



FEDERATIVE REPUBLIC OF BRAZIL



NINTH SESSION OF THE UN PERMANENT SESSION ON INDIGENOUS AFFAIRS

Half-day discussion on Indigenous Peoples and Forests

New York, April 28, 2010

1) It is impossible to imagine indigenous peoples in Brazil without the rainforest, or the rainforest without indigenous peoples.

2) Indigenous territories represent 13% of Brazil's landmass (110 million hectares), an area approximately the size of France and Portugal. More than 220 peoples inhabit these lands, in harmony with their natural resources. The territories correspond to environmental conservation and sustainable forest management zones. Satellite images reveal this clearly. Indeed, indigenous territories represent an immense green tapestry of native forest conservation.

3) Brazil possesses the world's largest continuous tropical rainforest. The Brazilian Amazon is home to 15% to 20% of the 1.7 million of all known living species. Archeological and ethnographic evidence suggests that a portion of what is considered "wild forest" in the Amazon could in fact be the product of thousands of years of organized natural resource management and use by human populations in the region. This would imply that, quite apart from representing a purely natural phenomenon, part of the Amazon's species, genetic, and ecosystem diversity constitutes the product of a cultural process as well.

4) Forests need to be considered from the perspective of sustainable development: equally important to factors related to environmental protection (reduced deforestation and expanded vegetation cover) are those associated to economic (value adding and use of economic instruments), commercial (access to markets), social and cultural (protection of traditional knowledge) activities.

5) On the international front, the world's forests are covered under the Non-Legally Binding Instrument on All Types of Forests adopted by the United Nations Forum on Forests (UNFF) in 2007. The instrument represents a major achievement for developing nations by determining that indigenous peoples, as members of major groups, should be involved, in a transparent and participatory manner, in all decision making processes that affect them, and in the implementation of sustainable forest management systems, in accordance with the applicable national laws. The instrument sets forth four overarching objectives on forests.

6) The Non-Legally Binding Instrument on All Types of Forests further provides for the need to adopt measures aimed at supporting the protection and use of traditional knowledge and practices associated to sustainable forest management, with the approval and involvement of the respective proprietors of that knowledge, and promoting the equitable sharing of the benefits derived from the utilization of traditional knowledge.

7) Issues such as financing for sustainable forest management, biodiversity conservation, protection of water resources, promotion of sustainable development, and equitable sharing of the benefits derived from the use of genetic resources and associated traditional - knowledge all have a real and immediate impact on the peoples inhabiting indigenous territories.

8) International measures to support sustainable forest management through actions undertaken on indigenous lands must necessarily comply with the applicable national indigenous legislation.

9) Among the indigenous rights that must be observed is the obligation to recognize the authority of indigenous communities to decide on the use of traditional knowledge associated to genetic resources.

10) Information on the properties of genetic resources in forests provides invaluable assistance to scientific research. As such, the selection of research materials based on traditional knowledge of local flora and wildlife assumes substantial economic value.

11) International instrument should protect traditional knowledge and assure sharing of the benefits arising from the use of genetic resources and associated traditional knowledge with the respective communities.

12) Convention 169 of the International Labor Organization of 1989 – the first and only legally binding instrument to address the rights of indigenous and tribal groups – stands as a highly significant instrument for the protection of traditional knowledge.

13) Equally important is the United Nations Declaration on the Rights of Indigenous Peoples of September 2007, which guarantees the “free, prior and informed consent” of indigenous peoples prior to the adoption by States of legislative or administrative measures that may affect them, (article 19), assures indigenous peoples “the right to their traditional medicines and to maintain their health practices.

14) That includes the conservation of their vital medicinal plants, animals and minerals,” (article 24), and reinforces the protection and guarantee of the right of indigenous communities to maintain, control, protect, and develop their traditional knowledge (article 31, 1).

15) The instruments referenced above serve to inform the protection of traditional indigenous knowledge. Yet, an international regime is still required to determine how the benefits derived from biodiversity use (ABS) are to be shared. It is Brazil’s view that the United Nations Convention on Biological Diversity (CDB) is the appropriate instrument through which to establish the ABS regime.

16) In a manner consistent with the CDB, the principle enunciated in the Declaration of Rio on the environment and development recognizes the sovereignty of nations over their natural resources and aims to ensure the conservation and sustainable use of diversity and equitable sharing of the benefits

arising from the use of genetic resources and traditional knowledge.

17) The CDB's provisions recognize the intricate and historic dependence of numerous local communities and indigenous populations with traditional lifestyles on biological resources, and the need to ensure equitable sharing of the benefits stemming from the utilization of traditional knowledge, as outlined in article 8(j).

18) Brazil is committed to the effort to conclude the negotiations on the ABS Protocol in time for its adoption at the Conference of States Parties in Nagoya, Japan, in October 2010. The treaty will constitute a valuable instrument to ensure the rights of indigenous peoples, foster conservation and sustainable resource utilization, including on indigenous lands, combat poverty, and guarantee realization of the objectives delineated in the Declaration on the Rights of Indigenous Peoples.

19) On the domestic front, Brazil has sought to institute territorial and environmental management mechanisms on indigenous lands, in accordance with the needs of indigenous peoples, including the "Indigenous Portfolio" ("Carteira Indígena"), an initiative aimed at food security;

20) the Pilot Program to Conserve the Brazilian Rainforest (Programa Piloto para Proteção das Florestas Tropicais do Brasil – PPG7), a key measure in the effort to demarcate indigenous territories;

21) the National Policy for the Sustainable Development of Traditional Peoples and Communities (Política Nacional de Desenvolvimento Sustentável de Povos e Comunidades Tradicionais – PNPCT), the objective of which is to promote the sustainable development of Traditional Peoples and Communities through an emphasis on recognizing, strengthening, and guaranteeing their territorial, social, environmental, economic, and cultural rights, while respecting and valuing their identity, forms of organization, and institutions;

22) the Indigenous Peoples Demonstration Project (Projeto Demonstrativo dos Povos Indígenas – PDPI), an effort implemented to fund indigenous proposals for sustainable economic activity, the valuing of cultural practices and traditions, and the protection of territories;

24) and, finally, the National Policy for Environmental Management on Indigenous Lands, geared to recognizing the importance of indigenous lands for biodiversity conservation and the need to implement measures to support indigenous peoples in the adoption of mechanisms for sustainable natural resource management and use on their lands.

25) In sum, in the context of the rights of indigenous peoples, it is Brazil's firm conviction that protection of traditional knowledge bears equal importance to the host of other relevant issues for indigenous peoples, including the right to health and land.