

Indigeneity, Environment, and Governance in the Amazon: The Impact of Indigenous
Movements on Environmental Conservation Policy in Nation-States of the Amazon Rainforest

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Abstract

The Amazon rainforest is facing an unprecedented environmental threat from extractive activities. This is a global concern because the Amazon rainforest is a vital part of the world's oxygen and carbon cycles, and changes in these cycles contribute to climate change. The environmental destruction is also a threat to the indigenous peoples living in the Amazon. Indigenous peoples have been protesting these environmental issues for decades. Compelling data shows that indigenous lands are overall better environmentally protected. As such, to best protect our environment, it is necessary to listen to indigenous environmental advocates and adopt the practices that are best for each local ecosystem. The environmental policy of states in the Amazon does not closely reflect these practices, however. To understand why, and to see how nation-states could implement policy changes to better reflect these sustainable practices, it is necessary to understand the political context in each nation-state. Specifically, their economic history, environmental policy, and relationship with indigenous peoples informs the state government's capacity and willingness to adopt policies that are environmentally conservative.

This paper traces the environmental movements by indigenous peoples in indigenous territories in the Amazon. It shows the gaps between the policy that exists and the policy that should exist to best preserve the Amazon including the reasons this divergence exists. In looking for the best way to remedy this inconsistency, it becomes clear that the state often acts against the environmental interests of indigenous peoples, and against the Amazon in general, in the name of development and economic growth. Despite nominal protections, indigenous peoples tend to have little access to national or international legal recourse. As such, this paper concludes the most effective and practical way to protect indigenous rights and ensure conservation of the Amazon is to return significant to full collective property rights over as much of the land as possible to indigenous peoples.

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I - Introduction

The relationship between the environment and indigenous peoples as its stewards has existed in the Amazon for far longer than the modern states that encompass the region today have. Indigenous peoples have been living what would today be termed “sustainably” in the Amazon for thousands of years, knowledgeably cultivating foods and medicines while carefully maintaining biodiversity and not over drawing from the rainforest’s supply.¹ The disruption of this reciprocal relationship with the environment through colonial forces that overconsume resources and pollute has had consequences that continue to be felt today, both in indigenous groups and the rainforest. The Amazon is an important and complex ecosystem - it holds roughly 10% of global biodiversity, and absorbs 5% of world carbon emissions.² As such, knowing the environmental policies of the countries that contain this rainforest is necessary to international efforts to preserve the Amazon and stave off the environmental harms that come with allowing over consumption of the rainforest and its resources, particularly climate change.

Indigenous protection of this land is key, as worldwide lands preserved by indigenous stewards are overall better protected and conserved than lands not kept or controlled by indigenous peoples. These areas, on average, have significantly more biodiversity preservation, lower deforestation rates, and less pollution.³ There are a variety of reasons for this, but the basic commonality is that indigenous peoples have lived in the area to which they are indigenous for so long, they have traditional knowledge on how to live well in, relate to, and manage their environment. However, nation-states have historically not recognized this reality, nor the unique

¹ Butler, 2019

² Webb, 2019

³ Sneed, 2019

relationship indigenous peoples have with the Amazon, and indigenous peoples have been ignored, marginalized, and even forcefully silenced on many environmental matters.

Only in the past few decades have governments begun to listen to and act on the conservation tactics and advice advocated for by indigenous peoples. The global indigenous rights movements that took off in the 1990s sparked domestic change, and measurements of the degradation of the environment have gotten more accurate and urgent as climate change becomes an increasingly pressing crisis. This change was not linear or the same in each country though, and the impact of indigenous calls for increased environmental protections are similarly disparate. As such, it is necessary to trace exactly how indigenous peoples have impacted state policy regarding environmental conservation to better understand what strategies and structures are most conducive to creating official change.

Indigenous peoples is a wide category, containing hundreds of separate nations and cultures, and these differences impact the interaction each group has with their state government as well as the capacity of group members to participate in conservation activism. In this paper, environmental conservation movements and policy refer to those which protect and maintain natural environments and ecosystems. This includes preservation efforts as well, which more heavily limit human use than conservation efforts tend to.⁴ While preservation and conservation movements may have somewhat different goals, for the objectives of this paper it is more important that environmental efforts are indigenous lead. The terms conservation/preservation will be used interchangeably. Additionally, in this paper the focus is on environmental conservation movements rather than individual efforts, though local activism is equally as important as larger movements.

⁴ Buys, 2020

This paper asks, how have indigenous environmental conservation movements impacted environmental conservation policy in Amazonian states? In answering this question, hopefully we can better see a path forward for further conservation policy. Analyzing the three nation-state frameworks that contain the largest portions of the Amazon - Brazil, Bolivia, and Peru - their conservation policy, and indigenous led environmental movements in each country. In doing so, the paper clarifies how nation-states can effectively and practically adopt sustainable environmental stewardship practices of indigenous peoples, and with respect to each state's history, economic capacity, and relationship with the indigenous peoples within its borders. It is necessary both for the wellbeing of Amazonian indigenous peoples and for the global fight against climate change that these states adopt and implement environmentally conservative policies informed by indigenous knowledge. This process will not be easy, however, as there are many stakeholders in the Amazon that resist these policies, so it is important to understand the context of the complex situation facing Amazon indigenous conservationists.

II - Latin American Economic Evolution and Inequality

Domestic inequality in Latin America is a persistent problem. While this affects all countries in Latin America, this topic is of particular importance in Amazonian countries, because income inequality is one of the top drivers behind deforestation of the Amazon.⁵ As lower class, marginalized people in the Amazon region face fewer employment and growth opportunities, many have turned to farming. The subsequent agricultural intensification and expansion has caused Amazonian deforestation to increase - as more people need arable land to farm, they free up space by cutting or burning trees away. Latin America is, and has been for some time, the most unequal region in the world. While poverty rates in Latin America have

⁵ Ceddia, 2019

been overall falling since the late 1960s, though there is considerable in-country variation, inequality has remained persistently high. This economic reality has roots in the deep economic divisions sowed by colonization, and through the 20th century was perpetuated by the continued dependence of large landholders on a large and cheap labor force.⁶

Post WWII, the increasing globalization of Latin America, and its dependence on the world market, was coupled with rising economic growth rates of the developing world in general, and Latin America in particular, as well as slowly but steadily increasing inequality. Domestic inequalities were relevant to development discussions through the 1970s, but the 1980s brought an agenda of market reform, rather than redistributive policy.⁷ This approach sought to give greater individual agency through empowering local economic actors instead of more direct cash transfer. Though the trend of greater economic openness, especially in trade, had begun in the 1960s, it took stronger hold in the 1980s and 90s. After the 1980s debt crisis, and the “lost decade” for Latin America that was the 1980s, the region’s economy turned distinctively neoliberal, falling in line with the Washington Consensus recommendations.⁸ Still, the 1990s in Latin America was marked by increasing income inequality.

In the early 21st century, inequality in Latin America has been on the decline, but the region remains one of the most unequal in the world. There are many reasons for this recent trend of falling inequality, including sustained economic growth, social inclusion policies, progressive taxation, and the declining returns of education to the value of relatively skilled workers and the associated growth of income of relatively low-skilled workers.⁹ One important driver is the more redistributive policies adopted by increasingly progressive governments -

⁶ Huber, 2006

⁷ Ocampo, 2019

⁸ Margheritis and Pereira, 2007

⁹ Tsounta and Osueke, 2014

notably, Brazil under Luiz Inácio Lula da Silva and Bolivia under Evo Morales.¹⁰ Specifically, increased public spending on education, health, social security, and housing have contributed to this trend of decreasing income inequality in the 21st century. Official development assistance from international governance organizations has also played a role in reducing income inequalities in 21st century Latin America, especially when funds are channeled through social sectors, though its role is less than what it was in the 20th century.¹¹

Despite these relative successes, inequality remains persistent, and continues to cause high rates of deforestation in the Amazon. Agricultural expansion is a driving factor, as individuals and corporations alike push farther into the Amazon, destroying trees and their ecosystems to make land for cash crop farming.¹² Another deforestation driver is timber extraction, both for internal and external markets. High income inequality is behind this increased resource consumption, and makes collective action against extractivism more difficult. Because those with lower income are also less likely to be land owners, there are fewer official methods through which issues over land use can be raised because while indigenous peoples may have traditional claim to an area, financial and legal barriers often prevent them from staking a formal claim to the use of land. That is to say, unequal land distribution is as much of an issue of income inequality with regards to deforestation.

III - Latin American Environmental Conservation History

The majority of environmental policy in Latin America until the 1990s focused on protecting public health from potential hazards and managing common resources among states. This is different from the environmental policies that have arisen in the last few decades, which

¹⁰ Clifton, 2020

¹¹ Castells-Quintana and Larrúb, 2015

¹² Ceddia, 2019

are more concerned with mitigating long-term issues that come from pollution and exploitation of land and limited resources.¹³ Forces for this change included the international development community's growing emphasis on environmental concerns, the political cost of ignoring environmental issues, which grew with the environmental costs of industrialization, and the emergence of environmental NGOs that came with the economic liberalization of Latin America in the latter half of the 20th century.¹⁴ The oil boom in Latin America in the 1970s spurred the first major environmental conservation action, among both indigenous and non-indigenous groups, to fight against extractive industry, and the struggle has been ongoing since.¹⁵

The 21st century in Latin America has seen not only new environmental regulation, but also novel ways of encouraging ecological conservation beyond direct government regulation.¹⁶ New issues being addressed, or old issues that are only now being addressed, include mitigating greenhouse gas emissions and water access rights. Notably, there has been an increase in private firms cooperation with national governments, and an increase in public participation in preserving environmental quality, which have positively impacted the effectiveness of policy.

There are a few international agreements that are relevant to environmental conservation in the Amazon, but most of these agreements do not have independent support mechanisms to help countries fulfill obligations, nor do they necessarily count as "policy" in that the country may not be bound in any way to live up to the agreement. However, one key agreement in global management of the Amazon is REDD+, a program under the UN Framework Convention on Climate Change that stands for "Reducing emissions from deforestation and forest degradation in

¹³ O'Ryan and Ibarra, 2016

¹⁴ Macdonald, Nielson, and Stern, 1997

¹⁵ Hindery, 2013

¹⁶ O'Ryan and Ibarra, 2016

developing countries.”¹⁷ Many REDD+ projects have explicitly involved the wellbeing and perspective of indigenous groups. There are also protected areas that are managed by the International Union for the Conservation of Nature. These areas, generally in remote locations, often purposefully overlap with nationally recognized reserves for indigenous people. Another central international institution focusing on Amazonian conservation is the variety of initiatives that are paying for ecosystem services, where stakeholders receive compensation for economic services provided by the rainforest.¹⁸ REDD+ has some mechanisms for this, but many other international organizations contribute to this as well, including many NGOs and IGOs. Each country has its own environmental policy, however, and this section will analyze each of the three country’s policies, beginning with Bolivia.

Bolivia

In Bolivia, environmental conservation began in earnest in the 1960s, with a sizable group of wildlife conservation advocates spurred by the shrinking size of the vicuña population.¹⁹ This treaty was effective, saving the animal from extinction and setting the tone for future policy in Bolivia that mirrored this treaty in the emphasis on creating “reserves” or pockets of land that were for public use. In the 1970s, these efforts of marking pockets of land to be conserved gained more support, especially in the Amazon. Funding of environmental research and education followed, but was halted after a coup in 1978, and environmental concerns as a whole were put aside for more pressing political problems. The 1980s and early 1990s saw an increase in national environmental conservation coordination between various groups, largely fighting for

¹⁷ Yale School of the Environment, 2014

¹⁸ White, 2013

¹⁹ Steinberg, Kraft, and Kamieniecki, 2001

more protected areas in the form of parks. By the 90s, Bolivia had strong biodiversity conservation measures, but weak measures in protecting against extractivism.²⁰

In 2005, Evo Morales became the first indigenous president of Bolivia. His turn away from neoliberalism and towards the nationalization of industry was a purposeful decision for decolonization.²¹ However, Morales surprised many of his supporters by not changing the political structure, but rather reforming existing state capitalism. Indeed, Morales's economic development plan required profits made from hydrocarbon extraction - but now by the state, not foreign companies. Other notable policy achievements during Morales's administration include the world's largest forest-based carbon offset initiative, a National Environmental Fund, national biodiversity conservation agency, and a ban on trade in domestic species.²² While Bolivia has made environmental advances in the early 21st century, practices that degrade the environment and threaten indigenous people continue.²³ This is common across all three countries, though, something that will be shown in the next section on Peru's environmental policy.

Peru

Since the late 19th century, Peru has been dependent on mining profits to drive economic development.²⁴ As such, environmental regulation against mining extractivism has been relatively weak, but in other areas, notably forestry protection, environmental regulation has been relatively strong. As early as the 1930s, Peru has hosted eco-tourism, creating further incentive to preserve certain parts of the country.²⁵ Resultantly, the first environmental

²⁰ Hindery, 2013. The Neoliberal Turn and the Rise of Resistance

²¹ Hindery, 2013. From Neoliberalism to Nationalism: Resource Extraction in the Age of Evo

²² Steinberg, Kraft, and Kamieniecki, 2001. Domestic Political Resources

²³ Hindery, 2013. Evo's Double Game on the Environment?

²⁴ Himley, 2018

²⁵ Carey, 2012

conservation laws were created to protect endangered species. Forestry laws passed in 1963 and 1975 established sustainable forest management policies, and beginning in the 1990s, Peru began creating environmentally protected areas.²⁶ In 1997, Peru established its first communal reserves with the explicit aim of wildlife conservation. These eight reserves, all located in the Amazonian region of Peru, were established largely due to pressure from various indigenous organizations, but indigenous peoples did not have any ownership over these territories.²⁷

An emergent middle-income country in the early 21st century, Peru's growing middle-class has put increasing pressure on the government to regulate environmental degradation and exploitation.²⁸ Increasing emissions, poor rural infrastructure, and inadequate financing for ecological conservation are among the top environmental issues facing Peru today. The national government has passed considerable legislation in terms of regulation of natural resource consumption, and has made an effort to incorporate environmental considerations into its development strategies.²⁹ Brazil has made similar efforts to regulate resource consumption, with varying outcomes across states and time.

Brazil

Early 20th century conservation policy in Brazil focused on regulating forest use to avoid overconsumption of its resources, including limits on deforestation and agricultural zoning regulations, to ensure sustainability.³⁰ However, extractionism began in Brazil as early as the nineteenth century with spices, then pivoted towards rubber through the early twentieth century.³¹

²⁶ Orihuela, 2019

²⁷ Caruso, 2014

²⁸ OECD, 2017

²⁹ Dammert, 2020

³⁰ Banerjee, Macpherson, and Alavalapati, 2009

³¹ Bezerra, 2015. *The Amazon and Brazilian Development Policies*.

The first environmental conservation policy was implemented in 1934, with forest and water codes that increased government regulation of resource use. Policy that favored government authority over private land rights was strong through the 20th century, and still has an effect today. Exploitation of the Amazon rainforest picked up in the 1970s, when Brazil included the region in their development plans for the first time.³² This export oriented policy greatly increased consumption rates, and many environmental NGOs were created in Brazil during the 80s and 90s, but had little success in lobbying for effective policy.

In 1981, the National Environmental Policy Law was introduced, establishing the National Environmental System as an enforcement body. The 1988 “Our Nature Program” furthered this law’s impact, and aimed to reduce overall environmental impact on the Amazon.³³ A new constitution in the same year established that all people have the right to a clean and safe environment. The combination of these policies has not reversed environmental destruction, but since 2005, deforestation rates in the Brazilian Amazon have been steady or declining, as compared to rising deforestation rates in the 1970s-90s, which were largely driven by increasing investment in the industry.³⁴ In 2005, the Brazilian government began combating deforestation and focusing on “green growth,” meaning environmentally sustainable economic growth.

Despite this government policy, there are many areas that are not effectively regulated, including GMOs over-use that can harm native plants, pesticide overconsumption, and growing use of the “slash and burn” method of farming, an approach, developed by indigenous peoples but used too much by settlers, where the forest is cut and burned to make room for farmland. Not only does this method remove vital trees that consume carbon, the burning of the trees itself

³² Bezerra, 2015. Terra Preta de Índio and Amazonian History.

³³ Bezerra, 2015. The Amazon and Brazilian Development Policies.

³⁴ Banerjee et al., 2009

releases significant amounts of carbon into the atmosphere. The strength of lobbying particularly has been a hindrance in passing effective environmental legislation.³⁵ This situation of having official protections but low implementation caused one author to conclude “The main problem of the environmental governance in Brazil is its implementation... because the national political system is still focused on economic growth”.³⁶ These policies have provided mixed protection for Amazonian indigenous peoples and their lands, and the next section establishes how each state developed a relationship with indigenous peoples, which informs how their lands were, or were not, environmentally conserved.

IV - History of Amazonian Indigenous Peoples and the State

Each indigenous group in the Amazon has a unique identity and relationship to the land and environment. As such, there is no easy way to define who is or is not indigenous, neither for a state nor academia. The most important identifier of indigeneity for a group, then, is that they identify themselves as indigenous and distinct from others in their country. Generally, indigenous people have a relationship with a general physical area, and for the purposes of defining indigeneity in Latin America, it refers to groups with pre-colonial cultural ties and traditions.³⁷

Foundational creations that aim to protect the rights of indigenous peoples include the 1989 ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries [No. 169], the 2007 United Nations Declaration on the Rights of Indigenous Peoples, and the 2000 establishment of the UN Permanent Forum on Indigenous Issues. A regional level document that also aims to protect indigenous peoples’ rights is the Organization of American States’ 2016 American Declaration on the Rights of Indigenous Peoples. Despite these efforts, indigenous

³⁵ Lena and Issberner, 2017

³⁶ Bezerra, 2015. The Amazon and Brazilian Development Policies. P. 95

³⁷ Maybury-Lewis, 2005

peoples in many cases are still fighting to see full realization of these rights, particularly because the process of appealing to these institutions can be lengthy and difficult.

Bolivia

The 1952 Bolivian Revolution was a turning point for the indigenous peoples in Bolivia, when the people rose against military rule and installed a new electoral system. Anti-colonial and social resistance movements gained strength. While post-revolution land reforms and redistribution did not focus specifically on indigenous peoples, the Bolivian indigenous population were better able to continue traditional livelihoods with more land following the revolution.³⁸ In the 1960s, “agricultural colonization schemes and the development of natural resource extraction” began to encroach on traditionally indigenous lands, and the indigenous rights movement began, with the main goal of protecting indigenous territory from environmental degradation.³⁹ Neoliberalism beginning in the 80s created many environmental and social issues, stalling the still developing indigenous rights movement.

In 1996, Bolivia was under pressure from the World Bank and a number of other international development organizations, as well as indigenous groups in Bolivia itself, to better support indigenous groups. In response, Bolivia created Original Communal Lands (TCOs) that are parcels of land set aside for indigenous people to live on. This created tension between these semi-autonomous regions and the federal state, as the regional government claimed near total control of the area while the national government scrambled to clarify the extent of the regional powers and to regain allegiance of the citizens in the affected areas. During this time, coalitions

³⁸ Shenkin, 2018

³⁹ Schaefer, 2009. P. 404

between indigenous people and leftist groups formed to resist neo-colonial resources extraction efforts, particularly mining.

The election of Evo Morales was a landmark victory, as he was the first indigenous president of Bolivia. Morales has been heavily criticized by many indigenous groups for being hypocritical and “deploying eco-socialist rhetoric with de facto extractivist policies.”⁴⁰ Namely, his administration has made it increasingly difficult for NGOs to intervene in the country, especially in areas where they would support indigenous groups against extractive industries. The acceleration of this extractivist activity has disproportionately affected indigenous lands and waterways. Since the creation of TCOs in the 90s, they have been the main mechanism through which indigenous peoples communicate social and environmental needs to the state. The effectiveness of this has been mixed, as extractivism threatens the very existence of the territories themselves and the state retains the authority to grant extractivist industries access to TCOs. Additionally, this system means that united indigenous leadership across Bolivia is difficult because the various TCOs are pitted against each other in vying for resources from the state. This system is relatively particular to Bolivia, though today Peru also has some level of autonomous regional governance.

Peru

The early 20th century in Peru was characterized by a “one nation – one state” ideal that minimized ethnic identification and pushed a paternalistic policy towards the indigenous populations. Because there was a popular belief that the indigenous population was the cause of both social and economic woes in Peru at the time, there were many policies advanced to

⁴⁰ Shenkin, 2018. P. 9

“integrate” indigenous peoples into mainstream Peruvian society by forcing them to assimilate to colonial institutions and ways of being.⁴¹ Despite gaining formal independence from Spain in the early nineteenth century, the frameworks of colonial administration remained. The 1920 Peruvian Constitution attempted to correct this, and explicitly recognized a few rights for indigenous populations, but ultimately denied the right to self-determination. Integration policy continued through the 1960s, but under the dictatorship of General Alvarado (1968-1975), social solidarity and class harmony were official core values of the state. Because of this, there were reforms that returned land to indigenous communities and restored indigenous languages, as well as some that nationalized many extractive companies. However, the same administration reclassified indigenous people from their previous indigenous status into a category held by the majority of the Peruvian population at that point: peasant communities. This move purposefully and nominally erased the indigenous population for some time, emphasizing their class status over any ethnic status, but was effectively reversed in the re-written Peruvian Constitution of 1979. A year later indigenous peoples were given the right to vote, solidifying their citizen status.⁴² The 1984 Civil Code represented firmer restrictions on indigenous communities, weakening their legal status and making them entirely dependent on the state for recognition.

Beginning in the 1990s, in parallel to a global trend towards democratization, the Peruvian state began to facilitate the active participation of indigenous groups in policy making, rather than forcing them into a passive role. One success from this push was the adoption of the ILO’s convention on indigenous peoples which recognized the right of indigenous peoples to exercise control over their lives and institutions and the right to preserve their identity and culture. However, while these rights were recognized, they were not fully implemented, and were

⁴¹ Kania, 2016

⁴² Calienes, 2018

in conflict with the authoritarian government of Alberto Fujimori (1990-2000). At the beginning of the 21st century, indigenous groups began pushing for constitutional reforms that recognized a variety of rights associated with, among other facets, cultural identity, language, and land. The state has taken a more multicultural approach in the past few decades, but has not created any mechanisms through which indigenous peoples can formally communicate with the Peruvian government. A notable law passed this period was the 2002 Quota of Native Communities, Peasants, and Native Peoples that required 15% of electoral ballots on regional levels to come from indigenous communities.⁴³ The effectiveness of this legislation is still debated.

Rather than engaging with political institutions directly, indigenous peoples have had to create local organizations to represent their interests with a variety of tactics, including demonstrations, lobbying, and litigation, although there are no indigenous political parties in Peru.⁴⁴ This unofficial process was provisionally institutionalized with the 2011 recognition of the right to prior consent that was established in the 1989 ILO convention. This convention requires the state to consult with and gain informed consent from indigenous peoples in making any decisions that impact their rights and well-being. While the consultation process is institutionalized, implementation has been conflict ridden. Today there is still no single system of indigenous representation in the federal government for anything other than consultation, such as redressing grievances and communicating needs.⁴⁵ Most recently, there has been a push for autonomous regional governments for indigenous communities, and in 2017, the Wampis Nation established an autonomous territory. Since then four indigenous nations have followed, with others making preparations to do the same, and the federal government has stayed out of this

⁴³ Paredes & Došek, 2020

⁴⁴ Merino, 2019

⁴⁵ Ilizarbe, 2019

process. These regional territorial governments mainly serve to protect land from foreign resource extraction efforts and to facilitate conversation between the Peruvian government and indigenous communities. This is different from the Brazilian government's approach, which does have a central mechanism for addressing indigenous peoples' needs, though it is lacking.

Brazil

The majority of the Amazon rainforest - just under two-thirds - lies within Brazil. Similarly, just over 60% of Brazil is composed of the Amazon. Additionally, it is the largest country in Latin America, both by population and landmass - about 6 times bigger by both aspects than Peru and Bolivia. Brazil's colonial history is furthermore different because Portugal was the colonizing state rather than Spain, a distinction that can be seen still today in the structure of institutions, national language and administrative frameworks.⁴⁶ As such, indigenous groups within Brazil have had rather disparate experiences, compared to those of Peru and Bolivia. For example, today in the 21st century there remain indigenous groups that are unaware of the very existence of the state of Brazil, while others were enslaved with the settling of the area that would become Brazil in the sixteenth century. Settlement started along the Atlantic coast, but the rapid expansion of transatlantic slavery soon allowed colonizers to push further into indigenous lands because they could use slave labor to clear the forest and tend farmland.⁴⁷ The legacy of slavery, and the large Black Brazilian population, are another way in which the indigenous relationship with the state is relatively different in Brazil than other both Latin American countries broadly, and Peru and Bolivia specifically. Having another ethnic class that was oppressed under colonial systems changed the way in which the government managed

⁴⁶ Pádua, 2016

⁴⁷ Miki, 2018

indigenous peoples because the categories of “Black” and “indigenous” were at times socially conflated with each other and with a lower economic status, though this varied through history.

The Brazilian nation-state formalized relations with indigenous peoples as a separate ethnic group from the European or African descended Brazilians with the establishment of the Indian Protection Service (SPI) in 1910.⁴⁸ A goal of this department was to create “Indigenous Posts of Nationalization” - outposts placed throughout the country that served as the educational center for indigenous children in the region that also had the aim of “civilizing” the students. Re-naming was central to this civilizing, and during this time there was heavy suppression of indigenous culture and language.⁴⁹ Post WWII, Brazil was affected by the global wave of political instability, and the previous regime was ousted. In 1946, a new constitution was adopted that was a marked step towards democratization. This administration established the “Superintendence of the Amazon Valorization Plan” which aimed to promote agriculture and cattle raising in the Amazon because the government viewed the Amazon as “an empty space, economically unproductive and politically dangerous” and thus wanted to more effectively exploit the land and indigenous people living on it.⁵⁰ In 1964, however, the sitting government was ousted in a military coup led by the right wing political party and supported by the CIA, who was apprehensive of the left leaning administration in Brazil.⁵¹

With this dictatorship came a new constitution, which eliminated the SPI and established the National Indian Foundation (FUNAI) with the express aim of assimilation of indigenous peoples, rather than protecting their rights. The 1973 Indian Statute reaffirmed indigenous peoples’ status as secondary citizens in Brazil, and legally established inequalities that had

⁴⁸ Guzmán, 2013. Introduction: Natives Without Indigeneity

⁴⁹ Guzmán, 2013. From Acculturation to Interculturality.

⁵⁰ Bezerra, 2015. The Amazon and Brazilian Development Policies. P. 70

⁵¹ Kornbluh, 2004.

previously been socially ingrained. However, it also included a formal process through which indigenous groups could raise claims to “traditionally occupied territory” (an intentionally vague requirement) called land demarcation. During the dictatorship, the Amazon was a main focus for economic expansion, and the 1967 “Operation Amazon” aimed to stimulate the economy, resulting in a significant population increase in the Amazon as more and more non-indigenous people settled in the rainforest.⁵² Due to waning support from political elites, the dictatorship was replaced in 1985 with a “New Republic” - in the midst of the Latin American debt crisis. In 1988, another constitution was adopted, which remains in place today, and officially made “Indian” an ethnic category under the state, which was different than the approach of previous administrations which marked “Indian” as a “transitory” identity that was a step in becoming a full Brazilian citizen, and as such not indigenous.⁵³ Because of the aforementioned size and diversity of Brazil, there were many different indigenous responses to the state once “Indian” became a more socially and legally legitimate identity. An organization for the Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB) was founded in 1989 to ensure these efforts were effectively combined.

Because of the emphasis in the 1988 constitution on state power over federal authority, the 1990s were a decade of decentralization and increased political participation of civil society.⁵⁴ However, due to the financial crisis Brazil experienced in the 1980s, development in the 90s emphasized exports, which required increased use of natural resources. The 1996 “Brazil in Action” and 2000 “Brazil Advancement Plan” programs aimed to spread sustainable development, but had the effect of reopening much of the Amazon that had been closed to

⁵² Bezerra, 2015. The Amazon and Brazilian Development Policies.

⁵³ Guzmán, 2013. Introduction: Natives Without Indigeneity

⁵⁴ Bezerra, 2015. The Amazon and Brazilian Development Policies

extractive industries since the beginning of the dictatorship. Both plans received heavy criticism from indigenous peoples and groups for prioritizing the economy over the environment, but the concerns were largely ignored. Since there was considerable separation between state and federal governments, formally raising issues with the government was logistically difficult. In 2003, the Statute Of Racial Equality was introduced, and finally passed in 2010.⁵⁵ This law established further protections for indigenous peoples and the territories they occupied. In the last decade, however, enforcement of this law has been relatively sparse, and combined with complex property rights systems that make it difficult to determine and prove land ownership, indigenous rights have continued to be violated despite increased nominal protection. It is these violations that make necessary the resistance of indigenous peoples against environmental destruction.

V - Amazonian Indigenous Environmental Conservation Movements

Most of the indigenous rights movements, and movements led by indigenous peoples for environmental conservation across Latin America began in earnest in the 1960s under a broader global push for decolonization. Indigenous activists have been engaging in smaller scale environmental conservation and protection since early Portuguese settlements, which imposed a new threat to their environment. On a global scale, the indigenous peoples' rights movement gained traction in the 1990s and the UN established 1995-2004 as the International Decade of the World's Indigenous People. Since that time there has been an increased push for inclusion of indigenous peoples in international institutions. Still, many of these conservation movements are not on a global or even national scale, but rather are local struggles. These movements are equally often a reaction against extractive industries that create environmental damage as they are a proactive effort for the protection of land.

⁵⁵ Guzmán, 2013. From Acculturation to Interculturality

Bolivia

The first attempt at returning land to indigenous people occurred under the 1952 revolution, when the “Agrarian Reform Law” implemented redistribution mandates. These initiatives largely failed to change the sharp class divisions in Bolivia, where indigenous peoples had consistently been disenfranchised and pushed into the lowest class. The indigenous push for environmental conservation in Bolivia has stronger roots in the 1960s when official state plans first included agriculturalization of indigenous land. Recognizing the need for resources in this advocacy, indigenous groups purposefully sought help from NGOs and international environmental groups, focusing on the Amazon from the beginning because it best “captured the imagination and sympathy of non-indigenous Bolivians,” particularly European countries.⁵⁶ Throughout the 70s and 80s, there was small scale resistance against the encroachment of logging and mining companies on indigenous lands. Since there was no strong national indigenous coalition at the time, protests tended to be in the form of roadblocks and direct confrontations.

In 1985, there was a crash in the Bolivian tin market, which left many miners out of work and available for profitable coca growing.⁵⁷ The affected workers pressured the government to give them access to national parks, where there tended to be relatively high indigenous populations, because it was preferable to negotiating with private owners. The ceding of some land and rights by the government displaced and economically undermined indigenous peoples in the affected areas. The political pressure from coca farmers, along with Bolivia’s turn towards neoliberalism, opened the door for multinational oil companies who had interest in the oil in

⁵⁶ Schaefer, 2009. P. 404

⁵⁷ Shenkin, 2018

these parks to also pressure the Bolivian government to allow them access - notably, Enron and Shell.⁵⁸ One project pushed by these companies was the Cuiabá pipeline, an oil pipeline running from Santa Cruz in eastern Bolivia to Cuiabá, Brazil. This region, containing part of the Amazon, was home to around 250 indigenous communities, the largest being the Chiquitanos and Ayoreos. Out of this anti-pipeline movement a Chiquitano organization was created, named Indigenous Center for Native Communities of Lomerío (CICOL). The Cuiabá pipeline plan was proposed in the mid 90s, but was strongly opposed by international environmental conservation groups and local indigenous peoples, and did not begin until 1999, finishing in 2002.

An important step for indigenous environmental conservation movement came in 1990 when indigenous Bolivian leaders began the March for Territory and Dignity, which went from their territory in lowland Bolivia to the capital, demanding sovereignty over their traditional territories and natural resources.⁵⁹ This march was sparked mainly by expanding timber harvesting, and was the first successful national united front of indigenous peoples. This encroachment on indigenous lands fueled wider protests concerning indigenous rights and sovereignty. From the demands for political autonomy and protections for culture came the Indigenous Confederation of the Orient, Chaco and Amazon of Bolivia (CIDOB), an important organization that advocates for indigenous rights. A success of this movement was the creation of TCOs and reforms that allowed indigenous people to petition the state for recognition of certain territories not included in original TCO allocations. Throughout the 1990s, there were a number of protests against environmental injustices, but indigenous communities mainly fought against government supported privatization of natural resources and the traditionally communal lands where the resources were located.

⁵⁸ Hindery, 2013. Struggling for Transparency and Fairness

⁵⁹ Dockry and Langston, 2018

For much of the late 20th century, NGOs played a central role in funding indigenous movements both for environmental conservation and sovereignty, making unity difficult because these movements were largely uncoordinated. Beginning in the 2000s, the state, in part in an attempt to undermine the increasing political pressure to address the concerns of indigenous peoples, began to push extractivism as a solution to the financial woes of indigenous people broadly, in a move widely criticized by the indigenous peoples it purported to aid.⁶⁰ In response, indigenous groups, particularly CICOL, started to more intensely push back against the state, through both formal mechanisms such as running candidates for office and lodging legal complaints against extractive companies, and informal methods like national marches and public pressure and demands on institutions. Still, indigenous concerns around the increasing environmental degradation went largely unaddressed.

In 2000, the privatization of water rights in the municipality of Cochabamba that would have left many people without access to water brought a decade of protests to a head. This led to a nation-wide backlash led by the indigenous people that would have been affected by the change. Protests after the “water wars” settled for some time, but discontent with the government continued, and in 2003 “gas wars” that mirrored the water privatization protest occurred.⁶¹ This eventually led to the government overturning both privatization decisions, but in 2005 there were “water wars” and “gas wars” again. During this time indigenous groups led hunger strikes calling for the resignation of the current president, de Lozada, and his ministers, over many issues including these “wars” but also over the repeal of hydrocarbon laws that protected certain areas in Bolivia, demands for the nationalization of the gas industry, and calls for an inquiry into the killing of roughly 80 native activists that had occurred over the past few years during the various

⁶⁰ Shenkin, 2018

⁶¹ Hindery, 2013. *Struggling for Transparency and Fairness*.

“wars” between the state and protestors that at times turned to violent clashes.⁶² The nation-wide outrage forced the president out of office and opened the door for Morales to win in 2006.

Morales’s administration has cracked down on foreign NGO “interference” in Bolivian affairs, making it more difficult for indigenous peoples, particularly those in TCOs, to access funding to protect their land.

In 2012, CIDOB leaders began a protest of government plans to build a highway through land that is both indigenous territory and a national park called Isiboro-Sécure Indigenous Territory and National Park (TIPNIS).⁶³ These protests were sparked in part by a meeting between indigenous leaders and NGO directors to discuss accelerating extractivism and issues facing TCO sovereignty, specifically concerning unsustainable resource extraction and the lack of compensation for those living in the TCOs in which the state supports extraction. These protests stopped plans for the TIPNIS road for some time, but in 2017, Morales restarted the program. In 2018, upon appeal from some of the affected indigenous groups, The International Rights of Nature Tribunal officially condemned the project, saying it “violated the rights of nature and of indigenous peoples as defenders of Mother Earth” but the government has not slowed or changed plans.⁶⁴ There is a similar issue in Peru - environmentally condemned plans may still get pushed through.

Peru

Social resistance by indigenous Peruvians has always been linked to environmental well-being and protection, but was complicated by the weak and multilayered system of land division that the Peruvian government created beginning in the 1920s. Land was parceled out

⁶² Hindery, 2013. The Neoliberal Turn and the Rise of Resistance

⁶³ Shenkin, 2018

⁶⁴ Hoffner, 2019

inconsistently and with little regard to how the affected indigenous peoples viewed and managed the areas in which they lived. This made it difficult for indigenous groups to engage with the colonial land administration system in a way that was congruent to their social structures.⁶⁵ The first protected areas were established under a 1963 forestry law where extractionism was disallowed. However, there was no official association of these national parks with indigenous peoples, even though it was indigenous activism that in large part created this law. As such, when the government began building Trans-Amazon Highway in the mid 1970s, this project added to deforestation already occurring to clear land for agriculture. There was indigenous resistance, but still relatively little communication between different indigenous groups, meaning there was no unified opposition. The 1974 “Law of Native Communities and Agricultural Promotion” created a tie in many, but not all, circumstances between protected national parks and official indigenous land recognitions, making organization between indigenous groups somewhat easier.⁶⁶

Oil extraction began in earnest in Peru in the early 1970s, with the discovery of oil fields in the northern Achuar region.⁶⁷ This area has been prolific since its start, and to date has produced nearly 40% of the entire amount of oil generated in Peru. While much of this area is indigenous territory, official concessions made in the 1969 and 1971 allowed industry to establish drilling in the area. As early as 1985, negative effects on the ecosystem and health of the locals were established.⁶⁸ Starting in 1978, indigenous activists from the area have been demanding the oil industry leave, as well as demanding legal recognition of further land claims, to no avail. There was little progress in these efforts until 2006, when 800 indigenous peoples from the area occupied the workspace of a long operating oil projects in response to a study that

⁶⁵ Orihuela, 2019

⁶⁶ Calienes, 2018

⁶⁷Orta-Martínez, 2010

⁶⁸Orta-Martínez, Pellegrini, and Arsel, 2018

found elevated levels of lead and other metals in residents' blood samples. The government response to the findings was protracted and inadequate, and the resulting blockade successfully brought about an agreement to the enforcement of various international environmental standards.

This arrangement between the oil companies, Peruvian government, and the Achuar indigenous group was called the Dorissa Accords, and left out other indigenous groups in the area - notably the Kichwa and Quechua peoples. These accords led to the end of dumping polluted water, but other issues, including clean up of waste sites and fixing leaky pipelines were unresolved, and not all of the promises made in the agreement by the government were fulfilled. As such, in 2011, after five years of indigenous peoples lobbying, meeting with federal and state governments, and making public demands, the Topal Accords were signed, expanding geographical areas and populations covered under the initial agreement. Additionally, an independent commission set up in the accords found in 2013 dire health risks to the residents. The Peruvian government declared a state of environmental emergency based on the findings, and the following year declared a health emergency.

Despite these declarations, the government failed to act, and in 2014 indigenous activists took a more aggressive stance on the issue, stopping work at an oil production facility and ultimately agreeing to an extended deadline. After the government again failed to execute the promises in the accords, a third set of accords was signed in March 2015. There was another failure by the government to act, a third oil production blockage, and, in December 2015, the government began to execute the promises it had made in the initial 2006 agreement. In the years since this agreement and implementation, companies have continued to circumvent the newly enforced environmental regulations through a variety of tactics, but particularly have worked to undermine indigenous organizations and other opposition to the companies' oil operations.

Notably, one of the companies involved in the area, Pluspetrol, funded the creation of a new indigenous organization, the Federation of Indigenous Peoples of Low and High Currents (FEPIBAC), which has blatantly been pushing a pro-oil agenda, despite its name. To the protestation of many other Peruvian indigenous rights groups, the government recognizes the organization as legitimate representation of indigenous interests, and allows it to serve as representation for the consultation process.

Oil has been a profitable industry for companies in Peru, but equally important has been the profitability and profuseness of mining. The Fujimori regime passed many measures that made mining by foreign companies easier, and in 1992, a gold mine opened in the Cajamarca province in northern Peru, operated jointly by a Peruvian company, a US corporation, and a World Bank branch.⁶⁹ The population in this area is largely composed of “campesinos” - indigenous peasants. Like most operations, this mine created significant environmental harms, but also coerced many indigenous individuals to sell their land to the company with ultimately unfulfilled promises. In 1999, some farmers from whom the company had bought land staged protests, but they were relatively short lived. In 2001, the movement against the mine was solidified when legal action was filed against the corporations for a mercury spill that had occurred and caused short and long term damage to the land and its residents. Despite this, in 2011 the owners of the mine decided to expand the operation. This sparked protests and four separate strikes over two months, causing the Peruvian national police and army to be brought in to suppress resistance through force.

The regional government supported the locals and echoed their concerns to the federal government in the form of a regional ordinance, which was overturned, allowing the mining

⁶⁹ Isla, 2013

expansion to continue. By this point, a regional struggle had gained national attention. In February 2012, The March for Water occurred to protest the danger posed to water sources by mining operations, and in March a regional strike began, leading to more state violence, the killing of four protestors, and a 60 day official state of emergency in the region. In 2014, the case was brought to the Inter-American Court of Human Rights on the grounds of violation of ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, which ruled in favor of the campesinos that their rights were violated, but the court has still today not yet ruled on the legality of the presence of the mining companies in region. That same year, the Peruvian government imprisoned the regional leader of the Cajamarca government and extended his sentence when he was re-elected from jail. He was freed in 2016, but re-jailed in 2020 for collusion. This protracted conflict has been at the forefront of discussions about indigenous peoples and environmental rights in Peru for a decade now, with no sure resolution.

Another notable environmental conflict between indigenous peoples and the Peruvian state took place in the Bagua province in 2009 after three months of protest over state plans to open the region to private extractive industries, including mining and logging. Then president Garcia had passed these decrees in part of his implementation plan of the US-Peru Free Trade Agreement, but these were in direct violation of territorial jurisdiction and legally established environmental sustainability efforts.⁷⁰ The Peruvian government responded to the protests by creating a video that showed the indigenous protestors as anti-government extremists, and claimed they did not have the technology or capital to tap into the natural resources of the Amazon, so the government must help them develop the land. This rhetoric, and subsequent

⁷⁰ Stetson, 2012

egregious violations of the rights of indigenous peoples, led to a national political crisis and the resignation of the Prime Minister.

One of the larger indigenous rights organizations in Peru - the Interethnic Association for the Development of the Peruvian Rainforest, or AIDESEP - has the goal of stopping further territorial concessions, but the state government largely ignored their demands in this conflict. After a two month road blockade organized by AIDESEP and local leaders, the Peruvian government sent police in to clear the road, populated mostly by indigenous participants.⁷¹ During the two day attack, 32 protesters were killed and hundreds were injured, and, though the protestors were initially unarmed, they gained control of some police weapons, leading to the death of 24 officers.⁷² Garcia blamed the indigenous population for the violence that occurred, but in response to the nation wide backlash over the use of excessive force on peaceful protestors, he repealed some of the most controversial decrees that had sparked the protests. This event is often referred to as the Baguazo massacre, occurring over two days in June 2009, and the aftermath brought a cultural shift in Peru that had a greater emphasis on valuing ethnicity in general and indigeneity specifically. While there was not substantial change in state structures, since this incident indigenous peoples in Peru have been more able to work towards self-determination.

The Baguazo massacre was an extreme event, but there was a lengthy build up to this tipping point. In 2011, the Peruvian government officially acknowledged the ILO convention that recognized the right of indigenous people to have “free, prior, and informed consent” to any projects occurring on their land, in part as a response to what happened in Bagua. In the five years before this passage, however, social conflicts had tripled, and roughly 40% of these

⁷¹ Merino, 2019

⁷² De Echave and Wallach, 2016

conflicts were related to extractive industries.⁷³ The Amazon comprises roughly two-thirds of Peru, and as of 2019, and over one-third of the Peruvian Amazon is either an environmentally protected area and/ or native communal land.⁷⁴ Yet, the federal government's relationship with indigenous land advocates is conflict ridden, and much of the non-protected land is controlled by extractive industry, mainly oil. This contentious situation is an ongoing struggle.

The following 2009 quote by then president Garcia is indicative of the state's attitude towards indigenous people - "These people are not first class citizens... 400,000 natives cannot tell 28 million Peruvians that they don't have the right to come here... [They] want to bring us back to irrationality and primitivism. The time has arrived to open roads and open rivers."⁷⁵ Despite official recognition of land rights, the government is still pushing the indigenous populations to allow for more extractive industry. In the past decade, Peru has had three presidents with varying policy agendas, but all have continued these efforts. For example, in 2018, the Peruvian government approved building new roads in many remote Amazonian areas, causing an AIDSESEP leader to respond "Roads are synonymous with all types of impacts on human rights and collective rights. From all our experience... they haven't meant development, they have only meant the destruction of the forest".⁷⁶ Most recently, in November of 2020, then president Vizcarra was impeached on corruption charges that some claim were created as a setup to a coup.⁷⁷ There were widespread protests over his removal, with many indigenous peoples and groups participating. Conflict between the government and indigenous peoples over

⁷³ Ilizarbe, 2019

⁷⁴ Orihuela, 2019

⁷⁵ Merino, 2019

⁷⁶ Livingstone, 2018

⁷⁷ Al Jazeera, 2020

environmental access and preservation continue. This conflict is seen throughout the Amazon, and Brazil faces similar disputes.

Brazil

Until the 1970s, indigenous peoples in Brazil had not self-organized on a national level, and there was no political force advocating for indigenous peoples and their well-being.⁷⁸ Through the 1980s and 90s, though, indigenous movements across Brazil gained membership and notoriety.⁷⁹ The 1973 Indian Statute and 1988 constitution were drivers of these movements as both afforded indigenous individuals and groups more rights and protections. One of the main ways through which indigenous people communicate territorial issues and disputes to the government is through land demarcation, a process that allows for indigenous groups to lay claims to land and lets the judiciary branch of the government hear from all involved actors on the issue. This process is not simple, and land claims can take decades to resolve.⁸⁰ If an area is officially declared demarcated indigenous land, the territory is protected and the indigenous group(s) which laid claim to the land in the process have full autonomy over that area affirmed.

Most demarcated areas that exist in Brazil were established soon after the 1988 constitution. Issues including overlapping land claims, bureaucratic requirements, and the difficulty of proving a certain area was “traditionally occupied” by a certain group mean that land demarcation is more complicated today than in the late 20th century, and thus less frequent. Additionally, a 1996 decree allowed for the challenging of already demarcated lands, creating another potential problem for indigenous groups⁸¹. Still, demarcated land remains a key feature

⁷⁸ Bezerra, 2015. *The Amazon and Brazilian Development Policies*

⁷⁹ Guzmán, 2013. *From Acculturation to Interculturality*.

⁸⁰ Chiavari and Lopes, 2020

⁸¹ Carvalho, 2000

of indigenous relations with the state and how discontent is expressed. There have been indigenous movements in Brazil centered around conflicts with government over this process and/or its outcomes, though these tended to be on a regional, rather than national, level.⁸² Today, there are just under half a million indigenous peoples living in the Legal Amazon, (the ‘Amazônia Legal’ is the area the Brazilian government has declared to be part of the Amazon rainforest), and over 70% of those peoples live on land officially demarcated for indigenous peoples.⁸³ However, there are many pending cases due to the complicated nature of the program: claims in progress make up over half of all land demarcation cases. This means that the majority of land to which indigenous peoples lay claim is not under their control.⁸⁴ Demarcated land accounts for just over 6% of Brazilian land mass, and another 11% is protected under a sustainable use law, making protected land around 17% of Brazil.

The first indigenous movements in the 1970s were largely shaped by the Catholic Church and the many missionaries that resided in the Amazon with indigenous groups. The first nation wide meeting of indigenous peoples occurred in 1974 under the Indigenist Missionary Council, with the aim of exposing indigenous peoples to each other's cultures and experiences, as well as identifying common struggles.⁸⁵ Founded during the dictatorship, the government was wary of this organization from the start, and assemblies of indigenous peoples, especially across groups, were consistently disrupted by police or a representative of FUNAI, the national department overseeing indigenous peoples. This came to a head in 1978, when the government attempted to erase the ethnic status of indigenous peoples entirely, which would have stripped them of associated protections. This attempt failed, largely due to the widespread public and international

⁸² Vilani and Filho, 2020

⁸³ Fonseca and Gohn, 2017

⁸⁴ Vilani and Filho, 2020

⁸⁵ Ramos, 1997

backlash on the decision, but the “Pan-Indian” movement took off in response, and the Union of Indigenous Nations (UNI) was founded. This organization was relatively short lived and fell apart at the beginning of the 1990s, due to many factors but mainly internal strife and unequal representation, but it was the main organization through which indigenous issues were expressed during the re-writing of the constitution in 1988.

Before the UNI and the 1988 constitution, indigenous peoples relied either on the Catholic Church or one of a variety of NGOs to communicate their needs and issues to the government. After these changes, however, indigenous peoples were more able to self-organize, and throughout the 1990s, many indigenous organizations were formed on local and regional scales.⁸⁶ There is one organizing body for these different groups, the Council for the Articulation of Indigenous Peoples and Organizations in Brazil (CAPOIB), that could arguably be seen as a national indigenous rights organization, but its main function is to coordinate efforts, and it does not have any decision making powers. While there is still a significant disconnect between the local needs of indigenous peoples and the national response, many indigenous groups have expressed that they prefer this more informal method of organization, rather than being subjected to official state policies that may not be effective or applicable to all local situations. In fact, some hold that “the pattern of multiplying entities appears to more closely echo the social reality of indigenous Brazil: a profusion of small societies, living relatively independent lives, with few common concerns apart from the underlying predicament of being Indian in a country which strongly favors cultural homogeneity.”⁸⁷ As such, attempts to create organizations or movements that purport to represent the interests of all indigenous peoples nationally are an unfavorable few.

⁸⁶ Carvalho, 2000

⁸⁷ Ramos, 1997. P. 53

One prominent indigenous movement was that against the construction of the Belo Monte hydroelectric plant, which was first proposed in the late 1970s. There was much controversy from its inception because not only would the plant disrupt the local ecosystem, but because of its proposed location it had the potential to disrupt the entire Xingu River basin.⁸⁸ There were also concerns particularly among indigenous groups in the area that, because the Xingu River is a seasonally variable river, the dam would not be as efficient as projected. In 1989, the first Meeting of the Indigenous Peoples of the Xingu was held, largely to create a unified response to this threat.

This was the first time an indigenous environmental struggle in Brazil garnered international attention, and this event set the tone for how environmental issues were addressed by indigenous peoples across different groups for the next decade.⁸⁹ This stalled the start of construction, but the government proposal remained. The early 2000s brought a renewed push for development from the state, and there were throughout the 2000s and 2010s a number of protests led mainly by the Kayapó, the largest indigenous ethnic group in the area, but with support from other indigenous organizations and communities in the region. Notable protests include separate 2012 and 2013 occupations of the land upon which the dam was to be constructed, which brought temporary work stoppages, but were ultimately did not succeed in stopping the project.

This period also brought revived international interest in the issue, with various NGOs, international governmental organizations, and the media commenting on and overwhelmingly condemning the actions of the Brazilian government, both in pushing forward with the

⁸⁸ Fonseca and Gohn, 2017

⁸⁹ De Oliveira and Da Rocha Freire, 2006

construction of the plant and in the way in which the state had been communicating with the indigenous peoples affected.⁹⁰ Despite this pushback, and despite funding on behalf of NGOs to aid the efforts of the indigenous peoples, construction on the plant began in 2011, it went online in 2016, and was completed in 2019. It is the second largest hydroelectric dam in Brazil, and fourth largest in the world, but is also one of the most inefficient in Brazil, in terms of size and output.⁹¹ In the first months of full operation, the company running the dam experienced a water shortage, causing output to fall drastically. Energy output still has not recovered to what projected levels were, and there are now proposals to build thermoelectric plants in the same grid to supplement the energy deficit - a possibility indigenous peoples had warned about from the initial program. There are also concerns that this will allow construction of energy extraction infrastructure in other parts of the Xingu River basin that may have an even greater environmental impact. This plan is emblematic of many environmental issues in the Amazon - despite promises and nominal protection, indigenous peoples are still forced to bear disproportionate environmental risk without seeing significant gain.

VI - Analysis

As mentioned in the introduction and shown throughout the paper, land under the stewardship of indigenous peoples is overall better preserved.⁹² Across these three countries, indigenous peoples faced various barriers to both expressing the need for environmental conservation and to gaining recognition and control of their land. These conclusions are not surprising, as indigenous peoples across the world face barriers to the full recognition of their rights as established in international agreements, and, where relevant, by their states. The only

⁹⁰ Fonseca and Gohn, 2017

⁹¹ Higgins, 2020

⁹² Sneed, 2019

way to ensure the full enjoyment of these rights, it seems, is to restore the management of traditionally occupied lands to indigenous peoples and for states to allow them a measure of autonomy. In all three countries, there are pockets of land that are specifically recognized as indigenous territories. However, in many cases, the state government and/ or private corporations still hold portions of control over lands officially recognized as indigenous, and enforcing agreed upon autonomy is often logistically difficult and results in repeated violations of indigenous rights.

How should states go about respecting indigenous rights while not limiting economic gain? In general, the government does not want to grant land rights that limit their potential use and profit, while indigenous peoples aim to increasingly restore their relationship with the land by ensuring that it is adequately protected. One option is collective property rights - a situation where individuals in a group are equally responsible for the maintenance of a collective resource. Collective property rights would require the recognition of property rights of indigenous peoples by states in the first place. This could be a more palatable agreement because it doesn't necessarily have to apply to indigenous groups.⁹³ That is to say, collective property rights among people in a region would be equally shared to make decisions about the management of resources. This is the system implemented by most indigenous peoples living on demarcated lands in Brazil, and these areas have significantly lower deforestation rates than others. This allows for some resource extraction to occur, meaning the peoples on the land sell more than they consume of the resource (most often timber and other plants). This even allows the Brazilian government to make a small profit.

⁹³ Baragwanath and Bayi, 2020

Most of the movements examined were formed in reaction to an environmental threat, rather than proactively influencing environmental policy. Indigenous peoples have been historically marginalized, and their capability to actively advocate for themselves and community needs has been consistently undermined. One of the reasons that environmental conservation movements have been relatively common, though, is because the needs and health of indigenous peoples are tied to land preservation. Many indigenous environmental advocates express that an indigenous group's ability to fulfill individual and community needs depends on a healthy, stable environment. Indigenous wellbeing and the wellbeing of the environment are tied, and returning control of land is the most direct way to promote both.

Understanding the connection between the wellbeing of indigenous peoples and the land they are on can help actors create a way forward regarding the unequal economic situation in Amazonian states as well. While it is at the moment important for many indigenous peoples to receive financial and developmental assistance from the state, NGOs, and/ or international governmental organization, ultimately these efforts are not sustainable. The local economy cannot exist or grow on its own unless indigenous peoples can have jurisdiction and some measure of control over areas that are specifically under their use. This approach addresses economic inequality as one of the drivers behind Amazonian deforestation by expanding indigenous autonomy. This is needed not only for the environmental good, but also for indigenous peoples to see the fulfillment of their rights - only under these conditions can indigenous peoples fully practice, for example, subsistence based economies, a right guaranteed by the UN. By tracing the relationship between indigenous environmental movements and state environmental policy it is clear that the state does not sufficiently represent the environmental

interests of indigenous peoples, even under explicit claims of doing so. Returning control of the land to indigenous peoples is the only way to ensure proper environmental conservation.

Ultimately, the connection between indigenous peoples environmental conservation movements and state environmental conservation policy in the Amazon is somewhat weak. Most policy for which indigenous advocates push does not get implemented, and that which does get implemented turns out to be a watered down version of what was intended, and implementation is often difficult and enforced sporadically. One connection between these movements and actual policy is international pressure - the eye of global institutions and organizations on the Amazon can be favorable for indigenous peoples. Indigenous peoples generally must take rather drastic measures, such as road blockades and work stoppages, to get this attention, however. Another clear link is financial. When the state, either directly or by way of a multinational corporation, has a financial gain, indigenous peoples are more likely to lose control of their land and/ or be exposed to pollution. This financial issue is at the heart of most of the environmental conflicts analyzed. While not easily solvable, the best approach is to return land stewardship and decision making to the indigenous peoples of the Amazon so they can sustainably manage and use the rainforest. Granting property rights, either full, collective, or in another form, to indigenous peoples, could help conserve much of the Amazon.

VII - Conclusion

The fight against climate change is a multifaceted one, and preserving the Amazon is only one part of it - albeit an important one, not only because of the carbon it absorbs but also because of the biodiversity it contains. The successes and failures of indigenous environmental conservation movements show that this preservation will not be straightforward. As the

relationship between the state and indigenous peoples too often remains antagonistic, mechanisms for formal communications of concerns are important to facilitate negotiation and make change. These mechanisms could also support indigenous autonomy and land repatriations, which as demonstrated promote conservation. This paper finds that the three largest Amazonian states have not sufficiently implemented environmental conservation policy, and that indigenous peoples conservation knowledge is central to designing and enacting such policy.

Even with communication between the government and indigenous peoples, the fight for conservation will always have opponents and stumbling blocks. Turning the tide of consumption away from extractivism and towards sustainable resource use is a slow process, but necessary to combat climate change. Indigenous peoples in the Amazon are central to this struggle, and though sometimes overlooked, manage some of the most important areas in the world in environmental integrity and diversity. This paper has shown that in the Amazon, environmental conservation requires that indigenous peoples regain significant control over land use. Government regulation and private consumption have failed to sustainably manage the rainforest. The beginning of the paper asked how states could adopt environmentally sustainable practices as put forth by indigenous peoples. It has found that it is a lack of willingness and capacity, rather than a lack of knowledge, that stops states from having strong environmental conservation policies. Rather than advocating for states to adopt more policies, this paper concludes the most effective approach for Amazonian environmental conservation is for states to work with indigenous peoples and return considerable amounts of control over land use to the indigenous peoples.

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