

DECLARATION OF THE LATIN AMERICAN NETWORK OF LEGAL ANTHROPOLOGY (RELAJU) 2015

We the undersigned members of the LATIN AMERICAN NETWORK OF LEGAL ANTHROPOLOGY (RELAJU for its name in Spanish) 2015, which includes social scientists, legal professionals, activists and representatives of indigenous peoples and afro-descendants' organizations from Argentina, Brasil, Bolivia, Colombia, Costa Rica, Chile, Ecuador, Guatemala, Mexico, Peru, and Uruguay, meeting at the IX Congress "Plural Societies and Nation States: Limits and Challenges for Rights Efficacy" in the city of Pirenópolis, in the state of Goiás, Brazil, from the 29th of September to the 2nd of October 2015, declare at the close of this meeting:

1. That as a result of our research and actions, as well as the testimonies of indigenous and afro descendant leaders that we have heard during this congress, we can affirm that notwithstanding the legal rights won by these peoples (international treaties, constitutional reforms, jurisprudence of the Inter American Commission and Court) we are currently living through a new cycle of invasion of indigenous peoples' territories.
2. States have imposed extractivist mega-projects (mining, oil, forestry), energy and infrastructure mega-projects (dams, wind-farms, roads), and the mono-cultivation of genetically modified crops in indigenous and afro descendant territories without consultation or obtaining their free, prior and informed consent. Governments approve the socio-environmental impact studies presented by private companies, hiding the damage that these projects inflict on those peoples and on Mother Earth.
3. These megaprojects contaminate and exhaust sources of water and food, such as the case of the indigenous peoples of Río Xingú affected by the construction of the Belo Monte hydroelectric plant in Brazil, or the native community of Tres Islas in Peru, which cannot eat fish because of the contamination of their rivers with mercury; they destroy sacred sites, such as the case of mining projects in the territory of the Wirarika people in Mexico; and they produce forced displacements, such as the case of the afro-Colombian communities and the Embera Dobida, Katío, Chamí and Waunana peoples of the Chocó region of Colombia, amongst other violations of rights. The same effects are produced by mining and the illegal extraction of forest resources.
4. We observe that indigenous and afro descendant peoples defend and resist the imposition of these megaprojects through direct action, such as the occupation and removal of the installations and equipment of private companies in their territories, and mobilizations in public spaces and road blocks, together with the use of political means (such as ethical tribunals) and national and international legal forums.

5. In the face of indigenous resistance, states deploy illegal and illegitimate police and military violence, establishing states of emergency and arbitrarily detaining and imprisoning leaders, who are the target of threats, violence and assassination. This has occurred in the imposition of the mining mega-project Marlin in San Miguel de Ixtahuacán (Guatemala) against the Mam people; the mining mega-project Conga, against the communities and *Peasant Rondas* in Cajamarca (Peru); the hydroelectric dam La Parota, in the Mexican state of Guerrero against the Nahua people; the Bicentenary dam against the Guarijío people, and the Independence aqueduct against the Yaqui people in Sonora (Mexico); the hydroelectric projects in the Madeira and Tapajos rivers in the Brazilian Amazon against the Mura and Munduruku peoples and traditional communities; the forestry, hydroelectric and road projects in Mapuche territory; the imposition of the trans-amazon highway in the Tipnis national park (Bolivia); oil extraction in the Yasuní national park (Ecuador), in Achuar territories in Peru, amongst many other cases.
6. In addition to repression exercised directly by States, these also permit the violent actions of armed actors such as paramilitary groups, organized crime and hired guns or private armed forces of large landowners. States have also permitted the use of sexual violence against indigenous women as a tool of fear and repression.
A particularly serious case is that of the series of threats, attacks and massacres in the territories of the Guaraní Kaiowá and Avá Guaraní peoples in the south of the Brazilian states of Mato Grosso do Sur and the East of Paraná, carried out by large landowners seeking to block the recuperation by indigenous peoples of their ancestral lands.
7. Many countries have undergone a reversal in the administrative, legal and judicial protections of indigenous and afro descendant territories (actions of unconstitutionality against the titling of Quilombola territories in Brazil); threats of a constitutional amendment to reduce the legal recognitions afforded to indigenous and Quilombola territories in Brazil; the use of legal actions by landowners and private companies to avoid demarcation and use of ancestral territories (for housing, water use and crop cultivation), such as the case of the Chiquitano people located in Porto Esperidião, in the state of Mato Grosso in Brazil, and the case of the Chaupé family in Cajamarca, Peru, by the Yanacocha mining company. We also observe a lack of compliance on the part of states with the sentences and precautionary measures issued by the Interamerican Court of Human Rights to protect indigenous and afro descendant peoples.
8. We also observe a criminalization of the exercise of indigenous jurisdiction, particularly when indigenous authorities confront organized crime (narco-trafficking and people trafficking) linked to state authorities. This is the case of the Regional Coordination of Community Authorities (CRAC) in the Mexican state of Guerrero, with the illegal detention and imprisonment of community police commander Nestora Salgado García; or when they confront the interests behind megaprojects, such as the persecution and imprisonment of indigenous leaders as

Ydelso Hernández of the *Peasant Rondas* in Cajamarca (Peru) (who have been charged on more than 100 counts and imprisoned in a maximum security jail).

9. We conclude that in practice Latin American States do not respect and indeed violate the rights of indigenous and afro descendant peoples, contrary to the legal obligations which they themselves ratified.
10. We call for the social, democratic and plural rule of law, and for the human rights of indigenous and afro descendant peoples; for respect for the right of prior consent and the integrity of those peoples; for the immediate release of indigenous political prisoners; for an end to repression and criminalization; for investigations and sanctions against those responsible for violence against indigenous and afro descendant peoples and traditional communities.