

Rapporteur Report on Session 2.1.A

On territories and resources conserved by indigenous and local communities (Community Conserved Areas-CCAs): issues of governance and state recognition

Chair: Neema Pathak Broome (India)

Presentations by: John Chester, Chels Marshall and Dermot Smyth (Australia); Inayat Ali (Pakistan); Rodolfo Aguilar and Dave De Vera (Philippines)

Discussants: Ken MacDonald (USA) and Dermot Smyth (Australia)

Rapporteurs: Julia Gardner (Canada) and Lars Soeftestad (Norway)

John Chester and Chels Marshall (Australia): *Indigenous Protected Areas in Australia,*

In Australia the Aboriginal nations have a long history of natural resource management extending thousands of years, and the land is integral to their culture and identity. During an extended period of dispossession, lands were taken away from them. In the 1890s land was beginning to be handed back, and in the 1990s land claims stepped up due to legislation in 1992.

In 1991 the Australian government announced that a comprehensive and representative system of protected areas would be established and aboriginal people now own large areas needed for the system. While there was hesitation to engage among the Aboriginal owners, there was apparent shared interest due to the importance placed by Aboriginals on “country”. The concept of indigenous protected areas (IPAs) thus came under discussion among aboriginal landholders, the IUCN and others. Analysis of the laws governing PA management etc. showed no legal barriers to implementing an IPA concept. There was also a sense that the IUCN categories, definitions and guidelines do contain the flexibility of vision to include all the important features of an IPA.

Key features of an IPA include that it is aboriginal freehold owned land; aboriginals take it on voluntarily, through self-declaration; it is managed for conservation and the cultural landscape; and it is consistent with IUCN categories.

Problems such as grazing by feral livestock and unregulated tourism led the Nantawarrina to be the first to voluntarily declare a part of their land as an IPA. Now, supported by the Aboriginal Land Trust, National Parks and Wildlife, primary industries and others, the community has accomplished much to reverse the degradation through significant land management programs. Noticeable results have led to sense of pride in the IPA, even though some problems persist. The community is also beginning to gain economic

benefits from tourism. The experience of the Nebabana [Nepabunna/Nantawarrina?] people has become a role model and other aboriginal communities in the region have been inspired to establish IPAs. Now there are several IPAs in South Australia on the lands of various Aboriginal peoples, taking up 26% of the state.

Given that 2.6 million hectares of Australia are held by indigenous peoples, their engagement is necessary to complete a “system” of protected areas. At the same time IPAs can meet aboriginal aspirations through numerous benefits, including on-the-ground outcomes and capacity building. IPAs are successful and work for Aboriginal people in Australia.

Inayat Ali (Pakistan): The other side of the mountain: community-based conservation and the Shimshal Nature Trust

Shimshal is an agricultural village in a steep valley in a mountainous region in Northern Pakistan. The village is very isolated and the community is eager to enjoy the benefits of increased access to the outside world. Yet connection with the outside world threatens to remove traditional relationships and control over relationships with land, with an influx of new ideas into the traditional stewardship regime.

The Karakorum National Park was established in 1975 to protect rare species of mountain wildlife. It was established without consultation or compensation. The boundaries of the park include most of the pastureland of the Shimshal people and would make the traditional economy illegal. Community concerns and opposition to the park relate to survival (economic reliance), ownership, independence and identity associated with historical attachment to the territory.

In 1997 a community-initiated organization – the Shimshal Nature Trust (SNT) – was established to retain indigenous control while protecting the environment, with programs including nature stewardship, environmental education, Shimshal Culture program and a women’s development program. The SNT has developed an approach to the management of the Shimshal Territory involving zoning. Most of the territory is zoned as managed resources, with parts in other categories. Management integrates modern techniques with traditional cultural ways, recognizing that the community, with its social and cultural components, is an integral part of the environment.

The governing body of the SNT is a Board of Directors and a Task Force. The Board of Directors operates by consensus and is formed of household heads. One of the main roles of the task force is to provide the community with guidance on communication with outside interests.

The structures of governance have evolved since 1997, often leading back to more traditional forms of decision-making. Maintaining respect for the tradition of collective decision-making helps community members understand the Trust and take ownership of it, which makes management decisions more sustainable. Reaching consensus can take a very long time, which creates conflict with partnership organizations. Nevertheless the Trust will try to ensure that supporters do not threaten the consensual, inclusive, participatory approach.

The Trust has been able to manage its territory effectively and gain outside recognition. The sense of accomplishment has been very important in gaining voluntary support when there is no outside funding. In the community there is occasionally a feeling that the SNT is demanding too much time and resources, and sometimes it is difficult to hold volunteers accountable. They are therefore seeking to hire management staff who are materially accountable.

While the Trust does not reject collaboration with external agencies, a commitment to a truly community based initiative was needed. Initiatives for land conservation cannot be externally initiated and managed locally; they must be initiated locally as well.

Rodolfo Aguilar and Dave De Vera (Philippines): *Participatory or rights-based management? the experience of the Tagbanwa peoples in Palawan*

Coron Island, in the western part of the Philippines, is the traditional territory of the Tagbanwa peoples. This territory includes a large marine area as well as the island. The Tagbanwa peoples have an economy based on subsistence fishing and consider the seas as part of their ancestral domains. Threats to the territory include poaching of timber from the forest, land speculation and illegal tourism development, loss of Tagbanwa access to places important to their traditional livelihood, and destruction of coral reefs.

In response to these threats, the Tagbanwa filed for a community forest stewardship agreement, which was approved in 1990, and in 1998, after more than two decades of struggle, they were the first community in the Philippines and perhaps Asia to gain legal recognition of their ancestral waters. Although a Certificate of Ancestral Domain Title was issued in 2001, its validity has been challenged by the local government and legislators, who claim that ancestral waters do not exist and question the capacity of the Tagbanwa to manage the island.

Coron Island has been declared a park, including its inland lakes and a large marine component, under the Protected Area Law, without sufficient consultation. The park declaration raises a conflict between a participatory or a rights-based governance structure, related to incompatibility of the Indigenous Peoples Rights Act and the NIPAS Act. Under the Protected Area Law, management of the Island must be by a multi-sectoral Protected Area Management Board. The Tagbanwa assert that such a structure does not exist and is not consistent with their traditional resource management practices. Furthermore, the Protected Area law requires a General Management Plan with biophysical, cultural and buffer management zones, which is completely alien to the way the area has been management for thousands of years.

The Tagbanwa demand that their proven capacity to maintain and manage the island be recognized, and they invoke their traditional rights over the island as the source of their authority to manage it as a community. The Indigenous Peoples Rights Act supports their right to be the owners and managers of the island. In response, the government has recognized an all-Tagbanwa “interim” Protected Area Management Board for the island, which entirely adopts customary laws. The Parks Project Management has issued an “apology” to the Tagbanwa community for lapses in implementation.

Under the current management initiatives of the Tagbanwa Ancestral Domain, traditional community utilization rules have been codified, an Ancestral Domain Management Plan has been finalized, indigenous laws have been implemented and a community organization has adopted the traditional leadership structure and decision-making process of the tribe. Strict enforcement of limited usage of high-risk and degraded areas has led to improvements. The Tagbanwa are continuing to manage with no financial support, undertaking initiatives such as closure of highly-valued white sand beaches, coordination with the local government and issuance of an Annual Tour Permit for operators.

The experience of the Tagbanwa people has encouraged other indigenous peoples' groups, both local and international, to work for their rights over their traditional waters.

Discussant: Dermot Smyth

The presentations had in common a long history of traditional stewardship, and a period in which a government authority has come in with a proposal for a PA without consultation. In the examples from Pakistan and the Philippines the people had a system of stewardship and a PA was imposed without consultation, so the local people created their own government structures to engage with government and regain control over their area. In Australia, now that Aboriginal ownership of land is recognized, government has to step back and trust indigenous people to manage their land in a sustainable way, with government support as needed. The labelling of the Management Board in the Philippine case as "interim" suggests that in some promising cases there is as yet no ultimate victory for communities.

Discussant: Ken MacDonald

The impetus for many community-based conservation regimes comes from threats which originate from different areas; a PA can be a threat as much as a promise. In some political contexts they are still an extension of colonial modes of domination – a way to extend state control, surveillance and sovereignty. But over the past 30 years the power of localism and indigenization has grown. These ideological concepts can serve the interests of conservation and of indigenous peoples by mobilizing political support in the way the power of the value of nature has done in the past.

All of the examples are grounded in internal community legitimization rather than a state imposition. Historical systems of authority may have their own problems but these have to be sorted out within the communities – people obey authority if it comes from within.

Language also has power – it can be both liberating and constraining. The language of establishment conservation is good because we understand it (e.g. ecological dynamics) and it allows cultural groups who have learned it to use it in their own interests and cultural context as the basis of power – it allows them to talk back to powerful groups. But the problem is that these powerful groups are still setting the terms of the debate. How can we change the terms of the debate, to move the concepts of the dominant conservation agendas towards something that reflects a more balanced power relationship?

For all of their similarities these cases are radically different. The differences are essential and so work against trendy concepts like best practices and replicability. A recipe book approach annihilates context, and context is what matters.

Questions and comments

Looking outwards, working together

- Audience Member: The Australia case shows that **communities are looking outwards**. CCAs are not just small, inward looking, uninterested in broader issues, not just local watershed; they are connected with the broader landscape and ecosystem protection efforts.
- Chels Marshall: In Australia we have “word of mouth” which allows things to move across the landscape rapidly and is part of how **we support each other**. We share the same objectives and underlying notions in that we want to keep our traditions, and the underlying thing that makes our culture what it is is the land, and we need that to hand on to future generations, for them to care for it as we do. It has been a struggle to gain the support of federal agencies and the recognition that there are valid points in this land management regime. In Australia indigenous people are fantastic land managers – its 24-7 for our whole life, not “9 to 5”. Sharing our experiences in this forum is something we have to do to move forward in strengthening the position of indigenous PAs with Indigenous land managers.
- Dave de Vera: We have to deal with local and state governments day in and day out who don’t have any ideas of community rights and CCAs. The initiative to further the claim for ancestral waters has led to a **broad coalition** of indigenous communities who have filed claims for large areas.

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Conservation language

- Audience Member: What do you think of the way local people and conservationists are sharing the **conservationists’ language** – does the conservationists’ language need to be closer to local people?
- Dave de Vera: It should be more of the local people – we have had to take on a **new language**; if we would be asked to give this presentation in our country it would be totally different.
- John Chester: We don’t talk to conservation agencies in **conservation language**; we talk about caring for “country” – cultural and nature values are one with our people and cannot be separated.
- Inayat Ali: The indigenous people have their **own way of understanding** things and their own pace. In local societies like ours it is not conservation, it is just life as they have been practicing it for centuries. We don’t need a language for this – it is just the way it is. But the international community cannot understand us so we need a language to speak to a broader audience.

CCA category

- Audience Member: Using the **IUCN categories** in the Australian experience and Pakistani experience confirmed the usefulness of the categories, and in the Coron Island case many of the activities seem to involve very strict protection. This suggests we do need to add the government dimension to the IUCN categories. It is extremely important to get recognition for the work and the institutional capacity of communities.
- Grazia Borini-Feyerabend: **The term CCA is not meant to speak to communities** but to translate a variety of ways relating to culture and livelihoods to the conservationists, to regain that power of language. So if we get the CCA category accepted in this congress it will be of value to everybody – a term to grab on to.
- Ken MacDonald: The state has little concept of what were talking about, so the concept has to be **incorporated into the IUCN** so that it then comes from on high to local and national institutions, and they are then less likely to block what the communities are trying to accomplish.
- Neema Pahtak Broome: But if the notion of a CCA does not take into account the **huge range of customs and philosophies** we are taking about, this is a problem.
- Audience member: We must **support the idea of having high level, IUCN acknowledgement**; we are trying to reconnect something that was taken apart 2-300 years ago (culture and nature). Ecological anthropology, based on case studies like those presented here, will be useful. The science of conservationists and biologists cannot give all the answers; it is more important to listen. We need social scientists and knowledge on the local level.