



Overlap of Sagarmatha (Mt. Everest) National Park and World Heritage Site, Nepal and the customary territory and ICCAs of the Indigenous Sharwa (Sherpa) people

Overlapping governance types: dealing with complexity and diversity

organized by:

Stan Stevens (ICCA Consortium/Univ. of Massachusetts Amherst)

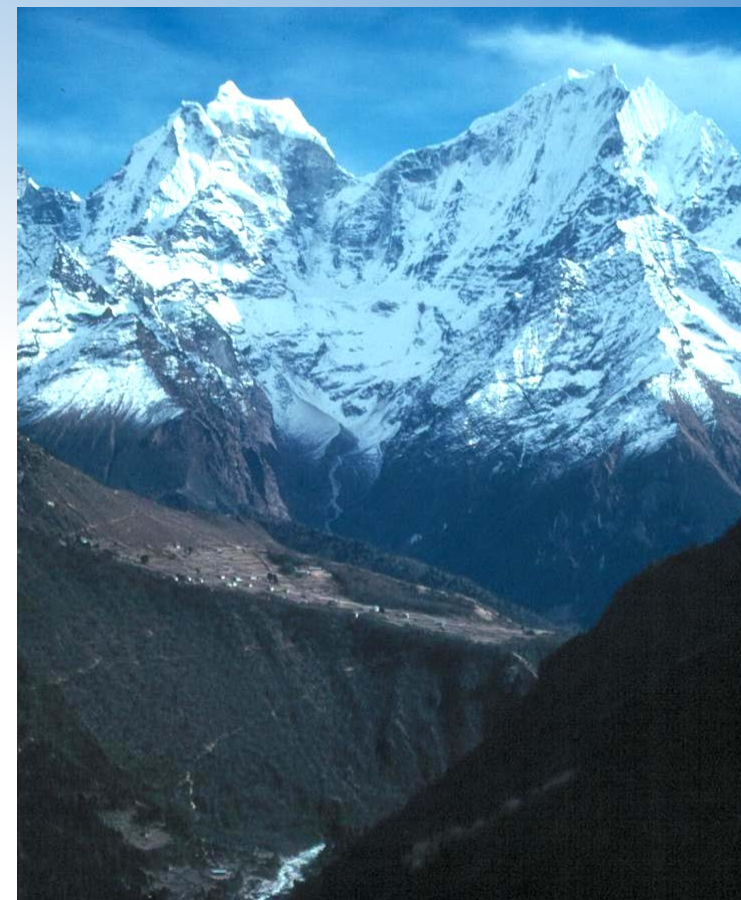
Neema Pathak Broome (Kalpavriksh/ICCA Consortium)

Overlap Situations and Significance

Protected areas have been designated in a vast number of Indigenous peoples' and local communities' territories, overlapping with their governance systems and ICCAs

Overlaps can threaten IPs'/LCs' rights, cultures, livelihoods, development, and conservation of their territory

Or they can be opportunities to redress injustices, secure rights, and seek conservation synergies and social reconciliation



Sharwa ICCA (sacred forest) within Sagarmatha (Mt. Everest) National Park/World Heritage Site

DURBAN ACTION PLAN

WPC 2003, Durban

Outcome 5

The rights of indigenous peoples, including mobile indigenous peoples, and local communities are secured in relation to natural resources and biodiversity conservation

Main Target 8 – All existing and future protected areas are established and managed in full compliance with the rights of indigenous peoples, including mobile indigenous peoples, and local communities by the time of the next IUCN World Parks Congress

Main Target 9 – The management of all relevant protected areas involves representatives chosen by indigenous peoples, including mobile indigenous peoples, and local communities proportionate to their rights and interests, by the time of the next IUCN World Parks Congress

Main Target 10 – Participatory mechanisms for the restitution of indigenous peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent are established and implemented by the time of the next IUCN World Parks Congress

RIGHTS

GOVERNANCE

RESTITUTION



Sharwa ICCAs encompass the entire area of Sagarmatha National Park and WHS

Some self-impose stricter land use regulation than national park regulations require



They reflect the strength of customary values and law, collective governance, and adaptive innovation

Regional meeting affirming Sharwa ICCAs



Sharwa believe that their rights and conservation contributions are not recognized and respected in national park law, regulations, and plans

ICCAs that make important contributions to the conservation goals of the national park are ignored or undermined

This situation led Sharwa to help establish the ICCA Network Nepal to work for ICCA recognition

INDIGENOUS PEOPLES, NATIONAL PARKS, AND PROTECTED AREAS



A New Paradigm Linking
Conservation, Culture, and Rights

EDITED BY STAN STEVENS

Documenting the paradigm shift
in international protected area
policy and ongoing efforts to
implement it

Case studies from the Americas,
Australia, Asia, and Africa

University of Arizona Press

Recommendations

In situations where state-declared protected areas overlap with Indigenous peoples' and local communities' territories, lands, and waters:

1. Recognize Indigenous peoples' and communities' collective and individual rights, including rights to own, govern, manage, and use their lands, seas, and resources
2. Ensure that overlapping protected areas are governed by IPs/LCs or have strong co-governance with clear institutions, roles, responsibility and accountability through legal or other effective mechanisms
3. Ensure that IPs'/LCs' knowledge, institutions, and practices that contribute to conservation and sustainability -- including ICCAs - together with their management strategies and plans, are appropriately recognized, respected, coordinated with, and supported within overlapping protected areas
4. Recognize IPs'/LCs' governments, institutions, and conservation practices in overlap situations through appropriate means including treaties, constitutional provisions, legislation, and legally-binding agreements that inform protected area governance, policies, management plans, and zoning.