

PROCESS FRAMEWORK FOR RESTRICTION OF ACCESS TO NATURAL RESOURCES

As part of our existing rights-based approach to conservation, CI recognizes that people have the right to remain on the lands and territories that they have traditionally occupied, which includes the continued access to resources they have traditionally used. While this project will not resettle individuals, it may have an effect on access to marine and coastal resources by individuals and communities in the project areas. The project proposes to create the enabling conditions for the establishment of marine and coastal protected areas in Liberia. The establishment of marine and protected areas may have an effect on access to resources including Mangrove resources. The project proposes to use Conservation Agreements to adequately compensate for any loss of access to resources.

What are Conservation Agreements?

Forests, reefs and species around the world are threatened because in many places that harbor exceptional biodiversity, local people lack alternatives to unsustainable resource use. Protecting biodiversity and key ecosystem services in these places requires conservation tools that provide development opportunities to local populations. When conservation offers concrete benefits to rural farmers and local communities, protecting the environment becomes an increasingly viable and attractive choice. In a Conservation Agreement, resource users commit to conservation actions in exchange for benefit packages defined through participatory processes to address local development needs and priorities. Conservation Agreements are long-term interventions that produce enduring solutions for people and nature, with an emphasis on financial sustainability and sound governance. Conservation agreements promote social structures and local empowerment that improve stewardship of key natural resources and help people pursue sustainable development options.

A Conservation Agreement can be broken down into two key elements

- The conservation actions to be undertaken by the resource users in response to threats to biodiversity or ecosystems
- The benefits provided by the conservation investor to offset the opportunity cost of conservation incurred by the resource users

The benefit package in a Conservation Agreements is determined together with communities to ensure that it responds to local needs and priorities, but delivery of benefits over time depends on verified compliance with conservation commitments. Benefits are conditional on the counterpart's compliance with commitments specified in the agreement. Sanctions (adjustments in benefits) for non-compliance are designed jointly by all parties to the agreement to ensure that they are understood, viable, and appropriate to the counterpart's culture while still respecting rights.

Compensating resource users for any loss of access using Conservation Agreements

A Conservation Agreement recognizes that there is an opportunity cost associated with conservation. The opportunity cost of conservation reflects the value of what resource users give up by not utilizing their resources under the business-as-usual scenario.

This is the balance of:

- The income that would be derived from resource use such as clearing forest for agriculture or timber extraction (e.g., the value of crops or timber that would be harvested in the absence of conservation)
- The value of ecosystem services that would be lost by destructive resource use (e.g., reduced water quality, soil erosion, loss of culturally significant resources)

To secure an agreement, the benefit package must be designed to offset the opportunity cost that resource owners believe they will incur if they choose conservation. In essence, communities are compensated for any loss of access to resources using opportunity cost to determine a fair level of compensation.

Conservation International's Rights-based Approach (RBA) and Conservation Agreements

The Conservation Agreement model reflects Conservation International's Rights-based Approach (RBA). RBA is an approach to conservation that promotes and integrates human rights into conservation policy and practice by emphasizing the positive connections between conservation and the rights of people to secure their livelihoods, enjoy healthy and productive environments, and live with dignity. The Right's Based Approach recognizes that respecting human rights is an integral part of successful conservation, and emphasizes community rights to choose and shape conservation and development projects that affect them. CI's RBA includes principles, policies, guidelines, tools, and practical examples to guide the organization, ensuring that we respect human rights in all of our work. Any Conservation Agreement initiative involves a thorough community engagement process and a participatory design and negotiation stage that embodies the principle of Free, Prior and Informed Consent (FPIC). The principle of FPIC refers to the right of indigenous peoples to give or withhold their consent for any action that would affect their lands, territories or rights, as recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). While FPIC is the right of indigenous peoples alone under international law, the principles underlying it are generally considered to be a good guideline for engaging any community or group of local stakeholders.

FPIC can be broken down as follows:

Free: Without coercion, intimidation, or manipulation

Prior: Before the start of any activity while also respecting indigenous consultation/consensus processes

Informed: Indigenous peoples have full information about the scope and impacts of the proposed activity on their lands, resources and well-being

Consent: right to say yes or no as a result of consultation and participation in good faith

FPIC is not simply a decision-making process or a veto mechanism for the community, but a tool to ensure that outside people and organizations engage indigenous communities in a culturally appropriate way, so that their development priorities, needs and desires can be met. A true FPIC process includes not only consultation but also the space for a community to give or withhold their consent to a project.

Negotiating Conservation Agreements under this Project

The decision to work on an agreement will be entirely up to the community. CI works with communities who have a strong collective interest and ability to organize to protect their natural resources. The consent to a Conservation Agreement must reflect the desire of the community, free of external pressure from not only the implementer but also any other entity such as the Government.

The following set of actions that will be implemented by the Project Manager under this Project to ensure that there has been a true FPIC process that provides space for a community to give or withhold their consent to a project.

- The Project will develop the feasibility analysis for Conservation Agreement implementation using mainly secondary information to help avoid raising expectations in the communities.
- Respecting customary decision-making mechanisms within communities ensures that CAs are adapted to local realities. However, it is important to also remember that some customary decision-making mechanisms do not allow for disadvantaged or marginalized groups to be heard. The Project Manager will establish culturally-appropriate ways to ensure those voices are part of decision-making.
- The Project Manager will explain the CA model to communities during the engagement phase and allow them to understand the interests of the implementers and decide if they want to work together on a CA.
- The Project Manager will design the CAs together with communities and ensure that communities have enough time to discuss the content and to decide if they want to sign such an agreement
- The Project Manager will ensure that the communities know how the benefit package amount has been defined to reduce conflicts when negotiating the benefits to be provided by the CAs.
- The Project Manager will show the biodiversity and socioeconomic monitoring results to communities to increase their engagement and demonstrate how the CA impacts their natural resources and wellbeing.
- The Project Manager will aim to establish one-year agreements that allow communities and implementers to learn from the experience, improve the CA design, and build trust among the parties involved.