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Indigenous Land Rights and Environmental Challenges: A Comparative Analysis of Canada and Brazil

Yerli Toprak Hakları ve Çevresel Sorunlar: Kanada ve Brezilya'nın Karşılaştırmalı Bir Analizi

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ANAHTAR KELİMELER

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ÖZ

The Amazon Forest fires of 2019 raised climate change awareness within the context of indigenous efforts to claim their indigenous land rights and environmental rights to a different level. Brazil is facing unprecedented polarization in its politics due to the contrasting public opinions on the environmental rights of its indigenous people and the future of the Amazon. Canadian national railway networks have been shut downdue to Canada-wide protests against a multi-billion-dollar pipeline that is planned to pass through the unceded lands of the indigenous Wet'suwet'en people of British Columbia. Environmental justice concerning development that threatens the land rights of indigenous people also threatens their natural environment. Such rights are protected under various national and international legal instruments. Perhaps it is the competing socio-political and socio-economic interests that juxtapose the question of indigenous land rights and environmental justice. Such conflicting interests also paint the indigenous people's land rights as an extension of threats to national sovereignty. This paper examines the land rights of the indigenous people, primarily using the cases of the Canadian indigenous nations and the Brazilian indigenous people as the contextual lens.

KEYWORDS

International Indigenous Law
Indigenous Rights
Indigenous Land Rights
Colonisation
Social Justice and Human Rights

ABSTRACT

2019'daki Amazon Ormanı yangınları, yerlilerin toprak haklarını ve çevre haklarını farklı bir düzeye taşıma çabaları bağlamında iklim değişikliği farkındalığını artırdı. Brezilya, yerli halkının çevresel hakları ve Amazon'un geleceği konusundaki zıt kamuoyu görüşleri nedeniyle siyasetinde benzeri görülmemiş bir kutuplaşmayla karşı karşıya. Kanada ulusal demiryolu ağları, Britanya Kolumbiyası'nın yerli Wet'suwet'en halkının sahipsiz topraklarından geçmesi planlanan milyarlarca dolarlık boru hattına karşı Kanada çapındaki protestolar nedeniyle kapatıldı. Yerli halkın toprak haklarını tehdit eden kalkınmaya ilişkin çevresel adalet, aynı zamanda onların doğal çevresini de tehdit etmektedir. Bu haklar çeşitli ulusal ve uluslararası hukuki araçlarla korunmaktadır. Belki de yerlilerin toprak hakları ve çevre adaleti sorununu yan yana getiren, rekabet eden sosyo-politik ve sosyo-ekonomik çıkarlardır. Bu tür çatışan çıkarlar aynı zamanda yerli halkın toprak haklarını da ulusal egemenliğe yönelik tehditlerin bir uzantısı olarak gösteriyor. Bu makale, öncelikle Kanada yerli ulusları ve Brezilya yerli halkı örneklerini bağlamsal mercek olarak kullanarak, yerli halkın toprak haklarını incelemektedir.

1. Introduction

International Environmental Law ("**IEL**"), as a body of International Law ("**IL**"), is not a new corpus of law (Plater, 1993). The intense debate on the scope of IEL with regard to indigenous communities and their rights is also not new (Anaya. 1991). However, the efficacy of the IL in protecting

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the natural environment of indigenous communities is a different story altogether. The European colonization of North and South America, post-16th century led to the mass exploration of earth's natural resources. It became the *ab initio* of the first industrial revolution (Lüthy, 1961).

Before the advent of the so-called social media, news of happenings such as environmental degradation or mistreatment of indigenous communities was reported subservient to the editorial priorities of the major news outlets. Social media has given birth to a new wave of 'citizen reporting' that at times allows for airing facts that may or may not be prioritized by mainstream news outlets. Scholars now term social media as the 'ambient' (Hermida, 2010) journalism.

The oil sands of Alberta, Canada and the various oil pipelines that carry crude oil to oil terminals on the pristine west coast of Canada became a hot topic of debate in the global social media (Bakardjieva, et.al., 2018). The framing of the argument between the mainstream media and the social media exposed the fissures between the corporate media outlets and ordinary citizens reporting on social media. The matter pertains to an oil pipeline passing through the unceded territory of the *Wet'suwet'en* Nation in British Columbia ("**BC**"), Canada.

The *Wet'suwet'en* nation set up blockades around the entry points to its lands, preventing the pipeline company from proceeding with the construction. On December 31st, 2019, the B.C. Supreme Court granted an injunction on behalf of Coastal GasLink (Coastal GasLink Pipeline Ltd, 2019), which is the subsidiary of TransCanada Energy ("**TC Energy**") to remove the blockades.

The Amazon Forest spans nine South American countries. 60 percent of Amazon is in Brazil. *Guajajara* people are one of the indigenous communities guarding around 1,500 square miles of Amazon's rainforest. Violence against indigenous communities protecting the Amazon against illegal land grabs and setting off forest fires to cut old growth has resulted in indigenous deaths. The year 2019 saw over a hundred indigenous people murdered, protecting the Amazon Forest (Sauer, 2018).

Brazil's Federal Constitution 1988 formally recognized that the indigenous people were the first inhabitants of the lands before the colonisers arrived. The 1988 Constitution determined the year 1993 as the deadline for the Federal government to demarcate the indigenous lands. The so-called "time-frame limitation" (Carneiro da Cunha et.al., 2017) gave rise to a series of legal challenges threatening the recognition of indigenous land rights under the "Marco temporal" (Ioris et.al., 2019) cause. This paper examines the rights of indigenous people in Canada and Brazil using the cases of Wet'suwet'en nation and Guajajara people as its contextual lens.

2. Canada: Crown's Recognition of Indigenous Rights

The Royal Proclamation 1763 (Slattery, 1763) issued by King George III, recognized the Aboriginal title for the indigenous communities in North America. The proclamation also recognized that all lands are to be considered Aboriginal lands until ceded by treaty. The British dominion over North America came at the end of the seven-year war between France and its allies and Britain and its allies (Baugh, 2014). It ended in the French dominion of North America and ushered in the British dominion that exists in Canada today in the form of the nebulous doctrine of the 'Crown'.

The Royal Proclamation 1763 is enshrined in Section 35 of the Canadian Constitution Act 1982 (Freedoms, Fundamental, and Democratic Rights, 1982). Section 35 does not create Indigenous rights, nor does it define them. It simply 'recognizes' indigenous rights and leaves them open for legal interpretation.

Section 35 of the Constitution Act states:

> "(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
>
> (2) In this Act, "Aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.
>
> (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
>
> (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons."

Canadian Constitution 1982, Part-1 describes the Canadian Charter of Rights and Freedoms. Section 25 of the Charter of Rights and Freedoms also guarantees the Aboriginal rights stated in the 1763 Royal Proclamation. Section 25 states,

"25. The guarantee in this Charter of certain rights and freedoms shall not be construed to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada including

> (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
>
> (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired." (Freedoms, Fundamental, and Democratic Rights, 1982).

Regardless of the fact that indigenous rights are not defined or created in the Constitution Act of 1982, the Royal Proclamation of 1763 recognized indigenous rights over unceded lands. The Indian Act of 1876 uses the word "*Indian*" for the indigenous people residing in Canada. It does, however, define 'bands' to differentiate between various categories of '*Indians*' (see https://laws-lois.justice.gc.ca/eng/acts/i-5/). The Indian Act of 1876 is

still the governing legislation that rules the '*Indian*' or the indigenous affairs in Canada.

The Indian Act of 1876 states:

"Definitions 2 (1) In this Act, band means a body of Indians

(a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951,

(b) for whose use and benefit in common, moneys are held by Her Majesty, or

(c) declared by the Governor in Council to be a band for the purposes of this Act" (see https://laws-lois.justice.gc.ca/eng/acts/i-5/page-1.html#h-331721)

The above definition gives rise to certain conclusions under the Indian Act of 1876. The Crown holds the legal title to all lands either as part of *'Indian Reserves'* or otherwise that are used or for the benefit of the '*Indians*'. Any funds allocated or belonging to the '*Indians*' are controlled by the Crown. The Crown has the discretion to define if indeed a group of Indians is a 'band' or not.

The word '*Indian*' comes from the Latin word '*idios*', meaning a person from the land of river Indus, in the Indian Subcontinent. One cannot but be skeptical of the continued ignorance towards the use of the word '*Indian*' within the contemporary legal lexicon of Canada for the indigenous people of North America. It seems the colonial mindset continues to prevail even at the rudimentary level of written legal connotations.

3. Dispossession of Indigenous Lands

The Indian Act of 1876's creation of 'Bands', their recognition and categorization at the discretion of the Crown seems to be a step towards attempting to redefine thousands of years of indigenous identity. The sad history of creating '*Indian reserves'* goes back to the French colonization (Neu, 2000). The French colonization of the indigenous people was replaced with British colonization in 1763. The French missionaries had the discretion to allocate lands for the Indians to *'assimilate'* them with the ways of the civilized world and to convert them to Christianity. The British colonizers continued with the trend under the Indian Act of 1876 by furthering the control over the identity of the indigenous people through the power to recognize the bands.

The *reserves* also helped to box the indigenous people into parcels of land that the Crown deemed fit for the purpose. It also helped to exploit and allocate the remaining lands to the European settlers for the benefit of the Crown.

The Indian Act of 1876, Section 20 states:

"**Possession of lands in a reserve**

20 (1) No Indian is lawfully in possession of land in a reserve unless, with the approval of the Minister, possession of the land has been allotted to him by the council of the band.

Certificate of Possession

(2) The Minister may issue to an Indian who is lawfully in possession of land in a reserve a certificate, to be called a Certificate of Possession, as evidence of his right to possession of the land described therein." (see https://laws-lois.justice.gc.ca/eng/acts/i-5/page-5.html#h-332093)

Ordinary reading of the above section clarifies the Crown's position related to indigenous land rights, even on the lands allocated as '*Indian reserves'*. The word 'traditional territories' is not part of the Crown's legal lexicon concerning indigenous people or their land rights. The relations defined by the Crown with regard to the rights of the indigenous people are defined by the Indian Act of 1876 and the recent First Nation Land Management Act of 1999 (see https://laws.justice.gc.ca/eng/acts/F-11.8/page-1.html). Both pieces of legislation reflect the Crown's desire to act as the '*guardian*' of its *'Indian wards'*. The paternalistic undertones of the legislative framework guiding the indigenous rights especially their land rights injure the equality doctrine under international law (Coté, 2001).

Articles 2 to 10 of the United Nations Declaration on the Rights of Indigenous Peoples (61/295) in 2007 provide clarification regarding indigenous rights to their lands. Article 10 states:

"Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return." (UN General Assembly, 2007).

In the seminal case of *Calder v. Attorney-General of British Columbia* (Calder v British Columbia, 1973), the Supreme Court of Canada upheld the recognition of the *Nisga* nation's title to their traditional, ancestral and unceded lands. The recognition of the indigenous title existence before the *Royal Proclamation of 1763*, effectively confirmed that the indigenous title to the lands pre-existed the colonial law, thus the aboriginal land title is not a derivative of the colonial law. This fine distinction is a landmark victory since the *Nisga* nation's aboriginal land title claim was rejected by the BC Supreme Court and also the Court of Appeal.

The seven-member bench of the Canada Supreme Court hearing the appeal was split in deciding: (1) if the aboriginal land title pre-dated Royal Proclamation 1763 and (2) if the land claim was still valid. Three members ruled that while the title pre-dated Royal Proclamation 1763, the land claim was extinguished in favor of the Confederation and upon colonial rule. Three members ruled that not only did the title preexist in the 1763 Proclamation, but the land

claim also was never extinguished either through treaty or statute. The seventh member ruled to dismiss the appeal on a technicality.

In *Guerin v. The Queen* (Guerin v The Queen, 1984), the Supreme Court of Canada held that the Crown owed a fiduciary duty to the indigenous people to establish Aboriginal title under the sui generis doctrine. This is a landmark case that allows the recognition of a separate identity for the Aboriginal law within the existing common law framework. The *Sui Generis* cloak for the aboriginal law, defined by the Court in Guerin created unique challenges for the Crown's assertion of sovereignty and the perceived benevolence towards aboriginal law (Borrows & Leonard, 1997).

In *The Tsilhqot'in Nation v. British Columbia* (Tsilhqot'in Nation v. British Columbia, 2014), the Supreme Court of Canada relied on Section 35 of the Canadian Constitution Act 1982. The Court in *ratio decidendi* held,

> "Pursuant to Sparrow (R v Sparrow, 1990), provincial regulation is unconstitutional if it results in a meaningful diminution of an Aboriginal right that cannot be justified pursuant to s. 35 of the Constitution Act, 1982. Pursuant to inter-jurisdictional immunity, provincial regulation would be unconstitutional if it impaired an Aboriginal right, whether or not such limitation was reasonable or justifiable." (Tsilhqot'in Nation v. British Columbia, 2014)

The Court's *obiter dicta* reliance on *Sparrow* clarifies the Section 35 usage in *ratio*. It held that:

> "Section 35(1) states that existing Aboriginal rights are hereby "recognized and affirmed". In Sparrow, this Court held that these words must be construed in a liberal and purposive manner. Recognition and affirmation of Aboriginal rights constitutionally entrenches the Crown's fiduciary obligations towards Aboriginal peoples. While rights that are recognized and affirmed are not absolute, s. 35 requires the Crown to reconcile its power with its duty. "The best way to achieve that reconciliation is to demand the justification of any government regulation that infringes upon or denies aboriginal rights" (Sparrow, p. 1109). Dickson C.J. and La Forest J. elaborated on this purpose as follows, on p. 1110:
>
> The constitutional recognition afforded by the provision therefore gives a measure of control over government conduct and a strong check on legislative power. While it does not promise immunity from government regulation in a society that, in the twentieth century, is increasingly more complex, interdependent and sophisticated, and where exhaustible resources need protection and management, it does hold the Crown to a substantive promise. The government is required to bear the burden of justifying any legislation that has some negative effect on any Aboriginal right protected under s. 35(1)." (Tsilhqot'in Nation v. British Columbia, 2014)

In *Tsilhqot'in* in *Conclusion* at para 153, the Supreme Court included the necessity of *prior consultation* with the indigenous people for any activities on their lands, as part of the Crown's fiduciary duty owed to the indigenous people recognized in *Guerin*.

The struggle of the indigenous people of North America, especially in Canada to protect their land rights and subsequently the rights to their natural environment, laws and culture are far from over. The case of the Wet'suwet'en nation against the passing of the TC Energy Canada pipeline through their lands in making its way through the Canadian judicial system. A quick and amicable solution is unlikely due to the Crown's assertion of its sovereignty, the allocation and use of the country's natural resources and the complexity of legal interpretations emerging from the statutory laws and legal precedents by the Courts.

4. Indigenous People of Brazil and Colonization

Brazil was colonized by the Portuguese subsequent to 1493 AD Pope Alexander VI's papal bull, "*Inter Caetera*". The Pope authorized Spain and Portugal to colonize the Americas and all of its indigenous people (Symcox & Sullivan, 2005). The colonization memory of the indigenous people in Brazil along with other contemporary nations in Central and South America is relatively fresh in terms of its brutality and violence. The complex land rights situation facing Central and South American indigenous nations post-colonization is beyond normative.

The abundance of earth's soil and subsoil resources in the region have made it a target for the natural resource-starved Europe since the 15th Century. The fifteenth-century colonization of the central and South American regions for their abundant natural resources has been replaced with corporate interests and geopolitical influences from their rich neighbors in North America and Europe.

Van Uhm et.al (2021) have argued that European colonization stressed the geographical sovereignty to exploit the natural resources of the indigenous people. The theory can be tested by looking at the historical examples of the East India Company (1600), the Dutch West Indies Company (1621), and the Hudson Bay Company (1670) etc. Most of these 'companies' were the vessels of the European Courts that would enter a lucrative region with a thriving economy as traders and subsequently pave the way for European armies to invade and colonize.

Brazil's indigenous people are distinct from the indigenous people in North America due to their continued presence in the vastitude of the Amazon. Their tribal way of life in the Amazon still reflects their strong linkages with their rich knowledge of the land. Similar to Canada's *Indian Act 1876*, the Brazilian *Indian Statute Law 6.001*, promulgated in 1973 defines an indigenous person. Article 3 of the 1973 Law states:

> "Any person with pre-Columbian origin who identifies himself as belonging to an ethnic group whose cultural characteristics distinguish it from the national society." (Góis, 2013)

Large populations of the Brazilian indigenous people were confined to Christian missionary 'villages' between the years 1686 to 1759. These confinements led to the spread of epidemics, killing thousands of indigenous people. The survivors (mostly men) were inducted into paramilitary forces to fight for the colonizers (Cunha, 2012). These and other brutal indigenous population control measures led to the annihilation of many indigenous tribes that have no surviving members today. There are only 900,000 indigenous people in Brazil today, out of the total population of 212 million (de Oliveira Martins Pereira, 2017).

Article 231 of theBrazilian Constitution 1988 provides for the protection and recognition of indigenous lands and culture as follows:

> "Indians shall have their social organization, customs, languages, creeds and traditions recognized, as well as their original rights to the lands they traditionally occupy, it being incumbent upon the Union to demarcate them, protect and ensure respect for all of their property." (see https://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_leyes_pais_b_1_en.pdf , page 152)

Article 231 of the 1988 Constitution further elaborates on the definition of indigenous lands. Article 231, Paragraph 1 through 6 provide clarity on the land title, possession and any usufruct from the lands that are possessed by the indigenous people. Paragraph 1 states,

> "Lands traditionally occupied by Indians are those on which they live on a permanent basis, those used for their productive activities, those indispensable to the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction, according to their uses, customs and traditions." (see https://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_leyes_pais_b_1_en.pdf , page 153)

Brazil severed all ties with its European colonizers and became a Federal Union. This is distinct from Canada, which has ties with the colonizers, accepting the reign of the British Crown as its sovereign. The Brazilian Constitution 1988, Article 231, Paragraphs 2 and 4, specifically provides for the 'inalienable' and 'permanent possession' of indigenous lands by the indigenous people. It states:

> "Paragraph 2. The lands traditionally occupied by Indians are intended for their permanent possession and they shall have the exclusive usufruct of the riches of the soil, the rivers and the lakes existing therein.
>
> Paragraph 4. The lands referred to in this article are inalienable and indisposable and the rights thereto are not subject to limitation." (see https://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_leyes_pais_b_1_en.pdf page 153)

The provisions of Article 231 of the Brazilian Constitution 1988 are distinct from the indigenous land provisions provided in Section 20 of the Canadian Indian Act of 1876.. While the Brazilian Constitution 1988 protects and provides for inalienable, permanent possession of indigenous lands by the indigenous people, the indigenous people of Canada can only inhabit their indigenous lands at the pleasure of the Crown.

Article 67 of the Brazilian Temporary Constitutional Provisions Act of 1988 states "*The Union shall conclude the demarcation of the Indian lands within five years of the promulgation of the Constitution* (see https://pdba.georgetown.edu/Constitutions/Brazil/tcpa.html#:~:text=Brazil%27s%201988%20Constitution%20with%20the%201996%20reforms%2C%20Temporary,the%20National%20Congress%20shall%20take%20an%20oath%20to) . The 'Marco temporal' or the 'time limitation stated in Article 67 above has caused constitutional challenges for the indigenous land rights in Brazil. The 'Marco Temporal' is not defined in the Brazilian Constitution of 1988 and does not dilute the protections afforded to indigenous land rights under Articles 231 and 232.

The 'Marco Temporal' provision expired on October 5th, 1993. The process of demarcation has continued due to the non-binding nature of the 'Marco temporal' clause. The process of demarcating indigenous lands, however, has faced much opposition from the farming lobby. Data is difficult to obtain as to the true extent of indigenous land demarcation in Brazil due to a myriad of laws and the slow pace of the demarcation process.

As of 2009, only 431 of the 634 indigenous land parcels identified were demarcated as indigenous lands (Santilli, 2016). Conselho Indigenista Missionári or CIMI was formed to document and defend the rights of Brazilian indigenous people in 1972. In its 2019 report, it states:

> "It should be noted that of 1,298 indigenous lands in Brazil, 829 (63%) are pending something from the government to finalize its demarcation process and registration as a traditional indigenous territory with Brazil's Department of National Heritage (Secretaria do Patrimônio da União, SPU). Of these 829, a total of 536 lands (64%) have had zero action from the government." (see https://cimi.org.br/wp-content/uploads/2020/10/Executive-Summary-2019-cimi_ingles.pdf)

Violent land disputes between indigenous communities and illegal land occupiers due to deforestation are an undisputed fact. Many Guajajara people have been hunted by loggers, defending the ancient rainforest (Neto, 2020). The Guajajara people are located in the Arariboia indigenous territory. It houses the Guajajara and Tentehar people in the central-west

of Maranhão state. Guajajara people are considered the defenders of the eastern edge of the Amazon Forest.

The indigenous land protection afforded in the Brazilian Constitution of 1988 is far greater than in Canada. However, the farming lobby in Brazil has played a crucial role in watering down the Constitutional protections afforded to the indigenous land rights under Articles 231 and 232 (see https://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_leyes_pais_b_1_en.pdf page 153). The recent present government of Brazil has come under intense local and international criticism for its stance on upholding the rights of indigenous people. The present President of Brazil made a campaign promise to not allow any demarcation of indigenous lands under his government to promote the interest of the logging and farming industries. CIMI in its 2019 report states:

> "President Bolsonaro and his administration, through its Ministry of Justice, returned 27 demarcation processes to the National Indian Foundation (FUNAI)…. in 2019, 256 cases of possessory invasions, illegal exploitation of resources, and property damages were recorded in at least 151 indigenous lands, of 143 indigenous peoples, in 23 states…. these data reveal an extremely worrying reality: last year alone, there was an increase of 134.9% of cases related to invasions compared to those recorded in 2018. This represents more than double the 109 cases recorded in 2018." (see https://cimi.org.br/wp-content/uploads/2020/10/Executive-Summary-2019-cimi_ingles.pdf)

The Brazilian Supreme Court ("Supremo Tribunal Federal-**STF**") is currently hearing a case concerning the 'Marco temporal' clause and Indigenous land rights (STF Recurso Extraordinário 1.017.365, 2005). The Extraordinary Appeal 1.017.365 before the STF rests on two opposing arguments. The STF has to rule; (1) if there is a time frame (Marco temporal) under the Constitution for the indigenous people to claim their traditional land titles (2) that the indigenous people must prove their land possession at the time of 1988 Constitutional promulgation (Attorney General's view) or the STF must uphold the "*indigenato*" thesis that states the indigenous peoples' ancestral rights to their lands preceding the federal union (indigenous peoples' appeal). It remains to be seen, what would be the outcome of the case.

5. Conclusion

Canada and Brazil provide an interesting study for indigenous rights under IL. While the corpus of IL concerning indigenous rights is heavily influenced by English as well as French law, it has added dimensions that are dynamic and speak to the evolving needs of the time. The 2007 UN Declaration on the Rights of Indigenous Peoples, the American Convention on Human Rights, and the International Labour Organisation Convention No.169 speak to the indigenous rights and their inalienable rights to their traditional lands. It is an entirely different matter how these bodies of IL concerning indigenous rights are being incorporated into the municipal laws.

Canada is working on its relationship with the indigenous people. It's a work in progress. The recent findings of unmarked children's graves in the residential schools are another sensitive matter that exposes the fissures beneath the veneer of normalcy that defines secular Canadian race relations. Such socio-economic complexities juxtapositioned with the scars of colonization make it difficult the balance various rights and obligations, wherever they may rest. The indigenous people of Canada have been active in raising their claims for the protection of their traditional lands. The trend is unlikely to change.

Brazil's share of the Amazon Forest encompasses biodiversity that is critical to the earth's natural environment. The indigenous people of Brazil are less than 900,000 compared to its total population of 212 million. The indigenous people of Brazil have been subjected to 500 years of brutal colonization that continues to this day in one form or another. Their struggle to maintain their traditional way of life while safely protecting their natural environment comes at a great price.

Both Canada and Brazil have non-native populations controlling the land resources. Both countries are success stories of capitalism. The laws in both countries provide for the protection of indigenous populations albeit with a different mindset. The pristine natural environments in both countries are the shared heritage of the global community. It is the responsibility of the international community to support the indigenous people's right to their traditional lands if we are to see our future generations experience the biodiversity of these two distinct natural environments.

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