



Economic and Social Council

Distr.: General
11 February 2019
Original: English

Permanent Forum on Indigenous Issues

Eighteenth session

New York, 22 April–3 May 2019

Item 3 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum

International expert group meeting on the theme “Conservation and the rights of indigenous peoples”

Note by the Secretariat

Summary

The international expert group meeting on the theme “Conservation and the rights of indigenous peoples” was held in Nairobi from 23 to 25 January 2019. The present note contains the report of the meeting.

* E/C.19/2019/1.



Report of the international expert group meeting on the theme “Conservation and the rights of indigenous peoples”

I. Introduction

1. It is estimated that indigenous peoples own or occupy approximately one quarter of the Earth’s surface and that their lands intersect with 40 per cent of all terrestrial protected areas. Some estimates suggest that 50 per cent of protected areas worldwide have been established on the traditional territories of indigenous peoples.¹ A proportion that is even higher in the Americas, where over 90 per cent of conservation areas in Central America are on indigenous territories.²

2. The establishment of Yellowstone National Park in the United States of America in 1872 is an early example of the type of conservation effort that involves violations of the rights of indigenous peoples, including through forced displacement and dispossession of lands, whereby indigenous peoples are often moved to buffer zones on the outskirts of their traditional territories, resulting in loss of livelihoods, loss of culture and traditional knowledge and the criminalization of indigenous peoples’ traditional activities. Such efforts are based on a dualist conception of conservation that places human activity as separate and damaging to nature and does not recognize that indigenous peoples, through their traditional livelihoods and practices, have engaged in conservation for millennia.

3. The dualist conception stands in stark contrast with the world views of indigenous peoples, in which they are an intrinsic, indivisible part of nature and the custodians of their environments. Indigenous peoples are responsible for the protection of biological diversity and have developed sophisticated conservation systems. Nevertheless, the role of indigenous peoples in conservation is seldom recognized, and indigenous peoples are frequently vilified as posing threats to wildlife and conservation efforts. Their traditional livelihoods are frequently criminalized and some equated with poaching.

4. Each year, the United Nations organizes an international expert group meeting on an issue of concern for indigenous peoples, proposed by the Permanent Forum on Indigenous Issues. The meeting summarized herein was the first such meeting organized outside of Headquarters. To engage with indigenous peoples in their regions and to facilitate the participation of indigenous peoples, the meeting was held at the United Nations Office at Nairobi.

5. The international expert group meeting was attended by members and representatives of the three United Nations indigenous-specific mechanisms, namely, the Permanent Forum on Indigenous Issues (Vice-Chair, Anne Nuorgam; Brian Keane; and Elifuraha Laltaika), the Special Rapporteur on the rights of indigenous

¹ Estimates of indigenous lands on the Earth surface are put at 20 per cent (*State of the World’s Indigenous Peoples*, vol. I, 2009, p 84) and 22 per cent (World Resources Institute) in collaboration with United Nations Development Programme, United Nations Environment Programme, and World Bank. 2005. *World Resources 2005: The Wealth of the Poor – Managing Ecosystems to Fight Poverty*. Washington, DC: World Resources Institute, referred to in World Bank, *The Role of Indigenous Peoples in Biodiversity Conservation: The Natural but Often Forgotten Partners*, 2008, p. 5). The most recent estimate is that indigenous peoples manage or have tenure rights over 38 million km² – about one quarter of all land outside Antarctica. See also Garnett et. al., “A spatial overview of the global importance of Indigenous lands for conservation”, *Nature Sustainability*, vol. I, July 2018.

² Stan Stevens, ed., *Indigenous Peoples, National Parks and Protected Areas: A New Paradigm Linking Conservation, Culture and Rights* (Tucson, Arizona, University of Arizona Press, 2014) as referred to in A/71/229, para. 14.

peoples, Victoria Tauli-Corpuz; and the Expert Mechanism on the Rights of Indigenous Peoples (Alexey Tsykarev). The following experts also participated in the meeting: Milka Chepkorir; Gina Cosentino; Goutam Dewan; Viviana Figueroa; Mirna Cunningham Kain; Mali Ole Kaunga; Daniel Kobei; Yon Fernandez de Larrinoa; Agnes Leina; Lucy Mullenkei; Mordecai Ogada; Candido Pastor; Tumwebaze Scolah; Paul Kanyinke Sena; and Joseph Ole Simel.

6. The meeting was also attended by other indigenous experts, experts knowledgeable on the theme and representatives of Member States, civil society and agencies, funds and programmes of the United Nations system that are involved in the work relating to conservation and the rights of indigenous peoples. The participants had before them a programme of work and documents prepared by experts. The documents for the expert group meeting are available at <https://www.un.org/development/desa/indigenouspeoples/meetings-and-workshops/expert-group-meeting-on-conservation-and-the-rights-of-indigenous-peoples.html>.

7. Opening the meeting, Ms. Nuorgam reiterated that indigenous peoples occupied, owned or managed a significant proportion of the Earth's land surface. She noted that these lands held most of the world's remaining biodiversity and that indigenous peoples' lands were valuable for conservation; however, mainstream conservation efforts often failed to consider the rights and traditional knowledge of indigenous peoples, leading to loss of livelihoods and often resulting in displacement. Furthermore, indigenous peoples' custodianship of the environment and ecosystems and rights to land and natural resources were largely unrecognized by national laws and policies. She recalled that the Permanent Forum on Indigenous Issues was concerned about conservation activities based on the concept of excluding human beings from the environment and the negative consequences on the rights of indigenous peoples, including forced evictions, loss of livelihood and other violations. The Permanent Forum had called upon States, conservation organizations and donors to enter into discussions with indigenous peoples to develop a new and innovative approach to conservation on the basis of recognition of and respect for the rights of indigenous peoples. Ms. Nuorgam thanked the Department of Economic and Social Affairs for organizing the meeting to take stock of the impacts and challenges of conservation and to share good practices in securing the rights of indigenous peoples in conservation contexts and in particular for organizing the meeting in Nairobi.

8. In her opening statement, the Chief of the Indigenous Peoples and Development Branch of the secretariat of the Permanent Forum on Indigenous Issues noted that the three United Nations mechanisms specific to indigenous peoples, namely the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of indigenous peoples, played a key role in promoting respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

9. At the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held on 22 and 23 September 2014, Member States committed to taking specific actions at the global, national and local levels to implement the rights of indigenous peoples through concrete measures and activities. In the outcome document of the Conference, the important and continuing role of the United Nations in promoting and protecting the rights of indigenous peoples was reiterated.

10. In response, under the leadership of the Under-Secretary-General for Economic and Social Affairs, the system-wide action plan on the rights of indigenous peoples was prepared and launched at the fifteenth session of the Permanent Forum on Indigenous Issues, in 2016. The system-wide action plan provides guidance on United

Nations system support for the application of the Declaration, in the context of the 2030 Agenda.

11. In 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development, which includes six direct references to indigenous peoples and represents a step forward from the Millennium Development Goals, in which indigenous peoples were invisible. The 2030 Agenda is grounded in human rights principles and standards (see General Assembly resolution 70/1, para. 10), and the implementation of the 2030 Agenda must therefore consider the United Nations Declaration on the Rights of Indigenous Peoples. The 2030 Agenda gives the Permanent Forum on Indigenous Issues a new and important responsibility. As a subsidiary body of the Economic and Social Council, the Permanent Forum has a significant role to play in ensuring that indigenous peoples' issues, concerns and suggestions are taken into consideration and that they feed into the discussions of the Economic and Social Council and the annual sessions of the high-level political forum on sustainable development.

12. Many challenges remain, however, and indigenous peoples, wherever they may live, in both developed and developing countries, are often among those who continue to face discrimination, exclusion and other injustices. To overcome those challenges, the international community must continue to take concrete actions to implement the United Nations Declaration on the Rights of Indigenous Peoples, if the common goal of people centred development that leaves no one behind is to be achieved.

II. Overview of the discussions

13. The following is an overview of the discussions, presentations and interactive debate that took place at the international expert group meeting. The present report does not capture the full range and depth of the discussions, which covered a number of complex issues with insights and evidence-based research and experiences of indigenous peoples on the subject of conservation. For more details, papers and presentations may be found on the web page of the meeting (see para. 6 above).

A. Conservation and its impact on indigenous peoples

14. The meeting benefited from a wealth of examples of the relationship between conservation and the rights of indigenous peoples around the world, and began with introductory presentations by Ms. Mullenkei and Ms. Cunningham Kain, who provided an overview of the situation globally. They emphasized the importance of the effective participation of indigenous peoples in decision-making at the international level, as well as at the national and local levels. They noted that indigenous peoples had made some progress in international forums relating to conservation, such as the Working Group on Article 8 (j) and Related Provisions of the Convention on Biological Diversity and the Local Communities and Indigenous Peoples Platform of the United Nations Framework Convention on Climate Change.

15. Although indigenous peoples' experiences with conservation have frequently been negative, there are important examples of good practices that may be replicated and supported. Ms. Mullenkei noted that indigenous and community conserved areas that are co-managed by Governments, indigenous peoples and local communities would contribute to the achievement of Aichi Biodiversity Target 11, to conserve 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas. She also noted the need to promote the participation and capacity-building of indigenous peoples, especially indigenous women, in the design, implementation and management of protected areas.

16. In that regard, Ms. Cunningham Kain highlighted the important role of indigenous peoples' representative institutions and noted that customary practices played a key role in managing the conservation of indigenous peoples' areas. She also noted that the recognition of indigenous peoples' representative institutions was a key prerequisite for successful conservation, as well as a fundamental element in recognizing indigenous peoples' right to self-determination as set out in the United Nations Declaration on the Rights of Indigenous Peoples. Furthermore, those institutions needed to be strengthened, not only so that indigenous people could participate effectively in conservation, but also to ensure that indigenous peoples had access to fair benefits of the sustainable use of natural and other resources. Presentations were followed by a dynamic discussion, with participants identifying a number of challenges that hindered the effective participation of indigenous peoples in conservation efforts. A fundamental challenge was that many countries still did not recognize indigenous peoples within their territories, and they do not recognize indigenous and community conserved areas that are co-managed by Governments, indigenous peoples and local communities. The other challenge was the prevailing paradigm, in which humans and their activities were perceived as incompatible with conservation and nature, frequently leading to the eviction of indigenous peoples from their traditional territories.

17. Mr. Kobei explained the experience of the Ogiek people with conservation-based evictions dating back to the 1930s when the Mau forest complex was declared to be Crown land by the colonial authorities. The Mau forest complex is the largest drainage basin in Kenya, providing water to many of the rivers that feed into Lake Victoria, Lake Nakuru and Lake Natron. It is also home to the Ogiek people, who traditionally practice hunting and gathering in the forest. In 2017, the African Court on Human and Peoples Rights found that the Government of Kenya had violated seven articles of the African Charter on Human and Peoples' Rights by evicting the Ogiek from their territories and depriving them of their livelihoods. The Government now faces an important challenge in implementing the decision of the Court. Mr. Kobei also noted recent efforts by the Ogiek to rehabilitate a significant area of deforested land by planting indigenous trees, based on their use of traditional knowledge. The success of the initiative has helped to convince the authorities of the benefits of working with the Ogiek in a spirit of cooperation and partnership.

18. Ms. Tumwebaze described the experience of the Batwa people in southwestern Uganda, who were evicted when their traditional forests were converted into the Bwindi Impenetrable National Park and the Mgahinga Gorilla National Park in the early 1990s. The evictions led to homelessness, poverty and loss of culture and traditional knowledge. The health of the Batwa people has also been affected, owing to poor access to health care and a loss of access to the traditional medicine that was able to be practised in the forests from which they were evicted. Displaced from their traditional lands and unable to practice their traditional livelihoods, the Batwa continue to struggle to adapt to small-scale agriculture in territories where they are subjected to discrimination from other groups and are often depicted as squatters on others' lands.

19. The Sengwer people of Kenya have also experienced evictions in the name of conservation. In her presentation, Ms. Chepkorir described how a water management project had led to evictions of the Sengwer people from their traditional territories and to the death of a Sengwer man in early 2018. Following protests and expressions of concern, which included a joint letter from the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the situation of human rights

defenders and the Special Rapporteur on the rights of indigenous peoples,³ the European Union suspended its support for the water project and the evictions ceased. Ms. Chepkorir noted that money seemed to be the catalyst for the evictions, and that neither the Government nor the Forestry Service of Kenya was intent on evicting the Sengwer people from their homes, but was prepared to do so when provided with funding from abroad in the context of conservation.

20. Conflicts between indigenous peoples and conservation actors are not unique to Africa. Indeed, participants noted that this has been experienced by indigenous peoples across the globe. Mr. Dewan described the experience of the indigenous peoples of the Chittagong Hill Tracts in Bangladesh, where conflicts between forestry authorities and indigenous peoples persisted and where indigenous peoples' local and customary resource use practices were denigrated. Indigenous peoples in the region have noted that traditional livelihoods, such as shifting cultivation, were discouraged and often prohibited within protected areas, with indigenous peoples being penalized for carrying out their traditional activities, which were categorized as crimes.

21. Mr. Ogada, in his presentation, noted a similar double standard and provided a briefing on the origins of conservation areas and their effects on local and indigenous peoples, noting that conservation seemed to serve the needs of wealthy outsiders, rather than indigenous and local peoples. He said that this had been the case both during and after the colonial period; from the establishment of game parks for European hunters until the more recent establishment of national parks, the rights of indigenous peoples had been sacrificed in the name of protecting wildlife and conservation. Not only have indigenous peoples been evicted from their territories, but their traditional livelihoods have been criminalized, and if they ventured back to their ancestral homelands, they risked being classified as poachers and being shot at by armed park rangers. The militarization of conservation had been criticized by many indigenous peoples and, in the context of Kenya, pastoralists were particularly affected. There was an important overlap with wildlife diversity and the territories of pastoralists, suggesting that any future conservation efforts would continue to affect them.

22. Participants noted that there seemed to be strong incentives to engage in conservation, especially financial incentives, and a growing understanding of the need to address climate change, preserve biological diversity and protect wildlife. International agreements and targets, such as the Sustainable Development Goals and the Aichi Biodiversity Targets added further incentives, which were further strengthened when the private sector saw opportunities in conservation investments, including in the development of tourism. However, there were fewer incentives that channelled conservation efforts towards protecting the rights of indigenous peoples or towards including indigenous peoples as partners in conservation.

B. Conservation with indigenous peoples: good practices

23. Fortress conservation based on a conservation paradigm, whereby humans and their activities are seen as something separate from nature, remains a dominant model. However, there are examples of indigenous peoples participating in good practices with regard to conservation.

24. In Nicaragua, there are 61 natural reserve areas that are categorized as flexible conservation areas, allowing for the use of natural resources for the benefit of local

³ Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22584&LangID=E.

populations.⁴ In Canada, the Indigenous Circle of Experts provides support to Canada's efforts to protect at least 17 per cent of its land by 2020 and 10 per cent of marine waters. Those targets are based on the Aichi Biodiversity Targets adopted by the Convention on Biological Diversity. Supported by the Indigenous Circle of Experts, the Government of Canada is working to reach those targets by establishing indigenous protected areas in collaboration with indigenous peoples. Such a collaboration is based on a recognition of indigenous peoples, their institutions and traditional knowledge and the role that they play in sustainably managing their environment. It is also based on the recognition of indigenous peoples' right to self-determination.

25. Another example of indigenous peoples' self-determination in the field of conservation includes Havasupai Canyon, which lies outside the boundary of Grand Canyon National Park and is administered by the Havasupai tribe. Similarly, Monument Valley Tribal Park is administered by the Navajo Nation. The two conservation areas are both in Arizona, United States, and are wholly administered by indigenous peoples' institutions.

26. In northern Finland, 15,000 km² have been designated as wilderness areas to protect wildlife and the Sami culture and traditional methods of subsistence and to develop sustainable use. The areas are managed by the Forest Administration of Finland and guided by Finnish law and the Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities.

27. Recognition by States of indigenous peoples' right to self-determination is a crucial prerequisite for successful cooperation on conservation between indigenous peoples and States.

28. Given the important role played by conservation organizations, their recognition of indigenous peoples and their rights is also extremely important. The meeting was attended by representatives of Conservation International and the World Wide Fund for Nature, who acknowledged the important role that indigenous peoples played in conservation and the urgent need to respect their rights. The meeting also received written inputs from the Nature Conservancy and the Conservation Initiative on Human Rights, in which those organizations indicated that they recognized that indigenous peoples managed an estimated one quarter of all land on the planet and that their territories intersected with approximately 40 per cent of protected areas; therefore, indigenous peoples must be included and consulted in conservation efforts in a spirit of cooperation. Some organizations have developed policies or strategies on working with indigenous peoples, but recognized that an implementation gap persisted and more work was needed. It should be noted, however, that, of the major conservation organizations invited to the meeting, only the two mentioned above attended.

29. Mr. Fernandez de Larrinoa of the Food and Agriculture Organization of the United Nations highlighted that, by 2050, two thirds of the global population of 9 billion humans would live in urban centres, including indigenous peoples. Rural to urban migration would continue to increase, with the demand for food increasing by 40 to 60 per cent. The current model of food production was unsustainable, and energy

⁴ See the paper submitted to the Expert Group Meeting on Conservation and the Rights of Indigenous Peoples by Ms. Cunningham Kain, available on the web page of the international expert group meeting.

use, extractive industries' operations and the demand for recreational and conservation areas was increasing.

30. Mr. Fernandez de Larrinoa provided a briefing on the positive results achieved when indigenous peoples had been granted control of conserved areas. In Kajang, Bulukumba, South Sulawesi, in southern Indonesia, indigenous peoples received entitlement to 300 hectares of sacred forest as a result of continually arguing their case in court. In India and Indonesia, supreme court decisions had led to the restoration of forests to indigenous peoples. In Panama, innovative young people were using drones and cell phones to monitor illegal logging.

31. A strong narrative on conservation from indigenous peoples that is coordinated, consistently maintained, relatable and which generates conservation areas from indigenous peoples without government intervention is needed. Mr. Fernandez de Larrinoa emphasized that if indigenous peoples, who were the real custodians of biodiversity, created their own conservation areas, there would be de facto recognition of indigenous peoples as custodians and respect for their traditions and rights to those territories.

C. Drafting a global set of standards for conservation that respect the rights of indigenous peoples

32. Ms. Figueroa described the international standards relating to conservation and indigenous peoples' rights and their relationship with national policies. She noted that the understanding of many indigenous peoples of conservation was linked with the customary use of biodiversity in a holistic manner and was related to the indigenous worldview. Ms. Figueroa also noted that some of the most important standards and principles included those aimed at: (a) ensuring the full and effective participation of indigenous peoples in decision-making policies relating to conservation; (b) promoting respect for indigenous peoples' free, prior, informed consent before the establishment of protected areas in their territories; (c) promoting the customary use of biological diversity; (d) respecting, preserving and maintaining traditional knowledge, innovations and practices; (e) encouraging the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices; (f) obtaining support for the development of community protocols by the indigenous peoples; (g) the establishment of community conservation areas; (h) ensuring that prior, informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources; and (i) respecting cultural diversity.

33. To address challenges relating to conservation issues, it is crucial that indigenous peoples engage in a constructive dialogue with governments, conservation organizations and donors to ensure that the establishment, management and monitoring of conservation areas and activities are done in close collaboration with indigenous peoples, respecting their right to free, prior and informed consent and their right to self-determination. Such a dialogue among key stakeholders could, in part, take place at the annual sessions of the Permanent Forum on Indigenous Issues, as part of a larger process, requiring more than an expert group meeting or panel discussion, that should include dialogues and discussions that lead to concrete commitments and/or a set of global standards on conservation and human rights, similar to the Guiding Principles on Business and Human Rights.

34. Some participants identified the World Conservation Congress 2020 as an opportunity where the approximately 1,300 members of the International Union for Conservation of Nature could commit to a set of principles that were grounded in a human rights-based approach and guided by the United Nations Declaration on the

Rights of Indigenous Peoples, while staying faithful to the main objectives and goals of a people-centred conservation model.

35. Participants recommended that the three United Nations mechanisms specific to indigenous peoples increase their collaboration on the subject leading to the World Conservation Congress. The Expert Mechanism on the Rights of Indigenous Peoples committed to including this in its forthcoming annual session in July.

36. Participants at the meeting noted that efforts to conserve nature and wildlife will continue into the foreseeable future, with increased pressure and incentives for governments to designate areas of biological diversity as conservation areas. This will continue to impact indigenous peoples. Participants drew attention to the historically tense relationship between indigenous peoples and conservation organizations, and that a more constructive relationship as natural allies was to be recommended, building on the success of indigenous peoples in conserving wildlife and biodiversity in their traditional lands and territories.

37. In this context, Mr. Ole Simel underlined the need to link the international instruments and frameworks to national and local needs. He requested the Permanent Forum on Indigenous Issues to convene a global meeting with representatives of all regions and with the most influential global conservation organizations and Governments to make that link. Models of beneficiaries should be developed to determine how benefits should be shared. Several participants underlined the need for a framework for beneficiaries and that the economic benefits of conservation and the terms of reference for conservation activities should be transparent to ensure greater accountability and access and benefit-sharing.

38. The Special Rapporteur on the rights of indigenous peoples shared the findings of her 2016 report on the effects of conservation on the rights of indigenous peoples (A/71/229) and made several recommendations. She noted that the expanse of protected areas has nearly doubled over the past two decades and that it would continue to expand, with significant overlap between those territories and the territories of indigenous peoples. She emphasized the need for a mechanism through which indigenous people could seek redress, restitution and fair benefits for the effects of conservation that they had experienced. The Special Rapporteur noted that some conservation organizations had improved, and had begun to recognize indigenous peoples' role in conservation and were more open to working with indigenous peoples, although much remained to be done. However, implementation lagged behind, and in particular by various conservations organizations that had yet to engage with indigenous peoples in any meaningful manner. There was also a lack of implementation of judicial decisions that recognized indigenous peoples' rights to their territories and the fact that indigenous peoples had been displaced in the name of conservation.

39. Mr. Ole Kaunga noted that the lack of information relating to indigenous peoples and conservation and of specific data on the number of indigenous peoples who had been displaced by the designation of protected areas presented challenges for effective policymaking. In that context, he noted that there was a clear need for capacity development and awareness-raising for relevant civil servants and conservation personnel to support the implementation of relevant articles from the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization Convention, where relevant, and the Convention on Biological Diversity and for the provision of support to indigenous peoples to enable them to better manage conservation areas and legal support to claim their rights, when they are violated. Special attention should be provided to supporting indigenous women in taking up leadership positions.

40. The representative of the World Bank, Ms. Cosentino, emphasized that conservation must be socially inclusive and people-led, and stakeholders part of decision-making processes. Consultations and regular social management plans must be made with indigenous peoples and include oversight mechanisms to hold Governments accountable. In addition, culturally appropriate gender programmes should be mainstreamed. She noted that the World Bank had implemented a new approach to managing risks and impacts and to capitalizing on new development opportunities that added benefits and enhanced conservation project outcomes. As at October 2018, the World Bank had established an environmental and social framework⁵ to better manage the environmental and social risks of projects and to improve development outcomes. Environmental and social standard 7 of the framework concerned indigenous peoples and ensuring that development processes fostered full respect for their rights, dignity, culture, identity and resource-based livelihoods, avoiding the adverse impacts of such projects on indigenous peoples and mitigating, minimizing and/or compensating for adverse impacts when avoidance was not possible.

41. Several participants identified the most influential actors in the field of conservation as Governments and conservation organizations, and noted that conservation efforts that violated the human rights of indigenous peoples had been criticized for decades and acknowledged as such by some major conservation organizations, which are increasingly recognizing the rights of indigenous peoples. However, it was acknowledged that there remained a major implementation gap and that the basic paradigm of conservation remained the same, namely, that conservation was incompatible with any human activities, including the traditional livelihoods of indigenous peoples. Indeed, their livelihoods became criminalized, and the only human activities that were permitted under that model were those relating to science or tourism.

42. Participants expressed their concern about the lack of engagement by Governments and conservation organizations with indigenous peoples and emphasized the importance of the recognition of their rights to their traditional territories and livelihoods; such engagement and recognition were key pillars in the process of securing a global set of conservation standards that respected and recognized the rights of indigenous peoples. Ultimately, indigenous peoples' negative experiences with conservation activities was owing to the lack of recognition of indigenous peoples' right to self-determination.

III. Recommendations

43. **There was general agreement among participants that a range of recommendations to guide future work on conservation and indigenous peoples already existed and, in that context, participants endorsed the recommendations contained in the report of the Special Rapporteur on the rights of indigenous peoples (A/71/229) and the study to examine conservation and indigenous peoples' human rights conducted in 2018 (E/C.19/2018/9).**

44. **The following additional recommendations were made:**

(a) **The Indigenous Peoples and Development Branch of the Division for Inclusive Social Development of the Department of Economic and Social Affairs should continue the new practice of organizing international expert group**

⁵ *World Bank Environmental and Social Framework* (Washington, D.C., World Bank, 2017). Available at <http://documents.worldbank.org/curated/en/383011492423734099/pdf/114278-WP-REVISED-PUBLIC-Environmental-and-Social-Framework.pdf>.

meetings away from Headquarters, so as to facilitate the participation of indigenous peoples from various regions and to provide the United Nations system with information that is more regionally balanced, taking into consideration that most indigenous peoples do not have the resources to travel to New York;

(b) The Permanent Forum on Indigenous Issues should follow up on the consideration of the effects of conservation on the rights of indigenous peoples, with a view to in particular increasing the engagement of conservation organizations and Member States. In that regard, the Permanent Forum should consider “conservation and the rights of indigenous peoples” as the special theme of the nineteenth session of the Permanent Forum, in 2020;

(c) The Permanent Forum should use its convening power to bring together all relevant stakeholders in the areas of conservation and the rights of indigenous peoples, with a view to developing global standards on conservation and human rights similar to the Guiding Principles on Business and Human Rights. Such stakeholders include but are not limited to conservation organizations, representatives of indigenous peoples, private sector entities involved in conservation, donors and government representatives and national and regional human rights organizations. Government representatives should include legislators, policymakers, representatives of national parks and wilderness authorities and civil servants.

(d) States should consider establishing independent mechanisms and procedures for the monitoring and evaluation of conservation activities and projects and its effects on the human rights of indigenous peoples and other affected local communities. Such mechanisms and procedures should be established with the full and effective participation of indigenous peoples, and with respect to their right to free, prior and informed consent.

Annex

Programme of work

Date/time

Programme

Wednesday, 23 January 2019

9 a.m.–12 p.m.

Opening remarks

Anne Nuorgam, Vice-Chair of the Permanent Forum on Indigenous Issues

Chandra Roy-Henriksen, Chief of the Indigenous Peoples and Development Branch of the Division for Inclusive Social Development of the Department of Economic and Social Affairs

Introduction: conservation and the rights of indigenous peoples

Moderator: Anne Nuorgam, member of the Permanent Forum on Indigenous Issues

Presentations:

Lucy Mulenkei, Executive Director, Indigenous Info Net

Mirna Cunningham Kain, Fund for the Development of Indigenous Peoples of Latin America and the Caribbean and Pawanka Fund Chair

General discussion

2 p.m.–5 p.m.

Conservation and its impact on the rights of indigenous peoples

Moderator: Mr. Brian Keane, member of the Permanent Forum on Indigenous Issues

Presentations:

Goutam Dewan, Chittagong Hill Tracts Forest Committee

Tumwebaze Scolah, Batwa indigenous human rights defender and General Secretary of the United Organization for Batwa Development in Uganda

Paul Kanyinke Sena, Director, Indigenous Peoples of Africa Coordinating Committee

Joseph Ole Simel, Executive Director, Mainyoto Pastoralists Integrated Development Organization

General discussion

*Date/time**Programme***Thursday, 24 January 2019**

9 a.m.–12 p.m.

Examples of good conservation practices by or with indigenous peoples

Moderator:

Victoria Tauli-Corpuz, Special Rapporteur on the rights of indigenous peoples

Presentations:

Yon Fernandez de Larrinoa, Indigenous Peoples Team Leader, Food and Agriculture Organization of the United Nations

Milka Chepkorir, member of the Sengwer indigenous peoples

Daniel Kobei, Executive Director, Ogiek Peoples Development Programme

General discussion

2 p.m.–5 p.m.

Standards and policies for conservation

Moderator: Alexey Tsykarev, Expert Mechanism on the Rights of Indigenous Peoples

Presentations:

Viviana Figueroa, consultant, Convention on Biological Diversity secretariat

Gina Cosentino, Senior Social Development Specialist, World Bank

Mordecai Ogada, Director, Conservation Solutions Afrika

General discussion

Friday, 25 January 2019

9 a.m.–12 p.m.

Recommendations, including drafting a global set of standards or other measures to realize the rights of indigenous peoples in conservation contexts

Moderator: Elifuraha Laltaika, member of the Permanent Forum on Indigenous Issues

Presentations:

Agnes Leina, Executive Director and founder of Il'laramatak Community Concerns

Candido Pastor, Regional Director for Indigenous Peoples for South America, Conservation International

Mali Ole Kaunga, Director, Indigenous Movement for Peace Advancement and Conflict Transformation; Convenor, Pastoralists Alliance for Resilience and Adaptation in Northern Kenya Rangelands

Date/time

Programme

2 p.m.–5 p.m.

Closing remarks

Chandra Roy-Henriksen, Chief of the Indigenous Peoples and Development Branch of the Division for Inclusive Social Development of the Department of Economic and Social Affairs

Anne Nuorgam, Vice-Chair of the Permanent Forum on Indigenous Issues

Elifuraha Laltaika, Member of the Permanent Forum on Indigenous Issues

Brian Keane, Member of the Permanent Forum on Indigenous Issues

Lucy Mullenkei, Executive Director, Indigenous Info Net
