



Land Governance in an Interconnected World

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**RURAL ENVIRONMENTAL REGISTRY
FOR TRADITIONAL PEOPLES AND COMMUNITIES:
SOCIAL PARTICIPATION AND THE IMPROVEMENT OF THE REGISTRATION
MODULE**

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Abstract

Environmental policies that impact the territories of Traditional Peoples and Communities must include social participation methods in order to succeed. The history of the Rural Environmental Registry (*cadastro ambiental rural* – CAR) in Brazil is not different: only after the implementation of social control mechanisms and greater dialogue between the government and civil society, could the registration methodology of traditional territories be improved and gain more acceptance. This article will expose the important contribution of the National Council of Traditional Peoples and Communities (CNPCT), plus its partner organizations and social movements, to the definition of guidelines and safeguards that must be considered when registering in the CAR the territories of Traditional Peoples and Communities. Changes in the execution of public projects coordinated by the Brazilian Forest Service and consistent improvement of the CAR registration Module have been possible thanks to this open dialogue.

Key Words: Brazil, Brazilian Forest Code, rural environmental registry “CAR – *Cadastro Ambiental Rural*”, social participation, Traditional Peoples and Communities.



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Introduction

The Brazilian rural area is a diverse space, with rich cultural and territorial relations. In dealing with environmental issues, it is necessary to consider social participation, including the role of family farmers and Traditional Peoples and Communities for the effectiveness of public preservation policies. Traditional Peoples and Communities in Brazil have historically been a particularly marginalized group in the process of implementing public policies, including environmental compliance policies.

Discussion on environmental public policies on the lands of Traditional Peoples and Communities (*Povos e Comunidades Tradicionais* - PCTs) has gained greater prominence due to Law No. 12,651 of May 25, 2012, popularly known as the New Forest Code, and the creation of the Rural Environmental Registry (*Cadastro Ambiental Rural* - CAR).

The Rural Environmental Registry is a monitoring tool that was designed with the general objective of protecting native vegetation and was not initially thought of as a public policy for social development. However, as the article will show, with the arrival of CAR, Traditional Peoples and Communities started a process of demanding more monitoring and of creating communication channels to improve not only the environmental, but also the social demands of their territories.

According to Decree No. 6,040, of February 7, 2007, which establishes the National Policy for the Sustainable Development of PCTs, Traditional Peoples and Communities are defined as culturally differentiated groups that recognize themselves as such, having their own forms of social organization, and occupy and use their territories and natural resources (either temporarily or permanently) for their cultural, social, religious, ancestral and economic reproduction, using knowledge, innovation and practices generated and transmitted by tradition.

The New Forest Code from 2012, which deals with the protection of native vegetation, equates the treatment of demarcated indigenous lands and titled areas of Traditional Peoples and Communities with the landholdings of family farmers (Article 3):

"For the purposes of this Law, [...] this article is extended to rural landholding with up to four fiscal modules¹ that carry out agro-forestry activities, as well as demarcated indigenous lands and other titled areas of Traditional Peoples and Communities that make collective use of their territory."

This means that current Brazilian legislation applies the same standards for asset protection and recovery of existing forest liabilities for family farm landholdings and the territories of Traditional Peoples and Communities.

¹ A Fiscal Module represents the unit used for rural land taxation according to each municipality. In certain municipalities of rural Amazonia, one Fiscal Module can be as big as 100 ha, whereas in rural Cerrado or Mata Atlantica this size can vary between 5 or 50 ha.



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The norms in the Forest Code establish more favorable rules for the environmental compliance in the areas of Legal Reserve (RL)² and Areas of Permanent Preservation (APP)³ for family farmers and Traditional Peoples and Communities. According to the legislation, APP is a protected area, covered or not by native vegetation, with the environmental function of preserving water resources, landscape, geological stability and biodiversity, facilitating the genetic flow of fauna and flora, protecting the soil and ensure the well-being of human populations. The Legal Reserve is an area with the function of ensuring the sustainable economic use of the natural resources of the rural property, assisting in the conservation and rehabilitation of ecological processes and promoting the conservation of biodiversity, as well as the shelter and protection of wildlife and native flora.

The environmental compliance of these areas (Legal Reserve and APP) can follow two distinct paths, depending on when they were irregularly occupied. When declaring in CAR that these areas were irregularly occupied before July 22, 2008, the Forest Code presents differentiated conditions for environmental compliance. One of these pre-2008 occupation conditions concerns the regularization of productive areas in the APP, where protection regulations will vary depending on the size of the rural property. This rule has become known as “APP on a stepladder” (*APP em escadinha*), in which the area to be recovered from APP increases as the size of the property or rural ownership increases. There is also no need to recompose the native vegetation of the APP provided that the activities on soil and in the water are carried out in a sustainable way. For traditional territories, if there was productive activity on the Legal Reserve area before July 22, 2007, the Legal Reserve may be formed by the reforested native vegetation existing at that date. Therefore, these territories have a simplified procedure and more favorable conditions of environmental compliance than landholders with bigger areas, using their land for agribusiness, for instance.

After the New Forest Code was sanctioned, Decree No. 7,830, dated from October 17, 2012 was published, which provides for the Rural Environmental Registry (CAR) and the System of the Rural Environmental Registry (SICAR). The Rural Environmental Registry is a national electronic public registry, mandatory for all rural landholdings, with the purpose of integrating the environmental information of rural landholdings, forming a database for control, monitoring, environmental and economic planning and for combating deforestation. Decree No. 7,830 extends the benefits and obligations of the registration in the CAR not only to demarcated lands and titled areas, but also to all Traditional Peoples and Communities that make collective use of their territory. The deadline for registration in the CAR for all rural landholdings, including the territories of Traditional Peoples and Communities, will be on May 31, 2018 (Decree No. 9.257 / 2017). Among the permanent benefits of registering the rural property or territory in the CAR are the possibility to carry out the environmental and economic planning of the use and occupation of the territory, obtaining the environmental regularity of the property or territory, and if necessary, access to a series of permits and licenses that involve the suppression of native vegetation and access to agricultural credit and insurance, in any of its modalities.

² The Legal Reserve is a fixed percentage that each rural property must maintain or at least compensate for on another property. This percentage varies by region and biome (it varies from 20% to 80%). In this area, some controlled and low-impact economic activities are allowed, as long as the forest cover is maintained.

³ The Areas of Permanent Protection (APP) are areas on riverbanks, steep slopes, hilltops, mangroves or headwaters that must have their native vegetation preserved with the environmental function of preserving water resources, soil quality, landscape, geological stability and biodiversity and facilitating the gene flow of fauna and flora.



1. Implementation of the Rural Environmental Registry in Territories of Traditional Peoples and Communities: the Forest Code was not Initially Designed to Integrate the Socio-environmental Diversity of Traditional Peoples and Communities.

There is in the National System of Rural Environmental Registry (SICAR) a module exclusively for PCT territory registration (CAR-PCT Module). In its first version, the CAR-PCT Module presented some advantages to the registration module used by conventional landholders⁴:

- (1) The possibility to register as owners and beneficiaries of a collective territory both the representative associations and the individual registers of all residents of the community / territory;
- (2) The availability of differentiated documents for declaration of tenure, such as a self-declaration term, in which the community can register, for example, a claimed area that is not in the CAR because it is in the possession of third parties, areas of use of resources outside the area that is effectively occupied by the community, overlaps, territorial conflicts, among others, and
- (3) The possibility of insertion of several documents linked to the different domains declared, which together make up the total area of the perimeter drawn in the CAR.

Up to December 31, 2017, more than 4.7 million rural landholdings have been registered in the database of the system⁵, totaling an area of 432 million hectares. However, only 1,905 territories of Traditional Peoples and Communities are registered in the CAR, with approximately 36,191 beneficiaries and 27 million hectares. There is an estimate by Dr. Alfredo Wagner Almeida, Professor in Anthropology of the Federal Fluminense University (UFF), that Traditional Peoples and Communities in Brazil total 25 million and occupy one fourth of the national territory (ALMEIDA, 2006). Therefore, due to the small proportion of PCT registrations and the legal responsibility of the State to support the registration of this public, it is necessary to discuss the further improvement of the CAR tool for the registration of these territories, meeting the needs of this public in international development cooperation projects.

The first version of the CAR-PCT Module did not include the territorial specificities of Traditional Peoples and Communities, although they present specific characteristics regarding their land titling reality, productive systems, social and political organizations and the use of natural resources.

Legally the Brazilian State recognizes the importance of territories of Traditional Peoples and Communities in the environmental agenda. Some public policies highlight this such as the National Strategic Plan for Protected Areas and the National System of Nature Conservation Units, which exemplify the role of traditional populations in promoting environmental conservation. However, the New Forest Code was not initially designed considering the socio-environmental diversity of Traditional Peoples and Communities, because at first the Code did not include certain information considering the specificities of Traditional Peoples and Communities (such as the distinctive PCTs segments), nor did it

⁴ More detailed information on the differences between the CAR-PCT Module and the conventional registration Module can be found in last year's article for this same conference: DE SIQUEIRA et al. (2017).

⁵ Retrieved from: <http://www.florestal.gov.br/documentos/car/boletim-do-car/3231-boletim-informativo-dezembro-de-2017/file>.



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allow to informing on certain traditional land uses, such as letting cattle graze in the Legal Reserve area (see the traditional use on *Faxinalense* territory further down).

Currently, 28 segments of Traditional Peoples and Communities in Brazil are mapped by the National Council of Traditional Peoples and Communities (CNPCT). Established in 2016, the CNPCT is coordinated by the Ministry of Human Rights. The CNPCT is a collegiate body of social participation, with a deliberative and consultative character, being officially composed of government organs and civil society entities that represent Traditional Peoples and Communities. Among the civil society members of the CNPCT are representatives of Indigenous peoples, *Quilombolas* (community inhabitants of what were originally runaway slave territories); *Povos de Terreiro* (Afro-Brazilian religious communities), Gypsy People, artisanal fishermen, forest extractivists, coastal and marine extractivists; *Caiçaras*; *Faxinalenses*, *Benzedeiros*; *Raizeiros*; *Geraizeiros* (farmers from Northern Minas Gerais); *Caatingueiros*; *Vazanteiros* (river bank farmers in the Cerrado); *Veredeiros*; *Pantaneiros*; *Morroquianos*; *Pomerano* people; Mangaba pickers; *Quebradeiras de coco babaçu* (babassu nut processors); *Retireiros do Araguaia*; *Povos de Fundo e Fecho de Pasto*; *Ribeirinhos*; *Cipozeiros*; *Andirobeiros*; *Caboclos*.

The characteristics of land use and occupation and the management of natural resources, mainly aimed at subsistence farming, often clash with environmental laws that define protection spaces in traditionally occupied and managed areas with very restricted use regimes. As an example of this, we can cite the case of the PCT segment called *Faxinalenses* in the state of Paraná. The *Faxinalenses* have a specific form of cattle ranching, whereby the cattle graze in areas of common use (mostly forest areas), housing areas and family farms. In this way, the process of environmental compliance requiring areas of Legal Reserve and Permanent Preservation Areas, can reduce the territories of the *Faxinalenses* and go against their right to the traditional use of their territory. One of the most frequent claims among all segments is to have less restrictive categories in environmental legislation so as to respect their traditional ways of life.

The *Faxinalenses* case demonstrates the need for the environmental compliance policy to be adapted to the cultural specificities and necessities of Traditional Peoples and Communities. The same occurred when registering *Quilombola* communities in the Semiarid Region in the Northeast of Brazil, where a specific methodology had to be adapted for registering collective territories in the CAR-PCT Module. This case is based on an experience of registering *Quilombola* territories in 2016 through an international project managed by the Brazilian Forest Service in the state of Pernambuco that benefitted over 10,359 families (for more detailed information see part 2.c). During the project the social control of the public policy carried out by the social movements representing PCTs, and the discussion within the *CAR-Quilombola Working Group* and the *CAR-PCT Working Group*, under the coordination of the Ministry of Environment (MMA) and the Executive Secretariat of the National Council of Traditional Peoples and Communities (CNPCT), highlighted the need for improvements and adaptations in the CAR-PCT Module, in order to meet the complexity of these territories and allow the population to access the public policy of the CAR, without conflicting with the other laws that protect those territories. In addition, it became evident that a political space is needed to discuss the process of environmental compliance of traditional territories.

These experiences have shown that this policy encounters two major challenges: to what extent has the environmental compliance process been able to include the territories of Traditional Peoples and



Communities without harming other constitutional rights? What is the contribution of the *CAR-PCT Working Group* to improvements in the CAR-PCT Module and the process of environmental compliance of these territories?

The process of environmental compliance must not lose sight of the fact that Traditional Peoples and Communities have differentiated territorial rights, in addition to and in conjunction with the New Forest Code. Representatives of Traditional Peoples and Communities of the states of Paraná and Santa Catarina affirmed that the environmental compliance process was "top-down, trampling our voice and our customs". This declaration was communicated at the event "*Traditional Peoples and Communities and the Rural Environmental Registry*", held in Curitiba / PR at the Federal University of Paraná (UFPR). In this declaration Traditional Peoples and Communities identify the CAR instrument as a potential tool for recognizing sustainable practices and the biodiversity of their territories. However, they complain about the lack of prior consultation during the process of elaborating the New Forest Code and the SICAR Module. In addition, they demand real participation of PCTs in all phases of the environmental compliance process to avoid unjust restrictions and pressures on their territories. In the "Charter for Traditional Peoples and Communities in Traditional Territories, registered in CAR" presented by representatives of the CNPCT during the "*1st Seminar on the Rural Environmental Registry in Territories of Traditional Peoples and Communities (CAR-PCT) for managers of the SICAR*", carried out by the Brazilian Forest Service (SFB) in Brasília between October 19 and 20, 2017, it is stated that the process of environmental compliance and the creation of the CAR did not comply with the principles contained in the provisions of Convention 169 of the International Labor Organization – ILO. The Convention 169 was promulgated by the Brazilian state by Decree No. 5,051 of April 19, 2014. It guarantees Indigenous and Tribal Peoples the right to be consulted, in a free and informed manner, before decisions are taken that may affect their property or rights.

Therefore, in the context of an environmental compliance process created without considering the provisions of ILO Convention 169, the CAR tool should not only be a legal obligation, but also an opportunity for visibility and recognition of Traditional Peoples and Communities. The registration experiences led by the SFB and the pressure of civil society with the creation of the *CAR-Quilombola Working Group* and the *CAR-PCT Working Group* have given important inputs for the improvement of the CAR-PCT Module. The Working Groups in particular have been pushing forward the discussion on how to best include these territories in the actions and policies for environmental compliance.

2. The creation of the *CAR - Working Groups*: Political Articulation for Demands Related to Environmental Compliance on Traditional Territories

The *CAR-Quilombola Working Group*, under the coordination of the Ministry of the Environment, was created at the request of the National Coordination for Articulation of Rural Black *Quilombola* Communities (CONAQ) during the Seminar "Rural Environmental Registry in *Quilombola* Territories" held in Brasília on November 22 and 23, 2016 by CONAQ and the non-governmental Socio-Environmental Institute (ISA). The *CAR-Quilombola Working Group* is composed by the following government agencies: the Ministry of Environment, the Brazilian Forest Service, the National Institute of



Colonization and Agrarian Reform (INCRA), the Palmares Cultural Foundation, the Ministry of Social Development and the National Secretariat for Policies for the Promotion of Social Equality (SEPPIR). Civil society members are CONAQ, ISA, the NGO *Terra de Direitos* on Land Rights and the Association of Members of the Public Ministry for Environment Issues (ABRAMPA). The first meeting of the *CAR-Quilombola Working Group* was held in February 2017 and four meetings were held during the year. The Working Group addresses technical issues related to CAR in *Quilombola* territories such as improvements in the CAR-PCT Module, and training programs to include un-titled territories in the SICAR. In addition, the Working Group created a place of political articulation for demands regarding environmental compliance in these territories. Most of the demands include issues related to CAR, such as land regularization, transparency of information, opportunities for visibility and recognition of territories, and issues related to territorial access, natural resources and other public policies. Discussions within the *CAR-Quilombola Working Group* have created a political opportunity to expand the discussion to other Traditional Peoples and Communities. A significant portion of territories of Traditional Peoples and Communities do not have land titles, nor are they demarcated, and there is no exact definition of which bodies or institutions would be competent for the management of each people or community, which may have contributed to the low proportion of PCT territories registered in the CAR and also to the lack of information on the topic.

Within the scope of the CNPCT, the *CAR-PCT Working Group* was established to expand the CAR discussion about CAR in *Quilombola* territories to other PCT segments, with the first meeting held in September 2017 and three meetings during the year. The *CAR-PCT Working Group* is composed of counselors of the CNCPT, ISA, *Terra de Direitos* and CONAQ, and the Sustainable Development Center (CDS) of the University of Brasilia (UnB). Government representatives of the following institutions are also part of the Working Group: Ministry of the Environment, Brazilian Forest Service, National Institute of Colonization and Agrarian Reform (INCRA), Ministry of Social Development and Chico Mendes Institute for Biodiversity Conservation (ICMbio). In this way, first the CONAQ and then the CNPCT were able to install a mechanism for social control of the CAR policy, structuring a permanent agenda for issues related to system improvements, integration, training, and articulation with managers of the SICAR in the federative states and the federal government.

2. a) Contributions of the Working Groups *CAR-PCT* and *CAR-Quilombola* for the Inclusion of Traditional Territories in the CAR.

The Brazilian Forest Service (SFB) is responsible for coordinating, at the federal level, the Rural Environmental Registry and supporting its implementation in the federative states, in addition to managing the system SICAR. Thus, the SFB provides technical support to state environmental agencies (*Órgãos Estaduais de Meio Ambiente* - OEMAs). According to the New Forest Code, the federative states are responsible for CAR registrations of the landholdings and territories lying within their state border. The state environmental agencies are thus also responsible for validating the declared information and / or deleting them from the SICAR system, when applicable. Because of this, one of the demands of the *CAR-Quilombola Working Group* and the *CAR-PCT Working Group* was an approximation between the



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representatives and leadership of PCTs and the managers of SICAR in the OEMAs. Accordingly, in conjunction with the *CAR-PCT Working Group* and the *CAR-Quilombola Working Group*, the SFB held the "*1st Seminar on the Rural Environmental Registry in territories of Traditional Peoples and Communities (CAR-PCT) for managers of the SICAR*", which sought to contribute to strengthening the capacities of the technical staff of the OEMAs and the SFB itself, as well as including Traditional Peoples and Communities in the CAR policy. Representatives of 23 Brazilian states, representatives of OEMAs and PCTs participated in the meeting. In addition, prior to the event with the OEMAs, based on the articulation between the CNPCT, ISA and CONAQ, representatives of the PCTs met from October 16 to 18, 2017 in Brasília, at a Workshop on CAR in traditional territories with only civil society members.



Figure 1: Picture of the 1st Seminar about “CAR-PCT” with representatives of the CNPCT and technical staff of the Secretariats of Environment of the Brazilian States

The technical staff of the OEMAs, the managers of the SICAR, are often unaware of the reality and specific legislation regarding PCTs. For this reason, the two Working Groups pushed for a specific agenda to enable coordination between state staff responsible for implementing CAR and representatives of the PCTs. The objectives of the event were to bring SICAR managers closer to PCTs, through presentations by representatives of the PCTs on the reality of the use and occupation of traditional territories and presentations about the legislation dealing with PCTs. The further goal of the Seminar was to find a way in which the two sides could dialogue about the form of registration and analysis of CAR - PCT.

During the event, it was highlighted by the PCTs that no interpretation of laws, policies and systems can be used to prohibit their fundamental rights to life. A declaration of the PCTs on CAR in traditional territories prepared for this seminar was also read out. The contents of the declaration reiterate the statements made in the Curitiba Declaration of May 2017 (see above), questioning the non-compliance of CAR with the principles contained in ILO Convention 169 and the constitutional rights of these peoples.



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The topics discussed were the SICAR registration Module and the integration issues of states that use a different system than the SICAR; legislation applied to PCTs; presentation of a case study on the experience of the CAR *Quilombola* in the state of Pernambuco carried out by the SFB and announcements referring to the changes in the registration Module, training and actions of registration of the territories in the CAR.

It was highlighted by the SFB during the event that those who register the communities in the SICAR are only to technically carry out the activities in the system, but the decision is of the whole community as to what information will be inserted in the CAR. Once realized, the CAR is an instrument of management and planning, not only for the state, but, mainly, for who is living in the territory to make use of and manage this information. As the CAR can be used offline, simulations can be made that generate information, which can be used for constructive discussions within the communities regarding the environmental management of the territories. But before the registration is done, it is necessary that the community decides collectively what information should be inserted. The uncertainties and doubts about the CAR process may lead communities to choose not to register their territories. The Seminar was an important opportunity to create dialogues between teams that effectively receive and analyze CAR information and dominate environmental legislation and representatives of PCTs, who, in addition to being users of the SICAR, inhabit territories that make an invaluable contribution to the conservation of resources and biodiversity.

During the Seminar, technicians from the OEMAs presented as one of the greatest challenges in adopting a specialized registration methodology for traditional territories, the actual diversity of territories, the distinct socio-environmental realities and different levels of information on CAR among PCTs. Both OEMA and PCT representatives agreed that the challenge is to put the peculiarities of these territories into the system and geo-reference the entire territory as demanded by the PCTs.

An important moment at the Seminar was the exhibition of the CAR-PCT registration Module, with the objective of collecting contributions from system operators and users, in order to enrich the tool and correct possible inconsistencies, as well as discuss integration issues with states that have their own CAR systems (other than the SICAR).

The Seminar also reinforced the important role of the *CAR-PCT Working Group* and the *CAR-Quilombola Working Group* in the implementation of the CAR policy. One of the recommendations of the Seminar was that the Brazilian Forest Service and the Secretariat of Extractivism and Rural Development (*Secretaria de Extrativismo e Desenvolvimento Rural – SEDR*) in the Ministry of Environment should build and manage changes in the SICAR Module for PCT territory registration with technical support from the *CAR-PCT Working Group*. In this way, the challenge is to define the best model and how to use it in an open dialogue following collective construction with the Working Group. In addition, the members of the Working Group were empowered to technically assist in the actions to make the Module available to OEMAs, qualify the information base and guide the state environmental agencies and the SICAR managers in their capacity building actions to include the PCT territories in the CAR.

After the Seminar, two meetings of the *CAR-PCT Working Group* took place. The representatives of the PCTs presented the minutes of two documents: "Minimum guidelines to be considered in a training



process for inclusion of the traditional territories of Traditional Peoples and Communities in the Rural Environmental Registry" and "Minimum guidelines to be considered in a free, prior and informed consultation process in order to include the traditional territories of Traditional Peoples and Communities in the Rural Environmental Registry." The documents are still being consolidated and will be made available to SICAR managers. They represent an important contribution of the Working Groups to the implementation of the public policy of CAR for the improvement of the registration process in traditional territories, respecting the territorial and fundamental rights of PCTs.

2. b) CAR for Traditional Peoples and Communities in Maranhão: Contribution of the National Council of PCT (CNPCT)

Another important contribution of the CNPCT was during the execution of the "Project to Support National Strategies for Reducing Deforestation and Forest Fires in the Brazilian Cerrado", coordinated by the Secretariat of Climate Change and Environmental Quality of the Brazilian Ministry of Environment, in cooperation with the United Kingdom and the World Bank. One component of the project aims at promoting environmental compliance of rural producers through registration in the CAR. Parts of the project's resources were allocated to the CAR registration of more than 2,500 rural landholdings of family farmers and on traditional territories in the state of Maranhão. The inclusion of territories of PCTs was seen by the Brazilian Forest Service (SFB) as a great opportunity to contemplate a public that has not been benefitting from the public policy so far, such as: *Quilombolas*, *Quebradeiras de coco babaçu* (babassu nut processors), *Povos de Terreiro*, among others. The SFB is responsible for the technical execution of the project and contracted the company *Brasplan* for the CAR registration process in the state of Maranhão. Now, the company *Brasplan* is finalizing the registration of 37 traditional territories of *Quilombolas* and babassu nut processors in 4 municipalities of Maranhão (Caxias, Codó, Matões, São João do Sóter), totaling 2,600 families.

In September 2017 in Codó / MA, a first presentation and leveling meeting was held between *Brasplan* and the traditional communities indicated by the CNPCT. The objectives of the meeting were the presentation on CAR and environmental compliance for PCTs, the presentation by PCTs about their reality in the region, their land use and their interfaces with CAR, and the agreement on methodologies and guidelines for conducting registrations in the future. Representatives of the Movement of the Babassu Nut Processors (MIQCB), CONAQ, and the Association of Rural Black *Quilombola* Communities of (Maranhão ACONERUQ) and representatives of the religious *Povos de Terreiros* participated at the meeting. During the two days of the meeting, it was possible to answer several questions about the CAR, as well as to bring the *Brasplan* technicians closer to the PCT leaders. *Brasplan* gathered important inputs for the beginning of its field actions and the approximation between the company and the social movements allowed them to define the best way to mobilize, inform and register the communities. In addition, the company started to familiarize itself with the multiple land uses of PCT territories and their different environmental and rural realities, fundamental to the realization of CAR. For the representatives of the local PCTs it was an important opportunity to be informed and sensitized on the subject of CAR.



2. c) *CAR Quilombola* in Pernambuco: a Collective Construction

The project "Rural Environmental Registry of *Quilombola* Communities in the Semi-arid Region of Pernambuco", executed by the Cooperative of Professionals in Services for Family Agriculture (Ecooterra), was approved within the scope of the National Forest Development Fund (FNDF). The aim of this project is to increase inscriptions of rural landholdings of family farmers and of Traditional Peoples and Communities in the CAR in the region of the Semi-arid. The beneficiaries included 83 *Quilombola* communities from 33 municipalities in Pernambuco, totaling 10,359 beneficiary families. The *Quilombola* State Commission of Pernambuco contributed a lot, supporting the mobilization and assisting in the construction of the project.

One of the highlights of the project was the closing event of the field activities where CAR registration receipts were presented as part of the activities of the *Quilombola* Festival of Pernambuco, with the theme "No loss of rights." The event took place in November 2016 (November is the month of "Black Consciousness" in Brazil), in the *Quilombo* Conceição das Crioulas, where a total of 272 *Quilombola* representatives from 70 territories participated.

The event addressed diverse topics, such as the political situation of the *Quilombolas*, especially related to land regularization and access to public policies, and issues related to the CAR. The cooperative *Ecooterra* presented a balance of the four microregional CAR-meetings during the year 2016 in *Quilombola* territories (Agreste Central, Agreste Meridional, Sertão de Pajeús and Moxotó, Sertão Central, Itaparica and São Francisco). The discussion was guided by the following questions: What are the main difficulties for environmental compliance in these communities? What are the main interests and needs of the communities? What can communities do? What are the possibilities of environmental planning?

In particular, issues related to lack of water, lack of access to public policies and basic infrastructure and the need for technical assistance and environmental awareness of families were predominant. One of the highlights of the discussion was the interest of communities in accessing projects and initiatives for sustainable production and environmental protection, as well as being able to access rural extension services. The *Quilombola* representatives stressed the importance of accepting collective registrations in the CAR because of the territorial identity of *Quilombolas*. At the beginning of the project there was confusion between the CAR, which is for environmental compliance, and land titling. One recommendation was that this issue should be clarified with the communities right from the start. Some representatives also pointed out that the CAR could be used as a strategy to strengthen the *Quilombola* battle for land regularization, since through the CAR registration the *Quilombolas* can show on a map where their territory is located, which area is used for agriculture or cattle grazing and which area they have historically occupied and therefore could claim to be theirs.

Thus, the great contribution of the *CAR Quilombola* project in Pernambuco was to integrate the *Quilombola* perspective into the process of environmental compliance and to think of new methodologies, adapted for this public. It was a successful project that produced a reflection on all stages of the CAR: mobilization and capacity building, fieldwork, GPS data insertion and analysis of generated information.



In addition, the field experiences from Pernambuco highlighted the system's limitations and the need for improvements.⁶

3. Prospects for the Future: Social Participation and Improvement of the *CAR-PCT Module*

The dialogue between civil society and the government in the two *CAR-PCT* and *CAR-Quilombola Working Groups* show that it is indeed possible to implement environmental compliance for PCTs in a participatory way, which is thus more adapted to the reality of the traditional territories. For the dialogue to be effective and sustainable, it is important to cooperate with all actors involved - only then will the CAR have a more legitimate basis. The activities of the *CAR-PCT* and *CAR-Quilombola Working Groups* and the experience of registering *Quilombola* territories of Pernambuco in the CAR showed up possible responses on how to carry out the process of environmental compliance on the territories of Traditional Peoples and Communities without damaging other traditional rights. The Working Groups and the practical experiences also pointed out improvements in the CAR system and the process of environmental compliance on these territories.

The *CAR-PCT* and *CAR-Quilombola Working Groups* have allowed for greater transparency and social participation in defining the training modalities, which will be developed jointly and collectively with the Working Groups, following the guidelines that are being elaborated within the Working Groups. In addition, more guidelines for future safeguards are being written on how to integrate the registration of PCT territories in public registration projects.

It has been agreed between the SFB and the Working Groups that the customizations and corrections in the *CAR-PCT Module* will be discussed within the scope of the *CAR-PCT Working Group*, which ought to be a legitimate space for discussing the improvement of the CAR tool. This collective construction of the Module, to meet the specificities of the territories of PCTs can contribute to a greater number of registrations, transforming the tool not only into an instrument of environmental compliance, but also an opportunity for visibility and political empowerment of the communities.

Another important contribution of the *CAR-PCT Working Group* in the process of environmental compliance of these territories is the elaboration of a folder on CAR for Traditional Peoples and Communities. The folder will be one of the products of the Working Group in 2018, to orient traditional communities on the topics "CAR and environmental compliance".

One of the main demands of the *CAR-PCT* and *CAR-Quilombola Working Groups* is to understand to what extent the process of environmental compliance can include the territories of Traditional Peoples and Communities without hurting other PCT rights. In addition to international agreements, there are Brazilian Decrees that protect the basic rights of traditional peoples, for example: the policy of identifying, recognizing, delimiting, demarcating and titling the lands occupied by remnants of *Quilombola* communities (Decree No. 4,887 / 2003) and the National Policy for the Sustainable

⁶ For more information, watch the institutional documentary about this experience: <https://www.youtube.com/watch?v=tC6Ly07XaAU>



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Development of Peoples and Traditional Communities (Decree n ° 6040/2007), which aims at promoting the sustainable development of PCTs through access of social, economic and environmental public policies. Even though Brazil has signed the ILO Convention 169 and defined other legal frameworks related to Traditional Peoples and Communities, there are different interpretations regarding the juridical obligation of different legal frameworks.

For this reason, it is necessary to carry out an in-depth analysis of all the existing legal texts that must be considered when carrying out the CAR in traditional territories - both the decrees of Traditional Peoples' rights and the laws that define the conditions for environmental compliance.

It is important to define how the government should respond to the demands of civil society on how to implement the safeguards of international agreements and national decrees to protect the rights of traditional territories and communities. To this end, the Technical Cooperation Project between the Ministry of the Environment and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), with approval of the *CAR-PCT Working Group*, will contract a consultant to analyze how to adapt the concept of free, prior and informed consultation in the process of CAR registration.

The biggest challenge that persists is to increase the number of registrations of traditional territories in the CAR-PCT Module until May 2018. Even with this short term it is necessary not to lose sight of the specific territorial and environmental rights of this public when implementing the CAR and the process of environmental compliance in territories of Traditional Peoples and Communities. The CAR for PCTs goes beyond an environmental diagnosis aimed at the protection, recovery, sustainable use and management of natural resources. The experiences of the Working Groups and of the CAR *Quilombola* registrations in Pernambuco show that CAR can be an instrument for enhancing recognition and access to territories and for giving visibility to the preserved areas and the existing socio-biodiversity on traditional territories. The specific *CAR-PCT* methodology, through which the government started to include the Traditional Peoples and Communities' demands in the decision making process about the implementation of the policy, and the important role of civil society in monitoring its progress, are an important step towards enhancing access to public policies aimed at protecting Traditional Peoples and Communities from external threats and improving their quality of life.



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Annexes

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Figure 1: *Picture of the 1st Workshop about “CAR-PCT” with representatives of the CNPCT and technical staff of the Secretariats of Environment of the Brazilian States (Source: GIZ).....9*

List of Abbreviations

ABRAMPA	<i>Brazilian Association of Members of the Public Ministry for Environment Issues</i> Associação Brasileira dos Membros do Ministério Público de Meio Ambiente
APP	<i>Área de Preservação Permanente</i> Permanent Preservation Areas
CAR	<i>Cadastro Ambiental Rural</i> Rural Environmental Registry
CAR-PCT	<i>Cadastro Ambiental Rural para Povos e Comunidades Tradicionais</i> Specific Methodology on CAR for Traditional Peoples and Communities
CDS	<i>Centro de Desenvolvimento Sustentável (Universidade de Brasília)</i> Sustainable Development Center (University of Brasília)
CNPCT	<i>Conselho Nacional de Desenvolvimento Sustentável dos Povos e Comunidades Tradicionais</i> National Council for Sustainable Development of Traditional Peoples and Communities
CONAQ	<i>Coordenação Nacional das Comunidades Negras Rurais Quilombola</i>



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	National Coordination of <i>Quilombola</i> Rural Black Communities
FCP	<i>Fundação Cultural Palmares</i> Palmares Cultural Foundation
FUNAI	<i>Fundação Nacional do Índio</i> National Authority for Indigenous People
GAT	<i>Gestão Ambiental e Territorial</i> Environmental Land Management
GIZ	<i>Gesellschaft für Internationale Zusammenarbeit GmbH</i> German Agency for Sustainable Development
GPS	Global Positioning System
ICMBio	<i>Instituto Chico Mendes de Conservação da Biodiversidade</i> Chico Mendes Institute for Conservation and Biodiversity
ILO	International Labor Organization
ISA	<i>Instituto Socioambiental</i> Socio-environmental Institute (NGO)
INCRA	<i>Instituto Nacional de Colonização e Reforma Agrária</i> National Institute for Colonization and Land Reform
MIQCB	<i>Movimento Interestadual das Quebradeiras de Coco Babaçu</i> Interstate Movement of Babassu Nut Processors
MMA	<i>Ministério do Meio Ambiente</i> Federal Ministry of Environment
OEMAs	<i>Órgãos Estaduais de Meio Ambiente</i> State Environmental Agencies



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PCTs	<i>Povos e Comunidades Tradicionais</i> Traditional Peoples and Communities
PNGATI	<i>Política Nacional de Gestão Territorial e Ambiental de Terras Indígenas</i> National Policy of Environmental Land Management of Indigenous Lands
PRA	<i>Programas de Recuperação Ambiental</i> Environmental Compliance Programs
RL	<i>Reserva Legal</i> Legal Reserve
SEDR	<i>Secretaria de Extrativismo e Desenvolvimento Rural</i> Secretariat for Extractivism and Rural Development (MMA)
SEPPIR	<i>Secretaria de Políticas de Promoção da Igualdade Racial</i> Secretariat for the Promotion of Racial Equality Policies (Presidency of the Republic)
SFB	<i>Serviço Florestal Brasileiro</i> Brazilian Forest Service (MMA)
SICAR	<i>Sistema de Cadastro Ambiental Rural</i> National Online-System of CAR
UFF	<i>Universidade Federal Fluminense</i> Federal Fluminense University



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