



Forest Peoples  
Programme

## **BRIEFING FOR MEDIA**

### **Conservation and Indigenous Peoples: Assessing the Progress since Durban**

#### ***Key Findings***

As far as indigenous peoples are concerned the conservation movement's 'New Paradigm' declared in Durban in 2003 exists more on paper than in practice. Isolated examples suggest that delivery of this new paradigm is possible, but lack of legal reforms, limited knowledge of conservationists and lack of priority in practical implementation on the ground mean that really very little has changed. Protected Areas are still being run in top down ways that exclude indigenous peoples and deny their rights.

- Since 2003 a trend by conservation organisations to adopt policies on indigenous peoples and to develop programmes that target their needs shows that the conservation community is aware of the need to respect indigenous peoples' rights. However implementation lags far behind. Work to address the rights of indigenous peoples is not central to any organisation interviewed.
- The necessity of national legal and policy reforms to accommodate indigenous peoples' rights in protected areas was highlighted in the Durban Accord. The review found little evidence that conservation organisations are attempting this. At the national level reforms are blocked by officials' vested interests, prejudicial attitudes towards indigenous peoples and conservative thinking.
- Despite conservation organisations accepting the need to respect the right to Free, Prior and Informed Consent in their operations, few resources have been invested to put this principle into effect.
- Two years' away from Durban's 2010 target for the establishment of mechanisms for the restitution of indigenous peoples' lands taken for protected areas without their consent, there is no indication of conservation organisations taking up the challenge. There also appears to be little progress at national level.

#### ***Key facts***

- The 1990s heralded a call for radical change in the nature of conservation provision, particularly in Africa, and sought to go beyond the colonial and neo-colonial construct of 'Fortress Conservation' and develop a new conservation paradigm.
- At the IUCN 'World Parks Congress' in Durban in 2003 the 3000 participants – including scientists, politicians, industry leaders, non-governmental organisations and indigenous peoples – issued the Durban Accord and Action Plan, new commitments and policy guidance for protected areas worldwide based on respect for rights and full and effective participation of indigenous peoples and local communities.
- In 2004 decisions at the 7<sup>th</sup> Congress of Parties (COP7) to the Convention on Biological Diversity called for similar changes in conservation approaches, in particular the inclusion of Indigenous and Mobile Peoples in decision-making and management of Protected Areas.
- With the 'New Paradigm' Conservationists committed themselves to respect the rights of indigenous peoples. No new parks should be established without consent, forced resettlement should be strictly eliminated, lands taken without consent should be returned to their traditional owners and indigenous peoples should be effectively involved in the management of protected areas and should share in the benefits.

## **Implementation of the 2003 Durban Action Plan and CBD Programme of Work on Protected Areas**

- **Policies and Guidelines:** following the Durban Accord several agencies have modified their policies and programmes towards indigenous peoples.

*The World Bank* adopted a revised safeguard policy on indigenous peoples in 2005; this was criticised by indigenous peoples for its unclear protections of indigenous peoples' land rights and because it did not explicitly uphold their right to 'free, prior and informed consent'. The World Bank now plans to review.

*The IUCN* has issued renewed guidance aimed at promoting co-managed and indigenous and community conserved areas, also guidance about sacred sites. However the IUCN international and regional offices have not undertaken the implementation review as agreed in Durban and efforts to provide guidance for the reform of national laws and policies have been patchy at best.

*Conservation International and the WWF* have adopted revised policies and set up small programmes to relate to indigenous peoples and can point to important examples where they have helped them secure land rights and a place in protected area management plans. They have yet to mainstream this approach into their work and push for legal reforms and land restitution.

*The Nature Conservancy* has not adopted a policy on indigenous peoples and the degree to which its field programme has begun working with indigenous peoples to promote conservation through securing rights varies greatly. In Asia and Africa this is not evident; in South America TNC has initiated an active programme with indigenous peoples to secure conservation values in protected areas.

The *Wildlife Conservation Society* has not adopted a policy on indigenous peoples to guide its field programmes. While promoting conventional protected areas, particularly in Latin America, WCS has started to work with indigenous peoples to involve them in protected area management and seeks to build partnerships, especially in Bolivia.

- **Action at the national level:**

*In Uganda* whilst certain frameworks exist, and there is a growing recognition of community rights in protected areas, genuine participation by the Batwa remains illusory. The Batwa continue to suffer multiple forms of marginalisation in protected area management.

*In Cameroon* little progress has been made to secure forest communities' rights. Conservation organisations, donors and Government have done little to implement international commitments and most remain unknown at the local level. Outdated laws also constrain, contradicting the Government's international commitments.

*In Malaysia* there is a varied picture. In Sabah the rights of indigenous peoples are partially acknowledged, but with the gazettment of protected areas these rights are extinguished. Nonetheless approaches to accommodate local people are steps in the right direction, although not a proper recognition of indigenous rights.

*In The Philippines* the Constitution and laws do uphold the rights of indigenous peoples. To date less than half of all lands claimed by indigenous peoples have been titled but some lands have been returned to indigenous peoples in some protected areas. Effective involvement of indigenous peoples in the management of protected areas remains a big challenge.

## ***Recommendations***

- Governments need to prioritise their commitments to indigenous peoples in accordance with their Decisions at the Convention on Biological Diversity and accept that this may require legal changes in national land tenure and conservation laws
- Conservation organisations must mainstream efforts to secure indigenous peoples' rights in their conservation programmes in line with the promises made through the World Parks Congress in Durban.
- To encourage change at the national and local levels Governments and conservation agencies must enter into open dialogues with indigenous peoples to explore ways of urgently implementing the Durban Action Plan.