

**The ICCA
Consortium**



SUBMISSION

In relation to the notification requesting information on the contribution of collective action to biodiversity conservation, including on experiences and lessons learned in applying pertinent methodologies

Ref.: SCBD/TSI/RS/YX/84650

Convention on Biological Diversity
Brulio Ferreira de Souza Dias
Executive Secretary
413 Rue Saint-Jacques Ouest, Suite 800
Montreal, Quebec
Canada H2Y 1N9

15 May 2015

Dear Mr. Ferreira de Souza Dias,

This is a joint submission by the ICCA Consortium, the Global Forest Coalition and members and partners of the Community Conservation Resilience Initiative, together comprising a diverse group of Indigenous Peoples' organisations, community-based organisations, NGOs, researchers, and networks working on issues related to collective action and biodiversity conservation.

Following a brief introduction, the submission includes the following sections:

- Indigenous peoples' and community conserved territories and areas (ICCAs);
- The Community Conservation Resilience Initiative; and
- Mapping Indigenous Peoples' and community land and tenure rights.

Each section specifies the organisations and individuals who provided contributions and includes references for further information.

Thank you for this opportunity to provide inputs on these important matters in preparation for the Dialogue Workshop on Assessment of Collective Action of Indigenous Peoples and Local Communities in Biodiversity Conservation and Resource Mobilization in June 2015, and the first meeting of the Subsidiary Body on Implementation in May 2016.

DECISION XII/3
PROVISIONS ON COLLECTIVE ACTION

29. Recognizes, in the financial reporting framework, the role of collective action, including by indigenous and local communities, and non-market-based approaches for mobilizing resources for achieving the objectives of the Convention, including approaches such as community-based natural resource management, shared governance or joint management of protected areas, or through indigenous and community conserved territories and areas, and resolves to include activities that encourage and support such approaches into reporting under the Convention;

30. Takes note of the report “Conceptual and Methodological Framework for Evaluating the Contribution of Collective Action to Biodiversity Conservation” and its summary, and invites Parties, other Governments, and relevant stakeholder organizations to consider the following steps for its further development:

(a) To evaluate the contribution of collective action to biodiversity conservation and resource mobilization, including by establishing pilot projects, making use of, and further developing, as appropriate, the “Conceptual and Methodological Framework for Evaluating the Contribution of Collective Action to Biodiversity Conservation”, and other experiences;

(b) To provide, within available resources, financial and technical assistance to developing country Parties and Parties with economies in transition for undertaking activities referred to in subparagraph (a) above;

(c) To provide, through the Financial Reporting Framework and other means, information on the contribution of collective action to biodiversity conservation, including on experiences and lessons learned in applying pertinent methodologies;

31. Requests the Executive Secretary, subject to the availability of resources, to facilitate the exchange of views and experiences on collective action of indigenous and local communities as referred to in paragraph 30 (c) above, and make this information available through the clearing-house mechanism of the Convention and to the Subsidiary Body on Implementation at its first meeting for its consideration for update and provision of relevant guidelines;

1. Introduction

1. An extensive body of literature (including on common property theory and social-ecological resilience) describes the multi-faceted relationships between Indigenous Peoples and traditional or local communities, their institutions and adaptive practices and the territories and areas upon which they depend for survival, cultural identity and well-being.¹
2. A growing number of studies are finding that areas and resources under the stewardship, governance and/or management of Indigenous Peoples and communities are more effective than strictly protected areas at preventing deforestation and conserving both wild and domesticated biodiversity and natural

¹ For example: Ostrom et al, 1999; Agrawal, 2001; Berkes et al, 2000, 2003; Brechin et al, 2004; Folke et al, 2005; Sobrevila, 2008, Armitage et al, 2009; Chhatre and Agrawal, 2009; Borrini-Feyerabend et al, 2010.

resources.² Civil society spatial mapping efforts in various countries highlight the close correlations between forest cover, biodiversity, and ecosystem connectivity and Indigenous Peoples' territories and management practices.³

3. In addition to academic and civil society discourse, a rich source of information and wisdom lies in documentation and analysis by Indigenous Peoples and local communities themselves of their contributions to conservation of biodiversity and natural resources (see *Section 3* below).⁴

2. Indigenous Peoples' and Community Conserved Territories and Areas (ICCAs)⁵

2.1. Emergence of the Term "ICCA"

4. While there is a long and rich history of community stewardship of ecosystems, especially in the forest sector, the concept of 'community conserved areas' (CCAs) began to emerge in the late 1990s and early 2000s against a backdrop and broader process of placing people at the centre of international development and conservation policy.⁶ This emergence occurred largely in response to the significant social justice concerns with the state-centric 'fines and fences' approach to protected areas, but was also bolstered by the growing literature outlined above.⁷ In these early years, a relatively small but dedicated group of civil society and Indigenous Peoples' organisations focused on influencing the programmes and policy outcomes of the IUCN and CBD to recognise the roles of Indigenous Peoples and local communities in the context of biodiversity conservation.
5. In the late 2000s, the tenor of their efforts shifted to a more explicitly rights-based approach and they began focusing on promoting 'appropriate' forms of recognition and support, including those initiated, defined and led by Peoples and communities themselves. At the same time, the term at the heart of the movement was revised to 'indigenous and community conserved areas' (ICCAs) and subsequently the more inclusive 'Indigenous Peoples' and community conserved territories and areas'.
6. As of 2015, the short-form of 'ICCA' has become relatively commonplace in IUCN and the CBD, including in discussions and events, negotiations and policy outcomes. ICCAs (including variations such as 'indigenous and community conserved areas' and

² Kothari et al, 2000; Molnar et al, 2004; White et al, 2004; Hayes and Ostrom, 2005; Nepstad et al, 2006; Nagendra, 2008; Sobrevila, 2008; Bray et al 2008, 2012; Nelson and Chomitz, 2011; Porter-Bolland et al, 2011; Brown and Kothari, 2011; Nolte et al, 2013.

³ See, for example: Lovgren, 2003; CIPTA and WCS, 2013; Walker et al, 2014.

⁴ Also see, for example, the work of Tebtebba and others on community-based monitoring and information systems.

⁵ This section (2.1-2.4) summarises content provided by the ICCA Consortium and its members Kalpavriksh and Natural Justice.

⁶ Phillips, 2004.

⁷ Borrini-Feyerabend, 1997.

‘indigenous and community conserved territories and areas’) have been recognised in a number of CBD decisions, including most recently XI/14 (Article 8(j) and related provisions), XI/24 (protected areas), XI/25 (sustainable use of biodiversity), XII/3 (resource mobilisation), XII/5 (biodiversity for poverty eradication and sustainable development), XII/12 (Article 8(j) and related provisions), and XII/19 (ecosystem conservation and restoration).

2.2. Overview of ICCAs

7. ICCAs can be described as natural and/or modified ecosystems containing significant biodiversity values, ecological functions and cultural values that are voluntarily conserved by Indigenous Peoples and mobile or local communities through customary laws or other effective means.⁸ They constitute some type of ‘commons’ (such as lands, waters and natural resources) under the collective stewardship, governance and/or management of peoples and communities.
8. ICCAs are extremely diverse and have existed for generations, sometimes hundreds or even thousands of years. Common characteristics include:
 - a) A people or community has a close and profound relationship with a particular site (territory, area, or habitat) and/or species, which is inextricably linked to their culture, identity, livelihoods and/or well-being.
 - b) The people or community is the predominant or *de facto* decision-maker, with or without other actors.
 - c) The people’s or community’s decisions and efforts contribute to conservation and associated cultural values, regardless of their outright objectives (for example, livelihoods or spirituality).⁹
9. Custodians of ICCAs do not necessarily have legal title or tenure rights over the lands and resources. Many documented ICCAs are on state land, but are *de facto* controlled and effectively managed by Indigenous Peoples or local communities.¹⁰ Of critical importance is the integrity of customary or traditional governance systems, which are the engines for collective action.
10. ICCAs exist around the world, including in systems as diverse as mountains, forests, lakes and rivers, tundra and rangelands, coasts and islands, and sacred natural and cultural sites. Their institutional arrangements and contributions to biodiversity are as diverse as the ecosystems and cultures within which they are embedded, including through sustainable use, temporal and spatial rotation, restoration, strict protection, and connectivity across landscapes and seascapes.¹¹ Underpinned by cultural, spiritual, social, economic, political, and other motivations, ICCAs are the basis of survival, livelihoods, identity, and well-being for millions of people.¹²

⁸ Borrini-Feyerabend, Kothari and Oviedo, 2004.

⁹ Borrini-Feyerabend et al, 2010.

¹⁰ Kothari et al, 2012.

¹¹ IUCN-WCPA, 2006.

¹² Kothari, 2014.

2.3. Estimating the Extent of ICCAs

11. There are no systematic global estimates of the number and extent of ICCAs, though from available information, it has been extrapolated that ICCAs may cover as much if not more than the area covered by state-designated protected areas (approximately 13% of the world's surface).¹³
12. It has also been estimated that Indigenous Peoples' territories and areas (which are not necessarily ICCAs as such) encompass up to 22% of the planet's terrestrial area and coincide with 80 percent of the planet's biodiversity.¹⁴ Efforts are underway to further document and analyse the extent of community lands and tenure (see *Section 4* below).
13. Technical guidance and comprehensive studies by civil society organisations, based on decades of practical experience and active engagement, have concluded that the most important forms of support for ICCAs are appropriate legal and political recognition, particularly of the collective rights and self-determined stewardship, governance and management systems of the Indigenous Peoples and local communities who conserve them.¹⁵
14. These studies have also underscored that external recognition of ICCAs (including as part of state protected area systems, NBSAPs, other laws and policies, and top-down support schemes, including financial or market-based mechanisms) should never be imposed and should only be done with the free, prior and informed consent and full and effective participation of the concerned peoples and communities. Such recognition should also support and encourage – not homogenise or standardise – the great diversity of place-based systems, arrangements, values and practices.¹⁶
15. Two of these studies in particular, CBD Technical Series No. 64 and the series of ICCA legal reviews,¹⁷ utilised a similar methodology to arrive at their estimates and conclusions. National-level case studies, covering a number of countries from each continent, were commissioned to respond to a detailed format and questionnaire¹⁸ and to solicit inputs and feedback from other in-country or regional experts and practitioners. A coordination team (comprised of members of the ICCA Consortium) edited and facilitated the finalisation and subsequent analysis of the national-level case studies, and produced overview / synthesis reports on the basis of these and other relevant studies and reports.

¹³ Kothari et al, 2012.

¹⁴ Sobrevila, 2008.

¹⁵ Borrini-Feyerabend et al, 2010; Borrini-Feyerabend et al, 2013; Kothari et al, 2012; Jonas, Kothari and Shrumm, 2012; Stevens, 2014.

¹⁶ Ibid.

¹⁷ Kothari et al, 2012; Jonas, Kothari and Shrumm, 2012.

¹⁸ For the questionnaire underpinning the national-level legal reviews (Jonas, Kothari and Shrumm, 2012), see: <http://bit.ly/1AaPE5S>.

2.4. Contributions of ICCAs to the 2011-20 Strategic Plan and Aichi Targets

16. Braulio Ferreira de Souza Dias, Executive Secretary of the CBD, has said: *“Since ICCAs are often an effective mechanism for conservation, there is a need to recognize their crucial role in implementing the Strategic Plan for Biodiversity 2011-2020...”*¹⁹
17. A 2014 policy brief (co-produced by the CBD Alliance, Kalpavriksh and CENESTA) describes the multi-faceted contributions of ICCAs to the Strategic Plan and Aichi Targets.²⁰
18. The policy brief asserts that the achievement of the Plan and Targets – and the future of our planet’s biodiversity – is inextricably linked to the appropriate recognition and support of ICCAs. It emphasises that ICCAs can and do help achieve all 20 Targets. In particular, Targets 1 (awareness of biodiversity values), 5 (incentives), 7 (areas under sustainable management), 11 (protected and conserved areas), 13 (genetic diversity), 14 (essential ecosystem services) and 18 (traditional knowledge) “simply cannot be achieved without ICCAs.”²¹
19. Regarding Target 20 (resource mobilisation), the policy brief notes that ICCAs are more cost-effective than state-managed areas, largely because voluntary contributions comprise a significant proportion of ICCAs’ monitoring, surveillance and physical and other works, often as an integral part of daily life. ICCAs can also contribute to mobilising revenue (e.g. ecotourism sites in Suriname and Kenya, communal conservancies in Namibia).²² Furthermore, several international agencies and donors have contributed financial resources to support ICCAs, perhaps most notably the GEF Small Grants Programme, which has made ICCAs one of its global priorities and provides important in-country support for individual ICCAs as well as national initiatives such as ICCA networks and registries (e.g. in the Philippines).

2.5. Experiences in Indonesia: Linking ICCAs and Implementation of a Constitutional Court Decision²³

20. A symposium on ICCAs in Indonesia, jointly organised by the ICCA Consortium, NTFP-EP, Kiara, Pusaka and WWF-Indonesia, was held in Bogor in October 2011. It explored the status of ICCAs at that time and provided the stimulus for a broad alliance of organisations and individuals to support ICCAs in that country.
21. Shortly after the symposium, the Working Group ICCAs Indonesia (WGII) was established to promote ICCAs and their formal recognition as a way to protect

¹⁹ Kothari et al, 2012: Foreword (page 6).

²⁰ Kothari and Neumann, 2014.

²¹ Ibid: page 2.

²² Ibid.

²³ This section (2.5) summarises content provided by Cristina Eghenter (WWF-Indonesia) and Nonette Royo (Samdhana Institute).

critical ecosystems while securing the rights of Indigenous Peoples and local communities. It is currently comprised of 10 Indonesian NGOs. Priorities of the WGII include participatory documentation, recognition and registration of ICCAs, strengthening and empowerment of local and customary institutions (including through information, capacity-building and skill-sharing), and learning from traditional practices and local innovative approaches to conservation governance.

22. The WGII identifies forest tenure reform as critically important for ICCAs in Indonesia, particularly in light of recent judicial and legislative developments, including the Constitutional Court ruling no. 35 (May 2013) that customary forests can no longer be considered state property; a new 2014 Village Law and its implementing regulations, which allow for District designation of areas of customary law communities; and the draft revision of the 1990 law on biodiversity conservation, which recognises community conserved areas and related traditional knowledge as a new governance type in addition to state protected areas.
23. Community mapping and documentation of customary areas have gained momentum in Indonesia since the Constitutional Court ruling and have contributed to supportive local legislations and spatial plans. It is estimated that Indonesia's officially recognised 'conservation areas' (constituting approximately 22 million hectares of forests) could be expanded to almost 40% of the country's forests (up to 52 million hectares) if the term is applied liberally to include fragile watersheds and protection forests conserved by Indigenous Peoples and communities, including through customary law.
24. A range of institutional arrangements and partnerships – particularly those respecting customary laws, institutions and knowledge systems – will be needed in order to address concerns with governance and cost- and benefit-sharing and to support collective ownership and stewardship of territories and ecosystems in the implementation of the Constitutional Court ruling.

3. The Community Conservation Resilience Initiative²⁴

25. The Community Conservation Resilience Initiative (CCRI) was established by an informal alliance of national and international Indigenous Peoples' organisations, NGOs and social movements that shared a joint belief in community stewardship, governance and rights-based approaches to biodiversity and ecosystem conservation and restoration. It aims to sustain and strengthen the resilience of community conservation practices in light of internal and external threats.
26. The CCRI is currently being coordinated by the Global Forest Coalition and undertaken by Indigenous Peoples' organisations and supporting NGOs in 11 countries (Panama, Chile, Paraguay, South Africa, Uganda, Ethiopia, Iran, Russia,

²⁴ This section (3) summarises content provided by the Global Forest Coalition and members and partners of the Community Conservation Resilience Initiative.

Malaysia, Solomon Islands, and Samoa). Up to 20 countries will be involved in the Initiative over the next four years.

27. A framework methodology²⁵ has been developed to support national organisations undertaking the CCRI in their countries. The methodology was inspired by another initiative (the Indigenous Peoples Biocultural Climate Change Assessment) and further builds on this approach in order to assess the biodiversity conservation initiatives of Indigenous Peoples and local communities. It was developed on the basis of national meetings, pilot projects and skill-shares undertaken since 2012, with inputs from various organisations.
28. The CCRI methodology is a simple guiding framework meant to be adapted to specific national and local contexts. It is not meant to be a strict process or have any chronological steps. It is underpinned by five cross-cutting principles:
- a) Indigenous peoples' and local communities' rights, including the right to give or withhold free, prior and informed consent;
 - b) Indigenous and community ownership of the process and outcomes;
 - c) Adaptive facilitation based on respect and trust, including managing expectations, timeframes and information;
 - d) Participation and representation, including of marginalised groups and in appropriate ways; and
 - e) Women and gender.

The methodology has nine main components:

- i) Preparation and strategic visioning;
- ii) Coordination and facilitation;
- iii) Selection of communities;
- iv) Mutual learning and skill-sharing;
- v) Baselines;
- vi) Designing and undertaking the assessments;
- vii) Visioning, strategic planning and consolidation;
- viii) Strategic advocacy and engagement; and
- ix) Reflection, reporting and revision.²⁶

29. Initial reflections from the 11 countries currently undertaking the CCRI (listed in paragraph 26 above) underscore the critical importance of the following:

- a) Strong facilitation and support organisations which are highly sensitive to community dynamics, and clear discussions about roles and responsibilities of different actors involved in the Initiative;

²⁵ Jonas et al, 2014.

²⁶ For more details, please see the methodology (Jonas et al, 2014).

- b) Ensuring Indigenous Peoples and communities are at the heart of and driving the Initiative, including by understanding and responding to their concerns and ideas and respecting the right to provide or withhold free, prior and informed consent;
 - c) Use of participatory mapping processes, including of community boundaries, conserved areas, sacred natural and cultural sites, migration routes, eco-calendars, fauna and flora, and so on;
 - d) Use of visual documentation and communication tools, including maps, photographs, videos, animations, and illustrations, to mobilise different groups within communities (such as youth, women, elders) and to enable constructive engagement with external actors such as local government officials.²⁷
30. Each organisation undertaking the CCRI at the local / national level will elaborate a detailed report of their assessments of community conservation resilience against certain social, cultural, environmental, political and legal baselines. They will also undertake advocacy strategies in pursuit of community-defined plans and priorities to further strengthen their conservation resilience.
31. These results will be documented and disseminated widely over the next four years, including within the CBD processes, through reports and multimedia platforms. They are expected to contribute significantly to global understanding of the factors and dynamics that influence community conservation resilience and collective action in a range of unique contexts.

4. Mapping Indigenous Peoples' and Community Land and Tenure Rights

32. A number of detailed studies have been conducted by the Rights and Resources Initiative (RRI) and partners over the past 13 years on forest tenure and governance, with a particular focus on Indigenous Peoples' and community land and forest rights.²⁸ RRI's most recent study focuses on protected areas and land rights.²⁹ One of RRI's flagship methods, the Tenure Data Tool, tracks forest ownership using both quantitative (spatial data) and qualitative (bundles of rights under national law) approaches.³⁰ This body of work has contributed significantly to the discourse and global understanding of community forest tenure, which is an important component of ICCAs and other forms of collective action for biodiversity conservation.

4.1. Building a Global Evidence Base of Indigenous Peoples' and Communities' Contributions to Biodiversity Conservation³¹

²⁷ Rai et al, 2015.

²⁸ For an overview, see: www.rightsandresources.org/resources/tenure-data/evolution-of-data/.

²⁹ Springer and Almeida, 2015.

³⁰ See: <http://www.rightsandresources.org/resources/tenure-data/tenure-data-tool/>.

³¹ This section (4.1) summarises content provided by Stephen Garnett (Charles Darwin University, Australia).

33. In light of scant empirical data in global estimates (see *Section 2.3* above), Stephen Garnett has coordinated an initiative since 2013 (with contributions from other universities and institutions) which aims to improve the global evidence base of Peoples' and communities' contributions to biodiversity conservation globally. It is centred around obtaining estimates for each country in the world (with estimates of uncertainty) and using areas of land and sea under four main tenure types (state, private, Indigenous, and local community) as a proxy for contribution.
34. The methodology for each country includes an overview of tenure, estimates of areas owned, occupied or otherwise controlled by self-identifying Indigenous Peoples, location and area of each tenure type for land and sea, assessment of ownership and control (official or unofficial), and assessment of land uses vis-à-vis the IUCN protected area categories.
35. The uncertainty surrounding the figures and potential for contestation about definitional and spatial boundaries has been accommodated through use of fuzzy numbers (i.e. each estimate includes a lowest value, highest value and 'best guess' for the most likely value based on published information).
36. The research team has also accommodated ethical considerations (e.g. seeking free, prior and informed consent of the Peoples and communities concerned) by putting in place a number of safeguards for data collection and reporting, including using information in the public domain (along with peer review from multiple sources), using upper and lower boundaries of estimates, and reporting information only at the country level.
37. The research team expects to have completed tenure estimates for every country (including estimates that will allow comparisons between countries and estimates of uncertainties) within the next few months. Preliminary findings indicate that areas under the control of Indigenous peoples and/or local communities are making a huge contribution to biodiversity conservation both within and outside of state protected areas.

4.2. Experiences in Australia: Calling for a Dynamic Approach to Mapping Indigenous Traditional Land and Sea Country³²

38. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) has undertaken research on Indigenous Peoples' land title, management and use and has found that recognition of Indigenous interests in 'country' exists to varying extents over more than half of Australia. This includes tenure (16% of Australia), native title over the whole area (8.3%), native title over part of the area (12.9%), and Indigenous land use agreement (39%) co-existing with rights of multiple other users.³³

³² This section (4.2) summarises content provided by Rosemary Hill (CSIRO, Australia).

³³ Hill et al, 2013.

39. In light of the complex process of recognising native title and the often multiple and/or overlapping tenures in traditional estates, the lead author of the abovementioned study calls for mapping of customary ownership to be a dynamic process that allows for ongoing self-identification (rather than a one-off event). More dynamic institutional arrangements, as is the case in multi-tenured Indigenous Protected Areas, can foster a transition from tenure-based management to rights-based management.³⁴

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