

Brazil's Supreme Court to rule soon on Indigenous land rights

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A Brazilian Xavante Indigenous person paints a face at a protest camp outside the first day of Brazil's Supreme Court trial of a landmark case on Indigenous land rights in Brasilia [Amanda Perobelli/Reuters]

Brasilia, August 25 (RHC)-- Thousands of Brazilian Indigenous people adorned in colourful paint, beads and feathers have set up a protest camp outside of the Supreme Court in advance of an expected landmark ruling on whether they can reclaim lost ancestral lands.

“This is very crucial” to the Indigenous protesters who are camping out in Brasilia, Al Jazeera correspondent Monica Yanakiew reported on Wednesday.

The top court in Brasilia is set to decide whether to recognise Indigenous rights to land occupied prior to 1988 when Brazil’s constitution was ratified, a legal cut-off date sought by Brazilian state governments that are seeking to limit Indigenous claims.

Indigenous peoples and rights groups argue applying the 1988 date erases Indigenous claims across Brazil dating back to the 1950s when they were pushed from their lands by tobacco farms, miners and logging operations. “If the Supreme Court accepts the ruling of setting-up a cutoff date, and not allowing, barring any claims made by people, anybody who were not occupying their land before 1988, then this would be a big setback for them,” Yanakiew said.

The case arises from a claim by the Xokleng people of southern Brazil against the Santa Catarina state government which the Xokleng say applied an overly narrow interpretation of Indigenous rights by only recognising tribal lands occupied in 1988.

A ruling in favour of the Xokleng could reopen some 800 other claims and lead to the return of lands to Indigenous people. “It’s a law dispute for the Xokleng people to reclaim their territories in the southern state of Santa Catarina and big landowners who say they have no rights because they weren’t occupying those lands in 1988 when the constitution was approved,” said Raphael Modesto, a lawyer for the Xokleng people.

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