

**OPENING STATEMENT BY CHAIRMAN ROBERT G. TORRICELLI
THE NATURAL ENVIRONMENT AND INDIGENOUS PEOPLES OF BRAZIL
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS**

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Last August, on the occasion of the tragic massacre of 16 Yanomami Indians by gold miners, Senator Jarbas Passarinho of Brazil wrote that "What happened in the United States during the gold rush was repeated, without the escapades of General Custer, in Roraima."

His parallel speaks to a primary purpose of today's hearing. The slaughter of indigenous peoples in the United States is one of the most shameful chapters of our history, but it is one that we cannot forget. Indeed, one of the best ways that we can attempt to make amends for our gross mistreatment of indigenous peoples is to give advice to other nations who are today facing the same difficult problems that we faced in the 19th century.

Today in Brazil, the survival of 200 societies of indigenous peoples is at issue. For most of these societies, their survival and their capability to maintain their cultural integrity is intimately connected with their control over their natural resources. Tragically, those resources are being sought aggressively and often violently by mining and other interests, many of whom will stop at nothing to gain access to indigenous lands.

Last year, 16 Yanomami Indians were murdered in cold blood because wildcat miners wanted the gold under Yanomami land. The Guarani, after seeing their territory drastically reduced, and their attempts at preserving their Constitutionally guaranteed right to own land negated by the courts, are committing suicide. These and other indigenous groups ask nothing from the government other than the right to remain on their traditional lands. But because of the material value of those lands, their requests are being denied.

This is a tragedy not only from a human rights perspective, but also from an environmental perspective. The land rights of many of Brazil's indigenous peoples coincide with some of the greatest remaining concentrations of biological diversity on the planet. Already, as we can see from the satellite photos displayed around this room, the amount of deforestation that has taken place in the Amazon is devastating. What we cannot see are some of the other horrible

environmental consequences of the exploitation of natural resources, such as the spread of large quantities of highly toxic mercury throughout the Amazon as a result of uncontrolled mining processes.

Today, we have called together representatives from the Clinton Administration, leaders of two Brazilian indigenous nations, and Brazilian presidential candidate Luis Inacio Lula da Silva to discuss ways in which the Brazilian government can best protect their indigenous peoples and the Amazon, and ways in which the United States can be of assistance. We will also hear from several prominent members of our scientific community, who will discuss the ecological impact of what is going on in Brazil.

There are several important messages that we can send to the Government of Brazil with today's hearing. The first is that judicial impunity for the perpetrators of violence, especially in land conflicts, creates a climate where law enforcement becomes virtually impossible. The predicted escape of the assassins of the late leader of the rubber tappers' union, Chico Mendes, and the failure to apprehend or try any of the persons responsible for last year's Yanomami massacre, are only two tragic examples of judicial impunity in Brazil. If the judicial system cannot protect the most basic of human rights, no real development can occur. The United States must find means to support appropriate Brazilian initiatives for judicial reform, for training -- for whatever is necessary to bring about the rule of law.

We must also convince Brazil to consider protection of its tropical forests as a more appropriate and lucrative policy than destruction of those forests. The biodiversity of the Amazon -- the largest remaining expanse of tropical forest in the world -- may well contain information and material critical to new generations of products in the fields of biotechnology and genetic engineering, with inestimable value to the planet. Protection of biological diversity and its appropriate use can become a source of enormous wealth for Brazil.

President Clinton and Vice President Gore believe that economic growth and development can and should be compatible with environmental protection, as well as with the defense of human rights. I hope that they will heed the discussion of these issues here today, as they proceed in preparing for the Summit of the Americas to be held in Miami in December of this year.

I also intend to use this hearing as a springboard for legislation. The American market for timber products has stimulated deforestation around the world. I believe that by making American consumers aware of where timber products originated, we can decrease the demand for products that come from the Amazon and other threatened areas. I am also analyzing the 1940 Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere to see if by revitalizing the Convention, we can include an amendment that would require each signatory to protect its people and natural environment from toxic mercury poisoning.

Once again, I welcome our distinguished Brazilian and American guests and I look forward to your testimony.

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STATEMENT OF JOHN SHATTUCK
ASSISTANT SECRETARY OF STATE
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LABOR
DEPARTMENT OF STATE

BEFORE THE
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

ON
THE RIGHTS OF THE INDIGENOUS IN BRAZIL

MAY 10, 1994

Mr. Chairman, I would like to thank you for the opportunity to appear before you today, and commend you for your strong interest in the protection of individual rights for indigenous people and in environmental protection.

As you know, the Clinton Administration is deeply committed to the promotion and protection of individual human rights, both at home and abroad. And indigenous people are often subjected to serious abuse and often lack the means of ensuring that their governments recognize and protect their individual rights.

This administration is working to raise the profile of indigenous people in the human rights arena. This year, we have introduced a new section in our Country Reports on Human Rights Practices, focusing solely on abuses of the rights of indigenous people.

The U.S. is also monitoring the progress of the draft United Nations Declaration on the Rights of Indigenous People. Currently the declaration is being reviewed by the UN's Subcommittee on the Prevention of Discrimination and Protection of Minorities.

We strongly support the Declaration's basic goals: (1) that persons belonging to indigenous groups are entitled to exercise fully their individual human rights without discrimination, and (2) that indigenous persons have the right to preserve their identity and culture, free from involuntary assimilation.

In addition, at this year's session of the United Nations Human Rights Commission in Geneva, we joined consensus on several resolutions addressing the rights of indigenous people.

There is much that needs to be done in this area. The individual rights of many groups of indigenous people in many countries are not being protected adequately by their governments. Although this is a worldwide problem, a striking example is the plight of the Yanomami people of Brazil.

The cultural survival of Brazil's indigenous people depends on their ability to retain their own land. Environmental destruction, disease, and delays in land demarcation threaten their future.

Every Brazilian state has "reservas indigenas." The Yanomami reserve, the largest, is in the Amazon Basin. Approximately 200,000 indigenous people live in this area where they frequently suffer discrimination and depredations by outsiders.

Last summer a massacre of 16-18 Yanomami people took place along the border between Venezuela and Brazil. Immediately following reports of the massacre the State Department urged that both governments take swift and thorough legal action to bring the perpetrators to justice. I met with informed NGOs to learn more about the situation, and subsequently with the Brazilian Ambassador to express our concerns. The Brazilian Government investigated the case and brought charges of genocide against 23 miners. Only two were arrested, however, and they were later released because witnesses could not be located. The case remains open, but prosecutors have had difficulty locating witnesses and the other miners accused of the massacre have never been found.

Responsible agencies in Brazil often have not effective action in response to the invasion of indigenous lands by outsiders. Although the 1988 Brazilian Constitution guarantees Indians' rights to traditionally occupied lands, the government has been slow to proceed with the demarcation of indigenous lands. Justice Ministry officials point to conflicting legal claims, requiring compensation for landowners holding deeds acquired in good faith, and the lack of funds for compensation as one problem. Current budget constraints make it difficult to find funds for the costs of physical demarcation. Political obstacles also exist: the military is said to object to indigenous lands along Brazil's borders and state politicians reportedly believe their economies will suffer if large contiguous areas are reserved for small Indian populations.

The Inter-American Commission on Human Rights has requested permission for an on-site investigation into the situation of the Yanomami. Brazil has so far not granted permission, but we would urge the government to grant this request. Many Brazilian NGOs are now promoting the rights of indigenous people and we have urged the Brazilian government to work with them.

Indigenous people in Brazil are in a poor position to protect themselves; few speak Portuguese and educational opportunities are scarce. One encouraging note is that proposed constitutional revisions that would have had a negative effect on indigenous rights have not been enacted by the Brazilian Congress, leaving the 1988 Constitution's pro-Indian rights intact. Nevertheless, law enforcement in Brazil for the protection of rights of the indigenous continues to be inadequate.

The rights of the indigenous in Brazil and their environment also are affected by the invasion of their lands by loggers, squatters and gold miners. Loggers cut down tropical hardwoods such as mahogany for commercial timber sales in contravention of the 1965 forestry code, which forbids

exploitation of resources on indigenous lands. Logging has eroded the physical and economic base of indigenous groups. The large sums of money being made in logging on the reserves almost exclusively benefit non-indigenous investors and speculators.

The roads which are developed for logging contribute to the destruction of the forest ecosystem and facilitate the movement of outsiders and disease to the Indians. Since a gold rush began in the Yanomami area in 1987, ten percent of the Yanomami population reportedly has succumbed to diseases to which they had no resistance, including malaria, tuberculosis, influenza, sexually transmitted diseases, and even the common cold.

Messy gold mining practices have also wrought environmental damage. The use of mercury to separate the gold from other ore has resulted in extensive mercury poisoning. Although the extent of such poisoning is not well documented, there is clearly an impact on the Yanomamis, who drink from and fish in mercury-polluted rivers, thereby absorbing dangerous levels of mercury.

The U.S. is working on a variety of fronts that we hope will improve the plight of the Yanomami. Many of the steps we are taking have been formulated in response to, and in conjunction with, the NGO community.

For example, the U.S., in cooperation with the G-7 and the Brazilian Government, is actively participating in the Pilot Program for the Conservation of the Brazilian Rain Forest, administered by the World Bank. It is a \$250 million program to promote conservation in the Amazon. In a recent international meeting on this program, the Government of Brazil made a commitment to better control activities of small scale gold miners who, up to this time, have encroached on indigenous reserves.

The U.S. Government has provided \$5.5 million as a contribution to the program. USAID's associated bilateral projects, in rain forest preservation and water clean-up, are complementary to this program. Existing program components include research, demonstration projects, demarcation of indigenous reserves, planning for forest research management, and environmental monitoring and surveillance. We hope we will be able to continue to support the Pilot Program in the future, given the tremendous significance of to indigenous people in the region.

In conclusion, Mr. Chairman, this Administration is concerned about the plight of indigenous people at home and abroad. We are committed to protecting their individual human rights and we will strive to prevent the extinction of their cultures by forced assimilation.

Thank you.