

Declaration about the future of Indigenous lands, to be decided by Brazil's Federal Supreme Court

The Brazilian Anthropological Association (ABA) is highly concerned with a Federal Supreme Court decision scheduled to be made in late August about the Ibirama La-Klãnõ Indigenous Land, occupied by the Xokleng people in Santa Catarina state. The Supreme Court classified it as a *general repercussion* decision, which means that it will be valid for all equivalent cases in the country.

The National Congress is currently deliberating numerous initiatives that would violate rights for Indigenous lands established by the federal Constitution. The survival of the Xokleng of Santa Catarina and of other Indigenous peoples in Brazil is gravely threatened by this decision. In fact, rights acquired by the entire Indigenous population in the country are now in jeopardy! The incessant attacks on their territories, the lack of care that caused a surge in deaths during the pandemic, and the absence of assistance will severely increase in case of a legal defeat. Only the federal Supreme Court can assure the survival of these peoples in this extremely bleak situation.

The Supreme Court has consistently reaffirmed itself as the branch of power that guarantees constitutional rights that have been threatened in these crucial times. We have therefore expressed to the Court our commitment to Indigenous rights, which are under strong challenge.

It must be emphasized that the Brazilian Anthropological Association, as an *amicus curia* in this case, has taken a position to support the rights of the Xokleng peoples and all others who may be affected. The anthropological studies conducted to identify and delimit the Indigenous territory, and the expert report requested in this case by the court, demonstrate that the Xokleng people have traditionally occupied their land, and meet the four principles that determine this occupation, according to Art. 231 of the federal Constitution.

Therefore, the Brazilian Anthropological Association, as *amicus curiae* in this case, and the other scientific associations signed here, join to emphasize to the Federal Supreme Court the importance of complete compliance with our Constitution, which recognizes the Indigenous peoples and their sociopolitical and cultural specificities, and determines that the Brazilian state is responsible for their protection.

Brasília, 9 August 2021.

Brazilian Anthropological Association – ABA