

Breaking Away from Tradition

The Ninth Meeting of the Conference of Parties (COP9) to the Convention on Biological Diversity (CBD) saw calls for a balance between the objectives of biological conservation and social justice

The Ninth Meeting of the Conference of Parties (COP9) to the Convention on Biological Diversity (CBD) was held in Bonn, Germany, from 19 to 30 May 2008. Participating at this meeting were more than 4,000 delegates, representing State Parties and other governments, United Nations (UN) agencies, intergovernmental, non-governmental, indigenous and local community representatives, academia and industry.

Several of the agenda items were of interest from a small-scale fisheries perspective, including those on Protected Areas (Agenda Item 4.7), Coastal and Marine Biodiversity (Agenda Item 4.9), Biodiversity of Inland Waters (Agenda Item 4.8), and the Ecosystem Approach (Agenda Item 3.6).

Under the Coastal and Marine Biodiversity item, Parties agreed to adopt criteria for identifying ecologically or biologically significant marine areas in need of protection, and scientific guidance for designing representative networks of marine protected areas (MPAs), including in open ocean waters and deep-sea habitats, as recommended by the Expert Workshop on Ecological Criteria and Biogeographic Classification Systems for Marine Areas in Need of Protection.

This decision is being hailed as providing a sound scientific basis for MPA identification, while clearly acknowledging the division of responsibilities between the CBD and the UN General Assembly, which has

been addressing MPAs and related issues of marine biodiversity under its Working Group on Marine Biodiversity Beyond National Jurisdiction.

Prior to COP9, indigenous peoples and groups working on small-scale fisheries issues expressed reservations about the fact that they had not been represented in the Expert Workshop that had proposed the criteria. They pointed out that CBD documents described open oceans as a “legal term

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commonly understood by scientists to refer to the water column beyond the continental shelf” and that “open oceans may occur in areas within national jurisdiction in States with a narrow continental shelf”. Given that in many parts of the world, open waters, or areas beyond the continental shelf, are fished by small-scale and indigenous fishing communities, this representation was important, they pointed out. Small-scale and indigenous communities have a wealth of cultural practices and traditional knowledge, which should have been incorporated into any scientific criteria finalized, they stressed.

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Thus the civil society statement to the opening plenary of COP9 noted: The process of preparing the criteria for the protection of marine areas in open ocean waters and deep-sea habitats regrettably failed to include the knowledge and participation of indigenous and other artisanal fishers. While Parties must adopt the criteria tabled, they must urgently work to complement them through the full and effective participation of these communities.

The International Indigenous Forum on Biodiversity (IIFB) highlighted their negative experiences with MPAs.

In their Statement on this agenda item, the International Indigenous Forum on Biodiversity (IIFB) highlighted their negative experiences with MPAs, and re-affirmed their opposition to the establishment of more marine and coastal protected areas unless they can fully participate in these projects, and unless their rights to territories, coasts and seas are fully recognized and respected.

They also noted that “criteria for establishing protected areas beyond national jurisdiction are solely biogeographic and based on scientific criteria and ignore indigenous traditional knowledge systems to manage our marine biodiversity. They requested that both these criteria and the ecosystem approach itself must be enriched to include social, cultural and spiritual criteria. They also pointed out that the terms ‘open ocean’ and ‘deep sea’ are unclear and could mislead or confuse the negotiations.

The World Forum of Fisher Peoples (WFFP)

and the International Collective in Support of Fishworkers (ICSF), in their intervention on this Agenda Item, also highlighted the negative impact of MPAs that, in many countries of the developing world, are displacing, excluding and alienating fishing communities, and violating their basic rights to life and livelihood. They urged delegates to adhere to principles of prior, informed consent, and prioritize the implementation of Programme Element 2 of the Protected Area Programme of Work (PA PoW) on Governance, participation, equity and benefit sharing. WFFP and ICSF also stressed the importance of the scientific, technical and technological knowledge of local and indigenous communities, and of ensuring the integration of social and cultural criteria, for the identification of marine areas in need of protection.

It is worth noting that a new paragraph was included in Decision IX/20 on this Agenda Item, as proposed by the government delegate from Honduras. According to this, the COP “calls on Parties to integrate the traditional, scientific, technical and technological knowledge of indigenous and local communities, consistent with Article 8(j) of the Convention, and to ensure the integration of social and cultural criteria and other aspects for the identification of marine areas in need of protection as well as the establishment and management of MPAs”.

Under the hotly debated Agenda Item on Protected Areas, delegates addressed the recommendations of the second meeting of the Ad Hoc Open-ended Working Group on Protected Areas, held in Rome from 11 to 15 February 2008. The Decision IX/18 adopted contains two sections on: review of implementation of the PA PoW; and options for mobilizing, as a matter of urgency, through different mechanisms, adequate and timely financial resources for the implementation of the PoW.

Indigenous peoples

Among indigenous peoples and several civil society organizations, such as those representing and supporting fishing communities, the issue of protected areas was one that generated considerable anxiety. The IIFB Statement to the COP9 opening plenary noted: “Indigenous Peoples are

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Naseegh Jaffer of the World Forum of Fisher Peoples (in front), and Riza Damanik of KIARA, Indonesia, at the ICSF-WFFP Side Event

very concerned about the continued expansion of protected areas. What we want is the recognition of indigenous biocultural territories and community conserved areas and their importance for the maintenance of cultural and biological diversity. We do not want the establishment of any new national protected areas in indigenous lands and territories until our rights to our lands, territories and resources are fully recognized and respected.”

The joint civil society Statement, while expressing concern over the continued loss of biodiversity, pointed out that some of the most effective means to halt biodiversity loss are contained in the PA PoW, especially in Element 2. However, unfortunately, reporting and implementation, especially of Programme Element 2, remain weak. Concern was also expressed about the rush to meet targets, and in the process, short-circuiting participatory processes, alienating communities, and violating human rights. The Statement also stressed the need to recognize the diversity in protected area governance, and the need to recognize and support indigenous and community conserved areas.

Another concern expressed by civil society groups related to the “innovative financing mechanisms”, such as carbon trade and biodiversity offsets, being considered by the COP to finance protected areas. Groups pointed out that such mechanisms could provide a

convenient escape route for those responsible for biodiversity loss, and lead to alienation of lands away from indigenous and local communities. They stressed the need for governments to commit public funds, including by linking protected area work with poverty eradication schemes.

The decisions under this agenda item took into account some of these concerns. Notably, the COP invited Parties to: give special attention to the implementation of Programme Element 2 of the PA PoW; improve and diversify and strengthen PA governance types, in accordance with appropriate national legislation, including recognizing and taking into account, where appropriate, indigenous, local and other community-based organizations; and recognize the contribution of co-managed protected areas, private protected areas and indigenous and local community conserved areas within the national protected area system.

The COP also asked Parties to ensure that conservation and development activities in the context of protected areas contribute to the



Jorge Varela from Honduras, representing CODDEFFAGOLF/WFFP, at the ICSF-WFFP Side Event

Side Event

MPAs: Protecting or Ignoring Livelihoods?

ICSF and WFFP organized a Side Event at COP9, on Wednesday, 21 May 2008. Chaired by Naseegh Jaffer of WFFP, this well-attended event had four presentations: (1) “Experiences from the Biological Reserve of Cayos Cochinos” by Jorge Varela from Honduras; (2) “Experiences from Marine National Parks of Wakatobi, Bunaken, Togian, Komodo and Taka Bonerate” by Riza Damanik from Indonesia; (3) Indigenous Knowledge and Marine Biodiversity” by Jorge Luis Andrerre Diaz from Panama;

and (4) “Case Studies of MPAs and Fishing Communities from Brazil, India, Mexico, South Africa, Tanzania and Thailand” by Chandrika Sharma of ICSF. Several of the presentations highlighted the negative social impacts of MPA implementation, while pointing out that community-led processes, which integrated traditional and indigenous knowledge and values, and recognized the rights of communities to lead management, were most effective. The discussions that followed the Side Event also touched upon these issues.

The Life Web Initiative

A major initiative on protected areas—the Life Web Initiative—was launched at COP9 by the German government. The Life Web Initiative aims at supporting the implementation of the CBD PA PoW through enhancing partnerships at a global level. In a letter dated 5 April 2008, several signatories, including the Forest Peoples Programme, IIFB, ICSF and the IUCN Theme on Indigenous/Local Communities, Equity and Protected Areas (TILCEPA), expressed several concerns about the rapid expansion of protected areas without paying full attention to issues of rights, participation, governance, equity and benefit-sharing.

Pointing out that protected areas should be considered as one of the many tools available for the protection of biodiversity, rather than the most important tool, and that more emphasis should be placed on the sustainable use of biodiversity across the planet, not just limited to protected areas, it provided several suggestions to ensure the success of the Life Web initiative, including:

- (1) Indigenous and local communities' representatives and representatives of civil society organizations that are familiar with the CBD PA PoW and with situations at the local and national levels, should be involved in the planning and decision-making process of Life Web.
- (2) The Life Web Initiative should have, at its core, issues of governance, participation, equity and benefit sharing (Programme Element 2), in addition to the necessary issues of ecological representation, management effectiveness, and so on, so that it will concretely contribute to the effective implementation of the PoW.
- (3) The Life Web Initiative should be developed and implemented to achieve all the three objectives of the Convention (conservation, sustainable use, and fair and equitable sharing of benefits) in protected areas, and in accordance with the ecosystem approach.
- (4) The Life Web Initiative must look beyond government-designated and controlled protected areas, to all other governance types as mentioned in the PA PoW, and, in particular, community conserved areas (CCAs), encompassing indigenous protected areas, biocultural heritage sites, and so on, where indigenous peoples and local communities are conserving and managing ecosystems and wildlife populations.
- (5) Funds from the Life Web Initiative must be available not only to governments, but also directly to civil society organizations, including those of indigenous peoples and local communities.

eradication of poverty and sustainable development, and that benefits from the establishment and management of protected areas are fairly and equitably shared in accordance with national legislations and circumstances, and with the full and effective participation of indigenous and local communities.

The decisions on financing protected areas recognized that innovative mechanisms, including market-based approaches, can complement, but not replace, public funding and development assistance.

Traditional knowledge

The need to support capacity building for indigenous and local communities to participate in the establishment and management of protected areas, and to support the preservation and maintenance of traditional knowledge for the conservation and sustainable use of biodiversity in the management of protected areas, was also recognized.

Another positive development was that Parties at COP9, led by African countries, Ghana in particular, agreed to a *de facto* moratorium on ocean fertilization—dumping chemicals,



Podium at the closing session of COP9 of CBD, May 2008, in Bonn, Germany

such as iron and nitrogen into the open ocean, to artificially encourage growth of microscopic ocean plants called phytoplankton, as a way of enhancing the amount of carbon the oceans can absorb.

In the tradition of CBD meetings, COP9 too was lively and very well attended, indicating perhaps the growing importance being attached by governments and civil society to issues of biodiversity and biodiversity conservation. It is only to be hoped, though, that there is a breaking away from the tradition of weak or non-existent implementation of the decisions adopted. For, if indeed decisions are implemented by national governments, and if indeed the balance between the objectives of conservation and social justice is achieved, we will all be the beneficiaries. 3

For more



www.cbd.int

Convention on Biological Diversity

www.cbdalliance.org

CBD Alliance

www.undercovercop.org/media/english_presspack.pdf

CBD Alliance Media Advisory

iifbmedia.blogspot.com/2008/05/iifb-opening-statement-in-cop9.html

International Indigenous Forum on Biodiversity (IIFB) Statement

www.cbd.int/doc/meetings/cop/hls-cop-09/other/hls-cop-09-lifeweb-de-en.pdf

Life Web Initiative