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ICCA Governance - What are ICCAs and how can consideration of ICCA governance be integrated into the IUCN Natural Resource Governance Framework (NRGF)

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What are ICCAs?

- A **close association** (history, culture, livelihood...) is often found **between an indigenous people or local community and a specific territory, natural area or body of natural resources**. That relationship is usually richer than it can be expressed in words. It is a bond of livelihood, energy and health. It is a source of identity and culture, autonomy and freedom. It is the connecting tie among generations, preserving memories from the past, and connecting those to the desired future. It is the ground on which communities learn, identify values and develop self-rules. For many, it is also a connection between visible and invisible realities, material and spiritual wealth. With territory and nature goes life, dignity and self-determination as peoples.
- When an association such as the one broadly described is combined with **effective governance** and **conservation of nature**, we speak of “**ICCAs**”.¹ The term ICCA is an abbreviation (not an acronym) of “**indigenous peoples’ and community conserved territories and areas**”.
- While the ICCA concept can be sketched generally, specific ICCAs can only be **self identified and self defined** by the indigenous peoples or local communities that govern and conserve them; as such, they have a **plethora of local names**, as many as human cultures.
- ICCAs often coincide with **ecologically-coherent units** (e.g., watershed, forest, coral reef, lake, fishery) and, as such, are important examples of **socio-ecological management units**.²

¹ For a summary review and numerous examples see Borrini-Feyerabend *et al.*, 2010, available in three languages.

² Murphree, 1997; Borrini-Feyerabend *et al.*, 2007.

- Self-identified ICCAs exist in terrestrial and aquatic environments and in **all types of ecosystems**; conservative estimates of their global coverage are of nearly 13% of the earth land surface.³
- Examples of ICCAs are extremely diverse (large or small, long-standing or new, spiritually-charged or mundane); they include ancestral territories and newly declared “community conserved areas”; extensive territories (e.g., the transhumance routes of mobile indigenous peoples) and localized featured (e.g., the wetland of a settled community); inviolate (sacred) areas and habitats and natural resources managed or restored for sustainable use.
- ICCAs can combine sacred and mundane areas as well as ancient and new features (syncretism).

Characteristics of ICCAs

- **ICCAs always relate to some type of “commons”** – land and natural resources governed and managed collectively by a community of people (these are distinct from “communal lands”, which include the commons but also land managed by specific families and individuals).⁴
- **ICCAs have functioning governing institutions** (holding authority, responsibility, accountability) typically tailored to the context (traditional structures and rules); imbued with local knowledge and endowed with culturally-sensitive diplomatic skills (flexibility, “negotiability” of rules, capacity to respond to local challenges);
- **ICCAs are the oldest forms of conservation** – closely related to peoples’ history and culture (“*conservation*” is here understood, following the 1980 World Conservation Strategy,⁵ as: “...embracing preservation, maintenance, sustainable utilization, restoration, and enhancement of the natural environment”).
- ICCAs conserve nature but for many peoples and communities they also **secure livelihoods** and **well being** (*buen vivir, sumak kawsay*) in unique ways for unique contexts.
- ICCAs embody the capacity of communities to **adapt in the face of change (resilience)** and often provide means for **food and water sovereignty** and a **safety net** to sustain livelihoods in times of stress (climate events, wars, disasters).

³ Kothari *et al.*, 2012.

⁴ See Wily, 2012 and Ostrom, 1990.

⁵ IUCN, UNEP and WWF, 1980.

- ICCAs are crucial to **empower indigenous peoples (IPs) and local/ rural communities (LCs)**, and to give a sense of **pride to the local youth** (people need a home; they need territories for their sense of identity and well-being).
- ICCAs are forms of **ecological governance** according to several dimensions and, in particular:
 - **scale** (ICCAs tend to coincide with coherent ecosystem units, for which decisions can be taken at a scale that is ecologically rational; the consequences of these decisions are most directly felt by those taking them);
 - **time** (proximity encourages the respect of life cycles; continuity of relationship for generations encourages a management perspective that is long-term and sustainable; ICCA institutional settings are often designed to make this perspective as robust as possible, e.g., only people who have local roots and commitments can be part of decision making bodies).
- Well-functioning ICCAs are **locally legitimate** par excellence; they are accustomed to **adaptive management and embracing complexity** (e.g., can have multiple and interplaying governing bodies and diverse rules in different zones, with important seasonal and yearly variations); despite some tendencies to conservatism, they are also capable of learning and evolving in their own governance systems (**adaptive governance**).

Threats to ICCAs

- Enormous threats affect or loom upon ICCAs; threats can be external or internal.
- **External threats:** expropriation of the commons (nationalisation, privatisation, land and water grabbing, land encroachment...), development initiatives (extractive industries, monocultures, mega-infrastructure...), violent conflicts, acculturation (“education”, advertisements, evangelisation...), climate-related disasters, etc. Inappropriate recognition is also a serious problem. Ultimate external threat: **forced eviction and imposition of destructive practices on the ICCAs**– often resulting from combined private interests and government decisions.
- **Internal threats:** erosion of local knowledge and attachment to the local environment, loss of local language and cultural practices, abandonment of traditional learning processes within communities (communication between the elders and the youth), etc. Ultimate internal threat: **loss of the institutions capable of governing the commons** (deciding and acting together).

Responses to threats

- **Responses by communities:** internal organizing/ analyses (study groups, action committees, species inventories, mapping & demarcation of territories, dialogues between elders and youth, capacity building events, exchange visits); info dissemination/ transparency

(alerts through media and the Internet, alliances with journalists in country and abroad...); diplomatic action (national alliances, political lobbying, parliament hearings, international alliances & lobbying); specific legal action at various levels... but also demonstrations, marches, protests, picket lines, road blocks & various acts of civil disobedience. Overall: ***IPs and LCs have been strengthening themselves, enhancing their capacities and demanding that their own institutions are recognized as rightful governing bodies for their ancestral domains and their commons (ICCAs).***

- ***Responses by international policy:*** from ILO 169 to a variety of post Durban WPC policies: CBD PoWPA, IUCN Resolutions, UNDRIP, CBD decisions, Aichi Targets; FAO voluntary guidelines on governance of tenure for land, fisheries and forests. Notice the preferential position of IPs versus LCs in many such policies.
- ***Responses at the national level:*** the conventional, very disturbing approach was/is that the government imposes a protected area on top of ICCAs; new approaches are emerging to recognize and support ICCAs in appropriate and non-destructive ways; the ***moments of “recognition” and “provision of support”***, however, are ***very dangerous in the life of ICCAs***, in particular if these processes wish to tamper with their governance institutions.

ICCAs and protected areas

The ***IUCN*** defines ***ICCAs*** as:

- “... *natural and modified ecosystems including significant biodiversity, ecological services and cultural values voluntarily conserved by indigenous peoples and local and mobile communities through customary laws and other effective means...*”⁶ As such, ICCAs can be protected areas (in fact, one of the four main governance types of protected areas recognized by the Union).⁷
- Notice the terms “voluntarily conserved” in the IUCN definition. Voluntary conservation may be *intended* as main objective (which fits the IUCN protected area definition) or *intended but secondary* to other objectives (which does not fit) or *fully unintended/ ancillary* (which does not fit at all).
- Importantly, an ICCA may fit the IUCN definition of but not be recognized as protected areas by its own *country*; also, many IPs and LCs *do not want* their ICCAs to be recognized as protected areas because of the governance consequences this may bring about in their national context.
- The ICCA Consortium is concerned with ICCAs independently of whether they are or wish to be recognized as protected areas. The CBD has taken a similar position when – in Aichi target 11 – it has spoken of the need to increase the coverage of “protected areas and

⁶ Borrini-Feyerabend et al., 2004.

⁷ Dudley, 2008.

other area-based effective conservation measures”; ICCAs can be protected areas but also “other area-based effective conservation measures” as they are conservation-effective by definition (... the term “area-based”, however, may not fit those ICCAs that have “porous borders”).

Advice for the NRGF⁸

- As a recap, you have an **ICCA** when **three features** are present:
 - A **strong bond** (livelihood, history, identity) between a community of people and a natural area/territory/ habitat of a species;
 - The community has a **de facto** (not necessarily *de jure*) **capacity/power to take the key management decisions** (e.g., customary access and use rules) regarding that natural area/territory/ habitat;
 - The decisions of the community (not necessarily aiming at conserving nature) have **positive results for the conservation of nature**.
- ICCAs include **the word bio-cultural jewels** and— as such— should be appropriately recognized, secured and supported.
- The ICCA Consortium has distilled some key **advice on ways to appropriately recognize and secure ICCAs**, namely:
 - **community integrity, internal solidarity and strength** are essential to any ICCA and **must be nourished** in all type of interaction;
 - friends and allies from civil society can and do play crucial supporting roles;
 - national governments have international obligations vis-à-vis ICCAs, which can be leveraged;
 - at best, governments would recognize ICCAs as **coherent land, water, and natural resources units** governed by **self-defined IPs or LCs** (legal subjects) under a **common title** (property or right of use) that is **inalienable, indivisible and established in perpetuity**;
 - a process of **Free, Prior and Informed Consent** – including ongoing **monitoring and revisions** -- should be followed in all matters regarding ICCAs;
 - under appropriate conditions and provided they maintain their own governance institutions, ICCAs can benefit from being officially recognized as protected areas;
 - ICCAs that have been incorporated into protected area systems *without* the FPIC of the relevant IPs or LCs should be recognized “as ICCAs” and provided **remedy, redress and support**, as appropriate.

⁸ See Borrini-Feyerabend et al., 2013; Kothari et al., 2012; Lausche, 2011; and Borrini-Feyerabend et al., 2010.

- The ICCA Consortium has also distilled ***advice on types of support to ICCAs that are useful and non-destructive***, namely:
 - support to enforce the management rules established by the community;
 - capacity development upon request;
 - opportunities for networking, mutual exchanges, and joint learning and advocacy among ICCAs;
 - social recognition for ICCAs;
 - promotion of good governance at all levels;
 - financial incentives? – possibly but with caution and with safeguards to maintain and strengthen community independence and integrity;
 - support should never temper top-down with ICCA governance institutions.

References/ readings:

Wily, L., *Why we much accelerate the security of commons' tenure*, report for ILC and RRI, 2012.

SCBD (Secretariat Convention on Biological Diversity), *Biodiversity Issues for Consideration in the Planning, Establishment and Management of Protected Area Sites and Networks*, CBD Technical Series no 15, SCBD, Montreal (Canada), 2004.

Ostrom, E., *Governing the commons: The evolution of institutions for collective action*, Cambridge U P, Cambridge (UK), 1990.

Murphree, M., "Synergizing conservation incentives: sociological and anthropological dimension of sustainable use", paper presented to the STAP Expert Workshop on the Sustainable Use of Biodiversity, Kuala Lumpur, Malaysia, 24-26 Nov. 1997.

IUCN, UNEP and WWF, *World Conservation Strategy: Living Resource Conservation for Sustainable Development*, IUCN, Gland (Switzerland), 1980.

Lausche, B., *Guidelines for Protected Area Legislation*, IUCN, Gland (Switzerland), 2011.

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.

Dudley, N., *Guidelines for Applying Protected Area Management Categories*, IUCN, Gland (Switzerland), 2008

Borrini-Feyerabend, G., N. Dudley, T. Jaeger, B. Lassen, N. Pathak Broome, A. Phillips and T. Sandwith, *Governance of Protected Areas: From understanding to action*, Best Practice Protected Area Guidelines Series No. 20, IUCN, Gland (Switzerland), 2013 (in press, soon available from the IUCN Global Protected Areas Programme).

Borrini-Feyerabend, G. *et al.*, *Bio-cultural Diversity Conserved by Indigenous Peoples & Local Communities: Examples & Analysis*, IUCN/CEESP and CENESTA, Tehran, 2010 (reprinted 2012)

Borrini-Feyerabend, G., M. Pimbert, M.T. Farvar, A. Kothari and Y. Renard, *Sharing Power: A Global Guide to Collaborative Management of Natural Resource*, Earthscan, London, 2007.

Borrini-Feyerabend, G., Kothari, A. and Oviedo, G. *Indigenous and Local Communities and protected areas: Towards Equity and Enhanced Conservation*, IUCN Best Practice Guidelines for Protected Area Series no. 11, Gland (Switzerland), 2004.