

Dubious Protection

Recent workshops held to assess the Convention on Biological Diversity's Programme of Work on Protected Areas drew attention to the need for space for indigenous and local communities

30

Can we achieve full and effective participation of indigenous and local communities in the management of existing, and the establishment of new, marine protected areas (MPAs) by 2008, promoting equity and benefit sharing? Are these two goals of the Programme of Work on Protected Areas (PoWPA) of the Convention on Biological Diversity (CBD) achievable in the near future in a context in which country-level strategies to protect marine biodiversity often ignore these human-rights imperatives?

These were the questions asked by all three of the representatives of the

equitable sharing of both costs and benefits arising from the establishment and management of protected areas by 2008; and 2.2: Full and effective participation of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment of new, protected areas by 2008.

The Conference of the Parties (COP) to the CBD is planning to review the implementation of the PoWPA at its tenth meeting (COP10) in Nagoya, Japan from 18 to 29 October 2010. There have been a series of follow-up initiatives to the PoWPA after its adoption in 2004. In 2006, COP 8 requested the Secretariat to organize regional and subregional capacity-building and progress-review workshops, and these were held in 2007. COP 9, held in 2008, asked the Secretariat to again organize workshops as part of the preparatory process (COP Decision IX/18A), to review the implementation of PoWPA in Asia and Pacific, Africa, Latin America and the Caribbean, and the central and eastern European regions.

The PoWPA is a multi-year programme with 16 major goals and sub-goals aimed at giving substance to the CBD objective of developing ecologically representative networks of protected areas.

International Collective in Support of Fishworkers (ICSF) who attended the Regional Workshops in Asia, Africa and Latin America on the Review of Implementation of the PoWPA organized by the CBD Secretariat during October and November 2009. The PoWPA is a multi-year programme with 16 major goals and sub-goals aimed at giving substance to the CBD objective of developing ecologically representative networks of protected areas. Specific goals and targets have been developed for each of the major goals.

Of central importance to small-scale fishing communities, Programme Element Two identifies two key goals: 2.1: Establish mechanisms for the

Focal points

These regional workshops were meant to target the government focal points for PoWPA in the respective regions. Representation from non-governmental organizations (NGOs) working in the region and from the indigenous and local communities was encouraged. The objectives of these workshops were to review the progress in

This article has been written by Jackie Sunde (jsunde@telkomsa.net) and Juan Carlos Cardenas (jcc@ecoceanos.cl), Members of ICSF, along with Ramya Rajagopalan (icsf@icsf.net), Consultant, ICSF

implementation of the PoWPA, and propose ways and means for strengthening the implementation of the programme of work post-2010.

The workshops had a common structure with presentations on (i) integrating protected areas into wider landscapes and seascapes; (ii) governance; and (iii) status of implementation of the PoWPA. The presentation on governance provided inputs on the various types and quality of governance in protected areas, specifically distinguishing 'management' from 'governance'.

The Africa Regional Workshop was the first in the series, hosted in Côte d'Ivoire during 5-9 October 2009, with representatives from 43 countries, besides resource persons, and representatives from the Indigenous Peoples of Africa Co-ordinating Committee (IPACC). The Asia-Pacific workshop was the second in the series, hosted in India during 12-15 October, with 25 country representatives (14 from the Pacific region), besides participants from indigenous and local communities (Indigenous Peoples Pact Foundation, Partners of Community Organizations, Mountain Institute). The Latin American and Caribbean workshop was held in Columbia during 2-5 November 2009, with 23 country participants (14 from Latin America and nine from the Caribbean) and representatives from the indigenous and local communities in the region. It was interesting to note that the three workshops were largely focused on terrestrial protected areas, except for the Pacific countries in the Asia-Pacific meeting, who had more experience of MPAs. Resource persons for all three workshops were from The Nature Conservancy (TNC), United Nations Development Programme-Global Environment Facility (UNDP-GEF), World Wide Fund for Nature (WWF), World Conservation Society (WCS), and the World Conservation Union (IUCN) Theme on Indigenous and Local Communities, Equity and Protected Areas (TILCEPA).

The workshops clearly showed that there was lack of awareness among government representatives about

key issues in the PoWPA, especially on the critical issue of governance. There was very little understanding of the IUCN typologies of governance used commonly within protected area work, which makes the important distinction between community conserved areas and 'co-managed' areas. At the African workshop, an interesting example of an MPA in Casamance, Senegal, was presented, where the Kawawana, Mangagoulak rural community has set up a community-declared conserved area, with detailed management plans and zoning developed by the community, integrating traditional and scientific knowledge.

Locally managed marine areas (LMMAs), special managed areas, and legally recognized traditional closed areas set up in several Pacific countries were explained during the Asia workshop, especially where the community has been involved in setting up, managing and monitoring MPAs. In the Latin American workshop, some of the successful examples presented included the PNN Galapagos, where there are quotas for the private, fishery and tourism industries, with specific agreement with the Cuyabeno indigenous people who have mangrove concessions; and the creation of the whale sanctuary in Chile, at the initiative of Chilean artisanal fishers and conservation

JACKIE SUNDE



Delegates at the Africa Regional Meeting in Cote d'Ivoire on the CBD Programme of Work. 43 countries were represented at the meet

NGOs, to control the expansion of industrial fisheries and aquaculture.

Few officials have been exposed to the perspective of a 'human-rights-based approach' to protected area planning and management. This was clearly highlighted by the lack of awareness among government representatives about the link between implementation of international human-rights commitments and the implementation of the PoWPA. Several government representatives were not aware of the United Nations Declaration on the Rights of Indigenous Peoples or of the broader human-rights instruments that contain references to participation in decisionmaking, and how relevant these are for setting up protected areas and their management. Often participation was relegated to either stakeholder forums or general consultation, not recognizing forms of participation where indigenous and local communities are actively involved in decision-making bodies as 'rights holders'. Government representatives were not aware of problems and issues in implementing MPAs, especially from a fishing-community perspective.

States have focused on increasing the number of protected areas to achieve the 10 per cent target set by the PoWPA, but have neglected many of the more qualitative outcomes.

One of the key omissions highlighted by the ICSF representative at the African workshop was the lack of mention of gender issues in protected area management and governance, which has particular relevance in areas where local and customary governance practices often discriminate against women. Women's rights are seldom taken into consideration during the setting up of protected areas or in their management, especially in issues relating to decisionmaking and benefit sharing.

At the Latin American workshop, representatives from indigenous and local communities and ICSF stated that many of the management plans

are not compatible with local practices and traditional uses, leading to conflicts and tension. Often, communities do not have access to State health services, and are also banned from using native species for traditional medicine, thus denying them basic human rights. These representatives demanded a more multi-sectoral and multi-cultural approach to protected area processes, including management, where the protected area managers have an understanding of the local culture.

Prior to the workshops, country-level reports had been submitted to the CBD Secretariat, and during the workshop participants were required to complete questionnaires used as a means of further assessing progress towards targets. The report of these workshops prepared by the Secretariat to the SBSTTA (Subsidiary Body on Scientific, Technical and Technological Advice) highlights that of the seven goals in the PoWPA to be achieved by 2008, the progress in two goals—Goal 2.1 (promoting equity and benefit sharing) and Goal 2.2 (enhancing involvement of indigenous and local communities)—is very limited and way behind targets.

States have focused on increasing the number of protected areas to achieve the 10 per cent target set by the PoWPA, but have neglected many of the more qualitative targets. The problems in implementing Programme Element 2 were identified as: inadequate involvement of indigenous and local communities in protected area planning and management; local community resistance to protected areas; and governments not embracing the wide range of governance types in protected area strategies. The document also highlights that very little progress is being made in increasing the coverage of area under MPAs (with only 5.9 per cent of the world's territorial seas and 0.5 per cent of the extra-territorial seas being designated as MPAs).

The key outcome of the Regional Workshops was a set of recommendations to the Fourteenth Meeting of the SBSTTA, to be held in Nairobi, Kenya, from 10 to 21 May

2010, where the implementation of the PoWPA will be assessed in preparation for COP10. Government representatives and national focal points were asked to provide inputs to these recommendations. Representatives from ICSF also contributed to the various working groups. Among the key inputs from ICSF were suggestions to:

- encourage Parties to implement a range of governance types for management of MPAs, recognizing the rights and responsibilities of indigenous and local communities (under MPAs);
- incorporate governance assessments into the management effectiveness evaluation (under Management effectiveness);
- request governments to recognize the non-monetary values of protected areas, and facilitate national assessment of socioeconomic costs and benefits of protected areas;
- include representatives of indigenous and local communities in multi-stakeholder committees, in consultations for national reporting on the PoWPA and national reviews of protected area systems (under Programme Element 2);
- establish and provide guidance on mechanisms and processes for recognition of community conserved areas, collaborative management and diversification of governance types and improved governance quality (under Programme Element 2); and
- establish MPAs in areas beyond national jurisdiction; and recognize the need for clear, equitable benefit sharing, and also recognize the rights of artisanal fishers (especially in the case of Peru and Chile).

Some of the important recommendations to the SBSTTA from these workshops included the following:

- a) provide additional technical support through the development of toolkits, best practices, and guides on themes of the PoWPA, in collaboration with partners, in particular on Element 2 (governance, participation, equity and benefit sharing);



Chairperson Jo Mulonguy addressing the CBD Africa Regional Workshop on Protected Areas. The workshop made recommendations to the forthcoming 14th Meeting of the SBSTTA

- b) increase awareness of the benefits of the PoWPA to health, water and other sectors, climate change adaptation and mitigation, poverty alleviation and the Millennium Development Goals (MDGs) by holding workshops to bring key actors from these sectors to discuss ways of collaborating to develop mutually beneficial responses to the PoWPA;
- c) support and finance the use of natural ecosystems and, in particular, protected area systems in carbon storage and capture and in ecosystem-based adaptation to climate change, and to embed improved design and management approaches for protected area systems into national strategies and action plans for addressing climate change, including through existing national adaptation programmes of action (NAPAs);
- d) incorporate governance assessments into the management effectiveness evaluation process;
- e) encourage Parties to implement a range of governance types for management of MPAs, noting the United Nations Declaration on the Rights of Indigenous Peoples (General Assembly Resolution 61/295);

- f) invite Parties to increase understanding of the role, importance and benefits of protected areas in sustaining local livelihoods, providing ecosystems services, reducing risks from natural disasters, adapting to, and mitigating, climate change, health, water and other sectors, at all levels;
- g) establish a co-ordination mechanism between the PoWPA and other related processes under the CBD, including, *inter alia*, forests, marine, access and benefit-sharing and Article 8(j) working groups and the processes related to the Addis Ababa and Akwe:Kon guidelines for exchange of information on implementation of these programmes and recommendations on possible joint actions for enhanced implementation;
- h) consider the creation of a national indigenous and local community focal point under Article 8 (j), where appropriate, which could liaise with the respective focal points for the PoWPA;
- i) recognize the role of indigenous and community conserved areas in biodiversity conservation, collaborative management and diversification of governance types;
- j) include indigenous and local communities in multi-stakeholder committees, in consultations for national reporting on the PoWPA, and in national reviews of protected area system effectiveness; and
- k) involve the multi-stakeholder co-ordination committees in the reporting process.

The SBSTTA will consider these recommendations, and will make recommendations to COP10, where the implementation of the PoWPA will be reviewed. While there are still a number of obstacles in implementing the PoWPA in its true spirit, it is important that countries recognize the potential role of governance in protected area processes and

understand the links between human-rights commitments and the PoWPA.

With the increasing attention being paid by some countries to viewing protected areas as climate change mitigation and adaptation opportunities, it is essential that countries focus not only on the quantitative targets of the PoWPA but also the quality and actual benefits from protected areas (governance, and contribution of PAs towards livelihoods), where the rights and responsibilities of indigenous and local communities are recognized.

It remains to be seen whether or not the growing interest in protected areas as a strategy for contributing towards climate change mitigation and adaptation will create space for indigenous and local communities living in, and adjacent to, MPAs to articulate the local knowledges that they possess, highlight the roles they have played in protecting marine ecosystems, and claim their rights to participate fully and effectively in the governance of these areas. ¶

For more



www.cbd.int/protected/needs.shtml

CBD's Programme of Work on Protected Areas

mpa.icsf.net

ICSF's MPA Subsite

www.mpanews.org

MPA News