

FINAL REPORT (Part 1)
COMMUNITY CONSERVED AREAS IN SOUTHEAST ASIA
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**SYNTHESIS OF LESSONS LEARNED IN THE ESTABLISHMENT AND
MANAGEMENT OF PROTECTED AREAS BY INDIGENOUS AND
LOCAL COMMUNITIES IN SOUTH-EAST ASIA**

***Subject: Enhancing equity in the relationship between protected
areas and indigenous and local communities in the context of
global change***

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I) What are the key issues [about the subject]?

Note: By protected areas here it is meant the officially declared and gazetted areas as per IUCN categories I-VI as well as any areas being managed and conserved by local communities without official recognition (discussion on a definition of the latter type -CCAs - is ongoing).

1) Unequal power relations in ownership of, and access to, natural resources. The vast majority of natural resources in most Southeast Asian countries are government-controlled. Starting with the introduction of Western land administration systems during colonial time, virtually any land that does not belong to individuals automatically belongs to the government, apart from limited examples of common customary land rights. Through the introduction of the modern state during the past two centuries, most terrestrial as well as aquatic ecosystems that used to be managed by local communities according to time-tested indigenous systems have become the ownership of government agencies, with the resulting *de jure* alienation and marginalisation of the local communities. With the government's focus on economic growth during the past decades and the strengthened nexus government-business sector, local communities have been increasingly losing also *de facto* control over local resources. In areas still *de facto* managed by local communities, the discrepancies between indigenous local systems and government-imposed land and resource use have been source of tensions and conflicts over resources. It is a common occurrence that logging, mining, plantation and other industrial companies can easily obtain large scale concessions or even ownership over huge tracts of land in very short time, while for local communities to try to regain rights over land and resources is a very hard and time-consuming affair. In short, the balance of power has dramatically swung to the hands of the government-business sector nexus at the expense of local communities. The extent to which indigenous peoples and local communities are engaged in the management of natural resources and the degree to which they have effective control over those resources varies greatly from country to country and area to area according to government priorities, extent to which the business sector aimed at these resources and the strength of local organisations.

Currently, two key issues are becoming central in challenging the process that has been responsible for the loss of control over natural resources by local communities:

- Terrestrial and aquatic biodiversity has been dramatically declining due to habitat conversion and loss, logging, hunting, pesticides overuse and over-fishing and illegal fishing practices, since local communities were deprived their use and control over these resources. Although much of the over-exploitation of resources has been caused by pressures and agents outside the local communities and facilitated by government policies and the nexus government-business sector, in some cases local communities themselves gradually lost interest in the sustainable use of the resource as they no longer had clear rights and responsibilities towards them.
- Since the 1970's and increasingly during the past decade, some governments have started to admit that they have not succeeded in sustainably managing natural resources (especially forests and coastal ecosystems) and that local communities and indigenous peoples need to become more involved in biodiversity management as they are the ones living closest to the resources that are supposed to be sustainably managed. Traditional and indigenous knowledge systems are also increasingly gaining recognition as providers of knowledge relevant to sustainable use.

In most Southeast Asian countries, however, few steps have been taken to recognise the link between traditional knowledge and the need for local communities to have clear rights and responsibilities over the very resources related to that knowledge, such as land and water and

the variety of biodiversity thriving on and in them. Consequently, while there is increasing recognition of the important role that local communities could and should play in biodiversity sustainable management, very few governments are ready to allow the development of appropriate policy, legal and institutional reforms necessary to delegate power to local communities and indigenous peoples concerning access and control over natural resources. Some processes to empower local communities are taking place, but in many countries there are still many points of resistance and the gains made in one season may be cancelled back in the next one. Meanwhile, biodiversity continues to be lost.

Enhancing equity therefore requires a critical look and a creative approach to power relations and the political economy of resource management in the region. In this context, CCA initiatives in many countries have been started mainly to address conflict over resources, i.e., communities claiming their rights over their traditional lands and resources, be it individual and collective cultivated plots, fallow land, common forests, watershed and wetland areas, fishing ground, all of which are inextricably linked to the physical, cultural and spiritual lives of these people.

Many respondents to the questionnaires used in this project point out that CCAs can help improve local communities' livelihoods, spur greater understanding, solidarity and unity within the community, help build bridges with society and government, and build democracy, transparency and accountability as long as the initiative is controlled by local community organisations working for the collective welfare of the community and surrounding environment. They also help conserve and monitor the status of biodiversity, especially important, endangered and endemic species. On the other hand, they could have negative impacts in the eventuality of communities being used/manipulated by third parties for the purpose of seeking economic profit and short term benefits.

2) Protected Areas and Indigenous Peoples /Local Communities: from theory to practice.

It is by now widely recognized that conservation policies and projects without considering the rights and needs of indigenous peoples and local communities provide breeding ground for conflict and are likely to fail in most cases. Major international bodies such as the WCPA, IUCN and WWF have accepted this principle and have developed internal guidelines on the need to respect the rights of indigenous peoples and traditional communities. What is far from satisfactory is the slow progress that has been made to turn these principles into practice. Without substantial investment of time and resources in reforming national policies, laws and legislation at the national and sub-national level, a question arises about whether the theory will ever be turned into practice. Data emerging from recent literature and from cases compiled for this review point out that there are a few examples where the establishment of new protected areas follow participatory approaches, but that in many cases the conventional approach of imposing protected areas on indigenous peoples and local communities is still the norm.

It appears that participatory approaches are more likely to take place in countries where strong state control has lost reputation and support and civil society groups have been actively involved in trying to reform the way that natural resources have been managed. The Philippine government, for example, after the Marcos regime, passed the NIPAS law in 1991, guaranteeing that each protected area should be managed by a Protected Area Management Board, which includes the participation of indigenous peoples and local communities. Although far from perfect, the NIPAS law recognizes the important role that local people play in conservation and the fact that they can no longer be resettled from protected areas. In

Indonesia, after the fall of Suharto, local community representatives have been active in trying to re-gain their traditional rights over resources. In the zonation planning process in several national parks, traditional uses have been integrated and received a certain degree of acknowledgment. For example, in Mount Rinjani National Park (West Nusa Tenggara province) and Ujung Kulon National Park (Banten province-Java Island) a special zonation system accommodates community-based ecotourism. In Wasur National Park (Papua), a particular zone may be used by traditional communities. There are also several collaborative management and other arrangements where local people hold a consultative (steering committee) or co-decision making role with regard to the management of the conservation area. Examples include: West Bali National Park in Bali, Bunaken National Park in North Sulawesi. The Kayan Mentarang National Park is the first one in Indonesia to have a Ministry decree recognizing a collaborative management between local, central governments, and indigenous people part of the newly instituted Policy Board (DPK). This trend is a welcome step in the direction of recognizing the rights, needs and role of local communities viz-a-viz protected areas, but many obstacles still need to be overcome in order to achieve a more equitable relationship between indigenous peoples and local communities and conservation policy and practice in these two countries, and even more so, in the other Southeast Asian countries.

3) National policies, legislation and institutions related to indigenous peoples and local communities. If the rights of indigenous peoples and local communities are not recognized there is little avenue and scope for them to obtain an equitable relationship with other sectors. Apart from The Philippines, which in 1997 adopted the Indigenous Peoples Rights Act (IPRA) and a self-development approach (at least in theory), all other countries do not openly recognize the rights of indigenous peoples and most adopt a policy of resettlement and integration. Malaysia recognizes native customary land rights, but in practice they are very weak and often trampled upon. The Lao Constitution does recognize the rights of indigenous peoples but in practice these rights are seldom respected. Pressures for reform have been mounting in Indonesia after the Suharto regime collapse and in most other Southeast Asian countries during the past decade, but changes in policy are hard to come by. Other local communities such as small farmers and fishermen in many cases have even less political leverage as there are no clear policies and laws supporting their rights over resources. The concept of community property rights (CPR) is being developed by some communities and NGOs but there is still a long way to go to being accepted by governments.

4) National policies, legislation and institutions related to resource management and community-based natural resource management. Although debates and CBNRM projects have increased over the years, most natural resources in Southeast Asian countries are still firmly in the hands of government agencies. What is currently available - and only in a few countries - is access to resources through Community-Based Forest Agreements or similar arrangements. Although community forest management is increasingly being accepted as a valid option in the region, few countries have taken steps to develop laws and institutions to implement it. Most countries do not have policies and laws related to community forest, community fisheries and community managed coastal resources. For example, a draft community forestry bill has been in the pipeline in Thailand for years, but has not been adopted yet. In Cambodia, community-based forest management has gained popularity over the years, but a policy supporting it has not been developed yet. The Burmese government has passed the Community Forestry Instructions in 1995 but it is too early to judge on the initiative given the political situation in the country and the fact that the main objective is tree planting on barren land and reforestation of degraded areas. Pressure has been mounting in Indonesia over the past few years to address indigenous peoples' and local communities'

demand for rights but satisfactory policy and legislation reform is still been waited for. The Lao PDR government passed a Village Forest law in 1997 and placed emphasis on community involvement in forest management, but most of the community-based forest initiatives are currently threatened by logging companies' activities (contradictorily also being supported by the government. Probably, the most progressive country in this respect is again The Philippines, where, in 1995, Executive Order No. 263 was issued adopting community based forest management as the national strategy to ensure sustainable development of Philippine forest resources and in 1996, a nationally integrated Community Based Forest Management Programme (CBFMP) was formulated. A review of several CBFM projects has been carried out and its results should become available during 2003. Some critics, however, point out that the CBFM process has been very much foreign donor-driven and it has lacked appropriate domestic institutional reforms. Concerning coastal and marine resources, community based initiative are rapidly growing, but lack of effective legal and institutional mechanisms make it s progress uncertain in many countries.

5) Participation in biodiversity management. When dealing with indigenous peoples, local communities and natural resources or biodiversity, one concept that has become particularly popular in the literature and narratives is that of participation. Having been introduced by NGOs and local groups that were pointing out the need for people's involvement in natural resource management as awareness of ecological decline increased, this concept has progressively been freely used by national and international policy-makers to the point that its meaning is starting to be contested. The concept might well need some careful definition as it is interpreted in different ways by different people. A basic distinction between participation as “a means” (also called weak participation) and participation as “an end” (also called strong participation) may be useful to deal with participation in this context. Participation as “a means” is seen as a process whereby local people co-operate or collaborate with externally introduced programmes or projects. In this way participation becomes the means through which such initiatives can be more effectively implemented (and at reduced costs for the promoting agency) but the process is still owned by the external agency. Participation as “an end”, on the other hand, is seen as a goal in itself, which can be expressed as the empowerment of people in terms of their acquiring of skills, knowledge and experience to take greater control and ownership over policies and projects. This latter type of participation has a strong political connotation while the former tends to de-politicise the concept. Many projects on biodiversity conservation and sustainable management that have been started in the region use the term participation. An analysis should be carried out about whether these are empowering local communities through participation "as an end" or whether most of them are participation "as a means", another way of telling communities what to do.

When dealing with participation and CCAs, it should be remembered that CCA might be established for different reasons according to who the proponent is. According to respondents to this project, for the most part, if it is community or self-initiated efforts, protected areas were not created with the exclusive and declared intent of protecting/conserving biodiversity, but rather to:

- Regulate (=limit) access and therefore over-exploitation of resources;
- Secure food resources when needed for special occasions or in hard times;
- Maintain social privileges (i.e., only a certain class has access to the area);
- Religious or sacred purposes (the area is a graveyard or is believed to be inhabited by spirits or be “dangerous” because of past accidents, death);

The main objectives for (externally-initiated) CCAs, on the other hand, are:

- To integrate development needs of the communities with conservation needs, and thus improve the capacity of communities for sustainable management of natural resources to sustain livelihood;
- To help the government (especially local government) improve the management of natural resources and integrate communities in the planning, monitoring, working and evaluating of all government programs;
- To build a network (through dialogue, discussion) between the government and communities.

When different priorities exist between local communities and external agencies, it is critical that participation refers to participation "as an end".

6) Participation in biodiversity policy-making. Most participatory natural resources projects and programmes limit participation to resource management at the local level. What is critically important is that participation (as an end - see point 4) is applied to policy-making as that is where the macro-decisions are taken. In this respect, indigenous and local communities' participation in policy-making in Southeast Asia can be said to be still at very early stages in some countries and non-existent in others. Most governments claim that local communities are politically represented by the relevant political figures at the provincial, district and local level, but in many cases local communities argue that the modern political representation does not work well to represent them as it has become common that the local leaders are politically appointed and not community-chosen as it was in customary institutions.

In terms of particular institutions related to natural resource management, apart from the Philippines, which developed the Protected Areas Management Board (PAMB) and the Fisheries and Aquatic Resources Management Council (FARMC) for protected areas and fisheries respectively, other countries have yet to develop mechanisms to ensure the participation of local communities and indigenous peoples in resource policy-making. As participation in decision-making becomes a critical aspect of the debate on sustainable management, much more attention needs to be paid to this matter and resources invested in it in the future.

7) Indigenous/Traditional knowledge Apart from a recent revival of interest in herbal medicine and related traditional knowledge, in the quest for modern, western, technological knowledge, the knowledge accumulated over millennia by indigenous and local communities has been until very recently mostly considered as backward and primitive and not of much use in today's competitive and globalizing world. At the international level, through the CBD, Ramsar and other conventions, traditional knowledge has been regaining importance and recognition. Paradoxically, in Southeast Asia, a region extremely rich in cultural diversity but rapidly being influenced by foreign values, the recognition of the value of traditional knowledge in ecological and social systems seems to require a massive long-term effort. To achieve a more equitable relationship between indigenous peoples and local communities and protected areas requires a recognition that traditional knowledge should be highly respected and be given a prominent role in resource management.

Fortunately, despite the lack of respect towards indigenous knowledge, which lead to its gradual erosion, many communities have continued to use local ecological knowledge in their daily lives and activities, keeping it alive. According to many questionnaire respondents, traditional knowledge still plays an important role in biodiversity management in several areas. In Indonesia and Malaysia, traditionally, it has been “adat” or "custom" that has been central in resource management and social interactions. In Indonesia, indigenous communities are also called "adat" communities and it is them who have developed and used several strategies for the sustainable management of natural resources in their respective lands. They created forms of restricted access (a form of management of the “commons”) and regulations to maintain sustainability and control excessive exploitation of forest and coastal resources such as *tana ulen* in Dayak-Kenyah communities; *sasi* in the Maluku islands; *sufs* and *awiq-awiq* in Lombok and West Nusa Tenggara. Some of these management strategies are recognized and maintained within the management system of forest and conservation areas. Traditional management regulations such as *awiq-awiq* are still practiced in several indigenous communities on the islands of Bali and Lombok (West Nusa Tenggara) and Bandu in Mutis Timau (East Nusa Tenggara). In the Kayan Mentarang area in the interior of Kalimantan, “adat” practices regulate the harvesting of economically valuable forest products like rattan and aloes wood. Also, the regular burning of grassland patches in some areas creates an ideal habitat for large mammals like wild cattle and deer. There are many activities showing the engagement of indigenous and local communities often working together with NGOs in the context of improving the management of natural resources. One such example is community participation in the monitoring of coral reefs (Friends of the Reef) in Riung (East Nusa Tenggara).

8) Communication, Education and Public Awareness. One reason for which traditional knowledge is hardly respected is due to modern education, which emphasizes western-type science and technology and the use of national languages. There is very seldom any space for local wisdom and languages in school curricula. Most mainstream media also trumpets the glamour of modern lifestyles, directly or indirectly implying that the knowledge of the elders is outdated. The advent of TV in the villages leaves little time for communal interaction and story-telling.

9) Capacity-building local communities have been weakened by decades if not centuries of dispossession and marginalisation. They therefore need time and resources and support to be able to play a role in resource management and policy-making. Here, partnerships and collaboration with NGOs, sympathetic government officers, donor agencies can play an important role.

II) Why and how do such issues relate to protected areas and human well-being?

The issue of unequal power relations and therefore unequal access to resources and management options is directly related to protected areas and human well-being in two major ways. Firstly, indigenous peoples and local communities that lose control over the resources that provide them with livelihoods - as has been happening for the past two centuries or more depending on the country - are losing access to the very means of their well-being and dignity. There are many cases demonstrating that local people become very poor once their surrounding resources are taken away from them or get badly degraded. In the wider context, society as a whole loses an asset that generate well-being, both material and socio-spiritual. Secondly, as their rights are not recognised and respected, with the establishment of protected areas, local people get evicted and resettled or their economic activities very seriously curtailed.

Many government and non-government agencies have realized that conservation and sustainable management are not possible without the involvement of indigenous peoples and local communities, the very people who live close to the resources (which, in many cases are still in good state because the people managed them sustainably). The theory has been mostly accepted, but in practice, governments and conservation bodies do not seem very serious at respecting the rights of indigenous peoples and local communities when establishing new protected areas or reviewing the management of old ones. The lack of serious political will to move from theory to practice continues to affect these people's well-being and protected areas as well.

One of the key underlying cause of the marginalization of indigenous peoples and local communities is the failure by many governments to recognize and respect their basic rights to land and resources. The fact is that the resources on which these people depend - forests, inland waters, coastal and marine ecosystems - are coveted by powerful vested interests, which become a significant obstacle to rights recognition. But unless these rights to land and resources are secured, there will be little option for poor people to secure their well being as well as to invest time and resources in conservation and sustainable use.

National policies on natural resource management are extremely important in directing how biodiversity and other resources are going to be used. They set the tone concerning who will manage those resources and who will benefit from them, so national policies also directly affect the well-being of indigenous peoples and local communities as well as of the wider society. Participation is both an important process and a right in itself. If local people cannot effectively take part in the social and political life of an area or country, one of their major avenues to express their needs and aspirations is closed off. Effective participation in biodiversity management and policy-making is therefore critical to well-being.

Well-being and nature conservation are part and parcel of sustainable development, both individual and collective. Traditional knowledge and customary practices, laws and institutions are becoming increasingly recognised in theory as potential great contributors to sustainable development paths, but governments and international institutions are not paying enough attention in practice to stop their erosion and employ them in practical initiatives as the quest for ultramodern technologies rolls on. Indigenous knowledge systems should play a bigger role in the search for well-being. Lastly, communication, education, public awareness and capacity building are constantly needed in our personal and collective lives to devise better and improved strategies and initiatives for the welfare of nature and people.

III) What can we do about it?

1) ADDRESS UNEQUAL POWER RELATIONS: SUPPORTING LOCAL COMMUNITIES' AND INDIGENOUS PEOPLES' RIGHTS.

Indigenous peoples and local communities need to regain at least some degree of power and control over resources - on which they depend for their livelihood and future development - that they have increasingly and systematically been losing since colonial time. There needs to be a redistribution of power from the current government-business sector power centres (both national and international) to civil society, particularly indigenous and local communities. Some practical options include:

1.1: Support the recognition and respect of Indigenous Peoples' rights

Due to the sustained lobbying of the global indigenous movement, progress has been made at the international level in terms of indigenous peoples' rights. ILO Convention 169 and the United Nations Draft Declaration on the Rights of Indigenous Peoples recognise indigenous peoples as distinctive collectives with rights to the ownership of their territories, the exercise of their customary law, respect for their traditional institutions and self-determination. Most Southeast Asian countries, however, have not ratified ILO 169 and only in The Philippines, on October 29, 1997, the President signed Republic Act 8371, *An Act to Recognize, Protect, and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefore and For Other Purposes*, which is commonly known as the "Indigenous Peoples Rights Act (IPRA) of 1997". Malaysia has weak Native Customary Rights and in Indonesia only very recently, due to the fall of the Suharto dictatorship in 1998 the emergence of a vigorous national struggle for

Box 1 **The Tagbanwa of Coron Island** (see map, p. 45)
The Tagbanwa of Coron Island, Calamianes Islands, North Palawan, have been living on a stunningly beautiful limestone island surrounded by water once rich in marine resources, their main source of livelihood. By the mid-1980s, not having secure legal tenure over these environments, the increasing encroachment by migrant fishers, tourism entrepreneurs, politicians seeking land deals, and government agencies interested in controlling various resources of the island, meant that they were fast losing control over their terrestrial and marine resources to the point that they were facing food shortages. They reacted by setting up the Tagbanwa Foundation of Coron Island (TFCI) in 1985 and applying for a Community Forest Stewardship Agreement (CFSA). They were awarded a CFSA covering the whole island and neighbouring, small, Delian Island, (for a total of 7,748 hectares) in 1990. Soon after they realised that their main source of livelihood, the marine waters surrounding the island were being degraded at an alarming rate by dynamite, cyanide and other illegal and destructive fishing. Through the use of an Executive Order passed in 1993 that allowed the Department of Environment and Natural Resources (DENR) to issue Certificates of Ancestral Domain Claims (CADC), and the help of a national NGO (PAFID), in 1998 they managed to obtain the first CADC in the country that included both land and marine waters, for a total of 22,284 hectares. They produced high quality mapping of their territories, an Ancestral Domain Sustainable Management Plan, and followed up the development of the IPRA law, successfully using it to obtain a Certificate of Ancestral Domain Title (CADT) in early 2001. The title implies that the Tagbanwa are now in control of decision-making concerning the use and sustainable management of the island's resources. As TFCI Chairman Rodolfo Aguilar puts it "*we are a living example of how IPRA can be used successfully by indigenous peoples*". The CADC and CADT were put to prompt use when Coron Island was selected as one of the 8 sites under a DENR (EU-funded) national programme called the National Integrated Protected Areas Programme (NIPAP), 1996-2001. The ultimate intention of the DENR was (and still is) to gazette the whole island as a Protected Area, but this has so far not materialised because the Tagbanwa fear that they would once more lose control over the island, although they were promised majority participation in the PAMB. Having gained a CADT over the island they prefer to stick to their right-based approach to resource management rather than accepting an uncertain participatory approach through the PAMB. Several other indigenous communities in other parts of the country are looking at CADT over land and water as a tool to secure their rights.

Source: author's field work.

recognition of indigenous rights has found voice in the country. As Colchester writes, "*Embodied in the Aliansi Masyarakat Adat Nusantara (AMAN - the Alliance of the Peoples Governed by Custom of the Archipelago), this movement is demanding recognition of the rights of the indigenous peoples to their lands and to self-governance. Based on the constitutional recognition of adat (custom), the movement seeks to restore to the communities the power lost to the State in the centralizing reforms of the 1960s and 1970s. Favoured by the constitutional recognition of adat (custom) and the administrative decentralisation effected by law in 1999, a district law in West Java now recognises the territorial rights of 52 indigenous villages.*"¹

Although the Philippine IPRA law is not considered perfect by the indigenous peoples, some of them are making full use of it to gain control over their resources and to develop sustainable management plans (see box 1). Indigenous groups in other countries are looking at IPRA as something to learn from and are slowly building momentum for the recognition of their rights in their own countries, although in most countries it may seem a target quite far in the future. NGOs could play a role in supporting these local initiatives and inviting governments to ratify ILO Convention 169 and supporting the UN Draft Declaration on the Rights of Indigenous Peoples.

Options for action and advice

The WPC should:

- Invite governments to ratify ILO 169, to endorse the Draft Declaration on the Rights of Indigenous Peoples and the work on the newly-established Permanent Forum on Indigenous Peoples at the UN.
- Invite governments to explore, develop and accept novel political arrangements that provide indigenous peoples with more decision-making over their lands and resources.
- Call upon both development and conservation agencies to adopt clear policies that recognise IP's rights and ensure that their active and informed participation in any development projects affecting their lands.

¹ World Rainforest Bulletin # 62, September 2002

1.2: Strive for recognition of Community Property Rights while addressing differences between IPs and other local communities

Indigenous peoples are not alone in striving for rights recognition in the Philippines. Coastal fishermen communities have also been active and have managed to form an extensive network of Community-Based Coastal Resource Management (CBCRM) initiatives throughout the country. Not having the benefit of a law like IPRA, fishermen activists with the support of NGOs and sympathetic academics have developed the concept of Community Property Rights, which could apply to terrestrial resources as well as coastal and marine resources. Rights over marine water, however, appears to be a more complex issue than land due to the very nature of the resource and might require more time to develop. Fisher communities and supporting NGOs have been active in lobbying their issues around the Fisheries Code of 1998 and in 2001 have been campaigning in support of an Administrative Order of the Department of Environment and Natural Resources (DENR), namely DAO17, which calls for the delineation and mapping of municipal coastal waters, which should be priority fishing grounds of small scale artisanal fishermen. The DAO has been contested by commercial fishers, but mapping and delineation are underway. A community that is part of the fishermen communities' network is that of Zaragosa Island (box 2). As Ben Malayang III (an ex-government official) remarked, "*There must be a better harmony and more equal rights to determining the protection and use of biosystems by both the State and local communities*".

Option for action and advice

The WPC should acknowledge the initiatives by local communities that are seeking to address and gain Community Property Rights in order to protect the resources on which they depend and should consider the allocation of human and financial resources to research the issue and support local initiatives.

Box 2 Zaragosa fishermen's effort to protect the coastal environment and their rights.

Zaragosa Island is a small island and a barangay (smallest administrative unit in the Philippines) of Badian municipality, on the south-west coast of Cebu Island. A local group of fishermen set up a cooperative in the late 1980s to try to improve their livelihoods.

In the early 1990s they proposed the setting up of a 10ha marine sanctuary in order to rehabilitate the declining fisheries and coral reef. They were met with opposition from the Local Government Unit (LGU), the trawler operators and even from some of their community members. Convinced that the marine sanctuary would benefit the community in the long term, they held on to their principles and managed to obtain an LGU Ordinance declaring the sanctuary a protected area through Municipal Resolution No. 110 of 1987. The cooperative also actively pursued mangrove reforestation and carried out cultural activities to raise awareness on the importance of conserving the environment. The marine sanctuary now hosts a coral reef in excellent condition and an increasing fish population. The fishermen are now fighting a foreign-owned fish-cage project that has encroached onto their anchovies traditional fishing grounds and are part of a national fishermen and NGO movement demanding community property rights in coastal/marine areas, the first step being the delineation of the municipal waters to prevent the encroachment of trawlers and other non-local fishing activities in their coastal waters.

A 2001 study showed that there was an increase in the number of species, population density and biomass estimate of target species (*Chaetodontidae*) and indicator species (*Acanthuridae*, *Caesionidae*, *Lutjanidae*, *Serranidae* and *Siganidae*). Lutjanids were no longer observed (Alcaria 2001). The result of the workshop with the community shows also that the effects of the marine sanctuary management was positive for fisheries conservation, including maintenance of reef status, non-disturbance of fish, and increase in shells. Community perception of this impact was quantified with the following results: respondents agree that there was an increase in fish within the sanctuary (94%), increase in fish outside the sanctuary (28%), and increase in fish catch (22%). The marine sanctuary is entirely managed by the Zaragoza-Badian Island Multipurpose Cooperative (ZBIMC), with minimal funding support from the local government. Members of the cooperative are residents of the island and have been practicing traditional management strategies they inherited from the past generations.

Source: Arsenio Tanchuling, Tambuyog Foundation, Philippines; author's field work.

1.3: Ensure land/resource tenure and resource rights security

Closely related to 1.1 and 1.2, security of land tenure and resource access rights is a matter that local communities considered central to sustainable biodiversity management. Biodiversity loss is very likely to happen when there is tenure insecurity because land and other resources can easily be appropriated by land and resources speculators and entrepreneurs, but also because a community that has no long-term secure control over land and resources is unlikely to invest energy, time and money to manage those resources sustainably. Land and resource conflicts are very common in Southeast Asia and immediate steps should be taken to guarantee tenure security to local communities.

There has been increasing realisation that land tenure is a critical aspect of natural resource management, but it is also important to point out the issue of resource and tree tenure as they play a role in customary practices and should be appropriately considered in developing management systems (see box 3). As mentioned in the box, one important emerging aspect of tenure regimes is that different resources require different tenure arrangements. As Baird and Dearden have reported, *"The Brao people in Ratanakiri (Cambodia) for example, have customarily managed some resources as private property and some in common. Dipterocarp resin trees are managed as private property. This has resulted in the trees being fiercely protected from being cut down by outside loggers. On the other hand, swidden agricultural lands have been managed as common property given that the most limiting factors are labour and suitable land, and it is much easier to manage these factors collectively. For migratory fish resources in the Mekong, the Brao prefer a collaborative management with the government, as the government here can play an important role in protecting the fish stock in far away areas."*²

The need for land tenure security is aptly illustrated by several of the questionnaire respondents. The community of Uma Bawang, Upper Baram River, Sarawak, split into two over disagreement concerning the presence of logging companies on their customary land. Customary land rights are recognised by the Sarawak Land Code but they are undefined or vague on the ground and easily degazetted by the government and completely disregarded by logging and plantation companies. The anti-logging group of Uma Bawang built an alternative settlement and have started a community forest area and integrated agriculture in the early 1990s. They also undertook community mapping with the main aim to make sure that the community will have land rights over the area they are developing, which is part of their customary land.

Likewise, in Laos, under the land allocation process and the Village Forestry Law being implemented by the Lao government, local people are allowed to establish village conservation areas, as well as "sacred" village-protected areas related to cemeteries or places where cremation takes place. However, recent heavy logging allowed by the government has often disrespected the rights of villagers to protect these areas, leading to logging in these areas by outsiders, much to the dissatisfaction of local people, who are now driven to think twice before investing time and resources in community conservation.

In Zaragosa Island, issues of community tenure over common pool resources are central to discussing any management strategy. Given that the community is not a homogenous group and interests are negotiated through political and extra-administrative measures, the promotion and maintenance of indigenous/traditional resource management systems and tenurial arrangements becomes a primary concern in order to sustain not only the natural regenerative capacity of the resource, but also in sustaining community participation in resource management.

² Baird I. G. and Dearden P. 2002, Biodiversity Conservation and Resource Tenure Regimes - A Case Study from Northeast Cambodia. Paper being prepared for *Environmental Management*.

BOX 3: NTFP tenure in Pathoumphone District, Champasak Province, Southern Laos.

Over 70% of Pathoumphone District is included within two of Laos' most important National Biodiversity Conservation Areas (NBCAs), Xe Pian and Dong Houa Sao. Rich semi-evergreen forests cover much of the district, which also possesses important wetlands ecosystems. The local population, which includes ethnic Lao people and five predominantly ethnic Brao communities, three ethnic J'rou communities and smaller number of indigenous peoples from other ethnic groups, are heavily dependent on forest products for maintaining their livelihoods. A case study carried out in this area in November 2002 clearly illustrates how different plant-based NTFP resources are managed under different tenure arrangements. Analysis of tenure arrangements related to malva nut trees (*Scaphium macropodum*), wood resin trees (*Dipterocarpus alatus*/spp.), dry resin (*Shorea* and *Parashorea* spp.), cardamom (*Amomum ovoideum*), rattan, piper betel leaves, wild bee products, wild fruit trees, Hem vines (*Coscinium usitatum*), and eagle wood trees (*Aquilaria cf. crassna*), indicated that resource tenure arrangements can be permanent or temporary and can change with changing circumstances and depending on land and tree tenure arrangements. For example, for wood resin trees it is possible to have privately owned trees on commonly owned land, while with malva nut trees it is possible to have commonly owned trees on privately owned land. Or for honeybees, tree tenure is temporary for one species, and permanent for another, based on the biological characteristics of each species. It is therefore critical to have a detailed understanding of resource tenure arrangements as a fundamental basis for considering appropriate natural resource management regimes. In some cases local management regimes continue to provide important forest protection mechanisms, such as with *Dipterocarpus* wood resin trees and honeybee nests, while in other cases the resource management systems of local people appear to be functioning less efficiently, as in the case of eagle wood.

Government-mandated regulations, however, sometimes damage the local management systems, leading to resource destruction, such as the case of the 1996 government ban on wood resin commercial trade and export, causing drastic declines in prices and markets for wood resin and decreased incentives for local people to actively protect wood resin trees, as they used to do prior to the ban. Some people have speculated that this move was introduced to reduce local resistance to logging activities that arrived in the area at about the same time as the ban. In other cases, government intervention has yielded mixed results. In that regulations are customary when it comes to honey trees, and are customary combined with government regulations for malva nut trees, the regulations appear to not be causing significant conflict between and within villages, for the most part. However, keeping malva nut trees as open access rather than allowing individual villages to commonly manage the resources is a continuing source of dissatisfaction within many communities, especially when home villages feel like outsiders are getting more benefits from resources than they are. Although prohibiting certain methods of destructive harvesting, government regulations making malva nut trees an open access resource remains a fundamental constraint to an overall sustainable resource management system. However, government regulations and international donor's support in improving malva nut tree management have helped improve the sustainability of malva nut fruit harvesting in recent years, so the government system can be considered to be at least partially successful.

One serious constraint relates to logging concessions in Pathoumphone. Even though malva nut and honey trees are generally not valued for their timber, the cutting down of commercially valuable tree species can result in the indirect destruction of malva nut and honey trees that are in the path of the falling timber trees. Sometimes 4 or 5 malva nut trees are destroyed when a single commercial timber tree is cut down. An important constraint is that forests are given over to local people to manage, except for when logging concessions are given out to outsiders. This makes it very difficult for local people, as they cannot expect to benefit from their protection efforts in all cases. Still, many have made efforts nonetheless. Yet guaranteeing greater village authority and tenure rights would certainly improve incentives to local people.

Source: Ian G. Baird and Somphong Bounphasy, Global Association for People and the Environment (GAPE), Laos

Other cases further contribute to the debate on tenure security. In the cases of CCAs in Chambok (Cambodia) and Kg Endah (Malaysia), there was a need to engage private landowners in the conservation project, which agreed to the conservation zone, but needed reassurance concerning tenure arrangements.

Option for action and advice

The World Parks Congress should develop a clear message and action plan to ensure that land and resource tenure security are fully addressed in conservation and biodiversity management within protected areas and in CCAs.

1.4: Eradicate or minimise political intervention of the powerful and wealthy



While government departments are supposed to be the authority managing public resources in a transparent and accountable manner, in reality there are many cases providing evidence and allegations that political leaders give behind-the-scenes directions concerning resources allocation that only benefit a privileged social group and themselves. Very often, poor village people feel powerless when land or other resources are appropriated by powerful politicians and businessmen. Land grabbing, logging concessionaires' abuses, over-fishing and other unsustainable activities result. In Cambodia, for example, the main objective for which CCA have started to emerge and develop during the past decade appears to be the protection of communities' livelihoods and rights from these types of activities.

Options for action and advice

One way to reduce or get rid of these negative tendencies is surely to strengthen the rights and capacities of local communities on the ground, but action should also be taken to deal with shady deals, political influence, corruption and the likes.

1.5: Recognize the right to Prior and Informed Consent of indigenous peoples and local communities

Another tool that can be used to strengthen the position of indigenous and local communities is that of free and genuine prior informed consent (PIC). At minimum, when a development or conservation project (such as a national park or nature reserve) are proposed to be established in a given area, the local communities must be fully informed and enough time be given for them to accept or reject the project or to negotiate various aspects of it.

In May 1995, President Ramos of the Philippines signed Executive Order 247 (EO247), *Prescribing Guidelines and Establishing a Regulatory Framework for the Prospecting of Biological and Genetic Resources Their By-products and Derivatives, for Scientific and Commercial Purposes and for Other Purposes*. Among the provisions referring to indigenous cultural communities (ICCs), EO247 states that the Inter-Agency Committee on Biological and Genetic Resources (IACBGR) - which it set up - is mandated - under Section 7 (e) - to "*Ensure that the rights of indigenous and local communities wherein the collection or researches being conducted are protected, ...The Inter-Agency Committee, after consultations with affected sectors, shall formulate and issue guidelines implementing the provisions on prior informed consent.*" The PIC principle has to some extent found its way into laws in the Philippines but much remains to be done to make it effectively operational and to have it adopted in other countries.

Box 4 The Tagbanwa's refusal to establish a protected area on Coron Island.

As mentioned in box 1, Coron Island was selected as one of the 8 sites under a DENR (EU-funded) national programme called the National Integrated Protected Areas Programme (NIPAP), 1996-2001. The ultimate intention of the DENR was (and still is) to gazette the whole island as a Protected Area, but this has so far not materialised because the Tagbanwa fear that they would once more lose control over the island, although they were promised majority participation in the PAMB. Having gained a Certificate of Ancestral Domain Title (CADT) over the island they prefer to stick to their right-based approach to resource management rather than accepting an uncertain participatory approach through the Protected Area Management Board (PAMB). One of the main reasons mentioned by the Tagbanwa for their refusal of the DENR-EU project was the fact that Coron Island was selected as one of the 8 sites for the project without any consultation with the Tagbanwa and without seeking their Prior Informed Consent (PIC).

Option for action and advice

The WPC should consider adopting PIC as a central tenet in the development of future policies and practices concerning protected areas and biodiversity conservation.

1.6: Redress past grievances and the issue of restitution



During a session on reflections and conclusions at the conference on "Indigenous Peoples and Protected Areas in South and Southeast Asia - from Theory to Practice" held in Sabah, Malaysia in December 1998, Victoria Tauli Corpuz, an indigenous woman from the Cordillera, Philippines proposed that *"In general, there should be an accounting of the past injustices committed against indigenous peoples brought about by the creation of national parks or protected areas. The restitution of ancestral territories or parts of these which were alienated because of the creation of the protected areas should be undertaken. There should be a retribution of these injustices and human rights violations committed against indigenous peoples. The culpability of states, donor agencies, and NGOs in the perpetuation of these violations should be identified."*

Most case studies at the conference also pointed out that indigenous peoples were still discriminated against in so far as protected areas policies and programmes were concerned, leading to loss of control over ancestral territories and even loss of lives in certain cases. The conference focused on indigenous peoples and it seems that no assessment of the injustices faced by other local communities in relation to protected areas has ever been carried out.

Options for action and advice

The WPC should take this issue very seriously. It should undertake an accounting of the past injustices committed against indigenous peoples and local communities brought about by the creation of national parks or protected areas and consider the restitution of ancestral territories or parts of these which were alienated because of the creation of the protected areas as a valid option in order to re-establish trust with indigenous peoples and local communities.

2) REFORM NATIONAL POLICIES, LEGISLATION AND INSTITUTIONS RELATED TO INDIGENOUS PEOPLES AND LOCAL COMMUNITIES



2.1: From policies of indigenous peoples' resettlement, integration and/or marginalisation to self-determination

Starting during colonial domination and continuing with independent states, the underlying policy towards indigenous peoples has been their integration into the national society while denying them their rights to use and regulate access to their resources, to exercise their customary laws and to control decision-making concerning their future. As a result, their traditional lands have been taken over by the state and then exploited by extractive industries and for "development" projects. Those who have resisted these trends have been castigated and marginalized and often dubbed as "anti-development" or subversive. Resettlement policies and projects, which were quite common in the 1960's and 1970's have been severely criticised due to their negative social and ecological impacts and have been reformed in many countries, but they continue to be carried out for particular projects such as dam building. Indigenous peoples have consistently argued that they are not against development per se, but cannot accept the kind of "development" that brings them social disintegration and ecological wastelands and are therefore advocating for development that meets their needs and aspirations. Self-determination, in this sense, can be interpreted as their right to decide what type of development they want to see happening in their communities in such a way that they have control over their lives and destinies, including the use of customary laws and institutions. The indigenous groups of Southeast Asia that have been aware and have fought for their rights to be recognized and respected, have so far managed to gain some recognition only in certain countries. The Philippine Indigenous Peoples' Right Act of

1997, despite its limitations and weaknesses, is still the most progressive piece of legislation representing a shift towards Indigenous Peoples' self-determination. After the fall of President Suharto, the network AMAN has been growingly expressing the voices of the indigenous groups of Indonesia, but it is still early to say where this is going to lead.

Options for action and advice

The WPC should:

- invite governments to discontinue and review their integrationist policies and related practices such as resettlement and colonisation and instead provide scope for people to make informed decisions about their future and destinies;
- in close consultation with indigenous peoples organisations, land and forest tenure regimes should be reformed to recognise the rights of indigenous peoples to the collective ownership of their ancestral domains;
- legislation should be revised to provide scope for the exercise of customary law under indigenous jurisdiction, subject to respect for international human rights principles.

2.2: Reform national policies, legislation and institutions to ensure that local communities are placed at the centre of development and conservation



It is not only indigenous peoples who have been complaining about being marginalized in decision-making on development and conservation, but local small farmers and fishers communities too. In too many instances, development and conservation projects have been imposed in their areas without taking into consideration their socio-economic, ecological, political and spiritual needs. In short, many local communities feel that development projects are carried out to appease a country's priority to compete in the global economy or to satisfy the wants of urban elites rather than to satisfy their local needs and aspirations. As these development projects end up encroaching onto their lands and resources and in many cases have disastrous consequences for biodiversity and natural resources, the state has then to set aside pockets of protected areas to save dwindling biodiversity, further encroaching on local communities' livelihoods. The two sides of the coin, that is state-imposed development and conservation, are therefore part of the same ideology that keeps local communities at the periphery. For the past 20-30 years, there have been debates on how to make development more people-friendly and people-centred, but the required shift to design development and conservation around people's needs rather than around economic profit and global competitiveness has not really happened.

Options for action and advice

The WPC should consider developing policies and projects with a more holistic and people-centred approach to biodiversity conservation and sustainable use.

2.3 Recognition of customary laws and institutions

Box 5 The Dayak people in the Kayan Mentarang National Park (KMNP) (see map p.51)

The Kayan Mentarang National Park situated in the interior of East Kalimantan, Indonesian Borneo, lies at the border with Sarawak to the west and Sabah to the north. With its gazetted 1.4 million ha, it is the largest protected area of rainforest in Borneo and one of the largest in Southeast Asia. The history of the natural landscape of the park is inexorably intertwined with the history of its people. About 16,000 Dayak people live inside or in close proximity of the Kayan Mentarang National Park. The communities living in and around the park are still "adat" communities, largely regulated by customary law or "adat" in the conduct of their daily affairs and the management of natural resources in the customary territory or "wilayah adat". The customary chief or "kepala adat" administers the customary law with the help of the customary council or "lembaga adat". All elected officials at village level and prominent leaders of the community sit on a customary council. Traditional forest areas with protection status or strict management regime exist. "Tana ulen", for example, is tana or land whose access is restricted, limited. It is an expanse of primary forest rich in natural resources such as rattan (*Calamus spp*), sang leaves (*Licuala sp.*), hardwood for construction (e.g., *Dipterocarpus spp*, *Shorea spp*, *Quercus sp*), fish and game, all of which have high use value for the local community.

The Nature Reserve established in 1980 was strict protection status according to which no human activities were allowed inside the protected area. WWF together with LIPI (Indonesian Institute of Research) and local people conducted long-term social science research ("Culture and Conservation", 1991-1997) and experimental community mapping to show that the communities had rightful claims to the land and its resources. The results represented the basis to recommend a change of status from Nature Reserve to National Park in 1994 (where traditional activities are allowed). The WWF project identified the issue of social entitlements, and particularly lack of tenure security, as a priority intervention for the period 1996-2000, as this was a key issue among Dayak people in the interior. Although Dayak people had been living in the area and made use of forest resources for centuries, the forest they inhabited and managed was "state forest" (including under National Park status) with a situation of open access whereby the state could decide to allocate exploitation rights or decide to establish a conservation area without prior consent of the local communities. Local communities had very little power in trying to defend the forest or secure the source of their economic livelihood against logging companies, mining exploration, or outside collectors of forest products. Under these circumstances, the WWF Kayan Mentarang project decided to give priority to activities in the field that could lead to the recognition of "adat" claims and "adat" rights so that indigenous communities could continue to use and manage forest resources in the conservation area (community mapping; qualitative assessments of the use and availability of forest resources with economic value; workshop for the recognition of "tana ulen" or forest under traditional customary management; participatory planning for zonation recommendations and the redrawing of the external boundaries of the park; drafting of "adat" or customary regulations for the management of the national park; strengthening of local organizations and institutional development) (phase 1996-2000).

Following the recommendation of the "adat leaders" from the KMNP, FoMMA, or Alliance of the Indigenous People of Kayan Mentarang National Park, was then formed (and formally established on October 7, 2000) by the leaders of the ten customary lands of the park. The purpose was to create a forum for conveying the aspirations of the indigenous communities and debating issues concerning the management of natural resources in the customary lands of the KMNP. FoMMA is concerned with guaranteeing protection of the forest and the sustainable use of natural resources in the ten customary lands of the NP area as well as protection of the rights of indigenous people and increasing their economic prosperity in and around the national park area. FoMMA now legally represents the indigenous people of the park on the Policy Board (Dewan Penentu Kebijakan), a new institution set up to preside over the park's management. The Policy Board includes representatives of the central government (agency for Forest Protection and Nature Conservation), the provincial and district governments and FoMMA. The operating principles of the board emphasize the importance of coordination, competence, shared responsibilities, and equal partnership among all stakeholders. The board was formally established in April 2002 with a Decree of the Ministry of Forestry, which also spelled out that the park is to be managed through collaborative management (a first in Indonesia!).

Source: Cristina Eghenter, WWF Indonesia Kayan Mentarang project

One of the major challenges to CCAs is the tension between state-imposed laws and institutions and customary laws and institutions. Community-based sustainable management is in most cases based on the intertwined interaction between ecological and human systems which has taken place over centuries or millennia and which have been codified in local social and cultural norms, critically including customary laws and institutions. Modern laws and institutions, introduced forcefully by colonial powers and subsequently by national governments in many cases sit at odds with customary ones. As an indigenous respondent from Sarawak pointed out: *"Before modern conservation theory and practice came in, many local communities in Sarawak had systems of setting aside protected areas according to the adat, or customary law. That has lasted until today, but these systems conflict with the government's modern laws and views of conservation. There is a lot of tension and conflicts, which create serious obstacles to community conserved areas. A few individuals in the government have recently expressed the view that there must be ways to harmonise customary and state law and to recognise the validity of customary practices, but we do not know how seriously they will try to do this. There is still de facto control of local communities in some areas but these are shrinking due to conflicting interest with logging, plantations and other large-scale "development" projects and policies."*

If a serious attempt has to be made to promote community-conserved areas, one critical aspect to be reviewed and addressed is that of customary laws and institutions either as the basis for community-based conserved areas or for co-management initiatives. Some attempts are being made in the region. In the Philippines, the Protected Area Management Board is supposed to secure the participation of indigenous peoples and local communities, who can then bring the issue of customary laws and institutions into the picture. However, as some respondents claim, the government agencies should make a stronger effort to respect local traditional customs and constructions of tenure rights and their institutions. In Indonesia, one promising project is that in Kayan Mentarang, one the largest national parks in Borneo and Southeast Asia (see box 5). While this development is certainly very welcome, much energy and resources need to be invested to encourage the adoption of such approach throughout the region.

Options for action and advice

The WPC should make a strong effort to call upon government and non-government conservation agencies to very closely keep customary practices, laws and institutions into consideration and afford them a prominent position in their policies and programmes.

3) NATIONAL POLICIES, LEGISLATION AND INSTITUTIONS RELATED TO RESOURCE MANAGEMENT, PROTECTED AREAS AND COMMUNITY-BASED NATURAL RESOURCES MANAGEMENT

3.1 Strive for recognition of community forest

Box 6 Towards Community Forestry in Indonesia

Forests in Indonesia have been rapidly depleting since the 1960s when the practice became prevalent of handing out logging concessions to military commanders. Logging quickly expanded to supply cheap logs to the Japanese timber industry principally to produce plywood. Under heavy pressure from government-directed colonisation programmes forest loss escalated, a process further exaggerated by large-scale schemes, some developed with foreign assistance, to expand tree crops in 'conversion forests'. Demand soon outstripped supply and hastened the extension of the logging frontier into the remoter parts of Kalimantan, Sulawesi, the Moluccas and 'Irian Jaya' (West Papua). By the late 1980s, NGOs were estimating deforestation in Indonesia at around 1 million hectares a year, a figure long denied by the government. Recent studies put the rate of forest loss even higher --at some 3 million hectares per year-- and note that over half of all timber is being extracted illegally.

As the International Centre for Research in Agroforestry (ICRAF) has noted:

"In the early 1980s, in what could be considered one of the largest land grabs in history, the government implemented a forest zonation system that classified most of the Outer Islands as forestlands. Seventy-eight percent of Indonesia, or more than 140 million hectares were placed under the responsibility of the Department of Forestry and Estate Crops. This included over 90% of the outer islands. Estimates place as many as 65 million people living within these areas. According to the Department of Forestry, the creation of the State forest zone nullified local 'Adat' rights, making thousands of communities invisible to the forest management planning process and squatters on their ancestral lands. As a result, logging concessions, timber plantations, protected areas, and government-sponsored migration schemes have been directly overlaid on millions of hectares of community lands, causing widespread conflict." (Chip F., Sirait M. and Kusworo A., 2000, *Getting the Boundaries Right: Indonesia's Urgent Need to Redefine its Forest Estate*. International Centre for Research in Agro-Forestry, Bogor, Indonesia.)

Since the fall of Suharto in 1998, the political protection afforded to his cronies has gradually been eroded and reform-minded politicians and officials have begun to push, tentatively for wider reforms in forest policy. Under pressure from NGOs and a civil society that grows daily more confident of itself, the Forestry Department has felt obliged to give way, at least in part, to demands for community access to and control of forests. Many communities are now questioning the legality by which the forest lands were demarcated and gazetted. Formally required procedures to consult the local administration and affected communities were often not run through, opening up the possibility that the annexation of community lands to establish State Forests could now be challenged in the courts. A vigorous civil society movement has emerged to challenge State control of forests including several broad alliances of NGOs and other civil society elements such as the Coalition for the Democratisation of Natural Resources (KUDETA), the Communication Forum on Community Forestry (FKKM), the Consortium for Supporting Community-Based Forest System Management (KpSHK) and the Alliance of the Indigenous Peoples of the Archipelago (AMAN). While their tactics and priorities vary, all have called for a devolution of control of forests to local communities. All these initiatives have benefited from considerable financial support from development NGOs and foreign Foundations.

The Forestry Department has taken various steps to accommodate this pressure. In January 1998 it passed a special decree recognising the rights of communities in Krui in West Lampung to have permanent control of their forests under community management. In mid-1999, the Government engaged in a consultation exercise with NGOs in drafting a new Forestry Act but the process broke down when it transpired that while a more-or-less open external drafting process was underway which involved civil society groups, the Ministry was simultaneously drafting its own version internally. It was the internal draft which was submitted to Parliament and ratified despite widespread objections including from former Ministers of the Environment and of Forests. Shortly after another piece of law was also passed in the period, Ministerial Decree, SK 677/1999 (revised in 2001 as SK 31/2001) which establishes a process by which communities can set up as cooperatives and secure 25 year leases to forests subject to government approval of the local management plans.

Although many NGOs are critical of the limited progress that these pieces of law represent, others consider them to be important steps towards a recognition of community rights in forests. The struggle for a reassertion of community forestry in Indonesia is really only just beginning.

Source: Marcus Colchester. Forest Peoples Programme. World Rainforest Movement Bulletin No. 63 (2002)

Community Based Forest Management is fast becoming a valid option for forest management in the wake of rapidly declining forest resources due to the unsustainability of the industrial forest management system. This is particularly relevant and important to CCAs especially in terrestrial forest ecosystems but in coastal areas as well, such as mangrove forests. At a meeting of the Forest, Trees and People Programme (FTPP) in Daman, Nepal, in April 2000, partners recognized the need to involve civil society more actively in CBFM and to develop more coherent networking of various CBFM experiences. In some countries, such as the Philippines, CBFM has been practised for some time with mixed results, but without strong interaction domestically and even weaker regionally. In many other countries, the recognition of community-based forest management is just starting. In Burma, the Forest Department issued the Community Forestry Instruction (CFI) in 1995. This grants User Groups a certificate for a 30-year lease. The NGO, Forest Resource Environment Development and Conservation Association (FREDA) has been working to implement two cases of CBFM, but concrete results from the ground are still unknown. In Malaysia, only in the state of Sabah there have been initiatives between the NGO PACOS and the Forest Department to support CBFM, which is currently slowly expanding to watershed management and community-based freshwater fisheries. In Thailand, various CBFM law drafts have been going around for the past 10 years, but, due to the conflicting nature of the resource, has yet to be approved. In Laos, a Village Forestry Law was adopted in 1997, but the CBFM practises of local communities are severely threatened by the expansion of logging operations. In Cambodia, as well as in other countries, several community-based FM projects have been supported by NGOs, but a major obstacle is the lack of legislation on community forestry and lack of property rights in general. Few villagers have land titles and this inhibit investment in biodiversity conservation.

Given this patchy situation, the FTTP meeting planted the idea of setting up a Good Forest Governance (GFC) in Asia project in order to analyze and improve the relationships among key actors in CBFM and to serve as a clearinghouse for best practices, lessons learned, and to monitor the effects of wider political processes on forest governance. This was launched in 2002 and is currently based at the Regional Community Forestry Training Centre for Asia and the Pacific (RECOFTC)

Options for action and advice

The WPC should:

- 1) Encourage national governments and international agencies to:
 - Strengthen local and community governance
 - Increase efforts to legalize and protect forest land and resource tenure for CBFM
 - Increase research into community-based forest management and expand its dissemination
 - Discontinue and avoid programs that limit local peoples' access to forests
- 2) Achieve recognition for community-based and indigenous forestry as a viable tool for achieving sustainable development, both at home and internationally.
- 3) Monitor, ensure, and evaluate the implementation of international commitments to community-based and indigenous forestry.
- 4) Secure political, monetary, and technical support --and respect-- from international agencies and organizations, and home governments.
- 5) Enable practitioners of community-based forest management to share knowledge and experiences, such as through the GFC project.

3.2: Strive for recognition of Community Based Coastal Resource Management (CBCRM) and Community Based Natural Resource Management (CBNRM)

All respondents point out that sustainable management and conservation activities cannot be carried out without community participation.

Although forest management and CBFM (see 3.1) have seemingly gained more popularity than other ecosystems management during the past decade, CBCRM and more generally CBNRM are also becoming well-known concepts in Southeast Asia. Some successful projects that started as CBCRM a decade or so ago, are now expanding to CBNRM to river and watershed ecosystems, providing a thoroughly holistic approach to community-based management from the mountain to the sea (see box 7).

Regional networking among various practitioners and projects has also started. The CBCRM Resource Centre (CBCRM RC) in the Philippines has been serving the CBCRM community for quite a few years and has recently expanded to link up with people and projects in Indonesia, Cambodia, Viet Nam and Thailand in a project called CBCRM Learning Regional Network (CBCRM LeaRN). These initiatives may well provide valid solutions to the perennial problem of lack of holistic approach to natural resource management as disputes between forestry, agriculture and fisheries department are all too common and communities get trapped into the mess and need to deal with so many agencies concerning the same local resource.

Options for action and advice:

The advice for CBFM is equally valid for CBCRM and CBNRM, with the addition that more attention should be given to developing policy and legislative arrangements for CBCRM dealing with coastal resources, which are seemingly more complex and difficult to deal with.

Box 7 Yadfon Association's Experience in Conservation of River and Coastal Ecosystems in Trang Province, Thailand.

Over 50,000 people lived peaceful lives, sustaining themselves along the Palian river basin and in the coastal area of Trang province. Now, however their lives have been upset by destruction of the wetland ecosystems on which their way of life depends. The upstream rainforest, sago palm (*Metroxylon sagus Rottb*) forest, nypa palm (*Nypa fruticans*) forest, mangrove forest, and seagrass beds have been widely degraded as a result of development projects, dredging the creeks, rapid development of intensive shrimp aquaculture and use of destructive fishing gear.

Yadfon Association has been working in 40 villages, located along the Palian river watershed in Trang province Southern Thailand, to oppose inappropriate development projects and support local conservation efforts. Through the empowerment process, fisherfolk have joined together to stop using destructive fishing gear and practices, such as dynamite fishing, and cyanide poisoning. The fishers have successfully petitioned the local government to ensure regulations are enforced within the protected 3 km. coastal zone. In the upstream wetland area, rice farmers have established a network to protect the sago forest and nypa forest from dredging and other forms of destruction. Fisherfolk have worked together to rejuvenate the coastal mangrove forest, the nypa palm forest, and the seagrass beds since 1985, while the rice farmers have started restoring the sago palm forest in the wetland area since 1998. As a direct result of their activities, the coastal and the inland ecosystems have become healthy and the income resulting from the enhanced livelihoods of the people has accordingly increased.

The people have proven that they are capable of managing their resources in a sustainable manner, and now they request the government to recognize their achievements by granting the right to manage these wetland resources independently, or through a co-management arrangement. By providing support for the rice farmers and the fisherfolk's conservation activities, instead of leaving the development decision making in the hands of government officials and the business sector, the government will be able to ensure healthy productive inland and coastal ecosystems, and sustainable livelihoods for the poor families living along the Palian river watershed, who are an important component of Thailand's cultural heritage

Source: Pisit Charnsnoh, Yadfon (Raindrop) Association, Thailand

3.3: Reform biodiversity national policies to recognize CCAs as an important component of national biodiversity conservation and sustainable use

It is becoming quite clear that at least some local communities are taking their livelihoods and destinies in their hands after commercial unsustainable activities have left trails of destruction and, given a conducive environment and appropriate leadership and incentives, are ready to invest significant amounts of resources and time to rehabilitate and protect natural environments. Unfortunately, these efforts and initiative are still little recognized by governments and major funding agencies. With deepening environmental and social crisis, it is of utmost importance that CCAs receive due recognition and support.

It is also important to recognize that CCA come in a wide variety of forms. Some of the respondents pointed out that CCAs can be:

- Self-initiated community efforts: these are generally protected by local people for a variety of reasons: because they are fearful of spirits believed to be found in these areas (mostly in the past), due to increasing encroachment of external pressures and loss of livelihoods, wildlife protection and sustainable harvest, water supply, fish management, resource supply to future generations.
- Externally motivated (NGOs, Government agencies, donor agencies): NGOs and IOs have helped establish various forest and water-oriented protected areas in recent years. One critical aspect of these is that the local community is thoroughly informed of the why what and how of the whole project and that enough capacity is built up for the community to take over the project in the long term.
- In many cases, the present situation involves a combination of traditional/customary; revival of traditions; new approaches; and the circumstances throughout the region and individual countries country vary considerably from place to place, depending on various ecological and social factors.

Options for action and advice

The WPC should play a watershed role in convincing governments and relevant national and international agencies to:

- recognize and respect CCAs as major contributors and possibly the most holistic approach to biodiversity sustainable management within protected areas as well as in the wider landscape;
- allow for flexibility of approaches to biodiversity conservation and CCAs such as community forests, spirit forests, sacred areas, community fisheries, community-based conservation and ecotourism zone, community based coastal resource management and marine sanctuaries, community watershed management , and various potential forms of co-management as well as community-controlled areas;
- set up mechanisms to improve moral and material support to CCA initiatives;
- reform legal and institutional arrangements in order to accommodate CCAs.

Box 8: Villagers' effort to save last remaining mangroves in Thailand's eastern seaboard.

The mangrove ecosystem has served as rich stock of forest and aquatic resources for livelihood of local people in Thailand for centuries. Such rich resources, however, started to degrade and decrease in the early 20th century when logging concession licenses were granted to commercial companies. This trend has been accelerated since shrimp cultivation spread throughout the coastal area in 1980s. Many of small fishermen in Thai villages suffered due to destruction of resource stock that was brought about by these commercial activities.

As a response of their suffering, people in some coastal villages started to organize themselves for conserving mangrove and aquatic resources against commercial logging and the conversion of forests into shrimp pond. Pred Nai village, which is located along the coast of the gulf of Thailand nearby Cambodia, is one such villages where vast mangrove forests have been reduced. It is estimated that the forest area used to cover about 48,000 ha in the past while it covers less than 4,800 ha at present. Villagers in Pred Nai have perceived degradation of fishery resources and they consider the main cause is the destruction of mangrove forests. They now recognize the need to conserve the forest in order to restore the aquatic resources and develop methods to increase productivity of these resources. The innovation lays in the problem trying to ensure one of the last remaining mangrove forests on Thailand's Eastern Seaboard is manage sustainably.

Even after the concessions were stopped it was difficult to control outsiders, from both nearby villages and farther away from harvesting or destroying resources within the mangrove area. In addition, local leaders fearful of allow any harvesting, did not allow anyone to harvest in the mangrove area and the poorest villagers and fishermen whose livelihoods depended on the mangroves were adversely impacted.

In order to foster understanding and collaboration, Pred Nai villagers drew upon the strengths of local traditions and village elders and Pra Subin Pyuto, a respected monk began spreading the word for everyone to collaborate together. Today (2002), a Mangrove Network has been developed involving a number of villages nearby. Local collectors of mud crab (*Scylla serra*) and concerned villagers began in 1985. In 1987, the villagers planted the logged over and denuded mangrove areas. Socially, the community has relied on village elders so local tradition and knowledge is kept alive. School children today go out to the Mangrove Swamp to learn important aspects of mangrove ecology and work with the older generation whose knowledge is probably more profound, more comprehensive than what is taught in many graduate schools. In addition, the saving and community management groups have spurred on other community groups such as the women's group, youth group and even a network of villages who use the mangrove area. Today other nearby villages have set up community forests to regain the wealth that they had lost. Villagers have reported that shrimp, shells, fish have also increased. Many birds like *Mycteria leucocephala*, *Porphyrus poliocephalus*, *Ardea purpurea*, *A. cinerea*, *Dendrocygna javanica*, *Haliastur indus* are returning. It was reported that monkeys (*Macaca fascicularis*) were seen passing the villagers' houses. During the logging period, the monkeys moved away. Hoy Lod (tube snail) is now reappearing after being unseen for almost 20 years. Villagers have expressed an interest to increase their yields, and carry out an experiment on thinning of the dense natural stand of *Ceriops* and continued to monitor and improve the crab harvesting regulation.

At first local leaders and fishermen were concerned. After the concessions ended and a management group was set up, local users who depended on the area were not allowed to harvest any products. This caused resentment and conflicts. In order to solve this, an elderly teacher from the women's group organized a traditional village celebration to bring together everyone. Pra Subin Pyuto came and said "We can manage forests or resources but the first thing we have to do is manage people. Those who are hungry will become more so if they cannot have access to the wealth of the mangroves". After this the villagers have slowly began experimenting with more active management and the committee has become more inclusive.

Outside the village there was a need to create partnerships with other villages who also wished to use the resources and ensure those outside the immediate area did not try to divide the villagers. Fortunately, this is a closed-knit community area. Villagers set up a People's Mangrove Forest Network that meets in different villages on a rotating basis. The other main actors are the local officials. While these local management efforts are not legally recognized by the national government, local officials have been supportive of the initiatives and provided technical and moral support. The main

3.4: Reform the national PA system by integrating IPs' and local communities' rights and participation in its management and policy-making



As mentioned in the "key issues" section, it is by now widely recognized that conservation policies and projects without considering the rights and needs of indigenous peoples and local communities provide breeding ground for conflict and are likely to fail in most cases. Major international bodies such as the WCPA, IUCN and WWF have accepted this principle and have developed internal guidelines on the need to respect the rights of indigenous peoples and traditional communities. What is far from satisfactory is the slow progress been made to turn these principles into practice. Data emerging from recent literature and from respondents to this review point out that there are a few examples where the establishment of new protected areas follow participatory approaches, but that in most cases the conventional approach of imposing protected areas on indigenous peoples and local communities is still widespread. This matter is particularly important as Southeast Asia has 1,014 protected areas covering 418,000 sq km (approximately 10% of land area) and several countries have only very recently set up an extensive network of protected areas and other ones are in the process of expanding them. Lao PDR, for example, established its protected area system (20 National Biodiversity Conservation Areas) covering 14% of its land mass as recently as 1993, with two of the areas being added in 1995. However, as Baird says, *"there is no legislation to ensure that the rights of local people within protected areas are recognized although the government has so far avoided relocating local people outside of protected areas, and is interested in looking for ways to improve the livelihoods of local people living within or near national protected areas. Government officials generally allow local people to collect various types of NTFPs from within NBCAs, provided that harvesting is not considered destructive. The hunting of threatened and endangered wild animal and bird is, however, prohibited, and over the last few years the government has collected most of the guns that were once individually owned by local people, although this program has been promoted more in some provinces than others"*.

The Kayan Mentarang National Park is the first one in Indonesia to have a Ministerial decree recognizing a collaborative management between local, central governments, and indigenous people through the newly instituted Policy Board (DPK). This trend is a welcome step in the direction of recognizing the rights, needs and role of local communities vis-a-vis protected areas, but it is so far an isolated case rather than the norm. Many obstacles still need to be overcome in order to achieve a more equitable relationship between indigenous peoples and local communities and conservation policy and practice in the two countries mentioned above, and even more so, in the other Southeast Asian countries (see box 9).

In most countries there are rare occasions where communities cooperate well with the government's system of protected areas as these were not set up in a participatory way. In terms of managing state-declared protected areas, most governments play lip service to involving local people, but the quality of this participation is often less than ideal, and improvements are urgently needed.

Options for action and advice

The WPC should urge international conservation organisations and national governments to:

- Make sure that the provisions of Resolution 1.53 of the IUCN World Conservation Congress concerning Indigenous Peoples and Protected Areas are implemented at the national and sub-national levels.
- Adopt the UN Draft Declaration on the Rights of Indigenous Peoples as a framework for the creation of protected areas in areas inhabited by indigenous peoples.

- Ensure that the statutory systems relating to PAs are sensitive to and becomes fully harmonized with the diverse local traditions on protecting biodiversity resources.

Box 9 Most Protected Areas still ignoring Indigenous Peoples's rights in Indonesia

Indigenous peoples have for generations been managing both their customary areas, which are not recognized by the state, and, *de facto*, many state-declared conservation areas. Indigenous people with all their customary wisdom have long had a comprehensive management concept. Customary areas are divided into their functional zones, that is, the use zones and the protection zones. Examples of the zonation can be seen among the indigenous people such as *Kajang, Baduy, Katu, Naga*, etc. The zoning system and the use of the areas are strictly governed by customary law.

The conservation concept developed by the state, however, does not accommodate the participation of the indigenous peoples living in and around the state-declared conservation areas. The state policies concerning conservation, particularly national parks, have some fundamental problems. Firstly, on declaring an area as part of a national park, the state does not recognize the rights of local communities (both indigenous people and migrants) to customary land and resources. The area to be declared as park is considered as no one's land, so the state can declare it conservation area unilaterally. The absence of recognition results in very complex implications, particularly regarding the traditional knowledge used in resource management. On one side, the condition disempowers the communities to exercise their rights, on the other hand, it provides room for bio-prospecting and bio-piracy in the name of scientific researches. Such practices are certainly serious violation of the communities' intellectual rights.

Secondly, the management of national parks places more emphasis on ecological interests, while totally neglecting the surrounding communities' interests. This is clearly seen in the regulations on zonation. Article 32 of Law No 5/1990 states that area management within national parks is based on zonation, comprising the Core Zone, the Use Zone, and other zones according to specific needs. The Explanation of the Article states that the Core Zone is part of the national park totally protected from any human activities. The Use Zone is part of the national park designated for recreational and tourism activities. Other zones are designated according to their functions and conditions, such as the Wilderness Zone, the Traditional Use Zone, the Rehabilitation Zone, and others.

Governmental Regulation 68/1998 on Reserves and Conservation Areas Article 31 point 1 states that an area is declared national park in compliance with the following criteria: (a) the area is large enough to ensure natural ecological processes; (b) the area contains typical and unique resources, either plant and animal species and their ecosystems, or intact natural phenomenon; (c) the area contains one or more intact ecosystems; (d) the area contains genuine and natural features to be developed into eco-tourism; (e) the area is the one being able to be divided into the Core Zone, the Use Zone, the Wilderness Zone, and other specific zones based on the rehabilitation consideration, the surrounding communities' dependence on the area, in the framework of the conservation of the resources and their ecosystems.

Using such strict criteria, the Park's management sees the indigenous people as the threat and restrictive methods will be used to keep the people away or expell them from the protected area. One example is the case of Moronene:

The indigenous people of Moronene in Tobu Hukaea-Laea have been threatened by expulsion by the state under the operation titled Operasi Sapu Jagat (OSJ), which comprises elements from District and Sub-district Administrations, Forestry Agencies, Buton Police, Kaisabu Military Force 725, Rumbia Administration and several civilians. So far, the operation has taken place four times, namely OSJ I in December 1997, OSJ II in December 1998, OSJ III in September 2000 and OSJ IV in April 2002. In the absence of legal recognition of the communities' rights to the land declared by the state as national park, the indigenous people living there is considered illegal inhabitants and looters of the park. Ironically, during a few meetings between the communities and the governmental officials, the officials admitted that the state *de facto* recognized the land as customary land, but the communities were excluded from the management on the ground that the law had declared the land as national park.

Source: Rukka Sombolinggi, AMAN-Aliansi Masyarakat Adat Nusantara (Indigenous Peoples Alliance of the Archipelago - Indonesia)

4) PARTICIPATION IN BIODIVERSITY MANAGEMENT

4.1: Striving for participation "as an end" in collaborative management

Box 10 Participation in co-management of marine sanctuaries in North Sulawesi, Indonesia (see map, p. 49)

After visiting a community-based marine sanctuary in Apo Island, Negros Oriental Province, Philippines, villagers from Blongko, Talise, and Tumbak, North Sulawesi decided to develop marine sanctuaries in their villages too. The three villages became beneficiaries of the USAID-BAPPENAS Natural Resources Management II coastal resources management project (Proyek Pesisir) that was established in 1997. The marine sanctuary in Blongko covers 12 ha along the coast, and contains a mangrove swamp and part of a coral reef. The total area of the Talise Marine Sanctuary is 22 ha (divided between 10 ha of core zone and 12 ha as buffer) and consists of coral of reef flat, reef crest, reef slope, seagrass, and mangrove habitat. Tumbak Marine sanctuary covers 9 ha of coral reef and surrounding sea grass. The process of developing and establishing the marine sanctuaries was based on people's participation: the community and village government worked together to select the location of sanctuaries, placed the marker buoys, surveyed the coral condition, and made decisions on the regulations to be applied to the sanctuary.

The participatory establishment of the sanctuary enabled community members to work closely with government, and gain government understanding and support for coastal management. It began with the *Issue Identification* (potentials and problems), then the development of a coastal resources profile and management plan; *Program Preparation* (Community-Based Marine Sanctuary); *Consultation and Regulation Development*; *Commitment on the Agreement*; *Implementation and Monitoring-Evaluating*. In this manner, the community was able to understand the benefit of a sanctuary and increase their awareness of the coastal environment and its relation to improved coral cover and fisheries. An important aspect that shouldn't be ignored concerning the development of marine sanctuaries is the issuance of a local ordinance to regulate the protected area. The three villages pioneering this approach in North Sulawesi, received support for the ordinance that the villagers crafted from the regional and national government. In Blongko, the village ordinance was signed by the village head and the district head in November 1998, while in Talise and Tumbak the ordinances were signed and the sanctuaries inaugurated in August and November 2000, respectively. These ordinances, which were produced through the involvement of the community and the local government, enabled the communities to control such conservation areas. At a higher (regency - *kabupaten*) level, the government, learning from the success of community-managed marine sanctuaries, supported the initiative with the development of a new law. The Minahasa Community-Based Coastal Resources Management Law was signed into law on June 26, 2002. In Minahasa, scaling-up of CB-Marine Sanctuary in two sub-districts consisting of 24 coastal villages is underway. The scaling-up program is implemented by the local government of Minahasa Regency with technical support by the Proyek Pesisir North Sulawesi. After one year into the program, in January 2003, 6 additional marine sanctuaries and 2 mangrove sanctuaries were established and supported by local ordinances, while 13 proposed marine sanctuaries and 4 proposed mangrove sanctuaries are under consultation process.

Besides the community and local government, other stake-holders that should be involved to effectively control the marine sanctuary implementation are: NGOs, Opinion Leader, Media, *Polairud* (Police), and other related institution. The villagers' perceptions of the sanctuary and marine resources have changed since the start of the project. Local residents now view access to resources as being less of a problem than before the sanctuary existed. This change was ensured through increased community's control of its resources by means of the establishment of management committees and the preparation of a management plan. Further more, residents have informed researchers that they now find it easier to catch fish around the sanctuary compared to pre-sanctuary days. Data collection from the Blongko sanctuary pointed out that the number of fish species increased significantly from 1997 to 2000, from 20 to 95. Upon completion of the project (end of 2002 - early 2003), a final assessment will be done and management of the sanctuary will be completely transferred to the community. The challenge facing the project now is to consolidate the gains that have been achieved and ensure sustainability of the initiatives. At this stage, the project also needs to put more emphasis on creating higher level (*Kabupaten* or Provincial) enabling frameworks ensuring that on-going assistance can be provided to Blongko, Talise Tumbak and Bentenan by local institutions. It is very clear that in order to develop successful and sustainable programs, local people must be deeply involved from the earliest possible stage in developing the conservation area and clear benefits should be identified.

Source: J. Johnnes Tulungen, Field Program Manager, Proyek Pesisir North Sulawesi, Indonesia

Participation in biodiversity management is becoming a trendy matter, but are indigenous peoples and local communities fully and effectively having a say in resource management or are they marginal players? In cases where indigenous peoples and local communities cannot enjoy full control over their traditional lands and resources, collaborative management can be an important option, but it is critical that they are given opportunity to enter into such agreements with their own informed consent and fully aware of the potential outcomes, pitfalls and benefits. In the Philippine context, for example, advocates of community rights argue that although the present legal system offers little possibility for the institutionalization of Community Property Rights (CPR), work on the official recognition and adoption of certain bundles of rights for fisheries communities (e.g. the right to possess and to use, and the rights to the fruits of the resource), can perhaps be more immediately attainable. This is where, people involved in this debate argue, co-management schemes will play a crucial role in providing the necessary leverage by which fishing communities may attain certain property rights. Co-management is therefore seen as a second best option when full control is highly unlikely to be obtained, at least in the short term.

As mentioned in the "key issues" section, participation is a value-laden concept interpreted and implemented in different ways. For participation to be effective, it is critical that local communities are fully involved in discussion and decision-making from the very beginning of any conservation project and policy (see box). Unfortunately, in many protected areas projects, participation remains a process to inform local communities after major decisions have already been taken. For example, in Kalimutu National Park (Nusa Tenggara), Indonesia, a community claimed part of the conservation area as a result of a gap in information from the government (lack of information and poor socialization). With regard to eco-tourism activities in the same area, the local government did not include local people in the management of eco-tourism. *As WWF Indonesia put it, "Effectiveness and overall success (of CCAs) depend on the degree to which the communities are involved in the decision-making process with regard to conservation areas and natural resource management. Communities might have limited knowledge (conservation management, for example) and capacity (financial, especially), but government should involve them in the process and give them a chance. Governments should also formally recognize the role of indigenous institutions in collaborative management and create alternative institutional arrangements and mechanisms."*

According to an ex-government official from the Philippines, opportunities for participation are given by *"the indigenous peoples' openness to government involvement"*, while constraint are due to *"government's frequent non-openness to indigenous systems of doing things."*

Option for action and advice

The WPC should play an active role in:

- Making the governments and other relevant agencies understand what the term participation means in the context of protected areas and CCAs. Participation should be an empowering process for local communities, not a mere means for external agencies (be they government, donors, NGOs) to implement projects designed without community's active involvement. For this, local communities have to be fully and freely be part of decision-making and implementation in all the different phases of a project, from brainstorming to design, development, implementation, monitoring and evaluation and all the various iterative phases and cycles.
- Developing a discussion and practical programmes to upgrade participation "as a means" to participation "as a means" through workshops, training sessions, and most appropriate methodologies.

4.2: Building trust between communities and government agencies

Another requirement often cited for successful community-based conservation and co-management is good cooperation from local, district and provincial officials and a trust-building relationship between local communities and government agencies.

Due to the historical loss of control of resources by local communities, unfair exploitation of resources by government agencies and the business sector, and entrenched superiority complexes by government officials towards local villagers, the trust between local communities and state agents is very low in many cases, and totally non-existent in others. To rebuild trust it takes time, and, more importantly, changes in attitude. Government officials should get rid of their superiority complexes while villagers should get rid of inferiority complexes.

Ian Baird, a respondent working in Laos remarked that, *"Local people are willing and able to protect important areas for biodiversity provided that government supports their efforts with legislation and in practice. It is important to ensure that locals are empowered to choose their own protected areas and manage them as they see fit, but with government backing that is not wavering, and consistently supports village conservation efforts, so that local people can see that their efforts will ultimately lead to benefits for them in the long-term."*

According to Yadfon Association, trust building in their area in Trang, Southern Thailand, started with trust building in the communities and among communities and then was extended to government officials. In order to ensure the success of these efforts, villagers have needed to set up meetings for the exchange of ideas and to divide duties and responsibilities. This organization has taken place not only within one village but throughout the target area. From these activities, a group consciousness has developed, providing a network of involved citizens who now have greater power in preserving the public interest. Their effective organization was recognized at the national level when several of the target villages were chosen by Turakij Bandit University as

Box 11 Rungus community seeking arrangement with Forest Department to establish Community Forest Reserve in Tinangol, Kudat, Sabah, Malaysia

The relationship between the Rungus community and the Forest Department has not always been clear and positive. The native Rungus living in Tinangol village, one of the few indigenous peoples that live in long houses in the state of Sabah, Malaysia, directly depend on the Gomantong Hill for their water resources, which have become increasingly scarcer over the past decade. Accordingly, they have never been in agreement of letting the Forest Department take over the hill as a Forest Reserve and much less of allowing a government agency (SAFODA) to take over the land for *acacia mangium* (a fast growing exotic species) plantations because of the fear of losing control over the precious hill resources. In fact, during the mid-1990s the community organised a successful campaign to stop SAFODA from acquiring much of the hill for plantation purpose. The villagers have noted that acacia consumes a lot of water and does not let other plant biodiversity flourish. They also noticed that where acacia has been planted along water courses most fish species disappear and shells taste differently, leading them to think that the introduced tree roots contain some kind of poison. Given the critical importance of Gomantong Hill as watershed for the village and the only biodiversity-rich area in the village, they were determined not to lose control over it. The hill is also the watershed for another 6 villages and there has been a long-standing agreement among all the 7 villages to protect the 112 acres hill. The villagers now think that an arrangement with the Forest Department should be encouraged in order to declare Gomantong Hill as a Community Forest Reserve co-managed with the district Forest Department. An interview with the head of such agency revealed that they are also thinking that new approaches should be developed to take into account the needs and wishes of the villagers. After years of lack of effective cooperation between the village and government agencies, new thinking from both sides seems to provide fertile ground for trust building and cooperative development of new arrangements that would benefit both sides and the environment. It should also be noted that besides forest biodiversity and water conservation, the Rungus farmers grow about 40 traditional varieties of rice, significantly contributing to agricultural biodiversity in the Kudat district and the state.

Source: Persatuan Rakyat Tinangol (People's Organisation of Tinangol); author's field work.

model fishery villages causing local officials to pay attention to the needs of the villagers. Many officials are assisting with programs to support sustainable development initiatives and protect the local resources.

The coastal resource conservation activities in Trang Province have been a source of cooperation and learning between government agencies, private sector institutions, and coastal fishing villages. Because of the trust and understanding that has been created, Trang has now become a center where agencies and village leaders from other provinces can learn techniques for initiation of sustainable development activities. Fishers have organized as ‘Small-Scale Fisherfolk Federation of Southern Thailand’ to discuss issues of common concern and find solutions to regional problems. In the future, the villagers of Trang Province will play an important role in coordination of grassroots conservation activities throughout the region.

Option for action and advice

The WPC should take stock of the various learning experiences in trust-building from the field and support the expansion and extension of methodologies for attitude-changing both in government officials and local communities.

4.3: Equity issues in communities



Equity is an important component in the CCA equation. Although we always refer to local communities in general way, we all are aware that communities are not homogenous entity, but include various groups with different interests and agendas and some social sectors may have more access to resources and power than others. Amanda Bradley, a Cambodian respondent, for example, pointed out that women still play a marginal role in many CCAs and suggests the development of mechanisms to secure a more meaningful involvement of women and weak social sectors in general. Several other cases suggest that one way to address this issue is to ensure open and transparent participation of all community members in discussions over community projects from the very beginning. Some community members will then be more active than others and may get more longer term benefits, but every individual should have as much equal opportunities as possible. Open and frank community meetings where everyone can voice their aspirations, needs and concerns seem to provide appropriate avenues. However, in many cases, each local community might have its own decision-making process according to cultural practices. Women in some villages, for example tell that their place for influencing decision-making is within the household, where the male household head has to discuss community matters with them speaking in public. These types of arrangements have to be taken into consideration too. In other cases, the poorer sectors of the community might need particular arrangements to safeguard their rights and needs.

Option for action and advice

The WPC should take the local equity into consideration by supporting open and transparent participation and equal opportunity to participate in community projects.

4.4: Economic sustainability

Economic sustainability is part and parcel of CCA's success and long-term survival and development. Economic incentives especially in the form of improved livelihoods is critical for ensuring the long-term commitment of local people. Indeed, in many cases, CCAs were actually started to deal with dwindling resources and livelihoods and the need to secure a sustainable future.

Besides the Thateng case in the box, several other cases have pointed out how local communities develop economic sustainability strategies in CCAs.

Yadfon Association has been working with a total of 30 small fishing communities in Trang Province starting with three villages in 1985 when the organization was formed. The motivation was not to protect these habitats for the sake of wetlands conservation, but to secure the source of their own livelihood which are threatened by continual declining harvest of fish, squid, crabs, and shellfish. One of the first projects that Yadfon undertook was to initiate a 94 ha community forest, set up under the support of the provincial authorities. This became the first community mangrove forest in the country supported by the Forestry Department. Encouraged by this initial success, the villagers worked with Yadfon staff to identify the steps for rejuvenating the coastal ecosystem and the community welfare.

There are many examples of these community projects. In some villages, fishers whose incomes had dropped dramatically initiated caged-fish raising. In order to save money, they worked together to find ways of

Box 12 Economic diversification and biodiversity conservation in Thateng District, Sekong Province, Laos

A case of indigenous farmers (Katu, Laven (J'rou) and Ngae (Griang)) in Southern Laos is quite indicative of the need for diversified income-generating activities that are generally required to devise long-term economic independence. In early 1999, detailed PRA survey in four selected villages, namely Donxa, Thongvai, Thongkong and Thonghao villages (Thateng District, Boloven Plateau) was carried out together with key district and provincial official and technical and financial support from Oxfam Community Aid Abroad (OCAA). A wide range of traditional land-use systems including swidden and sedentary forms of upland agriculture are commonly seen in the area. Rice cultivation for self-consumption, coffee production and cardamom gathering in the forests for cash incomes and livestock raising are complementary production forms. A total of 5,500 hectares of different forest types representing 46% of the total villages land mass give good opportunities for more than 2,000 inhabitants gathering their daily food, medicines, fuel wood, timber for housing, etc. Together with their main crop production, the farmers grow at least 20 - 40 different crop species and/or varieties, securing their home-consumption and reducing seasonal crop failures. Given that the price of milled coffee dropped from US\$ 0.82 to US\$ 0.21 per Kg over the period 2000 - 2001, the diversified productive ecosystem is critical to their economic sustainability.

Seeing a high degree of bio-diversity of dense forest areas and sustainable farming patterns practiced by indigenous groups, OCAA provided financial support to District Agriculture and Forestry Office (DAFO) for fencing an area of about one and half hectares to establish a small plant genetic conservation garden. The center will be used as a means of sharing and disseminating information, as well as to exchange plant genetic material between farmers in the region.

Unfortunately, however, national economic priorities are now threatening this local economic sustainability. Due to the recent economic crisis, and in order to reduce the national budget deficit, Thateng district has allowed large-scale logging of its highly profitable dense forests, especially in the four target villages where the community forestry project is being implemented. Based on the official logging quota, the district was expected to supply Lao private logging companies with 3,000 cubic meters of logs in 2000 and 5,000 cubic meters of logs in 2001. Therefore, an on-going large-scale logging concession in the target district put negative pressure on the project implementation. For instance, it jeopardized the role of village forest volunteer owing to low negotiation power with high-level government authority and logging companies. Furthermore, logging activities create conflict for communities between natural resources management and wood industry development.

Source: Sengthong Vongsakid, Oxfam - Community Aid Abroad, Laos

making much of the necessary equipment by themselves. To cope with the rising costs of fishing equipment, a group savings program was started. An integral component of this program was a fund through which families in need could borrow small amounts of money at low interest rates. At the same time, a cooperative buying program was set up to enable fishers to purchase equipment and gasoline at reduced rates. In addition, Yadfon and the village leaders began a program for raising domestic animals to supplement the low fish catches. While the villagers were combating the economic and social problems in their communities, they also began an active program to restore and protect their natural resources. They replanted mangroves in large areas of land within or adjacent to the community forests and declared seagrass conservation zones within the traditional fishing grounds. As well, they petitioned the local government to enforce a ban on the use of destructive fishing gear within 3 km of shore. By empowering the communities to help themselves, Yadfon and the villagers have made impressive achievements in protecting the coastal resources and the traditional way of life.

As the fertility of the sea increases, villagers have been able to capture greater quantities of marine animals for food and trade. According to Yadfon's research, from 1991 until 1994, there has been a 40% increase in total catch. At the same time, there has been a substantial decrease in risk, time spent on the water, and fishing expenses because the fishers are no longer forced to travel long distances or venture into the open sea. By the end of this three year period, fishers, on average, spent 3 to 4 fewer hours per day in their boat and had a daily cost savings of 30 to 40 baht, about \$.80 to \$1.10. Over the 500 families in the target area, the projects have provided a net increase in the community income of 150,000 to 200,000 baht per day, \$4,000 - 5,400 US dollars, an increase of over 200 percent.

Another case, that of Zaragosa Island, Cebu, Philippines, highlights that at present, successes in coastal resource management have only been limited by the lack of market support for increasing household incomes, promoting value added to the fishery products, and lessening the multi-level marketing system that puts farm-gate prices low while market prices remain variable, and dictated by traders. In this case, some supportive interventions should be developed to increase the economic returns from fisheries raw products.

Option for action and advice

The WPC should take stock of experiences in economic sustainability in CCAs and stimulate governments to set in place mechanisms that support local communities' sustainable economic activities and control external activities that threaten the sustainability of local initiatives.

4.5: Ecological sustainability

Box 13 Environmental improvements along Trang's coastal ecosystems. (see box 7, p.22 for background)

Overall improvements in environmental quality due to the conservation activities of coastal villages working in partnership with Yadfon can be observed through the tremendous increase in plant and animal life along the shores of Trang Province. The seagrass beds, having expanded to cover 133 km², are now densely populated with vegetation and attract many forms of marine life, from small fish and arthropods to reptiles and large mammals, including the endangered dugongs. The community mangrove forest system has grown from one forest of 94 ha in 1989 to 10 forests with the total area of about 950 ha.

The Community mangrove forest system is one of the important conservation activities that can ensure sustainable coastal resource management. In the initial period, there were only few villages interested in managing the mangrove forests on their own. However, after the success of these villages, the interest in community mangrove forests has been rapidly increasing. Plans to replant the mangrove forests have been set up, and the most successful one is the restoration of mangrove forest at Koh Ho Rai, Ban Laem village, Kantang district. People from 7 villages participated in this activity and consequently, more community mangrove forests have been declared and managed. The restoration of the mangrove forests increases not only the fertility of the coastal resources, but the awareness of coastal conservation and conservation network. In other words, the number of villages interested in coastal conservation activities considerably increase and they work cooperatively, supporting each other and try to extend the network. Moreover, the work of local people has been recognized. Several community mangrove forests in Trang have been written up in brochures by Royal Forest Department to encourage other villages nationwide to follow as models. At present, the Community Forest Bill is nearing completion and when passed by cabinet, it is expected (or hoped) to confirm the legal rights of communities to manage their forest resources.

In addition, more and more natural conservation activities have been initiated by these local people, for instance dealing with oysters, clams, and crabs. This not only guarantees sustainable management, but it leads to the improvement of the standard of their livings in terms of income. Catfish, thread fins, and mullet, fish species which had once disappeared from the local waters, are now returning. Many species of crab, squid, and shrimp can again be captured with simple fishing tools. Most importantly, marine animals which are almost extinct have returned to the waters of Trang Province, including sea turtles, dugongs, and dolphins. News of the conservation of these scarce creatures has prompted a national response, not only of concern for their future, but also of optimism that local efforts can be successful in effecting change.

The approach of sustainable fishing development in these villages has been regarded as a positive example for the entire province. Provincial leaders have seen the importance of the activities and have allocated funds for continued work in the conservation of coastal resources. Examples of the projects that have already been implemented with provincial funds are mangrove forest restoration, initiation of large area seagrass conservation zones, and coral reef conservation.

The province has also supported the fishers in the prevention of destructive fishing practices. The Fishery Office of Trang Province has responded to the requests of villagers by prohibiting several such practices in local waters, for example beach seines and the use of harmful noise-production devices. The Administrative Division and the Police Division have, likewise, provided resources and support for enforcing the national regulations that ban the use of dynamite and cyanide.

Source: Pisit Charnsoh, Yadfon Association, Thailand

Ecological sustainability is clearly a central concern to the WPC. But it is also a critical concern to all the indigenous peoples and local communities who have since long realized that their socio-economic sustainability is inextricably linked to ecological sustainability as well as the communities who are in the process of tackling unsustainable and destructive activities resulting from decreasing availability of resources and increased poverty or from the adoption of more consumeristic values and lifestyles.

Some of the case studies collected for this study highlight processes and activities undertaken by local communities to sustainably manage their surrounding resources (see various boxes). While acknowledging that in certain cases local communities' unregulated hunting and fishing practices and wildlife trade have caused biodiversity loss and possibly even the extinction of some species, in the great majority of cases it appears that customary systems for managing biodiversity are generally sustainable, unless severe resource (land and habitats) scarcity occur. For example, the harvesting of resin and honey trees in Southern Laos has been and continue to be sustainable and generally protective of the environment.

Option for action and advice

The WPC should urge governments and the wider society to acknowledge the contribution of CCA to ecological sustainability and diversity especially in areas which are currently not under official protection and support indigenous peoples and local communities' efforts in protecting the various ecosystems in which they live.

4.6: Conflict resolution

Conflicts around biodiversity management in CCAs may take place at local, provincial, national level and even involve international players. They may be intra-community, inter-community, between community and government agencies or private business, among government departments, and so on. Given that biodiversity is a scarce and valuable resource, conflicts are likely to erupt often. There is therefore a need to invest time and resources in thinking about conflict management and resolution and to develop mechanisms and processes to prevent and deal with conflicts. One critical aspect that is emerging from Southeast Asia is that when conflicts between local communities and powerful external interests occur, very seldom local communities, as primary stakeholders or right-holders to these resources receive a fair outcome.

Option for action and advice

The WPC should look into the possibility of developing research on various forms of conflict management and resolution paying particular attention to the needs and rights of indigenous peoples and local communities.

Box 14 Conflict around the establishment of marine sanctuaries in Minahasa (see box 10, p.27 for background information).

In the Philippines and Indonesia, in many cases where efforts have been undertaken to set up marine sanctuaries, such initiatives have always been perceived negatively by part of the community. This is a classic problem that has been happening on almost all over the world. The main concern is that setting aside a marine protected area is being perceived as curtailment of individual fishing rights and low fish catch and income because the fishermen cannot catch fish by bombing or cyanide fishing. This situation causes inter-community or intra-community tensions. In the case of Minahasa, Indonesia, pro-marine sanctuary people feel that it is not that simple to resolve this conflict. The effort that has been undertaken to resolve this problem in their sites include:

- Environmental education
- Show the damage caused by the effect of bomb fishing and cyanide fishing activities.
- Cross visit to other country that have successfully been implementing marine sanctuary projects.
- Continuous socialization and outreach activities.

Source: J. Johnnes Tulungen, Field Program Manager, Proyek Pesisir North Sulawesi, Indonesia

5) PARTICIPATION IN BIODIVERSITY POLICY-MAKING

5.1: Supporting participation "as an end" in policy-making

Participation has so far mostly been limited to biodiversity management and in some cases to local biodiversity policy-making, but one critical aspect of biodiversity protection and sustainable use is provincial and national policy-making - where the decisions that have major repercussions on natural resources and people are made.

Apart from limited participation in some cases in the Philippines (NIPAS, IPRA, EO247 on Access and Benefit Sharing, and the Fisheries Code) and maybe more recently in Indonesia and the Malaysian state of Sabah (Biodiversity Act), local communities and indigenous peoples have remained cut off from this important arena of policy-making.

Given the increasing importance of biodiversity and the social issues related to it, it is critical that the right to participation of indigenous peoples and local communities is upheld and that participation as "an end" is fully supported.

Option for action and advice

The WPC should take a strong stand urging governments to establish mechanisms for the full and effective participation of indigenous peoples and local communities in national biodiversity policy-making.

Box 15 Laos: the need of scaling up participation from local to national level

Due to the remoteness of many parts of the country, indigenous or local communities are often the *de facto* managers of natural resources. Moreover, the government supports the idea of local people managing natural resources. However, in apparent contradiction to the above, the government often implements natural resource management practices, such as large-scale logging operations, without allowing the participation of local people in determining the suitability of these practices, or providing them with substantial benefits from logging. Government policy is not unreasonable, but the reality is much worse for local people. The government has recently authorized logging in many village-established protected areas, which were actually established with government facilitation. This has greatly discouraged local people from protecting these areas, since they feel like they are protecting the areas for outside loggers to benefit from. It has also discouraged them from restoring degraded areas through planting native species of trees.

The government legally owns all the land in Laos. However, local people are allowed to have individual title over farmland in active use and places where houses are located. In addition, according to the Land and Forest Allocation process advocated by the government, villages are allowed to have communal tenure over forested land surrounding their communities. These forest areas are classified into conservation forests, sacred forests, production forests, regeneration forests and reserve forests, based on the land-use planning process done in each village, lead by Forestry officials. Villages are empowered to use and manage these forests. Therefore, they have certain caretaker rights as allocated by the government. Moreover, in many areas, and especially in remote areas like those being considered here, villagers have a degree of *de facto* control over conserved areas, both NBCAs and conservation forests designated through the land allocation process, since the areas are generally inaccessible for much of the year, and government officials rarely visit the villages. However, when the government allows logging concessions into particular areas, local people have little say regarding where and how logging should be carried out. This has discouraged some people from protecting forests, because they feel that they may not receive any benefits from their efforts, if logging is allowed later without giving them sufficient benefits or say in how and where logging is allowed.

Source: Ian G. Baird, Global Association for People and Environment (GAPE), Laos.

5.2: Learning in bureaucracies, breaking down superiority and inferiority complexes



When dealing with participation in biodiversity management and policy-making at the local and national level, it becomes necessary to include an analysis of how government institutions and bureaucracies that deal with biodiversity (or parts of it) adapt, change, reform, or resist in reaction to the call for indigenous and local communities' participation. One concept that seems to be able to catch this process is that of "organisational learning". This concept has been developed from private sector experiences in the United States and Japan, mainly suggesting that horizontal organisations that recognise the knowledge and experience of staff, value collective decision-making and is open to modify its behaviour to reflect new knowledge and insights in an iterative manner are more successful than hierarchical organisations. Organisations like IIED and IDS have started to adapt this concept by analysing the learning that public institutions go through in order to allow for the development of more successful policies and activities in the fields of agriculture and forests. Through organisational learning they might learn to be more participatory and responsive to the dynamics of highly diverse social and ecological systems.

Field work carried out by the author in 2001-2002 on issues related to biodiversity and participation highlighted the fact that local villagers perceive government officials mostly as being arrogant and affected by superiority complexes ("*they looked down at us villagers all the time*"), while they realize that in many cases local villagers are affected by inferiority complexes. The leader of a fishermen association strongly suggested that in order to have any meaningful participation there must be a process of "*transformasi minda*" or mind transformation in order to get rid of both superiority and inferiority complexes.

Options for action and advice

Adequate resources and training and incentives need to be provided to ensure that staff adhere to policies that recognize indigenous peoples' rights and their participation.

6) INDIGENOUS/TRADITIONAL KNOWLEDGE

6.1: Supporting and encouraging the use of traditional knowledge and customary systems

The great majority of cases pointed out the fact that traditional knowledge is deeply intertwined with biodiversity and is therefore beneficial to its conservation and sustainable use. Traditional or Local Ecological Knowledge, for example, certainly does play an important role in terms of the management of biodiversity in Laos, and cultural diversity and biodiversity are often linked. There are presently about 230 ethnic groups and sub-groups in four main language families living in Laos. There are many examples of local people protecting biodiversity through the use of local ecological knowledge. Ian Baird, from GAPE, for example, mentions that, "*the large fish, Boesemania microlepis, makes a loud croaking sound when it spawns in deep water pools in the mainstream Mekong River in the dry season, and in recent years local people in southern Laos have established Fish Conservation Zones in a number of areas in order to protect these fish, since their LEK indicated that such an initiative would likely benefit the species. In fact, populations have increased since the efforts of local people first began.*"

Sengthong Vongsakid, another respondent from Laos, suggested that not enough research has been done on indigenous land-use systems that are usually very sophisticated. He adds that "*As a result, these systems are not always well understood and documented and are often perceived as "primitive" or even "destructive" production patterns by government authorities, which tend to restrict such activities.*" The Laotian land allocation process includes some good aspects, and theoretically empowers local people to establish,

Box 16 Reviving Local Ecological Knowledge in community based river conservation, Mandailing, North Sumatera, Indonesia. (See map, p. 50-51)

The *Lubuk Larangan* (river protected area) system has been carried out by the Mandailing people in their territories (Mandailing Natal district) since the 1980's. The protected river cannot be exploited by anybody during a certain period of time (closed season), which is generally one year. At the end of that period (which usually coincides with the Islamic celebration of the end of the fasting month - *Raya Idul Fitri* in Indonesian language) the prohibition is lifted and the public can participate in fishing activities in the river for one day (in practice 2-3 hours), in what actually turns into a community festival. The participants pay a fee which goes to fund community development activities.

The conservation monitoring is carried out by the community located close to the river and applies to all the people that interact with the river. Before the spread of the *Lubuk Larangan* system in the 1980's traditional conservation practices applied to rivers and forests were practised by the Mandailing and known as *rarangan*, which means prohibition. These were closely interlinked with the traditional land use system, which was governed by the traditional authority. Since Indonesian independence, however, these traditional systems have been replaced by the central government and the local forest prohibitions have been abandoned. One of the major ecological and social problems currently affecting the province of Mandailing Natal is both legal and illegal logging. Various local communities in Mandailing restarted practising river protection in the 1980's in order to raise funds for public needs such as teachers' salaries, building of religious schools, provision of assistance to orphans and the poorest in the community, community road construction, etc. The fee collected during the fishing festival varies between Rupias 3,000,000 - 10,000,000 which goes a long way in meeting community needs. The *Lubuk Larangan* system has been adopted from a neighbouring province but closely resembles local practise of the past. The district government passed a decree to regulate the *Lubuk Larangan* system in 1988.

The introduction of the *Lubuk Larangan* has created a spirit of cooperation and solidarity among the people and has provided economic benefit to the community, but more studies need to be done on the ecological effects. It is commonly believed that there is an increase in river biodiversity, but detailed studies have yet to be carried out.

Source: Zulkifli Lubis, Yayasan Bindu Nusantara, Sumatera, Indonesia

conserve and sustainably manage protected areas. However, the process also discourages swidden agriculture, often limiting places where upland agriculture can be practiced, and advocating short fallow cycles. This can have a negative impact on both the livelihoods of local people, and biodiversity, especially when local people cannot produce enough food to eat due to these restrictions, leading them to increase hunting, fishing and other extractive activities in order to generate money to buy food to make up for shortages in rice caused by government restrictions on agriculture. Paradoxically, the government's efforts to reduce the environmental impact of shifting cultivation may often lead to increased environmental degradation through indirectly encouraging unsustainable harvesting of various natural resources.

On the other hand, a respondent from Indonesia and one from Burma pointed out that particular economic and social conditions might trigger overexploitation of particular resources even using traditional practices. In Mutis (East Nusa Tenggara), people have traditionally allowed cattle to graze (and overgraze) in the forests. In Kalimantan, hunting pressure by local people has led the rhino population to (almost surely) extinction. In Burma, wildlife parts are over-harvested and traded for use in traditional medicine. In Cambodia too, traditional medicines and charms have led to depletion of slow lorises, bears (teeth), elephants (tails) and plants such as eaglewood and yellow vine.

Data from the Philippines confirm that traditional knowledge is of critical importance to biodiversity sustainable use. According to Dr Malayang III, the culturally-constructed, traditional, protected areas appear to be the most effective in terms of positive environmental impacts and equitably distributed social benefits as they immediately integrate economic, social and ecological dimensions in PA management. He adds that, *"It is also crucial to think of biodiversity and many communities, especially indigenous ones, as single units or systems (as "biocultural" diversity systems) where, as it seems true in many places in the Philippines and elsewhere, local cultures tend to define the structure of biosystems, and biosystems define the structure and traditions of local cultures."* This is echoed by the rich interrelation between biological and cultural diversity in Indonesia (see box 17).

Option for action and advice

The WPC should play an active role in supporting the strengthening and revitalization of traditional knowledge and customary systems relevant to biodiversity conservation in cooperation with international bodies that are already involved in this effort, such as the CBD and Ramsar. Attention should also be paid to the socio-economic conditions that may cause some traditional practices to become unsustainable.

Box 17: The interdependence of biological and cultural diversity in Indonesia

For Indonesia, natural resources and biodiversity embrace an important and strategic meaning for its future existence as a 'nation'. This important meaning is not due to its position as one of the world's mega diversity countries, but due to the close relationship between the resources and the mega-cultural diversity of Indonesia. The founders of the state realized from the very beginning that Indonesia was a country of diverse political, legal, and socio-cultural systems. The Indonesian motto 'Bhinneka Tunggal Ika (Unity in Diversity)' philosophically refers to the recognition of its diverse social systems.

The dependence and the inseparable relationship between the resource management and the prevalent local social systems are represented in the daily village lives of, either indigenous communities – estimated to be 50-70 million people in number -, or other local communities that still exercise some of the social systems based on traditional knowledge and means of living. The term 'indigenous people' used in this report refers to the communities traditionally depending on and having socio-cultural and religious ties with their local environment. The definition is based on the 1999 General Statement from the First Congress of the Indigenous Peoples of the Archipelago, which stated that the indigenous people are '*communities who for generations base their lives on origin in a certain customary area, who have sovereignty over land and resources, whose socio-cultural lives are governed by customary laws and institutions, which regulate the communities' lives.*'

A lot of studies show that Indonesian indigenous people have traditionally succeeded in maintaining and enriching biodiversity. It is true that most of them still embrace customary wisdom in managing their resources. These local systems are different from each other according to the socio-cultural conditions and the types of the ecosystem. They generally have local systems of knowledge and resource management that are continuously handed down and developed for generations. The traditional wisdom, for example, is represented in the community living in the swamp ecosystem to the south of Kimaam Island in Merauke District, Irian Jaya. The community has successfully cultivated 144 varieties of edible tubers, which is much more than those cultivated by the Dani of Palimo, Lembah Baliem, who cultivate 74 varieties. In other communities living in the Maluku Islands and most in northern Irian Jaya, we can find typical local allocation and integrated management systems, along with the customary institutions securing the effectiveness of the systems. Modern science has so far learnt only a few of these customary systems. One example of the systems is the *sasi* system practiced in most parts of Maluku that control the sustainability of the use of an area or certain species. Another widely known system is the rotational cultivation practiced by the customary Dayak in Kalimantan, which has succeeded in managing infertile land.

From the various local systems, we can learn some principles of customary wisdom respected and practiced by indigenous people, among others:

- 1) The community's dependence on nature requires a harmonious relationship in which human is part of the nature whose balance with nature should be maintained;
- 2) Control over a certain customary area is exclusive as tenure right or communal property resources, known as customary areas (in Maluku known as *petuanan*, in most parts of Sumatera known as *ulayat* and *tanah marga*) so they bind all communities' members to maintain and manage the areas for the sake of communal justice and welfare as well as to protect them from exploitation by outsiders. A lot of cases show that the integrity of this collective system has been able to prevent over-exploitation of local resources;
- 3) The customary system of knowledge and government provides the communities with capacity to solve forest use problems;
- 4) The customary system of allocation and enforcement of customary law provides protection of the communal resources from over-exploitation, either by the community themselves or by outsiders;
- 5) The mechanism to justly distribute the harvest of the communal resources among the members of the communities can prevent social jealousy (*based on research work conducted by Nababan (1995) in four provinces: East Kalimantan, Maluku, Irian Jaya and East Nusa Tenggara*).

Source: Rukka Sombolinggi, AMAN-Aliansi Masyarakat Adat Nusantara (Indigenous Peoples Alliance of the Archipelago - Indonesia

6.2: Combine traditional and modern knowledge if benefiting communities and biodiversity



Emphasising the positive role of traditional knowledge does not mean rejecting modern knowledge. Yadfon's approach to coastal conservation and local communities' livelihoods, for example, is certainly based on traditional knowledge revitalisation, but combines various aspects of modern scientific understanding as well. As Khun Pisit describes - while local villagers are busy with basket weaving, "*traditions, economics, and environment all play a part here, since the traditional weaving of the baskets is developed from products harvested from the nearby mangrove forests. All of this is tied together, lives through the fishermen's handicraft, while encouraging local villagers to protect the surrounding mangrove forests*". An example of the local wisdom is that most local coastal fishers know all of the mangrove varieties and their traditional uses for medicine, roofing material, poles, fuel-wood, etc. One reason that the fisherfolk do not do more to protect their resources is the feeling that they are powerless and really cannot protect the resources. Khun Pisit, however, is not one that ignores modern advances in science and technology. In fact he believes that a well-planned mix of modern knowledge and local traditional wisdom can often time offer better solutions. For instance, a modern understanding of the process of photosynthesis can help motivate villagers to prevent loss of seagrass beds from harmful siltation. A better scientific understanding of the relationship between mangroves, seagrasses, and coral reefs will help spur on more effective remedial measures to better protect the entire ecosystem. A common saying among some fishers reveals their own grasp of these important interrelations: "*mangroves are like the kindergarden, seagrasses are the secondary schools, and coral reefs are the high schools and collages for fishes!*" Pisit lightly recited the final verse of this native adage, "*And, once they (fishes) graduate from university, they return to kindergarden to spawn!*"³

Data provided from Zaragosa Island, Philippines, also leads to similar conclusions, as Arsenio Tanchuling, Tanbuyog's director points out: "*The community employs traditional resource management strategies, particularly with respect to mitigating conflict of use among community-members. For example, a fisher stations a buoy in a specific fishing ground. Other fishers cannot fish in that area without prior permission from the "owner" of the marker. However, this strategy should not be construed as "individual fishing rights" for three reasons: (a) ownership of the marker/buoy is household-based and sometimes shared by more than one household, (2) the fishing ground is not stationary and fishers rotate both in their identification of the fishing ground, and the schedules are rotated so that community members could take turns, and (c) the whole community lay claim over the entire fishing ground.*"

Concerning more recent innovations, Tanchuling adds: "*Several approaches to management are also employed including the installation of marine sanctuary, mangrove reforestation, and participation in the Fisheries and Aquatic Resources Management Council, which is the nationally mandated body for policy recommendation on fisheries. (The Fisheries Code, a national law governing fisheries management and development, mandates local communities to form their respective FARMCs at the municipal level, and where appropriate, inter-municipality level, called Integrated FARMCs.) From the above, the management of CCAs surrounding Badian Island is a mixture of traditional as well as "recent innovations" in fisheries and coastal resource management. "Recent innovations" include installation of the marine sanctuary, mangrove reforestation, the development of FARMCs*".

³ Quarto A. (undated) *Yadfon's Way - Thailand's Community Forest Project: The Fishers That Rescued The Sea*. Mangrove Action Project.

This aspect has important considerations concerning the various types of CCAs that can potentially be implemented on the ground. In some cases community conserved areas are solidly based on traditional practices, in some it is a revival of these practices, while in others it may be a mixture of traditional and modern practices, and in rare cases, completely new approaches.

In some areas, like in the Cordillera (Philippines), there are traditional community PAs like the "muyong". There are similar ones among the "Lumads" in Mindanao and sacred groves are being recognized in virtually all areas where indigenous peoples abound. There are also many others that are externally-initiated and are more likely to employ both traditional and modern techniques, as in the over 150 State-designated and NGO-civil society supported sites in the Philippines. At the other end of the spectrum, the NGO FREDA reports that in Burma the approaches adopted in CCAs are new.

Option for action and advice

The WPC should play an active role in helping indigenous peoples and local communities who intend to combine traditional and modern scientific knowledge to benefit biodiversity and local people.

7) COMMUNICATION, EDUCATION AND PUBLIC AWARENESS

7.1: Reviving own language and re-designing school curricula



Traditional knowledge, customary laws and institutions, biodiversity names and uses, and local languages and dialects are all interconnected. The cultural diversity represented by local languages is likely to be as important to biodiversity conservation as biological diversity itself. For this reason, efforts at saving languages that are on the way to extinction or disuse are very critical and should be supported. The People's Organization of Tinangol, Sabah, for example, started a programme to introduce the local Rungus language into their kindergarden and have just finished preparing the first kindergarden book in Rungus. In complement to that, an elderly volunteer teaches Rungus language once a week to the village adults that are interested to rediscover their mother tongue.

Option for action and advice

The WPC should take note of the importance of local languages and the interrelation between biological and cultural diversity and should support in any possible way local initiatives that aim at revitalising local languages and culture.

7.2: Supporting Community-Based Environmental Education initiatives

Given the great and urgent need for environmental education in society, some CCAs could well function as environmental education centre (see box). Of course not every local community would want to do that for many different reasons, but those who feel they would like to play that role, they could be encouraged to do so. One critical point to consider is that the local community should be well aware of the possible impacts that regular groups of visiting people might have on the local environment and culture, but it should be for themselves at the local level to ponder and decide about it.

Option for action and advice

The WPC should take into account the potential role of CCAs as environmental education centres and support those local communities engaged in such efforts if required.

Box 18 The Kampong Endah Community Environment project.

In 1997, the Malaysian Nature Society searched for places to start a community-based environmental awareness "model site". They found in Kampong Endah (Endah Village) an ideal community for such purpose. The villagers are mainly a homogenous group of Malays of Javanese descent with a strong identity and a deep *gotong royong* (helping one another) spirit, which earned them the national Best Village Award for 1990 and 1994. The village is situated in a coastal setting in the state of Selangor and its land has old cash crop plantations of coconut, coffee, pepper, oil palm (in many instances inter-cropped) as well as natural ecosystems such as nipah palm (*nipah fruticans*) and mangroves. Kampong Endah Environmental Awareness Activity Centre (Pakas) was set up soon after to facilitate activities. The Centre, currently run mostly by the villagers themselves, has been carrying out medicinal plants programmes, clean up campaigns, recycling competitions, nature camps for schools and the public and several other activities with the active participation of all social groups in the village. Four sessions based on traditional practices are carried out in the village in order to revitalise and appreciate local culture: Emping making (*membuat emping melinjau*), fishing with long net (*tarik kisa*), crab catching (*menyuluh ketam*) and coconut leaf weaving (*kraftangan daun kelapa*). PAKAS members feel that the nature-based activities carried out during the past years have set the ground for the conservation and sustainable management of natural ecosystems such as the nipah palm and mangrove forests as well as man-made environments such as the old inter-cropped plantations where they focus on allowing and encouraging undergrowth biodiversity, especially medicinal plants. Their emphasis is on the deep interrelation between natural resources management and traditional practices and offer to the public a taste of their culture and village life in relation to biodiversity management. The villagers' activities have earned the recognition of the State Government and they have become the first (and only so far) local community represented on the State Environment Committee. PAKAS has also been successful in economic terms, having provided complementary livelihoods to many villagers as members of the public pay a reasonable fee to take part in 2-3 day nature camps activities. One of the emerging lessons is that the success has been due to the open decision-making process adopted, which fully encouraged the PAKAS members to take ownership of the activities and self-develop the centre.

Source: Nirmal Ariyapala, Malaysian Nature Society / PAKAS, Malaysia

8) CAPACITY BUILDING

8.1: NGOs' support to CCAs

NGOs can play a very important supportive and in certain cases catalytic role in CCAs. However, they also need to be aware of the risk of imposing their own agenda without taking into account the realities and priorities of indigenous peoples.

Most of the case studies collected for this study mentioned the critical role played by supportive NGOs and this should have become apparent from the various boxes. Two brief cases which have not been reported in the boxes are here highlighted to confirm the important role played by NGOs.

In the case of the Minahasa marine sanctuaries, North Sulawesi, Indonesia, the project work was facilitated by the assignment of an extension officer to the community full time for a period of two years, followed by a period of approximately one-year on a part-time basis. The roles of extension officers who are placed in the community as a facilitator and trainer to the local people have proven to be important tools in building the local capacity of the community. Through extension officers, the coordination of activities focused on the Marine Sanctuary development become easier, thus quickening the process. A team of technical specialist supported the field worker with specific activities such as community coral reef monitoring training, technical studies of selected issues and ordinance development.

In the case of agro-forestry biodiversity in Thateng District, Southern Laos, following a workshop on Plant Genetic Resource Conservation and Development Work, held in the capital of Laos, technical staff from the agriculture sectors of Sekong province and Thateng district came up with initiatives for conservation of crop species around their provincial areas. To support this constructive thinking, in 1996 Oxfam Community Aid Abroad (OCAA) in cooperation with Thateng DAFO and Hak Muang Nan Project (Thai NGO) conducted a two-week research and training program on indigenous plant genetic resources and cropping systems of two villages Kafe and Paleng Tai in Thateng district for government and local communities. As a result of the research and training program OCAA provided financial support to Thateng DAFO to establish a

Box 19 The need for effective advocacy strategies in Cambodia.

A scoping report on CBNRM - Case Studies and Networking Initiative was prepared by WWF Conservation Program in 2000. A key finding was the need for effective advocacy strategies to improve public participation and understanding of relevant policy development processes. NGOs have been supporting CBNRM projects in the forestry and fisheries sectors for the past decade, which created a momentum for CBNRM advocacy. The scoping study pointed out several other areas that need attention, among which:

- need for the understanding of local issues and improve field level connections of existing projects in order to help extend them to policy and decision-makers thereby linking the local to the national level;
- need to build analytical skills and improve understanding of existing realities at the field level, while documenting and disseminating the lessons learned from CBNRM initiatives;
- need to facilitate participatory training processes in case study writing, enabling researchers and community people to practice writing skills and to learn techniques to help organise research in order to present the results in an interesting and informative manner;
- training, facilitation and team building needed to achieve the multiple objectives of documentation, building skills, promoting cooperation between government agencies, advancing networking between projects, and getting a useful product suitable for various audiences requires time, energy and funds.

The CBNRM Case Study and Networking Initiative was set up to address these. Results were expected by the end of 2002 or early 2003.

Source: Toby Carson, CBNRM Learning Initiative, WWF Cambodia

community small plant genetic conservation garden. The focus of this garden is on collection, planting and expanding of those annual crops found gradually eroded. Such a range of activities as mentioned above were undertaken by the District Agricultural Extension Section of Thateng over the time 1998 and 1999. Then, in 2001 the indigenous plant material conservation work was shifted to a group of farmers in two target villages Paleng Neua and Paleng Tai of Thateng. Those crop species that seemed to be eventually eroded and promoted to grow in terms of conservation are black sugar cane and root crops such as yam with violet color. Among the achievements of the plant genetic conservation project are:

- Understanding the importance of the plant genetic resources conservation and development work among target communities as well as Lao local government authorities through internal study trip, regional training, etc;
- Target communities began to understand the concept of plant genetic development and conservation work by promoting them to grow their own native crop species and/or varieties;
- Influencing Lao local decision makers to support the plant genetic conservation project in Thateng by attending the 5th Southeast Asia Regional Training on Community Plant Genetic Resources Conservation and Development, held in Chiang Mai and Nan Provinces, Thailand, October 4-17,1999.

As mentioned above, however, it should be remembered that NGOs should act as catalysts and supporters and should have the humbleness to withdraw or play a lesser role once the local community and indigenous peoples' organisations are ready to stand by themselves. They also need to take time and care to inform themselves of indigenous perspectives and priorities and respect indigenous perspectives and priorities and respect indigenous decision-making processes.

Options for action and advice:

The WPC should note the important role played by NGOs in supporting CCAs and support more efforts at NGOs collaboration with indigenous peoples and local communities in CCAs development as long as NGO do not overstep their boundaries. The WPC could also support the capacity building needs of local communities and learning activities such as exposure/study visits and direct networking among communities.

One major issue is that of financing. Innovative funding mechanisms should be developed in close consultation with indigenous peoples and local communities to provide direct support to indigenous and local organisations. Funds should be provided not just for community-managed development and conservation initiatives but to build up the capacity of indigenous institutions, provide training, improve communication, promote regional exchange and secure adequate indigenous participation in national, regional and international fora.

8.2: Building technical and administrative skills

In several cases, indigenous peoples and local communities request for support in technical and administrative skills. As the number and maybe complexity of CCAs is likely to increase in the future, it is very important that local people become well-trained in all the different aspects related, technical, legal, administrative and so on.

Options for action and advice

The WPC should consider lending support to the technical and administrative requirements of indigenous peoples and local communities. This may mean support for crucial first steps in boundary surveying, resource mapping, resource inventories and community resource zoning in certain cases or follow up with longer term engagement with communities to help them build up new rules to manage resources, regulate access to common properties and control marketing and contracts with outsiders in other cases.

Box 20 Mlup Baitong supporting CCA and ecotourism project in the surroundings of the Kirirom National Park.

Kirirom National Park, with an area of 35,000 hectares, is one of the 7 national parks of Cambodia. In the 1950s and 60s it was a tourist area/hill station for wealthier people from Phnom Penh. The Khmer Rouge took control of the area in the 1970s and the security situation was not stable until the mid-1990s. Kirirom National Park was established in 1993 under a Royal Decree by King Norodom Sihanouk. The decree formally established the country's system of protected areas. The area is not known for its wildlife, which have mostly been hunted out, but it is famous for its native pine forest (*pinus merkusii*) of approximately 8,000 hectares and cool mountain climate. Because of the mixed forest types, there are many species of birds in the Park (183 species recorded).

Mlup Baitong is a Cambodian NGO that has been helping the local community of Chambok Commune, Kampong Speu province, to think about improving skills to deal with tourists visiting their area (part of which is in the [Kirirom National Park](#)). The villagers, living in nine villages of ethnic Khmer people (approximately 2,500 people), with Mlup Baitong's assistance, have so far secured a permission from the Ministry of Environment to establish a conservation zone and are now developing an eco-tourism project. It all started at the end of 2001 with education and awareness raising, and participatory approach to developing a management plan for the local resources. Initial activities such as community patrols of the forest resources have started, so the forest is benefiting from it. There is also a growing feeling that local people can now better express their ideas, thereby strengthening the community both internally and in dealing with external agencies.

Source: Amanda Bradley, MLUP, Cambodia

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