

# Recognize Rights

The following statement on implementation of the Convention on Biological Diversity (CBD) Programme of Work on Protected Areas was delivered on 11 February 2008, at the 2nd Meeting of the Ad Hoc Open-Ended Working Group on Protected Areas, at Rome

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**A**s civil society organizations gathered at the 2nd Meeting of the CBD Working Group on Protected Areas, we express serious concern, in the context of protected areas, about the continued overall loss of biodiversity and the continued violation of human rights, and the lack of progress with achieving agreed targets to reduce and halt biodiversity loss. There remain serious threats from extractive and other industries such as logging, mining, and industrial agriculture/fishing/aquaculture, new processes such as the promotion of agrofuels, and other such factors that are drivers of biodiversity loss. The loss of biodiversity also con-

tion and support of the rights and practices of indigenous peoples and local communities in community conserved areas and the rest of their traditional territories, and through the involvement and recognition of rights of such communities in the establishment and management of government protected areas. Destruction of biodiversity in the high seas also needs to be halted; the establishment of PAS in such areas needs to take into account the direct and indirect impacts on the rights and livelihoods of indigenous peoples and local communities, and be coherent with the United Nations Fish Stocks Agreement. Finally, in the move to establish protected areas as sites of special focus, there is neglect of the fact that the rest of the landscape continues to be degraded.

We also point to the recently adopted United Nations Declaration of the Rights of Indigenous Peoples. The rights enshrined in this declaration should guide the implementation of the Programme of Work on PAS and all other aspects of the CBD. This is crucial because our experience shows that in most countries, protected areas continue to be established and run in violation of the rights of indigenous peoples and local communities, despite the commitment to change, which is embedded in the PA POW.

## Some progress

We recognize that there has been some progress on implementation of the PA POW, but our concerns remain on the following points:

- The rush to meet the targets of the PA POW through narrowly defined

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tinues to have serious impacts on the survival, livelihoods, and cultures of indigenous peoples and local communities. *The CBD parties must announce a moratorium on extractive and other industries in areas considered important for biodiversity conservation, and on territories of indigenous peoples and local communities without free prior informed consent.*

Ironically, some the most effective means of reaching the targets to reduce and halt biodiversity loss remain neglected aspects of the CBD Protected Areas Programme of Work (PA POW). This includes, especially, the recogni-

*This Statement was delivered by **Chandrika Sharma** of ICSF on behalf of civil society organizations at a meeting on 11 February 2008 in Rome, Italy*

'scientific' criteria, without considering their social, cultural and equity aspects, and without diversifying PA governance, continues to undermine the rights of indigenous peoples and local communities. Many of the targets of the PA POW could be effectively reached if governments were to put a moratorium on industrial and commercial extraction of resources in areas of biodiversity importance, and in territories of indigenous peoples and local communities without prior informed consent, while simultaneously recognizing the rights of indigenous peoples (IP)/local communities (LC) in PA establishment and management. *Criteria for identifying and establishing protected areas need to include social and cultural issues, and indigenous knowledge; expansion of the protected area systems must rely on diversification of governance, in particular through community conserved areas.*

- Most countries appear not to have put in place the policies, laws and institutional mechanisms needed to implement the recommendations regarding governance, equity and benefit-sharing committed to in Element 2 of the PA POW. *Governments should put in place effective legal, policy and institutional mechanisms to recognize the rights of indigenous peoples and local communities in relation to PAS, and to fully redress the imbalance between local and national/global costs and benefits. There is also a clear need to build capacity within government agencies on governance, equity and rights, and we strongly recommend a series of regional workshops dedicated to this.*
- Reporting by governments on the implementation of the PA POW remains very weak, with very few parties having sent in their reports, and many of them not reporting on the governance and social aspects of PAS. In most countries, reports have not been prepared through participatory ways, despite relevant COP decisions on this. We admit also that civil society reporting on this needs to be stronger and more independent. *Parties must be made accountable for adequate and*



José Antônio Marcondes de Carvalho, WGPA 2 Chair, welcoming delegates to the meeting

*participatory reporting; we also urge the need to support and recognize independent reporting by indigenous peoples, local communities, and other civil society organizations.*

- PA schemes and poverty/livelihood schemes in most countries are still delinked, creating artificial shortages of finances for conservation and driving governments towards private sector funding and management of PAS, which even further undermines

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IP/LC rights. Additionally, intensification of land uses around PAS continues to threaten biodiversity and communities. It must be kept in mind that conservation of biodiversity is much more than just the establishment of PAS. *There is a need to link various programmes of the government, to democratize their planning and implementation with IP/LC participation, to stop destructive land use practices outside and within PAS, and, through all these steps, to support PAS as the 'commons'*

## An Indignant Walkout

The International Indigenous Forum on Biodiversity (IIFB), representing indigenous and local communities around the world, walked out of the plenary session of the second meeting of the Ad hoc Open-ended Working Group on Protected Areas (WGPA2) of the Convention on Biological Diversity (CBD), on 14 February 2008.

In a statement to the Chair, the IIFB pointed out that over the last 15 years, indigenous peoples have been participating in the CBD process, contributing to its work and implementation with the best of their experiences, knowledge and will.

"Our efforts have been recognized on many occasions and we therefore have been able to participate and contribute to the deliberations and positive outcomes. Throughout this time we have been able to express our views and concerns regarding our fundamental rights, which are a critical aspect of biological diversity and conservation and of the international obligations of all State Parties", the Statement noted.

"The CBD calls for full and effective participation of indigenous and local communities in the implementation and proc-

esses of the Convention, at the national, regional and international levels (goal 4.3 of the Strategic Plan and 2010 Biodiversity Target). As you may be aware, COP 5 formally recognized the International Indigenous Forum on Biodiversity as an advisory body of the CBD. Furthermore, Decision 8/24 stressed the need for the full and effective participation of indigenous and local communities respecting fully their rights consistent with national law and applicable international obligations", it continued.

In its Statement, the IIFB stressed it had made great efforts to be part of this process: "However, it is with great disappointment that right from the beginning of this WGPA-2 meeting we have found ourselves marginalized and without opportunity to take the floor in a timely manner to express our points of view. Yesterday afternoon we were silenced at a critical moment of providing our contributions to the deliberations on the recommendations on implementation of the Programme of Work."

Further, the Statement pointed out to the Chair, "despite your assurances, Mr.

*that are critical for ecological security and for the livelihood security of indigenous peoples and local communities. So-called 'innovative mechanisms' for financing PAS such as carbon and*

*are used by governments to continue carrying out activities in violation of the rights of indigenous peoples and local communities, as is often the case. Governments and donors need to commit to putting in the funds needed from public funds first and foremost, and, where relying on other innovative mechanisms, to ensure ecological sustainability, equitable sharing of costs and benefits, and the full respect of the rights and participation of indigenous peoples and local communities.*

Finally, we support the following draft recommendations made in the Secretariat note UNEP/CBD/WG-PA/2/2, but would like to stress that IP/LC participation in these has to be central:

(i) establishment of multi-stakeholder co-ordination committees in each country, to help implement the PA POW, with the proviso that IP/LCS be

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biodiversity offsets are of serious concern to us, when they enable those most responsible for the destruction of our planet to evade their responsibilities, and when they

Chairman, that all recommendations would be included in the CRP, none of our recommendations were included in CRP2. This is extremely disturbing in light of the relevance of these recommendations to our lives, lands and the effective implementation of the Programme of Work”.

In view of this unacceptable censoring, the Statement said, the IIFB expresses its strong protest at this treatment and has unanimously decided to leave this process, which clearly does not respect our rights and participation. We refuse to participate in a process that is making decisions over our lives and yet expects us to be silent observers. We will be considering further appropriate measures. We have been advised by several NGOs that we also have their support on our decision.”

The Statement was supported by the following organizations: Pojoaju - The Association of Paraguayan NGOs (Paraguay); Kalpavriksh (India); Equations (India); The Timberwatch Coalition (South Africa); O’le Siosiomaga Society (Samoa); Censat/ Amigos De la Tierra (Colombia); CDO (Nepal); Global Justice Ecology Project (USA); Forest Peoples Programme (UK); Friends of the Earth International; COECO-CEIBA/ Friends of the Earth-Costa Rica; and the International Collective in Support of Fishworkers (ICSF).

*Earth Negotiations Bulletin* of the International Institute for Sustainable Development (IISD) adds:

Stressing that protected areas have critical impacts on the rights of indigenous peoples, the IIFB protested against their restricted participation. It expressed disappointment that IIFB proposals had not been included in the CRPs, and announced the withdrawal of all indigenous and local community representatives from the meeting. Chair Anaedu responded that the IIFB intervention was ill-timed; efforts had been made to accommodate indigenous and local community participation; and that intergovernmental processes should not be abused for publicity. The meeting was then suspended to facilitate consultation following requests from the EU and Canada.

When plenary reconvened, Chair Anaedu reiterated that the process remained open to observer participation and made assurances that the IIFB’s proposals would be incorporated in the text with the endorsement of parties, which was welcomed by delegates.

— *This report has been prepared by the ICSF Secretariat (icsf@icsf.net)*

#### For more

<http://www.iifb.net/>  
**International Indigenous Forum on Biodiversity**

<http://www.iisd.ca/vol09/enb09421e.html>  
**Earth Negotiations Bulletin**

[http://www.icsf.net/icsf2006/uploads/resources/statements/pdf/english/statements\\_other/1202807499019\\*\\*\\*cbdjointstatement.pdf](http://www.icsf.net/icsf2006/uploads/resources/statements/pdf/english/statements_other/1202807499019***cbdjointstatement.pdf)

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recognized as rightsholders, not mere ‘stakeholders’;

(ii) improvement and diversification of PA governance and, in particular, co-management and community conserved areas. 3



The International Indigenous Forum on Biodiversity (IIFB) protested against their restricted participation at the CBD WGPA 2