

Annex II

Definition of Indigenous peoples and local communities for the Science Panel for the Amazon



Kuikuro Village (photo: Takuma Kuikuro)



THE AMAZON WE WANT
Science Panel for the Amazon

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Definition of Indigenous Peoples and Local Communities for the Science Panel for the Amazon

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1. Introduction

For the purpose of the Science Panel for the Amazon (SPA), we are defining Indigenous peoples and local communities recognizing the diverse timeframes and historical periods, including the dynamic processes of occupation, re-occupation, migration and colonization of the Amazon. This definition is inclusive enough to recognize the specificities of ethnic and sociocultural organization, self-identification and self-determination of Amazonian cultural groups in both urban and rural spaces.

2. General Definitions and Distinctions

Indigenous peoples are generally defined as ethnic groups who are descended from and identify with the original inhabitants of a given region (Reyes-García *et al.* 2019). "Traditional people, communities or populations" is a designation mostly used in Brazil, to designate communities who "self-identify as such and have specific identities tied to territories and natural resources that are used as a condition for their cultural, social, religious, ancestral and economic reproduction, using knowledge, innovations and practices generated and transmitted through traditions" (Brazil 2007).

Indigenous peoples and local communities play an important role in the protection of Amazonian resources and ecosystems, and a stake in retaining or regaining control of the territories they occupy (Cunha and De Almeida 2000). Indigenous peoples are right holders with special rights formally

recognized by the Amazonian Nation-states in their Constitutions and other laws. Local communities form a very heterogeneous group, which includes communities that hold collective knowledge and who have their livelihoods tightly connected to Amazonian ecosystems and natural resources. They might or might not have formal recognition of specific rights over their lands, territories, and cultural identity.

Among local communities, it is important to differentiate Afro-descendant groups. Presenting a broad definition of Afro-descendant communities inhabiting the Amazon is a challenge and a great responsibility. Before approaching a definition, it is necessary to mention some caveats. This effort implies an exhaustive literature review which includes not only the official versions of multilateral entities, academic and state institutions but also, and very importantly, the definitions constructed by Afro-descendant groups and their social movements. Here, we provide a basic definition based on academic literature and official sources, including the UN Durban Declaration and Programme of action (United Nations 2001). A more in-depth definition of these communities is presented in Chapter 13 of the SPA report. Afro-descendant communities in the Amazon include a diversity of groups of African descent in the Americas who self-identify as such, and who have diverse histories, experiences, and identities. In some countries, these groups formed settlements to resist slavery. These settlements were established through different processes, including abandoned holdings, inherited estates (from private owners or

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the church), autonomous rural and/or urban communities of freed enslaved people etc. In some cases, they mixed with Indigenous peoples, evolving into separate creole cultures, such as the Garifuna or Mascogos.

Afro-descendants are a recognized category of right-holders within human right law. However, given the diversity of contexts and relationships with Nation-states across these populations, it is impossible to make any generalizations regarding special rights that may be held by them. In Brazil, these Afro-descendant communities are designated “*Quilombolas*”. They are tied to the so-called *Quilombo*¹ territories, and have had specific rights to their identities, traditions, livelihoods and lands (the majority of which still to be recognized) protected by several laws and policies, including the 1988 Constitution². In French Guiana and Suriname, Maroons account for around 15% of the population. Afro-descendant people ran off to the interior of these countries, miscegenating with Indigenous and non-Indigenous peoples, and creating different independent tribes such as the Saramaka, the Paramaka, the Ndyuka, the Kwinti, the Aluku and the Matawai. These groups hold their lands, territories and resources collectively according to their customary land tenure systems. They hold strong economic, cultural and spiritual relationships with the forest, rivers and other ecosystems they have interacted with for centuries. However, there are several challenges to the achievement of land and resource rights by these groups in all Amazonian countries. Surinamese law, for instance, does not recognize and protect traditional land tenure systems practiced by Indigenous and Maroon peoples (Kambel 2006).

For the SPA, we propose to adopt the definition provided by the Convention 169 of the International

Labour Organization - ILO 169 (ILO 1989), while recognizing specific designations and legal provisions adopted by each Amazonian country. Thus, we propose to define Indigenous peoples according to the ILO precepts below:

(a) Indigenous or Tribal peoples are ethnic groups in Amazonian independent countries whose social, cultural and/or economic conditions distinguish them from other sections of the national community, and whose status are regulated wholly or partially by their own customs or traditions or by special laws or regulations. This convention applies to Indigenous peoples and to some Afro-descendant groups (considered Tribal peoples by the ILO 169 Convention), who have been designated as such by the Inter-American Commission and Court of Human Rights (IACHR).

(b) Peoples in Amazonian independent countries who are regarded as Indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

(c) Self-identification as Indigenous or Tribal shall be regarded as a fundamental criterion for determining the groups that are to be considered as Indigenous peoples and local communities throughout the SPA report.

It is important to note that some Afro-descendant groups have been recognized and qualify as Tribal peoples under the ILO 169 Convention,

¹ Quilombos, from the African Bantu etymology, means “war camp in the forest”. The term was used to designate hinterland camps organized by Afro-descendant communities to resist slavery and fight against colonial domination in Brazil (Leite 2008).

² In Brazil, the Brazilian National Institute for Colonization and Agrarian Reform (INCRA) is responsible for the delimitation of Quilombolas territories, and the Fundacao Palmares is the agency responsible for the promotion and protection of the cultural, historic, social and economic values of African descent. Among the many laws that recognize and protect Quilombolas rights, the most important ones are the Constitution of 1988; the Decree 6040 of February 7, 2007; and the Decree 4887, from November 20, 2003.

and along with Indigenous peoples, should have distinct rights including collective territorial rights, self-determination and the right to Free, Prior and Informed Consent (FPIC) on projects or actions that could potentially impact their territories or lifeways (IACHR 2019).

In the Amazon, local or traditional communities are generally descendants of migrants who intermarried with local Indigenous peoples and they often exchange practices, objects and knowledge with members of Indigenous communities (Levis *et al.* 2018). The livelihoods of Amazonian Indigenous peoples and local communities are strongly connected with place, territory and biodiversity, as well as with each other, in symbolic as well as physical, economic and political ways. These populations self-identify as belonging to specific Indigenous and/or social groups, who may or may not speak a distinct language, but who have developed collective knowledge about land, biodiversity and natural resources over time. These populations may hold diverse rights over their biocultural heritage and places, lands or territories, and may live in both urban and/or rural areas, often in connection with seasonal patterns or changes and economic activities. It is important to note that the number of Indigenous peoples living in cities across Amazonian countries has significantly increased in the past decades. However, many urban Indigenous communities and/or persons often keep identity, physical, material, linguistic and symbolic connections to their lands and communities. In Bolivia, for example, Indigenous urban peoples may access lands in peri-urban areas of intermediate cities, while still maintaining land rights in their communities. This occurs with the harvest of Brazil nut tree in northern Bolivia, where some Chocobo, Tacana and Ese eja Indigenous families inhabit small cities such as Riberalta or Cobija during the dry season, but then return to their communities at the beginning of the wet season to prepare and start the Brazil nut harvest ("*zafra*"). In any case, ultimately, self-identification as an Indigenous person affiliated to a group may be used to distinguish these persons from the broader non-Indigenous society, as well as the reciprocal

recognition of a person by the ethnic groups or communities to whom the person is affiliated with.

2.1 Examples of local communities

- Riverine communities, artisanal freshwater fishers;
- Coastal-based communities such as artisanal fishers, crab collectors etc.;
- Forest-based livelihoods: Rubber tappers, Coconut breakers, Açai palm extractors, *Arumazeiras* etc.;
- Afro-descendant traditional populations and communities;
- Peasants: Family farmers/ smallholders etc.;
- Urban-based local communities (social groups) whose livelihoods are tightly connected to Amazonian biodiversity and natural resources.

3. Historical Periods

In terms of historical periods, we propose to recognize the dynamic processes that have led to the emergence of diverse sociocultural groups over time, characterized throughout the SPA report.

1. For the Pre-Columbian period (see Chapter 8): The originary peoples that first settled the Americas more than 20,000 years ago. Pre-Columbian societies have occupied the Amazon since around 16,200 years ago.
2. For the centuries XVI-XVII (see Chapter 9): Indigenous, peasants, first contemporary urban inhabitants, religious people (e.g., Jesuits), among others.
3. For the centuries XIX-XX (until the 1970s) (see Chapters 10 and 11): Chinchona or rubber tappers (many of them Indigenous), and farmers (many of them first voluntary and obligate migrants), immigrants (e.g., Japanese in Pará and Amazonas) and medium and large entrepreneurs (mainly on the emergence of the Republics) as well as urban people.

4. Contemporary Amazon (from 1970s to date) (see Chapters 14 and 15): Urban and rural people (Indigenous, peasants, farmers, cattle ranchers, others), which also includes different migration processes (within and outside) and occupation of the Amazon, cultural diversity, globalization, and others.

4. Approach Taken Towards Indigenous Peoples and Local Communities in the SPA

4.1 Precepts of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The SPA adheres to the precepts of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007), especially considering:

“Affirming that Indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such;”

“Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust;”

“Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” (Article 3)

4.2. United Nations definition of Indigenous and Local Knowledge

The SPA is adopting the United Nations definition of Indigenous and Local Knowledge (IPBES 2016):

“Indigenous and local knowledge systems are understood to be dynamic bodies of integrated, holistic, social and ecological knowledge, practices and beliefs pertaining to the relationship of living beings, including people, with one another and with their environment. Indigenous and local knowledge is grounded in territory, is highly diverse and is continuously evolving through the interaction of experiences, innovations and different types of knowledge (written, oral, visual, tacit, practical and scientific). Such knowledge can provide information,

methods, theory and practice for sustainable ecosystem management. Indigenous and local knowledge systems have been, and continue to be, empirically tested, applied, contested and validated through different means in different contexts” (UN IPBES 2016:5[a]).

4.3. Peoples of the Amazon (in plural)

This nomenclature has been adopted in United Nations reports and assessments involving Indigenous peoples and local communities (IPLCs). Adopting Peoples of the Amazon, using plural for peoples, aims to recognize the enormous diversity of peoples, languages, culture and livelihoods represented across the Amazon.

4.4. Special provisions for Afro-descendant communities

Afro-descendant communities in the Amazon should be recognized as differentiated local communities with special rights to their lands, cultural traditions, languages, and lifeways. According to the United Nations Committee on the Elimination of Racial Discrimination recommendation 34 (CERD 2011), they should enjoy all human rights and fundamental freedoms in accordance with international standards, in conditions of equality and without any discrimination.

4.5. Capitalizing the “I” when referring to Indigenous peoples

Indigenous peoples should be written with capital “I”, because “it articulates and identifies a group of political and historical communities, compared to the lower case “i,” which can refer to anyone. For example, being born in Leticia, Colombia, I’m “indigenous” to Leticia, but I’m not an “Indigenous person” from Leticia” (Weber 2020).

Further context for writing Indigenous with capital “I” is given below, in this excerpt from the Online Magazine Sapiens (Weber 2020):

According to the University of British Columbia’s Indigenous Foundations, Indigenous activism helped shape understandings of “Indigenous” that were later adopted by the United Nations. “In the U.N., ‘Indigenous’ is used to refer broadly to peoples of long settlement and connection to specific lands who have been adversely affected by incursions by industrial economies, displacement, and settlement

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of their traditional territories by others.” The expansive definition encompasses, for example, Native Americans, First Nations, and Aboriginal peoples, in addition to many other communities that have ancestral lineages to societies that existed in particular territories prior to contact with Europeans.

This definition takes account of the modern European colonialist era, from the late 15th through the 20th centuries, when disparate regions and peoples were subjugated for the purposes of political, economic, and social exploitation and domination. Far from innocuous, the 17th-century definition of “indigenous” came from this era, when the term was imposed on Indigenous communities from the outside.

Those groups, though, had their own names and concepts for themselves and their neighbors. As a relic of colonialism, the term can embody a number of mistaken notions: that those who were rooted in specific lands had static, unchanging cultural, political, and spiritual systems; that they were less “civilized” for how tied they were to nature; or that they represented a particular “race” and reflected its attributes.

But thanks to Indigenous rights movements, the term has a new meaning. Starting in the 1970s, it became a way for Indigenous peoples to articulate the common challenges they faced as communities impacted by colonialism, settler governments, displacement, and exploitation. This new understanding of the term offered a way to describe contemporary realities and an orientation for fights for self-representation, recognition, and rights.

5. References

- Brazil. 2007. Brazilian Federal Decree No. 6.040 of February 7, 2007.
- CERD. 2011. UN Committee on the Elimination of Racial Discrimination of Racial Discrimination, General Recommendation No. 34. Available at: <https://www2.ohchr.org/english/bodies/cerd/docs/CERD-C-GC-34.pdf>
- Cunha MCD and De Almeida MW. 2000. Indigenous people, traditional people, and conservation in the Amazon. *Daedalus* **129**(2): 315-338.
- IACHR. 2019. Situation of Human Rights of the Indigenous and Tribal Peoples of the Pan-Amazon Region, OAS/Ser.L/V/II. Doc. 176 (29 September 2019). Available at: <http://www.oas.org/en/iachr/reports/pdfs/Panamazonia2019-en.pdf>.
- ILO. 1989. Convention C169 - Indigenous and Tribal Peoples Convention (No. 169).
- IPBES. 2016. Indigenous and Local Knowledge Systems (deliverable 1 (c)). IPBES/5/4. United Nations Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Service. Available at: <https://ipbes.net/sites/default/files/downloads/pdf/ipbes-5-inf-4.pdf>
- Kambel E. 2006. Policy Note on Indigenous Peoples and Maroons in Suriname. Inter-American Development Bank, RE3-06-005 - Economic and Sector Study Series. Source: https://www.researchgate.net/publication/254421356_Indigenous_Peoples_and_Maroons_in_Suriname, Access on September 19, 2020.
- Leite IB. 2008. O projeto político quilombola: desafios, conquistas e impasses atuais. *Rev. Estud. Fem.* **16**(3).
- Levis C, Flores BM, Moreira PA *et al.* 2018. How People Domesticated Amazonian forests. *Front. Ecol. Evol.* **17**.
- Reyes-García V, Fernández-Llamazares Á, McElwee P, *et al.* 2019. The contributions of Indigenous Peoples and local communities to ecological restoration. *Restoration Ecology* **27**(1): 3-8.
- UNDRIP. 2007. United Nations Declaration on the Rights of Indigenous Peoples A/RES/61/295.
- United Nations. 2001. UN Durban Declaration and Programme of Action on People of Afro-descent: Durban Declaration - A/CONF.189/12 Chapter I - UN Documents: Gathering a body of global agreements.
- Weeber C. 2020. Why Capitalize Indigenous? *Sapiens online magazine*. Available at: <https://www.sapiens.org/language/capitalize-indigenous/>