



# AUTONOMY AND INDIGENOUS PROTAGONISM

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# TABLE OF CONTENTS

Presentation	06
Introducing Funai	08
Institutional role	
Purpose	15
Action	
Indígenous people in Brazil	34
Population	
Ethnicities	
Languages	
Uncontacted Peoples	
Recently Contacted Peoples	
and the second s	
Indigenous Lands	46
Traditionally Occupied Indigenous Lands	s50
Indigenous Reservations	
Domain Land	54
Regularization	55
Territorial Protection	56
Territorial Monitoring	
Territorial Information	
Oversight	
Preventin Illicit Activities	
Preventin itticit Activities	
Territorial Protection Training Program. Fire Prevention	65

6	Environmental Management68
_	Planning 72
8	
	Citzenship and Social Rights 78
	Indigenous Education83
5	Social Assistance87
	Social Security88
4	Healthcare90
5	Community Infrastructure91
)	Basic Documentation92
2	
2	Promotion of autonomy94
5	Successful Experiences in Ethnodevelopment 100
	Challenges: Acess to Credit115
6	
6	Legal Certainty116
1	Revision of Normative Acts 118
1	Publication and Effect of Normative Instruction n°
5	09/2021120
	Joint Normative Instruction n° 01/2021122
6	Current Paradigms124
•	
	Conflict Resolution134
2	Promotion of dialogue136
1	Harmony between Economic Development and the
5	Protection of Indigenous Peoples138
7	Enabling Agreements with Different Ethinicities 142

#### **PRESENTATION**



With a trajectory spanning over five decades, the National Indian Foundation (Funai) is responsible for coordinating and implementing the indigenist policy of the Brazilian federal government. The Foundation is present throughout the country in the form of 39 Regional Coordination Offices, 240 Local Technical Coordination Offices, and 11 Ethnoenvironmental Protection Fronts. Its institutional mission covers approximately 1 million indigenous persons who occupy almost 14% of the national territory. They are several ethnicities and countless languages, which reveal an immeasurable cultural wealth

In FUNAI's perspective, the indigenist policy must rest on three pillars: human dignity, peaceful conflict resolution, and legal certainty. For the execution of this triad, we are promoting a series of advancements encompassing regulatory revision, income generation projects in indigenous villages—always respecting the autonomy of their will, as well as the uses, customs, and traditions of each ethnicity—and the implementation of several administrative management actions, in order to ensure transparency and improve the execution of Funai's services.

In the first three years of President Jair Bolsonaro's administration alone, we invested approximately R\$ 41,3 million in projects dedicated to the autonomy of indigenous peoples.

The aim is to collaborate so they may become self-sufficient and improve their lives. There are countless successful initiatives, and many of them could serve as examples to other ethnicities interested in achieving economic independence. Additionally, in an unprecedented initiative for strengthening ethnodevelopment, a large acquisition of agricultural machinery is in finishing, with distribution of 40 tractors, 40 harrows, 40 trailers for tractors, and 45 seeders, all in support to productive activities in several indigenous communities.

On another front, we have considerably increased investment in land regularization. Between 2019 and 2021, we allotted R\$ 42,5 million for the regularization of Indigenous Lands, a figure that represents 233% more than the total invested from 2016 to 2018 (R\$ 12,7 million). This stage entails the removal of non-indigenous occupants and the payment of restitution for any improvements stemming from good-faith occupations

Another landmark, Normative Instruction n. 09/2020 defines the right to property and the administrative procedure for the demarcation of Indigenous Lands. We have also advanced in the environmental licensing of large construction works, with due compensation for the indigenous peoples. Continuing the actions implemented so far, we hope to move towards a new reality, in which indigenous peoples are actually the protagonists of their own stories.

With the participation of the indigenous communities, Funai has worked towards the completion of agreements that together amount to almost R\$ 90 million in favor of different ethnicities. The demands had been dragging for years, harming the populations involved. The agreements were drafted and debated in consultations with all involved parties, especially the indigenous communities, as established by Convention 169 of the International Labor Organization (ILO).

A significant part of the advancements occurred in parallel to the challenges brought about by the new coronavirus pandemic. In the context of the pandemic, to prevent the dissemination of COVID-19 in the villages, Funai ensured food security for the indigenous peoples, contributing to social distancing and to contagion prevention. With the mobilization of approximately 2 thousand government employees, we have reached the mark of over 1,3 million basic food parcels delivered to over 200 thousand indigenous families throughout Brazil, which amounts to approximately 30 thousand tons of food. We have also provided support to over 300 sanitary barriers in order to prevent the access of non-indigenous individuals to the villages, and invested in awareness-raising actions.

We have delivered approximately 221 thousand hygiene and cleaning kits to indigenous people throughout Brazil. We have sent to the decentralized units more than 200 thousand sets of Personal Protective Equipment (gloves, hair caps, masks etc.), with over 500 territorial oversight actions. In all, we have invested over R\$ 103 million in preventative actions.

It is a huge responsibility for me, as the highest director of this Institution, to ensure the integrity of the indigenist policy day after day. This includes the promotion of appreciation for Funai's institutional role. The drafting of this book began with the premise that the Foundation deserves an institutional publication up to the standards of its magnitude and relevance. In the next pages, you will become familiarized with the details of Funai's duties, as well as the reality of indigenous peoples in Brazil, concepts and new perspectives. This way, we hope to contribute to strengthening the institution and to maintaining its heritage.

Good reading!
MARCELO AUGUSTO XAVIER DA SILVA
President of Funai





The National Indian Foundation (Funai) is the official indigenist body of the Brazilian state. Created by Law no. 5,371, of December 5, 1967, and linked to the Ministry of Justice and Public Security (MJSP), it is the coordinator and main executor of the Federal Government's indigenist policy.

Its institutional mandate is to protect and promote the rights of indigenous people in Brazil, coordinating the process of drafting and implementing the indigenist policy of the Brazilian state, aiming at improving the quality of life of indigenous peoples and the appreciation of their cultures.

The indigenist work of the Brazilian state, through Funai, is based on the fundamental rights and guarantees present in article 5 of the 1988 Federal Constitution, ensuring the specificities of the indigenous people in Brazil, expressed in articles 231 and 232.

It is Funai's role to promote policies for the sustainable development of the indigenous populations. In this field, the Foundation promotes actions for ethnodevelopment, conservation, and environmental recovery in Indigenous Lands, as well as acting in controlling and mitigating possible environmental impacts stemming from external interference.





## **PURPOSE**

Funai's Statute was approved by Decree no. 9,010, of March 23, 2017, published in the Federal Official Gazette of March 24, 2017. As per the statute, Funai's purposes are to:

I – protect and promote the rights of indigenous peoples, on behalf of the Union;

- II design, coordinate, articulate, monitor, and enforce the indigenist policy of the Brazilian state, based on the following principles:
- a) recognizing the social organization, customs, languages, beliefs, and traditions of the indigenous peoples;
- b) respecting indigenous citizens and their communities and organizations;
- c) ensuring the original right, the inalienability and the unavailability of the lands they traditionally occupy and the exclusive use of the wealth existing therein;

- d) ensuring uncontacted indigenous peoples the exercise of their freedom and their traditional activities without the need to contact them;
- e) ensuring environmental protection and conservation in indigenous lands;
- f) ensuring the promotion of social, economic, and cultural rights to indigenous peoples; and
- g) ensuring the participation of indigenous peoples and their organizations in bodies of the state that define public policies pertaining to them.

III – manage the indigenous patrimony, except in instances when its management has been assigned to the indigenous people or their communities, also with the possibility of managing them by express delegation of the interested parties;

IV – promote and support surveys, censuses, analyses, studies, and scientific research on indigenous peoples, aiming at increasing appreciation and awareness for their cultures;

V – monitor healthcare actions and services for indigenous peoples;

VI – monitor actions and services for education particular to the indigenous peoples;

VII – promote and support sustainable development in indigenous lands, according to the reality of each indigenous people;

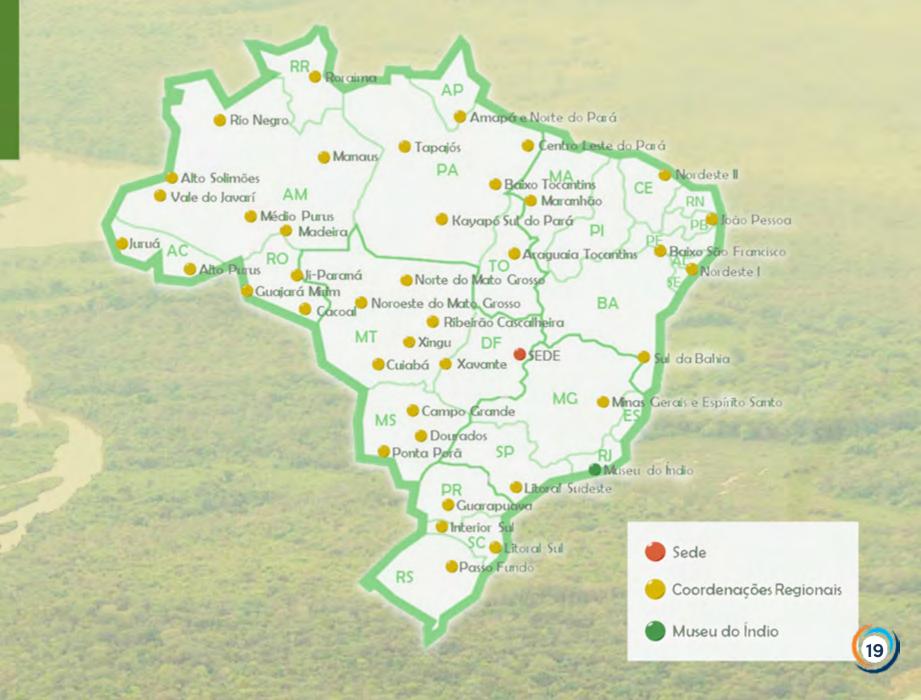
VIII – raise the collective interest in the indigenous cause by means of public dissemination instruments; and

IX – exercise police power in the defense and protection of indigenous peoples.



#### REGIONAL COORDINATION OFFICES

Funai's Regional Coordination Offices are decentralized units that are present throughout the national territory and tasked with coordinating, implementing, and monitoring actions for territorial protection and promotion of the social and cultural rights of indigenous peoples, as well as sustainable and economic development of the communities. They execute actions for social promotion and protection, territorial oversight, environmental preservation, education, and healthcare, promoting the indigenous culture and supporting the implementation of policies for the territorial protection of uncontacted and recently-contacted indigenous peoples.



# COORDINATION OFFICES FOR THE ETHNOENVIRONMENTAL PROTECTION



The Coordination Offices for the Ethnoenvironmental Protection Fronts are responsible for protecting uncontacted indigenous peoples—ensuring they can exercise their freedom, culture, and activities they also coordinate local actions for protection and promotion of the rights of recently-contacted indigenous peoples.

Funai's Local Technical Coordination Offices (CTLs) are decentralized units under the technical and administrative supervision of the Regional Coordination Offices or Ethnoenvironmental Protection Fronts. Apart from the execution of the duties of the CRs, they are tasked with articulation with other public institutions and civil society organizations for the achievement of the indigenist policy in their fields of action.

#### LOCAL TECHNICAL COORDINATION





The Indian Museum is Funai's scientific and cultural unit, responsible for the policy of preservation and dissemination of the indigenous cultural heritage in Brazil. It is the custodian of a significant set of cultural goods of an archival, museological, and bibliographic nature regarding indigenous peoples.

The institution's ethnographic collection contains more than 20 thousand contemporary objects that are expressions of the material culture of 150 indigenous ethnicities. Its origins date back to the 1940s and extend to current days, with the growing indigenous participation in the processes for safeguarding the cultural heritage and the constant incorporation of new collections obtained directly from communities from all around the country.

The archival collection encompasses sets of documents from researchers and funds relative to the indigenist work of the Brazilian state since the beginning of the 19th century, such as the Fund of the Indian Protection Service (1910-1967), recognized by Unesco as cultural heritage. The bibliographic collection is made up of smaller collections specializing in the areas of ethnology, anthropology, and indigenist policy.

More than hosting collections of great historic and ethnographic relevance, the Museum conserves, researches, documents, and promotes the cultural heritage of indigenous populations, which demands integrated work from the standpoint of the stages of preservation and publicity, especially with the school public. In the field of scientific investigation, the Indian Museum is a national reference in anthropologic and linguistic research on the Brazilian indigenous peoples, working together with researchers, universities, and other scientific and cultural institutions towards the preservation and dissemination of qualified information regarding its cultural heritage.

In this context, the institution has been conducting, for over a decade, alarge-scale effort for the documentation, systematization, and dissemination of the material and immaterial aspects of this heritage, in partnership with Unesco and indigenous peoples. This has resulted in the design and production of physical and virtual exhibits, the development of specialized databases, and the launch of more than 70 publications in the last few years. These instruments aim at broadening and democratizing the access to information regarding indigenous cultures.

Apart from the main unit, in Rio de Janeiro, the Museum has decentralized units for the training of indigenous personnel in audiovisual communication, as well as the dissemination of the culture of the indigenous inhabitants of the Central-West region.

The Audiovisual Center, located in the city of Goiânia (state of Goiás), aims at contributing to the training of indigenous people in the production, editing, and finalization of audiovisual material on their cultural activities and practices, with the purpose of recording and documenting contemporary indigenous expressions. In the city of Cuiabá (state of Mato Grosso), the Ikuiapá Cultural Center-CCI conducts actions for the promotion of the material and immaterial heritage of the indigenous societies of the Central-West region, carrying out activities pertaining to the preservation, research, and dissemination of the collections in its care, as well as training representatives of the indigenous populations in cultural documentation techniques.

With the aim of gathering and providing qualified information on the indigenous cultural heritage, the Indian Museum seeks to promote, in partnership with indigenous people throughout the country, and with other institutions, the revitalization of cultures and languages, as well as increased awareness of its importance in Brazilian society.

#### **INDIAN MUSEUM**



#### ORGANOGRAMA DA FUNAL Decreto 9,010/2017 e Regimento Interno da Funal/2017 PRESIDÊNCIA 2-SEAV AUDIN PFE Auditoria Interna Procuradoria Federal Especializada OUVI COGAB-PRES CORREG COAUD Coar COAD 1-SEAN Coordenação de Gabinete COAF COUVID COAD 1-SIC 2-SEAD 3-Seto DAGES COGAB 1-Nuap/Ap.Adm. DPT COGAB DPDS COGAB Gaissein 2-SECOP/Diaries 3-DIAT/Ap Técnico Diretoria de Administração Diretoria de Proteção NU00C/Documentação Diretoria de Promoção ao 1-SEAD/Ap Adm. - DIATIAD Técnico Territorial 2-DIAT/Ap Técnico Desenv. Sustentável 3-SEATO/Tec.Operacional CGOF CGTIC CGAF CGGEO CGID CGRL CGGE CGGP CGMT CGIIRC Assuntos Fundiário Recursos Logist estão Estratégica mento e Fina stão de Pesso e Comunicaçõe ntif, e Delimitação Monitor, Territoria ndios Isolados CGGAM CGETNO CGLIC CGPC CGPDS Direitos Sociais -SEORTIO: Técnica -SEGOV/Gov de TIC -SEAD/Ap. Admint. icenc. Ambiental m. da Cidad CODEM COEF COIM COIT COPLAN CComp COF COAP 1-SEGAD/Administ. 1-SEAD/Ap. Adm. COPLAF SEAD/Ap. Adm Estudos Fundiários -SEAM/Adm Monit Demarcacăc nfo Monitoram Info. Territoria COTIC Compres -SEAT/An Técnic 2-SEAPUProd. Inform -SELIS/Lie Simplif COPROS 2-SEMAV/Mon. Avail Administração SEEF/Est Fundiari -SEAN/Análise COGEN . NUREPRING Pro inits, Soy a Sistemas 3-SEPS/Prev.Social SEAFPEIAD FPE SELIDIL ic Descent **Proof. Sustant** -SECAD/Cadastro NumAmorarius CORI COCART -SPAD/Acesso a Doc SEAPPS/Prod.Sur Coren COPAM -SETEP/Plane COPI NAMES OF PERSONS ASSESSED. COEP 2-SECON/Contratos ização Orçamentária Registros de Tis Cartografia COPLII st Multidisciplin COASI -SEINFRA/Infraestrutura Prev. de llicitos Politica Ambiental COGER · NUPUCRATION SERIReg. de Tis Petróleo e Gás -SEPROF/Desc. Fin. 3-SEAPEN/Pensões Localização COPE COGEDI Acomp. Saude. -SECAPICapacitação Geração de Renda 1-SEPROL/Ligitação 3-SESIS/Sistemus EAPLEProt Local COPLAM CCONT CORT Documentação COINGEO CODAN COTRAM NUPEN/Penabas SEAPGE/Ger.Rend -SEAPE/Proc.Educa Planej Ambienta Regulariz, de Tis Emergéncias Especif. 4-SEPROM/Moviment Inform. Geográfica Delim, / Analise COPIRC Transp. v Mineração 4-SEPAT/Patrimônio Fiscalização COPROD 4-SEBIB/Biblioteca SERT/Reg. de Terras SEACONTIContibil 3-SEAGED/Ap.Geo S-SEACONDUAnálise Politicas CORAM COIC 5-SEPRO/Protocolo Namovi stacks 6-SEPT/Prestação e COMCA de Confestisções COAL 4-SEAPIRC/Politicas NUPROPHISON 3-SEADMA/Mon. # COLEP Control Ambiental para Indigenas e RC 6-SEDOC/Documento Administração 7-SEAC/An Contrator Avaliação COPS Legislação COFIN SEAPIANATINE Proc. Proteção Social -SEAE/Arquit e Eng. Financeiro 11 Coordenações das Frentes 7-SEAPRE/Predial -SESON Normas 8-SEORC/Execução **B-SETRAN/Transports** NUON/Dr Normanus de Proteção Etno Ambiental 9-SEFIN/Execução CODEP 39 Coordenações Treinamenta N.CAPCounterin NumbEstigo CFPi/Formação Museu do Índio - RJ

240 Coordenações

Técnicas Locais

7-SEAFIAV.Funcional

Copag Pagamento

9-SEPAG

8-SEASS/Saude Servidor

NavaQuestate de Veta

NUMPIAN Pagaments
 NUPACI Proc. Pagaments

1-SEGAB 2- SEAC • NUAP • NUPROC

COAD

MUPUS
3-SEOF
4-SECOL
NUCCOMP
5-SELOG
NUPUS
NUPUS
NUPUS
NUMBE

COTEC

Centro Cultural Suispa MS
Centro AudioVassal

T-SEPACA NULLAC 8-SERED NUIC CODIC

#### **ACTION**

Having its headquarters and legal domicile in the Federal District, FUNAI is present throughout the national territory through 39 Regional Coordination Offices, 240 Local Technical Coordination Offices, 11 Coordination Offices for the Ethnoenvironmental Protection Front, and the Indian Museum.

#### CITIZEN SERVICE CHANNELS

Funai's webpage (www.gov.br/funai) provides information on the institution (organizational structure, Regional Coordination Offices, Local Technical Coordination Offices, Indian Museum). It also provides information on the indigenous populations and lands in Brazil, such as: indigenist legislation, 2010 IBGE Census (carried out by the Brazilian Institute of Geography and Statistics), as well as publications regarding culture. The website also contains information on Actions and Programs, Audits, Revenue and Expenses, Personnel, among others. There is also an exclusive space for news, which is updated daily with the latest activities conducted by the Foundation.

The Talk to Us page directs citizens to the Electronic System of the Citizen Information Service (eSIC) and the Federal Executive Power Ombudsman System (e-OUV). Complaints, requests, suggestions, or compliments can be filed with Funai's Ombudsman's Office through the e-OUV System, in person, through the phone or by mail, using the following methods:

e-OUV System: www.gov.br/funai/pt-br/canais-de-atendimento/ouvidoria (Portuguese only)

In person or by mail at the following address: Setor Comercial Sul, Quadra 09, Torre B - Ed. Parque Cidade Corporate - 2° andar, Brasília/DF CEP 70.308-200

By e-mail: ouvidoria@funai.gov.br

By phone: +55 61 3247-6301 / 3247-6302 / 3247-6308.





#### FUNAI CITIZEN SERVICE CENTER - COVID 19

QUESTIONS, INFORMATION, COMPLAINTS



+55 61 99622-7067 AND +55 61 99862-3573

(TEXT MESSAGES AND WHATSAPP ONLY)



COVID@FUNAI.GOV.BR

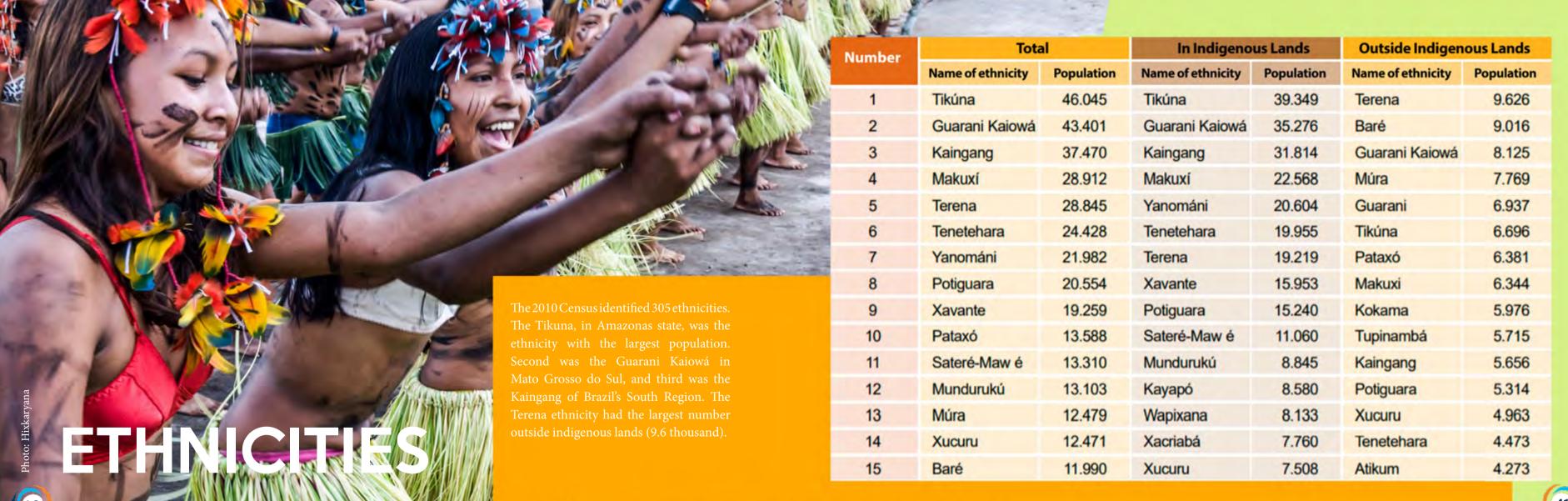
In the context of the COVID-19 pandemic, Funai maintains a Citizen Service Center that caters specifically to demands by indigenous citizens regarding the fight against the new coronavirus. Its purpose is to send the information to the competent agencies as quickly as possible, enabling immediate response. Demands can be forwarded to phone numbers +55 61 99622-7067 and +55 61 99862-3573, through text messages or WhatsApp, and to the address covid@funai.gov.br.

To complete the request or complaint, one must supply data such as full name and location, as well as a detailed report of the situation. The information received by Funai's Citizen Service Center is analyzed by a crisis committee. The group deploys the necessary sectors within Funai for the solution of the demands. Those elements not pertaining to Funai's duties are forwarded to the institutions responsible so that they can take action.











The denomination "uncontacted peoples" refers specifically to indigenous groups without permanent relations with national societies or with a low frequency of interaction, be it with non-indigenous peoples or with other indigenous peoples.

According to Funai's guidelines, groups are considered "uncontacted" when they have not established permanent contact with the national population, different from the indigenous peoples with long-standing and intense contacts with non-indigenous peoples.

In Brazil, the Magna Carta, in article 231, recognizes the social organization, habits, customs, traditions, and cultural differences of indigenous peoples, ensuring them the right to maintain their cultures, identities, and ways of life, their protection being a duty of the Brazilian state.

**UNCONTACTED PEOPLES** 

## RECENTLY-CONTACTED PEOPLES

Thus, it is Funai's duty—through the Directorate for Territorial Protection (DPT), through the General Coordination Office for Uncontacted and Recently-Contacted Indigenous Peoples (CGIIRC), and through the Ethnoenvironmental Protection Fronts, decentralized units of Funai specialized in the protection of uncontacted and recently-contacted indigenous peoples—to ensure these communities the full exercise of their freedom and their activities without the obligation to contact them (article 2, item II, indent "d," Decree no. 9,010/2017 – Annex I). In this sense, it falls upon the official indigenist entity to coordinate the access and transit of third parties in areas where the presence of isolated peoples is discovered, as well as taking the necessary steps to protect those groups (art. 7, Decree no. 1,775/96), through restrictions to the entrance of third parties in those areas.



Funai currently coordinates and supports actions for protection and promotion in 19 indigenous territories inhabited by recently-contacted groups, such as Zoé, Awá Guajá, Ava Canoeiro, Akun'tsu, Canôe, Piripkura, Arara da TI Cachoeira Seca, Araweté, Suruwahá, and Yanomami, among others. Funai's territorial protection actions in areas inhabited by uncontacted and recently-contacted peoples take place through the work of the 11 Ethnoenvironmental Protection Fronts (FPEs), with the support of federal and state agencies for environmental security and oversight.

The FPEs act unceasingly through the 29 Ethnoenvironmental Protection Bases (BAPEs) currently operating in the Amazon. These units are strategically located within Indigenous Lands, and are responsible for permanent and continuous actions for territorial protection, oversight, and monitoring, as well as for the fight against illicit activities, access control, and overseeing of healthcare actions, among other activities.







An Indigenous Land (TI) is a portion within the national territory inhabited by one or more indigenous communities, which, after the administrative process, respecting the due legal process of demarcation and homologation by Presidential Decree, is submitted to land registration as property of the Union (article 20, XI, of the 1988 Federal Constitution), formally consolidating the area as indigenous. Thus, these lands are properties for special use of the Union, administratively affected by a public purpose, namely the protection of indigenous populations.

There are currently 680 areas in Funai's registry, 443 of which have had their demarcation processes homologated/regularized, and 237 are under analysis. These areas represent 13.75% of the Brazilian territory and are located in all biomes, mostly in the Legal Amazon.

According to current legislation, (Federal Constitution of 1988, Law no. 6,001/73 – Indian Statute, Decree no. 1,775/96), Indigenous Lands can be classified into the following types:



Those are lands permanently inhabited by indigenous peoples, used for productive and cultural activities and well-being and physical reproduction, according to their uses, customs, and traditions.

Classification as an Indigenous Land requires a specific administrative procedure, with due legal process.

The process for the demarcation of such areas is defined in Decree no. 1,775, of January 8, 1996, and is divided into the following phases:



**Under study:** anthropologic, historical, landownership, cartographic, and environmental studies that base the identification and delimitation for the indigenous area are conducted.

**Delimited:** the studies have been concluded and approved by Funai's Presidency, resulting in publication in the Official Gazettes of the country and of the state and following for administrative rebuttal.

**Declared:** the process is submitted to the Minister of Justice, who will decide on the topic, and, if deemed appropriate, will declare the limits of the indigenous area and determine its demarcation through an Ordinance.

**Homologated:** the publication of the materialized and georeferenced boundaries of the area, through Presidential Decree, the land now being considered indigenous.

**Regularized:** Funai will assist the Union Heritage Secretariat (SPU), as the Union's land property component, to carry out the public registry of the homologated area, in accordance to article 246, \$2 of Law no 6,015/73.

**Interdicted:** restrictions apply to the use and access by third parties, for the protection of uncontacted peoples, through the publication of an Ordinance by the Presidency of Funai (article 7 of Decree no. 1,775/96).

## INDIGENOUS RESERVATIONS

Those are lands donated by third parties or acquired or dispossessed by the Union, and are destined for permanent ownership by indigenous peoples. These lands also belong to the Union, but are not to be confused with traditionally occupied lands. The following steps of the land regulation process are adopted for the constitution of Indigenous Reservations:

Forwarded to the constitution of an Indigenous Reservation (RI):

Areas that are undergoing unfinished administrative procedures towards the creation of reservations (direct purchase, dispossession, or donation).

#### Regularized areas:

Areas that have undergone final administrative procedures for constituting reservations (direct purchase, dispossession, or donation), and are officially registered on behalf of the Union, for indigenous use.

Those are lands owned by indigenous communities, obtained by any of the means of acquisition of the domain, in the terms of civil legislation.





The regularization process for Indigenous Lands by traditional occupation, after they have been duly homologated and formally constituted, enables the pacification of conflicts in the field and ensures legal certainty to all involved. This stage entails the removal of non-indigenous occupants and the payment of restitution for any improvements stemming from good-faith occupations (article 231, §6, of the 1988 Federal Constitution). It also entails assisting the federal land regulation agency in the relocation of non-indigenous people, as a way of mitigating conflict (article 4, Decree no. 1,775/96).

Between January 2019 and June 2020, the Federal Government invested approximately R\$ 35.8 million in the regularization of Indigenous Lands. This represents 92% more than the total invested from 2016 to 2018, which was only R\$ 18 million.

'Funai's current administration has inherited an enormous debt from previous governments. Several outstanding matters that had been dragging for years are being resolved with hard work and persistence, always based on current legislation, on legal certainty, and on respect to the rights of indigenous peoples," comments the President of Funai, Marcelo Xavier.

Out of the value invested, about R\$ 14 million were used for the acquisition of lands for the establishment of the Krenyê Indigenous Reservation, in the Tuntum municipality, state of Maranhão. The Krenyê people had been waiting for 15 years for the land registry. The area of 8 thousand hectares offers conditions for the physical and cultural reproduction of the ethnicity, which amounts to approximately 300 indigenous individuals.

The remaining resources were destined for the land regularization of Indigenous Lands (TI), through the payment of compensation to non-indigenous people in the processes for the demarcation of 13 areas. The chosen Indigenous Lands are distributed in six states: Amazonas, Bahia, Mato Grosso do Sul, Pará, Pernambuco, and Rio Grande do Sul. The largest portion of that value (over R\$ 12.9 million) refers to the Caramuru-Paraguassú IT, located in Bahia, a process that had been dragging on for over a decade.







The territorial monitoring of Indigenous Lands aims at their protection, with emphasis on ensuring the exclusive use by indigenous peoples (article 231, §2, of the 1988 Federal Constitution). The actions for territorial monitoring can be actions of control—as is the case with oversight operations—or prevention—such as training, monitoring heat spots, and protection plans. These actions are subsidized by information obtained through on-site diagnosis and remote sensing techniques. Funai seeks to increase the amount of preventative actions, including with the use of traditional knowledge, to boost the protection that the indigenous peoples themselves provide to their lands.

#### TERRITORIAL MONITORING



#### TERRITORIAL INFORMATION

Territorial information is a set of actions for obtaining data and information on Indigenous Lands, both remotely and on site. Its purpose is to manage, analyze, and systematize spatial, territorial, and environmental information, as well as intelligence to subsidize the prevention of illicit activities, oversight actions, and the handling of territorial and environmental emergencies in indigenous areas.

Remote monitoring increases the capacity to acquire, treat, and store data on detected changes in the use and occupation of Indigenous Lands. The management of the information subsidizes the planning of Territorial Protection actions.

In partnership with the Operations and Management Center of the Amazonian Protection System (Censipam), satellite communication antennas (GSAC) are being installed in the region of the Legal Amazon. This action aims at strengthening the monitoring activities in Indigenous Lands, as well as promoting the improvement of the communication system in Funai's decentralized units and in villages located in remote areas of the Legal Amazon. In many regions, the antennas are the only means of communication for the communities and Funai personnel.

#### **OVERSIGHT**

The oversight of Indigenous Lands consists of a set of command and control actions performed by the state, with the purpose of suppressing illicit activities. Those actions are carried out by Funai, with the support of partner agencies, aiming at ensuring the exclusive use of indigenous areas by indigenous peoples. The illicit activities taking place near Indigenous Lands, but which affect them, are also monitored by Funai, which brings in the relevant agencies for the adoption of the necessary measures.

Control actions are those present in the Brazilian legislation and attributed directly to the state, pertaining to situations in which the territorial and environmental conditions of Indigenous Lands have been altered, which interferes in the traditional use foreseen for them.

Among the partner agencies with specific competences are the Federal Police of Brazil (DPF), performing duties of judicial police; the Brazilian Institute of the Environment and Renewable Natural Resources (Ibama), in actions of environmental jurisdiction; the Chico Mendes Institute of Biodiversity Conservation (ICMBio) in the areas that overlap with Conservation Units; and the Military and Civilian Police Forces of the states, in the preservation of public order and the investigation of common crimes, respectively.

In Funai's current administration alone, R\$ 82,5 million have been spent on approximately 1200 territorial protection actions, serving approximately 320 indigenous areas throughout Brazil.



Preventative actions, added to traditional indigenous knowledge, reinforce the protection that the indigenous peoples themselves provide to their areas, and target situations in which there are threats near or within Indigenous Lands. In these actions, the work of the state (Funai) is to bring together traditional knowledge and territorial protection actions.

These actions can be carried out by Funai staff, by indigenous people (especially in indigenous surveillance activities), and, in the case of activities stemming from the environmental compensation of Indigenous Lands affected by business ventures, by hired and trained outsourced personnel.

Preventative activities include training, indigenous surveillance, on-site territorial monitoring, implementation of a green framework, fence-building, integrated fire management (IFM), plans for territorial protection, diagnoses of Indigenous Lands, as well as inter-sector or inter/intra-institutional actions.



Conceived as part of the strategy for reinforcing preventative actions, the Territorial Protection Training Program aims at promoting the comprehension and application of actions for monitoring in areas of knowledge relevant to the protection of Indigenous Lands. The main target audience are indigenous people living in the areas under more pressure from illicit activities, as well as Funai personnel working in territorial protection within the Regional Coordination Offices, the Ethnoenvironmental Protection Fronts and the Local Technical Coordination Offices.

The training courses are based on intercultural dialogue, placing high value on traditional knowledge and on the recognition of its role in environmental conservation. Thus, they produce more effective results and promote the protagonism of indigenous peoples in managing their own lands.







#### FIRE PREVENTION

In its fire prevention and monitoring activities in Indigenous Lands, Funai incorporates valuable fire management techniques that are traditionally employed by indigenous peoples. The Territorial Protection Training Program includes a module that allows for the formation of Fire Prevention Groups, that is, groups formed by indigenous people, which associate traditional knowledge to non-indigenous techniques so as to increase security for the communities and minimize the social, environmental, and economic damage caused by losing control of fires. Firefighting in Indigenous Lands is carried out by trained and equipped fire brigades. Currently, two federal institutions train and hire indigenous firefighters: Ibama and ICMBio.

A Technical Cooperation Agreement was signed between Ibama and Funai in 2013 for the implementation of the Indigenous Federal Fire Brigades Program. It establishes that the program's temporary firefighters are to be indigenous, and can work both in their own communities and in other ones, counting on Funai's logistic support for transport, accommodation, and food.

The joint actions involving Funai, Ibama, and ICMBio have also resulted in the training of Foundation staff as fire brigade instructors and as experts in the investigation of causes and origins of forest fires. Firefighting efforts in Indigenous Lands can occasionally be supplemented by the Military Firefighters Corps. To monitor hot spots throughout the country, Funai uses satellite imaging from the National Institute for Space Research (Inpe), supplemented by flyovers and incursions by regional and local teams.





Environmental management actions carried out by Funai are guided by the Brazilian Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI), instituted by Decree no. 7,747, of June 5, 2012. The aim of the policy is to ensure and promote the protection, recovery, conservation, and sustainable use of the natural resources of Indigenous Lands, ensuring the integrity of the indigenous patrimony, the improvement in quality of life, and full conditions for physical and cultural reproduction for indigenous peoples, respecting their social and cultural autonomy.

The main actions undertaken in territorial and environmental management are the drafting and implementation of Territorial and Environmental Management Plans (PGTAs) for Indigenous Lands, which are instruments for intercultural dialogue and planning for the management of Indigenous Lands; the promotion and support to social control and indigenous participation in social and environmental public policies; articulation with federal, state, and municipal environmental protection agencies to support the management of Indigenous Lands interfacing with other protected areas; education and training of indigenous and non-indigenous managers; support to the implementation of the different mechanisms for payment for environmental services; and support to environmental conservation and recovery projects aiming at managing solid waste, recovering degraded areas and environmental management, among others.

The Territorial and Environmental Management Plans (PGTA) are one of those instruments, with an essentially dynamic nature and aiming at increasing awareness and value of the indigenous material and immaterial heritage, as well as the recovery, conservation, and sustainable use of natural resources, ensuring the improvement of the quality of life and full conditions for physical and cultural reproduction for the current and future indigenous generations. These plans express the protagonism, autonomy, and self-determination in the negotiation and signature of internal and external agreements, allowing for the strengthening of the protection and control in indigenous areas and subsidizing the enforcement of public policies pertaining to indigenous peoples.

The main purpose of Funai's environmental conservation and recovery actions is to promote and support the drafting, implementation, and monitoring of environmental conservation and recovery projects and activities in Indigenous Lands, such as:

- -Reforestation with native species, preferably in Permanent Preservation Areas (APPs), such as springs, watercourse banks, hill slopes;
- -Forest recovery through the implementation of agroforestry systems (AFS);
- -Degraded Area Recovery Plans (PRADs);
- -Implementation of forest nurseries and workshops on seed gathering and seedling production;
- -Control of erosion processes;
- -Activities aiming at solving the problem of trash/solid waste in villages;
- -Management for the conservation of natural environments and environmental resources.



During its current administration, Funai has invested approximately R\$ 1,300,000.00 in actions for the recovery of native vegetation in 40 Indigenous Lands located in several Brazilian biomes. Out of that total, R\$ 627 thousand were destined to the acquisition of seeds, seedlings, and forestry inputs. Those measures contribute to the conservation of biodiversity, the promotion of food security, and the strengthening of traditional indigenous practices for environmental management.

In 2020, despite the COVID-19 pandemic, Funai supported and developed projects for the recovery of degraded areas in the Xerente (state of Tocantins) and Enawenê Nawê (state of Mato Grosso) Indigenous Lands, with the planting of 4 thousand seedlings of native species. Nurseries were built in the Araribá (state of São Paulo) and Vanuíre (state of São Paulo) Indigenous Lands, and Agroforestry Systems (AFS) were implemented in five villages of the Sangradouro (state of Mato Grosso) and São Marcos (state of Roraima) Indigenous Lands, in an area of approximately 1.2 hectares. Systems for irrigation and organic waste management were also implemented through the establishment of family-run chicken coops, thus aiding in the production of seedlings and vegetable gardens. Three important activities in 2020 were:

- •the launch of the bid for the recovery of native vegetation in Indigenous Lands of the Cerrado, Caatinga, and Mata Atlântica biomes;
- •the signature of a Technical Cooperation Agreement with Ibama, aiming at implementing joint actions for monitoring, conservation, recovery, and sustainable use of natural resources in Indigenous Lands; and
- •the approval of the proposal for the "recovery of native vegetation in Indigenous Lands," within the Euroclima+ program, whose purpose is to promote sustainable development and climate resilience in Latin America.

As for the fauna and flora, the indigenous environmental agents themselves carried out the management and release of turtles in the Indigenous Lands of Oiapoque (state of Amapá). Regarding the integrated management between Indigenous Lands (TIs) and Conservation Units (UCs), support was given to the promotion of dialogue and the integrated management of the areas, as was the case for the Descobrimento National Park in the state of Bahia.

As for water resources, initial steps were taken in order to enable the participation of indigenous peoples and Funai personnel in the drafting of the National Water Resources Plan (PNRH) for 2022-2040. Regarding Redd+ (the incentive that aims to reduce greenhouse gas emissions stemming from deforestation and forest degradation with the use of forest carbon), the main action was the drafting of a Technical Cooperation agreement jointly with the Ministry of Environment (MMA), which consisted in the presentation of the Floresta+ pilot project to the Secretariat of Forests and Sustainable Development (SFDS).

In 2020, Funai made advances in projects and partnerships with foreign institutions, through Technical Cooperation Agreements and Projects with actions aimed at sustainable environmental protection and management in Indigenous Lands within the Legal Amazon. Successful examples are the agreements signed with the Deutsche Gesellschaft Für Internationale Zusammenarbeit (German Corporation for International Cooperation (GiZ), the German Development Bank (KfW), and the United States Agency for International Development (USAID).

Funai values actions aimed at environmental management for conservation and recovery of degraded areas and supports the projects for the implementation of PNGAT, as well as others mentioned above, with an innovative view of the value of indigenous peoples through the search for independence and autonomy, ensuring transparency in the application of resources and believing in their capacity to improve living conditions through sustainable activities that result in income generation. Funai also works to regulate, standardize, and support projects for sustainable forest management in indigenous lands, as well as to seek alternatives so that indigenous communities may have access to the programs and projects that provide payment for environmental services, such as Carbon Credits and Environmental Reserve Quotas (CRA).

As for the Environmental Reserve Quotas (CRA), the Specialized Federal Attorney's Office with Funai has issued legal documents supporting the possibility that indigenous peoples undertake the trade of Environmental Reserve Quotas, as per article 45 of the Forest Code, considering that: a) there is no express prohibition; b) the freedom for developing economic activities is the rule, and the restriction to that is the exception, which depends on an express law; c) indigenous peoples are not subjected to orphanological custody, which has been extinguished by article 231 of the Federal Constitution; and d) the exclusive use of indigenous areas entails the right to exploit the vegetation in the trade of CRAs.

On March 5, 2021, the President of Funai issued an official letter to the Brazilian Forest Service expressing the absence of a legal impediment to Environmental Reserve Quotas issued in Indigenous Lands, as well as the absence of a conflict between the trade of CRAs and the indigenous right to the exclusive use of environmental resources in their areas, with the need for an inter-institutional plan for the establishment of the rules specific to that case.







The assurance of citizenship rights to indigenous people is based on the recognition of diversity and on the respect and strengthening of individual ways of organization particular to each population, to ensure that different decisions and strategies are considered within public policies and in interactions with different national sectors. Citizenship rights include the rights to equality, to freedom of expression, political rights, educational rights, and the fruition of a dignified and gratifying life.



#### INDIGENOUS EDUCATION

ndigenous peoples have their own educational processes, which take place in different teaching and learning, paces and timeframes, according to their cultures. Such processes involve the transmission of knowledge and echniques, traditional activities, rituals, particular ways for managing natural resources and areas, craftwork, mong other types of particular knowledge.

Besides monitoring the policies for indigenous schooling, which are the responsibility of the Ministry of Education, of the states, municipalities, and the Federal District, it is Funai's duty to foster and support community educational processes, especially those aiming at social and environmental sustainability.

In the case of recently-contacted peoples, community education is developed within specific programs, under the General Coordination Office for Uncontacted and Recently-Contacted Indians (CGIIRC), due to the situation of particular vulnerability of these peoples and to the need that the state recognizes their different ways of life.

Actions for community education are supported by the General Coordination Office for Promotion of Citizenship (CGPC) and executed by Regional Coordination Offices or Environmental Protection Fronts (FPEs), according to the demands of the indigenous communities.

Indigenous people have the right to specific, appropriate, intercultural, bilingual/multilingual and community schooling, as established by the national legislation on indigenous schooling. According to the collaboration regime, put in place by the 1988 Federal Constitution and the Law of Brazilian Education Guidelines and Bases (LDB), the National Coordination of Indigenous Schooling Policies is the responsibility of the Ministry of Education (MEC). States and municipalities are responsible for the execution of such policies, in order to guarantee this right to indigenous people.

Aiming at ensuring this fundamental right, Funai, as the federal agency that articulates indigenist policies, endeavors to contribute to the qualification of such policies, and, together with the indigenous peoples, to monitor their operation and impacts.

Funai seeks to establish partnerships with teaching institutions to broaden the access of indigenous students to professional training courses. Among the partner institutions are the Federal Institute of Education, Science and Technology of Pará (IFPA), the Federal Institute of Education, Science and Technology of Mato Grosso (IFMT), the Federal Institute of Education, Science and Technology of Amazonas (IFAM), the University of the State of Amazonas (UEA), the Mato Grosso State University (UNEMAT), the University of Brasília (UnB), and the Mato Grosso do Sul State University (UEMS).

The training and qualification of indigenous professionals contribute to the autonomy and improvement in the quality of life in the communities, as well as to strengthening the cultural aspects related to the customs and traditions of each ethnicity. The agreements in place benefit hundreds of indigenous students.

Another highlight was the Beginner's Course in Business Management held by the Federal Institute of Education, Science and Technology of Mato Grosso, featuring the participation of 77 indigenous members of the Paresi, Namikawara, and Manoki ethnicities. The course was concluded in 2019.





## SOCIAL ASSISTANCE

Social Assistance follows the principles of fulfilling the social needs of the population, the universalization of social rights, respect to citizenship, autonomy, family and community coexistence and equality of rights, without any form of discrimination, promoting and respecting cultural and ethnic diversity.

Funai has an educational role in what pertains to Social Protection, acting cooperatively, qualifying, mediating, and guiding the work of other agents within the indigenist context (social organization, customs, languages, beliefs, and traditions).

The Unified Social Assistance System (SUAS) is responsible for implementing social assistance programs and policies. However, Funai may monitor and be requested to aid or intermediate the access of indigenous people to the system.



#### HEALTHCARE

The Brazilian Indigenous Health Subsystem was created in 1999 by Law no. 9,836/99, known as Arouca Law. This subsystem comprises the Indigenous Special Health Districts/DSEIs, which consist of a network of services established in Indigenous Lands to care for that population, following geographic, demographic, and cultural criteria.

Funai's responsibility is to monitor the healthcare actions and services to indigenous peoples, which are provided by the Ministry of Health, through the Special Secretariat of Indigenous Health (Sesai). Funai and Sesai work together for the promotion of indigenous healthcare throughout the country. Monitoring contributes to strengthen the Subsystem while ensuring the right to specific attention and acknowledging the value of traditional indigenous medicine.



It is the set of policies, programs, projects, actions, and activities that serve as a basis for the social and economic development of the Brazilian indigenous populations, ensuring their constitutional rights. Community infrastructure plans must be properly presented, discussed, and explained to the indigenous peoples, protecting their right to access and respecting social and cultural differences.









The recognition of the rights of indigenous peoples over traditionally-occupied lands, in article 231 of the 1988 Federal Constitution, took place together with an obligation to respect the particular ways of social organization, customs, languages, beliefs, and traditions of indigenous peoples. Thus, Indigenous Lands are spaces for the exercise of the otherness and internal self-determination of indigenous people.

To enable the exercise of the autonomy by indigenous people, the legislation established the right to the exclusive use and permanent possession as instruments to ensure access to those areas. The 1988 Constitution also ensured the recognition of full citizenship to indigenous peoples, having guaranteed them the exercise of all rights guaranteed to the other citizens, thus leaving behind the previous paradigm of tutelage. Exclusive use does not represent a restriction to the act of trading, selling, or donating the fruits and products of an area. On the contrary, it is a right to decide on what to implement for the use of the exploitable and tradable riches of the site, including the possibility of partnerships with non-indigenous third parties, under Funai's supervision.

The organization of indigenous people for the economic use of their areas, whether by mechanizing crops, producing crafts, or promoting ecotourism, is already a reality. "Lastly, the lands traditionally reserved for indigenous peoples are also federal domain. These peoples are increasingly organizing and making economic use of their lands, whether by mechanizing crops, exploiting timber, or hosting ecotourism" (Nelson Nery Costa, Constituição Federal Anotada e Explicada, Ed. Forense, 2009, pp. 99).

The constitutional text provides legal support to the conclusion that the Brazilian state must ensure indigenous peoples have full freedom of choice for their life projects, especially regarding the right to use their areas (article 231, §2 of the 1988 Federal Constitution).

It is Funai's responsibility to promote actions for ethnodevelopment within the villages, guiding the indigenous peoples and strengthening their ways of organization, based on their traditions, as well as to consider, together with their leaderships, the best ways to broaden the scale of commercialization, as is the case with co-operatives.

From this perspective, Funai supports several sustainable activities in Indigenous Lands throughout the country. The Foundation has invested approximately R\$ 40 million in ethnodevelopment projects for indigenous communities in the last three years. The goal is to boost income generation in the villages, always respecting the autonomy of choice, as well as the uses, customs, and traditions of each ethnicity.



SUCCESSFUL EXPERIENCES IN ETHNODEVELOPMENT

Countless successful ethnodevelopment activities have been consolidated in different communities, and the return for the ethnicities is extremely relevant. With complete respect to the autonomy of indigenous peoples, Funai has contributed for them to conquer new markets and achieve economic independence. By promoting income generation in a responsible manner within the villages, the Foundation helps indigenous peoples become self-sufficient, be protagonists of their own stories, and achieve more dignified living conditions.



The Paresi, Nambikwara, and Manoki ethnicities are examples of sustainable grain production in the state of Mato Grosso. Autonomously growing soy, beans, corn, and other crops, they turn an average profit of R\$ 140 million per year, which benefits approximately 2 thousand families. The crops encompass 16 thousand hectares of Paresi land (1.62% of the total area), 1 thousand hectares of Nambikwara land (0.77%), and 1 thousand hectares of Manoki land (2.22%).

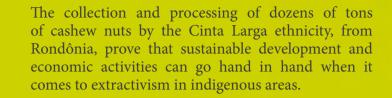
With President Marcelo Xavier leading Funai, a Conduct Adjustment Agreement (TAC) was signed for the regulation of agricultural production through mechanized crops in Indigenous Lands Rio Formoso, Paresi, Utiariti, Tirecatinga, and Irantxe. As a result of that agreement, the ethnicities were able to resume their use of the area designated for mechanized agricultural production, so as to sell the product in the external market.

The increase in population over the last 15 years — from 1.5 thousand to over 3 thousand —, the decreased evasion of indigenous youths, cultural strengthening, an increase in the occupation of areas, and lower environmental crime rates are some of the social and environmental benefits brought about by the productive activity.

Funai also provides technical support to the experimental planting of black soybeans, a non-transgenic variety developed by Embrapa (the Brazilian Agricultural Research Corporation) that possesses a high protein content and added value. Black soybeans are cultivated in the Utiariti Indigenous Land, of the Paresi ethnicity.

## SURUÍ

In the state of Rondônia, Funai supports the coffee crops of the Suruí ethnicity, an activity which resulted in the sale of special coffee to the 3 Corações coffee company. The participation of Embrapa, Emater (Institute of Technical Assistance and Rural Extension – state of Rondônia) and other local partners has been fundamental for the success of the initiative. The cultivated area is approximately 130 hectares, which is equivalent to only 0.05% of the total Sete de Setembro Indigenous Land, between the municipalities of Cacoal (state of Rondônia), Espigão D'Oeste (state of Rondônia), and Rondolândia (state of Mato Grosso). The product is expected to receive a certification of organic quality.



The cashews nuts are collected in two Indigenous Lands: Roosevelt and Parque Aripuanã, which together make up more than 1.8 million hectares. The entire production is processed at the Cooperativa Extrativista de Castanhas Indígenas (Extractivist Cooperative for Indigenous Cashews – Coocasin), in Ji-Paraná (state of Rondônia). This level of organization ensures fair prices for the products, benefitting the indigenous families that gather the nuts in the deep jungle.

Coocasin is managed by the Cinta Larga themselves, and mobilizes over 200 indigenous workers, resulting in approximately 60 tons of cashew nuts collected and processed per harvest.



# **XAVANTE**

Indigenous Land, in the state of Mato Grosso, have already harvested approximately 106 tons of rice, which is equivalent to 2,630 sacks. That achievement is part of the Projeto Independência Indígena (Indigenous Independence Project), an initiative that seeks to stimulate sustainable production in indigenous communities in the state and receives Funai's support. Over 50 hectares of rice were planted, within an area spanning over 100 thousand hectares. The indigenous workers intend to expand to 1 thousand hectares of rice in the near future.



#### **POTIGUARA**

In the state of Paraíba, three Indigenous Lands are responsible for 18.8% of the state's shrimp production. The Potiguaras are currently making an average of R\$ 1.5 million per year, directly and indirectly benefitting 120 families.

## **GUARANI MBYÁ**

With the support of the Regional Coordination Office in Guarapuava, Funai drafted a management plan for the yerba-mate cultivated by the Guarani Mbyá and Kaingang ethnicities in the South region of the country. Production involves 250 families in the three Indigenous Lands in Paraná state (Marrecas, Rio das Cobras, and Mangueirinha). The expectation is that the indigenous peoples export about 10 tons of yerba-mate per year to the Guayaki North American company, which holds an organic production certification recognized in Brazil, the US, and the European Union.

### **PAUMARI**

The Paumari Indians, in the Tapauá river, in southern Amazonas state, are a successful example in the managed fishery of pirarucu. The work is developed with Funai's support through a Technical Cooperation Agreement in effect since 2015. The project aims to combine income generation, indigenous autonomy, and environmental preservation.

Managed fishery has been a relevant economic option for indigenous populations. The management occurs in a natural environment and does not require sophisticated technology or expensive inputs. Control is done through the delimitation of the lakes to be used and the establishment of norms, which define the zones for protection and fishing, reproductive seasons, minimum size allowed, among other aspects. Based on stock counts, it is possible to establish a sustainable fishing quota, ensuring the continuity of management in the following years.

In the most recent managed fishery operation, the Paumari fishers obtained 506 pirarucu, equivalent to 32.3 thousand kilos of fish. It was delivered to the Associação dos Produtores Rurais de Carauari (Association of Rural Producers of Carauari – Asproc), in the city of Manacapuru, which paid R\$ 7 per kilo of fish, generating an income of approximately R\$ 226 thousand to the community.





The Conduct Adjustment Agreement (TAC) is a form of agreement that aims, when there is good faith from both parties, to carry out a gradual replacement of illicit activities with duly regularized activities, as well as the reparation for occasional collective damage.

For instance, land lease is a contract used in agricultural law, as is the practice of planting genetically modified organisms (GMO), and there are concrete cases in which this has occurred and is occurring within indigenous lands. Such contracts and techniques are illegal in indigenous areas, and Funai has been working intensely in this aspect, to build TAC proposals with the indigenous representatives and the support of the Public Prosecutor's Office (MPF), in order to contribute to the abandonment of such practices.

Therefore, Funai has an important role in this process, in guiding the indigenous peoples regarding illegal practices and raising awareness within the entire community about the need to seek regularization, as well as seeking to build a framework from the indigenist point of view, to meet social needs with adequate timelables for the transition to be completed.

CONDUCT ADJUSTMENT AGREEMENTS

107

During the current administration, Funai has promoted the drafting and signature of several TACs, such as:

#### Nonoai

In 2018, a TAC was signed aiming to gradually overcome land lease, through the Cooperativa dos Trabalhadores Rurais Indígenas de Nonoai (Nonoai Indígenous Rural Workers Co-op – Copinai).

The transition process in the Nonoai Indigenous Land, in the state of Rio Grande do Sul, has already surpassed almost half of the total planting area, that is, Copinai has an autonomous production capacity of almost 2 thousand hectares out of the more than 4 thousand total hectares.

In the reports presented by the Co-op to Funai and to the Public Prosecutor's Office, most of the crops are corn, beans, and soybeans; but the Social and Transition Fund established by the TAC has supported actions for strengthening the production of crafts, local cooking, family farming, other microprojects and training.

The TAC was renewed in 2019 and Funai is currently in contact with the Public Prosecutor's Office for its next renewal.

#### Serrinha

The TAC was signed in 2019, aiming at promoting transition from the model of use in the Serrinha Indigenous Land, in the state of Rio Grande do Sul, so that lease contracts are replaced by production by the indigenous community.

Funai expressed the need for the signature of a new TAC, since the previous one expired in July 2020, and could not be renewed at the time due to accounting issues. Funai is currently waiting for MPF approval for the signature of a new TAC.

#### Xapecó

Regarding the Xapecó Indigenous Community, in the state of Santa Catarina, it is important to highlight that the MPF has filed a Public Civil Suit aiming at the cessation of leasing, as well as the transition in the production of genetically modified grain, obeying the prohibition to the farming of GMOs.

To that end, Funai has already presented the Court with an updated draft of the TAC, requiring its homologation, which has not taken place so far, due to lack of consensus on the final wording of the document.

#### Ilha do Bananal

Bananal Island, in the state of Tocantins, is a territory formed by three adjacent Indigenous Lands inhabited by the Javaé, Karajá, and Avá-Canoeiro indigenous peoples. Because it is the largest river island in the world, with a specific annual flood regime, this region of the Araguaia river has very rich pastures, as well as a unique ecosystem for the production of fish, honey, and other products.

In October 2019, a public hearing resulted in a draft TAC aimed at defining the rules to be followed by the parties for the identification of cattle owners and the definition of herd sizes, monitoring, and, consequently, the gradual termination of the so-called pasture lease agreements, with a deadline set 24 months from the signature of the TAC, and of livestock productive activities performed illegally by non-indigenous third parties in the Indigenous Lands of Bananal Island.

The draft agreement was forwarded for analysis and consideration by the indigenous leaderships, Funai's Regional Coordination Office, and MPF.







While indigenous cosmology explains the origins of all things, rituals recreate these stories, calling back to a time when humans, animals, and plants interacted with one another. Several indigenous peoples hold this communication as something essential for the upbringing of individuals and for the construction of society itself. The world only makes sense through this symbolism. The cosmos gives it meaning.

In this context, there are initiation rituals, in which the initiates are separated from the others and prepared to return, already transformed, to live with the rest of the village. One example of this sort of ritual is the passage of the Kamayurá girls into adulthood. They are secluded within their homes for a year, a reflection period that closes puberty.

There are also funeral rituals, which separate the living from the dead. One example of this type of ritual is Kuarup, which takes place one year after the death of indigenous relatives in the Xingu Indigenous Park (state of Mato Grosso). Wooden logs represent each person receiving the homage. They are placed at the center of the village courtyard, decorated, as the central point of the entire ritual. Surrounding them, the family pays their respects to the dead. They spend the night awake, crying and praying for the departed relatives. That is how, with prayers and plenty of crying, they say farewell.

During indigenous rituals, we can also witness fighting, games, and sports. In the Kamayurá's Kuarup, young warriors face one another fighting the Huka Huka. The goal is to touch the adversary's thigh or to knock him down by holding his leg. The first one to do so wins. At the end of the fight, the ornaments placed on the logs are removed and presented to the families of the honored dead. Then, the logs are thrown into the Ipavu Lake, so that the souls of the dead are freed.

The communication of indigenous rituals, therefore, takes place between humans and non-humans, such as spirits, deities, animals, and plants. It is a celebration of diversity with offerings of food, drink, singing, and artifacts.



#### **ECOTOURISM**

Visitation of Indigenous Lands for purposes of tourism, in the scope of the segments of ethnotourism and ecotourism, is an option for income generation, as long as it is performed based on community and sustainability principles, respecting the privacy and intimacy of indigenous peoples, on their terms. The activities must be proposed to Funai through a Visitation Plan, as per rules established by Normative Instruction no. 3/2015, published in the Federal Official Gazette of June 12, 2015.

**SPORT FISHING** 

A large part of ethnotourism projects drafted by the communities relates to sport fishing. This activity has been able to multiply and ensure the existence of indigenous fish stocks, since regulation and the controlled access of tourists drive away illegal fishers, and the return of the caught fish to the rivers ensures proper biological maintenance to the species.

One project for sport fishing tourism that has shown good results is the one in the Pequizal do Naruvôtu Indigenous Land, located in the cities of Canarana and Gaúcha do Norte, in the state of Mato Grosso. That community initiative receives between 250 and 300 visitors a year, proving to be essential to the indigenous peoples in the region, since the income it generates is used in the purchase of equipment for the villages, improvements to the infrastructure of the Indigenous Land, investments in oversight for the area and financial support to indigenous individuals.

Developed in an exclusive partnership with the Recanto do Xingu Inn, run by indigenous owners, the project not only provides a financial contribution for the needs of the indigenous peoples, from food to the construction of the large Xingu malocas (longhouse); it has proved to be an important tool for both environmental and territorial protection, driving away invaders, inhibiting predatory activity, recovering endangered species, and strengthening the autonomy of the local indigenous community.

"The project has brought benefits to the community, but oversight of the area is one of our priorities. We, the indigenous peoples, accompany tourists to ensure that everything goes as it should, and the Recanto do Xingu Inn organizes the flow of visitors, according to Funai's normative document," explains Chief Mazinho Kalapalo, one of the mentors of the initiative, who also points out the differential for the visitors who choose ethnotourism in the region. "They can get to know our ethnicity, our crafts, talk to us, and learn from our way of life. Besides, we have an organized structure that ensures the performance of the activity safely and sustainably," adds the Chief.



#### **CHALLENGES: ACCESS TO CREDIT**

It is necessary to demystify the fake antagonism between indigenous matters and development. It is necessary to clarify that the process of seeking knowledge or culture is not diluted by coexistence with non-indigenous people, because this process does not represent a loss of ethnic identity, but the sum of worldviews. It is a sum, and not a subtraction. They are gains, not losses. They are inter-ethnic relations of mutual benefit, characterizing incessantly cumulative cultural gains, which solidifies the value of community inclusion through the path of ethnic identity, as already ruled by the Supreme Federal Court (Petition no. 3388/RR – STF – Rapporteur: Minister Carlos Britto – DJ 1 Jul. 2010).

The main challenge in ethnodevelopment is access to credit from the banking system, since bureaucratic requirements, particularly in collateral, become an obstacle to credit for investment and ethnodevelopment activities.

Generally, the populations are not awarded credit lines for acquiring machinery, equipment, and inputs. To that end, Funai has been working so that indigenous peoples have facilitated access to credit, which could lead to better results for the communities.

Funai is working with Banco da Amazônia (Basa), in order to obtain credit for financing and investment for productive activities of the Paresi, Nambikwara, and Manoki indigenous peoples of Mato Grosso. The initiative of requesting support from the banking institution came from the President of Funai, Marcelo Xavier.

Another partnership is being considered with the Brazilian Economic and Social Development Bank (BNDES). In a virtual meeting held in November 2020, Xavier presented to the President of BNDES, Gustavo Montezano, the potential for sustainable production in Indigenous Lands, and manifested the intention of establishing partnerships with institutions such as the Bank to drive these initiatives.





In December 2020, Funai revoked 184 normative acts published between 1968 and 2019 on different topics, with 80% pertaining to administrative matters. That decision is part of the project for revision and consolidation of normative acts, which seeks to adjust the regulatory framework of the Foundation through the reduction, consolidation, and modernization of norms, following Decree no. 10,139, of 2019, which determines the update process for bodies and entities of the Executive Branch.

One of the results of the project was the realization that many normative acts had already lost their purpose, becoming obsolete. From the total of acts revoked, nearly 50% had been put in effect before the promulgation of the 1988 Federal Constitution. The norms are being reviewed according to thematic pertinence. The goal is to verify if the acts are in conformity with the provisions of the current legislation.

## PUBLICATION AND EFFECT OF NORMATIVE INSTRUCTION NO. 09/2020

The publication of Normative Instruction (IN) no. 09/2020 represents a milestone for harmony between the right to property and the right to the demarcation of Indigenous Lands. "The norm was a significant advance for land management in the country," punctuates Marcelo Xavier, President of Funai.

IN no. 03/2012, revoked by IN no. 09/2020, allowed private properties—many of them supported by proper documentation, within lands still in early stages and under study for identification and delimitation (the phase of the demarcation process that can last for several years, due to legal demands and appeals)—to be entered into the Land Management System (Sigef). This prevented the issuing of administrative certificates to the respective owners, disrespecting the constitutional right to possession and ownership, as ensured by article 5, XXII, of the Federal Constitution. IN no. 09/2020, in line with the principles of legal certainty (article 5, LV, of the 1988 Federal Constitution), of due legal process (article 5, LIV, of the 1988 Federal Constitution), resolved this unconstitutionality, bringing about a new solution to a long deadlock, which is supported by precedents and studies by the Specialized Federal Attorney's Office with Funai.

"With this norm, the only indigenous areas present in the Land Management System are the ones homologated by presidential decree. This creates legal certainty and contributes to the pacification of conflicts in the field," highlights President Marcelo Xavier.



Funai and the Brazilian Institute of the Environment and Renewable Natural Resources (Ibama) have established specific norms for the environmental licensing of sustainable projects developed by indigenous peoples within their villages, through Joint Normative Instruction no. 01/2021. That measure seeks to confer more agility and transparency to the processes.

That norm sets specific deadlines and procedures to be adopted in the environmental licensing of activities carried out by indigenous organizations in their areas, always observing the autonomy of will, as well as respecting the uses, customs, and traditions. To Marcelo Xavier, President of Funai, the measure is a significant step for indigenous protagonism.

Ibama will be able to implement simplified procedures for activities with small environmental impact. Joint Normative Instruction no. 01/2021 does not apply to the use of water resources (including energy potential), to research and/or mining within Indigenous Lands, as established by article 231, \$3, of the Federal Constitution.

The drafting of the normative instrument took place after institutional studies, through opinions of the Specialized Federal Attorney's Office with Funai and with Ibama, and stemmed from the need for specific conditions to meet the indigenous demand in ethnodevelopment projects, as well as for the establishment of a particular channel between the agencies, aiming at better clarity, legal certainty, and technical standards in the process of environmental licensing for activities.

Indigenous leaderships of different ethnicities have declared their support to Joint Normative Instruction no. 01/2021, which increases the autonomy of indigenous peoples, promotes development in the villages, standardizes and reduces bureaucracy for procedures, streamlines the licensing of productive activities carried out by indigenous peoples, and ensures respect to the will of the majority within the communities. The Normative Instruction had already been included in the 2016-2019 Multi-Year Plan and in the Brazilian Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI), was supported by article 7, XIV, "c", of Supplementary Law no. 140/2011 and met the expectations of indigenous communities.

## CURRENT PARADIGMS

#### **ACCOUNTABILITY**

Funai recognizes the social organization, uses, customs, and traditions, as well as the ethnic and cultural plurality of the different indigenous communities; however, it does not exercise orphanological custody of indigenous peoples who are in full exercise of the civil rights and possess an adequate degree of understanding of the culture and habits of national society, interacting with it in a continuous and permanent way, perfectly responsible for their own actions.

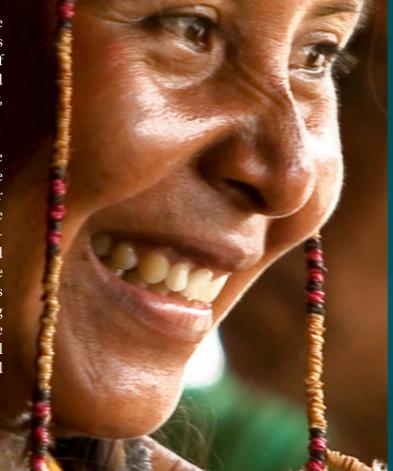
After the recognition of the full capacity of those indigenous peoples and the non-acceptance, by the 1988 Federal Constitution, of the orphanological tutelage established in the Indian Statute, consequently, there must be admission of their responsibility for their actions, since, when they are prosecuted, they also exercise the defense of their rights (article 232 of the 1988 Federal Constitution). "As well-mentioned in Funai's answer brief, the tutelage of orphanological nature established by the Statute of the Indian was not accepted by the constitutional order, thus the Foundation does not bear the right to interfere with the actions of indigenous individuals who, as all citizens do, possess self-determination and free will, being devoid of legal standing the judicial ruling that places on the Federation the objective responsibility for illicit activities practiced by those individuals" (Special Appeal 1650730/MS – Superior Court of Justice – Rapporteur: Minister Mauro Campbell Marques – DJ 20 Aug. 2019).

Occasional questions involving social vulnerability do not exclude potential accountability for illicit actions, being Funai's duty—as a public institution based upon the principles established by article 37 of the Federal Constitution—to make efforts to promote awareness of indigenous individuals regarding the unacceptability of the practice of illicit actions.

This understanding is in line with precedents established by the Courts, including the Superior Court of Justice, which has ruled that: "Indigenous people integrated into society, in the terms of article 4, III of Law no. 6,001/73, are not subjected to the special tutelage regime established by the Statute of the Indian" (Special Appeal 737285/PB - Superior Court of Justice - Rapporteur: Minister Laurita Vaz – DJ 8 Nov. 2005); "The Statute of the Indian is only applicable to those indigenous people not yet integrated to the national communion and culture. The indigenous person in full exercise of their civil rights, including holding a voter registration card, is duly integrated into Brazilian society, therefore subjected to the same laws as the other citizens born in Brazil" (Habeas Corpus 88853/MS - Superior Court of Justice - Rapporteur: Minister Jane Silva - DJ 11 Feb. 2008); "Once integrated into the national communion, indians have full exercise of their civil and political rights, ending the tutelage by FUNAI/the Union (Ruling 2003.71.04.005390-2/RS - Regional Federal Court, 4th Region -Rapporteur: Federal Appeals Court Judge Maria Lúcia Luz Leiria - DJ 11 Feb. 2009).

With regard to the state's accountability for actions practiced by Indians, the tutelage regime that had been established by the Statute of the Indian ceased to exist once the new Constitution entered into force. Only the protection regime remains, based upon which it is Funai's duty to promote and protect the rights of those people.

"Article 232 of the Federal Constitution expressly recognizes the legal capacity of indigenous peoples, of their communities and organizations, so as to enable them to be legitimate parties in legal actions for the defense of their rights and interests; thus, it is not Funai's duty, nor the Union's, to permanently monitor the Indians in order to prevent them from performing actions damaging to third-party interests" (Ruling 5010903-64.2018.4.04.7005 -Regional Federal Court, 4th Region – Rapporteur: Federal Appeals Court Judge Vivian Josete Pantaleão Caminha – DJ 12 Aug. 2020); "It is not pertinent to speak of the incidence of the Statute of the Indian when indians are integrated into urban life and into society, thus not necessitating differentiated treatment" (Habeas Corpus 0003971-78.2014.827.0000 - State of Tocantins Court of Justice -Rapporteur: Appeals Court Judge Eurípedes Lamounier – DJ 19 Aug. 2014); "The indigenous person in full enjoyment of their civil rights is duly integrated into Brazilian society, therefore, subjected to the same laws as other Brazilian citizens" (Ruling 0090.10.000428-3 – State of Roraima Court of Justice – Rapporteur: Appeals Court Judge Tânia Vasconcelos Dias - DJ 4 Feb. 2014).





# Photo: Ikpeng

# ETHNIC IDENTIFICATION CRITERIA

Funai has established complementary criteria for the self-declaration of indigenous individuals through Resolution no. 4/2021, with the purpose of standardizing and providing legal certainty to the process of the identification panels, so as to protect the indigenous identity and prevent fraud in the access to government benefits. Those criteria are:

a) a historic and traditional bond of occupation or dwelling between the ethnicity and a given point of the Brazilian sovereign territory; b) a declared intimate conscience of being an indian (self-declaration);

c) pre-Columbian origin and ascendance (if item a exists, this requirement will be filled, since Brazil is inserted in pre-Columbian territory);

d) identification of the individual by an existing ethnic group, as per a definition based on technical/scientific criteria, and whose cultural criteria are different from those present in non-indigenous society.

The resolution is supported by several legal precepts and studies conducted within the country, and it was drafted based on the understanding of the Specialized Federal Attorney's Office with Funai. According to Marcelo Xavier, President of Funai, although it is considered that identity and ethnic belonging are not static concepts, but dynamic processes of individual and social construction, the absence of criteria for ethnic identification can generate a banalization of the indigenous identity.

"The sense of belonging or a person's right to feel they are indigenous are not to be denied; however, the legal proof capable of generating rights to indigenous peoples depends on criteria that must be minimally defined. For a better protection of the indigenous groups and individuals, there must be clarification of such criteria, otherwise indigenous identification becomes trivial and futile, with a diminished value," clarifies the President of Funai.

Xavier also highlights that the Foundation, as a public institution, bases its work on the legal system, valuing the principle of legality and the observation of impersonality and administrative morality in the execution of its work. In this sense, according to him, the resolution contributes to the prevention of fraud and abuse that could undermine the social function stemming from the indigenous identity. "We want to prevent opportunists with no ethnic identification with the indigenous cause from having access to territoriality or to any social or economic benefits provided by the Federal Government," he stresses.

It is important to note that Funai does not determine people to be indigenous or not, that duty falls upon each community through ethnic belonging. The resolution does not extinguish indigenous self-declaration, nor does it intend to replace the will emanated from the indigenous communities/ethnicities in Brazil in what pertains to the identification of their members. The purpose of the resolution was precisely to prevent the possibility of fraud or even that people could unduly receive benefits at the expense of taxpayers.

Over the past 10 years, there have been countless operations conducted by the Federal Police of Brazil involving fraud to the social security system and for access to benefits connected to education, such as the Avantesma Operation (Araguaína, state of Tocantins); Coiote Kaiowá Operation (Ponta Porã, Mato Grosso do Sul); Raposa Kaiowá Operation (Ponta Porã, Mato Grosso do Sul); Uroboros Operation (Ponta Porã, Mato Grosso do Sul); Amambaí Operation (Mato Grosso do Sul); Falsitas Operation (Boa Vista, Roraima); Operation Disguise (São Luís, Maranhão); among other investigations.

\*On April, 2022, the resolution had been suspended by a monocratic ruling by Supreme Federal Court (STF) Minister Luís Roberto Barroso, in the scope of a Claim of Failure to Comply with a Fundamental Principle (ADPF) 709.



## FOREST MANAGEMENT AND GMOS

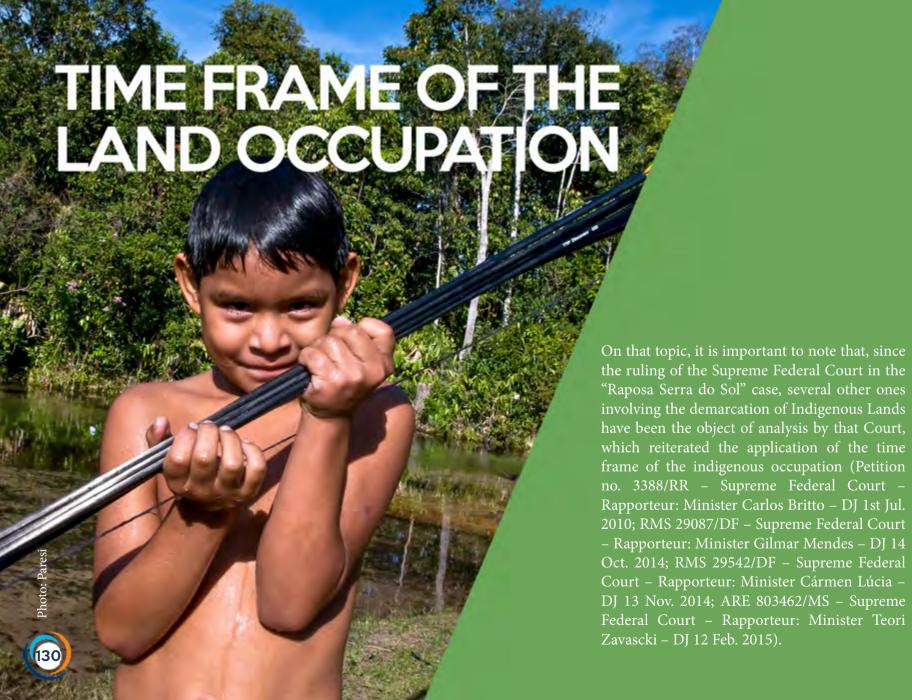
One of the demands made by several ethnicities is the authorization to exploit forest management activities in Indigenous Lands. As understood by the Specialized Federal Attorney's Office (PFE) with Funai, part of the Attorney General's Office (AGU), there are no legal impediments to its exercise by indigenous peoples, although regulation of the subject is desirable, aiming at adapting legal procedure to indigenist policy.

"Despite the absence of regulations about the particular situation of indigenous peoples, the Public Power must not subtract rights with the pretext of lack of specific regulation for the exercise of a given activity. On that topic, the 1988 Constitution, upon adopting the Principle of Legality in article 5,II, established that no one is obligated to do or not do anything other than by law. This constitutional precept establishes the impossibility of prohibiting citizens from pursuing any conducts, except when an express ordinary law establishes such prohibition.

Thus, the exercise of economic activities by indigenous peoples may always take place in the general terms established by the legislation when there is no specific regulation and as long as there is no express prohibition. It is the duty of environmental agencies to observe the peculiarities and the constitutional norm in concrete cases to promote environmental licensing" says the Specialized Federal Attorney's Office with Funai.

As for the cultivation of Genetically Modified Organisms (GMOs) in Indigenous Lands, it must be stressed that current legislation prevents it (article 1, Law no 11,460/2007); however, after studies, the Specialized Federal Attorney's Office (PFE) with Funai has concluded that such prohibition does not stem from the Federal Constitution, and that the law must be considered unconstitutional on that specific point, being the community's choice whether to plant GMOs or not. "However, we recommend the elaboration of a technical opinion to attest that the research and cultivation of genetically modified organisms in indigenous land would by no means affect the preservation of the environmental resources necessary to their well-being, physical and cultural reproduction, according to their uses, customs, and traditions," highlights PFE/Funai.

Within the context of conducting indigenous public policies for ethnodevelopment and in line with the ruling about the incompatibility of the prohibition of the planting of GMOs, the conclusion points to the apparent violation of material equality and of the freedom of the indigenous use of the lands they traditionally occupy.



the coming into force of the Federal Constitution, should be the irreplaceable reference for verifying the existence of the indigenous community, as well as of the effective and formal land occupation by the indians, unless persistent unlawful possession by third parties can be proven. This is a criterion of constitutional safeguards established by the Supreme Court, in observance of legal certainty, which does not impede the creation of areas for indigenous peoples through other legal means, notably through land purchasing or even expropriation for social purposes, with previous and fair monetary compensation not only for improvements but also for the bare land (article 26 of Law no 6,001/73).

In that sense, several precedents can be gathered from the Courts: "The Supreme Federal Court, interpreting the Federal

In that sense, several precedents can be gathered from the Courts: "The Supreme Federal Court, interpreting the Federal Constitution, has been adopting, in its rulings (especially in the precedent of 'Raposa Serra do Sol' case, Petition 3388, Rapporteur: Min. Carlos Britto, Full Court, judged on 19 Mar. 2009, DJe-181 Divulged 24 Sep. 2009 Published 25 Sep. 2009) the so-called theory of the indigenous fact, to establish that indigenous lands are those occupied by the indians on the date of the coming into effect of the 1988 Constitutional Chart" (AC 2007.80.01.000294-7 – Regional Federal Court of the 5th Region – Rapporteur: Federal Appeals Court Judge Cid Marconi – DJ 20 Oct. 2016); "The concept of 'lands traditionally occupied by indians' does not encompass lands from extinct villages, even if they were occupied by indigenous peoples in a remote past, as stated by Summary 650/STF.

To that effect, it was decided that 5 October 1988, date of

The configuration of 'land traditionally occupied by indigenous peoples, a property of the Union susceptible to demarcation, whose possession and use is ensured to the indigenous communities linked to it, to the exclusion of any others, as per article 231 and paragraphs of the Constitution of the Republic, given the time requirement established by STF in the ruling of Petition 3,388 ('Raposa Serra do Sol' case), requires that said lands had to be under traditional occupation by indigenous peoples on 5 October 1988, or that, not being occupied by them at that date due to coercive displacement, they had been occupied by them in the past and had been, at the date of the coming into force of the 1988 Constitution, the object of an effective ownership dispute between indians and non-indians, thus configuring 'persistent unlawful possession.'

If, in October 1988, the link between the indigenous community and the land from which it had been previously displaced was limited to occasional incursions, or to sparse initiatives for reclaiming the land, or to the group's desires to return to the land, there are not sufficient elements to configure the 'persistent unlawful possession,' which, according to STF's understanding, presupposes an effective conflict of possession." (AC 5006473-76.2012.404.7006/PR – Federal Regional Court of the 4th Region – Rapporteur: Federal Appeals Court Judge Cândido Alfredo Silva Leal Júnior – DJ 5 May 2015); "The persistent unlawful possession is not to be confused with remote occupation or forced displacement in the past.

Persistent unlawful possession requires a situation of an effective possession conflict that, even if it began in the past, continues until the current demarcation time frame (the date when the 1988 Constitution came into force). And this conflict must be materialized into actual circumstance or legal possession dispute" (AC 5000201-60.2012.4.04.7202 - Federal Regional Court of the 4th Region -Rapporteur: Federal Appeals Court Judge Vivian Josete Pantaleão Caminha – DJ 5 May 2015); "Reach of the expression 'lands traditionally occupied by indians' contained in article 231, §1 of the Federal Constitution already established by the Supreme Court in the ruling of Petition 3388, being established as a milestone for the characterization of a traditional and permanent indigenous occupation the date of the coming into effect of the Federal Constitution. Precedents" (AI 0009255-06.2013.4.03.0000/MS - Regional Federal Court of the 3rd region – Rapporteur: Federal Appeals Court Judge Peixoto Júnior – DJ 24 Sep. 2019);

The observance of the precedents already established by the Courts, as well as representing a positive factor for social stabilization, has a double effect, since it maintains a commitment to social pacification and legal certainty, notably when emanated from the Supreme Federal Court.

"One of the positive social stability factors, and one to which every citizen is entitled, is legal certainty. It is not enough for a society to have a Constitution. It is necessary for it to be respected by all: the rulers, and the ruled. The Judiciary Power has a vital importance in the establishment of legal certainty, which is one of the pillars of the legal edifice of the Rule of Law. Citizens need to know how laws will be enforced to be able to plan their lives; all people in society have the right to be sure of what they can and cannot do. It is the Judiciary Branch that ultimately decides how legal norms are to be enforced (when there is doubt, of course). Therefore, society counts on the rulings established by precedent to be able to breathe in the freedom guaranteed by Law and experienced in legal certainty" (Luiz Antônio Rizzato Nunes, Manual de Introdução ao Estudo do Direito, Ed. Saraiva, 2016, pp. 139/140).







Key features of the Marcelo Xavier presidency are the dialogue with indigenous peoples and the incentive to ethnodevelopment projects. The President has held meetings with more than one hundred indigenous leaders at the institution's headquarters, in Brasília, such as Elenildo Kayabi, Arnaldo Zunizakae (Paresi ethnicity), Chief Kotok (Kamayurá ethnicity), and Chiefs Simão Butsé, Davi Tsudzawere, Robson Tsub'urã (Xavante ethnicity). According to Xavier, Funai is open to dialogue with indigenous peoples, in order to listen to their demands and to seek solutions that result in an improvement in life in the villages.

"We base our actions on conflict resolution, on dialogue, and on the promotion of dignity and legal certainty, always respecting the uses, customs, and traditions of each ethnicity. We have talked directly to indigenous communities so as to support their potential. Everyone aspires to better life conditions, it is no different with indigenous peoples. Hence the importance of a strong and active Funai," stresses Xavier.

# HARMONY BETWEEN ECONOMIC DEVELOPMENT AND THE PROTECTION

Funai ensures the adoption of mitigation and compensation measures to indigenous peoples for impacts caused by business undertakings. As a rule, construction can only begin after authorized by the Foundation.

As the official indigenist agency, Funai's duty is to weigh in on any and all instances of licensing for construction that directly or indirectly affects indigenous lands and populations, thus seeking harmony between economic development and the protection of indigenous peoples. The Foundation's opinion is usually required for the three phases of licensing: previous licensing, involving the studies to assess the impact to indigenous communities and the evaluation of the viability of the business; licensing for installation, involving the drafting

and implementation of programs for the ethnicities, if the business is deemed viable; and operation licensing, the phase of effective functioning and renewal of the aforementioned programs.

After public hearings with the communities and the analysis of the Environmental Impact Study (EIA) by the licensing body and the intervening agencies (Funai, in the case of indigenous peoples), the technical opinions that assess the viability of the business undertaking are issued. If the business is viable, a Basic Environmental Plan (PBA) will be drafted, which details the programs for the solution of each environmental impact identified in the EIA.





"The new Funai works for consensus building, to the benefit of both the indigenous communities and entrepreneurs. With dialogue and respect, it is possible to meet the needs of all," stresses Marcelo Xavier, President of Funai.

A recent important advance is the licensing for the installation of the Andaraguá Business and Airport Complex, in Praia Grande (state of São Paulo), which will generate approximately 16 thousand direct jobs, and may reach 48 thousand indirect jobs. One of the measures for compensation is the purchase of an area of approximately 600 hectares for the indigenous peoples, near the Tekoá Mirim Indigenous Land, in São Paulo state.

Other large-scale works that required the Foundation's opinion for the installation license were the Mar Azul Cargo Distribution Center and Maritime Terminal, in São Francisco do Sul (state of Santa Catarina), the Pontal Paranaguá Harbor Complex (TPPP), on the coast of Paraná state, and the Novo Remanso Harbor Complex, in Itacoatiara (state of Amazonas). All of those processes involved not only impact mitigation, but also compensation to indigenous peoples.

In the area of energy, progress is being made in the licensing process for the Manaus-Boa Vista Power Lines, which cross the Waimiri Atroari Indigenous Land, with an active participation by Funai for the improvement of the proposal of the planned Basic Environmental Programs of the Indigenous Component (PBA-CI) and in the protocols for free, previous and informed consultation to the ethnicity involved. The venture will result in the connection of the state of Roraima to the national energy grid, reducing the high costs for energy transmission, usually generated through thermal power plants.

The procedure, underway since 2012, has advanced during the current administration. The translation and distribution of the document to indigenous peoples have already been conducted. The project will benefit thousands of indigenous and non-indigenous people and also reduce the pollution caused by thermal power plants currently in operation.

Still in the energy sector, the Foundation has agreed with the Operation License for the Paulo Afonso-Gonzaga Power Line, so as to meet the demand for energy distribution of the Northeast Region and optimize the interconnection of the generation units that exists in the National Interconnected System (SIN), with work being concentrated in the states of Pernambuco, Alagoas, and Sergipe.

Funai has also participated in the process for environmental regulation of the Eletrosul Interconnected System Power Lines, in the South, Southeast, and Central-West Regions. It is a complex of power lines and substations, most of them already constructed, and for whom the Indigenous Component is being adjusted, ensuring fair compensation for the indigenous rights affected by the enterprise.

Regarding the follow-up to the processes, Funai has been organizing an impact review for the Belo Monte Hydroelectric Power Plant, in the state of Pará, as well as its mitigation and compensation measures. It has also enabled the renewal of an Agreement for the direct execution of the PBA-CI for highway BR 163 (state of Pará), of the Serra da Mesa Hydroelectric Power Plant (state of Goiás), and the Tucuruí Hydroelectric Power Plant (state of Pará), ensuring the continuation of mitigation actions for the affected indigenous peoples.

# SETTLEMENTS WITH SEVERAL ETHNICITIES



Funai is also working towards judicial settlements benefitting many ethnicities. The most recent settlements amount to approximately R\$ 90 million in favor of different peoples, bringing an end to long periods of negotiation and legal dispute. The settlements were drafted and debated through consultations with all actors involved, especially the indigenous ones, as per Convention 169 of the International Labor Organization (ILO).

The conflict resolution agreement between the Ashaninka ethnicity and the Orleir Messias Cameli estate has allowed for the return of R\$ 14 million to the ethnicity from the state of Acre, as compensation for environmental damage to their lands during the 1980s. The document was signed by President Marcelo Xavier and by representatives of the Ashaninka and of businessman Orleir Messias Cameli. The R\$ 14 million have been transferred to the Amônia River Ashaninka Association (Apiwtxa) for projects aiming at defending the indigenous community.

The R\$ 68-million agreement between communities in the state of São Paulo and the Rumo Malha Paulista company, due to the indigenous component of the works for the widening of the roadways from Itirapina to Cubatão (state of São Paulo), was a landmark for indigenous protagonism. The agreement afforded the region's indigenous peoples more autonomy in the conduction and execution of a part of the projects for the Basic Environmental Plan (PBA). The Foundation's projects, so as to ensure their effective implementation. The agreement was signed by Funai, Ibama, the Public Prosecutor's Office, Rumo Malha Paulista, and an Intervillage Committee composed by different ethnicities of Indigenous Lands Tenondé Porã, Itaoca, Rio Branco de Itanhaém, Guarani do Aguapeú, and Tekoa Mirim.

Another important agreement made possible by Funai was reached between the Tembé Indigenous Associations of the state of Pará and the multinational Pará Pigmentos/ Imerys do Brasil. Compensation of almost R\$ 9 million was transferred directly to the indigenous peoples. The resources will be used by the associations in sustainable projects to benefit indigenous communities. Motivated by a court ruling, the agreement meant a great victory to the Tembé, because it ended an extensive struggle to ensure the ethnicity's rights. The criterion for compensation was based on the establishment and operation of an ore pipeline, since 1996, without the Indigenous Component of the venture operating within an Indigenous Land. The agreement's purpose is to fulfill the necessary actions referring to the impacts of the project on the Tembé peoples of the Turé-Mariquita, Tembé, and Adi Arumateua communities.



