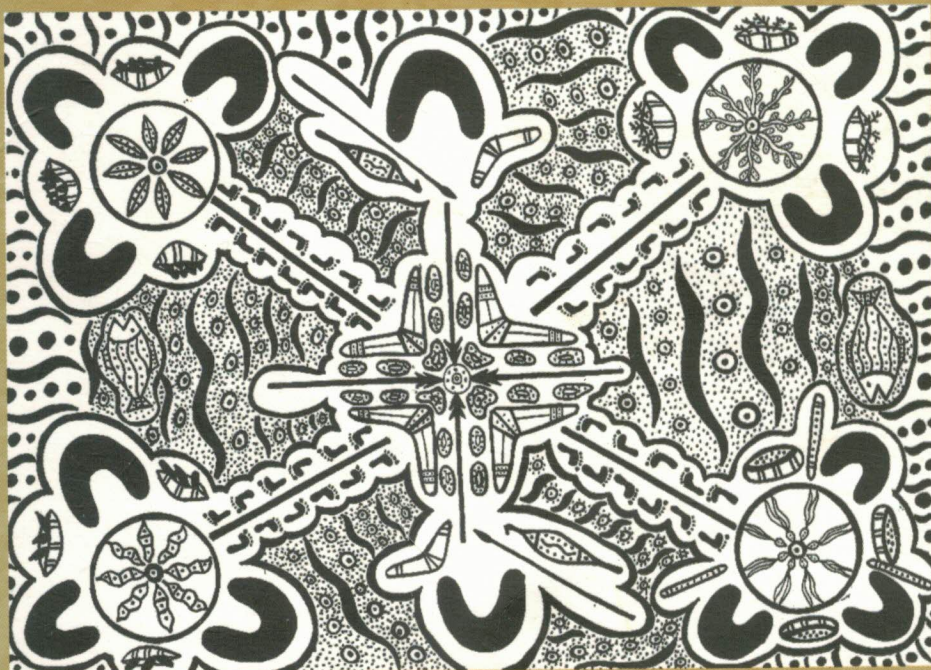


Innovative Governance

Indigenous Peoples, Local Communities
and Protected Areas.



Edited by
Hanna Jaireth
Dermot Smyth

INNOVATIVE GOVERNANCE

Indigenous Peoples, Local Communities, and Protected Areas

for

**The Theme on Indigenous and Local Communities,
Equity and Protected Areas (TILCEPA)**

Editors

HANNA JAIRETH and DERMOT SMYTH



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Front cover artwork: Paruku Indigenous Protected Area

Courtesy Elizabeth Lulu

Paruku, also known as Lake Gregory, is of great spiritual significance to the local Aboriginal Traditional Owners. The protected area covers an area of 4,34,600 ha in the Kimberley region of Western Australia and includes an internationally significant wetland system. The picture tells the story of Paruku:

Long ago, the people of Paruku saw a star coming from the east and it fell into Paruku. The star became a man, Giki, who sang and danced about the pelican (Walang). At the four waterholes (known as *Kirliwa*, *Kiji*, *Lirra*, and *Kunturkuta*) around the lake, people gathered food. They gathered black mussels and seeds (*Mungul*) that were ground into flour. They gathered Junta (bush onions) and Karnti (bush potatoes). The middle part of the picture represents the men's Dreaming. The outer part of the picture with the waterholes represents the women's Dreaming and shows the gathering of food.

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We especially thank the TILCEPA co-chairs, Grazia Borrini-Feyerabend and Ashish Kothari, Jim Johnston, and the Canadian Wildlife Service of Environment Canada for sponsoring this publication with funds from the Governance Stream of the World Parks Congress.

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Introduction and Overview

HANNA JAIRETH □ DERMOT SMYTH

This book identifies innovative approaches to protected area governance for biodiversity conservation and sustainable development for Indigenous peoples and local communities. It highlights laws and policies that aim for equitable and just outcomes for stakeholders concerned with protected areas, whilst also recognising important conservation values in and around those areas. It aims for the reform of laws that exclude local population from protected areas, and the adoption of policies that integrate environmental, economic and social considerations in protected area management.

The governance of protected areas today embodies fluid, cooperative and collaborative interactions and networking amongst a diverse range of stakeholders. Governments and multilateral institutions remain key actors, but social movements, non-government organisations (NGOs) and Indigenous peoples' organisations (IPOs), academics, researchers and practitioners, and foreign investors and business associations are also powerful contributors to governance. Just as in other fields of social policy, the boundaries between public, partnering and not-for-profit sectors are becoming blurred (Edwards and Langford 2002). In many cases, governments do not have the capacity to manage the protected areas in their jurisdiction exclusively and effectively, and neither would having such capacity be necessarily desirable or sought by Indigenous and local communities.

In addition to the relationships and stakeholders that make up governance institutions; discourses, norms, rules, programs, policies and decision-making procedures are also important constituents of governance. According to the Commission on Global Governance, governance is the

sum of the many ways individuals and institutions, public and private, manage their common affairs and accommodate conflicting or diverse interests. Governance can be effected through both formal institutions and the exercise of compulsive powers, and through informal cooperation based on shared values (CGG 1995, 2).

Contributors to this book confirm that contemporary trends and practices in protected area governance are profoundly shaped by the activities of global civil society and the Indigenous and local communities that live in or near protected areas. Political institutions are increasingly 'glocal', that is, reflecting both global and grassroots processes (Hempel 1996). Multilateral instruments influence the governance of protected areas, but they too are shaped by domestic and international political trends. There is an uneven iterative and co-determining relationship between the norms and values expressed by 'glocal' political movements, governments, and multilateral institutions. To the extent a particular actor responds to or promotes innovations, it can be seen as 'embedded' in, empowered and constituted by its political context. The institutions of governance exist because of actions and practices which constitute and reproduce them; a reproduction that is legitimated because the actors, norms and values involved are considered authoritative and meritorious.

The 1992 Convention on Biological Diversity (CBD) and international human rights instruments have clearly been constitutive influences in the democratisation of the governance of protected areas. According to Adrian Phillips, democratic norms and multilateral instruments have had a powerful influence on the extent to which Indigenous and local communities are being recognised as legitimate actors in protected area governance in many jurisdictions. These norms and instruments, and the domestic laws and policy instruments that implement them, are discussed in Chapters 2, 4, 8 and 9 (Alden Wily, Ferrari, Chernela, Varella and Platiau), and briefly in a few other chapters.

Various terms used in the book have complex interpretations. For example, the use and meaning of the term Indigenous peoples or Indigenous communities is not yet standardised in international law, with

UN agencies and domestic legislation having their own definitions. According to International Labour Organisation Convention No. 169 (1989), Indigenous peoples are those whose social, cultural and economic conditions distinguish them from the population which inhabited the country, or a geographic region to which the country belongs, at the time of conquest, colonisation or establishment of present state boundaries. Indigenous peoples, irrespective of their legal status, tend to retain some or all of their pre-colonial social, economic, cultural and political institutions. There are estimated to be more than 5,000 Indigenous peoples, comprising more than 300 million people, in the world today.

The term local community is used to mean a socially and geographically networked group of people, not necessarily homogeneous, who live close to or care for the natural/cultural resources in a protected area. Local communities may include individuals or groups with tenurial and customary rights of use or ownership in a protected area, and those who have a direct dependency on the protected area (TILCEPA 2001). Members of local communities who do not have tenurial rights may also be active contributors to protected area governance along with the relevant landowner(s). Trends in innovative governance involving local communities who do not necessarily have tenurial rights are discussed in various chapters. The recognition of the role of Indigenous and local communities in protected area governance, is discussed in each chapter.

Other terms used in the book are defined in the glossary.

IUCN as a Global Actor in Protected Area Governance

One of the most powerful organisations in the governance of protected areas in a global sense is the World Conservation Union (also known as the International Union for the Conservation of Nature and Natural Resources — IUCN).

Established in 1948 as the International Union for the Protection of Nature in Fontainebleau, France, the World Conservation Union brings together states, government agencies and a diverse range of non-governmental organisations into a unique world partnership. It currently has 950 members, spread over 139 countries. The IUCN seeks to encourage

and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. It builds on the strengths of its members, networks and partners to enhance their capacity and supports global alliances to safeguard natural resources at local, regional and global levels.

The IUCN's Commission on Environmental, Economic and Social Policy (CEESP) is a network of professionals whose mission is to formulate effective policies for equity and conservation. Its members are driven by a common objective to understand the dynamic social, political and economic factors that underlie the interaction between people and nature. CEESP has 700 members, and its secretariat is based at CENESTA, an Iranian NGO.

The IUCN's World Commission on Protected Areas (WCPA) is the largest worldwide network of protected area managers and specialists. It comprises over 1,300 members in 140 countries. WCPA is one of the six voluntary World Conservation Union Commissions. It is funded by the Protected Areas Programme of the IUCN. Its mission is to promote the establishment and effective management of a worldwide network of terrestrial and marine protected areas.

The IUCN's Working Group on Collaborative Management of Natural Resources (CMWG) is established within CEESP. It is dedicated to promoting and supporting field-based co-management initiatives and prescribing methods and policies of collaborative management.

The Theme on Indigenous and Local Communities, Equity, and Protected Areas (TILCEPA) was convened by WCPA and CEESP in 2000. It evolved from a Task Force on Local Communities and Protected Areas created in 1999. The TILCEPA seeks the recognition of the rights of local communities in the development and implementation of conservation policies and strategies that affect their lands, waters and other natural and cultural resources. It advocates the development of management partnerships amongst stakeholders, including the communities resident in or near protected areas. TILCEPA's mandate flows from a number of

IUCN resolutions and statements, including Resolution 1.42 on Collaborative Management agreed at World Conservation Congress in Montreal, 1996, and Resolutions 19.1 and 19.23 on community-based approaches of the 19th Session of the IUCN General Assembly. The latter recognised that the effective management of resources involves acknowledging the rights and aspirations of different cultures and the conditions of different environments.

In October 2002, the WCPA Steering Committee asked TILCEPA to, amongst other tasks, formulate a typology of protected area governance within each IUCN category of protected area, ranging from totally government managed through a diversity of co-managed protected areas, to totally community or private managed ones. An evolving summary in mid-2003 included (Borrini-Feyerabend, pers. comm. 2003):

- Government management: Authority, responsibility and accountability rests with a government ministry or agency (federal, provincial, or local/municipal) that has formally subjected the protected area to a conservation objective (such as an IUCN category). The government may also have delegated the management to a body (parastatal, NGO, private sector or community-based) but the government retains land ownership and control/oversight.
- Multi-stakeholder management: Authority, responsibility and accountability for managing the protected area is shared amongst a plurality of actors, likely to include one or more government agencies, local communities, private landowners and other stakeholders. In collaborative management, formal decision-making authority, responsibility and accountability still rests with one agency (often a national governmental agency) but the agency is required to collaborate with other stakeholders. In its strongest form, collaboration means that a multi-stakeholder body develops and approves by consensus a number of technical proposals for protected area management, to be later submitted to the decision-making authority.

- Private management: Authority and responsibility rests with one or more private landowners. These may include environmental NGOs and foundations, research institutions, universities, corporations or individuals.
- Community management: Authority and responsibility for managing the protected area rests with the Indigenous people or local community with customary and/or legal claims over the land and natural resources, who manage the protected area for conservation through a variety of specific forms of governance or locally agreed organisations and rules.

Chapter 1 explores in further appreciative detail the history of the IUCN's contribution to the governance of protected areas. Adrian explains that the IUCN has produced or contributed to various global conservation strategies and has driven the evolution and implementation of the now widely accepted protected area categories and guidelines that are embodied in many governments' laws and policies.

IUCN Guidelines for Protected Areas

IUCN adopted a definition for protected areas in 1994. Accordingly, a protected area is an: '[a]rea of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means (IUCN, 1994).'

IUCN has also developed a system of protected area categories, based on management objectives, as summarised in Exhibit 1. These categories are sufficiently flexible to accommodate protected areas managed by Indigenous peoples or local communities (community conserved areas).

The World Wide Fund for Nature (WWF)

WWF is another highly influential global organisation in Protected Area governance. It is committed to protecting endangered spaces and species, promoting co-management of natural and cultural resources, and responding to global threats to the environment. Formed in 1961, it has sponsored more than 2,000 projects in 116 countries. Its annual budget

has exceeded that of both the United Nations Environment Program and the World Conservation Union (Holdgate 1999, 216). WWF has claimed 4.7 million supporters in a global network active in 96 countries (Russell 1996).

Both WWF and the IUCN have been active in promoting co-management of protected areas, Indigenous peoples' rights, and, more recently, gender issues (Aguilar et al. 2002). WWF's support for innovative governance is discussed in Chapters 8, 10 and 14 (Chernela, Bicego and Gardner).

Protected area management involving transnational corporations has not been profiled in this book. The International Chamber of Commerce and the Business Council on Sustainable Development claim an important role in the transition to a sustainable future (Schmidheiny and Zorraquin 1996), and although some of the largest NGOs are developing partnerships to ensure it, they do not feature in this book. Private foundations in a donor role are referred to briefly however.

Multilateral Inter-governmental Institutions and Protected Area Governance

The CBD is referred to in various chapters. In the 1980s the IUCN, later supported by the World Resources Institute, significantly influenced the development of the CBD. The CBD came into force on 29 December 1993. By May 2003 it had 187 parties.

The primary objectives of the CBD are to protect biological diversity (genetic resources, species and ecosystems), to commit states to use biological diversity sustainably, and to ensure that the benefits arising from the use of genetic resources are shared fairly and equitably.

The CBD defines a protected area as a '[g]eographically defined area which is designated or regulated and managed to achieve specific conservation objectives'. The CBD recognises the value of traditional knowledge, innovations and practices of Indigenous and local communities relevant to sustainable development. Gendered individuals and communities have also been identified as CBD subjects of interest in recent

Protected area managed
mainly for science.

springs, mountains, islands, etc.
with no-use rules except on very
particular occasions, such as a
once-a-year ceremony
communities to protect the area)

- | | | |
|-----|---|--|
| Ib | Wilderness Area:
Protected area managed
mainly for wilderness
protection. | Living grounds on non-contacted
peoples (Amazon, South-east
Asia islands etc) |
| II | National Park: Protected
area managed mainly for
ecosystem protection and
recreation. | Watershed forests above villages,
protected springs, community
declared wildlife sanctuaries (at
times for ecotourism use) |
| III | Natural Monument:
Protected area managed
mainly for conservation
of specific natural
features. | Natural monuments (caves,
waterfalls, cliffs, rocks) that are
protected by communities for
religious, cultural, or other
reasons |

- | | | |
|----|---|---|
| IV | Habitat/Species
Management Area:
Protected area managed
mainly for conservation
through management
intervention. | Heronries and other village tanks,
turtle nesting sites, community
managed wildlife corridors and
riparian vegetation areas |
| V | Protected
Landscape/Seascape:
Protected area managed
mainly for
landscape/seascape
conservation and
recreation. | Traditional grounds of pastoral
communities/ mobile peoples,
including rangelands, water points
and forest patches strongly inter-
dependent for herd, ecosystem
and cultural survival; sacred and
cultural landscapes and seascapes,
collectively managed river basins
(includes agrobiodiversity) |
| VI | Managed Resource
Protected Area:
Protected area managed
mainly for the sustainable
use of natural ecosystems. | Resource reserves (forests,
grasslands, waterways, coastal and
marine stretches, including
wildlife habitats) under restricted
use and communal rules that
assure sustainable harvesting
through time. |

years. The role of the CBD is discussed in Chapters 1, 4, 11, 13 (Phillips, Ferrari, Morales and Platiau, Lawrence).

The CBD is implemented with an 'ecosystem approach' to ecosystem governance. Although the meaning and implications of this term are still evolving, various complementary and inter-related principles tend to be recognised as inherent in the concept. These principles recognise that management objectives are a matter of societal choice, but to be most efficient, management should be decentralised to the lowest level. This enables management to be more responsible, accountable and participatory, and use local knowledge. Ecosystem managers should consider the impact of their decisions on adjacent and other ecosystems. This approach also incorporates environmental economic considerations, with managers being asked to reduce market distortions that impact on biological diversity, align incentives to promote sustainable use, and internalise the costs and benefits in managed ecosystems. Incentive mechanisms and broadscale protected area governance, particularly for Category V and VI protected areas, are discussed in Chapters 6, 7 and 8 (Jaireth, Szabo and Smyth, Chernela).

Other principles inherent in the ecosystem approach include maintaining ecosystem structure and functioning, managing ecosystems within the limits of their functioning, defining management objectives over the long term, recognising the inevitability of change, consideration of all relevant sources of information and knowledge, involving all sectors of society, and seeking an appropriate balance between conservation and sustainable use. Such ecosystem scale (broadscale) approaches are discussed in Chapters 6, 7, 14, 15, and 16 (Jaireth, Bray, Szabo and Smyth, Mallory, Bicego and Gardner).

Overview of Chapters

Contributors to this book have identified laws and policies that are taking protected area governance in new and positive directions. Three innovative governance trends are explored throughout the book. These include

- the wide range of actors that can now designate and manage protected areas, particularly community conserved areas;

- the broader scale being taken to the designation and management of protected areas (embracing bioregional planning, multiple tenures and transboundary jurisdictions); and
- the extension of the concept of protected areas to include lived-in productive landscapes.

Other innovations discussed in the book include gender equity law reforms, constitutional protection for Indigenous peoples and local communities in relation to natural/cultural resources, the use of participatory learning and community networks for the management of community conserved areas, the recognition of Indigenous protected areas within national reserve systems, participatory ecological monitoring initiatives, and multiple stakeholder involvement in urban cultural parks and in ocean management.

Chapter 1***Turning Ideas on their
Head: The New
Paradigm for
Protected Areas***

Adrian Phillips, formerly Chair of the IUCN World Commission on Protected Areas (1994-2000) and now Senior Advisor to IUCN on World Heritage, contributes his broad ranging and reflective lecture in 2002 to the George Wright Society. The lecture was jointly sponsored

by the University of Vermont and the Conservation Study Institute. Adrian argues that revolutionary changes have occurred in the values and practices of protected area governance over the past 40 years. He identifies key features of the classic model and compares them with contemporary approaches, and argues that more diverse actors are involved in protected area governance today and over a broader landscape scale. The objectives of protected area governance have broadened, with scientific, social/cultural and economic objectives being pursued. He argues that protected areas are increasingly large-scale transboundary areas or networks of strictly protected areas, buffered and linked by green corridors. Protected area management tends to be adaptive over the long term, with more focus today on the restoration and rehabilitation of community assets, with responsiveness to political considerations and international concern. Adrian identifies examples of community conserved areas, bioregional planning/

ecological networks, and Protected Landscapes and Seascapes (IUCN protected area management Category V).

Chapter 2

***Community Roles in
Protected Area
Management in Africa:
Implications of New Land
and Forest Legislation***

Liz Alden Wily, a land tenure and natural resources management specialist, selects the East African countries of Kenya, Tanzania, Uganda and Ethiopia to demonstrate how land reform across the continent are empowering communities as actors in protected area management. She

argues that the most important factor is improving the legal status of customary land rights. This enables communities to have communal wildlife, pasture and forest lands recognised as their private group-held property, giving a strong impetus to community forest and wildlife reserves. Combined with constitutional and local government reform, communities are being encouraged to serve as managers of even the most valued national protected areas.

Chapter 3

***Community-oriented
Conservation
Legislation: Is South
Asia Getting
Somewhere?***

Ashish Kothari, co-chair of the TILCEPA (with Grazia Borrini-Feyerabend) and co-founder of Kalpavriksh, a conservation and development NGO based in New Delhi and Pune, in India, reviews conservation laws and policies in six South Asian countries.

He discusses land reform laws in Bangladesh; forestry laws and policies in Bhutan, India, Sri Lanka and Nepal; local resource management in Nepal; proposed wildlife policy and donor-supported projects in Pakistan; wildlife laws in India and Nepal; and coastal management reforms in Sri Lanka. Ashish argues that community-based natural resource management is innovative in current times (reviving, though in different ways, traditional systems). He suggests that political decentralisation is more advanced than natural resource reforms. Much needs to be done to realise participatory community empowerment and the integration of customary laws and institutions with modern institutions.

Chapter 4**Challenges in
Protecting Biodiversity
and Indigenous Peoples'
Rights: The Philippine
Experience**

Maurizio Farhan Ferrari, a Ph.D. student with the Open University (UK) who also works part-time for the Forest Peoples Program (UK), analyses legislation in the Philippines concerning Indigenous peoples' rights and protected area management. He examines the *National Integrated Protected Areas System Act 1992*, *Executive Order 247*, the *Indigenous Peoples Rights Act of 1997*, and their implementation. Citing the examples of Mount Pulag, Bataan National Park, Mount Kitanglad and Coron Island, Maurizio argues that further reforms are needed to ensure that the innovative aspects of the legislation can be realised and contradictions and ambiguities resolved.

Chapter 5**Mainstreaming
Resource Conservation:
The Fiji Locally
Managed Marine Areas
Network and national
policy development**

Joeli Veitayaki, **Bill Aalbersberg** and **Alifereti Tawake** from the University of the South Pacific (USP), in Suva, Fiji, and **Etika Rupeni** and **Kesaia Tabunakawai** of the South Pacific Program Office of the World Wide Fund for Nature (WWF), Suva, have collaborated to promote the Fiji Locally Managed Marine Areas network (FLMMA). Their chapter demonstrates how a project-based learning network can enhance collaboration amongst people. The network enables participants to share their ideas about and experiences of community-based resource conservation and in-shore fisheries development. The FLMMA was recognised as an Innovative Partnership for Sustainable Development in Tropical Ecosystems by the United Nations Development Program at the World Summit for Sustainable Development in 2002.

Chapter 6**Integrated Natural
Resource Management:
Innovations and
Community Conserved
Areas in Australia**

Hanna Jaireth is a member of several IUCN Commissions and has a longstanding interest in sustainable development and human rights. Her chapter focuses on three governance mechanisms affecting protected areas across diverse tenures in Australia. It first discusses

the adoption of continental scale bioregional planning and implementation processes. It then discusses two innovative aspects of the federal government's National Reserve System (NRS) program: the Community Component which assists with the purchase of land for the establishment of privately-owned protected areas, and the Conservation Management Network project for the protection of remnant grassy woodland vegetation in Eastern New South Wales. Thirdly, community organisations' creation of ecological networks with protected areas in their region and community conserved areas on a range of tenures, drawing on Natural Heritage Trust funding, is discussed. Whether such community conserved areas should be required to meet IUCN/NRS standards and be brought within the NRS is flagged for debate.

Chapter 7

Indigenous Protected Areas Australia: Incorporating Indigenous owned land into Australia's National System of Protected Areas

Steve Szabo, a senior officer with Australia's federal government conservation agency, Environment Australia, and **Dermot Smyth**, Honorary Research Fellow at James Cook University, North Queensland, have contributed a chapter about the development of Indigenous Protected Areas (IPAs) in

Australia. IPAs are an innovative form of protected area governance in which land of conservation significance that is owned and managed by Indigenous people has become a recognised part of Australia's National Reserve System. This approach is consistent with IUCN Protected Area Guidelines, which recognise that protected areas need not be established or managed by government agencies and can be governed by a diversity of 'legal or other effective means,' which includes the application of Indigenous customary law.

Chapter 8

Innovative Local Protected Area Governance: Silves in the Central Brazilian Amazon

Janet Chernela, Professor, Anthropology and Latin American Studies, University of Maryland, describes a grassroots conservation movement initiated by local fishermen in the central Amazon community of Silves to preserve a productive and unique lake system.

The movement emerged in the 1980s and persisted into the 1990s,

re-constituting itself in the process. Local protected areas were created in response to overfishing by commercial stakeholders. The effective enforcement of applicable fisheries legislation became a high priority for Silves, and in the absence of timely government action, the community introduced its own regulatory mechanisms.

Chapter 9

***Innovative Laws in
Brazil: Laws for
Indigenous People in
Brazil***

Professor Marcelo Dias Varella, who is Director of the Masters Program in Law at the University Centre of Brasilia (UniCEUB), co-authored this chapter with **Ana Flávia Barros Platiau**, an International Relations Professor at the University of Brasilia (UnB)

and head researcher of a inter-institutional group on international trade, development and environment, under the Brazilian Ministry of Education. They examine innovations in the Brazilian legal system that recognise Indigenous peoples' constitutional and land rights and promote sustainable development, biodiversity conservation and public participation in resource management. They argue that while Brazil's legislation is innovative and progressive, further environment and development reforms would benefit Indigenous communities.

Chapter 10

***Local Communities and
Protected Areas: The
Indigenous Awá of
Ecuador***

Janet Chernela profiles local protected forest areas designated by an Indigenous people of Ecuador, the Awá. Following opposition by Colombian stakeholders to a binational biosphere reserve within the UNESCO Man and the Biosphere program (MAB) combining lands of both Ecuadorian and Colombian Awá, the Awá organised themselves into representative units and established their own protected areas with rules and regulations written by themselves. Janet explains that although this experiment is currently threatened by illegal timber extraction, the Awá case is a model of local decision-making that simultaneously meets conservationist and Indigenist criteria. Indeed, the Awá recognise their own control over their own lands and they preserve them, in their words, for future generations.

Chapter 11
***Innovative Governance
Initiatives in Ecuador's
Chocó Region:
Resolving Ancestral
Territorial Disputes and
Implications for
Natural Resource
Management***

Manolo Morales, an environmental lawyer and Director of ECOLEX, with **Lea M. Scherl**, an environmental/social psychologist who has worked for over 15 years in natural resource management and conservation with Indigenous and local communities in several countries, focus on low-lying coastal areas of Esmeraldas in Ecuador. They highlight the fundamental importance of resolving ancestral land title disputes as a first step for securing constructive and equitable community participation in the sustainable use and management of natural resources. The region is resource-rich but has been subject to unsustainable development for decades. They point out that only when these issues are resolved can communities become allies in the management of neighbouring protected areas. This chapter also provides examples of conflict resolution processes, including the use of trained paralegal specialists recruited from within the communities.

Chapter 12
***Innovative Governance
of the Galapagos
Marine Reserve:
Framework for
Co-management***

Pippa Heylings, a consultant in co-management of natural resources, describes the implementation of a package of innovative legislation for the Galapagos Islands. This includes the *Special Law for the Conservation and Sustainable Development of the Province of Galapagos 1998* which introduces the control of migration from mainland Ecuador to Galapagos (which migration had been placing unsustainable pressures on local resources), the creation of exclusive fishing rights for the local artisanal fishers, the establishment of a multiple use marine reserve, and the inclusion of local stakeholder representatives in the management structure of the reserve. While such a radical and integrated approach to managing the unique values of the Galapagos has had some perverse outcomes, Pippa concludes that the co-management regime that has been established for the marine reserve represents a very significant shift from the centrist tendencies of protected area managers

in Ecuador. These challenging governance arrangements make the Galapagos Marine Reserve a living laboratory for the study of cutting-edge social processes in addition to its renowned evolutionary and ecological processes.

Chapter 13***Monitoring in Protected Areas: Participatory Ecological Monitoring***

Anna Lawrence, who works with the Environmental Change Institute, University of Oxford, highlights the need for more participation in ecological monitoring. There is a real need for Indigenous peoples and local

communities to define their own environmental information needs and to use suitable methods to assess whether environmental management achieves its goals in ecological terms. Anna argues that participatory ecological monitoring can build trust amongst different stakeholders, and over time enable local people to take responsibility for the sustainability of management and activities within protected areas. She cites examples from Finland, China, Kenya and Mexico, and draws conclusions from the analysis of contributions from 55 countries to an internet conference in 2002.

Chapter 14***Canadian Federal Marine Protected Area Programs: Stakeholder Involvement in Protected Area Management***

Sandra Bicego, an environmental planning consultant with a law background, with Dovetail Consulting in Vancouver, Canada, contributes a chapter along with Dovetail principal and University of British Columbia adjunct professor **Julia Gardner**. Their focus is innovative law and policy mechanisms to

involve communities, First Nation peoples and NGOs as partners in developing a network of marine protected areas through an ecosystem approach. The key legislation examined is the *Oceans Act 1997*, which takes into account economic, social and environmental objectives and promotes stewardship and collaboration, largely implemented through a Marine Protected Areas Policy (1999).

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- Chapter 15** **Mark Mallory, Vicky Johnston and Paul Latour**, wildlife biologists with the Northern Conservation Division of the Canadian Wildlife Service in Environment Canada, present three co-management case studies from the Canadian Northwest Territories and Nunavut to demonstrate that partnerships
-
- Striking a New Balance: Co-management of Federal Protected Areas in the Northwest Territories and Nunavut, Canada**
-

between the federal government and aboriginal organisations can be positive for local Inuit and Indian communities, federal wildlife managers, and flora and fauna. Key issues analysed include negotiated benefit-sharing, community approval of a regional protected area strategy, co-management committees for protected areas, and the use of traditional knowledge to help define management policies. The writers argue that good legislation, empowering agreements and a mutual commitment between aboriginal peoples and governments to act in the best interests of sustainable development lead to innovative governance.

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- Chapter 16** **Paul M. Bray**, President of P.M. Bray LLC, an environmental and planning law firm in Albany, NY, is the founder and former General Counsel to the inter-municipal Hudson Mohawk Urban Cultural Park (Riverspark) Commission. He was also the Founding President of the Albany Roundtable Civic
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- Evolving Policies and Laws for Governance of Urban Protected Areas: New York State's Landmark Heritage Area System**
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Lunch Forum and Founding Director of the New York Park and Conservation Association. He examines New York State's *Parks, Recreation and Historic Preservation Law 1982*. This legislation establishes a state-wide system of urban and regional culture parks/heritage areas in partnership with local government and the private sector. Paul argues that the law's most demonstrable achievements have been the development of state-of-the-art visitor centres in 13 of the 17 heritage areas and the adoption of management plans with the intersecting goals of preservation, recreation, education and sustainable development, and municipal protection for significant historic landmarks and districts according to national standards. The Act also establishes an Advisory Council comprising commissioners, public officials and citizens.

CONCLUSION

Legislators, policy-makers, Indigenous peoples and local communities are responding in many ways to community demands for greater stakeholder participation in protected area management. The examples given in the book show that a new law or policy relating to protected area governance usually results from the interaction of an array of political, historical and legal forces. In the Philippines, Brazil, Canada, and many countries in Africa, constitutional reform, coupled with community action and subsequent legislative responses, has led to innovative protected area governance. In Australia, however, where constitutional recognition of Indigenous and environmental rights is lacking, the application of IUCN protected area categories and guidelines, and creative approaches to the provision of incentive mechanisms, have led to innovative governance of protected areas.

Contributors also confirm that protected area governance must always be considered in its social, political, economic and cultural context. Innovative laws and policies for protected area governance would be ineffective without parallel innovations in the broader context. In order for Indigenous and local communities to contribute equitably to sustainable management and use of protected areas, they must be assured secure lives and access to education. The examples reported in the following chapters demonstrate that innovations in protected area governance can act as a catalyst towards achieving those broader social goals.

When participation extends to decision-making, the likelihood of success is enhanced. Knowledge of declining resources can catalyse sustainability initiatives and better implementation of legislation or customary law, whether state-sanctioned or otherwise. When conservation and resource management is related to livelihood, the long-term success and viability of area protection is enhanced. Traditional groups with high stakes in resource sustainability will invest creativity and effort in preserving resources. The benefits of such management are far-reaching insofar as they promote sustainable resource use and, at the same time, encourage local self-determination.

Various chapters demonstrate that with high levels of stakeholder involvement and communities support, the application of customary laws and practices can effectively supplement state legislation for the better management of local ecosystems. State legislation and customary laws and norms, and diverse stakeholder networks, can be used strategically to establish and manage local protected areas. The case studies exemplify the global trend of community-based organisations, in association with other stakeholders, exercising natural and cultural resource management. Diverse actors encourage the assertion of locally-supported customary laws and norms in a way that strengthens the protected area governance. Local peoples adopt various methods and mechanisms for on-site management of critical resources.

There is consistency and strength in Indigenous and other communities' efforts to have a major role in the governance of local protected areas. The common purpose, shared among such diverse peoples and cultures, with different histories and legal frameworks, points to a fundamental need of human societies to retain effective authority over the environments to which their culture and identity belongs. In his summary of innovative protected area initiatives in South Asia, Ashish Kothari's analysis of legal and policy change (Chapter 3) could apply globally: 'This change, towards more participatory conservation strategies, is not even across the region, nor is it as smooth as desirable – but the trend is unmistakable.'

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