

**WHAKATANE MECHANISM:
REDRESSING WRONGS, AND
SECURING RIGHTS-BASED
CONSERVATION**

Three pilot Whakatane Assessments are in progress in Kenya, Thailand, and DRC, and another in preparation in Indonesia. In 2011 in Whakatane (in Aotearoa / New Zealand) the Mechanism was initiated by IUCN, indigenous representatives, FPP and CI as one way to implement relevant 2008 IUCN WCC resolutions, including 4.052's call for 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".

GOING TO THE GROUND:

The Mechanism is concerned with ensuring that good governance and equity are established in practice on the ground. It does so through a process initiated by indigenous peoples and local communities, and which brings all concerned parties – government, non-government, conservation, indigenous peoples and local communities – to the ground where protected areas have impacted on indigenous peoples and local communities.

METHODOLOGY:

Through preparatory roundtables, a field assessment, and the subsequent development and implementation of a roadmap, governance and equity issues can be addressed in a way that strengthens rather than undermines the conservation of the environment on which communities depend.

PARADOXICALLY:

By addressing issues of historical injustice and ensuring communities are supported (rather than stopped) from ensuring the well being of the lands on which they depend, the Whakatane process can help turn situations which may have been volatile - and where conservation authorities may have been in direct conflict with local communities - into ones where joint practice can be developed and where we can then celebrate and learn from best practice. The purpose of the Whakatane process is to help resolve conflicts linked with protected areas and then be able to promote the good practice that leads to far more sustainable conservation through ensuring that human rights are respected.



mechanism for promoting rights-based conservation and redressing historical injustice by securing communities' rights to their lands and territories

whakatane-mechanism.org

CO-MANAGEMENT IN OB LUANG NATIONAL PARK (NORTHERN THAILAND): FROM CONFLICT TO COLLABORATION... WITH POTENTIAL FOR FURTHER IMPROVEMENT

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In Ob Luang National Park in the northern province of Chiang Mai, the park authorities, indigenous and local communities and NGOs have been working together since 2004 to develop and put in place a joint management system. This approach was developed as a way to solve a severe conflict that had pitched highland indigenous communities against park authorities and lowland local communities during the 1990s, when the indigenous communities suffered severe restrictions on their traditional activities and even imprisonment as a result of strict rules following the establishment of the park in 1991. Combining a government-initiated Joint Management of Protected Areas (JOMPA) pilot case with indigenous communities self-managed mapping and research on customary sustainable use and support by NGOs, the joint management project officially lasted until 2009 and provided a very useful platform to discuss the roots of the conflict and agree on ways to solve it, including through collaborative management. Even without central government funding, the process has been continuing to this day as all the rights holders and stakeholders came to appreciate the benefits of collaboration. Despite the fact that protected areas collaborative management is not yet supported by government law and policy, it is an approach that it is fully pursued by all the local parties involved in Ob Luang National Park.

Ob Luang was the site of a pilot Whakatane Assessment in 2012 at the request of the Karen and Hmong indigenous peoples and with the collaboration of the Department of National Parks, Wildlife and Plant Conservation (DNP). The assessment team found that the joint management approach was supported by all the people concerned due to its positive effects for the communities and conservation work, including reduced tensions between the government and communities, increased protection of forests and watersheds, and improved livelihood security for indigenous peoples in the highlands and local communities in the lowlands. The assessment provided several recommendations, including:

1. continuation and strengthening of the joint management approach and enhanced role of the indigenous communities in the overall management of the park;
2. addressing how the park management can contribute to enhance people's livelihoods in the park and surrounding areas, building on the indigenous communities' approach of "people living in peaceful co-existence with the forest";
3. using Ob Luang as a model for other national parks in the country, especially where top-down exclusionary conservation approaches (including violent eviction) are still in use; and
4. reforming of outdated national laws and policies to fully support this approach and enable this type of successful experience to be replicated and scaled-up in other protected areas.

whakatane-mechanism.org/thailand

OGIEK COMMUNITY BY-LAWS: BUILDING ON THE WHAKATANE ASSESSMENT, MT ELGON, KENYA

Building on relationships helped by the 2011 Whakatane Assessment, the Ogiek of Chepkitale, Mt Elgon, have engaged positively and proactively with the same government and conservation authorities (IUCN, Kenya Wildlife Service, Kenya Forest Service) that made their presence in Chepkitale illegal in 2000 by declaring their land a National Reserve without their FPIC.

THE 2011 WHAKATANE ASSESSMENT AT Mt ELGON

Brought all key stakeholders to the ground and developed a road map to support community led conservation. In effect this approach promotes replacing:

1. **Counterproductive Institutional Conservation** approaches that include:
 - (i) Evicting forest communities from the lands they have sustained for centuries, and
 - (ii) Community Forest Associations which should allow all adjacent people to benefit but are often captured by elites and drive forest destruction; with
2. **An approach based on community-generated sustainability by-laws**, such as those established by the Ogiek, to create the conditions for them to sustain their lands and livelihoods. They need the support of IUCN, KWS, KFS and the relevant Ministries to ensure their efforts are successful.

THE OGIEK APPROACH HAS LED TO:

1. **Mt Elgon County Council calling for the land to be returned to the Ogiek**, by passing a unanimous resolution rejecting its earlier one that led to this gazetting of Ogiek land;
2. **The Ogiek stopping charcoal burning and poaching**: their community scouts arresting and handing over such intruders to the Kenya Wildlife Service and Kenya Forest Service;
3. **The Ogiek community halting destruction of indigenous forest** by demonstrating to KFS that their PELIS shamba system (a Government scheme that aims to restore forest by inviting farmers to move in and plant trees among their crops) is here actually responsible for rapid forest destruction.



KEY CHARACTERISTICS OF THIS COMMUNITY DRIVEN APPROACH:

1. **Community participation is guided by the community by-laws** developed independently by the community and implemented by community scouts;
2. **Government conservation agencies are called in for support** (e.g. after community scouts have arrested charcoal burners) but actions are sanctioned by the community with or without the participation of Government conservation agencies;
3. **Government conservation agencies are invited for meetings** (not vice versa), & other agencies included for impartial advice;
4. **Genuine shortcomings of conservation agencies are noted and remedies suggested**. Genuine allies are sought within these agencies and particular agencies are not blamed, in order to cultivate teamwork for the long term.

3D MAPPING AND WHAKATANE PROCESS IN KAHUZI BIEGA, DRC

The creation of Kahuzi Biega National Park about 40 years ago led to the expulsion, by force, of the Batwa...



Indigenous Bambuti Batwa have lived in the forests and mountains of Kahuzi Biega for hundreds or thousands of years. It is an area of high biodiversity and also home to endangered species including various primates. The creation of Kahuzi Biega National Park about 40 years ago led to the expulsion, by force, of the Batwa who had been living in and using that forest. Since there were no lands outside the park not being used, they ended up dispersed in small pockets of marginal land, or on church lands, or on lands given to them by local leaders - but the amounts were inadequate and they have lived in poverty ever since and much of this land is now being taken from them. Indigenous Batwa from this region were in attendance at the World Parks Congress in 2003 but nothing has changed since.



STAGE 1: MAPPING

Over 21 days, Bambuti from the main clan groups around Kahuzi constructed a 3D map of their territory.

STAGE 2: 1ST ROUNDTABLE

At the 1st Roundtable meeting between the Bambuti and PKNB, IUCN and ICN this 3-D map was presented, and demonstrated the Bambuti traditional lands, and their continued cultural and social dependence on, and extensive knowledge of, their forests. The conservator for PKNB noted that:

“ We know the Bambuti go into the forest unofficially for honey and medicine, hence if the park is destroyed the Bambuti are destroyed too.

STAGE 3: FIELDWORK

After the Roundtable representatives of ICN, IUCN, FPP, CAMV, researchers, and an Ogiek indigenous representative from the Kenya Whakatane assessment, undertook a 3 day Field Assessment to learn from Bambuti communities in Kabare and Kalehe. One old man said:

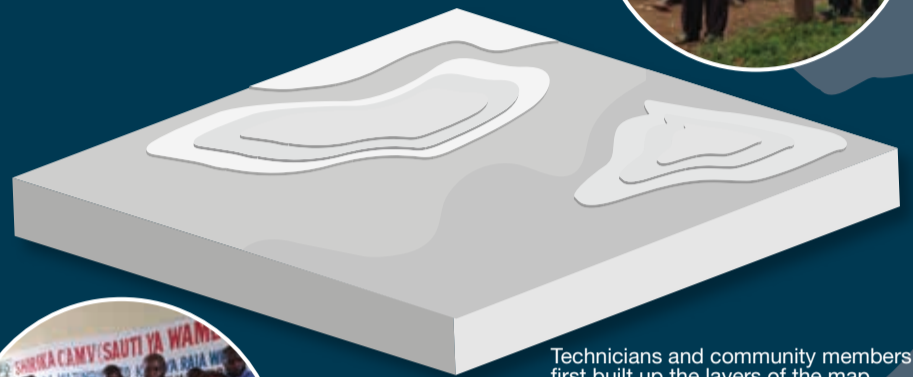
“ We want to have our land back where we can live according to our customs. We want to go back to our forest where our ancestors died. You cannot give us anything that will replace our forest. Even if you give us money do you think the little children will profit from it? Your money will be over in a few years.

STAGE 4: 2ND ROUNDTABLE

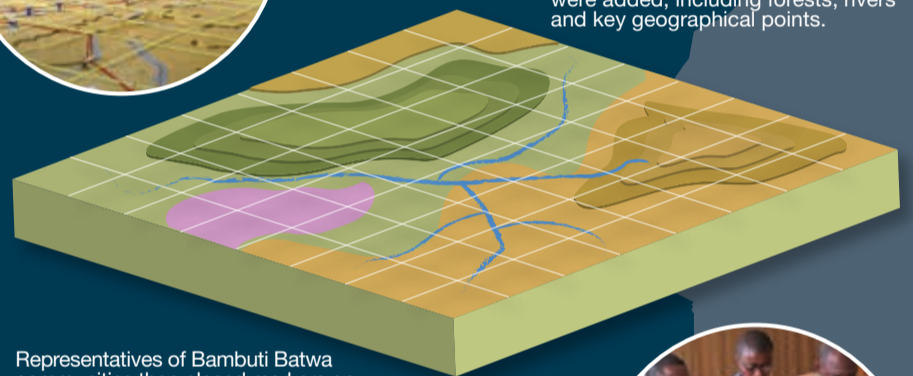
Then a 2nd Roundtable was held in Bukavu: This involved 85 Bambuti, CAMV, ICN, IUCN, FPP, PKNB, traditional chiefs, key Provincial Ministers (Mines, Agriculture, Land, Rural Development, Environment), the President of the Parliament, and the Deputy responsible for Environment, where the findings and roadmap were discussed.

The Whakatane process resulted in what promises to be a meaningful dialogue of equals between indigenous Bambuti and PKNB managers. The Road Map that was agreed in Bukavu addresses (1) short term goals to help meet immediate Bambuti needs including land, education, health and jobs, equitable benefit sharing from the park, and training to build their capacities to secure (2) the medium and long term goals. These include documentation of community management, the identification of park periphery lands to hand back to communities, and legal and policy changes to enable Bambuti collective land ownership, resulting in modern, rights based conservation.

The key sticking points in these discussions are continued disagreement over the possibility that Bambuti could ever regain formal recognition for their rights inside the existing boundaries of the PKNB, and that recognising their rights to their lands in PKNB can strengthen conservation efforts in line with the New Conservation Paradigm. The success of DRC's community conservation approach will be in its ability to enforce such communities' rights, including their right to manage their traditional territories to better protect their environment.



Technicians and community members first built up the layers of the map using plaster, following actual map contour lines for the Kahuzi Biega area. This resulted in a physical map that corresponded exactly to the Kahuzi Biega landscape - a "blank canvas" upon which more details were added, including forests, rivers and key geographical points.



Representatives of Bambuti Batwa communities then placed markers on the map indicating their old village and hunting grounds, and key resources they accessed in different areas of the park, and their sacred spaces. These clearly demonstrate the long history of occupation of the area now covered by the park, and the deep connection between that forest and community livelihoods. This map formed the basis for the Bukavu Whakatane Dialogue in September and October 2014.

