CASE STUDY 60

Cross-sectoral Cooperation and NGO Involvement in Brazil[[1]](#footnote-1)

#### **Institutional framework for Cultural Heritage Protection in Brazil[[2]](#footnote-2)**

Since 1937 Brazil has had an institution dedicated to the preservation of Brazilian Cultural Heritage, the *lnstituto do Patrimônio Histórico e Artístico Nacional* (National Historic and Artistic Heritage Institute)known asIPHAN. In addition to its Headquarters, it has 27 Superintendence Agencies located in state capitals and in the Federal District, 27 Technical Offices in provincial towns, plus four Special Units covering a considerable extent of the national territory. Of course, such a long institutional history has meant that IPHAN inherited approaches that were not necessarily designed for safeguarding ICH. It also had certain specificities arising from the interaction with traditional heritage-related practices existing in the country at the time of its creation and inherent in IPHAN’s institutional structure.

In 2000, Presidential Decree no. 3551 established the National Programme on Intangible Heritage *(Programa Nacional de Patrimônio Imaterial-* PNPI) and the Declaration for cultural elements as “Brazilian Cultural Heritage” under the aegis of IPHAN. The PNPI is an institutional programme that enables the Brazilian government to carry out the ICH management and safeguarding policy through three main action lines: identification, declaration, and support and promotion. Active community participation is an essential requirement for the development of actions, and communities are considered as the primary actors in cultural heritage promotion and decision-making, sharing the responsibility for heritage management with the State.

Two other bodies also participate in the implementation of safeguarding measures: the Consultative Council on Cultural Heritage *(Conselho Consultivo do Patrimônio Cultural*), the highest decision-making body concerning requests for national heritage declarations composed of members with expertise in cultural heritage; and the Intangible Heritage Sector Board *(Câmara Setorial do Patrimônio Imaterial*), whose functions include evaluating declaration requests and advising on other pertinent issues.

#### **Devolution of safeguarding activities**

As of 2007, through a partnership between PNPI and the *Cultura Viva* (Living Culture) programme of the Ministry of Culture, Culture Points for Declared Elements and Reference Centres were established. This resulted in some cultural elements receiving significant resources for undertaking safeguarding plans.

The creation of these bodies also helped to consolidate the participatory aspect of safeguarding policies. When bearer groups organized themselves into legally established associations, they were able to manage the public resources assigned to the preservation of their elements. In cases where bearers do not yet enjoy the necessary conditions for or are not interested in establishing representative associations, they can authorize public or third-sector institutions to manage those resources.

In 2014, there were 26 Culture Points/Reference Centres operating in Brazil. For example:

* *Casa do Samba* (SambaHouse), a Reference Centre of the *Samba* Circle*,* which coordinates the operations of another 14 centres in the region.
* *Reference Center of the Art and Life of the Indigenous Peoples of Amapá and Northern*

*Pará*, in Macapá, of the Wajapi indigenous people.

* The *Wajapi Training and Documentation Center* in Wajapi indigenous territory.
* *Baianas de Acaraje* Memory Centre.
* *Frevo* Dance Culture Point.

Most Culture Points of Declared Elements have a physical space for the development of their activities. In some cases, such as the *Jongo-Caxambu* Culture Point, the point is itinerant and develops activities in public spaces where there are bearer groups.

#### **Cross-sectoral actions and initiatives**

In view of the transversal nature of ICH and its place in the daily life of communities, linking different public policies is seen as essential to ensure effective safeguarding actions. Hence, the Department of Intangible Heritage (DPI) has worked to expand the scope of its actions, including into other areas of the federal government. Examples include:

* Elaboration of a technical cooperation agreement between IPHAN and the National Institute of Industrial Property (INPI) which is responsible for the registration of trademarks and patents in the country, aimed at the development of joint actions to register Geographic Indications for ICH elements.
* Participation of the National Agency for Sanitary Surveillance (ANVISA) in the Working Group for the creation of specific standards for traditional and handicraft productions in the country.
* Accreditation of IPHAN to grant access permits to traditional knowledge related to genetic resources for research purposes, through Resolution no. 279/2011 of the Genetic Heritage Managing Council (CGEN) of the Ministry of the Environment, which is responsible for granting access to Brazilian genetic heritage. This measure is considered a major advancement towards the protection of the rights of traditional knowledge bearers, in view of the historical appropriation and use of such knowledge.

#### **Case Study: Yaokwa, the Enawene Nawe people's ritual for the maintenance of social and cosmic order (USL, 2011)**

The Yaokwa integrates complex relationships of a symbolic order and links the domains of society, culture and environment of the Enawene Nawe. For seven months, this indigenous people commune with the Yakairiti, subterranean spirits who possess an insatiable hunger and must be fed. A constant exchange is established with these spirits to maintain the social and cosmic order of the group. The Yaokwa ritual provides the main source of food for both the spirits and the Enawene Nawe themselves.

The Enawene Nawe territory is increasingly faced with threats of invasion and exposed to the river and land pollution from cattle ranching, mining activities and soya production in bordering areas. One of the greatest threats it faces is the construction of ten small hydroelectric power plants along a  110-km stretch of the Juruena River from 2007 to 2009. This has seriously undermined the dam fishing methods of the Enawene Nawe and the absence of fish in the rivers has compromised the existence of this indigenous population, who organise their social life around the ritual and have traditionally fed themselves from the fish collected from the dam fishing traps. Moreover, these rapid environmental and territorial changes have led the Enawene Nawe to make mistakes reading and interpreting natural signs, causing them to plant maize too early, to arrive too late at the traditional fishing spots, etc.

***Partnerships for safeguarding the element***

Even today, there is almost no contact between this ethnic group and the wider society surrounding their territories, which makes their participation in the planning and implementing of safeguarding actions difficult. However, the Enawene Nawe leaders have weekly telephone contact with the local office of IPHAN in Mato Grosso and, despite language difficulties, they exchange information over the actions carried out by both parties.

In 2006, Operation Amazon Native (OPAN), a non-governmental organisation, acting with the consent of three clans of the Enawene Nawe and aware of the award of licences for hydroelectric works on the Juruena River, requested IPHAN to initiate the process for declaring the Yaokwa Ritual as a Cultural Heritage of Brazil. Research activities for identifying and registering the Yaokwa Ritual were conducted throughout 2008 by a multidisciplinary team of experts from OPAN, with the contribution of indigenous leaders and the supervision of anthropologists from the local IPHAN office. In November 2010, the CCCP declared the Ritual of Yaokwa of the Enawene Nawe as a national ICH element.

However, following its declaration, OPAN withdrew from the safeguarding and management process due to misunderstandings with the indigenous people. IPHAN only returned to the indigenous area at the end of 2012 having made various attempts to maintain the partnership with OPAN in late 2011. Since then, IPHAN sought new partners to work with the Enawene Nawe, taking into account the associated language and cultural challenges. Reaching the Enawne Nawe village involves a 90-minutes flight from Cuiaba, capital of Mato Grosso, in the interior of the state, a one-hour journey by car to the mooring point on the river, and a further eight hours by boat.

To address the complexities of safeguarding this element, IPHAN has continued to develop partnerships and integrated actions with other governmental institutions responsible for the indigenous peoples and the environment. These are aimed at striking a balance between improving the infrastructure for society while maintaining fundamental aspects of the indigenous cultures. One of the new partners identified was the National Foundation for the Indigenous People (FUNAI), the Brazilian government body linked to the Ministry of Justice. FUNAI establishes and executes Brazilian Indigenous Policy, in compliance with the Constitution of 1988. FUNAI is tasked to help ensure respect for indigenous cultural expressions and to protect their social organization, customs, languages, beliefs and traditions. It has the mission to promote and protect the rights of indigenous peoples, monitor their lands, and prevent practices that either encroach upon resources of indigenous heritage or place the preservation of these communities at risk.[[3]](#footnote-3) IPHAN strengthened its links with FUNAI at the beginning of 2012 with the objective of signing a partnership for developing joint actions for the safeguarding of the nationally declared ICH elements of indigenous ethnic groups.

In relation to the Yaokwa, the ritual now takes place using frozen fish purchased by FUNAI and, in 2012, 70 tonnes of fish were required to supply the Yaokwa Ritual. Ten of the 70 tonnes were purchased using IPHAN resources that were passed onto FUNAI through a Technical Cooperation Agreement. IPHAN furthermore requested permission from FUNAI to have a permanent presence of technical consultants from the local office of IPHAN in Mato Grosso during the construction of the fishing dam, and for FUNAI to provide water transport and language interpreters. FUNAI also invited IPHAN to participate in meetings with the companies responsible for the construction of the hydroelectric plants on the Juruena River and the Federal Prosecutor’s Office of Mato Grosso. This resulted in the suspension of operating licences for the construction of the hydroelectric plants until a Territorial Management Plan was conducted for this region. IPHAN was also invited by the Federal Prosecutor’s Office to participate in conciliatory meetings between the Enawene Nawe community and the construction companies. The Enawene Nawe people were able to negotiate compensation of US$10  000 per month for 20 years for purchasing fish and the maintenance of boats and other essential items, thus supporting the continuity of the Yaokwa Ritual. Meetings with the Ministry of Fisheries have also been held to seek solutions such as the construction of fish farms and the appropriate training for the indigenous people to maintain them. These would then restock the river network of the Enawene Nawe indigenous lands.

#### **Guiding questions:**

The following are some questions to consider when reading this case study.

* What characteristics of the Brazilian institutional framework are of interest in the context of this workshop?
* Are they typical of the experience of your country or not (for non-Brazilian participants)?
* What are the local specificities of Brazil and its ICH that are reflected in the institutional arrangements for its safeguarding?
* How has Brazil responded to the inter-sectoral character of setting policies for ICH safeguarding?
* How has Brazil responded to the existence of significant and in some cases very remote, indigenous populations in the country?
* How have governmental and non-governmental bodies cooperated over safeguarding indigenous ICH?
* How effective has this cooperation been, and what challenges has it faced?
* What aspects of this institutional framework could provide a useful basis for gathering data and information on safeguarding activities?

1. The case study is based on information in the periodic report submitted by Brazil in 2014 and the report submitted in 2013 on the Yaokwa, the Enawene Nawe people's ritual for the maintenance of social and cosmic order element (inscribed on the USL, 2011). [↑](#footnote-ref-1)
2. For more details on the institutional and legal framework in Brazil, see **Case Study 8:** ‘Inventorying with community involvement in a well-developed institutional and legal context in Brazil’ [↑](#footnote-ref-2)
3. For more information, see **Case Study 31** ‘State agencies protecting the rights of indigenous groups in Brazil’. [↑](#footnote-ref-3)