

Adapting to emerging institutions: REDD+ projects in the territories of the Suruí and Cinta-Larga Indigenous Peoples.

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Abstract

In Brazil, indigenous peoples have formal control of 21% of the Amazon, and their lands are the best preserved in the region. They are the most vulnerable social group in the region. Most of this population depends on natural resources for subsistence and are becoming increasingly threatened by extreme climate events. Even though their lands provide crucial ecosystem services, they receive little in exchange: public services in their lands are deficient, and their lands are constantly threatened. They have little political power and depend on the central government to manage their lands. REDD+ could represent an unprecedented opportunity for the indigenous to become more autonomous. However, reaping this opportunity requires a tremendous effort from the indigenous to adapt not to climate changes, but to institutions that are foreign to them. In this paper we analyze how indigenous groups are responding to those opportunities, focusing on two contrasting cases. The first is a carbon trade contract proposal offered by a private company to the Cinta Larga people. The second is the fifty-year land-use plan designed by the Suruí people, a plan that includes but is not limited to the sale of carbon credits.

Introduction

The combined effects of clear-cutting, forest regrowth on abandoned land, and logging are estimated to have accounted for 10–25 percent of global, human-induced carbon emissions in the 1990s [1]. The Kyoto Protocol gave developing countries such as Brazil and Indonesia, which are responsible for a large share of global deforestation, little incentive to cut carbon emissions. Since the mid-2000s, scientists, activists and policymakers have been pressing for the creation of international mechanisms to compensate developing countries that choose to reduce their emissions from deforestation. Current discussions focus on a set of policies known as REDD+ (Reducing Emissions from Deforestation and Forest Degradation, plus conservation, sustainable management of forests and enhancement of forest carbon stocks).

Some analysts claim that REDD+ projects have the potential to generate enough money to end deforestation in countries such as Brazil [2]. Discussions concerning the implementation of REDD+ tend to consider either project based or national-based implementation. Most

proposals for REDD+ favor the latter approach, as it permits operations on a larger scale. Furthermore, it requires governments to implement national carbon accounting systems, to control leakage and to distribute the benefits of REDD+ to relevant stakeholders [3]. At first glance, therefore, REDD+ could induce reverse decentralization trends, or promote further centralization of forest management [4].

It is unclear whether centralized or decentralized REDD+ mechanisms will prevail, or if REDD+ will ever be included in the international carbon market, under the UN Framework Convention on Climate Change (UNFCCC). However, market agents are making their initial efforts to trade forest carbon, mostly under project-based schemes.

In Brazil, entrepreneurs have been persistently approaching indigenous peoples to sign carbon-trading contracts. These groups are attractive for this sort of contract because they control huge tracts of land, particularly in Amazonia. Moreover, those lands are usually covered with dense and well-preserved forests [5].

Another distinctive characteristic of the Brazilian indigenous peoples and their lands is that they are entangled in a net of decentralized and centralized institutions. As we will see below, the federal government has ownership of their lands, but indigenous peoples have control over their natural resources, including the forest and its carbon. On the one hand, the indigenous peoples have a great degree of autonomy; on the other hand, they are dependent on the central state for basic public services, such as healthcare and education

Centralization, decentralization and the costs of forest protection

Local governments may play an important role in REDD+, because efficiency in the provision of government services is crucial for avoiding carbon leakage. This is a key point in large countries such as Brazil, where the central government cannot possibly monitor land use across its entire territory. This lack of efficiency explains why the country has so far failed to control deforestation, despite its very restrictive environmental legislation. The involvement of local governments can considerably lower transaction costs for monitoring land use. However, as has been frequently argued, subnational governments usually lack the capacity and incentives to do this kind of job [6, 7]. REDD+ money can change both factors at once.

The distribution of REDD+ benefits to local governments may have a positive impact for local people, as state and municipal governments provide such fundamental services as education and health care. However, groups that are marginalized at the local level, particularly indigenous peoples may suffer most under a decentralized REDD+ mechanism. Although indigenous population controls 13% of the Brazilian territory, in 2008, only six indigenous were elected mayors in a total of 5,560 municipalities. For the local legislative houses, 61 indigenous were elected across the country to fill 51,748 posts.

Centralized control of indigenous lands, by contrast, has effectively protected both immense territories and the livelihoods of peoples who would probably be expelled from

their lands if left to the state or municipal governments. In some cases, the federal government has ensured the protection of local people by creating extractive reserves, which protected rubber tappers and nut gatherers against encroaching ranchers and loggers.

Despite all the difficulties that the central government and local communities face to manage those lands (Table 1), they have played an important role in curbing deforestation. A study on deforestation inside and outside PAs in the Amazon shows that deforestation was 1.7 (in extractive reserves) to 20 (in parks) times higher along the outside versus the inside of the PAs perimeters [5]. Another study corroborates this data. In the states of Mato Grosso, Pará, and Rondônia, which have the highest deforested proportions in the Amazon, the average deforested proportion inside PAs was respectively 3.5%, 4.5%, and 4.7%. Outside those areas, the proportion reached 33.9%, 29.2%, and 48.1% respectively [8]. In indigenous lands, deforestation is lower than 2% [9].

However, the creation of restricted use PAs has led to heavy burdens for local people due to land use restrictions. It comes as no surprise that the establishment of PAs is surrounded by conflicts and meets the resistance of local politicians.

REDD+ money could potentially solve many of the problems surrounding the establishment of PAs and indigenous lands. The National Indigenous Foundation (FUNAI), the federal agency in charge of indigenous affairs, is understaffed and its employees underpaid. Furthermore, independent gold and diamond miners, loggers, ranchers and farmers frequently encroach upon indigenous lands near the agricultural frontier. REDD+ resources could help provide indigenous people with better public services and effective land protection. It also could provide compensation for municipalities that have large parts of their territories in PAs.

Table 1. Area and percentage of protected areas in Amazonian states.

	Total state area km ²	Strict use protected areas		Sustainable use protected areas		Indigenous lands		% for all PAs
		km ²	%	km ²	%	km ²	%	
Acre	152,581	16,710	10.9	35,439	23.2	24,421	16	50.2
Amapá	142,815	47,772	33.5	40,761	28.5	11,879	8.3	70.3
Amazonas	1,570,746	112,485	7.2	228,621	14.6	427,967	27.2	48.9
Maranhão	249,632	13,401	5.4	722	0.3	22,584	9	14.7
Mato Grosso	903,358	29,469	3.3	1,318	0.2	138,012	15.3	18.7
Pará	1,247,690	126,405	10.1	185,944	14.9	282,218	22.6	47.6
Rondônia	237,576	19,902	8.4	41,421	17.4	48,629	20.5	46.2
Total	4.504.398	351.105	7.8	534.226	11.9	955.710	21.2	40.9

REDD+ and Indigenous Lands

Brazilian indigenous peoples live under a very peculiar legal status regarding their lands. They don't have the right to alienate their lands, since the legal owner is the State. However, they have permanent possession of the lands and the exclusive right to live there and to use the soil, rivers and lakes inside their lands. "The State cannot dispose of these lands, therefore the indigenous groups enjoy permanently and extensively from the possessory rights over these lands" [10].

Based on this legal arrangement, carbon credits that may be generated in these areas belong to the indigenous groups, not to the State. The Brazilian Constitution ensures to the indigenous peoples the right to develop economic activities in their lands, so they are the ones who must decide whether they should implement REDD+ projects or not [10]. Also, they must be the beneficiaries of funds and resources generated by these projects.

Another issue is the legal possibility of indigenous groups to directly commercialize the carbon of their lands, and their ability to do so. The Brazilian legislation is contradictory on this matter. According to the Brazilian Civil Code, from 1916, indigenous peoples were considered relatively incapable. Under the Indigenous Statute, from 1973, they were subject to State tutelage, because it was considered that they needed the State to look after their interests and assets until they were eventually integrated into society. The 1988 Constitution, however, recognizes the indigenous' social and cultural organization as legitimate.

The new Civil Code, approved in 2002, altered the status of indigenous peoples as relatively incapable, but left the definition of their new legal status to a specific legislation that should be prepared. However, to this day no specific legislation was approved, nor the 1973 Indigenous Statute was revoked. According to the Statute, FUNAI is responsible for the management of the indigenous assets, unless it is demonstrated that a particular group has effective capacity to manage its own patrimony. This designation conflicts with the Constitution, which recognizes the forms of organization of the indigenous peoples and does not discriminate them as less capable than others. Some experts consider that the Constitution replaces State tutelage by State protection to indigenous assets [10].

In spite of the lack of legal precision, FUNAI still plays a fundamental role in supporting and recognizing the economic activities performed inside indigenous lands. This kind of activity frequently raises conflicts, because it opposes the interest in preserving the indigenous lands and its natural resources, and the need to generate income for its inhabitants. These conflicts do not happen exclusively between FUNAI and groups interested in quickly approving projects to exploit indigenous lands' natural resources; they also take place inside the indigenous communities, because some members of the groups fear that these activities may harm their way of life and the integrity of their lands.

On one hand, the possibility of selling rights to carbon credits attenuates these conflicts. Mechanisms such as REDD+, unlike agriculture, cattle rising, and mining, requires the preservation of the forest, not its suppression. The apparent risk of carbon trade is smaller

than the risks related to other economic activities. In theory, there are no contradictions between this activity and the way of life of most indigenous peoples in the Amazon.

On the other hand, the prospect of carbon trade is already exacerbating conflicts associated to indigenous lands. Many different intermediates have approached indigenous groups proposing various kinds of contracts to sell carbon credits. FUNAI has been asked to issue an official position on each proposed contract, but debates on the subject are still recent in the country and involve a small group of actors, primarily academics, and officials from governmental and non-governmental organizations. In spite of the apparently low risk of these contracts, selling carbon credits requires restrictions over land use in indigenous territories for long periods of time. The decision on whether to sign these contracts or not affects not only the entirety of the existing inhabitants of the lands, but also future generations. FUNAI is aware of the difficulties associated to this decision, and has so far avoided sanctioning these projects, but the institution is being pressed by the indigenous groups to expedite the analysis of the proposals, as they are frequently offered some very attractive short-term benefits in exchange for signing the contracts.

This kind of contract, proposed and sold by intermediates, is not the only way of including indigenous peoples in the carbon trade market. Some indigenous groups are formulating long-term plans to orientate the use of their natural resources, which allows them to enter this market in a more autonomous way. Following, we briefly present one example of each of these pathways: the contract proposed by a private company to the Cinta Larga people, and the Suruí People's 50 Years Plan that, among other activities, includes the selling of carbon rights associated to part of their territory.

The contract for selling carbon credits of the Cinta Larga people

The Cinta Largas are a group of 1,600 members that live between the states of Mato Grosso and Rondônia in four different indigenous reserves: Roosevelt (230.826 hectares), Serra Morena (147.836 hectares), Aripuanã (750.649 hectares), and Parque Indígena Aripuanã (1.603.250 hectares). Their lands are rich in natural resources and suffer constant pressure from loggers, cattle ranchers, land grabbers, and illegal miners.

Although the conflicts over these natural resources may be old, they were aggravated after the discovery of diamond deposits in the Roosevelt Reserve in 1999. In 2001, Brazilian Federal Police removed over 1,000 illegal miners that had invaded the area. In 2002, another 2,500 miners were removed. Estimations suggest that this is one of the ten biggest diamond deposits in the world, with a production capacity of one million carats per year, or US\$ 200 million of annual revenue [11]. The Brazilian Intelligence Agency (ABIN) and the Federal Police estimate that over US\$ 20 million in diamonds illegally extracted from the Roosevelt Reserve leave the country each year.

In 2002, the Pro-Cinta Larga Emergency Plan was approved, to guarantee the protection of their territories and to address some of the problems faced by the indigenous group. Almost ten years later, the plan was not implemented, and the tension around the Cinta Larga's

territory persists. The office of the Federal Public Attorney became interested in the security of the Cinta Largas and started to press FUNAI and other state agencies to find quick solutions to their problems. MPF points out the major problems: the lack of legal assistance to the indigenous groups, food insecurity, poor housing, the lack of access roads to villages, the lack of health and education services, the disrespect to groups' members by the Federal Police, and the excessive amount of debts of the indigenous groups and their associations.

For a group facing so many difficulties, financial resources from carbon credits trade may represent a great opportunity to establish new standards for their relationship with the non-indigenous world. If benefits from carbon contracts are well distributed and invested, the groups might ensure better protection for their territories and solve some of their most pressing problems, like health and education.

Even if the volume of resources is not expressive, and even if the indigenous people don't have a good plan to invest it, money from REDD+ projects is still attractive for an unassisted indigenous group. The contract proposed by Viridor Carbon company to the Cinta Largas is an example.¹

According to the company, the contract was discussed with representatives of the Cinta Largas on many occasions, in order to assure their interests and to respect their traditions. The firm held a meeting with 62 indigenous leaders in the municipality of Cacoal, in Rondônia, and together they decided on how to share the relevant information about the contract with other members of the Cinta Larga people. These actions seem to be no more than formal procedures and, given the nature of the contract, insufficient to guarantee the actual protection of the indigenous interests.

Some of the most controversial topics of the contracts must be highlighted:

a) Complexity: the contract is a 50-page document, steeped in legal jargon, which will hardly be fully understood by people without specific training.

b) Validity: the contract is valid for 50 years, which may raise questions on whether current indigenous leaders can legitimately commit to a contract that will extend to future generations.

c) Spatial extent: the company proposes a project to avoid deforestation and implement forest restoration in an area of 2.7 million hectares, which corresponds to the totality of all four Cinta Larga's territories. The commercialization of all the carbon stored in the indigenous reserves may jeopardize the fulfilling of future needs of the people, since it is a limitation for land use. If we consider that the company will be remunerated with a percentage of the carbon sold, it is fair to say that the project will reserve the maximum amount of land for carbon storage, and not for other possible uses.

d) Plan ownership and remuneration for carbon credits trade: according to the proposed contract, the company will have full ownership over the plan, which cannot be used by the Cinta Largas without its previous authorization. The company will also receive remuneration corresponding to 19.5 percent over every selling of carbon credits, regardless of the methodology adopted to account the reduction of carbon emissions or the market.

Among the many problems of the contract, the disproportionate benefits for the company stand out, especially because the object of sale – the carbon – rightfully belongs to the indigenous groups. Nonetheless, some Cinta Larga leaders have been pressing FUNAI to approve the contract. Aware of the problems of the proposed contract, the institution is reluctant in endorsing this transaction.

Viridor Carbon offered to pay US\$ 375,000 in advance for the indigenous groups, allegedly to compensate them for their participation in the previous consultations held in 2010. The expectation of receiving money soon puts the indigenous groups in a hurry to sign the contract. However, the ambiguities of the Brazilian indigenous legislation make FUNAI's endorsement necessary for the success of the contract. To increase the pressure over FUNAI, the Cinta Largas sought MPF, which is demanding a final decision on the matter, and the addressing of other difficulties faced by their communities.

Historically, the Cinta Largas have received little support from the State and profound hostility from the Brazilian society. This situation leaves them vulnerable to offers of financial help that not necessarily take their long-term interests into consideration.

The Suruí People's 50 Years Plan

According to the National Health Foundation (which until 2010 was responsible for the health care of indigenous populations), roughly 1,000 individuals from the Suruí people, also known as Suruí Paiter, live in Rondônia State [12]. The Suruís were officially contacted by FUNAI in 1969 and, since then, are fighting to maintain their culture and territory. The Sete de Setembro Indigenous Reserve, where the Suruí people live, is located on the border between Rondônia and Mato Grosso, next to the municipality of Cacoal. Their territory is close to the Cinta Larga's. The reserve was created in 1976 and formalized in 1983, in the final years of the Military regime. In this area there used to be a FUNAI post, and the Suruís started living there in 1973, after measles epidemic killed approximately 300 members of the community and they sought health care in the post [12].

The formalization of the indigenous reserve was not enough to solve the problems related to the territory of the Suruís. From 1982 to 1987, the Suruís suffered with the intense migration of non-indigenous people, attracted to the region by the paving of the Cuiabá-Porto Velho road. They lost half of their reserve to land reform settlements and businesses that did not consider the official demarcation of the reserve. Small farmers invaded the rest of the territory, and the constant contact with non-indigenous persons had serious consequences for their health, especially the children's [12].

Because of the constant invasions of their territory, in the history of the Suruís, known to be warriors, there were many confrontations with the non-indigenous populations. From 1971 to 1981, the invasions were so common that estimates indicate the presence of over 1,000 intruder families living inside the reserve. The governmental institutions responsible for the management of the reserve – the government of Rondônia State, the National Institute for Colonization and Land Reform, and FUNAI – decided to decrease the original area of the

reserve to accommodate the different interests over the land. These institutions made little or no effort to prevent the invasions and maintain the integrity of the reserve [12].

Health conditions inside the reserve were precarious, and the proximity to the non-indigenous world brought accentuated changes to the habits of the Suruís, especially their dietary habits. Instead of hunting and fishing, the Suruís began to eat the same as the invaders and member of FUNAI's staff: rice, beans, and sugar. This situation of vulnerability and dependency towards the non-indigenous world pushed some members of the Suruí Patier community to make agreements with loggers to try and obtain financial resources to solve some of the most pressing problems of the community, such as the lack of food and medicines [12]. The Suruí population was 5,000 people before the contact, but during this period it was decreased to roughly 250 members [13].

Despite this drastic reduction of their population, the Suruís started to organize themselves in the 1980s. They created the Metareilá Suruí Association in 1989 to defend their interests. Currently the association's mission is: to defend and preserve the Suruí's cultural and territorial patrimony; to protect the biodiversity; and to guarantee opportunities of training for the Suruís and their leaders, in order to build and strengthen their autonomy.²

The Suruí People's 50 Years Plan is the planning of the development of the Suruís for the next 50 years. In 2000, Metareilá started a participative diagnosis to assess the potential of the Suruís and their territory. Based on this diagnosis, they designed a plan for the use of the territory, for coffee cultivation (one of the cultures introduced in their land by the invaders), for the management of Brazil nuts; and for the restoration of areas degraded by illegal logging. Since then, the Suruís also invested in the formal education of four young leaders, who concluded college education and now work in the coordination of the Metareilá Association. According to the president of the Association, Almir Suruí, currently there are no invader loggers inside the reserve.³

The Sete de Setembro Indigenous Reserve has approximately 247,000 hectares, of which 93 percent are still preserved (Suruí, 2009). With the support of other non-governmental organizations (Associação de Defesa Etnoambiental Kanindé, Amazon Conservation Team, Forest Trends, Idesam), the Suruís calculated that in 40 years, if they keep their territory preserved, they will avoid the emission of 12 million tons of carbon.⁴

The goal of the Suruís is to sell the carbon credits through the REDD+ mechanism. They designed the Suruí Carbon Project that includes a surveillance plan and training of park rangers, to avoid new invasions and the illegal exploitation of the natural resources in the reserve.⁵ They are also preparing the Project Design Document, which will be submitted to certification by Climate Standards and Voluntary Carbon Standards [14].

Once the PDD is ready, approved and certified, the Brazilian Biodiversity Fund (FUNBIO) and Forest Trends will prepare the business plan for the commercialization of the carbon credits. Unlike what was proposed by Viridor to the Cinta Largas, the commercialization plan of the Suruís will be implemented in phases, so the Suruís will be able to evaluate the results during the process and decide whether the strategy is adequate or not.⁶

The Suruí Carbon Project designing included an extensive consultation process, training for community members, the development of a baseline for carbon account, and the analysis of the legal framework regarding indigenous peoples and forest carbon.⁷ This process was initiated by the Suruís in accordance to their own demands. They saw the sale of carbon credits as an opportunity to complement a long-term plan for the development of their community.

On the contrary, the project to sell carbon credits that is being offered to the Cinta Largas came from the interest of a private company that is willing to invest the necessary resources to make previous assessments, as long as the company has exclusive rights to exploit the carbon credits for 50 years. The design of the project does not include the participation of the members of the community, which means that they will not have the opportunity to incorporate their demands into the document. As stated previously, the contract proposed by Viridor encompasses the totality of the Cinta Larga's territory. With this arrangement, the company would be able to favor the maintenance of carbon stocks, rather than other possible land uses that could be more important for the fulfillment of the Cinta Larga's needs.

Conclusions and recommendations

The combination of community and centralized control so far has effectively protected indigenous lands in Amazonia. Had land demarcation been left to sub-national authorities, indigenous peoples probably would have been expelled from their lands a long ago. Yet, the indigenous lands are still threatened by illegal loggers, ranchers, land-grabbers, and independent miners. More striking is the lack of public services for the population that inhabit those lands, such as health care and education – services that are typically offered by state and municipal governments outside indigenous lands.

REDD+ money could help mitigate those problems, at least in theory. Even though the indigenous lands area not aimed at protecting nature, in practice they are as effective as restrict-use protected areas for that purpose. It seems reasonable, therefore, that the indigenous receive a significant amount of the eventual benefits of REDD+, not only to further protect their lands, but also to get the public services they still lack.

The two cases analyzed in this paper show that the Brazilian institutional framework is still ambiguous. The government cannot prohibit private contracts between indigenous and carbon traders. On the other hand, FUNAI is reluctant to endorse any of those contracts. Without FUNAI's endorsement, the contracts will be too risky for carbon credit buyers, for there will be no authority capable and willing to enforce contract clauses.

Federal agencies do not find common grounds in their discussions on the distribution of benefits of carbon credits. Legislators are only beginning to get acquainted with the issue, and state governments are already pressing for a large share of those benefits. Markets are clearly evolving much faster than legislation and bureaucratic structures, as it is usually the case. However, if carbon projects are left to market forces alones, they probably will fail to meet the expectations of both indigenous and carbon buyers.

It is unreasonable and unfair to expect the indigenous to behave as watchdogs of their lands. Some of the threats they face are beyond their control, and the federal government has responsibilities over land use monitoring.

The Suruí case is exceptional, for that group has strong social organizations, skilled leaders, and resourceful partners who helped them build a sound long-term land use plan. This project may allow them to reap most of the eventual benefits of carbon trade schemes. The Cinta Larga case, in contrast, shows that some groups may easily take advantage of indigenous groups that are not so familiar with market mechanisms and governmental regulations. It also seems very unlikely that future generations will easily accept land use restrictions established in a contract that they never discussed

Markets alone will not protect indigenous lands from future deforestation. Market incentives may help some groups, like the Suruí, improve their living conditions, but will not likely help others, such as the Cinta Larga. Unfortunately, the Suruí are a tiny minority amongst indigenous groups. It is important to invest in capacity building at the local level to help indigenous groups adapt to the emerging institutions around REDD+. The Brazilian government does have the conditions to do that, disregarding carbon markets. It also has the conditions and should be providing better public services to the indigenous population, so that they will not fall prey of opportunistic market carbon traders, and still will be able to sell the rights over the carbon that belong to them.

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¹ This discussion is based on a version of the contract presented in a meeting between MPF, FUNAI, Instituto Socioambiental and University of Brasília. The meeting was held in Brasília, in October, 2010.

² Information available on: <<http://www.surui.org>>.

³ Interview with Almir Suruí, 20/08/2010.

⁴ Interview with Vasco van Roosmalen, Amazon Conservation Team, 20/08/2010.

⁵ Interview with Almir Suruí, 20/08/2010.

⁶ Interview with Vasco van Roosmalen, 20/08/2010.

⁷ Statement of Beto Borges, form Forest Trends, on Crianças da Amazônia's website.

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