

*Building a global “no-go” commitment: strengthening, expanding and enforcing “no-go” policies (No-Go Approaches - Part II.)*



## SIDE EVENT SUMMARY REPORT

<b>Event co-leaders:</b>	Ben Boer, Cyril Kormos, Nilufer Oral, Shay Sloan and Fiona Wilton
<b>Time and date:</b>	17 November 2014, 12:00-13:30
<b>Rapporteurs:</b>	Shay Sloan
<b>Presenters:</b>	Brendan Mackey, Clive Schofield, Ashish Kothari, Toby McLeod and Cyril Kormos

*This session was part two in a two-part series focused on No-Go Approaches (NGA) to conservation. Part one established the need to set limits to the continuing unsustainable and destructive exploitation of nature. Part two examined existing “no-go” policies, laws and de facto designations, and called for further study and advancement of definition, enforcement and implementation of NGA (see recommendation #13 below).*

In the face of mounting development pressures, this session highlighted the need to further define and implement No-Go Approaches at scale. The session featured an overview of existing No-Go Approaches including World Heritage Sites, sacred natural sites and territories, protected area categories I-IV, Free Prior and Informed Consent for indigenous peoples and local communities, key biodiversity areas, as well as discussions regarding the challenges and successes of implementation.

IUCN possesses solid and long-standing policy positions regarding “no-go”, including “no-go” for extractive industries in World Heritage Sites and IUCN Protected Area Categories I-IV. Additional “no-go” legal frameworks exist in multiple countries, indigenous territories and otherwise. In some cases existing “no-go” policies and governance mechanisms have been underutilized, ineffectively enforced and, in some cases, simply ignored. Further policy mechanisms that can be developed or better utilised and enforced in many countries include (a) respect for indigenous peoples’ territories, the commons of peasant, forest, herder and fisher communities, areas conserved by religious communities and sacred natural and cultural sites; (b) respect of the right of indigenous peoples to self-determination and free, prior and informed consent as part of UNDRIP commitments; and (c) specific national legislation and policies to support the conservation of nature, such as “no-take” zones in marine protected areas, and their enforcement through regulations, courts and customary laws. Further, the session highlighted: i) the potential for forging an alliance with peoples movements and especially food

sovereignty groups; ii) the need for clear guidelines on how to implement what has already been achieved in “no-go” conservation policies; iii) the existence of successful strategies for national legislature (e.g. *Minerals Management Bill* in the Philippines) to draw from; iv) the challenge that both protected areas and “no-go” can be perceived as anti-development, and/or lead to degazetting.

The panel emphasized that “no-go” is not a new concept, including among IUCN constituents, nor does it mean “no-go” for people or customary uses. Panellists called for more effective enforcement of consensus “no-go” zones (e.g. World Heritage sites) and called for further study and definition of the “no-go” zone concept leading up to and beyond the IUCN’ World Conservation Congress in Hawaii in 2016.

### **Key emerging lessons:**

1. We need to recognize and reward conservation mechanisms that avoid emissions and loss of biodiversity if we hope to halt biodiversity loss and mitigate climate change.
2. Offsets are not sufficient given the scale and scope of development and an economic paradigm based on infinite growth. The “no-go” concept allows for the identification of industrial and extractive activities that are not permitted in specific locations deemed of significant heritage value, and otherwise culturally and/or biologically significant.
3. Various “no-go” policies already exist, including for World Heritage sites, IUCN PA categories I-IV, as well as through customary laws, some ICCAs, appropriate implementation of FPIC and UNDRIP principles, within some national legislation, including for sacred natural sites and territories, as well as in the marine context through no-take zones.
4. Sacred natural sites and ICCAs often de facto protect high levels of biodiversity and hold rich cultural statuses but are at particular risk to industrial activities due to lack of recognition at various levels. ICCAs and sacred natural sites need special attention within a No-Go Approach. Appropriately applied principles of FPIC provide a baseline for establishing no-go areas.

### **Exemplary case/s and other useful links:**

1. Examples were given of specific implementation of current policies that incorporate some form of “no-go” concept, including in ICCAs, sacred natural sites and territories, PA categories I-IV, and marine parks (no-take zones).
2. Sacred sites and ICCAs provide good examples of existing informal and formal “no-go” areas. The challenges faced by the protection of such areas are similar to challenges that will be faced by other means of “no-go” implementation.
3. The “no-go” concept requires particular clarity in the marine sector, and can build upon “no-take” areas. Challenges include multiple overlapping jurisdictions, the Law of the Sea, and enforcement of legislation.

*Original presentations and report are available in the event’s folder (see link in annexed “Repository of original Powerpoint presentations and Rapporteur reports”).*

**Key recommendations:**

1. Further study and analysis is needed to better clarify the “no-go” concept.
2. We must define and systematically enforce “no-go” areas so that we can set limits to destruction by industrial activity. We must do this as a matter of urgency: to sustain the planet and to sustain human well-being.
3. Where policies do exist, their implementation has been weak, and in some cases “no-go” policies are ignored. Additional policy and implementation mechanisms are required to further the No-Go Approach, at scale.
4. Increasing development pressures within and around de facto and legally recognized protected areas require immediate and adequate response. Deeming some areas “off limits” to industrial and extractive activities because of their significant biological, cultural or spiritual values is essential and needs to occur as quickly as possible.
5. Rigorous processes are needed for developing clear definitions and mechanisms for No-Go Approaches for each governance type.
6. There is broad recognition that there are some biodiversity resources that cannot be offset, particularly key biodiversity areas (KBAs). These areas need to be clearly defined and included in a NGA, including under CBD.

This event was instrumental in shaping the Governance Stream following recommendation:

Rec#	Title
13	“No go” policies

**Note:** the event contributed also to Stream 7 (Respecting Indigenous & Traditional Knowledge & Culture), Recommendation #9: *Governments implement and enforce appropriate laws, policies and programmes, with the full and effective participation of indigenous peoples and local communities to create “no-go” areas within World Heritage Sites, Sacred Natural Sites and Territories and in other sites where indigenous peoples and local communities are conserving lands and resources, particularly from mining and other extractive and destructive industries. IUCN must establish a Task Force to study and define the “no-go area” concept, develop a relevant program of work and prepare a motion for endorsement at the 2016 World Conservation Congress.*