

NAIROBI DECLARATION, PRESENTED BY THE AFRICA INDIGENOUS PEOPLES AND LOCAL COMMUNITIES, TO THE AFRICA PROTECTED AREAS CONGRESS (APAC) 2022



We, representatives of Indigenous Peoples-led conservation organisations and networks in Africa convened in Nairobi, Kenya on 15 – 16 June 2022 under the auspices of the Alliance Rights, Inclusion and Social Equity in Conservation (ARISEC), to plan for our meaningful participation in the first IUCN's Africa Protected Areas Congress (APAC) scheduled for July 2022 in Rwanda, make this declaration. This is a Declaration to IUCN, and its member organizations, governments, and conservation partners, that is affirmed by 50 participants drawn from 6 countries in Africa.



Preamble:

We affirm our role in the conservation of our land and nature, and continued commitment to have functional and robust ecosystems for sustainable livelihoods for future generations, and Biodiversity conservation anchored on Indigenous Peoples and Local Communities philosophies.

We celebrate our indigenous knowledge, and cultural diversity that leverage and connect our shared efforts and advance the relationship between people, land, and nature, as a core principle for sustainable conservation.

We recognize and affirm the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007) that enshrines, among others, our rights to land and territories, and meaningful participation in decisions that affect our lives.

We recognize and welcome the support by IUCN, and its member organizations, governments, and partners in organizing the APAC 2022, being the first time, a conference focusing on conservation in Africa is held on African soil, presenting us the space to directly engage with other stakeholders at the Congress.

We emphasize the importance of our visibility, equity, representation, and meaningful participation in decision making bodies that have the potential to impact on our collective and individual rights.

We acknowledge and affirm the importance of progressive conservation policies and laws, and legal rulings/jurisprudence that advance the rights of Indigenous Peoples and Local Communities, such as the Law on Protection of Indigenous Pygmy Peoples in DRC, the ruling of the African Court on Human and Peoples' Rights on the Mau Ogiek, the injunction of the East Africa Court of Justice to stop Maasai eviction from their lands in Tanzania

We recall and affirm the outcomes of the 5th World Parks Congress held in Durban, South Africa in 2003, and the commitments made in the Durban Action Plan that:

All protected areas "shall be managed and established in full compliance with the rights of Indigenous Peoples, mobile peoples and local communities", and that

"Participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent [should be] established and implemented by 2010";

We note and acknowledge scientific evidence that increasingly highlights that Indigenous Peoples and Local Communities are the greatest custodians of lands, territories, and resources, and affirm the value of indigenous peoples' knowledge and governance systems in effective and sustainable conservation.

We, note with great concern that:

1. Despite the 2010 deadline for implementation of the Durban Action Plan little progress if any has since been achieved, with key commitments such as meaningful participation of Indigenous Peoples and Local Communities in the establishment and management of protected areas, and restitution of Indigenous Peoples' traditional lands and territories worsening every day.
2. Conservation polices continue to exclude Indigenous Peoples and Local Communities, and often do not recognize our contributions as key conservation actors.
3. Indigenous Peoples continue to struggle to secure legal recognition of our communities, land, and territories, restricting access to legal and cultural identify, and other human rights.
4. Indigenous Peoples and Local Communities continue to face risks of alienation of our land and territories by governments, local and international investors without Free Prior and Informed Consent (FPIC) in the name of conservation contrary to international laws.
5. Indigenous Peoples and Local Communities continue to experience displacement, loss of life, land and livelihoods, and subsequent criminalization of community livelihoods over contested landscapes.
6. The virtual silence of international conservation organizations, donors, and partners; in condemning the violations of Indigenous Peoples rights in Loliondo Division of Ngorongoro District, Tanzania.
7. Environmental and human rights defenders are increasingly facing threats to their life in the name of conservation, and corporate mega-projects
8. The concept and application of the IUCN categorization of "Protected Areas" conflicts with the Indigenous Peoples and Local Communities philosophy of conservation anchored on the relationship between people, land, and nature. The IUCN categorization of protected areas has shifted national and global attention and resources in favor of care for nature only; with a focus on wildlife conservation in "protected areas".
9. New models of conservation often presented as Conservancies, and Wildlife Management Areas (WMAs) pose a significant threat to conservation in Africa and are not tenable to achieve biodiversity and conservation. Often such conservation models lack transparency, meaningful and inclusive participation of Indigenous Peoples and Local Communities at all levels.
10. Increased land degradation and impacts of climate hazards disproportionately affect Indigenous Peoples and Local Communities, weakening our resil-

¹DRC, Uganda, Tanzania, Ethiopia, Burundi, and Kenya

ience and adaptation capacities. Indigenous Peoples and Local Communities at times have to bear the burden of climate mitigation actions and efforts implemented by governments in the form of eviction to pave way for green energy projects without their FPIC.

11. There are few initiatives that mainstream gender in conservation to profile differentiated needs and impacts on women, men, boys and girls, and Persons Living with Disability (PLWD).
12. Financial mechanisms are largely inaccessible to most Indigenous Peoples and Local Communities and lack transparency and accountability.

We, strongly recommend and call on IUCN, and its member organizations, governments, and funding partners to:

1. Uphold and respect life and human rights of Indigenous Peoples and Local Communities in line with the Universal Declaration of Human Rights, and the United Nations Declaration on the Rights of Indigenous Peoples.
2. Embrace the human rights-based approach underscored in the post-2020 Global Biodiversity Framework, support and implement existing Resolutions related to Indigenous Peoples and Local Communities.
3. Implement and or formulate policies that respect Indigenous Peoples and Local Communities-led conservation anchored on the relationship between people, land and nature, and address policy gaps at all levels.
4. Resolve historical injustices related to conservation through compensation, reparations, and restitution for the loss of land, territories, and livelihoods by Indigenous Peoples and Local Communities.
5. Implement the 2003 World Parks Congress' Durban Action Plan by ending and condemning the appropriation of Indigenous Peoples' lands without FPIC in the name of conservation.
6. Secure land and territorial rights of Indigenous Peoples and Local Communities (including customary laws).
7. Refrain from establishing new protected areas on Indigenous Peoples and Local Communities without their FPIC until all land is legally secured.
8. Support development of integrated sustainable land use and management plans that incorporate conservation ideologies of Indigenous Peoples and Local Communities embedded in community-tenure based conservation.
9. Redefine the concept of "Protected Areas" by IUCN particularly category VI that upholds the national enforcement of creating protected areas. There is urgent need to review and replace the concept and practice of "protected areas" with "conservation" to do away with the militarization of protected areas, promote the people-land and nature relationship, application of FPIC, and ensure prioritization of funding for community-based conservation efforts led by Indigenous Peoples and Local Communities and their organizations.
10. Implement, support, and strengthen evidence-based approach to conservation by generating and using sex disaggregated data to measure gender differentiated outcomes through research and impact studies of conservation projects to ensure no Indigenous Peoples and Local Communities are left behind.
11. Make available direct funding to Indigenous Peoples and Local Communities-led grassroots organizations and conservation networks with clear targeted funding mechanisms that are accessible, transparent, and accountable.
12. Ensure meaningful participation of Indigenous Peoples and Local Communities in decision making at all levels of conservation (policies, programs, financing etc.) in a gender responsive and equitable manner.

Recommendations to APAC Secretariat to:

1. 1. Make provisions for representation of Indigenous Peoples and Local Communities organizations at the APAC Board level.
2. 2. Collaborate with Indigenous Peoples-led organizations to host a dedicated forum on conservation in Africa to profile issues affecting Indigenous communities and provide recommendations on conservation issues arising from the Kigali Declaration and its implementation.
3. 3. Make efforts to increase Indigenous Peoples and Local Communities participants quota to the APAC to present our issues and share experiences with other stakeholders.

APAC Pre-Congress Event

1. 1. We, unanimously nominate IMPACT Trust Kenya as the Indigenous Peoples Organization (IPO) to co-lead/host the Indigenous Peoples and Local Communities pre-APAC event/session on our behalf. We, further request that IMPACT Trust Kenya provide direct contributions that shape/draft/review/modify the agenda towards meaningful thematic areas touching on Indigenous Peoples and Local Communities.
2. 2. We unanimously selected 4 Indigenous Peoples and Local Communities volunteers to join the drafting team of APAC Kigali Declaration. The said names will be shared by IMPACT Trust Kenya.
3. 3. We, request APAC to share the names of the 2 nominated IPOs, members of the APAC structures, for transparency and in the spirit of collaboration, and meaningfully engage them.

APAC Main Agenda

We, request provision/slot in the main Congress Agenda (Plenary session) for Indigenous Peoples and Local Communities to read/submit our recommendations/positions (the Nairobi Declaration) to ensure its impactful contribution to the APAC Kigali resolutions and call to action.

