

## Africa Indigenous Peoples and Local Communities (IPLCs), Kigali Declaration at the 1st Africa Protected Areas Congress (APAC) 2022

### “We are Nature”

We, representatives of Indigenous Peoples and Local Communities, our organizations, and networks in Africa from more than 40 African nations convened in Kigali, Rwanda on 16 –17 July 2022, to undertake our full and effective participation in the first IUCN’s Africa Protected Areas Congress (APAC), do make this declaration. This being a culmination of sub-regional gatherings and convenings that happened: Victoria Falls Declaration, Zimbabwe - June 25, 2019, the Ouagadougou Declaration by the ICCA Consortium's West Africa & Sahel assembly 21 November 2021, Goma declaration of the ICCA Consortium's Central Africa assembly 9 March 2022, Laboot Declaration of the ‘East Africa Assembly on Land Justice and Indigenous Peoples Co-operation’ on 11-13th June, and 17-19th June 2022 and the Nairobi Declaration of the Regional IPLCs Pre-APAC meeting, 15 – 16 June 2022.

Taking into account the many commitments and declarations providing for and protecting the rights of Indigenous Peoples and Local Communities, as listed in Annex 1.

#### **We note:**

We note the progress made by governments, development partners and others in recognizing and advancing the rights of Indigenous Peoples and Local Communities (IPLCs), but a lot remains to be done. We are far from where we need to be.

We are heartbroken and outraged by the violent land appropriation and brutal displacement of communities all over Africa in the name of conservation and tourism development. How can governments that are supposed to protect their people, instead be killing their people? We reject such appropriation and assert our inalienable right to own, govern, care for, and use our lands, resources, and waters.

There is continued displacement of Indigenous Peoples and Local Communities, loss of life, land and livelihoods, and subsequent criminalization of community livelihoods over contested landscapes and waters. There is persistent silence by international conservation organizations, donors, and partners; few actively condemn violations of human rights and the rights of IPLCs.

We take care of our lands, resources, and waters. We do this even better when our collective ownership and resource use rights are legally secure. These are in every sense, our ‘territories of life’.

IPLCs protect 80% of the world’s biodiversity, yet only 6% of protected areas registered across Africa are under the ownership or governance of Indigenous Peoples or Local Communities. The majority of Protected Areas are state owned and managed, and increasingly private, control.

Despite the 2010 deadline for the implementation of the *Durban Accord and Action Plan* little progress has been achieved. Key commitments such as restitution of IP lands and meaningful participation have not been implemented.

IPLCs continue to struggle to secure legal recognition of their land, territories of life, resources and waters and their legal and cultural identity, and other human rights. Our lack of secure land and territorial rights continue to render us squatters on our own land and are vulnerable to alienation by powerful economic and political forces including governments, local and international investors. Our sustainable resource use rights are further threatened by external stakeholders. Some of these threats are advanced by research, media and academia that have contributed to the idea of Africa as a place emptied of human presence via documentaries shot to depict wildlife without human interactions. This imagery is not a reflection of reality.

The concept and application of the IUCN categorization of 'Protected Areas' water down the IPLCs philosophy of conservation anchored on the relationship between people, land, and nature. Its categorization has shifted national and global attention in favor of care for the environment only; with a focus on wildlife conservation in "protected areas".

Therefore -

**We commit to:**

- **Speak up and speak loudly:** to actively share our grievances and demands with local and national government actors, organizations and donors. This includes bringing ideas and solutions to the table.
- **Deploy our wisdom,** energies, and traditional knowledge in advancing the conservation and sustainable use of our biodiversity in a way that is culturally appropriate and rights-based.
- Continue to **sustain intergeneration traditional knowledge transfer** through our cultural ways and forms.
- **Bring our natural resource domains** under proactive protection and rehabilitation, working collaboratively as equal partners with state and non-state conservation bodies where this is required
- **Recognize and reinforce our governance and management capacity,** by drawing upon best traditional practices and the best of modern requirements for inclusive decision-making; establishing measures to limit elite capture and financial measures to limit corruption, and institute measures to ensure that those we designate to lead and act on our behalf do so with full accountability to community members.

- **Set up a pan-African IPLC body** as a platform for our shared concerns, actions, programmes and cross-learning among states and to follow up the implementation of this declaration; anchored in national and sub-regional networks.

**We call on:**

Governments to:

- **Advance their efforts** to recognize and respect the customary collective tenure rights of Indigenous Peoples and Local Communities. This should be in line with the Universal Declaration of Human Rights, African Charter, United Nations Declaration on the Rights of Indigenous Peoples, as well as embracing the Human Rights Based Approach underscored in the post-2020 global biodiversity framework.
- **Implement** the 2003 World Parks Congress Durban Accord and Action Plan and UNDRIP by prioritizing the restitution of lands and redress, where sought and needed and **Refrain from establishing new** protected areas.
- **Respect and implement** international and regional decisions of the various AU mechanisms and structures. Respect includes ceasing resistance to the implementation of already awarded resolutions and judgements.
- **Recognize that secure collective ownership** is a basic prerequisite for sustained community led conservation resulting in protection of natural resources.
- **Extend the principle of Free, Prior and Informed Consent** as ruled once and for all by the African Court in June 2022 as applying to IP, to all land and water dependent local communities and applied in all proposals which affect local lands, waters, and resources.
- **Ensure** that achievement of the proposed 30 x 30 target will not result in the loss of any IPLC lands, resources, waters, and territories but will, instead, engage, enable and empower Indigenous Peoples and Local Communities to be the primary stewards of these areas.
- **Recognize** that the dysfunctional colonial conception of conservation and its inherent values and moralities are at variance not only with our cultural and land use rights, but also with the local sovereignty over natural resources.
- **Ensure the upholding of human rights** guides every aspect of conservation in Africa, including preventing mass evictions.
- **Ensure access to justice** to resolve historical injustices related to conservation through compensation, reparations, and restitution for the loss of land, waters, territories, and livelihoods by Indigenous Peoples and Local Communities and repair the harm suffered by Indigenous Peoples and Local Communities.
- **Establish robust grievance and redress mechanisms** for addressing current and historical grievances in a transparent, fair, and accountable manner.

- Ensure that conservation staff in all sectors including as necessary through national law reform **are held accountable when they kill, maim, or otherwise abuse IPLCs.**
- **Abolish laws** that violate the rights of Indigenous Peoples and promote the formulation and implementation of laws that protect the rights of IPLCs.
- **Legally protect** the intellectual property rights of Indigenous Peoples and Local Communities.
- **Promote IPLCs' good practices and train actors and duty bearers** in the knowledge and skills of Indigenous Peoples and Local Communities.
- Consider IPLCs **as right holders** in the design, planning, management and monitoring of biodiversity and livelihood related to conservation.
- **Prioritize community tenure-led conservation** and make this the flagship of conservation in Africa, and through which IPLCs can restore their rights to own, govern and manage existing and new conserved and protected lands, waters and territories including in transfrontier conservation areas.
- Focus state protection agency activities on **empowering, assisting technically and financially** as required, and monitoring community tenure-led conservation
- **Proactively bring IPLC into the strategy, policy and law-making** and implementation arenas including engaging them in all activities including using community collected data.
- **Implement and or formulate policies and laws** that respect Indigenous Peoples and Local Community tenure-led conservation thought and practice, embracing and upholding the relationship and interaction between people, land, and nature.
- To ensure similarly that the global **biodiversity framework strongly** incorporates the right to sustainable use of both flora and fauna.
- To provide financial resources from the **national treasury to fund IPLC conservation** efforts and ensure that a specific window is created for IPLCs to access financial resources from the APAC Trust Fund and where appropriate consider IPLC in kind contributions.

Donors to:

- **Respect our human rights in word and in deed**, including the recognition of land tenure rights of IPLCs.
- **End funding to actors that do not respect a rights-based** approach to conservation and in particular stop enabling the **militarization of conservation.**
- Ensure support to IPLCs to develop skills and experience in access and benefit sharing where it is appropriate.
- **Meaningfully engage IPLCs** in the monitoring and evaluation of conservation and protected areas.

- Develop new **mechanisms and practice** to channel the significant new funding coming forward to address climate change and biodiversity loss **directly to IPLCs** and their organizations who live and work at the “point of impact”.
- **Make available direct funding** to Indigenous Peoples and Local Communities-led grassroots organizations resources to go direct to communities through their own self-determined institutions with clear targeted funding mechanisms that are accessible, transparent, and accountable and taking into consideration IPLC in kind contribution (e.g. funds for community governance and institutions development, policy influencing, safeguarding biodiversity, livelihoods etc.)
- **Support the development of integrated sustainable land and water use** and management plans that incorporate conservation ideologies of Indigenous Peoples and Local Communities, embedded in community-tenure based conservation.
- Create spaces for **direct dialogue** between donors and Indigenous Peoples and Local Communities.
- Adopt and promote **Indigenous Peoples and Local Communities’ skills, knowledge and practice** in preservation of nature.

#### Conservation Organizations:

- IUCN to **redefine the concept of “Protected Areas”, 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, apply FPIC, and ensure prioritization of funding for community-based conservation efforts led by IPLCs and their organizations.  
IUCN set up a commission on **‘decolonizing conservation’**, that is sufficiently resourced, staffed, empowered, and given an urgent timeline, to tackle the legacy of the colonial approach to conservation in Africa.
- Other conservation organizations **work with IPLCs** in advancing their appropriate and self-determined adaptive practices of preserving nature.
- The IUCN Congress and African States declare and recognize **an African Day of Areas and Territories Conserved by IPLC**.

#### Research, Media and Academia:

- **To right the wrong of misrepresentation** by producing movies, documentaries, films, etc that showcase the complexity of African landscapes and the place of African people in these landscapes. Despite how vilified African people are in conservation discourse, the truth is that wildlife exists in Africa because African **people are nature**.

- **Entrench the human dimensions of conservation** in research and respect the intellectual property rights of IPLCs.
- **Partner with communities to embed social justice imperatives** in conservation through robust research that engages with the complexity of landscapes in totality.

To our ancestors, we thank you for health and strength, to our youth, we look up with optimism, and to our future generations, we sigh with the uncertainty of biodiversity loss disaster.

## **Annex 1: List of commitments and declarations**

Durban Action Plan, 5th IUCN World Parks Congress, targets 8, 9 and 10 (2003)

United Nations Declaration on the Rights of Indigenous Peoples (2007)

The Nagoya Protocol on air and Equitable Sharing of Benefits arising from the Utilization of Genetic Resources-insert full title

International Covenant on Economic, Social and Cultural Rights by the General Assembly of the United Nations (Dec 1966),

African Charter on Human and Peoples' Rights (June 1981),

Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity 2004.

African Union Practical Guidelines for the Coordinated Implementation of the Nagoya Protocol in Africa, 2015.

### **RAMSAR CONVENTION**

United Nations Framework Convention on Climate Change (May 1992)

United Nations Convention on Desertification (June 1994)

Convention on Biological Diversity (1992)

Durban Action Plan, 5th IUCN World Parks Congress, targets 8, 9 and 10 (2003)

Abidjan Convention Concerning Cooperation in the Protection and Development of Marine and Coastal Environment from Land-Based Sources and Activities in the Western, Central and Southern African Region (March 1981), and its additional protocols

World Heritage Convention (Paris, 1972)

IUCN Guidelines for the Application of Management Categories to Protected Areas: "Matrix of Governance Types and Community Conservation" (2008),

United Nations Strategy 2030: "Sustainable Development Goals (SDGs) 1-Eradication of poverty; 2-Fight hunger; 3-Health and well-being; 6-Clean water and sanitation; 13-Climate change; 14-Protection of aquatic life; 15-Ecosystem restoration and biodiversity; 17-Global partnership to implement the SDGs (2015),

Declaration of African custodial communities: "Recognition and protection of sacred natural sites and sacred territories and customary governance systems in Africa" (2015),

United Nations Declaration on the Rights of Indigenous Peoples (2007)

Africa's Wildlife Economy Summit Declaration: "Voices of the Communities: A New Deal for rural communities and wildlife and natural resources" (2019)

World Bank Standard 7 "Historically Disadvantaged Indigenous Peoples-Traditional Local Communities in Sub-Saharan Africa" on the recognition of Indigenous Peoples' rights (2021)

## **Annex 2 - Nairobi declaration**

## **Annex 3 - Ouagadougou Declaration**

## **Annex 4 - Victoria falls declaration ([link](#))**

## **Annex 5 – Goma Declaration**

## **Annex 6 - Laboot Declaration**