

Call for Inputs from the Mandate of the Special Rapporteur on the Rights of Indigenous Peoples for his Report to be Presented at the 77th Session of the UN General Assembly

Pursuant to Resolution 42/20 of the Human Rights Council, the [Special Rapporteur on the rights of indigenous peoples](#) will dedicate his annual report to the General Assembly on **Protected Areas and Indigenous Peoples' Rights: the Obligations of States and International Organizations.**

The Special Rapporteur on the rights of indigenous peoples considers it urgent and timely to revisit the issue of protected areas and the rights of indigenous peoples, previously addressed by the mandate in 2016 (A/71/229) and to investigate recent developments with a focus on the obligations of States and international organizations to respect, protect, and promote indigenous peoples' rights and perspectives. The rights of indigenous peoples in the context of conservation and protected areas must be understood and addressed from the particular framework of the UN Declaration on the Rights of Indigenous Peoples and international and regional human rights instruments. These international legal sources recognize indigenous peoples' rights to their traditional lands, territories, natural resources, self-government, self-determination, free, prior and informed consent, and way of life, which form the basis of their collective identity and their physical, economic and cultural survival.

The timing of this study coincides with: indigenous peoples' participation in setting climate policy and conservation goals at the UN Climate Change Conference COP26; the announcement of the High Ambition Coalition 30x30 initiative, an inter-governmental commitment to protect at least 30 percent of the world's lands and oceans by 2030; and the parties to the UN Convention on Biological Diversity adopting the post-2020 Global Biodiversity Framework and 2030 Agenda for Sustainable Development. Consideration will also be given to the impacts of United Nations programmes on indigenous peoples' rights, including UNESCO World Heritage Site designation and the UN-REDD+ Programme. The mandate previously explored the issue of Climate Change and Climate Finance in 2017 (A/HRC/33/42).

The report will review the ways in which lands and resources are removed from indigenous peoples' control for conservancies, climate change programmes, national parks, game reserves and cultural heritage protection. State conservation efforts are often at odds with indigenous peoples' rights to autonomy, security of land tenure and self-determined development and fail to respect their scientific knowledge and sustainable land use practices. The report will highlight examples of indigenous conservation efforts, management or co-management of protected areas and other culture-based initiatives led by indigenous peoples, as well as best practices undertaken by States to recognize and respect indigenous peoples not only as "stakeholders" but as "rights holders."

The Rapporteur identified this theme as a focus for the report after participating in meetings of the IUCN World Conservation Congress and the UNESCO World Heritage Committee in 2021. Numerous and increasing concerns about the impact of protected areas on indigenous peoples' rights continue to be raised with the Special Rapporteur in the context of allegations and country visits. Other UN human rights mechanisms and specialized agencies have explored related topics. The Secretariat for the Convention on Biological Diversity has published numerous reports on Indigenous Peoples and the Post-

2020 Global Biodiversity Framework (CBD/WG8J/11/4). The Permanent Forum on Indigenous Issues conducted studies on Conservation and Indigenous Peoples' Human Rights ([E/C.19/2018/9](#)) and the and the impact of climate change on indigenous peoples ([E/C.19/2021/5](#)) ([E/C.19/2010/7](#)) ([E/C.19/2008/10](#)).

The Special Rapporteur therefore wishes to receive inputs by way of response to the annexed questions, that will inform his upcoming report to be presented at the 77th session of the General Assembly in October 2022. The Special Rapporteur requests submissions from Member States and inter-governmental entities, UN agencies, indigenous peoples and organizations, civil society actors, humanitarian and development organizations, national human rights institutions, business representatives and other stakeholders, to contribute to the preparation of the report. Submissions can be made to ohchr-indigenous@un.org by 22 March 2022 in English, French or Spanish. Kindly indicate in the subject of your email "Submission to 77th General Assembly report." Please limit inputs to 10 pages.

Submissions will be published as received on the OHCHR mandate webpage. Kindly indicate if you DO NOT wish your submission to be made public.

QUESTIONNAIRE

The Special Rapporteur is particularly interested in receiving inputs on **any or all** of the following issues, including recent case studies and specific examples of best practices led by indigenous peoples as well as initiatives taken by States and international organizations.

Protected Areas and Conservation

1. Where protected areas are created on indigenous peoples' lands, are indigenous peoples participating in the management of the protected areas and/or deriving benefits, such as Payment for Ecosystem Services (PES)? If so, please provide recent examples. If not, what are the barriers to participation and free, prior and informed consent?
2. Please identify examples of good practices led by indigenous peoples, States or international organizations to promote, protect, and fulfil the rights of indigenous peoples in the context of conservation and protection of biodiversity, including management or co-management schemes that incorporate indigenous scientific knowledge as well as projects targeted at the inclusion and participation of indigenous women.
3. How do the following initiatives impact indigenous peoples' rights and what specific laws or policies are being undertaken to promote indigenous participation?
 - a) 30x30
 - b) Post-2020 Global Biodiversity Framework
 - c) 2030 Agenda for Sustainable Development
4. Has the State granted legal personhood to non-human entities such as lakes, rivers, mountains, plants, or animals? What is the nature of the recognition

- judicial, legislative, etc. and the status of implementation? Have indigenous peoples participated in the recognition and implementation processes?

UNESCO World Heritage Sites

5. Please describe any positive or negative impacts on indigenous peoples' rights from their lands being listed as UNESCO World Heritage sites. If possible, please refer to specific violations of UNDRIP, the UNESCO World Heritage Operational Guidelines, and the UNESCO Policy on Engaging with Indigenous Peoples.
6. In what ways have indigenous peoples been included or excluded from UNESCO nomination, selection, management, monitoring and reporting of World Heritage sites within their traditional territory? Are there protocols that guarantee indigenous peoples' local, national and international representation in decision-making with respect to listing and site management? For example, is information about proposed listings disseminated to impacted indigenous communities in their languages?
7. Please provide examples of best practices employed by indigenous peoples, States, conservation organizations, and UNESCO to ensure impacted indigenous peoples are made central stakeholders and rights holders in the World Heritage Site listing and management processes. Where possible, please describe any positive or negative experiences with the International Indigenous Peoples' Forum on World Heritage (IIPFWH).

REDD+

8. What is the impact of REDD+ on indigenous peoples' rights in the context of protected areas? How have States and international institutions encouraged indigenous participation in the creation and implementation of REDD+ national policies, strategies or action plans and other projects geared toward preventing climate change, including opportunities for co-management and inclusion of traditional stewardship practices?
9. Are mechanisms in place for indigenous peoples to file complaints and request investigation and redress for negative impacts associated with REDD+ projects?
10. What social or economic benefits do indigenous peoples receive from REDD+ and similar initiatives? Are these benefits culturally appropriate as well as gender and intergenerationally inclusive? Please describe how measurable project results are being shared with indigenous peoples.