Protocol for peer review of submissions from Spain to the Global ICCA Registry, managed by UNEP-WCMC

INICIATIVA COMUNALES

UN environment WCMC

The ICCA Consortium

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Acronyms used in the text:

CBD: Convention on Biological Diversity. https://www.cbd.int/

ICCA: ICCA is an international abbreviation (not an acronym) recognized by organizations such as the United Nations and the IUCN. It means: "territories and areas conserved by indigenous peoples and local communities". In the case of Spain it only includes local communities, being "*áreas conservadas por comunidades locales*". See "ICCA" in the glossary.

ICCA Consortium: The ICCA Consortium is a global grassroots association made up of around 100 organizations and over 200 individuals in more 70 countries, with the shared objective of promoting the appropriate recognition of, and support to, ICCAs. The member organizations are groups, networks, federations and associations of local communities and indigenous peoples, and the civil-society organizations that work closely with them. http://www.iccaconsortium.org/

IUCN: International Union for Conservation of Nature (IUCN). https://www.iucn.org/

UNEP: United Nations Environment. http://www.unep.org/

UNEP-WCMC: United Nations Environment World Conservation Monitoring Centre. http://www.unep-wcmc.org/

Glossary: Definitions of the terms used:

Candidate ICCA: an area that presents its candidature for inclusion in the *ICCA Registry*, from its initial request until its final acceptance into the Registry (when and if that happens).

Conservation: with reference to the conservation of nature. One of the most widely used definitions is "the management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations. Thus, conservation is positive, embracing preservation, maintenance, sustainable utilization, restoration, and enhancement of the natural environment." (**World Conservation Strategy**, 1980) Therefore, conservation is not synonymous with preservation, non-intervention or absence of use, but includes a broad range of non-destructive (sustainable) uses, as well as the restoration of degraded ecosystems and habitats.

Conserved Area: a clearly defined geographical area whose management and governance, through legal or other effective means (customs, practices, beliefs, traditional knowledge, etc.), promote the long-term conservation of nature, of its ecosystem services and its associated cultural values. The difference between *Conserved Areas* and *Protected Areas* is, among other things, that in the former, the conservation of nature has been de facto achieved, whereas in the latter conservation is an objective and has not necessarily been achieved. At the same time, in *Conserved Areas*, nature conservation was not necessarily the ultimate goal or the primary cause of its historical existence (at least not explicitly), although, in practice, this goal is achieved, both now and in the longer term. *Conserved Areas* do not necessarily have legal or administrative recognition. Examples of *Conserved Areas* are common lands or the territories of indigenous peoples, whose governance systems have conserved the nature, which, for centuries, has provided them with livelihoods.

Facilitative Organizations: regional or national organizations, formed and governed by ICCAs or comparable communities (depending on the relevant culture or region), with sufficient experience, representation and capacity to assist the candidate as it seeks to gain acceptance into the *ICCA Registry*, whilst observing the necessary guarantees of transparency, equity and level of participation. Facilitative Organizations are charged with mobilizing and coordinating the initial phases of the process, as well as being guarantors of its transparency and fairness. The ICCA Consortium is the body charged with the duty of identifying and supporting Facilitative Organizations, which, in the case of Spain, will be the association *Iniciativa Comunales*. The present protocol has been designed with the expectation that the ICCA Registry Committee will gradually assume more responsibility in the process as representatives of new ICCAs are incorporated. As this happens, the active role of the Facilitative Organization will become less and less necessary.

Facilitator: a person (or group of people) who, in the name of a Facilitative Organization (see glossary), helps and guides a local community or indigenous people through the candidature process for its ICCA to join the *ICCA Registry*. The facilitator's role is to provide support and information to the candidate and help it complete the process in the spirit of free, prior and informed consent. Although the facilitator's role is essentially neutral (they play no part in peer review), the facilitator will ensure, to the greatest extent possible, that the candidate ICCA provides information that is accurate and complete, in this respect they work hand in hand with communities.

Governance: the processes and social structures that determine how power, decision-making and compliance with rules and responsibilities are exercised by a social group. For example, who decides, and through what processes, how to manage a forest, who has the right of access and what are the regulations governing its use and enjoyment, among other things.

ICCA: Abbreviation of "territories and areas conserved by indigenous peoples and local communities". An area must fulfil three characteristics in order to be considered an ICCA: 1. *Community*. A well-defined community that has a profound link (cultural, historic, etc.) with a well-defined area or territory; 2. *Governance*. The community is the principal actor in taking and implementing decisions concerning the territory (they have *de facto* capacity or *de jure* capacity to develop and implement methods of management, rules, etc.); 3. *Conservation*. The result of this governance is the conservation of nature (biodiversity, landscapes, ecosystem services, or restoration of degraded habitats, etc. This may include conservation of socio-cultural heritage).

ICCA Registry: the official database of the UN Environment World Conservation Monitoring Centre that, on a global level, details areas governed by local communities and indigenous peoples whose management and governance make significant contributions to the conservation of nature. Areas are included regardless of whether they are recognized as such by the state or by regional public administration.

ICCA Registry Committee (RC): the ICCA Registry Committee will have ultimate responsibility for decisions on whether a candidate meets the established criteria for inclusion in the ICCA Registry (See Step 8 of the present protocol for more information on the Committee). As the Registry grows and includes details of more ICCAs, this increase will be reflected in the number of ICCA representatives in the Committee. Ideally, as the Committee gains experience and is made up of a larger number of representative members from the communities, the role of the Facilitative Organization will become less necessary, and the Committee will assume more responsibility for all phases of the protocol, including ways to improve its own functioning, deal effectively with challenges, initiate new projects, and so on.

Peer review: a revision process based on evaluation among equals. In the case of this protocol, a candidate ICCA wishing to be included in the ICCA Registry will submit information to be critically evaluated by two members of other ICCAs, chosen by the Facilitative Organization because of their experience and local knowledge of the issues to be evaluated. See *reviser*.

Protected Areas: the IUCN defines a Protected Area as "a clearly defined geographical area, recognised, dedicated and managed through legal or other effective means, to achieve the long-term conservation of nature with its associated ecosystem services and cultural values". Protected Areas are often Natural Protected Areas as declared by states or other administrations (e.g. Natural Parks, Biosphere Reserves, Natura 2000 Network), or private entities like NGOs, companies, etc. However, regardless of who declares a Protected Area, their governance system can be public, private, community-based, shared, etc.

Reviser: a person who is a member of an ICCA or comparable area, whose recognized experience and knowledge permits them to make a critical evaluation of the information presented by a candidate ICCA. The reviser may also request or provide additional information on the topic, on his/ her own initiative, or with the help of third parties. The scope of knowledge may include: conservation of nature and culture, sustainable use of natural resources, collective rights, systems of governance, etc. The reviser is chosen by the Facilitative Organization and he/she will come from an ICCA geographically proximate and with comparable habitats, uses and systems of governance (for example, the reviser of a communal forest ICCA candidature will be a member of another forest ICCA, so that he/ she can understand the context, legal framework, etc.). Each candidature to the ICCA Registry will be evaluated by two revisers, and the Facilitative Organization will guarantee the anonymity of these revisers, with the goal of guaranteeing equity and due process.

1. Motive: The objective of the present protocol is to put in place a transparent, feasible and consensual method for establishing, by a process of peer review, the qualifications of an area that wishes to become part of the ICCA Registry, managed by UNEP-WCMC. Although this process is for implementation in Spain, other countries may wish to use this document to inform the development of their own peer review processes. Its goal is to guarantee that a candidate area fulfils the conditions that define an ICCA. A key element in this process is the premise that the protocol eventually be run by the ICCA communities themselves (with access to any facilitation they may require), so that they themselves, through the systems of governance that they establish, sovereignly govern the registration process.

The process of peer review described here was first outlined at the Cambridge, UK, meeting in March 2015, by UNEP-WCMC members, the ICCA Consortium and representatives of ICCA organizations from the Philippines (ICCA Consortium Philippines), Iran (UNINOMAD and CENESTA) and Spain (Iniciativa Comunales). At the meeting, it was agreed that this protocol should be enacted, with the guarantee and agreement of all parties, and that it should be accepted and further developed by the communities themselves. Toward this end, the ICCA Consortium identifies and supports specific regional and state-based organizations (see *Facilitative Organization* in the glossary) as they adapt, develop and implement the initial protocol draft, according to the needs, objectives and context of each country or region. The role of the Facilitative Organization is to give the process greater immediacy and to guarantee participation and direct contact with the local reality. This relationship would be very difficult or impossible to foster without organizations with roots in the territory.

Soon after the Cambridge meeting, the ICCA Consortium proposed a follow-up workshop. It was held in Medialab Prado, Madrid, organized by Iniciativa Comunales and facilitated by the Entretantos Foundation. There, a group of representatives from Spanish local communities and experts on ICCAs in Spain, discussed and defined the peer review document, with the active participation of all present. Subsequently, this version was reviewed by the members and collaborators of Iniciativa Comunales, UNEP-WCMC and the ICCA Consortium. They reached agreement on a global draft to be disseminated among the members of the ICCA Consortium for adaptation to the needs in other countries and regions. As a final step, this document, based on the global draft, has emerged. It is the protocol proposed for use in Spain, and it was approved by consensus at the General Assembly of the Iniciativa Comunales Association on June 4, 2016 in Alsasua, Navarra.
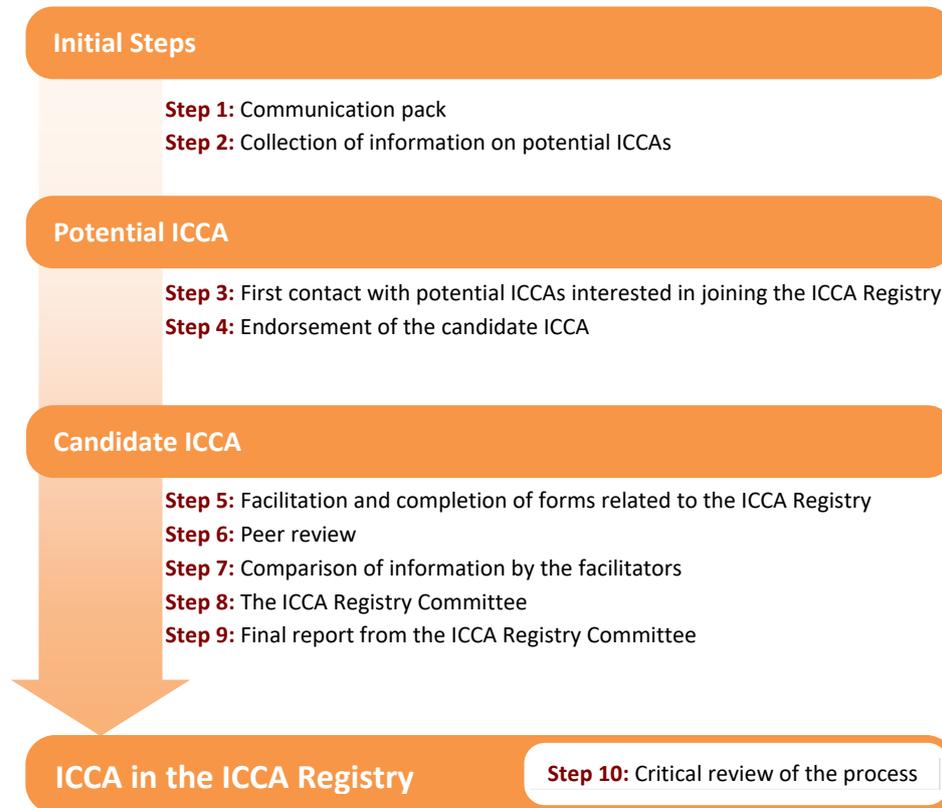
2. Introduction: In areas and territories conserved by local communities and indigenous peoples, social, economic and environmental functions are closely interrelated. There is an increasing recognition, especially at the international level, of the role local communities and indigenous peoples play in the conservation of nature. However, the key role of governance by these communities (who makes the decisions) is often overlooked when the state of conservation of nature in a territory, its sustainability and level of resilience, are discussed. Focusing on *who* governs "protected areas" and "conserved areas" (see glossary), both the IUCN and the CBD distinguish four types of governance: A. governance by public administrations; B. joint governance (for example, public-private co-management); C. private governance and D. governance by local

communities and indigenous peoples. Governance by local communities and indigenous peoples – which usually refers to "ICCAs", spanning both "conserved areas" and "protected areas"—is estimated to be the very abundant worldwide. Historically, it precedes the protected area systems established by state governments, most of which date from the 1970s and 1980s.

Despite the importance of the contribution of ICCAs to global nature conservation, governance by indigenous peoples and local communities receives the lowest level of social and official support and recognition, and suffers the most attacks and threats from many sides. With the aim of giving international support and recognition to ICCAs and their results and, at the same time, improving the recognition of their contribution to the conservation of nature, UNEP-WCMC, in collaboration with the ICCA Consortium, has developed an ICCA Registry. The ICCA Registry collects data on areas that are conserved by local communities and indigenous peoples, and whose governance and management represent an important contribution to the conservation of nature at an international level. Their inclusion in the database does not depend on whether or not the state or regional administration officially recognizes them and their conservation results.

To ensure the quality and accuracy of this Registry (which is based on the Free, Prior and Informed Consent (FPIC) of the relevant communities and includes a description of their contribution to nature conservation, their type of governance institution, the ownership of the area, etc.), applications will be submitted to a peer review process in which the information will be reviewed by other ICCAs. The peer review process will be carried out anonymously by members of other communities who have demonstrated capacity and experience in the areas to be reviewed. The process will be facilitated at the global level by the ICCA Consortium, and at the local level by regional or national organizations or federations formed and governed by ICCAs or comparable communities. The organisations will be chosen for their knowledge of the culture and the region involved, will have an adequate level of experience to represent the area well, and will have the capacity to facilitate the process and implement the required guarantees of transparency, equity and degree of participation. In this document, these organizations are called *Facilitative Organizations,* and the international ICCA Consortium is the entity taking on the responsibility to promote and support them wherever possible. One of the medium-term objectives of the protocol is that the communities that join the ICCA Registry (by virtue of their regional level governance structures) autonomously assume the tasks and responsibilities initially assigned in this document to Facilitative Organizations.

3. Protocol:

Initial Steps

Step 1: Communication pack
Step 2: Collection of information on potential ICCAs

Potential ICCA

Step 3: First contact with potential ICCAs interested in joining the ICCA Registry
Step 4: Endorsement of the candidate ICCA

Candidate ICCA

Step 5: Facilitation and completion of forms related to the ICCA Registry
Step 6: Peer review
Step 7: Comparison of information by the facilitators
Step 8: The ICCA Registry Committee
Step 9: Final report from the ICCA Registry Committee

ICCA in the ICCA Registry

Step 10: Critical review of the process

Figure 1: Steps of the protocol for the peer review of applications to the ICCA Registry of UNEP-WCMC

Step 1: Communication pack

Who: The **Facilitative Organization,** with help from the **ICCA Consortium** and **UNEP-WCMC**.

What: A **communication pack** aimed primarily at informing potential ICCAs about the ICCA Registry will be created and developed in a participatory manner. It will describe the ICCA Registry along with, for example, the potential pros and cons of belonging, and the process necessary for an ICCA to be included in the ICCA Registry (e.g. the peer review process). This pack may also include information about the ICCA Registry for use by the general public, government administrations, the press, etc. It is especially important that these materials be adapted to the needs, languages and realities of the communities, without negating the use and adaptation of the materials already developed (for example, http://cmsdata.iucn.org/downloads/cartilla_sobre_gobernanza_para_areas_protegidas _y_conservadas.pdf (Spanish) or https://portals.iucn.org/library/sites/library/files/documents/2014-033.pdf (English). Prior to distribution, the communication pack will be reviewed by the ICCA Consortium and UNEP-WCMC, in order to ensure the quality and consistency of the various communication packs.

Step 2: Collection of information on potential ICCAs.

Who: The **Facilitative Organization**.

What: The Facilitative Organization will contact its members and other groups to gather information about potential ICCAs in the region that might be interested in being included in the ICCA Registry. The criteria for proposing an ICCA will be basically the three characteristics that define an ICCA: 1. A well-defined community that has a profound link (cultural, historic, etc.) with a well-defined area or territory. 2. The community is the principal actor in taking and implementing decisions concerning the territory (they have *de facto* or *de jure* capacity to develop and implement methods of management, rules, etc.), that is to say, it has a governing capacity over the territory. 3. The result of this governance is the conservation of nature (biodiversity, landscapes, ecosystem services, restoration of degraded habitats, conservation of socio-cultural heritage, and defending the territory against destructive projects and other environmental threats).

These three aspects, inherent in the definition of an ICCA, will serve as the main criteria for the identification of potential candidates. Two additional aspects could be added to these in order to identify initial exemplary cases: 1. the candidate should demonstrate outstanding initiatives (they may be innovative, serve as paradigms, be demonstrative, successful, etc.) that are, a priori, of especial interest regarding nature conservation and territorial governance; 2. As far as possible, the candidate should be geographically representative of the habitats and sectors in the region, such as forestry, fishing, and pastoral (among others).

Step 3: First contact with potential ICCAs interested in joining the ICCA Registry

Who: A **facilitator** who acts in the name of the **Facilitative Organization** (usually a member of the Organization), with the support of **UNEP-WCMC** and the **ICCA Consortium**.

What: The facilitator initiates contact with the leadership of a potential ICCA that might be interested in joining the ICCA Registry, and informs them of that possibility. The potential ICCA, through its representatives, assembly, appointed spokesperson, or any other system established by the ICCA itself, will set the pace and the manner of contact and exchange of information. This is where the communication pack will be used, trying, in every case, to make the contact as direct as possible to facilitate dialogue and ensure the best possible feedback. If the potential ICCA requests it, and resources are available, there is the possibility of an informative personal meeting with the ICCA leaders, an open discussion with ICCA members, or any other form of dialogue as decided by the ICCA itself. One of the members of a facilitating group will carry out coordination tasks (with the help of the Facilitative Organization, UNEP-WCMC and the ICCA Consortium) to ensure that all facilitators are provided with basic training as well as clear and uniform criteria for their function(s).

Step 4: Endorsement of the candidate ICCA

Who: The **potential ICCA** itself.

What: Once the potential ICCA feels the informative dialogue has been sufficient for its members to decide if they identify with the ICCA ethos, and if they are interested in being part of the ICCA Registry (always based on the principle of free, prior and informed consent), they may, within an appropriate time-frame, submit the proposal to their community for endorsement and then inform the Facilitative Organization of their decision. If the response is positive, the potential ICCA becomes a candidate ICCA and passes to the next step (step 5). Regardless of whether the decision is negative or positive, the reasons for the decision should be gathered, in order to understand the thinking behind it. Only those potential ICCAs with a clear and unequivocal interest in taking the next step, and in full compliance with its internal governance rules (e.g. Assembly mandate, Board of Directors' decree, etc.), will then begin the process of joining the ICCA Registry.

Step 5: Facilitation and completion of documentation related to the ICCA Registry

Who: The **candidate ICCA,** with the assistance of a **facilitator** who acts in the name of the **Facilitative Organization** and the support of **UNEP-WCMC** and the **ICCA Consortium**.

What: The facilitator assists and supports the candidate ICCA as it completes all the documentation necessary to continue the process, particularly the information required by UNEP-WCMC for entry into the database. It is recommended that there is also a designated contact person within the candidate ICCA. If the available resources allow, the facilitator will personally visit the candidate ICCA, to gather as clear an idea as possible of its characteristics. Once the documentation is complete, it will be sent to UNEP-WCMC for approval of its format, basic coherence, etc. To the greatest extent possible, the facilitator will work hand in hand with the candidate ICCA to complete and verify the documentation.

Step 6: Peer review

Who: The **revisers** with the help of the **facilitator**.

What: Once the documentation has been approved by UNEP-WCMC, the facilitator will deliver the information on the candidate ICCA to the revisers, including the UNEP-WCMC documentation. Each ICCA candidature will have two *anonymous* revisers. The revisers will not have contact with the members of the candidate ICCA, nor will they know the identity of the other revisers or have contact with them. This is to ensure that the review is as objective as possible and based solely on the data reflected in the documentation and the reviser's own criteria and experience. Prior to completing the final review report, the reviser may send a working draft to the candidate if there are any nonconformities or a significant lack of information, so that the candidate will be able to

adequately resolve them. After this phase, each of the two revisers will issue a review report, which may include requests for additional information, questions and relevant supplementary data. In the report's conclusion, the reviser will state their approval or non-approval for the inclusion of the candidate ICCA in the ICCA Registry.

Step 7: Comparison of information by the facilitators

Who: The **facilitators**.

What: After receiving all the reports from the revisers, the facilitators of each region will compare and consolidate the results of all the candidacies within a pre-determined time period (for example, annually). The purpose of this comparison is to ensure fairness of the different reviews, identify limitations and problems in the process, and share lessons learned. Additionally, the facilitators are responsible for identifying any non-conformity (negative reports or contradictory reports of revisers). In the case of conflicting reports from the revisers, and depending on the nature of the conflict, additional information may be requested from the revisers and, in cases where their response fails to help with the decision, other means, such as contacting a third reviser, may be employed. During this phase of information consolidation, the group of facilitators may involve third parties (experts, etc.) should it be deemed necessary. Finally, the group will compile the review reports and the forms completed by the candidate ICCA and submit them to the ICCA Registry Committee (step 8). Throughout the entire process, the objective of the group of facilitators will be to obtain and produce reliable and high-quality documentation on the candidacies and make it available to the ICCA Registry Committee in a timely manner.

Step 8: The ICCA Registry Committee

Who: **The ICCA Registry Committee**.

What: The ICCA Registry Committee will be the body empowered to give the final say on whether a candidate ICCA in its region meets the necessary requirements to form part of the ICCA Registry, based on the information contained in the ICCA Registry forms and the revisers' reports. The necessary documentation (completed forms and reports from revisers) will be provided in advance to the members of the Committee for their review. During the Committee meeting (which is proposed to be annual), each facilitator will present their candidate ICCA and then present the results of the review reports. The final decision will be made, whenever possible, by consensus. If the Committee finds that a lack of relevant information makes it difficult to decide whether a candidate conforms or not, they may retain the application as "pending further information" and postpone their decision until the next Committee meeting, during which time the missing information can be supplied. Thus, there are three possible outcomes: *conforms, does not conform* and *pending information*. In cases where a candidate ICCA's application does not conform, the Committee will advise the candidate of its evaluation and give full details of the reasons for the opinion given. In conjunction with this information, the Facilitative Organization

will make its resources available to the candidate ICCA, with the aim of analysing and correcting the reasons for the decision (whether in the short or long term), provided that the community has expressed its desire to do so.

The ICCA Registry Committee will be composed of:

- A representative of each of the ICCAs that are already part of the ICCA Registry in the region. This group will increase in size as new ICCAs join the ICCA Registry.

- The facilitators of the ICCA candidates under review.

- A representative of the Facilitative Organization.

- A representative of each of the member entities of the ICCA Consortium of Spain (provided they are not already represented as members of the ICCA Registry).

- Other experts chosen by the members previously stated.

All members of the Committee will have a voice and a vote (except for experts and facilitators, who will have only a voice). Members of the candidate ICCAs and their revisers will not be present at the Committee meeting. It is important to note that, as the register grows and includes more ICCAs, this increase will be reflected in the proportion of ICCA representatives on the Committee. Ideally, as the Committee gains experience and a greater number of community representatives, the role of the Facilitative Organization (*Iniciativa Comunales*) will diminish, and the Committee will be able to assume increasing responsibility for all phases of the protocol, including decisions on its improvement, meeting emerging needs, and so on, and will increasingly assume the functions that are stated in this protocol as the responsibility of the Facilitative Organization.

Step 9: Final report from the ICCA Registry Committee

Who: The **ICCA Registry Committee**.

What: Once the decision has been taken, the Committee will inform the candidate ICCA, UNEP-WCMC and the ICCA Consortium. In the case of positive decisions, UNEP-WCMC will finalize the acceptance of the ICCA into the ICCA Registry, notifying all those involved in the process. The ICCAs that join the ICCA Registry will take on an active role in the Committee and will, over time, make up a larger proportion of the Committee, assuming, little by little, the functions and responsibilities of the Facilitative Organization. The result will be a process that is increasingly autonomous and independent of external help. In the case of negative decisions from the Committee, all notifications will be dealt with in a comparable and equitable manner. In the case of areas that have not passed the Registry process, those that demonstrate interest will be enabled to conduct a joint study of the community to develop a support plan suited to its characteristics, situation, legal system, etc. The goal here will be to work with the communities to

develop a joint line of work to maximize their potential, especially in the aspects that define an ICCA. One of the objectives of this support (but not necessary the principal one) will be to redress the problems that resulted in the ICCA candidature being unsuccessful, so that it can prepare its candidacy for future inclusion in the ICCA Registry.

Step 10: Critical review of the process

Who: All participants in the process.

What: It is recommended that all the participants in the process (representatives of candidate ICCAs, revisers, facilitators, etc.) conduct sharing/pooling sessions to review processes, analyse the completed forms, etc. (annually or, at least, every five years), with the objective of identifying deficiencies, needs and areas to be improved. The resulting conclusions and recommendations will be forwarded to the ICCA Registry Committee who will take appropriate action from that point on. In addition, a time table (e.g. five-years) will be established for a review of the ICCAs already included in the ICCA Registry, in order to update their information and confirm that they continue to embody the characteristics that led to their original acceptance into the ICCA Registry.