



# **Advancing indigenous peoples' rights in IUCN's conservation programme**

**Submission to the Sixteenth Session of the United Nations  
Permanent Forum on Indigenous Issues  
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## **1) IUCN and Indigenous Peoples – overview**

### *1.1. IUCN Structure and Constituency*

IUCN's mission is to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. It is a membership Union uniquely composed of both government and civil society organisations. It provides public, private and non-governmental organisations with the knowledge and tools that enable human progress, economic development and nature conservation to take place together.

IUCN's constituency is composed of three pillars: IUCN Members, the IUCN Secretariat, and IUCN Commissions.

As of April 2017, IUCN has 1,381 Members including 89 States, 129 Government Agencies, 50 Affiliates (with no voting rights), 111 International civil society organizations, and 1,002 national civil society organizations. The latter two categories of Members include 17 Indigenous Peoples' Organizations (IPOs)<sup>1</sup>.

The IUCN Secretariat is the executive component of the Union. As of April 2017, IUCN's Secretariat is composed of 12 global thematic programmes and 9 regional programmes, as well as several corporate units. All programmes and units of the Secretariat are operated by IUCN staff.

IUCN's six Commissions are large bodies of volunteer experts who implement parts of the IUCN programme in their respective fields of expertise: Species, Protected Areas, Environmental Law, Ecosystem Management, Education and Communication, and Environmental, Economic and Social Policy.

Institutional policy making is an exclusive duty of IUCN Members. Every four years, IUCN Members meet at the World Conservation Congress. A Members Assembly is held to deliberate and decide on the policies that the institution should follow and the programme it should implement over the ensuing four years.

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<sup>1</sup> See Annex 1

IUCN policies are primarily contained in Congress Resolutions and Recommendations, which are formally adopted based on vote by the Members following well established democratic parliamentary decision-making rules.

IUCN policies are mandatory for IUCN's Secretariat and IUCN's Commissions, because both have been created by the Members as implementing branches of the IUCN programme.

## 1.2. Indigenous issues in IUCN

IUCN's work on indigenous issues is supported and guided by a broad and coherent body of institutional policies.

Since 1975, a total of 172 Resolutions pertaining to indigenous issues have been adopted by IUCN Members and thus integrated into IUCN's overall mandate. All Resolutions are widely disseminated across IUCN's constituency and are regularly referred to and often help frame technical documents<sup>2</sup>.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was endorsed by IUCN in 2008 through Resolution 4.052 "*Implementing the United Nations Declaration on the Rights of Indigenous Peoples*". Mainstreaming of UNDRIP in the IUCN Programme was reinforced in 2012 by Resolution WCC- 2012-Res-097 "*Implementation of the United Nations Declaration on the Rights of Indigenous Peoples*", which required inter alia the development of "a policy and strategy for ensuring that the principles of the United Nations Declaration on the Rights of Indigenous Peoples are observed throughout the work of the Union."

Furthermore, indigenous issues and rights are an integral part of the human rights standards underpinning the rights-based approach applied by IUCN. In light of these and other commitments, IUCN programmes apply internal guidance for safeguard provisions to comply with when working with indigenous peoples or in the lands or seas they inhabit or rely on for their livelihoods. Relevant guidance also outlines examples of approaches to improve indigenous peoples' livelihoods, conserve their environments and natural resources, and secure their rights through conservation.

The IUCN World Conservation Congress, held every four years, and the IUCN World Parks Congress, held every ten years, have established procedures to formally include indigenous peoples' effective involvement and representation in their activities and in framing Congress outcomes. At the Sixth IUCN World Parks Congress in Sydney, November 2014, *Stream 7: Respecting indigenous and traditional knowledge and culture* was led by indigenous organizations (NAILSMA from Australia, SOTZ'IL from Meso-America and IPACC from Africa).

IUCN's commitment to indigenous peoples issues was demonstrated and advanced at the last IUCN World Conservation Congress which took place in Honolulu, Hawai'i, in September, 2016<sup>3</sup>. Overall, about 100 events on indigenous peoples issues were held at the Congress Forum. Topics discussed at these events included:

- Protection of traditional lands and territories from destructive developments
- Management of indigenous peoples' territories

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<sup>2</sup> All Resolutions are found on the IUCN Resolutions and Recommendations Platform <https://portals.iucn.org/library/resrec/search>

<sup>3</sup> For a more detailed report on indigenous peoples issues at the Sixth WCC, see Annex 2.

- Involvement of indigenous peoples and communities in protected areas management
- Indigenous protected areas and other forms of conservation
- Traditional knowledge revitalization and application
- Sacred lands and sites and indigenous spirituality
- Wildlife management and indigenous peoples, including tackling illegal trade
- Financing indigenous peoples' conservation work
- Indigenous conservation approaches, including for marine resources
- The Sustainable Development Goals (SDGs) and other policy processes and indigenous peoples
- Climate change and indigenous peoples

Some events and discussions also focused on regional issues in Central Africa, South, Central and North America, and the Pacific (including Hawai'i).

### *1.3. Indigenous peoples organization membership and indigenous engagement at IUCN*

One of the most notable outcomes of the 2016 World Conservation Congress was a landmark decision by IUCN Members' Assembly to create a new category of membership for Indigenous Peoples' Organisations (IPOs). This decision opens the opportunity to strengthen the presence and role of indigenous organisations in IUCN. IUCN has never before altered the structure of its Membership for any particular sector or social group; it did so for the first time specifically to better accommodate indigenous peoples' representative institutions, which will now have a clear and distinct identity and will have their particular features recognized. This major change is a significant step towards increasing the membership of indigenous organizations, give them a clearer identity as a distinct constituency and amplify their voice in the internal policy making of IUCN and the general life of the institution. IUCN believes that this fundamental change in the governance structure of the institution can become an example of the ways in which international organizations can better integrate indigenous peoples in their institutional architecture and at decision-making levels.

Other formal mechanisms for the full and effective participation of indigenous peoples have been created within IUCN. For example, IUCN's Council has recognized the need for direct participation of indigenous leaders in IUCN's own governance through a designated appointed position; IUCN leaders have been appointed as members of IUCN Council for more than 20 years.

IUCN's Commissions also have indigenous expert members who significantly contribute to IUCN's work on indigenous issues. The IUCN Commission on Environmental, Economic and Social Policy (CEESP) is particularly engaged on indigenous issues through groups such as the Theme on Governance, Equity and Rights and the Specialist Group on Indigenous Peoples, Customary & Environmental Laws & Human Rights (SPICEH), among others.

At the regional level, an example of a formal mechanism for the full and effective participation of indigenous peoples is the consultative group with indigenous peoples organizations coordinated by IUCN's Regional Office for Mexico, Meso-America and the Caribbean. It allows for regular and strategic engagement between IUCN and the indigenous peoples' organizations in the region.

IUCN's Environmental and Social Management System (ESMS), which is comprised of the ESMS Policy Framework and four Environmental and Social Standards, recognizes UNDRIP as a key policy reference for all issues relevant to indigenous peoples. The ESMS Policy Framework's principles include free, prior and informed consent (FPIC), which states that "a community has the right to give or withhold its consent to proposed projects that may affect

the lands it customarily owns, occupies or otherwise uses, shall apply to planning, assessment and implementation processes activities in all projects that have the potential to affect indigenous peoples and communities". This principle is further elaborated in the ESMS. The most relevant standards for indigenous issues in the System are the Standard on Involuntary Resettlement and Access Restrictions, the Standard on Indigenous Peoples, and the Standard on Cultural Heritage. Through the ESMS, IUCN is equipped with the highest level of standards, including safeguards and positive actions, on matters concerning indigenous peoples in project design, implementation and monitoring.

In adherence to the ESMS and broader policies, it is a general standard of practice for IUCN to provide opportunities for and ensure full and effective participation of indigenous peoples in activities that affect them at regional levels and on project by project basis.

## 2) Programme highlights

Indigenous issues are integral to many project and initiatives across IUCN's thematic and regional work.

As an example, the IUCN Global Protected Areas Programme works together with partner organisations in planning and implementing a series of governance assessments at national and subnational scales that highlight issues pertaining to the rights and legal recognition of the territories and resources of indigenous peoples. Specific guidelines for thematic work have also been published and disseminated in relation to indigenous peoples and protected areas. Three volumes of guidelines based on IUCN policies were published as part of IUCN's Best Practice Guidelines for Protected Areas: *Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies* (2000); *Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation* (2004); and *IUCN Sacred Natural Sites Guidelines for Protected Areas Managers* (2008). IUCN's Global Protected Area Programme (GPAP) and the IUCN World Commission on Protected Areas (WCPA) have published, in conjunction with the Secretariat of the Convention on Biological Diversity, new *Best Practice Guidance for Protected Area Managers on Governance for Protected Areas*, which strongly promote respect of the rights of indigenous peoples and link to several Articles of UNDRIP including through provisions for an inclusive, participatory approach to the assessment and evaluation of protected area governance, supporting governance by indigenous peoples and local communities, and the application of FPIC in all aspects of assessment, evaluation, planning and reporting.

IUCN is now also developing the Green List for Protected Areas and Conserved Areas, with the objective to encourage protected areas to measure and improve performance through globally consistent criteria that benchmark good governance, sound design and planning, effective management, and successful conservation outcomes. A key element of the Green List Standard is the rights of indigenous peoples as framed by UNDRIP. Through the Green List Standard, IUCN promotes the mainstreaming of indigenous rights in protected areas management.

Further to the aforementioned work on protected areas, IUCN with other Advisory Bodies to the World Heritage Convention -ICOMOS and ICCROM- and in consultation with the World Heritage Centre, are collaborating to increase understanding and identify effective approaches to the rights dimension in World Heritage work. The goal is to promote the application of good practice in relation to human rights and World Heritage, and to develop possible tools to ensure rights issues are appropriately considered, particularly in the nomination and site management processes. Indigenous issues have been central to this effort. The World Heritage Programme of IUCN has produced internal guidance on ensuring strong representation of indigenous issues as part of its advisory role towards governments.

Understanding that natural and cultural heritage are inextricably bound together and that conservation of these places depends upon better integration, IUCN is actively working with ICOMOS on addressing the nature-culture divide in World Heritage processes, decisions and messaging. Along with other partners, they are exploring how to form a more genuinely integrated consideration of natural and cultural heritage under the World Heritage Convention – ‘bridging the divide’ that is often observed between nature and culture – overcoming the many unintended adverse outcomes that can result.

IUCN is valued as a convener of actors across government, civil society, NGO and other stakeholder groups. There are many examples of multi-stakeholder dialogues (e.g. between government actors, civil society organizations and indigenous peoples’ organizations) facilitated by IUCN. The IUCN Regional Office for Central America, Mexico and the Caribbean for example convenes and supports dialogues between indigenous peoples’ organizations, government actors and other stakeholders in the context of development and conservation interventions that may impact on the lands, territories and resources of indigenous peoples.

In West Africa, IUCN has played a key role in supporting and organizing the FIPAC (Central Africa indigenous peoples’ forum). Government actors, NGOs and indigenous peoples’ organizations attend these fora. IUCN engagement extends beyond the fora itself and provides technical guidance in implementation of the agreements reached at FIPAC, which aim to significantly strengthen the recognition and protection of indigenous peoples’ rights in Central African forests.

“People in Nature” (PiN, formerly Human Dependence on Nature) is a developing initiative hosted by the IUCN Commission on Environment, Economics and Social Policy that emphasizes promotion and uptake of existing knowledge and generation of new knowledge on the interrelationship between humans and nature, focusing on the use and reliance on ecosystem services and their contribution to improving local livelihoods and well-being. It largely links with indigenous peoples’ livelihoods and relationships with nature, and indigenous rights, values and perspectives are included as important components of its scope and application. As such PiN will provide avenues for more systematic application of UNDRIP provisions into the global IUCN Programme and have a role in influencing uptake of this approach more broadly in conservation.

IUCN is also working on a Natural Resource Governance Framework, with the aim of promoting standards and offering guidance for decision-makers at all levels to make better and more just decisions on the use of natural resources and the distribution of nature’s benefits, following good governance principles. A key component of this work is about understanding and supporting indigenous peoples’ customary governance of their territories, and facilitating dialogue with statutory, formal governance systems; pilot research and development on this topic is taken place in countries of Central America and Asia and is expected to expand to other places as more experience is gained.

Traditional ecological knowledge and conservation practices offer fundamental contributions to biodiversity conservation. Recognizing this, IUCN has passed a number of Resolutions and Recommendations which relate to the means used by communities for conserving, valuing, protecting and applying traditional knowledge. (e.g. Recommendation GA 15.07, Recommendation GA 19.22, WCC 1.50, Resolution WCC 1.56, Resolution WCC 3.018, Resolution, WCC Resolution 4.099, WCC Resolution 4.055).

IUCN works to increase recognition and support of the contributions of customary law and governance systems to the conservation of biodiversity, sustainable management of natural resources and livelihoods. There are several examples of IUCN’s promotion of customary law as part of conservation efforts. For example IUCN worked with communities in the Xe

Champhone Ramsar Site, Lao PDR, to strengthen their customary laws and demonstrate their value for conservation of their area. IUCN recognizes the need to further understand the nature and functioning of customary governance of natural resources, its status and related challenges, as well as the opportunities for its maintenance, strengthening and application whenever needed and appropriate, including in articulation with statutory governance.

IUCN is a promoter and supporter of Indigenous Peoples' and Local Community Conserved Territories and Areas (ICCAs) and advocates their recognition in land use planning processes and conservation policy. IUCN also supports recognition of the links between indigenous peoples' rights and Locally Managed Marine Areas (LMMA), especially in the Pacific.

IUCN supports and advocates for the protection of sacred natural sites, inter alia through its Task Force on Cultural and Spiritual Values of Protected Areas (CSVPA), which is part of the World Commission on Protected Areas. The aforementioned *IUCN Sacred Natural Sites Guidelines for Protected Areas Managers* provide a key resource for help conservation professionals and the custodians of sacred sites interested in the role of cultural and spiritual values in nature conservation to ensure the long-term survival of such valuable sites.

The Sustainable Use and Livelihoods Specialist Group (SULi), a joint effort of the IUCN Commissions on Species Survival (SSC) and on Environment Economic and Social Policy (CEESP), is leading a process to develop clear, constructive and useful guidance for Red List of Species assessors to properly address the livelihoods, knowledge and cultural aspects of indigenous peoples' use of species and has produced a document highlighting some of the questions and issues to be resolved.

IUCN is represented in the Inter-governmental Panel on Biodiversity and Ecosystem Services (IPBES), where it has worked to ensure inclusion of indigenous perspectives and values in the development of guidance on how to incorporate diverse values into ecosystem assessments. IPBES has recently adopted a decision to implement an "Approach to recognizing and working with indigenous and local knowledge in the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services", of which IUCN has been an active promoter. IUCN will continue to work with IPBES's Indigenous and Local Knowledge task force to support implementation of the Approach.

### **3) IUCN's internal mechanisms to monitor the implementation of policies, guidelines and standards**

Although there has been a significant amount of progress in developing and applying the above standards across IUCN, it recognizes the need to improve its monitoring systems to adequately capture the full extent to which these are applied.

In moving towards this more systematic monitoring of indigenous issues within IUCN, an approach paper *Notes on Ways to Improve the Formulation of Indicators on Indigenous Peoples in Environment-related Projects* was made available to explore integration of indicators in the evolving project monitoring and evaluation system of IUCN. The proposed approach to indicators is framed under UNDRIP principles. IUCN will continue to develop these proposals to integrate them into the project monitoring system in development.

IUCN has recently launched an Online Tracking System for Resolution implementation, which aims at enhancing Members' participation in monitoring IUCN's work as well as

providing valuable information about how IUCN's Resolutions are shaping conservation practice around the world. Use of this tool will grow, but there are already examples of progress reports available on Resolutions relevant to indigenous issues.

IUCN's Secretariat has presented reports on its work on indigenous issues to its Council on a regular basis since 2010. These reports have included information from regional and global levels on advances in implementing the provisions under UNDRIP (including a special focus on FPIC) in its work on the ground as well through its role in influencing policy.

Since 2008, IUCN has provided regular submissions to the United Nations Permanent Forum on Indigenous Issues (UNPFII) and presented statements at every session. Although succinct in nature, the reports show the breadth of IUCN's work on indigenous issues as well as advances in IUCN policies, approaches and achievements.

In accordance with IUCN policies, IUCN has established a project grievance mechanism as part of its ESMS to enable communities to raise complaints related to the implementation of its projects. It is based on effective, accessible and transparent procedures to receive and resolve complaints.

#### **4) Reaching out to conservation actors in support of indigenous peoples' rights**

IUCN promotes its policies and rights-based approaches across its Membership, including its State Members. It plays an important convening and facilitating role for indigenous participation in environmental decision-making, as well as on conflict resolution as related to conservation, an issue of particular relevance for indigenous peoples. However, when working in conservation, IUCN faces a challenge in addressing the full scope of drivers behind factors hindering the full fulfilment indigenous peoples' rights. Conservation measures (such as protected area designation and species conservation strategies) are decided and implemented by governments, who therefore have direct decision-making power, accountability and responsibility on them. Although sometimes IUCN can influence these actions by informing and advising governments, it cannot itself make any decisions.

IUCN has promoted and supported significant advances in improving formal World Heritage instruments, including the World Heritage Operational Guidelines, to ensure Free Prior and Informed Consent processes and safeguards for indigenous peoples' rights and values in World Heritage. These improvements help guide States in fulfilling rights when designating and managing World Heritage Sites.

As also explained above, challenges around indigenous rights are part of political and legal contexts shaped by drivers and with impacts that go beyond what conservation interventions can change or fix. The political contexts in which human rights and land rights (including national tenure regimes) are played out are often beyond the ability or remit of conservation organizations, including IUCN, to address the full set of causes behind the status of indigenous rights. Nevertheless, the ESMS and IUCN's requirement for adherence to the Indigenous Peoples Standard and other requisites means that any State partnering with IUCN on a project must apply the safeguard provisions outlined in the Standard. This is one channel through which IUCN can influence change at the State level but requires a conducive political environment and strong partnerships with other influential organizations and actors.

Building partnerships across conservation actors and learning from each other is essential in advancing approaches and best practices in promoting and safeguarding indigenous rights. IUCN is a founding member of the Conservation Initiative on Human Rights (CIHR). This is a consortium of eight international conservation organizations (Birdlife International,

Conservation International, Fauna & Flora International, IUCN, The Nature Conservancy, Wetlands International, Wildlife Conservation Society, and WWF) that seek to improve the practice of conservation by promoting integration of human rights in conservation policy and practice. CIHR members have been working together on some key indigenous issues relevant to UNDRIP, such as FPIC.

By having officially integrating indigenous peoples rights into IUCN's mandate through the endorsement of UNDRIP, IUCN is now committed to build institutional capacity and monitoring mechanisms across the Union. This advance also helped to propel IUCN towards the formulation and adoption of the ESMS and its associated Standards and requirements regarding work on indigenous issues.

## 5) Challenges and way forward

Some important challenges to ensure respect for the rights of indigenous peoples in the context of conservation and how to further strengthen the protection and respect of the rights of indigenous peoples in IUCN conservation work are as follows:

- 1. Enhancing community tenure security in protected areas and conservation landscapes:** Globally, protected area and broader conservation frameworks have significantly evolved towards greater inclusion of rights and recognition of their role in enhancing conservation objectives and reducing related conflict. However, in some protected area and conservation landscape contexts, there still remain significant gaps around legally recognized tenure and secure rights to lands, territories and resources. Because these issues are often a result of broader legal and policy frameworks (often at national level) conservation organizations should build partnerships with state and non-state actors in addressing the underpinning drivers of tenure insecurity and play a role in safeguarding rights and tenure as part of conservation efforts.
- 2. Building on IUCN's strong work regarding indigenous participation in environmental decision- making and facilitating conflict resolution:** IUCN plays an important convening and facilitating role for indigenous participation in environmental decision- making, as well as on conflict resolution as related to conservation, an issue of particular relevance for indigenous peoples. However, limitations of capacity and financial resources, political constraints and other factors have restricted IUCN's (and other conservation organizations') ability to help find solutions to existing conflicts. IUCN seeks further opportunities to strengthen its role in facilitating conflict resolution as related to indigenous rights and conservation.
- 3. Systematizing integration, monitoring and reporting on indigenous issues is lacking in conservation:** For IUCN, the Environmental and Social Management System and related Standards, as well as the developing Project Guidance and Standards (PGS) and associated tools, provide an opportunity to ensure better integration of indigenous issues in project development, implementation and monitoring throughout the entire IUCN Programme. However, across conservation, capacities need to be built to systematically and effectively capture work on indigenous issues. IUCN has an opportunity to continue work on developing targeted indicators and guiding effective monitoring on this topic, including importantly through indigenous peoples' own engagement in providing perspectives and learning from their own experiences.
- 4. Focusing on indigenous peoples' lands, territories and resources in delivering conservation:** IUCN (especially through Regional Programmes) works directly on

issues pertaining to UNDRIP Article 29.1 and in promoting recognition of indigenous rights and governance systems in the conservation of land/seascapes both in and out of protected areas. However large areas of indigenous peoples' lands, territories and resources are threatened yet remain unprotected and lack conservation measures. There still remain many challenges in terms of recognition of the conservation measures of indigenous peoples and providing technical assistance and capacity building in this area. This is a gap IUCN can seek to address.

5. **Joining efforts on ensuring FPIC and improving related guidance across conservation organizations:** There needs to be a more systematic approach to capturing lessons and developing effective guidance, based on concrete cases that demonstrate which are the factors and conditions of successful implementation, and the value of FPIC for effective conservation of indigenous peoples' lands, territories and resources. The Conservation Initiative for Human Rights provides a platform from which to reach the wider network of conservation organizations on this matter.
6. **Furthering work on traditional knowledge for conservation:** The Inter-governmental Panel on Biodiversity and Ecosystem Services offers an opportunity and entry point to delivering more on the topic through understanding/ applying/ supporting measures for the preservation and application of traditional knowledge.
7. **Building capacities of IUCN and other conservation organization staff on indigenous issues:** Although awareness of indigenous and human rights has increased across many conservation organizations, there is a need to build capacities in operationalizing the provisions of UNDRIP in conservation – from project planning processes through to policy messages. Targeted training on safeguards and exposure to issues should be a priority for conservation organizations whose work impacts indigenous peoples.
8. **Strengthening work on indigenous issues in marine and coastal areas and resources:** There is an important and sustained need to enhance this work in conservation, particularly in some regions and in terms of global approaches and policy. IUCN is making progress in connection with a growing body of work on coastal and island conservation and Locally Managed Marine Areas (LMMAs), but this work remains marginal compared to the needs of support of indigenous peoples in and around marine and coastal areas and island lands and resources.

## Annex 1

### Indigenous Peoples' Organisations (IPO) Members of IUCN

As of March 2017, IUCN has the following indigenous peoples' organisations (IPO) Members:

1. Ak'Tenamit Association (Asociación Ak' Tenamit) – Guatemala.
2. Bolipara Nari Kalyan Somity (Bolipara Women's Welfare Association) – Bangladesh
3. Centre for Maya Research and Development (SOTZ'IL) – Guatemala
4. Centro para el Desarrollo del Indígena Amazónico (Center for Amazonian Indigenous Development, CEDIA) – Peru (in NGO Category)
5. Coordinator of Indigenous Organisations of the Amazon Basin (COICA) – Regional, South America
6. Cree Nation Government – Canada (Affiliate)
7. Edith Kanakaole Foundation (EKF) – USA
8. Ejecutor del Contrato de Administración de la Reserva Comunal Amarakaeri (Executor of the Administrative Contract of the Amarakaeri Communal Reserve, ECA-RCA) – Peru
9. Foundation for the Promotion of Indigenous Knowledge (Fundación para la Promoción del Conocimiento Indígena, FPCI) – Panama
10. Fundación Laguna Lachuá (FUNDALACHUA) – Guatemala
11. Gram Unnayon Sangathon (Rural Socio-Economic Development Organization (GRAUS) - Bangladesh
12. Indigenous Peoples of Africa Coordinating Committee (IPACC) – Regional, Africa
13. Inuit Issittormiut Siunnersuisoqatigiifiat (Inuit Circumpolar Council, ICC) – Regional, Arctic countries
14. Inuit Tapiriit Kanatami (ITK) – Canada
15. Kua'āina Ulu 'Auamo (KUA) – Hawaii, USA
16. Mosquitia Pawisa Aslika/Agencia Para El Desarrollo De La Mosquitia (MOPAWI) – Honduras.
17. North Australian Indigenous Land and Sea Management Alliance Limited (NAILSMA) – Australia

## Annex 2

### Advancing indigenous peoples' issues in conservation:

#### The Sixth World Conservation Congress of IUCN

Honolulu, Hawai`i, September 2016

#### Summary Report, April 2017

Indigenous peoples issues feature prominently within the work and policies of IUCN – International Union for Conservation of Nature. IUCN continues to support and strengthen work around rights-based approaches, social equity, governance and culture within its own programmes and amongst its Members' conservation work.

This commitment to indigenous peoples issues was demonstrated and advanced at the last IUCN World Conservation Congress which took place in Honolulu, Hawai`i, in September, 2016<sup>4</sup>. The IUCN World Conservation Congress is the highest decision-making body of IUCN and is instrumental in setting the direction of conservation efforts. It brings together IUCN Members to debate and establish environmental policy, to approve the IUCN Programme and to elect the IUCN Council and President.

IUCN is a unique membership union gathering 218 state and government agencies, 1113 NGOs, and networks of more than 16,000 experts worldwide. Among its civil society members, IUCN has several indigenous peoples' organizations, which represent also an important part and actor of the Union as they bring the voice and representation of the larger indigenous constituency linked to IUCN's activities.

One of the most notable outcomes of the 2016 World Conservation Congress was a landmark decision by IUCN Members' Assembly to create a new category of membership for Indigenous Peoples' Organisations (IPOs) . This opens the opportunity to strengthen the presence and role of indigenous organisations in IUCN. It will be further detailed below in the broader overview of indigenous peoples issues at the IUCN World Conservation Congress. Support for indigenous peoples issues is explicit in the outcome document of the Congress, the [Hawai`i Commitments](#).

IUCN has considered indigenous peoples as fundamental conservation actors and partners since long time ago, and in particular indigenous issues have been a key part of IUCN Congresses' activities and outcomes since the first WCC in 1996, when IUCN adopted its first set of rights-based policies on indigenous peoples in the context of its conservation work. Since then, all the six Congresses of IUCN have:

- Featured important thematic discussions on indigenous issues;
- Adopted relevant policies;
- Made decisions on programmatic directions for integrating them in the implementation of the IUCN Programme;

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<sup>4</sup> Participation of indigenous peoples at the Sixth WCC and the organization of related activities were supported by many partners and Members of IUCN. In this summary report IUCN acknowledges in particular the support of The Christensen Fund, The Leona M. & Harry B. Helmsley Charitable Trust, and the Gordon and Betty Moore Foundation, to activities coordinated by IUCN's Social Policy Unit.

- Included the participation and involvement of indigenous leaders and representatives from all continents in the Congress discussions and decisions.

Topics relevant to indigenous peoples in IUCN Congresses since 1996 are strongly framed on the recognition of indigenous rights in relation to conservation. In 2008 IUCN endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the UN General Assembly in 2007.

Historically, the predominant topic for indigenous peoples at IUCN Congresses has been protected areas, given their many implications related to the lands, territories and resources of indigenous peoples and more broadly for the enjoyment of indigenous rights. IUCN Congresses, as well as IUCN's World Protected Areas Congresses, have been prime international venues for policy discussions on this topic. Though indigenous peoples and protected areas still feature prominently, recent Congresses have also featured topics such as: indigenous peoples and the private sector; culture and spirituality; land tenure; climate change; traditional knowledge and others as listed below.

## Focus on indigenous issues at the 2016 IUCN World Conservation Congress Forum

Overall about 100 events on indigenous peoples issues were held at the Congress Forum. Topics discussed at these events included:

- Protection of traditional lands and territories from destructive developments
- Management of indigenous peoples' territories
- Involvement of indigenous peoples and communities in protected areas management
- Indigenous protected areas and other forms of conservation
- Traditional knowledge revitalization and application
- Sacred lands and sites and indigenous spirituality
- Wildlife management and indigenous peoples, including tackling illegal trade
- Financing indigenous peoples' conservation work
- Indigenous conservation approaches, including for marine resources
- The Sustainable Development Goals (SDGs) and other policy processes and indigenous peoples
- Climate change and indigenous peoples

Some events and discussions also focused on regional issues, such as on Central Africa, South, Central and North America, and the Pacific (including Hawai`i).

## Thematic highlights of indigenous peoples issues and recommendations

### *Protection of traditional lands and territories from destructive developments*

Fast-paced changes caused by development on indigenous territories and protected areas have caused significant concern of indigenous organizations and their supporters globally. The Congress provided an appropriate venue for indigenous peoples to present their views and to call for measures and partnerships in defence of indigenous territories. Several events during the Congress Forum featured indigenous leaders and representatives presenting specific cases about their struggles to defend their lands from destructive developments.

Main messages and recommendations from the Forum included:

- Many indigenous peoples and communities living in valuable areas for conservation face **livelihood insecurity and threats to their well-being** because of the threats posed on their territories, lands and resources by unsustainable developments;
- The frontiers of resource extraction have rapidly expanded and today **no indigenous lands are safe from pressures from governments and commercial interests on such resources**;
- A fundamental step in supporting indigenous peoples on these matters is **enhancing their tenure security**, because overall only a fraction of indigenous lands is legally titled and enjoy legal security;
- However legal titles are not enough and other measures are required that provide indigenous peoples with **enough capacity to control their lands, and greater commitment from governments** and other stakeholders to ensure respect for the integrity of their lands;
- The characteristics of indigenous territories, lands and resources related to their biodiversity and ecosystem values make them particularly **vulnerable to commercial interests**;
- **Islands, coasts and marine** areas inhabited and used by indigenous peoples are **not exempt** from such kinds of threats;
- Indigenous peoples are struggling to keep their territories, lands and resources safe not only for their own interests and use by their communities, but also for **global benefits** (for example for climate change mitigation);
- The **conservation community is increasingly involved** in supporting indigenous peoples in such struggles, but **much remains to be done**;
- IUCN and other conservation organizations have recognised the need to be **more active in promoting and facilitating conflict resolution**. This includes working with governments in this regard.

#### *Management of indigenous peoples' territories*

Worldwide, indigenous peoples and the conservation community are increasingly concerned about the need to work together to ensure sustainability in the management and use of their territories, lands and resources. Sustainability is threatened by the factors described above, but also by cultural and socio-economic change, external drivers particularly from the economy, breakdown of the intergenerational transmission of knowledge and values, climate change, and other factors. Several technical discussions at the Congress focused on opportunities and approaches to work with indigenous peoples for improving management of their territories, and the important role that IUCN and other conservation organizations can play. Some important conclusions were drawn from these discussions, such as:

- For indigenous peoples, **conservation or sustainability of biodiversity** and ecosystems found on their territories are not isolated or separate objectives; rather, they are an **integral** part of the way they see the overall sustainable development of their lands and communities, as well as the maintenance of their cultures;
- A frequently used approach, especially in Latin America, is the development of “Life Plans” of indigenous peoples for their territories. **Life Plans** are precisely integrated plans that they develop based on their own cultures and cultural values, their aspirations, and their vision about their future in all dimensions – ecological, economic, social and cultural. Youth and women have particular roles to play in relation to these Life Plans and their application for improving management and enhancing sustainability. Many good examples of such processes exist and were showcased at the Congress;
- Improved management of territories, with its positive effects on biodiversity conservation, requires **tenure and access security** and full respect of the rights of indigenous peoples to determine their own priorities for their peoples, communities and territories;

- Combinations of **traditional and “modern” knowledge** and techniques are a fundamental necessity and help enhance capacities; many good examples exist of its application. The role of conservation organizations is greatly valued in efforts towards this;
- - **Customary governance of indigenous peoples has proven a key requirement** for sustainable management, but has in some cases weakened. It needs to be revitalized, strengthened, and supported for successful adaptation – including for example the reformulation of traditional normative regimes for resource use when needed;
- Strong and effective customary governance systems can be also very effective to counter the perverse effects of illegal exploitation and trade of wildlife resources on their lands and territories;
- A special focus was on the **management of coastal and marine resources**, highlighting that they should receive more attention internationally in relation to all the topics above. Many indigenous and traditional communities are engaged today in new forms of sustainable management of fisheries, for example, based on their own traditional systems but also as a response to the lack of effective action by governments for the control of unsustainable practices. In many countries of the world, the response to such practices will largely depend on the capacity of communities to effect action.

#### *Involvement of indigenous peoples and communities in protected areas management*

Protected areas continue to be a key topic for indigenous peoples in relation to conservation. Three essential issues were addressed:

- The effects of the establishment and management of government-designated protected areas on the territories, lands and resources of indigenous peoples, especially in countries with unclear or weak tenure systems;
- The opportunities and approaches developed especially since the fifth World Parks Congress for inclusive management of such protected areas with indigenous peoples, including co-management and other arrangements that include governance, technical and operational considerations;
- The growing trend to establish “Indigenous Protected Areas”, as they are termed in Australia, by indigenous peoples on their own territories, making use of their right of self-determination.

Experience shows that these three issues are not only different manifestations of the overlaps between indigenous peoples’ territories and protected areas, but they also represent broadly three consecutive phases of progress in the topic: the first stage is the early phase where indigenous rights to their lands are not recognized and therefore protected areas are heavily impactful on them; in a second phase, indigenous rights start to be recognized more *de facto* than *de jure*, which leads to arrangements with protected areas’ administrations that are mutually beneficial and eventually end in strengthening indigenous governance of the areas or parts thereof; and thirdly, once indigenous territorial rights are recognized, indigenous peoples embrace protected areas as a useful tool for them, defined in their own ways, and their objectives then shift to recognition and support for those areas.

Unfortunately today large geographic areas remain in the first stage while others are slowly moving to the second stage. Still in the minority, cases representing the third stage are however significant in terms of area (e.g. in Australia Indigenous Protected Areas represent 44% of the total national area under protection), other features such as connectivity (like in the case of a large corridor of indigenous protected areas in the Philippines), biodiversity conservation (such as the more than 20 large indigenous protected areas of Ecuador, Peru and other Amazon countries), and protection of underrepresented areas (such as the several-hundred Locally Managed Marine Areas (LMMAs) of coasts and waters of the Pacific Islands).

Recommendations included:

- It is an absolute priority to **address the situation of indigenous peoples in protected areas that do not recognize their rights and that create restrictions and hardship to inhabiting and user communities**;
- There are processes of change that need to be supported and encouraged in certain countries, such as Indonesia, Peru, and others, where laws and policies are undergoing processes of change but work is needed to speed them up and ensure successful outcomes;
- There are **concerns about potential situations of backlash** in some countries due to uncertainties in political processes, and therefore working with those countries to address potential risks for indigenous peoples is also a priority;
- **Co-management approaches are an important option** when government-designated protected areas overlap with indigenous peoples' territories. However, for them to be truly effective there has to be a **clear transit to greater exercise of governance by indigenous peoples**, and not merely technical or administrative arrangements;
- **Indigenous Protected Areas should be more decisively supported by conservation organizations** to achieve recognition by governments, funding support from agencies such as the GEF, public recognition and greater local capacities. This is particularly important in countries where the process is still in initial phases and/or the national context is unclear or unfavourable;
- Indigenous peoples should be given **more recognition with regard to their own ways** of designating, establishing and managing protected areas in their territories, and governments should not only recognize them as legitimate protected areas but also give them the necessary support – legally, politically, technically and financially;
- In both terrestrial and marine realms, a large portion of the future of protected areas lies in the successful advancement of the above processes for ensuring that indigenous peoples' territories in protected areas are effectively and equitably managed, as required by **Aichi Target 11**.

### Other notable outcomes

At WCC, discussions on indigenous issues were strengthened by the presence and participation of the UN Special Rapporteur on the Rights of Indigenous Peoples, Ms. Victoria Tauli-Corpuz, who presented her latest report to the UN General Assembly on the Rights of Indigenous Peoples. The report provides "a brief summary of her activities since her previous report to the Assembly, as well as a thematic analysis of conservation measures and their impact on indigenous peoples' rights". The Special Rapporteur participated in five other formal events of the Congress to discuss the findings of her report, and was involved in several meetings and encounters with Congress participants.

Various meetings were held by conservation and indigenous organizations, as well as government participants, with the UN Special Rapporteur to explore opportunities to apply the recommendations offered in her report. In particular, conservation organizations members of the Conservation Initiative on Human Rights, CIHR (IUCN and its seven largest Members from the conservation NGO community) held a meeting with the Special Rapporteur that resulted in some specific ideas on ways in which CIHR can strengthen its work with indigenous peoples.

Additionally indigenous organizations from various continents held caucuses and meetings to discuss their own approaches and positions regarding the topics discussed at the Forum and the discussions at the IUCN Members Assembly. There were many good opportunities to network and exchange information among indigenous and traditional communities; particularly active were participants from the Pacific, as well as from Latin America.

Participants addressed many urgent issues of common interest such as stopping destructive development projects and advancing indigenous peoples' own protected areas categories.

Discussions were also held on national and regional initiatives that indigenous peoples and partners are committed to move forward: the Congo Basin, Brazil, Colombia, Peru, Indonesia, Kenya, Myanmar, and others.

## Indigenous peoples issues at the IUCN Members' Assembly

### The IUCN 2017-2020 Programme

One of the most important duties of the IUCN Members' Assembly was to discuss and adopt the IUCN Intersessional Programme 2017-2020. Indigenous peoples issues are an integral part of the Programme and all IUCN programmes will integrate indigenous issues in their plans and work as appropriate.

### Resolutions

Motions on indigenous peoples issues were proposed by Members from early stages of the policy process of the Members' Assembly. Many adopted Resolutions relate to indigenous peoples in various ways; out of the total of 111 Resolutions adopted by the Congress, 13 have a more specific focus on, and relevance to, indigenous issues:

1. WCC-2016-Res-004 – “Including indigenous peoples' organisations in the structure of the Union”
2. WCC-2016-Res-025 – “Recognising, understanding and enhancing the role of indigenous peoples and local communities in tackling the illegal wildlife trade crisis”
3. WCC-2016-Res-030 – “Recognising and respecting the territories and areas conserved by indigenous peoples and local communities (ICCAs) overlapped by protected areas”
4. WCC-2016-Res-033 – “Recognising cultural and spiritual significance of nature in protected and conserved areas”
5. WCC-2016-Res-050 – “Increasing marine protected area coverage for effective marine biodiversity conservation”
6. WCC-2016-Res-065 – “Community Based Natural Resource Management in the State of Hawaii”
7. WCC-2016-Res-068 – “Prevention, management and resolution of social conflict as a key requirement for conservation and management of ecosystems”
8. WCC-2016-Res-072 – “Enabling the Whakatane Mechanism to contribute to conservation through securing communities' rights”
9. WCC-2016-Res-075 – “Affirmation of the role of indigenous cultures in global conservation efforts”
10. WCC-2016-Res-080 – “System of categories for indigenous collective management areas in Central America”
11. WCC-2016-Res-088 – “Safeguarding indigenous lands, territories and resources from unsustainable developments”
12. WCC-2016-Res-092 – “Urging the Congress of the Republic of Peru to shelve permanently the bill that proposes a road that will affect the Alto Purús National Park and other areas”

### 13. WCC-2016-Rec-102 – “Protected areas and other areas important for biodiversity in relation to environmentally damaging industrial activities and infrastructure development”

Especially important for IUCN is 004 – “Including indigenous peoples’ organisations in the structure of the Union” – an internal governance Resolution that created a new category of IUCN Member for Indigenous Peoples’ Organizations (IPOs). IUCN has never before altered the structure of its Membership for any particular sector or social group; it did so for the first time specifically to better accommodate indigenous peoples’ representative institutions, which will now have a clear and distinct identity and will have their particular features recognized. This is major change and a very significant step to increase the membership of indigenous organizations, give them a clearer identity as a distinct constituency, and amplify their voice in internal policy making of IUCN and the general life of the institution. IUCN believes that this fundamental change in the governance structure of the institution can become an example of the ways in which international organizations can better integrate indigenous peoples in their architecture at decision-making levels.

The decision to create this separate Member Category for IPOs followed a long process. Some IPO Members and partners had been voicing for some time, particularly since 2008, their feeling that the Membership structure of IUCN was not adequate to them, mainly in three aspects: (i) their belonging to the NGO Member house where their distinct identity and their fundamentally different features from those of NGOs were not recognized, (ii) more specifically their voting positions on IUCN policy and governance not being identified separately from NGOs, while in some cases such positions were radically different, (iii) their obligation to meet membership requirements that had been created for NGOs and which in some fundamental aspects were not applicable to IPOs.

Following discussions and consultations with Members and Secretariat, some IPO Members decided to put forward a motion at the 2012 WCC for initiating a process aiming at the creation of a separate category. Given the implications that such a change would have, and the sensitivities it would have raised, they decided to do it in steps – to get first a decision to initiate a process, and then to propose a specific decision of change of structure at the next WCC, if the process showed potential success. After adoption of that Resolution in 2012, which required IUCN to initiate a process for exploring options for a new category, IUCN’s Council created a Task Force, actively supported by the Secretariat, that worked for more than three years analysing the situation and options and making internal consultations. All IPO Members were actively involved in the Task Force. The result of this process was the formulation of a Motion for 2016 WCC, which was discussed with IUCN Members before and during WCC and finally adopted by them. IUCN will put in place the mechanisms for applying this Resolution starting from 2017.

In this process, the most contentious issue was whether the new IPO category should have separate voting rights, which would have required the creation of a third voting house (governments, NGOs, and IPOs). This proved difficult and potentially unacceptable for IUCN Members, and so the chosen alternative was to have a separate category for IPOs without a third house; this means that IPO votes are counted separately (therefore their positions are identifiable), but for making final decisions on a given vote the two civil society votes (NGOs and IPOs) are merged. This decision will help maintain the careful balance between the government and civil society houses that has been a historical feature of IUCN’s environmental democracy, while giving IPOs the possibility of showing distinctively their positions on issues under discussion and decision.

## Conclusion

The 6<sup>th</sup> WCC was an important opportunity to promote and help shape conservation agendas, initiatives and policies that are inclusive of indigenous peoples and the critical role

they have in conservation of the planet. The Congress boosted awareness, support for and commitments to indigenous peoples issues. Timely and important discussions and recommendations were made for the advancement of indigenous peoples issues within conservation and sustainable development and indigenous peoples were very active throughout the Congress. Especially important for IUCN has been the adoption of the Resolution including a new membership category for indigenous peoples' organizations. This is major change and a very significant step to increase the membership of indigenous organizations, give them a clearer identity as a distinct constituency, and amplify their voice and their involvement in IUCN's governance and programme. With the new category, indigenous peoples' engagement within IUCN will be strengthened as well as their work in influencing global environmental policy including advancing biocultural conservation, rights, traditional knowledge and other key issues for conservation today and into the future. In doing so, they join IUCN in its mission to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. IUCN looks forward to increasing its indigenous peoples organizations membership and working closely with them in the coming years in improving conservation practice and outcomes.