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Autonomies today Indigenous peoples in Latin America

Working Group
Newsletter
**Indigenous
peoples, autonomy
and collective
rights**



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| Presentation

Indigenous peoples' demands for the recognition of their rights are becoming increasingly present in our continent. At this juncture, the struggle for autonomy has taken center stage as a strategy of resistance that articulates their cultural and territorial demands and their collective rights. These are peoples struggling to continue being peoples, making their autonomies unique and heterogeneous processes, legacies of their most diverse histories and geographies.

The Bulletin: "Autonomies Today", of the CLACSO Working Group Indigenous Peoples, Autonomies and Collective Rights, aims to bring together (throughout its issues) a diversity of autonomous experiences that permeate our Latin American reality. With the collaboration of brief articles and interviews, we seek to build bridges between indigenous peoples in resistance and researchers of the continent, enabling the creation of networks that allow us to advance in this long journey-questioning of human emancipation and decolonization. "We can already see the horizon," some of these comrades tell us.

The bulletin welcomes contributions from other Working Groups, in order to encourage the active participation of the academic community on the topic of autonomies, as well as from indigenous organizations that **c a n** collaborate based on their own experiences. Texts should be short (between 1,500 and 2,000 words) and the bibliography should follow APA + gender norms. CLACSO uses APA + gender norms, including the full names of the authors in the citation.

(for example: Gómez, Fernanda instead of Gómez, F.), to make gender more visible.

The CLACSO Working Group on Indigenous Peoples, Autonomies and Collective Rights invites you to read it carefully. For questions, criticisms and collaborations, please contact us by e-mail: boletin.autonomias@gmail.com

In this second issue, we have reflections and analysis on: Mexico, Brazil, Costa Rica, Colombia and Argentina.

Fabio Alkmin and Waldo Lao

Attention!

EZLN Communiqué

Chiapas on the brink of Civil War
September 19, 2021

TO THE PEOPLE OF MEXICO:
TO THE PEOPLES OF THE WORLD:
TO THE SIXTH NATIONAL AND INTERNATIONAL:
TO EUROPE BELOW AND TO THE LEFT:

FIRST.- On September 11, 2021, in the morning hours and while the Zapatista aerial delegation was in Mexico City, members of Orcao, a paramilitary organization at the service of the government of the state of Chiapas, kidnapped the comrades *Sebastián Nuñez Perez and Jose Antonio Sanchez Juarez*, autonomous authorities of the Good Government Council of Patria Nueva, Chiapas.

The orcao is a political-military paramilitary organization, with uniforms, equipment, weapons and a park obtained with the money they receive from social programs. They keep part of the money and give the other part to officials so that they can publicize that they are complying with social assistance. With these weapons they shoot every night against the Zapatista community of Moisés and Gandhi.

The EZLN waited patiently until all possible channels for a solution had been exhausted. While the government of the state of Chiapas sabotaged and hindered the liberation, it was organizations defending human rights and the rights of the indigenous people that were the first to do

SO.

and the progressive Catholic Church who rightly assessed what could happen.

SECOND.- the compañeros were deprived of their freedom for 8 days and were released today, September 19, 2021, thanks to the intervention of the parish priests of San Cristóbal de las Casas and Ox-chuc, belonging to the diocese of San Cristóbal. The compañeros were robbed of a communication radio and six thousand pesos in cash belonging to the Good Government Board.

THIRD: The crime of kidnapping is punishable by the laws of the bad government and by the Zapatista laws. While the government of the state of Chiapas is covering up and encouraging these crimes, and is doing nothing, the Zapatista National Liberation Army proceeded to take the necessary measures to free the kidnapped and to arrest and punish those responsible for the crime.

FOURTH - if the conflict did not escalate into a tragedy, it was due to the intervention of the aforementioned parish priests, the human rights organizations and the mobilizations and denunciations that took place in Mexico and, above all, in Europe.

FIFTH: The misgovernment of Rutilio Escandón is doing everything possible to destabilize the southeastern Mexican state of Chiapas:

It represses the rural normalistas with great violence.

It sabotages the agreements reached between the democratic teachers' union and the federal government, forcing the teachers to mobilize radically so that these agreements are fulfilled.

Its alliances with the drug traffickers are forcing the original communities to form self-defense groups, because the government does nothing to preserve the life, liberty and property of the inhabitants. The government of Chiapas not only protects drug gangs, but also encourages, promotes and finances paramilitary groups such as those that continually attack communities in Aldama and Santa Martha.

It is pursuing a deliberately slow and disorganized vaccination policy that is provoking discontent among the rural population and will soon explode. In the meantime, the number of deaths from covid in the communities is rising without being taken into account.

Its officials are stealing as much as they can from the state budget. Perhaps preparing for a collapse of the federal government or betting on a change of party in power.

Now he tried to sabotage the departure of the Zapatista delegation participating in the European chapter of the Journey for Life, ordering his orcao paramilitaries to kidnap our comrades, leaving the crime unpunished, and trying to provoke a reaction from the ezln with the aim of disabling a state whose governability hangs in the balance.

SIXTH: If the objective of the Green Ecologist Party of Mexico (PVEM) is to provoke a problem that will have international repercussions, as well as to destabilize the regime in power, it is better to resort to the recall referendum.

The PVEM is one of the names used by the old PRI in these lands. Sometimes it is PAN, sometimes it is PRD, now it is PVEM badly disguised as Partido Movimiento de Regeneración Nacional (National Regeneration Movement Party). They are the same delinquents as before and now they are part of the wrongly called "opposition" movement, as a "fifth column" in the 4T.

Those responsible are: Rutilio Escandón and Victoria Cecilia Flores Pérez.

If what they want is to remove the current federal government, or to provoke difficulties as retaliation for the criminal investigations against them, or they are playing in one of the factions that are disputing the succession in 2024. Use the legal channels to which you have access and stop playing with the life, liberty and property of the people of Chiapas. Vote and call to vote for the revocation of the mandate and stop playing with fire because you are going to get burned.

SEVENTH: We call upon the Europe from below and the left and the national and international sexta to demonstrate in front of the embassies and consulates of Mexico, and in the houses of the government of the state of Chiapas, to demand that they stop with the provocations and abandon the cult of death that they profess. **The date is Friday, September 24, 2021.**

Given the action and omission of the state and federal authorities in the face of the current and previous crimes, we will take the appropriate measures to ensure that justice is applied to the Orcao criminals and the officials who sponsor them.

That is all. For another occasion there will be no more communication. In other words, there will be no words, but facts.

From the mountains of the Mexican Southeast On behalf of the CCRI-CG of the EZLN Subcomandante Insurgente Galeano Mexico, September 19, 2021



Martha Sanchez Nestor

A struggle for the rights of self-determination of the indigenous and Afro-Mexican women

Araceli Burguete Cal y Mayor

A month ago, on July 30 to be exact, and not to forget, Martha Sanchez Nestor, our companion, ally, dear friend, changed the garb of flesh and passed to another existential plane, when she was barely 47 years old, after a hard battle against COVID-19, which she could not overcome.

A native Nancue Ñomndaa (Amuzga) woman from the state of Guerrero, she was a distinguished feminist activist with globally recognized leadership. In her lifetime she received important awards and recognition, and was a frequent keynote speaker at United Nations (UN) forums in Geneva and New York. She was a legitimate voice for indigenous women, and a stateswoman in the proposal of public policy solutions, based on rights, with a perspective of self-determination, gender and interculturality, which she wove with mastery.

• Professor-Researcher at CIESAS-Southeast, Mexico. Co-Coordinator of the CLACSO Working Group on Indigenous Peoples, Autonomies and Collective Rights.



Credit: Secretaría de Cultura México. Published by Revista Proceso, 08/16/2021

At the age of 15, like many other young women from the country's indigenous communities, Martha moved from her community to the city in order to study while working. She studied typing, training to become a secretary. By 1994 she was living in Chilpancingo, the capital of the state of Guerrero. In response to a job offer, she knocked on the doors of the office of the Guerrero Council of 500 Years of Indigenous, Black and Popular Resistance (CG500A), which was looking for a typist. She got the job and thus made a radical change in her life, which by then had already turned 20 years old. She soon had an empathetic relationship with her employer, whom she had never met before.

In the last decade of the 20th century, indigenous struggles gained prominence. The Guerrero Council was one of the most important autonomous indigenous organizations in the country, and was a national reference for having stopped in 1992 the construction of the San Juan Tetelcingo dam, which would flood a large region of the Nahuatl territories of Alto Balsas, in the state of Guerrero. In addition, it was one of the organizations that mobilized the most, with marches to the capital of the state and of the country, in

against the counter-celebration of the so-called "V Centenary", which Spain, the Vatican and the Mexican government wanted to celebrate with a festive character.

The Guerrero Council had a way of acting in politics that achieved results. Its most frequent form of mobilization was the large marches that mobilized peoples in struggle and resistance, actions that combined culture and politics. At the front of the march were always the bands of the people cheering the slogans. This organizational capacity was ready when on January 1, 1994, the Zapatista Army of National Liberation (EZLN) took up arms in the distant state of Chiapas. Just a few days after the rebel irruption, on January 24, 1994, they had already sent a letter to the rebel command, in which they expressed their recognition. And to support this discursive declaration, they took to the road to walk and show their support. Martha was the scribe of these epistolary exchanges, and probably every letter shook her.

The relevance of this letter was such that on February 1, one month after the armed uprising, the Clandestine Revolutionary Indigenous Clandestine Committee of the General Command of the Zapatista Army of National Liberation sent a letter in response to the Guerrero Council, in which it said:

"Brothers: We want to tell you that we received your letter that you sent us on January 24, 1994. We are very happy to know that our Amuzgo, Mixtec, Nahuatl and Tlapaneco indigenous brothers and sisters are aware of our just struggle for dignity and freedom for the indigenous people and for all Mexicans (...) In our name, in your name, in the name of all the indigenous people of Mexico. (...) In our name, in your name, in the name of all the indigenous people of Mexico, in the name of all the indigenous and non-indigenous Mexicans, in the name of all the good men of the right path, we receive your words from you, brothers, brothers yesterday in exploitation and misery, brothers today and tomorrow in the dignified and true struggle". It is a

long, emotionally charged letter, at a time of uncertainty for the rebel army that had been forced to retreat to the mountains.¹

To make the support for the rebels tangible, the Guerrero Council prepared a march that left on February 19 for Mexico City. With typewriter in hand to fulfill her job of writing the minutes and trades, Martha walked the 275 kilometers under the sun, with little food and no lodging other than the shelter of the trees, the moon and the stars, to whom she entrusted her dreams.

Months later, she would accompany the male leaders of the CG500A on their incursions into the Lacandon Jungle of Chiapas, and had her first encounters with other indigenous women who, like her, were entering social activism, which marked her life. She got to know the Zapatista women and the transcendence of the Revolutionary Law of Women, which a year before had been written and published by the rebel comandantas, Comandanta Ramona, Major Ana María, Comandanta Ester, as well as other insurgent women of the EZLN. This key document is today a reference and inspiration for the indigenous women of Mexico, who are fighting for the self-determination of their bodies and their processes, and for the autonomy of their peoples.

From those spaces, very early on, she began to process feminist theory, of an autonomous indigenous feminism, as she used to position herself, from which she would nourish herself. Trained in the mixed movement, from there she would develop her political skills, which she would strengthen in her professional life as a leftist activist: rights perspective; horizons of justice; political office in the opening of dialogues; negotiator, autonomist, manager and feminist. Always claiming her legitimate right to demand, which she always did in a pro-active and intelligent way, to move forward and go beyond the given or normalized things.

¹ <https://enlacezapatista.ezln.org.mx/1994/02/01/al-consejo-500-anos-de-resistencia-indigena-que-nuestros-hearts-join-their-steps/>

From the CG500A platform, she began the construction of an agenda for a path of her own, and did so in alliance with other women in her organization. She was the founder of the Council of the Amuzga Nation Ñe' cwii ñ'oom AC and of the Cooperative of Weavers Flowers of the Amuzga Land. With this energy, she participated in the "Women's Rights Roundtable," which was established in San Andrés Larráinzar and later led to the signing of the San Andrés Accords and the integration of the National Indigenous Congress (CNI).

On October 12, 1996, the CNI was formally constituted in Mexico City, an activity in which Comandanta Ramona participated, with whom Martha and other comrades had the opportunity to interact. A year later, in August 1997, 400 delegates from 23 indigenous peoples of the country gathered at the First National Meeting of Indigenous Women, with the participation of Comandanta Ramona, giving birth to the National Coordinating Committee of Indigenous Women (CONAMI), laying the seed from which the most solid foundation of the nascent indigenous women's movement in the country would be erected; This was the seed from which the most solid foundation of the nascent indigenous women's movement in the country would be built, immediately linking up with the Enlace Continental de Mujeres Indígenas de las Américas (ECMIA), which had been formed in Quito, Ecuador, in 1995, on the eve of the Fourth World Conference on Women (Bei- jing), and from there weaving on to other global ramifications.

Together with our colleagues from other organizations, we gradually signed our own agenda for indigenous women, and later for Afro-Mexican women as well, in which the axis of self-determination was present. The political struggle was a distinctive feature, and demands to national States and international organizations were part of their strategy of struggle, repeatedly demanding compliance with ILO Convention 169 and to be recognized as legitimate interlocutors in all matters involving indigenous women and peoples. Her recognized leadership led her to be elected president of the national organization, Asamblea Nacional Indígena Plural por la Autonomía (ANIPA), which she held from 2004 to 2006, exercising the principle of parity established by the organization in its Statutes in 2001.

Martha Sánchez Néstor was a woman of goals and achievements. In June 2016-2017, Forbes Magazine recognized her as one of the 100 most powerful women in Mexico. In the description of the recognition it is quoted: "They are the women who promote projects, build possibilities for others and those who believe that power is to be shared. There are 100 of them, but we know there are more. We want there to be many, many more. In Forbes' perspective, the 100 women recognized had the characteristic of inspiring, they are characterized because they are women who think that power serves as an instrument to transform reality. This definition portrayed Martha and her life purpose and struggle very well.

It has been a month since Martha left us, she left us a lot, she left us a history of autonomous struggle that we want to honor. Thank you dear Martha Sanchez Nestor for all your sowing. We miss you.

Neoliberalism in the guise of popular democracy

The Road to Judgment of Amparo against the so-called Tren Maya Development Project.

Elisa Cruz Rueda* Elisa Cruz Rueda

Consultation is a duty of the State in accordance with Convention 169 of the Labor Organization and with what is indicated in the reports and recommendations of different Special Rapporteurs for the Fundamental Rights and Freedoms of Indigenous Peoples of the United Nations (UN). These rapporteurs periodically make reports on the manner in which the States Parties to ILO Convention 169 comply or do not comply with it. Mexico since at least 3 previous six-year periods

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The current and current administration, including the one led by President Andrés Manuel López Obrador, have been singled out for non-compliance with these international obligations.

The Mexican State has the duty to establish the conditions to comply with international standards and thus guarantee that the communications of information are understood by the peoples concerned, and that these, in a free manner without malice, bad faith, error or ignorance, make the best decision on the measures promoted by the government, which could affect their fundamental rights, for example: self-determination as an expression of autonomy, integrity of their lands and territories and the totality of their habitat.

As we have mentioned, the international organizations that observe whether or not a State complies with ILO Convention 169 and international standards, such as the UN Committee against Racism and Discrimination, the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the Rights and Fundamental Freedoms of Indigenous Peoples agree that the Mexican government does not comply with and in any case violates the aforementioned international treaty and international standards regarding consultation with indigenous peoples. On January 6, 2020, Mayan, Tsotsil, Tzeltal and Chol indigenous peoples filed a lawsuit for the protection of their rights before the 1st District Court in the state of Campeche, Mexico.

What is the Mayan Train Project?

The official name is "*TREN MAYA DEVELOPMENT PROJECT*", and it is a territorial reorganization project and not only the laying or renovation of train tracks, as the people who live in the territories of Chiapas, Yucatan, Campeche and Quintana Roo, where there are indigenous peoples, especially those who are part of the Mayan ethnolinguistic family, have been led to believe.

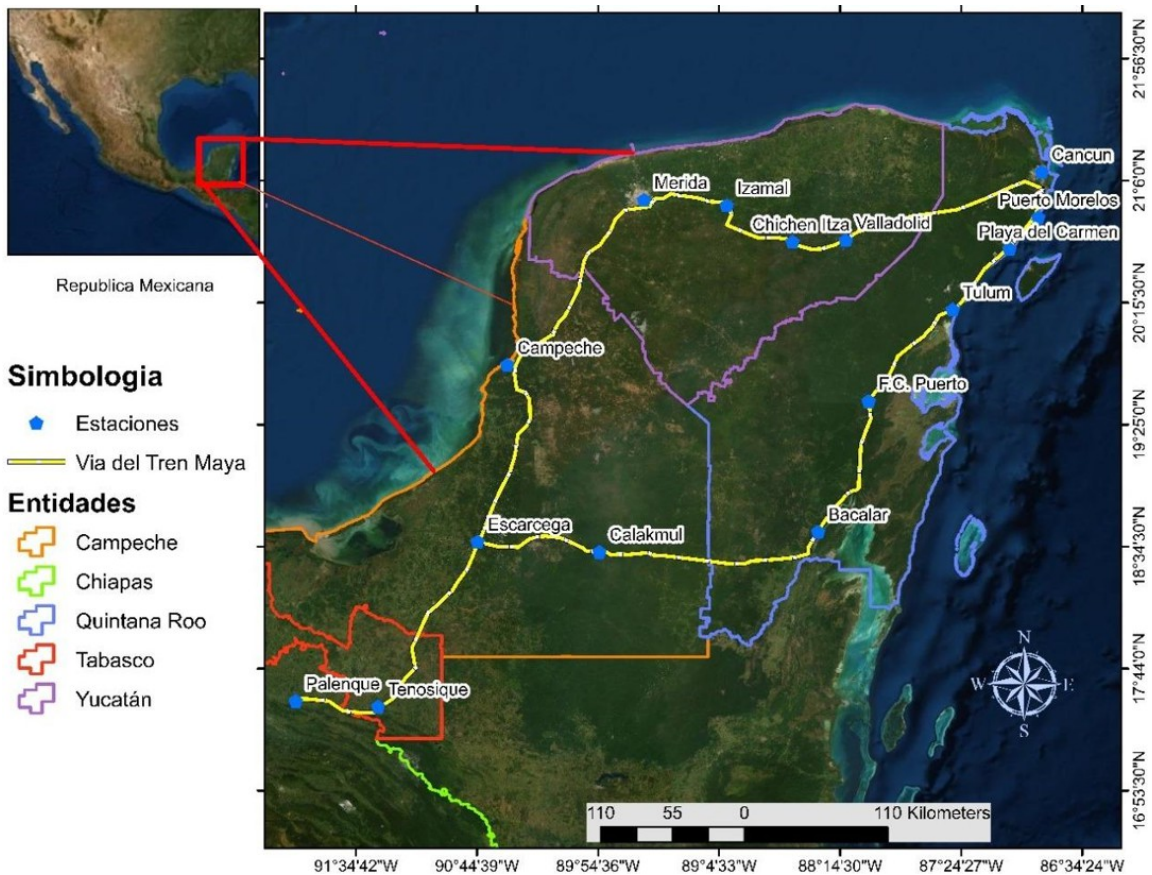
What were the signals that led us to initiate the amparo lawsuit?

An amparo trial -as a trial of human rights guarantees- requires a lot of willpower, above all and most importantly, the complainants, those whose rights have been directly violated, the indigenous people and their peoples. In the case of the so-called Tren Maya project, 19 inhabitants of the affected territories decided to begin this long journey.

These people are part of the Consejo Regional Indígena y Popular de Xpujil (CRIPX) with the support of Diálogo y Movimiento (DIMO, A.C.), decided to file this amparo lawsuit, because we have observed that the federal executive (the President of the Republic and his official cabinet, that is, the Secretaries of State), has turned a deaf ear to what at many times several people, collectives, groups, universities, researchers, in short, many people, have been pointing out serious flaws in the consultation process, for example, ignoring fundamental rights, both individual and collective, of the indigenous people and their peoples as set forth in the Political Constitution of the United Mexican States (CPEUM).

The following are the signs that led us to take this path.

1. On November 15, 2018, a letter was addressed to the president-elect, whose content referred fundamentally to the so-called Mayan train. In that letter, as the head of the federal executive would later say in a derogatory manner, "the undersigned" noted with concern that the project called the Mayan Train would be executed without complying with the elementary principles of human rights, constitutional principles, the principles of conventionality, the pro-people principle, and a series of human rights principles. Andrés Manuel López Obrador (AMLO), president-elect in 2018, turned a deaf ear.



Credit: Israel Ángeles Martínez

2. On August 29, 2019, the UN Committee against Racial Discrimination issued a recommendation to the Mexican government, which basically consists of indicating its concern about the information it has received on the implementation of citizen consultations regarding the execution of large investment projects such as the Maya train and the transisthmian corridor; since in this information it is already expressed that the Mexican government has not taken into account the word of communities and peoples. Likewise, the Committee expresses its concern that the state party, i.e. Mexico, does not have adequate mechanisms for the protection, preservation, reclamation and restitution of lands, territories and resources traditionally occupied by indigenous peoples, and therefore, finally, the Committee recommends that the Mexican state put its reports, which it has submitted to the Committee against racism,

to be made available to the people from the moment of its presentation and to disseminate the recommendations made to it. To date, the federal executive has not responded to the Committee against Racism. Mexico is obliged, in the concert of nations, to comply with reports and recommendations, as well as with international treaties and universal declarations on human rights.

On December 11, 2019, the human rights commission of the Diocese of San Cristobal announced that it had collected approximately 6,000 signatures in the state of Chiapas, pronouncing itself against the mega-projects, specifically the transisthmian project and above all, the project called the Mayan train, which since the arrival of the "new" government announced that it would be launched, with or without consultation with indigenous peoples and their communities.

Since November 2019, the federal government called for a consultation and citizen participation process on the Mayan train development project, to be held on December 14 and 15. However, by that time, several standards and principles of the Indigenous Consultation, as stated in Articles 6 and 7 of ILO Convention 169, had already been violated.

On December 19, 2019, the office of the United Nations High Commissioner in Mexico, called attention to the consultation process on the Mayan train development project, and pointed out serious violations on what it was able to observe, because it was in the consultation process, noting that it did not comply with international standards on the matter, i.e., in terms of consultation with indigenous peoples.

With this, as you can see, the only way left to us by the federal government was to resort to the amparo lawsuit, with all that this implies. So from that moment until before January 6, the legal team that supported the CRIPX, took on the task of preparing the amparo lawsuit against the so-called Mayan train development project.

What we are claiming are violations of the principles of international law that regulate indigenous consultations. Likewise, we claim the violation of the individual and collective rights that ILO Convention 169 recognizes, and specifically the right to autonomy and self-determination, which are expressly stated in the Federal Pact that is the Political Constitution of the United Mexican States and that, therefore, the principle of constitutional supremacy applies, nothing and nothing above the constitution.



CRIPX comrades receiving more than 12,000 signatures collected by human rights promoters from the Diocese of San Cristobal de las Casas against the Mayan Train on March 16, 2020. Credit: Elisa Cruz Rueda.

In other words, the federal government committed itself to comply with and enforce human rights, and the consultation process for the Mayan train development project, and therefore this one, fundamentally violates them, because:

1. Such process does not comply with the fundamental standard of prior consultation, because since the arrival of the new president of the republic (head of the federal executive), he announced: the train goes, because it goes. If he had already announced that the "train goes because it goes", why consult, and even worse, knowing that with this he would condition many wills, because, not satisfied with saying "the train goes because it goes", he began to disqualify those of us who warned about the ways and means of consulting and the risks to the environment.

2. This has led to the fact that, in the communities, those who are better educated and began to point out the risks, have also been stigmatized in the way the federal executive does every morning (the President of the Republic is in the habit of holding press conferences). What does this mean? With this action, the President violates another fundamental international standard of consultation, the free expression of will, and therefore free consent.

3. This process and project violate the right to prior, full and good faith information, so that the interested parties, that is, the indigenous people and their peoples, can make a good decision on what they are being consulted about, or on what they are being asked to give their opinion on. This was confirmed in the minutes of the regional assemblies that were drawn up during the deliberative and consultative phase of this process. In these minutes we observed that the will of the people was fatally influenced by their own need to attend to their most elemental and basic problems such as access to water, access to health, legal certainty about their land. The worst, or the best, is that it was also recorded in those minutes, that the federal authorities admitted that at that moment, in the informative phase, they accepted that they did not have all the information to make it available to the indigenous authorities, commissioners, or municipal agents, municipality, etc., so that these in turn could take it to their towns, so they told them "we do not have this information, but you go to your communities to consult", that is what they did, and this violates the international standard of consultation, of prior information.

Earned so far

We can say that we have gained a lot, first, because at least two organizations have contributed to this initiative: DIMO and CRIPX, but there are also many people, researchers, professionals and farmers who support and give strength to what is being done.

That is to say, what we have won so far is a lot, why, because we have expressed our voice and our nonconformity. Our voice is already in the history of Mexico, this proves that there is indeed opposition, there is indeed nonconformity to the mega-projects, because they are imposed in the manner of previous governments. With previous governments we said it, and with previous governments we opposed, and with previous governments we were also in resistance, it is not the first time, and as it is not the first time, we know that the fight will be long, until there is really a will to listen to the federal executive, that is to say, the President of the Republic and his cabinet. Our voice remained and will remain in history, our sons and daughters of those who filed the amparo, of lawyers, organizations and professionals, will be able to go with their eyes held high, because they will know that their fathers and mothers did not give in to intimidation and that our voice remained there, and that just like us they will also be able to raise their voices, in the face of any injustice.

Postscript

Despite the fact that in August 2020 the Mexican president decided to personally start (Animal Político 2020, Vivanco 2020) the counter-offensive to denigrate human rights defenders and defenders of nature and the environment, branding us and other organizations as "those who want to derail the train" "receiving resources from the extraveler", we decided to continue with the follow-up and management of the first amparo against the misnamed Mayan Train. We say it was the first, because later other organizations and communities have filed other amparos.

In the last seven months of 2021, and moving forward in the month of August 8, motions have been filed with the purpose of advancing the trial. That is, to continue with the substantiation of both the main file and the incidental file: the two notebooks where the provisional suspension is granted and, in due course, the definitive suspension. This is due to the fact that the amparo has been suspended for a long time for one reason or another, either because of the different promotions of authorities and persons who have presented themselves as supposed interested third parties, but the main justification is the pandemic.

In this sense, within the amparo lawsuit itself, different appeals have been filed, such as complaints and the appeal for review, and as DIMO we have filed three appeals, which are pending in the process. Two of these have already been ordered by the 1st District Court to be resolved.

Regarding specifically the rejection of evidence that we pre-sented as DIMO to demonstrate the violations implied by the misnamed consultation of December 2019, we filed a complaint appeal. This was already escalated to the collegiate court of the Thirty-first Circuit, who admitted it in July of this year and marked with the complaint number 160/ 2021 and channeled to the magistrate who will make the agreement, the draft or the draft judgment. This appeal was filed long before we had access to the electronic files and we did not have permission to review the file electronically. For this, arrangements were recently made at the end of July to gain access via virtual access. Thus, since the beginning of August, we have already had virtual access to the complaint file.

Similarly, given the pandemic, the amparo proceeding has been delayed, but this is no justification for virtual justice not being expeditious, so we filed another complaint for denial of justice.

It is important to clarify that, within the amparo trial, there is a main part and an accessory part, the latter is known as incidental files, the above mentioned corresponds to the main file.

In the files that are called incidental files or incidental files, three appeals for review have already been accumulated, one by us, one by the Ministry of the Interior and one more by some people who call themselves interested third parties. These have not yet been forwarded. Not even an agreement has been issued ordering them to be sent to the Collegiate Court (higher instance of the 1st District Court). So those are still in suspense.

It is important to point out that the appeal of complaint 160/2021 was one of the most expected, because it was the first of the means of challenge that we filed and its purpose is precisely to resolve the dismissal, or confirm the dismissal of evidence against us. Or to revoke the agreement by which our evidence was rejected, which would be in our favor.

For us, the rejection of evidence is not justified, because a time of suspension of work was used that is not constitutional and that was not endorsed by the Council of the Federal Judiciary in the official calendar of work that they publish, and that contemplates days off and non-working days. Therefore, by using a day, a local date on the occasion of the Carnival festivities, which is not official and which was not published sufficiently in advance, and that there is jurisprudence that establishes that it cannot be counted in the manner in which the First District Court in Campeche did it, it gives us the conviction that we have all the elements to be granted the reason in the complaint in question.

Conservative advance against indigenous autonomy and plurality in Brazil

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Introduction

The situation of the indigenous peoples in Brazil is beset by urgency. The weapons that sustained the blows of Brazilian "development" against the indigenous peoples in recent decades - including norms, frauds, and continuous violence - are now even more articulated and explicit, and are presented as a political project of destruction of the normative framework of state protection of the Indians. In the face of the declared war, the indigenous movement promotes an incessant process of reflection, (re)organization and resistance. The indigenous mobilizations that

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took over Brasília and several territories in mid 2021 offer elements from which we can think about the forms and horizons of the indigenous struggle in the current political conjuncture.

The struggle of the indigenous peoples in Brazil is taking place in the midst of a crisis of the ethnic and cultural plurality project born in the 1970s and 1980s. This project, based on self-determination, territoriality and profound cultural difference, is still alive among the indigenous peoples, in their capacity for mobilization, in their political and territorial organization. But the powers of the republic and extractive sectors attack it from all sides. The siege on indigenous lands and the destruction of community life forms should be analyzed in a broad perspective, which goes beyond the offensives of the agribusiness and the explicitly anti-indigenous government management. The continuity of the current situation with the historical process of conquest and colonization requires understanding the difficulties of the existence of indigenous ways of life on several fronts and in depth.

This text explores some of the ambiguities and limitations of the Brazilian institutional framework for the organization of cultural and ethnic plurality, that is, the way in which institutions have captured and codified the transforming energy of the indigenous and indigenist movement of the redemocratization period. It deals with some of the devices used during the last decade by anti-indigenous sectors to close the most radical horizon of this framework, among them the so-called "time frame", now at the center of the confrontations between indigenous peoples and ruralism. Finally, it brings up considerations on indigenous political action and its horizons amidst the ruins of state indigenism.

Autonomy and reaction: Limits of pluralism in Brazil

The Federal Constitution of 1988 did not manage to institute plurinationality as the organizing axis of the interethnic field, as did those of Ecuador and Bolivia, in 2008 and 2009, and as is currently

being discussed in the Constitutional Convention of Chile. In terms of the recognition of

indigenous political autonomy, the Brazilian Constitution is quite timid, although it represents an advance in relation to the previous regime of tutelage and assimilation.

In the 1970s, in the Indigenous Assemblies organized throughout Brazil and in other clandestine meetings, the emerging field of indigenous self-determination and the indigenous movement elaborated a political project of indigenous self-determination and autonomy. This project was taken to the Constituent Assembly of 1987-88, where plurinationality was proposed by organizations such as the Conselho Indigenista Missionário (CIMI) and the Associação Nacional de Ação Indígena (Anai), which understood that there was political space for a more radical project of transformation of the state (Lacerda, 2008). The reaction was immediate. Days before the protocol of the plurinationality project, the newspaper *O Estado de São Paulo* published an article accusing the CIMI of involvement in a conspiracy with international mining companies to appropriate the mines on indigenous lands (Estado de São Paulo, 1987). A Parliamentary Commission of Inquiry was opened to investigate the accusations (Brazil, 1987) and, in the meantime, the proposal of a plurinational state was shelved.

Finally, the chapter of the Constitution that deals with the indigenous peoples is an example of institutional continuity and rupture. Among its most important innovations are the recognition of indigenous legal capacity and an expansion of their territorial rights (Cunha, 2018; Eloy, 2020). Article 231 establishes that indigenous peoples have the right to their traditionally occupied lands, defined as "those inhabited [by indigenous peoples] on a permanent basis, those used for their productive activities, those essential for the preservation of the environmental resources necessary for their well-being and those necessary for their physical and cultural reproduction, according to their uses, customs and traditions".

The language of the Brazilian Constitution is certainly not that of the indigenous people. The formula "uses, customs, traditions" reproduces the forms used by colonial society to codify different civilizations

(Yrigoyen 1999). Indigenous intellectuals explain how the way of life and the relationship between peoples and nature is not reduced to the idea of "environmental resource",

and we can question to what extent it is possible to speak of productive activities and well-being. The very concept of Indigenous Land (IT) codified in the Constitution brings the idea of fixed spaces with rigid contours, which disfigures and reduces the multiplicity of ways of inhabiting, of making world and territory found in Amerindian traditions.

Despite the ambivalence and coloniality of the institutional framework, the demarcation of ITs has been central in strengthening the self-determination of native peoples. At the same time that demarcation constitutes indigenous territoriality under the sign of state law and based on limits imposed by negotiations with the surrounding society, it stabilizes legal, symbolic and physical frontiers that help to contain the advance of extrativism over these spaces and create zones of possibility for other ways of making territory.

The demarcation of indigenous lands advanced mainly in the 1990s and early 2000s and with strong international support for environmental protection in the Amazon. However, the demarcation agenda lost traction in the second half of the 2000s as economic sectors born from the expropriation of indigenous and public lands progressively turned strategically to the conquest of political influence. Together with the advance of ruralism in the National Congress and in the ^{government}¹, an anti-indigenous ideology created the conditions for an extrativist expansion that progressively blocked the access of indigenous peoples to their ^{traditional} territories². The efforts of the ruralist political movement to hinder, impede and annul the demarcation of indigenous lands throughout the country are reflected in the progressive slowdown of the demarcation of indigenous lands since 2010.

¹By ruralism, we understand the institutional and extra-institutional political movement of rural patronage in Brazil, mainly by rural landowners and entrepreneurs (Bruno, 2017).

²Since the beginning of 2010, the Frente Parlamentar Agropecuária (FPA), a non-partisan ruralist organization in the National Congress, has chosen the territorial rights of indigenous and traditional peoples as its main ally (Bruno, 2017). In 2013, the FPA established as one of its priorities "the regulation of the issue of indigenous lands and quilombola areas, in order to ensure legal certainty to the competitiveness of the

agricultural sector". Available at: <https://fpagropecuaria.org.br/historia-da-fpa/>.

Demarcation occurred before the state responded to demands for demarcation outside the Amazon, in regions of older colonization, where the recognition of ITs would imply the withdrawal of lands from the circuits of production and capitalist accumulation where they were already integrated. The recognition of indigenous territorial rights never reached the non-Amazonian peoples³. Not that experiences of self-organization, autonomy, ethnic resurgence and retaking have not also flourished in these regions in the shadow of the non-recognition of the state⁴. But it is crucial to recognize that in the south, southeast, center-west and northeast of Brazil, the indigenous right to territory has never been exercised by the state. Even in the Amazon, there are still dozens of ITs to be demarcated, and the lands already recognized are under increasingly intense attacks⁵.

The international demand for commodities, the relative ease with which the business and logging sector appropriates land in Brazil, generating alarming numbers that place the country at the top of the death list of activists in land conflicts⁶, as well as the articulation of the invading forces that threaten the territory with local and national political power, has made a "border" dispute become a policy and de facto rule, in addition to constitutionalized rights. It is not by chance that Bolsonarism has the most explicit anti-Indian sectors as a political component, placing in ministerial positions, for example, participants in congressional actions in the last decade, who have been invested against indigenous institutions and public bodies of agrarian and indigenous policy.

³ Even today, about 98% of the area of demarcated ITs is located in the Legal Amazon.

⁴ Among the many studies on processes of ethnogenesis and indigenous retaking, see: Oliveira (1999); Benites (2014); and Alarcon (2019).

⁵ Today in Brazil more than 220 indigenous lands await demarcation. See: https://www.socioambiental.org/sites/blog.socioambiental.org/files/nsa/arquivos/nota_tecnica_monitoramento.pdf

⁶ Brito, J "Brasil é o 3º em mortes de ativistas ambientais e dos direitos humanos, diz ONG" CNN Brasil, 28/7/2020 Disponível em: <https://www.cnnbrasil.com.br/nacional/brasil-e-o-3-em-mortes-de-ativistas-ambientais-e-dos-direitos-humanos-diz-ong/>

The time frame and other traps: The state against indigenous societies

Indigenous territorialities mark profoundly different and diverse ways of organizing the relationship between humans and non-humans and of structuring the practices that sustain life. Despite the limitations of the concept of indigenous lands codified in the Constitution, such lands are spaces that harbor these territorialities and worlds and constitute obstacles to the penetration of capitalist forms of economic exploration, land privatization and accumulation. It is not to all that ruralism and other extractive sectors have dedicated so much energy to advance ways of opening, flexibilizing, or dissolving the frontiers that protect them.

The demarcation and protection of ITs by the state depends largely on the National Indian Foundation (Funai), responsible for indigenous land policy in Brazil. But Funai has been given over to ruralism (not for the first time) and has promoted incessant attacks on indigenous rights, for example by regularizing farming within ITs and allowing economic exploration by non-indigenous people in their interior (Brazil, 2020). All demarcation processes are currently paralyzed, without progress and without prospects for advancement.

In the speeches of public authorities, references to the image of a producing Indian who pretends to want to free himself from the shackles of backwardness and develop by means of economic production, and mainly by leasing land and the garimpo, are intensified. The protection of indigenous lands is portrayed as a hindrance and obstacle to development. The idea that "the indigenous need to develop" is as old as state indigenism, and points to assimilationism and ethnocide, which are among its fundamental operators⁷.

⁷To cite one example among many, in 2018 President-elect Bolsonaro went so far as to affirm that "keeping Indians in reserves is like keeping animals in zoos (...) we cannot use the situation of these Indians, even inferior to our own, as a justification for the demarcation of gigantic lands.) we cannot use the situation of these Indians, still inferior to ours, as a justification for the demarcation of gigantic lands." <https://g1.globo.com/sp/vale-do-pacos->

diz-bolsonaro.ghtmlraiba-regiao/noticia/2018/11/30/indios-em-reservas-sao-as-animals-em-zoologi

It was and is fought by the indigenous movement, but frequently comes to the fore in speeches and regulatory projects. Bill 191 of 2020, which opens indigenous lands to mining, lists among its justifications the generation of employment and income (including for indigenous peoples), the possibility of paying compensation to the affected peoples. PL 490/07 and similar projects follow the same logic, opening a series of gaps for economic exploration, including by non-indigenous people, within the ITs.

Today, the so-called timeframe approach is at the center of the complex of discourses, norms and practices mobilized to attack indigenous self-determination and territorial rights. The time frame is a radically restrictive interpretation of the Constitution, created and advanced by ruralism. It establishes that indigenous territorial rights apply only to those lands actually occupied by indigenous peoples on the date of promulgation of the Constitution, on October 5, 1988. And the land did not only have to be occupied on that date, after five centuries of colonization, but the occupation had to be endowed with a "traditional" character in the anthropological sense, that is, it had to be in accordance with the uses and customs of that people, which distinguish it from the surrounding ^{society}⁸.

The objective of this study is to prevent the demarcation of indigenous lands, mainly in old border regions, where these lands had already been expropriated and converted into private property prior to 1988. This is the case, for example, of the Guarani and Kaiowá of Mato Grosso do Sul, removed from their *tekoha* due to the advance of agropastoral fronts mainly from the 1960s (Benites, 2014). There is no doubt that the lands today occupied by soybean mills and plantations are traditional lands in the sense of being part of the vital territory of a people. Archaeological, historical and anthropological evidence abounds. But with the time frame, none of this will matter. The history of illegality and

⁸The time frame theory admits the exception of the so-called reluctant bulge, according to which, if the indigenous people can prove that at the date of promulgation of the Constitution there was a physical or legal dispute for the possession of the land, the time frame does not apply. Extremely difficult to prove, such an exception has had

no effect.

violence will be extinguished and, at a stroke, the theft of indigenous lands will be stopped.

The time frame is not new - it has been circulating among the three powers and has been producing effects for at least a decade. In 2012, in an attempt to paralyze the demarcations, Portaria 303 of the Office of the Attorney General of the Union (AGU) transformed the time frame into a binding norm for the federal public administration, before the then Minister Gleisi Hoffmann participated in a series of hearings announcing the paralysis of land markings⁹. The Judiciary has been using this device as a justification for suspending or annulling indigenous land demarcation processes since the judgment of Petition 3.388, concerning the demarcation of Raposa Serra do Sol, in 2009¹⁰. In the legislative sphere, the time frame, together with other devices restricting indigenous territorial rights, has been included in bills such as PL 490/2007, approved in June by the House Committee on Constitution and Justice (CCJ) and awaiting deliberation by the plenary.

Between June and September 2021, the analysis of the constitutionality of the timeframe was placed on the agenda of the Chamber of Deputies and the Federal Supreme Court (STF), in the Xokleng Case, which will have binding effects for all similar cases¹¹. The truth is that it was not necessary to wait for the sanctioning of the temporal framework by the Supreme Court to suspend the recognition of indigenous territorial and cultural rights. But it was in this context that the largest mobilization ever carried out in Brazil, with 7,000 indigenous people from 170 ethnic groups camped in August, and other peoples before and after, in successive days of protest, mobilization and visibility of the indigenous conflict, left a lasting impression on the indigenous peoples.

⁹ Portaria 303/2012 was suspended, but its terms returned in the Temer administration, in the form of Parecer 001/2017, also from the AGU, also suspended by the STF.

¹⁰ For an analysis of the long term impacts of the timeframe treaty on the territorial rights of the Terena people, see Alfinito Vieira and Eloy Amado (2017).

¹¹ On the Xokleng case, see: [https://apiboficial.org/2021/06/29/entenda-porque-o-caso-de-repercussao-geral-Autonomies today. Indigenous Peoples in Latin America Number 3 - October 2021](https://apiboficial.org/2021/06/29/entenda-porque-o-caso-de-repercussao-geral-Autonomies%20today.Indigenous%20Peoples%20in%20Latin%20America%20Number%203-%20October%202021)

[no-stf-pode-definir-o-futuro-das-terras-indigenas/](#).

register of the strength and reality of the multiethnic character that is present in Brazil today.

Political organization and institutional imagination in the Brazilian indigenous movement

Together, the norms, policies, discourses and practices mentioned above form a device that seeks to control indigenous demands based on territoriality and difference. They reveal that the project of state indigenism is a war against indigenous self-determination, and establish the field within which the indigenous struggle is currently being waged in Brazil. The question that arises is: what are the practices, the projects and the trends that emerge in the indigenous struggle in this context of attack? Where does the political action, organizational forms and imaginaries of the indigenous movement point to today?

The advance of capitalism on the territories has several fronts: the annulment of the demarcation process, which is already in practice; the invasion of already demarcated territories, adapting legislation to put the land, the rivers and the indigenous peoples' livelihood at the disposal of capitalism, transforming everything into a commodity; the alienation of indigenous communities in this process, creating individual or collective economic actors dependent on the policies of the state and the market. A "civilizational" advance accompanies capitalist expansion in ethnocide and the denial of the possibility of alternative ways of life.

The destruction is the continuity of a process of conquest and pacification of civilization that never ends, because it is carried out by the very logic of a capitalism that only subsists in the expansion of its borders, extensively and intensively, territorially and ideologically, with looting, dismantling and theft of timber, in the legislation of the State, from within the indigenous communities and interlinked with international trade and demand for raw materials. In the backhoes or in para-military violence the destruction always finds resistance.

We wonder about the ways of existence that resist this reality. Collective projects of the indigenous movement and not only? utopian elaborations or specific demands and are part of territorial experiences, in demarcated ITs or not, in the reinvention of previous forms of organization or in movements of territorialization without territory, in exodus or dislocation, developing forms of autonomy, cosmopolitical responses, of a politics that is not only human, in movements open to different conceptions and ontologies with respect to what we call nature and society, to the human world and its relationship with the non-human, in ways that are not necessarily economic, utilitarian, proprietary.

The contemporary debates in anthropology and other fields of knowledge (Schavelzon 2016) are based on the intensive differences in territories and worlds, on the questioning of epistemologies that impoverish experience, on the codifications of the market, the State, and the great religions. The question is for the indigenous struggle that within the institutions, in the territory and in alliance with other sectors of the country face the project of destruction of territories that have not yet been demarcated, not yet divided and not yet inserted in the mercantile logic of productive integration, of economic growth and of "harmony everywhere", as Pierre Clastres wrote about the threats against the Yanomami people in "The Last Circle" (2004).

In times of destruction, threat and anti-indigenous advance in institutions, it is not possible to be satisfied with the adaptation of an environmentalist discourse, responsible business, of a new green agreement between political sectors and in the policy of deception and manipulation of mining companies and the state in processes of consultation, compensation and relationship with the communities. In the Acampamento Luta pela Vida in Brasília, in the movements in the territories and in the experiences of self-defense and self-demarcation, we find territorialities constituted by reciprocal and vital links; we see persistence and indigenous invention as resistance.

In the debate on the time frame, the indigenous movement defended constitutionalized rights, but also a horizon for where a

legislation and institutional system less colonial could be directed. The indigenous and their allies in the struggle against ruralism presented a territoriality that is not constituted as a fixed space and not by a close connection with the past. IT emerges in the present, in these constructions that are in progress, by the construction of a way of being, relating and inhabiting the world. It is emergent and is not given in any temporal or geographical framework. In this sense, the very encampment in Brasília formed an indigenous territory that traversed space, and the struggle to blockade national highways also showed a ubiquitous existence that can be continuously reproduced and reinvented. What the processes of construction of an autonomous territoriality are doing on a daily basis, where the war against sectors that promote predatory development allows for the establishment and circulation of another, indigenous, logic.

The struggle of the indigenous peoples of Brazil is similar to that of peoples throughout Abya Yala, where the defense of water, the struggle against extractivism and the defense of territory allow the construction of ways of existence, in the Colombian region of Cauca, in Chiapas, in Araucania and in so many places where Amerindian peoples face similar threats. The indigenous struggle and mobilization in Bolivia found legal tools in the defense of land policies favorable to the community, in the *Agrarian Reform Law* approved in 2006 (Almaraz, 2019). The recent national indigenous mobilization in Brazil shows willingness to advance in several areas against the consensus of the political class, in defense of the land and for indigenous life as it is.

REFERÊNCIAS

Alarcon, Daniela, *O Retorno da terra: As re-tomadas na aldeia Tupinambá da Serra do Padeiro*, São Paulo: Elefante, 2019.

Almaraz Ossio, Alejandro. 2019 Pervivencia comunitaria y continuidad colonial del estado: los territorios indígenas en la legislación y las políticas públicas de Bolivia. Santa Cruz, Bolivia.

de la Sierra, CEJIS/IWGIA/DIAKONIA. Disponível em: https://www.cejis.org/wp-content/uploads/2020/05/pervivencia_comunitaria_final.pdf

Alfinito Vieira, Ana C.; Eloy Amado, Luiz Henrique. "Aplicação do marco temporal pelo Poder Judiciário e seus impactos sobre os direitos territoriais do povo Terena". In: Alcântara et al. (Orgs.). *Indians, territorial rights and territoriality*. Brasília: Associação Nacional dos Procuradores da República, 2018, p. 227-64.

Benites, Tônico. *Rojeroky hina ha roike jevy tekohape (Praying and fighting): the historical movement of the Aty Guasu Ava Kaiowa and Ava Guarani for the recovery of their tekoha*. Thesis (Doutorado em Antropologia Social) - UFRJ. Rio de Janeiro, 2014.

BRAZIL, Fundação Nacional do Índio (Funai). *Instrução Normativa n. 9*. Brasília, DF: 2020.

BRAZIL, Chamber of Deputies. Res. n. 17 *Cria a CPI destinada a investigar as denúncias de grande conspiração contra a soberania do Brasil*. Brasília, DF: 1987.

Bruno, Regina. "Bancada ruralista, conservadorismo e representação de interesses no Brasil contemporâneo"; In MALUF, Renato; FLEXOR, Georges. *Questões agrárias, agrícolas e rurais. Conjunturas e políticas públicas*. Rio de Janeiro: E-papers, 2017, p. 155-169.

Castilho, Alceu Luís. A serpente fora do ovo: a frente do agronegócio e o supremacismo ruralista. *Revista Okara: Geografia em debate*, v.12, n.2, p. 699-

Clastres, Pierre. 2004. *Arqueologia da violência - pesquisas de antropologia política*. São Paulo: Cosac & Naify. 325pp.

Cunha, Manuela Carneiro da, Índios na Constituição. *Novos Estudos*, v. 37, n.3, p. 429-443, 2018.

Eloy Amado, Luiz Henrique. *Vukápanavo: o despertar do Povo Terena para os seus direitos: movimento indígena e confronto político*. Rio de Janeiro: E-papers, 2020.

Lacerda, Roseane. *Os povos indígenas e a Constituinte*. Brasília: Conselho Indigenista Missionário (CIMI), 2008.

O Estado de São Paulo. 1987. Os Índios na nova constituição: Uma conspiração contra o Brasil, O Estado de São Paulo, August 9, 1987.

Oliveira, João Pacheco de (org.), *A Viagem de Volta: etnicidade, política e reelaboração cultural no nordeste indígena*. Rio de Janeiro: Contracapa, 1999.

Schavelzon, Salvador (2016). "Introdução Dossiê - Cosmopolíticas e ontologias relacionais entre povos indígenas e populações tradicionais na América Latina" *Revista De Antropologia*, 59(3), 7-17. <https://doi.org/10.11606/2179-0892.ra.2016.124798>.

Yrigoyen Fajardo, Raquel, *Pautas de coordinación entre el derecho indígena y el derecho estatal*, Myrna Mack Foundation, Guatemala, 1999.

Levante Indígena pela Vida e pelo Território

Photographic essay

Coletivo Audiovisual Munduruku Daje kapap Eypi

Apresentação

The images that compose this photographic essay were made by the members of the **Munduruku Daje kapap Eypi Audiovisual Collective**. They take us first to the Munduruku territory and to the process of self-marking of the Indigenous Land (IT) Sawré Muybu, in the Middle Tapajós, carried out in mid-August 2021. From there, the photos record moments of the indigenous struggle in Brasília during the Luta pela Vida Camp, in the week of August 23rd, and in the Second March of Indigenous Women, between September 7th and 10th.

The Munduruku resistance, both in the territory and in Brazil, has the objective of defending life and indigenous territories against "death projects", as the leaders of the movement say, which are advancing by leaps and bounds on indigenous lands and state institutions. These projects include logging, industrial mining, timber extraction, infrastructure works such as Ferrogrão and the Ta-pajós hydroelectric complex, as well as draft laws (such as PLs 490/07 and 191/20) and legal issues that restrict the indigenous right to life and territory.

The Sawré Muybu Indigenous Land is called by the Munduruku of Daje kapap Eypi; it is the territory that gives the name to the audiovisual collective. O

The administrative process of demarcation of Sawré Muybu has been stopped for years at the National Indian Foundation (Funai), where it awaits to be sent to the Ministry of Justice for declaration. The Daje kapap Eypi Audiovisual Collective was formed in 2014, during the first self-demarcation action in Sawré Muybu, in which the Munduruku people walk the borders of the territory, identify and denounce invasions, install plaques signaling the indigenous land and reaffirm their ties with the territory. Self-demarcation requires intense logistical, political and spiritual organization, and is carried out regularly by the Munduruku in the ITs of the Middle and Upper Tapajós.


Today, the Daje kapap Eypi Collective is formed by three Munduruku women: Aldira Akai, Beka Saw and Rilcelia Akai. The photos and videos of the Collective, which portray both the daily life in the villages and moments of organization and political action, are an important tool in the recording and construction of the collective memory of the Munduruku movement. They also allow us to know a little more about Munduruku life, territoriality and politics, inside and outside the villages.

We thank the Coletivo Daje kapap Eypi for sharing their work in this newsletter.

And all strength to the women and the Munduruku people! Sawe!

Indigenous Uprising for Life and Territory: Photo Essay by the Audiovisual Collective Munduruku Daje kapap Eypi¹

The images that compose this photographic essay were made by the members of the Munduruku Daje kapap Eypi Audiovisual Collective. They take us first to the Munduruku territory and to the process of indigenous land demarcation (TI) Sawré Muybu, in the middle basin of the Tapajós River, carried out in mid-August 2021. Since then, the photos record moments of the indigenous struggle in Brasília during the Fight for Life Camp, in the week of August 23, 2021.

 Translation by Fernanda Lobo.

August, and in the Second March of Indigenous Women, which took place between September 7 and 10.

The Munduruku resistance, whether in the territory or in Brasília, has the objective of defending life and indigenous lands against the "projects of death", in the words of the movement's leaders, which are advancing by leaps and bounds in the indigenous territories and state institutions. These projects include garimpo, industrial mining, logging, infrastructure works such as Ferrogrão² and the Tapajós hydroelectric complex, as well as bills (such as PLs 490/07 and 191/20) and legal theses that restrict the indigenous right to life and territory.

The Sawré Muybu Indigenous Land is named by the Munduruku "Daje kapap Eypi"; this is the territory that gives its name to the audiovisual collective. The administrative process of demarcation of Sawré Muybu has been stalled for years at the National Indian Foundation (Funai), where it awaits to be sent to the Ministry of Justice for declaration. The Daje kapap Eypi Audiovisual Collective was formed in 2014, during the first action of self-demarcation in Sawré Muybu, in which the Munduruku walk the borders of the territory, identify and denounce invasions, install plaques marking the indigenous land and reaffirm their ties with the territory. Self-demarcation requires intense logistical, political and spiritual organization, and is carried out periodically by the Munduruku in the ITs of the middle and upper Tapajós River basin.

Today, the Daje kapap Eypi Collective is formed by three Munduruku women: Aldira Akai, Beka Saw and Rilcelia Akai. The photos and videos of the Collective, which portray the daily life of the people as well as moments of organization and political action, are an important tool in the recording and construction of the collective memory of the Munduruku movement. They also allow us to learn a little more about Munduruku life, territoriality and politics, inside and outside the villages.

We thank the Daje kapap Eypi Collective for sharing their work in this newsletter.

Strength to the women and the Munduruku people! Sawe!

View of the Sawré Muybu Indigenous Land, Munduruku territory in the middle basin of the Tapajós River, southwest of the state of Pará.



View of the Sawré Muybu Indigenous Land, Munduruku territory in the middle basin of the Tapajós River, southwest of the state of Pará.



Records of the Sawré Muybu self-demarcation in August 2021. The self-demarcation occurred in the week before the Fight for Life Camp in Brasília.



Photo courtesy of Alessandra Korap Munduruku

Records of the Sawré Muybu self-demarcation in August 2021. The self-demarcation occurred in the week before the Fight for Life Camp in Brasília.



Photo courtesy of Alessandra Korap Munduruku

Munduruku warriors preparing for the almost three-day journey from the territory to Brasilia to participate in the Fight for Life Camp.



Munduruku People in the Fight for Life Camp



Alessandra Korap Munduruku preparing for the Women's March



Indigenous Women's March, which brought indigenous women from about 170 ethnic groups from the five regions of Brazil to Brasilia.



March of Indigenous Women - Pataxó Women. During the meeting, the Pataxó women will pay homage to Galdino Pataxó Hãe-Hãe-Hãe, a leader who was brutally assassinated in 1997 in Brasilia, where he was dealing with demarcation issues.



Indigenous Women's March - registration of the Munduruku Wako Borun Association, which has been at the forefront of the Munduruku resistance against garimpo and the destructive development model that plagues the Munduruku territories.



Mobilization in Sawré Muybu for the demarcation of territories and against death projects, including garimpo, industrial mining, Ferrogrão and the dams planned by the government for the Tapajós River.



Members of the collective Daje kapap Eypi

Beka Saw



Aldira Akai



Rilcelia Akai



Interview with Alessandra Munduruku (Brazilian Amazon)

Waldo Lao*
Fabio Alkmin**

As part of the activities of the Second Indigenous Women's March in Brazil, entitled **Native Women: Reforesting Minds for the Healing of the Earth**, we had the opportunity to talk to indigenous leader Alessandra Munduruku, from the middle region of Ta-pajós, in the Brazilian Amazon. The event took place between September 7 and 11, at the National Foundation for the Arts (FU-NARTE) in Brasília, bringing together more than 4,000 women, representatives of 150 native peoples from all over the country: "This is a great call to humanity, in an attempt to provide all of us with the opportunity to share our experiences and knowledge with the world, and to share them with the world.

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the peoples of the world a new possible way of relating to Mother Earth and also to each other, beings that live on her", as stated in its *Reflorestamentes* ^{Manifesto}¹. The following is a transcription of the interview.



Credit: Instagram - @alessandrakorap

¹ To read the complete Manifesto: <https://anmiga.org/manifesto-reflorestarmentes-reflorestarmentes-de-sonhos-afetos-soma-solidariedade-ancestralidade-coletividade-e-historia/>

Alessandra, from a very general perspective, how could you define the current situation of indigenous peoples in Brazil?

We are in a moment where we are experiencing many threats, many invasions inside the territories - supported by the federal government - by President Bolsonaro himself. When he himself says that he is not going to demarcate any indigenous territory, it is already an advance for the invaders to enter our territories, or when he talks about mining, he says that the indigenous people need to extract those resources. He supports this violence within the territory, when he is in favor of all the projects, such as bill 490, which tries to do away with the demarcation of lands, or the temporary framework, another project that attacks indigenous rights. Now we know that in many indigenous territories, not only with the Munduruku, several attacks are happening: fires in prayer houses, schools being set on fire, villages being invaded... the enemies are on the loose. They think that we indigenous women, faced with all this violence, faced with so many attacks, would give up, that by attacking our villages, we would remain in fear, but no, on the contrary, we are going forward. What is happening in the villages, it is our body that is being confronted, it is our children who depend on our territory in the face of the enemies that are armed, the president himself, giving arms to them. We are living in a time of violence, of fear of going out, but we cannot hide, we have to speak, we have to say what is happening.

What could you tell us about the importance of this event, of the second Indigenous Women's March?

Many women came for this event, but many others stayed in their villages, they could not make it, but we managed to give the message: we are going to resist. We have been resisting for 521 years and we will continue. When we walk, we bring our joy, we bring our flowers, our colors, our smiles to the cities, because when those people look at us with that rage, they see that we are not afraid, because their greatest fear is our smile, our joy, our cultures, our languages.

Could you tell us about the process of self-demarcation of the Munduruku territory?

When they deny us our right to have our territory, when they are not going to carry out the demarcation because there is an interest in building a hydroelectric dam or a highway, they deny us that right. So we went in search of partners who know how to use GPS, who record and they taught us how to use these tools and now we do it on our own. There is a group of young people from audiovisual that accompany the process, we see our territory and we see that the loggers throw away the plaques, so we put them back, this way we realize when there are new invasions. With the self-marking we continue giving accompaniment, we continue monitoring the territory, because the corresponding bodies to take care of this, currently ICMBIO, FUNAI, IBAMA are on the side of the government. FUNAI, which has the duty to protect the indigenous peoples, is on the side of the government, they only want to give machines, they want the indigenous people to plant soybean, they want the indigenous people to deforest the territory. They say: the indigenous people need to produce and I ask myself: produce what? Soybean for the big capitals and where is the life, the flour, the fish, the fruits, that soybean does not bring for us. The current government is of four years and our life is of many years, it is a long time that we have history in the Tapajós river, a long time that the Munduruku have history and suddenly the federal government wants to deny us. We are not afraid.

A very interesting topic, and I think it is worth highlighting, is the fact that you (Mundurukus) carried out your own Prior Consultation Protocol. Can you tell us a little about how that process went?

The protocol was created because there were non-indigenous people hired by the companies of the Hydroelectric Power Plant - San Luis Tapajos, to enter the territory, deceive the indigenous people and carry out investigations, so we created the consultation protocol. We want to listen to the government, but not in the way they want to, with mentions, saying that there will be a hearing, as if it was a consultation in

We want it to be with everyone, we are almost 14,000 and we want everyone to be consulted.

A consultation with your parameters?

Yes, of the women, of the children, we have to consult everyone. The government has to consult us and I ask myself, who consults the animals? Who consults the spirits? That is the page, they are the ones who do that consultation and that is something that the government does not understand. The consultation protocol is going to say, if the government really wants to consult, to talk to the indigenous peoples, that they should not bring wrong information, that if they enter the village, that the recording should be from the indigenous people themselves, that the translator should be from the Munduruku themselves, that they should not bring the force of the army or the federal police, they do not need to bring any type of security, because we ourselves know how to do it. As soon as all the indigenous men and women do not know what this project is about, the [government] is not going to leave the village, it is going to stay a day, a week, a month explaining until everyone understands, and if in the end, we know that this could affect our lives, we have the right to say no. We are the ones who have the right to say no. We are the ones who have the right to say no. We are the ones who have the right to say no. We are the ones who have the right to say no, it is not the government that is going to decide for us. The consultation protocol is that, it is our right, although the government tries to deny us. In our time, not their time.

Alessandra, thinking about other resistances happening in Latin America, could you tell us about your experience in the Zapatista communities in the south of Mexico?

I have already had the opportunity to know and travel to some places, but the experience in Mexico was very important, because I saw the peoples, I met other relatives, their struggle is our struggle, what divides us is the map, but we are connected by the struggle. I got to know their autonomy, their own schools, their resistance, I found it very interesting, so we say let's do a little piece of that, which is the

self-demarcation, the consultation protocol. The experience of being in Mexico and getting to know other peoples is something that tells us: we are not going to

We are going to continue. We have also seen a lot of violence, that many women suffer because of the paramilitaries, as long as we are alive and resisting, we are not going to let any company enter our territory, because they not only bring violence, but also divide the people.

Finally, could you tell us what you understand by indigenous autonomy?

Autonomy is to be free, not to depend on companies, on the federal government. In my city, the municipality of Itaituba, there are several ports, Cargill, Bunge, those companies that transport soybeans to Asia, Europe, and they want us to negotiate our territory and we do not negotiate. Now the city is growing, everywhere there are farms, violence, we are being threatened, but we have autonomy, freedom to live in our territory, to come and go wherever we want. Autonomy is that, it is freedom.

The challenges of autonomy in a community radio station

Silvia Soriano Hernández

In a changing world, where violence and proposals intertwine, showing hope that a certain past can lead to a desirable future, while living a present of struggle, we see that there are indigenous collectives fighting for projects emanating from their territories and experiences. Long years of multiple grievances lead to manifestations of resistance that follow dissimilar paths, which each collective decides according to the situation, the processes experienced, the resolutions, among other factors. Indigenous autonomy is usually considered as an alternative in a scenario of continuous confrontations.

Like many other concepts, it is not always constructed on the basis of what the actors themselves think and struggle for, so in this brief text I would like to recover the experience we had in seeking the feelings and experience of autonomy of indigenous peoples who, from different trenches, express their reasons for autonomy as a formulation planned and emanated from individual and collective reflections (Soriano, 2009).

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It should not be overlooked that justice is an integral part of the words that are expressed within the framework of autonomy, in the understanding that attacks on indigenous collectives often go unpunished. The criminalization of social protest leads to the disqualification and persecution of groups that, throughout unstable territories and atmospheres, find the mechanisms that become their own, to disseminate their expressions, their reasons and possibilities where local and foreign solidarity is fundamental for survival. Hence the importance of taking the struggle out of the immediate to make it broad, to spread their bets and fears to show a powerful reality.

Some indigenous peoples consider that they do not want any relationship with the state, which has traditionally abandoned them or has had an interfering attitude through these indigenist policies, which were intended to integrate them so that they would cease to be different and become equals, although with that subordination marked by an inferiority that the color of their skin reinforced. However, there are other groups that choose to demand that the State guarantee and fulfill their rights, which is why there are other ways.

The flowing word

To systematize this reflection, he added that it is based on field work that a group of researchers carried out within the framework of a collective project, which took us to sites in a diverse and complex Mexico (a country with more than sixty indigenous groups). In these dialogues we agreed with indigenous people from Michoacán, Guerrero and Oaxaca on the importance of presenting the words they expressed to us with their ideas and voices about the variant meaning of indigenous autonomy, in regions where daily violence is one of the challenges they ^{face}¹. I will focus on the experience of the community radio station

¹As an example of this, nothing could be more illustrative than the Triquis of San Juan Copala, in the Mexican state of Oaxaca. We visited this community in August 2007, a few days after celebrating the second anniversary of its declaration as an autonomous municipality. At that time there was hope that the daily violence could be combated, but nothing could be further from that. A paramilitary group besieged the community

broadcast in one's own language and in the inhabited territory, seen as one of the autonomous forms that translates into novel experiences that are not safe from aggression. There is this community radio in the state of Guerrero (it goes without saying that it is a region hard hit by violence, the indolence of the authorities, climate change manifested in floods, fires and other disasters that hit the poorest the hardest) a radio that broadcasts in the Amuzga language from Suljaa, Xochistlahuaca, known as radio Ñomndaa and translated as the word of the water.

At the beginning of the 21st century it began broadcasting, after two years of preparation, and according to one of its coordinators, David Valtierra, "it is the real exercise of our right to autonomy" (2009b,47), seen as the right to think and the freedom to express what we think, especially in our own language. Its programming is so varied that it ranges from music, messages from and to the community, such as congratulating someone on their birthday or dedicating a song, requesting support as well as disseminating the rights they have, which are usually denied to them, in addition to insisting on the importance, as a community, of having this space for dissemination and identity.

It is clear that a community radio station like this one faces the disapproval of several regional or national powers that its promoters must confront. "There are programs for children made by themselves, there are programs for peasants, programs for women, for housewives, there are programs to talk about traditional medicine and syringe medicine, as we say here to the patent pills, there are programs where we talk about the struggle in the region, in our state..." these words refer not only to the multiplicity of topics that occupy its promoters, but also to the

in November 2009, harassing with gunshots and multiple violent expressions so that in September of the following year those same armed men occupied the political and ceremonial center, beating the few inhabitants who had resisted the siege, looting and destroying, protected by impunity, despite being identified and denounced by the Triquis. Several families had to travel to Oaxaca City and Mexico City to set up a sit-in to demand justice and their return. It is a story of open repression. You can consult, for more information, the books of my authorship cited above, as well as the article by Flores (2018).

importance that everyday life has, confirming that the struggle is part of it, of the everyday, of life itself. Music and the dissemination of rights are combined to reaffirm that they have the same weight, a similar value and that knowing them is formulated as an integral process that we must understand as being part of a community. This is what they make explicit in their web page:

In these years Radio Ñomndaa has allowed us to strengthen our words, the use of our language, it has helped us to go beyond the barriers and frontiers imposed on us to divide us, it has helped us to recognize ourselves as a people with the same history of struggle and resistance. It has allowed us to meet with others who live in distant lands, but who are fighting for the same thing, another world where many worlds fit. This tool has also allowed us to accompany the struggle of the communities in the defense of the territory, it has been a space where the voice of those who denounce injustice, exploitation, impunity, discrimination, oppression and dispossession in the communities has been heard. There we have also heard what is happening in other towns, such as the repression and violence that the Mexican State imposes against those who organize to defend their land and their dignity.



Credit: Vania Ramírez Soriano

It should be emphasized that defending a medium where they can express themselves in their own language and use it for communication should not be read as a sign of isolation or self-absorption. On the contrary, it is important to highlight the affirmation of fighting against an imposed divisionism, seeking to make similar struggles known beyond their local borders. They do not wish to be closed in on themselves, knowing the meaning of being the near and the far ones twinned in similar grievances, which lead them to look for forms of struggle and organization, being the community radio an undeniable symbol of the right to autonomy. As they themselves express it, in a publication that breaks frontiers: "A word a little new for us, the word *autonomy*, borrowed from Spanish, appeared. In our language, we used to say it and continue to say it in a different way. This word has its importance, because it is a powerful claim in the face of the absence of consideration we suffer."² (Tonati, 2012, 29).

Final reflection

Talking about autonomy has risks and costs. The Mexican state has tried to interfere to regulate its programming, and there has also been intimidation by the police and other powerful groups. Those who organize the programming are volunteers because their horizon is broad and because they are supported by the community who value the project as their own "We get the money for the expenses from the people themselves, every year we organize an anniversary, a celebration, we organize a political-cultural event and a big dance for the whole region" (Soriano, 2009b, 55).

An obligatory conclusion is that proposals for indigenous autonomy should not be separated from the right to decide not only on their own organization and representation, but also from respect for life in all its forms. Resist without giving up.

²The translation is mine: "Un mot un peu nouveau pour nous, le mot *autonomía*, emprunté à l'espagnol, est apparu. Dans notre langue, nous le disions et continuons à le dire autrement. This word has its importance because it is a powerful selling point in the face of the lack of consideration that we are putting

forward".

Criticism of the excessive exploitation of natural resources that affects the whole of humanity is one of the denunciations that do not belong only to the indigenous peoples, but which they have made their own and for which many lives of leaders, defenders and activists have been sacrificed, in most cases with an impunity that should make us, the rest of the planet's inhabitants, ashamed.

REFERENCE SUGGESTIONS

Flores López, Susana (2018) "Forced internal displacement in San Juan Copala: Triqui deindianization?" *Cuicuilco. Revista de ciencias antropológicas*, vol 24, no. 73 sep-dic 2018. Mexico City.

Soriano Hernández, Silvia (2009a), *Los indígenas y su caminar por la autonomía*, CI-ALC-UNAM, Ediciones Eón, Mexico.

Soriano Hernández, Silvia (2009b), *Testimonios indígenas de autonomía y resistencia*, CIALC-UNAM, Ediciones Eón, Mexico.

Touati, Anna (translator and editor) (2012) *La palabra del agua. L'aventure d'une radio libre dans les montagnes du Guerrero*, A l'ombre du maguey, Paris. E-mail address: <https://lapalabradelagua.espora.org/>

Cultural Autonomy and State Recognition

Dichotomies in History of the Colombian indigenous movement

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In the historical framework of violence and armed conflict in Colombia, the need arises to contextualize the concept of autonomy as one of the main demands of the Colombian indigenous movement (MIC). From the indigenous organizations, autonomy was framed in the early demilitarization of their territories, and respect for the organizations and their leaders, in this context, what does autonomy mean for the MIC? It is not an easy task to define and answer this question, the concept has multiple ways of being understood according to the historical period and the problems faced by the communities. In addition, either by the different conceptions of the regional organizations and their leaders, this is added to the relations with other definitions that come from the State and international or multilateral instances. If

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Although there are many points in common, there are also differences in the ways of demanding, maintaining and defending it.

In order to discuss the concepts of "Autonomy", "Self-determination" or "Libre Determination" from the historical and political context of the MIC, the historical framework from which they originate in the midst of the demands and struggles for the defense of and access to land since the beginning of the 20th century, the concepts of "Autonomy", "Self-determination" and "Libre Determination" are discussed.

XX. With the emergence and consolidation of regional indigenous organizations since the 1970s, autonomy was gradually conceptualized and politically positioned in relation to relations with the State and the advances in international law on ethnic peoples, based on their sociocultural difference as a feature of their ethnic identity. Thus, the demand for political, territorial and cultural autonomy is understood in relation to the struggles for the recognition of their traditional institutions that supported the indigenous mode of organization, such as the Resguardo and the Cabildo.¹

That is to say, these ethnic figures or categories marked the notion of having their own government in a specific physical territory and re-signified through memory and the reinvention of the customs and traditions of the communities and their traditional authorities.²

The success and growth of the regional organization made possible the creation of a project of expansion and unity of other regional organizations, which was finally accelerated by the threat and repression

¹ Let us remember that the cabildos are not originally from the Americas, but forms of Spanish administration. However, among the indigenous peoples of the Colombian Andes, like the resguardos, they were appropriated and re-signified with cultural expressions that turned them into indigenous institutions that are currently recognized by the State as forms of political representation. Beyond the cabildos, traditional authorities can be defined basically as any form of political exercise (organization, government or social control), integrated by members who, according to their own culture, exercise the power of organization, government, social control or project management.

² It should be noted that the 1991 Constitution used the notion of indigenous councils for indigenous communities that were not configured around the figure of indigenous political organizations for decision-making. Rather, the State left open the form of organization, recognizing the autonomy to decide their own forms of

government (shaped and regulated according to the uses and customs of their communities) which, taking into account the indigenous organizations, could be arranged under the form of cabildos, cacicazgos, curacatos, councils of elders, etcetera.

The government's bills for the late 1970s, represented by the security statute and the indigenous statute, endangered the historical struggles of the movement (the figures of the indigenous movement). With the government bills at the end of the 1970s, represented in the security statute and indigenous statute, which endangered the historical struggles of the mobilization (the figures of the resguardo and the cabildo), the indigenous people launched a project of organizational unification, giving birth to the National Indigenous Organization of Colombia -ONIC, and added autonomy as a new component of their principles, claims and demands. This network of organizations, which we define as MIC by the mid 1980s, manifested the need to propose political, territorial and cultural autonomy vis-à-vis the State and other social sectors that were also fighting for their own demands. The idea of cultural autonomy, a notion that began to appear in the conclusions and documents of the second national congress carried out by ONIC in 1986, prioritized some themes on ethno-education, traditional medicine and culture as the axes of the exercise of autonomy, beyond the defense and administration of their territory.

The 1980s witnessed the expansion and maturity of this project, which, however, began to reproduce fissures between different visions and disputes for hegemony and control of the organization. Autonomy in this period was based on the idea of respect for their traditional self-righteousness and cultural values from other actors entering their territories, mainly armed actors, Protestant churches and large-scale economic projects from the State.³ The need to strengthen unity between Andean organizations and those of the jungle and plains produced a discourse centered on cultural autonomy, not only as their own ethnic instrument, but also to distance themselves from the struggles of other sectors, such as peasants, workers and traditional political parties. This discourse was also framed within the ambiguous relations with the armed insurgent groups that were disposing the territory, mainly in the department of Cauca, the heart of the Colombian indigenous movement. As this movement expanded and consolidated

³ See the conclusions and mandates of the first national indigenous congress in 1982 and the second in

1986, analyzed above.

network of indigenous forms of organization, unified in the discourse of a single national organization, the idea of culture or cultural values was shaped as an incorporation of political demands in a context of conflict and territorial dispute. Cultural autonomy became a political value in the formation of the "Nation". It was based on the need to recognize the plural conformation of the Colombian nation, and to recognize the political place of the indigenous in this conformation, which would resolve the socioeconomic marginalization of the indigenous.

Thus, ONIC became the main interlocutor with the State by the end of the 1980s. After various dissidences and criticisms regarding the degree of governmental co-optation and the participation of Amazonian and Orinoquia organizations, ONIC managed to make the State aware of the resguardos and their regional organizations as legitimate forms of representation of the indigenous movement. This, in turn, is used by the State as it needs interlocutors in civil society to legitimize its modernization and decentralization policies in the midst of a political and economic conflict that has escaped its control, the dirty war between the State, guerrillas and drug traffickers has resulted in a weak State and a permanent state of siege.

In the 1990s, within the framework of constitutional and administrative changes, decentralization and the representativeness of other sectors, a process of recognition and characterization of territorial and political autonomies was made possible, known as Resguardo: a historical figure of the indigenous struggle in ^{Colombia}⁴. The main characteristic is that the exercise of collective rights of self-determination and the control of political institutions was based on the vision and administration of the indigenous peoples. However, it was the State that had to establish limits, which led to permanent tension between the indigenous organizations and the State. Thus, the Colombian case was part of the territorial autonomies (resguardos), but which

⁴The indigenous reserves are the collective property of the indigenous communities in favor of which they are constituted and according to articles 63 and 329 of the Political Constitution of 1991, they are inalienable, imprescriptible and unseizable.

The creation and recognition of the resguardos in Colombian territory was also part of the most important constitutional reforms and innovations in the 1990s.

However, as we emphasized above, the figures of the resguardo and cabildo originated long before these reforms, and were historically legitimized from the demands of the indigenous organizations that made up the bases of the social, economic and political structures. Even as early as the 1980s, the Colombian State adopted them to mitigate the crisis and weakness of legitimacy in which it found itself. Thus, these resguardos and cabildos or territorial autonomies in practice, historically had to confront and defend themselves from external actors that impeded their self-determination. This permanent struggle for autonomy in the mid-1980s was conceived in terms of two tensions: First, the State's development policies and visions, and second, the war in their territories. The presence of illegal armed groups (guerrillas and paramilitaries) and legal armed groups were constant threats to the development of Colombian indigenous self-determination. ONIC's demand for political, territorial and cultural autonomy is circumscribed in this context.

For ONIC, autonomy was not a matter of separation but, on the contrary, the exercise of recognition that was conceived within the framework of the actions and policies of the State as the ultimate guarantor of its exercise. In the case of Colombia, indigenous organizations, like other social sectors, desired the transformation of the State as a project for the construction of another "Nation" based on their political participation and inclusion. The legitimacy of a weak State due to the lack of monopoly of its military forces and the lack of conditions for broad political participation led to an opportunity to change the rules of the game with the inclusion of the historically oppressed and exploited popular sectors, and in this framework the need for the National Constituent Assembly arose in 1990. In this sense, the defense of the autonomy of the Colombian indigenous movement has been configured as one of the main demands to ensure its

survival as distinct ethnic groups. However, in the 1990s, with the subsequent recognition by the State, although it represented an advance in legal and constitutional terms, it affected the way in which the defense of autonomy was understood and carried out, establishing new challenges for the Colombian indigenous movement.

Regional governments and the recovery of the territory, land, cultures and dignities in the midst of the of a climate of passivity and omission by the State. Costa Rican

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The recoveries of indigenous territories in different cantons of Costa Rica are autonomous actions carried out in response to the State's inaction in the face of the problem of the historical usurpation of these territories. Since

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Territory recuperations are carried out when a group of indigenous people (ethnically recognized by the territory as part of clans, trunks or families) organize to take direct possession of a farm that has been usurped by non-indigenous farmers. These farms are usually large extensions of territory of 25, 50, 100, 200, 500 and up to 1000 hectares, usurped by farmers who use them primarily for cattle raising and pasture rental, taking advantage of the tax exemption that the indigenous territories enjoy according to the Indigenous Law of Costa Rica, No. 6172, from the year ¹⁹⁷⁷¹.

The beginning of the struggle for territorial recovery is in the southern zone of Costa Rica (canton of Buenos Aires) where the Bribri and Brörán peoples have carried out various recoveries in the territories of Sa- litre since 2010, Térraba since 2013 and Cabagra since 2016. This recovery struggle was later joined by indigenous peoples from the Cabécar territory of China Kichá in 2018 (located in the canton of Pérez Zeledón) and more recently the struggle has been waged in the northern part of the country since July 2020, when Maleku indigenous peoples (from the canton of Guatuso), began their process of recovering usurped farms.

These struggles for territorial recovery are framed from broad indigenous rights contained in some instruments such as the ILO Convention 169 on Indigenous and Tribal Peoples, the United Nations Declaration on the Rights of Indigenous Peoples (2007) and the OAS American Declaration on the Rights of Indigenous Peoples (2016) to cite three of the most relevant; which constitute an international normative body recognized by the Costa Rican State, to whose commitments it has added specific laws (Indigenous Law No. 6172 of 1977), multiple executive decrees and various institutional guidelines, including the recognition through the modification of Article 1°.

¹ Costa Rican legal instrument that defines indigenous possession of lands in Article 3: "Indigenous reserves are inalienable and imprescriptible, non-transferable and exclusive to the indigenous communities that inhabit them. Non-indigenous people may not rent, lease, buy or in any other way acquire land or farms within these reserves". Available at: http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=38110&nValor3=66993.

of the Political Constitution in which it is recognized as a multi-cultural and multilingual nation.

However, the implementation gap between the commitments formally made and their application has resulted in a systematic violation of rights, which determines the lives and denies the opportunities of the population living in the 24 Costa Rican indigenous territories. Thus, the dual ^{state} discourse² of formal recognition and real non-compliance with indigenous rights has marked the reality in these territories. This situation has been widely recognized by government authorities on repeated occasions and documented by various academic and institutional studies.

The de facto recoveries are the expression of the exhaustion of administrative and judicial channels in compliance with the Indigenous Law, representing until now -10 years after the first actions- the only real, concrete and effective way to recover their lands, resignifying at the same time, in this same process, the territory itself as the place from which they demand and exercise their rights, even if for this they expose themselves to conflict, aggressions and even death.

The decision of the recuperating families of the different peoples and territories involved in this historical process is so ironclad, and the loss of confidence in the state authorities is so great, that they have managed to sustain it in spite of the paltry economic resources they possess compared to those of non-indigenous people, who, on the contrary, do have greater political and economic influence.

² It has reached the point of carrying out protocol acts in the territory of Salitre with supposed "return of land" in farms that years before had already been recovered by the Bribri people. To illustrate this news of 2019 and 2020 about a government action in which they "return" lands that had already been recovered by indigenous Bribri some years ago. This situation is not only of low impact, but the lands, after being registered by the Government, are then taken away by the recovering indigenous families, who despite having lived there for several years, must see how they are assigned to the Association of Indigenous Development (ADII), an organization mostly distant from the struggle. For details see May, Sebastián. 2020. "Ministerio de Seguridad Pública pone en posesión finca en territorio indígena Salitre" Delfino, 1 September. Accessed 11 May 2021. <https://delfino.cr/2020/09/ministerio-de-seguridad-publica-pone-en-posesion-finca-en-territorio-indigena-salitre>; Arguedas, Carlos. 2019. "Policía entrega dos fincas del territorio indígena de Salitre a la asociación de desarrollo." La Nación, 10 June 2019. Access 11 May 2021. <https://www.nacion.com/sucesos/seguridad/policia-desaloja-dos-fincas-en-territorio-indigena-salitre>

indigena/RHF4OGWWLREBJHZ5N5X53LTYZM/story/.

This struggle persists even with the stigmatization it is subjected to by the hegemonic press and a sector of the Catholic Church, which criticizes it, and without being bowed down by the judicialization of a conflict that needs to be resolved administratively through specific institutional actions; Despite all this, the family groups, many of them headed by women, have managed to sustain and continue the reestablishments, enduring not only the violent reactions of the usurping farmers, but also the institutionalized violence that allows impunity for their aggressors and justifies in many ways the ineffectiveness of the projects and actions presented as proposed solutions, as is the case with the Plan for the Recovery of Indigenous Territories, known as the RTI Plan of the Institute for Rural Development (INDER), which began in 2016, but so far no results are known, even though it has been presented by two government administrations as a solution to the problem, and despite the commitment to finish it by 2020, it was announced in the press that it would be extended until 2026; again showing the slowness and lack of forcefulness in the state's actions.



A house erected by indigenous Bribris from the Salitre territory, in one of the territorial recoveries of the Puente community (Tsirüdi, in the original name, meaning 'ripe cocoa'). Credit: CICDE Team, 2016.

Land is not the only asset or purpose of the recuperations; along with the demand for territorial rights, the recuperations are making possible other ethno-political demands within their vision of territory, such as the rights to autonomy and the rights to recognition of their cultural identities.

New community structures have emerged in the indigenous territories that are undergoing these revindictive actions, led by elders - according to their cultural parameters-, organized under logics that promote the recovery of their ancestral principles and values, for example, considering, in the new forms of community representation, the social structures of kinship still in force and strengthening identity interests in their actions and decisions. These community organizations, increasingly strengthened, are currently disputing internal hegemony with other social organizations of non-indigenous western roots and the representation of the peoples before the State, in a clear confrontation with the Indigenous Development Associations (ADII), which are alien structures, imposed and controlled by the State through the National Directorate for Community Development (DINADECO) since 1978, and which have been systematically pointed out for their alliances or actions related to the interests of non-indigenous farmers.

The so-called Councils, whether of elders or of the territory, are organizations that bring together a good part of the people involved in the recoveries, most of whom are also petitioners before the Inter-American Court of Human Rights (IACHR) and who play an active role in denouncing, demanding and politically negotiating the land conflict, thus constituting an alternative to the ADIIs, which are almost always opposed to de facto recoveries.

Concomitantly, the recovery of the land and the emergence of these new community structures foster the impulse of an also emerging autonomous process of recovery of their own culture.

Ancestral practices considered fundamental for the survival of the people and the culture, which were diminished or had been completely abandoned in some of these territories, are being remembered and promoted again. To this end, they have also decided to promote cultural exchange with other territories belonging to the same indigenous people, as is the case with the Bribri people who reside in different communities on both sides of the Talamanca mountain range, both on the Atlantic and Pacific sides of the country, or the Brörán case, whose sister peoples currently reside in Panama. This cultural recovery involves ancestral practices of agricultural production, revitalization of their own languages, strengthening of their structures and cultural authority figures, Kekepas, in the case of the Bribri people, as well as the recovery of other related community values.

Government authorities, although reluctant to re-disclose these new community structures, cannot avoid them or ignore the weight and counterweight they represent vis-à-vis the ADIIs, which is why they have been forced to dialogue and reach agreements directly with them, although -as has been insisted- such agreements continue to be unfulfilled by the State.

With the above, the Council of Elders Brörán of the Territory of Térraba, the Council Ditsö Iiriria Ajkönuk Wakpa of the Bribri territory of Salitre and the Council of Elders and Elders Iiriria Jtechö Wakpa of the Bribri territory of Cabagra, are, today, remembering the strength of the collective organization of indigenous peoples, exercising in practice, the memory of a heritage of resistance that far exceeds this current situation.

Interview with Ulises Fernández of the Wichí community, Province of Formosa, Argentina.

Waldo Lao*
Fabio Alkmin**

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Credit: Pérez Carlini.

Ulises, could you tell us roughly what is the current political situation of indigenous peoples in Argentina?

Currently most of the indigenous peoples in Argentina are having problems with the issue of territory, for this very reason the organizations that have been accompanying our peoples for decades are now organizing virtual conferences or talks where we can express our thoughts, our cosmovision with respect to the territory and from there we draw our conclusions. This same ENDEPA organization is the one that is pushing for the extension of law 26.160 because the state did not comply with the territorial reorganization for all the communities, that is why the non-execution reached 58%, that is to say, only 42% was revealed in 15 years, law 26.160 orders to carry out a technical survey,

The cadastral legal status of the territories currently, traditionally and publicly owned by the indigenous communities.

What are the struggles they have in common?

The struggle that unites us historically is the issue of territory, in Formosa a commission was formed which was called Commission 21 because it was made up of 7 members of the Wichí community, 7 Q'om and 7 Pilagá, in the years 1984, 1985 and 1986 where the titles of community property were delivered.

What do you consider to be the main problems and challenges faced by the Wichis communities?

The main problems we face are the issue of addictions, which greatly affects young adolescents due to drugs and alcoholism, both in Chaco and Formosa, often due to lack of work, young people from our Wichí communities go to the province of Salta to work in the fields for the bean harvest, This is relevant to mention because many times they say that we indigenous people are lazy but the reality is that there is no work, that is pure racism and it also has to do with the previous topic because we usually hear that, why do we need land if not jobs and we do not have resources, on the other hand our cosmology is totally contrary to the western with respect to the land. The challenge is that we are being violated all the time as subjects with rights, that is why many times we say that we are out of the political agenda of the governments in power and that is a challenge because there is no other way to make our existing problems visible and it is not easy because we see that our leaders are being persecuted and they are being prosecuted and as a last resort one has to put the body is regrettable but it is the reality and in that case we will be permanently attacked by the media, networks that we are usurpers and nothing is further from reality.

What does territory mean to the Wichi people?

For us the Wichí people consider that the land is life, therefore it is cared for and defended because it is what has sheltered us since ancient times, our ancestors sought sustenance in the bush to the river and thanks to that way of life we are now where we are, although our generation lives very differently from the life of our grandparents, but they taught us that nature must be respected and defended, It is there where you can appreciate the difference between the thinking of our own communities with western ideas, our people never reached the excessive use of the land but rather always maintained a balanced relationship.

Assembly of Wichí university students.



Credit Eli Sosa

How have you resisted this year and a half of pandemic? What are the mechanisms you have used within the community?

In times of pandemic our communities did not suffer so much because we are far away from the big cities or at least in my case my relatives are located e.g. 700 kilometers away from the capital.

The virus arrived from Formosa and that is why the vaccines were already available but there were not many deaths due to this issue and as for community life, people went to the river to fish or to harvest honey to sell or for family consumption.

Finally, how could you define autonomy for the Wichí people?

The Wichí people believe that we will have autonomy when we become the protagonists of the issues that are carried out in our communities in Education, Health and also in legal issues, that is why we young people are convinced that we must first be recognized as subjects with rights and that is closely linked to the recognition of the territory to then be able to move forward with other aspects such as Education as the only means that we believe can transform reality and live in a more just society respecting the diversity of cultures in Latin America, Argentina-Formosa.

