

PRINCIPLES AND GUIDELINES ON INDIGENOUS AND TRADITIONAL PEOPLES AND PROTECTED AREAS

Joint Policy Statement

Background

These principles and guidelines respond to WCC Resolution 1.53 on Indigenous Peoples and Protected Areas, adopted at the World Conservation Congress in Montreal, October, 1996, which

“requests the Director General, the Secretariat and technical programmes, Commissions, members, and Councillors of IUCN, within available resources, to endorse, support, participate in and advocate the development and implementation of a clear policy in relation to protected areas established in indigenous lands and territories”.

Resolution 1.53 is based on recommendations from the IV World Congress on National Parks and Protected Areas (Caracas, Venezuela, 1992), calling for the development of policies for protected areas that safeguard the interests of indigenous peoples, and take into account customary resource practices and traditional land tenure systems.

While the process of developing this document was accelerated after the resolution from Montreal, work began in 1995 between the IUCN Co-ordinator for Indigenous Peoples, the Programme on Protected Areas, and WCPA. In parallel, WWF had been developing their own ideas, building on a series of regional and national workshops with indigenous peoples' organizations. Noting that many common issues emerged from both the WWF and IUCN consultations on this subject, it was decided to work together in developing a common position, building on the successful development of a WWF/IUCN joint policy on forest conservation.

Annex 1 provides a definition of “indigenous peoples”, as stated in ILO Convention 169, which has been adopted in this document.

Part 1: Introduction

IUCN describes a protected area as

*An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural **and associated cultural resources**, and managed through legal or other effective means [emphasis added]. (IUCN, 1994(a)).*

This reference to "associated cultural resources" reflects a view of conservation that can accommodate the social, economic and cultural interests, values, rights and responsibilities of local communities living in and around protected areas.

It is sometimes assumed that protected areas must be in conflict with the rights and traditions of indigenous and other traditional peoples on their terrestrial, coastal/marine, or freshwater domains. In reality, where indigenous peoples are interested in the conservation and traditional use of their lands, territories, waters, coastal seas and other resources, and their fundamental human rights are accorded, conflicts need not arise between those peoples' rights and interests, and protected area objectives. Moreover, formal protected areas can provide a means to recognise and guarantee the efforts of many communities of indigenous and other traditional peoples who have long protected certain areas, such as sacred groves and mountains, through their own cultures. Sometimes, indeed, these communities now require outside support to defend such valued places against external threats - support which protected areas can provide.

Specifically, what many indigenous and other traditional peoples' organizations have demanded is that protected areas established on their terrestrial, coastal/marine and freshwater domains:

- effectively protect those domains, as well as the people and cultures they contain, from external threats, and in particular reinforce traditionally protected areas,
- recognise indigenous and other traditional peoples' rights to their lands, territories, waters, coastal seas, and other resources,
- recognise their rights to control and co-manage these resources within protected areas,
- allow participation of traditional institutions in co-management arrangements within their terrestrial, coastal/marine and freshwater domains,
- recognise the rights of indigenous and other traditional peoples to determine their own development priorities - as long as these priorities are compatible with protected area objectives,
- be declared only at their initiative, and/or with their free and prior informed consent,
- incorporate sustainable use of natural resources using methods that maintain the integrity of the ecosystem and that have been used traditionally by indigenous peoples.

These claims can be reconciled with the objectives of protected areas, as defined by IUCN, particularly those under Categories V and VI (see Annex 3). However, they require that governments, that have not already done so, put in place policies and strategies to help establish effective, sustainable partnerships between conservation agencies and indigenous and other traditional peoples. Indigenous peoples should participate in the co-management of their traditional land and territories and have equal opportunities to members of other groups, as well as other stakeholders interested in the conservation of that area. All decisions passed by co-management organizations should ensure that the maintenance of the ecological integrity of protected areas remains the highest priority. Partnerships between indigenous peoples and protected area management agencies should be based on a sound understanding of the social, economic, and cultural needs of individuals, peoples, and nations, as well as of the complex interplay of factors driving resource-use patterns.

In line with current understanding of the concept of sustainable development, as well as with the Convention on Biological Diversity, ILO Convention 169, Agenda 21, and the Rio Declaration on Environment and Development, WWF and IUCN recognise that:

- protected areas will survive only if they are seen to be of value, in the widest sense, to the nation as a whole and to local people in particular;
- the territorial and resource rights of indigenous and other traditional peoples inhabiting protected areas must be respected by promoting and allowing full participation in co-management of resources, and in a way that would not affect or undermine the objectives for the protected area as set out in its management plan;
- knowledge, innovations and practices of indigenous and other traditional peoples have much to contribute to the management of protected areas;
- governments and protected area managers should incorporate customary and indigenous tenure and resource use, and control systems, as a means of enhancing biodiversity conservation.

In WCC resolution 1.53, IUCN has acknowledged that indigenous peoples have the right "to participate effectively in the management of the protected areas established on their lands or territories", and therefore agreements should be reached with them "prior to the establishment of protected areas in their lands or territories". This resolution also requests all components of IUCN to "endorse, support, participate in and advocate the development and implementation of a clear policy in relation to protected areas established in indigenous lands and territories". This action is to be based on the recognition of land/territorial and resource rights, the necessity for prior agreement on the establishment of new protected areas on their lands or territories, and rights to effective participation in protected area management (the full text of the resolution is at Annex 2).

The IUCN system of protected area management categories was first published in 1978 (IUCN, 1978). Following comprehensive review, including through a workshop at the IVth World Congress on National Parks and Protected Areas (Caracas, Venezuela, 1992), a revised version of the guidelines was adopted, by Resolution 19.4, at the IUCN General Assembly in Buenos Aires in 1994 (IUCN, 1994b), and published later that year (IUCN, 1994(a), see Annex 3). Most of these revised categories explicitly recognise that indigenous and local communities may occupy and/or use such areas. The system as a whole has the potential to accommodate a range of models of protected areas, according to the degree of human intervention, in a way that both indigenous and other traditional peoples' rights and conservation objectives can be respected.

In its Statement of Principles on Indigenous Peoples and Conservation, WWF declares that:

"WWF will not promote or support, and may actively oppose, interventions which have not received the prior, free and informed consent of affected indigenous communities, and/or would adversely impact - directly or indirectly - on the environment of indigenous peoples' territories, and/or would affect their rights. This includes activities such as:

- economic or other development activities;
- natural resources exploitation;
- commercially oriented or academic research;
- resettlement of indigenous communities;
- creation of protected areas or imposition of restrictions on subsistence resource use;
- colonization within indigenous territories".

Based on the advice in the protected areas management categories, on established WWF and IUCN policies on indigenous peoples and conservation, and on conclusions and

recommendations of the IV World Congress on National Parks and Protected Areas, the two organizations, WWF and IUCN/WCPA, have adopted the following Principles and Guidelines on Indigenous / Traditional Peoples and Protected Areas (Part 2). These provide a basis upon which to develop partnerships between indigenous and other traditional peoples and protected area planners and managers. This will facilitate the establishment and management of protected areas which overlap with ancestral indigenous and other traditional peoples' areas, and/or include indigenous and local communities traditionally using their resources.

In addition, the two organizations have also prepared a number of Case Studies (Part 3) which demonstrate experience around the world in natural resource management within protected areas overlapping with indigenous and other traditional peoples' lands, territories or areas. The Case Studies are intended to provide examples and information that can be used to further develop and strengthen partnerships for protected area management.

The Principles and Guidelines proposed in this document should be considered as a framework aimed at providing guidance, not as a blueprint. Thus, they should be adapted to the particular situation, legislation, and policies of each country, and used together with other complementary approaches and tools, to ensure effective management of protected areas in partnership with indigenous and other traditional peoples living within or around their borders.

Part 2: Principles and Guidelines on Protected Areas and Indigenous / Traditional Peoples

Principle 1

Indigenous and other traditional peoples have long associations with nature and a deep understanding of it. Often they have made significant contributions to the maintenance of many of the earth's most fragile ecosystems, through their traditional sustainable resource use practices and culture-based respect for nature. Therefore, there should be no inherent conflict between the objectives of protected areas and the existence, within and around their borders, of indigenous and other traditional peoples. Moreover, they should be recognised as rightful, equal partners in the development and implementation of conservation strategies that affect their lands, territories, waters, coastal seas, and other resources, and in particular in the establishment and management of protected areas.

Guidelines

1.1 In cases where protected areas overlap with indigenous and other traditional peoples' lands, territories, waters, coastal seas, and other resources, agreements should be sought between the respective communities involved and conservation agencies, without prejudice to any other existing treaty or legal arrangement involving indigenous and other traditional peoples. Such agreements should: establish common objectives and commitments to the conservation of protected areas; define responsibilities for conservation and sustainable use of biodiversity and natural resources contained in them; and be the basis for management objectives, standards, regulations, etc. Agreements should be streamlined so that they create the minimal bureaucracy necessary to ensure efficient co-management of resources;

1.2 Development of such agreements should be framed within national protected area objectives, plans and policies, and within the framework of national laws and regulations. This is necessary to ensure that such agreements are consistent with national objectives and obligations towards the protection of the natural and cultural heritage of a given country, including any relevant international obligations (e.g. under international conservation agreements);

1.3 The formulation of protected area management plans should actively incorporate indigenous and traditional knowledge, experiences and practices for ecologically sustainable use of local resources, together with contributions and tools derived from other knowledge systems, including those of the natural and social sciences;

1.4 The mechanisms for monitoring indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater zones within protected areas should also integrate traditional knowledge and practices relevant to biodiversity conservation and sustainable use, and tools derived through other knowledge systems;

1.5 As far as possible, there should be harmony between national protected area legislation and the system of international protected area categories advocated by IUCN (Annex 3). Being fully compatible with these principles and guidelines, this system offers useful options for the interests of indigenous and other traditional peoples, and for resolving disputes concerning protected areas.

Principle 2

Agreements drawn up between conservation institutions, including protected area management agencies, and indigenous and other traditional peoples for the establishment and management of protected areas affecting their lands, territories, waters, coastal seas and other resources should be based on full respect for the rights of indigenous and other traditional peoples to traditional, sustainable use of their lands, territories, waters, coastal seas and other resources. At the same time, such agreements should be based on the recognition by indigenous and other traditional peoples of their responsibility to conserve biodiversity, ecological integrity and natural resources harboured in those protected areas.

Guidelines

2.1 Agreements between representatives of the respective communities and conservation agencies for the establishment and management of protected areas should contribute to securing indigenous and other traditional peoples' rights, including the right to the full and effective protection of their areas, resources and communities. At the same time, such agreements should define the responsibilities of both parties to conserve and sustainably manage the resources of those communities, and which protected areas are intended to safeguard;

2.2 As part of the development of such agreements, the following indigenous and other traditional communities' rights should be respected in relation to the lands, territories, waters, coastal seas and other resources which they traditionally own or otherwise occupy or use, and which fall within protected areas:

- a) rights with regard to sustainable, traditional use of their lands, territories, waters, coastal seas and other resources that fall within protected areas,
- b) rights to participate in controlling and managing their lands, territories, waters, coastal seas and other resources, in compliance with agreed management regulations and plans,
- c) rights to participate in deciding on issues, such as technologies and management systems, affecting their lands, territories, waters, coastal seas and other resources, subject to agreed management regulations and plans,
- d) rights to participate in determining priorities and strategies for the development or use of their lands, territories, waters, coastal seas and other resources, in the context of agreed management regulations and plans,
- e) rights to use their own traditional institutions and authorities to co-manage their terrestrial, coastal/marine and freshwater areas, as well as to defend them from external threats, subject to agreements with the agencies in charge of national protected area systems,
- f) rights to require that States obtain the free and informed consent of the respective communities, prior to the approval of any project affecting their lands, territories, waters, coastal seas or other resources,
- g) rights to improve the quality of their lives, and to benefit directly and equitably from the conservation and ecologically sustainable use of natural resources contained in their terrestrial, coastal/marine and freshwater areas,
- h) collective rights to maintain and enjoy their cultural and intellectual heritage, particularly the cultural patrimony contained in protected areas, and the knowledge related to biodiversity and natural resource management,
- i) rights not to be removed from the zones they have traditionally occupied within protected areas. Where their relocation is considered necessary as an exceptional measure, it should take place only with the free and prior, informed consent of the indigenous and other traditional peoples affected, and with appropriate compensation.

2.3 The establishment of new protected areas on indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains should be based on the legal

recognition of collective rights of communities living within them to the lands, territories, waters, coastal seas and other resources they traditionally own or otherwise occupy or use;

2.4 However, since legal recognition of rights does not fall within the mandate of protected area managers, managers should promote interim arrangements with the respective indigenous and other traditional communities. Such arrangements, while fully respecting the rights and claims of such peoples and communities, and not interfering with the respective legal processes underway to determine these, should ensure that protection measures are put quickly into place, based where needed on management or co-management agreements.

2.5 In cases where indigenous and other traditional peoples' rights within protected areas are not yet recognised by a government, and until the process leading towards such recognition is completed, the concerned communities should still be guaranteed access to the resources existing in their terrestrial, coastal/marine and freshwater areas, insofar as they are necessary for their livelihoods. Any access restrictions should be agreed on with the communities concerned, and appropriate compensation should be given in cases where such restrictions are considered necessary by all parties, to ensure appropriate conservation of the resources contained within the protected area.

Principle 3

The principles of decentralisation, participation, transparency and accountability should be taken into account in all matters pertaining to the mutual interests of protected areas and indigenous and other traditional peoples.

Guidelines

3.1 Within indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains included in protected areas, authorities representing indigenous and other traditional peoples, as well as indigenous and other traditional peoples' decision-making mechanisms and processes, should be recognised and respected, within the framework of national legislation and policies. To this end, the legal and institutional structure of protected area systems should be reformed as appropriate, so as to accommodate these institutions and decision-making mechanisms and processes in a co-management framework;

3.2 Management of protected areas should occur through a formal mechanism, which recognises both rights and responsibilities, for example by management and co-management agreements, and by jointly devised management plans. Indigenous and traditional institutions which co-manage those areas, as well as the respective local, provincial, or national protected area agencies, should be mutually accountable for the fulfilment of the agreed objectives and plans;

3.3 Mutual assessment of performance should be encouraged through regular monitoring and transparent reporting by both protected area agencies and indigenous and other traditional peoples' organizations;

3.4 New protected areas within indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains should be established only on the basis of voluntary declaration, and/or on agreement between representatives of the respective communities and the local, provincial, or national government;

3.5 The process of establishing new protected areas on indigenous and other traditional peoples' terrestrial, coastal/marine or freshwater domains should fulfil the following procedures:

- a) collaborative research with the indigenous and other traditional peoples concerned for the identification of the features that make the area suitable for protection,
- b) initiation of formal processes to give legal recognition to indigenous and other traditional peoples' land and resource rights, if such legal recognition does not yet exist,
- c) agreement on the designation and management of the protected area, involving the respective organizations and communities, relevant government agencies, non-governmental conservation agencies, and other stakeholders, including arrangements which will ensure mutual accountability,
- d) collaborative development of a management plan between the respective government and non-governmental conservation bodies and the communities concerned.

3.6 In developing solid partnerships with indigenous and other traditional peoples for protected area management, government agencies and non-governmental conservation organizations should inter alia:

- promote open dialogue with indigenous and other traditional peoples' organizations and communities, based on these and other appropriate principles and guidelines,
- promote and support the necessary legal and policy changes,
- develop conflict-resolution processes whenever necessary, and
- encourage and develop capacity-building actions for indigenous and other traditional peoples' organizations and communities.

3.7 Governments and non-governmental organizations should provide resources to develop campaigns directed at the national population, aimed at increasing public awareness about indigenous and other traditional peoples' cultural and spiritual values and rights. This is to help ensure that the society as a whole recognises the rights of indigenous and other traditional peoples to exercise management of their terrestrial, coastal/marine and freshwater domains, and understands the environmental benefits of respecting these rights.

Principle 4

Indigenous and other traditional peoples should be able to share fully and equitably in the benefits associated with protected areas, with due recognition to the rights of other legitimate stakeholders.

Guidelines

4.1 In order for co-management agreements between indigenous and other traditional peoples and protected area managers to be effective, governments should guarantee the provision of such benefits as:

- effective defence of territories against external threats,
- support and legal protection of territories,
- consolidation of territories, including their demarcation,
- technical, financial and political support for indigenous and other traditional peoples' own management activities, and
- sustained capacity-building actions and processes for indigenous and local communities, in order to help them to manage their areas and resources effectively.

4.2 Governments should design and implement economic and other incentive systems for conservation and sustainable use of indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains contained in protected areas;

4.3 Governments should ensure that indigenous and other traditional peoples benefit fully from the economic and employment opportunities associated with the existence of protected areas, e.g. from income generated by tourism, and by employment in protected area management.

Principle 5

The rights of indigenous and other traditional peoples in connection with protected areas are often an international responsibility, since many of the lands, territories, waters, coastal seas and other resources which they own or otherwise occupy or use cross-national boundaries, as indeed do many of the ecosystems in need of protection.

Guidelines

5.1 Where indigenous and other traditional peoples' lands, territories, waters, coastal seas, and other resources are located within trans-frontier protected areas, governments should adopt instruments to guarantee that protected area management respects and supports the integrity of the respective indigenous and local communities;

5.2 In order to guarantee both conservation objectives and indigenous and other traditional peoples' rights in areas which have been subject to armed conflict or dispute, governments (singly or in partnership with their neighbours in the region), and other relevant institutions, should develop agreements and measures to ensure that indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains within protected areas are treated as zones of peace and reconciliation.

Annex 1

ILO Convention 169

Definition of Indigenous and Tribal Peoples

"1. This Convention applies to:

(a) tribal peoples in independent countries whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply" (Article 1).

Annex 2

IUCN World Conservation Congress (WCC)

Resolution 1.53 - Indigenous Peoples and Protected Areas (October 1996)

RECALLING that some protected areas have been established on indigenous lands and territories without the consent and participation of the affected people;

CONSIDERING the terms of ILO Convention No. 169 and those of the Convention on Biological Diversity, regarding the role of indigenous peoples with respect to the management, use and conservation of biodiversity;

CONSIDERING the recommendations and guidelines established in Agenda 21;

CONSIDERING the emphasis placed in Caring for the Earth on the role of indigenous peoples in sustainable development and their rights in the management of natural resources;

CONSIDERING the recommendations of the IVth World Congress on National Parks and Protected Areas, calling for the development of policies for protected areas which safeguard the interests of indigenous peoples;

RECOGNIZING that several governments have already adopted policies and measures to fully incorporate the rights and interests of indigenous peoples in the establishment and management of protected areas within their lands and territories;

The World Conservation Congress at its 1st Session in Montreal, Canada, 14-23 October 1996:

1. REQUESTS the Director General, the Secretariat and technical programmes, Commissions, members and Councillors of IUCN, within available resources, to endorse, support, participate in and advocate the development and implementation of a clear policy in relation to protected areas established in indigenous lands and territories, based on the following principles:

- a) recognition of the rights of indigenous peoples with regard to their lands or territories and resources that fall within protected areas;
- b) recognition of the necessity of reaching agreements with indigenous peoples prior to the establishment of protected areas in their lands or territories;
- c) recognition of the rights of the indigenous peoples concerned to participate effectively in the management of the protected areas established on their lands or territories, and to be consulted on the adoption of any decision that affects their rights and interests over those lands or territories.

2. URGES all IUCN members to establish appropriate mechanisms at the national level, for the development and implementation of policies on protected areas and indigenous peoples that are consistent with these principles.

3. REQUESTS the World Commission on Protected Areas to establish closer links with indigenous peoples' organizations, with a view to incorporating the rights and interests of indigenous peoples in the application of the IUCN Protected Area Management Categories.

4. REQUESTS the Director General, within available resources, to incorporate in IUCN's work on protected areas and natural heritage, specific actions aimed at ensuring the further development and implementation of appropriate policies based on these principles.

Annex 3

IUCN System of Protected Area Management Categories (1994)

The six management categories are defined by the primary management objective, as follows:

I. Protected area managed mainly for I(a) science or I(b) wilderness protection.

Areas of land and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species, available primarily for scientific research and/or environmental monitoring; or large areas of unmodified or slightly modified land, and/or sea, retaining their natural character and influence, without permanent or significant habitation, which are protected and managed so as to preserve their natural condition (Strict Nature Reserve/Wilderness area).

II. Protected area managed mainly for ecosystem conservation and recreation.

Natural areas of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for this and future generations, (b) exclude exploitation or occupation inimical to the purposes of designation of the area and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible (National Park).

III. Protected area managed mainly for conservation of specific features. Areas containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance (Natural Monument).

IV. Protected area managed mainly for conservation through management intervention. Areas of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species. (Habitat/Species Management Area).

V. Protected area managed mainly for landscape/seascape conservation and recreation. Areas of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, cultural and/or ecological value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area. (Protected Landscape/Seascape).

VI. Protected area managed mainly for the sustainable use of natural ecosystems. Areas containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs (Managed Resource Protected Area).

Source: IUCN, 1994(a)

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