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BRAZIL BILL THREATENS INDIGENOUS RIGHTS

Bill 2903/2023 is set to be voted on in the coming days by the Senate. The bill was approved on May 30 by the Brazilian Chamber of Deputies. It seeks to make profound changes in the demarcation process of indigenous lands, and legitimize the “Temporal Landmark thesis”, whereby Indigenous peoples would only have the right to claim territories that were in their possession when the Federal Constitution was adopted in 1988.

The content of this bill impacts the rights of Indigenous peoples, particularly the right to self-determination and traditional territory. It also reinforces the systemic human rights violations suffered by Indigenous peoples in Brazil who for centuries have been expelled from their territories. Amnesty International calls on the Senate to immediately reject this bill.

Write to the President of the Senate urging him and all Senate members to reject this bill.

Write to:

Rodrigo Pacheco, President of Senate
Praça dos Três Poderes
Brasília DF-CEP 70165-900,
Brazil

Email: sen.rodrigopacheco@senado.leg.br

Salutation: Dear Senator,

And copy:

His Excellency Pedro Henrique LOPES BORIO
Ambassador
Embassy of the Federative Republic of Brazil
450 Wilbrod Street
Ottawa, ON K1N 6M8
Tel: (613) 237-1090/294-4530 (24h) Fax: (613) 237-6144
Email: brasemb.ottawa@itamaraty.gov.br

ADDITIONAL INFORMATION

Bill 2903/2023 represents profound threats to the rights of Indigenous peoples, particularly regarding the right to self-determination and traditional territory. The Temporal Framework thesis ignores the systemic human rights violations suffered by Indigenous peoples in Brazil, who for centuries have been expelled from their territories by the Brazilian government, farmers, agrobusiness and illegal miners for energy exploitation, illegal goldmining, and road construction.

In 1988, many Guarani Kaiowá, Avá Guarani, and other communities were living outside their territories because they had been occupied by ranchers, landowners, miners, or transformed into government construction sites. In Brazil, 285 processes of demarcation of Indigenous lands are stalled, and only 6 Indigenous lands were demarcated in 2023.

The slow pace of demarcation processes for Indigenous lands is at the heart of numerous land conflicts, which have victimized hundreds of Indigenous people. Between 2019 and 2022, no Indigenous territory was demarcated and, according to data from the Indigenous Missionary Council, more than 470 Indigenous people were murdered because of land conflicts. Also, in the year 2022, 176 people were killed due to conflicts involving land disputes.

Altogether, the areas of the 734 Indigenous lands are 117,537,905 hectares, or 13.8% of the national territory, according to the National Indigenous People Foundation (FUNAI). While 67.57% of the areas are already reserved or homologated, a little more than 32% are still in some of the phases of the long demarcation process, 16% are in the initial phases, the identification studies.