Marine and Coastal Indigenous and Community Conserved Areas (ICCAs) in the South of Iran and a Review of Related Laws

Razieh Ghayoumi

The United Nations-Nippon Foundation Fellowship Programme 2013 - 2014

DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA
OFFICE OF LEGAL AFFAIRS, THE UNITED NATIONS
NEW YORK

DISCLAIMER

The views expressed herein are those of the author and do not necessarily reflect the views of the Government of Islamic Republic of Iran, the United Nations, the Nippon Foundation of Japan, or Saint Mary's University.

Abstract

The new concept and yet the old one about conservation with the contribution of indigenous people and local communities has attracted many scientists' attention. International conservation policies and programms recognize and support indigenous and community conserved areas and encourage all states to do the same.

This thesis aimed to introduce marine and coastal Indigenous and Community Conserved Areas and the related laws, regulations and development plans thoroughly in Iran. The main

SUPERVISORS:

Dr. Anthony Charles

Dr. Francois Bailet

Ms. Valentina Germani

Acronyms

Acknowledgement

I would never have been able to finish my thesis without the guidance of my supervisors,

Table of Contents

2.1.4. Cultural Heritage, Traditional Knowledge and Intellectual Property

2.1.4.1. UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage

2.1.4.2. UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

2.1.4.3. UNESCO Convention on the Protection and Promotion of the

List of Figures /Tables

Figures

Tables

Introduction

3. Background

In recent years a new concept about conservation of territory, area or species and associated cultural values has emerged among environmental scientists – even though this is old and widespread knowledge which has been used by indigenous people and local communities. The official definition of ICCA (Indigenous Peoples' and Local Communities' Conserved Areas) was given by IUCN in 2008 (Kothari et al., 2012, Kothari et al., 2013). It is a community-based conservation approach, moving towards participatory conservation; these are the most important parts of international conservation policies and programmes under CBD and IUCN. They recognize and support indigenous and community conserved areas (ICCAs) and encourage all states to recognize and support ICCAs (Kothari et al., 2012, Kothari et al., 2013).

While the main goal of states for establishing a protected area is usually biodiversity conservation, many indigenous people and local communities consider biological, economic and social objectives in addition to conservation in governing and managing ICCAs. Mostly, they consider a diversity of interests and concerns such as: "sustaining the benefits of

Part I: The ICCA Description, Context and Legal Review

Chapter 1: The ICCA Description and Context

1.3. The history of governance and conservation of natural resources by indigenous and local communities, and policy changes

A PA was defined as “a clea

occurred through the four international congresses which were important in changing international policy related to conservation:

- The Fifth World Parks Congress (WPC), by IUCN's World Commission on Protected Areas (Durban, South Africa, 2003);
- The Seventh Conference of Parties to the Convention on Biological Diversity (CBD) (Kuala Lumpur, Malaysia, 2004);
- The Third World Conservation Congress (Bangkok, 2004);
- The Fourth World Conservation Congress (Barcelona, 2008) (Kothari et al., 2013).

Meanwhile, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted (September 2007) (Berkes, 2008;Kothari et al., 2013).

All of these international events resulted in a greatly expanded conception, new guidelines for protected areas and a definition for Indigenous and Community Conserved Areas, which was issued by IUCN with a new approach of participatory conservation (Berkes, 2008;Kothari et al., 2013).

The IUCN protected areas matrix (Table 1) shows a diversity of governance such as governance by indigenous people and local communities than in comparison to the previous matrix (IUCN/WCMC, 1994).

Table 1. “The IUCN protected area matrix”: a classification system for protected areas comprising both management category and governance type (Dudley, 2008).

	A. Governance by government			B. Shared governance			C. Private governance			D. Governance by indigenous peoples and local communities	
Governance Types / Protected Area Categories	Federal or national ministry or agency in charge	Sub-national ministry or agency in charge	Government-delegated management (e.g., to an NGO)	Trans-boundary management	Collaborative management (various forms of pluralistic influence)	Joint management (pluralist management board)	Declared and run by individual landowners	… by non-profit organizations (e.g., NGOs, universities)	By for profit organisations (e.g., individual or corporate land-owners)	Indigenous peoples’ protected areas and territories established and run by indigenous peoples	Community conserved areas – declared and run by local communities
I a. Strict Nature Reserve											
Ib. Wilderness Area											
II. National Park											
III. Natural											
IV. Habitat/ Species Management											
V. Protected Landscape/ Seascape											
VI. Managed											

Resource Protected Area											

The Aichi Biodiversity Target 11 of the Strategic Plan for Biodiversity 2011-2020, which was adopted at CBD COP10 mentions:

> By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape (CBD Website, http://www.cbd.int/nbsap/training/quick-guides/)

Obviously, according to Target 11 there is no necessity for ICCAs to become a PA to be recognised. Whereas many countries do not have ICCAs recognition, a few countries officially recognised them. Nevertheless, it does not affect the existence of them and role of them in conservation. However, some of them which were recognised by the government are not welcome to participate in decision-making (Kothari et al., 2012; Borrini-Feyerabend et al., 2010).

1.2. Range, diversity and extent of ICCAs

1.2.1. Definition and Features of ICCAs

According to the IUCN definition (2008), ICCAs are “natural and/or modified ecosystems, containing significant biodiversity values, ecological benefits and cultural values, voluntarily conserved by indigenous peoples and local communities, through customary laws or other effective means”.

• Indigenous peoples' territories managed for sustainable use, cultural values, or explicit conservation objectives;

• Territories (terrestrial or marine) over which mobile or nomadic communities have traditionally roamed, managing the resources through customary regulations and practices;

• Sacred spaces, ranging from tiny forest groves and wetlands to entire landscapes and seascapes, often (but not necessarily) left completely or largely untouched by humans;

• Resource catchment areas, from which communities derive their livelihoods or key ecosystem benefits, managed such that these benefits are sustained over time;

• nesting or roosting sites, or other critical habitats of wild animals, conserved for ethical or other reasons explicitly oriented towards protecting these animals; and

• landscapes with mosaics of natural and agricultural ecosystems, containing considerable cultural and biodiversity value, managed by farming communities or mixed rural-urban communities.

1.2.3. ICCAs: Motivations, Values and Threats

There are various motivations for indigenous people and local communities to conserve an area. Basically, the motivations are based on life and anything related, such as "survival, livelihoods, culture and identity" (Kothari et al., 2012, p22). It should be considered that the motivations could be more specialized such as "land tenure, sustainable use, protection of wildlife, Ecosystem Services, sustain links in the landscape or seascape, security against emergencies, generate revenues and sustain religious, identity or cultural needs" (Kothari et al., 2012; Borrini-Feyerabend et al., 2010).

Generally, indigenous people and local communities are motivated as below:

- To secure collective or community land tenure;
- To secure a sustainable provision of resources related to livelihoods;
- A concern for the protection of wildlife;
- To maintain crucial ecosystem functions from which they benefit;
- To sustain links in the landscape or seascape;
- To sustain religious, identity or cultural needs;
- To provide security against emergencies and
- To generate revenues (Kothari et al., 2012).

Many kinds of natural resources, species and habitats through a wide variety of institutional systems and traditional management are being protected by indigenous people and local communities. These areas have a different size from less than one hectare to land/seascapes. Inadequate information and documentation are the major difficulties in estimating the area under ICCAs. Estimates indicate that ICCAs cover about 12% of the world and they consider livelihoods in addition to conservation (Borrini-Feyerabend et al., 2010; Corrigan; Granziera, 2010; Kothari et al., 2012).

The most important benefit of ICCAs is sustainable livelihood for indigenous people and local communities through their traditions, where conservation is also a result. They also help indigenous people and local community to keep their integrity and identity and strengthen their rights. Because traditional knowledge was obtained over time and experimentally, they include information which is completely effective in critical situations such as climate change and disasters. Moreover, this is a suitable way to conserve large landscapes/seascapes with multiple and sustainable uses, which is important in the modern conservation's concept (Borrini-Feyerabend et al., 2010a; Kothari et al., 2012; Kothari et al., 2013)

Nevertheless, ICCAs face several kinds of threats and have been weakened and undermined, hence, some of them are already gone. The majority of threats include: lack of recognition or inappropriate recognition; unsuitable development; acculturation and modernisation; inappropriate tourism; lack of livelihood related to conservation; inequality in decision-making and lack of free; prior and informed consent (Kothari et al., 2013; Borrini-Feyerabend et al., 2010).

In fact, threats are of two different types, external and internal.

External threats include:

- ‘Development’ and commercialization processes;
- War, violent conflicts and movements of refugees;
- Expropriation of community land;
- Land encroachment by or conflicts with other communities and municipalities;
- Inappropriate recognition;
- Active acculturation of ICCA communities;
- Imposition of exploitative or inappropriate taxes and other fiscal burdens;
- Divisions and conflicts created by party politics;
- Poaching and unauthorised extraction of timber and plant resources;
- Air and water pollution and
- Climate change (natural disasters, sea level rising,etc.).

Internal threats include:

- Changing values and acculturation into mainstream society, with impacts on younger generations;
- that alienate them from their roots;
- Increasing pressure on resources— in particular related to the substitution of local solidarity;
- economies with a market economy and
-

Chapter 2: Legal Review

4.1. International Legal and Policy Recognition and Support for ICCAs

The United Nations estimates there are roughly more than 300 million indigenous people across 70 countries in the world who show more than 90% of global cultural diversity (Chakrabarti, 2006; Nursey-Bray, M., 2011).

Although, the term “indigenous” has been used universally, other terms may apply in different countries, such as:

4.1.1. **Biodiversity**

4.1.1.1.

Environmental Policy (CEESP), have had a major role to bring the world's attention to CCAs (Kothari et al., 2012).

4.1.1.2.

integrated into the wider landscape and seascape (CBD Website, http://www.cbd.int/nbsap/training/quick-guides/)

The 11th meeting of Conference of the Parties (CBD COP 11), which took place in Hyderabad, India in 2012, mentioned the role of

4.1.2.1. International Labour Organization (ILO) Convention No. 169

The Indigenous and Tribal Peoples Convention (Convention No. 169) which entered into force 5 September 1991, has provisions relating to “indigenous and tribal peoples” (Jonas et al., 2012b; Kothari et al., 2012; Stevens, 2010). In part II the Convention addresses “rights to self-determination and autonomy; rights to ownership, control, management, and use of land and natural resources; rights to culture, including cultural integrity and participation in the cultural life of the community; and rights to self-governance and participation in decision-making” (Stevens, 2010).

4.1.2.2. United Nations Declaration of the Rights of Indigenous Peoples (R PKw[International Labour Organiz)T1 3.43.98 0 0igenou5

FAO established Globally Important Agricultural Heritage Systems (GIAHS) initiative in 2002, to recognize Agricultural Heritage systems and help local people to have food and livelihood security through their traditional agriculture knowledge (Kothari et al., 2012).

4.1.3.2. The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) (FAO, 2001) which entered into force in 2004, is a comprehensive international treaty in which addresses food security through the conservation, sustainable use of plant genetic resources for food and agriculture, as well as benefit sharing. It addresses the protection of traditional knowledge about plant genetic resources (Jonas et al., 2012b; Kothari et al., 2012).

4.1.3.3. FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

The Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security which was issued by FAO in 2012. It is an international document which promotes secu

Several global agreements or initiatives help to protect culture and traditional knowledge of indigenous people. Traditional knowledge is the most important element of ICCAs.

4.1.4.1. UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage

In November 1972, UNESCO adopted the Convention Concerning the Protection of the World Cultural and Natural Heritage. The Convention deal with both cultural sites and nature conservation (Jonas et al., 2012b; Kothari et al., 2012).

4.1.4.2. UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

In 2003, the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted by the UNESCO General Conference (In force in 2006). The convention recognizes that the importance and valuable role of indigenous communities in protection of cultural

4.1.5. Climate Change

The United Nations Framework Convention on Climate Change, UNFCCC, is an international treaty created at the Earth Summit in Rio in 1992 (In force in 1994) to deal with the growing problem of global warming and climate change. The International Indigenous Peoples' Forum on Climate Change, IIPFCC, is the indigenous group gathered to make decision in the UNFCCC process (IWGIA. 2009; Jonas et al., 2012b). The Cancun Agreements adopted in 2010 at the Climate Change Conference in Cancun, Mexico (UNFCCC COP 16/ CMP 6) state that "climate change is one of the greatest challenges of our time and that all Parties share a vision for long-term cooperative action in order to achieve the objective of the Convention under its Article 2 … " (Jonas et al., 2012b). In this context indigenous rights related to climate change have been negotiated within the forest conservation, known as REDD+ (Reduced Emissions from Deforestation and Forest Degradation) (Kothari et al., 2012).

4.1.6. Desertification

The United Nations Convention to Combat Desertification (UNCCD) was adopted in 1994 and (entered into force in 1999). The Report of the Conference of the Parties (Tenth session, Changwon, Republic of Korea, 2011) particularly mentioned about recognition of ICCAs by the CSO (Civil Society Organizations) (Jonas et al., 2012b):

> We CSOs also demand special attention and strong support of the UNCCD for Indigenous and Community Conserved Areas (ICCAs). ICCAs provide major benefits for conservation and livelihoods and have significant potential for responding to global changes, including climate change, combating desertification, conservation of biodiversity, maintaining ecosystem functions and providing ecological connectivity across the landscape. ICCAs are an approved part of the CBD Programme of Work on Protected Areas, which in our opinion can provide a significant opportunity for cooperation among the Multilateral Environmental Conventions (Jonas et al., 2012b).

In CSOs Opening Statement to the COP11 of the UNCCD, Windhoek, Namibia, in 2013 also indicated the important role of indigenous and local communities in reversing the threat of land degradation and desertification:

used lands, territories, waters and coastal seas6 and other resources and to uphold their responsibilities to future generations in this regard (Jonas et al., 2012b).

4.2. National and Non-legal Recognition and Support for ICCAs

Some countries started to recognize ICCAs through their legal and policy framework, but many countries have not (Kothari et al., 2012). According to Kothari et al. (2012), country case studies show that lack of legal recognition or inappropriate recognition is the most critical threat facing ICCAs. However there are some movements in national level such as: Increasing demands for full participation in decision-making by indigenous peoples and showing good organization and institutions; increasing recognition of human rights standards in government and nongovernment programmes which are related to indigenous peoples and local communities; pay significant attention to indigenous peoples' and local communities' tenure in land restitution and reform programmes; involving indigenous peoples and local communities in some new environmental plans and policy; working together effectively among government agencies (Jonas et al., 2012a).

ICCAs are also supported by non-legal instruments such as: "administrative and programmatic recognition; financial, technical, and developmental support; documentation, research and database support; social recognition and support; networking support; advocacy support" (Jonas et al., 2012a).

According to the Statistical Centre, Iran is organized into 31 provinces and average urbanisation rate had reached 71.4%, with increase of urban population and reduction of rural

> public duty in the Islamic Republic. Economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it are therefore forbidden (Iran's Constitution, 1989).

Nevertheless, because of political and economic problems, environmental policies face a problem as they are defered from setting goals.

Official conservation in Iran was initially promoted by the State through the creation of natural parks and protected areas in the middle of the 20th century. Now there are four categories of protected areas: National Parks, National Natural Monuments, Wildlife Refuges, and Protected Areas (Table 2). Moreover, there are about 150 non-hunting areas which are not under categorisation as well as 10 Biosphere Reserves and 35 international wetlands in the form of 24 Ramsar Sites (DOE Website, 2013). All of those have been selected to show a vulnerable biodiversity in Iran. (Kolahi et al., 2012; Iran's action plan for PoWPA, 2012).

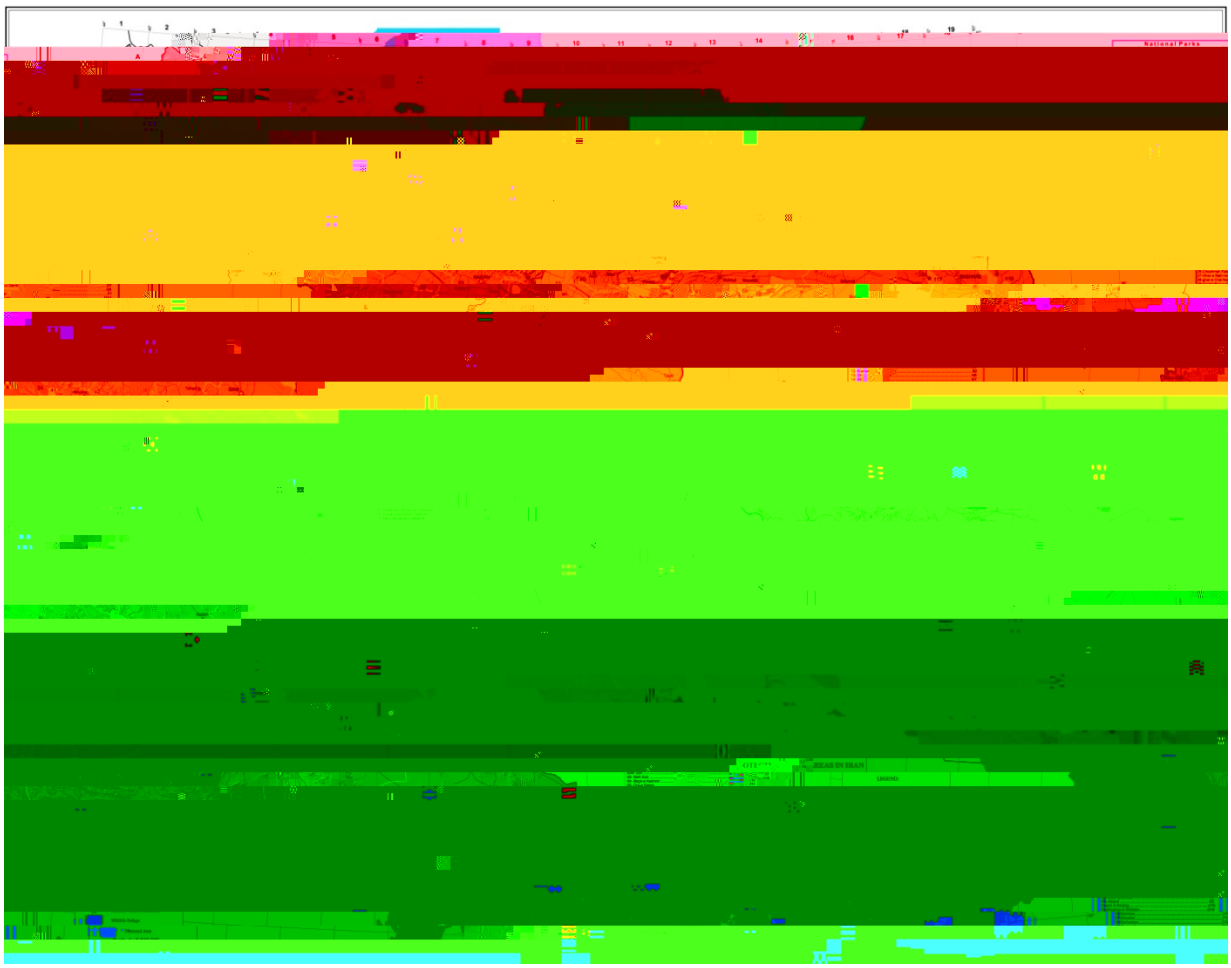
Figure 1 shows the latest available map which shows locations and numbers of PAs in Iran (DOE Website, 2013). Governance of PAs, Ramsar Sites and Biosphere Reserves is under responsibility of the state (DOE Website, 2013; Iran's action plan for PoWPA, 2012).

Table 2: Types of protected areas in Iran and their IUCN management categories

National protection category	IUCN protected area management categories	Number	Area (ha)	Management level	% of total protected areas
National Park	II	28	1,986,087	National/Provincial	1.21
National Natural Monument	III	35	37,576	National/Provincial	0.02
Wildlife Refuge	IV	43	5,585,840	National/Provincial	3.41
Protected Areas	V or VI	166	9,477,175	National/Provincial	5.78
Total		272	17,086,678		10.42

Source: DOE, Natural Environment and Biodiversity Division, GIS Unit, 2013

Figure 1. Iran's Protected Areas; Magenta: National Parks, Red stars: National Natural Monuments, Green: Wildlife Refuges and Yellow: Protected Areas.



Source: DOE, Natural Environment and Biodiversity Division, GIS Unit, 2013

Iran's PAs are defined as a below (Darvishsefat et al., 2008; DOE, 2010):

National Park (IUCN category II): Relatively vast natural areas having specific characteristics and national significance from the geological, ecological, biogeographical and scenic areas points of view are selected as national parks with the purpose of maintaining the biological and natural conditions, improvement of the population of animal species and vegetation

sites and also recreational utilization. National parks are suitable places for educational and research activities as well as ecotourism.

1.1.2. Indigenous and Community-based Conservation in Iran:

According to the historical background of Iran, it is not inconceivable that indigenous peoples and local communities have had strong governance over their lands and recourses. As a specific example, nomadic peoples show a unique characteristics due to sustainable uses and territory-based conservation. For a long time, they have met many of their requirements themselves and usually their products are organic and recyclable (Afsharzadeh and Papzan, 2012; Naghizadeh et al., 2011). However, during the 20th century, various governments' measures have undermined them, such as sedentarisation, land grabs, acculturation and so on (Naghizadeh et al., 2011).

> The greatest impact on natural resource management was dealt by the misguided policies of 'land reform' and 'nationalisation of natural resources', which were the hallmark of the 1963 'White Revolution' of the Shah. As a result, the structures of nomadic tribal society and livelihood systems were brought to change in many significant ways. And yet, the governance systems of these indigenous peoples and local traditional communities have managed to resist and persist to this day– **a feat of resilience indeed** (Naghizadeh et al., 2011).

Due to the increasing natural resources degradation, decision-makers found that they should change the policy and fully include the participation of indigenous people and local communities in conservation plans and sustainable development (Naghizadeh et al., 2011).

According to Naghizadeh et al. (2011) in Iran there are various kinds of ICCAs in a diversity of ecosystems which can be noted to wetland, marine and coastal, rangeland and grassland, forest and desert. Survival of many ecosystems and threatened species has depended on these ICCAs. For many years Iranian ICCAs have provided livelihood security for various indigenous groups and local communities "through farming, livestock keeping, fishing, tourism, dairy produce etc.".

ICCAs also have close links with their production cycles, which

issues, such as use of traditional knowledge to achieve sustainable development and engagement of local communities and other stakeholders for conservation, have been discussed in the general public, political sphere and social sphere. In particular, national and international efforts of Cenesta (as a NGO) during the last several years introduced ICCAs in Iran to national and international organizations

and territories of nomadic tribes", is prohibited (Government of Iran, 2006 ; Naghizadeh et al., 2011).

Although, the Department of Environment (DOE) and Forest, Rangelands and Watershed Organization (FRWO), under supervision of Ministry of Jihad-e-Agriculture, are the main decision makers on NBSAP, it should be noted that because DOE is the national and official reference for protected areas as well as a member state to IUCN and Protected Areas National Focal Point to CBD (DOE, 2010), it is the most important governmental sector which can influence on the process of ICCAs' recognition.

Regarding non-legal recognition, it should be mentioned that there is no direct State funding program for indigenous and community conserved areas, but several options are available through a few government organizations which are used for the purpose of ICCAs support. Some of them were already applied mostly by DOE and FRWO such as:

- Issuing grazing permit by FRWO and DOE;
- Support tribes and nomadic people and respect to their governance and rules in some provinces (Qashqai and Bakhtiari tribes);
- Broad adoption of GEF-SGP projects on community-based conservation and financial support by the government;
- Support in congresses and seminars (such as International Conference of Conservation of Biodiversity and Traditional Knowledge (Kerman, 2011);
- Traditional Knowledge for Water Resources Management (Yazd, 2012), Day to Combat Desertification, World Environment Day and …);

- Positive viewpoints of senior directors at DOE and FRWO on community-based conservation;

- Some of the national action plans of DOE and FRWO (such as a vision of local communities partnership in comprehensive management plan of protected areas for 2011-2020) (DOE, 2010; DOE website, 2013; Naghizadeh et al., 2011).

In addition, in order to encourage participation of local communities in conservation, honorary conservation officers program was established under DOE's rules. This program has started in some provinces and result shows success (DOE website, 2013).

Chapter 2:

Camargo et al. (2009) showed that climate change affect coral reefs to the piont that conservation and management programmes and policies in an MPA have less effect than before in Cartagena, Colombia. Therefore, coral reefs are being degraded continuously and there is no difference between coral reefs and inhabited species inside and outside the MPA,

- There are many social and cultural benefits.

- Partnership between community and government and non-government sectors.

- Indigenous people and local communities care about their territory and desire to have sustainable management when a government gives a freedom to them to protect their territory through their traditional knowledge, (Smyth et al. 2010).

Recently, Fijian indigenous people established Marine-Based Community Conserved Areas (MBCCA) in some areas with local traditional fishing rights to ensure sustainable management of coral reefs, as a habitat for many marine organisms which are important for their livelihood and food needs (Calamia et al., 2009). Calamia et al. (2009) mention that to achieve a sustainable MBCCA management need a continuous process for developing effective partnerships which can take several years.

Abecasis et al. (2013) intervied with expert stakeholders (Academic researchers and government officers) and local stakeholders (Commercial fishing and tourism operators) to show the differences between local and expert stakeholders' understanding and expectations in establishing MPA in a small and faraway island (Corvo, Azores). Their result shows different means of arriving to suitable management on MPA between stakeholder's groups. Three factors are important to achieve an effective community-based MPA which includes: "engaging and empowering local communities, clear definition of goals, visible MPA outputs and community enforcement based on high levels of support and peer group pressure" (Abecasis et al., 2013). The result shows that in order to multiple marine resource uses, government MPAs could be more successful than community-based MPAs because of the ability of creation integrated management and related policy (Abecasis et al., 2013).

Léopold et al. (2013) found that in the Pacific, coastal communities in Vanuatu where

2.3.2. Learning from Australia

It seems Australia is much more successful regarding establishing Indigenous Protected Areas (IPAs) with collaboration from indigenous people. They are also a pioneer country that established Indigenous Protected Areas over the sea and developed a Sea Country Plan (Smyth, 2009).

Establishing an indigenous and community based protected area over the land is easier and less conflictual than in marine area. Even it is easier about official protected areas. In Australia, adding marine part to IPAs is difficult because of lack of indigenous ownership and also multi-authority over the sea. However, Indigenous people and local communities who live in-shore (beside the sea), have a deep cultural connection with the sea which is combined by their traditions. Therefore, land and the sea are integrated and unable to be divided from indigenous people and local communities' living (Smyth, 2009).

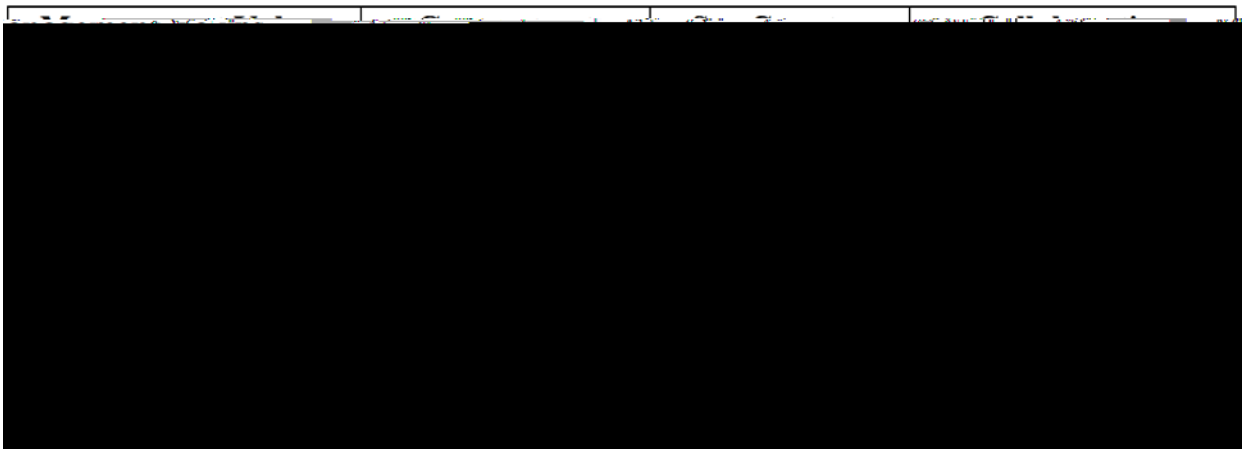
> The ocean, or saltwater country, is not additional to a clan estate on land, it is inseparable from it. As on land, saltwater country contains evidence of the Dreamtime events by which all geographic features, animals, plants and people were created. It contains sacred sites, often related to these creation events, and it contains tracks, or Songlines along which mythological beings travelled during the Dreamtime or creation period. The sea, like the land, is integral to the identity of each clan, and clan members have a kin relationship to the important marine animals, plants, tides and currents (Smyth, 2009).

The method which was used by Australia to establish Sea Country IPA could be adaptable and useful in other countries.

Around 1998, the first IPA was declared by indigenous people in their own land and was supported by the government in Australia. Until 2007, 25 IPAs were about 20% of total government's PAs (Now 60 IPAs and 36% of total PAs www.environment.gov.au). IPAs are

matching with the definition of protected area which is defined by IUCN. Indigenous people in the coastal area have a plan to develop co

Table 3. Management of Sea Country IPAs and Marine Protected Areas (Cited from Smyth, 2009)



It seems both kinds of managements (Sea Country IPA and MPA) could be successful if managers just strengthen those kinds of mechanisms which do not need negotiations. Therefore, if indigenous people and government sectors would have participation, their management could be more effective (Smyth, 2009).

2.4. Illustration of Marine and Coastal ICCAs in Iran

2.4.1. Hormozgan province

Hormozgan Province is one of 31 provinces of Iran which is located in the south and covered about 71,000 km^2 with about 900 km coastline. According to census 2011, there are 13 counties, 38 districts, 38 townships and 85 rural agglomerations and the capital is Bandar-Abbas. Vital Strait of Hormoz in the Persian Gulf and 14 islands include: Qeshm, Kish, Hormoz, Lavan, Hindorabi, Shatvar (Shidvar), Larak, Hengam, Tonb-e-Bozorg, Tonb-e-Kuchak, Abumoosa, Siri, Foroor-e-Bozorg and Foroor-e-Kuchak which are situated in the jurisdiction of this province.

The most important townships are: Bandar-Lengeh, Minaab, Qeshm, Roodan and Haji-Abad.

According to latest census, the population of Hormozgan province is 1,578,183. Generally, the weather has a desert climate with long hot summers and short mild winters which is a hot and humid climate along the coast to about 30 km inland (Census, 2011).

2.4.1.1. Qeshm Island and Traditional Conservation

Qeshm Island is the largest island in the Persian Gulf. It is about 130 km long and has an average width of 11-35 km (http://whc.unesco.org), which is the reason for its Arabian name Jazirat At-Tawilah, meaning “long Island” (Duchaine et al., 2010). The closest distance to the coast is about m 2 km which is Persian Gulf Bridge construction site, in Laft Historical Port (Figure 2) (http://www.qeshm.ir). People of the island have Pahlavi dialect (Farsani, et al., 2012)

The weather is hot and humid with a mild and short winter. Qeshm County is located in the end of eastern part of the Island and four islands includes: Qeshm, Hengam, Larak and Hormoz which are in the jurisdiction of this county as well as 2 districts, 4 townships and 78 rural agglomerations (Anonymous, 2011; Duchaine et al., 2010). According to census 2011, total population is 117,774 and rural population is 69,926. Total population is about 7.5% of total provincial population. Moreover, land area is 1626 Km2 which is 2.2% of total provincial land area.

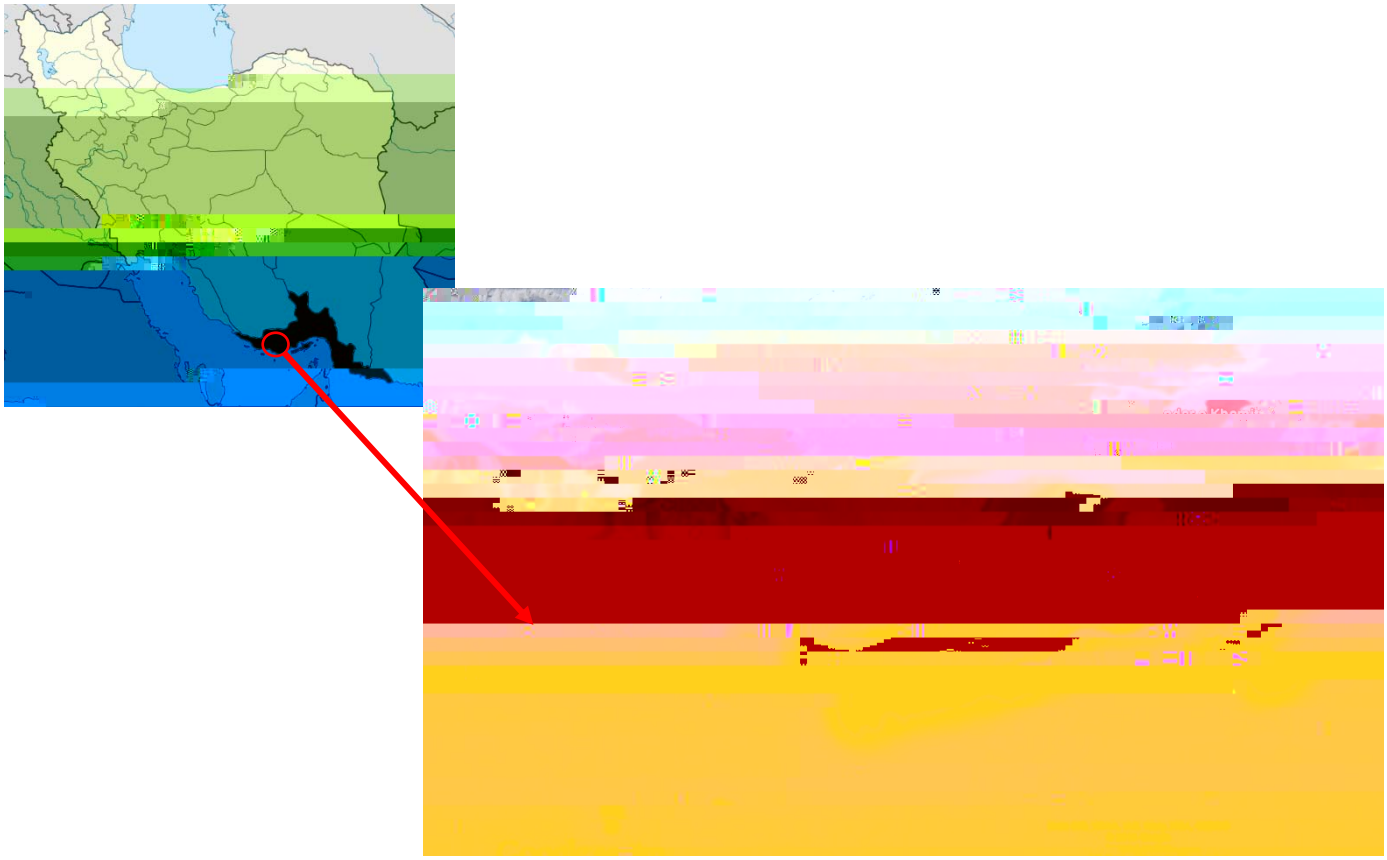


Figure 2. Hormozgan Province and Qeshm Island.

Its reputation is due not only to its historical background and places but also to its broad ecotourism attractions such as mangrove forest, turtle's hatchery sites, coral reefs, diversity of coasts, marine mammals, and geographical phenomena. Furthermore, in 2007, Qeshm Island was recorded as the only Geo-Park in the Middle East by UNESCO. Unfortunately, in early 2013, because of inappropriate management it was given a red card and deleted from the list (http://worldculturalheritagevoices.org/?p=1434).

According to Cassells Bible, one of the possible location of the Garden of Eden could be Qeshm Island (Duchaine et al., 2010) which is not inconceivable due to its great characteristics.

Qeshm Island was declared as a Free Zone (FZ) in 1991 (Duchaine et al., 2010; http://www.freezones.ir), which means on one hand, there were more attractions for investors, economic and tourism activities, on the other hand, there were more conflicts between organizations, sectors and people as well as cultural and environmental impacts.

After the approval of the Board of Ministers in 1991, the Expediency Council approved the Law on the Administration of Free Trade-Indust

There is a protected area in northern coast of Qeshm namely Harra PA which is covered by mangrove forests. Also Harra Biosphere Reserve with the largest *Avicennia* sp. mangrove in the Persian Gulf located in this area. Local people use branches and leaves of mangroves for feeding herd, usually camels and goats (Anonymous, 2009; Doe website, 2013). Southwest of the island has been introduced as a Global Geopark, the only geopark in the Middle East (http://www.geopark.ir/pages/en/index.html). The island was submitted in the Tentative lists of World Heritage Centre by the Iranian Cultural Heritage, Handicrafts and Tourism Organization in 2007 (http://whc.unesco.org).

The clothes of the local people, especially the women are very special and look like a mixture of Indian, Persian and Arabic culture. Women wear traditional clothes which is colorful and charming and it is more beautiful with combination Henna painting. The women also wear masks namely Borka. All of their clothes are made by hand (Anonymous, 2009).

Special architecture using traditional Louvers in some building especially in Laft historical port, water reservoirs spread out everywhere in the island and Dhow building as well as traditional dance and folklore music all are a part of traditions of local people and the island's tourism attractions (Anonymous, 2010a).

Gargoor is a fishing trap includes a frame of wire mesh in the shape of a hemisphere or oval, with an entrance (It looks like a lobster trap but bigger). In the past it made by wood and palm branches. Unfortunately now they make it by wire and Polyethylene pipes and mesh size has been decreased, therefore small fish cannot escape (Shabani et al., 2010).

In late July, local people (especially in Salakh village, south of the island) celebrate the Fisherman's Norooz, (Norooz-e Sayyad) which is a new year for fishery. They stop fishery and do not eat seafood in this day and believe fish resources need to a break for reproduction. Swimming in the sea to be fresh and health until the next New Year fishery, wearing new clothes and preparing many kinds of traditional foods, all are customs for this day. There are traditional drums and dance as well as traditional playing (Anonymous, 2010b).

There are some scared tree species. One of those is fig tree (Loor or Lool - local name). People respect to this large tree because of their shade which is very important in hot weather. They have a deep connection to the indigenous life and culture, therefore some of them have a name which come from their nearby village or region. Some of them are like a “Wish tree” and people believe their wishes will be met by the tree (Anonymous, 2010a). Also Tela (Tel+a means mass/stack of water) wells and some trees around them in Laft historical port are scared for people, said they were 366 wells and each one had a specific name and everyday people just used one of them. Now they are around 100 (Dashtizadeh, 2012).

A woman water guardian or water master known as Mirab, has carried out traditional water management (Dashtizadeh, 2012). Methods and effective water use were extremely important in the past and it was a sustainable use of natural resources. Nowadays, it is said because of storms and earthquakes, the number of wells is reduced but because of the climate change and decrease in water resources and cultural changes (the modernization of lifestyles and consumption patterns) in water uses, local people

- Lack of recognition;
- Inappropriate tourism;
- Climate change;
- Acculturation: Influx non-native people for trade and visiting
- Inappropriate development;
- Inadequate security of tenure over lands/waters and resources;
- False jobs (Smuggling clothes and foods from neighbors);
- Overfishing;
- Pollution;
- Habitat reduction.

Now, two decades after creation a free zone in the Island, it seems local people instead of resistance against many new things, show resilience to these changes. They are trying to keep their traditions trough their innovations. They have learned how combine nature tourist attractions of the island with their culture and keep their livelihood in a right direction. They do various kinds of ecotourism activities such as: Dolphin and mangrove forest watching, turtle nesting sites watching, Coral reefs watching and scuba diving and nature and historical tours with combination a local food in a local house and selling handicrafts. These kinds of activities have not only economic benefits for them but also social benefits and environmental benefits. On the on hand community have an integrity and identity sense through tourism because tourists come to the island to visit the community traditions. On the other hand they recognize interest of visitors for visiting natural recourses of the island and economic values to the local community. Therefore, they try to participate in conservation activities.

Conclusion

Despite that there is only some documentation regarding the impact of protected areas on local people, it seems that they have had an impact on people's livelihoods (Kolahi et al., 2012). International organizations have started to address the conflicts between, PAs management and local users through some international instruments (Kolahi et al., 2012; Kothari et al., 2013). The most important outcome of the international movement was establishing new protected areas guidelines (Kothari et al., 2013). There are four governance types over PAs which are recognized and entered by IUCN into the guidelines for protected areas. The turning point of the guideline is that PAs could be governed by indigenous people and local communities (Borrini-Feyerabend, 2010; Calamia et al., 2010; Kothari et al., 2013). It is estimated that ICCAs cover an area equivalent to government design PAs, which is roughly 12% of the earth's surface. This means if a government recognizes ICCAs, it could add the surface of ICCAs to other kinds of PAs to achieve the goal of the Aichi Biodiversity Target 11 of the Strategic Plan for Biodiversity 2011-2020, which is about increasing terrestrial, inland water areas and coastal and marine conserved areas by 2020 (Borrini-Feyerabend, 2010; Kothari et al., 2013).

Although there are obvious changes in international conservation policy and vision, most of them remain at the international level and have not reached national level. It means just a few countries really have involved indigenous people and local communities in conservation programmes and decision making (Kothari, 2008; Kothari et al., 2012). Insufficient documentation and also inadequate academic research as well as not involving local people in all aspects of the research process, impacts outcomes, goals and national recognition (Kothari et al., 2012; Kothari et al., 2013).

Although Borrini-Feyerabend et al. (2010) believe there is no necessity for ICCAs to be PAs and they can survive without any recognition, we should consider that if the government and civil society do not recognize them, they face a big risk of losing their traditional authority and tenure because many of them are always influenced by the outside (Berkes, 2008).

It seems some countries, such as Australia, are more successful than others in establishment of marine and coastal indigenous and community based protected areas with considering participatory conservation. Although part of this success might be related to the fact that, indigenous people are landowners, the model which was proposed by them could be adjusted to other countries. Of course it must be considered that ICCAs are diverse and each one has its own unique governance (Berkes, 2008). It means by changing the management values in the Australian model, we can achieve a local model. Depending on indigenous people and local community and their awareness and connections, the local model could have more or less values than the Australian model. In this paper, Iranian illustration (Qeshm Island) has already shown its potential to be an ICCA. A sense of belonging to the island, spiritual and social emotions and livelihood are the most important elements for local people to desire to conserve their environment. Even though with some issues, the goal of their protection is not biodiversity protection or direct conservation, the outcomes always provide conservation.

With respect to their wishes and their free, prior and informed consent and considering that legislation process is a long process, if we want to wait for that, sometimes we never meet our goals. Therefore, it should be better local people start community-based marine conserved area over the sea according to the Australian model. In this regard, NGOs, government organizations (such as DOE in Iran), universities and research institutes could support them to develop local capacities and help them to establish community-based marine conserved area through community involvement, creating networks between ICCAs , holding workshops, training activities and research.

Unfortunately, some indigenous and community conserved areas in Iran only existed in the past. However some ICCAs in Iran have still survived for some reasons, such as decreasing population, traditional/religious beliefs, unattractive for investors or development activities and so on. Those which survived in spite of the very unfavorable political regimes and the social, economic and industrial pressures, show a relationship between natural and cultural heritage. These areas not only protect the landscape, but also represent our identity. If we manage to preserve them, we will be able to show our children our ancient identity and their deep relationship with nature.

References

Abecasis, R.C., Longnecker, N., Schmidt, L., and Clifton, J. (2013) Marine conservation in remote small island settings: Factors influencing marine protected area establishment in the Azores. Marine Policy 40: 1-9.

Adams, W., & Hutton, J. (2007) People, Parks and Poverty: Political Ecology and Biodiversity Conservation. Conservation and Society, 5(2), 147--183.

Administrative divisions. (2011) The Statistical Centre of Iran. http://www.amar.org.ir/Default.aspx?tabid=666

Adams, W., Aveling, R., Brockington, D., Dickson, B., Elliott, J., Mutton, J., Roe, D. (2004) Biodiversity Conservation and the Eradication of Poverty. Science, 306(5699), 1146--1149.

Afsharzadeh, N. and Papzan, A. (2012) Women's traditional knowledge in sustainable development of agriculture, Women in Development & Politics, (9) 4: 115-133 (in Persian).

Anonymous. (2009) Qeshm; Charm of Persian Gulf, Donyay-e Tejarat (in Persian), 21: 20-21.

Anonymous. (2010a) Qeshm Island, Jahan Gostar, 66: 4-7, (in Persian).

Anonymous. (2010b) Norooz-e Sayyad Celebration, Donyay-e Tejarat, 26: 49-50, (in Persian)

Anonymous. (2011) Qeshm; an Island in the Persian Gulf, Elm-o Adab Magazine, No: 58, p 10-12 (in Persian).

Bauman, T. and Smyth, D. (2007) Indigenous Partnerships in Protected Area Management in Australia: Three Case Studies. http://www.aiatsis.gov.au/__data/assets/pdf_file/8846/case_studies_report.pdf

Bartlett, C.Y., Pakoa, K., and Manua, C. (2009) Marine reserve phenomenon in the Pacific islands. Marine Policy, 33 (4). pp. 673-678.

Berkes, F. (2009) Community conserved areas: policy issues in historic and contemporary context. In: Conservation Letters 2 (2009) 19-24.

Borrini-Feyerabend, G. and A. Kothari. (2008) Recognising and supporting indigenous and community conservation: ideas and experiences from the grassroots. IUCN CEESP/WCPA Briefi ng Note 9. http://cmsdata.iucn.org/downloads/ceesp_briefing_note_9_iccas.pdf. Accessed on May 18, 2011.

Borrini-Feyerabend, G., A. Kothari, J. Alcom, C. Amaya, L. Bo, J. Campese, M. Carroll. (2010) Strengthening what works: recognising and supporting the conservation achievements of indigenous peoples and local communities. IUCN CEESP Briefing Note 10. Access at: https://portals.iucn.org/library/node/9672.

Dashtizadeh, A. (2012) Qeshm; Heritage of the Persian Gulf. Cultural Heritage, Handicrafts and Tourism Organization, Qeshm Free Zone Organization. 26 pp.

Capistrano, R. C.G. (2010) Reclaiming the ancestral waters of indigenous peoples in the Philippines: The Tagbanua experience with fishing rights and indigenous rights. Marine Policy 34: 453-460.

Calamia, M.A., Kline, D.I., Kago, S., Donovan, K., Dulunaqio, S., Tabaleka, T., and Mitchell, B.G. (2010) Marine-Based Community Conserved Areas in Fiji: An Example of

Jonas, H., A. Kothari, and H. Shrumm (2012a) Legal and institutional aspects of recognizing and supporting conservation by indigenous peoples and local communities. Pune and Delhi: Natural Justice and Kalpavriksh.

Majlis Research Center (MRC), 2012a. Decision on executive package of DOE (Declaration No. H48527T/155653, (Persian): 48527 /155653). Accessed December 9, 2013 at: http://rc.majlis.ir/fa/law/show/821566.

Majlis Research Center, 2012b. Decision on executive package of Ministry of Cultural Heritage, Handcrafts and Tourism Organization (Declaration No. H48527T/155767 (Persian): 48527 /155767). Accessed December 9, 2013 at: http://rc.majlis.ir/fa/law/show/822218

Meteoworld. (2008) Extremely cold winter in the Islamic Republic of Iran. By WHO http://www.wmo.int/pages/publications/meteoworld/archive/february/iran_en.html

Pollnac, Richard B., Brian R. Crawford and .7256(r0.02(065, E Tc)34(Y)10272 T1[4(hyav5, M.,2.5(c ReTJ-25.105 -1.72and)Tj17.[(Khorshid)TTcK.,

Smyth, D. (2007). Indigenous Protected Areas in Australia. Parks Vol 16 No 1, pp14-20. World Conservation Union, Switzerland.

Smyth, D. (2007) Sea Country Planning. Waves, Vol 13 (2) p. 3. http://savanna.cdu.edu.au/downloads/Waves132lowres.pdf

Smyth, D. (2009) Just Add Water? Taking Indigenous Protected Areas into Sea Country. In,

UNDP/GEF/SGP (2007) Onshore Preservation of Hawksbill Turtle Eggs through Community Participation, IRAN (IRA-G52-2003, 2004 & 2007-024(IRA98G52)), Access at: http://www.undp.org/content/dam/iran/docs/GEF-SGP/Marine%20and%20Coastline/Community%20based%20turtle%20conservation,%20SGP%20Iran.pdf

United Nations Convention to Combat Desertification. (2013) CSOs Opening Statement to the COP11 of the UNCCD, Windhoek, Namibia. Accessed December 9, 2013, at: http://www.unccd.int/Lists/SiteDocumentLibrary/CivilSociety/COP%2011/CSOs%20Opening%20Statement%20to%20the%20COP%2011%20of%20the%20UNCCD.pdf

United Nations Conference on Desertification (2013) Final outcome of the UNCCD 2nd Scientific Conference, Windhoek, Namibia, 17–20 September 2013. Accessed December 9, 2013, at: http://www.unccd.int/Lists/OfficialDocuments/cop11/cstinf3eng.pdf

IWGIA (2009) Indigenous Peoples and Climate Change. UNFCCC Intercessional Meeting, Bangkok 2009 Briefing. http://issuu.com/iwgia/docs/briefing-paper-ips-cc_final

Zehzad, B., Kiabi, B.H. & Madjonian, H. (2002) The natural areas and landscape of Iran: an overview. Zoology in the. Middle East, 26: 7-10