

Conservation Initiative on Human Rights Report of a Scoping Meeting on Key Issues

2-3 Nov 2010

WWF-US (Washington, DC) and BirdLife International (Cambridge, UK)

Background

Actions to conserve nature and natural resources are closely related to the rights of people to secure their livelihoods, enjoy healthy and productive environments, and live with dignity. The pursuit of conservation goals can contribute positively to the realization of many fundamental human rights, and secure rights – for example, land tenure and participation in decision-making – can enable more effective environmental stewardship. However, conservation activities can also generate negative impacts if their links to issues of human rights and well-being are not sufficient.

Links between conservation and human rights, eight global conservation organizations

Conservation of Nature (IUCN), The Nature Conservancy (TNC), Wetlands International (WI), the Wildlife Conservation Society (WCS) and the World Wide Fund for Nature/World Wildlife Fund (WWF).

One of the main objectives of the Initiative is to promote shared learning, both about integration of human rights principles in conservation, and about effective institutional measures to support this. To advance this work, the CIHR hosted a *Scoping Meeting on Key Issues* from 2-3 November 2010, at the offices of WWF-US (Washington, DC) and the offices of BirdLife International (London, UK). The meeting brought together staff members from each of the CIHR organizations with human rights, indigenous, development and academic experts. The primary objective was to share and build common understanding of key conservation and human rights issues, including as a basis for identifying topics for more in-depth shared learning activities under the Initiative. In addition, participants discussed progress, opportunities and challenges related to implementation measures, and plans for future CIHR activities on these.

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Scoping paper produced as a resource

– Kristen Walker Painemilla (CI)

This presentation provided background on the development of the Initiative, including development of a common framework of principles and implementation measures (see summary in Box below). CIHR participants CI, FFI, IUCN, TNC, WI and WWF have signed the common framework, while WCS and BirdLife have adopted frameworks that adapt these principles and measures to their own organizational contexts.

The presentation also reviewed CIHR objectives to:

1. Develop and maintain a common set of _____ as they relate to conservation
2. Identify and test _____ for implementing these principles and demonstrating compliance with them.
3. Support members in implementing human rights principles and management practices, especially through _____ among participating organizations, stakeholders and experts
4. _____ of human rights principles in conservation and communicate relevant experience
5. _____ on members' activities in putting in place management practices for implementation and monitoring of their human rights principles.

The shared CIHR work plan includes:

- Dialogue & Communication activities in international fo

traditional decision-making processes, cultural understanding and clear benefits to the local community. It was noted that principles of FPIC are particularly important in relation to protected areas creation and management and REDD+.

Opportunities include that principles of meaningful participation and FPIC are increasingly recognized in policy frameworks and best practice guidelines. There is increased recognition of and action on meaningful participation and FPIC by local communities, NGOs, donors, and other stakeholders, as well as practical experience that exists at field and policy levels. However, challenges remain in that understanding and political commitment often remains weak. A conservation NGO may seek to respect and promote decisions of participatory processes and FPIC, only to have these overridden by government, creating tensions and loss of trust with communities. NGOs themselves may not have a position or mandate to act as a neutral facilitator, especially where decisions may not align with their conservation objectives. Ensuring that representation is inclusive, and approved by relevant communities, is often a challenge. Challenging questions also arise about when the most appropriate course of action is to 'walk away,' e.g., where circumstances may preclude fulfilling an ideal or 'gold standard' regarding participation and FPIC. Many of these challenges also increase in the context of larger-scale processes, e.g., at policy levels or across landscapes.

To further learning and action on meaningful participation and FPIC, conservation NGOs and their partners can, *inter alia*, take stock of existing experiences and challenges at the field level; promote integration of lessons from field experience into policies and guidelines, including working together in specific country contexts; and adapt and integrate FPIC guidance into conservation NGO programming, planning, and M&E, including in collaboration with others (e.g., The Forest Dialogue process on FPIC).

Standards and best practices for addressing conflicts between customary and statutory tenure include: being aware of customary and statutory tenure, access, laws – and any conflicts between them; recognizing/taking account of customary tenure in conservation activities; working with others to convene, mediate, or facilitate the reconciliation of customary and statutory tenure (and the possibility of plural systems), in the pursuit of conservation goals; and drawing on other internationally recognized standards, such as those under the CBD and relevant IUCN resolutions.

Challenges include: lack of well-documented information on customary tenure; long timeframes and substantial (technical, financial) resources needed to fully understand these systems; questions about the roles of conservation organizations as facilitators, in relation to their interests; and the often already political charged nature of conflicts between statutory and customary claims, the resolution of which is generally beyond the power of conservation NGOs.

Resources available to assist in pursuing more in-depth learning include advocacy and research organizations, academic studies, traditional knowledge, and organizations supporting community mapping. Specific research needs include:

- Identifying and synthesizing relevant m

Further learning and action can also be facilitated through workshops to: share experience and expertise, document and disseminate experience and lessons learned, and build/nurture capacity. Resource needs include spaces for information exchange (e.g., IUCN Environmental Law Center Portal) and financing.

Standards and guidance on bio-cultural diversity are found in, *inter alia*, the CBD and guidelines, and several support and advocacy organizations (ICCA Consortium, TILCEPA, RRI, etc). FPIC guidelines are also relevant. The ongoing work to identify, document, protect, and enhance bio-cultural diversity within several groups (e.g., UNESCO + CBD, some well-designed REDD projects, BioCultural Community Protocols, etc) provide opportunities for learning and partnership. The strong positive synergies between cultural and biological diversity also provide an opportunity for conservation organizations to partner with local people in further supporting/promoting rights associated with bio-cultural diversity.

Challenges include: legal pluralism (which is also an opportunity); barriers to equitable 'translation' of traditional cultural values across languages, project approaches, scales, and timeframes; 'reductionism' of nature and traditional knowledge that can arise from market-based mechanisms; and lack of rights recognition with respect to local peoples' heritage, lands, resources, and institutions. One important place to begin acting may be reviewing existing policies and practices, at multiple levels, to identify what is and is not working within the context of conservation NGO efforts to respect, promote and support local people's rights in relation to bio-cultural diversity.

Among standards and best practices to consider, the group recommended: considering costs along with benefits, and being explicit about trade-offs where they exist; recognizing different forms of costs and benefits, rather than just financial elements; recognizing distributions of costs and benefits across different scales, including temporal and spatial scales; and drawing on existing principles and guidelines, such as the Addis Ababa principles, CCBA standards, the new ABS protocol, and Social Assessments of Protected Areas.

Key challenges in supporting sustainable development and equitable cost and benefit sharing, include:

- In practice, it is difficult to generate and sustain substantial local benefits, and benefits are subject to elite capture at multiple levels;
- Costs are often greatly underestimated, particularly indirect costs;
- It is difficult to arrive at an equitable process and system that serves a spectrum of local actors and competing needs and interests; and
- There is often a lack of political willingness/acceptance for cost and benefit sharing at higher levels.

Emerging REDD and PES schemes can be opportunities for addressing some of these challenges, when carefully designed and implemented.

Other key resources and learning opportunities include: relevant WCC and WPC recommendations, CCBA standards, social impact assessment models, and experiences with costs and benefits sharing from organizations such as IIED and CARE. Research needs to support further action include:

1. Identifying and synthesizing relevant material, e.g., social safeguard policies and statements, and existing models of revenue and benefit sharing schemes;
2. Prioritizing key actions for conservation organizations (and identify any gaps in existing material); and
3. Developing toolkits and guidelines for conservation practitioners.

enforcement; and capacity strengthening for all stakeholders (communities, government, NGOs, private sector). There are also opportunities to learn from existing experience with conservation and conflict resolution, such as in the Albertine Rift (E. Africa).

: Standards and guidance on gender mainstreaming and gender equity are available from many sources, such as the Millennium Development Goals, academic literature, donor protocols, and gender and development NGO guidance. There is also policy and guidance within several CIHR member organizations, including IUCN. Regarding opportunities, gender is recognized as a core issue by many stakeholders, including women's roles in environment and development. This awareness creates space for action on gender from a rights-based perspective. However, there are many challenges to addressing gender in conservation, including cultural variation and conflicts in conceptualizations of gender equity, lack of (time) resources for women's participation, and lack of power/ voice for women in claiming rights. For action going forward, gender is being addressed by dedicated advocacy groups acting in various contexts, e.g., within climate dialogue. Conservation organizations can engage more deeply with such groups in policy development discussions.

Proposed

- Many CIHR members have existing policies on equity and human wellbeing issues; and emerging experience with their implementation. CIHR members need the resources and opportunities to understand what the other organizations have done/ are doing. Members should take and create opportunities to share and learn within the individual organisations (at and between all levels); across CIHR organizations; and from other organizations and communities. These shared learning processes (along with common principles, as in the CIHR framework) also help to balance the value of consistency in approaches across organizations, with the need for institution-specific processes and variation.
- Rights integration within conservation organizations is likely to face challenges with respect to organizational 'cul

- Share and build common understandings of key conservation and human rights issues
- Start identifying issues for more in-depth work going forward
- Develop plans for this work over the course of the year, and look ahead to plans for CIHR activities over the next two years

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| 12:30 | Lunch for participants |
| 1:00 – 2:00 | Welcome & aims of meeting - Jenny Springer Introductions & Agenda Presentation: <i>Introduction to the Conservation Initiative on Human Rights</i> Kristen Walker Painemilla |

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| 1. | Paulina Arroyo | The Nature Conservancy |
| 2. | Natalie Bailey | Africa Biodiversity Collaborative Group |