Policy Matters

Conservation and Human Rights
Forces for Sustainability

For the first time environmentalists (such as IUCN-CEESP and Green Peace) and the security-military arena (such as NATO and “private military companies”) met in March 2007 to seek innovative means to address the interrelated challenges of conflict, human development, equity and natural resource decimation.

www.envirossecurity.org/sustainability and www.iucn.org/themss/ceesp/seapris.htm#council
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LETTER FROM THE CHAIR OF CEESP

Many of us in CEESP are strong believers in the values and power of human communities. We trust the virtues of local knowledge and customary practice, the potential of local solidarity and cooperation and the collective ingenuity of people managing natural resources for the common good of present and future generations. If we look at history, however, we can discern some dangers. Throughout the world, particularly in Europe in the early 20th Century, the emphasis on localism has been a double-edged sword. Self-sufficiency, voluntary simplicity, local sovereignty, living close to the land and following community values are marvellous ideals… but those same ideals can also slip into extreme conservative and nationalist thinking, intolerance, fear and mistrust of “the other”. It is not impossible for a movement based on the primacy of rural communities to distrust “the city” and all that is cosmopolitan and innovative. It is also all too possible for nationalism and fundamentalism to degenerate into imperialism, colonialism, racism, wars of occupation against near and distant peoples, apartheid, antisemitism, Zionism, ethnocide and even genocide and “ethnic cleansing”. Simply put: that is why we need to identify, declare and respect human rights!

Universal human rights provide the balancing perspective to local, communitarian action. They force us to lift our eyes from the little garden in front of us and appreciate the larger humanity we share with other fellow beings—no matter their gender, age, appearance, culture and ideas. Human rights keep our mind open to egalitarian, anti-sexist and multi-cultural perspectives and ultimately are the most powerful foundation on which we can base our conservation values. But of course they are not exempt from their own dangers and degenerations… first among all the “abstract thinking” that makes us perceive universal concepts and lofty connections while forgetting that all those have to make sense for ourselves and the persons right in front of us—our indigenous peoples, minority cultures, co-workers, neighbours and even our family. This special issue of Policy Matters brings to light some elements that will hopefully allow us to strike a balance between the local and the universal, the need to anchor our action in human solidarity at the local level and the need to elevate our thinking and moral inspiration to those principles and values that can be broadly applied to all human beings— the “rights” we have for the simple fact of being born human. This act of “striking a balance” is incredibly complex, of course, and we can at most all try very hard and do the best we can... there are no
recipes and often only uncharted territories. To understand this we need only to refer to thorny issues such as the

rights of present versus those of future generations, or the alternative environmental values that can be preserved by incompatible interventions. The “human rights perspective” can also bring other fundamental benefits. It can provide us with the foundations of an analysis of power, the beginning of an explanation of why we live in a world where injustice and ecological destruction are so pervasive and intertwined. Without an analysis of power— the understanding of the agencies that fuel ecologically-destructive growth and human exploitation— the world can indeed be a confusing and depressing place. Conspiracy theories and stereotypes about "the other" can be easily advanced to explain injustices and irrationalities, with the pernicious consequences we keep seeing in human history. An alternative perspective would stress instead the common humanity of all peoples, and the bond of life that ties that humanity to the rest of living beings, to nature and to the biosphere. In this perspective the respect for our common humanity and the larger bond to life and nature are the roots of our moral behaviour and the main cause of our success or failure as a species. Environmental destruction, the exploitation of humans by humans and the humiliation and dispossession of entire peoples and cultures are the consequences of forgetting the bond of humanity (or “human rights”) that links us all. In this sense, our failures are not isolated failures but common ones. And so are our achievements— first among all the appreciation, care and empathy we are still able to bring to biological and cultural diversity, including multi-cultural societies. Human rights have much less to do with legality than with meaning, and much more to do with the broader environment of life than we usually see.

CEESP has received partial financial support from IIED’s Sustainable Agriculture, Biodiversity and Livelihoods Programme to produce and diffuse this volume, and we are most grateful for
the unfailing support of this sister organisation. We would also like to thank here the outspoken and, at times, frankly courageous authors of the papers collected here. They have shared many stories that are not simple or even safe to tell. It is only through their work, endurance and passion for conservation and justice that we can see powerful advances and lessons learned.

Let me also thank most gratefully and warmly, Jessica Campese, who has provided an unfailing reference point for all the work that went in this volume, the organisation of related symposia, workshops and innumerable meetings and the development of practical options for the IUCN to tackle human rights in its conservation work. Jessica has been working with Grazia Borrini-Feyerabend for about two years and this volume is very much one of their cherished products, surely a labour of love, and a result of the work of the members of TGER—the CEESP Theme on Governance, Equity and Rights. With them, who did the lion’s share of the work, I also would like to acknowledge most sincerely the guest co-editors of this volume (and CEESP/TGER members) Michelle de Cordova, Armelle Guigner, Gonzalo Oviedo, Marcus Colchester, Maurizio Farhan Ferrari and Barbara Lassen. I trust they will all keep collaborating with CEESP and with IUCN at large to advance understanding, policy and action at the interface of conservation and human rights. I can see few more worthwhile and more powerful subjects for our personal and political engagement as conservationists. As usual, both our website and future issues of Policy Matters will be available for any comments, replies and discussion on the challenges posed by the articles in this issue.

M. Taghi Farvar,
Chair, IUCN Commission on Environmental, Economic and Social Policy (CEESP)
EDITORIAL

‘Just’ conservation? What can human rights do for conservation... and vice versa?!

Jessica Campese, Grazia Borrini-Feyerabend, Michelle de Cordova, Armelle Guigner and Gonzalo Oviedo, with Marcus Colchester, Maurizio Farhan Ferrari and Barbara Lassen

Within the broad IUCN circles we are all familiar with the conservation of biodiversity and natural resources. But what are human rights, and what do they have to do with our work? The first section of this journal addresses these questions in a straightforward way, and highlights how, despite historic separation between the two, attention to linking conservation and human rights has recently been increasing. This trend poses new challenges for conservation organizations, called to recognize and address some new direct and indirect responsibilities. Yet, as conservation protects resources critical to fulfilling rights to life, health, food, water, and security, this trend also opens new doors for conservation organizations to be recognised as performing invaluable roles in the realization of those rights, and in overall support to human societies.

Recognition of the relationship between human rights and the broadly defined environment has been developing since the 1970s. In this sense, many government and civil society actors— including CEESP— work to address the rights abuses that can arise from the extractive industry and other sources of environmental degradation. Similar action and attention around conservation practice has been slower to emerge, but can now be clearly identified. Since 2004, for example, IUCN as a whole recognizes human rights as an important component in supporting its mission to “influence, encourage and assist” societies to ensure that “any use of natural resources is equitable and ecologically sustainable” (see Box 1). This special issue of Policy Matters deals primarily with the emergent understanding of the relationship between conservation and human rights.

There is little consensus regarding the roles, responsibilities and interests conservation organizations have in addressing human rights, or how these factors should be practically addressed—a fact made evident by the collection of articles included in this journal. The conservation–human rights relationship is complex, multi-dimensional, and dynamic. If the articles defy a single overall message, however, some broad themes can be perceived. Each of these themes—described in the main sections of this collection— is significant for understanding how conservation actors can work in just and sustainable ways.

First, it is now abundantly clear that conservation has too often undermined human rights, most clearly through protected area-related displacement and oppressive enforcement measures. This phenomenon, common in the past, continues today in subtle and less subtle ways. The articles in section two of the journal, which primarily demonstrate this negative dynamic, also discuss how this is changing, if slowly.

The second broad theme emerging in this collection is that conservation and human rights can also work in mutual support. Some mechanisms, practices, policies and principles guiding conduct appear successful
in responding to the challenge of their integration. The journal includes both case-based examples and general discussions of positive links between conservation and rights. For instance, mechanisms such as on-going Citizens’ Advisory Councils or case-based legal procedures have been capable of fostering human rights as well as preventing/ mitigating negative environmental impacts.

While no one article presents a complete framework for a “human rights approach to conservation,” it is in the third section that the components of such an approach begin to emerge. Through these articles, we come to understand that:

- human rights instruments and rights-based codes of conduct can be leveraged to protect people from potential and/or realized violations arising from conservation practice;
- human rights instruments can be used to protect the environment; and
- natural resource management can (and should) be incorporated as a key factor in rights-based approaches to human development.

As a matter of fact, some of the most powerful examples of synergistic linkages between conservation and human rights emerge from experience within development organizations that have adopted a rights-based approach to their work.

The third broad lesson we learn from this collection— one present in most articles but arising most clearly in the fourth section— is that the link between conservation and human rights is embedded in larger historical, political, cultural and socio-economic contexts that shape it and determine its meaning. Conservation is not an isolated or value-neutral endeavour— rather, it is infused with political meaning and values that origi-
nate outside and independently from it. In this sense, poverty, environmental destruction and violation of human rights exist within power structures that may perpetuate them despite all the commitments and pronouncements to the contrary. We should view neither conservation nor human rights with tunnel vision, focusing on a single area or species or on the wellbeing of a particular group or class of people. Equity and sustainability demand that we enlarge the vision to the landscape and to humanity in general, and that we understand the broad phenomena that— sooner or later—will affect even our precious protected areas and comfortable lives.

Despite the complexities we have just mentioned, overall the articles in section four encourage the conservation community to take greater responsibility for respecting and supporting human rights. It is clear that conservation actors’ scope of action is limited, that engaging with human rights implies understanding and responding to the broader institutions of society, and that the historical forces at play are often overpowering. Yet, the global situation is uneven, and local, national and international efforts by governments, civil society and even business actors can indeed make a difference. And they should.

The themes we have just described—themes which are differentiated by journal sections, but which can also be read into most articles— are further linked by several cross-cutting lessons. Transforming exclusionary conservation practice, empowering rights-holders, and enhancing the accountability of duty bearers (including non-governmental conservation organizations) are all important in addressing human rights. Further, procedural rights are a major entry point for substantive rights and should be forcefully stressed in conservation.

Our collection leaves open many questions and does not cover the full breadth of the relevant issues. Most notably, despite actively seeking submissions about the topics, we received little regarding the potential costs to conservation arising from the requirement to address human rights, and very few articles dealing with the positive role that conservation can play in supporting human rights. That notwithstanding, this collection contains sufficiently diverse perspectives and opinions to further a substantive discussion—a discussion whose time has definitely come.

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Box 1. IUCN Resolution 3.015 Conserving nature and reducing poverty by linking human rights and the environment

"...The World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17–25 November 2004:
1. DECIDES that IUCN should consider human rights aspects of poverty and the environment in the context of its overall mission, under the leadership of the IUCN Director General;
2. FURTHER DECIDES to assess the implications of the use of human rights-related legal resources and actions to protect the environment and the rights of those who defend it, especially through existing international human-rights protection systems;
3. ENCOURAGES IUCN’s State members, in cooperation with its non-governmental members, to analyse legislation in the field of human rights and the environment in their respective countries and regions with the aim of providing effective access to justice in the event of the violation of those human rights;
4. REQUESTS the CEL to provide additional legal research, analysis and resources, and contribute to building the capacity of members in the enforcement of environmental laws, in close collaboration with IUCN members; and
5. FURTHER REQUESTS the CEL to provide a progress report to future World Conservation Congresses summarizing legal developments in human rights law and litigation that are pertinent to IUCN’s Mission, with an emphasis on human-rights tools that may be used by IUCN and its members in pursuit of the Mission."

Notes
1 See, among many, Pérez (2004) for a general discussion.
3 A trend reflected in several UN and regional human rights communications and non-binding instruments that variously link environment and human rights.
5 WWF and CARE have called for “social and environmental justice”, which they define as “the equitable achievement of both human and environmental rights”. See http://www.panda. org/downloads/policy/socialenvironmentaljustice2.pdf.
6 http://www.iucn.org/en/about/ (emphasis added)
7 Two important sources are West and Brechin (1991) and Ghimire and Pimbert (1997).

References