

## Declaration in Protest of Escalating Attacks on Indigenous Rights in Brazil

May, 2017

We, teachers, intellectuals, and members of the academic world, hereby express our vehement repudiation of the anti-indigenous policy of the Brazilian State, and likewise raise our collective voice regarding policies whose dire, genocidal consequences have already been demonstrated in states such as Mato Grosso do Sul, Bahia, and Maranhão.

In the last five years, attacks on indigenous rights have been escalating and clearing a space for the reformulation of indigenous policies, including the challenging and possible removal of hard-won legal achievements. The constitutional rights of indigenous peoples are held hostage by the political situation in Brazil by means of a potential amendment to the Constitution (PEC 215) that could be presented, voted upon, and approved in the National Congress. This assault on the Constitution is mainly led by the so-called “ruralist” coalition.

Beginning in October 2013 with the imposition of nineteen conditions by the Federal Supreme Court for the demarcation of one specific indigenous territory, Raposa Serra do Sol (which itself was the target of legal battle), judicial attacks gained have grown steadily, as the Supreme Court is the source of jurisprudence. The Court’s actions gave rise to novel legal concepts without basis in the Constitution, which supported both anti-indigenous rhetoric on the one hand, and, more harmfully, the intervention of judicial decisions over indigenous lands, on the other. The most important of these new concepts is the “Temporal Deadline” (marco temporal), which maintains that the Indians would only have right to lands effectively occupied before October 5, 1988, the date of the establishment of Brazil’s current Constitution after the military dictatorship. Although the Federal Supreme Court decided that the conditions of Raposa Serra do Sol were not binding on other sub-judicial demarcations, the “temporal deadline” provision allowed the Court to annul the demarcations of Guarani-Kaiowá and Canela Indigenous Lands (located in Mato Grosso do Sul and Maranhão, respectively), and most seriously, also to annul in 2015 the demarcation of the Terena Limão Verde Indigenous Land, also in Mato Grosso do Sul, which had been approved and demarcated over 10 years prior.

In legislative terms, actions against the constitutional rights of indigenous people began a few years after the promulgation of the Constitution, always aimed at weakening or annihilating indigenous rights to land. This is the tenor of PEC 215 (Proposed Amendment to the Constitution 215), the purpose of which is to transfer to Congress (from the executive branch) the processes of demarcating new indigenous lands and ratifying already registered ones. In practice, this would prevent new demarcations and to legitimize alterations to existing indigenous territories, allowing specialized, political interests to use rule-making to their own ends.

The latest attack by Congress is the CPI (Parliamentary Commission of Inquiry) aimed at investigating federal agencies that oversee indigenous land policy and other traditional populations, the National Indian Foundation (FUNAI) and the National Institute for Colonization and Reform Agrarian Association (INCRA). This inquiry aims to destabilize the demarcation process as a whole by attacking these institutions, as well as some of the principal non-governmental institutions that support the indigenous struggle and also the anthropologists directly involved in some of these processes (groups targeted by the CPI include the Indigenist Missionary Council [CIMI], the Socio-Environmental Institute [ISA], the Indigenist Work-Center (CTI), and the Brazilian Association of Anthropology [ABA]). Its final report, which may be approved as soon as May 8, 2017, proposes the mass indictment of indigenous leaders, anthropologists, advocates of indigenous people, religious leaders, and prosecutors. Most of these people have not even been summoned by the CPI, and their right to defense has been compromised.

In the current federal government, which was elevated to power following a somewhat questionable impeachment process, that which had been an attack on indigenous rights became “reform,” as the ruralist party is now installed in the Ministry of Justice in the person of Minister Osmar Serraglio, the legislative rapporteur of PEC-215.

This is the current situation faced by indigenous peoples in Brazil, the result of which is a situation of legal insecurity that generates an exponential increase of violence and legitimizes actions such as the brutal attack just a few days ago on the Gamela in Maranhão. This is one more case in a series of acts of violence perpetrated against indigenous populations, which translates, on the one hand, into forced displacement, forced migration to the outskirts and slums of cities, problems of collective health, food insecurity, murder, rape, alcoholism and suicide; and, on the other hand, the increasing criminalization of indigenous leaders.

We therefore ask the Brazilian State to respect the constitutional rights of the indigenous peoples of the nation as well as the international treaties that protect traditional populations. We all know that these lands are fundamental to their survival and to maintaining the diversity of life on the planet.

#### PROPONENTES / SOUMISSIONNAIRES / PROPONENTS

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