

Indigenous Peoples and conservation: the future of protected areas on community lands

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Executive summary

Indigenous Peoples (IP) are central actors in land right struggles related to collectively managed territories and access to natural resources. While by no means the biggest threat, conservation initiatives and protected areas do often conflict with IP land rights. Different understandings around how best to manage the sustainable use of resources between conservation actors and IP have been partially resolved through the creation and recognition of indigenous conserved areas. This policy brief critically analyses indigenous conserved areas. Drawing on different examples discussed at the Global Land Forum 2018 in Bandung Indonesia, it shows that there is still much work to be done to ensure that protected areas on

community and IP lands serve the interests of both IP and conservation actors.

The indigenous land question

Land access and territorial rights of IP are a key issue in the fight to achieve social justice. The total extent of the areas managed or owned by IP and local communities is unknown. Latest research estimates that IP manage or own [38 million km² of land in 87 countries](#). However, it is important to differentiate between land ownership and land access because the former provides more security. This is also exclusive of some lands that IP have ancestral rights to but have been removed from. Overall, some [80% of the 2.5 billion people](#) who manage and live on indigenous

and community lands do not have full ownership rights.

This is an important issue for IP and local communities who rely on these lands for their livelihoods. Legal recognition of land rights is crucial for their income, wellbeing, and future as well as for achieving long-term sustainable use of natural resources in these areas. A more robust system of land ownership could also prevent illegal land grabs, which are a danger to IP and local communities in many countries.

Conservation and IP

IP and community lands are often located in biodiversity rich areas of the world, making them priority conservation zones for the global conservation movement. Many IP territories are key habitats for endangered species and their successful protection is crucial to preserving global biodiversity. Problematically, the history of protected areas has often not been positive. In the past, cases of forced exclusion, land grabs for conservation, and conflict with IP due to [‘fortress conservation’](#) philosophy were the norm.

This has contributed to the land insecurity that many IP face.

Although there remains much work to be done, ways of thinking about protected areas are evolving to become more inclusive of people’s livelihoods and wellbeing. In some cases, IP and community lands are already part of the global protected areas network and recorded in the [World Database on Protected Areas](#). There is also a growing movement around ensuring that IPs and other local [community areas are formally recognised](#) for their biodiversity conservation contributions – even if not formally recognised as protected areas.

What has been done to address this so far?

The International Land Coalition (ILC), a global alliance working together with its members on improving security and equality of land access and ownership for local communities and IP across the world, has [10 commitments to achieve equal land governance](#) for all people. Commitment five specifically focuses on securing the

territorial rights of IP. ILC member organisations around the world are actively involved in resolving disputes between IP or local communities and protected areas, securing land access and representing IP interests.

Participatory mapping is one way to support communities in gaining recognition and securing their land rights – even when within protected areas. The absence of records on boundaries of IP territories and ancestral community lands is an issue as these areas then lack legal recognition and protection from land grabbing and large-scale natural resource exploitation. The Rainforest Foundation UK works across Africa and South America to support communities in gaining rights of the rainforests they inhabit. [Over 800 communities in Central Africa were mapped](#) through their community mapping project, providing data for policy and advocacy on behalf of these forest communities.

There are also efforts underway by various ILC members to gain recognition for areas conserved by IP. Although some IP

territories and community managed areas are recognised as formal protected areas, they form a small part of the official global conservation network. Their conservation contributions remain largely unrecognised and unaccounted for in global development and biodiversity statistics. For this reason, since 2008 [Indigenous and Community Conserved Areas \(ICCAs\)](#) have been formally recognised and recorded in a register to document and analyse their contributions to conservation. ICCAs prove that local people’s livelihoods and biodiversity conservation are not exclusionary but can be achieved together. As an example, [Il Ngwesi ICCA](#) in Kenya combines protection of potential black rhino habitat whilst at the same time providing space for cattle grazing of the Il Ngwesi community, whose territory it is. By seeking and gaining recognition for their contributions to conservation in this biodiversity rich and ecologically sensitive region of the world, the Il Ngwesi have gained greater security over their access to land.

More recently, a new conservation designation applicable to IP lands has

gained traction, known as [other effective area-based measures \(OECMs\)](#). OECMs aim to recognise areas where there are no official conservation targets but where the overall management of the area benefits biodiversity. First introduced in the [Aichi Targets for biodiversity conservation](#) in 2010, the OECM definition and criteria are purposefully wide and inclusive. This enables OECMs to include areas managed by IP and local communities that do not want to, or cannot be, recognised through the existing designations. This designation is yet to be globally implemented and the way in which this is done will show whether it provides an alternative solution for some of the tensions between IP and conservation organisations regarding the use of natural resources.

While gaining recognition for areas conserved by IP may represent a positive step, there are several issues to consider in designating IP and community lands as protected areas – both for the local people and for the global conservation agenda. Declaring protected areas, OECMs, or ICCAs on land used by local communities and IP could present a positive formal

recognition and help along the way to land ownership recognition. However, governments and other actors could also use it to enforce new rules and potentially evict the locals. In terms of conservation benefit, management strategies must be environmentally sustainable and have clear biodiversity benefits to be counted into global conservation progress.

Thoughts from the Global Land Forum 2018

During the Global Land Forum, there was some positive feedback about the evolving relationship between conservation and IP. Gam Shimray from Asia Indigenous Peoples Pact was happy with the change in perceptions of major conservation organisations in Asia in terms of their inclusion of indigenous knowledge and respect towards IP territorial rights and practices. There was also mention that some international conservation bodies, such as the International Union for Conservation of Nature, are increasingly recognising the sustainable management of natural resources by local and Indigenous communities.

Yet, it was also apparent that the land rights of IP often remain secondary to conservation interests. Several IP representatives recounted instances of land acquisition in the name of environmental conservation by governments or corporations where their ancestral rights to land were not respected. For example, Khaled Khawaldeh from DQLCC in Jordan argued that, in the past, approaches of some NGOs to conservation sometimes turned IP into enemies of the environment and its protection. According to him, there used to be a strict divide between the ‘beneficiaries’ (IP) and the conservationists on this issue, but fortunately more conservation NGOs are beginning to recognise and value IP systems of conversation.

Other participants of the Global Land Forum also offered accounts that also reflected the continuation of exclusionary models of conservation. Daniel Kobei, from Ogiek Peoples’ Development Program in Kenya, highlighted the need for recognition of the existence of IP at local and national levels across Africa. He argued

that if the territories of indigenous tribes and communities are not recognised by government systems, their territories are unlikely to be protected or secure in cases of “green grabbing” – such as when IP lands are enrolled in new biodiversity conservation initiatives, such as new game reserves. In some cases, not only are IP contributions to conservation overlooked and belittled, but IP are also denied their right to self-determination and control over their territories.

Speaking about Indonesia, Cindy Juliant, provided her thoughts on the evolution of ICCAs in the country and some of the challenges in recognising IP conservation going forward. She highlighted how the Indonesian government allocates funding to national parks and other reserves but does not always recognise conservation activities of IP and local communities. In fact, sometimes IP are even criminalised for their activities that contribute to conservation in their ancestral territories. She also argued that IP are best placed to preserve their own forest legacy from their ancestors. In the Indonesian context, ICCAs are now recognised by the Ministry of

Forestry and documented in their records which, to an extent, helps with gaining recognition and land rights. Whilst Cindy was aware of the emerging OECMs framework and sees potential in it, this has yet to be implemented in Indonesia, so it is hard to say what benefits it will bring to IP in their struggle for land rights.

Ultimately, there is a clear need for the global conservation movement to continue engaging with IP and land rights organisations about the declaration of protected areas on IP territories and local community lands. Progress made in terms of inclusion of indigenous knowledge is commendable but more must be done. Conservation organisations and national governments must never evict IP and local communities in the name of environmental protection, but instead must respect their right for territorial

autonomy. A fair compromise and the inclusion of IP sustainable practices in land management should always be reached for example through the alternative protected areas' categories of ICCAs and OECMs. In terms of ICCAs, wider support from governments for this initiative is needed through formal recognition of ICCAs and their inclusion in legislative frameworks of related ministries. Finally, the newest designation of OECMs must be carefully implemented to prevent any land conflicts with IP and local communities.

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