during the constituent debates. The great interest of mining companies, which can be seen in applications for registration and processes at the National Department of Mineral Production (DNPM),[818] would lie in the possible claim of "acquired rights" in the area requested, should a law regulating this activity become a reality. This is why, after the 1988 Constitution guaranteed this possibility, these requests for registration have increased, thanks to the efforts of this legislative pressure group. PLs 2.057/1991 and 1.610/1996, which are still pending in the Brazilian parliament, cannot, however, guarantee the right of first refusal for those who arrived "first", according to Melissa Curi.[819] The Statute of Indigenous Societies itself (currently before Congress) confirms this hypothesis, that "given the lack of regulations on the subject before the Constitution came into force, the government's current proposal does not guarantee the right of priority".[820]

(CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007, p. 228).

816 "*Although it was probably expecting to introduce mining companies into the area at a slower pace. By 1987, 37 per cent of the Yanomami territory had already been claimed: 27 permits and 363 applications for authorization to prospect for minerals had been registered at the National Department of Mineral Production (DNPM) by Brazilian and transnational companies*" (CEDI/CONAGE. 1988. *Empresas de mineração e terras indlgcnas na Amazônia*. São Paulo, 1980, p. 11 *apud* ALBERT, Bruce. Terras indígenas, política ambiental e geopolítica militar no desenvolvimento da Amazônia: a propósito do caso Yanomami. *Amazônia*: a fronteira agrícola, v. 20, p. 37-58, 1991.)

817 Cf. KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora Safe, 2010.

818 "Atualmente, antes mesmo de qualquer regulamentação de uma lei para a realização da atividade minerária em terras indígenas, diversos interesses já recaem sobre essas terras, o que pode prejudicar sobremaneira a aplicabilidade de uma lei futura e os direitos dos povos indígenas. Segundo dados do ISA (2005), existem 1.835 requerimentos de pesquisa mineral incidentes em terras indígenas, protocolados antes da aprovação da Constituição Federal, sendo que, após 5 de outubro de 1988, surgiram mais 2.792, perfazendo um total de 4.627 requerimentos. Em relação aos títulos minerários, estes se apresentam em volume menor: são 244 títulos, incidentes sobre um total de 41 terras indígenas" (CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007, p. 228).

819 Cf. FERRONATO, Marcelo Lucian; NUNES, R. O. A exploração ilegal de madeiras na Terra Indígena Sete de Setembro, Cacoal–RO. *Revista Facimed*, v. 2, n. 2, p. 1-12, 2010.

820 CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007, p. 229.

More specifically, Lawº 6.001, of 1973 (the current Indian Statute), which stipulates, in article 2º , IX, the guarantee of "permanent possession of the lands they inhabit, recognizing their right to the exclusive usufruct of the natural riches and all the utilities existing on those lands".[821] Stephen Baines points out that the "exploitation of natural resources, such as mining and water resources, is not given the necessary prominence"[822] in the law, as can be seen in articles 44 and 45.[823]

The pressure to free mining in indigenous areas was already very strong in the Figueiredo government and increased during the ANC, as Manuela Carneiro da Cunha said on April 22, 1987:

> At the end of the Figueiredo government, a decree was drawn up providing for mining in indigenous areas. President Figueiredo was forced to sign this decree while convalescing from an operation, in the last days of his government. This decree caused such a stir that it was not published. It took a while, but it still hasn't been regulated. As I've just mentioned, there are 537 research permits granted for indigenous areas, most of them in the second half of 1985. The decree signed by **President Figueiredo stipulated that mining could only take place in indigenous areas under the following conditions: only Brazilian state-owned companies** could mine and, exceptionally, national private companies. However, the table of 537 mineral research permits in indigenous areas shows: only 10% of these companies are Brazilian state-owned companies; 50% are Brazilian nationals: **40%** are **multinationals**. This decree **was** not regulated when the permits were granted. **The Attorney General was in the process of making a case that this decree was unconstitutional. However, the DNPM and the Ministry of Mines and Energy granted these permits**. I'll have to stop here. I'm sorry. On the question of mining, these are the figures, and the greed that Brazilian society is being subjected to (...) There are currently 137 mineral research permits in indigenous areas; 163 permits are on demarcated lands; 364 are on non-demarcated lands. **It's clear that non-demarcation favors invasion**. Why is this so? Because they say: "If there is no definition of indigenous lands, how do you know you can't issue a mineral exploration permit?" This, in short, leads to the question of mining in indigenous areas, which will certainly be a place of great tension in the discussion of the indigenous question here. I'll just give you some data to show what has been achieved. **Currently, the Constitution, in its article 198, reserves the exclusive usufruct of all the natural riches existing in their lands to the Indians. However, another article reserves ownership of the subsoil to the Union**.

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[821] ESTATUTO do Índio. Disponível em: www.planalto.gov.br/ccivil_03/leis/l6001.htm. Acesso em: 3 jan. 2024.

[822] BAINES, Stephen Grant. Projetos de desenvolvimento na Amazônia e as estratégias de grandes empresas. *Abya-Yala*: Revista sobre Acesso à Justiça e Direitos nas Américas, v. 1, n. 1, p. 297-314, 2017, p. 299.

[823] Artigo 44: As riquezas do solo, nas áreas indígenas, somente pelos silvícolas podem ser exploradas, cabendo-lhes com exclusividade o exercício da garimpagem, faiscação e cata das áreas referidas", e o Art. 45: "A exploração das riquezas do subsolo nas áreas pertencentes aos índios, ou do domínio da União, mas na posse de comunidades indígenas, far-se-á nos termos da legislação vigente, observado o disposto nesta Lei (Estatuto do Índio. Disponível em: www.planalto.gov.br/ccivil_03/leis/l6001.htm. Acesso em: 17 jan. 2024.

The anthropologist's comments are relevant because they highlight the relationship between the failure to demarcate indigenous territories and the request for mining permits in locations previously occupied by the Original Peoples. "The pressure to free mining has existed since the military dictatorship, as we have already seen." General Figueiredo's government, "in an explicitly unconstitutional measure (it violated the head of article 198 of the 1967 Constitution), had tried to allow mining on indigenous lands through Decree No.º 88.985/1983". This decree, according to the anthropologist, "openly violated the head of article 198 of the 1967 Constitution, attempting to distort its legal meaning and the semantic meaning attributed to this article". Secret CSN documents confirm the pressure for this demand to become a legal reality and the very possibility of mining in Indigenous Territories, provided for in article 231, confirms the existence of this legislative pressure[824]

The *pressure group* from the mining industry also proved to be possible because it had the funding of parliamentarians who would vote for or create projects that appealed to these mining interests. This can be seen in a documentary analysis of the minutes of the National Security Council (available at CEDI). "At the beginning of July 1987, several amendments were presented to open up indigenous lands to private mining." Among the parliamentarians actively interested were "Osvaldo Aranha (PL-RJ), Nilson Gibson (PMDB-PE), Leur Lomanto (PFL-BA), José Lourenço (PFL-BA), Cunha Bueno (PDS-SP), Gastone Righi (PFL-SP) and Lourenço Batista (PFL-SE)".[825]

Another source draws attention to other names such as: Cesar Dias (PMDB-Roraima), Coutinho Jorge (PMDB-Pará), Atila Lins (PMDB-Amazonas), Gilberto Mestrinho (PMDB-Amazonas), Marluce Pinto (PMDB-Roraima), Mozarildo Cavalcanti (PFL-Roraima), Romero Juca (PSDB-Roraima) and federal deputies Giovanni Queiroz (PDT-Pará), Nicias Ribeiro (PMDB-Pará), Mario Chermont (PP-Pará), Rubem Bento (PFL-Roraima) and Delfim Neto (PPR-São Paulo).[826]

Large business groups linked to the mining and logging industries in the Brazilian Amazon needed a large number of representatives in the legislature. This group, probably very

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[824] CUNHA, 1987: 98 F, *apud* FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021.

[825] CEDI, 1991:18, *apud ibidem*.

[826] CEDI, 1991: 18 *apud* FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p 144 e ss.

well served by large amounts of funding, was very interested in establishing a foothold in the National Constituent Assembly (1987-1988). The exploitation of large mineral deposits within Indigenous Territories needed to be "finally" legalized. Throughout the 1970s, these deposits were already duly mapped, as Baines points out.[827]

According to the professor from the National University of Brasilia, "pressures within Congress indicate a tendency to regularize indigenous lands in the Amazon region in order to facilitate the 'regularization' of the interests of large mining and water resource companies".[828] Among the existing business groups during the ANC was "the powerful União Sindical dos Garimpeiros da Amazônia" (with little economic strength, but with political capillarity), as well as the "Associação dos Importadores e Exportadores de Madeira" (as a representative of the extractive industry *pressure group*). But there were other major "national and international players, such as the strong *lobby* by the Amazon Businessmen's Association (AEA) and the Brazilian Mining Institute (IBRAM)".[829] According to Ans Kolk, there were also other Brazilian business groups involved in regulating the exploitation of minerals and raw materials in indigenous areas, including the Paranapanema group, British Petroleum, Brascan, Anglo-American and the Bozano-Simonsen group.[830]

The companies Paranapanema and Brascan, both listed on the Ibovespa stock exchange, also showed an appetite for the Comunipanema indigenous area in Pará, as anthropologist Stephen G. Baines points out: the Waimiri-Atroari Indigenous Land can exemplify or serve "as a precursor to planning strategies for the 'regularized' implementation of large regional development projects". Baines points out: the Waimiri-Atroari Indigenous Land can be exemplified or served "as a precursor to the planning of strategies for the 'regularized' implementation of large regional development projects on indigenous lands in the Amazon, both mining and hydroelectric plants, and influenced the very formulation of the Constitution in 1987". The author points out that the strong *pressure group* linked to mining companies and led by the Paranapanema Group would therefore have been decisive for the existence of an

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[827] A ditadura militar brasileira foi calcada "em estratégias para a implantação 'regularizada' de grandes projetos de desenvolvimento regional em terras indígenas na Amazônia, tanto de mineração quanto de Usinas Hidrelétricas, e influenciou na própria formulação da Constituição em 1987, com forte lobby das empresas mineradoras lideradas pelo Grupo Paranapanema". Este *lobby* conseguiu, no texto constitucional, abrir a mineração em terras indígenas a empresas privadas, como possibilidade. (BAINES, Stephen Grant. *As terras indígenas no Brasil e a "regularização" da implantação de grandes usinas hidrelétricas e projetos de mineração na Amazônia*. Tese (doutorado). Universidade Nacional de Brasília. 2001).

[828] *Ibidem*, p. 5.

[829] CARVALHO, Georgia O. The politics of indigenous land rights Brazil. *Bulletin of Latin American Research*, v. 19, n. 4, p. 461-478, 2000.

[830] KOLK, A. *Forests in international environmental politics, international organizations, NGOs and the Brazilian Amazon*. Amsterdam: International Books, 1996, p. 97-98.

article in the Constitution that facilitates mining on indigenous lands, if there is a law regulating this activity.

This is an innovation guaranteed in the constitutional text, as it opened up the possibility of mining on indigenous lands by private companies. "In the previous Constitution, mining on indigenous lands was restricted to state-owned companies and strategic minerals, even though many private companies circumvented the Constitution, as in the 1988 Constitution."[831]

The mining industry *lobby* was responsible for a series of subsequent attempts to introduce infra-constitutional bills that would open up "indigenous lands to mining and transfer the power to grant mining licenses in indigenous areas to the Ministry of Mines and Energy". A closed bureaucratic body, with little sensitivity to indigenous or environmental issues, which would be more advantageous.

This coalition of mining interests also introduced 14 identical bills proposing the amendment of articles 176 (no.º 1) and 231 (no.º 3) of the Constitution, in order to prohibit small-scale mining by indigenous peoples and to exclude indigenous peoples from sharing the ports of mining activities on their lands, during the 1994 constitutional review report.[832]

Although less visible, the *pressure group of* the extractive or logging industry was also present and this can be seen from a documentary analysis. The document of August 3, 1987[833] is proof that large logging companies were also present in the National Constituent Assembly. With the joint participation and coordination of mining companies and large landowners, congressmen presented two very controversial Constitutional Amendment bills.[834]

The first of these guaranteed the possibility of alienating indigenous lands, with the disappearance of the term "nullity of acts of alienation of indigenous lands". The second Constitutional Amendment bill, PEC 215 (also known as the AI-5 of indigenous peoples),[835] even instituted criteria of "Indianness", guaranteeing the legalization and exploitation of timber and other raw materials with the removal of entire indigenous communities if they were in places of great economic attraction.

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[831] *Ibidem*.

[832] Guimaraes, 1993; Ricardo & Gonçalves, 1999

[833] Doc. IV: BRASIL. Conselho de Segurança Nacional. Memória nº 038/1ª SC/87 1. “Temas de interesse da SG/CSN na Constituinte”. 3 ago. 1987. Documento confidencial. BR DFANBSB N8.0.PSN, EST.430. Arquivo Nacional. Processo Político Assembleia Nacional Constituinte.

[834] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 157. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021.

[835] *Ibidem*, p. 165.

The second Constitutional Amendment bill is still going through Congress. The pressure of yesteryear remains. The article "In Indian land, mining knocks on the door" by Ciro Barros corroborates this understanding:

> A public survey based on data from the Socio-Environmental Institute (ISA) and the DNPM shows that mining, an activity that survives off the profits of land, especially unexplored land, is increasingly attracted to Brazil's indigenous territories. In the Legal Amazon, for example, a region that encompasses nine states, one third of indigenous areas have processes of this type, ranging from the desire to explore gold, diamonds and lead to minerals such as cassiterite, copper and tin. In this region, the proportion is one indigenous land for every ten mining processes. The national champion, Pará, concentrates 50% of these processes in Indigenous Lands already officially identified by FUNAI. In some situations, Pará's indigenous areas are completely covered by the greed of mining, which, despite the recent fall in commodity prices, has seen production practically double in the last decade and has been promoted mainly by companies like Vale S.A., one of the world's largest in the sector and second in the ranking of companies with the most mining processes in Indigenous Lands.[836]

The administrative processes already filed (since the 1970s) with the National Mining Department, in addition to all the geological-mining studies of the region, increased the coercion of the mining industry pressure group during the National Constituent Assembly, involving the demand for regulation and exploitation of minerals and raw materials on indigenous or indigenous-occupied lands.[837]

The Sarney government's mapping projects and political intentions were finally exposed, as in the 1986 *Jornal do Brasil* report: "Mining companies want luxury demarcation of indigenous lands":

> Brazilian miners are not demanding and do not want the Indians to be displaced from their reserves. What they do want is for the reserves to be demarcated by the government. In this way, it would be possible to prevent the mining industry from investing huge resources in researching and analyzing areas which, being within the boundaries of a reserve, are forbidden to extract minerals. It is with this reasoning that Samuel Hannan, President of the National Union of the Tin Mining Industry, refuted criticism that the mining industry is trying to remove Indians from their reserves in order to extract minerals. "It's not true to say that miners are harassing Indians without reservations," he explained (...) Mauro Nogueira (president of the national tin mining industry union) recalled that the trend worldwide is for Indians to seek integration into society, progressively eliminating the need for large areas set aside for the separate life of nations and indigenous tribes. "This is a luxury that a developing country cannot afford," concluded Mauro Nogueira.[838]

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[836] QUEIRÓS, Francisco Aquinei Timóteo; MENDES, Francielle Maria Modesto. Em terra de índio, a mineração bate à porta. *Revista Comunicação, Cultura e Sociedade*, v. 4, n. 1, p. 59-69, 2016.
[837] Cf. *Ibidem*.
[838] SANTILLI, Márcio. *Povos Indígenas no Brasil 1987, 1988, 1989 e 1990*. São Paulo: Centro Eucunêmico de

The report in question presents a positive proposal to regulate mineral exploitation in an Indigenous Territory or in the vicinity of an Indigenous area. A series of reports can be seen from around the time of the National Constituent Assembly (1987-1988), as in this report from *Jornal Brasil*.

According to Stephen Baines, the strategy of the mining and construction groups during the constituent processes and even after 1988 was not based on trying to block demarcations, as some constituents or scholars have pointed out in some cases. With the strengthening of NGOs and indigenous advocacy organizations, which have ensured support for the continuity of indigenous land demarcation processes and based on an analysis of risks and legal certainty, the strategy of the large hydroelectric dam construction companies and mining companies, once again, relies on the collaboration of the state, and seeks to favor the regularization of indigenous lands and thus exercise its economic power to entice new indigenous leaders to sign direct agreements between indigenous communities and companies, in the name of 'indigenous self-determination.[839] This same strategy would also be used by agribusiness, according to the author, which constitutes the pressure group of rural producers. The last political and social force to be described, and it is cut out here, whose origins also go back to the military governments.

This leaves the last legislative pressure group in question, those linked to rural producers and farmers, then represented by Rural Confederations and employers' unions.

5.2.2 The pressure group of farmers and rural producers

Just as in the case of the mining companies that became an autonomous political force between 1987-1988, the military government also encouraged the colonization and occupation of the Brazilian Amazon in order to guarantee the development of the region, through projects such as the Transamazon, the Settlement Project (PA), the Rapid Settlement Project (PAR), the Directed Settlement Project (PAD), the Integrated Colonization Project (PIC), the National

Documentação (CEDI), 1991. Disponível em: https://acervo.socioambiental.org/acervo/livros/povos-indigenas-no-brasil-1987-88-89-90. Acesso em: 15 abr. 2023.

[839] BAINES, Stephen Grant. O território dos Waimiri-Atroari e o indigenismo empresarial, capítulo 9, *Ciências Sociais Hoje*, São Paulo, p. 219-243, 1993, p. 239, *apud* BAINES, Stephen Grant. Projetos de desenvolvimento na Amazônia e as estratégias de grandes empresas. *Abya-Yala*: Revista sobre Acesso à Justiça e Direitos nas Américas, v. 1, n. 1, p. 297-314, 2017, p. 297.

Integration Project (PIN),[840] among others, as described above. This relationship or situation was then present during the National Constituent Assembly (1987-1988).

A passage from General Médici's speech seems appropriate. The General said: "my government's policy is basically aimed at carrying out a gigantic integration programme with the dual objective of exploration and colonization"[841] of the Brazilian Amazon. However, the "Operation Amazonia" announced by the War Minister of the previous government (Castelo Branco) already showed signs that attention to colonizing and integrating the region was a priority for the military government in the previous decade, although it gained momentum in the 1970s. The National Integration Plan (PIN) dates from this period and coincides with the plans to build the Transamazon highway and other colonization projects:[842]

> On paper, the Brazilian government's plan to colonize the Amazon was impressive. A 100-kilometer strip of land on either side of the Transamazon Highway would remain in the public domain and would be distributed, under a well-funded state program, to settlers from the Northeast. The new program would be run by the National Institute for Colonization and Agrarian Reform (INCRA). By 1980, INCRA expected that more than 5 million people had already been transferred to this new program on the banks of the Transamazon. Several reports compared INCRA's colonization program to the Homestead Act in the United States. Every 10 kilometers of road, for example, INCRA planned to build an agrovillage to serve groups of 48 to 60 families. Twenty-two agrovillages within a radius of 10 to 50 kilometers would constitute an agrópolis. Three of these agrópolis would form a rurópolis, an urban center with more intense industrial and commercial activities. Each migrant family would receive four things from INCRA: a modest house with two hectares of cleared land; at least 100 hectares of land, with a provisional deed that would allow the farmer-owner to participate in a financing fund set up by the Bank of Brazil and the Bank of the Northeast; a minimum wage for at least six months; and guaranteed prices for their agricultural produce.[843]

President Médici said that "the Transamazon Highway will be an open road to allow the inhabitants of the Northeast to colonize the great demographic desert and begin to use this hitherto inaccessible potential".[844] This reality would be linked to, or have a profound impact on, the issue of the demarcation of Indigenous Territories during the ANC.[845]

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[840] TEIXEIRA, Carlos Corrêa. *Visões da natureza*: seringueiros e colonos em Rondônia. São Paulo: FAPESP, 1999, p. 7.
[841] DAVIS, S. *Victims of the miracle*: development and the Indians of Brazil. Cambridge: Cambridge University Press, 1977, p. 38.
[842] *Ibidem*.
[843] HENRIQUES, Affonso. "Amazon giant". *Américas*, fev. 1972, p. 2-11, *apud ibidem*, p. 65.
[844] DAVIS, S. *Victims of the miracle*: development and the Indians of Brazil. Cambridge: Cambridge University Press, 1977, p. 66.
[845] HENRIQUES, Affonso Amazon giant. *Américas*, p. 2-11, fev. 1972, *apud ibidem*, p. 65.

According to Philipe Hamelin, the initial aim was to create a middle class of peasants and, perhaps, a utopian attempt "to build an egalitarian society on the outskirts of a Brazil that, in the midst of an economic miracle, was unknowingly fostering an increasingly unequal society". The government, as seen in the quote above, promised a lot: roads, land distribution, house donations, as well as conditions for survival in the first few months. The beautiful speech was associated with the narrative of giving land so that the "brave pioneer could build the Brazil of tomorrow". Land was no longer a capital asset or the exclusive property of landowners, but a working tool.[846]

The colonization and settlement of the Brazilian Amazon was linked to the development goals of the military governments and to colonization, settlement and integration projects. In the case of the Transamazon, the region was populated by more than 100,000 people after the road was built. This was a disaster from an ecological and social point of view, which would lead to the extermination of the original peoples in the most varied forms.[847] Even during the second half of the 1980s, projects to occupy the northern region continued, such as the Noroeste project, which brought "more than 20,000 Brazilians (from all parts of the country) who migrated to Rondônia".[848] This was a disastrous policy for the indigenous peoples and, according to Rosler-Handschke, led to the invasion of parks and reserves by the indigenous population.[849]

Author Philippe Hamelin says that this model of encouraging small producers went into decline from 1974 onwards. In other words, colonization aimed at this social segment was (practically) abandoned. The military governments therefore began "to finance big business in order to valorize the Amazon"[850] and to guarantee tax incentives that would lead to more robust regional development. This would create another powerful legislative pressure group (years later), but with less visibility or projection of action for agricultural issues associated with indigenous issues.[851]

The introduction of a series of fiscal and tax incentives to promote large livestock and agro-industry projects in the Amazon Basin accelerated national inequalities. As mentioned in

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[846] HAMELIN, Philippe. O fracasso anunciado. *Amazônia*: a fronteira agrícola, v. 20, p. 161-176, 1991.
[847] *Ibidem*.
[848] MIRANDA, Evaristo Eduardo. Avaliação do impacto ambiental da colonização em floresta amazônica. *Amazônia: a Fronteira Agrícola*, v. 20, p. 223-238, 1991, p. 224.
[849] RÖSLER-HANDSCHKE, M. Áreas indígenas e grandes projetos – Brasil. Berlim: Institut fur Angcwandtc Gcodisic, 1986. Mapa. Escala: 1:5.000.000, *apud* MIRANDA, Evaristo Eduardo. Avaliação do impacto ambiental da colonização em floresta amazônica. *Amazônia: a Fronteira Agrícola*, v. 20, p. 223-238, 1991, p. 22.
[850] IANNI, Octavio. *Colonização e contrarreforma agrária na Amazônia*. Pétrópolis: Vozes, 1979.
[851] Cf. HAMELIN, Philippe. O fracasso anunciado. *Amazônia*: a fronteira agrícola, v. 20, p. 161-176, 1991.

the previous chapter, throughout the 1950s there was a wave of internal migration to the central regions of Brazil. At the end of the 1960s, large cattle ranchers began to dominate this front of agricultural expansion, as Davis points out:

> By 1966, more than a thousand private investors had established cattle ranches to the east and west of the Belém-Brasília highway. Capital, management and technology for these new agro-industrial projects came from wealthy Brazilian capitalists from the states of São Paulo and Minas Gerais. One of the largest farms in the region, for example, was Suiá-Missú, owned by Orlando Ometo, a wealthy sugar producer from São Paulo. This farm covered almost 14,000 square kilometers, the size of the US state of Connecticut. In two years of operation, Orlando Ometo cleared 58,000 hectares of land.[852]

It would be very naïve to think that these colonization projects would not have an impact on the areas occupied by the Indigenous Populations. This is yet another demonstration that the development policy promoted by the military dictatorship made indigenous peoples invisible. The description of Ometo's "feat" with the financial support of the Brazilian state and the description of the tax incentives received via the Superintendence for the Development of the Amazon (SUDAM) are noteworthy. "The businessman built a 100-kilometer access road and put 15,000 head of cattle to graze on his farm."[853]

To make the grandiose project viable, in October 1966, this new region suitable for cattle ranching received a major boost, "when the Superintendence for the Development of the Amazon (SUDAM) announced the creation of a far-reaching tax incentive program" to promote the establishment of many corporate ranches in the Amazon Basin.[854] The aim of SUDAM's incentive program was clear: to mobilize companies from São Paulo and other parts of Brazil to reinvest their taxable income in livestock projects in the Amazon.[855]

Companies established in the Amazon before the end of December 1974, and considered to be of regional economic interest to SUDAM, "would be exempt from all taxes for 10 years. A second provision gave companies a 50% reduction in income tax due in other regions of Brazil if they invested in the Amazon."[856]

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[852] ONIS, Juan de. Brazil is rolling back the Amazon jungle. *New York Times*, 17 jan. 1966.
[853] *Ibidem*.
[854] *Ibidem*.
[855] MILIMAN, Niarsha. Brazil: Let then eat minerals. *In*: NACLA's Latin America and empire report. Nova York, 1973, p. 3-13. Também: MCCRARY, Ernest. The Amazon basin – new mineral province for the 70s. *Engineering and Mining Journal*, fev. 1972; ONIS, Juan de. Brazil is rolling back the Amazon jungle. *New York Times*, 17 jan. 1966, *apud* DAVIS, S. *Victims of the Miracle*: development and the Indians of Brazil. Cambridge: Cambridge University Press, 1977.
[856] *Ibidem*.

Finally, a third part of this legislation stipulated that the purchase of any rural machinery would be exempt from import duties and taxes. SUDAM expected that, in the following decade, at least "500 large cattle ranches would be established under this program" in the Amazon. Foreign groups began to set up large national agricultural companies interested in taking advantage of these incentives. "One of the first companies to join the new program was the famous King Ranch, from Texas." In 1968, King Ranch, in partnership with Companhia Swift-Armour do Brasil, received authorization to establish a ranch of an incredible 73,000 hectares in Paragominas, in the state of Pará.[857]

According to the company's executives, one of the "objectives of the King Ranch project was to prove that the livestock and grazing technologies used in Texas, Australia and New Zealand could be transferred, with minor modifications, to the tropical floodplains of Pará. After King Ranch was set up, "many other foreign companies established agro-industrial projects in Amazonia".[858]

In this context, the "Brazilian government claimed that Transamazônica and the aforementioned colonization programs of the National Institute for Colonization and Agrarian Reform (INCRA) would be decisive for Brazil's global economic development1". A study published by the National Department of Highways (DNER), "at the time these programs were announced, claimed, for example, that these types of projects would reduce the traditional regional economic imbalances".[859] A reality that has not proven to be effective, quite the opposite.

These large economic and foreign structures would be present during the constituent process and would be represented by class entities such as CNA, FAAB, among other employers' unions. Much is said about the role of the Frente Ampla da Agropecuária Brasileira (FAAB), Confederação Nacional de Agricultura (CNA), Sociedade Rural Brasileira (SRB), Organização das Cooperativas Brasileira (OCB), Sociedade Nacional da Agricultura (SNA), during the constituent work between 1986 and 1988. However, these interests (in the biographical sources available) are more associated with the policy of emptying land reform projects during the ANC,[860] than with indigenous issues per se.

In all likelihood, these employers' unions were responsible or pressured not to demarcate indigenous lands in nearby productive areas that were already occupied by rural producers.

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[857] *Ibidem*.
[858] *Ibidem*.
[859] *Ibidem*.
[860] Cf. SILVA, José Graziano da. As representações empresariais da agricultura brasileira moderna: as disputas na transição para a democracia. *In*: CONGRESSO BRASILEIRO DE ECONOMIA RURAL XXIX, 1991, Campinas.

Especially if the indigenous lands were located on Brazil's profitable and promising agricultural frontiers (previously inhabited by indigenous peoples). However, it should be pointed out that there are few sources or data available that show in detail how this pressure group was organized, in terms of the indigenous issue itself, during the constituent debates.[861]

The existing bibliography accurately highlights the strategies for blocking agrarian reform. A political strategy that sought to maintain the current land structure (in the broadest sense). Although the land *looby* worked on multiple fronts during the ANC, this probably included pressure for large land properties (of dubious ownership) to be regularized, which would guarantee legal security for those invaders who entered Brazil's hinterlands in absentia throughout the 20th century, there is little evidence to this effect.[862]

It is notable, however, that they were legally supported by the Brazilian government in the 1970s. Specifically, small rural producers who left in large numbers from the south of the country and the Brazilian northeast (in the 1970s), and encouraged by the military governments to occupy "inhospitable parts of the nation", as well as large business groups supported by large tax incentives to economically develop the northern region. It is well known that both incentives caused great harm to indigenous populations. Regarding the occupation of indigenous lands, there is a kind of common sense on the part of the invaders that "land without cattle is land that has no owner".

Between 1986 and 1988, during the debates in the Constituent Congress, the Frente Amplio da Agropecuária Brasileira (FAAB) defined a series of strategies that sought to legalize controversial land issues. Among the strategies was the blocking of agrarian reform, as well as "the maintenance of land grabbing in the liberal transition from the military dictatorship (...) and the political organization of ruralists from employers' entities and the Centrão with the aim of maintaining the land and power structure without changes to the 1988 Constitution". These broad interests, instrumentalized by entities such as the CNA, SRB and SNA, included blocking the demarcation of Indigenous Territories. "The issue of agrarian reform, the political organizations fighting for land and territory in the countryside and the social reproduction of the peasantry and indigenous peoples were the central enemies to be fought."[863]

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[861] Cf. MENDONÇA, Sonia. *A classe dominante agrária*: natureza e comportamento (1964-1990). São Paulo: Expressão Popular, 2010.

[862] Cf. VIEIRA, Jaci Guilherme. *Missionários, fazendeiros e índios em Roraima*: a disputa pela terra-1777 a 1980. Tese (doutorado). Universidade Federal de Pernambuco. 2003, p 3.

[863] PRIETO, Gustavo Francisco Teixeira. *Fincando as raízes do rentismo à brasileira*: os ruralistas na Assembleia Nacional Constituinte. (1987-1988). Disponível em: https://periodicos.ufpe.br/revistas/revistageografia/article/viewFile/240280/33237. Acesso em: 30 jun. 2022.

But as we have already pointed out, there is not much documentary evidence of how the agricultural confederations and councils and other rural employers' associations were organized during the National Constituent Assembly. The documentation available in the Constituent Assembly's archives is practically non-existent,[864] although, according to Florestan Fernandes at the 4ª Public Hearing, during the work of the ANC, he raised this issue in a very general or abstract way: "Several anthropologists have done studies **on** this, showing that this policy of protecting the Indian has led to nothing, and, for different reasons, the whites have always wanted the Indians' land, sometimes for farms or plantations, sometimes because of mineral deposits."[865]

The comment, however, and even if generic, draws attention to the interconnectedness of the strategy of halting the demarcation of indigenous territories that is already underway in order to serve mining or land interests. Not to mention the attempt to promote an incorrect demarcation (smaller than the one stipulated in the anthropological reports and technical reports) in order to serve these interests, often landowners. In this sense, Manuela Carneiro da Cunha points out:

> **Article 198 of the current Constitution states that the land is permanently owned, and this provision is self-applicable. Therefore, there is no need for demarcation to guarantee these rights. However, what happens without demarcation? Things happen, like the following** (...) The total of demarcated lands is 12 million hectares, and FUNAI has demarcated only 32% of the lands identified, and has fully regularized, that is, with a presidential decree and registration with the SPU, only half of these lands. These lands account for 13.5% of the total land stock of so-called productive establishments. This is Census data, 13.5% of the total stock of productive land. The land kept unproductive by its owners is more than 20 times that amount. Finally, we could give other figures, showing that there are landowners who own land - I'm not going to go into that - and not 220,000, which is much more extensive. What does this mean? In particular, it means that this policy of non-demarcation leaves uncovered a series of lands to which the Indians currently have constitutional rights, and we hope that the new Constitution will maintain these rights. **It would be a breach of the entire legal tradition if this democratic constitution did not provide the same guarantees that authoritarian constitutions did.** What does this non-demarcation entail? Why wasn't it demarcated? It should be said. **Demarcation was provided for in the Indian Statute,** which dates back to **1973 and** provided for five years for all demarcations to be completed. However, it is now 87 years later and, according to the current figures, **only 32% of the lands identified have been demarcated**. It's not being demarcated precisely because the interests are too great. There are interests against

[864] Cf. SANTILLI, Márcio. *Povos Indígenas no Brasil 1987, 1988, 1989 e 1990*. São Paulo: Centro Eucunêmico de Documentação (CEDI), 1991, p. 41. Disponível em: https://acervo.socioambiental.org/acervo/livros/povos-indigenas-no-brasil-1987-88-89-90. Acesso em: 15 abr. 2023.
[865] 4ª Audiência Pública da ANC.

> demarcation, or there are interests in demarcating incorrectly, in other words, greatly reducing the lands that the Constitution guarantees to the Indians.[866]

The comments are relevant in percentage terms and show that the interests of the mining industry and rural producers ended up pressuring the non-demarcation of indigenous territories. Something that turned out to be effective in percentage terms, even in times of re-democratization. Finally, the next topic will contextualize the relationship between the Brazilian land question (correlated to the indigenous question) and a political process that was driven during the Brazilian military dictatorship (1964-1985).

This reality, the lack of a documentary or bibliographical basis to define exactly how the *pressure group* associated with rural producers was organized during the ANC, does not exclude its existence, which was then denounced in the abstract by the Brazilian parliament. And, essentially, its interconnection with the *mining industry pressure group,* as well as its colonial roots. Excerpts from the speeches of those who took part in the constituent process were highlighted by some parliamentarians, such as Júlio Marcos Germany:

> In 1987, private mining companies, landowners and a whole court of economic interests made the same proposal to the Constituent Assembly as the "encomenderos" of Peru did in 1554. The proposal is to sell off the subsoil of indigenous lands, the natural assets of these lands and the indigenous workforce; in exchange, the Brazilian state will be freed from the burden of providing assistance to these populations, whose Brazilianness and development will be ensured by the same companies.[867]

The author drew parallels between the Spanish colonial state in the 16th century and the situation of Brazil's indigenous communities. "Unlike the Spanish conquest, where slavery gave way to encomienda and the debate between Las Casas and Sepúlveda, here the indigenous peoples were all relegated to a condition of sub-humanity."[868] In both cases, however, the alienation of the subsoil for mineral exploitation was the way to exploit the riches of indigenous territories. In the pressure exerted by Brazilian parliamentarians during the constituent process, some of whom were financed by mining business groups, it is possible to draw some parallels with the Latin American colonial era, as can be seen in denunciatory reports by press outlets such as *Jornal do Brasil*.[869]

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[866] 4ª Audiência Pública da ANC – discurso de Manuela Carneiro da Cunha.

[867] Atas das comissões, p. 560.

[868] MILANEZ, Felipe *et al.* Existência e diferença: o racismo contra os povos indígenas. *Revista Direito e Práxis*, v. 10, p. 2161-2181, 2019, p. 2171.

[869] Cf. SANTILLI, Márcio. *Povos Indígenas no Brasil 1987, 1988, 1989 e 1990*. São Paulo: Centro Eucunêmico de Documentação (CEDI), 1991. Disponível em: https://acervo.socioambiental.org/acervo/livros/povos-indigenas-no-brasil-1987-88-89-90. Acesso em:

The draft Constitutional Amendments mentioned in the previous two paragraphs show that the *pressure groups of the mining industry and rural producers* sometimes share common interests, although they have developed in different ways.

5.2.3 The defamatory strategies of these pressure groups

As has already been shown, the "*pressure group linked to the mining and extractive industry*" is not as clearly identified in bibliographical sources as the "*pressure group linked to the Armed Forces*", which has always had an explicit theoretical or doctrinal basis, including even government documents that are now public.

During the National Constituent Assembly, parliamentarians supported by large mining and extractive companies did not show (clearly or discursively) that they were being financed by such political forces. The reason is very obvious: *lobbying* in Brazil remains an unregulated activity. Secondly, the *pressure group linked to the mining-extractive industry* will exert its influence through a dialectic or business discourse associated with the idea that "the exploitation of minerals in the Territories can be positive, from the most varied angles or reasons", such as generating foreign exchange for the original peoples themselves. Or via conspiracies through reports that disqualified bodies defending the indigenous cause, such as CIMI. "O Estado de S. Paulo published false documents, starting a press campaign against CIMI, which was allegedly in the midst of an international conspiracy to get the Indians to hand over their subsoil wealth to foreigners."[870]

"Every day for a week, multi-page stories, introduced by editorials on the front page," were published alleging an international conspiracy against Brazil. The headline on August 9, 1987 read: "The Indians in the new Constitution - Conspiracy against Brazil".

The National Truth Commission of São Paulo Rubens Paiva corroborates this:

> This was one of the times when the newspaper supported the anti-indigenous policies of the Brazilian state: there was an interest in mineral exploitation of indigenous lands, which CIMI opposed. On August 9, 1987, Estado de S. Paulo published an article, "A conspiracy against Brazil", accusing the organization of being part of a plot to accept restricted sovereignty in order to hand over mineral resources to foreign companies. The campaign lasted until the 14th. Correio Braziliense and O

15 abr. 2023.

[870] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 160.

> Globo joined in, but not Folha de S.Paulo and Jornal do Brasil. According to lawyer Paulo Guimarães, Cimi's legal advisor: "Estadão lent itself to putting pressure on Congress against a policy in favor of indigenous peoples that they perceived would succeed in passing the Constituent Assembly. It was unusual pressure. There was coordination with parliamentarians and a very well thought-out proposal. They organized a reaction based on who had the money. Who had the money? The mining lobby. Starting with Paranapanema, which had a direct interest in this. And they continue to be one of the main pressure groups in the National Congress. When it comes to regulating mineral exploration on indigenous lands, we're going to have to face these people again." The CPI on the subject found that the information published by the newspaper was false. It should be remembered that Paranapanema managed, illegally and with the connivance of FUNAI, to carry out mining on indigenous land during the Figueiredo government, in the Tenharim area (...).[871]

The slander and defamation ended up instrumentalizing a CPMI that very soon identified the documentary forgeries then published by the newspaper. According to Chagas Duarte (PFL), the accusations were unfounded and misplaced,[872] but they were part of a very broad context, to give continuity and legitimacy to the integration projects promoted by the military regime.

5.2.4 The mining pressure group

In this first subtopic, the relationship between the "*pressure group associated with the mining and extractive industry*" and the federal executive branch will be highlighted. The pressure to legalize the exploitation of minerals in Indigenous Territories was also promoted by ministries linked to the executive branch (such as the Ministry of the Interior and the Ministry of Mines and Energy[873]) and, fundamentally, from "integration projects" for the development of the Amazon region (led by the National Security Council), as corroborated by a CEDI report:

> At the beginning of July 1987, several amendments were tabled to open up indigenous lands to private mining, by "Osvaldo Aranha (PL-RJ), Nilson Gibson (PMDB-PE), Leur Lomanto (PFL-BA), José Lourenço (PFL-BA), Cunha Bueno (PDS-SP), Gastone Righi (PFL-SP) and Lourenço Batista (PFL-SE)", and the members of the Subcommittee on Blacks, Indigenous Populations, Disabled People and Minorities, including anthropologist José Carlos Sabóia (PMDB-BA) **identified**

[871] SÃO PAULO. Comissão da Verdade do Estado de São Paulo "Rubens Paiva". *Relatório*. Capítulo Violações aos direitos dos povos indígenas. 2015. Disponível em: http://verdadeaberta.org/relatorio/tomo-i/downloads/I_Tomo_Parte_2_Violacoes-aos-direitos--dos-povos-indigenas.pdf. Acesso em: 10 jan. 2024.
[872] FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015, p. 161.
[873] Ministério de Minas e Energia, *apud* CARVALHO, Georgia O. The politics of indigenous land rights Brazil. *Bulletin of Latin American Research*, v. 19, n. 4, p. 461-478, 2000, p. 467.

> **the National Security Council, due to the Calha Norte Project, as the source of the interest in these amendments**.[874]

Based on the assumption that the head of this power (between 1980 and 1985) was Army General João Baptista Figueiredo, who continued with the Calha Norte Project, and that the following government (1985-1990) was part of the democratic transition process, it can be said that the Executive Branch and geopolitical and economic interests (the Army's policy) were still present. Specifically, there was still an interest in promoting industry, as well as the integration of the Amazon region.

In this sense, Albert Bruce points out:

> ***The federal government has been under constant pressure from the placer-mining lobby to legalize this invasion by granting prospecting rights on sites within the conservation areas lodged inside Yanomami lands*** *(Correio Brasiliense and Folha de S. Paulo, 20 August 1988). The creation of the 'Yanomami Indian Land' (as defined in Directive 160) was regarded by this lobby as an obstacle to the fulfillment of their demands (Folha de Boa Vista, Pressure from the placer-mining business no doubt influenced the decision to amend Directive 160, and thus accelerated the process of expropriation of Yanomami lands which the National Security Council was already planning (Albert, 1991)*.[875]

The French anthropologist spent much of his research investigating indigenous issues in the Yanomami Territory in Roraima, but this same reality can be identified in several other indigenous areas such as Roosevelt and Cinta-larga.[876] He also identifies the federal government's support for legalizing mining in the country - there were many bills, even during the military governments.

Decree-Law No.º 88.988 of 1983 had been trying to regulate mining in the Tis ever since.[877] Companies "benefiting from this measure are Acaraí, a subsidiary of Paranapanema, Petromisa and Mineração Monte Negro, as well as international mining interests represented by International US Steel, Alcan Aluminum and Bethlehem Steel, Anglo American and British Petroleum".[878] The decree, however, "openly violated the caput of art. 198 of the 1967

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[874] CEDI, p. 98, *apud* FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021.

[875] ALBERT, Bruce. Indian lands, environmental policy and military geopolitics in the development of the Brazilian Amazon: the case of the Yanomami. ., v. 23, n. 1, p. 35-70, 1992, p. 36.

[876] Cf. CURI, Melissa Volpato. *Mineração em terras indígenas*: caso terra indígena Roosevelt. Dissertação (Mestrado) – Universidade Estadual de Campinas, 2005.

[877] BRASIL. *Decreto-Lei nº 88.989 de 1983*. Disponível em: www2.camara.leg.br/legin/fed/decret/1980-1987/decreto-88988-10-novembro-1983-438906-publicacaooriginal-1-pe.html. Acesso em: 23 maio 2023.

[878] DAVIS, S. *Victims of the miracle*: development and the Indians of Brazil. Cambridge: Cambridge University

Constitution" and ended up not becoming a reality,[879] but the existence of new administrative requests for mining and exploration in indigenous areas would become a widespread reality.

During the National Constituent Assembly (1987-1988), this movement gained strength, with the addition of other companies (some of them American),[880] bodies and parliamentary representatives, which did not inhibit the Indigenous Movement's actions or opposition during the constituent debates (as already explained), in addition to the denunciations voiced by bodies such as the Aborigines Protection Society (APS).

An association called the Aborigines Protection Society (APS), based in London, issued a report (written by Edwin Brooks, René Fuerst, John Hemming and Francis Huxley) describing "a serious threat to the Indians resulting from the absence of a coherent territorial policy on the part of FUNAI. The APS report noted that FUNAI's reservation system tended to diminish indigenous lands and threatened the biological and cultural integrity of the tribes".[881]

The report included a series of complaints that the tribes "were being expelled by agricultural and mining companies interested in gaining possession of the Indians' lands. Unless a law is enforced safeguarding their original lands".[882]

The integration plans unleashed a new reality and new economic agents.

> Before the construction of the Transamazon, the main economic agents threatening the territorial integrity of the indigenous tribes were small rubber tappers, Brazil nut growers, gold miners, ranchers, hunters and traders. The new road and development program for the Amazon introduced two additional economic elements along the expansion fronts in the north and west of Brazil. The first was the Brazilian government itself, which, as we saw earlier, initiated a massive program of road building, mineral exploration, and agricultural colonization in the Amazon Region. The second element was a good number of private, state-owned and

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Press, 1977.

[879] CUNHA, 1987:98, *apud* FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021.

[880] É interessante ler o telegrama confidencial da Embaixada dos EUA para o Departamento de Estado daquele país, de julho de 1987, sobre as emendas populares; afirma-se que muitas delas eram "politicamente controvertidas" e seriam derrotadas no plenário da Constituinte, porém a aliança de organizações políticas "progressistas" poderia ter um efeito duradouro se a mobilização continuasse; ademais, o governo federal temia que elas marchassem até a Assembleia, o que poderia desencadear medidas emergenciais de segurança em setembro ou outubro de 1987; a emenda do CIMI é destacada no telegrama como "Direito de mineração dos índios" (doc. IX), o que deveria ser o ponto mais sensível para as empresas dos EUA: poder explorar legalmente os recursos das terras indígenas (FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021, p. 150-151).

[881] Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf. p. 105.

[882] ABORIGINES PROTECTION SOCIETY. *Tribes of the Aniazon basin in Brasil: 1972*. Londres, 1973, p. 147. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf.

> multinational companies that wanted to gain access to the region's large agricultural, mineral and timber resources. The presence of both elements reflected a broader economic transformation that was taking place throughout Brazil.[883]

It is interesting to see how the 1970s ensured a new relationship of violence between miners, farmers and indigenous communities. The scale and degree of violence directed at indigenous peoples changed[884]

[883] DAVIS, S. *Victims of the miracle*: development and the Indians of Brazil. Cambridge: Cambridge University Press, 1977.
[884] ALBERT, Bruce. O ouro canibal e a queda do céu: uma crítica xamânica da economia política da natureza. *Série Antropologia*, v. 174, p. 1-33, 1995.

Conclusion

The description of which economic and geopolitical interests touched on indigenous issues during the discussions of the National Constituent Assembly (1987-1988) was the main issue discussed throughout this work. The bibliographical and documentary sources confirmed the existence of three major pressure groups in the Brazilian Parliament and their interests diverged from the plans articulated by the Indigenous Movement. Specifically, on the one hand, mining groups, seeking to legalize the exploitation of mineral deposits in indigenous areas, Confederations of rural producers and their land interests, and the direct participation of the Armed Forces in maintaining control over indigenous peoples in border areas. On the other, the social movements associated with the indigenous cause.

The time frame used, 1987 and 1988, coincides with the (formal) end, in part, associated with the end of the Brazilian military dictatorship, although this is not unanimous, as there are those who argue that the end of "the years of lead" occurred in 1979 with the enactment of the Amnesty Law. Discussions aside, the choice of this topic and the observance of all the political contours associated with it, the process of re-democratization, made a brief analysis of the Brazilian democratic transition process itself obligatory, as shown in Chapter 1,

A "slow, gradual and sure" process. A political détente that began in 1974, during the Geisel government, and was controversial. A "transition by transaction" that guaranteed the Brazilian military multiple and broad constitutional prerogatives, such as the lack of responsibility for the (institutionalized) genocide promoted by state agents against Indigenous Peoples, as well as the possibility of removing entire indigenous communities if they were considered a threat to national sovereignty. The influence of the NSC during the transition process was a palpable and lasting reality, even during the democratic transition process.

Another important issue that has been highlighted is the fact that the National Constituent Assembly, despite all the necessary considerations and a divided memory in relation to the results obtained, had a positive outcome, as constitutionalist José Afonso da Silva points out, because it had broad popular participation. Specifically, the discussions on indigenous issues saw the effective participation of countless social movements, referred to here as the Indigenous Movement. During the work of the National Constituent Assembly (ANC), even if only to a limited extent, the original peoples, traditionally silenced by assimilationist state policies, were finally heard and exerted a certain degree of influence on the approval of a Minimum Program (and all its related developments). This is the end of forced integration, from a formal point of view.

This result, as noted throughout Chapter 4, was achieved thanks to the political articulation of the Indigenous Movement, then led by CIMI in its Indigenous Assemblies, as well as other institutes such as UNAÍ, ABA (among others). The participation of the Catholic Church in this context, and specifically of groups inspired by Liberation Theology, would have been fundamental for Article 231 of the Constitution to typify new guarantees for indigenous peoples, as explained throughout this work.

The Indigenous Movement, as highlighted in chapter 3, was created as a reaction to the colonization and development projects, especially in the Brazilian Amazon, promoted by the military dictatorship. It was a response that began to organize itself in the 1970s and gained national capillarity in the 1980s. Professor Poliene Bicalho justifies the reaction by the emergence of a collective consciousness, ethnogenesis.

Although the integration projects were strengthened during the military regime, the conduct of indigenous policy of an assimilationist nature has its origins in the past. It was a persistent reality throughout the 20th century. The settlement projects in the hinterlands, then known as the "March to the West", during the Vargas government were definitely hostile to indigenous populations. The "March to the West" had as its plan the occupation of the Brazilian Midwest, causing the removal of indigenous communities, as well as violence or deaths caused by simple contact with the white man.

Cases of indigenous violence and extermination were identified as early as the first decade of the 20th century. The SPI, the body responsible for protecting indigenous peoples, was created precisely as a kind of response to society and public opinion, following numerous reports of crimes committed by state agents, as Alzira Abreu points out. The creation of the SPI in 1910, as the author points out, existed to erase accusations of corruption and forced labor. A political scandal of major proportions that needed to be dissolved. This reality ended up being repeated with the creation of FUNAI in 1967, during the government of Generals Castelo Branco and Costa e Silva.

The creation of FUNAI in 1967 had a very similar political context. Following denunciations made by prosecutor Jader Figueiredo (who died in a bus accident), countless accusations of corruption and the extermination of entire indigenous communities were surfacing. Just as in the case of the SPI, the creation of the new federal agency turned out to be the solution found by the regime to guarantee the "credibility" of the military government in providing effective responses to accusations of corruption.

The controversial and powerful Minister of the Interior Rangel Reis was responsible for setting up a Parliamentary Commission of Inquiry to resolve the issue. AI-5 was instituted

months after the inquiry was launched, silencing further investigations into the case. It is unusual, to say the least, to think that FUNAI was created as a response to corruption scandals, forced labor and accusations of indigenous genocide, which makes Karl Marx's expression that "history repeats itself, the first time as tragedy, and the second time as farce" quite appropriate.

The indigenous policy promoted by FUNAI is marked by a long and violent process of (forced) integration of the original peoples. The *slogan* "integrate (indigenous peoples) so as not to surrender" the Brazilian Amazon was based on maintaining the policy of assimilation. FUNAI, as has been shown, proved to be an extremely militarized bureaucratic structure that exercised strong control over indigenous communities. One of the arguments was national sovereignty, which justified the creation of numerous development and integration projects throughout the 1970s. During this period, some National Development Plans (PNDs) created agricultural and mineral hubs, mining and metallurgical complexes and even an Agricultural District, increasing the flow of migrants from different parts of the country to the Amazon region and, consequently, heightening social tensions between the new occupants of the area and the indigenous peoples.

The pressure group associated with the mining industry, so present during the ANC, as seen in Chapter 6, had its origins linked to the military regime and are associated with this political context. The military governments, as has been shown, financed geological studies using the very state structure of the DNPM. This federal agency located the main areas attractive to mineral exploration, causing major impacts on indigenous peoples, not only because of the new waves of migration to the region, but fundamentally because of the organization of large mining and agricultural business groups, which were then interested in exploring the Amazon region.

In the 1970s, the country went through an intense process of creating geological mapping projects, when it was already suspected that there were some of the largest mineral reserves on the planet, as Max White points out. The military governments encouraged the occupation of these territories, arguing that they would bring development to the nation.

Development and integration projects continued, even in times of democratic transition, such as the Calha Norte Project in 1985, which was harshly criticized by part of parliament (which was sensitive to the indigenous cause). These projects were part of a broader context, the (intense) *concern of* the military with indigenous issues, as already pointed out.

The political articulation of the Armed Forces and parliamentarians aligned with the military regime, during the constituent work, was decisive in ensuring that the broad interests of the barracks were safeguarded. In more specific terms, during the work of the Subcommittee

for the Defense of the State, Society and Security (a subcommittee that was part of the committee on Electoral and Party Organization and the Guarantee of Institutions), the preservation or expansion of the interests of this institution was ensured, due to three factors that have been outlined throughout this work.

The alliance between the military and the "centrão" (a political force in formation and originating precisely in this context of democratic transition), the establishment of a parliamentary advisory body, the APE, and the formation of a cabinet in a strategic position, with great influence and proximity to the incumbent president of the republic, José Sarney. This proximity to the executive branch was a (possible) justification for proposing the Calha Norte Project (PCN), for example, and is associated with the new attempts to set up indigenous colonies. The Army's Parliamentary Office, in turn, was created for a wide variety of purposes. These include the propagation of its own ideology applicable to the native peoples of the border regions. A matter related to the National Security Doctrine and one that was carefully directed by the National Security Council. According to Fabio Feldmann, during the ANC debates there was great military concern about the indigenous question. This concern was partly related to the question of Brazilian national sovereignty.

Throughout this work, we have identified how the military articulation and its relationship with the indigenous issue was a driving force behind the other two *pressure groups,* linked to the mining and extractive industry and the rural caucus. The development policy promoted by the military governments provided logistical support or incentives for colonization policies in the interior of the country. This was a favorable condition for the development of these interest or pressure groups during the National Constituent Assembly.

The large amount of resources from the big rural producers (enriched by the economic miracle and the high price of agricultural *commodities*) is partly the result of the incentives and economic policy promoted by the Brazilian military. During the ANC, the rural employers' confederations became even more powerful.

Even before the military dictatorship, Brazilian and foreign mining companies already had a large amount of resources, but they now had precise knowledge of the location of mining deposits. According to Stephen Baines, the strategy of agribusiness and mining companies after the Constituent Assembly was to encourage the regularization of indigenous lands so that they could then exercise their economic power and thus "entice new indigenous leaders and sign direct agreements between indigenous communities and companies in the name of indigenous self-determination.

The testimonies available in the Constituent Assembly archives, especially the speeches attributed to the early stages of the Constituent Assembly, showed the opposite. According to

Manuela Carneiro da Cunha, the strategies of these pressure groups were to halt new demarcations of territories already underway in order to guarantee their interests.

Regarding the results obtained from data mining, it was found that the Federal Senate website has "clean data", which made the tool somewhat important for future work, but with results similar to those that would already exist if a simple search were made on the Federal Senate website, for example. Very little data was detected when searching for the word CIMI (only one proposed amendment), which was even rejected. While the results obtained from the analysis of documentary and bibliographic sources turned out to be insufficient to understand exactly how the process of political articulation of mining and agribusiness groups took place during the constituent process, unlike the pressure group of the Armed Forces, which has a vast bibliography and documentation related to the subject.

In contrast to the transparent and well-intentioned speeches promoted by Florestan Fernandes and Manuela Carneiro da Cunha (among others), the political articulation promoted by parliamentarians funded by the big mining companies, such as the Paranapanema group, or by those representing class organizations (linked to the ruralists), ended up being more silent throughout the constituent process. Accusations of funding and the controversial intentions of these business groups or trade associations were identified generically in newspaper reports, such as *Jornal do Brasil*. However, no information was found on the *modus operandi* of these two legislative pressure groups. This perception may be due to the fact that *lobbying* in Brazil remains an unregulated or obscure activity. Secondly, the assimilationist speeches, although present throughout the constituent debates, as noted, did not come with detailed information on the real economic motivations at play that would justify that publicly nationalist position.

With regard to the fine speeches made by the indigenous leaders themselves and their political support base, one more observation is necessary. Firstly, they showed, albeit in little detail, the economic and political interests involved in the indigenous issue. Secondly, they highlighted the existence of a kind of gap between the convincing discourse (of those most sensitive to the indigenous cause) and the final text approved by the systematization commission. The limitations, even budgetary limitations, of this political force, specifically the Indigenous Movement, compared to the military and mining *lobbies*, were a reality during the Constituent Assembly.

The disproportion between the (institutionalized) political power of the Brazilian Armed Forces and their entire organizational structure set up between 1987-1988 and the (reduced) economic capacity of the Brazilian Indigenous Movement is unquestionable. A political force that had managed to come out of hiding just a few years before the ANC and which didn't have

the same organizational structure as the Army's Parliamentary Advisory, for example, or the same volume of financial resources as the rural employers' confederations and Brazilian and foreign mining companies.

The large amount of resources injected into parliamentarians and congressmen who wanted to maintain an assimilationist indigenist policy or who basically had very questionable geopolitical or economic interests was decisive for the current contours of Article 231 of the Federal Constitution. A reality that has not avoided the tension and clashes, sometimes victorious, of social movements and civil associations linked to the Catholic Church. However, it should be noted that these non-assimilationist interests have come up against powerful barriers.

Throughout this thesis, it has been emphasized that the denunciations found in the *Jornal do Brasil* reports have highlighted two important issues. Firstly, the existence of journalistic sources that corroborated not only the existence of the pressure *group* associated with the military, the mining-extractivist *pressure group* and rural producers, throughout the Constituent Assembly, but the successive attempts to delegitimize the agenda of CIMI and the Indigenous Assemblies. Secondly, the role played by the largest press outlet opposing the dictatorship proved to be fundamental in two senses, not just as an important source of confirmation of the actions of interest groups. *Jornal do Brasil* was raided and harshly punished for its political stance in opposition to the regime.

Another observation relates to the fact that the social movements sensitive to the indigenous cause had the effective support of progressive sectors of the Catholic Church (leaders under the inspiration of Liberation Theology). This new configuration or ideology assumed by the Church influenced important leaders within the Catholic institution. A reality that also inspired the creation of the CIMI, and made it possible to structure the Indigenous Assemblies that spread across the country to meet the diverse demands of Indigenous Peoples.

This Catholic ideology based on the option for the poor and the least favored was a phenomenon not only in Brazil, but also in Latin America of great proportions, causing effusive reactions on the part of the Curia. Intellectuals critical of this institution were left with the observation that, although the Barbados declaration highlights reprehensible practices on the part of the Church in relation to Indigenous Peoples (in the past), criticism of this institution needs to be relativized, since an important part of this same institution became not only a (decisive) force of opposition to the military dictatorship, but, fundamentally, a channel of great political projection for the indigenous peoples to win their rights.

With regard to the tensions and clashes between the political forces involved in the indigenous issue, there are those who claim that, despite the clashes and tensions between these forces (which are undoubtedly disproportionate), the opposition party to the military dictatorship (PMDB) was the big winner in the parliamentary elections that established the ANC. The defenders of this argument lose credibility, since this party has always negotiated with the established power in a convenient way in order to remain within the political and power game.

Constitutionalist José Afonso da Silva, for his part, argues that despite the conservative majority, this did not prevent the achievement of social and collective rights, including rights in favor of minorities, such as the end of (formal) assimilationism of Indigenous Peoples. The end of assimilationism, according to the constitutionalist, was linked to the fact that opposition parties and more progressive leaders were able to take part in key drafts, as well as chairing strategic committees, making the approval of social rights and constitutional guarantees a reality.

The divided memory about the social progress that came with the 1988 Constitution is an irrefutable reality, precisely because the democratic transition promoted by the Brazilian military guaranteed not only the permanence of the institutional prerogatives attributed to the Armed Forces, but, fundamentally, the legal unaccountability for crimes committed during the military regime, thanks to the maintenance of the 1979 Amnesty Law. This law was an important part of the democratic transition process, as well as maintaining corporate interests to the detriment of collective social guarantees.

In this work, the interpretation chosen is that public opinion, the broad popular participation promoted by social movements and trade unions, as well as the mobilization of Brazilian civil society as a whole, already in the 1980s, seemed to have gained decisive and expressive contours in favor of minorities, as some constituent parliamentarians pointed out, despite the limitations imposed by the democratic transition process.

Therefore, the tensions between the Indigenous Movement and geopolitical interests, involving indigenous issues and interest groups (the *lobbies* of mining companies and rural employers' confederations), did not prevent articles 231 and 232 of the Federal Constitution from extinguishing indigenous assimilation, at least formally. Corporate and military interests were also present.

Bibliography

ABORIGINES PROTECTION SOCIETY. *Tribes of the Aniazon basin in Brasil: 1972*. Londres, 1973. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf.

ABREU, Alzira Alves de. *A mídia na transição democrática brasileira*. 2005. Disponível em: https://repositorio.iscte-iul.pt/bitstream/10071/193/1/SOCIOLOGIA48_cap04.pdf.

ABREU, Alzira Alves de. Serviço de Proteção ao Índio. In: ABREU, Alzira Alves de *et al.* (Org.). *Dicionário histórico-biográfico pós-30*. 2. ed. rev. e atual. Rio de Janeiro: Editora FGV, 2001.

ABREU, João Batista de. *As manobras da informação*: análise da cobertura jornalística da luta armada no Brasil (1965-1979). Rio de Janeiro: Mauad, 2000.

AÇÃO Popular. Documento base. *In*: SOUZA LIMA, L. G. *Evolução política dos católicos e da Igreja no Brasil.* Petrópolis: Vozes, 1979.

ACUÑA, Carlos; SMULOVITZ, Catalina. Militares en la transición argentina: del gobierno a la subordinación constitucional. In: PÉROTIN-DUMON, Anne (Org.). *Historizar el pasado vivo en América Latina*. Buenos Aires: s.n., s.d.

AGNOLETI, Michelle. *Contrapondo discursos*: vulnerabilidade como fator de relativização da autonomia. PublicaDireito. Disponível em: http://publicadireito.com.br/artigos/?cod=b81280cd90bc1a6c.

ALBERT, Bruce. Indian lands, environmental policy and military geopolitics in the development of the Brazilian Amazon: the case of the Yanomami. *Development and Change*, v. 23, n. 1, p. 35-70, 1992. Disponível em: https://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=EFC6E10D43941509970FE4F77B66233E?doi=10.1.1.599.9605&rep=rep1&type=pdf.

ALBERT, Bruce. O ouro canibal e a queda do céu: uma crítica xamânica da economia política da natureza. *Série Antropologia*, v. 174, p. 1-33, 1995.

ALBERT, Bruce. Terras indígenas, política ambiental e geopolítica militar no desenvolvimento da Amazônia: a propósito do caso Yanomami. *Amazônia*: a fronteira agrícola, v. 20, p. 37-58, 1991.

ALBERT, Bruce; GOMEZ, Gale Goodwin. *Saúde Yanomami. Um manual etnolingístico*. Coleção Eduardo Galvão. Museu Paraense Emilio Goeldi. Belém- Pará, 1997

AMADO, Luiz Henrique Eloy. Terra Indígena e legislação indigenista no Brasil. *Cadernos de Estudos Culturais*, v. 7, n. 13, 2015.

AMORIM, Fabrício. O papel dos povos indígenas isolados na efetivação de seus direitos: apontamentos para o reconhecimento de suas estratégias de vida. *Tipití*: Journal of the Society for the Anthropology of Lowland South America, v. 16, n. 1, p. 149-157, 2018.

AMOROSO LIMA, Alceu. *Bombeiro incendiário*. Disponível em: https://estadodaarte.estadao.com.br/bombeiro-incendiario-alceu-amoroso-lima.

ANDERSEN, Sigrid. A fronteira na concepção da Geopolítica Brasileira: entendendo a origem dos conflitos. *In*: BIENAL DO COLÓQUIO DE TRANSFORMAÇÕES TERRITORIAIS, VII, 2008.

APRECIAÇÃO, GAE, de 27 de janeiro de 1978. APGCS/HF.

ARRUDA, Pedro Fassoni. *As Forças Armadas e o poder constituinte*: a tutela militar no processo de transição política (1974-1988). EDUC–Editora da PUC-SP, 2023.

ASCENSO, João Gabriel da Silva. *"Como uma revoada de pássaros"*: uma história do movimento indígena. Tese (doutorado) – Pontifícia Universidade Católica, Rio de Janeiro, 2021.

ATO Institucional nº 5 de 13 de dezembro de 1968. Disponível: www.planalto.gov.br/ccivil_03/ait/ait-05-68.htm.

ATAS DA CONSTITUINTE. Arquivos.

ATAS DA CONSTITUINTE. Documentação APEM.

BAINES, Stephen Grant. *As terras indígenas no Brasil e a "regularização" da implantação de grandes usinas hidrelétricas e projetos de mineração na Amazônia*. Tese (doutorado. Universidade Nacional de Brasília. 2001.

BAINES, Stephen Grant. *Identidades indígenas e ativismo político no Brasil*: depois da Constituição de 1988. Série Antropologia. Universidade Nacional de Brasília. 2008

BAINES, Stephen G. O território dos Waimiri-Atroari e o Indigenismo Empresarial, capítulo 9, *Ciências Sociais Hoje*, São Paulo, p. 219-243, 1993.

BAINES, Stephen G. Projetos de desenvolvimento na Amazônia e as estratégias de grandes empresas. *Abya-Yala*: Revista sobre Acesso à Justiça e Direitos nas Américas, v. 1, n. 1, p. 297-314, 2017.

BARBOSA, João Mitia Antunha; FAGUNDES, Marcelo Gonzalez Brasil. Uma revoada de pássaros: o protagonismo indígena no processo Constituinte. *Revista Brasileira de História & Ciências Sociais*, v. 10, n. 20, p. 175-196, 2018.

BARBOSA, Rodrigo Lins. *O Estado e a questão indígena*: crimes e corrupção no SPI e na FUNAI (1964-1969). Dissertação de Mestrado. Universidade Federal de Pernambuco, Recife, 2016.

BARTOLOMÉ, Miguel Alberto. As etnogêneses: velhos atores e novos papéis no cenário cultural e político. *Mana*, v. 12, p. 39-68, 2006

BARTOLOMÉ, Miguel Alberto. La desindianización de la Argentina. *Boletín de Antropología Americana*, v. 11, p. 39-50, 1985

BASTOS, Celso Ribeiro; MEYER-PFLUG, Samantha Ribeiro. *Curso de direito constitucional*. São Paulo: Saraiva, 1978.

BATALLA, Guillermo Bonfil *et al*. La declaración de Barbados II y comentarios. *Nueva Antropología*, v. 2, n. 7, p. 109-125, 1977.

BETT, Ianko. Concílio Vaticano II e o anticomunismo católico no Brasil e na Argentina. The Second Vatican Council and the catholic anti communism in Brazil and Argentina. *HORIZONTE*, Revista de Estudos de Teologia e Ciências da Religião, v. 9, n. 24 (Especial) - p. 1169-1196, 2011.

BETTO, Frei. *O que é Comunidade Eclesial de Base*. Brasília: Editora Brasiliense, 1985.

BICALHO, Poliene Soares dos Santos. Estado autoritário, sociedade civil e aspectos sobre a emergência de Movimentos Indígenas. *História Unisinos*, v. 24, n. 2, p. 296-308, 2020.

BICALHO, Poliene Soares dos Santos. Movimentos Sociais e Movimento Indígena – etnia e classe social: caminhos que cruzam, mas não se confundem. *Revista TransVersos*, n. 25, p. 11-32, 2022.

BICALHO, Poliene dos Santos. "Nem tudo eram flores": os indígenas, a Ditadura e o decreto de emancipação de 1978. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2022.

BICALHO, Poliene. Resistir era preciso: o Decreto de Emancipação de 1978, os povos indígenas e a sociedade civil no Brasil. *Topoi*, Rio de Janeiro, v. 20, p. 136-156, 2019.

BICALHO, Poliene Soares dos Santos. *Protagonismo indígena no Brasil*: movimento, cidadania e direitos (1970-2009). Tese (doutorado) – Universidade de Brasília, Brasília, 2011.

BONAVIDES, Paulo. *Teoria constitucional da democracia participativa*. São Paulo: Malheiros, 2001. v. 26.

BRASIL. Comissão Ncional da Verdade. 2014. v. II. *Relatório*: textos temáticos. Brasília, 2014

BRASIL Comissão Nacional da Verdade. *Relatório*: textos temáticos. Brasília, 2014.

BRASIL. *Constituição da República Federativa do Brasil de 1988*. Disponível em: www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 23 jun. 2021.

BRASIL. *Decreto nº 10.652, 16/10/1942*, Regimento do Serviço de Proteção aos Índios (SPI). Disponível em: www2.camara.leg.br/legin/fed/decret/1940-1949/decreto-10652-16-outubro-1942-464627-publicacaooriginal-1-pe.html. Acesso em: 20 jan. 2024.

BRASIL. *Decreto nº 79.099, de 6 de janeiro de 1977*. Disponível em: www.planalto.gov.br/ccivil_03/decreto/1970-

1979/d79099.htm#:~:text=DECRETO%20No%2079.099%2C%20DE%206%20DE%20JANEIRO%20DE%201977.&text=Aprova%20o%20Regulamento%20para%20Salvaguarda,que%20lhe%20confere%20o%20art. Acesso em: 3 abr. 2023.

BRASIL. *Decreto-Lei nº 88.989 de 1983*. Disponível em: www2.camara.leg.br/legin/fed/decret/1980-1987/decreto-88988-10-novembro-1983-438906-publicacaooriginal-1-pe.html. Acesso em: 23 maio 2023.

BRASIL. *Diário da Assembleia Nacional Constituinte*, n. 38, 2 abr. 1987. Disponível em: www.senado.leg.br/publicacoes/anais/constituinte/N003.pdf. Acesso em: 06 jul. 2020.

BRASIL. *Legislação indigenista*. Brasília: Senado Federal/Subsecretaria de Edições Técnicas, 1993.

BRASIL. Ministério do Interior. *Diretrizes e estratégias para ocupação do cerrado – Polocentro*. Brasília: Sudeco, 1975.

BRASIL. Ministério do Interior. *Polamazônia (Programa de Polos Agropecuários e Agrominerais da Amazônia)*. Brasília: Ministério do Interior, 1976b.

BRASIL. Ministério do Interior. *I Plano de Desenvolvimento da Amazônia* – subsídios ao Plano Regional de Desenvolvimento (1972-1974). Belém: Sudam, 1971b.

BRASIL. Ministério do Interior. *II Plano de Desenvolvimento da Amazônia* – detalhamento do II Plano Nacional de Desenvolvimento (1975-79). Belém: Sudam, 1976a.

BRASIL. Ministério do Interior. *I Plano Nacional de Desenvolvimento (I PND) – 1972/74*. Brasília: IBGE, 1971a.

BRASIL. Ministério do Interior. *II Plano Nacional de Desenvolvimento (II PND) – 1975/79*. Brasília: Imprensa Oficial, 1974.

BRASIL. *III Plano Nacional de Desenvolvimento (III PND) – 1980-1985*. Brasília: Secretaria de Planejamento da Presidência da República, 1981.

BRETAS, Marcos Luiz Bretas. O general Góes Monteiro: a formulação de um projeto para o Exército. *Militares e Política*, n. 2, 2008.

BRIGHENTIL, Clovis Antonio. Agitadores e subversivos: repressão, perseguição e violações dos direitos indígenas pela ditadura militar. *Revista do Centro de Ciências da Educação*, Florianópolis, v. 38, n. 1, p. 1-24, jan./mar. 2020. Disponível em: ttps://periodicos.ufsc.br/index.php/perspectiva/article/view/2175-795X.2020.e61997/pdf.

BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002.

BRIGHENTI, Clovis Antonio. Colonialidade do poder e a violência contra os povos indígenas. *PerCursos*, Florianópolis, v. 16, n. 32, 2016.

BRUNEAU, Thomas C. Constitutions and democratic consolidation: Brazil in comparative perspective. *In*: ETHIER, D. (Ed.). *Democratic transitions and consolidation in Southern Europe, Latin America and Southeast Asia*. Basingstoke: MacMillian, 1990.

BRUSCO, Dilson Emílio; RIBEIRO, Ernani Valter. *O processo histórico da elaboração do texto constitucional*. Centro de Documentação e Informação Coordenação de Publicações. Brasília, 1993. Disponível em: www2.camara.leg.br/atividade-legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/publicacoes/o-processo-historico-da-elaboracao-do-texto/IntroducaoeSumariodov.1.pdf.

CABRAL, Rafael Lamera Giesta; MORAIS, Vitória Larissa Dantas. Os povos indígenas brasileiros na ditadura militar: tensões sobre desenvolvimento e violação de direitos humanos. *Direito e Desenvolvimento*, Revista do Programa de Pós-Graduação em Direito, v. 11, n. 1, p. 106-122, 2020. Disponível em: https://periodicos.unipe.edu.br/index.php/direitoedesenvolvimento/article/view/1218/706. Acesso em: 18 abr. 2021.

CAFARELLI, Andressa Patacho. Ação política e pensamento político de Golbery do Couto e Silva. *Pensata*, v. 9, n. 1, 2020. Disponível em: https://periodicos.unifesp.br/index.php/pensata/article/view/10022/7850.

CALDEIRA, Rodrigo Coppe. Bases temporais para o estudo histórico da Igreja Católica do século XX. Belo Horizonte, *Revista de Estudos de Teologia e Ciências da Religião*, .v 5, n. 10, p. 75-90, 2007.

CALEFFI, Paula. "O que é ser índio hoje?" A questão indígena na América Latina/Brasil no início do século XXI. *Diálogos Latino-Americanos*, n. 7, p. 20-42, 2003.

CANELO, Paula Vera. *La política secreta de la última dictadura argentina (1976-1983)*: a 40 años del golpe de Estado. Barcelona: Edhasa, 2016.

CARTA MAIOR. *Entidades de direitos humanos investigam genocídio indígena na ditadura*. 13 ago. 2012.

CARVALHO, Georgia O. The politics of indigenous land rights Brazil. *Bulletin of Latin American Research,* v. 19, n. 4, p. 461-478, 2000.

CARVALHO, José Murilo. *Forças Armadas e política no Brasil*: Rio de Janeiro: Record, 2017.

CARVALHO, Luiz Maklouf. *1988: segredos da Constituinte*: os vinte meses que agitaram e mudaram o Brasil. Rio de Janeiro: Record, 2017.

CASTRO, Celso de. *Antropologia dos* militares: reflexões sobre pesquisas de campo. Rio de Janeiro: Editora FGV, 2009.

CASTRO, C.; D'ARAUJO, M. C.; SOARES, G. A. D. *Os anos de chumbo*: a memória militar sobre a repressão. Rio de Janeiro: Dunará, 1994.

CASTRO, Eduardo Viveiros de. *No Brasil, todo mundo é índio, exceto quem não é*: povos indígenas no Brasil (2001/2005). Rio de Janeiro: 2006.

CASTRO, Eduardo Viveiros de. No Brasil, todo mundo é índio, exceto quem não é. Entrevista. In: RICARDO, Beto; RICARDO, Fany. *Povos indígenas do Brasil: 2001-2005*. São Paulo: Instituto Socioambiental, 2006. p. 41-49.

CHAUI, Marilena. *Manifestações ideológicas do autoritarismo brasileiro*. Organização de André Rocha. Belo Horizonte: Autêntica, 2013. (Escritos de Mrilena Chauí, v. 2).

CHESNEAUX, Jean. *Devemos fazer tábula rasa do passado?* Sobre a história e os historiadores. São Paulo: Ática, 1995.

CHINALI, Renato, Nazil Canarim. Constitutionalism and proceduralism: the question of indigenous lands. *JurisFIB Magazine*, v. 6, n. 2, 2015.

CHIRIO, Maud. *A política nos quartéis*: revoltas e protestos de oficiais na ditadura militar brasileira. Rio de Janeiro: Editora Zahar, 2012.

CICONELLO, Alexandre. A participação social como processo de consolidação da democracia no Brasil. In: From Poverty to Power: How Active Citizens and Effective States Can Change the World, Naróbi: Oxfam International, 2008.

CODATO, Adriano Nervo. Uma história política da transição brasileira: da ditadura militar à democracia. *Revista de Sociologia e Política*, p. 83-106, 2005.

COMISSÃO PRÓ-ÍNDIO. Histórico da emancipação. *Cadernos da Comissão Pró-índio/SP*, São Paulo, n. 1, p. 9-16, ago. 1979.

COMPARATO, Fábio Konder. Muda Brasil: uma Constituição para o desenvolvimento democrático, Caput do art. 231, *Boletim Jurídico*, ano IV, n. 7-8, abr. 1987.

CONSTITUCIONAL, por uma nova ordem. Declaração Pastoral. *Revista de Cultura Vozes*, Petrópolis, Vozes, v. 80, n. 80, 1986.

COSTA, Arthur Trindade Maranhão. *O lobby militar e as relações civis-militares durante a Assembleia Nacional Constituinte*. Tese (doutorado) – Universidade de Brasília, Brasília, 1998. Disponível em: https://repositorio.unb.br/handle/10482/34558. Acesso em: 3 jul. 2022.

COSTA, Lucas Nascimento Ferraz. O lobby dos trabalhadores no processo constituinte de 1987-88: um estudo sobre a atuação do DIAP. *Estudos Históricos***,** Rio de Janeiro, v. 29, p. 767-786, 2016

COSTA, Marcus Vinícius Assis da. *A espada de Leviatã e a Assembleia Nacional Constituinte*: o papel político militar em perspectiva (1985-1988). Tese (doutorado) – Universidade de São Paulo, São Paulo, 2022. Disponível em: www.teses.usp.br/teses/disponiveis/8/8138/tde-03102022-130100/publico/2022_MarcusViniciusAssisDaCosta_VOrig.pdf.

COSTA, Milene Lopes Frade da *et al. Segurança pública-segurança nacional*: o serviço de informações da SESP/MG (COSEG-1970-1990). Dissertação de Mestrado.Universidade Federal de Minas Gerais, 2021.

COUTO, Ronaldo Costa. *História indiscreta da ditadura e da abertura*: Brasil: 1964-1985. (No Title), 1999.

CPI. *Boletim Jurídico*, ano VI, n. 13-14, fev. 1989.

CUNHA, Manuela Carneiro da. Antropóloga. 4ª Audiência Pública de abril de 1987. *Discurso durante as fases iniciais da ANC*. Comissão de Ordem Social presidida por José Carlos Saboia – Subcomissão dos Negros. Populações indígenas. Pessoas Deficientes e Minorias.

CUNHA, Manuela Carneiro da. *História dos índios no Brasil*, Companhia das Letras, 1992.

CUNHA, Manuela Carneiro da. Índios na Constituição. *Novos Estudos CEBRAP*, v. 37, p. 429-443, 2018.

CUNHA, Manuela Carneiro da. *Índios no Brasil*: história, direitos e cidadania. São Paulo: Companhia das Letras, 2013.

CUNHA, Manuela Carneiro da. O futuro da questão indígena. *Estudos Avançados*, v. 8, p. 121-136, 1994.

CUNHA, Manuela Carneiro da. *Os direitos do índio*. São Paulo: Brasiliense, 1987.

CVRD. Charging into the future with a bungle of new projects. *Engineering and Mining Journal*, p. 110-115, nov. 1975).

CURI, Melissa Volpato. Aspectos legais da mineração em terras indígenas. *Revista de Estudos e Pesquisas*, Brasília, v. 4, n. 2, p. 221-252, dez. 2007.

CURI, Melissa Volpato. *Mineração em terras indígenas*: caso terra indígena Roosevelt. Dissertação (Mestrado) – Universidade Estadual de Campinas, 2005.

DA REDAÇÃO. *Comissão Afonso Arinos elaborou anteprojeto de Constituição*. Agência Senado. Disponível em: www12.senado.leg.br/noticias/materias/2008/10/01/comissao-afonso-arinos-elaborou-anteprojeto-de-constituicao. Acesso em: 23 mar. 2023.

DALLARI, Dalmo de Abreu. O índio, sua capacidade jurídica e suas terras. *In*: *A questão da emancipação*. Cadernos da Comissão Pró-Índio, n. 1, São Paulo, 1979, pp. 77-82. São Paulo: Parma, 1979.

DANNER, Leno Francisco; DORRICO, Julie; DANNER, Fernando. A literatura indígena brasileira, o movimento indígena brasileiro e o regime militar: uma perspectiva desde Davi Kopenawa, Ailton Krenak, Kaká Werá e Alvaro Tukano. *Espaço Ameríndio*, v. 12, n. 2, p. 252-252, 2018

DAUDÉN, Laura; MESTRE, Natália. *A verdade sobre a tortura dos índios*. *ISTOÉ*, n. 2.267, 1º maio 2013.

DAVIS, Shelton H. *et al. Vítimas do Milagre*: o desenvolvimento e os índios do Brasil. Zahar, 1978.

DAVIS, Shelton. *Victims of the Miracle*: development and the Indians of Brazil. Cambridge: Cambridge University Press, 1977.

DE ALMEIDA RESENDE, Pâmela. Da Abertura Lenta, Gradual e Segura à Anistia Ampla, Geral e Irrestrita. *Revista Sul-Americana de Ciência Política*, v. 2, n. 2, p. 36-46, 2014, p. 37.

DE LIMA FIGUEIREDO, Ney. O lobby no Brasil: uma trajetória histórica. *Organicom*, v. 8, n. 14, p. 181-189, 2011.Disponível em: www.revistas.usp.br/organicom/article/view/139093/134442.

DECLARAÇÃO DE BARBADOS. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf . Acesso em: 14 set. 2023.

D'ELBOUX, Paulo César. A trajetória comunicacional de José Sarney. *In*: ENCONTRO NACIONAL DA REDE ALFREDO DE CARVALHO, 1., 2003.

DELGADO, Lucilia de Almeida Neves. *História oral*: memória, tempo, identidades. Belo Horizonte: Autêntica, 2002.

DELGADO, Malu. *Política brasileira. Afinal, o que é o Centrão?* Goethe Institut. Disponível em: www.goethe.de/prj/hum/pt/dos/ctr/24737158.html. Acesso em: 16 dez. 2023.

DENNER, Leno Francisco; DORRICO, Julie; DENNER, Francisco. *A literatura indígena brasileira, o movimento indígena brasileiro e o regime militar*: uma perspectiva desde Davi Kopenawa, Ailton Krenak, Kaká Werá e Alvaro Tukano. p. 257. Disponível em: www.seer.ufrgs.br/EspacoAmerindio/article/view/83424/53067.

DIAS, Reginaldo Benedito. Da esquerda católica à esquerda revolucionária: a ação popular na história do catolicismo. *Revista Brasileira de História das religiões*, v. 1, n. 1, 2008.

DICIONÁRIO Oxford languages. Termo minoria. Disponível em: https://www.google.com/search?q=minoria+significado+&sca_esv=602370719&sxsrf.

DIÉGUES JÚNIOR, Manuel. *Etnias e culturas no Brasil*. Rio de Janeiro: Biblioteca do Exército, 1980.

DINIZ, Eli. A transição política no Brasil: uma reavaliação da dinâmica de abertura. *In:*. SZWARKO, José: José; MOURA, Rafael; D AVILA FILHO, Paulo (*orgs*). *Sociedade e Estado*, Araras: Editora Idea, 1985 Disponível em: http://inctpped.ie.ufrj.br/pdf/livro/Estado_e_Sociedade_no_Brasil.pdf#page=241SZWAKO ,

DINIZ, Eugênio. *O Projeto Calha Norte*: antecedentes políticos. Dissertação de Mestrado. Universidade de São Paulo, 1994.

DINIZ, Eugenio. Um diálogo de surdos: o projeto Calha Norte. *Lua Nova*: Revista de Cultura e Política, n 34, p. 87-116, 1994.

ESTA carta é nossa. *Jornal da Constituinte*, Brasília, n. 1, p. 4-7, 1-7 jun. 1987, p. 7. Disponível em: https://www2.camara.leg.br/atividade-

legislativa/legislacao/Constituicoes_Brasileiras/constituicao-cidada/publicacoes/Jornal%20da%20Constituinte/JornaldaConstituinte_n01_19870601.pdf.

ESTATUTO do Índio. Disponível em: www.planalto.gov.br/ccivil_03/leis/l6001.htm. Acesso em: 3 jan. 2024.

EVANGELISTA, Breno Luiz Tommasi. *Entusiastas do desenvolvimento*: a Fundação Nacional do Índio e o projeto modernizador da ditadura (1969-1974). Curitiba: Editora Appris, 2022.

FELDMANN, Fábio. Entrevista concedida a Felipe Reis Pompeu de Moraes ocorrida em 12 de agosto de 2021. Disponível em: https://sites.google.com/d/1Q9jdt7lQR3ViytiHe1r5m4bkKFyqqm-k/p/1Q208GxmFthMKfkYr3GUsJ0m4Kbd6T8nS/edit.

FERNANDES, Beth. Relação dos Constituintes inclui personalidades. *Correio Braziliense*, Brasília, 19 jan. 1987.

FERNANDES, Fernando Roque. Cidadanização e etnogêneses no Brasil: apontamentos a uma reflexão sobre as emergências políticas e sociais dos povos indígenas na segunda metade do século XX. *Estudos Históricos*, Rio de Janeiro, v. 31, p. 71-88, jan./abr. 2018.

FERNANDES, Fernando Roque; COELHO, Mauro Cezar. *"Ame-o ou emancipe-o"*: contradições da emancipação nos discursos, práticas e representações dos/sobre os povos indígenas no Brasil (1970/1980). São Paulo: Ed. Livraria da Física, 2018.

FERNANDES, Florestan. Antecedentes indígenas: organização social das tribos tupis. In: BUARQUE DE HOLLANDA, Sérgio. *História Geral da civilização brasileira*. *A época colonial. Do descobrimento à expansão territorial*. 1º volume do primeiro torno. São Paulo: Difusão Europeia do Livro, 1960.

FERNANDES, Florestan. *Organização social dos Tupinambá*. São Paulo: Difusão Europeia do Livro, 1963

FERNANDES, Pádua. Povos indígenas, segurança nacional e a Assembleia Nacional Constituinte: as Forças Armadas e o capítulo dos índios da Constituição brasileira de 1988. *InSURgência*: revista de direitos e movimentos sociais, v. 1, n. 2, p. 142-175, 2015. Disponível em: https://periodicos.unb.br/index.php/insurgencia/article/view/18881/17534. Acesso em: 23 mar. 2021.

FERREIRA, Marieta de Moraes. História, tempo presente e história oral. *Topoi*, Rio de Janeiro, v. 3, p. 314-332, 2002.

FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019.

FERRONATO, Marcelo Lucian; NUNES, R. O. A exploração ilegal de madeiras na Terra Indígena Sete de Setembro, Cacoal–RO. *Revista Facimed*, v. 2, n. 2, p. 1-12, 2010.

FICO, Carlos. Ditadura militar brasileira: aproximações teóricas e historiográficas. *Revista Tempo e Argumento*, v. 9, n. 20, p. 5-74, 2017.

FIGUEIREDO, Jader de. *Relatório Figueiredo, 1967*. Disponível em: https://midia.mpf.mp.br/6ccr/relatorio-figueiredo/relatorio-figueiredo.pdf. Acesso em: 1º jun. 2023.

FLEISCHER, David V. The Constituent Assembly and the transformation strategy: attempts to shift political power in Brazil from the President to Congress. *In*: GRAHAM, L. S.; WILSON, R. H. (Ed.). *The political economy of Brazil*: public policies in an era of transition. Austin: University of Texas Press, 1990.

FRANÇOIS, Etienne. Fecundité de l'historie orale. Les Cahiers de l'HTP, Paris. V. 4, p. 33-43, jun. 1987. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019.

FRANK, André Gunder; FUENTES, Marta. Dez teses acerca dos movimentos sociais. Tradução de Suely Bastos. *Lua Nova*, São Paulo, n. 17, p. 28-48, jun. 1989.

GARFIELD, Seth. As raízes de uma planta que hoje é o Brasil: os índios e o Estado-Nação na era Vargas. *Revista Brasileira de História*, São Paulo, v. 20, n. 39, p. 15-42. 2000. Disponível em: www.scielo.br/j/rbh/a/5WGW9qddWRkHSnkrckzLHrx/?lang=pt&fomat=pdf.

GARFIELD, Seth Indigenous Struggle at the Heart of Brazil State Policy, Frontier Expansion, and the Xavante Indians, 1937–1988. Durhman: Duke University, 2001.

GASPARI, Elio. *A Ditadura Acabada*. 1. ed. Rio de Janeiro: Editora Intrínseca, 2016.

GASPARI, Elio. *A ditadura derrotada*. 1.ed. Rio de Janeiro: Editora Intrínseca, 2014.

GASPARI, Elio. *A ditadura envergonhada*: as ilusões armadas. São Paulo: Companhia das Letras, 2002.

GIANNAZI, Carlos. *A doutrina da segurança nacional e "milagre econômico" (1969/1973)*. Cortez Editora, 2016.

GOHN, Maria da Gloria. *Movimentos sociais e redes de mobilizações civis no Brasil contemporâneo*. Petrópolis: Editora Vozes, 2013.

GOHN, Maria da Glória. Abordagens teóricas no estudo dos movimentos sociais na América Latina. *Caderno CRH*, v. 21, p. 439-455, 2008.

GOHN, Maria da Glória. Movimentos sociais na contemporaneidade. *Revista Brasileira de Educação*, v. 16, n. 47, p. 333-361, 2011.

GOMES, Mércio Pereira. *O índio na história*: povo Tenetehara em busca da liberdade. Petrópolis, Vozes, 2002.

GOMES, Sandra. O impacto das regras de organização do processo legislativo no comportamento dos parlamentares: um estudo de caso da Assembleia Nacional Constituinte (1987-1988). *Dados*, v. 49, p. 193-224, 2006.

GRÜNBERG, Georg. Os índios da América Central e a construção de uma cultura de tolerância. Tradução de Maria Denise Fajardo Grupioni. *In*: GRUPIONI, Luís Donisete Benzi; VIDAL, Lux Boelitz; FISCHMANN, Roseli (Org.). *Tolerância e povos indígenas*: construindo práticas de respeito e solidariedade. São Paulo: Edusp, 2001

GRÜNBERG, Georg; CHIRIF, A. Barbados 1971, un desafío vigente. *In*: CHIRIF, Alberto (Org). *Por la conquista de la conquista de la autodeterminacíon en el cincuentenario de la Declaración de Barbados*, 2021.

GRUPIONI, Luís Donisete. Educação e povos indígenas: construindo uma política nacional de educação escolar indígena. *Revista Brasileira de Estudos Pedagógicos*, v. 81, n. 198, 2000. Disponível em: http://rbep.inep.gov.br/ojs3/index.php/rbep/article/view/3723/3459.

HAMELIN, Philippe. O fracasso anunciado. *Amazônia*: a fronteira agrícola, v. 20, p. 161-176, 1991.

HAUGE, Kjellen His; WERLER, Tobias; HERBELIN, Rune. An elaborated understanding of lived democracy in education: a synthesis. *In*: LIVED democracy in education. Young citizens democratic lives in Kindergarten, School and higher education. Routledge Research in Education. 2022.

HECK, Egon Dionisio. Repressão e tutela nas políticas indigenistas da Ditadura Militar: o indígena é o inimigo. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002.

HERBERICH-MARX, Geneviève; RAPHAËL, Freddy. Les incorporés de force alsaciens: déni, convocation et provocation de la mémoire. *Vingtième Siècle*. Revue d'Histoire, p. 83-102, 1985.

HISTÓRICO da emancipação. Comissão Pró-Índio/SP. São Paulo: Parma, 1979.

IANNI, Octavio. *Colonização e contrarreforma agrária na Amazônia*. Petrópolis: Vozes, 1979.

IOKOI, Zilda Márcia Grícoli. *Igreja e camponeses*: Teologia da Libertação e movimentos sociais no campo, Brasil/Peru-1964-1986. 1996. Tese (doutorado) – Universidade de São Paulo, São Paulo, 1996.

IVAN Illich, pensador radical e inovador. *Revista IHU*, ano 2, n. 46, 9 dez. 2002

JOBST, Solveig; FRANZ, Anja. Lived democracy in intercultural education and intercultural education research. *In*: LIVED democracy in education. Young citizens democratic lives in kindergarten, school and higher education. Routledge Research in Education. 2022.

JOUTARD, Philipe. L'historie oral: bilan d'un quart de siècle de reflexion mèthodologique et de travaux. *In*: CONGRÈS INTERNATIONAL DE SCIENSES HISTORIQUES, XVIII, 1995, Montreal. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019.

JOUTARD, Philippe; GRANET-ABISSET, Anne-Marie. Histoires de vie, histoire dans la vie. Philippe Joutard et l'histoire orale à la française: Entretiens des 4 octobre et 12 décembre 2012. *Sociétés & Représentations*, n. 1, p. 183-207, 2013.

JURUNA, Mário. *Discursos de liberdade 1983/1984*: discursos e projetos de lei apresentados pelo Deputado Mário Juruna. Brasília: Câmara dos Deputados, 1984.

KALLER-DIETRICH, Martina. *Vita di Ivan Illich*: il pensatore del Novecento più necessario e attuale.Roma: Edizioni dell assino, 2011.

KAYSER, Hartmut-Emanuel. *Os direitos dos povos indígenas do Brasil*: desenvolvimento histórico e estágio atual. Porto Alegre: Editora: Safe, 2010.

KEHL, M. R. Violações de direitos humanos dos povos indígenas. Brasil: *Comissão Nacional da Verdade.* Relatório: eixos temáticos. Brasília: CNV, p 206-265, 2014.

KINZO, Maria d'Alva G. A democratização brasileira: um balanço do processo político desde a transição. *São Paulo em Perspectiva*, v. 15, p. 3-12, 2001.

KINZO, Maria D'Alva Gil. O quadro partidário e a Constituinte. *In*: LAMOUNIER, Bolívar (Ed.). *De Geisel a Collor*: o balanço da transição. São Paulo: Editora Sumaré; IDESP, 1990.

KOLK, A. *Forests in international environmental politics, international organizations, NGOs and the Brazilian Amazon*. Amsterdam: International Books, 1996.

KORMIS, Mônica. *Conferência Nacional dos Bispos do Brasil*. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-c nbb. Acesso em: 23 jan. 2021.

KORMIS, Mônica Kornis; MONTALVÃO, Sérgio. Verbete Conferência Nacional dos Bispos do Brasil. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/conferencia-nacional-dos-bispos-do-brasil-cnbb.

KRENAK, Ailton. História indígena e o eterno retorno do encontro. *In*: LIMA, Pablo Luiz de Oliveira (Org.). *Fontes e reflexões para o ensino de história indígena e afro-brasileira*: uma contribuição da área de História do PIBID/FaE/UFMG. Belo Horizonte: UFMG – Faculdade de Educação, 2012, p. 114-131.

LACERDA, Rosane Freire. Os povos indígenas e a Assembleia Nacional Constituinte *In*: Clovis Antonio Brighenti (Org.), Egon Dionisio Heck (Org.). *O movimento indígena no Brasil: da tutela ao protagonismo (1974-1988).* Foz do Iguaçu: EDUNILA, 2022.

LACERDA, Rosane. *Os povos indígenas e a Constituinte – 1987/1988*. Brasília: Conselho Indigenista Missionário (CIMI), 2008.

LACERDA, Rosane Freire; FEITOSA, Saulo Ferreira. Os povos indígenas e a Assembleia Nacional Constituinte. *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002.

LAMOUNIER, Bolívar. Antecedentes, riscos e possibilidades do Governo Collor. In: LAMOUNIER, Bolívar (Ed.). *De Geisel a Collor*: o balanço da transição. São Paulo: Editora Sumaré; IDESP, 1990.

LAMOUNIER, Bolívar; FORTES, L. R. S.; NASCIMENTO, M. M. Os trabalhos da "Comissão Afonso Arinos". *In*: FORTES, L.R.S.; NASCIMENTO, M.M. (Orgs.). *A Constituinte em debate* São Paulo: Seaf/Sofia, 1986.

LEHER, Roberto. Tempo, autonomia, sociedade civil e esfera pública: uma introdução ao debate a propósito dos "novos" movimentos sociais na educação. In: GENTILI, Pablo; FRIGOTTO, Gaudêncio. *A cidadania negada*. São Paulo: Cortez/Clacso, 2001

LEMKIN, Raphaël. Genocide. *In*: HINTON, Alexander Laban (Comp.). *Genocide*: an anthropological reader. Londres: Blackwell, 2003, p. 27-42.

LEONÍDIO, Adalmir; NETO, Edson Pereira de Souza Leão. A utopia de Ivan Illich. *Diálogos Latinoamericanos*, v. 20, n. 28, p. 30-40, 2019.

LIMA, Antonio Carlos de Souza. O Museu Nacional no contexto da criação do Serviço de Proteção aos Índios 1908-1911. *In*: DUARTE, Luiz Fernando Dias (org). *Museu Nacional 200 anos*. Rio de Janeiro: Editora UFRJ, 2022.

LIMA, Antonio Carlos de Souza. Poder tutelar y formación del Estado en Brasil: notas a partir de la creación del Servicio de Protección a los Indios y localización de trabajadores nacionales. *Desacatos*, 2010, n. 33, p. 53-66, 2010.

LIMA, Antonio Carlos de Souza. Sobre indigenismo, autoritarismo e nacionalidade: considerações sobre a constituição do discurso e da prática da "proteção fraternal" no Brasil. *In*: OLIVEIRA, João Pacheco de (Org.). Sociedades indígenas e indigenismo no Brasil. Rio de Janeiro: Marco Zero, Ed. UFRJ, 1987, p. 149-204. Disponível em: www.funai.gov.br/index.php/servico-de-protecao-aos-indios-spi?start=2#.

LIMA, Antonio Carlos de Souza. *Um grande cerco de paz*: poder tutelar, indianidade e formação de Estado no Brasil. Petrópolis: Vozes, 1985.

LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso (orgs) Além da tutela: bases para uma nova política indigenista. *In*: LIMA, Antonio Carlos de Souza; HOFFMANN, Maria Barroso. *Além da tutela: aspectos de uma nova regulação dos direitos indígenas no Brasil*. Rio de Janeiro: LACED, 2002.

LOPES, Danielle Bastos *et al. O movimento indígena na assembleia nacional constituinte (1984-1988)*. Dissertação de Mestrado- Universidade Estadual do Rio de Janeiro, 2011.

LOWY, Michael. *Marxismo e Teologia da Libertação*: a guerra dos deuses: religião e política na América Latina. Petrópolis: Vozes, 2000.

LUKÁCS, Georg. A consciência de classe. *Estrutura de Classes e Estratificação Social*, v. 3, p. 11-60, 1974.

MAHER, Terezinha Machado. Formação de professores indígenas: uma discussão introdutória. *In*: GRUPIONI, Luís Donisete Benzi (org). *Formação de professores indígenas*: repensando trajetórias. Brasília: Ministério da Educação e UNESCO, 2006.

MARTINS FILHO, João Roberto. As Forças Armadas brasileiras no pós-guerra fria: Brazilian armed forces in the post-Cold War. *Tensões Mundiais*, v. 2, n. 3, p. 78-135, 2006.

MARTINS FILHO, João Roberto. *O palácio e a caserna*: a dinâmica militar das crises políticas na ditadura (1964-1969). São Paulo: Alameda Casa Editorial, 2020.

MASSACRE de índios isolados expõe o estrangulamento da Funai. Disponível em: www.socioambiental.org/pt-br/noticias-socioambientais/massacre-de-indios-isolados-expoe-o-estrangulamento-da-funai. Acesso em: 25 out. 2022.

MATHIAS, Suzeley Kalil; GUZZI, André Cavaller. Autonomia na lei: as forças armadas nas constituições nacionais. *Revista Brasileira de Ciências Sociais*, v. 25, p. 41-57, 2010

MCCRARY, Ernest. The Amazon basin – new mineral province for the 70s. *Engineering and Mining Journal*, fev. 1972.

MELLO, Neli Aparecida de. *Políticas territoriais na Amazônia*. São Paulo: Annablume, 2006.

MENDONÇA, Sonia. *A classe dominante agrária*: natureza e comportamento (1964-1990). São Paulo: Expressão Popular, 2010.

MENEZES, Maria Eugenia de. O gravador que era arco e flecha. *Jornal da USP*, 4 ago. 2002. Disponível em: www.usp.br/jorusp/arquivo/2002/jusp606/pag10.htm.

MENEZES NETO, Antonio Julio. A Igreja católica e os movimentos sociais do campo: a Teologia da Libertação e o Movimento dos Trabalhadores Rurais Sem Terra. *Caderno CRH*, v. 20, p. 331-341, 2007.

MEYER PFLUG, Samantha Ribeiro (Coord.). *Grupos de interesse (lobby)*. Brasília: Ministério da Justiça, 2009. (Série Pensando o Direito).

MEZAROBBA, Glenda. *Um acerto de contas com o futuro*: a anistia e suas consequências, um estudo do caso brasileiro. Salamanca: Editora Humanitas, 2006.

MILANEZ, Felipe. *Memórias sertanistas*: cem anos de indigenismo no Brasil. Edições Sesc, 2015.

MILANEZ, Felipe *et al.* Existência e diferença: o racismo contra os povos indígenas. *Revista Direito e Práxis*, v. 10, p. 2161-2181, 2019.

MILIMAN, Niarsha. Brazil: Let then eat minerals. *In*: NACLA's Latin America and empire report. Nova York, 1973, p. 3-13.

MIRANDA, Evaristo Eduardo. Avaliação do impacto ambiental da colonização em floresta amazônica. *Amazônia: a Fronteira Agrícola*, v. 20, p. 223-238, 1991.

MONCLAIRE *et al. A constituição desejada*: SAIC: as 72.719 sugestões enviadas pelos cidadãos brasileiros à Assembléia Nacional Constituinte. Brasília: Centro Gráfico do Senado Federal, 1991. Disponível em: .www2.senado.leg.br/bdsf/item/id/512414

MORAES, Felipe Reis Pompeu de. História oral: o "não dito" e a importância de ouvir aqueles que foram silenciados *Global Journal of Human Social Sciences*, p. 1-6, v 23, 2023. Disponível em: https://socialscienceresearch.org/index.php/GJHSS/article/view/103599/36965.

MORAES, Felipe Reis Pompeu de. Lived democracy in education: a challenge for Brazil's Indigenous populations. *In*: HIIS HAUGE, Kjellrun (Org). *Childhood learning on democratic practices*. New York: Editora Springer, 2024. Disponível em: https://sites.google.com/d/1Wy6w25_Gh5c9dQcScxjUEciV76CJtUj5/p/1hebMuDqicVsFjyN5OQih3_4c1cDzNqiP/edit.

MORAES, Felipe Reis Pompeu. The Indigenous Movement, during the National Constituent Assembly, v 23, 2023. Disponível em: https://globaljournals.org/GJHSS_Volume23/E-Journal_GJHSS_(D)_Vol_23_Issue_1.pdf. Acesso em: 6 set. 2023.

MOREIRA, Luís Gustavo Guerreiro. *Entre o desenvolvimento e a (re)existência*: os militares e a exploração das terras indígenas. *Revista e Espaço Midiáticos*, p 1-15, 2022.

MUNDURUKU, Daniel. *O caráter educativo do movimento indígena brasileiro (1970-1990)*. São Paulo: Paulinas, 2012.

MUNHOZ, Sara Regina. A atuação do "Centrão" na Assembleia Nacional Constituinte de 1987/1988: dilemas e contradições. *Revista Política Hoje*, v. 20, n. 1, p. 343-394, 2011, p 346-347.

NAPOLITANO, Marcos. *1964*: história do regime militar brasileiro. São Paulo: Editora Contexto, 2014.

NOGUEIRA, André Magalhães. Verbete: A Assembleia Nacional Constituinte (1987-1988). Centro de Pesquisa e Documentação Contemporânea (CPDOC) – Fundação Getúlio Vargas. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-tematico/assembleia-nacional-constituinte-de-1987-88. Acesso em: 1º jul. 2022.

NÖTZOLD, A. L. V.; BRINGMANN, S. F. O Serviço de Proteção aos Índios e os projetos de desenvolvimento dos Postos Indígenas: o Programa Pecuário e a Campanha do Trigo entre os Kaingang da IR7. *Revista Brasileira de História & Ciências Sociais*, v. 5, n. 10, 2013.

NOVARO, Marcos; PALERMO, Vicente. *La dictadura militar (1976-1983)*. Del golpe de Estado a la restauración de la democracia. Buenos Aires: Paidós, 2003.

OLIVEIRA, Aline Nóbrega de. *Civilização ou barbárie?*: a política estatal de extermínio indígena no Relatório Figueiredo (1967-1968). Trabalho conclusão de curso. Universidade Nacional de Brasília, 2018.

OLIVEIRA, Ariovaldo Umbelino de. *Integrar para não entregar*: políticas públicas e Amazônia. Campinas: Papirus, 1991.

OLIVEIRA, Carlindo Rodrigues de; OLIVEIRA, Regina Coeli de. Direitos sociais na constituição cidadã: um balanço de 21 anos. *Serviço Social & Sociedade*, n 105, p. 5-29, mar 2011.

OLIVEIRA, Eliezer Rizzo de. *De Geisel a Collor*: Forças Armadas, transição e democracia. Campinas, SP: Papirus, 1994.

OLIVEIRA, Eliezer Rizzo de (Org.). *Militares*: pensamento e ação política. Campinas: Editora Papirus, 1987.

OLIVEIRA, Humberto de. *Coletânea de leis, atos e memoriais referentes ao indígena brasileiro*. Rio de Janeiro: Imprensa Nacional, 1947.

OLIVEIRA, João Pacheco de. Mensurando alteridades, estabelecendo direitos: práticas e saberes governamentais na criação de fronteiras étnicas. *Dados*, v. 55, p. 1055-1088, 2012.

OLIVEIRA, João Pacheco de. *O nascimento do Brasil e outros ensaios*: "pacificação", regime tutelar e formação de alteridades. Rio de Janeiro: Contracapa, 2016.

OLIVEIRA, João Pacheco de. *Projeto Calha Norte*: índios, militares e fronteiras. Rio de Janeiro: Editora UFRJ, 1990.

OLIVEIRA FILHO, João Pacheco de. Segurança das fronteiras e o novo indigenismo: formas e linhagem do Projeto Calha Norte. *Antropologia & Indigenismo*, n. 1, p. 15-33, 1990.

OLIVEIRA FILHO, João Pacheco de. Terras Indígenas no Brasil: uma tentativa de abordagem. *Boletim do Museu Nacional*, Rio de Janeiro, n. 44, nova série, p. 1-6, 1983. Disponível em: www.ppgasmn-ufrj.com/uploads/2/7/2/8/27281669/boletim_do_museu_nacional_44.pdf. Acesso em: 28 jul. 2017.

OLIVEIRA, Mauro Márcio. *Fontes de informações sobre a Assembleia Nacional Constituinte de 1987*. Brasília: Senado Federal, Subsecretaria de Edições Técnicas, 1993.

ONIS, Juan de. Brazil is rolling back the Amazon jungle. *New York Times*, 17 jan. 1966.

OSSAMI DE MOURA, Marlene Castro. As assembleias de líderes indígenas no Brasil (1974-1984). *In*: BRIGHENTI, Clovis Antonio; HECK, Egon Dionisio (Org.). *O movimento indígena no Brasil*: da tutela ao protagonismo (1974-1988). Foz do Iguaçu: EDUNILA, 2002.

PÁDUA, Gesner Duarte. *A "metamorfose" do militar*: a construção positiva da imagem do presidente João Figueiredo nas revistas Veja e Manchete. Trabalho apresentado no DT 1 – Jornalismo do XVII Congresso de Ciências da Comunicação na Região Sudeste realizado de 28 a 30 de junho de 2012. Ouro Preto – Minas Gerais.

PALMQUIST, Helena. *Questões sobre genocídio e etnocídio indígena*: a persistência da destruição. Tese (doutorado) – Universidade Federal do Pará, Belém, 2018.

PASQUALETTE, Bernardo Braga. *Me esqueçam*: Figueiredo: A biografia de uma Presidência. Rio de Janeiro: Editora Record, 2020.

PEDRETTI, Lucas. *Documentos inéditos mostram que Exército abraçou o centrão desde a Constituinte*. Aliança com 'moderados' garantiu aos militares que sua visão de tortura e anistia entrasse para a Constituição democrática. Disponível em: www.intercept.com.br/2022/10/04/documentos-ineditos-mostram-que-exercito-abracou-centrao-desde-a-constituinte/.

PERLATTO, Fernando. *Resenha*. *CEDES – Centro de Estudos Direito e Sociedade – Boletim*, jan./fev. 2009.

PIERINI, Alexandre José. Grupos de interesses, de pressão e lobbying–revisitando os conceitos. *Revista Eletrônica de Ciências Sociais*, n. 10, 2010.

PIERUCCI, Antônio Flávio Oliveira; PRANDI, Reginaldo. *Realidade social das religiões no Brasil*: religião, sociedade e política. São Paulo: Hucitec, 1996.

PILATTI, Adriano. *A Constituinte de 1987-1988*: progressistas, conservadores, ordem econômica e regras do jogo. Rio de Janeiro: Editora PUC-Rio, 2008

PILATTI, Adriano. *A Constituinte de 1987-1988*: progressistas, conservadores, ordem econômica e regras do jogo. Rio de Janeiro: Lúmen Júris, 2008. Resenha de PERLATTO, Fernando. *CEDES – Centro de Estudos Direito e Sociedade – Boletim*, jan./fev. 2009.

PORTELLI, Alessandro. O massacre de Civitella Val di Chiana (Toscana: 29 de junho de 1944): mito, política, luto e senso comum. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019, p. 103-130.

PRADO, Mariana Mota. The paradox of rule of law reforms: how early reforms can create obstacles to future ones. *University of Toronto Law Journal*, v. 60, n. 2, p. 555-578, 2010.

PRIETO, Gustavo Francisco Teixeira. *Fincando as raízes do rentismo à brasileira*: os ruralistas na Assembleia Nacional Constituinte. (1987-1988). Disponível em: https://periodicos.ufpe.br/revistas/revistageografia/article/viewFile/240280/33237. Acesso em: 30 jun. 2022.

PROJECT Radam maps the unknown in Brazil. *Engineering and Mining Journal*, nov. 1975. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf.

QUEIRÓS, Francisco Aquinei Timóteo; MENDES, Francielle Maria Modesto. Em terra de índio, a mineração bate à porta. *Revista Comunicação, Cultura e Sociedade*, v. 4, n. 1, p. 59-69, 2016.

QUIÑONEZ, Santiago Arboleda. *Plan Colombia*: descivilización, genocidio, etnocidio y destierro afrocolombiano. Quito (Ecuador): Universidad Andina Simón Bolívar. 2016.

RAMOS, Alcida Rita. *A convivência interétnica no Brasil*: o índio e a nação brasileira. Brasília: Departamento de Antropologia, Universidade de Brasília, 1997. (Série Antropológica, n. 221).

RAMOS, Alcida Rita. Nações dentro da nação: um desencontro de ideologias. In: ZAHUR, George de Cerqueira Leite (Org.). *Etnia e nação na América Latina*. Washington: OEA, 1996, v. 1.

RAMOS, Alcida Rita et al. *O papel político das epidemias*: o caso Yanomami. Universidade de Brasília, 1993.

RAMOS, Alcida Rita. *Seduced and abandoned*. The taming of Brazilian Indians. Questioning otherness. An interdisciplinary exchange. Papers from the 1995 Distinguished International Lecture Series (Virginia R. Dominguez & Catherine M. Lewis, comps.). University of Iowa, 1995.

RAMOS, Alcida Rita. *Sanumá memories*: Yanomami ethnography in times of crisis. Madison: University of Wisconsin Press, 1995

RAMOS, Alcida Rita. Vivos, afinal! Povos indígenas do Brasil enfrentam o genocídio. *Série Antropologia*, v. 461, 2018.

RAMOS, Virismar. *Dezenas de garimpos se espalham na Raposa Serra do Sol*. Disponível em: www.fatoreal.blog.br/geral/a-raposa-e-a-mineracao/. Acesso em: 18 abr. 2023.

REIS, Daniel Aarão. Ditadura, anistia e reconciliação. *Estudos Históricos*, Rio de Janeiro, v. 23, p. 171-186, 2010.

RELATÓRIO Figueiredo. Ministério do Interior, Brasília,1968.

RELATÓRIO da Seção de Estudos do Serviço de Proteção aos Índios. Relatório anual. Rio de Janeiro: Museu do Índio, 1953.

RELATÓRIO da Seção de Estudos do Serviço de Proteção aos Índios. Relatório anual. Rio de Janeiro: Museu do Índio, 1954.

RELATÓRIO Final da CNV. Vol. II – Textos temáticos. Texto 5 – Violações de direitos humanos dos povos indígenas. Disponível em: http://cnv.memoriasreveladas.gov.br/. Acesso em: 20 maio 2020.

RIBEIRO, D. *Relatório preliminar sobre as pesquisas para a Unesco*. MDR, 1952. (Série Indigenismo).

RIBEIRO, Darcy. *A política indianista brasileira*. Rio de Janeiro: Ministério da Agricultura, 1962.

RIBEIRO, Darcy. *Os índios e a civilização*: a integração das populações indígenas no Brasil moderno. 2. ed. Petrópolis: Editora Vozes, 1982.

RIBEIRO, Gustavo Lins; SOUZA LIMA, Antonio Carolo; CARVALHO, Luis Felipe dos Santos (Org.). *Interculturalidade(s)*: entre ideias, retóricas e práticas em cinco países da América Latina. Brasília: Laced, 2018.

RICARDO, Carlos A. TORAL, André. RICARDO, Helena F. FARIA, Agenor AIDAR, João.

COMISSÃO PRÓ-ÍNDIO. Histórico da emancipação. *Cadernos da Comissão Pró-índio/SP*, São Paulo, n. 1, p. 9-16, ago. 1979.

RICARDO, Carlos Alberto (Ed.). *Povos indígenas no Brasil: 1991/1995*. São Paulo: Instituto Socioambiental, 1996

RICARDO, F.; ROLLA, A. (Org.). *Mineração em terras indígenas na Amazônia brasileira*. São Paulo: Instituto Socioambiental, 2013.

ROCHA, Leandro Mendes. A política indigenista como objeto de estudo: 1930-1967. *In*: SIMPÓSIO NACIONAL DE HISTÓRIA – HISTÓRIA E IDENTIDADES, XVIII, ANPUH, jul. 1995.

ROCHA, Leandro Mendes. *Da proteção fraternal ao integracionismo harmonioso*: aspectos ideológicos da política indigenista (1930-1967). Brasília: Ministério da Justiça-MJ, 1993.

ROQUE FERNANDES, Fernando; DIAZ URIBE, Mauricio Alejandro. Movimentos indígenas latino-americanos da segunda metade do século XX: reflexões comparativas sobre processos decoloniais no Brasil e na Colômbia. *Revista Tellus*, v. 19, n. 39, 2019.

ROSÁRIO, Maria José Aviz do; MELO, Clarice Nascimento de. A educação jesuítica no Brasil colônia. *Revista HISTEDBR On-Line*, v. 15, n. 61, p. 379-389, 2015.

SAGRADA CONGREGAÇÃO PARA A DOUTRINA DA FÉ. *Instrução sobre alguns aspectos da Teologia da Libertação*. Disponível em: www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_po.html. Acesso em: 30 nov. 2023.

SALLUM JR., Basílio. *Labirintos*: dos generais à Nova República. São Paulo: Hucitec, 1996.

SANT'ANNA, André Luís de Oliveira de; CASTRO, Alexandre de Carvalho; JACÓ-VILELA, Ana Maria. Ditadura militar e práticas disciplinares no controle de índios: perspectivas psicossociais no Relatório Figueiredo. *Psicologia & Sociedade*, v. 30, p. e188045, 2018

SANTILLI, Juliana. Aspectos jurídicos da mineração e do garimpo em terras indígenas. *In*: SANTILLI, Juliana (Coord.). *Os direitos indígenas e a Constituição*. Porto Alegre: Núcleo de Direitos Indígenas e Antônio Sérgio Fabris Editor, 1993, p. 145-160.

SANTILLI, Márcio. *Povos Indígenas no Brasil 1987, 1988, 1989 e 1990*. São Paulo: Centro Ecumênico de Documentação (CEDI), 1991. Disponível em: https://acervo.socioambiental.org/acervo/livros/povos-indigenas-no-brasil-1987-88-89-90. Acesso em: 15 abr. 2023.

SANTOS, Boaventura de Sousa (Org.). *A globalização e as ciências sociais*. São Paulo: Cortez, 2002

SANTOS, Fabiano. Escolhas institucionais e transição por transação: sistemas políticos de Brasil e Espanha em perspectiva comparada. *Dados*, v. 43, p. 637-669, 2000.

SANTOS, Luiz Alberto dos; CARDOSO, Regina Luna Santos. *Corrupção, nepotismo e gestão predatória*: um estudo do caso brasileiro e alternativas para seu enfrentamento. XVIII Concurso del CLAD sobre Reforma del Estado y Modernización de la Administración Pública. Santiago, Chile, 2005.

SANTOS, Milton. *Por uma outra globalização*: do pensamento único à consciência universal. 10. ed. Rio de Janeiro: Record, 2003.

SANTOS, Silvio Coelho dos. *Os povos indígenas e a constituinte*. Florianópolis: EdUFSC; Movimento, 1989.

SÃO PAULO. Comissão da Verdade do Estado de São Paulo "Rubens Paiva". *Relatório*. Capítulo Violações aos direitos dos povos indígenas. 2015. Disponível em: http://verdadeaberta.org/relatorio/tomo-i/downloads/I_Tomo_Parte_2_Violacoes-aos-direitos--dos-povos-indigenas.pdf. Acesso em: 10 jan. 2024.

SCHILLER, E. A. Mining exploration and mining in Brazil – 1977. *Mining Magazine*, p. 245-253, set. 1977, p. 121. Disponível em: https://acervo.socioambiental.org/sites/default/files/documents/b2l00008.pdf.

SHARE, Donald; MAINWARING, Scott. Transição pela transação: democratização no Brasil e na Espanha. *Dados*, v. 29, n. 2, p. 207-236, 1986.

SHARE, Donald. From policy-seeking to office-seeking: the metamorphosis of the Spanish socialist workers. *In*: MULLER, W. C.; STROM, K. (Ed.). *Policy, office or votes?* How political parties in Western Europe make hard decisions. Cambridge: Cambridge University Press, 1999.

SCHINKE, Vanessa Dorneles. A Assembleia Nacional Constituinte e as Forças Armadas: os trabalhos da subcomissão. *Revista Direito e Práxis*, v. 13, p. 1.820-1.846, 2022.

SCHWADE, Egydio. *Por que continuam ocultos os assassinos dos Waimiri-Atroari*: 2000 Waimiri-Atroari desaparecidos durante Ditadura Militar, 2011. Disponível em: https://cimi.org.br/2011/09/32544/. Acesso em: 1º dez. 2023.

SCHWARCZ, Lilia Moritz. *Sobre o autoritarismo brasileiro*. Editora Companhia das Letras, 2019

SILVA, Golbery do Couto e. *Conjuntura nacional, o poder executivo & geopolítica do Brasil*. 3. ed. Rio de Janeiro: Livraria José Olympio Editora, 1981

SILVA, José Afonso da. *A Gênese do texto da Constituição de 1988*. Brasília: Editora do Senado Federal, 2013. Disponível em: https://edisciplinas.usp.br/pluginfile.php/4213631/mod_resource/content/1/J.A.%20SILVA.pdf.

SILVA, José Afonso da. *Um pouco de direito constitucional comparado*. São Paulo: Editora Malheiros, 2009.

SILVA, José Graziano da. As representações empresariais da agricultura brasileira moderna: as disputas na transição para a democracia. *In*: CONGRESSO BRASILEIRO DE ECONOMIA RURAL XXIX, 1991, Campinas.

SKIDMORE, Thomas E. Brasil: de Castelo a Tancredo, 1964-1985. *In*: SKIDMORE, Thomas E. *Brasil: de Castelo a Tancredo, 1964-1985*. 1989, p. 608-608.

SOARES, Gláucio Ary Dillon; CASTRO, Celso (Org.). *A volta aos quartéis*: a memória militar sobre a abertura. Rio de Janeiro: Relume-Dumará, 1995.

SODRÉ, Muniz. *Por um conceito de minoria*: comunicação e cultura das minorias. São Paulo: Paulus, 2005.

SOFIATI, Flávio Munhoz. O novo significado da "opção pelos pobres" na Teologia da Libertação. *Tempo Social*, v. 25, p. 215-234, 2013.

SOUZA, Luís Otávio de; CORREIA, Maria Letícia; ALMEIDA, Bruno. *Verbete Dom Luciano Mendes de Almeida*. Disponível em: www.fgv.br/cpdoc/acervo/dicionarios/verbete-biografico/almeida-luciano-mendes-de.

SOUZA FILHO, Carlos Frederico Marés. Constitucionalismo × democracia: o multiculturalismo e as comunidades tradicionais. *Braz. J. Int'l L.*, v. 7, 2010.

STEPAN, Alfred (Org.). *Democratizando o Brasil*. Tradução: Ana Luíza Pinheiro. Rio de Janeiro: Paz e Terra, 1988.

TAVARES, Elaine. Darcy Ribeiro e os povos indígenas: acertos e equívocos. *Rebela*, v. 8, n. 1, 2018.

TEIXEIRA, Carlos Corrêa. *Visões da natureza*: seringueiros e colonos em Rondônia. 1999. São Paulo: Fapesp, 1999.

THOMPSON, Alistair; FRISCH, Michael; HAMILTON, Paula. The memory and history debates: some international pespective. *Jornal of Oral History*, p. 33-43. ago. 1994. *In*: FERREIRA, Marieta de Moraes; AMADO, Janaína (Org.). *Usos & abusos da história oral*. 8. ed. Rio de Janeiro: Editora FGV, 2019.

TOLEDO, Gastão Alves de. *Grupos de Pressão no Brasil*. São Paulo: Instituto dos Advogados de São Paulo, 1985.

TORRECUSO, Paolo Alves Dantas. *O Tratado de Cooperação Amazônica e a Organização do Tratado de Cooperação Amazônica*: análise da criação, evolução e eficácia de um regime internacional. Brasília: Universidade Estadual de Brasília, 2004.

URIHIPÊ, Kami Yamaki. Nossa terra-floresta. Museu de Arte de São Paulo Assis Chateaubriand, São Paulo, 1ª edição, 2022.

VALENTE, Rubens. Agonia e extinção do Serviço de Proteção ao Índio na ditadura militar. *Campos* – Revista de Antropologia, v. 20, n. 2, p. 37-58, 2019.

VALENTE, Rubens. *Os fuzis e as flechas*: história de sangue e resistência indígena na ditadura. São Paulo: Companhia das Letras, 2017.

VIEIRA, Jaci Guilherme. *Missionários, fazendeiros e índios em Roraima*: a disputa pela terra-1777 a 1980. Tese (doutorado). Universidade Federal de Pernambuco. 2003.

MONTEIRO, Maurílio de Abreu *et al*. Ouro, empresas e garimpeiros na Amazônia: o caso emblemático de Serra Pelada. *Revista Pós Ciências Sociais*, v. 7, n. 13, 2010.

WHITE, Max G. Probing the unknown Amazon Basin – a round up of 21 mineral exploration programs in Brazil. *Engineering and Mining Journal*, v 174, n 0005, maio 1973.

ZAOUAL, Hassan. *Globalização e diversidade cultural*. Textos selecionados e traduzidos por Michel Thiollent. São Paulo: Cortez, 2003.

ZAVERUCHA, Jorge. Relações civis militares; o legado autoritário da Constituição de 1988. *In*: SAFATLE, Vladimir; TELLES, Edson. (Org.). *O que resta da ditadura*: a exceção brasileira. São Paulo: Boitempo, 2010, p. 41-77.

ZAVERUCHA, Jorge. *Rumor de sabres*. Tutela militar ou controle civil? São Paulo: Ática, 1994.

ZELIC, Marcelo. *Povos indígenas e Ditadura Militar*: subsídios à Comissão Nacional da Verdade 1946-1988. Relatório Parcial 01 de 30/11/2012. São Paulo, 2012.

ZUCARELLI, Marcos Cristiano *et al*. *Infraestrutura para produção de commodities e povos etnicamente diferenciados*: efeitos e danos da implantação de "grandes projetos de desenvolvimento" em território sociais. Mórula Editorial, 2023.

Annex I - Photographs

Figura 1 – Pedro Casaldáliga a caminho da 9ª Assembleia de chefes indígenas no Território Tapirapé (MT), em agosto de 1977. Foto: Antônio Carlos de Moura. Acervo do CIMI. Fonte: https://cimi.org.br/2022/04/pos-colonial-pos-conciliar-50anos-cimi/. Acesso em: 10 jul. 2024.

Figura 2 – II Assembleia de Chefes Indígenas, na missão franciscana do rio Cururu (PA), junto à aldeia do povo Munduruku. Acervo CIMI.
Fonte: https://cimi.org.br/2022/04/pos-colonial-pos-conciliar-50anos-cimi/. Acesso em: 10 jul. 2024.

Figura 3 – Participantes da VII Assembleia Indígena no Sururu (RR), em janeiro de 1977, posteriormente dissolvida pela FUNAI. Foto: Antônio Carlos de Moura. Acervo CIMI. Fonte: https://cimi.org.br/2022/04/pos-colonial-pos-conciliar-50anos-cimi/. Acesso em: 10 jul. 2024.

Figura 4 – Tuxauas participam da Assembleia Regional Norte 2 CIMI em 1979. Acervo CIMI. Fonte: https://cimi.org.br/2022/04/pos-colonial-pos-conciliar-50anos-cimi/. Acesso em: 10 jul. 2024.

Figura 5 – 9ª Assembleia de Chefes Indígenas, no território Tapirapé, em Santa Terezinha (MT), agosto de 1977. Foto: Antônio Carlos de Moura. Acervo CIMI.
Fonte: https://cimi.org.br/2022/04/pos-colonial-pos-conciliar-50anos-cimi/. Acesso em: 10 jul. 2024.

Figura 6 – Assembleia do CIMI Regional Mato Grosso, em maio de 1979. Acervo CIMI.
Fonte: https://cimi.org.br/2022/04/pos-colonial-pos-conciliar-50anos-cimi/. Acesso em: 10 jul. 2024.

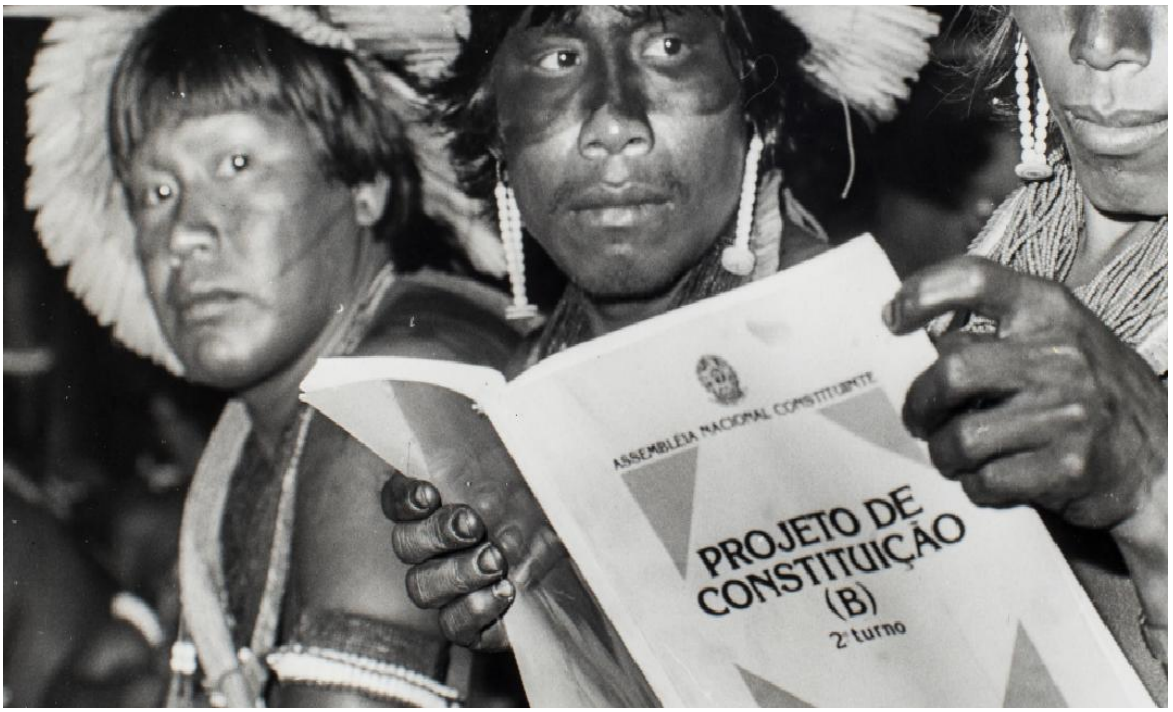

Figura 7 – Mro-o, Tomtu e Nzoikamrekti Kayapó lendo o projeto de Constituição em 1987. Foto: Guilherme Rangels.
Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

Figura 8 – Índios comemoram a votação do capítulo sobre seus direitos em primeiro turno na Constituinte. 1988. Foto: Beto Ricardo. Acervo Instituto Socioambiental.
Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

Figura 9 – Votação do capítulo dos Direitos Indígenas no Plenário da Constituinte, Congresso Nacional, Brasília. Foto: Leopoldo Silva.
Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

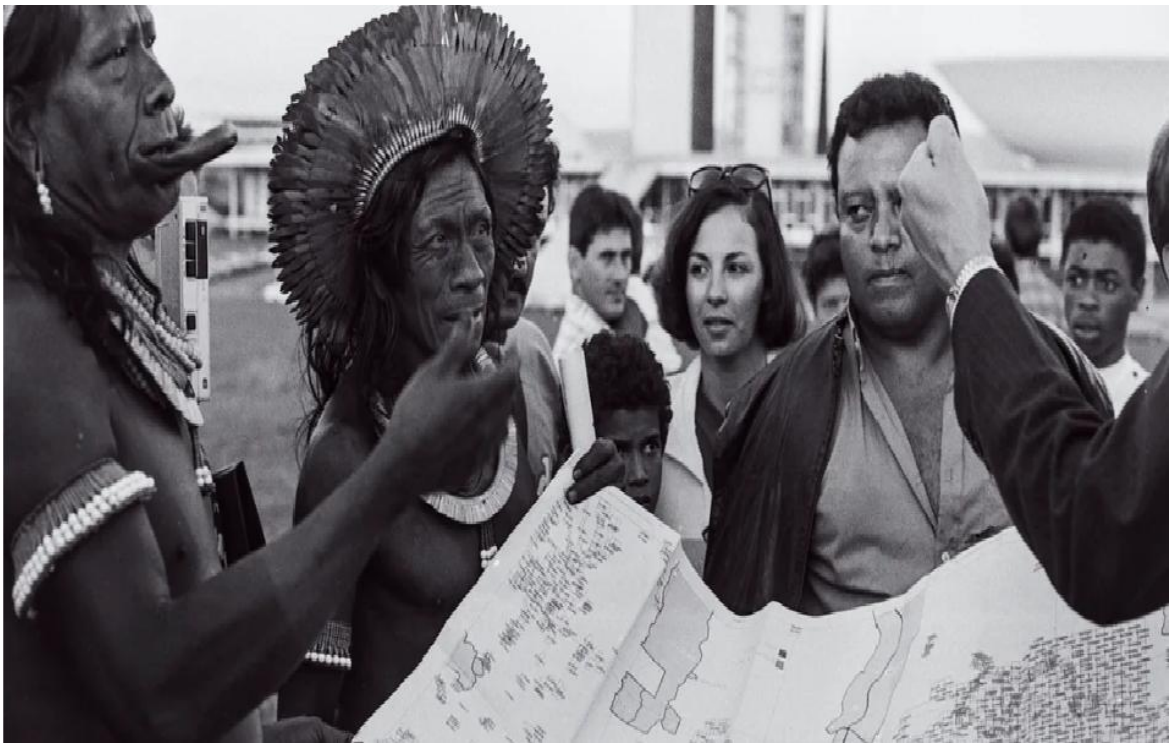

Figura 10 – Raoni e Kanhõc Kayapó mostram mapa de concessões minerais em terras Kayapó ao deputado Tadeu França, defronte ao Congresso, após a votação do capítulo dos índios na Constituinte. Foto: Beto Ricardo. Acervo Instituto Socioambiental.
Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

Figura 11 – Marcio Santilli (ex-presidente da FUNAI entre 1995 e 1996), o segundo homem em pé, da direita para a esquerda. Foto: Beto Ricardo. Instituto Socioambiental.
Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

Figura 12 – Francisco Kaingang (segurando a Bandeira do Brasil), junto com outras lideranças indígenas, no fundo de um plenário, em vigília durante negociações sobre o capítulo dos índios na Constituinte, auditório da liderança do PMDB no Congresso Nacional. Foto: Beto Ricardo. Acervo Instituto Socioambiental.
Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

Figura 13 – Segurando o mapa sobre mineração em terras indígenas produzido pelo Centro Ecumênico de Documentação e Informação, o constituinte Virgildásio de Sena encaminha a votação contra uma emenda das mineradoras, em que o pretendido era tirar do Congresso a prerrogativa de autorizar a mineração nessas áreas. Foto: André Dusek/Agência AGIL.
Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

Figura 14 – Sessão no Senado antes da votação dos direitos indígenas na Constituinte (1988). Severo Gomes, Mário Covas, Tadeu França e Plínio de Arruda Sampaio, "Frente Parlamentar do Índio", Beto Ricardo (CEDI e, hoje, ISA) falando sobre "empresas de mineração" em terras indígenas na Amazônia. Foto: André Dusek/Agência AGIL. Fonte: https://medium.com/hist%C3%B3rias-socioambientais/caminhos-contra-o-retrocesso-6944ef105288. Acesso em: 23 jul. 2024.

Annex II - Declaration of Barbados - 1971 - For the liberation of indigenous peoples[885]

The anthropologists participating in the Symposium on Interethnic Friction in South America, meeting in Barbados between January 25 and 30, 1971, after analyzing the reports presented on the situation of the indigenous peoples of the various countries of the region, decided to draw up this document and present it to public opinion, hoping that it will contribute to clarifying this serious continental problem and to the struggle for the liberation of the indigenous peoples.

The indigenous people of America are still subject to a colonial relationship of domination, which originated at the time of the conquest and which has not been broken down within national societies. This colonial structure manifests itself in the fact that the territories occupied by the indigenous people are considered and used as no man's land, open to conquest and colonization. Colonial domination over native populations is part of the situation of external dependence that most Latin American countries maintain vis-à-vis the imperialist metropoles. The internal structure of our dependent countries leads them to act in a colonialist way in their relationship with indigenous populations, placing national societies in the dual role of exploited and exploiter. This generates a false image of indigenous societies and their historical perspective, as well as a deformed self-awareness of national society.

This situation is expressed in repeated aggressions against indigenous societies and cultures, both in supposedly protective interventionist actions and in extreme cases of massacres and compulsory displacement, not least by the army and other government agencies. The very indigenous policies of Latin American governments are aimed at destroying indigenous cultures and are used to manipulate and control indigenous groups in order to consolidate existing structures. This prevents indigenous people from freeing themselves from colonialist domination and deciding their own destiny.

Faced with this situation, states, religious missions and social scientists, especially anthropologists, must take unequivocal action to put an end to this aggression and thus contribute to the liberation of the indigenous people.

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[885] Arquivo Missiologia. Disponível em: www.missiologia.org.br/wp-content/uploads/cms_documentos_pdf_28.pdf. Acesso em: 8 dez. 2023.

State responsibility

It makes no sense to propose indigenist actions that do not seek a radical break with the current situation: an end to external and internal colonial relations, a break with the class system of exploitation and ethnic domination, the shift of economic and political power from an oligarchic minority to the majority masses, the creation of a truly multi-ethnic state in which each ethnic group has the right to self-management and a free choice of social and cultural alternatives.

Our analysis has shown that the indigenist policy of Latin American nation states has failed both through action and omission. By omission, due to their inability to guarantee each indigenous group the specific support that the state owes them, and to impose the law in the face of national expansion fronts. By action, due to the colonialist and classist nature of its indigenous policies.

This failure makes the state directly responsible for, or complicit in, the many crimes of genocide and ethnocide that we have seen. These crimes tend to be repeated, and the blame will fall squarely on the state if it fails to meet the following minimum requirements:

1. The state must guarantee all indigenous populations the right to be and remain as such, living according to their customs and developing their own culture, since they constitute specific ethnic groups;

2. Indigenous societies have rights prior to the whole of national society. The State must recognize and guarantee to each indigenous population the ownership of their territory, allowing it to be registered correctly, and in the form of collective, continuous, inalienable and sufficiently extensive property to ensure the maintenance of indigenous populations;

3. The state must recognize indigenous organizations' right to organize and govern themselves according to their cultural specificities, and at no time may it limit its members in the exercise of any and all citizenship rights, but, on the other hand, exempt them from fulfilling obligations that contradict their own culture;

4. It is up to the state to offer indigenous populations the same economic, social, educational and health assistance that it offers to other segments of the population. However, it has an

obligation to address the specific needs of these communities, which are the result of their submission to the colonial structure. Above all, it has a duty to prevent them from being exploited by any sector of national society, including the agents of the body that provides them with official protection;

5. The state must be responsible for all contacts with isolated indigenous groups, due to the biological, social, cultural and ecological dangers that the first impact with agents of national society represents for them;

6. The crimes and conflicts that result from the process of expanding the national border are the responsibility of the state, although they are not committed directly by its officials, civilian or military;

7. The state must define the specific national public body that will be in charge of relations with the ethnic entities that survive in its territory. This obligation cannot be transferred or delegated at any time or under any circumstances.

The responsibility of religious missions

The evangelizing work of the religious missions in Latin America corresponds to the dominant colonial situation, whose values it is steeped in. The missionary presence has meant the imposition of criteria and standards which are alien to the dominated indigenous societies and which cover up, under a religious cloak, the economic and human exploitation of the indigenous populations.

The ethnocentric content of evangelizing activity is a component of colonialist ideology, and is based on the following points:

1. Its essentially discriminatory nature, stemming from a hostile relationship with indigenous cultures, classified as pagan and heretical;

2. Its vicarious nature, which leads to the objectification of the indigenous and their submission in exchange for future supernatural compensation;

3. Its spurious nature, due to the fact that missionaries seek personal fulfillment in this activity, be it material or spiritual;

4. The fact that the missions became a major enterprise of colonization and domination, in collusion with the dominant imperialist interests.

As a result of this analysis, we have come to the conclusion that the best thing for the indigenous populations and also to preserve the moral integrity of the Churches themselves is to put an end to all missionary activity.

Until this goal is achieved, the missions have a role to play in the liberation of indigenous societies, provided they meet the following requirements:

1. Overcoming the ethnocide intrinsic to catechizing activity as a mechanism for colonizing, Europeanizing and alienating indigenous populations;

2. Assume a position of true respect for indigenous cultures, putting an end to the long and shameful history of despotism and intolerance that characterized the work of missionaries, who rarely showed sensitivity towards indigenous religious values;

3. To put an end to the theft of indigenous property by religious missions that appropriate their labor, land and other natural resources, and to end the indifference to the constant plundering of indigenous people by third parties;

4. Put an end to the sumptuous and pharaonic spirit of the missions, materialized in multiple forms, but always based on the exploitation of the Indian;

5. Put an end to the dispute between denominations and religious agencies over the souls of the indigenous people, which often leads to the buying and selling of catechumens and, in order to acquire new religious loyalties, leads to division and infighting;

6. Eliminate the centuries-old practices of breaking up the indigenous family when children are placed in boarding schools, where they receive values that are opposite to their own, turning

them into marginalized beings, incapable of living both in national society and in their own communities of origin;

7. Breaking away from the pseudo-moralistic isolation that imposes a false ethic that makes indigenous people incapable of coexisting with national society; an ethic that the Churches themselves have not been able to impose on national society;

8. Abandon blackmail procedures, which consist of offering indigenous people goods and favors in exchange for their total submission;

9. Immediately halt any practice of displacement or concentration of indigenous populations aimed at catechesis or assimilation, practices that lead to an immediate increase in morbidity, mortality and family breakdown in indigenous communities;

10. Abandon the criminal practice of serving as intermediaries for the exploitation of indigenous labor.

Insofar as the missions do not assume these minimum obligations, they will incur the crime of ethnocide or collusion with genocide.

Finally, we recognize that recently, dissident elements within the Churches are taking a clear position of radical self-criticism of evangelizing action and have denounced the failure of missionary activity.

Anthropology's responsibility

1. Since its inception, anthropology has been an instrument of colonial domination: it has rationalized and justified, in academic terms - openly or surreptitiously - the situation of domination of some peoples over others and has brought knowledge and techniques of action that serve to maintain, reinforce or disguise the colonial relationship. Latin America has been no exception and, with increasing frequency, nefarious programs of action against indigenous groups, as well as stereotypes and distortions that deform and cover up the true situation of the Indian, claim to have a scientific basis in the results of anthropological work.

2. A false awareness of this situation has led many anthropologists into mistaken positions. These can be classified into the following types:

a) Scientism, which denies any link between academic activity and the fate of the peoples who are the object of that activity, thus eliminating the political responsibility that generates this knowledge;

b) Hypocrisy, which manifests itself in rhetorical protest based on general principles, but which carefully avoids any commitment to concrete situations;

c) Opportunism, which, while recognizing the plight of the Indian, denies the possibility of transforming it, while affirming the need to "do something" within the current system, which ultimately reinforces this same system;

3. The anthropology that is required in Latin America today is not one that considers indigenous populations as mere objects of study, but one that sees them as colonized peoples and is committed to their struggle for liberation;

4. Within this context, it is the role of anthropology to: - on the one hand, bring all anthropological knowledge to colonized peoples, both about themselves and about the society that oppresses them, in order to collaborate in their struggle for liberation; - on the other hand, restructure the distorted image that exists in national society in relation to indigenous peoples, unmasking its colonialist ideological character;

5. In order to achieve the above objectives, anthropologists have an obligation to take advantage of all the situations that arise in the current system to act in favor of indigenous communities. It is up to anthropologists to denounce cases of genocide and the practices that lead to ethnocide by all means, as well as to turn to the local reality and theorize based on it, in order to overcome the subordinate condition of being mere exemplifiers of other people's theories.

Indigenous people as protagonists of their own destiny

(1) It must be borne in mind that the liberation of indigenous peoples is either carried out by them themselves or it is not liberation. When outsiders try to represent them or take the lead in

their liberation struggle, a form of colonialism is created that takes away the indigenous peoples' inalienable right to be the protagonists of their own struggle.

2. From this perspective, it is important to appreciate in all its historical significance the dynamism that is currently being observed among the continent's indigenous populations, which is leading them to take up their own defense against the ethnocidal and genocidal actions of national society. In this struggle, which is not new, there is currently an aspiration to achieve Latin American pan-indigenous unity. In some cases, there is also a feeling of solidarity with other oppressed groups.

3. Here we reaffirm the right of indigenous populations to experiment with their own systems of self-government, development and defense, without these experiments having to adapt or submit to the economic and socio-political schemes that prevail at any given time. The transformation of national society cannot take place if these populations do not feel that they have the creation of their own destiny in their hands. Furthermore, in affirming their sociocultural specificity, even though they are numerically small, indigenous populations are clearly presenting alternative paths to those already taken by national society.

Barbados, January 30, 1971

Miguel Alberto Bartolomé
Guillerme Bonfil Batalla
Víctor Daniel Bonilla
Gonzalo Castillo Cárdenas
Miguel Chase-Sardi
Georg Grünberg
Nelly Arvelo de Jiménez
Esteban Emilio Mosonyi
Darcy Ribeiro
Scou S. Robinson
Stefano Varese

Of the four Brazilians present, only Darcy Ribeiro signed this declaration, as he was in exile in Chile. The others didn't because of security concerns, due to the military regime that prevailed in Brazil. Here is the full list of all

the participants: Pedro Agostinho da Silva (Federal University of Bahia, Salvador, Brazil); Nelly Arvelo Jiménez (Venezuelan Institute of Scientific Investigations, Caracas, Venezuela); Miguel Alberto Bartolomé (University of Buenos Aires, Argentina); Guillermo Bonfil Batalla (National Autonomous University of Mexico, Mexico); Victor Daniel Bonilla (Committee for the Defense of the Indigenous, Bogotá, Colombia); Oscar Bolioli (World Council of Churches, Geneva, Switzerland); Gonzalo Castillo Cárdenas (Committee for the Defense of the Indigenous, Bogotá, Colombia); Miguel Chase-Sardi (Center for Anthropological Studies of the Paraguayan Athenaeum, Asunción, Paraguay); Georg Grünberg (University of Bern, Switzerland); Carlos de Araújo Moreira Neto (University of Rio Claro, Brazil); Esteban Emilio Mosonyi (Central University of Venezuela, Caracas, Venezuela); Darcy Ribeiro (University of Chile, Santiago, Chile); Scott S. Robinson (Whitman College, Walla Walla, USA); Sílvio Coelho dos Santos (Federal University of Santa Catarina, Florianópolis, Brazil); Stefano Varese (Amazon Populations Division, Ministry of Agriculture, Peru).

ANNEX III - Documented results related to the Indigenous Movement - APEM database - keywords - CIMI, CNBB, ABA, UNAÍ, UNI, MST, CONTAG, CUT, CGT, CONIC, CPT, ABRA, CONAGE, ABA, SBPC

CIMI and CNBB

A counterpoint to the result found from the documentary analysis of the APEM Archives (in general). Although seven results were found using the keyword "CIMI", the only record related to indigenous issues that was readable was **Amendment 20.714, presented on August 13, 1987** and rejected. The text, sent in the form of a People's Amendment and authored by constituent Osmar Gomes "and others (44,171 signatories) who sign as responsible entities, the Indigenous Missionary Council (CIMI), the National Indian Support Association (ANAÍ/RS), the Justice and Human Rights Movement and Operation Anchieta (OPAN)", ended up not being approved.

Searching for the keyword "CNBB" led to 11 results. However, only one relates to the indigenous issue itself. Specifically, **Amendment 00068 presented on May 17, 1987,** which was rejected during phase B.

ABA, UNAÍ, UNI, MST, CONTAG, CUT, CGT, CONIC, CPT, ABRA

Although some results related to these names were found, data mining and the use of the program created identified four amendments from CONTAG related to agrarian reform. Specifically, Amendment 00068 authored by MP Jorge Viana of the PMDB (BA) and presented on May 17, 1987, Amendment 00107 authored by MP José Guedes of the PMDB (RO) and presented on May 18, 1987, Amendment 00136 authored by MP Rosa Prata PMDB (MG) and presented on the same day, and Amendment 34024 authored by MP Nelson Friedrich of the PMDB (PR) on September 5, 1987.

All these amendments, for obvious reasons and because of the strong corporate interest related to the land issue in the country, were not approved.

CONAGE, ABA, SBPC

During the IX systematization commission, the (Popular) Amendment 20.715 presented on August 13, 1987 was partially approved. This People's Amendment was presented by the ABA, CONAGE and the SBPC.[886] The text of the amendment was approved, although it was rejected on three important points.

The first of these (and perhaps the biggest defeat for these three entities) was the attempt to include indigenous rights as a fundamental principle, as well as multi-ethnicity, which was then considered "unnecessary" by congressmen. The second defeat concerned the issue of mining (then promoted by the Federal Government). The negative opinion clashed with the mining *lobby* and considered the competence to authorize this activity to be exclusive to the National Congress.

The third and final defeat refers to the guarantee of permanent possession over the land, immemorial possession and exclusive usufruct of the natural wealth of the soil, river resources and all the utilities existing therein, then recorded in Article 262 and its paragraphs.

The result of this amendment validates the importance of organizations and associations related to the indigenous issue during the Constituent Assembly and, at the same time, highlights a fundamental counterpoint to the intense *lobbying or* very organized *legislative pressures*

[886] A íntegra do documento está disponibilizada em: https://sites.google.com/d/1vGnv4p4t5RCwVNUSS0T8tnpW8MNaZjgU/p/1UyPHz34-BghhETJane0G2tACWafdvpt6/edit.