

Durban Accord Outcome 5: The rights of indigenous peoples, including mobile indigenous peoples, and local communities are secured in relation to natural resources and biodiversity conservation

Indigenous peoples, including mobile indigenous peoples¹³, and local communities live in most of the world's biodiversity-rich regions. Their physical, cultural and spiritual survival and well-being depend on maintaining a range of relationships with, and secure tenure over, their traditional lands, territories and resources. The international community has acknowledged the vital role of indigenous peoples and local communities in the achievement of sustainable development. The knowledge of indigenous peoples and local communities is a fundamental part of their cultural and intellectual heritage, including management of natural landscapes and resources, specific sites, species, sacred areas and burial grounds.

However, the roles, knowledge and customary laws of indigenous peoples and local communities have frequently been disregarded or undervalued by the conservation community. For example, many protected areas have been established without adequate attention to, and respect for the rights of indigenous peoples, including mobile indigenous peoples, and local communities, especially their rights to lands, territories and resources, and their right freely to consent to activities that affect them. Furthermore, many indigenous peoples have been expelled from protected areas created in their territories, thereby severing their relationship with the land involved and undermining their cultural integrity. Indeed, indigenous peoples and local communities have often borne the costs of protected areas but received few benefits; this is particularly true of women.

Acknowledging that many mistakes have been, and continue to be made, and desiring to contribute to the goal of the United Nations International Decade of the World's Indigenous People, which ends in 2004, the Vth World Parks Congress called for an urgent re-evaluation of policies affecting indigenous peoples and local communities. This is reflected in the three main targets below, which have been developed to achieve a more effective engagement between protected areas and indigenous peoples and local communities, based upon recognition of their rights.¹⁴

Main Target 8: All existing and future protected areas are established and managed in full compliance with the rights of indigenous peoples, including mobile indigenous peoples, and local communities by the time of the next World Parks Congress

Main Target 9: The management of all relevant protected areas involves representatives chosen by indigenous peoples, including mobile indigenous peoples, and local communities proportionate to their rights and interests, by the time of the next World Parks Congress

Main Target 10: Participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent are established and implemented, by the time of the next World Parks Congress

International Action

- CBD COP7 should ensure the implementation of the spirit and intent of articles 8j, 10c and related provisions of the CBD, and collaborate with indigenous peoples and local communities in the further articulation of the various components of these provisions.
- As recommended by the UN Permanent Forum on Indigenous Issues in its advice to the Vth World Parks Congress, international fora should ensure that all laws, policies or work programmes on forests and protected areas guarantee, ensure and respect various aspects of indigenous peoples' lives, such as their spiritual and cultural lives, their needs and entitlement to benefits, their rights over land and territorial rights - including rights over sacred sites - and their rights of access to and control over the management of forests.
- The Global Environment Facility (GEF) and the World Bank should ensure that: (i) their draft revised policy on indigenous peoples is fully consistent with indigenous peoples' rights; and (ii) that conservation activities funded by them, including compensatory environmental measures under the Critical Habitats Policy, ensure respect for indigenous peoples' and local communities' rights, and ensure that indigenous peoples have secure and full rights to co-manage and self-manage their lands, that they can derive

equitable benefits from the use of natural resources, including ecotourism, and that their customary law is respected and recognized in national law.

- Recognize collective and customary rights of mobile communities and respect the integrity of the mobile indigenous peoples' resource-management systems.
- Recognize mobile indigenous peoples' community conserved areas as a protected area governance type where this meets the IUCN and CBD definitions of a protected area, and build upon their traditional and evolving institutions and customary norms.
- Promote policies to facilitate cross-border mobility and trade in transboundary protected areas by mobile indigenous peoples who have traditionally lived in, and used those areas.
- Approve the UN Draft Declaration on the Rights of Indigenous Peoples as adopted in 1994 by the UN Sub-Commission on the Promotion and Protection of Human Rights, and ratify and effectively implement International Labour Organisation (ILO) Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries, where the relevant people so wish.

National and local action

- Recognize the contribution and status of community conserved areas and related types of natural resource protection and management, as well as indigenous-owned, designated and managed protected areas, within national systems of protected areas, wherever these areas meet the IUCN and CBD definitions of a protected area.
- Review all existing conservation laws and policies that impact on indigenous peoples and local communities, including mobile indigenous peoples, ensuring their effective involvement and participation in this review.
- Adopt and implement laws and policies concerning indigenous peoples' and local communities' control over their sacred places, with their full and effective participation.
- Recognize the importance of mobility as a vital livelihood system and a traditional lifestyle relevant for conservation in the areas where mobile indigenous peoples have lived traditionally.
" Preserve and restore the integrity of mobile indigenous peoples' traditional lands, including migration routes.
- Adopt and promote adaptive management approaches that recognize the dependence of mobile indigenous peoples on common property resources, and build on their mobility and different lifestyles, livelihoods, resource rights and tenure, customary laws and dynamic scales of land use.
- Respect, promote and integrate the use of traditional knowledge, institutions, customary laws and resource management practices of mobile indigenous peoples, working alongside mainstream science on a complementary basis; develop common conservation objectives; and ensure that development of protected areas and related interventions are evaluated on the basis of local knowledge and are implemented through mobile indigenous peoples' institutions.
- Recognize and guarantee the rights of mobile indigenous peoples to the restitution of their lands, territories and resources, conserved and traditionally occupied and used sustainably by them, that have been incorporated within protected areas without their free, prior and informed consent.
- Promote cross-cultural dialogue and conflict-resolution within and between mobile and sedentary people around and in protected areas.

Protected area authority action

- Adopt measures, policies and practices that provide for full recognition of, and respect for the rights of indigenous peoples, including mobile indigenous peoples, and local communities in respect of protected areas; ensure that their voices are heard and respected in decision-making; incorporate traditional knowledge, innovations and practices; ensure an equitable distribution of benefits, authority and responsibilities; and encourage mutually acceptable incentive mechanisms.
- Adapt protected area and community conserved area management to the special needs of mobile communities, including their use rights, resource-management practices, seasonal and temporal rights and corridors for movement; support mobile use to achieve conservation objectives.
- Develop and adopt mechanisms to guarantee the meaningful participation of indigenous peoples and local communities in the designation and management of protected areas.
- Working with the free, prior and informed consent of indigenous peoples and in consultation with stakeholders, recognize the contribution that community conserved areas, formal co-managed protected areas and indigenous-owned and managed protected areas can make to the development of protected area systems.

IUCN-led action on indigenous peoples and local community engagement

All the following activities should be conducted in full partnership with the representatives chosen by indigenous peoples and local communities.

Action: produce and disseminate guidance and best practice to all parties on the engagement of indigenous peoples and local communities in protected areas, including their roles in the identification, establishment and management of areas and use of traditional knowledge.

Lead: WCPA/CEEESP TILCEPA.

Action: establish support mechanisms for building the capacity of local communities to engage more effectively with protected area authorities.

Lead: WCPA/CEESP TILCEPA.

Action: provide support to indigenous peoples and local communities and other authorities on community conserved areas, co-managed and indigenous-owned and managed protected areas.

Lead: WCPA/CEESP TILCEPA.

Action: provide advice on reforming national laws, policies and conservation programmes to respect indigenous peoples' and local communities' rights.

Lead: WCPA/Commission on Environmental Law.

Action: appoint a WCPA Vice Chair for Indigenous Affairs to ensure that there is a high-level input of indigenous peoples' concerns into WCPA programmes and better communication between indigenous peoples and the protected area constituency.

Lead: WCPA Global Steering Committee.

Action: strengthen training organizations and coordinate training measures for local authorities on the rights of indigenous peoples and local communities in the co-management of protected areas.

Lead: WCPA Capacity Development Task Force.

Action: conduct a review of World Conservation Congress Resolution 1.53 - Indigenous Peoples and Protected Areas and the 1999 IUCN/WCPA/WWF *Indigenous and Traditional Peoples and Protected Areas: Principles and Guidelines* with the full participation of persons freely chosen by indigenous peoples; and, where necessary, amend the 1999 Principles and Guidelines.

Lead: WCPA/CEESP TILCEPA.

Action: collaborate with, and be guided by, the UN Permanent Forum on Indigenous Issues and its working group on the right to free, prior and informed consent, leading to an IUCN report to the annual session of the forum on the implementation of the forum's recommendation.

Lead: IUCN Secretariat.

Action: produce and disseminate guidance and best practice to all parties on the importance of a gender perspective in the management of protected areas, focusing on: (i) an increased commitment to the recognition of women's knowledge of local ecosystems; (ii) acknowledging and enhancing women's roles in decision-making for natural resources management; and (iii) a special commitment to increase the capacity of poor women to engage as key stakeholders.

Lead: WCPA/CEESP TILCEPA.