

Conservation and human rights: the need for international standards

Conservation doesn't happen in a vacuum. In recent years, awareness has grown of the relationship of international conservation practice to indigenous peoples and local communities, and especially the links between conservation and human rights. The impacts protected areas can have on rural communities – such as evictions and lost access to natural resources – are now under particular scrutiny. Concern is meanwhile rising over the human rights implications of some climate change mitigation and adaptation measures. But awareness is also growing of the positive contributions of nature conservation to the rights of people to secure their livelihoods, enjoy healthy and productive environments, and live with dignity. International NGOs can play a central role in supporting and promoting conservation actions that respect the rights of indigenous peoples and local communities, and help sustain their livelihoods. Many conservation organisations have long worked towards this. It is vital that they hold to consistent principles and implement measures that ensure their application, so their action on conservation remains accountable, transparent and sustainable.

Policy pointers

- **Conservation and** a quality environment are fundamental to realising human rights – particularly where indigenous peoples' and local communities' livelihoods (and so rights to wellbeing) depend largely on ecosystem goods and services.
- **Socially sensitive** conservation approaches could be strengthened by adopting principles and standards of implementation measures related to human rights and by mechanisms to demonstrate adherence to them.
- **The benefits of integrating** human rights concerns into conservation practice include improved security for local and indigenous communities on the one hand, and more effective and sustainable conservation on the other.
- **As conservation and human** rights will not become fully integrated overnight, expectations of what can be achieved and how quickly need to be realistic.

Are human rights a conservation issue?

Complex and multidimensional, nature conservation inevitably involves a range of actors. Government agencies, for instance, have prime responsibility for actions such as establishing and managing protected areas, but international conservation NGOs help to promote new initiatives and support their rollout.

Where conservation value is high but governance regimes are weak or ambiguous, the role of international NGOs may be even more crucial: they can back efforts to ensure that decisions are made in ways that support, and do not adversely affect, vulnerable or marginalised communities.

Many conservation organisations have long worked to better understand the relationship between conservation actions and the livelihoods of local people – which involves defining their own roles and responsibilities in upholding and respecting the rights of local people.

Meanwhile, international environmental and human rights laws provide binding and/or moral obligations for

the consideration and inclusion of local and indigenous community concerns in conservation activities. They also provide obligations for including environmental considerations in development and humanitarian actions that support the rights and livelihoods of communities.

While NGOs and other proponents and implementers of conservation projects have an obligation to abide by the domestic legislation of their host state, it is also critically important that they hold themselves to consistent principles and implement measures that ensure and demonstrate their application.

Adherence to transparent standards is key in ensuring the long-term sustainability of conservation initiatives. Where conservation measures affecting the rights of people are seen to violate accepted standards, the legitimacy of those measures will be in question.

Conservation policy: progress and challenges

Conservation organisations have not ignored the fact that their actions can affect people differently, and may

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result in negative social and economic impacts. As well as going against many organisations' ethical principles, carrying out an activity that fails to meet accepted standards for consultation and informed consent, or that does not follow accepted guidelines in proactively addressing any negative impacts on people, can also undermine the local and global support base on which successful conservation relies.

Conservation practice that supports human rights and livelihood security can, however, enable communities and individuals to better participate in decision making, hold authorities and institutions to account, and more effectively claim for attention to their needs and support from governments and other stakeholders.

Many agencies that fund or implement conservation have adopted codes of conduct, sets of principles and internal policies to guide their own practice in promoting positive engagement and minimising negative impacts on indigenous peoples and local communities. In addition to individual commitments, many conservation agencies have also been party to joint statements such as the Durban Accord, a vision statement for protected areas in the 21st century arising out of the 2003 IUCN World Parks Congress. A number of challenges remain, however.

First, many of these commitments are aspirational in nature and often difficult to translate into practice.

Secondly, the variation in specific commitments across conservation organisations can lead to confusion, weaken the position of the conservation community as a contributor to equitable and sustainable development, and make good practice hard to identify.

Thirdly, there is a need for accessible mechanisms by which potentially affected groups can assess implementation of commitments, resolve conflicts as they arise, and call for supportive actions to address problems of livelihood insecurity in cases where conservation can play a role.

Moving forward

Appropriate approaches and tools are needed to improve and document the performance of conservation organisations in integrating human rights issues in the planning and implementation of their programmes. They are needed, too, to support the integration of rights in conservation more broadly.

Commitments by leading conservation organisations to integrate human rights in conservation, express this in a set of common principles, and develop tools to help in applying and monitoring adherence to them can enhance contributions of the conservation community to both social wellbeing and conservation.

This is happening against wider developments (see 'The drive towards accountability', below).

Accountable human rights-based approaches will not only benefit potentially affected communities. Conservation organisations also stand to gain in a number of ways.

More sustainable conservation Conservation seeks to provide lasting, flexible and adaptable solutions to the problem of maintaining and improving biodiversity resources in the face of society's expanding economic expectations. At times, achieving the right balance between conservation and human needs is difficult. Establishing principles of equity and human rights as integral components of conservation planning and management would enhance conservation practice and result in more effective action.

Clarity on rights, roles and responsibilities By adopting and adhering to common principles and standards, conservation organisations will not only make clear to partner organisations where they stand on human rights, but will also more clearly define the scope of effective responsibility. This will also provide conservation organisations with a basis on which to make decisions about ways to operate in locations with unclear or inadequate governance and rights regimes.

Reduced reputational risk Conservation organisations share a common reliance on public trust in order to gain

The drive towards accountability

Increasing accountability is a concern outside as well as within the conservation sector. Moves towards accountability and responsibility are now relatively common in the corporate world. Commitments by NGOs are not as widespread, but two examples are:

- the Humanitarian Accountability Partnership International (HAPI), developed in response to criticisms of the international response to the Rwandan genocide of 1994
- the Global Accountability Charter. With signatories among the world's leading human rights, environmental and social development agencies, this is the first such initiative to set out international, cross-sector standards for the nonprofit sector.

social and community support to conservation, raise funds and ensure that their messages are credible and are acted on. Evidence-based monitoring mechanisms will greatly enhance the capacity of organisations to prevent and resolve conflicts, as well as respond to criticisms that are unfounded.

A principled future

A number of international conservation organisations are committed to engaging in a process to develop common human rights-based principles (see 'The Conservation Initiative on Human Rights', below). These would provide a framework for institutional

policies, standards and tools that build on existing approaches (see 'Who says what in conservation and human rights?', overleaf) and that would support implementation and accountability mechanisms. Experience from other sectors indicates such an initiative may take time before it is fully established. In the meantime, there is much to be done.

1. The links between conservation and human rights are complex and often poorly understood. Greater awareness and learning are needed on key issues at the intersection of human rights and conservation, and on ways to address them, as a basis for relevant policies and practices.

The Conservation Initiative on Human Rights

The Conservation Initiative on Human Rights (CIHR) is a consortium of international conservation NGOs that seek to improve the practice of conservation by promoting integration of human rights in conservation policy and practice. CIHR organisations, which all participate in the Conservation CEOs Forum, include Birdlife International, Conservation International (CI), Fauna & Flora International (FFI), The International Union for Conservation of Nature (IUCN), The Nature Conservancy (TNC), Wetlands International (WI), Wildlife Conservation Society (WCS) and WWF.

The goal of CIHR is to improve the practice of conservation by ensuring that participating organisations integrate human rights into their work. The specific objectives are to:

- develop and maintain a common set of human rights principles as they relate to conservation
- identify and test management practices for implementing these principles and demonstrating compliance with them
- support members in implementing human rights principles and management practices, especially through shared learning among participating organisations, stakeholders and experts
- promote integration of human rights principles in conservation and communicate relevant experience
- report on members' activities in putting in place management practices for implementation and monitoring of their human rights principles.

Activities of the initiative are grounded in the following **common principles**:

1. **Respect human rights.** Respect internationally proclaimed human rights; and make sure that we do not contribute to infringements of human rights while pursuing our mission.
2. **Promote human rights within conservation programmes.** Support and promote the protection and realisation of human rights within the scope of our conservation programmes.
3. **Protect the vulnerable.** Make special efforts to avoid harm to those who are vulnerable to infringements of their rights and to support the protection and fulfilment of their rights within the scope of our conservation programmes.
4. **Encourage good governance.** Support the improvement of governance systems that can secure the rights of indigenous peoples and local communities in the context of our work on conservation and sustainable natural resource use, including elements such as legal, policy and institutional frameworks, and procedures for equitable participation and accountability.

Management practices identified as a focus for the initiative include: 1) policy development, 2) implementation capacity, 3) programme integration and 4) accountability measures.

The idea of working collectively to develop common principles on human rights and conservation was first discussed at a Conservation CEOs Forum meeting in 2007. A technical working group with representatives from each organisation was established in 2008 to advance the work, with IIED acting as a support organisation. The working group held a workshop and meetings to scope the issues; learn from other processes; and understand related, ongoing work of each organisation and draft materials.

One output of this work was a Conservation and Human Rights Framework, proposed as a common, initial framework of principles and management practices that each organisation would discuss and adopt as appropriate. IUCN, CI, WI and WWF have approved it to date, and WCS has adopted a set of principles and measures based on it. Birdlife International, FFI and TNC are either working to adopt the framework or are adapting it to their own organisational contexts. Documents and other information can be found at http://cms.iucn.org/about/work/programmes/social_policy/scpl_cihr.

Who says what in conservation and human rights?

Many provisions address human rights in a conservation context – both those laid down in ‘hard’ international law, and the ‘soft’ law (such as guidelines or principles) developed independently by a range of organisations, including many conservation NGOs. The International Union for Conservation Of Nature (IUCN) – a coalition of government agencies and NGOs – has produced a raft of resolutions and recommendations on conservation and human rights including:

- 12th IUCN General Assembly (Kinshasa, 1975) Resolution 12.5 Protection of Traditional Ways of Life calls on governments to recognise indigenous peoples’ rights to land, particularly in the context of preventing displacement in conservation areas.
- 19th IUCN General Assembly (Buenos Aires, 1994) Resolution 19.22 Indigenous People urges governments to guarantee respect of the rights of local and indigenous peoples in protected areas.
- 1st World Conservation Congress (Montreal, 1996) Resolution WCC 1.53 Indigenous Peoples and Protected Areas stresses the need to recognise the rights of indigenous peoples with regard to their lands and territories that fall within protected areas.
- 2nd World Conservation Congress (2000) IUCN Policy on Social Equity in Conservation and Sustainable Use of Natural Resources.
- 5th World Parks Congress (2005) The Durban Accord urges commitment to: ‘... ensuring that people who benefit from or are impacted by protected areas have the opportunity to participate in relevant decision making on a fair and equitable basis in full respect of their human and social rights’.
- 3rd World Conservation Congress (Bangkok, 2004) Resolution 3.015 Conserving Nature and Reducing Poverty by Linking Human Rights and the Environment encourages IUCN to consider human rights in its mission.
- 4th World Conservation Congress (Barcelona, 2008) Resolution 4.056 Rights-based Approaches to Conservation; Resolution 4.052 Implementing the United Nations Declaration on the Rights of Indigenous Peoples; Resolution 4.048 Indigenous Peoples, Protected Areas and Implementation of the Durban Accord; and Resolution 4.053 Mobile Indigenous Peoples and Biodiversity Conservation.

A number of individual conservation organisations have also codified their policies and approaches to addressing indigenous and local community rights – publicly or internally – including:

- Conservation International: Indigenous Peoples And Conservation International: Principles For Partnerships (2003)
- Wildlife Conservation Society: Policy on Human Displacement and Modification of Resource Access to Achieve Conservation Objectives (21 May 2007)
- WWF: Indigenous Peoples and Conservation: WWF Statement of Principles (2008).

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2. While some international conservation organisations have put considerable thought into how to make human rights-based standards operational, others are further behind. Cross learning, as well as learning from the experience of other sectors, can help in identifying operational practices that need to be put in place for policies and principles to be carried out effectively.

3. Accountability mechanisms are an important means for conservation organisations to address concerns, resolve conflicts and demonstrate adherence to their policies and principles. Accountability mechanisms need to address legitimate concerns effectively while also being realistic in scope and cost. Much can be learned from other sectors, but the challenges involved in getting this right should not be underestimated.

4. International conservation organisations are just one set of agencies involved in conservation implementation, and often play only a supporting role. As we’ve seen, to be truly effective, human rights principles and associated implementation and accountability mechanisms should be adopted across the sector.

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