

INDIGENOUS BRAZILIAN ANTHROPOLOGY

Tutelage reversed: towards an ethics of indigenous protagonism

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Abstract

In Brazil, the last three decades have been marked by a growing movement of indigenous organization and participation in public life. This process is the result of intense political transformations under way ever since the 1988 Federal Constitution, which acquired an unprecedented dimension with the creation of the Ministry of Indigenous Peoples in 2023. In this text, I present an analysis of these transformations, focusing especially on the period of re-democratization and the effects of the constitutional text on indigenous realities and indigenism. The objective is to discuss the effective conditions for greater indigenous autonomy through a reflective exercise articulated across multiple temporalities — past, present and future — regarding wardship, the Indigenous Movement and indigenous citizenship.

Keywords: Tutelage; Indigenous Protagonism; Indigenous Citizenship.

O avesso da tutela: por uma ética do protagonismo indígena

Resumo

No Brasil, as últimas três décadas foram marcadas por um movimento crescente de organização e participação indígenas na vida pública. Esse processo é fruto de intensas transformações políticas ocorridas desde a Constituição Federal de 1988 e que ganharam contornos inéditos com a criação do Ministério dos Povos Indígenas em 2023. No presente texto, apresento uma análise dessas transformações com ênfase no período de redemocratização e nos efeitos do texto constitucional sobre a realidades indígenas e no indigenismo. O objetivo é debater sobre as condições efetivas para uma maior autonomia indígena, através de um exercício reflexivo articulado em múltiplas temporalidades, desde o passado, presente e futuro, acerca da tutela, do Movimento Indígena e de uma cidadania indígena.

Palavras-chave: tutela; protagonismo indígena; cidadania indígena.

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The present article was written in response to the call for papers for a historical dossier on indigenous anthropologies, coordinated by Gersem Baniwa and Eloy Terena, two of the foremost indigenous anthropologists in Brazil. The text that follows was conceived with the editorial scope of the journal in mind — dedicated to publishing Brazilian scholarship in foreign languages. It is, therefore, addressed to an international readership, taking as its topic of inquiry the political and cultural transformations that have occurred nationally, especially since the 1988 Constitution, and which are crucial for understanding contemporary indigenous realities in the country. The dossier's thematic proposal is bold, insofar as it reflects one of these changes, decisive for grasping the current moment of indigenism in Brazil. Here I refer to the creation of affirmative action policies enabling indigenous students to access higher education, with particular emphasis on Law no. 12,711/2012, known as the Quotas Law. More than a decade after its formulation, the Quotas Law has represented a significant advance in ensuring indigenous students' access to higher education. It is fair to say that without this law, a dossier such as this would not be possible today.

In an earlier version of the manuscript, I planned to construct my argument through a direct dialogue with a short yet highly significant text published more than thirty years ago by the former president of the Brazilian Anthropological Association, Manuela Carneiro da Cunha (1994), entitled 'The future of the indigenous question.' My initial idea was to consider the tendencies identified by the author three decades ago from a contemporary vantage point, assessing the changes that have taken place over this period. The proposal shifted when, allowing myself to pursue a somewhat anachronistic approach, I realised that the author's text made no mention of three elements that have since become central to indigenous political agendas in the post-constitution era: 'protagonism,' the 'Indigenous Movement' and 'indigenous citizenship.' All three terms are absent from the author's account. In her prospective exercise, they did not appear to be the focus of the moment, nor even a promise on the horizon.

The article that follows is divided into four parts. In the first section, I analyse Cunha's essay not as a piece of anthropology but as a document of its time, seeking to understand how the future of the indigenous question appeared thirty years ago. Given the absence of

the three elements mentioned above, I address each in a subsequent section, looking to the present and past of indigenous realities in order to shed light on the country's interethnic arena.

THE SO-CALLED 'INDIGENOUS QUESTION'

A text can be read in diverse ways. When reading, we may devote our full attention to its content and the immediate message it conveys. Every text is also a document, a testimony to the spirit of its time. It is likewise possible, in the act of reading, to focus on textual style, discerning the discursive strategies mobilised by the author in constructing their argument. When it comes to authorship, a text may also be viewed as part of a broader set, composing with other writings the *œuvre* of a given author. I approach Cunha's text as a document. I consider it particularly revealing not just because it was written by an anthropologist with a long and substantial engagement with indigenous issues, but also because, as its title suggests, it is a prospective text, something not especially common in anthropological writing. Anthropologists mostly dwell on what has already happened, on situations they experienced in the field; they write assessments and syntheses of what has been produced within their thematic areas. At times they may point to the topics that most need further research, but predictions are far less common.

Reflecting on the multiple temporalities contained within a prospective text written thirty years ago allows us to connect with aspects revealing the imaginary then surrounding the theme under debate, the so-called 'indigenous question.' My aim is to take the reflection on Cunha's article as a starting point for considering what, thirty years since its publication, appears to me today to be the future path of indigenous peoples in Brazil.

The expression 'the indigenous question' or even 'the indigenous problem,' both used routinely across different social spheres in Brazil, evokes something of the spirit in which 'indigenous matters' are regarded. A question is something that demands an answer; a problem, like a mathematical problem, requires a solution. Depending on the context and on who uses the expression, the content of the 'indigenous question' may vary but the common element, it seems to me, is the notion that the very existence of these peoples generates tensions that must be addressed.

In the text, the author does not pause to define what she calls the 'indigenous question.' She employs the expression without qualification to explore a range of topics relating to indigenous peoples, including identity, land, rights and population. The 'indigenous question' functions as an umbrella term for themes associated with indigenous peoples. Here we can recall Linda Smith's (1999) argument about research targeting the so-called indigenous question and that, rather than foregrounding the problems and issues that indigenous peoples themselves consider to be their problems, situates indigenous existence itself as the problem —the question being: 'what do we do with Indigenous peoples?' Darcy Ribeiro (1981), for his part, when asked in a 1981 interview what the biggest problem was with the Brazilian Indian, promptly retorted: 'The Indians aren't the problem. We are the problem. White people are the problem.'

The first topics addressed by Cunha are ethnic identity, the concept of culture and the demographic characteristics of these populations. The author develops an argument against essentialist views of indigenous cultural traits and identities, framing her exposition structurally through an analogy with totemism. For her, ‘ethnicity makes use of cultural objects to produce distinctions within the societies in which it operates. Ethnicity is, therefore, a language that uses cultural signs to speak about social segments’ (Cunha 1994: 122). It is understandable that she opens her text with this debate, given that issues of cultural continuity, persistence over time and acculturation had preoccupied anthropological scholarship for many of the preceding decades. These themes were particularly prominent in discussions during the late 1980s and early 1990s, especially in view of indigenous demographic stabilisation and the phenomenon of ethnic emergence observed during this period. Contrary to what had been predicted in earlier decades, the post-constitutional era has been marked by strong ethnic re-elaborations: processes of resurgence among indigenous peoples once considered extinct, as well as the surfacing of groups designated by ethnonyms previously unrecorded in the historiography (Pacheco de Oliveira 1998, Bartolomé 2006).

There had long been an expectation — shaped over decades by a Eurocentric and colonial imaginary and reflected in integrationist indigenist policies — that indigenous peoples and their cultures were on a downward trajectory towards ethnic disappearance. But the concrete demographic and cultural realities at the end of the twentieth century demonstrated the opposite. Indeed, this phenomenon is not only observed in Brazil but in many parts of the world scarred by European colonialism, where the cultural consciousness of indigenous peoples has intensified and cultural theories have revealed themselves to be not only obsolete but fundamentally equivocal (Sahlins 1999).

Thirty years on, the debate on indigenous population growth, identity and culture remains highly topical. The release of the new IBGE census results indicate that the number of indigenous people has doubled in the space of ten years,¹ a rise that cannot be explained by either births or migration. Instead, this increase implies that people who did not identify as indigenous in the previous census changed their responses in the new round of data collection. This phenomenon has sparked debates about belonging, identity and culture, which, in certain respects closely resemble those of the 1990s. What has changed fairly considerably is the place of anthropology and anthropologists within these discussions. While in 1990 these professionals were at the centre of debates on ethnic recognition (Cunha 1987a, 1987b, Santos 2003), issuing reports on who was and was not indigenous, today a range of other actors intervene in the principle of self-identification established by ILO Convention 169.

Cunha then proceeds to discuss land, rights and what was then being heralded as new in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples. Her

1 ‘Dados do Censo 2022 revelam que o Brasil tem 1,7 milhão de indígenas,’ Gov.br: <https://www.gov.br/funai/pt-br/assuntos/noticias/2023/dados-do-censo-2022-revelam-que-o-brasil-tem-1-7-milhao-de-indigenas>.

emphasis was on the challenges facing indigenous territorial demarcation, such as the national interest in the mineral and water resources located within indigenous lands, and on responding to those who criticised the extensive size of these territories. She also highlights important shifts in the international grammar of indigenous rights, which was moving away from the post-war progressive ideal of equality. From the 1980s onwards, new ideas gained traction such as ethnodevelopment, cultural diversity and the right to difference, along with the adoption of the terminology ‘indigenous peoples’ (rather than *índios* or ‘Indians’) and ‘self-determination’ (Cunha 1994: 129). These significant changes in the grammar of international law are addressed in dialogue with the alarmism circulating at the time, particularly within sectors of the Armed Forces, regarding the demarcation of indigenous lands as a supposed threat to national security and sovereignty.

The framing given by the author in relation to adoption of the term ‘peoples’ and the other provisions of ILO Convention 169 leaves out what would later become the hallmark of subsequent transformations in indigenous rights at international level. I refer to the right of these peoples to consultation, the right to define their own priorities and control their institutions, and the right to participate in the implementation of their own models of education and health. It may be that the author’s choice not to foreground these aspects was a strategy to avoid exacerbate public sensitivity around territorial demarcations, given that the new international legal instruments pointed towards an expansion of indigenous autonomy in the management of their territories. The Fernando Henrique Cardoso administration of 1990-1992 was responsible for 112 ratifications and 58 declarations of indigenous lands, amounting to 26.4 million hectares, making him the president who approved the second highest number of demarcations (Couto 2018). For the author, the central point of contention in 1993 was precisely the interests in mineral exploration and the use of water resources within these territories. In the final part of her text, Cunha argued that resolving these tensions could not forgo a reflection on what model the country wished for itself, outlining the possibility of a future in which indigenous peoples would not be viewed as obstacles but, rather, as important for the conservation of biodiversity thanks to their traditional knowledge. Displaying considerable prescience, the author points to a development that has intensified markedly over the past three decades: the association of indigenous land demarcations with environmentalist and sustainability agendas.

Indigenous populations have a right to their territories for historical reasons, recognised in Brazil over the course of centuries. Yet these rights should not be viewed as an impediment to the rest of the country; on the contrary, they are a prerequisite for the preservation of a wealth as yet unmeasured, but crucial. (Cunha 1994: 133)

To understand this point more clearly, it is worth recalling that one year earlier the United Nations Conference on Environment and Development, ECO-92, had taken place in Rio de Janeiro, setting down a landmark for debates on sustainability and environmental

protection. In the years that followed, we witnessed an increasing tendency for indigenous territorial rights — which had previously been based almost exclusively on an original right, grounded in the indisputable fact of occupation prior to the establishment of the Portuguese colony — to become entangled with an environmentalist agenda. In terms of understanding its effect on public opinion, it is as if this right, congenital since it precedes the formation of the Brazilian state itself, had come to be conditioned on some form of counter-obligation, or required some moral justification in order to be upheld: namely, the promise of environmental preservation in these areas. It is true that, thanks to indigenous ways of life, these lands are those that remain most preserved, something that is indeed a benefit for humanity. Nevertheless, today the principle of the *indigenato* has become closely associated with a moralising expectation that has gradually been coupled with the indigenous territorial agenda. It is as though indigenous lands were to be demarcated only insofar as — and to the extent that — they fulfil a function of preserving biodiversity.

As mentioned earlier, when I read Cunha's text on the future of the indigenous question, what struck me was the absence of a debate that today seems self-evident: namely that the future of indigenous peoples would involve greater autonomy with indigenous actors occupying a diversity of spaces and deciding, via their own social organisations, how they wish to live. The author does not mention, for example, a phenomenon of great importance that had been growing in strength since the 1970s: the creation of indigenous organisations and associations and the consolidation of an organised Indigenous movement, both of which were decisive during the constitutional process (Luciano 2006, Munduruku 2012, Ramos 1988). Nor does she address the range of indigenous strategies for influencing state policy, something even more evident today in electoral strategies involving indigenous candidates. Article 232 of the 1988 Federal Constitution, which recognises indigenous peoples, their communities and organisations as competent to represent their interests and rights in legal proceedings, is not mentioned at all. State tutelage, so central to the national imaginary and indigenist policy throughout the twentieth century, is cited only briefly and merely as something absent from the constitutional text. These are some of the aspects I turn to next.

TUTELAGE/PROTAGONISM

The idea that indigenous peoples needed to be placed under tutelage is long-standing, tracing back to various evolutionary theories that conceived of indigenous people as children, infantilising both their individual cognitive capacities and their cultures, which were seen to be situated in the childhood of human evolution (Lima 1995, 2012). As a governmental practice, indigenous tutelage acquired legal form in Brazil through the Civil Code of 1916, when *índios* ('Indians') were subjected to a particular exercise of state power: tutelage or wardship, justified solely by the supposed 'relative incapacity' of indigenous people to exercise full citizenship (Lima 1995).

For indigenous peoples, tutelage came to signify many things. Deemed relatively incapable, indigenous people were seen as beings unable to fully think, develop abstract reasoning, making them childlike, unreliable, inconstant and thus dangerous to the nation. In terms of the exercise of citizenship, the legal designation of relative incapacity meant that indigenous people could not, for example, exercise political rights, whether in relation to voting or to the possibility of running for office.

From the perspective of the Brazilian state, indigenous incapacity placed the governance and control of these populations in its own hands as the legitimate tutor (Lima 1995). Since indigenous people were conceived as not fully developed, the tutor was responsible for them and the indigenist policy of state agencies — first the Indian Protection Service (*Serviço de Proteção ao Índio*, SPI: 1910-1967) and later the National Foundation of Indigenous Peoples (FUNAI: 1967-present) — exploited the rhetoric that these peoples needed to be protected until they were fit to enter fully into civil life. According to the Indian Statute, this was synonymous with the successful completion of the process of acculturation, making possible the integration of a generic, no longer threatening, Indian.

In the exercise of this modality of power, various paradoxes were identified by anthropologists such as João Pacheco de Oliveira (1988). For instance, the rhetoric of tutelage was protectionist, but what or who was actually being protected? In delimiting indigenous territoriality, did tutelage protect indigenous peoples or did it protect ‘national society’ from an indigenous presence perceived as inarticulate and hostile to its expansionist projects?

What primarily interests me here is another paradox: although state rhetoric insisted that tutelage was a temporary requirement, necessary only during the process of integration, its practical implementation created dependency, offering no means through which indigenous people could overcome the reality imposed on them. In other words, the conditions of tutor and tutelary subject were mutually coexistent. As result, the latter found themselves keen to rid themselves of tutelage while simultaneously becoming immersed in relations of dependence with a tutor who claimed to govern them in the name of fraternal protection and care.

I argue that tutelage was surpassed at the legal level following indigenous pressure during the constituent process for the 1988 Federal Constitution where Articles 231 and 232 demolish two deeply entrenched ideas from a normative-constitutional standpoint: first, the expectation that indigenous people would disappear and cease to be indigenous; and second, the notion that they were incapable of representing themselves legally. Moreover, by recognising that we live in a multi-ethnic, multilingual and multicultural country, the constitutional text introduces the need to conceive other models for exercising citizenship — that is, an indigenous citizenship based on the right to live in accordance with their own forms of social organisation, customs, languages, beliefs and traditions.

The 1988 Federal Constitution also decisively breaks with the individualising aspect of tutelary power. Tutelage applied to *Indians in communities* (a collection of individuals)

not to indigenous peoples. Indeed, in 1978, Minister Rangel Reis, proposing an Emancipation Decree for ‘integrated Indians,’ stated that contemporary indigenist policy would be deemed a failure if it did not emancipate at least one Indian (Ramos 1994). For most of the twentieth century, attempts were made to erase any recognition that indigenous peoples possessed organised collectivities. This denial involved avoiding the use of positive terms such as ‘nations’ or ‘peoples’ to refer to these collectivities. In their place, vague terms such as ‘groups,’ understood as the random sum of individuals, or even ‘tribe’ with its negative and stigmatising connotations, were routinely employed. This is one of the reasons why indigenous peoples have pushed for terminological changes to key dates and institutions in recent years. ‘Indian Day,’ celebrated annually on 19 April, has become ‘Indigenous Peoples’ Day,’ the ‘National Indian Foundation’ is now the ‘National Foundation of Indigenous Peoples,’ and the ‘Museum of the Indian’ has become the ‘National Museum of Indigenous Peoples.’ Such changes are important for the recognition of collective rights, including territorial and cultural rights.

It was only in 1988 — less than forty years ago — that indigenous people came to be seen as fully thinking subjects within Brazil’s legal order. Like a letter of manumission, it took 488 years of colonialism for indigenous peoples to be recognised as equals from both a cognitive and a juridical standpoint. Yet, as we know, traditions are not so quickly overcome and old habits are typically hard to change. Even if tutelage has been superseded in legal terms, its remnants — as everyday practice — continue to shape actions, behaviours and customs in indigenous everyday life across Brazil. For instance, many jurists still resort to terms like ‘acculturated Indians’ or ‘forest-dwellers’ (*silvícolas*) and continue to reproduce obsolete practices in relation to indigenous rights. In part, the persistence of a tutelary ideal can be explained by the ongoing presence of racism, lack of information and political bias (Cruz 2019, 2022). On the other hand, significant legal contradictions still exist, particularly those between the constitutional text, ILO Convention 169 and the Indian Statute. The latter, regulated by Law No. 6.001 of 19 December 1973, remains in effect despite conflicting with aspects of the Constitution, explicit in its highly integrationist and tutelary orientation. Santos (2017) demonstrates this tendency in his study of the Supreme Court decision concerning the demarcation of the Raposa Serra do Sol Indigenous Land. In analysing the judges’ votes, he highlights the prevalence of conservative views regarding differentiated territorial rights and the political and cultural autonomy of indigenous peoples. In the ruling, use of the terms ‘peoples’ and ‘territories’ is explicitly rejected: ‘the judges make clear their understanding that indigenous collectivities constitute “populations” or “communities” only (and never “peoples”)’ (2017: 85), while various sections of the decision reaffirm an interactionist ideal, celebrate miscegenation and employ outdated terms such as ‘acculturation,’ ‘aborigines’ and ‘civilisation.’ An example can be found in a passage from the vote of Justice Carlos Ayres Britto:

It is easy to understand, then, that, on one hand, the Brazilian Constitution seeks to integrate our Indians in order to add value to their subjectivity (the phenomenon of acculturation, as explained). So that they may become even more than they originally were, benefiting from a civilised way of life understood to be of superior quality in terms of health, education, leisure, science, technology, professional training and the political rights of voting and running for office, markedly so. Meanwhile, the other side of the constitutional norm proposes that so-called civilised populations also stand to gain from their closer association with the Indians. (Quoted in Santos 2017: 86)

Verdum (2022) analysed FUNAI Resolution No. 4 of 2021,² which, in defining who is or is not indigenous, reworked various racist and tutelary provisions. Rather than recognising indigenous institutions themselves as decisive entities in the constitution of ethnic belonging, the agency sought to establish mechanisms of hetero-identification as part of its remit. Certifying and recognising peoples as indigenous had long been an administrative function of FUNAI, a role that gradually lost meaning in the face of increasing indigenous autonomy in defining who is or is not indigenous according to their own criteria. Resolution No. 4, however, emerged during the pandemic, under a far-right government, at a moment when indigenous peoples had been designated a priority group for vaccination by decision of the Supreme Court. The proposal, which ultimately did not move forward, met with strong opposition from indigenous peoples themselves, who saw it as a refusal to recognise their rights. But like a spectre, tutelage continues to hover on the imaginative horizon of Brazilian society as a whole.

THE INDIGENOUS MOVEMENT

It is striking that in her text Cunha made no mention of how promising the future of the Indigenous Movement appeared to be, nor the importance of Article 232 after the vibrant indigenous mobilisation during the Constituent Assembly (1987-1988). At the time, various allies supported the campaign to secure indigenous rights during the country's redemocratisation process, including progressive sectors of the Catholic Church, anthropologists, environmentalists and activists. But it was the images of thousands of organised indigenous people occupying the National Congress and asserting their rights that left an indelible mark on history and played a leading role in the constitutional achievements.

If we look back in time, we can see that demands for effective participation in political life and dissatisfactions with tutelage predate the Constituent Assembly. This becomes clearly apparent in the controversies precipitated during the dictatorship by indigenous leaders invited to participate in major international events. Such were the cases of Daniel Caxibi and Mário Juruna.³ The former was invited in 1979 to attend the Third General Conference of

2 'Funai revoga resolução da heteroidentificação,' Gov.br: <https://www.gov.br/funai/pt-br/assuntos/noticias/2023/funai-revoga-resolucao-da-heteroidentificacao>.

3 On this point, I must thank the historian Luiz Paulo Ferraz for the valuable insights shared during the Tepóztlan Institute conference, held in Mexico in 2024.

the Latin American Episcopate in Puebla, Mexico, which would be attended by Pope John Paul II. In order to travel, Caxibi required authorisation from FUNAI and its assistance in obtaining a passport and the other necessary documents. The agency, however, invoking tutelage as a principle, refused his request. Caxibi wrote letters denouncing the situation to the Pope: ‘Unfortunately I shall not be able to attend the meeting in Puebla [...] The presence of Brazilian Indians in Puebla has been barred by the National Indian Foundation. From this Your Holiness can see the point to which our condition has reached.’⁴ He also wrote a letter to the indigenous participants in Puebla:

By means of this statement, I wish to inform you, the indigenous participants in Puebla, that I was the only Brazilian Indian invited to this meeting and that unfortunately I shall not be able to participate. This is because FUNAI (the National Indian Foundation) has not permitted it. I therefore ask that, when you return to your countries and your communities, you denounce the fact that the human rights of Brazilian indigenous people are being violated.⁵

A similar situation occurred with Chief Mário Juruna of the Xavante people, in 1980, two years before he became the first indigenous federal deputy in Brazil. Juruna had been invited to participate as a juror at the 4th Bertrand Russell Tribunal in the Netherlands, whose purpose was to judge crimes committed against the indigenous peoples of the Americas. Both FUNAI’s Indigenist Council and the Ministry of the Interior, then headed by Minister Mário Andreazza, refused him the authorisation to travel. Partly due to international pressure and the fact that Juruna had been elected president of the jury by the other jurors, his legal appeal was reviewed and the initial decision eventually overturned, enabling him to attend the tribunal. For him, the government’s resistance stemmed from a fear that he would ‘open his mouth abroad and speak about the poverty and dreadful situation of the Brazilian Indian. If I hadn’t spoken out about Brazil’s problems, I’m sure I would have received the passport’ (Juruna 1980: 45).

This is also evident in indigenous efforts to have their organisations recognised by the state. Daniel Munduruku (2012) has described the long historical process of organising indigenous struggles since the 1970s, highlighting strategies ranging from the convening of assemblies and leadership meetings that culminated, in 1979, in the creation of the Union of Indigenous Nations (*União das Nações Indígenas*: UNI). These early processes of organisation were fraught and the activity of organising, gathering and envisaging a future based on self-determination provoked reprisals —such as those denounced in 1980 by Calixto Francelino of the Terena people, concerning the first UNI meeting, when state agents, the heads of indigenous posts in Mato Grosso do Sul, were ‘threatening Indians with imprison-

4 ‘De Daniel Matenho Cabixi para Indígenas em Puebla,’ *Cartas Indígenas do Brasil*, Janeiro 79: <https://cartasindigenasaobrasil.com.br/cartas/de-daniel-cabixi-para-o-papa-joao-paulo-ii/>

5 Ibid.

ment, beatings and expulsion from their villages should they show interest in participating in the meetings of the Union of Indigenous Nations' (CEDI 1981 :39).

Since then, the organisational format of Indigenous Associations has become the preferred vehicle of the Indigenous Movement, which has flourished substantially in the decades following the Federal Constitution.

In practice, immediately after the Constitution, there was an intense proliferation of indigenous organisations [...] whether local in character — associations, federations and so forth — or supra-local, congregating a specific indigenous people or articulating several peoples from the same region, and assuming the functions of political participation and legal representation. (Lima 2015: 440)

Today, there are dozens, perhaps even hundreds, of such organisations. Over the years, these associations have refined their methods for securing resources and exerting political influence, learning to master diverse grammars within the interethnic arena and applying pressure to strategic sectors of the Brazilian government. In Ramos's words:

Indigenous groups that had long been subjected to demoralizing methods of submission, such as inculcated shame for being 'ignorant Indians,' imposed civil incapacity, and, in some cases, surveillance in tightly controlled reserves, are now celebrating what, on the optimistic side, we may see as an indigenous renaissance [...] The will to empowerment has been a major force in recent indigenous concerns. But theirs is an empowerment not to melt into the grim pot of the national masses, but rather to assert the need for the nation to recognize and legitimate its internal diversity. While the category 'Indian' serves the purpose of establishing a basic difference, it is only a means to state the importance of being Terena, Pataxó, Yanomami or Kayapó. (Ramos 2003: 413)

Two initiatives deserve special particular attention. The first is the National Articulation of Indigenous Peoples (*Articulação Nacional dos Povos Indígenas*: APIB), created in 2005, which is the most visible representative body at national level, uniting and coordinating regional grassroots organisations. These include the Coordination of Indigenous Organisations of Brazilian Amazonia (*Coordenação das Organizações Indígenas da Amazônia Brasileira*: COIAB), founded in 1989, the Articulation of the Indigenous Peoples of the Northeast, Minas Gerais and Espírito Santo (*Articulação dos Povos Indígenas do Nordeste, Minas Gerais e Espírito Santo*: APOINME), founded in 1990, the Terena People's Council (*Conselho do Povo Terena*), founded in 2012, the Guarani Yvyrupa Commission, founded in 2006, the Articulation of Indigenous Peoples of the Southeast (*Articulação dos Povos Indígenas do Sudeste*) and the Articulation of Indigenous Peoples of the Southern Region (*Articulação dos Povos Indígenas da Região Sul*), founded in 2006, and the Guarani People's Assembly (Aty Guasu). APIB defines itself as a top-down national reference body with the mission of 'strengthening the unity of our peoples, articulating the country's different regions and in-

indigenous organisations, and mobilising indigenous peoples and organisations against threats and attacks on indigenous rights.⁶

A contemporary history of APIB reveals the maturation in indigenous peoples' engagement with the model of participation and with the grammars of social movements. This is a history of slowly increasing autonomy, advancing step-by-step with constitutional achievements, not only with regard to the right to represent themselves legally, but also to articulate a future aligned with goals established from within indigenous territories themselves. In this process of maturation, affirmative action policies for training indigenous professionals were crucial, enabling organisations to be increasingly assisted by indigenous people with specialised expertise. It is indigenous lawyers who now lead legal departments, indigenous communicators who devise visibility strategies, and a range of other indigenous professionals (Cruz 2022). The articulation between traditional leaderships and young graduates of university courses has proven effective and innovative, as became evident in the struggle against the *marco temporal* during the Covid-19 pandemic, in the work of APIB's legal department in the proceedings of ADPF 709 (Terena 2022), in the complaint filed at the Hague against former president Jair Bolsonaro, and in multiple forms of international advocacy.

The second initiative is the Free Land Camp (*Acampamento Terra Livre*), held annually in the nation's capital, Brasília, in the Federal District. The camp, inaugurated in 2004, is held over a week in April, coinciding with Indigenous Peoples' Day, and is the main indigenous mobilisation in the country. During the days of the camp, indigenous delegations from every region of Brazil gather in a large multi-ethnic demonstration to campaign for their rights at the political epicentre of government. It is also a moment of heightened visibility for the indigenous struggle, showcasing to wider civil society the organisation, strategy and transformative force involved in the fight for autonomy and dignity.

INDIGENOUS CITIZENSHIP: 'NEVER AGAIN A BRAZIL WITHOUT US'

The 1988 Federal Constitution is commonly called the 'Citizen Constitution.' This is because the drafting of the text during the period of redemocratisation, after Brazil's disastrous period of dictatorship (1964-1985), came to symbolise something powerful within our political imaginaries. Its hallmark is the strengthening of democratic institutions and principles, the guarantee of fundamental individual rights, the indigenous rights already mentioned, and the regulation of the duties of the state. Given the inherently mystifying character of the nation-state, certain notions — citizenship among them — are difficult to define without recourse to other categories equally mystified or reified by the west. For example, it is difficult today to speak of citizenship without invoking intertwined expressions such as 'politics,' 'individual rights,' 'social participation,' 'civil society' or 'democracy.' Here, we

6 'Sobre,' APIB Oficial, consulted 1 January 2025: <https://apiboficial.org/sobre/>

can take as a workable definition the idea that citizenship denotes the enjoyment of rights and duties coextensive with those of the members of the population of a given nation-state.

It is important to note the many advances made since the 1988 Constitution in terms of greater indigenous participation in the country's political life. These advances are discussed below. Nevertheless, I should add that, for the most part, hegemonic ideas about democratic participation continue to conform to the expectations of an egalitarian logic. Citizenship for indigenous peoples has been won slowly and arduously, progressing insofar as these subjects learn the etiquette of participation envisaged within the organisational order of the nation. We have few substantial advances that allow us to conceive of a differentiated citizenship — an 'indigenous citizenship' — based on ideals that do not simply reinforce the *modus operandi* of the state. In recent years, for example, one of the principal vectors of participation has been the growing number of indigenous candidates in elections. Yet the electoral arrangement remains unchanged. In municipal elections, indigenous candidates are now frequently elected as councillors, whereas victories for mayoral positions are far less common (Verdum, Paula and Lima 2022). Here, the principle of participation is that of the individual vote and outcomes determined by majority decision, a model that greatly disadvantages indigenous peoples who, even when voting collectively for the same candidate, are unable to secure their election. In this scenario, there is little discussion of other forms of exercising indigenous citizenship that could consider collective voting, for instance, or voting by ethnic people. In many aspects, the mystification surrounding certain democratic values makes them taboo when we attempt to advocate alternative modes of participation — modes that challenge the structuring principles of the western, capitalist and liberal imaginary. Individualising citizenship is rooted in the individual as a value and is therefore taken as an absolute truth. Wolfe (2006), for his part, sees the projection of individualising models of citizenship as part of the logic of elimination of indigenous peoples that characterises modern nation-states. In this sense, I ask the reader to consider what I describe here as progress within a temporal line of the history of indigenism and indigenous rights, a line marked by many forms of violence. These processes are always filled with tension, given the coercive attempts to force indigenous peoples to adapt to pre-existing models and, simultaneously, the possibility of transforming those very models into strategies of subversion and the indigenisation⁷ of what is hegemonic and anti-indigenous in both form and origin.

7 By *indigenisation*, I refer to micropolitical actions and processes conducted by indigenous actors that seek to transform or inscribe traces of their existence into spaces (physical or social), institutions and administrative routines originally conceived without concern for their presence and which initially did not even envisage the possibility that indigenous subjects might be relevant to their functioning. In this sense, *indigenisation* encompasses diverse symbolic and pragmatic possibilities, with tangible and intangible effects, whether immediate or long term. These might include the painting of indigenous graphic motifs on the wall of a public office; the opening of a formal session with a traditional song; the adoption of ethnic names on birth certificates; or the appropriation of pre-existing channels of political mobilisation for unforeseen ethnic purposes. Ultimately, the indigenous presence or existence in itself, encountered in unexpected places — to use Deloria's (2004) expression — constitutes an act of indigenisation by subverting the colonial expectations of fixity and predictability projected onto these peoples.

We have advanced considerably on several indigenous agendas. Unfortunately, the issue of territorial demarcation remains the agenda most fiercely attacked and furthest from resolution. In terms of certain social rights — such as education, health and cultural policies — we have seen important changes, especially in the possibilities for indigenous participation in public life through bodies created for this purpose. I refer, for example, to the indigenous presence on the District Indigenous Health Councils (CONDISI) and the National Council for Indigenist Policy (CNPI) and to the strengthening of indigenous organisations and articulations. In the field of education, we have witnessed the consolidation of the indigenous right to differentiated, specific, multilingual, community-based and inclusive schooling. These schools are gradually being staffed exclusively by indigenous people — teachers, administrators, security guards, cooks, and so on. In 2024, a working group was also set up for the creation of an indigenous university, a priority of President Luís Inácio Lula da Silva's third term.

Another achievement was the introduction of affirmative action policies, which have been crucial for many of the contemporary developments in the exercise of citizenship. As the name suggests, these policies are designed to affirm those who have been historically denied: affirm their existence, their rights and their specificities. For indigenous peoples, it is important to highlight the Quotas Law and other policies aimed at expanding access to higher education, such as the *Bolsa Permanência* award. In 2010, there were little more than 6,000 indigenous students enrolled in higher education; by the end of the decade, that number had risen to 60,000 (Cruz 2022). These policies have been transformative both individually and collectively, leading to the training of a technical cadre of indigenous professionals occupying positions within the Indigenous Movement and producing records of their struggles. Without these policies, it would be difficult, I believe, to conceive of a Ministry of Indigenous Peoples (MPI) such as the one created in 2023.

On 11 January 2023, Sônia Guajajara, *doctor honoris causa* of the State University of Rio de Janeiro (UERJ),⁸ made the following statement in her inauguration speech as the country's first Indigenous Minister:

Today, you are all witnessing a moment of historic transition, just as you witnessed the singular indigenous contribution to the National Constituent Assembly. On that occasion, an important step was taken with the end of the interactionist paradigm and of tutelage. Today, you witness an even greater step with this Ministry of Indigenous Peoples and, we hope, through it, to ensure respect for our existence and for our protagonism.⁹

In Guajajara's speech, tutelage and protagonism are situated as opposite poles in the struggle for autonomy. One of the lines of action developed by the MPI is precisely 'Never

8 'Uerj concede título de doutora honoris causa a Sonia Guajajara,' Agência Brasil: <https://agenciabrasil.ebc.com.br/geral/noticia/2024-04/uerj-concede-titulo-de-doutora-honoris-causa-sonia-guajajara>

9 'Discurso de Posse da Ministra Sônia Guajajara,' APIB: https://apiboficial.org/files/2023/01/Discurso_Posse-Sonia-Guajajara-Documentos-Google.pdf

again a Brazil without us.’ This is more than a policy guiding the intention to occupy existing political posts and spaces, as well as create new possibilities, as shown by the proposal for an indigenous university. It is a matter of appropriating politics and indigenising the state, reclaiming from within that which was taken from us. Its point of departure is the need for the systematic transformation of five centuries of erasure and obliteration of indigenous peoples. The national imaginary has constructed an archetype of indigenous peoples through their absence: indigenous people must be kept at a distance; they are inhabitants of distant and remote places; they belong to the past; they are all the same and therefore lacking in complexity. The best way to combat such prejudices is by being present. Along this line of reasoning, the last two years have seen important occupations of strategic spaces. Currently under way is the FUNAI civil service examination, which includes specific posts for indigenous candidates, while a bill is presently before Congress that proposes establishing reserved positions for indigenous people in all public service competitions.

TOWARDS AN ETHICS OF INDIGENOUS PROTAGONISM

Finally, I wish to address some aspects of Indigenous struggles for recognition as subjects capable of occupying, participating in, and taking a leading role in indigenist policy. In thinking of social participation, citizenship and democracy, the emphasis immediately falls on their political dimension. But beyond politics, it is necessary to consider their moral elements. Given the legacy that colonialism has left for interethnic relations, the struggle for citizenship is a struggle for recognition — for self-respect, self-esteem and self-realisation — which acquires concrete form as new possibilities for protagonism are opened.

...the protagonism of indigenous leaders and organisations has also highlighted the need for an interethnic relationship in which the moral values underpinning their struggle are legitimately recognised by all members of the national community. This recognition would enable indigenous peoples to attain ‘the conditions for self-realisation’ which, socially affirmed, would place them on equal terms with others while remaining different in their ethnic particularity, thereby allowing them to live a truly good life. (Bicalho 2010: 24)

Some of the positions now occupied by indigenous people within the administrative fabric of the state are new, only recently created, and already held by indigenous office-holders from their inception. Such is the case of the Ministry of Indigenous Peoples. Others have historically been occupied by non-indigenous people, such as the presidency of FUNAI — held by Joênia Wapichana in 2023 — or the directorship of the National Museum of Indigenous Peoples, assumed by Fernanda Kaingang in 2023. For decades, non-indigenous people alternated in the presidency and in senior management posts. In 2022, the Federal University of Bahia appointed its first indigenous professor via public competition. Most universities in Brazil still do not have a single indigenous member of academic staff. Anthropology departments across the country are filled with researchers who specialise in indigenous peoples and who have built

long academic careers studying and speaking about them. Yet only a very few currently include indigenous professors. This situation reveals a striking disjunction in the way enunciatory politics are articulated in the twenty-first century. Clearly there exists an urgent need for effective policies capable of transforming these realities. This is not a matter of waiting for the situation to change: it is about the collective responsibility to construct the means through which this problem can be ameliorated. University rectors and other senior administrators should take this task as a priority, as in the case of the Federal University of Santa Catarina, which in 2024 held an academic staff recruitment competition specifically for Indigenous candidates.¹⁰

The occupation of institutional spaces, where power relations are already inscribed, falls within the sphere of politics *stricto sensu*. Museums with ethnographic collections have histories steeped in narratives of the theft and dubious acquisition of objects. The fact that indigenous people now occupy these spaces means, quite concretely, that the management of these objects is being reclaimed by the very collectives from which they were taken. In other words, the National Foundation of Indigenous Peoples should indeed be indigenous. So too the Ministry of Indigenous Peoples and ethnological and ethnographic museums, which have always been indigenous in their content. They therefore need to be governed by indigenous people too. We might say that this constitutes an ethics of indigenous protagonism oriented towards the reclaiming of spaces that, by right, should always have belonged to us and been for us.

If the principle of social participation has been the key element of the political scene ever since the 1988 Constitutional (Lima 2015), the maturation of the grammar of participation is today directly coupled to the theme of inclusion and the important concept of protagonism. Just participating is no longer enough: indigenous peoples seek protagonism in all those matters that concern them.

In the early years of this millennium, a new conception of public policy became discernible in which indigenous people ceased to be merely the targets of state initiatives and became agents too — designers, advocates, creators, participants and proposers — entitled to speak and, in some situations, to vote in decisions previously taken by the state alone and which directly affected them. (Bicalho 2010: 22)

We live in a representative democracy. This means that governmental legitimacy derives from the exercise of representing the people — this plural and diverse construct. Representativeness thus implies that institutions, sites of power, forums and public offices should, in their composition, reflect the diversity of the people in question. The indigenous presence is therefore something that concerns society as a whole. The opposite implies exclusion, which contradicts the very idea of a democratic society. For this reason, inclusion policies are essential. Representativeness is about ensuring that institutional spaces resemble the society in which we live.

10 'UFSC empossa primeiro professor aprovado em concurso exclusivo para indígenas,' Notícias da UFSC: <https://noticias.ufsc.br/2024/08/ufsc-empossa-primeiro-professor-aprovado-em-concurso-exclusivo-para-indigenas/>.

Another important point in thinking about an ethics of indigenous protagonism is the dimension of experience. Different people, across their ethnic, gendered, racial, regional, generational and other positionalities, perceive the world in different ways from their situated perspectives and accumulated life histories. Ensuring protagonism within this scenario of cultural and experiential diversity is crucial if social problems are to be more clearly perceived and effectively resolved. It is unquestionable that indigenous people must occupy spaces that deal with indigenous issues, but what about other spaces? Do indigenous people need to be present on gender issues? Environmental agendas? Development? Racial equality? The danger lies in assuming that indigenous professionals should occupy only certain places, since we have much to contribute across a wide range of domains. When diversity is ensured, the blind spots of governance become visible and policy outcomes are likely to be better. The state has much to gain from indigenous input. We have much to teach and much to learn. The relationship here is one of complementarity.

Policies aimed at enabling indigenous protagonism can also be viewed through the idea that a historical debt is owed to these peoples. This justification seems to be broadly accepted by civil society but, precisely for this reason, is more susceptible to misunderstanding, especially in the domain of cultural policies for indigenous peoples. Some affirmative action policies are conceived as temporary insofar as they address historically accumulated inequalities which, once remedied, would render the policy itself obsolete. A debt is understood as something that must be settled: the payment of a debt marks its end. Certain policies thus seek to assume responsibility for redressing injustices committed against particular groups.

However, not all inclusion policies directed towards indigenous peoples can be limited to the dimensions of historical debt and unequal opportunities. Cultural or ethnic policies must also be grounded in the premise of cultural difference, acknowledging the maxim that Brazil is a multi-ethnic and multicultural country. As an example: if an indigenous person cannot gain access to a particular university in their region because of linguistic barriers, the appropriate response is to ensure that they are able to enter and pursue their studies in their own language. Such a policy, however, should not be regarded as temporary. Are we to expect that, as the years pass, the university will eventually cease to offer examinations in the indigenous language? Are we to expect that, in time, these indigenous students will be required to master Portuguese? To believe so would contradict Article 231 of the Federal Constitution. It is important to stress that many policies for indigenous peoples are indeed framed in terms of an historical debt — exploitation, the need for reparation, the establishment of reconciliation protocols, racism, and so forth — but the foundation of many other policies is cultural difference and this difference is not temporary. Here we are speaking of ongoing policies.

The gradual process that I have traced here, seeking to discuss the decline of tutelage and propose an ethics oriented towards indigenous protagonism, is filled with noise, conflicts, resistances and estrangements. In the national imaginary and public attitudes alike,

indigenous people should not still exist — or at least should all be ceasing to be indigenous. Resistance can come from many places. Antagonists root against the Indigenous Movement, attack rights, undermine the Constitution, plunder resources and instil a climate of despair. Moreover, since many people have built their professional and academic careers around indigenous issues, it is to be expected that indigenous protagonism should also be subject to scrutiny among them. The best allies are those who recognise that indigenous protagonism is a condition for the autonomy of these peoples. Partnerships are always welcome and necessary, but it is well understood that the main stage of institutions linked to indigenous peoples must be occupied by indigenous people.

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