

# **Indigenous Peoples and Local Communities, and their critical role in protected and conserved areas**

## **“2<sup>nd</sup> Asia Parks Congress: Parks for Nature and People”**

*Kota Kinabalu, Sabah, Malaysia, 26 May 2022*

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Thank you, moderator,

Distinguished delegates and Indigenous brothers and sisters. This is the first time that Indigenous Peoples and local communities from Asia are participating in the Asia Park Congress.

First of all, I would like to thank the IUNC, the Government of Malaysia and all the partners for creating this opportunity for participation. We hope that this opportunity translates into a genuine partnership and alliance building between IPLC, governments, conservation organizations and CSOs for realizing our common mission of promoting nature and people together in Asia.

Such genuine partnership and alliances are of critical importance because we are in the critical moment of history where the massive loss of biodiversity and deepening of climate crisis already threatens life on the planet as never before. Secondly, the risk from increase in zoonotic diseases and rate of epidemics and pandemics resulting from destruction of wild habitats and the environment looms large. Furthermore, the shrinking of civic space has put our freedom rights at peril in Asia shunning access to justice.

Dear friends, this is an indication that the fundamental structures of our civilizations are under the threat of collapsing. So we must make way for new structures to emerge to save our collapsing world by preserving what is good and by learning the hard lessons of our time. This may sound radical and disturbing for some, but we must become aware that changes are already occurring, and we must bolster the process of reversing and transforming our civilization towards a much better alternative.

If we do not recognize and accept these critical developments taking place in Asia and around the world, the CBD Vision 2050 of living in harmony with nature will not be realized. Allow me to elaborate a few points to validate this argument.

The good signs are that governments are finally committing to new goals to conserve lands and oceans as well as beginning to recognize the important role of IPLCs. Governments, CSOs, and conservationists have put forward proposals for bringing 30 % of the world's lands and oceans under protected area systems which will guide party members towards the vision of 2050 in addressing the twin problem of biodiversity loss and climate change. The risks are that important biodiversity conservation areas often overlap with the LTR of Indigenous Peoples and expanding national protected areas leads to dispossession of lands and a growing list of human rights abuses.

The CBD Vision 2050 can be realized only by moving away from the fortress approach to conservation. Standing up for rights and defending land and environment in Asia has endangered grassroots leaders for defending their rights and the integrity of their ecosystems. The region is raging with land-related conflicts with high rate of human rights and environmental defenders getting killed (who are mostly Indigenous Peoples). For example,

Nepal currently has 49 protected areas (24 percent of Nepal) in the country but only one is documented as being fully governed by local communities<sup>1</sup>, and these sites are often riddled with social conflicts and human rights abuses.

Harmony with nature ultimately hinges on the recognition of human rights and intergenerational equity over lands, territories, and resources. To achieve the post-2020 conservation agenda, future actions and investments **must recognize the conservation leadership of grassroots communities and place the advancement of their land tenure rights, cultural identities and equitable governance as game changing solution as well as a measurement of success.**

There are already a few countries with established rights to our lands, territories, and resources in Asia i.e., India, Philippines, Indonesia, and Cambodia. However, progress in securing land titles has been painfully slow in all these countries. For instance, even though the Cambodian law for recognition of community land was enforced in 2001, only about 35 Community Land Titles have been issued over a duration of 21 years.

There is a clear tenure rights gap in Asia. Indigenous Peoples and local communities customarily own and control nearly 40 percent of Asia<sup>2</sup>. When excluding data from China, only 8.7 percent of all indigenous and local community lands and territories in Asia are legally recognized<sup>3</sup>. In nine South and Southeast Asian countries alone, **the area of unrecognized Indigenous Peoples' and community lands is approximately 140.3 mHa<sup>4</sup>**. This represents an area larger than the combined territories of Cambodia, Thailand, Lao PDR, and the Philippines.

The environmental problems and human rights abuses that we are facing today is fundamentally a spiritual crisis. It is a spiritual crisis because it is a result of the break-down of our relationship (among individuals and societies); and a break-down of our relationship with nature. It is a spiritual crisis because we have lost the motivational force of our conviction to be true to the values and principles of making agreements—breaking them or ignoring them have become the norm.

Dear friends, if we are to realize the vision of living in harmony with nature, we need an accompanying worldview and culture where co-responsibility for the well-being of all human beings, non-human life, and equal respect for nature is at the heart of it. This is essentially the worldview of the vast majority of Indigenous Peoples around the world e.g., the Semai people of Malaysia calls this *tenhaq* while the new declaration of the Dusun of Sabah, Malaysia calls this *divine human-stewardship*. We must recover the culture and meaning of human rights grounded on corresponding obligations, duties, and responsibilities towards one another and towards non-human life. Simply put, rights exist because the well-being of life on the planet must be protected.

Indigenous practices are increasingly supported by a growing body of academic and peer reviewed research which demonstrate how our practices support and even preserve the environment and biodiversity at large. Indigenous Peoples and local communities have

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<sup>1</sup> United Nations Environment Programme – World Conservation Monitoring Center. 2021. "Protected Area Profile for Nepal." Protected Planet World Database of Protected Areas. Accessed September 2021. Available at: <https://www.protectedplanet.net/country/NPL>.

<sup>2</sup> Rights and Resources Initiative, 2020b

<sup>3</sup> Rights and Resources Initiative. 2020b. Estimated area of land and territories of Indigenous Peoples, local communities, and Afro-descendants where their rights are not recognized. Washington, DC: Rights and Resources Initiative. <https://doi.org/10.53892/UZEZ6605>.

<sup>4</sup> Rights and Resources Initiative, 2020b.

demonstrated that we have the cultural resources to contribute to equitable governance of land and natural resources, co-creation of knowledge as innovative solutions of climate change and biodiversity loss, and inter-cultural education. However, what is impeding our agency are the national conservation practices and laws that centralize management as opposed to fully supporting the agency of local governance systems through a bottom-up approach.

Adopting a human rights-based approach, securing land tenure rights, and enforcing equitable governance will be an important step in decolonizing land and conservation governance systems and build enabling conditions for the effective stewardship of forests and territories.

As a way forward, equitable governance, and explicit reference to rights to lands, territories, and resources must be made, especially in Target 3 and Target 21 of the Global Biodiversity Framework (GBF). It must be recognized that achievement of the GBF and its targets is first and foremost a question of governance rather than management. Equitable governance helps ascertain who has the power to set the agenda and make decisions regarding appropriate actions, how these decisions are made, in what authority and with what responsibility, and who is accountable for these actions. Furthermore, ensuring the integration and mainstreaming of human rights throughout all the targets is needed.

A human rights-based approach to conservation involves the recognition of a full bundle of rights i.e., access, withdrawal, management, exclusion, due process, and compensation. It will also require monitoring frameworks to aid accountability and the achievement of measurable human rights targets.

According to Rights and Resources Initiatives (RRI), funding a human rights-based approach will cost less than 1% of the current estimate of \$1.4 trillion using the conventional approaches of the state to reach the 30% target of protected areas in 10 years<sup>5</sup>. Funding a human rights-based approach to conservation would require redistributing current conservation funding and tenure funding to rightsholder organizations on the ground. These funds would support securing customary and traditional lands, protecting and monitoring of rights, and contribute towards building the technical capacities of communities.

Our call for adopting a human rights-based approach is for recovering our conviction to the values and principles of rights and for genuine partnership with governments, conservationists, scientists and CSOs. Further, it is a call to embrace genuine pluralism that is coherent and unites everyone under the common vision of living in harmony with nature. We are convinced that it is good for conservation, for life on the planet, for our children, for democracy, and justice and peace.

I end with an appeal to you all to support the Declaration of Indigenous Peoples and local communities which will be produced after a thorough deliberation on the 29<sup>th</sup> of May 2022 to encourage genuine partnership.

Thank you very much for your attention!

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<sup>5</sup> Ibid.