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Human Communities and Transboundary Conservation Areas

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Summary

IUCN's World Commission on Protected Areas (WCPA) developed in 2001 *Guidelines on Transboundary Protected Areas for Peace and Cooperation*, where social aspects of transboundary conservation are considered of primary importance. Many experts associated with the preparation of such Guidelines warned that social aspects will become increasingly decisive in the success of transboundary conservation.

This paper builds on the ideas presented in the indicated Guidelines, and offers some additional considerations and recommendations on integrating issues related to human communities in transboundary conservation or transboundary protected areas¹.

There are several reasons why this is important. First of all, the majority of protected areas of the world are inhabited by human communities, either under traditional occupation or as a result of more recent movements of population. The conventional protected areas paradigm, still in vigour legally and politically in many countries of the world, wanted them free from human interference, but it has proved essentially wrong or impracticable, and there is growing consensus within the protected areas community that a more flexible and realistic concept of "parks with people" is universally required. Transboundary conservation areas do not escape from this reality.

Secondly, natural areas where transboundary conservation occurs are often areas with particular patterns of human occupation. In some cases they overlap with traditionally occupied territories or human migration corridors. One of the important ecological reasons for transboundary conservation, the establishment of international corridors for migrant animal populations, is in itself the basis of a particular type of human occupation of such areas, as traditional communities have usually moved following such animal migrations, or have used the same or similar corridors for seasonal grazing.

In other cases, border areas have been subject to displacement of human communities, either as a result of national policies of "living frontiers" or colonization of frontier lands to assert sovereignty, or as a result of forced displacement of people due to armed conflict and hostility between neighbours.

Increasingly, the refugee problem affects transboundary conservation areas, and it is expected that the current course of armed and political conflicts in the world will generate more numerous and massive movements of refugees in environmentally sensitive areas, including frontier regions.

¹ I am using here both terms indistinctly, regardless of the differences that conservation practitioners have assigned to them. Under the concept of protected areas of the Convention on Biological Diversity (CBD), indeed there should be no difference between "conservation area" and "protected area". For the CBD, a protected area is "a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives" (Article 2).

Human communities in transboundary areas usually have also particular relationships with national and local institutions, including the military, and thus conventional participatory approaches to nature conservation need to be adapted to this special institutional context.

Peace and cooperation building among communities separated or affected by conflict is such a fundamental priority that cannot be separated from conservation of nature and natural resources. In this sense, it is proposed that in conjunction with their biodiversity conservation objectives, transboundary protected areas should be also understood and implemented as *tools for social and cultural reconstruction*.

Transboundary conservation, protected areas and people

“Protected areas are vital for life on earth”, state the IUCN/WCPA Guidelines on *Transboundary Protected Areas for Peace and Co-operation*. “They safeguard biological and cultural diversity, help to improve the livelihoods of local communities, provide the homelands for many indigenous peoples and bring countless benefits to society at large. It is now generally understood that conservation planning cannot just be site-specific; plants and animals do not recognize national boundaries, nor do many of the forces that threaten them. Strategies to conserve biodiversity in the 21st century must therefore emphasize transboundary co-operation, and may at the same time foster better co-operation and understanding between countries” (Sandwith et al., 2001).

Generally, transboundary conservation areas or transboundary protected areas are not different from other protected areas in that they are in most cases inhabited by local people who have been long associated with the lands and resources harboured therein - mostly people who fall within the concepts of “indigenous” and “traditional”.

Systematic and reliable data on how many protected areas of the world overlap with traditional lands and resources of indigenous and traditional peoples is yet to be produced. Judging very briefly from the literature, perhaps more than 50% of the existing protected areas of the world have been established on ancestral domains of indigenous and other traditional peoples; this is particularly the case in the developing world. Amend and Amend have indicated that in South America, 86% of national parks are inhabited by local populations, most of them indigenous or traditional peoples practising subsistence economies (Amend and Amend, 1992). In Central America, according to recent studies, the majority of protected areas are or have been inhabited by at least 29 different indigenous peoples (Godoy et al., 1997). In the three Americas, Alcorn indicates, “80 per cent of protected areas include indigenous peoples” (Alcorn, 1997: 44).

Typically, the establishment of protected areas was done in the past with little regard for the situation of those human groups: restrictions of access to lands and resources implied very often deprivation and marginalization for them, and law enforcement frequently led to even violent confrontation. The traditional, customary land and resource rights were overridden by public property of protected areas, and management and control systems swept away traditional authorities and institutions. As a result, communities were left in a situation of aggravating poverty, not only because of the restrictions or loss of access to natural resources, but also because of the disadvantages they experienced when relocated to other marginal lands or forced to migrate to cities or other places. For many communities, protected areas have been in one way or another, an instrument of further social exclusion.

As said earlier, transboundary protected areas are not different from other protected areas in the sense that most of them are inhabited by local people, and also in the types of relationships, including conflict, that has characterized protected areas throughout history; but in transboundary protected areas, many local communities have traditionally practised land and resource use with specific patterns and under specific conditions.

Perhaps the most typical condition of human inhabitation and use in transboundary protected areas, particularly in developing countries, is the presence of extensive land use in low-density habitats, due to the fact that areas surrounding country borders frequently have been left with scattered populations. These types of human inhabitation include for example hunter-gatherer societies who typically move around large areas following cycles of change in game populations, and pastoral peoples using transboundary areas as migration corridors according to seasonal availability of pastures and natural displacements of animals. Human mobility, a typical pattern of land use in many high biodiversity or unique landscapes covered by transboundary protected areas, is a condition for low-intensity use of fragile lands and resources, and allows them recover through cyclical occupation. Even in West Africa, where mobility is less pronounced than in East Africa and other regions, Lycklama à Nijeholt et al. (2001) observe that

“The seasonal movements of wildlife, which are related to their species-specific forage and water requirements, reflect the seasonally varying availability and quality of the vegetation (and water). People have integrated this environmental variability into their land-use systems: Households rely on a diversity of income-generating activities, agriculture (rain-fed and irrigated), animal husbandry, fishing, hunting, and the collection of forest products. They also are seen to exploit resources in different geographic regions, as transhumant herders and fishers seasonally move in response to resource availability”.

Other characteristics accompany human occupation in landscapes frequently covered by transboundary protected areas. Human communities tend to have flexible, changing borderlines as a result of mobility and of the frequent overlap of use rights with other communities – typically a feature of human use of large landscapes where fragmentation through exclusive rights is avoided. Borderlines of community-occupied lands tend to follow natural frontiers, but are also determined by human interactions resulting from the said overlap or use rights; porous borders allow socio-economic and cultural exchanges and accommodate changes in communities and populations – frequent phenomena due to a highly dynamic demography linked to harsh environmental conditions, mobility, and cultural contact.

In the Lobeke area of South-eastern Cameroon, part of a trinational conservation initiative with Central African Republic (Dzanga-Sangha Dense Forest Reserve) and the Republic of Congo (Nouabalé-Ndoki National Park), resource use by local communities is governed by a system based on overlapping and flexible uses.

“the relationship between the Bangando and Baka communities includes an array of political, social, religious and primarily economic ties that are largely considered hereditary between clans. Historically, the Baka have provided the Bangando with forest products such as meat, ivory, honey, fruits, nuts, medicinal plants and building materials, along with garden labour, in exchange for cultivated foods, salt, metal and cloth, among other items. These links extend to perceptions of land tenure as well. Each horticultural clan claims ancestral rights to areas of the forest, where shifting cultivation, hunting, fishing and gathering of forest products are allowed. The Baka associated with a particular horticultural group also enjoy this access to the forest for the pursuit of their traditional subsistence activities. Although these land tenure rights apparently are not rigidly prescribed, and often overlap between clans, much of the land within the forests of southeastern Cameroon is claimed by the indigenous peoples, a system which has come under inordinate stress in recent years”. (Curran, 1993).

Blom and Yamindou (2001) add for the same tri-national conservation area that

“Not only do these protected areas connect similar habitat types, but they also connect areas that are socially similar. National borders in Africa are often not based on ethnic group divisions:

people living on one side of a border are often closely related to people in the other country. In fact, certain groups move quite freely across the CAR-Cameroon-Congo borders, especially the BaAka and BaKa pygmies”.

To sum up, typical patterns of human settlement and occupation in landscapes often present in transboundary protected areas are based on borderlines of human occupation that are largely natural and cultural, the latter following the former; they are flexible and porous, and allow multiple groups to alternate in the landscape. As Metcalfe (1999) indicates in relation to transboundary natural resource management in Africa,

“... communities are well aware that political and administrative boundaries are often not contiguous with local cultural, ecological, or trade systems. National boundaries were not premised on community land-use perspectives; quite the reverse, as virtually all the “modern” national and administrative boundaries have required communities to make significant adjustments to their forms of social organisation and their means of meeting livelihood needs”.

Country border politics and human communities

One of the most direct causes of conflict between traditional human communities and modern state policies stem from the significant differences in understanding and managing the borders of lands and territories, especially in large landscapes dominated by mobility as a pattern of human use and occupation. This is often also the case of transboundary protected areas.

In modern countries, national borders are basically “artificial” in the sense that they are the product of modern war and conflict, imposition by dominant powers, and/or political negotiation among civil and military elites. Modern country boundaries rarely respect natural boundaries and take into account historical interactions of communities having traditionally shaped socio-cultural frontiers; this is especially true in countries having undergone decolonization processes in the last two centuries.

From ancient times, but especially within the context of political disputes around borderlines in modern times, states have practised displacement of communities living in frontier regions, and have applied restrictions to community life as a result of conflict and the predominance of military approaches to country borders and relationships with neighbours. Some of the most frequent impacts of such approaches on local communities have been:

- Forced relocation of people living in border areas, to give way to military control;
- Forced settlement of communities brought from elsewhere, as part of policies of “living frontiers”;
- Split of communities through imposed borderlines, creating enmity among neighbours who were once united and shared the same culture and landscape;
- Restrictions of movement of people and goods (for example restrictions to traditional migration and pastoral transhumance);
- Restrictions to accessing certain resources and places that were formerly under traditional use.

Militarization is one of the inevitable facets of country border politics. It is not only an instrument for imposing restrictions on communities and forcing new behaviours, but also a source of socio-cultural disruption that often leads to the collapse of local institutions. In the case of armed conflict, impacts on communities can be enormous and long-lasting. Ironically, the military concept of security in border areas has substantially affected the community needs and priorities for security – military security, in short, means community insecurity.

In some cases, militarization and armed conflict in border regions have brought environmental destruction, together with socio-cultural impacts. But in other cases, militarization and subsequent restrictions to human activity have allowed the maintenance of natural areas in relatively good condition, including because some natural features of the landscape have been used as defensive tools – such as dense forests, rivers, or marshes. After military conflict, the situation might be either one of heavily affected environments, or some relatively unaffected natural areas; but it will generally be one of heavily affected human communities.

A mission of the Missouri Botanical Garden for botanical exploration of the Cordillera del Cóndor Region, Ecuador, found the region to be of exceptional biodiversity value, maintenance of which seems to have been the combined result of traditional indigenous management and locking of the area by the military.

“The Cordillera del Cóndor is an eastern outlier of the main Andean chain which extends about 150 km from north to south, rises to a maximum elevation of about 2900 m, and forms part of the international border between Ecuador and Peru. For over 160 years, that part of the border was in dispute, leading to armed conflict between the two countries in 1941, 1981 and 1995. Following the 1995 border conflict, the two countries began diplomatic negotiations, resulting in a peace treaty in 1998 that established the precise location of the international border. The Cordillera del Cóndor region is within the territory of the Shuar ethnic group, the second-largest indigenous group in Ecuador...”(Neill, 2001).

In contemporary times there seems to be more widespread armed conflict than ever, both in number and in the magnitude of people involved and affected; in some regions, armed conflict touches on areas of inhabitation of traditional and local communities, who see suddenly and drastically affected their lives, settlements and resources. This is at the basis of refugee problems that reach now unprecedented scales. Current trends indicate that this will likely become even greater as the world seems to become an increasingly insecure place.

Refugees tend to settle themselves around borderlines, as these are areas less occupied by human communities and tend to be away from power centres where disputes concentrate; also, crossing country borders may be in some cases a desperate option for people escaping from war. The consequence is that refugees in great numbers occupy many frontier areas that otherwise could be or are dedicated to conservation. Apart from the social catastrophe that the refugee problem means, its environmental impacts are also considerable.

The case of the Virunga National Park in the Democratic Republic of Congo illustrates well the climate prompted by armed conflict in a transboundary conservation area, and also the impact of refugee movements. As Kalpers (2001) reports,

“Well before 1991, various military groups had set up bases within the Volcanoes region and were practicing extortion on the local populace. Ugandan rebels began operating inside Zaire-Congo, launching attacks into Uganda, well before 1991; and by 1991, regular army units permeated the area, hunting their enemies as well as running extortion schemes”.

Plumptre et al. (2001) in turn indicate that

“Many refugees from Rwanda were settled close to the Congolese portion of the Virunga Park in DRC, leading to the clearing of a large area of forest for firewood, and heavy poaching of bushmeat”

In conclusion, the socio-political context in which transboundary conservation takes place is one of fundamental contradiction and conflict between the historical shaping of socio-cultural boundaries, and the processes of establishment and handling of national borders. In this context, many communities have

greatly suffered from country politics and have developed an understandable attitude of mistrust, suspicion, and even active resistance and opposition to initiatives and policies originating in government agencies. Transboundary protected areas, being generally initiatives negotiated and agreed at higher levels of government, and implemented through government agencies in areas often with military presence, face therefore a particular challenge in dealing with a social environment marked by such adverse feelings in communities and neighbours.

The interests of human communities in transboundary conservation

Given the context and the background of many transboundary protected areas, are local communities interested in them? What are the possible issues of interest to local people?

Based on a review of experience of transboundary natural resource management in Africa, Singh concludes that

“Culturally, TBCAs assist in the economic livelihood of indigenous groups whose traditional land areas have been divided by international borders. TBCAs assist in developing policies for the resumption (or at least legalisation) of cross-border movement of indigenous groups divided by political international boundaries”.

Local communities are indeed in many cases interested in transboundary conservation in areas inhabited or used by them, essentially because they see them as an alternative to militarization and as a tool to bring some degree of protection to the people and the local resources. *Protecting the people and their rights affected by country border politics* becomes in many cases a major function that transboundary protected areas can have to gain social acceptance. This means essentially that transboundary protected areas are expected to help protect and respect the fundamental human rights of local people – rights to live in a peaceful and safe environment, with no harm for their lives and their wellbeing.

One of the most important objectives of local people in relation to transboundary protected areas is the opportunity to have their land and resource rights restituted. As indicated earlier, border areas have implied in most cases the denial of land and resource rights that otherwise people would have enjoyed customarily; without recognition of such rights, local communities will continue to see their lives threatened as there is no livelihood security.

Among other objectives and interests that local communities have in relation to transboundary protected areas are the following:

- Revitalization of traditional land and resource use affected by the imposition of borders and militarization, especially in the case of peoples practising mobility across borders and exchanging good and services;
- Free movement of individuals and animals across borders and in the interior of each area;
- De-militarization of areas inhabited and used by communities;
- Revitalization of local institutions affected by conflict or the imposition of military structures;
- Re-unification of communities and recuperation of community bonds where they have been lost, either across or within borders;
- Participation in local decision-making, with information and communication freely flowing among communities and individuals;
- Participation in national and bi/multinational policies for the management of frontier territories, as they concern their own lives and communities.

Some existing policy instruments and guidance on TBPA and human communities

The interest in transboundary conservation has considerably increased in recent times, as a result of the recognition of both the opportunities and the challenges it poses. Some useful guidance has been produced at the policy level, and much more is expected to come as major international policy-making events on protected areas approach.

The most directly relevant piece of policy and practical guidance on transboundary protected areas in general, and on community issues in particular, is the IUCN Guidelines on *Transboundary Protected Areas for Peace and Co-operation* (Sandwith et al., 2001; see Annex 1 for excerpts related to community issues). The Guidelines propose essentially that transboundary protected areas, apart from their biodiversity conservation objectives, should have the purpose to “reunite communities and peoples, rebuild common understanding and values, and establish a basis for constructive cooperation”.

IUCN Guidelines on *Transboundary Protected Areas for Peace and Co-operation*

Transboundary protected area planners and managers should:

Work together with communities from the beginning, incorporating their objectives in transboundary conservation plans;

Strive to provide security to people – in every sense;

Support actions with healing effects on communities divided by boundaries;

Support strengthening of local institutions and cultures.

IUCN adopted in 1999 a Policy Statement called *Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas*, which builds on Resolution WCC 1.53 “Indigenous Peoples and Protected Areas” adopted in 1996 (see Annex 2). Both instruments are entirely relevant to transboundary protected areas overlapping with lands and resources of indigenous and traditional peoples; specifically, the *Principles and Guidelines* highlight concepts such as supporting the integrity of communities and resources, and promoting peace and reconciliation for the benefit of local people.

The IUCN/WCPA Guidelines on Indigenous and Traditional Peoples and Protected Areas

Principle 5. The rights of indigenous and other traditional peoples in connection with protected areas are often an international responsibility, since many of their lands ... cross national boundaries and overlap with conservation areas.

5.1 Where trans-frontier protected areas include traditional lands and resources, governments should adopt instruments to guarantee that protected area management respects and supports the integrity of the communities and their resources;

5.2 Indigenous and other traditional peoples' lands within protected areas should be treated as zones of peace and reconciliation.

The International Labour Organization (ILO) Convention 169 on Indigenous and Tribal Peoples in Independent Countries (see Annex 3 for excerpts) is the only international legally binding instrument on indigenous peoples issues; although ratified so far only by a minority of countries, it provides a useful framework to deal with such issues at the international and national levels. The Convention stresses the need to recognize land and resource rights, and call parties to pay particular attention to the situation of mobile peoples; hence its relevance, as often mobile peoples are present in transboundary protected

areas. Further, the Convention requests governments to address the needs of indigenous and tribal peoples who have been affected by the imposition of national borders.

The ILO Convention 169: Protection of Rights of Indigenous and Tribal Peoples Across Borders

Article 14.

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized... Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.

2. Governments shall take steps as necessary ...to guarantee effective protection of their rights of ownership and possession.

Article 32.

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

The Convention on Biological Diversity (CBD) is a key international legal instrument dealing with protected areas, and will hold substantive discussions on the matter at its Seventh Conference of the Parties (COP7) in Malaysia in 2004. In preparation for such an event, the CBD Secretariat presented at the COP6 an information paper called "The role of protected areas within the Convention on Biological Diversity", which places transboundary protected areas at the top of issues to be discussed in 2004. The paper frames the protected areas paradigm promoted by the CBD within the concepts of transparency, participation, decentralization, equity and subsidiarity, and highlights the need to respect the rights and interests of indigenous and local communities linked to protected areas. Needless to say, the CBD guidance on protected areas in general, and that specifically focusing on transboundary protected areas, will become as from 2004 a fundamental reference for protected areas policy and practice worldwide.

Protected areas and indigenous and local communities within the Convention on Biological Diversity (CBD)

"Transparency, participatory approaches, decentralised management; equity and subsidiarity are the key elements in the protected areas governance paradigm promoted by the Convention".

"...the commitments under the Convention in this respect can be understood as recognizing that:

The territorial and resource rights of indigenous and other traditional peoples inhabiting protected areas must be respected;

Protected area managers should incorporate customary and indigenous tenure and resource use and control systems as a means of enhancing biodiversity conservation; and

Knowledge, innovations and practices of indigenous and other traditional peoples have much to contribute to the management of protected areas".

"...the role of the Convention in promoting integrated management of transboundary protected areas is expected to be considered very carefully at the seventh meeting of the Conference of the Parties".

In April 2002, a group of experts and practitioners gathered in Dana, Jordan, to discuss the subject of mobile peoples and conservation, and issued a Declaration now known in conservation circles as the Dana Declaration on Mobile Peoples and Conservation (see Annex 5). The concept of “mobile peoples” is meant to include nomadism, transhumance, swidden agriculture and other patterns of land use where mobility throughout a relatively large landscape is a central feature.

The Dana Declaration recognizes that conservation across borders (international or intra-national) and the interests of mobile peoples often converge, as both face common challenges; many policies and actions that affect landscapes and resources stretching across borders affect at the same time communities with lifestyles based on mobility. The Declaration proposes a number of principles that should guide conservation in lands used by mobile peoples – an issue that is of utmost importance for transboundary protected areas.

The Dana Declaration on Mobile Peoples and Conservation

“...the interests of mobile peoples and conservation converge, especially as they face a number of common challenges. There is therefore an urgent need to create a mutually reinforcing partnership between mobile peoples and those involved with conservation.”

Conservation approaches ... must recognise mobile peoples' rights, management responsibilities and capacities, and should lead to effective empowerment...

Beneficial partnerships between conservation interests and mobile peoples should be based upon mutual trust and respect...

Need to respect and incorporate their traditional knowledge and management practices.

Application of adaptive management approaches.

Equitable sharing of decision-making and management responsibilities between mobile peoples and conservation agencies.

Conclusion: Transboundary Conservation as a tool for social reconstruction

The review of experiences, problems and challenges surrounding the relationships between local communities and transboundary protected areas suggests that both share a number of fundamental objectives but have also a common problem: the legacy of insensitive policies in border areas – policies that have both neglected conservation and social needs. From the perspectives of local people, transboundary protected areas make sense only if they support processes of reconstruction of communities and cultures that may have been affected by country border conflicts and politics, and if they effectively offer more security for the people and the land.

Securing communities' land tenure and access to resources, strengthening local cultures and institutions, tangibly improving people's wellbeing, and building mechanisms for genuine sharing of decision-making with community institutions should be key components of transboundary protected areas strategies and actions.

Policies for transboundary protected areas should take into account customary resource management and traditional land tenure systems. Further, they should accommodate the social, economic and cultural interests, values, rights and responsibilities of local communities living in and around their borders.

“The degree to which communities become real partners in, or only “beneficiaries” of, transboundary natural resource management projects will be an important indicator of the long-term socio-political sustainability and strength of TBNRMA programs. Informal transboundary

activities already exist between communities that could be nurtured further rather than be overwhelmed by increased regional political diplomacy, governmental bureaucracy, conservation advocacy, self-promoting publicity, and tourist market forces". (Metcalf, 1999).

Transboundary protected areas should also support and facilitate contacts and co-operation between communities living across borders, especially if they belong to the same cultures, including activities in the economic, social, cultural, spiritual and environmental fields.

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Annexes

Annex 1. IUCN Guidelines on Transboundary Protected Areas (Excerpts)

Involving and benefiting local people

For all protected areas, including TBPAs, community involvement in protected area planning, policy formulation and management is essential. There is now a large array of literature on this topic (see for example Borrini-Feyerabend, 1996, 1997; Borrini-Feyerabend *et al.*, 2000; Development Studies Network, 2000; Kothari *et al.*, 1996; Lewis, 1996; McNeely, 1995; Stevens, 1997; Stolton and Dudley, 1999; Warner, 2000; Wells *et al.*, 1992). Community involvement, especially where indigenous peoples are concerned, is however particularly important in transboundary situations. Many communities living on the borders between countries or sub-national jurisdictions have suffered from artificial divisions imposed by political boundaries that separate families and peoples, and even turn neighbouring communities into adversaries. Communities in remote border areas may also suffer disproportionately from poverty and inequitable access to services.

Just as TBPAs are a useful tool to maintain or restore ecosystems and natural areas separated by political boundaries, so they can serve to reunite communities and peoples, rebuild common understanding and values, and establish a basis for constructive cooperation. For this to happen, however, the interests, aspirations, and rights of indigenous peoples and local communities have to be respected and taken into account. The essential actions that need to be taken to lay the foundations for effective community involvement in TBPAs include:

1. Engage early in discussions with indigenous peoples and local communities inhabiting all jurisdictional zones of the TBPA, or using their resources. Dialogue should be about the concept, process, and implications of TBPA establishment and management. Fact-finding missions and expert advisors may assist in the identification and analysis of issues of concern to local stakeholders.
2. Work with peoples and communities concerned to identify the shared values and interests that can support nature conservation and sustainable resource use, and which also form the basis for co-operation among communities and with TBPA institutions. Ensure that similar approaches are adopted when engaging with communities in each country.
3. Identify cultural values and resources that communities of the various jurisdictions concerned deem to be important, and which can reinforce and complement the conservation of biodiversity in the TBPA.
4. Identify as soon as possible any actual or potential disputes among the communities in the different jurisdictions, as well as between them and conservation objectives. This may involve disputes related to access to natural and/or cultural resources, or to trafficking or other illegal activities. Support and facilitate conflict management processes whenever necessary. Ensure that protected area personnel are aware of the nature of actual and potential disputes.
5. Identify and address problems and needs related to land and to natural and cultural resource rights in the TBPA region, particularly where they might be affected by national security or other state policies in border regions.
6. Strive to achieve support from decision-makers in all jurisdictions concerned, for prompt and lasting solutions to any disputes. It is important to ensure that relevant international and regional human rights and environmental standards should be complied with, as this may facilitate the resolution of disputes. The rights and needs of minorities and indigenous peoples, the aged, women, youth, children and disadvantaged people should be recognised and accommodated in planning and management.

7. Ensure that negotiation, planning and implementation processes are transparent, not only *within* each jurisdiction, but also across boundaries. Ensure that relevant information is readily available and accessible in the appropriate languages and in all jurisdictions involved: unequal access to information can cause suspicion.
8. Put in place education and information strategies for indigenous peoples and local communities about the benefits and functions of the TBPA, as well as about their rights and responsibilities. This should stress the role that the TBPA can play by helping the communities involved to come closer together, improve mutual understanding, assist in cultural revitalisation, and resolve disputes over the sharing of natural resources.
9. Implement actions aimed at supporting and strengthening local institutions involved with the TBPA, aiming to empower institutions that represent local communities from the different countries or other sub-national jurisdictions.
10. Identify opportunities for sustainable economic development which could generate benefits for the local people, such as support for ecotourism, local cultural heritage, local industries, transport and appropriate infrastructure. Support their implementation in such a way that benefit sharing occurs throughout all jurisdictions concerned.
11. Incorporate biodiversity-related traditional knowledge and cultural information from indigenous peoples and local communities into planning, management and monitoring activities, and highlight those elements that are shared by communities from different jurisdictions.
12. Implement activities that further understanding and co-operation among the communities concerned, such as cultural events, market days and joint projects.
13. Support activities that could have a healing effect on the relationships between communities which have suffered from armed conflict in the past.
14. Involve local and regional NGOs and community-based organisations which may have established partnerships with local communities, and built a relationship of trust.

Annex 2. IUCN Principles and guidelines on indigenous and traditional peoples and protected areas (Excerpts)

Principle 1

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

Guidelines

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

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

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

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

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

Principle 2

Agreements drawn up between conservation institutions, including protected area management agencies, and indigenous and other traditional peoples for the establishment and management of protected areas affecting their lands, territories, waters, coastal seas and other resources should be based on full respect for the rights of indigenous and other traditional peoples to traditional, sustainable use of their lands,

territories, waters, coastal seas and other resources. At the same time, such agreements should be based on the recognition by indigenous and other traditional peoples of their responsibility to conserve biodiversity, ecological integrity and natural resources harboured in those protected areas.

Guidelines

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

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

rights with regard to sustainable, traditional use of their lands, territories, waters, coastal seas and other resources that fall within protected areas,

rights to participate in controlling and managing their lands, territories, waters, coastal seas and other resources, in compliance with agreed management regulations and plans,

rights to participate in deciding on issues, such as technologies and management systems, affecting their lands, territories, waters, coastal seas and other resources, subject to agreed management regulations and plans,

rights to participate in determining priorities and strategies for the development or use of their lands, territories, waters, coastal seas and other resources, in the context of agreed management regulations and plans,

rights to use their own traditional institutions and authorities to co-manage their terrestrial, coastal/marine and freshwater areas, as well as to defend them from external threats, subject to agreements with the agencies in charge of national protected area systems,

rights to require that States obtain the free and informed consent of the respective communities, prior to the approval of any project affecting their lands, territories, waters, coastal seas or other resources,

rights to improve the quality of their lives, and to benefit directly and equitably from the conservation and ecologically sustainable use of natural resources contained in their terrestrial, coastal/marine and freshwater areas,

collective rights to maintain and enjoy their cultural and intellectual heritage, particularly the cultural patrimony contained in protected areas, and the knowledge related to biodiversity and natural resource management,

rights not to be removed from the zones they have traditionally occupied within protected areas. Where their relocation is considered necessary as an exceptional measure, it should take place only with the free and prior, informed consent of the indigenous and other traditional peoples affected, and with appropriate compensation.

2.3 The establishment of new protected areas on indigenous and other traditional peoples' terrestrial, coastal/marine and freshwater domains should be based on the legal recognition of collective rights of communities living within them to the lands, territories, waters, coastal seas and other resources they traditionally own or otherwise occupy or use;

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

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

Principle 3

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

Guidelines

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

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

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

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

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

collaborative research with the indigenous and other traditional peoples concerned for the identification of the features that make the area suitable for protection,

initiation of formal processes to give legal recognition to indigenous and other traditional peoples' land and resource rights, if such legal recognition does not yet exist,

agreement on the designation and management of the protected area, involving the respective organizations and communities, relevant government agencies, non-governmental conservation agencies, and other stakeholders, including arrangements which will ensure mutual accountability, collaborative development of a management plan between the respective government and non-governmental conservation bodies and the communities concerned.

3.6 In developing solid partnerships with indigenous and other traditional peoples for protected area management, government agencies and non-governmental conservation organizations should inter alia: promote open dialogue with indigenous and other traditional peoples' organizations and communities, based on these and other appropriate principles and guidelines, promote and support the necessary legal and policy changes, develop conflict-resolution processes whenever necessary, and encourage and develop capacity-building actions for indigenous and other traditional peoples' organizations and communities.

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

Principle 4

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

Guidelines

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

effective defence of territories against external threats,

support and legal protection of territories,

consolidation of territories, including their demarcation,

technical, financial and political support for indigenous and other traditional peoples' own management activities, and

sustained capacity-building actions and processes for indigenous and local communities, in order to help them to manage their areas and resources effectively.

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

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

Principle 5

Increasing the Effectiveness of Transboundary Conservation Areas in Tropical Forests

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

Guidelines

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

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

Annex 3. Convention 169 on Indigenous and Tribal Peoples in Independent Countries (Excerpts)

The General Conference of the International Labour Organisation,

...

Recognising the aspirations of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the States in which they live, and

...

Calling attention to the distinctive contributions of indigenous and tribal peoples to the cultural diversity and social and ecological harmony of humankind and to international co-operation and understanding,

...

Article 14

1. The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.
2. Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.
3. Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.

Article 15

1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

Article 32

Governments shall take appropriate measures, including by means of international agreements, to facilitate contacts and co-operation between indigenous and tribal peoples across borders, including activities in the economic, social, cultural, spiritual and environmental fields.

Annex 4. Convention on Biological Diversity: The role of protected areas within the Convention on Biological Diversity² (Excerpts)

23. The Convention recognizes that to achieve its aims civil society will need to be included in the process. Transparency, participatory approaches, decentralised management; equity and subsidiarity are the key elements in the governance paradigm promoted by the Convention.

26. Properly managed protected areas provide an important means to implement these commitments. Moreover, due to the important role that many indigenous communities play in the biological resilience of many natural habitats, to effectively manage biodiversity *in situ* will require securing these rights and the involvement of these communities. Collectively, the commitments under the Convention in this respect can be understood as recognizing that:

(a) The territorial and resource rights of indigenous and other traditional peoples inhabiting protected areas must be respected;

(b) Protected area managers should incorporate customary and indigenous tenure and resource use and control systems as a means of enhancing biodiversity conservation; and

(c) Knowledge, innovations and practices of indigenous and other traditional peoples have much to contribute to the management of protected areas.

Guidelines on best practice

51. Although the Convention provides the framework and legal basis for implementing modern management methods, this framework needs to be developed in order to be translated into specific policies and programmes. As has already been mentioned, the Conference of the Parties has called for the development of guidelines for the establishment and management of marine and coastal protected areas at its last meeting. Additional proposals to develop guidelines on best practices are expected to emerge from the other thematic work programmes.

52. The relationship between these thematic specific guidelines and more generic guidelines needs attention. Paragraph 6 of decision IV/15 implies that the Convention should consider a generic approach to the development of guidelines on protected areas in those specific areas enumerated in the decision, namely:

(a) Methods and approaches to deal with protected areas;

(b) Ecosystem and bioregional approaches;

(c) Mechanisms to enhance stakeholder involvement;

(d) Methods for developing systems plans; and

(e) Transboundary protected areas.

Moreover, developing guidelines for each thematic area separately may lead to duplication of work and to inappropriate considerations of Parties' requirements concerning access to existing knowledge and methodologies and identification of gaps. Furthermore, developing generic guidelines in these areas would more effectively build on the key site mechanism mentioned above.

² CBD. 2002. Conference of the Parties to the Convention on Biological Diversity. Sixth Meeting. The Hague, 7-19 April 2002. Item 7 of the provisional agenda: Preparations for the Seventh Meeting of the Conference of the Parties. Document UNEP/CBD/ COP/6/INF/16, 28 February 2002.

53. Various institutions have already developed generic guidelines on a number of these topics. For example, the WCPA has developed guidelines on national planning systems and principles and guidelines on indigenous/traditional peoples and protected areas. UNEP and the World Tourism Organization have also developed generic guidelines on the development of protected areas for tourism. The merits of the Conference of the Parties adopting or endorsing these guidelines will warrant careful consideration. Any guidelines which were developed under the auspices of the Convention would need to build on these existing initiatives.

54. Whatever approach is adopted the active involvement of other institutions will be critical to the development of effective guidelines. This is not only acknowledged by the Conference of the Parties in paragraph 6 of decision IV/15, but also in decision IV/5, in which it called for an informal task force supported by the clearing-house mechanism of the Convention and the Secretariat to collaborate with relevant intergovernmental organisations to develop guidance on criteria for managing marine and coastal protected areas. How the Convention will build on the work of UNEP, the World Tourism Organization, WCPA, WWF and others is yet to be determined. How the institutions of the Convention can effectively cooperate with such a wide variety of organisations is a critical and difficult issue. As noted above development of such guidelines is a task, which the Convention can undertake effectively and which could be a worthwhile contribution to the work of existing institutions. For example, SBSTTA could make a contribution to the development of uniform terminology and technical standards that would enable project information to be described and referred to in consistent and repeatable ways, regardless of language and cultural difference. Some mechanism of co-ordination is, however, important in order to ensure efficient and effective co-operation. The nature of the needs of the Convention in this respect and its role as a framework instrument means that there is a need for this coordination mechanism to be located within the institutional structure of the Convention.

Transboundary protected areas

55. Management of transboundary ecosystems is important due to the significant number of protected areas that have been established in such regions and that a significant proportion of the world's remaining natural habitat is found in such areas. The reasons for this are that these regions are often remote, sparsely populated and mountainous.

56. Transboundary considerations are of special importance in the marine environment. The broad dispersal capabilities and migratory behaviour of many marine species indicate that single reserves will not be capable of adequately protecting all resident species. Rather, regional-scale management is required, consisting of networks of protected areas representing the full spectrum of species and habitats, and taking into account hydrographic features, such as current flow. With knowledge of larval dispersal patterns and distances, networks of reserves can be linked ecologically to provide more effective protection than the more traditional single reserves.

57. The protection of migratory species, both in the marine and terrestrial environments, will also require an approach that extends beyond the single reserve concept and considers the entire range of habitats utilized by a particular species. As an example, migratory birds are fully dependent on the availability of habitats used as wintering, breeding or stopover sites. Any changes in the quantity and quality of these habitats will have an impact on the species. The protection of migrating bird species requires flyway initiatives, where protection measures are taken along the entire migration range, in a practical application of the ecosystem approach. The flyway concept, by definition, requires close cooperation between all the range States involved. Examples of flyway initiatives include the North American Waterfowl Management Plan between Canada, the United States of America and Mexico and the African-Eurasian Migratory Waterbird Agreement, covering approximately 117 countries. The Convention on

Biological Diversity collaborates with the Convention on Migratory Species (CMS) in addressing the protection of migratory species.

58. High-seas areas present a special situation in which existing legal instruments, including the Convention on Biological Diversity, do not necessarily provide an adequate basis for the establishment of protected areas. The global commons contain a number of vulnerable environments such as seamounts, deep water coral reefs and hydrothermal vents and species such as deep sea fish and cetaceans. Human activities presenting a threat to these ecosystems and their components include destructive fishing practices, by-catch and potential bioprospecting. The establishment of protected areas in the high seas will out of necessity need to be based on collaboration and cooperation between all user nations of a given area.

59. Ideally, transboundary protected areas should be jointly managed as one single ecosystem, with a single management plan, overseen by one administrative body and the same regulations applied throughout the area. One transboundary area that is managed in such a way is the Roosevelt Campobello International Park. In this case, an international commission established under a treaty between Canada and the United States of America, financed by both Governments, less than one management policy manages the area.

60. Although it is always possible for states to consult with each other and to cooperate outside the framework of a formal agreement, experience has made it clear that the existence of an international obligation to do so, does improve such co-operation significantly. For example, in the absence of some formal arrangement the relevant park authorities often cannot communicate with one another directly but must go through the ministry in charge of foreign affairs.

61. Formal agreements provide the strongest legal basis for the long-term transboundary cooperation. They can take the form of joint declarations, memorandum of agreements, letters of intention or even the adoption of a treaty. Formal instruments should start from a conceptual framework, with organizing principles and objectives taken from relevant instruments. Issues which may need to be harmonized to allow for this integrated management include: illegal taking and trade of specimens, search and rescue, fire prevention, emergency measures, wardening procedures, border crossing points. Zoning should be jointly determined.

62. Developing such measures relies upon a high degree of political commitment. In many transboundary areas not adequately covered by such arrangements, it will also require additional resources to be made available by international organisations. Due to its financial mechanism and 176 Parties, the Convention is well placed to make an important contribution to the development of transboundary protected areas. Decision IV/15 anticipates that guidelines on good management practises could be worthwhile. Moreover, the relevance of developing effective responses to these issue will be increased by the fact that the ecosystem focus of the seventh meeting of the Conference of the Parties will be mountains, the very type of biome for which transboundary protected areas are critical. Consequently, the role of the Convention in promoting integrated management of transboundary protected areas is expected to be considered very carefully at the seventh meeting of the Conference of the Parties.

Annex 5. Dana Declaration on Mobile Peoples and Conservation

A group of concerned professionals including social and natural scientists from all regions of the world met in Wadi Dana Nature Reserve, Jordan, 3-7 April 2002, to consider a comprehensive approach to mobile peoples³ and conservation. At the end of this meeting, they agreed the following declaration:

The world faces unprecedented threats to the conservation and sustainable use of its biodiversity. At the same time its cultural and linguistic diversity, which includes an immeasurable and irreplaceable range of knowledge and skills, is being lost at an alarming rate.

The linked pressures of human population dynamics, unsustainable consumption patterns, climate change and global and national economic forces threaten both the conservation of biological resources and the livelihoods of many indigenous and traditional peoples. In particular mobile peoples now find themselves constrained by forces beyond their control, which put them at a special disadvantage.

Mobile peoples are discriminated against. Their rights, including rights of access to natural resources, are often denied and conventional conservation practices insufficiently address their concerns. These factors together with the pace of global change undermine their lifestyles; reduce their ability to live in balance with nature, and threaten their very existence as distinct peoples.

Nonetheless, through their traditional resource use practices and culture-based respect for nature, many mobile peoples are still making a significant contribution to the maintenance of the earth's ecosystems, species and genetic diversity – even though this often goes unrecognised. Thus the interests of mobile peoples and conservation converge, especially as they face a number of common challenges. There is therefore an urgent need to create a mutually reinforcing partnership between mobile peoples and those involved with conservation.

In the light of this understanding, we commit ourselves to promoting conservation practices based on the following principles:

PRINCIPLE 1. RIGHTS AND EMPOWERMENT

Conservation approaches with potential impact on mobile peoples and their natural resources must recognise mobile peoples' rights, management responsibilities and capacities, and should lead to effective empowerment. These rights include:

- Human rights: civil, political, social, economic and cultural;
- Land and resource rights, including those under customary law;
- Cultural and intellectual property rights;
- The right to full participation in decision-making and relevant negotiation processes at different levels;
- The right to derive equitable benefits from any consumptive or non-consumptive use of local natural resources.

To this end, appropriate legislative reforms should be promoted as needed, at national and international levels. In addition, because mobile peoples often move through different territories, transboundary co-operation between national authorities may be required.

³ By mobile peoples, we mean a subset of indigenous and traditional peoples whose livelihoods depend on extensive common property use of natural resources over an area, who use mobility as a management strategy for dealing with sustainable use and conservation, and who possess a distinctive cultural identity and natural resource management system.

Recognition of mobile peoples' rights should lead to effective empowerment, and include consideration of gender and age.

PRINCIPLE 2. TRUST AND RESPECT

Beneficial partnerships between conservation interests and mobile peoples should be based upon mutual trust and respect and address the issue of discrimination against mobile peoples. To this end partnerships should:

2.1 Be equitable;

2.2 Fully respect and acknowledge mobile peoples' institutions;

2.3 Balance the exercise of rights by all parties with the fulfilment of responsibilities;

2.4 Recognise and incorporate relevant customary law;

Promote the accountability of all parties in relation to the fulfilment of conservation objectives and the needs of mobile peoples.

PRINCIPLE 3. DIFFERENT KNOWLEDGE SYSTEMS

In planning and implementing conservation of biodiversity with mobile peoples, there is a need to respect and incorporate their traditional knowledge and management practices. Given that no knowledge system is infallible, the complementary use of traditional and mainstream sciences is a valuable means of meeting the changing needs of mobile peoples and answering conservation dilemmas. In particular:

- Traditional and mainstream sciences and management practices should enter into dialogue on a basis of equal footing and involve two-way learning;
- Traditional and mainstream sciences should be appropriately valued and their dynamic nature acknowledged.

PRINCIPLE 4. ADAPTIVE MANAGEMENT

Conservation of biodiversity and natural resources within areas inhabited or used by mobile peoples requires the application of adaptive management approaches. Such approaches should build on traditional / existing cultural models and incorporate mobile peoples' worldviews, aspirations and customary law. They should work towards the physical and cultural survival of mobile peoples and the long-term conservation of biodiversity.

- More particularly, such adaptive management approaches should:
- Build on areas of common interest between the chosen lifestyles of mobile peoples and the conservation objective of sustainable resource management;
- Allow for diversification of livelihoods, and ensure provision of a variety of benefits at all levels, including mobile services;
- Recognise the diversity of systems of tenure and access to resources, including the customary sharing of resources;
- Recognize and support the contributions made by mobile peoples to conserving and enhancing the genetic diversity of domesticated animals and plants;
- Learn from the flexible management practices of mobile peoples to enrich conservation;
- Develop conservation planning at a larger landscape scale, using the notion of mobility as a central concept, and incorporating both ecological and cultural perspectives.

PRINCIPLE 5: COLLABORATIVE MANAGEMENT

Adequate institutional structures for adaptive management should be based on the concept of equitable sharing of decision-making and management responsibilities between mobile peoples and conservation agencies. This is only possible if the existing decision-making mechanisms for biodiversity conservation become more democratic and transparent, so as to allow for the full and open participation of civil society and mobile peoples in particular, and for the establishment of co-management and self-management systems. This requires that the relevant parties:

- Develop processes and means that foster cross-cultural dialogue directed towards consensual decision-making;
- Incorporate culturally appropriate conflict-management mechanisms and institutions;
- Recognize the time-scale appropriate to cultural processes and the time required to build intercultural partnerships for adaptive management;
- Foster locally agreed solutions to conservation problems;
- Encourage diverse and pluralistic approaches to conservation planning and implementation;
- Develop their capacities to enter into mutually beneficial partnerships.

This declaration is our contribution to narrowing the disciplinary divide. The ideas in it need to be tested, refined and further developed in dialogue with mobile peoples themselves and others. But these issues need to be considered urgently at national and international levels – and in particular at the forthcoming World Summit on Sustainable Development and the World Parks Congress.