

# Recognising and supporting indigenous & community conservation— ideas & experiences from the grassroots

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Indigenous and community conserved areas (ICCAs) have emerged as a major new phenomenon in formal conservation circles, though their existence is as old as human civilisation itself. International policies and programmes, notably those under the Convention on Biological Diversity, require countries to provide them with recognition and support. There is precious little guidance, however, on how to do this in ways that strengthen the governance of indigenous people and communities, rather than undermining their initiatives. This Briefing Note attempts to provide some tips towards sensitive recognition and support of ICCAs. It addresses governmental and non-governmental organizations, indigenous peoples and local communities willing to engage in exchanges of experiences and mutual learning and active support. Most examples described here are drawn from a series of grassroots discussions carried out and compiled in 2008 and available in their entirety at [www.iccaforum.org](http://www.iccaforum.org).

**T**erritories and lands occupied or used by indigenous peoples and other traditional local communities encompass a considerable proportion of areas important for biodiversity and wildlife conservation. Many of these indigenous and community conserved areas— ICCAs for short— encompass conservation knowledge and practices intertwined with local strategies for livelihoods, the spiritual and material values of local cultures, and a variety of customary and/or legal “common rights” over land and natural resources. Although poorly known and acknowledged, ICCAs are responsible for conserving<sup>1</sup> an enormous part of the Earth’s beleaguered biodiversity and ecological functions, supporting the livelihoods of millions of people and helping to maintain their culture and sense of identity.

Over the last two centuries ICCAs have been mostly ignored, when not threatened by the formal policies and practices that dominated conservation globally, and even more so by prevalent paths of development and modernisation, and policies relating to land and resources. Only in this millennium, neglect is slowly giving way to some recognition

and support. But, more often than not, the interface between state-based institutions and the customary institutions of indigenous peoples and local communities remains a complex arena, affected by misunderstanding, mistrust and well-intentioned initiatives that end up sour. There are many reasons for this, but underlying them all is the fact that indigenous peoples and local communities have usually few options to shape policies and direct their own paths to well-being, development and conservation. Much more often, policies are adopted and enforced *upon them*, at times even squandering precious opportunities for mutual support and synergies. In addition, often in response to changes around them, communities<sup>2</sup> have also changed, weakening or abandoning their ICCA related knowledge and practices.



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## 1. What are Indigenous and Community Conserved Areas (ICCAs)?

ICCAs are *natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous peoples and local communities— both sedentary and mobile— through customary laws or other effective means.*

ICCAs can include ecosystems with minimum to substantial human influence as well as cases of continuation, revival or modification of traditional practices or new initiatives, including restoration initiatives, taken up by communities in the face of new threats or opportunities. Several of them are inviolate zones with no or little human use, while others have various kinds of restricted uses, ranging from very small to large stretches of land and waterscapes. Three features are important:

- ▶ One or more **communities closely relate to the ecosystems and species** culturally and/or because of survival and dependence for livelihood.
- ▶ The **communities are the major players in decision-making and implementation** regarding the management of the site, implying that community institutions have the *de facto* and/or the *de jure* capacity to enforce regulations. Often there are other stakeholders in collaboration or partnership, and in several cases the land is officially owned by the state; in all cases, however, the decisions and management efforts of the communities are essential.
- ▶ The **community management decisions and efforts lead to the conservation** of habitats, species, ecological services and associated cultural values, although the conscious objective of management may be different than conservation of biodiversity alone or *per se* (e.g., it may be livelihood, water security, safeguarding of places important for cultural and spiritual reasons, etc.).

ICCAs cover an enormous range of natural ecosystems and wildlife species and agricultural and pastoral landscapes; are managed through a wide diversity of institutions and rules by traditional and modern communities alike; and encompass a variety of motivations and objectives. A series of publications have over the last few years provided a glimpse of this diversity.<sup>3</sup>

Noticeably, ICCAs are not necessarily “protected areas” in the official connotation assigned to the term by different national governments. They *can be* protected areas if the requirements prescribed by governments and civil society are met and if the relevant communities are willing. But this is neither automatic nor necessary for ICCAs to exist and play their role.

An important chance to remedy this for the benefits of conservation and the livelihood of related communities has emerged in the last few years. Particularly noteworthy are the obligations of countries under the CBD Programme of Work on Protected Areas (which recognises ICCAs) and the Millennium Development Goals (which stress poverty reduction and environmental sustainability). The adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) has given unprecedented backing to the rights of indigenous peoples to their lands and natural resources, including ICCAs. And the linkages

between the Conventions on Biological Diversity and Cultural Heritage are all but exhaustively explored.

Crucially, the need to clarify the role of ICCAs and ways to provide them with appropriate support is becoming essential in the face of global climate change and the possibility that adaptation and mitigation strategies can be led by local communities, and that communities can receive “compensation” for those activities through a variety of mechanisms. Together with payments for ecosystem services, such “compensation” may present



opportunities but may also have enormous impacts on ICCAs, for instance through embedded inequities, and by harming community governance structures and values, including those that preserved ICCAs so far. Communities need to be empowered to deal with those issues in ways that *they* feel are appropriate. And governmental and non-governmental organisations can provide the conditions for that to happen.

## Conservation rooted in history and culture

The conservation practices of indigenous peoples and local communities include natural sites, resources and species' habitats conserved in a voluntary and self-directed way through context-specific beliefs, practices, and institutions. While many such phenomena survived the test of time, others are relatively recent. Despite the pervasiveness and importance of the phenomenon, however, the areas, territories and values conserved by indigenous peoples and local communities remain, today, the least understood and recognised governance type in conservation. Worse, they are often in extreme jeopardy under the combined impacts of economic development, cultural change and climate change.

In the face of rapid global changes, many ICCAs are surviving in old or new forms, many are disappearing, and many more are emerging anew. ICCAs are not static phenomena. Throughout the world (in particular, but not exclusively in non-western countries) the governance systems of contemporary indigenous and local communities are syncretic constructions of old and new knowledge, practices, tools and values of different cultural origin. Such puzzles of hardly compatible elements are communities' attempts to cope with new environmental conditions, market requirements, and tenure regulations imposed by the state. Building upon the characteristics of diverse political and economic contexts, unique combinations of indigenous and modern elements lead to diverse outcomes. Some indigenous system may be *de jure* completely replaced by state governance but *de facto* remain alive and effective. In other cases, change may have been ruthless and powerful enough to affect the community's capability to manage the local resources in a sustainable way. Still in others, apparently overpowering change has been unable to destroy the heart of the community livelihood system. In general, innovative and more complex systems develop by combining indigenous and modern elements. On the

overall background of the many interlocked phenomena that affect biodiversity, much remains to be explored and understood about the role of indigenous peoples and local communities for the governance of their ICCAs and other areas in cooperation with other actors and powers in society.

## Community managing and governing biodiversity

The majority of ICCAs are neither managed with a purely utilitarian/ functional approach, nor with a purely spiritual / aesthetic one. Most often, there is a combination of motivations, and the following are remarkably common, often at the heart of what singles out an ICCA for a community:

- ▶ **preserving goods and services** (food, medicines, environmental services etc) especially **for times of climatic, economic or political crisis** or times of exceptional **scarcity** of resources; in this sense ICCAs are the only insurance policy available to many indigenous peoples and local communities all over the world.
- ▶ embodying an important part of **cultural identity** for indigenous peoples and local communities; this can be expressed as a particular spiritual value, or an historical association or even something much more recent such as pride in a wood grove planted by a community, or delight in a local nature reserve.



- ▶ symbolizing and rendering concrete some form of **political autonomy**, the ability to control one's lives and environment, and to protect the community against external threats.<sup>4</sup>

## 2. ICCAs as resource savings and treasure chests

In the Southwest of **Madagascar**, a large number of dry forests of enormous biodiversity value are managed *de facto* by the local communities according to rules passed on through 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 forest on a hill, sacred to several communities because an ancient king is buried there), or the preserved forests of Ranomay, which also include a lake and some famous hot springs. The ancestors of the current residents established the rules for the utilization of the forest products and— in particular— identified the parts of these forests that should be considered sacred (*tabou*). These areas— which are clearly visible as the trees are there generally taller and denser— can be used only as burial ground for the dead and as a last reserve in case of crises. People in distress can get there and find medicinal plants or wild food, such as wild igname, in time of famine, and they can harvest some timber to rebuild the community buildings in case of a catastrophe or to build the coffins of the dead. The customary rules severely forbid the utilization of these resources for the daily needs of the community.<sup>5</sup>



The Borana use a large pastoral territory across the border between **Ethiopia** and **Kenya**. Access to natural resources is regulated by customary governance based in the *gadaa* system of generation classes, an institution typical of the Oromo, the second largest linguistic group in Africa. The Borana territory in Ethiopia is a coherent management unit where pastoral livelihoods go hand-to-hand with valuable biodiversity, including 4 restricted-range species of birds. It includes diverse habitats at different elevations, with different rainfall and vegetation types, ranging 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 associated with special water qualities are found. 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 Sycomoro* tree, to be maintained strictly in a natural state. And there are several dry evergreen forests of *Juniper 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 preoccupation, as these forests are now under the combined attack of exploiters and fire. Although covering less than 2% of the total territory, they 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 esthetic and symbolic value.<sup>6</sup>

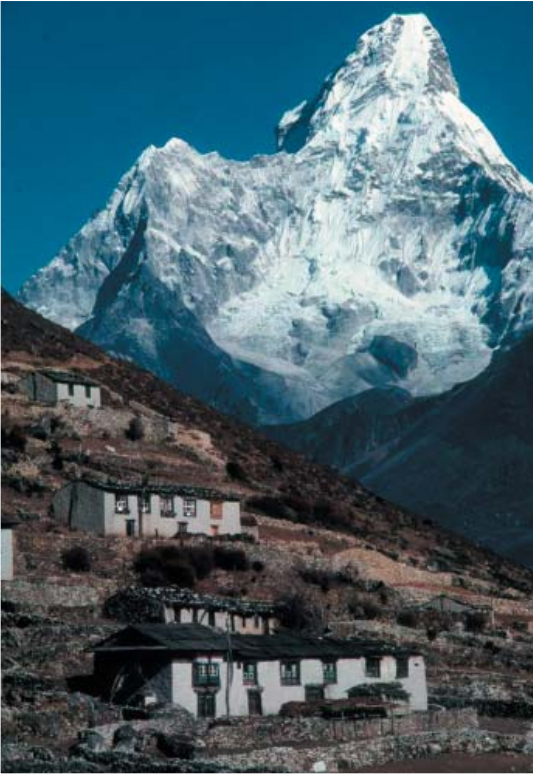
The customary practices of the Inuit of Nunavut, **Canada** were in part motivated to maintain hunter safety, but also to show respect for animals, which led to conservation of wildlife populations. The land area of Nunavut is about 2 million km<sup>2</sup>, and most of it is caribou habitat. The Inuit have special respect and customary practices for caribou in their calving areas, and these areas could be identified as *de facto* ICCAs. Nevertheless, Inuit consider calving areas as only one among the many habitat types that must be protected in order for caribou populations to thrive. There are other special areas known to the Inuit that should be cared for so that they remain available during the 10-30 years when caribou populations are at very low levels, which happens once every 70-90 years. Inuit know the special places where there will be a few caribou even where there are no caribou anywhere else. Such habitats can only be known as part of the indigenous knowledge system.<sup>7</sup>



## 3. Cultural identity and the Sherpa of Khumbu<sup>8</sup>

Khumbu— the oldest of the homelands of the Sherpa people in **Nepal**— has been a sacred valley and Buddhist sanctuary for 1,200 years. It 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's forests (declared sacred many generations ago by revered religious leaders) are strictly protected. Sherpas conserve community forests through practices that reduce firewood use, and manage the high rangelands through rotational zoning grazing systems. 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, leopards, red pandas and musk deer, and that it supports large numbers of the elsewhere rare mountain goat/antelope—the Himalayan tahr, is largely an achievement of Sherpa conservation stewardship.

For Sherpas the concept of “ICCA” is not new, and actually recalls the usual and very 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 embodies their sense that Sherpas as a people have a responsibility to care for and to conserve Khumbu. It provides them with a way to think about how the many local institutional practices that cumulatively produce significant regional conservation achievements. It makes visible and validates both the practices that they have maintained, in some cases for centuries, and the ones they have developed and adopted in recent years. Some leaders also believe that the concept of ICCA is useful to think about the links between culture and conservation. They emphasize the importance of reaffirming Sherpa culture and conservation in a time of social, economic, and cultural change. By conceptualizing their own ICCA, they feel they are better equipped to address current challenges and threats to continuing Sherpa care and conservation of Khumbu.

#### 4. The moral foundation of self rule<sup>9</sup>

The community of Mendha (Gadchiroli, Maharashtra, **India**) is an exemplary case of 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, which is 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 encroachment of forest by agriculturalists and in preventing forest fires. They gave women,



youth and economically weaker sections 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 *swaraj* through *satyagraha* (the path of truth) and *adhyayan*.”

As recognised by the CBD<sup>10</sup> and the IUCN,<sup>11</sup> some protected areas are governed by indigenous peoples and local communities (see Table 1). State government may

or may not recognise them as protected areas and support them as such, but should be at least aware of them and their multiple roles for conservation and livelihoods.

Table 1. **The IUCN protected area matrix**  
a classification system for protected areas comprising management category and governance type<sup>12</sup>

Governance types	A. Governance by government			B. Shared governance			C. Private governance			D. Governance by indigenous peoples & local communities	
IUCN Category (manag. objective)	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											
I Ib- Wilderness Area											
II— National Park											
III— Natural Monument											
IV— Habitat/ Species Management											
V— Protected Landscape/ Seascape											
VI— Managed Resource Protected Area											

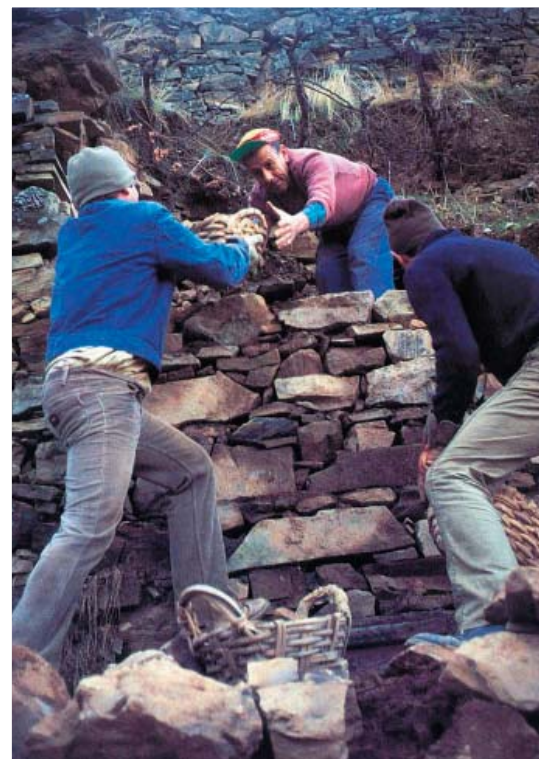
## 5. Why should ICCAs be recognised and supported?



- ▶ ICCAs conserve, or have the potential to conserve, an enormous part of the Earth's beleaguered biodiversity; while documentation is grossly inadequate, it is estimated that ICCAs could cover an area as large as that of government designated protected areas (which today amount to about 12% of the Earth's terrestrial surface);
- ▶ ICCAs help, or can help, in providing connectivity across large landscapes and seascapes, which is crucial for migration of wildlife, people, and livestock, and for genetic exchange; they may also be crucial in climate change adaptation;
- ▶ ICCAs maintain ecosystem functions and provide substantial environmental benefits, such as water flows and soil protection;



- ▶ ICCAs are the basis of livelihoods for millions of people, securing food, water and other resources (energy, fodder, soil) for survival, security and income, often as part of complex and highly resilient land use systems and/or as last refuge and last-recourse resources in times of crisis;
- ▶ ICCAs are the basis of cultural identity for countless indigenous peoples and local communities; they foster community solidarity and prestige, and significantly contribute to cultural diversity;
- ▶ ICCAs are 'natural' sites for cultural sustenance, displaying varying ways in which humans have lived with and within nature; very many are sites of spiritual significance, and in the case of many indigenous people— sedentary and peoples—land itself is akin to the temples and churches of mainstream religions;
- ▶ ICCAs are often built upon sophisticated ecological knowledge systems, including sustainable use, which have stood the test of time;
- ▶ ICCAs are often managed through institutions “tailored to the context”, usually highly skilled at adaptive management and capable of flexible responses to intervening change—much of which will be invaluable in the face of global changes, including climate;
- ▶ Several ICCAs are seamless landscapes of wild and agricultural or domesticated biodiversity; they provide ecological and cultural links between components of life that often, in modern times, have become artificially compartmentalised.
- ▶ ICCAs provide valuable models for the transformation of over-developed societies seeking “green” solutions to the energy and climate crises.
- ▶ Underlining and strengthening all of the above, ICCAs are usually based on customary and/or legal territorial and tenure “common rights”— whose respect should be ensured by both countries and international institutions.



## 6. ICCA governance: lessons from Tanzania<sup>13</sup>

Tanzania has a clear and legally mandated institutional structure for community based natural resource management. Under the Village Land Act, land within the “village area” (which may extend several kilometers and cover tens of thousand of hectares of forest) falls under the jurisdiction of the Village Council. Within the village area, the village may decide to set aside land for communal purposes such as conservation, forest management, grazing or other common-property objectives. Evidence appears to be mounting that forests under community management are showing signs of effective management, reduced disturbance and improved condition. This includes both *de facto* ICCAs, such as traditional and sacred forests, as well as *de jure* ICCAs, reinforced by formalisation and legal recognition.

The forest laws in Tanzania have based institutional management responsibilities on the Village Natural Resource Management Committee— itself a sub-committee of the village government. While this does provide opportunities in providing linkages to local government services and funds, it does mean that in some cases, traditional knowledge and management practices are compromised. However, as one moves away from administrative centers into the more remote parts of the country, in areas where ICCAs are often found, these external pressures appear to be reduced, and traditional / customary institutions have a stronger voice. The question remains as to how to equip traditional institutions with greater legal rights with regard to defending and managing their natural resources. A possibility may be found in the Tanzanian forestry law, which allows for the creation of Community Forest Reserves (CFRs) to be managed by a community association, and which explicitly recognises traditional or customary management institutions as legal entities.





Overall, the status and durability of ICCAs In Tanzania appear critically dependent on communal ownership of land and natural resources and mechanisms for collective and equitable decision-making and representation at the community level. While conservation policy and legislation is important, it is this overall local governance and land tenure institutional environment that appear most critical to the status of ICCAs.

## Understanding the needs

The interface between state-based institutions and the customary institutions of indigenous peoples and local communities remains a complex arena, at times mutually strengthening, but often affected by misunderstanding and mistrust. Those surface nowhere better than as part of initiatives aiming at “recognising” ICCAs, fitting them within state legislative frameworks and/or incorporating them as part of national protected area systems. Some such attempts, unfortunately, have even produced negative conservation outcomes. Trying to “adapt” the governance institutions of traditional ICCAs to state requirements has ended up, in some cases, undermining their authority and stability, and lead to the demise of long standing successful conservation. Often this happens in parallel to the setting up of decentralised government institutions, such as rural municipalities. In other cases, well intentioned financial support has proved socially and morally disruptive.

How should policy makers and society as a whole proceed? Comprehensive, well-analysed information specific to ICCAs, and guidance built on such information, are scarcely available and this is, in itself, part of the problem.<sup>14</sup> Underlying all of the above is the pervasive lack of opportunities and space for indigenous peoples and local communities themselves to develop and direct efforts at shaping policies and directing their own paths to well-being, development and conservation

Clarifying the role of ICCAs and ways to provide them with appropriate support has become crucially important in the face of global climate change and emerging adaptation

and mitigation strategies. There is no doubt that ICCAs and all other biodiversity-rich areas are severely threatened by the impacts of climate change, but there is also a growing awareness that they can contribute significantly to mitigation and to adaptation efforts. Meanwhile, policies are being formulated and tested to compensate various actors for their efforts to conserve ecosystems— in particular forests

## 7. The “common good”<sup>15</sup>

In the long run, ICCAs depend on being recognized and supported by national governments and citizens. For that, governments need to appreciate that they are both valuable *per se* and/or lead towards common, universal goods, valuable for the whole of society. Fortunately, this is not hard to demonstrate for community conservation initiatives! As mentioned in Box 5. they are crucial for a variety of ecological, social and economic values.

ICCAs should be respected, recognised and supported for the sake of the “common good” and its realization through community stewardship of natural resources that are, in many ways, a source of benefits and pride for society as a whole. In this sense, ICCAs can also provide an opportunity to transcend the tension between local autonomy and the rigidity of national norms and institutions through dialogue— including dialogue across diverse values and epistemologies. And can contribute to the “redundancy” and diversity of governance structures in the landscape, two characteristics that directly enhance the resiliency of social-ecological systems.<sup>16</sup>





and watersheds. Carbon trading mechanisms are part of such policies and can have enormous impacts on ICCAs. While some maintain that financial compensations for ecological services can provide needed recognition and support to ICCAs, others believe they may give the *coup de grace* to a phenomenon that is as delicate and diverse as local cultures are. Indigenous peoples and local communities have voiced concerns over what they see as a commercialization of nature, which can undermine their governance and control over lands and natural resources. And, even where communities are keen to benefit from funding schemes for ecosystem services, it remains to be explored what mechanisms are capable of transferring funds to the local level in equitable ways, without harming the governance structures and values that have preserved ICCAs so far.

## Threats to ICCAs

Because they frequently have no legal recognition within a country, and indeed may not be recognised by governments or even by neighbouring communities, ICCAs are vulnerable through land and water being appropriated or “reallocated” to a variety of alternative uses. To non-members of the community, many ICCAs appear as natural “unmanaged” and “unutilised” ecosystems. Because of that, they are frequently undervalued or coveted for resource extraction. Within indigenous peoples’ groups and traditional communities, ICCAs may also suffer as a result of changing value systems, increased pressure on natural resources and other internal tensions. Threats exist at different levels:

### ► External threats

The traditional territories of indigenous peoples and local communities, including ICCAs, are in many places under attack from external forces emanating from within the relevant country or from international sources. Key threats include:

- ‘Development’ and commercialisation processes, including mining and fossil fuel extraction (particularly important as, even when state governments agree on assigning land right to indigenous peoples and local communities, they usually reserve for themselves the use of sub-soil resources), logging or tree plantation, industrial fishing and sea dredging, conversion to large-scale grazing or agriculture (including agrofuel plantations),

water diversions and drainage works, urbanisation and major infrastructure (roads, ports, airports), and major infrastructure for tourism

- War, violent conflicts and movements of refugees
- Expropriation of community land (through nationalisation, privatisation, or conservation initiatives, in particular for the creation of state-governed protected areas)
- Land encroachment by or conflicts with other communities and municipalities
- Inappropriate recognition (in particular recognition that devalues and de-motivates the traditional governance systems)
- Active acculturation of ICCA communities (e.g. through formal education programmes not adapted to local cultures, livelihoods and values or evangelisation programmes of different faiths)
- Imposition of exploitative or inappropriate taxes and other fiscal burdens
- Divisions and conflicts created 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 (e.g. acid rain, chemical pollution through upstream gold mining) and the spread of invasive/exotic species.
- Climate change (natural disasters, sea level rising, etc.)



## 8. The Kalumbata must always fly free!<sup>17</sup>

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 continued existence ensures the community's continued existence and survival. For the Talaandig, the sacred forests of Mt. Kalatungan are home to the tallest and hardest trees, they are the source of the cleanest waters that never run dry, they are where the deer and wild boar will always roam and, most importantly, where the *Kalumbata* (Philippines's eagle) will always fly free. The *Igmale'ng'en* play a central role in the day to day affairs of the community, 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 when dried and soaked 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 lasted very shortly. Unregulated, illegal logging became rampant, as gold prospectors required timber to shore-up the ever-growing number of tunnels they dig. 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 deal with it and they soon found themselves deeply in debt.

The community soon realized that it was on the brink of losing everything it had... In 2001, decided to regain control on their land, the Talaandig completed the documentation for a formal application for a Certificate of Ancestral Domain Title. Most recently 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 to protect them from destruction. But the declaration does not recognize the cultural and spiritual significance of the forest 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,<sup>18</sup> time seems ripe for some specific recognition of ICCAs, in legislation and in practice.



## 9. The Tarevalata 'Kastom' Conserved Area: no logging thanks!<sup>19</sup>

Tarevalata people live in the northeastern shelf of Lauru, 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. The Tarevalata lands are a typical example of this mosaic of customary tenure run by a variety of rules under the broad name of *kastom*. They teem with unique wildlife— butterflies, snails, amphibians, 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.

The Tarevalata have faced numerous attempts by logging operations to access their territory and challenge their community rights to the lands. The Tarevalata chief has important responsibility to uphold the ideals and traditions and to sensibly guide the community in their use of our lands. 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 recognised representative of the Tarevalata by 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 that 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.



### ► Internal threats

Arising from changes in the immediate society of the indigenous peoples and local communities some threats are particularly sensitive and difficult to tackle, including:

- Changing values and acculturation into mainstream society, with impacts on younger generations that alienate them from their roots
- Increasing pressure on resources— in particular related to the substitution of local solidarity economies with a market economy
- Persistent or new inequalities between economic and social classes, and genders, within the community

Overall, given that there is no global survey or “list” of ICCAs in the world, there is a lack of hard data on the number that are under threat, but anecdotal information suggests that problems are serious and mounting. Some surveys in China, India, Ghana and the Philippines point to the tremendous pressure suffered by sacred groves, for instance, and by the ancestral domains of indigenous peoples.

## 10. Losing ground to conservation...<sup>20</sup>

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 preserved untouched as “sacred”. The local community is heterogeneous, mingling 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 liberties and rights. Until recently, however, their upland forests— including their “sacred sites”— 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 severely 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 this date, the issue of land rights and the issue of the possible active role of the community in the conservation of the national park remain unresolved.

## 11. A choice for the local youth

Differently from other, more acculturated groups, the Tanabag Batak peoples 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 perceives the traditional role of shamans as “custodians of the natural resources” as irrelevant to deal with current transformations. For them, the aesthetic force and a socializing dimension of imported technology and modern life appear to clearly override that of shamanic séances and traditional narratives. In spite of this, they remain committed to protect and guard their territory, from which they derive their entire livelihoods, and would like to see their role as traditional custodians of the forest much more strongly and effectively recognized by government agencies and the civil society as a whole.<sup>21</sup>

.....

In the Bijagos islands of **Guinea Bissau**, the local youth is forced to make a choice between modern education— available only in the country's capital of Bissau— and the traditional education imparted by their elders. The elders do not force any of the youth to remain or to follow them. But when they chose to do so, they are not anymore allowed to leave. Given the inflexibility and the harshness of the local tradi-

tional education, mothers increasingly do all they can to send their children to be educated away. The drying of the sap of the local culture is endangering the foundations of the local ICCAs, closely depending on the knowledge and respect of local traditions.<sup>22</sup>

.....

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 Chapangs, 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 hunts 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 for local cuisine and play a role in the reproduction of the trees. The increasing influence of Christianity in the areas 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 encouraged and provided incentives to education, community meetings, prayers and women empowerment, and has discouraged alcoholism in the community, but the new religion has also diminished the traditional cultural identities of people as Chepangs and their link with the nature and forest. There is an increasing trend of out migration among Chepang youth, who leave to find better economic opportunities in urban areas.<sup>23</sup>

.....

The indigenous territory of Yapú “Umu— Kaya Yepa” occupies 150.000 ha of tropical forests in the Amazons of **Colombia**. Since immemorial times, it was governed by local shamans (Kumuā) through customary knowledge and laws comprising both practical norms and moral values. As of 1982, the country's progressive constitution and legislation recognised it as collectively owned by its indigenous inhabitants, offering them full rights to utilise its renewable resources for their livelihood. The territory of Yapu is not part of the Colombian system of protected areas, but it has *de facto* succeeded in protecting the land and its resources through its strong indigenous institutions and the intimate relationship that exist between the communities and the ecosystem. In this sense, the indigenous territory of Yapú is a perfect example of ICCA. It is clear, on the other hand, that the natural values of the area depend closely on the continuation of the local culture, with its ceremonies, lifestyle and social rules. In other words, conserving biodiversity appears closely related to maintaining both the collective rights over the land and resources, and the purity and aliveness of the local traditional knowledge and practices. The latter has much to do with the relationship between material and in-materials beings, a perception that is being potentially eroded in the local youth by the national system of education. The fact that no school curriculum has been adapted to allow them to maintain and reproduce their lifestyle— living in the forest in a sustainable way while carrying out an intense and profoundly satisfactory calendar of social and ceremonial activities— is a relatively sad commentary. If the youth wishes to go to school, they have to do so far away from their land, losing their connection with the cyclical ceremonial calendars unique for each ethnic group. In 2006 a study found that only 22 out of the 286 students from the Yapú area had experience in practicing their traditional rituals. The lack of adaptation of the school curriculum is an example of “active acculturation”. But acculturation can also spread through “passive” forms, through advertisements, mass media and the like.<sup>24</sup>



## 12. Can ICCAs coexist with market forces and a consumerist society?

The short answer is: yes they can. If effective ground rules and fair avenues for commercialisation are in place, people can maintain their ICCAs and even link them with markets. A variety of negotiation processes and tools, such as permits and certification systems, may be necessary to fend off the “unfair competition” by the market forces that do not care for sustainability, but communities can and do successfully participate in commercial enterprises.

Some ICCAs secure a good part of communities' income. In **Peru**, the government restituted to the Shipibo Konibo people the land rights over 35,000 ha of forest in their indigenous territory and the people declared their own specific rules (*Reglamento*) to manage a Communal Reserve. They established the reserve to conserve medicinal plants, wild fruits, wildlife and trees with important characteristics to be used as timber for local buildings. Because of that, 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 they do not wish to have a strict reserve overall. Their rules incorporate the sustainable use of timber,



combining national regulations, which need to be respected in the whole territory of Peru, and traditional local rules. At the beginning certainly not everything went smoothly. The government assigned a logging permit to a private company that came to extract timber from the Reserve... but the people successfully resisted that! There was also the problem of a gaseoduct that crossed the reserve, and the construction time was terrible... In 2005, however, the reserve obtained the certification of sustainable use standards from the Forest Stewardship Council, and its hardwood, today, is making its way to international markets also with the help of international conservation organizations such as WWF.<sup>25</sup>

Paraku is an Indigenous Protected Areas encompassing a huge wetland on the edge of the Great Sandy and Tanami deserts, in Western **Australia**. The lakes are the end point of many “Dreaming tracks” and are imbued with the stories and the lives of the aboriginal peoples. For some time, unmanaged and unmonitored fluxes of tourists were free to visit the area, which



started to create some serious environmental impacts. One of the positive consequences of having declared Paraku as Indigenous Protected Area is that a visitor permit system is now being developed. Tourists are requested to report to the IPA office, where the Aboriginal staff advises them about how to minimize their impact and respect the local environmental and cultural values.<sup>26</sup>

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 patrollers. Women-led households also participate in the patrols, which has already resulted in apprehensions and confiscations 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 also 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 watersheds and a payment system contingent on performance has demonstrated its viability and effectiveness.<sup>27</sup>

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 fossile as it hardly reproduces itself from its grains even in highly controlled conditions. The ICCA of Oued Morra is a unique example of 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 is still very cohesive. A few phenomena, however, advance question marks for the future. On the one hand, the number of people in the community is increasing and the traditional leaders are losing some of their former authority. Most importantly, the community is having now a variety of new “needs”— from portable phones to cars to computers. For the time being, those needs are being met and the ICCA is well managed. It is to be seen if, in the long run, the two will remain compatible.<sup>28</sup>

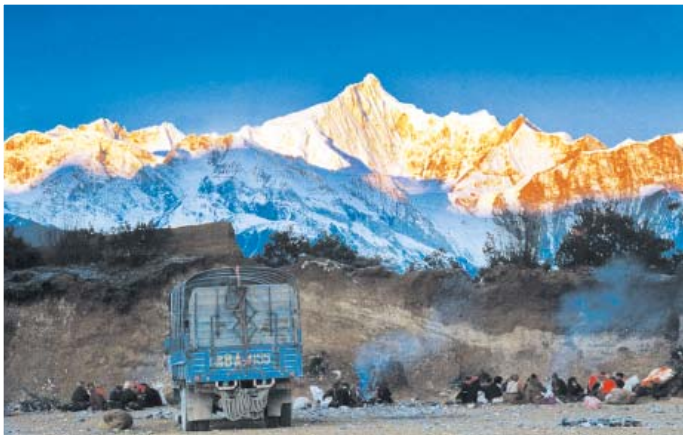


### 13. Will Kawagebo survive mass tourism?<sup>29</sup>

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 summit in a 12–15 day serious trek that crosses over three mountains ranges, with peaks above 5,000 meters. The sacred area in Deqin County alone is over 700 km<sup>2</sup>. Starting in the 1980s, the Kawagebo also became a destination for mountaineering tourism. Between 1987 and 2000, numerous teams including foreigners and Chinese attempted in vain to climb the Kawagebo. In 1991, a serious mountaineering disaster killed 17 people, Chinese and foreigners. 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 underneath the glacier, at the source of the drinking and irrigation water for neighboring villagers. 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 human everywhere on earth.... This 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 the humble guardians for the religious 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 of dollars per month. The Mingyong tourism operation is a well organized community enterprise, based on the effective self-governance system that deals with all village affairs. Decision-making is transparent, and benefits are fairly distributed to the households that provide their labor 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 behavior of outsiders. Mass tourism is a concern for the elders also because

it renders livelihood more volatile (e.g. tourism fell during the SARS epidemic), it shakes the cultural identity of the youth and may change the place forever. The youth is actually talking about setting up a cable car business to replace the horse track operation. Kawagebo as a sacred mountain is well understood by the public and government, but the fact that it is so large that it transcends several government jurisdictions is quite problematic. 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...





## Recognising and securing ICCAs: what do communities want?

ICCAs vary enormously in their size and history, management approaches, governance systems and future prospects. Their needs consequently vary and responses need to be closely tailored to the individual context. Nonetheless, when people responsible for managing ICCAs get the chance to give an opinion about what they need— as during the grassroots discussions on which this note is partly based— some common world-wide threads emerge.<sup>30</sup>

### Formal recognition of land, water and natural resource rights

Most indigenous peoples and local communities see some measure of formal recognition of their rights to land, water and other natural resources as a critical building block in securing their ICCA. The desired *form*

of this recognition varies considerably, including one or more of the following:

- ▶ Formal ownership and title deeds to the land or resources
- ▶ Recognition as Indigenous Reserve, Indigenous Territory or Ancestral Domain, implying inalienability and communal rights of using natural resources
- ▶ Various forms of legal recognition of user rights
- ▶ Legal recognition of management capacities and rights (e.g., the right to define the migration season for a transhumance corridor, the rights to define the resource use rules through local by-laws, the right to exclude or regulate the access of 'outsiders')
- ▶ Recognition of the self-declaration of the ICCA as a protected area, to be formally linked to the national protected area system and offered various forms of support and protection from external threats; or conversely, recognition as an area where indigenous peoples want to be left in voluntary isolation



## 14. Marine customary tenure and ICCAs in the Pacific<sup>31</sup>

In independent Melanesia and Polynesia, most of the land is under some form of customary tenure and customary land rights. This remains 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 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 (in that decisions are made locally), relevance and conflict management but they also generally support the integration into western governance frameworks. So far, some countries have codified or formally registered customary tenure but in so doing re-

moved 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 hybrid systems that build on the strengths of customary and modern practices and address their weaknesses. About specific ICCA recognition, communities seem rather averse to formal legal mechanisms, as those are expected to be complex, slow, bureaucratic, costly, ineffective, inflexible and essentially diminishing local rights. What communities want, on the other hand, is government backing to their local traditional rules (e.g., by recognising them as “by laws”) so that they can booster the actual enforcement of such rules and be backed-up in case of serious infringement.

Steps towards formal recognition of land and resource rights include a thorough understanding of features and boundaries, often by participatory mapping, as well as an understanding of local conservation values, such as by wildlife inventories. Where indigenous peoples and local community rights have clear options for state recognition— as in Australia, Bolivia, Colombia the Philippines, or the very latest, India— it is a matter of figuring out how to get those rights recognised. At times the overlap between indigenous territorial rights and “protected area” regimes provided by the state are seen as a viable way to identify ICCAs (see Box 15).



## 15. History, rights and the Bolivia's ICCAs<sup>32</sup>

In Bolivia, two types of “territories” can be singled out as especially important for both nature and people, and possessing special status and conditions: the “Tierras Comunitarias de Origen” (TCOs) and Protected Areas (PAs). TCOs are territories that indigenous peoples argued to be uniquely related to them and their history. The Confederation of Indigenous Peoples of Eastern Bolivia (CIDOB) defines a TCO as an “area where an indigenous people hunts, fishes, harvests and does all that is necessary to conserve ecosystems and sacred sites and to maintain its own development; where they have rights to use and manage natural resources and organise their lives following their values and traditions and under their own authority... [a TCO] is an autonomous space of socio economic, cultural and political development.” Others stress that the indigenous territories are “cultural spaces, developed through time by human groups according to their tradition, ways of thinking, dreams and needs...” that they are “spaces of relationships [...] necessary for an indigenous people to maintain its own physical and spiritual life, according to its own social organisation”.<sup>33</sup> Today, TCOs are formally recognised under the Bolivia Constitution and laws. They are inalienable, indivisible, irreversible spaces under the collective authority of the indigenous people of reference for all that concerns the management and use of natural resources. For a TCO to be adjudicated, an indigenous people has to go through a specific process, comprising a formal request, precise identification of land and other rightholders, analysis of special needs, etc. This amounts to a negotiation with the state, and the IPs usually get smaller territories than they originally claim.

The claiming of territorial rights by indigenous peoples is a complex reality in Bolivia, which rose from the grassroots and was connected with anti-colonial struggles, rural and urban-based organisations and mystical/ millenarian movements such as the “Loma Santa seekers”. The latter, who were moved by the desire to protect their “holy hills” from colonisers and timber fellers, wanted to secure large territories around those hills. Merging with more politically-oriented groups and others who advocated full recognition of indigenous identity and vision, for years they remained in a state of permanent and relatively unsuccessful negotiation with the government. In 1990, tired of the deadlock, indigenous peoples from all over the country marched to La Paz creating the most important inter-cultural meeting in the history of Bolivia. One of the immediate results was a presidential decree that instituted four indigenous territories (later denominated Tierras Comunitarias de Origen) and set out a Commission to stipulate for more to come. The TCOs are run according to their own management plans, which are developed and controlled by indigenous peoples according to their own cultural perspective and usually approved by consensus.

The history of creation of protected areas (PAs) in Bolivia is parallel but very different from the one of TCOs. Most PAs in Bolivia were established because of pressure from academic institutions or NGOs on the eve of the 1992 Rio Summit, when the country saw then an impressive growth in the number and extension of its protected lands. At that time, the model of reference was the early Yellowstone-style— no real concern for the resident population, severe curtailing of their rights without compensation, and a police mode of surveillance. Management Committees were at times set up but— interestingly— less as governance mechanisms than as a place to reach some sort of “conservation versus development” deals. The underlying idea seemed to be that to engage people in conservation you should mostly set up some development projects to satisfy their needs. There seemed to be much less interest and concern for different cultural identities, worldviews and values, as if indigenous peoples were mostly pre-modern and poor, to be helped in their inevitable path towards modernity. Fortunately, in the last fifteen years this model has changed and the situation has become more complex and engaging for all the parties involved. Intense negotiation processes, for instance, have become common among indigenous peoples, rural communities, municipalities, the state PA agency and other environmental NGOs and local actors.



Today, a quick overlap exercise between the TCOs and PAs reveals that more than 40% of the surface of the 22 PAs run at national level already are, or are in the process to become, TCOs. In addition, 70% of people who are resident in protected areas are indigenous peoples. Conversely, out of the total of 44 TCOs in Bolivia, 2 are coincident with PAs, 3 are included in PAs, 9 are partially included and 30 are in the buffer zone of a PA. In light of this, and despite the widely divergent, if parallel, histories of the phenomena, it has been proposed that the areas of double condition, both TCO and PA, could be taken to be examples of ICCAs. In this sense, the autonomy that could be recognised to TCOs as part of a new proposed Constitution would also impose a rethinking of the style and mechanisms of PA management in the country. Time will say if the overlap TCO-PA indeed offers a good model for Bolivian ICCAs...

In Australia, contractual arrangements appear very effective in conserving Aboriginal lands through the Indigenous Protected Area model. The state first of all recognised the native title to the land and this is considered to be— including by conservation professionals— the essential cornerstone on which subsequent advances could be built.<sup>34</sup> In Paraku IPA, for instance, the Walmajarri people had their title recognised in 2001, and IPA decisions are now taken by a Steering Committee composed of sixteen senior traditional owners, working with the technical and financial support of the government.<sup>35</sup>

Where options for a legal recognition of ICCAs do not exist, it is sometimes possible to “invent them” while waiting for improved legislation. In coastal Kenya, for instance, local people have asked the government for help in maintaining traditional *kaya* forests, which are sacred sites important for biodiversity.<sup>36</sup> The Kenya legislation did not have a provision for ICCAs but local

governance could be recognised through the association with cultural heritage. The local elders can now manage the Kaya forests in association with the National Museum of Kenya. The crucial issue is that the official “recognition” enhances and does not detract from, or disturb, the existing relationship between communities and their ICCAs.



## 16. Lack of official recognition: really a problem?

Many would argue that all threats to ICCAs are exacerbated by an intrinsic weakness that it may have, namely its lack of governmental recognition. This amounts to making the ICCAs “invisible” from a legal perspective and allowing disruptive actors (from outside or within the community itself) to undermine the conservation initiatives or traditions.

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 management resulted in the successful regeneration of large areas of previously degraded forest, but the committee has recently identified one single greatest challenge for its future development: the lack of official recognition. 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.<sup>37</sup>





In the Casamance region of **Senegal**, the traditional natural resource management systems used to be community-based and clan-based. In each community, resources such as a specific *bolon* (an arm of the sea flanked by mangrove where fish and shellfish usually abound) or a grove of special fruit-bearing trees in the local forest, used to be under the “social jurisdiction” of a given clan, which would give its name to the resources and be entrusted by all with their management. Each clan would establish rules, such as periods of strict prohibition of fishing and collecting in a given *bolon* during times of regeneration of the fisheries and shellfish. The control was exercised for the pride of obtaining and sharing with everyone else the abundant benefits of wise management and controlled use. At the end of the resting period, each *bolon* would be barred by the strong youth of its name clan, and everyone in the village would be invited to fish. All the clans, in turns, would share in the bounty they had been capable of creating through wise management rules. The same type of rules used to apply to the forest. The name clan would decide when to start collecting the fruits—and no one would dream about picking a fruit one day ahead of the decided date. This, among other matters, allowed fruits to ripen on trees, to be eaten by animals and to fall on the ground and regenerate. One could say that the village resources were managed as sophisticated clan-based ICCAs, nourishing the people both physically and in terms of their sense of identity and pride. Unfortunately, the government of Senegal refuses, today, to recognise the jurisdiction of the villages and their clan heads over local resources (*e.g.*, the periodic fishing bans in coastal inlets). Some elders who attempted to enforce the respect of those rules— *i.e.* by blocking the entrance to their *bolon* to fishermen from other areas— have even been arrested and jailed. Predictably, the coastal waters are now severely over-fished and much less productive than they used to be.<sup>38</sup>



In **Nepal**, support for formal recognition of ICCAs is not universal. While the Sherpa people of Khumbu would indeed appreciate its formal recognition as an ICCA (see Box 3) the Chepang people are sceptical about the benefits of formalising their conservation practices, for instance through the establishment of “community forests”. They consider that this may cause them to lose at least part of the control they currently enjoy, and have new rules and regulations imposed upon them.<sup>39</sup> This, however, appears to reflect more on a lack of trust in a fair relationship with the state and in the process of recognition than on a lack of interest in official recognition *per se*. 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.

## Recognition and respect for the organisations governing ICCAs

Functioning community governance institutions with roots in local culture and traditions are incomparable assets for the sound management of natural resources and conservation of biodiversity, as they include local knowledge, skills, organizations, rules, values and worldviews tailored through time to fit the local context. A major characteristic of such institutions is that they typically act on behalf of a community, relate to collective entitlements and strive to maintain community cohesion. If a government decides to recognize such institutions, two options are possible:

- ▶ giving recognition to their autonomy regarding their own structure and processes, or
- ▶ helping strengthen their structure and processes by reducing weaknesses (*e.g.* inadequate representation of women and other weaker sections in decision-making), or

- ▶ engaging them in developing and implementing natural resource management agreements and setting up joint decision-making bodies (this may transform the ICCA into a shared governance setting).





## 17. The traditional *agdals* of Morocco and the need to recognise the social/ territorial identity of rural communities <sup>40</sup>

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 harboring fruit trees or irrigated lands. The prohibition of access and use may be permanent or temporary/ seasonal, and in some cases it borders on “sacred” rules, as for areas where *agdal* agreements among neighboring communities were established in ancient times for the intercession of some “holy men”. The management rules of *agdals* are flexible (someone coined for them the term of “local ecological laws”) and adapted to the bioclimatic conditions of the year or season, as well as to the events affecting the community. The rules rarely include total prohibitions (e.g., grazing could be allowed in a forest *agdal*) and apply to everyone in the community (the institution is very equitable— same rules for all). In some cases the community receives 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 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 sets out to do is to foresee some 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 must 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*, 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 one of the

social and territorial identity of rural communities— which is not yet there today. 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 it has agreed 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.



## 18. If it works... do not harm it!

Many communities wish the governments to recognize their customary governance institutions without trying to mould them into standardised blueprint forms, or diluting their authority. At times, this can mean avoiding the imposition of “democratic” practices such as “electing” local leaders to “run” ICCAs or having outside experts descend into an area to “help out” tracing the boundaries of the ICCA, doing the inventories, “improving” management practices and the like. These steps can be fraught with difficulties of their own (e.g. electoral corruption) and undermine ongoing processes based on community consensus. Of course, in serious cases of inequity and infringement of rights within a community, civil society or government are justified in intervening to achieve more equitable conditions. But the fast and dirty imposition of rules concocted with the best of intentions by far away players may usher more problems than solutions.

In **Madagascar**, some communities that have managed to conserve their sacred forests in a relatively undisturbed state clearly said that outside interventions and the imposition of blueprint institutional forms would dis-empower and irritate and “de-responsabilise” 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 *hazom-anga* (which literally mean blue wood, symbol of wisdom)—who can facilitate decision making within the assembly of the *fokonolona* and can promote agreement on the *dina*, the rules of behaviour followed by the whole society.<sup>41</sup>

This is feasible and has proven effective in other countries. 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 a “special public entity” in charge of representing that community to all effects.<sup>42</sup> In **Italy**, a traditional organisation that maintains intact some rules dating from 1000 years ago—the

*Regole* of Cortina d’Ampezzo—is in charge of managing a magnificent alpine landscape that was initially shaped into woods and pastures by the work of the early *Regolieri* and is today a Regional Park. While the *Regole* are fully recognised as managers of the Park, they maintain some eyebrow-raising characteristics, including the fact that inherited rights and responsibilities, including decision making, are strictly passed on along male descendants only.<sup>43</sup>

Society at large may not be fully in agreement with the characteristics of some local institutions but extreme care should be exercised when interacting with them, as they embody cultures and worldviews that should be primarily judged, and if necessary changed, from within. In addition, there is often nothing that outside institutions can offer to replace them. The communities managing their sacred forests in **Madagascar** recommend 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.<sup>44</sup>

In Mindanao (**Philippines**), the Igmale’ng’en sacred forests of Portulin are being recognised for their biodiversity value, and have now been formally included within a larger 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 Peoples, they also believe that imposing a separate authority over their sacred forests is not culturally acceptable. 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.<sup>45</sup>



Respect for the local institutions may include social recognition in the form of awards or public exposure (or willingness to leave the institution alone, if so desired). With that, often goes the recognition of the historical and cultural origins of the ICCAs and respect for the articulation of elements of religious and mystical nature. In Australia, some of the reasons why Aboriginal peoples have sought to declare their Indigenous Protected Areas is to help maintain the cultural and natural values associated with the land, particularly sacred values linked to the Dreamtime.

## 19. Modern expressions of traditional institutions in Colombia<sup>46</sup>

Many indigenous peoples experience a fast erosion of their traditional knowledge and practices in the face of the fast advancing market economy. Yet, among the people living in their autonomous territories (“resguardos”), some have decided to keep strengthening their rights and identity by maintaining their unique cultural and biological diversity. The indigenous communities in the Yapù area of the **Colombian Amazons** created an association of traditional authorities called ASATRIZY, which is now legally in charge of the area. Working closely with it, an association of traditional healers and spiritual leaders called Kumua Yoamara was also created. From 2005 to 2007 both organisations collaborated closely to develop a “*Plan de Vida*” (life plan) to defend and care for





their territory. The goal 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 affecting 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 Yapü, the relationship with the territory is a complex system of permits, ceremonies, preventive care, protection of sacred sites, active management of flora and fauna and—generally—interventions to affect the fertility of nature through the traditional ceremonial calendar. Life is not about repeating some old traditional behaviour. 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, however, traditional institutions remain essential.



In many countries the current international interest on ICCA is likely to produce government attempts at developing/ designing some standard “institutional type” meant to represent the communities in ICCA management. Civil society groups have pointed out this flaw in the ‘Community Reserves’ category under India’s wildlife legislation, due to which almost no such reserves have been declared in the five years since the legislation was passed. In Nepal, Sherpa leaders in Khumbu recommend that ICCAs are recognised by the government as managed/ governed by their own endogenous organisations, respecting both ILO Convention 169 and the UN Declaration of the Rights of Indigenous Peoples.

### **Protection against encroachment from outside and imposed ‘development’ initiatives**

Most of the communities that participated in the grassroots discussions report some level of threat to their ICCAs. The sources of pressure vary widely and come both from distant sources, such as national or international companies and the government, to local pressures from neighbouring communities or recent immigrants. Support is asked for in a number of forms:

- ▶ Existence and enforcement of laws protecting customary rights and customary governance institutions
- ▶ Wider political backing for such rights, both nationally and internationally, for the application of provisions of the Convention on Biological Diversity

and other international agreements relating to the rights of indigenous peoples and local communities

- ▶ Practical support (including financial support for salaries) for guards, local legal structures (such as community or village councils) and protection from invasion of organised people from outside (such as *colonos* in Latin America)<sup>47</sup>
- ▶ Organisational support, including support by NGOs to help the communities identify and understand the threats upon them, link with other communities in similar situations and face the threats successfully (e.g. by legal procedures, political backing, open demonstration and boycott, civil disobedience, etc.)

Many otherwise successful ICCAs face threats involving loss of ecological and cultural values because powerful outside forces manage to impose ‘development’ projects such as large dams, mining, roads, industries and urbanisation. Most often the relevant communities are not strong enough to be able to resist such developments, and need support from civil society or government in doing so. For instance, community managed forests in the state of Orissa, eastern India, asked for NGO support to face threats from proposed



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

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* - one of the world's most critically endangered species of primates (less than 200 individuals remaining, 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...

mining and steel plants. In Bolivia, indigenous residents of Isiboro Sécure National Park and of Pilon Lajas (both an Indigenous Territory and a biosphere reserve) identified hydrocarbons exploration and exploitation, opening of new roads and land invasions by colonists from the highlands as major threats to their ICCAs. They wish political support to avoid these developments.<sup>48</sup> Mining interests are noted as a major threat for ICCAs all over the Philippines and in Madagascar, and NGOs are asked to help to study and document the foreseen and actual impacts of such developments, to devise alternatives, and to alert public opinions.

### Support to engage and inspire the community youth

One of the important challenges facing ICCAs all over the world is local cultural disruption and the change in values imposed on the local youth through education, religious proselytism, advertisements, political propaganda and the ever flowing fiction of media. While some of the messages are empowering and positive, many are unfortunately disruptive, foster the passive imitation of external models and create unhealthy dependencies. As part of this phenomenon, the youth may feel detached from their land, culture and institutions at the very crucial moment when they should learn about them, nourishing their own sense of identity and pride, including links with their ICCAs. Government agencies and other concerned actors can do much to counter this tendency by providing various forms of recognition to the ICCAs that engage the local youth. Effective initiatives include:

- Joint analyses, study groups, participatory action research on the local environment and society

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 visitation facilities are under the strict control of Provincial Government Tourism authorities. Today, the lions-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.<sup>49</sup> In addition, it is generally believed that ICCAs that are "officially recognised", find it easier to obtain support or be able to 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, which used to be one contiguous range with the reserve itself. The reserve is greatly 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 irreplaceable 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 only, and the political and technical help of state governments is needed.





- ▶ Local employment opportunities to prepare inventories and analyses of biodiversity and cultural diversity
- ▶ Collection of oral and written histories on the ICCA, and development of films, songs, and theatre pieces
- ▶ Integration of ICCA related materials into the local educational system
- ▶ Local festivals and competitions related to environment and culture
- ▶ Local celebrations, declarations of local identity and pride related to the ICCA

- ▶ Exchange visits and study visits among the youth of different ICCAs

In Nepal, for example, one of the stated intentions for the local Sherpa leaders to make a formal “declaration” about their ICCA in May 2008 was their desire to inspire and engage their local youth (see Box 21). In the Bijagos islands (Guinea Bissau) a most important task for the security of the local ICCAs was identified as engaging the energies of the local youth and finding a way for them to reconcile traditional training by their elders with modern training in schools (often in the mainland).



## 21. An ICCA declaration to inspire the youth generates a controversy in Nepal

Khumbu— a 1,500 km<sup>2</sup> region homeland of the Sherpa peoples of Nepal— is an outstanding example of a regional ICCA that incorporates multiple local ICCAs (see Box 3). Maintaining the ICCA however, has progressively become more challenging due to internal and external factors. These include the nationalization of Sherpa collective lands; government policies that marginalize indigenous peoples; frictions with some authorities of Sagarmatha National Park; increasing pressure on the land by trekkers and mountaineering tourists; a decline in transhumant herding of yaks and yak-cattle crossbreeds; and cultural change, particularly among the youth.

After years of discussion of the threats and prospects facing their land, in May 2008 a group of Sherpa leaders issued a declaration of Khumbu as their Community Conserved Area (KCCA). One of the reasons for them to do so was that the KCCA concept could instill greater awareness and pride among Sherpa youth about their identity, heritage, indigenous knowledge, customary institutions, and conservation responsibilities and achievements. The declaration was also meant to provide an encouragement for Sherpa to rededicate themselves “as a people” to the conservation of their homeland through strengthening Sherpa values and practices. Finally, it appeared a simple but powerful way to alert and inform conservationists of the Sherpa positive role. Appealing to Sherpa leaders was also that ICCAs are often informal and unofficial, that they do not require that a people or community own the lands and they do not need prior official recognition by the government.

Unfortunately the “declaration” was misinterpreted by some in the Nepali press, government, and NGO community as an unauthorized declaration of a “new protected area” to replace Sagarmatha National Park and its management by government authorities. Sherpa leaders were pressured to withdraw their declaration, also on the ground that the park authorities had not been informed beforehand. They finally did so after being advised that their declaration had been an “illegal act”. The episode is regrettable and could have been avoided, but there is now hope that it will be resolved in a positive manner. Government authorities have accepted the need to consider and recognize ICCAs in the country. The Sherpa “declaration” of Khumbu CCA can thus still be accepted in the spirit in which it was intended, and endorsed by authorities. That would begin a sound process of cross-cultural communication and learning based on mutual respect and shared conservation goals.

## Support to generate livelihoods

In many communities, there is a serious inadequacy of livelihoods and employment options, and, at times, the younger generation question ongoing conservation initiatives seen to be obstructing development opportunities. Support in generating livelihoods linked to the existence of the ICCA (e.g. sale of natural products, community-led ecotourism, compensations for watershed management, etc.) are significant investments in sustaining ICCAs. As a matter of fact, most ICCAs are very closely related to the livelihoods of their related communities, and they live, thrive, fail or perish with the communities alike.



## 22. ICCAs, local livelihoods and the “good life” (buen vivir)

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 extremely spiritual. They developed the concept of “*vida armonica*” or “*buen vivir*”, where their territory is 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, what physically allows soil, water and life to regenerate is that very knowledge— linking past, present and future— and people's respect of the customary norms. Society must be egalitarian, based

on reciprocity and solidarity and in a continuous dialogue with the environment. This is what the “*vida armonica*”— the good life—is for them 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 community is 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.<sup>50</sup>

With somehow different words, ICCAs fulfil similar needs in the 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.<sup>51</sup> 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.<sup>52</sup>





In a changing environment support to acquire new skills may also be sought for the maintenance of ICCAs. This may include:

- ▶ Job training, including for new jobs linked to the ICCA, such as tourism management.
- ▶ Training in skills that may be unknown, formerly unnecessary, or changing— examples include fire management and surveying to ensure sustainable harvest, or management of invasives (such “re-training” is likely to increase in importance as climate change alters once familiar conditions)
- ▶ Basic infrastructure, health, and educational requirements to encourage people to remain in the area

### Support to meet the conservation challenges of the ICCA

Maintaining ICCAs in good ecological conditions may be a challenge today, for a variety of reasons, including impending change that is difficult to predict. Indigenous peoples and local communities are candid about their need for help to maintain and in some cases reclaim or regenerate their ICCA. Support can come technically (*e.g.* to understand management challenges, such as working out the reasons why the *chiuri* trees are declining in the Chepang villages of Nepal and supporting inventories), culturally (*e.g.*, to maintain a local language and support adapted training curricula in schools) or financially (*e.g.* to pay for seedlings in a reforestation initiative in a micro-watershed in Ecuador). Important forms of support to ICCAs all over the world have provided punctual technical inputs for the ICCA to be recognised as such (demarcation and mapping, wildlife inventories, ecological studies, preparation of cases supporting the claiming of specific rights) as well as information about government schemes and policies and capacity enhancement to deal with that through lobbying and legal action. Technical skills to deal with human-wildlife conflicts and to obtain sustainable financing options to sustain the ICCAs are also in demand. Something that several communities are also asking is full information and transparency from the part of conservation agencies and the government, as well as recognition of the value of their work.



### 23. Conserving nature, fighting poverty, restoring rights—ICCA in Rwanda?<sup>53</sup> ICCA in Iran?<sup>54</sup>

In some situations of local destitution, government support to create or re-create an ICCA would powerfully combine anti-poverty and conservation initiatives. An example from **Rwanda** is the one of the Rugezi marsh, in the Northern Province close to the Uganda border. The Batwa people are the aboriginal inhabitants of these areas and— unlike their relatives in the country's forests— enjoyed until recently unrestricted access to the wetland resources that provided them with wildlife and fish for subsistence, and grasses, clay and medicinal plants for small-scale marketing. Starting in the 1980s, a series of ill conceived engineering works and conservation initiatives has destroyed a large part of the wetland habitat and severely impoverished local communities by prohibiting access to the resources they traditionally used. A feasibility analysis is being developed to examine whether a series of “local ICCAs” could be encouraged and accepted by the government and the local Batwa communities. If successful, this may be an important application of the ICCA concept for new community initiatives that, at the same time, could reduce poverty, promote conservation and restore indigenous and community rights.

A similar option was recently identified in Iran. The inverted tulip plain— the ancient summering ground of the the Hamuleh Tribe of the Bakhtiari Indigenous Confederation— has been “discovered” by the national tourists, who come in great numbers to watch the flowers bloom in spring. At that time, the plain is covered by a beautiful carpet of deep red “inverted tulip” flowers and visited by up to 1000 persons per day. The government has rented out the site to a private business who has invested in putting a guard at the entrance to collect the fee but hardly set out any other initiative to protect the site and watch over the tourist, who pick the flowers and sometimes take them out with their roots. The tribal elders report that the density of the flowers is diminishing. Private people also come to collect other products, such as wild shallots, which are also not being managed. They propose that the area is assigned back to the custody of their mobile indigenous tribe that, like at the time before the nationalisation of the rangelands, will prevent the ecological degradation. They stress that they will continue to migrate and live there in the summer months and send guards in the spring. They will be able to do a much better and more capillary surveillance than anyone else and they will share in an equitable way the tourism and other benefits from the inverted tulip plain.



## Support for organising and networking

People involved in ICCAs see the importance of networking at different scales, from the local level— the ICCA community and its neighbors, including municipal authorities— to the national level. This can be via formal or informal networks of similar ICCAs that can share ideas and experiences and with supporting institutions, such as social and environmental NGOs, collaborative businesses and other actors. Networking is also seen as useful beyond the national borders, although some caution is to be used— communities need to go through some internal strengthening before being able to benefit from exchange visits and connections with others, as suggested by communities in India. Communities are also daunted by the time needed to both travel to and take part in meetings, as mentioned by communities in the Solomon Islands.

## 24. Networking for policy change<sup>55</sup>

The Ichananaw people of Kalinga (Philippines) have their own name for ICCA—they call it “Ullikong”, and with that they mean their own ancestral land and resources below the soil and the air above it. In Ullikong they practice integrated management of forest, water, soil, rice terraces, fish and vegetables through their customary laws. They believe they are successful at that, but they would like better recognition on the part of the state. They believe that the legislation of the Philippines—in many ways quite advanced with respect to other countries—is not advanced enough, and should have a special provision for ICCAs. They believe that the existing laws should be amended or new laws should be created for the purpose of specifically recognising and supporting ICCAs. They insist, however, that recognition should never mean imposition of new processes and practices and they recommend that indigenous peoples are involved in the drafting of such a law. In fact, they ask for support to learn how to do effective policy advocacy. They wish to entertain exchanges with other communities—in country and elsewhere—to learn together and to organise to lobby for policy change.

## Notes and References

All the original 2008 and 2007 reports used to develop this Briefing Note can be downloaded from [www.iccaforum.org](http://www.iccaforum.org). Apologies for not reporting here the full references for lack of space.

- We adopt here the definition of “conservation” of the World Conservation Strategy—“...a positive concept embracing preservation, maintenance, sustainable utilization, restoration and enhancement of the natural environment.” (UNEP, IUCN and WWF, Gland, Switzerland, 1980).
- For convenience, the short form ‘communities’ is used throughout the Briefing Note to denote both indigenous peoples and local communities.
- Please visit [www.ICCAforum.org](http://www.ICCAforum.org) for a variety of references on ICCAs.
- Examples described below in this Briefing Note.
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- See, however, Borrini-Feyerabend *et al.*, 2004. For many years Kalpavriksh ([www.kalpavriksh.org](http://www.kalpavriksh.org)) has been carrying out analyses of ICCAs in India. In 2007, a number of regional reviews were promoted by TILCEPA ([www.tilcepa.org](http://www.tilcepa.org)) and TGER ([www.tger.org](http://www.tger.org)) through Cenesta ([www.cenesta.org](http://www.cenesta.org)) with the support of IUCN and Sida. They produced reports for several countries in East and Central Africa, the Arctic, the Chinese biodiversity hotspot and Mesomerica. Also in 2007, Cenesta, Yangareko ([www.yangareko.org](http://www.yangareko.org)) and CIFOR ([www.cifor.cgiar.org](http://www.cifor.cgiar.org)) carried out in depth ICCA cases through participatory action research in nine countries. In 2008, a series of participatory regional ICCA reviews begun in the Andean region of South America, in West Asia, in Melanesia and Polynesia and study of agdals in Morocco are being carried out under the coordination of Cenesta and with the support of the UNDP GEF Small Grants Program. Finally, in 2008 about twenty ICCA-based grassroots discussion were promoted with the support of GTZ, and volunteer contributions from Australia, Colombia, India and the UK. Indigenous peoples and local communities involved in governing and managing their own ICCAs were invited to discuss the status of their ICCAs, their threats, opportunities and needs, and their specific wishes for formal recognition and networking. The results of some such discussions in Algeria, Australia, Bolivia, Colombia, Ecuador, India, Indonesia, Iran, Madagascar, Mexico, Nepal, the Philippines, UK and Vietnam as much of the other material mentioned above, can be accessed at [www.ICCAforum.org](http://www.ICCAforum.org). A large part of this Briefing Note has been developed on the basis of such results.
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- Tongson, Ed, personal communication 2007.
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- These are not given in any necessary sequence of order or priority.
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- Adapted from Zambrana Avila and Silva Maturana, 2008.
- Guzman, 2008, quoted in Zambrana Avila and Silva Maturana
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- Asatriz and Riascos de la Pena, 2008.
- Interestingly, some of these “colonos” are well organised cooperatives settling on the land just enough time to gain access to the payments from timber companies or oil companies to gain access to “their” land (Ormaza and Bajana, 2008).
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## Policy responses

The future of ICCAs depends as much on the actions carried out by the indigenous peoples and local communities that govern and manage them as on the external context of regional, national, and international forces. Perhaps like no other point in their history, they now need the support of policies and civil society at large to meet these challenges, through:

### at the international level

- ▶ The engagement of ICCA communities in international forums, not only of environmental treaties but of economic and political treaties and institutions, leading towards better linkages amongst indigenous rights, human rights, and environment instruments; strong engagement is needed in the ongoing climate change negotiations towards a post-Kyoto agreement to ensure that ICCAs are not short-changed by inappropriate carbon markets and other such mechanisms.
- ▶ Appropriate listing (with full consent of the relevant communities) in global databases, such as the UNEP/WCMC World Database on Protected Areas (which has already agreed to include ICCAs in a special Registry).
- ▶ An ICCA 'threat-watch' by civil society organisations, to raise effective alerts and take global action relating to various threats emanating from international economic and political forces.
- ▶ Guidance, through international forums such as the CBD, to countries willing to recognise and support ICCAs, to ensure that community initiatives are supported and not undermined.
- ▶ Social recognition at international levels, *e.g.* through appropriate conservation awards, greater integration of ICCAs into the programmes and curricula of international organisations, and sensitive public exposure in the media.
- ▶ Exchange programmes and learning networks among policy makers, support NGOs and members of local ICCA communities from different countries.
- ▶ A global network or forum for ICCA communities and their support groups—a space where ideas can be exchanged, ripen and evolve over time.

### at the national level

- ▶ Recognition of land and resource rights of indigenous peoples and local communities, and recognition of communities as legal subjects capable of taking action for conservation and development.
- ▶ Inventories of ICCAs and further understanding of their management effectiveness for securing both conservation and livelihoods, in the context of local histories and institutional dynamics.



- ▶ Help to ICCA communities— if they so desire - to record their traditional and contemporary knowledge and practices, and to disseminate them, with their permission, to other communities and formal sector conservationists to learn from.
- ▶ Policies that explicitly recognise ICCAs in their own right or as protected areas as part of the national system of PAs and provide support to them (technical, financial, etc.) tailored to their needs
- ▶ Support to national and sub-national networks of ICCAs, or of ICCAs linking with other conservation initiatives, including exchange visits.

### and to increase equity within the communities themselves

Many communities harbour significant internal inequities of class, caste, race, gender, and age. Accordingly, ICCA initiatives can be iniquitous in terms of decision-making, impacts, and benefit-sharing. Civil society groups and the government could provide sensitive support and facilitation to enable communities deal with such inequities, through:

- ▶ Public awareness programmes regarding the basic need for human rights and social equity
- ▶ Help in setting up institutional structures through which weaker groups can represent themselves
- ▶ Targeted inputs of resources and alternatives to such groups, especially where they are disprivileged by the conservation initiatives

None of the above steps are likely to completely secure the future of ICCAs. Together, however, they will considerably enhance the ability of indigenous peoples and local communities to sustain and spread their conservation initiatives, a task that is of significance to the future of the planet itself.



## 25. Towards ICCA-sensitive legislation— advice for governments seeking to implement the CBD Programme of Work on Protected Areas

In many countries, protected area legislation is being reviewed to enable it to support at best the CBD programme of work on protected areas (PA). Specifically with regard to ICCA support, policy makers may wish to make sure that their PA legislation:

- ▶ not only regulates individual PAs, but structures the **conditions for a coherent PA system** (e.g. legislation highlighting the systemic role of each PA and foreseeing coordination mechanisms, communication, mutual support, comparative advantage in building capacities, etc.)
- ▶ embraces 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)<sup>56</sup>
- ▶ as part of the above, specifically identifies **ICCAs as a distinct governance type** applicable in the case of all management categories
- ▶ embraces the fact that ICCAs come in a variety of institutional shapes and forms, and tampering with such institutions is tantamount to destroying their conservation sap. A measure of flexibility should be embraced by legislation to respect and recognize **the diversity of institutions** that are demonstrably effective for conservation
- ▶ provides for all revenues and other **benefits generated** from PAs (including ICCAs) to flow back into conservation and the livelihood security of relevant communities
- ▶ protects communities from undue external interests and promotes equity in case of all decision-making and benefit-sharing schemes, including the requirement of **free prior informed consent** from the full community in any decision related to their lands and waters
- ▶ makes provisions for appropriate **restitution of rights** over lands and waters taken away from communities in the past for development or conservation purposes, with agreements that help to maintain conservation values while enhancing local benefits
- ▶ incorporates the **principles of accepted international conservation and human rights regimes**, including the CBD and the UN Declaration on the Rights of Indigenous Peoples

