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INDIGENOUS PEOPLES AND MULTICULTURALISM

Abstract: This study examines, from legal anthropology, the paradigm change in the constitutional recognition and guarantee of the rights of indigenous peoples in the MERCOSUR countries: Argentina, Brazil, Paraguay, Uruguay and Venezuela. Initially summarizes the two main anthropology schools — social evolutionism — ethnocentric character and totalizing — and functionalism cultural, relativistic and multiculturalistic character — to demonstrate that the process of colonization of the South American continent adopted evolutionary doctrines as the discovery and just war, that was included in this paradigm, sought to justify the physical and cultural destruction of indigenous peoples. Then, after analyzing the functionalist paradigm of authors such as Boas and Malinovsky, shows that from the process of democratization of the South American continent, and the support of the United Nations (ONU) through international documents as the Convention for the Protection of Diversity of Cultural Expressions of 2005 and the Universal Declaration of the Rights of Indigenous Peoples 2007, the constitutions of the MERCOSUR countries have come to recognize and guarantee indigenous peoples rights to minimum standards, such as non-discrimination, self-determination, cultural integrity, ownership, use, control and access to land, territories, resources, development, social welfare and political participation in the state.

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