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ID Special Rapporteur  
rights of indigenous  
peoples.

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**STATEMENT BY H.E. AMBASSADOR MARIA NAZARETH  
FARANI AZEVÊDO, PERMANENT REPRESENTATIVE**

Thank you Madam President,

At the outset allow me to welcome the representative of the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of Indigenous Peoples and commend them for their work. We would also like to express our appreciation for Mr. Anaya's recent participation at a seminar in Brasília, where he could further his dialogue with the Brazilian Government on the application of the consultation mechanism established in ILO's Convention 169.

On the regulation of extractive activities within indigenous lands, Brazil's Constitution recognizes the permanent possession by indigenous peoples of the land they have traditionally occupied and establishes the exclusive enjoyment of the soil, river and lake's wealth within these lands. As a result of this recognition, there are today in Brazil, 677 indigenous lands, amounting to 1,11 million square meters (or 13,1% percent of Brazil's territory).

The Constitution also establishes that hydraulic energy potentials and mineral resources belong to the State. In cases where such resources and potentials are found in indigenous lands, the related energetic and extractive activities can only take place with authorization of the National Congress, after the affected communities are heard, and also ensuring their participation in the results of the extractive activity.

The principle of consultation is incorporated in Brazil's constitutional order since 1988 and was reinforced with the ratification of ILO's Convention 169 and with Brazil's favourable vote to the UN Declaration on the Rights of Indigenous Peoples. In line with this normative evolution, draft law approving the Statute of Indigenous Peoples, under discussion by the National Congress, reaffirms the compulsory nature of consultation with indigenous communities on any measure that may affect them.

Brazil believes that consultation process should aim not only at informing indigenous populations about decisions taken by the State, but at allowing that these populations can influence upon the formulation and decision making processes. Therefore, in order for indigenous populations to take informed decisions about projects that may affect them, it is necessary that they receive the soonest objective and comprehensive information sensible to their cultural context and to their technical knowledge.

A number of infrastructure projects have been altered, suspended or even cancelled after consultation with affected indigenous communities. In the case of the Belo Monte Hydroelectric Plant, social-environmental concerns, after consultations with indigenous communities, resulted in the overhauling of the entire project, thus reducing in eight times the originally planned flooded area and avoiding any subtraction of indigenous land.

Brazil will continue taking further steps to improve the consultation process as principle, practice and effective tool for the State to act with legitimacy and good faith.

I thank you Madam President.