

# Implementing the UN Declaration on the Rights of Indigenous Peoples in Protected Areas

Helen Tugendhat

[helen@forestpeoples.org](mailto:helen@forestpeoples.org)



Forest  
Peoples  
Programme

# The Declaration

- Recognises, and establishes obligations related to, important rights
  - Self-determination (3)
  - Right to redress for land loss (8.2(b), 28)
  - Land and resource rights (25, 26, 32 among others)
  - A requirement for FPIC (19 among others)
  - Prohibition on forced relocation (10)
  - **Right to participate in decision-making (18)**
  - Obligates support from states (38) and intergovernmental bodies like IUCN (42)

**Reaffirmed in the World Conference on Indigenous Peoples 2014**

# UNDRIP and conservation

- Article 29(1) provides that indigenous peoples “have the right to the conservation and protection of the environment and productive capacity of their lands or territories and resources” and calls on States to “establish and implement assistance programmes for indigenous peoples to that end”
- UNDRIP establishes requirements for participation and effective involvement
- UNDRIP influences how protected areas should be created, governed and managed

# UNDRIP supports conservation

- Effective involvement of indigenous peoples in the management and conservation of their territories and lands improves conservation outcomes
- Implementation of UNDRIP can assist in addressing current problems with protected areas and indigenous peoples

# Some challenges...

- Legacy issues
- National law and processes versus international law and commitments

**What mechanisms, tools and avenues are available to use to promote the realization of the Declaration?**



# WHAKATANE MECHANISM

- Whakatane Mechanism is one response to legacy issues and is based on the rights made explicit in the Declaration
- A tri-partite process of IUCN, indigenous peoples and government
- A process led by indigenous peoples to address previous rights violations and their on-going impacts
- Importantly it involves two levels of action, on the ground dialogue to address conflict, and on advocating for the land law, forest law and conservation law changes needed to allow new methods of power sharing in protected areas

# Use of international laws

- African Commission on Human and Peoples' Rights
- World Heritage Convention

# World Heritage sites and indigenous peoples

- Variety of experiences, both positive and negative
- An international law implemented through an international body obligated to support the implementation of the Declaration
- Current practice does not support the full implementation of the Declaration BUT it can provide an avenue through which the Declaration can be supported and promoted in the future