

A rights-based tool to improve governance and equity in protected areas World Parks Congress, Sydney 14 Nov. 2014



What are its objectives?

To realise the new conservation paradigm by:

- Enabling indigenous peoples/ local communities affected by protected areas to address and redress the effects of injustices against them in the name of conservation.
- Celebrating and promoting best practice and successful partnerships between indigenous peoples/ local communities and protected areas.

Where does it come from? Part 1 Basis for equity: Durban Accord (WPC 2003)

- Full participation in establishing and managing PAs
- Recognition of, and support for, community conservation
- Traditional knowledge and customary laws and resource management practices should be respected, promoted and integrated into PAs
- Future PAs in full compliance with **rights**
- Costs and benefits related to protected areas should be equitably distributed
- Historical injustices caused through the establishment of PAs should be addressed, through compensation and/or restitution (mechanisms for restitution by 2010 for lands taken without FPIC)

Where does it come from? Part 2 WCC 2008 and 'Sharing Power' 2011

- **CEESP's "Sharing Power**: A New Vision for Development" conference in Whakatane Jan 2011, on the implementation of IUCN Resolutions:
- WCC4 Resolution 4.048 calling for

"a mechanism to ... advance the key recommendations of the Durban Accord and Durban Action Plan ..." and

• Resolution 4.052 'Implementing the UNDRIP' which calls for IUCN to set up a Taskforce force to examine the application of the Declaration to every aspect of IUCN's work, and the development of:

> "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".

Methodology

- Through multi-stakeholder fieldwork in a protected area and through high-level dialogue, it enables park authorities, government, indigenous peoples / local communities and relevant organisations to develop a common strategy to address and resolve conflicts in protected areas and/or promote good practice.
- Has the potential to be effective because of:
 (1) The experience and convening power of IUCN
 (2) International Human Rights law, UNDRIP and FPIC
 (3) Shared evidence based on facts through fieldwork

How does it work?

- Steering Committee considers IPs/LCs request;
- Initial presentation & request to national authorities;
- Task force created including all parties concerned
- 1st Roundtable brings all right-holders and stakeholders to the table;
- Assessment of situation through field visit;
- Validation of findings by IPs / LCs;
- 2nd Roundtable decides road map;

• Implementation, follow up and monitoring.

Field team composition of pilot Whakatane assessments



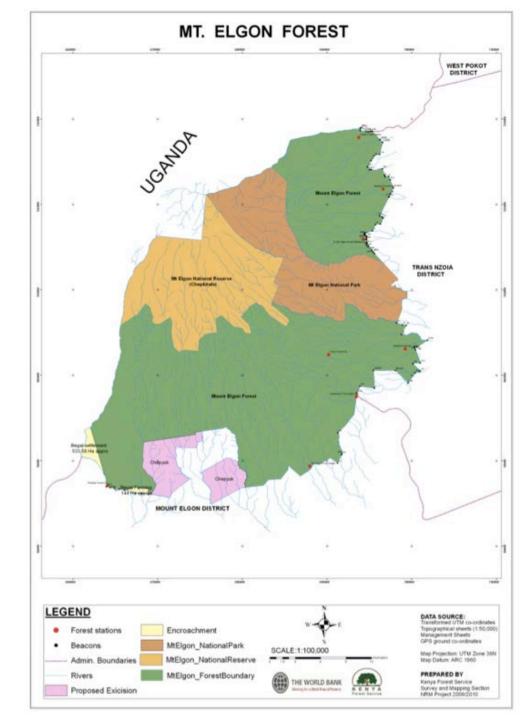
Indicative composition of the team:

- 2 from IUCN
- 4 from indigenous peoples' organizations
- 2 from non-indigenous local people (where relevant)
- 2 representatives of the government
- 2 from FPP
- 2 from relevant conservation organization(s) or relevant NGO

Pilot Whakatane Assessment in Mt Elgon, Kenya

- 1938: Creation of Mt Elgon Forest Reserve - Evictions of Ogiek began from 'forest reserves' below Chepkitale
- 1968: Mt Elgon National Park created – Total eviction of Ogiek from 'park'
- 2000: Chepkitale National Reserve created as requested by Mt Elgon County Council with IUCN technical support -Final evictions from their land, but people resisted, and remain there

• 2011: IUCN/ IPO/ FPP pilot Whakatane Assessment



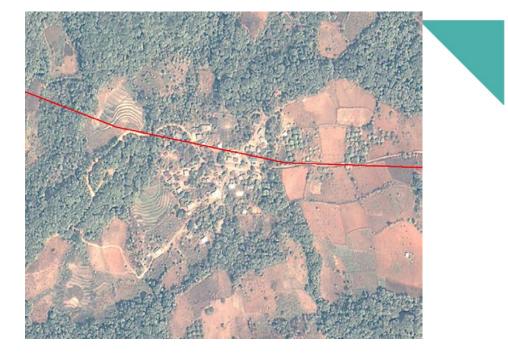


What are the current results of Whakatane and of Ogiek struggle at Mt Elgon?

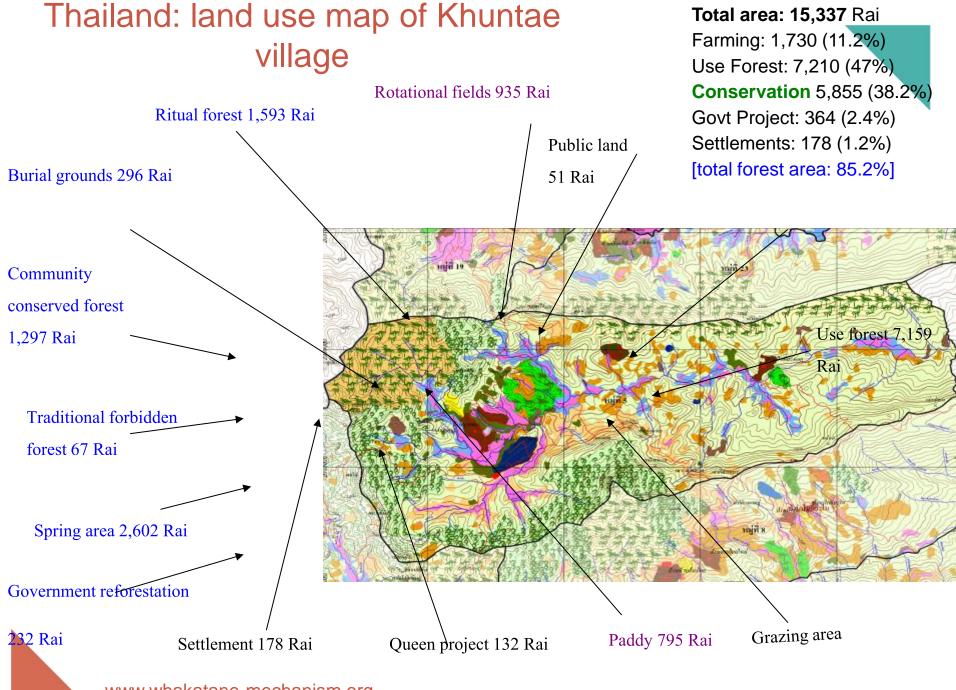
- Mt. Elgon County Council unanimous resolution to revert the land back to community (2013)
- **Ministry of Environment** team makes positive assessment of sustainability of Ogiek (2013)
- **Ogiek Sustainability bylaws** developed & adopted by community (2013)
- Ogiek Community rangers arrest intruders: stopping charcoal burning & elephant poaching (2013-14); & to be trained by KWS
- Seeking legal ownership through National Land Commission and Community Land Bill (2012-date) www.whakatane-mechanism.org

Pilot Assessment in Ob Luang, Thailand

- 1991: Park established with no consultation.
- Late 1990s: Karen and Hmong communities harassed (including arrests) and threatened by resettlement. Conflict in highlands and lowlands.
- 2003-2006: community mapping and customary use studies demonstrate communities' capacity to manage environment.
- 2005-2009: JoMPA starts resolving conflict.
- 2012: WA consolidates collaborative approach, celebrates good practice and provide recommendations for further improvement







www.whakatane-mechanism.org

Recommendations from Ob Luang pilot assessment

- Strengthen the joint management approach by enhancing role of indigenous communities in the overall governance and management of the park
- Recognise full community rights over customary areas
- Address how the park can contribute to enhance people's livelihoods
- Use 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
- Reform outdated national laws and policies

Whakatane Pilot Assessment in Kahuzi-Biega, DRC

• **Bambuti Batwa people** evicted from park 40 years ago, generating poverty and marginalisation

2014 Whakatane Assessment

- **Resulting road map** promises dialogue as equals. Proposes:
 - Short term: access to land and resources, education, health, jobs, benefit sharing of park revenues
 - Long term: identify park periphery lands for restitution, ongoing discussion concerning legal and policy changes for collective land ownership in Kahuzi Biega.

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Next steps



- Launch at WPC (on Friday 14th November)
- Establishment of Steering Committee
 - Location: IUCN CEESP
 - Representation: IPOs, IUCN, CIHR, FPP
- Fundraising and implementation