

# Strengthening what works— recognising and supporting the conservation achievements of indigenous peoples and local communities

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Though their existence is arguably as old and widespread as human civilisation itself, territories and areas conserved by indigenous peoples and local communities<sup>1</sup> (**ICCAs**)<sup>2</sup> have only recently gained sustained attention in formal conservation circles. International policies and programmes, notably those under the Convention on Biological Diversity (CBD), encourage today all countries to recognise and support ICCAs. This Briefing Note is intended to assist them to do so in a manner that is sensitive to and respectful of the many issues involved. It contains **basic facts about ICCAs**, condenses **lessons learned** and offers **recommendations** for governments implementing the CBD Programme of Work on Protected Areas (PoWPA).<sup>3</sup> The Briefing Note also provides concise

**DOs and DON'Ts** for governments and civil society committed to sustaining ICCAs' immense benefits for conservation and livelihoods. These benefits, which represent an important part of "what works" today, should be better known, appreciated and strengthened. For **specific examples, analyses and references**, please see the **companion document** to this Briefing Note, available from the ICCA Consortium website: [www.iccaforum.org](http://www.iccaforum.org)

The Programme of Work on Protected Areas of the **Convention on Biological Diversity** invites the 193 countries that are Parties to the Convention to "**recognize and promote a broad set of protected area governance types**", including "**areas conserved by indigenous and local communities**" to be supported by "**legal and/or policy, financial and community mechanisms.**"

## Basic facts

The IUCN defines ICCAs as natural and/or modified ecosystems containing significant biodiversity values, ecological functions and benefits, and cultural values "**voluntarily conserved by indigenous peoples and local communities – both sedentary and mobile – through customary laws or other effective means.**"<sup>4</sup> As a rule of thumb, **three features** identify an ICCA:

- ▶ a well-defined indigenous people or local community possesses a **close and profound relation** with a well-defined site (territory, area, or species' habitat);
- ▶ the people or community is the major player in decision-making regarding the site and has the **de facto and/or de jure capacity to enforce regulations**;
- ▶ the people's or community's **decisions and efforts lead to the conservation** of biodiversity, ecological functions and benefits, and associated cultural values, regardless of original or primary motivations.



The Manobo leader Datu Tinuy-an on the background of the waterfall and tropical forest his people managed to preserve from timber exploiters. The Manobo are currently seeking recognition of their land as both Ancestral Territory and ICCA (northern Mindanao, the Philippines). (Courtesy Grazia Borrini-Feyerabend)

This Briefing Note and its accompanying document were prepared for GEF SGP, GTZ and IUCN/CEESP by G. Borrini-Feyerabend with A. Kothari, J. Alcorn, C. Amaya, Li Bo, J. Campese, M. Carroll, F. Chapela, C. Chatelain, C. Corrigan, N. Crawhall, D. de Vera, N. Dudley, A. Hoole, M. T. Farvar, M. Ferguson, M.F. Ferrari, A. Finger, M. Foggin, Y. Hausser, J. Ironside, B. Jallo, H. Jonas, M. Jones, J. Lasimbang, B. Lassen, S. Lovera, G. Martin, J. Morris, F. Nelson, J.S. Okuta, G. Oviedo, N. Pathak, R. Ramirez, V. Rasoarimanana, J.C. Riascos de la Peña, N. Rojo, T. Sandwith, H. Shrumm, D. Smyth, S. Stevens, J. Surkin and R. Wild. Layout: Jeyran Farvar. Production: CENESTA, Teheran, 2010. Contact: ICCA Consortium [gbf@cenesta.org](mailto:gbf@cenesta.org) For more information: [www.iccaforum.org](http://www.iccaforum.org)





## ICCAs are astonishingly diverse

- ▶ They are present across the globe, covering all terrestrial and coastal biomes
- ▶ They are based on diverse motivations (cultural, ethical, spiritual, economic, political) and many are sacred natural sites
- ▶ They typically result from long historical processes; while some do not manage to adapt to change, many others do, and keep evolving over time
- ▶ They thrive on collective rights and responsibility for land, water and bio-cultural resources (“the commons”) and on communal solidarity
- ▶ They are governed and managed by a myriad of different institutions<sup>5</sup> (including local bodies, rules, and values) responding to their unique contexts
- ▶ Their strength and resilience lies in those institutions and in the processes by which indigenous peoples and local communities established and govern them
- ▶ They exist under various political regimes, independently of being officially recognized by state governments (some enjoy full recognition, but many do not)

## ICCAs provide major benefits for conservation and livelihoods and have significant potential for responding to global changes, including climate

- ▶ They protect precious biodiversity, including threatened wildlife, maintain ecosystem functions and benefits, and provide ecological connectivity across the landscape
- ▶ They **may cover as much land as government-designated protected areas**<sup>6</sup> (about 12% of terrestrial surface), although current levels of documentation are inadequate to state this precisely<sup>7</sup>

The Natural Park of the Ampezzo Dolomites is a World Heritage Site, a legally recognized ICCA and one of the oldest ICCAs in the world. For nearly 1000 years it has been collectively governed by the Regole— a traditional institution with the uncommon diplomatic ability to negotiate its independence from Marco Polo’s Republic of Venice to the modern Italian state. (Courtesy Stefano Lorenzi)



The indigenous territory of Yapú (Umu–Kaya Yepa) occupies 150.000 ha of tropical forests and waterways in the Colombian Amazons. It is a perfect example of ICCA— governed de facto and de jure by the local Council of shamans (Kumuã). The Constitution of Colombia recognises to indigenous peoples common rights to land and natural resources, rights to autonomous governance and full respect for their culture. (Courtesy Grazia Borrini-Feyerabend)

- ▶ They support the livelihoods of millions of people by securing their basic needs (including water, food, energy, medicine, shelter, and fodder) and resources to generate income
- ▶ They include time-tested examples of sustainable use of wild resources and agro-biodiversity
- ▶ They embed ancient knowledge about livelihood resources and often provide a safety net in times of stress and acute need, such as conflicts or climate-related disasters
- ▶ They are the foundation of cultural identity and pride for countless indigenous peoples and local communities
- ▶ They 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*

## ICCAs are a powerful means of implementing the CBD PoWPA, as well as UN policies on human and indigenous peoples’ rights

- ▶ ICCAs are strongly supported by the IUCN, and the CBD highlights their role and recommends their support as part of its Programme of Work on Protected Areas
- ▶ ICCAs are an important means of affirming and implementing the UN Declaration on the Rights of Indigenous Peoples, ILO 169, and international human rights treaties
- ▶ ICCAs are included in the IUCN protected area matrix as type D: Governance by indigenous peoples & local communities (see Table 1, but please note that *ICCAs play their conservation and livelihoods roles even without official protected area status*)



**Table 1. The IUCN protected area matrix— a classification system for protected areas comprising both management category and governance type<sup>8</sup>**

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 of management	Sub-national ministry or agency in charge of management	Government-delegated management (e.g., to an NGO)	Transboundary management	Collaborative management (various forms of pluralist influence)	Joint management (pluralist governance bodies)	Declared and run by individual land-owner	...by non-profit organizations (e.g., NGOs, universities)	...by for profit organizations (e.g., individual or corporate land-owners)	Indigenous territories and conserved areas— declared and run by indigenous peoples	Community conserved areas— declared and run by local communities
Protected area categories											
I a. Strict Nature Reserve											
I b. Wilderness Area											
II. National Park											
III. Natural Monument											
IV. Habitat/ Species Management											
V. Protected Landscape/ Seascape											
VI. Managed Resource Protected Area											



The Mapuche Pewenche of Lonquimay (Chile) live in a symbiotic relationship with *Araucaria araucana*— an endangered coniferous species after which they are named. The trees provide them with staple food (pine nuts) and the people keep respecting and protecting the Pewen forests. (Courtesy Thora Martina Herrmann)

**Are ICCAs necessarily “protected areas”?**

Many ICCAs qualify as protected areas (PAs), as defined in the CBD PoWPA or by the IUCN. This does not mean that they are recognised as such by the relevant government authorities or communities. In general, they are officially recognised as protected areas if the requirements prescribed by governments are met and if the relevant communities so desire. This **recognition**, however, 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. 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 the Indigenous Peoples (UNDRIP) and other policy instruments. State governments, on their part, may or may not yet possess the **legal instruments to recognise** ICCAs as official protected areas and support them as such without hampering their unique governance arrangements. Even when the instruments are there, national or local authorities may decide not to use them for a variety of reasons. Before taking a decision, it would be advisable for rights-holders and duty-bearers to review the obligations of Parties under the CBD and the technical advice provided by the IUCN.

**ICCAs are under severe threat: they need appropriate recognition & support**

- Some are well-adjusted to context, are well-functioning, and enjoy the recognition of their role by government and society at large, but
- ▶ Many suffer from *lack of recognition*, in particular they and/or the communities governing them have no legal status, are not formally acknowledged for conserving biodiversity, and receive no assistance, protection, or support from the state
  - ▶ Others suffer from *inappropriate recognition* (e.g., externally imposed institutions and rules, including protected area status) including those ICCAs and communities that do not desire recognition at all
  - ▶ Many have been subsumed within government protected areas without acknowledgment of their pre-existence as independently-governed ICCAs
  - ▶ Many suffer from acculturation and internal and/or imposed inequities (e.g., related to gender, class, caste, ethnic group, religion)
  - ▶ Most are under threat from industrial development, infrastructures, urbanization, and the market forces that push extractive industries and monocultures into the remotest corners of the globe



## What have we learned in policy and practice?

Communities and context are what makes ICCAs possible or impossible and are responsible for why they vary widely between regions and countries and are found in such different states of abundance and resilience. Some of the lessons learned include the following:<sup>5</sup>

- ▶ the **integrity and strength of the concerned community** are essential to the existence and thriving of the ICCA;
- ▶ **friends and allies from civil society** can and do play crucial supporting roles;
- ▶ national governments have international obligations vis-à-vis ICCAs and **international organizations, instruments, and projects** can help them fulfil such obligations;
- ▶ governments can officially recognize or certify ICCAs through a **variety of legal and policy instruments**;
- ▶ in particularly favourable conditions, ICCAs are recognized as coherent land, water, and natural resource units governed by self-defined communities under a **common title** (property or right of use) that is **inalienable, indivisible, and established in perpetuity**;
- ▶ if ICCAs need to be externally **evaluated** (e.g., to assign them benefits or exempt them from taxation), this should be done in a participatory way and mostly in terms of **outputs and impacts for conservation, livelihoods, governance, and the well being** of the concerned communities, rather than in terms of specific structures, rules, and processes;
- ▶ **free, prior and informed consent** of indigenous peoples and local communities – as locally defined and controlled – should be sought by external claimants in all matters regarding ICCAs;
- ▶ under appropriate conditions, and provided they maintain their own governance institutions, ICCAs can benefit from being **officially recognized** as PAs;

- ▶ ICCAs that have been incorporated into official PA systems without the free, prior and informed consent of the concerned communities should be recognized as ICCAs and provided **respect and support**, as appropriate; positive **collaboration** should be sought between the relevant PA authorities and communities;
- ▶ external support to ICCAs is particularly helpful in **enforcing rules** and providing **fair and coherent judgement and sanctions** for violators, developing local capacities to respond to threats and manage conflicts, providing opportunities for joint learning, and fostering good governance at all levels;
- ▶ **financial incentives** for conservation can support ICCAs, but they should be used with great caution, seeking to maintain and strengthen **community independence and integrity**.



Community solidarity and trusting relationships among people are fundamental in the development of an ICCA. In Casamance (Senegal) an association of local fishermen has recently developed its own community conserved area on the basis of both customary practices and the national decentralization policy. (Courtesy Grazia Borrini-Feyerabend)

## What do communities want?

When indigenous peoples and local communities discuss their ICCAs,<sup>5</sup> they often express remarkably similar basic needs, such as:

- ▶ formal recognition of their rights and responsibilities to land, water and natural resources;
- ▶ recognition and respect for the organisations and customs governing the ICCAs;
- ▶ protection against encroachment from outside and imposed initiatives, including those for development, conservation, and responding to climate change;
- ▶ culturally-sensitive programs to support livelihoods and provide health and education services;
- ▶ support to engage and inspire the community's youth;
- ▶ support to meet conservation challenges of ICCAs;
- ▶ support for information-sharing, organising, and networking with other ICCAs.



## Towards ICCA-sensitive legislation and policies: recommendations for governments implementing the CBD Programme of Work on Protected Areas

In many countries, legislation is being reviewed to harmonise with and enable support for the CBD PoWPA. Specifically with regard to ICCAs, policy makers may wish to ensure that their relevant legislation and policies do the following:

- ▶ incorporate the principles of accepted international conservation and human rights regimes, including the CBD and the UN Declaration on the Rights of Indigenous Peoples;
- ▶ structure the conditions and processes necessary for a coherent, effective, and equitable protected area system (e.g., highlight the systemic role of each PA and foresee coordination mechanisms, communication, mutual support, comparative advantage in building capacities, and ecological connectivity);
- ▶ embrace a full variety of management categories (diverse because of the main conservation objective they pursue) and governance types (diverse because different actors or combinations of actors hold authority and responsibility and are accountable for the PA) by ensuring that the national legislation provides for PAs in each section of the IUCN matrix in Table 1 above;
- ▶ specifically identify "governance by indigenous peoples and local communities" as a distinct governance type for protected areas applicable to all management categories;
- ▶ accept that ICCAs come in a variety of institutional shapes and forms and that tampering with such institutions could be tantamount to destroying their vitality and effectiveness for conservation; thus respect the diversity and autonomy of the community institutions that— by governing and maintaining ICCAs —effectively support conservation and livelihoods;
- ▶ officially recognise and support ICCAs through appropriate legislation and policies (e.g., innovative PA laws, decentralisation policies, and indigenous peoples policies) on the basis of lessons learned from experience;<sup>5</sup>
- ▶ ensure that revenues and other benefits generated from ICCAs are not unduly taxed and do flow back into conservation and the livelihood security of the concerned indigenous peoples and local communities;
- ▶ protect communities from inappropriate external interests and promote equity in case of decision-making and benefit-sharing schemes, including the requirement of free, prior and informed consent as defined and controlled by the community;
- ▶ make provisions for appropriate restitution of rights over lands, waters, and natural resources inappropriately taken away from communities for development, conservation, or political purposes, through agreements that help to maintain conservation values and enhance local benefits.



Mobile indigenous peoples, such as these pastoralists from the Qashqai Tribal Confederacy of southern Iran, carefully conserve their entire territory of transhumance (summering and wintering grounds, migration corridors and crucial interspersed grasslands, wetlands and forests) as landscape ICCAs. (Courtesy Ahmadrza Siapoush)

Dhimurru Indigenous Protected Area (IPA) covers over 92,000 hectares of coastline and hinterland country, part of the traditional lands of the Yolngu people (Australia). Many Traditional Owners work as rangers on their own IPA, monitoring and protecting wildlife. (Courtesy Dhimurru Land Management Aboriginal Corporation)



### Notes and References

- 1 For the sake of convenience, the term 'indigenous peoples and local communities' is often abbreviated to 'communities', without prejudice to their independent identities.
- 2 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. Such consent should not be implied. The term is used here for purpose of dialogue and communication rather than labeling.
- 3 See <http://www.cbd.int/protected/pow.shtml>
- 4 Borrini-Feyerabend, G., A. Kothari and G. Oviedo, Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation, No.11, Best Practice Protected Area Guidelines Series, IUCN/WCPA, Gland (Switzerland) and Cambridge (UK), 2004.
- 5 More details in the companion document to this Briefing Note, available from [www.iccaforum.org](http://www.iccaforum.org)
- 6 Kothari, A., special issue on Community Conserved Areas, Parks, IUCN WCPA, vol. 16, no.1, 2006
- 7 Regional information provides an indication of the importance of the phenomenon: indigenous territories in the Amazon Basin cover more than 197 million hectares or 25% of the total area (*Red Socioambiental de Información Amazónica Georeferenciada*, 2009 [http://raisg.socioambiental.org/files/mapaAMAZONIA2009\\_verso.pdf](http://raisg.socioambiental.org/files/mapaAMAZONIA2009_verso.pdf) ). These territories may not all qualify as ICCAs, but they overlap with several official protected areas and their conservation role is crucially important.
- 8 From: Dudley, N. (ed.), Guidelines for applying protected area management categories, IUCN Gland (Switzerland), 2008.
- 9 It is important to read and use this table as a coherent combination of advice, for instance, suggestions regarding respect for customs and traditional knowledge have to be taken together with those on self-evaluation of governance quality or dealing with power inequities.



## DOs and DON'Ts in recognising and supporting ICCAs<sup>9</sup>

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