

Indigenous Brazilians in defense of their rights

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Sonia Guajajara, coordinadora de la Articulación de los Pueblos Indígenas de Brasil. Foto/Pablo Albarenga

By María Josefina Arce

Brazilian Indigenous people are fighting a legal battle against the government for their right to their ancestral lands, which is ignored and violated by the ultra-right-wing President Jair Bolsonaro, a supporter of the exploitation of these areas by miners, farmers, loggers and cattle ranchers.

Historically these communities have been subject to dispossession and violence, a situation that has worsened with the arrival in 2019 of Bolsonaro to the Planalto Palace. His actions and discourse are in total favor of economic interests. In fact, he has not demarcated one more centimeter of those territories, one of his electoral promises.

The Supreme Federal Court is now considering the case of the controversial "time frame" initiative, which was first used in 2009 to challenge the demarcation of the indigenous land of Raposa Serra do Sol, in the state of Roraima.

Although the verdict was favorable to the native peoples, this criterion began to be applied inappropriately in other demarcations which, experts point out, do not have similar aspects to this specific process.

It began to take 1988, the year of promulgation of the Constitution, as a reference to validate the indigenous right to lands, when it is common knowledge that many native peoples have been arbitrarily expelled from their homes, especially during the military dictatorship that the country experienced between 1964 and 1985.

Experts and human rights associations affirm that the "time frame" reduces access to their territories for indigenous peoples. The anthropologist Luisa Molina, researcher at the University of Brasilia, explained that an indigenous land cannot be replaced by another area, because it is a sacred place, which has a history, where the identity of each community is cultivated.

The indigenous people emphasize that the Constitution recognizes their rights over their ancestral lands, without setting any time frame.

This legal criterion has been described as a racist and violent policy that seeks to legitimize the illegal possession of the land by the invaders.

The Brazilian Attorney General's Office itself expressed its rejection of this legal thesis which violates the Magna Carta, which, it emphasized, recognizes the rights of these communities and calls for their protection.

Specifically, the Federal Supreme Court is now debating a case on the Ibirama-Laklano territory, in the state of Santa Catarina, which in 2009 lost its reserve status after a lower court upheld an argument that the indigenous people did not inhabit it in 1988.

But once again the judicial body suspended for an indefinite period of time its decision on whether or not the "time frame" criterion is valid, which only recognizes as ancestral lands those occupied by these peoples when the Constitution was promulgated.

By decision of the Court itself, the verdict will have general repercussions and could affect some 300 lands in dispute.

This is a problem that concerns and affects everyone, because if the so-called "temporary framework" is validated, the identity of the country will be lost, since the genocide of the native peoples will be deepened, who are also natural allies of the preservation of the environment, necessary to stop the climate change that threatens all life on the planet.



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