

ENVIRONMENTAL RACISM PRACTICED AGAINST INDIGENOUS PEOPLES IN RIO GRANDE DO SUL

O RACISMO AMBIENTAL PRATICADO CONTRA OS POVOS INDÍGENAS NO RIO GRANDE DO SUL

Article received on: 07/22/2024

Article accepted on: 09/09/2024

Tanise Zago Thomasi

Universidade Federal de Sergipe (UFS), São Cristóvão/SE, Brazil
Lattes: <http://lattes.cnpq.br/9705680678486491>
Orcid: <https://orcid.org/0000-0002-1691-3475>
tanisethomasi@gmail.com

Ariel Sousa Santos

Universidade Federal de Sergipe (UFS), São Cristóvão/SE, Brazil
Lattes: <http://lattes.cnpq.br/9254669061443267>
Orcid: <https://orcid.org/0000-0003-4746-995X>
arielss187@gmail.com

Clara Angélica Gonçalves Cavalcanti Dias

Universidade Federal de Sergipe (UFS), São Cristóvão/SE, Brazil
Lattes: <http://lattes.cnpq.br/5223220283134580>
Orcid: <https://orcid.org/0000-0002-4465-6234>
claragdias@academico.ufs.br

The authors declare no conflict of interest.

Abstract

Extreme weather events affect people, groups, and communities unequally, as environmental racism promotes discrimination towards race, gender, and class, placing a greater burden of socio-environmental problems on the most vulnerable, such as Indigenous people. Violence against these peoples and the lack of delimitation and demarcation of Indigenous lands are problems aggravated by environmental racism, which were further intensified with the floods that hit the state of Rio Grande do Sul in 2024. This research is therefore justified by its relevance to academia, society, and the state, which have a common

Resumo

Os eventos climáticos extremos afetam pessoas, grupos e comunidades de maneira desigual, visto que o racismo ambiental promove discriminações por razões de raça, gênero e classe, atribuindo uma maior carga dos problemas socioambientais aos mais vulneráveis, como os indígenas. As violências contra esses povos e a falta de delimitação e demarcação de terras indígenas são problemas agravados pelo racismo ambiental, que se intensificou com as enchentes que atingiram o estado do Rio Grande do Sul, em 2024. Desse modo, esta pesquisa justifica-se por sua relevância para o meio acadêmico, sociedade e Estado, que têm um interesse comum em buscar soluções



interest in seeking feasible solutions. With regard to the objective of this article, it will analyze the environmental racism practiced against Indigenous peoples in Rio Grande do Sul during the heavy rains that hit the region, with the aim of proposing emergency and structural actions aimed at these individuals, as well as indicating possible alternatives to protect human dignity. In conclusion, the research will be basic in nature, the procedure will be technical-bibliographical, the approach to the problem will be qualitative, and the research objectives will be descriptive-explanatory, debating the issues through the relevant literature.

Keywords: dignity of human person; environmental racism; Indigenous; natural disasters; Rio Grande do Sul.

exequíveis. No que concerne ao objetivo deste artigo, analisar-se-á o racismo ambiental praticado em desfavor dos povos indígenas no Rio Grande do Sul durante as fortes chuvas que acometeram a região, com o fito de propor ações emergenciais e estruturais direcionadas a esses indivíduos, além de indicar possíveis alternativas para proteger a dignidade humana. À guisa de conclusão, utilizar-se-á a natureza de pesquisa básica, o procedimento será técnico-bibliográfico, a forma de abordagem do problema será qualitativa e os objetivos da pesquisa serão descritivos-explicativos, debatendo os temas por meio da literatura pertinente.

Palavras-chave: *desastres naturais; dignidade da pessoa humana; indígenas; racismo ambiental; Rio Grande do Sul.*

Introduction

Environmental racism consists of public or private actions or omissions that intentionally or unintentionally—and in different ways—harm people, groups, communities, and territories. It is a phenomenon that mainly affects Black populations, peripheral communities, traditional peoples and communities, and *quilombolas*, for reasons related to race, gender, or class. This research will only analyze the Indigenous population in the state of Rio Grande do Sul, amid the 2024 floods.

Despite the essential role Indigenous population plays in nature conservation and in the promotion of sustainable practices, they are constantly target by invasions and damage to their territories, suspensions of public policies in their favor, and the dismantling of the agencies that monitor and protect these territories. Moreover, the lack of delimitation and demarcation of Indigenous lands is a problem that has been aggravated by the natural disaster in the state of Rio Grande do Sul.

Violations of Indigenous rights are materialized by violence against property and people, and by the public authorities' negligence in relation to Indigenous peoples in voluntary isolation. This context is aggravated by environmental racism,

which affects these communities differently, as occurred in the Polidoro, Pekuruty, Guarani Araçaty, and Pindo Poty villages, in the state of Rio Grande do Sul.

Consequently, it is imperative to develop public policies for adaptation and mitigation, whose guidelines establish confrontation with environmental racism through specific and targeted government actions, in the short and long term. Along with such guidelines, State authorities should comply with arts. 6, 125, 231, and 232 of the 1988 Federal Constitution (CRFB), the Indian Statute, the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations 2030 Agenda (Goals 2 – *Zero Hunger* and 4 – *Quality Education*), and also meet the principle of human dignity (Art. 1 of the 1988 Constitution, and Arts. 1, 22, and 23 of the Universal Declaration of Human Rights).

Therefore, the justification for this research lies in the need for further study on the topic by the academic community, which plays a fundamental role in the investigation of socio-environmental issues, by analyzing certain facts and proposing means to protect the human dignity of vulnerable individuals and social groups. The State is responsible for implementing the necessary measures to achieve the objective proposed by this work.

This is an issue that can no longer be neglected, as these populations have suffered preventable and avoidable tragedies. Thus, the question is: how can environmental racism practiced against Indigenous people in Rio Grande do Sul, aggravated by the 2024 floods, be combated considering human dignity, so that the current situation and future tragedies do not make these individuals even more vulnerable?

In this context, the environmental racism practiced against Indigenous peoples in Rio Grande do Sul during the 2024 heavy rains will be analyzed in order to find ways to protect human dignity. The specific objectives will be divided as follows: presentation of the concept of environmental racism, its correlation with natural disasters, and the situation of Indigenous peoples in Brazil; analysis of environmental racism considering it an aggravating factor for the situation of vulnerability of indigenous communities in the state of Rio Grande do Sul, and indication of the need to observe principles and guidelines for confronting environmental racism, through emergency targeted, specific and structural actions that preserve the indigenous peoples' human dignity in Rio Grande do Sul.

Thus, this is a basic technical-bibliographical qualitative research with descriptive-explanatory objectives.

1 Environmental racism and natural disasters: focusing on Brazilian indigenous peoples

In Brazil, extreme weather events affect citizens unequally, especially groups on the margins of society, such as Black and peripheral population, Indigenous and traditional peoples and communities, *quilombolas*, and other individuals who find themselves in conditions of extreme social, economic, and environmental vulnerability. Environmental racism prevents the enjoyment of fundamental rights, such as the right to life, health, and housing. On the other hand, elite populations, who typically live in areas with better infrastructure and quality of life, are not impacted in the same way.

Environmental justice is a term that emerged in the United States in 1987, during the struggles of ethnic groups affected by environmental racism. The scientific report by the Committee for Racial Justice of the United Church of Christ denounced the connection between environmental degradation and racial discrimination, highlighting that the location of landfills with toxic waste coincided with that of Black, Hispanic, and Asian communities (Moura, 2009).

These people have borne the brunt of the environmental damage resulting from economic development (Costa; Xavier, 2022). Nevertheless, they have not benefited equally from the results of exploitation and have not participated, or been represented, in political and legal regulations regarding the environment (Tavares *et al.*, 2021).

In this context, environmental racism addresses environmental injustices from a race, class, and gender perspective (Vedovatto, 2019). This phenomenon affects ethnicities and traditional population groups, which have been faced with large development projects that expel them from their territories, disrupt their cultures, push them to the urban peripheries and force them to live with a daily routine of poisoning and degradation of their living environments (Herculano, 2008).

Environmental racism means that these measures, practices, and activities harm these people, groups, and communities differently based on their race, class, and gender (Bullard, 1983). A report by the Indigenous Missionary Council (*Conselho Indigenista Missionário*; CIMI, 2022), *Violência Contra os Povos Indígenas do Brasil: dados de 2022* [Violence Against Indigenous Peoples in Brazil: 2022 data], showed that the intensification of violence, systematic violations, and attacks on the Indigenous peoples' rights marked the year 2022. During this period, a high number of invasions and damage to Indigenous territories were

observed, as well as the dismantling of public policies aimed at Indigenous peoples and of the governmental bodies responsible for monitoring and protecting their territories.

In the article *Environment and Morality: Confronting Environmental Racism in the United States*, of the United Nations Research Institute for Social Development, sociologist Robert Bullard conceptualizes environmental racism as follows:

Environmental racism reinforces the stratification of people (by race, ethnicity, status and power), place (in central cities, suburbs, rural areas, unincorporated areas or indigenous reservations) and work (where office workers, for example, have greater protections than rural workers). It institutionalizes unequal oversight, commercializes human health for profit, places the burden of proof on “victims” rather than polluters, legitimizes human exposure to harmful chemicals, pesticides and hazardous substances, promotes “risky” technologies, exploits economic vulnerability and politically underprivileged communities, subsidizes ecological destruction, creates an industry around risk assessment, delays clean-up actions and fails to develop pollution prevention and precaution processes as the dominant and overarching strategy (Bullard, 2004, p. 3).

Therefore, environmental racism goes against the notion of environmental justice, since it refers to a context in which vulnerable communities, ethnic minorities, or socioeconomically disadvantaged populations are disproportionately affected by social, economic, and environmental problems. This phenomenon is strongly linked to the European colonial and neocolonial heritage, which victimized and continues to victimize these individuals, as well as to globalization and capitalism, which promote economic development in societies but harm biodiversity and native populations.

That being said, it is worth emphasizing that this research was limited to analyzing only the relationship between environmental racism and the Indigenous population, specifically in the state of Rio Grande do Sul, amid the 2024 floods that hit the region.

Based on these considerations, it is necessary to think of the inseparability between Indigenous cultures and their territories, demonstrating that there is environmental depredation that affects the territories and territoriality of Indigenous people (Vedovatto, 2019). The connection between human beings and their places of residence is understood as territoriality (Vedovatto, 2019). Territoriality is “the culturally lived relationship between a human group and a network of hierarchical and interdependent places, whose layout on the ground constitutes a spatial system” (Bonnemaison, 2002, p. 96-97, free translation).

Each Indigenous ethnic group corresponds to a territoriality and a geographic space with specific characteristics (Vedovatto, 2019). However, the State's omissions and violence expel these peoples from their territories (Pacheco, 2008). These are populations that suffer aggression motivated by ethnicity or by their race, which prevent access to their lands, water, and public policies. Disrespect for their basic rights interferes with their way of life, takes away their autonomy, causes them to lose their identity, and places them in a situation of extreme vulnerability (INESC, 2024).

In the formation of Brazilian society, Indigenous peoples have always been on the margins of decision-making spaces. This is a process called structural racism, which consists of ethnic-racial inequalities that promote an unequal distribution of power, land, and wealth (INESC, 2024).

Environmental racism manifests itself in three forms of discrimination: racial, gender, and class (INESC, 2024). These inequalities are reflected in the population's relationship with the environment and in territorial relations. This is the notion that certain conditions (such as sanitary conditions, land regulation, food, and nutritional security, and health, among others) are related to markers of race, class, and gender (Goes; Nascimento, 2013).

In this context, environmental projects, actions, articulations, and policies go against the interest of Indigenous peoples, as they favor financial capital to the detriment of the well-being of the people who inhabit these territories, preventing the delimitation and demarcation of Indigenous lands (Costa; Xavier, 2022).

In 2022, no Indigenous lands were demarcated by the federal government, which ignored the obligation imposed by art. 231 of the CRFB to respect all Indigenous peoples' property, in addition to demarcating and protecting the lands traditionally occupied by them (Brasil, 1988). On the contrary, the Union relaxed this right through bills and administrative measures to allow for exploitation of resources on Indigenous lands (CIMI, 2022). According to the Brazilian Indigenous Lands Panel, of the National Indian Foundation (Funai, 2024), only 449 out of 571 Indigenous lands in Brazil have been regularized.

What is noticeable is the imposition of capital by large business corporations that destroy nature and appropriate territories through the introduction of monoculture and other activities linked to agribusiness and water exploitation business (Costa; Xavier, 2022). The implementation of large-scale projects and policies to encourage agribusiness override the Indigenous peoples' interests and needs. The areas chosen by companies are seen as land, and not as territories with multiple experiences. In addition, there are invasions of conservation zones by

projects that disregard territorial ways of life (INESC, 2024).

Brazil's dependence on the domestic and international markets reaffirms the legacy of its social, political, and economic inequalities; weakens its sovereignty; and undermines the democratic resistance of vulnerable and excluded peoples. This reality is perpetuated by the inability (and/or lack of interest) to meet social demands, privileging the interests of the financial capital. Business agreements override the interest of Indigenous peoples, expelling them from their traditional territories, when they are submitted to conditions of social and economic inequality and extreme poverty (Costa; Xavier, 2022).

The concept of Indigenous territory goes beyond the spatial sense, also referring to the Indigenous peoples' living conditions (Costa; Xavier, 2022). It is a set of material and immaterial elements that guarantee individual and collective well-being, in addition to the affirmation of their identities, idiosyncrasies, and ways of survival (Luciano, 2006). Therefore, access to traditional territory is essential for these individuals' dignity protection and for the exercise of their rights, such as the right to life, health, and housing (Costa; Xavier, 2022).

Thus, it is clear that natural disasters affect certain people or groups unequally, and the most vulnerable are the most affected. The harmful impacts on the population fall most intensely on individuals excluded by the State and society. In this sense, environmental racism has a discriminatory and stratifying nature that opposes environmental justice, given that the socially vulnerable are those that suffer with environmental damage the most.

2 The natural disaster in Rio Grande do Sul: environmental racism as an aggravating factor for Indigenous peoples

In Brazil, Indigenous people have rights and guarantees assured by the national and international legal apparatus. The original and infra-constitutional constituent legislator sought to assure the protection of these rights and guarantees, due to the constant attacks suffered throughout history.

Based on the CRFB, Art. 231, head provision, Indigenous people have the right to the lands they traditionally occupy, and it is the Union's role to demarcate lands, protect them, and assure their property is respected. In addition, according to Art. 232, Indigenous people, their communities and organizations have the right to appeal to the Judiciary Branch, and they are legitimate parties to file suits to defend their rights and interests (Brasil, 1988).

The Indigenous peoples are also guaranteed, by Art. 215, Paragraph 1, the

right to culture, and the State shall ensure the full exercise of cultural rights, access to sources of national culture, and to support and encourage the appreciation and dissemination of cultural expressions (Brasil, 1988).

Furthermore, the CRFB assured Indigenous people the rights provided for in its Art. 6, head provision, by establishing that social rights include education, health, food, work, housing, transportation, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute. Education, for example, is provided for in Art. 210, Paragraph 2, which ensures that regular elementary education will be taught in Portuguese, guaranteeing Indigenous communities the use of their mother tongues and their own learning processes (Brasil, 1988).

The Indian Statute (Law No. 6.001 of December 19, 1973), in turn, regulates the legal status of Indigenous peoples. Among other provisions, Art. 2 requires federal entities and indirect administrative bodies to protect Indigenous communities and preserve their rights. Article 6 requires respect for customs, traditions, and practices in family relationships, in the order of succession, in the property regime, and in acts or business between Indigenous peoples.

In addition, the legislator defined Indigenous lands in Art. 17 of the Indian Statute as geographic spaces occupied or inhabited by Indigenous peoples, reserved areas, and lands owned by Indigenous communities or Indigenous peoples. Article 22 deals with permanent possession of lands and the right to exclusive use of the natural resources and utilities of these lands. Finally, Art. 26 provides that the Union may establish reserved areas for possession and occupation by Indigenous peoples (Brasil, 1973).

Besides, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly on September 13, 2007, establishes universal guidelines for minimum standards for the Indigenous peoples' dignity and well-being (AGONU, 2007). This international document states that Indigenous peoples are equal to all other peoples and recognizes all peoples' right to being different, to considering themselves different, and to being respected as such. It also recognizes the need to respect and promote the Indigenous peoples' intrinsic rights, which derive from their political, economic, and social structures, their cultures, spiritual traditions, history, and conception of life, as well as from the rights to lands, territories, and resources (AGONU, 2007).

Among other rights guaranteed by the aforementioned declaration, Art. 1 provides that indigenous peoples must enjoy all recognized human rights and fundamental freedoms. In order to respect human rights, Art. 2 ensures equality

and prohibits any form of discrimination. Articles 3 and 4, in turn, deal with the right to self-determination and the right to autonomy or self-government (AGONU, 2007).

Furthermore, Art. 7 protects the right to life, physical and mental integrity, liberty, and security, in addition to the collective right to live in freedom, peace, and security, repudiating acts of genocide and violence. As these rights are guaranteed, Art. 10 establishes that Indigenous peoples may not be forcibly removed from their lands or territories without the previous, free, and informed consent of the Indigenous peoples concerned, and after prior agreement on compensation and, where possible, with the option of return (AGONU, 2007).

Also noteworthy is Brazil's commitment to meeting the UN 2030 Agenda sustainable development goals. All countries and stakeholders will implement this action plan, which, among other objectives, aims to empower vulnerable people, including Indigenous peoples. Traditional peoples are included in Goal 2, which aims to end hunger, achieve food security, and improve nutrition and promote sustainable agriculture, and in Goal 4, which aims to ensure inclusive, equitable, and quality education and promote learning opportunities for all (ONU, 2016).

Brazil's and other countries' efforts towards the formal recognition of the Indigenous peoples' basic rights are evident, as it has become impossible to further ignore the discrimination, marginalization, and challenges that they constantly face.

The CRFB, together with other related legislation and international documents, has strengthened the Indigenous peoples' dignity, who have come to be recognized as subjects of rights. However, these peoples still face the impacts of the large business corporations' ventures, which, based on developmental arguments that prioritize financial capital, reduce them to a condition of inequality and poverty. When they are expelled from their traditional territories and have their rights violated, these peoples are placed in extreme vulnerability, which is further aggravated by environmental disasters, such as the 2024 floods in the state of Rio Grande do Sul.

In 2022, there was a high number of acts of violence against the Indigenous peoples' heritage: omission and delay in land regularization (867 cases); conflicts regarding territorial rights (158 records), and invasions, illegal exploitation of natural resources, and various damages to property (309 records). Among the main types of damages to Indigenous heritage, the extraction of natural resources, illegal hunting and fishing, and invasions linked to land grabbing stand out (CIMI, 2022).

Besides, most of the 1,391 Indigenous lands and territorial demands in Brazil (62%) have some administrative pending issues for their regularization. Of the 867 Indigenous lands with pending issues, at least 588 have not had any State action for their delimitation and demarcation and are still awaiting the formation of Technical Groups (GT) by FUNAI, body responsible for the identification and delimitation of these areas (CIMI, 2022).

As a result, there is a failure to comply with the deadline for the demarcation of Indigenous lands provided for in Art. 67 of the Act of Transitional Constitutional Provisions of the CRFB, which imposes on the Union the duty to complete the demarcation of Indigenous lands within five years from the promulgation of the Constitution (Brasil, 1988). Therefore, the Executive Branch consistently fails to comply with this deadline, the Legislative Branch hinders the land demarcation processes, and the Judiciary Branch intervenes with detrimental interpretation and application of the constitutional text.

Regarding cases of violence against individuals, the following data were recorded: abuse of power (29 cases); death threats (27 cases); distinct threats (60 cases); murders (180 cases); manslaughter (17 cases); intentional bodily harm (17 cases); racism and ethnic-cultural discrimination (38 cases); attempted murder (28 cases), and sexual violence (20 cases). The large number of threats and attempted murders against Indigenous people were carried out by farmers, miners, loggers, fishermen, and hunters, reflecting institutional degradation and the dismantling of mechanisms to protect Indigenous peoples (CIMI, 2022).

As for cases of violence due to omission from public authorities, CIMI obtained information from the Secretariat of Indigenous Health (SESAI) about the deaths of Indigenous children aged 0 to 4 years old. The data reveal the occurrence of 835 deaths of Indigenous children in this age group in 2022. Throughout Brazil, SESAI recorded a total of 3,552 deaths in this age group, from 2019 to 2022. The Yanomami Ye'Kwana Indigenous Special Health District (DSEI-YY), which covers the Yanomami Indigenous Land (IL), recorded 621 deaths of children aged 0 to 4, from 2019 to 2022 (CIMI, 2022).

Furthermore, part of the IL health structure was appropriated by miners in isolated and difficult-to-access regions. There were also 115 suicides among Indigenous people in 2022. More than a third of deaths by suicide (39) occurred among Indigenous people up to 19 years of age. In addition, the following 2022 data were recorded: “general lack of assistance (72 cases); lack of education assistance (39); lack of health assistance (87); dissemination of alcoholic beverages and other drugs (5), and death due to lack of health care (40)” (CIMI, 2022, p. 8, free translation).

Moreover, Indigenous people in voluntary isolation are among the groups most affected by the policy of omission and lack of protection adopted by the federal government. In 2022, there were invasions and damage to property in 36 IIs where there are 60 records of isolated Indigenous peoples, according to data from the Support Team for Free Peoples (EAPIL/CIMI – *Equipe de Apoio aos Povos Livres*). Regarding the 117 groups of Indigenous people in voluntary isolation, 86 are not recognized by Funai. These peoples are invisible to the State, as well as the violence to which they are exposed, which puts them further unprotected (CIMI, 2022).

As a result, violence against Indigenous peoples is a striking reality in Brazil. Their right to life, health, and housing are violated with policies that seek to exterminate invisible peoples by inflicting damage to their territories, dismantling of public policies, and dismantling of the bodies responsible for monitoring and protecting these territories. Besides, the lack of delimitation and demarcation of Indigenous lands is an aggravating factor, as these measures should protect the Indigenous peoples by delimiting the exact extent of area possession, imposing an obligation to respect the demarcated limits.

These vulnerable social groups suffer the consequences of a historical civilizational matrix, based on the exclusion of native and traditional peoples, in which environmental inequality is integrated into liberalized capitalism (Acselrad, 2012). The Indigenous peoples' reality is truly difficult due to human activities, but it is even more aggravated when it is hit by extreme climate events. Natural disasters have devastating effects on populations and territories throughout Brazil. Nevertheless, the impacts have a harmful effect on Indigenous populations (INESC, 2024).

In Rio Grande do Sul, the floods changed the state map, as the waters were well above the channels, that is, the hydrographic basins formed by the main rivers and their tributaries (Enchentes, 2024). On May 16, 2024, the Civil Defense released a report on rescue efforts in the affected areas. There were 460 municipalities affected, 77,199 people in shelters, 538,167 people displaced, 2,281,774 people affected, 806 people injured, 104 people missing, 151 confirmed deaths, 76,620 people rescued, 11,932 animals rescued, and 27,651 people involved in the actions to help the population. As for material damage, 4,405 vehicles, 45 aircraft, and 340 boats were affected (Rio Grande do Sul, 2024b). In light of this scenario, a state of public calamity was declared (Rio Grande do Sul, 2024a).

In Rio Grande do Sul's floods, the impacts were not distributed equally, as vulnerable groups suffered the most, and Indigenous communities were

disproportionately affected. This situation reflects the structural inequality in society and a policy of death sustained by the roots of colonialist politics that still persist in Brazilian society. This state of public calamity has highlighted the omission and neglect of government officials and society, exposing the relationship between natural disasters and environmental racism, especially against Indigenous peoples, who have been left in a vulnerable situation.

According to CIMI, approximately 80 Indigenous communities and territories (more than 8,000 families) live in 49 municipalities in Rio Grande do Sul (NGOs, 2024). FUNAI cites cases of villages with displaced, isolated, and affected people. According to the Ministry of Indigenous Peoples (MPI), there were impacts on communications and the electricity supply, damage to Water Supply Systems (SAA) and health service structures, in addition to the need for evacuation and difficulty in accessing villages (Canofre, 2024).

CIMI reports that the Guarani Mbya, Kaingang, Xokleng, and Charrua peoples had to leave their homes and move to higher ground due to the risk of flooding and landslides. On May 5, 2024, the president of FUNAI, Joenia Wapichana, visited the Polidoro village in Porto Alegre, where the Charrua Indigenous people live, and heard reports about the impacts of the rains on the community, such as the scarcity of drinking water and the destruction of communities. This climate crisis affects the most vulnerable, victims of environmental racism (Gouveia, 2024).

CIMI and the Articulation of Indigenous Peoples of Brazil (*Articulação dos Povos Indígenas do Brasil* – APIB) stated that the National Department of Transport Infrastructure (*Departamento Nacional de Infraestrutura de Transportes* – DNIT) destroyed houses in the Pekuruty village, without consultation or justification. According to Roberto Liegbott, a missionary at CIMI Regional Sul, this community was removed so that the DNIT could repair a pipeline that passes through the area, and, during the process, they destroyed the entire Indigenous community (Gouveia, 2024). The DNIT caused damage to homes, the Indigenous school, and other structures without the community's consent (Ansolin, 2024). According to the APIB, these facts, in the midst of a fragile situation, denote discrimination against indigenous peoples (Gouveia, 2024).

Similarly, in the Guarani Araçaty community, in Capivari do Sul, residents had their homes flooded, but they refused to go to shelters for fear that, upon their return, their territories, which are not demarcated, would be occupied by agribusiness. Instead, they had to take precarious shelter in buildings that were not flooded (Ansolin, 2024). Chief Rafael Cáceres said: “We are also waiting for

some other demarcation. The road, it is only 10 meters wide, it is very dangerous. It is small. You can't even plant, we only have a vegetable garden at the school". Since 2012, they have been waiting for FUNAI to delimit and demarcate their lands (Canofre, 2024).

Another example, in Porto Alegre, the Pindo Poty community was hit by floods that forced the Mbya Guarani to move to a shelter. Approximately 15 families live in the territory. CIMI reported attempts of people trying to invade and divide the area into lots. Indigenous families are forced to live in degraded and risky areas, because they do not have access to the land that should be demarcated. Roberto Liebgott, from CIMI coordination in the South region, explains "If there were a demarcated area, they would not need to be removed and could settle in less risky places. We cannot say that this would solve the situation, but it would provide them with more security" (Canofre, 2024).

Governor Eduardo Leite, when participating in the *Roda Viva* TV program, said that Indigenous communities are looked upon by his government "with the same affection as every citizen" (Canofre, 2024). However, agribusiness landowners have benefited from the relaxation of environmental laws, which contributes to the climate crisis and the occupation on the lands of Indigenous peoples, who are left to their own demise to deal with natural disasters and neoliberal policies (Ansolin, 2024).

For centuries, even before Brazilian lands were invaded by the Portuguese, the Indigenous population has played an essential role in nature conservation and the promotion of sustainable practices. Even so, the State has not shown sufficient concern for Indigenous peoples, since the spaces of power are mostly composed of people who put their economic interests above the problems that affect the socially vulnerable ones.

Consequently, invasions and damage to Indigenous territories, the dismantling of public policies in favor of Indigenous peoples, and the dismantling of the bodies responsible for monitoring and protecting these territories are recurring facts. Besides the lack of delimitation and demarcation of Indigenous lands, which is a fear that has not ceased amid the floods, there is a concern that their communities will be invaded and destroyed. The slow bureaucratic procedures do not resolve these processes, since there is a strong influence of individuals who profit from the exploitation of lands belonging to Indigenous peoples.

Therefore, in spite of Brazil having a legislative apparatus to protect Indigenous peoples, such as the CRFB, the Indian Statute, the United Nations

Declaration on the Rights of Indigenous Peoples, and the UN 2030 Agenda, there are intense violations of the Indigenous peoples' rights, which places them in a situation of extreme vulnerability, accentuated by environmental racism and intensified by Rio Grande do Sul's floods.

3 Confronting environmental racism in Rio Grande do Sul as a way to protect human dignity

This research indicates that confronting environmental racism in Rio Grande do Sul is a path to protecting human dignity, since it is an essential and fundamental principle within a Democratic Rule of Law and serves as a gravitational center for the national legal system. It is well known that all human beings have rights that must be protected, precisely because each citizen has intrinsic value.

The principle of human dignity is explicitly provided for in the opening of the CRFB, in its Art. 1, head provision, which establishes that the Brazilian State is responsible for protecting and guaranteeing other rights provided for which arise from this fundamental principle, such as the right to life, health, and housing, among others. Therefore, the State is placed as responsible for fulfilling the basic living needs of all, without distinction, since all are equal before the law (Art. 5, head provision) (Brasil, 1988).

Furthermore, the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly in 1948, recognizes in its preamble the dignity of all members of the human family and their equal and inalienable rights, as the foundation of freedom, justice, and peace in the world. Article 1 asserts that all human beings are born free and equal in dignity and rights, endowed with reason and conscience, and should act with fraternity. In this regard, Art. 22 understands social security and economic, social, and cultural rights as indispensable to the dignity and free development of the human personality. Furthermore, Article 23 speaks of the right to work and decent pay (ONU, 1948).

Human dignity is a founding principle of the 1988 Brazilian Constitution, which ensures rights and guarantees to all, including Indigenous peoples. Given its importance, this value has repercussions in the decisions handed down by the Brazilian Judiciary Branch.

ADMINISTRATIVE LAW. CIVIL APPEAL. PUBLIC CIVIL ACTION. INDIGENOUS COMMUNITY. ELECTRICITY SUPPLY. POSSESSORY LITIGATION AND PROCEDURE FOR IDENTIFYING AND DELIMITING THE INDIGENOUS COMMUNITY. ACCES TO MINIMUM PUBLIC SERVICES.

HUMAN DIGNITY. 1. The electricity supply to the Indigenous community directly relates to the right to minimum dignified living conditions, nowadays [...] (Brasil, 2023, free translation).

This is, in origin, a Public Civil Action filed by the Federal Public Prosecutor's Office (MPF) against the Union and the municipality of Terra Roxa/PR, requesting the adoption of measures to guarantee access to the public lighting service to the Tekohá Araguaju Indigenous village, located in Terra Roxa/PR. The Federal Public Prosecutor's Office appealed, claiming that public lighting is an essential right, which has the legal nature of a fundamental right and is intrinsically related to the principle of human dignity. The appeal was granted (Brasil, 2023).

CIVIL PROCEDURAL LAW. ADMINISTRATIVE PROCEDURE. PUBLIC CIVIL ACTION PROPOSED BY THE FEDERAL PUBLIC PROSECUTOR'S OFFICE. IMPLEMENTATION OF CONCRETE PUBLIC POLICIES. RIGHT TO HEALTH (ARTS. 6 AND 196 OF THE 1988 BRAZILIAN CONSTITUTION) IMMEDIATE EFFICACY. MINIMUM LIVING CONDITIONS. RESERVATION OF THE POSSIBLE. APPELLATE DECISION THAT RESOLVED THE CONTROVERSY IN LIGHT OF CONSTITUTIONAL INTERPRETATION. COMPETENCE OF THE HONORABLE FEDERAL SUPREME COURT. VIOLATION OF ART. 535, I AND II, OF CPC. NOT CONFIGURED. [...] 2. The issue debated in the proceedings – implementation of the Indigenous Health Care Model and the material installation of health services for the indigenous population located in a given area in Rio Grande do Sul – was resolved by the Court a quo in light of constitutional precepts, as can be inferred from the leading vote of the appealed decision, verbatim: “[...] The fundamental right to health, although supported by legal-constitutional positions that deal with the right to life, human dignity and the protection of physical integrity (bodily and psychological), received an autonomous prescription in the constitutional text in articles 6 and 196 [...] (Brasil, 2007b, free translation).

Based on human dignity, the appeal was partially granted, with the Rapporteur Minister stating that it is not lawful for the Public Power to create artificial obstacles that reveal the illegitimate, arbitrary, and reprehensible purpose of defrauding, frustrating, and preventing the establishment and preservation of minimum material conditions of existence in favor of the individual and citizens. The State cannot exonerate itself from fulfilling its constitutional obligations when this negative government conduct may result in the nullification or annihilation of constitutional rights (Brasil, 2007b).

From the analysis of the judgments, it can be inferred that human dignity is a fundamental object for the construction of jurisprudence, being used as a criterion for the interpretation and application of the Law. Considered one of the founding

principles of the Republic, it has a normative character, as it imposes conduct and is endowed with imperative force. Therefore, it is appropriate that the Judiciary Branch's commands be emanated from this principle in order to avoid and combat violations of fundamental rights, such as life, health, and housing.

The human being's dignity is a core principle of the CRFB, giving it unity of meaning, conditioning the interpretation of its norms, and revealing itself as a constitutional canon that incorporates the demands of justice and ethical values, providing axiological support for the entire Brazilian legal system (Piovesan, 2000). It is in the human dignity value that the legal order finds its own meaning, and it is its starting point and its arrival point in the task of normative interpretation. It is thus consecrated as a super guiding principle of International Law and Domestic Law (Piovesan, 2005).

The human being's dignity is an intrinsic quality, inseparable from every person, being a characteristic that defines them as such. Due to their human condition and regardless of any other particularity, human beings are entitled to rights that must be respected by the State and by their peers. As it is a value that identifies human beings, it is inherent to all and it is a value that identifies them (Sarlet, 2002).

The absence of dignity allows for human beings to be identified as "things", violating a fundamental characteristic of human nature itself. Every act that promotes the degradation of dignity strikes at the core of the human condition, promotes the disqualification of human beings, and violates the principle of equality, since it is inconceivable that some people have greater dignity than others (Sarlet, 1998, p. 15-16).

In this sense, environmental racism practiced against Indigenous people greatly affects these peoples' human dignity (Costa; Xavier, 2022). For this reason, it must be combated in the search for a fairer planet, in which human dignity is respected, redesigning colonial visions (Santos, 2007).

In order to ensure human dignity to Indigenous peoples, principles and guidelines should be proposed and followed to ensure the adequate development of public policies against environmental racism, as well as the adaptation, mitigation, protection, and reparation of damages resulting from extreme climate events. These are essential measures to ensure effective protection of human dignity.

The CRFB, in its Article 231, recognizes Indigenous peoples' social organization, customs, languages, beliefs and traditions, and original rights to the lands they traditionally occupy, with the Union being responsible for the

delimiting, protecting, and ensuring respect for all their property (Brasil, 1988). Therefore, public authorities have to respect, protect, promote, and repair the rights related to territories, individuals, peoples, and communities that have been and are violated due to their race, gender, and class (INESC, 2024).

In this respect, the State shall consider the peculiarities of the populations and people affected by natural disasters when drafting, implementing, monitoring, and evaluating environmental policies, in order to guarantee environmental justice. It must primarily include the socially and historically vulnerable groups involved in environmental conflicts (INESC, 2024).

To protect the indigenous peoples' human dignity, it is necessary to define principles and guidelines to be necessarily observed by the federal, state, and municipal spheres in combating environmental racism. From these perspectives, such principles and guidelines were drawn up in a document by 19 civil society organizations, with the support from the Institute for Socioeconomic Studies (INESC, 2024).

The document was prepared to defend the Brazilian population, based on the climate justice framework. Throughout its 7 Principles and 14 Guidelines, the document gathers information to assist public managers, legal operators, civil society, and parliamentarians in the drafting and implementation of projects, actions, laws, and public policies against environmental racism (INESC, 2024).

These measures are considered complementary, as they alone are not capable of achieving the proposed objective. Accordingly, the path to protecting human dignity is to observe the aforementioned national legislation and international documents that materialize and protect the Indigenous peoples' rights. Moreover, it is urgent that the Brazilian Judiciary respect the principle of human dignity in the judgments of specific cases.

The document addresses the preventable and avoidable impacts experienced by vulnerable populations that are devastatingly affected by extreme climate events in the various biomes and regions of Brazil, such as Black and peripheral populations, traditional peoples and communities, and *quilombolas* (INESC, 2024). Nevertheless, this research analyzes only the situation of Indigenous people, although there are other people and groups equally affected by environmental racism.

The development and implementation of public policies in favor of environmental justice are essential for the implementation of such document proposal. That being said, the central principles and guidelines for confronting environmental racism in Rio Grande do Sul and the possible reduction of damages resulting from the floods that hit the region are presented below.

The principles are: combat against environmental racism; use of racial indicators that already exist and are consolidated in Brazil (IBGE; IPEA), as well as of new indicators created with the effective participation of civil society, for the development, monitoring, and evaluation of public policies; equity in public policies aimed at combating environmental racism; compliance with Convention No. 169 of the International Labor Organization (ILO), with prior, free, informed, and good faith consultation; social participation in policies and plans to confront climate change, focusing on the combat against environmental racism; transparency of programs, actions, public resources and the criteria for their allocation, and speed of government actions to combat environmental racism, based on the intersectoral nature of public policies (INESC, 2024).

As for the proposed guidelines, the following stand out: promotion of the structural intersectionality of government and non-government policies, programs, and actions against environmental racism; guarantee for the transversality of class, gender, race, ethnicity, and of people with disabilities in government and non-government policies, programs, and actions against environmental racism; and recognition and provision of financial support for traditional knowledge and practices and ancestral, social, and peripheral technologies against environmental racism (INESC, 2024).

Decentralization of actions and coordination between the spheres of Brazilian federalism. Stimulus to the development of studies and research, in addition to improvement of the quality of government information systems regarding data collection, processing, and analysis, separated by class, race, color, ethnicity, and gender. Monitoring and assessment of the impacts of environmental racism to support the policy management cycle for the area in different government spheres and sectors (INESC, 2024).

Also in relation to the guidelines, the following stand out: critical racial literacy for public administration operators and civil society sectors; guarantee of equal involvement of race, gender, ethnicity, and territories in social participation councils established at the federal, state and municipal levels; participation of movements, leaders and territories in actions, guidelines, and contributions to public policies; anti-racist environmental education, based on the implementation of Law No. 10.639/2003, and the right to employment, income generation, food security, housing, health, basic sanitation and education, as intersectional perspectives for confronting environmental racism (INESC, 2024).

The other guidelines are: compliance with the social and environmental function of land use, prioritizing food and water production, environmental

conservation and maintenance of indigenous peoples' territories, culture, and ways of life; development of safeguards, with the purpose of creating recommendations and guidelines to reduce negative impacts, equip people and promote the well-being of society and the environment, guided by the combat against environmental racism, and land regularization as an instrument that guarantees the social right to housing, the right to possession of lands, plots, houses, and activities carried out on these lands, also guided by the fight against environmental racism (INESC, 2024).

These principles and guidelines, when meet in conjunction with the legislation analyzed above and in compliance with the principle of human dignity, are able to guarantee the effective protection of Indigenous peoples against environmental racism in Rio Grande do Sul, amid the 2024 floods. However, these measures, due to their general nature, are not capable of, alone, responding to the problem under analysis. It is necessary to bring possible alternatives targeted at this specific issue. Proposals for emergency and structural actions to be undertaken and coordinated by federal, state, and municipal governments to address the current and future situation were presented by civil society organizations. These are the following:

Designate a coordinating body for emergency actions in response to the crisis, with the participation of Indigenous communities. Implement structures to address this extreme climate event in public bodies responsible for Indigenous policy, especially at FUNAI, with creation of a logistics system for action in all villages in order to map and meet urgent needs. Formalize physical structure(s) for the management and logistics of donations to Indigenous communities affected by the floods (Articulação, 2024).

Convert the lands, within the state of Rio Grande do Sul, inhabited by Indigenous people—involved in negotiations with the Union for debt relief—into Indigenous Reserves. Allow for the Indigenous communities to be beneficiaries of emergency measures. Guarantee that specific resources—from the amount earmarked for the assistance and reconstruction of Rio Grande do Sul—be allocated to Indigenous communities in terms of infrastructure, roads and access roads to villages, electricity, Internet, drinking water, and basic sanitation, in addition to the reconstruction and improvements in housing, houses of worship, and schools, and also to the strengthening of the conditions of Indigenous sovereignty and food security (Articulação, 2024).

Guarantee that, from the same amount, specific resources be allocated to the territorial and environmental management of Indigenous lands. Guarantee contribution from the three federated entities toward the improvement of health

conditions in the villages. Include workers and cultural manifestations of Rio Grande do Sul's Indigenous peoples in policies and actions to be developed within the scope of culture, and in the formulation of a budgetary provision for the development and implementation of public policies aimed at the production and marketing of Indigenous handicrafts (Articulação, 2024).

Guarantee provisions, by the Government of the State of Rio Grande do Sul, toward infrastructure and resources necessary to resume the proper functioning of the State Council of Indigenous Peoples, and also of the organization of the 10th Citizenship Forum of Indigenous Peoples. Publish decrees that institutes—within the scope of the State System of Sustainable Food and Nutrition Security—the State Strategy for the Promotion of Popular Points of Sovereignty and Food and Nutrition Security, as processed through an administrative procedure (PROA 24/2100-0000425-2) (Articulation, 2024).

Create an Indigenous Social Assistance Subsystem on an emergency basis by the Federal Executive Branch, and submit, by the Government of Rio Grande do Sul, a bill for the creation of an Indigenous social assistance subsystem within the scope of the Unified Social Assistance System (*Sistema Unico de Assistência Social* – SUAS). Guarantee annual state resources with specific allocation toward actions to address climate emergencies in Rio Grande do Sul's ILs and villages. Guarantee, by the three federation levels, access to land, land regularization, and decent infrastructure in the ILs.

These proposals call for greater action and commitment from the State in protecting Indigenous peoples amid the natural disaster in Rio Grande do Sul, and it represent a means of mitigating the effects of floods and combating environmental racism, enabling the effective protection of the traditional peoples' human dignity in this region.

For this purpose, it is necessary to implement intersectoral and inter-federative public policies, with social participation, which promote adaptation, mitigation, protection, and reparation of damages resulting from natural disasters that most intensely affect Indigenous people in Rio Grande do Sul. The federal, state, and municipal spheres ought to adopt the principles and guidelines analyzed, as they can be observed in the elaboration and implementation of projects, actions, laws, and public policies against environmental racism. If implemented, these measures can guarantee the Indigenous people' human dignity.

Nevertheless, compliance with these measures alone will not solve the issue addressed by this research. Furthermore, compliance with the CRFB (Arts. 6, 125, 231, and 232), the Indian Statute, the United Nations Declaration on the Rights

of Indigenous Peoples, and the UN 2030 Agenda (Goals 2 and 4) is indicated as a way to protect the Indigenous peoples' human dignity.

Moreover, in their typical and atypical functions, it is essential that the Brazilian Executive Branch pay attention to the principle of human dignity (Art. 1 of the CRFB; Arts. 1, 22, and 23 of the Universal Declaration of Human Rights) when executing and monitoring laws, the Legislative Branch when drafting laws, and the Judiciary Branch when ensuring compliance with legislation.

On that account, by following these indicated paths, it is possible to protect the Indigenous peoples' human dignity from environmental racism in Rio Grande do Sul, amid the 2024 floods and other natural disasters that may occur in the future.

Conclusion

Natural disasters affect vulnerable groups in an unequal manner. For reasons of race, gender, and class, environmental racism promotes discrimination that conflicts with the values of environmental justice, placing the greatest burden of environmental damage on those who are on the margins of society.

Environmental racism directs the negative consequences of large corporate enterprises towards traditional peoples, which expel them from their territories, affect their territoriality, and hinder land demarcation processes.

The State has not given due attention to Indigenous peoples and the socio-environmental issues that affect them. There are constant invasions and damage to Indigenous territories, the dismantling of public policies in favor of these peoples, and the weakening of the agencies that monitor and protect these territories, in addition to the lack of delimitation and demarcation of indigenous lands.

These are rights violations that manifest themselves in violence against property and people, with the omission of public authorities and to the detriment of Indigenous peoples in voluntary isolation. The situation was aggravated by environmental racism amid the natural disaster that affected Indigenous communities in different ways, such as the Polidoro, Pekurutu, Guarani Araçaty and Pindo Poty villages, located in Rio Grande do Sul.

To ensure the protection of the human dignity of Indigenous peoples in Rio Grande do Sul, it is essential to combat environmental racism by complying with principles and guidelines aimed at the adequate development of public policies to protect these peoples' human dignity.

It is suggested that intersectoral and inter-federative public policies be

implemented, with social participation, to promote adaptation, mitigation, protection, and reparation of damages resulting from natural disasters that affect Indigenous peoples. The government should adopt the principles and guidelines developed by civil society organizations, with the initiative of INESC. Targeted and specific emergency and structural actions can preserve these peoples' human dignity.

Finally, it is necessary to comply with the texts of the CRFB (Arts. 6, 125, 231, and 232), the Indian Statute, the United Nations Declaration on the Rights of Indigenous Peoples, and the UN 2030 Agenda (Goals 2 and 4). The State must observe the principle of human dignity (Art. 1 of the Brazilian Constitution and Arts. 1, 22, and 23 of the Universal Declaration of Human Rights). These alternatives can protect Indigenous peoples against environmental racism in Rio Grande do Sul, amid the 2024 floods, and guarantee these peoples' human dignity.

References

- ACSELRAD, H. *et al.* Desigualdade ambiental e acumulação por espoliação: O que está em jogo na questão ambiental? Coletivo Brasileiro de Pesquisadores da Desigualdade Ambiental. *e-cadernos CES*, [S. l.], n. 17, p. 134-151, 2012. Available from: <https://journals.openedition.org/eces/1138>. Access on: June 18, 2024.
- ANSOLIN, J. Racismo ambiental | Indígenas do RS denunciam ataques do Estado e do agronegócio em meio às enchentes. *Demarcação Já! Esquerda Diário*, 12 jun. 2024. Available from: <https://www.esquerdadiario.com.br/Indigenas-do-RS-denunciam-ataques-do-Estado-e-do-agronegocio-em-meio-as-enchentes-Demarcacao-Ja>. Access on: June 18, 2024.
- ARTICULAÇÃO indígenista do Rio Grande do Sul divulga carta aberta sobre situação dos povos indígenas em meio à catástrofe climática. *CIMI – CONSELHO INDIGENISTA MISSIONÁRIO*, 17 maio 2024. Available from: <https://cimi.org.br/2024/05/cartaabertaindigenistasrs/>. Access on: June 18, 2024.
- ASSEMBLÉIA GERAL DA ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Declaração sobre os Direitos dos Povos Indígenas*, 2007. Available from: https://pib.socioambiental.org/files/file/PIB_institucional/DECLARACAO_DAS_NACOES_UNIDAS_SOBRE_OS_DIREITOS_DOS_POVOS_INDIGENAS.pdf. Access on: July 7, 2024.
- BARACHO, J. A. O. *Direito Processual Constitucional*. Belo Horizonte: Fórum, 2006.
- BONNEMAISON, J. Viagem em torno do território. In: CORRÊA, Roberto Lobato; ROSEN-DHAL, Zeny (org.) *Geografia cultural: um século*. Rio de Janeiro: EDUERJ, 2002. p. 83-131.
- BRASIL. [Constituição (1988)]. *Constituição da República Federativa do Brasil de 1988*. Brasília, DF: Presidência da República, [2016]. Available from: http://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.htm. Access on: Jan. 1, 2017.
- BRASIL. Decreto n. 10.088, de 5 de novembro de 2019. Consolida atos normativos editados pelo Poder Executivo Federal que dispõem sobre a promulgação de convenções e recomendações da Organização Internacional do Trabalho – OIT ratificadas pela República Federativa do Brasil. *Diário Oficial da União*: seção 1, Brasília, DF, p. 12, 6 nov. 2019. Available from: https://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D10088.htm. Access on: June 18, 2024.

BRASIL. Decreto n. 6.040, de 7 de fevereiro de 2007. Institui a Política Nacional de Desenvolvimento Sustentável dos Povos e Comunidades Tradicionais. *Diário Oficial da União*: seção 1, Brasília, DF, p. 316, 8 fev. 2007a. Available from: https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/Decreto/D6040.htm. Access on: June 18, 2024.

BRASIL. Lei n. 6.001, de 19 de dezembro de 1973. Dispõe sobre o Estatuto do Índio. *Diário Oficial da União*: seção 1, Brasília, DF, p. 13177, 21 dez. 1973. Available from: https://www.planalto.gov.br/ccivil_03/leis/l6001.htm. Access on: June 18, 2024.

BRASIL. Supremo Tribunal Federal (1. Turma). Recurso Especial 811.608. Processual Civil. Administrativo. Ação Civil Pública proposta pelo Ministério Público Federal. Implementação de políticas públicas concretas. Direito à saúde (arts. 6º e 196 da CF/88). Eficácia imediata. Mínimo existencial. Reserva do possível. Acórdão recorrido que decidiu a controvérsia à luz de interpretação constitucional. Competência do colendo supremo tribunal federal. Violação do art. 535, I e II, do CPC. Não configurada. Recorrente: Ministério Público Federal. Recorrido: governo do estado do Rio Grande do Sul. Relator: Min. Luiz Fux, 15 de maio de 2007. *JusBrasil*, 2007b. Available from: Superior Tribunal de Justiça STJ – Recurso Especial: Resp 1978137 RJ 2021/0219639-2 | Jurisprudência (jusbrasil.com.br). Access on: July 8, 2024

BRASIL. Tribunal Regional Federal da 4ª Região TRF-4 (3. Turma). Apelação Cível 50020209220184047017. Administrativo. Apelação civil. Ação civil pública. Comunidade indígena. Fornecimento de energia elétrica. Litígio possessório e procedimento de identificação e delimitação da comunidade indígena. Acesso a serviços públicos mínimos. Dignidade da pessoa humana. Apelante: Ministério Público Federal. Apelado: Município de Terra Roxa/PR. Relator: Des. Federal Rogério Favreto, 13 de fevereiro de 2023. *JusBrasil*, 2023. Available from: <https://www.jusbrasil.com.br/jurisprudencia/trf-4/1759961762/inteiro-teor-1759961763>. Access on: July 8, 2024.

BULLARD, R. D. *Environment and morality: confronting environmental racism in the United States*. Geneva: United Nations Research Institute For Social Development, p. 32, 2004. Available from: <https://www.files.ethz.ch/isn/45938/8.pdf>. Access on: Sept. 9, 2024.

BULLARD, R. D. Solid waste sites and the black Houston community. *Sociological inquiry*, v. 53, n. 2-3, p. 273-288, 1983. Available from: <https://onlinelibrary.wiley.com/doi/10.1111/j.1475-682X.1983.tb00037.x>. Access on: June 18, 2024.

CANOFRE, F. No Rio Grande do Sul, indígenas temem deixar suas casas pela inundação e perder território. *Combate Racismo Ambiental*, 4 jun. 2024. Available from: <https://racismoambiental.net.br/2024/06/04/no-rio-grande-do-sul-indigenas-temem-deixar-suas-casas-pela-inundacao-e-perder-territorio/>. Access on: June 18, 2024.

CONSELHO INDIGENISTA MISSIONÁRIO. *Relatório – Violência contra os povos indígenas no Brasil*: dados de 2022. Brasília, DF: Cimi, 2022. Available from: <https://cimi.org.br/wp-content/uploads/2023/07/relatorio-violencia-povos-indigenas-2022-cimi.pdf>. Access on: June 18, 2024.

COSTA, C. A.; XAVIER, F. O. Racismo ambiental la “ley viva” de los pueblos indígenas: una lectura de la Teoría Crítica de los Derechos Humanos. *Ratio Juris UNAULA*, Medellín, v. 17, n. 35, p. 765-798, 2022. Available from: <https://publicaciones.unaula.edu.co/index.php/ratiojuris/article/view/1427>. Access on: June 18, 2024.

ENCHENTES mudam o mapa do Rio Grande do Sul. *MetSul.com*, 16 maio 2024. Available from: <https://metsul.com/enchentes-mudam-o-mapa-do-rio-grande-do-sul/>. Access on: June 18, 2024.

FUNDAÇÃO NACIONAL DOS POVOS INDÍGENAS. Painel Terras Indígenas no Brasil. *Terras Indígenas: Dados Geoespaciais e Mapas*, 2 ago. 2024. Available from: <https://www.gov.br/funai/pt-br/atuacao/terras-indigenas/geoprocessamento-e-mapas/painel-terras-indigenas>. Access on: Sept. 4, 2024.

GOES, E. F.; NASCIMENTO, E. R. Mulheres negras e brancas e os níveis de acesso aos serviços preventivos de saúde: uma análise sobre as desigualdades. *Saúde em Debate*, Rio de Janeiro, v. 37, p. 571-579, 2013. Available from: <https://www.scielosp.org/pdf/sdeb/2013.v37n99/571-579/pt>. Access on: June 18, 2024.

GOUVEIA, A. Enchentes afetam mais de 80 comunidades indígenas no RS; saiba como ajudar. *Correio Braziliense*, 7 maio 2024. Opinião. Available from: <https://www.correio braziliense.com.br/brasil/2024/05/6852373-enchentes-no-rs-afetam-mais-de-80-comunidades-indigenas.html>. Access on: June 18, 2024.

HERCULANO, S. O clamor por justiça ambiental e contra o racismo ambiental. *Interfaces – Revista de Gestão Integrada em Saúde do Trabalho e Meio Ambiente*, São Paulo, v.3, n.1, p. 1-20, 2008. Available from: <https://www3.sp.senac.br/hotsites/blogs/InterfacEHS/wp-content/uploads/2013/07/art-2-2008-6.pdf>. Access on: June 18, 2024.

INSTITUTO DE ESTUDOS SOCIOECONÔMICOS. Princípios e diretrizes para o enfrentamento do racismo ambiental no Brasil. Brasília, DF: Inesc, 2024. Available from: https://inesc.org.br/wp-content/uploads/2024/03/fc-doc-principios_e_diretrizes_enfrentamento_racismo_ambiental.pdf?x69356. Access on: June 18, 2024.

LUCIANO, G. S. Da cidadania à autonomia indígena: um desafio à diversidade cultural. In: LUCIANO, G. S. *O índio brasileiro: o que você precisa saber sobre os povos indígenas no Brasil hoje*. Brasília: Ministério da Educação: Unesco, 2006. p. 86-127. (Série Via dos Saberes, n. 1). Available from: http://www.educadores.diaadia.pr.gov.br/arquivos/File/pdf/indio_brasileiro.pdf. Access on: June 18, 2024.

MOURA, D. V. Justiça ambiental: um instrumento de cidadania. *Âmbito Jurídico*, São Paulo, v. XII, n. 65, jun. 2009. Available from: <https://ambitojuridico.com.br/cadernos/direito-ambiental/justica-ambiental-um-instrumento-de-cidadania/>. Access on: June 18, 2024.

ONGS fortalecem comunidades indígenas com doações no RS. *Observatório do Terceiro Setor*, 8 maio 2024. Available from: <https://observatorio3setor.org.br/noticias/ongs-fortalecem-comunidades-indigenas-com-doacoes-no-rs/>. Access on: June 18, 2024.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Transformando nosso mundo: a Agenda 2030 para o Desenvolvimento Sustentável*. Brasília, DF: Nações Unidas Brasil, 2016. Available from: https://www.mds.gov.br/webarquivos/publicacao/Brasil_Amigo_Pesso_Idosa/Agenda2030.pdf. Access on: Sept. 9, 2024.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Declaração Universal dos Direitos Humanos*, 1948. Available from: <https://www.unicef.org/brazil/declaracao-universal-dos-direitos-humanos>. Access on: July 8, 2024.

PACHECO, T. Racismo ambiental: expropriação do território e negação da cidadania. In: SECRETARIA DE MEIO AMBIENTE E RECURSOS HÍDRICOS. Superintendência de Recursos Hídricos. *Justiça pelas águas: enfrentamento ao racismo ambiental*. Salvador: SRH, 2008. p. 11-23.

PIOVESAN, F. Direitos humanos, o princípio da dignidade da pessoa humana e a Constituição brasileira de 1988. *Revista dos Tribunais*, São Paulo, n. 833, p. 41-53, mar. 2005. Available from: Biblioteca Digital do TJDF: Direitos humanos, o princípio da dignidade humana e a Constituição Brasileira de 1988. Access on: June 18, 2024.

PIOVESAN, F. *Direitos humanos e o Direito Constitucional internacional*. 4. ed. São Paulo: Max Limonad, 2000.

RIO GRANDE DO SUL. Decreto n. 57.596, de 1º de maio de 2024a. Declara estado de calamidade pública no território do Estado do Rio Grande do Sul afetado pelos eventos climáticos de chuvas intensas, COBRADE 1.3.2.1.4, ocorridos no período de 24 de abril a 1º de maio de 2024. *Diário*

Oficial do Estado do Rio Grande do Sul: seção 1, Porto Alegre, p. 2, 1 maio 2024. Available from: <https://www.diariooficial.rs.gov.br/materia?id=997980>. Access on: June 18, 2024.

RIO GRANDE DO SUL. Governo do Estado do Rio Grande do Sul. Defesa Civil atualiza balanço das enchentes no RS – 16/5, 12h. Últimas Notícias, 16 maio. 2024b. Available from: <https://www.estado.rs.gov.br/defesa-civil-atualiza-balanco-das-enchentes-no-rs-16-5-12h>. Access on: June 18, 2024.

SANTOS, B. S. Para além do pensamento abissal: das linhas globais a uma ecologia de saberes. *Novos Estudos CEBRAP*, São Paulo, n. 79, p. 71-94, 2007. Available from: <https://www.scielo.br/j/nec/article/PjkXXYbTRxnJ7THFDBrgc/?format=html>. Access on: Sept. 4, 2024.

SARLET, W. I. A dignidade da pessoa humana. *Revista de Direito Administrativo*, Rio de Janeiro, v. 212, p. 84-94, 1998. Available from: <https://www.indexlaw.org/index.php/HermeneuticaJuridical/article/download/4074/pdf>. Access on: Sept. 4, 2024.

SARLET, W. I. *Dignidade da pessoa humana e direitos fundamentais na Constituição da República de 1988*. Porto Alegre: Livraria do Advogado, 2002.

TAVARES, J. R. *et al.* Racismo ambiental, esquecimento e seletividade estatal: Quilombo Vidal Martins e o Parque Estadual do Rio Vermelho/SC. *Revista de Políticas Públicas*, São Luís, v. 25, n. 2, p. 701-719, 2021. Available from: <https://periodicoeletronicos.ufma.br/index.php/rppublica/article/view/18468>. Access on: June 18, 2024.

VEDOVATTO, M. Povos indígenas e injustiça etnoambiental na formação territorial brasileira. *Revista Interdisciplinar em Estudos de Linguagem*, São Paulo, v. 1, n. 1, p. 139-156, 2019. Available from: <https://ojs.ifsp.edu.br/index.php/riel/article/view/1140>. Access on: June 18, 2024.

ABOUT THE AUTHORS

Tanise Zago Thomasi

PhD in Law from Centro Universitário de Brasília (CEUB), Brasília/DF, Brazil. Master's degree in Law from Universidade de Caxias do Sul (UCS), Caxias do Sul/RS, Brazil. Degree in Law from Universidade Católica de Pelotas (UCPEL), Pelotas/RS, Brazil. Adjunct professor at the Undergraduate Program and *Stricto Sensu* Graduate Program of Universidade Federal de Sergipe (UFS), São Cristóvão/SE, Brazil.

Ariel Sousa Santos

Master's student at Universidade Federal de Sergipe (UFS), São Cristóvão/SE, Brazil, with scholarship from Coordination for the Improvement of Higher Education Personnel (CAPES). Degree in Law from Universidade Tiradentes (UNIT), Aracaju/SE, Brazil. Member of the Research Group on Public Law, Legal Education, and Human Rights (GPEJDH/UNIT/CNPq).

Clara Angélica Gonçalves Cavalcanti Dias

PhD and Master's degree in Law from Pontifícia Universidade Católica de São Paulo (PUC-SP), São Paulo/SP, Brazil. Specialist Certification in Civil Procedure from Escola Paulista de Magistratura (EPM), São Paulo/SP, Brazil. Degree in Law from Universidade Tiradentes (UNIT), Aracaju/SE, Brazil. Associate Professor of Civil Law and Social Security and at the *Stricto Sensu* Graduate Program of Universidade Federal de Sergipe (UFS), São Cristóvão/SE, Brazil.

Authors' participation

All authors participated in all stages of the preparation of this article.

How to cite this article (ABNT):

THOMASI, T. Z.; SANTOS, A. S.; DIAS, C. A. G. C. Environmental racism practiced against Indigenous peoples in Rio Grande do Sul. *Veredas do Direito*, Belo Horizonte, v. 21, e212770, 2024. Available from: Access on: Month. day, year.