



Articulation of the Indigenous Peoples of Brazil (APIB)

SETBACKS ON INDIGENOUS RIGHTS IN BRAZIL

CONTEXT OF SERIOUS THREATS TO THE RIGHTS OF INDIGENOUS PEOPLES AND TO THE CLIMATE AGENDA IN BRAZIL

Through the **struggle and resistance of the indigenous movement**, there were important achievements in the current national administration, as the creation of the Ministry of Indigenous Peoples.

However, despite Bolsonaro's defeat at the polls, Bolsonaroism is still present and strong in the Brazilian political scenario and, therefore, **the indigenous peoples continue to fight against the agenda of threats to their rights.**



Judiciary Branch - Time Frame (Marco Temporal) Ruling

Marco Temporal is a **legal thesis defended by the Brazilian agroindustry** that proposes that only territories occupied by indigenous peoples on October 5, 1988, date of enactment of the Brazilian Constitution, may be legally acknowledged and demarcated.

Marco Temporal is a perverse and unconstitutional political and legal interpretation, which ignores that due to centuries of persecution and extermination, many indigenous peoples were expelled from their territories. **On June 7, the Federal Supreme Court (STF) resumed the ruling of the Time Frame**, related to the case of the Xokleng People and of national application.

The Brazilian Supreme Federal Court (STF) is judging the Marco Temporal thesis, an anti-indigenous thesis that restricts the right of Indigenous peoples to the demarcation of their lands.

The thesis, considered unconstitutional, states that Indigenous peoples would only be entitled to the demarcation of lands if they were in possession of them on October 5, 1988, the date of the promulgation of the Brazilian Constitution.

If accepted by STF, 14% of Brazilian territory and biodiversity living inside the Indigenous Territories would be vulnerable in the face of the expansion of illegal commodity production, land grabbing, illegal mining and deforestation.

The ruling deals with a lawsuit involving the Xokleng Ibirama Laklaño Indigenous Land, of the Xokleng, Kaingang and Guarani people, and the state of Santa Catarina. Here you can understand a little more about the history, the Marco Temporal thesis and how the result of this trial, with general repercussion status, will guide all the indigenous land demarcation processes in the country.



Follow the trial and APIB's national mobilization!

<https://apiboficial.org/marco-temporal/?lang=en>

Legislative Branch - Provisional Measure 1154

(Weakening of Ministries of Indigenous Peoples and the Environment)

The MP 1154, approved on May 24, weakens the Ministry of Indigenous Peoples (MPI), **withdrawing the authority of the demarcation of indigenous lands from the MPI.**

It also **destructures the Ministry of the Environment and Climate Change (MMA)**, removing from the MMA the management of the Rural Environmental Registry – CAR, a fundamental instrument for combating deforestation and environmental regularization of rural properties.

Besides, it withdraws from the MMA national agencies and information systems of basic sanitation public services, solid waste management, and water resources management.



WHAT ARE THE MAIN THREATS WE ARE FACING?

Legislative Branch - Bill 2903/2023 (*"Legislated Genocide"*)

On May 30, the House of Representatives approved then Bill 490/2007, which is currently being evaluated by the Federal Senate as Bill 2903/2023. If approved, this bill will:

- 1** Transfer the demarcation of Indigenous Lands (ILs) from the Executive to the Legislative Branch
- 2** Transform the Time Frame thesis into Law
- 3** Allow the construction of highways, hydroelectric plants and other enterprises in ILs, without prior, free and informed consent
- 4** Authorize farmers to promote direct contracts with indigenous peoples to plant soy, raise cattle, making it possible to promote even illegal and industrial mining in ILs
- 5** Allow anyone to question the processes of demarcation of indigenous territories, including those already demarcated.
- 6** Recognize the legitimacy of land tenure by invaders of Indigenous Lands, facilitating land grabbing.
- 7** Recover the dictatorial legal system that promotes the acculturation of indigenous peoples.
- 8** Make the policy of no contact with indigenous peoples in situation of voluntary isolation more flexible.
- 9** Reformulate constitutional concepts of indigenist policy, such as the traditional occupation, original rights and exclusive land use.

Legislative Branch - Other measures

Other legislative proposals represent serious setbacks if approved: **Bill 1654/2023** (Allows mining in ILs); **Bill 2633/2020** and **Bill 510/2021** (Facilitates land grabbing); **Bill 2159/2021** (Changes Environmental Licensing); **Bill 177/2021** (allows Brazil to withdraw from the ILO 169 Convention), among others.



Executive Branch - Coalition Government

Although President Lula's administration is open to dialogue with indigenous and socio-environmental issues, the government was elected from a **broad coalition for democracy**.

There are sectors within the Federal Executive Branch that are not committed to our agenda and have already come out in favor of the Time Frame thesis.

An example of this internal contradiction is the validity of the Normative Opinion 001 of the General Advocacy of the Union (AGU) which, in practice, serves to invalidate and review demarcation of ILs, even those already concluded or at an advanced stage.



EVERYONE WILL BE IMPACTED BY THESE MEASURES!

If approved, these measures will have a direct impact on the lives of indigenous peoples in Brazil.

But they will also affect the global population.

Despite representing only 5% of the world's population, **indigenous peoples protect 80% of global biodiversity in their territories** (UN).



**THERE IS NO FIGHT AGAINST CLIMATE CHANGE WITHOUT
PROTECTING INDIGENOUS TERRITORIES AND RIGHTS!**

THE INDIGENOUS MOVEMENT CONTINUES TO RESIST AND FIGHT IN THE TERRITORIES, CITIES, BRASÍLIA AND INTERNATIONALLY

In recent years, APIB and its regional organizations have taken several **international advocacy actions** to increase pressure against rights violation in Brazil.

The **support from the international community** was instrumental in preventing the impacts of the Bolsonaro administration from becoming even more serious.



**NOW,
MORE THAN EVER,
WE NEED
YOUR SUPPORT!**



HOW CAN THE INTERNATIONAL COMMUNITY SUPPORT THE RESISTANCE OF INDIGENOUS PEOPLES IN BRAZIL?

- ▶ Follow our social networks [@apiboficial](#) and share our content.
- ▶ Donate to support the indigenous mobilization: apiboficial.org/apoie/?lang=en
- ▶ Mobilize authorities, celebrities and influencers
- ▶ Take photos, videos and share the contents of the indigenous campaign on your social networks, tagging us [@apiboficial](#)
- ▶ Organize protests in front of Brazil's Embassies, Universities, at the European Parliament, etc.
- ▶ Sign and share our petitions:

marcotemporalnao.com

secure.avaaz.org/campaign/po/a_fatal_blow_to_the_amazon_loc/

greenpeace.org/brasil/apoie/marco-temporal-nao







www.apiboficial.org

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