Rights-Based Conservation: The Path to Preserving Earth's Biological and Cultural Diversity?

Executive Summary

Given the urgent need to prevent a collapse of biodiversity across the Earth, certain governments, organizations, and conservationists have put forward proposals for bringing 30 percent and up to 50 percent of the planet's terrestrial areas under formal "protection and conservation" regimes. However, given that important biodiversity conservation areas often overlap with territories inhabited and claimed by Indigenous Peoples (IPs), local communities (LCs), and Afro-descendants (ADs), expanding biodiversity conservation holds significant implications for these communities.

In fact, conservation's colonial history has contributed to a growing list of human rights abuses, displacements, and increasingly militarized forms of violence in the pursuit of protecting biodiversity. It has been estimated that up to 136 million people were displaced in formally protecting half of the Earth's currently protected area (8.5 million km^2).

The current draft of the Convention on Biological Diversity post-2020 Global Biodiversity Framework includes the goal of safeguarding at least 30 percent of the planet through protected areas and other effective conservation measures (OECMs). Thus far, however, it does not guarantee that the rights of IPs, LCs, and ADs will be fully respected and promoted. If conservation actors, governments, and IPs, LCs, and ADs work together, this new 10-year global framework could actively redress conservation's colonial history and begin decolonizing conservation by substantively engaging with community-led conservation approaches. With 190 countries negotiating the UN's Post-2020 Global Biodiversity Framework, this is an important opportunity to codify a rights-based approach to conservation.

This report is informed by the imperative to prevent the collapse of global biodiversity while respecting the tenure and human rights of Indigenous Peoples (IPs), local communities (LCs), and Afro-descendants (ADs). It highlights the risks and opportunities for the world's IPs, LCs, and ADs rising from the proposed expansion of conservation areas by asking five key questions:

1. How many people live within important biodiversity conservation areas, including existing protected areas that could be affected by future conservation action to meet biodiversity protection imperatives?
2. What is the distribution of people living in important biodiversity conservation areas according to income status of countries?
3. As a notional exercise, what could be the potential financial cost of exclusionary conservation practices applied to all high biodiversity value terrestrial areas?
4. What are the costs and benefits of community rights-based conservation as an alternate pathway for expansion of areas under conservation to meet biodiversity goals?
5. To what extent would recognizing and enforcing the collective tenure rights of IPs, LCs, and ADs contribute towards area-based targets for conservation?

The need for this analysis arose from the apprehensions voiced by many Indigenous and community organizations about the proposed area-based expansion of conservation, given its long history of dispossession and exclusion. It was also strengthened by the sincere efforts of some of the proponents of expanding conservation, in a bid to support rights-based measures respecting the customary rights, knowledge, and practices of IPs and LCs. The report was further informed by RRI's finding that IPs, LCs, and ADs lay claim to nearly half the world's terrestrial area, and that most of Earth's biodiversity currently exists in these lands and territories.

This data-driven report builds evidence for community rights-based conservation, and the urgent need to forge alliances between conservation actors and IPs, LCs, and ADs to prevent biodiversity collapse. It ultimately seeks to inform policy processes at local, national, and global levels, including the CBD COP-15 scheduled for 2021, to provide arguments for an effective, just, and sustainable future for biodiversity conservation.

Key Findings

- Between 1.65 billion to 1.87 billion IPs, LCs, and ADs live in important biodiversity conservation areas, of which 363 million inhabit existing protected areas.
- Over half (56 percent) of the people living in important biodiversity conservation areas (including existing protected areas), are in low- and middle-income countries. The burden of conserving biodiversity falls disproportionately on the rural poor living in low- and middle-income countries, with people in high-income countries forming just 9 percent of the population of important biodiversity conservation areas.
- The large number of people living in important biodiversity conservation areas and the ethical mandate to pursue equity, poverty eradication, and sustainable development preclude the use of strict conservation approaches associated with human rights violations, conflict, and high implementation and maintenance costs. With our conservative compensation calculation, we find that the financial cost for resettling as few as 1 percent of the people in a country's important biodiversity conservation areas supersedes the cost of recognizing all tenure rights in that jurisdiction.
- IPs, LCs, and ADs effectively conserve forests, ecosystems, and biodiversity through collective ownership, governance strategies, and traditional ecological knowledge. As a result, they present a viable alternative to exclusionary conservation practices. IPs, LCs, and ADs make investments equal to a quarter of global investment in conservation and manage and protect biodiversity efficiently at a lower cost and without the support received by conservation organizations, making rights recognition a just and effective alternative to exclusionary conservation practices.
- Equitable alliances between conservation actors and IPs, LCs, and ADs prevent deforestation and land use changes better than protected areas managed exclusively by public or private entities.
- IPs, LCs, and ADs are estimated to have grounded claims to over half of the planet's terrestrial area – however, their ownership rights are recognized on just 10 percent of the planet's terrestrial area. Addressing this gap and securing these groups' customary land and territorial rights should be a central component of any global strategy to protect or conserve at least 30 percent or 50 percent of the planet – and can even exceed those targets.

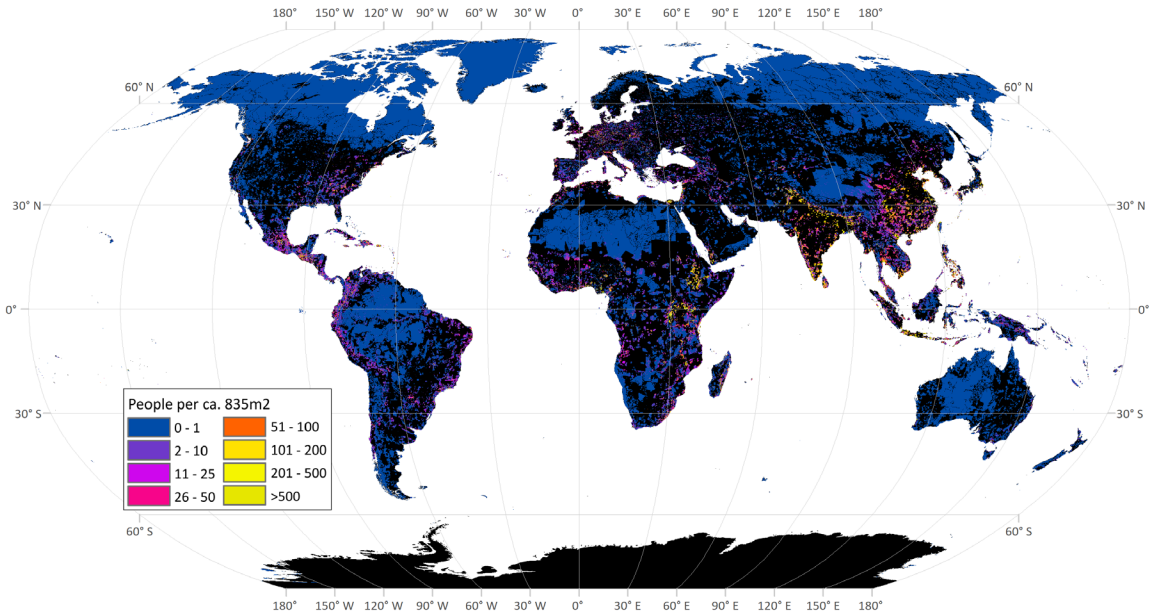

Figure 1: Human populations living within the "minimum land area" required to conserve terrestrial biodiversity

Recommendations

For Intergovernmental Organizations and Institutions:

- Promote the legal recognition and protection of the land and territorial rights of IPs, LCs, and ADs, including their right to self-determination and self-strengthening of their traditional knowledge and governance systems, as the basis for achieving the targets and priorities of the post-2020 global biodiversity framework.
- Advance the inclusion of legally enforceable safeguards in the Convention on Biological Diversity's Global Biodiversity Framework to both protect and extend the land and governance rights of IPs, LCs, and ADs and ensure their free, prior and informed consent in the creation of protected or conserved areas.
- Uphold existing rights standards and encourage parties to adopt the "Gold Standard" principles for best practice for recognizing and respecting Indigenous, Afro-descendant and community rights in the context of climate, conservation, and sustainable development actions (developed by the Global Landscapes Forum, the Indigenous Peoples Major Group for Sustainable Development, and RRI).
- Support IPs, LCs, and ADs to directly represent their own voices in the U.N. Biodiversity process with a seat at the table as full partners and conservation leaders.
- Establish independent grievance redress mechanisms—with the support of regional Indigenous federations, the UN Special Rapporteur on the Rights of Indigenous Peoples, the UN High Commissioner for Human Rights, the CBD Secretariat, and IUCN—to strengthen accountability of conservation efforts, redress infringements of human rights, and enforce compliance.
- Increase funding for initiatives and projects that secure land tenure rights as an effective biodiversity conservation strategy.

For Conservation Organizations and Philanthropists:

- Support efforts by IPs, LCs, ADs, and the youth and women within these groups to advance their land and livelihood rights in important biodiversity conservation areas.
- Prioritize actions and investments that advance the legal recognition and protection of tenure rights, the right to self-determination, and protection and valuation of traditional ecological knowledge held by IPs, LCs, and ADs.
- Endorse the "Gold Standard" principles for best practice for recognizing and respecting Indigenous, Afro-descendant, and community rights, and ensure its effective implementation through appropriate accountability mechanisms (i.e. organization-specific criteria, indicators, trainings, transparent monitoring, and reporting).
- Strengthen collaboration with IPs, LCs, and ADs and the pursuit of territories of life to facilitate inclusive conservation initiatives, while respecting their agency, self-determined priorities, and free, prior and informed consent in all externally funded initiatives.
- Support local governance institutions and decision-making platforms to support joint learning, resolve conflicts, redress grievances, and develop life plans as well as equitable benefit-sharing approaches.
- Support existing initiatives by IPs, LCs, and ADs in their struggles for rights as a central strategy for achieving inclusive and culturally appropriate community rights-based approaches.
- Support the flow of funds and capacity-building resources to IPs', LCs', and ADs' organizations to facilitate the recognition and securing of rights to govern their lands and territories.

For Governments:

- Implement culturally appropriate legal, institutional, and regulatory reforms to recognize and protect the customary land and resource rights of IPs, LCs, ADs, and the women within them.
- Recognize the rights of IPs, LCs, ADs, and the women within these groups over existing protected areas and in important biodiversity conservation areas. Work with organizations representing these groups to develop culturally appropriate frameworks for rights-based conservation regimes.

- Uphold the distinct and differentiated rights of IPs, LCs, and ADs, including their right to self-determination, locally adapted governance institutions, and culturally appropriate land use priorities.
- Commit national and ODA funds for nature protection and conservation towards effective conservation efforts led by IPs, LCs, and ADs.
- Ensure that Indigenous and community conservation efforts are counted in post-2020 global area-based targets. This will enable the integration of Indigenous land rights into national conservation plans and provide recognition for these groups' conservation contributions.
- Establish and finance national accountability and reparation mechanisms to address past and present human rights violations in state-sanctioned protected areas as well as privately managed conservation areas.

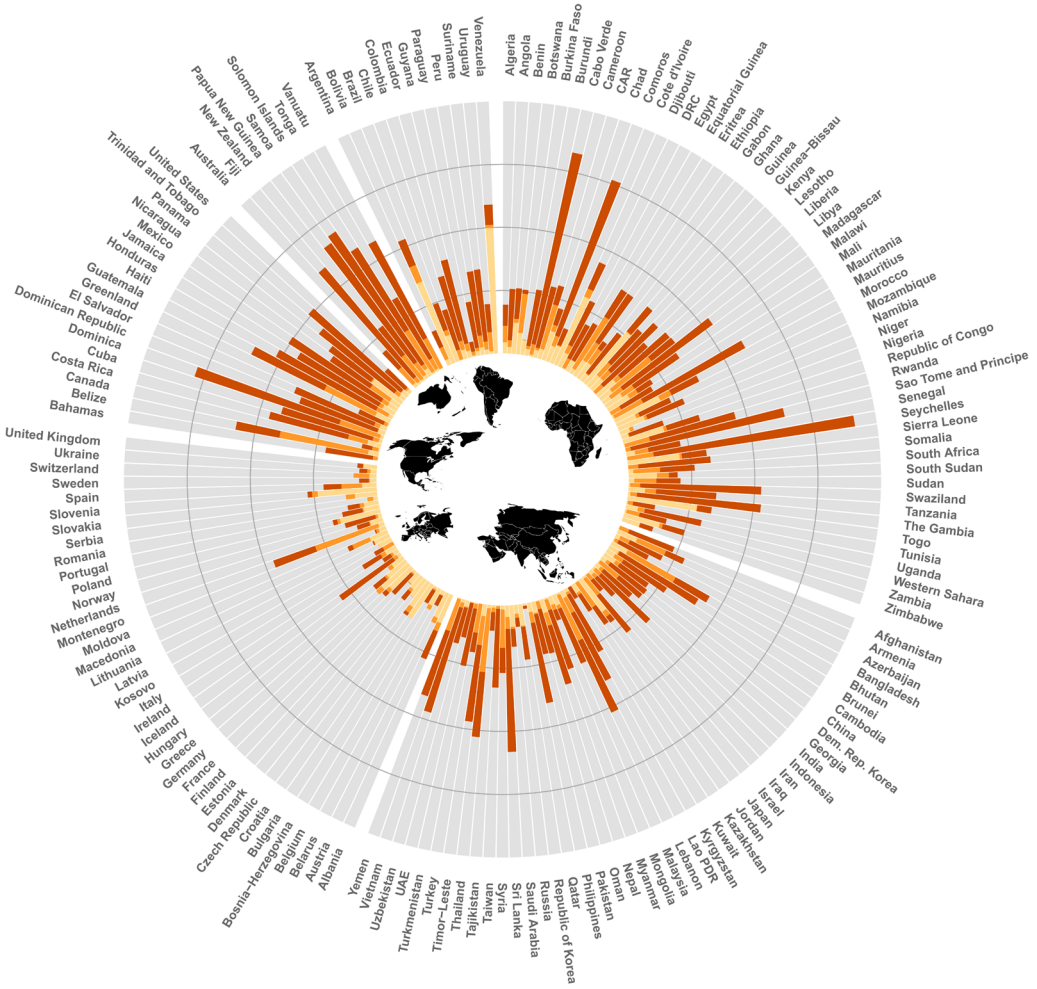

Figure 2: The proportion of a country's human population living within the "minimum land area" required to conserve terrestrial biodiversity. Moving from the center the bars represent the percentage of a country's population in existing protected areas (light orange), KBAs and wilderness areas (medium orange), the additional prioritization (scenario 1) for minimizing the land area required (dark orange), and populations not living in important biodiversity conservation areas (grey). The white rings divide the clock graph into four equal parts, each representing 25 percent of a country's population.

Partners

Sponsors

The views presented here are not necessarily shared by the agencies that have generously supported this work, nor by all the Partners and Affiliated Networks of the RRI Coalition.

This work is licensed under a Creative Commons Attribution License CC BY 4.0.

2715 M St NW, Suite 300, Washington, DC 20007 // www.rightsandresources.org // @RightsResources