

United Nations Permanent Forum on Indigenous Issues  
International Expert Group Meeting “Conservation and the rights of indigenous peoples”  
(Articles 29 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples)  
January 23-25, 2019, Nairobi, Kenya

Statement Submitted January 14, 2019

The Nature Conservancy appreciates being invited to this meeting and submits this statement for consideration, in light of the concept note distributed. Munira Anyonge, Director, The Nature Conservancy Kenya Program, will be present at the meeting to participate in the discussion.

#### A. Opportunities

There are several approaches and practices useful for addressing protection and furtherance of indigenous rights to traditional lands and waters in relation to conservation that The Nature Conservancy outlined in its 2016 response to the United Nations Special Rapporteur on the Rights of Indigenous Peoples. Since 2016, The Nature Conservancy has seen progress in the implementation of several of these that suggests discussion of how to support additional spread of such approaches and practices would be useful. Three examples follow.

##### 1. Indigenous Associations and Networks

The Nature Conservancy believes that indigenous associations and networks can have even greater impact on government policy related to recognition of land tenure, indigenous protected areas and indigenous led conservation management. In Kenya the Kenya Wildlife Conservancies Association, which was set up with support from The Nature Conservancy and the Kenya Wildlife Service, has been pivotal in driving the advocacy agenda with the Government of Kenya in regard to indigenous land reforms. Also, the Northern Rangelands Trust, a community wildlife conservancy membership organization, which associates together and supports 35 community conservancies across northern and coastal Kenya helps coordinate the voices of these member communities. Successes include the fact that the Kenyan Government under current laws recognizes indigenously managed lands as part of the country's contribution to their obligations under the CBD Aichi targets. We would welcome discussion about how to further support the creation, capacity and sustained operation of such networks.

##### 2. Recognition of Participatory Indigenous Mapping - Indonesia example

In 2016, we were still urging the Indonesian Government to recognize participatory mapping by the Adat peoples for implementation of the prior Indonesian Supreme Court decision granting the right to indigenous management of traditional lands and waters. Today we can say that we are seeing some success. Participatory mapping of Adat lands and waters supported by TNC has resulted in the issuance of government regulations in several parts of Indonesia recognizing and implementing Adat management rights over the mapped areas. These include two regulations just issued December 3, 2018 for Kaledupa and Tomia Islands in the Wakatobi archipelago. The participatory mapping that TNC

supported explicitly included gender disaggregated consultations to assure that both men's and women's knowledge of the scope of traditional lands and waters was included in the maps submitted to the government. We would welcome discussion about furthering government recognition of participatory mapping in other parts of the world.

### 3. Indigenous Protected Areas - Australia example

As the concept note mentioned, Australia has reached its Aichi targets in part through recognition of Indigenous Protected Areas. Clarification, during the ongoing negotiations related to the "beyond 2020" targets for the Convention on Biological Diversity (CBD), that a primary focus for protection needs to be on Indigenous Protected Areas could be an important step in preventing CBD targets from threatening the rights of indigenous people. In Australia, TNC worked to spread the practice of Healthy Country Planning (HCP), which has helped position Traditional Land Owners to seek and be successful in getting support through government programs such as the Indigenous Protected Areas (IPAs) program. The HCP process enables the communities involved to be clear on their vision and objectives for management of their Country, the current and future threats or issues that need attention and the strategies and actions they would like to pursue. The HCP plan demonstrates this to stakeholders, including government, and supports establishment of IPAs that are based on community objectives.

#### B. Challenges

The Nature Conservancy also continues to see the persistence of several challenges we noted in our 2016 submission. We would welcome discussion of what more can be done to address these. Three examples include:

1. Power imbalances persist in many types of engagement with indigenous peoples. The Nature Conservancy works at the invitation of many indigenous communities to support capacity building in relation to, for example, negotiating with government and industries, but there is much more to be done to address issues of power imbalances, imbalances that can also be exacerbated by persistent bias against indigenous peoples.
2. Some governments continue take the view that using indigenous lands for national development is for the betterment of the nation and thus an available option to exercise, despite existing indigenous rights to an area or resource. The Nature Conservancy has recently published several papers helping to quantify the potential value and impacts of "Nature Based Solutions". We hope this evidence can help government understand the actual value of keeping forests, grasslands, and other natural resources intact, which may tip the balance of policy toward preservation of indigenous lands, among other actions.
3. Weak governance can be and is a serious challenge, including lack of government capacity to engage in developing new laws and policies and implementing existing laws and policies that protect and promote indigenous peoples' rights, as well as lack of alignment among various levels of government in regard to their engagement with indigenous peoples and local communities. Capacity building for governance is an important and urgent need in some places.

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