

Bio-cultural diversity conserved by indigenous peoples & local communities— examples & analysis

Companion document to IUCN/CEESP Briefing Note No.10, 2010



Indigenous conservation territories and areas conserved by indigenous peoples and local communities– ICCAs for short– are the subject of an IUCN/CEESP Briefing Note launched at CBD SBSTTA in May 2010.¹ This larger document provides the examples and analysis underlying the policy advice contained in that Briefing Note. The document can be read in conjunction with the Briefing Note or as a stand-alone, as main concepts are described again here. Although their existence is as old and widespread as human civilisation itself, ICCAs have emerged only recently as a major phenomenon in formal conservation circles. International policies and programmes, notably those of *the International Union for the Conservation of Nature (IUCN) and the Convention on Biological Diversity (CBD)*, encourage today all countries to recognise and support ICCAs as examples of effective governance of bio-cultural diversity. It is clear, however, that such recognition and support need to be carefully tailored, and cannot be improvised. IUCN/CEESP’s Briefing Note no.10 and this document of complementary resources offer advice about that, addressing governments, civil society organizations, indigenous peoples and local communities engaged in collaboration, support and joint learning about ICCAs. When the description and analysis of sections 1 and 3 of this document are directly backed by the experiences and examples collected in section 2 and 4, those are cross-referred with the symbol →. More examples and analyses are available at www.iccaforum.org & www.iccregistry.org

Who are the real conservationists?

Throughout the world, indigenous peoples and local communities² relate to biological diversity, use it for their livelihoods and perceive it as essential in their lives. Biodiversity intertwines with their knowledge, practices and spiritual and material values and is closely related to their common rights over land and natural resources and culture. Despite the enormous global importance of state-property and private property, communal ownership and control (and/or community-based decisions and action) still encompass a vital proportion of the land and water bodies significant for global biological and cultural diversity.³ A regional example provides an indication of the importance of the phenomenon: the indigenous territories in the Amazon Basin cover more than 197 million hectares, or 25% of

the total forest area of the Amazon basin.⁴ Not all these territories can be classified as ICCAs (see below), but many indeed can, and their contributions are critical for the conservation of Amazon’s biodiversity.⁵

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What are ICCAs?

A close association is often found between a specific indigenous people or local community and a specific territory, area or body of natural resources. When such association is combined with effective local governance and conservation of biodiversity, we speak of "ICCAs". More specifically, ICCAs are defined by the IUCN as "**natural and/or modified ecosystems, containing significant biodiversity values, ecological benefits and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means**".⁶ ICCAs include cases of continuation, revival or modification of traditional practices, some of which are of ancient origin, as well as new initiatives, such as restoration and innovative uses of resources taken up by indigenous peoples and local communities in the face of new threats or opportunities. Some conserve remote ecosystems that have had minimum human influence, while others manage various kinds of regulated uses in areas ranging from very small to large stretches of land and water-scapes.

Three features are important to identify an ICCA:

- ▶ A well defined people or community possesses a **close and profound relation** with an equally well defined site (territory, area, habitat) and/ or species—a relation embedded in local culture, sense of identity and/or dependence for livelihood and well being.
- ▶ The people or community is the major player in decision-making and implementation regarding the management of the site and/or species, implying that a local institution has— **de facto and/or de jure—the capacity to develop and enforce decisions**. Other stakeholders may collaborate as partners, especially when the land is owned by the state, but the local decisions and management efforts are predominant.
- ▶ The people's or community's **management decisions and efforts lead to the conservation** of habitats, species, genetic diversity, ecological functions/benefits and associated cultural values, even when the conscious objective of management is not conservation alone or *per se* (e.g., objectives may be livelihood, security, religious piety, safeguarding cultural and spiritual places, etc.).

Defined through these three features, ICCAs are a subset of the areas and territories globally used and controlled by indigenous peoples and local communities, but a subset crucial for them and their culture, and for conservation. In fact, the third feature just mentioned spells out a stricter conservation requirement for ICCAs than is generally the case for state-governed protected areas.⁷

Terminology and meaning

Terminology about the ICCA phenomenon is still evolving. Some use it as an acronym for "Indigenous and Community Conserved Areas". Others consider it as an abbreviation of the more precise "Indigenous Conservation Territories and Areas Conserved by Indigenous Peoples and Local Communities". Indigenous Conservation Territories have been highlighted by IUCN Resolutions 4.049 and 4.050 (approved at the Barcelona World Conservation Congress of 2008). Crucial comments on their meaning and relevance for conservation and human and indigenous rights are reported in CAPI Local (2009).

The application of the generic term "ICCA" to the myriad of territories and land and/or water areas conserved by indigenous peoples and local communities has not yet been submitted to most of them for their Free, Prior and Informed Consent, and such consent should not be assumed. The term is used here for the purpose of communication and is not meant as a label.

ICCAs cover a very wide range of natural ecosystems and species, including agricultural, pastoral and hunting and gathering landscapes, forests, wetlands and coastal and mountain areas. Many of them are Sacred Natural Sites.⁸ Equally impressive is the diversity of traditional and modern institutions and rules that govern ICCAs, and the variety of their motivations and objectives.⁹ Such diversity, designed through time to fit specific ecological and social situations, is the true wealth of ICCAs. It is also an element of vulnerability, however, as state government may not be comfortable dealing with unique institutions that may not fit a country's current laws and procedural requirements (→ E21).

Communities governing and conserving nature

A crucial feature of ICCAs is their **diversity**. The conservation practices of indigenous peoples and local communities depend on an astonishing variety of meanings and values related to concepts such as "nature", "environment" and "conservation", a variety that underpins the relations between humans and nature that find expression in different ICCAs all over the world. While all ICCAs by definition include precious bio-cultural diversity conserved in a voluntary and self-organised way, the related beliefs, practices, and institutions are all context-specific. Moreover, as live socio-cultural phenomena, ICCAs change in tune with history and society. Some disappear, others survive in old or new forms, and some emerge anew. Most systems by which contemporary indigenous peoples and local communities govern and manage their natural resources are a blending of old and new knowledge, practices, tools and values of different origin. In the struggle to cope with the scale and pace of socio-cultural change,

Indigenous peoples and their territories

From the perspective of many indigenous peoples, the relationship between peoples and nature (what others call “management” and “governance”) cannot be separated from knowledge (science) and the moral/ ethical foundations of society. This insight is embedded in the concept of “territory”— an archetypical entity related to the “common good of people and/in nature”.

In the sense just described, indigenous peoples believe they have been “conserving” nature for thousands of years while living with it and from it. Their relationship with their territories is much more complex, intimate, and more vital than “setting aside” land and resources for conservation alone, as often done by modern societies in creating protected areas.

some ICCA institutions have been *de jure* replaced by state governance, but remain *de facto* alive and effective (→ E38, E39). In other cases, change has been powerful enough to affect the community’s capacity to manage the local resources in a sustainable way: customary institutions have been replaced by state institutions or are under severe threat, and genuine local ICCAs are just a memory¹⁰ or very much struggling to stay alive (→ E11, E24). Yet in others, even powerful change has been unable to destroy them: more complex ICCAs, capable of taking advantages of new conditions and establishing new alliances have emerged from the pre-existing ones (→ E5, E23, E25, E30, E33, E45).

Over the last two centuries, the formal policies and practices that dominate conservation and development have largely ignored ICCAs or actively threaten them. Even today, while neglect and harm give way to emerging recognition and support, the interface between state-based institutions and the customary institutions of indigenous peoples and local communities remains ridden with conflicts. Some relationships are respectful, but many are affected by misunderstandings, mistrust

and well-intentioned initiatives that can turn sour. In fact, despite the current serious interest on individual ICCAs and community conservation in general,¹¹ two main stereotypes continue to plague conservation: the romantic view of indigenous peoples and traditional communities living in total harmony with nature and the view of people as “parasites”, necessarily degrading the ecosystems in which they live.¹² Both are unrealistic and wrong.

Motivations underlying ICCAs

The majority of ICCAs are managed neither solely with a purely utilitarian/ functional approach, nor with a purely spiritual / aesthetic one. Most often there is a **combination of motivations**, the following being remarkably common:¹³

► benefitting through time from **environmental products and functions** (e.g., food, medicinal plants, water) and specifically preserving them for moments of climatic, economic or political crises or exceptional scarcity (ICCAs are one of the very few **safety nets** and **disaster prevention means**¹⁴ available to many communities) (→ E2, E6, E7, E8, E20, E24, E45)

► embodying **spiritual or religious**

values as sacred natural sites,¹⁵ and/or an important part of **cultural identity** expressed through historical association and embedded memories, a sense of unique **responsibility** (“we are one with that body of nature”) (→ E11, E10, E16, E19, E48) or something simple but life-enhancing, such as **pride** in a wood grove regenerated by the community, or **delight** in a local nature reserve (→ E3, E1)

► symbolizing and rendering concrete some form of **political autonomy**, and at times also **economic and cultural autonomy**, the ability to control one’s lives and environment, to sustain the community and protect it against external influences and threats (→ E3, E12, E23, E24, E28, E32 and E33).



Related to the variety of main purposes, we find that indigenous peoples and local communities have a range of management objectives very similar to the range of objectives of states governments when they declare and manage official protected areas. These **objectives**, which can be found alone but much more often **in combination for the same ICCA**, include:

- ▶ **strict protection**, *i.e.* for ICCAs managed to avoid any type of disrespect, disturbance or change. Typical examples are sacred sites, the territories of un-contacted peoples living in voluntary isolation, and community based wildlife sanctuaries. Many of the strictly protected areas on the planet are set aside because of links with a local faith (→ E21, E12, E38) or a major world faiths (→ E11), such as the cemeteries of marabouts in Morocco, serving as unique repositories of plant biodiversity.¹⁶ The territories of un-contacted people living in voluntary isolation are a form of ICCA recognised by national governments. Examples include the Cuyabeno-Imuya and Tagaeri-Taromenane territories in Ecuador and the Yuri (Aroje) territory of Río Puré, in Colombia, which spans alone over one million ha.¹⁷ An example of recently-created and strictly protected wildlife sanctuary set up and run by a local community is the Khonoma Tragopan Sanctuary in Nagaland, India.¹⁸
- ▶ **preservation of large ecosystems in their natural state**, *i.e.* for ICCAs managed to conserve socio-cultural values (including limited hunting and herding and the recognition of ancestral rights), environmental functions (such as provision of clean drinking water, and prevention of floods, landslides and siltation of freshwaters), and/or ecotourism. Examples include many Indigenous Protected Areas in Australia (→ E23), the *várzea* reserves in Brazil, the broad territories of the indigenous peoples in the Arctic¹⁹ and some of the indigenous territories of Colombia (→ E36), some of which are fully recognized as national parks (*e.g.*, Alto Fragua-Indiwasi²⁰ and Yaijogé Apaporis²¹). New large-scale restoration initiatives by indigenous peoples in the USA are returning to their natural state large-scale ecosystems such as Nez Perce Precious Lands, Big Cypress Swamp and the Inter-tribal Sinkyone Wilderness.²²
- ▶ **conservation of specific natural features**, *i.e.* for relatively small ICCAs that focus on one feature in the landscape, such as the Dindéfelo waterfall in Senegal²³ or the limestone caves of Kanger Ghati National Park, in India.
- ▶ **conservation of species or habitats with restricted resource use**, *i.e.* for ICCAs where resource extraction is either forbidden or highly and effectively regulated by local communities. Examples include sacred crocodile ponds in Mali; protected heronry in India (*e.g.* in Veerapuram village, Andhra Pradesh);²⁴



areas reserved for sport hunting in Namibia;²⁵ and wetlands preserved by duck trappers in Iran, which provide unique stepping-stone habitats for the Siberian cranes.²⁶ Another excellent example of this type of ICCAs is the Orito–Ingi Sanctuary (Colombia), a crucial repository of plant biodiversity essential for traditional medicine. The Sanctuary is conserved by traditional shamans and officially recognised as part of the national system of protected areas (*e.g.*, a *de-jure* ICCA).²⁷

- ▶ **conservation of landscapes/seascapes**, *i.e.* community-shaped landscapes and seascapes where people derive and embed cultural values, such as the biosphere reserve of Minorca (Spain),²⁸ the customary migration territories of the Kuhl, Shamsavan, Bakhtiari and many other nomadic tribes of Iran,²⁹ the potato park of Peru,³⁰ or the satoyama landscapes of Japan.³¹ Many such ICCAs involve grasslands established and maintained to allow seasonal grazing of livestock, which also provide habitats for wild herbivores and for grassland and savannah plant and animal species. Inherent to the management practices of such ICCAs is the flexibility of rules— such as rules for access, use, protection and restoration— which change in response to seasonal, environmental and social conditions. Another key characteristic is their aim to serve the “common good”. The traditional knowledge, skills and social acceptance of their governing institutions are all the more crucial for both good governance and management effectiveness.³² In the coastal and marine environment, seascape ICCAs can be defined as areas of harmonious interaction between people and the coastal environment that succeed to conserve both fishery productivity and biodiversity.³³ The phenomenon is widespread in Japan (their Japanese name is satoumi → E5) and throughout the Pacific.³⁴
- ▶ **sustainable and biodiversity-friendly use of natural resources**, *i.e.* for the ICCAs that provide the main sustainable source of food, medicines and timber and non-timber forest products for communities throughout the world. Examples here are

as abundant as human cultures, from village-managed nut and fruit forests in Central Asia to traditional river fisheries in Laos,³⁵ from tribal pastoral territories in Mongolia³⁶ to community forests in the Italian Alps.³⁷ A combination of sustainable use of natural resources and landscape conservation aims characterises many communities that conserve local agro-biodiversity. Endogenous bio-diverse species and varieties may depend on retaining community control over land and resources³⁸ or, as is often the case in the industrialised world, on establishing new community organisations and alliances to fight against the homogenization of local economies and livelihoods.³⁹

Are ICCAs “protected areas”?

Many ICCAs qualify as protected areas (PAs), as defined in the CBD PoWPA⁴⁰ or by the IUCN.⁴¹ The latter, in particular, sees ICCAs as one of the four main governance types that can “achieve the long-term conservation of nature with associated ecosystem services and cultural values” (the fourth column, type D, in the IUCN protected area matrix of Figure 1). This does not mean that ICCAs are always or necessarily recognised as part of national protected area systems by the relevant government authorities or communities. They are, in any one of the IUCN categories from Ia to VI, if the requirements prescribed by governments are met and if the relevant communities so desire. Notably, however, this recognition is neither automatic nor necessary for many ICCAs to exist and fulfil their conservation and livelihood roles.

Some communities prefer to maintain their ICCAs without any official PA status. Others believe that such recognition would prevent or mitigate a variety of threats and mobilise needed support. Examples of both cases are offered later in this document (→ E29). Indigenous peoples and local communities are to judge whether a declaration of their ICCA as a protected area under their own governance institutions is possible and strengthens support to their rights under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and other policy instruments.⁴² State governments, on their part, may or may not yet possess— or be willing to use— the legal instruments to recognise ICCAs as part of their national protected area system, and support them as such without hampering their unique governance arrangements. This can be a powerful obstacle for ICCAs to fulfil their role.



Table 1. The IUCN protected area matrix
a classification system for protected areas comprising
management category and governance type⁴³

Governance types	A. Governance by government			B. Shared governance			C. Private governance			D. Governance by indigenous peoples & local communities	
	Federal or national ministry or agency in charge	Sub-national ministry or agency in charge	Government-delegated management (e.g. to an NGO)	Trans-boundary management	Collaborative management (various forms of pluralist influence)	Joint management (pluralist management board)	Declared and run by individual land-owner	..by non-profit organizations (e.g. NGOs, universities, co-operatives)	..by for profit organizations (e.g. individual or corporate land-owners)	Indigenous bio-cultural areas and territories—declared and run by indigenous peoples	Community conserved areas—declared and run by local communities
Ia- Strict Nature Reserve											
IIb-Wilderness Area											
II— National Park											
III— Natural Monument											
IV— Habitat/Species Management											
V— Protected Landscape/Seascape											
VI— Managed Resource Protected Area											

Benefits and values of ICCAs

Most ICCAs are part of the long-term livelihoods strategies of indigenous peoples and local communities, *i.e.*, they closely relate to their productive life and cultural identities. Their benefits are of various kinds, and the conservation of biodiversity *per se*— no matter how effectively achieved— may not be first or most important in peoples’ mind. Nevertheless, ICCAs undoubtedly provide important biodiversity benefits and have significant potential for responding to global change, including climate change. A meta-study by Molnar *et al.*⁴⁴ estimates that the **global forest area under community conservation** (370 million hectares) is **at least as significant as the area conserved by state governments in forest protected areas**. Their estimate takes into account the ancestral territories of first nations in North America and the Amazon, the *comunidades indígenas* and *ejidos* in Mexico, the indigenous forests and *páramos* of the Andean region, the forest-agriculture mosaics in South America, the village and collective forests and sacred groves of Africa and the community-managed and jointly-managed forests of Asia. They mention that their estimate

of community conserved forests could double or triple if traditional agro-forestry or agro-pastoral systems and forest areas in Russia, Europe and the Middle East would be included. A broad estimate of global coverage is also given by Kothari: **ICCAs may cover as much land as government-designated protected areas**,⁴⁵ or about 12% of terrestrial surface. Even in the coastal and marine environment, despite less visible recognition, the contribution of ICCAs is significant throughout the world.⁴⁶ Overall, **ICCAs protect threatened wildlife, maintain ecosystem functions and benefits**, provide **ecological connectivity** across the landscape and offer time-tested examples of **sustainable use of wild resources and agro-biodiversity**.

Besides their contributions to the conservation of biodiversity— which they supply, incidentally, at little to no cost to society at large⁴⁷— **ICCAs secure the needs of millions of people for water, food, energy, medicine, shelter, fodder, income, recreation and spiritual sustenance**. Uniquely, ICCAs also embed **ancient knowledge** about livelihood resources, provide **disaster prevention**

and *safety nets* in times of stress and acute need, offer a concrete foundation for *cultural identity* and pride, and strengthen the rights and responsibilities of indigenous peoples and local communities to land and natural resources through local governance— *de jure* and/or *de facto*.⁴⁸

The visibility of the larger benefits to society provided by ICCAs has been highlighted in debates regarding the contributions of local communities to *climate change adaptation and mitigation*.⁴⁹ Communities could receive compensations for such contributions through a variety of mechanisms, such as REDD, REDD+ and REDD++ schemes.⁵⁰ As in the case of payments for ecosystem services (PES), such compensations present opportunities to support communities in their conservation and livelihoods activities. They also present risks, however, in particular of attracting the attention of profiteers, harming the governance structures and values that have sustained ICCAs up to now, and/or strengthening embedded inequities (→ E42). Indigenous peoples and local communities need to be thoroughly informed and empowered to deal with those issues in ways that they feel are appropriate. Governmental and non-governmental organisations and donors engaged in compensation schemes bear a responsibility to ensure transparency, accountability and effective empowerment of communities— within as well as outside the scope of recognising ICCAs as official protected areas.

Are ICCAs under threat?

Because they frequently have no legal recognition within a country, and may also not be recognised or respected by private entrepreneurs and neighbouring communities, ICCAs are vulnerable through land and water being appropriated or “reallocated” to a variety of alternative uses. To non-members of the relevant communities, many ICCAs appear as natural, “unmanaged” and “unutilised” ecosystems— all the more coveted for resource extraction. Within indigenous peoples and local communities, ICCAs may also suffer as a result of changing value systems, increased pressure on natural resources and other internal tensions. Threats include:

► External threats

such as:

- imposed development and resource exploitation processes, including mining and fossil fuel extraction (particularly important as, even when indigenous peoples and local communities possess land rights, government usually reserve for themselves the use of sub-soil resources), logging, tree plantation, industrial fishing, sea dredging, conversion to intensive grazing or monocultures (including agrofuel plantations), water diversions and drainage works, urbanisation and major infrastructure (roads, ports, airports, tourism);
- expropriation of community land (through nationalisation, privatisation, and conservation



- ▶ initiatives, in particular for the creation of state-governed protected areas);
- ▶ war, violent conflicts and movements of refugees;
- ▶ territorial encroachment by or conflicts with other communities and municipalities;
- ▶ inappropriate forms of recognition (in particular recognition that imposes top-down institutional arrangements and thereby devalues and de-motivates traditional governance institutions);
- ▶ imposition of unaffordable taxes and other fiscal burdens;
- ▶ active acculturation of communities (*e.g.* through education programmes disrespectful of local cultures, livelihoods and values, or evangelisation programmes of different faiths);
- ▶ divisions and conflicts fuelled by party politics (often actively promoted from outside) or by sudden influx of funds strengthening or creating local inequities;
- ▶ poaching, and unauthorised extraction of timber and plant resources;
- ▶ air and water pollution through discharge of waste residuals (*e.g.* via acid rain, chemical pollution from upstream mining or run-off of chemical inputs from agriculture) and the spread of invasive/exotic species;
- ▶ extreme natural events and catastrophes, including droughts, floods, forest fires, hurricanes, earthquakes and tsunamis, some of which are related to human transformation of the landscape, waterways and climate.

▶ Internal threats

such as:

- ▶ changing values, acculturation and integration into dominant society, leading to commodification of nature and culture and, ultimately, the loss of traditional knowledge, locally adapted management practices and governance institutions— all with particular impact on the younger generations;
- ▶ increasing pressure on resources— in particular related to the substitution of local subsistence and solidarity economies with the market economy;
- ▶ persistent or new inequalities between economic and social classes and gender groups within the community, leading to conflicts about management of natural resources and elite capture of conservation benefits;

- ▶ depopulation through migration because of new economic opportunities, social conflicts and political pressures;
- ▶ progressive loss of food sovereignty and traditional medical systems, weakening traditional communities because of poorer health and nutrition.

In real life, threats can hardly ever be neatly separated between “external” and “internal”, as community members may be active participants in external processes, and exogenous forces may drive internal processes. For instance, a **main driver of change** that powerfully combines external and internal threats are **new opportunities to access and use natural resources for profit-making activities** (→ E18, E19, E21). These may bring in welcome cash for a variety of development needs but can also be a door for corruption and mis-governance, ushering divisions, conflicts and social disruption.⁵¹ As the disparity of power in modern societies increases exponentially, many indigenous peoples and local communities, at the bottom of the ladder, have fewer and fewer chances to resist. In some countries they are even denied legal existence as “peoples” and “communities”, and denied the chance of owning or possessing use rights for land and natural resources *collectively*, one of the last barriers to individual weakness and greed. Hopefully, the recognition of the many values of ICCAs will help in the broader struggles for human rights and indigenous peoples’ rights, and contribute to foster more equitable and sustainable societies.

A global registry of ICCAs is just beginning to be developed by UNEP/WCMC.⁵² So far there is thus little data on the extent of existing ICCAs, or the number and location of those under threat. But problems are serious. For example, in the last 50 years, 90% of sacred forests of Xishuangbanna Dai Autonomous Prefecture (Yunnan Province, China) have been damaged or destroyed.⁵³ A rather comprehensive assessment in India points to widespread ICCA damage and threats from “development” projects.⁵⁴ The juniper forests, grazing land and ceremonial grounds of the Borana of Ethiopia have been— literally— devastated in the last few decades.⁵⁵ Anecdotal information from all over the world abounds with tales of loss, destruction and unwanted change imposed upon cultures and natural resources, at times against strenuous resistance (→ E4, E13, E15, E16, E40, E48). Moreover, for many indigenous peoples and local communities, just a few elders remain who can pass on to the youth the “local knowledge” and values that sustained their ICCAs through time (→ E14, E17).

Indeed, if we wish to conserve ICCAs, it is urgent to act.



Experiences & Examples



ICCAs and the good life (*buen vivir*)... in the Amazon as in Europe!

(adapted from Ormaza and Bajana, 2008; Johnston, 2008; and Merlo et al., 1989)

In South America, many indigenous people rely on their territories for livelihoods and economic development and



seek help to develop approaches that are both ecologically and economically sustainable. Their sense of desired livelihoods, however, is often highly spiritual. They developed the concept of *vida armónica* or *buen vivir*, where their territory is most of all a life space. The territory can be “prodigious land” (*tierra sin mal*) depending on both the knowledge and the ethical behaviour of people. For them it is that very knowledge, and people’s

respect of the customary norms, that physically allow soil, water and life to regenerate, is linking past, present and future.—Society ought to be egalitarian, based on reciprocity and solidarity and in a continuous dialogue with their environment. This is what the *vida armónica*—the good life—is all about, and ICCA is just another name to refer to spaces where people make special efforts to achieve it. An example of such a space is the Reserva Cuyabeno, in **Ecuador**, encompassing several territories of indigenous communities. Among those, the Cofan communities are particularly devoted to environmental knowledge and care. They have lost a large part of their ancestral territory to oil and timber industries and are now extremely keen to protect whatever is left to them. They have organised a network of indigenous guards, strict rules to limit resource utilisation and on-going wildlife inventories and evaluation programs.

With somewhat different words, ICCAs fulfil similar needs in Europe. The community orchards— a common form of ICCAs in the **United Kingdom**— are appreciated for harbouring wildlife and contributing to local cultural identity, but also as a plain source of fruits and vegetables. There are more than 250 traditional community orchards in England, and they are extensively used by their communities for all sort of recreational activities and spring festivals. Also in northern **Italy**, the income from well-managed communal forests goes to support socio-cultural and recreational activities that benefit the whole community. For centuries, those same forests supported the organization of the village, provided assistance to the poor, education funds, road construction and maintenance, water supply, free health care and funds to respond to emergencies.



E 2 ▶

ICCA as resource savings & nature's treasure chests

(adapted from Vololona Rasoarimanana, personal communication 2008; Bassi and Tache, 2007; Marco Bassi, personal communication 2008; Ferguson and Viventsova, 2007)

In the Southwest of *Madagascar*, a large number of dry forests of exceptional biodiversity value are managed *de facto* by local communities according to rules passed on through many generations. Examples include the sacred forests of Etrobeke (a mosaic of relatively humid and very productive forest patches whose name means “the belly” or “the centre of the body”) and of Vohibe (a hilltop forest sacred to several communities because an ancient king is buried there), or the preserved forests of Ranomay, including a lake and some famous hot springs. The ancestors of the current residents established the rules for the utilization of the forest products and identified the forest areas that should be considered sacred (*tabou*). These sacred areas, which are clearly visible as their trees are generally taller and denser, can be used only as burial ground and as a last resource in case of crises. People in distress can get there to find medicinal plants or wild food, such as wild igname, in time of famine. In case of a catastrophe, they can harvest there the timber to restore community buildings or build coffins for the dead. The customary rules severely forbid the utilization of these resources for the mundane needs of the community.⁵⁶

The Borana have been using for centuries a large pastoral territory at the cross-border area of *Ethiopia* and *Kenya*. Access to natural resources has always been regulated by their customary governance based in the *gadaa* system of generation classes, an institution typical of the Oromo, who form the second largest linguistic group in Africa. The Borana territory is a large and coherent management unit, where pastoral livelihoods go hand-in-hand with valuable biodiversity, including four restricted-range species of birds. The territory includes diverse habitats at different elevations and with different rainfall and vegetation types—from dry grasslands to evergreen forests. The landscape is marked by heritage places and resources of special natural and cultural value, considered sacred by the Borana and protected under customary laws. The *tulaa sallan* are nine localities in the Borana savannah where deep traditional wells provide water with special qualities. The *Booqee sadeen* are three volcanic places with crater lakes, providing salt varieties and mineral water for humans, cattle and wildlife. All over the territory there are ritual grounds, often marked by a *Ficus sycomorus* tree, to be maintained strictly in a natural state. And there are several dry evergreen forests of *Juniperus procera*, one of the highest praised elements in the ecosystem. The customary leaders of the Borana stress the relevance of these forests to their overall cultural and pastoral livelihood system and express great concern, as these forests are now under the combined attack of non-Borana timber exploiters and fire. Although covering less than 2% of the total territory, they have always represented a crucial fall-back resource in time of drought, a grazing reserve for the mobile herds, a source of ritual plants, and a delight for their aesthetic and symbolic value.

The customary practices of the Inuit of Nunavut (*Canada*) show respect towards wildlife as both populations and individual animals. They avoid wildlife overuse as well as damage to habitats and harassment of animals during sensitive periods. Harvests are shared equitably among Inuit families and communities. Customary practises are also geared to maintain hunter and community safety while dealing with predators, such as the polar bear, and large animals, such as whales. For millennia, the Inuit customary practises have conserved wildlife and served the people well, enabling their expansion across the Arctic from west of the Bering Strait to Greenland. The territory of Nunavut is about 2 million km², and most of it is caribou habitat. The Inuit pay special respect to caribou calving areas and maintain those areas undisturbed during the calving seasons—a fact that could identify them as ICCAs. On the other hand, the Inuit consider calving areas as just one of the many habitats that must be conserved for caribou populations to thrive. They know other areas that should be protected so that the caribou will remain available, and especially so during the 10-30 years when caribou populations are at low levels, a natural phenomenon they know to happen approximately every 70-90 years. There are special places where their elders and ancestors found a few caribou even during those decades when animals had disappeared from anywhere else. These places, on which the Inuit could depend again in the future, can only be known through a system of customary practices and education built on ancestral indigenous knowledge.





E 3 ► The moral foundation of self rule

(adapted from Pathak and Taraporewala, 2008)

The community of Mendha (Gadchiroli, Maharashtra, **India**) is an exemplary case of an ICCA. In the 1970s, successful mobilisation by indigenous (*adivasi*) people against a dam in the thickly forested central highlands of India prompted communities to organise towards self-rule— an option specifically foreseen in the country's Constitution. Mendha-Lekha was one such community, inhabited by the Gond

tribe. Through the hard work of its residents, Mendha re-established *de facto* control over about 1800 ha of forests that had been taken over by the government in the 1960s for revenue through logging, charcoal making, and bamboo extraction. The crucial act was the establishment of the *Gram Sabha* (the village assembly that includes all adult residents) and other institutions, such as a Forest Protection Committee. Villagers declared that all major local initiatives required the permission of the Gram Sabha (GS). Decisions in the GS are taken unanimously and implemented through unwritten yet strong social rules. Informal *abhyas gats* (study circles), where villagers gather and discuss information with or without outsiders, help make informed decisions in the GS.

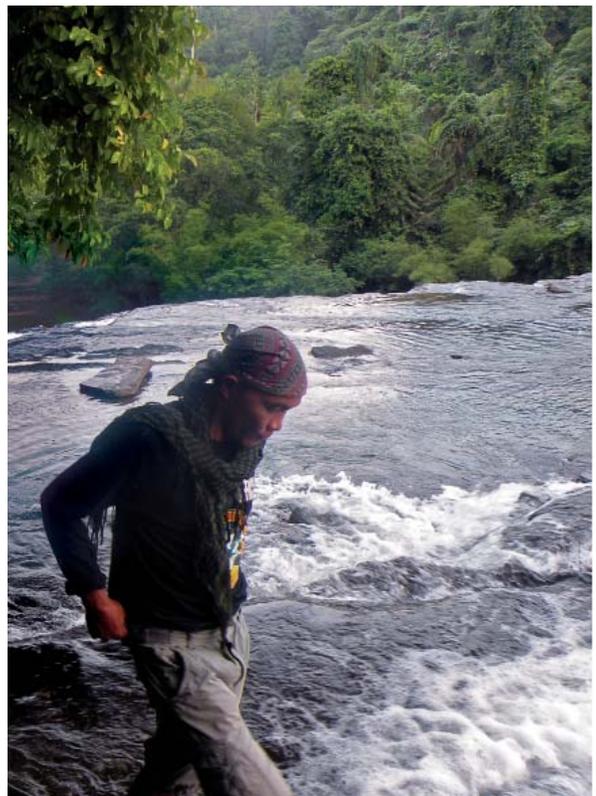
By adopting transparent and open decision-making processes and assuming social and ecological responsibility, Mendha-Lekha's residents developed the capacity to deal with a range of natural resource issues, from documenting the local biodiversity to handling financial procedures. They halted all logging and other commercial exploitation of the village forest by outside agencies. They succeeded in stopping most forest encroachment by agriculturists and preventing forest fires. They gave women, youth and the economically weaker residents equal status in the decision-making process. And, through a non-violent attitude, they established good relationships with government officials, who in turn helped the villagers at many crucial points. After a decade long moratorium, they have now started again harvesting non timber forest products and bamboo, but only under strict regulations and in joint initiatives decided with the forest department. This is what Mendha villagers say: "Every village/community has to strengthen itself through non violent struggle against injustice (*ahimsa*), learning (*adhyayan*) and self rule (*swaraj*) [...] [every community] must understand it has to fight its own battle... the community must stand united and strong to gain self rule (*swaraj*) through the path of truth (*satyagraha*) and learning (*adhyayan*)."

E 4 ► A declaration by the Indigenous Community of Sote, Burboanan, Bislig City, Surigao del Sur, The Philippines

(Datu Tinuy-an, personal communication, 2010)

"We, the unified Manobo of Sote, Burboanan, Bislig City, with the support of other groups residing in the area, attest that our ancestors have occupied and utilized this domain since time immemorial. The mountains and forests are the sources of our livelihoods. We recognize their value and, hence, we are intent on the protection and conservation of everything that is found therein—the wild plants and animals that provide us with necessities from food to herbal medicine and various items, and the land's watershed from which the community obtains water for various purposes. It is for and on behalf of our ancestors and the present and future generations that we shall do anything necessary to meet this end.

The entry of the Paper Industry Corporation of the Philippines (PICOP) has paved the way for the gradual decline of our forest's natural resources. Armed PICOP men tried to force us out of our ancestral domain so that they could continue logging in the area near and around the



grand Tinuy-an Falls and the nesting site of the Philippines' Eagle, where a young eagle, later named after the falls, was found. They were relentless with their vexations; our suffering was unfathomable. But we stood our ground, despite the fear and danger, and have been successful in halting the logging operations in our ancestral domain, for now.

We are strongly against the entry of the so-called developers into our ancestral domain. We are certain that, in their hands, the destruction of our forests becomes inevitable. Let it be known that we will hold on to our rights to manage, preserve, develop and protect our ancestral domain using our own traditional ways and with deep respect to our customary laws, as stipulated in the Indigenous Peoples' Rights Act of IPRA (R.A. no. 8371). Our "Rights to Self-Determination" and "Right to Self-Governance" should be respected. We will not be stripped of our rights. As proof of the authenticity and sincerity of this declaration of our determined defense of our right to our ancestral domain, we, the Manobo of this community, in harmony with our brother migrants who have lived with us for a long time now, are affixing our signatures below. We fervently hope that this declaration reaches the eyes and ears of the concerned government agencies."

Materialised and signed in Sote, Burboanan, Bislig City, Surigao del Sur on the 16th day of November 2009.

E 5 ▶ Marine and coastal ICCAs of Japan—widespread & successful

(Shinichiro Kakuma and Nobuyuki Yagi, personal communications, 2010)

In Japan, fishery rights issued by the government allow exclusive access to coastal fishery resources for the license holder, and are treated as a non-transferrable property right under the fishery act. The Fishery Cooperative Associations that receive those rights, in return, are expected to establish their collective rules for resource exploitation in the tenure area, and, among those rules they often see fit to include specific fishing limitations, including no-take zones. This appears to clearly identify examples of coastal and marine ICCAs. The term sato-umi has also been used to describe "areas in the coastal sea where human interaction maintains high productivity and biodiversity", *i.e.* where people and coral reefs coexist intelligently and productively. Most such ICCAs or Sato-umi (community conserved seascapes) are situated near the coastal residential areas where peer-monitoring can be carried out at a relatively low cost. A combination of secured restricted access and low costs of enforcement has made the phenomenon both common and successful in Japan. Recent analyses are taking to 1003 the minimum number of locally managed marine and coastal ICCAs (*i.e.* fisheries regulated areas under locally-agreed rules) in Japan, two thirds of which also get some form of official recognition at the local government level.



Two ICCAs in northern Okinawa specifically target an emperor fish (*Lethrinus nebulosus*). They have been declared no-take zones because it is difficult to distinguish for this species while catching others. These rules are seasonal (from August to November) and aim at protecting young fish when the fish aggregate in the sea-grass beds. These ICCAs started in 2000 and demonstrated great results, with increased catch of mature fish and decreased catch of immature ones (a rare demonstration of a spillover effect for marine protected areas). Five no-take ICCAs were established in Yaeyama in 2008. Their zones are seasonal, with protection enforced from April to May to protect spawning aggregation. An additional 5-day ICCA started being implemented this year in Yaeyama. It targets the grouper *Epinephelus ongus*, a fish that make enormous spawning aggregation within a short period. The community regulation offers here an excellent example of collaboration among fishers and scientists.

Several lessons have been learnt from examples such as the ones described above:

- ▶ fishers' self-imposed ICCAs are effective (in terms of compliance, surveillance and enforcement);
- ▶ connectivity is important, but effective individual ICCAs are needed before considering networking among them;
- ▶ seasonal ICCAs are important for protecting spawning aggregation and nursery areas;
- ▶ scientists and governments can support local marine ICCAs by assisting them in reconciling conflicting interests among various stakeholders and providing scientific data: fishermen are usually very knowledgeable about spawning areas and seasons, but scientists can still help the fishermen reach a consensus among themselves about the collective rules.



E 6 ▶

Conservation of the African wolf (and more!) in Guassa ICCA, Ethiopia

(Zealelem Tefera Ashenafi personal communication, 2005; and Ashenafi and Leader-Williams, 2005)

The Guassa area of Menz is found in the Central Highlands of Ethiopia and comprises a large expanse of Afro-alpine moorland at an altitude above 3200 m. The area persisted in its current, semi-pristine state for hundreds of years and its governance system dates back to the 17th Century. It was then set aside by the local communities as the location where they could harvest *Festuca* grasses, indispensable for thatching the roofs of their homes, but also as a

"last reserve" pasture if a drought would struck the lowlands. In essence, the access to Guassa's resources was always restricted to a limited number of users during limited periods, and the relevant rules were enforced through an indigenous institution, known as *Qero System*, uniting all user communities. The *Qero system* entailed the closure of the

Guassa area from any type of use for three to five consecutive years, depending upon the growth of the grasses, with the prohibition strictly enforced by the users themselves (regular patrols, severe punishment, etc.). In the early 1970, the socialist revolutionary government of Ethiopia proclaimed the nationalization of all rural land and abolished all feudal systems including *Qero*. The communities, however, adapted to the condition set by the new regime and formed a new "Guassa Conservation Council" among eight peasant associations, with the main function to enforce their own old by-laws. They also developed a draft management plan for their community conserved area.

By regulating the exploitation of the area, the ancient system has successfully protected the unique and diverse alpine flora and the rare endemic fauna of the area, including 22 mammal species among which the most endangered canid in the world, the Ethiopian wolf (*Canis simensis*) and the endemic gelada baboon (*Theropithecus gelada*). Noticeably, the Ethiopian wolf thrives in the area as the rodents that constitute its main prey thrive in regularly-cut grassland habitats. In other words, the community-modified natural resources maintain the very habitat needed for the preservation of this highly endangered species. Not less importantly, 26 rivers, springs and streams have their origin in Guassa, and the protection of the vegetation by the local community is invaluable to all downstream water users.

E 7 ▶

Community mangroves, local livelihoods and coastal protection in Thailand

(adapted from Suutari, 2010)

The coastline of Trang, bordering the Andaman Sea and comprising 46 islands offshore, is part of the southern provinces of Thailand, an area of preminent Muslim culture. The coastal communities used to subsist on fishing and rubber tapping and depended on the mangrove forests for medicinal plants and materials such as thatch for housing and fishing gear. Major change arrived in the 1960s, when the mechanization of fishing seriously disrupted their livelihoods: large trawlers encroached on their fishing grounds, damaged corals and seriously affected the capacity of fisheries to reproduce. Villagers were afraid to confront trawlers, given their assumed connections with the government and organized crime. At the same time, mangrove forests were opened up to concessionaires who began clearing them to make charcoal briquettes. The concessionaries were supposed to replant them but neglected doing so. Some of the poorest villagers saw no other option than to accept low-paid jobs, cutting mangroves for concessionaires or fishing on commercial trawlers. This forced them to join in the destruction of their own resources. Other villagers started cutting the mangroves themselves, with the attitude that 'if I don't cut them, someone else will'.

Women began to look for unskilled, low-paid work in factories, leaving children behind with aging grandparents, further undermining the social fabric. As the fisheries declined, fishers had to go further out to find fish and spent more hours in their boats. To survive they resorted to more destructive methods to find dwindling numbers of fish, using dynamite, cyanide and sea-bed scraping nets. These methods required investments and some began selling off land... The communities were in a trap where their day-to-day survival seemed to require a self-reinforcing downward spiral into increasing poverty and social and environmental degradation. It was at that time an organization called Yadfon started working with them, tackling their immediate priorities, such as community wells, a cooperative buying program and a revolving fund available to the poorest and most indebted villagers. Slowly, matters improved and some leaders emerged. The idea of reviving the badly degraded mangrove forests was discussed and, through numerous meetings and efforts, a group of villages finally created a 235-acre community-managed forest and sea-grass conservation zone, the first of its kind in Thailand. These new types of ICCAs have clearly marked boundaries and zones where no-fishing is allowed. They overall discourage or ban destructive fishing practices and encourage the planting of sea grass in lagoons, and mangrove seedlings in degraded areas of the forest.

The community mangrove forests have now spread throughout the area, each ICCA being managed by a group of villages through a committee that represents 80-200 families. Each forest develops its own rules, but none allows shrimp farms within forest boundaries. Over the years, the mangrove forests have regenerated and the coastal fishery revived. In the late 1990s dugong began to frequent again the coastal waters along the regenerated sea grass beds and caused a stir in the media. Live dugongs had not been seen in a long time (most young people had never seen one) and became a flagship for conservation. Importantly, the presence of mangroves demonstrated of great help in withstanding natural disasters, such as tsunamis, and other natural disasters, and the communities are very aware of it.





E 8 ▶

Conserving the forest... duty and challenge of the village of Bogdan (Turkey)

(Bogdan community, personal communication, 2007)

Bogdan is a typical village in Turkey's western Black Sea region, close to Kure Mountain National Park. Like other villages, is situated close to a forest (76 ha, in its case), which the villagers make a point of protecting in a rather strict way. The forest in question belongs to the government and is supposed to be managed by the Forest Department, but its care has actually been the main concern of the people

of the village for as long as people can remember, and protection has been made stricter and not more lenient in recent decades. Protection actually increased, in fact, after the region experienced severe flooding in the 1950s. Another factor that greatly preoccupied people was the rumor that a lake close to the forest was going to be sold to outside developers. It was then that the villagers organized to petition the government against it. They also hired a guard and set up a surveillance system for the forest. The villagers felt they were lucky, in fact, as the forest is on a steep incline, not easily accessible and quite easily surveyed. Repeatedly, the village has made it known to the government that they do not approve of any "development" plan for their forest: they value it too much as a source of non-timber products, as a water catchment, and as a powerful means to prevent flooding of their agricultural land.

Bogdan forest is managed directly by the village headman or *Mukhtar*, who makes decisions along with Village Council and some advice from Forest Department staff (*e.g.* about collection of fuel wood and moderate felling for timber for personal use by villagers). The villagers who actually go to the forest to collect fuel wood and other forest products, however, are mostly women, and they stress that they too take an important role in decision making. Interestingly, the whole village seems to be in a consensus mode about conserving the forest, and managing it in a careful and effective way.

E 9 ▶

ICCAs and ecosystem benefits in Madagascar

(Vololoniana Rasoarimanana, personal communication, 2010)

Communities manage nature in careful and sustainable ways for a variety of purposes, and conservation of biodiversity is not often among the most prominent. In Madagascar, however, perception and knowledge of the ecological functions of ecosystems have been identified as very important for community engagement and motivation in conserving ICCAs. Three essential ecological benefits are perceived by the communities, especially in arid and semi-arid ecosystems: 1. water and soil



conservation; 2. conservation of biodiversity and 3. maintenance of local microclimates favourable to agriculture and human health.⁵⁷ The Tamia community, in the South of Madagascar, is in charge of the new protected area of Tsinjoriake (5980 ha), comprising a mangrove ecosystem, an important dry forest (forêt naine d'Antabo) and the habitat of many CITES-listed species, birds and lemurs. This fisherfolk (Vezo) community is convinced that the conservation of the forest and wildlife is essential for the maintenance of the mangroves and sea life in general. That is why they decided to protect it. Similarly, the communities that protect Ankodida—a 1700 ha highly biodiverse forest containing several microhabitats in the Anosy region—do so also because the area maintains a microclimate that permits them to find some water even during the dry season, when food is extremely scarce. The same patches of more humid land are essential for the sustenance of bee populations. Similar situations can be described for many communities in the region of Androy. The forest patches of more humid microclimate sustain animal species throughout the year. But also, very importantly for the local people, they allow some agriculture during the dry season, when hunger is unfortunately common.

E IO ▶

Khumbu and the cultural identity of the Sherpa peoples of Nepal

(adapted from Stevens, 2008)

Khumbu— the oldest of the homelands of the Sherpa people in Nepal— has been a sacred valley and Buddhist sanctuary for 1,200 years and, since the 1970s, also a government-declared National Park (Sagarmatha or Mt. Everest) and a World Heritage Site. Khumbu is a high-altitude area whose mountains include four of the highest in the world and is rich in sacred natural sites— including sacred peaks, forests, trees, and springs. Temple forests and lama forests (declared sacred many generations ago by revered lama religious leaders) are strictly protected. The Sherpa people conserve community forests through practices that reduce timber and firewood use, and manage the high rangelands through zoning and rotational grazing. These and other customary and new natural resource management practices, together with Sherpa values that forbid killing animals, birds, fish, reptiles and insects, have made Khumbu an outstanding example of a regional ICCA that incorporates multiple local ICCAs. That Khumbu continues to be home to a rich diversity of high Himalayan species, including endangered snow leopards, red pandas and musk deer, and that it supports large numbers of the elsewhere rare Himalayan tahr (a mountain goat/antelope), is largely an achievement of Sherpa conservation stewardship.



For the Sherpa people the concept of “ICCA” is not new, and actually recalls the ancient and highly meaningful concept of *beyul*— a sacred hidden Himalayan valley and Buddhist sanctuary. The term ICCA, however, carries a more specific connotation of conservation responsibility, and some Sherpa leaders feel that it well embodies the sense of care that Sherpa people feel towards Khumbu. Some Sherpa leaders find that the concept of ICCA provides them with a useful way to think about the diverse activities and institutions through which the Sherpa people have conserved their region. The concept makes visible and validates the practices that they have maintained, in some cases for centuries, as well as those they have developed and adopted in recent years. Some leaders believe that the concept of ICCA is also useful to explain and reaffirm the links between culture and conservation. They emphasize the importance of strengthening Sherpas’ identity at a time of major social, economic, and cultural change. Importantly, by conceptualizing their own ICCA, they believe they can instil greater awareness and pride among Sherpa youth about their identity, heritage, indigenous knowledge, customary institutions, and conservation responsibilities and achievements. They want to be well equipped to address any challenges and threats to continuing Sherpa care and conservation of Khumbu.



The *himas* of Saudi Arabia and beyond: a natural resource management system in accordance with Islamic tradition

(adapted from Kilani et al., 2007;
Taghi Farvar, personal communication, 2010)

The Arabian Peninsula is the birthplace of the *hima*– a traditional form of management of natural resources that indicates an area “set aside” seasonally or permanently,

for the common good. *Himas* exist under various forms in other countries of the region, such as *mahjars* in Yemen, *qoroqs* in Iran, *agdals* in North Africa and *mahmiyya* in Sudan. *Himas* redress injustices, as explicitly declared by the Prophet Mohammed. According to the Islamic tradition, *himas* are to be established by proper authority for the common good, and designed so as to create more good than hardship to the common people, *i.e.* be equitable in their rules. They are often declared and managed by local tribes and communities and function as grazing reserves set aside to allow regeneration as part of a grazing management strategy. In the 1960s it was estimated that there were about 3,000 *himas* in Saudi Arabia, from as small as 10 to as large as 1,000 hectares each... all managed following an eminently adaptive strategy.

Researchers working in Saudi Arabia have recorded the following types of traditional *himas*:

1. grasslands where grazing is prohibited, but grass is harvested by hand at designated times and places (during years of drought, the cut fodder is taken outside the *hima* to feed the livestock and the tribal council specifies the number of people from each household allowed to do the cutting, and the trails to be used in order to prevent erosion of the soil);
2. protected woodlands where the cutting of trees (*e.g.* *Juniperus procera*, *Acacia* spp., *Haloxyton persicum*) or their branches is either prohibited or regulated; the cutting of trees is generally not allowed except for great emergencies or acute needs;
3. managed rangelands within which grazing and cutting of grass are permitted on a seasonal basis to allow natural regeneration, after the grasses and other plants have grown out, flowered and borne fruit, or in which grazing is restricted to specified kinds and numbers of livestock, such as milk animals or draft animals, or in which a limited number of livestock may be grazed for a specified time during periods of drought;
4. reserves for bee-keeping, within which grazing is prohibited seasonally or is excluded altogether (seasonal reserves are commonly closed for five months of the year including the spring months, grazing being allowed only after the flowering season);
5. reserves for the conservation of ibex (*Capra ibex*).

Most *himas* used to be managed by and for a particular clan, tribe or village through rules decided by consensus. Governance systems were led by the sheikh or chieftain, which ensured representation of kin-groups through commissions, committees and councils responsible for specific tasks (*e.g.*, rainwater runoff, grazing, etc.). Under customary practice, violation of a *hima* was traditionally punished by slaughtering one or more of the trespassing animals to feed members of the local community. In recent times, sanctions have been in the form of fines and, in case of repeated offense, imprisonment.

During the twentieth century, some profound political and socio-economic changes in the region have unfortunately led to the deterioration of the *hima* system in Saudi Arabia. The fall of the Ottoman Empire resulted in stronger control by the smaller states that emerged from its ruins. Tribal land was nationalized and higher demand for rural products, especially meat, led to overgrazing. The sustainable systems of land use declined and so did the diversity of habitats. Today there are probably only a dozen surviving *himas* in Saudi Arabia, and only a few of them are still actively managed by local communities. Some are regarded as an essential source of fodder, especially important in years of drought. Others are retained as an insurance against poor seasons, when designated portions may be cut on a rotational basis under the supervision of the village sheikh. Some of the most successful *himas* of today are those used for honey production, as wildflower honeys of good quality fetch a high price in the market and are economically competitive compared with livestock. However, while *himas* may be dwindling in their birthplace, their equivalents in other parts of the Islamic world are still persisting.

Coron Island of the Philippines: a powerful ICCA in a never-ending struggle...

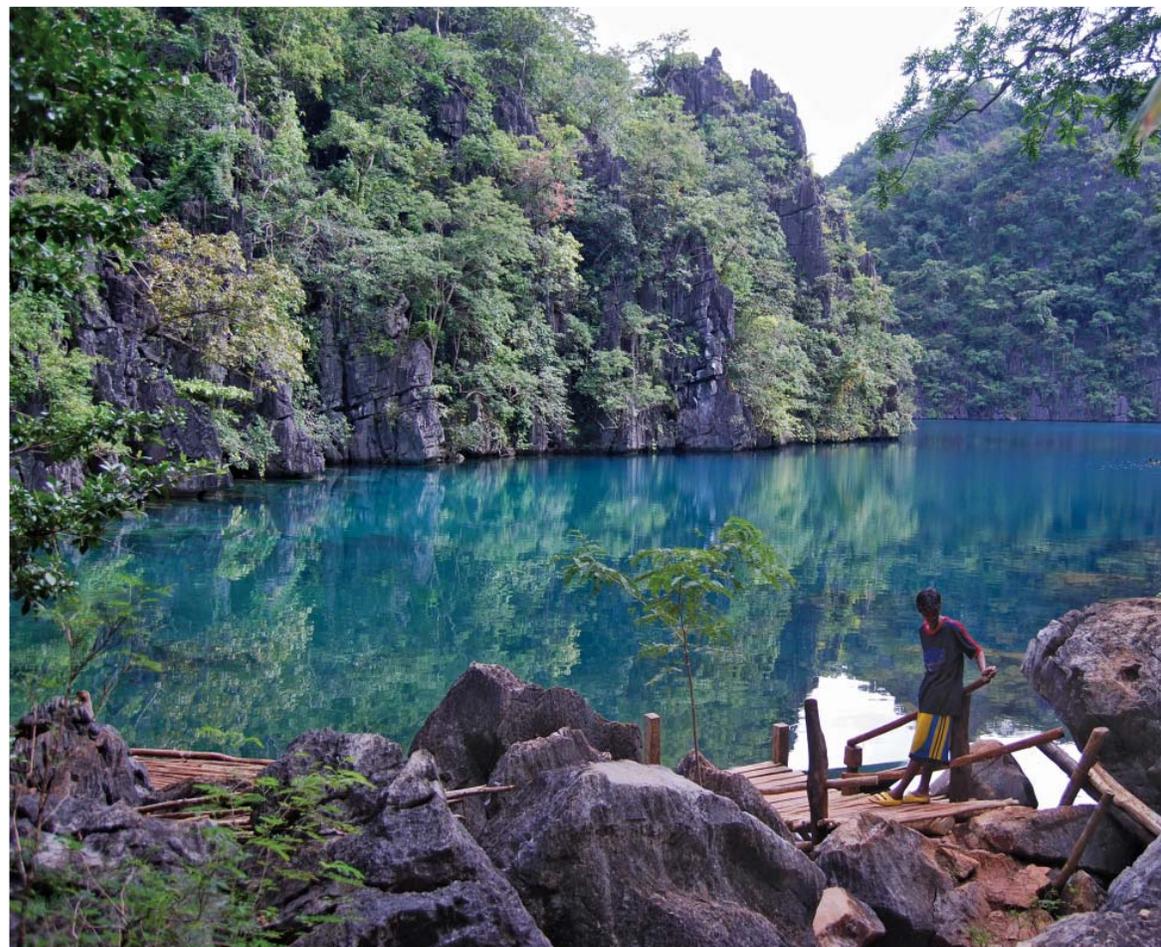
(Dave de Vera and Coron community, personal communication, 2010)

The Tagbanwa people of Coron (Palawan, the Philippines) inhabit a stunningly beautiful limestone island for which they have established strict use regulations. The forest resources are to be used for domestic purposes only. All the twelve freshwater lakes of the island but two are sacred and their entry is restricted to community members only (usually for religious and cultural purposes and for accessing birds' nests— a precious resource that local young men sell to Chinese merchants). The two lakes most directly accessible by outsiders, Kayangan and Barracuda, can be visited by foreigners, but only at prescribed times and no tourist is allowed to remain during the night. The Tagbanwa youth are well organised to maintain the cleanliness of the places and demand respect of regulations concerning behaviour, noise, garbage, etc. The income from tourism is used to support the education and health expenditures of their people.

Up to a few years ago, things used to be different. The Tagbanwas' territorial rights were not legally recognised and the island was encroached by tourism operators, migrant fishermen and politicians and government agencies in search of land deals. This caused numerous problems, from impoverishment of the marine resources to humiliation of the local traditional authorities. In the mid-1980s, however, with the help of a Philippine NGO called PAFID, the Tagbanwa organized themselves into the Tagbanwa Foundation of Coron Island and applied for a Community Forest Stewardship Agreement. In 1990, the stewardship agreement was granted over the 7748 hectares of the island of Coron and a neighbouring island called Delian, but not over the marine areas. In 1998 the islanders managed to obtain a Certificate of Ancestral Domain Claim for 22,284 hectares of land and marine waters, and in 2001, with the help of a high quality map and an Ancestral Land Management Plan they obtained a Certificate of Ancestral Domain Title, granting collective rights over the two islands and the surrounding waters.

Since then, the Tagbanwa have been

Since then, the Tagbanwa have been



equipped to defend their island, have enforced regulations regarding tourism access and have drawn rather substantial benefits from it. Problems still abound, however, in particular regarding enforcement of their rights over the second island (Delian) and the ancestral waters. Violent migrant fishermen cannot be expelled without the cooperation of the government institutions, which the Tagbanwa Foundation repeatedly requested but has not been forthcoming. The Tagbanwa communities also have had to deal with internal conflicts (money-related) and with the many issues that remain unresolved in a poor society. Water supply, sanitation, health and education services and transportation are a daily struggle. Fortunately, most people— elders and youth alike— remain attached to their island and their sense of common identity. For instance, the society is reluctant to criticize or humiliate anyone— a fact that engenders some stagnation in decision making but, possibly, helps social survival in the longer run. The Tagbanwa recently developed a small Heritage Center, where they collect information over their struggles and explain their intention to remain in control of their ancestral domain. Hopefully, the local youth will have the strength and intelligence to withstand the power of cultural homogenisation and keep alive the unique ties that link them to their wonderful ICCA.

E 13 ▶

The Tarevalata ‘Kastom’ Conserved Area: no logging thanks!

(adapted from Nguyen and Kereseke, 2008)

The Tarevalata people live in the northeastern shelf of Luru, a Melanesian island characterised by a patchwork of traditional territories and customary lands. The boundaries of clan and tribal lands shift regularly, as marriages, conflicts and compensation claims are settled through exchanges of land and resources. Tarevalata land is a typical example of mosaic customary tenure run by a variety of rules under the broad name of *kastom*. It teems with unique wildlife— amphibians, butterflies, snails, reptiles, bats and birds, including the brightly-coloured Blyth’s hornbills (*Aceros Plicatus*) and rare endemic bats living in caves underneath the forests. Endemism is extraordinarily high (dozens of orchid species, for instance, can be found in the karst crags). And people’s knowledge of the forest is a match to its biodiversity. There is a use (dietary, medicinal, cultural) for almost every plant and animal found in the area. Much of the land is occupied by forests, which include rare and valuable hardwood timber... the gentle slopes and lowland hills making it the perfect environment for commercial logging. As similar lowland forest systems of the *Solomon Islands* and across the Pacific succumb to logging and degradation, the forests of the Tarevalata stand out as one of the last pockets of representative habitat remaining in Melanesia.

As similar lowland forest systems of the *Solomon Islands* and across the Pacific succumb to logging and degradation, the forests of the Tarevalata stand out as one of the last pockets of representative habitat remaining in Melanesia.

The Tarevalata have faced numerous attempts by logging operations to access their territory and challenge their community rights to land. The Tarevalata chief has important responsibility to uphold the ideals and traditions and to sensibly guide the community. The elders must collaborate with the chief. In the past, it happened that the chief and elders found themselves at odds over the logging issue, but the consensus remained with the elders, averse to logging. Recently, a community member residing in Honiara— not a representative of the Tarevalata according to the *kastom* system— signed a logging permit without the knowledge of the community. The Tarevalata had to go through a court struggle to remove their lands from the logging concession. Without the support of the Luru Land Conference of Tribal Communities (an organization that supports indigenous rights) this would have been even

more complex and may have resulted in serious conflict. In the midst of the legal battle, a Korean logging crew was apprehended by the tribe on Tarevalata lands. The crew was physically ejected and their bulldozer confiscated and destroyed. The company, of course, claimed that it had a legal agreement... These are the tricks that



the logging interests will use, and they pose grave threats to the *kastom* territories. For how long will Tarevalata resist? Many forested ICCAs have been lost to logging operations, often as a result of a small, one-off payment or simply through illegal logging. Will the strength and determination of the Tarevalata people be able to maintain their traditional lands and way of life? This is to be hoped, as two essential conditions are met: the community is united, and the land is legally recognised under its jurisdiction.

E 14 ▶

The traditional conserved landscape and agrobiodiversity of the Dulong people of China—subsidies to destroy a bio-cultural treasure?

(adapted from Wilkes and Shicai, 2007)

The Dulong are one of China's least populous ethnic groups, living at the corner of Yunnan, Tibet and Myanmar in a relatively steeply sloped landscape they traditionally used for rotational (swidden) agriculture. Traditional Dulong agriculture includes the cultivation of *Alnus nepalensis*, a nitrogen-fixing tree that maintains soil fertility, and dozens of local varieties of crops, including rare and neglected crops and varieties, such as *Setaria italica*, finger millet, *Echinochloa* sp., buckwheat, *Amaranthus* sp., and yam. The practice of traditional rotational agriculture relies on knowledge about the characteristics of swidden sites (vegetation cover, slope, aspect, soil, etc), as well as knowledge relating to the treatment of different forest resources and the use of fire. Special farming tools are used to minimize soil erosion caused by cultivation on steep slopes, and particular knowledge is related to the production and use of these tools. Traditionally, Dulong hamlets are based around a patrilineal clan, and elders have a great deal of influence on the use of forest resources, such as the choice of land plots for agricultural cultivation. There are many joint cultivation arrangements among households that strengthen reciprocities and social ties. And, for those Dulong who have not converted to Christianity, cultivation must be preceded by rituals to propitiate the spirits. Traditional agriculture is thus a core element of Dulong culture, relating not just to ecological knowledge, but also to religion and social organization. In all, the Dulongjiang valley possesses all the characteristics of an indigenous conserved landscape (an ICCA of IUCN category V) particularly important for its associated agrobiodiversity and cultural values.



In 1999, China's central government announced the Sloping Land Conversion Program. Farmers were asked to discontinue agriculture on slopes over 25 degrees, where trees should instead be planted. Under the program, if farmers planted trees, they received grain subsidies (ensured for eight years). The aim was to increase vegetation cover and reduce soil and water loss, while also considering the livelihood needs of farmers. Although the government had tried to discourage swidden or rotational agriculture in Dulongjiang since the 1960s, this was the first such effort to come with specific implementation



measures. The implementation of SLCP brought some welcome grain handouts to the Dulong, but increased their dependency, decreased their agrobiodiversity, and threatens to make Dulong biocultural heritage a thing of the past. As a matter of fact, many traditional crops are no longer planted and households have not kept the seeds of these crops. The range of varieties preserved by those farmers who are still engaged in *in situ* conservation is limited, as many traditional swidden crops do not perform well outside swidden fields. Most farmers think that other households are preserving traditional varieties, and assume that in the future, if they will need to cultivate swidden again, it will be easy to find the seeds. But, in fact, farmers who have kept cultivating traditional crops in small corners of their permanent arable land are a very small minority. Moreover, young people no longer learn swidden agriculture by helping out their parents in the fields; they no longer understand ethnic food and lose many of their distinctive characteristics of their people. The Dulong are facing the fast destruction of their biocultural heritage, the disappearance of their ICCA and great vulnerability ahead. The subsidies, soon or later, will come to an end...

E 15 ▶ **Losing ground to conservation...**

(adapted from Gustave and Hidayat, 2008)

Many protected areas have been imposed on traditional lands of indigenous peoples or other local communities, often without consultation or compensation. Paradoxically, this often includes ICCAs precisely because community management resulted in good conservation and rich habitats for wildlife. This can also be the case for communities that established themselves relatively recently. For instance, the residents of Sumberklampok (Bali, **Indonesia**) have been excluded from a good part of the lands they had come to consider as theirs, including areas they have conserved as "sacred". The local community is heterogeneous, including people from three main ethnic groups (Java, Madura and Bali), descendants of Dutch slaves, refugees from environmental disasters, refugees from civil unrest and war, and survivors from the political killings of the 1960s. First under Dutch colonial rule and later under the national government, the community has gone through a remarkable series of dispossessions of their rights. Until recently, however, their "sacred sites" in the upland forests had remained accessible to them. Today, their forests and coastal area are included in West Bali National Park, and Sumberklampok village is enclaved within it. The community access to the upland forests and marine and coastal resources is restricted. In 1991, the national park managers even announced plans for the physical resettlement of the village... but these were successfully resisted by the villagers. Up to 2008, land rights and a possible active role of the community in the conservation of the national park remain unresolved issues.

E 16 ▶ **We will keep fighting our poverty... but the Kalumbata must always fly free!**

(adapted from De Vera and Guina, 2008)

The *Igmale'ng'en* sacred forests of Mindanao (**Philippines**) are of extreme importance to the Talaandig people. For them, they represent everything that is pure and strong and their continuing existence ensures

the community's existence and survival. For the Talaandig, the sacred forests of Mt. Kalatungan are home to the tallest and hardest trees and the source of the cleanest waters that never run dry. They are where the deer and wild boar will always roam and where the *Kalumbata* (Philippines's eagle) will always fly free. The *Igmale'ng'en* play a



central role in their daily affairs, sustaining rituals and assuring the spirits a place to rest. The forests provide medicinal herbs for the village healers and timber for the construction of the village *Tulugan* (altar). The oral traditions of the Talaandig— their chants, poems and songs— continue to flourish as the sacred forests provide for a continuing interaction with spirits and deities.

While still almost intact, the *Igmale'ng'en* forests have been under mounting pressure from migrant communities surrounding Mt. Kalatungan. The mid '90s were a terrible time for the Talaandig. A long drought struck the area, crops did not develop and the community fell deeply into hunger and sickness. They survived by gathering whatever was left in the forest, such as rattan, and hunting wildlife. They were forced to consume *lab-o*— a poisonous plant that can be made edible only after drying and soaking with water overnight. Whatever they managed to gather was bartered with rice or corn grits from people in the lowland. It was at the height of this crisis that mineral prospectors came in with promises of untold riches and the tribe was convinced to help find some indicator stones and, later, consented to some mining activities. The agreed rules and safeguards did not last. Unregulated, illegal logging became rampant, as gold prospectors required timber to shore-up the ever-growing number of tunnels they dug. New migrant families required land to settle, and encroachment into traditionally-owned lands became common. The migrants started harvesting much more than the local environment could provide. In less than two years, several creeks dried up and the natural forest line moved farther away from the village. Some Talaandig families initially gained some money, but they were unaccustomed to dealing with it and they rapidly found themselves deeply in debt.

The communities soon realized that they were on the brink of losing everything they had... In 2001, decided to regain control on their land, the Talaandig completed documentation to apply for a Certificate of Ancestral Domain Title. The situation has also been partially relieved by the declaration of Mt. Kalatungan as a National Park by Philippines' government. This offers an additional layer of legal safeguard to the sacred forests and will help protect them from destruction. But the declaration does not recognize the cultural and spiritual significance of the forests to the Talaandig people and falls short of creating that bond between them and the government that could best sustain conservation and a healthy society. For the Talaandig people, and for other indigenous peoples caring for their ICCAs in the Philippines,⁵⁸ time seems ripe for some specific recognition of their ICCAs, in legislation and in practice.

E 17 ▶ A choice for the local youth

(Mariana Oliveira, personal communication, 2007; and adapted from Jana, 2008 and Novellino and the Batak community of Tanabag, 2008)

One of the important challenges facing ICCAs all over the world is the rapid change in values imposed on the youth through mainstream education, religious proselytising, advertisements, political propaganda and the ever-flowing fiction of media. While part of such change is empowering and positive, part is unfortunately disruptive, fosters the passive imitation of external models and creates unhealthy dependencies. As part of this phenomenon, the youth may feel detached from their land, culture and institutions at the crucial moment when they should learn about them, nourishing their own sense of identity and pride, including links with their ICCAs.

In the Bijagos islands of *Guinea Bissau*, the local youth are forced to make a choice between modern education— available only in the country's capital of Bissau— and the traditional education imparted by local elders. The elders do not force any of the youth to remain or to follow them. But when they choose to do so, they are no longer allowed to leave. Given the inflexibility and the harshness



of customary education, mothers increasingly do all they can to send their children to be educated away. The drying of the sap of local culture is endangering the foundations of local ICCAs, closely dependent on the knowledge and respect of local traditions.⁵⁹

In the hill tracts of central *Nepal*, the Chepang indigenous communities inhabit an area rich in forest and agrobiodiversity— in particular the highly valuable *chiuri* or Indian Butter trees— sustained by the livelihood dependence of the people on the forest ecosystem. There is a fascinating connection among the Chepangs, the *chiuri* tree and the Chamero wild bats. The tree attracts wild bats during fruit bearing season and when its white flowers bloom. The local youth traditionally hunt bats by creating traps in the *chiuri* tree, and they preserve the trees also because they can hunt bats there. The bats, closing the circle, both are a delicacy in local cuisine and play a role in the reproduction of the trees. The increasing influence of Christianity in the area appears to have both pros and cons for the local youth and their engagement in traditional patterns of conservation. Chepang activists claim that Christianity has provided incentives to education, community meetings, prayers and empowerment of women, and discouraged alcoholism in the community. But the new religion has also diminished the traditional cultural identities of people “as Chepangs” and their link with nature and the forests. There is an increasing out-migration trend among the young Chepang, who leave to find better economic opportunities in urban areas.⁶⁰



Differently from other, more acculturated groups, the Tanabag Batak people of Palawan (*Philippines*), have no plan to leave their villages in the uplands and move to lower altitude villages or to the island’s capital city. In spite of the ongoing transformation and changes of values taking place within their community, the young generations are still deeply attached to their territory, which continues to play the pivotal role in their livelihood and cultural sustenance. It is true, however, that the local youth increasingly perceive the traditional role of shamans “custodians of the natural resources” as unable to deal with current transformations. The aesthetic force and socializing dimension of imported technology and modern life are beginning to override shamanic séances and traditional narratives. The young Batak remain committed to protecting and safeguarding their territory from which they derive their livelihood, and would like to see their role as traditional custodians of the forest effectively recognized by government agencies and society as a whole.⁶¹

E 18 ▶ Can ICCAs coexist with markets and a consumerist society?

(adapted from Kennedy, 2008; Bedrani, 1008; and personal communications from Ed Tongson, 2007, Juan Chavez, 2008 and Yves Hausser, 2010)

The short answer is a “conditional yes”. If equitable market rules are in place, people can maintain their ICCAs, link them with productive activities and successfully participate in commercial enterprises. But for that to happen it is necessary to fend off the “unfair competition” by the market forces that devalue sustainability and to prevent the violence, corruption, and imposition of decisions that generally accompany markets when major interests are at stake. Some examples are collected below.

In *Tanzania*, numerous conservation and development initiatives support market-based solutions for conservation through sustainable use of natural resources benefiting the local communities. In the Selous Niassa Wildlife Corridor, for instance, communities benefitted from the limited use of wildlife and non timber forest products, such as honey and mushrooms. When uranium exploitation became an option, however, it quickly became evident that the sustainable use initiatives could hardly compete with the short term benefits that accrue through uranium mining... The community enterprises are also directly threatened, as food stuff labeled “organic” cannot cohabit with the uranium exploitation supposed to start in 2012. Thus, even when markets exist for local sustainably used products from

ICCAs, those can be quickly disrupted by the presence of resources, such as oil and minerals, which generate major profits for external stakeholders.⁶²

Some ICCAs secure a good part of communities' income. In **Peru**, the government granted privileged access, control, and resource use to the Shipibo Konibo people over 35,000 ha of forest in what they consider their indigenous territory (the state does not recognise it as such but as a "Communal Reserve" on state-owned land). The people declared their own rules (*Reglamento*) to manage the reserve and thus conserve medicinal plants, wild fruits, wildlife and trees with important characteristics to be used as timber for local buildings. In certain areas they allow no extraction at all (*e.g.* total fishing ban, total hunting ban, sacred areas where no disturbance is allowed, etc.), but strict rules do not apply everywhere. Timber is extracted on the basis of both national regulations, which need to be respected in the whole territory of Peru, and traditional local rules. The beginning of the Communal Reserve did not go smoothly. The government even assigned a logging permit to a private company that showed up ready to extract timber from the reserve... but the people successfully resisted it. Also, a gasoduct was built across the reserve, which created many problems during the construction time. In 2005, however, the reserve obtained the certification of sustainable use standards from the Forest Stewardship Council, and its hardwood, today, makes its way to international markets also with the help of international conservation organizations such as WWF.⁶³

Paraku is an Indigenous Protected Area encompassing a huge wetland on the edge of the Great Sandy and Tanami deserts, in Western **Australia**. The lakes— end point of many "dreaming tracks"— are imbued with the stories and the lives of the Aboriginal peoples. For quite some time, unmanaged and unmonitored fluxes of tourists had been free to visit the area, at times causing serious environmental impact. A positive consequence of having declared Paraku as Indigenous Protected Area is that a visitor permit system is now in place. Tourists are requested to report to the IPA office, where the Aboriginal staff advise them about how to minimize their impact and respect the local environmental and cultural values.⁶⁴

In the island of Palawan (**Philippines**), the Mangyan Tagabukid communities living in the periphery and interior of Mt. Guiting-guiting have negotiated an agreement by which they receive payments for watershed management services, securing drinking water to the town of San Fernando and water for other agricultural and industrial uses. The "Cantingas Water Fund" was set up in 2005 and has since been used to support the indigenous peoples willing to monitor the watershed and report about loggers and poachers. A 10-person patrol team conducts daily patrols in an area of about 56 sq-km. The members of the patrol team, who rotate among members of the IP community, receive a daily allowance. Payments are made in-kind, *e.g.* groceries, rice, etc.— and are collected by the wives of the patrolers. Women-led households also participate in the patrols, which has resulted in the apprehension and confiscation of illegally sourced timber. Some skirmishes have been reported but violations appear to have taken a downturn. Swidden farms previously identified as major threat to the watershed are now subject to negotiations with land owners to limit their expansion and to re-vegetate buffer zones into the waterways. The concern for water availability and quality has convinced lowland users of the need to take care of their watershed and a payment system contingent on performance has demonstrated viable and effective.⁶⁵



In **Algeria**, the ICCA of the Oued Morra Community— the ancestral territory of the Ouled Ali ben Amor tribe, is a great example of well functioning community-based protection of a semi arid ecosystem dominated by alfa (*Stipa tenacissima*)— a plant that has basically disappeared anywhere else, juniper trees (*Juniperus phoenicea*) and sparte (*Lygeum spartum*). Alfa is considered nearly a “fossil” plant, as it hardly reproduces itself from its grains even in highly controlled conditions. The ICCA of Oued Morra is a unique example of a habitat that remains functional for the reproduction of this plant. Traditionally, the utilization of all local vegetation has been subjected to strict rules within the tribe (now organized as a municipality). So far, such rules are still respected, and it appears to be so because the community remains very cohesive. A few phenomena, however, raise question marks for the future. On the one hand, the number of people in the community has been increasing, and the traditional leaders are losing some of their former authority. On the other, the community is now having a variety of new “needs”— from portable phones to cars to computers. For the time being those needs are being met and the ICCA remains well managed. It is to be seen if, in the long run, the two will remain compatible.⁶⁶



E 19 ▶

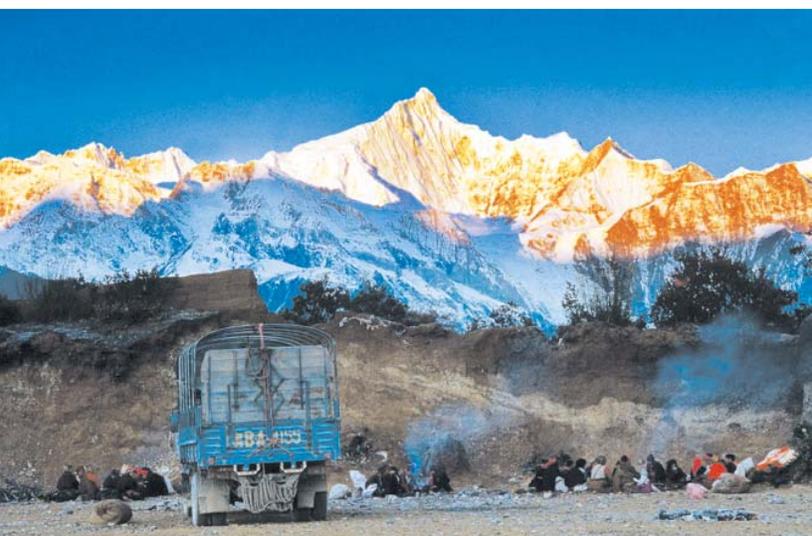
Will Kawagebo survive mass tourism?

(adapted from Li Bo, 2007; and Li Bo, personal communication 2008)

Kawagebo, one of the most sacred mountains of Tibetan Buddhism, is the highest peak in Yunnan Province (**China**) and includes a 12 kilometer glacier named Mingyong (named after the Mingyong village at its foot), spanning from the Kawagebo peak to the Lancang river. More than 2700 vascular plants are found in the Kawagebo area within nine distinct altitudinal vegetation zones, from subtropical to year-round snow peak. The sacredness of the Kawagebo is known across Tibetan communities near and far, as is its wealth in herbal medicines. The mountain is regarded also as the actual body of the Bodhisattva Manjusri, closely associated with the quest for enlightenment in Tibetan Buddhism. Pilgrims from all over China visit this mountain every year to circumambulate the peak, in essentially a 12–15 day trek that crosses over three mountains ranges above 5,000 meters in height. The sacred area in Deqin County alone covers over 700 km². Starting in the 1980s, Kawagebo became a destination for mountaineering tourism. Between 1987 and 2000, numerous teams including foreigners and Chinese attempted in vain to climb it. In 1991, seventeen people, Chinese and foreigners, were killed in a mountaineering disaster. Led by the local monks, the communities at the feet of the mountains had expressed their concerns and resistance before, during and after the climbing. Major ceremonies were held by the monastery to pray for the forgiveness of the deity during the climbing, and after the disaster, which buried the dead in the glacier that is the source of drinking and irrigation water for the local communities. In 2000, several environmental groups petitioned the government for a ban on mountaineering at Kawagebo, to show respect to local culture. Nature— they stressed— does not need to be “conquered” by humans everywhere on earth. The petition was televised nationally, and mountaineering was halted.

Mass tourism was to start next. Between 2001 and 2005, total income from the tourism industry constituted one-ninth of Yunnan’s total GDP. Millions of tourists— especially from China— visit the area each year. Mingyong village has 51 households and 320 people. It lies at 2,700 m., at the foot of the Kawagebo, only a few hundred meters from the

glacier tongue. The villagers have always been humble guardians for the pilgrimages to Kawagebo. Since they started to provide horse track services to the glacier, however, each family has been cashing incomes of the orders of thousands dollars per month. The Mingyong tourism operation is a well organized community enterprise, based on the same self-governance system that deals with all village affairs. Decision-making is transparent, and benefits are fairly distributed to the households that provide their labour on a rotational basis. All may seem well... except that in the last 50 years, the glacier ice tongue has been melting and retreating (over 200



meters since 1998). This caused volatile discharges of water as floods and landslides, which destroyed both agricultural lands and homes. Villagers do not agree on what is causing the glacier to melt: some blame increasing tourism activities, others blame global warming. Most elders correlate it with the increasingly disrespectful behaviour of outsiders. Mass tourism is a concern for the elders also because it renders livelihood more volatile (*e.g.*, tourism and income fell during the SARS epidemic), it shakes the cultural identity of the youth... and it may change the place forever. The youth is actually talking about setting up a cable business to replace the horse track operation. Kawagebo as a sacred mountain is well understood by the public and government, but it is so large that it transcends several government jurisdictions. The government conservation strategy hopes to focus on the cultural and natural values of the place, but tourism-based development is a very complex phenomenon. It is not clear whether the ICCA would be able to survive it.



The Tamourt of Bukhaari: would it be better protected as a recognized ICCA?

(Simon Nancy, personal communication, 2010)

The Tamourt of Bukhaari is a striking wetland in the very arid region of Assaba, in *Mauritania*. Located on the edge of the plateau Famlaghzeiratt, the wetland is a key stop for the nomads who move between the northern plains and the south of the country, at the border with Mali. The vegetation of the Tamourt is carefully managed by the communities of the Famlaghzeiratt village, who practice animal rearing, agriculture and fishing. The wetland is home to one of the largest populations of crocodiles in Mauritania.

The Tamourt is supplied with water from the seasonal source of Metrewgha, located a few miles into the steep foothills of the plateau. Isolated and inaccessible, both the source and the wetland are rarely visited by the population and continue to harbor an important wildlife. The sites are connected by an *oued* (a brook) bordered by a remarkably well-conserved riparian forest. The ecological unit is representative of the wealth of the Sahelo-Sudainian ecosystems of southern Mauritania.

The passing through of pastoralists is deeply rooted in the socio-ecological history of the place, and the local communities have acquired significant expertise in terms of proper management of such users and their impact on natural resources.

Today, however, the new road from Nouakchott to Bamako (the "road of hope") passes through the village of Famlaghzeiratt, located only 2 km from the Tamourt. Since the construction of the road, the town has been growing, livestock has been settling down, water is more coveted than ever and the impact of many new users seriously threatens the survival of the Bukhaari wetland. Understanding that they must take action to ensure the conservation of natural resources, some representatives of the local caretaker communities have put forward their traditional



capacity to integrate new actors in the management of the territory and to establish and enforce rules that allow the sustainable use of natural resources. Recent discussions with such representatives as part of a program that supports the implementation of CBD PoWPA, have revealed that the communities are eager for the Tamourt to be officially recognized as an ICCA under their traditional governance.

Recognising & securing ICCAs: what have we learned in policy & practice?

We may think of ICCAs as eminently local phenomena but they are both local... and very dependent upon the wider context. The integrity and strength of the community that established and maintains the ICCA are essential, but so are the presence of friends and allies in society at large and the recognition and support of national governments. It is all these conditions, together, that are responsible for why ICCAs vary so widely between regions and countries and are found in such different statuses of relative abundance, resilience and "health". What have we learned from initiatives

that aim at recognising ICCAs, fitting them within state legislative frameworks and/or incorporating them as part of national protected area systems? What have we learned from field operations that attempt to remove barriers to recognition and/or assist in the process? What does actually work? What does not work? What works, but only if...? In this section we draw *eleven lessons from experience*, conscious that more are in the process of being learnt, and accumulating as we write and go to print...

The strength & integrity of the concerned community are essential to the existence & thriving of the ICCA

The integrity, sense of identity and internal solidarity within the concerned indigenous people or local community are the basis on which many ICCAs develop and strive for outside recognition and support. Often, the roots of such uncommon strength feed deeply into the history of a people, the experiences told by parents to children, the local stories, songs and myths, the rewarded and sanctioned behaviours and the commonly appreciated values (→ E22, E28, E36). There may be strong common traits, such as language and ethnicity, but also common experiences of struggles, disaster, salvation, victory or defeat that created strong bonds among the members of a community in quest of livelihoods and local security (→ E4). Common beliefs and shared religious and spiritual values are often a main theme, and it is not

by chance that many ICCAs are Sacred Natural Sites (→ E10, E12, E16, E19, E21, E39). It also helps enormously when the local culture is strong and the ties of reciprocity and solidarity it weaves among people simply cannot be broken (an excellent example in → E25).

Today's pressures to conform to a rapidly changing world are indeed enormous, and especially so for the ones that perceive themselves "at the bottom of the ladder". The values of community solidarity and environmental conservation are certainly not trumpeted by private interests and the media. Only community strength and integrity stand in between a local leader and the financial advantages s/he can obtain if s/he convinces the community to give up its natural heritage and accept a mining or industrial contract. Governments and corporations have powerful means at their disposals. Indigenous peoples and local communities face false promises, envelopes stuffed with money, legal battles, police incursions, armies of bulldozers, and even gunmen hired by drug lords or unscrupulous politicians. Only a combination of exceptional diplomatic skills (→ E33), traditional wisdom and leadership (→ E3, E6, E10, E12, E22, E24, E26, E27, E28, E31, E33, E37, E38, E39) and the healthy reaction that pulls a community together when disasters happen or are about to happen (→ E16) can nourish the struggle to conserve ICCAs.



2

Friends and allies from civil society can and do play crucial supporting roles

Relations between governmental agencies and indigenous peoples and local communities can be fraught with difficulties, particularly when ICCAs are at stake. While ICCAs clearly help national governments meet their biodiversity conservation objectives (and in particular their CBD obligations), they may also encompass areas and resources that governments are willing to sacrifice in pursuit of economic development or other national goals. In addition, even when communities are well organised, the difference in power between governments and local actors remains conspicuous, and there may be an even larger gulf between their values, languages and perceptions of reality. For these and other reasons, it may be important to facilitate communication and negotiation processes between communities and governmental agencies. NGOs devoted to human rights, development and conservation, but also individual experts and researchers, journalists, unconventional religious leaders, political activists and members of civil society at large have played such a bridge-building role.⁶⁷ They have been “translators”, mediators, technical advisors and facilitators of negotiation events concerning ICCAs (→ E22, E25). They helped governments understand the benefits of ICCAs, develop agreements with communities and avoid costly conflicts and waste of resources (→ E7, E31, E45 and E46). They have acted as whistle-blowers and exposed to public opinion the environmental and social costs of damaging policies and projects. And they have helped communities to negotiate supportive policies and fair rules of engagements in countless national and international fora.⁶⁸

In every country where ICCAs exist and prosper, it is likely that vibrant and effective friends and allies from civil society have done their part to support them. Dedicated NGOs and legal advisors have been essential

for indigenous peoples and local communities to obtain recognition of their rights to land and natural resources. They have helped them to map and demarcate ICCAs’ lands and waters, demonstrate their conservation value and clarify the historical associations and caretaker role of the relevant communities (→ E12). They have assisted in preparing the technical and legal cases to secure specific ICCAs, and, once the ICCAs were secured, helped communities to monitor biodiversity, set up surveillance and enforcement mechanisms and initiate ICCA-compatible development initiatives (→ E43, E44, E45). Some such organisations, and some emerging national ICCAs Federations,⁶⁹ dedicate special resources and special lines of work to ICCAs, supporting national information exchanges organising among communities, local mapping and demarcation exercises and training of local leaders (→ E43, E46). Others assist governments to develop ICCA-supportive approaches—from more compatible protected area legislation to intercultural health and education programs (→ E41).

Despite all of the positive experience mentioned above, communities must continue to exercise caution in choosing civil society partners, which sometimes have a vested interest in supporting outside interventions that may not agree with local priorities. Some NGOs engage in extractive research that does not build the capacity of community members to conduct their own studies, while others become influential intermediaries for national or international conservation and development programs that do not provide the benefits the community is seeking. Last but not least, some NGOs may just be willing to appropriate for themselves and their fundraising efforts the conservation results of ICCAs.

3

National governments have international obligations vis-à-vis ICCAs, & international organizations, instruments & projects can help them fulfil such obligations

Soon or later in the life of many ICCAs, the involvement and responsibility of the state’s government in recognizing and supporting them become essential, in particular to ensure that the rule of law is respected— including the endogenous ICCAs’ management rules— and to protect them against external threats. In a rapidly changing world, many communities can no longer guarantee on their own that rules are fairly and effectively enforced (→ E12)... but what to do if the state is unwilling or

unable to take on the task? In such cases, making an appeal for the help of international agencies and/or demanding the respect of state obligations under international agreements (such as the Convention on Biological Diversity) can offer some help. Specific projects supported by bilateral or multilateral agencies have also proven constructive and influential (→ E25, E31, E46).

Some lawyers argue that international law, including international comparative (regional and national) law, has now evolved to the point where legal recognition of indigenous peoples' common property rights can be considered mandatory (decisions of the new African Commission on Human and Peoples' Rights provide weight to such evolving argument).⁷⁰ In all cases, international instruments such as the Convention on Biological Diversity (in particular article 8j,⁷¹ 10s and the PoWPA, but also articles and guidelines on natural resource use, benefit sharing and the ecosystems approach); the Man and the Biosphere programme of UNESCO; ILO Convention no.169; the Aarhus Convention; the Ramsar Convention;⁷² the UN Convention to Combat Desertification; the Convention on Cultural and Natural Heritage; and the subsidiarity principle adopted by the European Union, are powerful entry points for indigenous peoples and local communities to advocate a major role in governing and conserving ICCAs. Most importantly, the UN Declaration on the Rights of Indigenous People emphasizes rights to ancestral land,

natural resources and culture, and rights to self-governance— all strongly related to ICCAs.

International policies are generally accompanied by support mechanisms, where ICCAs can find some specific niches. Besides the GEF Small Grants Programs, which is uniquely suited to support community-based initiatives, others mechanisms can be identified at various levels.⁷³ As conservation and climate change approaches that involve international financial flows— *e.g.*, the so-called payments for environmental services (PES) and REDD initiatives— become more common, the role of international organisations and instruments will become more critical to ensure their compliance with transparency, accountability, equity and sustainability criteria.⁷⁴ Some opportunities for win-win arrangements appear to exist (→ E43, E44, E45) but indigenous peoples and local communities must make sure they also understand the potential threats posed by these new instruments to their ICCAs (→ E42).

4

Governments can officially recognize or certify ICCAs through a variety of legal & policy instruments

Legislation and policies that offer a basis for ICCA recognition and support vary enormously from region to region and from country to country within a region. They include legislation addressing the rights of indigenous peoples but also protected area laws, forestry and wildlife policies, land tenure, decentralisation policies and others.

Regarding *the rights of indigenous peoples*, political dimensions are fundamental to the recognition of ICCAs, and the space available for them in society is in phase with the space available for democratic movements and the enforcement of the rule of law. Enormous progress was made in 2007 with the signing of the UN Declaration on the Rights of Indigenous Peoples, but in many countries (*e.g.*, in Central and Eastern Africa and South-East Asia) this has not yet translated into actual change on the ground. In some countries, however, progress is palpable, as in Ecuador (with positive results associated to the political processes related with the new Constitution of 2008),⁷⁵ and India (see below). In Argentina, the Mapuche peoples are claiming their rights to govern Park Lanin on the basis of both UNDRIP and innovative CBD and IUCN policies on protected areas.⁷⁶ In Australia, restitution of land to Indigenous groups through statutory claims began in the 1970s, and the recognition of common law native title rights to land and sea in the 1990s.⁷⁷ These policy developments provided an important opportunity to recognise ICCAs (→ E23).

In Asia, the legal context is generally not favourable to local and indigenous peoples' rights. In the Philippines,

however, the Indigenous Peoples Rights Act (IPRA) offers land and resource ownership rights to indigenous peoples with a strong and demonstrable connection to their ancestral domains. These rights are not easily claimed, and the government is often slow to support or respect them even when they have been agreed upon (→ E12). Implementation of the rights can be inadequate also because of active bribery and intimidation of indigenous leaders and the creation of spurious divisions among them.⁷⁸ Nevertheless, many indigenous peoples have taken advantage of the IPRA Law in the Philippines, and claims to be granted title to ancestral domains are beginning to be combined with claims to govern ICCAs within or superimposed on these domains (→ E21).⁷⁹ In 2006, India also approved a Forest Rights Act that offers land rights to tribal communities in their traditional territories. A few years later, however, many concerned communities are still poorly informed and unclear about the pros and cons of implementing the Act, and Indian activists believe that its fair implementation presents a daunting challenge. Political negotiations and local acceptance of restrictions, including by local commercial and industrial interests, appear as necessary prerequisites for the Act to be effectively set to work (→ E32).

In Latin America, legislation can be cautiously regarded as progressive regarding the rights of indigenous peoples and local communities over their ancestral lands and natural resources. Immense territories are recognised under indigenous jurisdiction in Colombia, Bolivia, Ecuador,

Venezuela, Brazil and other countries.⁸⁰ Because of this, these peoples' ICCAs enjoy a level of autonomy unknown elsewhere. In Panama, for instance, the general congress of the Kuna indigenous peoples could decide in 1987 to run its autonomous region (Kuna Yala Comarca) on the basis of the UNESCO biosphere reserve model, within which natural zones and protected sites are clearly identified and enforced.⁸¹ An impressive national case is the one of Colombia, where indigenous peoples possess common rights to land and natural resources as well as rights to autonomous governance and full respect for their cultures: their *resguardos*⁸² cover 34 million hectares of land, or almost 30% of the national territory. Five million hectares have also been adjudicated as collective property to its Afro-colombian communities, considered as deserving of similar attention and respect. Many ICCAs can thus exist and prosper in Colombia,⁸³ including areas jointly conserved by different indigenous peoples.⁸⁴ Similarly, Mexico has legitimized community-based tenure systems that give members the responsibility to allocate and enforce resource rights within the legally established boundaries of their community. As a result, approximately 80% of Mexico's forests are managed communally by local communities in *ejidos* and *comunidades indígenas*. This has favored not only the establishment of widely acclaimed community forestry enterprises in the 1980s, but also a vibrant movement of voluntarily declaring community conserved areas in recent years (→ E45).

But what if a country does not recognise the existence of indigenous peoples on its soil? What if indigenous and non-indigenous citizens have merged in such a way that the concept of "local community" seems *to them* more appropriate than the one of "indigenous peoples"? The **rights recognised for local communities** in the international context and in many national contexts are fewer and less important⁸⁵ than the rights of indigenous peoples, and some consider this an area in urgent need of further analysis and policy advances (→ E24). Self-defined communities legally owning and/or formally in control of their natural resources— wherever state legislation allows this— have demonstrated that they can be effective stewards of ICCAs and resolve many of the problems that plague natural resources in open access regimes (→ E3, E5, E6, E7, E8, E25, E33, E38, E40, E45).

In Madagascar, one of the countries where the existence of resident indigenous peoples is not (yet) legally acknowledged, a point of entry for the recognition of ICCAs may be possible through **protected area policies**, if those— as it seems— will legally embrace the full spectrum of protected area governance types. For instance, areas conserved by local communities such as the sacred groves described in example E2 are becoming more accepted as part of Madagascar's protected estate,⁸⁶ now supposed to encompass a variety of

management categories and governance types, as per IUCN guidance.⁸⁷ The specific Malagasy legislation, however, is still evolving, and being part of the national PA estate does not yet imply that existing ICCA institutions are recognised and respected (→ E21). In Australia, Indigenous Protected Areas declared by the relevant Aboriginal landowners and accepted by the federal government following their development of a satisfactory management plan, can become part of the National Reserve System and receive financial support from the federal government and others (→ E23). Since 1988 more than 14 million hectares have been declared and added to the national PA system in this way, with considerable conservation advantages and financial savings for the Australian government.⁸⁸ In West Africa, Ghana has been recognizing community governance of wildlife sanctuaries and sacred groves for several years (the Monkeys Sanctuary of Boabeng Fiema dates to 1975).⁸⁹ In Ivory Coast, ICCAs can be recognized as Natural Voluntary Reserves, and in Gambia as Community Reserves.⁹⁰ In other countries, such as Italy, the national protected area law— as written originally— was not meant to include the ICCA option... but the law was later modified to accommodate a special case (→ E33). This has opened the way for the recognition of other ICCAs, but this legal option remains relatively unknown and underexploited.⁹¹

IUCN recommends that countries support **voluntary conservation**, including ICCAs, both **within and outside a national protected area system**, i.e. though policies dealing with conservation, but also with other sectors, such



as agriculture, tourism, mining, forestry, fisheries, finance and economic development.⁹² In this sense, governmental agencies dealing with land use planning and economic development have critical roles to play. For instance, they can recognize “ecologically important” or “sensitive” areas, such as watersheds, rivers, lakes, wetlands and coastal zones, and the relevant community conservation measures. As part of such recognition, they can declare these areas off-limits to destructive activities.

When, as is the case in some African countries, one can identify neither legislation referring to common rights of indigenous peoples or local communities nor ICCA-related provisions in protected area law, some leverage can still be found in the *recognition of customary laws and use rights*. In Tanzania, the legislation of the modern state has been at times inspired by customary law, and this offers valuable entry points for the recognition of ICCAs. A telling example is the one of Tanzania’s villages. Rural villages in Tanzania are managed by Village Councils, accountable to the assemblies of all adults living within the village area, a system dating back to Nyerere’s *ujamaa* program, which established villages as legal subjects and enabled them to develop their own by-laws. As long as they do not violate any other laws of the country, by-laws are legally binding and enforceable. The village by-laws thus provide communities with a powerful tool to develop natural resource management rules and procedures at the local level. In addition, land can be held and managed communally by Village Councils and Assemblies, which develop zoning and other land use plans, including for ICCAs. It is estimated that thousands of ICCAs exist as legal entities at village level in Tanzania, mostly comprising dry season grazing reserves and local forests (→ E26). Similarly, in Malaysia, the *Tagal* system of conservation and use is being recognized by the national government as very effective to manage inland fisheries, and is actually promoted through legislation (→ E27). In Southeast Asia and the Pacific, many marine areas are being managed by communities through legally-sanctioned or informally-recognized customary practices.⁹³ These approaches combine contemporary marine protection efforts and traditional conservation by relying on community-based rights, responsibilities and rules adopted in local ICCAs (→ E28).

Policies to devolve governance over natural resources from the state, region, county and municipal levels— usually known under the broad term of *decentralisation policies* - have great potential for the recognition of ICCAs. Despite implementation hampered by a variety of vested interest,⁹⁴ decentralization can

bring decisions closer to people and allow for various forms of negotiation and engagement in decision-making. In Brazil, spontaneous community-based movements to protect aquatic systems from depredation by non-local fishing fleets date from the early 1970s. Over time, municipal reserves were created in the Amazon region, including strictly protected lakes (to regenerate fisheries); lakes and waterways for subsistence fishing with traditional gear; and lakes where fishing nets are also allowed. Governmental agencies at different levels have not always been supportive of these initiatives but, since 2003, decentralised fishery policies have been adding strength to the local rules.⁹⁵ In a similar vein, an active and well supported organisation comprising fishermen from eight communities in the Casamance region of Senegal has recently obtained the formal sanctioning of a new marine and coastal ICCA to be governed by them⁹⁶ under the supervision of their municipal Council under the legal framework of the national Decentralisation Law (→ E25). This has opened an important avenue for ICCA recognition in Senegal and— possibly— an inspiration for fishing communities throughout the region. In the terrestrial environment similar cases of local processes that developed rules for the sustainable use and conservation of vital natural resources can be found for dry forests in Niger and Burkina Faso, where a variety of local actors, with the support of donor-financed projects and NGOs, have been developing local governance structures and management plans.⁹⁷ Such processes, which should be the rule in decentralisation policies, unfortunately remain the exception, dependent on the presence and sustained support of independent observers, NGOs and donors.⁹⁸

The recognition of collective rights over natural resources— be those of ownership or use— appears fundamental for ICCAs. In Mexico, after the Revolution of 1910, collective land ownership was re-established under article 27 of the 1917 Constitution, which redistributed to rural communities an area of land equivalent to half of the country. Since then, Mexican legislation has recognized two types of collective land and resource ownership: *comunidades indígenas* and *ejidos*. The *comunidad indígena* is a pre-existing corporate entity in which a community can demonstrate



long-standing common use of land and resources. The *ejidos* are land units under common ownership among peasants with no prior legal claim. Mexican *ejidos* and *comunidades*, which together cover approximately half of the national territory, have been fertile grounds for declaring ICCAs under the variety of options existing under Mexican legislation.⁹⁹ Changes to the Mexican Constitution that took effect in 1992, however, pose a threat to land tenure and social organization in *comunidades* and *ejidos* alike. An amendment of Article 27 has disallowed future claims for redistribution of private land while opening the door for *ejidos* to sell their lands. While illegal sales of land had taken place even before this change (especially for sites of very high value for tourism), most communities appear unwilling to relinquish collective tenure and collective management of their forest resources. There is scant evidence that land privatization has occurred on any important scale since the constitutional reform,¹⁰⁰ and a recent analysis of ICCAs in Mexico found that community conserved areas, in all of their diversity, are growing in strength.¹⁰¹

Whatever type of legislation and policy is utilized to recognize ICCAs, some governments see a need for a fast *scaling up* of whatever appears to be successful. Great care should be exercised in this, so that initiatives can fit the specificities of context and gain necessary social

backing and support (→ E43). Blueprint approaches and rapid scaling up of initiatives may transform successes into failures. In fact, even communities whose ICCAs are fully recognised and certified should remain vigilant about the evolution of national policies and practices and the role of governments. ICCAs should be cherished as examples of community governance, but national or provincial governments have a tendency to forget about that and jump to centre stage. For instance, some recent changes in Mexican environmental law appear to bring about subtle but significant change in the government role in support to ICCAs, e.g. a move from “certifying” ICCAs to “declaring” them,¹⁰² which threatens to turn ICCAs into co-managed protected areas. A similar case is presenting in the Philippines island of Mindanao, where only the strenuous resistance of the Manobo people has spared an important patch of the original forest, and the wonderful waterfall at its heart, from destructive exploitation by one of the largest paper pulp industries in the world (→ E4). Today, the Manobo are seeking recognition of the area as both their ancestral domain and their ICCA, but the local municipal government set up a tourism business at the waterfall, and is actively harassing the Manobo guards. In place of recognition and support we witness here to an unfortunate power struggle between the municipal government and the indigenous communities.

5

ICCAs are best recognized as coherent land, water & natural resource units governed by self-defined communities under a common title (property or right of use) that is inalienable, indivisible & established in perpetuity

To be effectively managed, ICCAs should encompass coherent socio-ecological “units”. In ecological terms, coherence may refer to the fact of encompassing an ecosystem (e.g. a watershed) or the presence of all habitats needed by a species to develop, feed and reproduce. In social terms, coherence may mean as few as possible imposed layers of administration and language barriers. Common culture and size are also important concerns, and communities that are naturally constituted and relatively small (e.g. a village rather than a rural municipality) have simpler and more frequent chances to meet and organize (social cohesion). Larger land units, on the other hand, are more likely to comprise entire ecosystems (and thus be ecologically coherent). ICCAs that stood the test of time usually have many attributes of coherent socio-ecological units,¹⁰³ at the level of one village or a cluster of villages,¹⁰⁴ and more rarely at the level of a broad landscape.¹⁰⁵ It is not infrequent that ICCAs encompass multiple or complex sets of natural resources (→ E2, E10, E12, E31).

In terms of ICCA land tenure, community ownership of the land (which includes access, use and disposal) offers the most powerful bundle of rights, but even secured rights of use of land or water under a variety of ownership regimes (e.g. private, state or municipal) can effectively sustain an ICCA (→ E2, E5, E8, E10, E24, E26, E27, E31, E34, E39). Local by-laws and municipal ordinances can be used as grounds on which to establish regulations for an ICCA (→ E35) as can long-term and renewable community leases (e.g., >50 years, as currently stipulated for social forestry contracts in Vietnam). The important element is that the arrangements succeed in developing a strong association between the natural resources and the relevant communities.

A few tenure characteristics, however, appear to offer great strength to ICCAs. The first and the most important is the fact that the **property and any other type of relevant rights are held in common**, fostering the engagement of an entire community in management, wise use and conservation. In this sense,

common property and common rights are the tenure modality uniquely appropriate for ICCAs, and often one of its defining characteristics. The second is that **the community is self-identified**, in the sense that it is not subject to arbitrary definition by outsiders, e.g. through administrative lines that have no origin in local history and/or no relevance for the concerned ICCA.¹⁰⁶ This is true notwithstanding practical difficulties. Not all communities, in fact, own or even want to own communal land. Many are neither egalitarian nor attached to tradition. Sometimes, an area or some natural resources are shared just because nobody can impede the use by other people (a case that excludes the qualification as ICCA). In fact, the challenge of social coherence starts at the level of the community in the very process of

defining itself.¹⁰⁷ The third characteristic is that— when common property is at stake— **the land and resources are also inalienable, indivisible and established in perpetuity**, i.e. cannot be sold to outsiders, in totality or in part, nor otherwise subdivided, leased or appropriated for private benefits. This ensures that the community cannot be lured or forced to cede control, and it has incentives to invest in the long-term. Examples of common tenure that is inalienable and refers to self-identified and self-governing communities are illustrated in this document for Australia, Colombia, India, Italy, Malaysia, Mexico and the Philippines (→ E12, E23, E30, E32, E33, E36, E45). In this sense, land reforms and policies in support to ICCAs may take advantage of a long series of examples and experiments.¹⁰⁸

6

If ICCAs need to be externally evaluated (e.g., to assign them benefits or exempt them from taxation), they should be so in a participatory way, & mostly in terms of outputs and impacts for conservation, livelihoods, governance & the well being of the concerned communities, rather than in terms of specific structures, rules & processes

A main challenge for the effective recognition of ICCAs remains the interface between traditional governance and state governance, between the mostly oral, informal, flexible relations within local communities and the uniform expectations and fixed rules of state agencies and donor organisations. While informal and flexible rules can be a source of problems for local minorities and under-privileged sectors (despite the fact that many historical communities developed their own ways of promoting local equity), uniform and fixed rules are more equitable but may be culturally and socially inappropriate, irrelevant to the specific local situation, and may even undermine local responsibility, capacity, and care. Governments and legislators willing to accommodate ICCAs should find ways to affirm and strengthen the unique institutions devised by traditional societies rather than trying to impose one-size-fits-all, blueprint solutions. To do so, they will find it useful to let go of imposed procedures and processes and focus instead on desired outputs and impacts, which should be set, monitored and evaluated in collaboration with the concerned communities.¹⁰⁹

For instance, some state governments impose the shape and structure of the institutions that can be acceptable as a governing body for an ICCA, such as the exact type of “governing committee” that fits the national legislation. This has undercut customary institutions and generated unnecessary conflicts and environmental

and social disruption (→ E21). In other cases, governments have regulated by law the maximum size that some ICCAs can have. In Cambodia, there is a legislated maximum of 7 ha for a spirit forest or burial ground forest under communal custodianship, and some communities may have to make painful choices and possibly “let go” of important sacred areas, because those “do not fit the law”.¹¹⁰ Similarly, in Burkina Faso an application decree limits to a few hectares the maximum size of community hunting reserves (called ZOVICs) and excludes them from big game hunting, which happens to be the only really valuable economic option. In Morocco, on the other hand, there is a minimum surface for the rural areas that can be set aside for community conservation (300 ha) and this often does not fit the local ICCAs (called *agdals*), which are complex combinations of smaller areas. Even when the customary *agdals* fit the law, however, the Moroccan communities do not gain recognition of governance rights, but only some form of temporary “compensation” for their conservation contributions... and then only if they organise as an association with legal standing, and at the discretion of the staff of the forestry department (→ E24). In India, ICCAs can be notified as Community Reserves under the Wild Life Protection Act, but they can do so only on private or community lands (whereas most common lands in India belong to the government), they have to set up a uniform management committee that includes

a government officer, and any land use change in the reserve becomes subject to the approval of government. It is not surprising that ICCAs are not queuing up to obtain the Community Reserve status...

Finally there is a further difficulty in the fact that many ICCAs are not managed according to a strict preservation requirement, but instead are subject to multiple uses and flexible rules. **Flexibility and conservation-by-use** are recurrent features of communities as users and managers. Often, however, existing protected area law cannot accommodate this. Stricter and less flexible rules may thus be imposed on ICCAs if they get to be "recognised" as part of national PA systems—a fact that few indigenous peoples and local communities are prepared to accept.

If a government wishes to develop legislation about ICCAs in support of conservation and sustainable livelihoods objectives, it would be advisable to allow the concerned communities to maintain their customary governance structures and rules. In order for the government to fulfil its broader responsibilities, however, a set of reasonable assumptions and indicators of results

and impacts could be jointly agreed and monitored through time. ICCA governance could thus combine flexibility and an open attitude towards conservation-by-use with technical support to understand all the possible consequences of such use. Incentives or disincentives could also be linked to desired environmental results and impacts (→ E44). In this way, governments would not attempt to micromanage communities but would still keep an eye on results, and could intervene if the process goes astray. Moreover, there are justified concerns that promoting human rights and gender justice are part of responsibilities of governments and should not be abdicated, not even for the sake of conserving bio-cultural diversity. To respond to such concerns it should be possible to include among the monitoring indicators and agreed minimum standards some indicators related to human rights (e.g. fair access to benefits) and gender equity. It would be wiser, and ultimately more effective, to agree about principles and leave indigenous peoples and local communities to develop their own ways, rather than attempting to impose specific practices and behaviours. This advice has been followed with success in conservation initiatives with indigenous peoples.¹¹¹

7

Free, Prior and Informed Consent of indigenous peoples & local communities— as locally defined and controlled— should be sought by external actors in all matters regarding ICCAs

Indigenous peoples and local communities' right to Free, Prior and Informed Consent (FPIC) is integral to their rights of self-determination and their rights to lands and natural resources, and can be crucial to protect their ICCAs against threats and undue exploitation. While FPIC is increasingly recognised in international law, however, there still is a significant gap between theory and practice. On the one hand, national legislations and standards have only partially incorporated FPIC. On the other, there remain considerable questions about *how* FPIC should be respected and applied. Examples of successful application of FPIC illustrate a broad range of concerns— from access and use of land and natural resources, to protection of traditional knowledge and intangible values. For major conservation and development operations, taking FPIC into account may require involving communities in designing and implementing all initiatives that closely concern them.

Following UN-sponsored analyses,¹¹² FPIC regarding the formal recognition

of existing ICCAs should ensure that there is no coercion, intimidation or manipulation and should allow the time required for indigenous consultation and consensus processes. Adequate information should be provided on the nature, pace, duration, reversibility and scope of ICCA recognition, as well as the purpose of such recognition and its possible economic, social, cultural and environmental impacts (including potential risks and



issues of fair and equitable benefit sharing). The provided information should be accurate and in a form that is accessible and understandable, including being provided in indigenous peoples' own languages. Furthermore, if ICCA recognition implies interaction with specific personnel or with non-Indigenous or non-community members and organizations (including research institutions), this should be clarified. In general, consent implies a good faith interaction among the parties through dialogue and mutual respect. Indigenous peoples should be able to participate in such dialogue through their own freely chosen representatives and customary or other chosen

institutions, and the engagement of indigenous women, children and the youth should be supported. Procedures should be clear to all and independently verifiable.

Ideally, every concerned party would benefit from FPIC, as initiatives that are designed in a participatory way are generally more effective and efficient. But the application of FPIC can be ridden with pitfalls and unfair practices (e.g., costly and time-demanding procedures; lists of those people present transformed into "lists of consenting community members"; lack of disclosure of crucial information; heavy use of obscure or confusing legal

terminology; "consent" obtained only from elites who do not represent the views of the community as a whole; and even intimidation and blackmailing of people into consent). These distorting practices have "exhausted" some communities and coerced them into signing unwanted agreements. Other communities, by contrast, demand not only mere respect of FPIC but direct decision and control of what FPIC procedures should be employed and how.¹¹³ New tools, such as bio-cultural community protocols (→ E47), are also providing useful insights. And anomalous, innovative ways of utilising FPIC are also emerging (→ E46). In general, elements indispensable for a fair application of FPIC include time, transparency and context-specific measures respectful of existing customary institutions. Demonstrated lack of respect for such agreed procedures should be equivalent to the revocation of consent.



8

Under appropriate conditions, and provided they maintain their own governance institutions, ICCAs can benefit by being officially recognized as protected areas

Possibly the first and most important reason why some communities are interested in obtaining official recognition of their ICCAs is the support they hope to receive to protect them from encroachment and undue interference from outsiders (→ E7, E12, E20, E24, E39). Challenging threats to ICCAs are presented by extractive industries (particularly mining, oil and gas, timber and industrial fisheries), large scale land acquisitions (for production of food and biofuel, or for infrastructure), ecosystem changes (particularly changes in river flows, upland deforestation and climate change) and ongoing damage by trespassers, polluters, poachers, and people generally disrespectful of rules. The struggle between economic giants and local communities is quite uneven and any help— such as the recognition of the biodiversity value of the area under

community governance— can be useful. Years ago, the Kuna people of Panama won important safeguards from an industrial development as they declared that they managed their territory like a UNESCO biosphere reserve.¹¹⁴ In Guinea Bissau, the official establishment of Urok Community Conserved Area helped to lessen the fishing pressure from external fishermen and foster more sustainable practices from both the resident community and non-resident users.¹¹⁵ In Europe, many communities that succeeded to protect their territories from major infrastructures or mining activities made ample use of the fact that their land had a "conservation label" such as a Natura 2000 site (examples span from wilderness areas in Poland to islands in Greece).¹¹⁶ But it should not be assumed that official recognition as a protected area automatically protects

communities from powerful economic interests. An example is offered by the Amarakaeri Communal Reserve, in Peru, where the native peoples' federation and several native communities opposed the entry of an oil company into their protected area... but the oil company nevertheless received government clearance. In such cases, some firm support from NGOs may do more, for the ICCA, than the official recognition by the government.¹¹⁷

Recognition of an ICCA as a protected area can provide *legal backing and support to help communities tackle external threats*, in particular by ensuring mandatory government support in enforcing the community rules and protecting the ICCA from outside encroachers and users. But recognition is also relevant in the light of other state-dependent policies and opportunities, where various types of benefits and funds come as recognition of biodiversity conservation or other values appreciated by the whole of society. If communities wish to benefit from such policies and opportunities, they need first to receive some kind of official recognition for their role. To be sure, recognition as a protected area may neither be the only nor best pathway, and benefits could also be obtained as part of programs related to other features, such as the rights and interests of indigenous peoples and local communities or conservation needs unrelated to protected areas. For instance, recognition as heritage

sites, important bird nesting and migration areas, ecologically crucial wetlands, and other sites not subjected to protected area law may be associated with legal, administrative, technical and financial support that can strengthen ICCAs.

Every national legislation is unique, but some have taken support to ICCAs rather far and developed specific mechanisms and pathways for their recognition. The Indigenous Protected Area is one such mechanism in Australia (→ E23) and others are mentioned in the example sections (→ E12, E26, E30, E32, E34, E35, E36, E38, E43, E45). Other countries may benefit from analyzing such models and seeking the best possible ways of strengthening the relationship between communities and ICCAs, and especially when it has been strained by the prior actions of the state (→ E48). As mentioned, the communities' Free, Prior and Informed Consent and other rights should be carefully ensured, *i.e.*, all the concerned should well understand the implications of recognition (→ E46). They should also be free not to accept it if they see a risk of co-option, government take-over, unwanted publicity or tourism, or other negative consequences. The provisions available in existing legislation may also be judged as inappropriate, in particular if they entail the imposition of uniform governance structures or undue interference by state agencies.



ICCAs that have been incorporated into official protected area systems without the Free, Prior & Informed Consent of the concerned communities should be recognized as ICCAs & provided respect & support, as appropriate; positive collaboration should be sought between the relevant PA authorities & communities

As hardly a place in the world has not been inhabited and used by people, it is most probable—indeed likely—that many of the world's official protected areas have been established on pre-existing territories and areas where indigenous peoples and local communities have made sustainable and non-destructive uses of natural resources, part of which may have had all the defining characteristics of ICCAs. Government protected areas may have also been established within larger indigenous or community territories, which could also be— in part or in totality— ICCAs.¹¹⁸ In these cases it is unfortunately unlikely that governments recognize the conservation contribution of the relevant communities. Fortunately, however, there are also examples

of ICCAs recognised and supported by national governments through FPIC and respect of customary rights (→ E12, E23, E28, E30, E33, E36). And there exist fluid situations, in which lessons are still being learned in the overlaps between indigenous territories and state-declared protected areas or other forms of governmental jurisdiction (→ E24, E37, E38, E40, E43, E46, E48).

When the official protected area status has been imposed upon the pre-existing ICCAs without the FPIC of the concerned communities, the relationship between the community and the relevant territory and resources may be disrupted (→ E48). Some communities

may attempt to maintain their interaction despite the state-imposed new rules and prohibitions (which may include a prohibition on entering the protected area to carry out rituals and/or extract resources from the ICCA → E18). In other cases, communities may be allowed to continue to relate with their ICCAs but lack the essential element of control and recognition of their unique role as caretakers (→ E10). Still others have evolved agreements with the government authority that imposed the protected area which— while they do not manage to bring back the pre-existing situation— do offer some compensation to the relevant communities.¹¹⁹ There is a lack of systematic information and analysis about ICCAs that have been incorporated into official protected areas, but it is likely that much of the related knowledge, institutions and practices have suffered as a result.

This negative outcome is not inevitable. ICCAs can be recognized within, or overlapping with, official protected areas, and facilitated to achieve positive collaborations. Both civil society and government agencies should be alert to the existence of ICCAs in protected

areas and areas being considered for future inclusion in the national PA system, and take steps to ensure that they do not undermine or destroy them (→ E10, E38). Open and fair discussions should be held with the concerned indigenous peoples and local communities to ensure that incorporating their ICCAs into a formal protected area system is consistent with their rights of self-determination and their objectives for the ICCA. This can only be based on the recognition of the existence of ICCAs and of their contributions to both conservation and livelihoods; by a fair practice of FPIC; and by a fair hearing of community concerns about plans, policies, and interactions with state institutions. Achieving just informal “tolerance” or a “permission” for ICCAs to operate within official protected areas leaves them vulnerable to being later ignored or circumvented. Specific discussions and some form of official recognition are important, including clarity on how to handle ICCA-PA overlaps in jurisdiction, authority, responsibility and accountability. Clear agreements are also highly desirable on allocation of benefits, conditions for funding and other support, and procedures for dispute resolution.

10

External support to ICCAs is particularly helpful in: enforcing rules & providing fair & coherent judgement and retribution to violators; developing local capacities to respond to threats and manage conflicts; providing opportunities for joint learning; & fostering good governance at all levels

The existence of an ICCA can attract the interest of external advisors and supporters— helpful and harmful. What appears to make a difference? Indeed, there may be a thin dividing line between an interaction that strengthens and supports communities and an interaction that is inappropriate and possibly bears negative consequences. External actors, such as NGOs and governmental agencies, need to tread carefully and intervene only in response to specific invitations or explicit permissions. If this is respected, external support and facilitation can have very positive results, and particularly so when designed to help communities to protect themselves and their ICCAs from external forces, and to help communities to think together, assess problems and opportunities, and meet their needs.

Implementation and enforcement of ICCA rules may become more arduous under changed socio- economic and ecological conditions. Because of

this, local guards and supervisory councils selected by community members could benefit from external back up designed to strengthen them. For example, Mangyan Tagabukid communities in Palawan have indigenous patrol teams who monitor a watershed, keeping an eye out for loggers and poachers (→ E18); Cofan communities in Ecuador have a network of indigenous guards protecting Cuyabeno Reserve (→E1); villagers in Bogdan, Turkey, hired a guard to protect their community forest near Kure Mountain National Park (→ E8); and the Guassa communities developed a well-functioning surveillance system with armed volunteers (→ E6). Community efforts such as these are usually effective, but demand the recognition and back-up of governments to avoid the spiraling of conflicts (→ E21, E28). Other communities tried to organise a system of enforcement of ICCA rules, but are overwhelmed by the might of external violators (*e.g.*, they have tiny boats and no weapons to confront huge fishing vessels→ E12). They would

greatly benefit from government support, but this is not forthcoming...

Regarding collective reflection and action, example E31 mentions a number of solutions devised by mobile indigenous communities with facilitation provided by NGOs or by their own federative bodies. In such cases, external facilitators stimulated local people to review local history and traditional governance institutions and to identify options for ICCA to be recognised in the specific legal and socio-political conditions. Once this was clear, support continued to help them follow the preferred option. The results of similar processes of participatory analysis, planning and action addressing the ICCAs of fishing communities in Africa and Asia are recounted in examples E7 and E25. Similar assistance from external advisors has been helpful for communities to develop management plans for their ICCAs, *planes de vida* (life plans) and biocultural protocols (→ E22, E44, E45, E47). And the strengthening of local capacity for monitoring, evaluation and autonomous research on ICCAs is becoming an expectation of many communities and an evolving priority of their supporting organisations (→ E30, E33, E44, E45).

Assisted self-evaluations of the community governing institutions can also be beneficial, in particular to identify and remedy possible problems related to internal equity, which may be significant in traditional and modern organisations alike. Time-tested ICCAs generally possess their own mechanisms for self-monitoring and internal sanctioning systems, without which they would not be socially and ecologically sustainable.¹¹⁹ Communities, however, may ask that external facilitators help them review their internal arrangements for representativeness and accountability. This can promote adherence to the principles of free and prior informed consent *within* the community, for instance in decisions relating to resources that particularly concern one or a few sub-groups only.¹²¹ The presence of trusted external facilitators can be important to promote such discussions and make sure that everyone trusts their outcomes.

Ideally, external support manages to link the individual community and ICCAs with others— at national or international level— in a process of information exchange and mutual learning. Through such **learning networks**, the experiences, problems and options for solutions of different communities can be



compared and assessed, and lessons can be drawn to improve policy, legislation and practice.¹²² Networks are particularly powerful to enhance the communities' capacity to face external threats and defend their rights, for instance through access to legal advice regarding their ICCAs and conflict resolution mechanisms at national, regional and international levels. In Nepal, a national ICCA Network has held meetings at national and regional level among ICCA communities and is now seeking to incorporate ICCA concerns into revised protected area laws and the national Constitution currently under development.¹²³

Importantly, appropriate support provided to a local ICCA can be effective in conflict management. In the Moluccas islands, during the religious and tribal conflict of 1999, support to local mapping and development of an agreement to manage a community watershed and coastal area proved essential to stem local conflict. Muslim facilitators helped to create a Baku Bae contingent (a committee with equal number of Muslim and Christian members) that mapped various areas, identified appropriate "neutral" spaces for markets, schools and clinics/hospitals and developed agreements for sustainable use of natural resources. The joint mapping work re-generated trust among the local people. Then the facilitators helped everyone to revisit the cultural songs and practices that form the core of every Moluccan person, regardless of religion. This became the beginning of a generalised awareness that the conflict had been provoked from the outside, a fact that re-energized peace efforts and allowed people to continue managing together the natural resources vital for the community.¹²⁴



Financial incentives for conservation can support ICCAs, but they should be used with great caution, seeking to maintain & strengthen community independence & integrity

ICCAs face both internal and external pressures due to rapidly changing socio-economic conditions. Many ICCAs are located in remote areas, and their custodians are among the poorest and most marginalized sectors of society. They are, nevertheless, exposed to a variety of new market products that encourage them to seek access to income. In the absence of opportunities for employment, they may turn to their natural resources as a source of cash, with possible interference with the sustainable practices that guarantee the survival of their ICCAs (→ E18, E19).

It is in this context that financial support from outside and the generation of livelihoods linked to the natural resources of the ICCA— for instance through mechanisms such as REDD (Reducing Carbon Emissions from Deforestation and land Degradation) or PES (Payments for Ecosystem Services)— have been proposed as ways to compensate communities for their conservation efforts, generate economic benefits and offer long-term incentives for their conservation of natural resources. People generally value their environments and the vital functions they provide (→ E2, E8, E9, E10, E39) but— as the argument goes— they should also receive a just financial compensation for their conservation and climate change mitigation efforts. This is especially so because the ecosystem functions they conserve benefit others who are far from the front line of paying the conservation price. Increasingly, in addition, advocates of environmental justice argue that local communities not responsible for climate change should be compensated when they bear related losses and have to make sacrifices to adapt to it.¹²⁵

Unfortunately, while the understanding of REDD or PES schemes is still rather limited, it can already be envisaged that some of their consequences will not be in favour of communities.¹²⁶ For instance, important financial flows are likely to be captured by national and local elites, and the increased economic value of natural resources can lead to corruption, violent behaviour to appropriate benefits, and loss of local autonomy and rights (→ E42; see also some lessons learned when financial flows entered into local ICCA considerations → E12, E21, E40). If such undesired results are not carefully prevented, the overall impact of a compensation scheme may be more harmful than beneficial. A number of questions should also be

clarified before embarking on financial incentives schemes such as REDD or PES. For instance, if financial compensations and rewards are to benefit communities, should those be channelled through state agencies, through UN agencies or through national or international NGOs (all options have their pros and cons)? As several actors are at stake, where and how should they agree on procedures to receive, channel and use the financial resources, and monitor the ecological situation? How can the process be designed and implemented with the full involvement of the relevant communities? How can it ensure fairness, effectiveness, transparency and accountability?

At a local scale, many ICCAs have been generating funds through community-controlled income generating initiatives, such as sustainable use of timber, sustainable management of watersheds (thus providing compensation for stable water flows), trophy hunting or tourism. Many such initiatives contributed both to maintaining ICCAs and providing much needed resources for the livelihoods expenditures of communities (→ E5, E12, E38, E43, E44, E45). But, as mentioned above, the very wealth the ICCA contains or generates, has also engendered new local perturbations and conflicts (→ E12, E13, E21, E40).

There is no general recipe to proceed in a sound way, but prior experiences¹²⁷ point at the need to:

- ▶ taking enough **time for social communication, trust-building and full understanding** of the schemes by the local institutions in charge of receiving financial resources, without jumping into agreements and solutions;
- ▶ ensuring the **broadest possible sharing of information** (e.g., at the level of **village general assembly**) and involving all age groups, men and women alike;
- ▶ strengthening the role of **customary institutions** (e.g., councils of elders, village assemblies) **without promoting/ creating new structures to manage the funds**;
- ▶ providing **ongoing technical assistance** to administer funds, provide transparent accounting, develop investment plans, ensure accountability and mediate conflicts, as necessary.

By way of a summary of the lessons learned in recognising and supporting ICCAs, the following Table lists dos and don'ts for policy makers and field professionals.

DOs & DON'Ts in recognising & supporting ICCAs

DOs	DON'Ts
Help the concerned communities to document their ICCAs and make them known and appreciated , if this is requested and/or agreed upon by them	Do not research or disseminate ICCA information without the Free, Prior and Informed Consent of the relevant communities, as defined by them
Assist communities managing ICCAs to gain recognition of their land, water, and bio-cultural resource rights (property, custodianship, use), including by supporting their claims to such rights through maps, demarcation, historical records, etc.	Do not impose top-down governance regimes upon ICCAs, including co-management/ shared governance regimes; do not acquiesce when rights have been taken by force or ignored
Recognize the local institutions governing the ICCAs , while helping them to self-evaluate and strengthen the quality of their governance (indicated by, for example, gender and class equity, transparency, accountability, and effectiveness)	Do not undermine or displace functioning ICCA governance institutions or impose new institutions upon endogenous bodies and rules
Strengthen national laws and policies that recognize indigenous peoples and local communities as legal actors possessing common rights	Do not neglect communities in state legal systems (<i>e.g.</i> , by recognizing as legal subjects only state bodies, individuals, and corporate actors)
Emphasize that ICCAs are living links between biological and cultural diversity , stressing history, ancestral territories, and cultural identity, as well as their continuing evolution and adaptation	Do not overtly or implicitly promote cultural uniformity, narrow-mindedness, intolerance, ethnic disrespect, or any type of discrimination and prejudice against "the others"
Provide coherent support and backing to communities enforcing ICCA regulations , in particular to apprehend violators and have them judged and sanctioned in fair and consistent ways	Do not leave communities alone to carry the burden of surveillance and repressing violations , in particular when the ICCA rules match and enforce state rules
Provide means for joint, constructive evaluation of ICCAs by concerned communities, civil society, and government administrations, focusing on outputs and impacts for conservation, livelihoods, governance, and cultural and spiritual values	Do not evaluate ICCAs in isolation from their concerned communities or solely or mostly in terms of compliance with external expectations (<i>e.g.</i> , types of committee, rules, and plans)
Provide assistance in technical aspects of management , if required and sought by the community, through respectful, cross-cultural dialogue between different knowledge systems, including mutual validation where necessary	Do not impose management objectives , legal categories, or technical expertise that undermine ICCAs' local meaning and value; do not validate traditional knowledge by "scientific" knowledge as a one-way process
Help prevent and mitigate threats to ICCAs from outside and within the community, including by seeking special status for them (<i>e.g.</i> , off-limits to destructive activities, "ecologically important", or part of the national protected area system)	Do not impose protected area status or any other special status on an ICCA without the Free, Prior and Informed Consent of the relevant indigenous peoples or local communities as decided and controlled by them
Support local sustainable livelihoods activities , both those linked and not linked to the ICCAs, ensuring that distribution of benefits is equitable and that any integration with the market economy is culturally appropriate and desired by the community	Do not formally recognize ICCAs in ways that diminish local livelihoods or support development that undermines ICCAs (<i>e.g.</i> , inappropriate tourism and other initiatives that see nature and culture as commodities)
Provide or strengthen socio-cultural, political, and economic incentives for conserving ICCAs, while seeking to maintain their independence and autonomy	Do not displace or undermine existing motivations for supporting ICCAs or make ICCAs entirely or primarily dependent on outside economic incentives
Provide special support to young people contributing to ICCAs and facilitate locally relevant, culturally-sensitive health and education services that incorporate local languages and knowledge	Do not support health and education services that are culturally insensitive, irresponsive to local contexts and livelihoods, and/or disruptive of local identities
Respect and strengthen local, traditional knowledge , protect it against piracy and misuse, and facilitate its evolution in complementary partnership with other forms of knowledge, in particular to fill gaps or deal with local power inequities	Do not impose external or "scientific" ways of understanding and solving problems ; do not undermine customary approaches and values that provide effective contributions to the ICCA
Support networking among ICCAs for mutually beneficial learning and empowerment	Do not flood attention on individual ICCAs as if they were unique phenomena
Support respectful alliances among indigenous peoples, local communities, human right advocates, and development and conservation practitioners	Do not pit local, culture-based rights and values against human rights , human development, or conservation aspirations with general appeal
Promote values of community integrity and solidarity and environmental awareness and care	Do not incite private interests, power, and violence as values or conform to them as dominant discourse
Support conflict management and peace and reconciliation efforts that respect local communities and their ties to nature	Do not exacerbate conflicts or put communities in the frontlines of conflicts

Experiences & Examples



E21 ▶ If it works... do not change it!

(adapted from Rasoarimanana, 2008; Borrini-Feyerabend, 2006; and De Vera and Guina, 2008)

In *Madagascar*, some communities that managed to conserve their sacred forests in a relatively undisturbed state clearly said that outside interventions and the imposition of blueprint institutional forms would irritate and “de-responsabilise”¹²⁸ some of their members, with serious negative results. They rather wish that their traditional social organisation—the *fokonolona*—is recognised as legal entity capable of managing natural resources. They wish decision-making to continue to be administered by the traditional chiefs, the men who hold the *hazomanga* (“blue wood”, symbol of wisdom), facilitate decision making within the assembly of the *fokonolona* and are able to promote agreement on the *dina*, the rules of behaviour

followed by the whole society. This is feasible and other countries have proven that can be effectively inscribed into law (→ E22). The communities also stress that, when some members contravene local rules and ask for the support of relatively distant legal authorities (e.g., mayors, police, tribunals), those should not act in contradiction with local, traditional authorities, as the culprits may intensify their destructive behaviour towards the ICCA and, ultimately, leave it in shambles.

Two examples can be very instructive. The first concerns a precious sacred dry forest that the government was willing to officially “recognise” as community-managed (ICCA) in the Mikea region (forest of Andravazaha, rural commune of Manombo-Atsimo). The second concerns the small island of Nosy Ve, sacred to a group of six coastal villages south of Toliara, which also the government and partners wanted to recognise and support for its important conservation results, including providing a safe habitat for the endangered red-tailed tropicbird *Phaethon rubricauda*. But the government and NGOs also believed that they needed to promote some formal organisations to represent the local communities. The existing traditional institutions were not deemed appropriate and, in both cases, formal organisations were created anew. For the dry forest this was in conformity with the GELOSE Law and a so-called COBA, or “communauté de base” was set up, complete with its elected President, Secretary and Treasurer. For the island of Nosy Ve an even larger organization called FIMIMANO was created to represent the interest of the six communities that considered the island as sacred (and had respected it as such for centuries). The island was becoming an important tourism destination and generating some important revenues. The new organisation was necessary to take care of this, under the supervision of the government.

Unfortunately, both official organisations—with their officers elected by communities unaccustomed to elect leaders, their membership dues expected from people with very limited financial means and their supervisors from the government or NGOs who knew little of local ways and cared little about local culture—did not fare well at all. Both soon entered into conflicts with the traditional governance institutions. The conflicts led to a breakdown of local harmony and respect and engendered a loss of “sacredness” for the ICCAs. In turn, this loss of sacredness paved the way for the uncontrolled exploitation of natural resources once well preserved. The valuable timber of the sacred dry forest was fast cut and sold. The birds that found a unique refuge in the sacred island were killed and eaten. The ICCAs were legal but, indeed, no longer legitimate. They had lost their special status and value in the eyes of the peoples...

In Mindanao (*Philippines*), the Igmale’ng’én sacred forests of Portulin are being recognised for their biodiversity value and for the important role they play in the maintenance of a crucial watershed for the island of Mindanao. Their land and the land of ten other indigenous groups has now been formally included within a large state-declared protected area. In legal terms, this places decision making in the hands of a Protected Area Management Board

where the indigenous peoples are represented but not a majority. While an extra layer of protection is welcomed by the Talaandig people, they also believe that imposing a separate authority over their sacred forests is neither politically nor culturally acceptable to them. They believe they have received from their ancestors the role of stewards of the forests and only their elders and shamans are capable of interpreting the rules given by the spirits. They are concerned that confusion over authority will mean that illegal activities may soon start in their sacred forests.¹²⁹ In March 2010, at the first meeting of the Grand Council of Elders of the Manobo-Talaandig Peoples living around Mt. Kalatungan, they demanded that the government recognise their role as the rightful governing institution for all the territories and ICCAs comprised in what is now called Mt. Kalatungan National Park. The government will need to reply.



E22 ▶

Traditional governance institutions in charge of ICCAs in Colombia

(adapted from Asatrizy and Riascos de la Peña, 2008)

In Colombia the recognition of customary institutions is clearly inscribed into the law: the *Cabildo Indigena* is the customary organisation of an indigenous community, fully recognised by the government as the authority ("special public entity") in charge of representing one or more communities to all legal effects.¹³⁰ The

Cabildos have suffered from the erosion of their traditional knowledge and practices in the face of the fast advancing market economy. Fortunately, however, not all of them. The Tukano speaking indigenous communities in the Yapù area of the Colombian Amazons (→ E36) have created the Association of Traditional Authorities of the Yapù—Asatrizy— which in 2005 was recognized by the Ministry of Interior and Justice as the special entity in charge of their indigenous conserved territory (ICCA). An innovation introduced by the Yapu communities is that Asatrizy decided by statute to subject its political authority to the advice and guidance of the traditional elders, simultaneously organized in the *Kumua Yoamara*— the Union of Knowledgeable Elders of the Yurupari Culture.

From 2005 to 2007, with the support of a Colombian NGO called CEMI, both Asatrizy and the *Kumua Yoamara* collaborated closely to develop a *Plan de Vida* (life plan) which describes the path they wish to follow to exercise their autonomy in governing their territories, respecting local identity, participating in development, and preserving their culture and traditions "aware that culture and traditional knowledge are the greatest wealth of indigenous peoples". Their identified main objective is "*tener una buena vida*" (having a good life) without depending from outside forces or interventions. They carried out a diagnosis and analysis of the issues and problems af-



fecting their lives and identified a way of solving them through the very participatory process that developed the *Plan de Vida* and is now setting it into operation.

For the people of Yapù, the relationship with the territory is a complex system of rituals, preventive care, protection of sacred sites, active management of flora and fauna and interventions to affect the fertility of nature through the traditional ceremonial calendar. Life is not about endlessly repeating old “traditional behaviours”. On the contrary, life is about taking advantage of the specific moments identified by the traditional calendar to enhance knowledge, and to transform and adapt the behaviour of everyone in the community to ever changing requirements. For this, traditional institutions remain essential.



E23



Indigenous Protected Areas— recognised and supported ICCAs in Australia

(Smyth, 2006 and Dermot Smyth, personal communication, 2010)

In Australia, Indigenous Protected Areas (IPAs) are voluntarily declared by Indigenous people (Aboriginals and Torres Strait Islanders) as an expression of their commitment to conserve the biodiversity and cultural values of their traditional estates. In return, the Australian Government recognises IPAs as part of the national PA system and provides funding to support their planning and management. Declaration of IPAs is made by indigenous people independently of government legislation and effective management is achieved through a variety of legally codified and non-codified mechanisms, including traditional law and knowledge, control of entry onto Indigenous-owned land, contemporary management practices to control pest plants and animals, and collaborative partnerships with non-government conservation groups, research institutions and government agencies. Opportunities to establish formal conservation agreements or covenants to provide legal protection of IPA biodiversity values exist in each Australian state and territory.

The first IPA was formally proclaimed in 1998 over an Aboriginal-owned property called Nantawarrina, in the northern Flinders Ranges of South Australia. There are now thirty nine declared IPAs across Australia covering over 23 million hectares. The largest is Ngaanyatjarra Lands in Western Australia (9.8 million hectares) and the smallest is Putalina, in Tasmania, at 32 hectares. Collectively IPAs now comprise over 20% of the land area conserved within the National Reserve System of Protected Areas. A further thirty eight IPA are currently in the consultation and planning stages. So far all IPAs have been established over indigenous-owned land on which indigenous peoples have exclusive management control. Recently however, indigenous people have been exploring the option of declaring IPAs over areas of their traditional land and sea estates in which they have only limited legal authority. For example, several Indigenous groups have received funding from the IPA Program to explore the possibility of IPAs being declared over existing government-run protected areas— both terrestrial and marine. In these instances, an IPA declaration would complement the existing management arrangements, in much the same way that a World Heritage declaration can add value to an existing protected area. This development represents an important shift from IPAs being solely based on current indigenous land ownership.

Prior to British colonization in the late 1700s, the whole of the Australian landscape and coastal waters were occupied and managed by indigenous peoples in what might now be described as a vast patchwork of ICCAs. IPAs are a contemporary mechanism to maintain aspects of traditional governance, supported by contemporary management techniques, over parts of these ancient indigenous domains. The legal recognition of indigenous common law “native title” in Australia since 1992, as well as statutory Indigenous land claim processes over the last 30 years, have provided leverage for some Aboriginal and Torres Strait Islander groups to negotiate involvement in governance of land, sea and resources— including within some government-run protected areas. IPAs provide a framework for building on these (often limited) legal foundations to re-establish indigenous governance

of traditional estates through a combination of legal rights, active on ground management and use, and partnerships with government and non-government agencies.

IPAs are attractive to government agencies because they effectively add to the national conservation estate without the need to acquire the land, and without the cost of establishing the infrastructure, staffing, housing, etc. required for a government-run protected area. IPAs are attractive to indigenous people because they provide recognition and support for the management of indigenous estates, as well as employment for indigenous rangers and other economic opportunities.¹³¹

The traditional *agdals* of Morocco and the need to recognise rural communities as self-identified legal actors with formal rights to govern customary territories and natural resources

E24 ▶

(adapted from Herzenni, 2008 and Abdellah Herzenni, personal communication 2010)

In Morocco, the *agdal* is an ancient institution whereby communities decide their own rules and organizations to “set aside” specific wooded areas, pasture areas, areas harbouring fruit trees or irrigated lands. The prohibition of access and use may be permanent or temporary/ seasonal. In some cases rules are considered “sacred”, as for *agdal* agreements established in ancient times among neighbouring communities by the intercession of some “holy men”. The management rules of *agdals* are flexible (some speak about “local ecological laws”) and adapt to the bioclimatic conditions of the year or season and to the events affecting the community. The rules rarely include total prohibitions (e.g., grazing can be allowed in a forest *agdal*) and apply to everyone in the community (the institution is very equitable—the same rules apply to all). In some cases the community draws economic benefits from the *agdal* and those are utilized for the common good under the responsibility of a person (*amine*) designated by the community assembly (*jmaat*).

Throughout Morocco, *agdal* forests represent a small part of the total forested area but appear in a much better ecological status than the rest. The Moroccan legislation, however, is far from recognizing them as a governance model, although it does recognize private forestry initiatives. What the legislation does, on the other hand is to provide for a form of “compensation” for communities willing to set aside some forest areas. For that, a community must organize as a cooperative or other association with legal standing and make a specific demand, which may or may not be granted subject to the will of the local forest department (a far cry from “payment for environmental services” to communities holding land and resource rights). The process is to be organized by the forestry department (a possible community active role is not mentioned), and the compensation agreement is only temporary. There is a minimum surface for the area to be set aside (300 ha.) that must be respected... which may not fit with what communities wish to have as their *agdal*, which is often a complex combination of smaller areas.

Reflecting upon the limitations of this type of very partial recognition of a rich phenomenon with deep roots in the history and culture of the country, it appears that a prerequisite for a more fruitful recognition of *agdals* would be the legal recognition of the social and territorial identity of rural communities— which is now lacking. The residents of communities are recognized as “users” of resources but the community is not recognized as a *bona fide* legal entity in the arena of development and conservation, and is not considered as capable of acting for the common good. This is true both at national level in Morocco and at international level. **An important innovation for ICCAs**



would be for the international community to provide to traditional local communities a status such as the one that has now been achieved for indigenous peoples. This may, in turn, prompt national governments to do the same in places where such recognition could usher important benefits in terms of development and conservation.

The recognition of local communities as a legal entity should be based on two major considerations. The first is *self-definition*. Only the community itself knows who its real members are, given the complex livelihood strategies of today, well beyond fixed locality and permanent residence. In other words, the understanding of what a “community” is should include phenomena such as nomadism, transhumance, temporary urban migration and the multiple activities and exchanges that are likely to link its rural and urban members. The second consideration is the *capacity to legally own and/or formally control natural resources*. Only if local communities will possess some rights to govern the natural resources *through collective ownership or collective management rights* will they be able to resolve many of the problems that plague their natural resources— which current legislation effectively condemns to an open access regime.

E25 ▶

An ICCA established by a fisherfolk organisation recognised in Casamance (Senegal) on the basis of the national Decentralisation Law



(Salatou Sambou, personal communication, 2010)

The Rural Community of Mangagoulack, in the Casamance region of Senegal, is a relatively remote area inhabited nearly exclusively by Djola people. If still quite at the margin of “development” (in 2009 it lacked a tarmac road and many households were not yet served by electricity), it is indeed vibrant with its rich local culture. The Djola people invest a great deal in family, kin and community ties. They

are an egalitarian and profoundly democratic society (they have no “head”, decisions are taken by the village assemblies and women are respected and powerful). People adhere to one or another main religion, such as Islam or Christianity, but everyone keeps alive the traditional ceremonies and practices (*e.g.*, communal initiation rites, collaboration during agricultural work, attachment to local products) and everyone respects the omnipresent fetishes, symbols of a sophisticated perception of ties between the visible and invisible worlds. Overall, community and ethnic solidarity appear unusually vibrant and powerful.

Responding to the degradation of their coastal environment, less and less productive because of indiscriminate fishing and resource extraction by outsiders, the fishermen of all the eight villages of the rural community decided to create an association. Their association began by getting active in mangrove reforestation and others small local initiatives but, after a few years, it was ready to scale up ambitions and set up an ICCA. It was at that time that GEF SGP¹³² provided a timely support package so that they could inform themselves about options and plan together to create the ICCA, which they decided to call Kawawana— a Djola acronym for the phrase: “our ancestral patrimony we all wish to conserve”.

Establishing a true grassroots ICCA was a new experience in Senegal. The country teemed with initiatives that referred to themselves as “community-based”, but had been conceived and implemented by NGOs and were “run” by government officials appointed to the task. In Mangagoulack it was going to be different, and the fishermen association decided to try its chances with the national Decentralisation Law, which assigns management responsibility for natural resources to the Rural Municipality. GEF SGP provided funding for local meetings and technical advice from a small interdisciplinary expert team. With help from this team, the fishermen association reviewed and rediscovered the local traditional practices, which included “sacred areas” where some “dangerous genies” lived and no fishing was ever allowed. On the basis of this and other results of their analysis of the situation, the association was then assisted to develop a basic zoning and management plan for their ICCA. The plan includes a no-entry zone (where the genies always lived and where the fishermen hoped resources could reproduce), as well as a zone where only local residents could fish or collect resources (for local consumption and local market only). They also identified a third zone, where the national regulations were to be strictly enforced, and no engine boat allowed. The association devised also an overall governance structure for the new ICCA, combining traditional elements (*e.g.*, ritualisation of the ICCA borders by fetishes set in place by respected elderly women; a council of “wise people” to help resolve conflicts; decision-making as much as possible by consensus) with elements proper of the modern state (*e.g.*, formal approval of the ICCA by the Council of the Rural Municipality, by the Regional Council and by the Governor of Casamance, demarcation and enforcement in close collaboration with the state fishery agency, etc.). Finally, they set up a monitoring plan, to follow through time the results of their work (and they are clear that results— at least in terms of recovery of the local fisheries— may take years to appear).

At the time of this writing, after more than a year of uncertainties, waiting and frustrations, the Kawawana community has just celebrated the official establishment of its ICCA, formally sanctioned by the Regional Council and the Governor of Casamance. The community held celebrations for two full days. The responsibilities are many, and the difficult phase of the work has just started but, for now, all seems very sweet to the enthusiastic and persistent fishermen of Mangagoulack!

E26 ▶ **ICCA governance: lessons from Tanzania**

(adapted from Blomley et al., 2007)

Tanzania has a clear and legally mandated institutional structure for community governance of natural resources. Under the Village Land Act, the tens of thousands of hectares of forest that may be included in the “village area” fall under the jurisdiction of the Village Council, which may decide to set it aside for communal purposes such as conservation, forest management, grazing or other village objectives. Evidence is mounting that forests under community governance show signs of effective management, reduced disturbance and improved overall conditions. This includes both *de facto* ICCAs, such as traditional and sacred forests, as well as *de jure* ICCAs, reinforced by state formalities and legal recognition.

The forest laws in Tanzania have based governance responsibilities on the Village Natural Resource Management Committee—a sub-committee of the village government. While this provides linkages to government services and funds, it may also compromise traditional knowledge and management practices. However, as one moves away from administrative centres into the more remote parts of the country, where ICCAs are most often found, external pressures are reduced, and traditional / customary institutions maintain a stronger voice. But can traditional institutions acquire legal rights to defend and manage their natural resources? A possibility exists in the Tanzanian forestry law that allows for the creation of Community Forest Reserves (CFRs) managed by a community association, which can well be a traditional body. Overall, the status and durability of ICCAs in Tanzania is critically dependent



on communal ownership of land and natural resources and on community mechanisms for collective and equitable decision-making and representation. While conservation policy and legislation are important, local governance and the land tenure institutional environment appear to be most critical to the status of ICCAs.

E27 ▶ **Recognising the indigenous *Tagal* management system in Sabah (Malaysia)— progress but...**



(Jannie Lasimbang, personal communication, 2010)

Tagal— an ancient system to foster the sustainable use of natural resources— is being revived by indigenous peoples in rivers, lakes and ponds all over Sabah (Malaysia). The system is providing a powerful response to the rapid degradation of resources caused by extensive logging and by destructive fishing methods (explosives, poison or electricity) that has become unfortunately common since the 1960s. It was in 1997 that villagers in Kg Notorus (Penampang district) started again identifying river areas for *Tagal* (fishing prohibition). Wherever *Tagal* is enforced, no fishing is allowed for a length of time and, when the prohibition is lifted, the catch is shared equally amongst members of the community. Anyone breaching the prohibition is heavily fined (for example, a fine may amount to a 50kg pig and RM200 cash).

The indigenous practice of *Tagal* has been recognized and promoted by the Sabah Fisheries Department as an example of community participation in the sustainable management of natural resources (sections 35, 36 and 37 of the Inland Fisheries and Aquaculture Enactment 2003

on Community Fisheries Management Zones). Section 36 and 37, in particular, create a new protocol by which a committee is to administer a Community Fisheries Zone and is allowed to administer punishments. The recognition of this indigenous natural resource management system is an important turning point for Sabah. By 2008, 179 villages had revitalised their indigenous practices and enforced the *Tagal* system, resulting in greater abundance of fish and better maintenance of river systems.

The Fisheries Department is very active implementing the Enactment and promoting *Tagal* among more and more communities but, unfortunately, it does not fully appreciate that the traditional institutions on which the *Tagal* system is built upon need respect and recognition. The local *Tagal* committees, for instance, are promoted to include various sectors of a community (village head, women, youth...) but the adoption of standardised rules and the creation of a state-wide *Tagal* committee risk undermining the practice at its core... The state-wide committee, for instance, is composed of younger elites (mainly from the Kadazan Dusun Chamber of Commerce and Industry). They are not well-versed in the *adat* traditional management system and seem to appreciate *Tagal* only for its economic value. Communities are complaining that new activities (such as holding a central *Tagal* ceremony in town to sell the catch instead of dividing the fish among members of the community, and organising a beauty contest as part of the ceremony), have taken away the values of their traditional practices. The standardisation of the *Tagal* rules by the central *Tagal* committee also no longer reflects the traditional and localised nature of customary laws.

In addition, *Tagal* is not yet recognised as a traditional practice for *conservation*, for instance in managing protected areas, as different government departments deal with separate jurisdictions. Communities living within a protected area, such as in Crocker Range Park, could be encouraged to practice *Tagal* on various resources that need conservation... but, for that to happen, different government departments would need better collaboration among themselves. Fortunately, indigenous organisations and communities continue to practice *Tagal* to manage sensitive or depleting forest resources, such as wildlife and medicinal plants. The communities hope that this will demonstrate to the Sabah government that they can govern their own ICCAs, and that they should be fully recognised to practice their traditional *gompiguno* (use and protect) of natural resources within their territories.

E28 ▶ Marine customary tenure & ICCAs in the Pacific

(adapted from Govan et al., 2008)

In independent Melanesia and Polynesia, most of the land is under some form of customary tenure and customary land rights—a main component of ethnic and national identity. Different people or institutions hold overlapping group and individual entitlements and obligations passed down through generations, with land ownership often held at group level and land use exercised at the individual or household level. Customary tenure embeds a duty of care that people have towards each other, the future generations and the environment—something rarely present in utilitarian, individual property approaches. Example of customary tenure systems are *vanua* in **Fiji**, *fenua* in **Tuvalu**, *enua* in **Cook Islands** and *puava* in **Marovo, Solomon Islands**. Typically, traditional tenure systems embrace also the sea, with similarly overlapping rights and obligations. Marine management tools include spatial or temporal prohibitions or closure of access to individual species or marine resources in general, in certain areas and/or for defined time periods (generally grouped under the term *taboo*).

Most, although not all, areas under customary tenure and for which the inhabitants have that special obligation of stewardship can be taken as examples of ICCAs. In general, customary stewardship results in “more conservation” than the available alternative as supported by evidence such as expulsion of poachers, prevention or control of squatters, or control of access to natural area (through fees) and results in impacts such as better fish catches. Communities strongly favour maintaining key features of traditional governance such as transparency, accountability (decisions are made locally) and easier conflict management, but they also generally support the integration into western governance frameworks. Some countries have codified or formally registered customary tenure but in so doing removed some of its inherent flexibility, and many are under pressure to reform further, introducing individual private property rights. One broadly expressed need in the region is for the process of integration to more actively involve local communities in designing systems that build on the strengths of both customary and modern practices and address their weaknesses. About specific ICCA recognition, communities seem rather averse to formal legal mechanisms, as those are estimated to be complex, slow, bureaucratic, costly, ineffective, inflexible and essentially diminishing local rights. What communities want is government backing to their local traditional rules (*e.g.*, by recognising them as “by laws”) so that they can boost their enforcement and be backed-up in case of infringement.



E29 ▶ Lack of official recognition: always a problem?

Many threats to ICCAs are exacerbated by lack of governmental recognition. This amounts to making the ICCAs “invisible” from a legal perspective and allowing disruptive actors (from outside to within the community itself) to undermine the conservation initiatives or traditions. Yet, not all believe that the official recognition of ICCAs is always positive or necessary.

The Jardhargaon Community Conserved Area in Uttarakhand (**India**) grew out of Chipko, a social movement that used non-violent means to oppose logging. The *Gram Sabha* of the village— comprising all adult men and women— elects by consensus the *Van Suraksha Samiti* (VSS), a forest protection committee. The members of the VSS set— again by consensus - the rules of forest management, such as prohibiting the felling of green wood and stripping bark from pine trees, setting limits to uses of forest products and pasture, etc. Interestingly, these rules are not written and there is no need for people to be repeatedly told that they have to respect them: the rules are freely chosen and “internalised” by the community, and naturally observed. Through the last four decades, the community governance resulted in the successful regeneration of large areas of previously degraded forest, but the committee has recently identified the lack of official recognition as its single greatest challenge for its future development: Without this the *Van Suraksha Samiti* has difficulty getting cooperation from various authorities, and obtaining resources to pay its appointed forest guards. In addition, wild pigs, monkeys, deer and bears have increased in number and cause significant crop damage. Repeated requests for help have not yielded action from the government, so villagers would like to be given permission to take their own action, within the context of the recognition that they have responsibly conserved the forests and wildlife.¹³³

In *Nepal*, desire for formal recognition of ICCAs is not universal. In 2008, while the Sherpa people of Khumbu stated that they would indeed appreciate a formal recognition of their ICCAs (→ E10) the Chepang people said to be sceptical about the benefits of formalising their conservation practices, for instance through the establishment of “community forests”. They feared this may cause them to lose at least part of the control they enjoyed, and have new rules and regulations imposed upon them.¹³⁴ This, however, reflected more their lack of trust in a fair relationship with the state and in the process of recognition than a lack of interest in official recognition *per se*. In 2010, both the Sherpa and Chepang peoples became members of a newly constituted ICCA network in Nepal.

Similarly, the local groups that manage community orchards in the *United Kingdom* feel at times uncertain about the future and would like a stronger sense of security that they will be allowed to maintain their ICCAs... but they are not keen to go through red tape and paperwork, nor to receive any kind of new imposition from the state, which they perceive as likely to enhance the “rigidity” of their rights to manage and use their orchard resources.

E30

An ICCA secured through communal land ownership— a rare but powerful example in Sabah, Malaysia

(Gary Martin, personal communication, 2010)

Throughout the world, local communities conceptualize and categorize their conserved areas in unique ways according to their cultural, ecological and social contexts. It is this diversity that makes ICCAs locally effective, enabling people to integrate conservation in their overall land use plans. The Winokok forest of Bundu Tuhan, an indigenous Dusun community in Sabah, Malaysia, is a case in point. The community maintains this unique communal Native Reserve at the southern boundary of Kinabalu Park, Malaysia’s first World Heritage Site, and has formed a team of community researchers engaged in participatory mapping, biodiversity monitoring and other ways of assessing the situation of the forest. Under the colonial Land Laws of 1953, local leaders requested communal land title instead of private ownership, referred to as “Native Reserves”, *i.e.*, “lands held for the common use and benefit of natives”. With Malaysia’s independence in 1963, the State of Sabah established a Land Ordinance that incorporates colonial land codes and some standardized elements of *adat* customary systems of rules, norms and values. The status of Native Reserve was maintained, although rarely implemented.

The Bundu Tuhan Native Reserve faces numerous and continuous threats from people wanting to modify its status and use the land for profit. Over the years, certain parties have attempted to degazette the Reserve for commercial activities, including logging and large scale “ecotourism development”. In response, the community leadership decided to develop a government-sanctioned Village Development Plan (VDP) and re-affirm in writing the community authority over the Native Reserve. The VDP, which in the case of Bundu Tuhan is essentially a management plan, was endorsed by their Member of Parliament, cementing the community’s claim as the rightful owner and manager of the Reserve. In this sense, Bundu Tuhan’s case may be unique, but Village Development Plans can serve as a template for other communities concerned about the recognition of their conserved areas, and the Sabah Land Ordinance can provide— through its Communal Title and Native Reserves options— a way for communities to gain land tenure, possibly the best avenue for official recognition of ICCAs in Sabah.



(Taghi Farvar and Blama Jalloh, personal communications, 2009)

In most arid and semi arid environments as well as in other biomes, from tundra to tropical forests, ICCAs overlap with the territories of *mobile indigenous peoples*.

Some such peoples practice nomadic or transhumant pastoralism as their main source of livelihood, while others follow herds of wild animals, hunt and gather forest products, follow whales and other marine fauna, or practice long term rotational (shifting) agriculture. Characteristically, the territories are large and diverse, comprising wintering grounds and summering grounds, or wet and dry season pastures united by transhumance/migration routes and corridors. In mountainous



regions of Central and West Asia the migration/transhumance is usually vertical, while in the flatter, lower latitude regions of the African Sahel, people and animals move in less predictable patterns, following the influences of climate and seasons. Many mobile indigenous peoples' territories stretch for hundreds of kilometers in length and tens of thousands of hectares in size, representing the extensive pattern of land use *par excellence*. Other territories are smaller with multi-annual rather than seasonal frequency of mobility (*e.g.* for rotational agriculture). In all cases, mobility is both a distinct cultural feature and an explicit strategy for conserving natural resources (see www.wamip.org).

Many government-declared protected areas overlap with the territories of mobile indigenous peoples. Examples include Sagarmatha (Mt. Everest) National Park in *Nepal* and the adjacent Qomolangma National Nature Preserve in *China*, the huge Sahel Partial Fauna Reserve of *Burkina Faso*¹³⁵ (1.6 million ha) and Aïr and Ténéré National Nature Reserve of *Niger* (6.5 million ha.), the Dja Faunal Reserve of *Cameroon* (0.5 million ha.) and the Kayan Mentarang National Park of *Indonesia* (1.4 million ha.), home of Dayak people practicing rotational agriculture. Other "potential" protected areas (possibly government-recognised ICCAs) that overlap with the conservation territories of mobile indigenous peoples include the araucaria forests of the Mapuche Pewenche people in *Chile* (*Araucaria araucana*— CITES Annex 1 endangered tree), the caribou paradise of the Naskapi people in *Canada* (recently established as Kuururjuaq National Park in Quebec) and the summering grounds of the Shish Bayli, a Qashqai tribe of *Iran* strenuously engaged in protecting the Chartang-Kushkizar Wetland—crucial for their nomadic livelihoods as well as for the survival of many flocks of birds that find there a unique resting site in their trans-continental migration.

Pastoral and silvo-pastoral, extensive, carefully managed uses of arid and semi-arid lands are today recognized as sustainable and compatible with wildlife. Domestic animals move seeds in their digestive tract or on their woolly or hairy bodies and reproduce good pasture, create biological connectivity corridors, and foster the germination of



trees. Animal grazing also reduces the dry stalks and hay, diminishing the frequency and strength of destructive wildfires. Modern science recognizes that the Sahel would be biologically much poorer without the herds and that in non-equilibrium ecosystems it is meaningless to talk in terms of “overgrazing” as the animals suffer the effect of local stress much earlier than plants. In addition, as mentioned above, animals need water, making mobile pastoralists the most ardent defenders of the integrity of wetlands along their migration paths. Similarly, the forest people of Africa and Asia oppose deforestation and the Tibetan

people fight against destructive mining and overpowering tourism. Whenever mobile indigenous peoples manage to conserve their identity and culture and fend off the “modernizing” influences that push short-term monetary gain at the expense of the future of the land, their territories possess all the characteristics of protected landscapes/seascapes (IUCN Category 5 protected areas) or Category Ib (wilderness areas) and others.¹³⁶

How can recognition and support be provided so that the interests of conservation and the rights of mobile indigenous peoples are combined, strengthening both in the process? This is neither simple nor obvious. Most of the rights of using natural resources exercised by mobile peoples— at times through centuries of frequentation— are based on customary laws and oral traditions (multiple rights often coexisting over the same territories) understood in complex, flexible ways that baffle modern legal systems. Government officials rarely understand or appreciate mobile livelihoods (*e.g.*, hunting and gathering, mobile pastoralism, rotational agriculture) as both valuable cultural traits and effective approaches for the sustainable use of natural resources. The formal training of conservation professionals points at the dangers of pastoralism for wildlife (competition for pasture and water, threat of disease sharing) but never truly explores the benefits— in particular the potential alliance between conservationists and traditional pastoralists to maintain intact the ecosystems necessary for both domestic herds and wild biodiversity in arid and semi arid environments. And yet, the management systems of mobile indigenous peoples, inherently flexible, adaptable, tailored to the specificity of the land and natural resources at stake, may be immensely useful in the current situation of impending climate and other changes of global proportions.

De facto, territories conserved by mobile indigenous peoples exist throughout the world. Pastoral reserves such as the *hema* and *qoruq* of West Asia (→ E11), thriving forests and wildlife as in the *beyul* sacred valleys of the Sherpa (→ E10), totally forbidden environments as the Caribou Paradise of the Naskapi, and sustainably used resource areas, such as the *koch pewen* forests of the Mapuche, are but a few examples. *De jure*, both colonial systems and the colonially-inspired modern nation states have undermined these systems, and attempted to substitute them *with* sedentarised livelihoods and government declared and managed protected areas. Indigenous peoples have suffered from social discrimination throughout the world, but mobile IPs have doubly suffered, as national states dislike the fact that mobile people are inherently less controllable than others. In some countries, however, some projects and policy experiments are under way to recognize mobile indigenous rights and their benefits for conservation. Below are some examples.

On the basis of decentralization policies, several Sahelian countries recognize the rights of mobile peoples to continue to exploit their ancestral territories. They have developed a variety of national pastoral laws¹³⁷ (*e.g.*, the *codes pastoraux* in **Burkina Faso**, **Mali**, and **Mauritania**) to regulate the rights of passage, subsistence and commercial uses, and exclusive uses of lands, forests and water. In Mali, pastoralist organizations have set up legal support systems for the defense of pastoralist resource access rights based on *parajuristes* (barefoot lawyers) recruited from pastoralist communities and trained in legal matters including court procedures. While some protected forests are now co-managed by mobile transhumants, the *parajuristes* have barely begun exploring how to include conservation in their legal strategies.

In *Niger*, local agreements are being established between mobile indigenous communities and local political and administrative authorities, often with the intermediary of a technical partner. These agreements, which fill a legislative vacuum, are very helpful to reduce local conflicts and could be extended to recognize ICCAs. Both challenging and exciting is the fact that some such territories would also be examples of trans-boundary ICCAs.

In *Iran*, national legislation “absolutely forbids” the cutting and obstruction of migratory routes of mobile pastoralists, as well as any land use changes in such customary nomadic tribal territories. These laws, not widely respected to say the least, are nowadays being “re-discovered” by mobile indigenous peoples, conservation organizations and some government officials to secure customary rights and conservation-friendly land uses. The Supreme Council for the Environment of Iran has the legal faculty of assigning the governance of a protected area to any entity with legal personality. Since the approval of the PoWPA of CBD in 2004, high level officials have begun assigning to specific mobile tribes the management authority and responsibility over their migration territories and wetlands. Among the 700 tribal confederacies and independent tribes of mobile indigenous peoples in Iran, some have registered as civil society organizations with statutes based on their ancient customary laws. They are gradually regaining control over their traditional landscapes and territories which are being *de facto* recognized as ICCAs under their governance.

E32 ▶ **Forest ICCAs and the challenge to recognise tribal peoples’ rights in India**

(Neema Pathak, personal communication, 2010)

In India, the Forest Rights Act of 2006 provides to scheduled tribes and other traditional forest dwellers a number of rights over forests lands, water and resources. In particular, these include the right to “conserve, regenerate and manage any forest that the community has traditionally protected and sustainably used”. Communities claiming such rights can “constitute Committees for the protection of wildlife, forest and biodiversity...”. For the first time in Indian legislation, an Act thus reserves little or no role for the forest department, much to the relief of those communities that have been locked in conflicts with them for generations. But the same Act has also little to say on what happens when all the rights have been conferred, lacking any post-implementation strategy to support communities in forest management or even monitoring of results.

Clearly, well-mobilized communities that have their own conserved areas (→ E3) can take better advantage of the Act than communities where local institutions are incapable of handling new responsibilities due to years of malfunctioning and politicization. As of December 2009, not many community forest rights had in fact been conferred under the Act, for a variety of reasons. First of all, not many communities yet know about the Act, or have had the opportunity to claim their rights. Then, some who do know it and have protected their forests for years— such as Baripada village in Maharashtra— do not wish to claim their rights as they wish the forest department to continue helping them to protect their forest from outsiders. Baripada feels strong and will not let the forest department “take over” but it wishes them to continue playing their role.

Many village communities, on the other hand, have rejected the presence of forest department in their committees, particularly whenever such presence had been “imposed” upon them in times prior to the Forest Rights Act. In very many cases, the forest department is reluctant to respect the community rights to their forest, because they feel it threatens their power, or they are worried it may lead to degradation. Sometimes the delay is also because of vested interests, *e.g.* for Dinkia village, in Orissa, where the *gram sabha* has claimed rights to a local forest but the forest department is not clearing its request as the forest has been already “assigned” to a proposed steel plant.



There is fear among conservationists and even among some human rights activists and villagers that the implementation of the Forest Rights Act (and especially its provisions for individual land rights) may engender serious deforestation. Though exaggerated, these concerns could be valid where the capacity and will to manage sustainably do not already exist... and will not develop overnight. The communities that want to carry out their own conservation initiatives now have a chance, but they are also often affected by years of indifference towards local governance, politicization of decision-making, the impact of market economy and change brought about by ambitious young people influenced by outside forces. Many communities feel the need for someone from the community or outside who could dedicate time to rebuild their own interests and capacities for governance in general and biodiversity management in particular.

E33



Diplomatic skills... essential for long-lasting ICCAs in Europe?



(adapted from Lorenzi and Borrini-Feyerabend, 2010)

The Regole of the Ampezzo Valley, an institution with a recorded history of nearly 1,000 years, still manages today the common property resources its members established centuries ago, when the Regolieri (*i.e.*, the individual founding members of the association) created a high-altitude pasture and started the sustainable production of timber in one of most spectacular areas of the Alpine Dolomites (*Italy*). Through time, the inhabitants of the valley maintained their land rights and sustained their own livelihoods thanks to their internal unity and skills as diplomats, ensuring agreements with all the dominant powers of the day, from the Venetian Republic at the time of Marco Polo, to the Emperors of the Austrian-Asburgic dynasty and many others. In 1918, at the end of the First World War, the property of the Regole was annexed by the Italian state. Again, because of the personal skills of the Regolieri and because of the importance and visibility of the landscape they managed to conserve, the Regole maintained its autonomous status. But they were to achieve more. Their institu-

tion is now formally in charge of governing the *Parco Naturale delle Dolomiti d'Ampezzo* a regional protected area established partially on the Regole's land and partially on land belonging to the Italian state. The formal recognition of the governance of a protected area by a community institution required modifications to the national and regional legislation. The Regole achieved that, obtained a tax-free status and now also receive funds and subsidies from the Veneto regional government, the Italian state and even the European Union. Noticeably they obtained all this despite some eyebrow-raising characteristics, including that their inherited membership rights and responsibilities are passed-on nearly solely along a male descendant line (to their merit, their current President is a woman!). Indeed their ICCA is very important, it forms the core of one of the only two natural World Heritage Sites recognised in Italy, and their example is an inspiration for other ICCA-related communities, in Italy and elsewhere.

E34



The UK develops special legislation to incorporate ICCAs into official protected areas

(Michael Carroll, personal communication, 2010)

In the UK, the New Forest of Hampshire offers an interesting case of a genuine old-time ICCA now transformed into a National Park. In the distant past New Forest was a royal hunting park but, over the years, a system of common grazing and other common rights for the community developed under the direct management of the community. The area was well kept but, as the pressures for development and land use change increased, the government felt that extra powers under National Park Legislation were necessary to conserve it. Fortunately, the community institution that protected and managed the forest as a common pool resource was

respected and brought on to the management board for the National Park that was created. It was not just a question of “consultation” or “involvement” in determining management objectives; it was a real integration of the *verderers* (the ones who had rights in forest use such as grazing and firewood collection) in the protected area governing board.

A similar case happened for The Broads, which is Britain’s largest protected wetland, an important inland navigation area and home to rare plants and animals. The Broads Authority has the responsibility for conservation, planning, recreation and waterways and offers an interesting case of a National Park institution that developed its own by-laws. In fact, at the time of the adoption of the protected area status, there existed rules and navigation rights on the rivers and lakes of the Broads, and those possessing those rights were given statutory membership in the Authority. As in the case described above, the integration of the existing right-holders in the governance structure for the protected area has required the development of special legislation, but has worked well. On the other hand, the resulting governance regime for the protected area is now shared governance and no longer community governance (ICCA).

E35 ▶ Conservation by community democracy: it is possible!

(John Stephen Okuta, personal communication, 2010)

In *Uganda*, a GEF SGP project supported the participatory development of by-laws and an ordinance for the protection of biodiversity in the Musambwa Islands, an important bird area in Lake Victoria. The exceptional biodiversity of the islands had been for some time under threat by excessive consumption of birds’ eggs by resident and transient fishermen. In response to the alarming rate of environmental degradation, the local communities submitted resolutions to their sub-county Councils, which were then consolidated at district council level. Thus, the District Council passed an ordinance providing a legal instrument for the protection of Musambwa Islands as a bird sanctuary. This is nothing less than local communities taking a democratic decision to initiate a conservation initiative! The by-laws and ordinance development are a demonstration that politicians respect the views and aspiration of the local communities when the latter stand together and talk with one voice, and when limited but crucially targeted support is available. Self-governance through by-laws and ordinances is a powerful self regulatory mechanism for community conservation and sustainable use of natural resources... such as establishing and running ICCAs.

E36 ▶ Collective land rights and respect for the local culture in Colombia— ideal recognition for indigenous ICCAs?

(Asatrizy and Riascos de la Peña, 2008; and Juan Carlos Riascos de la Peña, personal communication, 2010)

While the indigenous peoples of Colombia— fewer than about a million individuals— make up only about 3.5% of the country’s population, they hold territorial rights on almost 34 million hectares of land, which is almost 30% of the national territory and 80% of its forest areas in the Amazons.¹³⁸ Colombia’s policy recognises indigenous people’s rights to political and administrative autonomy in territorial units called *resguardos*, over which they hold *collective title*. The *resguardos* are *inalienable, non-seizable* and *established in perpetuity*. Besides being granted autonomy as a result of multiple historical events going back to colonial times, the *resguardos* receive a budget allocation to develop their own health and education systems, as indigenous peoples are recognised special



social, economic and cultural rights (→ E22).¹³⁹ Importantly, the Constitution of Colombia protects and promotes collective property not only by indigenous peoples, but also by other citizens, a fact that allowed also traditional Afro-Colombian communities (some 2 million people) to claim collective territorial rights on the basis of historical occupation and a management plan. In this way more than five million hectares have been adjudicated as collective property to Afro-colombian communities.

The indigenous territory of Yapú “Umu–Kaya Yepa” offers an example of how indigenous self government (as foreseen in the Colombian constitution) and the existence of collective territorial rights in the *resguardos* foster biodiversity conservation in ICCAs. The Yapu territory occupies 150,000 ha of tropical forests in the Colombian Amazons. Since time immemorial and despite several waves of colonial and other invaders, it has been governed by local shamans (*Kumuã*) through customary knowledge and laws comprising both practical norms and moral values. Since 1982, the country’s progressive legislation recognises it as collectively owned by its indigenous residents, who possess full rights to utilise its renewable resources. The territory of Yapu is not part of the Colombian system of protected areas, but it has *de facto* succeeded in protecting biodiversity and natural resources through its strong indigenous institutions and the intimate relationship that exists between the communities and the ecosystem. In this sense, the indigenous territory of Yapú is an ICCA example fully “self-recognised”. It is clear, on the other hand, that the conservation of the territory— and the biodiversity it includes— depends not only on maintaining the common rights over land and resources (which are guaranteed by law) but also on keeping the local culture alive. The traditional knowledge and practices, the ceremonies, the lifestyle, the social rules that nourish community solidarity and the common awareness of the relationship between material and immaterial beings are the heart of Umu–Kaya Yepa— an ICCA where cultural and biological diversity are inseparable.

E37 ▶ Bolivia and ICCAs- opportunities to strengthen & enrich indigenous governance



(adapted from Zambrana Ávila and Silva Maturana, 2008)

In Bolivia, the development of a system of protected areas and the legal recognition of the Tierras Comunitarias de Origen (TCOs)— or ancestral communal lands of the country’s indigenous peoples— are two processes that evolved in parallel in the last decades. Over 70% of residents in Bolivia’s protected areas, however, are of indigenous origin. This means that all the forty four TCOs so far titled or claiming a title have some connection with protected areas: five are completely overlapping, nine partially overlapping and thirty overlapping in the buffer zone. So far, no legislation exists that formally recognizes ICCAs, but the government legally assigns to indigenous peoples the right to govern and manage their TCOs. And the analysis of the situation of such TCOs reveals that their Indigenous Land Management Plans, their *Planes de Vida*, etc. fully incorporate explicit or implicit notions of biodiversity conservation. These biodiversity-conscious visions and plans are the basis of the socio cultural development processes of the indigenous peoples.

After several years of parallel evolution— indigenous claims to territorial rights on one side and efforts at more participatory governance of protected areas on the other— Bolivia seems ready for a positive resolution. Since the election of a president of indigenous origin, the conditions may be present for agreeing on models of shared governance and community governance that combine the affirmation of indigenous rights to self-governance and the need to safeguard the natural heritage of the country.

This could be based on a set of public policies that ensure a comprehensive articulation of both. Incidentally, even the Director of the National System of Protected Areas is today a person of indigenous origin. The country can also learn from various concrete experiences that correspond to *de facto* ICCAs in different stages of development, some quite successful, others emerging and / or having to deal with conflicts with other actors, etc.. The situation can be well illustrated by the case of Pilon Lajas, which succeeded in establishing a governance

model that combines TCO and protected area. In Pilon Lajas the processes of land occupation by settlers and farmers from other parts of the country have effectively diminished and nearly stopped... (on the other hand past land titling claims and violations have not yet been resolved).

Experiences such as the one of Pilon Lajas can nourish a “Bolivian model” of shared governance, based on the crucial concept of territory that has always been at the heart of the indigenous movement. It is possible that the model of ICCAs defined as the overlaps between TCOs and protected areas could prove viable in Bolivia... or perhaps this is not possible, given that the dichotomy between development and conservation remains and internal contradictions among the various entities of the state have not yet been solved. It is also possible to envisage that all the land under TCOs that complies with the three characteristics of ICCAs can be declared as such by the concerned indigenous peoples and remain under their exclusive governance. In all cases, some reconciliation of TCOs and protected areas is rather urgently needed. There are many opportunities to strengthen and enrich the processes of indigenous governance and management of the country’s natural heritage through a sound inter-cultural approach, a dialogue between different visions of the future, a balance between exploitation of natural resources and conservation of the natural and cultural heritage of the country.

E38



Joal-Fadiouth (Senegal)—an ICCA at the heart of a marine protected area under shared governance



(adapted from Ould Abdallahi Inejih and Sall, 2010)

In Senegal, everyone knows the city of Joal, one of the largest fishing ports of West Africa. And everyone also knows Fadiouth, its twin sister rooted in mangrove forests, history and vibrant local culture—a favorite spot of women shell collectors. Recently the twin cities, which are separated only by a wooden bridge, began to be known also for a reason that may be surprising for a major fishing port: their joint Joal-Fadiouth Marine Protected Area (MPA). The MPA not only seems to be the only one of Senegal capable of enforcing conservation rules... it is also—and surely the two facts are related—the only one in which the local fishermen are fully and effectively engaged in shared governance.

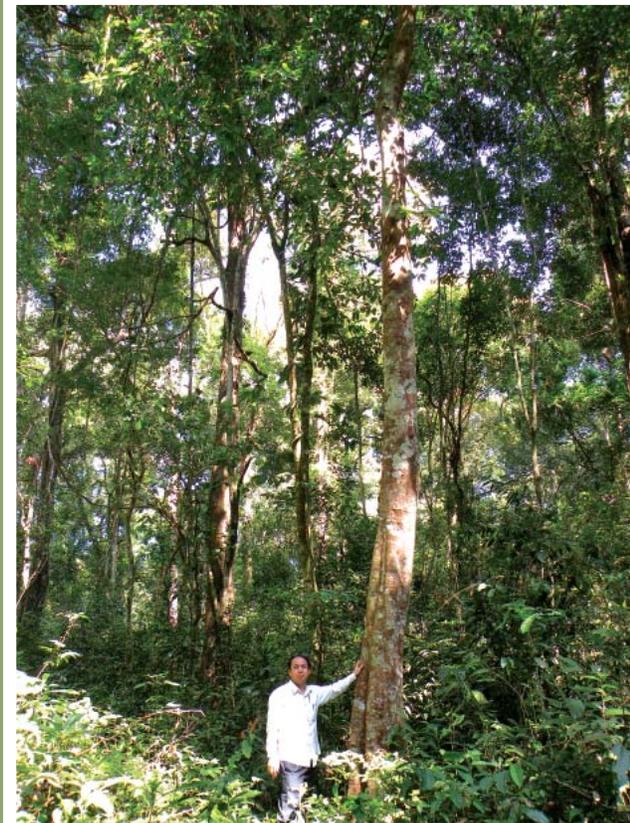
The AMP covers and protects a large seagrass bed, habitat of prized fish species but also of manatees and sea turtles, and the local mangroves. Positive results so far include some improvement in fish catch and shellfish harvesting, the return in the area of some nobler fish varieties, improved tourism revenues, and the like. The Committee in charge of the protected area (headed by a fisherman representative) stresses such results but also the need to maintain the local cultural heritage, perpetuate traditional practices and pass on to the youth the indigenous knowledge and know-how that have been effective for the conservation of natural resources. As a matter of fact, the mangrove habitat is still preserved the traditional way by the presence of spirits and taboos. The Fadiouth mangrove area is thus a strictly protected customary ICCA within the state-declared marine protected area. While the MPA surveillance system is busy day and night preventing infringement of the rules in the Joal area, the Fadiouth ICCA goes undisturbed, and requires no expensive surveillance efforts. The awareness of this fact and of its potential implications are still emerging, and not yet officially recognized... Hopefully, the enthusiasm and energy of the Joal-Fadiouth fishermen - well connected with the traditional leadership— may help elucidate mechanisms and ideas that would be of interest for the region at large.

We can do more than you think... Conserving Prey Thom (big forests) within Phnom Kulen National Park, Cambodia

(adapted from Borrini-Feyerabend and Ironside, 2010)

Phnom Kulen National Park, north of Siem Reap town and Angkor Wat, was created in 1993, when the Ministry of Environment developed the national protected area system. For several years, access to the National Park was simply not possible. The steep hills and forested terrain made it a Khmer Rouge (KR) stronghold, where the KR could set up camp even after their power faded and their crimes had been exposed. Political reconciliation finally took place in 1997-98, opening access to the region and Phnom Kulen National Park within it. No surprise, many ex-KR still live within the park. Some have been integrated in the country's military units and others live in a large "illegal village" that developed in the last decade in the middle of the Park. Some are allegedly engaged in illegal logging. Because of the legacy of KR occupation and the lenient reconciliation process, however, repression is not forthcoming.

Within the National Park there also exist eight much older villages, formally allowed to remain there. These villages negotiated access to five sizeable so called Community Protected Areas (CPAs), where they can collect non-timber forest products according to their customary rules, and in particular lychees, the main forest product sold locally as a cash crop. The community members, however, are not only concerned about lychees and their demarcated CPAs. They actually deeply care also about other particular areas in the forest, where their patron spirits live. These areas— called Prey Thom ("big forest" in Khmer— include water sources or old temple sites and remain well protected to this day. Timber is not cut there for fear of the spirits' reprisal... but it is possible to collect rattan, vines, wild fruits and traditional medicines. The communities, on the other hand, are very concerned that outsiders can freely come in and attempt to extract timber from those areas. At times they spontaneously extend patrols to the Prey Thom areas, even if they are far from their CPAs. The local leaders say they would like to formally extend their governance and voluntary patrols to the Prey Thom areas and, if they find illegal extractive activities there, coordinate with the rangers for their preventive and repressive action. This has still to find a formal accommodation as part of Cambodia legislation and policy. It is as if communities would be expected to be interested in *using* natural resources (as in the CPAs) but not in *conserving* them (as for the Prey Thom areas). Better awareness and policy change about this would be most welcome as they could contribute, for the Prey Thom of Phnom Kulen as well as for many other ICCAs in Cambodia, to safeguard the communities' biodiversity patrimony, today more endangered than ever.



Recognized as a protected area, but... who decides ? who benefits?

(adapted from Nguyen, 2008)

Van Long Nature Reserve straddles seven communes in the heartland of the populated centre of north-eastern **Vietnam**, 85km south of the capital, Hanoi. The area comprises a large wetland and freshwater system bordered by karst limestone mountains that harbour the only viable population of Delacour Langur (*Trachypithecus delacouri*)— one of the world's most critically endangered species of primates (less than 200 individuals remain, globally). The local communities have demonstrated a robust capacity to harness the natural resources of Van Long through decades of intense conflict and change, without diminishing their resource base and while conserving the Delacour Langur habitat. The cultural significance of the wetland-karst landscape is also a vital part of local folklore and sense of place. They respected and cared for a local landscape and biodiversity haven through the centuries...

With the discovery of the population of Delacour Langur in 1993, external attention to Van Long began to increase, both internationally and nationally, and Van Long is now an official Nature Reserve. Few community rights to land and resources, however, were recognized by the official designation, and the success of the tourism trade and subsequent growth of the Van Long visitor facilities are under the strict control of Provincial Government Tourism authorities. Today, the lion's share of tourism revenues and investments are neither in the hands of the communities nor directed to conservation, and Van Long is fast becoming a victim of its own success. Government involvement is *de facto* disenfranchising the community values and efforts that created the special qualities that attracted tourists. In addition, it is generally believed that ICCAs that are "officially recognised", find it easier to obtain support or successfully stop threats, but this works only up to a limit. A cement factory is currently eating up the limestone mountain range neighbouring Van Long Reserve. The reserve is impacted by the everyday blasting of dynamite, the dust discharged and the noise, which affect people and animals, and have already altered the landscape in an irreversible way. The reserve is fully recognised... but the local people have no say in the matter... It is clear that major development challenges can rarely be solved through local negotiations alone, and the political and technical commitment of the state government is needed.



E41 ▶

Intercultural health and education programs—supporting an ICCA and its people in Colombia

(Carolina Amaya, personal communication, 2010)

In the Japu area of the department of Vaupès, seven Tukano-speaking communities have designed their own *Plan de Vida* (→ E22) organized by topics, including Health; Education; Land, food and livelihood; Family, women and housing; and Organization. In 2007, their general assembly met and decided to implement its Life Plan starting from its Education component. Through two years of reflection and analysis facilitated by a Colombian NGO called CEMI, the communities defined the ethno-education model *Majirike*, which states that the aim of education is ***the good life (la buena vida)***, taking advantage of, and integrating, both traditional and modern resources. They also agreed that their traditional resources should be strengthened and the modern resources improved. The communities' decision was based on the assumption that intercultural education will give students ***the capacity to live on what is offered by the indigenous territory, and maintain a good relationship with nature***, which is exactly what allowed them to conserve their traditional lifestyle and fulfil their ancestral cultural norms until now.

There is a broad consensus that many of the health problems facing the indigenous communities in Vaupès (and in Colombia in general) are problems of acculturation, of imposition of alien needs, of loss of ancestral knowledge and livelihood practices that worked well, until recently, as social welfare and health risk management systems. In this light, the Asatrizy leaders and elders have launched a movement for the whole department, seeking to develop an "intercultural health model" on the basis of the enlightened special regulations of Colombia for indigenous peoples. This is the current health policy of the country as a whole (included in the Colombian Constitution), but it has not truly been implemented so far, and the active engagement of communities is needed to start the process.

The revolution of the *Majirike* project is that it reverses the imposition of western types of education that used to prepare children for "progress and development". The intercultural education program offers children the opportunity to choose their path into, but also away from, progress and development defined from outside. Children are offered a chance to live in and from their forests, to build their families where they themselves were born and raised, to maintain their culture and traditions, to be a specialist in their own culture (shaman, leader, religious person, dancer, musician, player of sacred instruments, historian, hunter, gatherer, farmer). The boarding schools in town, where indigenous children used to be sent just for the sake of some free canned food... are over! In their



place each community has its school— with local restoration and an indigenous teacher. The curriculum is such that the basic cycle retrieves the “traditional classroom”, *i.e.* the longhouse, the manioc garden, the river and the traditional teaching times: at dawn, bathing in the river, exercising with throwing up water and inhaling pepper; in the evening hearing the stories of the local historians, shamans, elders; in the morning going to the *chagra* (field) with the mothers... In this cycle, the traditional festivities and ceremonies count as much as “school time” and Spanish is taught as a second language to indigenous language (and not vice versa). The second cycle strengthens this, and in secondary education traditional and western education are

combined, with an emphasis on practical skills (*e.g.* to solve problems with boat engines, computers, flashlights, transistor radios, sewing machine pedals or solar panels). In addition, secondary education provides indigenous peoples with the knowledge they need not to be fooled when they come into contact with others in town.

E42

▶ REDD is coming... ICCAs beware!

(Simone Lovera, personal communication, 2010)

As part of the heated negotiations under the UN Framework Convention on Climate Change, which are continuing in 2010 after the Copenhagen Summit did not produce a formal agreement, countries are discussing the so-called REDD+ policies, *i.e.* policies and incentives to reduce emissions from deforestation and forest degradation, or enhance forest carbon stocks. ICCAs play a major role in the conservation and restoration of the world's forests, so, theoretically, the outcome of the REDD+ discussions should provide policies and incentives to support ICCAs. In reality, the significant amounts of funding already mobilized for REDD+ and so-called REDD readiness (projects to make countries “ready” for REDD) could have more negative than positive impacts on indigenous peoples and local communities. These projects, in fact, do not only include the development of monitoring systems and policies, but also pilot projects and incentive schemes like Payments for Environmental Services, which could have undesired impacts. To begin with, large flows of funding to the forestry sector could easily lead to elite resource capture.¹⁴⁰ Economically and politically powerful actors such as large logging and tree plantation companies, international conservation organizations and even planters of soy and oil palms are gearing up to reap the benefits of REDD+. Under current definitions, REDD+ would support *any* kind of tree planting, so it can easily be used to subsidize monoculture tree plantations of eucalypt, teak and even oil palm. While indigenous peoples and local communities are sometimes invited to participate in REDD+ projects, the benefits they receive tends to be a tiny fraction of the subsidies the powerful actors would receive from generous REDD donors like Norway. Worse, REDD+ provides *new incentives* for large landowners and the forestry sector at local and national level **to deny the land rights of indigenous peoples and local communities**. Violent evictions of local residents are nothing new when important financial resources are at stake.

Indigenous peoples, NGOs and academic institutions insist that the rights of indigenous peoples and local communities must be protected and good governance needs to be ensured *before* REDD+ is implemented. But it is hard to imagine how good forest governance can develop in countries with high deforestation rates (the ones specifically targeted for REDD) and some thus believe that that REDD+ will prove an unhelpful, if not counterproductive, mechanism to attempt saving forests. Others still see it as a potential tool to finance local conservation... but if, and only if, ICCAs and local right holders in general are equitably recognized and if transparency and accountability are ensured by the international institutions and broad coalitions of actors across national borders¹⁴¹



(Marc Foggin, personal communication 2010)

Several Tibetan communities in the headwaters of the Yangtze River, southwest Qinghai Province, have developed some hybrid forms of community conservation that incorporate traditional and modern elements. Traditionally, local herders used not to hunt wildlife in spaces recognised as sacred (*e.g.*, near monasteries or designated mountains). More recently, local organisations approved by the government have established their own community conserved areas, usually dedicated to a focal wildlife species (*e.g.*, the snow leopard, Tibetan antelope, Tibetan wild ass, black necked crane, etc.), with local regulations that define roles and responsibilities and penalties for poaching. This has been accompanied by environmental awareness initiatives in local schools and at community ‘wildlife festivals’.

Several community conserved areas overlap with the huge Sanjiangyuan Nature Reserve under government governance (the reserve was created after the declaration of some of the community conserved areas, and some internal reserve boundaries were designed in part according to prior ICCAs). This raises a number of questions regarding governance, and even the rights of people to live in such areas. With the help of the international NGO Plateau Perspectives and several other partners, national and international, two cooperation models have emerged: 1. *Community Co-management*, and 2. *Contract Conservation*. A third response to concerns about environmental degradation is also being trialled in the region, namely *Ecological Migration* with its outright relocation of people away from the grassland to towns (under this policy, about fifty percent of herders in some communities have already sold their animals and relocated to new small towns or to the periphery of existing towns).

Under the co-management model, community members participate in the monitoring of wildlife, reporting instances of poaching and promoting environmental awareness. In so doing, they gain more respect than before (for instance, they may learn the ‘language’ of science and become less likely to be simply dismissed as backward or accused—generally with no evidence—of being the primary cause of observed or assumed land degradation), and participate in conservation and land use decisions. They are not, however, really in control of most conservation decisions (governance). Muqu community (Suojia township) was the first to develop a collaborative management setting in the late 1990s, and now seeks to expand its experience and draw additional financial benefit to the area (*e. g.*, through ecotourism) based on the observed increase in wildlife populations. They are not, however, the primary decision-makers (*cf.* governance). Under the contract model, on the other hand, local communities are given greater autonomy on deciding how specifically to conserve wildlife and protect the environment; and for their work, as per a formal agreement with the government, they receive a financial contribution that they can use or disburse at their discretion. The first instance of this model is in Cuochi community (Qumahe township). This community, in fact, had already decided several years earlier that, for cultural and religious reasons, it wanted to protect its wildlife. Toward this end it had established the grassroots organization *Friends of the Wild Yak* in 2001. Additionally, it is only after significant investment (time and effort) by local people and a local organization, over a period of several years, that a formal conservation contract was developed and signed.

Both of the above models are endogenous. Overall, local people and communities in the Tibetan Plateau region appreciate the official recognition of their ICCAs. They would like to receive larger funding, however, and more support to carry out appropriate development efforts, including alternative forms of income generation through the work of newly established herders’ associations with voluntary membership.

The evident success of the contract model, which is the most ICCA-like in the Tibetan Plateau region, nonetheless also presents some potential pitfalls. The nature reserve staff, some policy makers and the provincial forest bureau (which is in charge of most wildlife conservation matters



in China) are discussing how to rapidly “go to scale” with this model in 2010-2011, possibly covering dozens if not hundreds of communities across the province. This could prove a disastrous decision. Many years have been devoted by local leaders to developing and refining the contract model in contexts such as that of Cuochi community. Without proper training and the committed involvement of respected community leaders, the contract model may simply not succeed, providing an inaccurate “demonstration” that herders are not good custodians of the land and wildlife resources, possibly fuelling other approaches such as the *Ecological Migration* policy. More moderate growth and extension, in-depth social studies, and time for the internal mobilization of communities are therefore recommended for the contract approach to conservation before it is spread widely.

E44 ▶ Conservation Incentive Agreements in Ecuador

(adapted from Speiser at al., 2009)

Since 2004, GTZ and Conservation International have been working with Chachi indigenous communities along the Rio Cayapas, in the northern part of Esmeraldas Province, Ecuador. Their joint project supports the conservation of 7200 hectares of forest through “Conservation Incentive Agreements”. Although the Chachi have legal ownership over their ancestral territories, they remain under threat from growing external pressures (unsustainable logging, expansion of palm oil plantations for agrofuels, encroachment by external farmers, presence of armed groups from neighboring countries, etc.). The Chachi can access some public services and regional markets, but their only source of monetary income is small-scale logging at the mercy of prices established by large logging companies.

In 2004, three “Centros Chachi” (about 600 families) agreed with GTZ and CI to establish the “Gran Reserva Chachi” and receive compensation for voluntarily conserving part of their territories (7,200 ha of a core zone within a total area 30,000 ha). The Chachi kept full autonomy over these areas, which were not integrated into the national protected areas system. They established their own rules for sustainable harvesting and conservation, and their own monitoring system. Yearly payments to the communities were calculated on the basis of the opportunity costs of not using their community conserved areas, and those payments went towards a multi-year development plan developed by them, involving cocoa production, training of rangers, etc.). The conservation agreements validated by the Chachi general assemblies foresee that they will maintain their forest resources (by not degrading or selling them) in exchange for technical and financial assistance to implement their own development plans.

The same model has later been adopted by the Ecuadorian Environment Ministry to implement the nationwide programme “SocioBosque”, with the goal of involving 500.000 to 1.500.000 beneficiaries to conserve over 3 million ha of primary forests, *paramo* and other ecosystems, and eventually benefit from international payments through REDD. The Chachi communities themselves were able to extend their conserved areas from 7200 to 16400 ha through the SocioBosque programme. Another 800 ha of their sustainably managed forest were FSC-certified with the support of the GTZ-CI project (the first FSC-certification with the involvement of indigenous peoples in Ecuador).

E45 ▶ Community Conserved Areas in Oaxaca, Mexico— research and action

(Gary Martin, personal communication, 2010)

The vast majority of Mexico’s forests are under collective tenure, providing indigenous peoples and local communities the opportunity of setting aside a large number of conserved areas in their *comunidades* and *ejidos*. A recent survey in the state of Oaxaca conducted by the Global Diversity Foundation, for instance, revealed 126 sites of community conservation covering more than 375,000 ha (this is approximately 15% more than the state’s official Protected Areas). One exemplary site comprises the voluntary conserved areas (VCAs) of six Chinantec communities in the Papaloapan river basin, whose territories span between 200 and 2,900 meters above sea level and contain highly diverse tropical cloud forests and lowland forests. Thousands of plant species



have been recorded in these unique forests, as well as diverse animal species— from jaguars to toucans and wild boars.

In 2005, these communities set up the Regional Committee for Chinantla Alta Natural Resources (CORENCHI) to strengthen conservation efforts and obtain more socio-economic benefits from landscape management. With the help of a variety of technical and financial partners, CORENCHI developed statutes for the management of natural resources and demarcated different land use zones, including conserved areas where the communities' general assemblies agreed to strictly forbid land use changes, watershed disturbances and hunting of wildlife. In all, CORENCHI conserves a territory of more than 27,500 ha under a common strategy. Three of the communities have formed teams of local researchers who are assessing these conservation actions while formulating management plans for their VCAs. The communities are also evaluating the impact of a Payment for Environmental Services (PES) program which has provided financial incentives to the communities, but has also required significant changes in traditional agricultural practices, land use and resource management.



E46

Anomalous FPIC in Indonesia: a tool to gain reparation & secure rights

(Barbara Lassen, personal communication, 2010)

In Indonesia, GTZ is supporting a project implemented by the Forest Peoples Programme and the *Aliansi Masyarakat Adat Nusantara (AMAN)*, the Indigenous Peoples Alliance of the Archipelago. The project develops the community capacity to negotiate with loggers, timber plantations, oil palm companies and local government agencies engaged in zoning their lands as protected forests. While only in some of the concerned areas there are ICCAs at stake, in all cases the communities seek to apply the principle of FPIC as part of the certification standards (FSC and RSPO) and as foreseen by the Regional Autonomy laws and forest gazettelement procedures. Interestingly, this anomalous FPIC process does not actually take place "prior" to an intervention on indigenous lands but is used instead to redress past decisions that did not take this into account. In such cases, FPIC can lead to reparations and/or to new arrangements that are legally secure and supported by all actors involved.

AMAN's work with selected local communities involves 3 main steps, which can take place in sequence or in parallel:

- ▶ **mapping** of customary lands, and of current and planned land use;
- ▶ **negotiations** with third parties (logging or oil palm companies, Ministry of Environment and/or Forests) based on these maps, leading to results such as compensations, allocation of user rights and/or land titles;
- ▶ **ratification** of the resulting agreements by local or district authorities to give legal certainty to the parties and ensure that results are incorporated into all policy sectors.



(adapted from Lassen et al., 2009)

A Bio-cultural Community Protocol (BCP) is a set of clear terms and conditions regulating access to the knowledge and resources of an indigenous people or local community. The BCP is usually developed through a consultative process and outlines relevant core cultural and spiritual values and customary laws. In practice, the BCP helps communities to affirm their rights to their traditional knowledge and natural resources, but also provides them with occasions to reflect and learn about those. The communities that develop their own BCP need to discuss how the various elements of their life— such as territories, landscape, genetic resources, TK, culture, spirituality, and customary laws— are all connected and interdependent. They then identify common challenges and desired futures. With input from NGOs with legal expertise, communities then learn about the rights that they possess under international and national law, which can support their plans and help them to overcome their challenges. These may include policies on Access and Benefit Sharing related to genetic resources (ABS) or Reducing Emissions from Deforestation and forest Degradation (REDD). Culturally appropriate responses are then devised to such frameworks, as well as terms for engagement.

GTZ is supporting the work of Natural Justice, an NGO based in South Africa, which assists communities in Africa and South Asia to develop their BCPs. As part of the process, the communities can halt the loss of their traditional values and knowledge, reaffirm them and demand recognition, respect and support for their ICCAs. Formal recognition of ICCAs by a community requires some disclosure of conservation strategies and TK.¹⁴² Interaction with researchers and inclusion of ICCAs in public databases also requires that some amount of data collected by community members passes into the public domain. Through BCPs, communities can control the flow of such information, and even actively drive certification, community enterprises, territorial planning and agreements about payment for ICCA-related ecosystem services.

The development of Community Biodiversity Registers and Community Biodiversity Protocols is taking place in numerous other environments. An example is the on-going collective work of a dozen nomadic tribes in Iran which, with support from IIED and GEF SGP, are exploring and documenting a wide spectrum of wild and domesticated plants and animals.

▶ **'Recoupling' local social-ecological systems... a measure of justice for previously disrupted ICCAs?**

(Adapted from Hoole and Berkes, 2009)

In northern *Namibia*, the Herero communities that recently formed the Ehi-rovipuka Conservancy find themselves living side by side with Etosha National Park, part of the ancestral territory from which their ancestors were ousted nearly a century ago. The Herero communities, which have been denied access ever since, continue to experience a profound sense of loss for their territory inside Etosha and have a strong desire to return to it, restore their cultural practices and possibly reap also some new benefits from the park. The separation of the communities from their territory was an act of 'decoupling' people from their environment. The potential benefits that the villagers see in the park can now help to 'recouple' them, re-creating at least in part an ICCA situation. The desired reestablished linkages between people and the Park include emergency grazing of community cattle in case of drought, being allowed to gather wild foods such

as mopane worms and honey and securing community access to tend ancestral graves and sacred areas within the park. The new sought-out benefits include joint tourism ventures and environmental education programs for the Herero youth. The communities ask for more porous park boundaries for people and wildlife (complete removal or selective gating of park fence to permit community access and wildlife connectivity corridors), a real 'voice' in park management and employment options. It is hoped that progressive community empowerment will not only "reconstitute" some features of the pre-existing ICCA, but also provide some new benefits— a measure of social justice for the inequities suffered in the past.



A call to recognise & support ICCAs appropriately & respectfully

The future of ICCAs depends as much on the indigenous peoples and local communities who govern and manage them as on the local, national, and international forces that affect and shape their surrounding context. Perhaps like at no other point in history, communities now need the support of international agencies, national governments and civil society at large to meet their challenges— old and new.

Recommendations at the international level

- ▶ The **CBD Secretariat and the IUCN** should facilitate awareness and appreciation of ICCAs, including by diffusing information about their own relevant policies, agreements and resolutions and associated international human rights law and UNDRIP. They should link with representatives of indigenous peoples and local communities and with the ICCA Consortium¹⁴³ to support ICCA awareness and capacity building programs for legislators, government officials and state agencies concerned with protected areas, conservation, development, and indigenous peoples' rights. These programs should also address regional organizations (*e.g.* ASEAN, OAS), UN organizations, indigenous peoples and local community representatives, and international and national NGOs dedicated to conservation, development, climate change, and human rights. Legal support, specific training and field-based support could also be provided to countries willing to recognise and support ICCAs.
- ▶ **UN treaty monitoring bodies**, the **UN Permanent Forum on Indigenous Issues**, the **UN Expert Mechanism on the Rights of Indigenous Peoples**, the **UN Special Rapporteurs on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, on Cultural Rights, on Minority Issues and on the Right to Food** should examine and promote ICCA recognition and respect for ICCAs as means to implement the UN Declaration on the Rights of Indigenous Peoples, ILO 169, and numerous human rights treaties. ICCA recognition should also be promoted as a remedy and means of redress in cases where rights have been violated by suppression or undermining of ICCAs.¹⁴⁴
- ▶ **UNEP/WCMC** should strengthen its commitment to develop an ICCA Registry while paying special attention to mechanisms of Free Prior and Informed Consent; they should also partner with appropriate institutions and build awareness of the Registry among indigenous peoples and local communities worldwide and facilitate their registering if they so desire.
- ▶ **UN agencies and initiatives** should provide enhanced social recognition to ICCAs through appropriate conservation awards, greater integration of ICCAs into the programmes and curricula of international organisations, and sensitive public exposure in the media (as initiated by agencies like GEF SGP and the Equator Initiative).
- ▶ **Aid agencies** should support ICCA communities to participate in international fora concerned with environmental treaties as well as economic and political treaties and institutions; this should promote better linkages amongst indigenous rights, human rights, and environment instruments; they should help indigenous peoples and local communities that wish to protect ICCAs from inappropriate carbon markets and other damaging mechanisms; and they should support exchange programmes and learning networks among policy makers, NGOs and members of ICCA communities from different countries.
- ▶ **Research institutions** should document and analyze the experience of indigenous peoples and local communities governing and managing ICCAs under different contexts and conditions and develop policy advice, in particular regarding ways to recognise self-identified indigenous peoples and local communities as legal subject with common rights over territories and natural resources.
- ▶ **Civil society organisations** should set up specific international alliances to raise effective alerts and take global action relating to threats to ICCAs emanating from international economic and political forces (an ICCA threat watch mechanism).
- ▶ **The ICCA Consortium**, in collaboration with the CBD Secretariat, the IUCN and enlightened donor agencies, should continue to document ICCAs, their challenges, their contributions to biodiversity, livelihoods and cultural diversity, and the best practices to recognize and support them (including recognition within state governed and shared governance PAs); it should continue to provide a space where ICCA ideas can be exchanged, and ripen and where effective strategies and innovative approaches can evolve over time.

Recommendations at the national level

- ▶ **National legislators, decision makers and other expert advisors** should provide appropriate and culturally-sensitive recognition and support to ICCAs— including ICCAs on which official protected area status (under state governance or shared governance) or private protected area status has been superimposed; they should involve representatives of indigenous peoples and local communities in the development of ICCA-relevant legislation and policies, and in making appropriate linkages to international agreements and policies on conservation, human rights and MDG; they should recognise indigenous peoples and local communities as legal subjects capable of taking action for conservation and development and obtain their Free, Prior and Informed Consent regarding developments that may affect their ICCAs, including any change in tenure status, rights to resources, zoning and conservation agreements. In general, national legislators, decision makers and other advisors should provide an environment favourable to ICCAs by recognizing customary laws within national legal frameworks and the land, water and bio-cultural resource rights held in common by indigenous peoples and local communities.
- ▶ **National human rights monitoring bodies** should include attention to ICCAs as one of their concerns, in particular in evaluating the implementation of UNDRIP and other human rights instruments, including the right to culture and the right to food and water. This should be accompanied by in-depth dialogue— and possible strategic alliances— between human rights activists and environmentalists.
- ▶ **National conservation agencies** should support NGOs and representatives of indigenous peoples and local communities to develop national inventories of ICCAs with the Free, Prior and Informed Consent of all the relevant actors; as part of this, ICCA communities could be supported to record their traditional and contemporary environment-related knowledge and practices, to disseminate those to other communities and the formal conservation sector; and to carry out national

dialogues on ICCAs as platforms where innovative legislation and policies could be developed to recognize and support them appropriately and respectfully. Further, national conservation agencies should provide training for their officials and staff on CBD and IUCN policies related to ICCAs (*e.g.*, on type and quality of governance of protected areas and protected area systems), and on linkages between ICCAs, UNDRIP and other human rights instruments; they should spread documentation on ICCAs and their conservation contributions and challenges; and they should support independent monitoring and evaluation of how the CBD PoWPA and IUCN Durban Action Plan are implemented.

- ▶ **Civil society organisations devoted to conservation, development and human-rights** should support networking and exchange visits among ICCAs or between ICCAs and other conservation initiatives on a sub-national, national and international basis; they should also foster financial, logistical, technical, legal, and moral support for ICCAs when requested to do so by the concerned communities.
- ▶ **The private sector, including extractive industries** (*e.g.*, oil and gas, mining, logging, industrial fishing) **and industries related to major infrastructures and tourism** should voluntarily (or mandated by governments and intergovernmental agencies) refrain from adverse impacts on ICCAs and diligently apply Free, Prior and Informed Consent practices in all their interactions with indigenous peoples and local communities governing ICCAs.
- ▶ **Scientists and researchers** who research and prospect indigenous peoples' and local communities territories, resources, knowledge and practices should respect their rights and work with them only on the basis of their Free, Prior and Informed Consent.¹⁴⁵

Recommendations at regional, provincial and local levels

- ▶ **Indigenous peoples and local communities** should strengthen their own awareness and recognition of the importance of their ICCAs and their own mechanisms for participatory monitoring, evaluation, learning and communication about them, with an emphasis on intergenerational cooperation and learning. They should continue to stride towards the recognition of their ICCA-related common rights, and governance and management capacities. They should identify, and work to eliminate, internal ICCA-related inequities on the basis of gender, race, class, caste, ethnicity, or other such characteristics. And they should make efforts to systematize and diffuse lessons learned and best practices relevant for their particular contexts through appropriate communication



tools (e.g., maps and videos) and legal tools (e.g., bio-cultural community protocols).

- ▶ **NGOs, civil society groups, government agencies and aid agencies** should support communities, as needed, in processes towards recognition of their ICCAs. This can include support for internal processes for communities to record the bio-cultural values of their ICCAs, their traditional knowledge, governance institutions and management systems; and to learn about and advocate for their rights under national and international frameworks (for example by developing bio-cultural protocols). NGOs and other civil society groups can also play a role in facilitating negotiations between communities and state institutions for the recognition of ICCAs. Together with government agencies and aid agencies, they should provide capacity development to ICCA communities, upon request, for natural resource inventories, mapping, management, and/or generation of benefits linked to ICCAs. Where ICCAs are incorporated into national protected area systems, they could also facilitate communication between customary governance and management systems and the state system— e.g. through training in accounting skills for communities, and training on governance issues, participatory methods, and inter-cultural communication skills for employees of conservation and other state agencies. Last but not least, civil society groups and government agencies should provide sensitive support for communities to deal with any internal inequity in relation to ICCAs, including through public awareness programmes on human rights and social



equity and through support to weaker groups to gain representation in ICCA governance institutions and—in general— improve their livelihoods and influence.

- ▶ **Educational institutions and the media** should include awareness of ICCAs in school curricula and in their regular programs, including the need for cultural sensitivity and respect for Free, Prior and Informed Consent practices; they should spread information on threats to ICCAs and encourage social mobilisation in their support.

None of the above recommended activities, alone, can completely secure the future of ICCAs. Together, however, they will enormously enhance the ability of indigenous peoples and local communities to sustain and spread their conservation initiatives, a task of great significance for the future of our planet.

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The designation of geographical entities in this publication and the presentation of the material do not imply the expression of any opinion on the part of its authors and sponsors concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

- 1 SBSTTA– the sub-committee on Scientific, Technical and Technological Advice– is a crucial advisory body to the Convention on Biological Diversity (CBD).
- 2 For convenience, the short form 'communities' is used in this document to denote both indigenous peoples and local communities.
- 3 SCBD, 2010; see, in particular, pages 40 and 41
- 4 RSIAR, 2009
- 5 As a matter of fact, some of them do also overlap with state-declared protected areas (→ E37). See Zambrana and Maturana, 2008; Cisneros and McBreen, 2010.
- 6 Borrini-Feyerabend *et al.*, 2004a.
- 7 Dudley, 2008.
- 8 Sacred Natural Sites (SNS) are cultural and spiritually orientated places such as sacred groves, lakes, rivers and mountains. See: Dudley *et al.*, 2005; Wild and McLeod, 2008; Mallarach, 2009 and Verschuuren *et al.*, 2010.
- 9 See Borrini-Feyerabend *et al.* 2004; Kothari, 2006; IUCN/CEESP, 2008a; IUCN/CEESP, 2008b; IUCN/CEESP, 2010; see also www.ICCAforum.org and www.iccaregistry.org
- 10 In the French island of Corse it is remembered that, in the past, village forests were collectively managed according to locally agreed rules. Currently, most such forests are either under state control (including for protected areas) or privately owned. Through the centuries, forest fires appear to have greatly increased in frequency, endangering the local biodiversity by shrinking the island's unique forest habitats.
- 11 The IUCN Commissions CEESP and WCPA have collaborated on this subject for over a decade.
- 12 Kothari, 2008.
- 13 Local narratives vary greatly among peoples and communities but these basic motivations can often be identified.
- 14 This is also true because many ICCAs maintain agrobiodiversity essential for local food security and sovereignty (→ E 14, E 17),
- 15 Sacred Natural Sites have been receiving increasing attention from conservation practitioners. See Verschuuren *et al.*, 2010.
- 16 See the important review of Dudley *et al.*, 2005.
- 17 This ICCA– set out to protect the legitimate desire of the Yuri people to be let on their own– is recognized as an official protected area with the explicit objective of guaranteeing the survival of that people "without contact with the rest of society".
- 18 See <http://www.ecosensorium.org/2009/07/khonoma-green-village-of-india.html> (accessed 2010).
- 19 Ferguson and Viventsova, 2007.
- 20 Zuluaga *et al.* 2003.
- 21 See [Yaijogé Apaporis](#) (accessed 2010).
- 22 Bowden, 2010.
- 23 Sylla and Larivière, undated.
- 24 page 116-118, in Pathak, 2009.
- 25 Weaver and Petersen, 2008.
- 26 See <http://www.scwp.info/iran/fereydoon.shtml> (accessed 2010).
- 27 See http://parquesnacionales.gov.co/PNN/portel/libreria/php/frame_detalle.php?h_id=2911&patron=01 (accessed 2010); and Stolton and Dudley, 2010.
- 28 Borrini-Feyerabend *et al.*, 2004b.
- 29 Farvar, 2010.
- 30 Argumedo, 2008.
- 31 Bélair *et al.*, 2010.
- 32 Kilani *et al.*, 2007.
- 33 Shinichiro Kakuma, personal communication, 2010.
- 34 Govan *et al.*, 2009.
- 35 Baird, 1999.
- 36 Schmidt, 2006.
- 37 Casari, 2007.
- 38 Sarmiento, 2008.
- 39 Bassols Isamat *et al.*, 2008.
- 40 See [CBD Programme of Work on Protected Areas, 2004; CBD Review of implementation of the programme of work on protected areas, 2008; Report from CBD SBSSTA 2010.](#)
- 41 Dudley, 2008.
- 42 Stevens, 2010.
- 43 Dudley, 2008.
- 44 Molnar *et al.*, 2004.
- 45 Kothari, 2006.
- 46 Day *et al.*, 2007.
- 47 A fact well documented and highlighted by Molnar *et al.*, 2004.
- 48 Borrini-Feyerabend *et al.*, 2004 ; Govan, 2008; Pathak, 2009.
- 49 See www.sgp.undp.org and Kothari, 2008.
- 50 See Poffenberger and Smith-Hanssen, 2009; Initiatives to *Reduce Emissions from Deforestation and Forest Degradation* (REDD) are labeled REDD+ when they also include conservation, sustainable forest management and enhanced carbon sinks. Some also argue for the inclusion of agricultural activities, referred to as REDD++ (Simone Lovera, personal communication, 2010).
- 51 In East Africa, for example, a combination of strict and exclusive conservation with lucrative opportunities for tourism or hunting has been driving land expropriation from the weakest members of society. Typical alliances for this include government members, private foreign investors and conservation organizations, with conservation purported as a rationale for evictions and expropriations. In Tanzania alone, the Maasai are possibly facing eviction in the Ngorongoro Conservation Area, they were expelled from Loliondo (bordering the Serengeti) in conflict with the Ortello Business Company and they have grievances with the Thompson ecotourism company. Further examples include the conflicts between the private Grumeti Reserves and neighboring communities; the conflicts surrounding the plan to double the size of the Ruaha National Park; the forced evictions of pastoralists from the Ifehu wetlands in 2008; and the eviction of other communities in Southern Tanzania to make room for sport hunting areas. All of these have gone almost un-recorded (Yves Hausser, personal communication, 2010).
- 52 Corrigan and Granziera, 2010.
- 53 Pei, 2010.
- 54 Pathak, 2009.
- 55 Bassi and Tache, 2008.
- 56 Rasoarimanana, 2008.
- 57 Vololona Rasoarimanana, personal communication, 2010.
- 58 See Bumacas, 2008; Novellino and the Batak community of Tanabag, 2008.
- 59 Mariana Oliveira, personal communication, 2007.
- 60 Jana, 2008.
- 61 Novellino and the Batak community of Tanabag, 2008.
- 62 Yves Hausser, personal communication 2010.
- 63 Juan Chavez, personal communication 2008.
- 64 Kennedy, 2008.
- 65 Ed Tongson, personal communication 2007.
- 66 Bedrani, 2008.
- 67 Examples of NGOs that worked on this are PAFID in the Philippines, Cenesta in Iran, Kalpavriksh in India, PACOS Trust in Malaysia, Tiniguena in Guinea Bissau, Gaya Foundation and CEMI in Colombia, CECCA in Ecuador, Yangareko in Bolivia, Amotocodie in Paraguay, Billital Maroobe in Niger, Forest Action in Nepal, NAPE in Uganda and IPACC in various African countries... Internationally-oriented NGOs, such as the Forests People Programme, the Global Diversity Foundation, the International Collective in Support of Fishworkers, Natural Justice and the Global Forest Coalition act in support of indigenous peoples and communities in many countries.
- 68 The IUCN Commissions, and in particular the [TILCEPA](#), [TGER](#) and [SLWG](#) groups, and the organizations members of the ICCA Consortium have called attention to imminent threats to ICCAs and have been engaged in international policy advocacy for ICCAs.
- 69 A National ICCA network is active in Nepal, for instance, and is expected to evolve into a national ICCA Federation (Sudeep Jana, 2010 and Stan Stevens, personal communications 2010). See also Jana and Paudel, 2010.
- 70 Janis Alcorn, personal communication, 2010.
- 71 CBD Article 8(j) provides that each Contracting Party should "...respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices..."
- 72 Ramsar Resolution VII.8 adopted in 1999 Guidelines that urge Contracting Parties to "...create the legal and policy context to facilitate

- indigenous peoples' and local communities' direct involvement in national and local decision-making for the sustainable use of wetlands".
- 73 See, for instance, the special issue of *Parks* on implementing the CBD PoWPA, no. 17, 1, 2008.
 - 74 Poffenberger and Smith-Hanssen, 2010.
 - 75 Finer *et al.*, 2009.
 - 76 CAPI Local, 2009.
 - 77 <http://www.nntt.gov.au/What-Is-Native-Title/Pages/default.aspx>
 - 78 Colchester and Fay, 2007.
 - 79 Dave de Vera, personal communication, 2010.
 - 80 Roldan Ortega, 2003.
 - 81 Onel Masardule, personal communication, 2010.
 - 82 Van der Hammen, 2003.
 - 83 Riascos de la Peña, 2008; and Asatrizy and Riascos de la Peña, 2008.
 - 84 Luque, 2003.
 - 85 Human rights, however, including rights of minority groups, do apply to local communities and offer some support for their ICCAs. These include rights to property– including collective property– food, shelter, health, and participation in the cultural life of the community.
 - 86 Borrini-Feyerabend, 2006.
 - 87 Dudley, 2008.
 - 88 Smyth, 2006.
 - 89 IUCN/PACO, 2009.
 - 90 IUCN/PACO, 2009.
 - 91 See art. 22(e) of the Italian National Framework Law on Protected Areas, Law No. 394, 6 (1991); and Lorenzi and Borrini-Feyerabend, 2010.
 - 92 IUCN Environmental Law Centre, 2010.
 - 93 Govan *et al.*, 2009.
 - 94 Ribot, 2004a.
 - 95 Chernela, 2003.
 - 96 See Borrini-Feyerabend *et al.*, 2009.
 - 97 Amadou *et al.*, 2003; Hilhorst, 2008.
 - 98 World Resources Institute, 2008.
 - 99 Camacho *et al.*, 2007.
 - 100 Leticia Merino, private communication, 2010.
 - 101 Camacho *et al.*, 2007.
 - 102 Gary Martin, personal communication, 2010.
 - 103 Borrini Feyerabend *et al.*, 2004a.
 - 104 Many village hunting zone and management areas in Central African Republic, Tanzania and Burkina Faso are inter-village managed, with satisfying results (Yves Hausser, personal communication, 2010)
 - 105 Bassi, 2006.
 - 106 This is obviously crucial for "indigenous peoples".
 - 107 Ernesto F. Ráez-Luna, personal communication, 2010.
 - 108 Bryden and Geisler, 2004.
 - 109 Similarly, Jesse Ribot in *Waiting for Democracy* (Ribot, 2004b) notes that devolution is more effective when instead of requiring that local institutions meet onerous and highly-restrictive state-imposed management planning and other requirements, agreements are negotiated on "minimum standards" (which can be social as well as environmental). Communities are then empowered to maintain these standards in ways that they find appropriate without overly-intrusive intervention and rigid blueprints from the central government.
 - 110 Borrini-Feyerabend and Ironside, 2010.
 - 111 Taghi Farvar, personal communication, 2008.
 - 112 UNPFII, 2005.
 - 113 Dave de Vera, personal communication, 2010.
 - 114 Janis Alcorn, personal communication, 2010.
 - 115 Brenier *et al.*, 2009.
 - 116 See: *Ecologist, Friends of the Earth* (accessed 2010).
 - 117 Ernesto Ráez Luna, personal communication, 2010.
 - 118 Ashish Kothari, personal communication, 21010.
 - 119 For example, the Makuleke community, evicted from their land in 1969 to make room for Kruger National Park, in South Africa, obtained thirty years later the full recognition of land rights under continuation of the protected area status (Collins, undated).
 - 120 Ostrom, 2009.
 - 121 Ashish Kothari, personal communication, 2007.
 - 122 Borrini-Feyerabend and Ironside, 2010.
 - 123 Sudeep Jana and Naya Paudel, personal communication 2010; see also Jana and Sharma Paudel, 2010.
 - 124 Nonette Royo, personal communication, 2010.
 - 125 See Macchi, 2008; Ashton and Wang, 2003.
 - 126 Lovera, undated.
 - 127 Neema Pathak and Taghi Farvar, personal communications, 2010.
 - 128 The concept of active "de-responsabilisation" was developed by Banuri and Amalric (1992).
 - 129 De Vera and Guina, 2008.
 - 130 Asatrizy and Riascos de la Pena, 2008.
 - 131 For further information on the Australian Government IPA Program see <http://www.environment.gov.au/indigenous/ipa/index.html>.
 - 132 The Small Grants Program of the Global Environment Facility.
 - 133 Samdariya, Fareedi and Kothari, 2008.
 - 134 Jana, 2008.
 - 135 This reserve is formally dedicated to "silvo-pastoral sustainable use".
 - 136 *Dudley*, 2008.
 - 137 See for example: *Code Pastoral du Mali*.
 - 138 DANE, 2007.
 - 139 Van der Hammen, 2003.
 - 140 Lovera, 2008.
 - 141 Poffenberger and Smith-Hanssen, 2009.
 - 142 In Mexico, for example, certification of voluntary conserved areas by the National Commission of Natural Protected Areas requires that communities fulfill specific obligations such as developing an explicit environmental management program, conducting inventories of flora and fauna and carrying out environmental education programmes for residents and visitors. Inclusion of ICCAs in public databases also requires that some amount of data collected by community members passes into the public domain. For example, the UNEP World Conservation Monitoring Centre is currently developing a global registry for ICCAs modeled on the World Database of Protected Areas but also including data on historical, cultural and governance aspects. An integral part of this project is to develop procedures for obtaining FPIC of the communities in concern before disclosing information at various levels. Communities can control the flow of information to the outside by selectively revealing traditional knowledge (TK), achieving FPIC through consensual decision-making and regulating interactions with outsiders through community research agreements that are periodically reviewed in participatory evaluations. Bio-cultural protocols can play a role in this process by recording communities' bio-cultural values and asserting their rights under international or national law to manage and benefit from biodiversity and to protect and use their TK according to customary law and values. (Gary Martin, personal communication, 2010).
 - 143 See www.iccaforum.org
 - 144 Stevens, 2010.
 - 145 See Laird, 2002; Bavikatte and Jonas, 2009.

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The references of this document are also available from its pdf version (in the publications page of the site: www.iccaforum.org) and most of them embed direct links to the source documents available online. Many references used to develop this document can also be directly downloaded from the same website.

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