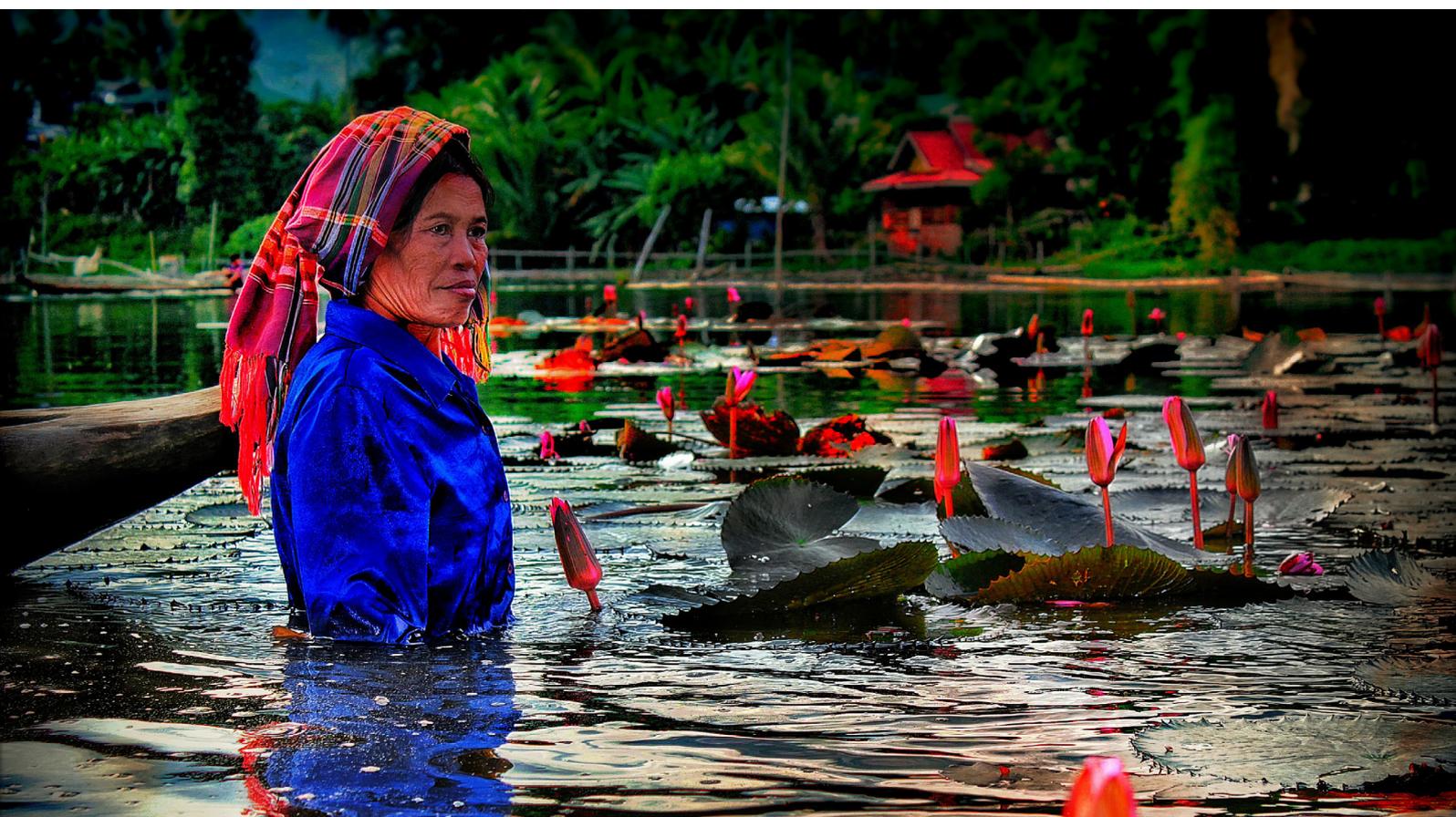


The relationship of indigenous peoples and local communities with wetlands

An initial report

Gonzalo Oviedo & Mariam Kenza Ali



CONVENTION ON WETLANDS
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Ramsar Convention

The Convention on Wetlands, called the Ramsar Convention, is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. Its mission is “the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world”. Under the “three pillars” of the Convention, the Contracting Parties commit to: work towards the wise use of all their wetlands; designate suitable wetlands for the list of Wetlands of International Importance (the “Ramsar List”) and ensure their effective management; and cooperate internationally on transboundary wetlands, shared wetland systems and shared species.

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Contents

Preface	<u>4</u>
Foreword	<u>5</u>
List of abbreviations.....	<u>6</u>
Acknowledgements	<u>7</u>
Executive Summary	<u>8</u>
Introduction.....	<u>11</u>
How this report was prepared	<u>11</u>
The Ramsar Convention’s Policy framework	<u>14</u>
Lessons from national experiences.....	<u>21</u>
National Reports.....	<u>21</u>
Participation: institutional arrangements, law and policy	<u>22</u>
Ramsar Information Sheets.....	<u>23</u>
Cultural ecosystem services	<u>23</u>
Cultural characteristics	<u>23</u>
Additional sources of information	<u>26</u>
Questionnaire	<u>26</u>
Case studies	<u>32</u>
Discussion of lessons learned from national experiences	<u>39</u>
Thoughts on the way forward.....	<u>43</u>
The emergence of rights-based approaches.....	<u>43</u>
Strengthening and improving governance	<u>47</u>
Indigenous peoples: International processes and networking	<u>50</u>
Options for action.....	<u>55</u>
A. Strengthening participation and governance.....	<u>55</u>
(i) Adapting laws and policies to enable more and better participation	<u>55</u>
(ii) Making participation more meaningful.....	<u>56</u>
(iii) Recognizing and working with customary governance	<u>56</u>
(iv) Enhancing the involvement of women.....	<u>57</u>
B. Enhancing livelihood benefits	<u>57</u>
C. Enabling activities.....	<u>58</u>
Annex 1: Questionnaire format	<u>60</u>

Preface

The Ramsar Convention on Wetlands has a long-standing commitment to the full and effective participation of indigenous peoples and local communities in the management of wetlands.

This initial report, requested by the Conference of the Parties (COP) to the Convention in Resolution XII.2, in 2015, provides a compilation of the Convention's available data on this issue. It also presents an overview of the Convention's current policy framework and provides examples of approaches from other relevant environmental policy processes, international law and practices that the Contracting Parties could consider in order to strengthen the inclusive, participatory approach that has been their constant interest and commitment.

The data compiled for this report from National Reports of Contracting Parties (150 COP12 reports) and the Ramsar Sites Information System (2,289 Ramsar Information Sheets) reveal the significant interest that Contracting Parties have in the active involvement of all stakeholders, including indigenous peoples and local communities, in wetland conservation and wise use. For example, more than 70% of Contracting Parties promote the participation of stakeholders in decision-making on wetland planning and management, and some 92% of Ramsar Sites are recognized as providing cultural ecosystem services. The Ramsar Convention was the first multilateral environmental agreement to use the term "indigenous peoples" in official documents, in line with UN standards since the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

I am grateful to Dr Mariam Wallet Abubakrine, Chair of the UN Permanent Forum on Indigenous Issues (UNPFII), for preparing a foreword highlighting her readiness to collaborate with the Ramsar Convention on issues related to indigenous peoples and wetlands. As noted by Dr Abubakrine, wetlands are precious areas for indigenous peoples, often providing the basis for their livelihoods, and challenges still remain with respect to full and effective participation in their management.

Today, the Ramsar Strategic Plan 2016-2024 has become an important benchmark for the Convention's policy with regards to indigenous peoples and local communities. Strategic goal 3 includes Target 10 on traditional knowledge, innovations and practices, and in Resolution XII.2, the Conference of the Parties "*ENCOURAGES Parties to promote, recognize and strengthen active participation of indigenous peoples and local communities, as key stakeholders for conservation and integrated wetland management.*"

This publication highlights many positive examples of Contracting Parties and other stakeholders promoting the active participation of indigenous peoples and local communities in wetland management. For example the world's first Ramsar Site, the Cobourg Peninsula in Australia, is jointly managed with the Arrarrkbi people, who live on and use the Peninsula whilst being a decision-making partner in the management of the site through the Board of Management. In the Tana River Delta in Kenya, the local community was closely involved in the recent designation of the wetland as a Ramsar Site, including agreeing the specific site for designation, and participating in the preparation and implementation of the site management plan as a member of the Ramsar Site Management Committee.

I would like to extend my thanks to the MAVA Foundation for its generous support of this report through the project "*Conservation of the natural and cultural heritage in wetlands: Global leadership for an integrated approach through the Ramsar Convention*" (March 2015 - March 2018), and to the Contracting Parties for their manifest and continued commitment to promoting the active involvement of indigenous peoples and local communities in wetland conservation and wise use.

Martha Rojas Urrego

Secretary General, Ramsar Convention on Wetlands

Foreword

Wetlands and water sources and bodies are precious areas for indigenous peoples. They are often part of our traditional territories and resources, and provide the basis for the livelihoods of our families and communities; they are also fundamental elements of our cultures, since many of those places are sacred and have high spiritual significance. Many indigenous peoples have developed their cultures based on the interactions with wetlands and water – our ways of life, our cultural expressions and our value systems are deeply connected to those ecosystems.

In the case of Africa, the two larger inner deltas -the Okavango in Botswana and the Niger delta in Mali, both designated as Wetlands of International Importance under the Ramsar Convention-, are the homelands to a diversity of indigenous peoples with long histories of habitation, management, governance and cultural development of the areas. Their knowledge and practices are intimately linked to the dynamics of the ecosystems of the deltas – as it happens in many other areas of Africa and other regions where indigenous peoples live.

Unfortunately today the situation of many of these places is reason for concern. In Mali, for example, the delta is under severe stress because of the changes in the water flows, due to land degradation and deforestation in upstream areas and greater climate variability. Climate change is seriously affecting the water resources and hydrological systems of Mali. At the same time, indigenous peoples in these and many other areas of the world are in vulnerable situations because of the lack of recognition of their traditional knowledge and customary laws and the lack of support to their livelihoods and cultures.

The UN Permanent Forum on Indigenous Issues (UNPFII) was established by the United Nations Economic and Social Council (ECOSOC) in 2000, with the duty to "discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights". The Permanent Forum was called upon to provide expert advice and recommendations on indigenous issues to the UN system through the Council; raise awareness and promote the integration and coordination of relevant activities within the UN system; and prepare and disseminate information on indigenous issues. In this context, the UNPFII has been given careful attention to environmental issues, because of their own importance and also because indigenous peoples all over the world are increasingly involved and concerned about them given their deep connections with nature and the threats from climate change and other factors.

In this context, for the UNPFII collaboration and engagement with multilateral environmental agreements and international environmental institutions and processes is of high priority.

In my capacity as Chair of the UNPFII, I am pleased to express my appreciation to the work of the Ramsar Convention in safeguarding wetlands with the active involvement of indigenous peoples and in full respect of their rights, as described in this report. While acknowledging the efforts and valuable initiatives in this direction, I would also like to highlight the many challenges and needs that still exist, and the importance of encouraging and supporting national governments to develop and implement more actions with indigenous peoples, following the provisions of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

I wish all success to the Ramsar Contracting Parties and bodies of the Convention in implementing the actions recommended in this report, and particularly in effectively addressing the needs and interests of indigenous peoples at the 13th Meeting of the Conference of the Parties in 2018, where this report will be discussed. As Chair of the UNPFII, I remain ready to collaborate with the Ramsar Convention in advancing its commitments for inclusive wetlands and water conservation and sustainable use.

Dr Mariam Wallet Abubakrine
Chair, UN Permanent Forum on Indigenous Issues (UNPFII)

List of abbreviations

AIPP	Asia Indigenous Peoples Pact
CAOI	Coordinadora Andina de Organizaciones Indígenas
CBD	Convention on Biological Diversity
CENESTA	Centre For Sustainable Development
CEPA	Convention's Communication, Education, Participation and Awareness Programme
CICA	Consejo Indígena de Centro América
CIHR	Conservation Initiative on Human Rights
CIMA	Consejo Indígena Mesoamericano
CIWP	Conservation of Iranian Wetlands Project
COICA	Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica
COP	Conference of the Parties
ECMIA	Enlace Continental de Mujeres
ECOSOC	UN Economic and Social Council
FPIC	Free, prior and informed consent
IASG	Inter-Agency Support Group
ICC	Inuit Circumpolar Council
ICCROM	International Centre for Study of the Preservation and Restoration of Cultural Property
ICOMOS	International Council on Monuments and Sites
IIFB	International Indigenous Forum on Biodiversity
IIPFCC	International Indigenous Peoples Forum on Climate Change
ILO	International Labour Organization
IOPs	International Organization Partners
IPACC	Indigenous Peoples of Africa Coordinating Committee
IUCN	International Union for Conservation of Nature
IWGIA	International Work Group on Indigenous Affairs
MEAs	Multilateral Environmental Agreements
PCM	Participatory Management Clearinghouse
PEM	Participatory Environmental Management
RBA	Rights-based approach
REMIB	Red de Mujeres Indígenas sobre Biodiversidad
STRP	Scientific and Technical Review Panel
UN	United Nations
UNCCD	UN Convention to Combat Desertification
UNCED	UN Conference on Environment and Development
UNDG	UN Development Group
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UNFCCC	Un Framework Convention on Climate Change
UNPFII	UN Permanent Forum on Indigenous Issues
WIPO	World Intellectual Property Organization
WWF	World Wide Fund For Nature

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Supported by:



Executive summary

The wise and customary use of wetlands by indigenous peoples and local communities can play an important role in the conservation of wetlands. The Ramsar Convention on Wetlands encourages Contracting Parties to promote, recognize and strengthen the active participation of indigenous peoples, and local communities as key stakeholders for conservation and integrated wetland management (Resolution XII.2, para 19), and was the first multilateral environmental agreement to use the term “indigenous peoples” in official documents, in line with UN standards since the adoption of the UN Declaration on the Rights of Indigenous Peoples.

In recent years, the Ramsar Strategic Plan 2016-2024 incorporated a target, Target 10, on the traditional knowledge, innovations and practices of indigenous peoples and local communities, and in para 20 of Resolution XII.2 the Conference of the Parties requested the preparation of an initial report on the relationship of indigenous peoples and local communities with wetlands. This initial report, prepared thanks to the generous support of the MAVA Foundation through the project “Conservation of the natural and cultural heritage in wetlands: Global leadership for an integrated approach through the Ramsar Convention” (March 2015 - March 2018), is divided into four sections: 1) a review of the Ramsar Convention’s policy framework; 2) an analysis of lessons learned from national experiences; 3) thoughts on the way forward, including new developments in environmental policy processes and international law and practice; and 4) options for action.

The review of the Convention’s policy framework shows that important progress has taken place conceptually, methodologically and practically with regards to the involvement of indigenous peoples and local communities in wetland management. The Convention’s approach with respect to indigenous peoples and local communities evolved significantly in the 80s and 90s from a standard of “recognition” to one of “active involvement”. In 1999, “Guidelines for establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands” (Resolution VII.8) expanded on the term “involvement” and made the fundamental shift to recognizing community-based governance as a legitimate option for wetlands. The three thematic streams that have been central to the advancement of approaches in involving indigenous peoples and local communities in wetland management are the *wise use* concept (Recommendation 3.3), the Convention’s Programme on communications, capacity building, education, participation and awareness (CEPA, Resolution X.8), and the framework on the cultural values of wetlands (Resolution VIII.9).

Analysis of the information provided by Contracting Parties in 150 National Reports and in 2,289 Ramsar Information Sheets brings to light the significant interest that Parties have in the active involvement of all stakeholders, including indigenous peoples and local communities, in wetland conservation. For example, 72.7% of Contracting Parties report promoting participation of stakeholders in decision-making on wetland planning and management, and 52.7% report involving local stakeholders in the selection of new Ramsar Sites. Data from the Ramsar Information Sheets show that while 92.4% of Ramsar Sites are recognized by Contracting Parties as providing cultural ecosystem services, only 12.9% of sites are currently recognized by Parties for their cultural characteristics. Cultural characteristics are the ‘cultural values’ which, in addition to ecological values, are relevant for the designation of Ramsar Sites (Resolution IX.21), and which are of fundamental importance for indigenous peoples and local communities given their association with wetlands through many dimensions of culture, such as traditional knowledge and practices, customary governance, value systems and cultural expressions.

Following the review of the data provided by Contracting Parties in National Reports and Ramsar Information Sheets, the Secretariat invited Contracting Parties and other stakeholders to complete an online voluntary questionnaire, available in English, French and Spanish, and to submit case studies. The review of the questionnaires showed that the majority of National Focal Points, CEPA Focal Points and Administrative Authorities who responded consider that the Convention should have new or different instruments to support Contracting Parties achieve more effective involvement. However, due to the limited number of questionnaires submitted (41, including 18 from National Focal Points, CEPA Focal Points and Administrative Authorities), this cannot be considered a representative analysis reflecting the views of the 169 Contracting Parties. The questionnaire responses also provided valuable insights into the views of some National Focal Points, CEPA Focal Points and Administrative Authorities, as well as IOPs, NGOs and indigenous and community groups and other relevant stakeholders, with respect to appropriate strategies for more effective involvement of indigenous peoples and local communities in the management of wetlands.

Twenty-five case studies were considered in the preparation of this report, including four case studies submitted by Contracting Parties through the call for case studies. To include enough examples from all the Ramsar regions, several case studies were selected from recent Ramsar Convention Secretariat publications, including *World Heritage and Ramsar Conventions: Converging Towards*

Success' and 'Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania', as well as case studies submitted by partner organizations and prepared based on existing information in the Ramsar database (Ramsar Information Sheets and other sources). The case studies reviewed illustrate a wide variety of participation and governance arrangements and feature four common themes: (i) making participation more meaningful; (ii) recognizing and working with customary governance; and (iii) enhancing the involvement of women; and (iv) enhancing livelihood benefits.

Thoughts on the way forward suggest a number of elements that the Ramsar Convention could consider to further advance the policy framework and technical tools of the Convention to strengthen the inclusive, participatory approach that has been its constant interest and commitment including: (i) the application of rights-based approaches, which are not radically different from the current policies and practices that the Ramsar Convention is currently applying and promoting; (ii) strengthening governance in order to further promote participatory governance and management; (iii) acknowledging the UN Declaration on the Rights of Indigenous Peoples and examining the potential links of its provisions to the Convention's approach to engagement with indigenous peoples; and (iv) updating or creating new tools as policies continue to evolve and lessons from experiences further enrich institutional frameworks and strategies.

The report concludes with suggested options for action for the consideration of Contracting Parties, based on the lessons from national experiences and informed by the review of the Convention's policy framework and of new developments in environmental policy processes and international law and practice with respect to indigenous peoples and local communities. The options for action are non-exhaustive and are presented in three sections: (a) strengthening participation and governance, including adapting laws and policies to enable more and better participation, making participation more meaningful, recognizing and working with customary governances, and enhancing the involvement of women; (b) enhancing livelihood benefits; and (c) enabling activities. The first two thematic sections provide suggestions for possible actions at national and site levels, and the third section addresses the enabling activities that could support such actions, subject to the availability of capacity and resources, including: (1) updating the *Guidelines*, (2) updating reporting procedures for National Reports, Ramsar Information Sheets and data on cultural characteristics, (3) publishing technical papers on key issues, (4) facilitating technical discussions, (5) showcasing the Convention's experiences at international and regional meetings, (6) liaising with UNPFII, (7) raising the profile of indigenous peoples and local communities at Ramsar Convention COPs, and (8) engaging further with indigenous and community networks.



Fisherman at the Gulf of Mottama Ramsar Site before high tide, Myanmar (credit: BANCA)

Introduction

The wise and customary use of wetlands by indigenous peoples and local communities can play an important role in the conservation of wetlands. The Ramsar Convention on Wetlands encourages Contracting Parties to promote, recognize and strengthen the active participation of indigenous peoples, and local communities as key stakeholders for conservation and integrated wetland management (Resolution XII.2, para 19).

The Ramsar Strategic Plan 2016-2024 under Strategic Goal 3 includes Target 10 on the traditional knowledge, innovations and practices of indigenous peoples and local communities. In paragraph 20 of Resolution XII.2, the Conference of the Parties (COP) “REQUESTS the Secretariat [to prepare] an initial report on the relationship of indigenous peoples and local communities with wetlands” (see Box 1).

This initial report on the relationship of indigenous peoples, local communities with wetlands has been prepared thanks to the generous support of the MAVA Foundation through the project “Conservation of the natural and cultural heritage in wetlands: Global leadership for an integrated approach through the Ramsar Convention” (March 2015 - March 2018).

How this report was prepared

This initial report on the relationship of indigenous peoples and local communities with wetlands has been prepared on the basis of the following four elements:

1. Review of the Ramsar Convention’s policy framework

The policy framework of the Ramsar Convention with respect to indigenous peoples and local communities and wetland conservation, developed over several decades by the Contracting Parties, is reviewed to provide an overview of the Convention’s current policies, with reference to other relevant policy processes and international law and practice.

2. Analysis of lessons learned from national experiences

Data from National Reports and Ramsar Information Sheets is collated and analysed to identify lessons from national experiences on the practice of involving indigenous peoples and local communities in the management of wetlands in recent years, including with respect to the extent of the implementation of the Convention’s provisions on the ground. Additional information from a limited number

of questionnaires and from selected case studies is also reviewed.

3. Thoughts on the way forward, including on new developments in the field

Thoughts on the way forward, including new developments in other environmental policy processes and international law and practice regarding indigenous peoples and local communities, are presented to identify elements that the Ramsar Convention could consider to further advance its policy framework and technical tools and strengthen the inclusive, participatory approach that has been its constant interest and commitment.

4. Options for action

The report concludes with suggested options for action for the consideration of Contracting Parties, based on the lessons learned from national experiences and informed by the review of the Convention’s policy framework and of new developments in environmental policy process and international law and practice with respect to indigenous peoples and local communities.

BOX 1: Target 10 and paras 19 and 20 of Resolution XII.2 (The Ramsar Strategic Plan 2016-2024)

Target 10

The traditional knowledge, innovations and practices of indigenous peoples and local communities relevant for the wise use of wetlands and their customary use of wetland resources, are documented, respected, subject to national legislation and relevant international obligations and fully integrated and reflected in the implementation of the Convention with a full and effective participation of indigenous and local communities at all relevant levels

Paragraph 19 and 20 of Resolution XII.2

19. ENCOURAGES Parties to promote, recognize and strengthen active participation of indigenous peoples and local communities, as key stakeholders for conservation and integrated wetland management;

20. RECOGNIZES that the wise and customary use of wetlands by indigenous peoples and local communities can play an important role in their conservation, ENCOURAGES relevant parties to provide that information to the Secretariat and REQUESTS the Secretariat, subject to the availability of resources, to compile the data as an initial report on the relationship of indigenous peoples and local communities with wetlands;

Woman leaving home to collect water from the Nile river near Luxor. (credit: Frans Lemmens / Alamy Stock Photo)



The Ramsar Convention's Policy framework

This chapter presents a brief review of the policy framework of the Ramsar Convention with respect to indigenous peoples, local communities and wetland conservation, with reference to other relevant policy processes and international law and practices.

Summary

- The Ramsar Convention's approach with respect to indigenous peoples and local communities evolved significantly in the 80's and 90's from a standard of "recognition" to one of "active involvement". This shift was linked to a broader process of change of the conservation paradigm in relation to community participation that emerged as a result of the 1992 UN Conference on Environment and Development (UNCED), Rio de Janeiro, Brazil.
- The 1999 "Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands" (Resolution VII.8) expanded on the term "involvement" to indicate that it can encompass "from consultation to devolution of management authority", which goes beyond the instrumental notion of "participation" and makes the fundamental shift of recognizing community-based governance as a legitimate option for wetlands.
- The Ramsar Convention was the first multilateral environmental agreement (MEA) to use the term "indigenous peoples" in official documents (Resolution VIII.19 of 2002), in line with UN standards since the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).
- The three thematic streams of policy development and practice that have been critical for the advancement of approaches to involving indigenous peoples and local communities in wetland management are the *wise use* concept (Recommendation 3.3), the Convention's Programme on communication, education, participation and awareness (CEPA, Resolution X.8), and the framework on the cultural values of wetlands (Resolution VIII.19). See Box 3 for a brief review of the Ramsar Convention's current policy framework.

In recent years, the new Ramsar Strategic Plan 2016-2024 has become an important benchmark. Strategic goal 3 includes Target 10 on the traditional knowledge, innovations and practices of indigenous peoples, and in para 19 of Resolution

XII.2, the COP "ENCOURAGES Parties to promote, recognize and strengthen active participation of indigenous peoples and local communities, as key stakeholders for conservation and integrated wetland management."

At the 7th Meeting of the Conference of the Contracting Parties (COP) to the Ramsar Convention, held in San José, Costa Rica, from 10 to 18 May 1999, the Technical Session III on "Involving people at all levels in the conservation and wise use of wetlands"¹ discussed the paper "Participatory processes to involve local communities and indigenous people in the management of wetlands", which traced the historical development of the Ramsar Convention's approach to the involvement of indigenous peoples and local communities in wetlands management since the Third Meeting of the COP held in Regina (Canada) in 1987. At that Meeting, the COP adopted a definition of "wise use" that, especially through Recommendation 3.3 on the Wise use of wetlands, "pointed the way towards greater community involvement in wetland management"².

As the paper states, community involvement and participation in Ramsar sites and other wetlands have been recognised as essential throughout the history of the Ramsar Convention, at least since the Third Meeting of the COP in 1987. The historical developments examined in that paper show that essentially there were three important phases in the evolution of the approach: (i) recognition of the interests that local communities have in wetlands throughout the world, and of the traditional uses they make of the resources; (ii) recognition of the need to consult local people so that their interests are taken into account; (iii) promotion of active involvement of local people "in the decision-making and management processes, along with other interest groups"³.

This transition from "recognition" to "active involvement" was inaugurated by Recommendation 6.3 "Involving Local and Indigenous People in the Management of Ramsar Wetlands" of the Sixth Meeting of the COP held in Brisbane in 1996⁴. This Recommendation marks a substantial shift in Ramsar's policy on participation of indigenous peoples and local communities. Its key conceptual elements are (in addition to those described in points (i) and (ii) above):

- The acknowledgment that "indigenous people [in particular] have distinct knowledge, experience and aspirations in relation to wetland management;

1 Ramsar COP7 DOC. 18.1

2 Ibid, para 1.

3 Ibid, paras 9-10.

- The introduction of the concept of benefit sharing for local and indigenous people from conservation and wise and sustainable use of wetlands;
- The recognition of the value of traditional management practices;
- The acknowledgment that in some cases local and indigenous people are excluded from the decision-making process by virtue of faulty mechanisms – which is an important statement because it places the onus of involvement in management institutions, and opens the door to an ethical approach to inclusion;
- The importance of representation of local and indigenous people at national and global levels (on National Ramsar Committees and in national delegations to COP Meetings);
- The importance to “ensure consultation with local and indigenous people” in national wetland policies and programmes and in management planning at site level – where the emphasis on “ensuring” suggests the concept that consultation is not optional but necessary at both site and national levels.

These elements are important policy innovations in Ramsar’s approach to participation.

Based on these considerations, the COP adopted emphatic wording to call upon Contracting Parties for “specific efforts to encourage active and informed participation of local and indigenous people at Ramsar listed sites and other wetlands and their catchments, and their direct involvement, through appropriate mechanisms, in wetland management”. The Recommendation also directs the Ramsar Secretariat to take an active approach to promoting the concepts and the calls of the Recommendation.

This important step in the evolution of the Ramsar Convention’s approach to participation of indigenous peoples and local communities was taken further by a significant effort on the part of the Ramsar Convention Secretariat to develop a series of case studies demonstrating and drawing lessons from practical experiences of projects involving indigenous peoples and local communities, and to draft Guidelines to support Contracting Parties in the implementation of the actions that Recommendation 6.3 had called for. These activities took place between 1997 and 1998, and resulted in the adoption, by the 7th Meeting of the COP, held in San José, Costa Rica, in 10-18 May 1999, of the “Guidelines for establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands”⁵.

The *Guidelines* are a landmark document in the Ramsar Convention’s history. They systematize the conceptual elements of previous decisions and technical papers, adding

some valuable concepts such as the need for transparency and conflict management. They provide useful and practical guidance for action, and having been developed through lessons from case studies and with inputs from a wide community of Ramsar actors, had the benefit from proven experience and multi-stakeholder engagement. The *Guidelines* expand on the term “involvement” to indicate that it can encompass “from consultation to devolution of management authority”, which goes beyond the instrumental notion of “participation” that had been prevalent in conservation policies, and makes the fundamental shift of recognizing community-based governance as a legitimate option for wetlands.

Resolution VII.8 adopting the *Guidelines* stressed the need to undertake a wide range of actions to make indigenous peoples’ and local communities’ involvement a regular and meaningful part of wetland management and to enhance capacities and strengthen relationships between them and national management institutions.

The year after, in January 2000, the Ramsar Convention Secretariat published the Handbook “Establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands”, which incorporates Resolution VII.8 and the *Guidelines*, as well as the Resource Paper “Involving local communities and indigenous people in wetland management”; it is a comprehensive tool that provides “an easily accessible reference text on the implementation of participatory approaches in the context of wetland management”⁶.

This Handbook was subsequently published also in the 3rd (2007) and 4th (2010)⁷ editions of the Handbook series, which is an indication of the importance that was assigned to participation as a key topic in the “Ramsar Convention ‘toolkit’ for the conservation and wise use of wetlands”, as the collection of handbooks is called.

Although several concepts and approaches on participation have evolved since the publication of the *Guidelines* and related materials, most of the provisions and recommendations for action continue to be valid especially for actions on the ground.

On a terminological note, the 2000 Handbook includes a definition of “community” in the context of participatory management (Box 2), and, without offering a definition of “indigenous people”, includes some elements that characterize them.

The evolution of the Ramsar Convention’s approach to the involvement of indigenous people and local communities that took place over those years (1987 to 1999) was part of, and linked to, a broader process of change of the conservation

4 Proceedings of the 6th Meeting of the Conference of the Contracting Parties (Brisbane, Australia, 19-27 March 1996). Recommendation 6.3.

5 “People and Wetlands: The Vital Link”: 7th Meeting of the Conference of the Contracting Parties to the Convention on Wetlands (Ramsar, Iran, 1971), San José, Costa Rica, 10-18 May 1999. “Guidelines for establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands”. Resolution VII.8.

6 Ramsar Convention Bureau, 2000. Ramsar handbooks for the wise use of wetlands. Handbook 5: Establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands. Ramsar Convention Bureau, Gland, Switzerland. P. 4.

7 Ramsar Convention Secretariat, 2007. Participatory skills: Establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands. Ramsar handbooks for the wise use of wetlands, 3rd edition, vol. 5. Ramsar Convention Secretariat, Gland, Switzerland.

Box 2. Indigenous people and local communities in the Ramsar Convention Handbook on Participatory Management

“The term community as used in this Handbook can be understood at two levels. On the one level it represents a more or less homogenous group that is most often defined by geographical location (e.g., a village), but possibly by ethnicity. [...] On another level, it represents a collection of different interest groups such as women and men, young and old, fisherfolk and farmers, wealthy and poor people, and different ethnic groups. Even in relatively unified communities, it is likely that these sub-groups have different interests and perspectives that need to be taken into account in the participatory management process.”

“[...] indigenous people may have been the sole managers of wetlands for many centuries, so in these contexts it is more appropriate to speak of acknowledging and strengthening their management role than involvement per se. [...] Also, the term “indigenous people” may vary from country to country”. (Terminology, p. 5 and Guideline 9).

paradigm in relation to community participation that emerged as a result of the 1992 UNCED (UN Conference on Environment and Development, Rio de Janeiro, Brazil), whose outcomes offered significant encouragement for the innovation of environmental policies to make them more inclusive and beneficial for indigenous peoples and local communities as one of the conditions for sustainability. Particularly noteworthy in this regard are Chapter 26 of Agenda XXI (“Recognizing and Strengthening the Role of Indigenous People and their Communities”), Principles 10 and 22 of the Rio Declaration (on participation and indigenous peoples and local communities), paragraph 5 of the Non Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests (on indigenous peoples and local communities in forests), and the Convention on Biological Diversity (CBD – especially Arts. 8 (j) on traditional knowledge and practices, and 10 (c) on customary use according to traditional practices).

In the years that followed the Rio Conference, an active process took place globally for developing new policies and approaches regarding indigenous peoples and local communities in conservation. For example, two “International Organization Partners” of the Ramsar Convention, WWF and IUCN, adopted new policies on indigenous peoples in 1995⁸ and 1996⁹, respectively, followed in 1999 by a joint policy on Indigenous and Traditional Peoples and Protected Areas¹⁰, which is relevant to Wetlands of International Importance (Ramsar Sites) as places that meet the CBD definition of a protected area¹¹.

In 2002, the 8th Meeting of the COP adopted Resolution VIII.36 “Participatory Environmental Management (PEM) as a tool for management and wise use of wetlands”¹². Although this resolution does not have a specific focus on indigenous peoples and local communities but on a broader notion of participatory management, it nonetheless stresses the value of “active and full participation of local communities and indigenous peoples

in the adoption and application of decisions related to the use and sustainable management of wetlands.

Three thematic streams of policy development and practice in the Ramsar Convention have been critical for the advancement of approaches to involving indigenous peoples and local communities in wetlands management: the *wise use* concept, as already described, due to its close relationship with traditional uses that have demonstrated their contributions to the sustainability of wetlands; the Convention’s Programme on communication, education, participation and awareness; and the framework on the *cultural values of wetlands*, because of the cultural dimension of traditional knowledge and practices of indigenous peoples and local communities.

At its 7th Meeting in 1999, the COP adopted in Resolution VII.9 the first programme of action for communication, education and public awareness (CEPA) under the Convention; subsequently at its 8th Meeting in 2002, the Parties adopted a new programme for the period 2003-2008 (in conjunction with the Ramsar Strategic Plan 2003-2008)¹³.

The 2003-2008 CEPA programme included indigenous people and local communities as target groups for capacity building and awareness actions, on the assumption that their support was useful for achieving wetland conservation objectives. Although its approach was not about participation, the programme did include an important statement in presenting the rationale for that target:

“Many indigenous people and local communities associated with wetlands have great knowledge of managing these ecosystems in a sustainable way, and in some instances have an ongoing cultural association with wetlands. Ramsar should aim to encourage the sharing of this experience with other wetland managers and acknowledge indigenous peoples’ stewardship of wetlands” (p.31)

8 WWF, 1996. Indigenous Peoples and Conservation: WWF Statement of Principles. WWF International. Gland, Switzerland.

9 The 1996 World Conservation Congress adopted nine Resolutions on indigenous peoples and conservation that set out the basis for a new institutional policy of IUCN on the matter. See IUCN, 1997. Resolutions and Recommendations. World Conservation Congress, Montreal, Canada, 13-23 October 1996. Gland: IUCN.

10 IUCN-WWF, 1999. Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas. Gland, Switzerland: WWF-WCPA/IUCN.

11 “A geographically defined area, which is designated or regulated and managed to achieve specific conservation objectives”. CBD, Art. 2.

12 “Wetlands: water, life and culture”. 8th Meeting of the Conference of the Contracting Parties to the Wetlands Convention. Valencia, Spain, 18-26 November 2002. Resolution VIII.36.

13 Ramsar Convention Secretariat, 2007. Wetland CEPA: The Convention’s Programme on communication, education and public awareness (CEPA), 2003-2008. Ramsar handbooks for the wise use of wetlands, 3rd edition, vol. 4. Ramsar Convention Secretariat, Gland, Switzerland.

In 2008, at its 10th Meeting the COP adopted through Resolution X.8 the Convention's Programme on communication, education, participation, and awareness (CEPA) 2009-2015¹⁴, meant to work in conjunction with the third Strategic Plan of the Convention for the same period. The important change in this third version of the CEPA programme is the inclusion of *participation*, with a clear recognition of its growing importance:

“There is an evolving approach within the Convention to wetland management planning that includes community participation and education, as well as considerable evidence of rapidly growing knowledge at all levels within the Convention of participatory techniques and the CEPA skills that underlie them” (p.8)

The Ramsar Convention has distinguished itself for being one of the biodiversity-related conventions that has given more systematic attention to integrating culture in conservation. Following several policy processes and discussions, especially in the late 1990s¹⁵, the Ramsar Convention's 8th COP adopted in 2002, in Resolution VIII.19, the “Guiding principles for taking into account the cultural values of wetlands for the effective management of sites”. The Resolution is a pioneering statement on cultural values in wetlands, with broader significance for the conservation of all types of ecosystems, and also advances important policy concepts on issues concerning indigenous peoples and local communities.

The Resolution and the Guiding Principles list the several aspects of culture in which traditional peoples relate to wetlands – values, spirituality, knowledge, practices, cultural expressions and others, and call for their recognition and incorporation in management. When encouraging “the compilation and assessment of both material and non-material cultural elements related to wetlands and water”, the Resolution recommends to take into account, as appropriate, the “principle of prior informed consent”, which is today an important international standard for accessing traditional knowledge and other elements of cultural heritage of indigenous peoples and local communities.

Guiding Principle 20 introduces the concept of “traditional rights” and calls for their protection. This is the first time that this important concept enters the Ramsar Convention policies.

Further, the Resolution uses the term “indigenous peoples” in plural, and its systematic use therein and in other Resolutions, establishes it a “term of art” that would become a terminological standard for the Ramsar Convention, that is,

from that point forward the policy and technical documents of the Convention would adhere to this plural form of the term.

The transition from “indigenous people” to “indigenous peoples” in the Resolutions on cultural values marks an important policy shift, which (in advance) puts the Ramsar Convention in alignment with the UN standards established in 2007 with the adoption by the UN General Assembly of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)¹⁶. Among the multilateral environmental agreements (MEAs), the Ramsar Convention is the first to use “indigenous peoples” in official documents¹⁷.

Further on the policy evolution driven by the work on the cultural values of wetlands, important concepts were put forward and stressed in Resolution IX.21 “Taking into account the cultural values of wetlands”, adopted by the 9th Meeting of the COP in 2005¹⁸. The Resolution recognizes that “local communities and indigenous peoples have developed strong cultural connections and sustainable use practices” and that as such they “must have a decisive voice in matters concerning their cultural heritage”.

Important policy and technical frameworks regarding the involvement of indigenous peoples and local communities, as for many other issues of the Ramsar Convention, have been its Strategic Plans – instruments intended “to provide guidance, particularly to the Contracting Parties but also to the Standing Committee, the Secretariat, the Scientific and Technical Review Panel (STRP), the regional initiatives, and the International Organization Partners (IOPs), as well as the Convention's many other collaborators, on how they should focus their efforts for implementing the Convention”¹⁹. The 1st Strategic Plan covered the period 1997-2002, and three more have been developed afterwards.

The Ramsar Strategic Plan 2009-2015 recognizes the importance of “participation of the local indigenous and non-indigenous population and making use of traditional knowledge” and “more participative management of wetlands” to achieve the goal of Wise Use. It also promotes the Convention's Communication, Education, Participation and Awareness Programme (CEPA)²⁰, whose Strategy 3 is to “support and develop mechanisms to ensure multi-stakeholder participation in wetland management”.

An important benchmark in more recent years is the new Ramsar Strategic Plan 2016-2024, adopted by the 12th Meeting of the COP in 2015²¹. In para 19, Resolution XII.2, the COP “ENCOURAGES Parties to promote, recognize and strengthen active participation of indigenous peoples and

14 Ramsar Convention Secretariat, 2010. Wetland CEPA: The Convention's Programme on communication, education, participation and awareness (CEPA) 2009-2015. Ramsar handbooks for the wise use of wetlands, 4th edition, vol. 6. Ramsar Convention Secretariat, Gland, Switzerland.

15 Papayannis, Thymio, 2015. Ramsar + Culture: Incorporating cultural aspects in the Ramsar Convention.

16 United Nations General Assembly, A/61/L.67 and Add.1. September 2007. Available from http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

17 For example, the CBD decided to start using the term “indigenous peoples and local communities” only in 2014, through Decision XII/12 F (UNEP/CBD/COP/DEC/XII/12).

18 “Wetlands and water: supporting life, sustaining livelihoods”. 9th Meeting of the Conference of the Parties to the Convention on Wetlands. Kampala, Uganda, 8-15 November 2005. Resolution IX.21.

19 The Ramsar Strategic Plan 2009-2015, as adopted by Resolution X.1 of 2008 and adjusted for the 2013-2015 triennium by Resolution XI.3 of 2012.

20 “Healthy wetlands, healthy people”: 10th Meeting of the Conference of the Parties to the Convention on Wetlands. Changwon, Republic of Korea, 28 October-4 November 2008. Resolution X.8.

21 12th Meeting of the Conference of the Parties to the Convention on Wetlands. Punta del Este, Uruguay, 1-9 June 2015. Resolution XII.2.

local communities, as key stakeholders for conservation and integrated wetland management”; and in para 20 it “RECOGNIZES that the wise and customary use of wetlands by indigenous peoples and local communities can play an important role in their conservation, [...] and REQUESTS the Secretariat [to prepare] an initial report on the relationship of indigenous peoples and local communities with wetlands”.

One of the priority focal areas of the Strategic Plan is to “Strengthen and support the full and effective participation and the collective actions of stakeholders, including indigenous peoples and local communities”, and under Strategic goal 3 (Wisely Using All Wetlands) it includes Target 10: “The traditional knowledge, innovations and practices of indigenous peoples and local communities relevant for the wise use of wetlands and their customary use of wetland resources are documented, respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention, with a full and effective participation of

indigenous peoples and local communities at all relevant levels”.

This brief review of the policy framework of the Ramsar Convention regarding participation of indigenous peoples and local communities in wetland management shows the long way that the Convention has come since this topic started receiving systematic attention. The Ramsar Convention has been alert to the needs and interests of indigenous peoples and local communities linked to wetlands for their livelihoods and cultures, and has responded with continuous support, encouragement and technical assistance to Contracting Parties and other members of the Ramsar community to ensure greater and meaningful involvement. It has been a history of incremental change attuned to the progressive shift of paradigms and practice of conservation over the last decades.

A summary of salient conceptual elements of the Ramsar Convention’s participatory approach regarding indigenous peoples and local communities is presented in Box 3.

Box 3: Brief, non-exhaustive list of elements of the Ramsar Convention policy on the involvement of indigenous peoples and local communities

- Terminology: the Ramsar Convention’s operational understanding of “local community” describes it as a social group with commonality of features and interests and an identity that can be based on sharing a geographic location or on ethnicity. It recognizes that local communities are different from other “wetland stakeholders” such as NGOs, and also that they are internally diverse as they include groups differentiated by gender, age, occupation, economic position, etc.
- The Ramsar Convention does not have a “definition” of indigenous peoples - and does not need to have it, following the common practice in the international system. The UN has discussed definitional issues of indigenous peoples for a long time and has come to the conclusion that a single, universal definition would not be appropriate. Since 2002, the Ramsar Convention uses the term “indigenous peoples” in plural, which corresponds to the UN standards since the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).
- While in earlier statements participation and consultation were seen solely as useful approaches to support the objectives of wise use of the Convention, the concepts that have been put forward in more recent provisions establish active involvement of indigenous peoples and local communities in decision-making and management. Therefore, consultation and participation when there is presence of indigenous peoples and local communities are not considered optional but a necessity.
- Involvement as a concept can encompass “from consultation to devolution of management authority”, and community-based governance is a legitimate governance option for wetlands.
- The traditional knowledge, resource use practices and cultural values of indigenous peoples and local communities are of great importance for the wise use and conservation of wetlands and should be recognized, respected, supported and fully integrated and reflected in the implementation of the Convention.
- At the same time, it is important to recognize that for indigenous peoples and local communities whose livelihoods are dependent on the wetlands’ resources and services, the continuous enjoyment of such benefits is fundamental for their active involvement.
- The Ramsar Convention acknowledges indigenous peoples’ stewardship of wetlands and the multiple benefits it has brought, and therefore calls for the strengthening of their traditional practices.
- It also promotes the recognition of customary law and traditional rights in relation to wetlands and their protection.
- Indigenous peoples and local communities should be properly represented in management structures at various levels, and Contracting Parties are encouraged to create opportunities and spaces for this.

Today, having this framework in mind, as well as the requests of Resolution XII.2, and in view of the interest of the Contracting Parties to address this topic at the 13th Meeting of the COP (Dubai, United Arab Emirates, 21-29 October 2018), the relevant questions are:

- i) what can we learn about the practice of involving indigenous peoples and local communities in the management of wetlands in recent years, and to what extent implementation of the Ramsar Convention provisions has happened on the ground;
- ii) what are policy and practice issues that need to be addressed to further advance the policy framework and technical tools of the Convention to strengthen the inclusive, participatory approach that has been its constant interest and commitment.

Lake Kutubu festival, Papua New Guinea (credit: Lydia Kaia)



Lessons from national experiences

This chapter presents data from National Reports and Ramsar Information Sheets that reflects lessons from national experiences on the practice of involving indigenous peoples and local communities in the management of wetlands in recent years. Additional information from a limited number of questionnaires and a selection of case studies is also reviewed.

Summary

- **Contracting Parties have significant interest in the active involvement of all stakeholders, including indigenous peoples and local communities, in wetland conservation:** Data from 150 COP12 National Reports (2014) shows that Contracting Parties have significant interest in including socio-economic and cultural values in management planning (61.3 %), in promoting participation of stakeholders in decision-making on wetland planning and management (72.7%), and in involving local stakeholders in the selection of new Ramsar Sites (52.7%). A wide variety of institutional arrangements are reported to be in place to enable participation. This data reflects the Ramsar Convention's shift from a standard of "recognition" to one of "active involvement."
- **Few Ramsar Sites are currently recognized by Contracting Parties for their cultural characteristics - the 'cultural values' which, in addition to ecological values, are relevant for the designation of Ramsar Sites (Resolution IX.21):** While almost all sites (93.4%) are recognized by Contracting Parties as providing cultural ecosystem services, data from 2,289 Ramsar Information Sheets shows that only 12.9% of Ramsar Sites are currently recognized for their cultural characteristics, which include (iii) "sites where the ecological character of the wetland depends on the interaction with local communities or indigenous peoples."
- **The majority of the National Focal Points, CEPA Focal Points and Administrative Authorities who responded to the online questionnaire consider that the Convention should have new or different instruments to support Contracting Parties achieve more effective involvement:** However, due to the limited number of questionnaires submitted (41, including 18 from National Focal Points, CEPA Focal Points, and Administrative Authorities), this cannot be considered a representative statement reflecting the views of the 169 Contracting Parties. The questionnaire responses also provide valuable insight into appropriate strategies for more effective involvement of indigenous peoples and local communities in the management of wetlands.

- **Case studies illustrate the existence of a wide variety of participation and governance arrangements in the management of wetlands:** Common themes identified across the 26 case studies reviewed include: (i) making participation more meaningful; (ii) recognizing and working with customary governance; (iii) enhancing the involvement of women; and (iv) enhancing livelihood benefits. Due to the limited number of case studies submitted by Contracting Parties, case examples from Ramsar Convention Secretariat publications, the wider literature, and those submitted by other stakeholders are also reviewed (case study sources are indicated).

Paragraph 20 of Resolution XII.2 encourages relevant Parties to provide information to the Ramsar Convention Secretariat on the wise and customary use of wetlands by indigenous peoples and local communities as it pertains to their conservation, and requests the Secretariat to compile the data provided as an initial report.

This chapter seeks to collate and present data from National Reports and Ramsar Information Sheets that reflects lessons from national experiences on the practice of involving indigenous peoples and local communities in the management of wetlands in recent years, including with respect to the extent of the implementation of the Convention's provisions on the ground. Additional information from a limited number of online questionnaires and from selected case studies is also reviewed.

National Reports

Recommendation 2.1 (1984) urged Contracting Parties to submit detailed National Reports to the Secretariat at least six months before each ordinary meeting of the Conference, and this tradition has continued unbroken to this day. National Reports provide:

- i) a valuable overview of national experiences;
- ii) continuous monitoring of the implementation of the Convention; and
- iii) a means of sharing information relating to wetland conservation measures that have been taken, any problems that may have arisen, and appropriate solutions to such problems.

Box 4: COP12 National Report questions of particular relevance to understanding the relationship of indigenous peoples and local communities with wetlands

1.4.3 Have socio-economic and cultural values of wetlands been included in the management planning for Ramsar Sites and other wetlands?

4.1.3 Does the Contracting Party:

a) promote stakeholder participation in decision-making on wetland planning and management

b) specifically involve local stakeholders in the selection of new Ramsar Sites and in Ramsar Site management?

The Ramsar Convention currently has the highest percentage of National Reports received of all the environment-related conventions. The analysis in this report focuses on the COP12 National Reports submitted to the Ramsar Convention Secretariat in 2014 as these were the most up to date reports available at the time of drafting.

The 150 COP12 National Reports submitted by Contracting Parties include two questions of particular relevance to understanding the relationship of indigenous peoples and local communities with wetlands (see Box 4).

Analysis of the COP12 National Reports reveals the significant interest that Contracting Parties have in the active involvement of all stakeholders, including indigenous peoples and local communities in the management of wetlands (see Figure 1).

1.4.3 Including socio-economic and cultural values in wetland management planning: 61.3 % of Contracting Parties report including socio-economic and cultural values in management planning for Ramsar Sites and other wetlands, while 22.7 % report partly including these values within management planning.

4.1.3 a) Promoting stakeholder participation in decision-making: 72.7% of Contracting Parties fully promote participation, 14% of countries report partly promoting it, and 8% indicate that it is in their plans.

4.1.3 b) Involving local stakeholders in the selection of new Ramsar Sites and in their management: A slightly lower percentage, 52.7%, of Contracting Parties specifically involve local stakeholders in the selection of new Ramsar Sites and in their management, while 23.3% involve them in part.

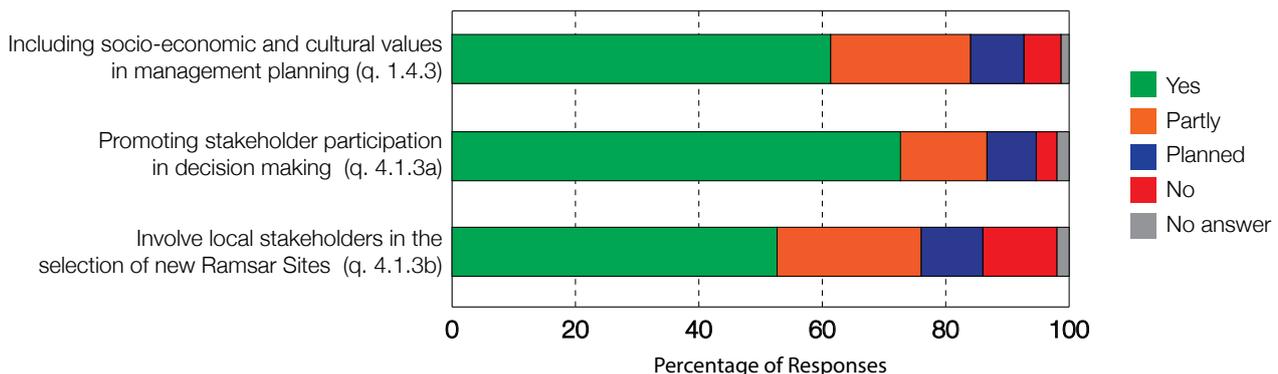
Participation: institutional arrangements, law and policy

Regarding participation, the COP12 National Reports provide information about a variety of institutional arrangements that are in place to enable it. For example, in some countries local communities are fully represented on Site Management Committees, and they are also often represented on Ramsar National Committees. In other countries decentralizations processes have allowed the creation of more opportunities for participation given that governance functions are closer to the communities and local stakeholders. In a few countries, structures such as water basin management committees catalyse the participation of local communities together with other stakeholders.

According to the reports, participation can take place at different moments and for different purposes, from the designation of Ramsar Sites to the development of site management plans, and the implementation of specific actions. Some countries also indicate that they involve communities in monitoring and evaluation of the implementation of management plans. Many countries also report that they have legal frameworks that establish participation as a requirement for the development of policies, designation of sites, or certain actions that may have implications on the conservation of sites, such as public works.

In their reports to COP 12, several Contracting Parties also provided information about instruments of law and policy that they have establishing public participation as a requirement – such as Canada, Cameroon, Germany, New Zealand, Slovenia, Slovakia, and others. This is certainly a

Figure 1: COP12 National Reports



very important development which other countries could be encouraged to follow.

Some countries have adopted specific legal and policy instruments that frame the procedures for consultation and participation of indigenous peoples and local communities. For example, Peru has a national law for “Previous Consultation to Indigenous or Ab-original Peoples, as recognized under ILO Convention 169”²². In the Philippines, the Indigenous Peoples’ Rights Act (IPRA)²³ provides for “free and prior informed consent” (FPIC) for actions taking place in their ancestral domains.

There are also sub-national laws of a similar nature, for example in Mexico (a Federal State) the State of San Luis Potosi has the “Law for Indigenous Consultation for the State and Municipalities of San Luis Potosi”²⁴.

In several countries, participation of, and consultation with, indigenous peoples and local communities is established as a provision of constitutional law, as in the cases of South Africa, Ecuador and India²⁵.

Ramsar Information Sheets

The Ramsar Information Sheet (RIS), first adopted by Contracting Parties in 1990, was designed to provide essential data on all designated Wetlands of International Importance, in order to allow analysis of Ramsar-listed wetlands at any given time, provide baseline data for measuring changes in the ecological character of wetlands listed under the Ramsar Convention, and provide material for publications to inform the public about Ramsar Sites.

Completed RISs are only accepted from the officially-appointed Administrative Authority in each Contracting Party. Data reported by Contracting Parties in Ramsar Site Information Sheets, is collated in the Ramsar Site Information Services (RSIS) online database. Parties to the Ramsar Convention have a commitment to provide updated RIS information for all of their Ramsar sites at intervals of six years or when there are any significant changes in the sites’ ecological character.

Data from 2,289 Ramsar Information Sheets on cultural ecosystem services and cultural characteristics is analysed below (rsis.ramsar.org, accessed 17.11.2017).

Cultural ecosystem services

The 2012 Ramsar Information Sheet lists ecosystem services as part of the definition of ecological character, including provisioning, regulating, supporting and cultural services. The inclusion of cultural ecosystem services in the definition of ecological character is also reflected in Resolution X.15 “Describing the ecological character of

wetlands, and data needs and formats for core inventory: harmonized scientific and technical guidance”. In the RIS, cultural services are defined as “The nonmaterial benefits people obtain from ecosystems such as through spiritual enrichment, cognitive development, reflection, recreation, and aesthetic experiences” and are divided into recreation and tourism, spiritual and inspirational, and scientific and educational services (Resolution XI.8, Annex 1).

Contracting Parties report that the vast majority of Ramsar Sites provide cultural ecosystem services (93.4%), and that more than half have spiritual and inspirational services (58.4%). This is comparatively higher than the reported prevalence of provisioning (74 %), regulating (70.9%) and supporting services (14.1%) (see Figure 2). It should be noted that these figures relate to reported ‘perceptions’ of the ecosystem services provided by Ramsar Sites.

Cultural characteristics

The Ramsar Convention’s 9th COP adopted in 2005 in Resolution IX.21 cultural characteristics relevant for the designation of Ramsar Sites (see Box 5). Contracting Parties identified four cultural characteristics and agreed “...that in the application of the existing criteria for identifying Wetlands of International Importance, a wetland may also be considered of international importance when, in addition to relevant ecological values, it holds examples of significant cultural values, whether material or non-material, linked to its origin, conservation and/or ecological functioning.”

Cultural characteristics are included in the 2012 Ramsar Information Sheet (Resolution XI.8, Annex 1) and are referred to as ‘cultural values’ in the RIS. Section 27 asks Contracting Parties “Is the site considered internationally important for holding, in addition to relevant ecological values, examples of significant cultural values, whether material or non-material, linked to its origin, conservation and/or ecological functioning? If so, please describe this importance under one or more of the following categories”. The updated RIS also asks Parties to describe if the site has any general social and/or cultural values for example, fisheries production, forestry, religious importance, archaeological sites, social relations with the wetland, etc.

As of November 2017, only 12.9% of Ramsar Site Information sheets included data on cultural characteristics (see Figure 3). However, it should be noted that Contracting Parties have only been compiling data on cultural characteristics since 2005. Some regions, such as Africa, include more data on cultural characteristics in their Ramsar Information Sheets (see Figure 4), and only thirteen sites are reported to have all four cultural characteristics (Table 1).

22 “Ley del derecho a la consulta previa a los pueblos Indígenas u originarios, reconocido en el convenio 169 de la Organización Internacional del Trabajo (OIT)”, accesible at [https://www.presidencia.gob.pe/documentos/LEY%20DEL%20DERECHO%20A%20LA%20CONSULTA%20PREVIA%20A%20LOS%20PUEBLOS%20IND%20C3%8D-GENAS%20U%20ORIGINARIOS,%20RECONOCIDO%20EN%20EL%20CONVENIO%20169%20DE%20LA%20ORGANIZACI%20C3%93N%20INTERNACIONAL%20DEL%20TRABAJO%20\(OIT\)%20.pdf](https://www.presidencia.gob.pe/documentos/LEY%20DEL%20DERECHO%20A%20LA%20CONSULTA%20PREVIA%20A%20LOS%20PUEBLOS%20IND%20C3%8D-GENAS%20U%20ORIGINARIOS,%20RECONOCIDO%20EN%20EL%20CONVENIO%20169%20DE%20LA%20ORGANIZACI%20C3%93N%20INTERNACIONAL%20DEL%20TRABAJO%20(OIT)%20.pdf)

23 <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf>

24 “Ley de Consulta Indígena para el Estado y Municipios de San Luis Potosi”.

<http://sanluis.gob.mx/wp-content/uploads/2015/12/Ley-de-Consulta-Indigena-para-el-Estado-y-Municipios-de-San-Luis-Potosi.pdf>

25 See for example Bosselmann, Klaus, Engel, Ron and Taylor, Prue, 2008. *Governance for Sustainability - Issues, Challenges, Successes*. IUCN, Gland, Switzerland.

Box 5: Cultural characteristics identified by Contracting Parties in Resolution IX.21 (para 15)²⁶

- (i) sites which provide a model of wetland wise use, demonstrating the application of traditional knowledge and methods of management and use that maintain the ecological character of the wetland;
- (ii) sites which have exceptional cultural traditions or records of former civilizations that have influenced the ecological character of the wetland;
- (iii) sites where the ecological character of the wetland depends on the interaction with local communities or indigenous peoples; and
- (iv) sites where relevant non-material values such as sacred sites are present and their existence is strongly linked with the maintenance of the ecological character of the wetland.

Examples of each type of cultural characteristic are illustrated below.

Examples of Ramsar Sites with cultural characteristics

Cultural Characteristic (i) sites which provide a model of wetland wise use, demonstrating the application of traditional knowledge and methods of management and use that maintain the ecological character of the wetland

Jaluit Atoll Conservation Area, Marshall Islands

Each inhabited island has a traditional hierarchical system centering around the traditional chief, (Iroij). Each Iroij selects one or more “Alap” who manage the lands. Dir- jerbal are the people who work and live on the land. Traditionally, Iroij own all land and water resources within a community’s jurisdiction. By birthright, Iroij have absolute power – including all resource use, preservation and management. Traditional resource management is based on a system whereby the Iroij would ‘set aside’ one or more parcels of land and/or reef as ‘Mo’ (taboo areas). The Iroij would declare what animals are protected, and for how long. Some communities have only one Mo, while others have several. Usually the removal of any animal or plants within the Mo was forbidden. Special permission was needed from the Iroij to enter the area

to collect anything. Some Mo were seasonal while others were more or less permanent. Resource harvesting is limited to special traditional occasions (e.g. wedding or funeral feasts). In effect, Mo function as ‘No Take’ zones. Enforcement of Mo’s remains the responsibility of the communities themselves²⁷.

Cultural Characteristic (ii) sites which have exceptional cultural traditions or records of former civilizations that have influenced the ecological character of the wetland

Meinmahla Kyun Wildlife Sanctuary (MKWS), Myanmar

The MKWS is a place of cultural and historic value to the Myanmar people. To many it is a place of myth and pilgrimage. This is based on the story of the ‘island of the beautiful women’, said to hail from the abundance of *Heritiera fomes* (a tree with curvaceous roots), and the Nat (Spirit figure), U Shin Gyi, who is designated as the guardian of Meinmahala, after, as the story goes - he absent-mindedly played the harp after he was warned not to, this led to his abduction by one of the Meinmahla women. The temple of U Shin Gyi (outside of the sanctuary boundary along the Bogale River), along with the 100 Monkey Pagoda (inside the sanctuary), are well known pilgrimage sites, giving cultural value to the wildlife sanctuary. Additionally, the delta villages (22-30 approximately) surrounding the sanctuary were some of the most severely affected during cyclone Nargis in 2008. Nargis

Table 1: Ramsar Sites reported to have all four cultural characteristics

Ramsar Sites	Country	Region
Okavango Delta System	Botswana	Africa
Oasis de Tamantit et Sid Ahmed Timmi	Algeria	Africa
Rugezi-Burera-Ruhondo	Rwanda	Africa
Zone Humide de Mandrozo	Madagascar	Africa
Cleveland Dam	Zimbabwe	Africa
Archipel Bolama-Bijagós	Guinea-Bissau	Africa
Barrière de Corail Nosy Ve Androka	Madagascar	Africa
Zones Humides Ankarafantsika (CLSA)	Madagascar	Africa
Päivävuoma	Sweden	Europe
Massaciuccoli lake and marsh	Italy	Europe
Upper Mississippi River Floodplain Wetlands	United States of America	North America
Cobourg Peninsula	Australia	Oceania
Kakadu National Park	Australia	Oceania

²⁶ Resolution IX.21 Taking into account the cultural values of wetlands (2005)

²⁷ <https://rsis.ramsar.org/RISapp/files/RISrep/MH1389RIS.pdf>

Figure 2: Ecosystem services provided by Ramsar Sites (source: RSIS, November 2017)

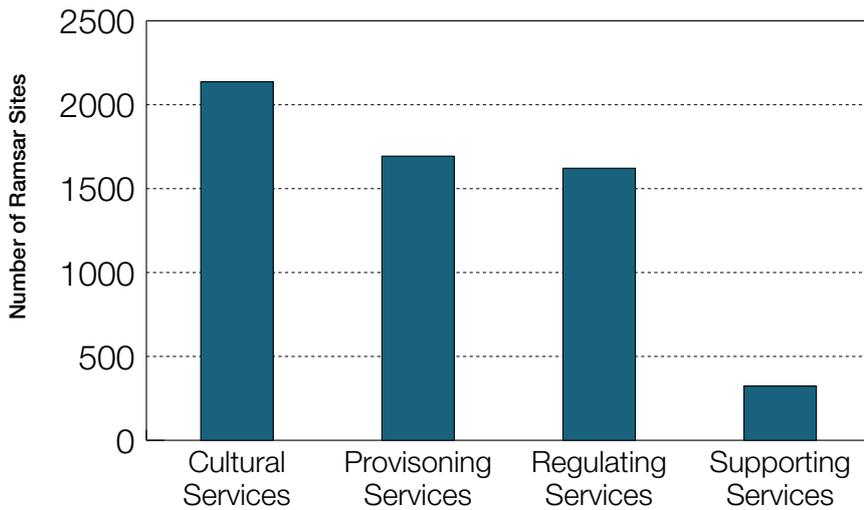


Figure 3: Ramsar Sites with data on cultural characteristics (source: RSIS, November 2017)

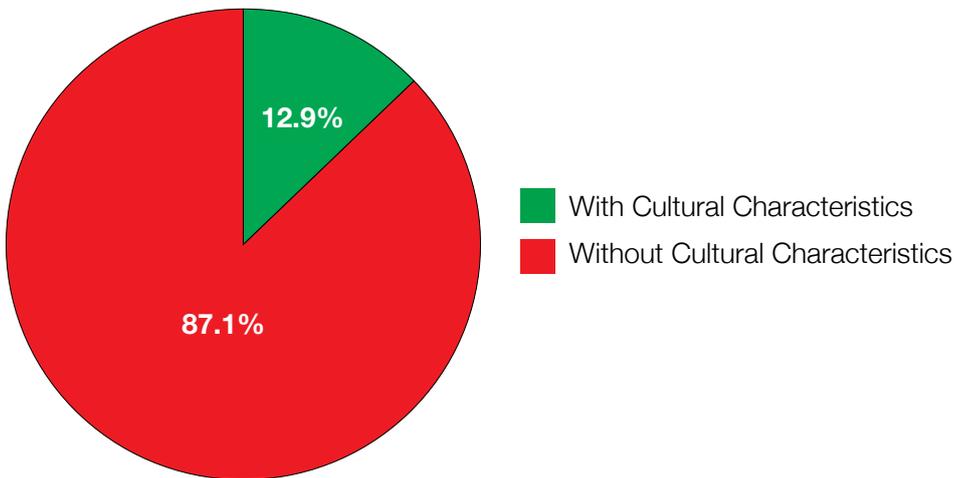
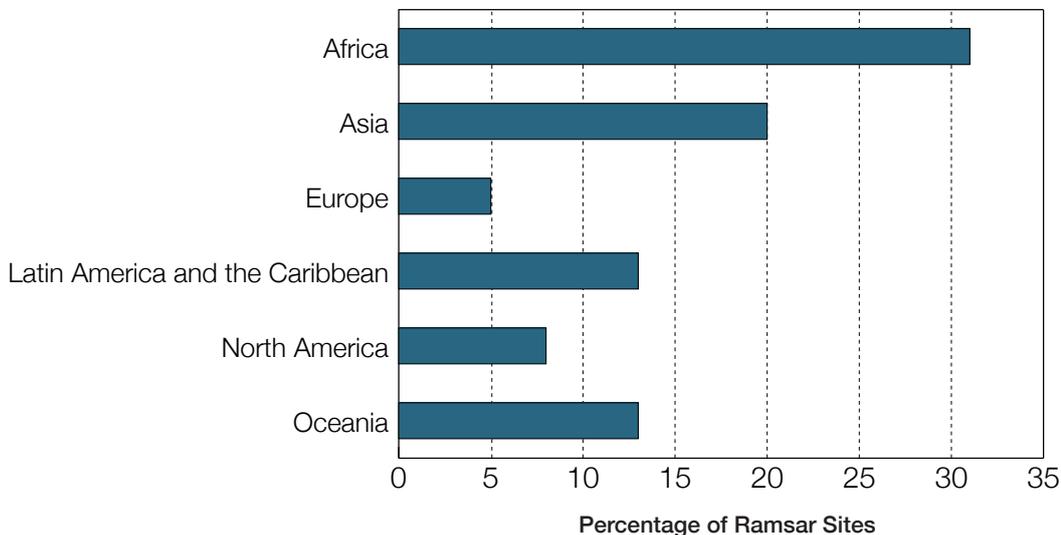


Figure 4: Regional differences in the percentage of Ramsar Sites with data on cultural characteristics (source: RSIS, November 2017)



was a tragic event in Myanmar's recent history, and for many, there remains an emotive recollection of this time. During Nargis, villages with a greater amount of mangroves, and increased protection from the sanctuary were less affected - to many this event highlighted the importance of ecosystem preservation²⁸.

Cultural Characteristic (iii) sites where the ecological character of the wetland depends on the interaction with local communities or indigenous peoples

Cobourg Peninsula, Australia

Traditional owners hold a substantial body of traditional ecological knowledge related to fire, species, ecosystems, ecological processes and seasons. A joint management arrangement enables traditional owners to be consulted, make decisions and implement this knowledge in the management of the Garig Gunak Barlu National Park, thereby influencing the ecological character of the wetlands. Cobourg Peninsula has been described as a humanised landscape containing a pattern of ecosystems that has been created by thousands of years of calculated management (CPSB 1987). Fire management is one of the main drivers that has and continues to influence the ecological character of the Ramsar site. The present vegetation communities and suites of fauna are dependent on the traditional burning practices established by traditional owners over a long period of time (Russell-Smith 1995)²⁹.

Cultural Characteristic (iv) sites where relevant non-material values such as sacred sites are present and their existence is strongly linked with the maintenance of the ecological character of the wetland

Upper Mississippi River Floodplain Wetlands, United States of America

Effigy Mounds (a Native American burial site) typifies a contiguous management area, with floodplains and wetlands at the mouth of the Yellow River, where relevant non-material values - including sacred significance - are interpreted through National Monument displays, programs and literature for local schools and visitors. Interpretive programs are designed to provide direct experience of river habitats and historic cultural values that encourage the maintenance of the ecological character of floodplain wetlands³⁰.

Additional sources of information

Following review of the data provided by Contracting Parties in National Reports and Ramsar Information Sheets, the Ramsar Convention Secretariat invited Contracting Parties and other stakeholders to provide additional information to the Secretariat on the ways in which the wise and customary use of wetlands by indigenous peoples and local communities can play an important role in their conservation through an online voluntary questionnaire and a call for case studies.

28 <https://rsis.ramsar.org/RISapp/files/RISrep/MM1431RIS.pdf>

29 https://rsis.ramsar.org/RISapp/files/RISrep/AU1RIS_1311_en.pdf

30 <https://rsis.ramsar.org/RISapp/files/RISrep/US1901RIS.pdf>

Questionnaire

National Focal Points, STRP Focal Points, CEPA Focal Points, IOPs, RRIIs, NGOs, indigenous and community groups, and other relevant organisations and experts were invited by the Ramsar Convention Secretariat to complete an online voluntary questionnaire, available in English, French and Spanish, on the relationship of indigenous peoples, local communities and wetlands. The questionnaire is provided in Annex 1 and covers the following topics:

- a) National policies, regulations and technical guidelines that support the involvement of indigenous peoples and local communities in wetland management.
- b) Experiences and practices in involving indigenous peoples and local communities in the identification and designation of Ramsar Sites.
- c) Current practices in involving indigenous peoples and local communities in management planning and implementation of Ramsar Sites.
- d) Plans and/or recommendations for more effective involvement of indigenous peoples and local communities in wetland management.
- e) Forty-one responses were received, including 11 from National Focal Points, 6 from Administrative Authorities, 1 from CEPA Focal Points, 1 from an IOP, 20 from NGOs, 1 from indigenous and community groups, and 1 from a research centre.

Respondents from 23 countries submitted questionnaires, including Andorra, Argentina, Australia, Benin, Bolivia, Burundi, Central African Republic, Chile, Congo, Democratic Republic of the Congo, Finland, Gabon, Ghana, Haiti (not yet a member of the Convention), Hungary, Kenya, Liberia, Macedonia, Madagascar, Madagascar, Mexico, Myanmar, Niger, Panama, Paraguay, Peru, South Sudan, Tanzania, Togo, and Yemen. Note that in some cases several responses were received from a single country, and that four responders did not indicate their country.

A brief analysis of the questionnaire responses submitted by National Focal Points, STRP Focal Points, CEPA Focal Points and Administrative Authorities is provided, organized by the four questionnaire topics. However, due to the small number of questionnaires submitted, 18 in total, this cannot be considered a representative analysis reflecting the views of the 169 Contracting Parties. Although statistical analysis of multiple choice questions is not provided as it would not be appropriate, majority answers are indicated, for example where the majority of respondents answered 'yes' or 'no'.

A brief summary of the information provided by IOPs, RRIIs, NGOs, indigenous and community groups, and other relevant organisations and experts is also provided. Note that respondent comments are reported as summaries and not as direct quotes.

Box 6: Engagement framework to support equitable and effective Ngarrindjeri engagement in natural resource management and water resource research in the Coorong Lakes and Murray Mouth Region, Australia

In Australia, the Coorong Lakes and Murray Mouth Region has developed an engagement framework that provides structures and practices to support equitable and effective Ngarrindjeri engagement in natural resource management and water resource research, policy development and management processes within the region. This model of engagement is based on a whole of government contract law Kungun Ngarrindjeri Yunnan (KNY - Listen to Ngarrindjeri speak) agreement between Ngarrindjeri and the government and has influenced the development of a new policy direction for Aboriginal affairs in South Australia - the new South Australian Aboriginal Regional Authority Policy 2016.

Summary of the responses received from National Focal Points, CEPA Focal Points and Administrative Authorities

National policies, regulations and technical guidelines that support the involvement of indigenous peoples and local communities in wetland management (question 1)

Respondents reported a variety of national policies, regulations and technical guidelines that support the involvement of indigenous peoples and local communities, which reflects the information provided in the COP12 National Reports (**question 1**). In some cases, detailed examples were given of instruments at the subnational and local levels (see Box 6).

Experiences and practices in involving indigenous peoples and local communities in the identification and designation of Ramsar Sites (question 2)

A majority of respondents reported that indigenous peoples and local communities have been involved, or partly involved, in the designation of Ramsar Sites (**question 2**). This is comparable to the responses to COP12 National Reports. Notable comments from respondents include: (i) though indigenous peoples and local communities were often not involved in designations in the past, more recent nominations have received meaningful input from these groups; (ii) the need to go beyond consultation to capacity building for indigenous peoples and local communities to ensure active involvement in management following Ramsar Site designation; and (iii) examples were given of local communities involvement in site designation (Box 7) and in petitioning for designation.

Current practices in involving indigenous peoples and local communities in management planning and implementation of Ramsar Sites (questions 3,4,5,6,7,8,9)

The majority of respondents were aware of cases of participation of indigenous peoples and local communities in the preparation of management plans for Ramsar Sites and

Box 7: Community involvement from Ramsar Site designation through to management in the Tana River Delta, Kenya

In Kenya, the local community was involved in the designation of the Tana River Delta as a Ramsar Site in 2012. Specifically, they were involved in identifying and agreeing the specific site for designation, in stakeholder awareness and capacity building on the designation process, in assessing the ecosystem services provided by the site, and in stakeholder consultations during the site designation process. Following designation, the local community was also involved in the preparation and implementation of a management plan for the site, and is a member of the Ramsar Site Management Committee.

Box 8: Co-management at Cobourg Peninsula, Australia, the first site designated under the Ramsar Convention

In Australia, Cobourg Peninsula, the first site designated under the Ramsar Convention, is also jointly managed with indigenous people. It is managed as a national park (the Garig Gunak Barlu National Park) under a joint management arrangement between the Arrarrkbi people and the Parks and Wildlife Commission of the Northern Territory. This was the first formal joint management arrangement in Australia. The Arrarrkbi live on and use the Peninsula whilst being a decision-making partner in the management of the national park through the Board of Management.

provided examples (**question 3**). This is comparable to the responses to COP12 National Reports. Examples were given of different types of management approaches, including joint management between the government and indigenous traditional owners (see Box 8).

Respondents were also aware of specific participatory approaches to include indigenous and community knowledge, values and interests in wetland management planning and management for wise use (**question 4**). Several respondents provided examples of participatory approaches, illustrating the variety of approaches available. Examples shared by respondents include: (i) involvement of local stakeholders in decisions on water management, e.g. through participation in committees and advisory panels, or through local engagement officers who work with communities to ensure local knowledge and views are taken into account in environmental water management decisions; (ii) promotion and use of indigenous and local community knowledge in research and conservation of the site; (iii) assessing and addressing community needs using participatory approaches; (iv) gender mainstreaming in Ramsar Site conservation activities to ensure the participation of women; and (v) identification and promotion of sustainable alternative livelihood options for communities.

The majority respondents considered that valuable knowledge of indigenous peoples and local communities for the conservation of wetlands had been identified and included in management plans and practices (**question 5**, this question was not included in the COP12 National Reports). Some respondents noted that the knowledge of indigenous peoples and local communities currently does not receive much emphasis, but that it is the subject of ongoing research. A few respondents also noted that knowledge is often passed orally across generations, is only partially documented, and that there is a need for technical and financial resources to support documentation.

The ways in which the knowledge of indigenous peoples and local communities is reported to be incorporated into management include: (i) use of innovative planning approaches that incorporate community, indigenous peoples and expert knowledge, for example in mapping catchment processes and values; (ii) identification and inclusion of

‘prohibited’ or ‘taboo’ zones, as well as sacred sites, in management plans; and (iii) negotiation with indigenous peoples and local communities through appropriate legal means prior to the inclusion of cultural knowledge in management plans. Respondents also provided examples of how this knowledge is reflected in management plans and in management practices (see Box 9).

Question 6, 7, 8 and 9, which were not included in the COP12 National Reports, asked about the role of institutions in facilitating participation and the relationship between these institutions with other government bodies, with indigenous peoples and local communities, and with NGOs etc.

Most respondents agreed that there were institutions or bodies to facilitate the participation of indigenous peoples and local communities in wetland management (**question 6**), and cited examples at national, regional and local levels. A few respondents stated that there were no such institutions. Some notable comments include: (i) legal instruments providing the mandate for administrative authorities have provisions for community participation in wetlands; (ii) participation is sometimes hampered due to technical and financial issues; (iii) there is no specific institution to facilitate participation, and therefore this is facilitated by the body responsible for any given process; and (iv) specific communication departments are responsible for dialogue with local groups, communities and NGOs.

The majority of respondents agreed that there were processes for coordination with other government bodies on issues related to the involvement of indigenous and local communities, and provided examples of coordination (**question 7**). Some notable comments include: (i) administrative authorities coordinate with a range of agencies to ensure appropriate management of Ramsar sites and other wetlands, such as those dealing with water management, fisheries, agriculture, energy and cultural heritage management; (ii) Ramsar Site implementation committees, which draw membership from the local community, county government and national government institutions, coordinate the activities of Ramsar Sites including involvement of communities in conservation and management; and (iii) there is no specific arrangement to coordinate involvement of indigenous peoples and local

Box 9: Identification of valuable knowledge by the local community for the conservation of Tana River Delta Ramsar Site

In Kenya, the local community has valuable knowledge for the conservation of the Tana River Delta Ramsar Site. For example, the local communities’ council of elders have over the centuries been responsible for the management of watering points, sacred sites and shrines. The council of elders have been recognized in the Tana River Delta Ramsar Site management plan and identified as key players in the management of these sites. By recognising and involving these local structures and indigenous knowledge, conflict over the use of watering points has been avoided and the local sacred sites and the shrines have been conserved. Moreover, indigenous knowledge has also been integrated into the management of other resources including the forests, wildlife and flood plains.

communities other than constitutional provisions and the various relevant sectoral laws and policies.

Respondents also described the relationships with indigenous and local communities at local, subnational and national levels as generally collaborative (**question 8**). Notable comments include: (i) institutions view each other, including the local community based organisations, as partners; (ii) the relationship between indigenous peoples and managers of Ramsar Sites is mainly at the local community level; and (iii) formal relationships exist where material and specific benefits are to be shared, such as through a Memorandum of Understanding (MoU) on income generated from tourism and from bioprospecting.

Lastly, respondents also described the types of relationships that exist between their institution and other organisations working with indigenous peoples and local communities, such as NGOs (**question 9**). The following points were highlighted by respondents: (i) the relationship of administrative authorities with organisations that work with communities is also collaborative; (ii) no specific formal relationship other than resource based and as per the legal arrangements and in some cases with MoUs; (iii) liaison with NGOs is through the NGO CEPA National Focal Point; and (iv) funding is provided to programmes that support NGOs and researchers to involve indigenous peoples and local communities in wetland management.

Plans and/or recommendations for more effective involvement of indigenous peoples and local communities in wetland management (questions 10, 11, 12)

Questions 10, 11, and 12 were not included in the COP 12 National Reports and provide valuable insight into the challenges to, and appropriate strategies for, more effective involvement of indigenous peoples and local communities in the management of wetlands.

Contracting Parties identified a wide variety of challenges to more effective involvement of indigenous peoples and local communities in Ramsar Site management relating to capacity, knowledge, society and governance, which are summarized below (**question 10**, this list is non-exhaustive):

Capacity: (i) limited wetland management capacity including lack of funding to implement management actions and monitoring; (ii) limited/inadequate funding for local community involvement in wetland conservation and management; (iii) challenges in identifying appropriate Traditional Owners and indigenous and local representatives; (iv) capacity within those groups to contribute to management planning and implementation; (v) remoteness of some Ramsar Sites, many of which have small populations with a direct interest in the site;

Knowledge: (vi) lack of recognition that indigenous peoples and local communities have ecological knowledge of their

lands and waters that can contribute to natural resource management; (vii) the prevalence of western scientific frameworks with narrow definitions of knowledge and science that can marginalise indigenous peoples;

Society: (viii) unclear land tenure and ownership in and around Ramsar Sites; (ix) poverty and high illiteracy amongst some local communities; (x) poor gender mainstreaming in wetland conservation activities; (xi) low levels of awareness amongst some local communities of the importance of wetlands; (xii) differentiation between indigenous peoples from other local communities;

Governance: (xiii) lack of political support for the involvement of indigenous peoples and local communities in Ramsar Site management; (xiv) lack of recognition that indigenous peoples should be sovereign partners in the management of their lands and waters; (xv) shortfalls in delivering the Ramsar Convention in its fullest sense, i.e. one that takes into consideration culture and participation of indigenous peoples and local communities; and (xvi) shortfalls in how different aspects of international law articulate with one another, e.g. Ramsar Convention and UNDRIP.

Respondents also identified a variety of appropriate strategies for more effective involvement of indigenous peoples and local communities in Ramsar Site management relating to capacity, knowledge, society and governance, which are summarized below (**question 11**, this list is non-exhaustive):

Capacity: (i) empowering local community groups to take stewardship of wetland conservation through capacity building; (ii) recruiting and training indigenous peoples and local communities not just as participants but as leaders in the management of the sites;

Knowledge: (iii) documentation of traditional uses; (iv) enabling indigenous peoples and local communities to develop and conduct research and to be partners in research related to their knowledge and practices, and to promote the use of this knowledge in research and conservation of the site; (v) encouraging citizen science projects at Ramsar Sites;

Society: (vi) integrated natural and cultural 'resource' management and community development; (vii) identification and promotion of sustainable alternative livelihood options for local communities; (viii) gender mainstreaming in Ramsar Site conservation activities to ensure the participation of women; (ix) continuous creation of awareness and dissemination of information on the importance Ramsar Sites and the benefits they provide to local communities; (x) assessing and addressing community needs using participatory approaches; (xi) encouraging the involvement of indigenous peoples and local communities in World Wetlands Day activities;

Governance: (xi) involving indigenous peoples and local communities from site nomination through management,

monitoring and reporting; (xii) encouraging processes of co-management of sites or establishment of advisory committees with wide representation (bottom-up approaches); (xiii) use of contract law to put in place formal agreements and frameworks for engagement, including cultural knowledge protection; and (xiv) native title claim development and negotiation.

The majority of respondents considered that the Ramsar Convention should have new or different instruments to support Contracting Parties in achieving more effective involvement of indigenous peoples and local communities in Ramsar Site management (**question 12**). It should be noted that due to the small number of questionnaires received, this cannot be considered a representative analysis reflecting the views of the 169 Contracting Parties. Several respondents also stated that there was no need for additional instruments or that existing guidelines and instruments should be adapted. Respondents highlighted some possible instruments for more effective involvement, and made a number of suggestions, which are summarized below (this list is non-exhaustive):

Capacity: (i) based on the model of United Nations Framework Convention on Climate Change (UNFCCC), mobilise significant additional funds to support indigenous peoples and local communities in the management of Ramsar Sites; (ii) develop training seminars;

Guidelines and policy: (iii) adapt existing guidelines; (iv) develop and disseminate specific guidelines on effective processes for engagement – both at Contracting Party and site levels, as is done in other Conventions; (v) prepare guidance for documentation and promotion of case studies of indigenous and local engagement; (vi) draw on the questionnaire and case studies to develop a Policy Brief for Contracting Parties; (vii) compile and share case studies, and develop cross-sharing of similar case studies as is done by other biodiversity Conventions; (viii) develop simplified tools for effective involvement that can be adapted by Contracting Parties, taking into account the difficulties of using these tools effectively at the community level;

Management and governance: (ix) support Contracting Parties in developing national policies to address the effective involvement of indigenous peoples and local communities; (x) include protocol documents in site management plans and policies with an agreed set of values, negotiated between indigenous peoples, local communities, and scientists; (xi) include indigenous and local community knowledge in ecological character descriptions; (xii) ensure that indigenous peoples have direct access to relevant governments and agencies; (xiii) review policy documents relevant to the implementation of the Ramsar Convention for alignment with the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the Fourth Ramsar Strategic Plan;

Summary of the responses received from other stakeholders

National policies, regulations and technical guidelines that support the involvement of indigenous peoples and local communities in wetland management (question 1)

Most respondents noted the existence of national policies, regulations and technical guidelines that support the involvement of indigenous peoples and local communities in wetland management. However, a little over a third of respondents stated that these policies, regulations and technical guidelines do not exist. Notable comments include: (i) such policies exist, but indigenous peoples and local communities are not informed and therefore there is no direct relationship with authorities; (ii) communities are consulted during the inscription process; (iii) such policies do not exist; and (iv) while a few regional governments have put in place such policies, they do not exist at the national level.

Experiences and practices in involving indigenous peoples and local communities in the identification and designation of Ramsar Sites (question 2)

Regarding the involvement of indigenous peoples and local communities in the designation of Ramsar Sites, respondents were almost evenly split with slightly more respondents reporting that they were unaware of involvement in Ramsar designation processes. Notable comments include: (i) Ramsar Sites are a new concept; (ii) an example was given of active involvement of a local community in the designation of a Ramsar Site to address the effects of illegal fishing on their livelihoods; (iii) indigenous peoples were involved in site designation through messages distributed and published in the site itself; (iv) indigenous peoples and local communities were not informed or involved; and (v) an example was given of community participation in site designation through natural resource inventories.

Current practices in involving indigenous peoples and local communities in management planning and implementation of Ramsar Sites. (questions 3,4,5,6,7,8,9)

About half of respondents were aware of cases of participation of indigenous peoples and local communities in the preparation of management plans for Ramsar Sites and provided short examples, while others were not aware of specific cases (**question 3**). Examples given include the joint development of management plans, joint ecological and socio-economic inventories, and discussion of hunting allowances. Some respondents were also aware of specific participatory approaches to include indigenous and community knowledge, values and interests in wetland management planning and management for wise use

and provided examples (**question 4**). Others provided general examples of participatory approaches, and a few noted that there were no participatory approaches to include indigenous and community knowledge, values and interests. Some notable comments include: (i) importance of providing alternative livelihoods, community development, and capacity building for wetlands management; (ii) NGO partners facilitate participatory approaches and engage communities; and (iii) importance of participation in local management committees.

Some respondents considered that valuable knowledge of indigenous peoples and local communities for the conservation of wetlands had been identified and included in management plans and practices (**question 5**), while others stated that there was no recognition of this type of knowledge. Some notable comments include: (i) no recognition of traditional environmental knowledge; (ii) knowledge of indigenous peoples and local communities is reflected in site management plans; and (iii) there is a need for capacity building on this issue.

Question 6, 7, 8 and 9 asked about the role of institutions in facilitating participation and the relationship between these institutions with other government bodies, with indigenous peoples and local communities, and with NGOs etc.

Respondents were split on whether there were institutions or bodies to facilitate the participation of indigenous peoples and local communities in wetland management (**question 6**), and some provided examples at national, regional and local levels. Most respondents agreed that there were processes for coordination with other government bodies on issues related to the involvement of indigenous and local communities, and provided examples of coordination (**question 7**), such as reviewing existing inland and coastal fishery law to mitigate illegal fishing. It was also noted that although coordination processes exist, they are not always active and may need to be re-activated. Respondents also described the relationships with indigenous and local communities at local, subnational and national levels as sometimes collaborative, sometimes non-existent and sometimes conflictual due to differing interests (**question 8**). Examples were given of hunting regulations being negotiated with local villages, organisation of local festivals bringing together local groups and partners, and participation in local site management committees.

Lastly, respondents also described the types of relationships that exist between their institution and other organisations working with indigenous peoples and local communities, such as NGOs (**question 9**). The following types of responsibilities/involvement were highlighted by respondents: (i) responsible for the management of an Indigenous and Community Conserved Area (ICCA) style wetland, which is co-managed; (ii) involved in the organisation of workshops and meetings on site management; (iii) no relationship; and (iv) preparing the participation of local communities in site management meetings and supporting their positions.

Plans and/or recommendations for more effective involvement of indigenous peoples and local communities in wetland management (questions 10, 11, 12)

Respondents identified a number of challenges to, and appropriate strategies for, more effective involvement of indigenous peoples and local communities in the management of wetlands, which can be classified under the themes of capacity, knowledge, society and governance.

With respect to challenges for more effective involvement (**question 10**), respondents identified a number of *capacity* issues such as limited wetland management capacity, lack of opportunities for indigenous peoples and local communities to participate in meetings and workshops, lack of exchange of experiences between different site managers, communities' lack of knowledge about Ramsar Sites, and lack of training of indigenous peoples and local communities. With regards to *knowledge*, respondents noted that most state departments and ministries are trained to share their knowledge with communities, but that communities are often not seen as having knowledge to share, and also noted lack of identification of the socio-economic values of wetlands. With respect to *society*, respondents stated that the lack of security in many indigenous and local community areas is an important challenge, as is lack of food security and durable ecotourism benefits for communities. Lastly, with regards to *governance*, notable comments include that indigenous peoples and local communities lack rights and guaranteed roles in official processes, low levels of involvement in Ramsar Site nomination, limited collaboration between administrative authorities and communities, and limited interest in these issues from wetland donors.

Respondents identified a number of strategies for more effective involvement (**question 11**). For example, with respect to *capacity* respondents stated that communities needed a long-term approach to educating youth and to developing innovative activities, as well as awareness raising of the importance of Ramsar Sites and wetlands. Regarding *knowledge*, the need for documentation of traditional uses and local knowledge systems was noted, as was the importance of identifying socio-economic and ecological values. On *society*, several respondents noted the need to develop sustainable livelihoods and income generation for indigenous peoples and local communities, to improve access to isolated villages and to restore wetlands. With respect to *governance*, respondents noted the importance of co-management and community led management approaches (bottom-up approaches), as well as the importance of involving indigenous peoples and local communities in the development and implementation of projects, and of basic good management practices such as implementing and monitoring managements plans, recruiting qualified staff and facilitating exchanges between site managers.

Nearly all respondents considered that the Ramsar Convention should have new or different instruments to

support Contracting Parties in achieving more effective involvement of indigenous peoples and local communities in Ramsar Site management (**question 12**). A few respondents considered that existing structures should be strengthened. Some notable comments include: (i) develop workshops to share ideas and information; (ii) financial support for the NGOs, indigenous peoples, and local communities for the preparation of Ramsar Site nominations and site management; (iii) reinforce capacity building for local populations through training and financial/material resources; (iv) encourage the involvement of youth in the management and conservation of wetlands; (v) provide successful case studies or tools for community management of Ramsar Sites; (vi) translation of documentation into local languages; (vii) documentation of traditional uses; (viii) co-management of wetlands; and (ix) wetland restoration; (x) incorporate reporting and auditing - if possible externally facilitate - to identify how communities are involved from the designation stage through to site management.

Case studies

Twenty-five case studies were considered for the preparation of this report (see Table 2). Four case studies were submitted by Contracting Parties through the call for case studies; to include enough examples from all the Ramsar regions, several case studies were selected from recent Ramsar Convention Secretariat publications, including *World Heritage and Ramsar Conventions: Converging Towards Success* and *Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania*, as well as case studies submitted by partner organizations and prepared based on existing information in the Ramsar database (RIS and other sources).

Common themes that were identified in the case studies and examples reviewed included:

- 1. Making participation more meaningful**
- 2. Recognizing and working with customary governance**
- 3. Enhancing the involvement of women**
- 4. Enhancing livelihood benefits**

Given limitations in the length of this initial report, 15 case studies are summarized as shorter case examples to illustrate the first three themes. In selecting case examples, all of the Ramsar regions were taken into account. For the fourth theme on enhancing livelihood benefits, 23 case studies were reviewed to provide a summary of communities' economic activities in wetlands.

It should be noted that in parallel to this report, a report entitled *Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania* was published. This regional report was prepared pursuant to Decision SC53-15, which requested the Ramsar Convention Secretariat explore the possibility of further regional projects on culture and wetlands. *Learning*

from Experience contains a compilation of 17 case studies submitted by Contracting Parties, IOPs, and NGOs.

Making participation more meaningful

Regarding the quality of participation illustrated in these case studies, a first point to highlight is the role that recognition of traditional rights has in supporting meaningful participation. In Resolution VII.8 that adopted the *Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands*, the Ramsar Contracting Parties recognized "that in many contexts indigenous people and local communities are already involved in managing and using wetlands sustainably, and have long-standing rights, ancestral values, and traditional knowledge and institutions associated with their use of wetlands" (para 4).

Further, when summarizing the Lessons on Community Involvement the Handbook on Participatory Skills states that for developing appropriate legal or policy frameworks that help build trust and assist in the establishment of participatory management arrangements, "perhaps the most important factor is a recognition of the rights of access to wetland resources. If local people know that they, individually or collectively, have the legal right of access, then they will be more willing to put effort into managing the ecosystem and safeguarding their natural resources".

These policy provisions show that for a long time, the Ramsar Convention has acknowledged the importance of the recognition of indigenous peoples' and local communities' traditional rights in wetland areas for ensuring meaningful participation and involvement. Some cases show that there is a fundamental step required for this: legal support to the recognition of rights. In some cases legal support can be in the form of higher level legal decisions or frameworks, or through systems of regulations established under the formal responsibility of a government institution.

The value of recognizing and respecting the traditional rights of indigenous peoples and local communities as a basis for more meaningful and effective participation is illustrated in case examples from Wood Buffalo National Park in Canada, and Sian Ka'an Biosphere Reserve and Ramsar Site of Yucatan, Mexico (see Box 10).

Tenure and use rights are frequently framed in a different form in traditional systems from the way they operate in statutory systems of states. In the latter, the concept of property or ownership is generally constituted of what is called a "bundle of rights", which can vary from place to place but is mainly composed of the rights of possession, enjoy (or use), control, exclusion, and disposition³¹.

In customary systems, the rights that frequently matter most are use and exclusion, but also security. This explains why in cases where establishing legal property rights is difficult (for example in protected areas that are owned by the state),

³¹ Denise R. Johnson, 2007. Reflections on the Bundle of Rights. Vermont Law Review, Vol. 32:247.

Table 2: List of case studies and sources

N°	Country	Wetland area	Sources
1	Botswana	Okavango Delta System Ramsar Site	WHC publication, RIS, IPACC reports
2	Burkina Faso	Lake Dem, Tougouri Dam Lake, Yalgo Dam Lake, and Nakanbé-Mané basin Ramsar Sites	Women's Roles in Managing Wetlands, Solutions Magazine
3	Canada	Wood Buffalo National Park (including Peace-Athabasca Delta Ramsar Site and Whooping Crane Summer Range Ramsar Site)	WHC publication, RIS
4	Ecuador	Manglares del Estuario Interior del Golfo de Guayaquil "Don Goyo" Ramsar Site	NGO, <i>submitted through the call for case studies</i>
5	Fiji	Cakaulevu Reef	LFE
6	Finland	Linnunsuo Wetland	NGO, <i>submitted through the call for case studies</i>
7	France	Grande Brière Ramsar Site	RCN Member, <i>submitted through the call for case studies</i>
8	Greenland	Various wetlands	CP, <i>submitted through the call for case studies</i>
9	India	Deepor Beel Ramsar Site	LFE
10	India	East Kolkata Wetlands Ramsar Site	LFE
11	Iran	Qareqeshlaq Wetland (Satellite wetland of Lake Urmia Ramsar Site)	CP, <i>submitted through the call for case studies</i>
11	Iran	Lake Urmia Ramsar Site	LFE
12	Iran	Anzali Wetland Complex Ramsar Site	NGO, RIS, Ramsar News
13	Iraq	Central Marsh, Hawizeh Marsh and Hammar Marsh Ramsar Sites	LFE
14	Lao PDR	Xe Champhone Wetlands Ramsar Site	RIS, WWF
15	Lao PDR	Beung Kiat Ngong Wetlands Ramsar Site	LFE
16	Mali	Delta Intérieur du Niger Ramsar Site	CP, <i>submitted through the call for case studies</i>
17	Marshall Islands	Reimaanlok Conservation Area (including Jaluit Atoll Conservation Area Ramsar Site and Namdrik Atoll Ramsar Site)	LFE
18	Mediterranean	Various wetlands	RRI, <i>submitted through the call for case studies</i>
19	Mexico	Sian Ka'an Ramsar Site	WHC publication, RIS, UNDP
20	Myanmar	Gulf of Mottama	LFE
21	New Zealand	Waikato River (including Whangamarino Ramsar Site)	LFE
22	Papua New Guinea	Lake Kutubu Ramsar Site	LFE
23	Philippines	Agusan Marsh Ramsar Site	LFE
24	South Sudan	Rutun Wetland	CP, <i>submitted through the call for case studies</i>
25	Tunisia	Lagune de Ghar el Melh et Delta de la Mejerda Ramsar Site	RIS, WWF

WHC = "World Heritage and Ramsar Conventions: Converging Towards Success"

LFE = "Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania"

Box 10: Recognizing and respecting the traditional rights of indigenous peoples and local communities as a basis for more meaningful and effective participation

Wood Buffalo National Park, Canada

Eleven different indigenous peoples (First Nations and Métis) live in the largest National Park of Canada, Wood Buffalo, situated on the boreal plains in the north-central region of the country. The Park contains the Peace-Athabasca Delta, a Ramsar Site, one of the largest boreal inland deltas in the world. The Park managers work in partnership with the indigenous peoples' own government institutions through a Co-operative Management Committee. This is a result of the formal recognition of indigenous rights through a Supreme Court of Canada decision, which has led to a collaborative revision of the Park's management practices grounded in mutual recognition, respect and trust³².

Sian Ka'an Ramsar Site

Since the Mexican revolution in 1910, the land held in communal areas called ejidos belongs to the communities under a system that combines communal tenure with household use rights. In the Sian Ka'an Biosphere Reserve and Ramsar Site of Yucatan, Mexico, the Maya communities however did not have ejidos or other tenure rights to the land because the area was owned by the Federal government. This created concerns for the communities because although they had a long association with the area, they did not feel secure and there was no incentive for their involvement. Land tenure issues needed to be addressed and resolved in order for participatory management to be successful. An innovative concept was then established: the granting of 90-year concessions to households for agricultural lots. The concessions are subject to the Reserve's regulations, and can be withdrawn. This concept was also applied to the coastal sea in lobster fishing grounds, where the areas were divided by the fisherfolk into fields assigned to cooperative members. There was no legal provision to support this modality, but the communities had in the past a traditional system based on this concept, and therefore for them it was entirely applicable. Once land-use and resource-use rights were granted, programmes for the development of economic alternatives and for sustainable use were created, in terrestrial and marine areas, based on the application of the Mayan traditional knowledge. The involvement of the indigenous inhabitants of the area in sustainable use practices and in applying the zoning and management regulations has been successful - although challenges remain due to external economic pressures³³.

arrangements with communities can work successfully, at least ad interim, if their rights to long-term use and exclusion (i.e. that others will not invade them) are secured.

The *Guidelines* state that the breadth of the term "involvement" of indigenous peoples and local communities goes from consultation to devolution of management authority. In between, there are many forms and options of working together, government agencies and the local people, under co-management and co-governance arrangements.

Experiences from the Waikato Region of New Zealand, the Guayaquil Gulf of Ecuador and Linnunsuo wetland in Finland show that there is an important trend today to move increasingly to forms of genuine co-governance, based on sharing responsibilities, duties and decision-making power (Box 11). These case examples illustrate the essence of models that work: the will to share power.

Recognizing and working with customary governance

Many indigenous peoples and local communities that have wetlands as part of their lands, territories and resources still maintain vital customary governance systems in those areas, and in many cases actions are being implemented to

strengthen and adapt these systems to the current realities. One practical factor that has allowed the existence and survival of customary systems in many wetland areas is the fact that government institutions have not been strongly present in those areas because these might be isolated and far from government political centres, or they do not fall within the priority places for government interventions – while at the same time they are places of primary interest for the communities.

The presence and functions of customary governance systems that work effectively for the conservation and wise use of wetlands are exemplified in the cases of Xe Champone Ramsar Site (Lao PDR), Anzali Ramsar Site (Iran), Agusan Marsh Ramsar Site (Philippines), Grande Brière in Loire-Atlantique (France), Delta Intérieur du Niger Ramsar Site (Mali), and Rutun Wetland (South Sudan) (see Box 12).

Enhancing the involvement of women

Across the world, women play a central role in providing, managing, and safeguarding wetland and water resources for their communities. Their empowerment is a requirement for effective wetland and water management. The case example from Burkina Faso on women-inclusive Local Water Committees in Burkina Faso illustrates the central role of

32 Case study Wood Buffalo, Canada in McInnes R., Ali M. & Pritchard D. (2017) Ramsar and World Heritage Conventions: Converging towards success, Ramsar Convention Secretariat.

33 Case study *Sian Ka'an, Mexico* in McInnes R., Ali M. & Pritchard D. (2017) Ramsar and World Heritage Conventions: Converging towards success, Ramsar Convention Secretariat; Handbook 7: Participatory Skills; Ramsar Convention Secretariat, Sian Ka'an Ramsar Information Sheet, 30 July 2003, <https://rsis.ramsar.org/RISapp/files/RISrep/MX1329RIS.pdf>

Box 11: Sharing power for effective wetland restoration and management

Waikato River, New Zealand

In the Waikato Region of New Zealand, inhabited by Waikato-Tainui tribes of the Maori indigenous people, a major claim settlement from the Waitangi Tribunal in the North Island allowed the establishment of the Waikato River Authority, to jointly govern the management and restoration of New Zealand's longest river, the Waikato. The Waikato-Tainui people have a unique and special relationship with the Waikato River, as their name, their identity, their health and their strength are drawn from the River. They consider themselves *kaitiaki* (guardians) of the river and have the duty to protect it in the long term.

The Waikato River Authority has ten board members - five appointed from each river tribe, and five from the government. The Minister for the Environment appoints one of two co-chairpersons; the tribes choose the other. This is truly a co-governing arrangement that actively supports community, agency and private wetland restoration projects. Communities and government together share the vision of "a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come"³⁴.

Manglares del Estuario Interior del Golfo de Guayaquil "Don Goyo" Ramsar Site, Ecuador

Coastal communities in the mangrove areas of the Guayaquil Gulf of Ecuador consider themselves "Ancestral Peoples of the Mangrove Ecosystem" - peoples and communities who have lived for generations in such areas and have developed a strong identification with the ecosystems. After a long and difficult process that displaced them from their traditional livelihoods due to economic pressures, and at the same time degraded the mangroves, the communities obtained recognition of their traditional attachment to the ecosystems and the resources, and were granted a concession of an area of mangroves as a "traditional use right". Mangroves are state-owned and property rights cannot be established on them, but use rights under legal regulations are an appropriate option for the communities. Today, their "Don Goyo Mangroves" concession is a Ramsar Site under community governance, including institutions and rules, and communities implement sustainable use activities. Their vision is to achieve a better future for the communities in an area of thriving mangrove ecosystems, and to build in particular a new future for the community youth³⁵.

Linnunsuo wetlands, Finland

Years ago, in North Karelia, Eastern Finland, the village of Selkie was faced with the deterioration of the Linnunsuo wetlands - a precious area for the local people for their livelihoods and their culture - due to peat extraction activities affecting the wetland's water quality. In 2013, wetland restoration was implemented and in 2017 Linnunsuo wetlands was purchased by Snowchange (a cooperative whose headquarters are located in Selkie) thanks to a loan from Rewilding Europe. An innovative collaborative management initiative has been initiated in Linnunsuo, using an innovative multi-stakeholder management approach. This approach took into account the importance of considering the views of all the local actors who have a legitimate right to be involved in the project. A co-management council was created including parties that, at first glance, seemed to have divergent interests - but the focus was on dialogue and on reaching agreements for the common good. This new system aims to return local governance control to the local community. The implementation of the co-management approach has empowered the local people, who can now take decisions for revival of the ecosystems and the ancestral activities that were linked to them³⁶.

women in managing wetland and water resources (Box 14). In recognition of women's central role in Resolution VII.8: "Guidelines for establishing and strengthening local communities' and indigenous people's participation in the management of wetlands", the Ramsar COP called upon "Contracting Parties, when applying the Guidelines annexed to this Resolution, to give priority and special attention to involving women, youth and their representative organizations wherever and whenever possible"; and further recommended to "Ensure the involvement [...] especially [of

the women and youth of the community" (Guideline 15.d). Resolution VIII.19 'Guiding principles for taking into account the cultural values of wetlands for the effective management of sites' also includes a principle to "take into account culturally appropriate treatment of gender, age and social role issues" in the management of wetlands.

Aichi Target 14, which is critical for wetlands and is referenced in the Ramsar Convention's Strategic Plan, reads: "By 2020, ecosystems that provide essential services,

34 Case Study *Shared governance between indigenous people and government contributing to wetland restoration, New Zealand* in Denyer K., Y. Akoijam, M. Kenza Ali, S. Khurelbaatar G. Oviedo and L. Young, (2018), Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania. Ramsar Convention Secretariat.

35 Case Study *Comunidades ancestrales y acuicultura en el Golfo de Guayaquil, Ecuador*. Nora Müller, (Antropóloga Schutzwaldverein), and Federico Koelle (Director Fundación Cerro Verde).

36 Case Study *Linnunsuo Wetland in Selkie village, North Karelia, Finland*. Tero Mustonen (President, Snowchange Cooperative).

Box 12: Wetlands customary governance at work

Xe Champone Ramsar Site, Lao PDR

In Box 20 elements of the customary governance system of the communities of the Xe Champone Ramsar Site of Lao PDR were described, in particular some of the regulations for resource use and the corresponding penalties for non-compliance. In summary, in Xe Champone:

- There are many regulations at the village level establishing prohibitions, restrictions and conditions for use and the corresponding penalties for violations of the regulations.
- At least 24 customarily protected areas exist in and around the Ramsar site - areas that are special for the communities and where they have established protection measures based on their own regulations.
- Approximately 86% of respondents to a survey in the area reported that they follow customary law rather than statutory law - which is a clear indication of the vitality of the system.
- Villages have their own authorities in charge of enforcing regulations.
- Spiritual rules govern many regulations for resource use and give legitimacy to them. Authorities enact regulations in accordance with spiritual rules.

Anzali Wetland Complex Ramsar Site, Iran

In the Anzali Ramsar Site on the southern coast of the Caspian Sea in Iran, communities have a system of customary management called "Abbandan-dari". An "abbandan" is a shallow reservoir used for aquaculture, water supply and rice farming. Traditionally, the use of the system and the monitoring of fishing and hunting practices within the Abbandans was the responsibility of community elders. In recent times, supervision was transferred to the Department of Environment; however, communities are demanding that governance of the wetland should be "transferred to the right-holders of the indigenous community [...] [and that] their customary laws in relevance to the conservation and exploitation of the wetland should be officially recognized"³⁷.

Agusan Marsh Ramsar Site, Philippines

In the Agusan Marsh Ramsar Site of the Philippines, the Manobos people considered their ancestors as guardians of the forest, lakes and rivers. Sanctions are enforced by a variety of spirits responsible for different aspects of life. Spiritual leaders called baylans are believed to be guided by a guardian spirit for interpreting the spiritual rules. The customary system of the Manobo is strongly based on reciprocity. Sharing is the fundamental basis for relationships within communities, and with spirits and nature. All resources from harvesting, fishing, hunting or gathering are shared among the community - a principle that calls for careful management of resources³⁸.

Grande Brière Ramsar Site, France

In the Ramsar Site of the marshes of Grande Brière in Loire-Atlantique, France, human occupation is millennia old and the interaction with the ecosystems has created a strong sense of identity among the local Briérons. The management of the undivided marsh of Brière comes from a cultural tradition of management of the commons rooted in the Middle-age Breton societies, and reinforced by the royal power in later centuries. This tradition is reflected in a strong involvement of historical users in the preservation of their rights of use and exclusion. The fierce desire of the communities to preserve the control of the uses of the undivided marsh and the perpetuation of customary law have been key to the maintenance of the ecological features of the area³⁹.

Delta Intérieur du Niger Ramsar Site, Mali

The human occupation of the Interior Delta of Niger is very old. Recent and ongoing discoveries on the valleys of the Niger River attest to this. The former city of Djenné was a prosperous city in the 7th century BC. The first inhabitants of the delta were the Nono-Markas who practiced an agriculture linked to a sedentary breeding of taurine breeds. After the Nono-Markas, several sedentary communities followed in an order related to various historical events. Zone of immigration and exchanges, of arrivals but also of departures, the delta is a cosmopolitan region, with at least twelve ethnic groups settled in different ecosystems of the Delta, specializing in diverse forms of resource use - traditional fisheries, nomadic pastoralism, agriculture, and others. Traditional resource use and customary governance are still major features of the different ethnic groups, who remain strongly attached to their traditional areas⁴⁰.

37 Declaration of participants to the workshop on "Participatory assessment of problems of the Anzali Wetland", July 30, 2011, in Draft Final Report of the Socio-Economic Survey of the Anzali Wetland Ecological Management Project, Centre For Sustainable Development (CENESTA), February 2012.

38 Case Study *Blending spiritual beliefs and modern science in Agusan Marsh Ramsar Site, Philippines* in Denyer K., Y. Akojjam, M. Kenza Ali, S. Khurelbaatar G. Oviedo and L. Young, (2018), *Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania*. Ramsar Convention Secretariat.

39 Case Study *Inventaire éco-anthropologique en marais de Grande Brière et du Brivet, France*. Anatole Danto, (Doctorant, CNRS), and Eric Collias (Consultant, Ecographe).

40 Case Study *Le site Ramsar du Delta Intérieur du Niger (DIN)*, Mali. Soumana Timbo (Point Focal Ramsar, Direction Nationale des Eaux et Forêts), Dr Noumou Diakité (Vétérinaire, Ingénieur Consultant), and Mr Ousmane Diarra (Sociologue Consultant, CISFOD).

Box 12 (continued): Wetlands customary governance at work

Rutun, the Ancestral Wetland of Nyaying village of South Sudan

The Rutun wetland is situated in the village of Nyaying in South Sudan. Rutun is the name given to the wetland by the local Bari people - it simply means "water that collects in this place". The Bari communities have lived in the wetland area since the time of their ancestors; as the community members say, they inherited the wetland from their ancestors and it has been the means of their livelihoods for generations. The Bari people have a traditional leader known as "Matat lo lori", the "leader of water" - a powerful spiritual leader that received power from their ancestors, and who runs the community through cultural and ritual performances that take place mostly in the beginning of each year and after the harvest season. "Matat lo lori" is the institutional authority in charge of the health of the wetlands. Unfortunately, the community around Rutun wetland can no longer drink water from the wetland for fear of diseases, due to stagnation and pollution of water that started after urban development and other factors some decades ago⁴¹.

Box 13: Example: codification of customary norms for resource use with communities in Kenya

A project aimed at supporting recognition of the land rights of the Borana pastoral people of Kenya involved recording of all aspects of the indigenous rules and practices on resource management traditionally utilized by the community. This information was then converted into by-laws, which were validated by the elders and the community. The project demonstrated the feasibility of capturing customary rules and practices that were thought to be lost, and utilizing these traditional by-laws, under a legally binding framework. The bylaws were developed and adopted through a multi-stakeholder participatory process. First, information on customary rules for natural resource governance was collected in consultation with key community stakeholders, who then generated customary rules (bylaws) for specific natural resource management issues, which were discussed extensively by members of the group. The bylaws were then further considered and discussed by the highest resource governance unit - a council of elders from the various villages. Once approved by them, the bylaws were then distilled into legal language that was in line with relevant national legal frameworks and laws, including the County government bylaws. The bylaws were then presented to the local Government, and were subsequently integrated in statutory frameworks⁴².

including services related to water, and contribute to health, livelihoods and well-being, are restored and safeguarded, *taking into account the needs of women, indigenous and local communities, and the poor and vulnerable*⁴³.

Enhancing livelihood benefits

The integration of socio-economic and cultural values has a direct relationship with the provision of benefits to local people, in the form for example of the establishment of projects and other actions that support the enjoyment of economic and cultural benefits by indigenous and local communities.

Case studies considered below, as well as in the Learning from Experience report, contain many examples of approaches and actions for the integration of the benefits of wetlands for indigenous peoples and local communities in management of the areas. In most cases, benefits derive from the practice of traditional resource use by the local people; but also there are many initiatives for establishing new or alternative forms of resource use, for reducing the pressures on certain resources, for opening up new economic opportunities for the communities, for enhancing gender equity in community and household economies, or for creating incentives and opportunities for the retention of the youth in rural areas. Here

is a summary of communities' economic activities integrated in wetlands management as reported in 23 case studies (see Table 3)⁴⁴:

Proportionally, fishing is largely the predominant activity, followed by "adaptive agriculture", that is, a combination of traditional agriculture with new practices that support adaptation to the changing environments and sustainable resource use.

These examples reveal the wide range of community practices that exist in wetland ecosystems, and the importance they have for rural livelihoods.

A review of experiences from the case studies reveal that there are some important considerations to keep in mind and to use for framing the approaches that can be taken to integrating community benefits in wetland management planning. Among them:

- Livelihood practices are connected to socio-cultural systems of indigenous peoples and local communities through traditions (including traditional knowledge) and cultural patterns, and therefore they cannot be easily substituted by new alternative sources of income;

41 Case study Rutun the Ancestral Wetland of Nyaying village, South Sudan. Paul Gore Santo, Inspector for Biodiversity, Directorate of Wetlands and Biodiversity, Ministry of Environment and Forestry of South Sudan.

42 Empowering Pastoralists in Garba Tula, Kenya. 2014. Gonzalo Oviedo and Hanna Helsingen, IUCN.

43 TARGET 14 - Technical Rationale extended. Convention on Biological Diversity [online] (2016). <https://www.cbd.int/sp/targets/rationale/target-14/>.

44 Twenty-three cases were reviewed, out of 26, due to availability of specific information on resources for livelihoods.

Box 14: Women-inclusive Local Water Committees in Burkina Faso

Lake Dem, Tougouri Dam Lake, Yalgo Dam Lake, and Nakanbé-Mané basin Ramsar Sites

In Burkina Faso's Central North region, the establishment of women-inclusive Local Water Committees in 2013 has led to significant improvements in local water governance as a direct result of women's participation. The Burkina Faso national gender policy of 2009 highlights important gender inequalities in the access to, supply, and management of drinking water. Water is mainly provided by women and girls who devote large amounts of time to its collection, often to the detriment of other productive and capacity-building activities, such as education.

The leadership of women in the newly established Local Water Committees has helped ensure that women's voices are heard and that their specific problems and needs in relation to water collection and management are addressed. Their dynamism has also contributed to the creation of a new Local Water Charter, a locally enacted regulation for the management of the Lake Dem Ramsar Site, which ensures equitable and sustainable access to the lake's water resources for all. The Committees, supported by the Consolidation of Local Environmental Governance project funded by the Austrian Development Agency, have also been instrumental in establishing three new Ramsar Sites as protected water sources: Tougouri Dam Lake, Yalgo Dam Lake, and Nakanbé-Mané basin. These women-inclusive Committees are a critical link in the governance of local water resources and wetlands, and illustrate the application of the principles of IWRM, particularly that *"the role of women in collecting, distributing and managing water must be recognized"*⁴⁵.

Table 3: Summary of communities' economic activities integrated in wetlands management as reported in 23 case studies

Economic activities	Wetland areas	# of cases	% of cases
Fishing	Okavango Delta, Wood Buffalo, Don Goyo Mangroves, Linnunsuo Wetland, Marais de Brière, East Kolkata Wetlands, Xe Champhone, Beung Kiat Ngong, Niger River Inner Delta, Reimaanlok Conservation Area, Sian Ka'an, Gulf of Mottama, Lake Kutubu, Mediterranean sites, Agusan Marsh, Gar El Mehl, Iraqi marshes	17	73.9%
Traditional hunting	Wood Buffalo, Linnunsuo Wetland, Greenland sites	3	13%
Eco-cultural tourism	Don Goyo Mangroves, Sian Ka'an	2	8.7%
Adaptive agriculture	Marais de Brière, Lake Urmia, Anzali Wetlands, Iraqi marshes, Xe Champhone, Niger River Inner Delta, Sian Ka'an, Gulf of Mottama, Gar El Mehl	9	39.1%
Pastoralism and small animal husbandry	Marais de Brière, Niger River Inner Delta, Gulf of Mottama	3	13%
Handcrafts	Lake Urmia, Anzali Wetlands, Iraqi marshes	3	13%
Salt making	Various areas of the Mediterranean	1	4.3%
Small scale forestry	Sian Ka'an	1	4.3%
Social community enterprises	Waikato River	1	4.3%

- For the same reason, practices of resource use are intimately connected to customary governance systems, by which communities regulate uses, establish rights and responsibilities, organize activities and determine benefit sharing rules. Respecting and reinforcing, as needed, such customary systems are key requirements for ensuring sustainable use and equitable sharing of the benefits;
- Local economic values are often very different from the value systems of the wider societies, and therefore economic activities may not be driven by the same factors or drivers of the wider economy and may have conflicts with them;
- Because of socio-cultural systems, of which economic activities form part, certain resources or areas have particular significance and demand special management and regulations (such as sacred sites or species). It is important to understand this context in management planning. For example, for many cultures actions to exploit sub-soil resources for economic gains is considered 'taboo';

45 Case Study *Women-inclusive Local Water Committees in Burkina Faso*. Paul Ouédraogo (Senior Advisor for Africa, Ramsar Convention Secretariat), Bobo-do Blaise Sawadogo (Coordinator of Consolidation of Local Environmental Governance project), & Aïcha Tapsoba (Environmental Economist, INERA-DPF) in M.K. Ali, A. Grobicki, *Women's Roles in Managing Wetlands*, Solutions Magazine, Volume 7, Issue 6, Page 58-63, November 2016.

Box 15: Working for sustainable agriculture in Iran's wetlands

Lake Urmia Ramsar Site, Iran

With an area of almost 500,000 hectares, Lake Urmia is one of the largest inland lakes of Iran. It has been for a long time a key spot for biodiversity, as well as a key contributor to the livelihoods of local communities through the provision of water for agriculture - more than 5 million people live in the basin of Lake Urmia, many of them farmers growing wheat, barley, rapeseed, fruit and vegetables. Over the last decade, several factors led to a significant decrease of the water level of the lake. Reducing the use of water for agriculture became a necessity for maintaining the health of the lake - but this was a serious concern for the livelihoods of local people.

The approach taken by the Conservation of Iranian Wetlands Project (CIWP) was to work with the communities to reduce the amount of water used for their agricultural activities. Using participatory approaches, the project reached out to thousands of farmers to explore potential changes in agricultural practices - such as no-tillage, low tillage, trickle-irrigation, and drought resistant crop varieties. Through a large number of community meetings, field manuals, and direct training, the project supported the communities to implement new practices that resulted in an average of 40% of on-farm water saving. At the same time, the project focused on optimization of the agricultural economics of farms, seeking to decrease the costs and expenses of agriculture, which resulted in higher incomes for the households. The lessons from this experience are that (i) the improvement of the conditions of Lake would have not been possible without the support and involvement of the communities, (ii) this support was only possible using participatory approaches, (iii) realistic options for better agricultural practices were needed, not just administrative restrictions, (iv) improvement of the benefits for the communities, in the form of higher incomes for households, was a key component for advancing sustainable use⁴⁶.

Qareqeshlaq Wetland, Iran

In the Qareqeshlaq Wetland (a Lake Urmia Satellite Wetland), actions for promoting wetland friendly alternative livelihoods to support local community resilience were initiated in two villages around the wetland, with the objective of diversifying the livelihood base of the communities, whose economy is traditionally agricultural.

Identifying alternative livelihood options for the local communities with their direct involvement was a key approach, which required investigating the traditional activities with economic potential, the skills required, and the market potential of the possible products. The project focused mainly on women because they were involved in onion farming - a product with very high water consumption. Through participatory analysis, the deep-rooted sewing skills of women were selected as an option to establish alternative livelihoods. After a process of training, capacity building, market development and organization of a cooperative, women are now producing traditional dolls, handicrafts, Persian rugs and clothing, which they sell through online trading and shops. This experience is being replicated in other villages⁴⁷.

Women play a central role in providing, managing, and safeguarding wetland and water resources and actively empowering them is a requirement for effective wetland and water management.

To recapitulate, effective involvement of indigenous peoples and local communities in wetland management requires ensuring the provision of livelihood benefits to them based on the wise use of wetland ecosystems; benefits can in some cases derive from traditional practices, such as trap fishing or hunting, or from new alternative sources of income such as tourism or market-oriented products like handicrafts. Framing activities that generate benefits need to be carefully designed so as not to upset the socio-cultural contexts of the communities, and to maintain sustainable levels of resource use.

Discussion of lessons learned from national experiences

The information submitted by Contracting Parties through National Reports and case studies, as well as the case studies and responses to questionnaires sent by Ramsar Convention stakeholders and other data on Ramsar Sites from the databases of the Convention shows, first and foremost, the significant interest that all stakeholders have in the **active involvement** of indigenous peoples and local communities in wetland conservation.

To enable and support active involvement, countries are setting up new **institutional arrangements** to accommodate representation of indigenous peoples and local communities in wetlands management. Site Management

⁴⁶ Case study *Application of Ramsar CEPA processes to reduce water takes in Lake Urmia Ramsar Site, Iran* in Denyer K., Y. Akoijam, M. Kenza Ali, S. Khurelbaatar G. Oviedo and L. Young, (2018), *Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania*. Ramsar Convention Secretariat.

⁴⁷ Case study *Establishment of sustainable and eco-friendly Alternative Livelihood (AL) via local participation and women empowerment in 2 villages (Qareqozlu and Chopoghlu) around Qareqeshlaq Wetland in East Azerbaijan Province with the aim of contributing to Qareqeshlaq wetland and Lake Urmia restoration by great facilitation of Conservation of Iranian Wetlands Project (CIWP)*. Mina Azhari, Public Awareness and Communications Expert, Conservation of Iranian Wetlands Project. Ministry of Environment of Iran.

Box 16: Working for sustainable hunting in Greenland

In the region from Ilulissat to northern Upernavik in Greenland, a programme jointly undertaken by traditional hunters and conservation biologists for sustainable hunting has achieved success with the eider duck population – from a sustained decline, the population increased threefold in seven years, and now is reaching a healthy status. The eider duck has been always an important bird game in the country, but unsustainable hunting put it in serious danger. Now hunting can be reopened again under regulations agreed with the local population⁴⁸.

Committees, Ramsar National Committees, water basin management committees and advisory panels are among the institutional structures that often have representation from indigenous peoples and local communities.

Participation takes place **at different moments and for different purposes**: designation of Ramsar Sites, development of site management plans, implementation of specific actions, and monitoring and evaluation of management plans. More recent nominations as Ramsar Sites are receiving meaningful input from indigenous peoples and local communities, and in some cases, they are petitioning the designation of Ramsar Sites.

Legal and policy frameworks are key enabling factors. Some countries have laws that establish participation as a requirement for relevant processes and actions; specific legal and policy instruments for consultation and participation of indigenous peoples and local communities exist in some cases; participation of, and consultation with, indigenous peoples and local communities is established as a provision of constitutional law in certain countries. Regulations and technical guidelines at national subnational and local levels, as well as engagement frameworks and agreements with communities and are also useful instruments to enable participation.

Recognition and integration of **indigenous, traditional and local knowledge** is an important aspect of participatory approaches; there are many initiatives that seek to ensure that the knowledge and views of indigenous peoples and local communities are taken into account in management, research and conservation of the sites.

However, integration of traditional knowledge has many challenges. It is only partially documented; there is still lack of recognition of its value; there is insufficient support for initiatives to better understand, document, value and integrate traditional knowledge.

Challenges for more effective involvement of indigenous peoples and local communities in Ramsar Site management relate also to capacity, social issues, governance and sustainable livelihoods.

There is limited **capacity** in agencies for them to implement participatory management – trained personnel, technical support, guidance, enforcement of legislation and funding. There is also limited capacity in many local groups to effectively contribute to management planning

and implementation and lack of adequate funding for local community involvement.

Social issues present also some challenges, in particular unclear land tenure and ownership in and around Ramsar Sites; poverty, high illiteracy and lack of awareness amongst some local communities; gender and social differentiation that create situations of marginalization. Recognition of traditional rights of tenure and resource use has a fundamental role in supporting meaningful participation, various experiences have shown.

In terms of **governance**, there is in some cases shortfalls in political support for the involvement of indigenous peoples and local communities in Ramsar Site management, and especially shortfalls in recognition that indigenous peoples should be sovereign partners in the management of their own lands and waters. There are shortfalls in delivering on essential aspects of the Ramsar Convention such as culture and participation, and in understanding the importance of working together with relevant international processes and law such as UNDRIP.

Strategies that have been recommended for more effective involvement of indigenous peoples and local communities in Ramsar Site management relate mostly to topics of knowledge, capacity, social issues, governance and livelihoods.

In terms of **traditional knowledge**, proposals for improvement include for example the use of innovative planning approaches that incorporate traditional knowledge, such as in mapping catchment areas or in zonation through recognition of sacred sites and areas of spiritual significance; inclusion of cultural knowledge in management plans with community consent; documentation of traditional uses; enable communities to conduct research and to be partners in research; encourage citizen-science projects at Ramsar Sites.

Enhancing the **capacity** of indigenous peoples and local communities should use the approach of empowering them to take stewardship of wetland conservation through capacity building actions, and recruiting and training members of indigenous peoples and local communities, with particular attention to young people.

It has been also suggested that the model of the United Nations Framework Convention on Climate Change (UNFCCC) could be followed, to mobilise significant

⁴⁸ Sustainable hunting practices boost the eider duck population: An unusual team effort involving hunters, biologists and game keepers means that the eider duck population has increased beyond all expectations. The key lies in sustainable hunting practices. Flemming ravn Merkel, Greenland Nature institute, in Suluk #02 Air Greenland inflight magazine, 2009.

additional funds to support indigenous peoples and local communities in various ways.

Encouraging processes of co-management of sites and establishment of advisory committees with wide representation of indigenous peoples and local communities are some of the recommendations to improve **participatory governance**. Formal agreements and frameworks for engagement, including cultural knowledge protection and native title claim development and negotiation have been also suggested as options for action when applicable. Contracting Parties should be supported in developing national policies that enable the effective involvement of indigenous peoples and local communities; protocol documents in site management plans and policies are useful tools to outline an agreed set of values, negotiated between indigenous peoples, local communities, scientists and managers. Measures should be implemented to ensure that indigenous peoples have direct access to relevant governments and agencies. It has been recommended that policy documents relevant to the implementation of the Ramsar Convention should be reviewed for alignment with the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the Fourth Ramsar Strategic Plan.

Enhancing and ensuring the flow of **benefits from wetlands management** for indigenous peoples and local communities is an important area of lessons and recommendations from the Ramsar Convention stakeholders. There are many initiatives being implemented for this purpose, with approaches tailored to the specific situation of the sites. Benefits in some cases derive from traditional practices, such as trap fishing or hunting, or from new alternative sources of income such as tourism or handicrafts. However, in developing such initiatives, care should be taken not to upset the traditional economies and make the communities too dependent from the market, including the tourist market, because the resilience of the community economic systems depends on their diversity of livelihood sources.

Gender mainstreaming in Ramsar Site conservation activities to ensure the participation of women and their fair and equitable access to the benefits from wetland management is a significant area of attention of Ramsar Convention stakeholders. It has been stressed that participation in all stages of wetland sites management should specifically address the situation and needs of women in the communities.

The Ramsar Convention requires **enabling tools** to enhance the participation of indigenous peoples and local communities. Several members of Ramsar Convention stakeholders, in making the case for this, have pointed to examples of the needs of supporting tools that they perceive. For example, adapt existing guidelines; develop and disseminate specific guidelines on effective processes for engagement, both at Contracting Party and site levels;

guidance for documentation and promotion of case studies of indigenous and local engagement; Policy Briefs for Contracting Parties on participation; case studies and cross-sharing of them as done by other biodiversity Conventions; simplified tools for effective involvement that can be adapted by Contracting Parties; awareness and dissemination of information on the importance Ramsar Sites and the benefits they provide to local communities. It has been also suggested that the Convention should have new or different instruments to support Contracting Parties achieve more effective involvement of indigenous peoples and local communities, considering the needs and conditions of today.

Existing data in the Ramsar Information Sheets do not adequately represent the situation of Ramsar Sites regarding **cultural characteristics** of sites – a topic that is of fundamental importance for indigenous peoples and local communities given their association with wetlands through many dimensions of culture – such as traditional knowledge and practices, customary governance, value systems and cultural expressions. On the one hand, Contracting Parties report that the vast majority of Ramsar Sites provide cultural ecosystem services (93.4%); on the other hand, only 12.9% of Ramsar Sites are currently recognized by Contracting Parties for their cultural characteristics. This suggests that a renewed effort is needed to capture and update information on this topic, so as to more accurately identify the specific approaches that Contracting Parties could follow to recognize, understand and strengthen the cultural links between communities and wetlands and ensure that they work in favour of the co-benefits of wetland conservation and cultural strengthening.



Fishermen crossing Loktak lake, known for its inhabited floating islands called 'Phumdis', Keibul Lamjao National Park, Manipur, India (credit: Tshering Zam)

Thoughts on the way forward

This chapter presents some elements, derived from other environmental policy processes, international law and practice, that the Ramsar Convention could consider to further advance the policy framework and technical tools of the Convention to strengthen the inclusive, participatory approach that has been its constant interest and commitment.

Summary

- A review of the policy framework of the Ramsar Convention shows that important progress has taken place conceptually, methodologically and practically with regards to the involvement of indigenous peoples and local communities in wetland management.
- Rights-based approaches (RBA) are increasingly the standard for conservation and development actions. The application of RBA to wetland conservation is not radically different from the policies and practices that the Ramsar Convention and other multilateral environmental agreements have already been applying and promoting. Today, connections between the rights of peoples and the conservation of ecosystems, including wetlands, are increasingly recognized as outlined in Resolution 34/L33 of the UN Human Rights Council (March 2017). See Table 4 on how key components of a RBA could be applied to wetland conservation.
- The Ramsar Convention's approach to participatory management has been increasingly concerned with issues of wetland governance as highlighted in Handbook number 7 on *Participatory Skills*, which states that "Good governance and legal and policy frameworks can greatly facilitate participatory processes and contribute to continuity." Further development and application of the participatory model requires a systematic approach to governance, including promotion of participatory governance and management. A key principle, that the Ramsar Convention has already recognized but which could be strengthened, is that community-based wetland conservation sites or protected areas have an equally valid status as government-declared protected areas, and should therefore enjoy the same level of legal, political and practical recognition and support.
- With respect to indigenous peoples, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) may be considered most relevant for environmental conventions, conservation organisations and agencies. The Ramsar Convention could consider acknowledging UNDRIP and examining the potential links of its provisions to the Convention's approach

to engagement with indigenous peoples. A summary of processes that may offer opportunities to advance networking and collaboration with indigenous peoples is provided.

- The existing tools of the Convention, such as the *Guidelines*, the *Guiding Principles* and the *Handbook*, provide useful advice and guidance for Contracting Parties and practitioners. However, the Ramsar Convention may wish to update the existing tools or create new tools in the future, as policies continue to evolve and the lessons from experiences further enrich institutional frameworks and strategies.

The review of the policy framework of the Ramsar Convention presented earlier, and the lessons from experience of involving indigenous peoples and local communities in wetland management show the important progress that has taken place in the Convention conceptually, methodologically and practically. Involvement of indigenous peoples and local communities in wetland management is no longer occasional or optional but more systematically integrated in wise use policy and practice.

There are however areas for further development, and valuable inputs for framing potential steps forward come from national and local experiences, as well as from the lessons of other environmental Conventions and international processes.

The emergence of rights-based approaches

Rights-based approaches (RBA) are increasingly becoming a standard for conservation and development actions that involve or target indigenous peoples and local communities. The conceptual framework of RBA adopted by the United Nations system in 2003⁴⁹ is a commonly used reference for understanding RBA – although it focuses on development cooperation programmes of the UN systems, not on environmental conventions and therefore it is not of direct application to them. It is based on three strategic pillars:

- Programmes, policies and technical assistance of development co-operation should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments;

49 United Nations, 2003. UN common understanding on the human rights-based approach to development cooperation. Developed at the Inter-Agency Workshop on a human rights-based approach in the context of UN reform, 3-5 May 2003.

- Human rights standards and principles from such instruments should guide development cooperation and programming;
- Development cooperation contributes to the development of the capacities of ‘duty-bearers’ (primarily States) to meet their obligations and/or of ‘rights-holders’ (individuals and communities) to claim their rights.

This formulation corresponds to the commitment adopted by the UN Member States at the 2005 UN World Summit “to mainstream human rights into their national policies”. In short, this means that the UN Member States, since they subscribed to that commitment, are responsible for ensuring that their national programmes, including actions relevant to implementation of environmental conventions including the Ramsar Convention, are compliant with the provisions of human rights instruments, nationally and internationally, in relation to indigenous peoples, local communities and the population in general, as they relate to wetlands management.

A formulation of RBA in the conservation field is illustrated by the definition of RBA in IUCN’s Policy on Conservation and Human Rights for Sustainable Development: the “integration of rights considerations within any policy, project, programme or initiative [...] It addresses human rights [...] which are protected and recognized in international and national laws, and rights in a broader sense, which may not be internationally or nationally recognized and protected, such as many of the customary rights of indigenous peoples or local communities (e.g. tenure rights)”⁵⁰.

The application of RBA to conservation is not radically different from the policies and practices that the Ramsar Convention and other MEAs have been already applying and promoting; by making the links to the rights of indigenous peoples and local communities, it reinforces the commitments, highlights the benefits and strengthens the mutual responsibilities of all parties.

ARBA in conservation contains essentially three components: procedural rights, substantive rights and environmental rights, and is applied through a series of tools. Here is a brief systematization of what it would mean in the context of the policies and practices of the Ramsar Convention, and Table 4 offers some additional illustrations:

- a) *Procedural rights* are about *due process* grounded on understanding and respecting the rights of people.

Provisions on procedural rights have been established in several international instruments, for example the Aarhus Convention⁵¹ and Principle 10 of the Rio Declaration⁵²:

- This is the *inclusive approach* to conservation, focusing on community and stakeholder involvement. Participation in decision making on conservation and natural resources should be considered a right of people, especially when their livelihoods depend directly on them.
- The inclusive approach implies the right of people to access relevant information –providing information in a transparent way is not optional – it is the right of people to be informed on matters that may affect them.
- Inclusive conservation also means that local people should have access to remediation whenever something has gone wrong and reparations are needed.
- Fairness and equity in processes is also a key principle of the inclusive and participatory approach: stakeholders should be treated equally, but those at disadvantage (specifically indigenous peoples and local communities who are in vulnerable or disadvantageous situations) should be supported through affirmative action, so that equality of rights is ensured in multi-stakeholder processes.
- It also includes the right of indigenous peoples and local communities to be properly consulted on activities taking place on lands and resources that they have rights to and depend on, and to be respected in their positions, views and interests. In simple words, it means seeking agreement with the concerned communities, and working towards agreed outcomes through processes where the communities are treated fairly. When disagreements occur, they should be mediated in a fair and informed way, avoiding impositions that may harm the communities.

Aarhus Convention, Article 1:

“In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention”.

- b) *Substantive rights* are those established in the Universal Declaration on Human Rights and other international and national instruments. In the case of indigenous peoples, the relevant instrument is the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Box 17: Principle 10 of the Rio Declaration

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”.

50 IUCN Policy on Conservation and Human Rights for Sustainable Development. WCC-2012-Res-099-EN. IUCN. 2012.

51 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. <http://ec.europa.eu/environment/aarhus/>.

52 Report of the United Nations Conference on Environment and Development. Rio de Janeiro, 3-14 June 1992. Annex I: Rio Declaration on Environment and Development. A/conf.151/26 (vol. I).

- The inclusive and participatory conservation model has regularly respected the principle that conservation measures should not harm people, especially communities who are vulnerable in their livelihoods and socio-political situation. Conservation actions should not violate the rights of indigenous peoples or local communities.
 - Equity and fulfilment: the existing conservation paradigms of the Ramsar Convention and other MEAs contain important statements about social equity and about the need to provide benefits to indigenous peoples and local communities associated to conservation sites and resources. A RBA highlights these commitments in terms of equality of rights (including gender equity and equality) and in terms of contributing to the fulfilment of rights that are at the core of human wellbeing, such as the rights to food and water and the right to health, which can be supported through the provision of relevant benefits. The links of wetland conservation to objectives of poverty reduction represent a form of fulfilment of rights of those living in poverty. A RBA therefore means contributing to the fulfilment of the rights of indigenous peoples and local communities through ensuring the sustainable and wise use of wetland ecosystems and the provision of benefits for their livelihoods.
 - The fundamental work of the Ramsar Convention on the cultural values of wetlands has a clear expression in a RBA in terms of cultural rights. The statements and Guiding Principles of Resolution VIII.19, with the strong emphasis they put on cultural heritage in relation to indigenous peoples and local communities, and their mention of traditional rights, imply that wetland-related cultural heritage is not only an effective approach to enhance wetland conservation, but it also supports the rights of local people to maintain and enjoy their cultural heritage.
- c) *Environmental rights* have not yet been formally integrated in the international framework of human rights, but are increasingly recognized in many national frameworks. They include (i) the right of people to live in healthy environments, and (ii) the right of people to benefit from the services of ecosystems for their livelihoods, and for achieving rewarding and dignified lives for today's and future generations.
- The work of the Ramsar Convention can be interpreted as strongly framed in a concept of environmental rights. Its policies and strategic directions have always recognized that healthy wetlands are a key part of healthy environments, and that the ecosystem services of wetlands underpin community wellbeing. The RBA, by highlighting the environmental rights dimensions, stresses the obligations of all parties to ensure the conservation and wise use of ecosystems not only because they are intrinsically valuable, but also because conservation and wise use of the ecosystems is a right of people.

Understanding environmental rights, and specifically conservation and wise use within a rights framework, highlights the dimensions of *responsibilities*.

In all social systems, the recognition of rights – for example rights to lands and resources, does not imply that the exercise of the rights of someone can be done in a destructive way because that will affect the rights of others; and also there is normally recognition of the common good as a source of restrictions in the exercise of rights. Through regulating the exercise of rights, societies establish responsibilities and obligations of individuals and groups in exercising their rights.

In today's social systems, land owners and resource users are as a rule subject to regulations in the way they use the land and the resources; what is important is that regulations are properly and fairly established, and that institutions in charge of their application operate in transparent, fair and accountable ways.

The customary systems of indigenous peoples and traditional communities are normally framed with a strong sense of regulations and obligations; for example, in the Xe Champone Ramsar Site, Lao PDR (see Box 20), the communities have established use regulations that include prohibitions, restrictions and penalties especially for hunting, fishing, cutting trees, collecting non-timber forest products, taking water, using boats, and grazing⁵³.

The following table summarizes how key components of a RBA could be interpreted in their application to wetland conservation.

The UN Human Rights Council, at its 34th Session in March 2017, adopted Resolution 34/L33⁵⁴ which is relevant to consider. First, it expressed concern about wetlands as “the ecosystem with the highest rate of loss and degradation, and [...] that indicators of current trends suggest that pressure on biodiversity and wetlands will increase in the years to come”, with potentially serious implications “for the full enjoyment of all human rights” due to the important services that wetlands provide. Secondly, it called upon States to fully implement their obligations regarding the protection of biodiversity and the conservation of ecosystems on which human wellbeing depends. The Resolution followed discussion of the Report of the UN Special Rapporteur on human rights and the environment, which stated that “Biodiversity is necessary for ecosystem services that support the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and culture. In order to protect human rights, States have a general obligation to protect ecosystems and biodiversity”, and that “Biodiversity around the world is rapidly being degraded and destroyed, with grave and far-reaching implications for human wellbeing”. The report further recommends the adoption of rights-based approaches in conservation work.⁵⁵

The above shows that there is growing convergence between the views and objectives of conservation and those of the human rights constituencies, due precisely to the recognition of the connections between the rights of people and the

53 Moore, P., Pholsena, M., Phommachanh, K., and Glémet, R. (2013). Review of Statutory and Customary Law in the Xe Champone Ramsar Site, Lao PDR: Implications for a rights-based approach to conservation. Vientiane, Lao PDR: IUCN.

54 UN Human Rights Council, 2017. A/HRC/34/L.33.

55 UN Human Rights Council, 2017. A/HRC/34/49, paras 65-66.

Table 4: Key components of a RBA could be interpreted in their application to wetland conservation.

Key RBA components	How they may apply to wetland conservation sites
<i>Procedural rights</i> are about due process grounded on understanding and respecting the rights of people:	All people (individuals and communities) should have the rights to due process regarding wetland conservation site establishment and management whenever they affect their legitimately owned, used or occupied lands and resources.
Right of people to be part of decision making on conservation and natural resources, especially when their livelihoods depend directly on them.	Meaningfully participate in consultations, dialogues and decision-making on wetland conservation site related actions.
Right of access to information - the right of people to be informed on things that may affect them.	All individuals and communities linked to wetland conservation sites throughout wetland conservation processes should have free access to all relevant information, especially when actions may involve risks for them.
Right of access to justice whenever reparations are needed	Decisions on wetland conservation sites and processes should not exclude, and rather identify and leave open and accessible, grievance mechanisms and procedures, including legal recourse, for cases where communities and individuals are negatively affected by actions or decisions.
Fairness and equity in processes	All stakeholders should be treated equally, but those at disadvantage (specifically indigenous peoples and local communities) should be supported through affirmative action, so that equality of rights is ensured in multi-stakeholder processes.
<i>Substantive rights</i> are about contributing to the wellbeing and dignity of people	As a general rule, wetland conservation sites, processes and decisions should not harm people who depend on the sites for their lives, and should rather contribute whenever possible to their wellbeing and to achieve dignified lives.
Equality of rights (including gender equity and equality) and contributing to the fulfilment of rights of indigenous peoples and local communities	This means ensuring the contribution of wetland conservation sites to sustainable development of the communities associated to them, in an equitable manner, through ensuring the sustainable and wise use of wetland ecosystems and the provision of benefits for their livelihoods. Having productive wetland ecosystems, and guaranteeing that the benefits of their management are accessible to the communities in an equitable way, is a fundamental function of wetland conservation and contributes to the realization of people's rights.
Cultural rights in wetland conservation	Recognition and integration of the cultural heritage of communities associated with wetlands in conservation actions is a concrete form of respecting and supporting their cultural rights
<i>Environmental rights</i> - the right of people to live in healthy environments.	Wetland conservation contributes to the right of people to live in healthy environments - not only for the communities directly linked to them, but for the broader society who benefits from the ecological, socio- economic and cultural functions of wetlands. From local to global, and from present to future generations, at some level all humans have the right to a healthy planet - that includes effectively managed wetland sites.
The right of people to benefit from the services of ecosystems for their livelihoods, and for rewarding and dignified lives for today's and future generations.	Environmental rights range from the local benefits from ecosystem services to the global benefits of regulating and cultural services, and cross through generations. This part of RBA calls for the empowerment of people to demand proper management of wetland sites as it contributes to human wellbeing in a healthy environment for today and the future.

conservation of ecosystems. Consideration of RBAs in this context would promote and facilitate synergies and potential collaboration with mutual benefits.

Strengthening and improving governance

The historical model of the Ramsar Convention for working with indigenous peoples and local communities was framed from the start as participatory *management*, and included progressively clearer concepts that have been described so far – inclusion, equity, benefit sharing, transparency, representation, direct involvement in decision-making, cultural sensitivity, and others. The value and significance of the model and its features have been already stated.

The Ramsar Convention's Handbook number 7 on *Participatory skills*, when examining "Continuity" of participatory management⁵⁶, i.e. the often long timelines needed for achieving and maintaining effective arrangements, identifies a number of key elements of governance that come into play, among them: legal and policy frameworks; political will of government institutions and officials; decentralization frameworks and processes; good governance practices. It further states, much in line of what has been already written, that "Good governance and legal and policy frameworks can greatly facilitate participatory processes and contribute to continuity". In well-functioning democracies there is a recognition of citizens' rights to participate in decision-making which affects them. Citizens also have rights to organize, freedom to access information, and recourse through the legal system should one party take unfair advantage of the agreements in place. If these safeguards are not present, or if excessive corruption exists, there may not be the confidence in place to sustain local interest in the process. This is an important consideration that shows that the Ramsar Convention's approach to participatory management has been increasingly concerned

with issues of *wetland governance* as the context in which participatory management occurs and where the conditions of its effectiveness are rooted.

The experience about participatory conservation has generated many lessons that point precisely in the same direction: unless the conditions of governance become friendlier, participatory management will not succeed or runs the risk of having limited impact. The direct involvement in decision-making required by the Ramsar Convention policies is indeed in itself a matter of governance structures and processes, and is at the centre of effectiveness of participatory management.

Further development and application of the model of participation of indigenous peoples and local communities in wetlands management requires a systematic approach to governance, including the promotion of participatory governance and participatory management. By strengthening this approach, the model will seek to achieve fundamental *governance* changes that make participation more systematic and management a shared responsibility.

There are many definitions of governance, and the definitional discussions are important, but adopting one in particular is not required; what is important is to understand which elements of governance are more significant and to work with them.

Participatory governance requires systematically addressing the key elements of governance where participation needs to be firmly established: the normative framework of wetlands management (laws, regulations, policies); the institutions in charge, with mandates and functions established by norms or customs; the range of social actors, including in particular indigenous peoples and local communities and their organizations; and the processes established by normative frameworks, by custom or by agreement, for adopting decisions,

Box 18: Two definitions of governance

Governance can be defined as "the sum of many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest".

The Commission on Global Governance, 1995. *Our Global Neighbourhood*. Cited in Thomas Greiber and Simone Schiele (Eds.), 2011. *Governance of Ecosystem Services*. Gland, Switzerland: IUCN., p.5.

Governance of natural resources (or nature's use) is "the interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say in the management of natural resources - including biodiversity conservation". Under the concept of "structures" in this definition there are three fundamental elements: normative frameworks (law), institutions, and socio-political actors, all of which interact within certain process for driving and implementing decision-making and other functions of governance.

Parkinson, Patricia, 2015. *Customary Governance of Natural Resources*. Gland, Switzerland: IUCN.

56 Ramsar Convention Secretariat, 2010. Participatory skills: Establishing and strengthening local communities' and indigenous people's participation in the management of wetlands. Ramsar Handbooks for the wise use of wetlands, 4th edition, vol. 7. Ramsar Convention Secretariat, Gland, Switzerland. Pp 43-44.

implementing actions and monitoring the results. Real and effective participatory governance should imply developing, reforming or adapting all these elements so that indigenous peoples and local communities are meaningfully and regularly involved, and that their participation is not merely an option for the agencies in charge but a legally and institutionally established commitment with clear rules and functions.

The Ramsar Convention has addressed fundamental aspects of governance for many years. The COP at its 7th Meeting (San José, Costa Rica, 1999) adopted Guidelines for reviewing laws and institutions to promote the conservation and wise use of wetlands⁵⁷, which propose key elements of a critical inquiry about existing legal frameworks for identifying potential areas for improvement, including specifically in relation to the involvement of indigenous peoples and local communities (see Box 19).

The indicated elements are not new themselves to the practice of wetland management, but should be addressed, as indicated, in a more systematic and in a clearer manner. The objective here is to *transform* governance in a systemic way.

The second important element in an approach to participatory governance is understanding and working towards *good governance*. There are as well different conceptualizations of good governance; what is useful is to identify some of its key elements that are more relevant for participatory wetlands governance and management. Some of such elements are already implicitly or explicitly integrated in the approach of the Ramsar Convention to participatory management:

- Transparency in all matters regarding management of the wetlands;
- Respect for the rights of indigenous peoples and local communities, including their cultural rights;
- Equality of rights, in particular gender equality;
- Participation as a right of people;
- Orientation to consensus building and shared outcomes;
- Fairness and equity in the sharing of the benefits from wetland conservation.

In the last decades there has been globally an important process of development and strengthening of structures

of organization and representation of indigenous peoples and local communities for dealing with matters pertaining to their rights and interests in development and environment. In many countries indigenous peoples and local communities have become important players in national politics, as well as on regional and global environmental policy-making processes. Box 24 provides some examples of indigenous organizations active in such processes.

An evolution of participatory governance in wetlands management at the national level should consider therefore the creation of opportunities for engagement with indigenous and community organizations that participate in national processes, and for the democratic representation of indigenous peoples and local communities through their organizations and leaders in national policy-making processes and strategic discussions on wetlands management.

Another important element of an approach to participatory governance is to understand, dialogue with, and proactively integrate, as appropriate, *customary governance of wetlands*. The words “as appropriate” in this sentence means “in a way that is adapted to the governance and the cultural context”.

“Customary or traditional governance systems have evolved by tradition in societies with tribal or other custom-based systems”⁵⁸. It is therefore typically found in indigenous peoples’ societies, as well in other traditional cultures. While customary governance of areas or territories in many countries has been heavily degraded or eroded due to colonization and cultural imposition, it is alive and vital in many places. Wetlands are indeed ecosystems that retain customary governance systems in a very significant way, due to the traditional association of communities with them, and to the prevalence of traditional practices and local regulations.

As in other governance systems, customary governance includes normative frameworks (such as regulations), institutions (such as traditional authorities) and processes for making and implementing decisions (such as community assemblies or councils of elders).

Box 19: Some issues for consideration in reviewing the effectiveness of existing wetland-related legal and institutional measures⁵⁹

- a) Where wetlands are designated as protected areas, does legislation authorise continued access and use by indigenous and local communities where this is consistent with the conservation and wise use of the particular site?
- b) Is legislation supportive of customary laws, practices, tenure systems and institutions of indigenous and local communities, which promote sustainable use of wetland resources?
- c) Do wetland users, including indigenous and local communities and other stakeholders, have the right to information, representation and participation in site management?

57 Ramsar Convention Secretariat, 2010. Laws and institutions: Reviewing laws and institutions to promote the conservation and wise use of wetlands. Ramsar handbooks for the wise use of wetlands, 4th edition, vol. 3. Ramsar Convention Secretariat, Gland, Switzerland.

59 Parkinson, Patricia, 2015. Customary Governance of Natural Resources. Gland, Switzerland: IUCN.

58 Laws and institutions: Reviewing laws and institutions to promote the conservation and wise use of wetlands. Ramsar handbooks for the wise use of wetlands, 4th edition, vol. 3. Ramsar Convention Secretariat, Gland, Switzerland. P. 19.

Box 20: Customary Governance in the Xe Champone Ramsar Site, Lao PDR

More than 20,000 people live in the area of the Xe Champhone Ramsar Site, grouped in 40 villages that are each comprised of up to four different ethnic groups. Natural resources from the Xe Champhone Ramsar site are often the most important parts of the peoples' livelihoods. 12 villages are located entirely inside the Ramsar Site.

At least 24 customarily protected areas exist in and around the Ramsar Site. These are areas that the communities have identified as special and have established protection measures based on their own regulations. They include spiritually protected areas that sustain religious or cultural beliefs and needs; and non-spiritual, communal protected areas established through ancestral and more recent community practices to sustain access to livelihood resources and ensure wildlife protection.

The customary governance by the communities includes the issuing of a variety of regulations for community use of the resources. Apart from creating conservation areas, the regulations establish prohibitions and corresponding penalties⁶⁰.

The Ramsar Convention's approach to the involvement of indigenous peoples and local communities has already considered customary governance, but through its specific constituents and not as complex systems. For example, from the earlier recognition of traditional uses of wetlands and applications of the traditional knowledge of indigenous peoples and local communities, the concept that they have their own ways of establishing sustainable or *wise use* has implied recognition of cultural systems of decision making. What is important today is to make use of existing experiences and approaches to understand *more systemically* those practices, uses and knowledge, as forming part of complex customary systems and structures.

Sometimes protected area managers state that traditional management systems are no longer sustainable or useful because traditional communities have changed – and it may be true. Customary systems evolve and change; some die and others are created through new societal processes; they are part of cultural change and the evolution of societies. This has happened always throughout human history. Therefore, working with customary systems requires *adaptive approaches*, to help communities adapt and improve their own systems, instead of simply ignoring them.

Many useful examples exist today about adaptive processes of customary governance that enable its maintenance in the new conditions. In the case of the Xe Champone Ramsar Site, Lao PDR, a process of dialogue between community systems and formal authorities has allowed the integration of community-based regulations in wetlands management. In the Kuju Bogatsuru Tadewara-shitsugen Ramsar site of Kyushu, Japan⁶¹, local people revived a traditional practice of controlled burning that is very important for the maintenance of biodiversity but was lost due to the erosion of traditional governance; a new local, multi-stakeholder governance structure called Executive Committee for Controlled Burning was created to regulate the revival and expansion of the practice. In the Philippines, the Pidlisan tribe of the

Cordillera region has practised for a long time a complex system called *Lampisa* for regulating the distribution and use of water in their agricultural terraces and for maintaining their irrigation system; this is part of an indigenous socio-political institution called *dapay*⁶². This governance system has had to evolve to deal with complex changes in the local socio-economic conditions.

Integrating customary governance in wetlands management, together with statutory governance represented by government agencies and authorities, is called by specialists “polycentric or plural governance”, defined as “the existence of multiple overlapping and interacting governance structures and systems”⁶³. It is associated with “legal pluralism” or “the existence of multiple overlapping and interacting legal systems”.

Plural governance and plural legal frameworks are more frequently present in practice than they are recognized in formal policies, because although they do exist on the ground and operate through the involvement of local traditional institutions, government statutory frameworks and institutions are often resistant to accepting customary systems and working with them in a formal way. Unless there is the flexibility and the recognition of the value of traditional institutions for engaging with them and integrating customary systems, true involvement and participation of indigenous peoples and local communities will likely remain challenging and limited, because local people tend to believe more in their traditional governance than in external entities that are often far from their realities.

The first steps in processes for working with customary governance systems is to make genuine efforts for understanding them and for creating conditions of dialogue with traditional institutions and leaders; they should be invited to participate with wetland management institutions, and should be given the opportunity to engage in respectful dialogue and to present their experiences and views. Through understanding and

60 Moore, P., Pholsena, M., Phommachanh, K., and Glémet, R. (2013). Review of Statutory and Customary Law in the Xe Champhone Ramsar Site, Lao PDR: Implications for a rights-based approach to conservation. Vientiane, Lao PDR: IUCN.

61 Case study: Local People Revived Controlled Burning to Protect Kuju Bogatsuru Tadewara-shitsugen (Ramsar site), Kyushu, Japan.

62 Sarah Dekdeken, 2011. Securing food through the Lampisa indigenous practice of resource management by the Pidlisan tribe in the Cordillera, Philippines. Cordillera Peoples Alliance.

63 Parkinson, op. cit.

respectful dialogue, conditions can be created for getting the statutory and the customary systems to work together for better results in management and governance.

A final consideration about participatory governance of wetlands is that, following the need to appreciate and engage with customary governance systems, a greater recognition and integration of traditional, custom-based protection is needed. Indigenous peoples and local communities have usually had their own customary practices for establishing special regulatory measures to protect natural areas of particular importance – such as sacred natural sites, water catchments, grazing grounds vulnerable to climate variability, etc. This is particularly true for water and aquatic ecosystems, which are considered sacred by many societies. In some cases, measures of protection of such areas are unknown to the external public and institutions because they remain an internal and even confidential matter of the communities. The key principle here, which the Ramsar Convention has already recognized but needs to be strengthened and achieve greater importance in actions and programmes, is that community-based wetland conservation sites or protected areas have an equally valid status as government-declared protected areas, and should therefore enjoy the same level of legal, political and practical recognition and support; and consequently, communities should be encouraged to maintain, reinforce and expand their own systems and practices for creating areas of special status in wetlands and aquatic ecosystems.

Indigenous peoples: International processes and networking

The Ramsar Convention's approach to the involvement of indigenous peoples in wetland management has evolved from

a general notion of community participation in management to a framework that more specifically recognizes their traditional knowledge and practices, their cultural values and heritage, their political representation, their status as peoples with distinct identities and socio-political systems. A point has been made in a previous section about the reasons and the importance of using in a consistent way the term “indigenous peoples” in plural, in reference to the plurality of socio-political entities that identify themselves as “indigenous”; it implies recognition of “the right of all peoples to be different, to consider themselves different, and to be respected as such” (UNDRIP, Preamble), as well as the recognition that they have collective rights and in particular the right to self-determination (UNDRIP, Preamble and Arts. 1 and 3). It has been also stated that there is no need to propose a “definition” of the term; however, it may be helpful to follow the common practice to use as a reference the “statement of coverage” of the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (see Box 21). The Ramsar Convention has implicitly followed also this approach, particularly since Resolution VII.8 of 1999, which acknowledged the ILO Convention 169.

Today the key global policy reference on indigenous peoples issues is the UN Declaration on the Rights of Indigenous Peoples, UNDRIP. As it has been universally accepted by UN Member States, it is known to the Ramsar Convention Contracting Parties and is presumably part of their policies and frameworks for working with indigenous peoples in their respective countries and to discuss relevant issues in international processes.

The UN Development Group (UNDG), a consortium of more than 30 agencies that provides a “high-level forum for joint policy formation and decision-making”⁶⁴, uses UNDRIP as

Box 21: Statement of coverage of the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries (1989)

Article 1

1. This Convention applies to:

(a) tribal peoples in independent countries whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply”.

It is commonly accepted that:

The term “indigenous peoples” should respect the different denominations that indigenous peoples may receive in national contexts

In general language the use of terms such as “indigenous people” (e.g. as a collective noun for a particular people), “indigenous populations” (in a demographic sense), or “indigenous communities” (for specific social units that are constituents of a people) may be appropriate if they do not replace or contradict the socio-political understanding of the term “indigenous peoples”.

64 <https://undg.org/about/undg-global/>

a framework to guide integration and mainstreaming of indigenous peoples issues in the agencies' programming at global and national levels; this is relevant to consider for any collaborative action with UN agencies for wetlands conservation and management where indigenous peoples are involved.

In the conservation field, MEAs make frequent reference to UNDRIP, and global conservation organizations, such as the seven members of the Conservation Initiative on Human Rights (CIHR) – BirdLife International, Conservation International, Fauna & Flora International, IUCN, The Nature Conservancy, Wetlands International, Wildlife Conservation Society and WWF, have either endorsed or recognized UNDRIP as their main policy reference for their work with indigenous peoples.

As an example from the MEAs, for about a decade the World Heritage Convention has been giving growing attention to the involvement of indigenous peoples, and has adopted important decisions in this regard, with a focus not only in participation but also on indigenous peoples' rights (Box 22).

The Ramsar Convention, in policy decisions such as Resolution VII.8 and Resolution VIII.19, has acknowledged the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries. The reference to this Convention remains valid and is extremely important, because of the standards it established and due to its legally binding nature for ratifying countries. In some conceptual aspects, however, UNDRIP may be considered more relevant for environmental conventions, conservation organizations and agencies and their programmes. Out of its 46 Articles, UNDRIP contains several that are applicable to conservation areas, including wetlands; most importantly, Article 29.1 of UNDRIP establishes that indigenous peoples "have the right to the conservation and protection of the environment and productive capacity of their lands or territories and resources", and calls States to "establish and implement assistance programmes for indigenous peoples" to that end. Interestingly, this is the first time that an international instrument recognizes that the conservation and protection of the environment is a right of people.

Given the above, the Ramsar Convention could consider acknowledging UNDRIP and examining the potential links of its provisions to the Convention's approach to engagement with indigenous peoples.

The Special Rapporteur on the rights of indigenous peoples, in her latest reports to the UN General Assembly and the UN Human Rights Council⁶⁵, recalls that a large proportion of the areas of the world under some protection status overlaps with the traditional lands and waters of indigenous peoples; and, "In view of the targets set by the parties to the Convention to expand protected area coverage to at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas by 2020, the Special Rapporteur stresses

that States and conservation organizations need to implement measures to recognize the rights of indigenous peoples as a matter of priority", to avoid situations where countries may adopt quick measures to expand protected areas integrating in them indigenous peoples' lands and waters without their involvement and tenure security. In this sense, as a general statement, targets to expand protected areas or areas with special protection status should take that recommendation into account and carefully and timely engage with indigenous peoples and local communities to prevent possible conflicts with their land and resource claims. .

Several international processes are particularly relevant for developing synergies aimed to strengthen the engagement of the Ramsar Convention with indigenous peoples; some of them are relevant for local communities as well. Although the Ramsar Convention as such has not been part to those processes through its formal organs, some of the members of the Ramsar Convention family have participated – for example International Organization Partners and some Parties' national agencies.

Here is a brief summary of processes that may offer opportunities to advance networking and collaboration:

- The UN Permanent Forum on Indigenous Issues (UNPFII): it is a high-level advisory body to the UN Economic and Social Council, with the mandate to deal with indigenous issues related to economic and social development, culture, the environment, education, health and human rights. Environment has been gaining greater attention in recent years due to the prominence of climate change in the international agenda, and also the raising attention to protected areas and ecosystem conservation under the Aichi Targets and the SDGs. The UNPFII is composed of sixteen members, eight nominated by governments and elected by the ECOSOC, and eight appointed by the President of the Council based on nominations from indigenous peoples networks on a regional basis. Representatives of UN Agencies and Secretariats of some international conventions such as the CBD and the UNCCD attend the annual meetings of the UNPFII to present updates of their work on indigenous peoples issues. The UNPFII is attended by a large network of indigenous organizations of all over the world, and as such is an appropriate venue to engage in dialogue with them, present updates, and showcase new developments.
- Networking with UN Agencies and MEAs on indigenous peoples and local community issues is extremely important because of the rapid development of initiatives and the opportunities to share lessons and tools. An appropriate mechanism for networking and sharing could be the Inter-Agency Support Group (IASG) on Indigenous Issues, a consortium of 42 members that include UN Agencies, Multilateral Development Banks, the CBD Secretariat and other international organizations. The IASG interacts regularly with the UNPFII and undertakes collaborative work on relevant topics.

65 UN General Assembly, 2016. A/71/229; and UN Human Rights Council, 2017. A/HRC/36/46.

Box 22: The World Heritage Convention and indigenous peoples: highlights

Indigenous peoples' lands, territories and resources are part of many World Heritage Sites of all types. In recognition of this, in the last decade the World Heritage Convention has made important decisions to strengthen the involvement of indigenous peoples in World Heritage issues.

- In 2007, the World Heritage Committee decided to include "Communities" as a fifth strategic objective of the Convention, with the aim "to enhance the role of communities in the implementation of the World Heritage Convention".
- The involvement of indigenous peoples and local communities in decision making, monitoring and evaluating the state of conservation of properties was encouraged by the World Heritage Committee in 2011.
- In 2010 and 2011, members of the UN Permanent Forum on Indigenous Issues (UNPFII) addressed the World Heritage Committee requesting attention to indigenous peoples issues and to explore ways of collaboration.
- In 2012, the World Heritage Convention celebrated its 40th anniversary under the theme "World Heritage and Sustainable Development: the Role of Local Communities". An International Expert Workshop on the World Heritage Convention and indigenous peoples, organized by the International Work Group on Indigenous Affairs (IWGIA) was held that year with active involvement of the World Heritage Centre and the Convention Advisory Bodies.
- The Convention's Operational Guidelines (its main implementation guidance instrument) were amended in 2015 to include specific references to indigenous peoples:
 - ◆ Paragraph 40: indigenous peoples are partners in the protection and conservation of World Heritage, and
 - ◆ Paragraph 123: participation of indigenous peoples (among others) in the nomination process is essential to enable them to have a shared responsibility with the State Party in the maintenance of the property. States Parties are encouraged to prepare nominations with the widest possible participation of stakeholders and to demonstrate, as appropriate, that the free, prior and informed consent of indigenous peoples has been obtained.
 - ◆ A reference to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was included.
- In 2015, the General Assembly of States Parties adopted a new Sustainable Development Policy for the Convention, which makes specific reference to "Respecting, consulting and involving indigenous peoples and local communities", emphasizing that the recognition of rights and the full involvement of indigenous peoples and local communities, in line with international standards, lies at the heart of sustainable development.
- The Advisory Bodies to the Convention (ICOMOS, ICCROM and IUCN) have been working together to develop, strengthen and harmonize approaches for ensuring greater involvement of indigenous peoples in implementation of the Convention, based on the recognition of indigenous peoples' rights.

Sources: *World Heritage and Indigenous Peoples*: <http://whc.unesco.org/en/activities/496/>

Rössler, M. (2016) *The changing landscape of indigenous heritage protection*, in: *Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2016*. London.

IUCN-ICCROM-ICOMOS. *World Heritage and Rights-Based Approaches*. 2014. ICOMOS Norway.

Box 23: UNDRIP: which rights?

Several Articles of UNDRIP are relevant to conservation of ecosystems in indigenous peoples' lands or territories or which they traditionally use. Here some highlights:

Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection.

Article 31: Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions.

Article 32: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions for actions that may take place on their traditional lands, waters and resources.

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves.

Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas.

■ As indicated earlier, the human rights institutions and mechanisms of the UN system are increasingly interested and involved in conservation issues; this has been partly driven by the work of the UN Special Rapporteurs on Environment and Human Rights and on the Rights of Indigenous Peoples, who issued important and relevant reports in 2016 and 2017 for consideration of the UN Human Rights Council and the UN General Assembly. Engaging in dialogue with the Special Rapporteurs would be a useful way of exchanging views and information, exploring synergies and making the position of the Ramsar Convention known to the system and to the Member States.

■ Engagement with indigenous peoples' and community organizations at the global and regional levels is a fundamental step for strengthened involvement and for raising the visibility of the commitments of the Ramsar Convention to inclusive wetland governance and management and to the achievements in this direction. Involvement of indigenous peoples and local communities in the policy processes of the MEAs has an important history and has produced many lessons. In the case of the CBD, indigenous participants attending the Third Meeting of the COP in November 1996 in Buenos Aires, Argentina, convened for the first time the International Indigenous Forum on Biodiversity (IIFB)⁶⁶, which started as a loose platform to coordinate involvement in the COP and share information. The IIFB has been convened since at every COP and has developed a more stable structure, with working groups and specific responsibilities assigned to indigenous leaders, and has become a permanent and reliable interlocutor of the CBD Secretariat and the CBD Parties.

In the case of the UNFCCC, a similar process was followed for the creation of the International Indigenous Peoples Forum on Climate Change (IIPFCC)⁶⁷, established in 2008 as the Caucus of indigenous peoples participating in the UNFCCC COP and related processes. In a similar

way to the IIFB, the IIPFCC represents the indigenous Caucus members who attend the official meetings of the UNFCCC; it has also become a regular and representative interlocutor of the UNFCCC Secretariat, entities and Parties.

As of 2018, there are no other forums of indigenous peoples created in the MEAs context; however there are several networks, especially from the regions, that are regular participants in those processes and actively interact with MEA bodies and Parties globally and regionally. Interacting and networking with those regional organizations is very valuable.

Many other actions and opportunities may be relevant for strengthening the Ramsar Convention's approach to working with indigenous peoples and local communities; in this document we have identified only a few of them, especially at the international level. Nationally, however, is where implementation should take place and where the challenges are sometimes greater. The existing tools of the Convention examined in this document, such as the *Guidelines*, the *Guiding Principles* and the *Handbook*, provide useful advice and guidance for Contracting Parties and practitioners; but new tools will have to be created in the future, as policies continue to evolve and the lessons from experiences further enrich the institutional frameworks and strategies.

Box 24: Some regional indigenous organizations and networks active in conservation policy processes

- The Indigenous Abya Yala Forum (Foro Indígena de AbyaYala): it is a Latin American regional network of six sub-regional indigenous organizations from Central and South America and two indigenous women networks (Coordinadora de Organizaciones Indígenas de la Cuenca Amazónica COICA, Coordinadora Andina de Organizaciones Indígenas CAOI, Red de Mujeres Indígenas sobre Biodiversidad REMIB, Enlace Continental de Mujeres ECMIA, Consejo Indígena de Centro América CICA, Consejo Indígena Mesoamericano CIMA). The Forum basically follows climate change and biodiversity processes, and is becoming an important hub for information sharing and coordination of indigenous peoples in the region.
- In Africa, the Indigenous Peoples of Africa Coordinating Committee (IPACC), an advocacy network of 150 organisations of indigenous peoples across Africa. IPACC is particularly active in international environmental policy processes, mainly the UNFCCC, the CBD and the World Heritage Convention.
- In Asia, the Asia Indigenous Peoples Pact (AIPP), a regional organization founded in 1988 by indigenous peoples' movements from Asia. AIPP has 48 member organizations from 14 countries.
- In the Arctic region, the Inuit Circumpolar Council (ICC), a strong regional organization of the Inuit people of four countries (USA, Canada, Greenland/Denmark and Russia), and the Saami Council, a regional organization of Saami member organizations from four countries (Finland, Russia, Norway and Sweden).

66 <https://iifb-fiib.org/statements/>

67 <http://www.iipfcc.org/>

Two guides with makoro dugout canoes, Okavango Delta, Botswana
(credit: Pete Niesen / Alamy Stock Photo)



Options for action

This chapter presents some options for action for the consideration of Contracting Parties, based on lessons from national experiences, and informed by the review of the Convention's policy framework and thoughts on the way forward. As such, some elements of the recommendations are derived from other policy processes, and international law and practice.

The information from Contracting Parties available through their National Reports and the Ramsar Information Sheets, as well as the case studies and responses to questionnaires have allowed the distillation of a number of important lessons regarding the involvement of indigenous peoples and local communities in wetlands management; further, the review of the experiences and trends in international and national environmental policy processes has identified potential approaches for strengthening the participation of indigenous peoples and local communities. Based on the lessons from national experiences and taking into account this background, the suggestions that follow offer some thoughts concerning options for action that the Ramsar Convention could consider to advance this topic. These options for action are organised into three sections:

- a) strengthening participation and governance;**
- b) enhancing livelihood benefits; and**
- c) enabling activities.**

The first two thematic sections provide suggestions for possible actions at national and site levels to strengthen participation and governance in Ramsar Sites and other wetlands, and to enhance their important livelihood benefits. The third section addresses the enabling activities that could support such actions.

The suggested indicative activities are non-exhaustive and many others could be implemented; the opportunities are many and the moment is appropriate for innovative approaches and for expanded engagement in this field. Availability of resources is always a constraint, but there are also more opportunities and synergies today than in the past.

A. Strengthening participation and governance

As indicated earlier in this report, while participation has been well established in wetland conservation policy and practice, both at site and national levels, there is growing recognition that it should go beyond consultation and management practices and should address processes of decision-making. This is consistent with the COP call to Contracting Parties in Resolution VII.8 “to create, as appropriate, the legal and policy context to facilitate indigenous people's and local communities' direct involvement in national and local

decision-making for the sustainable use of wetlands”.

What are the steps required for effective involvement of indigenous peoples and local communities in decision-making for the sustainable use of wetlands?

(i) Adapting laws and policies to enable more and better participation

As reported in the previous section, many countries have been updating their legislation and policies to enable better participation from stakeholders in environmental processes and biodiversity conservation. Meeting the Aichi Targets and the SDGs has become an important motivation for those changes because it is universally accepted today that both the Targets and the SDGs can only be met through participatory approaches and engagement of land and resource users. Therefore, countries that have not yet done so should be encouraged to establish or strengthen national and subnational legal and policy frameworks.

It should be noted however that legal and policy frameworks with general provisions about stakeholder participation need to be more specific about indigenous peoples and local communities (as appropriate depending on the countries) and not only refer to stakeholders in general, because it is known that (i) not all stakeholders have the same capacity to make their voice heard, and often indigenous peoples and local communities are at disadvantage, (ii) indigenous peoples and local communities are usually more directly linked to wetlands through direct use of the resources and/or overlaps with their traditional lands and waters. For example, in many cases public hearings (which are generally a very good instrument for stakeholder consultation) are mostly attended by NGOs, business groups, private interest groups (tourism operators, hunters, landowners, infrastructure operators or builders, etc.), and others, and in that context the communities might find themselves in the minority and with little capacity for having a strong voice.

Clearly, having legal frameworks at the highest level that establish community participation as a requirement for implementing actions with direct relevance or potential impacts on the communities is desirable as it would have lasting and comprehensive effects in making community involvement in wetlands management more stable and permanent. However, developing higher level legal frameworks can be a lengthy

and unpredictable process as it depends on many political factors that might be beyond the capacity of the communities or the wetland management institutions to influence; in such situations, soft law instruments and agency-level policies and regulations might be a good alternative, such as strategic plans that establish requirements for consultation and participation in a variety of processes and situations.

Possible actions at national and site levels:

1. Review the legal and policy provisions that are relevant to strengthening the involvement of indigenous peoples and local communities in wetlands management decision-making processes, and identify the enabling elements and the possible gaps;
2. Explore options for promoting legal and policy reform to strengthen provisions for community participation;
3. Explore alternative approaches in the form of para-legal tools or policy and regulatory provisions; and
4. Inform indigenous peoples, communities and other stakeholders about the legal provisions that support meaningful community participation.

(ii) Making participation more meaningful

It has been established that participation of indigenous peoples and local communities in biodiversity conservation, and specifically wetland conservation and wise use, has been an incremental process in the last decades, in extent and quality: from a few cases to a mainstream practice, and from consultation to involvement in decision-making. This trend however is still leaving many gaps, and indigenous peoples and local communities themselves are demanding more opportunities to participate, and processes of participation that are more meaningful.

The policy provisions of the Ramsar Convention and the experiences of the case studies reported previously suggest that two very important aspects for making indigenous peoples' and local communities' participation more meaningful in wetlands' management are (i) to advance the recognition and security of rights, and (ii) to create real opportunities for co-governance and for sharing decision-making power. There are practical steps that can help strengthen community participation in this regard.

Possible actions at national and site levels:

5. Review the situation of indigenous peoples and local communities related to wetlands on matters concerning their traditional rights of ownership and access to resources, and examine with them the options for bringing additional clarity and security of tenure and access where appropriate;
6. Identify the conflicts that may exist regarding the exercise of indigenous and community rights to the wetland resources in relation to other stakeholders' entitlements and interests, and seek opportunities to facilitate negotiation and conflict resolution with third parties in order to secure the rights and needs of local communities;

7. Examine the decision-making processes and structures for wetlands management and identify options for creating spaces and opportunities to strengthen community participation at site and national levels;
8. Support actions for developing the capacity of the communities to engage in decision-making processes – information sharing, training, engagement in concrete exercises, mentoring, etc.;
9. Ensure that transparency and access to information are regularly observed by wetlands management agencies, so that indigenous peoples and local communities are regularly informed of all situations and factors that need to be considered for their meaningful involvement;
10. Support the strengthening of representative indigenous and community institutions and structures that can faithfully speak for the communities, while taking into account their own customary systems for legitimate representation;
11. Incrementally exercise delegation of authority to the communities in taking decisions and implementing management, where appropriate, to enable and empower them while making the necessary adjustments as the experiences evolve.

(iii) Recognizing and working with customary governance

The previous sections on the Ramsar Convention's policy framework on participation and on the lessons from countries have shown the importance that customary governance of indigenous peoples and local communities has had for wetlands conservation and wise use, and the impetus that the recognition, revitalization and strengthening of customary governance systems is having in many places. There are good examples today of useful steps that can be taken for working with customary systems, as reported in several case studies.

However, despite their evident importance and their potential for advancing conservation and wise use of wetlands, customary systems in many places are still not understood, not recognized, and are often undervalued by official policies and agencies. There are some steps that can be recommended to address this problem and to get customary systems to work effectively and hand-in-hand with statutory governance and institutions.

Possible actions at national and site levels:

12. Document in a participatory way the customary systems, and systematize with the communities their traditional regulations, the processes for their enforcement, the structure and operation of their traditional institutions and authorities, the mechanisms for legitimation of the normative systems, etc. A good example for an approach to document customary governance systems is the case of Xe Champone in Lao PDR.

13. Give assurance to the communities that their systems will be respected, and that if any change to them is needed, it will be implemented together with the communities and not by imposition. In many cases, the conditions today are different from the past and rapidly changing, and therefore customary systems need to change and adapt – which is often very challenging for the communities because the traditional ways of adapting these systems often requires gradual change. A process of documentation and codification of the customary rules is a key step in supporting the communities in updating and revitalizing their systems of regulations.
14. Compare the systematization of normative frameworks for resource use of the communities with statutory regulations to identify synergies: this is a very useful step with multiple benefits. It creates opportunities for dialogue and understanding between the communities and official institutions; it helps both the communities and the institutions to enrich the bodies of regulations by mutual learning and complementarity; it helps understand differences and potential sources of conflict; it supports community learning, reflection and empowerment.
15. Invite community authorities to sit at committees and other bodies or spaces for decision-making and strategic planning about wetlands, give them due recognition as community authorities that enjoy support, legitimacy and trust from the communities.
16. Recognize and support the exercise of authority by the customary leaders, and delegate to them official functions that can be carried out in the context of both statutory and customary frameworks – such as monitoring, controlling, reporting and others.
17. Support capacity building of the traditional authorities on matters related to statutory law and public administration relevant to wetlands governance and jurisdictions, so that they can better understand and translate such matters to the local system.

(iv) Enhancing the involvement of women

The importance of integrating gender mainstreaming in Ramsar Site conservation activities to ensure the participation of women is highlighted in questionnaire responses, and the central role women play in providing, managing, and safeguarding wetland and water resources for their communities is illustrated across a number of case studies. Their empowerment is a requirement for effective wetland and water management, and there are a number of principles that can be considered to help identify options to enhance women's participation in wetland and water resource management.

Some options to enhance women's participation in wetland and water resource management include:

18. Recognize women's central role in providing, managing, and safeguarding wetland and water resources for indigenous peoples and local communities associated to wetlands;
19. Recognize as well the critical role of women from indigenous and local communities in transmitting and maintaining traditional knowledge and practices for wetland and water management and their wise use;
20. Actively support women's full participation in the governance of these resources at all levels;
21. Mainstream gender issues across wetland, water, and cross-sectoral policies and plans;
22. Evaluate, and quantify where possible, the economic, cultural, and social benefits of women's wetland-based livelihoods;
23. Provide technical and financial support and generate incentives for improving the water and wetland management of indigenous and community women and their family livelihoods;
24. Ensure that solutions to enhance gender equality are adapted to the cultural contexts of indigenous peoples and local communities.

B. Enhancing livelihood benefits

The Ramsar Convention has recognized that participatory management with indigenous peoples and local communities associated with wetlands requires ensuring the continued delivery of benefits to them, based on the wise use of wetlands and access to the ecosystems services that they provide. Many Contracting Parties integrate the economic values of wetlands, which are at the basis of livelihood benefits for local people, and several National Focal Points and Administrative Authorities in their responses to questionnaires have confirmed that in their wetland sites communities engage in practices for the sustainable use of ecosystems and that securing the benefits to their livelihoods from such practices is fundamental for the conservation of wetlands.

Possible actions at national and site levels:

25. Undertake an analysis of the resource use activities of the communities in the wetlands to assess the real generation of benefits, jointly with the effects on the ecosystems, and examine opportunities for improvements to achieve greater benefits for both communities and wetland ecosystems;
26. Involve agencies and institutions working on programmes of poverty reduction, food security, health and other community development issues, to coordinate actions to maximize the efforts and avoid divergent approaches;
27. Actively explore with the communities the potential opportunities for new livelihood related activities that may improve food security and community wellbeing while maintaining sustainable resource use;

28. Explore specifically actions that can enhance the benefits for the women and youth of the communities and make their livelihoods more secure; and
29. Work with the communities to update, develop or strengthen regulatory and zoning systems for resource use so that management planning maximizes the co-benefits of resource use for the communities and the ecosystems.

C. Enabling activities

Activities that could support the implementation of the above thematic areas, and which the Ramsar Convention Contracting Parties could consider undertaking in the coming years subject to the availability of capacity and resources, include:

1. **Updating the “Guidelines for establishing and strengthening local communities’ and indigenous people’s participation in the management of wetlands”:** Almost 20 years have passed since the inception of the *Guidelines*. As described in this report, many developments have taken place over this period on issues of indigenous peoples’ and local communities’ role in conservation, within and outside the Ramsar Convention; many innovations have been implemented by Contracting Parties and stakeholders; indigenous and community organizations themselves have significantly grown as actors and partners. This seems to be a good time for updating the *Guidelines* to reflect all those developments and the learning they have generated. Updating the *Guidelines* would ideally be a collective effort that engages the wide range of actors relevant to the topic, in particular indigenous peoples and local communities, together with Contracting Parties and partners.
2. **Updating reporting procedures, including for National Reports, Ramsar Information Sheets and data on cultural characteristics:** In developing this report, it has become evident that the existing information base for Ramsar Sites and wetland management does not fully reflect the richness of experiences and innovations in inclusive wetland conservation and wise use that Contracting Parties, indigenous peoples and local communities and other partners are implementing on the ground. Likewise, the available tools for capturing information are not sufficiently adapted to gather the type of evidence that is needed for improved learning. Examples of existing reporting procedures and tools on the involvement of indigenous peoples and local communities that could be improved include:
 - i. **National Reports:** Development of a revised reporting format for Contracting Parties, specifically providing for additional or more detailed information on participation. The current general questions about “stakeholder involvement” could be broken down into

separate questions about indigenous peoples and local communities, as one topic, and other stakeholders as a separate topic. Without disaggregated information it is not possible to advance the analysis and learning specifically on indigenous peoples and local communities. Disaggregating these data could also enable the development of a more effective indicator for Target 10.

- ii. **Ramsar Information Sheets & data on cultural characteristics:** The Ramsar Information Sheets also require updating. Many of them contain obsolete or minimal information about indigenous peoples and local communities. Given the importance of the RIS as a first-stop information tool, it would be very valuable to update them, using new guidance and possibly a revised template. Specifically, the data on the cultural characteristics of Ramsar Sites – the ‘cultural values’ which, in addition to ecological values, are relevant for the designation of Ramsar Sites (Resolution IX.21) – should be updated as they are of fundamental importance for indigenous peoples and local communities given their association with wetlands through many dimensions of culture, such as traditional knowledge and practices, customary governance, value systems and cultural expressions.
 - iii. **Developing an online platform similar to those of the CBD and the UNFCCC:** Options could be explored to create an online platform specifically focused on indigenous peoples and local communities. In the past, the Ramsar Convention Secretariat in partnership with IUCN and WWF created the Participatory Management Clearing-house (PMC), which for several years provided a very useful platform to showcase work on participatory management of natural resources, including co-management, community-based management, and indigenous peoples’ management. While the PMC might have been superseded by other platforms, a new version of such a mechanism could be valuable. Examples of current platforms that could be examined for reference are the CBD’s Traditional Knowledge Information Portal⁶⁸, and the recently established Platform on indigenous peoples and local communities of the UNFCCC, which is a useful reference⁶⁹. The Secretariat of the World Intellectual Property Organization (WIPO) also created an “Indigenous Peoples and Local Communities Portal” to improve access to information for indigenous peoples and local communities on traditional knowledge⁷⁰.
3. **Publishing technical papers on key topics:** Complementary to an updated version of the *Guidelines*, technical papers on some key topics could be published to support strengthening participation, governance, and enhancing livelihood benefits, such as those which have emerged in the preparation of this report as areas for

68 <https://www.cbd.int/tk/>

69 The UNFCCC COP in 2015 recognized “the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change”, and established “a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner”. In November 2017, the COP decided that the platform, among other functions, “should facilitate the integration of diverse knowledge systems, practices and innovations in designing and implementing international and national actions, programmes and policies in a manner that respects and promotes the rights and interests of local communities and indigenous peoples”. FCCC/CP/2015/10/Add.1, para 135., and FCCC/SBSTA/2017/L.29, para 6. http://unfccc.int/documentation/documents/advanced_search/items/6911.php?prirref=600009816

70 <http://www.wipo.int/tk/en/indigenous/>

new research and innovation: governance approaches, tenure and resource access frameworks, customary systems, improved involvement of women, livelihoods and markets, etc. Consideration could also be given to publishing further reports on the model of “Learning from Experience: How indigenous peoples and local communities contribute to wetland conservation in Asia and Oceania” to provide region-specific examples.

- 4. Facilitating technical discussions:** Similarly, technical discussions could be facilitated from time to time on some key issues, for example through online forums. This is a frequent practice today that is engaging growing numbers of participants, including from indigenous and community organizations, given the expanding access to internet and related facilities. A relevant example is the CBD’s Online Forum on Traditional Knowledge and Targets 18 and 16 of the Strategic Plan for Biodiversity 2011-2020, held in November 2017⁷¹.
- 5. Showcasing the Convention’s experiences at international and regional meetings:** Technical discussions and showcasing of experiences could also be promoted at international and regional meetings, for example at COPs of MEAs. This could be done in the form of side events or other activities where participants could be invited from Parties, indigenous and community organizations, and others in attendance. These are very good opportunities not only for useful discussions but also for enhancing the visibility of Ramsar as a Convention that actively engages indigenous peoples and local communities.
- 6. Liaising with UNPFII and other international processes:** Further, regarding international meetings and processes, there are a number of opportunities to engage or strengthen relationships with relevant international processes and instruments. One of them, referred to earlier in this report, is the UN Permanent Forum on Indigenous Peoples Issues – for example through attendance at their yearly meetings in order to liaise with the Forum, with international organizations and with indigenous and community networks. With regard to other MEAs, the CBD has regular meetings of its Ad Hoc Open-ended Working Group on Traditional Knowledge that representatives of other MEAs attend for sharing, networking and learning.
- 6. Raising the profile of indigenous peoples and local communities at Ramsar COP:** The Ramsar Convention COPs are excellent opportunities to advance the issue of the involvement of indigenous peoples and local communities in wetland policy and practice. It has been regular practice for more than 20 years to have technical discussions during the COPs on topics of indigenous peoples and local communities participation, and this tradition could be continued and enhanced. It should be recalled that Ramsar COP in 1996 urged “Contracting Parties to consider representation of local and indigenous people on National Ramsar Committees, and, where possible and appropriate, in the national

delegations to future meetings of the Conference of the Contracting Parties” (Resolution 6.03).

- 7. Engaging further with indigenous and community networks:** Existing groups and mechanisms within the Convention that are relevant to the topic, such as STRP, the CEPA Network, and others, may also have opportunities to address issues related to indigenous peoples and local communities in their work, and to also engage indigenous and community participants in those networks, either permanently or for specific activities.

71 <https://www.cbd.int/tk/cb/onlineforum.shtml>

Annex 1: Questionnaire format

1. Are there national policies, regulations and/or technical guidelines that support the involvement of indigenous peoples and local communities in wetland management, for example regarding participation and consultation? Do such instruments exist at the subnational (e.g. provincial) or local levels? Please briefly describe their provisions.
2. Have indigenous peoples and local communities been involved in the designation of Ramsar Sites? How have they been involved? Please provide one or more examples.
3. Are there cases of participation of indigenous peoples and local communities in the preparation of management plans of Ramsar Sites? Please provide one or more examples.
4. What approaches are used to include the participation of indigenous peoples and local communities in the management of Ramsar Sites?
5. Has valuable knowledge of indigenous peoples and local communities for the conservation of wetlands been identified? If so, how is this knowledge reflected in management plans and in management practices?
6. Is there an institution or body to facilitate the participation of indigenous peoples and local communities in Ramsar Sites, and more generally in wetland management?
7. Are there processes for coordination with other government bodies on issues related to the involvement of indigenous and local communities? For example, with water management, fisheries management, development agencies, etc.
8. What relationship exists between institutions in charge of managing Ramsar Sites and indigenous and community organizations (at local, subnational and national levels)? (For example, with indigenous federations or associations of user communities.)
9. What relationship exists between your organization and other organizations that work with indigenous peoples and local communities (NGOs, international institutions, etc.) in relation to their involvement in the management of Ramsar Sites?
10. What are the major challenges with regard to more effective involvement of indigenous peoples and local communities in Ramsar Site management?
11. What would be appropriate strategies for more effective involvement of indigenous peoples and local communities in Ramsar Site management?
12. Do you think the Ramsar Convention should have new or different instruments to support Contracting Parties in achieving more effective involvement of indigenous peoples and local communities in Ramsar Site management? If yes, what types of instruments could be considered?



CONVENTION ON WETLANDS
CONVENTION SUR LES ZONES HUMIDES
CONVENCIÓN SOBRE LOS HUMEDALES
(Ramsar, Iran, 1971)

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