

Issues and Concerns of Indigenous Community Conserved Areas (ICCA)

(11 September 2012, Hotel Dragon, Pokhara, Kaski)

Synthesis Report

An interactive workshop carried out under the project entitled
"Promoting and Advancing Indigenous and Community Conserved Areas
(ICCAs) in Nepal"

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Organized by:



Machpuchhre Development
Organization
&
Indigenous Community
Conserved Area, Sikles, Parche,
Kaski

Support by:



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1. Introduction

The recognition, promotion and advancement of the territories and areas conserved by indigenous peoples and local communities (recently known as ICCA) have become an issue of debate for conservationists. This debate is gaining attention around contemporary conservation discourses in the recent decades. This concept has been introduced and widely used to refer community and indigenous stewardship in conservation of biodiversity and ecosystem. The multiple benefits such as livelihood security, cultural preservation, ecosystem services etc, offered by such areas have also been widely acknowledged today.

There are a number of international legal instruments that have recognized the customary conservation practices of indigenous peoples and local communities. For example, from the Conference of Parties (COP) to the Convention on Biological Diversity (CBD), has endorsed the concept of “ICCAs” since 2004. Similarly, the CBD Program of Work on Protected Areas (PoWPA) and COP 10 of CBD in Nagoya, Japan have emphasized and recognized the significance of ICCAs. The fourteenth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA/ CBD) in Kenya, on May 2010 has also asserted the need to recognize and support the ICCAs. Similarly, the International Union for Conservation of Nature (IUCN) has also recognized ICCAs as one of the four governing categories of protected areas.

Nepal has a significant area under formal conservation (almost 23.23% of the country's area has been declared as protected area- PAs). However, many of the valuable ecosystems are outside the regime of formal PAs. Many of them may be the territories and areas conserved by indigenous people and local communities (known as ICCAs). They may exist in different forms and natures, like old and new, large and small, etc and they have been conserving critical ecosystems ranging from wetland and forest rangelands. In several cases, indigenous institutions are still functioning and are contributing to both conservation and livelihoods.

ForestAction Nepal, jointly with Machpuchhre Development Organization (MDO) and ICCA Network member (especially in Sikles, Parche, Kaski) organized a regional multi-stakeholders interaction in Pokhara, Kaski on 11 September 2012. The overall objective of the interaction was to discuss on the relevance of ICCAs and their roles in nature conservation in Nepal. The specific objectives of the interaction were:

- To generate a common platform to dialogue between diverse stakeholders about the roles of community and their contribution to biodiversity conservation;
- Introduce and orient the concept of ICCA among the diverse stakeholders and allow them to share their experiences towards the recognition, promotion and advancement of this concept;
- To explore future conservation policy directions for the recognition and support of ICCAs in Nepal.

A total of 31 individuals, representing different constituencies: organizations, civil society groups, local communities, journalists (See annex 2 for details), were present during the interaction. The program was chaired by Man Bahadur Gurung (Chair of Indigenous Community Conserved Area Nepal, Sikles, Parche, Kaski and the member of ICCA Network Nepal). The program was divided in three sessions: i) Introduction of the concept and context of ICCA and its relevance in Nepal; ii) remarks and opinion by panel speakers; and iii) the plenary discussion (see Annex 1 for details of program schedule):.

2. Presentation Session

After the introduction of the program and participants, and welcome speech, , a presentation highlighting on the general introduction of the concept and context of ICCA and its relevance in recognizing, promoting and advancing in Nepal was delivered by Jailab Rai from ForestAction Nepal (See annex 3 for presentation slides). The key points of the presentations were:

- The introduction and definition of ICCA (territories and areas conserved by indigenous peoples and local communities through their customary laws and practices which has three characteristics: local people's concerns; their decisive roles; contribution in the biodiversity conservation.
- International legal instruments (such as ILO 169, UNDRIP, decisions of CBD COP, World Park Congress, and World Conservation Congress) enough the recognize territories and areas conserved by indigenous people and local communities (known as ICCAs.
- There are dozens of national policies, laws, acts and regulations related to biodiversity conservation in Nepal. However, despite some progressive policies within the last decade, most of the laws and legislations are yet to comply with international standards and far from addressing the needs and aspiration of indigenous peoples and local communities.
- There may be hundreds of ICCAs in different parts of the country but these do not have clear legal status and state's recognition yet.
- Promoting and advancing ICCAs is important (the reason: for the legalization of their practices and status; for their security; for their diverse forms of recognitions [religious, cultural, social, political, economic]; to respect local conservation initiatives; to protect them from international and external threats; to respect and acknowledge their contribution; to strengthen and empower conservation initiatives of local communities etc).
- The way forward for promoting and advancing ICCAs in Nepal are: form a multi-stakeholder national apex body; identification and documentation of such sites to prepare national data base; continuous interactions and discussions; formulate necessary policies and legislations; raise nationwide awareness building; and form national network to advance nationwide campaign, advocacy and capacity building.

3. Remarks by Panel Speakers

After the presentation, four persons (Kisam Gurung, Ram Prasad Subedi, Bishnu Prasad Pokharel, and KagendraBaral) expressed their personal opinions as well as from an institutional perspective and responded upon the relevance of ICCA based on the presentation. The brief of their opinions and remarks are as below:

3.1 Kisam Gurung

Mr Kisam Gurung, representing both the indigenous peoples and the local institution of Annapurna Conservation Area (ACA) expressed his views in terms of the significance of ICCAs which is summarized below.

"First what we do in our area (ACA in general and Ghandruk in particulr) is directly related with the nature and natural beauty around us. Our livelihoods will be in danger if we do not conserve our areas. Everyone of our village are practitioner of the biodiversity conservation and one or other way they are helping in the biodiversity conservation, that is

either from their day to day life or of the cultural life ways. The conservation activities initiated by ACA program have been helping in these of the local activities. Moreover, the concept ICCA will further enhance conservation work of our areas. So, further discussion and proper implementation of this concept will be a must."

3.2 Ram Prasad Subedi

Mr Ram Prasad Subedi, regional chair of Non-Government Organization (NGO) Federation was invited as a delegate representative of his organization. Some of the key highlights of his opinions and remarks are as follows:

"I have sensed that it is a kind of issues that focuses on the establishment of the rights of marginalized communities. For this, I think clear strategic planning should be needed to achieve targeted objectives. Conservation work, in most cases, has been contradicting with the development activities, like road construction, as we see many of the community people and stakeholders demand development works as most priority. Yes, this is a need of time not only the conservation of biodiversity but of course the rights and the recognition the indigenous people and local communities."

3.3 Bishnu Prasad Pokharel

Mr Bishnu Prasad Pokharel, from the Department of Soil Conservation in Kaski, was invited as third panel speaker in the interaction. Some of the highlights of his opinions and remarks about ICCAs were as follows:

"I agree that many of the territories and areas of the country have been conserved and conserving by the indigenous people and local communities. But at the same time the changing world have been changing the perceptions, demands and needs of the younger generations. This means the utilization and the distribution of benefits out of the biodiversity conservation also equally need to be considered while talking about traditional and customary rights and conservation.

The another important thing is the implementation of existing laws and legislations on biodiversity conservation as there are many good and positive parts of the existing laws and policies on biodiversity conservation rather than on demanding for other new laws, policies and legislations.

However, I agree that some of the policies and laws are controversial in term of management, benefits and rights as they give dual meanings which need to be revised as per the time and needs. Similarly, I also agree that the proper recognition and capacity development of the indigenous peoples and local communities on their conservation work is a must that will help further in the biodiversity conservation in Nepal."

3.4 Khagendra Baral

Mr Khagendra Baral, from the District Forest Office (Kaski??), was invited as fourth panel speaker of the interaction. Some of the major point and issues highlighted by Khagendra Baralis as follow:

"Many of the indigenous peoples and local communities have been conserving their sites including biodiversity. Therefore there is no question that conservation must be made for the benefits of indigenous peoples and local communities. This means indigenous people and local communities have lots of their traditional practices, like Chepang for Chiuri

conservation, that are contributing to the biodiversity conservation. In this context, ICCA is a new concept that recognizes and respects these practices. However, the studies and documentation of these practices are still lacking in the programs by all including department of forest. It is noteworthy that the Nepal government has already adopted some policies to respect and promote indigenous peoples and local community's traditional and customary practices that promote and help biodiversity conservation. So, for the promotion and advancement of ICCAs in Nepal, first long term goals must be defined and then the current status or state or condition must be analyzed so that further activities can be defined. In addition to this the larger land use planning must be prioritized, defined and discussed so that they all support biodiversity conservation, including support to the promotion and advancement of ICCA sites and practices."

4. Open Discussion Session

In the open discussion session, the participants shared their individual opinions and remarks about the relevance of promoting and advancing ICCAs in Nepal. Some of the key highlights of the opinions and responses by the participants are summarized below:

Positive remarks about ICCAs:

- The discussion and interaction on the conservation practices of indigenous peoples and the local communities are most relevant for present day socio-economic and political context and for the promotion, recognition and sensitization of their contribution. The identification, promotion and advancement of the concept "ICCA" will help to empower and recognize contribution of indigenous peoples and local communities.
- It is fact that the local communities are conservationists (like people in Panchase area) but they have no rights to access and use resources and benefits out of the conservation areas. So, the promotion and advancement of the concept ICCA can help in this issue.
- Nepal government has lots of programs and activities that recognize the concept of ICCA. For example, the concept of Protected Forest in Panchase area is one. However, the people those who are not listed as indigenous people in Nepal have also been conserving many biodiversity sites but there is question whether they can be ICCA or not.
- If the aim and objectives of the ICCA can be well defined, understood and perceived then there will be no problem of conservation with the development.
- Using term 'Indigenous' is not random but it poses some kind of customary laws, practices and beliefs that help or contribute in biodiversity conservation like worshipping large tree, rocks, religious forests, that have been conserved by indigenous people before state had formulated conservation laws and legislations. So, ICCA is a model that is trying to value and recognize such practices, beliefs and values of indigenous peoples. For example, during the reign of the kings in Nepal there was a saying that "Rajako thiti duniya ko niti (state's unitary rule within diverse community practices".
- Many of the indigenous peoples and local communities have been conserving number of biodiversity sites since long generations but state's policies have been trying to convert communal resources like rivers into private known as "Jhola ma Khola (rivers in the bag)" bearing no benefits and rights to these communities. So, the concept ICCA may be the best way to resolve such issues.

Pressing questions about ICCA:

- The term ICCA is more controversial because it is very difficult to distinguish which are ICCAs and which are not and how they are ICCAs or not.
- It is questionable that whether the problem is because of the lack of adequate of national laws, policies and legislations or lack of their proper implementation.
- It is equally important to define who Indigenous people are and who are not in terms of biodiversity conservation. It is important to note that there are different groups of people in a single community to contribute in conservation and how such complexities can be defined and differentiated among themselves in this concept.
- The communities those who are not listed into the indigenous people in Nepal have been conserving lots of biodiversity sites. There is question of whether all of them can be listed into the ICCAs or not?
- The documentation of ICCA sites is inadequate.
- The term Indigenous seems more controversial in terms of how this concept can accommodate contribution of non-indigenous peoples and other communities.
- In the conservation arena, there are conflicting ideas and opinions among the local communities, for instance some argue that local communities must have sovereign rights over resources and other argues against it.
- There needs a clarity on whether ICCA is completely a new concept or is it a form of transforming existing community conserved areas into it.
- Indigenous people and local communities have been conserving number of biodiversity sites, but it is still problematic to demarcate the ICCA sites and its areas, because many of the sites in Nepal are not necessarily ICCAs, rather they are conserving without indigenous peoples or local communities who are not indigenous peoples.
- The migration is also making the definition of the term ICCA a questionable because.

Key suggestions about ICCAs:

- The concept ICCA' seems to be focused on much in the conservation and less on its benefits or resources utilization, which need to be discussed.
- The concept and the essence of ICCA are very scientific and appreciative but state seems to be least interested to respect and promote community initiatives (such as Rupa lake conservation initiatives by local communities since last two decades). For this, a strong network must be formed so that it can effectively raise the issues, create awareness, and play proactive roles for the recognition.
- The intensive studies and documentation of ICCA sites is lacking in the country, even not a single concrete initiatives from the government can be seen, which may be an important part of beginning of promoting ICCAs in Nepal.
- The structure of the documentation of ICCAs should be discussed and finalized so that the concept can accommodate the contribution and knowledge of all communities.
- The term LCCA or Local Community Conserved Areas is better than the ICCAs.
- It will be most important to develop long visions of which issues will be carried out in the future as networks.

5. Response and Closing Remarks

5.1 Response and Opinion by Dr. Naya Sharma Paudel

Dr. Naya Sharma Paudel shared his personal opinions about the conservation in general and ICCA in particular also by attempting to answer the questions raised by the participants. The highlights of his response are as follow:

“The global development paradigms over the last 6/7 decades have developed the idea of winning over the nature as a development and civilization. In response to its negative impacts like environmental degradation, the conservation of specified territories, including some of the specific wild animal species have emerged and increased rapidly, which was also come into a focus among the rulers in Nepal since around four/five decades.

But since last few decades (two/three), the cultural diversity have been started to be understood as a part of biodiversity conservation. This concept has gradually recognizing the traditional and customary practices of biodiversity conservation. However, there is a still debate on this concept and its implication in diverse forms including policies and laws and hence will be difficult to answer concretely in Nepal as well.

If we look at it from the Nepal's conservation perspectives, the biodiversity conservation initiatives and practices in Nepal have also could not recognized the culture of human communities related with the biodiversity conservation. It is fact that cultural diversity is directly related with the biological diversity, such as our life cycle rituals require diverse forms of things from the nature which promote us to conserve biological diversity.

The next critiques of the conservation initiatives of the government is the expenses for conserving and managing declared protected areas. That means ICCAs can substitute current the costly conservation. So, the concept ICCA, practically known as voluntarily conserved areas by local communities. The nature worshipping culture of indigenous peoples and local communities these days have been recognized as important for biodiversity conservation.

If such community gets recognitions and some forms of technical and financial supports from outside are provided, it will be more effective in biodiversity conservation. In the present political context of Nepal the term 'indigenous' is becoming a problematic. But the scientific definition and the meaning of the term cannot work properly in Nepal but need to be redefined in the Nepal's context and hence use of the term indigenous in biodiversity conservation may not be a problem. The debates over the term ICCA or CCA is should not be taken as a problem for us.”

5.2 Final Remarks by Panel Speakers

It is noteworthy that the concept and the meaning of ICCA has been welcomed and accepted by all participants for the relevance of contributing in biodiversity conservation. Moreover, all panel speakers have also agreed the relevance of this concept in Nepal's biodiversity conservation. It was suggested that the discussions and interaction on this issue should be conducted in the local community levels so as to develop local awareness and capacities on the issues. Similarly, it is also argued that the recognition, promotion and advancement of the concept "ICCA" will develop sense of ownership among the indigenous peoples and local communities if clear policies and legislations about ICCA is formulated in Nepal even if the government and any outside agencies do not support

to such communities and that can help to the conservation of biodiversity. However, the concept and implications of ICCA may become one of the very complicated issues in many cases because this concept develop confusions and contradictions on who are ICCA and how indigenous peoples who have been displaced and negatively impacted and other who are not indigenous but conserving the sites may be a problematic.

6. Discussions

All of the participants have agreed that recognition, promotion and advancement of customary laws and practices related with the biodiversity conservation are essential in Nepal. However, the branding of the term "ICCA" to denote territories and areas conserved by indigenous and local communities has become unknowingly an issue of debate. The major debate was the question of inclusiveness of the concept 'indigenous' in terms of its meaning to accommodate non-indigenous and the communities other than the indigenous who are also equally or partly contributing in the biodiversity conservation. It is mostly because of the national political context that the term indigenous in terms of state restructuring and the pre-emptive or first rights of indigenous peoples in access to natural resources have been making other communities, particularly the non-indigenous peoples, more skeptical on the use and branding of such sites with the term 'indigenous'.

All of the participants have agreed on the relevance and importance of the legal recognition of territories and areas conserved by indigenous peoples and local communities. However, adequacy or inadequacy of the existing national laws, policies and legislations to legalize the concept 'ICCA' has remained controversial because some of the participants, particularly the representatives from the government offices, have argued that existing national laws are enough to recognize, promote and advance this concept. They argued that the problem in the country is lack of proper implementation of these laws, policies and legislations. But, the participants representing indigenous peoples' organizations and their local constituencies argued that existing national laws, policies and practices could not recognize and legalize their biodiversity conservation practices and hence clear legislations should be formulated for this.

The participants have also argued differently over the issue of scopes and coverage of the concept. It is questioned that whether this concept intends to cover only selected communities (indigenous communities) or communities in general that are contributing in the biodiversity conservation. It is argued that if all community conservation initiatives would be included in this concept, almost all of the communities, including community forestry groups (more than 18 thousand), throughout the country may be considered as ICCAs. So, some of the participants understood 'ICCA' as complex and very difficult to define and delimit its scopes and coverage in the Nepal's conservation and forest resources management contexts. However, other participants argued it as a clear concept to define and include the communities on the basis of their customary laws, practices, values etc related with the biodiversity conservation.

The intensive studies, documentation and preparation of national database have remained common issues and concerns for almost all of the participants, including representatives from the government institutions. However, some of the participants suggested organizing nationwide discussions and interactions to finalize its methodologies so that the studies, documentations and preparation of data base would be acceptable for all.

The future plan and action for promotion and advancement of the ICCAs in Nepal also remained concerns for most of the participants. The participants questioned on the actors and processes of to be carried out this issue in the future. They also questioned about the long term visions and strategies of ICCA activities, including policy engagements, advocacy and lobby for its promotion.

7. Conclusion

The identification, promotion and advancement of 'ICCA' is thought to be relevant by all stakeholders. However, some of the issues and concerns like its meaning, coverage, scopes, its inclusiveness etc, are vague and even questionable among the stakeholders. It can be concluded that there is demands of constant dialogues, discussions and interactions in wider level for conceptual clarity among all levels of stakeholders.

Acknowledgement

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Annex

Annex 1: Program Schedule

Date	Details/Activity	Facilitator
२:००-२:३०	रेजिष्ट्रेसन, खाजाचिया	
२:३०-२:४५	कार्यक्रमको उद्देश्यकावारेमाप्रकाश, आसनग्रहण	कार्यक्रमआयोजक
२:४५-२:५०	स्वागतमन्तव्य	मनवहादुर गुरुङ
२:५०-३:००	परिचय	सबै
३:००-३:२०	आइसिसिएअवधारणाको विकास तथा नेपालमायसको सान्दर्भिकता, अवसर तथाचुनौतिहरु	जैलब राई (फरेष्टएक्सन नेपाल)
३:२०-४:००	आइसिसिएअवधारणाको विकास तथा नेपालमायसको सान्दर्भिकता, अवसर तथाचुनौतिहरुकावारेमाव्यक्तिगततथा संस्थागतविचारहरु	प्यानलीष्टहरु
४:००-४:१५	चिया	
४:१५-५:१५	आइसिसिएअवधारणा तथा प्यानलीष्टहरुको विचारकावारेमाखुल्ला छलफल तथाअन्तरक्रिया	सबै
५:१५-५:३५	प्यानलीष्टहरुको छोटो प्रतिक्रिया	
५:३५-५:४५	नेपालमा स्रोतमाथिको सामुदायिकअधिकार तथाआइसिसिएको पहिचान	डा. नयाशर्मा पौडेल (फरेष्टएक्सन नेपाल)
६:०५-६:१५	छलफलका वारेमाव्यक्तिगत टिप्पणी तथाकार्यक्रमको समापण	मनवहादुर गुरुङ
६:१५-७:१५	खाना	

Annex 2: List of Participants

SN	Name	Organization	Designation	Email Address	Contact Number
1	Bishnu Pd. Pokharel	Soil cons. office	Asst. Soil Con.Officer	bishnuprasad.pokharel@yahoo.com	9846087231
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4	Amrit Kumar Gurung	TareBhir CF	Member		9806103670
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6	LekhanathDhakal	Rupa Lake and Fisheries Conservation			9846262780
7	KulBahadurGurung	Lose Pakha Rani Ban CF	Adviser		9856021805
8	Hari Ram Bhandari	MDO	Staff		9846512219
9	Purna Man Gurung	Patalban CF	Member		9846032844
10	GokarhaTiwari	Rupatal- Kaski	Member		9856031081
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29	AasBdrGurung	Ghachok CMC	Chairperson		9846286669
30	Man Pd	Ghandruk	Chairperson CAMC		9846361402
31	Cap. GumandhojGurung	Sikles 5	Member		

Annex 3: Some Selected Photos of the Program



Man Bahadur Guriug, delivering his welcome speech



Panel speakers, chairing their seats



Jailab Rai, presenting his paper



Participants in the interaction



Participants in the interaction



Naya Sharma Paudel, sharing his thoughts