

地球環境学

Global Environmental Studies

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International Overview of Sacred Natural Sites and Indigenous and Community Conserved Areas (ICCAs) and the Need for Their Recognition

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Abstract

Sacred natural sites and indigenous and community conserved areas (ICCAs) are repositories of biological and cultural diversity, and represent communities' religious values, customary rules, institutional fabric, traditional knowledge and conservation culture. With changing environments, ICCAs, including sacred sites, face external and internal challenges to their survival, evolution and preservation. As such, ICCAs require recognition on par with the official protected areas managed by governments. Yet despite increasing recognition of ICCAs in international conservation policies, they still largely lack effective and appropriate recognition in national policies and practices. In addition to exploring sacred groves as ICCAs, this article examines the policy and legal instruments that recognize ICCAs at the international and national levels. This article also recommends strategies to enhance the protection of ICCAs, including by shifting the paradigm from government-controlled protected areas to community-controlled conservation areas. National policies and legislation must give more prominence to the customary laws and traditional institutions of the indigenous peoples and local communities managing these conservation areas, as well as acknowledging their rights to self-governance and self-determination.

Keywords:

Sacred groves; Sacred natural sites; ICCA; Indigenous people; Protected areas; Community conservation

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神聖な自然地と先住民・コミュニティ保全地域（ICCAs） についての国際的概観、およびこれらの認識の必要性

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概要

神聖な自然地と先住民・コミュニティ保全地域（ICCAs）は生物的文化的多様性の宝庫であり、コミュニティの宗教的価値、伝統的しきたりや知識、保全文化の現われである。しかしながら、環境変化によって、ICCAsや神聖な土地の存続が危ぶまれる事態が起こってきており、ICCAsについても公的な保全地域と同様な認識が得られるべきである。国際的な保全政策においてICCAsの認識は高まりつつあるが、国家レベルの政策実行においては未だ極めて不十分な実態がある。本論においては、ICCAsの国際的国家的レベルにおいての制度的措置について概観を行った。政府が管理する保全地域からコミュニティが管理する保全地域へのパラダイムシフトのためには、国家レベルの政策において、伝統的法制度、先住民の自治、コミュニティによる保全地域の管理などを明確に位置づけることが必要である。

International Overview of Sacred Natural Sites and Indigenous and Community Conserved Areas (ICCAs) and the Need for Their Recognition

Introduction

Indigenous peoples and local communities, both settled and nomadic, have for millennia played a critical role in conserving a variety of natural environments and species. Such conserved areas range in size from a few trees or a small tract of land to much larger landscapes. These communities practice conservation for a variety of economic, social, cultural, spiritual, and aesthetic reasons. These local conservation areas were popularly known as ‘sacred groves’ – culturally conserved sites with flora and fauna, religious sites with significant biota, and environmentally conserved areas protected and preserved by indigenous people and / or local communities. Once existing all over the world, particularly in ancient Europe, Japan, China, the Indian subcontinent, South-East Asia, Africa, Mexico, and parts of the Middle East, today most sacred groves are contained within government-managed protected areas such as national parks and sanctuaries, or outside formal protected areas altogether.

The ancient culture of conservation has continued into the early 21st century with the modern movement of nature conservation on the part of States. Indigenous people and local communities have also continued to conserve territories outside government-managed protected areas in the form of sacred groves or other types of commons (with communal tenurial rights). In 2003, the 5th World Parks Congress (WPC5)⁽¹⁾, held in Durban, recognized such areas and territories as indigenous and community conserved areas (ICCAs)–spaces governed *de facto* by indigenous peoples or local communities. This recognition has had positive outcomes for the conservation of biological and cultural diversity in ICCAs. Today there are thousands of ICCAs across the world, including sacred wetlands, village lakes, forests, landscapes, catchment forests, rivers, coastal stretches, and marine areas. Fortunately, there is also a growing recognition of ICCAs and an acknowledgement of their role in the conservation of biodiversity. Some governments have integrated them into their official Protected Area Systems, and the Programme of Work on Protected Areas (PoWPA)⁽²⁾ of the Convention on Biological Diversity (CBD) has recognized them as legitimate conservation sites that deserve support and, as appropriate, inclusion in national and international systems. Indeed, the 11th, 12th and 13th Conference of the Parties (COP) to the CBD also adopted a wide range of decisions broadly relevant to ICCAs, giving distinct recognition to this concept of community conservation. In 2016, the IUCN⁽³⁾ World Conservation Congress focused specifically on ICCAs. By mid-2017, over 64 countries had recognized ICCAs, while 28 countries had properly registered in the ICCA registry.⁽⁴⁾

(1) <https://www.iucn.org/content/2003-durban-world-parks-congress>

(2) <https://www.cbd.int/protected/pow>

(3) The World Conservation Union, <https://www.iucn.org/>

(4) <http://www.iccaregistry.org/en/explore>

Despite increasing recognition of ICCAs in international conservation policies, for the most part they still lack effective and appropriate recognition of ICCAs in national policies and practices. In cases where there is no legal recognition of ICCAs within a country, there may also be a lack of recognition of ICCAs by private entities and neighbouring communities. In such cases, ICCAs are vulnerable to appropriation or development for alternative use. To non-members of the relevant communities, many ICCAs appear as natural, 'unmanaged' and 'unutilized' ecosystems – all the more coveted for resource extraction. ICCAs may also suffer as a result of changing value systems, increased pressure on natural resources, and other internal tensions. As a result of these threats and challenges, there is now a striking urgency to revive, sustain, preserve and maintain ICCAs.

How can the protection of ICCAs be realized? Global policies and frameworks can create an environment conducive to supporting ICCAs. Changing international policies to create a more supportive legal environment is important, not only to change the attitudes of civil society, national governments, the private sector, and local communities towards the sacred sites or ICCAs, but also to pave the way for structured institutional support for ICCAs. National policies and legal instruments must also enable ICCAs to survive sustainably. Countries can promulgate policy or legislation based on model international legal instruments. This article highlights changes to international and national law and policy environments that can improve protections for ICCAs. It is recommended that ICCAs receive national treatment on par with formal protected areas governed under State laws. This will enable the protection of ecosystems and habitats, and the conservation of biological and cultural diversity in community-controlled ICCAs as they are preserved in State-controlled formal protected areas.

Sacred Natural Sites and their Philosophical Foundations

The foundations of conservation go back to the time of temple gardens in Asia and European game preserves (Borgerhoff-Mulder and Coppolillo, 2005). For example, the totemic system was an ancient practice among indigenous and traditional communities around the world, relating to the animals or plants assigned by and to particular families. Humanity's reverential relationship to plants and animals has not vanished with advances in science and technology (Sivakumar, Nair and Jaya, 2014).

Sacred groves are one example of human-nature interactions that rest on cultural, spiritual, religious and socio-economic foundations. A sacred grove is a grove of trees / vegetation or a land- or waterscape that is protected and conserved by the local community through traditional, cultural, social and religious practices. Sacred groves feature in various cultures throughout the world, and have been closely interwoven with social and cultural life. They were important features of the mythological landscape and cult practices of Celtic, Baltic, Germanic, ancient Greek, Near Eastern, Roman, and Slavic polytheism, and were also used in India, Japan, China, and Africa, although they were called by many different names. Though India has documented the sacred forests or groves thoroughly, traditional sacred areas of various types are found in

all parts of the world (Ramakrishnan, Saxena and Chandrashekara, 1998). Many parts of Mexico, Ghana, Nigeria, Syria, Turkey and Japan are reported to hold a concept of sacred groves (Priyanka, Singh and Husain, 2012). In Kenya, it is 'Kaya', whereas in Japan, sacred groves are called 'Chinju-no Mori' (Madeweya, Hiroyasu and Mitsuo, 2004). As Kala (2011) states, the evidence suggests that the sacred grove concept of biodiversity conservation was adopted by various indigenous communities worldwide, including Aboriginal Australians, the communities of the Caucasus Mountains, ancient Slavic people, German tribes (Tokarev, 1989), ancient Greeks and Romans, the Kikuyu of Africa (Hughes, 1990), and the Mbeere tribe of East Africa (Gowda, 2006). In many parts of the world, local habitat taboos often provide effective protection for smaller ecosystems, for example in West Africa (Lebbie and Guries, 1995; Kokou *et al.*, 1999), East Africa (McClanahan *et al.*, 1997; Mgumia and Oba, 2003), Southern Africa (Byers, Cunliffe and Hudak, 2001), India (Gadgil and Guha, 1993) and China (Liu *et al.*, 2002). In South Asia, religion and nature are seen as intertwined; since the 'Vedic' era, there has been a strong notion that humans should not destroy nature (Sivakumar, Nair and Jaya, 2014). For example, the sacred groves of Meghalaya, in India, are village forest lands set aside for religious purposes under the traditional land tenure system (Gurdon, 1975). It is an offense, customarily, to cut trees from a sacred grove except for cremation and religious purposes. Three types of forests under traditional forest classification system (viz. Law Lyngdoh, Law Kyntang and Law Niam) are considered sacred forests in Meghalaya (Tiwari, Barik and Tripathi, 1998).

It is believed that before the spread of Christianity and Islam, sacred groves covered much of the Middle East and Europe. Despite its decline, the concept of the sacred grove is still relevant today, especially in many parts of Asia, Africa and Mexico (Gadgil, Berkes and Folke, 1993). In India, for example, over 13,720 sacred groves have been listed (Malhotra *et al.*, 2001), existing across diverse topographical and climatic conditions from north to south. Likewise, Ecuador has identified 328 sacred sites and 263 sacred sites have been identified in the Russian north (Oviedo, 2006).

Sacred groves are home to a number of plant and animal species that are not found elsewhere (Haridasan and Rao, 1985) and hence they are very rich in biodiversity. For example, a sacred grove of just 1.4 km² in the Indian state of Kerala has 722 species of angiosperms, whereas an area of 90 km² in Silent Valley National Park in the same state has 960 species. Thus, the size of a sacred grove cannot be a measure for the biodiversity resources it contains (Basha, 1998). Darlong (1995) notes that since sacred groves provide safe sites for the reproduction of a variety of plant and animal species, they also help in maintaining viable populations of pollinators and predators and in conserving germplasm (Khiewtam, 1986). Thus, sacred groves are precious resources for native utilization of plant varieties and ethnobotanical practices. Indeed, many of the plants in sacred groves have medicinal value as well as environmental importance. For example, in Pallapatty village in Tamil Nadu, India, a total of 133 plant species belonging to 113 genera of 51 families are found in sacred groves, and many have spiritual and therapeutic uses (Ganesan *et al.*, 2009). Numerous studies have highlighted the role of sacred groves in the conservation of biodiversity across India, including in West Bengal (Pandit and Bhakat, 2007), Northeast India (Khumbongmayum, Khan and Tripathi, 2004), and the Eastern Ghats (Gadgil and Vartak, 1976).

Moreover, sacred groves encompass canopies that provide the necessary shade for keeping air, soil and water clean and pollution free. Due to the thick vegetation present in sacred groves, the topsoil is also protected and kept wet enough to sustain watersheds. Plant residues like dry leaves and twigs provide a natural bed, helping the soil to retain desired levels of moisture, aeration and fertility. The microclimate associated with sacred groves serves as a catalyst for nutrient recycling, and can also recharge aquifers and act as a primary source of perennial streams. Soil is usually rich in nutrients, and the canopy of vegetation helps prevent soil degradation, resulting in soil with a high accumulation of biomass and organic contents (Kala, 2011). Land surrounding sacred groves also tends to have higher moisture content, and farmers in proximity of such groves have relatively higher production of crops (Kala, 2011). As a result of these factors, sacred groves have been found to generate important ecosystem services for local communities, including non-timber forest products (e.g. medicinal plants, fruits, and firewood), firebreaks, watershed protection, and protection of freshwater sources (Lebbie and Guries, 1995; Virtanen, 2002; Ramakrishnan, 1998).

From Sacred Nature to Modern Conservation

According to Robson and Berkes (2010) the similarities between traditional and modern conservation are greater than many people appreciate. Colding and Folke (1997) found that nearly one-third of species-specific taboos held by indigenous peoples worldwide corresponded to threatened species that appeared on the IUCN Red List.⁽⁵⁾

Many UNESCO World Heritage Sites⁽⁶⁾ integrate the conservation of cultural and biological diversity, sacred mountains, sacred forests, temples and shrines, sacred lakes and springs. Schaaf and Lee (2006) have reiterated the classification proposed by UNESCO of sacred sites. These are: (1) sacred mountains (e.g. sacred sites and pilgrimage routes in the Kii Mountain Range of Japan, Mount Fuji of Japan, sacred peaks of the Nepali and Indian Himalayas, Adam's Peak in Sri Lanka); (2) sacred landscapes (e.g. sacred hidden valleys of the Nepali Himalayas, sacred sites and burial sites of Kyrgyzstan, the cultural landscape of the Kalahari in Botswana, sacred islands of the Solovetsky Archipelago in the White Sea, Russia); (3) sacred forests (e.g. sacred forests in temples and shrines in Japan, Kaya forests of coastal Kenya, sacred areas with protective magic, co-managed Bolivian sacred forests and indigenous lands); and (4) sacred water (e.g. American Indian sacred springs and waters of New Mexico, Sacred Sites and Gathering Grounds Initiative of Arizona, sacred lakes and springs of the Huascarán World Heritage Site and Biosphere Reserve in Peru, rivers of the Ainu people in Japan).

Robson and Berkes (2010) also note that many national parks around the world have been established at the sites of former sacred areas. One such example is the Alto Fragua Indiwasi National Park – the first

(5) <http://www.iucnredlist.org/>

(6) <http://whc.unesco.org/en/list>

national park in Colombia created at the request of indigenous groups. Another example is the Kazdagi National Park in western Turkey, which was established in an area with centuries-old sacred sites and a high diversity of trees used by local woodworkers for crafting wood products since the time of the Ottoman Sultan Mehmed II in the 1400s (Berkes, 2008). Likewise, Namibia's ICCA, the Ehi-rovipuka Conservancy, borders Etosha National Park and is part of a national network of conservancies that devolve wildlife rights, use and benefits to local communities (Hoole, 2008). It is one of the community-based conservation areas in southern Africa that originated with the Communal Areas Management Program for Indigenous Resources (CAMPFIRE) in Zimbabwe in the 1980s and spread to other countries like Zambia and Mozambique (Fabricius *et al.*, 2004). These cases exemplify mixed systems that respond to contemporary issues and livelihood needs, while retaining historic sacred relations and traditional land use practices.

Sacred natural sites are now encompassed in the concept of Indigenous and Community Conserved Areas (ICCAs). Alongside ancient ICCAs such as sacred groves, a number of new ICCAs have been established in recent years. As the IUCN (2016) describes, ICCAs are natural and / or modified ecosystems containing significant biodiversity value, ecological services and cultural value, voluntarily conserved by indigenous peoples and local communities, both sedentary and nomadic, through customary laws or other effective means. ICCAs can include ecosystems that have been minimally or substantially influenced by humans, and can also encompass cases of the continuation, revival or modification of traditional practices as well as new initiatives taken up by communities in the face of changing threats or opportunities. In terrestrial areas, ICCAs often emerge from a combination of traditional practices applied to new species, and an evolving consensus on what constitutes environmentally friendly land use practices (Robson and Berkes, 2010). In the case of waterscapes, marine ICCAs are often a legacy of traditional reef and lagoon tenure systems in which the use of closed areas, closed seasons and taboo species is common. More than 500 locally managed marine areas are found in the Philippines and more than 300 in Fiji, reflecting rapidly growing networks resulting from the efforts of leading island nations (LMMA Network, 2009).

Pathak-Broome and Dash (2012) have highlighted that the analysis of 140 case studies from India indicates that 99 community conserved areas (CCAs) have sustained the availability of natural resources; 62 CCAs have financially benefited people from the sale of resources; 67 CCAs have socially benefited by maintaining livelihoods and social equity; 52 CCAs have culturally benefited the local community through cohesiveness within the community, revival of abandoned cultural practices and so on; and 22 CCAs have provided better employment opportunities. Political or governance-related benefits are also an important aspect of CCAs (Pathak-Broome and Dash, 2012).

Barring certain exceptions, ICCAs are mostly found on common or collectively owned and managed lands, or on government lands that may have originally been the customary commons of indigenous peoples or local communities. Kothari *et al.* (2012) have identified several categories of ICCAs, including:

- Sacred natural sites or spaces, ranging from tiny forest groves and wetlands to entire landscapes and waterscapes, often (but not necessarily) left completely or largely inviolate (Kothari *et al.*, 2012).
- Indigenous peoples' territories having both sustainable use value and cultural value (e.g. Tierras Comunitarias de Origen in Bolivia⁽⁷⁾, indigenous territories with multiple villages in Suriname, Indigenous Protected Areas in Australia⁽⁸⁾, Indigenous Reserves in Costa Rica⁽⁹⁾, Indigenous 'Comarcas' in Panama⁽¹⁰⁾).
- Territories (terrestrial or marine) over which nomadic communities have traditionally roamed, managing resources through customary regulations and practices (e.g. customary rangelands of tribal confederacies in Iran, pastoral landscapes in Kenya and Ethiopia (Bassi, 2006)).
- Resource catchment areas on which communities base their livelihoods or from which key ecosystem benefits are derived, managed in such a way that these benefits are sustained over time (e.g. locally managed marine areas⁽¹¹⁾ in the South Pacific and Madagascar, autonomous marine protected areas and Satoumi seascapes in Japan (Tsujimoto, 2011), marine areas for responsible fishing in Costa Rica, community forests in countries of South Asia, Tanzania and others (Bhatt *et al.*, 2012; Makino, 2011; Yagi, 2011).
- Nesting or roosting sites, other critical habitats of wild plants and animals, or wildlife populations spread over large territories, conserved for ethical or other reasons connected to the protection of plants and animals (e.g. dozens of bird nesting and roosting sites in India, sacred crocodile ponds in Gambia and Mali, certain tree species like arawone (*Tabebuia serratifolia*) in Suriname, marine turtle nesting sites in Chile, Costa Rica, Suriname, and several countries of South Asia (Bhatt *et al.*, 2012).
- Landscapes with mosaics of natural and agricultural ecosystems, containing considerable cultural and biodiversity value, managed by farming and pastoral communities or mixed rural-urban communities (e.g. Parque de la Papa in Peru⁽¹²⁾, some protected landscapes in Europe, and others (Amend *et al.*, 2008; Brown and Kothari, 2011; MEQ, 2011).

There are no exact figures for ICCAs available to date, as the concept has only been consolidated recently. Some scholars estimate that about 420 million ha of forests (11% of the world's total) are under community ownership or administration (Molnar, Scherr and Khare, 2004), and that this could double in the near future (White, Khare and Molnar, 2004). UNEP-WCMC has established an ICCA Registry⁽¹³⁾, which has begun

(7) http://www.territorioindigenaygobernanza.com/bov_06.html

(8) <http://www.environment.gov.au/land/indigenous-protected-areas>

(9) E.g. Talamanca Cabecar Indigenous Reserve, Maleku Indian Reserve, Yorkin Indigenous Reserve (<http://www.timetravelturtle.com/2014/01/bribri-yorkin-indigenous-costa-rica/>), and so on.

(10) <http://www.villagerights.com/Panama-The-Comarca-And-The-Kuna>

(11) <http://lmmanetwork.org/>

(12) <http://www.parquedelapapa.org/>

(13) <http://www.iccaregistry.org/>

to document ICCAs⁽¹⁴⁾. ICCAs may far outnumber current officially designated protected areas (of which there are about 130,000 – mostly governed by government agencies), covering as much if not more territory (nearly 13% of the earth's land surface) (Kothari *et al.*, 2012).

Threats and Challenges to Sacred Sites and ICCAs

Currently threats and challenges faced by ICCAs are at a critical point. Over the last two centuries, formal policies and practices governing conservation and development have largely ignored ICCAs, or worse-actively threatened them. Even today, as neglect and harm give way to emerging recognition and support, the interface between state-promoted institutions and the customary institutions of indigenous peoples and local communities remains riddled with conflict.

The ICCA Registry (2016) has identified the following threats to ICCAs:

- Loss of important sacred sites, species and traditional medicines;
- Undeclared ownership or tenure of land and resources (i.e., lack of recognition);
- Inappropriate forms of recognition or national policies that weaken traditional governance;
- Conflict with other protected areas overlapping with the ICCA, leading to expropriation of community lands;
- Development (transport infrastructure, buildings and so forth);
- Extraction (e.g. hunting, mining, logging, fishing);
- Localized impacts of global climate change;
- Invasive species;
- Over-harvesting of resources;
- Biodiversity decline;
- Excessive tourism access;
- Inappropriate management;
- De-legitimization of customary rights;
- Inequities (social, economic and / or political) within the ICCA;
- Conflict with neighbouring or associated communities;
- War and movement of refugees;
- Loss of traditional or local knowledge;
- Change in cultural practices; and
- Destabilization of community due to exodus of members.

(14) Kothari *et al.* (2012) have reported that certain ICCAs were documented until 2012 in some countries, including Australia (50), Bolivia (258), Canada (30), Costa Rica (22), Fiji (150), India (20000, with 100000–150000 sacred natural sites), Iran (several hundred), Japan (>1000), Kenya (111), Mexico (301), Namibia (89), Nepal (several hundred), Philippines (156), Russia (475), Senegal (33), China (60000), Madagascar (1016), and Tanzania (1457). The documentation is still evolving.

Gu and Chen (2011) articulate that despite progress made at the international level, challenges remain as to how to develop contextualized local strategies to maintain the cultural and ecological integrity of such sites, which are increasingly under pressure from rapid socio-economic changes. Sacred natural sites in developing countries are particularly susceptible to the negative impacts associated with infrastructure development, tourism, commercial farming and secularization. However, with proper and appropriate governance procedures in place, ICCAs could be an integral part of tourism and sustainable development.

There also remains an overall lack of effective and appropriate recognition in national policies and practices. In cases where there is no legal recognition within a country, ICCAs may also not be recognized or respected by private entities and neighbouring communities. In such cases, ICCAs are vulnerable to land and water being appropriated or “reallocated” for an alternative use. To non-members of the relevant communities, many ICCAs appear as natural, “unmanaged” and “unutilized” ecosystems, and are coveted for resource extraction. ICCAs may also suffer as a result of changing value systems, increased pressure on natural resources, and other internal tensions. In general, ICCAs are exposed to both external and internal threats that must be met with systematic institutional and policy interventions.

International Recognition of ICCAs

At the global level, conservation professionals acknowledged that indigenous peoples and local communities should be fully recognized in conservation governance for the first time at the 5th World Parks Congress (WPC 5) held in Durban in 2003. The WPC also developed specific recommendations on ICCAs and on the governance of protected areas (PAs) (IUCN, 2016). The IUCN and various civil society organizations federated under the ICCA Consortium⁽¹⁵⁾ pushed the need for the recognition of ICCAs at the intergovernmental level.

The first global recognition of ICCAs occurred with the UN Convention on Biological Diversity (CBD). Shortly after WPC 5, parties to the CBD at its COP 7 meeting in Kuala Lumpur in 2004 approved the CBD Programme of Work on Protected Areas (PoWPA), which supported a “new approach” to protected areas, calling for greater attention to the type and quality of governance, to equity in conservation, and to indigenous peoples’ rights. The CBD’s COP 8 and COP 9 reviewed the implementation of PoWPA and stressed the need to engage more robustly with ‘Governance, Participation, Equity and Benefit Sharing’ (CBD, 2016). This was also reflected in the statement of recommendations that the CBD’s SBSTTA⁽¹⁶⁾ submitted to COP 10 in Nagoya in October 2010. Notably, SBSTTA delegates made specific recommendations

(15) <https://www.iccaconsortium.org>

(16) Article 25 of the Convention on Biological Diversity established an open-ended intergovernmental scientific advisory body known as the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) to provide the Conference of the Parties with timely advice relating to the implementation of the Convention. <https://www.cbd.int/sbstta/>

concerning the recognition of ICCAs, clarifying, for example, that “mechanisms for recognition should respect the customary governance systems that have maintained ICCAs over time” (IUCN, 2010). At COP 10, Decision X/31 also stressed the role of indigenous peoples and community conserved territories and areas, and invited Parties to recognize their organizations and contributions.⁽¹⁷⁾ COP 10 also produced the Strategic Plan for Biodiversity 2011–2020, with 20 ‘Aichi Targets’.⁽¹⁸⁾ Each of these targets is in some way related to ICCAs, since ICCAs cut across the entire spectrum of issues on biodiversity. However, Aichi Targets 11, 13, 14 and 15 are of particular and direct relevance to ICCAs. While COP 10 embraced the text on ICCAs, noting that national legislation should explicitly address ICCAs (and that legislation that does not address them should be improved to do so), it failed to mention the need for safeguards addressing customary governance systems.⁽¹⁹⁾

COP 11 in Hyderabad signaled a step change, with direct references to ICCAs in Decision XI/14 on Article 8 (j) and Related Provisions.⁽²⁰⁾ COP 12 in Pyeongchang further entrenched ICCAs in the CBD through a number of decisions (Decisions XII/3, XII/5, XII/12, XII/19).⁽²¹⁾ These decisions contain provisions addressing the need for ‘appropriate’ recognition and support of ICCAs.⁽²²⁾ COP 12 also acknowledged that many poor communities have traditionally been very effective at conserving nature and biodiversity (Decision XII/5, preamble) and it encouraged Parties, other governments, international organizations and relevant stakeholders to support ICCAs (Decision XII/5, para 11). Emphasis was placed on linking ICCAs with the provisions of UNDRIP, underscoring the inclusion of indigenous peoples’ rights.⁽²³⁾ COP 12 cautioned Parties not to interfere with customary governance systems underlying ICCAs. It also invited Parties and others to promote ecosystem conservation and restoration in ICCAs, with the full and effective participation of indigenous and local communities (Decision XII/19, para 4 (b)), and to provide support and incentives to indigenous and local communities in their efforts to conserve biodiversity in ICCAs (Decision XII/19, para 4 (f)).⁽²⁴⁾ Like COP 12, COP 13, held in Cancun, Mexico in 2016, addressed ICCAs in its decisions XIII/2, XIII/5, XIII/20, XIII/28.⁽²⁵⁾ Under decision XIII/2, para 7, the COP invited Parties, the IUCN, the ICCA Consortium and other partners to develop voluntary guidance and best practices on identifying and recognizing ICCAs, including in situations of overlap with protected areas (as emphasized in XIII/2, para 5 (b) (viii)).⁽²⁶⁾ Notably, Decision XIII/5 (“*Ecosystem restoration: short-term action plan*”) stressed that

(17) CDB’s COP 10 Decision X/31 –Protected areas: <http://www.cbd.int/decision/cop?id=12297>

(18) <https://www.cbd.int/sp/targets/>

(19) http://www.iccaconsortium.org/?page_id=35

(20) <https://www.cbd.int/doc/decisions/cop-11/cop-11-dec-14-en.pdf>

(21) <https://www.cbd.int/decisions/cop/?m=cop-12>

(22) <https://www.iccaconsortium.org/index.php/2014/12/14/decisions-of-cbd-cop-12-pyeongchang-2014/>

(23) <https://www.iccaconsortium.org/index.php/2014/12/14/decisions-of-cbd-cop-12-pyeongchang-2014/>

(24) <https://www.cbd.int/decision/cop/default.shtml?id=13382>

(25) <https://www.cbd.int/decisions/cop/?m=cop-13>

(26) <https://www.iccaconsortium.org/index.php/2016/12/19/decisions-of-cbd-cop-13-cancun-2016/>

restoration activities must include support for ICCAs and respect for the traditional customary knowledge and practices of communities (XIII/5, Annex, Section IV/C, para 15 (1)).⁽²⁷⁾

Subsequently, other international organizations have given paramount importance to ICCAs. In 2016, the IUCN World Conservation Congress focused specifically on ICCAs. Resolution 6.030 called for recognizing and respecting the territories and areas conserved by indigenous peoples and local communities (ICCAs) that are overlapped by protected areas.⁽²⁸⁾ UNESCO also developed guidelines incorporating ICCAs and culturally-conserved sites into its MAB⁽²⁹⁾ and World Heritage Sites programs. As a result, ICCAs have started to gain policy recognition at the global level through international agreements and guidelines. Several international human rights frameworks (see Box.1), some dealing directly with indigenous peoples, and others dealing with peoples and communities in general, also support ICCAs.

Box.1: International Frameworks Supporting ICCAs

African Charter on Human and Peoples Rights (1986);
American Convention on Human Rights (1978);
American Declaration on the Rights and Duties of Man (1948);
American Declaration on the Rights of Indigenous Peoples (2016);
Convention on the Elimination of all Forms of Racial Discrimination (CERD) (1965);
FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (2015);
FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012);
Global ICCA Registry;
Globally Important Agricultural Heritage Systems (GIAHS);
International Covenant on Civil and Political Rights (1966);
International Covenant on Civil and Political Rights (1976);
International Covenant on Economic, Social and Cultural Rights (1976);
International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989);
International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA);
Principles and Guidelines for the Protection of the Heritage of Indigenous Peoples (of Special Rapporteurs of the United Nations Working Group on Indigenous Populations);
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (Convention on Cultural Heritage);

(27) <https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-05-en.pdf>

(28) https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2016_RES_030_EN.pdf

(29) Man and Biosphere Programme (MAB): <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/man-and-biosphere-programme/>

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Convention on Cultural Expressions);
UNHRC's Expert Mechanism on the Rights of Indigenous Peoples (EMRIP);
United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) (2007);
United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992);
United Nations Permanent Forum on Indigenous Issues (UNPFII);
Universal Declaration on Human Rights (1948)

The Vital Importance of Future National Recognition of ICCAs

Throughout the globe most sacred groves have no legal recognition or protection, resulting in the degradation of sacred sites. States have generally created formal protected areas under statutory laws.

Critical gaps exist in the recognition of sacred sites and ICCAs by States. Since ICCAs are usually based on customary law and traditional practices, not only do they often lack statutory protections in national laws, but they are also often affected by unfavourable legislation (Kothari, 2006). Nevertheless, there are a number of countries where ICCAs are under protection by national or local government policies and laws, either explicitly as conservation units or protected areas (e.g. in Australia and many South American countries), or more generally through protection given to community territories and rights. Some ICCAs have been recognized as equivalent to protected areas and are included in national systems of protected areas in countries such as Australia and Namibia (Stevens, 2014). India has also amended its Wildlife (Protection) Act, 1972 (as amended in 2002) to accommodate community conserved areas as an additional category of protected area, but again, the state has considerable authority to interfere with and control the ICCAs. Many more ICCAs meet the international criteria for protected areas, but nationally have not yet been recognized as such (Kothari *et al.*, 2012; Stevens *et al.*, 2016a).

Their conservation is made even more difficult by the fact that some forms of legal recognition are inappropriate. Kothari *et al.* (2012) note that in cases where ICCAs are not recognized, indigenous peoples and local communities are more likely to suffer a range of adverse effects, including:

- A resort to short-term land management decisions, as communities are restricted from making long-term plans in accordance with their own visions and aspirations;
- The undermining of, or disregard for, communities' customary laws, procedures and protocols if the government simultaneously issues exploitative concessions and other permits in indigenous territories or communities' lands without their involvement or free, prior and informed consent;
- The overruling of customary rules and traditions by force or by court decision;
- General legal uncertainty and marginalization causing suffering on the part of communities.

Recently, the overlap between formal protected areas and ICCAs has been brought squarely into the debate. The IUCN World Conservation Congress 2016 and the CBD COP 13 decisions of 2016 particularly highlight this overlap. In countries such as India, Nepal, the Philippines, Iran, Colombia, Bolivia, Canada, Australia, and USA, the overlaps are particularly extensive and can involve most or all of the national protected area system (Stevens *et al.*, 2016b). Stevens *et al.* (2016a) note that one of the main consequences of such overlap is the superimposition of official protected area governance and management systems upon ICCAs. This has profound consequences for both conservation and the wellbeing and cultures of the concerned peoples and communities (Tauli-Corpuz, 2016; Stevens, 2014).

Despite contentious debates, some countries have recently started to seek legal backing in order to create conducive environments for ICCAs in their territory. Moreover, either explicitly or implicitly, certain laws in a large number of countries have supported sacred sites or ICCAs. In some places, people have identified enabling legal provisions in order to enhance conservation, whereas in others, people have missed such opportunities. Going forward, it is important to closely examine the interplay between legal and policy recognition of ICCAs and sacred sites in selected case countries, as this may uncover gaps in national legal or policy instruments.

The Case of India

In India, only the state of Meghalaya has a legal framework addressing sacred groves. The United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Act, 1958 and the Garo Hills Autonomous District (Management and Control of Forests) Act, 1961 under the Sixth Schedule of the Indian Constitution⁽³⁰⁾ govern the sacred groves of Meghalaya. The Sixth Schedule of the Constitution, under Articles 244 (2) and 275 (1), provides exclusive protection of tribal territories in the states of Assam, Mizoram, Meghalaya and Tripura. The special administration of tribal territories does not specifically mention ICCAs, although it does emphasize self-governance of natural resources by the tribes themselves through the application of their customary laws and institutions. Like Sixth Schedule areas, Indian Constitution also established and protects tribal territories through Fifth Schedule⁽³¹⁾ areas in which the Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 applies.

The most important law relating to ICCAs is the Wildlife (Protection) Act, 1972. Interestingly, an amended version of this law, the Wildlife (Protection) Amendment Act, 2002, included two additional

(30) [http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%20Pg.Rom8Fsss\(34\).pdf](http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%20Pg.Rom8Fsss(34).pdf)

(31) Under Article 244 (1), the most important institution is the Tribes Advisory Council. Essentially The Fifth Schedule is a historic guarantee to indigenous people on the right over the land they live in. Such areas exist in 9 provinces of India namely Andhra Pradesh, Jharkhand, Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. <http://www.constitution.org/cons/india/shed05.htm>

categories of protected area: 'community reserve'⁽³²⁾ and 'conservation reserve'⁽³³⁾. According to Pathak-Broome and Dash (2012), Community Reserves can be declared by the government on privately-owned or community lands (the definition of which is not clear). On the other hand, Conservation Reserves can be declared by the government on government-owned lands in consultation with local people. However, in both cases, the proposal for declaration and the declaration itself can only be made by the government; communities have no power to declare their own CCAs (Pathak-Broome and Dash, 2012). While the Community Reserves resemble CCAs, there are also obstacles to legally treating CCAs as Community Reserves. Almost all of the 663 national parks and sanctuaries of India overlap with and include one or more ICCAs without recognizing and devolving community ownership and control. As per the legal provisions, no protected area can be declared a Community Reserve or CCA without de-notifying the protected area first. Pathak-Broome and Dash (2012) identify the underlying problem – the Act mandates a uniform governance system for Community Reserves, which is inappropriate given the very large diversity of customary management arrangements that communities have developed in CCAs across India. This creates a situation where most communities prefer not to declare their CCAs as Community Reserves since this category of protected area does not recognize existing systems of community customary governance. The National Environment Policy 2006 also recognizes that communities have a special role in protecting common resources, but it fails to clearly define space for CCAs in the country's policy or legal domains.

Thus, the case of India demonstrates how community power is undermined and how conservation suffers because the legal apparatus and policies do not support community initiatives, people's ownership over natural resources, and the customary laws that underlie the success of conservation.

The Case of Iran

Though the Islamic Republic of Iran has not yet evolved any specific law or policy recognizing ICCAs *per se*, there are few ways in which ICCAs may be recognized. Iran is known for a tradition of community management of natural resources, particularly in the migration territories of nomadic indigenous peoples (estimated to be over 700 tribes). Article 44 of the Constitution⁽³⁴⁾ of Iran 1979 refers to the handover to nomadic tribes and other local communities collective governance rights to their territories.⁽³⁵⁾ Article 2 of the 1980 Law on Conservation and Use of Forests and Rangelands provides that the reallocation or change of

(32) Sections 18, 35, 36A and 36C of Wildlife (Protection) Amendment Act, 2002

(33) Sections 36B of Wildlife (Protection) Amendment Act, 2002

(34) https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en

(35) This article can be an opportunity as well as a threat for the rights of IPs and LCs as it can be interpreted to reducing the role of government in governing natural resources through processes of privatization. Enlightened government officials believe that the article could allow, however, the fusing of indigenous knowledge with the latest scientific findings in the field of range ecology in the territories of nomadic tribes, which would be governed/ managed by the tribes through their registered and formally recognized CBOs, with the support of both government and CSOs (Naghizadeh, Abbas and Farvar, 2012).

use of 'public lands' is 'absolutely forbidden' in areas including the common property rangelands of villages; forest parks and common property forests; and the customary migration routes and territories reserved for nomadic tribes. This law clearly confirms the absolute inviolability of migratory territories (the heart of territorial rights of indigenous people in Iran) and strictly forbids any change of use of their purpose (Naghizadeh, Abbas and Farvar, 2012). Other than these laws, there are several practical cases where the State has recognized ICCAs. For instance, the Department of the Environment (DOE) confirmed in 2005 the recognition (initially made at provincial level) of the Namdan Plain Wetland as an ICCA of the Shish Bayli tribe of the Qashqai nomadic people. Another such example is the ICCA of the Farrokhvand tribe of the Bakhtiari nomadic tribal confederacy, which is not only valuable for grazing, but also for its economically valuable wild plants. As partners of UNDP-GEF projects, the Ministries of Foreign Affairs, Agriculture, Energy, Forest, Rangeland and Watershed Organization officially recognize numerous areas resembling ICCAs with tribes having managerial control.

As for *de jure* government recognition of ICCAs, the situation is still very fluid. The active engagement of CSOs by the Habitats and Protected Areas office of the Iranian Department of Environment will likely yield satisfactory results in the near future. Non-legal policy recognition of ICCAs includes action plans jointly prepared by CSOs, indigenous people and government functionaries. This eventually led to the inclusion of territory-based ICCAs in the Law of the Fifth Five-Year Development Plan (Naghizadeh, Abbas and Farvar, 2012). Recognition of the boundaries of the ancestral territory of the Abolhassani indigenous nomadic tribe in the Touran UNESCO Biosphere may also be considered a positive step in this regard.

This particular case study speaks to gaps in the recognition of the conservation efforts of local communities. Yet negotiation with government agencies in Iran shows that government agencies and programmes can recognize ICCAs in a *de facto* manner, despite a lack of formal legal recognition, demonstrating a way forward towards the creation of favourable policy environments in support of ICCAs.

The Case of Canada

Canada and Australia are known aboriginal lands. Australian laws enable State recognition and support of Indigenous Protected Areas (IPAs) where communities enjoy full rights to sustainably use, control, and manage their lands and resources. However, compared to Australia, Canada does not have legislation that would support ICCAs. Nevertheless, since 2001, 10 coastal 'conservancies' covering 28% of the coastal area of 6.4 million hectares have been created by provincial and territorial governments, recognizing the cultural, social and ceremonial uses by 31 First Nations (Herrmann *et al.*, 2012; Rozwadowska, 2011). These conservancies are under the *de facto* control of indigenous people, so they can be considered ICCAs. A number of tribal parks created by indigenous people in Canada have also been recognized by the Canadian government. Some examples are the Tla-o-qui-aht Tribal Parks, the Haa'uukmin Tribal Park, and the K'ih Tsaa dze Tribal Park. Another category of ICCAs is the protected areas established by some First Nations on their own. For example, the Haida Protected Areas cover 250,000 hectares of land (CHA, undated, cited

in Herrmann *et al.*, 2012), and were established by administrative decisions of the Council of the Haida Nation. The Saoyú-Æhdacho National Historic Site of Canada is also a form of ICCA cooperatively planned and managed by the community of Déline in Northwest Territories and by Parks Canada. Five Aboriginal Protected Areas (two in the Yukon and three in the Northwest Territories) also represent 1.2% of the total PAs in Canada (Environment Canada, 2006). These Aboriginal PAs are set aside for conservation by an indigenous community through a land claim agreement or other legal instrument. They have no federal, provincial or territorial protected area designation, but are recognized as protected areas by Parks Canada (Herrmann *et al.*, 2012). The sacred natural sites have also been designated as a zone of extreme protection. Some initiatives, such as Caribou Heaven, *Waabushukamikw* or Rabbit's House, and the Muskuuchii hills are among the first efforts by the Government of Québec to recognize the sacred sites or ICCAs of First Nations. These sacred sites are administered in accordance with the IUCN-UNESCO *Sacred Natural Sites Guidelines* (Wild and McLeod, 2008).

Even in absence of a specific law or policy on ICCAs, Canada provides an example of how indigenous communities' initiatives may be given formal recognition with rights of self-determination and rights to land, in accordance with UNDRIP's obligations for States. Developing countries should follow such examples.

The Case of Japan

Since ancient times, Japanese people have believed that the God lives in transcendental things like high mountains and huge trees. For example, the *Oomiya* Shinto Shrine in Nara Prefecture, the oldest Shinto shrine in Japan,⁽³⁶⁾ has no main shrine building because a God is believed to live in Mt. *Miwa* – a mountain beyond the gateway. Mt. *Miwa*'s altitude is 467 meters high, and its area of 350 ha includes large pines and cedars; it is believed that the God lives in every tree and plant.⁽³⁷⁾ It is also believed that the God occasionally comes down to visit villages from the mountains. Accordingly, in order to welcome the God, it was considered necessary to establish a place where large trees grew, and villagers started to grow trees on a small hillside. The place is a sacred site to welcome the God, and is managed cooperatively by villagers. It is *Chinju-No-Mori* (Shrine and Temple Forests), a typical case in which a sacred grove has traditionally been conserved and managed through community-based efforts in Japan. Such a strong relationship between people and forests fostered a unique “local system to protect and utilize forests” (Hayashi, 2007).

Today, the situation has changed drastically due to rapid urbanization and lifestyle changes. According to Hayashi (2007), people no longer interact with *Chinju-No-Mori* as they did before. The ICCA is no longer collectively managed by the local community, but only by a few people related to the shrine. Furthermore, *Chinju-No-Mori* is rarely visited except on special occasions such as festivity time. Traditional local system

(36) <http://oomiwa.or.jp/jinja/miwayama/#linktop>

(37) <http://oomiwa.or.jp/jinja/miwayama/#linktop>

to protect and utilize forests no longer exist. As a result, although there are some exceptions, it is reported that many *Chinjyu-No-Mori* are facing threats from development and fragmentation.

There is no specific law to comprehensively protect *Chinjyu-No-Mori*, but some temples and shrines have large areas of ancillary forests for which the Forest Act can apply, and some *Chinjyu-No-Mori* are to be protected by municipal-level landscape / town plans and / or cultural heritage / historical site protection plans.

The Case of Bolivia

Tierra Comunitaria de Origen (TCO)⁽³⁸⁾ is a Bolivian name given to autonomous and communally owned indigenous lands, which are a classic example of Bolivian ICCAs. The original basis for TCOs was enshrined in the Bolivian 1994 Constitution⁽³⁹⁾, but the term TCO itself was first codified into Law 1715⁽⁴⁰⁾ in 1996. Bolivia's 2009 Constitution⁽⁴¹⁾ further guarantees to indigenous people the rights to the natural resources found on their lands:

The Constitution of 2009 recognizes the comprehensive nature of peasant indigenous territory, which includes the right to land use and exclusive benefit of renewable natural resources to the prior and informed consultation and participation in profits from the exploitation of non-renewable natural resources, and the ability to apply their own rules, its structures of representation and definition of their development in accordance with their cultural criteria and principles of harmonious coexistence with nature.

Other than TCOs, Article 30 of the Constitution of Bolivia recognizes indigenous territories (ICCAs) by declaring “self-determination and territoriality” (inc.4) and “collective title to lands and territories” (inc.6). The right to self-determination and territoriality has been given prominent place in Part III of the Constitution, in the 7th Chapter on “Rural indigenous autonomy”. Indigenous peoples have full authority under Part IV of the Constitution, in the chapter on “Land and Territory”, wherein specific treatment is given to indigenous people for their right to collective ownership of their lands and territories (Miranda and Alcides, 2012). Since the enactment of Law No. 171522 in 1996, indigenous people have achieved the recognition and certification of 190 indigenous territories as communal lands (TCOs) covering an area of 20.7 million hectares (Miranda and Alcides, 2012).

Bolivia is a perfect example of protecting the rights and interests of indigenous people and of recognizing their territories under law. This is the right path to conserve and maintain biological treasures once ICCAs are designated and formally protected.

(38) http://www.territorioindigenaygobernanza.com/bov_06.html

(39) <http://www.constitution.org/cons/bolivi94.htm>

(40) http://www.bolivianland.net/UserFiles/File/0ParaDescripciones/1Inversiones_Bolivia/Ley_Agraria_Bolivia_Ing.pdf

(41) <http://www.parliament.am/library/sahmanadrutyunner/Bolivia.pdf>

The Case of Kenya

Kenya has a poor record of recognizing ICCAs. In territorial forests, community conservancies have been used as an innovative mechanism since the 1990s to strengthen local conservation efforts. The first local conservancies were formed with the support of the Kenya Wildlife Service (Honey, 2008). But this initiative has failed due to inconsistent follow up by the Kenya Wildlife Service (Kabiri, 2010). The sacred Kaya forest groves of the coastal zone are the only ones recognized as traditional ICCAs in Kenya. The Department of Fisheries has played a key role in the support and recognition of ICCAs in the coastal zone, in the form of locally managed marine areas (LMMAs) based on local Beach Management Units. The Kenya Fisheries (Beach Management Units) Regulations⁽⁴²⁾ 2007 and the Fisheries Act, 1989 provide the legal framework for establishing LMMAs and enforcing territorial rights over marine resources and reef fisheries (Nelson, 2012).

Several lessons can be learned from the foregoing case studies. Bolivia demonstrates the most advanced recognition of ICCAs. It is estimated that over the last 15 years, the recognition of indigenous rights has been at its highest in terms of land ownership in the 175-year history of the Republic of Bolivia. This form of legal recognition is innovative, and has evolved in a dynamic fashion, seeking to further expand autonomy for indigenous peoples (Miranda and Alcides, 2012). In terms of other countries, developed nations like Australia, Canada, Japan, etc. have recognized indigenous rights and ICCAs relatively more than many developing countries such as India, Iran and Kenya. Finally, the majority of countries need to recognize and support ICCAs and sacred sites through the creation or amendment of legislation and policy, with appropriate administrative measures.

Conclusion and Recommendations

Considering the fact that sacred natural sites and ICCAs have gained recognition worldwide (which will take a decade or two to trickle down), and the fact that national governments have either inadequately recognized or ignored the conservation initiatives of their own indigenous peoples and local communities, policy and legal interventions to assist the majority of countries are urgent and essential. In the absence of national frameworks supporting ICCAs, 13% of the vegetation of the globe thus conserved may eventually vanish. Therefore, in addition to international policies (e.g. the CBD's adoption of ICCAs as satellite areas within or adjacent to protected areas), pressure should be on countries to promulgate or amend national policy or to create domestic legislation in order to adequately integrate ICCAs.

Since modern conservationists mainly advocate for state-controlled official protected areas, the argument of this article is that linking traditionally conserved areas with modern conservation initiatives is a crucial step towards successful modern conservation. Conservationists must understand that sacred sites not only strengthen the existing protected area system but also have the potential to conserve additional territories.

(42) <http://www.cisd.org/aichilex/Target6-Kenya2007>

Yet serious revision of conservation philosophy is also required to enable the creation of these linkages. According to Robson and Berkes (2010), the rise of ICCAs has been paralleled by recent dramatic shifts in international conservation paradigms and thinking. As Kothari (2009) notes, “while the formal conservation movement has long attempted to separate people from so-called pristine ecosystems, and focus its efforts on islands of biological diversity, recently a remarkable turnaround is observed towards linking protected areas (or conservation more generally) with the traditions and practices, livelihoods and aspirations of indigenous peoples and other local communities.” Nevertheless, some caution is needed, especially given that the successful integration of ICCAs into national and international conservation systems would first require a range of conditions to be in place (Kothari, 2009). Indeed, several indigenous peoples have raised a legitimate concern that formal conservation frameworks value ICCAs only for species and ecosystem conservation. Policy analysts should articulate the voices of indigenous people by advocating that ICCAs first and foremost be seen as holistic bio-cultural or eco-cultural landscapes and seascapes, inseparably connected to the socio-cultural, economic, political, and spiritual lives, identities and survival of the peoples or communities governing them (Kothari *et al.*, 2012). It is important to anticipate the implications of the integration of ICCAs, keeping in mind the apprehensions of indigenous communities.

Within the progressive international debate on the overlap between protected areas and ICCAs, the formation of a new IUCN category of protected areas for ICCAs should proceed with due consideration of States’ tendency towards weakening community initiatives and institutional fabric. The customary laws, traditional institutions, self-governance and right to self-determination of the indigenous peoples or local communities managing ICCAs should be given priority in national policies and legislations.

References

- Amend, T., J. Brown, A. Kothari, A. Phillips and S. Stolton (eds.) (2008), “Protected Landscapes and Agrobiodiversity Values, vol.1 in the series, Protected Landscapes and Seascapes, IUCN & GTZ. Heidelberg: Kasperek Verlag.
- Basha, S. (1998), “Conservation and management of sacred groves in Kerala”, In P.S. Ramakrishnan, K.G. Saxena and U.M. Chandrashekhara (eds.), ‘*Conserving the Sacred for Biodiversity Management*’, New Delhi: Oxford and IBH Publishing Co.
- Bassi, M. (2006), “Community conserved areas in the Horn of Africa”, *PARKS*, vol. 16 (1).
- Berkes, F. (2008), “*Sacred Ecology* (2nd edition)”, New York and London: Routledge.
- Bhatt, S., N. Pathak, A. Kothari, and T. Balasinorwala (eds.) (2012), “*Community Conserved Areas in South Asia: Case studies and analyses from Bangladesh, India, Nepal, Pakistan, and Sri Lanka*”. Delhi: Kalpavriksh.
- Borgerhoff-Mulder, M. and Coppolillo, P. (2005), “*Conservation: Linking Ecology, Economics, and Culture*”, Princeton, New Jersey: Princeton University Press.
- Brown, J. and A. Kothari (2011), “Traditional agricultural landscapes and community conserved areas: an overview”, *Management of Environmental Quality: An International Journal*, vol. 22 (2): 139–153.
- Byers, B.A., R.N. Cunliffe, and A. T. Hudak (2001), “Linking the conservation of culture and nature: A case study of sacred forests in Zimbabwe”, *Human Ecology*, 29: 187–218.

- CBD (2016), “Element 2: Governance, Participation, Equity and Benefit Sharing”, Secretariat of the Convention on Biological Diversity, Montreal, Canada, accessed on 4 April 2016, URL: <https://www.cbd.int/protected/pow/learnmore/intro/?prog=p2/Programme>.
- CHA-Council of Haida Nation (undated), “Haida Protected Areas”, available at: <http://www.haidanation.ca/Pages/Programs/Forests/Forest%20Guardians/Land%20Planning/HPA%27s.html>
- Colding, J. and Folke, C. (1997), “The relation between threatened species, their protection, and taboos”, *Conservation Ecology*, vol. 1 (1).
- Darlong, V.T. (1995), “Wildlife preservation and community action”, In B.K. Tiwari and S. Singh (eds.), *Ecorestoration of Degraded Hills*, Shillong: Kaushal Publications.
- Environment Canada (2006), *Canadian Protected Areas Status Report, 2000–2005*. p.81. Available at: <https://www.ec.gc.ca/ap-pa/default.asp?lang=En&n=8EF4F871-1>
- Fabricius, C., Koch, E., Magome, H. and Turner, S. (eds.) (2004), *Rights, Resources and Rural Development: Community-Based Natural Resource Management in Southern Africa*, London: Earthscan.
- Gadgil, M. and V. D. Vartak (1976), “Sacred Groves of Western Ghats in India,” *Economic Botany*, vol. 30: 152–160.
- Gadgil, M., and R. Guha (1993), *This fissured land: an ecological history of India*, Delhi: Oxford University Press.
- Gadgil, M., F. Berkes and C. Folke (1993), “Indigenous Knowledge for Biodiversity Conservation”, *A Journal of the Human Environment*, vol. 22: 151–156.
- Ganesan, S., Ponnuchamy, M., Kesavan, L., and A. Selvaraj (2009), “Floristic composition and practices on the selected sacred groves of Pallapatty village (Reserved forest), Tamil Nadu”, *Indian Journal of Traditional Knowledge*, 8 (2): 154–162.
- Garner, B.A. (ed.) (2004), *Black’s Law Dictionary*, Eighth Edition, Minnesota (USA): West Publishing Company.
- Gowda, B. (2006), “Sacred Plants”, Kalpataru Research Academy, Bangalore.
- Gu, H. and Chen, X. (2011), “Sacred Groves Sustain Bio-cultural Richness in Yunnan Stone Forest”, Our World, 24 June 2011, URL: <http://ourworld.unu.edu/en/sacred-groves-in-yunnans-stone-forest>
- Gurdon, P.R. (1975), *The Native Races of India: The Khasis*, New Delhi: Cosume Publication.
- Haridasan, K. and Rao, R.R. (1985), *Forest Flora of Meghalaya*, vol.1”, Dehradun: Bishen Singh.
- Hayashi, S. (2007), “鎮守の森 ー日本の原風景に、人と森の未来を探る”。Himorogi. No. 35. 2007. 4 特集：日本人が森に学ぶこと。
- Herrmann, T.M., Ferguson, M.A.D., Raygorodetsky, G. and Mulrennan, M. (2012), “Recognition and Support of ICCAs in Canada”, In: Kothari, A. with Corrigan, C., Jonas, H., Neumann, A., and Shrumm, H. (eds). *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies*. Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada. Technical Series no. 64.
- Honey, M. (2008), *Ecotourism and sustainable development: Who owns paradise?* 2nd Edition. Washington, DC: Island Press.
- Hoole, A. (2008), “Community-based conservation and protected areas in Namibia: Social-ecological linkages for biodiversity”, PhD thesis, University of Manitoba, Winnipeg.
- Hughes, J.D. (1990), *Pan’s Travel: Environmental Problems of the Ancient Greek and Romans*, Baltimore: Johns Hopkins University Press.
- ICCA Registry (2016), accessed on 4 April 2016, URL: <http://www.iccaregistry.org/en/about>
- IUCN (2010), “Governance of protected areas and Indigenous and Community Conserved Areas highlighted at CBD’s SBSTTA, Nairobi May 2010”, Data Sheets, IUCN.

IUCN (2016), accessed on 4 April 2016,

URL: <https://iucn.org/about/union/commissions/ceesp/topics/governance/icca/>

- Kabiri, N. (2010), "The political economy of wildlife conservation and decline in Kenya", *Journal of Environment and Development*, Vol. 19, No. 4, pp.424–445.
- Kala, C.P. (2011), "Traditional Ecological Knowledge, Sacred Groves and Conservation of Biodiversity in the Pachmarhi Biosphere Reserve of India", *Journal of Environmental Protection*, 2: 967–973
- Khiewtam, R.S. (1986), "Ecosystem Function of Protected Forests of Cherrapunji and Adjoining Areas", PhD Thesis, North-Eastern Hill University, Shillong.
- Khumbongmayum, A. D., M. L. Khan and R. S. Tripathi (2004), "Sacred Groves of Manipur-Ideal Centres of Biodiversity Conservation," *Current Science*, vol. 87: 430–433.
- Kokou, K., G. Caballe, K. Akpagana, and K. Batawila (1999), "Forest islands of southern Togo: dynamics and relationship with surrounding vegetations", *Revue D Ecologie-La Terre Et La Vie*, 54: 301–314.
- Kothari, A. (2006), "Community conserved areas: towards ecological and livelihood security", *Parks*, vol.16 (1).
- Kothari, A. (2009), "Protected areas and people: The future of the past", *Parks*, vol. 17 (2): 23–34.
- Kothari, A., Corrigan, C., Jonas, H., Neumann, A. and Shrumm, H. (eds.) (2012), "Recognising and Supporting Territories and Areas Conserved by Indigenous Peoples and Local Communities: Global Overview and National Case Studies", Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada, Technical Series no. 64, pp.160.
- Lebbie, A.R., and R.P. Guries (1995), "Ethnobotanical Value and Conservation of Sacred Groves of the Kpaa-Mende in Sierra-Leone", *Economic Botany*, 49: 297–308.
- Liu, H.M., Z.F. Xu, Y.K. Xu and J.X. Wang (2002), "Practice of conserving plant diversity through traditional beliefs: a case study in Xishuangbanna, southwest China", *Biodiversity and Conservation*, 11: 705–713.
- LMMA Network (2009), "Locally managed marine areas network", URL: www.lmmanetwork.org
- Madeweya, K.H., O.K.A. Hiroyasu and Matsumoto Mitsuo (2004), "Sustainable Management of Sacred Forests and Their Potential for Eco-Tourism in Zanzibar", *Bulletin of FFPRI*, 3 (1), (No.390): 33–48.
- Makino, M. (2011), "Fisheries Management in Japan: Its institutional features and case studies", Fish and Fisheries Series 34, DOI 10. Springer Science + Business Media B.V.
- Malhotra, K.C., Y. Ghokhale, S. Chatterjee and S. Srivastava (2001), "Cultural and Ecological Dimensions of Sacred Groves in India", INSA, New Delhi.
- McClanahan, T.R., H. Glaesel, J. Rubens, and R. Kiambo (1997), "The effects of traditional fisheries management on fisheries yields and the coral-reef ecosystems of southern Kenya", *Environmental Conservation*, 24: 105–120.
- MEQ (2011), "Special issue on Traditional Agricultural Landscapes", *Management of Environmental Quality*, vol. 22 (2).
- Mgumia, F., and G. Oba (2003), "Potential role of sacred groves in biodiversity conservation in Tanzania", *Environmental Conservation*, 30: 259–265.
- Miranda, C.E. and Alcides, V.P. (2012), "Recognition and Support of ICCAs in Bolivia", In: Kothari, A. with Corrigan, C., Jonas, H., Neumann, A., and Shrumm, H. (eds). *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies*. Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada. Technical Series no. 64.
- Molnar, A., Scherr, S. and Khare, A. (2004), "Who conserves the world's forests: community driven strategies to protect forests and respect rights". Forest Trends and Ecoagriculture Partners, Washington D.C.

- Naghizadeh, N., Abbas, D. and Farvar, T. (2012), "Recognition and Support of ICCAs in Iran", In: Kothari, A. with Corrigan, C., Jonas, H., Neumann, A., and Shrumm, H. (eds). *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples and Local Communities: Global Overview and National Case Studies*. Secretariat of the Convention on Biological Diversity, Montreal, Canada. Technical Series No. 64.
- Nelson, F. (2012), "Recognition and Support of ICCAs in Kenya", In: Kothari, A. with Corrigan, C., Jonas, H., Neumann, A., and Shrumm, H. (eds). *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies*. Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada. Technical Series no. 64.
- Oviedo, G. (2006), "Community-conserved areas in South America", *Parks*, vol. 16: 49–55.
- Pandit, P.K. and Bhakat, R.K. (2007), "Conserving of Biodiversity and Ethnic Culture through Sacred Groves in Midnapore District, West Bengal, India," *Indian Forester*, vol. 133 (3): 323–344.
- Pathak-Broome, N. and Dash, T. (2012), "Recognition and Support of ICCAs in India", In: Kothari, A. with Corrigan, C., Jonas, H., Neumann, A., and Shrumm, H. (eds), *Recognising and Supporting Territories and Areas Conserved By Indigenous Peoples And Local Communities: Global Overview and National Case Studies*. Secretariat of the Convention on Biological Diversity, ICCA Consortium, Kalpavriksh, and Natural Justice, Montreal, Canada. Technical Series no. 64.
- Priyanka, A., Harsh Singh and Tariq Husain (2012), "Sacred Groves: A Religious Platform for Biodiversity Conservation", *Enviro News*, International Society of Environmental Botanists, vol. 18 (3).
- Ramakrishnan, P.S. (1998), "Conserving the Sacred for Biodiversity: The Conceptual Framework," In P.S. Ramakrishnan, K.G. Saxena and U.M. Chandrashekara (eds.), '*Conserving the Sacred for Biodiversity Management*', Boca Raton (USA): Science Publishers.
- Ramakrishnan, P.S., K.G. Saxena and U.M. Chandrashekara (1998), "*Conserving the Sacred for Biodiversity Management*", Boca Raton (USA): Science Publishers.
- Robson, James P. and Fikret Berkes (2010), "Sacred Nature and Community Conserved Areas", In Sarah Pilgrim and Jules N. Pretty (eds.), '*Nature and Culture: Rebuilding Lost Connections*', London / Washington: Earthscan.
- Rozwadowska, A. (2011), "Community-Based Natural Resource Management (CBNRM) Affiliated with BC's Protected Area System: Costs and Benefits of Conservancies to First Nations Communities and PA Governance", Working Paper No.7. Retrieved from the Protected Areas and Poverty Reduction Canada-Africa Research and Learning Alliance: www.papr.co.ca/index.php?p=1_25_Papers
- Schaaf, T. and Lee, C. (eds.) (2006), "Conserving cultural and biological diversity: The role of sacred natural sites and cultural landscapes", Proceedings of the Tokyo Symposium, UNESCO, Paris
- Sivakumar, K.P., Akhila S. Nair and Jaya D.S. (2014), "Indigenous Reverence for Environment: A Review on Sacred Groves in India", International Conference on Indigenous Initiatives for Environment and Development, 28–29 June 2014, Micro Business College, Ambo, Ethiopia.
- Stevens, S. (ed.) (2014), *Indigenous Peoples, National Parks, and Protected Areas: a New Paradigm Linking Conservation, Culture, and Rights*. Tucson, Arizona: University of Arizona Press.

- Stevens, S., T. Jaeger and N. Pathak Broome, G. Borrini-Feyerabend, C. Eghenter, H. C. Jonas, and G. Reyes (2016a), “ICCA and Overlapping Protected Areas: Fostering Conservation Synergies and Social Reconciliation”, Policy Brief of the ICCA Consortium, Issue No.4, ICCA Consortium, Tehran, Iran.
- Stevens, S., N. Pathak Broome, T. Jaeger, J. Aylwin, G. Azhdari, D. Bibaka, G. Borrini-Feyerabend, M. Colchester, N. Dudley, C. Eghenter, F. Eleazar, M. T. Farvar, F. Frascaroli, H. Govan, S. Hugu, H. Jonas, A. Kothari, G. Reyes, A. Singh, and L. Vaziri (2016b), *Recognising and Respecting ICCAs Overlapped by Protected Areas*. Report for the ICCA Consortium. Available online at <http://bit.ly/2csyKVL>.
- Tauli-Corpuz, V. (2016), “Report of the Special Rapporteur of the Human Rights Council on the Rights of Indigenous Peoples.” Available online at, <http://bit.ly/2gxLtgC>.
- Tiwari, B.K., S.K. Barik and R.S. Tripathi (1998), “Sacred Groves of Meghalaya”, In Ramakrishnan, P.S., K.G. Saxena and U.M. Chandrashekara, 1998 (eds.), “*Conserving the Sacred for Biodiversity Management*”, Boca Raton (USA): Science Publishers.
- Tokarev, S. (1989), “*History of Religion*”, Moscow: Progress Publishers.
- Tsujimoto, R. (2011), “Fisher Activities to Conserve the Ecosystem of Toyama Bay”, In United Nations University Institute of Advanced Studies Operating Unit Ishikawa / Kanazawa, ‘*Biological and Cultural diversity in Coastal Communities, exploring the Potential of Satoumi for Implementing the ecosystem Approach in the Japanese Archipelago*’. Secretariat of the Convention on Biological Diversity, Montreal, Technical Series no. 61.
- Virtanen, P. (2002), “The Role of Customary Institutions in the Conservation of Biodiversity: Sacred Forests in Mozambique”, *Environmental Values*, 11 (2): 227–141.
- White, A., Khare, A. and Molnar, A. (2004), “Who Owns, Who Conserves, and Why it Matters”, Forest Trends, Washington.
- Wild, R., McLeod, C. (2008), *Sacred Natural Sites –Guidelines for Protected Area Managers*, Task Force on the Cultural and Spiritual Values of Protected Areas in collaboration with UNESCO’s Man and the Biosphere Programme.
- Yagi, N. (2011), “Satoumi and institutional characteristics of Japanese coastal fishery management”, In United Nations University Institute of Advanced Studies Operating Unit Ishikawa / Kanazawa, ‘*Biological and Cultural diversity in Coastal Communities, exploring the Potential of Satoumi for Implementing the ecosystem Approach in the Japanese Archipelago*’, Secretariat of the Convention on Biological Diversity, Montreal, Technical Series no. 61.