International organizations Stand in Solidarity with Indigenous Peoples of Brazil
Washington D.C., London, Rio de Janeiro,
June 7, 2023

On May 30, the Lower House of the Brazilian Congress passed Bill 490/2007, which aims to establish restrictions on the demarcation process of Indigenous lands. These territories hold critical importance in safeguarding the Amazon rainforest and other Brazilian biomes, as well as the rights and well-being of its Indigenous communities.

Bill 490/2007 is now under consideration of the Senate as Bill 2903/2023. The enactment of this bill would pose a direct threat not only to the territories that Indigenous peoples currently occupy, but also those which they have traditionally owned, occupied, or made use of.

At its core, this bill seeks to legitimize the contentious "Marco Temporal" thesis, which, if turned into law, would deny Indigenous peoples’ rights to their lands, under the claim that they would only have rights to territories which they have physically occupied when Brazil’s 1988 constitution came into force. It is important to point out that the Brazilian Constitution acknowledges the entitlement of Indigenous communities to the lands they have historically inhabited, with no imposed time constraints or arbitrary deadlines. It explicitly places the responsibility on the federal government to demarcate and safeguard these Indigenous territories.
Currently, 285 land demarcation processes out of the total 725 recognized territories are at a standstill, leaving Indigenous peoples vulnerable to conflicts and heightened violence, and jeopardizing their social and cultural rights. Bill 2903/2023 explicitly indicates that its provisions would be applicable to all these pending cases, exacerbating the situation by further prolonging or potentially obstructing the demarcation process.

The lack of clear titling puts these lands at heightened risk of encroachment by individuals engaged in unlawful land seizures and environmental offenses. This situation further exacerbates land disputes and perpetuates violence against Indigenous peoples. According to Indigenous Missionary Council, in 2022, 176 Indigenous people were killed due to land conflicts.

Additionally, if this bill is approved by the Senate, it would not only violate the fundamental rights of Indigenous peoples, but it would also lead to severe and irreparable environmental damage further aggravating the climate crisis we all face.

In another yet parallel process, the “Marco Temporal” thesis is also scheduled to be decided on by the Brazilian Supreme Court today, June 7, in a case that could further cement predatory Indigenous land appropriations. The ruling of this case will be decisive for the rights of Indigenous peoples, to their ancestral lands, and for the planet's survival.

In this sense, the undersigning organizations, in accordance with their respective mandates, wish to express profound concern regarding the consideration of this bill by the Brazilian Senate. The Senate must reject Bill 2903/2023 and commit to uphold the rights and well-being of Indigenous peoples.

Finally, in light of the critical situation faced by Indigenous peoples in Brazil, we strongly appeal to the international community to join in solidarity to the cause of Indigenous peoples’ rights and the preservation of their ancestral lands. We must unite our efforts to ensure that Indigenous peoples in Brazil are not deprived of their cultural heritage, rights, and access to the lands they have inhabited for generations.

Organizations:

Amazon Watch
Amnesty International
Rainforest Action Network
Rainforest Foundation US
Rainforest Foundation Norway
Robert F. Kennedy Human Rights
Washington Brazil Office (WBO)