

Annex 1

Case Studies



A man throws a fishing net in the water in the Philippines. Photo by Shutterstock.

To complement this study's legal and policy analysis, this report includes an annex of ten case studies drawn from countries across Africa, Asia, and Latin America. These cases highlight the lived realities of Indigenous Peoples, Afro-descendant Peoples, and local communities as they navigate the challenges and opportunities of rights-based, community-led conservation. By documenting concrete experiences—ranging from struggles against restrictive legal frameworks to innovative strategies for securing tenure and practicing traditional conservation practices—the case studies provide essential insights into how conservation policies are implemented in practice and their actual impacts on communities and their rights. They also offer lessons for policymakers on what works, what barriers persist, and how future reforms can better align conservation efforts with the rights, priorities, and leadership of the communities most directly engaged in stewarding biodiversity.



An Indigenous woman collects medicine from tree bark in Sumatra, Indonesia. Photo by Jacob Maentz for Rights and Resources Initiative, 2022.

Protecting Community-led Conservation of Wapichan *wiizi*

By Lan Mei¹ and Gavin Winter²

Wapichan Conserved Headwaters Area

The Wapichan people of southwestern Guyana have protected the forests in the eastern half of their territory for generations. The area, spanning approximately 1.2 million hectares, is home to networks of sacred mountains—all named and have legends associated with them—sensitive sites, and resources used in cultural ceremonies and rituals. It also contains the headwaters of major river systems, including the Essequibo, Kuyuwini, Rewa, Rupununi, and Kwitaro Rivers. The area is home to a unique and diverse ecosystem with some of the most fertile lands in the region³ and high levels of biodiversity.⁴ The wider Rupununi region of Guyana is estimated to be home to more than 5,400 known species, including many highly endangered globally. During the rainy season, the Amazon and Essequibo River basins connect via the Takutu and Rupununi River basins, creating two important biological and geographical portals that allow for the exchange of species across different ecosystems.

Despite generations of leaders pushing the government to recognize their ownership over their collective territory since Guyana's independence in 1966, the Wapichan people's stewardship over the headwaters region remains unrecognized by the Government of Guyana. Rather than recognizing the importance of the area for conservation, the government has threatened the environmental and cultural integrity of the area by granting gold mining concessions over Marudi Mountain, which sits in the middle of the headwaters area, and turning a blind eye to the illegal mining happening inside those concessions. The area's active and largely unregulated mining is already tearing down Mazoa Hill. When coupled with proposed blasting activities, this is poised to lead to greater ecological and cultural destruction.

The Wapichan communities of the South Rupununi, collectively represented by the South Rupununi District Council (SRDC), began to formalize their commitment to conserve the headwaters region in 2010 through a series of inter-community agreements and in 2012 when they published their Wapichan Territorial Management Plan. The SRDC established a monitoring program in 2012, training community monitors to observe mining and other activities and to document their impacts. They have also developed wildlife and headwaters management plans and cultural heritage policies, which elaborate upon the Territorial Management Plan. The Wapichan people developed and are implementing these management plans to demonstrate their ability to manage their lands sustainably. In 2023, their expertise and efforts were recognized by the Guyana Wildlife Conservation and Management Commission through a Memorandum of Understanding that recognized the authority of the SRDC to manage a wildlife checkpoint at one of the most trafficked entry points into their territory. Their commitment to conservation in the area has more recently been reaffirmed in their Village Sustainability Plans (VSPs), which are mandated by the government.

Challenges and Opportunities for Rights-based Conservation

Legal recognition and policy support for the Wapichan people's work to conserve their headwaters area is urgently needed to protect the area from further destruction by mining and future threats. Unfortunately, the current legal framework provides limited options for formal support for rights-based conservation. Land ownership rights in protected areas are not recognized unless an Indigenous community has a pre-existing title and chooses to designate part of that title as a protected area. Despite decades of advocacy to secure title over the headwaters area, the government has continuously failed to title the Wapichan people's lands. The government has on numerous occasions pointed to third-party interests—for example, mining at Marudi Mountain—as one obstacle to land titling parts of the Wapichan conserved headwaters area. It has also recently informed communities that forest areas are unlikely to be titled to communities anytime soon, but that they could give up their claims over those forest areas to receive title over parts of their savannah lands. Although no further explanation was given to communities, it is interesting to note that the government, since 2020, has entered into a carbon trading scheme covering the entirety of the forest area in the country.

The only other legally recognized form of conserved area in Guyana is a protected area over non-titled lands. One of these protected areas, the Kanuku Mountains Protected Area (KMPA), was established over parts of Wapichan *wiizi* (territory) without the communities' consent in 2011, leading to government-imposed restrictions on community resource use. For example, a new draft management plan for the KMPA describes “housing development projects” by villages—in other words, villagers using timber from the protected area to build their homes—as a key threat to the protected area.⁵ From the communities' perspective, protected areas are just



Aerial view of the Potaro River in Guyana, South America
Photo by iStock.

another mechanism by which government plans are forcibly displacing them; in the early twentieth century, communities were forced out of their savannahs to make space for cattle ranching investments and moved back into their forests. Now, with the establishment of protected areas, they are starting to be displaced out of their forests.

The Kunming-Montréal Global Biodiversity Framework (GBF) of 2022 presents a new opportunity for the Wapichan people to advance recognition of their conservation efforts. The Government of Guyana has, in line with the GBF, publicly committed to doubling its conserved areas by 2025 to 17 percent of the country's area, and to achieving its 30x30 target.⁶ The Protected Areas Commission has also stated its intention to revise and update the Protected Areas Act. However, the government must make sure that Indigenous Peoples' rights are not violated in the process of increasing conservation efforts. Historically, the establishment of the only Indigenous-owned protected area in Guyana to date, Kanashen Amerindian Protected Area, was not community-led and has resulted in negative unintended consequences, including the displacement of villagers out of the community and negative impacts on neighboring communities.

Notably and ironically, although it is widely reported that a major threat to Kanashen is mining in Parabara—one of the SRDC villages that borders Kanashen—it is, in fact, Kanashen residents themselves who are illegally mining in Parabara. The restrictions on resource use in Kanashen have also led to overuse of wildlife by Kanashen residents in Parabara's lands and resource use conflicts.

The SRDC has already started approaching relevant agencies within the government to engage in discussions around recognition of the Wapichan conserved headwaters area and its contribution toward the Government of Guyana's 30x30 target. Working with the SRDC to recognize their headwaters area as an Indigenous-owned and conserved area is a significant opportunity for the government. The SRDC's proposal is the first time an Indigenous People have presented their own proposal for conservation to the Government in Guyana.

However, advancement of the SRDC's proposal to create an Indigenous-owned conserved area and contribute to the national 30x30 target requires much stronger political support. Despite legislation authorizing government agencies to make decisions in various sectors, in practice, all decisions are taken through the Cabinet, and particularly the President and Vice President. Support from the agencies responsible for the environment, forests, mining, law enforcement, and border control will also be necessary to support the SRDC in exercising its authority over illegal mining activity in the area.

Recommendations to Decision-makers

The Wapichan conserved headwaters area offers a unique contribution to global biodiversity and to Guyana's 30x30 target. Government agencies and officials should, without delay, issue title over those lands to the SRDC villages and begin the process of sustained dialogue with the SRDC to design and develop a strong implementation plan for management of the area. The government must support the SRDC in developing and implementing proposals to ensure that the SRDC has the necessary authority and support to enforce its management plan. If successful, this conserved area would offer a positive example of true Indigenous-led conservation that respects Indigenous Peoples' self-determination, land, resource, and participation rights.

Community-led Conservation in Liberia: A Case for Opportunity

By Chris Kidd⁷ and Tom Lomax⁸

The adoption of Liberia's Land Rights Act (LRA) in 2018 reflected a wider paradigm shift in conservation science and law. It allowed for protected areas to be located on Customary Land and to continue being community-owned rather than appropriated by the state. This legislative change put Liberia in the vanguard of the move to implement a progressive, rights-based approach to conservation.

The Land Rights Act

The principal section of the LRA in relation to protected areas—land designated for conservation purposes—is Article 42. This article states that new protected areas can be established either at the request of a community within its Customary Land or by the request of the government following good faith negotiations with the community. Provided the community is content to have a protected area on (or within) their Customary Land, it will remain Customary Land and can be used by the community so long as the use is consistent with the conservation and management provisions of national law. The option for a community to zone a part of its Customary Land as a protected area is also highlighted in the list of suggested land-use categories in Article 38(1), though communities are entitled to define their own land-use categories other than those listed.

While Article 42(3) provides that protected areas on Customary Land can continue to be owned, conserved, and managed by the community, there is nothing in the LRA to prevent communities from entering into collaborative management and conservation arrangements with the government and/or another conservation collaborator (for example, a conservation NGO). The statement and intent of the law in providing for Customary Land to be set aside for conservation is therefore aimed at ensuring that communities are not evicted by the government from their land or restricted from managing such protected areas themselves or jointly.

As such, the LRA provides substantial legislative structure for communities to lead the way in community-led conservation and develop models that meet conservation principles and their own development agendas.

Protected Areas Expansion

Given that Liberia's existing protected area network adds up to 4.1 percent of its land area, and the country has committed to the environmental protection of 30 percent of its forests, there is increasing pressure from the state to expand the country's protected area network. As the majority of Liberia is under customary land ownership, the legal structure provided by the LRA is crucial to support the rights-based expansion of protected and conserved areas, with the leadership and consent of customary owners.

However, despite this legal framework, the Liberian state continues to demonstrate a preference for creating state-owned protected areas, including areas within communities' Customary Lands. Since the passage of the LRA, significant funding from NORAD (via the World Bank) and USAID has been committed to expanding the protected areas network in Liberia, with the initial assumption that this would be achieved through the creation of additional state-owned protected areas. As recently as 2023, the Forestry Development Authority (FDA) submitted gazettelement packages to parliament to create [Kwa National Park](#) without first confirming the customary tenure of the land in question.

Community-led Conservation

In addition to the firm legal basis for respecting community land rights set out in the LRA, there is an array of available options set out in Liberia's environmental and wildlife conservation laws (ranging from the least restrictive to the most restrictive measures) and important procedural safeguards on when and how conservation measures can be put in place. Those procedures prioritize good faith negotiations between communities and the government with a view to reaching a voluntary consensus on the conservation measures that would be most appropriate, subject to the free, prior, and informed consent (FPIC) of the Customary Land owners.

Liberia is in a relatively unique position, with a legislative framework already in place to enable the creation of community conservation models. At the same time, there is growing international recognition of the significant roles that local communities play in delivering these international commitments by the state. It is clear that community-led conservation is an essential part of climate change reduction targets and state-owned and managed protected areas are no longer preferred, or even necessary in many cases.

Local communities affected by the proposed Krahn Bassa and Cestos Senkwehn Protected Areas have resisted state attempts to enforce state-owned protected areas on their Customary Lands, and their allies, like [Social Entrepreneurs for Sustainable Development](#) (SESDev), have helped stakeholders understand the implications of the LRA to the conservation sector. At the same time, SESDev has worked tirelessly to convince the government and conservation partners that local communities are in the best position to achieve climate targets if given the resources needed to sustainably manage those lands. A pivotal moment in the last few years was the signing of the [Gbehzohn Declaration](#) in February 2023, in which the heads of state land, forest, and environment agencies were among 70 or so government and civil society stakeholders who participated in a consensus-building workshop that resulted in a commitment to a conservation approach that respects community land rights and enables community-led conservation. The key commitments were:

- Promotion of a rights-based approach that recognizes local communities as central to advancing the conservation of Liberia's biodiversity;
- Recognition that customary ownership of land creates an entitlement to the community rather than just an opportunity to benefit from the activities on their land;
- Commitment to undertake land formalization and respect affected communities' right to FPIC before the commencement of any new protected areas and other area-based conservation initiatives;
- Recognition that Liberia can meet its 30 percent national forest conservation target and other international commitments through various innovative means that go beyond the creation of government-controlled protected areas;
- Emphasis on the importance of mainstreaming gender in all interventions related to the creation and management of protected areas and in the land formalization process; and
- Recognition that community ownership of land designated for conservation within customary areas does not require possession of a separate deed. However, organizing the communities through the land formalization process is expedient to protect their customary tenure rights.

Advocacy by SESDev and others and constructive dialogue involving all relevant government agencies, as well as a range of civil society organizations with relevant expertise in conservation, human rights, and sustainable development, were crucial ingredients in reaching a consensus on the central importance of community rights in the Gbehzohn Declaration's commitments. This, in turn, contributed to the FDA putting the gazettement process of the proposed new Kwa National Park on hold, to ensure alignment with those commitments and the legal framework in which they are rooted. This involves determining the extent of Customary Land ownership in the area being proposed as a new protected area and ensuring that Customary Land rights are respected in the process for advancing conservation objectives in that area.

Key Lessons

- A clear and enabling legislative framework is critical to supporting community conservation efforts, including one that puts secure community rights to land front and center.
- A vigilant and empowered civil society is needed to drive change and guard against state and conservation agency practices that (intentionally or otherwise) serve to shortcut or undermine a human rights-based approach to conservation.
- International recognition in global policy and science of the contributions that community conservation efforts make to the dual climate and biodiversity crises is key.
- Legislative progress does not automatically translate into implementation, and historical practices by conservation and state agencies can be difficult to change.
- Dialogue and cooperation are critical in developing new models and ways of working in the conservation space moving forward.
- Informed legal analysis is necessary to inform and guide national debates to help identify roadblocks and opportunities.
- Legal avenues (and, as a last resort, litigation) may become necessary if organizations and agencies fail to abide by national and international protections for the rights of Customary Land owners.



Local community in Liberia demonstrates community mapping to visitors. Photo by Isabel Albee for Rights and Resources Initiative, 2022.

Rights-based Conservation in Kenya: Barriers and Opportunities for Forest Peoples

By Liz Alden Wily

The key barrier to rights-based conservation in Kenya is the persistence of colonial attitudes, including the purposive (mis)interpretation of laws and exploitation of loopholes to favor retention of forest and wildlife resources by the state at the cost of enabling Indigenous communities to regain their forestlands, enabling them to uphold tried and tested customary conservation norms. This is both harmful to communities and delivers their lands to state institutions that are conflicted as to the purpose of state forests: for biodiversity protection or profit.

Policy, Law, and Institutional Power in Kenya

The Forest Act of 2005 forbade communities from living on their ancestral lands, and the Wildlife Act of 2013 prohibited their hunting and gathering. Neither required the government to seek communities' free, prior, and informed consent (FPIC) when turning their land into protected areas nor paid communities for the privilege. Indeed, despite Article 2(5) in the 2010 Constitution upholding international law, such as expressed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), FPIC remains ambivalently recognized by officialdom. This impacts the few remaining hunter-gatherer forest peoples, who, despite repeated evictions, remain profoundly attached to what is left of their ancestral forest territories. These are the Sengwer, Elgon Ogiek, Mau Ogiek, Aweer, Sanye, and Yaaku. However, these forests are owned and controlled by the government as public forests.

In providing for community lands as a distinct landholding category alongside public and private lands, Kenya's Constitution (2010, Article 62) gave reprieve to the ownerless status of all communities that own and govern their lands under customary tenure. The "ancestral lands and lands traditionally occupied by hunter-gatherer communities" are explicitly included as community land (Article 63(2)(dii)). Communities also benefit from a constitutional commitment to effect reparation for historical land injustices (Article 67(2e)). Each forest community has duly made exhaustive submissions to the National Land Commission for the restitution of their lands, but with limited positive results thus far. Communities are also to be compensated for the compulsory acquisition of their lands for public purposes, but with grossly insufficient valuation of their losses under the terms of the new Land Value Amendment Act 2019. Helpfully, a judicial hearing scheduled for October 2025 will consider whether that law should be struck down as unconstitutional.

Other limitations afflict the forest rights of communities. On paper, the procedure for double-locking each community's domain under a registered community land title is adequately provided for by the Community Land Act 2016. The law requires communities to sustain natural resources (Section 35) and encourages them to reserve community conservation areas (Sections 13(3c) and 29). The right of each community owner to make and uphold bylaws is embedded. Consent of two-thirds of adult community members is required for decisions altering the status of any land within its property (Section 37). Although very slow, around 50 of potentially 800 customary communities now hold registered community land titles, but none of them are forest communities.

The forest sector has proven lukewarm in its support for this new class of community lands in Kenya and is obstructive with respect to the land and human rights of forest peoples. Positively, the Forest Conservation and Management Act 2016 provides for community forests to be designated on community lands, albeit only on the approval of the Kenya Forest Service (Section 30(3)). Negatively, advantage was taken of a contradiction originating in a drafting error in the Constitution, by stating that “any land which immediately before the commencement of the Act, was gazetted or registered as a forest reserve...shall be deemed to be a public forest under this Act” (Section 77(a)) while also acknowledging that “forests on ancestral lands and lands traditionally occupied by hunter-gatherers” are community lands (Section 30(3e)). Expectation was not met that these forests would be defined as “in transition,” and steps were not taken for their transfer from public to community land ownership. Instead, the law double-locks the state’s possession of these forests by vesting public forests in the Kenya Forest Service (Section 31).

At best, this is a delaying tactic, and at worst, a determination to retain the ancestral lands of forest peoples at all costs. This makes it even harder for forest peoples to reclaim what is left of their rightful territories and to institute the customary forest protection measures tenure security affords. This has been painfully exhibited in the failure of the Sengwer, Elgon Ogiek, and Mau Ogiek to secure restitution of their forestlands in domestic courts, the above contradiction giving judges leeway to retain the status quo. Impunity compounds the denial of rights, as the Government of Kenya fails to implement more positive court orders. This includes [the orders issued](#) by the African Court on Human and Peoples’ Rights obliging the government to return the Mau Forest to the Ogiek forest communities through the issue of community land titles (AfCHPR 2022: 6–7).



Drone footage of the customary territory of the Indigenous Ogiek of Mt. Elgon, Kenya. Photo by Tony Wild Photography for Rights and Resources Initiative, 2022.

Summary of the Problem, the Opportunity, and the Way Forward

The key problem for rights-based conservation in Kenya is one of governance, wherein the state can pit itself against its customary communities, reminding us that decolonization is still a work in progress in the land and conservation sector, and typically most egregious in its impacts upon the already marginalized and poor, where reforms are yet to be applied. By the government's [own admission](#), conflicting state objectives to conserve and profit from public forests exacerbate entrenched institutional corruption in the Kenya Forest Service (Republic of Kenya 2018: 6ff).

It also reminds us that while just law is critical to promote and achieve, the law is never enough on its own to engineer inclusive and equitable social change. Commenting upon the plight of the Elgon Ogiek and Sengwer in particular, the renowned Elgon leader, Peter Kitelo, observes that:

“It is the policymakers and agencies responsible for conserving the fauna and flora who have most to gain from evicting the very communities that have been conserving their lands despite the ills visited upon them over the last century. The Kenya Forest Service and Kenya Wildlife Service, who undertake the eviction and control aspects of the conservation process with the assistance of the police, at times also manage the compensation processes, poor as these are. The combination of these two processes—the eviction and control processes and the compensation processes—creates a context that enables those within the structures, as well as dominant elites in forest-adjacent communities, to benefit twice; first, by siphoning off compensation that was supposed to reach forest-dwellers being evicted from their land, and second, by evicting the very communities most committed to stopping the exploitation of the forests by these elites.” —Peter Kitelo

The key opportunity for rights-based conservation in Kenya still most practically lies in the use of the Community Land Act 2016 to pursue the titling of community lands, and to secure reclassification of their forests from state to community ownership. Conservation conditions are so integral to the forest peoples' way of life that agreeing to conditions is welcomed, provided these are rational, fair, and performance is independently monitored. Globally, the literature echoes findings that when Indigenous Peoples secure legal recognition of their possession, tried and tested community-based approaches to resource protection thrive. Nor is it in the interest of forest peoples or conservation that they be sidelined as adjacent forest-dwellers entitled to access and use state forests, the preferred strategy of the Kenya Forest Service in its promotion of community forest associations for this purpose. Forest peoples have such strong cultural, social, and livelihood relations with their forests that their wish and right are to be empowered to sustain these forests and be sustained by them.

The way forward: Whether protection of forests or human rights is prioritized, the scientific evidence is clear that these are mutually reinforcing, not mutually exclusive. This is reflected in the Global Biodiversity Framework in its recognition that Indigenous Peoples and traditional territories are a critical source for biodiversity protection, and its pledge that “nothing in this framework may be construed as diminishing or extinguishing the rights that indigenous peoples currently have or may acquire in the future” (UN 2022: Target 3 and Section C8). International pressure on Kenya to adhere to this pledge will not go amiss.

Meanwhile, each of Kenya’s forest peoples will indubitably continue their struggle for their land and forest rights. As the forest peoples network first articulated in 2014, a win-win for land rights and conservation is integral to respecting human rights.

“The best solution to conservation and water tower protection and rehabilitation lies in meeting our land rights on condition of us protecting those forests. We historically protected those forests, and we can do this again. This includes protecting against wrongful occupation and use by outsiders, against clearing and degrading practices, and actions to rehabilitate the forest. We want the bees, the wildlife, the canopy of trees, the diversity of trees and plants, and the water to come back. Our culture and our own forest-based livelihood depend upon this.” —Forest Indigenous Peoples’ Network (2014:3).



An Indigenous Maasai shows their land title deed, Kenya. Photo by Asha Stuart for Rights and Resources Initiative, 2025.

Community Mangrove Management in Loky Manambato: Women's Associations Enhance Conservation and Livelihoods

By Nicolas Salo⁹

Loky Manambato is a highly diverse landscape in northeast Madagascar spanning 250,000 hectares and includes high massifs, forested areas, grasslands, and a marine/coastal zone. Two rivers, Loky in the north and Manambato in the south, provide the area's boundaries and are at the origin of its name. The main population center is the commune of Daraina, although local communities are settled in other parts of the area as well.

Currently, Loky Manambato is classified as a category V, Protected Landscape/Seascape, according to the International Union for Conservation of Nature (IUCN) classification system. These protected areas are defined as spaces "where the interaction of people and nature over time has produced a distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values."¹⁰

History and Context

Before 2000, the forest blocks of Loky Manambato were intensively exploited. In co-management with the communities, a multi-purpose forest station was established to protect biodiversity, but the site was not placed under temporary protection until 2005.¹¹ Since then, it has been managed by Fanamby and expanded to include all stakeholders in the landscape.

Loky Manambato obtained its creation status as a protected area under Decree No. 2015-759 on April 28, 2015. Located in the Vohémar district of Madagascar, the total protected area of 250,000 hectares includes a 15,000-hectare marine zone and 2,000 hectares of mangrove forests located along the eastern coast in the Rural Commune of Ampisikinana, which extends over six villages and 10 hamlets.

The mangroves of Loky Manambato develop in estuaries and coastal areas, where the soft soil is dominated by mangrove trees from the *Rhizophoraceae* family. Among the most common species are *Ceriops tagal* and *Rhizophora mucronata*, which are plants adapted to high water salinity. These species play a crucial role in the productivity of coastal and pelagic (open sea/oceanic) fisheries in tropical regions. The mangroves provide a vital habitat for many invertebrate species, including shrimp and fish, which spend part of their life cycle there. Beyond biodiversity, these ecosystems also provide a value chain favorable to the economic development of women in the area.

Human Rights

Before Fanamby's arrival in 1997, the Malagasy state managed Loky Manambato, and the local communities lived there without restrictions and without specific regulations. The communities living in the riparian zones had unlimited access to natural resources. The men fished in the sea, but were often confronted with difficulties related to the climate, sometimes risking their lives. They left in the evening and returned the next morning with fish, but due to overexploitation and poor management of the mangroves, the quality of the fish was unsatisfactory, and the selling price was too low. The monthly income it generated did not meet their expectations.

Faced with this difficult situation, the fishermen's wives decided to take an active role, holding on to the hope that things would improve over time. Their involvement is particularly remarkable in the context of traditional Malagasy society, where women are often marginalized and mainly assigned to household chores and tasks perceived as requiring less effort, such as preparing products. So, the idea of uniting and acting together had already emerged during every public or community meeting. The fishermen continued fishing, and the women organized to create a unique association in Ampasimadera with the goal of managing natural resources. Thus, the Ampasimadera Women's Association was created to manage the mangrove, knowing that fishery products, such as crabs, shrimp, and fish, inhabit the mangroves. After two years, the Association's members had already seen an improvement in their household income. Consequently, there was growing recognition among the men that the women's organizing had brought hope for a change in their standard of living, regardless of pre-established gender considerations.

Since Fanamby's arrival, daily activities could no longer be carried out without authorization or without respecting management rules. The mangrove forests became protected as the habitat of fishery resources and were supported by law to ensure the survival of fishing populations. However, Fanamby chose a co-management policy to allow the community living in the protected area to participate in decision-making. Hence, the creation of the three additional associations, as the co-management system provides more advantages for the local community to access their resources. This was a difficult situation for the fishermen to understand at first, but with Fanamby's support, the awareness and support among the fishermen grew. Currently, 18 fisher associations consisting of 534 members have been established in Loky Manambato, and nine community management sites have been set up and are directly managed by the fishermen.

Multifaceted Women's Associations Engaged in Effective Mangrove Management

Since 2020, four women's associations with 114 members have committed to managing mangrove forests in their localities:

- **Women Protectors of Mangroves (VMH)** in the village of Soafagneva, with 24 members and 16 households, ranging from 20 to 60 years of age. They manage a mangrove forest with a total area of 649 hectares, with their main economic activities being crab fishing to sell to collectors at US\$1 per kilogram. Between 2020 and 2023, the association has restored 2.92 hectares of mangroves.
- **Women Protectors of the Environment of Ambavarano (FMTIA)**, consisting of 51 members ranging from 15 to 50 years from 47 households, manage 351 hectares of mangrove forest. Their main economic activities include crab and octopus fishing and the collection and preparation of fish by drying before delivery to collectors from the city of Vohémar. Since its creation, this association has restored 1.67 hectares of mangroves.
- **Well-organized Women of Ampasimadera (VEMIA)** is composed of 27 members from 24 households, ages 25 to 65 years, who are engaged in algae cultivation, shrimp fishing, and fishing for crabs, squid, and octopus. Thanks to the co-management established between the local communities and the managing institution of the Loky Manambato Marine Protected Area, they now have an advantageous economic situation. This association manages 53 hectares of mangroves and has restored 8.61 hectares.
- **Association of United Women for the Development of Ampasimena (FIMIHA)** is composed of 12 members from 12 households, ages 22 to 55 years. Their main economic activities include collecting and preparing fishery products, with the market being the city of Antsiranana. This association manages 37 hectares of mangroves and has restored 6.26 hectares.

Aside from fishing and gathering, the four women's associations in Loky Manambato engage in crafts through weaving to make mats/rugs and *soubiques* using local raw vegetable materials.¹² A person can produce five mats in a week, with a unit price of US\$1.75 for one mat and a selling price of US\$0.88 for one *soubique*. Currently, the monthly income per household for members ranges from US\$25 to US\$55, which is beneficial relative to the current standard of living in the region.

The Fanamby Association, as the area manager, encourages women-led engagement by supporting the women's association, which consists of 99 households managing 1,090 hectares of mangrove forests, along with the restoration of 19.46 hectares, which is a rare practice in the management of protected areas. Each year, two training workshops are conducted by Fanamby to enhance organizational capacities and support their initiatives in the development of their conservation activities in association with craftsmanship and fish product preparation. This is a good practice to share with other villages to ensure that all mangrove forests are preserved and conserved. In 2023, five visits from institutions managing natural resources were hosted in Loky Manambato. In the future, all the mangrove forests of Loky Manambato will be managed by women's associations to ensure more rational and economically sustainable exploitation



Conservation initiative in Loky Manambato, Madagascar.
Photo by Fanamby and Forest Peoples Programme, 2024.

Key Recommendations for Decision-makers

Fanamby's mission is to collaborate with local communities to strengthen resilience in biodiversity conservation. Here are the three main recommendations that we suggest:

1. Directly finance local communities' adaptations to the effects of climate change and facilitate access to funds by establishing a direct financing mechanism.
2. Develop value chains and economic sectors with facilitated access to markets while ensuring fair benefit-sharing.
3. Strengthen economic resilience through the financial sustainability of existing economic and commercial practices such as ecotourism, responsible fishing, and sustainable agriculture, which would impact communities' involvement in biodiversity conservation and natural resources.

Conservation of Mu Billi: A Step Toward Collective Territorial Rights¹³

By Jorge Luis Andreve Díaz and Onel Masardule¹⁴

The Gunayala Comarca (hereinafter referred to as CG) is an Indigenous territory located in the Republic of Panama, in the east of the country. It is characterized by having a special territorial administration granted by the Republic of Panama in the early 1950s, following years of struggle between the inhabitants of the GC and the national police. Since that time until the present, the Guna people have managed their marine natural resources according to their own visions and management systems, with their authority recognized primarily within the framework of terrestrial territory (forests, crops, and wildlife, among others). However, little progress has been made in the marine area. In this regard, the proposal for a Biosphere Comarca gains importance.

Conservation and management measures are not new in the Comarca. Years ago, the ancestors of the Guna people practiced effective and respectful management measures in harmony with the natural environment. However, in recent decades, certain changes have been observed that are influencing the ancestral conduct of the Guna, weakening their traditional models and affecting their management of natural systems. These new conservation and environmental management models do not fully consider cultural management values, giving more importance to protecting species while rendering invisible the peoples who inhabit these areas.

Scientific and technical reports, as well as comments from the Guna people themselves, confirm and denounce changes, most of which are detrimental to their natural systems and Indigenous knowledge. The conservation of these Indigenous knowledge systems is perhaps one of the primary objectives of maintaining and strengthening the conservation of marine resources.

In response, the Guna people have implemented various actions for the conservation of marine wildlife through customary rules. These measures include a lobster fishing ban from March to June each year, the regulation of the permitted size for its capture, and the prohibition of fishing for lobsters with eggs. Additionally, they have declared sea turtle nesting sites as off-limits and celebrate the Turtle Fair every May. They have also banned fishing with oxygen tanks, all with the aim of conserving marine biodiversity and raising awareness among the inhabitants of the CG.

Responding to the pressures affecting Indigenous and traditional knowledge systems, restoring their vitality is a significant challenge at the global, national, and institutional levels. Traditional and Indigenous practices involve a complex mix of components (laws, policies, cultural norms) and the degree of compliance by society or individuals with the laws and regulations that govern them.

This assertion is not new. Since the 1980s, Indigenous Peoples have been advocating in meetings and international conferences for the inclusion and recognition of their visions and actions as a fundamental right, especially within the framework of the Convention on Biological Diversity (CBD). For example, at the International Indigenous Forum on Biodiversity (IIFB) during COP9 in Bonn, Germany, in 2008, Indigenous Peoples succeeded in including the following text calling on Parties:

"[T]o integrate the traditional, scientific, technical and technological knowledge of indigenous and local communities, consistent with Article 8(j) of the Convention, and to ensure the integration of social and cultural criteria and other aspects for the identification of marine areas in need of protection as well as the establishment and management of marine protected areas."¹⁵

There are different marine environmental management systems around the world, particularly in the Caribbean; however, few adequately consider Indigenous Peoples' cultural realities. They do not properly address the natural and social dynamics of these peoples, making the creation of their own environmental management models urgent.

Taking the above into account, the Guna people are analyzing the creation of the Gunayala Biosphere Comarca, a step toward realizing their collective territorial rights as a people. To this end, they base their actions on their right to conserve cultural and natural heritage, a right established in international and national instruments, customary laws (the Fundamental Law and the Statute of the Gunayala Comarca), and Law 72 of 2008.

This last law establishes the legal framework for protecting cultural heritage in Panama. It recognizes and protects the cultural rights of Indigenous Peoples, addressing aspects such as the protection of their language, customs, traditions, and forms of artistic expression. Additionally, it establishes mechanisms for participation in managing their cultural heritage and seeks to ensure that their cultural practices are respected and maintained in the face of external influence and modernization. These laws aim to ensure that cultural heritage is preserved for future generations and respected for its historical and cultural value.



Red Frog Beach on Bastimentos Island, Bocas del Toro, Central America, Panama. Photo by iStock.

The Guna people are certain that conserving natural marine and cultural heritage is the foundation for enhancing the population's capabilities, revaluing environmental culture or ancestral knowledge and love for Mother Earth. Therefore, the integration and development of biocultural aspects is an urgent task, and it is necessary to advance the formulation and execution of strategies, plans, and comprehensive territorial development programs from within, with a high degree of community participation, to foster creativity and social well-being, contributing to the management of the natural and social environment and generating economic income.

However, these actions have challenges that need to be considered, some of which are:

- The length of the Comarca (200 miles) and the mode of transportation (marine) are subject to climate changes, in addition to the increase in fuel costs, which could raise internal travel expenses for awareness-raising activities throughout the Comarca.
- The plan's implementation aims to ensure the conservation of terrestrial and marine biodiversity, sustainable development, and the preservation of natural ecosystems. Additionally, it emphasizes the importance of having a dedicated management structure to oversee and execute activities. This action will require suitable actors for issues related to the creation of a biosphere Comarca and direct and effective participation from cultural knowledge keepers.
- On the other hand, climate change represents one of the most urgent and widely recognized environmental challenges of our time. The population (leaders, religious figures, politicians, educators, professionals, youth, women) must change their attitude toward Mother Earth to revalue environmental culture.

Conclusion

- Indigenous Peoples have their own ecosystem management systems based on their knowledge of nature and their customary laws in a holistic and integrated manner.
- These systems are based on their knowledge, worldview, customary norms, and cultural and spiritual values, which have proven to be effective for the conservation of resources and ecosystems, as well as for the sustainable use of biodiversity.
- Knowledge and practices have been transmitted from generation to generation for thousands of years, resulting in the conservation of ecosystems through cultural use and management, expressed in Indigenous Peoples' own systems that have allowed them to conserve biodiversity based on this knowledge.

A Study on Rights-based Conservation in the DRC

By Aquilas Koko Ngomo¹⁶

Initial Problems and Key Barriers

The unlawful eviction of Indigenous Pygmy communities from protected areas in the Democratic Republic of the Congo (DRC) serves as a landmark case of rights violations, marking a baseline for the exclusion of Indigenous Peoples' rights in conservation efforts. These evictions have had severe consequences, including the disruption of livelihoods; loss of access to natural resources; and breaches of human rights related to land, education, healthcare, and free, prior, and informed consent (FPIC). Moreover, these actions have resulted in killings and have heightened the vulnerability and marginalization of the Indigenous Pygmies and local communities, who are the primary custodians of the country's biodiversity.

Despite these challenges, Indigenous Peoples and local communities have demonstrated remarkable efficiency in conserving their lands and territories. Through the efforts of dedicated allies like ANAPAC-RDC and the ICCA Consortium, numerous Indigenous and Community Conserved Areas (ICCAs) have been established across the country. Currently, more than 20 ICCAs have been identified and documented. A notable example is the Kisimbosa Chamakasa ICCA, located in the Bakano sector of Walikale territory, North Kivu province, covering 557,252 hectares.

Key challenges to rights-based conservation remain, however, including a lack of awareness or disregard for community rights by conservation authorities, the government's promotion of business activities on Indigenous Peoples' lands, and legal gaps in conservation laws and policies. The fortress conservation model of national parks, such as Kahuzi-Biega, has left little room for Indigenous Peoples' rights to be respected. Additionally, businesses such as the Alphamin Bisie Mining company operating in Walikale have infringed on community rights with negative impacts, including forced evictions, ecosystem destruction, loss of sacred sites, and depletion of natural resources without fair compensation.

Solutions Implemented

The ongoing violation of Indigenous Peoples' rights in conservation has prompted communities and various rightsholders, including Indigenous organizations and individuals, to engage with government bodies in advocacy for rights-based conservation. Awareness-raising and capacity-building efforts have been crucial in ensuring decision-makers understand and voice these issues. Progress includes the active participation of Indigenous Peoples and local communities in revising the DRC's National Biodiversity Strategy and Action Plan (NBSAP), contributing to the development of the seventh and eighth country reports on biodiversity, and playing a role in the revision of land laws.

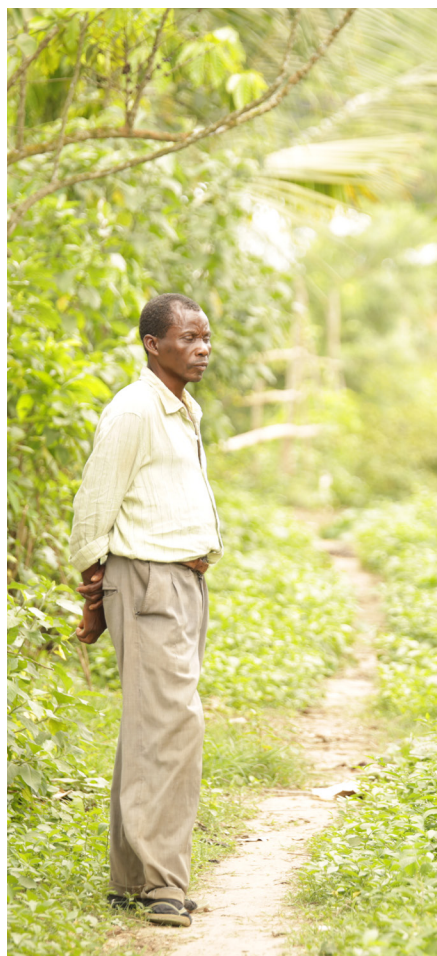
Indigenous Peoples have been actively involved in developing the national strategy for biodiversity conservation outside of protected areas. This is a significant step toward ensuring that Indigenous Peoples and local communities have a voice in all conservation reforms and that their rights are respected.

These advances complement the recent law on the Protection and Promotion of the Rights of Indigenous Pygmy Peoples, enacted in 2022, which affirms their rights to land and respect in conservation efforts, including the emphasis on FPIC. Additionally, ANAPAC is implementing the Inclusive Conservation Initiative (ICI) project led by the International Union for Conservation of Nature (IUCN), which aims to promote rights and equity in conservation by supporting 20 ICCAs across three biocultural landscapes in the DRC (East, Center, and West). This initiative, alongside the national strategy for nature conservation outside protected areas, aligns with the implementation of Target 3 of the Kunming-Montréal Global Biodiversity Framework.

Remaining Challenges

Despite significant progress, several challenges remain unresolved, including:

1. The slow pace of legal reform processes;
2. Poor implementation of existing relevant legal provisions;
3. Inadequate legal recognition and security of Indigenous Peoples' and community-conserved areas;
4. Limited capacity of rights advocates to influence decision-making at higher levels; and
5. Insufficient financial resources to undertake and achieve innovative new initiatives.



An Indigenous Pygmy man stands in the forest of the Congo Basin. Photo by Hugo Metz for If Not Us Then Who?

Key Takeaways and Recommendations

Considering the situation described above, the following recommendations are made to decision-makers:

- Directly support Indigenous and community-led processes to ensure that conservation fully and effectively respects human rights at all levels.
- Strengthen Indigenous and community governance systems in community conservation efforts.
- Support legal reviews, reforms, and research to ensure rights are integrated into conservation-related legal instruments and fully respected in practice.
- Encourage the effective participation of rightsholders, specifically Indigenous Peoples and local communities, in decision-making processes related to conservation at all levels.
- Support the legal recognition of ICCAs and promote Other Effective area-based Conservation Measures (OECMs).
- Provide capacity-strengthening support for conservation actors focusing on rights-based approaches and related topics in the implementation.

Land Rights as a Path to Inclusive Conservation: The Case of Kalahan Educational Foundation in Imugan Santa Fe, Philippines

By Asami B. Segundo

The Ikalahans, who at times call themselves Ikalahan-Kalanguya, are Indigenous Peoples living in the upland, tropical, deciduous forests of the northern Philippines. The word “kalahan” refers to the tropical deciduous forest, and the prefix “i” denotes the people who live in a certain place. The Ikalahans of Nueva Vizcaya, Philippines, are one of the communities that have resisted colonial powers. They have continued to assert their rights in the context of the current Philippine government.

Once displaced by the Second World War, the Ikalahans of Nueva Vizcaya returned to their land directly afterwards and continued cultivating their mountains by practicing *inum-an*, the traditional shifting cultivation practice. During the Marcos regime, whose cronies exploited Indigenous Peoples' territories, the Ikalahans were subjected to land speculators who wanted to acquire property for personal gains. The land grabbers saw the beautiful Ikalahan land and wished to develop a new mountain city akin to the famous Baguio City. This new city would be called Marcos City and would mainly be set up in the Malico village, one of the Ikalahan villages.

The Ikalahan elders fought for their ownership of the land; however, because they did not have a government document that signified their ownership, they were considered squatters, or illegal settlers, in their own land. They continued to lobby, discuss, and negotiate with the government, but that led to the filing of a case against two elders. They were also set to be relocated to different sites in the Isabela and Nueva Ecija provinces. Despite these challenges, they continued to assert their claim to their land and meet with government officials. Fortunately, they were able to get support from a human rights lawyer who supported them throughout this legal battle.

As they were community representatives, the government said they were not a legal entity and refused to negotiate with them. To strengthen their presence in dialogues and negotiations, the Ikalahans formed the Kalahan Educational Foundation (KEF), a community-based organization to legally represent the community as they negotiated and advocated for their rights. They registered it with the Securities and Exchange Commission on November 26, 1973, as the legal entity of the Ikalahans. They also aimed to educate their children through this organization. As they negotiated with the government, the Ikalahans offered that if the government allowed them to stay on the land, they would take care of the forests in the area. This was a novel and bizarre idea in the 1970s, as it was thought that to achieve conservation, local people must be removed from the area. The elders and their lawyer argued that allowing the local people to patrol the forest and carry out other conservation practices would save resources for the government.

After several discussions, negotiations, and dialogues with the government, the then-Bureau of Forest Development agreed with the Ikalahan elders and issued the Memorandum of Agreement (MOA) No. 1 that established the Kalahan Forest Reserve. Through the MOA, it was ensured that the Ikalahans would not be displaced from their ancestral lands, and they were granted full control and authority to manage both the

land and its resources. Although not entirely a land title, the MOA became the legal document that allowed them to assert their ownership of the land. This is also one of the first policies that recognized communities' right to manage their land and natural resources. This became the precedent for the Philippines' Community-Based Forest Management Program (CBFM) and the Indigenous Peoples Rights Act (RA 8371 of 1997), for which the Ikalahans are lobbyists.

Through the KEF, the Ikalahans surveyed their land and began mapping their territory. The data they obtained were used to create land use plans that strengthened their Indigenous conservation practices. They also realized that the forest plays a huge role in their water supply. Hence, through the leadership of the elders, the community agreed to designate forest zones that are strictly for the community water supply. In these zones, no cultivation or harvesting of timber is allowed. Areas where birds thrived were declared bird sanctuaries. The Ikalahans merged their Indigenous knowledge with modern technology to enhance their forest management.

In contrast to the misconception that shifting cultivation is a major driver of deforestation, the Ikalahans learned through their research partners that their Indigenous farming practices are, in fact, environmentally sustainable. The *inum-an* or *uma* is where Ikalahans grow a wide variety of crops, but the *ubi*, or sweet potatoes, is the main one. Several Indigenous farming technologies or practices are applied in the *inum-an*, such as *gen-gen*, *balkah*, *day-og*, *kinabbah* (fallow system), and *pang-omis*. The Ikalahans also practice Indigenous knowledge on site selection. For example, they can identify which side of a mountain is less windy and therefore, the best site for cultivation.

To make use of non-timber forest products, the KEF established a food processing center that provides a livelihood for community members. Ikalahans gather resources from the forest like the *dagwey*, *dikay*, *hibiscus*, and guava, which are then processed into jams and jellies. The Ikalahans are also able to protect their natural resources by further creating and implementing policies that ensure that these areas are conserved and protected. Policies on cutting trees, swidden farming, and other practices were established by the Ikalahans themselves through the KEF Board of Trustees. To this day, the Ikalahans protect and conserve their land for the benefit of future generations.

In November 2023, the KEF celebrated its 50th anniversary. Only one of the founding elders of the KEF is still alive, and, in his speech, encouraged the younger Ikalahan generation to continue the legacy. Although many of the elders who fought for their land rights have passed, it is undeniable that they made the world a better place. All these developments in policy, conservation, and quality of life for the Ikalahans began when a group of Indigenous elders rose up to fight for their land. Land rights are indeed the path to inclusive conservation.

Contributions of the Dayak Simpakng Community of Mekar Raya Village in West Kalimantan to the Conservation and Sustainable Use of Biodiversity¹⁷

By Cindy Julianty¹⁸

“For us as Dayak Peoples, the Forest is our Home”

–Yogi, Indigenous youth of Dayak Simpakng-Mekar Raya

Community-based Conservation practices

The Dayak Simpakng Indigenous Peoples of Kampong Banjar, Lawe, and Karap in Mekar Raya Village, West Kalimantan, Indonesia, are aware of the need to protect their lands, particularly communal areas such as *Tembawang* and *Keramat* (sacred) areas. Genuine acts and efforts have been taken to defend their territories against the intrusion of outsiders, having been instilled by their ancestors with a sense of responsibility to preserve their land and value biodiversity, thereby ensuring the survival of future generations.

In the past, the community used to move their settlements and practice traditional shifting cultivation. Once they moved, the former settlement would be converted into forested areas known as *Tembawang*, which are now spread over 40 points within an area of 251 hectares and are 100 percent utilized. The area is preserved to provide a source of livelihood for the community, and it is collectively owned and passed down from generation to generation.

Tembawang is a term used by the Dayak people of West Kalimantan for planted forests that, among other species, contain fruit trees and other productive plants. The community strongly protects *Tembawang* for its ecological, economic, and cultural values. The community receives economic benefits from the seasonal fruit plants in *Tembawang*. It has abundant local fruit varieties, including *durian*, *temberanang*, *rosak*, *kamayo*, *tamarind*, *rambutan*, and many others. A customary institution manages *Tembawang*, and its management is written in the customary book (*Pamabaris*) and verbally passed down between generations. The community obeys the customary law that states, “You may plant a tree, but you cannot cut it.” There are punishments for those who disobey these customary rules as written in the *Pamabaris*.

The community also possesses other sacred and protected ancestral sites in addition to *Tembawang*. Among these are the Keramat Tanikng forest, Tanikng River, Bejangkar River, and Amuntuda River, as well as Semugo hills. These areas (forests and rivers) have historical and spiritual value for the community as ancestral heritage sites and important water resources for community. The community believes that the river areas are places of purification and can be used by the community to find sources of healing and rituals.

In these forest and river areas, people are strictly forbidden from taking anything that is in them, even though various types of fish can be seen in abundance in the clear rivers and various types of fruit can be seen growing abundantly among the trees. As a result, this area has a high level of biodiversity and serves as a habitat for a diverse range of wild creatures like *tajak* and ivory hornbill, *kuko hornbill*, bear, *kelasi* (red langur), deer, *pelanduk* (mouse deer), *kesiduk* (skunk), *nek uban* (white mouse), *klemipiao* (gibbon), tiger, and

mereka the orangutan. There are also various species of fish, such as *uceng*, *nyalian*, *banta*, *wader cakul*, catfish, *hampala*, *sili*, *tilan/sili batik* fish, *kiontong* fish, *anak aruan* fish, *baung*, and many others. This variety demonstrates that the community, in its own unique way, is capable of sustained conservation. *Tembawang* and these sacred and protected ancestral sites have also been registered as Indigenous and Community Conserved Areas (ICCAs)–Territories of Life into the national registry system of ICCAs held by Working Group ICCAs Indonesia (WGII).

Key Barriers and Challenges

There are two major challenges that the Dayak Simpakng community in Mekar Raya Village must face to maintain their local knowledge and wisdom. First, there are internal challenges. These include the problem of regeneration, shifting values in society, and loss of sources of livelihood in the village. It must be acknowledged that the various influences of modern science, technological developments, and the lack of knowledge transfer from the older generation to the younger generation have reduced solidarity between communities. Modern schools do not teach many values of local wisdom and customary areas, and the older generation is reluctant to invite young people to get involved in customary activities; as a result, their sense of concern for the area is decreasing.

The younger generation tends to prefer to leave their territories and earn a living by working in the city, and most of them do not return to the village. These things make the vortex of knowledge revolve only around the older generation, and the transmission of knowledge is hampered. As a result, the younger generation will be more easily influenced to abandon their customs, and local wisdom—including traditional conservation practices—can be lost.

Second, there are external challenges. The community in Mekar Raya village is starting to experience various threats of land grabbing. As the palm oil industry expands in West Kalimantan, various offers of palm oil and mineral mining investments have begun to enter their territories since 2013. They have begun to tempt the community with profit and improved economic welfare. Palm oil corporations have taken over many community lands around Mekar Raya Village, converting numerous forested areas into monoculture plantations. Luckily, the community is aware of the major threats that can occur if they allow these concession permits to enter their customary areas—they could lose their lands, source of livelihood and medicine, primary water sources (which also benefit neighbouring communities), and more.

Therefore, from 2013 to 2023, they have consistently rejected various investments and business permits to enter their customary areas. Yet, the strong solidarity in the community is inversely proportional to its conditions of recognition. They have still not received recognition from the local government, and recognition of Indigenous communities must go through various bureaucratic challenges that are quite difficult and costly in terms of time and money.

Solutions

To temporarily secure these ICCA sites from external threats, the village government issued Village Government Regulation No. 2 of 2022 to protect local wisdom and community-based conservation practices. This regulation is the lowest hierarchy of the law that is valid within village areas and should be respected by everyone. In addition, through a facilitation from some NGOs such as Tropenbos Indonesia, some of their forests have also been designated as village forests by the Ministry of Environment and Forestry.

Yet, Village Forest is not the final destination for the Dayak Simpakgn community in Mekar Raya to save and secure their ancestral domains because the village forest scheme has a validity period of just 35 years. The community is still trying to get recognition through the customary forest scheme. The customary forest is part of communally-held/owned forests (rights-forest) and has no time limit like village forests, thus it is able to provide full recognition of the rights of Indigenous Peoples to their forested areas.

Key Takeaways

Although legal recognition for the community is important, community self-strengthening is also crucial. A strong and solid community will be much more empowered and stronger in defending their Territories of Life from various threats. In addition, to ensure the sustainability of this community-based conservation practice, a joint effort is needed from both the community and supporting organizations to encourage a strong leadership regeneration process that transmits inclusive knowledge from older generations to younger ones.



Drone footage of a village in Sumatra, Indonesia. Photo by Jacob Maentz for Rights and Resources Initiative, 2022.

Opportunities and Challenges for Securing Indigenous Peoples' Rights in the Implementation of the New Global Biodiversity Framework in Chile

By Karina Vargas

Conservation is part of the way of life for Indigenous Peoples, who have a close relationship with, and feel a part of, nature. Their principles and values seek balance and harmony between the different forms of life that coexist and are intrinsically connected to the territories and seas that are their ancestral home.

Indigenous Peoples' contributions to the conservation of biodiversity, as well as the importance of their traditional ecological knowledge and related rights, have been increasingly recognized and valued in the international context. This was reinforced by the new Global Biodiversity Framework (GBF) adopted at CBD COP15 in December 2022.¹⁹

However, while Chile has received growing international recognition for its efforts to protect biodiversity and address the climate crisis, it has made little progress in recognizing and supporting Indigenous Peoples' contributions.

To date, conservation in Chile has been synonymous with the recognition of protected areas set aside from human interference and managed by the state through the National Forest Corporation (CONAF). In parallel, private conservation initiatives have emerged, some of which have encroached upon lands claimed by Indigenous Peoples,²⁰ without any state intervention to manage the situations.

Despite the large number of land and marine conservation initiatives led by Indigenous Peoples and local communities to strengthen self-determination and the protection of their territories, they are generally overlooked and receive limited technical or financial support to carry them forward.²¹

In response, in Chile, Indigenous Peoples from the mountains to the sea have come together to advocate for the recognition of their conservation initiatives and safeguard their efforts to protect these territories, all from an Indigenous perspective.

Conservation Challenges in Chile

Chile has recently made notable progress in terms of conservation, including through the enactment of Law 21.600, which established the Biodiversity and Protected Areas Service (SBAP), aimed at improving environmental governance and the protection of ecosystems.

Although this law represents a significant step forward in the institutionalization of conservation policies and recognizes Indigenous Conservation Areas as spaces that can be managed by Indigenous communities and organizations, it has been criticized for not fully complying with international standards for the recognition and protection of Indigenous Peoples' territorial rights, failing to effectively integrate Indigenous traditional knowledge and science, and rendering Indigenous Peoples' coastal and marine territories invisible.

Beyond the lack of adequate legal frameworks, Indigenous Peoples also face persistent threats such as extractivism, climate change, deforestation, and land loss, which endanger both their culture and the ecosystems they inhabit.

On the other hand, the Coastal and Marine Spaces of Indigenous Peoples (ECMPOs) law, enacted in 2008, enables the transfer of a designated marine area to the administration of an Indigenous community or an association of communities that have exercised the customary use of this space, with the aim of preserving its uses, ensuring the conservation of its natural resources, and promoting the well-being of these communities.

There is currently an effort to amend this law with the aim of "perfecting" it, justified by political and administrative obstacles, which are generated by the state itself. This is contradictory and symbolic of attempts to curtail rights in response to the law's impact on the reorganization and governance of marine and coastal areas in Chile.



Woman holding a clay bowl with Chilean pine nuts, pehuen, and araucaria fruits. Photo by iStock.

ECMPOs, recognized under Law 20.249, are vital for marine conservation and promote a form of conservation grounded in traditional knowledge and practices predominantly associated with women, including shellfish harvesting, seaweed gathering, fishing, basket weaving, and the smoking of fish. These are all practices that respect the nature cycles—tides, weather, climate, and timelines for marine resources to grow and reproduce—which contribute to conservation whilst also strengthening governance and the participation of women in said areas.

Coordination and Collective Action Among Indigenous Peoples

In this context, the Indigenous Peoples of Chile, from the north to the south of the country, and from the mountains to the sea, are gathering to raise the voices of these communities from the, "South of the South of Latin America."

Having long worked internally on these issues, networks such as the ICCA Chile Network, the Network of Indigenous Women for the Defense of the Sea, and the Futa Mawiza Inclusive Conservation Initiative have come together to advocate for the recognition of their traditional knowledge, spirituality, and forms of participation and governance that contribute to the protection and conservation of marine and coastal areas in Chile.

Earlier this year, these groups convened an international congress and pre-congress on Indigenous conservation, bringing together Indigenous Peoples from Argentina, Paraguay, Peru, Ecuador, and Colombia, to discuss common threats and future collaborative actions to advocate both in Chile and beyond.

Challenges Ahead

Among the challenges ahead is the consultation on the provisions of the SBAP law. Chile's Indigenous Peoples have already begun to articulate their positions in response to the consultation, where they aim to participate to secure territorial rights, traditional knowledge, and their visions for conservation.

Another challenge lies in the recognition of ECMPOs as areas conserved by Indigenous Peoples in order to meet Chile's 30x30 target. These areas, managed and conserved by Indigenous Peoples, are vital for biodiversity and contribute to strengthening governance and women's participation. However, corporate interests are currently seeking to curtail Indigenous Peoples' rights in these areas, including by modifying the laws that protect them.

Key Considerations

Despite some legal progress, a more solid institutional framework for biodiversity is needed in Chile. This must include a more inclusive approach that guarantees Indigenous Peoples' rights in the implementation of the GBF, with the full and effective participation of Indigenous Peoples, including Indigenous women and youth.

It is essential to recognize Indigenous Peoples' vision and methods of conservation, as well as their traditional knowledge and management and governance practices. Together, these contribute to the conservation of their territories and marine and coastal areas, guaranteeing the territorial rights of Indigenous Peoples while achieving effective, inclusive, and equitable conservation.

The Mayan People of Dziuché and the Defense of the Chichankanab Lagoon

By Albert Maurilio Chan Dzul

Introduction

According to the ancestors, the Dziú was the only one who dared to rescue the corn seed from a great fire. For this reason, it is black and has eyes as red as fire. Perhaps because of the abundance of this bird in the jungles of the northwest of the Mexican state of Quintana Roo, or perhaps following some indication from the ancestors, the first settlers called their community Dziuché, which in Spanish means, “place of Dziú birds in the trees.”

Dziuché is located in the municipality of José María Morelos on the road that goes to Chetumal, the capital of Quintana Roo, and borders the state of Yucatán. The predominant vegetation types are tall and medium semi-evergreen forest. The climate is warm and sub-humid in summer, with an average annual temperature of 26 to 28°C and a total annual rainfall of 1,100 to 1,200 mm.

The community of Dziuché was founded in 1932 as part of the process of providing communal lands after the Mexican Revolution. However, these territories were never, “idle,” as official policies stated, since they had in the past housed *chicleros* (natural gum producers) camps and, previously, Mayan rebels from the Social War, as well as Mayan *cacicazgos* (chiefdoms) long before the arrival of the Spanish. Today, almost 70 percent of the community considers itself Indigenous.

Dziuché has about 28,000 hectares, of which 99.7 percent is social property (*ejido*). The *ejido* (common land) assembly, as the highest authority, has established a permanent forest area of 10,000 hectares, 5,000 of which are under forestry use. In addition to other official conservation schemes, such as the Wildlife Management Unit (UMA) and Payment for Environmental Services (PSA), an incipient management for tourism in the Chichankanab lagoon has also been implemented.

Initial Problem or Barrier

Although the community has clear conservation results, a product of the management of the entire territorial surface from conventional conservation and from the so-called fortress conservation, the deficiencies or weaknesses of community conservation could only be solved through a protected area. From this perspective, and without community participation, the government of the state of Quintana Roo issued a decree for the creation of the State Protected Natural Area Chichankanab Lagoon System (ANP) in 2011, with which the state government was assigned the administration, conservation, development, and preservation of 11,610 hectares.

In addition, in this decree, the state government mentions the signing of collaboration agreements with the NGO Amigos de Sian Ka'an for the development of the management program, and, in Article 9, attributes the power to, “enter into coordination or cooperation agreements to grant the administration of the protected natural area.”

Implemented Solutions

Community governance was visible from the beginning, as the ejidal assembly denied Amigos de Sian Ka'an's first request in 2009 for more than 14,000 hectares to establish a protected area.

Once the community found out, by chance, that half of its territory was already part of a protected natural area, it called for assemblies to analyze the case. A promoter group managed to position itself as an *ejidal* authority, and the defense of lands was strengthened.

With the support of the Economic, Social and Cultural Rights Project, A.C. (ProDESC) in 2018, the Dziuché community filed an application for amparo against the declaration of the ANP. That same year, they achieved the provisional suspension of the decree and, finally, in 2019, this amparo managed to nullify the decree creating the ANP, which was officially published in 2020. The resolution was delivered physically to the community in 2022.

Thinking of long-term solutions, the community has undertaken actions to strengthen its organization, both intra-community, such as the assembly of special formalities to protect the territory from companies, and inter-community, motivating nearby *ejidos*, also owners of the Chichankanab Lagoon, to form a Union of Ejidos. They have also identified the importance of training processes and alliances, as well as their incipient interest in the Community of Practice of Territories of Life, an initiative promoted by Members and Honorary Members of the ICCA Consortium in Mexico and led by U Yich Lu'um, the organization hosting the coordination of the Mesoamerican subregion.

Pending Challenges

The challenges are also at different levels. At the community level, one of the challenges is to involve the population beyond the *ejidatarios* (rightsholders of communal lands) as a population with rights of access to land. Likewise, there is the challenge of maintaining the sense of defense and unity in the face of changes in *ejido* authorities, both due to differences in approach and external pressures.

The challenge of strengthening the Union of Ejidos and the link with other communities beyond the state of Quintana Roo remains. This implies the possibility of knowing and influencing spaces where decisions that affect the rights of Indigenous Peoples are made. The latter includes knowing and understanding the global context that, with its challenges and opportunities, has made the international community understand and accept Indigenous Peoples' contribution to biodiversity conservation and climate change mitigation.

Key Conclusions

For Indigenous Peoples, the processes of biodiversity conservation and development can be understood from the logic of environmental racism. Not only because such processes have a top-down approach, but also because they are carried out from a position of power and superiority: from the imposition of protected areas to mass tourism projects, such as Maya Ka'an or the Mayan Train.

In fact, Dziuché is an example of a large number of Indigenous Peoples and local communities that maintain a strong relationship with their territory, that have strong decision-making bodies, and—that, without having explicit conservation objectives—, ensure biodiversity in the long term. The challenges and weaknesses presented by the community can be strengthened without the imposition of solutions from “above.”

Endnotes

- 1 Forest Peoples Program.
- 2 South Rupununi District Council.
- 3 See Report by the Amerindian Lands Commission of Guyana, August 1969, pp. 75–76.
- 4 Alonso, Leeanne E., Juliana Persaud, and Aiesha Williams (eds). 2016. Biodiversity Assessment Survey of the South Rupununi Savannah, Guyana. BAT Survey Report No. 1. WWF-Guianas, Georgetown. Available at: https://www.flac.awsassets.panda.org/downloads/wwf_bat_sr_low_res_1.pdf.
- 5 Protected Areas Commission of Guyana. 2024. Kanuku Mountains Protected Area: Management Plan 2024–2028. Protected Areas Commission, Georgetown. Available at: <https://www.pac.gov.gy/2024/06/10/first-draft-kmpa-management-plan-2024-2028/>.
- 6 Stabroek News. 2024. “Guyana to double legally protected areas.” Stabroek News, July 13. Available at: <https://www.stabroeknews.com/2024/07/13/news/guyana/guyana-to-double-legally-protected-areas/>.
- 7 Policy Advisor, Forest Peoples Programme.
- 8 Director, Senior Lawyer, Forest Peoples Programme.
- 9 Regional Director, Loky Manambato, Fanamby. Fanamby is a Malagasy non-profit that supports local communities and the sustainability of biodiversity in Madagascar. They work closely with the communities of Loky Manambato, a protected area in the northern part of the island.
- 10 Dudley, Nigel (ed.) 2008. Guidelines for Applying Protected Area Management Categories. International Union for Conservation of Nature, Gland. Available at: <https://portals.iucn.org/library/sites/library/files/documents/pag-021.pdf>.
- 11 Rakotondravony, H.A. 2009. Aspects de la conservation des reptiles et des amphibiens dans la région de Daraina. Madagascar Conservation & Development 1(1). doi:10.4314/mcd.v1i1.44118.
- 12 The *soubique* is a traditional basket from Madagascar, made primarily of local materials such as palm leaves. It is an important element of daily life for many communities, especially among women, who are generally responsible for its production. In addition to its functionality for the storage and transport of agricultural and fishery products, the *soubique* represents an essential part of Malagasy culture and tradition.
- 13 For example, the ocean or sea.
- 14 Fundación para la Promoción del Conocimiento Indígena (FPCI). FPCI is an Indigenous organization that works directly with the Gunas communities of the Gunayala Comarca of Panama.
- 15 Decision adopted by the Conference of the Parties to the Convention on Biological Diversity at its Ninth Meeting, IX/20. Marine and Coastal Biodiversity.
- 16 Policy and Advocacy Co-Coordinator for Africa, ICCA Consortium.
- 17 Adopted from WGII. 2023. Fifth Indigenous Peoples Voices for Nature and People. WGII, Delft, 83.
- 18 Program Manager of Working Group ICCAs Indonesia and Advocacy Coordinator of ICCA Consortium Southeast Asia.
- 19 This has been included in Decision 15/4 of the new Kunming-Montréal Global Biodiversity Framework. Available at: <https://www.cbd.int/conferences/2021-2022/cop-15/documents>.
- 20 For example, Tantauco Park, owned by former President Sebastián Piñera, overlaps with “Realengo titles” (legal recognition of the Huilliche communities’ territorial rights) claimed to this day by Indigenous communities.
- 21 Arce, L., F. Guerra, and J. Aylwin, eds. 2016. Cuestionando los enfoques clásicos de la conservación en Chile: El aporte de los pueblos indígenas y las comunidades locales a la protección de la biodiversidad. Observatorio Ciudadano, ICCA Consortium, Chile. Available at: <https://observatorio.cl/cuestionando-los-enfoques-clasicos-de-la-conservacion-en-chile-el-aporte-de-los-pueblos-indigenas-y-las-comunidades-locales-a-la-proteccion-de-la-biodiversidad/>.