



**Qualis A1 - Direito CAPES**

## **Editorial**

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Our greetings to all of you! Despite the new conflict in the Ukraine, we stand firm in the hope that 2022 will be a year of changes and improvements in the world situation, and particularly in Brazil! Here we would like to announce the first issue of 2022 of the Journal Law and Praxis (v. 13)! As usual, we bring new manuscripts in all our sections: unpublished articles, dossier, reviews, and translations!

The theme of Covid 19, as it could not be otherwise, is still present, with papers that analyze the pandemic in its different connections: democratic recession, digital platforms, and emergency measures. Political-legal issues and dilemmas appear in articles that analyze processes of struggles for rights and, ultimately, democracy itself. In a broader context we have a critical review of constitutionalism of 1988, already in more specific contexts the articles bring consistent studies, also of critical nature, on the issue of race, violence against women, the “right to disconnection” in the world of work, the recognition of transgender people, the parliamentary struggle for rights of the Roma. The issue of transitional justice appears in approaches within the Brazilian and Ecuadorian scenarios. Gender issues and policies are also present both in an approach from legal pluralism and decolonial thinking and in an institutional approach to the Judiciary. Finally, the issue of otherness in its political dimension and pragmatic



uses. Undoubtedly, the reader will be confronted with provocative and stimulating works from different perspectives.

In the first Dossier of the year 2022, carefully organized by the guest editors Carina Calabria and Flavianne Nóbrega, both from the Federal University of Pernambuco, we bring a discussion as important as it is urgent regarding the indigenous issue, whether through studies that report and denounce the disrespect and violation of rights, or through studies that seek mechanisms to guarantee the rights of these original peoples. Important connections are made not only with law, but also with anthropology, sociology, and politics. Questions of good life and of a different anthropological referential help us to think outside the parameters of colonial and Eurocentric modernity. In this same perspective follow the translation of the article “Writing Beyond Distinctions” and the review of the book Xukuru: Memories and History of the Indians of the Serra de Ororubá.

As always, we warmly thank everyone who contributed to this issue of the Journal: authors, translators, and guest editors. It is from this collaborative work that our journal is made! We remind you that the editorial policies for the different sections of the journal can be accessed on our website and that submissions are permanent and always welcome! We thank, as always, the authors, reviewers and reviewers, and collaborators for the trust placed in our publication.

Enjoy your reading!

**Direito e Práxis Team**



## **“Tell the People and the Courts to advance: the efficacy and impact of the Xukuru Indigenous People v. Brazil case”**

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### **1. Introduction**

Property is one of the main objects of legal disputes involving indigenous and traditional peoples. Hence, it must be studied taking into consideration the plurality of its meaning and the plurality of legal regimes regulating land ownership, native rights, and *jus standi* before domestic and international courts. The special issue "*Tell the people and the courts to advance: the efficacy and impact of the Xukuru Indigenous People v. Brazil case*" aims at contributing to an interdisciplinary and inclusive reflection on property, indigenous rights, and efficacy of international courts and justice systems. It is probably one of the first successful endeavors at assembling, in a single volume, the voices of those many players who build up the Inter-American Court of Human Rights (IACtHR) case. In the following articles, the reader will find contributions of legal actors, human



rights defenders, anthropologists, historians, lawyers, and, surely, of the protagonists of a human rights trial.

This special issue represents what we envision as outstanding research in human rights, balancing advancement of the field with social impact. It uses the history of mobilizations of the Xukuru of Ororubá Indigenous People and the paradigmatic decision handed down by the IACtHR on February 5<sup>th</sup>, 2018 as a starting point for understanding the global regime of indigenous rights.

According to Xukuru people's tradition, when a warrior dies, he or she must not be buried. Indigenous who leave this world to become "enchanted" must be planted, so that a new lineage of warriors may sprout. In a similar way, we believe that a final ruling should not bury a set of violations or wrap up a legal dispute; rather it should inspire new lineages of decisions that assure rights and non-repetition of offenses.

The last century witnessed a reconfiguration of the legal subjectivity and the rights of indigenous and traditional peoples. In the early 1920s, the recognition of indigenous peoples as autonomous subjects of international law, legally capable of concluding treaties was consistently withheld. In normative terms, the situation began to change in the middle of the 20<sup>th</sup> century, through the groundbreaking work of the International Labor Organization (ILO) and its *Convention 107*<sup>1</sup>. In the following decades, the advisory opinion of the International Court of Justice (ICJ) in the *Case of Western Sahara* (1975), which recognized the international personality of indigenous peoples, is seen as a landmark. In force since 1991, *ILO Convention 169* represents a decisive step in the consolidation of the contemporary international regime on indigenous rights, enabling the formalization of other important normative instruments such as the *United Nations Declaration on the Rights of Indigenous Peoples*, formally adopted by an

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<sup>1</sup> Although it was established as the first effort to codify indigenous rights and remained for years the only hard law document regulating these rights, ILO Convention 107, adopted in 1957, reflected the tone of the time and was severely criticized for its paternalistic character.



overwhelming majority of 143 Member States in 2007, and the *American Declaration on the Rights of Indigenous Peoples*, adopted in 2016.

These normative instruments and the institutional apparatus that arises to guarantee their fulfillment reflect a change in attitude in international law, moving from a negationist perspective to an assimilationist one and then to an attitude of solidarity. Such transformations have encouraged indigenous peoples to progressively assume the central role they should have in the formal consolidation of their rights. Discussions derived from this increasing inclusive landscape during the 1970s expanded to other fields such as anthropology and history, which also began to consider indigenous peoples as protagonists of their legacies and of the narratives about themselves. The development of a transnational justice system, composed of institutions and of a growing jurisprudence aimed at protecting rights, has been consolidating these changes of perspective with the help of networks of human rights activists and advocates, organizations, and social movements. As a result, in the span of a little more than a century, the status of indigenous and traditional peoples has changed from that of subjects formally excluded from the community of nations to legitimate subjects of constitutional and international law. This relatively recent reconfiguration, while representing a significant advance in the symbolic and formal field of law, does not always translate into a guarantee of rights in practice.

At the domestic level, the influence of this movement for recognition of rights and indigenous autonomy becomes visible through processes of constitutional and institutional reform. These reforms, generally initiated in the 1980s, formalized inherent rights for indigenous peoples, allowing the coexistence of diverse sets of norms, forms of social and political organization within the same society. Despite formal advances in the consolidation of indigenous rights at various levels, the new constitutional wave in Latin America has not guaranteed the reduction of violations in the ground.



Following a the Latin American pattern, Brazil displays a mismatch between progressive rules and remaining transgressive practices. Despite the existence of more than 300 indigenous peoples according to the last census, the reforms presented by the 1988 Constitution - the first one written with a more active participation of indigenous leaders and with a less assimilationist tone - and the ratification of international conventions such as ILO 169, violations of indigenous people's rights are frequent. The current moment is considered by many analysts as a moment of regress.

The trajectory of the Xukuru of Ororubá Indigenous People and the paradigmatic decision of the IACtHR offer a striking portrait of the reality of indigenous rights in Brazil. Combined, they show the various abuses that arise from the constitutionally guaranteed right of demarcation of traditional territory, including its slow pace and the legal insecurity that accompany the process. They also show the difficulties attached to accessing justice (domestically and in international forums) and ensuring the compliance with decisions rendered by international courts. According to some of the authors of this special issue, the Xukuru case "is configured by a set of events and procedures that can only be read if put together, like a large puzzle. Entangled in its pieces are human lives and the destiny of a people that resisted an overwhelming colonizing process, which has presented different facets throughout history".

## 2. Thematic special issue structure

This special issue is structured in three sections, integrated by nine articles and a critical book review (written by the history PhD student Arthur Victor Barros). Additionally, the last section of this editorial gives room for the manifestation of the Xukuru people themselves about the IACtHR decision. The nine articles establish a timeline of the case. Starting in the 18th century, in the village of



Cimbres, it goes through the mobilizations for demarcation of the traditional territory during the 1980s and 1990s until it reaches the Inter-American Human Rights System (IAHRS), in 2002 and then continues to generate impacts in the present.

The selection of authors took into account gender parity, ethnic diversity, interdisciplinarity, and balance between academics and non-academics. More importantly, it gave priority to those directly involved with the judicialization of the case at the domestic and international levels. Women make up most of the contributors to this special issue (12 in relation to 9 men). Some of these authors had passage in prestigious institutions abroad and are currently working in domestic universities situated throughout 4 out of the 5 Brazilian regions.

The *first section*, consisting of two articles, traces the anthropological and historical profile of the Xukuru people. Adding a "flesh and blood" element to understanding the case, it gives voice to the protagonists - something rare in articles examining decisions and efficacy of the Inter-American Court - by means of oral testimony and ethnographic studies.

The *first article* "*Povo Indígena Xukuru do Ororubá: uma história de mobilizações por afirmação de direitos*" [*Indigenous People Xukuru of Ororubá: a history of mobilizations for assuring rights*], written by Edson Silva and Isabela Paes, situates the Xukuru territory as a mosaic of disputes and violations dating back to the eighteenth century. The article highlights the continuous, prolonged, and non-linear nature of reclaiming, delimitating, demarcating, and titling traditional lands. It sheds lights on historical milestones and figures of this process. The *second article* "*Conflitos, Violências e o Caso Xukuru na CIDH*" [*Conflicts, Violence and the Xukuru Case at the CIDH*], written by Kelly de Oliveira, Rita Neves and Vânia Fialho, is the result of a technical report prepared by the authors to underpin the Brazilian Association of Anthropology statement before the IACtHR. In this relevant contribution, the authors highlight the indigenous mobilizations against criminalization of their right to traditional land, ambushes and murders of



local leaders, and difficulties in accessing justice. By providing an anthropological mediation, they allow a better understanding of the lived dimension of judicial decisions.

The *second section*, consisting of three articles written by authors who were directly involved in the litigation before the Inter-American System of Human Rights<sup>2</sup>, outlines the procedural and legal profile of the case from a behind-the-scenes view. While providing a critical record of the procedures, they reveal the dilemmas and challenges of international action, clarifying how a case is brought before and decided by an international court.

The *third article* “*O Povo Xukuru frente ao Sistema Interamericano de Direitos Humanos [The Xukuru People before the Inter-American Human Rights System]*” is written by Jayme Benvenuto and Luis Emmanuel Barbosa da Cunha, both human rights defenders with work experience at the *Gabinete de Assessoria Jurídica das Organizações Populares (GAJOP)* (Office of Legal Counsel to Popular Organizations)<sup>3</sup>. The article describes the strategy of multiple international actioning used by the authors back in 2002. On this occasion, communications informing the human rights violations endured by the Xukuru indigenous people were presented simultaneously to the Inter-American system, to the UN Secretary General's Special Representative on Human Rights Defenders, and to the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples. The authors also reflect on the legal strategy used in their petition and on the dilemma they faced when choosing between adopting a legal

<sup>2</sup> In addition, we recommend the reading of an article written by two other lawyers, Manoel Severino Moraes de Almeida and Sandro Henrique Calheiros Lôbo, who were responsible for some of the legal steps that took the case to the IACtHR. See: Lôbo, Sandro; Almeida, Manoel; Advincula, Maria Júlia. The Xukuru case: gaps and omissions in the sentence issued by the Inter-American Court of Human Rights. *Revista CNJ*, Brasília, DF, v. 3, n. 2, p. 67-75, jul./dez., 2019.

<sup>3</sup> The initial petition was presented in 2002 by the Office of Legal Counsel to Popular Organizations (GAJOP), the National Movement for Human Rights/Northeast Region (Movimento Nacional de Direitos Humanos/Regional Nordeste MNDH), and the Missionary Council for Indigenous Peoples (Conselho Indigenista Missionário). In 2016, the organization Global Justice (Justiça Global) joined the list of representatives of the victims in order to ensure the technical, political, and financial support that would allow the case to continue.





thesis grounded in the right to property, following the IACtHR jurisprudence, or in another one based on identity pluralism and ancestry.

The *fourth article* “*Caso Povo Indígena Xukuru vs. Brasil: Uma trajetória processual perante a Corte Interamericana de Direitos Humanos [The Xukuru Indigenous People v. Brazil: A Procedural History before the Inter-American Court of Human Rights]*” is written by Rodrigo Deodato and Raphaela de Araújo, both human rights defenders with work experience at the NGOs such as GAJOP and *Justiça Global* (Global Justice). The article explores the journey of the Xukuru Indigenous People v. Brazil case at the IACtHR, providing details of the hearing held in 2017 in Guatemala, the sentence published in 2018, and the current moment of monitoring compliance with the decision. By elucidating the circumstances that hindered the submission of the brief of requests, arguments, and evidence by the Xukuru’s people representatives, they reveal the intrinsic difficulties that underfinanced non-governmental organizations face when representing a case for nearly two decades at the Inter-American Human Rights System - particularly when the victim legal aid fund was still not functioning.

The *fifth article* “*Autodeterminação ou Tutela? Uma análise do Caso Xukuru [Self-determination or trusteeship? An analysis of the Xukuru case]*” is written by Sílvia Maria da Silveira Loureiro (who was, together with other specialists of the Clinic of Human Rights and Environmental Law of the University of the State of Amazonas, accepted as *amicus curiae* in the Xukuru case) with the assistance of Dandara Viégas Dantas and Jamilly Izabela de Brito Silva. The article identifies procedural aspects that could be improved in the IAHRs to guarantee a legitimate role for indigenous peoples during the litigation. In addition, it advances an analysis on the process of compliance with the final sentence pointing out divergences between Brazilian domestic law, the right to collective property of indigenous territories, and the principle of self-determination.

The conviction of Brazil in the Xukuru case represents a historic achievement. However, four years after the issue of the final decision, the diligent



fulfillment of the reparation measures established by the IACtHR, as well as the adequacy of the domestic legal order to the Inter-American jurisprudence remain unknown. The last section of this special issue attempts to shed some light on these aspects.

The *third section*, consisting of four articles, outlines the socio-legal profile of the case, analyzing its effects based on the notion of an “efficacy chain” composed of five layers: observation, application, strengthening, implementation, and adequacy<sup>4</sup>. The efficacy chain proposes a landscape upon which it is possible to observe interactions of law and society arising from international court decisions. The use of layers gives visibility to aspects of efficacy that are often overlooked in investigations that focus only on compliance or on recurrence of violations similar to those identified in the case. In this way, it helps to identify social structures and processes on which a decision produces greater effects or has insufficient permeability. For this reason, rather than a binary view (effectiveness/ineffectiveness), this model provides a gradual, nuanced, and relational assessment of efficacy.

The *sixth article* “*Direitos Indígena na América do Sul: Observância dos Parâmetros Interamericanos [Indigenous Rights in South America: Observance of the Interamerican Parameters]*”, written by Gabriela Navarro in co-authorship with Marina Mejia Saldaña and João Augusto Figueiredo, analyzes observation (understood as acts of spontaneous adherence) of the decision. Carrying out a comparative study, the article examines the convergence of South American countries to the jurisprudential parameters developed by the IACtHR regarding indigenous territorial rights.

The *seventh article* “*Normas cosmopolitas e efetivação dos direitos humanos: uma análise do caso do Povo Xukuru vs. Brasil perante a Corte Interamericana de Direitos Humanos [Cosmopolitan norms and the enforcement*

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<sup>4</sup> For more details, see: CALABRIA, Carina. The effectiveness of the Inter-American Court of Human Rights. 2018. 258 p. Thesis ( Law PHD) - University of Manchester, Manchester, United Kingdom, 2018.



*of human rights: an analysis of the case of the Xukuru People v. Brazil before the Inter-American Court of Human Rights]*”, written by Guilherme Scotti and Manoel Batista do Prado Junior, evaluates the application of the sentence by Brazilian domestic courts. Assessing the communicative flows between the ruling and the jurisprudence of the Supreme Federal Court (STF), the authors make a sharp criticism of the interpretations recently applied by the domestic tribunal to cases involving disputes over indigenous lands. In particular, they highlight how the “time frame” thesis disregards constitutional precepts, international norms and jurisprudence, and a history of violent evictions of indigenous peoples from the territories they traditionally occupied prior to 1988.

The *eighth article* “*A Nulidade do Registro do Imóvel Caípe [The Nullity of the Caípe Property Registry]*”, written by Ela Wiecko Volkmer de Castilho and Manoel Lauro Volkmer de Castilho, deals with the implementation of a specific aspect of the sentence handed down by the IACtHR: the *saneamiento* of the territory, meaning, the removal of any kind of interference from third parts. The authors perform a brilliant review of historical documents in parallel with a diachronic interpretation of Brazilian constitutional regimes on traditional land occupation by indigenous peoples. As a result, they unveil the recurrent flaws of a justice system that has failed to understand, for more than a century, the historical and ethnological truth of the Xukuru presence on their traditional lands. The authors defend the nullity of a series of decisions, including those issued by the Superior Court of Justice (STJ) and the Supreme Federal Court (STF), endorsing the registry of the Caípe property, a property engraved in indigenous territory, in the name of third private actors<sup>5</sup>.

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<sup>5</sup> Some discussions relevant to this case are still under analysis of the justice system due to a motion (ação rescisória) for annulling the final judgment. For further information see NÓBREGA, Flavianne; NASCIMENTO, Anne Heloise; CASTRO, Cláudia; CASTRO, Renata Xavier; LEIMIG, Juliana; AMORIM, Alexsandra. Local monitoring of the Inter-American Court's decision in the case of the Xukuru indigenous people and their members vs. Brazil after trial. In: NÓBREGA, Flavianne (org.). **Democratizando o acesso ao Sistema Interamericano de Direitos Humanos**: estratégias para promoção local dos direitos humanos, Recife: Ed. UFPE, 2021. p. 128-130.



The *ninth article*, the essay “*Caso Xukuru e o Bem Viver do povo Fulni-ô [The Xukuru Case and the Well-Living of the Fulni-ô People (PE)]*” is written by Paula Manuella Silva de Santana and co-authored by Tiago Queiroz de Magalhães. In its "attempt to promote a new perspective that would decolonize the Law" the article ponders on the impact of the case on the struggle of other ethnic groups in the state of Pernambuco. The authors highlight how the Xukuru and the Fulni-ô peoples, among others, conceive the idea of land and territory. As a result, they present the thought of several indigenous on essential elements of their cosmovision.

### 3. Xukuru, with k: the importance of university outreach program actions to guarantee rights

It is important to identify the role of the university and, more specifically, of the research project *Access to the Inter-American System for Human Rights Protection* (aSIDH) in this special issue. Some of the reflections brought in this edition are the result of an integrated research developed over the years<sup>6</sup>. By means of this research, the university outreach program aSIDH promoted an interdisciplinary dialogue between the indigenous Xukuru people, non-governmental and

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<sup>6</sup> The basis of this action research, in addition to the authors and co-authors of this special issue, would not have been possible without the direct collaboration of Camilla Montanha, Claudia Xavier de Castro, Renata Xavier de Castro, Ana Carolina Amaral Pinto, Anne Heloise Barbosa do Nascimento, Alexandra Amorim Cavalcanti, Juliana Leimig Santos and Breno Assis de Andrade - senior members of the aSIDH outreach at UFPE. We also highlight the contribution of our veteran in the aSIDH outreach, UFPB graduate, Marcella Ribeiro d'Ávila Lins Torres, with solid experience in indigenous issues in the Inter-American Human Rights System, currently working in AIDA (Interamerican Association for Environmental Defense); as well as the strong encouragement of the external collaborator of the aSIDH outreach since 2012, researcher and professor Evorah Lusci Costa Cardoso, author of the pioneering work *Strategic Litigation and the Inter-American Human Rights System*. Institutionally we thank the funding received by the PROBEX calls of the Dean Office of Culture and Community Outreach Program of UFPB, the PIBIC and BIA scientific initiation calls of FACEPE, Dean Office of Research and Graduate Studies of UFPE, the 2018 CNPq call and, in particular, the PIBEXC call of Dean Office of Culture and Community Outreach Program of the UFPE. We also thank the Xukuru do Ororubá Indigenous People and their leaders, Chief Marcos and his mother Dona Zenilda, and the young people who make up the Xukuru Youth. We thank the *Encantados*, to whom we always ask for strength and permission to carry out our work. Without their mobilizations, this special issue would not make sense.



governmental organizations. This experience was fundamental for recovering important elements of the case, which are not formally included in the case records, favoring the protagonism of the Xukuru people of Ororubá in the defense of the rights of their people.

Preliminarily, it should be noted that, although the Inter-American Court of Human Rights judgment uses the spelling Xucuru, it should be written with a "K" and not a "C". The proper reference is "XUKURU DO ORORUBÁ"<sup>7</sup>, which is how the indigenous people call themselves. It was noticed that in the petitions sent by the petitioners' lawyers to the Inter-American Human Rights System, there was this misspelling, which was repeated in the judgment of the Inter-American Court of Human Rights and is replicated in citations from Brazilian courts and legal documents. The aSIDH outreach at UFPE has debated this issue in academic meetings since 2016, with specialized jurists, anthropologists, historians, and archaeologists, along with indigenous peoples<sup>8</sup>.

The Outreach Program (aSIDH)- currently located at the Recife Law School of the Federal University of Pernambuco- acts as a unique Legal Clinic experience, integrating outreach, action-research and proposing a new legal practice in the field of human rights, involving strong engagement of undergraduate and graduate students and of the civil society. The aSIDH University outreach program has acted to advance and innovate in the way of thinking about Law in an interdisciplinary way and putting it into practice beyond its walls, bringing it closer to the local context and strengthening the protection of the rights of socially

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<sup>7</sup> This is because the people to whom we refer are the inhabitants of Pesqueira and Poção, who claim to have chosen the self-designation "Xukuru of Ororubá", so as not to be confused by non-Indians (read the press and society in general) with another indigenous people, the Xukuru-Kariri, most of whom live in the municipality of Palmeira dos Índios/AL and also in Paulo Afonso/BA and Caldas/MG. In 2003, after internal conflicts initially provoked by a dissident group resulting in violence in the village Vila de Cimbres, indigenous families expelled from the Xukuru do Ororubá territory, declared themselves the "Xukuru of Cimbres" and are currently recognized as an indigenous people living in the urban area of Pesqueira and in a territory that includes part of the rural area of the neighboring municipalities of Pesqueira, Alagoinha, Venturosa and Pedra.

<sup>8</sup> These contributions are in chapter II, entitled "Indigenous Rights", of the book "Democratizing Access to the Inter-American Human Rights System: Strategies for the Local Promotion of Human Rights", launched by the UFPE's Publishing Press.



vulnerable groups. The activities of the aSIDH outreach began in 2012 at the Federal University of Paraíba as a university outreach project, approved by call and awarded three times with the UFPB's Elo Cidadão [Citizen Link] award. In 2016, the aSIDH Outreach Project began operating at the Federal University of Pernambuco, highlighting the Inter-American System's Monitoring Forum on the case of the Penitentiary Complex of Curado in Pernambuco, as well as the work with the Xukuru of Ororubá indigenous people in Pernambuco, bringing the University, which already had strong involvement with the history and memory of the Xukuru people, closer to the petitioners, who legally represented the Xukuru people before the Inter-American Court of Human Rights.

In these 10 years of operation, the aSIDH outreach activities have been based on two pillars: a) human rights education - staff training on the Inter-American Human Rights System, by promoting local workshops and conducting mini-courses with students, legal professionals, civil society and socially vulnerable groups; b) legal assistance on international matters in strategic demands, building legal theses in defense of socially vulnerable individuals and groups of individuals, based on international protection parameters so that they become protagonists in the monitoring and defense of rights. The proposed dialogue between the internal and international parameters has favored the supervision and application of human rights treaties locally, empowering victims who have faced serious human rights violations.

Among the objectives of the aSIDH outreach is the awareness of the local justice system for the protection of human rights, through the replication at the domestic level of the Inter-American Human Rights System's standards of protection. To this end, the following actions have been developed a) production of opinions and technical notes for NGOs and state agencies in order to promote the incorporation of international parameters for the defense of rights and strengthen them locally; b) elaboration of diagnostic reports of protection and violation of rights for sending to the Inter-American Commission and Court of



Human Rights; c) training students and socially vulnerable groups, such as indigenous peoples and *quilombolas*, to become protagonists in monitoring the implementation of human rights; d) participation in local monitoring forums for the implementation of the decisions of the Inter-American System of Human Rights; e) actions as *amicus curiae* in relevant national cases of general repercussion for the protection of human rights, which require academic contribution.

To achieve its institutional goals, the outreach program has partnerships with the Federal Public Prosecution Service in Pernambuco (MPF), the Federal Public Defender's Office in Pernambuco (DPU), the Office of Legal Counsel to Popular Organizations (GAJOP), the Dom Helder Câmara Center for Studies and Social Action (CENDHEC), besides the collaboration of the Missionary Council for Indigenous People (CIMI, Northeast Office).

These already consolidated partnerships were very significant in building bridges, acting as a network in the defense of human rights, involving the university, with special emphasis to GAJOP - which at the time was the only non-governmental organization in the North and Northeast to act in strategic litigation in the Inter-American Human Rights System.

Thus, when GAJOP sought out the aSIDH outreach program to help in the case involving the Xukuru of Ororubá indigenous people, the contribution of interdisciplinary work by historians, archeologists, and anthropologists from UFPE were incorporated, with in-depth knowledge of the history and memory of those people. In this way, it was possible to advance beyond the legal view that was being discussed in the law cases before the Inter-American Court of Human Rights, identifying gaps and presenting collaborative contributions.

In 2016, Edson Hely Silva, a full professor of history specialized in the Xukuru people of Ororubá, and Ricardo Pinto de Medeiros, a professor in the Department of Archeology specialized in the cartography of indigenous peoples of the Northeast in the colonial period, both from UFPE, formally joined the aSIDH



outreach project. In 2017, the aSIDH Outreach Academic Report was prepared, matured with the contributions of the anthropologist Vânia Fialho, Human Rights defenders Sandro Henrique Calheiros Lôbo and Manoel Moraes de Almeida, who respectively worked for CIMI and GAJOP at the time when the case was before the Inter-American Commission on Human Rights. They helped to recover important aspects of the criminalization of the Xukuru people of Ororubá that were not in the case file. This academic production was received by the Inter-American Court of Human Rights, in São José de Costa Rica, on January 22, 2018, in the person of the lawyer Carlos Gaio, prior to the trial of the case Xukuru and others vs. Brazil. Along with this report, the book by Professor Edson Silva "Xukuru: Memories and History of the Indigenous of Serra do Ororubá (Pesqueira/PE), 1950-1988" was also sent, published in the 2nd edition in 2017 by the UFPE Publishing Press, for the Inter-American Court to have access to academic material with relevant information for the trial.

In parallel, a very close work was carried out with the Xukuru de Ororubá indigenous people, so that they could become aware of the scope of the Inter-American Court's decision in the case and could replicate it for other indigenous peoples in Brazil. There was the participation of the Assembly of the Xukuru of Ororubá people in 2018, in which Professor Flavianne Nóbrega and Professor Edson Silva were given a chance to speak about the impact and scope of the decision of the Inter-American Court of Human Rights in the case "Xucuru versus Brazil", with the presence of indigenous peoples from all over the country. The outreach aSIDH still accompanied the 2019 and 2020 Assemblies. In 2020, due to the pandemic, a panel was formed, with online broadcasting, to disseminate the research actions of the aSIDH outreach program, consolidated in the special issue, at the 20th Assembly of the Xukuru of Ororubá. The two-hour debate is available for online viewing on Ororubá Filmes' website, which contributes to the visibility





and transparency given by the program to its actions<sup>9</sup>. The participation in the annual assembly of this indigenous group demonstrates the social impact of the project and the relationship developed with social groups that are protagonists in the debate about issues of law with national relevance. The program also visited indigenous leaders in 2019, bridging dialogue with state agencies to raise awareness about the Court's decision.

In 2018, the aSIDH Outreach Project formally transformed into the aSIDH Outreach Program<sup>10</sup>, was registered at the Dean Office of Culture and Community Outreach Program of the UFPE, as it had consolidated outreach projects in various thematic axes with research-action (Economic, Social and Cultural Rights, Indigenous Rights, Gender Law, rights of persons deprived of liberty, rights of human rights defenders). Also in 2018, it had the reinforcement of the Research Project entitled "Monitoring and compliance with the decisions of the Inter-American System of Human Rights: investigation of the institutional arrangements that favor and hinder their implementation in Brazil" approved in the National Council for Scientific and Technological Development - CNPq, through the Call - MCTIC/CNPq No. 28/2018. The project, housed in the Postgraduate Program in Law and running until 2022, has the specific objective of monitoring compliance with the decision of the Inter-American Court of Human Rights in the Case of the Xukuru Indigenous People v. Brazil for the construction of human rights indicators and to analyze the impact of the case "Xukuru Indigenous People v. Brazil" in the control of conventionality in the Brazilian context for other indigenous peoples.

Among the human rights training actions on indigenous issues and international protection parameters, the ones described below stand out. In September 2017, the aSIDH outreach program organized the lecture for the launch of the book "Xukuru: Memories and Stories of the Indigenous of the Serra do

<sup>9</sup> To watch the debate, go to: <https://www.youtube.com/watch?v=fOYI6GMiOU4>. Accessed February 2022.

<sup>10</sup> Dean Office of Culture and Community Outreach Program of the UFPE aSIDH channel - [https://www.youtube.com/watch?v=a\\_DKRFUtUkg](https://www.youtube.com/watch?v=a_DKRFUtUkg)



Ororubá (Pesqueira/PE), 1950-1988" by History Professor Edson Hely Silva, an important publication of the UFPE Publishing Press, which impacted the advancement of the debate on the Xukuru vs. Brazil case at the Inter-American Court of Human Rights. In November 2017, the aSIDH promoted together with the Public Defender of the Union (DPU) the seminar "Strategic litigation before the Inter-American System of Human Rights: aspects related to the Northeast Region of Brazil"<sup>11</sup>, with the participation of the Chief Marcos Xukuru, archaeologists, and historians from UFPE, members of the aSIDH outreach program, professor Evorah Lusci Costa Cardoso and public defenders Pedro de Paula Almeida and Isabel Penido Machado.

In May 2018, the aSIDH participated in the Assembly of the Xukuru people, in the Pedra D'água village, in Pesqueira-PE, highlighting the importance of the decision of the Xukuru people vs Brazil case for other indigenous peoples in Brazil as a parameter of conventionality control. In October 2018, it organized for civil society the minicourse "Opportunities and Challenges of the Inter-American Human Rights System: construction about the impact of the SIDH on the defense and protection of Human Rights within Regional and Universal Systems", with the participation of the visiting researcher Carina Calabria, who became part of the aSIDH Outreach Program at UFPE. In 2019, the event "Deconstructing Western concepts: the linguistic and cultural stigma concerning indigenous peoples" was also held, with the presence of indigenous professors to resignify the reading of legal texts about indigenous peoples at the Recife Law School.

Also significant in this context, in May 2019, was the organization promoted by the aSIDH outreach program of the Minicourse "The Inter-American System of Human Rights and the Case of the Xukuru Indigenous People: between implementation and impact", with the presence of the main actors in the case, enabling the Xukuru people on the dimensions of the decision and reinforcing the

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<sup>11</sup> [https://www.ufpe.br/ccj/informes/-/asset\\_publisher/hQUi8Q51DUkU/content/litigancia-estrategica- perante-o-sistema-interamericano-de-direitos-humanos-23-e-24-de-novembro/40703](https://www.ufpe.br/ccj/informes/-/asset_publisher/hQUi8Q51DUkU/content/litigancia-estrategica- perante-o-sistema-interamericano-de-direitos-humanos-23-e-24-de-novembro/40703)



importance of the sentence in the Case of the Xucuru Indigenous People x Brazil for the exercise of conventionality control in a pioneering way in Brazil. It was the first public academic event, which brought together the main actors of the case, in order to assess the impacts of the decision and its challenges, with the participation of the Chief Marcos Xukuru and members of the indigenous Xukuru people, the petitioners (GAJOP and local CIMI), members of the Federal Public Prosecution Service, Federal Public Defender's Office, Attorney General's Office, anthropologists, historians and researchers from UFPE.

This event was academically structured by professors Flavianne Nóbrega and Carina Calabria to give the Xukuru de Ororubá people the opportunity to understand all the stages of the process in the Inter-American System of Rights, analyze its impact and promote dialogue amongst the various actors involved. It was a historic moment due to the presence of chief Marcos Xukuru who was, for the first time, in the UFPE Law School; and a breakthrough in the dialogue with the local Federal Public Prosecution Service, which in the past criminalized so much the Xukuru of Ororubá people. Because of the richness of all the talks and the contributions to the memory of the case, far beyond what is in the records of the lawsuit, the Dean Office of Culture and Community Outreach Program of the UFPE began the work of editing the videos, which are available on the Proexc channel at UFPE<sup>12</sup> and in the outreach program's portfolio aSIDH of the UFPE. In this structure, it is worth noting on the first day (May 9, 2019), we had the following sequence of panels. 1. Reflection Circle "The Xukuru of Ororubá people and the case of the Xucuru Indigenous People and its members Vs. Brazil: the look of the protagonists", with Prof Edson Silva (UFPE), Guilherme Xukuru (Xukuru People) and Prof Vânia Fialho (UFPE/UPE); 2. Seminar "Introduction to the Inter-American System of Human Rights" Pedro de Paulo Lopes de Almeida ( Public

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<sup>12</sup> Link from the channel of the Dean Office of Culture and Community Outreach on the workshop "The Inter-American Human Rights System and the Case of the Xukuru Indigenous People: Between Implementation and Impact" <https://www.youtube.com/watch?v=CDOe1JJyVQs>



Defender of the Union - DPU) Question and Answer Session "The Inter-American System of Human Rights", with Prof. Flavianne Nóbrega (UFPE), André Carneiro Leão (Regional Human Rights Defender - DPU), Tayná Lemos (AIDA), Profa Maria Lúcia Barbosa (UFPE). On the second day, May 10, 2019, a Discussion Round in the morning with human rights defenders who acted in the case in the phase of the Inter-American Commission on Human Rights "The Memory of the Case of the Xukuru Indigenous People and its members Vs. Brazil: the look of different actors and representatives", was held with Prof Luis Emmanuel Barbosa Cunha (UFPE/Faculdade Damas), Prof Manoel Moraes de Almeida (UNICAP), Prof Sandro Lobo (CESMAC), Edna Jatobá (GAJOP). In the afternoon, we had the Seminar "Strategic Litigation in the Inter-American System of Human Rights and the Case of the Xukuru Indigenous People and its members Vs. Brazil" by Prof. Luis Emmanuel Barbosa Cunha (UFPE/Faculdade Damas). This was followed by a speech by Chief Marcos Xukuru and the participation of the representative of the local Federal Public Prosecution Service Polireda Madaly Bezerra. Afterwards, the lawyer Prof. Rodrigo Deodato from UNICAP, who worked at GAJOP, led the panel on "The flow of the case of the Xukuru Indigenous People and its members Vs. Brazil in the IACtHR: a critical analysis of the process, the final decision and its compliance. Later in the afternoon, researcher Carina Calabria presented the seminar "Compliance with judgements in the Inter-American System of Human Rights: the Brazilian experience and the indigenous and tribal peoples' experience", bringing a comparative analysis of the entire indigenous jurisprudence of the Inter-American Court of Human Rights. At the end, we had the debate round "The implementation of the case of the Xukuru Indigenous People and its members Vs. Brazil: challenges and impact", with the mediation of professors Carina Calabria and Flavianne Nóbrega and representatives of the leadership of the Xukuru People, the Federal Public Prosecution Service - represented by André Estima de Souza Leite, GAJOP, CIMI and DPU and AGU.



At the end of the activity, an action plan was presented for the elaboration of a thematic Special issue, as a consequence of the event, which was later sent to the Journal Law and Praxis [Revista Direito e Praxis].

Through the activities described in this section, it has been observed that indigenous peoples are not only victims of violations, but also protagonists in the defense of their rights. The experience of the aSIDH with the Xukuru of Ororubá People is an exemplary case in this regard. Their history of struggle and protagonism in the defense of the rights of indigenous peoples gained greater traction after the 1988 Constituent Assembly. In recent decades, they have faced serious human rights violations in a very difficult and violent demarcation process, in which the "recoveries" of ancestral territory has become a necessity. At times, the Xukuru of Ororubá people faced criminalization<sup>13</sup> by state agents who were institutionally supposed to protect them. All this singular and complex context contributed to a distrust of the justice system. For this reason, an interdisciplinary work involving anthropologists, archaeologists, historians, and lawyers was fundamental for a re-signification of the Law as a powerful instrument. The aSIDH conducted training activities enabling indigenous Xukuru of Ororubá lawyers on the work of the Inter-American Court of Human Rights. In 2019, one of these lawyers took a training course on the IASHR promoted by the Inter-American Institute of Human Rights in Peru. These initiatives, which complement historical efforts, empower the Xukuru protagonism to replicate the paradigmatic decision in domestic law, serving as the basis of the control of conventionality in Brazil on indigenous territorial rights. From this perspective, the qualification of both the aSIDH outreach program and the Xukuru People of Ororubá as *amicus curiae* in the XOKLENG case (RE 1.017.365 SC), of general repercussion in the Federal

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<sup>13</sup> NÓBREGA, Flavianne Fernanda Bitencourt; LIMA, Camilla Montanha de. How the indigenous case of Xukuru before the Inter-American Court of Human Rights can inspire decolonial comparative studies on property rights. *Revista de Direito Internacional*, Brasília, v. 18, n. 1, p. 359, 2021.



Supreme Court, is quite significant<sup>14</sup>. This case will define the constitutional legal status of ownership relations in areas of traditional indigenous occupation. There is no doubt that the leading role should remain with the original peoples.<sup>15</sup>

#### 4. The voice of the protagonists: tell the people to advance

This section starts with an explanation about the drawing specially designed by a young female Xukuru artist to illustrate the cover of this special issue. In sequence, it presents the letters adopted during the Xukuru do Ororubá Indigenous People annual Assemblies held in the two years following the issue of the IACtHR decision. Both letters mention the sentence and give a dimension of the indigenous perspective on the case.

##### 4.1 “Victory at the Inter-American Court ensuring the future of our generations”

The artwork that illustrates the cover of this special issue was particularly produced by artist Amanda Leite Xukuru. According to the artist, "Imagining the knots that must be undone in order to continue our struggle, I bring the letter of the 1988 Constitution in my left hand and the symbol of the clenched hand in my right hand: the representatives of the Inter-American Court, our indigenous people and the sacred Ororubá stone symbolizing the victory at the Inter-American Court of Human Rights. The image, loaded with symbology, expresses

<sup>14</sup> NÓBREGA, Flavianne Fernanda Bitencourt; PAFFER, Maria Eduarda Matos de; NASCIMENTO, Anne Heloise Barbosa do. Ius Constitutionale Commune and Brazilian indigenous law: the impacts of the decision of the case Povo Xukuru versus Brazil in jurisprudence and national public administration. *Revista Brasileira de Políticas Públicas*, Brasília, v. 11, n. 2, 2021, p. 633.

<sup>15</sup> NÓBREGA, Flavianne; BARBOSA, Maria Lucia; CUNHA, Luis Emmanuel; LIMA, Camilla Montanha; NASCIMENTO, Anne Heloise; CASTRO, Cláudia; CASTRO, Renata Xavier; LEIMIG, Juliana; AMORIM, Alexsandra; ANDRADE, Breno; AMARAL PINTO, Ana; BARROS, Isabela; FIGUEIREDO, João . UFPE as *amicus curiae* in the indigenous case of the Xokleng people of general repercussion for demarcation of indigenous lands throughout Brazil. IN: NÓBREGA, Flavianne (org.). *Democratizando o acesso ao Sistema Interamericano de Direitos Humanos: estratégias para promoção local dos direitos humanos*, Recife : Ed. UFPE, 2021 p. 172.



the importance of the decision and the protagonism of the indigenous people and their struggle.

#### 4.2 LIMOLAYGO TOYPE: I AM XIKÃO!

We, the Xukuru of Ororubá Indigenous People, gathered in the period from May 17 to 19, 2018, held our Annual Assembly which began with the Sacred Ritual, held in the Terreiro do Rei do Ororubá, asking for strength from the Encantados, our Father Tupã and our Mother Tamaim to open the paths and guide our activities. The Espaço Mandarú, completing one (1) year of construction and baptism, welcomes all the partners, friends, and our People who come to this Sacred Place to participate in our Assembly. This year, the Xukuru People relive, with emotion, the memory of the twenty (20) years since the assassination of Chief Xikão. Son, husband, father, grandfather, friend, companion, a warrior who gave his life for the cause of the Xukuru People, today, Encanto de Luz, gives us strength, persistence, and courage to face daily struggles. An example for all! Bearing in memory and in the heart the Xikão Xukuru Identity, the Assembly, in this year 2018, discusses Chief Xikão, reminding everyone of his personal life and struggle alongside the People he loved so much. We counted with the participation of about two thousand (2,000) people in these three days. Besides the warriors of the People, representatives of the villages Pão de Açúcar, Pé de Serra de São Sebastião, Pé de Serra dos Nogueiras, Cana Brava, Brejinho, Afetos, Caípe, Caetano, Couro Dantas, Oiti, Caldeirão, Capim de Planta, Lagoa, Cimbres, Sucupira, Guarda, Jatobá, Pedra D'Água, Curral Velho, São José, Gitó, Mascarenhas, Santana, Passagem, Cajueiro and the indigenous people of the City, as well as the relatives of the peoples Kapinawá, Kambiwá, Pankararú, Truká, Fulni-ô, Tapuia, Tabajara, Potiguara, Baré, Guajajara, Pitaguary.

We also counted with the presence of several institutions and supporters, namely: IFPE- (Floresta, Pesqueira, Garanhuns, Petrolina), UFPE- (Recife, Vitória e



Caruaru), UFPB, UFRN, UPE, UFBA, FACOL, NEABI – UEPB, METROPOLITANA, Greenpeace, Quilombo Mundo Novo, IPJ – Instituto Protagonista da Juventude, PCB, Grupo ALAFIN OYÓ, Movimento Nacional dos Meninos e Meninas de Rua, Coletivo dos Educadores Sociais – Recife, Sindicato dos Trabalhadores Rurais de Pesqueira, Jornal das Comunidades, MCP – Movimento das Comunidades Populares, CIMI, Fundação Joaquim Nabuco, PT Pesqueira, PSOL, PDT, PCB, FOJUPE, FETAPE, MIRIM Brasil, SERTA, COJIPE, IPA, PDT.

Affirming the "I am Xikão" in these three (3) days, from its History of Struggle, the Xukuru youth, using the most modern ways to strengthen their ancestral features, externalize in the plenary, in several moments, their position in promoting the indigenous identity in the various environments where they are inserted, taking responsibility and leadership in the continuity of the struggle.

Several people highlight their struggles in defense of our Territory, alongside Chief Xikão, and this struggle is not in the past, it is happening today with all those who are against the indigenous cause, who seek, whether in a personal or a political way, to diminish or eradicate the rights conquered with the blood of our warriors.

We must be vigilant, and not accept the change of these rights. The massacre, the impunity, the violability of rights, the lack of respect to history, beliefs, and habits must stop. Colonization killed many of us. To have come this far means that we are resilient! The economic and political system is no different from this colonization. At every moment they want to impose on us ways of living, thinking, and behaving in society, without taking into consideration what the Federal Constitution guarantees us in its articles 231 and 232, which recognizes the indigenous people's right to social organization, customs, languages, beliefs, and traditions, and the original rights over the lands that they traditionally occupy. Strengthened by the victory in the Inter-American Court of Human Rights - IACtHR, which holds the Brazilian State responsible for the violation of the rights of the Xukuru People, with a unanimous decision. Determining that the State must





conclude the process of eviction and guarantee immediately and effectively the right to collective property of the Xukuru of Ororubá Indigenous People. We hope and we will fight for the compliance of the sentence!

In this way, we will combat the omission of the Brazilian State in the demarcation of the lands of our relatives who still suffer from occupation by landowners. The Xukuru of Ororubá Indigenous People, in conjunction with all our relatives who identify with Mandaru's struggle, shout without fear: I AM XIKÃO!

I am Xikão, for fighting for my territory, for my rights, for seeking equality, for wanting space to speak, for being part of the minority forgotten and massacred by opponents. I am Xikão because I want a country free of impunity, free of greed, free of power, free of individualism. I am Xikão because I will shed my blood, if necessary, for my people, for the forests, for water, for the Earth. And we are sure that this spilled blood is a source of life, a source that waters the seed planted to germinate, to grow, and to bear the fruits of warriors.

The Xukuru people, strengthened and without fear, renew their commitment to building a just, fraternal, and plural society.

*– Tell the People to Advance! –*

*We will advance! Aldeia Pedra D'Água, 19 de maio de 2018.*

#### **4.3 LIMOLAYGO TOYPE: IN DEFENSE OF LIFE, I AM XIKÃO!**

We, Xukuru of Ororubá Indigenous People, gathered in the period from May 17 to 19, 2019, held our annual assembly that began with the Sacred Ritual, held in the Terreiro do Rei do Ororubá, asking for strength from the Encantados, our Father Tupã and our Mother Tamaim to open the paths and guide our activities.

The Espaço Mandarú welcomes all the partners, friends, and our People who come to this Sacred Place to participate in our assembly. This year the Xukuru people remember the importance of life in its fullness, life based on the Law. This



defense takes place in the field of respect for diversity, we are a multi-ethnic and multicultural country.

By the Constitution of the Federative Republic of Brazil (CRFB 88, art. 5) we have the right to LIFE, based on the promotion of human dignity, access to conquered rights, such as: health, housing, education, leisure, freedom, and territory. The right to experience culture and religiosity in its maximum expression, strengthening the individual through his cultural identity, inherited from his ancestry, passing it on to future generations.

We counted with the participation of about two thousand and three hundred (2,300) people in these three days. Besides the warriors of the People, representatives of the Villages Pão de Açúcar, Pé de Serra de São Sebastião, Pé de Serra dos Nogueiras, Cana Brava, Brejinho, Afetos, Caípe, Caetano, Couro Dantas, Oiti, Caldeirão, Capim de Planta, Lagoa, Cimbres, Sucupira, Guarda, Jatobá, Pedra D'Água, Curral Velho, São José, Gitó, Mascarenhas, Santana, Passagem, Cajueiro and the indigenous people of the city, as well as the relatives of the peoples Kapinawá, Kambiwá, Pankararu, Entre-Serras Pankararu, Truká, Fulni-ô, Potiguara, Baré, Kariri Xocó, Atikum, Pankará, Munduruku, Pitaguary, Wassú Cocal, Guajajara, Tabajara, Terena, karapotó-Terra Nova, Tuxá, Xakriabá. We also counted with the presence of several institutions and supporters, namely: IFPE (Pesqueira, Caruaru, Belo Jardim, Vitória), UFPE (Recife, Caruaru, Vitória), UFRPE, UFPB, UFRN, UPE (Arcoverde/GEPT, Mata Norte), UFCA, UNIFAVIP, UFERSA (Mossoró), AESA-CESA, GRE (Arcoverde), UBM– União Brasileira de Mulheres (Pesqueira, Arcoverde), APISUL, IPJ – Instituto de Protagonismo Juvenil, PEBDDH-SEDH-PE, PPDDH-DF, MCPM Movimento das Comunidades Populares, Damas de Lá, Samba de Coco Toybe do Ororubá e Xener de Jurema, Grupo Totem (Recife), DPU – Defensoria Pública da União, APIB, COPIPE, CREFEP, Conselho de Lideranças Xukuru do Ororubá, ACIX – Associação da Comunidade Indígena Xukuru, Coletivo de Mulheres Xukuru do Ororubá, JUPAGO KREKÁ, COIXO, CISXO, Poyá Limolaygo, Conselho Estadual de Educação Escolar Indígena, SESC PE (Confluências), VNA –



Vídeo nas Aldeias, SINTMEP, Ação Comunitária Caranguejo Uçá, Secretaria de Justiça e Direitos Humanos de Pernambuco, Maranhão, Bahia e Distrito Federal, Jornal Voz das Comunidades, SESAI/DSEI, Universidade Indígena Aldeia Maracanã, Sindicato dos Trabalhadores Rurais de Pesqueira, CIMI, PT Pesqueira, PSOL, PDT, PCB, SERTA, FOJUPE, COJIPE, IPA, EREM (Pesqueira, Belo Jardim), COMPESA (Pesqueira), PMP – Prefeitura Municipal de Pesqueira, ISEP, SEAFPE – Secretaria Estadual de Agricultura e Reforma Agrária de Pernambuco, Senado Federal, SINASEFE IF Sertão-PE, Coque Resiste, Revista Continente, Clínica Multidisciplinar de Direitos Humanos UNICAP, Diálogos Insubmissos, Residência Multiprofissional em Saúde da Família e Atenção Básica de Jaboatão dos Guararapes – PE, NEABI, UEPB, Raiz Movimento Cidadanista, Museu da Parteira.

This year the assembly had as its agenda the labor reform, of the Temer Government, the proposed social security reform, the dismantling of indigenous policy (health, education and territory), in the Bolsonaro Government, the conjuncture analysis of the struggles of indigenous peoples in confronting these issues and the environmental crimes that devastate indigenous communities and all people in the country, especially those that occurred in the state of Minas Gerais in the cities of Mariana and Brumadinho. The people, strengthened by the discussions during these three days of assembly, reinforces its negative stand against the labor reform that erodes social development, increasing the level of inequality, requiring the development of resistance to this form of aggression, since all wealth is the strength of the rural worker. In response to the social security proposal, the people foment their discontent, because categorically this reform is an instrument to institute the precariousness and enslavement of life. [POVO INDÍGENA XUKURU DO ORORUBÁ CARTA DA XIX ASSEMBLEIA – 2019]

All of us, workers, must know the capacity of struggle, resilience, and resistance that we possess, in the need to manage and protect the Gifts of Sacred Nature given to us by Tupã and Tamain. We need to act, extinguishing all forms of repression, since there is no form of power that can stop a united nation, fortified



in the Sacred. Faced with the political situation, we are challenged with the destruction of indigenous policies at the Federal and State levels that directly affect education, health, and the territory of the peoples, such as: the paralyzing of demarcations; the imposition of the temporal mark as an interpretation of the law for demarcations; the cutting of FUNAI's budget, which currently works with 10%; the end of the CNPI- *Conselho Nacional de Políticas Indigenistas* – (National Council of Indigenous Policies), which impedes our oversight of the Government's actions; and the lethargy in complying with the judgement of the Inter-American Court of Human Rights. We understand that these reasons are the dismantling of conquered policies and the denial of recognition of new rights, and we stand against the hate speech implanted in the country, since the presidential election period, which generates social instability, promoting violence against marginalized and excluded minorities. The people unite against this "culture of hate" and affirm the respect for cultural and identity diversity.

As for environmental crimes, we preserve the certainty that Sacred Nature, especially for the native peoples, is mother and sustainer of life's subsistence. It needs to be respected and cared for with zeal, because it is the home of the Enchanted Force that impels and drives us in the struggle. We reject the measures of public and private power that ARE NOT capable of supplying the basic needs of the people affected by these crimes, and we join with strength and courage with those who are injured by such actions that are omissive to the reality of the people, such as the implementation of the nuclear plant in the city of Itacuruba - PE, which will destroy the environment and change the cultural and social structure of the people.

Still, we end another assembly with the conviction that life is the environment, it is social, it is health, it is education, it is rights, it is diversity. Life is ancestry, culture, and religiosity. Life is people, it is territory, it is customs, and so it needs to be respected, lived, intensified, and celebrated. Life is struggle, it is enchantment, it is resistance, it is resilience, it is COURAGE! The strengthened



Xukuru people, in defense of LIFE, renews its commitment to the construction of a fair, fraternal and plural society.

*- Tell the People to advance Move Forward! - We will advance!*

*Village Pedra D'Água, May 19, 2019.*



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