

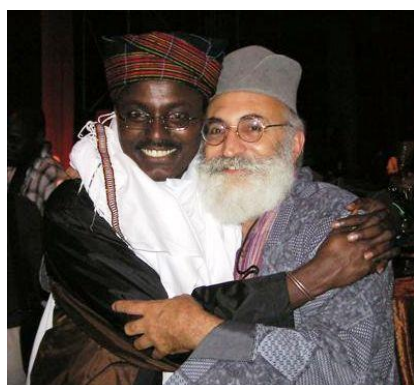
THE ICCA CONSORTIUM NEWSLETTER

Issue #4 – May 2013

Edito

The ICCA Consortium will co-lead the development of the Governance Stream at the next World Parks Congress, Sydney 2014

By M. Taghi Farvar, President of the ICCA Consortium



Boku Tache Dida (Ethiopia) and Taghi Farvar (Iran) at the World Parks Congress of Durban, 2003

Dear Members and Honorary members of the ICCA Consortium, I have asked to leave space for me in this fourth issue of the Consortium Newsletter to announce an important decision that was recently communicated to us by the International Steering Committee for the next IUCN World Parks Congress: **the proposal prepared by the ICCA Consortium** in association with, and on behalf of, a Team of institutional partners—including GIZ, UNDP, the Indigenous Protected Areas Sub-Committee of Australia and the CBD Secretariat— **has been selected to develop Stream 6**

(“Broadening governance”) **of the next World Parks Congress (Sydney, November 2014)**. The Consortium is simply delighted about this important decision and we will work with our partners, the IUCN Protected Areas

Programme and the IUCN Commissions to deliver at our best. First of all, let me thank Grazia and Ashish, who have taken the lead for the Consortium to develop the partnership and the document that was approved. Let me then briefly outline why I believe that this is an important decision, and what we hope the Consortium can achieve through that.

Those of us who are keen on the recognition and promotion of ICCAs, the oldest forms of “conservation” in the world, can take comfort in the on-going process of mainstreaming them in the conservation arena. I am age-privileged enough to remember that it all started with the “discovery” of governance as a dimension of protected areas. As a caricature of the process, I can tell you that, in the decades before the World Parks Congress of 2003, conservationists considered protected areas as the nearly exclusive domain of governments. These were valuable natural landscapes that needed to be rescued from the “ignorant natives” in order to be “managed” by parks managers. Species were in no better position. They existed “despite people” and most conservationists saw local communities and even indigenous peoples as a major threat to them. “Management effectiveness” was the buzzword in conservation circles. At the end of this period, in 2002, a special issue of the Parks magazine published by WCPA (Volume 12, No. 2, edited by Ashish) contained an interview by Grazia of the then past and present chairs of WCPA and CEESP. The main outcome of this interview, which in this sense acquires some historical value, was the proposal to add a new “governance dimension” to the then broadly known and accepted IUCN Categories for Protected Areas. It was the birth of the IUCN Matrix for Protected Areas, with the two dimensions of management categories and governance types. Through time,

the Matrix became progressively included in IUCN documents¹ and referred to in CBD decisions. The Matrix firmly recognizes that indigenous peoples and local communities can “govern” areas that effectively conserve nature in all categories of protected areas. This clearly shifts the perception of local communities and indigenous peoples from inevitable destroyers to protectors and stewards of nature.

At the Fifth World Parks Congress in Durban, in 2003, many of us witnessed what became another important step in the right direction: for the first time in such congresses, hundreds of representatives of indigenous peoples and local communities, of both mobile and sedentary lifestyles, were supported to take part in the Congress.² The late Uncle Sayyaad, a Qashqai mobile indigenous leader from Iran, was even asked to deliver an eight-minute speech at the beginning of the Congress. On the background of the music of his people and the marvellous images of the territories conserved by his tribe, Uncle Sayyaad and the Iranian young woman in traditional costume who translated his words into English delivered a speech that moved and remained memorable for many. I annex the speech to this document for whoever would like to read it in full (it is well worth it) but, basically, Uncle Sayyaad extended his hand to the conservationists in the audience, telling them: “Together, we can be very powerful allies for conservation. Alone, we are likely to act at cross-purposes and waste the best of our energies. [...] We, the mobile peoples and pastoralist communities of the world, are prepared to be your strongest allies in conservation. Are *you*?” These were the disarming words that— coupled with the clear articulation of the conservation values of ICCAs demonstrated at the Congress— helped to transform the arrogance of many conservationists into willingness to listen and to learn.

The rest is more recent history. The acceptance of the value for conservation of the knowledge, skills and institutions of indigenous peoples and local communities— clearly put forth in the Durban Accord and Action Plan— soon found their way into the first major international agreement on protected areas: the Programme of Work on Protected Areas (PoWPA) of the Convention on Biological Diversity (CBD) was finally agreed at the COP-7 of Kuala Lumpur in 2004. Since then, COP-8, COP-9, COP-10, and COP-11 elaborated upon and increasingly embraced the idea that indigenous peoples and local communities have a crucial positive role to play in the governance of nature. And so did the World Conservation Congresses that took place in 2004, 2008 and 2012. In fact, CBD had included from the beginning the need to support *in situ* conservation and respect traditional knowledge and skills. However, it is attention to governance of “legally protected” and “actually conserved” areas that transformed that rather vague recognition into something concrete and politically powerful about *land, water and natural resources related to specific territories*. This— coupled with the “attention to implementation” embraced by the current Executive Secretary of the CBD— is a powerful encouragement to recognise indigenous peoples’ and community capacities and rights to determine how to govern, conserve and defend their territories and areas, and how to self-determine their lives.

What is the challenge, then? Why should we be spending yet more time and energies to elaborate upon a recognition that has found its way to a relatively broad acceptance?

¹ It was finally formally adopted by IUCN in the Jeju World Parks Congress of 2012.

² Thanks are due to the cooperation agencies that behaved with such foresight, such as Switzerland, Sweden and Denmark.

If the Durban Congress did articulate that governance of protected areas in general and ICCAs in particular are building blocks of effective conservation, it certainly did not go far enough to explain *how* this could be taken to fruition. If a people, a community or a government wishes to respond to the new opportunities brought about by an improved treatment of governance of protected areas, *how* could it do it? What are the steps, tools, and processes that can transform some good ideas into fuller understanding and effective action for conservation? My colleagues and I in the ICCA Consortium believe that this is the real challenge of the Stream ahead of us. We hardly have to state or demonstrate that dealing with governance issues is important. Rather, we need to *build capacities to do it*. We need to make sure that everyone who is approaching “governance of protected areas” can move away from it with a sense not of puzzlement but of empowerment.

Indeed, this is a major task ahead of us, but the benefits promise to be important... for people, nature and governments alike. The governance stream needs to render concrete the lessons we have learned since Durban. For governments, it needs to show how they can *assess and evaluate their systems of protected areas— or their specific protected area sites — and identify feasible action that can improve governance and deliver the desired results*. And it needs to show that some governments have done it, and what they have learned in the process. For conservation NGOs and professionals, it needs to show *how governance can deliver in terms of coverage, feasibility, effectiveness and efficiency of protected areas*. For private conservationists and entrepreneurs, it needs to show *how governance can deliver a fair measure of autonomy but also social responsibility, appreciation and benefits*. And, for indigenous peoples and local communities, it needs to show *how governance can secure their rights, enhance their capacities and help them fight the huge threats they face*.

For us in the Consortium, this is, in fact, the paramount value of “governance”. By strengthening the legality and official recognition of the governing role of indigenous peoples and local communities, we hope to strengthen and amplify the voice of those fighting the unbridled “development” that is taking away the land under their feet, the water and resources in front of their eyes, and the dignity in their souls. This much we know: that indigenous peoples and local communities, empowered with their traditional knowledge and skills and properly supported by the rest of society, can take care of their environment and resources in sustainable ways. These ways are multiple and creative, and are rooted on cultural as well as biological diversity. These ways are crucially dependent on the respect of customary rights and supportiveness of public policies, practices, and laws. Moreover, these ways are comparatively inexpensive, not a minor advantage in times of economic crisis.

Yes, we can still observe these “ways”... but too often they are in pockets of successful resistance or lucky neglect. And the widespread and ominous reality is that such spaces and opportunities are shrinking. The world is under attack by the blind pursuit of yet more natural resources to exploit, by the monochromatic value of financial profit placed before and beyond any other. Only a sense of balance based on human and not only economic values, only a collective sense of identity, dignity and pride that comes with associating culture and nature—specific communities and specific territories in thousands of different environments—can change this disastrous course and steer us away from catastrophic consequences. “Governance” in general and ICCAs in particular are there to tell us that

another world is possible and “*another conservation*” *is possible*. And we will make clear, in Sydney, how this can be taken to action.

In the coming months a Stream Development Team will be established and will develop the full scope and depth of the Stream. In November 2013, one year before the Congress, the process of registration for the Congress will open. In parallel, there will be various initiatives to fundraise, communicate and develop ideas and specific initiatives. If you would like to offer contributions towards the Stream, please send those to Paula Bueno (paula.bueno@iucn.org), Grazia (gbf@iccacosnortium.org), Aurélie (aurelie@iccacosnortium.org) and me (taghi@iccaconsortium.org). We look forward to receiving them!

Regional issues

Asia

The Philippines establish the first national ICCA Consortium

By Samson Pedragosa, Regional Coordinator for South-East Asia / PAFID (Member)



Founding IP Leaders and resource persons at the start of the meeting (Courtesy: KASAPI)

The ICCA Consortium in the Philippines was formally established during a three-day meeting among representatives of indigenous peoples from all over the country called for this purpose in Quezon City on 19 – 22 February 2013. The meeting was jointly organized by KASAPI and PAFID with support from the UNDP-GEF and the Philippine Tropical Forest Conservation Foundation (PTFCF). In a unanimous decision, the participants in the meeting adopted the name **Philippine ICCA Consortium** for the new organization expected to promote the appropriate recognition of and support to ICCAs in the Philippines. The Philippines ICCA Consortium will develop a national program for ICCAs in the country, which is hoped will serve as a framework for cooperation among agencies, donor institutions and support organizations interested in advancing the ICCA agenda in the country. The establishment of this national Consortium fulfils one of the calls expressed in the Manila Declaration developed and signed by indigenous peoples during the First National Conference on ICCAs in the Philippines held on 29 – 30 March 2012.

A 7-member steering committee comprised of representatives from all “ethnographic regions” in the country was created in February 2013 to work on the other details and organizational concerns of the Consortium. The first meeting of the committee will be on 23



Cong. Teddy Baguilat: *"I would like to be able to support this cause where I know I can make a difference, and that is at the halls of congress."* (Courtesy: KASAPI)

– 26 June 2013 to finalize the Constitution and By-laws of the Consortium, and other legal requirements. The meeting will also discuss the details of the proposed national program on ICCAs. To support the steering committee, an interim secretariat led by the KASAPI Secretary General was also created. The interim secretariat includes representatives from several organizations that are Philippines Member of the global ICCA

Consortium such as the NTFP and AnthroWatch, and the UNDP-GEF supported DENR-PAWB-NewCAPP Project. In addition to the IP representatives, a number of organizations, agencies, and institutions participated in the conference. These include the Asian NGO Coalition (ANGOC), the United Nations Development Programme (UNDP), the Department of Environment and Natural Resources (DENR), the Protected Areas and Wildlife Bureau (PAWB), the national commission on indigenous Peoples (NCIP) and the Development Bank of the Philippines (DBP).

ALDAW Study Reveals the Adverse Impact of Oil Palm Expansion in Palawan (The Philippines)

By ALDAW – Ancestral Land/Domain Watch (Member)



Coconut palm gardens are part of the livelihood resources of indigenous communities in Palawan. (Courtesy: Grazia Borrini-Feverabend, 2009)

In addition to the adverse impact of nickel mining on Palawan province (a UNESCO Man & Biosphere Reserve in the Philippines), indigenous peoples and lowland farmers are now being confronted with the threats posed by oil palm development, which is being strongly promoted by the Provincial Government. The main oil palm operations are being run by Palawan Palm & Vegetable Oil Mills Inc. and its sister company Agumil Philippines Inc. Both have been established through a joint venture between Filipino, Singaporean and Malaysian investors. As of now, at least 15,000 hectares out of the targeted 20,000 ha of oil palm plantations are being developed by both companies and by a few private investors. At least 4,000 ha have already been planted and are

encroaching on the areas and territories that belong to, and are conserved by, indigenous peoples and local communities.

In some municipalities, oil palm development is competing with or even becoming more important than subsistence agriculture. One of the indigenous peoples main complains is



But palm oil plantations are spreading
... (Courtesy: ALDAW)

also that ‘new’ pests are spreading from oil palm plantations to cultivated fields, destroying hundreds of coconut palms, i.e. the basis of local income generation. In addition, old and secondary forest is being cleared to make space for plantations. With that, many natural resources, including medicinal plants, game animals, wild honey, and many other non-timber forest products (NTFP) pivotal for household survival, are becoming very scarce.

Now, a well-researched report released by ALDAW (Ancestral Land/Domain Watch) challenges the premises of “sustainable development” and “rural poverty eradication” that underlie the Government discourse on oil palm development and brings to light the concerns and sufferings of the indigenous communities directly impacted by the massive agro-industrial schemes. The report can be downloaded from the ICCA Consortium website.

- Download ALDAW Oil Palm Geotagged Report 2003 [Part 1](#) and [Part 2](#)
- [Watch the video](#) “Oil Palm Aggression on Palawan UNESCO MAB Reserve”
- More information on ALDAW [Facebook page](#)

Second Meeting on the Asia Regional Initiative on Biocultural Community Protocols Held in India

By Holly Shrumm, International Policy Assistant / Natural Justice (Member)



Break-out discussions during the meeting (Courtesy: Natural Justice)

From 18-20 February at the Srishti School of Art, Design and Technology in Bangalore, India, Natural Justice, the Law, Environment and Design ([LED](#)) Lab, and ETC-Compas organised the second meeting of the Asia Regional Initiative on Biocultural Community Protocols ([ARI-BCP](#)). Non-profit and community-based organisations from India, Sri Lanka and Nepal shared their experiences with supporting the rights and livelihoods of Indigenous and tribal communities, fishing communities, communities affected by extractive industries, traditional healers, and

farmers. Several participants were also part of the ICCA Consortium, including Vasundhara, the International Collective in Support of Fishworkers, and Wim Hiemstra (Honorary Member). The meeting was kindly supported by The Christensen Fund and the Ford Foundation.

The overall emphasis was exploring how protocols can be strategically utilised by Indigenous peoples and communities as part of ongoing efforts to secure their territories and areas of

collective stewardship, including ICCAs. Discussions focused on activities undertaken and lessons learned to date with the development and use of community protocols in South Asia; how protocols can be used within the Indian legal context, particularly vis-à-vis the Biodiversity Act 2002 and the Forest Rights Act 2006; the innovative use of design and technology to support participatory documentation (of biodiversity, customary practices, etc.) and community advocacy efforts; and next steps in South Asia, including greater emphasis on participatory legal empowerment and possibly litigation.

- ▶ The full report of the meeting is available [here](#).
- ▶ For more information, please visit: www.community-protocols.org or contact Holly (holly@naturaljustice.org) and Kabir Bavikatte (kabir@naturaljustice.org).

Seeking the Revival of Sustainability for the Island of the *Tao* People

Sutej Hugu, Regional Coordinator for East Asia and Syaman Vongayan, Lead Director, *Tao* Foundation



A family field of taro, the typical staple food in *Pongso no Tao*.
(Courtesy gbf, 2013)

We call ourselves *Tao*, a population of about 4,000 people. *Pongso no Tao* (literally the ‘Homeland of *Tao* people’) is a small northern volcanic outlier of the Batanes Islands, southeast of Taiwan (now labeled ‘Lanyu’ or ‘Orchid Island’ on the official atlas). Not far from the starting point of the *Kuroshio* Current and nurtured by the richness of its large marine ecosystem, the *Tao* people have lived ‘the original affluent society’ with their comprehensive traditional ecological knowledge base on their home island for millennium. There are non-hierarchical and unspecialized egalitarian tribal communities, without chiefs or ruling elders but functional leaders responsible for various production and ceremony activities, and only with a simple complementary sexual division of labour within households. Following the unique time reckoning system of *Tao* people, which is an original calendar with thirty names of the phasing moon and an intercalation calibrated by the annual revisiting of flying fishes,

our ancestors seasonally alternated their migratory fishing and coral reef fishing, maintained their wet taro fields with irrigation channels and supplemented that by shifting cultivation (firing and fallowing) of dry taro, yam, and millet. They also maintained forests through their caring and ecologically-wise timber harvesting for plank boat-building and house building. The accumulated social and ecological knowledge and a related elaborate ‘*makaniaw*’ (taboo) system are continuing today...

- ▶ [Learn more about *Pongso no Tao*](#)

ICCAs in Taiwan—musing from a recent mission...

By Grazia Borrini-Feyerabend, Global Coordinator

“The last hope for conservation of nature in Taiwan: its indigenous peoples!” I find this note in one of the pages of my notebook from the mission that brought me there in February 2013. I cannot even remember if this was a quote from someone, or my own thought... It could well be both.

Although Taiwan is very far from Europe, travelling there was inexpensive, just a stop en route on my way back to Europe from the Philippines, where the UNDP and the Philippines ICCA Consortium about to be constituted had been kind enough to invite me as an advisor. The idea of stopping in Taiwan was to spend a few days discussing ICCAs issues with a few people from civil society, including our Member Tao Foundation, key government officials and the academia. And so it happened. The mission, although short, proved intensive beyond what I had imagined. Three very energetic people: the Consortium Honorary member Prof. D.J. Lu; Sutej Hugu, focal point of Tao Foundation; and Prof. Chiung Hsi Liu (“you can call me Jesse” the first thing I gratefully heard from him) took charge of every step of my way and packed five days with visits to indigenous peoples’ ancestral territories and government officials, ceremonies, mini-workshops, two lectures at different universities, national radio interviews and a variety of meetings. While moving from one event to the other, we toured the island and even managed an excursion to the smaller island of Pongso no Tao....



Taiwan’s recent history is marked by successive waves of foreign invasions and political influences. The Japanese – which controlled the country to 1895 to 1945 – left a mark by moving entire indigenous communities from the interior highlands to the coastal planes, less salubrious but more easily controlled. Those forced relocations are still very much regretted by the indigenous peoples of Taiwan, who claim a collective right to their ancestral territories. Would that be to return as residents? This is not clear. What is more readily agreed is that they would like to restore and conserve their territories, which generally are, today, under some form of state protection or exploitation. No indigenous rights to those lands are legally recognized. The indigenous people do

understand that they need to get better organized and formally ask to have land re-assigned to them, possibly as ICCAs. But they also have other needs and priorities to deal with, sometimes even more urgent... For instance, in *Pongso no Tao*—the smaller Orchid island on the south-east side of Taiwan—the Tao indigenous peoples are first of all focusing on rejecting the nuclear repository that had been transferred there “temporarily” several decades ago. The move towards assuming better control of their island as an ICCA can wait a

bit longer, but is certainly in their cards. It is actually because of that perspective that the Tao Foundation decided to apply for the Consortium's membership.

In the meantime, it is not easy to maintain the indigenous youth interested and connected with their ancestral lands. Money has entered life in a powerful way. English may be spoken more commonly than the indigenous languages. Engines and gasoline substitute for the strong muscles of the local fishermen in the fight against the ocean's waves. Internal and external migrations are common. Some youth and some politicians talk about indigenous self-governance, bi-cultural education and the need to clean up and restore the environment... But tourism, money and party power – the powerful changer of mores – are also major attractors. Legislation is far from recognizing ICCAs but not too many people appear concerned. An interesting distinction is said to be apparent between the Philippines and Taiwan. "The Philippines have excellent laws... but people suffer from sorts of violence. Taiwan has very bad laws... but people are not treated too unfairly." The relatively peaceful situation *de facto* maintains a lid on the question of territorial rights.



What to make of paradoxes such as these? Certainly the indigenous peoples of Taiwan need to reflect on their situation and take a conscious strategic approach. During the traditional ceremony for the starting of the flying fish season in Pongso No Tao, the men gathered on the beach, in front of their six gorgeous wooden boats, traditionally crafted and

painted, each one the pride of a fishing group. Only some kids still wore the full traditional attire of a loin cloth and embroidered vest. And only some elders still wore the traditional imposing metal hat. Most of the adult men were in modern pants and the traditional vest. The women, also in partial traditional attire, gathered rigorously outside the beach line, watching the men and taking pictures. As tradition demands, the men began by sacrificially killing some chicken. Then the elders from each fishing group spoke. The first talked at length, and with evident scorn, of the practice of taking away stones from the beach, and even occupying part of it with illegal cement constructions. The second spoke about the need to stop the use of nylon nets. Nylon nets are cheap and easily abandoned under water, where they keep killing fish for years. Abandoned nets are responsible for a good part of the diminished fishery around the island. The third elder railed against drinking too much, throwing bottles everywhere, and even letting pigs wonder around without control.... He also supported the first elder. He said that each family should be watching and taking care of the beach closest to its house. All the elders spoke with passion, facing the sea and the rest of people. Syaman Vongayan explained to me that tradition wants the youth to reply to the elders, usually to echo them, and strengthen their calls. This time only one youth rose in response to the elder who denounced the nylon nets. He said that he will organize his group around that. No one else replied.

Of course, times have been changing since the invention of time, so no one should be too surprised that they are changing now. But it is interesting to see that the elders still have a clear role to play for the collective good and the good of the environment. Most of the youth of Pongso no Tao regularly migrate to the main island in search of jobs. The ones



who stay are usually busy building cement houses for the tourists. And only a few are upset at the fact that the current waves of missionaries are planting crosses inside the sacred caves and on top of the hills, defacing the landscape. In recent years the island has also seen several environmental tragedies. Rendered less bellicose by decades of Japanese and Chinese occupation, the local people agreed to be hired to clear-cut most of the local trees species in the island's forests... The government was hoping to grow commercial species, which later were found unfeasible to the ecological conditions. A similar commercial scheme— the buying of ALL the orchid plants that the local people were able to gather from the wild— subsequently voided the island of its most typical product. The Orchid Island could now appropriately be named the Orchidless one.



And yet, there is a youth group, in Pongso no Tao, associated with the Tao Foundation and clear about its objectives of taking charge, and taking care, of their island. Some of their members, like other young people I met after my lectures at the universities, reminded me that there is no limit to the energy of collective action. For one thing, the campaign to rid Pongso no

Tao of the nuclear waste repository appears to be working. The Premier Jlang has made oral promises to remove the waste from the island and has set up a new negotiation platform between the island communities and the government.

Even the ICCA idea seems to be more and more appealing to the people of Taiwan. Sutej Hugu has kindly accepted to become Coordinator of the ICCA Consortium for the East Asian region. And he is already busy organizing – together with DJ and Jesse -- some exchange visits with Consortium colleagues from the Philippines... It is wonderful people like them, and the youth they are helping to grow, who can do the most for the nature, culture, well being and rights of the indigenous peoples of Taiwan.

Important steps towards securing collective rights to ICCAs in Iran: mobile pastoralist tribes document their livelihoods, knowledge, and innovation via participatory GIS on a Google Earth platform

By Mina Esteghamat and Fatemeh A. Kamali, CENESTA (Member)



Successful global case studies and examples show how important it is to transfer the power of producing and maintaining information to reach appropriate decisions. During the last year a number of activities have been carried out to document information by/with several indigenous peoples and local communities in Iran, with the help of CENESTA staff and the support of UNDP GEF SGP, to prepare a documentary map of tribal territories and ICCAs.

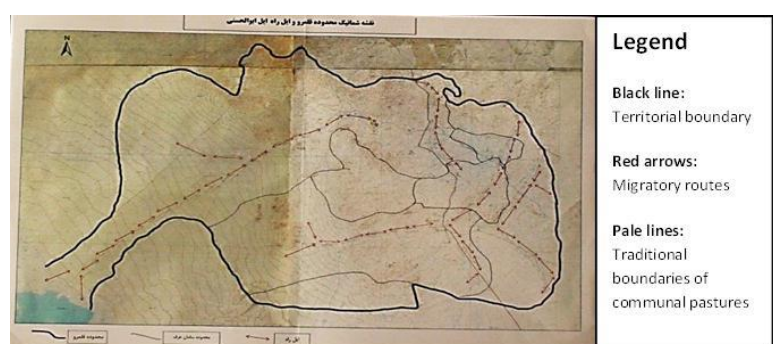
With the aim of community-based development projects based on community participation and engagement and as a new complementary step to recognize and introduce the customary territories of nomads considering their FPIC, CENESTA is now making concrete agreements to move this practice forward.

A systematic training programme on participatory GIS techniques for representatives of a dozen tribal confederacies and independent tribes and core CENESTA staff is being planned with the support of national and international partners. In preparation for that, three practical experiences were carried out with the Abolhassani tribal confederacy, the Heybatlou sub-tribe and the Farsimadan Tribe, to determine the geographical coordinates of the borders of their territories. The objective was to find a better model of development for those communities, document their knowledge and demarcate their ancestral territories.

Main activity	Sub-activities	Achievements	Future Activities
Participatory Mapping and PGIS of Abolhassani tribal territories	<ul style="list-style-type: none">- Preparing the Participatory map on 1/50,000 maps with official expert and a list of customary pastures by the community- Making a community GPS spotted map based on the Bureau of Natural Resources map and indicating it on the Google earth	A GIS based map of Abolhassani customary pasture tribal territories	Expanding the pilot customary pastures identification for other zones and tribal territories all around the country

Main activity	Sub-activities	Achievements	Future Activities
Participatory GIS in Farsimadan Tribe	<ul style="list-style-type: none"> - Holding a workshop for PGIS in the region with all stakeholder presence - Preparing a GIS map on Google Earth of the territory boundaries including summering and wintering grounds and migratory routes 	A GIS based map of Farsimadan tribal territory	Expanding the pilot territory GIS map identification for other zones and tribal territories all around the country
Participatory GIS in Heybatlou Sub-tribe	<ul style="list-style-type: none"> - Preparing a GIS map on Google Earth of the territory boundaries including summering and wintering grounds and migratory routes 	A GIS based map of Heybatlou tribal territory	Expanding the pilot territory GIS map identification for other zones and tribal territories all around the country

Participatory Mapping and GIS of Abolhassani Tribal Territory



A pilot/demonstration training activity in the Abolhassani Tribe in the Khartouran region east of Tehran, on the border of the provinces of Semnan, Khorasan and Yazd, was framed within a two days of practical training in participatory mapping and PGIS. The list of customary pastures were prepared by the community and, based on that, a participatory map was prepared on an existing map at a scale of 1/50,000 available from the Bureau of Natural Resources of Semnan province. Here is the schematic participatory map drawn by the local community.



The next step was to superimpose this schematic map of the tribal territory onto a GPS-supported one. Meanwhile, with the help of the team from CENESTA and an expert from the Bureau of Natural Resources, one of the local people from Abolhassani tribe was trained to do the GIS mapping of the whole area. He used a motorcycle to get around the boundary of their tribal territory and recorded a number of coordinates which was then sent to the Bureau of Natural Resources to produce a digital GIS map of the area.

PGIS in Heybatlou Sub-tribe, Shesh Boluki Tribe, Qashqae Tribal Confederacy

Following the previous activity and achieved experiences in Abolhassani and in line with the general goals of ICCA recognition, preparing an integrated map of ICCAs identified and under exploration and expanding this participatory approach into the whole ICCAs in the region, a

team from CENESTA was sent to the tribal territory of Heybatlou Sub-tribe in South-West of Iran.



According to the earlier arrangements, all the members of Sustainable Livelihood Fund of the mentioned community gathered in a determined place in their wintering grounds. After a short description about the aims, expected results and the methodology of the process, the community representatives (about 12 persons) began discussing and exchanging ideas to come to a consensus regarding their territory's boundaries. Then, with the facilitation of CENESTA experts and using the Google Earth platform available on

line, they demarcated the wintering and summering ground boundaries and defined the migratory routes, using as benchmarks some places they know well along or nearby the boundaries of their migratory routes. They also identified areas that were seized illegally by the government and outsiders, despite the protective policies that have been stressed, in particular during in recent years.

The PGIS process combined with the Google Earth platform and software brought excellent results. The participants explained enthusiastically the procedure to each other and admired it. The advantages of this method comparing to 1/50,000 maps and GPS was the high accuracy that made them capable to understand the terrains in a 3D view, while they were sitting at home. They could see the roads, rivers, agricultural fields, mountains and hills, lakes, villages, cities and even vegetation cover which made them exited and motivated. In addition, this is a time and money saving approach, instead of going around the territory and marking the points by GPS besides demarcating the territory on the 1/50,000 maps with the help of an expert from the Bureau of Natural Resources.



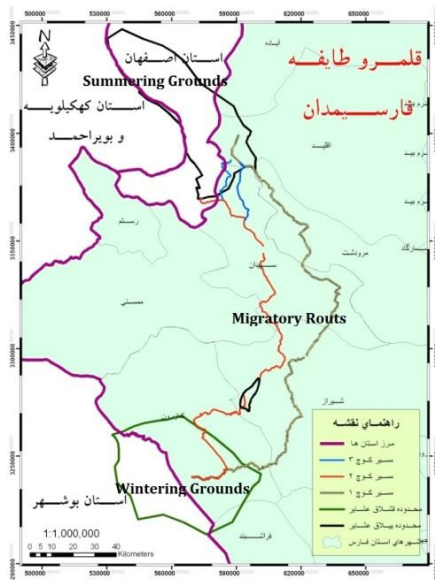
After all the geographical coordinates of the territory have to be transferred to ArcGIS software matching with information layers. The next step would be to define all the territories on the digital map of the country and to investigate the overlaps with other boundaries and margins, for instance of protected areas. Based on such findings, some alternative suitable migratory routes could be found and secured in place of the ones that were made

impossible because of illegal seizures.

Based on the outcomes and assessments of these explorations we have seen how wisely these routes were defined, in terms of length and suitability, by the indigenous people on the basis of their precious knowledge and experiences during thousands of years! Results from this pilot activity have been very encouraging for some other surrounding communities

as they asked us to be accompanied through the same process for their territories to be demarcated and registered. In particular this platform would enable the nomads to define and document their claim of their territory that subsequently will enable them to participate in assessment, analysis, planning, decision making and management of their territory.

Participatory GIS in Farsimadan Tribe, Qashqae Tribal Confederacy



We started this activity on the basis of earlier and similar practices in the realm of GIS activities and workshops. The PGIS procedure was similar to what have been done in Heybatlou Sub-tribe territory. We had available a participatory map prepared in an earlier workshop with the presence of nearly all the stakeholders, including the council of elders, members of sustainable livelihood funds, experts and CENESTA facilitators. The existing map was considered as a base map for the current action and gave the possibility of comparing and improving the results.

With respect to the previous activity in Heybatlou Sub-tribe, however, this action engaged a larger group of people, as the Farsimadan tribe involves 24 sub-tribes. This was the cause of some anticipated conflicts among

the community representatives, who took a longer time to come to an agreed outcome. Because of the mentioned conflicts, there was more than one migratory route defined by the participants, a fact that required the council of elders to be involved and finalize the routes. This was an important new experience for the Cenesta PGIS facilitators' team and the results of this can be applied to other, similarly large communities. The following map shows the tribal territory of Farsimadan extracted from Google Earth and overlapped with the country map.

All the mentioned efforts towards demarcating the boundaries of the migratory routes and defining the ICCAs are towards the end goal of an ICCA Recognition Plan, which would involve preparing an integrated map of ICCAs superimposed upon national, regional and global maps. On the basis of such maps, conflicts could be resolved, participatory management could be carried out and the rights of indigenous people over their territories could be properly secured.

Latin America

The beating heart of ICCAs in Central America

By Bas Verschuuren (Honorary Member) and Felipe Gomez, Oxlajuj Ajpop (Member)

From the 17th till the 27th of March participants from various Mesoamerican countries and beyond shared knowledge and experiences in two exciting meetings.



Gonzalo Raguay explains the case of the community-managed forest of Palín to participants in the ICCA meeting in Mesoamerica. The forest is a strong ICCA example from Guatemala, recently recognised under the collective property of its caretaker Pocoman indigenous people. About 30 sacred ceremonial sites exist in the forest of Palín. (Courtesy: gbf, 2013)

The first focused on the role of cultural, spiritual and sacred values in sustainable forest management. The meeting, organized by [Oxlajuj Ajpop](#), [SNSI](#) and supported by [Natural Justice](#) served to capacitate participants from three indigenous communities on the development of [Biocultural Community Protocols](#) as a tool to help protect their sacred natural sites and forests. The second was the first regional meeting of the ICCA Consortium and was co-organized by Oxlajuj Ajpop, [Ut'z Che](#), [GDF](#) and SNSI. A range of presentations on indigenous and community conserved areas from the region showed a richness of experiences in traditional, use and conservation and governance of ecosystems...

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A first ICCA Consortium's regional meeting in Mesoamerica kindles interests in indigenous conserved territories and community conserved areas, develops an action plan and identifies new Consortium co-coordinators for the region

By Grazia Borrini-Feyerabend, Consortium Global Coordinator



Among the best conserved in Mesoamerica, the forest of the Maya K'iche' of the 48 Cantons of Totonicapán, under the direct governance of its rightholder indigenous people, preserves the upper watershed of Lake Atitlan and reproduces ancient ways of caring for natural resources – water and timber in particular – which are essential for local livelihoods. (Courtesy: gbf, 2013)

Our territory is not a "thing", nor a set of resources to be used and exploited (...) our territory with its forests, mountains, rivers, lakes and wetlands... our territory with its sacred sites... our territory with its black, red, sandy and clay soil... is a living entity that gives us life. It gives us water and air and nurtures us. It gives us food and health, knowledge and

energy. It connects our generations and provides us with history, a present and future. Our territory gives us identity and culture, autonomy and freedom. With our territory goes our life, and with our life goes our dignity. Our territory is our self-determination as peoples." These words of Cacique Chorotega of Nicaragua were among the

many inspiring exchanges recalled and pronounced in Totonicapán (Guatemala) from March 17th to March 27th 2013. It happened as part of an exciting meeting that gathered ICCA Members and colleagues from various countries in Mesoamerica and beyond.

The meeting was called by the ICCA Consortium, co-organized by [Oxlajuj Aipop](#), the association [Ut'z Che](#), the [Global Diversity Foundation](#) and the [Sacred Natural Sites Initiatives](#) (SNSI), and attended by representatives of [Natural Justice](#). A range of presentations on indigenous conserved territories and community conserved areas from the region showed a wealth of examples of customary conservation (including preservation, sustainable use and restoration) and governance of ecosystems. Two of the presented experiences were from Mexico: the *ejidos* governed by the Xpujil communities in Calakmul, and the Santiago Tlatepusco forest in Oaxaca, currently under a “payment for ecosystem services” scheme (PES). Several others were from Guatemala, including the Bio Itza Community Reserve in Peten, the forest under collective property by the Pocoman people of Palin, and various sacred natural sites. And the remaining experiences were from Costa Rica (marine community reserve of Tárcoles), Panama (indigenous conserved territories of the Kuna people), Nicaragua (the Mayagna ethnic territories) and El Salvador (the community forests of Cinquera). One of the most interesting ICCA cases in the region, and the one explored in most depth during the event, was the ***wonderfully conserved forest of the indigenous Maya Kit'ché communities of the 48 Cantons of Totonicapán***— who hosted the meeting.

The meeting revealed that, throughout Mesoamerica, the capacities and desire of indigenous peoples and local communities to control their ancestral territories are certainly there... but such territories sustain nothing less than a massive assault from extractive industries, timber concessions and bio-fuel plantations, large scale infrastructures, and even misguided “conservation” initiatives. The trampling of customary collective rights is a widespread phenomenon despite the existence of important legal judgments in their favor (e.g., the decision of the Inter-american Court of Human Rights in the Mayagna Awas Tigni vs. Nicaragua case).

As powerfully recalled by Prof. Silvel Elias of the University of San Carlos of Guatemala, Mesoamerica is a casebook example of oppression by dominant groups over indigenous peoples. Through centuries, policies and legislation reproduced themselves with the key aim of extracting resources, repressing dissent and criminalising all forms of resistance. In such a context, the “territory” (land, soil, water, pasture, fuelwood, medicinal plants, etc.) remained the main source of livelihoods for people, often reduced to conditions of poverty or extreme poverty. Through time, however, such ***“territory as a livelihood refuge”*** has become more and more precarious and insufficient. On the one hand, the population has become larger and more demanding. On the other, the governments of the region, rather than supporting people in their search for livelihoods, have created new limiting factors. Even the ***“territory as cultural refuge”***, a space where peoples can practice their traditional knowledge and skills and enjoy their *cosmovision*, spirituality and collective identity, is in retreat. Globalization and state policies are attacking indigenous values through a variety of means, all revolving around the reduction of nature to a commodity.

It is a well known fact that deforestation is relatively less important in indigenous territories with respect to the rest of the landscape. And this is so because indigenous peoples do conserve nature in a spiritual and cultural sense, but also because they know, they value and they protect forests, water sources and biodiversity. The Sacred Natural Sites often found at the heart of indigenous territories infuse them with a sense of reverence and gratitude. But the governments of the region are hardly impressed. In some places they impose “protected

areas” but in most others they sell concessions for the exploitation of natural resources. Rarely the Free, Prior and Informed consent of the customary rightsholders is respected or their conservation capacities and efforts are recognised. This attitude matches very well the model of extractive industries and mega-projects. The indigenous peoples are left to live in disadvantaged situations, suffering from discrimination, racism, violations of their collective rights and repression of all forms of dissent.

And yet, despite all this, indigenous territories and local customary institutions for their control continue to exist throughout the region and keep reproducing their norms and sanctions on the basis of ancestral systems of authority and responsibility. And they keep conserving whatever nature is left, and providing livelihoods to peoples... With what official recognition? The ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) have been subscribed in Mesoamerica, and Panama and Nicaragua even possess legislation that offers some form of autonomy to their indigenous peoples. But all other countries are reluctant to recognise any right to self-determination. In Guatemala, despite the existence of excellent principles enshrined in the country’s Constitution, it is still nearly a taboo to speak in terms of “indigenous territories” and the dominant conservation model is the one of “protected areas without people”. Slowly but surely, however, Mesoamerica will need to come to terms to the advances of UNDRIP, and especially so now, when the Convention on Biological Diversity has added its weight towards the recognition of the clear local, national and global benefits of ICCAs.

In the context of discussing the international policies and mechanisms that can support ICCAs, a number of meeting participants had critical observations regarding the Payment for Ecosystem Services (PES) schemes, such as REDD and others. Many such schemes, they mentioned, are introduced as “economically beneficial”, but end up limiting or subtracting the use of many natural resources from rural communities. For instance, people may have to buy canned food in place of wild products and the transmission of wildlife-related knowledge and skills from parents to children can be interrupted if the children have no occasion to use them... The only ones who end up really benefitting from PES schemes may be the governments and NGOs who run them. More interesting for indigenous peoples and local communities would be to acquire, first, their collective rights to their ICCAs, and to agree, second, only on those PES schemes whose terms of reference they can themselves inform, negotiate and appropriately test through time.

The participants in the ICCA regional meeting were very conscious of having inherited knowledge and values that are crucial for conservation, and especially so because they were meeting in Totonicapán, whose forests were wonderfully preserved by centuries of fights and resistance by the local indigenous peoples. The traditional authorities of the 48 Cantons of Totonicapán generously welcomed the meeting and accompanied its participants though an in-depth understanding of their institution, their practices, their territory and their resources. They even kindly expressed appreciation for the efforts of the ICCA Consortium, as important lessons were learned in the exchanges that took place during the meeting. Although the term ICCA (TICCA in Spanish) is new and people will likely continue to use their local names throughout Mesoamerica, the participants agreed that ***examples such as Palin and Totonicapán in Guatemala and the indigenous conserved territories of the Kuna***

peoples of Panama point at the “characteristic elements” of a model that could be valid throughout the region:

- the conserved territories are communally held;
- natural resources are under sustainable use;
- customary leadership is present; and
- there is a strong sense of collective identity.

The creation of a **Mesoamerican network of territories and areas conserved by indigenous peoples and local communities (ICCAs)**-- with such characteristics fully present or at least in the process of being restored-- was proposed to keep exchanges alive, strengthen capacities and act from the regional level towards better legal recognition and action in all the countries of the region. For that, it was noted that customary institutions can now fortunately count with indigenous lawyers, who can articulate their demands in compelling ways vis-à-vis the modern institutions of the state. It was also recognised, however, that areas and natural resources conserved by local mixed or non-indigenous communities have even fewer chances of legal recognition than the ones conserved by indigenous peoples. The meeting thus developed a plan of action and identified two regional co-coordinators for the Consortium-- one expected to focus mostly on ICCA issues of relevance for indigenous peoples and the other on ICCA issues of relevance for local communities. The two co-coordinators— **Felipe Gomez** of [Oxlajuj Aipop](#) (Guatemala) and **Marvin Fonseca Borrás** of [CoopeSoliDar](#) (Costa Rica) were asked to collaborate closely and render the ICCA Mesoamerican network as concrete and active as possible, as soon as possible.

La primera reunión regional del Consorcio TICCA en Mesoamérica enciende el interés sobre territorios indígenas de conservación y áreas conservadas por comunidades locales, desarrolla un plan de acción e identifica dos nuevos co-coordinadores del Consorcio para la región

By Grazia Borrini-Feyerabend, Consortium Global coordinator



Los participantes al taller TICCA pintaron su propia visión de que significan los TICCA en Mesoamérica, incluyendo varios símbolos Maya, árboles nacionales, animales, gente, y la *milpa* necesaria a la vida de tantas comunidades en la región. (Courtesy: gbf, 2013)

"Nuestro territorio no es una cosa, ni un conjunto de cosas utilizables, explotables, ni tampoco un conjunto de recursos (...) nuestro territorio, con sus selvas, sus montañas, sus ríos, sus lagunas y humedales, con sus lugares sagrados, con sus tierras negras, rojas y arenosas y sus arcillas es un ente vivo que nos da vida, nos provee agua y aire; nos cuida, nos da alimentos y salud; nos da conocimientos y energía; nos da generaciones y una historia, un presente y un futuro; nos da identidad y cultura; nos da autonomía y libertad.

Entonces, junto con el territorio está la vida y junto a la vida está la dignidad; junto al territorio está nuestra autodeterminación como pueblos”. Estas palabras del Cacique Chorotega de Nicaragua fueron algunas de las muchas que se intercambiaron y inspiraron gente en Totonicapán (Guatemala) del 17 al 27 de marzo 2013. Sucedió en el marco de una reunión emocionante que reunió a los miembros del Consorcio TICCA y sus colegas de varios países de Mesoamérica y más allá.

La reunión fue convocada por el Consorcio TICCA, co-organizada por [Oxlajui Aipop](#), la asociación [Ut'z Che](#), the [Global Diversity Foundation](#) y la iniciativa de [Sitios Sagrados Naturales](#) (SNSI), y en la reunión participaron representantes de [Justicia Natural](#). Una serie de presentaciones sobre los territorios indígenas y las áreas conservadas por comunidades locales en la región ilustró una cantidad de ejemplos de conservación (incluyendo preservación, uso sostenible y restauración) y gobernanza consuetudinaria de ecosistemas. Dos de las experiencias presentadas eran de México: los *ejidos* regidos por las comunidades Xpujil en Calakmul, y el bosque Santiago Tlatepusco en Oaxaca, actualmente bajo un esquema de “pago por servicios de ecosistemas” (PSE). Muchas otras eran de Guatemala, incluyendo la Reserva Comunitarias Bio Itzá en el Petén, el bosque bajo propiedad colectiva del pueblo Pocoman de Palín, y varios sitios naturales sagrados. Y las experiencias restantes llegaron de Costa Rica (reserva marina comunitaria de Tárcoles), Panamá (territorios indígenas conservados por el pueblo Kuna), Nicaragua (territorios étnicos Mayagna) y El Salvador (bosque comunitario de Cinquera). Uno de los casos más interesantes de TICCA en la región, y el que fue posible explorar en mayor profundidad en la ocasión del evento, fue ***el bosque maravillosamente conservado por las comunidades indígenas Mayas Kit'ché de los 48 Cantones de Totonicapán***, los anfitriones de la reunión.

La reunión manifestó claramente que, en Mesoamérica, si bien la capacidad y el deseo de los pueblos indígenas y de las comunidades locales para el control de sus territorios ancestrales sin duda existen... esos territorios sostienen nada menos que un asalto masivo de la parte de industrias extractivas, concesiones madereras y plantaciones de biocombustibles, infraestructuras a gran escala, y mismo equivocadas iniciativas "conservación". El pisoteo de los derechos colectivos tradicionales es un fenómeno generalizado a pesar de la existencia de sentencias judiciales importantes en su favor (por ejemplo, la decisión de la Corte Interamericana de Derechos Humanos en el caso Mayagna Awas Tingni versus Nicaragua).

Como recordó poderosamente el Prof. Silvel Elias de la Universidad de San Carlos de Guatemala, la historia de Mesoamérica ofrece la ilustración perfecta de la opresión de grupos dominantes sobre pueblos indígenas. A través de los siglos, las políticas y la legislación se reprodujeron manteniendo los objetivos claves de extracción de recursos, represión de la disidencia y criminalización de todas formas de resistencia... En este contexto, el "territorio" (tierra, suelo, agua, pastos, leña, plantas medicinales) sigue siendo la principal fuente de sustento de la gente, a menudo reducida a condiciones de pobreza o extrema pobreza. A través del tiempo, sin embargo, el ***"territorio como refugio para vivir"*** es cada vez más precario e insuficiente. Por un lado, la población se ha convertido en más grande y más exigente. Por otra parte, los gobiernos de la región, en lugar de apoyar a las personas en su búsqueda de medios de vida, siguen creando nuevos factores limitantes. Mismo el ***"territorio como refugio cultural"***-- espacio donde los pueblos puedan practicar sus conocimientos y habilidades tradicionales y disfrutar de su cosmovisión, espiritualidad y

identidad colectiva-- está en retirada. Las políticas de globalización y el estado siguen atacando los valores indígenas a través de una variedad de medios, todo girando en torno a la reducción de la naturaleza a una mercancía.

Es un hecho bien conocido que la deforestación es relativamente menos importante en los territorios indígenas con respecto al resto del paisaje. Y esto es así porque los pueblos indígenas conservan la naturaleza para su sentido espiritual y cultural, pero también porque ellos valoran y protegen los bosques, las fuentes de agua y la biodiversidad en su mismo. Sitios naturales sagrados se encuentran a menudo en el corazón de los territorios indígenas, infundiéndolos con un sentido de reverencia y gratitud. Pero los gobiernos de la región son poco impresionados. En algunos lugares imponen "áreas protegidas", y en la mayoría venden concesiones para la explotación de los recursos naturales. Rara vez el consentimiento libre, previo e informado de los titulares de derechos consuetudinarios se respeta o se reconocen sus capacidades y sus esfuerzos para la conservación. Esta actitud encaja muy bien con el modelo de las industrias extractivas y de los megaproyectos. Los pueblos indígenas se quedan a vivir en situación de desventaja, sufriendo de discriminación, racismo, violaciones de sus derechos colectivos y represión de toda forma de disenso.

Sin embargo, a pesar de todo esto, los territorios indígenas y las instituciones tradicionales locales para su control siguen existiendo en toda la región y reproducen sus normas y sanciones sobre la base de sistemas ancestrales de autoridad y responsabilidad. También siguen conservando la naturaleza que se queda, y proporcionando medios de vida a los pueblos... Pero, con cual reconocimiento oficial? El Convenio 169 de la OIT y la Declaración de la ONU sobre los Derechos de los Pueblos Indígenas (DDPI) están suscritos en Mesoamérica, y Panamá y Nicaragua aún poseen una legislación que mismo ofrece una forma de autonomía para sus pueblos indígenas. Pero todos los demás países se muestran reacios a reconocer el derecho a la libre determinación. En Guatemala, a pesar de la existencia de excelentes principios consagrados en la Constitución del país, sigue siendo casi un tabú hablar en términos de "territorios indígenas" y el modelo de conservación predominante es el de "áreas protegidas sin gente". Poco a poco, sin embargo, Mesoamérica tendrá que llegar a un acuerdo con los avances de la DDPI, y especialmente ahora, cuando el Convenio sobre la Diversidad Biológica también ha añadido su peso reconociendo los claros beneficios locales, nacionales y globales de los TICCA.

En el contexto de la discusión de políticas y mecanismos internacionales que podrían suportar a los TICCA, algunos participantes al taller tuvieron observaciones críticas sobre esquemas tipo Pago por Servicios Ambientales (PSA), cuales REDD y otros... Muchos de estos programas se presentan como "un beneficio económico", pero terminan limitando o parando el uso de muchos recursos naturales útiles para las comunidades rurales. Por ejemplo, las personas pueden tener que comprar alimentos enlatados en lugar de productos silvestres y la transmisión de los conocimientos y habilidades que tienen que ver con la vida silvestre desde los padres a los niños puede ser interrumpida si los niños no tienen la oportunidad de utilizarlos. Los únicos que terminan beneficiando realmente de los esquemas PES son los gobiernos y las ONG que las dirigen. Más interesante para los pueblos indígenas y las comunidades locales sería de adquirir, en primer lugar, sus derechos colectivos a sus ICCA, y de acordar, en segundo lugar, sólo los esquemas de PSA cuyos

términos de referencia ellos mismos puedan informar, negociar y testar de manera apropiada a través el tiempo.

Los participantes en la reunión regional sobre TICCA se encontraron muy conscientes de haber heredado conocimientos y valores fundamentales para la conservación, y especialmente debido a que se reunían en Totoncapán, cuyos bosques están siendo maravillosamente conservados en consecuencia de siglos de luchas y resistencias del pueblo indígena local. Las autoridades tradicionales de los 48 Cantones de Totoncapán generosamente dieron la bienvenida a la reunión y acompañaron sus participantes hasta un conocimiento profundo de su institución, sus prácticas, sus territorios y sus recursos. Expresaron incluso amablemente su agradecimiento por los esfuerzos realizados por el Consorcio ICCA, porque se aprendieron lecciones importantes en los intercambios que tuvieron lugar durante la reunión. Aunque el término TICCA (ICCA en inglés) es nuevo y la gente en Mesoamérica continuara a usar sus nombres locales, los participantes coincidieron en que ***ejemplos como Palín y Totoncapán en Guatemala, y los territorios indígenas conservados por el pueblo Kuna de Panamá, muestran algunos “elementos característicos” de un modelo que podría definirse y ser válido a escala regional:***

- Los territorios conservados se gobiernan en común;
- Los recursos naturales se manejan para su uso sostenible;
- Hay presencia de liderazgo consuetudinario, y
- Hay un fuerte sentido de identidad colectiva.

Se propuso entonces la creación de una ***red Mesoamericana de territorios y áreas conservadas por pueblos indígenas y comunidades locales (TICCA)***- con tales elementos característicos actualmente presentes o en proceso de restauración- para mantener vivos los intercambios, fortalecer las capacidades y actuar desde la nivel regional hacia un mayor reconocimiento legal y una acción más incisiva en todos los países de la región. Para ello, se observó que las instituciones tradicionales hoy día pueden contar afortunadamente con abogados indígenas, que pueden articular sus demandas de manera convincente a respecto de las instituciones modernas del Estado. También se reconoció, sin embargo, que las áreas y los recursos naturales conservados por comunidades locales mixtas o no indígenas tienen aún menos posibilidades de reconocimiento legal que ellos conservados por pueblos indígenas. Así pues, la reunión elaboró un plan de acción y se identificaron dos coordinadores regionales para el Consorcio, uno que se espera se centrara principalmente en cuestiones de ICCA de relevancia para los pueblos indígenas y otro sobre cuestiones de ICCA de relevancia para las comunidades locales. A los dos co-coordinadores— **Felipe Gómez** de [Oxlajuj Ajpop](#) (Guatemala) y **Marvin Fonseca Borrás** de [CoopeSoliDar](#) (Costa Rica)— se les pidió que colaboren estrechamente y hacen la red mesoamericana de TICCA tan concreta y activa que sea posible, tan pronto que sea posible.

Oposición popular a la minería

Por Jorge Varela Márquez / Premio Goldman 1999 (Miembro Honorario)

Los empresarios mineros en Honduras han sido ampliamente satisfechos en sus deseos de acomodar la Ley de Minería a su favor. El Neoliberalismo en su más despiadada expresión logra para beneficio económico de las transnacionales mineras una nueva Ley que atenta en



Oposición en contra la Ley de Minería
(Courtesy: Jorge Varela Márquez)

contra del ambiente, la sociedad, la economía del país y de la humanidad en general. La sociedad civil hondureña – sin recursos financieros – responde con manifestaciones de protesta en la ciudad capital, Tegucigalpa. Entre otras acciones, una “caminata” inicia el 25 de Febrero de 2013 con la participación de indígenas, garífunas, mestizos, frailes, monjas, y acompañantes internacionales y recorre 200 Kilómetros a pie hasta llegar a Tegucigalpa después de 9 días, difundiendo sus mensajes en contra de la Nueva Ley de Minería, exigiendo su derogación y advirtiendo sobre los impactos de

la misma en contra de la Creación. Otro sector de la sociedad civil incorporado en una “Coalición Nacional de Redes Ambientales” también tiene su Asamblea el 14 y 15 de Marzo, para discutir la estrategia de oposición a la susodicha Ley. De los cuatro confines de la Nación arriban los delegados de ONGs, acompañantes internacionales, y de la iglesia que no sigue las pautas del Cardenal hondureño (Oscar Rodríguez) que favorece a la minería. En los “caminantes” predomina la decisión de impedir a toda costa la “exploración minera” previa a la “explotación”, en sus regiones; idea que comparten la mayoría de los “Asambleístas” quienes además se preparan para impugnar la Ley. Honduras, al legislar en contra de los intereses de su pueblo y de la humanidad, muestra su obediencia a la política neoliberal, al igual que lo hacen casi todos los países del resto del Mundo.

La venta de servicio ambientales en México

Por Carlos del Campo, Global Diversity Foundation (Miembro)



Los bosques comunitarios proporcionan muchos diferentes tipos de comida a las familias campesinas. (Courtesy: BCST)

En México, el mercado de los servicios ambientales se ha regulado en la legislación secundaria sin que en la Constitución Política de los Estados Unidos Mexicanos se haya introducido disposición alguna sobre la materia, situación bastante irregular jurídicamente, ya que se trata de materias que impactan fuertemente el régimen de los recursos naturales y los servicios derivados de ellos. Dentro de las leyes que regulan los servicios ambientales se encuentran, *Ley General de Vida Silvestre*, que además de ser la primera que introdujo en sus disposiciones este tipo de servicios es la más antigua en materia ambiental; la *Ley General de*

Desarrollo Forestal Sustentable, en lo que se refiere a servicios forestales ambientales y la *Ley General de Equilibrio Ecológico y Protección al Ambiente*, referida a las áreas naturales protegidas; y la reciente *Ley General de Cambio Climático*.

Si bien la Constitución de los Estados Unidos Mexicanos en su Artículo 2do establece que los pueblos indígenas tienen derecho a la libre determinación ejercida en un marco

constitucional de autonomía, incluyendo los derechos a conservar y mejorar el hábitat; preservar la integridad de sus tierras; acceder al uso y disfrute preferente de los recursos naturales de los lugares que habitan y ocupan las comunidades; en la práctica las reglas operativas de las dependencias encargadas de velar por la integridad de los ecosistemas, los recursos naturales y ahora los servicios ambientales, no respetan las disposiciones constitucionales, y maquillan con “consideraciones” culturales y lingüísticas lo que a la vista es el despojo del derecho al uso y disfrute del territorio y sus bienes naturales y culturales.

Como ejemplo de lo dicho analizaremos las reglas de operación de la Comisión Nacional Forestal (CONAFOR) en lo que concierne a los pagos por servicios ambientales en la modalidad de pagos concurrentes publicadas en el 2012 y vigentes hoy en día: LINEAMIENTOS PARA PROMOVER MECANISMOS LOCALES DE PAGO POR SERVICIOS AMBIENTALES A TRAVÉS DE FONDOS CONCURRENTES.

Desde un inicio en sus consideraciones los lineamientos establecen que la Federación, los estados y municipios determinarán las políticas necesarias para garantizar la vigencia de los derechos de los indígenas y el desarrollo integral de sus pueblos y comunidades, las cuales deberán ser diseñadas y operadas conjuntamente con ellos (Considerando). Los mismos lineamientos establecen que la asistencia técnica para pueblos indígenas se realice a partir de un proceso de participación comunitaria, apropiada conforme a las condiciones culturales, de educación y socioeconómicas de la población, con el propósito de promover la participación sobre la base de una decisión libre e informada, y podrá darse en la lengua del grupo indígena correspondiente o con la participación de un traductor (Art.28). Como veremos a continuación este artículo contradice los otros artículos de los lineamientos, donde se establecen los derechos y obligaciones de los proveedores de servicios ambientales (las comunidades) y los derechos y obligaciones de las partes interesadas (compradores de los servicios, los técnicos contratados) y de la CONAFOR. Además en la práctica las comunidades indígenas que llevan años participando de los pagos por servicios ambientales de la CONAFOR desconocen los nuevos lineamientos de la CONAFOR y nunca fueron consultadas como comunidades o pueblos sobre modificaciones a las nuevas reglas (comunicado verbal de comunidades participantes).

Los lineamientos establecen que los derechos de los proveedores de servicios ambientales (las comunidades) son recibir (Art.58):

- Recibir la información de forma culturalmente adecuada y oportuna...
- Recibir capacitación oportuna respecto a los conceptos de servicios ambientales...
- Recibir acompañamiento y asistencia técnica culturalmente adecuada...
- Recibir el pago correspondiente...

En ningún artículo se establece que los proveedores (en este caso las comunidades indígenas) tengan derecho a generar sus propias propuestas, a modificar lo establecido por terceros, a negociar, a decidir, a actuar (más que para firmar el convenio y subcontratar asistencia técnica). Estas reglas con sus derechos acotados van claramente en contra de la libre determinación y la autonomía de los pueblos indígenas y de las comunidades agrarias en general.

Queda claramente establecido por los lineamientos que las comunidades, en calidad de

proveedor de servicios ambientales, NO tiene derecho a:

- Decidir que superficie se pague (cantidad) (Art.11-12).
- Decidir que área se pague (localidad) (Art.11-12).
- Negociar el monto del pago (Art.32).
- Establecer las actividades necesarias en la superficie apoyada (Art.15).
- Establecer las condiciones y responsabilidades con relación a la asistencia técnica (Art.22).
- Acordar el esquema de verificación y monitoreo (Art.31, Art.56).

En la operación la comunidad tampoco tiene oportunidad, y por lo tanto derecho a:

- Recibir plano/mapa o explicación del área pagada antes de firmar el convenio (Art.12).
- Recibir el programa de mejores prácticas que dictaran las actividades a realizar en el área apoyada antes de firmar (Art.24-II).

Dichos derechos se lo reserva CONAFOR y la parte interesada (supuestos usuarios del servicio). La comunidad pierde así el derecho a la libre determinación al uso sustentable de sus bienes naturales, puesto que no es consultada por regla sobre el área, o la localidad a ser puesta bajo el esquema de PSA, ni puede negociar que actividades podrá realizar en dicha área, ni cuanto monto requiere no solo como pago por el servicio ambiental, sino para resarcir la merma en su economía y cultura por dejar de aprovechar recursos y bienes naturales. Además la falta de información concreta sobre área y actividades a realizar previo a la firma del convenio rompe con el principio de consentimiento libre previo e informado. Como consecuencia, aunque la comunidad puede decidir no suscribir el convenio de PSA, la falta de información oportuna y la promesa de apoyo económico en caso de firmarla ocasiona confusión y hasta división al interior de la misma durante el proceso de negociación interna y durante el desarrollo mismo del programa. Adicionalmente, al estar fuera de la planificación del esquema de vigilancia y monitoreo su autonomía en cuanto a formas de gobernar e impartir justicia (en este caso ambiental) también se ven afectadas.

Como si esto no fuera poco al firmar el convenio las comunidades tienen las siguientes obligaciones:

- En cualquier caso, conservar o mejorar los ecosistemas del polígono incorporado al esquema de PSA, y por ningún motivo, realizar un cambio de uso de suelo posterior a su designación como receptor de pagos de fondos concurrentes (Art.59).
- La comunidad no pueda hacer uso agropecuario, ni ningún uso que degrade la vegetación y los suelos en el área de interés, como el uso de fuego (Art.16).
- El área de interés solo puede ser forestal o preferentemente forestal (Art.2-II).
- Implícitamente se limita el uso del territorio después de que el convenio haya expirado (Art.59).
- Cumplir con lo establecido en la convocatoria, los lineamientos y el convenio; aceptar revisiones y auditorías (Art.59).
- De lo contrario serán sujetas a sanciones por parte de la federación (Art.45-48).

Así la actividad agropecuaria queda excluida de por vida de las zonas apoyadas por los pagos por servicios ambientales. El sistema tradicional agrícola de “roza, tumba y quema” queda prohibido por el uso de fuego; además las tierras agrícolas en descanso (acahuales) considerados por biólogos, ingenieros forestales, y las mismas leyes ambientales como bosques secundarios, pasan a ser clasificados como preferentemente forestales, y así oficialmente dejan su estatus de tierras agrícolas, impidiendo en el futuro cualquier cambio

de uso a agrícola de nuevo. En otras palabras, en caso necesario las comunidades no pueden hacer uso libre de su territorio arriesgando la soberanía y la seguridad alimentaria, y en caso de hacer su voluntad contra los designios de convenio firmado serán acreedoras de una sanción.

Nos hemos enfocado a la anulación del derecho a la libre determinación y autonomía de los pueblos indígenas en los lineamientos de los pagos por servicios ambientales en su modalidad de pagos concurrentes de la CONAFOR. Sin embargo a partir del análisis hecho debemos recalcar la antítesis de esta anulación de los derechos indígenas: el derecho de terceros sobre el territorio indígena cuando las comunidades firman un convenio de pagos por servicios ambientales. Todos los derechos negados a los pueblos indígenas en estas reglas son adjudicados a terceros “interesados” en los servicios ambientales. Así terceros tienen derecho a, estudiar, decidir, negociar y actuar sobre el territorio indígena y campesino.

Aunque la venta de servicios ambientales es presentada por las corporaciones conservacionistas como una oportunidad en la que comunidades locales reciben compensación por proteger los ecosistemas, y dar acceso a la biodiversidad. En la práctica, es una forma de venta del derecho de uso del territorio, garantizando exclusivamente el derecho de las corporaciones y compradores interesados. Las funciones de la naturaleza como son la generación de agua, oxígeno y biodiversidad son consideradas como recursos y servicios ambientales. Las comunidades indígenas y campesinas que venden sus recursos como servicios ambientales, pierden el control sobre los mismos, ya que en la práctica hipotecan y ceden el control de sus territorios, conocimientos, bienes y recursos. Una amenaza que se cierne después de décadas de luchas por recuperar sus territorios; en el presente se pasa desde un enfoque de derechos territoriales, a un mercado de servicios transables que genera utilidades.

Africa

Etablissement et reconnaissance légale des APACs : Un besoin urgent et une solution au défi de sécurisation foncière des terres traditionnelles des peuples autochtones

Par Joseph Itongwa, Coordinateur Régional pour les écosystèmes forestiers d’Afrique Centrale; et Christian Chatelain, Coordinateur Régional pour l’Afrique Centrale et de l’Ouest

Réunis en atelier de sensibilisation et de plaidoyer sur les droits spécifiques des autochtones dans le paysage N° 10, du 18 au 20 décembre 2012, au chef lieu du territoire de Walikale, plus de 60 représentants des peuples autochtones et communautés locales ainsi que les chefs coutumiers traditionnels se sont dits favorables à la protection et à la valorisation de leurs territoires traditionnels et sites sacrés à travers la dynamique de reconnaissance et appui aux Aires du Patrimoine Autochtone et Communautaire (APACs).



Participants à l'atelier de sensibilisation et de plaidoyer sur les droits spécifiques des peuples autochtones dans le landscape 10
(Courtesy Joseph Itongwa)

Les écosystèmes forestiers du territoire de Walikale hébergent une diversité biologique de haute importance et attirent l'attention et la convoitise des grandes organisations de conservation et des sociétés multinationales. Alors que certains programmes de conservation de ces écosystèmes ont déjà été amorcés dans cette zone, les peuples autochtones et communautés locales n'en sont pas informés et n'y sont pas impliqués ni consultés. De même, leurs droits traditionnels et leurs intérêts non seulement ne sont pas pris en compte mais surtout sont menacés.

Profitant des riches informations reçues pendant cet atelier de la part de Mr Joseph Itongwa, les participants ont accueilli avec espoir l'approche APAC pour la gouvernance de la biodiversité – un espoir pour le défi de sécurisation de leurs terres traditionnelles. Ils ont ainsi souhaité que le processus d'ancrage des APACs sur le terrain soit amorcé rapidement. Pour cela, ils ont recommandé à la coordination du Consortium en RDC d'organiser dans un bref délai d'autres ateliers de terrain pour identifier les zones traditionnelles à vocation d'APACs dans plusieurs paysages bio-culturels du pays. Ce processus a été discuté et décidé lors de l'atelier sur les APACs organisé par le REPALEF avec l'appui de la GIZ et du Consortium APAC à Kinshasa en novembre 2012.

3^e édition du FIPAC 2013 : Les APACs s'invitent à l'ordre du jour !

Par Joseph Itongwa, Coordinateur Régional pour les écosystèmes forestiers d'Afrique Centrale; et Christian Chatelain, Coordinateur Régional pour l'Afrique Centrale et de l'Ouest



La cérémonie officielle d'ouverture de la deuxième édition du FIPAC (Courtesy Joseph Itongwa).

Le Forum international sur les Peuples Autochtones d'Afrique centrale (FIPAC), est un cadre de concertation, d'échange, de dialogue entre les peuples autochtones et les représentants des Etats d'Afrique centrale. Il est organisé tous les 3 ans depuis 2007 et réunit chaque fois plus de trois cent cinquante participants. Sa troisième édition est prévue avant la fin de cette année 2013 à Impfondo dans le département de la Likouala, au Nord de la République du Congo. Ce cadre constituant un espace de plaidoyer important pour le respect et la reconnaissance des droits des peuples autochtones en matière de conservation de la nature, la

présence du Consortium APAC à Impfondo en 2013 parait indispensable. Y serait promue la reconnaissance du rôle positif des pratiques traditionnelles des autochtones sur l'état actuel la biodiversité du bassin du Congo – deuxième massif forestier de la planète – et le concept

d'APAC lui-même serait diffusé auprès de tous les acteurs directs de la conservation des milieux forestiers de l'Afrique centrale.

Le coordonnateur du Consortium APAC pour les écosystèmes forestiers d'Afrique Centrale a profité de l'assemblée générale du Réseau des populations autochtones et locales pour la gestion durable des écosystèmes forestiers en Afrique centrale (REPALEAC) tenue à Brazzaville du 14 au 17 janvier 2013, pour solliciter l'organisation d'une séance spécifique d'explication / promotion des APACs en Afrique centrale lors du prochain FIPAC.

Our Consortium member from Casamance (Senegal) is fighting another battle to conserve the local environment: any advice from you?

Dear ICCA Consortium Members, the Association of Fishermen of the Rural Municipality of Mangagoulack (Casamance, Senegal) – famous for its ICCA Kawawana and Member of the ICCA Consortium – is facing a sudden and serious threat to its local environment: its Mayor has just signed off to charcoal making the local natural forest at the heart of the municipality. Following a US AID project that is said to have promoted charcoal making (apparently in other area of the country), the local mayor has hastily had a few people “trained” in the practice – which is totally unknown locally – and signed off its agreement to an NGO to carry out the initiative. Fortunately, Kawawana has awakened the environmental consciences of the local



Trees of Casamance (Courtesy gbf, 2011).

residents, who well know that charcoal making will rob them of much of their forest, biodiversity and wild foods, and will affect the local climate, including rainfall crucial for their rice production. The APCRM and our Honorary member Salatou Sambou are up in arms and have been visiting as many people as they could to inform them of the issue and related problems... They have also spoken with the people who have been trained to carry out the “charcoal making operations” and these people have already demanded a meeting with the Mayor to get more information on the consequences of what they are supposed to do.

Unfortunately this is yet another example of what is going on in many countries: local politicians with a stated end aim of “development” are using up – sometimes shamelessly – the natural resources of their constituencies and leaving behind a desert. Development often remains a dream looming on the horizon... at times confused with the car dust of the politicians living to find better quarters elsewhere. Some of us are eager to discuss these “problems with representative democracy”, common in both the North as in the South of the world... Please let us know if you are interested as well.

You can download [here](#) the leaflet in French that Salatou and his colleagues have prepared to awaken the local consciences. If you have any information, any study or any advice about how to tackle this kind of issues and save the local natural forest, please contact Grazia (gbf@iccacosnortium.org) and Salatou (sambousalatou@gmail.com). Thanks in advance!

Europe

Strategic sellout– legal support withdrawn from ICCAs and other public goods in Croatia

By Iris Beneš, Regional Coordinator for Northern, Central and Eastern Europe

In Croatia the rare ICCAs cases that can still be identified are those of rather ancient communal land that, after World War II, managed to escape pervasive State control and continued to exercise their common rights *de facto*. People living in such areas are in need of legal, organizational and financial support. The sporadic engagement of civil society organisations can only provide temporary relief for some burning issues. A glimpse of a positive policy evolution was seen in 2011 with the introduction of participatory management and the so-called Pasturing Communities (PCs) model. Unfortunately, the newest Agricultural Land Act, approved early in 2013, does not favour any community conservation modality and actually abolishes the legal figure of Pasturing Communities all together!



A traditionally conserved floodplain in Croatia.
(Courtesy: Iris Benes)

Several laws, programs, local strategies and action plans important for ICCAs management are currently under discussion in Croatia, a country which will become the 28th European Union State in July 2013. Two main acts reached Parliamentary procedures after a long and non-transparent path through various Ministries. The new Nature Protection Act has not offered legal grounds for ICCA sites in spite of the supportive comments

made by Green forum, a network of 42 NGOs in Croatia. Another important piece of legislation is the draft Law on Strategic Investment Projects, which was produced through a eight-day (!) public consultation process and urgent procedure in the Parliament. The Ministry of Economy justified the preparation of the new Law with the “need to urgently launch a new investment cycle as main stimulus for growth and development of the national economy”. Numerous groups from civil society, unions, and even Catholic Church warned that the real goal of the Law is to clear the ground for grand civil construction projects, regardless of the ultimate cost to the natural and cultural wealth of the country. The Law on Strategic Investment Projects undoubtedly ensures a short-cut for exploitation of natural resources in Croatia... it actually eliminates all distinctions between private and public domains and seeks to monetize the public domain altogether. It is very likely that the economic crisis and the short-sighted political decisions that go with that will sign the death sentence of what is left of public domains and community conserved areas in Croatia.

David against Goliath: multinational mining company threats outstanding National Protected Area and transboundary common lands in the Pyrenees

Sergio Couto González, Regional Coordinator for South and West Europe, with an introduction by Ashish Kothari, member of the Steering Committee / Kalpavriksh (Member)

The global mining industry is one of the largest operations in terms of investments and land area covered. As the appetite of the current model of 'development' driven by corporate profit and unrestrained consumerism continues to grow, it requires increasing quantities of minerals resources. Several countries have their own domestic mining companies or operations (public and private) but a handful of international mining companies also operate in dozens of countries. Their economic clout is enough to bypass or undermine domestic environmental, labour, and social regulations, and to make local political and judicial processes turn a blind eye to human rights violations of all kinds. In many countries the sheer spread of mining makes the industry one of the strongest political and economic forces; in India, for instance, about 15% of the country is under mining exploration concessions, and environmental regulations are being bent over backwards to make it easier for companies to get access to what they find. The consequences for tens of millions of people, in terms of physical displacement, alienation from their traditional resource base, pollution of water and soil and hazardous air quality are very visible. Simultaneously though, there is a rising chorus of voices, from grassroots to global networks, railing against the ravages of the mining industry, and this provides some hope. In relation to ICCAs, mining constitutes one of the biggest threats. This threat is compounded by the fact that unrecognised ICCAs are more prone to being given away by governments, or snatched by corporations. For instance in many countries there are processes to stop or regulate mining in officially recognised protected areas, but no such processes for “unrecognised” ICCAs. This makes the recognition of ICCAs, in ways that are appropriate and acceptable to the people/community concerned, a crucial aspect of the struggle to secure the future of ICCAs.

Although aggressive macro-mining projects are more common in the global South – where more natural resources may still be available for exploitation and environmental laws are weaker – they are not exclusive there. Current socio-economic crisis in some Northern countries are providing a convenient context for mining companies to resurrect and promote old mining projects, formerly rejected by their environmental impact or long term unsustainability. Here we analyse one of these cases in Navarre, Spain, which is currently causing a political turmoil in the area.

Zilbeti, much more than a fine beech forest

Zilbeti forest is a mixture of well preserved forests and pastures commonly managed by local communities. It is located in Navarre, Spain, in the beautiful Pyrenees, 5 km away from the French border. The traditional common management of the natural resources –mainly timber and livestock pastures- has maintained the outstanding biodiversity of the area through centuries, and tourism has also become an important resource in the area for some years now. The area harbours several endangered habitats and species considered as a priority for conservation under the European Union Habitats Directive. Based on these outstanding natural values, the regional government proposed, and the European Union

declared, the area a Special Area of Conservation (SAC) under the name of “*Monte Alduide*”, as part of the [EU Natura 2000 Network](#). Importantly, the official Management Plan of this National Protected Area regards mining activity as one of its main threats for the future preservation of its values.



White-backed woodpecker, *Dendrocopos leucotos*. In Spain, this endangered woodpecker is only present in a small Pyrenean area of well preserved forests, mainly of common management. (Drawing courtesy of Juan Varela)

Zilbeti beech forest, a common managed NPA

98% of the NPA surface is common land, leaving only 2% under private ownership. Zilbeti mountain pastures are very rich in terms of biodiversity and grazing quality, and are managed, among other regulations, according to an international treaty signed in 1856 and currently in force between France and Spain. The treaty grants to the French neighbouring local community of Baigorri some perpetual and exclusive grazing rights in the NPA. The treaty hence binds Spain to guarantee the preservation of both pastures and forests in exchange of a rent, which is managed by the Spanish common local governance bodies (*mancomunidades*). This kind of agreements – called *faceries* – are common across grazing local communities of both sides of the Pyrenean border and are aimed – since ancient times – at guarantying the survival of mountain communities, through common management and sharing of the grazing lands on which their livestock depends.

Zilbeti forests are catalogued as “Public Usefulness” (*Utilidad Pública*) – an old category that aims to protect some special forests from private interests – and are also common land managed by the *mancomunidades* that recovered the forest property back from the government a few decades ago, after several decades of intensive logging activity promoted by the government administration, from which the forest is still recovering.



During centuries, sustainable grazing, and forest uses have created an outstanding scenic landscape with high biodiversity values. (Courtesy: SEO/BirdLife)

The mining project

Since many years, the NPA is threatened by a magnesite open-pit mining project promoted by the multinational “Magnesitas de Navarra SA (MAGNA)” – company in which Groupe Roullier and Grecian Magnesite have shares. Since other active magnesite mines of the company in the region are getting exhausted, the company is trying to exploit the NPA, after an unsuccessful attempt to promote the project in Baztan – another neighbouring valley – where strong local opposition blocked the initiative. Although the mining project in the NPA is officially supported by the regional government (Gobierno de Navarra), it lacks some of the needed permits to start the planned activities. Nonetheless, on the 27th of December 2011, following a communication on the 24th (Christmas eve), the company tried to cut down 1,500 beech trees to extract 800 tons of magnesite, in order to develop some analysis to inform a stockholders meeting planned for the following 5th of January. The fast intervention of the neighbours prevented the cutting of all of the trees but seventy-two. Eventually, after a tense situation and the arrival of the press, the company retreated without extracting the mineral. Although the communities affected and supporting organizations officially demanded to see the permit for that activity, they never received it.

Meanwhile, some local organizations and other environmental Spanish and French institutions have brought lawsuit against the company for what they consider an illegal project, which violates the Birds and Habitats Directives – by virtue of which Spain has the obligation to guarantee the conservation of the NPA’s values – as well as for failing to complete with several aspects of the Environmental Impact Study. The claimants are confident in the success of their lawsuit, as there is full legal basis and jurisprudence on the subject; however, they fear that the company – with the help of the regional government – can act before the ending of the long period required for a sentence to be issued, taking advantage of the usual strategy of the “fait accompli”.

As of now, the regional government has already disentitled part of one of the *mancomunidad of Quinto Real's* common forest to construct a tunnel for the transport of the extracted on trucks, something that has caused great political costs to the government. Moreover, the Spanish regional government has not discussed the project with the French

government nor with the French neighbouring community of Baïgorri, whose grazing rights will also be severely affected.



Neighbours of Zilbeti forest painted a real size 3D Pablo Picasso's "Gernica" - one of the most famous Spanish paintings - to draw public attention to their opposition to the mining company's plans to destroy this protected forest. The painting was made with biodegradable paint and was sabotaged some days after by unknown individuals. (Courtesy: SEO/BirdLife)

The local community's opinion and the future

The local community is divided among those who think that the mining project will generate jobs in times of need – currently Spain's unemployment rate is as high as [25%](#) - and those who think that mining is a short-term solution that will jeopardize the long-term future of the community, since the projected mine is expected to be exhausted in 10-20 years. In Spain, legal basis and administrative procedures on nature protection of NPAs are clear enough, and the local community's management and property rights are legal and administratively acknowledged. Nonetheless, it seems that – as in many other similar current cases in Spain – the government administration is not able to shoulder or it decides to neglects its responsibilities on the subject when facing big companies' interests, and this situation has very much worsened with the current economic crisis. Another core issue is that legal procedures against this kind of projects take several years, which too often means that the sentence is passed after the project is fully developed. In this context, strong local governance institutions and public national and international support to both NPAs values and local communities collective interests are a solid and perdurable strategy to face aggressive private interests.

Some organizations supporting the precautionary suspension of the project activities are:

In Spain: Amigos de la Tierra, Ecologistas en Acción, Greenpeace, SEO/BirdLife, WWF and Coordinadora Monte Alduide.

In France: France Nature Environnement, Amis de la Terre, WWF-France, Greenpeace, LPO, SEPANSO, MNE de Pau, GEOB, PMAF, Forêts sauvages, CADE.

For more information:

Ramón Elósegui (Spain), SEO/BirdLife Basque Country delegate. Tel.: +34 608 578 223 and +34 945 251 681

Xavier Bouchet (France), President of the Maison de la Nature et de l'Environnement de Pau.
E-mail: mne@ouvaton.org

- ▶ [TV report](#) (27 min. in Spanish)
- ▶ [Blog on the history of the conflict](#)
- ▶ [On the environmentalists' request to the regional government for law enforcement on nature protection](#) (in Spanish)

Publications, videos & forthcoming events

***En todas as mans* ('In the hands of us all') – A documentary on the reality of forest commons**

By Trespés. Soc. Coop. Galega



Currently, forest improvement is predominant in the *montes veciñales*.
(Courtesy: Trespés Soc. Coop. Galega)

In Galicia there are more than 700,000 Ha of **forest commons**, i.e., forests collectively owned by a community of users (in Spanish: *montes veciñales en man común*). The forest commons represent 25% of the surface of the country and are managed through 3,000 entities that involve 150,000 people. These numbers can indeed support a call for the *montes veciñales* to acquire greater importance in Europe. "*En todas as mans*", a documentary currently under production by the cooperative Trespés, was born from the question: "Do communally-held forests occupy the place that they deserves in Galician society?" According to many concerned

organizations, the answer to this question is unquestionably negative, as the *montes veciñales* are nothing less than socially invisible. The intention of the documentary is to point out the cultural value embedded in these ancient institutions and practices. The *monte vicinal* is, in fact, a millenarian form of territorial management that survived through time despite multiple attempts at replacing it...

Fortunately, many communal forests remain, today, in the hands of their legitimate collective rightsholders. In front of those who see communal ownership as a problem, we understand it as an opportunity. Our documentary project looks towards the future and the place that the *monte veciñal* should then occupy in territorial politics (and god knows if we need such polices!). The project is funded, among other means, through crowd-funding, which has accounted for a good part of the budget. We would like to thank the people and entities who believed in the project and contributed to its funding. The première of the documentary is foreseen for 2014.

- ▶ More information at www.entodasasmans.com
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Submission on Access to Justice to the Expert Mechanism on the Rights of Indigenous Peoples

By Holly Shrumm, International Policy Assistant / Natural Justice (Member)

On 11 February, Natural Justice made two submissions to a Human Rights Council-mandated study by the Expert Mechanism on the Rights of Indigenous Peoples ([EMRIP](#)) on access to justice in the protection and promotion of the rights of Indigenous peoples. The draft study will be presented at the sixth session of EMRIP in July.



Orang asli (Indigenous peoples) of Malaysia celebrate a successful High Court judgment in 2012 (Courtesy: The Star)

The [first submission](#) had a global focus and included inputs and experiences from several countries in Asia, Africa, and North and South America, with particular emphasis on the protection and stewardship of Indigenous peoples' customary territories and resources. These were primarily drawn from a [series of legal reviews](#) coordinated in 2012 by Natural Justice and Kalpavriksh on behalf of the ICCA Consortium. It

focused on the following themes before setting out key recommendations from the legal reviews:

- The relationship between access to justice and a range of other Indigenous peoples' rights;
- Systemic and structural threats to Indigenous peoples' rights and their territories and resources;
- Judicial systems themselves as a barrier to justice;
- Landmark judgments;
- Landmark legislation; and
- Continuing challenges with implementation and compliance.

The [second submission](#) was a joint submission in French in collaboration with Programme d'Intégration et de Développement du Peuple Pygmée au Kivu (PIDP-Kivu) and focused on the particular challenges that the Indigenous peoples of North Kivu face in relation to access justice. These and other submissions by Natural Justice are available at: <http://bit.ly/169N5h5>.

Key Resources on Community Protocols Now Available in French and Spanish

By Holly Shrumm, International Policy Assistant / Natural Justice (Member)

Indigenous peoples and traditional communities have long-standing customary protocols and rules that regulate their conduct with outsiders and vice versa. Addressing such protocols directly to external actors (such as government agencies, companies, researchers, and NGOs) puts them on notice about self-determined values, procedures, and priorities, as

well as rights and responsibilities under customary, state, and international law that must form the basis for engagement. Failure to understand and respect such protocols can easily lead to conflict and violations of various laws.

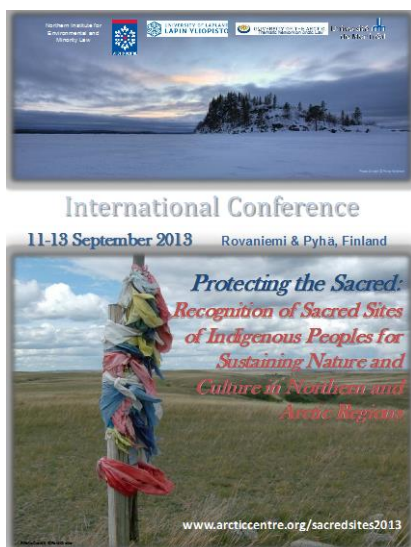


Community protocols can be used as catalysts for constructive and proactive responses to threats and opportunities posed by land and resource development (e.g., mining, logging), conservation (e.g., imposed exclusionary protected areas, market-based mechanisms such as payment for ecosystem services), and research (e.g., invasive questions about sacred sites, commercial development of traditional knowledge). Although there is no template or way to “do” a protocol, the process may involve strengthening customary institutions and community organisations, community mapping and documentation, social mobilisation, legal empowerment, consolidation and clarification of the overall message and priorities, and strategic advocacy and engagement with external actors.

Several resources on community protocols have recently been translated into Spanish and/or French, including:

- A dedicated [website](#) with embedded Google Translate function,
- A brief on the regional initiatives on community protocols in [English](#) and [French](#),
- A short film in [English](#), [Spanish](#) and [French](#),
- A comprehensive toolkit in [English](#) and [Spanish](#) (French is currently underway), and
- A special issue of IIED’s Participatory Learning and Action Journal entitled “Biodiversity and Culture: Exploring community protocols, rights and consent” in [English](#) and [Spanish](#).

Protecting the Sacred: Conference on Indigenous Sacred sites in the Arctic



The Arctic Centre at the University of Lapland is organizing an international conference on the issue of indigenous sacred sites in the Arctic. The conference *"Protecting the sacred: Recognition of Sacred Sites of Indigenous Peoples for Sustaining Nature and Culture in Northern and Arctic Regions"* will be held in Rovaniemi and Pyhäntä, Finland, the next 11-13 September 2013. The conference will gather for the first time in Finland sacred sites custodians, indigenous peoples’ organizations, scientists, policy makers and other interested people, to talk about ways of better recognizing, legally protecting, conserving and managing Sacred Sites and Sanctuaries of Indigenous Peoples in Northern and Arctic regions. Participants will

come and speak in relation to the entire circumpolar area. Besides practitioner and academic discussions, the conference also aims to produce recommendations for policy-making related to Sacred Sites and Sanctuaries in the Arctic as well as start a participatory educational research project to advance the transmission of spiritually-relevant and culturally-embedded knowledge and practices related to sacred sites to younger generations. The aim is to make also a publication on the protection of the SNS in Northern and Arctic regions.

► For more information, visit [this webpage](#)

► Or contact [Leena Heinämäki](#), Arctic Centre / [Thora Herrmann](#), University of Montreal

Life of the Consortium

Staff announcements

For the first time since the birth of the Consortium we are announcing some staff departure. We are saying goodbye and good luck to **Jorge Andreve**, who was Consortium Regional Coordinator for Central America until September 2012, and to our very special Communications Officer **Vanessa Reid**, who is moving on to a new assignment for a Biodiversity Journal. While only some of us have been closely in touch with Jorge – and those will not forget his kindness and passion for the indigenous cause – we have all been in one way or another “messed to” and touched by Ness, who has been with the Consortium since its founding days in July 2010. It is a fact of life that young professionals do move ahead, but we will all miss Ness’ ease of contact, readiness to help, friendliness and contagious enthusiasm! In some way, Ness brought us all back to our early twenties... and this for a cause that some of us have pursued for decades. This we will always be grateful for, while we wish Ness the most satisfactory of experiences in her new tasks ahead! And we all hope, as she says, that she will “never leave the Consortium!”.

In the same breath let us all also welcome **Isis Alvarez**, who will take over from Ness as of May 1st. Many Consortium Members, Honorary members and staff already know Isis as she has been Communication Officer for the Global Forest Coalition and in close touch with the Consortium during several international events where she represented GFC, and occasionally played a most generous role also as translator for our Spanish speakers. We are all delighted that Isis has accepted to take over from Ness... and the two ladies are already in touch for the passing of the torch. **Welcome Isis!**

Last but not least we are announcing that **Francois Depey** — who has been volunteering for the ICCA Consortium since the Spring of 2012 – is ready to pass on the role of Consortium Coordinator for North America to a person of First Nations, Inuit, American Indian, Alaskan Native or Native Hawaiian descent. Youth and women are particularly encouraged to apply. This is a semi-volunteer, part-time position that provides little financial compensation but offers opportunities to learn and engage with the Consortium. Ideally, the person will be recruited before a Consortium co-organised international workshop on ICCAs, which is expected to take place in British Columbia (BC) in the Fall of 2013. A succinct job description can be downloaded [here](#). Francois is not leaving the Consortium, but you can expect him to

focus, in the next months, in the organisation of the BC workshop. We take this opportunity to highlight his dedication to the cause of indigenous peoples in Canada, and to thank him for the sympathy, contagious good humour and “French touch” he is bringing to the Consortium. Francois can be reached either at francois@iccaconsortium.org or at icca.consortium.francois@gmail.com.

And now the description of our new staff recruits:



We welcome to the Consortium a new **Regional Coordinator for East Asia: Sutej Hugu**, from Pongso No Tao (Lanyu Island, Taiwan)! In 2000 Hugu co-found and was elected as first Chairperson of the Cultural Taiwan Consortium, a local NGO that set out to work towards an integrated Indigenous Tao national identity. From 2010 to 2012 he assumed the position of CEO for the Tao Foundation, which became an ICCA Consortium Member in 2012. As part of that, Hugu has been championing a campaign to remove a nuclear waste repository that was “temporarily” set in Lanyu Island about thirty years ago. The island – better referred to as *Pongso no Tao* – is the ancestral domain of the Tao indigenous people, which is claiming tribal sovereignty over it. Among Hugu’s other initiatives is the ‘Social Co-operative Business Movement’, which focuses on recruiting radical cooperative entrepreneurs and innovative managers to develop initiatives of sustainable livelihoods that conserve the bio-cultural diversity of Pongso no Tao. Hugu’s most extensive background and expertise lies in ICT industries (he worked there as manager for a number of years), but his experience is rather eclectic, spanning the development of various specialized companies—from producing organic cotton and eco-textiles to shooting aerial films for cinema and documentary productions. Hugu also spent a few years living in secluded voluntary simplicity. Since his encounter with the Consortium, Hugu has been embracing the promotion of ICCAs and is now vigorously pursuing that throughout the East Asian region. Contact: sutej.hugu@gmail.com

We are equally happy to welcome **Felipe Gomez and Marvin Fonseca Borrás** as our new **Regional Co-Coordiators for Central America**. While Felipe is an indigenous Maya and will be dealing in particular with issues of relevance for indigenous peoples in the region, Marvin will be coordinating with particular reference to issues of local communities, in both terrestrial and marine and coastal environments.



Felipe is a Maya K'iche', a renowned spiritual leader and the coordinator of Oxlajuj Ajpop (National Council for Mayan Spiritual Leaders)— an organisation with whom Felipe has been involved since 1991 and that is now a Member of the ICCA Consortium. Felipe advises a number of Guatemalan key individuals and bodies, including the Guatemalan Commission that deals with Sacred Sites— established after the end of the civil war that devastated Guatemala from 1960 to 1996, and the Sacred Natural Sites Initiative, which is an ICCA Consortium member (pending approval) working with custodians to protect, conserve and revitalise sacred natural sites around the world. Among Felipe’s national and regional duties are the coordination of the initiative to develop a new Law on Sacred Sites in Guatemala and

the coordination of the COMPAS network for Central America. The COMPAS network supports conservation approaches to bio-cultural diversity and endogenous development based on indigenous worldviews. Felipe is the editor and author of various articles and booklets, including the Agenda Socio-ambiental (*Desde el piensameinto de los Indigenas Maya, Garifuna y Xinkas de Guatemala por los derechos de la Madre Tierra*) and a document of directives for the governance, management and use of water in Guatemala. Recently Felipe was awarded the international PKF Award for 2012, entitled “A world of solidarity is possible”. For the ICCA Consortium, Felipe is in charge of promoting the appropriate recognition and support of the ICCAs of indigenous peoples in Mesoamerica. Contact: felipe@iccaconsortium.org or felipegomez13@yahoo.com



Marvin is an associate with CoopeSoliDar, an NGO working in support of conservation by and for local communities in Costa Rica. He is a professional in the area of geography, graduated with an Honors Master degree from the University of Costa Rica (UCR) – a recognition confirmed by its Graduate Studies System. Through fifteen years of work, Marvin developed a rich experience developing conservation projects – in particular for the sustainable use of natural resources, promoting new governance types of protected areas, supporting citizens’ participation in natural resource management and transforming socio-environmental conflicts. He has been involved in interdisciplinary and interagency definition of national policies; in process and methodologies for local participation in the use and conservation of natural resources; in the governance of protected areas in terrestrial and marine environments; and in initiatives dealing with human rights and conservation. Marvin has work experience with governmental agencies in Costa Rica, teaches at the University of Costa Rica and is a Member of the Board of Directors of CoopeSoliDar. Contact: marvin@iccaconsortium.org or mfonseca@coopessolidar.org.



Isis Alvarez is a Colombian biologist, MSc. in Environment & Resource Management experienced in work with different local and international environmental NGOs in Latin America, Europe and Africa. She has been involved in projects such as the rehabilitation of confiscated capuchin monkeys in La Macarena, Colombia and leopard-human conflicts in the Waterberg Reserve, South Africa. In 2005, Isis moved to the Netherlands to pursue her Masters degree and later worked at the international secretariat of Friends of the Earth in Amsterdam. In 2009 she participated in IUCN-NL’s Nature and Poverty program developing the ‘Local Ownership of Conservation Agendas’ pages, which gather case studies of effective community based conservation and sustainable use. Her will to get to know local experiences took her in 2009 to volunteer in Chiapas, Mexico where she got involved with Tsotsil communities assisting in a project for the auto-assessments of community needs. In 2010, she participated in the activities of the school of agro-ecology in Santander, Colombia, supporting ‘Fundaeexpresión’, a local NGO, raising awareness of false solutions to climate change, and providing support to the management plan for newly established peasant nature reserves. In 2011 Isis joined the Global Forest Coalition as a volunteer and later as the Communications and Media Outreach Officer. With GFC and beyond, Isis is actively

engaged in campaigns and advocacy work, mainly addressing gender aspects in forest management. Contact: isis@iccaconsortium.org.

New Members & Honorary Members

The Consortium is delighted to welcome three new Member organisations:



[Krapavis](#) from India



[Samvardhan](#) from India



[Living Oceans Society](#) from
Canada

We are also warmly welcoming 20 new Honorary Members:

1. Vivienne Solis, Costa Rica
 2. Vincent Gravez, Ecuador
 3. Tahir Rasheed, Pakistan
 4. Salatou Sambou, Senegal
 5. Raul Petsain, Ecuador
 6. Nilufer Oral, Turkey
 7. Maung Myang, Bangladesh
 8. Liz Wily, UK
 9. Kanyinke Sena, Kenya
 10. Juan Carlos Jintiach, Ecuador
 11. José de los Santos, Colombia
 12. Jaime Levy, Ecuador
 13. Jailab Rai, Nepal
 14. Helen Newing, UK
 15. Guillermo E. Rodriguez-Navarro, Colombia
 16. Gladman Chibememe, Zimbabwe
 17. Elaine Hsiao, Canada
 18. Dominique Bikaba, Democratic Republic of Congo
 19. Armando Calvano Zuniga, Colombia
 20. Anwarul Islam, Bangladesh
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The ICCA Consortium

www.iccaconsortium.org
<http://iccaconsortium.wordpress.com>

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