



**Convention on
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AD HOC EXPERT GROUP MEETING OF
LOCAL COMMUNITY REPRESENTATIVES
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IDENTIFICATION OF COMMON CHARACTERISTICS OF LOCAL COMMUNITIES

Note by the Executive Secretary

INTRODUCTION

1. As requested by the Conference of the Parties in paragraph 21 of decision X/43, the Executive Secretary is circulating herewith, for the consideration of participants in the Ad Hoc Expert Group Meeting of Local Community Representatives, an information document on the concept of local communities, prepared by the Secretariat of the Permanent Forum on Indigenous Issues for the Expert Workshop on Data Collection and Dissaggregation for Indigenous People.
2. The document is being circulated in the form and language in which it was provided to the Secretariat.

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DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS
Division for Social Policy and Development
Secretariat of the Permanent Forum on Indigenous Issues

WORKSHOP ON DATA COLLECTION
AND DISAGREGATION
FOR INDIGENOUS PEOPLES
(New York, 19-21 January 2004)

THE CONCEPT OF LOCAL COMMUNITIES

Background paper prepared
by the Secretariat of the Permanent Forum
on Indigenous Issues for the Expert Workshop on the Disaggregation of Data

Who are local communities?

Introduction

The Convention on Biological Diversity uses the term “indigenous and local communities” in recognition of communities that have a long association with the lands and waters that they have traditionally live on or used. The United Nations Permanent Forum on Indigenous Issues has considered this concept in regards to data-collection and indigenous peoples and offers the following contribution.

Because of this long association and reliance upon local resources, local communities have accumulated knowledge, innovations and practices regarding the sustainable management and development of these territories including useful environmental knowledge.

Although there is no set definition of “local or traditional communities”, it may be useful here to explore the concept of local communities.

Many communities may be considered local and may also be described as traditional communities. Some local communities may include peoples of indigenous descent. They are culturally diverse and occur on all inhabited continents. For example, small farming communities in France, who have occupied and farmed their lands for many generations acquiring useful environmental knowledge including specialist knowledge about a variety of activities including sustainable agriculture, cheese making and wine making or even animal husbandry represent a local or traditional community. Long term established rice and fish farmers in Asia may represent another type of local community.

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In Brazil, local and traditional communities are an important segment of the national population and a case study of this concept in Brazil is helpful in revealing the complexity and diversity of these communities (from IUCN).

A Brazilian Case study – Who are local communities?

'Quilombolas' are rural 'afro-descendente' communities. 'quilombos' are usually thought of as communities of fugitive slaves established prior to the abolition of slavery in 1889 (c.f. 'maroons' in Jamaica), which they probably mostly were, although they can also include: settlements on Church lands where colonial (usually Jesuit) settlements of priests and slaves had been abandoned and the slaves left to look after themselves on land owned by the church ('terras da santa'); settlements founded by manumitted slaves; or on lands purchased by former slaves following emancipation. 'Territorios quilombolas' were legally recognised for the first time in the 1988 in Brazil.

Constitution and specific land and cultural rights and protected areas

Over 1800 communities have so far been identified in Brazil alone as local or traditional communities. The question of how their land rights fit into (if at all) existing protected area categories is currently being negotiated. Only some live by collecting local resources, so the 'reserva extrativista' category created for rubber tappers is not appropriate overall; although many of the protected areas created under the national conservation area system (SNUC) are superimposed on territorios quilombolas, none of the SNUC categories of protected areas are appropriate (since most communities live by subsistence agriculture, fishing and or agro-forestry); the other remaining option - terras indigenas - does not apply – although some of these communities are of mixed and indigenous descent. Hence they need to negotiate with the environment ministry to ensure SNUC protected areas do not restrict their rights, with the agrarian reform ministry and the national land reform agency (INCRA), and with the ministry of culture that has responsibility for identification of communities and protecting their heritage. Hence they were involved in the Porto Alegre conference - on the basis that their main need is for agrarian reform and appropriate rural development - and the CBD COP - because their traditional practices assist conservation and sustainable use of biodiversity as per articles 8(j) and 10(c). Other local community categories in Brazil (extract from our IUCN ABS capacity building meeting with GEF):

1. Brazil is one of the most biologically diverse countries, and its levels of species richness and of endemism are well known. It should be emphasized that these high levels of biodiversity are not confined solely to Brazil's tropical forest ecosystems - the Amazon and Atlantic forests – but are also found in the central savannahs (cerrado), the semi-arid caatinga, the Guiana highlands with their inselbergs and biological refugia, the Pantanal wetlands, the plains and Araucaria pine forests of the south. Brazil contains high levels of inland water biodiversity and complex marine and coastal ecosystems, including estuarine systems, mangrove forests, extensive spits, oceanic islands, atolls and reefs.

2. Brazil is similarly mega-diverse in cultural terms. There are around 210 indigenous ethnic groups speaking 170 languages in Brazil. Although the majority these groups are located in the Amazon and cerrado regions, there are indigenous communities to be found throughout the country, including those in or near major metropolitan areas. There are an estimated 53 isolated indigenous groups who have no contact with Brazilian society.

3. There is also a rich complexity of non-indigenous traditional rural communities, whose economic activities and cultural identities are based upon their uses of specific assemblages of plant and animal diversity: seringueiros (rubber tappers), castanheiros (Brazil nut collectors), caiçaras (traditional coastal communities of the southeastern states), jangadeiros (raft fishing communities of the northeastern seaboard), ribeirinhos (traditional riparian communities, especially in Amazonia), caboclos (rural communities of mixed European and indigenous descent), quilombolas (members of quilombos - Afro-Brazilian communities of descendants of escaped slaves), babaçueiros (collectors of the nuts of the babaçu palm - *Orbignya martiana* and *O. oleifera*), and others.

Conclusion

“Local community” is a very ambiguous term.

It can refer to a group of people which have a legal personality and collective legal rights and this is considered a community in the strict sense. However, many States refuse to accept collective rights, in general and some except is only in relation to the right of self-determination.

Alternatively, a "local community" can refer to a group of individuals with shared interests (but not collective rights) represented by an non-governmental organization (NGO).

Wherever collective rights exist, the collective should be given legal recognition. For example indigenous peoples who are often denied their right to collective identity are forced to act through NGOs, which are social rather than community organizations.

The issue of cultural identity remains multidimensional and complex issue. Self-identification is the most appropriate way to establish who may be indigenous and local and/or traditional communities. In international law, it is clear that a “definition” is not a pre-requisite for protection and that groups such as minorities have been guaranteed rights under international law without establishing a definition.
