

A victory for Indigenous peoples in Brazil



By María Josefina Arce

Brazil took an important step in the defense of the prerogatives of indigenous peoples. In a historic ruling, the Federal Supreme Court reaffirmed the constitutional right of these communities to make use of the lands they have historically and traditionally occupied.

With nine votes in favor and two against, the highest court of the South American giant rejected the attempts of the agricultural sector to prevent these communities from reclaiming the lands they did not inhabit in 1988, when the Constitution was approved.

The decision must be respected by all the country's courts, so that landowners or non-indigenous squatters will not be able to use the so-called temporary framework to challenge the demarcations before the courts.

This agribusiness maneuver was intended to legalize the theft by force of large tracts of these peoples' territories.

The thesis conveniently left aside the fact that this population sector has been expelled from its ancestral regions for decades, especially during the military dictatorship, which prevailed in the country from 1964 to 1985.

Since 2021, the Federal Supreme Court has been judging the so-called temporary framework, criticized by indigenous, human rights and environmental organizations.

Francisco Cali Tzay, UN special investigator on the rights of indigenous peoples, had urged the highest Brazilian court to protect native lands.

The votes against were from the two judges appointed by the former Brazilian president, the ultra-right-wing Jair Bolsonaro, who during his mandate refused to demarcate a single centimeter of new lands for the natives.

Bolsonaro also encouraged illegal mining in indigenous areas, the pillars of deforestation prevention and biodiversity conservation.

When Lula da Silva became president in January of this year, he resumed the demarcation process, in an action of justice and historical reparation to these communities, victims of genocide and the loss of most of their territories.

The indigenous peoples won a great victory. However, the danger is still latent. The agricultural sector has sought another way to guarantee its interests, to the detriment of the native peoples and life in general.

The Senate is debating a bill on the matter, which should be voted on in the next few days and which has already been approved by the Chamber of Deputies. Hopefully, the decision of the Federal Supreme Court will call for sanity and respect for the rights of the native peoples will be put in the first place.

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