

Legal Opinion Finds Indigenous Amazon Tribe Owns Carbon Rights

by David DeFranza on 12. 9.09



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In what's being called a "landmark" opinion, the international law firm Baker & McKenzie has stated that the Surui tribe owns the carbon rights of their native forests. Based on a close reading of Brazil's constitution and legislation, the opinion states that the tribe has the right to "exclusive use and sustainable administration of the demarcated lands as well as...the economic benefits that this sustainable use can generate."

Though not legally binding, the opinion has been released at a time when the political climate in Brazil is working to protect indigenous rights and could have serious implications for any **REDD** program that emerges from **COP15**.

Michael Jenkins, President and CEO of **Forest Trends**, the organization that commissioned the legal council, explained that:

This really is a landmark opinion...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.

In the last 40 years, the Surui tribe has been decimated by disease, murdered by loggers and miners, pushed from their native forest land, and marginalized economically and politically.

Chief Almir Narayamoga Surui, leader of the tribe, commented that:

This study confirms that we have the right to carbon, and is also an important political and legal instrument to recognize the rights of indigenous people for the carbon in their standing forests.

He also added that the opinion "helps in our dialog with the government, businesses, and other sectors, strengthening the autonomy of indigenous peoples to manage our territories."

It is expected that this opinion, which affirms the ethical and legal rights of Brazil's indigenous populations to the forests, could be extended to other groups and will play a critical role in the deployment of post-COP15 programs.

Read more about indigenous rights:

[Indigenous People's Climate Change Summit Giving "Unified Voice"](#)

[Indigenous Rights Crucial To Reducing Carbon Emissions from Deforestation](#)

[Indigenous Groups Document Environmental Destruction Using GPS and Google Earth](#)



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