

Brazil's top court shelves Indigenous land case, no new date set

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The high-profile case was suspended on Wednesday after one of the Supreme Court justices asked for more time [Adriano Machado/Reuters]

Brasilia, September 16 (RHC)-- Brazil's Supreme Court has suspended a high-profile land rights case that Indigenous people in the South American nation say is vital for their survival, with no new date for when it

will revisit the matter.

The top court is weighing whether a state government applied an overly narrow interpretation of Indigenous rights by only recognising tribal lands occupied by Indigenous communities at the time Brazil's constitution was ratified in 1988.

Indigenous rights groups say the rule was unconstitutional because there was no timeframe in the 1988 constitution, which guaranteed the right to ancestral lands. The case was suspended after one of the justices, Alexandre De Moraes, asked for more time.

As things stand, two members of the 11-member court have ruled so far, with one justice in favour of a cut-off date for land claims, while another has voted to end the timeframe.

The government of far-right President Jair Bolsonaro draws support from the agricultural sector, which broadly defends the timeframe. It argues the time framework gave legal security to farmers, many of whom have lived for decades on land once inhabited by Indigenous people.

Protected Indigenous lands offer a bulwark against deforestation in the Amazon, advocates say. Critics also say a defeat in court for the Indigenous people would set a precedent for the rollback of rights that Bolsonaro has sought with the backing of powerful farming interests.

Lawyers for the Indigenous people, who today number some 850,000 in Brazil, say the constitution that set in stone their rights to ancestral lands makes no mention of a time framework. Their ancestors were driven off their hunting grounds when European settlers began to arrive centuries ago, or were expelled from coveted farmland more recently, but before the 1988 cutoff.

Families of white farmers in many cases have lived for decades on land now claimed by Indigenous communities, and even hold title in some cases showing they bought it from the state. "If the Supreme Court doesn't maintain the 1988 timeframe ... it will kill agribusiness in Brazil, there will be no incentive to invest in agriculture," Bolsonaro said recently.

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