

What is “inclusive conservation”? How do we engage in it?

Preliminary synthesis of grassroots-led advice
commissioned by WWF International

1. Introduction

This document summarises discussions held in Washington DC and New York at UNFPII in April 2018 and combines those with concepts and recommendations that the ICCA Consortium has been elaborating in the last decade and more. It addresses the desire of WWF International to support indigenous peoples (IPs) and local communities (LCs) to secure their ICCAs—territories of life as an integral part of the organisation’s understanding of “inclusive conservation”—a desire most welcome by the ICCA Consortium. Together with a deep appreciation of this stated objective, however, goes the awareness of the large and complex potential consequences of establishing a relationship with WWF International—for mighty and positive impact on the ground, but also for a possible compromise of the image of the Consortium as an independent IP & LC organisation not “sided” with any major conservation actor. In this sense, the main advice expressed by the Members we canvassed is that there should be **utmost clarity and transparency of intentions and roles on both sides**, and that we should collaborate only with those programmatic sectors and national chapters of WWF with whom **trust has been developed with specific individuals** on the basis of specific experience. As is the case with all large international organisations, the Members of the Consortium see the **presence of trusted individuals as essential for the development of a positive work relationship**. In this spirit, we offer this document to the attention of a few colleagues we very much trust in WWF International and look forward to their comments—as well as to the comments of others in the Consortium Council and beyond. The current document is maintained purposefully short in view of further elaborations in its final version.

2. The advice

We are delivering our advice in the form of:

- a. a **short video message to the Board of Directors of WWF** (this was submitted in May 2018 and is available [here](#));
- b. the document you are reading, which includes a **basic understanding of “inclusive conservation”** and **ICCAs-territories of life** (section 2.1) as well as **lists of relevant DOs and DONTs in conservation practice** and **specific recommendations for legislation and policy** (section 2.2);
- c. the **concept of a proposed 4-year initiative (2019-2022)** by which the Consortium and its Members will collaborate with WWF in **pilot countries** in various regions and deliver **context-specific advice in an on-going, constructive way** (section 2.3).

2.1 Inclusive conservation

If we ask “what is conservation?” to an indigenous person or a member of a local community, we often hear a description of “fortress conservation”: what governments and the private sector do when displacing communities or diminishing their rights for their own objectives. There is another understanding, however, which surfaces if the question is deepened and discussed. This is “indigenous conservation”: what indigenous peoples have done throughout time— conserving nature and resources in order to sustain themselves on their life environment, through learning, caring and collective rules.

While the first approach is a legacy of colonialism and ignores the historic role of indigenous peoples and traditional communities, the second is effective and respectful. It allowed to conserve “**territories of life**”—*hima, agdal, qoroq, territorios de buen vivir, “umbilical forests”*, sacred lakes, vital migratory routes, village forests, pastures and fisheries.... There are as many names as there are languages for this kind of conservation, and as many land management approaches—from seasonal migration to rotational farming. There are also innumerable governance institutions— from committees of elders to village assemblies-- that have kept alive these seeds of bio-cultural diversity around the world as sources of identity, culture, spiritual wealth, livelihoods, resilience and pride. All indigenous peoples and traditional societies engage in this sort of conservation. And, if some did not, they are not around to tell us.

The ICCA Consortium proposes to understand “**inclusive conservation**” as conservation by which **local rights-holders hold key active roles in governing and managing land, water, natural resources and biodiversity**. Integral to that is also that local rights-holders take into their own hands the analysis of their predicaments and the roadmap towards their self-determination and vision of the future. In inclusive conservation, individuals and communities are holders of rights, responsibilities, knowledge, capacities, interests and concerns... never mere recipients or beneficiaries of initiatives conceived and carried out by others. This is particularly true for indigenous peoples and local communities who are custodians of conserved territories and areas, which we refer to as “ICCA—territories of life”. Inclusive conservation is never imposed and always a desired choice, carried out meaningfully and purposefully by those most directly concerned. To highlight this, inclusive conservation can also be referred to as “conservation led by indigenous peoples and local communities”, or **IP- & LC-led conservation**.

Inclusive conservation draws from the experience of failed major initiatives of the past, such as many so-called “integrated conservation and development projects” that were all but integrated and all but respecting communities as conservation actors. It also draws from lessons learned in cases of successful conservation and satisfying livelihoods in ICCAs-territories of life. The ICCA Consortium has highlighted many such cases of “emblematic ICCAs”, possessing the capacity to inspire other communities, policy makers and positive leaders.

To properly address the content and dimensions of conservation problems, inclusive conservation needs to match both the **complexity of the issues** and the **size of the problems**. Annex I includes some of the thinking that the Consortium has developed,

drawing from the work of its members and other organisations. From that, we derive a vision where communities, all over the world, **secure control of their territories of life and maintain, develop and enhance their capacities to govern and manage their land, conserve nature and orient their future towards sustainable production and consumption patterns** because this is what they want to do, for themselves and their descendants.

To match the **size of the problems**, such empowering processes should take place in all world regions, covering the billions of hectares of land that indigenous peoples and local communities rightfully claim today... and more. To match the **complexity of the issues**, the “content” of inclusive conservation initiatives should never provide packaged solutions, but facilitate solutions tailored to the context, conceived and run by those most directly concerned. In line with this, the ICCA Consortium proposes to support **ICCA self-strengthening processes grounded in mapping, inventories and positive documentation of “ICCA—territories of life” and their values, rules, protocols, etc.**

To take action at the needed scale, however, such self-strengthening processes cannot be promoted and facilitated one community at a time only... In parallel with patient work tailored to the context there is the need to **understand the national legal and policy contexts and improve them through meaningful advocacy** towards policy enhancement and change. This is why the Consortium also proposes to support the **development/strengthening of national ICCA networks**— i.e., working groups, coalitions and federations uniting the custodians of ICCAs-territories of life as well as their supporters, partners and friends. National networks and processes should lead to improved legal and policy options for securing collective rights and responsibilities and **help multiplying ICCA self-strengthening processes**. Ultimately, they should provide the conditions for **endogenous governance and management of the commons** for hundreds of thousands of communities over billions of hectares of land, water and natural resources.

With work at local and national level, the Consortium believes that the **international policy work** that has nourished and advanced inclusive conservation so far should continue and expand. In particular, fully in line with an in depth understanding of the UN sustainable development goals, international advocacy should remain strong in the field of **biodiversity** (CBD, GEF...) but also venture into other international policy fields (**climate change, food security, fight against desertification...**). Overall, the 2030 targets require a different perspective with regard to those of 2020. Far from assuming that community motivations for conserving nature may be reduced to the economic dimension or to the presence of a “supporting project”, inclusive conservation highlights the role of **indigenous peoples and local communities as custodians of their territories, and defenders of nature from destructive “developments”** (e.g., from mining, oil and gas extraction, industrial fisheries and huge monocultures, major water diversion and infrastructure projects...).

Innumerable examples speak to this new perspective. Coastal communities in the south of Senegal and Madagascar organise against industrial fishing. Batwa communities in DRC struggle to keep their land free of foreign mercenaries and loggers. Pastoralists in Central Asia are powerful allies of wildlife as they preserve migratory routes from expanding agricultural projects and their accompanying dams and ecological chocking. Communities in Hawaii and Indonesia resist promises of “economic perspectives and jobs” and reaffirm their

collective rights and pride in their relationship with nature. Communities in Namibia embrace international tourism and trophy hunting and maintain wildlife habitats... while seeking more integrated policies to better govern their land. So many – in Mongolia as in Honduras -- find in the history of their connection with the land as “peoples” and communities the desperation and courage of putting their bodies in front of the bulldozers, seeking to protect their rivers, their land, their water supplies and sacred sites. With all that care and courage goes the protection of the basics of life, the conservation of landscapes, resources, habitats and species.

The collective work of millions of caretaker communities defending their territories of life-- using it sustainably, restoring it and at times even enriching it in terms of habitats and biodiversity -- is a truly impressive contribution to the “conservation of nature”, **the inescapable backbone of any ambitious target regarding area-based conservation**, but also an area still in need of attention and analysis. There are still billions of hectares of forests, wetlands, oceans, mountains and pastures that are intimately related to indigenous peoples and rural communities throughout the world. The tribal forest dwellers of India and Indonesia, the traditional fishing communities of the Pacific, the herders of Morocco and Iran, the peasants of China and Colombia-- they still live in and with nature, embody precious knowledge and skills, and are often willing to sacrifice themselves for the larger good of their communities and Nature. It is the thriving status of “their Nature” what we should elect as desired result of inclusive conservation and target for a future worth living.

ICCAs—territories of life

‘ICCAs—territories of life’ is a relatively recent term that refers to an age-old, widespread, and diverse phenomenon— **territories and areas conserved by indigenous peoples and local communities**. Well-defined ‘ICCAs—territories of life’ exist where:

1. There is a **close and deep connection** between a territory, area or species’ habitat and an indigenous people or local community. This relationship may be rooted in history, social and cultural identity, spirituality and/or people’s reliance on the area for their material and/or non-material wellbeing.
2. The custodian people or community makes and enforces decisions about the territory, area, or species’ habitat through a **functioning governance institution**.
3. The governance decisions and management efforts of the concerned people or community contribute to **conservation of nature** (ecosystems, habitats, species, etc.), as well as to their own **wellbeing**.

Communities across diverse contexts and regions have demonstrated these **three key characteristics** and have voiced their importance, calling for them to be maintained and strengthened.¹ Notably, such characteristics may or may not be recognized in statutory law. Further, conservation is rarely an explicit or named management objective for the concerned community and more frequently a result of other objectives, such as the protection of a spiritually or culturally significant area, security of the natural resources needed for livelihoods, or others.

In general, ICCAs- territories of life are perceived as part of invaluable community heritage, embodying identity and culture, livelihoods and autonomy, freedom and continuity of life. In

their ICCAs—territories of life, indigenous peoples generate knowledge, identify values and what is sacred. In them, they find links between their history and their desired future, connections between visible and invisible realities. With them goes spiritual wealth, material wealth, dignity, self-determination and the demonstrated capacity of indigenous peoples and local communities to maintain alive the great part of our planet biological and cultural diversity. **It is from this demonstrated capacity that stems much of the evidence and meaning of specific territorial rights and obligations.**

There is a **spectrum of opinions** regarding what an ICCA is vis-à-vis an indigenous territory. For some indigenous peoples, there is **no distinction between an ICCA and an indigenous territory** as a whole. For others, the **ICCA is the heart of such territory**-- a special place within it, in which special rules apply... The two views are compatible and, in fact, diverse understandings are an asset, rather than a problem, as long as the concerned IP/LP is informed/ aware/ and fully allowed to express itself freely.

2.2 DOs and DON'Ts and recommendations

In line with grassroots analyses of many ICCAs carried out through various years, the Consortium has distilled some specific DOs and DON'Ts in conservation practice and recommendations towards supportive legislation and policy. These are summarised in Tables 1 and 2 below.

Table 1: DOs and DON'Ts in the practice of “inclusive conservation”

Do	DON'Ts
Help to identify and document ICCAs--territories of life” and help them to be better known, appreciated and secure, if this is the will of the concerned communities	Do not research, diffuse information or provide help without the free, prior and informed consent (FPIC) of the relevant community
Assist communities to gain recognition of their land, water, and bio-cultural resource rights and responsibilities (property, custodianship, use), including by supporting their claims through maps, demarcation, historical records, etc.	Do not impose governance regimes upon territories of life, including shared governance and protected area regimes; do not acquiesce when rights have been taken by force or ignored
Recognize the local institutions governing the conserved territories, while helping them to self-evaluate and strengthen the quality of their governance (e.g., accountability, effectiveness)	Do not undermine or displace functioning local governance institutions or impose new institutions upon endogenous bodies and rules
Strengthen national laws and policies that recognize indigenous peoples and local communities as legal actors possessing collective rights	Do not neglect communities in state legislation (e.g., by recognizing as legal subjects only individuals and corporate actors, or state agencies)
Emphasize that ICCAs- territories of life are living links between biological and cultural diversity , stressing history, ancestral territories, and cultural identity, as well as their continuing evolution and adaptation	Do not overtly or implicitly promote cultural uniformity, intolerance, ethnic disrespect, or any type of discrimination and prejudice against “the others”
Provide coherent support and backing to communities enforcing their own conservation regulations , in particular to apprehend violators	Do not leave communities alone to carry the burden of surveillance and repressing violations , in particular when

and have them judged and sanctioned in fair and consistent ways	the ICCA rules match and enforce state rules
Provide means for joint, constructive evaluation of conservation initiatives by concerned communities, civil society, and government administrations, focusing on outputs and impacts for conservation, livelihoods, governance, and cultural and spiritual values	Do not evaluate conservation initiatives in isolation from their concerned communities or solely or mostly in terms of compliance with external process expectations (e.g., rules, plans, types of institutions)
Provide assistance in technical aspects of management , if required and sought by the community, through respectful, cross-cultural dialogue between different knowledge systems, including mutual validation where necessary	Do not impose management objectives, legal categories, or technical expertise that undermine local meaning and values; do not validate traditional knowledge by “scientific” knowledge as a one-way process
Help prevent and mitigate threats to conserved territories from outside and within the community, including by seeking special status for them—e.g., as “conserved territory”, off-limits to destructive activities, “ecologically important”, or part of the national protected area system— but only and solely with the FPIC of custodian communities	Do not impose protected area status or any other special status on conserved territories without the free, prior and informed consent of the relevant indigenous peoples or local communities as decided and controlled by them
Help support local sustainable livelihoods and wellbeing , including via activities linked and not linked to conservation of nature	Do not formally recognize ICCAs-territories of life in ways that diminish local livelihoods and wellbeing , nor support development that in the short or long run may undermine that (e.g., inappropriate tourism and other initiatives that see nature and culture as commodities)
Provide or strengthen socio-cultural, political, and economic incentives for conserving ICCAs—territories of life, while seeking to maintain their independence and autonomy	Do not displace or undermine existing motivations for supporting ICCAs—territories of life or make those primarily dependent on outside economic incentives
Provide special support to young people contributing to ICCAs and facilitate locally relevant, culturally-sensitive health and education services that incorporate local languages and knowledge	Do not support health, education or other services that are culturally insensitive, irresponsive to local contexts and livelihoods, and/or disruptive of local identities
Respect and strengthen local, traditional knowledge , protect it against piracy and misuse, and facilitate its evolution in complementary partnership with other forms of knowledge, in particular to fill gaps or deal with local power inequities	Do not impose external or “scientific” ways of understanding and solving problems ; do not undermine customary approaches and values that provide effective contributions to conservation
Support networking among ICCAs—territories of life for mutually beneficial learning and empowerment	Do not flood attention on individual ICCAs as if they were unique phenomena
Support respectful alliances among indigenous peoples, local communities, human right	Do not pit local, culture-based rights and values against broader human

advocates, and development and conservation practitioners	rights , human development, or conservation aspirations with general appeal
Promote values of community integrity and solidarity and environmental awareness and care	Do not incite private interests, power, and violence as main values or conform to them as dominant discourse
Support peace and reconciliation efforts that respect local communities and their ties to nature	Do not exacerbate conflicts or put vulnerable communities in the frontlines of conflicts

Table 2. Towards inclusive conservation: recommendations for supportive legislation and policies

With the aim of approaching and implementing inclusive conservation, communities, conservation organisations and government agencies may wish to collaborate to ensure that relevant legislation and policies:

- incorporate the principles of accepted international conservation and human rights regimes, including the CBD and the UN Declaration on the Rights of Indigenous Peoples;
- structure the conditions and processes necessary for a coherent, effective, and equitable protected area system (e.g., highlight the systemic role of protected and conserved areas in the landscape/ seascape, make use of the comparative advantages of diverse actors, secure ecological connectivity via coordination mechanisms, communication and mutual support);
- embrace a full variety of management categories (diverse because of the main conservation objective they pursue) and governance types (diverse because different actors or combinations of actors hold authority and responsibility and are accountable for the PA) recognised by the IUCN and CBD;
- specifically identify “governance by indigenous peoples and local communities” as a distinct governance type for protected areas applicable to all management categories;
- accept that ICCAs—territories of life come in a variety of institutional shapes and forms and that tampering with such institutions risks destroying their vitality and effectiveness for conservation; and that it is thus important to respect the diversity and autonomy of the community institutions that — by governing and managing their territories and areas —effectively conserve nature and sustain livelihoods;
- officially recognise and support ICCAs—territories of life through appropriate legislation and policies (e.g., innovative PA laws, decentralisation policies, and indigenous peoples’ policies) on the basis of lessons learned from experience;
- ensure that revenues and other benefits generated from ICCAs—territories of life are not unduly taxed and do flow back into conservation and the livelihood security of the concerned indigenous peoples and local communities;
- protect communities from inappropriate external interests and promote equity in case of decision-making and benefit-sharing schemes, including by requiring that free, prior and informed consent is due as defined and controlled by the concerned communities;
- make provisions for appropriate restitution of rights over lands, waters, and natural resources inappropriately taken away from communities for development, conservation, or political purposes, through agreements that help to maintain conservation values and enhance local benefits.

2.3 A proposed initiative

As the ICCA Consortium set out to develop its best advice to WWF International to meaningfully engage in inclusive conservation, it soon realised that any generic advice, such as lists of DOs and DONTs and recommendations, has severe limitations. What makes more sense seems the possibility of collaborating through time to identify and implement the initiatives that fit the specific needs of inclusive conservation in specific contexts. In this light, we developed the concept of a **proposed 4-year initiative (2019-2022)** by which the Consortium and its Members collaborate with WWF national chapters in **6 to 10 pilot countries** in various regions and deliver **country-specific initiatives and advice in an on-going, constructive way**. In this sense, the ICCA Consortium and WWF would establish an umbrella agreement and country-specific plans with the following overall aim and specific objectives:

2.3.1 overall aim

Foster and demonstrate inclusive conservation in **X** million hectares of biodiverse territories while enhancing capacities for its effective even more widespread practice

2.3.2 specific objectives

- facilitate **self-strengthening and governance security/ vitality in emblematic “ICCA-territories of life”** in five continents— specifically including sites where WWF is already working
- support communities seeking the **power of saying NO to imposed destructive developments & the capacity to exercise their FPIC** before anything can create major change in their territories and their lives
- consolidate **national networks among the custodian communities of “ICCA-- territories of life”, relevant supporters, partners, and others**, in **Y** countries in five continents, including countries where WWF is present and working
- provide **exposure/ capacity building/technical advice on ICCAs—territories of life for WWF staff** in those **Y** countries
- continue to support the **enhancement of international policy** by demonstrating the value of “ICCA-territories of life” for biodiversity conservation but also for sustainable livelihoods, food security and sovereignty and mitigation and adaptation to climate change

2.3.3 the approach

The ICCA Consortium and WWF international develop a joint initiative by which – with the overall support of the respective global secretariat -- the Consortium and/or its Focal Point Members and WWF establish an **on-going collaboration in 4 to 10 pilot countries**. In such countries the regional hub organisation of the Consortium and/or other Focal Point Members act as implementing agency for ICCA-supporting initiatives for which WWF acts as both funding agency and partner. While the collaboration maintains the independence of both parties, it also provides numerous occasions for mutual exchanges, learning and collaboration.

As part of the collaboration two main initiatives are envisaged:

1. **ICCA-supporting initiatives specifically tailored** to each of the pilot countries; and

2. A **capacity building/ advisory relationship** with WWF staff in all pilot countries.

2.3.4 activities

In concrete terms, WWF International would sign a contract with the ICCA Consortium at global level by which the Consortium will facilitate and supports processes and sub-contracts activities in **Y** countries. In such countries the national WWF chapters will continue to implement their plan and initiatives as they see fit and a Consortium subcontractor (Regional Hub or Focal Point Member) will:

1. support an **independent initiative in support of ICCAs** (including self-strengthening of emblematic ICCAs + a national networking process + mechanisms for ICCA alerts & defending ICCAs and the ICCA defenders + etc.) involving, as appropriate, a number of sites, communities, organisations and individuals related to WWF as project sites, engaged communities, partners and staff.
2. provide **topical advice and mutual learning** through regular exchanges and capacity-building activities engaging both the Consortium subcontractor and national WWF chapter. Ideally-- as in the case of Indonesia which serves as a model country for this proposed initiative-- WWF is included in the national ICCA network. In other places where the Consortium and WWF approaches are still relatively distant, we envisage information provision, training sessions on ICCAs and advice upon request. In all cases, WWF staff is exposed to ICCA concepts and practices and develops relevant knowledge and capacities.

2.3.5 deliverables

- a. **Strategic ICCA-supporting initiatives** in **Y** countries, strengthening **X** million hectares of emblematic ICCAs and supporting the development/ strengthening of national ICCA networks.
- b. The operations of **a system of ICCA alerts and defence for ICCAs and the ICCA defenders (SAFE)** in **Y** countries
- c. **Important exposure/ capacity building/ advice on ICCAs—territories of life** for sites, communities, organisations and individuals related to WWF as project sites, engaged communities, partners and staff in the same **Y** countries.
- d. On-going **policy support and collaboration at international level**, focusing on demonstrating the benefits of ICCAs—territories of life for the conservation of nature, but also for sustainable livelihoods, food security and sovereignty and appropriate responses to climate change.

2.3.6 budget

The budget of this initiatives depends on the chosen **X** and **Y** parameters... but it could be roughly envisaged of the order of two to ten million US\$ for a 4-year operation.

2.3.7 possible pilot countries

A brief, preliminary inquiry among Consortium staff resulted in the following countries mentioned as willing to pilot this initiative: Argentina, DRC, India, Indonesia, Iran, Madagascar, Mexico, Myanmar, Panama, the Philippines. If this proposed 4-year initiative is desirable, specific criteria will be developed and a more in depth analyses of potential problems and opportunities will be carried out to identify the most promising countries where implementation can be envisaged

Territories collectively conserved by indigenous peoples and local communities— from mapping to “governance security”?

A working document discussing issues, questions and options for action

1. Issues

- **Throughout history, communities¹ have governed land, water and natural resources under customary tenure systems.**

The immense variety of governance and management practices that characterise human cultures in diverse environments is the core of the human capacity to live and thrive on our planet. It is based on local knowledge, skills and institutions that advance through experimentation and adaptation, continuity and flexibility. Customary practices often embody spiritual, religious and symbolic values of nature; integrate conservation and use; focus on sustainable use to ensure community livelihoods and security; have a long-term horizon; and relate to identity and meaning of life. They also generally comprise multiple tenure systems, often including land managed by families for staple food (e.g., maize or rice) and land managed communally for water, forest products, pasture, wildlife, fisheries...

- **The possibility of controlling and “owning” large-scale land and natural resources has disempowered communities in favour of state agencies, private individuals and corporations.**

Large-scale land control and ownership are generally based on state, private and corporate property regimes, regulated by the written law and backed by the police/ military and advances in means of communications and surveillance. The tendency is to “develop” land with a shorter-term focus; reduce local decision-making and uncertainties; replace the spiritual and symbolic values of nature with economic values and recreational values; and separate conservation and use, at times in extreme ways (strict conservation, maximum exploitation).

- **The terrestrial environment includes (???) six billion hectares of forests, pastures, wetlands and fishing grounds.ⁱ**

Reports from the World Resources Institute include global aggregate data to... (add best WRI data and current reference, “six billion” is a very rough estimate from some old World Resources reports...)

- **The survival and livelihoods of one in three people on Earth remain crucially dependent on direct/ primary access to forests, pastures, wetlands and fishing grounds**

Up to 2.5 billion (? check ... find appropriate data) people around the world are directly dependent on nature for their survival and livelihoods.ⁱⁱ They derive an important part of the food, shelter, income, and medicines they need directly from ecosystems such as forests, pastures, wetlands and fishing grounds. Processes of urbanisation, industrial agriculture and development in general counteract this, but not enough to render direct/ primary access less important.ⁱⁱⁱ

- **A large part of the forests, pastures, wetlands and fishing grounds on the planet are under communal tenure— which is the best fitting tenure for such ecosystems**

An estimated 50^{iv} percent of the land on our planet is under communal tenure, and communities generally have powerful ties with the territories/ ecosystems on which they depend and customarily governed and cared for. Because of such ties, and a variety of other reasons related to culture, effectiveness and efficiency of management, and justice, it would be best to continue to govern and manage such ecosystems under collective tenure regimes.^v

¹ For purposes of this document, we use the general term ‘community’ to refer to indigenous peoples and local and mobile communities.

➤ **Forests, pastures, wetlands and fishing grounds comprise the largest part of biodiversity on our planet—most of which has no formal protected status.**

Setting aside cropland, urbanised land and land under prohibitive climatic conditions (e.g. perennial ice) – forests, pastures, wetlands and fishing grounds (freshwater-based and coastal) encompass the greatest abundance of habitats and species on our planet. Assuming that protected areas cover 15 per cent of their extent,^{vi} and not even considering questions of effectiveness and sustainability of official protection regimes, the remaining 85 per cent have no formal protection status.

➤ **Under increasing pressure by market forces, six billion hectares of forests, pastures, wetlands and fishing grounds are at risk of losing both their customary collective tenure and conservation value. This is simultaneously a humanitarian crisis, a socio-cultural crisis and a crisis for nature.**

Under pressure from commercial forces interested in expanding and taking advantage of land, water and natural resources, the customary governance institutions and cultural norms that constitute much of the social fabric and wealth of nations are at risk. Land expropriations, land acquisitions and land grabbing take their toll, resulting in various forms of purposeful land conversion. Land degradation may also ensue, however, as a consequence of the open access regimes arising from the breakdown of customary tenure. When customary collective norms and institutions are overpowered and top-down converted into state or private tenure, there is a likelihood of conflicts,^{vii} loss of knowledge and capacities^{viii} and ushering-in of open access regimes.^{ix} Imposed social change may even engender the breakdown of the bonds of humanity and care, and rapid environmental degradation.^x

➤ **Responses to such crises have emerged— most of them from the struggles of the indigenous peoples and local communities that suffered these crises the most.**

Indigenous peoples and local communities resist the imposition of control over their customary held land, water and natural resources with a variety of means and strategies—from self-organising and self-strengthening to communications campaigns, from diplomatic to legal means, from building coalitions to engaging in public protest, demonstrations and civil disobedience.^{xi} At national level, their organised advocacy has resulted in some enhanced recognition of collective rights.^{xii} And the struggles of indigenous peoples over many decades allowed their fundamental rights to self-governance over customary land, water and natural resources to be recognised in ILO Convention No. 169 (1989)^{xiii} and the UN Declaration of the of Indigenous Peoples (UNDRIP, 2007),^{xiv} among other international standards and jurisprudence. Statements of well-articulated support for the rights of indigenous peoples come today from many quarters^{xv} and discussion is moving forward for the case of local communities in international law.^{xvi}

➤ **As part of such responses, the “biodiversity conservation value” of customary collective governance of territories by indigenous peoples and local communities is being increasingly recognised.**

In the last decades, international recognition for the value of communal governance for the conservation of biodiversity has emerged and grown^{xvii} as have the inter-linkages between human rights and the environment.^{xviii} Indigenous peoples and local communities have been at the heart of promoting such recognition, weaving solidarity and mutual learning, advocating at national level and engaging in ‘self-strengthening’ processes. The ICCA Consortium was created as part of this, and has called attention to the territories that have a special bond with custodian indigenous peoples and local communities and whose collective governance institutions are effective for the both conserving nature and supporting community livelihoods. Under the abbreviation “ICCA”,^{xix} these “*territories conserved by indigenous peoples or local communities*” span forests and watersheds, fisheries, rangelands and areas under customary agriculture that include essential habitats and precious biodiversity.^{xx} Although global data is not yet available, their *overlaps* with official protected areas may be important.^{xxi}

➤ **Overall, the collective governance of territories by indigenous peoples and local communities remain insecure, poorly respected and under growing threats.**

While estimates of customary collective governance of land and natural resources are as high as 65 per cent of the world’s land area,^{xxii} in official records, only about 10 per cent of that land is collectively owned, with an additional 8 per cent under some degree of recognised governance rights.^{xxiii} The remaining land tenure-insecure, i.e. under some form of “unrecognised governance” that may still exist, but is undoubtedly weakened and threatened by lack of recognition. The [Landmark initiative](#) is mapping land legally or customarily owned and/or

claimed by indigenous peoples and local communities. If data is available for a limited number of countries, results are already impressive^{xxiv} and highlight the enormous gaps between claimed rights and legally recognised rights. Meanwhile, indigenous peoples and local communities continue to suffer violations of such rights in the name of both development and conservation.^{xxv}

➤ **Threats are particularly worrying for those territories *conserved* by indigenous peoples and local communities whose customary collective governance has received no recognition at all.**

Little protects ICCAs from expanding industrial agriculture, fishing, mining, oil and gas development, logging and infrastructure. The rapid and pervasive encroachment of large-scale industrial initiatives is particularly easy and worrying, however, for those territories and areas whose collective customary governance has received no form of official recognition. In such cases, communities have very little recourse against the disrespect and demise of their customary collective governance institutions. Mistrust, instability and conflict naturally ensue not only between communities and corporations and governments, but also within communities themselves.^{xxvi} This threatens their contributions to the maintenance of biological diversity and ecological functions, as well as their own cultural diversity and collective feelings of identity and pride.

2. Questions

➤ **How much of the world's land is in collectively *conserved* territories?**

No one knows how much of the planet is effectively conserved. Official data is available for *protected* areas, stating that around 15.4 per cent of the world's land area and 3.4 per cent of ocean area are today under official protected status^{xxvii} but such status does not necessarily translate to effective conservation.^{xxviii} Even more importantly, not all land effectively conserved is within protected areas. In 2012, Kothari *et al.* estimated that the extent of territories and areas *conserved* by indigenous peoples and local communities (abbreviated as "ICCAs") at least matched the extent of official protected areas.^{xxix} In light of more recent analyses, if only half of the lands under (secure and insecure) collective governance of indigenous peoples and local communities^{xxx} is effectively *conserved*,^{xxxi} we have more than 3 billion hectares of ICCAs in the world. Not enough reliable data is available to corroborate such a total estimate, but some data is available, spanning millions of hectares.^{xxxii} UNEP WCMC has offered the possibility for indigenous peoples and local communities to voluntarily list their own ICCAs as part of both the ICCA international Registry and the World Database on Protected Areas,^{xxxiii} but data gathered so far is the tip of the iceberg.

➤ **How much do collectively conserved territories contribute to conservation of nature?**

After years of widespread "fortress conservation" approaches,^{xxxiv} a flurry of recent analyses have highlighted the many contributions of community conservation to biodiversity and forest protection^{xxxv} and reflected on the notion of "other effective area-based conservation measures" in Aichi Biodiversity Target 11^{xxxvi} and "conserved areas"^{xxxvii} as complementary to yet distinct from protected areas. Clearly, global biodiversity targets and ambitious calls for "Half Earth" protection will not be possible without appropriately recognising and supporting collectively conserved territories and areas.^{xxxviii} Beyond "Half Earth", some even advocate for the debate to go to a "Whole Earth" — governed and managed for protection, sustainable use and restoration.^{xxxix} In this light, the respect of customary tenure and the maintenance of cultural diversity are seen as essential for conserving biological diversity, and vice-versa.

➤ **How much of collectively conserved territories is well-identified?**

Since the years across the turning of the millennium, numerous and important initiatives have increasingly supported indigenous peoples and local communities in large-scale processes of mapping, definition and demarcation of their territories and natural resources. Undoubtedly, this is one of the main reasons why awareness of their values has progressively increased. Conservation organisations, donors or financial mechanisms such as the Global Environment Facility work today to assist indigenous peoples and local communities to make visible their territories and areas, and demonstrate their collective rights, which is crucial to at least attempt defending them from external threats. Besides the mentioned Landmark and listing of ICCAs in the UNEP WCMC Registry and WDPA, initiatives that aim to support indigenous peoples and local communities to map and/or secure rights to their lands and territories include the Global Call to Action on Indigenous and Community Land Rights, the Tenure Facility and the nascent WWF-International's High Impact Initiative on "People Protecting Landscapes".^{xl}

➤ **Beyond mapping: how much of collectively conserved territories is “secure”?**

Despite violations and increasing threats, the existence of collectively conserved territories is increasingly recognised and appreciated and demonstrated through mapping, analyses and demarcation initiatives. Is something needed, however, *beyond mapping*? What could move the situation from better awareness to *much better security*— for the rights and livelihoods of communities, and for the conservation of biological and cultural diversity? If there is no blanket answer to these questions, the struggles and experiences provided by indigenous peoples and local communities in the field offer insights. First and foremost, these point at self-determination and “governance security”— the collective capacity of deciding and enforcing decisions over what happens to the land, water and natural resources and saying no to unwanted developments. For many, this means *tenure security* to land, water and natural resources, the recognition of customary institutions and the effective exercise of the right to provide or withhold free, prior and informed consent (FPIC).^{xii} They also point at *security of livelihoods*—the capacity to meet needs and living satisfying and culturally meaningful lives,^{xiii} which require specific policy decisions at national and international levels. And they point at ensuring *justice*, the curbing down of the forces that thrive on violence and perpetual conflict-- from racism to the production of weapons.^{xiii}

3. Options for action

In view of the above issues and questions, the ICCA Consortium is highlighting the need to **better identify** the “territories and areas conserved by indigenous peoples and local communities” on our planet, **better understand their contributions** for conservation of nature, sustainable livelihoods and other values (e.g. cultural diversity, identity...) and— most of all— the need **to enhance their governance security**.

In all this, the **concerned custodian indigenous peoples and local communities should be leading the way**. So far, many have engaged in mapping their territories and are strengthening themselves towards a better recognition of the institutions and practices at the core of their cultures, their collective legal rights, their self-determination and their sustainable livelihoods. Conservation organisations willing to assist ought to support them *as part of these endogenous processes*. And it is as part of those processes that they would contribute to conserving biological diversity and ecosystem functions. Moreover, any new initiative should be grounded on lessons learned from practice, such as in examples of initiatives that secured collective rights to land, water and natural resources; experiences of effective community conservation; and successful alliances, networks and partnerships.

In this spirit, the ICCA Consortium is supporting its Members to **identify concrete lines of action towards securing their community conserved territories** and highlighting those at both the 17th Session of the Permanent Forum on Indigenous Issues (New York, April 2018)^{xiv} and the 22nd meeting of SBSTTA of the Convention on Biological Diversity (Montreal, July 2018).^{xiv} . The Consortium is also assisting conservation organisations to understand what their role may be to support them appropriately. To begin discussing all this and more, a series of meetings and side events have been organised as follows:

New York – April 2018

Date	What	Location
15 April	First scoping discussion on “securing” community conserved territories and the potential for a high impact conservation initiative led by indigenous peoples and local communities	New York, UNDP offices, Rio Room, FF building, 304 East 45th Street
17 April	UNPFII side event Self-determination and resistance to destructive development in ICCAs	New York, UN Headquarters, Conference Room 8

18 April	Discussion session on ICCAs and the IUCN Green List of Protected and Conserved Areas	New York, Marmara Manhattan, 301 East 94th St
20 April	UNPFII side event Land and Resource Rights: ICCA Recognition and Scaling Up	New York, UN Headquarters, Conference Room 8

Montreal – June-July 2018

Date	What	Location
30 June 2018	Extraordinary GA of the ICCA Consortium, including the discussion of a high impact initiative to enhance the security of ICCAs	Concordia University Room H1267
2 July 2018	Side event #2478 on “The Evolution of “Inclusive Conservation”: from Durban and PoWPA to the Aichi Targets, GEF-7 and the post-2020 biodiversity framework”	CBD SBSTTA Room A, ICAO building
11 July 2018	Side event #2453 , on “Effective Recognition of Indigenous Peoples’ and Local Communities’ Collective Action, ICCAs and Other Community Conservation Initiatives in National Reporting Processes and the Fifth Edition of the Global Biodiversity Outlook”	CBD SBSTTA Room A, ICAO building
11 July 2018	Side event on “Weaving together SDG 16 and the human right to a healthy environment into the post 2020 global biodiversity framework”	CBD SBSTTA Room 6, ICAO building

Notes and preliminary/ incomplete references

ⁱ Find WRI best reference, some old World Resources reports include these data...

ⁱⁱ This statement still needs to be referenced, and we will seek the help of WRI for that. FAO has a 2014 reference for 1.6 billion dependent on forest resources (State of the World’s Forest Resources). The 2.5 billion figure was taken from Oxfam et al 2016 but it references this which doesn’t seem to make specific sense here: www.usaidlandtenure.net/issues/conflict/

ⁱⁱⁱ Best reference also needed here.

^{iv} Oxfam, International Land Coalition, Rights and Resources Initiative. 2016. Common Ground. Securing Land Rights and Safeguarding the Earth. Oxford: Oxfam.;

^v Alden Wily, L., 2016. “Customary tenure: remaking property for the 21st century.” In M. Graziadei and L. Smith (eds.) *Comparative Property Law: Global Perspectives*. Edward Elgar: Cheltenham. Consider that global analyses of collective tenure tend to focus on land only. It is not yet clear how much of the world’s waters, including coastal and marine areas, are under community ownership or stewardship.

^{vi} As of 2015, 17 per cent of the world’s forests were located in legally established protected areas. FAO, 2016. Global Forest Resources Assessment 2015: How are the world’s forests changing? Second edition. FAO: Rome. As of 2016, just under 15 per cent of the world’s terrestrial and inland waters, just over 10 per cent of the coastal and marine areas within national jurisdiction, and approximately 4 per cent of the global ocean were covered by protected areas. UNEP-WCMC and IUCN, 2016. *Protected Planet Report 2016*. UNEP-WCMC and IUCN: Cambridge, UK, and Gland, Switzerland.

^{vii} <https://land-links.org/issue-brief/land-disputes-and-land-conflict/>

^{viii} Add...

^{ix} Wily, L.... I remember this, but need to find the relevant ref.

^x Best ref to add...

^{xi} Quote here reports by the ICCA Consortium --

^{xii} RRI, Who Owns the World’s Land?A global baseline of formally recognized indigenous & community land rights... 2015

- ^{xiii} ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169). Available online at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.
- ^{xiv} United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295). Available online at: <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>.
- ^{xv} Feiring, B., 2013. *Indigenous peoples' rights to lands, territories and resources*. International Land Coalition (ILC): Rome.
- ^{xvi} Bessa da Costa Antunes Rodrigues, A. A., 2013. *Traditional local communities in international law*. PHD thesis, European University Institute Department of Law.
- ^{xvii} Quote here pre-Durban, Durban accord and action plan, CBD PoWPA, CBD Decisions, IUCN Governance Guidelines, Sidney WPC results....and the great historical summary Jonas, H. C., 2017. "The Evolution of Indigenous Peoples' and Community Conserved Territories and Areas (ICCAs) in International Biodiversity Law", Chapter 10 in *Biodiversity and Nature Protection Law*, edited by Elisa Morgera and Jona Razzaque. Edward Elgar Publishing; Also: Kothari, A., et al. (eds), 2012. *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies*. Technical Series no. 64. Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice: Montreal.
- ^{xviii} UN, 2018. *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/37/59)*. 37th Session of the Human Rights Council.
- ^{xix} Borrini-Feyerabend, G., et al., 2010. *Bio-cultural diversity conserved by indigenous peoples & local communities—examples & analysis*. Companion document to IUCN/CEESP Briefing Note No. 10. CENESTA: Tehran.
- ^{xx} Kothari et al. (op. cit.).
- ^{xxi} A significant proportion of the global protected area estate is estimated to overlap with lands and resources that were historically or are currently under collectively tenure and stewardship of Indigenous peoples and local communities. See Stevens, S., T. Jaeger and N. Pathak Broome, 2016. *ICCAs and Overlapping Protected Areas: Fostering Conservation Synergies and Social Reconciliation*. Policy Brief of the ICCA Consortium, Issue No. 4. ICCA Consortium: Tehran, Iran.
- ^{xxii} Alden Wily, L., 2011. 'The tragedy of public lands: the fate of the commons under global commercial pressure' International Land Coalition: Rome.
- ^{xxiii} In RRI (2015), "community-based tenure" refers to situations in which the right to own or manage terrestrial natural resources is held at the community level. Within such tenure regimes, rights-holders may adopt a range of approaches to land management, including common pool resource management and allocations to individual households. RRI, 2015. *Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights*. RRI: Washington, D.C. The global baseline in RRI (2015) divides community-based tenure regimes into two categories: (1) land owned by Indigenous peoples and local communities; and (2) land designated for Indigenous peoples and local communities. Community-based tenure regimes are contrasted with those establishing (a) private ownership by individuals and corporations and (b) ownership and direct control by states.
- ^{xxiv} RRI, 2015, (op. cit.); RRI, 2016. *Closing the Gap: Strategies and scale needed to secure rights and save forests*. RRI: Washington, D.C.; Oxfam, ILC, Rights and Resources Initiative (RRI), 2016. *Common Ground. Securing Land Rights and Safeguarding the Earth*. Oxfam: Oxford.
- ^{xxv} Global Witness, 2017. *Defenders of the Earth: Global killings of land and environmental defenders in 2016*. Global Witness: London. **Quote also the recent work in progress by Molnar and Alcorn...**
- ^{xxvi} Sawyer, S. and T. Gomez, *The Politics of Resource Extraction: Indigenous Peoples, Multinational Corporations and the State*, UNRISD, Geneva, 2012.
- ^{xxviii} Mascia, M.B., et al., 2014. "Protected area downgrading, downsizing, and degazettement (PADDD) in Africa, Asia, and Latin America and the Caribbean, 1900–2010." *Biological Conservation*. 169: 355–361.
- ^{xxix} Kothari, A. with C. Corrigan, H. Jonas, A. Neumann, and H. Shrumm (eds.), *Recognising and Supporting Territories and Areas Conserved by Indigenous Peoples And Local Communities: Global Overview and National Case Studies*, CBD Technical Series no. 64, Secretariat of the Convention on Biological Diversity, ICCA Consortium, IUCN/TILCEPA, Kalpavriksh and Natural Justice, SCBD, Montreal (Canada), 2012.
- ^{xxx} RRI, 2015. *Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights*. RRI: Washington, D.C..
- ^{xxxi} This is taken to be a reasonable estimate, considering that the world has not yet self-destroyed.
- ^{xxxii} **Add here refs about the Amazon, Indonesia, Central Africa, LMMAs in the Pacific, Canada and Australia.....**
- ^{xxxiii} For more information about contributing to the ICCA Registry and potentially the WDPA, please visit: <http://www.iccaregistry.org/en/participate/participate-in-the-icca-registry>.
- ^{xxxiv} Brockington, D., 2002. *Fortress Conservation: The Preservation of the Mkomazi Game Reserve, Tanzania*. International African Institute;
- Büscher, B., 2015. "Reassessing Fortress Conservation? New Media and the Politics of Distinction in Kruger National Park", *Annals of the American Association of Geographers*: 106: 114-129.
- ^{xxxv} Schleicher, J., C. A. Peres, T. Amano, W. Lactayo and N. Leader-Williams. "Conservation performance of different conservation governance regimes in the Peruvian Amazon". *Scientific Reports* | 7: 11318;

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- Blackman, A. L. Corral, E. Santos Limad, and G. P. Asner, 2017. "Titling indigenous communities protects forests in the Peruvian Amazon". *PNAS* 114(16):4123-4128;
- Oxfam, ILC and RRI, 2016 (op. cit).
- ^{xxxvi} Jonas, H. D., E. Lee, H. C. Jonas, C. Matallana-Tobon, K. Sander-Wright, F. Nelson and E. Enns, 2017. "Will 'other effective area-based conservation measures' increase recognition and support for ICCAs?" *IUCN PARKS*: Vol. 23.2; Jonas, H. D., V. Barbuto, H. C. Jonas, A. Kothari and F. Nelson, 2014. "New Steps of Change: Looking beyond protected areas to consider other effective area-based conservation measures". *IUCN PARKS*: Vol. 20.2.
- ^{xxxvii} Borrini-Feyerabend, G. and R. Hill, 2015. "Governance for the conservation of nature." Pp. 169–206 in G. L. Worboys, M. Lockwood, A. Kothari, S. Feary and I. Pulsford (eds.) *Protected Area Governance and Management*. ANU Press: Canberra.
- ^{xxxviii} Dudley, N., H. C. Jonas, F. Nelson, J. Parrish, A. Phyala, S. Stolton and J. E. M. Watson, forthcoming 2018. "The essential role of 'other effective area-based conservation measures' in achieving bold conservation targets - a practitioners' response to the 'Half-Earth' approach" (title still to be finalised). *IUCN PARKS*: 23.3.
- ^{xxxix} M. Taghi Farvar, Sydney World Parks Congress, 2014. Pointedly, the 1980 World Conservation Strategy sees "conservation" as including preservation, maintenance, sustainable use, restoration and enhancement of the natural environment. It defines it as "the management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations" (IUCN, UNEP and WWF, 1980. *World Conservation Strategy*. IUCN: Gland, page 18).
- ^{xl} **Landmark** is the first online, interactive global platform to provide maps and other critical information on lands that are collectively held and used by Indigenous peoples and local communities. The **ICCA Registry** is a voluntary, peer-reviewed avenue for both indigenous peoples and communities and the international conservation community to recognise and protect the multiple values of ICCAs and highlight their contribution to conservation around the world. The **Global Call to Action on Indigenous and Community Land Rights** aims to secure all Indigenous and community land rights everywhere, starting with doubling the global area of land legally recognised as owned or controlled by Indigenous peoples and local communities by 2020. **WWF-International's High Impact Initiative on "People Protecting Landscapes"** is currently being developed but strives to undertake an Indigenous- and community-led approach to supporting territories and areas conserved by Indigenous peoples and local communities.
- ^{xli} Refer to the example of the Wampis and their Statutes, also ref to Indonesia and the Philippines..., Canada...
- ^{xlii} Ref about Iran, India, DRC, Spain...
- Ref to be added...
- ^{xliii} See, for instance ECOSOC, 2018. *Indigenous peoples' collective rights to lands, territories and resources* (E/C.19/2018/5). Note by the Secretariat for the 17th Session of the UN Permanent Forum on Indigenous Issues
- ^{xliiii} In particular, SBSTTA is expected to elaborate decisions on (*inter alia*) scientific assessment of progress towards the Aichi Targets, protected areas, marine and coastal biodiversity, and biodiversity and climate change.