

NATIONS UNIES
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Excellency,

I wish to inform you that at its 70th session (19 February to 9 March 2007), the Committee on the Elimination of Racial Discrimination considered further the situation of the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona peoples in the indigenous area of Raposa Serra do Sol (RSS) of the State of Roraima, Brazil, in light of the responses provided by the Brazilian Government on 3 January 2007, as well as of the additional information received from non-governmental organizations.

The Committee wishes to thank the Brazilian Government for the responses provided, in particular regarding the Homologation Decree, the measures adopted after the homologation of indigenous land, the solutions found for legal impasses, and the follow-up mechanism for complaints regarding acts of violence committed by the federal police. The Committee also expresses its appreciation for the information provided on efforts made to improve the standard of living of indigenous peoples and on specific measures taken with regard to health, education, and "ethno-development" in the RSS. Furthermore, the Committee notes the on-going process of removal of non-indigenous occupants, of regularization of agrarian land and of payment of *bona fide* compensation.

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The Committee, however, acting in accordance with article 9 (1) of the Convention and article 65 of its rules of procedure, requires further clarification on the latest developments regarding the issues already raised in my letter dated 18 August 2006, as well as on those listed below:

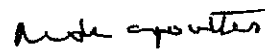
- 1) According to information before the Committee, the registration and evaluation of the occupations assessment have not yet been completed, nor has the removal of non-indigenous occupants been completed, despite the deadline of 15 April 2006 set by Portaria n° 534 (13 April 2005), homologated by the Presidential Decree of 15 April 2005. The Committee is also concerned about information according to which some occupants have refused the compensation granted to them, or have accepted it but have subsequently refused to leave. It is also reported that rice growers will soon start planting their crops, which will make their removal more difficult. Consequently, the Committee wishes to receive information and further clarification on:
 - a. The current situation regarding : the process of registration and evaluation of occupation; regularization of agrarian land; payment of compensation and removal of non-indigenous occupants;
 - b. Cases of refusal to accept compensation, or to leave, by non-indigenous occupants;
 - c. The new expected date for the total removal of non-indigenous occupants, pursuant to Portaria n° 534, of 15 April 2005.
- 2) The Committee notes that the decision of the Federal Supreme Court affirming its competence on all suits concerning this process is a positive step. It wishes to receive further information, however, on legal actions and their outcome, both at national and federal levels, and in particular decisions of the Federal Supreme Court, if any.
- 3) The Committee is concerned that, according to information received, the lack of security for indigenous peoples remains a problem in the area (*e.g.* intimidation of indigenous peoples, hate speech towards them, etc.). It notes the assurances of the Government that scattered incidents are unlikely to spread and affect all communities and peoples living in the indigenous area. It wishes to receive, however, specific information on:
 - a. Measures adopted to protect indigenous people and;
 - b. The number of complaints, prosecutions and conviction for acts of violence against indigenous people.
- 4) At the national level, the enactment of municipal legislation establishing non-indigenous governance over certain areas of the RSS is a matter of concern to the Committee. In particular, the Committee expresses its profound concern over the September 2006 adoption of two municipal laws in Pacaraima (Laws No. 110/2006 and No. 111/2006) that establish non-indigenous governance over areas of RSS by expanding the borders of the Pacaraima Municipality and creating a new district directly within the most contentious and heavily populated indigenous region of RSS. The Committee requests the Government of Brazil to provide information regarding the objectives of these laws and their impact on the indigenous peoples of RSS and their lands. This issue also raises questions as to the relationship between national legislation *vis-à-vis* federal acts in the State party, on which the Committee wishes to obtain further clarification;

- 5) At the federal level, the Committee is concerned about the possible adoption of legislation defining the exception of "relevant public interest of the Union" with regard to "acts with a view to occupation, domain and possession" of indigenous land, established in paragraph 6 of article 231 of the Constitution of the Federative Republic of Brazil. The Committee is concerned that this might affect the constitutional guarantee provided to indigenous lands and wishes to be informed about the legal purpose and practical consequences of the possible adoption of such legislation.

The Committee would like to receive the State party's responses and additional written information and clarification **no later than 1 July 2007** and invites a delegation of the State party to be present at its 71st session, to be held from 30 July to 17 August 2007, so as to allow for a constructive dialogue on this issue between the Committee and the State party.

Allow me, Excellency, to underline that the Committee's observations and request for further information are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Régis de Gouttes

Chairman of the Committee for the
Elimination of Racial Discrimination