



# **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 12, 2014**

*(item 3)*

Urbane Chairman

UN Permanent Forum on  
Indigenous ~~Issues~~ Issues

Mr. Chairman,

Comparable members of the Permanent Forum  
who were elected

The UN Declaration on the Rights of Indigenous Peoples is the result of a complex and inclusive negotiation. As such, it balances out different values and interests. One particularly important balance enshrined in the Declaration is the one between the individual and collective rights of indigenous persons and peoples, and those of the States in which they live.

A similar balance is incorporated in the Brazilian Constitution (Arts. 210, 215, 231). This balance has been vital to realising the rights of nearly one million indigenous persons belonging to more than three hundred peoples who live in Brazil, while maintaining a harmonious relationship between these individuals and groups and the remainder of ~~the~~ Brazilian society.

Because the Declaration addresses in an even manner so many issues and interests, it has to be seen as a coherent whole, and its provisions cannot be invoked out of their appropriate context.

As may be recalled, the Declaration provides that indigenous peoples have "the right to self-determination", to "autonomy or self-government in matters relating to their internal and local affairs". They are also entitled "to maintain and strengthen their distinct political, legal, economic, social and cultural institutions" (Arts. 3-5). At the same time, "every indigenous individual has the right to a nationality" and indigenous peoples "have the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State" (Arts. 5-6). We are supportive of that.

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Consistent with the balance previously mentioned, these rights have to be taken together with the provisions of Article 46, which states that nothing in the Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed 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".

It should be noted, finally, that the rights and guarantees incorporated in the Declaration have been agreed upon on the understanding that "the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith" (PP18).

This balance is a key element to advance the cause of the indigenous peoples worldwide and therefore is one to be kept.

*and should*

Thank you.