

#### 4.056 Rights-based approaches to conservation

AWARE of the many relevant provisions on substantive and procedural rights in human-rights law, including in the *Universal Declaration of Human Rights* (Article 21), the *International Covenant on Economic, Social, and Cultural Rights* (Article 1 and 21), the *International Covenant on Civil and Political Rights* (Article 25) and *Convention on the Elimination of All Forms of Discrimination against Women* (Article 7), *Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries* adopted by the General Conference of the International Labour Organization (ILO) at its 76th Session (June 1989) ); the United Nations *Declaration on the Rights of Indigenous Peoples* (2007); the *Aarhus Convention* (1998) and relevant regional conventions on human rights;

RECALLING that links between human rights and the environment have been spelled out in several policy instruments, among others the 1972 *Stockholm Declaration*, the 1982 *World Charter for Nature*, or the 1992 *Rio Declaration and Agenda 21*;

CONSCIOUS that human rights-related responsibilities of state as well as non-state actors, including the private sector, financial institutions, development banks, NGOs and environmental organizations in general, are still evolving, though international human-rights law has so far been addressed primarily to state parties;

RECOGNIZING that conservation practices can affect human well-being and at times have undermined human rights including through forced resettlements and sedentarization, exclusions and economic and cultural impoverishments and impacts on local livelihoods, especially of indigenous peoples and local communities;

CONVINCED that the development of rights-based approaches to conservation and their proper implementation, will help all actors to respect, protect and also promote guaranteed substantive and procedural rights during the life of any activity, and therefore to:

- (a) abstain from violating or directly or indirectly interfering with an individual's pursuit or enjoyment of guaranteed rights; and
- (b) ensure through control, monitoring, investigation and enforcement the observance of rights;

COMMITTED TO IUCN's Vision of "a just world that values and conserves nature" and Mission to ensure that "any use of natural resources is equitable and ecologically sustainable";

RECALLING that Resolution 3.015 *Conserving nature and reducing poverty by linking human rights and the environment* adopted by the 3rd IUCN World Conservation Congress (Bangkok, 2004) affirmed that "... social equity cannot be achieved without the promotion, protection and guarantee of all human rights..." and "requests the IUCN Commission on Environmental Law to provide additional legal research, analysis and resources, and build the capacity of members in the enforcement of environmental laws, in close collaboration with IUCN members";

NOTING the significant and substantial work done by the IUCN Environmental Law Centre (ELC) in collaboration with the IUCN Commission on Environmental Law (CEL) and IUCN members, aiming to inform all actors about the meaning of a rights-based approach to conservation and its potential contribution to successful conservation and to the enjoyment of human rights by individuals and communities;

WELCOMING the ongoing work on conservation and human rights of the IUCN Commission on Environmental, Economic and Social Policy (CEESP) and IUCN Senior Social Policy Advisor; and

RECOGNIZING the ideal position of IUCN to:

- (a) assist and promote policies of state and non-state actors, at the international and national levels, which apply rights-based approaches; and
- (b) promote conservation policies and practices respectful of collective and individual rights and responsibilities, especially those of indigenous peoples and local communities;

**The World Conservation Congress at its 4th Session at Barcelona, Spain, 5-14 October 2008:**

1. CALLS ON IUCN's governmental and non-governmental members as well as non-member states and non-state actors, to:
  - (a) develop and/or work towards application of rights-based approaches, to ensure respect for, and where possible further fulfilment of human rights, tenure and resource access rights, and/or customary rights of indigenous peoples and local communities in conservation policies, programmes, projects and related activities;
  - (b) encourage relevant government agencies, private actors, businesses and civil-society actors to monitor the impacts of conservation activities on human rights as part of a rights-based approach;
  - (c) encourage and establish mechanisms to ensure that private-sector entities fully respect all human rights, including indigenous peoples' rights, and take due responsibilities for the environmental and social damage they engender in their activities; and
  - (d) promote an understanding of responsibilities and synergies between human rights and conservation;

**In addition, the World Conservation Congress, at its 4th Session in Barcelona, Spain, 5-14 October 2008, provides the following guidance concerning implementation of the IUCN Programme 2009-2012:**

2. REQUESTS the Director General and IUCN's Commissions to engage with IUCN's members, representatives of indigenous peoples and local communities, and other relevant partners to:
  - (a) facilitate exchange of experiences, methods and tools on rights-based approaches to conservation;
  - (b) develop greater understanding and capacity for rights-based approaches;
  - (c) actively promote and support the adoption and implementation of such approaches; and
  - (d) explore ways to ensure rights-based approaches enhance conservation objectives;
3. CALLS ON the IUCN Council and the Director General, in collaboration with CEESP, CEL and other Commissions, IUCN members, representatives of indigenous peoples and local communities, and other relevant partners to:
  - (a) promote the analysis of rights-based approaches as a cross-cutting principle within IUCN and its membership;
  - (b) develop a comprehensive IUCN Policy on Conservation and Human Rights, including guidance on rights-based approaches to conservation, to be tabled for adoption at the 5th IUCN World Conservation Congress;
  - (c) use the principles concerning human rights in conservation prepared by ELC as one starting point for further consultation, reflection and development (see the Annex to this decision), as well as drawing on other relevant guidance; and
  - (d) undertake further work to support and guide IUCN on the implementation of policies and actions reflecting a rights-based approach to conservation.

**ANNEX:**

**Principles concerning human rights in conservation prepared by the IUCN environmental Law Centre (eLC):**

1. Promote the obligation of all state and non-state actors planning or engaged in policies, projects, programmes or activities with implications for nature conservation, to secure

for all potentially affected persons and peoples, the substantive and procedural rights that are guaranteed by national and international law.

2. Ensure prior evaluation of the scope of conservation policies, projects, programmes or activities, so that all links between human rights and the environment are identified, and all potentially affected persons are informed and consulted.
3. Ensure that planning and implementation of conservation policies and actions reflect such prior evaluation, are based on reasoned decisions and therefore do not harm the vulnerable, but support as much as possible the fulfilment of their rights in the context of nature and natural resource use.
4. Incorporate guidelines and tools in project and programme planning to ensure monitoring and evaluation of all interventions and their implications for human rights of the people involved or potentially affected which will support better accountability and start a feedback loop.
5. Support improvement of governance frameworks on matters regarding the legal and policy frameworks, institutions and procedures that can secure the rights of local people in the context of conservation and sustainable resource use.

State and agency members of the United States refrained from engaging in deliberations on this motion and took no national government position on the motion as adopted for reasons given in the U.S. General Statement on the IUCN Motions Process.