

UNITED NATIONS  
WORKING GROUP ON INDIGENOUS POPULATIONS  
SIXTH SESSION, AUGUST 1988  
GENEVA

WGIP PR GOV/SAH.BRA/M

ITEM 5: STANDARD-SETTING ACTIVITIES: EVOLUTION OF  
STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS  
POPULATIONS

STATEMENT BY THE OBSERVER DELEGATION OF BRAZIL  
DELEVERED BY MRS. MARILIA ZELNER  
BRAZILIAN DELEGATION FOR DISARMAMENT AND HUMAN RIGHTS  
GENEVA

Madam Chairman,

My Delegation, Madam, is in no way exercising its right of reply. Quite on the contrary. We are trying to participate in the current deliberations of our Working Group in a mood that should be construed as fully constructive and inspired by a firm desire to encourage candid and friendly dialogue with all participants, be them Experts, Observer Delegations or representatives of indigenous peoples' organizations and of several NGO's.

2. We chose to speak under item 5 of our Agenda because we felt that under it we could make a productive contribution and bring to your attention some encouraging trends that have recently been developing within my country.

3. As is common knowledge, the Brazilian people has been drafting a new Constitution which we hope will preside over our destiny in the future. This is a vast and complex undertaking as we have to reflect a society which has many objectives and has many facets. We want our Constitution to be liberal, to be generous, to be forward-looking and to be realistic. To reconcile these objectives is - of course- easier said than done, and the enterprise facing our legislators is daunting, by any criteria.

4. One of the most creative and remarkable chapters of our draft Constitution is that dealing with the protection of human rights and - more particularly- with the safeguard of the rights and legitimate expectations of our indigenous populations.

5. I think that those of you that are familiar with the draft of our Constitution will readily acknowledge that it is going to be one of the most enlightened in matters that concern indigenous rights, in their manifold aspects. During our deliberations, even those that have pointed out some shortcomings of the treatment of indigenous populations, in Brazil, readily admitted that the future Constitutional text is exemplary in the measures of protection that it envisages.

6. We all know, of course, that legal instruments, no matter how lofty their intentions, or how comprehensive, in their reach, cannot, by themselves, do the job. It is no less true that without this appropriate legal framework, practical work tends to become unstructured and erratic.

7. Of course it is not Brazil's intention to confine itself to admirable legal texts. The same vigorous impulse from the Brazilian grass-roots that prompted our legislators to move forward in these matters is continuously at work in the media, in the Executive and the Judiciary branches of Government and in the fruitful interaction between Brazilian and international groups and NGO's.

8. It is in the light of these considerations that we examined initiatives regarding the evolution of standards concerning the rights of indigenous populations. We have studied with a very favorable disposition the draft preambular paragraphs and principles for insertion into a universal declaration on indigenous rights, as contained in document E/CN.4/Sub.2/1988/23. Of course the work is still in its preliminary stages and much remains to be done and refined but the Brazilian Delegation feels that the main thrust of the work-

working paper presented by our Chairman points to the right direction and should be encouraged.

Madam Chairman,

9. We have not agreed with every word that was spoken in this session and we feel that, in one specific case, the intentions of the Brazilian Government were placed under an unjust light unwarranted by actual facts. But even in that case, it is our conviction that critics were moved less by a desire to do us damage or to make malicious attacks than by an excess of zeal in order to draw attention to questions with which they are passionately involved. In due course, we will try to rectify what in our minds appears to be exaggerations and distortions. We are, however, more concerned with maintaining the quality and openness of our dialogue with NGOs and indigenous peoples' organizations than going into a somewhat formalistic and sterile debate about rights and wrongs of the past.

Madam Chairman,

10. As an Observer Delegation, it behooves us to be brief. I am coming to the end of our remarks. We have set up in Geneva a Delegation that concerns itself to a very large extent with human rights questions and among these the rights of indigenous populations occupy an important place.

11. Let me conclude on a personal note. My warm congratulations go to you on your re-election to be our Chairman/Rapporteur. You have given this Group inspired leadership and prudent stewardship. The Brazilian Delegation is delighted to work under you and we wish you and the Working Group's endeavours all the luck and success.

Thank you, Madam Chairman.