

18 September 2013

Human Rights Council

24th Session

Items 3 & 5: Clustered ID SR on the rights of indigenous peoples and EMRIP

Speaker: Francesca Restifo

Franciscans International and VIVAT International, together with our Brazilian partners SINFRAJUPE and the Conselho Indigenista Missionário (CIMI), and the Instituto Socioambiental (ISA) thank the Special Rapporteur for his report and appreciate the focus on the rights concerns of indigenous people with regard to extractive industries over the past years.

In Brazil, the implementation of **mining policies has had a devastating impact on the rights of indigenous peoples**. Like other countries in the region, Brazil is currently promoting extensive legislative reforms related to the development model dependent on the industrial extraction of natural resources. In this context, we urge the Brazilian government to guarantee that these reforms are carried out in accordance with the international law governing the rights of indigenous peoples, including the rights to self-determination, property rights, and cultural rights related to the land and resources in question.

We are especially concerned about the proposed complementary law no. 227, which seeks to create exceptions to these rights in favor of expanding the mining and agro industries. This situation is aggravated by proposed constitutional amendment no. 215, seeking to modify article 231, which in practice would make formal recognition of traditional lands impossible.

Mr./Madame President,

We urge the Human Rights Council and the UN special procedures to closely follow the conflicts related to the rights of indigenous peoples in Brazil. We note with special concern the legislative changes that are currently under consideration and urge the Brazilian government to take an active role in these debates to:

1. Guarantee a thorough and public debate on the proposed regulatory framework related to mining, with special emphasis on the participation of indigenous organizations;
2. Ensure that the Indigenous Peoples' Statute and the domestic regulation of the ILO Convention 169 are in place before approving a new mining code;
3. Create the national advisory council of indigenous policy;
4. Safeguard articles of the Federal Constitution from modifications breaching international law.

Thank you