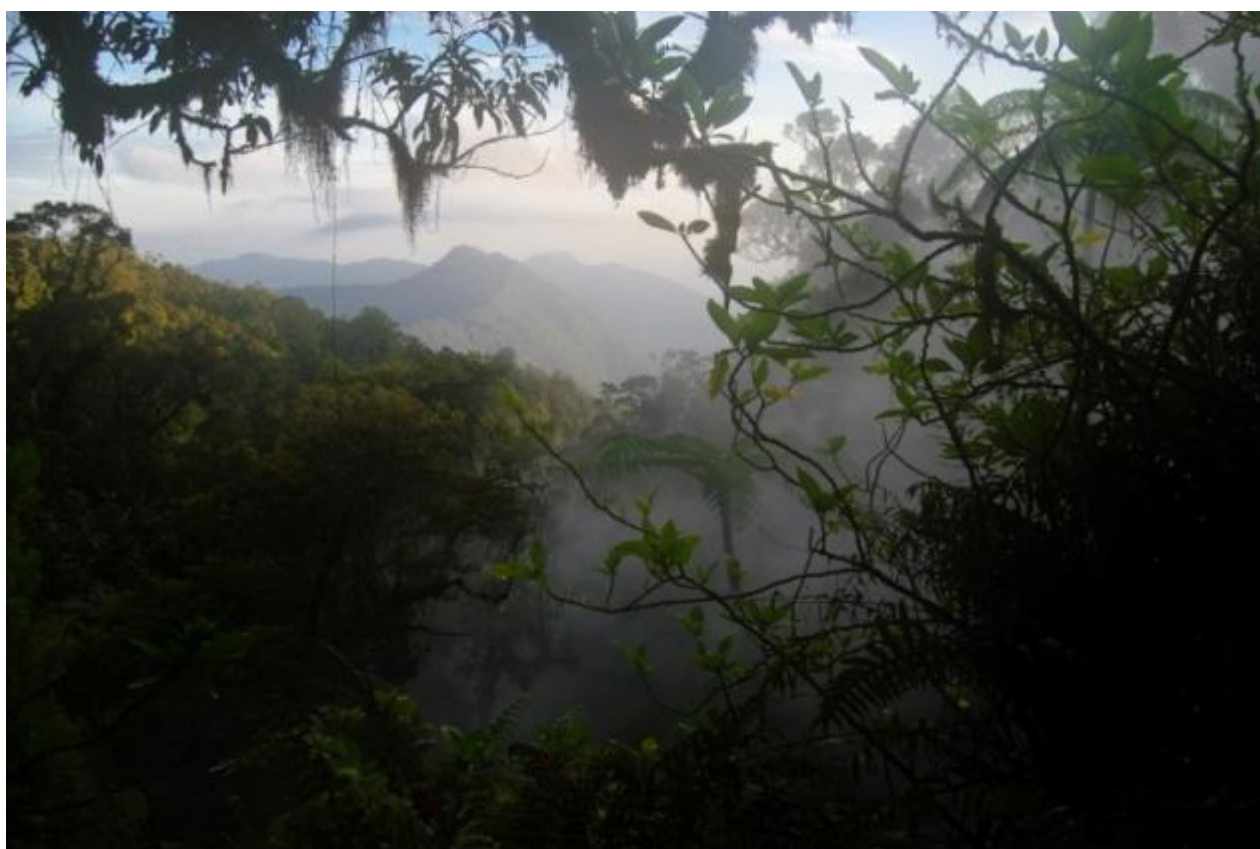


ICCAs in Indonesia

**Proceedings of an international Symposium exploring the status of and prospects, options and opportunities for indigenous peoples' and community conserved areas and territories (ICCAs) in Indonesia
Bogor, Indonesia, 13-14 October 2011**



This report has been prepared by Cristina Eghenter (WWF Indonesia), Grazia Borrini-Feyerabend (ICCA Consortium), Vanessa Reid (ICCA Consortium), and Crissy Guerrero (NTFP-EP).

Photos courtesy of: Ashish Kothari, Joseph Napitupulu, Grazia Borrini-Feyerabend, Mubariq Ahmad, Bona Beding, Rufinus & Ngiuk, Artiso Mandawa, M. Taghi Farvar, Jorge Andreve, and Stefano Lorenzi.

CONTENTS

ACKNOWLEDGEMENTS.....	3
EXECUTIVE SUMMARY	4
ACRONYMS	6
SYMPOSIUM AGENDA.....	6
OPENING REMARKS	7
PRESENTATION SUMMARIES	8
PRESENTATIONS from INDONESIA.....	8
PRESENTATIONS FROM OTHER COUNTRIES	14
HIGHLIGHTS FROM THE DISCUSSION ON THE INDONESIAN LEGAL FRAMEWORK	22
ISSUES AND CONCERNS FROM THE PRESENTATIONS AND DISCUSSIONS.....	23
RECOGNITION OF ICCAS AT LOCAL LEVEL AND THE ROLE OF THE GOVERNMENT	23
THE DILEMMA OF CONSERVATION VERSUS DEVELOPMENT	24
CONFLICTS BETWEEN COMMUNITIES, CONSERVATION NGOS AND NATIONAL PARKS.....	24
WHO’S PROJECTS? ACTIVITIES FOR WHOM? ARE LOCAL RIGHT-HOLDERS INVOLVED?	25
PERCEPTION AND UNDERSTANDING OF CONSERVATION AND THE LAW	25
CUSTOMARY INSTITUTIONS AND GENDER	26
QUESTIONS FOR THE FOUR WORKING GROUPS	26
SUMMARIES OF THE RESULTS OF THE FOUR WORKING GROUPS.....	27
REFLECTIONS FROM THE CO-SPONSORING ORGANIZATIONS.....	30
CLOSING REMARKS	34
ANNEX 1: Participants in the ICCA Symposium in Indonesia	35

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The Symposium organising committee – Crissy Guerrero, Cristina Eghenter, Emil Kleden, Susan Herawati, Grazia Borrini-Feyerabend, Vanessa Reid and Maurizio Farhan Ferrari—are extremely thankful to the presenters and participants who enlivened the event and shared their valuable experiences and insights, and to the sponsors who made the event possible.

For further inquiries, please contact: vanessa@iccaconsortium.org



¹ Other organizations, e.g. Natural Justice, sponsored their own travel, and funding for the travel of the PASIH representative was provided by the Paul K. Feyerabend Foundation.

EXECUTIVE SUMMARY

On 13-14 October 2011, over sixty people from Indonesia and across the world gathered at the CIFOR premises in Bogor for a Symposium entitled '*ICCAs in Indonesia*'. The Symposium included presentations from eleven case studies from various parts of Indonesia, as well as case studies from The Philippines, India, Iran, Panama, Italy and Senegal, and an ICCA overview. Presenters brought together a wide breadth of voices, from non-governmental, non-profit, community and indigenous people's organisations to government officials and researchers. Besides presentations and interactive question and answer sessions in plenary, the Symposium comprised a panel discussion and animated working groups and reporting sessions.

The purpose of the Symposium was to explore the current status of and the prospects, options and opportunities for ICCAs in Indonesia and– if appropriate– to provide initial stimulus and support to a broad alliance of organizations and people willing to engage in follow-up activities. The Indonesian government has recently affirmed that it will prioritize the needs of its forest communities, it will “recognize, respect, and protect *Adat* (customary) rights” and it will implement legislation rarely implemented in the past decade dealing with community forestry and village forests. At a recent meeting in Lombok,² the government agreed to work closely with civil society and indigenous peoples to develop and implement a new national strategy to grant significant land rights to the communities living in and around the archipelago's estimated 130 million hectares of forest. Moreover, the Indonesian government is in the process of revising its law on biodiversity conservation, and the concept of CCAs (Community Conserved Areas) has been introduced as a new governance type in addition to government-based protected area schemes. Both commitments indicate a hopeful future for indigenous peoples' and local community rights to natural resources in Indonesia.

This report details the proceedings of the Symposium, whilst highlighting the key issues, concerns and recommendations that emerged, including:

- **securing the rights and traditional practices** of indigenous people and local communities at local and national level, **and ICCAs as part of them**;
- addressing the **development needs of forest communities** in addition to their rights over resources;
- offering appropriate recognition to the **customary institutions capable of governing natural resources**, and to their accompanying **knowledge and management practices**;
- **tackling conflicting visions** of the desired future, **and poor communication** among indigenous peoples, conservation NGOs and national park staff;
- **enhancing** the level of **participation** and **consultation** of local stakeholders (including women);
- **changing both** the **repressive approaches to conservation** that are often still at play as well as the **negative perceptions of conservation** that generally accompany them ;

² <http://www.rightsandresources.org/blog.php?id=780>

- providing higher **transparency of information** and ensuring **prior informed consent** of relevant indigenous peoples and local communities wherever the government and/or private sector companies affect their land and resources;
- engaging in **fair partnerships and negotiations**;
- encouraging **good governance and responsible leadership** at all levels.

The Symposium highlighted the current **efforts by the Indonesian government to adopt “community conserved areas” into its new biodiversity conservation law**, but also drew attention to the larger **need for forest tenure reform** in the country. It saw collaboration with and support from both the Indonesian government and the national NGOs dedicated to conservation, development and human and indigenous rights as fundamental to secure the future of ICCAs. And it succeeded in highlighting **the need for a national common vision on ICCAs in Indonesia**. Hopefully, it will also prompt **appropriate action to secure ICCAs** in the months and years to come.



ACRONYMS

BPTU= The Tana Ulen (traditional customary forest) Management Agency.
 CENESTA = Center for Environment and Sustainable Development (Iran)
 CIFOR= Centre for International Forestry Research
 CBD= Convention on Biological Diversity
 DKN= National Forestry Council of Indonesia
 DPRD= Dewan Perwakilan Rakyat Republik Indonesia (House of Representatives of the Republic of Indonesia).
 FPP= Forest Peoples Programme
 GEF SGP= Global Environment Facility Small Grants Programme
 FIBA= Fondation International du Banc d'Arguin
 GIZ= Deutsche Gesellschaft für Internationale Zusammenarbeit
 KIARA= People's Coalition for Fisheries Justice
LC= Local Community(s)
IP= Indigenous People(s)
NGO= Non-Governmental Organisation
ICCAs= Indigenous peoples' and community conserved areas and territories
 NTFP-EP= Non-Timber Forest Products Exchange Programme
TK= Traditional Knowledge
KMNP= Kayan Mentarang National Park
 PHKA= Perlindungan Hutan dan Konservasi Alam (Forest Protection and Nature Conservation under the Ministry of Forestry)
 UNDP-EEG= United National Development Programme – Energy and Environment Group
 UNDRIP = United Nations Declaration on the Rights of Indigenous Peoples
 WWF= World Wildlife Fund

SYMPOSIUM AGENDA

Day 1	Welcome and opening remarks
	Eleven presentations from Indonesian followed by Q&A and discussion session with audience (Indonesian and English translations)
	Panel discussion about the current Indonesian legal framework and ICCA context
Day 2	Seven presentations: international ICCA examples and an ICCA overview
	Four working groups answer four questions about ICCAs in Indonesia
	Work group presentations and discussions.
	Reactions by the co-sponsoring organisations and closing remarks
	Video presentation on the expansion of palm oil production vs. local land rights in Indonesia. mall ceremony offering the 2011 Paul K. Feyerabend Award to Norman Jiwan of Sawit Watch

The power point presentations delivered at the Symposium can be found by following [this link](#), or requested from Vanessa Reid at: vanessa@iccaconsortium.org.

OPENING REMARKS

Christine Padoch (Director of Forests and Livelihoods Programme, **CIFOR**) opened the Symposium by welcoming everyone and explaining how CIFOR's research agenda may be of interest to the work programme of the ICCA Consortium and vice-versa. CIFOR hosted the Symposium to gain a better understanding of ICCAs and its relevance for community forest management. A number of CIFOR scientists attended the Symposium, seeking ways for future collaboration.

Emil Kleden (Forest Peoples Programme Indonesia) spoke on behalf of all the co-organizers in Indonesia who worked hard to make the Symposium happen. He inspired the audience by saying that "*no man is an island*" highlighting to everyone the importance of working together, and using the Symposium as an opportunity to share experiences and learn from one another.

Taghi Farvar (President of the ICCA Consortium) continued by thanking everyone for attending the Symposium. He highlighted that all Indigenous Peoples (IP) are connected in solidarity and the Symposium is an opportunity to experience that solidarity and concretise it further by establishing strong international and national networks. Taghi gave a short summary of the work of the Consortium, mentioning it was legally established in July 2010, but it was a strong but informal coalition for several years before that. He explained that ICCAs are not a new phenomenon as for thousands of years, IPs have been managing their natural resources through customary knowledge, practices and institutions. He added that ICCA is "a novel and broad term to encompass such ancient and well tested conservation by indigenous peoples and local communities" and that "adding visibility to ICCAs has both technical and political implications".

PRESENTATION SUMMARIES

PRESENTATIONS from INDONESIA

Some presenters delivered their case studies using power-point presentations where others chose to deliver speeches from their first-hand accounts.

1. **PRESENTATION: Tana Ulen**
By Anye Apui, Long Alango, Malinau (KalTim)

Tana Ulen literally means 'restricted land because of a claim'. It refers to a forested area and a river watershed rich in natural resources with abundant fish and game. It is a traditional practice among the Dayak Kenyah peoples of Borneo. It evolved from a 'private reserve' of the aristocratic chiefs whose resources were used for common festivities and celebrations or feeding guests, to a land now managed and regulated by the customary council on behalf of an entire community. In 1991, we formed a special



committee to oversee the management of the Tana Ulen called BPTU³. The committee is now recognized by a village regulation (2011). Customary practices regulate the use of the resources and forbid the clearing of the forest for opening rice fields. There are fines for transgressors. Tana Ulen however needs to be seen in the context of the larger customary land (*Wilayah Adat*) where land and resource use is regulated. The conservation results of our practice are very clear: the forest is still there, in good conditions where hunting and fishing is abundant. The Tana Ulen of the Long Alango people (Malinau District), now part of the Kayan Mentarang National Park, is managed by the customary council and recognized as part of the 'traditional use zone' where customary regulations still apply. There is now a Memorandum of Understanding between the National Park (2011) and the LC. There are plans to establish a youth organization in defense of *adat* rights as part of a local community effort to ensure stronger recognition from the local government for all the Tana Ulen in the area.

2. **PRESENTATION: The protected lake of Danau Empangau**
By Juniardi, Kapuas Hulu (KalBar)

This lake is a natural habitat for Arwana fish, a species endemic to the area. In 1986, efforts to restock the population failed due to the lack of traditional or other management regulations. In 1995, the arwana fish population was close to extinction. In 1997 there was a further

³ The Tana Ulen (traditional customary forest) Management Agency.

conservation initiative of fish restocking followed by fishing management regulations in 1998. In 2001, the lake was **declared a 'protected lake'** by a *Bupati* (Head of the District/Regency) decree. The lake is 124 hectares and is managed through a 'zoning' system that includes a protected zone of 40 hectares. The lake is home to over 70 species of fish with considerable economic value for the local community (fishing is a major source of local income). The local people have established an **organization to manage and protect the lake** with a monitoring group created with traditional knowledge-based regulations. In 2011, the Arwana population was restocked due to the donation from WWF, the local government, and the community itself). 10% of the income from catching and selling arwana (101 million rupees in 2009) goes to a **sustainable fund** managed by the community. The uses of the Fund include infrastructure repairs; helping youth and women in difficulty; cleaning and monitoring the fish habitat and running education and awareness programmes. There have been clear conservation results from these initiatives, such as rare species being effectively protected (populations able to grow). The area is protected from oil palm expansion as the local community has rejected oil palm investment in the area. Yet, development and market challenges remain (arwana, oil palm), and the status of the land and natural resources does not provide long-term security to the caretaker community.

3. PRESENTATION: **Lamalera** By **Bona Beding**

Lamalera is a fishing village on the island of Flores, located in the Indonesian province of Nusa Tenggara Timur. It is already famous because of the **traditional, seasonal activity of catching whales by the local lamalera fishing community**. Within these communities, there are three groups of people who are importantly integrated in this tradition: the local



customary chiefs; the expert harpooners; and the women, especially the widows. At the beginning of the season, a ritual is held where the people of Lamalera evaluate the challenges and problems faced during the previous season. For them, the **sea is viewed as a mother**. They are supposed to take care of *her* and carefully use *her* resources. It is recorded within their traditional literature that whatever they catch is regarded as a gift from God. with the whale, in particular, representing both education and

spirituality. At the commencing of the whaling season, a mass of people, from the Lamalera community, congregate together at the seashore. In their eyes, people do not hunt whales, but rather **catch whatever 'is sent by God'**. Catching a whale is an activity from which the entire village benefits and in particular the poorest and most marginalized groups. Whale meat is not sold but distributed and traded in a traditional barter system. There are regulations about the species of whales the local community can catch, for example they can catch sperm and killer whales, but catching a blue whale is forbidden as Lamalera folk-lore states a blue whale

“saved the people of Lamalera”. The Lamalera people face **three challenges** now: 1) The **false** perception that people in Lamalera are poor and uneducated (contrarily, they rely on their strong social networks built through the barter of whale meat and are self-sufficient in many cases); 2) the **provision** in the **law no 27 2007** that relates to concessions for the private sector to access coastal waters and 3) the **prohibition of catching whales** because they are a protected species. With the help of KIARA and other organizations, the Lamalera convey to the outside world the fact that they have a right to continue their customs and traditions. In fact, recently they have been given hope by the Indonesian constitutional court, which declared the ‘anti-whaling’ provision illegitimate. The Lamalera still reject the conservation position of WWF imposing a quota on whales to be caught and condemning ways that are no longer considered ‘traditional and sustainable’ according to WWF.⁴

4. PRESENTATION: **Lore Lindu (oral presentation, no power-point)**
By **Naftali**

“I am Naftali from Sigi Sulawesi. I am a customary leader of the area and in that capacity I guard the order and balance between our people and nature. I do not have a power point presentation, but all the local wisdom is in this book (holds up book). If we are to discuss cases, I would like to explain that my territory is to the east of the national park. Previously local wisdom was used to regulate the activities in the territory of the park, but numerous interventions from external parties have ruined this and many regulations have created problems, such as people cutting trees and harvesting rattan even when government officers were supposed to be surveying the area. As a response to this, we took the initiative to document the indigenous ways of the older generation. We made a participatory, customary map of the territory of our community to pull together information in order to convey it in a better way. 18,000ha of the indigenous territory (22,950ha) were included in the national park. We feel our map reflects the **local wisdom of the community, which** developed a clear **zoning system** within the park where the core zone is called “*wanang kiki*”: the jungle zone “wanang” and the traditional zone “pengale”. No one can harvest from the core zone and jungle zones except to gather medicinal plants. In 2000 we signed an agreement by which the community takes part in the protection and patrolling of the forest, with 75% of the work done by the community to **conserve the forest in our traditional territory**. If people say: “The forests are the lungs of the earth” then what about the lungs of the people who live in and around the forest?” We believe that the problems of cutting trees in the forest should be settled customarily by the people, not by external powers. Many people employed by the

⁴ WWF Indonesia contexts this statement. They affirm to be in support of traditional whaling and a policy statement in this sense has been recently diffused.

police do not understand this and it is hard to influence them. Our hope is that a local policy for IPs will not just be on paper but will influence the management of the park”.

5. PRESENTATION: **Siberut**
By **Joseph Napitupulu**

“Our organization, PASIH, is an IP initiative started by indigenous communities wanting to continue practicing community conservation. Siberut is the large island in Mentawai. Topographically, Siberut is built of sediment mud, hard soil and sand. It is relatively young in age and threatened by landslides.



The long isolation of this island has caused it to be rich in natural resources. The indigenous community that exists there has roots from the Neolithic period. They believe in “*arat subulungan*”, meaning that every creature—living or not—has a soul. Their livelihoods depend greatly on harvesting natural resources. The **communities of Siberut manage land in a traditional** way, passed on from generation to generation, which include shifting cultivation and livestock rearing. Behind everything that is harvested there are management concepts and practices implemented by the community of Siberut, all of which contributes to their **sustainable livelihoods**. The community of Siberut is divided into different patrilineal clans (5-15 families in each clan) known as the “*Uma*”. The political structure within it does not recognize leadership. All decisions concerning a clan are made by consensus among the mature members of the community, including decisions on natural resources. According to custom, there is no span of land that is not owned. For the community of Siberut the ownership of land gives all sorts of rights to an area with each zone controlled by a clan or “*uma*” from generation to generation. The community of Siberut have a system of control over land that is complex and based on the pattern of kinship. One of the main conflicts in South Siberut is caused by a logging concession, which was responsible for making this land almost barren. , This was a highly traumatic experience for our local community, which had previously trusted this company. The management of natural resources is influenced by economic activity, in-turn influenced by the cash system, education, entertainment and technology. This change has had an impact, inducing deforestation and degradation upon our land. One of the strategic approaches of PASIH is to establish agriculture demonstration plots to show the **traditional knowledge of agricultural systems**”.

6. PRESENTATION: **Yamdena Islands**
By **Hubertus Samangun**

“On our very remote island, Tanimbar, every child knows the legend of how the first human was created there. We have a **natural forest** that has taken thousands if not millions of years to form and grow. It is unusual because the forest grows on very old coral reef where the top soil is thin and took a very long time to form. The **habitat is highly fragile** and any disturbance or exploitation destroys the forest with no chance for it to grow to a healthy state. As a community, we cannot understand how the people at the Ministry of Forestry far away in Jakarta know about this beautiful natural forest! But for some reason, the central authorities have issued a **logging concession** (HPH) permit to harvest timber from our forest. We have been fighting ever since to have this permit revoked: a survey team from Jakarta completed an environmental assessment survey and recommended against the logging of this area, by all means and criteria. With the help of other NGOs, we asked the Ministry of Forestry to reconsider the logging permit. A new survey was conducted, but the results were not made public. The process is still pending. Our campaign is to petition that **all logging licenses on the island need to be revoked**”.

7. PRESENTATION: **Melawi**
By **Kihon**

“Our story is one of conflict, I am sorry to say. Our village is on customary land and we have traditional regulations about the sustainable use of resources and land: forest, rubber gardens, and rice fields. In 1992, a new program was started with the establishment of a national park. Community mapping was conducted by KESDA. Many players and stakeholders were involved. In 2007, a **conflict erupted with the National Park over boundaries**. Five local people who had opened rice fields in their land were arrested for encroachment into the national park area. To this day, the National Park still has to accommodate our request for a meeting and open discussion but we find ourselves still being accused as ‘criminals’ as if we are the ones destroying the forest. The intervention of WWF did not help as they were supposed to facilitate but instead asked us to choose (“do you want this or not?”). We did not know what the options were as we did not understand the question. In 2010, the National Park started a reforestation project, but we also do not know much about this except the plastic bags for the seedlings”.

8. PRESENTATION: **Sanjau**
By **Rufinus**

“In our community we have been protecting a **Hutan Adat** (customary protected forest) of 240 hectares since the 1930s. The area contains valuable timber for construction, food, medicinal plants, but also sacred stones. The chiefs of our community have been protecting

this forest on behalf of all the peoples, including my uncle and father. The entire area surrounding us in Sangau District has been converted to oil palm plantation. We are asking the Head of our district to formally recognize our forest as a *Hutan Adat*. He is willing to do so also in the context of climate change and the large forest conversion that has already happened in the district”.



9. PRESENTATION: **Aceh**
By **Syafridah**

“I am the representative of the “Bamboo cluster foundation” (*Yayasan rumpun bambu*) from Aceh. In Aceh Besar, there is a **governance system called “*mukim*”** which integrates three elements (local government, religious authorities, and community representatives). The three elements are not separate but united in the management of the area (rice fields, forest, sea, market, gardens) at different levels, and all levels from small settlements to the entire area are coordinated in the *mukim* governance system”.

10. PRESENTATION: **Central Kalimantan**
By **Norhadi**

“I would like to tell the story of how **REDD** is threatening our area in Kapuas (a pilot project of 12,000 hectares) which we have managed in a traditional way for a long time. In 1996, part of our **customary forest (*Hutan Adat*) was destroyed by the clearing for agricultural estate projects** under the Soeharto regime. We were left with the Pahewan forest, which we



protected and harvested sustainably. Whenever we wanted to harvest resources, such as rattan and resins, or hunt wild animals, we performed rituals to the guardian spirits in the forest. However, this changed in Sepan as the **forest was taken by a conservation foundation (Gusmawas)** to protect orang utans, with the permit of the Governor. Local people were not happy with the ways of this foundation, as they did not engage the local community. After some time, the foundation left the area but it came back again in 2006 as part of a consortium with CARE. The activities (reforestation, closing the canals in the area etc.) did not succeed and the seedlings of young trees were destroyed by fire, resulting from a lack of . This happened

because they did not take into consideration the local environmental conditions. In 2007, three people were arrested because they entered the Foundation’s area to collect bark. In

2008 and 2009, more fires destroyed the reforestation project, demonstrating a lack of good governance and forest management capacities. Then, in 2010, a new initiative, Kalimantan Climate and Partnership entered the area.”

11. PRESENTATION: **Perbaungan, South Sumatera**
By **Tris Zamansyah**

“I am a fisherman from Perbaungan, South Sumatera, and I want to share with you the ways in which we manage and take care of sea and coastal resources in my area. We do not have a customary council (*lembaga adat*), but our **traditions and daily practices tell us how to value and take care of the sea and its resources**, and we do that under the leadership of the “*pawang laut*”. We only use boats that do not damage the sea or the resources. We are trying to also initiate a local regulation (PERDA) to regulate the use of fishing and harvesting equipment that can damage the sea by enabling over-exploitation. As fisher folks we depend on a good mangrove habitat for our resources and livelihoods. As **coastal communities**, we are often regarded as **poor**, a perception which we are **trying to change**. We are doing so by taking control of the processing and marketing of the resources we harvest at sea and along the coast. While we do not have a council or special organization in my community, it is the **traditional knowledge** and practices that tell us how to sustainably use our resources and respect the environment”.

PRESENTATIONS FROM OTHER COUNTRIES

1. PRESENTATION: **We struggle for our land in Palawan, the Philippines**
By **Artiso Mandawa**

The main problem for IP in Asia is the lack of security over land. However, there are many movements actively seeking to promote the **recognition of IP rights** in the Philippines. This struggle is not easy, and activists often become victims of the fight for their ancestral domains. “*But this is our life, and we will continue to struggle*”. The ICCA concept offers hope for better protection of the ancestral domains of IP in the Philippines. A number of certificates to strengthen the collective ownership of such ancestral domains and sacred areas has been already granted. Lobbying for these certificates is one of the main directions of work of NGOs such as ALDAW (Ancestral Lands and Domain Watch). Certificates such as these include categories for sacred lakes, sands, caves, and ocean coral.

In Palawan, there is a process underway currently by ALDAW and partner NGOs and indigenous communities to get recognition for the ownership rights over the sacred mountains Mount Maruyog and Mount Gantung. One of the richest persons in the Philippines, Mr. Lucio Tan, has plans to use these areas in mining operations. If he is successful, ALDAW

worries that *'the environment will be ruined, and our lives and our community will be ruined as well'*. The forest of Palawan is seen by the locals as the centre of their lives and culture. They believe that if this land is given away to mining companies, their cultural heritage and practices will be lost. *"Our fight is still long, but we will not surrender!"*

2. PRESENTATION: An overview of the spread and kind of ICCAs in India By Neema-Pathak Broome and Ashish Kothari, India

In India there are both **self-initiated and externally initiated ICCAs** with traditional and new conservation practices. The key motivations for maintaining and supporting ICCAs are: livelihood and economic prosperity of local communities (LC); ecological functions and benefits; self-empowerment for the LC; religious and cultural sentiments (as ICCAs often serve as important sacred sites); a concern for wildlife due to their rapid population decline; and responding to external threats to LC. Sacred sites are in rapid decline, but they still number in their hundreds or thousands. Two examples of this are 1) a river in Shringeri, Karnataka where the fish are perceived to be sacred and 2) numerous ponds and lakes in Uttaranchal conserved by local community for their perceived sacred value.

Examples of wildlife protection exist also in Kokare Bellure, Karnata where the LC within a traditional village manages a heronry (protecting herons). Another case is in Rajasthan and Punjab where the Bishnoi community protects the Blackbuck (*Antelope cervicapra*). A third example is in Orissa with the Rushikulya turtle conservation site, where the LC has protected



turtles for hundreds of years. In Khonoma-an *Angami* village, Nagaland, a LC conservation initiative has demarcated 70 sq. km. of its traditional territory for protection of the Blyth's Tragopan (*Tragopan blythii*), a type of pheasant facing population decline due to rampant and un-sustainable hunting practices. Within Nagaland, at least 100 other villages have managed to declare 'forest and wildlife reserves' including Sendenyu wildlife reserve thanks to their own Wild

Life Protection Act. In Orissa, 180 villages joined in a Federation of Forest Protection Committees, one of which is Dangejheri: an all-women forest protection committee. In Mendha-Lekha, Gadchiroli, Maharashtra, 1800 hectares of standing forests are currently conserved by villagers. Another example of community-led conservation in Karnataka is the Biligiri Temple Sanctuary and Tiger Reserve where the local community is reclaiming community territory and rights under the Forest Rights Act. They are also mapping sacred sites and critical wildlife habitats and trying to use the Act to help them in this process. Many communities are working towards tribal self-rule, whereby all decisions are made in the *gram sabha* (village assembly) where no decisions can be passed, even by government officials, without the *gram sabha's* consent.

In India, Community Reserve provisions in legislation dealing with wildlife and protected areas are top-down, imposing a uniform institutional structure on the LCs. For any land use changes within the reserve, government permission has to be sought first. This process effectively undermines the LC's autonomy and decision-making power. The Village Forests Act, back in 1827, was a relatively good provision but it was almost never implemented across India, as it would have meant handing control over to the community from the government.

The **main threat** facing ICCAs in India today is **economic growth “at all costs”**, which involves mining, dams, large-scale tourism. There is an ever-increasing situation of the government imposing schemes and programmes (*joint forest management, protected areas*) onto LCs. Another threat is the lack of security of land tenure for LCs. Youth alienation from their own culture and environment and changing development aspirations contribute towards these threats.

3. PRESENTATION: ICCAs in Iran By **Mina Estegamat & Taghi Farvar, Iran**

ICCAs in Iran include wetlands (Damgahs, Kushkezar wetland), forests (Caspian, Zagros, mangroves), marine areas (Caspian and southern fisheries), deserts (qanats), mountains (sacred groves) and mixed nomadic territories. There are over **700 nomadic pastoralist territories in Iran, many of which can be considered ICCAs**. More than 90% of Iran's surface is arid or semi-arid land and pastoral communities have always played an important role in food production by developing creative and sustainable systems for the use of their scarce natural resources. Although according to government figures migrating pastoralists number only about 2% of the entire population (1.3 million in total), they satisfy about one quarter of the country's livestock needs. Some such pastoral communities maintain today their sustainable livelihood practices and massively contribute towards biodiversity conservation and climate change mitigation. A typical example is the one of the Shahsevan Tribal Confederacy. Within this tribe, it the women who lead the entire migrating group, and the men follow with the animals, moving from summering to wintering grounds depending on the season. Other cases include local pastoral communities in the Abolhasani desert, who successfully managed and conserved their territory for a long time. They have mapped their ICCA and claim rights over it. Another case of community based conservation is the one of the Bakhtiari Nomadic Tribal Confederacy, the active caretakers of the Crown imperial (inverted) tulips, a species endemic to Iran.



One of the main threats facing ICCAs in Iran is the increasing encroachment from outside onto the traditional nomadic grazing lands. This phenomenon, which is occurring at an alarming

rate, has been termed the “Palestinisation” of ICCAs. In addition to this, since 1906, policies and processes of forced sedentarisation were imposed onto nomadic pastoral communities and have been a main contributor to the decline of culture and conservation traditions ever since. Other factors of Iran’s history such as the White Revolution and the ‘nomadic tent schools’ have worsened the situation. Efforts are being made to reverse the demise of community conservation in the form of Pastoralist Stewardship Projects, facilitated by CENESTA (Centre for Environmental and Sustainable Development in Iran).

4. PRESENTATION: ICCAs in Kuna Yala , Panama By Jorge Luis Andreve, Panama

The Kuna Yala Territory was created in 1925 as part of the “Kuna Revolution”. It has its own law which is the Anmarigar and Fundamental Law. The Kuna Yala Territory, located in the NE of the Republic of Panama, covers approximately 7.500 km² (750.000 hectares) comprising both marine and terrestrial ecosystems. In the 1990s the wildlife areas of the Kuna Yala were created to stop the invasion of settlers into the Kuna Territory. There is no formal support from the National Authority of Environment of Panama (ANAM) and the Kuna people are autonomous in their wildlife management of their territory.



There are two types of governance of the Kuna wildlife areas. The first is at a territorial level, whereby the Kuna General Congress is the highest political and administrative body for deliberations and decisions. The General Congress is composed of five delegates from each community in the territory (49 communities in all). The second governance level is local, whereby the Local Congress is the highest political and administrative organ in each community, composed of all local ‘*sailas*’ (chiefs). Sustainable management of the territory is based on the traditional knowledge of the Kuna people, with numerous successful examples to show. . Armila is an area managed by the local community. This past decade it has seen the highest number of arrivals of Baula turtles in the Caribbean: the Baula being the largest marine turtle in the world. Some of the key problems for both the Kuna Yala community and natural environment are: loss of traditional knowledge, as the youth are every day less interested in their elders’ culture and spirituality; climate change; mal-practiced REDD programmes; religion and government conservation policies not harmonious with indigenous perceptions and practices; and loss of traditional crops.

What needs to happen? The state should recognise that traditional knowledge and indigenous governance can adequately manage and conserve a territory. The Kuna Yala people believe ICCAs are important to conserve their territories for future generations, maintaining the diversity of habitats and species essential for their culture and spirituality.

5. PRESENTATION: **The rebirth of an ICCA in Casamance, Senegal**
By **Salatou Sambou, presented by Grazia Borrini-Feyerabend and Christian Chatelain**

The rural community of Mangagoulack consists of eight villages (12,000 people) settled in an intricate estuarine environment dominated by mangroves. The economy is based on fisheries and rice production and the area is known for the rich culture of the Djola people. A simple but effective analysis of the situation of the local fishery was carried out in 2009 by the local community. The local fishermen listed all important fish species and identified the ones whose abundance was increasing, decreasing or remaining stable. It was then revealed that all the fish species, praised by the locals as food or for their economic value, were actually decreasing. The only species increasing in abundance were the ones considered as being of extremely low quality!



Kawawana is an acronym from the Djola expression Kapoye Wafwolale Wata Nanang (***Our heritage we will preserve together***) and is also the name of the local community conserved area re-created by the fishermen of Mangagoulack to find a solution to their plight. Kawawana covers 9665 hectares and within it there are three main zones, each with specific management rules. It covers the traditional territory and marine area of the local communities, reinstating many of the rules and practices traditionally followed in the past. In the red zone, entry is forbidden to everybody, even to local fishermen and the women oyster collectors. This area has been selected to coincide with the same area where fishing was forbidden in the past, because a “spirit” lived there. The orange area is reserved for the villages’ fishermen only, with an obligation to use traditional fishing gears and sell locally for the consumption needs of the community, again exactly as it happened in the past. The yellow area can be accessed by everyone, but motor engines are not allowed there, and the national fishing rules need to be strictly respected. Surveillance and enforcement of the management rules are provided by volunteers from the community.

Kawawana has benefitted from international friends and allies (in particular GEF SGP, CENESTA and FIBA) for technical and financial support (meeting costs, surveillance equipment and fishery monitoring gear). In fact, the ICCA process was set in motion in 2008 and 2009, when support was made available to organise some large community meetings, assess the situation and agree about submitting the Kawawana proposal to the Council of the Rural Community.

The proposal included a basic management plan, a governance system and a process to monitor fish, local biodiversity in general and a number of socio-economic indicators. Since then, careful monitoring is carried out by the fishermen and other members of the local

community. They enter data in a small computer and submit them to the Kawawana Scientific Committee, which provides technical advice at a distance also on a voluntary basis.

In 2009, the Kawawana proposal was approved by the Rural Community and forwarded to the next level of government. A year later Kawawana was also approved by the Regional Council and Governor of Casamance—a first officially approved ICCA in Senegal – and a formal ceremony launched it in July 2010. The local fishermen say this initiative has empowered them and their community, and already managed to engender a recovery of the fish stocks in the area!

6. PRESENTATION: The “Regole” of Cortina d’Ampezzo – a Community Conserved Areas in Northern Italy

By **Stefano Lorenzi**, presented by **Maurizio Farhan Ferrari and Grazia Borrini Feyerabend**



This Community Conserved Area is an example of land and resources held under *common property category*, meaning that the land is not under private or state property but held under a communal land title where the local people have cared for and lived within it for the past 1000 years. The community (Regole) is composed of families who are descendants from the ancient founders and ‘new’ families can be accepted only after residing in the area for at least 100 years. Each family is called, at least once a year, to discuss the management choices for the next year. The Regole system is considered part of the local community’s culture and sense of identity, and many feel it is “more a responsibility than a benefit”. They are still determined however to keep the Regole tradition alive. One of the main purposes of the Regole is to make sure that a good part of the land is well conserved and spared the destructive tourism that—on the other hand-- renders the area rich and local property highly praised (buildings, ski-lifts, etc.) The income that comes from the land of the Regole (rents, timber, pasture) is not distributed to the member families, but used to finance land management. The families receive a number of in-kind benefits from being part of the Regole, such as timber for their houses, fuel wood for heating their homes and pastureland for their animals.

In 1990 the area was officially declared a Regional Natural Park with the Regole identified as its official managing body. The families of the Regole are currently seeking ways in which to ensure, in agreement with the local municipalities, ways to link their CCA and the local families. As timber income is decreasing, the Regole are considering setting-up several small hydroelectric plants, where the family members could still be provided with energy, only in the new form of electricity. In this way, the community will manage to maintain a direct link between the natural resources and the livelihoods of the people.

7. PRESENTATION: **An overview of ICCAs**
By **Grazia Borrini-Feyerabend, ICCA Consortium**

ICCAs are natural and modified ecosystems including significant biodiversity, ecological services and cultural values voluntarily conserved by IP and LC through customary laws or other effective means. The term was adopted at a number of international policy events, including the 5^o World Parks Congress (Durban, South Africa, 2003) and the CBD COP 7 (Kuala Lumpur, Malaysia, 2004), where the Programme of Work on Protected Areas was first approved. A



number of terms have emerged over the years but for the ICCA Consortium, ICCAs stands for ‘Indigenous peoples’ and community conserved areas and territories’. The ICCA Consortium was officially created in Switzerland in 2010 as an international association of organisations (www.iccaconsortium.org). Unofficially, however, it existed for about a decade. An ICCA Registry (www.iccaregistry.org) has also been developed at UNEP WCMC in Cambridge (UK), as an international ICCA database.

ICCAs are the oldest form of conservation, closely related to people’s livelihoods, culture and identity. At times they are recognised by the state but most often they are not recognised, or their recognition is insufficient or inappropriate. Many ICCAs are in severe jeopardy today, which is why the ICCA Consortium came into being. Fortunately, exciting work on ICCAs is happening in a number of countries and international recognition is getting stronger.

There are three defining characteristics of ICCAs: 1) A specific IP or LC is closely “concerned” about an area, territory or body of resources (related to it culturally and/or because of livelihoods); 2) such people or community have been taking (*de jure* or *de facto*) the main management decisions regarding the territory, area and natural resources and 3) such voluntary management decisions and efforts achieve conservation results (although their intention may not be necessarily related to conservation but, for instance, to spirituality, security, satisfaction of local needs, etc).

ICCAs are meeting points of conservation and livelihood security for a number of reasons: they conserve a huge range of ecosystems, habitats and species, maintain ecosystem functions, and provide biodiversity connectivity in the landscape/seascape and are the basis of livelihoods for millions of people, securing resources (energy, food, water, fodder) and income. ICCA coverage has been estimated as being comparable to government protected areas (12% of terrestrial surface).

ICCAs enhance resilience in the face of global change in that they ICCAs are based on rules and institutions “tailored to the context” , skilled at adaptive management and capable of flexible, culture-related responses. They also harness collective ecological knowledge and capacities, including sustainable use of wild resources and maintenance of agro biodiversity, which have stood the test of time. They are typically designed to maintain livelihood resources for times of stress and need, such as during severe climate events, war & natural disasters.

Importantly, **ICCAs are the foundation of cultural identity and pride** for countless IP and LC throughout the world and can be a focus for their empowerment, as well as the local youth.

There are huge threats facing ICCAs today, mostly in the form of undesired development, such as from mining and fossil fuel extraction, logging, tree plantation, industrial fishing, sea dredging, large-scale grazing, agriculture, water diversions and drainage, urbanisation, major infrastructure (roads, ports, airports, mass tourism), etc. Expropriation of community land (nationalisation, land grabbing, state-governed protected areas) and land encroachment and unauthorised resource extractions (poaching, stealing, refugees) are another important threat. And further dangers come from active acculturation of ICCA communities (formal education, evangelisation, advertisements); war, violent conflicts and settlements of refugees; inappropriate recognition by governments; and global change, in particular climate (natural disasters, etc.)

The Programme of Work on Protected Areas of the Convention on Biological Diversity (CBD), element 2 (on governance, participation, equity and benefit sharing) recommends paying great attention to the conservation capacities and roles of IP and LC. The CBD recognizes that **IP and LC** have much to contribute to the governance of state protected areas (shared governance) but **can also establish and govern their own conserved areas and territories** (ICCAs). Since 2004 the CBD governance provision has been greatly strengthened by UNDRIP, which states, in article 29, that “*IP have the rights to conserve their environment and the productive capacity of their land and natural resources. State governments should establish and implement support programs to IP to secure this conservation*”. What is needed now is for national governments to fully recognize these provisions in their legislations, and implement them in practice.

In Indonesia, can territories & marine areas be recognized as ICCAs under the governance of their caretaker IP and LC? Can IP and LC realize the full potential of combining human and indigenous rights instruments (e.g. UNDRIP) and the governance provisions of CBD? Is new legislation needed? And, if this is so, could that be approved and applied without the active watch and lobbying of the relevant communities?

HIGHLIGHTS FROM THE DISCUSSION ON THE INDONESIAN LEGAL FRAMEWORK

Participants: from PHKA⁵ and DKN⁶ on behalf of the Ministry of Forestry, Agency for Protected Areas, Nature Conservation and Protected Areas Agency.

PHKA's contribution (Ibu Sondang):

- The current Biodiversity Conservation Law/Act (no 5 1990) has three pillars: protection, preservation, and use. So far however, implementation of the law has put little emphasis on “use” which relates to access and rights. Law no 5 of 1990 is in the process of being revised, and so is the Forestry law, although the process of revision is likely to take considerable time to complete. There is a task force discussing the new draft that includes representatives of NGOs (WWF and HuMA). We expect the discussion to continue through 2012 and new legislation to be submitted to the parliament for approval in 2014
- The government has decided it is time to revisit the 1990 law given the need to be more effective in conserving biodiversity and resolving issues related to the participation of LC and IP inside and outside protected areas. **ICCAs will be included in the new law as a new governance typology (in recognition of the 50 million people living in forest areas in Indonesia).**
- Co-management of national parks has been dominated by the government thus far. In the new law, third parties such as IP will also be recognized and invited to play more important management roles.

DKN's contribution (Pak Hedar Laudjeng):

The 5th National Forestry Congress is due to be held in November 2011 in which a discussion on **community issues in forestry** will hopefully take place as many IP livelihoods depend on forest resources. Currently, just the fact of taking a chainsaw or an axe to the forest to cut down a tree is a criminal act. This provides a clear idea of the current **low bargaining position** of LC which desperately needs to be addressed.

IP and LC, at least in Sumatra and Sulawesi, see the **relationship between nature and people** as a bond of spirituality and friendship. The current laws and policies provide a very inadequate framework for this relationship. An example of this is in **Sumatera**, around Lake Toba, where the Batak people protect and manage “incense” forests. They believe there is a

⁵ Perlindungan Hutan dan Konservasi Alam (Forest Protection and Nature Conservation under the Ministry of Forestry)

⁶ DKN translates to the National Forestry Council of Indonesia

sacred bond between them and the forests in which they also perform sacred rituals. For the government however, forests can be logged by everyone with a license. There are so many cases of this kind in Indonesia. **In Sulawesi** the bond of spirituality and friendship with natural resources is also very strong as LC 'ask permission' from the spirits of the ancestors for harvesting or collecting resources. A number of rituals are performed by the LC, which forms an important part of their cultural heritage. In light of this situation, **forest tenure reform is drastically needed.**

ISSUES AND CONCERNS FROM THE PRESENTATIONS AND DISCUSSIONS

RECOGNITION OF ICCAS AT LOCAL LEVEL AND THE ROLE OF THE GOVERNMENT

In 2001, the local government via the Bupati granted the status of "protected lake" to Danau Empangau, thereby recognizing the local initiative and role of the LC in managing the area. The local government also provided support for re-stocking the lake with arwana fish, a species endemic to the area and possessing high market value. **(Juniardi, Danau Empangau, Kalimantan Barat)**

There was a document agreement signed between the local community and the local government on 27 July, 2011. The local government saw that the initiative was effective and supported them formally. This was a recent event and so there still needs to be lots of follow-up. **(Naftali, Lore Lindu)**

Regarding the recognition of indigenous land, there is some sort of recognition through adoption of *adat* customary rules in village and local government regulations. The real issue however, is the formality and strength of the recognition. Such rules are informal, and nothing formal allows the community to protect itself. **(Joseph Napitupulu, Siberut)**

We protested in front of the DPRD⁷ in 2010 about the prohibition to catch whales. Conservation in the mind of the government is often just a matter of "prohibitions." There is a draft bill at District level (PERDA) being discussed, but the political commitment to pass the bill is being questioned. The issue is tied-up in a number of political implications. **(Bona Beding, Lamelara)**

⁷ Dewan Perwakilan Rakyat Republik Indonesia, translated to be House of Representatives of the Republic of Indonesia.

I have a lot of appreciation for the story of Lamalera. It is indicative of the often 'unclear' and 'ambiguous' role of local government, and the form of recognition for communities initiatives and traditions. When it comes to conservation, the government tends to listen more promptly to 'foreign' NGOs. **(Ruddy Gustave, KONPHALINDO)**

Given the uncertainties and ambiguity of the government position, the basic question to ask ourselves as *adat* communities is: what are we going to do? Are going to continue to depend on the government? **(Ali Akbar, Wahli)**

Learning from experiences around the world, we know that sometimes "inappropriate recognition" is worse than "no recognition at all" for both ICCAs and their caretaker communities. **(Grazia BF, ICCA Consortium)**

THE DILEMMA OF CONSERVATION VERSUS DEVELOPMENT

The key dilemma is how to conserve an area whilst also making a profit from it. People need cash in order to send their children to school. Palm oil production promises cash to peoples. So, this is one of the greatest challenges, something which really needs to be discussed more in depth. **(KalBar)**

We need also to think about the economic empowerment of indigenous communities as their development needs are many, and investments like oil palm offer tempting alternatives to the status quo. Talking solely about conservation is simply not enough. **(Andris, Malinau)**

CONFLICTS BETWEEN COMMUNITIES, CONSERVATION NGOS AND NATIONAL PARKS

Lamalera peoples reject what they understand as being the WWF position on "prohibiting traditional whale catching", as they say that is a cultural practice that the community has maintained for centuries, and is at the centre of the LC value system.. Since 2009, WWF and Photovoices⁸, a partner organization and project, are not allowed to enter the community. They did not respect the local traditions and ways. They came for a photography event (50 cameras were given to local people to take pictures of the *adat* process) at a time we were busy and supposed to be at sea. I am here as the official spokesperson for the traditional/customary community of Lamalera. Many of the community leaders did not like this process, as they believed it was contrary to their *adat* tradition. **(Bona Beding, Lamalera)**

"WWF never intended to prohibit Lamalera peoples from catching whales. We need to redress this misunderstanding, improve our communication, and find a way to meet with Lamalera peoples to discuss this problem. Also, for the record, WWF and Photovoices are two different and distinct organizations. In general, WWF's approach and policy has been one of trying to ease conservation conflicts and accommodate the needs and aspirations of local peoples. In the Kayan Mentarang National Park (KMNP), for example, it was WWF with LC who pushed

⁸ Photovoices International is international program that provides cameras and photography training for people to document important issues in their lives relating particularly to human-rights and conservation issues. <http://www.photovoicesinternational.org/>

for a change of status from strict nature reserve to National Park, where communities could continue to access and use resources. Another example is the Empangau Lake which was presented here today. WWF is also supporting the community to catch sustainably and restock the arwana fish, a protected species". (**Nazir Foad, WWF**)

There has been an on-going conflict with National Park authorities but also with WWF, who are seen as supporters of the National Park. Our area has been customary land since before the founding of the Indonesian Republic. A national park was established in 1992, but no consultation took place at local level. Since then we saw many promises and community mapping, but little action and follow-up on the ground on the part of the NP authorities and WWF. There has been a breakdown in communication. Our story and experience is a story of failure (**Kihon, Melawi**).

WHO'S PROJECTS? ACTIVITIES FOR WHOM? ARE LOCAL RIGHT-HOLDERS INVOLVED?

The problem with the failure of projects is because these rarely involve local communities and indigenous peoples. Socialization and consultation are minimal. If we were involved and would take some ownership of the initiatives, the results would be better. After all, this is our land, and we know how to take care of our land (**Norhadi**).

The destruction of *adat* forest was mainly caused by **development projects, and they** carried out those projects without informing the community. Those who began protests against the development companies were arrested. The only support came from local NGOs there, but this was not enough as the development plans were so powerful (**Nugari**).

PERCEPTION AND UNDERSTANDING OF CONSERVATION AND THE LAW

In Tanimbar Islands, they have been practicing conservation but it is not necessarily called this on the island. Hopefully, LC will be able to benefit from the new law on biodiversity conservation. "**Conservation**" is in the minds of the NGOs whereas the government thinks about the **economic value of natural resources**. The challenge is to achieve a '**meeting of the minds**' (**Hubertus Samangun, Yamdena**).

People in Papua say that in Indonesia there are things you write, things you say and things you do. In conservation, we should keep this in mind! Essentially, much of value for **conservation is about unwritten agreements** and sometimes there is a **danger in formalizing issues too much** (**Pak Hedar, DKN**).

The UU no 5 1990 needs to be revised. In that law, conservation takes priority over the rights of local people where animals are more important than humans. This is the typical "**conservationist approach**", and it is still the dominant approach. (**Ruddy Gustave, KONPHALINDO**).

The current legislation about conservation is conceptually limiting because participation is often **mandated by the local governing authorities**. Conservation by the people using traditional community rules is not accommodated by the existing legislation and not even recognized conceptually (**Ruddy Gustave, KONPHALINDO**).

A far greater awareness of legally binding intentional conservation policies, such as CBD's PoWPA, needs to be achieved and the **Indonesian government** should be **held accountable about their enforcement (Simone Lovera, GFC)**.

The **current law is biased towards “protection”**. There are ways in applying the law that allow for negotiations, for instance having MOUs between park authorities and local communities, but something stronger and more permanent is needed from a legal point of view for the long-term. **(Sondang, PHKA)**.

CUSTOMARY INSTITUTIONS AND GENDER

Gender is considered “*mukim*” governance⁹, especially in relation to management and use of resources in the coastal areas that often are the source of income and livelihoods for women. At the institutional level we have ‘*tuhapeut*’; which is a kind of **people’s assembly with women representatives (Syafriidah)**.

QUESTIONS FOR THE FOUR WORKING GROUPS

- 1) Are there ICCAs in Indonesia? What types of ICCAs are there?
Apakah ada ICCAs di Indonesia? Model ICCAs apa saja yang ada di Indonesia?
- 2) What are the problems for the recognition and support to ICCAs in Indonesia?
Apa yang menjadi halangan/rintangan untuk mengakui dan mendukung ICCAs di Indonesia?
- 3) What did you learn from the presentations and case studies yesterday and today that could help you overcome these problems and achieve your goals?
Apa yang anda pelajari dari presentasi dan studi kasus kemarin dan hari ini yang bisa membantu anda untuk mencapai target dan harapan anda ?
- 4) What are the future steps for ICCAs in Indonesia to promote IP rights, community livelihoods, and conservation of natural resources?
Apakah yang menjadi langkah kedepan/tindak lanjut ICCAs di Indonesia untuk mengakui hak masyarakat adat, mendukung penghidupan masyarakat dan konservasi pada sumber daya alam?

⁹ Mukim, an Indonesian word, translates to ‘be the residence of’. Meaning an area is governed by those who also inhabit it.

SUMMARIES OF THE RESULTS OF THE FOUR WORKING GROUPS

Below are summaries of the key outcomes from the four working groups that met at the Symposium. The questions above were used as a guide for the group discussions but the groups also naturally expanded into other areas.

GROUP 1: Cristina, Andris, Anye, Ruddy, Rufinus, Christian, Mina, Kail, Elias, Ngiuk, Mithi

There is a need for a **clear definition of ICCAs within the Indonesian context**. One group member stated “*Maybe we don’t understand the term ICCAs but we know that we do it!*” Criteria for ICCAs in Indonesia include the **criteria** outlined by the Consortium, which are: (1) a special relationship/concern of IP or LC with particular territory area/ habitat; (2) traditional knowledge and IP or LC governing, regulating the area; (3) success regarding conservation (and economic benefits for IP and LC). Local names of ICCAs are important, but we need to agree on a **common Indonesian translation for ICCAs for advocacy purposes**.

The **existing government regulation is not supportive of ICCAs** and the political will is not there to recognize ICCAs. **Internal challenges:** some people in the community do not agree with the ICCA concept and believe it is only there to benefit a few people. **External threats:** government issuing licences and investors coming to the communities. **Information is not shared completely** or fully or involving everybody. There is also a need for **economic alternatives so communities can be self-sufficient/empowered**.

The group found the examples presented **inspiring and motivating**. The Symposium highlighted the need to realize the importance of defending **rights over natural resources**. Group participants said they felt ‘motivated to go back to their communities and get **recognition** by the government over their territory (*Wilayah Adat*). The group emphasized that the **international instruments cannot help them unless the Adat regulations** created by them and for them are **strong**.

What is needed now is collective planning at community level. Consistent/continued support by NGOs especially to strengthen human resources and skills is needed. Meetings, seminars, workshops, films/videos are important to ensure meaningful information and understanding. Leadership has to *practice what it preaches*, and provide good examples. Dialogue and the transmission of TK and values to the younger generations are key. Economic planning and market strategy at the community level are also a top priority. Democratic decision making is also important, and IP and LC should be involved in processes of revising /drafting laws concerning their natural resources, rights and livelihoods.

GROUP 2: Emil, Noerhadi, Shafrida, Naftali, Meinar, Sapto, Harry, Ibu Sondang, Hubertus and Simone

In Indonesia most ICCAs are found in wetlands (lake and river), peatland, forests and coastal areas. **There is currently no legal recognition for ICCAs and very weak state policies** on IP rights. There is also a significant lack of **political will** from the government to endorse community conservation. The other problems are lack of **tenure security**, lack of **knowledge and information** regarding the local socio-cultural situation among national decision makers and lack of **capacity** within the community to deal with external challenges.

What is needed is strong local **organizations** for governing and protecting the ICCAs. In addition to this, **lobbying** to local governments is essential as well as **mapping** to collect, systematise and record data and information. **Social recognition** or recognition by other communities of the conservation practices within an ICCA is also important. Finally, networking on these issues is good at all levels, local, national and international, a process that the ICCA Consortium intends to help facilitate. There also needs to be a **revision of laws/regulations** in favour of IP and LC rights, better enforcement of **international and national legislation** favouring IP and LC, and more and improved **community participation** in decision making processes.

GROUP 3: Crissy, Joseph, Kihon, Ali, Maurizio, Holly, Jorge, Anas, Stan and Heri

There was a long discussion on the ICCA **concept**. Group members believed at first that government recognition of ICCAs was a pre-condition for “having an ICCA”. It was explained, however, that the definition speaks of communities having “*de facto*” or “*de jure*” governance/management over their ICCAs, which means many of the areas and systems they were familiar with **already qualified** as ICCAs! There are many examples of *de facto* community governance and management systems, but there is very little recognition by the government of these ICCAs.

The group discussed different **models** of ICCAs in Indonesia and defined **five different types**: 1) **livelihood**-based, where communities manage areas primarily for subsistence and trade purposes; 2) **sacred** forest areas, conserved for the spiritual practices of the LC; 3) **culture**-based conservation where the areas are used for tradition and cultural purposes; 4) **territory**-based conservation, which are integrated systems and 5) **ecosystem**-based conservation, where an area is conserved for its ecosystem services. The group identified certain examples such as Melawi, West Kalimantan, Cianjur, West Java, Mului, Kalimantan and Timur.

The group highlighted several **internal** and **external challenges** relating to ICCAs in Indonesia.

The **internal challenges** include:

- 1) The **burning** of an area for rain-fed rice fields (which may cause uncontrolled fires, if not managed well)
- 2) The fear that **market orientation** will induce major change in local livelihood systems
- 3) Border conflicts**
- 4) Changing **values** and adopting “pop” culture
- 5) Degradation and undermining of **traditional** knowledge and local wisdom

The **external challenges** include:

- 1) The **status** of the territory, as many areas are being opened up for development projects like plantations, mining, etc.
- 2) **Policies** that are generally not favorable to ICCAs
- 3) The **modern world** that draws attention away from sustaining traditional practices

The group learnt that there is a need to **promote the values** of ICCAs to government stakeholders. They learnt that **traditional management** and more **modern natural resource management** by communities are both possible and can be **complimentary** to one another. They agreed local wisdom and knowledge should be the central voice within every decision making process. They acknowledged, however, that a like-minded approach needs to be there among all community members if the ICCA in question needs to survive, and even more so if it needs to thrive.

What is needed now is: assessment and **documentation** of existing ICCAs; campaign support for LC to protect their ICCAs (maybe the ICCA Consortium can help with the use of international instruments, etc.) and pushing of the **government to promote** ICCAs. The group suggested to have a **national strategic plan** on ICCAs. But also felt a bottom-up approach is imperative, starting with the LC themselves.

The group mentioned it would be useful to receive **regular updates** from the ICCA Consortium and continue an on-going communication flow between the Symposium participants and the Consortium.

GROUP 4: Mida, Juniardi, Marzuki, Denny, Carmen, Dave, Ashish, Francois, Sutrisno, Lorena

This group identified there are a number of ICCA types across Indonesia with different cultural and environmental value. The problem is that there is **no policy/ law** to support ICCAs nor **recognition** of IP and LC practices and customs to govern and manage their own territories. There has been a continuation of the Dutch colonial system of supposed “**no ownership**” of land and marine areas, which are to be controlled solely by the government. Even if an area is under community management/use there is **no certificate** of community ownership, which means the government can enforce land-use changes without even consulting the LC. Another issue is the imposition of National Parks on community areas, with ‘**consent**’ often achieved by **cheating** (e.g., because of lack of information). The group felt

there needs to be national implementation of **international agreements** in appropriate ways so LC are both informed about such agreements and capable of using them to their advantage.

The group believes that ICCAs are an opportunity, or a tool, to continue community conservation. Examples of ICCAs around the world were also seen as very helpful and inspiring.

The next steps: there is a need to **strengthen local institutions and TK by legally recognizing them**. This can be achieved through national alliances and networks (incl. AMAN) but also through alliances with marine-oriented groups. It was hoped that a June 2011 court order to respect indigenous and local fishing rights and other regulations, would change much on the ground. Sadly, however, no positive progressive result has emerged thus far. Also needed are joint **actions and advocacy campaigns to support communities**. Close collaboration and solidarity with the ICCA Consortium for international recognition against oil palm expansion is a good example of a possibly very useful relationship. A strong suggestion from the group is to organise workshops among government staff and communities at provincial and local level, to discuss these ideas further and establish a strong Indonesian ICCA network.

REFLECTIONS FROM THE CO-SPONSORING ORGANIZATIONS

WWF INDONESIA

WWF Indonesia was glad of the opportunity to support and co-sponsor this event because ICCAs have been a priority for WWF Indonesia since 2008, especially in connection with REDD schemes and more equitable management of natural resources. Emerging from a long tradition of work in participatory community mapping, WWF has supported documentation of ICCAs in Borneo and conducted legal analysis and advocacy at local level. Currently, WWF is also involved in the drafting of the revised law on biodiversity conservation (no. 5 1990) where community conserved areas will be included.

The Symposium succeeded in exploring and illustrating the 'land tenure' and rights implications of a focus on ICCAs. There was a concern on the part of potential donor (Ford Foundation) that a focus on ICCAs might detract attention from the issue of land tenure reform in Indonesia. However, all case studies on ICCAs practices showed that the following remain central concerns:

- recognition of IPs (=masyarakat adat) rights through legal instruments like SK, Perda, etc.;
- support for protecting forests and other habitats important for livelihoods and identity;
- securing access to natural resources for indigenous peoples and local communities;

- developing and securing economic alternatives to counter investment threats in community areas;
- making authorities and government accountable for their promises to share governance or recognize the rights of IPs;
- monitoring and advocacy.

The event was particularly effective in opening a wider discussion on the issue of ICCAs and, more in general, IPs' rights and role in the sustainable management of natural resources, livelihoods and CBD targets in Indonesia.

There is still a need, however, to further discuss issues among the organizations at national level that are involved one way or another in ICCAs work. This will clarify respective positions and contributions, and identify how work can be better coordinated in Indonesia. This will also build more of a national ownership and perspective on the ICCAs' agenda.

When asked whether and how international legal instruments can help local situations (question posed by ICCAs Consortium), most of the participants were puzzled and confused. This is only in small part justified by lack of information on these instruments (e.g., UN Declaration on the Rights of Indigenous Peoples, CBD, etc.). A stronger reason for confusion may be the perceived lack of relevance of international conventions in advancing development and political agenda of LCs at local level, where the political role of the Head of the district is seen as having more direct and clear influence on decisions affecting local rights and livelihoods. Interestingly, one group said that the most important factor is not the strength or existence of international instruments but rather the strength of the customary law and traditional knowledge of the LCs ("how strong and committed we are"). Information on international instruments needs to be shared with communities, and the latter need to be empowered to know and master these instruments for their negotiations and bargaining power. While both district/provincial and national levels are key for advocacy in Indonesia, several Symposium participants appeared to focus at district level, seeking legal possibilities and opportunities for the recognition of IPs rights.

NTFP-EP

NTFP-EP welcomes the Symposium's opportunity to focus discussion on indigenous conserved territories and community conserved areas (ICCAs). Though the terminology is new, indigenous communities in Indonesia have been practicing conservation of natural resources for centuries. NTFP-EP is particularly interested in ICCAs because those highlight the sustainable use of natural resources in conservation— a theme rarely given due attention in classical protected area models. NTFP-EP believes that the discourse on ICCAs can further catalyze and support the practice and revitalization of ICCAs as well as the review of policies that promote or oppose indigenous conservation models.

Given the approval of ICCAs as an official governance model accepted by the CBD in Nagoya in 2010, the Indonesian government should provide information and support to it. The introduction of the ICCA Consortium to Indonesian NGOs could trigger further national and local level initiatives to strengthen recognition and practice of community conserved areas. What is important to consider is that the discussion on ICCAs should not be done in isolation of what Indonesian NGOs are doing in the struggle for access and greater control over indigenous territories. The concept and movement behind ICCAs should support and complement existing efforts at delineating and recognizing and indigenous territories “*wilayah adat*”. The challenge will be to find the strategies for effective coordination between international and local players to maximize positive change in some Indonesian laws (UU5) and reform in others (UU 41). It is also important to act both at the national level and at the local level.

THE ICCA CONSORTIUM

There is tremendous scope to apply the concept of ICCAs in Indonesia, both to sites that may already fit the definition and to those that could benefit from moving towards it. However, there needs to be a two-way process: one to better document and understand ground situations and figure out their proximity or adherence to the ICCA concept, and the second to explain the concept more widely to indigenous peoples, local communities, civil society groups, and government officials. In several of the case studies presented at the Symposium, the fine distinction between an ICCA and a “shared governance / co-management situation was hard to make, given that the government's active presence is almost everywhere (but a certain bias in the presentations may have been introduced as many examples related to formal protected areas). A special effort will need to be made to identify and document (if appropriate) territories and areas that have no formal status and are not 'known' to the wider world, but may be customarily governed in ways that fit the ICCA concept. The ICCA Consortium will continue to explore how it might help, or be able to facilitate this documentation process.

The Symposium highlighted that Indonesia presents special challenges due to its geographical, cultural, and ecological diversity, and the logistic challenges of a country with so many islands spread out in such a vast area. Further steps relating to documentation, networking, joint actions, etc (as appropriate and as desired by the peoples/communities themselves) will necessarily take time and will need to be given a long-term orientation.

As in other countries, a key variable in making ICCAs secure, or enabling areas to become ICCAs, is indigenous territorial rights. Indonesia seems quite weak in this, and could learn from neighbours like the Philippines who have advanced indigenous rights legislation much further. Further movement on ICCAs in Indonesia will need to focus heavily on this. The ICCA Consortium is willing to play a role by helping to facilitate information exchanges via its on-line information sharing systems and diffusion of ICCA case-studies from various countries.

FOREST PEOPLES PROGRAMME

Indigenous Peoples' and Community Conservation: for what and for whom? Indigenous people's conservation movements have played a role for generations, and this brings into question the benefits of current conservation projects for indigenous peoples. The questions and sometimes the distrust come from a dark background rooted in the political economy of conservation. The politics of conservation also have been running through a North-South perspective involving businesses, technicalities and top-down approaches¹¹. So, the question should be: Who will benefit from conservation?

In the context of promoting ICCAs, the Symposium brought to light the question of community benefits from micro-level conservation and the question of what new approaches and methods communities can adopt. Could the implementation of the ICCA concept genuinely recognize the myriad of community-based forms of conservation and customary sustainable use of biodiversity and empower or return power to indigenous peoples and local communities? Finding an answer to this question may hopefully prevent the reoccurrence of negative examples such as the case of Lewolema in East Flores District. Here, the Dutch Government assigned land to the local community only at a distance of 1 km from the top of mountain. In 1984, after much engagement and struggles triggered by a conservation and development project, the Indonesian Government designated a new border which covers all the villages¹² taking more than 6 km from the top. Such examples are increasingly common, as in the case of Komodo Island also some years ago.

Is morality still a guide for peoples as behavioral systems evolved among social groups for the purposes of regulating their interactions?¹³ Could ICCAs change according to their context situation remembering that the variability of demands made by different societies where some require submission of the individual while others set a higher value on personal independence, and initiatives?¹⁴ The ICCA Symposium brought to light the need to discuss such questions.

10 "We have historically and continue to play a fundamental role in the conservation and protection of the forests, biological diversity and the maintenance of ecosystems crucial for the prevention of severe climatic change." The Bonn Declaration, Third International Forum of Indigenous Peoples and Local Communities on Climate Change, Bonn (Germany) July 14 – 15, 2001.

11 Colchester, Marcus, 2009. *Menyelamatkan Alam: Penduduk Asli, Kawasan Perlindungan dan Konservasi Keanekaragaman Hayati*, Walhi and WGCOP; translated from English edition: *Salvaging Nature: Indigenous Peoples, Protected Areas and Biodiversity Conservation*.

12 Report of FPIC Project by AMAN and Forest Peoples Programme, 2006-2009.

13 Jamieson, Dale, 2008. *Ethics and the Environment, An Introduction*; Cambridge University Press, page 27

14 Dunn, L. C., and T. Dobzhansky. 1959. *Heredity, Race and Society— A Mentor Book*, New American Library

CLOSING REMARKS

I will inform WAHLI about the results of this Symposium. The main message to take away is the necessity to enforce the law to restore the rights of IPs and LCs who are actively involved in positive environmental conservation. **(Ali Akbar from WAHLI)**

After the four months of planning, I feel the meeting has gone well. I am impressed by the international experiences of ICCAs and see it as a source of inspiration to learn from. The organisers of the Symposium will remain in touch about follow-up activities and the needed next steps. **(Crissy Guerrero, NTFP-EP Indonesia)**

As part of the Symposium organising committee, I am very pleased that this meeting took place. But this is just a beginning. From here, it is only the Indonesian organisations of indigenous peoples and local communities and their supporting NGOs that can organise, galvanise energy and possibly develop more events to further the ICCA concept in Indonesia. The Consortium will be happy to help in whatever way it can and our communication officer, Vanessa Reid, will remain here for the next few months to provide whatever the support you might need from the Consortium's side. **(Grazia Borrini-Feyerabend, ICCA Consortium)**

We need to work together to strengthen the position of local communities and this Symposium has been an opportunity to strengthen this. We now need to build upon our momentum. I would ask next time for an improved translation service as this time it was not sufficient to understand the main issues being discussed. **(Ibu Syafridah from Aceh)**

I feel thankful of behalf of my community for having been involved here, and have had a chance to learn from many other communities. As long as we are strong and uphold our traditional values, we will be strong as a community, and we will be able to ask the government to recognize us. **(Pak Anye, community elder from Kalimantan)**

ANNEX 1: Participants in the ICCA Symposium in Indonesia

No	Name	Country	Email	Organization	Phone Number
1	Ali Akbar	Jakarta, Indonesia	akbar@walhi.co.id	Walhi	0811735962
2	Anas Nasrullah	Pontianak, Indonesia	a.nasrullah@gmail.com	WWF-Indonesia	081256025300
3	Andris Salu	Malinau, Indonesia		Pemuda Adat	
4	Anyie Apuy	Malinau, Indonesia		Kep. Adat Besar	
5	Artiso Mandawa	Palawan, Philippines	matanggab@gmail.com aldaw.indigenousnetwork@gmail.com		
6	Ashish Kothari	Pune, India	asihshkothari@vsnl.com	KALPAVRIKSH	00-91-20-25675450
7	Bona Beding	Lamalera, Indonesia	bbeding@yahoo.com	LEFAALEP	081315362141
8	Carmen Miranda	Bolivia	carmen@iccaconsortium.org	ICCA Consortium	+591 72091703
9	Christian Chatelain	France	christian@iccaconsortium.org	ICCA Consortium	+33 450011244
10	Crissy Guerrero	Jakarta, Indonesia	crissyg33@yahoo.com	NTFP-Ex	
11	Cristina Eghenter	Jakarta, Indonesia	ceghenter@wwf.or.id	WWF Indonesia	081347121590
12	Dave De Vera	Philippines	pafid@yahoo.com	PAFID	+63 29274580
13	Denny Onesimus B	Pontianak Kalimantan Barat, Indonesia	obestdt@yahoo.co.id	Riak Bumi	085145008998
14	E. Linda Yuliani	Bogor, Indonesia	L.yuliani@CIFOR.org		
15	Elias Ngiuk	Pontianak, Indonesia	ngiuk@kalimantanreview.com	Institut Dayakologi	08125671824
16	Emil Kleden	Jakarta, Indonesia	kleden.emilola1@gmail.com	FPP	081311683111
17	Francois Depey	BC, Canada	francois@iccaconsortium.org	ICCA	
18	Grazia Borrini-Feyerabend	Switzerland	gbf@iccaconsortium.org	ICCA Consortium	41-218260024
19	H. Marjuki	KalBar, Indonesia		Kepala Desa	085650848556
20	Harry Jonas	Sabah Malaysia	harry@naturaljustice.org	Natural Justice	+60 105880042

21	Hedar A	Jakarta, Indonesia		DKN	081341273803
22	Hery B	Jakarta		GEF/SOP	0818839572
23	Holly Shrumm	Sabah Malaysia	holly@naturaljustice.org	Natural Justice	+60 105880042
24	Hubertus Samangun	Jakarta, Indonesia	h_samangun@yahoo.com	ICTI-Tanimbar	081310778918
25	Hubertus Samangun	ICTI-Tanimbar, Indonesia	hsemangu@yahoo.com	ICTI Tanimbar	081310778918
26	Jorge Andreve	Panama	jorge@iccaconsortium.org	ICCA Consortium	+50760400775
27	Joseph Napitupulu	Siberut, Indonesia	siberuthijau@yahoo.com	PASIH	085276301516
28	Juniardi	KalBar, Indonesia		Kepala Desa	085654587797
29	Kail Zingapan	Manila, Philippines	pafid@skybroadband.com.ph kail@iccaconsortium.org	PAFID	+63 29274580
30	Kinon	Melawi, Indonesia		AMAN Kalbar	081345382500
31	Lorena Arce	Chile	lorena@iccaconsortium.org	ICCA Consortium	+560979892455
32	Maurizio Ferrari	UK	maurizio@forestpeople.org	FPP	+4407507406118
33	Meinar	Indonesia		GEF SGP, Indonesia	08567341172
34	Mida Saragih	Jakarta, Indonesia	ma.mida.saragih@gmail.com	KIARA	081222306673
35	Mina Esteghamat	Tehran Iran	mina@iccaconsortium.org	Cenesta	+98 9128242706
36	Mithy Layo S. Gonzales	Philippines	asia.intern@birdlife.org planning@haribon.org.pli	Birdlife International Haribon Foundation	639213292339
37	Naftali B Porenjo	Sulawesi, Indonesia		PD Amah	
38	Nazir Foead	Jakarta, Indonesia		WWF	0811977604
39	Neema Pathak	Pune, India	neema.pb@gmail.com	KALPAVRIKSH	
40	Norhadie	Kalimantan, Indonesia	norhadiekarben@yahoo.co.id	AMAN Kalteng	
41	Ruddy Gustave	Malang, Jawa Timur, Indonesia	komphalindo@gmail.com	Komphalindo	08563708934
42	Rufinus	Kalimantan, Indonesia	rufinus-daeng@yahoo.com	Perk-TOMAS	085252091687
43	Simone	Asuncion,	simone.lovera@globalforestcoali	Global Forest	+595 21663654

	Lovera	Paraguay	tion.org	Coalition	
44	Sondang Romauli S.	Bogor, Indonesia	sondang30@gmail.com	PHKA Kemenhut	
45	Stan Stevens	Massachusetts, USA	stan@iccaconsortium.org	ICCA Consortium	+413 5480773
46	Sutrisno/Tris Zamansyah	Serdang Bedogi Sumut, Indonesia	snsu-indonesia@yahoo.co.id	SNSU	085275021745
47	Syafridah	Banda Aceh, Indonesia	ida.arsi@yahoo.com	YRBI	081360146699
48	Taghi Farvar	Tehran, Iran	taghi@iccaconsortium.org	ICCA Consortium & Cenesta	+98 9121764908
49	Vanessa Reid	Bogor, Indonesia	vanessa@iccaconsortium.org	ICCA Consortium	