



## **Internal CEESP NRGF Background Brief #9**

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### **Peoples Living in Voluntary Isolation (Uncontacted Peoples) - Who are they and how can consideration for them be incorporated into NRGF?**

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#### ***The problem***

In the Amazon basin, over 20% of the area is presently occupied by indigenous peoples' territories. Together with natural protected areas and sustainable use areas such as forest concessions, indigenous territories contribute to a conservation landscape that covers millions of hectares of biodiverse tropical rainforests.

Of particular concern in this area is the situation of indigenous peoples of the Amazon living in voluntary isolation. The IUCN's Third World Conservation Congress (Bangkok, November 2004) adopted a Resolution acknowledging the existence of over 64 such groups, noting the many threats that they face for their survival, and requesting IUCN and IUCN members "to promote the necessary coordination with the governments of the Amazon region and Chaco, in order to develop and implement proposals aimed at protecting the lands and territories of indigenous groups living in voluntary isolation, as part of the respective countries' indigenous peoples policies and conservation strategies in the Amazon region and Chaco".

This is in line with a recommendation from the Conference of the Parties to the Convention on Biological Diversity, that "Parties should establish measures to ensure respect for the rights of unprotected or voluntarily isolated communities" (COP Decision VII/16 on Article 8(j) and related provisions, E., Annex, 19).

The Human Rights Council issued in 2009 the document Draft Guidelines On The Protection Of Indigenous Peoples In Voluntary Isolation And In Initial Contact Of The Amazon Basin And El Chaco. The document defines peoples in isolation as "indigenous peoples or subgroups thereof that do not maintain regular contact with the majority population and tend to shun any type of contact with outsiders. Most isolated peoples live in tropical forests and/or in remote, untraveled areas, which in many cases are rich in natural resources. For these peoples, isolation is not a

voluntary choice but a survival strategy”. As for peoples in initial contact, they are “peoples that have recently initiated contact with the majority population; they may also be peoples that have been in contact for some time but have never become fully familiar with the patterns and codes of relationships in the majority population”.

Apart from the Amazon region, groups in voluntary isolation or initial contact exist also in Paraguay (Chaco), India (Andaman islands), and Papua New Guinea.

The same document summarizes the problem of these peoples as follows:

“(a) They are highly integrated into the ecosystems which they inhabit and of which they are a part, maintaining a closely interdependent relationship with the environment in which they live their lives and develop their culture. Their intimate knowledge of their environment enables them to maintain a self-sufficient lifestyle generation after generation, meaning that the retention of their territories is vitally important for all of them;

(b) They are unfamiliar with the ways in which mainstream society functions, and are thus defenseless and extremely vulnerable in relation to the various actors that attempt to approach them or to observe their process of developing relations with the rest of society, as in the case of peoples in initial contact;

(c) They are highly vulnerable and, in most cases, at high risk of extinction. Their extreme vulnerability is worsened by threats and encroachments on their territories, which directly jeopardize the preservation of their cultures and ways of life. The situation of peoples in initial contact is still worse because processes of establishing contact generally involve drastic changes in their territories that irrevocably alter their relationship with the environment and modify, often radically, the ways of life and cultural practices of these peoples. Their vulnerability is even further aggravated by the human rights violations which they often suffer at the hands of those who seek to exploit the natural resources in their territories and by the fact that aggression against these peoples and their ecosystems generally goes unpunished”.

### ***IUCN's position***

IUCN's position is mainly summarized in Resolution 3.056 (Annex 1) and the document Informe Sobre La Situación De Los Pueblos Indígenas Aislados Y La Protección De Sus Conocimientos Tradicionales (Report on the Situation of Isolated Indigenous Peoples and the Protection of their Traditional Knowledge) (CBD, June 2007). The essence of IUCN's position is contained in these three principles:

(a) indigenous peoples living in voluntary isolation have the right to the protection of their lives, ownership of their lands and territories, and sustainable utilization of natural resources located within these lands and territories;

(b) indigenous peoples living in voluntary isolation have the right to freely decide to remain isolated, maintain their cultural values, and to freely decide if, when and how they wish to integrate into national society;

(c) as established by the CBD, measures for the conservation of biological diversity, in particular the establishment and management of protected areas, should be taken with full respect for the rights of indigenous peoples (CBD Decision VII/28);

### ***A governance perspective***

IUCN has issued many recommendations in line with these principles, which would be too long to quote here. From a governance perspective these are some highlights:

- Legal reform for land tenure security
- Legal provisions for protection of territories
- Institutional setup for law enforcement
- Protocols for institutions for avoiding contact
- New protected area policies to include protocols for protection of territories and avoidance of contact
- New arrangements and protocols with other indigenous communities and organizations to avoid conflicts

One of the difficulties today to work on these changes is that peoples living in voluntary isolation cannot participate, cannot be consulted, cannot defend themselves; all has to be done by proxies and assumptions. The second problem is that in many places indigenous communities surrounding the territories of isolated peoples do not agree with policies of strict protection of large areas of isolated peoples, because they see as affecting their own rights over larger areas, and because of long standing conflict - in fact for example in Ecuador today the main conflict affecting isolated peoples is with other indigenous communities, and there are often clashes resulting in violence and deaths. This is a very delicate situation.

## **Annex 1**

### **IUCN Congress Resolution**

#### **RESWCC3.056 Indigenous peoples living in voluntary isolation and conservation of nature in the Amazon region and Chaco**

#### **Congress reference: CGR3.RES082**

AWARE that the Amazon region and Chaco contain a high concentration of both biological and cultural diversity, the latter encompassing over 400 indigenous groups that have been critical to the maintenance of the region's biodiversity, including over 64 indigenous groups that live in voluntary isolation;

RECOGNIZING that the physical and cultural survival of these isolated groups fundamentally depends on the integrity of their lands and territories and the continued access to the resources upon which their livelihoods and cultures depend;

AWARE that the lands and territories inhabited by indigenous peoples living in voluntary isolation are rich in biological diversity and minimally disturbed, precisely because they constitute refuges located far from the destructive impacts of development trends;

CONCERNED about the threats to the lives, health, culture and natural resources of indigenous peoples living in voluntary isolation posed by the invasion of their lands and the extraction of natural resources by others;

CONCERNED that actions taken to date to protect indigenous groups living in voluntary isolation have not halted the violent encounters, epidemics and forced assimilation that have resulted in the disappearance of entire ethnic groups, decimation of their cultures and degradation of the natural resources upon which they depend;

CONCERNED that the disappearance of indigenous groups living in voluntary isolation in the Amazon region and Chaco signifies a loss of the irreplaceable cultural heritage of the last indigenous groups that have maintained harmony with their surroundings, as well as their invaluable knowledge of biodiversity and forest management;

RECOGNIZING the duty of humanity to respect the dignity, life, culture, lands and territories of indigenous groups living in voluntary isolation, in addition to the preservation of nature and cultural diversity of the planet for present and future generations;

RECOGNIZING the need to take immediate actions at national, regional and international levels to develop programmes that promote a closer articulation between the conservation of nature in the Amazon region and Chaco and the protection of the lives and territories of indigenous peoples living in voluntary isolation;

RECOGNIZING that indigenous peoples have the right to various modalities of property, possession and use of their territories within the legal framework established by the states that they inhabit;

AWARE that the International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples in Independent Countries, ratified by the majority of countries of the Amazon region and Chaco, establishes in Articles 14 and 15 that “The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised (...) Governments shall take steps as necessary (...) to guarantee effective protection of their rights of ownership and possession (...) rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded”;

RECOGNIZING that the concept of the ‘(indigenous and local) Community Conserved Areas’, as discussed and approved by the V<sup>th</sup> IUCN World Parks Congress (Durban, 2003) and

mentioned in Decision VII/28 of the 7th Conference of Parties to the Convention of Biological Diversity (Kuala Lumpur, 2004), respects the rights of local communities and indigenous peoples to define and manage their protected areas by themselves, while also allowing recognition from governments and listing by the United Nations;

MINDFUL of the resolutions and recommendations relating to indigenous peoples and conservation adopted at the 1st Session of the World Conservation Congress (Montreal, 1996), as well as at other Congresses and General Assemblies of IUCN, which have reaffirmed the institution's commitment to international legislation relating to indigenous peoples, including the ILO Convention 169, the CBD and *Agenda 21*, as well as the Political Declaration of the World Summit on Sustainable Development (Johannesburg, 2002) that reaffirmed the vital role indigenous peoples play in sustainable development;

FURTHER MINDFUL of human rights recognized in diverse international instruments such as the Universal Declaration of Human Rights, the Convention for the Prevention of Genocide and UNESCO's Universal Declaration on Cultural Diversity;

CONCERNED that, in spite of the above resolutions and recommendations, the treatment of the special case of indigenous peoples living in voluntary isolation still remains as a fundamental gap in international agreements; and

ALSO CONCERNED that the survival of the indigenous peoples living in voluntary isolation in the Amazon region and Chaco requires immediate and urgent action, as does the conservation of the biological diversity of their lands and territories;

The World Conservation Congress at its 3<sup>rd</sup> Session in Bangkok, Thailand, 17-25 November 2004:

1. REQUESTS the Director General, Commissions, and IUCN members, within available resources, to promote the necessary coordination with the governments of the Amazon region and Chaco, in order to develop and implement proposals aimed at protecting the lands and territories of indigenous groups living in voluntary isolation, as part of the respective countries' indigenous peoples policies and conservation strategies in the Amazon region and Chaco;

2. FURTHER REQUESTS that this should be done in cooperation with the Amazon Cooperation Treaty Organization, indigenous organizations at local, national and regional levels, and other relevant non-governmental organizations, and should be based upon the following principles:

(a) indigenous peoples living in voluntary isolation have the right to the protection of their lives, ownership of their lands and territories, and sustainable utilization of natural resources located within these lands and territories;

(b) indigenous peoples living in voluntary isolation have the right to freely decide to remain isolated, maintain their cultural values, and to freely decide if, when and how they wish to integrate into national society;

(c) as established by the CBD, measures for the conservation of biological diversity, in particular the establishment and management of protected areas, should be taken with full respect for the rights of indigenous peoples (CBD Decision VII/28);

3. URGES the governments of the Amazon region and Chaco, in close coordination with national and local indigenous organizations, to immediately take regional and national initiatives that ensure respect for the right of indigenous peoples living in voluntary isolation to their lands and territories and to the effective protection of such lands and territories, as well as of the cultural diversity that these indigenous peoples represent, including through provision of sufficient financial resources and ensuring law enforcement;

4. REQUESTS that this work should be grounded in a common agenda that recognizes the synergies between the rights of indigenous people in voluntary isolation and the conservation of nature; and

3. RECOMMENDS that multilateral, bilateral, and non-governmental organizations and other entities interested in the survival of indigenous peoples combine forces with the concerned countries, indigenous organizations, and the conservation community to secure the effective protection of the lives, lands and territories, nature, cultures and communities of indigenous peoples that live in voluntary isolation in the Amazon region and Chaco.

*State and agency members United States refrained from engaging in deliberations on this motion and took no national government position on the motion as adopted for reasons given in the US General Statement on the IUCN Resolution Process.*

### **RESWCC3.056 Pueblos indígenas que viven en aislamiento voluntario y conservación de la naturaleza en la región amazónica y el Chaco**

CONSCIENTE de que la región amazónica y el Chaco albergan una alta concentración tanto de diversidad biológica como de diversidad cultural, que en el caso de esta última incluye a más de 400 grupos indígenas que han desempeñado un papel fundamental en el mantenimiento de la diversidad biológica de la región, incluyendo a más de 64 grupos indígenas que viven en aislamiento voluntario;

RECONOCIENDO que la supervivencia física y cultural de estos grupos aislados depende fundamentalmente de la integridad de sus tierras y territorios y del continuo acceso a los recursos de los que dependen sus medios de subsistencia y sus culturas;

CONSCIENTE de que las tierras y territorios habitadas por pueblos indígenas que viven en aislamiento voluntario son ricas en diversidad biológica y han sido muy poco perturbados, precisamente porque constituyen refugios ubicados lejos de los impactos destructivos de las tendencias del desarrollo;

PREOCUPADO por las amenazas a la vida, salud, cultura y recursos naturales de los pueblos indígenas que viven en aislamiento voluntario originadas en la invasión de sus tierras y la extracción por parte de otros de los recursos naturales;

PREOCUPADO porque las acciones emprendidas hasta ahora para proteger a los pueblos indígenas que viven en aislamiento voluntario no han detenido los encuentros violentos, las epidemias y la asimilación forzada que han llevado a la desaparición de grupos étnicos completos, a diezmar sus culturas y a la degradación de los recursos naturales de los que ellos dependen;

PREOCUPADO porque la desaparición de los pueblos indígenas que viven en aislamiento voluntario en la región amazónica y en el Chaco representa una pérdida del irremplazable patrimonio cultural de los últimos grupos indígenas que han mantenido la armonía con su entorno, como así también sus invalores conocimientos sobre la gestión de la biodiversidad y los bosques;

RECONOCIENDO el deber que tiene la humanidad de respetar la dignidad, vida, cultura, tierras y territorios de los grupos indígenas que viven en aislamiento voluntario, además de la preservación de la diversidad de la naturaleza y de la cultura del planeta para las generaciones presentes y futuras;

RECONOCIENDO la necesidad de emprender acciones inmediatas a nivel nacional, regional e internacional para desarrollar programas que promuevan una articulación más estrecha entre la conservación de la naturaleza de la región amazónica y del Chaco y la protección de las vidas y territorios de los pueblos indígenas que viven en aislamiento voluntario;

RECONOCIENDO que los pueblos indígenas tienen el derecho a distintas modalidades de propiedad, posesión y uso de sus territorios dentro del marco legal establecido por los estados que ellos habitan;

CONSCIENTE de que la Convención 169 de la Organización Internacional del Trabajo (OIT) sobre Pueblos Indígenas y Tribales en Países Independientes, ratificada por la mayoría de los países de la región amazónica y del Chaco establece en sus artículos 14 y 15 que: “Deberá reconocerse a los pueblos interesados el derecho de propiedad y de posesión sobre las tierras que tradicionalmente ocupan”; que “Los gobiernos deberán tomar las medidas que sean necesarias para determinar las tierras que los pueblos interesados ocupan tradicionalmente y garantizar la protección efectiva de sus derechos de propiedad y posesión”; y que “Los derechos de los pueblos interesados a los recursos naturales existentes en sus tierras deberán protegerse especialmente” ;

RECONOCIENDO que el concepto que está detrás de las ‘Áreas Conservadas por Comunidades (indígenas y locales)’, tal como se le discutió y aprobó en el V Congreso Mundial de Parques de la UICN (Durban, 2003) y se lo menciona en la Decisión VII/28 de la 7ª Conferencias de las Partes en el Convenio sobre la Diversidad Biológica (Kuala Lumpur, 2004), respeta el derecho de las comunidades locales y pueblos indígenas a definir y gestionar las

áreas protegidas por sí mismos, como así también la posibilidad de su reconocimiento por parte de los gobiernos y de su inclusión en la Lista de las Naciones Unidas;

TENIENDO EN CUENTA que las resoluciones y recomendaciones relativas a los pueblos indígenas y la conservación adoptadas en el primer periodo de sesiones del Congreso Mundial de la Naturaleza (Montreal, 1996), como así también en otros Congresos y Asambleas Generales de la UICN, han reafirmado el compromiso de la institución con respecto al derecho internacional relativo a los pueblos indígenas, incluida la Convención 169 de la OIT, el CDB y el *Programa 21*, como así también que la Declaración Política de la Cumbre Mundial sobre el Desarrollo Sostenible (Johannesburgo, 2002) reafirmó el papel fundamental que desempeñan los pueblos indígenas en el desarrollo sostenible;

TENIENDO EN CUENTA los derechos humanos reconocidos en diversos instrumentos internacionales tales como la Declaración Universal de Derechos Humanos, el Convenio para la Prevención del Genocidio y la Declaración Universal sobre Diversidad Cultural de la UNESCO;

PREOCUPADO porque a pesar de las resoluciones y recomendaciones antes mencionadas el tratamiento del caso especial de los pueblos indígenas que viven en aislamiento voluntario todavía sigue constituyendo una laguna fundamental en los acuerdos internacionales; y  
PREOCUPADO TAMBIÉN porque la supervivencia de los pueblos indígenas que viven en aislamiento voluntario en la región amazónica y en el Chaco requiere una acción inmediata y urgente, lo mismo que la conservación de la diversidad biológica de sus tierras y territorios;

**El Congreso Mundial de la Naturaleza, en su tercer período de sesiones celebrado en Bangkok, Tailandia, del 17 a 25 de noviembre de 2004:**

1. SOLICITA al Director General de la UICN, a las Comisiones y a los miembros de la UICN que, dentro de los recursos disponibles, promuevan la necesaria coordinación con los gobiernos de la región amazónica y del Chaco a fin de desarrollar y poner en práctica propuestas destinadas a proteger las tierras y territorios de los pueblos indígenas que viven en aislamiento voluntario como parte de las políticas y estrategias de conservación de los respectivos países de la región amazónica y del Chaco.
2. SOLICITA ADEMÁS que se haga en cooperación con la Organización del Tratado de Cooperación Amazónica, las organizaciones de los pueblos indígenas a nivel local, nacional y regional y otras organizaciones no gubernamentales pertinentes, y debe basarse en los siguientes principios:
  - (a) los pueblos indígenas que viven en aislamiento voluntario tienen el derecho a la protección de sus vidas, a la propiedad de sus tierras y territorios y a la utilización sostenible de los recursos naturales ubicados dentro de estas tierras y territorios;
  - (b) los pueblos indígenas que viven en aislamiento voluntario tienen el derecho a decidir libremente a permanecer aislados, a mantener sus valores culturales y a decidir libremente si, cuando y como desean integrarse a la sociedad nacional; y



(c) tal como lo establece el CDB, las medidas para la conservación de la biodiversidad biológica, en particular el establecimiento y gestión de áreas protegidas, se deben tomar con total respeto de los derechos de los pueblos indígenas (Decisión VII/28 del CDB);

3. INSTA a los gobiernos de la región amazónica y del Chaco a que, en estrecha coordinación con las organizaciones indígenas nacionales y locales, emprendan de manera inmediata iniciativas regionales y nacionales que lleven al respeto del derecho de los pueblos indígenas que viven en aislamiento voluntario a sus tierras y territorios y a la efectiva protección de dichas tierras y territorios, como así también de la diversidad cultural que estos pueblos indígenas representan, incluyendo la provisión de suficientes recursos financieros y asegurando la aplicación de la legislación vigente.

4. SOLICITA que este trabajo esté basado en una agenda común que reconozca las sinergias entre los derechos de los pueblos indígenas que viven en aislamiento voluntario y la conservación de la naturaleza; y

5. RECOMIENDA que las organizaciones multi-laterales, bilaterales y no gubernamentales y otras entidades interesadas en la supervivencia de los pueblos indígenas aúnen sus fuerzas con los países concernidos, las organizaciones indígenas y la comunidad de la conservación para asegurar la protección eficaz de las vidas, tierras y territorios, naturaleza, culturas y comunidades de los pueblos indígenas que viven en aislamiento voluntario en la región amazónica y el Chaco.