

## LETTER TO THE PUBLIC

### **In defense and promotion of the territorial rights and lives of Indigenous peoples**

The first sixteen months of the current Federal Government saw a dissolution of rights accompanied by support for the presumption of impunity, creating space for a variety of abuses and a rise in violence against Indigenous peoples in Brazil. Seven Indigenous leaders were assassinated in 2019, the most in the past 11 years. Moreover, Indigenous peoples in voluntary isolation are among the most vulnerable considering the frequent invasions of their territories. Below, we will address just a few of the federal government actions that are indicative of the new dark times that it is imposing on Indigenous peoples in Brazil.

We begin by recalling that the paralyzation of land demarcation processes, and when possible the reconsideration of the borders of Indigenous Lands already demarcated by the National Indian Foundation (FUNAI) and approved by the Ministry of Justice were part of the discourse of the current president of the republic when he was a candidate in 2018. In keeping with this discourse, upon taking office on 1 January 2019, the new president issued Provisory Measure (MP) nº 870, which transferred the process of demarcation of Indigenous Lands to the Ministry of Agriculture, Husbandry and Supply (MAPA). In this way, he subordinated the territorial rights of Indigenous peoples to agribusiness interests. But the reaction and social mobilization in opposition was successful: the proposal was rejected two times by the National Congress, the second time with reinforcement from a Federal Supreme Court determination. (STF, 24/06/2019).<sup>1</sup>

Twice defeated and prevented from subordinating the National Indian Foundation (FUNAI) - or at least processes to recognize the territories of Indigenous populations - to the policies of the Ministry of Agriculture, the executive branch sought to place the presidency of this indigenist agency in the hands of someone aligned with the agribusiness interests defended by the Ministry of Agriculture. On the same day that the Supreme Court definitively rejected the political-administrative change proposed in the two Provisional Measures issued by the president, a Federal Police official was placed in the presidency of the National Indian Foundation. He quickly revealed his mission: people without qualifications and legitimacy, and even without legal standing, were nominated to FUNAI to coordinate and conduct studies to identify and demarcate Indigenous Lands. At the end of October 2019, at least two technical groups (GTs) for identification of indigenous lands were disbanded, both in Pernambuco state. The measure was ordered by the new FUNAI president, who removed members of the technical groups and substituted them with "trusted anthropologists".<sup>2</sup>

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<sup>1</sup> More information at [http://www.aba.abant.org.br/files/20190624\\_5d10da858290e.pdf](http://www.aba.abant.org.br/files/20190624_5d10da858290e.pdf)

<sup>2</sup> More information at [http://www.aba.abant.org.br/files/20191104\\_5dc0623331835.pdf](http://www.aba.abant.org.br/files/20191104_5dc0623331835.pdf)

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The second step was taken on February 2020: the executive branch sent to the National Congress a proposed law that would authorize research and extraction of minerals and oil and gas on Indigenous Lands, and the construction and operation of hydroelectric dams, electrical transmission and distribution systems, and oil and gas pipelines, as well as other associated infrastructure. This was Proposed Law Nº 191, which in practice would increase the vulnerability and tension on the indigenous territories and among indigenous populations of Brazil. It would simultaneously legitimate the historic plundering and usurping of their lands and territories by landowners, land-grabbers, rubber-tappers, miners and others. It places at risk the lives of isolated local peoples and communities and those only recently contacted. It questions the demarcation processes of already demarcated Indigenous Lands. It denies the right to free and informed consent and proposes a mechanism for indigenous participation and institutional arrangements that open space to manipulations, political clientelism, corruption and various types of conflicts. The bill also proposes the economic exploration of the Indigenous Lands by means of activities such as agriculture, husbandry, extractivism and tourism. It allows granting permission for gold-digging and the cultivation of genetically modified organisms (GMOs) on the Indigenous Lands. The Proposed Law 191 is on the desk of the president of the Chamber of Deputies, who says it is awaiting a more propitious moment for deliberation.<sup>3</sup>

More recently, on 23 April, FUNAI published in the Diário Oficial da União (DOU) Normative Instruction Nº 9/2020, which promotes a new regulations for the legal mechanisms for issuing “declarations of the absence of indigenous presence”, which had been demanded by owners of private land bordering indigenous lands. By only recognizing “traditional approved indigenous lands, indigenous reserves and lands in the domain of indigenous communities”, the issuance of these “certificates” by the indigenist entity disconsiders a large number of processes for the regularization of land within the Foundation and will increase the risks to the lives and territories of Indigenous Peoples. It serves the interests of the same economic and political sectors that pushed for the approval in the National Congress of Provisional Measure nº 910/2019, which would grant amnesty to and reward land-grabbing on federal lands.<sup>4</sup>

As if this was not enough, last April, the COVID-19 pandemic reached indigenous territories. Previous experiences show that infectious diseases introduced into Indigenous groups tend to spread rapidly and reach a large portion of these populations, with grave consequences for the elderly and children. It can even indirectly reach peoples in voluntary isolation. These situations disrupt the social organization of daily life and the maintenance of healthcare.<sup>5</sup> Thus, in addition to measures to prevent transmission of the new coronavirus in the communities and for the rapid care of infected Indigenous in the Indigenous Lands and cities, it is necessary to guarantee families permanent stable access to culturally suitable and healthy foods, in keeping with the epidemiological circumstances.<sup>6</sup> But to aggravate the situation even more, the pandemic arose at a time of fragilization and dismantling of the federal government’s Indigenous Healthcare Subsystem (SASI-SUS).<sup>7</sup>

Finally, there are countless signs from various regions that lead us to believe that we are advancing, as a society, to a more dangerous situation: somewhere between the assimilation and possible programmed extermination of a portion of the Brazilian population. Beatings, humiliation, constraints, invasion of lands, illegal extraction of natural resources within Indigenous Lands,

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<sup>3</sup> More information at [http://aba.abant.org.br/files/20200219\\_5e4d421e8d279.pdf](http://aba.abant.org.br/files/20200219_5e4d421e8d279.pdf)

<sup>4</sup> More information at [http://www.aba.abant.org.br/files/20200430\\_5eab0093b0002.pdf](http://www.aba.abant.org.br/files/20200430_5eab0093b0002.pdf)

<sup>5</sup> More information at [https://www.abrasco.org.br/site/wp-content/uploads/2020/03/coronavirus\\_sasi\\_sus\\_abrasco\\_ABA.pdf](https://www.abrasco.org.br/site/wp-content/uploads/2020/03/coronavirus_sasi_sus_abrasco_ABA.pdf)

<sup>6</sup> More information at [http://www.aba.abant.org.br/files/20200417\\_5e99e7e92760b.pdf](http://www.aba.abant.org.br/files/20200417_5e99e7e92760b.pdf)

<sup>7</sup> More information at [http://www.aba.abant.org.br/files/20190328\\_5c9cd477742d6.pdf](http://www.aba.abant.org.br/files/20190328_5c9cd477742d6.pdf) e [http://www.aba.abant.org.br/files/20200504\\_5eb0519d148b2.pdf](http://www.aba.abant.org.br/files/20200504_5eb0519d148b2.pdf)

aggravate the deprivation of sustainable means for food security and income. This is combined with increased disease and precarious health conditions, which are intensified by a subtle process of dismantling the Subsystem for Indigenous Healthcare and the limitations imposed on Indigenous participation and social control in public policies.<sup>8</sup> The situation is grave and the setbacks are underway, placing at risk the territorial rights and self-determination, as well as, and principally, the lives of Indigenous peoples in Brazil.

Brasilia, 4 May 2020  
Associação Brasileira de Antropologia (ABA)  
[Brazilian Anthropology Association]

Sociedade Brasileira para o Progresso da Ciência (SBPC)  
[Brazilian Society for the Advancement of Science]

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<sup>8</sup> More information at <http://www.portal.abant.org.br/2019/10/01/o-risco-da-presuncao-de-impunidade/>