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

Thank you Mr. President,

Let me first thank the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, James Anaya, and the representative of the Expert Mechanism on the Rights of Indigenous People for their presentations and commend them for their activities in that regard.

My delegation encourages the Special Rapporteur to continue disseminating good practices for the promotion and protection of the rights of indigenous peoples and to facilitate such dissemination by mobilizing international partners and resources. We believe that through the strengthening of capacity building and technical assistance, the Special Rapporteur will be able to foster new cooperation and dialogue opportunities.

As anticipated in his report, we also encourage the Special Rapporteur to consider dedicating thematic studies to the situation of isolated or recently

contacted indigenous peoples as well as to the situation of indigenous peoples in urban areas.

Brazil is so far the only country that has established monitoring and protection policies for isolated or recently contacted indigenous populations. Brazil's national foundation for indigenous peoples (FUNAI) respects the will of these estimated 64 isolated communities not to establish contact. At the same time, FUNAI intervenes in order to mitigate negative effects in the case of undesirable contact.

With regards to the main theme of the Mr. Anaya's report, my delegation agrees that, notwithstanding the absence of a clear framework relating to corporate responsibility and human rights, such responsibility could be framed under the terms proposed by the Special Representative on the issue of human rights and transnational corporations, to whom States have the duty to protect, companies have the duty to respect and both States and companies have the duty to mitigate and compensate the effects of human rights violations. While dealing with the issue, it is necessary to bear in mind the necessity of strengthening State's capacity to formulate and implement laws and policies in line with international human rights standards. We are of the view that international cooperation could play an important role in that regard.

My delegation coincides with the Special Rapporteur's view that, with regards to indigenous peoples, the concept of "due diligence" should be based on internationally recognized norms and principles, such as those set forth by the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169.

The necessity of discussing parameters that integrate to the activities of international corporations the observance of human rights norms and standards does not suppress State's obligations on that matter. The absence of recognition by the State of the indigenous peoples' rights over their traditionally occupied lands, for example, make these populations more vulnerable to the interests of companies in exploring existing resources on those lands.

Brazil has put in place an advanced legal and institutional framework to deal with such issues. There are currently 488 demarcated indigenous lands, which represent more than 12% of Brazil's territory. Currently, there are over 120 lands under demarcation process. The process of demarcation counts with the direct involvement and participation of indigenous representatives in all its phases.

The duty to consult indigenous peoples in matters affecting their collective rights is integrated in the Brazilian legal framework. Constitutional provisions on that matter have been strengthened by Brazil's ratification of ILO Convention 169, in 2002, and by its vote in favour of the UN Declaration on the Rights of Indigenous Peoples, in 2007. In line with this, Brazil's draft law which approves the Indigenous Peoples' Statute reaffirms the obligation of consulting indigenous communities on any measures that may affect them.

This duty is not an abstract concept. In many concrete cases, after consultation process, several projects, including the construction of roads and dams, have either been rejected, suspended or altered as a result of indigenous communities views on the matter. Such decisions go even beyond guarantees established by ILO Convention 169. Indigenous communities are also entitled to compensatory measures. In the case of the Belo Monte dam, social environmental necessities, also based on a broad consultation with several potentially affected indigenous communities, has resulted in the total redesign of the project and over 40 social environmental mitigation actions, amounting to more than 1,5 billion dollars, have been put in place.

Such measures coincide with the recommendations contained in Mr. Anaya's report and, besides illustrating Brazilian Government treatment to enterprises which might ~~also~~ affect indigenous communities, they also reflect normative parameters by means of which States and companies may be legally summoned and prosecuted by Brazil's judiciary.

Thank you, Mr. President.