



International Commitments and Guidance for Rights-based Conservation

International Instruments and IUCN policies

International Instruments relevant for Rights-based Conservation

Rights-based conservation is supported and promoted by a wide range of international instruments on the environment, human rights, indigenous peoples and other subjects, which create mandates, commitments or engagements at the national and international levels.

Legislation Type	Name
Human Rights	<ul style="list-style-type: none">• International Bill on Human Rights:• Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
Environment	<ul style="list-style-type: none">• Convention on Biological Diversity (CBD)• Ramsar Convention on Wetlands• UN Convention to Combat Desertification (UNCCD)• World Heritage Convention (WHC)
Indigenous Peoples	<ul style="list-style-type: none">• UN Declaration on the Rights of Indigenous Peoples (UNDRIP)• ILO Convention 169

Environmental instruments: Convention on Biological Diversity (CBD) (1992)

(Preamble): Dependence of indigenous and local communities on biological resources

(Art. 8[j]): respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities

(Art. 10[c]): encourage customary uses that are compatible with conservation or sustainable use requirements

Protected Areas Programme of Work - Goal 2.2 (2004):

To enhance and secure involvement of indigenous and local communities and relevant stakeholders

Target: Full and effective participation by 2008, of indigenous and local communities, in full respect of their rights and recognition of their responsibilities

Tkarihwaié:ri Code of Ethical Conduct - to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities (2010)

Akwé: Kon *Voluntary Guidelines: Participation and full respect for IP/LC in all stages of planning and implementation of activities likely to impact on Sacred Sites and on lands and waters traditionally occupied or used by Indigenous and local communities* (2004)

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (2010)

Environmental instruments:

Other Key Environmental Frameworks

Ramsar Convention on Wetlands

Support the application of traditional knowledge to wetland management.

Resolutions VIII.19 and IX.21:

- Incorporating cultural values;
- Recognition of the rights of indigenous peoples and local communities.

UN Convention to Combat Desertification (UNCCD)

Commitment to exchange information on local and traditional knowledge, ensuring adequate protection for it and providing appropriate return from the benefits derived from it to the local populations concerned.

World Heritage Convention (WHC)

Safeguarding cultural and natural heritage; 981 recognized sites : 759 cultural, 193 natural and 29 mixed sites in 160 countries.

In 2007, WHC added a fifth Strategic Objective: "To enhance the role of communities in the implementation of the World Heritage Convention".

WHC Operational Guidelines encourage State Parties to include local communities in the identification, nomination and protection of World Heritage sites, and in their conservation and management.

Indigenous Peoples Instruments

UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

- UNDRIP adopted by the UN General Assembly in 2007
- Out of its 46 articles, at least one-third are relevant to conservation in indigenous lands, territories and resources.
- The main relevant provisions focus on rights to lands, territories and resources, rights to manage and control their lands, territories and resources through their own institutions, right to conservation and protection of their environments, and obligations of states and other actors to require the free, prior and informed consent (FPIC) of the respective peoples and communities for any action that may impact on their lands, territories and resources.

ILO Convention 169

- The ILO Convention 169 is the only legally-binding instrument on indigenous peoples, and contains about 12 articles important for conservation in indigenous lands, territories and resources. The key provisions of the Convention concern rights to lands, territories and resources of traditional use, rights to decision-making on developments to take place in them, and respect for their institutions and cultures.

IUCN Policies

- IUCN policies comply with all existing international obligations relevant to indigenous peoples and local communities in the context of conservation.
- They are grouped here under the topics of Human Rights, Indigenous Peoples, Protected Areas and World Heritage, and Standards for Project Development and Implementation.

IUCN Human rights commitments

- IUCN has an overarching policy called “Policy on Conservation and Human Rights for Sustainable Development”, (2012) to guide the integration of human rights considerations in IUCN policy and actions.
- IUCN contributed to the policy-making process on human rights and the environment for decades, framing it in the context of conservation, community rights, sustainable development, and governance.
- In 2004, IUCN Members decided to consider human rights aspects of the links between poverty and the environment.
- In 2008, IUCN Members reaffirmed these links and the potential contribution of a rights-based approach to successful conservation and the enjoyment of human rights.
- For a long time IUCN has developed and adopted policies on specific links between rights and conservation, regarding gender, indigenous peoples’ rights, tenure and resource access rights, the right to water, climate change, and others.

IUCN Policies on Indigenous Peoples

- IUCN has an array of policies relevant to indigenous peoples and conservation: Since 1965, 73 Resolutions and Recommendations relevant have been adopted by IUCN Congresses, developing and confirming a rights-based approach to indigenous peoples.
- IUCN endorsed UNDRIP (2008), and in 2012 it committed to the development of “a policy and strategy for ensuring that the principles of the United Nations Declaration on the Rights of Indigenous Peoples are observed throughout the work of the Union”.
- IUCN has used the ILO Convention 169 as its basic standard on indigenous rights since 1996, including the definition of “indigenous and tribal peoples”.

Protected Areas and World Heritage

- For a long time IUCN has been promoting protected area policies and practices that safeguard the rights and interests of indigenous peoples and local communities.
- IUCN has also adopted a range of protected area policies that promote the recognition of (and support to) protected areas established by indigenous peoples and local communities themselves, and achieved integration of its concept of “indigenous and community conserved areas” in the CBD Programme of Work.

Application of international instruments

- Community-based conservation should be generally framed under the provisions of the international instruments outlined above, and in case of IUCN projects, also under IUCN policies and standards. Some elements of project frameworks follow.

What does this mean at the National Levels?

- Convention Signatory countries are expected to abide with the provisions of the agreements
- Initiate actions – Policies, Legislations, Plans and programmes to achieve the objectives of the agreements.
- CBD has lead to the establishment of additional PAs since 1992 involving joint management with community members.
- The development of community forest practices is an outcome of some of the international commitments.

Key principles for rights-based conservation

Safeguards

- All projects, especially community-based conservation projects, should be screened for and comply with safeguard policies; should demonstrate that they will not negatively impact on communities and in particular they will not harm vulnerable groups (including women and children).

FPIC

- All projects taking place on lands, territories or resources of indigenous peoples and local communities or potentially affecting them should apply the principle of FPIC as a way to ensure respect to community rights, avoidance of negative impacts, full involvement in decision-making and implementation, constructive agreements and community ownership.

Key principles for rights-based conservation

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Culture

- Support the integration and maintenance of local cultures, including communities' cultural and spiritual values, traditional knowledge and ecosystem management practices, and other forms of heritage.

Contribute to the rights of communities

- The project should identify opportunities to support the rights and interests of communities and help them, for example, secure their land and resource rights, improve their food security, enhance social and gender equity, etc.
- Contributions from projects should be measured, monitored and assessed, to ensure that there are real outcomes and not just meetings and processes without results.

Key principles for rights-based conservation

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Customary Governance

- Support the customary governance of communities as they are relevant to the current challenges – their traditional norms and regulations, their traditional authorities and their institutions. At the same time, promote good and effective governance, including improvement of customary governance as needed.

State governance

- Promote and support governance systems and approaches that are sensitive and inclusive of communities and are accountable on the decisions they make.

Key principles for rights-based conservation

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Community Initiatives

- Support the community initiatives for conservation including their own nature protection measures such as community protected areas and protection of sacred natural sites and other sites of spiritual importance.

Information, knowledge, science and technologies

- Support communities' access to information, knowledge, science and new technologies for implementing new and more effective ecosystem management and obtained increased benefits, and for helping communities realize their rights to information, education and access to science.