Natural Resource Governance Framework Issue Briefs

Collection of briefing notes developed by Natural Resource Governance Framework (NRGF) Working Group members

IUCN Commission on Environmental, Economic, and Social Policy
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Internal CEESP NRGF Background Brief #1

July 2013

NRGF Framework - What does "framework" mean in the NRGF, and how is a framework different from "a tool or tools"?

By Janis Alcorn
14ᵗʰ July 2013

What is a Framework ? A "Framework" is the basic structure underlying a system, concept, or text: e.g., "the theoretical framework of political ecology"; a **frame of reference against which to measure and which guides construction of laws, regulations, policies.** At the same time, a Framework is the **essential supporting structure** of a building, or as in the image of NRGF as the fundamental supporting structure for the other IUCN products placed inside it.   The term "Framework" implies both structural integration, and an encompassing frame of reference against which things "inside it" can be measured for "fit". **A framework is a defining setting, not just a setting.   A framework is not "a tool" or a "set of tools".**

The IUCN Natural Resources Governance Framework is reference document, with values and principles against which actions, laws, etc, can be tested for their "fit." Examples of frameworks include: national Constitutions, the Bill of Rights in the USA, UNDRIP, and the principles agreed upon in treaties. Questions/statements/processes, etc, are tested against the principles in the framework to determine if they "fit" or how they need to be modified so that they "fit". For example, courts can test an action taken by the State as to whether they meet the criteria for ¨right to due process¨, or test an Act of Congress against Article One of the Constitutions (which sets bounds on what the legislature can do).   In this particular case of the NRGF of IUCN, given that the other Knowledge Products of IUCN are placed "inside" this framework, an illustrative question might be "how is the Red List process incorporating stakeholder participation? (assuming there is some statement about stakeholder participation in the NRGF). Or "how does the IUCN project incorporate local governance?" (assuming there is a statement regarding local governance in the NRGF etc). **The NRGF "Knowledge Basket" (knowledge product) will include tool/s to guide the assessment of the strengths and weaknesses of actions, law and policies in relation to the principles established in the NRGF.** Tools will help IUCN and its members to assess whether, for example, stakeholder engagement has adequately incorporated attention to local governance. If respecting indigenous rights to territory and self-determination is a principle of NRGF, then questions that will arise may include: how did this IUCN project / product (or national policy) respect

indigenous rights to territory and self-determination? Or NRGF can be used beyond the IUCN context, to assess how do the laws, policies and regulations of a country incorporate the necessary principles for good Natural Resources Governance outcomes, for example.

For a Framework to be shared, there must be a shared understanding of the meanings of words, particularly the principles and values whose meaning can change over time. Just as jurisprudence establishes the shared meaning of a law within a given society and culture, and can define legal reform needed when key principles and evolving cultural values are not being met by the current law, a Framework must be flexible enough for modification. For example, a Constitution is amended or a new Constitution is written when it is clear that major adjustments are needed to meet the standards on which the original framework was built (i.e., Amendment for women's right to vote, or a new Constitution to decolonize the basis framework of law). **Where are the principles that will form the NRGF and guide any future adjustments?** In the past ten years, IUCN has adopted "rights-based approaches" -- which indicates that Human Rights have become a key principle to be used for constructing the NRG Framework. Other principles are drawn from Resolutions and other key IUCN documents. Principles may be in conflict - as efficiency and human rights may conflict- so the key principles must be taken "as a whole", not as single values/principles.

What is a Governance Framework? Governance is the central concept in the NRGF. Governance has many meanings and does not necessarily translate with identical meanings between countries/cultures. For USAID, for example, governance is the relationship between government and civil society -- as the broad definition of governance used in the USA. In other countries, governance can refer to the ability of a government to control the behavior of the population, without consideration of the role of civil society as a key actor in the politics of creation and application of laws. Hence, one of the challenges for construction of a "Governance Framework" is to create a reference Framework for different forms of government while being true to the core values and principles that ground that Framework.

A governance framework is based on culture and law. Law is a cultural form (legal practice is cultural practice) and culture itself carries regulatory force[1]. Hence another challenge facing NRGF is to shape an NRGF that can be applied in a diversity of cultural and legal settings, including in contexts where multiple cultures co-exist, as in the case where Indigenous Peoples live as nations within nations.

RECOMMENDED REFERENCES

USAID Center for Democracy and Governance Technical Publication Series, launched in 1998 - and written by experts - focuses on four elements: Rule of Law, Elections and Political Processes, Civil Society and Governance. Key reference publications include:

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Internal CEESP NRGF Background Brief #2

July 2013

Environmental governance/environmental management – Some reflections

By James Murombedzi
19ᵗʰ July 2013

"There is a deep structural link between the use and control of resources and the organization and exercise of power. Control over resources is the ultimate source ofm power" Shivji 1998:48)

Defining Governance

Environmental governance is of course an extension of the general concept of governance. It overlaps and intersects with 'environmental management' at many different points. In fact, what is now termed environmental governance is what was referred to as environmental management until recently when the concept of governance rose to prominence. But as governance has gained popularity, it is also increasingly distinct from management. The concept of 'good governance' has gained currency and traction in recent years, and mostly as part of the neo-liberal project. As such, both in its global meaning and in its application to the environment, "governance" has come to define a specific set of actions regarding the exercise of power, designed to achieve specific outcomes regarding the distribution of benefits or resources or both.

Although there is not yet a strong consensus on how to define 'governance', the concept is generally used to describe how power and authority are exercised and distributed, how decisions are made, and to what extent citizens are able to participate in decision-making processes. Hence, governance is about making choices, decisions and trade-offs, and it deals with economic, political and administrative aspects.

 "Good governance" (sometimes referred to as 'democratic governance') aims at ensuring inclusive participation, making governing institutions more effective, responsive and accountable, and respectful of the rule of law and international norms and principles. Thus for instance the UN states that :"Good Governance promotes equity, participation, pluralism, transparency, accountability and the rule of law, in a manner that is effective, efficient and enduring" http://www.un.org/en/globalissues/governance/

"Good governance" has become a mantra in international circles. The consensus across a range of sectors is that good governance is critical to sound policymaking. How this concept applies in the context of environmental decision making, though, is still being developed, both in a variety of contexts (governmental, corporate, and private market) and at scales ranging from local to global. Yale Centre for Environmental Law and Policy.
http://envirocenter.yale.edu/programs/environmental-governance

Good governance refers to the processes that bring and collate different interests and resources together in a functioning order to produce and achieve collective goods at global and national levels. These goods (goals) are shaped by political, economic and social values from which a particular form of governance derives its legitimacy by discovering and enforcing overarching values. These overarching values are not the properties of the state but of the polity. Too much dependence on laws, rules and regulations may also mean the value-basis of the community and society is in collapse, therefore more emphasis is put on procedures like dialog, discussions, participation and democracy to increase the legitimacy of governance structures and laws.

Most 'good governance' definitions and approaches focus on the exercise of political, economic and administrative authority to effectively manage a society's affairs. As such these approaches seek to advance the rule of law, promote accountability and transparency, and enhance consensus with references to social and economic priorities, and the means of achieving development objectives. The philosophy of good governance also encompasses civil society and its groups and organizations and the ways in which these are structured.

Thus features of good governance include:

- A market-supporting regulatory framework,
- minimum government,
- partnership between state and civil society,
- decentralized and participatory public administration,
- consensus-based political institutions,
- social equity and inclusiveness,
- accountability,
- integrity,

We should note here that the UNESCO firmly identifies the source of good governance approaches in the structural adjustment programs promoted by the World Bank, and mentions an "ideological risk" in debates about "who governs, how and on behalf of whom". Perhaps because the UNESCO is more of an academic body, and less of a development institution, it is able to provide a critique of the discourse on good governance, by delineating its ideological roots, by linking it very clearly to market reforms, and by identifying the discourse itself as a "new strategic top-down and hegemonic speech".

 "Historically, the first use of governance is related to the research on firms ('corporate governance'), and structural adjustment programmes and decentralisation projects promoted by the World Bank. At the origin of the debate on governance we can already find a major

ideological risk related to who governs and how (legitimacy of the political actors), and on behalf of whom. It is true that this discourse on market-based governance finds its legitimacy in the increasing development of corruption schemes and other social forms of 'anomie'. That is why governance may stand for a new strategic top-down and hegemonic speech and the debate on its dimensions may be very controversial. Thus, one of the major stakes for development actors such as UNESCO in the coming years is to give governance more content and to make development policies stand aloof from the ideological background of the notion of governance. Ethical and political dimensions of governance are of central importance in this endeavour."
http://www.unesco.org/most/globalisation/Governance.htm

The critique of the neo-liberalization of governance notwithstanding, the UNESCO approach recognizes the utility of governance for organizing collective action around the promotion of public goods. "Governance can be a useful social science approach insofar as it devises new techniques for managing joint affairs. Constant innovation is needed to discover more sustainable options for future development. Partnerships and civic engagement are crucial in stimulating innovation, as part of decentralisation, devolution, participation and empowerment."
http://www.unesco.org/most/globalisation/Governance.htm

Environmental Governance

This brings us to a discussion of the concept of governance as it applies to the environment. The environmental sphere is not isolated from other policy areas and depends on general governance aspects. As with the general concept of governance, there are several definitions of environmental governance:

Environmental Governance is the means by which society determines and acts on goals and priorities related to the management of natural resources. This includes the rules, both formal and informal, that govern human behaviour in decision-making processes as well as the decisions themselves. Appropriate legal frameworks on the global, regional, national and local level are a prerequisite for good environmental governance. IUCN
https://www.iucn.org/about/work/programmes/environmental_law/elp_work/elp_work_issues/elp_work_governance

Environmental Governance comprises the rules, practices, policies and institutions that shape how humans interact with the environment. Good environmental governance takes into account the role of all actors that impact the environment. From governments to NGOs, the private sector and civil society, cooperation is critical to achieving effective governance that can help us move towards a more sustainable future. UNEP
http://www.unep.org/pdf/brochures/EnvironmentalGovernance.pdf

Environmental governance refers to the processes through which societies make decisions that affect the environment. Governments have long been dominant players in this context. However,..... the ability of governments alone to address environmental problems is being called into question. As a result, contemporary environmental governance increasingly involves citizens, non-government organizations, and businesses.
http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c10/c10ba-egov.shtml

Common to these definitions are:

- <u>The rules, practices and institutions</u> related to the management of the environment in its different forms (conservation, protection, exploitation of natural resources, etc.)
- <u>the processes and institutions</u>, both formal and informal, that encompass the standards, values, behaviour and
- <u>organizing mechanisms</u> available to regulate the interactions between multiple interest groups regarding the environment, and at <u>multiple scales</u>

As with governance generally, environmental governance has also undergone a neo-liberalization. This entails the privileging of the market in through selective re-regulation and re-orientation of state involvement or legal instruments, rather than a minimization of the state regulatory apparatus. These re-orientations are reinforced through the technocratic and political deployment of knowledge by global biodiversity institutions to enhance the marketization of the environment through the emphasis on "ecosystem goods and services'. This is evidenced in the proliferation of institutions and initiatives whose mandate is to "count" biodiversity (Millennium Ecosystem Assessment; The Economics of Ecosystems; WCMC; CBD; European Biodiversity Outlook Observation Network; etc). Through such initiatives, environmental governance is increasingly defined in the neo-liberal market terms of goods and services. As such, broader theorizations of neo-liberalism are relevant to understanding the recent governance shifts at the frontiers of environment and nature.

International financial institutions such as the World Bank have played and continue to play a major role in furthering neo-liberalization agendas in environmental (e.g., through loan conditionalities and through training of an international cadre of experts). This helps us make sense of connections between sites (including Northern and Southern sites), as well as why neo-liberalization is unfolding so rapidly in so many contexts and across so many realms of resource governance.

The emergence and rise to prominence of environmental movements encompassing a wide range of social concerns such as environmental justice, animal welfare, and resistance to GMOs etc demonstrates that environmental realm also offers key sites of resistance to neo-liberalization processes. They also highlight the difficulties in translating market logics to particular resource realms because resources are central to livelihoods, health, and well-being. Privatization and marketization thus often result in social protest and resistance

In practice, very specific linkages have been made between environmental outcomes and governance, and particularly with the key elements of good governance - transparency, representation/participation, accountability, and integrity.

<u>Transparency and resource rents</u>

Natural resources, particularly agricultural land, subsoil minerals, timber and other forest resources, are economically and socially significant in developing and transition countries, and make up a relatively large share of the national wealth. Governance is intricately linked to natural resources. Paradoxically, natural resource rich countries typically shows lower levels of socio-economic development, are less diversified, less transparent, subject to greater economic

volatility, more oppressive and more prone to corruption and internal conflicts, compared to non-endowed countries at similar income levels. (i.e. the "resource curse"). E.g. -

- Where access to high value mineral resources (could also apply to forests as in e.g. Liberia and Sierra Leone) is controlled by fractions and elitist groups, the risks for conflict and corruption escalate.
- Elite capture of natural resources is also elite capture of government and politics, and the resources can form the basis of political patronage with few benefits for the poor.
- Even without conflicts, volatile world market prices can generate boom and bust circles that can destabilize the economy and negatively affect growth.
- Large foreign exchange earnings from natural resource exports reduce the competitiveness of other economic-sectors
- The outcomes are usually socially and environmentally unsustainable. Increased transparency can reduce the risk of the resource curse for resource rich countries.

<u>Representation and Participation</u>

Arguably, sustainable development requires the development and ongoing reproduction of democracy, characterized by broad participation. In large societies, where citizen participation is mediated by political representatives, democracy depends on strong downward accountability of political representatives to the broader population

<u>Integrity and Ecosystems</u>

(I avoid the use of ecosystem services because of the market emphasis of "services", and marginalization of multiple values of ecosystems)

The environment comprises of a variety of ecosystems, from forests and grasslands to wetlands and coral reefs, which in turn have many values and support life. Sustaining biodiversity and ecosystems is directly linked to poverty alleviation.

- Good governance in general, including fight against corruption and promotion of accountable and transparent institutions can improve the management of natural resources and implementation of environmental legislation.
- It can also work the other way around: concerns for environmental governance can have spinoff effects and contribute to improved democratic governance at a more general level. Many social movements are coalescing around environmental issues and agitating for improved environmental governance through representation

In many developing countries, the debate over sustainability is largely related to justice and rights, influenced by a history of colonial and post-colonial abuse of, and uneven access to, natural resources. Environmental justice movements have become significant factors in engendering good environmental governance.

As noted earlier, environmental governance has to be understood at multiple scales:

Global Environmental Governance

The transboundary nature of most environmental challenges calls for joint actions to address them. The international environmental governance system provides an important foundation for addressing these types of common environmental challenges, and the last decades have witnessed a rapid development of the international system of environmental governance, manifested in a series of major UN conferences and as much as around 900 multilateral environmental agreements (MEA)

However, despite the success of some MEAs, e.g. trade in endangered species and ozone depletion, national implementation of most of these agreements have been largely insufficient to halt escalating environmental degradation. The "implementation deficit" has partly been explained by the inefficiency of the international environmental governance system itself. The rapid growth in MEAs, actors and resources involved, combined with a lack of a holistic approach to environmental management, has led to a fragmented system and inefficient use of resources.

- There are too many organizations involved in too many different places and the mechanisms for coordination are too weak.
- Concerns about the legitimacy and fairness of key MEAs, such as the UN Framework convention on climate change (UNFCCC) and the convention of biological diversity (CBD), have been highlighted as another crucial obstacle to implementation.
- Arguments about distribution of responsibility in financing the implementation of the MEAs in developing countries (notably the historical emissions of green-house gases from industrialized countries)
- OECD countries have failed to deliver on their promises on development aid and additional environmental financing.

Considering the challenges highlighted above, and the importance of international cooperation and a well-functioning international governance system to jointly manage the environmental challenges, there is a need to review and reform the international environmental governance system.

National level Environmental Governance

Alignment of international goals to national priorities is problematic. Poor technical and financial capacities of environmental ministries in developing countries are usually blamed for poor implementation of environmental laws (including MEAs) and measures. However, capacity may not be the major issue. Rather, most externally financed environmental projects are simply not in line with short term national political and economic priorities.

- The economic and social benefits of economic growth (employment, exports and tax revenue etc) are often tangible in the short term
- The environmental costs or benefits tend to be more long term and elusive.
- The poor who often bear the heaviest costs of environmental degradation tend to be dispersed and weakly organized in comparison to interests vested in the current – often unsustainable – growth path.

The implementation of environmental legislation and other measures may hence be dependent on a broader process of improved public participation and democratization.

It is also important to unpack the state as a key player in national level environmental governance. The state in Africa, as in many other parts of the world, falls far short of the Weberian ideal type depicting an on-going organization with sovereignty and a monopoly over the means of violence within a defined territory. The character of the state, whether overpowering or absent, an ally or illegitimate and threatening, conditions the possibilities for development and its sustainability. Efforts to extend state authority and achieve political consolidation encourage to patrimonialism and discourage decentralization. Manifestations of these state strategies include:

- transformations of property rights and systems of production,
- land concessions, and
- Efforts to control markets.

Note: The state is just one of several organizations and actors claiming authority over people, natural and other material resources, and markets. Competition among rival authorities represents an important driver of interventions that influence access to and management of natural resources

Sub-National level Environmental Governance

Obstacles to the implementation of environmental laws (including MEAs) and measures are also found at sub-national governance levels. Environmental authorities are typically very weakly represented at the local level in developing countries making monitoring and enforcement of national environmental laws difficult. In combination with a lack of well-defined property rights for land and forests in developing countries, many researchers have feared a massive exploitation of these resources due to their open-access characteristics. However, certain communities have established customary systems for managing bodies of water, forests, agricultural land, etc. which satisfactorily balance equity and social justice, efficiency, sustainability and the preservation of biodiversity.

These types of common property natural resource management systems have proven to be efficient and sustainable during certain circumstances. In fact, communal organizations have proven able to solve problems that neither the state nor the market has been capable of managing effectively –

- the production of local public utilities or
- The internalization of ecological externalities.

Consequently this has led to a reconsideration of the role of communities and other actors in between the state and the market

During the last decades many developing countries have launched ambitious programs to decentralize the management of environmental and natural resources. Experiences demonstrate that these processes of decentralization involve opportunities as well as risks for environmental management in some countries; decentralization has led to improved natural

resource governance through enhanced representation, transparency and strengthened accountability. However, in several countries responsibilities for natural resource management have been decentralized without being accompanied by sufficient resources - for instance information, training and financing needed to carry out the new functions – and elite capture and conflicts around natural resource management have been frequent. In practice, many decentralization reforms holding promises for improved natural resource management have been only partly implemented as they have encountered resistance from strong interest groups

Multi-Partner Governance
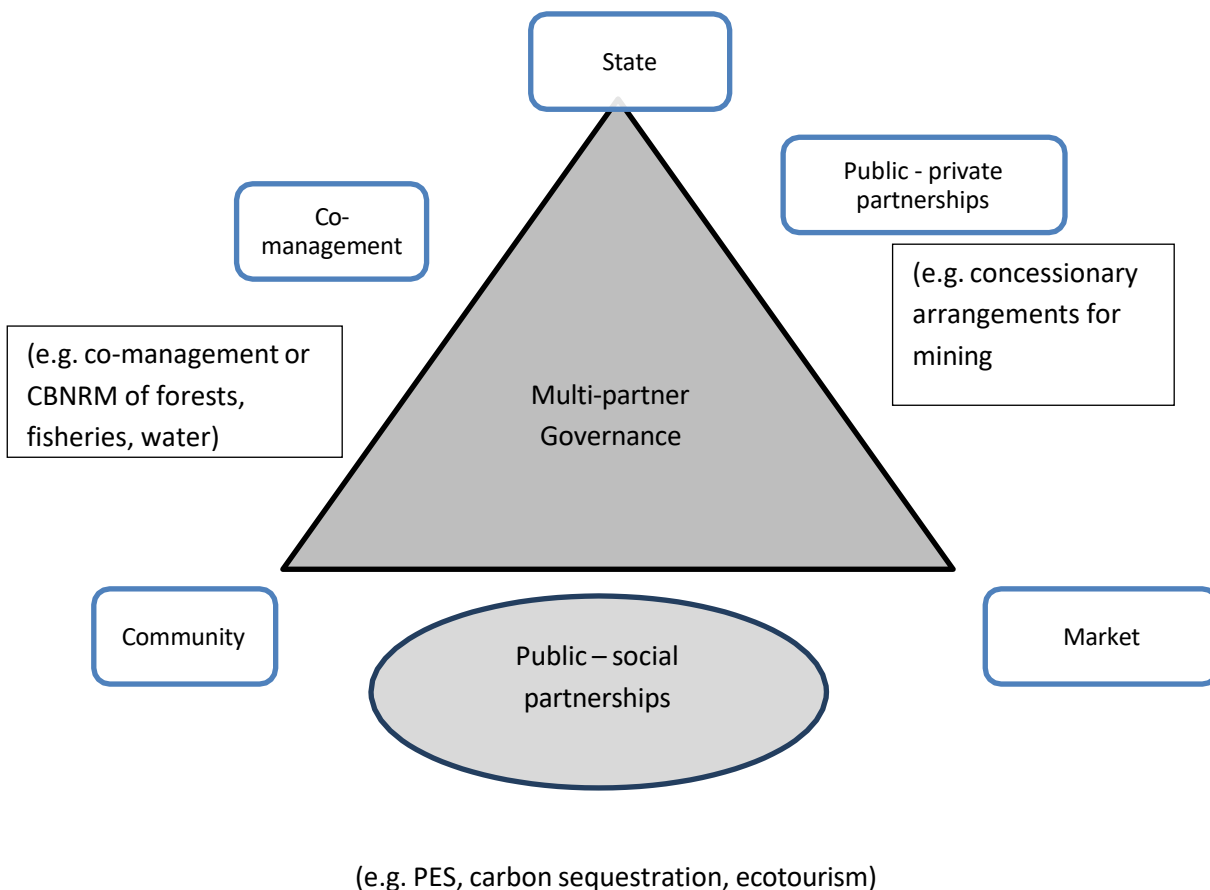
Courtesy: James Murombedzi
(Adapted from Agrawal and Lemos, 2007)

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Internal CEESP NRGF Background Brief #3

July 2013

Values - Identifying the key values and principles in designing and implementing the NRGF

By Jennifer Mohamed-Katerere
31st July 2013

Why does clarity about the values underpinning the NRGF matter?

- **Frameworks provide a reference level for undertaking various actions**. Constitutions, for example, set the foundation for legal and policy development by establishing a basis for determining what is legitimate. Similarly, the proposed Natural Resource Governance Framework (NRGF) serves as the basis for developing principles, guidance, criteria and tools for evaluating and assessing governance and identifying actions needed to improve governance. For this reason developing a shared understanding of core values is critical. **Values are not a description of some utopian ideal, but a basis for maintaining focus on the core priorities, and developing specific steps for achieving our core objectives.** These specific steps would include guidelines, principles, and assessment and evaluation tools. In this sense values are different from **principles**, which can be seen as **rules of action**.

- **Values are not simply about beliefs; they are also about knowledge** Values imply a level of judgment about what is important, in life, in conservation, in decision-making, for achieving sustainability, etc. Although they are framed by core beliefs, which may emanate from religion or other moral convictions, understanding (derived from knowledge and experience) of what works, and why it works, is equally important in making that judgment. For example, in the late 1980s and 1990s the conservation world came to a new shared understanding of conservation based on the links between environmental and human sustainability and wellbeing. In this context, values of *sustainability* and *justice,* as well as *sufficiency* of people and nature, shifted to the center. New framework conventions were adopted, including The Convention on Biological Diversity, which emphasizes the need for justice, sufficiency, and participation if conservation goals are to be reached.

- **Values shape practice.** Irrespective of whether values are hidden in existing practice or overtly expressed - represent the core priorities of an organization, society or other

entity, or individuals, and inform their decisions, programs and other activities. Values drive the interactions among the different parts of a society as well as between societies. For example if we value the inclusion of all people directly affected by natural resource choices in decision then our actions will be different from those who prioritize only the role of impacted land owners. **As such, values can be seen as a foundation from which the Natural Resource Governance Framework can be developed – and a touchstone for building coherence and internal rigor within the framework.**

What are the values we hold as a Union?

Historically, the priorities of IUCN have focused on conservation and sustainable development (cf., Caring for the Earth, 1980, 1991). IUCN has approached the issue of governance from the perspective of **how** to promote better conservation while ensuring sustainable development. Other values – democracy, equity, and inclusion – despite having been widely articulated among members and within the Commissions have largely been treated as secondary in the Secretariat-led conservation programmes. Consequently, the development of environmental governance principles (rules of action) has focused primarily on increasing the legitimacy of environmental decision-making and the effectiveness of conservation decisions, rather than, as the IUCN vision suggests, creating "***A Just World that Values and Conserves Nature***".

This historical tension within the values of IUCN presents some challenges for developing a coherent set of values and associated principles:

- The range of natural resource governance principles lack coherence and are at times at variance with each other, with, for example, the focus on positive conservation outcomes taking precedence over the rights of local communities and indigenous people to engage in democratic/participatory governance. Efficiency (time, money, planning) has, at times, been treated as equal to, and in some contexts overriding, entitlements to participation. **Consequently it is not appropriate, at this juncture, to "gather" sets of principles from existing work of IUCN**.
- The program decisions taken by IUCN over the years indicate that *"A Just World"* **has effectively been reduced in the identified principles to creating fair institutions** – "justice as fairness" in the tradition of John Rawls – rather than also enhancing the capability of people to effectively use these institutions and lead lives they value (including, for example, livelihood security). Principles that address aspects of social justice (e.g. non-discrimination, sufficiency, recognition of the territorial rights of indigenous people and traditional knowledge) that are addressed in IUCN documents and importantly with in the resolutions adopted at the WCC are less often reflected in actions. For example, although "livelihood security" is identified as a key aspect of the IUCN social policy program, it is not well reflected in emerging governance principles.
- **A touchstone for checking the appropriateness of identified principles against core values has been largely absent**.

With the adoption of two new programme areas – "Effective and Equitable Governance of

Nature's Use" and "Deploying Nature-based Solutions to Climate, Food and Development" – it is of critical importance that social issues will need to be more effectively integrated in IUCN's programmes. It is, for example, envisaged that under the first programmatic area IUCN will consolidate its work on people-nature relations, rights and responsibilities, and the political economy of nature (IUCN Programme 2013- 2016).

Developing Principles for the NRGF

Governance principles are not values, but a determining characteristic or essential quality of "good governance". These may include, for example, the principle that all people are entitled to access to information or to participate in decisions. Principles are not so much about a desired outcome or a statement of a perfect world, but *a guiding compass for taking steps towards realizing that vision*. As such, they constitute an accepted or professed rule of action or conduct/ direction. Principles in the environmental governance domain, for example, reflect a set of core rules and limitations about actions and processes needed to achieve a desired outcome that moves us closer to realizing our values.

Only where these principles are locally grounded and tested can they have the characteristic of an essential quality. They should not be derived abstractly, but rather based on *lives lived, research, experience, and the sharing of knowledge* among different actors, including across existing cultural, social and economic barriers in specific, real contexts that evolve according to myriad factors (war, market-driven changes, etc.). Recognizing and giving voice to historically excluded and marginalized communities, especially those that are dependent on natural resources, will be needed to develop rigor about the choice and content of principles. Such an inclusive, discussed, and thoughtful understanding of natural resource governance - what works as well as the gaps and problems within it - will help us identify where principles/ guides for governance are weak or conflated with other principles (free market, neoliberalism, one man one vote vs. consensus, etc.).

What are our building blocks for strengthening the key (and shared) IUCN understandings about governance?

Agreeing to a credible and shared understanding of governance and principles will help us identify the areas in which the further development of principles, criteria and tools is needed in the NRGF. Existing resolutions, and the organization's vision and mission agreed to at the various WCCs provide a "hard law" basis for IUCN, as do the programmatic developments as included in the WCC-adopted Programme 2013 -2016.

Hints of these principles and values can be found in:

1. Our Vision: A Just World That Values and Conserves Nature

adopted in the context of a growing global focus on *sustainability* in the 1990s, as well as a growing body of research and experience in conservation within IUCN, particularly in developing countries, that demonstrated that conservation is not possible without justice.

- Does this vision effectively place "ensuring justice" and" conserving nature" as *twin*

"founding" values of IUCN's work?

- How do we understand this notion of "just-ness" in relation to nature (environmental justice)?
- Could this serve as a touchstone for developing principles, criteria and tools for evaluating and assessing environmental governance?
- What steps do we take over the next two years to develop consensus on these principles and prepare them for discussion at WCC 2016?

2. **RESWCC3.012 Governance of Natural Resources for Conservation and Sustainable Development** suggests, *'governance of natural resources' is "the **interactions** among structures, processes and traditions that determine **how power and responsibilities are exercised,** how decisions are taken, and how citizens or other stakeholders have their say in the management of natural resources – including biodiversity conservation".* This suggests that our governance principles must address:

- Power relations.
- 'Equality' in the interactions among people/actors in mediating between multiple, conflicting interests.
- The factors that shape the choices (about natural resources) that people make, the lives they are actually able to lead (the distribution of power, responsibility, etc.). This would, for example, include their experience of discrimination, inequality, and social and economic exclusion.
- The link between these lived realities and the principle of sufficiency, which is the value that all forms of life have enough goods to live on and flourish. The Millennium Ecosystem Assessment, for example, identified these as including natural assets, such as land and water, but also social components (many of which are closely related to the quality of environmental governance) such as health and good social relations. Other ideas around "primary goods", capabilities, etc., as reflected in the seminal works of John Rawls and Amartya Sen, are also useful for refining our understanding.
- The links between people "having their say" and procedural rights (participation etc.), as well as their state of being (health, economic exclusion, language, knowledge).

Existing synergies in the work of the Secretariat and the Commissions (including CEESP and WCEL) around human rights approaches to conservation and governance could potentially provide an important starting point for building a shared understanding about core values. This includes, for example, the recognition that the reality of how people live their lives, and the opportunities and capabilities they have, is critical for the success of conservation:

IUCN recognizes that, without a peaceful, safe, and respectful setting where human lives are valued, and without livelihood security - i.e. security of tenure and access to lands, natural resources, and other basic assets, no conservation commitment can be expected from local people. This concept, which calls for full respect for human rights, is connected with the right to a decent quality of life and to other related rights recognized in the International Covenant on Economic, Social, and

Cultural Rights. Further, in conditions of political oppression and marginalization, as frequently occurs with indigenous peoples and local communities, their active participation in, and support to, the development and enforcement of environmental laws and policies becomes impossible. The more people live in security and have their rights respected, the more they will be willing to engage in biodiversity conservation and care for their lands and resources. (IUCN website: Social Policy)

This brief was written with the intent of stirring discussion during the Inception Workshop for the NRGF- as this pilot One Programme finds its bearings.

References and suggested readings

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Internal CEESP NRGF Background Brief #4

July 2013

Being Useful - Ten questions to be answered through the Natural Resources Governance Framework

By Aroha Te Pareake Mead, Ngati Awa, Ngati Porou
12th Aug 2013

As has been pointed out in early IUCN drafts, the Natural Resources Governance Framework (NRGF) will be of use to multiple 'stakeholders'. The information generated will help inform policy makers and legal drafters at national, regional and international levels. The information will also be of direct benefit to indigenous and local communities. While CEESP is interested in enabling the NRGF to deliver useful information to all stakeholders, the Commission has consistently maintained that the Natural Resources Governance Framework needs to be particularly accessible and useful to indigenous peoples and communities. What does being useful mean? What information is of most benefit to indigenous peoples and communities to assist them in their dealings with governments and others in negotiating for the return of their traditional territories, and/or their ability to develop and implement decisions on access, sustainable utilisation and sharing of benefits of natural resources? What options are available? What has been achieved elsewhere?

The following questions have been developed following presentation of the objectives and assumptions of the Natural Resources Governance Framework (NRGF) to a group of indigenous researchers (academic and community) at *He Manawa Whenua* Conference, Hamilton, New Zealand on 2 July 2013. The Conference brought together over 300 indigenous researchers from throughout the world.

He Manawa Whenua is the Māori term for a subterranean aquifer or an underground spring. It is from this source that the most pure, clear and refreshing water is obtained, being naturally filtered through the land before emerging at the surface. Water is life, and because a *Manawa Whenua* originates deep with the earth, Māori believe it is a most precious resource vital for the well-being of the people. The conference viewed Māori knowledge as a *Manawa Whenua*, or a pool of knowledge, that is situated within the heart of the people. Like the water, this knowledge has been filtered throughout time by the community as well as the environment to become

central to the life and well-being of Māori. [1] The conference explored the pool of Māori knowledge and research under the following three themes,

- He Manawa Auaha | Innovation | Imagine the Invisible

- He Manawa Ora | Well-Being | Explore the Potential

- He Manawa Toitoi | Inspiration | Defy the Impossible

Participants were presented with the objectives and assumptions of the NRGF together with the message that the litmus test for CEESP is that the NRGF should be easily accessible and useful to indigenous peoples and communities, and were asked according to their experience as indigenous researchers what information would the NRGF need to provide in order to assist the communities they work within and/or are part of? The following ten questions represent their responses as well as those of some CEESP members.

1. To what extent are formal natural resources governance arrangements in use now? (by country, by governance type and by resource)
2. How many of these have shared governance arrangements?
3. Within the shared governance arrangements, do all partners have the same ability to make and implement decisions?
4. Within the shared governance arrangements, does one partner have a right of veto over the other(s)?
5. How many shared governance arrangements include indigenous peoples/communities as partners?
6. To what extent is empowering legislation used for shared governance arrangements?
7. Is there a correlation between shared governance arrangements and improved environmental outcomes? Conversely is there a correlation between governance solely by governments and poor environmental outcomes?
8. What guidelines or principles are being used to decide on the process of negotiation of a governance arrangement?
9. To what extent are women involved in governance arrangement negotiations and implementation?
10. Based on the late Professor Elinor Ostrom's work on how common pool resources could be governed sustainably and equitably in a community,[2] how many of these design principles are incorporated into existing natural resources governance arrangements?

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[1] For more information on He Manawa Whenua conference see: http://www.waikato.ac.nz/rangahau/hemanawawhenua/programme

[2] - See more at: http://onthecommons.org/magazine/elinor-ostroms-8-principles-managing-commmons#sthash.VdnXD2s3.dpuf

Eight Principles for Managing Common Pool Resources

1. Define clear group boundaries.

2. Match rules governing use of common goods to local needs and conditions.

3. Ensure that those affected by the rules can participate in modifying the rules.

4. Make sure the rule-making rights of community members are respected by outside authorities.

5. Develop a system, carried out by community members, for monitoring members' behaviour.

6. Use graduated sanctions for rule violators.

7. Provide accessible, low-cost means for dispute resolution.

8. Build responsibility for governing the common resource in nested tiers from the lowest level up to the entire interconnected system.

Internal CEESP NRGF Background Brief #5

July 2013

Indigenous Peoples - Who are IPs and what are their rights under international conventions? How can the process of constructing the NRGF ensure that IP issues and self-determination are integrated as crosscutting in IUCN program, not added on?

By Juanita Cabrera Lopez
31st July 2013

The International Union for Conservation of Nature (IUCN) is currently developing a Natural Resource Governance Framework (NRGF) which is envisioned to be a structure to assess "governance" of natural resources and provide the IUCN a standard for this assessment. Indigenous peoples' territories have some of the largest concentrations of natural resources globally and they are rights holders of their lands, territories and natural resources. It is fundamental that the NRGF include the full and effective participation of indigenous peoples in the development, implementation, and evaluation of this framework consistent with international human rights law and the IUCN's own resolutions. At the minimum it will be important to understand:
(1**) Who are Indigenous Peoples; (2) what are their rights; and (3) how can the design of the NRGF fully include indigenous peoples, and their rights and interests?**

1. **Who are Indigenous Peoples?**
    - Though there is no set definition of who is indigenous, there are criteria developed in such instruments as the International Labor Organization Convention No. 69, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and others (WB OP 4.10).
    - "Considering the diversity of indigenous peoples, an official definition of "indigenous" has not been adopted by any UN-system. Instead the system has developed a modern understanding of this term based on the following:
        - Self- identification as indigenous peoples at the individual level and accepted by the community as their member.
        - Historical continuity with pre-colonial and/or pre-settler societies
        - Strong link to territories and surrounding natural resources
        - Distinct social, economic or political systems
        - Distinct language, culture and beliefs

- • Form non-dominant groups of society
- • Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities."[1]

- In most domestic legal systems, "indigenous peoples" are distinguished from "peasant communities/campesinos, or minorities."[2] The imposition of campesino identities on indigenous peoples is a product of colonization and continues to be used to strip indigenous peoples of their legal rights; this is the case in Guatemala.

2. **What are the rights of indigenous peoples under International Law?**
   - "Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law"[3]
   - During the negotiation and drafting process of the UNDRIP, indigenous peoples sought to secure *collective rights* for their people within the text. However, many countries perceived human rights as individual, and did not feel that collective rights should be included as a human right. In spite of much debate, collective rights are indeed affirmed in the Preamble of the UNDRIP "recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples"[4] This is the first international human rights instrument to recognize the collective rights of a people.
   - "The *right of self-determination* for indigenous peoples within states is perhaps the most important right included in the Declaration on the Rights of Indigenous Peoples adopted by the United Nations in 2007."[5]

     > Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.[6]

   - The right of self-determination and its scope of application are found in the following articles of the UNDRIP: Art.3, Art.4, Art.5, Art.13(1), Art.13(2), Art.14(1), Art.16(1), Art.18, Art.19, Art.20, Art.23, Art.32(1), Art.32(2), Art.33(1), Art.34, Art.35[7]
   - The Right of *Free Prior and Informed Consent* (FPIC) is not the only right that indigenous peoples are seeking. It is also not the same as self-determination, property

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[1] See United Nations Permanent Forum on Indigenous Issues, *Indigenous Peoples Indigenous Voices Factsheet*, available at http://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

[2] See *Indigenous and Tribal Peoples' Rights Over Their Ancestral Lands and Natural Resources,* para. 24, *OEA/Ser.L/V/II.Doc.56/09*, available at http://www.oas.org/en/iachr/indigenous/docs/pdf/AncestralLands.pdf

[3] UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples, art. 1, September 2007, A/RES/61/295, available at http://www.un-documents.net/a61r295.htm

[4] UNDRIP, Preamble para 22, available at http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

[5] Robert Coulter, "The law of Self-Determination and the United Nations Declaration on the Rights of Indigenous Peoples," *UCLA Journal of international Law and Foreign Affairs (2010):1,* available at http://www.indianlaw.org/sites/default/files/UCLA%20Self-Det.pdf

[6] UNDRIP, art. 3.

[7] Indian Law Resource Center, United Nations Declaration on the Rights of Indigenous Peoples Handbook, 2012. Available through the DC office of the Indian Law Resource Center, dcoffice@indialaw.org

rights, etc., and should not be misunderstood or substituted for this right.[8] Rather, FPIC is an outcome of collective rights to property and the right to self-determination because indigenous peoples have the right to determine what occurs to their lands, territories, and natural resources.

3. ***How can the design of the NRGF fully include indigenous peoples, their rights and interests?***
    - In the exercise of procedural rights (e.g., the right to be consulted, to participate in rulemaking, to have access to legal remedies),[9] it is critical that there be widespread dissemination about the NRGF in the early stages of NRGF development. This information and outreach to indigenous peoples must be communicated in a diverse manner within and outside of IUCN. Existing indigenous peoples' mechanisms outside of the IUCN should include, but not be limited, to: The United Nations Permanent Forum on Indigenous peoples Issues (UNPFII), Global Coordinating Group of the World Conference on Indigenous Peoples, Working Group on Article 8(j) of The Convention on Biological Diversity (CBD), and the International Indigenous Women's Forum, amongst others.
    - There must be a process to ensure that indigenous nations, indigenous peoples' distinct institutions, governments, etc., are fully aware of this process. They must be provided a space to create a consultation process where they can provide feedback on such a framework, its relevance, and how its application within their territories could assist in safeguarding their rights.
    - Working with indigenous peoples' organizations and governments who are either not members to the IUCN or involved with the IUCN is critical. Existing indigenous peoples' membership within IUCN is small and not representative of the diversity of indigenous peoples impacted by IUCN programs, projects, and activities globally.
    - It will be necessary to work with indigenous leaders (both political and spiritual), indigenous academics, lawyers, indigenous scientists, researchers etc., to ensure diversity of perspectives, backgrounds, assessments and recommendations within this process.
    - Material explaining the NRGF must accessible in order for it to be translated into local languages.
    - Early on in the development of the NRGF, "governance" must be defined by indigenous peoples in concrete terms not only based on their own self-government, but also pertaining to what is consistent under international law.

Substantive rights or the "right to use, own, manage control, and benefit from natural resources"

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[8] Indian Law Resource Center, *Position Paper On Indigenous Peoples' Right Of Free Prior Informed Consent With Respect To Indigenous Lands, p.1,* PFII/2004/WS.2/6, January 2005, available at http://www.indianlaw.org/content/indigenous-peoples%E2%80%99-right-free-prior-informed-consent
[9] CEESP, *Building an IUCN Natural Resource Governance Framework*, p.14, May 2013.

[10] needs to be central to the governance process, diagnostic, and consistent with international law.

Rights that need to be fully integrated in all aspects of the NRGF:

1. "Indigenous peoples' property rights
2. Collective property rights
3. Self-Determination
4. Understanding of Property rights as they relate to issues like protected areas
5. Management, control, benefit sharing" [11]

- In such topics as protected areas there is a nexus of indigenous peoples' human rights and international environmental law which merits further analysis and consideration.[12]
- Study of case law with legal experts, prioritized training from indigenous lawyers to include such precedent setting cases (but not limited to these cases)
  A: *Awas Tingni v. Nicaragua*
  B: *Saramaka People v.Suriname*
  C: *Maya indigenous community of the Toledo District v. Belize*
  D: *Endorois Welfare Council v. Kenya*
  E: African Court's historic ruling on Ogiek tribe in Kenya
- Legal comments and recommendations from indigenous lawyers and experts
- Assessments of projects to include human rights assessments in addition to social and environmental impact assessments
- Analysis of financial streams and standards for funding
- Strong discussion of IUCN members' own application and accountability of the NRGF framework in their own projects, programs, and activities

Recommended references:

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3. UN General Assembly*, Final summary of responses to the questionnaire seeking the views of States and indigenous peoples on the best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of indigenous peoples*, 25 April 2013, A/HRC/EMRIP/2013/3, available at

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[10] CEESP, IUCN NRGF, p.14.

[11]Indian Law Resource Center, *Protected Areas on Indigenous Lands in Guatemala: Thematic Hearing* (2008): 2, (Washington, DC), available through Indian Law Resource Center DC Office dcoffice@indianlaw.org

[12] Center, Protected Areas p.7.

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5. Wiggins, Armstrong, Indian Rights and the Environment,18 Yale J. Int'l L. 345, 1993, Available at http://www.indianlaw.org/sites/indianlaw.org/files/resources/AW_YaleLawReview_v18no1.pdf

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9. Corte Interamericana de Derechos Humanos Caso de la Comunidad Mayagna (Sumo) Awas Tingni Vs. Nicaragua Sentencia de 31 de agosto de 2001 (Fondo, Reparaciones y Costas) available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_79_esp.pdf

10. Inter-American Court of Human Rights Case of the Saramaka People v.Suriname Judgment of November 28, 2007 available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf

United Nations, *Information received from non-governmental organizations in consultative status with the Economic and Social Council, Indian Law Resource Center,* 11 March 2013, E/C.19/2013/22, available at http://indianlaw.org/sites/default/files/ILRC%20Submission%20WB%20Safeguards%20UNPFII.pdf regarding World Bank and REDD safeguards

Internal CEESP NRGF Background Brief #6

July 2013

Gender – What are the gendered aspects of NRGF and how can the design of NRGF tools and knowledge reinforce progress in gender concern integration?

By Carol Colfer
27th June 2013

Gendered aspects of NRGF

- Women everywhere are less involved in formal governance than men, with the result that their interests, goals, and capabilities are under-represented and under-utilized
- Women, because of their different day to day activities, have a different basket of knowledge about natural resources from men; this knowledge has under-recognized value for good governance/management.
- Women's domestic activities---which are in fact vital for human life---have been under-recognized in attempts at natural resource governance. Because of the systemic nature of human life and ecology, these reproductive functions need to be incorporated into our efforts to govern more effectively. This may include job-sharing and/or complementary responsibilities and better inter-gender communication/understanding.
- Population issues, taboo for decades now, need to be addressed, both for environmental reasons and, equally importantly, for enhancing women's abilities to function outside the home. Birth control *access* (**not** coercion) is vital for women to take an equitable place in governance (and education, income generation, self actualization, etc.).

How can the design of NRGF tools and knowledge reinforce progress in gender concern integration?

- We need to look at the power dynamics between men and women, rather than just documenting men's and women's respective roles. We are seeking transformative change.
- We also need to pay attention to men's concerns, as they have formal power; we ignore them (as we have done, so far) at our peril.

- Changing attitudes works best using 'person-to-person' communication strategies---and changing attitudes is an important part of what needs to be done. This takes time and skill at facilitation (**not** 'facipulation'---the tempting combination of facilitation and manipulation).
- We will need to take a 'process' approach, in which we implement an adaptive and collaborative strategy---building on what exists, and working with communities to move in directions they find acceptable, interesting and feasible (see Annexure). We will have to develop governance strategies that appeal to local women and men.
- We may be able to use indicators (such as those we recently developed for Indonesia (Colfer et al., 2013 (in press)); or an adapted version of WEAI [Women's Empowerment in Agriculture Index (Alkire et al., 2012)], in supplementary fashion.
- Caveat: addressing gender concerns will take time, and that needs to be structured into projects. We will not be able to address gender power dynamics --- critical to gender in governance -- quickly or easily.

Possibly useful references:

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OJHA, H., HALL, A. & SULAIMAN V, R. (eds.) 2013. *Adaptive Collaborative Approaches in Natural Resource governance: Rethinking Participation, Learning and Innovation,* London: Earthscan/Routledge.

Annexure

CIFOR and its collaborators have developed and shared a lot of tools/approaches, many of which are available on CIFOR's website, http://www.cifor.org/acm/---as have others. A few are listed here:

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Internal CEESP NRGF Background Brief #7

July 2013

A Rights-Based Approach - What is it and how should it be integrated into the IUCN natural resources governance framework?

By Allison Silverman
17th July 2013

What is a Rights-Based Approach to Natural Resource Governance?

- A rights-based approach frames natural resource governance as a human rights issue. It creates a framework that recognizes and the link between the environment and human rights that is supported by moral values and that is reinforced by legal obligations. It is based on international human rights standards and corresponding obligations.
- The framework itself promotes and protects human rights by following processes that empower rights holders and supports their participation in policy formulation, while holding duty bearers accountable.
- A rights-based approach promotes policies that protect natural resources in a manner that respects human rights by recognizing and prioritizing the rights of local communities and indigenous peoples over natural resources rather than making tradeoffs between them. It also reminds decision-makers of their obligations to respect human rights.
- Key elements of a rights-based approach could include:
    - *Consistency with and integration of international human rights obligations and standards*
        - Civil and political rights: Rights to life, to liberty, to freedom of expression, to access to information, to own property, to equality and to non-discrimination, to assembly, to movement, to religion, and to be treated equally before the law
        - Economic, social and cultural rights: Rights to family, to education, to culture, to adequate standard of living, to health, to subsistence, to land, and to residence
    - *Public participation in decision-making*
        - Ensures the full and effective participation of individuals and community members

- Participation is more than just consultation, but rather free, prior and informed consent (FPIC) in accordance with community customs and traditions
- Supports the empowerment of individuals and local communities, focusing on their engagement and partnership
- Promotes active and informed participation in the formulation, implementation and monitoring of natural resource governance
  - *Transparency and accountability* of policymakers and others whose actions have an impact on the rights of people at the national and international levels
    - Accountability mechanisms must be accessible, transparent and effective

Why apply a rights-based approach?

- A rights-based approach to natural resource governance encourages the international community to reaffirm its commitment to international human rights, to ensure equity, and to support sustainable development that protects rather than threatens the individual and community rights.
- It provides a framework to prevent violations of stakeholders' rights that may result from natural resource governance initiatives, as well as protect community interests as a matter of duty.
- It encourages consideration of human rights in the development, implementation and monitoring of relevant natural resource governance processes.
- It is structured to empower individuals and communities that rely on and protect natural resources
  - Many argue that effective natural resource protection is not possible without the empowerment and true participation of local communities
- It appreciates that natural resource governance directly impacts the lives and livelihoods of indigenous peoples and local communities.
- It also recognizes that certain groups- women and children as well as indigenous peoples- are particularly vulnerable to natural resource mismanagement and weak governance
  - It notes how environmental changes in natural resources impact vulnerable peoples' ability to access water, food and shelter, which are basic human rights.
  - In addition, it acknowledges that natural resources are considered central to spiritual and cultural identity for indigenous peoples
- A rights-based approach translates and operationalizes norms, standards and principles into rights-based policies[1] that provides for more effective and equitable responses to governance
- It helps prevent problems with corruption because when there is access to information, freedom of expression, participation and accountability, corruption is less likely

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[1] Office of the United Nations High Commissioner for Human Rights, Draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies (2002)

- It Provides a framework that can be applied globally- in different cultural and legal settings
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A Rights-Based Approach and the IUCN NRGF: How could it be integrated into the NRGF?

- The IUCN has adopted "rights-based approaches," which suggests that incorporation of human rights should be applied in constructing the NRGF.
- To achieve NRGF's objective of developing a method of natural resource decision-making
  - o Using a rights-based approach creates a space to highlight the importance of communities and other stakeholders in participating in natural resources decisions
  - o It ensures the access to information necessary to fully and effectively participate
  - o It respects specific indigenous peoples' rights to territory and self-determination, among others, which are principles of the NRGF
- To achieve NRGF's objective to help decision-makers make better and fairer decisions
  - o A rights-based approach supports institutional safeguard systems that prevent such social and environmental harms, promote sustainable development and maximize participation, transparency, accountability, equity and rights protections
  - o It takes into account human rights considerations in the development, implementation and monitoring of natural resource
- For the NRGF WG to build a framework for natural resource governance and develop assessment tools to encourage good governance results,[2] taking a rights-based approach will:
  - o Provide practical solutions to conservation and development challenges at both the global and local levels
  - o Create processes that will address communications by or on behalf of individuals and communities whose rights may be affected
- IUCN's Environmental Law Centre's analysis of governance assessment tools suggests that most existing tools do not respond to specific natural resource features related to respecting rights.
  - o Using a rights-based approach will enable users of these tools to not only have access to pertinent information, but also to feel encouraged to exercise their rights
- Key elements for NRFG to consider and harmonize in applying a rights-based approach to NRG:
  - o Incorporate social and environmental safeguards and accountability policies
  - o Institute monitoring systems to ensure these safeguards are respected
  - o Establish grievance mechanisms to ensure that affected peoples and communities can raise their concerns and have them addressed in a timely manner

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[2] IUCN's CEESP Natural Resource Governance Framework, available at:
http://www.iucn.org/about/union/commissions/ceesp/ceesp_news/?12650/Natural-Resources-Governance-Framework

- o Ensure opportunities for meaningful and effective participation in all stages of relevant decision-making processes
- o Support/reinforce the right to a healthy environment
- o Address and highlight the link between human rights and the environment

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Internal CEESP NRGF Background Brief #8

July 2013

Tenurial security - What is it and why it is a fundamental concern, even a necessary condition, for NRGF?

By Augusta Molnar
29th June 2013

Tenure security aspects of NRGF

- Despite decades of international development efforts, tenure rights to the vast majority of rural resources and lands continue to be contested. For commercial, energy, and infrastructure investments and public conservation set-asides, government sanctioned land acquisition activities often occur at the expense of the livelihoods of local and Indigenous Peoples.

- Developing country governments increasingly rely on investment in their natural resource wealth as revenue, infrastructure development, and jobs. Investors are looking further afield for exploitable reserves of natural resources and arable land. Rising prices have helped bolster margins and offset country risk, making the developing world a more viable destination for investment funds.

- Forests and drylands in developing countries constitute almost 40 % of the Earth's land surface (over 6 billion hectares) and house over 40% of the Earth's population.[1] These more than 3 billion people are among the poorest and most marginalized, with legally unrecognized customary land and resource rights and thus vulnerable to land grabbing, deforestation and ecosystem degradation.

- In Africa alone, the area for which access and rights are governed by customary land tenure potentially extends to almost 1.5 billion hectares.[2] In Sub-Saharan Africa, some 5% of all lands have been "grabbed" in the past 5 years.

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[1] UNSO. 1997. Office to Combat Desertification and Drought. Aridity Zones and Dryland Populations: an Assessment of Population Levels in the World's Drylands. New York: UNSO/UNDP. 23pp

[2] Liz Alden Wily, Rights to Resources in Crisis, Reviewing the Fate of Customary Tenure in Africa, Brief #1 of 5, Rights and Resources Initiative, 2011.

- Globally, the area of forest recognized as legally owned or controlled by Indigenous Peoples and communities has increased from 10 percent in 2002 to 15 % today.[3]
- A new slate of rigorous research makes it clear that the recognition of traditional rights has strong social, economic, and environmental benefits—and delivers conservation goals. Recognized Indigenous Peoples' and community-managed forests and territories outperform public protected areas in preventing deforestation and are more effective than state-controlled forests in sequestering carbon and increasing household incomes.
- The recognition of rights has also played a key role in saving and strengthening the unique cultures of many Indigenous Peoples and communities.
- The bad news, however, is that the bulk of this progress has been made in only a few countries, most of them in Latin America. The majority of governments continue to resist the large-scale recognition of community land rights, and many continue to deny that Indigenous Peoples have any claim to their customary lands.
- There is no organization, fund, or mechanism whose primary and measurable objective is to directly support communities and governments to secure local land and forest tenure rights.
- Dollar for dollar, we know that community conservation is more effective and more affordable in 80% of HCV areas, and stretches government investments further whether alone or as part of a co-management structure[4].

How can the design of NRGF tools and knowledge reinforce progress in addressing scale?

- We need to provide evidence of the positive benefits for private sector investors and governments seeking fiscal revenues of tenure security and recognition of customary rights, including reduced risks from civil conflict, local protests and reduced costs from avoided delays, cancellations and avoided security services.
- We need to compile evidence of the cost savings and greater sustainability over the long-term of community-grounded conservation and resource management, both in capital and cash outlay and salaries and public institutional investment.
- We need to understand the adaptability of communities with secure tenure and rights to the on-going and anticipated impacts of climate change and the impact on their conservation efforts and potential contribution to conservation.
- Gather and disseminate lessons learned worldwide on how to generate enhanced and accelerated global and national actions to support community land rights
- Establish measurable targets to monitor global progress on community land rights security, and improve our systems for collecting relevant data
- Work toward the establishment of a broad-based global partnership to better support the

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[3] Note: The countries included here cover 85 percent of the world's forests. For full details see: www.rightsandresources/tenuredata.

[4] Khare, Arvind 2004

efforts of rural communities to have their land and natural resource rights recognized, respected and protected

- REPEATED FROM SCALE DOCUMENT: We need to look at the power dynamics between the consolidation and expansion of public conservation set-asides and the maintenance/strengthening/expansion of community-based, Indigenous and local frameworks[8].

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Internal CEESP NRGF Background Brief #9

July 2013

Peoples Living in Voluntary Isolation (Uncontacted Peoples) - Who are they and how can consideration for them be incorporated into NRGF?

By Gonzalo Oviedo
1st July 2013

The problem

In the Amazon basin, over 20% of the area is presently occupied by indigenous peoples' territories. Together with natural protected areas and sustainable use areas such as forest concessions, indigenous territories contribute to a conservation landscape that covers millions of hectares of biodiverse tropical rainforests.

Of particular concern in this area is the situation of indigenous peoples of the Amazon living in voluntary isolation. The IUCN's Third World Conservation Congress (Bangkok, November 2004) adopted a Resolution acknowledging the existence of over 64 such groups, noting the many threats that they face for their survival, and requesting IUCN and IUCN members "to promote the necessary coordination with the governments of the Amazon region and Chaco, in order to develop and implement proposals aimed at protecting the lands and territories of indigenous groups living in voluntary isolation, as part of the respective countries' indigenous peoples policies and conservation strategies in the Amazon region and Chaco".

This is in line with a recommendation from the Conference of the Parties to the Convention on Biological Diversity, that "Parties should establish measures to ensure respect for the rights of unprotected or voluntarily isolated communities" (COP Decision VII/16 on Article 8(j) and related provisions, E., Annex, 19).

The Human Rights Council issued in 2009 the document Draft Guidelines On The Protection Of Indigenous Peoples In Voluntary Isolation And In Initial Contact Of The Amazon Basin And El Chaco. The document defines peoples in isolation as "indigenous peoples or subgroups thereof that do not maintain regular contact with the majority population and tend to shun any type of contact with outsiders. Most isolated peoples live in tropical forests and/or in remote, untraveled areas, which in many cases are rich in natural resources. For these peoples, isolation is not a

voluntary choice but a survival strategy". As for peoples in initial contact, they are "peoples that have recently initiated contact with the majority population; they may also be peoples that have been in contact for some time but have never become fully familiar with the patterns and codes of relationships in the majority population".

Apart from the Amazon region, groups in voluntary isolation or initial contact exist also in Paraguay (Chaco), India (Andaman islands), and Papua New Guinea.

The same document summarizes the problem of these peoples as follows:

"(a) They are highly integrated into the ecosystems which they inhabit and of which they are a part, maintaining a closely interdependent relationship with the environment in which they live their lives and develop their culture. Their intimate knowledge of their environment enables them to maintain a self-sufficient lifestyle generation after generation, meaning that the retention of their territories is vitally important for all of them;

(b) They are unfamiliar with the ways in which mainstream society functions, and are thus defenseless and extremely vulnerable in relation to the various actors that attempt to approach them or to observe their process of developing relations with the rest of society, as in the case of peoples in initial contact;

(c) They are highly vulnerable and, in most cases, at high risk of extinction. Their extreme vulnerability is worsened by threats and encroachments on their territories, which directly jeopardize the preservation of their cultures and ways of life. The situation of peoples in initial contact is still worse because processes of establishing contact generally involve drastic changes in their territories that irrevocably alter their relationship with the environment and modify, often radically, the ways of life and cultural practices of these peoples. Their vulnerability is even further aggravated by the human rights violations which they often suffer at the hands of those who seek to exploit the natural resources in their territories and by the fact that aggression against these peoples and their ecosystems generally goes unpunished".

IUCN's position

IUCN's position is mainly summarized in Resolution 3.056 (Annex 1) and the document Informe Sobre La Situación De Los Pueblos Indígenas Aislados Y La Protección De Sus Conocimientos Tradicionales (Report on the Situation of Isolated Indigenous Peoples and the Protection of their Traditional Knowledge) (CBD, June 2007). The essence of IUCN's position is contained in these three principles:

> (a) indigenous peoples living in voluntary isolation have the right to the protection of their lives, ownership of their lands and territories, and sustainable utilization of natural resources located within these lands and territories;

> (b) indigenous peoples living in voluntary isolation have the right to freely decide to remain isolated, maintain their cultural values, and to freely decide if, when and how they wish to integrate into national society;

    (c) as established by the CBD, measures for the conservation of biological diversity, in particular the establishment and management of protected areas, should be taken with full respect for the rights of indigenous peoples (CBD Decision VII/28);

A governance perspective

IUCN has issued many recommendations in line with these principles, which would be too long to quote here. From a governance perspective these are some highlights:

- Legal reform for land tenure security

- Legal provisions for protection of territories

- Institutional setup for law enforcement

- Protocols for institutions for avoiding contact

- New protected area policies to include protocols for protection of territories and avoidance of contact

- New arrangements and protocols with other indigenous communities and organizations to avoid conflicts

One of the difficulties today to work on these changes is that peoples living in voluntary isolation cannot participate, cannot be consulted, cannot defend themselves; all has to be done by proxies and assumptions. The second problem is that in many places indigenous communities surrounding the territories of isolated peoples do not agree with policies of strict protection of large areas of isolated peoples, because they see as affecting their own rights over larger areas, and because of long standing conflict - in fact for example in Ecuador today the main conflict affecting isolated peoples is with other indigenous communities, and there are often clashes resulting in violence and deaths. This is a very delicate situation.

Annex 1

IUCN Congress Resolution

RESWCC3.056 Indigenous peoples living in voluntary isolation and conservation of nature in the Amazon region and Chaco

Congress reference: CGR3.RES082

AWARE that the Amazon region and Chaco contain a high concentration of both biological and cultural diversity, the latter encompassing over 400 indigenous groups that have been critical to the maintenance of the region's biodiversity, including over 64 indigenous groups that live in voluntary isolation;

RECOGNIZING that the physical and cultural survival of these isolated groups fundamentally depends on the integrity of their lands and territories and the continued access to the resources upon which their livelihoods and cultures depend;

AWARE that the lands and territories inhabited by indigenous peoples living in voluntary isolation are rich in biological diversity and minimally disturbed, precisely because they constitute refuges located far from the destructive impacts of development trends;

CONCERNED about the threats to the lives, health, culture and natural resources of indigenous peoples living in voluntary isolation posed by the invasion of their lands and the extraction of natural resources by others;

CONCERNED that actions taken to date to protect indigenous groups living in voluntary isolation have not halted the violent encounters, epidemics and forced assimilation that have resulted in the disappearance of entire ethnic groups, decimation of their cultures and degradation of the natural resources upon which they depend;

CONCERNED that the disappearance of indigenous groups living in voluntary isolation in the Amazon region and Chaco signifies a loss of the irreplaceable cultural heritage of the last indigenous groups that have maintained harmony with their surroundings, as well as their invaluable knowledge of biodiversity and forest management;

RECOGNIZING the duty of humanity to respect the dignity, life, culture, lands and territories of indigenous groups living in voluntary isolation, in addition to the preservation of nature and cultural diversity of the planet for present and future generations;

RECOGNIZING the need to take immediate actions at national, regional and international levels to develop programmes that promote a closer articulation between the conservation of nature in the Amazon region and Chaco and the protection of the lives and territories of indigenous peoples living in voluntary isolation;

RECOGNIZING that indigenous peoples have the right to various modalities of property, possession and use of their territories within the legal framework established by the states that they inhabit;

AWARE that the International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples in Independent Countries, ratified by the majority of countries of the Amazon region and Chaco, establishes in Articles 14 and 15 that "The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised (…) Governments shall take steps as necessary (…) to guarantee effective protection of their rights of ownership and possession (…) rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded";

RECOGNIZING that the concept of the '(indigenous and local) Community Conserved Areas', as discussed and approved by the Vth IUCN World Parks Congress (Durban, 2003) and

mentioned in Decision VII/28 of the 7th Conference of Parties to the Convention of Biological Diversity (Kuala Lumpur, 2004), respects the rights of local communities and indigenous peoples to define and manage their protected areas by themselves, while also allowing recognition from governments and listing by the United Nations;

MINDFUL of the resolutions and recommendations relating to indigenous peoples and conservation adopted at the 1st Session of the World Conservation Congress (Montreal, 1996), as well as at other Congresses and General Assemblies of IUCN, which have reaffirmed the institution's commitment to international legislation relating to indigenous peoples, including the ILO Convention 169, the CBD and *Agenda 21*, as well as the Political Declaration of the World Summit on Sustainable Development (Johannesburg, 2002) that reaffirmed the vital role indigenous peoples play in sustainable development;

FURTHER MINDFUL of human rights recognized in diverse international instruments such as the Universal Declaration of Human Rights, the Convention for the Prevention of Genocide and UNESCO's Universal Declaration on Cultural Diversity;

CONCERNED that, in spite of the above resolutions and recommendations, the treatment of the special case of indigenous peoples living in voluntary isolation still remains as a fundamental gap in international agreements; and

ALSO CONCERNED that the survival of the indigenous peoples living in voluntary isolation in the Amazon region and Chaco requires immediate and urgent action, as does the conservation of the biological diversity of their lands and territories;

The World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17-25 November 2004:

1. REQUESTS the Director General, Commissions, and IUCN members, within available resources, to promote the necessary coordination with the governments of the Amazon region and Chaco, in order to develop and implement proposals aimed at protecting the lands and territories of indigenous groups living in voluntary isolation, as part of the respective countries' indigenous peoples policies and conservation strategies in the Amazon region and Chaco;

2. FURTHER REQUESTS that this should be done in cooperation with the Amazon Cooperation Treaty Organization, indigenous organizations at local, national and regional levels, and other relevant non-governmental organizations, and should be based upon the following principles:

(a) indigenous peoples living in voluntary isolation have the right to the protection of their lives, ownership of their lands and territories, and sustainable utilization of natural resources located within these lands and territories;

(b) indigenous peoples living in voluntary isolation have the right to freely decide to remain isolated, maintain their cultural values, and to freely decide if, when and how they wish to integrate into national society;

(c) as established by the CBD, measures for the conservation of biological diversity, in particular the establishment and management of protected areas, should be taken with full respect for the rights of indigenous peoples (CBD Decision VII/28);

3. URGES the governments of the Amazon region and Chaco, in close coordination with national and local indigenous organizations, to immediately take regional and national initiatives that ensure respect for the right of indigenous peoples living in voluntary isolation to their lands and territories and to the effective protection of such lands and territories, as well as of the cultural diversity that these indigenous peoples represent, including through provision of sufficient financial resources and ensuring law enforcement;

4. REQUESTS that this work should be grounded in a common agenda that recognizes the synergies between the rights of indigenous people in voluntary isolation and the conservation of nature; and

3. RECOMMENDS that multilateral, bilateral, and non-governmental organizations and other entities interested in the survival of indigenous peoples combine forces with the concerned countries, indigenous organizations, and the conservation community to secure the effective protection of the lives, lands and territories, nature, cultures and communities of indigenous peoples that live in voluntary isolation in the Amazon region and Chaco.

State and agency members United States refrained from engaging in deliberations on this motion and took no national government position on the motion as adopted for reasons given in the US General Statement on the IUCN Resolution Process.

RESWCC3.056 Pueblos indígenas que viven en aislamiento voluntario y conservación de la naturaleza en la región amazónica y el Chaco

CONSCIENTE de que la región amazónica y el Chaco albergan una alta concentración tanto de diversidad biológica como de diversidad cultural, que en el caso de esta última incluye a más de 400 grupos indígenas que han desempeñado un papel fundamental en el mantenimiento de la diversidad biológica de la región, incluyendo a más de 64 grupos indígenas que viven en aislamiento voluntario;

RECONOCIENDO que la supervivencia física y cultural de estos grupos aislados depende fundamentalmente de la integridad de sus tierras y territorios y del continuo acceso a los recursos de los que dependen sus medios de subsistencia y sus culturas;

CONSCIENTE de que las tierras y territorios habitadas por pueblos indígenas que viven en aislamiento voluntario son ricas en diversidad biológica y han sido muy poco perturbados, precisamente porque constituyen refugios ubicados lejos de los impactos destructivos de las tendencias del desarrollo;

PREOCUPADO por las amenazas a la vida, salud, cultura y recursos naturales de los pueblos indígenas que viven en aislamiento voluntario originadas en la invasión de sus tierras y la extracción por parte de otros de los recursos naturales;

PREOCUPADO porque las acciones emprendidas hasta ahora para proteger a los pueblos indígenas que viven en aislamiento voluntario no han detenido los encuentros violentos, las epidemias y la asimilación forzada que han llevado a la desaparición de grupos étnicos completos, a diezmar sus culturas y a la degradación de los recursos naturales de los que ellos dependen;

PREOCUPADO porque la desaparición de los pueblos indígenas que viven en aislamiento voluntario en la región amazónica y en el Chaco representa una pérdida del irreemplazable patrimonio cultural de los últimos grupos indígenas que han mantenido la armonía con su entorno, como así también sus invalorables conocimientos sobre la gestión de la biodiversidad y los bosques;

RECONOCIENDO el deber que tiene la humanidad de respetar la dignidad, vida, cultura, tierras y territorios de los grupos indígenas que viven en aislamiento voluntario, además de la preservación de la diversidad de la naturaleza y de la cultura del planeta para las generaciones presentes y futuras;

RECONOCIENDO la necesidad de emprender acciones inmediatas a nivel nacional, regional e internacional para desarrollar programas que promuevan una articulación más estrecha entre la conservación de la naturaleza de la región amazónica y del Chaco y la protección de las vidas y territorios de los pueblos indígenas que viven en aislamiento voluntario;

RECONOCIENDO que los pueblos indígenas tienen el derecho a distintas modalidades de propiedad, posesión y uso de sus territorios dentro del marco legal establecido por los estados que ellos habitan;

CONSCIENTE de que la Convención 169 de la Organización Internacional del Trabajo (OIT) sobre Pueblos Indígenas y Tribales en Países Independientes, ratificada por la mayoría de los países de la región amazónica y del Chaco establece en sus artículos 14 y 15 que: "Deberá reconocerse a los pueblos interesados el derecho de propiedad y de posesión sobre las tierras que tradicionalmente ocupan"; que "Los gobiernos deberán tomar las medidas que sean necesarias para determinar las tierras que los pueblos interesados ocupan tradicionalmente y garantizar la protección efectiva de sus derechos de propiedad y posesión"; y que "Los derechos de los pueblos interesados a los recursos naturales existentes en sus tierras deberán protegerse especialmente" ;

RECONOCIENDO que el concepto que está detrás de las 'Áreas Conservadas por Comunidades (indígenas y locales)', tal como se le discutió y aprobó en el V Congreso Mundial de Parques de la UICN (Durban, 2003) y se lo menciona en la Decisión VII/28 de la 7ª Conferencias de las Partes en el Convenio sobre la Diversidad Biológica (Kuala Lumpur, 2004), respeta el derecho de las comunidades locales y pueblos indígenas a definir y gestionar las

áreas protegidas por sí mismos, como así también la posibilidad de su reconocimiento por parte de los gobiernos y de su inclusión en la Lista de las Naciones Unidas;

TENIENDO EN CUENTA que las resoluciones y recomendaciones relativas a los pueblos indígenas y la conservación adoptadas en el primer periodo de sesiones del Congreso Mundial de la Naturaleza (Montreal, 1996), como así también en otros Congresos y Asambleas Generales de la UICN, han reafirmado el compromiso de la institución con respecto al derecho internacional relativo a los pueblos indígenas, incluida la Convención 169 de la OIT, el CDB y el *Programa 21*, como así también que la Declaración Política de la Cumbre Mundial sobre el Desarrollo Sostenible (Johannesburgo, 2002) reafirmó el papel fundamental que desempeñan los pueblos indígenas en el desarrollo sostenible;

TENIENDO EN CUENTA los derechos humanos reconocidos en diversos instrumentos internacionales tales como la Declaración Universal de Derechos Humanos, el Convenio para la Prevención del Genocidio y la Declaración Universal sobre Diversidad Cultural de la UNESCO;

PREOCUPADO porque a pesar de las resoluciones y recomendaciones antes mencionadas el tratamiento del caso especial de los pueblos indígenas que viven en aislamiento voluntario todavía sigue constituyendo una laguna fundamental en los acuerdos internacionales; y PREOCUPADO TAMBIÉN porque la supervivencia de los pueblos indígenas que viven en aislamiento voluntario en la región amazónica y en el Chaco requiere una acción inmediata y urgente, lo mismo que la conservación de la diversidad biológica de sus tierras y territorios;

El Congreso Mundial de la Naturaleza, en su tercer período de sesiones celebrado en Bangkok, Tailandia, del 17 a 25 de noviembre de 2004:

1.   SOLICITA al Director General de la UICN, a las Comisiones y a los miembros de la UICN que, dentro de los recursos disponibles, promuevan la necesaria coordinación con los gobiernos de la región amazónica y del Chaco a fin de desarrollar y poner en práctica pro-puestas destinadas a proteger las tierras y territorios de los pueblos indígenas que viven en aislamiento voluntario como parte de las políticas y estrategias de conservación de los res-pectivos países de la región amazónica y del Chaco.

2.   SOLICITA ADEMÁS que se haga en cooperación con la Organización del Tratado de Cooperación Amazónica, las organizaciones de los pueblos indígenas a nivel local, nacional y regional y otras organizaciones no gubernamentales pertinentes, y debe basarse en los siguientes principios:

(a)   los pueblos indígenas que viven en aislamiento voluntario tienen el derecho a la protección de sus vidas, a la propiedad de sus tierras y territorios y a la utilización sostenible de los recursos naturales ubicados dentro de estas tierras y territorios;

(b)   los pueblos indígenas que viven en aislamiento voluntario tienen el derecho a decidir libremente a permanecer aislados, a mantener sus valores culturales y a decidir libremente si, cuando y como desean integrarse a la sociedad nacional; y

(c)   tal como lo establece el CDB, las medidas para la conservación de la biodiversidad biológica, en particular el establecimiento y gestión de áreas protegidas, se deben tomar con total respeto de los derechos de los pueblos indígenas (Decisión VII/28 del CDB);

3.   INSTA a los gobiernos de la región amazónica y del Chaco a que, en estrecha coordinación con las organizaciones indígenas nacionales y locales, emprendan de manera inmediata iniciativas regionales y nacionales que lleven al respeto del derecho de los pueblos indígenas que viven en aislamiento voluntario a sus tierras y territorios y a la efectiva protección de dichas tierras y territorios, como así también de la diversidad cultural que estos pueblos indígenas representan, incluyendo la provisión de suficientes recursos financieros y asegurando la aplicación de la legislación vigente.

4.   SOLICITA que este trabajo esté basado en una agenda común que reconozca las sinergias entre los derechos de los pueblos indígenas que viven en aislamiento voluntario y la conservación de la naturaleza; y

5.   RECOMIENDA que las organizaciones multi-laterales, bilaterales y no gubernamentales y otras entidades interesadas en la supervivencia de los pueblos indígenas aúnen sus fuerzas con los países concernidos, las organizaciones indígenas y la comunidad de la conservación para asegurar la protección eficaz de las vidas, tierras y territorios, naturaleza, culturas y comunidades de los pueblos indígenas que viven en aislamiento voluntario en la región amazónica y el Chaco.

Internal CEESP NRGF Background Brief #10

July 2013

Vulnerable Populations - What does this term mean, what are the assets of vulnerable populations, and why is it important to strengthen their voices and decision-making power and how can that consideration be integrated into the NRGF design and application?

By Natalie Stalenberg
10th July 2013

What does the term vulnerable populations mean?

- People with threatened land tenure and property rights are vulnerable including[1]:
    - Women – economically vulnerable, more vulnerable to HIV/AIDS and domestic violence,
    - households that have been directly affected by HIV/AIDS – the death of the male risks property rights and/or property rights require continuing active use of land, children's property rights are often unclear upon the death of the parents to HIV/AIDS;
    - pastoralist communities – experience varying degrees of rights as they move across the landscape utilising grazing land in numerous locations, are under threat from population growth, expansion of sedentary agriculture;
    - indigenous populations – competing claims from non-indigenous people, rights over natural resources, and conservation NGOs ; and
    - people displaced during violent conflicts or who are at risk of being displaced by natural disasters such as climate change.
- Vulnerable people may belong to a number of cohorts that make them more vulnerable for example women who are indigenous and living in pastoralist communities[2]
- The above does not mention vulnerability from threats to or lack of water rights. For example the rights of water for the private sector and economic development is often

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[1] Katz, Elizabeth (2010) *Land tenure, property rights, and natural resource management: Land tenure and property rights reform in the developing world: who is vulnerable?* United States Agency for International Development. pp.
[2] Katz, Elizabeth (2010) p. 35

given more importance than those of 'small farmers'.[3] This is also the case in Australia where Indigenous people's rights to water are currently being debated. Recently Aboriginal people in northern Australia have been granted water allocations for economic purposes, and the Murray Darling Basin Plan now asks states to consider Indigenous water uses and values.

- Vulnerability can be assessed by testing resilience and adaptability. How adaptable is the group to the change/s and are there ways that they can adapt if the change/s cannot be prevented?
- IUCN's promotion of protected areas has created a separation of nature and culture that has changed the way people experience parts of the world. West et.al. (2006) argue that the protected area policy is a form of globalization that is leading to a generification of nature and a simplification of the understanding of people and their surroundings. These processes that are a result of protected area policy have impacts for those people living in and near protected areas and those that are displaced by them[4].

What are the assets of vulnerable populations?

- Natural resources: water, land, forests and other plants, fauna, minerals
- Knowledge of natural resources and ecosystems and ecosystem processes
- Cultural and spiritual values that offer an alternative world view and protect biodiversity

Why is it important to strengthen their voices and decision-making power

- Women with property rights experience the following benefits (Katz 2010):
  - Are less likely "to become economically vulnerable in their old age, or in the event of the death of or divorce from their spouse"
  - Access to economic support from children for widows
  - Empowers women in their negotiations within the home, society and community
  - Increases ability to buy food and to educate children
  - Are less likely to be at risk of HIV/AIDS
- Women with land rights are also more likely to be able to participate in decision-making in the community and communities are therefore more likely to be responsive to their needs (Katz 2010)
- UNDRIP
- International Labor Organization Convention 169 'which establishes a framework for the recognition of the rights of indigenous and tribal populations' (Katz 2010)

How can vulnerable population voices be considered/integrated into NRGF design and application?

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[3] Omer Aijazi and Jennifer Mohamed-Katerere with Nigel Crawhall *Rights Mapping – achieving conflict sensitive adaptation* DRAFT (2013).

[4] Paige West, James Igoe, and Dan Brockington (2006) 'Parks and Peoples: The Social Impact of Protected Areas' *Annu. Rev. Anthropol.* 2006. 35:251-77

- The NRGF should adopt and incorporate the articles of the United Nations Declaration on the Rights of Indigenous Peoples.
- The framework should incorporate the principles of free, prior, informed consent. But what does FPIC mean, how is it implemented and how is this influenced by who shapes it?[5]
- "Conservation planning and management needs the kinds of 'inversions' much debated in development planning in recent decades, from a top down expert-driven blueprint approach, towards participatory and inclusive social learning (e.g. Pretty 2002) and towards shared governance and deliberative democracy (O'Riordan and Stoll-Kleeman 2002b)"[6].
- The framework should incorporate ways to empower the people directly affected at the local level. There should be a distinction between advice/involvement from 'representative groups' at say the national or international level and that of people that are directly affected. This is to ensure that the nuances and uniqueness of each case is considered (O'Faircheallaigh 2009, and West et.al. 2006).
- The vulnerable population must be empowered in "effective" social impact assessments (SIA) that should accompany natural resource decision-making processes as well as the management of the impacts following from those decisions[7].
- Participatory techniques for decision-making processes should be sensitive to incorporating the voices of women and children who may be disadvantaged by having lost their property rights (Katz 2010)
- Need to consider multiple governance systems – Indigenous rights include the rights of indigenous people to have their own systems and institutions (Katz 2010)
- Participatory rights mapping is a tool that can be used to address rights issues and can promote dialogue with others. It can include:
  - A representation of territorial boundaries
  - Spatial experiences e.g. hunting, farming, food gathering, water harvesting;
  - Cultural knowledge
  - Languages (Aijazi & Mohamed-Katerere with Crawhall).
- "Rights mapping can be integrated with vulnerability assessments and environmental impact assessments, and can be used to show where changes in rights from adaptation overlap with existing vulnerability indicators such as poverty, and conflict stressors such as environmental degradation." (Mohamed-Katerere, XX)

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[5] Meilissa Marschke, David Szablowski and Peter Vandergeest, 'Engaging Indigeneity in Development Policy' *Development Policy Review,* 2008, 26 (4): 483-500. [Note there must have been some research into how to define/unpack FPIC since this article but I did not have the time/resources to seek it out).

[6] William M. Adams and Jon Hutton 'People, Parks and Poverty: Political Ecology and Biodiversity Conservation' *Conservation and Society,* Pages 147-183 Volume 5, No. 2, 2007

[7] O'Faircheallaigh, Ciaran (2009) 'effectiveness in social impact assessment: Aboriginal peoples and resource development in Australia' *Impact Assessment and Project Appraisal, 27(2), June 2009,* pages 95-110 www.ingentaconnect.com/content/beech/iapa

Internal CEESP NRGF Background Brief #11

July 2013

Rights of the Mother Earth - What is concept of the rights of Mother Earth (Pachamama) and why is it relevant to the NRGF?

By Gonzalo Zambrana
20th July 2013

THE CONCEPT OF RIGHTS OF MOTHER EARTH (PACHAMAMA)

From the cultural point of view, South America and especially Bolivia and Ecuador have lived a historical process with unprecedented recovery principles, visions and cultural values of Indigenous Peoples, and their national public policies have recovered from the paradigms of development previously followed under western economic liberal models that generated the global economic crisis.

One of these relevant paradigms, is based on the critique of the model of relationship between culture and nature, including the scheme to obtain livelihoods of nature expressed in the model of consumerism.

From the worldview of Bolivian Indigenous Peoples, which have remained as living cultures despite the Spanish colonization, the relationship between human and nature has had a symbiotic relationship, expressed in a reverence and affection for the Pachamama[1]. The human beings should give gifts and reciprocity to the Pachamama. Neither Mother Earth, the Cosmos, being more inclusive, revolve around the humans, but we also feel as fruit of, and part of , this Mother Earth and Cosmos, and we realize we have to move forward and live together in a harmonious way[2].

The formal expression of this model assimilation of human-nature relationship in government policy has been the explicit incorporation of this model in the Political Constitution of the Plurinational State of Bolivia (2008). Since 2008, Bolivia has deepened the assimilation of the concept of Mother Earth and has become the basis for building the legal foundation for the Suma Qamaña as alternative model to economic liberal development. In 2010, Bolivia's Law of Rights of Mother Earth was promulgated to recognize the rights of Mother Earth, as well as the

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[1] Quechua word for Mother Earth.
[2] Xavier Albo. 2011. Suma qamaña = convivir bien. ¿Cómo medirlo?. CIDES-UMSA. La Paz. Bolivia

obligations and duties of the Plurinational State and society to ensure respect for these rights. This Law defines Mother Earth as:

> *Mother Earth is a living dynamic system made up of the undivided community of all living systems and living beings, interrelated, interdependent and complementary and sharing a common destiny. Mother Earth is considered sacred, from the worldviews of nations and Indigenous Peoples.*

In 2012, the Framework Law of Mother Earth and Integral Development for Living Well was promulgated with the aim:

> *To Establish the vision and the foundations of integral development in harmony and balance with Mother Earth to Live Well, guaranteeing the continuity of the regenerative capacity of the components and systems of life of Mother Earth, recovering and strengthening local and ancestral knowledge as part of the complementarity of rights, obligations and duties, as well as the objectives of integral development as a means to Living Well, the basis for the planning, public management and investment and strategic institutional framework for implementation.*

This Law specifies the definition of Mother Earth as:

> *Mother Earth is a living dynamic system made up of the undivided community of all living systems and living beings, interrelated, interdependent and complementary and sharing a common destiny. Mother Earth is considered sacred and is home that contains, sustains and reproduces all living beings, ecosystems, biodiversity, organic societies and individuals within it.*

WHY IS THIS RELEVANT TO THE NATURAL RESOURCES GOVERNANCE FRAMEWORK (NRGF)?

The Bolivian approach for manage the relationship between human and nature from the Indigenous Peoples´ worldview in respect to Mother Earth, defines a reconfiguration on the basis of the liberal capitalist model of development, consumption patterns and therefore use of natural resources. Economic liberalism has been destructive of natural resources. For example, it is the cause of global warming and climate change which threaten to destroy Mother Earth and therefore the basis of human life.

So a model of Natural Resource Governance based on the Andean indigenous worldview, is essentially based in the respect to Mother Earth, and this model proposes to create the conditions for the use, protection and conservation of Mother Earth for achieving the Sustainable Development Model that is sought by NRGF, different from the Consumerism Model.

Internal CEESP NRGF Background Brief #11

July 2013

¿CUAL ES EL CONCEPTO DE LOS DERECHOS DE LA PACHAMAMA Y POR QUE ESTO ES RELEVANTE PARA EL MARCO DE GOBERNANZA DE LOS RECURSOS NATURALES (NRGF)

By Gonzalo Zambrana
20th July 2013

CUAL ES EL CONCEPTO DE LOS DERECHOS DE LA PACHAMAMA

Desde el punto de vista cultural, sudamerica y principalmente Bolivia y Ecuador han ha vivido un proceso histórico de múltiples vertientes, internas y externas que se han manifestado en una inédita recuperación de principios, visiones y valores culturales de origen indígena; estos han sido recuperados desde el estado como paradigmas de desarrollo alternativos a los modelos occidentales que han generado la situación de crisis global que estamos viviendo en temas económicos, financieros, ambientales, etc.

Uno de esos paradigmas relevantes parte de la crítica al modelo de relacionamiento entre cultura y naturaleza y por tanto la forma de obtener los medios de vida de la naturaleza expresado en el modelo de consumo.

Desde la cosmovisión de los pueblos indígenas, que se han mantenido como culturas vivas a pesar de la colonización española, la relación entre el hombre y la naturaleza ha tenido un carácter de relación simbiótica, expresada en una reverencia y cariño a la Pachamama[3], con la que se deben practicar dones y reciprocidad. Tampoco la Madre Tierra –el Cosmos, siendo más inclusivos– gira en torno de los humanos sino que nosotros también nos sentimos fruto y parte de esta Madre Tierra y Cosmos, y tenemos que avanzar y convivir juntos de una manera armónica[4].

La expresión mas formal de la asimilación de este modelo de relacionamiento hombre-naturaleza en las políticas gubernamentales, ha sido su incorporacion explicita en la Constitución Políticas de Bolivia (2008). A partir de ahí en Bolivia se ha profundizado la asimilación del concepto de Madre Tierra y se ha convertido en el fundamento del desarrollo

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[3] Expresión quechua para denominar a la Madre Tierra.
[4] Xavier Albo. 2011. Suma qamaña = convivir bien. ¿Cómo medirlo?. CIDES-UMSA.

normativo para el *Suma Qamaña*[5], pues el año 2010 se promulgo en Bolivia la Ley de Derechos de la Madre Tierra para reconocer los derechos de la Madre Tierra, así como las obligaciones y deberes del Estado Plurinacional y de la sociedad para garantizar el respeto de estos derechos[6], esta Ley define Madre tierra como:

> *La Madre Tierra es el sistema viviente dinámico conformado por la comunidad indivisible de todos los sistemas de vida y los seres vivos, interrelacionados, interdependientes y complementarios, que comparten un destino común. La Madre Tierra es considerada sagrada, desde las cosmovisiones de las naciones y pueblos indígena originario campesinos.*

Posteriormente el año 2012 en Bolivia se promulgo la Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien[7] con el obetivo de:

> *establecer la visión y los fundamentos del desarrollo integral en armonía y equilibrio con la Madre Tierra para Vivir Bien, garantizando la continuidad de la capacidad de regeneración de los componentes y sistemas de vida de la Madre Tierra, recuperando y fortaleciendo los saberes locales y conocimientos ancestrales, en el marco de la complementariedad de derechos, obligaciones y deberes; así como los objetivos del desarrollo integral como medio para lograr el Vivir Bien, las bases para la planificación, gestión pública e inversiones y el marco institucional estratégico para su implementación.*

En esta ley se especifica la definición de madre tierra como:

> *Es el sistema viviente dinámico conformado por la comunidad indivisible de todos los sistemas de vida y los seres vivos, interrelacionados, interdependientes y complementarios, que comparten un destino común. La Madre Tierra es considerada sagrada; alimenta y es el hogar que contiene, sostiene y reproduce a todos los seres vivos, los ecosistemas, la biodiversidad, las sociedades orgánicas y los individuos que la componen.*

POR QUE ESTO ES RELEVANTE PARA EL PARA EL MARCO DE GOBERNANZA DE LOS RECURSOS NATURALES (NRGF).

La forma como en Bolivia se ha tratado el tema de la relación entre el hombre y la naturaleza a partir de la cosmovisión indígena sobre el respeto a la Madre Tierra define una reconfiguración

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[5] Suma Qamaña, es una expresión en idioma aymara que significa Vivir Bien, como manifestación de un modelo de vida y desarrollo, no consumista y de respeto a la Madre Tierra. En el Ecuador se emplea la expresión en idioma quechua, Sumak Kausay.

[6] Estado Plurinacional de Bolivia. 2010. Ley de Derechos de la Madre Tierra. Gaceta Oficial de Bolivia.

[7] Estado Plurinacional de Bolivia. 2012. Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien. Gaceta Oficial de Boliva.

sobre las bases del modelo de desarrollo occidental capitalista, las formas de consumo y por tanto de aprovechamiento de los recursos naturales que, hasta ahora, han sido formas expoliadoras que, como el caso del Calentamiento Global, amenazan con destruir a la Madre Tierra y por tanto a la base de vida de los humanos.

Por tanto una forma de gobernanza de los recursos naturales basada en la cosmovisión indígena andina implica el respeto a la Madre Tierra y propone generar las condiciones de aprovechamiento, protección y conservación de la Madre Tierra para un Modelo de Desarrollo Sostenible no Consumista.

Internal CEESP NRGF Background Brief #12

July 2013

Resilience & Common Property Institutions - What do these two terms mean, and how are they integral to the NRGF?

By Mike Jones
16th July 2013

The word "resilience" has multiple meanings that depend on the academic discipline or professional context in which it is applied. In the context of natural resource management, resilience is best viewed as one of three properties possessed by all living organisms: self-organisation, hierarchy and resilience (Meadows, 2008). Living organisms can be seen as complex adaptive systems where resilience defines their ability to "bounce-back" from disturbance or to evolve in response to changes in the environment within which they live (Davoudi, 2012). Governance is an integral part of complex adaptive systems, operating through feedback loops that either reinforce change, driving systemic change in a certain direction, or resist change to maintain stability within a system.

The adaptive cycle and panarchy (Holling, 2001; 2004) are metaphorical models for understanding the change processes within complex adaptive systems that allows them to grow, learn, diversify, evolve and self-organise into structures of ever increasing complexity. They may be used to develop either quantitative or qualitative models of a system which, for biophysical systems, may have some or even considerable predictive value[1]. Primary components of the adaptive cycle are: potential for change (the stock of biophysical and social resources contained within the system); connectedness (the connections between system components and the feedbacks that govern those relationships); and resilience, which is a function of potential and connectedness. In biophysical systems, the characteristics of feedback are determined by natural laws such as gravity and thermodynamics. In human systems, formal and informal institutions play a large role in regulating the interactions between people and between people and nature.

Systems become maladaptive when they are either over-resilient, i.e., they are unable to change when change is needed (rigidity trap), or when connections are broken and potential is dissipated to the point that the system is incapable of sustained growth (poverty trap). Much of

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[1] Human systems are inherently unpredictable because humans have harnessed extraordinary power, knowledge and foresight enabling them to create novel systems.

the economic inequity presently evident in national and global scale systems is a consequence of systemic rigidity that leads to the accumulation of great wealth (power) in parts of social systems at great environmental and social cost across much larger scale systems. These power inequities are regulated by interactions between systems operating at different levels of scale (the panarchy) in which change comes from the bottom and stability comes from the top, resisting change from below[2]. Innovation and social change come from small-scale systems and may coalesce to create change in larger scale systems. Established (rigid) large-scale systems can be difficult to change[3], but the adaptive cycle and panarchy can provide working models to develop strategy for deliberate change.

In the worst cases of rigidity and poverty, change in ultra large scale systems such as climate and the global economy lead to cascading change across all subsystems. It is difficult to detect and avoid undesirable change in large-scale systems (Biggs, Carpenter & Brock, 2009). However, a new NRG framework can make a significant contribution to reducing the impact severity of wholesale collapse and preparing innovative small-scale systems to grow rapidly in the environments newly created by the collapse of rigid systems.

Common property institutions are the rules applied to the governance of natural resource management systems that are difficult to close and exclude the capture of benefits by people who do not contribute to the maintenance of the resource. This leads to the archetypal system trap "tragedy of the commons" (Meadows, 2008) where the benefits are captured by a few and the costs shared by many, establishing a reinforcing feedback that depletes the resource and drives the system into a poverty trap. The way out of the trap is to either privatize the resource so the user bears the cost of abuse, or develop and apply rules for regulating access to the resource. In practice this is difficult because of the potential for mismatch[4] between the jurisdictional scale of management authority and the ecological scale at which some systems operate (Murphree, 2000). Air, water, soil nutrients, ocean fisheries and migratory species of wildlife are examples of natural resources require coordinated management across multiple jurisdictional boundaries.

The complexity of large-scale natural resource systems and their dynamic nature preclude legislative prescription as a management remedy leading to the development of design principles (Murphree, 2000; Anderies, Janssen & Ostrom, 2004) that can be elaborated at the local level through adaptive management and social learning.

Suggestions for NRGF:

Laws and policies may be assessed in relation to thirteen attributes of general resilience (Jones, draft) to determine whether they are enhancing or reducing the capacity of people to adapt their lifestyles and livelihoods to climate and other global scale change.

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[2] See Rosemary Hill (this series) for more information on scale management issues in complex adaptive systems.
[3] See Tushar Dash, Carole Colfer, Augusta Molnar and Neera Singh (this series) for different examples of attempts to overcome rigidity and enhance the adaptive capacity (potential for change) of social systems.
[4] See Hill's paper this series.

Assess existing and proposed instruments (such as REDD plus) and consider their potential to act as systemic levers to create transformational change towards sustainability, rather than maintaining business-as-usual approaches to natural resource management. Meadows (1999) identified twelve levers for creating systemic change.

Laws and policies that maintain rigidity and poverty traps may be replaced with institutions that spring system traps such as "tragedy of the commons", "success to the successful" and "shifting the burden to the intervener" (Meadows, 2008). Springing system traps requires policies that protect the conditions necessary for restoration, innovation, social learning and change. In this regard, the role of national government would change from centralized authoritarian management to protector and supporter of the conditions necessary for the emergence of local level change (Ruitenbeek, J. & Cartier, 2001) that enhances the development of adaptive capacity.

It is difficult to detect and avoid undesirable change in large-scale systems (Biggs, Carpenter & Brock, 2009). Where a high probability of change is detected in small-scale systems, it may be difficult to prevent systems from shifting to undesirable states unless corrective measures are implemented quickly. Given these characteristics of complex systems and a world of rapidly changing climate, the principle of subsidiarity should be considered in all institutions for natural resource management[5].

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Jones, M.A., working draft. *Basic Resilience Assessment: A Practitioners Guideline For Learning About Resilience While Doing A Resilience Assessment.* IUCN CEM Resilience Task Force.

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[5] Note the potential need to consider trade-off between accumulation of power at the local versus national level (Hill's paper this series) and the implications of this for developing adaptive capacity and resilience.

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Internal CEESP NRGF Background Brief #13

July 2013

Community Protocols - What are they and how could they be integrated into the NRGF?

By Holly Shrumm & Harry Jonas
10th July 2013

Community Protocols

Community protocols are one form of community-based and participatory empowerment methodology. Indigenous peoples and local communities are increasingly articulating their protocols in forms that can be understood by others. Doing so can help put external actors on notice about the community's identity and ways of life, values and laws, and procedures for engagement. It can catalyze constructive dialogue and collaboration to support the community's plans and priorities in locally appropriate ways.

The process of developing, and using a community protocol involves collective reflection and deliberation, participatory documentation and communication, legal empowerment, and social mobilization. It can be a powerful way for communities to determine and communicate their own plans and priorities and advocate for respect and appropriate support for their ways of life. A community protocol can serve as a platform for asserting rights and affirming responsibilities under customary, national, and international law, particularly in response to opportunities and challenges posed by external actors. It can also contribute to the revitalization of certain cultural practices or norms that affect their interactions with the environment.

Although each is adapted to its local context, a biocultural community protocol is generally:
- Determined by a self-defined community with a close connection to a specific territory or area that is the foundation of their identity, culture, language, and ways of life
- Documented, developed, and used in a participatory manner by that community and, where appropriate, with the support of trusted and long-standing organizations
- Intended to promote appropriate recognition of and support for community-specific customary ways of life and stewardship of their territory or area
- Based upon values, standards, procedures, rights, and responsibilities set out in customary, national, and international laws and policies

A community protocol should not be:

- Determined or defined by an external actor such as a government official, researcher, businessperson, or consultant;
- Documented, developed, or used in a top-down or prescriptive manner or in a way that undermines the community's decision-making processes and right to self-determination;
- A guarantee that the community will provide free, prior and informed consent to an external invention or project;
- An agreement to enter into any negotiations or contractual arrangements; or
- A tool that can be used to undermine or hinder values, standards, procedures, rights, and responsibilities set out in customary, national, and international laws and policies.

We suggest that the NRGF should incorporate similar kinds of methodologies that allow for Indigenous peoples and local communities to self-assess their current situation, integrate active forms of learning about institutional and legal frameworks (among other things) and support the development of means to institute local changes. Importantly, these kinds of approaches promote thinking beyond the singular issue at hand (NR/REDD/ABS) to take a more holistic view of the community's situation and to make plans accordingly.

For more information, please see www.community-protocols.org

Internal CEESP NRGF Background Brief #14

July 2013

Cultural Diversity and Traditional Knowledge as the Foundation for Public Policies on Environment and Climate Change

By Mayra Tenjo
18th July 2013

Background

- Recently there have been important advances for Indigenous Peoples in relation to Climate Change and some indigenous concerns have been integrated into UN documents and international law, for example:

    - In 2001, indigenous organizations were recognized to hold official observer status of the UNFCCC although they do not participate in decisions.
    - Since the 2002 Permanent Forum on Indigenous Issues has met annually as an official advisory body to the UN
    - Some sessions have been dedicated to Global Warming and Indigenous Peoples rights to participate in related decisions

- The collective territories of Indigenous Peoples and Afro-descendants, and campesino (peasant) territories have gained ecological and economic importance for the world, because many of these are home to unique ecosystems and high levels of biodiversity. And they are now under great pressures from many interests, including extractive industry. This situation has generated a series of interventions from national and international programs, projects, and policies that do not recognize cultural dynamics and traditional knowledge, and thus they do not guarantee the recognition of collective and individual rights of Indigenous and Afro-Descendent peoples, and campesinos in their territories.

- Around the world, there are approximately 7000 different cultures, as identified by their languages, have knowledge learned over thousands of years , including knowledge that is essential for managing the territory and life on this planet.

- The diverse cultures of Indigenous Peoples, Afro-Descendants and campesinos are deeply rooted in their ancestral territories, which is not viewed as an economic property that can be

transferred, but rather as a sacred element on which is based their cosmology and their sense of identity and belonging. The territory is the source of physical and cultural subsistence - giving food and traditional medicinal practices as well as offer the primary materials needed for the material and immaterial reproduction of the culture. Natural resources such as rivers, mountains, plants and animals are elements with whom relationships are maintained - both at sacred level and in terms of traditional knowledge. In other words, the relationships between ethnicity, culture, territory, forest and biodiversity are consolidated into axes of identify and social re-vindication.

- For the Peoples and communities, the concept of environment as living nature penetrates and structures culture and cosmovision of the world, as the community is conceived as being in tight reciprocal relations with nature. For these communities, their territories are living beings with memories inscribing their relationships with nature; territoriality includes symbolic, political, economic and social relations. Their vision is constantly challenged by decisions made by supranational global conservation entities.

- There is increasing concern that collective territories will be converted into projects to capture carbon without the territorial rights of Indigenous Peoples and communities being guaranteed. Hence there is a strong position against REDD+ unless territorial rights are guaranteed.

- The discourse around climate policies is, up to now, a discourse of experts and elites -- a discourse that does not take into account the traditional cultures and knowledge of Indigenous Peoples and communities.

- Currently, the high level of dissemination of scientific knowledge versus the level of diffusion of cultural knowledge and traditions demonstrated that these communities have been left out of the design of this discourse. The current discourse over climate confuses rather than clarifies the situation. Nonetheless it is evident that, depending on the degree of integration into the global world, communities have integrated the information on climate change into their traditional conceptualization of the world and their cultural cosmovision has produced responses which unfortunately have not been included in national and international policies on climate change.

- Indigenous Peoples, Afro-Descendent communities, and campesinos have demonstrated diverse reactions when confronted with climate change impacts, which include a variety of inter-related factors.

How to make culture an integral part of NRGF?

- Recognize the essential role that traditional knowledge will play for the future wellbeing of humankind. We have to understand that the traditional knowledge of Indigenous Peoples,

Afro-Descendants and campesinos should be part of any strategy for managing natural resources and ecological restoration. Traditional patterns of use, ordering and understanding the world should be a base for public policies on environment. An exemplary case is the significant distinction of FAO which has recognized traditional strategies of forest management, because traditional forest management strategies have achieved significant results for both forests and communities of the world, by empowering Indigenous Peoples to manage their resources.

- There is a need for sharing solid information about climate change with Indigenous communities, being clear about the implications that climate change may have on their territories, as well as inform the responsible politicians about the conditions of indigenous communities.

- Adopt a pluralism perspective, which includes cultural diversity and traditional knowledge in reflections about climate change and its social and cultural dimensions.

- The UNFCCC should recognize and involve the traditions of indigenous Peoples, Afro-Descendants and campesinos for the protection and sustainable use of biological resources.

- It is important to incorporate indigenous issues in international processes on climate change, so that a participation space is created with voice and vote.

- Contribute to the construction of governance with a territorial focus, oriented to strengthen the collective exercise of the self-determination in territories under indigenous and community control.

- Analyze the traditional natural resources uses in communities and the possibilities of recuperating those that are being lost as a means of adapting to climate change, to strengthen self-determination and autonomy, and the recovery of cultural aspects that can renew identity as peoples.

- Renew dialogue processes with Indigenous Peoples, Afro-Descendants, and campesinos regarding territorial rights and relations to nature from the perspective of ancestral knowledge and practices

- The local dynamics offer evidence of proposals for ordering and protecting nature and territory in alternative ways, that can in turn strengthen local governance that is based in culture and nature. Cultural governance renews cultural practices under six concepts: i) the territory as ancestral vision and the relations between society and nature; ii) the Law of Origin of the territory, ii) sacred places, iii) processes related to the production and harvest of seeds, plants, animals and humans, iv) familial relations among lineages and iv) the calendar of ritual activities.

- The governance of indigenous territories should be repositioned in the national contexts, as an territorial strategiy articulated with cultural governance of territory and environmental control.

- The includion of indigenous political dynamics needs to be included in national and international geopolitics given that Indigenous Peoples have been absent in the reconfiguration of national and international territories (post colonial?).

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Internal CEESP NRGF Background Brief #14

July 2013

La Diversidad Cultural Y El Conocimiento Tradicional Como Fuente De Las Politicas Públicas Ambientales Y De Cambio Climatico

By Mayra Tenjo
13th July 2013

Contexto Actual

- En los últimos tiempos sobre el tema del clima existen avances importantes para los pueblos indígenas, algunas de sus concepciones han ingresado en los documentos de las Naciones Unidas, convirtiéndose en una realidad del derecho internacional, caso de ello es:

  - En el 2001 se les reconoció a las organizaciones de los pueblos indígenas el estatus oficial de "observadores" del Convenio sobre el Cambio Climático, aunque sin poder de decisión.
  - Desde el 2002 Foro Permanente sobre Cuestiones Indígenas, se viene se reúne anualmente, como órgano asesor dentro de las Naciones Unidas.
  - Algunas sesiones han estado dedicadas a la relación entre el calentamiento global y el derecho a la participación de los pueblos indígenas.

- Los territorios colectivos de pueblos indígenas y comunidades negras, y territorios campesinos, han cobrado importancia ecológica y económica para el mundo, por ser éstos, en muchos casos, ecosistemas únicos y de gran biodiversidad en el planeta, hoy se encuentran bajo grandes presiones de interés y presiones extractivas, lo que ha generado una serie de intervenciones a través de programas, políticas y proyectos, nacionales e internacionales, que desconocen dinámicas culturales y conocimientos tradicionales, por lo tanto no garantizan el reconocimiento de los derechos colectivos e individuales de pueblos indígenas, comunidades negras y campesinas en sus territorios.

- Existen aproximadamente en el mundo siete mil culturas identificadas por sus lenguas, con una historia de 3.000 a 60.00 años, con importantes y pertinentes conocimientos para manejar el territorio y darle sostenibilidad a la vida en el planeta.

- Las diversas culturas de pueblos indígenas, comunidades negras y campesinas, sienten un arraigo muy fuerte al territorio ancestral, ya que este no es concebido como un bien económico transable, si no como un ente sagrado, determinante de la cosmología, base de su sentido de identidad y pertenencia. El territorio está asociado a la subsistencia física y cultural, ya que brinda los medios de subsistencia alimenticios y las practicas de medican tradicional para el tratamiento de enfermedades, además de ofrecer las materias primas necesarias para la reproducción material e inmaterial de su cultura. Recursos de la naturaleza como ríos, montañas, plantas y fauna son elementos con los que tienen relaciones sagradas y prácticas del conocimiento tradicional, es decir que las relaciones entre etnia, cultura, territorio, bosques y biodiversidad se han consolidado en los ejes de su identidad y sus reivindicaciones sociales.

- Para los pueblos y comunidades existe una concepción del medio ambiente como naturaleza viva que penetra y estructura la cultura y su cosmovisión del mundo, ya que concibe a su comunidad en una estrecha relación de reciprocidad con la naturaleza, para las comunidades sus territorios son entes vivos con memorias donde se inscriben las relaciones con la naturaleza, se ejerce la territorialidad y se articulaban diversas relaciones simbólicas, políticas, económicas y sociales; está visión se ve enfrentada constantemente con decisiones supranacionales de conservación a nivel global.

- Existe una creciente preocupación de que los territorios colectivos se conviertan en proyectos de captación de CO_2, sin que los pueblos indígenas y comunidades tengan garantizados los derechos territoriales, fuerte posición indígena acerca de la Reducción de Emisiones de Deforestación y Degradación de Bosques (REDD+).

- El discurso sobre las políticas del clima es, hasta el momento, un discurso de expertos y élites en el que los conocimientos tradicionales y culturales de los pueblos indígenas y comunidades no se han tenido en cuenta.

- Actualmente se cuestiona el alto grado de difusión de los conocimientos científicos Vs el conocimiento cultural y tradicional en comunidades que quedaron fuera del diseño de este discurso. Se hacen relevantes casos en los que el discurso climático confunde en lugar de aclarar la situación. Sin embargo se ha evidenciado que dependiendo del grado de integración de las comunidades al mundo nacional y global, incluyen las informaciones recibidas sobre el cambio climático en sus concepciones tradicionales, a su cosmovisión cultural para producir respuestas, que lamentablemente no son incluidas en las políticas nacionales o internacionales del cambio climático.

- Pueblos indígenas, comunidades negras y campesinas muestran diversas reacciones frente a los impactos del cambio climático, que incluyen cuestiones del clima además de una gran variedad de otros factores.

¿Cómo hacerla parte integral de NRGF?

- Reconocer el papel esencial que puede jugar los conocimientos tradicionales de cara al bienestar futuro de la humanidad. Tenemos que entender que los conocimientos tradicionales de los pueblos indígenas y las comunidades negras y campesinas deben ser parte de la estrategia de manejo y restauración ambiental, ya que sus prácticas de uso, ordenación y entendimiento del mundo natural deben ser la base para adelantar las políticas públicas ambientales. Un caso de esto se evidencia en la significativa distinción que hizo la FAO a la estrategia de ordenación forestal tradicional, ya que esta representa ser una de las estrategias que ha obtenido resultados más significativos para las comunidades y los bosques del mundo, además de empoderar a los pueblos indígenas en el manejo de los recursos.

- Hay que asistir a las comunidades indígenas entregando informaciones sólidas sobre las implicaciones del cambio climático en su territorio además de informar a los responsables políticos sobre las condiciones en las comunidades indígenas.

- Adoptar una perspectiva pluralista, que involucre la diversidad cultural y el conocimiento tradicional en las reflexiones sobre el cambio climático y sus dimensiones sociales y culturales.

- Se debe involucrar y reconocer en la Convención Marco sobre el Cambio Climático la importancia de los conocimientos tradicionales de indígenas, negras y campesinas, para la protección y el uso sostenible de los recursos biológicos

- Un escenario importante es el internacional ya que se pueden incorporar asuntos indígenas en el proceso internacional del clima y espacios de participación reales con voz y voto.

- Contribuir en la construcción de gobernanza bajo un enfoque territorial, orientada al fortalecimiento colectivo y al ejercicio de autodeterminación en los territorios, bajo el control de pueblos indígenas y comunidades.

- Analizar las formas tradicionales de utilización de los recursos naturales por las comunidades y estudiar las posibilidades de recuperarlas parcialmente en sus territorios o de adaptarlas a las nuevas condiciones del cambio climático, esto permitirá a los pueblos indígenas y comunidades tener una mayor autonomía y facilitará la recuperación de los rasgos culturales que les daban sentido e identidad como pueblo y comunidad étnica.

- Replantear diálogos con los procesos locales de los pueblos indígenas, comunidades negras y campesinas, que aborden procesos sobre los derechos territoriales y las relaciones con la naturaleza a partir de prácticas y conocimientos ancestrales.

- Las dinámicas locales evidencian unas propuestas de ordenación y protección de territorio de manera alternativa, que puede darse a través de prácticas de consolidación de la gobernabilidad cultural y ambiental. La gobernabilidad cultural retoma prácticas culturales, bajo seis conceptos: i) el territorio en su visión ancestral y la relación entre naturaleza y sociedad, ii) la Ley de Origen en el territorio, ii) los sitios sagrados, iii) los procesos relacionados con la producción y cosecha de las semillas, plantas, animales y humanos, iv) las relaciones familiares de linajes, y iv) los calendarios de actividades rituales.

- La gobernabilidad de los territorios indígenas se debe reposicionar en los contextos nacionales, como una estrategia territorial articulada a una gobernabilidad cultural de control ambiental territorial.

- Se requiere la inclusión de las dinámicas políticas indígenas en las geopolíticas nacionales e internacionales, dado que los pueblos indígenas han estado ausentes en la reconfiguración territorial nacional e internacional.

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Internal CEESP NRGF Background Brief #15

July 2013

Democratic Governance or Deliberative Democracy – covering issues of voice, power and agency

By Neera Singh
17th July, 2013

Democracy: Beyond voting rights, democracy is a normative process that helps define interactions within societies; it governs not only the relationship between the state and citizens, but also that between citizens and among their associations.

Deliberative Democracy: In contrast to decision-making in the aggregative or interest-based model of democracy[1]; in deliberative democracy, participants arrive at a decision not based on what preferences have greatest numerical support, but by determining which proposals the collective agrees are supported by the best reasons (Young, 2002). Most proponents of deliberative democracy emphasize that in deliberative model of democracy, participants not only express and register preferences, but are able to *transform* their preferences and the beliefs that inform these preferences through deliberation. Political theorists advocating strong democracy suggest that the process of transformation of preferences helps in transforming citizens from self-interest-driven to other-regarding citizens or public (Barber, 1984) –which becomes critical in natural resource governance in the process of formation of new values.

Deliberative democracy increases the likelihood of more just outcomes. The theoretical justification of this is that in inclusive democratic practice, people aim to persuade one another of the justice and wisdom of their claims, and are open to having their own opinions and understanding of their interests change in the process.

Communicative Democracy: Feminist political theorist, Iris Young, uses the terms communicative democracy to expand the ideas of deliberative democracy, beyond the limitations of rationalist argument-based deliberations (dispassionate, orderly or articulate), to incorporate various other means of communication through which different marginalized

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[1] In aggregative or interest-based conceptions of democracy, decisions are taken based on aggregating the preference of and where individual preferences are taken as given and democratic politics is seen as a competition between private interests and preferences.

sections, including women, might choose to engage with to make their voices heard (more embodied, rhetoric and emotion-laden).

In most functioning democracy, a combination of interest-based aggregative democracy, and deliberative democratic decision-making mechanisms exist. Instead of thinking of representation and participation as either/or, it is important to consider of them as complementary – and in the context of natural resource governance, focus on expanding spaces for deliberation and communicative democracy, within representative democracy. To break the reinforcing circle between social and economic inequality and political inequality, it is important to widen democratic inclusion.

Without getting bogged down on the choice of terms (deliberative/ discursive/ communicative/ strong democracy), for our purpose, it will suffice to focus on some of the conditions for deepening democracy (Young, 2002):

1. Inclusion: A democratic decision is normatively legitimate only if all those affected by it are included in the process of discussion and decision-making and have had the opportunity to influence the outcomes.
2. Political equality: As a normative ideal, democracy means political equality. Not only should all those affected be nominally included in decision-making, but they should be included on equal terms. The ideal model of deliberative democracy, promotes free and equal opportunity to speak. This condition cannot be met without a third condition of equality, namely freedom from domination. It is not only important just to speak, but it is equally important that these voices get heard.
3. Reasonableness: A reasonable respectful process of discussion.
4. Public Formation: Formation of a public in which people hold one another accountable and which consists of a plurality of different individual and collective experiences.

Applications to Natural Resources Governance

Radical Ecological Democracy: Many activists groups are calling for Radical Ecological Democracy, a framework of human well-being and governance in which all people and communities have the right and full opportunity to participate in decision-making driven by concerns for ecological sustainability and human equity. (http://radicalecologicaldemocracy.wordpress.com/red-principles/)

Difference as a Resource: In deliberative democracy, difference is not seen as a problem to be erased in the process of consensus building or interest aggregation; but a useful resource for problem solving. This is especially critical in natural resource governance. Attention to modes of communication, venues for civic organizing and ways of attending to social difference, are important conditions of political inclusion – and need to be paid attention to in the NRG.

Various studies on democratic decentralization in natural resources show that there is very little actual democratization taking place, even with a limited definition of democracy, and these studies emphasize that most decentralization reforms in natural resource governance rely on institutions that are upwardly accountable rather than downwardly accountable.

Some of the things to include/ be attentive to in the NRGF will include:

1. Venues for democratic engagement at different scales (capacity-building and transformation of power relations can be enabled by spaces for deliberations and citizen action at different spatial scales; often women find it easier to 'act' and gain skills in spaces at meso-scales than at the local scales where power relations are more strongly entrenched – for a practical example see Singh, 2011).
2. Criteria and indicators for assessing democratic inclusion (to what extent are all those affected by decisions relating to natural resource use, conservation and benefit-distribution, included in decision-making; what special concessions are made for alternate modes of communication, etc.).
3. Criteria and indicators for political equality;
4. C& I for public formation (venues for civic organizing) etc.

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Internal CEESP NRGF Background Brief #16

July 2013

Local Struggles for Rights and Governance Change

By *Tushar Dash[1]*
12th July 2013

Relevance of the local struggles in influencing and shaping governance regimes

- Local struggles (and social movements) around issues of rights and community based governance by indigenous and local communities have played a key role in influencing and reforming governance of natural resources.
- These social movements have mostly emerged from struggles against the existing systems of governance of natural resources, including laws and policies, that have undermined and discriminated against customary land tenure and resource management systems, have expropriated and extracted community lands and resources without consent of local communities and have led to displacement and dispossession.[2].
- In the recent decades forest tenure reforms (through national legislations, judicial interventions etc) in many countries have come up in response to struggles by the indigenous and local communities to protect customary rights and community based systems of management.
- These struggles have mainly focused on the issues of security of tenure, legal recognition of community conservation initiatives and community based governance and are taking place in the context of intense neo-liberal politico-economic interventions focusing on resource extraction for mining and industrialization threatening rights and resources of the communities.
- While addressed to the issues of governance reforms these struggles also raise larger issues of social and political transformation.
- The local struggles are of many types. For example the struggles,
  - Represent or work with the most marginalized sections and vulnerable communities such as forest dwellers, nomadic and pastoralists, shifting cultivators,

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[1] With suggestions and inputs from Dr. Neera Singh, University of Toronto
[2] UNPFII (2007c), paras 5-6, http://www.un.org/esa/socdev/unpfii/documents/SOWIP_chapter2.pdf

- have diverse institutional forms (mass based political organizations, civil society networks, campaign groups etc),
- are connected to different levels (regional, national),
- engage different strategies and tools (mass based actions, engagement with legislative and judicial process, social networks etc)
- focus on a diversity of issues.

Many of the local struggles have connected successfully to the political process and have influenced governance changes (e.g.the Campaign for India's Forest Rights Act)

- There are many ways in which governance frameworks accommodate local aspirations as expressed in the local struggles and learn from existing local governance systems. One example of this is the enactment of India's Forest Rights Act which is the result of a successful mass-based campaign (National Campaign for Survival & Dignity[3]) which linked up the forest dwelling communities in India with the policy process[4]. Post enactment the campaign and many other platforms (Community Forest Rights Learning and Advocacy Process[5]) are actively engaged with the FRA process and have helped communities to use the law to create the space and structures for a community based natural resource governance[6]. The campaign and CFR LA process link up to the local struggles and help in collective learning and advocacy. The ongoing local struggles in the context of implementation of the Forest Rights Act are leading to governance changes which build on customary rights and local systems and are reflecting in the following contexts and situations.
  - Community forestry areas
  - Protected areas
  - Bio-cultural territories
  - Landscapes accessed by pastoralists and nomadic communities
  - Community based governance of non timber forest produce
  - Assertion of legal rights to stop destructive projects in forest areas

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[3] Campaign documents can be seen at http://www.forestrightsact.com/home

[4] For background on the campaign and enactment of FRA see 1) Kumar K, Kerr M J, May 2012, *Democratic Assertions: The Making of India's Recognition of Forest Rights Act, http://academia.edu/1259710/Democratic_Assertions_The_Making_of_Indias_Forest_Rights_Act2)*Springate-Baginski, Oliver., M. Sarin., S. Ghosh., P. Dasgupta., I. Bose., A. Banerjee.,K. Sarap., P. Misra., S. Behera., M. G. Reddy and P. T. Rao, August 2009, *Redressing 'historical injustice' through the Indian Forest Rights Act 200; A Historical Institutional analysis of contemporary forest rights reform.*Accessed at http://www.ippg.org.uk/papers/dp27.pdf

[5] For details see http://www.kalpavriksh.org/index.php/conservation-livelihoods1/16-networks/252-community-forest-rights-learning-and-advocacy-process.html

[6] To know more see Dash T & Kothari A, 2013, *Forest Rights and Conservation in India*in The Right to Responsibility: Resisting and Engaging Development, Conservation, and the Law in Asia published online by Natural Justice and the United Nations University – Institute of Advanced Studies (UNU-IAS) . Accessed at http://naturaljustice.org/wp-content/uploads/pdf/Part%20II,%20Chapter%208.pdf. See also Citizen's reports on community forest rights under Forest Rights Act by Vasundhara and Kalpavriksh available at http://fra.org.in/new/.

Suggestions for NRGF:

- NRGF needs to build in a process of learning that connects to the various struggles going around the world to draw key learnings and insights relevant to progressive governance changes focusing on rights, equity and justice. Such learning and insights can be shared with other struggling groups and policy organizations for necessary changes. Specifically it will require the NRGF to build in principles supporting the role of local struggles and social movements influencing progressive changes and a specific process of collective learning and documentation of the struggles which could inform the governance and policy process.
- An important aspect for learning is also how progressive natural resource governance reforms intersect with the existing (and entrenched) power structures and relations and face resistance from national governments and bureaucracies that limit the implementation of these reforms. For example, recognition of rights under the Forest Rights Act of India has been limited due to strong resistance from the forest department and conservation agencies who continue to ignore the rights process and emergence of the community based governance. One of the reason, as observed in the Forest Rights Act process, is the prevailing culture and attitude within the existing governance regime (forest department) which does not match with the emerging progressive thinking and practice around rights based approaches. Governance reforms have so far either ignored or not adequately invested in these aspects, of attitudinal changes, which are critical for sustaining the change process.

Internal CEESP NRGF Background Brief #17

July 2013

Strategies for Influencing Policy and their Importance for the NRGF Design, Implementation, Follow-up and Evaluation

By Adalberto Padilla
23rd July 2013

The Context as Viewed from Latin America

One key element of importance in Latin America has been the strong evolution of Human Rights, especially for Indigenous Peoples, including the ILO 169 Convention, UNDRIP, rulings and jurisprudence from the Inter-American Court on Human Rights, Recommendations from the Inter-American Commission on Human Rights and the UN Special Rapporteur on Human Rights on Indigenous Peoples Rights. However, this evolution of Human Rights has not always been translated into changes in legal frameworks and public policies. . So, in spite of the advances in the paradigms of management and governance of natural resources, there remains resistance to change.

At the same time, there is a tendency that may favor the construction of new legal frameworks for natural resources governance, such as: i) the shift from representative democracy to more participatory democracy; ii) the weakening of the centralized state and strengthening of subnational and local governments via decentralization and weaker institutional capacities; iii) advances in many countries, including titling of lands, territories and natural resources of indigenous Peoples, and the recognition of their autonomous governance, and own systems of justice is moving slowly; and the processes of REDD and FLEGT being promoted in Latin American countries which revolve around improving governance.

 In addition, at the same time, there are challenges to the potential implementation of NRGF to improve governance, for example, : disputes over territories because of the expansion of extractive and energy industries are rising. These affect protected areas, indigenous territories and local communities. There are social movements that resist these economic changes, but at the same time there is criminalization of social protest and rising militarism.

Potential attitudes and practices of stakeholders/actors in relation to NRGF:
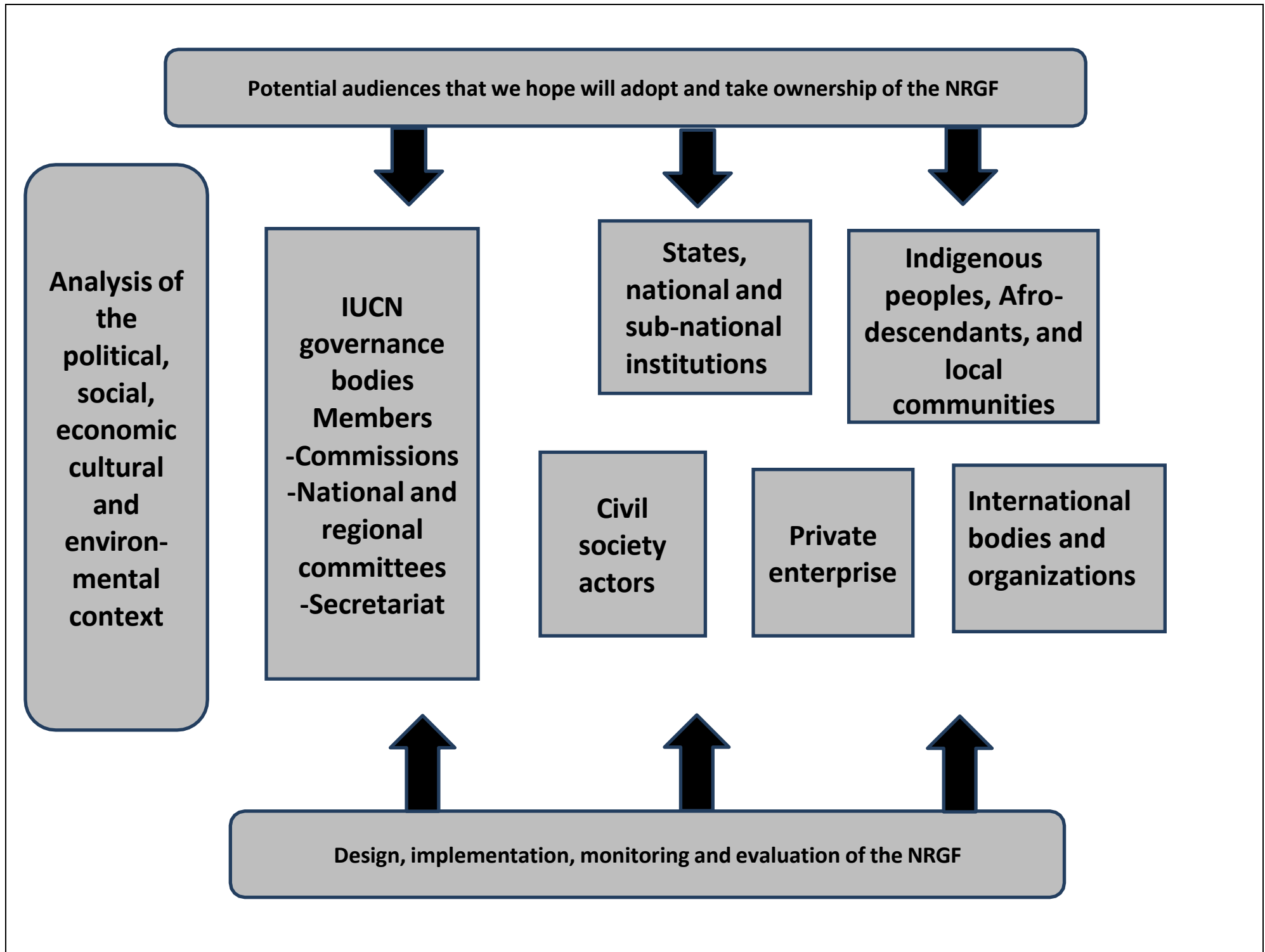
NRGF will need to engage with those who favor, oppose or are neutral toward NRGF so strategies will need to take different angles according to the position of the actors, their cultural roots, and the political context.

Some strategies that can be used to influence policy change include:

- Strengthen indigenous organizations and local communities in their capacities to influence policy.
- Broaden strategic alliances with actors in academic institutions, social movements, human rights NGOs.
- Carry out participatory action research, case studies, and publications that complement scientific knowledge with what is known with local knowledge (peoples science)
- Educate and create awareness of intercultural views
- Manage media messages.
- Direct lobbying with visits and meetings
- Legal advice and rights advocacy
- Promote spaces for meeting and dialogue between government officials, private sector, indigenous organizations, afro-descendent organizations and the organizations of local communities
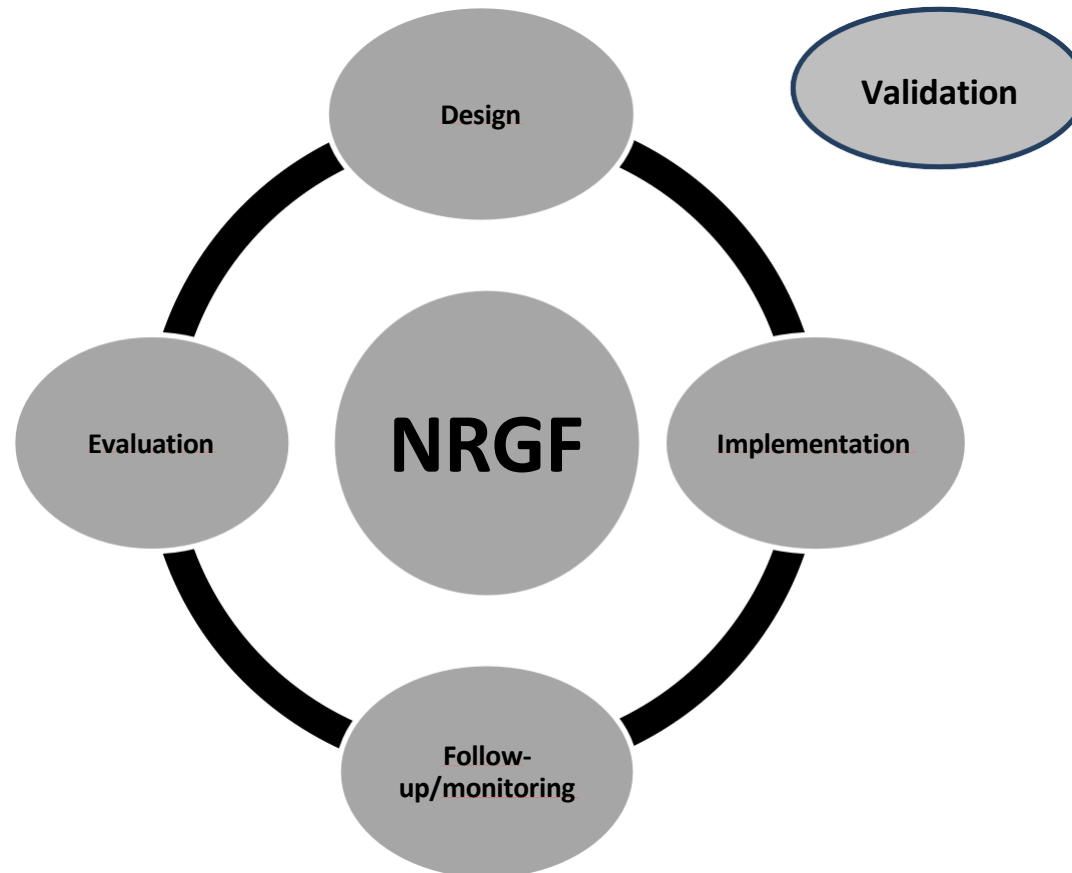
The crosscutting themes in these engagements are rights, interculturality/diversity, inclusion and gender equity.

The development of the NRGF will be an iterative process as per the following graphics.

Potential audiences that we hope will adopt and take ownership of the NRGF

Analysis of the political, social, economic cultural and environ-mental context

IUCN governance bodies
Members
-Commissions
-National and regional committees
-Secretariat

States, national and sub-national institutions

Indigenous peoples, Afro-descendants, and local communities

Civil society actors

Private enterprise

International bodies and organizations

Design, implementation, monitoring and evaluation of the NRGF

Stages of the Process

Feedback, adjustment and continuous learning

Design

Validation

NRGF

Evaluation

Implementation

Follow-up/monitoring

Internal CEESP NRGF Background Brief #18

July 2013

Scale - What is it and what scale considerations can be integrated into NRGF during design?

By Rosemary Hill
28th June 2013

Scale aspects of NRGF

- Scale can be defined as the spatial, temporal, quantitative or analytical dimension used to understand a phenomenon[1]; scale is therefore socially and politically constructed [2].
- Scale in ecology usually refers to spatial and temporal dimensions of a pattern or process; the social concept of scale includes the connection between representation and power, and both formal and informal institutions (cultural norms, rules, laws, policies)[3].
- Many global conservation agencies now promote large-scale natural resource governance strategies to address phenomenon such as migration of birds across the globe; in contrast sociological approaches to natural resource governance emphasize the importance of ownership, collaboration and stewardship at scales relevant to the individual and community.
- The once-popular principle of subsidiarity – the concept that the goal of NR governance should be as much local solution as possible[4] – has been challenged by recognition that localism can serve to buttress the position of local elites who enforce conformity and eliminate participation by marginalised groups[5].
- Scale mis-matches occur in diverse contexts: when the scale of the planning and implementation of actions does not reflect the scale of the problem (e.g. short-term funding and long-term ecological processes)[6]; when cross-scale dynamics and interplay are not taken into account[7]; when power imbalances prevent governance input, usually from the local scale[8].
- The concept of scale-dependent comparative advantage recognizes that different aspects of NRG can be delivered at diverse scales – local, , national, regional, global, annual, multi-decadal etc[2].
- The struggle to define the scale at which NRG should be planned and implemented is inseparable from the struggle over who should define, inform, and conduct the governance process[8].

- Effective NRG appears better achieved through multi-scale multi-actor collaborative design rather than devolution to local-scale governance; bridging-boundary organisations can help facilitative the process[9].
- Polycentric nested governance presents a potential solution to problems of scale mis-matches[10]; nevertheless issues of transaction costs and complexity have dogged its implementation[7].

How can the design of NRGF tools and knowledge reinforce progress in addressing scale?

- We need to look at the power dynamics between the creation of large scale NRG frameworks and the maintenance/strengthening of community-based, Indigenous and local frameworks[8].
- We need to consider how the tension and possible synergies between large-scale and local-scale NRG frameworks is tied to the interaction between science and Indigenous and local knowledge and their roles in natural resource management and governance[8, 11, 12].
- We therefore need to pay attention to co-management structures and conscious boundary management that includes knowledge co-production, mediation, translation, and negotiation across scale-related boundaries to facilitate solutions to scale-related challenges[1].
- Investigation of the factors that underpin success in polycentric and nested governance arrangements, such as bridging/boundary organizations, brokers, co-design, will help in the production of NGRF tools and knowledge. Factors that overcome the barriers presented by transaction costs and complexity are also important.

Possibly useful references

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3. Cumming, G.S., *et al.* (2006) Scale Mismatches in Social-Ecological Systems: Causes, Consequences, and Solutions. *Ecology and Society* 11

4. Berkes, F. (2004) Rethinking Community-Based Conservation. *Conservation Biology* 18, 621-630

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8. Sievanen, L*., et al.* (2013) Fixing marine governance in Fiji? The new scalar narrative of ecosystem-based management. *Glob. Environ. Change-Human Policy Dimens.* 23, 206-216

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10. Ostrom, E. and Cox, M. (2010) Moving beyond panaceas: a multi-tiered diagnostic approach for social-ecological analysis. *Environmental Conservation* 37, 451-463

11. Nakashima, D*., et al.* (2012) *Weathering Unvertainty: Traditional Knowledge for Climate Change Assessment and Adaptation*. UNESCO and UNU

12. Hill, R*., et al.* (2012) A typology of Indigenous engagement in Australian environmental management: Implications for knowledge integration and social-ecological system sustainability. *Ecology and Society* 17, 23

Internal CEESP NRGF Background Brief #19

July 2013

Transparency and the Natural Environment

By Shekhar Singh
20th July 2013

Transparency is not only being recognised as a core concept of good governance but also as a fundamental human right that is constitutionally guaranteed in many countries. Currently (July 2013) over 90 countries across the world have transparency laws, variously called "freedom of information" (FOI) or "right to information" (RTI) laws.

Fundamentally, such laws allow and facilitate individuals (in some countries only citizens) to access information from public authorities, essentially government bodies. More sophisticated laws allow access of information not only from government bodies but also from non-governmental and private bodies that the government in some way controls, or funds, or even regulates the functioning of. Therefore, under such transparency laws you can seek information from government about its functioning in relation to private bodies, and from each of these private bodies in relation to their own functioning.

All laws prescribe some restrictions on information that can be accessed. International standards[1] require that only where it is reasonably anticipated that disclosure would result in real harm, should such information be denied. However, the expected harm needs to be balanced against possible public interest in disclosure. The exclusion of certain types of agencies, like military and security agencies, courts, legislatures, or heads of government and monarchs, from under the purview of the RTI Act, is also not considered acceptable. Similarly, the exclusion of certain types of information, like deliberative information, or financial information, or all information about security issues, is also not desirable. Each bit of information must be assessed on its specific merit to qualify for being excluded.

Typical exclusions include information that would harm the integrity or security of a country, or its economic or other critical interests, would inhibit the prevention, investigation or prosecution of a crime, would endanger someone's life or physical safety, would be an unwarranted invasion

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[1] See, for example, Article 19's *The Public's Right to Know: Principles on Freedom of Information Legislation,* http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf

of privacy, or would compromise the competitive position, or legitimate commercial secrets, or intellectual property rights, of an individual, group, or body.

Generally, countries set up RTI regimes which involve designating information officers in all offices of each public authority, who have the responsibility of receiving requests for information and processing them, and either denying with reasons, or providing, the information. There is also usually an appellate process, ideally with the final appeal resting with a body (commission or tribunal) independent of the government and all other public authorities. In many countries, a ultimate appeal lies with the higher judiciary (high courts and supreme courts).

Good laws not only prescribe time limits within which the information must be provided, typically between 15 to 30 days, but also charge little or no fee for the request and only the cost of making copies, when copies of documents have to be provided. Some laws, especially those in the poorer countries, have a provision to waive all fee for the poor and allow illiterate persons to register their request orally. They require the concerned information officer to reduce the oral request to writing and then act on it. Many recent laws are providing for penalties to be paid by the information officers if there is an unreasonable delay, illegitimate refusal, or other specified violation. Some laws allow for compensation to be paid to the applicant if a delay or illegitimate refusal has caused the applicant loss or undue harassment.

An important part of the RTI regime is the legal requirement to make specified categories of information proactively (*suo moto*) public and to disseminate this widely. Proactive disclosures not only makes access faster for the applicant but also lessens the load on a public authority, who might otherwise be inundated by a large number of applications[2]. Where sensitive information is involved, especially when it is sought by members of a disempowered community and might expose powerful vested interests, there is often a danger to the life and safety of the applicants. Providing such information proactively protects the applicant who does not have to reveal herself by filing an application.

Transparency and the Environment

Interestingly, in many parts of the world the first systemic demand for greater transparency came from the environmental movements and out of environmental concerns. In Europe, the United Nations Economic Commission for Europe (UNECE) *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (the Aarhus convention) was signed in 1998[3] and ensured that all the signatory countries set up and maintain a transparency regime for environmental information.

In many other countries, environmental movements were the first to demand a right to access information[4]. In India, for example, the movement was born in 1984 as a result of various gas leakages from chemical plants, including the leak of MIC gas from the Union Carbide plant in Bhopal. These led the environmental activists in India to link up their right to environmental

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[2] It is estimated that in 2012 between two and three million RTI applications were filed in India.

[3] http://ec.europa.eu/environment/aarhus/

[4] For further details, see
http://policydialogue.org/publications/working_papers/transparency_and_the_natural_environment/

information to their fundamental human right to life, arguing that as they had a constitutionally protected right to life, this implied that they had a right to know what and whom threatened their life, what was the government doing to protect them, and what they could do to protect themselves.

Proactive public disclosure of air and water pollution levels has been long recognised as an important factor in building up public awareness about environmental dangers. Additionally, where possible adverse impacts of elevated levels of pollutants, along with a listing of the sources of pollution, have been made public, there has been huge and often successful public pressure to clean up the environment.

Transparency laws are being extensively used to monitor the environmental impact assessment process of governments, and the public is not only accessing, often proactively, the final assessment report, but also the detailed information on the basis of which these reports were made. Also being accessed are the subsequent monitoring reports of projects during construction and operation. This is making it increasingly difficult for governments to clear environmentally destructive projects and activities and, more importantly, for such projects and activities, once they have received the statutory clearances, to operate in disregard of the prescribed environmental safeguards and standards.

Public monitoring of forests and other wilderness areas, and of wild populations of species, is also being subjected to increasing public scrutiny and in many countries the historical tradition of using fictitious data to reassure government leaders and the public, is being questioned on the basis of information accessed by using RTI laws. Apart from the heightened public scrutiny and institutional accountability, RTI laws are also proving to be important means of raising public awareness and education about nature and natural ecosystems.

The plight of communities that are still living in their traditional natural homes has also got highlighted because of transparency laws. Governments are being questioned on why they are in violation not only of international conventions and treaties, to which they are signatories, but also of their own laws. In many parts of the world, the greatest use the RTI Act is being put to is to force governments to, perhaps for the first time, be in compliance with their own laws.

Informative Websites on Transparency in General

Freedominfo: http://freedominfo.org/
Centre for Law and Democracy: http://www.law-democracy.org/live/
Open Society Foundations: http://www.opensocietyfoundations.org
Access Info Europe: http://www.access-info.org/
Transparency and Accountability Initiative: http://www.transparency-initiative.org/
Transparency Advisory Committee: http://transparencyadvisorygroup.org/

Some Helpful Publications

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Darby, Sefton. 2012. Natural Resource Governance: New Frontiers in Transparency and Accountability. Transparency & Accountability Initiative, London. http://www.transparency-initiative.org/wp-content/uploads/2011/05/natural_resources_final1.pdf

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Internal CEESP NRGF Background Brief #20

July 2013

Finance Aspects Relevant to NRGF- Why should consideration of financial institutions and instruments should be included in the NRGF design?

By Gabriel Thoumi
14th July 2013

Effective natural resources governance requires applying financial best practices to both forecasting and managing revenue and expenses, and managing risks such that risks can be appropriately described, priced, aligned, and mitigated. This is part and parcel of successfully managing any project and especially the development of financial tools embedded within any natural resources governance framework. To do this efficiently, natural resource managers, whether Indigenous Peoples communities, concession-holders, smallholders, or institutions with interests in the commodities and goods and services produced by said land, and institutions and groups interested in the governance of land for biodiversity conservation goals, institutions must speak the fluently the language of finance. The reason these institutions must speak the language of finance is so that they can interact effectively with financial institutions while appropriately mitigating a project's financial risks.

Natural resource governance frameworks broadly have not incorporated financial best practices globally. There are no unified financial accounting, financial audit, financial oversight, financial feasibility, and financial management guidelines, requirements and / or best practices in place. Because of this, when approaching capital markets, investors, and other institutions for broad overarching financial support for biodiversity conservation and payments-for-ecosystem services approaches, natural resource managers generally do not communicate effectively with capital funding institutions.

An "NRGF with financial tools embedded within" can support institutions, communities, Indigenous Peoples associations, NGOs, and others who wish to communicate effectively these capital funding institutions. Furthermore, the development of financial best practices will support risk mitigation by these same implementing institutions.

Absent standardization and implementing an "investment-grade" approach to financial management of our Earth's natural resources, one-off and idiosyncratic projects will never grow into broader, financial structures that can secure biodiversity conservation over generations while obtaining greater investment from a broader set of funders. This is because there simply is not enough overseas development assistance funding to support successful natural resources management project finance globally to meet required and needed biodiversity conservation goals.

Internal CEESP NRGF Background Brief #21

July 2013

Protected Areas Governance - What are the potential synergies and potential conflicts between the NRGF ¨knowledge basket¨ and the protected areas governance "knowledge basket" led by WCPA?

By Fred Nelson
18th July 2013

1. Synergies with IUCN PA Governance Knowledge Baskets

Protected Areas Governance - what are the potential synergies and potential conflicts between the NRGF ¨knowledge basket¨ and the protected areas governance "knowledge basket" led by WCPA?

Issues of governance are now well-integrated into IUCN's programs and global work on PAs. Four basic PA governance classes developed by IUCN are now integrated in the World Database on Protected Areas (WDPA), with data on about half of all PAs globally.[1] These are:

- By government
- Shared (co-management)
- Private PAs
- Community-managed (ICCAs)

A basic typology of governance also exists:[2]

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[1] Bastian, B., C. Corrigan, J. Kerrisey, S. Kenney, C. Ravilious, C. Besancon and N. Burgess. 2012. *Protected Planet Report 2012: Tracking progress towards global targets for protected areas*. IUCN, Gland, Switzerland and UNEP-WCMC, Cambridge, UK.

[2] Diagram from *Protected Planet Report 2012*

These frameworks are used not only by WCPA and the IUCN PA Program, but are integrated in the WDPA managed by UNEP, and also are increasingly relevant to the CBD, particularly the Programme of Work on Protected Areas (PoWPA). A currently in-process publication, *Governance of Protected Areas: From Understanding to Action*[3] posted online as a draft for comment, synthesizes much of this emerging knowledge around PA governance and also provides a number of frameworks and analytic tools for assessing PA governance. As the title suggests, there are also additional suggestions for action based on those assessments.

This body of work would appear to be a crucial building block for NRGF, for a number of basic reasons:

- The IUCN (and partners') work on PA governance has established some clear typologies, frameworks, and diagnostic tools. This is precisely what NRGF seems to be proposing.
- While the PA governance work is focused on 'PAs', this is a somewhat expansive definition of PAs as it now includes ICCAs, which are often not formal protected areas. As one of the major challenges for NRGF may be figuring out what scale to carry out analyses of 'natural resource governance', focusing on more discrete physical areas, such as PAs (including ICCAs), may be helpful in terms of developing the framework and associated diagnostic tools.
- The IUCN PA governance framework and tools are used in a number of related processes and monitoring efforts, including most notably WDPA and the CBD PoWPA. These efforts, and particularly the CBD, will be important for deploying the NRGF diagnostics or assessment tools (e.g. such as a NR governance index as proposed), and encouraging widespread use and adoption. Again, it seems crucial to build on what already exists.

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[3] http://www.cbd.int/pa/doc/draft-governance-pa-2012-07-en.pdf Organizations or entities which are co-producers of this document include: GIZ, the CBD Secretariat, CEESP, WCPA, ICCA Consortium, and IUCN. The lead author of the document, G. Borini-Feyerabend, is a member of NRGF WG.

Internal CEESP NRGF Background Brief #22

July 2013

ICCA Governance - What are ICCAs and how can consideration of ICCA governance be integrated into the IUCN Natural Resource Governance Framework (NRGF)

By Grazia Borrini-Feyerabend
30th July 2013

What are ICCAs?

- A **close association** (history, culture, livelihood…) is often found **between an indigenous people or local community and a specific territory, natural area or body of natural resources**. That relationship is usually richer than it can be expressed in words. It is a bond of livelihood, energy and health. It is a source of identity and culture, autonomy and freedom. It is the connecting tie among generations, preserving memories from the past, and connecting those to the desired future. It is the ground on which communities learn, identify values and develop self-rules. For many, it is also a connection between visible and invisible realities, material and spiritual wealth. With territory and nature goes life, dignity and self-determination as peoples.

- When an association such as the one broadly described is combined with **effective governance** and **conservation of nature**, we speak of "**ICCAs**".[1] The term ICCA is an abbreviation (not an acronym) of "**indigenous peoples' and community conserved territories and areas**".

- While the ICCA concept can be sketched generally, specific ICCAs can only be **self identified and self defined** by the indigenous peoples or local communities that govern and conserve them; as such, they have a **plethora of local names**, as many as human cultures.

- ICCAs often coincide with **ecologically-coherent units** (e.g., watershed, forest, coral reef, lake, fishery) and, as such, are important examples of **socio-ecological management units**.[2]

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[1] For a summary review and numerous examples see Borrini-Feyerabend *et al.*, 2010, available in three languages.

[2] Murphree, 1997; Borrini-Feyerabend *et al.*, 2007.

- Self-identified ICCAs exist in terrestrial and aquatic environments and in **all types of ecosystems**; conservative estimates of their global coverage are of nearly 13% of the earth land surface.[3]

- Examples of ICCAs are extremely diverse (large or small, long-standing or new, spiritually-charged or mundane); they include ancestral territories and newly declared "community conserved areas"; extensive territories (e.g., the transhumance routes of mobile indigenous peoples) and localized featured (e.g., the wetland of a settled community); inviolate (sacred) areas and habitats and natural resources managed or restored for sustainable use.

- ICCAs can combine sacred and mundane areas as well as ancient and new features (syncretism).

Characteristics of ICCAs

- ***ICCAs always relate to some type of "commons"*** – land and natural resources governed and managed collectively by a community of people (these are distinct from "communal lands", which include the commons but also land managed by specific families and individuals).[4]

- ***ICCAs have functioning governing institutions*** (holding authority, responsibility, accountability) typically tailored to the context (traditional structures and rules); imbued with local knowledge and endowed with culturally-sensitive diplomatic skills (flexibility, "negotiability" of rules, capacity to respond to local challenges);

- ***ICCAs are the oldest forms of conservation*** – closely related to peoples' history and culture ("*conservation*" is here understood, following the 1980 World Conservation Strategy,[5] as: "…*embracing preservation, maintenance, sustainable utilization, restoration, and enhancement of the natural environment*").

- ICCAs conserve nature but for many peoples and communities they also **secure livelihoods** and **well being** (*buen vivir, sumak kawsay*) in unique ways for unique contexts.

- ICCAs embody the capacity of communities to ***adapt in the face of change (resilience)*** and often provide means for ***food and water sovereignty*** and a ***safety net*** to sustain livelihoods in times of stress (climate events, wars, disasters).

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[3] Kothari *et al.*, 2012.
[4] See Wily, 2012 and Ostrom, 1990.
[5] IUCN, UNEP and WWF, 1980.

- ICCAs are crucial to *empower indigenous peoples (IPs) and local/ rural communities (LCs)*, and to give a sense of *pride to the local youth* (people need a home; they need territories for their sense of identity and well-being).

- ICCAs are forms of *ecological governance* according to several dimensions and, in particular:
  - *scale* (ICCAs tend to coincide with coherent ecosystem units, for which decisions can be taken at a scale that is ecologically rational; the consequences of these decisions are most directly felt by those taking them);
  - *time* (proximity encourages the respect of life cycles; continuity of relationship for generations encourages a management perspective that is long-term and sustainable; ICCA institutional settings are often designed to make this perspective as robust as possible, e.g., only people who have local roots and commitments can be part of decision making bodies).

- Well-functioning ICCAs are *locally legitimate* par excellence; they are accustomed to *adaptive management and embracing complexity* (e.g., can have multiple and interplaying governing bodies and diverse rules in different zones, with important seasonal and yearly variations); despite some tendencies to conservatism, they are also capable of learning and evolving in their own governance systems (*adaptive governance)*.

Threats to ICCAs

- Enormous threats affect or loom upon ICCAs; threats can be external or internal.

- *External threats*: expropriation of the commons (nationalisation, privatisation, land and water grabbing, land encroachment…), development initiatives (extractive industries, monocultures, mega-infrastructure...), violent conflicts, acculturation ("education", advertisements, evangelisation...), climate-related disasters, etc. Inappropriate recognition is also a serious problem. Ultimate external threat: *forced eviction and imposition of destructive practices on the ICCAs*– often resulting from combined private interests and government decisions.

- *Internal threats:* erosion of local knowledge and attachment to the local environment, loss of local language and cultural practices, abandonment of traditional learning processes within communities (communication between the elders and the youth), etc. Ultimate internal threat: *loss of the institutions capable of governing the commons* (deciding and acting together).

Responses to threats

- *Responses by communities:* internal organizing/ analyses (study groups, action committees, species inventories, mapping & demarcation of territories, dialogues between elders and youth, capacity building events, exchange visits); info dissemination/ transparency

(alerts through media and the Internet, alliances with journalists in country and abroad…); diplomatic action (national alliances, political lobbying, parliament hearings, international alliances & lobbying); specific legal action at various levels… but also demonstrations, marches, protests, picket lines, road blocks & various acts of civil disobedience. Overall: *IPs and LCs have been strengthening themselves, enhancing their capacities and demanding that their own institutions are recognized as rightful governing bodies for their ancestral domains and their commons (ICCAs)*.

- *Responses by international policy*: from ILO 169 to a variety of post Durban WPC policies: CBD PoWPA, IUCN Resolutions, UNDRIP, CBD decisions, Aichi Targets; FAO voluntary guidelines on governance of tenure for land, fisheries and forests. Notice the preferential position of IPs versus LCs in many such policies.

- *Responses at the national level*: the conventional, very disturbing approach was/is that the government imposes a protected area on top of ICCAs; new approaches are emerging to recognize and support ICCAs in appropriate and non-destructive ways; the *moments of "recognition" and "provision of support"*, however, are *very dangerous in the life of ICCAs*, in particular if these processes wish to tamper with their governance institutions.

ICCAs and protected areas

The *IUCN defines ICCAs* as:

- *"… natural and modified ecosystems including significant biodiversity, ecological services and cultural values voluntarily conserved by indigenous peoples and local and mobile communities through customary laws and other effective means…"*[6] As such, ICCAs *can be* protected areas (in fact, one of the four main governance types of protected areas recognized by the Union).[7]

- Notice the terms "voluntarily conserved" in the IUCN definition. Voluntary conservation may be *intended* as main objective (which fits the IUCN protected area definition) or *intended but secondary* to other objectives (which does not fit) or *fully unintended/ ancillary* (which does not fit at all).

- Importantly, an ICCA may fit the IUCN definition of but not be recognized as protected areas by its own *country*; also, many IPs and LCs *do not want* their ICCAs to be recognized as protected areas because of the governance consequences this may bring about in their national context.

- The ICCA Consortium is concerned with ICCAs independently of whether they are or wish to be recognized as protected areas. The CBD has taken a similar position when – in Aichi target 11 – it has spoken of the need to increase the coverage of "protected areas and

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[6] Borrini-Feyerabend et al., 2004.
[7] Dudley, 2008.

other area-based effective conservation measures"; ICCAs can be protected areas but also "other area-based effective conservation measures" as they are conservation-effective by definition (… the term "area-based", however, may not fit those ICCAs that have "porous borders").

Advice for the NRGF[8]

- As a recap, you have an *ICCA* when *three features* are present:

  - A *strong bond* (livelihood, history, identity) between a community of people and a natural area/territory/ habitat of a species;
  - The community has a *de facto* (not necessarily *de jure*) *capacity/power to take the key management decisions* (e.g., customary access and use rules) regarding that natural area/territory/ habitat;
  - The decisions of the community (not necessarily aiming at conserving nature) have *positive results for the conservation of nature.*

- ICCAs include *the word bio-cultural jewels* and— as such— should be appropriately recognized, secured ad supported.

- The ICCA Consortium has distilled some key *advice on ways to appropriately recognize and secure ICCAs*, namely:

  - *community integrity, internal solidarity and strength* are essential to any ICCA and *must be nourished* in all type of interaction;
  - friends and allies from civil society can and do play crucial supporting roles;
  - national governments have international obligations vis-à-vis ICCAs, which can be leveraged;
  - at best, governments would recognize ICCAs as *coherent land, water, and natural resources units* governed by *self-defined IPs or LCs* (legal subjects) under a *common title* (property or right of use) that is *inalienable, indivisible and established in perpetuity;*
  - a process of *Free, Prior and Informed Consent* – including ongoing *monitoring and revisions* -- should be followed in all matters regarding ICCAs;
  - under appropriate conditions and provided they maintain their own governance institutions, ICCAs can benefit from being officially recognized as protected areas;
  - ICCAs that have been incorporated into protected area systems *without* the FPIC of the relevant IPs or LCs should be recognized "as ICCAs" and provided *remedy, redress and support*, as appropriate.

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[8] See Borrini-Feyerabend et al., 2013; Kothari et al., 2012; Lausche, 2011; and Borrini-Feyerabend et al., 2010.

- The ICCA Consortium has also distilled **advice on types of support to ICCAs that are useful and non-destructive**, namely:

  - support to enforce the management rules established by the community;
  - capacity development upon request;
  - opportunities for networking, mutual exchanges, and joint learning and advocacy among ICCAs;
  - social recognition for ICCAs;
  - promotion of good governance at all levels;
  - financial incentives? – possibly but with caution and with safeguards to maintain and strengthen community independence and integrity;
  - support should never temper top-down with ICCA governance institutions.

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Internal CEESP NRGF Background Brief #23

July 2013

Key Lesson from the World Dams Commission Framework for Decision Making that can be applied to improve the NRGF design

By Joji Cariño
17th July 2013

WCD Process

- Development effectiveness was jointly evaluated by the directly affected and interested parties - to generate and study the evidence, agree the findings, learn the lessons and make the recommendations, through a multi-stakeholder forum.

- Failure to recognise the rights of all affected groups, whether legally sanctioned or not, coupled with the significant involuntary risk imposed on the most vulnerable, is central to the dams debate and associated conflicts.

- A fair, informed and transparent decision-making process, based on the acknowledgement and protection of existing rights and entitlements, will give all stakeholders the opportunity to fully and actively participate in the decision-making process.

Analysis of planning, decision-making , and compliance issues

- Participation and transparency in planning processes for large dams frequently was neither inclusive nor open.

- Options assessment has been typically limited in scope and confined primarily to technical parameters and the narrow application of economic cost-benefit analyses.

- The participation of affected people and the undertaking of environmental and social impact assessment have often occurred late in the process and were limited in scope

- The paucity of monitoring and evaluation activity once a large dam is built has impeded learning from experience

- Many countries have not yet established licensing periods that clarify the responsibilities of the owner towards the end of the dam's effective life.

From rights and risks to negotiated agreements: a framework for options assessment and project planning
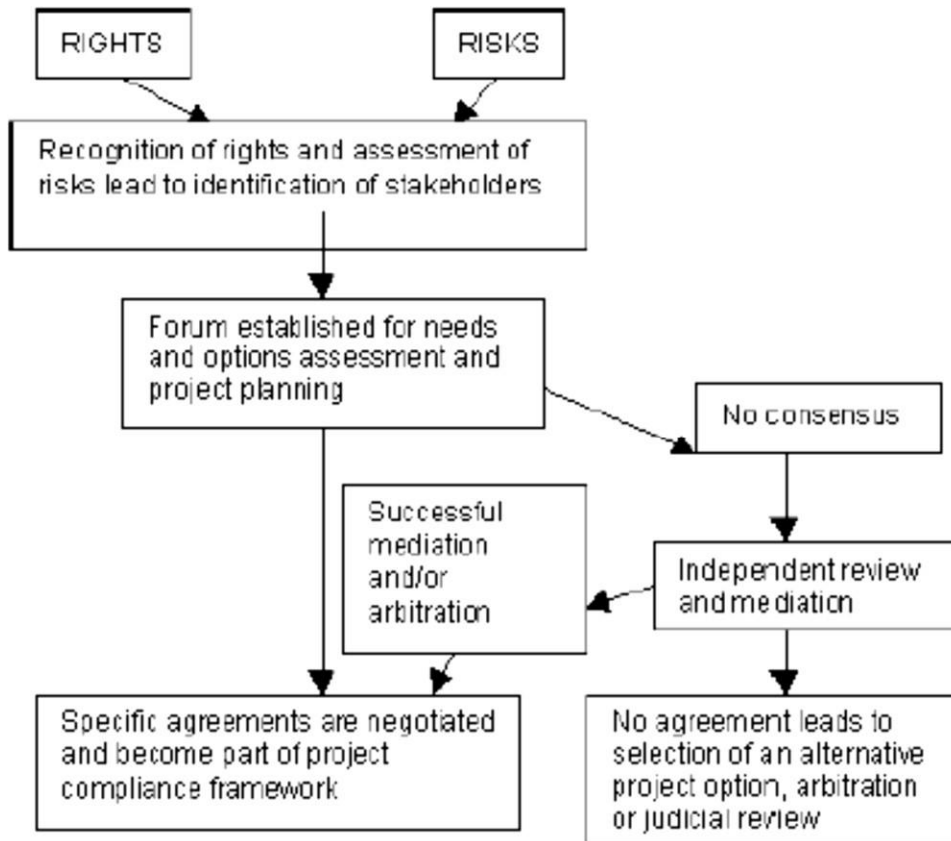
WCD Strategic Priorities

- Gaining Public Acceptance

- Comprehensive Options Assessment

- Addressing Existing Dams

- Sustaining Rivers and Livelihoods

- Recognizing Entitlements and Sharing Benefits

- Ensuring Compliance

- Sharing Rivers for Peace, Development and Security

The Report of the World Commission on Dams

Strategic Priority 1
Gaining Public Acceptance

- Public acceptance of key decisions is essential for equitable and sustainable water and energy resources development.
- Acceptance emerges from recognising rights, addressing risks, and safeguarding the entitlements of all groups of affected people, particularly indigenous and tribal peoples, women and other vulnerable groups.
- Decision-making processes and mechanisms are used that enable informed participation by all groups of people, and result in the demonstrable acceptance of key decisions.
- Where projects affect indigenous and tribal peoples, such processes are guided by their free, prior and informed consent.

Strategic Priority 5
Recognizing Entitlements and Sharing Benefits

Joint negotiations with adversely affected people result in mutually agreed and legally enforceable mitigation and development provisions. These provisions recognize entitlements that improve livelihoods and quality of life, and affected people are beneficiaries of the project.

Successful mitigation, resettlement and development are fundamental commitments and responsibilities of the State and the developer. They bear the onus to satisfy all affected people that moving from their current context and resources will improve their livelihoods.

Accountability of responsible parties to agreed mitigation, resettlement and development provisions is ensured through legal means, such as contracts, and through accessible legal recourse at national and international levels.

Strategic Priority 6
Ensuring Compliance

Ensuring public trust and confidence requires that governments, developers, regulators and operators meet all commitments made for the planning, implementation and operation of dams. Compliance with applicable regulations, with criteria and guidelines, and with project-specific negotiated agreements is secured at all critical stages in project planning and implementation.

A set of mutually reinforcing incentives and mechanisms is required for social, environmental and technical measures. These should involve an appropriate mix of **regulatory and non-regulatory measures, incorporating incentives and sanctions. Regulatory and compliance frameworks use incentives and sanctions to ensure effectiveness where flexibility is needed to accommodate changing circumstances.**

"A development strategy that disregards or interferes with human rights is the very negation of development."
Realization of the Right to Development, Report prepared by the Secretary General, February 1990

Participation in the Development Process

- Organized efforts to increase control over resources
and regulative institutions in given social situations,
on the part of groups and movements of those hitherto excluded from such control.
The United Nations Research Institute on Social Development

"Self-determination and sustainable development were two sides of the same coin."
Indigenous Peoples addressing the UNGA Special Session on Sustainable Development

Internal CEESP NRGF Background Brief #24

July 2013

The IUCN One Program Approach – Institutional opportunities and challenges for the NRGF

By George Greene
7th July 2013

The One Programme Charter

IUCN's vision is for *a just world that values and conserves nature.* Its mission is *to influence, 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.*
IUCN's unique organizational structure is one of our main strengths - comprising
- Government and NGO Members
- 6 Commissions of science and management experts
- Secretariat
- Council
- National and Regional Committees of Members

The One Programme Approach has been developed to strengthen the delivery and impact of the IUCN Programme in support of our vision and mission, by effectively leveraging the respective roles, capacities and unique features of these constituent parts of the Union.

The Jeju Congress adopted the One Programme Charter[1]. It calls upon the Secretariat, Commissions, and National and Regional Committees to work together to develop and implement the IUCN Programme collaboratively. It invites Members, where their priorities and capacities align with the Programme, to participate in its implementation. The Charter comprises a set of principles

The Principles of the Charter are relevant to development and implementation of the NRGF:
- ***Practice subsidiarity and use the best-placed entity of the Union*** *– the most appropriate constituent parts of IUCN make decisions, participate in the Programme in line with their capacities, and are assigned responsibilities at the most appropriate level for specific program activities to deliver the intended national, regional or global Programme result*

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[1] IUCN One Programme Charter – Adopted at the IUCN World Conservation Congress, Jeju Korea 2012

- ***Cooperate, don't compete*** *– the constituent parts of IUCN work together in a coordinated manner to deliver Programme results and do not compete for resources*
- ***Link resources to responsibility*** *– resources are allocated to the constituent part of IUCN assigned to deliver a particular Programme activity and result*
- ***Be transparent and communicate*** *– transparency and good communication is maintained on plans and activities among all constituent parts of IUCN.*

The One Programme Charter comprises commitment statements for each constituent part of IUCN:
- Roles and Responsibilities
- Expected Behaviours through for each of the parts of the Union covering
  - **Organizational culture**
  - **Programme development, delivery and financing**
  - **Accountabilities.**

Acting on the One Programme Charter - Opportunities

The IUCN Secretariat sees its work with Members in the Region involving the following roles[2]:
- Coordinator and Joint Implementer
- Convenor and Facilitator
- Grant Maker and Fundraiser
- Adviser and Expert Institution and Capacity Builder

There are good examples of the Secretariat working together with IUCN Commissions and Members to develop and deliver projects and larger initiatives in the IUCN Programme including in the regions (see the document in footnote 2) as well as at the global level for example the IUCN Red List and the World Protected Areas Congress.

Acting on the One Programme Charter – Challenges

However challenges remain which need to be overcome in making the NRGF a successful Union-wide initiative including:
- Old habits of keeping control within one constituent part – Secretariat, Commission
- Competencies focused on project management and direct implementation where facilitation and networking skills are needed
- Competition for resources
- Financing the involvement of Commission members and IUCN members
- Adequate accountability mechanisms for programme delivery by non-secretariat parts of the Union.

Measuring Progress on Implementing the One Programme Charter

The IUCN Financial Plan for 2013 – 16 includes the following indicators of progress:

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[2] Overview of Cooperation between IUCN Regional Secretariat and IUCN Members. Information Brief to Council , November 2012

- Broad participation in Programme delivery: Extent of collaboration with and involvement of Members National / Regional Committees and Commissions
- Assessment of percentage and value of work delivered with and through each component and number of Members, National / Regional Committees and Commissions involved
- Adequate funding of Commissions for Programme Areas - The use of total funding of Commissions collectively and individually measured by share of different funding sources, and break-down of the use of funds by purpose and Programme Area

These can be used as measures of success for the NGRF applying the One Programme Approach.