

**Honorable Dilma Vana Rousseff**

May 10, 2011

President of the Federative Republic of Brazil  
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Dear President Rousseff,

We are writing to express our deep concerns regarding the implementation of the precautionary measures (MC-382-10<sup>1</sup>) requested by the Interamerican Commission on Human Rights (IACHR) on April 1<sup>st</sup> 2011 to safeguard the rights of indigenous peoples - including groups living in voluntary isolation - threatened by the construction of the Belo Monte Hydroelectric Dam Complex in the Amazonian state of Pará. We are also deeply distressed by your government's recent reaction to withdraw its candidate for Commissioner in 2012, and according to Brazilian media,<sup>2</sup> threatening to pull funding from the Inter-American Commission on Human Rights.

If implemented, both these decisions will weaken the respect for human rights and environmental protection in Brazil and the Americas and tarnish the countries' reputation as a leader in the region. Therefore we respectfully request that the Brazilian government comply with the IACHR resolution and abstain of the intention to withdraw funding from the OAS.

The ICCA Consortium ([www.iccaforum.org](http://www.iccaforum.org)) is an international alliance of 27 organizations representing indigenous peoples and local communities and supporting NGOs from all continents. ICCAs, i.e., "indigenous peoples' conserved territories and areas conserved by indigenous peoples and local communities", are recognized by the Convention on Biological Diversity, signed by Brazil as well as by other 192 countries, as one of the four main types of governance for protected areas. We are positive you know about the benefits and importance of ICCAs as scholarly papers have even underlined how your Brazilian ICCAs (indigenous territories) are even more effective than official protected areas in conserving Amazons' biodiversity and ecological functions.

The ICCA Consortium is based in Switzerland and our mission is to promote the appropriate recognition of ICCAs at national and international levels, and the appropriate support to the indigenous peoples and local communities governing ICCAs. It is therefore in the interest of the Consortium and its Members and in full solidarity with your indigenous peoples in Brazil that we kind ask the Brazilian government to respect the IACHR decision for the protection of human rights in the OAS. This is especially crucial given Brazil's binding commitments under both the American Declaration and the Convention of Human Rights to guarantee the human rights of all people in its jurisdiction, as well as the solemn commitment of Brazil to the Convention on Biological Diversity.

<sup>1</sup> IACHR, MC-382-10, Indigenous Communities from Xingu River Basin, State of Pará, April 1, 2011.

<sup>2</sup> <http://oglobo.globo.com/pais/noblat/posts/2011/04/30/dilma-retalia-oea-por-belo-monte-suspende-recursos-376625.asp>

In November 2010, local communities and grassroots and civil society organizations in Brazil, led by the *Movimento Xingu Vivo para Sempre*, filed a request for precautionary measures with the IACHR. That request provides a well-documented and in-depth analysis of problems related to the approval of the Belo Monte Dam Complex, with particular emphasis on the lack of free, prior and informed consultations and consent among indigenous peoples. Indigenous consultation is mandated by article 231 of the Brazilian Constitution, as well as international agreements including Convention 169 of the International Labor Organization and the UN Declaration on the Rights of Indigenous Peoples.

After carefully reviewing the petition presented by Brazilian civil society organizations, the IACHR provided an opportunity for the federal government to submit a written response, which occurred in March 2011. Only after careful analysis of this response did the Commission conclude that the government had not taken adequate steps to ensure the human rights of indigenous communities affected by the Belo Monte Dam Complex, justifying a request for precautionary measures. As such, we firmly believe that the decision of the Commission was properly grounded and informed, taking into full account the arguments of the Brazilian government.

The decision of the IACHR is clearly supported by other Brazilian institutions. On April 7th 2011, the Human Rights Commission of the Brazilian House of Representatives approved a resolution supporting the decision of the IACHR<sup>3</sup>. The Federal Public Prosecutors' Office (MPF) has also filed many civil lawsuits against the project that are all indefinitely in the Brazilian judicial system, making the project practically a *fait accompli*. Various reports from Brazilian federal agencies, scientists, experts, the MPF, and the Brazilian Council for the Defense of Human Rights (CDDPH),<sup>4</sup> all conclusively demonstrate that the planning and concession of licenses of the Belo Monte Dam Complex has disregarded relevant environmental and human rights legislation, including the right of indigenous peoples to free, informed and informed consent.

Given the support for the IACHR's decision, we feel the federal government's is extreme, uncalled for, and dangerous for the protection of human rights in the Americas. On April 30<sup>th</sup>, the media published that Brazilian government threatened to cut funding to the Commission as a response to the IACHR decision.<sup>5</sup> This unprecedented reaction follows unilateral measures taken earlier to withdraw its candidate for a new Commissioner on the IACHR. We strongly believe that this reaction jeopardizes not only the rights and well-being of indigenous peoples in the Xingu Basin, but also the independence and effectiveness of important bodies such as the Inter-American Commission on Human Rights and the respect for the Rule of Law in the region.

Brazil should rise to fulfill its reputation as a global leader in meeting the challenges of sustainable development in the 21st century, including its status as host country to the UN Conference on Sustainable Development (Rio+20) in 2012. However, the government's recent responses threaten to tarnish its global status as a country committed to multilateralism and its institutions.

Although Brazil needs to continue developing its economy, this cannot happen at the expense of human rights and the environment. There exists numerous alternatives to projects such as Belo Monte and there are many measures available to prevent the serious and irreparable social and environmental harms that this project can cause. We trust that the Brazilian government is fully capable of implementing these.

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<sup>3</sup> <http://www.xinguvivo.org.br/2011/04/13/audiencia-publica-aprova-manifesto-em-apoio-a-oea/>

<sup>4</sup> <http://agenciabrasil.ebc.com.br/noticia/2011-04-13/conselho-de-direitos-humanos-aponta-ausencia-absoluta-do-estado-em-belo-monte>

<sup>5</sup> <http://oglobo.globo.com/pais/noblat/posts/2011/04/30/dilma-retalia-oea-por-belo-monte-suspende-recursos-376625.asp>

Given the above considerations, we respectfully request that your government reconsider its position regarding implementation of the IACHR precautionary measures MC-382-10 and retract its threats to the Commission. These steps will help ensure full recognition of indigenous peoples' rights as guaranteed by the Brazilian Constitution and international law, and also respect for multilateral institutions such as the Interamerican Commission of Human Rights and the OAS.

We thank you very much your attention to this urgent matter. We look forward to hearing a response at your earliest convenience.

Sincerely,



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C.c. Comisión Interamericana de Derechos Humanos  
Dr. Sarat Babu, Secretariat of the Convention on Biological Diversity  
Dr. M. Taghi Farvar, ICCA Consortium President  
Prof. Stan Stevens, ICCA Consortium Treasurer  
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