

invited to full and effective participation in public policies formulation for biodiversity and protected areas laws. Food and food security is a crucial part of all human culture and wellbeing, hence it is vital to conserve and protect socio-ecological landscapes that are the cradle for local, biodiverse and ecological food production.

This point has been instrumental in shaping particularly the following recommendations:

Rec#	Title
6	Governance and sustainable use
9	Aarhus and beyond
20	Governance for the conservation of nature and human well being

Exemplary case/s and other useful links:

MELCA Ethiopia: <http://www.melcaethiopia.org/>

Original presentations and report are available in the event's folder (see link in annexed "Repository of original Powerpoint presentations and Rapporteur reports").

Overlapping governance types: dealing with complexity and diversity



WORKSHOP SUMMARY REPORT

Event co-leaders:	Neema Pathak Broome and Stan Stevens
Time and date:	18 November 2014, 08:30-10:00
Rapporteurs:	Neema Pathak Broome, Robert Deves and Stan Stevens
Presenters:	Stan Stevens, Peter Lantin, Giovanni Reyes, Glaiza Tabanao, Cristina Eghenter and Joe Martin

This workshop shared experiences and developed recommendations for redressing one of the major issues facing the protected areas movement and indigenous peoples and local communities today. A large number of countries worldwide are challenged to resolve rights violations and lost opportunities for conservation as a result of the establishment of protected

areas by governments (national, regional, and local)* in the territories of indigenous peoples and local communities without recognizing their collective ownership of their lands and self-determination and obtaining their free, prior, and informed consent. In some cases this has led to the superimposing of new protected areas on pre-existing indigenous peoples' and community conserved territories and areas (ICCAs) without appropriate recognition and respect for them. Resolution of overlap issues is critical to: the legitimacy and effectiveness of protected areas; strengthening conservation synergies and connectivity; sustaining cultures and livelihoods; redressing injustices and violation of local rights, custodianship and associated responsibilities; and creating partnerships against external threats to both protected areas and ICCAs.

This workshop included a framing presentation, four case studies, and discussion of recommendations for incorporation into the Promise of Sydney and future international conservation goals and guidance. The situation of the Khumbu Sherpa people and their ICCAs within Sagarmatha (Mount Everest) National Park and World Heritage Site in Nepal was presented as an example of why appropriate recognition and respect for ICCAs in overlap situations is important both for conservation and well being of the concerned local communities and indigenous peoples. The case study presentations from Canada, Philippines, Indonesia and Thailand (see exemplary cases below) provided in-depth testimony and reflections about complex situations, involving the territories of indigenous peoples which are also national parks, national marine conservation areas, conservancies, and biosphere reserves.

Key emerging lessons:

A vast number of protected areas worldwide have been established in the customary territories of indigenous peoples and local communities, often without recognizing their collective ownership of their lands and without their free, prior, and informed consent. Indigenous peoples and local communities in such situations have been denied effective participation in protected area governance, equitable sharing in protected area benefits, and recognition of their collective rights and responsibilities including collective ownership of their lands, self-determination, maintaining their own knowledge systems, values, livelihoods, and governance and land/marine management institutions and practices.

Addressing these overlap situations is an urgent concern, as called for in the Durban Accord and Action Plan from the 2003 World Parks Congress and in many IUCN World Parks Congress recommendations and World Conservation Congress resolutions.

It is vital in overlap situations to affirm indigenous peoples' collective ownership of their lands, self-determination, livelihoods, and rights recognition.

* Following current IUCN practice we distinguish between national, regional, and local governments and indigenous peoples' and local communities' customary or legally recognized governments. This also distinguishes between protected areas declared and governed by the former and those declared and governed by the latter.

Appropriate means to address overlap situations do exist based on which good practice and minimum standards guidance can be developed. This guidance can draw on existing international law and IUCN policy, including multiple IUCN World Conservation Congress resolutions, and experience in diverse parts of the world.

The workshop presented specific good practice approaches and examples as well as a set of policy recommendations for adoption by IUCN and the Parties to the CBD. In particular two approaches were highlighted: a) mutual recognition and coordination, establishing dual or multiple status governance and b) recognition of indigenous peoples' governance of zones within a co-governed protected area.

Exemplary case/s and other useful links:

A. Mutual recognition and coordination, establishing dual or multiple status governance.

- The Haida Nation maintains its governance of self-declared Haida Heritage Sites within its territory of Haida Gwaii (also claimed by Canada and administered as part of British Columbia). These Heritage Sites are simultaneously co-governed as Gwaii Haanas National Park Reserve and Haida Heritage site, Gwaii Haanas National Marine Conservation Area and Haida Heritage Site, and eleven co-governed Heritage Sites/Conservancies. Management decisions are made on the basis of consensus, with integration of traditional knowledge and values.
- The Tla-o-qui-aht First Nation maintains a network of four self-declared and governed tribal parks that encompass all of its customary lands (which are also claimed by Canada and administered as part of British Columbia). These tribal parks are overlapped by Clayoquot Sound Biosphere Reserve and partially overlapped by the Pacific Rim National Park Reserve, which coexist and collaborate with them.

B: Recognition of indigenous peoples' governance of zones within a co-governed protected area

- Eleven indigenous peoples whose territories are now overlapped with co-governed Kayan Mentarang National Park, Indonesia have negotiated a protected area zoning system. This system draws on their understanding and mapping of their customary land uses and recognizes their continued governance and conservation of particular forest areas known as tana ulen. indigenous peoples' participation in the shared governance of the protected area as a whole, however, thus far has been weak.
- The three indigenous peoples (twelve indigenous communities) whose ancestral domains overlap with co-governed Mount Kalatungan Ranges Natural Park, Philippines maintain community governance of conserved areas and protection of sacred places. One of the communities has mapped and produced a community plan for its sacred forest, registered it as an ICCA with the World Conservation Monitoring Centre's ICCA Registry, gained its

recognition by the protected area management board, and had their custodianship of the area integrated into the protected area management plan.

- Two indigenous peoples in Ob Luang National Park, Thailand have carried out community mapping and planning that identified conserved forests, sacred forests and cultural sites, and customary use areas which are community governed. These are now considered zones of the national park, which has a pilot shared governance arrangement.

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Main elements of the successful overlap situation case studies included:

- Empowerment of indigenous peoples' governance structures, including through capacity building and support to integrate indigenous governance structures, laws, and customs with protected area management;
- Development of consultative, participatory and collaborative frameworks;
- Importance of respecting, taking into account, and integrating all forms of knowledge/wisdom;
- Creation of forums for mutual understanding of all rightsholders and stakeholders' perspectives and knowledge;
- Using international endorsement and recognition of ICCAs to support domestic recognition efforts, then sharing successes of these local recognition efforts regionally and globally.
- Success often comes after a long and incremental process, starting from building with what already exists and then moving towards changing what needs to be changed; in some situations indigenous peoples followed the principle of self-determination ('just do it') including self-declaring heritage sites, tribal parks, and other ICCAs, while agreeing to disagree on some matters; and
- Successful shared governance of overlapping protected areas involves respect, integration, and support.

Key recommendations:

A set of recommendations were conveyed to Stream 6 for incorporation into the Promise of Sydney; adoption by IUCN as a resolution on "Appropriate Recognition and Respect for ICCAs in Protected Area Overlap Situations," at the IUCN World Conservation Congress 2016; and incorporation into decisions on ICCAs and on protected areas by the Parties to the Convention on Biological Diversity at COP13 in 2016. Some of these recommendations are embodied in the three strategic directions and 20 recommendations made by Stream 6, particularly recommendations 3 and 5.

In order to foster conservation, well-being, livelihoods, food and water security, and cultural diversity in situations where government-established protected areas overlap with indigenous

peoples' and local communities' territories, lands, and waters, IUCN and the CBD should urge states to:

1. Recognize indigenous peoples' and communities' collective and individual rights, including rights to own, govern, manage, and use their lands, seas, and resources; self-determination; and free, prior, and informed consent. Secure rights affirmed in UNDRIP, IUCN policies, and in the CBD's articles 8j and 10c, decisions of the Parties, and Programme of Work on Protected Areas.
2. Ensure that overlapping protected areas are governed by indigenous peoples and local communities or have strong co-governance with clear institutions, roles, responsibility and accountability through legal or other effective mechanisms developed in consultation with -- and with the consent of -- the concerned indigenous peoples and local communities.
3. Ensure that indigenous peoples' and local communities' knowledge, institutions, and practices that contribute to cultural and ecological conservation, livelihoods, food and water sovereignty, and sustainability -- including ICCAs - together with their management strategies and plans, are appropriately recognized, respected, coordinated with, and supported within overlapping protected areas.
4. Recognize indigenous peoples' and local communities' governance and conservation practices --including their customary institutions and law -- in areas overlapped by protected areas and throughout their territories. Appropriate means of recognition and respect include treaties, constitutional provisions, legislation, and legally-binding agreements that inform protected area governance, policies, management plans, and zoning.
5. When requested, help facilitate and support indigenous peoples' and local communities' documentation of their conservation practices --including their customary territories, institutions, and law -- throughout their territories. Ensure that indigenous peoples and local communities approve the processes through which documentation is carried out and have ownership of the knowledge thus created and mechanisms to protect it.
6. Ensure that indigenous peoples and local communities have the resources required to fully and effectively govern and conserve their territories and areas and to participate in processes of reaching agreements and collaborating with states and other actors. These resources may include compensation for the past appropriation and exploitation of their territory and natural resources by others.

This session's recommendations have contributed to most of the Stream final recommendations. In particular, they were instrumental in shaping the following:

Rec#	Title
3	Voluntary conservation
5	Governance overlaps