

Taking into account that Maranhão and Pará are two states with a significant presence of traditional communities (indigenous groups, quilombo communities and others);

Taking into account that the Brazilian Government has signed and ratified, in 2002, Convention 169 of the International Labor Organization (ILO 169), on indigenous and tribal groups), which thereafter was incorporated into the Brazilian Juridical order, with immediate effect, through Legislative Decree number 143, valid since 2003; (please note that a number of “the”s have been dropped)

Taking into account that the Brazilian Government has already been the target of at least one formal complaint at the ILO, submitted by the Engineers’ Union of the Federal District (SENGE/DF), due to the absence of previous consultation of indigenous peoples to be affected by potential logging activities suggested in the Complimentary Law Project number 62 of 2005 (PLC 62/2005);

Taking into account that the ILO Committee that analyzed the complaint produced a report with a long list of specific recommendations to the Brazilian Government;

Taking into account that the Brazilian Government has recently been charged by the decision taken by the Inter-American Human Rights Commission of the Organization of American States (OAS), which demanded the suspension of the licensing process for the construction of the Belo Monte Hydroelectric project until the completion of a previous, unimpeded, informed, just and culturally adequate consultation of indigenous communities from the Xingu river basin, in the State of Pará;

Taking into account that the Brazilian Government continues to sign concession contracts and grant licenses for large infra-structural enterprises in the whole country - particularly in the states of Pará and Maranhão -, each of these with high potential impact on traditional communities, compromising their access to their natural and territorial resources, allowing the incursion of outside people and companies into their lands, without carrying out a consultation of the affected peoples or proper environmental, social, economic and cultural impact studies in accordance with the articles 7 and 15 of the ILO 169 Convention;

Taking into account that the company Vale S.A. has repeatedly been condemned by the Judiciary for its violations of traditional community rights in Pará - such as the 788 families from the quilombo community of Jambaçu, in the city of Moju, and the indigenous groups Xikrin do Caeté and Xikrin do Djudjekô ;

Taking into account that the Carajás Railroad, which crosses the states of Pará and Maranhão and which has been conceded by the federal government to the company Vale S.A., is currently being duplicated from its original length of 892km and that project has and will affect the territories and the lives of indigenous peoples, dozens of recognized quilombo communities and other traditional communities;

Taking into account that the duplication of this railroad has been approved without the realization of environmental impact studies or without the previous, unimpeded, informed, just and culturally adequate consent of indigenous peoples, quilombo communities and other traditional communities affected;

We ask:

- 1) In general terms, which initiatives has the Brazilian Government taken in order to fulfill the obligations it assumed upon signing and ratifying the ILO Convention 169? Were there legislative and institutional reforms aimed at implementing concretely, practices of free, informed, just and culturally adequate forms of consultation of traditional populations affected by development enterprises?
- 2) In regards the duplication of the Carajás railroad: what measures does the Brazilian Government plan to take to ensure that the licensing process does not take place without free, prior, informed and culturally adequate consultation taking place especially when the very negative records of the Vale SA company in relationship to traditional communities are considered?