

Engaging with communities to conserve nature

A brief guide to Community Support Partners' obligations and good practices

SNAPP Governance Working Group WCS Rights + Communities Program

June 2022





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BACKGROUND

What is the guidance and who is it for?

In recent years there has been an encouraging shift within the conservation community away from top-down, government-run, exclusionary protected areas, towards a recognition of, and support, for the effective stewardship of nature by Indigenous Peoples and Local Communities (IPLCs). A key part of this positive trend is increasing recognition of the crucial contributions to global biodiversity conservation in areas and territories governed by IPCLs which have left, and continue to leave, legacies of well managed and protected areas. In addition, there are increasing calls from IPLCs, civil society organizations and others for investment and further recognition and support for IPLCs' rights and roles. In line with this, many civil society groups (or community support partners, CSPs) are increasingly investing in support of IPLC efforts to steward their lands and waters through effective governance and management of the access and use of natural resources.

CSPs have been shown to provide valued and valuable bridging roles that support community strengthening of their natural resources governance capacity. That said, the capacity of CSPs to effectively engage with communities and to assist them to strengthen their natural resource governance and attain the outcomes they desire for current and future generations is predicate on CSP awareness of their obligations to the community, and their understanding of and ability to influence a complex set of interdependent enabling factors.



This guide is designed to do two main things. **First** it describes briefly the principles and obligations that should characterize all CSPs engagement with communities in the context of sustainable natural resource management. **Second** it describes a set of enabling factors (i.e., characteristics of the different stakeholders - community, CSP, government and donors, and characteristics of the environment) that if absent or relatively weak will militate against a CSP being able to help strengthen community-led governance of their natural resources.

For any CSP invited to support or wishing to support a community to conserve nature within their traditional lands and waters, there is much to learn. The following is some guidance offered in good faith by 12 CSPs with hundreds of years of collective experience. Not all of this guidance will help in your context but it is a good starting place if you are keen to do good, refrain from repeating past mistakes and most importantly avoid doing harm to the community or the natural world they and you seek to conserve.

Generic theory of change for community natural resource governance.

A theory of change is a description or illustration that makes explicit how and why an action or set of actions is expected to cause desired outcomes in a particular situation, and how these changes lead to desired goals being achieved. A theory of change can include a high level of detail or a high level of abstraction with the latter showing only broad concepts.

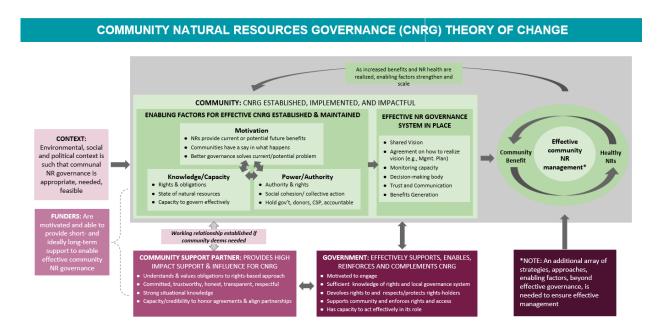


Figure 1: Community Natural Resource Governance—Theory of Change

A theory of change is useful for at least two reasons. First, it helps a team all get on the same page, all have the same understanding of what they are trying to achieve and how they plan on getting to their shared destination. Second, it helps promote critical thinking and discussion of underlying assumptions. This helps a team to avoid magical thinking and leaps of faith, such as "if we support environmental education in primary schools" that will somehow lead to "fathers of the children not hunting endangered species for food."

Figure 1 depicts a relatively simple, high level of abstraction, theory of change showing only



Engaging with Communities



what core elements are essential to produce the enabling conditions needed to achieve the desired goal "effective community natural resource management."

Below is an equally simple narrative version of the theory of change.

If communities have the motivation to work together and have the knowledge, capacity and power to exercise their legitimate authority to govern natural resources within their lands and waters.

And if they receive timely and effective support from partners and the government, accompanied by appropriate levels of funding from donors.

They will be able to put in place an effective governance system to manage natural resources sustainably and for their benefit over the long-term.

Definitions for community and governance

We all use the terms community and governance when we talk and write about conservation of nature. But that does not mean that we all think of these terms in the same way, nor use the terms in the same way in different discussions. Below we offer two relatively simple and hopefully clear definitions of the terms community and community governance. We use these definitions throughout this guide.

What is a community?

There is no shortage of definitions or conceptions of what a community is.

At its most basic, a community is a group of people with something in common. It is the essential concept of commonality that turns a group of people into a community.

According to Black's Law Dictionary, community typically refers to a group of people living together in the same place, under the same laws and regulations, and who have common rights and privileges. The things in common embedded in this definition of community are: place, laws, and rights.

Within the conservation sector communities are often thought about as:

- Communities of place (i.e., people living together in the same area, whether that is a camp, village, town, or city)
- Communities of practice (i.e., people who share a common way of life or profession, e.g., fishers, farmers, hunters, bushmeat traders, lawyers, teachers, etc)
- Communities of interest (i.e., people who share common traditions, perspectives, views or passions, e.g., lovers of Shakespeare or line dancing, members of an ethinic group, religious order or political party, shark fin consumers, fans of a music group or football team, etc.)

Within a community of place there can be several communities of practice and within a community practice there can be several communities of interest.

Communities of practice and communities of interest can be from one or more communities of place.

In the context of governance of natural resources, we think of a community as a group of people who share a common interest in, and have the customary or formal authority to regulate, access and use, natural resources within their territorial boundaries.

What is community governance?

Governance can be defined as a socio-political system, by which communities (i.e., groups with something in common) define and decide, through a process that equitably represents the interests of community members, what is and what is not acceptable behavior within the community and how the group ensures that community members and others (i.e., non-members) comply with these policies, rules, and regulations for acceptable behavior.

Community governance of renewable natural resource is, therefore:

a group of people

- living in a place,
- with the authority to regulate natural resource use;

that have the social cohesion

• to agree to work together to solve a common problem; and

to decide

- the rules that will guide access to an uses of renewable natural resources,
- how to enforce these rules, and
- what recognition and/or help they need, if any, from the state and other actors to do so.

Renewable natural resource **governors** are those who 1) decide how natural resources within their jurisdiction can be used by community members and by non-members, and 2) are accountable for the implementation of their natural resource access and use rules and regulations for acceptable behavior. Renewable resource **managers** are those who are responsible for executing the policies, rules, and regulations (i.e., institutions) established by the governors. Natural resource governors and managers can be the same individuals or groups.

Institutions versus governance groups/entities

The term institution is often misunderstood. In this guide, institution is used in its legal sense (i.e., the institution of marriage) to mean the norms, rules, regulations, and policies that governance groups define to guide our individual and social behavior and practices.

Simply put, institutions are the laws, rules and regulations, and governance groups are the entities that create the institutions and enforce them.

PRINCIPLES AND OBLIGATIONS

This section argues that for CSPs, respecting and protecting the human rights of IPLCs is both a guiding principle that will lead to equitable and durable conservation, and an ethical and legal obligation. For CSPs engaging with communities to conserve nature there are three foundational principles and obligations: 1) adhering to a rights-based approach to conservation, 2) embracing community-led conservation, and 3) putting in place with the community, auditable, locally appropriate social safeguards.

Rights-based approach

The Human Rights in Conservation Working Group has one of the clearest and shortest definitions of a rights-based approach to conservation.

When applied to conservation, sustainable use and benefit-sharing, a human rights based approach means, in simple terms, that biodiversity policies, governance and management do not violate human rights and that those implementing such policies actively seek ways to support and promote human rights in their design and implementation. This must include supporting dutybearers to meet their obligations, and rights-holders to claim and exercise their rights. This latter element is particularly important, requiring proactive, concrete measures to ensure full and effective participation of rights holders, including in virtual spaces, and with particular focus on Indigenous Peoples and local communities.

A human rights-based approach to conservation and sustainable use of biodiversity is regarded, both in legal instruments and best practices, as a necessary condition for stopping biodiversity loss and degradation in an equitable and sustained manner. It is an essential enabling condition for the resilience of systems of life, good health, and the use, management, restoration, and conservation of natural resources (Human Rights in Conservation Working Group, 2022).

Today, given that a rights-based approach is broadly considered the most equitable and durable pathway to the conservation of natural resources, it makes sense that all CSPs are aware of their obligations to respect and protect the rights of communities' with whom they are engaged or wish to be engaged.

The 32 page guide from the <u>Human Rights</u> in <u>Conservation Working Group</u> is a good starting place to understand a community's rights and the obligations of a CSP.



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Community-led conservation

Community-led conservation is exactly what it says - that decisions about nature conservation are led by a community of place, practice or interest.

It is founded on the principle of subsidiarity which holds that social and political issues should be dealt with at the most immediate (or local) level that is consistent with their resolution (i.e., by the lowest competent authority). Explicit in the principle is that a central authority (e.g., provincial, national or international governing bodies) should have a subsidiary function, performing only those tasks which cannot be performed at a more local

Stakeholders, Rightsholders, and Duty-bearers

(Adapted from "Participatory Approaches to Natural Resource Management Planning: A Practical Guide." United States Forest Service and the Wildlife Conservation Society. 2019)

It is important to highlight the difference between two distinct categories of people that are often involved in natural resource (NR) governance: stakeholders and rightsholders. Stakeholders in this case are any actors who have a stake in the natural resources in question, who will be affected by and/or who have political responsibility, authority and resources to influence the governance, management and/or use of resources. As a result, stakeholders can include a wide range of organizations and individuals who have greater or lesser degrees of interest and participation in NR governance. A subsection of stakeholders known as "duty bearers" are actors who have a particular obligation or responsibility to respect, promote and realize human rights and to abstain from human rights violations. The term is most commonly used to refer to state actors, but non-state actors, such as conservation and development practitioners, can also be considered duty bearers.

Rightsholders are typically customary owners of land/water systems, although some rightsholders are not owners but people such as hunters or migrant farmers who have rights to access particular resources. Unlike many of the other stakeholders who are involved in NR use, rightsholders deserve specific attention because governance initiatives often take place on their lands/waters or affect their rights to use their lands/waters. Rightsholders are often in a weaker position than stakeholders from public and business sectors, who often are stronger and better-established actors in planning and decision-making processes. As a result, specific attention is often needed to redress imbalances and ensure that rightsholders are at the forefront of the governance and management of any natural resource use.

level.

When combined with a rights-based approach, community-led conservation implies that communities rights to govern access to and use of natural resources within their traditional territories should not only be respected and protected (rights), they should be delegated authority to exercise their legitimate territorial rights (subsidiarity).

Community-led conservation does not mean that communities' necessary assume sole responsibility for designing and implementing conservation actions within their territories. They have, of course, the right to solicit advice and support from whomever they wish.

Social safeguards

CSPs are obligated to safeguard the rights and wellbeing, individually and collectively, of Indigenous Peoples and Local Communities they are allied with, and must have policies and procedures in place that are relevant to their compliance with international human rights standards such as the <u>World Bank Environmental and Social Framework</u>, the <u>United Nations</u> <u>Declaration on the Rights of Indigenous Peoples</u>, and the <u>Belmont Report</u> on the ethical principles and guidelines for the protection of human subjects of research. Deploying effective social safeguards is not a one-size-fits-all solution but requires meaningful engagement with rights holders to ensure that safeguards are tailored to reflect their traditions and the local ecological, social and historical context.

There are three primary social safeguards that all CSPs should be aware of and have the knowledge and capacity to implement. These are Free Prior and Informed Consent (FPIC), Ecological and Social Impact Assessment (ESIA), and Grievance Redress Management (GRM).

FPIC

Free, Prior and Informed Consent (FPIC) is a specific right that pertains to Indigenous Peoples formally recognized as such by the state, or to other rights-holding communities that self-identify as Indigenous Peoples. This right is recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It declares that all Indigenous Peoples have the right to self-determination and through that right can choose to give or withhold consent to a project that may affect them or their territories. Even after they have given their consent, they can withdraw it at any stage. Furthermore, FPIC enables them to negotiate the conditions under which any project will be designed, implemented, monitored and evaluated.

A short brief (7 pages) that defines the terms Free, Prior, Informed, and Consent, and summarizes eight essential steps for implementing an FPIC process with communities is <u>available here</u>. A somewhat longer description (28 pages) that focuses more on the roles that communities must play in the FPIC process is <u>available here</u>. The Food and Agriculture Organization of the United Nations has a website dedicated to helping FAO staff understand FPIC in the context of UN project implementation and includes a manual, a toolkit and an e-learning course, is <u>available here</u>.





ESIA

An Environmental and Social Impact Assessment is warranted for both CSP initiated and community-led activities that have the potential to cause an adverse impact on nature and the generation of locally and globally valued ecosystems services, or on the income and food security, and cultural identity of communities both within or linked to the geographical area within which conservation activities are planned. The IUCN <u>Environmental and Social Management System</u> provides a comprehensive set of instructions on how to conduct an ESIA.

GRM

Grievance Redress Management provides a way for individuals or communities to raise good faith complaints about adverse impacts of activities planned, or actions taken or not taken by CSP staff or partners. A GRM also provides a structure to ensure that reported human rights abuses are handled, responded to and documented in a fair and timely manner.

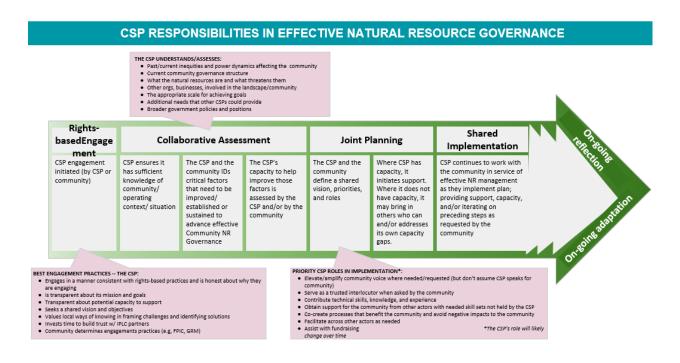
CSP roles over time: the importance of adaptive management

All CSP engagement with community partners whether solicited by the community or initiated by the CSP largely follows a project cycle, or more appropriately an adaptive management cycle. An adaptive management cycle typically includes the following: 1) identify the problem, 2) design a plan, 3) implement the plan, 4) monitor progress, 5) evaluate the results, and 6) learn and adjust the plan. There are numerous examples of these cycles and many use different terms. But all largely mirror the scientific method (see below), and all have learning at their core.

No CSP knows everything. We all understand what we know, and we have things that we know we don't know. But we all need to understand that there are the unknown-unknowns, things that we don't know that we don't know. Adaptive management is one answer to dealing with incomplete information, and incomplete knowledge (i.e., the known-unknowns and the scarier unknown-unknowns).

Adaptive management is the process of taking actions that reflect our current knowledge and understanding, evaluating whether or not these actions are resulting in the desired results and if not why not, then learning from this new experience and adjusting our actions to reflect our new knowledge. Then repeating that testing, learning and adapting cycle over and over.

Figure 2 is an illustration of a possible workflow (i.e., trajectory of partnering) for respectful and effective engagement of a CSP with a community. The diagram makes explicit several principles such as rights-based engagement and joint planning, that are core enable factors. It also outlines key roles and good practices for CSPs.



ENABLING FACTORS

Conservation Context

Conservation of nature is needed to ensure that current uses of the environment do not leave the present and future generations with a planet less healthy than it was when the current generation inherited it from their parents.

Conservation is founded on the ethical principle that individuals do not have the right, for selfinterested reasons, to damage our planet in ways that harm others now and in the future.

For example, no one has the right to pollute the drinking water of those living downstream from them. Nor has anyone the right to deplete a resource or cause its extinction and deprive others from benefiting from the sustainable use of that resource now or in the future.



It is important to understand that conservation is about interpersonal and intergenerational equity and that damage to the environment as a result of the actions of one individual or group, almost always results in a taking of the rights of others.

CSP has evidence that conservation is needed

There are two circumstances that a CSP might decide to engage with a community to support its efforts to conserve valued natural resources. The first is when the community recognizes that natural resources that they rely on are being depleted by others or by community members. The second is when the community fears that their natural resources which currently are relatively intact are at risk of being depleted in the future unless the community is able to exclude outsiders and manage use by community members themselves. It is almost unheard of that a community that relies on local natural resource use is unaware that these valued resources are being depleted, or are at imminent risk of being depleted.

CSP knows that community conservation is the most appropriate level of governance

Serpentine wetlands in southwest Oregon typically range in size from 0.5 to 1.5 acres and can most often be managed effectively by individual property holders. In contrast a single aspen forest clone might cover 50 acres or more. In this case though an individual property holder may have more than 50 acres of land, it is less likely that a single property would encompass all of the area covered by the aspen forest. In this case several property holders would have to agree to manage the aspen clone as a group. In doing so they would represent both a community of place and a community of interest.

A CSP needs to understand if the spatial extent of the ecosystem or the area requirements of a given animal species is" 1) larger than the territory of most individual property holders (e.g., a homeowner in the Australian outback, a farming family in Congo, or a mud-crab fisher family in Fiji), or 2) extends beyond the borders of state management lands or waters. If so then community level management is typically the most ecologically appropriate conservation solution.

In some cases the conservation area of interest may extend far beyond the borders of a single community of place and might require multiple communities to agree to work collaboratively to achieve a common, desired, conservation outcome. At times a community or communities

may need to co-manage their lands with government agencies or private sector companies to meet the area requirements of the valued natural resource that is being depleted or risks being depleted.

Engagement and Trust Building

CSPs may have independently determined that a priority for their organization is to engage with local communities within a particular geographic area because that would help them achieve their conservation mission. Or a CSP might have been contacted by one or more communities because the communities seek support in their efforts to conserve their natural resources and hope the CSP can help.

In both cases the CSP needs to build a trusting relationship with the community. That means that both parties have spent enough time together to believe that the other party: 1) is engaging in good faith, 2) is accountable for their actions, and 3) is respectful of and willing to resolve differences in expectations and opinions. Assuming that the CSP adheres to a rights-based approach to conservation and believes that community-led conservation is the best pathway to equitable and durable conservation then trust is the essential foundation for the effective engagement of communities and CSPs, and for delivering mutually desired conservation outcomes.

CSP engages respectfully and with honesty

A key to launching a trusting relationship is for the CSP to engage respectfully with the community. Humility is always a good starting place. In most cases listening is more important than speaking. Learning about the community and its needs, concerns and aspirations through respectful listening and asking about the most significant changes that community members have observed will do more to both show respect and learn what matters most to the community than trying to garner information using household surveys, or worse telling the community what the CSP thinks they need to do.

CSP is transparent and honest about its mission and goals

CSP must be scrupulously honest and transparent about its mission and what it seeks to achieve as an outcome from engagement with the community. It also has to be honest about what it can and

cannot deliver for the community, what support CSP staff can offer and what support the CSP can mobilize through its networks and donors.

CSP seeks a shared vision and objectives

When a community reaches out to a CSP for support, or a CSP initiates a dialog with the community to determine if there would be mutual benefit to respectful engagement, it is vital that both parties understand and agree that the relationship will only succeed and the objectives

TRANSPARENCY EXAMPLE

If building a bridge to cut travel time to the nearest hospital is not something the CSP can deliver, but the community dearly wants, then let the community know that you understand how important timely healthy care is, and though building a bridge is not something the CSP can do, looking for other ways that the community can get the health care it needs is definitely something to explore together. will only be attained if they develop a shared vision, common desired outcomes, and reach agreement on priority actions and roles and responsibilities.

Aligning around a vision, objectives, actions, roles and responsibilities is only possible if the CSP believes in a community-led approach to conservation, and the CSP has been scrupulously honest with the community about what it seeks to achieve through its relationship with the community, and how that aspiration contributes to the mission of the CSP.

CSP is knowledgeable and transparent about its capacity to provide support

CSP should assess its skills, knowledge and capacity to provide support to the community, and should be transparent in informing the community what types of support it can provide directly or could be provided indirectly by engaging other SHARED VISION EXAMPLE CSPs with the appropriate expertise.

The CSP must be prepared to accrue additional skills, knowledge and capacity to best meet the needs of the community. By regularly identifying what new expertise is needed to support the community, the CSP can determine whether or not developing this expertise internally is a priority for the CSP (i.e., it will have broad utility across the organization) or whether they need to obtain that expertise through their networks.

As the CSP may be respectfully engaged with a community for years or even decades it is important to recognize that the needs of the community will likely change over time as their skills and expertise change and as the challenges they face to govern their natural resources evolve. Over time as the community's needs for support morph, the CSP has to regularly assess whether it currently has or can attain the expertise and capacity to provide directly needed support, or whether other CSPs should be encouraged to engage directly with the community.

It is uncommon but not impossible that a community's and a CSP's independent visions align perfectly. For example, an Animal Welfare organization may have an active field conservation program but may find it challenging to engage effectively with a community that sees sustainable hunting of wild animals as essential to their health, household income, and cultural identity. Similarly, some conservation focused CSPs may be concerned about engaging with a community that also wants to negotiate lease terms with a fossil fuel company keen to build an oil pipeline and pumping stations across their territory

Understanding the community's motivation and capacity to govern and manage their natural resources

CSP knows the interests, aspirations and concerns of the community

During the time that a CSP is investing in building a trusting relationship with the community there will be ample opportunities to learn about the interests and concerns of the community as a whole, and those of individual families and family members. Through informal conversations with people from the community CSP staff can begin to build a

picture of the community's needs, and concerns. The CSP could also use focus group tools like **Most Significant Change** to better understand what positive and negative changes a community has experienced and observed in the last few years and most importantly learn how the community planned to promote positive changes and reverse negative ones.

CSP knows whether or not the community is socially cohesive

For a community to work together to attain conservation and human wellbeing objectives, it needs to be socially cohesive. This means that families, within a community of place, need to trust one another, share a common identity (i.e., we are all members of this neighborhood, village, clan, tribe, etc), and have a history of investing their time and assets to help one another.

Absent social cohesion, groups of people will never coalesce into a community of shared interest that is willing to to engage in collective action (i.e., work together) and invest their time and assets/wealth to solve a shared problem.

If a CSP is concerned that the community may be socially dysfunctional rather than cohesive, a survey of community members can help fill in this information gap (see Wilkie and Painter, 2020, and supplemental materials).

If the CSP learns that the community has little or no social cohesion the CSP needs to determine why this is the case. Is it because in and out migration of unrelated families is common (e.g., in many places where tourism is an important source of income, non-resident families often attempt to move in to secure jobs, but leave if they unable to do so), or families live relatively far apart from one another (e.g., cattle ranching families in the semi-arid western grasslands of the US where stocking rates are low often live miles apart). Or is it because of ongoing or past social or political conflict (e.g., the Khmer regime in Cambodia purposefully forcing families and family members to inform on one another lest they be accused of subversive behavior)?



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The CSP needs to understand why people, within a community of place, do not interact frequently, may not know one another well, rarely get help from one another, and may not feel that they belong to a group or neighborhood with a shared identity.

CSP understands the current natural resource governance system

To govern access to and use of natural resources within their lands and waters a community must have a clear understanding of: a) the state of natural resources within the lands and waters; b) the factors that currently or in the future might deplete natural resources; and c)

the area within which they have customary or formal rights to use natural resources. The CSP has to understand how the community makes decisions about who can use resources within community territory, whether there are restrictions on how much of a given resource a person can take within a certain time period, and whether and how these restrictions are enforced.

Are decisions made through consensus with all community members equally involved in formulating access and use rules? Or has the community designated some community members to form a natural resource governance body to represent their interests? If the latter, does the community feel that their governance body has the legitimate authority to govern natural resources within community territory (i.e., do all or most community members feel that the

governance body is acting in their interests). Most importantly the CSP has to understand whether people typically comply with these access and use rules, and whether the community or its governing body has the capacity (i.e., staff and operational funds) to enforce their access and use rules.

The CSP also has to understand whether the state's regulatory framework supports or militates against community-led conservation, and whether state agencies provide timely and competent support to the community to ensure that community rights are respected and protected.

Lastly, the CSP has to understand whether the community or its natural resource governance body has the power to enforce its legitimate authority, or whether more economically and politically powerful individuals, companies, or government agencies regularly trump community authority.



CSP capacity to partner

For a CSP to deliver timely and competent assistance to a community they must have the knowledge and skills to co-design priority actions with the community and they must have access to funds to implement these priority with the community. If the CSP lacks the knowledge and skills then they must be able to identify and persuade another actor to engage with the community and provide the needed assistance.

As the support a community needs will change over time the CSP has to be able to learn new skills or seek another actor with the appropriate experience.

The CSP also can and should, if requested by the community, play a bridging role connecting the community to other stakeholders and promoting their respectful engagement. In this way a CSP can serve as a trusted interlocutor conveying the community's interests and concerns to other actors when asked by the community to play this role.

A CSP should never believe that it speaks for the community. Rather the CSP should work hard to elevate and amplify the community's voice.

A CSP should be prepared not only to raise funds to finance its engagement with the community, it should be willing to raise funds that will be transferred directly to the community, and help the community to build the skills and experience it needs to secure funding directly from donors.

CSP understands the role of Government

The CSP has to understand the obligations of the government under international human rights law and commitments that specify how they as "duty bearers" must support communities as "rights holders" to govern access and use of their (i.e., the community's) natural resources.

The CSP must also be aware of existing government laws and policies that support or militate against community-led conservation and understand the capacity of government agencies and their staff to provide timely and competent support to communities to enforce their legitimate authority to govern access to and use of their natural resources. Often government agencies lack the motivation, staff and operational funds to support community efforts to govern their natural resources.

CSP understands the role of Donors

Though most donors provide funds on short 3 to 5 year cycles, CSP who start an engagement with a community to support their efforts to govern their natural resources, need to understand that their engagement might last a decade or longer. Community-led governance can take decades to be self-sustaining, so as a CSP you need to be prepared to raise funds to support the community for multiple donor funding cycles. And to ensure that as a CSP you can provide continuity in your support to the community it is worth attempting to raise funds from several different donors to ensure a long, unbroken source of funding.

Engaging with Communities

Wildlife Conservation Society

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