

Transforming conservation

In recent weeks, there has been significant press coverage of human rights abuses connected with the work of international conservation charities, including WWF. This paper outlines recommendations emerging from nearly 30 years work in preventing human rights abuses in protected-area conservation programmes.

Recently published allegations of human rights abuses connected with the work of international conservation charities have shocked donors and the public alike. These allegations are consistent with evidence of human rights violations against indigenous peoples and local communities that Forest Peoples Programme and partners have encountered and documented over the course of nearly 30 years of work. While there have been moments when progress in this area seems to have been made (e.g. the 2003 Durban Accord, and the adoption of social policies by conservation agencies) changes to practice on the ground have been limited or quickly reversed, despite repeated calls by human rights organisations over decades. Without such change, Victoria Tauli-Corpuz, the UN Special Rapporteur on the Rights of Indigenous Peoples, warns that conservation will continue to “ignore the growing body of evidence that forests thrive when Indigenous Peoples remain on their customary lands and have legally recognised rights to manage and protect them.”ⁱ

We believe that the form which conservation work takes requires a radical, root and branch transformation to put an end to the repeated, serious and systematic violations of indigenous peoples’ and local communities’ rights.

These issues are widely known, they cannot be ignored. They do not require further investigation: they require concerted action.

We reject any form of conservation which accepts human rights violations as a cost of achieving conservation outcomes and which sees indigenous peoples as a threat to biodiversity and the environment. Decades of work has shown that the creation of **protected areas** has too often seen the dispossession of indigenous peoples and local communities from their ancestral territories, a phenomenon that continues todayⁱⁱ. The zoning of such areas, a persistent practice that dates back to colonial times, has caused catastrophic cultural, physical and material harms to affected communities. Those charged with protecting these areas (‘eco-guards’) have repeatedly been complicit in abuses. Conservation actors have continued to support exclusionary conservationⁱⁱⁱ programmes, despite being provided with evidence of serious rights abuses for decades.

ⁱ See, for instance, <https://www.corneredbypas.com/>; see also [Rights, not ‘fortress conservation’ key to save planet, says UN Expert](#) (2018)

ⁱⁱ See for instance [Myanmar 2018](#).

ⁱⁱⁱ We use the term ‘exclusionary conservation’ to refer to an approach which seeks to secure critical ecosystems away from humans and replaces local and indigenous knowledge systems with exclusive scientific approaches prioritising external experts. Community participation is pushed to ‘buffer zones’ and away from core areas of protection. This is not the only form of conservation used today – and clear examples of alternative rights-based conservation do exist – but experiences

Conservation and human rights are not intrinsically opposed. There is mounting evidence that conservation based on respect for the rights of traditional owners of the lands is more effective than exclusionary protected areas. For example, in the Amazon deforestation is between 2 and 6 times lower in areas where indigenous people have secure land rights.

We need to see a **transformation in conservation models** for these recurring reports of abuse to cease. It must be a transformation that goes beyond damage limitation to one that is positively rights affirming and consistent with international human rights law, including the UN Declaration on the Rights of Indigenous Peoples, and environmental agreements such the Aichi Biodiversity targets and the Sustainable Development Goals.

There are exciting glimmers of what this can look like reflected in initiatives of indigenous peoples and local communities, e.g. as documented by the UN Convention on Biological Diversity, by ICCAs and by FPP^{iv}. Conservation agencies and the donors that fund this work must play a central role in ensuring that conservation can and does transform into a sustainable and just process of true protection of the world's resources and empowerment of those best placed to achieve such outcomes.

FPP and partners propose the following recommendations to enable this transformation. These recommendations are based on the belief that, not only is the recognition of rights essential to human well-being, but that we can only successfully address the critical issues of climate change, biodiversity loss and deforestation that confront us all if we secure the human rights of indigenous peoples and local communities, and in doing so, support them to secure their lands, forests and ecosystems^v.

Conservation organisations – and donors who fund this work – should:

1. **Ensure protection of human rights is integral to conservation** management, strategy and programmes (internal human rights monitoring or partnering with human rights organisations), and actively advocate for respect for the rights of indigenous peoples and local communities with the governments and national agencies with whom they work.
2. **Avoid and disinvest from conservation programmes that pose a risk of human rights abuses**, including by ceasing to partner with governments that systematically fail to respect and protect human rights, and make sure conservation programmes have clear due diligence

from our partners show it is all too often the dominant approach applied by national governments and conservation agencies.

^{iv} <https://beta.localbiodiversityoutlooks.net/>

^v For literature from FPP on the devastating impact the non-recognition of rights has had on communities and on the conservation of their lands, see the extensive list of references below. Some of the examples referred to include: (1) the impact of WWF policies and [eco-guard abuse on the Baka of Cameroon](#); (2) the way WWF's '[Heart of Borneo' conservation initiative](#) led to intensive logging of Long Isun Dayak lands destroying Long Isun Dayak ability to care for, benefit from and conserve their lands, despite conservation being integral to Dayak culture; (3) the [August 2017 murder by an eco-guard of a Batwa boy](#) while he was collecting medicinal plants on ancestral lands the Batwa have been excluded from for 44 years since the creation of Kahuzi-Biega National Park, DRC; (4) [Sengwer women's experience of eviction](#) at the hands of World Bank and EU-funded forest conservation projects; (5) the positive impact of [Ogiek communities bylaws and land tenure in securing conservation outcomes](#) at Mt Elgon; as well as (6) an outline of the [legal models for rights-based conservation](#); (7) recent developments in [human rights jurisprudence and their implications for conservation](#); and (8) the recognition in the '[Global Dialogue on Human Rights and Biodiversity Conservation](#)' that the real conflict is not between communities needs and conservation outcomes, but between the well-being of communities and ecologies, on the one hand, and those extractive forces who are interested in dividing and exploiting both.

processes in place to ensure they do not finance, participate in, support or promote such projects.

3. **Actively support the full protection of indigenous peoples' and local communities' customary land and resource rights.** Where conservation or related programmes wish to include or affect indigenous peoples' or local communities' lands, **seek and obtain the free, prior and informed consent (FPIC)** of affected communities to ensure their programme of work has the full support of all indigenous and local communities, and not rely on government actors to carry these out.
4. **Recognise indigenous peoples and communities as the key actors** in securing biodiversity, and seek to support them in doing so, including by providing direct funding to better support indigenous peoples' own initiatives for conservation. Champion a community-led conservation model.
5. **Ensure there are effective avenues for redress for past and future actions that do not meet the above criteria**, and systematically (and independently) review past and current involvement in any human rights violations within conservation programmes.

Notes: ¹Forest Peoples Programme has worked on human rights abuses in exclusionary protected areas ('fortress conservation') for three decades. In the 1996 report '**Salvaging Nature**', FPP & UNRISD argued that conservation increasingly seeks to limit human activities in biodiversity-rich areas. Marcus Colchester, the author of the report, and Senior Policy Lead at FPP, said "Mainstream conservationists have sought to impose their culturally-bound vision of natural resource management on indigenous peoples without taking into account their rights under international law or their different priorities and perceptions."

"Forced relocation, impoverishment, cultural destruction and the undermining of traditional systems of natural resource management have been common results of this type of conservation," he added.

"Conflicts between indigenous peoples and conservation agencies have resulted, making protected areas unmanageable and inoperative."

²**The Durban Accord**, in 2003, called for "a fresh and innovative approach to protected areas and their role in broader conservation and development agendas," and spelled out that "this approach demands the maintenance and enhancement of our core conservation goals, equitably integrating them with the interests of all affected people. In this way the synergy between conservation, the maintenance of life support systems and sustainable development is forged."

A more detailed version of these recommendations is provided in Annex I, and evidence gathering is provided in the associated reference list.

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New principles and practices for all conservation programmes

The detailed recommendations and overarching principles provided here are the result of a comprehensive review of nearly 30 years of research, experiences, legal submissions and publications related to conservation and human rights, produced by FPP and partners (see Annex 1 on p.6 for full references). These recommendations align with those provided by indigenous peoples' organisations many times over the past decades, and those which emerged from the 2003 World Parks Congress.

1. Ensure respect for and protection of human rights is fully integrated into conservation management, strategy and programmes of all conservation agencies and donors.

- Conservation agencies should develop and resource internal competence in human rights, OR partner with human rights organisations in relation to strategy, programme and project development
- Where possible, donors should collectively work to help incentivise conservation partners to enable this radical shift in practice towards a model of conservation taking into account human rights, an approach which inevitably also recognises the long term custodians of these lands and so helps ensure that conservation supports sustainability.
- Conservation agencies and donors should support only conservation projects that contain both conservation **and** human rights elements, where indigenous peoples or local communities may be affected in any way. Where gaps are identified in existing support, remedy must be taken to bring practice in line with a human rights approach.
- Conservation funders should develop metrics and targets related to rights-affirming conservation (e.g. proportion of funding flowing to community-led conservation)
- Boards of governance should include representation from experts in human rights, as well as representatives of indigenous peoples and local communities, for all organisations working in areas that may entail impacts on indigenous peoples and local communities.
- All conservation agency staff should receive basic training in key human rights issues relevant to conservation, and all local offices should include dedicated, trained and competent staff with expertise in human rights.
- Conservation agencies should develop or strengthen effective, adequately resourced, and culturally appropriate complaints mechanisms that are available for indigenous peoples to voice their concerns over conservation initiatives and support initiatives for indigenous peoples' right to remedy in cases when conservation activities have negatively impacted their rights. Any mechanism must ensure adequate whistle-blower protections^{vi}.
- As part of due diligence, improve monitoring and include compliance with indigenous peoples' rights in regular project assessments. Ensure that information obtained through monitoring and reporting is transparent and accessible. All project evaluations should be carried out by evaluators with sufficient expertise.

^{vi} See, for instance, IUCN ESMS (<https://www.iucn.org/resources/project-management-tools/environmental-and-social-management-system>) and the Whakatane Mechanism (<http://whakatane-mechanism.org/>).

- Donors should perform their own thorough human rights due diligence on their aid flows – both in terms of the organisations funded and in terms of the projects and locations funded
- Conservation agencies should review their theories of change so that they advance respect and protection of human rights (including the rights of indigenous peoples and local communities), and reorient their work so that they are supporting communities to conserve rather than displacing and disempowering them in the name of conservation.
- While conservation agencies should seek to involve and include local and indigenous organisations, these agencies cannot simply “outsource” their responsibilities to comply with human rights obligations to local and indigenous organisations without any regard to their existing capacities, technical knowledge or constraints (or seek to blame these organisations for failures in compliance). In this respect, while integrating indigenous and local organisations (and particularly community organisations) remains critical, conservation agencies should have protocols in place to assess the competence of such organisations and provide them with additional technical support (whether in-house or external) where necessary.

2. Conservation agencies should oppose and avoid all conservation programmes that are inherently inconsistent with respect and protection for human rights

- Conservation agencies should have clear processes in place to that ensure that they do not finance, participate in, support or promote conservation projects which involve inherent contradictions with human rights, including specifically all forms of protected area that involve restrictions on ownership of lands, or access or use of natural resources by indigenous peoples and local communities.
- Conservation agencies should withdraw support from ‘other area-based conservation measures’ such as industrial ‘sustainable’ forestry, where these activities have entailed (in law or in fact) the dispossession of indigenous peoples and local communities, or restrictions on their access to or use of natural resources.
- As a general principle, conservation agencies should not finance or partner with national governments that systematically violate, in law or in practice, the human rights of indigenous peoples and local communities, including by not recognising and protecting their customary rights to lands.
- When partnering with governments in any other countries, conservation agencies should make it a clear and essential condition of any such partnership that human rights obligations are complied with by the host government.
- Particularly in countries where indigenous peoples’ and local communities’ rights are not widely protected and respected, conservation agencies should not rely on the consent of government actors or FPIC processes carried out by those actors, but should carry out independent and thorough Free, Prior and Informed Consent (FPIC) processes to ensure their programmes of work have the full support of all indigenous and local communities.
- Conservation agencies should not finance eco-guard patrols (particularly not armed eco-guard patrols) unless they are satisfied that:
 - Eco-guards have been fully trained and understand human and indigenous rights and the limitations on their actions which these entail;

- There are clear rules in place at the national level which require eco-guards to respect human rights and the rights of indigenous peoples;
- There is a sufficiently rule-based culture within the body employing the eco-guards, and more broadly within the country in question, to ensure that rules are likely to be obeyed and that any non-compliance will be adequately investigated, prosecuted and punished.

3. Acknowledge and support the full protection of indigenous peoples' and local communities' land and resource rights. Where conservation or related programmes wish to include or affect indigenous peoples' or local communities' lands, they must seek and obtain the **free, prior and informed consent (FPIC)** of affected communities to ensure conservation organisations programme of work has the full support of all indigenous and local communities, and not rely on government actors to carry these out.

- Conservation agencies should acknowledge and support the full protection of indigenous peoples' and local communities' customary land and resource rights, including when these are not formally recognised by the government.
- Where it is proposed to include indigenous peoples' or local communities' lands in externally-imposed conservation programmes (noting that this should be exceptional), indigenous peoples and local communities should be involved at the earliest stage (initial scoping and conception of the project) and continually thereafter (including developing the project and implementation).
- Particularly in countries where indigenous peoples' and local communities' rights are not widely protected and respected, conservation agencies should not rely on the consent of government actors or FPIC processes carried out by governments, but should carry out independent and thorough FPIC processes to ensure their programmes of work have the full support of indigenous and local communities.

4. Recognise and acknowledge indigenous peoples and communities as the key actors in achieving conservation, and seek to support them in working to secure biodiversity, including by providing direct funding to better support indigenous peoples' own initiatives for conservation. In doing so, champion a community-led conservation model.

- In every country in which they operate or provide funding, conservation agencies and donors should put the long-term recognition of customary tenure of indigenous peoples and local communities as central to achieving conservation outcomes.
- In countries where governments do not respect, protect and fulfil human rights, and particularly the rights of indigenous peoples and local communities, conservation agencies should decline to partner with these governments. Instead, they should develop programmes focussed on supporting devolved community-based conservation efforts by indigenous peoples and local communities and work at the national level to influence policy change on collective land rights.

- Conservation agencies and donors should make a shift away from supporting environmentally destructive activities, such as industrial-scale agriculture on customary lands outside of protected areas, as a *quid pro quo* trade off for establishment or maintenance of protected areas. Instead, conservation agencies and donors should push for integrated and equitable sustainable use of **all** lands, centred on livelihoods and economies led and managed by local users.
- Conservation agencies should offer their services, as advisors on conservation and sustainability, to indigenous peoples and local communities who seek to manage their lands and territories sustainably.
- Conservation agencies and donors should support the amendment of fauna protection legislation in countries where they work where this criminalises traditional hunting practices of indigenous peoples and local communities for subsistence purposes. Such agencies should also avoid any support for, and should oppose where it arises, trophy or sport hunting in countries where subsistence use is criminalised.
- Conservation agencies should recognise and acknowledge indigenous peoples and communities as the key actors in achieving conservation objectives.
- Conservation agencies and donors should provide direct funding to better support indigenous peoples' own initiatives for conservation. This means investing in processes of governance and collective leadership that engage communities to manage their territories in ways that reflect their priorities and worldviews.

5. Ensure there are avenues for redress for past and future actions that do not meet the above criteria, and systematically (and independently) review their past and current involvement in any human rights violations within conservation programmes.

- Conservation agencies should establish accessible and responsive grievance mechanisms for communities and individuals to raise concerns or issues with specific projects or actions linked to the agency. While project-level grievance mechanisms may be established to ensure access and rapid response for local communities, they should be established only in addition to global mechanisms that are accessible to communities to ensure that information is effectively shared to all levels of the organisation.
- Conservation agencies should systematically review their past and current involvement in supporting (financially, technically or otherwise) human rights violations, including:
 - the creation or maintenance of protected areas that have resulted in indigenous peoples' or local communities' being dispossessed of their customary lands or access and use of their natural resources;
 - instances of physical abuse, theft, etc, by ecoguards supported by or working in close collaboration with the conservation agency.
- Where this review identifies any such violations linked to the past or current activities of conservation agencies, such agencies should take the following actions:
 - a) take steps to cease funding any ongoing activity;
 - b) publicly acknowledge the violation of rights;

c) consult with the affected peoples to determine appropriate steps to remedy the violation.

Appropriate steps need to be decided with the FPIC of indigenous peoples and local communities, including advocating for the return of the lands to these indigenous peoples or local communities, with or without the continuation of the protected area. Depending on the wishes of those for whom these are their ancestral lands, it may also include: supporting (genuine) co-management of the protected area; providing affected communities with alternative lands; providing communities with financial or other forms of compensation, including long-term accompaniment to develop effective alternative livelihood strategies; sharing benefits from conservation projects (such as a share of revenues from ecotourism); other propositions made by indigenous peoples and local communities during consultations.

Annex 1: References

| Date | Title | Name |
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| 2003 | Salvaging Nature **revised edition of the 1994 publication above, published by FPP in advance of Durban Conference, containing updated materials). | Marcus Colchester |
| 2003 | Indigenous Peoples and Protected Areas in Africa: From Principles to Practice | John Nelson, Lindsay Hossack, forward by Marcus Colchester |
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| March 2019 | 'Burning a home that doesn't exist, arresting people who aren't there: the Sengwer in Embobut', in <i>Scales of governance and Indigenous Peoples' rights in a globalized world: New rights or same old wrongs?</i> (Jennifer Hays and Ir.ne Bellier, eds.) London: Routledge | Justin Kenrick |