



Special Rapporteur on human rights and the environment

Policy Brief No. 1

Human rights-based approaches to conserving biodiversity: equitable, effective and imperative

A policy brief from the UN Special Rapporteur on Human Rights and the Environment,
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August 2021

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I. Introduction

The world faces an unprecedented biodiversity crisis, threatening human well-being, human rights and the future of life on Earth.

Sobered by the world's failure to achieve any of the global goals to protect, conserve and restore nature by 2020,¹ 190 governments will gather in October, in Kunming, China to finalize the UN Post-2020 Global Biodiversity Framework (the "Framework").

The draft Framework released in July aims to establish a "world living in harmony with nature" by 2050, in part by protecting at least 30 percent of the planet and placing at least 20 percent under restoration by 2030.² However, in light of past failures, the achievement of the Framework's conservation goals demands a dramatic departure from "conservation as usual." Accelerated efforts to expand protected areas have proven insufficient to stop or even slow the tidal wave of environmental destruction sweeping the planet, with humans now causing the sixth mass extinction in the history of life on Earth.³

Ending the current biodiversity crisis will require a transformative approach to what "conservation" entails, who qualifies as a "conservationist", and how conservation efforts are designed and implemented. Problematically, the current draft Framework is ill-positioned to catalyse such a transformation because human rights-based approaches and the specific rights and contributions of Indigenous Peoples,⁴ Afro-descendants,⁵ local communities,⁶ peasants,⁷ rural women,⁸ and rural youth⁹ (collectively referred to as "Indigenous Peoples and other rural rights holders" within this brief), which have the greatest potential for effectively and equitably protecting biodiversity, are not adequately prioritized.

The draft Framework fails to acknowledge Indigenous Peoples and other rural rights holders who successfully steward vast portions of the world's biodiversity as vital conservation *partners* whose human, land, and resource rights must be recognized and respected if biodiversity loss is to be stopped and reversed. Despite modest improvements compared to earlier drafts, the Framework fails to mention "human rights", fails to require human rights due diligence in conservation planning and finance, fails to call for the recognition of Indigenous Peoples' and other rural rights holders' rights to nature, and fails to include any measurable targets to track the mainstreaming of rights-based approaches (e.g., within "National Biodiversity Strategies and Action Plans").

The Framework further overlooks the fundamental fact that all human rights ultimately depend on a healthy biosphere. Nature is the source of countless irreplaceable contributions to human well-being, including clean air and water, carbon storage, pollination, medicines and buffers against disease. Therefore, it is imperative that the Framework acknowledges that everyone, everywhere, has the right to live in a safe, clean, healthy and sustainable environment, a right which includes healthy ecosystems and biodiversity.¹⁰

Respecting and protecting human rights, especially the rights of Indigenous Peoples and other rural rights holders, is an obligation under international law and an effective, equitable and cost-efficient conservation strategy that should be applied to all efforts to safeguard nature.¹¹ The strong, direct dependence of Indigenous Peoples and other rural

rights holders on nature renders them disproportionately vulnerable to the negative effects of biodiversity loss, climate change, and human rights abuses that result from “fortress conservation”, meaning exclusionary practices intended to protect biodiversity.¹²

Fortress conservation—which dominated conservation efforts led by governments and conservation organizations prior to the late 20th century¹³—is motivated by the mistaken belief that successful conservation outcomes require “pristine wilderness” free from human inhabitants. Even today, many national parks and other protected areas, including some created in recent decades, displace Indigenous Peoples and other rural rights holders.¹⁴ Strict conservation measures may produce meagre conservation gains at the cost of evicting rural communities from their homes and ancestral lands, criminalizing their traditional livelihoods, and violating their human rights to life, health, water, food, an adequate standard of living, non-discrimination and their cultural rights.¹⁵ Estimates of the global number of conservation-displaced persons stretch well into the millions;¹⁶ a 2017 analysis estimated that over 250,000 individuals across 15 countries were evicted from protected areas between 1990 and 2014.¹⁷

In addition to being morally and legally required, human rights-based conservation is the most effective, efficient, and equitable path forward to safeguarding the planet. Mounting evidence confirms that Indigenous Peoples and other rural rights holders possess the knowledge and ability necessary to successfully conserve and manage biodiverse ecosystems more effectively than governments¹⁸ and at a fraction of the cost,¹⁹ particularly where their rights (including the specific rights of Indigenous and rural women)²⁰ are recognized, respected and supported.²¹ Indigenous Peoples and other rural rights holders steward and claim collective rights to over half the global land area,²² employing customary tenure systems anchored in both traditional and contemporary knowledge to successfully manage and conserve vast ecosystems. When these communities’ impressive conservation capacities are considered alongside the extensive contributions of other marginalized rural rights holders, such as smallholder peasant farmers whose agro-ecological knowledge and practices provide a viable and inspiring alternative to the industrial food system responsible for the bulk of global biodiversity loss,²³ the potential power of rights-based solutions to combat the global biodiversity crisis is clear.

Because the draft post-2020 Framework fails to prioritize human rights, the Framework’s target of protecting at least 30 percent of the world’s land and waters by 2030 risks contributing to further human rights violations against Indigenous Peoples and other rural rights holders, while jeopardizing the 2030 and 2050 conservation targets.

This failure reflects a dangerous yet persistent misconception: namely, that humans, and by extension, human rights, are separate and independent from nature. Implementing a truly transformative approach to conservation requires refuting this false notion and accepting that nature is not a commodity created for human exploitation, but an extraordinarily diverse community to which we all belong. This perspective is widely embraced by the world’s Indigenous Peoples and local communities,²⁴ a growing body of literature recognizing the interdependence of cultural and biological diversity,²⁵ and scientific evidence that humans share DNA with all other forms of life on Earth. When considered in this light, the failure to place human rights at the heart of the post-2020 Framework and to require rights-based approaches in all biodiversity conservation and

restoration actions undermines the likelihood of successfully preserving and restoring the diversity of life on Earth.

This Policy Brief builds upon the 2020 report to the General Assembly²⁶ titled *Human Rights Depend on a Healthy Biosphere* by David Boyd, UN Special Rapporteur on Human Rights and Environment. We advocate for a more inclusive, just and sustainable approach to safeguarding and restoring biodiversity, and outline the human rights costs and limited efficacy of exclusionary conservation. To illustrate the devastating human rights consequences that may occur when rights-based approaches are not used to protect biodiversity, we share three case studies of exclusionary conservation. To demonstrate the capacity of Indigenous Peoples and other rural rights holders to conserve ecosystems through the realization of their human, land and tenure rights, we provide three inspiring case studies where they are full partners in creating and effectively managing protected areas. We make the case for a human rights-based paradigm shift within conservation, beginning with essential improvements to the draft Post-2020 Global Biodiversity Framework to ensure that:

- (1) Rights-based approaches are obligatory in all actions to conserve, restore, and share the benefits of biodiversity, including conservation financing;
- (2) Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth are acknowledged as key rights holders and partners in protecting and restoring nature, whose human, land and tenure rights, knowledge, and conservation contributions must be recognized, respected, and supported; and
- (3) Everyone's right to live in a safe, clean, healthy and sustainable environment is acknowledged, and is accompanied by measurable targets towards the recognition and implementation of this right.

II. Fortress conservation violates human rights and fails to protect nature

Over the last three decades, the need to implement more inclusive conservation approaches, better integrate support for biological and cultural diversity,²⁷ and explicitly reject underlying ethnic and racial prejudices that historically enabled exclusionary conservation initiatives²⁸ have been more frequently acknowledged within formal conservation discourse. Encouragingly, the number of Indigenous Peoples' and Community Conserved Territories and Areas (ICCAs), often called "Territories of Life"—which comprise significant areas of cultural and biological diversity and cover as much as or more global land area than government-run protected areas—has also increased.²⁹ However, these positive trends have yet to translate into consistent rights-based conservation planning, decision-making, and action. Instead, many governments continue to embrace restrictive or exclusionary conservation approaches aiming to purge high-biodiversity areas of human inhabitants,³⁰ with strict conservation measures characterizing approximately half of terrestrial protected areas worldwide.³¹

Efforts to safeguard biological diversity without safeguarding the rights of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth perpetuate human rights abuses without achieving desired conservation outcomes. Fortress conservation measures are formidable threats to Indigenous Peoples and other

rural rights holders' human rights, including their nature governance practices and traditional livelihoods, food security, educational opportunities, health, and access to traditional medicines, safe drinking water and culturally and spiritually significant sites. Exclusionary conservation commonly involves eviction and displacement of Indigenous Peoples and other rural rights holders from their lands, typically without due process or respect for the right of free, prior, and informed consent. Protected area legislation often overlooks Indigenous Peoples' and other rural rights holders' land titles and tenure rights, prohibits activities that are foundational for their livelihoods and cultural rights (such as hunting, gathering forest products, fishing, livestock grazing, small-scale farming, and spiritual activities in sacred natural areas), fails to ensure them equitable benefits from economic activities, fails to provide them equitable opportunities to participate in decision-making and management, and denies fair compensation for evicted persons.³²

Conflicts between communities and agencies implementing fortress conservation abound, as do reports of arbitrary detention, confiscation of property, forced labour, illegal searches, threats, intimidation, assault and battery, rape and other sexual violence, torture, and extrajudicial killings. The most egregious abuses are often attributed to militarized conservation regimes involving heavily armed eco-guards hired by governments to combat poaching and the illegal wildlife trade, sometimes with the support of government soldiers.³³ In these ways, conservation measures that fail to adopt a rights-based approach violate human rights including the rights to: life; self-determination; development; health; food; water and sanitation; a healthy environment; education; freedom from discrimination and cultural rights.

Given the high stakes, human rights defenders resist exclusionary conservation initiatives that violate their communities' rights and jeopardize their future. Many communities are embroiled in multi-generational struggles with protected areas.³⁴ While efforts to assert Indigenous Peoples' and other rural communities' rights are sometimes successful,³⁵ they are often time-consuming, costly, and conducted at great personal risk. Of the 331 human rights defenders killed in 2020 as documented by Frontline Defenders, 69 percent were engaged in struggles to defend land, Indigenous Peoples', and environmental rights.³⁶ Despite the serious nature of all of the offences described above, human rights violations associated with exclusionary conservation often result in impunity.³⁷

A. The devastating impacts of fortress conservation on Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth

In the medium-term, conservation-driven displacement detracts from communities' cultural cohesion and knowledge, as behavioural patterns, social interactions, cultural practices, and means of bestowing traditional ecological knowledge to the next generation are disrupted. The long-term consequence of such socio-cultural upheaval and exclusion from decision-making processes is the erosion of traditional land governance systems that have formed the bedrock of communities' cultural identities, enabling them to successfully steward and conserve their customary territories for generations.³⁸ Indigenous Peoples and local communities are especially vulnerable to such harms: first, because the high levels of biodiversity and ecological integrity of their customary territories make them attractive for protected area designation; and second, because their cultures and livelihoods often depend on non-extensive, semi-nomadic use of vast swaths of land, water, and forests.³⁹

The human rights violations caused by exclusionary conservation disproportionately harm the most vulnerable members of already poor and marginalized groups, especially rural women and children. Conservation displacement may prevent community members from accessing sufficient food, cooking fuel, and safe drinking water, leading to food insecurity, malnutrition, disease, and lack of access to traditional medicines, all of which particularly endanger the health, development, and well-being of children and women within rural communities. The trauma experienced by community members who are forcibly ejected from their homes and lands may impair children's psychological well-being and sense of safety, while prolonged removal from their communities' territories may interfere with Indigenous, Afro-descendant, local community, and peasant children's ability to acquire cultural knowledge and skills that are fundamentally tied to traditional lands and livelihood practices. Displacement may also constrain children's right to safely play and engage in traditional recreational activities of cultural significance.⁴⁰ When economic displacement resulting from exclusionary conservation practices prevents rural children from continuing their education, the resulting socioeconomic harms may resonate throughout households and communities for generations.⁴¹

Rural women and girls face unique challenges in the context of conservation-driven displacement and exclusion. Their rights to rural land and resources—which are generally less secure than their male counterparts⁴²—are often even weaker under conservation-oriented legislation applicable to protected areas. Indeed, one global analysis of 30 low- and middle-income countries across Africa, Asia and Latin America found that of 80 legal frameworks recognizing community-based forest rights, conservation-oriented frameworks generally provided fewer protections for the specific rights of Indigenous and local community women than community- or resource extraction-focused frameworks.⁴³ Displacement further limits the socioeconomic agency and equality that secure land rights provide.⁴⁴

Moreover, displaced girls and women are especially vulnerable to physical violence during unrest and conflict. Conflicts between communities and militarized eco-guards, park rangers, and other security personnel have resulted in rape and other forms of gender-based violence by anti-poaching agents, sometimes in order to pressure or exploit women's communities.⁴⁵ Rural women and girls commonly travel long distances to fulfil gendered responsibilities of collecting water, timber, food, and fodder for their families, but conservation-driven displacement forces these tasks to be carried out in more distant and less familiar areas, elevating risks to their physical safety while consuming their time in ways that exacerbate any existing gender inequality within their households and communities.⁴⁶ In addition, the tenure and economic insecurity resulting from conservation-driven displacement may heighten any intra-household tensions and contribute to elevated levels of domestic violence or appropriation of women's income by male partners attempting to control increasingly limited resources.⁴⁷ Financial pressures associated with displaced communities' economic insecurity may also restrict rural women's choices concerning marriage, consensual unions, and decisions that may protect them from HIV/AIDS.⁴⁸

Case studies illustrating the dire human rights costs of exclusionary conservation

Militarized conservation preserves an oppressive legacy of violence and intimidation against rural communities in and around Salonga National Park – Democratic Republic of the Congo

The Democratic Republic of the Congo's (DRC's) Salonga National Park is among the world's largest protected rainforests. To facilitate the park's establishment in the 1950s, thousands of Indigenous and local community members inhabiting this region were evicted by government officials through sometimes violent means. Further evictions occurred when Salonga was expanded in 1970. DRC law prohibits subsistence and commercial hunting and fishing, the construction of houses, farms or sheds, and the possession of hunting weapons within national parks and other protected areas, thereby criminalizing basic survival and livelihood measures dependent on Salonga's natural resources. The mass displacement of villages to zones buffering the park has prompted conflicts and competition for increasingly limited resources between displaced communities and the buffer zone's original inhabitants. This situation has resulted in widespread malnutrition and decades of human rights abuses.⁴⁹

Rural communities within and around Salonga have made credible allegations of murder, rape and other sexual violence, torture, beatings, destruction of property, arbitrary arrest and detention, intimidation, and other cruel and degrading treatment by the hundreds of anti-poaching agents (both eco-guards and military personnel) who patrol Salonga.⁵⁰ Anti-poaching agents act at the direction of the *Institut Congolais pour la Conservation de la Nature* (ICCN), the government agency co-managing the park, with the support of the World Wildlife Fund (WWF), which assumed technical leadership over Salonga's management in 2015. Neither WWF nor ICCN met their human rights obligations to prevent, mitigate, and adequately respond to the human rights violations surrounding Salonga.⁵¹

An independent panel report commissioned by WWF presented recommendations designed to remedy the situation in Salonga.⁵² WWF states that it has implemented a number of actions to improve its human rights compliance in the DRC,⁵³ but has not taken direct responsibility for its role in the abuses.⁵⁴ Only a small number of the eco-guards and soldiers accused of human rights violations have been brought to justice,⁵⁵ signalling that a culture of conservation-driven impunity continues within this biodiverse but contentious protected area.

To the detriment of rural communities and tigers, India's Forest Department continues to forcibly evict tribal and local forest communities from Similipal Tiger Reserve

The Government of India argues that the displacement of over 100,000 tribal and other rural people from India's multiple tiger reserves is necessary to preserve tigers and other forms of endangered biodiversity, yet this practice undercuts Indian law, international law, and the well-being of both humans and non-human life that depend upon these contested areas.⁵⁶ The Similipal National Park and Tiger Reserve is subject to particularly heated conflict. As part of the National Tiger Conservation Authority rehabilitation program, India's Forest Department forcibly relocated over 100 tribal and other forest-dwelling families from Similipal in January 2021,⁵⁷ an event that mirrored the relocation of almost 200 villagers from the same area in January of 2017⁵⁸ and 34 tribal families in December 2013.⁵⁹

The Forest Department claims that the relocation of communities is voluntary, but local people subject to the government's relocation "requests" consistently describe their interactions with Department officials as being marked by coercion, threats, deceit, a lack

of sufficient information, and the circumvention of community-level land governance bodies, any of which would render communities' relocation illegal under Indian law.⁶⁰ Many of the rural families asked to relocate from Similipal assert that the compensation offered by the Forest Department is insufficient and meager in comparison to the quality of life possible through their traditional forest-dependent livelihoods.⁶¹

Research suggests that forest-dwelling communities' traditional knowledge of and dependence on the forest equip them to safeguard tigers and other forms of biodiversity within their lands. Indeed, one study demonstrates that after the rights of Soliga tribal communities under the Forest Rights Act of 2006 were secured, the numbers of tigers within the Biligiri Rangaswamy Temple Tiger Reserve surged to surpass the national average.⁶² Similarly, satellite imagery of the Similipal Biosphere Reserve illustrates that tribal community areas subject to recognized community forest rights (as provided for communities under the Forest Rights Act) were the least impacted by a series of particularly frequent wildfires in early 2021, with villagers taking quick action to extinguish the flames that threatened their ancestral territory.⁶³ Given the success of tribal and other forest-dwelling communities' efforts to restore biodiversity, reduce wildfire damage, and combat poaching and timber smuggling within India's tiger reserves,⁶⁴ the Forest Department's relocation scheme threatens communities, human rights, and nature.

Food insecurity, malnutrition, and inadequate access to basic health and social services plague Indigenous Peoples in Manu National Park – Peru

To preserve one of the most biodiverse regions in the world, World Wildlife Fund, the International Union for Conservation of Nature, and other conservation organizations supported the Peruvian Government to establish Manu National Park in 1973, without consulting the Indigenous Peoples who have inhabited the park's area for thousands of years. Over 95 percent of Manu's 1,716,295 hectares is subject to strict limitations on human use, despite the fact that its forests are the ancestral home of Yora, Mashko-Piro, Matsigenka, Harakmbut, Wachipaeri, and Yine Indigenous Peoples who live under circumstances of voluntary isolation or initial contact, in addition to four Matsigenka communities who have resided in "stable" settlements for over thirty years.

Notwithstanding the government's recognition that Manu is located in Indigenous territory, park restrictions continue to jeopardize Indigenous communities' livelihoods, health, and customary resource rights. For example, increasing numbers of park visitors have caused animals that Matsigenka communities once primarily relied upon for their subsistence to flee the area around their settlements, forcing community members to walk for hours in search of food. While the presence of tourists, scientists, and students attracted to the park's well-preserved biodiversity has inhibited stable communities' hunting-based traditional livelihoods, park prohibitions on the use of timber and non-timber forest products for commercial purposes prevent communities from obtaining food and safeguarding their livelihoods through other means, contributing to food insecurity, malnourishment, and poor health.

Even before Covid-19 began plaguing Matsigenka settlements, over 70 percent of children under 5 years of age within these communities were suffering from malnutrition, several Indigenous children reportedly died of relatively simple diseases, and access to healthcare services was limited. Without radical changes in park zoning to better reflect Indigenous communities' presence and needs, the issuance of community land titles, and an established system to protect the livelihoods of both stable and semi-nomadic Indigenous communities in a culturally appropriate manner, the ability of Manu National Park's Indigenous rightsholders to meet their most basic needs with dignity will likely remain elusive.⁶⁵

B. The tremendous human cost of fortress conservation has generated limited gains for nature

Many conservation initiatives that fail to adopt a rights-based approach also fail to satisfy their intended conservation purpose.⁶⁶ In some cases, third parties are emboldened to (often illegally) harm nature within protected areas due to the absence of the area's traditional guardians and governments' weak law enforcement capacity.⁶⁷ Areas outside parks where displaced communities live also become degraded by people who no longer have sufficient land access or legal rights to engage in customary conservation practices or sustainable traditional livelihoods (e.g., subsistence hunting, smallholder farming, and small-scale fishing). Some are forced to turn to poaching or other environmentally unsustainable practices in order to survive.⁶⁸ Evicted rural community members have also demonstrated their anger at the *de facto* criminalization of their traditional cultures and livelihoods by damaging nature and rejecting participation in conservation initiatives.⁶⁹ In some circumstances, protracted conflicts between communities and those hired to guard protected areas can become so contentious and violent that funding for conservation initiatives has been suspended or withdrawn.⁷⁰

Governments committed to unilaterally managing protected areas often evict Indigenous Peoples and other rural rights holders only to authorize private extractive, agricultural or infrastructure “developers” to unsustainably utilize and degrade ecosystems within the very areas that evicted communities were previously successfully stewarding.⁷¹ For example, one study of 34 protected areas in the Congo Basin found that 62 percent included mining concessions and 39 percent included oil concessions; an additional 68 percent had logging concessions directly bordering the protected area.⁷² Partnerships between large conservation organizations, governments, and extractive industries designed to “green” such investments near protected areas are also common. While the intended objectives of these partnerships are to preserve nature, their mixed outcomes and common exclusion of rural communities run the risk of perpetuating rather than countering environmental degradation.⁷³ In these ways, the conservation-driven harms imposed on Indigenous Peoples and other rural rights holders resemble the human rights abuses related to land-based investments in large-scale agriculture, mining and other activities causing the current biodiversity crisis.

Decades of experience with fortress conservation contradict the argument that the removal of Indigenous Peoples and other rural rights holders is *necessary* to fulfil the public's interest in conserving, restoring, and protecting the biodiversity upon which all humans depend.⁷⁴ At worst, fortress conservation approaches result in the abuse and marginalization of the rightful guardians of vast, interconnected ecosystems while facilitating environmental degradation and biodiversity loss. At best, exclusionary measures attain their conservation goals, but do so while inflicting unacceptable human rights violations.

III. Indigenous Peoples and other rural rights holders must be key partners in conserving and restoring biodiversity

If the Post-2020 Biodiversity Framework and resulting expansion of protected areas fail to mainstream rights-based conservation approaches throughout all conservation activities and decision-making processes, future conservation measures are likely to incite intense conflict and human rights violations against Indigenous Peoples and other rural

rights holders. A recent global analysis by the Rights and Resources Initiative highlights the sheer number of rural people whose rights, livelihoods, and physical security are at risk from future conservation actions that protect natural ecosystems without protecting people. The study estimates that globally, 1.87 billion Indigenous and rural people live within important biodiversity conservation areas spanning 47 percent of the planet's terrestrial area, including 363 million people living within existing protected areas.⁷⁵ The same analysis finds that 56 percent of these 1.87 billion rural people reside in low- and lower-middle income countries—compared with only 9 percent in high-income countries. The conservatively estimated cost of resettling and compensating even one percent “of people in a country’s important biodiversity conservation areas supersedes the cost of recognizing *all* tenure rights in that jurisdiction.”⁷⁶

These findings indicate that at the magnitude necessary to achieve biodiversity targets over the next three decades, exclusionary conservation would displace millions of Indigenous and rural people, primarily in poorer countries whose governments often lack the capacity to successfully managed large protected areas. The results, based on experience to date, would be ecologically ineffective, socially unsustainable and economically inefficient.

Thankfully, there is a far more just and effective strategy available to those negotiating the Post-2020 Framework: compelling evidence demonstrates that Indigenous Peoples, local communities, and peasants are often more effective at protecting biodiversity and conserving natural ecosystems than governments. Positive conservation outcomes are strongly correlated with community-based management or co-management arrangements that engage Indigenous and other rural communities as rights holders, and affirm their cultures and livelihoods.⁷⁷ Community-based conservation measures are also often markedly less expensive to establish and maintain than those managed exclusively by governments.⁷⁸ The net benefits of safeguarding nature through rights-based approaches are outstanding. For example, the annual global cost of partnering with Indigenous Peoples and local communities to effectively protect 30 percent of all lands and waters by 2030 is estimated at US\$ 100 - US\$ 140 billion,⁷⁹ while the projected global net benefit of protecting mangroves alone will be US\$ 1 trillion by 2030.⁸⁰

A. Recognizing the conservation contributions of Indigenous Peoples, Afro-descendants, and local communities

Indigenous Peoples’, Afro-descendants’, and local communities’ contributions to positive biodiversity conservation outcomes within forests and other diverse biomes are well documented. The successful stewardship approaches employed by these communities are based on their deep traditional socio-ecological knowledge and associated governance practices, which are rooted in complex interdependencies between communities and their bio-cultural “territories of life.” Most if not all of these communities self-identify and operate as integral parts of natural ecosystems. Their perspective and knowledge equip them to steward natural environments in ways that prevent deforestation, restore depleted terrestrial and aquatic ecosystems, manage and prevent fires and other natural disasters, avoid ecosystem degradation, facilitate the recovery of species, promote the early detection and management of alien invasive species, and monitor the health of their territorial lands and waters, thereby facilitating healthier biodiversity and a more sustainable way of life.⁸¹

The strength of Indigenous Peoples’, Afro-descendants’, and local communities’ commitment to conserving their territories’ biodiversity is reflected by the scale of their conservation investments in the face of marginalization and inadequately recognized land and resource rights. While Indigenous and local communities claim and traditionally steward over 50 percent of land globally—thus facilitating a wealth of nature’s contributions to human well-being—they are only recognized as the legal owners of 10 percent of the world’s land.⁸² As a result, most Indigenous and local communities are vulnerable to the host of socioeconomic harms associated with tenure insecurity, including poverty, food insecurity, economic insecurity, and limited access to educational opportunities. Notwithstanding these challenges, Indigenous Peoples, Afro-descendants, and local communities have invested heavily in the conservation of their territories, devoting an estimated 15 - 23 percent of the combined global conservation spending of governments, donors, foundations and non-governmental organizations.⁸³

B. Recognizing the conservation contributions of peasants

The conservation potential and existing contributions of “peasants”—including small-scale farmers and foresters, fishers, hunters, gatherers, and pastoralists who commonly engage in small-scale production and income generating activities for their livelihoods—are also powerful. Like Indigenous and local communities, peasants’ direct and often multi-generational reliance on nature for their livelihoods is propelled by cultural heritage and agro-ecological strategies well-equipped to safeguard biodiversity. The small-scale production of peasants also provides a desperately needed environmentally and socially sustainable model for feeding the human population.⁸⁴

Through a range of culturally grounded techniques including the intentional selection, preservation, and exchange of seeds and the propagation of a diverse array of traditional and local crops and livestock breeds, peasant, Indigenous, and local community production methods outperform large-scale agro-industrial food and agricultural systems in a number of essential metrics. For example, smallholders with less than 5 hectares of agricultural land per farming household use only about 30 percent of the farm land to produce more than 70 percent of the total food calories in 83 countries in Latin America, Sub-Saharan Africa, and South and East Asia.⁸⁵ By employing agro-ecological practices, peasants preserve more crop and non-crop biodiversity, support freshwater availability through rainwater harvesting and other techniques, utilize fewer synthetic fertilizers, pesticides, and other polluting agents than input-intensive industrial operations, produce livestock and crops that are more nutritious and resilient to disease and environmental shocks, and avoid the human rights violations commonly associated with industrial agriculture.⁸⁶

The salience of peasants’ environmental and social contributions is reflected by the international momentum of movements such as *La Via Campesina* (“The Peasant Way”), which are amplifying peasants’, Indigenous Peoples’, and local communities’ shared demands for food sovereignty, gender justice, respect for rural land and human rights, and respect for their cultural and agro-ecological knowledge.⁸⁷ As it is now widely accepted that protected areas and other conservation measures will be insufficient to save the planet’s biological diversity without fundamental changes in human consumption and land use patterns,⁸⁸ supporting the interrelated traditional knowledge, land rights, and food sovereignty of peasants, Indigenous Peoples, Afro-descendants, and local communities, including the rural women within these groups who play key roles in small

scale agricultural and fishing sectors, is an essential rights-based strategy to securing a healthier planet and healthier people, as well as an obligation under international law.⁸⁹

C. Recognizing the conservation contributions of Indigenous, Afro-descendant, local community, and peasant women

As women play vital roles in all aspects of food systems and nature governance, virtually all of the favourable biodiversity outcomes associated with Indigenous and rural communities are enhanced when rights-based approaches recognize and respect the tenure rights, priorities, and needs of rural women.⁹⁰ Rural women fulfil major roles in subsistence and small-scale agricultural production, seed selection, livestock breeding, fish processing, post-harvest labour, and other activities central to maintaining their families' and communities' basic food, nutritional and health needs. They accomplish this tremendously important work through the cultivation and intergenerational transfer of specific, gendered knowledge regarding the uses of land, water, fauna, flora and fungi within their communities' territories.⁹¹ Consequently, Indigenous, Afro-descendant, local community, and peasant women are valuable leaders and knowledge-bearers whose decisions significantly contribute to the maintenance and restoration of biodiversity.⁹² In addition to supporting conservation and development outcomes for rural women, gender-sensitive rights-based measures are associated with improved community-level outcomes regarding economic security, health, and access to education,⁹³ which may in turn better enable Indigenous Peoples and other rural rights holders to increase their existing biodiversity conservation contributions. It is estimated that if all women smallholders received access to productive resources equal to their male counterparts, their farm yields would rise by 20 - 30 percent, potentially ending hunger for up to 150 million people.⁹⁴

D. Recognizing the conservation contributions of Indigenous, Afro-descendant, local community, and peasant youth, and the imperative to safeguard nature for future generations

Virtually all human rights and fundamental freedoms depend on, and are related to, the right to a safe, clean, healthy and sustainable environment that in turn depends on healthy biodiversity and ecosystems. Therefore, the human rights of children and future generations depend on the rapid implementation of transformative biodiversity conservation measures over the next three decades. Intergenerational equity and the rights of future generations are fundamental principles of international environmental law and sustainable development that are recognized by the Convention on Biological Diversity, Indigenous legal traditions and increasingly recognized by national courts.⁹⁵ Given the profound implications of biodiversity loss and climate change for Indigenous and rural youth and all future generations of people, youth-led conservation initiatives⁹⁶ have garnered increasing prominence over the past decade. However, insufficient recognition has been given to the specific contributions of rural youth to their communities' environmentally sustainable practices⁹⁷ and the advocacy efforts that they engage in to safeguard nature.⁹⁸ Children and youth have clearly defined rights under the UN Convention on the Rights of the Child that must be respected, protected and fulfilled in the context of all conservation actions. Indeed, governments should pay attention to the "best interests" of Indigenous and rural children and youth when making decisions about conservation and the sustainable use of biodiversity. This requires giving these young

people space to make their views known, listening, and being influenced by their perspectives.

Case studies illustrating the promise of rights-based approaches for both people and nature

Indigenous guardianship of Canada's Thaidene Nënë National Park strengthens the Łutsël K'é Dene First Nation's Conservation Leadership in the Northwest Territories

Indigenous Peoples in Canada are at the forefront of efforts to protect biodiverse landscapes. In 2019, the Canadian Government supported First Nation conservation leadership by entering an agreement to establish and co-manage Thaidene Nënë National Park Reserve and Territorial Protected Area with the Łutsël K'é Dene First Nation, the original inhabitants of this biodiverse area. Spanning over 2.6 million hectares of intact boreal forest and tundra—including habitats for grizzly bears, wolves, and herds of free-ranging barren-ground caribou—the area comprising Thaidene Nënë (“Land of the Ancestors”) has been under the Ni Hat’ni Dene Indigenous Guardians Program since 2008. This Indigenous Guardians Program, which is supported by the Government of Canada and Nature United, facilitates the exercise of Łutsël K'é Dene First Nation’s Indigenous rights. Indigenous Guardians safeguard Thaidene Nënë’s fragile ecosystems through environmental monitoring, mapping ecologically significant areas, documenting park visitor activity, and providing ecological education to visitors. They also help maintain the Łutsël K'é Dene Nation’s traditional subsistence lifestyle, preserve the integrity of their sacred cultural sites, and transmit environmental and cultural knowledge to younger generations. The establishment of the area as a National Park Reserve expanded the scope of Łutsël K'é Dene First Nation’s authority to include full-time Indigenous-led monitoring and stewardship of the area. To fulfil these increased responsibilities, the Łutsël K'é Dene established the Ni Hat’Ni Dene Rangers, thereby creating stewardship jobs for additional Łutsël K'é Dene people and encouraging eco-tourism within Thaidene Nënë that will foster the First Nation’s economic well-being.⁹⁹

Importantly, research underscores that Indigenous Guardian Programs such as the Ni Hat’ni Dene Program are tremendously effective, and that with further investment they could become even more so. One study of the Ni Hat’ni Dene and Dehcho K’ehodi Indigenous Guardians Programs concluded that they presently generate \$2.50 in social, economic, cultural, and environmental value for every dollar invested in them. The study projected that additional investment in the programs could generate over \$3.70 for every dollar spent.¹⁰⁰

When considered alongside research demonstrating that the species richness of birds, mammals, amphibians and reptiles within Indigenous-managed lands is greater than that of government-managed parks and wildlife areas across Australia, Brazil and Canada,¹⁰¹ Canada’s Indigenous Guardians Programs offer outstanding potential to safeguard Indigenous knowledge, promote the rights and development objectives of First Nations, and protect the rich biodiversity upon which First Nations’ cultural survival and livelihoods has always relied.¹⁰²

A small, conservation-minded fishing community works with the Mexican Government to revitalize marine and economic life in and around Cabo Pulmo National Park

The tremendous efforts of approximately 100 peasants in Mexico’s Gulf of California are largely responsible for the establishment of the Cabo Pulmo National Park, which is a globally renowned example of a successful no-take marine protected area.¹⁰³ Alarmed by

the drastic depletion of fish stocks in Cabo Pulmo's marine waters due to overfishing and the implications of marine degradation for future community members' livelihoods, the residents of this fishing community spent over a decade lobbying the Mexican Government to designate the area around Cabo Pulmo's coral reefs as a national protected area complete with a management plan. As a result, Mexico decreed Cabo Pulmo's marine area as a National Protected Area in 1995 and recognized it as a National Park in 2000, although the Management Plan was not finalized until 2009. Notably, this delay did not stop local citizens from protecting the waters upon which their livelihoods depend. They developed and voluntarily enforced marine conservation strategies that effectively turned the entire area into a no-take marine reserve, although only 35 percent is officially defined as a strict no-take zone where subsistence and commercial fishing are prohibited. From 1995 onwards, Cabo Pulmo's citizens mobilized to patrol the area, inform newcomers about the Park's protected status, and engage in key management tasks including beach cleaning and sea turtle protection.¹⁰⁴

By 2009, the ecological health of the region had improved dramatically. Between 1999 and 2009, the Park's total fish biomass increased by over 460 percent, the biomass of key predators such as sharks increased by 11 times,¹⁰⁵ and the population of humpback whales and endangered sea turtles rebounded.¹⁰⁶ While such outstanding outcomes may be partially influenced by ecological factors, a great deal of the marine area's conservation success can be directly attributed to the conservation leadership and widespread support of Cabo Pulmo's citizens. Efforts to rehabilitate the Park's marine ecosystem were so successful that the fishing community was able transition to an eco-tourism-based livelihood; tourists are drawn to the area's rich marine life, which boasts a level of biomass akin to coral reefs that have never been fished. In 2006, small-scale tourism operations run by Cabo Pulmo's local citizens supported a per capita income of \$18,000 in Cabo Pulmo, more than double Mexico's average income. At the same time, other local fisher folk reliant on marine areas near the Park's borders benefit from a revitalized ecosystem once again capable of supporting their livelihoods.¹⁰⁷

Placing the Rights and Traditional Livelihoods of the !Kung San People at the Heart of Wildlife Conservation in Namibia's N̄a Jaqna Conservancy¹⁰⁸

Namibia's legal framework embraces rights-based conservation approaches that fulfill integrated, interdependent conservation and socioeconomic development objectives, implemented through its Community-Based Natural Resources Management Programme.¹⁰⁹ An especially successful example of this program is the N̄a Jaqna Conservancy in north eastern Namibia, which was gazetted in 2003 on nearly one million hectares of communal lands. The Conservancy is the largest in Namibia and is home to over 2,650 residents, approximately 85 percent of whom belong to the historically marginalized Indigenous !Kung San People. In stark contrast to the restrictive regulations applicable to many protected areas across Sub-Saharan Africa, communities residing within the Conservancy have legally recognized natural resource ownership, management, and use rights (including hunting where game is abundant, small-scale agriculture within areas zoned for human settlements, and other activities), exclusive rights to benefit from tourism, rights to participate in all decision-making processes relating to the Conservancy's management, and the ability to formally register their land rights. Crucially, the Conservancy's founding and all conservancy management decisions (including zoning, boundary designation, and the allocation of management responsibilities) require the consultation and support of all rural communities residing within the Conservancy area.¹¹⁰

The Conservancy's integrated emphasis on the well-being of nature and people has produced noteworthy socioeconomic and environmental success. The !Kung San benefit from a range of conservation-enhancing activities, including their participation in the tourism industry, roles as game guards within the Conservancy's anti-poaching unit, receipt of meat from wildlife killed by authorized trophy hunters within the Conservancy (a policy that disincentivizes poaching while supporting community food security), the generation of revenue from their sustainable collection of commercially viable native plant species such as the Devil's Claw, and participation in trainings that build communities' capacities. Importantly, rural women are deeply embedded within the Conservancy's leadership as N#a Jaqna's constitution requires half of the Conservancy's village-level leadership body to be comprised of women. At the same time, the area's fragile ecosystems have experienced limited destruction since the Conservancy's founding, the populations of hunted species in the area have remained at sustainable levels, and the numbers of elephants, giraffe, wild dogs, and roan antelope have recovered. These positive, rights-affirming outcomes make the N#a Jaqna Conservancy a model worthy of emulation, and efforts to share lessons learned with other conservancies are ongoing.¹¹¹

IV. Conclusion and recommendations for the post-2020 Global Biodiversity Framework and beyond

The world has an opportunity to safeguard all life on Earth through scaling up recognition for human rights and the conservation contributions of Indigenous Peoples, Afro-descendants, local communities, peasants, and the women and youth within these groups. The ecological, bio cultural, and spiritual value of the biodiversity stewarded by Indigenous Peoples and other rural rights holders is infinite. In economic terms, the smallholder production of Indigenous Peoples, Afro-descendants, local communities, and peasants has enormous collective value. Smallholder farming and forestry production alone generate an estimated value between US\$ 869 billion and US\$ 1.29 trillion in 2017 dollars.¹¹² Given the magnitude of Indigenous Peoples' and other rural rights holders' many nature-based contributions, the large proportion of global ecosystems managed by these communities, and their impressive conservation record despite circumstances of marginalization and minimal external assistance, the potential of Indigenous Peoples and other rural people with legally recognized, adequately supported tenure rights to substantially contribute to global area-based conservation targets is readily apparent.¹¹³ Indeed, community-based conservation efforts result in particularly favourable biodiversity outcomes where community land and resource rights are adequately recognized, supported, and respected.¹¹⁴ Both communities and biological diversity benefit even further when such efforts strengthen the specific tenure rights of rural women.¹¹⁵ Consequently, implementing rights-based conservation approaches is both a legal obligation under international law and the most equitable, effective, and efficient conservation strategy available to protect biodiversity at the scale required to end the current global crisis.

In recognition of the mutual dependence between nature and the human rights of Indigenous and other rural peoples and the urgent need to combat nature's decline, the Post-2020 Global Biodiversity Framework and all conservation, restoration, and sustainable use initiatives must ensure that:

- (1) Rights-based approaches are obligatory in all actions to conserve, restore, and share the benefits of biodiversity, including conservation financing;
- (2) Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth are acknowledged as key rights-holders and partners in protecting and restoring nature, whose human, land and tenure rights, knowledge, and conservation contributions must be recognized, respected, and supported; and
- (3) Everyone's right to live in a safe, clean, healthy and sustainable environment is acknowledged, and is accompanied by measurable targets towards the recognition and implementation of this right.

The remainder of this brief presents specific recommendations in furtherance of these overarching imperatives, which incorporate and build upon recommendations presented in the UN Special Rapporteur's 2020 report to the General Assembly, *Human Rights Depend on a Healthy Biosphere*.¹¹⁶ The first set of recommendations are specific to the post-2020 Global Biodiversity Framework, while the second set of recommendations involve protecting the human rights of Indigenous Peoples and other rural rights holders in all biodiversity conservation actions.

A. Recommendations specific to the Post-2020 Global Biodiversity Framework

The Post-2020 Global Biodiversity Framework should:

- (1) Explicitly acknowledge everyone's right to a safe, clean, healthy and sustainable environment, which includes healthy biodiversity and ecosystems, and include measurable targets towards the recognition and implementation of this right (e.g., inclusion in constitutions, legislation, and National Biodiversity Strategies and Action Plans).
- (2) Prioritize the empowerment and substantive participation of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth, along with the legal recognition and implementation of their human, land and tenure rights, as the central strategy driving the rights-based Framework.
- (3) Emphasize rights-based actions that equitably partner with and support the conservation leadership of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth, build their capacity, rely on their traditional knowledge and nature management practices, and achieve multiple human rights and sustainable development benefits (e.g., biodiversity conservation initiatives that reduce poverty, promote gender equality, improve food security, and address climate change).
- (4) Be revised so that the 2050 Vision statement reads: "The vision of the framework is a world of living in harmony with nature where: By 2050, biodiversity is valued, conserved, restored and wisely used, maintaining **nature's contributions to people and the interdependent biological and cultural diversity that enable them**, sustaining a healthy planet **and**

ensuring recognition and respect for human, land, and tenure rights of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, rural youth and other rural rights holders, thereby delivering ecosystem benefits essential for all people and future generations.”

- (5) Be revised so that the 2030 Mission statement reads: “To take urgent action across society **and in partnership with Indigenous Peoples and other rural rights holders—including local communities, Afro-descendants, peasants, rural women, and rural youth—to design and implement rights-based approaches that** conserve and sustainably use biodiversity and ensure the fair and equitable sharing of benefits from the use of **biological** resources, **thereby putting** biodiversity on a path to recovery by 2030 for the **mutual** benefit of the planet, **all** people, **and all future generations.”**
- (6) Include an additional 2030 Goal whereby all Indigenous Peoples’, Afro-descendants’, and local communities’ rights to the community lands, waters, carbon, sub-surface resources, and territories they traditionally own and/or govern are legally recognized, respected and implemented, with particular attention to the rights of Indigenous, Afro-descendant, and local community women.
- (7) Include a subsection within the 2030 Action Targets dedicated to support for Indigenous Peoples’ and other marginalized rural groups’ human, land, and tenure rights—including all rights enshrined in the UN Declaration on the Rights of Indigenous Peoples (2007), the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018), the International Labour Organization Indigenous and Tribal Peoples Convention No. 169 (1989), the Convention on the Elimination of All Forms of Discrimination Against Women (1981), and the UN Convention on the Rights of the Child (1989). The sub-section should include:
 - a) Two 2030 Action Targets that replace the text of Target 21 in the current draft, and that read:
 - i. “By 2030, ensure Indigenous Peoples’, Afro-descendants’, local communities’, and peasants’ (including rural women and rural youth within these groups) full consultation and equitable and effective participation—including rights of free, prior and informed consent (FPIC)—in all decision-making related to biodiversity. Support their decision-making capacity, and ensure that their participation, priorities, traditional knowledge, innovations, and nature stewardship practices guide conservation decision-making at all levels;
 - ii. By 2030, ensure the legal recognition and security of Indigenous Peoples’, Afro-descendants’, local communities’, and peasants’

tenure rights over all lands, waters, and other natural resources that they customarily or otherwise own, manage, or use, with particular attention to the tenure rights of women and youth within these groups.”

- b) "Measurable 2030 Action Targets specific to the traditional knowledge of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth, and to their receipt of fair and equitable conservation benefits (as reflected in current Targets 9, 13, and 20).")
- (8) Require human rights-based, gender-sensitive conservation approaches to be incorporated within the development, content, and implementation of all National Biodiversity Strategies and Action Plans (NBSAPs) and other planning and monitoring mechanisms. Relatedly, require NBSAPs and other planning and monitoring mechanisms to:
- a) Guarantee all people’s access to information, participation in decision-making, and access to justice in biodiversity conservation matters;
 - b) Include gender and youth inclusion strategies;
 - c) Require States to regularly monitor adherence to human rights standards and respect for the human, land, and tenure rights of Indigenous Peoples and other rural rights holders in all conservation measures.
- (9) Increase the 2030 Action Target to assist low-income states so that at least \$100 billion in annual grants from high-income states is devoted to assist low-income states in conserving, protecting, restoring and ensuring the sustainable use of nature (matching international climate finance commitments).
- (10) Include a 2030 Action target for zero murders of environmental human rights defenders working on biodiversity and conservation-related issues, highlighting the duty of all conservation actors to protect them, apply a zero-tolerance approach to their abuse, and take effective actions to ensure their freedom from harassment, intimidation, violence, criminalization and other forms of abuse.

B. Recommendations applicable to all conservation measures

To protect human rights, the rights of Indigenous Peoples and other rural rights holders, and ensure healthy ecosystems and biodiversity, States should urgently undertake the following actions.

- (11) Prioritize and accelerate the legal recognition of the land, forest, freshwater, and other tenure rights, associated titles, and other rights held by Indigenous Peoples, Afro-descendants, local communities, peasants, and rural women and youth within these groups, thereby empowering those who depend

directly on nature for their livelihoods and cultural identities to engage in long-term, sustainable biodiversity conservation and use practices based on traditional knowledge, customary laws, and the implementation of local stewardship systems.

- (12) Place Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural youth—along with their traditional knowledge and sustainable nature governance practices—at the forefront of efforts to identify, designate, and manage new and existing areas important for cultural and biological diversity, including Indigenous protected and conserved areas,¹¹⁷ Indigenous and Community Conserved Areas,¹¹⁸ territories of life, sacred sites, and other effective area-based conservation measures, including through adequate legal, financial and other resources.
- (13) Ensure Indigenous Peoples’ and other rural rights holders’ access to and use of land, water, wildlife, plants, and sacred sites for survival, subsistence and small-scale commercial livelihoods, medicinal, cultural, and spiritual purposes, with specific arrangements established through inclusive, gender-sensitive consultation processes that are in accordance with the right of free, prior, and informed consent (FPIC). Reform conservation and protected area legislation as necessary to ensure these protections for all Indigenous Peoples and other rural rights holders whose livelihoods and cultures depend on areas designated for conservation protection.
- (14) Provide swift, just, fair, and equitable investigation and redress for past conservation-driven violations of the rights of Indigenous Peoples, Afro-descendants, local communities, peasants, and women and youth within these groups related to the creation and/or management of protected areas, including through restitution of rural rights holders’ lands, territories, and associated resource rights. When this is not possible, provide just, fair, culturally acceptable, and equitable compensation. Unless otherwise freely agreed upon by the Indigenous Peoples or other rural rights holders concerned, compensation should take the form of lands, territories, and resources equal in quality, size and legal status, or of monetary compensation or other appropriate redress.
- (15) Redirect financial flows for conservation to Indigenous Peoples, Afro-descendants, local communities, and peasants, including initiatives led by rural women and rural youth, for protecting and sustainably using biodiversity.
- (16) States and other institutions should only fund conservation initiatives that:
(a) respect and protect the title, tenure, access, and nature governance rights of Indigenous Peoples, Afro-descendants, local communities, and peasants—including women and youth within these groups—to their lands and territories, including the right of free, prior, and informed consent to any actions that affect them; (b) when directed at law enforcement, require and ensure that eco-guards and rangers are trained to international human rights

standards and subject to effective oversight and accountability; (c) provide local residents with access to independent grievance and redress mechanisms that can receive complaints of, and provide remedies for, human rights violations; and (d) require regular transparent reporting by funding recipients on how they are meeting human rights norms.

- (17) Work across government ministries and processes related to biodiversity conservation, restoration and sustainable development to create opportunities for Indigenous and other rural youth to contribute to decision-making processes at all levels. Genuinely listen to young people's priorities, concerns, and perspectives, and ensure that their demands have substantive impact on the development of all policies and the implementation of all activities to safeguard nature.
- (18) Require urgent action to protect and respect the rights of environmental human rights defenders, prevent their abuse, and provide swift, fair and effective investigation, redress and reparations for existing violations against them. Specifically, strengthen practical measures to support environmental human rights defenders, including: effective and timely remedies in cases where Indigenous Peoples, Afro-descendants, local communities, peasants, and other defenders face threats, criminalization and/or any form of violence; and revoke illegally issued land concessions, water, agricultural or other development permits on lands customarily owned, used, or occupied by Indigenous Peoples, Afro-descendants, local communities, or peasants.
- (19) Pass and enforce laws requiring businesses and their subsidiaries in all sectors to: prevent, identify and adequately respond to adverse impacts on human rights, ecosystems, biodiversity, Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, rural youth, and environmental human rights defenders at the project level and throughout supply chains in accordance with the UN Guiding Principles on Business and Human Rights. Such laws should include substantial penalties for non-compliance, and should require that all businesses and their subsidiaries: conduct pre-investment due diligence on the potential human rights and environmental risks associated with their contemplated operations and supply chains; withdraw from any contemplated initiatives that do not satisfy human rights and environmental standards commensurate with both national and international law; take actions to appropriately respond to any possible human rights and environmental violations; develop and implement gender-sensitive policies specific to respecting the rights of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural children; respect Indigenous Peoples' and other marginalized rural groups' FPIC rights, and guarantee all rural rights holders' substantive participation in decision-making processes for projects that could affect them; establish accessible grievance mechanisms and access to remedy for

affected persons; and transparently share compliance actions, failures, and lessons learned with the public.

- (20) Pass and enforce laws requiring large conservation organizations to take actions to prevent, identify and adequately respond to human rights abuses, specifically requiring all large conservation organizations to: conduct due diligence on the potential human rights risks associated with their contemplated operations; withdraw from any contemplated operations that do not satisfy human rights standards; take actions to appropriately respond to any potential human rights violations that occur in relation to their conservation initiatives; develop and implement gender-sensitive policies specific to respecting the rights of Indigenous Peoples, Afro-descendants, local communities, peasants, rural women, and rural children; respect Indigenous Peoples' and other marginalized rural groups' FPIC rights, guaranteeing all rural rights holders' substantive participation in decision-making processes that could affect their rights; provide Indigenous peoples and other rural rights holders with an equitable share of project benefits; develop and implement specific policies concerning the hiring, training, support, and required conduct of eco-guards and others responsible for securing protected areas or other areas designated for conservation; provide accessible grievance mechanisms and access to remedy for affected persons, and transparently share compliance actions, failures, and lessons learned with the public. These requirements are consistent with the UN Guiding Principles on Business and Human Rights.

¹The Sustainable Development Goals Report 2020 (United Nations publication, Sales No. E.20.I.7).

² Co-Chairs of the Open-Ended Working Group on the Post-2020 Global Biodiversity Framework, *First Draft of the Post-2020 Global Biodiversity Framework*, July 5, 2021, UN Doc. CBD/WG2020/3/3.

³ Gerardo Ceballos, Paul R. Ehrlich and Peter H. Raven, “Vertebrates on the Brink as Indicators of Biological Annihilation and the Sixth Mass Extinction”, *Proceedings of the National Academy of Sciences*, Vol. 17, No. 24 (June 16, 2020).

⁴ The definition of “Indigenous Peoples” in this brief is aligned with the scope of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention No. 169 (1989). It includes those peoples who self-identify as indigenous or tribal, primarily hold land and natural resource rights to ancestral territories at the community level, and who are either: (1) “regarded as indigenous on account of their descent from the populations which inhabited [a] country, or a geographical region to which [a] country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions”; (2) “tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations”; or (3) traditional peoples who may not be referred to as “indigenous” or “tribal” by others, but who share the characteristics of other peoples recognized as indigenous and tribal, including a cultural heritage distinct from a country’s majority population, a natural resource-based livelihood grounded in traditional practices and a deep cultural connection to nature within specific ancestral territory, and a customary land tenure system in which resource rights are primarily held at the community-level. ILO Indigenous and Tribal Peoples Convention No. 169 (1989), Arts. 1 - 2.

⁵ Within this brief, the term “Afro-descendants” is aligned with the Declaration of Santiago of 2000, which describes “Afro-descendants” as persons of African origin who live in the Americas and in the region of the African Diaspora as a result of slavery and who have been denied the exercise of their fundamental rights. Declaration Promoting Action (Declaration of Santiago), (1998), Arts. 27 - 32 and 70. The Afro-descendent population referred to in this brief specifically refers to “Afro-descendants” within rural areas, who primarily live within Latin America and the Caribbean, and who: (1) for many generations have relied on a customary or traditional collective tenure system tied to specific community territories as the basis of their livelihoods and cultural identity; (2) share a cultural heritage distinct from a country’s majority population; and (3) may self-identify as tribal peoples. The phrase “Indigenous Peoples and local communities” within this brief includes Afro-descendant communities.

⁶ While international law does not define “local communities”, they are included within the scope of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018) at Article 1(3). As utilized in this brief, “local communities” include rural communities who do not self-identify as “Indigenous Peoples” or “tribal peoples” but who share many of the same characteristics, including a cultural heritage distinct from a country’s majority population, a natural resource-based livelihood grounded in traditional practices honed over many generations and a deep cultural connection to nature within specific community territories, and a customary land tenure system in which resource rights are primarily held at the community-level.

⁷ This brief adopts the definition of “peasants” established in Article 1 of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018), which defines a “peasant” as “any person who engages or who seeks to engage, alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the land.”

⁸ In this policy brief “rural women” refers to Indigenous, Afro-descendant, local community and peasant women.

⁹ In this policy brief “rural youth” refers to Indigenous, Afro-descendant, local community and peasant youth.

¹⁰ UN Special Rapporteur on Human Rights and Environment, *Human Rights Depend on a Healthy Biosphere*, July 15, 2020, UN Doc. A/75/161.

¹¹ UN Special Rapporteur on the Rights of Indigenous Peoples, July 29, 2016, UN Doc. A/71/229.

¹² “Areas of the world projected to experience significant negative effects from global changes in climate, biodiversity, ecosystem functions and nature’s contributions to people are also home to large concentrations of indigenous peoples and many of the world’s poorest communities. Because of their

strong dependency on nature and its contributions for subsistence, livelihoods and health, those communities will be disproportionately hard hit by those negative changes. Those negative effects also influence the ability of indigenous peoples and local communities to manage and conserve wild and domesticated biodiversity and nature's contributions to people." Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (2019), *Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*. S. Díaz, and others (eds.). IPBES Secretariat, Bonn, Germany.

¹³ Daniel Brockington and James Igoe, "Eviction for Conservation: A Global Overview", *Conservation & Society*, Vol. 4, No. 3 (July - September 2006); Mark Dowie, *Conservation Refugees: The Hundred-Year Conflict between Global Conservation and Native Peoples*, (Cambridge, Massachusetts, Massachusetts Institute of Technology Press, 2009); and Rights and Resources Initiative (2015), *Protected Areas and the Land Rights of Indigenous Peoples and Local Communities: Current Issues and Future Agenda*. Rights and Resources Initiative, Washington, DC.

¹⁴ R. Duffy and others. (2019). "Why we must question the militarisation of conservation." *Biological Conservation*, 232, 66–73.

¹⁵ UN Special Rapporteur on the Rights of Indigenous Peoples, July 29, 2016, UN Doc. A/71/229; Marcus Colchester, *Salvaging Nature: Indigenous Peoples, Protected Areas and Biodiversity Conservation*, (World Rainforest Movement and Forest Peoples Programme, Aug. 2003); Daniel Brockington and James Igoe, "Eviction for Conservation: A Global Overview", *Conservation & Society*, Vol. 4, No. 3 (July - September 2006); Mark Dowie, *Conservation Refugees: The Hundred-Year Conflict between Global Conservation and Native Peoples*, (Cambridge, Massachusetts, Massachusetts Institute of Technology Press, 2009); Rights and Resources Initiative (2018), *Cornered by Protected Areas: Replacing 'Fortress' Conservation with Rights-Based Approaches Helps Bring Justice for Indigenous Peoples and Local Communities, Reduces Conflict, and Enables Cost-Effective Conservation and Climate Action*. Rights and Resources Initiative, Washington, DC; and ICCA Consortium (2021), *Territories of Life: 2021 Report*. ICCA Consortium: Worldwide.

¹⁶ Daniel Brockington and James Igoe, "Eviction for Conservation: A Global Overview", *Conservation & Society*, Vol. 4, No. 3 (July - September 2006); Mark Dowie, *Conservation Refugees: The Hundred-Year Conflict between Global Conservation and Native Peoples*, (Cambridge, Massachusetts, Massachusetts Institute of Technology Press, 2009); and Charles Geisler, "A New Kind of Trouble: Evictions in Eden", *International Social Science Journal*, Vol. 55 (July 1, 2004), (estimating that as of 2003, between 8.5 to 136 million people were evicted in the process of placing 8.5 million square kilometers of land under formal conservation protection).

¹⁷ Prakash Kashwan, *Democracy in the Woods: Environmental Conservation and Social Justice in India, Tanzania, and Mexico*, (Oxford Scholarship Online, February 2017), at Appendix 2.

¹⁸ See, for example: Johan Oldekop and others, "A Global Assessment of the Social and Conservation Outcomes of Protected Areas", *Conservation Biology*, Vol. 30(1), (2015); Luciana Porter-Bolland and others, "Community Managed Forests and Forest Protected Areas: An Assessment of their Conservation Effectiveness across the Tropics", *Forest Ecology and Management*, Vol. 268 (2011); Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (2019), *Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*. S. Díaz and others (eds.). IPBES Secretariat, Bonn, Germany; Rights and Resources Initiative (2020), *Rights-Based Conservation: The Path to Preserving Earth's Biological and Cultural Diversity?*. Rights and Resources Initiative, Washington DC; Grazia Borrini- Feyerabend and others, ICCA Consortium (2012), *Bio-Cultural Diversity Conserved by Indigenous Peoples & Local Communities: Examples & Analysis*. Cenesta for the ICCA Consortium, IUCN, UNDP, GEF, SGP, and GIZ on behalf of BMZ, Tehran; Caleb Stevens and others, *World Resources Institute and the Rights and Resources Initiative (2014), Securing Rights, Combating Climate Change: How Strengthening Community Forest Rights Mitigates Climate Change*. World Resources Institute, Washington, DC; Food and Agricultural Organization of the United Nations and Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (2021), *Forest Governance by Indigenous and Tribal Peoples: An Opportunity for Climate Action in Latin America and the Caribbean*. Santiago. FAO; Daniel Curtis Nepstad and Stephan Schwartzman, "Inhibition of Amazon Deforestation and Fire by Parks and Indigenous Lands", *Conservation Biology*, Vol. 20(1) (February 2006); Andy Nelson and Kenneth Chomitz, "Effectiveness of Strict vs. Multiple Use Protected Areas in Reducing Tropical Forest Fires: A Global Analysis Using Matching Methods", *PLoS ONE*, Vol. 6(8) (August 2011); Rosie Cooney and Brian Child (2019), *Local Commons for Global*

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practices, institutions and values of indigenous peoples and local communities, and ensuring their inclusion and participation in environmental governance, often enhances their quality of life and the conservation, restoration and sustainable use of nature, which is relevant to broader society. Governance, including customary institutions and management systems and co-management regimes that involve indigenous peoples and local communities, can be an effective way to safeguard nature and its contributions to people by incorporating locally attuned management systems and indigenous and local knowledge. The positive contributions of indigenous peoples and local communities to sustainability can be facilitated through national recognition of land tenure, access and resource rights in accordance with national legislation, the application of free, prior and informed consent, and improved collaboration, fair and equitable sharing of benefits arising from the use, and co-management arrangements with local communities.”); Food and Agriculture Organization of the United Nations and International Fund for Agricultural Development (2019), *UN Decade of Family Farming 2019 - 2028 Global Plan of Action*, at p. 62. Rome, Italy (“One of the preconditions for the sustainable provision of food, goods, and services in agriculture, forestry and fires is family farmers’ secure access to natural resources and productive assets. With affirmative frameworks in place that enable farmers, fishers, pastoralists and indigenous people to access and control, use and manage productive resources, family farms are better placed to apply integrated and innovative farming practices.”); Rights and Resources Initiative (2020), *Rights-Based Conservation: The Path to Preserving Earth’s Biological and Cultural Diversity?*. Rights and Resources Initiative, Washington, DC; and Forest Peoples Programme, International Indigenous Forum on Biodiversity, Indigenous Women’s Biodiversity Network, Centres of Distinction on Indigenous and Local Knowledge and Secretariat of the Convention on Biological Diversity (2020), *Local Biodiversity Outlooks 2: The Contributions of Indigenous Peoples and Local Communities to the Implementation of the Strategic Plan for Biodiversity 2011–2020 and to Renewing Nature and Cultures. A Complement to the Fifth Edition of Global Biodiversity Outlook*. Moreton-in-Marsh, England.

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