

# Indigenous people in Brazil own carbon rights, law firm finds | Carbon

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A groundbreaking legal opinion released today [could clear the way for indigenous people in Brazil to gain carbon-trading rights](#) for their native lands.

The international law firm of Baker & McKenzie found that the Surui tribe of the Brazilian Amazon owns carbon-trading rights for any future global warming deals related to the rainforest regions inhabited by the tribe. The opinion was commissioned by Forest Trends, a Washington, DC-based conservation group that works to protect forests around the world.

“This study confirms that we have the right to carbon, and is also an important political and legal instrument to recognise the rights of indigenous people for the carbon in their standing forests,” said Chief Almir Narayamoga Surui, leader of the Surui tribe. “It helps in our dialogue with the government, businesses, and other sectors, strengthening the autonomy of indigenous peoples to manage our territories.”

Chief Almir, who has received several assassination threats in the past and for a time fled to the United States for his safety, has been one of several Surui leaders trying to win national and international support on environmental issues.

The new legal finding is also likely apply to other indigenous groups in Brazil, which is home to 40 per cent of the world’s rainforests.

“This really is a landmark opinion,” said Michael Jenkins, president and CEO of Forest Trends. “What we have been able to demonstrate here is that there will be opportunity and a path forward for indigenous groups to participate in emerging markets from a global warming deal. In fact, the indigenous groups would now be part of the solution.”

Over the last several years, many indigenous groups have expressed concern that a climate change deal would be yet another international agreement that eroded their rights. In response, Forest Trends asked Baker & McKenzie to research whether Brazilian law would allow the Surui and other indigenous groups in Brazil to claim benefits under any deals involving the Reduced Emissions from Deforestation and Degradation (REDD) arrangements now being considered in the climate talks in Copenhagen.

Under REDD deals, the law firm found, the Surui indigenous group would be able to oversee management of the forest as well as reap any economic benefits from carbon trading arrangements.

While the Baker & McKenzie opinion is not binding, it applies to a country — Brazil — that’s shown strong federal government support for indigenous groups.

The finding said the conclusion was based on the Brazilian Constitution and legislation, which “provides for a unique proprietary regime over the Brazilian Indians land ... which reserves to the Brazilian Indians ... the exclusive use and sustainable administration of the demarcated lands as well as ... the economic benefits that this sustainable use can

