

Review

Conservation policy and indigenous peoples

Marcus Colchester*

*Forest Peoples Programme, 1c Fosseway Business Centre, Stratford Road, Moreton-in-Marsh GL 56 9NQ, UK***Abstract**

Exclusionary models of land management can be traced back to the first millennium B.C. Conservation through the establishment of ‘national parks’, pioneered in USA and applied world-wide, has violated the rights of indigenous peoples causing impoverishment and social problems. International laws now recognise indigenous peoples’ rights and new conservation policies accept that indigenous peoples may own and manage protected areas. Participatory field research shows that these new principles are not yet widely applied in Latin America, Africa and Asia as national policies, laws and institutions have yet to be revised in conformity with international law. Recommendations are made on how conservation agencies should change their ways if future conservation initiatives are not to create further poverty.

© 2004 Elsevier Ltd. All rights reserved.

Keywords: Conservation; Protected areas; Indigenous peoples; Human rights; Social policy

1. Introduction

The creation of protected areas has been a central element in conservation policy since its beginnings in the 19th century. From their inception, protected areas were conceived as areas of land arrogated to the State and managed for the benefit of future generations but to the exclusion of residents. ‘National parks’, pioneered in the USA, denied indigenous peoples’ rights, evicted them from their homelands and provoked long-term social conflict. This model of conservation became central to conservation policy world-wide. However, the emergence of indigenous peoples as a social movement and as a category in international human rights law, has contributed to conservation agencies rethinking their approach to conservation. A ‘new model’ of conservation can now be discerned based on a respect for the rights of indigenous peoples and other bearers of ‘traditional knowledge’.

This review article summarises how conservation policies emerged at a time of fierce prejudice against indigenous peoples and led to the world-wide acceptance of a model of ‘colonial conservation’ which has caused, and continues to cause, widespread human suffering and resentment (cf. Adams, 2003). Advances in human rights and in the thinking of conservationists have led to an acceptance that conservation can and must be achieved in collaboration with indigenous peoples and based on respect for their internationally recognised rights. On the ground, protected areas

continue to be imposed according to the ‘colonial’ model calling into question the extent to which there is a real commitment to giving conservation a human face. However, in 2003, the World Parks Congress adopted a ‘new paradigm’ for protected areas, which not only recognises the rights of indigenous peoples but calls for the restitution of their rights in existing parks.

2. The first national parks

The idea that certain areas of land, valued for the natural species that live there, should be set aside for recreation and protected from other uses can be traced back to Mesopotamia in the first millennium B.C., from where it spread, east and west, into India and Europe (Colchester, 1994, 2003). Hunting reserves and reserved forests, in which lands were arrogated to the State and local peoples’ uses limited or curtailed, became commonplace techniques of land management in the eighteenth and nineteenth centuries and were widely applied in the colonies. In many places, they also sparked widespread resistance (Westoby, 1987; Peluso, 1992; Gadgil and Guha, 1992; Bryant, 1994).

The first ‘national parks’, as such, were established in the USA, at the same time as a tumultuous rush of land-grabbing during the American conquest of the ‘Wild West’, when covered wagons, the US cavalry, gold miners, cowboys and Indians struggled to impose their different visions of life and land use on the continent. The first such ‘park’, established in Yosemite in California in 1864, followed a bloody war of ex-

* Tel.: +44-1608-652893; fax: +44-1608-652878.

E-mail address: marcus@fppwrm.gn.apc.org (M. Colchester).

termination of the Miwok people, and involved the repeated, forced eviction of remnant Miwok settlements over the following 105 years (Keller and Turek, 1998). The Yellowstone National Park, established in what is now Wyoming, also involved the denial of indigenous peoples' rights. The first to conceive the creation of a 'nation's park' in the area was the romantic artist George Catlin who, in the 1830s, dreamt of the area being set aside as a preserve for both nature and Indians (Catlin, 1841 (1989), p. vii). However, the Yellowstone National Park was actually created 34 years later, during the disruptions of the American Civil War at a time when a devastating series of 'Indian Wars' was being waged to subdue Indian autonomy and realise the country's 'manifest destiny'. The indigenous peoples who lived in and made use of the extensive woods, plains and waters of Yellowstone, the Shoshone, Lakota, Crow, Bannock, Nez Perce, Flathead and Blackfeet peoples, were thus excluded leading to resistance and the subsequent killing of hundreds of Indians (Kemf, 1993, pp. 5–6; Keller and Turek, 1998, p. 23).

Underpinning this approach to conservation lay the idea that nature could only be preserved as 'wilderness', areas conceived as ones that are 'primitive and natural' (DiSilvestro, 1993) and which must be kept uninhabited, set aside for recreation and science but otherwise left untouched (Redford and Stearman, 1993, p. 428; Coates, 1998, p. 104). Wilderness was seen as a refuge from the ills of civilisation, as something to be preserved for the recreation of the human spirit. John Muir, one of the main forces in the national parks movement in the United States, argued vehemently and successfully that wilderness areas should be set aside for recreation to fulfil an emotional need for wild places (Colchester, 1994; Schama, 1996). Most protected areas established in the USA followed this approach although the great majority of these areas overlap lands owned and claimed by indigenous peoples (Keller and Turek, 1998; Burnham, 2000).

In the following century, the US model of nature conservation was to be exported world-wide. It strongly influenced conservation policy in the Soviet Union (Weiner, 2000) and colonial India (Tucker, 1991). In Africa, the practice of mass exclusions of indigenous peoples to make way for 'fortress conservation' areas intensified in the 1960s and has continued to this day (Brockington, 2002). A flagship project, which presaged many others, was the setting up of the Serengeti National Park in Tanzania. Its principle proponent argued that:

A National Park must remain a primordial wilderness to be effective. No men, not even native ones, should live inside its borders (Adams and McShane, 1992, p. xvi).

Summarising the recent history of conservation, the previous chairman of the World Commission on Protected Areas has noted:

At least until around the mid-1960s, the climate in which protected areas were set up around the world favoured a

top-down and rather exclusive view of protected areas. Setting up large game parks without too much concern for the impact on local people fitted well with the autocratic style of colonial administration (especially in Africa); and it was equally at home in the early days of post-colonial government which followed many of the same styles of administration Certainly the opinions and rights of indigenous peoples were of little concern to any government before about 1970; they were not organized as a political force as they are now in many countries (Phillips, 2003, p. 3).

3. Social impacts of protected areas

It has been estimated that, as a result of these policies, some 1 million km² of forests, pasture and farmlands were expropriated in Africa to make way for conservation but equivalent statistics are lacking of the number of people displaced as a consequence (Nelson and Hossack, 2003). An unfortunately all-too-common testimony of such forced relocation comes from the Twa people expelled from the Kahuzi-Biega National Park in the D.R. Congo in the 1960s:

We did not know they were coming. It was early in the morning. I heard people around my house. I looked through the door and saw people in uniforms with guns. Then one of them forced the door of our house and started shouting that we had to leave immediately because the park is not our land. I first did not understand what he was talking about because all my ancestors have lived on these lands. They were so violent that I left with my children (Kwokwo Barume, 2000, p. 80).

Denied their traditional lands and livelihoods, these Twa—traditional hunting and gathering 'Pygmies'—now exist in a number of squatter camps on the fringes of their once extensive forest territory. They suffer extreme malnutrition, landlessness, demoralisation and despair. As another Twa explains:

. . . since we were expelled from our lands, death is following us. The village is becoming empty. We are heading towards extinction. Now the old people have died. Our culture is dying too . . . (Kwokwo Barume, 2000, p. 87).

Accurate statistics about just how many people have been displaced to make way for protected areas in Asia are also lacking. One estimate suggests that as many as 600,000 tribal people have been displaced by protected areas in India alone (PRIA, 1993). The statistics in Latin America are equally unavailable. Sources suggest that as many as 85% of the protected areas in Latin America are in fact inhabited (Amend and Amend, 1992; Kemf, 1993; Brandon et al., 1998).

However, though we lack overall numbers, the local consequences of these impositions of protected areas on the lives of indigenous peoples have been better documented. Summarising the extensive literature and field

studies (for detailed reviews see: West and Brechin, 1991; Kemf, 1993; Colchester, 1994; Ghimire and Pimbert, 1996; Gray et al., 1997; Colchester and Erni, 1999; Chatty and Colchester, 2002; Nelson and Hossack, 2003; Cernea and Schmidt-Soltau, 2003), the following all too common impacts of protected areas on indigenous peoples can be noted:

- Denial of rights to land.
- Denial of use of and access to natural resources.
- Denial of political rights and the validity of customary institutions.
- Kinship systems disrupted.
- Settlement patterns disorganised.
- Informal social networks, fundamental to the local economy, lost.
- Undermining of livelihoods, loss of property, no compensation.
- Poverty.
- Disruption of customary systems of environment management.
- Enforced illegality. People become ‘poachers’, ‘encroachers’ and ‘squatters’ on their own land and are subject to petty tyrannies by park guards.
- Forced resettlement.
- Leadership systems destroyed, for if the community leaders accept the relocation they are accused of betraying their people, but if they resist they are proved powerless. Forced resettlement presents a no-win situation to community leaders.
- Symbolic ties to environment broken.
- Cultural identity weakened.
- Intensified pressure on natural resources outside the protected areas.
- Popular unrest, resistance, ‘incendiarism’, social conflict and ensuing repression.

It is now widely recognised that the exclusion of indigenous peoples and other local communities from protected areas can also undermine their conservation objectives by creating conflict between local communities and parks managers. As a WWF report notes:

Loss of traditional rights can reduce peoples’ interest in long-term stewardship of the land and therefore the creation of a protected area can in some cases increase the rate of damage to the very values that the protected area was originally created to preserve Putting a fence around a protected area seldom creates a long term solution to problems of disaffected local communities, whether or not it is ethically justified (Carey et al., 2000, p. 25).

4. Indigenous peoples’ rights

In 1923, Chief Deskaheh of the Haudenosaunee nation, representing the Six Nations Confederacy of the Iroquois,

travelled to Geneva and called on the League of Nations to defend the right of his peoples to live under their own laws, on their own land and according to their own faith (Deskaheh, 1923). Although he was denied access, his action established the precedent of indigenous peoples seeking access to intergovernmental processes to gain redress for the injustices they have suffered.

In 1977, the indigenous peoples were back, this time at the United Nations, where they took their demands for recognition of their sovereign rights to the UN’s Decolonisation Committee, the UN body charged with overseeing the granting of independence to colonised peoples. That Committee also declined to give them access but a special meeting on Indigenous Peoples at the UN was convened by the UN Human Rights Commission and a process was set in train that has, since 1983, allowed indigenous peoples unimpeded access to parts of the UN human rights process to press for a recognition of their rights. Through their persistence they have been remarkably successful. The establishment of the ‘Working Group on Indigenous Populations’ in 1983 led 10 years later to the acceptance of the draft ‘Declaration on the Rights of Indigenous Peoples’ in 1993.¹ The initiation of the UN Decade of Indigenous Peoples (which comes to an end in 2004) followed, with the major objective of securing international acceptance of this Declaration. In 2002, the UN also established a ‘Permanent Forum on Indigenous Issues’ with the main task of ensuring effective co-ordination between the UN agencies dealing with indigenous peoples. The composition of the Forum is unique in that its members are made up equally of government delegates and indigenous representatives. As a result of this sustained advocacy, it is now possible to point to authoritative pieces of international law and jurisprudence (see MacKay, 1999, 2001a–e, 2002) and assert that indigenous peoples enjoy rights to:

- Self-determination.
- Freely dispose of their natural wealth and resources.
- In no case be deprived of their means of subsistence.
- Own, develop, control and use their communal lands, territories and resources, traditionally owned or otherwise occupied by them.
- The free enjoyment of their own culture and to maintain their traditional way of life.
- Free, prior and informed consent prior to activities on their lands.
- Represent themselves through their own institutions.
- Exercise their customary law.
- Restitution of their lands and compensation for losses endured.

¹ The Draft Declaration was accepted by the UN’s Sub-Commission on the Prevention of Discrimination and Protection of Minorities and passed to the UN Human Rights Commission in 1994. Since then the draft has been under discussion at the annual meetings of an Open Ended Ad Hoc Working Group under the Commission. Once, and if, the draft has been accepted it will be passed to the UN’s General Assembly for Adoption.

These advances have been achieved at a plethora of international bodies, including the International Labour Organisation, whose Convention 107 and 169 expressly deal with the rights of indigenous and tribal peoples, the UN Human Rights Committee, the UN Committee on the Elimination of All Types of Racial Discrimination, the Inter-American Commission of Human Rights, the African Commission on Human and Peoples' Rights, and have been consolidated in the UN's Draft Declaration on the Rights of Indigenous Peoples and the proposed InterAmerican Declaration on the Rights of Indigenous Peoples (MacKay *ibid.*).

5. New principles of conservation

Since 1975, the World Conservation Union (IUCN) and World Parks Congress have been making important statements implying recognition of the rights of indigenous peoples and the need to accommodate these rights in protected areas. The Kinshasa Resolution of 1975, recognised the importance of traditional ways of life and land ownership, and called on governments to maintain and encourage customary ways of living. It urged governments to devise means by which indigenous peoples could bring their lands into conservation areas without relinquishing their ownership, use and tenure rights. It also noted that indigenous peoples should not normally be displaced from their traditional lands by protected areas, nor should protected areas be established without adequate consultation with the peoples to be directly affected (<http://www.iucn.org>). The same resolution was recalled in 1982 at the World National Parks Congress in Bali, Indonesia, which affirmed the rights of traditional societies to 'social, economic, cultural and spiritual self-determination' and 'to participate in decisions affecting the land and natural resources on which they depend'. The resolution advocated 'the implementation of joint management arrangements between societies which have traditionally managed resources and protected area authorities' (<http://www.iucn.org>).

At the World Congress on Protected Areas held in Caracas in 1992, a central issue addressed by the participants was the fact that the great majority of protected areas are in fact inhabited, notably by indigenous peoples (Amend and Amend, 1992). The Congress recognised that the denial of the existence and rights of residents was not only unrealistic but also counter-productive. At that time the World Conservation Union (IUCN) defined a 'national park' in terms of State ownership or control:

where the highest competent authority of the country has taken steps to prevent or eliminate as soon as possible exploitation or occupation of the whole area ... (cited in West, 1991, p. xvii).

The past 20 years have also witnessed important developments in international environmental law, which has unevenly but significantly incorporated language related to

indigenous peoples. For example, at the Earth Summit, indigenous peoples were recognised as a 'Major Group' that should participate in sustainable development. Agenda 21, devoted a whole chapter to 'Indigenous Peoples' noting that:

Indigenous peoples and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

The Earth Summit, also witnessed the agreement of the Convention on Biological Diversity, which enjoins states party to the Convention:

8j—Subject to its national legislation, [to] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological resources

10c— ... protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

In 1994, in order to encourage more inclusive forms of conservation which would encourage State compliance with these norms, the World Conservation Union adopted a revised set of categories of protected areas which accept that indigenous peoples, as well as others, may own and manage protected areas (IUCN, 1994). In 1996, following several years of intensive engagement with indigenous peoples' organisations, the WorldWide Fund for Nature-International adopted a *Statement of Principles on Indigenous Peoples and Conservation*, which endorsed the UN Draft Declaration on the Rights of Indigenous Peoples, accepts that constructive engagement with indigenous peoples must start with a recognition of their rights, upholds the rights of indigenous peoples to own, manage and control their lands and territories and to benefit from the application of their knowledge (WWF, 1996).

The same year the World Conservation Congress, the paramount body of the World Conservation Union, adopted seven different resolutions on indigenous peoples (IUCN, 1996). These resolutions:

- Recognise the rights of indigenous peoples to their lands and territories, particularly in forests, in marine and coastal ecosystems, and in protected areas.
- Recognise their rights to manage their natural resources in protected areas either on their own or jointly with others.
- Endorse the principles enshrined in International Labour Organisation's Convention 169, Agenda 21, the Convention on Biological Diversity (CBD) and the Draft Declaration on the Rights of Indigenous Peoples.

- Urge member countries to adopt ILO Convention 169.
- Recognise the right of indigenous peoples to participate in decision-making related to the implementation of the CBD.
- Recognise the need for joint agreements with indigenous peoples for the management of Protected Areas and their right to effective participation and to be consulted in decisions related to natural resource management.

In 1997, the World Conservation Union published a two-volume resource guide, titled *Beyond Fences*, which made suggestions about how conservation objectives could be achieved in greater collaboration with local communities (Borrini-Feyerabend, 1997). It noted that the collaborative approach is not only justifiable in terms of conservation effectiveness but is also required if conservation is to be morally and ethically responsible (cf. Weber et al., 2000; Oviedo et al., 2000; Eghenter, 2000; Alcorn and Royo, 2000).

In 1999, the World Commission on Protected Areas adopted guidelines for putting the principles contained in one of these seven resolutions into practice. These guidelines place emphasis on co-management of protected areas, on agreements between indigenous peoples and conservation bodies, on indigenous participation and on a recognition of indigenous peoples' rights to 'sustainable, traditional use' of their lands and territories (Beltran, 2000). The link between sustainability and secure tenure has also been clearly recognised. As one IUCN study concluded:

Co-management is often hailed as the appropriate middle ground, within which the needs of all stakeholders can be negotiated and acceptable compromises achieved [but] ... this would seem to be only part of the solution. Co-management strategies can only be effective if they are accompanied by parallel efforts to address issues of tenure in the related territory. If tenure arrangements do not secure the interests of local users, there is no incentive to practice sustainable use (Forrest, 1999, p. 12).

6. Obstacles to implementation

Putting these new principles into practice is, however, easier said than done. Conservation initiatives take place within the same constraints as other 'development' activities. They have to deal with the same competing enterprises and vested interests that confront local communities everywhere (Brandon et al., 1998). In particular they have to confront the all-too-common ingrained prejudices against indigenous peoples, held by both the general public and personnel in government agencies.

A review carried out by the Forest Peoples Programme (FPP) over the past 7 years, which has included an examination of the experiences of indigenous peoples with thirty-six protected areas in Latin America, Africa and Asia, has found that the new principles of conservation are not yet being

widely applied in developing countries. Three regional conferences, at which these case studies were presented and discussed, concurred that, in general, protected areas continue to be established and administered in violation of indigenous peoples' rights and in ignorance of the new standards. In Central Africa, protected areas continue to oblige the forced relocation of indigenous peoples, often without any plans for resettlement or compensation (Kwokwo Barume, 2000; Nelson and Hossack, 2003). Serious impoverishment is widely reported and participation is at the most elementary level (cf. Cernea and Schmidt-Soltau, 2003). Only in southern Africa have participatory wildlife management systems gained currency (Hulme and Murphree, 2001; Duffy, 2000). While the San ('Bushmen') peoples' experience very uneven treatment: being evicted from reserves in Botswana (<http://www.survivalinternational.org>), while enjoying the partial restitution of their lands in South Africa (Chennells, 2003).

In Asia, while the overall pattern of a denial of rights remains clear, reform efforts are underway in some areas. Overall, national laws and policies continue to be framed by the colonial model of conservation, but benefit-sharing through 'Integrated Conservation and Development Projects' have a wider currency and in some areas sincere efforts have been made to involve local communities in decision-making and to accommodate (if not legally recognise) indigenous peoples' land rights (Colchester and Erni, 1999).

In Latin America, the picture is more mixed. Most national constitutions now recognise indigenous peoples and the legislatures have enacted laws that recognise indigenous peoples' rights. Although implementation of these laws still leaves a lot to be desired, significant progress has been made (Colchester, 2001). However, corresponding reforms of conservation laws and policies lag behind these changes and most examples of indigenous-owned and indigenous-run protected areas have been achieved outside the official protected area systems (Gray et al., 1997). Parallel studies suggest that conservationists in Latin America are only in the first phases of incorporating local communities into protected area management. Typically these measures include employing local people as park guards and rangers, cooks, secretaries and so on. Community development projects are then the next stage of 'participation' after which involving communities in natural resource management is then attempted. Actual recognition of rights in protected areas is, often, not yet even on the national agenda (Dugelby and Libby, 1998).

These findings echo studies made in the USA where the gradual move towards an accommodation of indigenous peoples' rights in protected areas took over half a century. As Keller and Turek (1983, p. 233) have noted:

To begin, park/Indian relations seem to fall into four phases: (1) unilateral appropriation of recreation land by the government; (2) an end to land-taking but a continued

federal neglect of tribal needs, cultures and treaties; (3) Indian resistance, leading to aggressive pursuit of tribal interests; (4) a new National Parks Service commitment to cross-cultural integrity and cooperation.

The FPP review found that, in all three of the regions examined, examples could nonetheless be found of protected areas where sincere efforts to apply these new standards are being made. These examples demonstrate that it is possible to recognise the rights of indigenous peoples and achieve conservation goals in the same areas (see also Chatty and Colchester, 2002). The case studies also show that a number of serious obstacles stand in the way of an effective recognition of indigenous rights in conservation practice. These include:

- Entrenched discrimination in national societies' attitudes towards indigenous peoples such that indigenous peoples' ways of life are seen as backward, dirty or subhuman. In the context of conservation initiatives, the result may be a denial of rights and a feeling among affected peoples that they are treated as worse than animals.
- Absence of reform of government policies and laws regarding indigenous peoples. Many governments, especially in Asia and Africa, pursue integrationist or assimilationist social policies towards indigenous peoples, designed to elevate them from backward ways into the national mainstream while ignoring or denying their cultural traditions, customary institutions, rights and preferences.
- National laws and policies with respect to land, which deny indigenous peoples' rights to own and manage their lands.
- National conservation policies and laws still based on the old exclusionary model of conservation. Few of the countries studied have adopted legislation that would encourage community owned protected areas in line with the revised IUCN protected area category system, which would allow communities and indigenous peoples to own and control protected areas.
- Conservation agencies and NGOs lack appropriate training, staff and capacity to work with communities. In many cases, national chapters of the large conservation organisations have not been informed about the new policies and principles, which have been adopted at the international level.

7. A 'new paradigm' for protected areas?

At the 'Millennium Summit' in September 2000, member States of the United Nations committed themselves to halving the number of people living in extreme poverty by the year 2015 and they set themselves eight 'goals' to fulfil this target. Under 'goal 7'—'ensure environmental sustainability'—two indicators have been proposed:

- Proportion of population with access to secure tenure.
- Land area protected to maintain biological diversity (http://www.developmentgoals.org/About_the_goals.htm).

In preparation for the Vth World Parks Congress, held in Durban in September 2003, the FPP called on conservation organisations, including IUCN and World Commission on Protected Areas, and State agencies to ensure that existing and future protected areas are managed and established in conformity with both these objectives. Accordingly FPP recommended that the agencies adjust their models of conservation so that they effectively secure indigenous peoples' rights. To this end they should:

- reaffirm their commitment to respect and uphold indigenous peoples' internationally recognised rights in all their protected area programmes;
- give priority to reforming national laws, policies and conservation programmes so that they respect indigenous peoples' rights and allow protected areas to be owned and managed by indigenous peoples;
- ensure that sufficient funds are allocated to national conservation programmes, and to the regional and international programmes that support them, to carry out these legal and policy reforms;
- retrain conservation personnel in both national and international bureaux so that they understand and know how to apply these new principles;
- establish effective mechanisms for open dialogue, the redress of grievances and the transparent exchange of information between conservationists and indigenous peoples;
- encourage other major international conservation agencies to adopt clear policies on indigenous peoples and protected areas in conformity with their internationally recognised rights and these new conservation principles;
- combat entrenched discrimination in national and international conservation programmes and offices and, where necessary, adopt affirmative social policies that recognise and respect cultural diversity;
- support the consolidation of indigenous peoples' organisations as independent, representative institutions;
- support initiatives by indigenous peoples to secure their territorial rights; and
- initiate transparent, participatory and effective procedures for the restitution of indigenous peoples' lands, territories and resources incorporated into protected areas and compensate them for all material and immaterial damages in accordance with international law (MacKay, 2002; Colchester, 2003; Nelson and Hossack, 2003).

In September 2003, some 150 persons representing indigenous peoples and loosely co-ordinated through an 'Ad Hoc Indigenous Peoples Working Group for the World Parks Congress' attended the Congress in Durban. They called on the 3,000 conservationists present at the meeting to respect their rights and to develop a work programme to give such declarations real effect (<http://www.forestpeoples.org>).

The strong presence of indigenous peoples in Durban was markedly successful in getting conservationists to accept a new approach to protected areas. The 'Durban Accord' the consensus document of the whole Congress, announced that

the World Parks Congress has accepted a ‘new paradigm’ for protected areas ‘integrating them equitably with the interests of all affected people’ (<http://www.iucn.org>). The Accord celebrates the conservation successes of indigenous peoples. It expresses concern at the lack of recognition, protection and respect given to these efforts. It notes that the costs of protected areas are often borne by local communities. It urges commitment to involve indigenous peoples in establishing and managing protected areas and participate in decision-making on a fair and equitable basis in full respect of their human and social rights.

To implement this new vision, the ‘*Durban Accord: Action Plan*’ notes that the costs of the past success in establishing a global protected area system have been inequitably borne by local communities. To rectify this, a major ‘outcome’ that it now seeks is that the rights of indigenous peoples be recognised and guaranteed in relation to natural resources and biodiversity conservation (<http://www.iucn.org>).

The Action Plan notes that the current protected area system, while extensive, needs to be considerably expanded to ensure the protection of endangered species. However, development of the system must ensure that the protected area system ‘takes full account of the rights, interests and aspirations of indigenous peoples, as well as of their desire to have their lands, territories and resources secured and protected for their own social and cultural survival’. The Accord calls on the Conference of Parties of the Convention on Biological Diversity to ‘ensure that indigenous and mobile peoples and local communities fully participate in the establishment and management of protected areas and that mechanisms are put in place to guarantee that they share in the benefits from these areas’. Noting that in developing countries protected areas exist ‘side by side with indigenous peoples’ and there is a need for protected areas to contribute to sustainable development, the Accord calls on all countries to ‘strictly eliminate resettlement of indigenous peoples and local communities and the involuntary sedentarisation of mobile indigenous peoples without prior, informed consent’. The Accord also calls for the creation of ‘trans-boundary protected areas for communities separated by national borders, including corridors of connectivity for mobile indigenous peoples who have traditionally migrated across borders’. National authorities are encouraged to carry out ‘reviews of conservation initiatives including innovative and traditional/customary governance types ...’. Likewise protected area authorities are encouraged to ‘promote the conditions and ensure the means for the effective engagement of Indigenous Peoples, local communities and other local stakeholders in conservation. The focus of attention should be on building the capacity of communities to engage effectively’. A four-page section of the Action Plan relating to the recognition and guaranteeing of indigenous peoples’ rights sets out three major targets:

- All existing and future protected areas shall be managed and established in full compliance with the

rights of indigenous peoples, mobile peoples and local communities.

- Protected areas shall have representatives chosen by indigenous peoples and local communities in their management proportionate to their rights and interests.
- Participatory mechanisms for the restitution of indigenous peoples’ traditional lands and territories that were incorporated in protected areas without their free and informed consent established and implemented by 2010.

A large number of measures were proposed to achieve these targets, the most notable being:

- the acceptance of the indigenous peoples’ proposal for the establishment of a Truth and Reconciliation Commission on Indigenous Peoples and Protected Areas to investigate and redress past mistakes,
- that the GEF and World Bank ensure that their revised policies on indigenous peoples are fully consistent with indigenous peoples’ rights,
- that governments approve the UN Draft Declaration on the Rights of Indigenous Peoples and ratify ILO Convention 169, recognise the rights of indigenous peoples to their lands, territories and natural resources, and review their conservation laws and policies to ensure their effective involvement and participation,
- that protected area authorities adopt measures, policies and practices, which provide for the recognition of and respect for the rights of indigenous peoples and adopt mechanisms to involve them fully in the designation and management of protected areas and promote community conserved areas with their free, prior and informed consent.

A number of specific measures were also recommended to the IUCN to give effect to these proposals. The Accord calls on the IUCN to ‘provide advice on reforming national laws, policies and conservation programmes to respect indigenous peoples’ and local communities’ rights’, ‘strengthen training of local authorities’ on the rights of indigenous peoples, and conduct an implementation review of prior IUCN policies on Indigenous Peoples.

There are currently some 100,000 officially recognised Protected Areas world-wide covering as much as 12% of the land surface of the planet. The great majority of these are owned or claimed by indigenous peoples. Reforming these in conformity with international law is going to require a major commitment from policy makers and development agencies (Fig. 1).

The history of indigenous peoples’ relations to protected areas can be seen as one of social exclusion and marginalisation. Having once been independent nations within their own territories, indigenous peoples have been pushed out of their lands, which have been expropriated by government agencies in the name of conservation. This has facilitated the entry of a number of interests into these areas—ranging from the private sector to academia. Current development

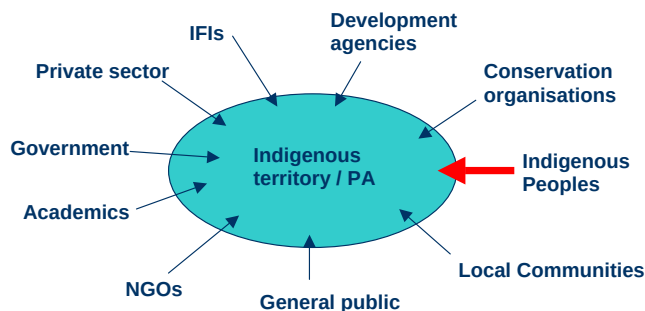


Fig. 1. From stakeholders back to rightsholders. IFIs: international financial institutions; PA: protected area.

discourse, insofar as it recognises indigenous peoples at all, tends to characterise them now as ‘stakeholders’ who must compete with these other interest groups to get their voice heard. This paper has argued that this is not enough. International law recognises that indigenous peoples have rights to own, manage and control their lands and conservation policies have accepted this in principle. The challenge is to allow indigenous peoples to move back into control of their lands.

References

- Adams, W., 2003. Nature and the colonial mind. In: Adams, W., Mulligan, M. *Decolonizing Nature: Strategies for Conservation in a Post-Colonial Era*. Earthscan, London.
- Adams, J., McShane, T., 1992. *The Myth of Wild Africa: Conservation without Illusion*. WW Norton and Co., London.
- Alcorn, J.B., Royo, A.G., 2000. Indigenous Social Movements and Ecological Resilience: Lessons from the Dayak of Indonesia, Biodiversity Support Program, Washington, DC.
- Amend, S., Amend, T. (Eds.), 1992. *Espacios sin Habitantes? Parques Nacionales de America del Sur*. IUCN, Gland.
- Beltran, J. (Ed.), 2000. *Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines and Case Studies*. WCPA and IUCN, Gland.
- Borrini-Feyerabend, G. (Ed.), 1997. *Beyond Fences: Seeking Social Sustainability in Conservation*, 2 vols. IUCN, Gland.
- Brandon, K., Redford, K., Sanderson, S., 1998. *Parks in Peril: People, Politics and Protected Areas*. Island Press, Washington, DC.
- Brockington, D., 2002. *Fortress Conservation: the Preservation of the Mkomazi Game Reserve Tanzania*. James Currie, Oxford.
- Bryant, R.L., 1994. *The Political Ecology of Forestry in Burma 1824–1994*. University of Hawaii Press, Honolulu.
- Burnham, P., 2000. *Indian Country, God’s Country: Native Americans and the National Parks*. Island Press, Washington, DC.
- Carey, C., Dudley, N., Stolton, S., 2000. *Squandering paradise? The importance and vulnerability of the world’s protected areas*. World Wide Fund for Nature—International, Gland.
- Catlin, G., 1841 (1989). *The manner and customs of the North American Indians*. In: Mathiessen, P. (Ed.), *North American Indians*. Penguin, Harmondsworth.
- Cerne, M., Schmidt-Soltan, K., 2003. Biodiversity conservation versus population resettlement: risks to nature and risks to people. Paper presented to the International Conference on Rural Livelihoods, Forests and Biodiversity, May 19–23, Bonn.
- Chatty, D., Colchester, M. (Eds.), 2002. *Conservation and Mobile Indigenous Peoples: Displacement, Forced Settlement and Sustainable Development*. Berghahn, Oxford.
- Chennells, R., 2003. The Khomani San of South Africa. In: Nelson, J., Hossack, L. (Eds.), 2003. *From Principles to Practice: Indigenous Peoples and Protected Areas in Africa*. Forest Peoples Programme, Moreton-in-Marsh, pp. 269–289.
- Coates, P., 1998. *Nature*. Polity Press, Cambridge.
- Colchester, M., 1994 (2003). *Salvaging nature: indigenous peoples, protected areas and biodiversity conservation*. UNRISD Discussion Paper 55, Geneva, revised second ed. World Rainforest Movement, Montevideo.
- Colchester, M. (Ed.), 2001. *A Survey of Indigenous Land Tenure*. FAO, Rome (available on <http://www.forestpeoples.org>).
- Colchester, M., Erni, C. (Eds.), 1999. *Indigenous Peoples and Protected Areas in South and Southeast Asia: From Principles to Practice*. Forest Peoples Programme and the International Work Group for Indigenous Affairs, Copenhagen.
- Deskaheh, C., 1923. *A Redman’s Appeal for Justice*. Kealey’s Ltd., London. Reproduced at <http://ublib.buffalo.edu/libraries/units/law/collections/Redmanappeal.pdf>.
- DiSilvestro, R.L., 1993. *Reclaiming the Last Wild Places: A New Agenda for Biodiversity*. Wiley, New York.
- Duffy, R., 2000. *Killing for Conservation: Wildlife Policy in Zimbabwe*. James Currie, Oxford.
- Dugelby, B., Libby, M., 1998. Analyzing the social context at PiP sites. In: Brandon, K., Redford, K., Sanderson, S. (Eds.), *Parks in Peril: People, Politics and Protected Areas*. Island Press, Washington, DC, pp. 63–75.
- Eghenter, C., 2000. *Mapping peoples’ forests: the role of mapping in planning community-based management of conservation areas in Indonesia*. Biodiversity Support Program, Washington, DC.
- Forrest, S., 1999. *Global Tenure and Sustainable Use*. IUCN Sustainable Use Initiative, Washington, DC.
- Gadgil, M., Guha, R., 1992. *This Fissured Land. An Ecological History of India*. Oxford University Press, Delhi, Oxford, Melbourne.
- Ghimire, K., Pimbert, M. (Eds.), 1996. *Social Change and Conservation: Environmental Politics and Impacts of National Parks and Protected Areas*. Earthscan, London.
- Gray, A., Parellada, A., Newing, H. (Eds.), 1997. *Indigenous peoples and biodiversity conservation in Latin America: from principles to practice*. International Work Group for Indigenous Affairs and Forest Peoples Programme, Copenhagen.
- Hulme, D., Murphree, M., 2001. *African Wildlife and Livelihoods: The Promise and Performance of Community Conservation*. James Currie, Oxford.
- IUCN, 1994. *Guidelines for Protected Area Management Categories*. Commission on National Parks and Protected Areas, IUCN, Gland.
- IUCN, 1996. *World Conservation Congress: Resolutions and Recommendations*. IUCN, Gland.
- Kemf, E., 1993. *Indigenous Peoples and Protected Areas: The Law of Mother Earth*. Earthscan, London.
- Keller, R., Turek, M., 1998. *American Indians and National Parks*. University of Arizona Press, Tucson.
- Kwokwo Barume, A., 2000. *Heading Towards Extinction: Indigenous Rights in Africa—the case of the Twa of the Kahuzi-Biega National Park*. Democratic Republic of Congo, Forest Peoples Programme and International Work Group for Indigenous Affairs, Copenhagen.
- MacKay, F., 1999. *Los Derechos de los Pueblos Indigenas en el Sistema Internacional*. Asociación Pro Derechos Humanos, Lima.
- MacKay, F., 2001a. *A Guide to Indigenous Peoples’ Rights in the Inter-American Human Rights System*. Forest Peoples Programme, Moreton-in-Marsh.
- MacKay, F., 2001b. *A Briefing on Indigenous Peoples’ Rights and the United Nations Human Rights Committee*. Forest Peoples Programme, Moreton-in-Marsh.
- MacKay, F., 2001c. *A Guide to Indigenous Peoples’ Rights in the International Labour Organization*. Forest Peoples Programme, Moreton-in-Marsh.
- MacKay, F., 2001d. *The African Commission on Human and Peoples’ Rights*. Forest Peoples Programme, Moreton-in-Marsh.

- MacKay, F., 2001e. Indigenous land rights: legal issues. In: Colchester, M. (Ed.), 2001. *A Survey of Indigenous Land Tenure. A Report for the Land Tenure Service of the Food and Agriculture Organisation*, Rome.
- MacKay, F., 2002. Addressing Past Wrongs: Indigenous Peoples and Protected Areas: The right to Restitution of Lands and Resources. Forest Peoples Programme, Moreton-in-Marsh.
- Nelson, J., Hossack, L. (Eds.), 2003. *From Principles to Practice: Indigenous Peoples and Protected Areas in Africa*. Forest Peoples Programme, Moreton-in-Marsh.
- Oviedo, G., Maffi, L., Larsen, P., 2000. Indigenous and Traditional Peoples of the World and Ecoregion Conservation: An Integral Approach to Conserving the World's Biological and Cultural Diversity, WorldWide Fund for Nature-International, Gland.
- Peluso, N., 1992. *Rich Forests, Poor People*. Harvard University Press, Cambridge.
- Phillips, A., 2003. Turning ideas on their head: the new paradigm for protected areas. MS thesis.
- PRIA, 1993. Doon Declaration on People and Parks. Resolution of the National Workshop on Declining Access to and Control over Natural Resources in National Parks and Sanctuaries. Forest Research Institute, Dehradun 28–30 October 1993, Society for Participatory Research in Asia.
- Redford, K.H., Stearman, A.M., 1993. On common ground? Response to Alcorn. *Conserv. Biol.* 7 (2), 427–428.
- Schama, S., 1996. *Landscape and Memory*. Fontana Press, London.
- Tucker, R.P., 1991. Resident peoples and wildlife reserves in India: the prehistory of a strategy. In: West, P.C., Brechin, S.R. (Eds.), *Resident Peoples and National Parks*. University of Arizona Press, Tucson, pp. 40–52.
- Weber, R., Butler, J. Larson, P., 2000. *Indigenous Peoples and Conservation Organisations: Experiences in Collaboration*. World Wildlife Fund (USA), Washington, DC.
- Weiner, D., 2000. *Models of Nature: Ecology, Conservation and Cultural Revolution in Soviet Russia*. University of Pittsburgh Press, Pittsburgh.
- West, Patrick, 1991. Introduction. In: West, P., Brechin, S. (Eds.), 1991. *Resident Peoples and National Parks: Social Dilemmas in International Conservation*. University of Arizona Press, Tucson, pp. xv–xxiv.
- West, P., Brechin, S. (Eds.), 1991. *Resident Peoples and National Parks: Social Dilemmas in International Conservation*. University of Arizona Press, Tucson.
- Westoby, J., 1987. *The Purpose of Forests*. Basil Blackwell, Oxford.
- WWF, 1996. *WWF statement of principles: indigenous peoples and conservation*. WorldWide Fund for Nature International, Gland.

Marcus Colchester is director of the Forest Peoples Programme, an NGO active in the field of indigenous rights and the environment, which he established in 1990. He received his doctorate in anthropology at Oxford on the 'Economy, Ecology and Ethnobiology of the Sanema Indians of South Venezuela' and has since worked as a consultant in Venezuela studying the impact of development projects on Indians; and with Survival International on the human rights impacts of imposed development schemes in Amazonia and South and South East Asia. He is a founder member of the World Rainforest Movement. Colchester has acted as consultant for many international agencies. In 2001, he was awarded the Royal Anthropological Institute's Lucy Mair Medal for applied anthropology.