



## IUCN submission to the UN Special Rapporteur on the Rights of Indigenous Peoples regarding Protected Areas

**Date of Submission : 13 April 2022**

### Background: IUCN, Indigenous Peoples and Protected Areas

This submission is a contribution by the International Union for Conservation of Nature (IUCN) to the request from the UN Special Rapporteur on the relationships between protected areas and Indigenous Peoples. It has been prepared by the Protected and Conserved Areas Team, in consultation with the Human Rights in Conservation Unit within the IUCN Secretariat. It therefore does not represent the inputs of all potential informants within IUCN, and as such represents an opportunity for further discussions.

IUCN has a long history of working with Indigenous Peoples both to promote recognition of their rights at policy level and to support their conservation activities on the ground. IUCN endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2008 and regularly monitors and reports on its contributions to the implementation of the Declaration. [IUCN Resolutions](#) and initiatives emphasize Indigenous Peoples' rights to the lands, territories, and natural resources they have traditionally owned, occupied and used, to their leadership in and contributions through their self-determined governance, knowledge and practice, and the need to ensure effective participation of Indigenous Peoples in all conservation initiatives and policy developments that affect them. A selection of the Resolutions are listed below:

WCC 2020 [7.002](#) Strengthened institutional inclusion concerning Indigenous Peoples

WCC 2020 [7.115](#) Protecting environmental human and peoples' rights defenders and whistleblowers

[WCC 2020 Res 080](#) Recognising, reporting and supporting other effective area-based conservation measures

[WCC 2020 Res 118](#) 7.118 Recognising and supporting Indigenous Peoples' and local communities' rights and roles in conservation

WCC 2020 [7.137](#) Affirming the right of Indigenous Peoples and local communities to sustainably manage and utilise wild resources in the context of COVID-19

[WCC 2016 Res 030](#) 6.030 Recognising and respecting the territories and areas conserved by Indigenous Peoples and local communities (ICCAs) overlapped by protected areas

[WCC 2012 Res 094](#) Respecting, recognizing and supporting Indigenous Peoples' and Community Conserved Territories and Areas

WCC 2012 5.097 - Implementation of the UN Declaration on the Rights of Indigenous Peoples

[WCC 2012 Res 047](#) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the context of the UNESCO World Heritage Convention

[WCC 2008 RES 048](#) Indigenous Peoples, protected areas and implementation of the Durban Accord

[WCC 2004 RES 055](#) Indigenous Peoples, protected areas and the CBD Programme of Work

[WCC 1996 RES 053](#) Indigenous Peoples and Protected Areas

[GA 1994 REC 022](#) Indigenous People



For IUCN, the term ‘Indigenous Peoples’ follows the definition or ‘statement of coverage’ contained in the [International Labour Organisation Convention on Indigenous and Tribal Peoples in Independent Countries](#). Therefore, it includes:

- i. peoples who identify themselves as ‘indigenous’;
- ii. tribal peoples whose social, cultural, and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- iii. traditional peoples not necessarily called indigenous or tribal but who share the same characteristics of social, cultural, and economic conditions that distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions, and whose livelihoods are closely connected to ecosystems and their goods and services.

While IUCN recognizes that all people should enjoy equal rights and respect regardless of identity, it is strategically important to distinguish Indigenous Peoples as rights holders of individual and collective rights, and as distinct from other stakeholders. They have a distinct set of rights linked to their social, political and economic systems and situation as a result of their ancestry and stewardship of traditionally used and occupied lands and resources vital to their well-being. Although IUCN takes a global approach in line with international provisions on recognition and respect for the rights of Indigenous Peoples, it recognizes the need to consider the national policy frameworks in order to operationalize this definition on the ground.

The Indigenous Peoples Organisations (IPO) Membership of IUCN, a membership category created in 2016 to advance the rights and to recognize and support the roles of Indigenous Peoples, have [developed a self-determined strategy](#) identifying joint priorities for advancing their rights and issues in conservation and engaging with each other and within IUCN moving forward. In 2019, an expert group meeting on Indigenous Peoples’ rights in conservation produced a briefing paper on “[Advancing Indigenous Peoples rights in IUCN’s conservation programme](#)”. In 2021, IUCN [made a statement](#) to the Twentieth Session of the United Nations Permanent Forum on Indigenous Issues.

Globally, protected areas (PAs) have long been and remain a key biodiversity conservation strategy, as reflected in the Convention on Biological Diversity (CBD) and conservation policy (including many IUCN Resolutions). The IUCN defines a PA as a: “...clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values”.<sup>1</sup> Indigenous Peoples have long been recognised as major contributors to

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<sup>1</sup> See Dudley, N. (2008). [Guidelines for Applying Protected Area Management Categories](#). IUCN, Gland (Switzerland).



effective area based conservation, including PAs.<sup>2</sup> The IUCN and the CBD recognise the following four types of governance:

- Type A. governance by government (at various levels)
- Type B. governance by various actors together (shared governance)
- Type C. governance by private individuals and organisations (usually the landholders)
- **Type D. governance by Indigenous Peoples and/or local communities (often referred to as ICCAs or territories of life)**

The acronyms CCA (Community Conserved Area) and ICCA (Indigenous and Community Conserved Area) have been in use by IUCN and the CBD since the early 2000s. In recent years the terminology has been refined, and IUCN and the CBD now most frequently use the term “ICCA” as an abbreviation for “territories and areas conserved by Indigenous Peoples and local communities” and for “Indigenous Peoples and community conserved areas”. ICCA is a way to frame what are in practice, diverse approaches with also many, local, traditional names. The ICCA Consortium also has recently begun to refer to ICCAs as “territories of life.” IUCN defines ICCAs as “natural and modified ecosystems including significant biodiversity, ecological services and cultural values, voluntarily conserved by indigenous and local communities through customary laws or other effective means (*italics added*) (IUCN 2003, 2004).<sup>3</sup> IUCN is a member of the consortium of partners of the ICCA Registry Steering Committee of the [ICCA Registry](#), and works to recognise the identification and reporting of ICCAs to the global database.

These bodies of international law and policy also increasingly recognize the importance of centring governance, equity and rights in protected areas, including in multiple IUCN Resolutions (e.g., see above) and CBD decisions (e.g. see below) and voluntary guidance (e.g. Annex II of [Dec. 14/8](#)). “Equity” relates to fairness and justice. Governance concerns how and by whom decisions are made and upheld. Recognising that governance is a key factor for protected areas to succeed in conserving biodiversity while supporting sustainable livelihoods, Parties to the CBD have agreed to take action and enhance PA governance together with Indigenous Peoples, local communities, and relevant stakeholders. The Programme of Work on Protected Areas (PoWPA), adopted by the Conference of the Parties to the Convention (COP) in 2004, recognised “poor governance” as an obstacle to achieving PA objectives and included Programme Element 2 setting out goals on governance, participation, equity, and benefit sharing. Further, Aichi Biodiversity Target 18 and work on Article 8(j) and related provisions call for recognition and respect for Indigenous Peoples’ and local communities’ contributions and rights in the context of PAs. Collectively, agreed recommended actions related to PA governance under the CBD include, inter alia:

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<sup>2</sup> Please see section below on the post-2020 Global Biodiversity Framework.

<sup>3</sup> IUCN 2003. World Parks Congress 2003, Recommendation V.26 “Community Conserved Areas; IUCN 2004. World Conservation Congress 2004 Resolution 3.049 “Community Conserved Areas).



- assessing governance and considering and incorporating governance principles;
- diversifying, strengthening, and recognising the contributions of protected and conserved areas under different governance types, including territories and areas conserved by Indigenous Peoples and local communities and by private actors;
- enhancing and securing involvement, particularly through the full and effective participation of Indigenous Peoples and local communities, and recognition and respect for their rights, knowledge, and capacities;
- respecting and promoting “prior and informed consent”, “free, prior and informed consent” (FPIC) or “approval and involvement” depending on national circumstances, of Indigenous Peoples and local communities; and
- assessing the economic and socio-cultural costs, benefits and impacts; avoiding and mitigating negative impacts; and, where appropriate, compensating costs and equitably sharing benefits.<sup>4</sup>

## Responses to the Questionnaire of the UN Special Rapporteur

### 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?

IUCN acknowledges that unjust practices in the establishment, governance and management of protected areas have taken, and are taking, place, and that Indigenous Peoples in particular have been subject to such practices on their lands. This has also included dangers to environmental defenders, and related remaining historical injustice and land legacy issues. In this regard, work that moves towards [inclusive, participatory approaches](#) that recognise the rights of Indigenous Peoples is a vital component of the IUCN programme. Protected and conserved areas practices must be at the vanguard of empowering, recognising and supporting Indigenous Peoples and promoting a human rights based approach. We welcome this as an opportunity to discuss further.

In terms of action, here below are two examples of where positive action has been taken towards acknowledging and addressing injustices from protected areas that were created on Indigenous Peoples' land, and to empower and support Indigenous Peoples rights, participation and benefits going forward. These are not exhaustive and other tools such as the [IUCN Whakatane Mechanism](#) could be further explored.

#### *a) IUCN Central America map identifies protected areas and Indigenous Peoples territories*

Together with accompanying charts that detail the names, populations, and locations of Indigenous Peoples throughout the region, the IUCN hopes the 2016 map will contribute to the

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<sup>4</sup> As summarised in [CBD/SBSTTA/22/INF/8](#)



body of evidence that shows a rights-based approach to conservation can ensure not just sustainable use of biodiversity and resources, but also recognition and respect for the land rights and land tenure of Indigenous Peoples, who occupy vast swaths of Central America. The map shows that Indigenous territories comprise more than half of the region's forests and many of its waterways, making Indigenous communities critical guardians of Central America's most fragile ecosystems. Web: [Indigenous territories occupy 40 percent of protected land and marine areas in Central America \(mongabay.com\)](https://www.mongabay.com) Web: [ArcGIS](https://www.arcgis.com)

*b) Forthcoming publication “Guidelines for Recognising and Respecting ICCAs that are overlapped by Protected Areas” World Commission on Protected Areas Best Practice Guidelines Series, (forthcoming 2022)*

IUCN's 2016 policy on recognizing and respecting ICCAs overlapped by protected areas observes that, “government-designated and privately protected areas often overlap with ICCAs without appropriately recognizing and respecting them” (IUCN World Conservation Congress Resolution 6.030, para. 2). The above-mentioned Best Practice Guidelines publication, to be published in 2022, identifies many good practices for doing so, illustrated by examples from around the world. It also provides examples of protected areas governed by or with Indigenous Peoples.

With regard to the known barriers to participation and the implementation of free, prior and informed consent, experience suggests that there are various, inter-related barriers which may include lack of recognition of rights at the national level; lack of supportive and operationalized/ implemented laws, policies and processes; and lack of resources and capacities. This may include limitations/barriers related to the capacities of conservation authorities and others to uphold their roles as duty-bearers/ responsible parties with respect to Indigenous Peoples rights and to recognize and support the leadership, knowledge and values of Indigenous Peoples. Fully addressing such barriers is likely to require not only changes in policy, practice and resource levels and distribution, but also further shifts in awareness, mind-sets and power relationships. There are, however, many inspiring examples that such changes are possible. We would welcome further discussions and investigation to examine the potential barriers and how they may be addressed.

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.

IUCN promotes several global initiatives that will support the leadership of Indigenous Peoples and local communities in conserving their lands, territories and waters. These initiatives are listed below together with the links for further information.



*a) The IUCN Green List Standard of Protected and Conserved Areas*

The recognition of Indigenous Peoples' territories and gender equity are embedded into the IUCN Green List Standard of Protected and Conserved Areas, the first global standard that describes effective and equitable area based conservation. Indigenous Peoples' territories and their role as governance actors have been recognised, supported and reported as part of the IUCN Green List process in [Australia](#) and [Peru](#). The process and pathway of the IUCN Green List sets out broad principles for good governance of protected areas (elsewhere described as equitable management or equitable governance): - Legitimacy and Voice - Accountability and Transparency, and - Governance vitality. Web: <https://iucngreenlist.org/>

*b) The Inclusive Conservation Initiative (ICI)*

The ICI supports Indigenous Peoples and Local Community (IPLC)-designed and -led activities that protect biodiversity and result in other global environmental benefits. The Inclusive Conservation Initiative will support enhanced Indigenous and community stewardship across 7.5 million hectares of landscapes, seascapes, and territories with high biodiversity and irreplaceable ecosystems. Recognizing the continuing historical role of Indigenous Peoples and local communities in safeguarding natural ecosystems, ICI will provide direct financial support to Indigenous and locally led initiatives in Africa, Central and South America, Asia and the Pacific. Supervision and technical guidance are provided by Conservation International (CI) and the IUCN, serving as joint GEF Implementing Agencies. Both organizations bring their decades of collective experience working with IPLCs, as well as their regional and global expertise, to the implementation of the GEF Inclusive Conservation Initiative. Web: <https://www.inclusiveconservationinitiative.org/about>  
<https://www.thegef.org/newsroom/press-releases/inclusive-conservation-initiative-prioritizes-indigenous-and-local>

*c) The Global Support Initiative (GSI) for ICCAs*

The GSI for ICCAs is an initiative funded by the German government, the Global Environment Facility (GEF), and the United Nations Development Programme (UNDP). It comprises a large global fund for territories and areas conserved by Indigenous Peoples and local communities (ICCAs) to report as part of global CBD targets. The IUCN component of the GSI consisted of six assessments of the national governance context for protected areas, ICCAs and other effective area-based conservation measures (OECMs) in Ecuador, Indonesia, Iran, Peru, Tanzania and Vietnam. This was done via the convening of national dialogues between relevant national authorities, Indigenous Peoples' organisations, and ICCA Consortium members to discuss the challenges and opportunities facing the recognition of ICCAs in protected area systems. Assistance was provided to national stakeholders (government departments, CBD Focal Points, NGOs, communities, ICCA Consortium members) in collecting information on: governance diversity, quality and vitality including ICCAs. Facilitation of the submission of ICCA information to the ICCA Registry and World Database on Protected Areas (WDPA).

Web: <https://www.iucn.org/theme/protected-areas/our-work/governance-equity-and-rights/global-support-initiative-iccas>



*d) IUCN's Gender and Climate Action Initiative*

Since the publication of the IUCN Gender and Climate Action Initiative, IUCN and the United States Agency for International Development (USAID) have launched the Gender-Based Violence and Environment Linkages Center (GBV-ENV Center) under its partnership on Advancing Gender in the Environment (AGENT). To date, the initiative has fielded over 200 requests from governments, environmental organisations, civil society and academia for help to make connections and design informed actions. This provides critical data, including related to Indigenous women, and will promote gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes.

Web: [Celebrating strides: \(iucn.org\)](http://iucn.org)

*e) IUCN's Climate Change Gender Action Plans*

Climate Change Gender Action Plans (ccGAPs) build on and enhance a country's national climate change policy, plan or strategy by delving into gender-specific issues to create innovative mitigation, adaptation and resilience-building strategies that champion gender equality and women's leadership. Developed via a unique, participatory, multi-stakeholder and cross-sectoral process, ccGAPs have been created and approved in over 20 countries through the facilitation and strategic guidance of IUCN and with support from the Government of Finland, USAID, the Spanish Cooperation and other key partners. ccGAPs have been developed with a focus on empowering the rights of Indigenous women in Sonora Mexico. Web: [Indigenous women leading the way on climate change: A new ccGAP in Sonora - IUCN \(genderandenvironment.org\)](http://genderandenvironment.org) and [Programa de Adaptación al Cambio Climático de la Región de las Grandes Islas, Sonora - Plan de Acción de Género - IUCN \(genderandenvironment.org\)](http://genderandenvironment.org).

*f) Capturing Solutions of Indigenous Peoples recognised territories and lands via the PANORAMA platform.*

The PANORAMA platform provides a structured approach to capturing solutions, which can be disseminated, for peer-to-peer learning, awareness raising and advocacy work in protected and conserved areas. These volumes provide examples of Indigenous Peoples territories, amongst others. Web: ["Governance of Protected and Conserved Areas " | PANORAMA](http://PANORAMA)

*g) Building livelihood resilience to climate change via the Green Climate Fund*

This project aims to reduce the impacts of climate change on Indigenous Peoples living in areas higher than 1,800 above sea level, in the Upper Basin of Guatemala's highlands, and are dependent on a balanced ecosystem for their livelihoods. Web: [FP087: Building livelihood resilience to climate change in the upper basins of Guatemala's highlands | Green Climate Fund](http://Green Climate Fund)

*h) The IUCN Environmental and Social Management Risk System (ESMS)*

The ESMS provides a systematic procedure to check, monitor and report on proposed and active IUCN projects for potential adverse environmental and social impacts to assure that negative impacts are avoided or minimised to the extent possible while positive impacts are



stimulated. In particular, the [IUCN's Standard on Indigenous Peoples](#) determines the specific actions that are required, carried out with the affected Indigenous Peoples involved, and is guided by, amongst other global instruments, the UN Declaration on the Rights of Indigenous Peoples. For this standard, the term 'Indigenous Peoples' follows the definition or 'statement of coverage' contained in the International Labour Organisation Convention on *Indigenous and Tribal Peoples in Independent Countries*. The ESMS is rigorously applied to the [grant-making programmes of IUCN](#), ensuring that rights based approaches are applied and that risks to Indigenous Peoples are identified, mitigated, monitored and reported throughout and beyond the project life cycle. Grievance mechanisms are in place for both project proponents and those affected by project activities. Web: <https://www.iucn.org/resources/project-management-tools/environmental-and-social-management-system>

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 and b) Post-2020 Global Biodiversity Framework

As of the time of writing, CBD Parties are negotiating the [post-2020 CBD global biodiversity framework](#) (GBF), including Target 3, which would (as currently drafted) renew this area-based target and expand it to 30% of global land and water. Calls for expanding the coverage of (recognised) area-based conservation may spur increased, appropriate recognition and support for Indigenous Peoples and local community (IPLC)-led conservation efforts. This is crucial as a matter of respect for rights and in recognition of the enormous global contributions that come from IPLCs' self-determined conservation leadership and governance of their collective territories and areas, and the growing threats and pressure they face.<sup>5</sup> At the same time, expanded area-based conservation, including protected areas, without equitable and effective governance and respect for rights (including IPLCs' collective rights) raises the risks of displacement and other rights violations. The risks are both that IPLCs may be excluded from or by conservation action – perhaps being displaced or having their use rights restricted, as has too often been the case historically – and also that their unique contributions to the targets are not adequately or appropriately recognised or supported to continue. These concerns pertain to both *de jure* and *de facto* governance by Indigenous Peoples and local communities.

Work on identifying, recognising, supporting and reporting conserved areas, and other effective conservation measures will be vital to avoid these risks and to recognise Indigenous Peoples rights. Borrini-Feyerabend and Hill (2015:178) describe a conserved area as one that "...regardless of recognition and dedication, and at times even regardless of explicit and conscious management practices, achieves *de facto* conservation and/or are in a positive conservation trend and likely to maintain it in the long term".<sup>6</sup> Some conserved areas may be

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<sup>5</sup> See, among others: WWF, UNEP-WCMC, SGP/ICCA-GSI, LM, TNC, CI, WCS, EP, ILC-S, CM, IUCN (2021). The State of Indigenous Peoples' and Local Communities' Lands and Territories: A technical review of the state of Indigenous Peoples' and Local Communities' lands, their contributions to global biodiversity conservation and ecosystem services, the pressures they face, and recommendations for actions Gland, Switzerland

<sup>6</sup> See Borrini-Feyerabend, G. and R. Hill (2015). 'Governance for the conservation of nature', In Protected Area Governance and Management, Worboys, G. L. et al. (eds.). ANU Press, Canberra.





recognised as “other effective area-based conservation measures” (OECMs) for purposes of reporting to the CBD. In 2018, CBD Parties adopted a decision defining OECMs as “...a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values”.<sup>7</sup> This decision also includes scientific and technical advice stating, “Recognition of [OECMs...] in areas within the territories of Indigenous Peoples and local communities should be on the basis of self-identification and with their free, prior and informed consent, as appropriate, and consistent with national policies, regulations and circumstances, and applicable international obligations”.<sup>8</sup>

On 25<sup>th</sup> March 2022, the IUCN together with the International Indigenous Forum on Biodiversity organised a [Side event](#) at the CBD meetings of the SBSTTA, SBI and OEWG in Geneva. The event was created as a forum to exchange views on the new draft target, “30 x 30” replacing the old [Aichi Target 11](#). One clear message from this event (and other ongoing discussion) is the importance of recognizing and acting in ways that reflect that the ‘30 x 30’, Target is not just about spatial coverage. To be successful in conserving biodiversity, these areas must focus on quality, i.e. they must be equitably governed, effectively managed and achieving conservation outcomes. The event featured the strong [scientific basis for setting a minimum of 30%](#) of global land and water to be conserved and the origins and definition of the term “other effective conservation measures” (OECMs), the guidance available and key concepts to bear in mind, including the importance of equitable conservation practices. The IUCN guidance on the critical role of equitable governance, and asking [who counts in these efforts, and how \(and by whom\) should these efforts in fact be counted?](#) With the new proposed wording of “equitable governance” in the draft Target, guidance from the CBD and IUCN advises that through [the recognition of diverse actors and areas](#), such as Indigenous Peoples, local communities and other private actors, the target may be reached. The recognition of these actors at the national level (or systems level) is key. The Forest Peoples Programme (FPP) and International Indigenous Forum on Biodiversity (IIFB) [opened with the advice and guidance](#) that, in addition to the focus on governance, an acknowledgment of perspectives is critical. The recently published briefing on [Indigenous Peoples, local communities and area-based conservation targets](#) stressing that the rights to lands, territories and resources that are customarily owned, occupied or otherwise used by Indigenous Peoples and other communities with collective rights, should be recognised and supported through national policies and laws.

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,

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<sup>7</sup> CBD Decision 14/8, para 2, Sharm El-Sheikh, 2018.

<sup>8</sup> Decision 14/8, Annex III, A(i)



etc. and the status of implementation? Have Indigenous Peoples participated in the recognition and implementation processes?

IUCN is aware that Panama has enacted a Rights of Nature Law, Guaranteeing the Natural World's 'Right to Exist, Persist and Regenerate'. With this, Panama now joins Bolivia, New Zealand, Bangladesh, Ecuador, Brazil, Colombia and Mexico, among other countries, which have issued court decisions, either enacted laws or amended constitutions recognizing the legal rights of nature. The idea that nature, like humans, corporations and governments, should have legal rights emanates from the worldview of some Indigenous cultures as well as the "deep ecology" movement of the 1970s. Panama's legislation states that the country recognizes the close relationship between the rights of nature and the beliefs of its Indigenous Peoples and "will promote the incorporation of their ancestral knowledge in the interpretation and implementation of rights and obligations contained in this Law. We would invite further discussion on this topic as much creative work has taken place under the IUCN World Commission on Environmental Law.

### **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.

We have been consulted on the response of UNESCO in relation to this question, and note the number of examples provided. There are now a number of World Heritage Sites where rights issues have been raised, both in terms of the decisions of the World Heritage Committee, decisions of States Parties to nominate, or legacy issues regarding when sites were originally protected. We believe the SRIP is aware of the most prominent cases, since we have exchanged directly in relation to this with them and their staff (and including previous mandate holders).

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?

Please see above regarding the first part of this question. Regarding the question of protocols, the inclusion of Indigenous Peoples is required in the Operational Guidelines to the World Heritage Convention, in the terms set out in the Convention's policy on sustainable development, and this is codified in the format for nominations, and is also addressed in the new format for preliminary assessment of potential nominations. The question regarding



languages is an important one, and is, more broadly a significant issue within the World Heritage Convention due to the limited working languages of the Convention (only English and French). The introduction of protocols regarding provision of information in local languages, including the languages of Indigenous Peoples, would be a good idea. At present there is no provision in the processes IUCN engages in for such translation on a systematic basis. Furthermore the complexity of the World Heritage Convention creates challenges in translating internationally agreed “diplomatic” language into local languages since the concepts of the Convention often do not have simple translations available, but require a deeper dialogue process. In this regard we think one relevant experience that would be worth investigating further by the SRIP is the development of the nomination of Pimachiowin Aki (Canada). We are aware this process, led by first nations, involved extensive work to ensure an understanding of Convention processes in the local languages of the Indigenous Peoples leading the nomination process, as the nomination was prepared.

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).

IUCN has introduced progressively a series of protocols in its World Heritage Work, to ensure that issues related to Indigenous Peoples in nomination processes are considered. These actions include systematic inclusion of a section of all site evaluation reports to consider impacts on rights, and this entails ensuring to the extent possible mission itineraries meet and have opportunities to exchange with Indigenous Peoples. We would be happy to exchange further with the SRIP in terms of the experiences of operationalising these methodologies, and the current limitations.

Regarding the IIPFWH, IUCN has engaged with this new organisation positively since its founding, and we are keen to build collaborative processes to exchange and consult on Indigenous Peoples issues. As one recent example, IIPFWH was mentioned explicitly in the UNESCO/IUCN/ICOMOS report on the Ngorongoro Conservation Areas, and if a mission proceeds (at the invitation of Tanzania), IIPFWH would be invited to engage. This would be a first time that such a mission would include such a participation. IIPFWH has also represented itself clearly at a number of WH Committee meetings, and ensured Indigenous Peoples' viewpoints are heard, however there is a need to strengthen the presence of IIPFWH at Committee meetings, and in the Convention's procedures. We have the impression that the level of resources available to IIPFWH remains insufficient, and thus we also consider that there is a need to strengthen IIPFWH capacity, however we defer to IIPFWH to advise on its situation and perspectives on its development.