



Statement by H. E. Ambassador Regina Maria Cordeiro Dunlop  
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11th Session of the Permanent Forum on Indigenous Issues  
Item 4 (a) - Human rights: Implementation of the United Nations Declaration  
on the Rights of Indigenous Peoples.

New York, May 15, 2012

(Check against delivery)

~~Mr. Chairman,~~ *Madam Chair,*

My delegation wishes to express its appreciation to the Special Rapporteur on the Rights of Indigenous Peoples, Professor James Anaya, for his important work in recent years. His dialogue with the Permanent Forum on Indigenous Issues, with the Expert Mechanism on the Rights of Indigenous Peoples and other special procedures of the United Nations human rights system has been an important part of that task. Equally important has been the tireless efforts of the Special Rapporteur to speak with representatives of indigenous peoples, organizations and Member States.

The adoption of the United Nations Declaration on the Rights of Indigenous Peoples, in 2007, was the latest step in a series of actions the Brazilian government has taken to ensure the fundamental rights of indigenous peoples. This is a path that Brazil has been following for years, especially since the 1988 Federal Constitution, which granted special attention to indigenous peoples rights, and which was followed by the ratification of ILO Convention 169 in 2002.

While much has been achieved on the domestic level, some challenges still remain to ensure full implementation to both the Convention and the Declaration on the Rights of Indigenous Peoples. To that effect, Brazil is committed and will remain so, in its path towards strengthening the promotion and the protection of its indigenous peoples rights.

In 2011, the Brazilian government constituted a Working Group coordinated by the Brazilian Secretariat-General of the Presidency and the Ministry of Foreign Affairs to carry on a process of dialogue with indigenous peoples and “quilombola” communities regarding the elaboration of a future regulation on the right to prior consultation. As part of this process, representatives of those indigenous peoples and communities will be consulted on the national level, in good faith and a comprehensive manner.

I would like to acknowledge the significant expert contribution from ILO Office and from Professor James Anaya to this process. Their experience and constructive approach have been highly praised and deserve our utmost recognition. Brazil is willing to continue to exchange views

and seek their expertise as regards the follow-up to this process.

Regarding the right to prior consultation, Brazil has sought, in conjunction with indigenous peoples, to implement consultation mechanisms that take into account their respective characteristics and decision making processes. That notwithstanding, challenges remain for the State and for indigenous peoples themselves to put in place participation and consultation mechanisms which fully reflect their extensive cultural diversity and the variety of circumstances which may affect them. Brazil has also highlighted the importance to harmonize efforts for the implementation of indigenous people's rights among the legislative and the judiciary.

*Mr. Chairman, Madam Chair,*

Concerning the particular situation of indigenous peoples living in voluntary isolation, Brazil understands that their right of not being contacted against their will attaches particular obligation to States, in terms of protecting those peoples, preventing impacts on their rights and livelihoods,

recognizing their socio-cultural autonomy and the importance of protecting their lands for their survival and development, according to their own practices and traditions. These obligations, which must be fulfilled in any circumstance, are particularly required whenever the consultation is not possible or recommendable, due to the particular characteristics affecting ~~X~~ groups in voluntary isolation. X

In that regard, Brazil takes note of the guidelines on the protection of voluntary isolated indigenous peoples and recently contacted peoples ~~recently~~ released by the Latin American Office of the High Commissioner for Human Rights. It is worth recalling that Brazil, even prior to the promulgation of our Federal Constitution, in 1988, has no longer adopted policies of forced contact, neither expects that contacted people abandon their ways of life and distinctiveness as indigenous peoples. On the contrary, we protect indigenous peoples' social and cultural diversity, as a core value of our national policy on the rights of indigenous peoples. X

That right encompasses not only indigenous groups in voluntary isolation, but also each and all of 220 indigenous peoples living in Brazil. The adoption and implementation of a national policy for the promotion and protection of indigenous peoples rights take into consideration their will and the historical, social, cultural and economic circumstances affecting each one of these groups. Those that have been contacted but have manifested their intent to keep their own social organization have the right to do so, irrespective of their level of participation in national society and their access to any other social policies.

*Madam Chair,*

Overall, ~~Mr. Chairman~~, we have observed that effective implementation of Declaration on the Rights of Indigenous Peoples, particularly regarding indigenous peoples rights to land and to consultation, depends on coordinated efforts from all levels and branches of the State. Therefore, we would like to suggest the Forum to consider specific recommendations, such as holding an international meeting or panel in the 2014 Conference, to raise awareness of indigenous peoples' rights to land as a fundamental right.

In Brazil, our Supreme Court has reaffirmed indigenous people's rights to land, in rulings that have ratified demarcations conducted by the government. We believe we could contribute to the debate with the experience accumulated on this matter, particularly by the National Foundation for Indigenous Peoples (FUNAI).

Thank you, ~~Mr. Chairman~~. *Madam Chair.*