

InstitutoSocioambiental

Federal Government of Brazil approves three Indigenous Lands; find out which ones they are

With a 1 year and 8 month delay, President Lula promises to conclude by next week the process of demarcation of all Indigenous Lands (TIs – Terras Indígenas) listed by the transition team

Mariana Soares - ISA Journalist

Friday, December 6, 2024 at 8:50 am

On Wednesday (12/04), the Lula government announced the ratification [homologação] of three more Indigenous Lands. They are: [Potiguara de Monte-Mor](#), of the [Potiguara people](#), in Paraíba; [Morro dos Cavalos](#), of the [Guarani Nandeva](#) and [Guarani Mbya](#) peoples; and [Toldo Imbu](#), of the [Kaingang people](#), both in Santa Catarina. The median time for the three Indigenous Lands seeking completion of their ratification process was 31 years.

The country now possesses 445 traditionally occupied Indigenous Lands that have been ratified, a territory of 107,449,595 hectares. There still remain 286 other areas awaiting procedures in their demarcation processes: 151 are under formal study and another six areas have Restriction of Use Orders for the protection of isolated indigenous peoples, 36 identified by the National Foundation for Indigenous Peoples (FUNAI), and finally, 68 lands already declared by the Ministry of Justice awaiting the decree of ratification.

Image

 Ricardo Stuckert/PR

The ratification decree is one of the final steps in the process that guarantees exclusive possession of the land to the indigenous peoples. Afterward, the TI must be in the land registry office and with the Secretaria de Patrimônio da União (SPU) [[secretariat of federal lands](#)].

With the decision, the current Lula Government taps the milestone of 13 ratifications, a number representing just over half the number of ratifications signed during his last administration, from 2007 to 2010. In spite of this, the announcements over the last two years were expected in the first few days of the administration.

During the transition of governments, the Original Peoples Working Group submitted 13 TIs ready to have their processes finalized in the first 100 days of the administration. The first ratifications by the president were signed in April during the 2023 Acampamento Terra Livre (annual Free Land Camp in Brasília), and contained only five of the 13 presented by the Working Group: [Kariri-Xokó](#) (AL-State of Alagoas); [Tremembé da Barra do Mundaú](#) (CE-Ceara); [Rio dos Índios](#) (RS-Rio Grande do Sul); [Uneiuxi](#) (AM-Amazonas) and [Arara do Rio Amônia](#) (AC-Acre). On that occasion, _

DRAFT TRANSLATION

[TI Avá-canoeiro](#) (GO-Goiás) was also ratified, but was not on the list of the 13 indicated by the Working Group.

See the location of the Indigenous Lands:

The TIs [Rio Gregório](#) (AC) and [Acapuri de Cima](#) (AM), part of the list, were ratified in an official ceremony on Amazon Day, on September 5, 2023. The TIs [Aldeia Velha](#) (BA- Bahia) and [Cacique Fontoura](#) (MT- Mato Grosso), in turn, were ratified one day before Day of Indigenous Peoples, on April 18, 2024, amid complaints from leaders of the TIs who were invited to the ceremony and did not see their territories being ratified by the Office of the President.

“I want you to know that these Lands are and have been ready. What we do not want is to promise you one thing today and tomorrow read in the newspaper that the courts handed down the opposite decision. The frustration would be even greater,” justified President Lula at the time.

This time, the only land on the list that was left out of the decision was the [Xukuru-Kariri Indigenous Territory](#), belonging to the [Xukuru-Kariri](#) people, who have been awaiting final demarcation of their territory for over 26 years. During the private ceremony at the Palácio do Planalto, the president promised to make the Indigenous Territory official next week.

“We have two more years of government and we are going to continue working so that we can legalize and deliver all of the lands that we possibly can. If one day they ask me what my legacy is as president, I will say: the guy who authorized the most indigenous lands in this country. It was in my government,” said the president.

Sonia Guajajara, the first Minister in the newly formed Ministry of Indigenous Peoples, was also present at the signing and reaffirmed the federal government commitment to protection of the demarcated areas. “We are continuing all of this work so that we can strengthen indigenous policy through demarcation of the Indigenous Lands, the proceedings for desintrusão [**formal removal of non-indigenous parties having intruded**] from the Indigenous Lands as well as protection of these territories, to guarantee security within the indigenous territories already demarcated,” she declared.

Juliana Batista, one of the attorneys representing the Indigenous Land of Morro dos Cavalos in court, celebrated the decision together with Minister Sonia Guajajara and the representatives of the Ministry of Indigenous Peoples. “We are very happy, this is a victory for the Ministry, this is a victory for the indigenous community of Morro dos Cavalos and we hope for support from Brazilian society so that more lands can be ratified, guaranteeing the preservation of the biomes and also the ways of life of the indigenous peoples,” she said.

Also among those present for the ceremony were indigenous leaders Sandro Potiguara, the chief general of the Potiguara people; chief Babau Tupinambá, Cal Potiguara, a Potiguara leader; and Dinaman Tuxá, coordinator of the Articulation of Indigenous Peoples. In addition to them, representatives of the federal government such as Joenia Wapichana, president of Funai; Weibe Tapeba, special secretary for Indigenous Health (Sesai); Luiz Eloy Terena, executive secretary of the Ministry of Indigenous Peoples; Ricardo Lewandowski, minister of Justice; Sheila de Carvalho, National Secretary for Access to Justice; and Marcos Kaingang, secretary for Indigenous Territorial Rights.

DRAFT TRANSLATION

The demarcated Indigenous Lands:

Morro dos Cavalos Indigenous Land, in Palhoça (SC)

Inhabited by the [Guarani Mbya](#) and [Guarani Nandeva](#), the [Indigenous Land Morro dos Cavalos](#) is located in the municipality of Palhoça (SC), with a territorial extension of 1,983 hectares overlapping the [Serra do Tabuleiro State Park \(PES\)](#). Even though historical records indicate the presence of Guarani communities in the Morro dos Cavalos region since the 17th century, it was only in 1993 that the first Technical Group (GT) was formed for delimitation of the TI.

Guarani of the Morro dos Cavalos Indigenous Land (SC) participate in an event in April 2018 in Brasília


 Isadora Favero/ISA

According to the Detailed Report on Identification and Delimitation (RCID) of TI Morros dos Cavalos, the first invasion of the territory, initiated in the 1960s, was construction of the the federal highway BR-101. The document highlights that the occupation of the area surrounding the Indigenous Land and the creation of the Serra do Tabuleiro PES [State Park] in 1975, which generated land conflicts that persist to this day, as they caused “the reduction of the spaces occupied by the Guarani, compromising their economic autonomy and satisfaction of their needs.”

The delimitation of the Indigenous Land in April 2008 led to a court action brought by the State of Santa Catarina against the União and Funai, the objective being to declare the administrative demarcation process null and void.

In reference to this action, ISA attorneys Maurício Guetta and Juliana Batista, note that: “the litigation of the demarcation of TI Morro dos Cavalos was yet another way the State of Santa Catarina found to attempt to delay formal ratification of their land. In addition to the administrative process of demarcation having been carried out in absolute legality, in accordance with the applicable standards, the indigenous people never abandoned TI Morro dos Cavalos.”

Find out more in the article “ [The litigation of the demarcation of indigenous lands: the case of Morro dos Cavalos](#) ”, in the book Rights of Indigenous Peoples in Dispute, from 2018.

Eunice Kerexu, Guarani Mbya leader from the Morro dos Cavalos Indigenous Land, at the Terra Livre Camp in 2017  Luiza Calagian/ISA

According to the indigenous organization Comissão Guarani Yvyrupa (CGY), TI Morro dos Cavalos and 13 other Guarani lands are ready to be ratified or declared – and [were included in the #DemarcaYvyrupa campaign](#), relaunched on the eve of the 2024 municipal elections.

Toldo Imbú Indigenous Land, in Abelardo Luz (SC)

The [Toldo Imbu Indigenous Land](#), traditionally occupied by the [Kaingang people](#), is located in the municipality of Abelardo Luz, State of Santa Catarina, with a delimited and declared area of 1,970 hectares and a population of 393 people, according to the 2022 Census. The struggle of the Kaingang of Toldo Imbu for the demarcation of their territory [has been ongoing since 1949, when](#)

DRAFT TRANSLATION

[they were forcibly removed from their territory to the Xaçecó Indigenous Post](#), an area that had been installed by the state government of Paraná in 1902.

Samara Goj Tej and Vanessa Antunes, from the Kaingang people of the Toldo Imbu Indigenous Land, during the III March of Indigenous Women  **Webert da Cruz Elias/ISA**

After the communities were [forcibly removed](#) from their territory, the indigenous people mobilized to reclaim their traditional lands. The process [for formal land ratification](#), however, suffered a setback due to opposition from rural producers and their political allies, who were interested in logging and the creation of real estate subdivisions. The identification and demarcation processes of the Toldo Imbu Indigenous Land were initiated by Funai in 1986, but ever since that time legal disputes have paralyzed the administrative proceedings.

It was only in 2019 that a Federal Supreme Court (STF) decision put an end to the lawsuits that attempted to annul declaration of the TI, allowing the rite of demarcation to move forward to its final stages.

Potiguara of the Monte-Mor Indigenous Land, in Marcação (PB) and Rio Tinto (PB)

The [Potiguara de Monte-Mor Indigenous Land](#) is located in the municipalities of Marcação and Rio Tinto, both in the state of Paraíba, and pertains to the [Potiguara people](#). Ratified with 7,530 hectares, the 2022 Census identified 10,966 people residing in the territory. The demographic density of the TI is higher than that of the cities in which the TI is located, in addition, [superimposed over it](#) are two Conservation Units, the [Environmental Protection Area \(APA\) of Barra do Rio Mamanguape](#) and the [Area of Relevant Ecological Interest \(ARIE\) Manguezais da Foz do Rio Mamanguape](#).

Image: Comadre Guerreira, leader of the Potiguara people, at the III March of Indigenous Women, in September 2023 **Webert da Cruz Elias/ISA**

In 2007, during a meeting of the National Council for Indigenous Policy (CNPI), the Minister of Justice at the time, Tarso Genro, signed the Declaratory Ordinance for the TI.

According to the [RCID](#), published in 1997, there are records of the Potiguara presence on the coast of Paraíba since the 16th century. In 1860, the Potiguara occupation on the Mamanguape River region, where the Potiguara de Monte-Mor Indigenous Territory is today, was confirmed in an official letter sent to the General [\[administrative\]](#) Office of the region. Despite this, it was only at the beginning of the 21st century that the land was recognized. In 2007, after 400 Potiguaras occupied the Funai headquarters in João Pessoa (PB), the Minister of Justice at the time, Tarso Genro, signed the Declaratory Ordinance of the Indigenous Territory during a meeting of the CNPI.