

# *Protecting indigenous peoples' rights in biodiversity conservation*

Maurizio F. Ferrari

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[maurizio@forestpeoples.org](mailto:maurizio@forestpeoples.org)



Forest  
Peoples  
Programme

# Agenda

1. Old conservation model
2. New paradigm of conservation:
  - a. Rights-based conservation
  - b. CBD
3. Whakatane Mechanism

# Old model: Fortress conservation

- From about 150 years ago
- Colonial/Romantic idea: nature without people
- Results:
  - **Evictions** of people from their lands to create “protected areas”
  - human rights abuses



Wanderer Above the Sea of Fog, by Caspar David Friedrich, 1818  
Looking Down Yosemite Valley, by Albert Bierstadt, 1865  
Grand Canyon of the Yellowstone, Thomas Moran, 1872

# Impacts

- Violation of rights
- Millions of people resettled
- Restricted livelihoods
- Impoverishment and hardship
- Eroded cultural and livelihood practices
- Conflict
- Millennial systems of natural resource management disrupted and destroyed
- Environmental mismanagement and undermined conservation objectives
- Political marginalisation of local communities

# Demands of Indigenous Peoples

- Indigenous peoples have long demanded that conservation, protection of species and ecosystems, measures to address climate change and promote sustainable development should be achieved in a manner that is fully consistent with the human rights of indigenous peoples.

## Key Rights of IPs in Relation to Conservation and Protected Areas

- Right to Self-Determination
- Right to Lands, Territories, Resources
- Right to Participation, Consultation and Free, Prior & Informed Consent
- Right to Culture and Traditional Practices
- Right to be free of Involuntary Resettlement
- Right to Traditional Knowledge
- Right to Health and Right to Healthy Environment
- Right to Restitution & Compensation

# Promoting a rights-based framework

## Some elements of the new paradigm:

- i. United Nations Convention on Biological Diversity (**CBD**) in 1992 (20 years ago)
  
- ii. UN Declaration on the Rights of Indigenous Peoples (**UNDRIP**) in 2007 (5 years ago)
  
- iii. IUCN Durban Action Plan of 2003 (9 years ago)  
4<sup>th</sup> World Conservation Congress 2008 (4 years ago)



# Principles of the new conservation paradigm

- Free, Prior and Informed Consent (FPIC) before the creation of protected areas
- Participation in management and decision-making
- Recognition of rights over ancestral lands
- Equal distribution of benefits from the protected area
- Respect and promotion of traditional knowledge and customary laws
- No forcible resettlement without Free, Prior and Informed Consent
- Compensation and/or restitution for historical injustices

# UN Declaration on the Rights of Indigenous Peoples (**UNDRIP**) in 2007

## Some articles:

- i. Art. 3: self-determination
- ii. Arts. 25-32: land and resource rights
- iii. Arts. 10, 11, 19, 28, 29, 32: free prior and informed consent
- iv. Art. 10: no forced relocation
- v. Arts. 11-15: cultural rights
- vi. Arts. 21, 23, 24, 29: health and healthy environment

# Durban: WPC 2003

- Durban Accord
- Durban Action Plan
- 'New paradigm' that respects IPs' rights

*'takes full account of the rights, interests and aspirations of indigenous peoples, as well as of their desire to have their lands, territories and resources secured and protected for their own social and cultural survival.'*

# UN Convention on Biological Diversity (COP7, 2004): the PoWPA

- Full and effective participation of ILC in PA establishment, decision-making and management
- Respect for their rights
- Use conservation benefits to alleviate poverty
- Fair sharing of PA costs and benefits
- Recognition of and support for various governance types, including co-management and indigenous and community conserved areas
- Any resettlement can only take place with PIC



## PROGRAMME ELEMENT 2:

### Governance, equity, participation and benefit-sharing

- Goal 2.1 - To promote equity and benefit-sharing
- Target: Establish by 2008 mechanisms for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas

## PROGRAMME ELEMENT 2:

### Governance, equity, participation and benefit-sharing

- Goal 2.2 - To enhance and secure involvement of indigenous and local communities and relevant stakeholders
- Target: Full and effective participation by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment and management of new, protected areas

## COP9 (Decision IX.18) to review the implementation of PoWPA (2008):

- (4c) Give special attention to the **implementation of programme element 2** of the programme of work on protected areas;
- (5b) Establish **multi-stakeholder coordination committees** consisting of representatives from relevant government agencies and departments, indigenous and local communities... in support of the implementation of the programme of work
- (6d) Establish **effective processes** for the full and effective participation of indigenous and local communities, **in full respect of their rights** and recognition of their responsibilities, in the governance of protected areas, **consistent with national law and applicable international obligations;**

# COP10 decision on PA (2010)

- Take into account UNDRIP in the further implementation of the POWPA
- National multisectoral advisory committees including ILCs
- Capacity-building workshops on element 2
- Establish clear mechanisms for equitable cost and benefit-sharing and for effective participation
- ABS in PAs
- Recognition and support to ICCAs



# ICCAs

- Indigenous and Community Conserved Areas are *"...natural and modified ecosystems including significant biodiversity, ecological services and cultural values voluntarily conserved by indigenous and local communities through customary laws or other effective means..."*



# Some ICCA Issues

- **Oldest** form of conservation, largely ignored and under **severe threat today**
- Powerful pathway to enhance effective **conservation** while safeguarding **livelihoods** and cultural **identity**
- At **national policy level**, implementation of CBD PoWPA regarding ICCAs is severely insufficient; some recognition processes are **inappropriate/** counterproductive
- **Urgent need for greater understanding of the phenomenon and for appropriate forms of recognition and support**— through implementation of CBD, UNDRIP, IUCN Guidelines, etc and self-organising and networking of indigenous peoples and local communities



# Whakatane Mechanism

- The 2008 IUCN World Congress adopted several resolutions addressing IPs and PAs, including :
- **Resolution 4.052** the need to develop a *“mechanism to address and redress the effects of historic and current injustices against indigenous peoples in the name of conservation of nature and natural resources”*

# Res. 4.048: Indigenous Peoples, protected areas and implementation of the Durban Accord

CALLS ON the Director General, in consultation with IUCN's Commissions to:

- (a) develop a mechanism to bring together representatives of indigenous peoples' organizations, other supportive member organizations of IUCN, and relevant partners, to work in collaboration to:
  - (i) review the extent to which all relevant resolutions and recommendations referenced in the preamble have been implemented;
  - (ii) advance the key recommendations of the Durban Accord and Durban Action Plan and the decisions and elements of the CBD Programme of Work;

# Whakatane Mechanism 2011-12

- IUCN CEESP “Sharing Power” conference in Whakatane, New Zealand, January 2011
- **IUCN Whakatane Mechanism** to assess implementation of the new conservation paradigm (including WCC resolutions) at the local and national level and promote concrete action for effective implementation.
- Mount Elgon, Kenya and Ob Luang National Park, Thailand between October 2011 – now
- Discussions being held for scaling out of WA to other countries

# Whakatane Mechanism

Whakatane Assessment



Findings and Recommendations



Joint implementation