

WCC-2012-Res-099-EN

IUCN Policy on Conservation and Human Rights for Sustainable Development

RECALLING that the IUCN Council and the Director General, in collaboration with the IUCN Commission on Environmental, Economic and Social Policy (CEESP), the IUCN World Commission on Environmental Law (WCEL) and other Commissions, IUCN Members, representatives of indigenous peoples and local communities, and other relevant partners, were called upon in Resolution 4.056 to “[...] 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; [...]”;

AWARE of IUCN Resolutions relating to rights and equity, including 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), and Resolutions 4.052 *Implementing the United Nations Declaration on the Rights of Indigenous Peoples*, and 4.056 *Rights-based approaches to conservation*, adopted by the 4th IUCN World Conservation Congress (Barcelona, 2008);

ALSO AWARE of IUCN Resolutions relating to rights and protected areas, such as Resolution 1.053 *Indigenous Peoples and Protected Areas* adopted by the 1st IUCN World Conservation Congress (Montreal, 1996), Resolution 3.055 *Indigenous peoples, protected areas and the CBD Programme of Work* adopted by the 3rd IUCN World Conservation Congress (Bangkok, 2004), and Resolution 4.048 *Indigenous peoples, protected areas and implementation of the Durban Accord* adopted by the 4th IUCN World Conservation Congress (Barcelona, 2008);

ALSO AWARE of the *Universal Declaration of Human Rights* (1948) and the numerous provisions in international, regional conventions or national laws which recognize the inter-linkages between human rights and environmental protection, including but not limited to the *Stockholm Declaration* (1972), the *World Charter for Nature* (1982), the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989), the *Rio Declaration* (1992), the *Aarhus Convention* (1998) or the *United Nations Declaration on the Rights of Indigenous Peoples* (2007);

WELCOMING the substantial work done on rights-based approaches to date by WCEL, CEESP, the IUCN Environmental Law Centre (ELC) and the IUCN Senior Social Policy Advisor in collaboration with IUCN Regional Offices and IUCN Members;

WELCOMING in particular the establishment of a joint WCEL-CEESP Specialist Group on Indigenous Peoples, Customary and Environmental Laws, and Human Rights which was created in spirit of the One Programme approach;

NOTING the ‘rights-based approach to conservation internet portal’ which provides an important tool and platform for collecting and sharing information and experiences about worldwide initiatives which promote the integration of human rights considerations within conservation practices;

RECOGNIZING IUCN’s commitment to the Conservation Initiative on Human Rights (CIHR), a consortium of international conservation organizations that seek to improve the practice of conservation by promoting integration of human rights in conservation policy and practice; and

CONCERNED that for the fulfilment of its mission, IUCN has a responsibility to promote transparency and develop tools to address and be accountable for the social effects of its activities and to mainstream rights-based approaches to conservation as a cross-cutting principle within its work;

The World Conservation Congress, at its session in Jeju, Republic of Korea, 6–15 September 2012:

1. ADOPTS the IUCN *Policy on Conservation and Human Rights for Sustainable Development* contained in the Annex to this Resolution;
2. CALLS ON IUCN's governmental and non-governmental Members as well as non-member States and non-State actors, to:
 - a. recognize the value of rights-based approaches to conservation for sustainable development, in particular to:
 - i. promote the understanding that adopting a rights-based approach implies acknowledging not only the rights of all parties (including indigenous and local communities) under both positive and customary law, but also their duties; and
 - ii. acknowledge the importance of taking such rights-based approaches into account as a basic underlying strategy for any conservation action;
 - b. develop their own policies on conservation and human rights for sustainable development which are adjusted to their particular needs and situations and in line with the IUCN policy contained in the Annex to this Resolution, thus including strong accountability tools and mechanisms;
 - c. develop mechanisms/tools for implementing human rights policies in conservation planning and practice; and
 - d. disseminate any lessons learnt through interactive tools, such as the IUCN 'rights-based approach to conservation internet portal', and by encouraging dialogues and the exchange of information; and
3. REQUESTS the Director General in collaboration with IUCN Commissions, Members and other relevant partners, to:
 - a. ensure that the IUCN *Policy on Human Rights and Conservation for Sustainable Development* as included in the Annex to this Resolution is implemented within all policies, programmes and activities of the Union;
 - b. develop arrangements and processes that ensure accountability concerning the implementation of the policy;
 - c. support and actively engage in the Conservation Initiative on Human Rights;
 - d. assist IUCN Members and partners as appropriate in the development and implementation of their own rights policies; and
 - e. enhance coordination, consensus and capacity building on activities or programmes which relate to rights.

State and agency Members of the United States abstained during the vote on this Motion for reasons given in the US General Statement on the IUCN Resolutions Process.

ANNEX: IUCN Policy on Conservation and Human Rights for Sustainable Development

In line with, and as a reflection of, IUCN's vision of a just world that values and conserves nature, this statement is an overarching policy for IUCN to consider and integrate human rights issues into its work, including but not limited to, the development and implementation of rights-based approaches (RBAs) within its projects and programmes. By referring to the need for the equitable utilization of natural resources, IUCN's mission explicitly recognizes the importance and value of fairness, impartiality and respect for rights in the practice of conservation.

Introduction

This policy statement aims to reinforce the Union's social policies by offering a comprehensive framework laying out the rights-related foundations of social equity and justice. It calls for IUCN to work towards ensuring that rights are respected for the sustainable and equitable use, management, governance, and conservation of natural resources.

This statement builds on the IUCN Mission and rights-related resolutions and policies adopted by IUCN World Conservation Congresses such as the IUCN policy on gender¹ and policy on social equity² which respectively recognize that there is a need for a "mainstreaming strategy to integrate a gender perspective in a broad socio-cultural context, into IUCN's Policies, Programmes and Projects" and for "an effective and coherent strategy to ensure conservation does not accentuate or perpetuate existing social, economic and cultural inequities and inequalities".

IUCN began incorporating rights issues into its programme as early as 1975³. More recently, Resolution 3.015 *Conserving nature and reducing poverty by linking human rights and the environment* adopted during the 3rd World Conservation Congress in 2004 welcomed the identification of human rights issues as cross-cutting themes across the Environmental Law Programme. In 2008 during the 4th World Conservation Congress the IUCN Council and Director General were called upon by Resolution 4.056 *Rights-based approaches to conservation* to "promote the analysis of rights-based approaches as a cross-cutting principle within IUCN and its membership"⁴, and to "undertake further work to support and guide IUCN on the implementation of policies and actions reflecting a rights-based approach to conservation"⁵. The Resolution calls on the IUCN Council and Director General, in collaboration with CEESP, WCEL and others to "develop a comprehensive 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"⁶.

In addition, IUCN is also a founding member of the Conservation Initiative on Human Rights (CIHR), a consortium of international conservation organisations established in 2009 to seek to improve the practice of conservation by promoting the integration of human rights in conservation policy and practice. IUCN has signed the CIHR framework, a common, initial framework of principles and management practices.

¹ IUCN Policy on Gender (Presented at the 48th meeting of the IUCN Council 27–29 April 1998)

² IUCN Policy on Social Equity in Conservation and Sustainable Use of Natural Resources (2nd World Conservation Congress, 2000)

³ A Resolution adopted during the 12th IUCN General Assembly in Kinshasa in 1975 relates to indigenous people's rights to land in the context of land displacements for conservation purposes. Furthermore, Resolution 1.53 focuses on "Indigenous Peoples and Protected Areas" (1st World Conservation Congress, Montreal, 1996).

⁴ Resolution 4.056 Point 3. (a).

⁵ Resolution 4.056 Point 3. (d).

⁶ Resolution 4.056 Point 3. (b).

Linkages between rights and conservation

Conservation activities have the potential to clash with or infringe upon human rights. Failure to respect, ensure and fulfil internationally and domestically guaranteed or customary rights can be a trigger for environmental destruction and degradation as people can be forced to engage in unsustainable practices for their survival. Likewise, conservation can achieve short-term success through measures that fail to respect human rights such as forced resettlements.

Rights-based approaches (RBAs) can be seen as one of the tools to make rights and conservation mutually reinforcing. RBAs can be considered as the integration of rights considerations within any policy, project, programme or initiative.

Scope of the policy

This policy builds upon past and ongoing IUCN efforts related to RBA, by reflecting the highest international standards of human rights protection and describing the mechanisms (safeguards and action points) by which IUCN will uphold those standards, because respect for nature and respect for people are inextricably linked.

It addresses human rights, which are the rights that all people are entitled to regardless of nationality, sex, origin, race, religion, language, political association or other, and which are protected and recognized in international and national laws, and rights in a broader sense, which may not be internationally or nationally recognized and protected, such as many of the customary rights of indigenous peoples or local communities (e.g. tenure rights).

This policy calls for a strengthening of procedures within IUCN to promote and monitor compliance with the mechanisms developed in this policy, and for the adequate allocation of resources for the implementation of such mechanisms throughout IUCN Component Programmes.

Furthermore, IUCN is committed to work with all stakeholders on the integration of rights and conservation issues. IUCN is particularly committed to engage with its membership. Considering the diversity of its members – from small NGOs to national governments – IUCN acknowledges that one size cannot fit all.

Mainstreaming Respect for Rights across the Union

Rights are cross-cutting issues and are essential to the concepts of equity and sustainability. As such, the respect, protection and fulfilment of rights within the context of nature conservation will contribute to realizing IUCN's mission, the fulfilment of IUCN's position on Accountability and Values⁷ which underlines, *inter alia*, the need for ethical behaviour, transparency, equality, and inclusiveness and will strongly support the realization of IUCN's current and future programmes.

Guiding principles

While mainstreaming respect for rights within its activities, IUCN should be guided by the following principles which seek to:

- Respect, protect, promote and fulfil all procedural and substantive rights, including environmental and customary rights, for just and equitable conservation;

⁷ <http://www.iucn.org/about/values/>

- Promote the implementation of the provisions of international conventions and policy processes which respect human rights in all approaches to conservation, whether multilateral environmental agreements such as the Convention on Biological Diversity or human rights instruments such as the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP) – e.g. the right of indigenous peoples to engage in their traditional cultural practices but also, amongst others, rights to the ownership and use of territory and natural resources, self governance and self determination as embedded in UNDRIP. Whilst the UNDRIP is an instrument of ‘soft’ international law, it represents nonetheless a strong moral position on the part of its signatory states and should inspire major conservation actors such as IUCN;
- Take into account the multiple recommendations of the Vth World Parks Congress and the 2003 WCPA *Durban Action Plan* which refer to rights and which IUCN has endorsed concerning protected areas, including the acknowledgement of rights to the restitution of lands taken without free, prior and informed consent and the right to full and effective participation in protected area governance and management, in particular the targets under the Durban Action Plan’s outcome 5;
- Consider and realize the rights of people that can be affected in development and conservation activities such as women, indigenous peoples and other most vulnerable groups and who could, at the same time, benefit from rights-inclusive and socially sensitive development measures (such approaches may provide tools to secure/address issues related to cultural conservation and diversity, community-based conservation in the context of (new) protected areas, the protection of the customary rights of local communities vis-à-vis the state, and the restitution of forfeited rights);
- Work towards ensuring the respect for, and seeking further protection and the realization of, general livelihood and human well-being considerations always keeping in mind gender balance as an essential component;
- Focus on the roles and corresponding responsibilities of duty-bearers, rights-holders and all other actors involved, for the integration of these considerations at every possible level of a conservation process. Indeed, adopting approaches that respect rights should be based on the principle that communities are not merely stakeholders whose views governmental and conservation agencies may take into account, but are rights-holders to whom implementing agencies have statutory obligations⁸;
- Promote transparency and develop tools to address and be accountable for the social effects of IUCN’s work. Accountability is critical for the governance of any natural resource management system, providing the regulatory feedback that prevents over-use of natural resources and abuse of people;
- Ensure that IUCN programmes, projects, and activities undertaken, sponsored or supported by the IUCN, are assessed using international human rights standards. Such measures should include social, environmental, and human rights impact assessments prior to any project implementation;
- In line with UNDRIP standards, require free, prior and informed consent when IUCN projects, activities, and/or initiatives take place on indigenous peoples’ lands and territories and/or impact natural and cultural resources, sites, assets etc.;

⁸ Jonas, H., Shrumm H., Bavikatte K., *Biocultural Community Protocols and Conservation Pluralism*, Policy Matters n°17, Exploring the right to diversity in conservation law, policy, and practice, October 2010

- Apply the principles developed by the IUCN Environmental Law Centre in the Annex to IUCN Resolution 4.056 *Rights-based approaches to conservation* (adopted by the 4th IUCN World Conservation Congress, Barcelona, 2008), as the basis for the further development of tools/methods to promote fair and equitable conservation action.

Action plan

To implement the above principles, the following action plan should direct the work of the Union in mainstreaming respect for rights within IUCN projects and programmes. The implementation of the action plan should be facilitated by the IUCN Secretariat (in particular the Environmental Law Centre (ELC), the Global Policy Unit (GPU), the Social Policy Unit (SPU), the Gender Programme, and others) in close collaboration with IUCN Commissions (in particular the World Commission on Environmental Law (WCEL), the Commission on Environmental and Economic and Social Policy (CEESP) and the Commission on Education and Communication (CEC)) and Members.

In this context, IUCN should take the following actions:

1. Mainstream respect for rights within the Union by:

- a. developing and updating guidance on rights-related issues, such as that provided by the step-wise approach for the integration of RBA within IUCN projects⁹;
- b. developing specific recommendations to the IUCN Component Programmes based on the principles set out in this policy and on the lessons learnt on the implementation and monitoring of RBAs; and
- c. mainstreaming the principles set out in this policy by following the guidance and recommendations which will be developed under points a. and b. above.

2. Set up institutional arrangements for accountability on compliance with this policy by:

- a. establishing a focal point in charge of taking appropriate measures to ensure the respect and implementation of this policy, including but not limited to:
 - i. the development of rights-related safeguards for IUCN project design and management, including a focus on gender equity and equality;
 - ii. the production of periodic reports on compliance with IUCN's rights-related safeguards (including reports to IUCN Council as well as to the general public); and
 - iii. an internal process which would address allegations of IUCN non-compliance with this policy by investigating such situations and recommending measures for redress; and
- b. establishing a group composed of focal points to be identified in all IUCN Component Programmes which will be in charge of supporting the focal point in the implementation of his/her mandate, in particular through:

⁹ The step-wise approach is a methodology which includes the following steps: 1. Undertake a situation analysis, 2. Provide information, 3. Ensure participation, 4. Take reasoned decisions, 5. Monitor and evaluate the application of an RBA, 6. Enforce rights

- i. the provision of technical expertise in the development of rights-related safeguards;
- ii. the development of reports on the activities of each office in relation to the implementation of this policy; and
- iii. investigations of cases of alleged non-compliance.

3. Build capacity within IUCN by:

- a. developing training materials, tools and mechanisms for IUCN Component Programmes to implement this policy; and
- b. using the RBA portal as a platform for sharing lessons learnt and as a tool for better dissemination of information on rights and conservation related issues.

4. Support IUCN members by:

- a. actively engaging with the Conservation Initiative on Human Rights (CIHR); and
- b. supporting the integration of rights in their conservation programmes.