

INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

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Statement of solidarity with indigenous peoples of Brazil and the Amazon rainforest

[Washington D.C. | March 25, 2019] – In light of last Tuesday’s meeting between President Trump and Brazil’s President Jair Bolsonaro and the Congressional briefing on “Brazil and Increasing Threats to the Amazon and Indigenous Rights” held on Friday, March 22, the Indian Law Resource Center expresses deep concerns regarding President Bolsonaro’s Provisional Measure No. 870/2019, which undermines environmental protections and titling of Indian lands throughout the Brazilian Amazon rainforest. We call upon members of the U.S. Congress, the U.S. State Department, and the international community to take actions to stop Provisional Measure No. 870/2019 and the escalating attacks and death threats against indigenous peoples that have been fueled by the anti-indigenous stance of President Bolsonaro and his administration. Together, we must stand up to vicious rhetoric, regressive policies, and attacks on indigenous rights and the environment.

Provisional Measure No. 870/2019 makes questionable changes to Brazil’s government structure that will harm indigenous peoples and the environment they depend upon for physical and cultural survival as distinct peoples within the Brazilian society. Some of the most controversial changes include the transfer of the National Indian Foundation’s (FUNAI) indigenous land demarcation mandate to the Ministry of Agriculture (MAPA), and the transfer of FUNAI from the Ministry of Justice to the Ministry of Family, Women, and Human Rights. The February 2019 [report](#) to the Inter-American Commission on Human Rights that the Center prepared in conjunction with the *Articulação dos Povos Indígenas do Brasil* (APIB), the *Coordenação das Organizações Indígenas da Amazônia* (COIAB), and the *Articulação dos Povos e Organizações Indígenas do Nordeste, Minas Gerais e Espírito Santo* (APOINME) provides an analysis of Provisional Measure No. 870/2019 and many other administrative decrees and also documents numerous counts of murder and criminalization of indigenous leaders, death threats, and intimidations.

We agree with the Brazilian Attorney General’s [Legal Opinion No. 1/2019-6^aCCR](#) and its conclusions on Bolsonaro’s Provisional Measure No. 870/2019: not only does it contradict Brazil’s Constitution but also applicable international law and policy standards. The opinion, which was issued on March 1, 2019, provides a sound constitutional law analysis of Provisional Measure No. 870/2019 and concludes that the changes mentioned above are unconstitutional as they contradict legal protections that Brazil’s 1988 Constitution affords to indigenous peoples’ collective land rights. It also states that FUNAI and the indigenous land demarcation procedure should remain under the supervision of the Ministry of Justice because it is “a neutral and equidistant space for the various branches of the federal government involved.” Lastly, the legal opinion also highlights the fact that the Provisional Measure No. 879/2019 was adopted in non-compliance with applicable international law, such as the obligation to carry out a free, prior and informed consultation with indigenous peoples since it directly affects them.

In our opinion, Provisional Measure No. 879/2019 embodies an agrarian and assimilation policy towards indigenous peoples that was rejected decades ago not only by Brazil's Constitution but also international law and policy. The American Declaration on the Rights of Indigenous Peoples adopted in 2016 rejects "any[state] policy of assimilation of indigenous peoples or of destruction of their cultures" and states that "indigenous peoples have the right to maintain, express, and freely develop their cultural identity in all respects, free from any external attempt at assimilation." President Bolsonaro's regressive and unconstitutional policy approach is a direct attempt to open up Indian lands in the Amazon rainforest for agribusiness and to undermine indigenous peoples' collective land and self-government rights.

In solidarity with indigenous peoples fighting for their land and self-government rights and survival everywhere,

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