



Anuário Antropológico
ISSN: 2357-738X
anuario_antro@unb.br
Universidade de Brasília
Brasil

Baines, Stephen
Research in social anthropology with indigenous peoples in Brazil and the
study of social anthropology with autochthonous peoples in the context
of Brazil and other National States: Australia, Canada, and Argentina
Anuário Antropológico, vol. 49, núm. 2, e-12453, 2024, Mayo-Agosto
Universidade de Brasília
Brasília, Brasil

DOI: <https://doi.org/10.4000/127w9>

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Research in social anthropology with indigenous peoples in Brazil and the study of social anthropology with autochthonous peoples in the context of Brazil and other National States: Australia, Canada, and Argentina

Pesquisas em etnologia indígena no Brasil e o estudo de antropologia social junto a povos autóctones no contexto do Brasil e de outros Estados nacionais: Austrália, Canadá, e Argentina.

DOI: <https://doi.org/10.4000/127w9>

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The text, “Research in social anthropology with indigenous peoples in Brazil and the study of social anthropology with autochthonous peoples in the context of Brazil and other National States: Australia, Canada, and Argentina”, aims, following the profile of this section of the *Anuário Antropológico*, to publicize the contributions to the Programme through a brief account of my own trajectory at the PPGAS/DAN/UnB. I begin with the period in which I was a student of the first PhD group, between 1981 and 1988 under the academic direction of Professor Julio Cezar Melatti, period in which I gained a background on the style of social anthropology with indigenous peoples that is undertaken in Brazil, and over thirty-five years, since 1989, as a professor of the DAN and as a CNPq researcher. In the latter period, I collaborated, initially, in two research projects coordinated by Professor Roberto Cardoso de Oliveira, on Styles of Anthropology in National Contexts, and later focusing on Nationality and Ethnicity on Borders. In both cases, I focused my attention on social anthropology with indigenous societies, in Brazil and in other national states – Australia since 1992, Canada since 1995, and more recently Argentina since 2016. On the research line about nationality and ethnicity on borders, I started in 2000, examining the Macushi and Wapishana peoples on the Brazil-Guyana border and, since 2008, my research has included work on the criminalisation of indigenous peoples in the prison system of Roraima. This article aims to highlight the most relevant aspects of my academic production in the discipline, in theoretical and methodological terms, according to my own assessment, and also to demonstrate how the existing academic environment at the PPGAS fosters the development and improvement of practices of the production of knowledge.

O texto “Pesquisa em etnologia indígena no Brasil e em outros estados nacionais: Austrália, Canadá, e Argentina” tem o objetivo, seguindo o perfil desta seção do *Anuário Antropológico*, de divulgar as contribuições ao Programa por meio de um breve relato da minha própria trajetória no PPGAS/DAN/UnB. Começo pelo período em que era estudante da primeira turma do doutorado, entre 1981 e 1988, sob a orientação do Professor Julio Cezar Melatti, com entrosamento no estilo de etnologia indígena que se faz no Brasil, e ao longo de 35 anos, desde 1989, como professor do DAN e pesquisador do CNPq. Nesse período, inicialmente, colaborei em dois projetos de pesquisa coordenados pelo Professor Roberto Cardoso de Oliveira, sobre Estilos de Antropologia em Contextos Nacionais, e em seguida focalizando Nacionalidade e Etnicidade em Fronteiras. Nos dois casos, focalizei minha atenção na antropologia social junto a sociedades indígenas, no Brasil e em outros Estados nacionais – Austrália desde 1992, Canadá desde 1995, e mais recentemente Argentina, desde 2016. A minha pesquisa na linha de nacionalidade e etnicidade em fronteiras, iniciada em 2000, focaliza os povos Macuxi e Wapichana na fronteira Brasil-Guiana e, desde 2008, inclui pesquisa sobre a criminalização de indígenas no sistema penitenciário de Roraima. Este artigo visa ressaltar o que de mais relevante minha produção acadêmica tem apresentado à disciplina, em termos teóricos e metodológicos, de acordo com minha própria avaliação e também demonstrar como o ambiente acadêmico existente no PPGAS propicia o desenvolvimento e aprimoramento das práticas de produção de conhecimento.

Antropologia social. Indigenous peoples. Brasil. Argentina. Canadá. Austrália.



Academic trajectory in Anthropology at the University of Brasília

It was a great pleasure to be invited to contribute to the section PPGAS UnB 50 of the *Anuário Antropológico*. I shall present a brief retrospective on part of my academic trajectory, starting with my academic training, which began in England at undergraduate and master levels, and later, with the decision to pursue a PhD in anthropology at the University of Brasília (UnB) in 1980, when I prepared a research project to study the Waimiri-Atroari indigenous people in the north of the Amazon Basin. I started my research project from the tradition in Brazilian anthropology, at that time, of studies in indigenous ethnology and interethnic contact.

In 1991, I was invited by Professor Roberto Cardoso de Oliveira to participate in his research project on Styles of Anthropology in national contexts, starting with a project on social anthropology with indigenous peoples in Australia seen from Brazil. Some years later, also in a research project with Professor Roberto Cardoso de Oliveira, I began research on nationality and ethnicity among the Macushi and Wapishana peoples on the Brazil-Guyana border and, since 2008, I am also carrying out research on the criminalisation of indigenous persons in the prison system of Boa Vista, Roraima.

Throughout my career, I have also addressed some central notions that guide my research and how I started researching the styles of social anthropology with indigenous peoples that are practiced in Australia, Canada, and Argentina based on my training in the style of anthropology that is done in Brazil.

I completed an undergraduate degree (BA Hons Combined Arts) in Arabic Language/Literature and the Comparative Study of Religions in 1971 at the University of Leeds, England, where I read some of the classics: Émile Durkheim, Marcel Mauss, Max Weber, Karl Marx, Clifford Geertz, and others, after which I decided to take advantage, while young, to experience different cultures before going on for postgraduate studies.

In October 1971, I travelled across Europe to Iran, country that I had visited since 1967, where I planned to teach English and study the Persian language (Farsi). After a six-month stay in Iran (1971 - 1972), in a very turbulent political period during the last years of the government of Muhammad Reza Shah Pahlavi, I travelled extensively throughout South Asia and the Middle East, returning to England in 1973, where I worked as a teacher for several months, before leaving for the Americas with the main interest of gaining knowledge about Amerindian populations.

After travelling across the USA, I spent three months in Mexico and Central America, and then travelled on to countries of South America, arriving in Brazil in April 1975. In several of these countries, I visited indigenous communities and applied to carry out voluntary work, however without finding possibilities of obtaining a visa. In December 1974, at a police station located on the Trans Chaco Highway in northwest Paraguay, I heard news on the radio of the death of the *sertanista* Gilberto Pinto Figueiredo Costa and other employees of the National

1 My full academic production can be seen on this link to Curriculum Lattes, CNPq: <https://lattes.cnpq.br/7171052616253604>



Foundation for Indigenous Peoples (*Fundação Nacional dos Povos Indígenas*) (then known as the National Foundation of the Indian (*Fundação Nacional do Índio* – FUNAI) at the Abonari Indigenous Post, in the so-called “Waimiri-Atroari Attraction Front” (FAWA), a category used at the time by the FUNAI to name a front that aimed to contact and integrate indigenous peoples into the national society.

In June 1975, I arrived at the limits of the territory of the Waimiri-Atroari indigenous people (*Kinja* or *Ki'inya* – “people”), at a time when their territory was being cut through by the BR-174 highway. From km 45 north of the Ponte de Bolivia on the way out of Manaus, the then commander of the 6th Construction Engineering Battalion (6th BEC) agreed to take me to the Igarapé Santo Antônio do Abonari, on the borders of the indigenous territory, on the condition that I returned the following day. I spent the night at the Abonari barracks and talked with the soldiers about their contacts with the Waimiri-Atroari and, the next day, the military commander arranged for army transport to take me the 6 km to the Igarapé Santo Antônio do Abonari, on the edge of the area closed for the so-called “pacification of the Waimiri-Atroari”. There I spoke on the radio with the then FUNAI *sertanista*, Apoena Meirelles. I returned to the 6th BEC camp in Abonari, where the commander reiterated the order that I would have to return to Manaus that same day.

Soon a fleet of buses arrived at the headquarters of the 6th BEC and I was put on a bus along with soldiers from the same Battalion who informed me that, after the death of Gilberto Pinto Figueiredo Costa and other FUNAI employees at the Abonari Indigenous Post, in December 1974, construction work on the BR-174 highway had been suspended for six months. They informed me that they were being sent to Manaus for three weeks while the 1st Infantry Battalion of the Jungle (1st BIS) occupied the trajectory of the BR-174 highway cut through the indigenous territory to carry out demonstrations of military force with mortars and machine guns to show the Waimiri-Atroari that it would be useless to continue to resist the construction of the highway. On route to Manaus, I witnessed lorries of the 1st BIS coming from Manaus bringing soldiers and artillery to the Waimiri-Atroari territory.

In 1976, I crossed the Waimiri-Atroari territory again and had brief contacts with Waimiri-Atroari indigenous people on the highway at the FUNAI’s Terraplenagem Indigenous Post.

In Manaus, I met the then anthropologist of the University of Brasília, Professor Peter Silverwood-Cope, who at the time was working on an indigenous health project in Iauaretê on the Upper Rio Negro. He introduced me to the then FUNAI Regional Delegate in Manaus, who informed me that if I got a permanent visa in Brazil and if I took a nursing assistant course in order to have a Brazilian qualification that would be useful to the FUNAI, he could apply for me to be contracted by the FUNAI.

Spending two years in Manaus, I completed the nursing assistant course and taught English to sustain myself. After three successive requests submitted to the Federal Police to obtain a permanent visa in Brazil along with job offers were



rejected, I left Brazil in 1977 to Venezuela, where I also tried to work with indigenous peoples. At the Ministry of Health in Caracas, the director of the Indigenous Health Sector was very favourable to my proposal, considering that there were several unstaffed health posts in the Yanomami territory, however, after three months wait, the director of the Indigenist Department, an army colonel, informed me that foreigners could not work in border areas.

I was accepted to take a master's degree in anthropology at the University of Texas at Austin, United States, at the *Universidad Autónoma Metropolitana, Unidad Iztapalapa*, Mexico, in 1978, and at the University of Western Australia, where I contacted the anthropologists Professors Ronald and Catherine Berndt, in early 1979. However, there were no scholarships available. In 1979, I was approved at the University of Cambridge, England, to study a master's degree (M.Phil. in Social Anthropology 1979-1980) under the guidance of Professor Alan MacFarlane, with co-supervision of Professor Stephen Hugh-Jones, with the support of a post-graduate scholarship from the University of Leeds, where I had completed my undergraduate degree.

While studying for a Masters in Social Anthropology at the University of Cambridge, I applied for a scholarship in Brazil via the Brazilian Ministry of Foreign Affairs, which, at the time, offered one scholarship each year to applicants of British nationality who wanted to undertake postgraduate studies in Brazil. The granting of this scholarship by the Brazilian government through the Embassy in London defined Brazil as the country where I were to complete my PhD in social anthropology and consolidate my career in one of the centres of academic excellence in anthropology in Brazil, the University of Brasília (UnB). I saw this as an opportunity to fulfil one of my greatest ambitions, undertake research with an indigenous society in the Amazon region.

I concluded my master's thesis at the University of Cambridge, England, on "Contemporary Indigenist Policy in Brazil", defended in July 1980, during which time I obtained a basic training in social anthropology, and went on to the University of Brasília (UnB), doing my PhD under the academic guidance of one of the best-known researchers in the area of indigenous ethnology, Professor Julio Cezar Melatti (1981-1988). I studied under Professor Melatti's supervision and carried out 18 months field research with the Waimiri-Atroari, a people of the Carib language family in the North-Amazon region.

In addition to Professor Melatti's dedicated support, I also had the invaluable support of Professor Roberto Cardoso de Oliveira when he was at the Department of Anthropology (DAN), UnB. From 1990 onwards, at his invitation, I participated in his research project on "Styles of Anthropology" when he was at the State University of Campinas (UNICAMP), with a proposal for comparative research on social anthropology with indigenous peoples in Brazil and Australia.

Later, the partnership with Professor Roberto Cardoso de Oliveira was consolidated with his return to the Centre for Research and Postgraduate Studies on the Americas (CEPPAC/UnB – currently the Department of Latin American Studies – ELA). At that time, he invited me to co-coordinate a research project on "Na-



tionality and Ethnicity in Border Areas”, in which I presented a research proposal on the Macushi and Wapishana indigenous peoples on the Brazil-Guyana border.

I started my studies in Anthropology at the UnB in July 1980, as a special student, and joined the first group of students when the PhD programme was inaugurated in March 1981. I took the principal courses with my academic advisor, Professor Julio Cezar Melatti, and with Professor Roberto Cardoso de Oliveira, taking advantage of the stimulating environment of anthropology practiced in Brazil and its focus on interethnic relations and indigenous peoples in the context of the national society. I was already interested in the possibility of pursuing an academic career in Brazil and tried, again, to get a permanent visa. In 1985, through Professor João Pacheco de Oliveira of the National Museum, Federal University of Rio de Janeiro (UFRJ), who at the time coordinated the indigenous sector at the Ministry of Agrarian Reform (MIRAD), I obtained a job offer to work in the MIRAD. However, after two years of bureaucratic procedures to obtain the permanent visa, the MIRAD had been extinguished and I managed to validate my work permit through a part-time job, classifying documents in the library, with the support of Professor Antônio Jacó Brand, then executive secretary of the Indigenist Missionary Council (*Conselho Indigenista Missionário* – CIMI). This experience reinforced my knowledge of the Catholic Church’s indigenist policies and opened up a broad overview on indigenous peoples in Brazil.

After completing my PhD at the end of 1987 and defending it in a public examination in March 1988, I spent the period from March 1988 to May 1989 in the Anthropology Sector of the Museu Paraense Emílio Goeldi, in Belém, Pará, then part of the National Council of Scientific and Technological Development (CNPq), as a research fellow with a scholarship, where I published my PhD thesis in book form, “It’s the FUNAI that knows”: the Waimiri-Atroari attraction front (1991a). I undertook a public selection examination for a lectureship in 1988, at the Department of Anthropology, University of Brasília (DAN/UnB), where I returned in 1989.

The University of Brasília (UnB) became the academic centre where I was able to consolidate my career and where I carried out my research on indigenous peoples, broadening the focus, through Roberto Cardoso de Oliveira’s proposal of “Styles of Anthropology”, to research on social anthropology with indigenous peoples in Australia from 1992, later in Canada in 1995 and 2002 with scholarships from the Canadian government, and including Argentina from 2016. I also continued fieldwork in Brazil on the theme of nationality and ethnicity among indigenous peoples living on international borders, from 2000, and the criminalisation of indigenous peoples in the prison system of Roraima from 2008. The style of social anthropology with indigenous peoples that is practiced in Brazil has become the area in which I have dedicated my academic career.

Social Anthropology with Indigenous Peoples in Brazil

While taking my PhD at the UnB, during the early 1980s, the last years of the military dictatorship, I was warned by colleagues that I should not participate in



any meetings of the indigenous political movement because of the risk of being deported from Brazil. A real risk, since a Nigerian student of social sciences who participated as a spectator in a student political demonstration against the coronel who then headed the University of Brasília, received an order from the federal police to leave Brazil in eight days under threat of deportation.

In the period between January 1982 and August 1985, I was able to carry out eighteen months of fieldwork with the Waimiri-Atroari people, divided in five periods, with a PhD scholarship from the Brazilian Ministry of Education (*Coordenação de Aperfeiçoamento de Pessoal de Nível Superior* – CAPES) and, later, from the National Council for Scientific and Technological Development (*Conselho Nacional de Desenvolvimento Científico e Tecnológico* – CNPq) in addition to research funds also from the CNPq. Each year I had to renew my student visa, scholarship and research funds.

I found in social anthropology as practised in Brazil at that time, especially the studies on interethnic contact, theoretical subsidies to approach the critical situation in which the Waimiri-Atroari people were, their territory cut by the BR-174 highway, and, from 1981, a large portion of their traditional territory dismembered to attend the interests of the Eletronorte company, which, in 1987, flooded a vast area in the south of the dismembered portion, and the Taboca Mining Company which had already invaded and occupied a vast extension in the northern part of the dismembered portion.

My research project used the notion of interethnic friction elaborated by Roberto Cardoso de Oliveira (1981 [1964]), one of the principal lines of research in the early 1980s, revising the notion to explain the empirical fieldwork situation, in which a majority of indigenous employees (from other indigenous groups, many from urban backgrounds) of the FUNAI attraction front, transmitted to the Waimiri-Atroari captains all the contradictions and ambiguities inherent to the identities of “civilized indian” and “caboclo” (Baines 1991[1988]). They made use of the rhetoric of the indigenous movement, of being, along with the Waimiri-Atroari, “indians too”, united in the political struggle against the “whites”. However, they took advantage of the ambiguities of the ethnic identities used in the Waimiri-Atroari Attraction Front for their own benefit. Sometimes they identified themselves as “indians” against “whites”, sometimes as “civilized indians” or “caboclos” in opposition to “Waimiri-Atroari Indians”/“wild Indians” seen pejoratively, sometimes as “manual labourers of the FUNAI” in opposition to the “white boss”, according to the context and intention through discourses of domination (Baines 1991[1988]). These categories were imposed through disproportionately asymmetric interethnic relations of subjection-domination (Cardoso de Oliveira 1981, 1978), triggering a language of domination, and discourses of domination that redefined reality for the Waimiri-Atroari (Baines 1991[1988]).

While I was writing my doctoral dissertation at the UnB, the Waimiri-Atroari Programme (FUNAI/Eletronorte), inaugurated in April 1987 after the period of my doctoral field research, took over the indigenist administration in the Waimiri-Atroari Indigenous Land, an indigenist program publicized through propaganda



campaigns at national and international level as an exemplary case of indigenist policy, supported by large companies and receiving resources from the World Bank. Taboca Mining Company (*Mineração Taboca*) and other mining companies of the then Paranapanema Group opened the Pitinga Mine, which became one of the largest cassiterite (tin ore) mines in the world, in an area that was later dismembered from the territory of the Waimiri-Atroari by means of a cartographic manipulation (Baines 1991a; 1991b; 1999). In the same period, Eletronorte constructed the Balbina Hydroelectric Plant, flooding an area of around 2,928.5 km² (Baines 1996b) that was expropriated from the original Waimiri-Atroari reserve. This example reveals “a new strategy of the large mining companies in collaboration with the State – favouring the demarcation and homologation of the indigenous lands and exercising their economic power to entice the new indigenous leaders to sign direct agreements between the indigenous communities and the companies, in the name of an ‘indigenous self-determination’” (Baines 1993a, p. 239).

In June 1989, on the eve of my “banishment” from the Indigenous Land, set up by officials of the Waimiri-Atroari Programme through a campaign of calumny directly with the Waimiri-Atroari leaders, agreements were signed between the Taboca Mining Company and Waimiri-Atroari leaders, giving this mining company exclusive rights to research and to mine minerals in the Waimiri-Atroari Indigenous Land. However, the agreements had been suspended while there is no complementary legislation to regulate research and mining in indigenous lands. In 2008, the Peruvian mining group Minsur acquired share control of *Mineração Taboca*.

The Waimiri-Atroari Indigenous Land served as a corporate model for planning strategies for the “regularized” implementation of large regional development projects in indigenous territories in the Amazon, both mining and hydroelectric plants, and influenced the very formulation of the Constitution during the year 1987, with strong lobbying by mining companies led at the time by the Paranapanema Group. This lobby managed, in the constitutional text, to legalize mining on indigenous lands for private mining companies. In the previous Constitution of 1967, mining on indigenous lands was restricted to state-owned companies and strategic minerals, even though many private companies circumvented the Constitution. According to the 1988 Constitution, “the use of water resources, including energy potential, research and exploitation of mineral wealth in indigenous lands can only be carried out with authorization from the National Congress, after hearing the affected communities, ensuring their participation in the mining results, as provided by law” (Art. 231, 3rd item). Thus, the regulation of mining issues and the implantation of hydroelectric power plants were referred to the subsequent complementary legislation.

The field research experience for my PhD and beyond was a privileged field to examine the strategies of large companies to adapt to the indigenous rights incorporated in the Brazilian Constitution of 1988. The Waimiri-Atroari Program started to be used as publicity to justify the implantation of hydroelectric plants in indigenous territories in the Amazon region, incorporating the Waimiri-Atroari



leaders as spokespersons for propaganda (Baines 2000).

While during the military dictatorship, large companies invaded indigenous territories, creating *faits accomplis* that were later “legalized”, a new strategy adopted after the new Constitution was to create simulations of harmonious interethnic relations between companies and indigenous peoples. Images of indigenous people who support indigenist programs, their supervisor’s speech that the Waimiri-Atroari Programme “managed to put into practice what all indigenist policy makers dreamed of”, and the existence of representatives of an indigenous people (the Waiwai people), amazed with the “riches” of the Waimiri-Atroari Program, requesting the construction of a large hydroelectric plant (Cachoeira Porteira on the Trombetas River) to earn a similar indemnity in exchange for the flooding of their lands, go well with the declaration of the president of Eletronorte. He stated that the Belo Monte Hydroelectric Plant, which would be one of the largest in the world, is the work of his dreams (Pinto 1998). This narrative was crafted to try to reverse the criticisms and accelerate the approval of more megaprojects of hydroelectric plants in the Amazon region.

Theoretical Notions and Concepts: the contribution of my research

In my doctoral thesis, “It is the FUNAI that knows: the Waimiri-Atroari Attraction Front”, defended at the University of Brasília in March 1988, I carried out an ethnography of a FUNAI attraction front in the historical moment before the Waimiri-Atroari were incorporated within the corporate indigenism of the Waimiri-Atroari Program, created in April 1997, six months before the closing of the floodgates of the Balbina Hydroelectric Power Plant and the flooding of a vast area of the traditional territory of this indigenous people.

I started my doctorate with a research project that focused on interethnic contact using Cardoso de Oliveira’s notion of “interethnic friction” (1981). In most studies at that time, the two populations of the interethnic system (Cardoso de Oliveira, 1978, p. 85) are taken as two empirical groups of “indians” and “whites”. I had planned to focus my research on aspects of Waimiri-Atroari society, however, the critical situation in which I encountered this indigenous people led me to focus on the contact situation itself which encompassed all aspects of their life.

In 1983, there were a total of fifty-nine FUNAI employees in the Attraction Front and only three hundred and thirty-two Waimiri-Atroari, whose population had been reduced from at least two thousand just in the previous two decades as a consequence of epidemics brought by large contingents of soldiers and road workers involved in the BR-174 highway construction, and by the use of military force and massacres. The genocidal practices were a very sensitive theme at the time, censured by most of the FUNAI employees and by the Waimiri-Atroari captains too. The fieldwork period was not easy in such a tense and violent situation of national security under the dictatorship, where anything that I said was questioned. I received several warnings from the regional FUNAI administrator in Manaus that I should not ask questions about issues like mining and hydroelectric schemes.



However, the eighteen months I spent with the Waimiri-Atroari people in their territory, between January 1982 and August 1995, were undoubtedly some of the most interesting and intense experiences of my life. I took advantage of every unique opportunity to walk with small groups of Waimiri-Atroari across parts of their territory, whenever this was possible during my fieldwork, visiting the last few villages inhabited at the time and many others that had been abandoned after epidemics had decimated entire villages, leaving only a few survivors from some villages. I listened carefully to their comments about this very recent and violent history, acutely aware that I was witnessing a critical and unrepeatable historical moment in the lives of this indigenous people. They talked about a way of life that had very recently ceased to exist after their population had been decimated.

A few decades earlier, their population had been reduced to around two thousand after two centuries of documented conflicts and massacres. In 1982-1983, I visited all the surviving communities and, calculating deaths and births registered by the FUNAI over this period, their population had reached a low of 332 persons. With vaccination campaigns, started since the early 1970s, and a basic medical attention at the FUNAI posts, after this massive depopulation, the population recuperated rapidly over the following years, their society deeply transformed by the interethnic contact.

In the Waimiri-Atroari Attraction Front, a large contingent of employees identified themselves as “indians”, and many of them used, in some contexts, an indigenous discourse that inverted the hegemonic ideology, valuing the generic category of “indians” against “the whites”. They used this discourse as a strategy to encourage the Waimiri-Atroari to reject individuals that the same “indigenist” officials classified as “white”. I faced this manipulation of ethnic identity by many “indian” FUNAI employees since my arrival in the Waimiri-Atroari territory. Some of the young Waimiri-Atroari men repeated phrases uttered emphatically by many of the workers, such as “Whites are no good! Only cheating indians!”. Faced with this situation, it made no sense to deal with the situation of contact, through the notion of interethnic friction, without examining the “indian”/“white” opposition.

In this Attraction Front, a large part of the dominant population was made up of individuals who identified themselves as “indians”, and imposed relationships of subjection/domination over the Waimiri-Atroari. Some of the FUNAI employees had previously worked on the construction of the BR-174 highway that cut through the Waimiri-Atroari territory in the 1970s, others had worked on the Balbina hydroelectric dam and others in Mineração Taboca, representing the violent front of the national society in Waimiri-Atroari territory. Some had lost relatives in the conflicts in the early 1970s and had a deep resentment of the Waimiri-Atroari.

To equate the terms “indigenous” and “white” to two empirical groups, in the context of the Waimiri-Atroari Attraction Front, would be to see the situation from the perspective of the “whites” and thus reaffirm the hegemonic ideology, considering that the dominant population, in relation to the Waimiri-Atroari, was made up of FUNAI employees classified as “indians” and “whites”. In this case, the “indian”/“white” opposition could only be considered within the context of the discourses used in the Attraction Front. Those employees who appealed to



an “indian” identity, by presenting it as an identifying reference of all persons classified by them as “indians” (most FUNAI manual employees and the Waimiri-Atroari) as opposed to “whites”, offered a vision that concealed and disguised the asymmetrical and contradictory relations of subjection/domination between the Waimiri-Atroari and the FUNAI employees. This led the “whites” (from the FUNAI employee’s discourse) to believe that those employees classified as “indians” were closer to the Waimiri-Atroari. Many of the “indian” employees appealed to a pan-indianist discourse in order to, in this particular situation, legitimize their subjugation and oppression of the Waimiri-Atroari.

In the case of the Waimiri-Atroari Attraction Front (FAWA), later renamed Waimiri-Atroari Support Centre (NAWA), it is necessary to take into consideration the discourses that were used to manipulate ethnic identity. A segment of the social agents of the dominant society (the Attraction Front) in relation to the Waimiri-Atroari presented themselves as “indians” in opposition to “whites”. These “indian” FUNAI employees from other ethnic groups inverted the relations of subjection/domination “indian”/“white”, assuming the role of dominators. This example shows how the protagonists of the contact situation defined themselves sometimes as “indians”, sometimes as “whites” in opposition to the former, and frequently in the ambiguous category of “civilised indians” or “indigenous employees of the FUNAI”, according to how the dominant population determined through the use of a discourse of domination.

The notion of interethnic friction, a notion highly applicable to works that aim to analyse the contact situation in which social relations between an indigenous population and the various segments of national society are examined, within a regional perspective, has been used, starting from the assumption that the representatives of the national society are made up of “whites”. When addressing the situation in which the Waimiri-Atroari found themselves, I focused on the manipulation of ethnic identity by those FUNAI employees referred to as “manual workers” (*braçais*), manipulation that depends on self-definition.

To capture what was happening on this Attraction Front, I found it more useful to treat identities as a constitutive part of the discourses. I examined the discourses of social agents not only for their content, but also in their context, an approach that did not define a priori the identities of the populations in contact. The Waimiri-Atroari Attraction Front reenacted, through the State’s indigenism, the secular practice of “just wars” (*guerras justas*) to wage war against any indigenous peoples that did not submit to the Portuguese crown, and “*descimentos*”, the institutionalised capture and enslavement of indigenous persons who were put into settlements and forced to row downstream to be sold as slaves in the markets of Pará and Maranhão. The Portuguese colonial society, when occupying by military force the Amazon basin in the XVI and XVII centuries, recruited so-called “tame indians” (*índios mansos*) to constitute “*tropas de resgate*”, expeditions set up to invade uncontacted indigenous villages and enslave indigenous peoples who had not yet been conquered (Farage 1991). Even after the abolition of slavery in the then Province of Amazonas, in 1884, these practices continued.



Throughout the doctoral thesis, I focused on the disproportionately asymmetric and violent social relations of subjection-domination established between agents of the national society, the FUNAI team, and the Waimiri-Atroari. I tried to show how, in a field research situation, the dynamics of the encounter can be more revealing than the encounter itself, which is evident in the situation of an Attraction Front. I resorted to the notions of “language of domination” and “discourses of domination”.

After the publication of the book *“It is the FUNAI that knows”: The Waimiri-Atroari Attraction Front*, in Belém, Pará, through the Museu Paraense Emílio Goeldi, based on my doctoral dissertation, submitted in 1988 and published in 1992 [1991], I elaborate the notion of “corporate indigenism” (*indigenismo empresarial*) in subsequent publications. This concept refers to a form of an indigenism privatized by companies that have direct interests in exploiting resources on the lands of the indigenous peoples in which they administer the indigenist policy, effectively substituting the State, and thus, an indigenism directly subordinated to the economic interests of the companies.

The notion of “corporate indigenism” (Baines 1991a, 1993a) refers to an indigenism that incorporates the dynamics of company pressures on the indigenous people themselves and was aimed at their redefinition as obedient followers of orders, recruiting “captains” as indigenous spokesmen for the indigenist administration itself. Corporate indigenism constantly subordinates the indigenous population to the interests of companies that exercise economic powers that surpass those of the FUNAI. These companies have the power of the media to create and convey images of the Waimiri-Atroari, incorporated into the intensive marketing campaigns of the Eletronorte company at national and international level.

After the prohibition of all researchers in anthropology who are not subordinated to the indigenist administration, by the direction of the Waimiri-Atroari Programme and without the possibility of continuing research with the Waimiri-Atroari, I focused on publishing on this situation and my own “banishment” from this Indigenous Land, in June 1989. I also began examining the strategies employed by large companies operating in indigenous territories. If in my doctoral dissertation, the description and analysis of the daily violence of the Attraction Front seemed like a denunciation, later works denounce the corruption and violence of the Waimiri-Atroari Programme in imposing a corporate indigenism.

One of the key concepts that emerged from research with the Waimiri-Atroari people and the overwhelming impact of giant corporations on the lives of this indigenous people is “corporate indigenism”, indigenism privatised by the same corporations that have direct economic interest within indigenous territories and administer the indigenist policies (Baines 1993b, 2000).

Styles of Anthropology in National Contexts: Social Anthropology with Indigenous Peoples in Brazil and in other National States

In June 1989, after having dedicated my research among the Waimiri-Atroari indigenous people since 1980, starting to learn the language and with plans to



continue research with this indigenous people, I was disappointed at having my research interrupted by a slander campaign set up by directors of the Waimiri-Atroari Programme (Eletronorte/Funai). This came as part of a ban on all independent research in social anthropology with the Waimiri-Atroari people, imposed by the Programme, as soon as it took over the indigenist administration. Prohibition that began with the interruption of research by Professor Márcio Ferreira da Silva, who was prevented from continuing his research with the Waimiri-Atroari in 1997, after having carried out seven months of field research for his doctorate at the National Museum/Federal University of Rio de Janeiro (UFRJ) under the academic direction of Professor Eduardo Viveiros de Castro. In June 1989, when I was at the Goeldi Museum, in Belém, Pará, with a research scholarship from the CNPq, indigenists from the direction of the Waimiri-Atroari Programme set up a slander campaign. They disseminated false accusations to Waimiri-Atroari leaders, presenting me as if I were a foreign agent, supposedly working for international mining companies. They alleged that I was using the Waimiri-Atroari to try to prevent this same indigenous people from entering into direct agreements with the Mineração Taboca and other mining companies of the then Paranapanema Group.

I started lecturing as a Professor of anthropology at the University of Brasília in May 1989. After so much dedication, I was disillusioned by the fact that my research had been prohibited by a campaign of lies set up from within the direction of the Waimiri-Atroari Programme – an indigenist administration that presented itself in intensive marketing campaigns as if it were a “revolution in Brazilian indigenism” (Hart 1991). The prohibition of anthropological research is part of a wider strategy to encapsulate this indigenous people within the corporate indigenism of the Programme in order to exercise a tight control over their access to information and a privatisation of the State’s responsibility to indigenous peoples (Baines 2018).

In 1989, I accepted an invitation from Professor Roberto Cardoso de Oliveira to join his research team on Styles of Anthropology, then based at the State University of Campinas (UNICAMP), São Paulo, where Professor Cardoso was implementing a doctoral program. I applied for a research productivity scholarship to the CNPq to carry out comparative research on social anthropology with indigenous peoples in Australia, a country where I had previously spent three months in 1978-1979, visiting indigenous communities in the north and centre of the country before taking my master’s at Cambridge. I took part in this research project, travelling to Australia in early 1992 to carry out a first survey of research in three of its main centres of anthropology with indigenous peoples: the University of Sydney, the Australian National University (ANU) in Canberra, and the University of Western Australia in Perth.

I interviewed some of Australia’s most known anthropologists and took the opportunity to visit other universities and research centres, such as Macquarie University in Sydney, Curtin University in Perth, and the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) in Canberra. Interviews were conducted with thirty-six ethnologists, several researchers in other disciplines, three consulting anthropologists, and five indigenous leaders (Baines 1995).



I had already spent three months in Australia in 1979, when I visited indigenous communities in Western Australia and the Northern Territory. My aim, in the 1992 survey, was to examine the anthropology that is produced in Australia, starting from my academic training at the doctoral level in Brazil, where I have lived since 1980, being a naturalized Brazilian since 1991. This research project on the style of anthropology with indigenous peoples that is practiced in Australia, in addition to being a source of material for the publication of research articles, served also to train students at post-graduate and undergraduate levels in anthropology at the University of Brasília, as part of an effort to contribute to the internationalization of the department.

In 1995, I obtained a scholarship from the Canadian government to spend five weeks in Canada, carrying out a survey on social anthropology with indigenous peoples, as in the case of Australia, always using the anthropology that is practised in Brazil as a starting point. In this first survey, in Montreal, Quebec, I visited the main French-speaking university, Université de Montréal, and the principal English-speaking university, McGill University, in addition to interviewing professors from Concordia University. I also visited the Université Laval, in Quebec City, and the University of Toronto. From Toronto, I crossed Canada by bus to the city of Kamloops, in the province of British Columbia, where I visited the Programme of First Nation Studies of the Secwepemc (Shuswap) Cultural Education Society and the Simon Fraser University (SCES/SFU). I also visited the Shuswap Indian Reservations of Adam's Lake and Skeetchestn, as well as the University of Northern British Columbia (UNBC) in the city of Prince George, and the Moricetown Witsuwit'en Indian Reservation. Continuing westward, I visited the University of British Columbia (UBC) and Simon Fraser University in Vancouver, and concluded my journey at the University of Victoria in Victoria, British Columbia's capital.

During the aforementioned five weeks in Canada, I interviewed twenty-nine anthropologists who carry out research with indigenous peoples in Canada (three of whom identified themselves as indigenous) and made contact with four more (Baines 1996a). Most of the anthropologists interviewed are university professors, one worked in a government department. I also interviewed four indigenous leaders, one of whom was working on his PhD in anthropology.

In 2002, I obtained another scholarship from the Canadian government to spend three weeks in three centres in eastern Canada – Montreal, Ottawa and Toronto. From September 2009 to January 2010, I embarked on an eleven-month research leave, spending five months at the UBC in Canada under the guidance of Professor Bruce Granville Miller, and six months at the ANU from February to August 2010 under the academic supervision of Professor Francesca Merlan (Baines 2012a), two renowned experts in research with indigenous peoples and interethnic relations. These were periods of immersion in two of the main academic communities in social anthropology with indigenous peoples in these countries, under the academic supervision of two prominent international scholars, which allowed unprecedented advances in understanding the enormous diversity and complexity of anthropology in Canada and Australia. The eleven months of academic leave in



Canada and Australia allowed a huge advance in my research on styles of indigenous ethnology in national contexts.

In 2016, I decided to widen the comparison on styles of anthropology, to include Argentina, country I had previously visited to participate in several academic events spending three months at the University of Buenos Aires (UBA) during a research leave. I began a comparison with Social Anthropology with Indigenous Peoples in Argentina to complete a comparison between two countries of British and French colonization, Australia and Canada, and two Latin American countries of Portuguese and Spanish colonization. I started from a comparison of the history of anthropology in these four national states, the role of studies with indigenous peoples within anthropology, and issues such as the history of indigenist policies and the relations between national states and indigenous societies living within their territories. A bibliographical survey on publications by anthropologists and interviews with anthropologists and indigenous leaders in the respective countries on these issues was a starting point.

In 2021, I was awarded by the CNPq a scholarship² to spend three months at the Universidad de Buenos Aires, to develop the comparative research on Anthropology in Argentina. However, the leave coincided with the Covid-19 pandemic and the UBA was closed so, after attempts to postpone the visit, I finally had to return the scholarship to the CNPq, and participated in some on-line activities with Argentinian colleagues. Simultaneously, I used my post-doctoral leave of one year at the Federal University of Amazonas, under the supervision of Professor João Pacheco de Oliveira of the National Museum, Federal University of Rio de Janeiro. I participated in on-line activities, considering that Amazonas was passing through a severe period of the pandemic.

In my comparative research, I examine topics such as the formation of the discipline and its academic history in Argentina, Canada and Australia, compared with Brazil; the indigenous policy in the four countries; and the construction by national States of hegemonic categories to classify native peoples. For instance, Canada uses terms like “Indians” or “First Nations”, “Métis” and “Inuit”; Australia categorizes indigenous peoples broadly as “Aborigines” and “Torres Strait Islanders”; and Argentina, after decades of denial of their existence under the motto that “the Indians are dead”, recognizes them as “pueblos originários”. Seen from Brazil, a country where there has historically been a huge influx of Afro-descendants and where there is a significant part of the population that identifies as Afro-descendants, the narrative of the three races marked the process of nation building, of “indians”, “whites”, and “blacks”, with a plethora of categories to designate mixtures. Pacheco de Oliveira (1999) shows that in Brazil the category “Indian” is associated with a differentiated legal status, a condition that has nothing to do with opinions about the unity of race or colour.

Themes in my research also include the issue of “alterity” in indigenous ethnology; the issue of consultancies and the participation of anthropologists in indigenous and indigenist policy – as consultants and researchers in indigenous organizations funded by governments and in governmental and non-governmental indigenist organizations that deal with native populations; the relationship between the disci-

2 CNPq, Processo: 202562/2020-4, Estágio Sênior no Exterior - ESN, vigência: 01/09/2021 a 30/11/2021.



pline of anthropology and the issue of “nation building” (Peirano 1991[1981], 1992); the place of social anthropology in the respective countries and their local configurations; the ideologies of interethnic contact and histories of contact in the respective countries; current relations between indigenous populations and national States; in addition to themes such as notions of national sovereignty, the migration of indigenous people, indigenous people in urban situation, and indigenous autonomy.

At the same time, I have continued ethnographical research carried out since 1981, starting with my PhD research with the Waimiri-Atroari indigenous people and focusing the disastrous impacts of developmental projects in their territory.

Nationality and ethnicity on international borders

After several years dedicated to studying styles of anthropology with indigenous peoples in different countries, I felt a need to carry out new, long-term ethnographic research with indigenous peoples. Since the prohibition of independent research in anthropology by the Waimiri-Atroari Programme since April 1987, no independent researchers in anthropology have been granted access over the past 37 years. Professor Roberto Cardoso de Oliveira, who had returned from the State University of Campinas (UNICAMP) in São Paulo to the Latin American Studies Department at the UnB, an academic unit linked to the Institute of Social Sciences (ICS) that houses the Postgraduate Program in Comparative Studies on the Americas, invited me to co-coordinate the research project “Nationality and Ethnicity in Border Areas” (1998-2001) (Cardoso de Oliveira e Baines 2005). Research on nationality and ethnicity across international borders raises many of the theoretical-methodological questions that contribute to the establishment of an anthropology on international borders, as proposed by Cardoso de Oliveira (2005). Cardoso de Oliveira’s academic career revealed a concern with the presence of indigenous peoples on international borders since his research with the Terena on the border between Brazil and Paraguay, between 1955 and 1960 (1976, 1968), and with the Ticuna, in 1959, 1962, and 1975 (Cardoso de Oliveira 1981 [1964]), two indigenous peoples living on international borders. Cardoso de Oliveira was also concerned with studying indigenous migration processes to the city (1968), a very relevant topic for my research in Roraima.

When participating in this research project, I decided to focus on the Macushi and Wapishana indigenous peoples along the stretch of the border between the state of Roraima, Brazil, and Regions 8 and 9 of the Cooperative Republic of Guyana. This region is part of the Western Guyanese Massif, the same region where I had carried out research for my PhD with the Waimiri-Atroari people between 1982 and 1985. These indigenous peoples are located more than 300 km north of the Waimiri-Atroari Indigenous Land, along a stretch of international border that covers the region between the Jacamim Indigenous Land in the south, passing through the communities of Pium, Manoá, Alto Arraia, and Canoanim, and continuing north through the villages of Bonfim and Normândia to the community of Lamero in the Raposa Serra do Sol Indigenous Land and the communities of



Maturuca, Uiramutã, Laje, and Willimon, predominantly Macushi, in this same Indigenous Land, to the north. The research covers both sides of the border, including Lethem, St. Ignatius, Nappi, Moco-Moco and Kanapang in Guyana.

I started doing fieldwork along this border in January and February 2000, during recess from academic work, and have undertaken short fieldwork periods, most years until the pandemic in 2020. This time span has enabled a diachronic approach on the indigenous people who live on this border. I have maintained contacts with many interlocutors, to mention just a few, such as tuxaua Orlando Pereira da Silva and his wife, Luíza Maria, their children, grandchildren, siblings and in-laws who live at Uiramutã, Roraima. Additionally, I keep in touch with people who live at Santo Ignácio, Guyana, such as the indigenous ex-Regional District Chairman of Lethem, Muacir Baretto and his wife Emiline Baretto and family, Osmond Joseph, Eva Joseph (deceased) and family, their grandson Jason Johnny who studied medicine in Cuba, the former Toshua of St. Ignatius, Ernesto Farias and his family, among many others. I also maintain connections with Mário Nicácio, ex-coordinator of the Indigenous Council of Roraima (*Conselho Indígena de Roraima – CIR*), and Joênia Batista de Carvalho Wapichana, lawyer at the CIR before being elected the first indigenous woman to be a federal deputy in the history of Brazil (2019 - 2023), and from 2023 onwards the president of the FUNAI. Joênia Wapishana has been working on indigenous juridical regimes over recent years with other indigenous collaborators.

Over many years, I have accompanied several indigenous persons who live in communities along this border and also indigenous people in the capital of Roraima state, Boa Vista, with the generous collaboration and support of the then coordinator of the Organisation of Indigenous Peoples in Boa Vista (*Organização de Indígenas na Cidade – ODIC*), Eliandro Pedro de Souza (Wapichana), the then student Evilene Tomás (Patamona), and Professor Maxim Repetto, of the Federal University of Roraima (UFRR), among many others. I also have had the opportunity to participate yearly, since its creation in 2001, in the Insikiran Centre for Indigenous Higher Education at the UFRR, transformed in 2009 into the Insikiran Institute for Indigenous Higher Education.

Professor Roberto Cardoso de Oliveira, in his initial works, when addressing the issue of indigenous peoples living on international borders, refers to “typical cases of identity manipulation with representatives of the respective national States” (Cardoso de Oliveira 2000, 17) in situations such as seeking health care and educating children. Based on research carried out among the Macushi and Wapishana peoples on the Brazil-Guyana border (Baines 2006), I observed that the contextualization of identities by the indigenous people who live on this border, despite appearing contradictory and ambiguous – from hegemonic perspectives of national States that consider nationality to be an exclusive identity – is not conceived that way by them, as they see no contradiction in the fact that they identify themselves as Brazilians and Guyanese. Many hold documents from both countries. Almost all have relatives living on both sides of the border. They see no ambiguity in identifying themselves according to the contexts in which they



are inserted, and which seem natural to them. Nor do they see a contradiction in identifying themselves as Macushi and Wapishana, or other ethnic identities, when having family members from more than one ethnic group in villages that are currently pluriethnic, in addition to being transnational.

So, the affirmation of a national identity can hardly be described as a manipulation of identity from the point of view of these indigenous people. I propose the use of the notion of “contextualized identities” (Baines 2012b), depending on whether one or another nationality or ethnic identity is assumed, knowing that, frequently, both nationalities and two or more ethnic identities are assumed simultaneously. Although the indigenous people who live on this border belong to kinship networks that extend on both sides of the border into the interior of these countries and far beyond, and despite there being a flow of people constantly moving across the border, the presence of national States with indigenists policies and very different cultures has created a situation in which indigenous people see these policies as part of two distinct worlds, with few interactions between their respective indigenous organizations. From the perspective of indigenous people living on the border, what stands out are the contradictions and ambiguities in the government discourses of the respective national states.

The concept of “contextualized identities” explains better indigenous perspectives, while, at the same time, it helps to understand the situation of indigenous people living on this international border, and transnational and often pluriethnic indigenous identities, when dealing with identities that transcend the borders of the States.

The criminalisation of indigenous persons in the*- prison system of Boa Vista, Roraima

The research I am currently carrying out on the prison situation of indigenous people in Roraima complements the project focusing indigenous peoples on the international border, considering that many of the indigenous people in prison were born on indigenous lands located along the border. Some were born in Guyana or are descendants of indigenous people born in Guyana, some have both nationalities, maintaining close ties with indigenous communities on both sides of the border. I began this research in January 2008, based on a survey carried out on indigenous people in the Roraima prison system, at the invitation of a former student who I had supervised, Professor Cristhian Teófilo da Silva, from the Latin American Studies Department at the UnB. At that time, he was treasurer of the Brazilian Anthropology Association (ABA), which was coordinating a survey of indigenous people imprisoned in Brazil. The survey resulted from an agreement between the ABA and the Federal Public Ministry (MPF) (ABA/ESMPU, 2008).

This survey focused indigenous people in the states of Amazonas, Rio Grande do Sul and Bahia, taking samples from different regions of Brazil and at the request of a federal attorney was expanded to include Roraima, the Brazilian state that has the greater proportion of indigenous people in relation to non-indigenous people. The survey in Roraima had the collaboration of two graduate students who



I was supervising at the time, in July 2008, Alessandro Roberto de Oliveira and Walison Pascoal Vasconcelos (ABA/ESMPU, 2009).

The traditional territories of many of these indigenous peoples were divided by the international border when it was finally defined in 1904, present in the daily lives of indigenous people in this region. The studies carried out in the state of Roraima reinforce some of the results obtained in studies carried out in other Brazilian states (ABA/ESMPU, 2008), in which there is an ethnic mischaracterization of indigenous people by police officers, lawyers, judges, the Secretary of State of Public Security, the State Secretariat for Justice and Citizenship. This fact results in an inaccuracy in official statistics on the number of indigenous prisoners and their “legal invisibility” as subjects of differentiated rights. There are a multitude of situations that lead to their arrest ranging from internal incidents in indigenous communities in rural areas, in towns, and in the state capital, incidents involving indigenous and non-indigenous people, as well as indigenous people born and raised outside Indigenous Lands. Self-identification as indigenous is often ambiguous and contradictory, reflecting Brazilian society’s ambiguity towards indigenous people, and many prisoners identify as indigenous only in certain contexts, fearing racism and discrimination. Many explained that they already face discrimination for being poor and if they say that they are indigenous the discrimination will be even worse, so they prefer to not mention it.

The information in prison records in relation to the indigenous ethnic profile of the prison population is inconsistent. Almost all indigenous prisoners interviewed denied having received any different treatment due to their specific rights as indigenous people. Both the indigenous prison population and indigenous young people in the juvenile detention centre are made invisible in institutional statistics. The opinion expressed by the majority of prison officials and legal practitioners is that everyone should be treated equally before the law, revealing a lack of knowledge of the constitutional rights of indigenous peoples and a complete disregard for the enormous inequalities established over more than five hundred years of colonisation. Several indigenous prisoners demand different treatment, such as alternative sentences, which could be served on Indigenous Lands in the case of incidents within Indigenous Lands, with the consent of the councils of community leaders. Another demand is for a separate wing for indigenous people inside the prisons. Considering the enormously asymmetrical structure of inter-ethnic relations that underlie social, police and criminal practices, it is necessary to consider the enormous obstacles that indigenous peoples face in getting access to justice and consider the possibilities of creating differentiated institutions such as alternative penalties, respecting their constitutional rights.

This line of research is contributing to some changes. Since January 2008, when this study was started, some indigenous people imprisoned in the state of Roraima began to demand their differentiated rights guaranteed by the Constitution, which became a subject of debate in indigenous organizations, such as the ODIC in the capital, Boa Vista, at the CIR, and at the Public Defender’s Office of the state of Roraima. The possibility of creating a separate wing within prison



institutions to house indigenous inmates became a proposal from the Federal Public Ministry in Roraima.

The greatest changes over recent years have resulted from the efforts by organised indigenous groups and legal practitioners to bring into effect differentiated indigenous rights that are present in national and international legislation. The FUNAI has always focused its attention on issues related to indigenous people living on Indigenous Lands, with those in urban areas and those in prison being given very low priority in an understaffed government agency. As a consequence, indigenous defendants remain for long periods in pre-trial detention.

Despite the legislation that recommends that indigenous persons should not be imprisoned, in practice the process of criminalising them, from their arrest to the subsequent police investigation, continues to reinforce the denial of indigenous identities. This problem is reinforced by the above-mentioned common-sense assumption which I heard frequently during my research that “everyone is equal before the law”. Thus, indigenous organisations and lawyers have to contend with this commonplace but flawed assumption, which ignores the immense inequalities suffered by indigenous people over more than five hundred years of colonialism. The efforts to address these inequalities include the setting up of an all-indigenous jury by a local judge in 2015 inside the Raposa Serra do Sol Indigenous Land and the reactivation of the first Indigenous Conciliation Pole in Brazil in 2019. As mentioned above, Roraima, located in the far north of the Brazilian Amazon bordering Venezuela and Guyana, has the largest proportion of indigenous people in relation to non-indigenous people of all Brazilian states.

According to the 2010 National Census taken by the Brazilian Institute of Geography and Statistics (*Instituto Brasileiro de Geografia e Estatísticas* – IBGE), there were 49,637 self-declared indigenous persons in the state, which had a total population of 450,479 inhabitants. The 2022 National Census reveals that there were 97,320 indigenous persons in a total population of 636,303 inhabitants. Roraima also has one of the most successful and well-organised indigenous political movements in the country, the Indigenous Council of Roraima-CIR.

Joênia Wapishana, the first indigenous lawyer in Brazil and former coordinator of the Juridical Department of the CIR, has been complemented in recent years by indigenous lawyers, Ivo Cípio Aureliano Makuxi, Júnior Nicácio Wapichana, and Fernanda Félix Wapichana, and two indigenous law students³, who have been incorporated into the CIR's Juridical Department and are now working with the law to aid in the recognition of indigenous rights. These advances have taken place in a very difficult political setting, so that the election of Joênia Wapishana as federal deputy and her appointment as president of the FUNAI on 03 February 2023 have acted as a counterbalance to various anti-indigenous and environmentally destructive economic development policies promulgated by the federal government of president Jair Bolsonaro, (2019 - 2022).

The CIR is working closely with the nation-wide Articulation of Indigenous Peoples of Brazil (*Articulação dos Povos Indígenas do Brasil* – APIB) and with the president of the FUNAI, Joênia Wapishana, and also with the Joint Parliamentary

3 Departamento Jurídico, Conselho Indígena de Roraima - CIR [Legal Department, Indigenous Council of Roraima], Consulted on 17 May 2024, <https://cir.org.br/site/juridico/#:~:text=O%20CIR%20foi%20precursor%20na,advogada%20do%20Brasil%2C%20Joenia%20Wapichana.>



Front in Defence of the Rights of Indigenous Peoples (*Frente Parlamentar Mista em Defesa dos Direitos dos Povos Indígenas*) in the National Congress, made up of 237 members (210 Deputies and 27 Senators) launched on 4 April 2019. The CIR supports the training of indigenous lawyers, indigenous law operators, conciliators, anthropologists and other highly qualified professionals in the struggle to bring indigenous rights into effect, including Indigenous legal autonomy within Brazil.

As noted by Ivo Macushi, in March 2022, forty indigenous communities in the savannah region of north-east Roraima had written customary laws. Another fifteen to twenty were then waiting to elaborate their customary laws. By August 2023, this lawyer observed that approximately fifty written customary laws had been prepared by communities supported by the CIR, and others are in process of elaborating their customary laws. The predominantly Wapishana population of the Jacamim Indigenous Land has its own corpus of written customary laws covering five indigenous communities. Some cover communities or groups of communities, others cover wider areas defined by the communities. Thus, written customary laws are local and are geared towards representing local differences. When an Indigenous Land has more than one administrative division, known as an ethno-region, there may be a corpus of written customary laws for each ethno-region, each one of which would include several communities.

Efforts are being made by organised Indigenous groups and legal practitioners to bring into effect differentiated indigenous rights in the State of Roraima in Brazil, provided for in national and international legislation. The recognition of indigenous autonomy and written customary laws by the Brazilian government is a relatively recent issue in Brazilian history, and it has been a formidable task for indigenous peoples to try to undo more than five hundred years of colonisation and racism and to convince the government to recognise customary law. Despite legislation that affirms that indigenous people should not be put into prison, in practice the process of criminalising them, from their arrest to the subsequent police investigation, continues to reinforce the denial of Indigenous identities.

As Castilho e Silva emphasize,

any imprisonment of indigenous persons goes against the current legislation, which states that the latter should not be imprisoned in the first place. Resolution No. 287 of the National Council of Justice of Brazil (Conselho Nacional de Justiça – CNJ) of 25 June 2019 provides special procedures for the treatment of Indigenous persons who are accused, defendants, sentenced or deprived of their freedom, and points to a necessary way to guarantee their rights in the judiciary (Castilho and Silva 2022).

More recently, Resolution No. 454 of the CNJ of 22 April 2022 established guidelines and procedures to enforce the guarantee of the right of Indigenous individuals and peoples to have access to the judiciary. In addition, indigenous lawyers are also using the United Nations Declaration on the Rights of Indigenous Peoples, of 13 September 2007 to demand the recognition of corpuses of written customary



laws, which recognises the right of indigenous peoples to maintain and strengthen their own political, legal, economic, social and cultural institutions (Articles 5 and 34). While national and international legislation on indigenous rights is being used to establish what rights are available, such rights are being brought into effect only when indigenous organisations act as protagonists with the law.

The research context: Prisons, conflicts and rights issues

I conducted ethnographic research on indigenous efforts in Roraima that aim to create internal mechanisms to deal with conflicts and thus achieve greater autonomy from the national justice system. In the local prisons, it was not possible to undertake participant observation research; the visits I was permitted lasted some hours each day. However, I endeavoured to listen with care and attention to these indigenous peoples, letting them narrate their autobiographies and how they had come to be arrested and sent to prison, always maintaining their anonymity for ethical reasons. As a researcher, my participatory approach allowed me to inform indigenous prisoners about their differentiated rights and provide information to the majority who were unaware of them. I also provided them with information about the injustices suffered, through publications and material which could be used to contribute to the defence of their differentiated rights.

In 2000, I started a research project examining how indigenous people who live on or near the Brazil-Guyana border – which separated their traditional lands between two national States in 1904, transforming indigenous territory into “national lands” – see the issues of ethnicity and nationality. Since 2008, I have been interviewing indigenous people in the prisons of Boa Vista and following the efforts made by indigenous people to create internal mechanisms for dealing with conflicts, such as councils of *tuxauas* (indigenous leaders) at the local level, and the action of the CIR through the pioneering efforts of Joênia Wapishana and her team of indigenous lawyers and law students. In addition to interviewing indigenous people in prison, I have also interviewed penitentiary agents, non-indigenous lawyers from the Public Defender's Office, indigenous lawyers from the CIR and an indigenous judge (Baines 2009, 2015, 2016, 2021).

I have been monitoring the situation of indigenous people in prisons in Boa Vista: the Monte Cristo Agricultural Prison (Penitenciária Agrícola Monte Cristo – PAMC); the Boa Vista Public Jail (Cadeia Pública de Boa Vista – CPBV); the Boa Vista Women's Public Prison (Cadeia Pública Feminina de Boa Vista – CPFV); the Prison Hostel of Boa Vista (Casa do Albergado de Boa Vista – CABV); and the Centre for Prison Progression (Centro de Progressão Penitenciária – CPP). According to data from the National Penitentiary Department, the total prison population in Brazil increased from 232,755 in 2000, to 824,823 in December 2021. In Roraima, statistics published by the same department show an increase in the prison population from 1,302 in December 2007 to 4,213 in December 2021.

In recent years, war between factions of organised crime has erupted inside the prisons. The growing violence in Roraima's prison units, accentuated since



2013 with the presence of criminal factions, marked the rebellion that occurred in January 2017 at the PAMC, which left thirty-three people dead, revealing the consolidation of the *Primeiro Comando da Capital* (PCC) in the region. The rebellion was provoked by the rivalry between the PCC and the *Família do Norte* (FDN), which controlled the prison until then, linked to the *Comando Vermelho* (CV). The consolidation of criminal factions in prisons led to a federal intervention in 2018, which was extended thirteen times, transforming the PAMC into a centre of genocide for imprisoned indigenous people. Alternative sentences administered by indigenous communities through internal regulations offer indigenous justice systems to resolve internal conflicts that not only keep defendants within indigenous communities, but open up the possibility of resocialization according to indigenous decisions and customs. This approach is seen by the majority of indigenous people as very positive compared to their resocialization as criminals in the State's criminal justice system, in addition to opening the way for legal plurality.

In early January 2017, fifty-six prisoners were killed in the main prison of Manaus, Amazonas. Five days later, on 6 January 2017, at the PAMC, thirty-three inmates were killed⁴, some of whom were beheaded. At the time, the PAMC had a total population of over 1,400 prisoners, far beyond its capacity. In late November 2018, a Federal Intervention Task Force (*Força-Tarefa de Intervenção Penitenciária* – FTIP) initially consisting of eighty-three federal criminal police agents occupied the PAMC. The FTIP⁵ was extended thirteen times until 30 November 2021, when 423 newly appointed criminal police officers replaced them⁶. When I started this research in 2008, access to the PAMC was relatively easy with authorisation from the Director of the Prison System Department (*Departamento do Sistema Penitenciário* – DESIPE) under the Secretary of State for Justice and Citizenship (SEJUC) of Roraima, although surveillance became tighter every year. During the Federal Intervention period, I was unable to interview indigenous detainees in the PAMC (Baines 2021) and my interviews were restricted to other prisons in Boa Vista. Since the prison riots in 2017, prisoners in the CPBV have been presented for interviews handcuffed with their hands behind their backs in a position of extreme discomfort, a punishment technique (Foucault [1975] 1995) meant to dissuade them from starting new rebellions.

At the PAMC, there was always an atmosphere of insecurity, and on my first visit, authorised by the Director of the DESIPE/SEJUC, in January 2008, it was not possible to enter the prison, since two detainees had been found murdered in the early hours of the morning and a military police shock squad was entering the unit to recover their bodies. The Director of the DESIPE/SEJUC, who arrived shortly after me, asked me to reschedule my visit. As a PAMC guard told me in February 2009, “there are around a thousand prisoners in this prison, and there are only seven of us (prison agents – some agents were on leave). If there's a riot inside, we can't do anything”. The same guard explained that the inmates appoint heads of wings inside the prison, usually people who are serving long sentences and who are older and who seek to maintain order. Early in 2018, the then Director of the DESIPE/SEJUC showed me a video on his cell phone of an attempt made

4 ‘Roraima: 33 pessoas morrem em presídio’ [Roraima: 33 persons die in prison], Agência Brasil, 6 January 2017, <https://agenciabrasil.ebc.com.br/geral/noticia/2017-01/roraima-33-pessoas-morrem-em-presidio>.

5 ‘FTIP é prorrogada por mais 30 dias, e deixará Roraima no fim de novembro’ [The FTIP was extended for another thirty days and will leave Roraima at the end of November 2021], Folha de Boa Vista, 28 October 2021, <https://folhabv.com.br/noticia/CIDADES/Capital/FTIP-e-prorrogada-por-mais-30-dias-e-deixara-Roraima-no-fim-de-novembro/81055>.

6 ‘Políciais penais tomam posse um dia antes da saída de agentes da FTIP do sistema prisional de RR’ [Criminal police take office the day before the departure of FTIP agents from the prison system of RR], G1, 30 November 2021, <https://g1.globo.com/rr/roraima/noticia/2021/11/30/policiais-penais-tomam-posse-um-dia-antes-da-saida-de-agentes-da-ftip-do-sistema-prisional-de-rr.ghtml>.



by prison agents to negotiate the entry of a medical doctor into the PAMC to treat sick inmates, and there were voices shouting from inside threatening to kill other prisoners if anyone were to enter the unit.

The actual number of indigenous persons imprisoned in Roraima, as in other states of Brazil, is deemed to be at variance with official government statistics, which are far below the number of people who might identify as indigenous persons in other circumstances. The criminalisation process contributes to the erasure of ethnic identities, since there are no effective mechanisms in the prison system to identify indigenous people, and the majority of police agents, prison staff, public prosecutors and judges are unaware of the differentiated rights that apply to indigenous persons accused of crimes. Many have no training to deal with indigenous people or to overcome the institutional racism present in Brazilian society (Baines 2015, 2016).

In Roraima, where the indigenous presence is large, incarcerated indigenous people often told me that they would prefer not to identify themselves as indigenous for fear of discrimination, both from other prisoners and from prison system officials, law enforcement officers and judges. Many of the inmates interviewed are classified by prison officers, according to the categories used in the National Census of the IBGE, as 'brown in colour' (*de cor parda*), a category included in the Canaimé System, a computer programme developed for the management of prisons, police activities and prison and police intelligence in Roraima, which uses the name of a dangerous cosmological being of the indigenous peoples of this region (Whitehead 2002).

Examining how indigenous people are included in national censuses, João Pacheco de Oliveira states that "in the North (of Brazil), where there was no significant transfer of black slaves or extensive flows of immigrants converged, the category "*parda*" predominantly and necessarily evokes indigenous ancestry or identity" (1999, 134). In another publication, Pacheco de Oliveira asserts that

the category of "brown" (*parda*) is a generic indicator for mixing between different colour groups. This is absolutely not the meaning of the condition of being indigenous, which refers to a differentiated legal status, not to a situation of alleged internal homogeneity and external distinctiveness in terms of colour (Pacheco de Oliveira 1997, 69).

The national ideology of a mixed-race nation, a melting pot of races where Brazilianness overrides any ethnic differences, reinforces a tendency in Brazil to deny the presence of indigenous people. In popular thought, the idealised indigenous person is from the past or one who lives deep in the forest without contact with the national society, and those indigenous people who live in the national society are seen as being inauthentic.

When I started doing research in the prisons of Roraima, early in 2008, the Director of the DESIPE/SEJUC and other prison staff denied the existence of large numbers of indigenous persons in the prisons, stating that there were very few.



When I started interviewing inside the prisons, the number of people who identified themselves to me as indigenous, *caboco*, a descendant of an indigenous person, a son of an indian or having been born in a *maloca* grew as the interviews proceeded over the years. Some respondents did not want to identify themselves as indigenous despite admitting that they might be. However, the survey itself, carried out from January 2008 on annual visits to Roraima until the COVID-19 pandemic in 2020, encouraged some of the indigenous prisoners to organise themselves politically. This was evident from the rapid increase in the number of prisoners classified as indigenous in official statistics.

Legislation on indigenous rights in Brazil and the invisibilisation of indigenous people in the prison system

Both international and national legislation cover indigenous rights in Brazil. Convention 169 of the International Labour Organization (ILO) (1989), to which Brazil is a signatory, and which entered into force in this country in 2003, states, in Article 10, Paragraph 2, that “preference shall be given to types of punishment other than imprisonment”. The Federal Constitution of 1988 affirms, in Article 231, Indigenous people’s right to difference, that is, the right to be different and to be treated differently. In the event of the execution of a custodial sentence or provisional imprisonment of indigenous persons, compliance with the rules set out in Articles 56 and 57 of the Indian Statute (Law 6.001/1973) is mandatory. Article 56 states:

In the case of conviction of an indigenous person for a criminal offence, the penalty must be mitigated and, in its application, the judge will also take into account the degree of integration of the person. The sentences of imprisonment and detention shall be served, if possible, under a special regime of semi-liberty, at the place where the federal agency for indigenous assistance works closest to the prisoner’s dwelling.

Article 57 adds that “the application, by tribal groups, in accordance with their own institutions, of criminal or disciplinary sanctions against their members will be tolerated, provided they are not cruel or injurious, the death penalty being prohibited”.

The increase in awareness amongst the incarcerated indigenous population regarding their differentiated rights is evident in the statistics presented in the National Survey of Penitentiary Information (*Levantamento Nacional de Informações Penitenciárias* – INFOPEN⁷), published by the National Penitentiary Department (DEPEN). On January 1, 2023, pursuant to article 59 of Provisional Measure No. 1,154, the National Penitentiary Department – DEPEN was transformed into the National Secretariat for Penal Policies (*Secretaria Nacional de Políticas Penais* – SEN-APPEN), maintaining the powers and execution of responsibilities established by law.

7 Ministério da Justiça e Segurança Pública. Departamento Penitenciário Nacional. Sistema de Informações do Departamento Penitenciário Nacional – SISDEPEN 11º Ciclo – INFOPEN jul-dez 2021 [Ministry of Justice and Public Security, National Prison Department, Information System of the National Prison System – SISDEPEN 11th Cycle – INFOPEN July to December 2021], Roraima, <https://www.gov.br/depen/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/brasil> (accessed 15 May 15, 2022). This is for both sets of numbers.



In the report of the Integrated System of Penitentiary Information of July 2008, out of a total of 1,435 prisoners in Roraima only 45 indigenous people are registered and 886 *pardos*. However, in the INFOPEN report for July to December 2021, the official statistics reveal a sharp increase in the number of prisoners classified as indigenous – out of a total of 5,577 detainees, 238 people are registered as indigenous and 2,554 as *pardos*.

As already mentioned, in Roraima few indigenous people are imprisoned for accusations directly related to land conflicts. The typification of crimes for which indigenous people are accused in Roraima (see Baines 2009, 2015, 2016, 2021) is related to the fact that most detentions of indigenous people occur in the capital, Boa Vista, in other cities, and outside Indigenous Lands, and the typification of crimes does not differ greatly from that of non-indigenous people. However, while most of the accusations directed against indigenous people in Roraima are not directly related to land conflicts, indirectly there is a very close relationship between the lack of adequate Indigenous Lands demarcated by the federal government and the vulnerable situation of indigenous people.

In Roraima, there are thirty-two Indigenous Lands recognised by the federal government, of which twenty-nine are located in the savannah and mountainous region in the state's north-east. In this region, there is a difference between, on the one hand, the demarcations of three Indigenous Lands that have large extensions, the Raposa Serra do Sol Indigenous Land (1,747,464 ha), the São Marcos Indigenous Land (654, 110 ha) and the Jacamim Indigenous Land (193,493 ha), and the rest. These three Indigenous Lands meet the needs of their growing indigenous populations, providing access to natural resources, hunting space, suitable land for planting, and sites of cultural significance. On the other hand, the fragmented land demarcations carried out mainly in the 1980s, most with areas of less than 11,000 ha squeezed between farms and villages, in which some indigenous communities have been confined and others excluded, make up the rest of the Indigenous Lands in this Northeastern region. In many of the fragmented Indigenous Lands, there are attempts to claim the recovery of adjacent lands dismembered during the demarcation processes, or to carry out new demarcations of lands which were of traditional use.

With rapid population growth over the past five decades, these fragmented indigenous territories of which large areas of traditional use were dismembered, have become grossly insufficient in extension to sustain their populations. In these situations, the inhabitants are increasingly forced to seek sustenance outside their lands in the form of wage labour in the city and as agricultural labourers in rural areas. Thus, the criminalisation of indigenous people in Roraima is related to the land tenure situation and the failure of the federal government to demarcate Indigenous Lands large enough for the sustenance of their populations. Facing strong racial discrimination as “Indians” and with few opportunities, the majority become part of the poorest of the urban population in situations of extreme vulnerability, living in inadequate housing. Some live in the city waste dump, where they collect rubbish for recycling. Such plights can get them into problems with



the law, leading to high numbers of indigenous people in prison. At the CPFVB, almost all Indigenous women were arrested on charges of drug trafficking, although many claimed that it was their non-indigenous companions who were involved in the trafficking and that they were arrested when the police found drugs in their homes and their companions were absent. A few admitted that they had resorted to petty drug dealing to try to survive in a city where discrimination made it hard for them to make a living legally. Others claimed that they were just drug users and should not have been sentenced for trafficking. Yet others did not understand Portuguese sufficiently to dominate the legal jargon, to know why they had been sentenced.

A brief history of the imprisonment of indigenous people in Roraima

In order to better understand the research situation in which I work in the Northeastern region of Roraima, it is essential to examine the almost 250 years of interethnic history. The Northeast of Roraima was colonised by the Portuguese in the second half of the eighteenth century. The colonial occupation began in the 1780s in the form of a strategic military occupation, since the Portuguese were concerned with ensuring the occupation of this border area in attempts to prevent possible invasions by the Spaniards and the Dutch from the north (Farage 1991).

Indigenous people were rounded up and put into “settlements... multi-ethnic compounds” (1991, 125) in the second half of the eighteenth century. Anthropologist Nádia Farage uses historical sources to reveal that there were a series of uprisings in response to the “overexploitation of the labour-force of the settled indigenous people” (1991, 131). Farage mentions that there were massive escapes from these settlement-prisons that spread “in direct proportion to the violence used by the Portuguese to repress them” (1991, 131). According to this same author, “the recruitment of labour as provided for in Paragraph 62 of the Directory of Indians was brought into effect by Indigenous ‘principals’, leaders invested with power by the colonisers, who were supposed to supply the indigenous workers demanded by the Portuguese in due time” (1991, 131). The opinion of the Governor of the Captancy of São José do Rio Negro, Manuel da Gama Lôbo D’Almada, in his report “sent to Lisbon, was for the declaration of war against the insurgents, who should be captured and reduced to obedience” (1991, 134). Faced with the Indigenous uprising of 1790, this same governor, who had previously defended precepts of humanist colouring in dealing with Indigenous people, was “the first voice to recall the need to ‘demonstrate punishment with the delinquents’” (1991, 165).

By the second half of the nineteenth century, the French explorer Henri Cou-dreau describes the Wapishana as “Indians wearing clothes” and he observed that they occasionally worked for white people (*apud* Farage 1997, 33). From his description, this indigenous population became ethnically invisible, reduced to the category of “labourers” (Farage 1997, 41) or “tame Indians” (*Índios mansos*). In 1889, the explorer and ethnographer Count Ermanno Stradelli described the Wapishana as “docile labourers, who lend themselves well to the service of white



people” (*apud* Farage 1997, 41). Farage notes that, in the first decade of the twentieth century, the ethnographer Theodor Koch-Grünberg “passed by the Wapishana territory, in search of the Carib peoples to the north, since he assumed, like Cou-dreau, that among the former, there would be nothing worth mentioning for an ethnographic collection” (Farage 1997, 41).

By the late nineteenth century and early twentieth century, the Wapishana were already seen as peasants by certain ethnographers and explorers of the time such as the three mentioned above. After conflicts between the governments of Brazil and Great Britain in the then colony of British Guiana over the definition of the border in this period (Rivière 1995), the territories of indigenous peoples who inhabited this region were divided by the border line drawn between Brazil and Guyana in 1904. On the Brazilian side of this border, two indigenist agencies were established at the beginning of the twentieth century: the Indian Protection Service (*Serviço de Proteção aos Índios* - SPI), based on the São Marcos Ranch, and the Benedictine evangelising mission on the upper Surumu River, both replaced, respectively, by the FUNAI and by the Consolata Order (Santilli 2001). Despite using clientelistic procedures similar to the mediations between regionals and indigenous peoples over the previous decades, they sought other ends.

The anthropologist Paulo Santilli (2001) argues that during this period efforts were made to transform the indigenous peoples into national workers. Using what he calls a “clientelistic pattern”, there was an investment “in the setting up of political intermediaries, in the figure of tuxauas or village leaders, which indigenist agencies sought to legitimise and consolidate” (Santilli 2001, 40). In 1976, when I first visited this region, the majority of Macushi and Wapishana people living in the state capital, Boa Vista, had been reduced to a subaltern situation, working as cheap manual labour for the regional population.

Indigenous protagonism in Roraima was built up from the collaboration between indigenist agencies and indigenous leaders. Both the religious agents and the agents of the SPI and, from 1967, the FUNAI, sought to undermine the clientelistic relations that bound Indigenous people to the regional population (Santilli 2001). From 1975 onwards, the Diocese of Roraima started to sponsor annual meetings called “assemblies of tuxauas”. A “canteen project” was set up in the villages and, in the 1980s, the Diocese of Roraima set up a “cattle-raising project” with the objective of promoting the occupation of the savannah region in the north-east of Roraima, transforming the indigenous inhabitants into cattle ranchers.

Priests of the Consolata Order, who were involved, aimed to create a new image of indigenous people in this region as being useful for the national society in the principal legitimised activity of the Brazilian colonisers at the time, cattle-raising. From these initiatives there emerged, in 1984, the regional councils and, later, a coordination in Boa Vista, which became the CIR, which has become one of the strongest indigenous organisations in Brazil, and from which emerged the first woman indigenous federal deputy in Brazilian history, the lawyer Joênia Wapishana, elected in 2018. In December of that same year, she received the UN Human Rights Award.



Santilli points out that, “detaching itself from the village plan, the Indigenous Council was set up vertically, privileging hierarchy and political representation in partidary terms” (2001, 44). The impact of these indigenist policies on the indigenous peoples in this border region cannot be underestimated, since their original pre-contact cultures had undergone radical transformations as a consequence of colonisation, followed by a re-emergence of specific indigenous identities over recent decades. Many, reduced to slavery, were seen by the regional population, and came to see themselves, as Brazilian peasants, *cabocos* (*caboclos*, mestizos or colonised indigenous people). Gradually, they elaborated their strategies to assert their rights before the federal government in a process of indigenous protagonism in which many have moved away from the stigmatised identity of peasant *cabocos* and asserted themselves as Macushi, Wapishana, Ingaricó, Taurepang, Patamona and other indigenous peoples.

The North American anthropologist, Bruce Miller (2001), in the case of the north-west coast of North America in Canada and the United States, examines how, for indigenous peoples, the history of colonialism has frequently led to a loss or distorted sense of their own native practices of justice, similar to what has happened in northeast Roraima. Miller examines ways in which contemporary Coast Salish native communities have dealt with this dilemma and struggled to re-establish control over justice in the face of conflicting pressures resulting from a long colonial history. Looking at different communities, the Upper Skagit Indian Tribe in Washington State, the Stó:lo Nation in British Columbia, and the South Island Tribal Council on Vancouver Island, Miller shows how each of these communities has taken its own direction in establishing a system of tribal justice.

In similar ways, indigenous peoples in north-east Roraima are writing down their corpuses of customary laws, from recent efforts started by the indigenous lawyer Joênia Wapishana of the CIR, for each local group of communities, aiming at greater indigenous autonomy associated with controlled justice programmes.

Indigenous written customary laws: A pathway towards legal pluralism

A significant point in the building of corpuses of Indigenous written customary laws was that in 2001 the CIR started a project called ‘Indigenous Law Operators’ within its Juridical Department, and ever since has been claiming the recognition of indigenous customary laws⁸ based on Article 231 of the Brazilian Federal Constitution of 1988, Convention 169 of the ILO, and Article 9 of the Indian Statute (Law 6.001/1973). Since at least 2012, the writing down of what are called locally ‘indigenous internal regimes’, internal norms or corpuses of customary laws has been an activity supervised by the CIR’s Juridical Department from demands made by the indigenous communities themselves.

The then coordinator of the Juridical Department, Joênia Wapishana, who had worked for twenty-two years as the CIR lawyer, stressed the right to free, prior and informed consent based on ILO Convention 169. As mentioned above, this convention was ratified by the Brazilian government in 2002 and came into force

8 I translate *regimentos internos*, the term used by the Indigenous Council of Roraima (Conselho Indígena de Roraima; CIR), as “written customary laws”, since customary or consuetudinary laws are usually thought of as being oral and not being written down. The CIR is writing them down as a strategy to demand their recognition by the federal government.



in Brazil in 2003. The principal aim has been to create conditions whereby indigenous communities may solve many conflicts internally, thereby reducing the numbers of people being imprisoned in the national justice system, which means avoiding their being sent to Brazil's increasingly violent and overcrowded prisons.

The indigenous internal regimes are at an incipient stage, and many are in the process of construction. Their domain is, however, limited, since, as many indigenous people affirm, in cases of crimes classified as heinous, including homicide, attempted homicide and rape, the family who is victim will frequently not accept the intervention of local leaders and demands that the accused be sent to the national justice system. Also, offences practised outside Indigenous Lands, in the capital Boa Vista and in smaller towns or ranches are often difficult to be dealt with by local customary laws, since they occur outside the local jurisdiction and frequently involve non-indigenous people.

Despite the difficulties, some cases of homicide on Indigenous Lands have been successfully handled by councils of *tuxauas*, using local customary laws and alternative punishments which are carried out on Indigenous Lands. This is sometimes on lands of other ethnic groups, such as a Wapishana man, who was sent to spend a period of several years living in a distant Waiwai community, and another man who was sent to serve some years living with the Yanomami people as an alternative punishment. Others have served their alternative punishments in distant communities within the same Indigenous Land.

The Indigenous Jury and the Indigenous Conciliation Pole in Northwest Roraima

Other measures aimed at promoting greater indigenous autonomy have been attempts by a local judge to create a jury inside the Raposa Serra do Sol Indigenous Land and the reactivation, in early October 2019, by the Law Tribunal of Roraima (*Tribunal de Justiça de Roraima – TJRR*), of the first Indigenous Conciliation Pole (*Polo Indígena de Conciliação*) in Brazil, which has been installed in the Maturuca community in the Raposa Serra do Sol Indigenous Land in 2015. This Conciliation Pole aims to help solve internal conflicts between indigenous people without depending on the immediate interference of the national justice system, which refers here to the network of institutions of Brazil that work to reach a criminal sentence: the civil, military and federal police forces, public prosecutor (*Ministério Público*), judiciary (*Poder Judiciário*) and public defender (*Defensoria Pública*).

The first Indigenous popular jury (*júri popular indígena*), held on Raposa Serra do Sol Indigenous Land in 2015, marked a judicial decision from the Court of Roraima in relation to the procedure of the Court of the Jury, which was aimed at contributing to the valuation of indigenous specificities and customs. On 23 January 2013, a crime deemed as attempted homicide occurred when two Macushi men attacked a Patamona man inside a store in the village of Uiramutã, when they were purchasing goods. The case was first taken to a Council of Leaders, but was not solved within the community. The judge, Aluizio Ferreira Vieira, who himself



identifies as Wapishana, affirmed that the initiative of the Justice Tribunal of Roraima, in setting up a popular jury, aimed to straighten relations between the state and indigenous populations by reflecting on the respect for cultural diversity in conflict-resolution processes. The popular jury, made up exclusively of indigenous people, caused tension by the fact that it involved accusations of sorcery, since the defence lawyer of the accused affirmed that the latter committed the crime because they believed that the victim was a *Canaimé*, a supernatural lethal being who is part of the cosmology of the indigenous people of this region and is capable of causing death (Whitehead 2002).

In the Guiana Shield Region, indigenous people from distant villages and/or from different ethnic groups are subject to accusations of sorcery (Rivière 1984, Roth 1924) and are sometimes identified with *Canaimé*. The main defence claim centred on the indigenous tradition known as *Canaimé* and that the alleged crime occurred on an Indigenous Land with both the accused and victim being indigenous, justifying the composition of the popular jury occurring on Indigenous Lands to be of indigenous members. One of the accused was absolved and the other, who confessed to attacking the victim because he considered him to be *Canaimé*, was sentenced to three months' imprisonment in open regime for having caused a slight bodily injury.

The first Indigenous people's jury, made up exclusively of indigenous members from different ethnic groups – Macushi, Ingarió, Patamona and Taurepang – was evaluated by some indigenous leaders in Roraima as a great advance by the consideration given to indigenous culture in a move towards legal pluralism or jusdiversity⁹ (Souza Filho 2021). However, some indigenous leaders saw the jury as part of the national justice system transplanted onto Indigenous Lands, despite having an all-indigenous jury, since it did not comply with indigenous customary practices.

In a case that occurred in 2000, in which an indigenous man named Basilio was judged for homicide, the Jury Tribunal of the Federal Justice of Roraima acquitted him, since he had been previously condemned and punished to banishment for ten years from his own community, accepting the thesis of *non bis idem*, a legal doctrine to the effect that no legal action can be instituted twice for the same cause of action. This decision respected indigenous cultural diversity and at the same time satisfied state penal proceedings.

My case studies in Uiramutã village in the Raposa Serra do Sol Indigenous Land between 2000 and 2015 include an account of a young man who had fled from his village, Camararé, after being accused of homicide. He fled to Uiramutã, fearing vengeance from the victim's family and presented himself to the village's leader (tuxaua), Orlando Pereira da Silva, who called a meeting of the Council of Leaders. The accused was sentenced to five years' work with the leader of Uiramutã. After completing his sentence, he asked permission to go back to his community; however, the victim's family did not agree, and he negotiated moving to Água Fria community, where he had no close relatives. His case was not taken to the police, since it was understood to have been solved internally, without the

9 Jusdiversity, a concept that is wider than legal pluralism, is "the recognition of each people's own jurisdiction" (Souza Filho 2021, 27). It is the recognition by the federal government of different ways of conflict management based on ethnic and cultural particularities.



intervention of the national justice system.

In another case, that of a Macushi man named Denílson Trindade who was accused of the homicide of his brother in the Manaó-Pium Indigenous Land in 2009, the community leaders condemned the accused to banishment to the Waiwai community in the southeast of Roraima state for five years. A criminal prosecution had started; however, the judge referred the case to the constitutional provisions of the 1988 Federal Constitution and ILO Convention 169 to declare the absence of the federal government's right to punish, declaring his incompetence, since the indigenous community has the competence to judge an indigenous person, according to its own customary justice system.

The first Indigenous Conciliation Pole in Brazil was inaugurated on 4 September 2015 by the President of the Federal Supreme Court (STF) of Brazil, but it was later suspended. It was reactivated on 4 October 2019 by the auxiliary judge of the Court of Justice of Roraima, Aluízio Ferreira Vieira, the coordinator and idealiser of the Indigenous Conciliation Pole. The Court of Justice of Roraima offered capacitation for a team of Indigenous conciliators. According to Ferreira Vieira, this is part of a policy of access to justice, since the Pole provides conditions for the autonomy of indigenous communities to solve their conflicts in a differentiated way, according to their culture and customs. The Conciliation Pole covers around 76 communities and serves a public of approximately twelve thousand persons.

The indigenous movement in Roraima has frequently made demands for greater autonomy and measures aiming at decolonisation. In the Declaration of the 48th Assembly of Indigenous Peoples of Roraima State, on 12 March 2019, the indigenous peoples of Roraima demanded that the Public Ministry (Public Prosecutor – *Ministério Público Federal* - MPF), the Federal and Federal Public Defender's Offices (*Defensoria Pública da União* – DPU) and State Public Defender's Office (*Defensoria Pública do Estado*), the State and Federal Courts (*Juízo Estadual e Federal*), and the Court of Justice of Roraima (*Tribunal de Justiça de Roraima*), develop and prioritise articulated and dialogued actions which give access to justice for indigenous communities and recognise the legitimacy of decisions taken based on the corpuses of customary laws of indigenous communities.

The elaboration of corpuses of customary laws by the communities together with indigenous lawyers, the indigenous jury held at Maturuca in the Raposa Serra do Sol Indigenous Land in 2015, and the Indigenous Conciliation Pole implemented in this same Indigenous Land (and reactivated in 2019) reveal initiatives to meet indigenous demands for greater legal autonomy and thereby reinforce differentiated rights, especially when defendants commit offences within Indigenous Lands.

These measures are having some success in Roraima, which marks a breakthrough in bringing indigenous rights into effect. These measures aim at the recognition of customary practices for solving juridical matters; they are written in the form of internal customary laws or norms that coexist with the Brazilian system, and are brought into effect through Councils of Leaders (*Conselhos de Tuxauas*), indigenous conciliators, and lawyers in a society where legal pluralism or



just diversity may be put into practice and become a reality. Through the initiatives described above, there is an ongoing attempt by the indigenous movement to reduce the number of indigenous people being sent to the extremely overcrowded and notoriously violent national prison system, where conditions are appalling, and where organised crime factions control the situation inside some prisons. These measures seek to offer alternative punishments, moral corrections and indigenous ways of resocialisation as alternatives to the national prison system.

Led by indigenous law operators, these struggles to overturn present-day discrimination and achieve the full recognition of differentiated rights mark a major turning point given the long history of injustice perpetrated against native peoples in Brazil.

This research project aims to collaborate with the CIR in anthropological studies that can offer support for land claims in the case of many Indigenous Lands that were dismembered in very small areas during the final years of the military dictatorship in the early 1980s, and during the following years, and are inadequate for the rapidly growing indigenous populations. I express my thanks to the indigenous peoples of Roraima who, through their generous collaboration, made this research possible and to the law operators who accepted being interviewed. All my research has been supported by the Brazilian National Council for Scientific and Technological Development (*Conselho Nacional de Desenvolvimento Científico e Tecnológico – CNPq*) through a PQ-1A scholarship.

Since 2000, trying to comprehend situations of ethnic reelaboration among indigenous peoples in the Northeast region of Brazil, to provide a contrast with my research in the North Amazon region, I have followed the situation of the Tremembé indigenous people on the west coast of Ceará state, where I have visited Almo-fala, Varjota and the Córrego João Pereira Indigenous Land¹⁰, in the municipalities of Itarema and Acaraú. In 2007, I began visiting the communities in the Barra do Mundaú Tremembé Indigenous Land following the impact of a mega-project of international tourism, *Nova Atlântida*, which invaded this indigenous territory and threatened these communities. The mega-project triggered acceleration in the process of ethnic reelaboration. The homologation, final step in the process of regularization of this Indigenous Land of 3,511 hectares on 28 April 2023, has been an advance in the recognition of land rights, however, Tremembé leaders affirm that land invasions have continued.

Since 2009, I have also made several visits to the Jenipapo-Kanindé indigenous people of the Aldeia Lagoa Encantada Indigenous Land, in the municipality of Aquiraz, where the inhabitants have set up a community-based tourism project. In 1997, this indigenous people started a land claim, under pressure from invasions of large scale tourist projects and a sugarcane liquor industry. In 2011, a declaratory order was published for this Indigenous Land and the FUNAI started the demarcation process of 1,734 hectares. In February 2024, landmarks were installed.

Concluding remarks

This article aims to give a brief outline of my trajectory within the Depart-

10 For which an ex-student, Professor Cristhian Teófilo da Silva, prepared the Circumstanced Report of Identification and Delimitation of the Córrego do João Pereira Indigenous Land in 2000 for the FUNAI, resulting in the first Indigenous Land demarcated in Ceará state in 2002.



ment of Anthropology at the University of Brasília. Further details of my academic production, national and international connections with scholars in Canada, Australia, Argentina, and other countries are available in my CV Lattes. Here I highlight some of the main lines of research within the department in order to show how being in the Department of Anthropology at the UnB has deeply influenced the lines of research chosen and the directions taken. I have also been accredited by the university to offer courses and direct post-graduate students in the Department of Latin American Studies (PPGECsA/ELA) since 2008. In the Anthropology Department, I participated in the Affirmative Action Committee of the department, in addition to being president of the first Selection Committee for Indigenous Students for quotas at post-graduate level in 2014 and a member of the same Committee in 2015.

Over the past decades, I have aimed to make several theoretical and methodological contributions to the understanding of the social, economic, cultural and political reality with regard to studies with indigenous peoples, always maintaining an international perspective through comparisons. Also, I intend my research to be useful for indigenous peoples, aiming to collaborate with the people with whom I work. My participation in the Insikiran Institute of Indigenous Higher Education at UFRR, since 2001, has been of great value in this sense, by opening up an opportunity to dialogue with indigenous students from this Institute.

I am a researcher at the CNPq since 1990 and, since 2008, have a PQ-1A research scholarship, which has made possible a significant increase in my scientific production since that date. Since my long postdoctoral leave in Canada and Australia (2009-2010), I have intensified the contacts established with researchers/university professors in these countries and my participation in international events as well as publications in national and international journals. The Laboratory and Study Group on Interethnic Relations (*Laboratório e Grupo de Estudos em Relações Interétnicas* – LAGERI, DAN), which I coordinate since 1997, has been serving as a study and research laboratory for team discussion of work within the theme of interethnic relations, including individual research by postgraduate students and undergraduate students, researchers carrying out post-doctoral internships at the DAN/UnB, professors from universities in Brazil and abroad, international researchers who carry out research in Canada, Australia, Argentina and other countries. I have been participating intensely in the coordination of Symposia, Working Groups, and Round Tables at national and international scientific events over the last few years, which was made possible with resources from the CNPq Research Productivity Scholarship 1A¹¹.

One of the most rewarding activities in the Department of Anthropology at the UnB has been teaching and supervising students at post-graduate and undergraduate levels. Since 1989, I have supervised sixteen PhD dissertations, co-supervised one PhD dissertation, and supervised twenty-seven master's theses, twenty-six Scientific Initiation Scholarship students at undergraduate level, fifteen other undergraduate students, and thirteen post-doctorate scholars, including one scholar from Japan. Retired in 2023 at 75, I continue as a Senior Research Collaborator and

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permanent professor in the DAN and in the ELA, and at present (May 2024) I am supervising seven PhD students, co-supervising two PhD students one in the Law Faculty at the UnB, and another at the University of Salamanca, one undergraduate student, two master's students, and a post-doctoral scholar. Among those I have supervised at PhD level, one is professor in the Anthropology Department, another professor in the Latin American Studies Department, and yet another professor in the Faculty of Education. Others are professors in other universities in Brazil and in Chile. Another who I supervised at undergraduate level is professor in the Anthropology Department.

I have supervised and am supervising eight indigenous students at graduate level, including Professor Gersem José dos Santos Luciana Baniwa, the first PhD in Anthropology by an indigenous candidate in Brazil. He completed his PhD on indigenous education in the Upper Rio Negro in 2011. After several years as professor of indigenous school education at the Federal University of Amazonas, he has been serving as a professor of Anthropology at the UnB since 2021.

The UnB offers a very favourable space to carry out research with indigenous peoples, since my years as a doctoral student under the precise and patient guidance of Professor Julio Cezar Melatti, the three theoretical doctoral seminars offered by Professor Roberto Cardoso de Oliveira, and courses given by other colleagues from the Department of Anthropology. After starting to lecture in the department in 1989, the generous encouragement of Professor Roberto Cardoso de Oliveira in inviting me to participate in his research project on Styles of Anthropology in 1990 and, later, to co-coordinate a project he initiated on Nationality and Ethnicity on Borders, has been fundamental. Also, it has always been a very smooth experience working in a department that functions exceptionally well thanks to the dedication of the highly competent team of administrative and technical staff.

I have always tried to practice anthropology with indigenous peoples, within the style of indigenous ethnology that is done in Brazil. My approach seeks to collaborate with the people, to denounce cases of violence perpetrated against indigenous peoples by State policies, to unveil the apparent contradictions between the perspective of the national State that sees its borders as finite limits, and the perspectives of the indigenous people who live on these borders, who see their cross-border life as part of a daily existence of belonging to two or more national States. I highlight the violence of the State when incarcerating indigenous people when the State's own legislation recommends non-incarceration, and the implementation of alternative forms of social control administered by indigenous societies.



About the author

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Author's contribution

Stephen Baines is responsible for the integral conception, analysis, methodology and writing of this article, as well as for raising the funds that enabled the research reported on to be carried out.

Recebido em 30/05/2024.

Aprovado para publicação em 05/06/2024 pela editora Kelly Silva (<https://orcid.org/0000-0002-1522-5072>).

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