

## ABHANDLUNGEN / ARTICLES

### State of Exception and Internal Colonialism: The Construction of the Belo Monte Power Plant in Brazil

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**Abstract:** This study analyzes two of the most important pillars of Brazil's developmentalist project: its internal colonialism and the use of the State of Exception. In order to do that, the focus of the analysis is the construction of the Belo Monte hydroelectric plant, identified as an outstanding case of Brazil's development project. The adopted methodology is based on bibliographic and documentary review through law and literature. It explains the Brazilian project by tracing parallels between the Belo Monte plant and the construction of the windmill in George Orwell's "Animal Farm". The first parallel is the manipulation of ideas to generate social legitimization. In Orwell's novella, the legitimization was generated by the popular demand for better lives for all, summarized in the promise of the "three-days week", while in Brazil the basis for social legitimization is the fuzzy concept of development, almost interchangeable with economic growth, based on a notion of trickle-down economics according to which the whole population would stand to gain from the enrichment of a few. The second parallel is the creation of a State of Exception aimed at making the exception of law the rule in specific territories and to specific populations in order to legally justify the constructions. Finally, it brings up a debate about what it means to be a subject of rights in a context of autoimperialism, drawing attention to the fact that traditional populations, such as indigenous peoples, are being sacrificed in the name of a Brazilian developmental project, as for accumulation to exists it needs to coexist with violence and hoarding.

**Keywords:** State of Exception; Internal Colonialism; Law and Literature; Development; Traditional Populations

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## A. Introduction

This article aims to shed light to two of the principal pillars of Brazil's developmentalist project: its internal colonialism and its use of mechanisms of State of Exception meant to provide legal support for the first. In order to analyze how these two pillars are used in practice, this article focuses on the construction of the Belo Monte hydroelectric power plant, as it is an outstanding case for understanding how the legal framework creates exceptions for itself in order to enforce the “appropriation/violence” paradigm<sup>1</sup> over territories and traditional populations.

This study is developed through bibliographic and documentary research and adopts the Law and Literature methodology depicting how discourses and the *State of Exception* are adopted in Brazil to overrule rights of those *made invisible* by colonization. In this regard, it explains the legal maneuvers put in place for the construction of the Belo Monte hydroelectric power plant by tracing parallels between the plant's construction and the construction of the windmill in George Orwell's “Animal Farm”<sup>2</sup>.

Although Orwell's work is often related to authoritarian governments, “the state of exception coexists with constitutional normality”<sup>3</sup>. In this regard, the construction of the Belo Monte plant wasn't made by one single government: the energy potential studies of the Xingu River (where the plant is located) started in 1975, during the business-military dictatorship in Brazil (an authoritarian regime), but it was effectively built in the 2010s, coexisting with constitutional normality, under the democratic government of the Partido dos Trabalhadores, the “Workers Party”<sup>4</sup>.

1 For more information about the different paradigms on the different sides of the abyssal line, check *Boaventura de Sousa Santos*, Para além do pensamento abissal: das linhas globais a uma ecologia de saberes Novos estudos, CEBRAP 2007, pp. 71-94.

2 The book “Animal Farm” is commonly used as a tool to explain totalitarian regimes, as well as to shed light on the Russian Revolution (1917). The usual approach to Orwell's work is justified by the work itself and its capacity to relate to totalitarian governments as a simile of reality. Other authors have dedicated their research to better understanding Orwell's work (not only Animal Farm) and to approaching it even more to reality (*Veronica Claire Letemendia*, Revolution on Animal Farm: Orwell's Neglected Commentary, *Journal of Modern Literature* 18 (1992), pp. 127-37; *Elahéh Faddaei*, Symbols, metaphors and similes in literature: A case study of Animal Farm, *International Journal of English and Literature* 2 (2010), pp. 19-27; *Olgálio Paulo Vogt*, A Revolução Russa Através da Revolução dos Bichos, *Ágora* 13 (2007), pp. 229-249). This article helps itself to the numerous contributions already made, but unlike the mentioned research, it does not seek to relate or understand a specific government through Orwell's work, but to build a comprehension over the meaning and surroundings of a determined fact (the construction of the Belo Monte hydroelectric power plant) using similar fact that occurred at Orwell's Animal Farm (the construction of the windmill).

3 *Santos*, note 1, p. 85.

4 *Verena Glass*, O desenvolvimento e a banalização da ilegalidade: a história de Belo Monte, in: Gerhard Dilger / Mirian Lang / Jorge Pereira Filho (eds.), *Descolonizar o imaginário: debates sobre pós-extrativismo e alternativas ao desenvolvimento*, São Paulo 2016, pp. 414-415.

The case of the construction of the Belo Monte hydroelectric power plant displays one of many forms in which colonialism is still very much alive nowadays through appropriation and violence justified by a State of Exception as “the ‘abyssal’ cartographical lines that used to demarcate the Old and the New World during colonial times are still alive in the structure of modern western thought and remain constitutive of the political and cultural relations held by the contemporary world system”.<sup>5</sup> Furthermore, the Belo Monte case presents not only a vivid display of how the abyssal line is still alive, as it also displays internal colonialism, a mark of Brazilian auto-imperialism, an autophagic figure of a country devouring itself, “a country conquering itself, invading itself”.<sup>6</sup>

In this regard, Orwell’s proposed preface to “Animal Farm”, first published by “The Times Literary Supplement”, on September 15, 1972, under the title “The Freedom of the Press”, draws attention to the first parallel traced: the manipulation of ideas in different regimes, which is analyzed in the first section. Combined with the social justification through the manipulation of ideas, the second parallel is focused on the legal justification, depicting a State of Exception aimed at moving forward the developmental project against territories and populations.

As Orwell argues for the manipulation of ideas in different regimes, this study shows not only the manipulation of ideas, but also laws, using the novella as an instrument to make this understanding easier and more approachable in a context of science communication. Thus, this study has no intention of arguing similarities between the two contexts (one a fictional context of the animals, a “lower class” gaining power, and the other a more complex context deeply marked by colonialism).

Sharing Orwell’s hope that “the past can give us back a sense of our own modern roots”,<sup>7</sup> this article is developed throughout three sections. The first one, “Creation of ideas of a better life for all: three-days week and development” is aimed at dealing with the ideas behind each construction, focusing on the creation of the popular belief on better lives for all. The second section, “The commandments on the wall” deals with legal and juridical aspects of the State of Exception implemented. Finally, the third section proposes a discussion over what it means to be a “subject of rights” in a context of internal colonialism.

### *I. Creation of Ideas of a Better Life for All: Development and Three-Days Week*

This section is focused on the first parallel between the two constructions: the forging of ideas to support the constructions despite its external damages. In Orwell’s novella, the idea which gave support for the construction of the windmill was the popular idea of a better life for all animals, synthesized in the belief of a “three-days week”. In Brazil, the idea that

5 Santos, note 1, p.71.

6 Benjamin Moser, *Autoimperialismo*, São Paulo 2016.

7 Marshall Berman, *Tudo que é sólido desmancha no ar: a aventura da modernidade*, São Paulo 2007, p. 48.

gave support to the construction of the Belo Monte plant, as well as to other projects of internal colonialism, was that of “development”.

Differently from Orwell’s novella, the Brazilian idea did not come from the people, but was assimilated by the people - a narrative of coloniality, that operates in the naturalization and legitimization of colonialism - a colonized people who come to embrace colonial ideas.<sup>8</sup>

In the novel, the windmill took years to be constructed by the animals, laboriously and with no regard for their freedom and rights, and, after all, it was not used for creating a better life: it was used generating monetary profit for a few classes of animals. The farm and some animals may have grown richer, but the ones that worked on constructing the windmill did not get any richer, nor gained freedom or better lives.<sup>9</sup>

One important question highlighted by Orwell in his novella is the ease with which propaganda can control the opinion of enlightened people even in democratic regimes.<sup>10</sup> It is a relevant matter, as to contextualize what the Belo Monte hydroelectric power plant means to Brazil it is important to highlight the construction of an imaginary (the idea of development and greatness of Brazil).

While the construction of the windmill was guided by the promise of a “three-day week” and other advantages for the animals, the analysis of the construction of the Belo Monte plant is guided by Brazil’s coloniality and its idea of development. In this regard, “coloniality” expresses itself through the naturalization and legitimization of colonialism and it is done in the form of official views and presents itself as the single alternative for the country, based on the idea of progress and/or development.<sup>11</sup>

This idea of development as a mark of coloniality expresses itself in the general acceptance that Brazil should do everything to *develop* itself, and it is based on an unsustainable and unachievable idea of continued and linear development. Said common belief that “development is good” does not offer answers about “when, where, how, and for whom” development would be good.<sup>12</sup> It ignores that the background to the idea of development is not a better quality of life for people, but to assimilate new territories - and colonize them and its populations - into a capitalist logic in order to increase the flows of money, in such a way that this fuzzy and undisputed notion of “development” has to be understood as a “sister paradigm” of “economic growth”.<sup>13</sup>

According to this understanding of *development*, a positive commercial balance (exporting at all costs) is portrayed as an important piece of the puzzle. In this sense, Brazil’s

8 Horacio Machado Aráoz, Mineração, genealogia do desastre: extrativismo na América Latina como origem da modernidade, 2020, p. 50.

9 George Orwell, *A revolução dos bichos [Animal Farm]*, São Paulo 2003, p. 108.

10 Letemendia, note 2, p. 131.

11 Aráoz, note 8, p. 50.

12 Natalie Koch / Tom Perrault, Resource nationalism, *Progress in human geography* 43 (2019).

13 Mirian Lang, Introduction: alternatives to development, in: Gerhard Dilger, Mirian Lang, Jorge Pereira Filho, *Descolonizar o imaginário: debates sobre pós-extrativismo e alternativas ao desenvolvimento*, São Paulo 2016, p. 28, p. 30.

reliance on commodity exports dates back to colonial times<sup>14</sup> as it was through colonialism that what is now Brazil and its territory, naturalness, and population were inserted in the global market (by then mercantilist, but that would become capitalist).

Brazil's historic as an exporting nation is, since its very start, linked to colonialism and to the plundering of its naturalness through extractivism<sup>15</sup>, as extractivism was the method implemented to extract natural wealth and to aid the plunder and appropriation of the Global North against its colonies:

*In practice, extractivism has been a mechanism of colonial and neocolonial plunder and appropriation. This extractivism, which has appeared in different guises over time, was forged in the exploitation of the raw materials essential for the industrial development and prosperity of the global North.<sup>16</sup>*

Extractivism coexists with its contradictions, marked by wealth and developmental fantasies, on one hand, and poverty and expropriation, on the other. Those two sides complement each other and make up the bifrontal scenario of the colonial landscape that imprints itself on the socio-territorial contours of the contemporary regional reality. Extractivism's contradictions expose the inevitable condition of the eco-biopolitical<sup>17</sup> domination that projects over bodies and territories in the developmental project.<sup>18</sup>

14 The effects of the colonization process to Latin America are masterfully analyzed by Horacio Machado *Aráoz* in its work “Mineração, genealogia do desastre: extractivismo na América Latina como origem da modernidade”, note 8.

15 *Extractivism* will be used to refer to “those activities which remove large quantities of natural resources that are not processed (or processed only to a limited degree), especially for export. Extractivism is not limited to minerals or oil. Extractivism is also present in farming, forestry and even fishing” (Alberto Acosta, Extractivism and neoextractivism: two sides of the same curse, in: M. Lang / D. Mokrani (eds.), *Beyond development: alternative visions from Latin America*, Quito 2013, p. 62).

16 *Acosta*, note 15, p. 62. All quotes that were originally in Portuguese or Spanish were translated by the author.

17 Aráoz (*Aráoz*, note 8, p. 46) uses the term "eco-biopolitical" to refer to the vast and complete domination that the developmentalist project of advancing capitalism projects over the regions and bodies located in the "zones of indifference" (Bruno C. Malheiros, *Colonialismo Interno e Estado de Exceção: a “emergência” da Amazônia dos Grandes Projetos*, Caderno de Geografia 30 (2020), p. 79). It contemplates the domination of nature/naturalness and life - ecological and biological - and that of the political system, which is used to legitimize and enable the advancement of this project.

18 *Aráoz*, note 8, p. 46.

Through the extractivist removal of large quantities of resources (that are more than resources, but naturalness itself<sup>19</sup>) carried out through agriculture, cattle farming, logging, mining and other activities, Brazil tries to achieve its own idea of development, based on economic growth<sup>20</sup>, as if this development would benefit the entire population, and not only the very few who actually profit from it.<sup>21</sup>

The development discourse associates itself and relies on a idea of *greatness*, an important piece of the puzzle for the construction of Belo Monte as “the satisfaction in being related to the *great*, regardless of whether there is participation, merit or advantage in its existence – and even regardless if it is real or a myth – has being explored for the benefit of the developmental project of several governments throughout the country's recent history”<sup>22</sup>.

Projects and realizations by economic sectors tend to incorporate and reinforce this popular imaginary of greatness, granting them *supra-ideological benevolences* in order to be seen as a *reason to be proud* and, finally, be accepted more easily. And then, with a direct correlation, projects such as the Belo Monte plant, announced as the third biggest hydroelectric power plant in the world, are incorporated by the speech of “I don't know about the rest, but in that we are really good”<sup>23</sup>. The fetishism for greatness - another mark of coloniality - is then incorporated and promoted by the developmental discourse,

- 19 The understanding of what nature is - and how it is perceived, either as being detached from humans or a crucial part of what humanity is - varies according to the culture. In this regard, “naturalness is in the eye of the beholder” (Charles R. Clement/ Carolina Levis / Joana Cabral de Oliveira / Carlos Fausto / Gilton M. dos Santos / Francineia F. Baniwa / Mutuá Mehinaku / Aikry Wajápi / Rosenjá Wajápi / Gabriel S. Maia, Naturalness Is in the Eye of the Beholder, Frontiers in Forests and Global Change 4 [2021]). Thus, the qualification of anything as being a *natural resource* carries with it a preconceived understanding of a distinction between humankind and nature and the understanding that nature, or at least parts of what nature is understood to be, has an instrumental value - not an intrinsic one - for humankind. It is important to highlight, then, that the extractivist removal is not of resources, but is the removal and consequent destruction of intrinsic elements of nature itself.
- 20 *Maristella Svampa*, As fronteiras do neoextrativismo na América Latina: Conflitos socioambientais, giro ecoterritorial e novas dependências, São Paulo 2019, p. 8.
- 21 *Caio Pompeia*, Formação política do agronegócio, São Paulo 2021, pp. 120-121.
- 22 *Glass*, note 4, p. 408.
- 23 *Glass*, note 4, p. 408.
- 24 The concept of auto-imperialism is used here as developed by Moser (Moser, note 6), while the concept of internal colonialism follows the ideas presented by Malheiro (Malheiro, note 17). Both concepts refer to historical figures of subjugation between nations which have in common a clear distinction between the peripheries - places for domination, seen as sources of raw materials and cheap labor and deposit of waste - and the centers of accumulation (first through European colonialism and later through US imperialism). The ideas of auto-imperialism and internal colonialism bring the historical figures of colonialism and imperialism into an internal/national context, in which the distinction between center and periphery is reproduced within the borders of the nation. In the Brazilian case, the North and Northeast regions are often subjugated to the position of the periphery, meanwhile the accumulation is centralized in the Southeast and South regions.

promoted by the same people who are to profit with the strategy of auto-imperialism and internal colonialism<sup>24</sup>.

As well as it is important to dispute the comprehension over *development*, it is also important to shed light to the interests behind developmental projects and their effects. In this regard, Becker argues that the Belo Monte plant would not generate benefits for the Amazon, restraining itself to its social and environmental impacts.<sup>25</sup> The construction, which argued to be able to provide for *development* for the region, focused on inserting its territories into the extractivist logic, generating power for extractivist activities and opening pathways for outflowing commodities.

Becker's analysis shows that the construction of the Belo Monte plant was never intended for the social, environmental, and economic development of the Amazon.<sup>26</sup> It is, quite the opposite, meant for facilitating extractivism through the exportation of soybeans and energy. Instead of improvement for the population (social), for nature (environmental) and for the economy that could benefit the locality, this project was set to make monetary profit for a few transnational actors supported by a few members of the brazilian capitalist elites.

Brazil's idea of development - focused on economic growth - is not based on nature, where nature development is a cyclical process, but on the understanding presented by former US president, Harry Truman, in 1949, according to whom development is a linear and endless process. Truman's understanding created the binomial "development" and "underdevelopment", understood from then on as a description of an economy or society and basing the belief that anything that helps *development* (the creation of profit) is good and that anyone or anything that opposes or hinders this development process is an absurd, a gross error.<sup>27</sup>

The construction of the Belo Monte plant was part of a bigger project for *development of the Amazon* which, as all of Brazil's developmental project, did not clarified "when, where, how, and for whom" this development<sup>28</sup> would be good.<sup>29</sup> It bases itself on failed trickle-down economics theories according to which everyone - with no exceptions - would

25 Bertha Koiffmann Becker, Reflexões sobre hidrelétricas na Amazônia: água, energia e desenvolvimento, Boletim do Museu Paraense Emílio Goeldi. Ciências Humanas 7 (2012), p. 789.

26 Becker, note 25, pp. 783-790.

27 Lang, note 13, p. 25.

28 There are multiple reasons to abandon the concept of "development" as a positive reference, as it would be crucial to truly understand what kind of development it is, who profits from it, what are its costs (and who would pay the price). In this regard, in the struggle for development "for every US\$ 1 million that enters a 'developing' country, it loses more than US\$ 2 million" (Lang, note 13, p. 27).

29 Koch / Perrault, note 12.

somehow benefit from the enrichment of a few. Such theories, history has shown, are hardly ever confirmed.<sup>30</sup>

Regardless, the undebated goal of *reaching development* is based on the constructed mark of coloniality that a greater GDP (Gross Domestic Product) would be the path for a better life for all. In this relentless struggle for a colonial and unquestioned standard of development “our countries are today on the edge of the ecological desert and the explosive hell of the misery of the majorities. As if that were not enough, the resulting mimetic servility threatens our historical and cultural roots”.<sup>31</sup>

The logic of aiming for development (through political discourses and policies that promise the development of areas or regions) while losing (not only economically, but especially environmentally and socially) is present in the construction of the Belo Monte hydroelectric power plant. Becker (2012) contextualizes the meaning and importance of Belo Monte inside the Brazilian economy, showing that the plant was not designed to provide for better lives for the people directly affected, as the developmentalist discourse preaches, but to facilitate the extractivist process of the Amazon.

The Animal Farm’s windmill never achieved the “three-days week” nor did it provide light, heat, or better lives. Instead, when the windmill was finally completed, it was used for milling corn, brought in for money profit and, “Somehow it seemed as though the farm had grown richer without making the animals themselves any richer”.<sup>32</sup> In that same logic, the development discourse created by colonialism and assimilated through coloniality is incorporated by the Belo Monte plant and supports itself in the popular imagination for greatness and that the undisputed notion of development would provide better lives for everyone. A lot like what happened in Orwell’s windmill, the expectations for general better lives are overtaken by the losses brought by the construction, and the results are socio-environmental damages contrasted by economic profits sought by a few individuals.

In Orwell’s novella, the general animal population suffered and dealt with the consequences of the construction of the windmill. In the Brazilian construction, the negative social, environmental and economic externalities were dealt with mostly by the local affected populations - although the environmental damages extend any borders.

In the Animal Farm, the pigs and dogs (rulers and their forces) profited from the windmill’s construction. In Brazil, transnational companies and local economic and political

30 Joseph Stiglitz, Introduction, in: Karl Polanyi (eds.), *A grande Transformação*, Edições 70, Lisboa 2015, p. 41.

31 Gerhard Dilger / Jorge Pereira Filho, Apresentação à Edição Brasileira: Ousar pensar “fora da caixa”, in: Gerhard Dilger / Mirian Lang / Jorge Pereira Filho (eds.), *Descolonizar o imaginário: debates sobre pós-extrativismo e alternativas ao desenvolvimento*, São Paulo 2016, pp. 13-14.

32 Orwell, note 9, p. 108.

elites stand to profit from the socio-environmental damages caused by the Belo Monte construction.<sup>33</sup>

Both the construction of the windmill in Orwell's novella and the construction of the Belo Monte plant had to be supported not only through discourses of better lives, but through legal mechanisms. Therefore, it is possible to trace parallels concerning the use of exceptionalities created to legal framework to legally enable construction of the Belo Monte hydroelectric plant and the Animal Farm's windmill. Those parallels depict a State of Exception and how the "appropriation/violence" paradigm is presented in the legal framework.<sup>34</sup>

Those parallels bring out the use of mechanisms of violence to enforce and justify the colonial practices to this day, as the developmental "superiority" invoked to justify colonial practices is none other than the superiority in the use of violence mechanisms.<sup>35</sup> Those mechanisms are not limited by tactics of war, and use of armaments, but go far beyond, to reach the use of hunger and the legal framework as pragmatics of domination. The creation of a rhetoric of legitimization demands "authorization" by the legal discourse and the administrative institutions and techniques.<sup>36</sup>

There is no development/economic growth, such as the one Brazil seeks through its colonial ideas, if there is not a center and a periphery. This project needs the two different sides of the abyssal line with different functions: one is the center, where expropriation becomes accumulation, while the other is the periphery, subordinate and structurally dependent, a source of exogenous supply.<sup>37</sup> The analysis of legal aspects of the construction of the Belo Monte plant is the analysis of the use of the legal framework as a mechanism of violence, source of legitimization of the violence against "the nobodies"<sup>38</sup>.

## *II. The Commandments on the Wall*

The second parallel this study traces regards the use of the legal framework to convey legality to the exploitation in each case. It is, therefore, concentrated on the deregulation of the legal framework existing in each situation. The legal framework regarding the

33 *P. M. Belo Monte Fearnside*, Actors and arguments in the struggle over Brazil's most controversial Amazonian dam, <https://www.die-erde.org/index.php/die-erde/article/view/264> (last accessed on 17 August 2022).

34 *Santos*, note 1, p. 72.

35 *Arãoz*, note 8, p. 100.

36 *Arãoz*, note 8, p. 148.

37 *Arãoz*, note 8, p. 124.

38 "The other side of the line" disappears as reality, becomes non-existent and is even produced as non-existent. Inexistence means not existing in any relevant or comprehensible way. Everything that is produced as non-existent is radically excluded because it remains outside the universe that the very concept of inclusion considers as the "other". The fundamental characteristic of abyssal thinking is the impossibility of co-presence on both sides of the line. (...) Beyond the line there is only inexistence". (*Santos*, note 1, p. 71)

Animal Farm is composed of the commandments of animalism, which were: “1. Whatever goes upon two legs is an enemy; 2. Whatever goes upon four legs, or has wings, is a friend; 3. No animal shall wear clothes; 4. No animal shall sleep in a bed; 5. No animal shall drink alcohol; 6. No animal shall kill any other animal; 7. All animals are equal”<sup>39</sup>, while Brazil’s is the combination of laws, policies, and norms that composes the country’s internal legislation.

In Orwell’s novella, the commandments of animalism were changed according to the interests of the rulers and even those commandments that weren’t explicitly altered were also mitigated. At the end of the novella, the 4th to 7th commandments were: “4. No animal shall sleep in a bed *with sheets*; 5. No animal shall drink alcohol *to excess*; 6. No animal shall kill any other animal *without cause*; 7. All animals are equal, *but some animals are more equal than others*”, and although the 1st to 3rd commandments weren’t altered, the pigs (rulers) paraded their clothes, walking in two legs, while listening to their supporters chanting “four legs good, two legs better”.<sup>40</sup>

This deregulation of law constitutes what is referred here as an State of Exception, which is the exception of the law as the rule, applicable not to the whole jurisdiction, but to “zones of indifference, regions inhabited by living beings that have a killable life, in which death is not considered a crime or sacrifice”.<sup>41</sup> The State of Exception, the imposition of exceptions to the law, is a mechanism used to legally justify capitalist advances over the “zones of indifference” and its peoples.

Therefore, it is important to highlight how the legal framework is bent, creating exceptions to itself, characterizing the State of Exception, used to legitimize, with a sense of legality, strategies of internal colonialism and auto-imperialism such as the construction of the Belo Monte plant.

Two legal and judicial instruments stand out in this regard and deserve to be highlighted in order to comprehend those legal maneuvers. They are inserted in a “chronic of ‘dependence on illegality’ in the praxis that structure extractive developmentalism”, and are latent on the Belo Monte project, “the most expensive among the Brazilian government’s projects, and possibly the most questioned judicially by the Federal Prosecutor’s Office”.<sup>42</sup> Those two instruments, basal for the construction of the Belo Monte plant, are (i) the use of the *Safety Suspension*, and (ii) the *right to free, prior, and informed consultation*.

39 Orwell, note 9, p. 24.

40 Orwell, note 9, p. 111.

41 Malheiro, note 17, p. 79.

42 Glass, note 4, p. 413.

## 1. The Safety Suspension

The Safety Suspension is an instrument that came to life through the Law nº 4.348, from 1964.<sup>43</sup> It was enacted during Brazil's business-military dictatorship and had its purpose in creating an alternative for the dictatorial State against the Writ of Security, which is used to protect "any liquid and certain right whenever any natural or legal person has its right violated or has a justified fear of suffering its violation by an authority".<sup>44</sup> In this regard, the Safety Suspension had the capacity of suspending any decision favorable to the protection of the individual's right in face of the State's authority.<sup>45</sup>

The article 4 of the Law nº 4.348/1964 determined that, at the request of an interested public entity, the President of the Court responsible for the judging the Writ of Security would be responsible for suspending, through a dispatch, the execution of the decision or for suspending the effects of a sentence that conceded the protection to the individual's right. Any appeal or legal resource against the dispatch that conceded the Safety Suspension wouldn't have suspensive effect, that is: the only decision capable of altering the effects of the Safety Suspension would be the final decision on the merits of the process, which is something that could, and probably would, take too long to protect the right that was being violated or on the verge of being violated.<sup>46</sup>

On Orwell's novella, the 6th commandment was altered to read that an animal could kill another animal if there was *cause*, without any further explanation on what could be a cause for killing another animal, in such a way that it would probably be capable of fitting anything, as long as it is the wish of the governor. Similarly, the Safety Suspension also used a very subjective legal text that could be used to justify almost any situation where the government wishes to suspend a decision, as the Law nº 4.348/1964 stated that the it could be used to "avoid serious damage to public order, health, safety and economy".<sup>47</sup> The interpretation on *why* or *how* the safety suspension could "avoid serious damage to public order, health, safety and economy" (article 4<sup>th</sup>) would be discretionary of the judge responsible for judging the safety suspension. Much as the *open ended* commandment in Orwell's farm.

The Brazilian government didn't need to alter the rule itself, but merely made a repression instrument, created and used by the regime of the business-military dictatorship, flourish again. In that regard, the Brazilian government, in 1992 (already a democratic period) enacted the Law nº 8.437/1992, that broadened the application of the Safety Suspension to other types of judicial disputes that could involve the public administration, and

43 Brazil, Law nº 4.348, Presidência da República, 26 June 1964.

44 Brazil, Law nº 12.016, Presidência da República, 7 August 2009.

45 *Antônio Souza Prudente, O terror jurídico-ditatorial da suspensão de segurança e a proibição do retrocesso no estado democrático de direito, Direito em Ação-Revista do Curso de Direito da Universidade Católica de Brasília* 11 (2013), p. 203.

46 Brazil, note 43.

47 Brazil, note 43, article 4.

not only in cases of the Writ of Security.<sup>48</sup> The safety suspension was, then, “exhumed from the normative fossils of the military dictatorship”<sup>49</sup> to be applicable to “Innominate Precautionary Action”, “Process of Popular Action”, and “Public Civil Action”, in addition to the Writ of Security.

This was an important change that came in hand in the construction of the Belo Monte plant. The “Public Civil Action” was, for at least 23 times, the chosen legal instrument to try and stop the construction of the plant and to impose to the State obligations of refraining from violating the right to an ecologically balanced environment, from violating the collective interests of peoples living by the Xingu River (and depending on it), or from violating the dignity of those peoples as well as social assets.<sup>50</sup>

The Public Civil Action is a judicial instrument destined to persecute “liability for moral and patrimonial damage caused: I – to the environment (...); IV – to any other collective or diffuse interest (...); VII – to the honor and dignity of racial, ethnic or religious groups; VIII – to the public and social assets”, and might have as its object the condemnation in cash, or the fulfillment of an obligation to do (or not to do) something.<sup>51</sup>

Against the decisions on Public Civil Actions proposed by the Federal Prosecutors Office, the Safety Suspension became the instrument used by the government to guarantee that the project and construction of the Belo Monte plant went on, despite the effects it could have:

*In the history of the lawsuits of the Federal Prosecutors Office regarding irregularities committed during the licensing and implementation processes of hydroelectric plants in the Amazon rivers (...) the safety suspension has systematically applied (...). Already included in the calculation the delay of the Judiciary in the judgment of the merits of the actions, the use of this judicial maneuver by the government, in collusion with part of the Judiciary, allowed the continuation of the works in order, in the case of Belo Monte, to concretize in full the social and environmental damages pointed out in the legal questions.<sup>52</sup>*

Using the Safety Suspension, the Brazilian government managed to keep on track its plans for the project and construction of the Belo Monte plant. The suspension of decisions that went against the government’s interests - which could only be reverted by the final decision on the merits -, associated with the natural delay of the Brazilian judicial system to judge

48 Brazil, Law n° 8.437, Presidência da República, 30 June 1992.

49 *Prudente*, note 45, p. 205.

50 Federal Prosecutors Office (MPF), Processos caso Belo Monte, 2013, <http://www.mpf.mp.br/re-giao1/sala-de-imprensa/docs/tabela-belo-monte> (last accessed on 11 March 2021).

51 Brazil, Law n° 7.347, Presidência da República, 24 July 1985.

52 *Glass*, note 4, p. 420.

the final merit of the lawsuits, allowed the environmental and social damages to be fully materialized.<sup>53</sup>

Nonetheless, the Safety Suspension is only useful in face of a lawsuit against the State, which probably wouldn't exist until some kind of violation or justified fear of violation is in place, whether to individual's, collective's, or diffuse rights. To avoid the violation of rights, any undertaking that has the potential for creating any social or environmental impact must go through the licensing procedure, evolving the elaboration of studies to assess the possible impacts of the undertaking. When traditional populations are involved, the procedure also involves the obligation to carry out a free, prior, and informed consultation with the populations that might be affected.

## 2. Free, prior, and informed consultation

The *free, prior, and informed consultation* to the traditional populations arose from article 6 of the Convention 169 of the International Labor Organization (ILO), called the “Indigenous and Tribal Peoples Convention”, from 1989. Said article stated that:

### *Article 6*

*1. In applying the provisions of this Convention, governments shall:*

*(a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;*

*(b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;*

*(c) establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.*

*2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.<sup>54</sup>*

Brazil ratified the ILO 169 Convention, and inserted it into its internal legal framework through the Decree n° 5.051 from 2004<sup>55</sup>. In this regard, Brazil assumed the obligation to, before making a decision on whether or not to go ahead with any undertaking, consult the traditional populations that might be affected. This consultation should be done in good

53 Glass, note 4, p. 420.

54 International Labor Organization (ILO), C169 – Indigenous and Tribal Peoples Convention (No. 169), 1989, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169) (last accessed on 11 March 2022).

55 The Decree n° 5.051 from 2004 was later revoked in December 2019 by the Decree n° 10.088, authored by Brazil's president Jair Bolsonaro.

faith and through adequate procedures enabling these populations to freely participate and express themselves about the matter. That came to be known, in Brazil, as the “right to free, prior and informed consultation”<sup>56</sup>.

Said right is especially important in light of the fact that the project and construction of the Belo Monte hydroelectric power plant would affect indigenous and riverside populations. As there were impacts to traditional peoples, the right to free, prior, and informed consultation would have to be enforced according to the Decree n° 5.051/2004.

Furthermore, due to its possible impacts to indigenous peoples, the free, prior, and informed consultation wasn't the only right that would have to be respected - entailing additional obligations to the Public Power - regarding the construction of the Belo Monte plant, as Brazil's Constitution (1988) regulated specific requirements to undertakings that take place in indigenous lands.

In this regard, according to the Brazilian Constitution, if water resources are to be explored in indigenous lands, it would need to be authorized by the National Congress, and that authorization could only take place “after hearing the affected communities” (article 231, paragraph 3rd).<sup>57</sup>

Thus, on top of the free, prior, and informed consultation (that should take place anytime traditional peoples are directly affected, according to the ILO 169 Convention), if the undertaking take place in indigenous lands, it also needs an authorization by the National Congress, which can only be given after hearing the affected communities, as “the use of water resources, including energy potentials (...) in indigenous lands can only be carried out with authorization from the National Congress, after hearing the affected communities (...)” (article 231, paragraph 3rd).<sup>58</sup>

In Orwell's novella, the construction of the windmill should be subjected to a voting which would decide whether or not the construction would go ahead, but it never happened. Before the voting could take place, Napoleon's opposition was expelled from the farm, and Napoleon came to rule – without subjecting his decisions to voting.<sup>59</sup> Similarly, the project and construction of the Belo Monte plant neglected the obligation to hear those who would be affected<sup>60</sup>, to conduct a free, prior and informed consultation of the traditional

56 There are further discussions regarding the proper implementation of the right to free, prior and informed consultation, especially regarding the means for participation and the vinculation or lack of vinculation of the Government's actions to the result of the consultation. *Deborah Duprat, A Convenção 169 da OIT e o Direito à Consulta Prévia, Livre e Informada, Revista Culturas Jurídicas 1 (2014).*

57 Brazil, Constitution of the Federative Republic of Brazil, Presidência da República, 1988.

58 *Ibid.*

59 *Orwell*, note 9, p. 47.

60 For more information on the pro and against construction actors and their arguments, check “Belo Monte: Actors and arguments in the struggle over Brazil's most controversial Amazonian dam” (*Fearnside*, note 33).

populations, as well as dodged the obligation to get an authorization by the National Congress.

In order to do so, the project of the Belo Monte plant reduced the flooding area<sup>61</sup> from 1,200km<sup>2</sup> to 516 km<sup>2</sup>, avoiding the flooding of two indigenous lands settled in the region. By reducing its area, it avoided flooding indigenous lands and, as the project no longer took place directly in indigenous lands, the traditional peoples were no longer seen as directly affected.<sup>62</sup>

As the consultation and hearing is mandatory for the populations “directly affected”, the reduction of the flooding area made the comprehension over the situation of the indigenous people change. Without flooding exactly the areas where those populations live, they weren’t seen as directly affected anymore, but only as “located in the area of direct influence”.<sup>63</sup>

Thereby, by becoming communities “located in the area of direct influence”, the indigenous people (as well as riverside populations) were faded to face a drastic decrease in the flow and in the water level of the Xingu River, which wouldn’t provide those populations with enough water to meet their needs (especially transportation, alimentation, and economic activities based on fishing).

Pontes Junior and Barros complete the analysis over effects of the decrease in the flow and in the water volume by analyzing how the ichthyofauna would be affected.<sup>64</sup> The authors highlighted that “In a stretch of 100 km in length, the flow of the river will decrease drastically, staying throughout the year in the levels of strong drought. This factor could be fatal for a number of animal and plant species”. Reinforcing their comprehension that “the victims of degradation, ultimately, will always be humans”, they conclude that:

- 61 With this maneuver, reducing the size of the flooded area (and the size of the water reservoir), the electric power generation potential of the Belo Monte plant was also severely impacted, becoming more subject to fluctuations in the water availability of the river. Delfin Netto, who worked with the elaboration of the plans for the plant during the business-military dictatorship and later worked as consultant responsible for moving forward the construction of the plant argued that building the plant in this way was an “imbecility” and that, without the flooding initially planned to create the reservoir, the plant’s construction made no sense as “without the reservoir it would never be what it should be (...) the best thing would have been not to spend money [on the construction]” (*Tempo Quente*, Nô em fio d’água. Interviewee: Antônio Delfin Netto. Interview: Giovana Girardi. Radio Novelo, July 12, 2022, <https://www.radionovel.com.br/tempoquente/#no-fio-dagua> [last accessed on 15 October 2022]).
- 62 Célio Bermann, O projeto da Usina Hidrelétrica Belo Monte: a autocracia energética como paradigma, Novos Cadernos NAEA 15 (2012), p. 10.
- 63 Antônio Carlos Magalhães, Aproveitamento Hidrelétrico do Rio Xingu: Usina de Belo Monte, análise do Estudo de Impacto Ambiental, Povos Indígenas, Painel de especialistas: Análise Crítica do Estudo de Impacto Ambiental do Aproveitamento Hidrelétrico de Belo Monte, Belém, UFPA, 2009.
- 64 Felício de Araújo Pontes Júnior / Lucivaldo Vasconcelos Barros, A Natureza como sujeito de direitos: a proteção do Rio Xingu em face da construção de Belo Monte, Descolonizar o imaginário: debates sobre pós-extrativismo e alternativas ao desenvolvimento, São Paulo 2016, pp. 430-435.

*[a] considerable part of the biodiversity that makes up the ecosystem known as Volta Grande do Xingu will die. In addition, this human intervention [the construction of the hydroelectric plant] will cause a radical change in the way of life of the people who inhabit it, especially the indigenous peoples, who will be removed from their territory.<sup>65</sup>*

In this regard, multiple criticisms arose from anti-dam actors (such as indigenous peoples, traditional riverside populations, and residents from cities that would be affected) and organizations and institutions aimed at protecting the environment and social groups (such as NGO's and the Federal Prosecutor's Office) over the Environmental Impact Study (EIA) presented, with focus on the decrease in the flow and water level of the Xingu River. The criticisms to the EIA were aimed mostly at the consequences of the comprehension that only the flooded area would be *directly affected*, ignoring the effects the dam would have up and downstream and how it would affect social, cultural, economic, and symbolic<sup>66</sup> aspects.<sup>67</sup>

In face of that situation, the Federal Prosecutors Office decided to judicialize the question through a Public Civil Action<sup>68</sup>. In this action, it was questioned the illegality of the legislative decree 788/2005 (which allowed the development of the project of the Belo Monte hydroelectric power plant) due to the absence of the conduction of free, prior and informed consultation to the indigenous populations. It was required the suspension of any authorization to implement the plant, as well as the obligation “not to do” in face of the administrative body responsible for conceding the licenses, to avoid conceding any licenses for the dam.<sup>69</sup>

Until this day<sup>70</sup>, that Public Civil Action hasn't had a final decision on its merit. In May 2016, the Regional Federal Tribunal of the 1<sup>st</sup> region (the second instance) decided to admit a Special Resource (to be judged by the Superior Justice Tribunal, the final instance regarding matters that aren't constitutional) against a decision that had

*prevented the Brazilian Institute for the Environment and Renewable Natural Resources - IBAMA from practicing any administrative act, as well as making those already practiced, regarding the environmental licensing of the Belo Monte hydro-*

65 Júnior / Barros, note 64, p. 435.

66 Those impacts range from the disruption of the way of living - and also producing - of the affected riverside and indigenous populations to their need to leave the traditionally occupied territories in order to look for other means of subsistence.

67 Maira Borges Fainguelernt, A Trajetória Histórica do Processo de Licenciamento Ambiental da Usina Hidrelétrica de Belo Monte, Ambient. soc. 19 (2016), p. 250.

68 It was the second Public Civil Action proposed by the Federal Prosecutors Office in face of the construction and licensing of the Belo Monte hydroelectric plant. It was registered under the number 2006.39.03.000711-8, and 709-88.2006.4.01.3903 (Federal Prosecutors Office, note 50).

69 Federal Prosecutors Office, note 50.

70 Last modified 10 October 2022.

*electric project, insubstantial, as it understands that Legislative Decree 788/05, which authorized it, suffers from material invalidity, due to the violation of the provisions of the Federal Constitution and the norm of Convention 169 / ILO, relating to consultation with indigenous communities; and also ordered the immediate halt to the implementation activities of the enterprise.<sup>71</sup>*

Among the reasons presented by those in favor of the construction of the Belo Monte plant (ranging from construction companies, industries, government agencies that plan and promote dams, and business associations and individuals interested in the possible profits from using the river dam as a way of transporting commodities), was the possible violation of the § 9º of the Law 8.437/1992<sup>72</sup> which determines that the Safety Suspension granted will remain in force until the final decision on the merits in the main action.<sup>73</sup> Thus, although the Public Civil Action dates from 2006, and the Belo Monte hydroelectric plant was already built, the decision that granted the Safety Suspension remains in force, as there isn't yet a final decision on the merits of the action.

When that final decision is made, if it decides for the Federal Prosecutors Office, against the construction of the Belo Monte plant, and recognizes the violation of the *right to free, prior and informed consultation*, that decision will have come too late.

### *III. Despite Being Subjects of Rights: A Lesson From Belo Monte and Animal Farm*

Probably the first thing to catch the reader's eye when reading Orwell's *Animal Farm* is the fact that the main characters are indeed the animals. Much like what happens in Aesop's fables<sup>74</sup>, the animal's experience situations and dilemmas that resemble humans. But differently from what happens in the fables, Orwell's animals are constantly facing a duality between what it means to be human and to be animal.

One main moment that illustrates that duality is the writing of the principles of animalism on the wall of the barn.<sup>75</sup> In a world ruled by humans, the former Manor Farm became ruled by animals, and the writing of the commandments saw that the animals became holders of their own interests and rights (and no longer objects of human rights and interests). Becoming the holder of one's own interests and rights means being considered as a "subject of rights", a subject who is a complex of rights and duties.<sup>76</sup> Furthermore, a

71 *Jusbrasil*, Processo n. 2006.39.000711-8 do TRF-1, <https://www.jusbrasil.com.br/processos/111902695/processo-n-20063903000711-8-do-trf-1> (last accessed on 12 March 2022).

72 The Law nº 8.437/1992 was responsible for broadening the Safety Suspension to other types of judicial disputes that could involve the public administration.

73 *Jusbrasil*, note 71.

74 *Aesop*, Aesop's fables, Rosenberg, Texas 2016.

75 *Orwell*, note 9, p. 24.

76 *Maria Helena Diniz*, *Curso de Direito Civil Brasileiro*, volume 1: teoria geral do direito civil, São Paulo 2010, p. 116.

subject of rights is capable of taking measures to defend its own rights (even if they might have to be represented in court by someone or some entity in case that they are not able to represent themselves).

It is because the animals are subjects of rights that those rights could be claimed by the animals and, in a state of law, it is because those rights exist that it is possible to claim their violation. It is because the animals were subject of rights that the alterations done to the commandments of animalism were necessary to modify the rights to which the animals were entitled or to modify the obligations that should be observed by the rulers.

Understanding the importance of being a subject of rights and its implications in also important when it comes to the construction of the Belo Monte plant, as it is an important juridical lens through which it is possible to understand appropriation/violence paradigm<sup>77</sup>, auto-imperialism<sup>78</sup>, and internal colonialism<sup>79</sup> in Brazil.

Although modifying the existing legal framework can be an useful way of moving authoritarian projects forward (as seen in the previous section), denying the sheer existence of rights to some groups and populations is also an useful strategy for moving auto-imperialism<sup>80</sup> and internal colonialism<sup>81</sup> forward.

In this regard, Santos<sup>82</sup> argues that the world is divided by an “abyssal line”: on one side of the line the legal framework stands for regulation/emancipation, while on the other side, it is used for justifying appropriation and violence. The legal paradigm of appropriation/violence coexisting with regulation/emancipation is the legal representation of the fact that “there isn’t accumulation without a center and a periphery”.<sup>83</sup>

Although Brazil, a former colony, is already understood to be on “the other side of the line”<sup>84</sup>, its auto-imperialism<sup>85</sup>, and internal colonialism<sup>86</sup> replicates the abyssal line that divides the world, dividing Brazil in two. In this autophagic reality, the Amazon region - where the Belo Monte plant is located - is the “periphery of the periphery”<sup>87</sup>, a place where “there is only inexistence, invisibility and non-dialectical absence”.<sup>88</sup>

77 Santos, note 1, p. 72.

78 Moser; note 6, p. 54.

79 Malheiro, note 17, p. 79.

80 Moser; note 6, p. 54.

81 Malheiro, note 17, p. 79.

82 Santos, note 1, pp. 72-73.

83 Arãoz, note 8, p. 124.

84 Santos, note 1, pp. 71-72.

85 Moser; note 6, p. 54.

86 Bruno Malheiro / Carlos Walter Porto-Gonçalves / Fernando Michelotti, *Horizontes amazônicos: para repensar o Brasil e o mundo*, Fundação Rosa Luxemburgo / Expressão Popular, São Paulo 2021.

87 Alberto Acosta, *Amazonia, Violencias, resistencias, propuestas*, Revista Crítica de Ciências Sociais 107 (2015), p. 43.

88 Santos, note 1, pp. 71-72.

On the other side of the line there is appropriation and violence against individuals, groups and entire populations *despite being subjects of rights*.

In this regard, when it comes to the selective invisibility of the lives on the other side of the line, special attention should be given to the indigenous populations that, although are subjects of rights, have those rights neglected and denied in the colonial project Brazil moves against itself. *Indigenous*<sup>89</sup> is the name adopted by the Brazilian legal framework to make reference to those peoples who occupied the Brazilian territory long before colonization. Those who still resist are “survivors of a tragic story”, and “still suffer from a series of inhuman and cruel practices”.<sup>90</sup>

The Brazilian Constitution’s chapter VIII is dedicated exclusively to indigenous peoples. The first article of the chapter defines what will serve as a basis for the protection to indigenous populations by stating that “Indigenous are recognized for their social organization, customs, languages, beliefs and traditions, and the original rights over the lands they traditionally occupy, and the Union is responsible for demarcating those lands, and protecting, and enforcing respect to all its assets”.<sup>91</sup>

Besides defining who are the indigenous peoples, the Constitution also states a few basic rights that are inherent to them, such as their habits, languages, beliefs, traditions, and (more important when analyzing the construction of the Belo Monte), *their right over the lands they traditionally occupy*:

*The lands traditionally occupied by the Indigenous are those they inhabit on a permanent basis, 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 uses, customs and traditions.*<sup>92</sup>

The importance of the traditionally occupied lands is recognized by the Brazilian Constitution, recognizing the relevance of the territory to making possible the existence of the indigenous peoples' traditions, habits and relations with the environment they live in. As a consequence, the paragraph 2<sup>nd</sup> of the article 231 reads that “The lands traditionally occupied by the Indigenous are intended for their permanent possession, leaving to them the usufruct of the richness of the soil, rivers and lakes that exist therein”.<sup>93</sup>

89 The idea of *indigenous* is not an indigenous idea, but a colonial designation responsible for leveling a multitude of cultures and peoples, but this singular idea also makes it possible for indigenous populations to be brought together in a single cause and fight for it (*Malheiros et al.*, note 86, p. 223).

90 *Karhen Lola Profírio Will*, Genocídio indígena no Brasil, Doctoral dissertation, Universidade de Coimbra 2014, p. 98.

91 Brazil, note 57, article 231.

92 Brazil, note 57, article 231, paragraph 1.

93 Brazil, note 57.

Despite being subject of rights and having their protection (including the protection of their lands and customs), up to this day, "certain genocidal acts result from a conduct so silent that the death and disappearance of each of the indigenous peoples pass unnoticed, falling into complete anonymity".<sup>94</sup>

The relation between the genocide that still victimizes several indigenous ethnic groups and the construction of the Belo Monte plant is set as an example of how people might be seen as obstacles to development, obstacles to the economic growth of a few, and how they might have their existences violated, justified by an alleged *general interest* on development and by different legal manouevres that make the exception the rule in a State of Exception.

Brazil, as a result of colonization, was created from the devastating and destructive occupation of its territory. The commodities coming from extractivism<sup>95</sup> and associated with economic growth and development are seen as having greater importance than different peoples and cultures.<sup>96</sup>

As products get more valuable and people more expendable, development is seen as a struggle for reaching a lifestyle based on the exploitation of other people and of nature.<sup>97</sup> As accumulation doesn't exist without exploitation, Brazil has its periphery inside its own borders and on its quest to achieve this same "imperial lifestyle", Brazil also needs to go through the same logic of exploration of people and nature, advancing auto-imperial strategies against parcels of its own population and putting at risk the global ecological balance.<sup>98</sup>

The case of the Belo Monte hydroelectric plant makes it clear that Brazil is willing to keep its quest for development, as indigenous people and other traditional populations are subjected to exploitation. On this subject, Glass (2016) presents some conditions to development, and shows that the discourse behind it allows the sacrifice of "the nobodies":

*The discourse that justifies Belo Monte, as well as the other superlatives applied to the primary productive sector and its support structures, is one of the most perverse expressions of an internal colonialism that permeates not only the government's state policies, but the imaginary of a large number predominantly urban portion of Brazilian society. The (false) threats that there will be shortages - of comfort, of the right to consume, of the prospect of accumulating or simply of the essentials essential to survival - if "what has to be done is not done" are in line with the premise that development of the nation demands its sacrifices. Under the condition, of course, that*

94 *Will*, note 90, p. 98.

95 The construction of hydroelectric plants is associated with the 3<sup>rd</sup> and 4<sup>th</sup> generations of extractivism, characterized by the intense use of water, energy and resources (*Svampa*, note 19, p. 25).

96 *Svampa*, note 20, pp. 8-12.

97 *Alberto Acosta / Ulrich Brand*, *Salidas del laberinto capitalista: decrecimiento y postextractivismo*, Fundación Rosa Luxemburg, Quito 2018, p. 9.

98 *Acosta / Brand*, note 97, p. 211.

*the sacrificed are the others, the invisible, the backward, the obstacles to growth and that "they are used to living in limbo" and, therefore, "they are not like us, nor do they have our needs".<sup>99</sup>*

In this regard, if colonialism has shown that a country gets rich at the expense of another country, and class struggles has shown that one class gets rich at the expense of another class, Brazil replicates this logic in the process of an internal colonialism, seeking richness at the expense of its own people, the nobodies.

## B. Conclusion: From Development to its Consequences

Brazil's internal colonialism has, as one of its most important basis, a State of Exception through which it is possible to impose the appropriation/violence paradigm over its own peoples, and how it is justified by the construction of a narrative to give legitimacy to this auto-imperial project.

Through the manipulation of ideas - the popular demand for a three-days week and better lives, and in Brazil, through the creation of an undisputed concept of *development* - colonialism is naturalized and legitimized. With the support of the ideas, the legal framework is bended to convey juridical legality to this colonialist project, which is done through a State of Exception defining "defines zones of indifference, regions inhabited by living beings that have a killable life"<sup>100</sup>, the *nobodies*.

On the other side of the line, indigenous and traditional populations are the ones being sacrificed, subjected to the appropriation/violence paradigm in Brazil's colonial project of development.

In order to achieve *development*, a sister paradigm of economic growth<sup>101</sup>, it is necessary to exist a place for accumulation and a place for violence, extraction, hoarding. This place, a place made invisible, has its multiple forms of life, knowledge, culture and existence disconsidered in the name of a "greater interest" of development. Brazil's relentless struggle for development, supported by its colonial narrative and a State of Exception made the construction of the Belo Monte plant possible.

This struggle for development, growth and/or progress and all the deleterious effects that it brings, goes through different periods of Brazilian history. The Brazilian flag has printed in its center, since 1889, the phrase "order and progress", highlighting progress as a national goal, although the meaning of this progress is not open for discussion.

In this context, the construction of the Belo Monte plant took place during a progressive government led by Lula da Silva (recently elected for his third presidential term), member of the Workers Party. During his presidency, the Belo Monte project left the drawing board and began to be developed, headed by the then minister of mines and energy Dilma Rouss-

99 Glass, note 4, p. 423.

100 Malheiros, note 17, p. 79.

101 Lang, note 13, p. 30.

eff (who would be elected president of Brazil two times and then impeached - victim of a coup - shortly into her second term). Antonia Mello remembers being invited to Brasilia (the federal capital of Brazil) to discuss Belo Monte, a discussion that is remarkable enough to demonstrate how the project of the Belo Monte project was conducted. She narrates that she told the then Minister "Madam Minister, Belo Monte cannot leave (the drawing board)", but that the Minister did not even let her finish speaking, interrupting her with a punch on the table and the reply "Belo Monte will leave (the drawing board)", which ended the discussion.<sup>102</sup>

The construction of the Belo Monte plant, only made possible through environmental destruction and through the violation of the rights of many populations, serves as a portrait of the auto-imperialism and internal colonialism put in place in Brazil on its developmentalist project. The "nobodies" are sacrificed, and this sacrifice is socially justified by the *discourse of grandeur* and legally justified by the implementation of a State of Exception responsible for imposing the appropriation/violence paradigm to those made invisible.

As a prediction of what was to come with the construction of the Belo Monte plant, Berman, while regretting the "fatal weakness for grandiose projects" shown by ruling classes of the "Third World", states that "Millions of people have been victimized by disastrous development policies, megalomaniacally conceived, shoddily and insensitively executed, which in the end have developed little but the rulers' own fortunes and powers".<sup>103</sup>

As a consequence, the "three-days week" (Animal Farm), or "development" (Brazil) never arrives for the people, for the masses. The practical consequences of the so-called development are felt by those sacrificed, as well as are seen in discourses, such as the one adopted by Napoleon on the Animal Farm, that "things are much better than before", disregarding for whom things are actually better, and ignoring the price - and who is paying it - for this "better life".



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102 *Tempo Quente*, note 61.

103 *Marshall Berman, Tudo que é sólido desmancha no ar: a aventura da modernidade*, São Paulo 2007, p. 97.