

ICCAs in Africa—situations, perspectives and elements of an action plan for 2018 and beyond

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Present:

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Introductions

Kathy McKinnon – Chair of World Commission on Protected Areas at the IUCN. Many ICCAs fit the category of OECM under Aichi Target 11. IUCN is looking for pilot cases to test this definition, please contact Kathy, Grazia or Trevor if you have suggestions.

Trevor Sandwith – heads Global Protected Areas Programme at the IUCN. His most significant moment was hosting the World Parks Congress in 2003. It is still apparent that people do not understand what is meant by good governance. One of the three main priorities in the GPAP is justice & equity (governance).

Tim Badman – Director of World Heritage Programme at the IUCN. It would be good to think where the World Heritage Convention is performing and where it is not performing. The Programme is trying to connect nature and culture.

Grazia Borrini-Feyerabend – Global Coordinator of the ICCA Consortium – mentioned that the Consortium has just started a series of meetings on ICCAs in Africa, to be followed by other events. Working on a draft proposal for ‘No-go’ for ICCAs. The Consortium needs to learn from IUCN and would welcome any advice.

Vololoniaina Rasoarimanana – works with a network of local communities managing natural resources in Madagascar.

Terence Hay-Edie – working for GEF SGP on the Global Support Initiative (including IUCN, UNEP WCMC and the Consortium).

Yannick Ndoinyo – from Tanzania, representing the Pastoral Women’s Council, also represents the Maasai people in local government.

Gretchen Walters - Global Forest & Climate Change Programme at IUCN.

Elaine Hsiao – Co-Chair of the Theme on Environment and Peace at CEESP. Focuses on conflict resolution and peace.

Dominique Bikaba – works at Strong Roots Congo in the DRC.

George Akwah-Neba – currently works at the Global Forest & Climate Change Programme at IUCN.

Taghi Farvar – President of the ICCA Consortium. Based in Iran at Cenesta (The Centre for Sustainable Development and Environment).

Joseph Itongwa – Coordinator for Forest Ecosystems in Central Africa for the ICCA Consortium. Based in DRC.

Salatou Sambou – Coordinator for the Marine and Coastal Ecosystems of West Africa for the ICCA Consortium. Based in Senegal. He is a fisherman and works with local communities involved with conservation for their own survival.

Alexis Kaboré – Coordinator for the Sahel region for the ICCA Consortium. Based in Burkina Faso.

Christian Chatelain – Co-coordinator for Africa for the ICCA Consortium. Based in France.

Ghanimat Azhdari – an indigenous person from Iran, member of the Steering Committees of the ICCA Consortium and of LandMark.

Zealelem Tefera – started by working on alpine ICCAs in Ethiopia, but has now extended to all ICCAs.

Robert Chimambo – from Zambia, he is a farmer specialising in bee keeping. He is part of the Pan African Justice Alliance and represents the African region in UN REDD.

Vincent Ziba – Regional Coordinator for East and Southern Africa for the ICCA Consortium and works with Zambian CBNR. Interested in forest governance.

Sarah Ryder – Programme Manager at the ICCA Consortium.

Patricia Mupeta Muyamwa – from Zambia. She has several responsibilities – Steering Committee member for the ICCA Consortium, acting Chair of the Consortium Policy and Programme Committee, responsible for the African Indigenous Peoples Programme of TNC and works with Zambian CBNR.

Emma Courtine – Programme Assistant at the ICCA Consortium.

Tanzania (Loliondo case resolved!) – Yannick from Loliondo. Showed film “The Story of People of Loliondo”. They have struggled for 26 years to keep the rights to their land. Bomas have been burnt three times by the government in attempts to evict them from their land.

Timeline of the problem –

- 1900 Maasai lived in Serengeti
- 1951 – game controlled areas established (including Serengeti)
- 1959 – Serengeti was declared as National Park (NP) and people were evicted but the people only signed on condition that Loliondo and Ngorongoro remained for them. The NP Agreement was signed by people who couldn't read and didn't understand what they were signing
- 1974 - Loliondo declared a game controlled area
- 1978 - villages registered across the country
- 1990 - 10 of these were issued with land title deeds
- 1999 - Land law passed – this reinforced land ownership
- 1992 - Dubai company was imposed on village land in Loliondo – Maasai objected and refused to accept this
- 2006 - Ololosokwan village was issued with a certificate of village land
- 2009 - New Wildlife Law passed – to protect wildlife outside National Parks, and Game Controlled Areas no longer to be on village land
- 2013 - Ministry of Natural Resources and Tourism declared 1,500 square km of land as a new Game Controlled Area because the Dubai company wanted exclusive ownership of the land – this contravened the law that gave the villagers ownership. Villagers refused to enter the agreement but the government did it on their behalf. The Law does not allow foreigners to own land, so they formed a company (OBC).

The culture and traditions of the Maasai are an ignored asset. The only areas left where there is natural wildlife is where there are Maasai. We are part of nature and get everything we need from it so we protect it. But a lot of conservation groups refuse to accept that the Maasai can be involved in conservation. All this is a violation of land and human rights. The government protects and supports OBC.

Negative results of this conflict – violation of land rights, abuse of women, youth and adults (violence and harassment), arrests and detention of people, loss of life and property, betrayal on the part of some people in the community (result of manipulation), branding of people as immigrants on their ancestral land (form of intimidation).

Positive results of this conflict – **unity and strength, recognition and appreciation of the role of women (as a result of the effectiveness of their actions), enhancement of knowledge and skills, media support, national, local & global support.**

Current situation – parliament has investigated the violations, **13 ministers have been sacked**, government orders to take land have been stopped, **OBC have been refused a hunting licence** and have been told to leave Loliondo, various **officials are under investigation for corruption** or **have been fired** and the **Minister for Natural Resources and Tourism has recognised Loliondo as village land.**

Ethiopia – **Zealelem**, so many recent problems are a result of land rights infringements. In 1974 in Ethiopia all land was taken by the government and redistributed. People lost their traditional ties to land management systems which led to a lack of control and a loss of traditional knowledge. Also led to fighting and instability. Land grabbing started after signing agreements with the government (Saudi, China also major companies). This leads to major social harm, evictions, detentions, death and a loss of ecological knowledge. No one knows what to do about the problems caused. **We need a model for recognition of community based land ownership.**

Zambia – **Vincent**, East and southern Africa CBNRM. Gave report of stakeholders meeting that was held in Zambia to identify ICCAs and see the threats that they are facing – mining, corruption, destructive industries being given rights to operate on community lands (by the government or through misleading/deceiving traditional leaders), displacements, no benefits to communities from their natural resources. There is still a good connection between the people and their land, and there is a new legislation that promotes that connection in forest areas. The people protect their areas through local rules and ceremonies. In wetland areas, people move to allow ecosystems time to recover/regrow. NASCONOW working to learn from Namibia about conservancy model and how ICCAs can fit within this. In **Tanzania**, TNRF was awarded a grant and appointed as focal point institution. In **Kenya** the ICCA network secretariat is hosted by EMRIS. Held community training in mapping ICCAs.

Patricia – Zambia and Namibia – emblematic ICCAs will be key to moving forward. Could link well with world heritage convention. Namibia is shying away from talking about indigenous people and rights. Tanzania has some good opportunities for landscape ICCAs. There are good local civil society organisations that we can partner with.

Robert – we are seeing a rush for ‘what is left’. This is encroaching on traditional lands. Pristine lands are now being mined, people are being excluded. African Parks people are confiscating meat and fish found in houses. Traditional systems are still there but they are being undermined.

Zealelem – current system is so bleak. Trying to use shared governance model. People need to conserve these areas to encourage income from tourism, etc.

Senegal – **Salatou** - communities are aware of the cultural importance of their territories for their survival. 19 ICCAs have been identified - 11 estuary and 8 land. 10 are emblematic ICCAs and 5 have benefitted from the self-strengthening process.

Strengths –

- strong engagement and solidarity of communities
- improvement in living conditions
- legal recognition at the regional level (a key example is Kawawana – many marine species have reappeared, young people have returned from the cities - declared itself an ICCA in 2010 and there are now 19 ICCAs in Senegal)
- increase in awareness due to workshops, radio and institutional contacts.
- the government of Senegal has accompanied this process. Working to have a law to support ICCAs.

Threats –

- still lack of legal recognition at national level
- volunteer fatigue within the communities (concerned for future generations)
- lack of mapping of certain ICCAs

Plans –

- continue with self-strengthening processes
- establish a local and national network of ICCAs
- accompany ICCAs to become Members of the Consortium
- listing of ICCAs in the WCMC Registry

Burkina Faso – Alexis - started this work in 2016. 5 types identified (53,698 ICCAs identified) – sacred forests, sacred ponds for fishing, community pastoral lands, Zovic (village lands for hunting – this started as a govt initiative, but villages took advantage of the opportunity and now use the designation to protect their own land as an ICCA rather than a hunting area for tourists) and village forests. Have looked for ICCAs in only 4 areas of the country. Apiculture is a strong way of taking advantage of ICCAs. Ways of valuing ICCAs tourism, hunting, Karité butter, honey, pharmaceutical products from the forest, pastoral animals. There are 6 emblematic ICCAs supported (1 sacred forest, 2 pastoral areas and 3 Zovic). Strengths – Anchoring the community in traditional ways leading to solid governance, decentralisation and a new law, high level of conservation and identification of new ICCAs. Threats – mining and large construction projects, population growth and tenant farming, lack of legal recognition of community governance of conserved areas. Future – self strengthening of ICCAs, legal recognition of community governance, identification and documentation of ICCAs, communication about ICCAs and establishment of a national network of ICCAs. All this must come from the communities. Govt contacted them for a monograph of biocultural diversity for cbd targets – when we have finished these documents we will be able to communicate more.

Democratic Republic of Congo – Joseph - Forest ecosystems.

Strengths –

- high level of biodiversity in traditional territories, areas that are vital for life and subsistence of people
- high level of IP and LC governance
- 4 ICCAs have been identified – all areas vital for subsistence, cultural strength, owned and governed by their community, biodiversity is well conserved. Kisimbosa in east of country- traditional periodic hunting and fishing, sacred hills, traditional authorities are respected, decisions are taken collectively, there is a school to transmit conservation knowledge to the children, participative mapping has taken place and the community watches over the land. Other ICCAs – Mweka, Site de Ingende, Burinyi.

Threats –

- lack of legal recognition to guarantee the long term security of these ICCAs.

Strategic plans –

- self-strengthening, recognition and protection of ICCAs (they have established a working group of legal experts to work towards laws that relate to ICCAs). In National parks the population level of endangered gorillas has reduced but in the community conserved areas it has increased. This is a great opportunity to push for recognition of community rights based on this fact.
- renovating ICCAs
- network (develop partnerships and alliances)
- strengthen communication on ICCAs with workshops and accompanying the SGP.

Madagascar – Vololona – there are around 300 ICCAs encompassing community conserved areas and sacred sites. 15 emblematic ICCAs have been identified in a small area in the south west of Madagascar. Have to be careful because in Madagascar we have not completely defined what counts as an ICCA. Also need to decide how we delimit ICCAs – villages, marine areas, forests, do we believe that the essential element is the people or the territory? Network of local communities governing natural resources.

Threats – lack of legal recognition of community governance, agri-business, mines, industrial exploitation of lands, forests, water.

Work plans – work on biodiversity, mapping, delimitation, rules, participative work, recognition (this is a major line of work - there are 3 relevant laws, working on a proposition that includes recognition of collective ownership of land), sustainable use of natural resources, networks and capacity building (communication, lobbying).

Grand Hourums in the Sahel – Taghi - showed film on nomadic pastoralist ICCA in Niger – Le Houroum de Malley (the Fulani people). They migrate 2000 kms twice a year, in a territory that extends over several countries. They want their territory mapped and marked out. The Consortium received a grant of \$10,000 some time ago to conduct this work but we are looking for more funds because this is insufficient to support this huge endeavour. There are also issues of security...

Land mapping and LandMark in Africa - Ghanimat – she began working about 5 years ago with IP in Iran to map and delineate territories. Has now worked in around 15% of Iran. Works with the government at national level on overlaps between ICCAs and protected areas. Often the ICCA is bigger than the PA. Also works with transboundary territories Iran/Iraq. Then decided to join LandMark, which gives information on territories of IP and LC. LandMark now has a steering group of 13 organisations, many of whom are Members of the Consortium. Website gives information and maps of communities. In Africa, there is information on indigenous lands and community lands. There is only some information about community lands in southern Africa. In most countries of Africa more than 80% of land is defacto governed by IP and LC (although this is usually not recognised by the governments). However, most of this land is not mapped or the information is not recorded by LandMark. Governments are often reluctant to share this information as it may encourage communities to claim lands. LandMark defines legal indicators of tenure security and gives scores for 35 countries in Africa.

“Recognizing ICCAs” – the pros and cons of diverse options (Christian)

Christian – things to consider -

1. **First recognition has to come from the community itself** – rights, capacities and weaknesses.
2. **Recognition then has to be there from peer community organisations** – strength, effectiveness and results.
3. **Then recognition is needed from from the state** – recognition of the the facto power, conservation capacity & efficiency of the community.

Why are we looking for recognition?

- To affirm rights and capacities
- To better advocate
- For justice
- To fight against the assumption that land is owned by the state
- If you do not support ICCAs, you will destroy our manner of development

Who should lead the process?

- Custodian community
- Supporting friends and partners
- Alongside institutions of the state

Each country should find their own way of achieving recognition – customary rights, community governance, land tenure, community engagement, legal review.

Patricia – questions to ask -

- What is the history of sub-Saharan Africa?
- Why is much less land owned (de jure) and managed by IP and LC in Africa than globally?
- Why is getting recognition in Africa such a struggle? The less people have rights, the easier it is for the state. This can extend to rural areas not having the same rights as people in urban areas.
- What are the various options (land versus resource ownership)? Peoples' connection to land, ability to govern, ability to conserve an area define the options.
- What are the conflicts that arise? Communities are often confused because they see both land and resources as the same thing.

Discussion –

Christian presented the situation in Burkina Faso, Senegal, DRC and Madagascar. **Trevor** – within most legal systems, recognition of a place is different from recognition of the right to govern a place. **Grazia** – The definition of ICCAs tries to bridge the 2. **Taghi** – **huge difference between “territory” (rights, history and culture) and “land”**. In most cases states don't want to recognise rights. One way round this is the LandMark initiative as this is recognition without the necessity for government recognition. Another way is WCMC which also doesn't go through governments. **Grazia** – this is legitimacy from below rather than recognition from above. **Dominique** – have experience of a situation where they used the word 'property' instead. **Vincent** – the issue of rights is more important than land, but capacity is also important – you have to be able to uphold your rights (access to appeal processes, who are you appealing against?). **Grazia** – Zambia has an exceptionally complicated situation. There is the problem from the state but also a system of chiefdoms which comes from the colonial times (which were created and often don't have legitimacy but have power). In Namibia there is the model of wildlife conservancies. They have no rights to water, land, grazing but they have the right to decide about and benefit from wildlife. **Robert** – a starting point is territory. Before 1924 land was controlled by chiefs. Then minerals were found, and they took away land leaving only some under chiefdoms (but not owned by them). Then the World Bank and others insisted that the chiefs **owned** the land and now it can be bought and sold on the market. The idea of territory has been lost. **Zealelem** – conservancies are not sustainable. Guassa works because they have a documented governance/ management institution. **Grazia** - Communal system of natural resources may not be attractive at certain points but then can become something so valuable that it can't be bought.

Recognising and supporting ICCAs in Africa – group work

2 groups (1 francophone and 1 anglophone) were set up to discuss –

- What type of ICCAs do you find in your ecosystem?
- What key threats and opportunities do they face?
- What should be done to strengthen and secure them?
- If you had to develop an action plan to make the ICCAs you have described more secure, what would be your priority activities – who should do what, where and when?

Reports and discussion

Francophone group – Dominique –
Ecosystem types -

dry areas, semi-dry areas, mangroves & coastal areas, tropical zones and forest tropical zones.

Types of ICCA -

Farming, sacred sites, pastoral.

Threats –

nationalisation, privatisation, population growth, tourism, consumerism, external development, intimidation, intensive exploitation, neo colonisation, individualism, militarisation, land grabbing, religion, acculturation, pollution, climate change, weakening of traditional governance institutions, corruption, non-recognition of ICCAs.

Opportunities –

growing awareness of ICCAs, formal recognition by CBD and IUCN, positive civil society engagement, recognition of traditional institutions, emblematic ICCAs and sacred sites, social funding GEF SGP, decentralisation, ICCAs contributing to conservation targets, progressive laws, existence of PRA, can be a tool to mobilise communities for other causes.

Strengthening ICCAs –

self-awareness and capacity building, participative mapping, communication at all levels, participative research and external research, legal recognition of ICCAs, WCMC register, technical and financial support.

Action plan (didn't decide who would be responsible for this) –

Identify, map, demarcate, document and communicate to inspire.

Put in place knowledge strengthening and exchange at the regional level.

Develop a mechanism to look for funding.

Communication, education and training on ICCAs.

Create a group within the Consortium for legal recognition of ICCAs in Africa.

Anglophone group – Patricia

Situation –

Strong cultural connections – some is being lost but much is still there.

It does not work when people are poor and 'without culture'.

People who are united by a common threat move to a common vision.

Politicians take advantage of a lack of rights.

GSI catalytic initiatives ongoing in many African countries.

Now is the time to act.

Vision –

ICCAs 'on steroids'.

It has to be about territory and not only land.

Combining the best of the old and the new.

ICCAs can federate many issues – conservation, IP rights, human rights, livelihoods.

Have a clear idea of what ICCAs are and want before they get into the political arena and get co-opted.

Strategy –

Crucial demands for legal recognition.

ICCA rules need to be supported by the national judicial system.

Political advocacy, alliances with political leaders.

Communication to decision makers and international organisations.

Make a case for ICCAs with the African Human Rights Commission.

Much more

17.30 – 18.00 Informal exchanges and departures

Thanks were expressed to the IUCN for hosting the meeting, to Kathy for coming to listen to us, to Jenny for chairing and to the Consortium for organising the event.

Notes by Sarah Ryder, commented by Grazia Borrini Feyerabend