



# Indigenous and community conserved areas

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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 civilization itself. International policies and programmes, notably those under the Convention on Biological Diversity, require countries to provide them with recognition and support. This note includes 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. Some examples have been drawn from a series of grassroots discussions carried out and compiled in 2008.

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

Territories 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—ICCA's 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. ICCAs are responsible for conserving 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 modernization, 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 is of misunderstanding, mistrust and well-intentioned initiatives that end up sour. There are many reasons for this,

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1. This is an excerpted version of the briefing note on “Recognizing and supporting indigenous & community conservation- ideas & experience from the grassroots” prepared for “Theme / Strategic Direction on Governance, Communities, Equity, and Livelihood Rights in Relation to Protected Areas (TILCEPA)” ([www.tilcepa.org](http://www.tilcepa.org)) and “Theme on Governance, Equity and Rights (TGER)” ([www.tger.org](http://www.tger.org)). It is available in its entirety at [www.iccaforum.org](http://www.iccaforum.org).



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. However, 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. Communities need to be empowered to deal with such issues. Governmental and non-governmental organisations can provide the conditions for that to happen.

## 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

1. One or more **communities closely relate to the ecosystems and species** culturally and/or because of survival and dependence for livelihood.
2. 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.

3. The **community management decisions and efforts lead to the conservation** of habitats, species, and ecological services and associated cultural values, although the conscious objective of management may be different than conservation of biodiversity per se (it may be livelihood, water security, 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.

Noticeably, ICCAs are not necessarily “protected areas” in the official connotation assigned to the term by different national governments.

### **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 even today, the least understood and recognized governance type in conservation.

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. Some indigenous system may, de jure, be 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.



## 2. The moral foundation of self rule

The community of Mendha (Gadchiroli, Maharashtra, **India**) is an exemplary case of ICCA. In the 1970s, successful mobilization by indigenous (adivasi) people against a dam in the thickly forested central highlands of India prompted communities to organize 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 by consensus and implemented through unwritten yet strong social rules. Informal "abhyas gats" (study circles), where villagers gather and discuss matters with or without outsiders' help, and make informed decisions.

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 harvesting non timber forest products and bamboo again, 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), through learning (adhyayan) and through self rule (swaraj).



## 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:

1. **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.
2. 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.
3. 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.

As recognized by the CBD and the IUCN, some protected areas are governed by indigenous peoples and local communities. State government may or may not recognize 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.

## 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. These surface nowhere better than as part of initiatives aiming at "recognizing" 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 decentralized 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-analyzed information specific to ICCAs, and guidance built on such information, are scarcely available and this is, in itself, part of the problem. 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 wellbeing, development and conservation.

### **3. Why should ICCAs be recognized and supported?**

1. 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);
2. 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;
3. ICCAs maintain ecosystem functions and provide substantial environmental benefits, such as water flows and soil protection;
4. 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;
5. 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;
6. 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;
7. ICCAs are often built upon sophisticated ecological knowledge systems, including sustainable use, which have stood the test of time;



8. 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;
9. 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 compartmentalized.

10. ICCAs provide valuable models for the transformation of over-developed societies seeking “green” solutions to the energy and climate crises.

### Threats to ICCAs

Because they frequently have no legal recognition within a country, and indeed may not be recognized by governments or even by neighboring 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 “unutilized” 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, includ-

ing ICCAs, are in many places under attack from external forces emanating from within the relevant country or from international sources. Key threats include:

1. ‘Development’ and commercialization 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 agro-fuel plantations), water diversions and drainage works, urbanization and major infrastructure (roads, ports, airports), and major infrastructure for tourism;



2. War, violent conflicts and movements of refugees;
3. Expropriation of community land (through nationalization, privatization, or conservation initiatives, in particular for the creation of state-governed protected areas);
4. Land encroachment by or conflicts with other communities and municipalities;
5. Inappropriate recognition (in particular recognition that devalues and de-motivates the traditional governance systems);
6. Active acculturation of ICCA communities (e.g. through formal education programmes not adapted to local cultures, livelihoods and values or evangelization programmes of different faiths);
7. Imposition of exploitative or inappropriate taxes and other fiscal burdens;
8. Divisions and conflicts created by party politics (often actively promoted from outside) or by sudden influx of funds strengthening or creating local inequities;
9. Poaching and unauthorized extraction of timber and plant resources;
10. Air and water pollution (e.g. acid rain, chemical pollution through up-

stream gold mining) and the spread of invasive/exotic species;

11. Climate change (natural disasters, sea level rising, etc.).

### **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:

1. Changing values and acculturation into mainstream society, with impacts on younger generations that alienate them from their roots;
2. Increasing pressure on resources—in particular related to the substitution of local solidarity economies with a market economy;
3. 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.



#### 4. The “common good”

Governments need to appreciate that ICCAs are both valuable per se and/or lead towards common, universal good, valuable for the whole of society. As mentioned above they are crucial for a variety of ecological, social and economic values. 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.

#### **Recognizing 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 worldwide threads emerge.

#### **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:

1. Formal ownership and title deeds to the land or resources;
2. Recognition as Indigenous Reserve, Indigenous Territory or Ancestral Domain, implying inalienability and communal rights of using natural resources;
3. Various forms of legal recognition of user rights;
4. 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’);
5. 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.



## 5. 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 commercialization 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.

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 to manage a Communal Reserve. 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.

In Western **Australia**, for some time, unmanaged and unmonitored floods of tourists were free to visit an indigenous protected area, which started to create some serious environmental impacts. So a visitor permit system was 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.

A new phenomena, however, advances 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 now has 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.

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 recognized. 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.



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. The Kenya legislation did not have a provision for ICCAs but local governance could be recognized through the association with cultural heritage. The crucial issue is that the official “recognition” enhances and does not detract from, or disturb, the existing relationship between communities and their ICCAs.

### **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, three options are possible:

1. giving recognition to their autonomy regarding their own structure and processes, or
2. helping strengthen their structure and processes by reducing weaknesses (e.g. inadequate representation of women and other weaker sections in decision-making), or
3. 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).

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 be recognized 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.



## **6. Lack of official recognition: really a problem?**

Many would argue that all threats to ICCAs are exacerbated by their 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 their 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, set-

ting limits to uses of forest products and pasture, etc. Interestingly, the rules are freely chosen and “internalized” 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.

The committee has recently identified a 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 action themselves, within the context of the recognition that they have responsibly conserved these forests

### **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

neighboring communities or recent immigrants. Support is asked for in a number of forms:

1. Existence and enforcement of laws protecting customary rights and customary governance institutions;
2. Wider political backing for such rights, both nationally and internationally, for the application of provi-



sions of the Convention on Biological Diversity and other international agreements relating to the rights of indigenous peoples and local communities;

3. 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);
4. Organizational 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 urbanization. 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 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.

#### **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. 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:

1. Joint analyses, study groups, participatory action research on the local environment and society;



2. Local employment opportunities to prepare inventories and analyses of biodiversity and cultural diversity;
  3. Collection of oral and written histories on the ICCA, and development of films, songs, and theatre pieces;
  4. Integration of ICCA related materials into the local educational system;
  5. Local festivals and competitions related to environment and culture;
  6. Local celebrations, declarations of local identity and pride related to the ICCA;
  7. Exchange visits and study visits among the youth of different ICCAs.
1. Job training, including for new jobs linked to the ICCA, such as tourism management;
  2. Training in skills that may be unknown, formerly unnecessary, or changing— examples include fire management and surveying to ensure sustainable harvest, or management of invasive (such “re-training” is likely to increase in importance as climate change alters once familiar conditions;
  3. Basic infrastructure, health, and educational requirements to encourage people to remain in the area.

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

### **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).

### **Support for organizing 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.

### **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**

1. 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.
2. 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).
3. 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.
4. Guidance, through international forums such as the CBD, to countries willing to recognize and support ICCAs, to ensure that community initiatives are supported and not undermined.



## At the national level

1. 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.
2. 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.
3. 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.
4. Policies that explicitly recognize 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;
5. Support to national and sub-national networks of ICCAs, or of ICCAs linking with other conservation initiatives, including exchange visits.

The need for support of policies and civil society at large is necessary if we have to **increase equity within the communities themselves**

Many communities harbor 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:

1. Public awareness programmes regarding the basic need for human rights and social equity;
2. Help in setting up institutional structures through which weaker groups can represent themselves;
3. Targeted inputs of resources and alternatives to such groups, especially where they are disprivileged by the conservation initiatives.
4. 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.



## 7. 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**;

1. Embraces a **full variety of management categories, in accordance with** the main conservation objective they pursue, and covers all **governance types**, as per different actors or combinations of actors that hold authority and responsibility and are accountable for the PAs;
2. As part of the above, specifically identifies **ICCAs as a distinct governance type** applicable in the case of all management categories;
3. Embraces the fact that ICCAs come in a variety of institutional shapes

and forms, and that tampering with such institutions is tantamount to destroying their conservation;

4. Provides for all revenues and other **benefits generated** from PAs (including ICCAs) to flow back into conservation and the livelihood security of relevant communities;
5. 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;
6. 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;
7. Incorporates the **principles of accepted international conservation and human rights regimes**, including the CBD and the UN Declaration on the Rights of Indigenous Peoples.

## **Briefing note**

### **Laws, Policies and Action Plans Relevant to Community Conserved Areas**

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