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The legal and indigenous concepts of indigenous territory protection: contributions to International Relations

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Abstract: Language is not merely a tool for describing reality but actively creates and shapes our understanding of the world, it becomes evident that language is not just a reflection of what exists but also plays an active role in shaping our perception and comprehension of reality. Thus, this research seeks to answer the following question: how can legal and Indigenous concepts, especially those of territory and territoriality derived from Indigenous epistemologies, contribute to the field of International Relations? Regarding methodology, the study adopts a postcolonial and decolonial critical approach, aiming to provide theoretical insights that differ from conventional International Relations perspectives and to explore alternative concerns within the field. A multi-scalar ethnography was conducted, based on texts written by Indigenous authors, to understand the protection of Indigenous Territories, recognizing Indigenous literature as a means of echoing and reaffirming Indigenous identity and voice. Finally, the study examines how concepts, strategies and praxis rooted in Indigenous epistemologies can contribute to the study of International Relations.

Keywords: indigenous territory; territoriality; International Relations; language.

Conceitos jurídicos e indígenas da proteção do território indígena: contribuições para as Relações Internacionais

Resumo: A linguagem não é apenas uma ferramenta para descrever a realidade, mas cria e molda ativamente nossa compreensão do mundo; torna-se evidente, portanto, que ela não apenas reflete o que existe, mas também desempenha um papel ativo na formação de nossa percepção e compreensão da realidade. Diante disso, esta pesquisa busca responder à seguinte questão: de que maneira conceitos jurídicos e indígenas – especialmente os de território e territorialidade derivados de epistemologias indígenas – podem contribuir para o campo das Relações Internacionais? Quanto à metodologia, o estudo adota uma abordagem crítica pós-colonial e decolonial, com o objetivo de oferecer aportes teóricos que se diferenciem das perspectivas convencionais das Relações Internacionais e explorar preocupações alternativas dentro do campo. Realizou-se uma etnografia multiescalar, baseada em textos escritos por autores indígenas, para compreender a proteção dos Territórios Indígenas, reconhecendo a literatura indígena como um meio de ecoar e reafirmar sua identidade e voz. Por fim, o estudo examina como conceitos, estratégias e práxis enraizados em epistemologias indígenas podem contribuir para o estudo das Relações Internacionais.

Palavras-chave: território indígena; territorialidade; Relações Internacionais; linguagem.

Los lenguajes jurídico e indígena en la protección del territorio indígena: aportes para las Relaciones Internacionales

Resumen: El lenguaje no es simplemente una herramienta para describir la realidad, sino que crea y moldea activamente nuestra comprensión del mundo; así, se vuelve evidente que el lenguaje no solo refleja lo que existe, sino que también desempeña un papel activo en la formación de nuestra percepción y comprensión de la realidad. En este sentido, esta investigación busca responder la siguiente pregunta: ¿de qué manera los conceptos jurídicos e indígenas –especialmente los de territorio y territorialidad derivados de epistemologías indígenas– pueden contribuir al campo de las Relaciones Internacionales? En cuanto a la metodología, el estudio adopta un enfoque crítico poscolonial y decolonial, con el objetivo de ofrecer aportes teóricos que difieran de las perspectivas convencionales de las Relaciones Internacionales y de explorar preocupaciones alternativas dentro del campo. Se realizó una etnografía multiescalar, basada en textos escritos por autores indígenas, para comprender la protección de los Territorios Indígenas, reconociendo la literatura indígena como un medio para hacer resonar y reafirmar su identidad y voz. Finalmente, el estudio examina cómo los conceptos, estrategias y praxis enraizados en epistemologías indígenas pueden contribuir al estudio de las Relaciones Internacionales.

Palabras clave: territorio indígena; territorialidad; Relaciones Internacionales; lenguaje.

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INTRODUCTION

Indigenous peoples are fundamental agents in shaping political aspects of Latin America, a region that that has long been embedded in the making of the modern/colonial world-system, yet is now increasingly recognized, even by hegemonic institutions, as a strategic and contested multi-scalar site where local, national, and global dynamics are being rearticulated through subaltern and Indigenous agency. However, studies in International Relations have largely neglected Indigenous themes, often relegating them to the belief that they are merely domestic issues (Gonçalves, 2009). This omission has been criticized by internationalists adopting postcolonial and decolonial perspectives, as these approaches argue that the field is not only constrained by theoretical orthodoxy but also that international theory itself has been shaped and subjugated by colonialism. Orthodox theoretical approaches in International Relations have systematically excluded Indigenous knowledge and ways of life (Beier, 2002). Thus, postcolonial and decolonial perspectives not only challenge hegemonic narratives and foreground subaltern voices in the colonial encounter, but also reveal that the very formation of the modern interstate and capitalist international system (and, by extension, the field of International Relations) has been historically predicated on colonial violence, including enslavement, dispossession, assimilation, and genocide, especially of Indigenous and non-European peoples (Beier, 2002; Wallerstein, 1997).

It is crucial to emphasize that Indigenous perspectives and praxis that could influence International Relations are not unknown contributions but rather unheard ones – long silenced in hegemonic forums of global governance. In other words, the perspectives and praxis that post-colonial and decolonial studies seek to recover are not new; they have existed since before the colonial encounter but have been systematically silenced by the exercise of the colonial power structure, known as the coloniality of power.

Coloniality is a manifestation of power within the structures of colonial domination in modernity, distinguishing it from colonialism, which is a specific process of power (Quijano, 2000). Coloniality emerges from this process and persists in various forms of global neocolonialism or internal colonialisms (Cesarino, 2017; Damasceno, 2022). Coloniality, according to Aníbal Quijano (2000), designates the persistent structures of power rooted in colonialism that underpin modernity. These include the racialized organization of labor and knowledge, the consolidation of the Nation-State as a political form, and the global capitalist economy. Therefore, coloniality exposes the dark side[1] of modernity, revealing that those who hold the

1 The expression *"dark side of modernity"* operates as a conceptual category within decolonial theory, particularly in the works of Walter Mignolo, to highlight the processes of oppression, coloniality, and exploitation that underpin modern and Eurocentric projects. It does not carry a racial connotation but rather serves as an epistemic and political critique of the exclusionary character of modernity. See, for example, Mignolo (2011).

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power to represent also hold the power to define and determine identity (Mignolo, 2005a) and constitutes a structural logic through which modern domination continues to operate.

Language is not merely a tool for describing reality but actively shapes our understanding of the world, it becomes evident that language does not simply reflect what exists but plays an active role in constructing our perception and comprehension of reality (Warat, 1995). By adopting post-colonial and decolonial perspectives, this text aims to contribute insights from an "another paradigm"[2] to rethink issues related to Indigenous land, specifically by examining the topic through the perspectives of Brazilian Indigenous peoples from different ethnic groups.

Thus, this research aims to address the following question: How can legal and Indigenous concepts, especially those of territory and territoriality derived from Indigenous epistemologies, contribute to the field of International Relations?

Regarding methodology, the study adopts a postcolonial and decolonial critique, seeking to provide theoretical insights distinct from conventional International Relations frameworks to explore alternative concerns within the field. This approach aims to expose and challenge the racialized, gendered, and class-based processes that uphold global hierarchies – hierarchies that conventional International Relations theories tend to naturalize (Chowdhry, 2002).

The first stage of this study involved addressing the protection of Indigenous Territory through Law, specifically by analyzing Brazilian domestic legislation and international regulatory framework. This analysis stems from the understanding that such rights exist due to the Indigenous struggle for their land, rather than as a mere concession of the state system. Although (we anticipate here) the norms – as well as their applications – are still incapable of fully reflecting the aspirations of Indigenous peoples in Brazil, denying the Indigenous contribution to securing their own rights would be a colonial tautology[3].

2 Walter Mignolo explains that an "another paradigm" is not merely a "new paradigm." Instead, it emerges from the margins of colonial histories, where coloniality becomes more visible. This means that an "another paradigm" seeks epistemic decolonization – not from within modernity itself (which would merely constitute "another paradigm" within its logic), but from its exteriority. Mignolo does not suggest the existence of a unified or coherent framework that connects all decolonization projects; rather he emphasizes the opposite. This is precisely why he speaks of an "another paradigm" rather than just "another paradigm," which would merely follow the logic of previous ones. These projects constitute an "other paradigm" because they share a critical perspective on modernity from the standpoint of coloniality. They arise from the recognition that the issue at hand is not simply one of "cultural differences" but rather of "colonial differences" (Mignolo, 2005b).

3 The term "colonial tautology" is used in this text to refer to the repetition of ideas and narratives that justify and perpetuate the colonial pattern of power. In other words, it involves the use of circular arguments that reinforce the legitimacy of coloniality without questioning its foundations or consequences.

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Subsequently, the study aimed to conduct a multi-scalar ethnography based on texts written by Indigenous authors to understand the protection of Indigenous Territory. Multi--scalar ethnography involves analyzing social phenomena at different levels of scale, such as local, regional, national, and global. In this case, to reduce reliance on secondary sources and external biases, the research field of this study is Indigenous literature itself (including scientific texts by Indigenous researchers and activists). Books written by Indigenous authors provide a more precise perspective on the concepts and understanding of Indigenous Territory protection. Moreover, by including a variety of Indigenous authors, it is possible to capture a broader range of perspectives and experiences, which helps to avoid excessive generalizations.

Marcia Wayna Kambeba, an Indigenous writer, perceives Indigenous literature as "a way to echoing but also reaffirming the identity and voice of Indigenous peoples in the literary field" (Kambeba, 2024, p. 330). She further assesses that Indigenous literature "carries the identity of each relative who writes and has symbolic power, as it is seen by us Indigenous people as a space for resistance and struggle" (Kambeba, 2024, p. 330). Through the written word, Indigenous peoples communicate with a diverse audience, both in traditional indigenous territories and cities: "In this literary territory, memories, narratives and the mother tongue itself are preserved, recorded and shared" (Kambeba, 2024, p. 330). Indigenous literature goes beyond mere writing, as it is an extension of orality and ancestry, translating lived experiences into various forms of textual production. It is a field where collective rights, for land, environment, and territory are fought for.

Finally, given the diagnosis that the field of International Relations struggles to adequately address issues related to Indigenous Peoples and that they have suffered considerable harm due to colonialism[4], the intellectual effort of the final stage of this research consisted of analyzing how concepts, strategies and praxis derived from Indigenous epistemologies can contribute to the study of International Relations.

4 According to Inayatullah and Blaney (2004), the field of International Relations has not assessed (except in a very superficial manner) the quality of cultural interactions that shape and are shaped by the changing structures and processes of the international system.

THE PROTECTION OF THE INDIGENOUS TERRITORY BY LAW (BRAZILIAN AND INTERNATIONAL)

TERRITÓRIO ANCESTRAL

Maá munhã ira apigá upé rikué
Waá perewa, waá yuká
Waá munhã maá putari.

Translation:
What to do with the *man* in life,
That hurts, that kills,
that does what he wants.

From the encounter between the *"Indigenous"* and the *"white"*,
One thing cannot be forgotten,
Of the fights and great battles,
For land the right to defend.

The firearm overcame my arrow,
My nudity became scandalization,
My language was kept anonymous,
They changed my life, they destroyed my grounds.

Before, everyone lived together,
Today, people live apart from each other.
Before, Ajuri was made,
Today, it's everyone to their side.

Before, the land was our home,
Today, you live oppressed.
Before, it was just coming and living,
Today, our territory is divided.

Before, to celebrate a grace,
A great ritual was made.
Today, expelled from my village,
I can't understand this evil.

As a survival strategy,
In silence we decided to stay.
Today, the strength comes to us,

Of our right to complain.
Assuring the *tanu tyura*,
The inheritance of millennial knowledge.

Even though we live in the city,
We are united by a single ideal,
In the search for the right,
To have our ancestral territory.

What to do with the *man* in life,
That hurts, that kills,
that does what he wants (Kambeba, 2013, p. 39).

The function of beginning this section with the poem "*Território Ancestral*" (Ancestral Territory, in English) by Márcia Kambeba is to emphasize that the achievement of the right to Indigenous Territory is not an act of charity by white men and their hegemonic state system, but rather a victory of Indigenous peoples against this very system and its Eurocentric logic. This achievement was secured by Indigenous peoples, who, despite suffering the hardships of coloniality, remained steadfast, developed strategies, and organized themselves to claim this right.

The 1988 Brazilian Constitution marked the end of the assimilationist and tutelary regime (Sartori Junior, 2024). This is because it did not repeat the provision present in all previous republican constitutions (except for the 1937 Constitution[5]), which foresaw the incorporation of Indigenous peoples into the national community. Furthermore, the Constitution established a new legal framework for Indigenous issues by recognizing the right to difference and the entitlement to collective rights, as well by defining that Indigenous peoples, whether individually or collectively, have the right to express themselves in their own name regarding measures that affect them (Sartori Junior, 2024).

Domestically, the Brazilian constitutional framework recognizes Indigenous peoples' right to their territory in Article 231, protecting their original rights over the lands they have traditionally occupied. The Constitution clarifies that traditionally occupied lands by indigenous peoples are those "permanently inhabited by Indigenous peoples, those used for their productive activities, those essential for the preservation of the environmental resources necessary for their well-being, and those necessary for their physical and cultural reproduction, according to their customs, traditions, and practices." These lands are inalienable and non-transferable, and the rights over them are non-expiring (Brasil, 1988).

5 The 1937 Constitution did not explicitly endorse Indigenous assimilation—not due to a shift in logic, but because the Estado Novo's authoritarian regime treated Indigenous issues as administrative, not constitutional. The omission reflects legal and political erasure rather than recognition of autonomy or diversity (Almeida, 2006).

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Furthermore, traditionally occupied Indigenous lands are designated for their permanent possession, guaranteeing them the exclusive use of the resources of the soil, rivers, and lakes within these areas. The Constitution also establishes that the exploitation of water resources, including energy potential energy sources, as well as the research and extraction of mineral resources in Indigenous lands, may occur with the authorization of the National Congress, following consultation with the affected communities, ensuring their participation in the benefits of extraction.

In Brazil, despite the 1988 Constitution breaking away from the assimilationist model and guaranteeing Indigenous peoples the right to the demarcation of their traditional lands, conflicts between Indigenous groups and land occupants have intensified, resulting in episodes of extreme violence (Terena, Monteiro, 2021)[6]. This situation is further exacerbated by delays in the demarcation of Indigenous lands. Moreover, constitutional amendment proposals in the National Congress threaten to undermine the guarantees secured by Indigenous peoples in 1988 (Bragato; Bigolin, 2017). The Constitution set a five-year deadline for the demarcation of Indigenous lands, as stated in Article 67 of the Transitional Constitutional Provisions Acts (TCPA). However, many communities are still waiting for the formal legal recognition of their traditional lands[7].

Internationally, the 1989 International Labour Organization (ILO) Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (which has already been incorporated into Brazilian law[8]), also guarantees the territorial rights of traditional populations and the duty to demarcate their territories (OIT, 1989). The land protection established by ILO Convention No. 169 covers the entirety of the habitat of the regions that Indigenous peoples occupy or otherwise use, and it requires the recognition of their rights to ownership and possession of the lands they have traditionally occupied. Governments must respect the special cultural and spiritual values that these peoples attribute to their relationship with the land. Furthermore, the Convention clarifies that, where appropriate, measures should be adopted to safeguard the ri-

6 Recent reports by the Instituto Socioambiental (ISA) and the Conselho Indigenista Missionário (CIMI) highlight the ongoing and worsening violations of Indigenous rights in Brazil. In 2025, the ISA warned that over 3,000 protected areas (including 259 Indigenous territories) are at risk due to the loosening of environmental licensing regulations. Meanwhile, CIMI's Violence Against Indigenous Peoples in Brazil reports document persistent invasions, land conflicts, killings, suicides, state neglect, and other systemic forms of violence (CIMI, 2024; Oviedo; Guetta; Lima., 2025).

7 Today, in Brazil, there are 800 Indigenous lands at different stages of the demarcation process. Among these, 158 are "under identification" (lands under study by a working group appointed by FUNAI – including seven lands designated for Indigenous groups in voluntary isolation), 36 have already been "identified" (lands with a study report approved by FUNAI's presidency), 68 have been "declared" by the Minister of Justice, and 518 have been "ratified" by a Presidential Decree (ISA, 2025).

8 In Brazil, the National Congress approved the Convention through Legislative Decree No. 143 of June 20, 2002, and it came into force on July 25, 2003, when the country submitted its instrument of ratification to the ILO's Director-General.

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ght of Indigenous peoples to use lands that are not exclusively occupied by them but to which they have traditionally had access for their traditional and subsistence activities.

Regarding the natural resources on their lands, the Convention states that these should receive special protection. These rights include participation in the use, management, and conservation of such resources. If the State owns the minerals or subsoil resources (as is the case in Brazil) or holds rights over other resources on Indigenous lands, governments must consult Indigenous peoples to assess whether and to what extent their interests will be harmed before initiating or authorizing any prospecting or exploitation. Additionally, Indigenous peoples must participate in the benefits of such activities whenever possible and receive fair compensation for any resulting damages. It is also established that the national legislation should provide sanctions against any unauthorized intrusion into Indigenous lands or any unauthorized use of such lands by outsiders. Governments must adopt measures to prevent such violations (OIT, 1989).

In addition to the aforementioned Convention, the universal and inter-American human rights systems have been strengthened by the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 and the American Declaration on the Rights of Indigenous Peoples (ADRIP) in 2016. Unlike ILO Convention 169, which is a binding treaty, UNDRIP and ADRIP are non-binding declarations. They do not impose legal obligations on States but serve as normative references that guide policy and the interpretation of Indigenous rights. UNDRIP states that Indigenous peoples have the right to maintain and strengthen their spiritual relationship with the lands, territories, waters, coastal seas, and other resources that they have traditionally owned, occupied, or used (ONU, 2007). They also have the right to own, use, develop, and control the lands, territories, and resources they possess by virtue of traditional ownership or other traditional forms of occupation or use, as well as those they have otherwise acquired. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands, territories, and resources. States must ensure legal recognition and protection of these lands, territories, and resources, respecting the customs, traditions and tenure systems of Indigenous peoples.

Alongside Indigenous peoples, States shall establish and implement a fair, independent, impartial, open and transparent process that duly recognizes Indigenous laws, traditions, customs, and tenure systems to recognize and adjudicate their rights to lands, territories, and resources, including those they have traditionally owned, occupied or used. Indigenous peoples are guaranteed the right to participate in this process (ONU, 2007).

Just like the ILO Convention, UNDRIP also establishes mechanisms for prior and effective consultation with Indigenous peoples regarding any use of their lands, emphasizing their right to maintain, control, protect, and develop their cultural heritage, traditional knowledge, traditional cultural expressions, and manifestations of their sciences, technologies, and cultures.

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These include human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, traditional sports and games, as well as visual and performing arts. ADRIP, in turn, protects the rights of Indigenous peoples to maintain and strengthen the spiritual, cultural, and material relationship with their lands, territories, and resources, as well as their right to assume responsibilities for conserving them for themselves and for future generations (ONU, 2016).

Finally, when presenting the international scope of Indigenous land protection, Martins, Sartori Junior and Thewes (2022) assert that Indigenous territorial rights are also grounded in Article XXIII of the American Declaration of the Rights and Duties of Man (ADRDM) (OEA, 1948) and Article 21 of the American Convention on Human Rights (ACHR) (OEA, 1969), both of which establish the protection of private property. According to these authors, although these articles do not directly address Indigenous territorial rights, the jurisprudence of the Inter-American Human Rights System has interpreted and applied these provisions in the light of ILO Convention No. 169 and UNDRIP. This means that these articles are used to protect Indigenous peoples' rights over their lands, natural resources, and territories. According to the IACHR, Indigenous property rights over their territories are legally equivalent to non-Indigenous private property rights, and there is no reason why the provisions of ADRDM and ACHR should not apply[9].

Thus, since the 1980s, Indigenous regulations in Brazil, Latin America, and globally have formally ensured a differentiated citizenship for Indigenous peoples, recognizing their cultural specificities and their right to preserve them (Bragato, Bigolin, 2017).

PROTECTION OF INDIGENOUS TERRITORY BY INDIGENOUS PEOPLES

As previously discussed, both major international documents and the Brazilian Constitution affirm respect for Indigenous traditions and their special relationship with their territories. However, these norms fail to fully express the depth of this relationship. This is because there are multiple Indigenous peoples, each with its own cosmovisions and traditions. This section

9 The use of property rights as a legal basis for Indigenous territorial claims is not without tension. Historically, the colonial justification for dispossession rested precisely on the idea that Indigenous peoples lacked private property in the European sense. Today, many Indigenous movements in Latin America and beyond continue to confront the very logic of private property, framing their struggles in ontological and political terms that resist commodification and state-centric forms of territoriality. For a deeper analysis of this ambivalence, see: Squeff, Damasceno; Taroco, 2022.

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aims to identify common elements that, from Indigenous perspectives, can help facilitate our understanding of this relationship[10].

Understanding the relationship between Indigenous peoples and their lands goes beyond simply complying with national or international regulations. Such understanding is crucial for the preservation of Indigenous cultures and for the recognition of their rights, as will be discussed below. Each Indigenous people have a unique and profound connection with their land, which serves as the foundation for their identity and way of life. By understanding this relationship from the perspectives of Indigenous peoples, we can promote fairer and more effective public policies that respect and value Indigenous traditions and knowledge. Moreover, such understanding can contribute to environmental protection, as Indigenous peoples play a vital role in preserving biodiversity and managing natural resources sustainably[11].

For most Indigenous communities, their lands mean much more than a space for housing or economic exploitation; the notion of territoriality is crucial. Territoriality is an essential element for the existence of human groups, as it is not limited to concrete territories (physical spaces) but also includes abstract territories, depending on the cultural characteristics of each group, such as language, religion, and the use of resources necessary for survival. It is not just a space but a place where one fully exists, both individually and collectively (Martins, Sartori Junior, Thewes, 2022).

Therefore, territoriality is the result of the essential and symbolic practices of Indigenous peoples in a specific geographic space where they carry out their activities, recall their culture, and obtain sustenance that can be shared and celebrated. Kambeba (2020, p. 53) further illustrates the complexity and breadth of territoriality: "it is in the knowledge of the shaman, in every narrative, in writing, in thinking. It is the memory of my place and the place of my memory". Still according to the author:

> For Indigenous peoples, every bird, animal, and tree has a spirit, and one must ask for permission, give thanks, and connect with them. Silence is a prayer that allows an encounter with spirituality, enabling one to listen to teachings and advice with the ears of the soul and the heart. Learning the stories of Mr. Me-

10 While this section seeks to identify common elements across diverse Indigenous perspectives, it is important to acknowledge the inherent limitations of such generalizations. This exercise may risk overlooking or simplifying the distinct ontologies, cosmologies, and historical experiences of each people. The aim is not to homogenize Indigenous worldviews, but to highlight recurring elements that emerge in multiple contexts as meaningful expressions of their territorial relations.

11 Reports from the United Nations, such as those by IPBES, UNEP, and UNPFII, recognize that Indigenous peoples are responsible for preserving a sizable portion of the world's biodiversity. Their territories are among the best conserved globally, and the protection of their territorial rights is considered essential for achieving international environmental goals, such as the Sustainable Development Goals (SDGs) and the Paris Agreement (IPBES, 2019; UNEP, 2021; UNPFII, 2016).

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> randolino and Mrs. Zenaide (elders) was fundamental for me to connect even more with my sacred and with the territory – this place of deep relationships of humanism and interculturality (Kambeba, 2020, p. 55-56).

Josimar Palimitheli, a Yanomami Indigenous person from the Palimiú Community, highlights the importance of protecting the forest within Indigenous Territory. His account illustrates territoriality in the relationship between Indigenous people and the forest: "We, Yanamam, do not want to devastate it [the forest]; that is why we defend it. Why do we defend it? Because it protects us so that we can all live in good health. It allows us to grow" (Palimitheli, 2024b). Palimitheli also claims that:

> The forest does not mistreat us, it does not seek to cause us suffering. So, when we are in good health, we hunt, clear land for cultivation. Since there is soil in the forest, we plant food and nourish our children. The forest allows the children of all of us – the Yanamam, the animals and the non-Yanamam – to grow in health and well-being. The forest allows everyone to live, no matter where we go, because the forest and the land take care of us. We all live in good and proper places. Thus, we live on the land with the forest. We, Yanamam, who think this way, write these words about the forest (Palimitheli, 2024a, p. 329).

The Yanomami account demonstrates the multidimensional aspects of territoriality: the territory's ability to shape subjects (the forest has a personality); the mutual relationship between humans and non-humans; and the understanding that their territory influences the non--indigenous world (since the forest allows even the non-Yanomami people to have health and well-being).

As pointed out by Terena and Monteiro (2021), Indigenous lands are essential for Indigenous peoples to access the resources that make possible the construction, experience, and social reproduction according to their cultural, spiritual, and organizational practices, as well as their access to nature and management of their spaces. "(...) This means that Indigenous lands are *territories* because they are spaces with particular characteristics in terms of relationships and social reproduction of the peoples" (Terena, Monteiro, 2021, p. 101). Accordingly, the authors argue that the term "territory" refers to the culturally variable construction and experience of the relationship between a specific society and its territorial base.

The logic by which traditional peoples relate to their territories differs from the logic adopted by non-Indigenous peoples. For the former, elements such as ethnicity, family ties, neighborhood networks, and collective identities are fundamental in resource mobilization. These factors create a deep connection with the land that goes beyond mere economic value. This relationship prevents the lands from being treated as mere property or commodities. For traditional peoples, the territory is an essential component of their identity, acting as a cultural

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and social foundation. The land is not just a physical space, but a place filled with meanings and stories, where collective and individual identities are built and reinforced. This logic of relationship with the territory includes spiritual, cultural, and subsistence aspects, making the land a vital element for the continuity and preservation of their traditions and ways of life (Martins, Sartori Junior, Thewes, 2022).

As mentioned in the previous section, the Brazilian State is in default of its constitutional duty to guarantee Indigenous people's territorial rights (Terena, Monteiro, 2021). Without their traditional territories, Indigenous peoples lack access to the essential resources for their lives and cannot use them in accordance with their cultural, spiritual, and organizational practices. These rights, recognized as inherent to Indigenous peoples, when threatened, put their very existence at risk. In this scenario, Indigenous communities and organizations mobilize politically to reclaim their territories. In the struggle for territory, internal (self-led strategies – land reclamations) and external (government actions) issues emerge. These actions highlight the differences between state territoriality (formal recognition) and Indigenous territoriality (self-led strategies – land reclamations), based on the premise that human territoriality encompasses multiple expressions (Terena, Monteiro, 2021).

The passivity or omission of the Brazilian State in demarcating Indigenous territories, as constitutionally mandated, generates response/action/strategy[12] from Indigenous communities themselves: land reclamations, which lead to self-demarcation. According to Terena and Monteiro (2021, p. 103) "(...) the land reoccupations[13] are Indigenous peoples' own legitimate instruments for territorializing spaces that were subjected to the state's 'territorial conduct' – which culminated in the invasion and removal of communities – and for enforcing their ethnic rights, enshrined in the Federal Constitution". According to the authors:

> In this context, land reclamations become a form of Indigenous resistance and struggle, akin to a tenacious insubordination and an assertion of their own lives against ethnocidal and genocidal projects that reduce the multiplicity of ways of life and their territories to mere bodies of citizens and land destined for the capitalist production and sustainability. Resistance is, above all, a means of guaranteeing the right to be respected as Indigenous, in their multiple

12 The use of the formulation "response/action/strategy" is deliberate and reflects an analytical choice by the author to capture the multifaceted nature of Indigenous land reclamations. These processes simultaneously respond to State omission, manifest as direct political and territorial action, and are embedded within broader strategies of resistance, survival, and autonomy. Treating them as only one of these dimensions would risk oversimplifying their complexity and significance.

13 The term "land reoccupation" refers to a political and territorial strategy employed by Indigenous peoples in Brazil, which consists of the autonomous reoccupation of ancestral lands from which they were historically displaced due to colonization, state policies, or private land grabs. Unlike legal claims or formal reclamations, "land reoccupation" are direct, collective actions that assert Indigenous territorial rights through the physical presence and use of the land, in accordance with their traditional ways of life and constitutional rights.

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> forms of organization, culture, territory, and relationships with nature (Terena, Monteiro, 2021, p. 103).

In other words, land reclamations and reoccupations represent both a rupture with oppression and inequalities and, simultaneously, an instrument to ensure Indigenous peoples' freedom, identity, and, most importantly, their territory.

INDIGENOUS CONTRIBUTIONS TO INTERNATIONAL RELATIONS

Capitalist colonialism has shaped our worldview in a Eurocentric manner, limiting our ability to think beyond the categories and concepts that emerged in post-Columbian Europe. From the perspective assumed in this paper, the solutions to regional, national, and international inequalities do not lie in the mantra of free trade or liberalization. Only by relentlessly focusing on the global historical experience of capitalist colonialism and its contemporary manifestations everywhere can we begin to understand and reverse its effects, promoting intercultural relations and dismantling the political, social, economic, and cultural domination of the rest of the world by the West (Krishna, 2009).

In the text "Letter from the Peoples of the Forest to Non-Indigenous Society in Times of Pandemic and Violence: Resisting in Pandemic Times", Márcia Kambeba offers a necessary portrayal of the world's situation in the 21st century, inviting reflection on environmental protection, Indigenous knowledge, and the need to rethink the narrative of "progress":

> "[...] Do not allow, Seneru,
> That they destroy our forest
> We are a single science
> This green is all we have left
> To breathe purer air
> To fight global warming
> Prevent the glaciers from melting
> Causing a severe environmental impact
> Leaving our villages without crops
> Flooding our homes and communal grounds
> Protect our biodiversity
> From violent outsiders and invaders [...]" (Kambeba, 2022, n. p.)

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A part of her poetry[14] reveals that Indigenous cosmologies does not stem from an individualistic and detached *locus* (Squeff, Damasceno, 2023). On the contrary, the author demonstrates that Indigenous peoples engage with and address the same issues debated by scholars from the major universities of the Global North.

The purpose of using critical theories in International Relations studies is to uncover alternative possibilities hidden by traditional understandings (Inayatullah, Blaney, 2004). These alternatives can be employed to challenge dominant narratives, as seen in the present article's discussion on the concept of territory. Therefore, Inayatullah and Blaney (2004) discuss sovereignty as an "exclusive property right," comparing it to liberal forms of property ownership. Sovereignty is thus viewed as a set of rights of ownership, use, and transfer, generally conceived as land ownership. The exclusivity of sovereign rights is territorial, with the ruler's domain subject to their exclusive jurisdiction. The authors explain that territorial jurisdiction grants sovereign states rights of possession and use over their own territory but not over that of others. According to them:

> The sovereigns of the modern era, in their attempt to secure their rather fragile rule, could appeal to their "property" only by extending property rights to various subjects of the realm in return. More importantly, this involved recognizing the rights of a rising merchant class to secure their alliances with the centralized government. In the process, the sovereigns gradually established the kingdom as a kind of social body – a distinct and legitimate state. The social body of the state was built from individual and corporate holders of rights over productive assets, whether tied to land or in more mobile forms of capital (Inayatullah, Blaney, 2004, p. 169).

In other words, modern conceptions of property rights are intricately linked to the development of the state system and global capitalism. The ruler's authority is defined in relation to the "outside" of the international system, while property relations essential to global capitalist production and exchange are also formed (Inayatullah, Blaney, 2004).

This perspective can also be supported by analysis of the Lockean thought and the importance of this author in the theoretical construction of Eurocentrism. Locke emphasizes that "the chief end and main purpose of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property"(Locke, 2019, p. 19). This statement has two main consequences: (i) the valorization of property and (ii) the recognition only of social communities that have the preservation of property as their primary foundation.

14 In the context of Indigenous epistemologies, poetry and other forms of written expression are not merely literary or aesthetic; they are integral diplomatic practices and argumentative tools that convey cosmological, political, and legal knowledge.

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Once acquired, property is permanent and fundamental to civilized society, according to Locke. There is a direct relationship between the ability to acquire property and the exercise of rights and rationality. Those who possess property are included in society because they have an interest in preserving their life and liberty. Only these individuals can be full members, as they are invested in the preservation of property and capable of living rationally, a condition necessary for full participation in society (Squeff, Damasceno, Taroco, 2022).

According to Squeff, Damasceno, and Taroco (2022, 195):

> (...) the premises that guide this rationality, carry the contradictions and inadequacies of 17th-century bourgeois society, and precisely because of this, they are insufficient as they adopt class differentiation, distinctions among individuals, and the definition of a single "moral code" as the proper one. Thus, Locke generalizes characteristics of this 17th-century bourgeois society as being inherent to human nature. That is, they are not identified as belonging to a specific and localized group, but rather attributed to human beings and their nature.

In other words, this rationality is exclusionary and imposing, not allowing for the inclusion of all individuals, ways of life, or social organizations. Those who do not fit the bourgeois model of accumulation are seen as moral deviants or incapable of accessing rationality.

When traditional International Relations theories omit or reinforce these conceptions, they hinder a politics of resistance to inequalities, the exploitation of human beings, and the environmental destruction. Thus, this paper echoes Ailton Krenak's question "When will we understand that nation-states have already disintegrated, that the old idea of these agencies was already bankrupt from the outset?" (Krenak, 2019, p. 9). The indigenous activist continues:

> How can we justify that we are one humanity when more than 70% are entirely alienated from the minimum exercise of being? Modernization has driven these people from the countryside and forests to live in favelas and peripheries, to become labor in urban centers. These people were torn from their collectives, from their places of origin, and thrown into this blender called humanity. If people do not have deep ties to their ancestral memory, to the references that sustain an identity, they will go mad in this insane world we share (Krenak, 2019, p. 9).

The concept of territory from the perspective of Indigenous territoriality helps shift the paradigm of understanding territory solely within the liberal model of private property. Opposing the liberal paradigm, Krenak asserts that the idea that humans are disconnected from the land is absurd: "It suppresses diversity, denies the plurality of ways of life, existence, and habits. It offers the same menu, the same attire, and, if possible, the same language for everyone" (Kre-

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nak, 2019, p. 12). He argues that we must critically examine this notion of a homogeneous humanity (in which consumption has long replaced citizenship), when in fact, there are hundreds of living narratives from peoples who, by engaging with the land through territoriality, teach us other ways of gathering, communicating, and relating to nature. These alternatives must be included in the field of International Relations as we seek solutions to the many problems that plague humanity today: from security dilemmas to cooperation strategies, interactions between different organizations, environmental protection, and the promotion of interculturality.

A dominant blindness leads many to dismiss as catastrophic or absurd the idea that the world might actually end if we maintain our current way of life. But until we understand that the words of Yanomami shaman Davi Kopenawa – his warning about the "falling sky" [15] – are a concrete warning, not a metaphor, we will keep living through years like 2024 in Brazil, where the North burns and the South drowns (Squeff, Damasceno, 2024).

Due to a dominant blindness, it still seems too catastrophic, too apocalyptic, too absurd to say that the world will end if we continue our current way of life. But until we realize that the words of the Yanomami shaman Davi Kopenawa are a warning about "the falling sky," we will continue to experience years like 2024 in Brazil, with the North consumed by flames and the South submerged in water.

FINAL CONSIDERATIONS

The eurocentric paradigm has shaped not only the field of International Relations but also both international and national politics, neglecting not only problems but also alternatives that can be found in the Global South. Therefore, postcolonial and decolonial movements have raised different types of issues in the literature, constituting a critical alternative effort to global hierarchies and power relations.

This study aimed to understand how legal and Indigenous concepts, especially through concepts of territory and territoriality derived from Indigenous epistemologies, can contribute to the field of International Relations.

When addressing the protection of Indigenous Territory under Brazilian and international law, the study was based on the understanding that such rights emerged from the Indigenous

15 The expression "falling sky" refers to the title and central cosmological warning of the book The Falling Sky: Words of a Yanomami Shaman, co-authored by Davi Kopenawa and anthropologist Bruce Albert. In it, Kopenawa shares the Yanomami understanding of the world's fragility and the risk of cosmic collapse as a consequence of the ongoing destruction of the forest and the disrespect towards the spirits that sustain life (Kopenawam Albert, 2019).

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struggle for their land, rather than being a mere concession of the state system. This means that, despite coloniality, Indigenous peoples have remained resilient, created strategies, articulated themselves to be able to demand this right. Regarding the characteristics of Indigenous territorial protection, Brazilian laws and international treaties and declarations share similarities. Both domestically and internationally, there is a noticeable shift from an assimilationist stance toward a normative framework that recognizes the right to difference and the collective ownership of rights, acknowledging cultural specificities and the right to preserve them.

By incorporating Indigenous voices in literature and academia, this study sought to understand the protection of Indigenous Territory through multiple perspectives and experiences. Understanding the relationship between Indigenous peoples and their lands is essential for preserving their cultures and recognizing their rights. Each people have a unique and profound connection with their land, which is fundamental to their identity and way of life. Adopting perspectives of Indigenous peoples allows for the creation of fairer and more effective public policies that respect and value their traditions and knowledge. Furthermore, this understanding contributes to environmental protection, as Indigenous peoples play a crucial role in preserving biodiversity and nature.

In conclusion, considering that the study of International Relations from Eurocentric approaches is limited in its ability to address Indigenous issues and the impacts of coloniality, the adoption of concepts, strategies, and practices derived from Indigenous epistemologies can enrich the field. Indigenous epistemologies do not merely add cultural diversity to the field of International Relations; more than that, they challenge its foundational assumptions. By rejecting liberal notions of territory as private property and questioning the exclusive control of the State over bounded space, Indigenous perspectives offer radically different ontologies of land, relationality, and political organization. These contributions destabilize the Eurocentric grammar of International Relations, inviting a reinterpretation of core concepts. In doing so, they open space for a more plural, situated, and decolonial discipline – one capable of engaging with territorialities rooted in reciprocity, collective responsibility, and non-extractive relationships with the Earth. Ultimately, valuing Indigenous contributions not only enriches the field analytically but also demands ethical and political shifts in how global relations are studied and practiced.

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