

@ Minutes of Meeting
Regional ICCA Knowledge Sharing & Capacity- Building Event
Organizer : ICCA Consortium
Lombok (Indonesia), 17 – 22 August 2015

DAY 1

Tanggal 17 August 2015
Pukul 21.00 – 23.00 WIT

1. Introduction and Agenda

Introduction of all participant and overview of the event agenda.

The participant based on country are as follow:

INDONESIA

1. Iman
2. Hery Budianto
3. Hadi Yoga Dewanto
4. Catharina Dwihastarini
5. Meita Laksmiati Marzuki
6. Meinar Sapto Wulan
7. Indriyatno Indri
8. Natasya Wulandari Harahap
9. Christine Eghenter
10. Kasmita Widodo
11. Wahyu Chandra
12. Maria Hendra
13. Tumenggung Grip
14. Hanna Mila Hasiana
15. Abdullah Amin
16. Ahmad Marthin Adiwinata
17. Dewi Dwi Puspitasari Sutejo
18. Tendri
19. Rudi Zapariza
20. Didiek Surjanto
21. Alman
22. Annas Raddin
23. Ahmad Farid
24. Deddy Ratih

MALAYSIA

1. Gordon Johnson Thomas
2. Lai Sook Mei
3. Neville Yap
4. Elne Betrece Johnlee
5. Thomas Yussop
6. Harry Jonas
7. Olon Gomoj
8. Patrice Sabun

PHILLIPINES

1. Marivic Bero
2. Judelight Dannang
3. Rodolfo Ferdinand, JR
4. Maria Tanya
5. Masli Gulaman

VIETNAM

1. Van Lam Hoang
2. Van Toal Nguyen
3. Xuan Thuy Hoang
4. Cong Duong Huang
5. Dang Phong
6. Thi Thu Nguyen Huyen

TAIWAN

1. Kavas Takistaulan
2. Syaman Womzas
3. Sinan Maviro

United Kingdom (UK)

Heather Bingham

IRAN

Taghi Farvar

SWITZERLAND

Grazia Borrini

NETHERLAND

Evelien Van den Broek

TIMOR LESTE

Joao Do Rosarion Pereira

Tanggal 18 August 2015
Pukul 09.00 – 19.00 WIT

The facilitator from Indonesia, Dea introduce himself and encourage the participant for ice breaker with country cheers for all participants from Indonesia, Malaysia, Phillipines, Taiwan and Vietnam.

1. Presentation & Discussion on ICCA current situation in The Phillipines

First session start with the presentation and discussion of the ICCA situation in Phillipines with Zoon Ki Chu, SGP National Co-ordinator that introduce Phillipines team. The Phillipines team consist of 7 (seven) person represent Phillipines, represent government are 2 (two) person whereas there are 2 (two) agents that concerns for indigeneous peoples which are National Commision of Indigeneous Peoples and Biodiversity Management Beareu and also Departemen of Environment and National Resources Berau, NGO parties are ICCA consortium in Phillipines represent by June Lai, Edna and Giovanni, from CSO sector is David Givera, Government represent by Maritz and director of NCIP also Zoon Ki Chu as SGP National Co-Ordinator.

The presentation came from discussion among Phillipines team concerning ICCA at Phillipnes which presented by David Givera.



Phillipines is a small country yet it is one of the hottest biodiversity hotspot in the world. Together with 17 other countries, Phillipines along with these other countries host 70 – 80% of the world biodiversity.

Philippines:

- A Mega-Diverse Country
- Both in Culture and Biodiversity

One of the hottest biodiversity hotspots in the world



Figures above show the Philippines Community Conservation Areas in the Philippines

- Together with 17 other countries, host 70-80% of the world's biodiversity
- More than half of its 52,177 described species are found nowhere else in the world
- On a per unit area basis, Philippines harbor more diversity of life than any other country on the planet.



Almost every section of the country, some formal slices can only found at Phillipines. It is also a culture diverse country that hold at least 114 recognize ethnics group, in this group alone consists from different belief, dialect that represent country of Phillipines.



- A Culturally Diverse Country
- Home to 114++ Ethnolinguistic Groups

The old Murrilo - Velarde maps, one of the oldest maps from colonial heritage that show the colonization period that show also very clear that the whole archipelago of Philippines full of these bagan call the uncivilize Indios whereas the colonials thought that Philippines as Indian. They were describing by them as Paganes or Vegans, Cafres and Infieles for the north people. They were collectively thought that they were India because colonials thought Philippines located somewhere at India that's why they call Indious. The reason why they called them Paganes because colonials thought they don't believe in God. Cafres because they have dark skin while Infieles describe because colonials thought Philippines worship the devils. Down south where the Arabian has contact the indigeneous people has contact earlier, they called the Moslem community as vicious and uncivilized violatod Moro. When they zoomed in these map there's found the very funny and disturbing description of indigeneous of people that describes the higher hierarchy where colonials put the chinios as a better person in terms of better people, food, clothing and they were better in almost everything. Whereas colonials put the cafres as the worst people, describe as the ugly, small dark skin people like Orang Asli. These were an old map stereo type philippines state by colonials. According to the maps it shows that the whole Philippines were indigenous territory. Untill the guys Damian that they use the course to civilize the Paganes, Cafres and Infieles and the vicious Moros.



The Murrilo-Velarde Map (1760)

Indigenous Communities all over the Archipelago are described as uncivilized *"Indios"*, *"Paganos"* *"Cafres"* or *"Infieles"*

The Islamized Indigenous Communities in the Southern Islands are described as vicious *"Moros"*

The national governance in indigeneous communities enforce collective always responsibilities over the natural resources of the anchestor domain. These are the common thing in Phillipines from north to south, they have the understanding among communities on how to manage towards of the resources from the water, the trees, the rivers for a collective decision for the goodness of the land.



Traditional Governance Indigenous of Communities enforced *"Collective Ownership and Responsibility"* over the natural resources in their Ancestral Domains.

The above figure shows where the Director Vilaman and Giovanni with the elder who decide everything in term the land usage and the conflicts resolve and it is valid until now.

The remaining Old Growth forests in Northern Philippines are **Lapat** areas of the Indigenous Communities of Abra and Kalinga.



Because of the practices of those indigenous people, the remaining old forest in Northern Philippines are the Lapat areas. Whenever you go to the north Philippines, you will see a lot of devastation but you will also see the ancient forest and has become the designated community forest by the ancient that called Lapat whereas Abra and Kalinga live there. These is the most effective way on conserving the forest of the northern part. The areas designated as park has not been successful. The evidences clear that the traditional agreement hundred years ago until now it reminds. Indigenous community has very strong spiritual relationship with nature, they believe that they have to use the land in a productive way, these specific tribe believe that forest as a sacred place where the pery lives that's why they call home of diwata whereas they have to be in harmony with their environment.

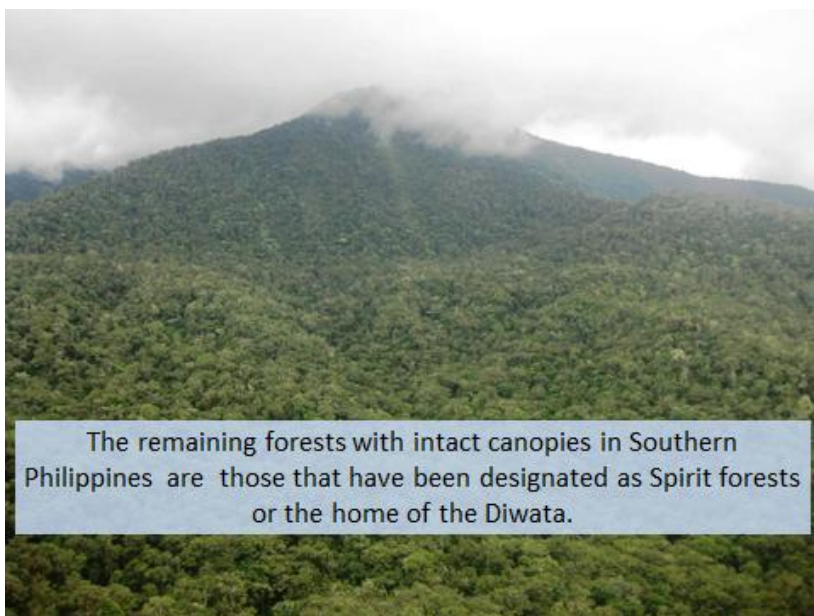


Indigenous Communities have a very strong spiritual relationship with Nature.

They maintain the belief that spirits exist in every aspect of the environment and these have to be respected for a more harmonious and productive life.

Spirit Forests are declared as Sacred Areas and the home of the "*Diwata*".

The colonials who called Phillipinese as cafres, infiles and paganese surprised whereas they were shocked knowing that the indigeneous Philipinese are prayed before deliver, they believed there is spirit on the spirit in the trees and they believed they should be in harmony and peace with their environment.



The figures shows in Bukit North whereas mount Kalatuman as the core zone of one of the big National Park in Phillipines that conserve by the indigeneous people which the tribes believe that these the place of the white perry (waters perry). These are the evidence whereas the indigeneous people play role on conserving the environment in a right way. Theres no white perry management on conservation management but the evidences is there whereas conservation is done by the indigeneous people, event long before the expert has existed.



Mt. Kimangkil in Bukidnon is a sacred site to the Higaunon. Their oral history speak of their appointment as the caretakers of the mountain. The dense forest canopy has been preserved mainly due to the traditional belief that it is the home of the Diwata.

The adjacent mountain of Kimangkil as a very sacred forest located on the down south Phillipines as one of the sacred forest, where you should silent and kneel in several places when you enter this mountain otherwise you will disturb the forest spirit. These trees mountain are the main watershed and has become one of the most productive agricultural lands in the whole southern Phillipines. A lot of millioners has come out, the main producer area of Mindanao are in low land Kalatunga and Kimangkil.

For the longest time, the farmers and the millioners downside said that the indigeneous people are lack of knowledge, uncivilized but now they begin to realize that all those benefit of the soil, water and all productivity of soil were came from the hardwork of the indigeneous people who conserving these forest and declaring the whole of white pery.



Indigenous Communities in the Philippines have had troubling past in our recent history.

- They have witnessed the wide-scale destruction of their traditional territories;
- Have lost their lands to vested interests and extractive industries;
- their role as the historical stewards of the environment has been forgotten.



The reason why the indigeneous people has trouble simply lies on national conflict policies, commercialization etc. Everybody wants to be part of the land for commercialization. Very strict complication for resource. The indigeneous people has been pushed away while a long time ago they are the leader of conservation

Conflicting national policies, commercialization, strict competition for resources and indifference have exacted its toll on the ability of Indigenous Peoples to sustain their management and governance of their conservation areas.



These picture shows in Mindanao become a forestration using Industrial Management.

This has had a tremendous impact to many IP Communities in the Philippines.

The very important link of Indigenous Cultures to the Environment has in many communities been broken.



The very important league for indigeneous culture for environment has lost, like youngsters loose their connection with nature. They don't have any knowledge on how to maintain the nature. Their even get lost in their environment and don't speak their native language, that includes a youngster prefer to buy an aspirin from store instead of getting the herb from the forest, and sometimes they are event lost in their own environmrn etc. This is cause by the destruction of the industrial mangament territory. All the reminding resources of the Phillipines like timber, gold, coper are all in the indigeneous territory.





There has been widespread environmental destruction in IP communities.



Ati Burial Grounds in Boracay

Unabated entry of development activities have had its toll in many Indigenous Community Conservation Areas

Unabated entry of development activities had its toll in many indigenous community conservation areas. This is a picture 15 hole one the most expensive Bluewater Golf course whereas those area are where the Arti community indigeneous people lives. Very recently some land has recovered 1,9 hectare by Indigeneous People community.



Indigenous Community Conservation Areas have existed since time immemorial within the Ancestral Domains of Indigenous communities in the Philippines.

You can't separate the ICCA with ancestral domain, there's no ancestral domain if there's no sacred site, there's no ancestral domain if there's no collective forest, there's no ancestral domain if there's no collective rules of utilization. Therefore in the Philippines it's easy for them to understand that the ancestral domain/masyarakat adat within that there are the conservation zone, that they have been agreed that part is belong to the indigenous people. The motivation for conservation vary from the spiritual agenda, you have to share the goodness.

- Ancestral Domains of Indigenous Communities cover nearly all of the remaining forest cover and Key Biodiversity Areas in the Philippines;
- Indigenous Communities provide de facto governance to the remaining resources and critical habitats of the country;
- There is a very high potential for opportunities for partnership with Indigenous Communities to conserve our remaining natural resources



For the longest time their role of the indigenous people are not notice, as start as they lose the forestry area, they were shocked on what remind on the sustain live in Philippines for the water to stabilize the climate etc it were own by the indigenous people. The indigenous communities provide de facto governance to the remind resources that it is not the government project; it's not the conservation which provide de facto governance but its because of their role as indigenous people who are not rewarded and recognized. Therefore, the people have understood that there area on high potention of indigenous people to conserve the reminding resources that they have no choice but to recognize and partner with indigenous people.

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Traditional and Indigenous Conservation Areas are found in almost all ecosystems within IP territories.



ICCA Coverage...

- ICCAs in the Philippines include sacred sites and natural features, indigenous territories, cultural landscapes and seascapes. They are found in both terrestrial and marine ecosystems in the country.
 - The ICCA sites also represent different biogeographic regions. They can be found from the mountain ridges to the coral reefs. They provide habitats to a high diversity of flora and fauna.

ICCA Coverage...

- Based on the IUCN definition of ICCAs, at the very least, there could be as many ICCAs as there are indigenous cultural communities in the Philippines.
- There could even be more because ICCAs are not limited and exclusive to areas conserved by indigenous peoples but include other areas conserved by other local communities

In Philippines, all of them are indigineous people but they become the Christianize or Islamize. In the behavior of conservations still remind of the heart of the culture of the Phillipinse. For instance eventhough as a Christian, they have been told since early age to respect the tradition by asking the permission to nature and in some area like No Go Zone, it means you cant enter into these area.

- ICCAs are the most viable option for the conservation of nature, sustainability of livelihoods, equitable distribution of socio-economic benefits and preservation of cultural values and local identity in the Philippines.
- The remaining Key Biodiversity Areas in the Philippines are mostly found in Ancestral Domains/Indigenous Lands.

However,

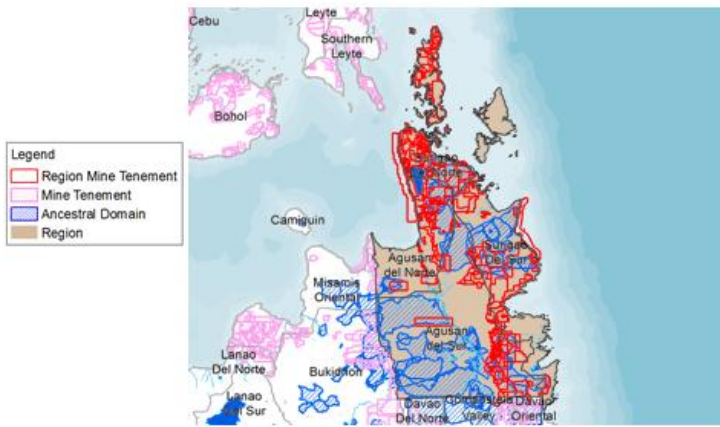
- Market-driven policies of the Government encourage large-scale extractive Industries that undermine the integrity of ICCAs.

In Philippines has title for the ancestral ocean of the Phillipine such as Kolon, Batanes, Aurora, Pelawan etc. Its huge innovation to allow the policy maker to take the risk because indigeneous people has prove that indigeneous people expand their land and comparted the ocean.



This figure shows on the forest cover the remind Phillipines, all of the forest has been identified as key of biodiversity area that mean they can't afford to loose that area, so therefore it should be conserve. These are the parks as a resort for all these years as the protected area. It's difficult to protect these park areas. On Pelawan area there are some overlap function whereas some of the area actually the park and part of the biodiversity zone, while due to political and market drive demand it has also become another area for minning/plantation/industrialization as well, eventhough there is policy which related to it like SET law where it supposed to be the conservation law, therefore for Phillipines the conflicting policies has become an issue that really need to solve.

Caraga Ancestral Domain



This is southern Philippines as one of the most important biodiversity areas in the Philippines. What have we done? The blue areas are the ancestral domains, the red areas are the mining. The question is how are hundreds of thousands of indigenous people going to govern themselves whereas surrounded by mining operations? This is what they have undermined related to indigenous people in the Philippines.

ICCAs and Parks

- Most Parks and Protected Areas are within Ancestral Domains.
- Many Parks and Protected Areas were designated without the full participation of the affected Indigenous Communities.
- Governance & Control over these areas have often resulted into conflicts.

Marita added the information that they have discussed about it, as mentioned by the rule of the parks in protected areas within ancestral domains where many parks were designated without full participation and affected indigenous people. In the Philippines, they have an area in Palawan designated as a park area yet there are so many activities they are not related to it. In the Philippines, there are almost 200 protected areas, but only 13 are legislated. In 1990, they passed the national integrated protected area system bill, which was the area supposed to be the habitat for important species and declared as parks. This area has been designated without even asking for indigenous people where they live there too. The law of DENR saying that the rights of indigenous people will be respected and if they do want to manage they can do it, but that none of the indigenous people ask for those provisions. So, in case the IP going to conduct their own governance in a certain way, the government is really working on it. They are working with other agencies as well, they are on the process of harmonizing these and how they are going to do that. In 250 protected areas, they do not know that it has been declared and become a protected area. In that process in that law that the IP community provide the law and should be consulted whether they want to be protected areas or they really want to be part of the system. Some of the IP community has not been really fully engaged. They intend to have a centralized system protecting areas that IP communities will be given the seat for the discussion that concern protecting areas.

ICCAs and Parks

- The Law REQUIRES the inclusion of Indigenous Community representatives in the Governance of Parks and Protected Area.
- Policies have been formulated to in order to harmonize the inconsistencies.
- In some instances, FULL Recognition of Traditional Governance over the Ancestral Domain within the Park has been secured.
- In most cases, IP representatives participate in SHARED GOVERNANCE over parts of their Ancestral Domain covered by the Park.

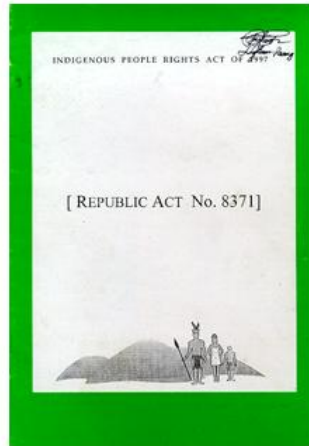
In some cases when they know that participation of some of IP discussions are not fully engage maybe some of them just for sit and hear the discussion. The reality show on the ground will not be fully discussed. In 1992, the government really looks forward to really engage especially on conservation area project and they have collaboration with local NGO like Kasapi etc, they have rapid assessment on ancestral domain and protected areas. Most of the protected area and the ancestral domain are overlap; some of area keeps as biodiversity area, these are also the areas where ancestral domain has providing defacto onsite protection area, so these are the area where government should not to leave them behind. Phillipines are working on these process on harmonizing the policies to ensure that they are recognize and still need to come up the specific policies that really spell out the recogniziton of ICCA area. One of example is Mount Tanakuman, each course will come up with general management plan whereas they have specific chapter on how they are going to manage the ICCA withing protected area. Event the provincial government support it. In most cases since the mind of governance are now changing, most of the protected area are some of the DMR and quite a number really to make an effort that the participant of indigeneous people area engage with it. The guard is really working and pay by Phillipines government in the case of Mount Kalatuman. In terms of hearing, sharing. However if the one who do the crime is not IP, they can arrest those person and adoptize those person. Otherwise if its an IP who committed the crime, they will be punish by the community.

Opportunities

- Increasing recognition on the role of ICCAs in conserving what remains of our Biodiversity and Natural Resources;
- Increasing recognition from the Central as well as Local Governments on the importance of recognizing Traditional Governance and partnering with Indigenous Communities in the management of our Resources.

There is really a big change on the government, when they have a project. At the bureau level itself, they have their own person officer withing the bureau, as years come by and now they are seeing the benefit and seeing IP as partner. In fact, these bureaus now formulating PA Master Plan where ICCA is one of their strategy on comservation. The beraue has set target every year and to acces document on ICCA starting 2016. Next year IP will be implementing 10 new sites will be assited on documentation and mapping on ICCA. In the past 4 years, they have conducting 2 national ICCA in Phillipines and they invited IP communitis, local government units, academia and private sector and other support from other sectors. The community sees that Phillipines aware that the damage will be even worst if they don't protect those area. Initially they only have a champion in the lower house. Hopefully they can generate more support from next congress.

1997: The Indigenous Peoples Rights Act (IPRA) was enacted



The pursuant to provision of Phillipines Peoples Right Act (IPRA) in 1997, recognizing the rights indigeneous people for self determination, empowerment and also governance under the framework of national community and development then the Phillipines government as the Indigeneous People Rights Act (IPRA). Its under national framework unity development. In the same time it recognizing the right for indigeneous people responsibility to ensure ecological balance. Its here where in CIP try to focus to integrated on national framework on indigeneous people.

IPRA

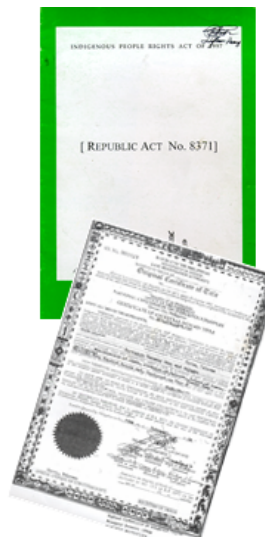
- Recognizes their right to own their ancestral domain and get a Communal Title
- Respects their right to traditionally manage, control, use, protect and develop their ancestral domain



Recognize, in case on NTCIP, it's the blue print of where NCIP come on the right of indigeneous people and created the forum for them to ensure the responsibilities are held to. For fiscal year 2015-2016, they focus area on integrate ecosystem, ecology on determining on the development of indigeneous people, previously they are only focus on the right of ancestral domain, right of social justice and human rights, right to social governance etc. Right now the IP responsibilities to ensure the balance on ecological balance in the ancestral balance. In 2017 and beyond, it will be more focus and simple on ecosystem and ecolgy because it will be more focus on the environment etc, while anchestral domains are not limited on spatial area but also include in cultural and spiritual aspect.

Chapter 3 Sec. 7, b., Rights to ADs. (IPRA) states that IPs have the right to manage and conserve natural resources within the territories and uphold the responsibilities for future generations

The ICCs/IPs shall prepare their own ancestral domain sustainable development and protection plan (ADSDPP) in accordance with their customary practices, laws and traditions.



Ancestor domain can't be sold, it can be only hand over with full integrity to the next generation of IP. Because its just borrow from our great grand children, so its our responsibility to protect our ancestral domain. Each community are encourage in NCIP to sustainable development and protection plan, currently NCIP together with CSO's, NGO's IP supporting in the ground is actually enchancing the NCIP guidelines that was on NCIP 2004 to make it clearer the the integration between ICCA principal into the ancestral domain primarily plan. In the NCIP also, there are IP communities are to encourage NCIP personal to conduct needs of assasment consultation to come up with input indigeneous regional action plan which should be really focus on indigeneous people masterplan. That's the base of the right of indigeneous people.



NCIP Administrative Order No. 3
Series of 2012

THE REVISED GUIDELINES ON FREE AND PRIOR INFORMED CONSENT (FPIC) AND RELATED PROCESSES OF 2012

**PART III
ACTIVITIES, PLANS, PROGRAMS, PROJECTS COVERED
AND MANDATORY ACTIVITIES**

Section 25. Excluded Areas. areas are excluded from any activity except for the exclusive purposes for which they are identified:

- a. Sacred grounds and burial sites of indigenous communities;
- b. Identified international and local cultural and heritage sites;
- c. Critical areas identified or reserved by the ICCs/IPs for special purposes; and
- d. Other areas specifically identified by ICCs/IPs in their ADSDPP.

Development has coming in ancestral domain of indigeneous people but it should pass the consent of indigeneous people, to ensure the balance, there will be mandatory area whenever any applicant development of the activity in the ancestral domain. To make sure more critical focus on No bow zone areas. The process of recognizing the national regulation start with the Phillipine constitutions which are provide the foundation of indigeneous people right, so the indigeneous right stated in created in national indigeneous people commission. The national commisiion indigeneous people to implement indigeneous people right to protect and promote and recognize on their beleifs, custome and it has legislative mechanism and has the power to pass guidelines in accordance to the provision indigeneous people right. NCIP has 3 major function of executive to implement the provision, legislative to implementing rules and specific provision of the indiginious people, administration order no 3, it has an earlier version in 2002, revise on 2006 to integrate the concern speclties of communities to further improve the implementation of the right indigeneous people to NCIP. Any government entity has to recognize the provision of the NCIP guidelines, its and administrative rules within Phillipines. The NCIP work under government consists of 3 levels whereas the third level area is the top management whereas it becomes third level organic commission compose from bearue director and executive director.

The overall are on the most decision body comprise by 7 components from 7 ethnografic of Phillipines, ethno graphic region one until four, ethnographic western and Mindanao, south eastern, each region represent by 1 person on that commission. Each of these commisiioners should be mandataory represent one of indigeneous people representative of respective ethnographics. They are all appointed by President. NCIP dully mandate to fully implement IPRA the provision right of indigeneous people somehow manage to compromise on some areas.

We HAVE FILED a Bill in the Philippine Congress which shall among others:

- *provide legal recognition of ICCAs;*
- *Strengthen the capacity of Indigenous Communities to defend and protect their ICCAs; and;*
- *acknowledge the role that Indigenous Communities have played since time immemorial in protecting and conserving our biodiversity and ensuring our future*



Giovanni Reyes add that ICCA are not just about the length, the wave, the mission bond of their teritoreis because they are the expression of the spiritual expression and cultural values so whenever when they destroy it, they destroy the forest. When they ask the ICCA bills it's considered as human rights too.

Development of National Policy towards the Recognition of Traditional Governance

It is important to understand that:

Advocacy for the recognition of the role of IPs in the conservation of our Natural Resources has been part of the over-all agenda of Indigenous Communities and support Groups even prior to the CBD.

This was framed in the context of Human Rights, Land Tenure Security and Access and Control of communities over their Ancestral Domains

The development of the National Policy towards the recognition of Traditional Governance has been led by the continued and sustained advocacy of Indigenous Communities and advocates in the Philippines.



Macliing Dulag

An elder of the Kalinga Tribe Led the Fight Against the WB funded Chico River Dam that would inundate hundreds of thousands of sacred lands, farmlands and villages

The unrelenting work and sacrifices done by Communities and advocates turned the tide.

Resistance to Development Aggression by the Bontoc and Kalinga Tribe in the North against the building of Dams and Establishment of Paper Pulp Plantations inspired many communities.

It is important to understand that:

Advocacy for the recognition of the role of IPs in the conservation of our Natural Resources has been part of the over-all agenda of Indigenous Communities and support Groups even prior to the CBD.

This was framed in the context of Human Rights, Land Tenure Security and Access and Control of communities over their Ancestral Domains

It is important to understand that advocacy from the connection with the culture spiritual with ancestor domain not only about land, Its also relate to Land Tenure as well.. And it comes not from the state, but from the community itself.

While there are gains in progressive policies such as the Indigenous Peoples Rights Acts and other pro-IP policies secured by Indigenous Communities, these are held back by equally extremely anti-IP policies such as the Mining Act of 1995 that allows 100% foreign ownership and capitalization of Mining areas and other policies that dilute the authority of IPs to Govern their Ancestral Domains.

Equally problematic is the historically very low budgetary allocation for the implementation of the Indigenous Peoples Rights Act.

How can an agency that has been given mandate for an indigenous function without necessary funds? Its 160 millions for a year only for the employee not for program.

What we learned and can share

- Indigenous Communities WANT TO and CAN CONDUCT the documentation and mapping of their ICCAs.
- We have developed tools that shall enable the conduct of participatory resource appraisal by the community.
- The results are as technically efficient as any existing methodologies currently utilized by “experts”.

They want to convert the traditional knowledge into physical dimension called the map, they have developed tools etc. They need to know their forest on their existing methodologies from International Organization to be easier to recognize.



This figure shows the 3D maps as a physical dimension of converted knowledge of their IP territory.



This figure shows elders and youth, they learn from each other

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Figures Foto of inventory of resources using Geographic Positioning System



Figures on foto on how to measure the three size for each tree

Lessons that we learned

- Indigenous Community Conservation Areas have long existed in the Philippines.
- Local ICCAs predate current initiatives of Environmental conservation and protection.
- The ICCAs in Ancestral Domain Areas provide the clearest illustration of traditional Governance in Conservation. These have proven to be very effective in protecting the environment and ensuring the sustainability of our natural resources for the future generation.

What have we learned

- Recognition of the entirety of the ancestral domain is the most effective means to conserve ICCAs.
- ICCAs cannot be extricated from the indigenous territory that encompasses it.
- ICCAs will not survive nor continue to thrive and their effectiveness will weaken if these are extricated from the ancestral domain.

The most, the certain areas are withheld of old spirit and they are left untouched. It is enhance the control system but for people to enter this territory to sustain the water supply

Most urgent tasks slide

Most Urgent Tasks

- Secure Legal Tenure over the Ancestral Domains;
- Strengthen, & support a ICCs in their governance of ICCAs;
- Harmonize policies to strengthen IP governance in their ICCAs
 - ADSDPP, FLUP & CLUP

ICCA can't be separate from the ancestral domain. ICCA will weaken if it's separate from ancestral domain. If the ICCA destroy, ancestral domain will destroy vice versa. Support from traditional government system is the most effective way of protecting environment. For conflicting policies, they have management but they must put on priority as well. Judge Dannang Phillipine add that she is working with communities for 15 years without power, electricity. It's save the environments to Phillipines cultures. They are thankful for the NGO's who are helping their work, and happy that their cultures are being recognized by government. One of the question from other countries such as Muhamad Aetra - WARSI Jambi, Indonesia concerning on the government paradigm changes from center authority to become IP governance in managing protected area, beside on how to motivate the IP residence who are located in highland to participate in some program for them? While he also compare to Jambi indigenous eople whereas they are stay in flat land instead of the high land. Marita from Phillipines answered that for the changing mindset of government towards recognizing IP traditional governance since IP can create policies and manage their own policies to protect their area and they never give to prove that continuously therefore no reason on why government not change and support them. Masli from Phillipines also replied that anchestor domain in Phillipines are also exist on the flat land beside the highland. Gracia comment on what marita say is extremely powerfull unless the capacities of indigeneous people are really powerfull; it will be difficult to do so. There is a movement on international policies which move on the whole word policies, the fact that Philipines has combine very strong on national capacity and there was a need for a better communication capacities of the indigeneous people. All of this marked as an outstanding movement of indigeneous people on legislation. Some involvement of some exceptional individual in the movement, all these are the ingredients which makes Phillipines in the forefront. In other country also can build and achieve the same result.

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Lombok (Indonesia), 17 – 22 August 2015

Thagy comment that it seems in many countries that indigeneous people have been not only capable on reserving and conserving; in fact the government has not been unable to demonstrate on the governance requirement.. And also question on what is the further step those Pihillipines governments to support you and back to original?

Masli from Phillipine comments thatIt is important to the nation and to the world that indigeneous people are protected. No 1 it is the teritory about carbon emission, most nations also signatory on covenant on human rights, here is the case where the indigeneous people to be protected as well.

Thagy commented with questions again on what moreto do on indigeneous people and show evidence on how to protect them? The one that not demonstrate the capacity are the government. Why is it that these 3 tasks you on policies more to private sector, academia not government. Why all of those 3 tasks will be the one who we needs to prove. Why do we need to be active one?

Masli counter that they need to organize and collect evidence on conservations effectively, part of the strategy now is to force alternative development plan to the local government. Apart of engaging development on government and other non government they manage to adopt laws of our prespective of indigios people.

2. Presentation & Discussion on ICCA current situation in Indonesia

Indonesia Team

Dewi Sutedjo, Indonesian Mapping Communities

Mario, Sawit Watch

Catur Kukuh, Sunda Kecil Maluku

Amam, Kalimantan Tengah

Aminatullah, Lombok Timur

Yoga, Kementrian Kehutanan, Marine Conservation Division

Irawati, Ministry Departemen of Forestry, Protecting Area Marine etc

Fahri, WALHI on environmental conservation

ICCA's Initiative for Policy Change on Indigenous Peoples in Indonesia

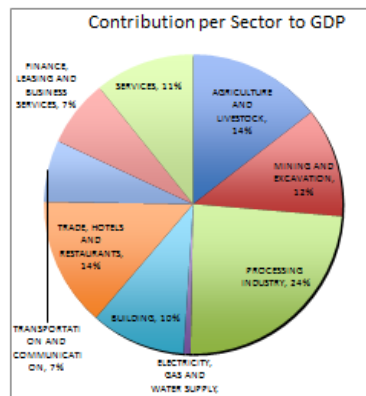
Widodo as the spoke person from Indonesian team explain that these are the collective slide from working groups existing in Indonesia such as from AMAN, Saewit Watch, JKPP, NTFP, KIARA., Pusaka. Why ICCA's initiative in Indonesia, because it is our movement and needs for advocation material.

Content

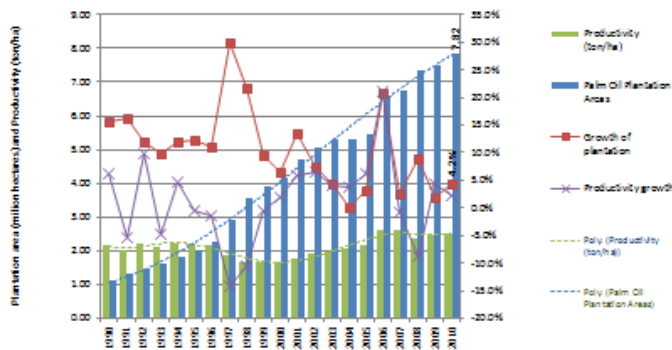
1. Broad description of your country
2. Recent history of customary territories
3. Current situation of customary territories, focusing on governance arrangements
4. Are those ICCAs? Distribution? Coverage?
5. Effectiveness of ICCAs
6. Opportunities and threats
7. Supportive legislation, policy, etc.
8. Practical tools, methods and skills
9. Strategic advice for others
10. Three initiatives to follow

Broad description of your country

- Population (BPS, 2012): 245 million
- Area: 5.180.053 km² (1.922.570 km² land, and 3.257.483 water)



The highlight on sector contribution, there are 3 sectors which are the land base for agriculture expansion, mining and processing. Almost 50% contribute to Indonesian GDP.



- 16th biggest economy, member of G-20
- 4th largest population
- Largest emitter from LULUCF
- Largest palm oil producer
- 2nd largest rubber producer
- 1st largest robusta coffee producer
- 4th fishery producer
- 6th coal producer

This is the sawit watch data, concerning the significant permits not production. And it become the contradiction on the registration

Recent history of customary territories

- **IPs movement**; JAPHAMA (IP's Defender Network- Jaringan Pembela Hak Masyarakat Adat, 1993), AMAN (Indigenous Peoples Alliance Archipelago, 1999)→ IPs right (*tanah ulayat*)
- **Tenurial conflict** (agrarian, forestry); history of claim territory (community mapping, *Jaringan Pemetaan*)
- **Gov't commitment**
 - Nawacita (government program); RUU PPHMHA (Draft IPs Law), conflict resolutions, Independent commission for IPs→ IPs taskforce (draft Presidential Decree, 2015)
 - Customary Forest (Constitutional Court No.35/2012)

There are 2 things highlighted on JAPHAMA, 6 years later become AMAN declaration. The best movement due to agricultural movement. In 1996, JKPP established after study from Philipines. Indonesia also has a new government program under Jokowi that called Nawacita for 6 commitments on indigeneous people. One of the drafts are the law, promote the independence commission for indigeneous people in Indonesia. Related with he new one is the transaction policy, they tried to advocate the institutional task force. It's based on the discussion with forestry minister trough secretary cabinet (SERKAB).

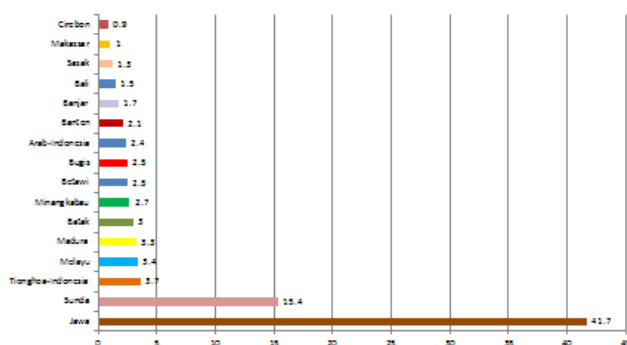
Indonesia Ethnic Groups Map



1.128 ethnic group (BPS,2010),
2.304 communities are members of AMAN (2015)

The source of Indonesia Ethnic Groups are from BPS (Biro Pusat Statistik / Central Statistic Bureau)

Distribution of Ethnic Group

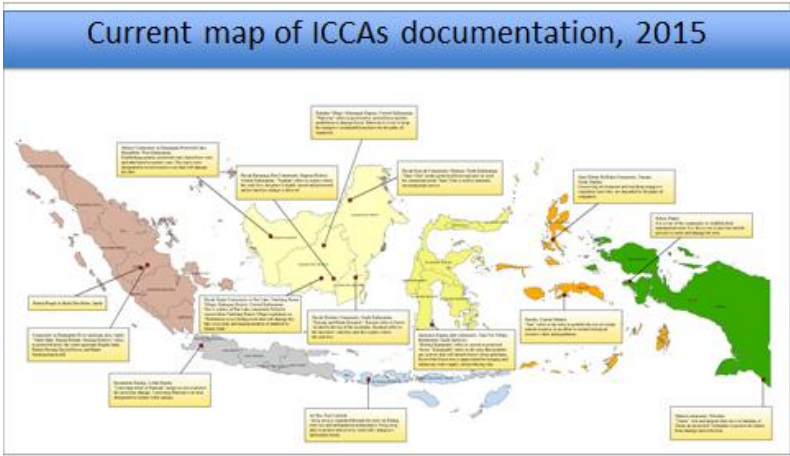


Javanese are 41% over Indonesian other ethnic group.

Current situation of customary territories

- Initiative led by BRWA to register IPs territories (*wilayah adat*) and integrate indigenous territories maps into a single administrative map (*government one map policy*)
- As of August 2015, → **6,8 million ha already registered**, 604 maps submitted to the government. Of these IPs territories, 5,4 million or 79,2% overlap with forest areas, and 420,000ha are part of conservation areas; 1,4 million or 20,8%) overlap with non-forest areas.

BRWA established a in 2015, after 15 years mapping on indigeneous people terirotly and try to integrate it with ONE Map policy on how the indigeneous people role. In Bali, they submitted 6,8 million ha registered indigeneous people map. 5,4 millions overlap forest area with indigeneous people. 1,4 million in APL (non forest area). Overlap area with conservation area need to be clarify with Ms. Mira (forestry ministry)



ICCAs documented as of July 2015
(WGII book in 2014, and in progress)

Effectiveness of ICCAs, Opportunities and Threats

Areal ICCAs	Opportunity	Threats
Non-Forest area	Agrarian reform commitment (7,45 million ha, 5 years)	Concessions (plantation, mining), infrastructure development
Production Forest area	Social Forestry/ community forestry (12,7 million ha, 5 years); partnership community-private sector, including in existing logging concessions	Increase in concession permit issuance in specific sectors (food estate, timber plantation, mining)
Protected Forest area	IPs traditional governance; Traditional use zone; buffer zones and partnership arrangements	Limited access; no formal recognition of IPs territories except at site level

ICCA in non forest area and forest area. In forest area, the regulation of nawacita (see table) plan schedule in the mid term development plan. In non forest area 7,4 million in 5 years. These are the new government commitment. They also have various area on plantation, infrastructure. President now starting the infrastructure development in several area. From forestry area they have commitment on social forestry around 15,7 million. In protecting area there are traditional wisdom as national concept on buffer zone and partnership arrangement. The problems on conservative area are more to the access to it. The main advocacy for indigeneous people to be within in one umbrella, in the same time they are doing the sectoral collaboration discussion with forestry ministry on getting indigeneous people agenda, other than that they are discussing the agronomy and spatial planning ministry on how to recognize indigeneous people on forestry area.

Practical tools, methods and skills

- **Format for the documentation of ICCAs** developed and agreed together (combination of tool used for documentation of ICCAs in India and resilience tool)
- 15 ICCAs fully documented by WGII so far (and still counting...); one book and Indonesian version in progress
- **Documentation of ICCAs is one with the documentation and registration of IPs territories** (process led by BRWA)
- Advocacy material for IPs and indigenous territories recognition (in National Parks at site level; concessions holders; etc)

They are elaborating the ICCA format. Its based on 15 groups. They combined the indigenous territory with ICCA tools as part of advocacy material.

Supportive legislation, policy, etc.

- Conservation policy on rights and roles of IPs and local community
- Revision of the **Biodiversity Law No.5 /1990** (an opportunity for ICCAs)
- **Existing models and practices of collaborative management** of protected area (e.g., KMNP, WNP, LNP –*all parks located in IPs territories*)
- **PERDA** (Banten, Lombok Timur, Malinau, dll)

Strategic advice to others

In order to strengthen and protect and sustain the vitality of ICCAs:

- **In-depth participatory research and mapping** of ICCAs and IPs territories
- **Policy advocacy at all levels** (village, PERDA, national)
- **Collaboration among CS organizations and IPs organizations** to promote the same agenda, at international, national, and regional levels.

They need to do deeper on research and mapping which is conducted by JKPP and AMAN. Collaboration will be done among several sector involve.

Three priority follow-up

- Expanding **documentation and registration** of indigenous territories and ICCAs
- **Intensify policy dialogue** and implementation of regulations, best practices
- Provide support to IPs for development and implementation of **management plans for their territories and ICCAs**
- Institutional **strengthening of WGII**

How to expand on documentation since ICCA is quite big. It's about how to get the extensive dialogue. Indonesia AHAM (Areal Hak Asasi Masyarakat), to provide support for indigenous people in development plan. After the government recognizes the indigenous people, the next step is on how the government supports the spatial plan. These working groups are new, therefore these events will help to develop it event better.

Gracia questions on various issue on advocacy in new policy, what is the idea on new policy for ICCA? Is Indonesia want to have the new policy? Widodo comment that they need the law as an umbrella, they are also doing the discussion about recognizing the indigenous people on non forest area.



Actually if we look on the maps, the green one for the protection area, the yellow one is production area.

LEGAL BASIS MANAGEMENT



PRINCIPAL FUNCTIONS OF FOREST

Article 6 Law No. 41 of 1999,

Paragraph (1)

1. Conservation Function
2. Protected function
3. Production function

Paragraph (2)

1. Conservation Forest : maintaining the biological diversity of plants, animals and ecosystems
2. Protected Forest : setting hydrology / water management, erosion control, flood
3. Production Forest : producing timber and non-timber forest products: rattan, resin, medicinal plants and others

LEGAL BASIS MANAGEMENT OF CONSERVATION AREAS

Law	<ul style="list-style-type: none"> No 5 year 1990 on the Conservation of Biodiversity and its ecosystem No 41 year 1999 on Forestry No 36 year 2010, on Natural Resources Tourism in Wildlife Reserved, National Parks, Grand Forest and Nature Tourism Park
Government Regulation	<ul style="list-style-type: none"> No 28 year 2011, on Guidelines for the Management of Natural Reserve Area and Nature Conservation Areas
Ministerial Regulation	<ul style="list-style-type: none"> No 56 year 2006 on Guidelines of Zonation in National Park No 64 year 2013 on the use of water and energy water in Wildlife Reserved, National Parks, Grand Forest and Nature Tourism Park No 48 year 2014 on Ecosystem Restoration of Nature Reserve Area and Nature Conservation Areas No 85 year 2014 on Procedures for the Implementation of Nature Reserve Area and Nature Conservation Areas Cooperation

No	Type of areas	Number
1.	Cagar Alam	215
2.	Cagar Alam Laut	6
3.	KSA / KPA	46
4.	Suaka Margasatwa	74
5.	Suaka Margasatwa Laut	1
6.	Taman Buru	12
7.	Taman Hutan Raya	26
8.	Taman Nasional	43
9.	Taman Nasional laut	7
10.	Taman Wisata Alam	109
11.	Taman Wisata Alam Laut	13
	Total	552

These conservation areas not yet established whether it becomes ecopark or other function. The grand forest under management of local government. All of these conservation areas with total 542 ha which discover 27 million ha which 5 ha is on marine area.



CONSERVATION AREA DESIGNATION






NATURE RESERVE AREA (KAWASAN SUAKA ALAM)

- NATURE RESEVED (CAGAR ALAM)
- WILDLIFE RESERVE (SUAKA MARGASATWA)

NATURE CONSERVATION AREA (KAWASAN PELESTARIAN ALAM)

- NATIONAL PARK (TAMAN NASIONAL)
- NATURE TOURISM PARK (TAMAN WISATA ALAM)
- GRAND FOREST (TAMAN HUTAN RAYA)
- HUNTING PARK (TAMAN BURU)



NATURE CONSERVATION AREA

National Park

has original ecosystem, managed by zoning system, used for research, science, education, aquaculture, tourism and recreation.

Nature Tourism Park

Defined With the main purpose to be used for the purposes of tourism and outdoor recreation

Grand Forest

Established for the purpose of collection of plants and or animals that are natural or artificial, or the type of original and not original, are utilized for research, science, education, cultivation, culture, tourism and recreation

NATURE RESERVE AREA

Nature Reserve

has peculiarities of plants, animals, and ecosystems or particular ecosystem that needs to be protected and development occurs naturally.

Wildlife Reserve

has a characteristic form or diversity and uniqueness of the species for its survival can be developed to habitat

MANAGEMENT OF CONSERVATION AREA

Management of conservation area consist of:

- a. planning
- b. protection;
- c. conservation;
- d. Utilization and
- e. Evaluation of conservation area suitability

Setup conservation areas

Conservation area arrangement covers: establishment management zone/block

- Management zone for national park.
- Management block for non national parks.

For the planning, they will talk about conservation area, it should be dividing into several zone.

MANAGEMENT ZONE/BLOCK

Management zone in national park includes :

- a. Core zone;
- b. Utilization zone;
- c. Wilderness zone and/or
- d. Others zone depend on local condition.

Management block includes :

- a. Protection block;
- b. Utilization block and
- c. Others block.

Other zone will be for special zone and the same, these is the non forest regulation and also the same thing apply with non national park.

UTILIZATION OF NATURE RESERVE AREA AND NATURE CONSERVATION AREA

- can be performed on all conservation areas
- carried out without damaging the landscape and alter the function of conservation areas
- Consist of:
 - a. utilization of environmental services
 - b. utilization of plant and wildlife

UTILIZATION

Nature reserve

- research and development of science;
- education and increased awareness of nature conservation;
- absorption and / or carbon storage; and
- utilization of germplasm resources for supporting cultivation.

Wildlife reserve

- research and development of science;
- education and increased awareness of nature conservation;
- storage and / or sequestration of carbon, water and energy utilization of water, heat, and wind as well as the limited ecotourism; and
- utilization of germplasm resources to support cultivation.

The different within nature and wildlife reserve differences are they can utilize the natural resources within the area with limited ecotourism.

National Park

- research and development of science;
- education and increased awareness of nature conservation;
- storage and / or sequestration of carbon, water and energy utilization of water, heat, and wind and natural attractions;
- the use of plants and wildlife;
- utilization of germplasm resources for supporting cultivation;
- traditional use.
- *Traditional use can be both collecting non-timber forest products, traditional cultivation, as well as traditional hunting is limited to species that are not protected*

Nature Tourism Park

- storage and / or sequestration of carbon, water and energy utilization of water, heat, and wind and natural attractions;
- research and development of science;
- education and increased awareness of nature conservation;
- utilization of germplasm resources for supporting cultivation;
- breeding in order hatching eggs and / or enlargement puppies taken from the wild; and
- *traditional use by the local community.*

Grand Forest

- research and development of science and technology;
- education and increased awareness of conservation;
- collection of biodiversity;
- storage and / or sequestration of carbon, water and energy utilization of water, heat, and wind and natural attractions;
- utilization of wild plants and animals in order to support aquaculture in the form of provision of germplasm;
- traditional use by the local community; and
- breeding in the framework of breeding animals or plants in artificial propagation in a controlled environment.
- *Traditional use can be both collecting non-timber forest products, traditional cultivation, as well as traditional hunting is limited to species that are not protected.*

Actually in the conservation area is prohibited to put exotic animals there, but for Grand Forest its acceptable.

TRADITIONAL USE BY LOCAL COMMUNITY

- Traditional zone / block is part of nature reserve area and nature conservation area except nature reserve is designated as an area for the benefit of traditional use by communities for generations have the natural resource dependency.
- for national park, criteria traditional zone is the area that qualify as jungle zone or zones utilization have traditionally exploited for the benefit of society for generations.
- for others, except *nature reserve* criteria of traditional block is an area that meets the criteria as a protection block / marine protection or block the use of which has been traditionally used for the benefit of society for generations.



In this case in management plan, there's a stage on establishing management plan by establishing the inventory, then the block then later management plan.



THE ACTIVITIES CARRIED OUT IN THE TRADITIONAL ZONE/BLOCK

- Forest Protection
- Inventory and monitoring of natural resources with the ecosystem;
- coaching habitat and population in order to maintain the existence of wildlife populations;
- research and development of science and education;
- limited ecotourism;
- utilization of genetic resources and germplasm to support the cultivation;
- construction of facilities and infrastructure management activities are limited to supporting the letters a, b, c, d, e and f;
- utilization of the potential and condition of natural resources by traditional communities.



The purpose on making block and zoning to accommodate the needs of community for conservation area, these management plan should be endorsed by local government. In the process of those local management plan it should also involve with another stakeholder to accommodate the indigenous community. From the zoning, it should be based on inventory and zoning also involve another stakeholder to accommodate local community and regulation. The engagement on community deciding to have block/zoning, it came from political will from local level and traditional one from the community? Dewi comment that both are involved in the process of establishment in the beginning from the plan, they should inform and let local government involve. Because some of them represent by NGOs and by the member of community itself. The reason why they should let local government involve because the conservation area are also part of the administrative area for local government, in this case some of indigenous people maybe part of local community can be represent by them. Its vary, some of them represent by the institutions, the other perhaps represent by NGOs. Taghi comment that the community has its own reality in his country and an indigenous people age has hundred years old. So in Indonesia, whether Indonesian indigenous people are play the prime role aside the government involvement. There are 50 national parks, one is located in Jambi whereas Suku Anak Dalam tribe work together with national park to accommodate the needs for Suku Alam tribe. They have collaborative management in national park and also accommodate the Dayak Tribe, the project was facilitated by WWF, not all in conservation area whereas here they are trying to explain on the current situation in Indonesia.



THE ACTIVITIES CARRIED OUT IN THE TRADITIONAL ZONE/BLOCK

- Forest Protection
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REVISED LAW NO 5 OF 1990

- for nearly 25 years the law has been able to become the basis of the implementation of conservation of natural resources and ecosystems.
- there has been a lot of changes in the national strategic environment such as changing political and administrative system of centralization to decentralization and democratization, as well as changes on a global level such as the shifting of some international policy in the administration of conservation.
- International strategic environment, has undergone many changes are reflected in international agreements on the principles of sustainable development, MDGs, agreements relating to climate change and others - others.
- In National, changes in the strategic environment of the most prominent is the change in the governance system of centralization to decentralization RI.
- changes are also prominent at the national level is the reform relating to the improvement of public services, the rapid growth of information technology, as well as institutional strengthening of indigenous peoples, the strengthening role of DPR / DPRD and the DPD and the role of NGOs in driving the direction of future development.

There has been changes on national strategic and reflected on some agreement.

- protection in the form of genetic and species biodiversity of life support systems
- biodiversity recovery carried out on genetic resources, species and ecosystems.
- participation is expected to continue to grow and develop to the realization of conservation goals
- utilization precedence to the preservation of biodiversity with the principles of environmentally sound utilization, preservation of local culture.
- funding regulate sources of funds including the proceeds of cooperation conservation conservation activities.
- dispute solution is intended to provide an option to the parties to the dispute in the field of biodiversity conservation
- security and protection is done to keep the guarantee of the preservation of natural resources and ecosystem balance, and the rights of the state, society and individuals against natural resources and conservation efforts
- international cooperation is a follow-up to international conventions setting at the genetic, species and ecosystems
- sanction include imprisonment, fines, and social work. legal entity who commits an offense punishable by weighting
- incentives who contributed to the prevention, eradication, or the disclosure of criminal offenses conservation incentives

ARTICLE RELATE TO COLLABORATION WITH LOCAL COMMUNITY

- the government set up a portion of conservation area as a reserved area of cooperation with the community management for ensuring the implementation of the rights of traditional communities living inside / outside the conservation area
- Reserved area designated after receiving a proposal from the management of the site with regard to the recommendation of regent / governor
- recommendations are not necessary if the region has been traditionally managed and hereditary
- Traditional activities that cooperation does not violate the laws
- the government increased community empowerment that collaborate in the management of protected areas

Government should set up the conservation area indigenous community inside and outside the area. The recommendations are not necessary, if the region has been managed.

ICMCA in Indonesia (policy, practice, and prospects)

Dr. Ahsanal Kasasiah (Deputy Director)
&
Hadi Yoga Dewarto
Directorate of Marine and Aquatic Resources Conservation
Ministry of Marine Affairs and Fisheries

ICCA Capacity Building Event, Lombok 17 – 22 August 2015

INDONESIA

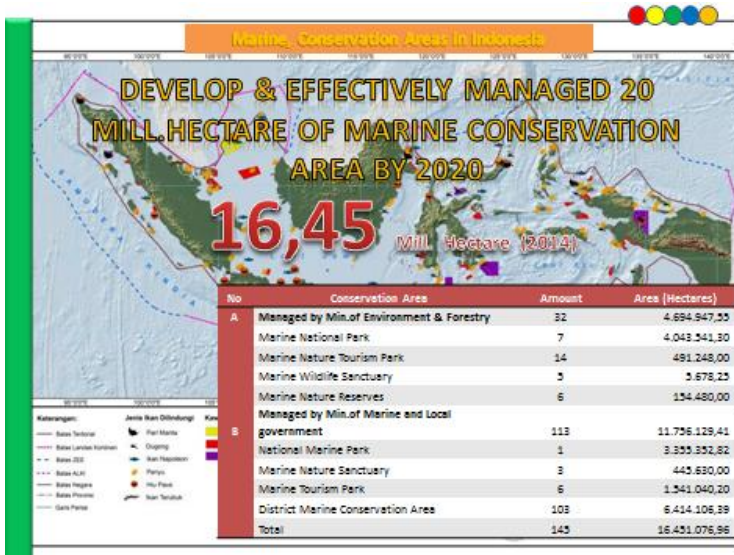


Segitiga Terumbu Karang, seluas 71.000 kilometer-persegi, berada di 6 Negara: Indonesia, Filipina, Malaysia, Papua New Guinea, Kepulauan Solomon dan Timor Leste, memiliki sekitar 500 spesies karang lunak, 2000 spesies ikan, ratusan penampan ikan, 120 juta penduduk dengan pendapatan ekonomi US\$2,3 milyar pertahun. Coral Triangle Initiative di Deklarasikan pada Pertemuan APEC Fisheries 9 September 2007.

- 17,504 islands (13,466 islands registered and deposited in UN)
- Heart of the Coral Triangle
- Coastal length: 95,181 km
- Ocean area: 5.8 mill km²
- Capture Fisheries potency : 6.817 mill tons
- Aquaculture potency : > 12.4 mill ha



- Issues:
- IUU fishing
 - destructive & unsustainable fishing practices
 - Pollution
 - Sedimentation & run off
 - Climate change, coral bleaching



The prospects of indigeneous community in marine area. In many marine and fishery sectors they have segregation of rules and regulation. In Indonesia especially marine, conservation area managed by central government.

Policies in Biodiversity Management

- Convention on Biodiversity
- Law No.23 Year 1997 concerning Environmental Management
- Law No. 5 Year 1990 concerning Conservation of Natural Resources and Environment
- Law No. 31 Year 2004 concerning Fisheries which amended with Law No.45 Year 2009.
- Law No. 27 Year 2007 concerning Coastal and Small Islands Management which amended with Law No. 1 Year 2014
- Government Regulation No 60 Year 2007 concerning Conservation of Fish Resources
- Min.of Marine Affairs and Fisheries Decree No. Per.17/Men/2008 concerning Protected Area in Coastal and Small Islands
- Min.of Marine Affairs and Fisheries Decree No. Per.02/Men/2009 concerning Marine Protected Area Establishment Procedures
- Min.of Marine Affairs and Fisheries Decree No. Per.03/Men/2010 concerning Fish Species Protection Procedures
- Min.of Marine Affairs and Fisheries Decree No. Per.04/Men/2010 concerning Procedures in Usage of Fish Species and Genetics
- Min.of Marine Affairs and Fisheries Decree No. Per.30/Men/2010 concerning Management and Zonation Plan of Marine Protected Area
- Min.of Marine Affairs and Fisheries Decree No. Per.13/Men/2014 concerning Marine Protected Area Network
- Min.of Marine Affairs and Fisheries Decree No. Per.21/Men/2015 concerning Partnership in MPA Management
- Decree of DG of Marine, Coasts, and Small Islands No. Kep. 44/KP3K/2012 concerning Technical Guidelines for Evaluating The Management Effectiveness Of Aquatic, Coasts and Small Islands Conservation Areas
- Regulation of DG of Marine, Coasts, and Small Islands No. 02/Per-DJKP3K/2013 concerning Guidelines in Boundary Delineation of Aquatic, Coasts and Small Islands Conservation Areas

With these laws, they have the right to access on coastal marine and small island area with zoning plan. They allowed for local indigeneous community to propose the zoning plan. Another opportunity in maritime conservation area whereas consists of maritime customary protection area and maritime counter protection. The criteria for management custom for marine protection area which consists customary laws, customary right an consensus on protecting environment, while maritime counter protection area spesifically address more to maritime constalite and more to traditional ritual.

Policies in MARINE CONSERVATION

A. FISH RESOURCES CONSERVATION
(Law No. 31/2004 AMDD Law No.45/2009, Government Regulation No.60/2007)

Fish resources conservation consists:

1. Ecosystem Conservation (national marine park, marine tourism park, marine nature sanctuary)
2. Fish Species Conservation
3. Fish Genetic Conservation

B. CONSERVATION IN COASTS, SMALL ISLAND AREA
(Law No.27/2007 AMDD, Law No.1/2014, Min.Regulation No.17/2008)

Conservation in coasts and small island areas include:

1. Coasts, and small islands conservation area
2. Maritime conservation area
3. Marine conservation area
4. Coastal border zone

Marine, coasts, and small islands conservation area is designated and managed by the government (central/provincial)

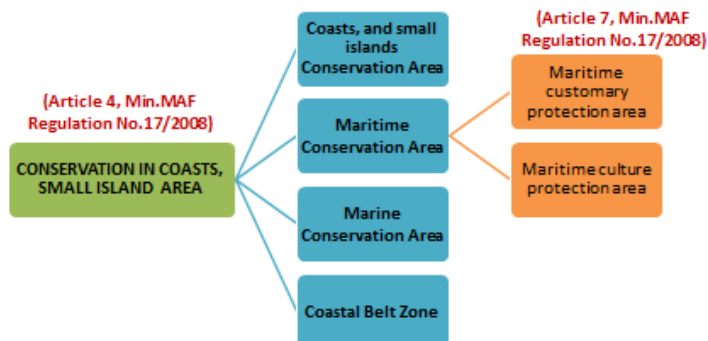
Policy in ICMCA

Law No.1/2014 amendment of Law.No.27/2007 concerns coastal and small islands management:

Article 60

Community rights in manage marine, coasts, and small islands management.
Rights include → access to marine, coasts, and small islands area; propose traditional fishing area in zoning plan

Policy in ICMCA



Criteria:

- 1) **Maritime customary protection area:**
 - customary law, customary right, rules/consensus to protect environment, no contradiction with national law/regulation
- 2) **Maritime culture protection area:**
 - Ship wrecked location which has historic and archeological values
 - Maritime historical sites
 - Sites of religious or customary

The conservation area management are govern by central government, but the community rule exist to ensure that their rule seize the early planning of constitution and management. The new paradigm on conservation rule are now manage bottom up where the to propose conservation area come from academia, community and NGO as well as the government. After the inniative, the community involve in management plan on consevaiton area and the operational after the propose area become the designated marine conservation area, they involve community on their program to use the rightfull resource in their area. Indonesia has many practices community in marine conservation area like Awik Awik in East Lombok.

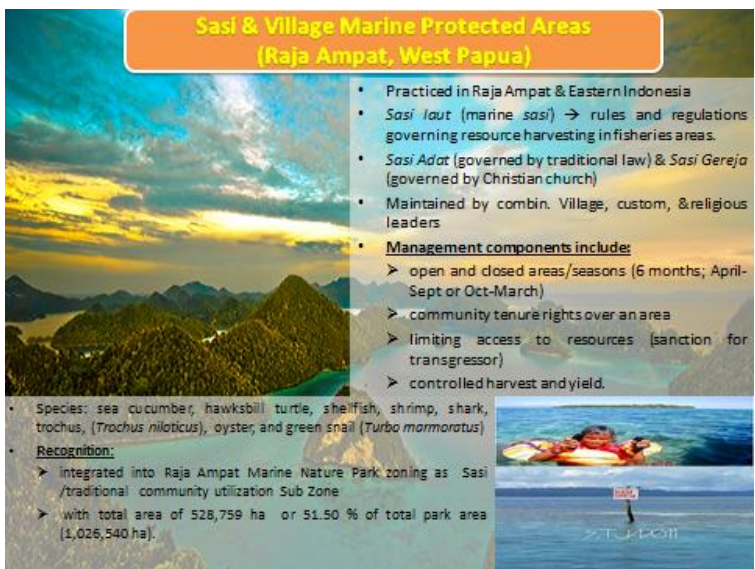
Sasi & Village Marine Protected Areas (Raja Ampat, West Papua)

- Practiced in Raja Ampat & Eastern Indonesia
- *Sasi laut* (marine *sasi*) → rules and regulations governing resource harvesting in fisheries areas.
- *Sasi Adat* (governed by traditional law) & *Sasi Gereja* (governed by Christian church)
- Maintained by combin. Village, custom, & religious leaders
- **Management components include:**
 - open and closed areas/seasons (6 months; April-Sept or Oct-March)
 - community tenure rights over an area
 - limiting access to resources (sanction for transgressor)
 - controlled harvest and yield.

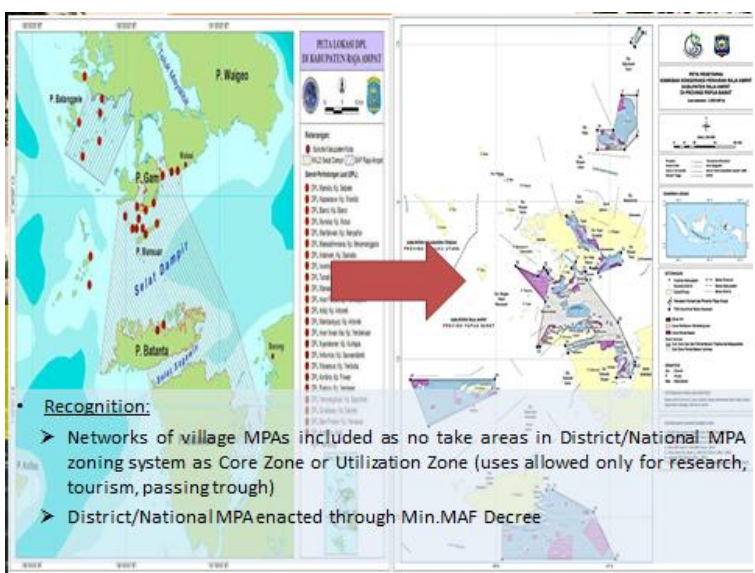
Species: sea cucumber, hawksbill turtle, shellfish, shrimp, shark, trochus, (*Trachus niloticus*), oyster, and green snail (*Turbo marmoratus*)

Recognition:

- integrated into Raja Ampat Marine Nature Park zoning as Sasi /traditional community utilization Sub Zone
- with total area of 528,759 ha or 51.50 % of total park area (1,026,540 ha).



These are maintained by leaders at Raja Ampat, basically in marine conservation area they call it conservation area with. It has conservation area that involve SASI Adat and Church. Integrated SASI area into zoning part, maritime part zoning also sub zoning. To strengthened the practices of traditional way.



Recognition:

- Networks of village MPAs included as no take areas in District/National MPA zoning system as Core Zone or Utilization Zone (uses allowed only for research, tourism, passing through)
- District/National MPA enacted through Min.MAF Decree

This is protected area as No Take Zone, initiative by village community initiate by local community. In Raja Ampat has 23 protective area includes no take area as core zone/utilization zone where tourism just passing through.

Prospect of ICMCA recognition

1. Establish Maritime Conservation Area

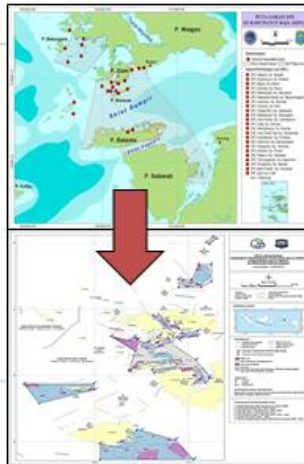
- Follow criteria & procedures in Min.MAF regulation No.17/2008
- Bottom-Up process in establishment (local people/indigenous community as initiator)
- Ensure engagement of the locals in zoning and management plan formulation → public consultation, socialization, working group, collaborative
- Co-management → Min.MAF Regulation No.21/2015 concern partnership in MPA management

Establish Maritime conservation area, they introduce the co management under the regulation of the unit management allow to have partnership with public that includes local community, therefore they can propose and participate in management plant area.

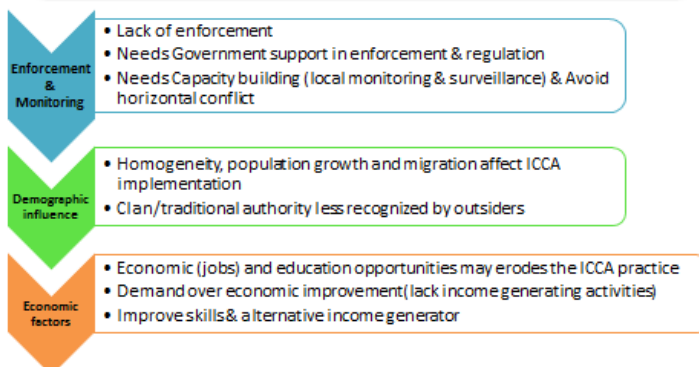
Prospect of ICMCA recognition

2. Integrates ICMCA into MPA

- Encouraged local community → initiate ICMCA
- Acknowledged existing locally managed marine areas (ICMCA)
- Networks of ICMCA included in Provincial/National MPA zoning system
- Bottom-Up process
- Locals engagement in zoning and management plan development
- Community inclusion in MPA management programs



Challenges



(McLeod, Szuster, and Salm, 2009)

In marine coastal environment in Indonesia, there are possible interesting ICCA: the village self define protected area which is then recognized by the government. Government recognize it by manage the area, as for the daily operation the government officer should include community members on their program. The limitation is all the marine conservation area is lead by the government. The most interesting area is the policy for ICCA is the government area, in the senses of IUCN, CBD recommend on recognizing diversity site. The other way is that when the community has always had a resource area on marine environment and its declare government protection. The local community are not only user, government encourage local community to get involve. Example the local community in Raja Ampat has program teaches by facilitator from government on how to protect their environment. So the local community has the initiative in the specific area in terms of protection, as long as its not violated the rule. The district marine conservation areas on village fish area become no take zone, as long as the community agree on the price and usage allow by government. Comparing on costal and marine and the situation on forest, the minister of fish learn from forestry ministry. In terms of community capacity are different. In the future it will have single challenges especially for the isolated area become not too isolated area. The challenges are more on economic demands later on. The government has already sign with AMAN on mapping and also on the definition with indigeneous people. Talking about Indonesia and Phillipines, upon discussion ussualy bias on coastal. Talking about Indonesia and indigeneous people like Sumbawa and Lombok, indigeneous people on coastal area are more to their safety traditional ceremonial. Local people from Sumbawa leads it. When they talked about indigeneous people on Bali, ussualy they talk to one concept around Negara Gunung (Sea and Mount). Talking about Lombok, they talk about file. When talking about Sumbawa and Maluku, they talked about Raja Ampat more to manage on the area of indigeneous people. Soway people on 2010, they tried to have new platform based on island. Indonesia has 5 big islands, more than 60.000 islands more to medium and small island. The community collaborates with government in terms of high rate or medium rate.

3. Presentation & Discussion on ICCA current situation in Malaysia





Malaysia and it's natural wonders as all of you know

Malaysia government as Federation, therefore there are Sabah and Sarawak state. Malaysia has the smallest elephant and bear in the world, the government choose monkey for tourism campaign.

IPs in Malaysia

Orang Asli – Peninsular Malaysia
 Dayak / Orang Ulu – Sarawak
 Anak Negeri - Sabah

Indigenous Population in Malaysia

Region	Number of Ethnic	Population of IP's
1. Peninsular Malaysia	18 ethnic subgroups	106,131
2. Sarawak	25 ethnic subgroups	1,500,000
3. Sabah	39 ethnic subgroups	1,000,000

Total Population of Malaysian > 30Mil (2014)
Total population of IP in Malaysia 2,606,131 (approx 8.7%)

Malaysia has democracy institution as basic concept. Political parties represents natives of Malay, Sabah, Indian etc.

Basic picture of ICCA in Malaysia

Forest
(medicine, hunting, Sacred places)

Agriculture
(long and short term)

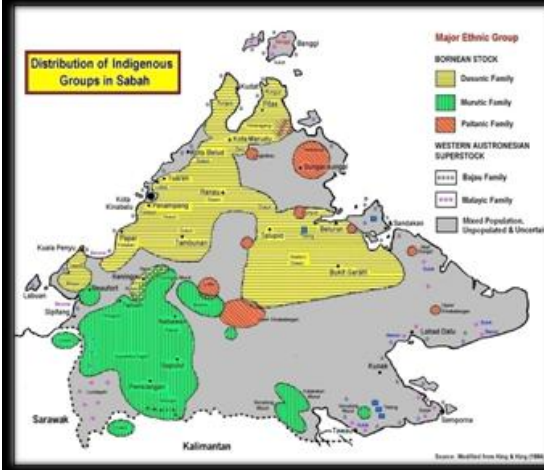
Settlement/village

River
(water and fish)

Alutok, Ulu Tomani, Tenom

Base example of land use practice as living landscape.

Indigenous Communities in Sabah



- **Main IPs group**
 - DUSUNIC
 - MURUTIC
 - PAITANIC
 - 60% are IP's in 3 mil. population
 - 70% lives in rural area
 - Mostly farmers

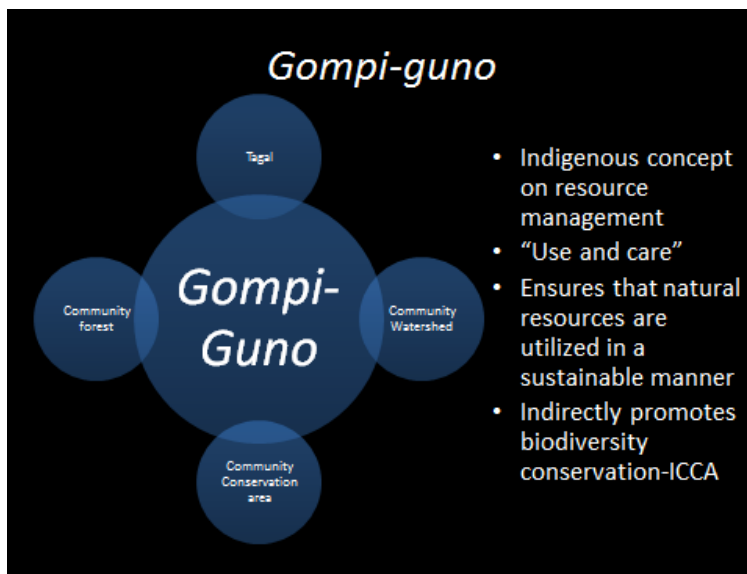
Indigenous in Malaysia identified by their location. With 3 major tribes. Malaysia based on geographical which are Sabah, Sarawak, Penang based on their linguistic ethnic.

Indigenous People's and Customary Territories

- Highly dependent on natural resources: land, forest and water.
- Perceived itself as part of the ecosystem.
- Taking care and uses efficiently.
- Respect to the living and the non-living – Spirits and Guardian.
- Practiced *gompi-guno* concept.



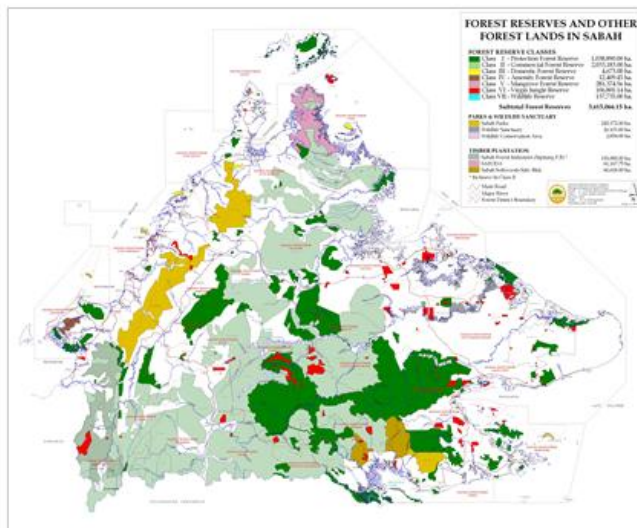
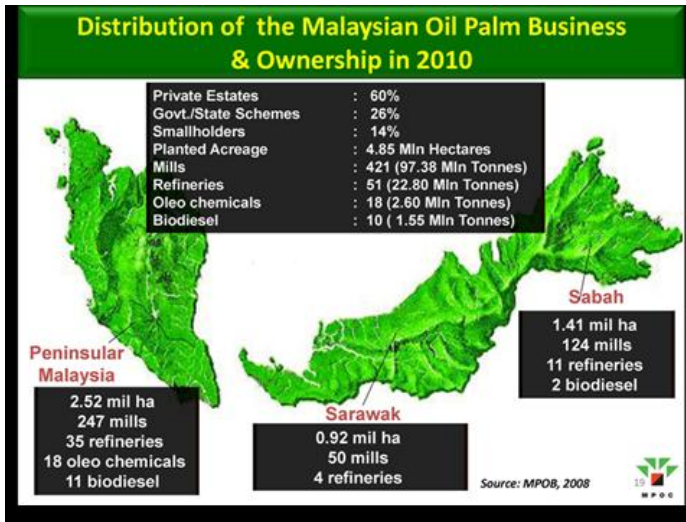
Indigenous people are has very unique connection to the land. Its local term means use and care (Gompi Guno) it's the definition of sustainability development.



3. Current Situation of ICCA in Malaysia

- No tenure security on their Native Customary Right (NCR) lands:
 - Destruction of their water catchment, mangrove forest-livelihood.
 - Cut-off date on proving their NCR.
- Fast track project -Communal title and poverty eradication:
 - No grassroots level and customary aspiration
- Overlapped with state parks, forest reserve, estates and concessions
- Degradation of traditional knowledge- due to top bottom implementation

Most ICCA has no land tenure, so that means the land can go anytime if the government want to use the land for other things like minning etc. Anything prior to 1999, NCR lands recognize previously before it. The only land exists for indigeneous land is for joint venture project expansion but with no participation from indigeneous people. All ICCA in Malaysia overlap with the plantation, government also takes part on plantation etc. This knowledge is important for top to bottom. Except for minning there are no budget issue and has become the biggest problem.



Apart from that, all the forest reserve. A lot of communities within the boundary, some of the community has ICCAs outside the forest reserve but no land tenure (the pink color on the map). East of Sabah are oil palm plantation. There are no communities migration internally except for Indonesia and Philippines who are migrate to Sabah voluntarily due to the boarder location. People migrate due to the population, in Sabah land mostly own by the coastal people. People with better education cheated the poor education.

4. ICCAs

- Freshwater
 - Community water catchment
 - Community managed fresh water fishery



Mapping of water catchment Terian, bordering of Crocker Range Park

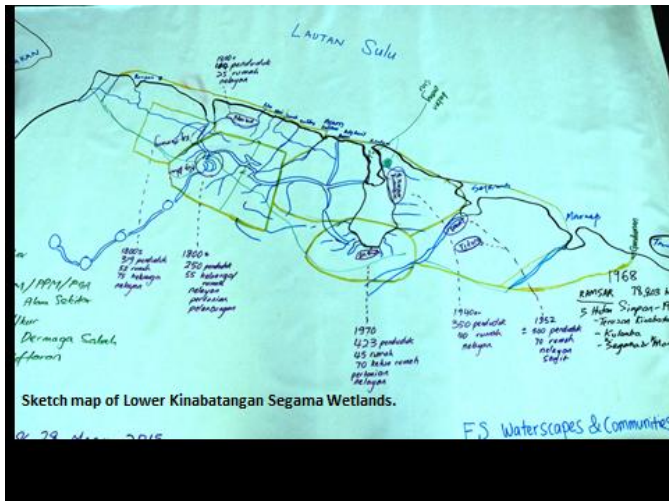
ICCA concept used by the indigenous people are Gompri Guno. Gompri Guno are the management for conservation, they believed that if they did not take care of the forest, it will endanger them. Example lack of fishes happens due to over fishing. So the community realize they have to do something about it. The map shows that they use the motor to fishing on their land.

- Forest
 - Community forest reserve e.g. Bundu Tuhan and Kiau, Kota Belud, Batu Puteh, Kinabatangan
 - Forest Tagal
 - Traditional Medicine Herbs Garden

Its inside Sabah Park, because of the protocol community and ancestor domain, they fight for their land so the authority give back the land to the communities. The communities decide they want to use it as forest reserve. If they lost identity, they will lose their language, their community. That information pass on to the youngest in terms on herb plant information and protection etc.

- Mangroves, riverine and seashore
 - Mangrove Forest
 - Sg. Eloj, Pitas, Sabah
 - Kebuaw, Sibul, Sarawak
 - Abai, Kinabatangan and the Lower Kinabatangan Segama Wetlands

Sabah doesn't have mangrove, riverine and seashore. There's a community who took care of it in terms of producing the mangrove product. In Serawak, Kebaru indigenous people, they use mangrove as starch. In a positive side they use eco tourism for their tools as land tenure.



Its community mapping apply for coastal area, they need to know more on how to manage and recognize the map according to the territory.

5. The Effectiveness of ICCA

- Raises community pride and help reinvigorate community spirit in working together.
- Increased food security and general health of local people.
- Helped maintain ecosystem services i.e air quality, water, fertile soil etc.
- Community based resource management i.e tagal is now recognized by government.

ICCA effectiveness is very effective in terms of managing the people. Community base resource like Tagar system is really accepted by donor.

Opportunities

- Changing dynamics and (slowly) improving relationships with government agencies such as SFD, Sabah Parks, DID, etc. through on-the-ground collaboration;
- communities are more connected with each other and with movements in other countries via social media and in-person exchanges (e.g. AIPP);
- some companies are more willing to engage with communities and to uphold environmental and social safeguards (e.g. RSPO members)
- The ICCA concept has the potential to be implemented in this State since there are many genuine needs and pleas by the IPs to take care of their own water catchment area.
- In turn, the IPs will assist the forest managers to protect the conservation area.

They have the good opportunity with government where they can communicate with them; it's a good process on making a good agreement etc. Last time people are head hunting, now ICCA become more united and consolidated with more strength. RSPO are the community which are more engage. ICCA concepts are the real people on that area who can protect their own area.

Threats

- continuous expansion of oil palm plantations, including in dangerous areas such as high slopes and unproductive areas such as floodplains;
- fast-tracking of communal title and more or less forced joint venture arrangements;
- influence of market economy and draw of urban centers for youth;
- mainstream education focuses on Malay and English learning in the classroom only, etc.
- Threats would come from the IPs itself and some government bureaucracy system. (Loss of traditional leadership & wisdom)
- New concept, mostly aged government laws and rules may not be prepared for this, even though acceptable to them.

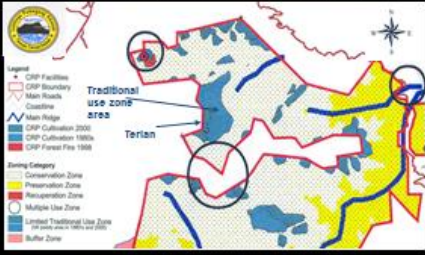
The palm oil becomes one of the threat, because they can use any land like flat land around Sabah and other region of Malaysia. With the land tenure problem, the spirac for the land tenur community. The government support the land tenure with one condition that the government urge the people to know exactly what are they going to do with the land, otherwise the government will lead and later on turns out to be the palm oil field etc. Since theres no economic support from government, most of the youngsters on indogeneous people are going out from the village to work as a labour despite of their ancestor responsibility on them. In terms of education, they lost their native language due to government system using Malay or English language. In Malaysian, villages the head leaders appoint by the government not by local community. It's weakening their system. Sabah still head to ICCA concept but for federal policy not yet received.

7. Policy and Legislation supports

- Community Use Zone (CUZ)
- Community Forest
- Community Watershed
- Tagal

Community Use Zone in Crocker Range Park

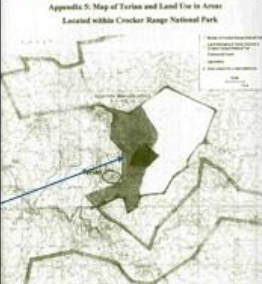
Draft Zoning Plan for Crocker Range Park



- Community Traditional Use Zone – mapping, zoning and protocols
- Sources for NTFP, Medicine, Agriculture.
- Under the Sabah Park Enactment 1984, Amend. 2011

Endorsed by Sabah Park

Community Mapping developed by the community



Its more to Terian Village, initially people cant go inside the area. In 2007, they begin to open themselves and begin the community use zone. The area is more to ICCA.

Community Forest Reserve: Kiau and Bundu Tuhan, Kota Belud



- Forest reserve initiative by the community.
- Conservation forest, traditional herbs garden, water catchment.
- Governance by the community with customary laws and protocols.
- Customary knowledge - forest language.



They have their own protocol, law. One of the examples is Kia Village, they do have very unique language on forest language.

Community Watershed Area

- Sabah Conservation Strategies, 1992 & Water Resource Enactment, 1998
 - Protected and managed by the communities.
 - Protocols on watershed area.
- Collaboration between NGO's, communities and Forestry Department
 - Community watershed in a forest reserve area



Government support the community to taking care and support them in the area they needed,, In forest reserve area where a community did identify the watershed.area.

Tagal River and Forest

- A grass-root initiative on river resource management.
- Marking a stretch of river as "no fishing zone" for period of time (1 to 2 years).
- Supported by the Fishery and Inland Fisheries and Aquaculture Enactment, 2003
- Tagal Forest (Tavol):
 - No Hunting session/area
 - Conservation area
 - Research and promotion to start.



Because of the successful the river Tagal, they begin to practice on Tagal forest like no hunting season example if there's a wedding, 2-3 months theres no hunting for wedding ceremony.

Tagal- Community River Management



- Three zones:
 - **Red**: fishing or other activity is entirely banned.
 - **Yellow**: prohibit fishing except for exceptional circumstances; Eg: pregnant woman or elderly needs.
 - **Green**: Fishing is prohibited except during "buka tagal" fishing session usually for one day in every one or two years.
- *Sogit*- customary punishment to wrongdoer



Its customer punishment, not on money but more to animals like buffalo etc

8. Lesson Learnt

- Participatory / Community mapping
- Participatory documentation of traditional knowledge / practices
- Revitalization of traditional languages and community education programs in Community Learning Centers
- Community exchanges and networking
- Community-based Eco-tourism and livelihoods
- Trust and persistence were the key. Trust within the IP, and particularly between the IP and the responsible government department/ agency, and finally persistence of all to keep their stated promise (the do's and don'ts).

Community mapping will be the things that they need to learn. Since its become an important tool to avoid any overlap information. They learn a lot of things from ICCA and documented the special knowledge.

9. Advises

- Legal recognition of the inherent diversity of customary systems.
- Communication and sharing among NGOs, CSOs and Govt. Agencies
- Genuine efforts on ICCA are welcome by the government, potentially to assist in the protection of the vast government's land. To love and protect is not necessarily to own it.

Legal recognition, communication and genuine efforts will be their needs for advice from ICCA within the region.

10. Urgent Needs

- Policies review
 - On communal title.
 - Bottom-up approach.
- Collaboration between community and policy-makers
 - Adaptation of good practices.
 - Resources and conservation.
- Promote the concept of genuine ICCA
 - to have a good demonstration area
 - Continue discussion with the government on how to make ICCA harmoniously adapted within the government' legislation and policies.

Policies review, collaboration between community and policy makers, promotes the concept of genuine ICCA. To have the good engagement on government through ICCA.

Video showing on land tenure problem due to the restriction from Malaysian government for the indigenous people to take their food resource on those areas. The damage caused by the misuse of the land has made them suffer on terms of water supply, polluted river, destructive lands etc. After 6 years waiting, they finally won it to get their land back. There were an ancient tomb which existed from 1812. The village mukohulu has already established before the kingdom of Malaysia even existed. Simpan forest has been taken by the forest authority; they tried to fight for their homeland. Kingdom authority mostly used for the protective area which overlaps with the indigenous people area. The collaborative management used to settle these conflicts whereas the committee plays their role on how to make use of the land in the proper way. The communities begin to map the territory by asking for the local people to identify the area in details. The local communities even help to make the 3D maps. When those 3D maps ready, they begin to see it clearly on their own territory. The communities mapping turns out to be one of the solutions to identify their land area. These people also taught on animal species etc and they discussed and learn how to communicate better with the kingdom. It's the best practice way to bridge the communications among all parties involved. Referring to video suku adat Malaysia shows, those videos consist of 5-6 villages, under Danita/ Swiss Embassy funding. Due to the lack of communication between NGO and government at the time, the video took 2 years to make it. Last 3 years the areas of the blusnaga communities are in the final stage of endorsement. They have lots of engagement on agriculture area, and still in the process of engagement. As the result from the video, previously they did not know their rights but now they know. They are still doing the documentation on other aspects and related to ICCA. The committed done and edited those videos whereas Jaringan orang asal Malaysia who done those videos. Usually when they engage with the elder lady they are very shy, but not with the young one. During discussion, their woman really involves. They need woman on community mapping in terms of medicine, as for the man are for hunting, timber. The woman will type the detail resources. Woman play role on validating start from the mapping process and follow the real path of the map in their village.

4. Presentation & Discussion on ICCA current situation in Vietnam

6 People from Vietnam:

Local NGO, CSVN concern for IP area

PRCF, Vietnam forestry, UNDP Small Program, Wildlife



1. Country background
2. Special-Use Forest system and biodiversity
3. Population and ethnic people
4. Ethnic groups and Protected areas
5. Effectiveness of ICCAs
6. Threats and opportunities
7. Legal legislation
8. Minority and Community Forest Management
9. Case studies
10. Practical tools, methods and skills
11. Recommendations
12. Strategic Advices, Initiatives

Background

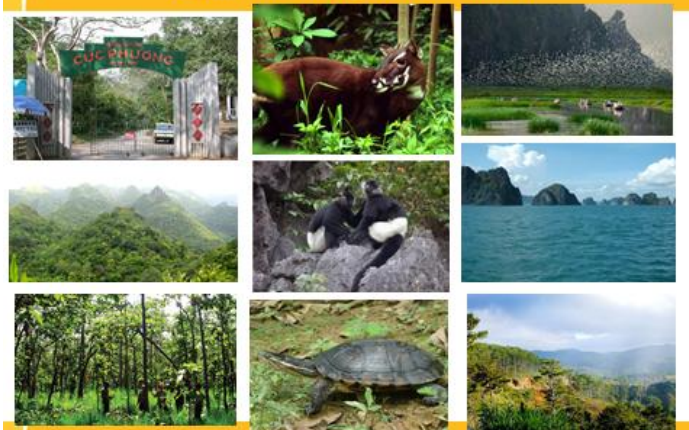
- Location
- Geographic Characteristics and Climate
 - Total land area: 325,360²km
 - Terrain
 - Climate



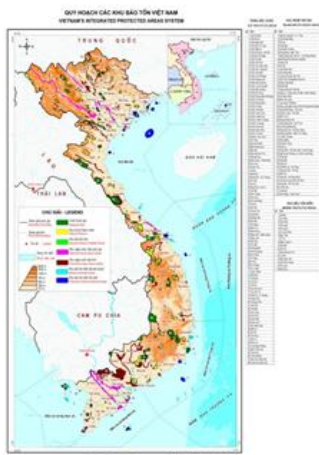
Total land area 325.360 km², divide by the north and south in red river. Vietnam is close to China, Laos and Cambodia. In the weather in south has wet & dry season.

Biodiversity and Special Use Forest System

Decision No. 218/TTg dated 07/Feb/2014



Vietnam has the the large phosphor in the world. 250.000 flora available, while species of 10.000 fauna. The government focus on conservation forest. In 1962, Vietnam announce Vietnam National Park.

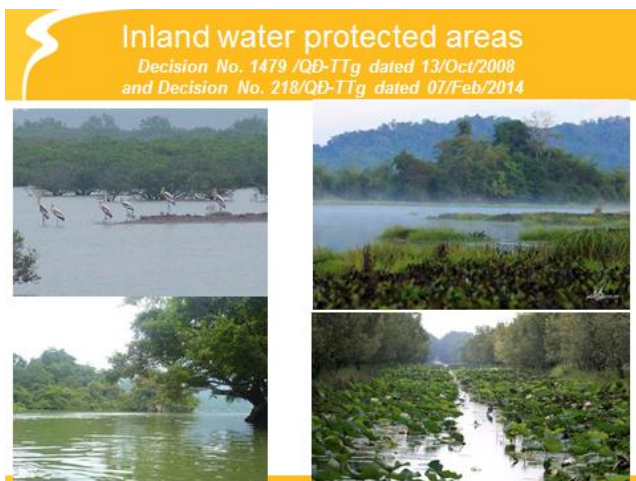


Conservation Areas

Decision No. 1976/TTg dated 30/OCT/2014



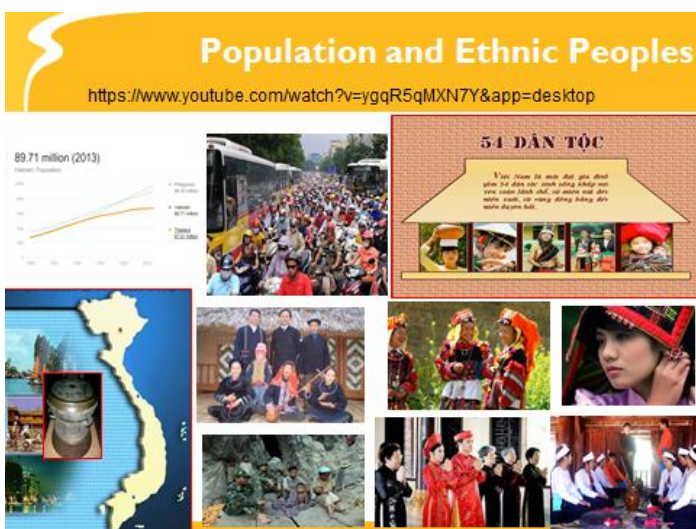
This is coastal areas whereas around 146 specific forest which occupied by many people, they called great green island. Including 34 national park with 1,2 million ha, with 66 protective area. They called it northern area.



Wetland is part of protected area.



Vietname has 16 protected area. 35 million forest available.



According to the data, the populations are more than 92 million people. There is picture of the people who live at Hanoi with 33 ethnic people.

Ethnic Peoples and Protected Areas



- Viet Nam has 54 officially recognized ethnic groups, the Kinh (account for 86% of the population). Most of the remaining 13.8% is comprised of 53 other ethnic groups.

- 25 millions of people live close to forests and approximately 20% of their livelihood comes from the use of non-timber products implicates a major responsibility for biological loss.

The Government's Viewpoints



1. Ethnic and national unity as strategic issues, fundamental, lasting and urgency of Vietnam's revolution;
2. The ethnic communities in Vietnam equality, solidarity, respect and help each other to develop;
3. The development of comprehensive political, economic, socio-cultural and national security; attaching implementing good social policy with the Party's ethnic policies;
4. Priority socio-economic development of mountain peoples (primarily infrastructure, poverty reduction, to exploit the strong);
5. Ethnic affairs and implement ethnic policies is the task of the political system.

The pictures show Ho Chi Min (Country Father of Philliphine) the founder country handshake with the ethnic people of Southern Vietnamese in Kabang.

Effectiveness of ICCAs

- Protection of ecosystem services: food, medicinal, construction materials, watershed protection...
- Maintaining traditional cultures and religious
- Strengthening relationship of community members



Regional ICCA Knowledge Sharing & Capacity- Building Event
Organizer : ICCA Consortium
Lombok (Indonesia), 17 – 22 August 2015

Opportunities and Threats

Opportunities

- Approximately 2.3 ml ha of forestland under management of Communal Government & nearly 530,000 ha of forestland under management of communities.
- Land tenure of community is legalized (Article 5 Land law 2013)
- Institution of community forestry being improved (*Forest User Association and CF Network being set up*).



Opportunities and Threats

Opportunities

- Customary laws still existing and recognized
- Vietnamese government joint in international convention, protocol agreement and initiatives (CBD, Nagoya)
- Financial mechanism for community legalized (Decision 24)
- Favored from PFES and REDD+ mechanisms (securing financial resources for ICCA operations)



Opportunities and Threats

Threats

- ICCA not yet formal recognized in PA system
- Limitation of rights to access, use of forest resources
- Limitation of legal mandate to enforce regulations
- Forest areas outside PA are degraded (low in quality, far from the communities). -> leading to lack of incentive for community engagement linking to their livelihoods development



Opportunities and Threats

Threats

- Time consuming to recover lost culture and identities
- Land conversion and concession are in high demand for development projects
- Limited capacity of local communities and stakeholders to adapt to the new forest management structure



Philippines commodities such as rubber tree and cassava, coffee plantation. If not enough money they will cut down, it relies on demand and the price.

Improving the Organizational Apparatus of State Management

- In 1946-1954 established the "Houses of ethnic minorities"
- In 1955-1960 established "ethnic PRIVATE Subcommittee" under Internal Affairs Committee;
- 1961 established "ethnic Government Commission"
- In 1990, established the "Office of the mountains and ethnic"
- In 1993 established the "Committee for Nationalities and Mountain"
- On 20/10 / 2002- QH XI establishment of "ethnic committee" Government regulation is ministerial under the Government;
- On 31/7/2007 XII Assembly has voted through "Ethnic Committee" are agencies of the Government

Ethnic minority has become part of the obstacle that Vietnamese face in most of the years.

Supportive Legislation

36 National programs to reduce poverty:

- Decision No. 135 /1998 on building infrastructure (electricity, road, school, medical station)
- De. No. 661 /1998 on planting 5 million hectares of forest;
- De. No. 133 /1998 on poverty reduction;
- De. No. 277/ 2006 on National target program to clean water and rural sanitation
- De. No. 800/2010 on approve the national target program on new rural construction
- De. 30A of Government support 62 poor districts



The picture show on tree plantation, water for irrigation system. 36 National Program to reduce poverty mostly focus on rural area and mountain area.

I. Decree 99/2010/NĐ-CP

1. Effected since January 1, 2011
2. Policy on payment for forest environment services
3. Types of services: Providers and users; Management and use of the services; Rights and obligations of providers and users; Responsibilities of state management agencies at all levels and of all sectors

Decree 99/2010/NĐ-CP

Types of services

1. Soil protection, restriction of erosion and sedimentation of reservoirs, rivers and streams;
2. Regulation and maintenance of water sources
3. Protection of natural landscape and conservation of biodiversity of eco-systems for tourism services
4. Forest carbon sequestration and retention
5. Water from forests for aquaculture.

Payment for Forest Environmental Services (PFES) Decree 99

The Payment for Ecosystem Services policy improves the livelihoods of over 20 million poor forest

As of Sept 2010, payments totaling US \$1.8 million were made. Payments disbursed to 22 Forest Management Boards and forestry businesses, as well as to nearly 8,000 households, about 80% of which are ethnic minorities, to conduct forest protection activities resulting in effective protection of over 200,000 hectares of threatened forestland.

A WIN-WIN FOR COMMUNITIES AND FORESTS



Community-based Forest Management

from Confront to Cooperation in Forest Management

- Decision No. 126/2012 on Benefit sharing
- Decision No. 24/2012 on Regarding investment policy development phase SUF 2011 - 2020



To boost community based forest management, with the benefit sharing Phillipines try to pilot for 3 protected area wheras 2 mountain area and marine area. It works so well, whereas beside fisheries it also protect the honey bee, bird species like Spoon Bill Bird, the rare bird species where they fly from Japan in Winter to Vietnam for sunshine.

2. Decree 117/2010/NĐ-CP

1. Effected since 1 March 2011
2. Organization and management of the special-use forest system in Vietnam
3. Decentralization of special-use forest (SUF) management at both national and local levels
4. 5 typical SUFs including nature reserves, species/habitat conservation zones, landscape protection zones and national parks (NP).
5. NPs are the most important special-use forests. 30 NPs across Vietnam

They divided the protected zone in one forest like national park and special forest. National Park is more important than special forest.

Decree 117/2010/NĐ-CP

6. SUF management units and organizations assigned to manage SUF shall formulate investment projects in buffer zones and act as their investors under law
7. Five services by the SUF
 - Restoration of natural ecosystems
 - Scientific research, teaching and practice
 - Sustainable use of forest resources
 - Forest environmental services
 - Eco-tourist activities

Vietnam government really focus on eco tourist activities has become the source of fund for protected area. Local community can be involve in wildlife and conservation area, while it is still hard to let government.

Decree 117/2010/NĐ-CP

8. Involve communities in buffer zones in managing SUFs and implementing investment projects in buffer zones.
9. Coordinating with commune-level People's Committees in formulating and implementing investment projects in buffer zones.

There was a case where a mammal species lives on a cliff in Balang, some community start to inviting the tourist and the uniqueness actually protected, in the same time it makes the money comes in. The area call Ballang where local community can be involve on protection area. As far as government sector, it is hard to answer, perhaps conduct the study is feasible but also very limited access because of the government are still worried in terms of their safety reason. They hope that the Vietnam government will soon have other community/agency to work together. In Kappa National Park, there is golden headed langur where it will take lots of community to get involve. In Kufun, there also have eco tourism activity where foreign are accommodate with homestay with local people.

- *Removing Barriers Hindering Protected Area (PA) Management Effectiveness in Viet Nam (Full sized project)*
- Support government agencies to better apply the two Decrees
- Aim to “secure a sustainably financed PA system, to conserve globally significant biodiversity.”
- Comprehensive and harmonized legal and policy framework supports for PA

Right and Empowerment of IP (Ethnic Minorities) in the Community Forest

Ethnic Minority in Vietnam

1. 54 ethnic groups, a combined population of 90 million people
2. Each Ethnic group has its own voice and identity, some group has written language
3. Living close harmony with nature, the cultural
4. Their spiritual dimensions of ethnic communities attached to the forest.

Community Forest Management (CFM)

CFM - longstanding practice in Vietnam, forest and CFM classified into three main types

1. Forests and forest land by the community itself recognized and managed according to traditional law from many generations now.
2. Forests and forest land managed by the clan
3. Forests and forest land has been allocated to local government & communities.

ICCA quite close to forest management and it link to the forest land in Vietnam.

Community Forest Management

- Policy: CFM was formed in the later stages:
 - Before 1954: the existence of communities are course recognized
 - 1954 – 1975: Forest management by traditional community still be respected
 - 1975 – 1986: Focus on State-owner and collective. Community forest management was narrowed.

Community Forest Management

- 1986 – 1992: The fist time, village are recognized as legitimate forest owners for traditional forest of villages.
- 1993 – 2002: State policy of forestry – involving different stakeholders (individual /IP & private sector), but the policy on community forestry is not clear.
- 2003 – now: shaped basic legal framework for community forestry (land law in 2013, Protect and develop forests law in 2004)

Overview of community forest management in Vietnam

- Gaps exist:
 - Management of land resources is the responsibility of MONRE, while management of forest resources belongs MARD.
 - Policy provisions only "use rights", not provisions "ownership".
 - No specific regulations of the State about capital and technical support to community for self-management by traditional way.

Current status of community forest management in Vietnam

- Only about 1% of forest management by communities of a total about 13 million ha of forest
- The legal tradition in CFM losing its effectiveness cause the tradition broken
- Form of forest management focus is inextricably linked with benefit of the community.
- Local government still respecting the way on forest management of community, however it is not legally recognized.

Current status of community forest management in Vietnam

- Gaps in CFM:
 - The text-only provisions on the **rights and obligations of households** and individuals **no mention of the role, rights and obligations of the community in the organizational system of forest management in Vietnam**
 - Some of **provisions under customary law** for CFM inconsistent with the provisions of laws, policies, State...
 - Example, regulations on the circulation and consumption of forest products from the community.

Current status of community forest management in Vietnam

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Current status of community forest management in Vietnam

- Rights and interests of the CFM not stipulated in any law and any policies. Now communities are adapted in the regulations for households and individuals.
- The technical provisions of forests is complex, confusing difficult for community to implement.

=> **Limited the participation of community** in CFM

Example I

1. Developing a community project to contribute to biodiversity conservation of Van Long Wetland Nature Reserve in Gia Vien District, Ninh Binh Province (VIE/01/008) funded by UNDP/GEF during 2001-2004
2. Farmers' Association of Gia Van Commune, Gia Vien District, Ninh Binh Province, Viet Nam
3. 7 communes in the buffer zone of the Nature Reserve, Gia Vien District, Ninh Binh Province

Van Long Nature Reserve, Home to Delacour's langur

which is listed by IUCN – Primate Specialist Group as a critical endangered species and on the list of the 25 world's Top most endangered primate's species.



It is the home of primate species like shown in the picture.



These foto landscape of Berlam reserve. This project for local community to ask for more funder to develop the initiative for wild life reserve.

Key Lessons Van Long Project

1. Raising public awareness among local authorities, relevant agencies and community - **major significance.**
2. The community's ownership, response, acceptance and - a decisive factor for the project success and sustainability.
3. The linkage between conservation activities and sustainable livelihoods ensure the project's sustainability.
4. The revolving loan programme - ensuring equality, raising awareness promoting the financial sustainability of the projects.
5. **Full participation of local key stakeholders esp. - important factor contributing to the project success.**

Example 2

Project: Capacity building for communities in forests management and protection base on Community in Binh Phuc and Trang Phai commune, Van Quan district, Lang Son Province.

Center for Sustainable Development in Mountainous Areas – CSDM implemented in 2008.

Background

- Before 2008
 - Households assigned forestlands, but boundaries are not clearly defined
 - Limestone forests managed by Commune's People's Committee
 - Illegal logging and mining activities conducted by people from surrounding vicinities

This show on the forest improvement on Vietnam. Previously the community Did not know on the land use properly.

Work with Communities

In 2008, CSDM initiated CFM

- Redefined boundaries to address land disputes
- Pilot implementation of community limestone forest management
- Trained villagers in forest laws regarding their rights and obligations
- Created forest protection regulations for villages
- Strengthen households' capacity in Silviculture

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They have local people to differentiate the land forest and the land in use in the area.

Changes in the Social Community Self-assessment	
Before 2008	2008 - Now
<ul style="list-style-type: none">- Local authorities had difficulties in resolving conflicts regarding forest boundaries- Overexploitation by villagers, people and immigrants from surrounding vicinities and provinces- No field patrols- Local governments were ineptness of dealing local people's complaints	<ul style="list-style-type: none">- Reduced conflicts- Enhanced villagers' abilities in forest management- Recognized the important role of forests- Patrol shifts- Easy for Commune People's committee to manage limestone forests- Now, there is not any disputes

Due to local forest don't know the boundaries of the forest, they complain to government about it.

Example 3

- Project Title: *Secure Mong's forestland tenure in Pin Pe and Lang Lao villages, Cat Thinh, Yen Bai*
- Duration: January to June 2014
- 147 H'mong families (940 persons)
- Among six poorest villages of Cat Thinh

This province situated on north west Vietnam.

What did project do?

- **OBJECTIVE OF THE PROJECT:** Support CPC and villagers to resolve conflicts with Minh Tien Co. Ltd and secure their forest land tenure rights



Activities

- Meetings in Pin Pe and Lang Lao villages to resolve problems related to overlapping forest tenure rights between indigenous people, Minh Tien Co. Ltd, relevant agencies and CPC
- Defined forest boundaries in the field with the participation of all stakeholders
- Trained Mong people in CFM
- Introduced basic forest protection laws for villagers

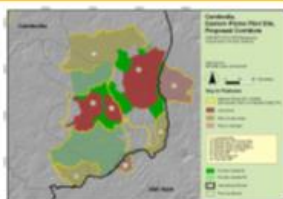
Trained Mong People in CFM, local people get trained. By improving the law knowledge, it improves the forest knowledge as well for local people.

Key inventions

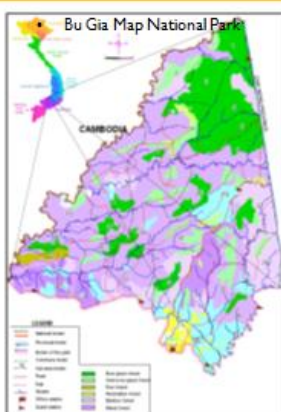
- Local people recognized their forest boundaries
- Better understand deforestation in the field
- Villagers thoroughly understood their forest tenure rights
- The 2 communities effectively prevent logging activities conducted by the company
- Provincial and district agree to negotiate with local people. Villagers can cultivate on the land

Due to local people have no boundaries and law on foest management knowledge, with these project people get so much information related with forest management and tenure right.

Example 4



- Border area
- Regulate water flows
- Transitional region
- Green corridor
- Preserve fauna and flora



Its one of 7 protected area in Cambodia, the location of the path within green corridor link the 7 protected area. It is important for international activities, because its nearby the forest in Cambodia too, these area with yellow color has tiger, elephant which are rare species..

2. Indigenous People

- S'tieng and M'nong are indigenous people
- Simple cultivation techniques
- Illegal hunting and logging
- Poor economic conditions
- Low educational levels
- Live on natural forests



Local people live in a poor economic so they are force to do illegal logging and hunting trough their ecosystem.

In order to resolve the national park problem, we give the following resolution:

3. Resolutions

- Apply Decree 99/2010/ND-CP
- Camps inside the park for daily patrols
- Community-based patrol teams
- Indigenous people patrol in the field
- Users pay around \$300,000 USD/year
- 300 local people (2 weekly shifts: 150/shift)



In dry season, the local people participate in patrol of the field, participate on daily patrol, they receive patrol fee from hydropower plant.

Resolutions

- Benefit – Sharing Program is being built for two indigenous communities to collect such as bamboo shoots, mushrooms, leaves and NTFPs
- Community-based tourism programs
- Additional incomes from these programs



With these resolutions it reduces violence on forest such as illegal logging etc.

Effectiveness of CFM

- Enlist the participation of IPs
- Empower IPs
- Generate incomes for IPs
- Better forest management programs at all levels
- Win-win solutions for IPs and biodiversity conservation across the country

Practical tools, methods and skills

- Rights over the forest
- Customary law to be strong adopted
- Strengthening forest management institution at local level (district & communal)
- Capacity building to stakeholders (conflict resolving)



Photo: PanNature

From ICCA working in Vietnam, from the forestry sector, & livelihood coordinator has IPIC Balang National One as they called the Red. This is a living guidelines on a country and its good to apply.

Strategic Advice

1. Conduct research activities regarding the levels of vulnerabilities of IPs while demarcating protected areas to make a win-win solution in Special-Use Forests
2. Promote the role of IP in EIA
3. Linking ICCAs with other initiatives including REDD+, ABS

In the government side, they conduct the assessments to promote the role of IT in EIA. REDD+ program. The funding from ICCA is not much, therefore like the REDD+ as a big program can be linked with ICCA in Vietnam.

Three Initiatives

1. Study on the ICCA status and supportive legislation system in Vietnam: customary forest, community forest, watershed protection forest etc...
2. Piloting ICCA in relevant sites i.e Central highland, Central Annamite and Northern
3. Networking, raising awareness and advocating for ICCA to be recognised and legalised

Garcia commented that it is not by chance that ICCA project and initiatives are not linked to REDD+ and ABS. She think the ICCA much deeper while the REDD and ABBS can exhausted themselves on some money. Money can't be diverted easily. They need to discuss something profound on deeper more than money but self determination dimension that profoundly concerning both the indigeneous people and government. Its very important, to connect them too so that they can prevented the REDD , so they need to control about the project. David from Philipina remind that whenever they discuss at ICCA, they should not look up as a project. Its not about anything that coming up because theres funding that coming from UNDP, its about the governance system that has been there, that means they don't have to find and create community with ICCA, if they approach that way that means they will loose the whole opportunity. Since ICCA has always been there, but they are so blinded with so many new forms of mentality governance that they branded useless. But in the reality it never went away and it has continue to sustain, despite of the reality that attack us. The challenges in that how for them to realize that they have gone wrong on how to reconnect with something that always been there. Huyin agree about what David said not on project basis approach, not only taking the money. She seriously looked into that..Timor Leste commented that ICCA said that as several layers, whereas the slide say that no protection area. ICCA in certain area, this become protected area. But in these case said no protected area. Garcia feedback on the question that it's very profound. The definition of protective area apply by IUCn and CDB doesn't say that they are conserving, it depends on the government to conserve. Theres no real effectiveness on consultation. When talking about ICCA that means talking about area that conserve by community. It has changed the document to include the preserve area, that some governing types are capable on conserving. The ICCA are not part of conserve by government, but by the people themselves. Taghi comment that what has happening in many country and society, ICCA still bring in ideas that is not conventional, actually managing locally. The problem always country wheres dominated and social dominated by government. These begin when the government has total control over everything. Vietnam, China, ended up taking over these land. As if all the history before socialism is erase. One of the favorite picture is greeting the people (Ho Chi Min) yet the wisdom of the person who sook his hand in late 1950, they will need the knowledge etc. These are very customary law and institutions that defeated. In Vietnam, one of the slide show policies about forest, up to the French, American war, after modernization. He sees footstep on the presentation on forest association that kills community and undermine it. The original indigeneous people institution and forest association defeated. Throw out the minority statement. Please find the wisdom from the eldest.. Huyin agree on doing something in terms of terminology etc. It's true that it supposed to use indigeneous people instead of minority.

Situations of Indigenous Taiwan with Rights, Institution, and Knowledge Actions

Sutej Hugu

TICTU

Tao Foundation

These planets are home for human being. ICCA crisis are everywhere in the world. So many problems that include the indigenous people from Taiwan like them as a survival.

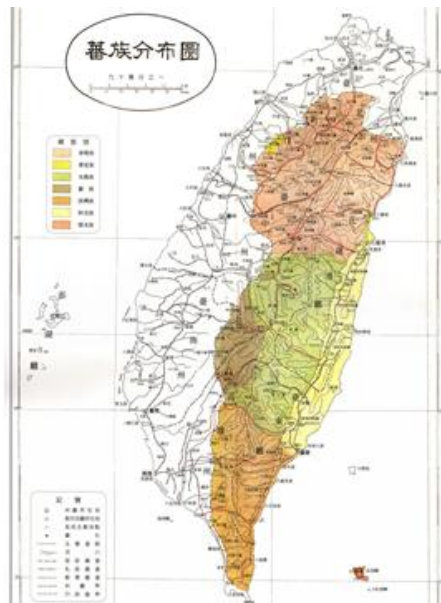
Indigenous Taiwan

- A brief introduction to the indigenous peoples of Taiwan via a series of maps
- As heritages of Languages, Cultural, and Biological Diversity in Taiwan
- Legitimacy crisis of state sovereignty and paradigm shift in conservation of nature and governance of commons

It is now all these territory belong to the state. In 1901, these map made by the colonial. The red line said savage district. The administration of government and its very clear to 17 area and it's fully control by the indigeneous people until early 20th century. It's because the war with chinesse, they control Taiwan for 40 years.



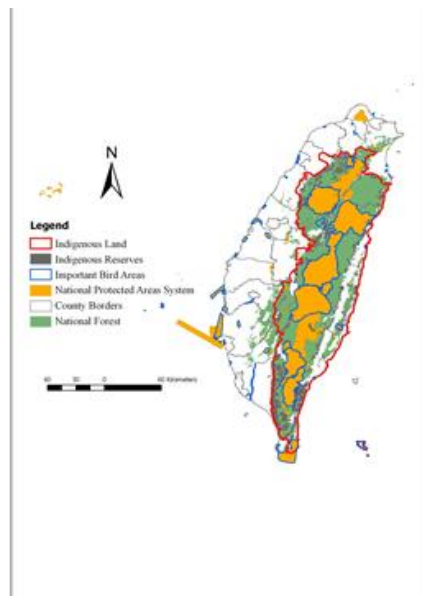
In 1815 this is the distribution map of indigeneous people. This is the indigeneous people territory, the administration under police not under general administration. In 1928 sthe state law assigned or line becomes national horse, the day they setup the indigeneous reserve. It is fragmented, more than 50% is Taiwan previously, now its only ¼ the land. The green one is national forest. The red one national reserve and protected the area, its more than 95% overlap with indigeneous people.



The whole Taiwan use formosan language use by Taiwanesee indigeneous people with more than 20 ethnic groups where there are around 1500 people live in Taiwan.



Taiwan has the origin of Austronesian language mostly ICCA include Indonesia, Phillipine and Madagascar, Borneo, Lombok, Vietnam and the whole Southern Pacific.



This is from Taiwan map 5000 years ago. These describe the immigration group. There's also Vietnam and Borneo as connection as well.

“Who are indigenous peoples?”

- Indigenous peoples are descendants of the original people or occupants of lands before these lands were taken over or conquered by others.
- Many indigenous peoples have maintained their traditional cultures and identities (e.g., way of dressing, language and the cultivation of land).
- Therefore they have a strong and deep connection with their ancestral territories, cultures and identities.

Shamefully the sovereignty has made the indigenous people unrecognized by the country and government itself until now.

Three Basic Approaches

- Rights-based approach
- Institution-based approach
- Knowledge-based approach
- Transformation issues of local environmental action groups evolving into NGOs focus on capacity-building for tribal governance and think-tank for sustainable community livelihood

Right-based Approach

- Indigenous and Tribal Peoples Convention, (ILO No. 169) 1989
- UN Declaration on the Rights of Indigenous Peoples, 2007
- ICCA Movement – Durban Action Plan, 2004; ICCA Consortium, 2010; Global ICCA Support Initiative (GSI), 2015
- Tribal Sovereignty and Land Council

In response to these, In Taiwan has more than 800 tribes. Every ICCA has deep connection and boundaries that include governance institution. ICCA in Taiwan has progress, Every five year they held the indigeneous people movement including 2015. 2005, 2010 event government held economic forum for indigeneous people. These year, the government recognize the land and marine territory.

Legalization of Indigenous Rights

- The Indigenous Peoples Basic Law (2005)
- The Indigenous Peoples Autonomy Act (Government draft 2010)
- The Indigenous Peoples Land and Marine Territories Act (Government draft 2015)

Institution-based approach

- Bio-Cultural Community Protocol – Conserving Tribal Governance institution and Ensuring the Integrity of Environmental Law and Policy
- *ahehep no tao*, an original calendar with an intercalation rule based on the biological clock of the *kuroshio* marine eco-system
- Meaning of the three major *Tao* seasonal ceremonies – *mivanoa*, *mivaci*, and *mipazos*

This is not only human happened; this is more to integrate to conserve tribe constitution and ensuring the environmental law. The instution means they have original r.ule

Major *Tao* Seasonal Ceremonies

- *mivanoa (rayon)* – reconfirming our inter-species compact with the flying fishes to implement the rights of nature
- *mivaci (teytekka)* – keeping the highest level of agro-biodiversity and food sovereignty through our traditional farming system and environmental sensitive resilient practices
- *mipazos (amian)* – restoring our commitment to the well-being for all beings around us

Knowledge-based Approach

- Tribal Geographical Information System (TGIS)
- Public participation and the fuzzy logic to mapping our value and meaning
- Promoting consensus decision-making and storing collective and adaptive local knowledge matrix

TGIS is a good system to adapting local matrix, that includes google earth, survey monkey to setup. This tribal is also a platform for our tribal sovereignty land coastal..



This is Gaba, a Taiwan Indigeneous people pictures on high mountain moon with 3800m above the sea level.

Regional ICCA Knowledge Sharing & Capacity- Building Event

Organizer : ICCA Consortium

Lombok (Indonesia), 17 – 22 August 2015

Territories Restoration Planning

- Three triggering conflicts with the government agencies in the Litu case:
- A National Forest Recreation Area of 362 hectares since 1980s
- A Sericite mining area of 341 hectares since 1975
- “Illegal” non timber forest products and traditional rotation farming areas

Gaba said he waiting for the government movement but now he don't want to wait it anymore, where they should retreat. He learned more clearly, that the state is more common. If this state take into account on the conservation of the language of biodiversity and culture diversity, he government of state country should stay sovereign. He is going to restore it, so that's why he's going to have the Taiwan indigeneous people reunion, because tribal including land tenure and natural resource right. Because they are never surrender to outsider sovereign. The local knowledge are still there and connecting to the land that are given. Now they learn how to counterpart the government, he want everybody knows internationally before government recognizes, they will keep working.

From 18th century where the wisdom name Pongso No Tao map, here Sepatan island and Bakuyen island.



Demanding Transformation

- New environmental problems besides the nuclear waste dumps: diesel power station, gasoline motorbike for tourists, garbage disposal, marine pollution, concrete debris, etc.
- Multiple impacts of the growing tourism business on the bio-cultural communities
- The preview, approve, and review of land usage, construction plan, investment of external capitals, immigrants control, research projects, development programs, etc.

Saman Umrash said that He is happy to come and share here. He comes here along way to learn from everybody. Before any state come to their island in 1896, they are independence with the traditional knowledge. This is labor knowledge where he learns from the sea and the horse. The ways they are interact with nature and land. When Japanese occupied, they are not in touch in conserve area with no education and medicine, only after 2nd war the chinese coming and everything belong to the government. They introducing public education culture where white culture engineering only for the chinese. Their elder said that the sword is different with their sword. So they said they should have their own knowledge to govern their island.

They have 3 production season :

1. Harvesting the fish, the production only for survival. All the harvest are for sharing for the whole community, so they never over harvest.
- 2.
2. The corary fishing, from spring to summer for fishing moment, after that start the corary fishing, micro fishing.
3. Forest season, these trees is common to the village, but you can breed and take care the family tree.

Please share this knowledge to the children. They are under happy pressure on language lost due to the native language is not supported on their education system. But they will keep moving. For the new millennium, they decide to go back on their own traditional governance.

Original Way of Living Together

- Conserving the Trinity of Language, Cultural, and Biological Diversity
- Human Rights, Rights of Indigenous Peoples, and Rights of Nature
- Implementing Restoration Planning of Indigenous Conserved Territories
- Tribal Sovereignty, Eco-Occupation, *de facto* Governance, Management of Commons, Sustainable Community Livelihood, and Autonomy Arrangement Agreement with Taiwan government

Review on the suggested outline

- 1. Broad description of your country
- 2. Recent history of customary territories
- 3. Current situation of customary territories, focusing on governance arrangements
- 4. Are those ICCAs? Distribution? Coverage?
- 5. Effectiveness of ICCAs
- 6. Opportunities and threats
- 7. Supportive legislation, policy, etc.
- 8. Practical tools, methods and skills
- 9. Strategic advice for others
- 10. Three initiatives to follow



Taghi comment that Taiwan is a very special place. During the shanghai secrecy and terrorize the world and become the one of the super power holding. During the whole time, they were oppressing by billions of people. How they land was govern by the salvages yet they manage to continue to break and manage of dominant capitalism. Today has happening, the nature has to change from global dominant system yet the indigenious people they are not part of the global side nor the social side, they need align for these indigenious people for TICTU (Taiwan Indegenous Terirotiy of Union). Today there are the situation where they land on ICCA consortium was there to help them. On Tribe slide there is autonomy act called Okkru Taiwan where the meaning are economically they are still there. This is call eco occupation. It means the institution they are doing the governance, even government do not agree. Like in 2010, it's the autonomy draft that has not been approved until now.