CASE STUDY 31

State agencies protecting the rights of indigenous groups
in Brazil

Brazilian legislation states that authorization requests to undertake research among indigenous groups must be submitted to the Indians themselves, to the National Indian Foundation (FUNAI), to the Scientific and Technological Development Council and, when it concerns traditional knowledge associated with genetic resources, to the Genetic Heritage Management Council. FUNAI establishes and executes Brazilian Indigenous Policy, in compliance with the Constitution of 1988.

Brazilian law (Edict 177/PRES, 16 Feb. 2006) regulates the administrative procedure for FUNAI authorization for access to Indian lands, by people interested in the use, acquisition and/or grant of copyright in indigenous material. FUNAI is tasked to help ensure respect for indigenous cultural expressions and to protect their social organization, customs, languages, beliefs and traditions:

FUNAI is responsible for promoting basic education for indigenous peoples, demarcating, securing and protecting the lands that they traditionally occupy and stimulating the development of studies and surveys about indigenous groups. FUNAI is also responsible for defending the indigenous communities, to raise awareness in the Brazilian society about indigenous peoples and their causes, to manage their assets and monitor their lands, impeding predatory actions of miners, squatters, lumberpersons, and any other activities that occur on their lands and that represent a risk to the life and preservation of these peoples.