



Key points

Conservation agencies and those who fund them should:

01

Ensure that protection of human rights is integrated into conservation management, strategy and programmes.

02

Avoid and disinvest from conservation programmes that pose a risk of human rights abuses.

03

Actively support the full protection of indigenous peoples' and local communities' customary land and resource rights.

04

Recognise indigenous peoples and communities as key actors in securing biodiversity

05

Ensure there are effective avenues for redress for past and future actions that do not meet the above criteria.

Transforming conservation

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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 the human rights of indigenous peoples and of local communities.

Forest Peoples Programme and partners have encountered and documented human rights violations against indigenous peoples and local communities associated with conservation over the course of decades of work.¹ There have been moments when progress in this area has been made (e.g., the 2003 Durban Accord and the adoption of social policies by conservation agencies). However, changes to practice on the ground have too often been limited or quickly reversed, despite repeated calls by human rights organisations over decades.² 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. Instead, we need to focus on creating the enabling conditions for indigenous peoples and communities with collective ties to their resources to be able to

sustain and be sustained by the ecological integrity of their lands, including through the recognition of fundamental rights in conservation practice and in national laws and policies.

Decades of work has shown that the creation of government or privately managed protected areas has too often seen the dispossession of indigenous peoples and local communities of their ancestral and collective territories and resources, a phenomenon that continues today.³ The zoning of such areas as externally protected, a persistent practice that dates back to colonial times, has in many instances caused catastrophic cultural, physical and material harms to affected communities. Those charged with protecting these areas ('eco-guards') have been complicit in abuses, while the illegal wildlife trade has been used to justify increasingly militarized approaches which threaten indigenous peoples and local communities' rights to access their resources.⁴

About this briefing series: In 2003, at the 5th World Parks Congress in Durban, the conservation world made commitments to return lands to indigenous peoples that had been turned into protected areas without their consent, and to only establish new protected areas with their full consent and involvement. Those commitments have not been realised. This paper is the first in a series of briefing papers on 'Transforming Conservation' that will offer case studies, testimony, research, and analysis that will examine the current state of play of the relationship between conservation and indigenous peoples, and local communities with collective ties to their lands. It is an updated and extended version of a paper published in 2019, amended to address developments since then. The briefing series will expose challenges and injustices linked to conservation operations, showcase practical, positive ways forward for the care of lands and ecosystems, including those led by indigenous peoples and local communities themselves, and reflect on pathways to just and equitable conservation more broadly.

Conservation actors have continued to support exclusionary conservation⁵ programmes, despite being provided with evidence of serious rights abuses over several decades. Conservation and human rights are not intrinsically opposed. As former UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz notes, there is a 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.⁶ This evidence is compelling, and demonstrates that indigenous peoples and local communities are essential in global efforts to protect nature and avoid catastrophic climate change.⁷

For example, studies on the impact of indigenous property rights on Amazonian deforestation rates shows “not only do indigenous territories serve a human-rights role, but they are a cost-effective way for governments to preserve their forested areas.”⁸ Furthermore lands, territories and waters under the customary management of traditional owners has been demonstrated to be as effective – if not more so – than protected areas in supporting biodiversity.⁹

We need to see a **transformation in conservation models** for recurring reports of abuse to cease. It must be a transformation that goes beyond damage limitation to one that is 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 in accounts of initiatives of indigenous peoples and local communities as documented by the Secretariat to the UN Convention on Biological Diversity, the ICCA Consortium and FPP¹⁰, among others. 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 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 control over their lands, forests and ecosystems.¹¹

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

1. **Ensure that protection of human rights is integrated into conservation** management, strategy and programmes (through 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 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 may affect indigenous peoples’ or local communities’ control over, use of, or access to lands or resources, **seek and obtain the free, prior and informed consent (FPIC)** of affected communities, involving them at the earliest stage (initial scoping and conception of the project) and continually thereafter (including developing the project and implementation). At a minimum projects should be designed in collaboration with all affected communities, and implementers should not rely on government actors to implement FPIC.
4. **Recognise indigenous peoples and communities as 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.
5. **Ensure there are effective avenues for redress for past and future actions that do not meet the above criteria**, and systematically review (including through commissioning independent reviews) past and current involvement in any human rights violations within conservation programmes.

Principles and practices for all conservation programmes

The detailed recommendations and overarching principles provided here are the result of a comprehensive review of decades of research, experiences, legal submissions and publications related to conservation and human rights, produced by FPP and partners (for additional resources from FPP and partners, see: forestpeoples.org/en/conservation-human-rights). These recommendations align with those provided by indigenous peoples' organisations many times over the past decades as well as those which emerged from the 2003 World Parks Congress.

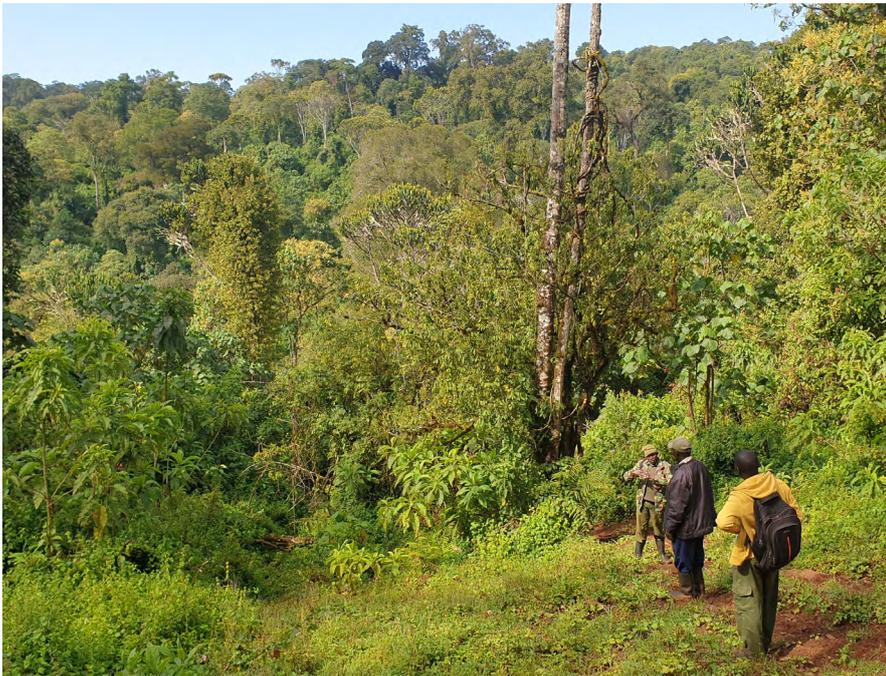


Image credit:

An Ogiek mapper and community scout track elephants at Mount Elgon, Kenya. Credit: Tom Rowley, FPP.

Ensure that 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 review their theories of change so that they advance the respect for 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.
- Conservation agencies should develop and resource internal competence in human rights (through training staff in human rights issues relevant to conservation and ensuring that local offices include dedicated, trained, and competent staff with expertise in human rights) or partner with human rights organisations in relation to strategy, programme and project development

- Where possible, donors should incentivise partners to shift towards rights-based approaches.
- Where indigenous peoples or local communities may be affected in any way, conservation agencies and donors should support only conservation projects that contain both conservation and human rights elements.
- Boards of governance for all organisations working in areas that may entail impacts on indigenous peoples and local communities should include representation from experts in human rights as well as representatives of indigenous peoples and local communities.
- Conservation agencies should develop or strengthen effective, adequately resourced, and culturally appropriate complaints mechanisms that are available for indigenous peoples and local communities to voice their concerns. Any mechanism must ensure adequate whistleblower protection.¹²
- Conservation agencies and funders should regularly evaluate their use of human rights-based approaches, including through transparent and accessible project assessments carried out by evaluators with sufficient expertise.
- Conservation funders should develop metrics and targets to evaluate rights-based approaches (e.g. proportion of funding flowing to community-led conservation).
- While conservation agencies should seek to involve and include local and indigenous organisations these should be meaningful, mutually beneficial partnerships rather than strategies to 'outsource' responsibilities for human rights compliance.

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 without their FPIC.

- 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 FPIC processes (see Recommendation 3).



Image credit:

A woman picks medicinal herbs in a community forest in Nepal. Credit: Claire Bracegirdle.

- 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.

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 and/or resources, they must seek and obtain the FPIC of affected communities and not rely on government actors to carry these out (see Recommendation 3 for a definition of FPIC).

- 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).

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 support the legal recognition of the customary tenure of indigenous peoples and local communities as a central element of 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 work at the national level to influence policy change on collective land rights and support devolved community-based conservation efforts by indigenous peoples and local communities.
- Conservation agencies and donors should make a shift away from supporting environmentally destructive activities, such as culturally inappropriate agriculture on customary lands outside of protected areas, as a *quid pro quo* trade-off for establishment or maintenance of protected areas.¹³ 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.



Image credit:

A man looks up at the forests canopy in the biodiversity zone his family have created around his home in Colombia. Credit: Vicki Brown, FPP.

- 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:
 - take steps to cease funding any ongoing activity;
 - publicly acknowledge the violation of rights
 - 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;
- 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. Agencies should also avoid any support for, and should oppose where it arises, trophy or sport hunting in places where customary sustainable use by indigenous peoples and local communities criminalised.¹⁴
- 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.

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.

Endnotes

1 In this briefing, we use the term ‘local communities’ to refer to groups of people (other than indigenous peoples) who maintain a close and traditional dependence on their lands and resources. The term may refer to both communities of individuals who hold rights only on an individual basis, as well as communities that hold rights both individually and collectively (such as some Afro-descendant peoples or communities, some traditional African communities, and others). Any references to collective rights (including the right of “free, prior and informed consent”) in relation to local communities relates only to those local communities whose characteristics are such that they are entitled to the protection of collective rights either under international law (as applicable from time to time), or under the national law applicable in their country of residence.

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.”

See: 2003, *Durban Accord*. IUCN.

3 For resources from FPP, see: forestpeoples.org/en/conservation-human-rights

4 2022, Rosaleen Duffy. ‘Crime, Security, and Illegal Wildlife Trade: Political Ecologies of International Conservation.’ *Global Environmental Politics*.

5 We use the term ‘exclusionary conservation’ to refer to an approach which seeks to secure critical ecosystems by excluding or significantly reducing human presence in the landscape, and/or replacing local and indigenous knowledge systems with exclusive scientific approaches prioritising external experts. Including in situations where communities are customary owners of lands and resources, community access and resource use is pushed to ‘buffer zones’ and away from core areas of protection, and their participation in protecting and conserving ecosystems is minimized or removed entirely. This is not the only form of conservation used today – and clear examples of alternative rights-based conservation do exist – but experiences from our partners show it is all too often the dominant approach applied by national governments and conservation agencies.

6 2018, David Hill. ‘Rights, not ‘fortress conservation’, key to saving planet, says UN expert.’ *The Guardian*.

7 2018, Stephen T. Garnett, Neil D. Burgess, Julia E. Fa et al. ‘A spatial overview of the global importance of Indigenous lands for conservation.’ *Nature Sustainability*.

2020, Julia E Fa, James EM Watson, Ian Leiper, Peter Potapov, Tom D Evans, Neil D Burgess, Zsolt Molnár et al. ‘Importance of Indigenous Peoples’ lands for the conservation of Intact Forest Landscapes.’ *Frontiers in Ecology and the Environment*.

2021, Christopher J. O’Bryan, Stephen T. Garnett, Julia E. Fa, Ian Leiper, Jose A. Rehbein, Álvaro Fernández-Llamazares, Micha V. Jackson, Harry D. Jonas, Eduardo S. Brondizio, Neil D. Burgess,

Catherine J. Robinson, Kerstin K. Zander, Zsolt Molnár, Oscar Venter, and James E. M. Watson. ‘The importance of Indigenous Peoples’ lands for the conservation of terrestrial mammals.’ *Conservation Biology*.

2022, Victoria Reyes-García, Álvaro Fernández-Llamazares, Yildiz Aumeeruddy-Thomas et al. ‘Recognizing Indigenous peoples’ and local communities’ rights and agency in the post-2020 Biodiversity Agenda.’ *Ambio*.

8 2020, Kathryn Baragwanath and Ella Bayi. ‘Collective property rights reduce deforestation in the Brazilian Amazon.’ *PNAS*.

9 2019, Richard Schuster, Ryan R. Germain, Joseph R. Bennett, Nicholas J. Reo, Peter Arcese. ‘Vertebrate biodiversity on indigenous-managed lands in Australia, Brazil, and Canada equals that in protected areas.’ *Environmental Science & Policy*.

10 For example, see: 2021, ICCA Consortium. *Territories of Life: 2021 Report*. ICCA Consortium.

11 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 forestpeoples.org/en/conservation-human-rights. 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.

12 See, for instance: the [IUCN Environmental and Social Management System](#) and the [Whakatane Mechanism](#).

13 For a review of alternative livelihoods, see, for instance: 2015, Dilys Roe, Francesca Booker, Mike Day et al. ‘Are alternative livelihood projects effective at reducing local threats to specified elements of biodiversity and/or improving or maintaining the conservation status of those elements?’ *Environmental Evidence*.

14 See, for instance, the [exclusion of 70,000 Masaai from Loliondo in Tanzania to make way for a game reserve](#).

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