

Concept note for Pilot Whakatane Assessments

Background

At the IUCN CEESP Sharing Power conference in Whakatane, New Zealand, January 2011, a meeting was held between indigenous representatives, the chairs of three IUCN commissions (Commission on Environmental, Economic and Social Policy (CEESP), World Commission on Protected Areas (WCPA) and Species Survival Commission (SSC)) and sub-commissions (Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas (TILCEPA) and Theme on Governance, Equity and Rights (TGER)), key staff of the IUCN secretariat (the Director of the Environment and Development programme and the Senior Adviser on Social Policy) and other IUCN staff, Conservation International and the Forest Peoples Programme.

The outcome of the meeting was an agreement to implement a series of measures, known as the Whakatane Mechanism, in order to review the implementation of resolutions related to indigenous peoples adopted at the 4th World Conservation Congress (WCC4) in 2008, in Barcelona, Spain and to advance their implementation should there be a gap.

Key elements of the 'new paradigm' on protected areas

- Indigenous peoples should meaningfully participate in the designation and establishment of protected areas, and their free, prior and informed consent should be obtained before any activities take place in their territories;
- Indigenous peoples should meaningfully participate in the management and decision making of the protected areas; with a central role for the traditional authorities and institutions;
- Benefits derived from protected areas should be equitably distributed;
- Traditional knowledge and customary laws and resource management practices should be respected, promoted and integrated;
- Forcible resettlement of communities in connection with protected areas must not happen (or at least must not take place without FPIC);
- Historical injustices caused through the establishment of protected areas should be addressed, through compensation and/or restitution;
- Laws and policies should be enacted that recognize and guarantee indigenous peoples' rights over their ancestral lands and waters;
- Conservation laws that impact on indigenous peoples should be reviewed;
- The contribution of Indigenous Conservation Territories and Indigenous and Community Conserved Areas, and co-managed areas can make to the development of the protected areas system should be recognized.

These resolutions, along with the Durban Action Plan and the Programme of Work on Protected Areas (POWPA) of the United Nations Convention on Biological Diversity (CBD), are often termed as the "new conservation paradigm" (cf. box above). They are crucial for ensuring that conservation practices respect the rights of indigenous peoples, including those specified in the United Nations Declaration on the Rights of Indigenous Peoples, and their full and effective participation in policy and practice. Unfortunately, the actual implementation of these decisions in support of indigenous peoples has been very patchy as described in numerous publications on the social effects of

conservation. Details of the agreement reached in Whakatane can be found [online](#) and the specific actions that were decided are available in the appendix to this document.

Amongst these decisions, IUCN agreed to implement *Whakatane Assessments* of protected areas at the local level, in partnership with indigenous peoples' organisations (IPOs), the Forest Peoples Programme, CEESP, TILCEPA and TGER. These are required by IUCN pursuant to WCC4 Resolution 4.048 to follow up on the Durban Accord and Action Plan and Resolution 4.052 that seeks 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", which is in line with the mainstreaming of UNDRIP in the IUCN.

It was agreed that the pilot assessments should identify and address problematic areas, where people are still negatively impacted by protected areas, or proposed protected areas, and where their rights are being violated, propose solutions and develop transparent and accountable processes to implement them. They should specify recommendations to address gaps between the observed practices and the 'new conservation paradigm'. They should also identify, celebrate and support successful projects and best practices. The findings will be reported in national workshops, which will then devise ways to implement the recommendations from the assessments, including national policy and legal and institutional aspects.

The Whakatane Assessments will be implemented by a Steering Group, housed under CEESP. This group will be formed by IPOs (at least one from each continent and not necessarily IUCN members), FPP, representatives of the Conservation Initiative on Human Rights (CIHR) and representatives of CEESP and WCPA. Each organisation will nominate its own representatives. In the case of the IPOs, IUCN members will choose amongst themselves while external representatives will be chosen by the International Indigenous Forum on Biodiversity (IIFB)/Indigenous Peoples Committee on Conservation (IPCC).

This concept note provides details on the structure of a Pilot Whakatane Assessment.

Where and what?

The Pilot Whakatane Assessment will run at the invitation of indigenous people living in or around protected areas. They will look at the current situation of indigenous peoples and local communities living in and around the protected area. The assessment will address the following core issues in depth and the relationship they might have with the protected area or proposed protected area:

- Land and resource rights/tenure of indigenous peoples and local communities
- Livelihoods of indigenous peoples and local communities
- Self determination, including Free prior informed consent (FPIC), management role and participation of indigenous peoples and local communities
- Other specific issues identified and pointed at by the hosting indigenous peoples

Who?

The composition of the team carrying out the Whakatane assessment will be subject to approval by the host indigenous peoples. Indicatively it could be composed of 6-14 people representing their institution:

- Two people from IUCN
- Two people from FPP
- Four people from indigenous peoples organization (some of whom could be from an international IPO)
- Two representatives of non-indigenous local people affected, positively or negatively, by the protected area
- Two representatives of the government
- Two people from relevant conservation organization(s)

How?

The logistical arrangements of the assessment will be under the responsibility of FPP (to reduce overheads) and will be organized in close collaboration with the relevant local organization(s). The team running the pilot assessment could devise the best way to organize it and adapt these guidelines to the individual cases. The details will be specified before fieldwork in a memorandum of understanding between the organisations to which the members of the team belong.

Timeline

- 3 days of fieldwork preparation (collecting and reading documents, scoping interviews, etc.). Key document to be read by the whole team.
- 7 days in the field (in and around the protected area and relevant locations).
- 1 day off to reflect and summarize the findings from the field ahead of the next day.
- 1 day for a workshop to exchange the information collected with the indigenous peoples and local communities in order to gather feedback on the findings and integrate them into a draft presentation. The draft presentation will be subject to the approval of indigenous peoples and local communities before it is presented at the national workshop.
- 1 day for preparation of the national workshop presentation and for members of the team to send back the findings and recommendations for approval from their organisations.
- 1-2 days for a national workshop to present the findings of the assessment and devise ways to implement the recommendations. Relevant government representatives and other institutions will be invited to the workshop, which will be open to relevant participants.
- 2 weeks to write up the final report, coordinated by the lead author.
- Feedback and final approval of the report by the assessment team.
- The report will be formally submitted to the organisations involved in its preparation, the IUCN Council, national governments and relevant international processes (e.g. UNPFII, EMRIP, CBD).

- It will also be shared with indigenous peoples and local communities in a language they understand and in a manner appropriate to them.

Areas of investigation

The assessment will look in depth at the following core issues specified above and the relationship they might have with the protected area:

- Land and resource rights/tenure of indigenous peoples and local communities
- Livelihoods of indigenous peoples and local communities
- Self determination, including FPIC, management role and participation of indigenous peoples and local communities

The assessment should address the following (non-exhaustive) items and the effects and interactions they have with the protected area (positive and/or negative):

- Land and resource rights/tenure
 - Customary rights, other interests and other jurisdictions
 - Formal titles/tenure
 - Restitution
- Indigenous representation
 - Institutions (e.g. traditional governments, council of elders, spiritual leaders etc.)
 - Connection and interaction with the local communities
 - Role in decision-making in the protected area
- Self-determination
 - Address various rights related to self-determination
 - Opinion/knowledge of the local indigenous people on FPIC
 - Views of the staff of agencies involved on self determination and FPIC
 - Documentation of FPIC process for the creation and decisions of the protected area
 - How/if FPIC was sought as a process and in an iterative manner in the creation of and management of the protected area
- Livelihoods
 - Customary use of the area
 - Competing land uses

- Current and past uses of the area and neighbouring areas/resources (e.g. rivers and right of ways for passage)
- Restrictions to livelihood activities
- Compensation or other forms of redress for restrictions
- Community and other's views of sustainability/viability of livelihoods
- Resettlement and displacement
 - Historical
 - Forced or voluntary displacement
 - Restrictions on access to the protected area
 - FPIC for resettlement and displacement
- Management role of IP
 - Self determination and management of their territories
 - Participation type in protected area management (decisive voice / token role)
 - Role in management planning (resource assessment, devising options for actions, and drafting of documents)
 - Role in implementation
 - Dispute resolution
- Benefit sharing / compensation
 - Who bears which costs and who reaps which benefits
 - How has the plan evolved to deal with cost and benefit sharing
 - Implementation
 - Effectiveness
 - Cash or in kind - appropriateness
- Cultural aspects
 - Existence and number of sacred sites in different areas such as in/out of the protected area (the exact location of sites can be kept secret)
- Religious ceremonies and their connections inside and/or outside the protected area (e.g. access to elements required for ceremonies or existence of sites, artefacts etc.)
- Awareness of the new paradigm resolutions and international indigenous rights amongst

- Government staff
- National and local conservation organisation staff
- Ecoguards
- Indigenous people
- Local people
- Gender as a cross cutting topic. The perspective of women and men needs to inform all the topics of the assessment (respecting local ways and gender roles).

At the request of the host indigenous peoples, the review could look in more detail into particular topics listed above or others.

Data gathering

The assessment would look at any appropriate sources, including the following

- Background research in project documents, including any management plans, national legislation, livelihoods studies, etc.
- Interviews with national and local policy-makers
- Interviews with representatives of indigenous peoples and local communities
- Meetings and consultations with indigenous peoples and local communities

All the information contained in the draft report and final report needs to be precisely referenced to academic standards.

Appendix

What, when and who agreement on implementation of the ‘new conservation paradigm’

(as per discussion in Whakatane, 12-13 January 2011)

What (action)	who	when
<p>1. Implement “Whakatane pilot assessments” of protected areas at the local level. These should be carried out by teams composed of indigenous peoples, IUCN national and international offices, government officials and other relevant actors.</p> <p>The pilot assessments should specify recommendations to address gaps between the observed practices and the ‘new conservation paradigm’. They should identify and address problematic areas, where people are still negatively impacted by protected areas and their rights are being violated, propose solutions and develop transparent and accountable processes to implement them.</p> <p>They should also identify, celebrate and support successful projects and best practices.</p> <p>The findings will be reported in national workshops, which will then devise ways to implement the recommendations from the assessments, including national policy, legal and institutional aspects.</p>	<p>A Coordinating Group (CG) to be created.</p> <p>The CG should be institutionally embedded in CEESP¹, but open to individuals who are not CEESP members</p> <p>The CG should be agile and could be composed of:</p> <ul style="list-style-type: none"> - IPOs: (at least one from each continent) - FPP (MFF) - Representatives of CIHR (WWF, CI, WCS...) - Representatives of CEESP and WCPA (Aroha and to be decided) - IUCN Secretariat (Stewart and Gonzalo) 	<p>The CG should be set up as soon as possible.</p> <p>IUCN Secretariat, FPP and CEESP to develop a concept note by 15-30 March, discuss it with CG(if already up and running) and IUCN members (IPOs and CONGOs) and raise funds</p> <p>Pilot initiative up and running to have an input into WCC 5 (Jeju 2012)</p>
<p>2. Carry out a review of the implementation of each of the WCC4 resolutions relevant to</p>	<p>IUCN Secretariat (Gonzalo) to</p>	<p>The review will be presented in a</p>

¹ A message will be sent to Aroha to seek her advice and guidance about this

<p>indigenous peoples, based on information from commissions and regional and global thematic programs.</p> <p>- Share this report with the Council</p> <p>-Incorporate (reflect) recommendations from above into IUCN’s 2013-16 Programme</p>	<p>produce a preliminary review in time for the 2011 Council meeting.</p>	<p>report ready by the end of in March</p> <p>A draft will be shared with Indigenous peoples organizations for comments, at least 2 weeks before it is submitted to the Council (15 April).</p> <p>A final report will be presented at the next council meeting (23-25 May 2011)</p>
	<p>IUCN secretariat, IUCN members with support from FPP and IPs or the Coordinating Group</p> <p>Based on the review above and depending on its outcome, CG to decide appropriate follow-up (in order to have a solid report by WCC5)</p>	<p>This process will be communicated to the media to present the work of IUCN with indigenous peoples at a time to be agreed upon</p> <p>This should be carried out in time to have a solid report before WCC5</p>
<p>For resolutions that have not been implemented, a process will be developed for effective implementations.</p>	<p>IUCN Secretariat, Commissions with support by FPP and partners</p>	<p>IUCN should devise a programme of activities to implement the resolutions that have failed to be implemented so that they are conducted before new resolutions are adopted at WCC 5</p>

3. The IUCN union, assisted by the secretariat, to Coordinating

<p>reinforce its multi-level process (encompassing international, regional, national and local levels) to assess and advance the implementation of the “new conservation paradigm”. This process would focus on specific WCC4 resolutions relevant to indigenous peoples, including (as a starting point): 4.048, 4.049, 4.050, 4.052, 4.053, 4.056, 4.068. Including:</p>	<p>Group (as in point 1)</p>	<p>A briefing sheet on the ‘new paradigm’ should be sent to national offices (FPP can provide support on that) by May 2011</p>
<p>-Spread awareness of the Durban Accord and Action Plan and the WCC4 resolutions on indigenous peoples to all national IUCN offices.</p>	<p>IUCN, with support from FPP and partners</p>	<p>Each national office should report on the number and content of meetings and interactions (including collaborative projects) it had with indigenous peoples’ organizations since WCC4 (by end of 2011?).</p>
<p>- Improve the coordination between regional and national IUCN offices and indigenous peoples’ organizations.</p>	<p>IUCN and IPOs</p>	<p>The information will be passed on to regional forums and IPOs (Stewart will circulate the details of the regional meetings asap; Nigel will distribute the information to CEESP listserves and FPP to IPO).</p>
<p>- IPO will be encouraged to participate in regional IUCN meetings in preparation for WCC5 or at least to provide input on these issues to the meetings. One potential outcome is that the meetings will be asked to issue recommendations on action to advance the implementation of the WCC4 resolutions above.</p>	<p>IUCN regional offices and IPO</p>	<p>The review of WCC4 resolutions will be communicated to them shortly after it</p>
<p>4. Submit reports on these matters to the United Nations Permanent Forum on Indigenous Issues and statements to the Expert Mechanism on the Rights of Indigenous Peoples and the CBD.</p>	<p>IUCN Secretariat (Gonzalo) with support from Coordinating</p>	

	Group	
		is presented to the IUCN council in May
5. Remind the IUCN Council that it was directed by a WCC4 resolution to form a task force to examine the application of the United Nations Declaration on the Rights of Indigenous Peoples to every aspect of the IUCN Programme (including Commissions Mandates), policies and practices, and to make recommendations for its implementation	Stewart	To remind the Council by 25 May 2011
	FPP (letter)	Ask what is the state of the implementation of this resolution
6. Inform indigenous and civil society organisations about the draft IUCN Policy on Conservation and Human Rights as soon as it is available	IUCN Secretariat (Gonzalo)	As soon as draft is ready (around October)

Draft