

As delivered



BRAZIL

XIII Session of the Permanent Forum on Indigenous Issues

H. E. Ambassador Antonio de Aguiar Patriota

Permanent Representative of the

Permanent Mission of Brazil to the UN

May 19, 2014

(Agenda item 6)

Madam Chair,

Indigenous peoples are at the heart of what Brazil is. Our government is strongly committed to the promotion and protection of their rights both domestically and internationally. Brazil is a Party to ILO Convention 169, supported the adoption of the UN Declaration on the Rights of Indigenous peoples and looks forward to contributing to a successful outcome at the World Conference on Indigenous Peoples.

We believe the main goal of the World Conference is to promote the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration is the result of an inclusive and well-informed negotiation. It addressed the main concerns of indigenous peoples and has the legitimacy to guide us towards the realization of the rights of those communities. Revisiting issues addressed by the Declaration, or raising new ones, would divert energies and would not advance the cause of indigenous peoples.

The Brazilian government takes note of the Outcome Document of the Alta Preparatory Conference, which brought together representatives from several indigenous peoples. We welcome the proposal from Alta, that the Outcome Document of the World Conference should address four overarching themes. However, we propose some adjustments to clarify distinctions between the four themes. Those themes could be formulated as follows: 1) Territory and Natural Resources; 2) International Institutions and Co-operation; 3) Implementation of Indigenous Peoples' Rights; and 4) Development Policies.

With respect to the first theme, the Brazilian Constitution guaranteed, two decades in advance, essentially all the rights set forth by the UN Declaration on the Rights of Indigenous Peoples concerning territory and natural resources. According to our Constitution (Art. 231), indigenous peoples have rights of possession over the lands on which they permanently live, those used for productive activities, those indispensable to

the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction. This right extends to the riches of the soil, the rivers and lakes existing therein as well. Hydric resources, hydroelectric potentials, and minerals can only be exploited with authorization of the National Congress, after hearing the communities involved. Participation in the results and benefits of such mining or others shall be ensured to the peoples concerned.

We also note that, according to the Declaration (Art. 6), indigenous peoples have the right to "autonomy or self-government in matters relating to their internal and local affairs". Those entitlements are part of a wider pact agreed on the understanding that "the recognition of the rights of indigenous peoples (...) will enhance harmonious and cooperative relations between the State and indigenous peoples" (PP 18). It was also agreed that nothing in the Declaration shall be interpreted "as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States" (Art. 46).

Madam Chair,

As regards the second overarching theme, we advocate some reforms and the reinforcement of international institutions in charge of indigenous peoples' rights. In this spirit, the mandates of the Permanent Forum, of the Expert Mechanism, and of the Special Rapporteur on the Rights of Indigenous Peoples, should be reassessed to strengthen cooperation among these institutions and avoid duplication.

Special attention should be paid to the Permanent Forum which, with 16 members, is one of the smallest UN bodies. The current structure is insufficient to represent indigenous peoples from all seven socio-cultural regions, especially the most populous ones. Consequently, the Brazilian government proposes that the number of members of the UNPFII be expanded to 20. Consistent with the principle of representation expressed in

the Resolution that created the Forum (ECOSOC 2000/22 § 1), we propose also that, out of the 10 positions for indigenous peoples' representatives, 2 be allocated for each of the 3 most populous socio-cultural regions, namely Africa; Asia; and Central and South America and the Caribbean.

Madam Chair,

As to the implementation of indigenous peoples' rights, the third overarching theme, we recall that the Declaration states the right of indigenous peoples to retain their cultural identities and "not to be subjected to forced assimilation or destruction of their culture" (Arts. 5, 8). States shall enact policies to promote and protect indigenous peoples' cultures, paying special attention to peoples in voluntary isolation and in initial contact.

Regarding the fourth overarching theme, we note that in the case of indigenous peoples, the human right to development is to be exercised according to strategies and priorities freely determined by them (Declaration Art. 23). Consequently, indigenous peoples' distinctive aspirations should be taken into account in the definition of the Sustainable Development Goals applicable to their societies in the post-2015 period.

We also recall that, according to ILO Convention 169 and the Declaration, any development project causing impacts on indigenous peoples' lands, especially those requiring relocation, can only be carried out with their free and informed consent. Most of these provisions are already present in the Brazilian Constitution (Art. 231), and complementary regulations to implement ILO Convention 169 are currently being drafted by the Government in consultation with indigenous peoples.

Madam Chair,

Before concluding, I wish to acknowledge the announcement of the PGA's representative and focal point, regarding the preparation process for the World Conference.

We look forward to further discussing these issues with other Governments, as well as with indigenous peoples', civil society organizations, UN institutions and other stakeholders.

Thank you, Madam Chair.