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## **Workshop report**

Dana Declaration +10

11-13 April 2012, Wadi Dana, Jordan

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## Overview

Mobile indigenous peoples (e.g. pastoralists, hunter-gatherers, and swidden agriculturalists) have sustainably managed the land they live on for centuries. However, in the name of biodiversity conservation, some have been displaced, dispossessed and expelled from their traditional territories and left destitute and culturally impoverished. While these practices have been largely discarded in rhetoric by biodiversity conservation agencies, progress in human rights observance and land restitution has lagged behind new thinking on the relationship between people and protected areas. Thus, local and national policy and institutional change in the field have not kept pace with advances in thinking at the international level; nor do they always live up to public declarations of concern for human rights.

The Refugee Studies Centre, Oxford Department of International Development (QEH), University of Oxford, has worked with other bodies to address the concerns regarding the welfare of mobile indigenous peoples in biodiversity conservation. A key product was the Dana Declaration on Conservation and Mobile Peoples ([www.danadeclaration.org](http://www.danadeclaration.org)) in 2002, with guidelines for a complementary strategy for both protected areas and meeting human needs (see annex).

Ten years after the Dana Declaration on Mobile Peoples and Conservation was formulated in Wadi Dana, Jordan, it is time to follow up on the achievements of the past decade and consider the future. Working with the Royal Society for the Conservation of Nature (RSCN, Jordan), representatives of the World Alliance of Mobile Indigenous Peoples (WAMIP), others representatives of mobile peoples, concerned policy makers and academics, the Dana Declaration +10 workshop set out, among other goals, to develop a statement to be delivered at the Rio +20 meetings in June 2012 *to continue to promote the human rights of mobile indigenous peoples in the context of biodiversity conservation and democratic environmental governance in the face of continuing expansion of protected areas, land grabbing, and further dispossession*. The workshop ultimately aimed to continue to raise and maintain awareness of the special vulnerabilities and needs of mobile indigenous peoples.

Over three days in April 2012, the forty participants of the workshop made presentations about the continuing or emerging issues in their homelands, they discussed the common themes which seemed to be emerging; they met in plenary and in small, breakout groups to pull together a statement of concern around the common emerging themes of mobility, continuing dispossession and land grabbing, food security and, the positive economic contributions of mobile peoples. A number of formal presentations were also made during these three days, including the achievements of 'soft' international law in protecting the rights of indigenous peoples, developments in more formal international law with regard to the rights of mobile peoples, and the application of the Whakatane Mechanism to address conflict in natural resource management. After a rich capacity building workshop addressing legal mechanisms and land issues of mobile indigenous peoples, the participants of the Dana Declaration +10 workshop reviewed the draft workshop statement for Rio +20 and approved it along with a second statement regarding pastoral communities in the West Bank. The Dana workshop concluded on the evening of Friday, April 13<sup>th</sup> and was followed by several RSCN organized field trips to Petra and Wadi Rum for some of the participants.

What follows is a more detailed summary of each of the sessions during the three days of meetings as well as the workshop programme, participants list and prepared statements for the Rio +20 Earth Summit of June 16–22. Chachu Ganya, the President of WAMIP, will deliver these statements to the Indigenous Peoples' parallel event between June 16–19 at the Rio +20 Earth Summit.



Dana +10 participants

# 1 Day One | Wednesday, April 11<sup>th</sup>, 2012

## **Opening session: Welcome and opening remarks**

The workshop was formally opened by Yehya Khaled (Director of the RSCN) who introduced other members of the RSCN including: Tarek Abulhawa, Project Director; Ma'en Smadi, Head of Reserves; and Raed H. Khawaldeh, the Tourism Manager for Dana Reserve. Yehya reminded those attending the workshop that the Dana Declaration was drawn up in this exact place 10 years ago and highlighted that some of those people who helped draw up the declaration were in attendance at this very meeting.

Lalji Desai (Secretary General of the World Alliance of Mobile Indigenous Peoples – WAMIP) spoke next and outlined the history of the inception of the Dana Declaration and WAMIP. He reminded participants that before the Dana Declaration was proposed, pastoralists and mobile indigenous people did not have a voice in the international arena. It was through the Dana Declaration (2002) and the meeting in South Africa at the World Parks Congress (2003) that the mobile indigenous community found a voice in WAMIP. Lalji also noted that there are now three declarations that serve as guidelines and mandates for mobile peoples. These are the Dana Declaration, the Segovia Declaration and the Mera Declaration. Lalji also discussed briefly how the way of life of pastoralists and mobile indigenous peoples solved many of the current problems facing governments such as jobs, food security, food sovereignty, and climate change.

Professor Dawn Chatty (Chair, Standing Committee of the Dana Declaration) thanked: the RSCN for hosting the event in Jordan; the Christensen Fund and the Ford Foundation for providing air fares; WISP; and offices of HRH Princess Basma (Patron of Dana Declaration) for assisting with last-minute visas. Dawn then reiterated the history and importance of the meeting 10 years ago in which the Dana Declaration on Mobile Peoples and Conservation and its Action Plan were agreed upon along with the common understanding that something needed to be done with regards to mobile indigenous peoples' rights in conservation.

The introductory session then concluded with brief introductory statements by all participants and a brief outline of how the next three days would follow with the ultimate aim of producing a statement supporting the rights of mobile indigenous peoples that could be taken to Rio +20 in June.

## **Session 1: Brief overview of principles of the Dana Declaration by Dawn Chatty**

Dawn gave an overview of the basic principle of the Declaration. She pointed out that although the main purpose of the Declaration was to raise awareness of mobile indigenous peoples in the context of conservation, the principles of the Declaration also hold true in areas – largely overlapping with protected areas – which have been handed over by the state for extractive industries. These include oil and mining concessions where free, prior and informed consent are regularly denied to the local and traditional inhabitants who are frequently mobile indigenous peoples.

The Dana Declaration consists of five fundamental principles: Principle one (sometimes referred to as the 'fundamental principle') concerns the 'Rights and Empowerment' of mobile peoples; Principle two concerns 'Trust and Respect' between mobile peoples and conservationists; Principle three concerns the acknowledgement of 'Different Knowledge Systems'; Principle four concerns the recognition of mobile peoples' 'Adaptive Management'

of biodiversity; and Principle five concerns 'collaborative management' between mobile peoples and conservationists.



Not only was the Dana Declaration agreed upon in an open and consultative manner at the Dana Reserve 10 years ago, but an action plan and strategy were also agreed upon in order to disseminate and communicate these principles throughout the world of conservation.

In 2003, the following year, the Dana Declaration was endorsed at the World Commission on Protected Areas (WPCA) in Durban and became part of the resolutions of the Durban Accords and Durban Action Plan. In 2004, the Dana Declaration was noted at the World Conservation Congress in Bangkok. In 2006, the Dana Declaration was presented at a side event in New York at the VI United Nations Permanent Forum on Indigenous Issues (UNPFII) and in 2008 the Dana Declaration was fully endorsed by the World Conservation Congress in Barcelona. Dawn Chatty suggested that the standing committee had completed its mandate and carried out most of its action plan. It was perhaps now time for the standing committee to stand down.

## **Session 2: Presentations by knowledge holders**

Moderator Tarek Abul-Hawa

This session was an open forum for discussion with all conference participants regarding changes that have taken place within their mobile indigenous communities since the creation of the Dana Declaration. The main discussion points are highlighted below.

Fernando Garcia Dory, European Shepherds Network, commented that shepherding was decreasing within Europe as a result of forced evictions. He also commented that it was important for these communities to ally themselves with scientists who would be able to assist these local communities in their endeavours to remain on their traditional lands.

Ma'en Smaedi, Head of Reserves in the RSCN, commented that mobile indigenous communities now needed clear practical steps to empower local communities on the ground rather than another declaration supported by the international community. This point was also made by other participants – that the Dana Declaration and other declarations relating to the rights of mobile indigenous peoples need to be translated into action at the grassroots level. Ma'en also commented that it would be useful to gather, record and publish success stories that other mobile indigenous peoples and conservationists could learn from and apply locally.

Dawn Chatty commented that there are already published examples of 'lessons learned' which can be found in the *Journal of Nomadic Peoples* (2003, 7:1) as well as the *Journal of Biological Conservation* (2003, 13:2). These empirical studies were presented at the original Dana Workshop. However following Ma'en's suggestion, it was agreed that a special issue of the *Journal of Nomadic Peoples* should be prepared to highlight the current situation of mobile indigenous peoples in the context of on-going restrictions, evictions and dispossession.

Jeremie Gilbert, Senior Lecturer, Department of Law, Middlesex University, raised the point that one of the major problems for mobile indigenous peoples in international law has been the lack of discussion of 'mobility' in human rights documents. That is, people and communities who move around find it difficult to claim that they do in fact 'exist on a map'. Unfortunately at the level of international law this means that no communities have yet been able to use the principles of the Dana Declaration as the basis of rights of possession. One possible solution would be to encourage the large scale mapping by mobile peoples of their traditional lands. This can be done by encouraging the implementation of available, low-tech resource demarcation and mapping projects for mobile indigenous communities.

Gonzalo Oviedo, Social Policy, IUCN, reiterated the need, expressed by several other participants, to move from the declaration to the challenges on the ground. Gonzalo confirmed the need to articulate some key elements of a policy framework that will facilitate an implementation of the Dana Principles within 10 years. Reflecting back to what was said 10 years ago, he reiterated the need for stronger emphasis on the nomadic approach. We need to consider what is more beneficial in terms of the mobility concept, he said, and to take into account legal frameworks regarding land and mobility.

Mahmoud Al Bdour, Site Manager Dana Village Restoration, confirmed that the interests of local people and their capacity to represent themselves were important. The local community has the knowledge and power but many have been forced off the land and are now having to live in ways that are not sustainable. He focussed on the need to become empowered by knowledge of the past so that new networks can be built. He also confirmed the need to customize the Dana Declaration for local circumstances.

Maamankhuu Sodnom, Head of WAMIP in Mongolia, put forward a summary of the on-going problems for indigenous Mongolian communities and the mining industry. These mining companies require water for their operations. In order to obtain water, mining companies are depleting underground water systems and causing many traditional wells to run dry. The Mongolian people were unhappy about this and as a result signed a petition in 2005 requiring the mining companies to consult with local communities over the use of their traditional nature resources.

Isheiman Milehat from Milehat-Kaabneh in the West Bank reminded the participants that there are more than 28,000 Bedouin living in the West Bank as refugees. Most of these have been moved into Area C which is under the total control of the occupying power.



Many Bedouin are removed from their land for the creation of national parks which, in turn, are turned into military zones and later re-zoned for housing settlements for Israelis. Isheiman recommended that:

1. Pressure is put on the Israeli government to recognize local indigenous communities' rights to manage their traditional lands and those they currently occupy.
2. Pressure is put on the Palestinian Authority to allow the Bedouin to remain on their traditional lands.
3. Pressure is put on the Palestinian Authority to adopt the Jordanian approach of subsidizing animal feed for the Bedouin and allowing them to settle on their lands.

Songphonsak Ratanawilailak, Director of Pgakenyaw Association for Sustainable Development, talked to the participants about the problems among Karen shifting agriculturalists in northern Thailand. The main point of his presentation was that traditional rotational farming of the Karen maintains biodiversity and is a form of viable, long-term resource management over a 10-year cycle. He contrasted this sustainable approach to the 'modern' agricultural approach of the government which encourages a cash cropping system. This practice, most notably practiced in the low lands, leaves the land barren and in need of chemical fertilisers in order to continue to produce cash crops.

### **Session 3: Presentation by Gonzalo Oviedo, Senior Advisor – Social Policy, IUCN**

Gonzalo gave a short overview of key benchmarks related to indigenous peoples' rights. He made reference to: the 1983 Martinez-Cobo report on indigenous human rights; The Working Group on Indigenous Populations (1982); ILO Convention 169 (1989); The Second International Decade of the World's Indigenous People (2005-2015); UNHRC expert mechanism on the rights of indigenous peoples (EMRIP – 2008); the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) - September 2007.

In particular, he highlighted the UNDRIP, which has yet to be tested in the courts. UNDRIP has 46 articles, of which at least 15 are relevant to conservation and two relate to indigenous peoples. The latter are listed below:

1. Article 29.1. Indigenous peoples have the right to the conservation and protection of environment and the productive capacity of their lands or territories and resources. States shall establish and implement assist programs for indigenous peoples.
2. Article 20.1. Indigenous people have right to maintain and develop political, economic, and social systems or institutions.

He confirmed that, while it has taken time, conservation has adopted a new paradigm often called 'the new conservation paradigm' which brings to the fore the rights of indigenous peoples. This is exemplified by the creation of the Conservation Initiative on Human Rights (CIHR) in 2009 by the largest non-governmental conservation associations in the world.

## **Session 4: A round-table discussion of the common themes that have emerged throughout the day to facilitate discussion on day 2**

Moderator Khalid Al Khawaldeh

This plenary session, which involved flip chart work, called on the 40 participants to identify the main areas which needed to be addressed in the workshop statement to be taken to the Rio +20 Earth Summit. Amongst the many themes that were raised and discussed by the participants were: usufruct rights; local level interaction; significance of international frameworks and rights in conservation; mainstreaming existing instruments; using the climate change convention to address the adaptable lifestyle of mobile peoples; significance of water issues; promoting civil society at the local and regional level for mobile indigenous people; advocacy for existing declaration; strengthening regional networks; encouraging partnership between WISP and WAMIP; empowering WAMIP to fight for mobile peoples' rights; the need for WAMIP to create an Action Plan in order to form a network of supporters; land-grabbing; on-going eviction from Nature Reserves; decreased mobility; and food security and sovereignty.

## **2 Day Two | Thursday, April 12<sup>th</sup>, 2012**

### **Session 1: Briefing on Rio +20**

Gonzalo Oviedo, IUCN, gave a briefing on Rio +20 which will take place 20-22 June 2012 in Brazil. He began by identifying the Convention on Biological Diversity which was agreed in Brazil in 1992 and which had a number of outcomes in relation to environment and sustainable development. One of the most significant was that indigenous groups were important players in development. A lot of associated treaties and conventions were born out of the Rio Convention in 1992. Twenty years on and the governments of the world are coming together in Rio again to renew their political commitment to sustainable development and address new and emergent challenges. For some, little has been achieved since Rio in 1992. So, for example, although there are new environmental conventions, at the same time, climate change, biodiversity loss, land degradation particularly in arid lands, water loss and many other indicators are all worse than before. The situation is not much better on the human development front. Against this background the governments of the world are attending Rio +20 to decide whether they are really committed to sustainable development as they said they were in 1992.

Gonzalo explained that three themes have been identified by the UN General Assembly for discussion: green economy; institutional framework; and emerging policy issues. The green economy theme is in the context of sustainable development and poverty eradication. Gonzalo believed that there will be a lot of discussion about what constitutes a green economy. For many, achieving the objective of having a green economy is not possible unless the issue of the economy as a whole can be addressed. This needs a more radical reform of economy. Mobile indigenous peoples need to participate in this discussion and frame a vision of a green economy that is friendly to them and to the environment. The institutional framework for sustainable development theme refers to the governance of natural resources. There is a gap in the UN system about the environment. Specifically, the UNEP, the United Nations Environment Programme, is not a treaty-based organization and thus has no governance mandate. The UN will be asked to give more power to UNEP.

Gonzalo outlined the schedule of activities for Rio +20. He stated that the official meetings of the governments will take place 20–22 June. Before the conference there will be “sandwich days” when a lot of side events will occur. In parallel, there will be a meeting of indigenous peoples called Carioca 2 (Carioca is the place in Rio where indigenous people live).

Many indigenous organizations have been preparing for the meeting. They issued a preparatory statement at the UN in January 2012 called “The Future Indigenous Peoples Want,” which called for:

1. Recognition of culture as the fourth pillar of sustainable development. The original Rio statement had three pillars: social, environmental, economic.
2. Recognition of the UN Declaration on the Rights of Indigenous Peoples as a standard in the implementation of sustainable development at all levels. Indigenous organizations in particular highlighted prior standard informed consent.
3. The cornerstones of green economies are diverse local economies, in the context of poverty eradication and sustainable development, biodiversity loss and climate change. The economy as a model is not the solution to anything, the solution lies in maintaining the diversity of local economies.
4. Safeguard the lands, territories and resources, and associated customary management and sustainable use systems of indigenous peoples, small producers and local communities as essential contributions to sustainable development.
5. Indigenous and traditional knowledge are distinct and special contributions to 21<sup>st</sup> century learning and action.



Gonzalo closed his session summarizing the elements of the Rio +20 conference with a confirmation that many indigenous peoples' organizations will continue to provide statements throughout the conference but especially during the Carioca Parallel Meetings and Indigenous Peoples conference 16–19 June.

### **Session 2: Breakout groups – discuss the different problems that were raised with the aim of creating a joint statement**

This session was for small group work. The 40 participants were asked to join one of four groups working around the themes of law; food security; mobility; and economics. They were instructed to discuss over a period of 90 minutes the main elements regarding mobile people which might then inform the development of a statement from the Workshop for the Rio +20 Conference. At the end of this session these findings were presented to the plenary.

The 'economic' group highlighted the environmental and innovative elements of mobile peoples' ability to provide cheaper eco-services (fire control, genetic biodiversity, fertilisation, low cost high yield ecotourism, green currency, clean area, landscape maintenance, mobile banking for mobile livelihoods). The overall message for this group was that supporting mobile peoples' livelihoods breaks dependence on development aid.

The 'food security' group stated that mobile peoples' livelihoods promote food security. Mobile indigenous peoples' way of life supports their own security as well as other economies within the state. Mobile indigenous peoples can also capitalise on variability; they can profit from lands that are varied and difficult.

The 'mobility' group focused on how mobile peoples' livelihoods are highly productive in that they enrich the soil and provide for seed dispersion. However they recognized that most of the world perceives them as underdeveloped (they lack access to health and educational services). The main point the group wished to convey was that mobility secures a sustainable contribution of animal products to the local economy. They also called for 'cross border' co-operation to promote biodiversity and ecosystems based on natural resource management.

The 'law' group focused on land grabbing, which included the expulsion of indigenous peoples for national parks and protected areas, the restriction of movement and military occupation, and the denial of historic land rights.

At the end of the session each group appointed a spokesman to join a small working group to prepare a first draft of the statement to be taken to Rio +20.

### **Session 3: Short examples of action plans**

Several examples of action plans or mechanisms to deal with conflict were presented in plenary session.

Adrian Mylne, on behalf of the Forest Peoples Programme (FPP), explained the Whakatane Mechanism (2011) and its implications. The Whakatane Mechanism emerged out of frustration that no action had been taken since the Durban Accord of 2003 and the further resolutions of a similar nature at the World Conservation Congress in Barcelona in 2008. The outcome of the Whakatane meeting of January 2011 was an agreement to implement a series of measures in order to review the implementation of resolutions related to indigenous peoples adopted at the 4<sup>th</sup> World Conservation Congress in 2008, in Barcelona, Spain and to advance their implementation should there be a gap [this included the endorsement of the Dana Declaration at that Congress]. An 'audit' program was agreed between the IUCN and

FPP to address and redress the effects of historic and current injustices against indigenous peoples. Two pilot studies have since been carried out in Thailand and in Kenya in which the government, local communities and conservation bodies meet to consider and resolve conflicts of interest related to indigenous livelihoods and conservation. The Whakatane Mechanism is a good example of how action can be taken to implement the resolutions of conservation bodies and the international community.

Dawn Chatty presented the Dana Declaration Action Plan and Strategy as a model which might have some value to the WAMIP Secretariat. She identified the five broad areas for action which the signatories of the Dana Declaration identified in order to widely disseminate and communicate the Dana Declaration to a broad public. These included:

1. Coordination – required the establishment of a standing committee to oversee the carrying out of the agreed upon strategies to disseminating the Dana Declaration to a broader public
2. Communication – required the establishment of a website, a list serve, the translation of the document into many languages and seeking endorsement of the Declaration
3. Influencing policy – to pursue the endorsement of the Declaration at the World Parks Congress (WCPA) and the World Conservation Congress (WCC)
4. Research and writing –required the preparation of special issues of several journals and a series of win-win reports on mobile peoples and conservation
5. Capacity building – the standing committee organised major events for members of WAMIP in Durban, Bangkok and Barcelona to build the capacity of mobile indigenous peoples to be effective in international fora.

Each broad area had its own aims, goals and clarity of objectives and definitive tasking was important to make the action plan work.

Fernando Garcia Dory then presented the action plan which was set out for WAMIP at the Global Gathering of Pastoral Women in Mera, India in 2010. He identified the steps which were taken to renew the WAMIP board and to 're-awaken' it (2010-2012). The action plan which was set out over a 10-year period consisted of two phases. Phase one was a 5-year period to re-establish an active WAMIP and then a 5-10 year period of operations.



The first stage of phase one would require the completion of the legal process of registering WAMIP as an NGO in Switzerland (2012), followed by a 2-3 year period to facilitate a membership drive and to build communications structures, and then another 2-3 year period to set up working groups and commissions, to support local struggles and emergencies. After

5 years WAMIP would enter phase two and be fully operational in supporting representation at international fora, compiling of evidence of good practice, collaborating with member organizations and networks regionally and locally. The presentation raised a number of questions from the workshop members regarding the structure of the governing board of WAMIP (seven council members, four trustees), and membership fees. Some participants felt that the action plan needed to have a more detailed set of measures with timelines so that results could be recorded. Others felt that an action plan similar to the ‘Harvard Plan’ which looks at resources and organizes around them might be more effective. Such a plan would see empowerment going to the regions and the grassroots within each region taking charge.

### **3 Day Three | Friday, April 13<sup>th</sup>, 2012**

The last day of the Dana +10 Conference was divided into two parts. In the first session of the morning the participants reviewed the draft statement of the Dana Declaration +10 Workshop as prepared by the small working group the day before. It was revised then in a plenary session such that it accurately reflected the consensus view of the participants. A few further points were raised and a second working group was asked to carry out some further adjustments to the statement. The remainder of the day was filled with a capacity building workshop exploring legal mechanisms and land issues. It was facilitated by Indrani Sigamany, a consultant in international development. This workshop explored the unique situations of each of the MIP participants and pushed them to think of ways to claim more agency and empowerment for themselves over their livelihoods. As a part of this workshop Jeremie Gilbert, a lecturer in international law at Middlesex University, spoke on the state of international law with regard to human rights and mobile indigenous peoples. The lecture both inspired the workshop’s thinking and explained existing legal mechanisms to protect or empower mobile indigenous peoples.

#### **Session 1: Presentation and revision of the Dana +10 statement**

Moderator Pablo Manzano

Each item of the statement was presented in turn. Following each segment the floor was opened for comments in order to improve upon the wording or sentiment of the passage. This process was important to maintain the Dana +10 workshop’s emphasis on transparency, full participation, and consensus decision-making. The original Dana Declaration of 2002, which was crafted by a similar size group made up of academic researchers, conservationists and policy makers had also followed a similar approach.

Khalid Khawaldeh and Tarek Abulhawa both noted during the discussion of the preamble that any call for increased conservation is moot as this is already acknowledged. What matters is the approach taken, as conservation measures can be negative, in the words of Khalid, or insensitive, in the words of Gonzalo Oviedo. During the review of the preamble and the rest of the document, the discussion repeatedly returned to the question of tone and the appropriate level of aggression and strength for such a document. Many of those present wanted a more forthright document. However others voiced a concern to be cautious, reminding the participants that strong language would only serve to alienate the cause; all agreements were voluntary in nature.

There was debate over how direct a statement could be made regarding the Palestinians and the Bedouin living in the Occupied Territories. This was a very personal issue for many of the participants, as they either travelled from the West Bank to attend the conference or identify as Jordanians of Palestinian origin. It was agreed that it would be futile and damaging to single out Israel in the proposed statement. It was agreed then to write a second statement regarding the pastoral communities in the West Bank that could speak to issues like mining and agricultural-based requisitions of land as well as to those specific circumstances relating to military occupation.

The use of the term ‘land-grabbing’ also sparked some controversy. While the term certainly seems appropriate from the perspective of the dispossessed, Gonzalo pointed out that states, as the grantors of land-use contracts, can easily dismiss the term as hyperbole on the grounds that land which they formally contract out to companies has not been grabbed. Any other view implies that states do not have sovereignty over their land, which is counterproductive.

These are some of the issues that the group discussed as the statement was read aloud. After much reworking of the sentiment and phrasing, the drafters tightened the language during lunch and the final statement was re-presented and agreed to by all present during the final session of the workshop.



## **Session 2: Capacity building workshop**

Facilitator Indrani Sigamany

Indrani Sigamany introduced the main aim of the capacity building workshop as building the legal capacity of mobile indigenous peoples by examining human rights legislation relating to land displacement and dispossession. Since “hundreds of millions of mobile indigenous peoples face dispossession, eviction and restrictions to their lifestyles and livelihoods”,<sup>1</sup> and since land issues are one of the most critical issues faced by mobile indigenous peoples, the workshop concentrated on introducing the participants to legislation pertaining to rights of indigenous peoples, in an effort to give the participants legal tools to add to their efforts of advocating for more justice in this area. Jeremie Gilbert contributed the legal expertise for the workshop.

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<sup>1</sup> Press Release Dana+10, April 2012

### **Legal mechanisms and land issues of mobile indigenous peoples**

The capacity building workshop opened with a presentation by Jeremie Gilbert on international law as it relates to mobile indigenous peoples. He began by explaining that international agreements represent a floor, or lowest common denominator, which signatory governments cannot go below. Thus, mobile indigenous peoples can utilize such agreements by demonstrating to their respective governments when they are in breach of the minimum standards (international laws) to which they may have subscribed.

However, mobile peoples have very few specific rights in international law. For the most part they represent invisible populations. Nevertheless, the Convention on the Elimination on Racial Discrimination is subscribed to by all states and are required to submit periodic reports to Geneva on the state of discrimination in their countries. Mobile peoples can use this convention to report discrimination against them because while most residents have a right to land mobile peoples do not.

Jeremie stressed that the right to land is not a recognized human right. This is because states claim the land as fundamentally belonging to the state. However, states have recognized that humans have property and culture. Indigenous communities have successfully challenged state laws in the international arena with arguments that combined property and customary rights. Indigenous communities can ‘prove’ they live in an area, and thus that area is their property, by demonstrating their customary use of the area and their ownership of other property on the land.

Where most progress had been made, according to Jeremie, has been with regards to how land is managed. Once it is established that the mobile indigenous peoples do live in an area, and thus possess a claim to the land, indigenous peoples do have some internationally-recognized rights, primarily articulated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007). In short, when states are considering legislative or administrative measures, and prior to commencing any exploration or exploitation of sub-surface resources, indigenous peoples have the right to be consulted. However, relocation can only take place with free, prior and informed consent. This is especially pertinent to mobile peoples, as governments can claim that mobile lifestyles preclude the possibility of relocation. Thus it is extremely important for mobile peoples to establish their legal claims to land through mapping traditional routes, natural resources and spiritual landmarks, etc. In addition, Jeremie said that the requirement for free, prior and informed consent is in the UNDRIP and represents a landmark shift from previous language, such as the World Bank’s use of the term ‘consultation’ rather than ‘consent’.

### **Session 3: Building strategies of appropriate legal mechanisms**

Facilitator Indrani Sigamany

Indrani facilitated the workshop using participatory methodology aimed at participants using their own mobile indigenous issues as live case studies to which they would apply the legislation introduced by Jeremie Gilbert. In the context of these legal mechanisms the participants formulated strategies, which they could take back with them to share with their groups back home. The methodology called rich pictures was used as a tool for sharing land exploitation stories, with participants pictorially representing their issues, and generating future legal strategies. The participants were divided up in small groups to encourage discussion and analysis, explaining the dynamics and legal strategies in the small group and to the larger plenary, using the presentation on legislation, with Jeremie’s guidance.

### Rich picture case studies and strategies

1. Hussein explained that the Bedouin area in his rich picture is separated from other areas by military fencing. The area guarded by soldiers is green and fertile and perfect for grazing but Bedouins are no longer allowed entry. The local communities have been displaced into small, confining spaces within the arid lands, which are not good for grazing, and which has rendered them immobile.



*Strategy:* move the military zones away; have the military zones selected via legal consent in areas that are not as fertile; industrial zones should also be far away from the presence of local communities and should be situated in places which are already arid; the existing regulations are subject to corruption; fertile zones should be subject to regulations which allow mobile indigenous peoples access during certain times to graze their livestock.

Legal aspects taken from presentation: prior to commencing any exploration or exploitation of sub-surface resources, legislative or administrative measures, indigenous peoples have the right to be consulted by the state (UNDRIP, 2007). Relocation can only take place with free, prior and informed consent.

*Limitations:* it is impossible, especially near border zones, to communicate with the military. Khalid explained that the rules in Jordan state that one cannot talk about land taken by the military. This is very important to the government. This is left over from the 1980s emergency laws, which ended officially in 1989, but people still act as if they are still in existence.

2. Eman indicated that the cement factory in her picture, near Dana in Jordan, has rendered all the surrounding land arid and unusable. All the fertile land is in the reserve and cannot be accessed by mobile indigenous peoples.

*Strategy:* using the naming and shaming game by digging up the history as to why this cement factory was allowed here, and to prevent it happening again; legal advice should be made available to make people completely aware of their rights, the value of their land, and the content of proposed agreements.

3. Mulu described the discrimination within development in Thailand with his drawing of a river showing a watershed and a geographical division locally known as 'upland' and 'lowland.' It is easy to get land rights in the lowland but very difficult upland. The three stakeholders are the upland people, the lowland people, (both being indigenous peoples), and the government. The government funding goes to lowland people, since there are more voters in the South, as Bangkok is in the south.

*Strategies:* Mulu believed that the legal mechanisms are too slow, and not as valid as actions coming from the local populations. At the moment there is local dialogue about sharing water, and he feels that participatory development with both the government and the local people is critical.

4. Maamankhuu explained that Mongolia has very good land for grazing, but every Mongolian province has extractive industries such as mining for gold, copper, and coal. The mining is creating serious problems in Mongolia such as water pollution, diminished surface

water and the inability to continue in traditional migratory patterns. The Mongolian government does not support the local people and communities, and is more interested in building its economy and global affairs.

*Strategy:* Give pastoralists legal concessions of the land; restrict mining companies' inputs on environment through regulations; and include Mongolian pastoralists in agreements with the government and mining companies to ensure their rights.

5. Lalji used two pictures of India showing the land as it used to be, and how it is now. The first picture, which illustrated the traditional lands and villages of pastoralists, has water in the river and small irrigation systems. The emphasis is on nature and the animals are free-range.

The other side of the picture details the big factories and machines instead of animals and tractors and bulldozers instead of cows. The trees have been felled and the hills levelled for building sites. There is forced sedentarianism and migratory routes and grazing land has been eliminated.

*Strategy:* mobilising civil society by alliance building and strengthening customary traditions; glamorizing pastoralism and dignifying it; involving the youth, composing songs and showing pride in national dress; involving the media is a powerful awareness tool; and use legal action.

### **Conclusion**

Illustrating their land issues by using rich pictures, the participants shared their strategies with the larger group during the plenary, encouraging collective advice. Though the time frame of the workshop was too short for either peer advice on new strategies or for substantial discussion of land issues in different parts of the world, the legal knowledge contributed by Jeremie Gilbert was intended to increase the capacity of the group to use the appropriate legislation in their struggle against land grabbing and dispossession of their land.

### **Session 4: Concluding workshop session**

Moderator Gonzalo Oviedo

The revised draft statement of the Dana Declaration +10 Workshop was read out at this plenary session once again and approved by consensus (Workshop Statement for Rio +20 attached).

Gonzalo then presented a second statement which he proposed the workshop participants might also consider endorsing regarding the pastoral communities in the occupied West Bank. This was read out to the group and after minor changes in the language was agreed upon and accepted as a second statement to take to Rio +20 (Workshop Statement regarding pastoral communities in the West Bank for Rio +20 attached).

All participants agreed to work together to support WAMIP while also encouraging greater networking at the local and regional level. The workshop participants encouraged the Dana standing committee to continue its work to support the dissemination of the Dana Declaration and to continue to engage with WAMIP in promoting the human rights of mobile peoples not to be dispossessed, restricted or evicted from conservation areas and also in the context of extractive industries in protected areas.

*Report prepared by Adrian Mylne and Cameron Thibos*

## 4 Appendices

### Workshop programme

DAY 1 | Wednesday, April 11<sup>th</sup>, 2012

0900 – 0930	<p><b>Opening Session: Tarek Abul-Hawa, RSCN</b>  <i>Welcome and Opening Remarks</i>  <i>Yahya Khalid representing H.E. Khalid Irani, Minister of Environment</i>  <b>Lalji Desai</b> Secretariat of WAMIP  <b>Dawn Chatty</b> Dana Declaration Standing Committee</p>
0930 – 1100	<p><b>Session 1: Moderator Tarek Abul-Hawa</b>  <i>Brief overview of Principles of the Dana Declaration by Dawn Chatty</i>  <i>Presentations by Knowledge Holders on impact of Dana Declaration</i></p>
1100 – 1130	<b>Coffee Break</b>
1130 – 1300	<p><b>Session 2: Moderator Tarek Abul-Hawa</b>  <i>Continuation of Presentations by Knowledge Holders</i></p>
1300 – 1400	<b>Lunch</b>
1400 – 1530	<p><b>Session 3: Gonzalo Oviedo, IUCN</b>  <i>Briefing on recent achievements protecting indigenous peoples rights</i></p>
1530 – 1600	<b>Coffee Break</b>
1600 – 1800	<p><b>Session 4: Moderator Khalid Al Khawaldeh</b>  <i>A round-table discussion of the common themes that have emerged throughout the day to facilitate discussion on Day 2.</i></p>
1800 – 1830	<b>Refunds of any approved expenses (tickets, travel expenses, etc)</b>
1930 –	<b>Dinner</b>

**Notes:** Moderators will chair the sessions making sure they start and close on time

**Rapporteur:** Bridget Guarasci with assistance from Cameron Thibos and Adrian Mylne.

DAY 2 | Thursday, April 12<sup>th</sup>, 2012

0830 – 0900	<b>Session 1: Presenter Gonzalo Oviedo – IUCN</b>  <i>Briefing on Rio +20 and significance of statement from WAMIP</i>
0900 – 1030	<b>Session 2: Moderators Lalji Desai, Jereme Gilbert, Pablo Manzano, Nicola Harrison</b>  <b>Break out groups with moderators</b>  <i>Small group discussions of different problems with the aim of creating a joint statement( some suggested key areas of concern: economic contributions; land grabbing; mobility; food security / sovereignty</i>
1030 – 1100	<b>Coffee Break</b>
1130 – 1300	<b>Session 3: Pablo Manzano</b>  <i>Break out groups present to Plenary summaries for consideration in joint statement. Small working group to be appointed to draft statement.</i>
1300 – 1400	<b>Lunch</b>
1400 – 1530	<b>Session 4: Moderator Gonzalo Oviedo Setting out an Action Plan</b>  <i>Short examples: case studies from Whakatane initiative, Dana Declaration and Mera Action Plan for WAMIP</i>
1530 – 1600	<b>Coffee Break</b>
1600 – 1800	<b>Session 5: Moderator Gonzalo Oviedo and Dawn Chatty</b>  <i>Drafting an Action Plan</i>
1930 –	<b>Dinner</b>

*Rapporteur: Bridget Guarasci with assistance from Cameron Thibos and Adrian Mylne.*

DAY 3 | Friday, April 13<sup>th</sup>, 2012

0830 – 0930	<b>Session 1: Moderator Pablo Manzano</b> <b>Presentation of Draft Statement for Rio +20</b> <b>Discussion and revision of document</b>
0930 – 1000	<b>Coffee Break</b>
1000 – 1230	<b>Session 2: Moderators Indrani Sigamany and Jeremie Gilbert</b> <b>Legal Mechanisms and Land Issues of Mobile Indigenous Peoples</b> <ul style="list-style-type: none"> <li>• Introduction to capacity building workshop aims, methodology, etc - Indrani</li> <li>• Rich Picture of land issues (small groups)</li> <li>• Presentation of land issues depicted in rich pictures</li> </ul> <b>Rights of mobile indigenous peoples and legal mechanisms and Dana Declaration (Jeremie Gilbert)</b>
1230 – 1400	<b>Friday Prayers and Lunch</b>
1400 – 1600	<b>Session 3: Building strategies of appropriate legal mechanism (Jeremie)</b> <b>Break out discussion groups according to shared land issues (Indrani)</b> <b>Plenary – presentations of individual strategies and peer feedback and discussion (Jeremie and Indrani facilitate)</b>
1600 – 1630	<b>Coffee Break</b>
1700 – 1800	<i>Summary and Conclusions to Capacity Building Workshop</i> <b>Session 4: Moderator Gonzalo Oviedo Plenary Session</b> <i>Presentation of the final draft the workshop statement for Rio +20 as well as Statement on Situation of Pastoral Communities in the West Bank for endorsement</i> <i>Conclusion of Dana +10 Workshop</i>
1930 –	<b>Dinner</b>

**Rapporteur: Bridget Guarasci with assistance from Cameron Thibos and Adrian Mylne.**

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## Press release

April 13 2012

### Representatives of Mobile Indigenous Peoples call for respect of human rights ahead of Rio +20 Earth Summit

#### Wadi Dana Jordan

Ten years after the Dana Declaration on Mobile Peoples and Conservation was agreed in Wadi Dana Jordan in 2002 ([www.danadeclaration.org](http://www.danadeclaration.org)), representatives of Mobile Indigenous Peoples met for a workshop at the Royal Society for the Conservation of Nature's (RSCN) Dana eco-lodge last week to reflect on the achievements of the past decade and to consider future actions to promote the special needs and vulnerabilities of mobile indigenous peoples.

Professor Dawn Chatty, Director of the Refugee Studies Centre, University of Oxford, and a member of the Standing Commission for the Dana Declaration said "Hundreds of millions of mobile indigenous peoples face dispossession, eviction and restrictions to their lifestyles and livelihoods. Without concerted global action, these peoples will become especially vulnerable and economically burdensome to the states they inhabit. However, with a few critical interventions by state and international actors, these peoples can help guide the world to transitions towards a more sustainable future."

A number of representatives of the World Alliance of Mobile Indigenous Peoples (WAMIP) attended the workshop along with policy makers, researchers, and practitioners from around the world concerned about the continuing marginalisation of many mobile indigenous peoples.

In a statement for the Rio+20 'Earth Summit' meetings to be held in Brazil in June 2012, representatives invited governments and civil society organizations to incorporate 'a fundamental obligation to respect human rights of Mobile Peoples as defined under the UN guiding principles on business and human rights' into any future resolutions, and to recognise the contributions which mobile peoples make to local and regional economies.

The statement also underscores the importance of supporting democratic environmental governance in the face of continuing expansion of protected areas, land grabbing and further dispossession of local and traditional communities.

Read the full statement at the Refugee Studies Centre website.

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### **Dana Declaration +10 workshop participant statement for Rio +20 Conference**

We, participants at the Dana Declaration +10 Workshop - members of mobile peoples' organizations including World Alliance of Mobile Indigenous Peoples (WAMIP), conservation and academic institutions, civil society organizations, as well as individual experts and practitioners recognise that mobile indigenous peoples possess a wealth of social, economic and cultural knowledge. Their way of life, values and adaptive production strategy contribute to the sustainable management of natural resources and the conservation of nature. The pressures of human population dynamics, unsustainable consumption patterns, climate change, extractive industries and other global and national economic forces, threaten both the conservation of ecological resources and the livelihoods of mobile indigenous and traditional peoples.

Therefore, we invite governments and civil society organizations to incorporate the following into any future resolutions:

- Mobility offers unique contributions to existing and emerging green economies. It ensures food security and the use of diverse natural resources by utilising efficient and sustainable methods of production, inherently adapting to climate change, and increasing and protecting productive land area.
- When full access to traditional natural resources is guaranteed the livelihoods of Mobile Peoples lessen the strain on states' resources, significantly contribute to national economies and reduce the potential for conflict over land and water resources.
- Mobile Peoples are suffering from the effects of past dispossession of lands and the denial of customary land rights leads to increased vulnerability. Continued expulsion of Mobile Peoples in order to establish protected and restricted zones prevents access to natural resources and violates rights to land.
- Mobility promotes biodiversity and ecosystem based natural resource management. The natural diversity of production that results from mobile livelihoods is a sustainable and productive alternative to modern industrial food production techniques.
- Restricting the movement of Mobile Peoples across boundaries contributes to the over- and underuse and the rapid degradation of their traditional lands. This can be minimised through the recognition of traditional migratory routes of mobile indigenous peoples and the creation of mutually agreed upon flexible corridors.
- Corporations, including extractive industries, have a fundamental obligation to respect human rights of Mobile Peoples as defined under the UN guiding principles on business and human rights. Land grabbing in the form of concessions, sale and/or leasing of the land to foreign and national corporations or states undermines access to food and natural resources for Mobile Peoples, reduces national economic output and impacts on biodiversity.
- The capacity of Mobile Peoples to innovate and to conserve biodiversity is a resource that can help guide the world in its transition towards a more sustainable future.

Dana, Jordan – 13<sup>th</sup> April 2012

## بيان المشاركين في ورشة عمل إعلان ضانا +10 تحضيراً لمؤتمر Rio +20

نحن المشاركون في ورشة عمل إعلان ضانا +10- أعضاء منظمات المجتمعات المتنقلة بما في ذلك التحالف العالمي للشعوب الأصلية المتنقلة (WAMIP)، والمؤسسات الأكاديمية ومؤسسات حماية الطبيعة، ومنظمات المجتمع المدني، إضافة إلى أفراد الخبراء والمزاولين ندرك بأن الشعوب الأصلية المتنقلة تمتلك تراثاً اجتماعياً واقتصادياً وثقافياً غنياً، حيث أن طريقة حياتهم وقيمهم واستراتيجية الإنتاج التكيفي الخاصة بهم تساهم في الإدارة المستدامة للموارد الطبيعية وحماية الطبيعة. إن الضغوطات الناجمة عن الديناميات السكانية البشرية والأنماط الاستهلاكية غير المستدامة والتغير المناخي والصناعات الاستخراجية وغيرها من القوى الاقتصادية العالمية والوطنية، كل ذلك يهدد حماية الموارد البيئية ومصادر الرزق للشعوب التقليدية والشعوب الأصلية المتنقلة.

وبالتالي، فإننا ندعو الحكومات ومنظمات المجتمع المدني إلى مراعاة ما يلي في أي قرارات مستقبلية:

- إن التنقل يقدم إسهاماتٍ فريدة للاقتصاديات الخضراء الموجودة والناشئة. إنه يضمن الأمن الغذائي واستعمال الموارد الطبيعية المتنوعة عبر تسخير طرق فعالة ومستدامة للإنتاج وتكيف بطبيعتها مع التغير المناخي وتزيد من مساحة الأراضي المنتجة وتعمل على حمايتها.

- في حال تم ضمان الوصول الكامل إلى الموارد الطبيعية التقليدية، فإن مصادر الرزق التي تتوفر للشعوب المتنقلة تخفف من العبء على موارد الدول وتساهم بشكل كبير في تعزيز الاقتصادات الوطنية وتخفيف احتمالية وقوع النزاعات على الأراضي والمياه.

- إن الشعوب المتنقلة تعاني من نتائج وآثار عمليات فقدان الأراضي في الماضي كما أن إنكار الحقوق العرفية المتعلقة بالأراضي تؤدي إلى المزيد من المعاناة. كما أن عمليات الطرد المستمرة للشعوب المتنقلة من أجل إنشاء مناطق محمية يحول دون وصول تلك المجتمعات إلى الموارد الطبيعية وينتهك حقوقهم في الأرض.

- إن التنقل يعزز التنوع الحيوي وإدارة الموارد الطبيعية القائمة على الأنظمة البيئية. إن التنوع الطبيعي للإنتاج الناجم عن أنشطة الشعوب المتنقلة يمثل بديلاً مستداماً وفعالاً لتقنيات تصنيع الأغذية الصناعية الحديثة.

- إن تقييد حرية حركة الشعوب المتنقلة عبر الحدود يساهم في إساءة استعمال أراضيهم التقليدية وإنحطاطها بشكل سريع. وإنه يمكن الحد من ذلك عبر الاعتراف بطرق الهجرة التقليدية للشعوب الأصلية المتنقلة وخلق محاور مرنة يتم الاتفاق عليها بين الدول.

- إن على الشركات بما في ذلك شركات الصناعات الاستخراجية إلزامياً أساسياً باحترام حقوق الإنسان المتصلة بالشعوب المتنقلة كما تم التعبير عن ذلك في مبادئ الأمم المتحدة التوجيهية حول الأعمال التجارية وحقوق الإنسان. إن الاستيلاء على الأراضي على شكل عمليات التنازل وبيع أو تأجير الأرض للشركات الوطنية والأجنبية يضعف وصول الشعوب المتنقلة إلى الغذاء والموارد الطبيعية ويحد من مخرجات الاقتصاد الوطني والتأثيرات على التنوع الحيوي.

إن قدرة الشعوب المتنقلة على الإبداع والحفاظ على التنوع الحيوي يعد مصدراً يمكن أن يساعد في توجيه العالم أثناء انتقاله نحو مستقبل أكثر استدامة.

ضانا، الأردن - الثالث عشر من نيسان/أبريل، 2012

## **Communiqué des participants à l'atelier pour la déclaration de Dana +10 destiné à la Conférence de Rio +20**

Nous, participants à l'atelier pour la déclaration de Dana +10 – membres des organisations des populations mobiles englobant l'Alliance Mondiale des Peuples Autochtones Mobiles (WAMIP), institutions de conservation de la nature et institutions universitaires, organisations de la société civile, ainsi que des experts et professionnels indépendants, reconnaissons que les populations autochtones mobiles possèdent de vastes connaissances d'ordre social économique et culturel. Leur mode de vie, leurs valeurs et la flexibilité de leur stratégie de production contribuent à la gestion durable des ressources naturelles et à la conservation de la nature. Les pressions liées à la croissance démographique, aux modes de consommation non-durables, au changement climatique, aux industries extractives et aux autres forces économiques mondiales et nationales menacent, et la conservation des ressources écologiques, et les moyens de subsistance des populations autochtones mobiles et traditionnelles.

C'est pourquoi nous invitons gouvernements et organisations de la société civile à inclure dans leurs futures résolutions ce qui suit:

- La mobilité apporte des contributions uniques aux économies vertes existantes et émergentes. Elle garantit la sécurité alimentaire et l'utilisation des diverses ressources naturelles grâce à des méthodes de production efficaces et durables naturellement adaptées au changement climatique, et par l'accroissement et la protection des surfaces de terres productives.
- Lorsque le plein accès aux ressources naturelles traditionnelles est assuré, le mode de vie des populations mobiles diminue la pression sur les ressources de l'état, contribue de manière significative aux économies nationales, minimisant les risques de conflits liés à l'accès aux terres et aux ressources en eau.
- Les populations mobiles sont victimes des conséquences des évictions passées de leurs terres : le déni de leurs droits fonciers coutumiers accroît leur vulnérabilité. L'expulsion continue des populations mobiles aux seules fins d'établir des zones protégées et réglementées empêche leur accès aux ressources naturelles et viole leur droit à la terre.
- La mobilité promeut la gestion des ressources naturelles fondée sur la biodiversité et l'écosystème. La diversité naturelle de la production, résultat des modes de vie des populations mobiles, offre une alternative durable et productive aux techniques de production alimentaires modernes de type industriel.
- La restriction de mouvement des populations mobiles au-delà des frontières contribue à la surutilisation et à la sous-utilisation de leurs terres traditionnelles et à la dégradation rapide de ces dernières. Ce phénomène peut être minimisé par la reconnaissance de routes de migrations traditionnelles des peuples mobiles autochtones et la création de corridors flexibles convenus par les parties concernées.
- Les entreprises, y compris les industries extractives, ont le devoir fondamental de respecter les droits humanitaires des populations mobiles tels que définis par les principes directeurs de l'ONU sur les activités des entreprises privées et les droits de l'homme. L'appropriation des terres sous forme de concession, vente et/ou crédit/bail aux entreprises étrangères et nationales compromet l'accès aux ressources naturelles et alimentaires des populations mobiles, appauvrit l'économie nationale et a une incidence négative sur la biodiversité.
- La capacité des populations mobiles à innover et à conserver la biodiversité peut servir d'exemple et inspirer le monde dans sa transition vers un futur plus durable.

Dana, Jordanie – 13 Avril 2012

## **Manifiesto de los Participantes en las Jornadas de la Declaración de Dana +10 para la Conferencia de Rio +20**

Nosotros, los participantes en las Jornadas de la Declaración de Dana +10 —miembros de organizaciones de pueblos móviles, incluyendo la Alianza Mundial de los Pueblos Indígenas Móviles (WAMIP, en inglés), instituciones académicas y de conservación, organizaciones de la sociedad civil, así como expertos y profesionales a título individual—, reconocemos que los pueblos indígenas móviles poseen un rico conocimiento social, económico y cultural. Su modo de vida, valores y estrategias adaptativas de producción contribuyen a la gestión sostenible de los recursos naturales y a la conservación de la naturaleza. Las presiones ejercidas por la dinámica de la población humana, los patrones insostenibles de consumo, el cambio climático, las industrias de la extracción y otras fuerzas económicas globales y nacionales amenazan tanto a la conservación de los recursos ecológicos como al sustento de los pueblos móviles indígenas y tradicionales.

Por tanto, invitamos a los gobiernos y las organizaciones de la sociedad civil a incorporar las siguientes consideraciones a sus futuras resoluciones:

- La movilidad contribuye de forma única al florecimiento de las economías verdes existentes y emergentes. Garantiza la seguridad de los alimentos y el uso de los distintos recursos naturales mediante la utilización de métodos eficientes y sostenibles de producción, una inherente adaptación al cambio climático y un incremento y protección de la tierra productiva.
- Cuando se garantiza el total acceso a los recursos naturales tradicionales, los medios de vida de los Pueblos Móviles reducen la dependencia de los recursos estatales, contribuyen significativamente a las economías nacionales y alejan la posibilidad de los conflictos por el agua y las tierras.
- Los Pueblos Móviles están sufriendo los efectos de pasadas desposesiones de la tierra, y la denegación de sus derechos consuetudinarios lleva a un incremento de su vulnerabilidad. La continua expulsión de los Pueblos Móviles para establecer zonas protegidas y restringidas les impide el acceso a los recursos naturales y viola el derecho a la tierra.
- La movilidad promueve la gestión de los recursos naturales basada en la biodiversidad y el ecosistema. La diversidad natural que resulta de los medios de vida móviles es una alternativa, productiva y sostenible, a las modernas técnicas de producción de alimentos.
- Restringir el movimiento de los Pueblos Móviles a través de las fronteras revierte en una sobre- o infraexplotación, así como en una rápida degeneración de sus respectivos territorios tradicionales. Lo cual puede evitarse mediante el reconocimiento de las rutas tradicionales de migración de los pueblos móviles indígenas y la creación de corredores flexibles mutuamente acordados.
- Las corporaciones, incluyendo las industrias de la extracción, tienen la obligación fundamental de respetar los derechos humanos de los Pueblos Móviles, según establecen los principios rectores de la ONU en materia de negocios y derechos humanos. La apropiación de tierras en forma de concesiones, venta y/o arrendamiento a corporaciones nacionales o extranjeras, o a estados, dificulta el acceso a los alimentos y los recursos naturales por parte de los Pueblos Móviles, reduce la producción económica nacional y afecta a la biodiversidad.
- La capacidad de los Pueblos Móviles para innovar y conservar su biodiversidad es un recurso que puede contribuir a guiar el mundo en su transición hacia un futuro más sostenible.

Dana, Jordán, 13 de abril del 2012

## **Dana Declaration +10 Workshop Participant Statement on the Situation of Pastoralist Communities of the West Bank for Rio +20 Conference**

We, participants at the Dana Declaration +10 Workshop - members of mobile peoples' organizations, conservation and academic institutions, and civil society organizations, as well as individual experts and practitioners:

Considering that many pastoralist peoples and communities are suffering from dispossession of their lands and restriction of access to natural resources key to their economies and cultures;

Concerned that such processes of dispossession are creating situations of greater vulnerability and poverty in such communities and threaten their very survival;

Aware that 28,000 pastoralists of the West Bank are experiencing the rapid decline of their traditional livelihood due to restricted access to natural resources;

Mindful also that 44% of the West Bank is restricted to Palestinians due to the presence of Israeli installations including settlements, military areas, the Wall and its buffer zone, National Parks and nature reserves, and that the majority of pastoralist communities live on the scarce remaining range land as refugees;

Conscious that the current policy of the state of Israel of establishing nature reserves and National Parks inside the occupied territory does not focus or deliver on conservation objectives but serves instead as an excuse for occupation of the land, expulsion of the pastoralist communities, and dedication of the land to Israeli settlements and other uses totally different from conservation objectives;

Concerned that the effects of the policies and practices of the Occupying Power, including administrative demolition, settlement expansion and movement restrictions, result in the forced displacement of the pastoralist community and the loss of their livelihoods;

We, participants at the Dana Declaration +10 Workshop 2012,

1. Call on the governments of the world to avoid measures that lead to further the dispossession of pastoralist communities and to put in place policies and practices that support them and reduce their vulnerability;
2. Express in particular our solidarity with the pastoralist communities of the West Bank, who are in a situation of extreme vulnerability;
3. Call on the international community to promote the implementation of measures which:
  - Recognise, uphold and protect the social, economic and cultural rights of the pastoralist community of the West Bank.
  - Secure free and permanent access to natural resources for the pastoralist community of the West Bank.
  - Acknowledge and promote the partnership of the pastoralist community in genuine nature conservation initiatives.
4. Call international and regional organizations working to support the livelihoods of mobile peoples and especially pastoralist communities to:
  - Help inform the international community about the challenges facing the pastoralist communities of the world and especially of the West Bank;
  - Provide assistance to pastoralist peoples and communities facing situations of vulnerability and deterioration of their livelihoods, in particular the pastoralist community of the West Bank;
5. Invite representatives of the West Bank communities to join international processes where issues relevant to mobile peoples are addressed and integrate them into networks and other information sharing and action oriented mechanisms.

Dana, Jordan – 13<sup>th</sup> April 2012

**Signatories to the Statement:**  
(in alphabetical order)

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## بيان المشاركين في ورشة عمل إعلان ضانا +10 التي أقيمت تحضيراً لمؤتمر Rio +20 حول وضع المجتمعات الرعوية في الضفة الغربية

نحن المشاركون في ورشة عمل إعلان ضانا +10- أعضاء منظمات المجتمعات الرحل، والمؤسسات الأكاديمية وحماية الطبيعة، ومنظمات المجتمع المدني، إضافة إلى أفراد من الخبراء والمزاولين:  
ونظراً إلى معاناة العديد من المجتمعات الرعوية من فقدان أراضيهم ومحدودية وصولهم إلى الموارد الطبيعية الضرورية لاقتصادياتهم وثقافتهم؛

فإننا قلقون من أن مثل تلك العمليات التي ينجم عنها فقدان الأراضي تخلق ضعفاً كبيراً وفقراً في تلك المجتمعات وتهدد بقاءها؛  
ونحن ندرك بأن 28.000 من الرعاة في الضفة الغربية يعانون من إنحطاط سريع في مصادر أرزاقهم التقليدية نتيجة للوصول المحدود إلى الموارد الطبيعية؛

كما أننا نعي بأن 44% فقط من أراضي الضفة الغربية مخصصة للفلسطينيين نتيجة وجود الإنشاءات الإسرائيلية بما في ذلك المستوطنات والمناطق العسكرية والجدار ومنطقته العازلة والمنتزهات الوطنية والمحميات الطبيعية، وبأن غالبية أفراد المجتمعات الرعوية يعيشون لاجئين في السلاسل الجبلية القليلة المتبقية؛

ونحن على وعي بأن السياسة الحالية لدولة إسرائيل والمتمثلة في بناء محميات طبيعية ومنتزهات وطنية داخل الأراضي المحتلة لا ينطوي على أهداف حماية الطبيعة وإنما يعطي المبررات لاحتلال الأرض وطرد المجتمعات الرعوية وتخصيص المزيد من الأراضي للمستوطنات الإسرائيلية وعدد من الاستعمالات الأخرى التي ترتبط بأهداف حماية الطبيعة؛

كما أننا قلقون بأن تؤدي نتائج سياسات وممارسات السلطات المحتلة بما في ذلك الهدم الإداري وتوسع المستوطنات والقيود على الحركة إلى النزوح القسري للمجتمعات الرعوية وخسارتهم لمصادر رزقهم؛

نحن، المشاركون في ورشة عمل إعلان ضانا +10 لعام 2012،

1. ندعو حكومات العالم إلى تجنب الإجراءات التي تزيد من فقدان المجتمعات الرعوية ووضع السياسات والممارسات التي تدعمهم ونقل من معاناتهم؛

2. ونعبر عن تكافلنا مع المجتمعات الرعوية في الضفة الغربية حيث يعيشون في ظروف سيئة جداً؛

3. وندعو المجتمع الدولي إلى تعزيز تنفيذ الإجراءات التي من شأنها:

- إدراك الحقوق الاجتماعية والاقتصادية والثقافية للمجتمعات الرعوية في الضفة الغربية ودعمها وحمايتها.
- توفير وصول مجاني ودائم للمجتمعات الرعوية إلى الموارد الطبيعية في الضفة الغربية.
- الاعتراف بشراكة المجتمع الرعوي في المبادرات الأصلية لحماية الطبيعة وتعزيزها.

4. وندعو المنظمات الدولية والإقليمية إلى العمل على دعم مصادر الرزق الخاصة بالمجتمعات المتنقلة وخصوصاً المجتمعات الرعوية من أجل:

- المساعدة في تعريف المجتمع الدولي بالتحديات التي تواجه المجتمعات الرعوية في العالم وخصوصاً في الضفة الغربية؛
- توفير الدعم والمساعدة للمجتمعات الرعوية التي تعاني من إنحطاط مصادر الرزق وخصوصاً المجتمعات الرعوية في الضفة الغربية؛
- دعوة ممثلين عن مجتمعات الضفة الغربية إلى الانضمام إلى العمليات الدولية التي يتم فيها معالجة قضايا ذات علاقة بالمجتمعات المتنقلة ودمجهم في شبكات تبادل المعلومات والآليات التي تركز على العمل.

ضانا، الأردن- الثالث عشر من نيسان/ أبريل، 2012

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