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ENVIRONMENTAL DEFENSE FUND

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January 14, 1987

Ilmo. Sr.
Aureliano Chaves
Minister of Mines and Energy
Ministry of Mines and Energy
Esplanada dos Ministerios
70.000 Brasilia, D.F.
Brasil

Dear Mr. Minister,

We would like to thank you for taking the time to meet with us to discuss environmental concerns associated with development planning during your recent trip to Washington D.C. We were most interested to learn of the various steps being taken by the Ministry of Mines and Energy and other agencies of the Brazilian government to pursue environmentally sustainable development, and we appreciate your willingness to engage in frank discussion of these issues. We also very much appreciate your offer to make available a copy of the Eletrobras master plan for the environment, and would be glad to offer any comments or suggestions that might occur to us, based on the accumulated experience of our organizations with environmental and socio-cultural impact assessment.

Since our meeting, we have learned that representatives of the Ministry of Mines and Energy have negotiated directly with community leaders in the area of the Itaparica dam resettlement project, and that an agreement between the regional power company, CHESF, and the communities to be resttled, has finally been concluded. We support the ministry's intervention in this case. In our experience, institutional mechansims for public participation in development decisions have proved one of the most effective ways of ensuring that environmental and socio-cultural concerns are taken into account in development planning. We hope that such mechanisms are included in the Eletrobras plan.

We would also like to take this opportunity to seek clarifcation of a point which perhaps because of the time constraints of the meeting, remained unclear to us. Our organizations are deeply concerned about the situation of indigenous peoples, particularly in tropical forest regions such as the Amazon, because of their great vulnerability to

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uncontrolled development. We support the the strong positions that indigenous groups and their organizations have taken in favor of environmental protection and sustainable use of natural resources. You may recall that we asked about the present status of Decree 88.985, originally issued in 1983 by then-President Figueiredo, and which would permit mining operations on indigenous lands. We had understood that in order to go into legal effect, this decree would require regulations drawn up by the National Indian Foundation. We had further understood that notwithstanding the lack of any such regulations, the National Department of Mineral Research by 1985 had issued 537 authorizations for mineral research on indigenous land in Amazonia, and has 1,732 requests for authorizations pending. This situation was brought to your attention in a meeting with representatives of the Union of Indigenous Nations, the Brazilian Anthropological Association, the National Coordinating Committee of Geologists, and the Ecumenical Center for Documentation and Information last April. In our recent meeting with you in Washington, in response to our questions on the present status of Decree 88.985, you stated that the first question to be resolved was "what is indigenous land?" We appreciate that the situation of indigenous land in Brazil is complex and delicate, and certainly agree with your remark that full demarcation of indigenous land is necessary. We were not certain, however, that we had correctly understood the import of your remarks on this subject.

In our understanding, according to law 6.001 of 1973, the Indian Statute, the National Indian Foundation (FUNAI) is charged with guaranteeing Indian land rights, and therefore is responsible for carrying out full demarcation of all indigenous lands. We further understand that to this end FUNAI has identified more than 67 million hectares of indigenous land, although only some 12 million hectares have actually been demarcated. Does the question of "what is indigenous land" arise because there is more indigenous land that remains to be identified by FUNAI? Is the government committed to the full demarcation of the land already identified by FUNAI?

Thank you again for giving us the opportunity to talk with you, and for your frank and forthright responses to our questions. We think that such discussions are highly informative and useful in promoting the goal of sustainable economic development that we all share. We look forward to continuing this dialogue on appropriate occasions in the future.

Sincerely,

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