23 Indigenous Peoples' and Community Conserved Territories and Areas (ICCA) Consortium

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Summary

Indigenous Peoples' and Community Conserved Territories and Areas (ICCAs) are places governed by indigenous peoples or local communities that have high conservation values and are effectively conserved. Some are officially recognised as protected areas while most can be described as 'other effective area-based conservation measures'. Although the biodiversity values of ICCAs are increasingly documented, many ICCAs are under a high degree of threat from development and other pressures. The recognition of the frequent overlapping of KBAs with ICCAs provides arguments and political justification for ICCAs to be maintained under current governance and management regimes, thus securing the biodiversity and other values they provide. However, that recognition could also result in loss of rights, as governments may take over the governance and management of ICCAs, disempowering or expelling the traditional owners. The effective incorporation of ICCAs within the KBA framework must be accompanied by the recognition and support of the collective rights and traditional ecological knowledge and institutions of indigenous peoples and local communities.

Introduction

The term **Indigenous Peoples' and Community Conserved Territories and Areas (ICCAs)** is used by IUCN to describe 'natural and/or modified ecosystems, containing significant biodiversity values, ecological benefits and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means' (<u>http://</u><u>www.iccaconsortium.org/</u>). For the ICCA Consortium, they have three essential characteristics:

- an indigenous people or local community possesses a close and profound relation with a site (territory, area or habitat);
- the people or community is the major player in decision making related to the site and has *de facto* and/or *de jure* capacity to develop and enforce regulations;
- the people's or community's decisions and efforts lead to the conservation of biodiversity, ecological functions and associated cultural values, regardless of original or primary motivations (Borrini-Feyerabend et al., 2013; Borrini-Feyerabend and Hill, 2014).

Many ICCAs have existed for long periods of time; others have been established more recently. Motivation for establishing and maintaining ICCAs varies and can include amongst others: managing natural resources (e.g. providing places for fish to breed and be harvested sustainably); mitigating natural disasters (e.g. maintaining forested slopes to prevent landslides); protecting sites of sacred value, cultural significance or their importance for their landscape or conservation values (Borrini-Feyerabend et al, 2010). Many ICCAs are formally recognised as protected areas but there is not a direct equivalence. Some communities managing ICCAs do not recognise ICCAs as protected areas; and sometimes the management aims of ICCAs do not match the IUCN definition of a protected area (which implies that conserving biodiversity is the first aim of the protected area management, Lausche and Burhenne, 2011). In the latter cases, IC-CAs can be considered as part of the 'other effective area-based conservation measures' mentioned in CBD's Aichi Target 11.

Needs

Many indigenous peoples and local communities are facing pressure with respect to their traditional lands and waters, from encroachment by outsiders, theft of natural resources or takeover for development by large-scale mining, infrastructure, ranching or agriculture. Traditional custodians are seeking ways in which ICCAs can be effectively protected and are seeking partners who can help. In these circumstances arguments that demonstrate the value of keeping such places under their current governance can sometimes persuade authorities to maintain traditional rights (Kothari et al, 2012).

It is well established that biological diversity has a strong overlap with territories and areas of indigenous peoples, as it does with sacred natural sites and even areas of linguistic diversity. Recognition of the overlap between ICCAs and KBAs can provide support to the importance of maintaining governance regimes that have been compatible with the conservation of biodiversity. In other words securing collective governance by indigenous peoples and local communities can be recognised as valuable within national biodiversity strategies, possibly but not necessarily as part of the protected areas that permit traditional use (often IUCN category V or VI).

Recent experience in the Philippines – as in the Islamic Republic of Iran, Australia, Colombia or Italy – suggests that such approaches can work. The Philippines government has been stressing the value of traditional governance by indigenous peoples for the country's KBAs and is seeking ways to recognise their collective rights and capacities both within and outside their formal protected areas. Noticeably, IC-CAs are recognised as valuable for the conservation of KBAs *but also* for the support of sustainable livelihoods and the recognition of collective rights and responsibilities.

Types of product required

Ideally:

- A clear and agreed list of criteria for identifying KBAs.
- Maps and records of legal and customary collective rights and responsibilities to territories and natural resources.
- Use and recognition of traditional ecological knowledge (TEK) in helping to identify KBAs, along with full collaboration with rightsholder peoples and communities in seeking permission for fieldwork, and access and use of data and TEK.
- Access to KBA data within ICCAs regulated by the Free, Prior and Informed Consent of the rightsholder peoples and communities.

 Descriptions of the types of governance institutions and management approaches that maintain the KBAs through time.

Match with existing procedures

The existence of KBAs that match, include or intersect with ICCAs could be added as a field into the ICCA registry, which is being developed as part of the UNEP WCMC protected planet database.

Fears

- That some governments may be reluctant to recognise KBAs within indigenous territories.
- That KBA status will encourage governments to take over governance of the ICCA as an 'official' protected area, resulting in loss of rights to the traditional owners.
- That some governments may relinquish their obligations of conserving KBAs by 'dumping' them on some of society's weakest sectors without appropriate compensation and support.
- That recognition of KBAs may heighten the interest of users (from outside or within the communities) who would damage the conservation status and/or privacy of ICCAs.

Implications for KBA standard development

There is a clear match of interests and objectives. KBA analysis may be expected to take greater note of existing governance types rather than simply the status of the site. The use of traditional ecological knowledge in KBA identification might be more formally recognised and incorporated than at present. But the support of indigenous peoples and local communities will be secured only upon recognition of their collective rights and responsibilities and value of their traditional ecological knowledge and institutions.

Sources

Based initially on discussions between **Grazia Borrini-Feyerabend** and **Nigel Dudley** in Switzerland, in April 2013 and input from other members of the ICCA Consortium, including Giovanni Reyes and Ashish Kothari.

References

<u>http://www.iccaconsortium.org/</u> Borrini-Feyerabend, G. and Hill, R. (2014, in press),

'Governance for the conservation of nature', in G. L. Worboys, M. Lockwood, A. Kothari, S. Feary and I. Pulsford (eds) *Protected Area Governance and Management*, ANU Press, Canberra.

Borrini-Feyerabend, G., Dudley, N., Lassen, B., Jaeger, T., Pathak, N., Phillips, A. and Sandwith, T. (2013). *Governance of Protected Areas—from Understanding to Action*. IUCN, Gland, Switzerland.

Borrini-Feyerabend, G., Lassen, B., Stevens, S., Martin, G., De la Pena, J.C., Raez Luna E. and Farvar, M.T. (2010, reprinted 2012). <u>Bio-cultural Diversity Conserved by Indigenous Peoples & Local</u> <u>Communities: Examples & Analysis</u>, IUCN/CEESP and CENESTA, Tehran.

Kothari, A. with Corrigan, C., Jonas, H., Neumann, A. and Shrumm, H. (eds) (2012). <u>Recognising and</u> <u>Supporting Territories and Areas Conserved by Indigenous Peoples And Local Communities: Global</u> <u>Overview and National Case Studies</u>, CBD Technical Series no. 64, Secretariat of the Convention on Biological Diversity, ICCA Consortium, IUCN/ TILCEPA, Kalpavriksh and Natural Justice, SCBD, Montreal, Canada.

Lausche, B. and Burhenne, F. (2011). *Guidelines for* <u>*Protected Area Legislation*</u>, IUCN, Gland, Switzerland.