

June 30, 2025

Attention:



Officer-in-charge

Special Procedures Branch

Office of the United Nations High Commissioner for Human Rights (OHCHR)

ohchr-registry@un.org

REF.: Joint Communication from Special Procedures (AL OTH 45/2025)

Dear Special Rapporteurs and Members of the Working Group,

As President of Wildlife Works Carbon, LLC (“WWC”), I write in response to the Joint Communication from the Special Procedures Branch of the OHCHR (Ref. AL OTH 45/2025) (“[Joint Communication](#)”).

The Joint Communication states that it has received information concerning alleged “*threats and intimidation of Indigenous Ka’apor human rights defenders, including Itahu Ka’apor and Mariuza Ka’apor, in the state of Maranhão, Brazil, in connection with their opposition to a carbon credit project proposed on Indigenous land by Wildlife Works,*” and requests further information regarding WWC’s involvement in the Alto Turiaçu Indigenous Territory (“[ATIT](#)”).

WWC did not have access to the documents received by the Working Group. This lack of access impairs its ability to properly address the allegations and facts – of which it has no knowledge and does not know to whom they are being directed. Once such information becomes available, WWC’s understanding of the situation may evolve, and it reserves the right to amend or fix any information provided in this response, if necessary.

Nonetheless it is important to clarify that no binding contract has been executed between WWC and Ka’apor People. The process remains in the consultation and Free, Prior, and Informed Consent (FPIC) phases, in accordance with ILO Convention No. 169, following more than two years of dialogue. The final decision-making authority rests exclusively with the Indigenous communities of the ATIT. There is at the moment no project being developed and, thus, no specific governance structure has been implemented at this point in time.

WWC is a private equity company, founded in 1997, established with the purpose of implementing economic solutions for wildlife conservation, particularly through Reducing Emissions from Deforestation

and Forest Degradation (“REDD+”) projects, as well as generating direct and measurable funding to support forest communities in pursuing their own development goals. WWC is a pioneer in the development and promotion of forest conservation projects in partnership with Indigenous Peoples and Traditional Communities, funded through the voluntary carbon market.

WWC’s projects are located in Kenya, Colombia, Cambodia and the Democratic Republic of the Congo. These projects focus on preserving forests, protecting biodiversity, and supporting local communities. WWC believes that conservation efforts must work for local communities who live near the wildlife. WWC prioritizes empowering these communities, ensuring they have a say in how conservation is implemented and benefiting directly from it.

By prioritizing community engagement and autonomy in the projects it supports, WWC ensures their long-term sustainability. Its proposals are implemented in a participatory and transparent manner, using innovative technologies and activities to track and monitor greenhouse gas emission reductions. These efforts result in high-integrity carbon credits, which are traded globally, weaving together a network of agents and initiatives aimed at mitigating and preventing the adverse effects of climate change.

Guided by the core principle of balancing the needs of wildlife with those of local communities, WWC is committed to ensuring that all legal guidance and social safeguards are implemented. Therefore, it is firmly committed to the implementation of processes to support Free, Prior, and Informed Consent (“FPIC”) in accordance with ILO Indigenous and Tribal Peoples Convention (No. 169) and in harmony with other instruments of territorial governance, planning, and management.

In view of our reputation of working with indigenous communities to support their efforts to attract direct climate finance to protect their territories, in February 2023 the Ka’apor People residing in the ATIT – represented by 24 chiefs and other members – initiated a dialogue with WWC expressing interest in learning about and pursuing a partnership to implement a potential REDD+ Project in the ATIT.

Conversely, the Ka’apor Management Council (Tuxa Ta Pame), according to their own statement in the lawsuit filed in Brazil, has only six members who represent only three small villages of the ATIT population, and has refused to participate in the discussions organized by the Ka’apor leaders and held over several months regarding the implementation of the potential REDD+ Project in the ATIT (as per the attached documentation). WWC acknowledges Taxa Ta Pame’s rights to not participate in the initiative proposed by the majority of the indigenous community and has since respected their members’ position to stay out of the discussions.

The Tux ta Pame Council is seeking to prevent the overwhelming majority of the communities in the territory from implementing the potential Project and has taken aim at Wildlife Works, the National Indian Foundation (“FUNAI”) and the Federal Government of Brazil, in the lawsuit registered under [REDACTED], pending before the 3rd Federal Civil Court of the Judicial Section of the State of Maranhão, as well as through this procedure. The allegations raised – particularly those directed at WWC – are demonstrably groundless, as will be shown in the attached document.

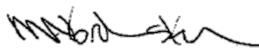
Wildlife Works is not the proponent nor the decision making party regarding any projects to be developed in the ATIT. Wildlife Works acts exclusively as the project developer, i.e., it supports and structures the implementation of potential projects at the request of ATIT communities. The decision to implement a project lies solely with the members of the Indigenous People themselves. WWC believes that the Ka’apor People’s right to self-determination – a right recognized by ILO Convention 169, the International Covenant on Civil and Political Rights, the United Nations Charter, the United Nations Declaration on the Rights of Indigenous Peoples, and the American Declaration on the Rights of Indigenous Peoples – includes the right to manage their own lands, territories, and resources. This right is fundamental to forest governance by Indigenous Peoples and Local Communities.

Accordingly, WWC takes very seriously the concerns raised in the Joint Communication. While supporting rigorous and independent investigations into the carbon markets and their impacts on the rights of Indigenous Peoples, People of African Descent, and Local Communities, WWC hereby responds to the specific issues raised therein. However, it is essential that **the Joint Communication also be forwarded to all representative members of the Ka’apor People** to ensure that the will of an express minority does not override the will and autonomy of the significant majority of the ATIT’s inhabitants. It is also highly important that this Office make the **Ka’apor People** aware of the accusations and allegations that this Office is raising in matters of their affairs, so they can express their own view about the situation.

The attached document contains detailed responses to the information requested in Joint Communication. Please do not hesitate to contact us should you need any further assistance in your thorough assessment of this matter. It would be an honor to meet with members of the Working Group to offer any additional information that may contribute to your efforts in this investigation.

WWC hopes your work contributes positively to the advancement of human rights in the ATIT, enabling the entire Ka’apor People to be heard and to exercise their rights and opportunity to express their will regarding the potential REDD+ Project they have envisioned.

Sincerely,



Mike Korchinsky
President

Wildlife Works Carbon, LLC

Introduction

1. Wildlife Works Carbon has an extensive track record in working respectfully with IPLCs on REDD+ projects and supports and reaffirms its commitment to providing any clarification necessary during the investigation conducted by the Members of the Working Group. More specifically, this document provides information and facts that will not only clarify its involvement in a potential REDD+ Project in the Alto Turiaçu Indigenous Territory (“ATIT”), which is under the ownership of the Ka’apor People, but will also address the requests outlined in the Joint Communication, namely:

- (i) Provide any additional information and/or comment(s) you may have on the above-mentioned allegations;
- (ii) Provide information on the human rights due diligence policies and processes put in place by Wildlife Works to prevent, identify, mitigate and remedy any adverse human rights impacts potentially arising from its proposed carbon credit project in the Alto Turiaçu Indigenous Territory, including risks for human rights defenders, in accordance with the UN Guiding Principles on Business and Human Rights;
- (iii) Provide information about specific due diligence or impact assessment measures taken by Wildlife Works in relation to the development of the carbon credit project. Please highlight how your company has conducted meaningful consultation with affected stakeholders and, in particular, with the Indigenous Peoples and communities in the territory, before and after the commencement of the project;
- (iv) Provide specific information on the steps taken by Wildlife Works to respect the right of indigenous peoples to give or withhold their free, prior and informed consent for projects affecting their lands in response to the clearly stated opposition of the Tuxa Ta Pame to the development of the proposed carbon credit project in the Alto Turiaçu Indigenous Territory;
- (v) Provide specific information on the steps taken by Wildlife Works to ensure public access to information on climate change and human rights in relation to carbon credit projects, including on how these projects make a genuine contribution to emission reductions globally, and prevent negative environmental and human rights impacts locally; and
- (vi) Provide information on the steps taken by Wildlife Works to establish, implement and/or enforce an operational-level grievance mechanism, in line with the UN Guiding Principles, in order to address the adverse human rights impacts caused or contributed to by your company’s operations.

2. WWC emphasizes, however, that it does not have knowledge of all the facts described in Joint Communication and reserves the right to supplement or revise the information and conclusions herein contained, once it has full access to the documents related to the present Special Procedure. The alleged acts of threats or intimidation to the individuals or groups were not reported to WWC.

3. With respect to the implementation of specific policies, we reiterate that all workshops conducted in the territory as part of the FPIC process were conducted according to global and local guidelines and

legislation. Workshops were always conducted at the invitation of the community, and with the presence of local leaders and translators to ensure full participation. Authorities were invited to oversee and participate at every occasion. The consultation plan was drafted by the community and approved in a general assembly attended by local authorities. We provide a detailed account of the history of engagement with the community below.

4. The implementation of specific grievance mechanisms, however, must be designed in collaboration with the community, following their norms and customs. We must thus wait for FPIC to be concluded, and have their formal approval of the project, in order to design and implement such a system. We cannot progress without their formal approval of project activities within the territory. Across its portfolio of existing projects WWC does implement a variety of grievance mechanisms, such as complaint boxes at meetings and whistleblower mechanisms. These will be adapted to the local context in due course.

5. WWC conducted a comprehensive due diligence process with the community at the beginning of its engagement. We have also repeatedly engaged key stakeholders in the region and nationally, to identify potential issues and maintain transparency about its activities in the region. Brazil has an exceptional level of protection and oversight to protect indigenous people, and WWC has consistently engaged FUNAI and other State bodies to ensure that safeguards and rights of indigenous people are upheld. This project has been the object of intense scrutiny and oversight by the Brazilian authorities, who have not identified any instance of human rights violations.

6. WWC was very careful to ensure the rights of Tuxa Ta Pame to participate at their will in the FPIC process were safeguarded. A formal letter of invitation was sent to the council, and upon their formal refusal, no further contact was attempted. This was confirmed in a hearing with the State Prosecutor of Maranhão in 2024.

The history of engagement between the Ka’apor People and WWC

7. The Indigenous Ka’apor People reside in the Alto Turiaçu Indigenous Territory, comprising approximately 29 different villages. In total, there are around 4,183 indigenous living in the ATIT.

8. Wildlife Works Carbon supports Indigenous Peoples and traditional communities in developing projects that combine environmental conservation with the generation of financial resources for these populations.

9. Contact between WWC and the Ka’apor People began in February 2023, during the Seminar on Climate Finance and Indigenous Territories, which took place on the 14th and 15th in the city of Cacoal, State of Rondônia, Brazil, organized by Forest Trends.

10. The event aimed to deepen traditional peoples’ understanding of climate change, Reducing Emissions from Deforestation and Forest Degradation (“REDD+”) projects, and climate financing through

jurisdictional programs and voluntary carbon markets, including legal aspects, safeguards, and the concept of Free, Prior and Informed Consent (“FPIC”), among other topics essential for qualified community decision-making and internal discussions.

11. The event was attended by over 100 participants, including representatives from 25 Indigenous Peoples from the Brazilian Amazon Rainforest, members of Indigenous organizations, and representatives of governmental and non-governmental institutions. Among the participants were members of the Ka’apor People who, during the seminar, initiated dialogue with WWC and expressed interest in exploring a possible partnership for the implementation of a potential REDD+ Project within ATIT.

12. It was in this context that WWC began exploring the possibility of developing a REDD+ Project in the ATIT and started interacting with representatives of the Ka’apor People so that they could freely determine whether and under what conditions such a project would be considered and implemented.

13. Following this initial conversation, the [REDACTED] invited WWC to visit the ATIT, taking the first steps toward initiating the FPIC process. WWC visited the ATIT in March 2023, presenting its work to the Ka’apor People and explaining what a REDD+ project entails. After careful consideration by both parties, the Indigenous community of the ATIT, represented by the [REDACTED], and WWC signed a non-binding Memorandum of Understanding expressing their mutual interest in conducting a pre-feasibility analysis for a potential REDD+ Project within the ATIT.

14. Continuing the discussions and amid the feasibility assessments, in July 2023, WWC conducted a second visit to the ATIT to reaffirm its commitments and coordinate the next steps with the Ka’apor People. At that time, the process of drafting the Consultation Plan was initiated by the association, incorporating feedback from the Indigenous representatives present.

15. In August 2023, WWC completed its feasibility study and presented a full REDD+ Project proposal to the Ka’apor People. The Consultation Plan was prepared by the community and revised by [REDACTED], who held internal meetings for deliberation on the matter. The approval of the Consultation Plan and the symbolic signing of the first version of a (non-binding) partnership agreement took place during an Extraordinary Assembly, in which the chiefs present agreed to initiate the first FPIC cycle (the information phase in the territory’s villages).

16. In addition to the formal summons for the Extraordinary Assembly, [REDACTED] visited most of the villages, speaking with leaders, explaining the potential project, and inviting everyone to participate in the meetings. This resulted in the attendance of 160 individuals from 21 villages, as recorded in the meeting minutes (**Annex 1**). Members of the Tuxa ta Pame Council, although invited by community leaders, chose not to participate.

17. This Extraordinary Assembly held from August 22 to 24, was attended by representatives from the Regional Coordination Office of FUNAI in the city of Imperatriz, State of Maranhão, Brazil, the Vice-President

of the Coordination of Indigenous Peoples' Organizations of Maranhão (COAPIMA) and a representative from the Secretariat for Indigenous Peoples. The assembly's agenda included the presentation of the REDD+ Project proposal and deliberations on continuing discussions between ATIT residents and WWC.

18. During this assembly, WWC also explained the initial stages of potential REDD+ Project implementation to the residents of the ATIT, the commitments and responsibilities of each involved party. WWC further emphasized the importance of FPIC in enabling the inhabitants of the ATIT to make informed decisions regarding project implementation. Additionally, WWC highlighted the significance of the Life Plan and the Territorial and Environmental Management Plan (PGTA) of the territory as guiding frameworks for the implementation of the potential REDD+ Project (**Annex 2**).

19. Under these terms, WWC and its representatives interacted with the Ka'apor People and visited ATIT solely upon invitation, to present the proposed REDD+ Project and the manner of its potential implementation. WWC has made no interventions – and will not intervene – in the decision-making process of the Ka'apor People. WWC understands that the conduct of the FPIC process is and shall always be the exclusive prerogative of the Ka'apor People and the other inhabitants of the ATIT, to be carried out in the manner, method, process, and procedure they deem appropriate.

Oversight of the REDD+ Project by the Federal Prosecution Service through an Administrative Procedure and Civil Inquiry

20. Motivated by the opposition of a few Indigenous individuals from the Ka'apor People, represented by six members of the Ka'apor Management (Taxa Ta Pame), the Federal Prosecution Office (Ministério Público Federal - "MPF") initiated, on September 18, 2023, the Administrative Procedure [REDACTED]. As part of this proceeding, the Prosecutor's Office in the State of Maranhão issued a letter to WWC requesting that it provide information regarding: (i) whether negotiations for the conduct of FPIC had already begun; (ii) whether negotiations were being conducted with other leaders or representative associations of the Ka'apor, Awá-Guajá, and Tembé peoples located in the ATIT, or if they were limited to the [REDACTED]; (iii) whether FUNAI was providing the necessary assistance to the Indigenous peoples during the negotiations; and (iv) whether there was already a draft agreement under review for execution with the community.

21. In response, WWC presented to the MPF the scope of a potential REDD+ Project, demonstrating that negotiations in the ATIT were still at an early stage and that the FPIC process had been approved by the [REDACTED], convened by the [REDACTED], with its commencement scheduled for October 2023. Furthermore, WWC clarified that authorization to enter the ATIT had been granted by the Ka'apor and Awá Peoples through the chiefs representing villages of these ethnicities, who had gathered at the invitation of the [REDACTED]. At the request of these Indigenous leaders, a letter was also sent to FUNAI requesting that the FPIC process be conducted and implemented in accordance with ILO Convention No. 169, the UN Declaration on the Rights of Indigenous Peoples, and the Cancun safeguards for REDD+.

22. To clarify the ongoing negotiations related to the implementation of a potential REDD+ Project involving Indigenous communities in the ATIT, WWC held a meeting with the MPF and FUNAI on October 18, 2023.

23. Committed to providing the MPF with all information regarding the implementation of a potential REDD+ Project in the ATIT, WWC submitted to the MPF the documents prepared – such as the preliminary agreement that enabled the Indigenous community to understand the REDD+ proposal – to provide greater assurance to the parties involved, especially to the traditional peoples residing in the ATIT. WWC also requested that a new hearing be scheduled by the MPF, this time with the participation of representatives of the Ka’apor and Awá People interested in the REDD+ Project, so that they could express, with full awareness of the procedure, that representatives of 24 of the 29 officially mapped villages that make up the ATIT at that time already supported the initiative.

24. On March 15, 2024, a new meeting was held between the MPF, WWC, and representatives of the Ka’apor Management Council. On that occasion, WWC provided further clarifications regarding a potential REDD+ Project, reiterating that meetings in the ATIT were always held at the express request of representatives from 24 villages that make up the ATIT and that, although the Ka’apor Management Council had been invited to participate in the discussions, it had refused to attend the meetings.

25. Considering the clear expression of will by chiefs of 24 ATIT villages, the [REDACTED] filed a statement in the records of the Administrative Procedure reiterating the Ka’apor People’s interest in continuing negotiations on the potential REDD+ Project and requested a new hearing with the MPF – specifically requesting that it be held in person, within the ATIT – so that the MPF could gain direct insight into the discussions surrounding the project.

26. On May 17, 2024, the MPF met with representatives from 9 villages within the ATIT, affiliated with the [REDACTED], although 24 had travelled to São Luis but could not be heard. On that occasion, the Indigenous leaders informed the MPF that *“meetings were held with the company WWC to obtain clarification on the carbon credit market. It was stated that, despite ongoing talks, no agreement has been signed to date. [...] that the community’s interest arose from identifying with the project, considering the shared goal of preserving environmental resources” (Annex 3).*

27. On the same occasion, the representatives of the Ka’apor and Awá Peoples provided context to the MPF, explaining *“the split among Ka’apor representative groups, stating that the [REDACTED] had invited the Ka’apor Management Council to discuss the potential implementation of the REDD+ project, without success due to the latter group’s lack of interest.”* Nevertheless, *“the leadership affirmed that the [REDACTED] is not opposed to resuming dialogue with the other relatives to discuss matters of relevance to the Indigenous community”.*

28. In response to repeated requests from the Indigenous leaders represented in the procedure by the [REDACTED], a hearing was scheduled for September 10, 2024, to be held in person within

the Indigenous land, specifically in the Turizinho village, in the municipality of Zé Doca/MA. WWC was also notified to attend the meeting for further discussions on the project.

29. However, due to a stated “concern about the polarization within the Ka’apor Indigenous community and the need for caution in taking measures that would minimally impact the Indigenous territory”, the MPF decided that, “as a safety measure and in the belief that visiting the territory could lead to the misperception that the agency was taking sides, the previously scheduled visit was canceled” (Annex 4).

30. With the filing of civil action [REDACTED], currently pending before the 3rd Federal Civil Court of the Federal Court of the State of Maranhão, initiated by the Ka’apor Management (Taxa Ta Pame) against WWC, FUNAI, and the Federal Government of Brazil, the Administrative Procedure was extinguished by the MPF.

The Viability of the REDD+ Project Under the Jurisdiction of the Brazilian Judiciary and the Claims of the Ka’apor Management Council (Taxa Ta Pame)

31. The Ka’apor Management Council (Taxa Ta Pame) filed the lawsuit, claiming that WWC began implementing the REDD+ Project in the ATIT in February 2023 without “holding any meeting with the entirety of the Ka’apor People” (despite ample evidence of their own refusal to participate in such meetings).

32. The Ka’apor Management Council (Taxa Ta Pame) also alleged in the lawsuit that WWC lacks legitimacy to conduct FPIC in Indigenous lands and that “not even the defendant FUNAI has carried out a Free, Prior and Informed Consultation in the Alto Turiaçu Indigenous Land aimed at establishing a carbon credit project”. It further argued that FUNAI failed to take measures “to prevent abuses and illegalities committed by this foreign company operating in national territory”.

33. Additionally, the Council declared itself against the development of the REDD+ Project in the ATIT, alleging that WWC had committed “a series of illegalities and abuses”, in the face of which FUNAI and the Federal Government of Brazil had been negligent. It therefore seeks judicial intervention to prevent the continuation of the REDD+ Project in the ATIT, requesting, both as an injunction and final relief, that (i) meetings, entry of WWC representatives into the ATIT, and harassment of Ka’apor Indigenous people be prohibited; and (ii) the Federal Government of Brazil and FUNAI undertake oversight and control actions in the ATIT, specifically barring the entry of companies, national and/or foreign, that promote carbon credit trading, due to the alleged lack of any Brazilian regulation.

34. FUNAI responded to the request for injunction, stating it has never remained inactive on the issue and that “the agency has made significant efforts to regulate the matter of carbon credits in Indigenous lands”. It further clarified that “although FUNAI advises against entering into contracts at this time, it is important to emphasize that, **in respect for the full civil capacity of Indigenous peoples, recognized by Article 232 of the Federal Constitution, it is not possible to absolutely prevent them from entering into agreements with private institutions [...]**” (Annex 5).

35. WWC responded by clarifying the context of REDD+ projects in Brazil, especially in the ATIT, and the legal requirements for judicial relief, particularly the validity of the alleged right and the urgency of the situation. WWC demonstrated the lawfulness of the FPIC process initiated in the ATIT, which began after and as a result of expressions of interest from the Indigenous leadership of the Ka’apor territory.

36. WWC also promptly questioned the legitimacy of the Ka’apor Management Council to request the suspension of the potential REDD+ Project, given its low representativeness in the ATIT. WWC also contested its own standing as a defendant in the lawsuit, since the potential REDD+ Project is being carried out at the initiative of Indigenous communities in the ATIT. WWC was merely invited to participate in a project that, to be clear, is not its own, but belongs to the legitimate holders of the rights over the activities conducted within the ATIT. The interest in the project did not originate from WWC, but from the ATIT’s own members – those who truly hold the right to decide whether to continue with the REDD+ Project.

37. The [REDACTED] then submitted a statement in the lawsuit affirming that *“together with the leadership [of the ATIT], it explicitly refutes the false accusations raised by the TAXA TA PAME management council, emphasizing, as amply documented, that it was the Ka’apor people’s leadership that invited the company Wildlife Works to discuss a partnership for a carbon project in their territory. **The Ka’apor leadership reaffirms its autonomy and leading role in this process and expresses full confidence in the company’s ability, given its well-known experience in the field, to successfully implement the project in their territory in compliance with all legal and market requirements”** (Annex 6).*

38. To demonstrate its representativeness, the [REDACTED] submitted to the court *“powers of attorney from the chiefs proving that out of the 29 villages, 24 support the REDD+ Project in the territory,”* thus requesting a hearing in the lawsuit to be held in the ATIT (Turizinho village, Municipality of Zé Doca/MA), so that the Judiciary may analyze the situation of the Ka’apor People and other inhabitants of the ATIT, and the benefits they stand to gain from the implementation of the potential REDD+ Project in the ATIT.

39. In summary, what emerges from the scenario described is that, after months of dialogue between the Federal Prosecutor’s Office (MPF), WWC, FUNAI, and the vast majority of traditional communities in the ATIT – currently represented by leaders from 24 of its villages – where all parties sought to clarify not only the proposal of the REDD+ Project in the ATIT but also the broader mechanism by which the carbon credit market operates in Brazil, the Ka’apor Management Council now seeks to use not only the Brazilian Judiciary but also the United Nations High Commissioner for Human Rights to impose its will – based on a unilateral and minimally representative narrative – on the rest of the ATIT community, effectively preventing democratic debate and the future implementation of any REDD+ Project in the territory.

40. The Ka’apor Management Council clearly seeks to prevent not only the exercise of autonomy by ATIT communities but also the exercise of fundamental rights of Indigenous Peoples. There is an evident need to hear from the Indigenous leaders whose free expression of will – in favor of the REDD+ Project – the Ka’apor Management Council seeks to suppress. WWC has no decision-making role here, as it is

currently only responding to the interests of representatives of 24 out of the 29 villages that make up the ATIT.

The Legality of the potential REDD+ Project Presented to the Traditional Peoples Inhabiting the ATIT

41. It is important to clarify that, even in the absence of internal regulations regarding the carbon market in Brazil, legal certainty already existed for the development of REDD+ projects, as the matter was regulated by international norms, as well as by the non-profit organization [REDACTED], which was created to standardize procedures and methodologies for the development of REDD+ projects.

42. The National Policy on Climate Change ("NPCC"), established by Federal Law No. 12.187/2009, sets guidelines for emission reductions and includes combating deforestation as one of its main pillars, encouraging conservation initiatives, including REDD+ projects. Federal Decree No. 7.390/2010, which regulates the NPCC, sets measures for emission reductions, including combating deforestation in the Amazon and other critical areas, reinforcing the importance of REDD+ as a mitigation tool.

43. The REDD+ mechanism was expressly incorporated into Brazilian law through Legislative Decree No. 140/2016, which ratified the Paris Agreement in Brazil, **making it a valid legal instrument throughout the national territory**, just as it is on the international stage. In fact, in 2013, the Warsaw Framework for REDD+ was signed, which was created under the United Nations Framework Convention on Climate Change ("UNFCCC"), an international structure designed to provide financial incentives for REDD+ activities, allocating resources to developing countries that implement REDD+ actions.

44. At that time, the UNFCCC had already established the concept of REDD+ and adopted a set of seven safeguards to be followed and respected by countries to address the direct and indirect, positive and negative impacts of REDD+ actions. Furthermore, the International Labour Organization had already adopted Convention No. 169, a binding international treaty specifically aimed at protecting the rights of Indigenous and tribal peoples. This Convention was promulgated in Brazil by Decree No. 5.051/2004 and is currently in force under Decree No. 10.088/2019, which includes it in Annex LXXII.

45. Moreover, in Brazil, the implementation of REDD+ is coordinated by the Ministry of the Environment and Climate Change through the National Commission for Reducing Greenhouse Gas Emissions from Deforestation and Forest Degradation ("CONAREDD+").

46. This commission was created in 2015, and its current duties are established by Decree No. 11.548/2023: it is responsible for coordinating, monitoring, and reviewing the National Strategy for REDD+ in Brazil and coordinating the establishment of requirements for accessing results-based payments for REDD+ policies and actions in Brazil. CONAREDD+ is made up of representatives from various government entities and associations, including one representative of Indigenous peoples, appointed by the Articulation

[REDACTED]

of Indigenous Peoples of Brazil, and one from traditional peoples and communities, appointed by the National Council of Traditional Peoples and Communities.

47. It is important to emphasize that Federal Law No. 15.04282/2024, recently enacted in Brazil, is also explicit in recognizing not only REDD+ projects and programs in their various forms but **also the right of Indigenous peoples and traditional peoples and communities, through their representative entities in the respective territories, to commercialize the carbon certificates and credits generated through the development of projects in the territories they traditionally occupy**, provided they comply with socio-environmental safeguards. The role of public agencies and even international entities, such as the OHCHR itself, also is limited to participation and oversight. Nothing in this law grants authority to override the rights recognized to the Indigenous and traditional communities themselves.

48. Furthermore, the Brazilian Forest Code (Federal Law No. 12.651/2012) was the first internal regulation to expressly define the concept of carbon credits. With the new redraft, amended by Law No. 15.042/2024, carbon credits are classified as tradable and autonomous assets, with obligations of civil nature in the case of forestry credits from preservation or reforestation.

49. These credits represent the actual retention, reduction of emissions, or removal of one ton of carbon dioxide equivalent (tCO₂e), obtained through projects or programs for the reduction or removal of Greenhouse Effect Gases emissions, carried out by public or private entities and submitted to national or international methodologies, external to the Brazilian Greenhouse Gas Emissions Trading System, which establish criteria and rules for measuring, reporting, and verifying emissions.

50. In this context, the law also addresses Jurisdictional REDD+ projects, now covered under the concepts of state programs "*REDD+ non-market approach*", jurisdictional programs "*REDD+ market approach*" and public carbon credit projects.

51. The integrity of Carbon Projects depends on rigorous verification, ensuring their validity and actual contribution to sustainability. Certification is carried out by independent organizations that assess whether the projects meet the criteria established by certification standards.

52. It is noteworthy that Law No. 15.042/2024 includes a specific section to ensure the effective participation of traditional communities in carbon credit generation projects. These communities have the right to commercialize credit generated in territories they have historically occupied, provided they meet specific socio-environmental requirements. These requirements include:

- (i) the implementation of Free, Prior, and Informed Consultation, in accordance with ILO Convention No. 169;
- (ii) the fair and equitable distribution of financial benefits arising from the commercialization of carbon credits and CRVEs (Environmental Carbon Reduction Units);
- (iii) support through programs aimed at sustainable productive activities, social protection, cultural appreciation, and territorial and environmental management; and

- (iv) the inclusion of a contractual clause for compensation to Indigenous peoples and traditional communities for collective, material, and immaterial damages resulting from carbon credit and CRVE generation projects.

53. When WWC was first contacted, in mid-2023, the law had not yet been enacted. However, the voluntary carbon credit market had been developed globally and nationally for decades, covering various types of projects and originating programs. Until then, although the voluntary market did not depend on specific regulation for its implementation, bills were already under discussion in the National Congress, and these not only recognized the validity of the market but also expressly provided for its maintenance.

54. Considering the evolution of the Brazilian legislative scenario on the subject, WWC presented the potential REDD+ Project to the people of ATIT, at their request, aiming to generate benefits through the reduction of deforestation and protection of forests in ATIT, as well as generating benefits and resources for their communities, all in alignment with the objectives of PNGATI.

55. In all discussions, whether prior or ongoing within the Administrative Procedure initiated by the MPF, WWC has always emphasized that the REDD+ Project is owned by the Indigenous people and will receive support for its development from WWC and technical partners, in the best interest of the Indigenous people, through continuous dialogue. The objective of the project is to generate carbon credit verified by a non-profit organization based on international environmental and social integrity standards, as well as the proper distribution of the benefits derived from these activities.

56. On the other hand, the Ka'apor Management Council refused to participate in the discussions held for months regarding the implementation of the potential REDD+ Project in ATIT, and has alleged supposed illegality of the project due to the "*absence of any domestic regulation*" – an argument that, as seen above, is unfounded – arguing fraud in the FPIC procedure, and internal conflicts within ATIT, all without presenting any evidence for these claims.

57. The REDD+ initiative is driven by the initiative of the Indigenous communities of ATIT. WWC was merely invited to participate in this project, which, must be emphasized, is not its own but belongs to the only legitimate stakeholders of the activities conducted within ATIT. The interest in the potential project did not come from WWC, but from the ATIT members themselves, those who truly have the legitimacy to speak on this matter.

58. The Ka'apor leaders already have provided multiple expressions of support and clarifications regarding the potential Project, as those illustrated by the attached statements. WWC also received from Ka'apor's leaders expressions of concern that the OHCHR is prematurely endorsing false accusations against them without hearing any members of their communities (**Annex 7**).

59. Thus, it is clear that the potential REDD+ Project is guided by the principles and standards that form the foundation of Brazil's National REDD+ Strategy, particularly the guidelines for protecting Indigenous

peoples and traditional communities. While the concerns of some community members are acknowledged and respected by all participants, these concerns do not provide legal grounds to halt the implementation of a potential Project designed to safeguard their land rights and promote activities that conserve the forest and, ultimately, their culture.

Transparency of the Free, Prior, and Informed Consultation Process Initiated in ATIT

60. The study on the implementation of the potential REDD+ Project only began **after** and **because of** the expression of interest from the Indigenous leaders of the Ka'apor territory. In the informational phase about the REDD+ Project, WWC held meetings to facilitate the FPIC process in 24 different villages in ATIT. The accurate number of villages is uncertain, but according to information from the [REDACTED], it is estimated to be up to 29 villages. Considering this, the REDD+ Project currently has the support of 82.75% of the chiefs (villages) in ATIT, and over 95% of the population.

61. Therefore, at the request of the leadership interested in the development of the project, and who are its rightful owners, WWC formalized the main guidelines that guide the negotiations for a partnership agreement between the parties, as well as outlined the scope of the FPIC, necessary to enable the implementation of the Project. Once again, the initiative was not from WWC, but from the Indigenous leadership who invited WWC.

62. The FPIC process was duly approved by the General Assembly held on August 22, 2023, attended by several communities of ATIT, as well as the coordinator from FUNAI, as evidenced by the attendance list attached to the minutes recorded at the time (**Annex 1**).

63. It is noteworthy that the initial contacts extended in the FPIC process involved other groups and organizations representing the Ka'apor, Temb , Aw  Guaj , and Timbira peoples. The four people live and interact harmoniously, strengthening each other in their customs, territorial protection, and family formation. The Project promotes the strengthening and unity of the peoples and their representative organizations in pursuit of the common goal and activities conducted in synergy, respecting the territorial governance and dynamics of all the peoples in the territory.

64. The FPIC stages have been conducted according to the decision of the members of ATIT, respecting the identified aspects of territorial governance: the presence of the team, the feasibility study processes, their presentation, and other agreements, as well as the informational meetings, which promote human and integral relations, based on the legal and operational security of the activities.

65. Moreover, it is important to emphasize that **the Brazilian constitutional right of usufruct and ownership of Indigenous peoples, contained in Article 231,  2 of the Federal Constitution, grants only the Indigenous peoples the right to carry out this or any other project on their lands.**

66. Therefore, it is not up to WWC or, with due respect, any other internal or international public entity, to interfere in the community's decision on whether the project should be implemented in ATIT. Only the

legally recognized rightholders of ATIT have the authority to express such a will. The interest expressed to WWC so far, in meetings, assemblies, in writing, and orally, gives legitimacy to proceed with the FPIC and, later, the development of the project. Hearing the representatives of the villages that comprise ATIT by members of this High Commissioner will reveal the will of the Ka'apor People.

67. As evidenced by the FPIC Report (**Annex 8**), from August 2023, the organization of the methodology, materials, and schedules for the informational meetings with the villages of ATIT began, resulting in the Consultation Plan (**Annex 9**). This document aims to guide the FPIC process for the proposed REDD+ project in partnership between WWC and ATIT, involving the stakeholders and other interested parties, such as FUNAI and the Federal and State Public Prosecutor's Office in Brazil.

68. The proposed methodology prioritizes joint planning by the parties to define the schedule and activities and considers the communities' dynamics to apply appropriate approaches and offer active participation opportunities for all. This joint planning represents the third stage of FPIC, culminating in the fourth stage, which involves informational meetings in each village of ATIT, when desired.

69. The Consultation Plan was presented and agreed upon between WWC and the Ka'apor People, facilitating the informational meetings to level the knowledge of all about the elements and implications of the proposed REDD+ Project, as a basis for the autonomous and independent deliberations in the FPIC process, determined by the Ka'apor People (**Annex 8**). It was agreed that the informational meetings would take place with WWC's visit to all villages of ATIT, as long as authorized and with the expression of their will.

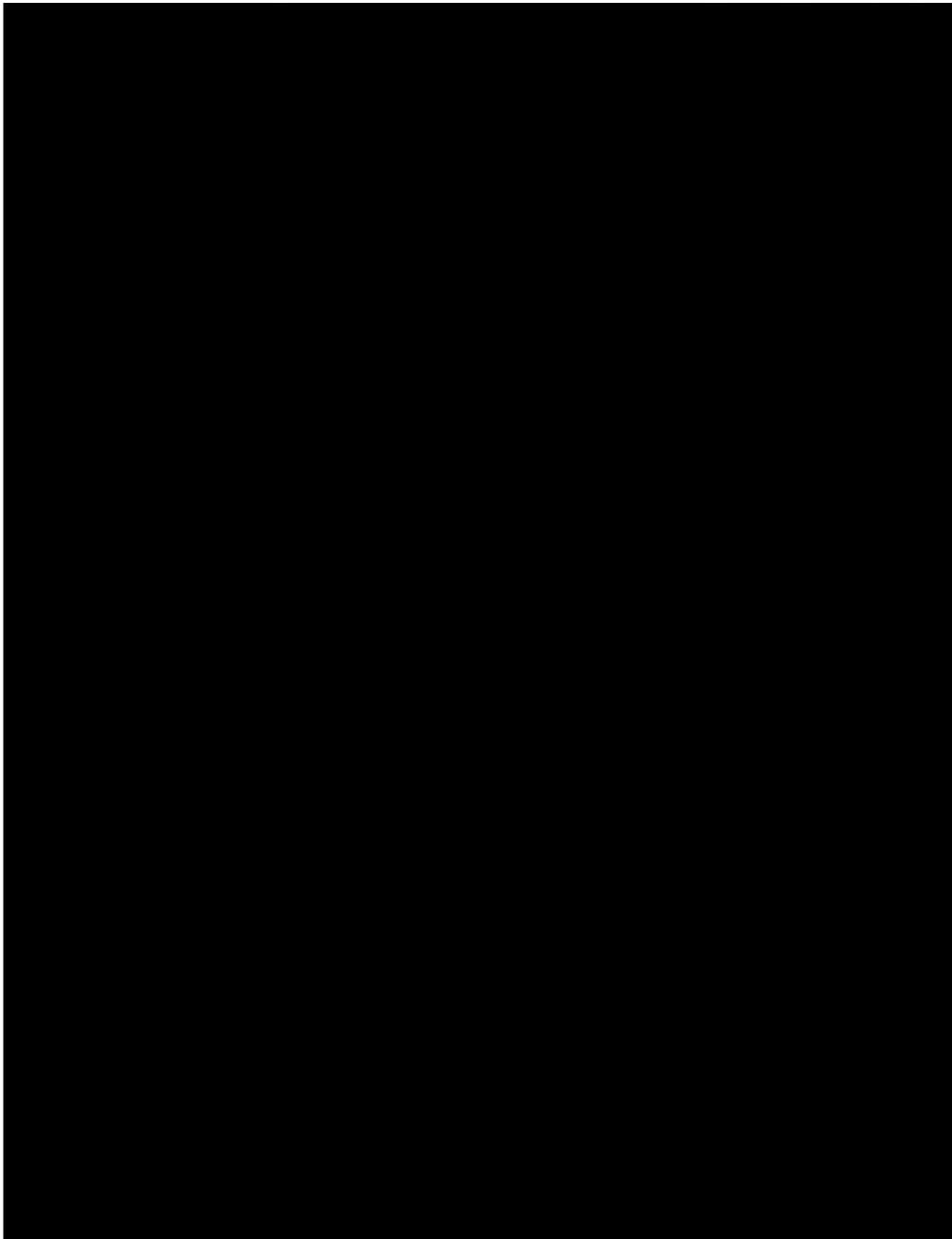
70. With that, the [REDACTED] led the organization of the informational meetings, sending invitations to WWC, Forest Trends, FUNAI (Regional Coordination of Maranhão State), Federal Public Prosecutor's Office, among others. WWC, committed to the safeguards and the roles of public institutions, sent official letters to FUNAI of Brasília and Maranhão State to inform them of its entry into ATIT and the activities to be carried out, reiterating its willingness to address any concerns or clarifications.

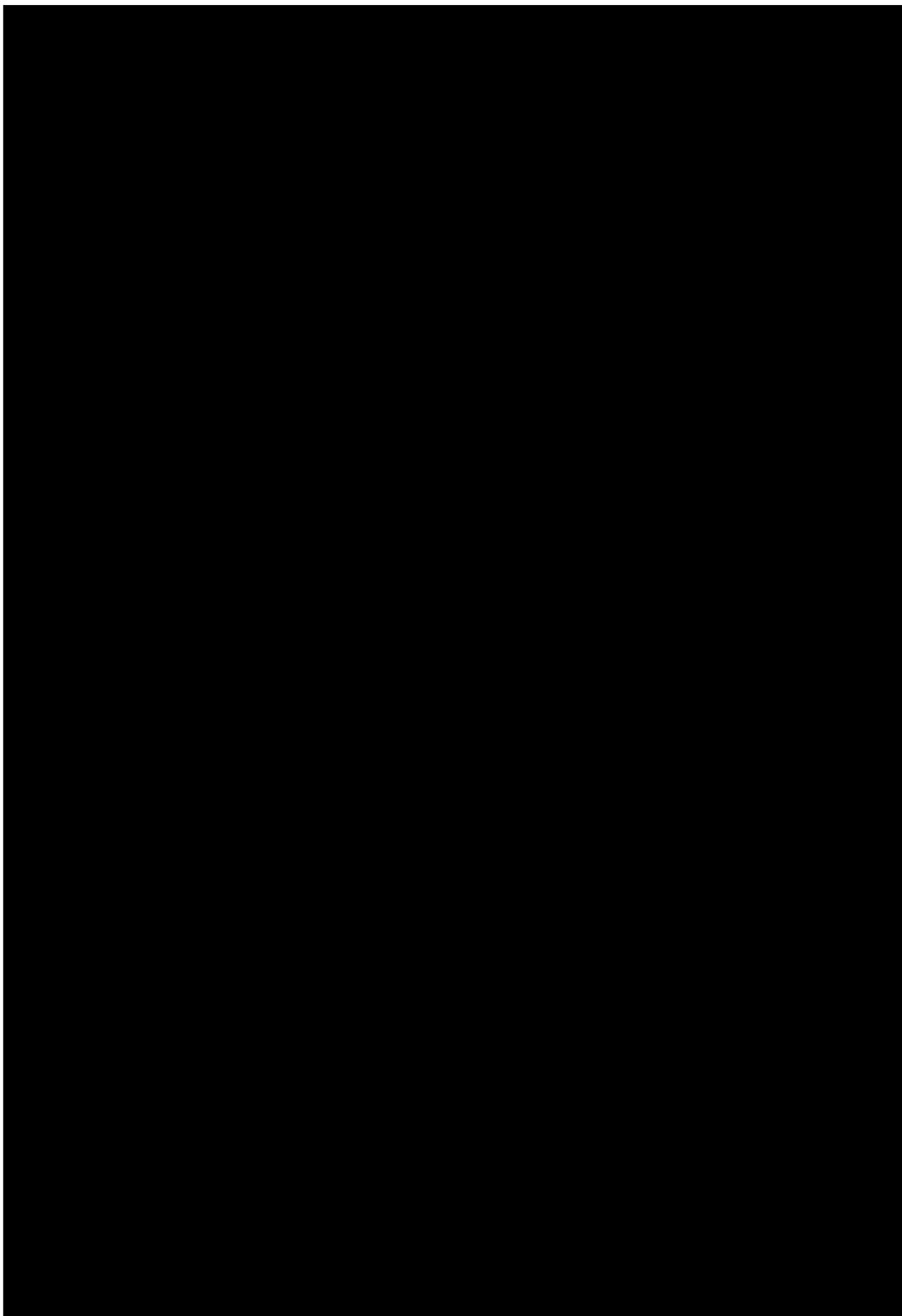
71. The [REDACTED], as a representative of most of the Ka'apor People, has always cooperated in organizing the logistics of the meetings, attending the meetings, which were held in 23 villages of ATIT, and also representing them at events and meetings with government and non-governmental organizations.

72. WWC's presence in each village enabled the participation of everyone and provided constant learning opportunities for all who participated. The approach became personalized and expanded the reach of the information, making the FPIC process appropriate and secure for the Ka'apor People, prior to their decision. Recognizing the native language as the foundation of customs and the mold for thinking and perceiving the world, in each meeting, there was always an Indigenous person responsible for translating the speeches into the native language. The meetings were recorded by WWC and the [REDACTED] in media, minutes, and attendance lists (**Annex 8**).

73. WWC's presence in ATIT, regularly holding informational meetings, also facilitated a participatory socio-economic diagnosis of the villages, resulting in preliminary reports indicating the scenario and the priority needs of the Ka'apor People (**Annex 8**).

74. Between August 2023 and August 2024, informational meetings were held in 24 villages of ATIT, with the participation of 703 people who signed the attendance list. Below are images that demonstrate the work carried out in ATIT:





75. It is worth noting that the initial engagements, carried out through the [REDACTED], extended to other groups and organizations representing the Ka'apor People, such as the Temb , Aw  Guaj , and Timbira peoples, inhabitants of ATIT (through the [REDACTED] and the [REDACTED]). In this way, the potential REDD+ Project has contributed to the strengthening and unification of Indigenous peoples and their representative organizations, while respecting territorial governance and the sociopolitical dynamics of all the groups within the territory.

76. Since its earliest interactions with the peoples of ATIT, WWC has been committed to identifying the Indigenous groups and institutions active in the territory, along with their main needs, aspirations, and challenges, to help ensure their rights are upheld and their voices heard. The FPIC process was carried out in accordance with the decisions of the ATIT peoples and in respect of the territorial governance structures identified. WWC's presence, the feasibility studies, their presentation, the resulting agreements, and the informative meetings have all contributed to the development of respectful and transparent relationships, grounded in legal and operational security.

77. The informational meetings were well received by the Ka'apor, Awa and Timbira people and resulted in a clearer understanding of the REDD+ Project. These meetings helped dispel misinformation and clarify doubts, including concerns about interference with Indigenous traditions or territorial appropriation.

78. Nevertheless, despite the integrity of the entire FPIC process initiated by WWC in conjunction with the [REDACTED], and despite the clear desire of most of the Ka'apor People to continue discussions toward implementing the potential REDD+ Project in ATIT, the fact remains that **the only party heard in this Special Procedure to date** has expressed opposition to the position taken by Indigenous leaders. It is important to emphasize **there is no conflict involving WWC**. WWC merely intends to implement what has been decided by the duly designated representatives of the ATIT villages.

79. It is unlikely that the Project's implementation will receive unanimous approval from every single inhabitant of ATIT. However, it would neither be lawful nor legitimate for the potential REDD+ Project – born of the clearly expressed will of the Ka'apor majority—to be obstructed by the dissent of an unrepresentative minority, particularly in the absence of consultation with the broader ATIT community. Furthermore, the dissemination of unverified or unsubstantiated information about the project or the inhabitants of ATIT in a reckless manner may cause irreparable harm to the Ka'apor People.

80. As a point of reflection, one may refer to a precedent-setting case in Suriname², in which the principle of proportionality served as the deciding factor in prioritizing the interests of a significant majority over those of a minority. Although that case involved a conflict between the State and a traditional people, the legal rationale underlying the decision is applicable to the present situation: proportionality should guide the recognition of the prevailing will. The conflict here is not between WWC and any external party, but

² Corte IDH. Caso do Povo Saramaka Vs. Suriname. Senten a de 28 de novembro de 2007. S rie C No. 172.

between a handful of individuals from the Ka’apor Management Council and a substantially larger group of Indigenous individuals from ATIT who have not yet had the opportunity to be heard.

Next Steps to Be Undertaken by WWC

81. At present, in its role as a facilitator of the potential REDD+ Project in ATIT, WWC eagerly awaits a final expression of interest from the Ka’apor People to proceed to implementation, should that be the decision of the majority of ATIT’s inhabitants. If that is not the final decision of the Ka’apor People, WWC has, as it always will, continue to respect the autonomy of the local communities of ATIT and the exercise of the fundamental rights of Indigenous peoples.

82. WWC looks forward to reviewing the information received by the Working Group and other recipients of Joint Communication, as well as any additional information that may be released. Once such information becomes available, WWC’s understanding of the situation may evolve, and it reserves the right to amend or fix any information provided in this response, if necessary.

83. Finally, WWC reiterates the importance of ensuring that all representatives and inhabitants of ATIT are given equal opportunity to express their will and opinions regarding the REDD+ Project. The dissemination of partial or inadequately verified information may cause irreversible harm, not only to the reputation of the project, but more importantly, to the autonomy and collective rights of the Ka’apor People.

84. These are the facts currently available and known by WWC regarding the development of the potential carbon credit project in the Alto Turiaçu Indigenous Territory.

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