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Statement by the Delegation of the Observer Government of
Brazil on item 5 of the Agenda: Review of Developments
pertaining to the promotion and protection of human
rights and fundamental freedoms of indigenous populations

Geneva, 29 July 1993.

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Madam Chairperson,

As in previous sessions of this Working Group, my delegation is pleased to take the floor on agenda item 5 to provide information on new facts and developments related to the promotion and protection of the rights of indigenous people in Brazil.

Midway through the International Year of the World's Indigenous People the sense that a new partnership is growing between indigenous populations and the rest of the Brazilian society is reflected in the importance that the issues related to the demarcation of indigenous lands has acquired in Brazil.

It can also be appreciated by the several bills in consideration in the National Congress for a new Federal Law which will replace the Statute of Indigenous Populations that dates of 1967. These bills tend to promote the participation of indigenous citizens in the decision-making process in matters which affect them, as well as recognize the right of indigenous communities to benefit in the exploitation of natural resources in their lands. The National Congress has set up a Special Legislative Commission to consider the different proposals made in this regard, taking into account views expressed by indigenous organizations.

The Brazilian Constitution determines that indigenous populations have the exclusive and permanent use of the lands traditionally occupied by them. Moreover, exploitation of their natural resources depends

on Congress authorization in consultation with the communities concerned. This basic text, adopted in 1988, will undergo a review process by the end of this year. At that occasion, the objective set forth originally for the demarcation of all indigenous lands by October this year might need to be reconsidered, in spite of the progress achieved until now in this area.

The fact that more than 10 per cent of the national territory, amounting to over 895 thousand square kilometers, are recognized as indigenous lands, clearly demonstrates the high commitment of the Brazilian society and the Federal Government to the welfare and sustainable development of those communities. At the present stage, 272 indigenous areas have been demarcated for a total of almost 56 million hectares, while 238 other areas still await demarcation. Furthermore, 199 indigenous lands have already been ratified, 133 of them in the last three years.

These figures are clear evidence of the magnitude and complexity of the work done so far by the Government and FUNAI, the National Indigenous Foundation. If 62 per cent of the total of lands assigned to indigenous people in Brazil have already been physically demarcated, much remains to be done to comply with the constitutional provision for the accomplishment of the demarcation process. The difficulties faced by the Government in performing this task are well known. The lack of financial and human resources to carry out demarcation activities has led Brazil to seek

international cooperation to this end. A project for the funding of the remaining demarcation of indigenous lands in the Amazon region, budgeted at roughly US\$ 30 million, was submitted to donor countries in the framework of the Pilot Program for the Protection of the Brazilian Rainforest. Unfortunately, the response of international agencies and potential donors has failed so far to meet our expectations. Nevertheless, the Brazilian Government remains open to dialogue and cooperation in this area in a spirit of transparency and good-will.

Madam Chairperson,

The indigenous population in Brazil totals around 250 thousand people and is increasing in number. Some indigenous communities like the Terenas and Xavantes are in fact growing at an annual rate of roughly 10 per cent whereas the overall population growth rate in the country is less than 3 per cent. Such figures are an eloquent proof of the importance attached to the protection and promotion of indigenous people welfare in Brazil. In a context of a deep economic crisis affecting all segments of the Brazilian society, the Federal Government is doing its utmost in the implementation of special policies aimed at ensuring to indigenous people their land rights, self-sustained community life, autonomous organization of their communities, preservation of their culture, language and traditions, access to health care and education with emphasis on

bilingual teaching and full participation in decision-making processes in matters of concern to them.

In spite of the substantial achievements observed in the last three years, some shortcomings in the task of improving the living conditions of indigenous people - especially regarding their economic and social situation - are also to be acknowledged. The Yanomamis, for example, were benefitted last year by the demarcation of their lands - a large and rich territory of roughly 96 thousand square kilometers - but are still facing invasions of gold prospectors and the diseases brought by them. Although State measures are sometimes insufficient to combat structural problems such as those caused by people fleeing from poverty and unemployment in the hinterland - the case of the large majority of gold miners - the Government is striving to remove them from the region, through large operations involving the Federal Police, the Army and the Air Force, and to eradicate epidemics which affect in a particular way the Yanomamis.

The National Indigenous Foundation relies on 46 regional administrations which coordinate the work of 338 local indigenous offices. In the area of health, 32 units called "Casas do Índio" are complemented by 290 basic care units, and a hospital specifically dedicated to indigenous people. Besides that, a special health care program, with the participation of non-governmental organizations and universities, has been designed to provide emergency assistance to the Yanomami community.

The responsibilities for the health of indigenous populations are shared between the National Health Foundation and FUNAI. Last April the First National Forum on Indigenous Health took place to define policy guidelines and priorities of the two government agencies in this field, in order to ensure coordinated efforts based on the implementation of "Interinstitutional Nuclea on Indigenous Health", an advanced concept for public health assistance with the participation of representatives of indigenous communities concerned. These "Nuclea" shall oversee the functioning of "Special Indigenous Sanitary Districts", which will enjoy administrative and budgetary autonomy.

A "Second National Conference on the Protection of Indigenous Health" is planned for next October, during which indigenous participants will have a chance to express their needs to be taken into consideration in the constitutional review process.

Madam Chairperson,

In some specific situations like that affecting the Yanomamis, the only way to ensure appropriate living conditions is to enhance the protection of the indigenous lands and to prevent the illegal exploitation of their natural resources. While reiterating its commitment to the promotion and protection of indigenous rights, the Brazilian Government understands that structural problems related to the broader question of development and to economic and social conditions prevailing in remote parts

of the territory can only be solved if their root causes can be properly addressed through economic growth and a strengthened international cooperation.

For that reason, the Brazilian Government has taken note, with interest, of the recommendation made by the Vienna World Conference on Human Rights that an international decade for the world's indigenous people following the International Year. May this initiative foster international cooperation for the social, economic and cultural development of indigenous people where it is most needed.

Thank you.