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Struggling for Justice, a Tribe Is Revived

Brazil's Panara Gain Home, Win Lawsuit Against Government

By STEPHEN BUCKLEY
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PANARA INDIGENOUS TERRITORY, Brazil—When the first airplanes came a generation ago, the tribespeople scattered, plunging into the Amazon jungle and shooting arrows at the roaring machines that they considered metallic savages.

The planes brought the outside world to the tiny Panara tribe of western Brazil, setting the group literally on a course for extinction by disease and eviction from traditional lands. In 1973, there were at least 330 Panara in their home 250 miles north of Cuiaba in Mato Grosso state, anthropologists say. Two years later, there were only 79.

Today, the planes still come to the Panara's home, but now they bring in needed supplies, such as gasoline and sugar. Children tumble over themselves to greet them on a tiny jungle strip. In fact, the planes arrive at a village overflowing with people.

"We don't have to be afraid anymore," said Kreton Panara, one of the tribe's leaders, as he watched a crowd buzz around the single-engine plane.

"This is what we wanted for many years, to live in our own place," the tribal leader had said earlier. "The government has done what is just. It has done what is right."

The Panara's resurgence is one of the more improbable stories of mod-

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Members of Brazil's Panara tribe gather around the single-engine plane that regularly delivers supplies to their new home.

A member of the tribe applies decorative stain to a young woman's face. Since the Panara moved back to their home region, they have resumed traditional practices.

Arrival of the supply plane is a big event for Panara children, who run out to greet it at the tiny airstrip.

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ern Brazil. The group has almost fully recovered its early-1970s population. Cultural traditions that had nearly vanished are returning. And after being uprooted and banished to a huge national park for 20 years, the Panara now have settled into 1 million verdant acres of their own.

Two months ago, there was another victory: A federal appeals court unanimously upheld a 1998 ruling to provide them compensation for suffering caused by the Brazilian government, the culmination of a decade-long legal battle. Government officials and indigenous rights activists say it is the first time a Brazilian tribe has sued federal authorities for damages and won.

A mountain of similar cases could soon face the government. Scores of tribes decimated by contact with the outside world could launch lawsuits if they can gather enough evidence and employ the creative legal strategies used by the Panara.

Indian rights activists say the victory highlights a newfound determination among Indians of the Brazilian Amazon. In recent years, they have become increasingly aggressive in asserting their legal rights, preserving their cultural heritage and recovering historical lands.

In 1500, when Europeans first arrived in Brazil, there were an estimated 2 million to 6 million Indians; today the figure is about 300,000, the result of slavery, eviction from traditional lands and inter-tribal warfare. The number of tribes dropped from 1,000 to about 210.

The Panara's struggle began in 1973, when government officials first made formal contact from those airplanes. It was also the year the government began to build a 1,200-mile highway through the group's 4 million-acre territory to connect two cities.

Soon after construction began, the Panara started to die.

They were killed by tuberculosis, influenza, measles and malaria, which came to be known collectively as "white man's fever." Infants succumbed to starvation when diseases felled their mothers. So many Panara died so quickly that survivors had neither the time nor energy to bury many of them, people recount; turtles and vultures feasted on the corpses.

"All of my children's grandparents and aunts and uncles died," said Kreton Panara, who lost 12 members of his clan. "People who should be here with my children hunting and fishing and giving them food from their garden—they all died there."

In 1975, the government forcibly moved the group 156 miles west to the Xingu National Park, home to 16 other tribes, including some of the Panara's traditional enemies. The group never adjusted. The men, who were hunters, found no tapirs, no turtles, no wild pigs; the women, who were gatherers, found none of the group's favorite fruits. Still, the tribe's numbers began to grow again, but disease continued to take as many as 10 lives per year.

The Panara meandered around the park, building villages, then abandoning them, moving seven times in 20 years. The more they moved, the more disheartened they became. In daily contact with outside culture, they discarded many traditions. They started to blame the sickness and death on witchcraft within the tribe, and turned on each other. They ended up killing 25 of their own.

Angry and depressed, they determined in 1991 to pursue justice. They longed for their old land, and they wanted the government to compensate them for their suffering.

Enor Mantovani, a nurse who has lived with the tribe for 2½ years, gives a child medicine. The Panara's most serious health problems have subsided.

After three years of pressuring, cajoling and pleading with the government's National Indian Foundation, the Panara finally won rights to settle on the million acres they currently inhabit, just north of their historical land. In November 1996, when the government officially marked the land as indigenous territory, the tribe celebrated until dawn.

Yet the battle was only half won. They still had to convince a judge of the merit of their virtually unprecedented claim for damages against the government.

The group had some advantages. Unlike in other tribes, their near extinction was recent history, which meant witnesses were still alive. They were able to provide lists of those who died, a crucial piece of evidence.

Along with taking advantage of richly detailed and ultimately damning government documents, which made clear the government knew that Panara were dying in large numbers, the Panara's lawyers also hurdled a seemingly insurmountable statute of limitations. They argued that the tribe had been a ward of the state and, as such, was exempt from the statute. A federal judge agreed. Then a three-judge appeals panel confirmed that ruling two months ago, awarding the group about $550,000.

This victory came at a time of proliferation of indigenous rights organizations, helped by a 1988 overhaul of the national constitution that clarified and reinforced the rights of indigenous groups. Nationwide, the groups have filed at least 40 lawsuits against the government, often over historical lands. Many have succeeded; the government is in the process of returning Amazon areas that are twice the size of California.

Today the Panara are busy building their village, where they live in high-roofed huts arranged in a circle. It is a place where the men stride into the jungle at dawn with shotguns and return hours later with wild pig for dinner. Women go off in pairs to gather

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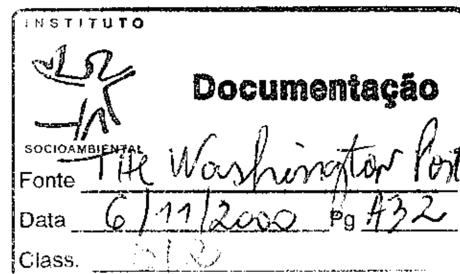
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Dying Tribe Is Revived

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staples such as cassava and a blueberry-like fruit called *acai*.

Lost traditions are returning. The group is cultivating five-acre fruit and vegetable gardens, a practice they had abandoned in the Xingu park. Women have returned to traditional haircuts, in which they shave a swath from the front of their heads to the back. The men are building a special hut that is their version of a town hall.

The group is back up to 209 people, and its biggest worry is money. Stephan Schwartzman, an anthropologist who has worked with the tribe for 20 years, and Panara leaders have had long talks about how to use the court award, and the group has decided to spend only the interest, leaving the principal alone. Among other things, they plan to improve the village school and health clinic.

"They know they have to treat it like their peanut crop," said Schwartzman, a director of the Panara Project, sponsored by private development groups to help the tribe. "They know they have to put some of it aside as seed."

Still, some Panara are wary.

"Everyone will be asking, where's mine?" said Krempu Panara, 40, who like everyone in the village uses the tribe's name as a surname. "Before you know it, we'll end up hating each other."

"The old people, like me, will say, 'We didn't get any,' " chimed in Kjarasa Panara, 47.

Kjarasa Panara said she still has nightmares about the loss of her old village. In the dreams there are "white people coming to the village and throwing fire and burning everything up," an event that did not happen but in her mind symbolizes the loss of the old way of life.

For most Panara, survival is still an obsession. This is why Enor Mantovani, the village nurse, may be the most important person here. Every morning, as many as a dozen women and their children parade to his clean, airy office for cough syrup, antibiotics, vitamins and other remedies. Respiratory illnesses, worms and diarrhea are the most common ailments.

Yet the tribe has had few cases of "white man's fever" during Mantovani's 2½ years here. He noted that eight Panara recently came down with tuberculosis, which killed so many 25 years ago. Acting quickly, the nurse diagnosed the illness and village leaders flew the sick to the nearest town for treatment. They all survived.