

## SOUTH PACIFIC'S POTENTIAL TO ENHANCE LIVELIHOODS AND MEET INTERNATIONAL OBLIGATIONS

- Hugh Govan, Alifereti Tawake, Kesaia Tabunakawai

The last decade has seen impressive progress in the application of community based coastal resource management in the South Pacific. Traditional knowledge and resource ownership combined with a local awareness for immediate action are the starting points for these community initiatives, but they also rely on adaptations of traditional practices with modern times and with the integration of community governance in wider national contexts.

Communities setting up local management often, seek to complement their existing knowledge and skills by asking government and NGOs for advice and assistance in interpreting scientific knowledge and implementing planning processes.

**Fijian** communities have shown the most impressive progress anchored by a national network of NGOs and government organizations supporting "locally managed marine areas" or FLMMA. More than 230 villages spread across the 14 provinces in Fiji have established community-based management measures while an additional 50-100 villages have indicated a keen interest .

**Samoa** has shown the strongest government investment (supported by Australian aid) in community based fisheries management resulting, by the late 1990s, in a national network of dozens of village fisheries management areas. Some 40 appear to be active today. The Environment Department is supporting more than 20 communities practicing no-take reserves within two large Marine Protected Area (MPA) systems.

Communities in **Vanuatu** have preserved traditional management in the form of 'tabu' areas and in others this tradition has been revived with the support of fisheries officers, other government organizations and NGOs. Some estimates suggest as many as 80 villages actively manage their marine resources.

Given the regional combination of predominantly rural populations dispersed over vast areas, high dependency on

coastal plants and animals and poorly funded central governments, many commentators see no viable

alternative but to greatly increase regional support to community driven processes (reflected in Australian and New Zealand aid policy documents for example).

**Table 1: Preliminary comparison of numbers of officially designated marine protected areas and locally managed marine areas in selected South Pacific countries.**

	Designated MPAs*	CCAs** (marine)	Total PAs***
Cook Islands	7	13	14
Fiji	16	213	229
Niue	1	2	2
Palau	14	4	5
Papua New Guinea	22	16	18
Samoa	22	60	80
Solomon Islands	22	42	64
Tuvalu	1	3	3
Vanuatu <sup>1</sup>	9	9	10
<b>Total</b>	<b>114</b>	<b>362</b>	<b>425</b>

Preliminary reviews of community conserved areas (CCAs) in the region and comparisons with officially designated PAs supports the shift towards CCAs as the fundamental building block of national resource management strategies (Table 1).

A large-scale policy switch such as this may not necessarily be less expensive to implement in the short-term. However, the benefits of healthy coastal resources will impact the portfolios of health, employment, public works and trade ministries and not just those of fisheries and environment. So it should be possible to share the cost with these sectors and in the process attain truly integrated policies.

The next decade provides an opportunity to further capitalize on the unique attributes of this region, be it local resource ownership, governance structures, traditional knowledge and strong communities, and to incorporate each of them as a vital part of the way coastal resources are managed.

**Side Events**  
**Thursday , 14 February 2008**  
**13:15 - 14:45**


*Global Forest Coalition*

**Protected Areas and Indigenous Rights: Examples of Illegitimate Management of Protected Areas (Iran Room)**

*Care International, The Nature Conservancy, WCMC and IIED*

**Understanding the Relationship Between PAs and Poverty: New Evidence on the impacts of PAs on Local Livelihoods**

**Side Event**  
**IMPROVING LIVELIHOODS?**



**A SMALL-SCALE FISHING COMMUNITY PERSPECTIVE ON MPAs**

**WEDNESDAY, 13 February 2008**  
**13:15 - 14:45**

**ETHIOPIA ROOM**  
 (C 295/290)

## PROTECTED AREA GOVERNANCE IN SOUTH ASIA: HOW FAR HAS IT PROGRESSED?

-Tasneem Balasinorwala, Ashish Kothari and Hanna Jaireth  
*(Sources for this article include the periodic national reports submitted by South Asian countries to the CBD and a regional implementation report, reports produced by the Global Environment Facility commentary by civil society, material produced within the IUCN, including an international NGO survey of community conservation area law and policy, see <http://www.iucn.org/themes/ceesp/CCAlegislations.htm>, and various articles).*

South Asia (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) contains some of the world's most important terrestrial and marine biodiversity 'hotspots'...and 1/4<sup>th</sup> of the world's human population. Complex inter-relations between humans and nature have characterized the region for tens of thousand of years,

evolving diverse, sophisticated cultures and knowledge systems. While poverty remains a key feature of the region, the last decade has witnessed an explosion of economic growth. Biodiversity is in severe threat. Therefore, appropriate laws and policies for effective conservation and their subsequent implementation are critical.

Historically, PAs across the region were established by government decrees without prior, free, informed consent by resident indigenous peoples and other local communities. Although they were sometimes consulted in the process through the convening of village meetings, this cannot really be considered as prior consent. Today millions of people in the region live in or near PAs, and many are dependent on local natural resources for their livelihoods and cultural sustenance.

Unless PAs and buffer areas are governed effectively, sustainably and equitably, biodiversity and human security is threatened.

While some progress has been made in the South Asian region in implementing Element 2 of the PoWPA (*see table below; for more details, see article in PARKS Issue, Implementing the CBD PAPOW, Vol 17 No 1*), much more needs to be done to change and implement law and policy. Of the government managed PAs, mountain areas in Nepal, forests in Bangladesh, coastal areas in Sri Lanka and wildlife sanctuaries (one of the two main categories of PA) in India, are tending towards more participatory governance than previously (though often more on paper than on the ground). Of community conserved areas (CCAs), wetland sites in Bangladesh and community/private lands in India are beginning to be recognised and supported in conservation laws and programmes. Across the region, much more needs to be done to ensure that the costs and benefits of PAs, and decision-making, are shared equitably.

The report arising of the South and West Asia Sub Regional Workshop on the implementation of the PoWPA held in India in April 2007 also clearly states that lack of involvement of communities and equitable benefit-sharing are key challenges in the region.

### Synthesis: Status of Implementation of Element 2 in South Asia

PoW Action	Bangladesh	Bhutan	India	Nepal	Pakistan	Sri Lanka
2.1.2 and 2.1.3	*	*	***	**	**	NA
2.1.4	**	*	**	***	**	**
2.2.4	**	**	***	***	**	**
2.2.2	*	*	**	***	**	*
2.2.5	**	NA	**	**	NA	NA

Key: \* = Poor; \*\* = Average; \*\*\* = Substantial

*Continued on Page 4....*

## FUNDING FOR PROTECTED AREAS: TIME TO COMPLY OR TIME TO EXPERIMENT?

- Simone Lovera, Global Forest Coalition

Of course, we can all be bothered by the fact that the percentage of ODA and other public funding for PAs does not seem to increase, as was pointed out once again during the side event on finance organized by WWF on Tuesday. But the question is - who is to blame?, It was rightfully highlighted that there needs to be attention for the use of funds dedicated to PAs. Also pointed out was the tendency amongst some conservation organizations and other park managers to spend disproportionate amounts of funding on expensive expeditions and research activities, instead of more efficient means to protect areas, like recognizing Indigenous Peoples' land rights and community conserved areas, or prohibiting destructive large-scale industrial activities. It would be naïve to overlook the different interests at stake here. We can all listen happily to stories about local communities, Indigenous Peoples, large conservation organizations and governmental parks services sitting joyfully around the table planning and managing protected areas. But when there is money, there are choices to be made: Do we spend it on livelihood opportunities for the Indigenous Peoples and local communities in the area, or do we spend it on expensive expeditions to detect yet another threatened bird? A discussion about financial resources that is delinked from a discussion on governance will per definition lead to inequitable results.

Also, It seems more interesting to talk about "innovative" mechanisms than to repeat the very recognizable but still very legitimate demands that developed countries should finally comply with the legally binding financial commitments of the Convention. Maybe the requests for clarification yesterday could have been phrased as follows: why is the CBD secretariat serving the interests of donor countries by shifting the debate from the need to comply with the financial provisions of the Convention to a debate about all kinds of experimental mechanisms?

And then, the question is who will be the guinea pigs in all these "innovative" experiments. Experiments with biodiversity offsets, for example, could have serious negative impacts on local communities and Indigenous Peoples - the soy expansion that Paraguayan biodiversity offsets are supposed to compensate for has fatal impacts on the health of Indigenous Peoples and local communities. And if carbon offsets turn out to be a mistake, how many people will have died because of this failed "innovative" experiment?

There is growing awareness that biodiversity and carbon offsets, so-called ecotourism and other market-based mechanisms might lead to devastating impacts on Indigenous Peoples, poor local communities, women, and other politically and economically marginalized groups. A

carbon market that accumulates billions of investments in PA management looks attractive, but aside from undermining an effective climate regime (which is of the essence for PAs) it will also undermine the effective implementation of programme element 2 of the Programme of Work on Protected Areas. Do we really believe that economically and politically powerful actors will respect the rights and needs of marginalized groups and give them a major role in protected area governance, if this suddenly turns out to be a profitable business (providing loads of funds for expensive expeditions)? Already, Indigenous Peoples are experiencing that their land rights claims are being undermined by the speculations around the possible inclusion of forest conservation in the carbon market, as large landholders are more reluctant to hand over potentially profitable pieces of land. Of course, such indirect impacts tend to be harder to detect and showcase than the comforting stories about voluntary carbon offsets presumably benefiting communities that were presented yesterday.

Last but not least, it has to be recognized that it is the failure of governments to implement programme element 2 that is to blame for the lack of interests of donors and financial ministries to invest in PAs too. Do we really feel institutions like the World Bank and GEF, and other donors that claim to have poverty alleviation as their central mission, should invest in PAs that are still allowed to harm poor people? Only when programme element 2 is effectively implemented, and the rights of Indigenous Peoples as enshrined in the UN Declaration of the Rights of Indigenous Peoples and women's rights and needs are respected, it can be claimed that protected areas truly contribute to the Millennium Development Goals. Such parks definitely would deserve increased levels of public funding.

### *.....South Asia and the CBD implementation continued from page 2*

#### *So how can South Asia put it's best foot forward?*

Notwithstanding a few notable initiatives in some countries, the paradigm shift that is embodied in the PoWPA is far from being realised.

This situation partly arises from the general inability of the CBD to bind countries to implement what they have committed to do. The following steps, amongst others, are urgently needed:

1. **Orientation:** A number of aspects of Element 2 are relatively new to formal conservation managers and planners. Concepts and processes of co-management, for instance, are only now beginning to be learnt. An understanding of other governance types, such as CCAs and PPAs, is even less developed. PA related training and educational institutions in each country needs to urgently

take these aspects on board, and make them central components of their curricula.

**2. Documentation:** The few progressive initiatives towards equity in government designated PAs are not well documented. Secondly, other than for India and to some extent Nepal, CCAs remain largely undocumented, and thus are rarely part of the conservation discussion and decision-making process. Such documentation is quite urgently needed.

**3. Mutual learning:** A programme of exchanging personnel (PA managers, local communities, NGOs, others) and case studies, needs to be encouraged amongst countries of the region.

**4. Civil society advocacy:** In recent years, through participation in CBD processes, and with sustained advocacy and commentary by civil society, scientists and academics, governments are beginning to recognize the rights and responsibilities of indigenous and local communities in relation to PAs. Yet entrenched mindsets and institutions that perpetuate conventional conservation regimes will not change on their own. Civil society pressure and lobbying, combined with constructive assistance, is absolutely necessary to make this happen.

**5. Funds:** While this is the one common demand, we do not consider this to be the major constraint to the recognition of CCAs and PPAs which is initially dependent on recognition in law and policy. Nevertheless, to the extent that funding is important, the GEF's Early Action Grant, announced in 2007, is a good source of funds for the implementation of the PoWPAs. The provision of financial assistance can contribute, especially in the poorest countries of the region, to the delivery of on-the-ground biodiversity restoration activities, the provision of alternative livelihoods, enlisting community participation in difficult and time-consuming tasks, and others.

To conclude the CBD PoWPAs has the potential to revolutionise conservation policy and practice in South Asia (as elsewhere in the world). However, there are severe constraints to making this happen, not least of which is resistance from governmental bureaucracies and from some powerful conservationists. These will need to be urgently overcome if the region is to get anywhere near meeting its international and national obligations to its citizens and biodiversity.

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## **International NGO Dialogue Forum: “100 Days before COP 9”, Berlin**

Germany, the city of Bonn and the German NGOs will host CBD COP 9 in May 2008. The NGO community therefore prepared a high-level event on the 7<sup>th</sup> and 8<sup>th</sup> of Feb. 2008 in Berlin. More than 160 participants and 35 international and national experts discussed key issues at the conference *“100 Days to COP 9”*. The NGOs will push the parties to concrete results – for the protection of biodiversity, sustainable use and the fair and equity sharing of benefits on our planet.

Inter-alia the issues of PAs and related financing mechanisms were highlighted. “We need real progress in these key action fields of the CBD”, emphasized Guenter Mitlacher, NGO Focal Point for COP 9. He is with the German NGO Forum on the Environment and Development, responsible convenor of the dialogue forum.

The following key aspects were addressed:

**1. Prevent further exploitation – save the most valuable natural areas now.** The last primary forests have to be protected and 40% of the high seas have to be specified as High Seas Marine Protected Areas by 2012. Additionally a programme for the protection of steppe and savannah must be agreed. By implementing these programmes the rights of local communities have to be recognized as well as the rights of indigenous people as laid down in the UN Declaration on Rights of Indigenous Peoples.

### **2. Developed countries bear a high responsibility**

The challenges of the worldwide loss of biodiversity cannot be met with stagnating financial resources. Annually an estimated sum of 30 billion Euro is necessary to implement the global forest and marine network of protected areas envisaged by the CBD. This is about five times more than the provided budget. Therefore, by 2015 the financial resources have to add on 30 billion Euro yearly. This means an annual increase of three billion Euros, which will have to be raised mostly by the industrialized countries.

The meeting ended with a key message to COP 9: *“Conserve Biological Diversity – with Fairness and Responsibility”*

More information, see [www.biodiv-network.de](http://www.biodiv-network.de)

## Scorecard identifies progress in the CBD Programme

A WWF scorecard tracking progress in implementing POWPA was tested in 17 countries in Central and Eastern Europe, Central Asia and West Africa. The scorecard collects data plus expert analysis of progress against targets: measuring rate of implementation and quality of response. Despite variation between countries, results show generally good progress on several targets including gap analysis, freshwater protection, threat reduction, public awareness and regional PA systems. Less progress has been made on other targets. Serious gaps in urgent targets (those to be completed before end of 2009) relate to **national-level assessments of ecosystem services** from protected areas; policies to assess costs and benefits to **indigenous and local communities** and establishing sustainable **financing plans**. It is clear from the responses that lack of information is one important reason for lack of progress. WWF has developed tools and approaches to address all three of these issues and will be working with governments and partners to help plug the gaps in the POWPA over the coming year.

The WWF scorecard and results of the trial will be presented on Thursday 14 February at 13.15 in the Mexico Room. For information on the Protected Area Benefits Assessment Tool, guidelines on addressing indigenous issues in protected areas and a manual on different financing options for protected areas: [RHogan@wwfint.org](mailto:RHogan@wwfint.org)

*ECO has been published by the NGO community at most Conferences of Parties to International Environmental Conventions. It is currently being published at the Second meeting of Ad Hoc Open-ended Working Group on Protected Areas to the Convention on Biological Diversity in Rome, Italy. The opinions, commentaries, and articles printed in ECO are the sole opinion of the individual authors or organisations, unless otherwise expressed.*

**SUBMISSIONS:** *Welcome from all civil society groups.  
Email to [just.tasneem@gmail.com](mailto:just.tasneem@gmail.com)*

## A Little Spider's Message to LifeWeb

Dear German government,

Since you are using my architectural design to name your new voluntary fund for protected areas, I hope you'll heed the following advice 1. Please insist that all governments accessing this fund adhere to all the principles and actions of the CBD Programme of Work on Protected Areas, and in particular Element 2 on governance, equity, and participation. Our friends the indigenous peoples and local communities are very worried that with more and more money being available for PAs, governments might actually find renewed interest in declaring new areas without taking into account issues of their rights and participation.

2. Please also ensure that the funds are available to indigenous peoples, local communities, and NGOs, and in particular to support community conserved areas that are currently unrecognized and unsupported. Already they are disappointed that the GEF Country Action Fund for the POW, is not open to non-governmental sectors. Given that most governments are still not supporting community conserved areas or collaboratively managed PAs, huge areas of biodiversity importance within indigenous and local community territories remain without adequate protection.

Remember that the Web of Life depends not only on urgent actions by governments, but also on respecting and supporting the only ways of living that have proven to be sustainable and respectful of life on earth.....those of indigenous peoples and local communities....ways of living that are increasingly threatened.



Thank You...(okay now back to spinning my web!)

### **Announcements!!**

**Meeting to discuss a global alliance in support  
of Community Conserved Areas**

**Wednesday 18.00 Philippines Room**

**Joint NGO IPO meeting on the Climate Change  
negotiations in relation to indigenous peoples  
issues and biodiversity issues.**

**Thursday 9.30 – 10.00  
Red Room**

## Australian Native title legislation one way to implement CBD PoW

- Hanna Jaireth Member, TILCEPA IUCN

Native title legislation in Australia demonstrates one approach for reconciling a range of interests in protected areas.

Indigenous Australians' rights to use and manage resources are recognised and protected by the *Native Title Act 1993* (Cth) and counterpart State and Territory legislation. The Act defines native title with reference to the communal, group or individual rights and interests of Aboriginal and Torres Strait Islander peoples in relation to land or waters, and that are possessed under traditional laws and customs. The legislation establishes processes by which native title can be recognised and protected, and future dealings in land regulated. As native title can be highly variable, it is determined on a case by case basis. The Native Title Act was a Federal Government response to landmark court decisions.

The Native Title Act provides for negotiated agreements, including under Indigenous Land Use Agreements (ILUAs) and consent determinations.

ILUAs can

- involve a range of stakeholders such as miners, pastoralists, different indigenous groups, industry organisations, governments and others.
- create binding contractual obligations on governments, industry groups, non-indigenous land owners and all the native title holders in an area.
- cover any matter concerning native title rights and interests, and negotiated compensation or trade-offs such as community services or statutory land title. They can address co-management or partnership arrangements; the relationships between native title rights and interests and other rights and interests in an area; and so on.

As of 4 February 2008, there were 310 Indigenous Land Use Agreements registered in Australia. For a range of relevant maps see:

<[http://www.nntt.gov.au/publications/national\\_maps.html](http://www.nntt.gov.au/publications/national_maps.html)>

### Case-study: Eastern Kuku Yalanji People's consent determination

In Dec2007 the Eastern Kuku Yalanji native title consent determination recognised their native title rights and interests over 126,900 ha of land and waters between Port Douglas and Cooktown in Queensland. The Federal Court recognised that the people can possess, occupy and use certain areas to the exclusion of all others, and inherit and succeed to the recognised native title rights and interests. These rights apply to 30,300 ha of unallocated State land in the determination area, and include non-exclusive native title rights recognised in relation to 96,600 ha of timber reserve, term leases and special leases.

These rights are subject to Queensland and Commonwealth laws, and the traditional laws and customs of the Eastern Kuku Yalanji People. The areas where the Eastern Kuku Yalanji People's non-exclusive rights have been recognised will continue to be shared by all those with an interest in the area.

### Indigenous land use agreements (ILUAs)

The December consent determination followed the signing of 15 ILUAs in April 2007. involved the Eastern Kuku Yalanji People, Queensland Government, Douglas Shire Council, Cook Shire Council, Wujal Wujal Aboriginal Shire Council, Burungu Aboriginal Corporation, Bana Mindilji Aboriginal Corporation, the Wet Tropics Management Authority, Telstra, Ergon, and grazing and mining lessees.

For further information see:

<<http://www.nntt.gov.au/applications/determinations.html>; and [http://www.nntt.gov.au/media/1197332259\\_3540.html](http://www.nntt.gov.au/media/1197332259_3540.html)>.

## An Italian CCA under threat: save the Partecipanza Dei Boschi Di Trino!!

The *Bosco delle Sorti della Partecipanza* is a 580 hectare wood in the Piedmont Region, listed as a Natura 2000 Site of Community Importance. The Bosco delle Sorti cannot be separated from the Partecipanza, born in 1725, as an association of the heads of local households holding joint ownership of the woodland.

In 1991 they were incorporated into a Regional Nature Park recognized as a Community Conserved Area by the Italian Government. This is an important CCA example in Europe and worldwide, surviving thanks to ancient statutory rules implemented over hundreds of years.

Unfortunately, with the aim of "standardizing" management of its Regional Parks, the regions is currently planning to overrule the territorial, historic, cultural and ecological peculiarities of its Protected Areas. In the case of the Partecipanza, traditions, statutes, experience and practice of woodland management are in danger of being neglected in the name of a misunderstood sense of economic efficiency.

TILCEPA is therefore circulating a petition calling for the safeguarding of the customary governance system of the Partecipanza, without which the Bosco delle Sorti and its unique biodiversity and cultural significance are at great risk.

Please let Barbara Lassen know if you would like to sign the petition or send her an email expressing your solidarity to the Partecipanza at [barbara@cenesta.org](mailto:barbara@cenesta.org)