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Mining in Brazilian Indigenous Lands: A Face to Face Contact by Eduardo Vale and Hildebrando Herrmann

Abstract

This paper introduces and discusses selected issues concerning mining in Brazilian indigenous lands in relation to the constitutional rights of the indigenous people. This important vector of Brazilian mineral policy, although considered in the Constitution, needs common law to be operational. Brazil has around 895,000 km² of aboriginal lands overlying a widespread primary geological endowment. Reinforcing the self-determination of Brazilian indigenous groups concerning the mining industry, two of the most important constitutional rights granted to them are: the right to reject mining activities and the right to share in the results when accepting the project. This important vector of Brazilian Mineral Policy is approached by highlighting and discussing some of its crucial aspects. Outlining a possible conceptual design for a mining agreement is suggested. In this respect, the observed experience prevailing in traditional mining countries, such as Canada, USA and Australia, suggests the feasibility of reaching a compromise between the mining industry and Brazilian indigenous peoples. Time is running out and Brazil will have to format its conceptual model by considering its own specific characteristics and relative differences, compared to other regimes.

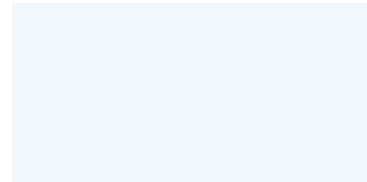
Eduardo Vale

D.Sc. student in Policy and Administration of Mineral Resources

Hildebrando Herrmann

D.Sc., Professor of Mining Law, IG/UNICAMP

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