

Rights and Conservation

Integrating Human Rights in Conservation Programming

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This brief is intended primarily for conservation practitioners as a framework for considering and integrating human rights issues that arise in biodiversity conservation contexts. It purposely avoids an academic or legal treatment of the subject. Rather, it provides a general introduction on human rights concepts and how they have evolved over time, and then raises some of the human rights issues that may be of concern in conservation programs.

Reasons for integrating human rights concerns into conservation programs are suggested, and different perspectives on environment-related human rights are explored. Although all human rights are inter-related and indivisible, the paper then presents an overview of a selection of those rights most relevant in a conservation context and discusses how conservation activities may impact on and be impacted by the rights of different rights-holders. It also brings up some of the trade-offs that are likely to be necessary when trying to uphold the rights of different rights-holders.

As a way of addressing the issues, the brief introduces elements of a “rights-based” approach, which transforms the concept of “stakeholders” into the rights-based concepts of “rights-holders” and “duty-bearers”.

Finally, the paper provides some suggestions for incorporating rights into conservation practice. This requires a consideration of the specifics of a place, its ecology, its history, and its political context and governance systems.

The paper concludes with some of the ethical obligations for conservation practitioners based on a respect for environmental human rights. These are:

- ♦ To avoid or minimize harm, understanding that conservation can lead to changes which may be positive or negative for people, wildlife, and the ecosystems which they share;
- ♦ To work for the long-term conservation of biodiversity and a functioning environment;
- ♦ To involve actively and in a timely fashion individuals or groups (rights-holders), including in particular indigenous and local people, that may be affected by conservation practices and research with the goal of establishing a working relationship that can be beneficial to all parties involved;
- ♦ To ensure that such involvement is meaningful and equitable, and that existing inequities based on gender, social class or ethnicity are not inadvertently reinforced;
- ♦ To respect the rights and characteristics of local and indigenous peoples, especially their acknowledged rights to their lands, territories, resources and knowledge, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies;
- ♦ To seek the free prior informed consent of vulnerable people and to provide them with opportunities for comparable or enhanced livelihood strategies where displacement from land or natural resources is unavoidable.
- ♦ To establish processes and mechanisms to bring conflicting interest and rights (for example the rights claims of present generations for livelihood security versus the inter-generational claims for biodiversity conservation), into the open and seek to resolve them.

The annexes provide further background on and links to various human rights conventions and declarations, suggestions for further reading, and a tentative checklist for considering rights in conservation programming.

I. Introduction: Raising the issues

The purpose of this brief is to provide conservation practitioners a framework for integrating and planning for human rights issues in the conduct of their work. This is not an academic treatment of the subject. It merely raises some of the prevalent issues and attempts to provide a malleable rather than prescriptive framework for considering human rights when making biodiversity conservation decisions. Before honing in on human rights in the context of environment and biodiversity conservation, a brief background on the evolution of human rights is presented.

I.1 The evolution of human rights – a brief introduction

Today, as a general principle reflected in national and international law and policy, human rights are considered inherent to the person and belong equally to everyone. In other words, people hold human rights simply because they are human. These rights are universal, indivisible, interdependent, and their realization requires empowerment, transparency, accountability and participation. Their aim is to uphold human dignity and freedom, and to ensure political, social and economic equity as well as a sort of communal solidarity.

This has not always been so. The concept of human rights has evolved across the ages and experienced many setbacks. For example, the French Revolution, with its battle cry “liberté, égalité, fraternité”¹, flaunted a set of universal human rights, but these were later rolled back during a nationalist reaction arising during the Napoleonic wars. Different worldviews have repeatedly uncovered inconsistencies within various human rights endeavors. Today one often speaks of human rights as “liberal”, and yet

“... Men are born and remain free and equal in rights; ... The aim of every political association is the preservation of the natural and inalienable rights of man; these rights are liberty, property, security, and resistance to oppression. ... Free communication of ideas and opinions is one of the most precious of the rights of man. ... Society has the right to require of every public agent an accounting of his administration. ... property is a sacred and inviolable right...” (from the French Declaration of the Rights of Man and of the Citizen, 1789)

they were shaped by socialist ideals growing out of the period of early European and American industrialization. Thus what is written today in numerous human rights charters, covenants, and declarations can be seen as the result of a cumulative historical process that has evolved, some might say progressed, over millennia.

The world's major religious and moral traditions all acknowledge that people are entitled to live in freedom, justice, dignity and economic security.

“Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom... Now, therefore, [the] General Assembly, [p]roclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations...” (from the Preamble of the UDHR, 1948)

Out of many distinct yet complementary views developed the **International Bill of Rights**², which includes the **Universal Declaration of Human Rights (UDHR)**³, the **International Covenant on Civil and Political Rights (ICCPR)**⁴, and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**⁵. Developed by a multi-national, multi-ethnic expert group in the aftermath of the terrible human rights abuses of the second World War, these instruments reflect a broad consensus on what human rights should confer to individuals. The UDHR states that everyone has the right to life, liberty, and security of person, and guarantees to all people the right to a standard of living adequate for health and well-being. It emphasized the universality of rights, equality of all people, made human rights a collective goal, and defined human rights broadly in civil, political, economic, social and cultural terms.

However, the fact that the ICCPR and ICESCR are separate covenants, also reflects historical regional and political conflicts over what the core human rights are. In addition to these global instruments, there are also regional ones, for example the **African Charter on Human**

and Peoples' Rights⁶ (1981), and national laws that codify principles laid out in the universal documents in a national context.

Human rights declarations, while not in themselves legally binding, state agreed principles and minimum standards to allow human beings a life in dignity. Some, most particularly the Universal Declaration on Human Rights, have been considered as **de facto common law** because of the wide acceptance of their provisions. **Declarations** are also called “soft-law” instruments. This means that they cannot be enforced, but they are useful as a moral standard. **Covenants**, on the other hand, are treaties that are legally binding (“hard-law” instruments) once a country has ratified them.

Yet even now, there is not a unified world view on human rights. Many controversies prevail, as not all countries or cultures, or even individuals within the same country, interpret human rights the same way. For example, in the United States, the social and economic rights reflected in Articles 16 (right to marry and to found a family) and 22 through 27 (right to social security; economic, social and cultural rights; right to work under just and favorable conditions; right to rest and leisure; right to an adequate standard of living; right to education; right to participate in the cultural life of the community) of the UDHR, which are codified and further detailed in the ICESCR, are generally not recognized as human rights. Although in 1948 the United States signed the UDHR, it is one of the few

“The mark of all civilizations is the respect they accord to human dignity and freedom. All religions and cultural traditions celebrate these ideals. Yet throughout history they have been violated.” (UNDP, 2000)

countries that has signed, but not yet ratified the 1966 ICESCR, as subsequent administrations have preferred to view economic and social rights as desirable social goals, but not as human rights.

It would go beyond the scope of this brief to provide a more extensive historical account of

the development of the human rights concept. Further suggested readings are, however, provided in the Annexes (on the history of human rights, see for example Ishay, 2004; and Shiman, 1999).

It should be noted that **rights come with responsibilities**, or duties as they are more often referred to in human rights language. “Rights-holders” are

“Those who bear duties with respect to a human right are accountable if the right goes unrealized. When a right has been violated or insufficiently protected, there is always someone or some institution that has failed to perform a duty.” (UNDP, 2000)

individuals and groups with valid human rights claims, and “duty-bearers” typically are state and non-state actors with corresponding obligations to rights-holders. Duty-bearers are said to have an obligation to respect, protect, and fulfill human rights. States, corporations, organizations, and individuals can simultaneously be rights-holders and duty-bearers. For example, local people are rights-holders as far as access to a livelihood is concerned, and they may simultaneously be duty-bearers when they are involved in co-management agreements for protected areas. Similarly, beyond their obvious role as duty-bearers, conservation organizations and governments also have rights, such as the right to demand accountability.

Where violations of human rights are alleged, duty-bearers may be taken to court. Human rights are linked to the exercise of “**rule of law**”, which embodies the principles of equal treatment of all people before the law and a constitutional guarantee of basic human rights, with access to fair judicial institutions and legal processes. Where the courts do not function independently from other state powers, or where governance systems do not allow easy access to legal remedy, citizens are vulnerable to arbitrary use of state authority and lawless acts of both organizations and individuals. Conservation organizations working in such countries may engage in negotiation processes with both local communities and institutions to ensure that they uphold human rights. In the process they may even end up contributing to the shaping of the rule of law in countries with “transitional democracies”.

1.2 Why should conservation practitioners care about human rights?

Human rights are inherently anthropocentric, but human civilizations are also inherently tied to the natural environment and the biodiversity it brings forth. To understand the relationship between biodiversity conservation and human rights, it may be useful to be aware of the evolution of human rights thinking related to environmental aspects of human wellbeing.

The emerging recognition by international policy makers of linkages between environmental quality and the enjoyment of basic human rights began to appear on the agenda of international policy debate in the late 1960s. The 1972 United Nations Conference on the Human Environment (UNCED) linked the right to life directly to the environment. In 1982 the United Nations adopted the **World Charter for Nature**⁷, which proclaimed that humans are part of nature and recognized that life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients.

Although it does not explicitly make the link between nature conservation and human rights, the emphasis on the life-supporting properties of nature imply, for example, **recognition of an intact environment supporting the human right to life**. Procedural human rights, such as the right of access to information and the right to participate in decision-making are mentioned in the Charter.

The Rio Declaration on Environment and Development of 1992 referred to the right to a healthy and productive life in harmony with nature, emphasizing that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations, and again stressed the right of access to environmental information and to participation in environmental decision-making. Ten years later the 2002 World Summit on Sustainable Development in Johannesburg merely acknowledged the consideration being given to the “possible relationship between environment and human rights”. This was followed in 2003 by a new resolution declared by the United Nations Commission on Human Rights: **Resolution 2003/71 on human rights and the environment**⁸ as part of sustainable development, which

again reaffirmed the linkages between protection of the environment and protection of human rights.

The emphasis in these declarations has tended to be on a clean and healthy environment and sustainable use of natural resources (including biodiversity resources) to support human wellbeing in one way or another. Intrinsic

*“Whereas **Civilization is rooted in nature**, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation. ... **Every form of life is unique, warranting respect regardless of its worth to man**, and, to accord other organisms such recognition, man must be guided by a moral code of action. ... The degradation of natural systems owing to excessive consumption and misuse of natural resources, as well as to failure to establish an appropriate economic order among peoples and among States, leads to the breakdown of the economic, social and political framework of civilization... **All persons, in accordance with their national legislation, shall have the opportunity to participate, individually or with others, in the formulation of decisions of direct concern to their environment, and shall have access to means of redress when their environment has suffered damage or degradation.***

(Extracts from the Charter for Nature, 1982, at <http://www.un.org/documents/ga/res/37/a37r007.htm>)

(existence) values of biodiversity and wilderness, while not completely disregarded, are less at the forefront of public discourse at international forums concerned with poverty reduction or human rights. This does not, however, negate the value that considering human rights can add to conservation programs, as can be seen in some of the case boxes that follow.

Focusing specifically on the links between biodiversity conservation and human rights, a central question that can be asked is **who benefits and who loses** from the use of biodiversity, and, related to this, **whose rights should be prioritized?** Although the indivisibility of human rights accords equal importance to every right and every human being, in practice trade-offs and priority setting are often inevitable.



There are compelling reasons for considering human rights when planning conservation programs, ranging from moral and ethical concerns to practical ones. Arguably, because the greatest biodiversity is often found in areas of great human poverty, when planning and implementing conservation programs in these areas, it is important to consider the rights of local populations living in and around areas of conservation concern, and in particular to their subsistence and cultural rights. Implicit in the position that saving wildlife and wild places should be achieved in an ethical manner, is an obligation to respect the human rights of local and indigenous peoples who live in these places. In the case of indigenous peoples, this may also include **group rights** (rights belonging to a collective), consideration of which goes beyond the traditional focus of human rights treaties on individual rights, but is equally valid from a moral point of view. Thus effective wildlife conservation requires a keen understanding of how human activities impact the ecological needs of non-human species, but also how efforts to conserve biodiversity impact human rights. Violating local people's rights, for example by overly restricting their access to natural resources, may foment local

acrimony and jeopardize the effectiveness of conservation programs. Multiple experiences have shown that lack of community support can have a negative impact on externally motivated efforts to conserve biodiversity. (See Box 1.)

But even where conservation could be successful without respecting and upholding local people's rights, moral obligation (or, put more strongly, duties that arise from human rights) demands their consideration.

Box 1: Conserving Biodiversity in the Democratic Republic of the Congo: The Challenge of Participation

The story of the Kahuzi-Biega National Park situated in South Kivu in the eastern part of the Democratic Republic of the Congo (DRC) provides a prime illustration of the confrontational dynamics that are sparked when two contrasting approaches collide: that of the authorities seeking to protect a fragile ecosystem from over-exploitation, and that of indigenous people insisting on their ancestral rights over the territory. It also illustrates how participatory communication can help to find common ground between opposing views and generate cooperative action. ...

Until very recently, efforts to impose the prescribed ban on all exploitation of natural resources were met with stiff resistance from local people, especially the pygmies for whom the park's territory has been their natural homeland. The presence of indigenous people in the zone, who continue to pursue their traditional way of life, has tended to undermine conservation efforts, an effect exacerbated by uncontrolled poaching and the actions of armed militias. ...

By the mid 1980s, it became clear that widespread local opposition to the very existence of the park was a serious obstacle to efforts to conserve its biodiversity. The authorities then recognized the need to hold discussions with the people concerned. ...

These discussions with local people revealed that, as with other national parks in the DRC, the Kahuzi-Biega National Park had always been run in a way that excluded local people from taking any part in its management. Not surprisingly, this exclusive model was found wanting. What was needed was an alternative model for managing and conserving the park's resources. ...

Case Study author: Pierre Mumbu. Full case study can be downloaded from the IDRC website: http://www.idrc.ca/en/ev-104988-201-1-DO_TOPIC.html



Recently several of the large international conservation organizations have begun to discuss working together on a human rights charter that would provide a common base from which conservation NGOs could demonstrate their commitment to maintaining and respecting human rights in their fields of operation. Although some conservation practitioners may view human rights issues as an unwelcome distraction from their ultimate goal of preventing the further destruction of biodiversity, conservation organizations have to be able to address human rights within a conservation perspective. Because of the way this debate is now reported in the media, conservation organizations cannot afford to neglect human rights.

In addition though, the integration of a human rights perspective can enhance the success of conservation programs by lending them legitimacy in the eyes of the concerned populations; and it can even lead to new, sometimes community-initiated, conservation initiatives by generating local support and awareness of the importance of conservation. Conservation success may also be enhanced by support to democratization programmes that lead to greater govern-

ment accountability and reduced corruption. Although it is usually beyond the scope of work of conservation organizations, collaboration with civil society organizations involved in such movements can sometimes counteract political backing for logging, mining or unsustainable wildlife use.

This brief also includes examples of benefits from using a rights-based approach in conservation planning and implementation and discusses the specific issues that tend to arise.

1.3 Different perspectives on human rights relating to biodiversity and the environment

Human rights related to the environment or “environmental rights” can be viewed from many different perspectives and at different scales (global, national, local), leading to potentially different strategies for biodiversity conservation and use. Conservation-minded people who view biodiversity primarily as a global public good might emphasize the future generations’ right to

an ecologically sound environment that will meet their, as yet unknown, needs. On the other hand, when natural resources are viewed as inputs to further national development strategies, people may espouse the right to development for all citizens and stake a claim over the biodiversity found within a country for this purpose. At the local level, people may claim cultural and livelihood rights over biological resources.

No matter how human rights are viewed, there may be trade-offs, contradictions even, among various rights and duties, depending on how they are interpreted. When examining stakeholders' rights, a long list of critical and often tricky questions will no doubt appear, to which there are no universal answers. For many questions the answer will be "it depends"; that is, it depends on the very specific local context in which conservation activities are planned.

1.4 In a conservation context, what human rights are of concern?

Human rights are stated explicitly or implicitly in a great number of national laws, international human rights-related treaties and declarations (many of which are listed in Annex III), institutional policies and religious texts.

Many human rights depend, at least in the long term, on an ecologically intact environment. Numerous national constitutions, laws, and policies document the importance accorded to the right to a clean and healthy environment and related environmental rights, even if enforcement of such norms is often imperfect or, in some countries, blatantly absent. "Clean and healthy" are of course subjective and vague classifications of environmental integrity, and there are no universal indicators of what constitutes an "unhealthy" environment or where the threshold between healthy and unhealthy lies. On the other hand, where obvious environmental degradation is threatening to have an impact on human wellbeing, such rights can justifiably be invoked. In less obvious situations, conflicts are often fought out in the courts where national laws that protect citizens' health exist. A recent prominent example is provided by the US Supreme Court ruling⁹ that the country's Environmental Protection

Agency is bound by the Clean Air Act¹⁰, which is intended to protect public health and the environment, to regulate greenhouse gases as air pollutants.

Environmental rights have been referred to as "emergent human rights" in that they surface when threats to an ecologically intact environment emerge that are potentially harmful to humans, or when livelihoods or welfare are dependent on the access to natural resources to a significant extent. Environmental rights are not the same as human rights, but they are linked. Relatively recently there have been attempts to make environmental rights explicit, rather than implicit components of broader human rights. One such attempt is the **Draft Declaration of Principles on Human Rights and the Environment**¹¹ proposed by an international group of experts on human rights and environmental protection that convened at the United Nations in Geneva in 1994 at the invitation of the Sierra Club Legal Defense Fund and published in the final report of the UN Special Rapporteur on Human Rights and Environment. (Box 2).

The following is an attempt to synthesis and summarize the majority perspectives on human rights as they relate to the environment. All of these rights are reflected in several of the above-mentioned declarations (see also Annex III, which provides links to the full text of the declarations). The list below of human rights that have a clear environmental link below is not exhaustive. It reflects those rights most commonly cited in the literature on environmental human rights. There are several other rights for which environmental linkages could be constructed, such as the right to food or the right to clean air.



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Box 2: The 1994 Draft Declaration of Principles on Human Rights and the Environment

In 1994 an international group of experts on human rights and environmental protection drafted the first-ever declaration of principles on human rights and the environment. It describes environmental dimensions of established human rights and the procedural rights and corresponding duties for their realization.

It states, among many other principles, that all persons have the right to a secure, healthy and ecologically sound environment. This right and other human rights, including civil, cultural, economic, political and social rights, are universal, interdependent and indivisible. ... All persons have the right to an environment adequate to meet equitably the needs of present generations and that does not impair the rights of future generations to meet equitably their needs. ... All persons, individually and in association with others, have a duty to protect and preserve the environment.

Full text at <http://cesr.org/draftdeclarationenvironment>

- ♦ **The right to life:** This is perhaps the most basic human right and has extensive environmental links. Environmental disasters and industrial accidents often take lives directly. Perhaps less obvious, industrial development, such as mining, oil exploration, or commercial logging, can deprive indigenous and marginalized groups of their traditional means of livelihoods and cultural rights by destroying and polluting their natural resource base and physical environment. On the flip side, strict environmental protection can also affect peoples' right to a livelihood by overly restricting access to natural resources they depend on without providing viable alternatives. For example, the political controversy now often surrounding the establishment of strictly protected areas is due to observed or perceived negative effects on local people's wellbeing when their use of previously accessible resources is taken away without adequate alternatives.
- ♦ **The right to health:** Closely related to the right to life, this right is threatened mainly due to environmental pollution (air, water, soils), but also indirectly when livelihoods opportunities are narrowed. It should be noted that such opportunities can be constrained both through environmental degradation (for example the decline of local fisheries due to the creation of dead zones in polluted coastal regions and due to industrial overfishing) and through some types of conservation activities (such as the protected area example above).
- ♦ **The right to water:** The right to water has attained a lot of prominence in writings about environmental rights, probably because water is so essential to all life on earth and because of the increasing scarcity of freshwater resources for human consumption and agriculture due to land degradation, over-use and global warming effects. The provision of water must be adequate for human dignity, life and health. Availability of clean drinking water is directly related to human health and lack of it can cause serious illnesses. Lack of sufficient water for agriculture can affect food security and as such also directly impact human health. Pollution of water bodies also affects ecosystem health and wildlife directly, and, thereby, again indirectly can affect human subsistence and health, for example when local fisheries collapse because of industrial pollution in coastal zones. For an extensive treatment of this theme see the WHO publication *The Right to Water*¹² as well as the UNDP's *Human Development Report 2006: Beyond Scarcity: Power, poverty and the global water crisis*.¹³
- ♦ **The right to practice one's culture:** Most often cultural rights are taken to refer to the rights of indigenous and traditional peoples to pursue activities and rituals that are important to their cultural identity. Such activities tend to be based on hunting and use of natural resources. Often taboos, folklore and other social conventions determine and limit the use of a particular resource or restrict access to a site. When the natural environment of an area of importance to such traditional groups is destroyed, their cultural rights are violated. Cultural rights are guaranteed in the International Covenant on Civil and Political Rights and require governments to take steps to protect the way of life of whole groups. There are also cultural rights inherent to "non-indigenous" people. For example, in Europe the conservation of "cultural landscapes"¹⁴ has become part of national conservation strategies.
- ♦ **The right to development:** Sustainable development, which by the Brundtland Re-

port¹⁵ 1987 definition "meets the needs of the present without compromising the ability of future generations to meet their own needs", shares common ground with an ecologically sound environment. Its three pillars are economic and social development and environmental protection. The sustainability concept brings in the issue of **inter-generational equity**. Economic development based on environmentally destructive processes does not produce long-term social or even economic benefits and is usually in-



equitable, with the burdens of a degraded environment resting most heavily on the shoulders of the poorest segments of society and future generations. Economic development has yielded many benefits for people, but those benefits have not been equally distributed and in recent decades income gaps among rich and poor have widened rather than narrowed. Where benefits have reached people, they are likely benefiting the present generation at the expense of future generations as long as development is equated with economic growth alone. Economic growth tends to be based on the exploitation and often destruction of natural resources, and markets currently do not fully account for the depletion of the earth's natural capital. So while development has been acknowledged as a right, ill conceived implementation strategies (those which deplete the productive capacity of natural systems) can violate equity concerns, as well as human and environmental rights. When development is viewed more broadly as a process that opens up opportunities to enjoy secure livelihoods, to become "better off" in more

than a purely economic sense, by reducing human vulnerabilities and strengthening capabilities, it becomes possible to conceive of a process that is respectful of both people and the environment. For more on this subject, the Sustainable Livelihoods Approach¹⁶ provides useful information.

- ◆ **The right to information:** This comprises the right to obtain information upon request, the right to be informed of impending environmental threats, and of the implications of certain natural resource use paradigms as well as of the impacts of planned activities (development or conservation). Of particular importance in the context of biodiversity conservation and use is the notion of prior informed consent (PIC), in particular when it comes to the use of indigenous knowledge and practices¹⁷. This is because traditional knowledge has often been brought into play to develop new products and techniques without the knowing involvement and consent of the

Box 3: The Addis Ababa Principles and Guidelines on Sustainable Use of Biodiversity

These principles were developed by the Secretariat of the Convention on Biological Diversity. They recommend, among other actions:

- ◆ Identification of all relevant stakeholders and seeking their participation in planning and executing of management activities;
- ◆ Delegation of rights, responsibility, and accountability to those who use and/or manage biological resources;
- ◆ Ensuring that an equitable share of the benefits of sustainable use regimes remain with the local people (in the case of foreign investment), considering both monetary and non-monetary benefits;
- ◆ Consideration of local customs and traditions, including customary law;
- ◆ Training and extension services to enhance local capacity to effectively participate in decision-making;
- ◆ Implementation of constructive programmes that benefit local communities, such as capacity training that can provide income alternatives (especially where use reductions are necessary), or assistance in diversifying management capacities and implementing sustainable use methods;
- ◆ Providing adequate channels of negotiation so that potential conflicts arising from the participatory involvement of all people can be resolved.

(<http://www.biodiv.org/doc/publications/addis-gdl-en.pdf>)

holders of such knowledge, and without sharing the resulting benefits. The principle of free, PIC is acknowledged in several documents on international human rights law. In a recent working paper, the Commission on Human Rights attempts to shed some light on the meaning of the terms “free”, “prior”, “informed”, and “consent” in relation to development affecting indigenous peoples’ lands and natural resources. Simply put, “free” here means without coercion or manipulation; “prior” means sufficiently in advance of commencement of any authorization or activities; “informed” means full disclosure of all relevant information in an accessible and understandable format; and “consent” refers to agreement to specific activities or conditions by an appropriate entity following a process of consultation and negotiation. Although the notion of PIC, as conceived in the Convention on Biological Diversity (CBD)¹⁸, where the word “free” is not stated but implied, applies mainly to **access to genetic resources**¹⁹, the concept of PIC can be extended to include informed consent to various conservation planning initiatives and practices. The Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization²⁰, which reiterate that PIC for access to in situ genetic resources shall be obtained from Convention parties, also refer specifically to the need to respect established legal rights of indigenous and local communities related to the genetic resources or associated traditional knowledge being accessed. Some procedures for obtaining prior informed consent are recommended in these Guidelines.

- ♦ **The right to participation:** This is the right to a voice. In the context of conservation activities, this usually refers to “stakeholder” (in this context better called “rights-holder”) or “community” participation. Participation, when treated as a procedural right, is more than just “consultation”. The gradient of participation ranges along a continuum from passive participation (being told what is going to happen) to various forms of functional participation. In the most meaningful scenario, participation is interactive in the sense that project proponents include stakeholders in project conception, planning, design and implementation and manage adaptively based on regular feedback sought

from participants. Interactive participatory methods respect participation as a right, not just as a means to an end.

Other **important and related rights**, which may not immediately come to mind when speaking of human rights, such as **land rights** and **natural resource access rights**, can be viewed as subsets of several of the above-mentioned rights. Some have suggested that a land rights approach is more effective at providing indigenous and local people with control over their natural resources than a participatory rights approach, because in the latter weaker groups may be co-opted by more powerful players. Of course, unequal participation (without real power to affect decisions) is not the kind of participation envisioned in a rights-based approach.

Human rights practitioners tend to question the status of the rights of future generations. Human rights analysis is usually applied to particular individuals or groups in the present. After all, future humans don’t exist yet, so they cannot have a say in what rights they should hold. The element of time is not yet well integrated in present rights policies and practices. If there is a moral responsibility to pass on an intact world to our children’s children (as conservationists invariably affirm), then environmental rights as an emergent category of human rights clearly pertain to **justice across generations**. This is also reflected in many of the international treaties and declarations mentioned earlier.



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The difficulty with this concept lies mainly in the area of enforcement: Holding duty bearers accountable, or even identifying them, for consequences of their actions that may occur many years or even decades into the future and where outcomes are not completely predictable (such as the ecological and social effects of the extinction of a species or destruction of a particular ecosystem) could be very difficult. Yet one may argue that in such situations the **precautionary principle**²¹ (as also outlined in the Convention on Biological Diversity) should prevail.

*“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to **protect and improve the environment for present and future generations.**”*

(From the 1972 Declaration of the United Nations Conference on the Human Environment [emphasis added] at <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=97&ArticleID=1503>)

Another question is whether environmental rights should be understood principally as **procedural rights** (i.e., the right of individuals or communities to be heard and to have a say in decision-making processes that affect them), or whether they should be construed as **substantive rights** (i.e., basic rights possessed by individuals in an ordered society), as are civil and political rights.

It may be useful to think of substantive rights as the foundation that procedural rights aim to support, even if procedural rights are also intrinsically valuable. What is important is that there is broad awareness of the existence of different types of rights and how they relate to conservation issues.

1.5 Whose rights are of concern?

In a particular conservation context, who holds what rights and who has a duty to uphold them? With the right to an ecologically intact environment comes the obligation to respect, protect and fulfill the various environmental rights of present and future generations.



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Right-holders and duty-bearers exist at different geographical and temporal scales: local, national, and global; and currently living as well as future generations. They include indigenous and local communities, private landowners, local and global conservation and development organizations, local NGOs, the business sector, and of course national and local governments, each with their own constituencies and with different interests and needs both among and within these groups. Across these varied constituencies it is important to remember that both individuals and groups can be simultaneously rights-holders and duty-bearers.

When pursuing a primary goal of wildlife conservation or, more broadly, biodiversity conservation) considering the rights and responsibilities of different interested parties from sometimes far-apart places is a challenge, because they are seldom congruent. It becomes even more complex when attempting to address the rights of future generations (which is the very basis of the concept of sustainable development) because their needs and aspirations are unknown, and there is typically so much pressure to focus on the “here and now.”

When considering **environmental justice** as a subset of **social justice** (one of the goals of the ICESCR and many subsequent declarations), what is clear is that failure of duty-bearers to uphold the rights of those with just claims, is manifest as **powerlessness and marginalisation**, and usually translates into **inequities** in access to resources (natural or otherwise), greater **vulnerability** to the impacts of environmental degradation, as well as **not being heard**, to matter. In the social justice literature, the emphasis is usually on the fact that poor, marginalized groups tend to bear most of the burden of environmental pollution and degradation, and with respect to conservation the concern is that the weakest, most vulnerable groups are often the ones physically or economically **displaced for conservation** purposes.

1.6 Trade-offs among different groups' rights

Although human rights are theoretically “**universal**” (they apply to everyone) and “**indivisible**” (all rights are equally necessary for a dignified life), in practice conflicts exist among different rights, and different rights-holders.

Conflicts typically arise because the actions of some individuals or groups, as they exert their rights, can impinge on the rights of others. For example, the unsustainable extraction of raw materials (mining, oil, timber, fishing) may be undertaken in the name of national development (advancing some society members' rights), but may damage ecological systems and thereby impair the livelihoods, health or cultural traditions of local people who depend on them (violating another group's rights). In the absence of enforceable laws or norms that regulate access and meter use, resources will remain open

“Human rights are indivisible in two senses. First, there is no hierarchy among different kinds of rights. Civil, political, economic, social and cultural rights are all equally necessary for a life of dignity. Second, some rights cannot be suppressed in order to promote others. Civil and political rights may not be violated to promote economic, social and cultural rights. Nor can economic, social and cultural rights be suppressed to promote civil and political rights.” (UNDP, 2000)

Box 4: The Price of Oil: In Remembrance of Ken Saro-Wiwa

On November 10th, 1995, Ken Saro-Wiwa and eight other Ogoni men were hanged in the yard of Nigeria's Port Harcourt prison. Their only crimes: non-violently protesting against an oil company, and demanding protection of the environmental and social rights of the Ogoni people.

Ten years on, a coalition of environmental and human rights organizations is mounting a national tour on the occasion of the tenth anniversary of the execution of Ken Saro-Wiwa and his colleagues. What had begun as a call for the environmental and social rights of an ethnic group ..., has become a catalyst for global movements for Nigerian democracy, minority and ethnic rights, corporate accountability, and reduced dependence on oil.

(Source: EarthRights International
http://www.earthrights.org/campaignfeature/the_price_of_oil_in_remembrance_of_ken_saro-wiwa.html)

access with strong incentives for individuals to mine the resource today and discount tomorrow. Consumption of fossil fuels that have powered the economies of many nations and benefited millions of people is resulting in changes in climate that are adversely affecting the livelihoods of others. Similarly, distortive policies and subsidies that accelerate the loss of natural resources (for example for damaging agricultural practices and fisheries), preference some groups' rights over others'. Resource conflicts between subsistence economies (e.g. coastal fishing communities in developing countries that depend on fish as their primary source of protein) and market economies (e.g. industrial fisheries that vastly overfish the oceans for the tables of distant consumers who have many other consumption choices) illustrate how such conflicts are rooted in inequitable power structures.

Under many circumstances the rights of some are infringed to secure the rights of others. In fact, **it is not possible for all rights of all individuals and groups to be met simultaneously**. Acceptance of the **likelihood of trade-offs** implies that there may be winners and losers, or at least **compromises**. Some claimants' rights may be enforced, while others' rights are violated by this very enforcement. What is pos-

sible, however, is to ensure that all basic human rights are met, such as those pertaining to life, health and liberty. What is important then, is to ensure that the **minimum standards of human dignity** laid out in human rights treaties are upheld.

On the positive side, synergies among rights at different levels are also possible and can be exploited by conservationists, which will be made clearer later in this brief.

Drawing from the collective wisdom of many individuals and organizations figure 1 attempts to show some of the principal issues and potential trade-offs associated with considering rights in a conservation context.

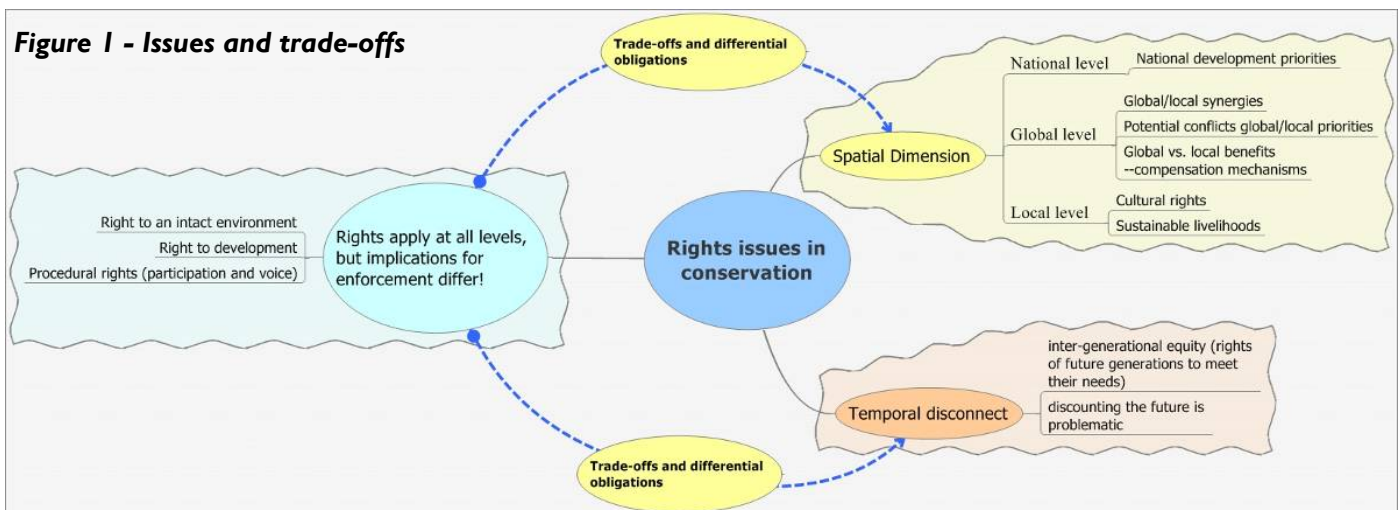
1.7 Conservation-related impacts on human rights

In the biodiversity conservation context, conservation actions will usually mean a restriction of or the **taking of some people's or groups' right to access and use a natural resource**. At the global level and in wealthier countries, the costs for such taking of rights (e.g. carbon taxes, fishing quotas, or outright use bans and restrictions such as CITES-listing) can be borne by society relatively easily, and peoples' livelihoods will generally not be severely affected. At the local level in developing countries, however, restricting access to an area or resource may actually get in the way of people's basic livelihood needs and make them worse off than they were before.

The **taking-away (violation) of rights** is multifaceted. On the one hand, failure to protect the environment and natural resources can constitute a violation of human rights across spatial and temporal scales. Since everyone, including future generations, has the right to an ecologically intact environment, destroying our global patrimony constitutes a violation of that right. Biodiversity loss and ecosystem destruction may lead to current and future loss of livelihoods, diminished health, and the loss of cultural traditions. On the other hand, conservation (particularly stricter forms of protection) can force the **displacement of poor and marginalized communities**.

Displacement can be physical, as is the case when people are relocated, or economic, such as when access rights to natural resources on which livelihoods depend are limited or taken away. It may be that physical relocation takes place, or that farming an area is denied, access to grazing is prohibited, gathering of fuelwood and medicinal plants and herbs are reduced or banned, or access to sacred sites is restricted. Such losses could take place in the present, or in the future.

When the taking of rights occurs as a consequence of conserving biodiversity or, in the opposite scenario, because of unsustainable use of natural resources, the question of **whose rights take precedence** is exceedingly difficult to resolve. How do we decide, and who gets to decide? **Whose loss should be preferred?** When do global or national societal rights trump local rights, and vice versa? Is it acceptable that some groups may be harmed in the short run for the "greater good"? Where local people experience a loss in the



name of conservation, can the argument be made that the human rights of the majority of people are, in the long run, better served by conservation policies? Are losers entitled to compensation, and when is compensation justified and feasible? **Who should bear the costs of compensation**, not only of conservation activities, but also of environmentally destructive development?

How competing rights claims are arbitrated is a political process that reflects power relations. **Asymmetries of power** can exist between rights-holders and duty-bearers and among different rights-holders. Take, for example, decisions made at the local level. Often it is the relatively better off within a community that have the ability to claim rights and secure rights. Costs may be shifted from the present to future generations, or from global to local level and vice versa, or from wealthier populations to poorer populations.

Related to this is the question **who benefits from conservation outcomes**. Conservation provides important benefits, but these are not always equitably shared. The Millennium Ecosystem Assessment²² (2005) notes that the **fair and equitable sharing of benefits** from protected areas requires im-

proved policy and institutional options, including appropriate rights to resources, information access and stakeholder participation. These factors can impact on the sustainability of ecosystem management and determine who is impacted in what way when ecosystems change.

Basic human rights, such as the right to life, the right to make a living that enables a life in dignity, are sacrosanct. This implies that, rather than limiting the options of the poor, one must first look at restricting the power of the wealthy. It implies protecting local rights to resource access against diversion of resources for the benefit of the rich. Yet, there are many situations where local natural resource use is unsustainable, even though the extent may be small relative to industrial scale resource use. When people eke out a living by endangering the very resource on which their livelihoods depend, the challenge is protecting natural resources while raising local incomes and making livelihoods more secure.

In situations where local access to a resource has been restricted by law, such as through the gazettement of protected areas, **the way the law is enforced needs to respect all the above**



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human rights principles. For example, law enforcers must avoid excessive force and physical harm to law breakers who are apprehended when found breaking laws, even as the enforcers themselves have the right to defend themselves against violent attacks when undertaking their duties. News media have reported both on conservation-related violence against local people at the hands of government personnel, and of protected area wardens being harmed or killed by armed poachers.

There will always be difficult questions that don't have just one right answer. Trade-offs between development and conservation goals are sometimes inevitable, as are the trade-offs between the rights of different actors. Rather than just hoping for the best, **discussing conflicts openly** and honestly amongst all stakeholders (rights-holders and duty-bearers), with appropriate mediation, can make reconciliation possible. In fact, **compromise solutions** that seem to yield less than perfect conservation outcomes, but that are "owned" by all stakeholders, may in the end achieve better results than exclusionary approaches that can lead to open hostility to conservation projects. Additionally, they are likely to be based on a respect for stakeholders' rights.

2. Incorporating Rights into Conservation Practice

To what extent can conservation efforts be designed to minimize conflicts and maximize respect for human rights?

There are clearly moral as well as pragmatic reasons to take stakeholders' rights into consideration. Though environmental human rights are universal and apply globally, most conservation practitioners will have to tackle these issues at the local level.

2.1 Respecting and upholding rights

2.1.1 Ensuring participation

The master key to a rights-based approach is broad-based participation at all stages and levels



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of conservation program planning and implementation. The emphasis here is on process (i.e. procedural rights), not merely on outcomes, although process also influences outcomes. The rights of public participation and access to information and justice are provided in the Aarhus Convention²³ (see Annex III). The literature on participation is extensive, and a detailed treatment of the subject would go beyond the scope of this issue brief. A key message is that real participation takes time, a lot more time than is often allowed for the development of new projects funded by donors. Many months, even years, may be needed to build up relationships of trust and to give people time to think about issues and to formulate their own opinions and ideas about addressing them.

A big challenge is **ensuring equitable participation**, by bearing in mind and moderating power relationships among different groups and within particular groups. Poor communities, though typically less powerful than wealthier actors, are not homogeneous and have their own power hierarchies, sometimes based on gender, relative wealth, age, or ethnicity. Addressing power imbalances is critical, because it affects whose rights count. Elite capture of participatory processes is one danger that should be counter-acted. Gender equity is especially important because in many developing countries women deal directly with the management of natural resources and the use of biodiversity, and at the same time gender equality is one of the rights that tends to be resisted by some community members.

Ensuring equity means that no stakeholder or group of stakeholders is able to diminish or inhibit the ability of other stakeholders to contribute to framing the issues and to proposing solutions to

perceived challenges. For this to happen, a first sensible step is to conduct a power analysis that identifies different interests and scrutinizes both formal structures and hidden dimensions of power.

This process helps avoid flawed assumptions, such as the belief that local “community organizations” necessarily accurately reflect the interests of all community members.

In conservation practice, **community-based conservation approaches and co-management schemes** for protected areas are attempts to respect the right to participation and to benefit sharing from conservation. The track record of such schemes at achieving conservation, livelihoods and equitable participation is checkered. Though a detailed discussion of community-based conservation is beyond the scope of this paper further readings are suggested in Annex IV.

2.1.2 Conflict analysis and management

Given that conflicts among various stakeholders with rival claims are likely, finding ways to manage and mitigate conflict is a key to effective conservation almost everywhere.

There are various methodologies for conflict analysis and management, and this brief does not endorse any particular one. Readers may already have experience with some conflict management tools that could be usefully applied. Some links to further readings on this subject can also be found in Annex IV.

Often of equal importance is finding ways to reduce **human-wildlife conflicts**. In many places wildlife can have severe adverse impacts on people’s security and livelihoods, and as such have a bearing on concerns for rights. Across the planet, growing human populations continue to expand into wild areas crowding wildlife into competition or conflict with people for space

and resources, and placing people in ‘uncomfortable’ proximity to wildlife. Moreover, as conservation efforts successfully conserve and restore healthy wildlife populations, the needs of people and the needs of wildlife will increasingly clash. Understanding who wins and who loses in human-wildlife con-

Box 5: Participation, Planning, Politics and Power: the development of a national biodiversity strategy action plan for India

In 2000, the Indian government accepted a proposal from an Indian NGO, Kalpavriksh, to coordinate the design and development of a National Biodiversity Strategy Action Plan in a participatory manner. The three year process of preparing the action plan emphasized process over outcome: ...The process itself was meant to increase biodiversity awareness while empowering people through participation and inspiring local initiatives.

To obtain inputs from different sectors of society a number of participatory planning tools were used. ... Tens of thousands of people were involved. ... In the end, though, the Ministry of Environment and Forests declined to approve and release the national plan.

Why? The process emphasis on marginalised groups may have failed to get them heard by more powerful groups, such as industry, landowners, trade unions and politicians. So while the process was successful in terms of capacity development, awareness raising, and encouraging local action by some of the most marginalised sectors of society, the ministry was able to suppress the plan because it did not have the buy-in of these more powerful groups.

The lesson here is that there is little point in providing a voice for the marginalised if that voice is still not heard. If the aim is to come up with a viable strategy, then relationships have to be built with all stakeholders, including the more powerful and the hitherto powerless.

(Source: Apte, T (2006) A People's Plan for Biodiversity Conservation: Creative Strategies That Work (and Some That Don't). Gatekeeper Series No 130, IIED, London <http://www.iied.org/pubs/display.php?o=/14538IIED>)

licts is a step to identifying ways to conserve rare and endangered wildlife species and avoid infringing on the rights of people who live with wildlife. The Annex contains an annotated bibliography with various downloadable publications about human-wildlife conflict that may provide some ideas.

2.1.3 Dealing with displacement

Conservation-related displacement of local populations has been an issue for a long time, but has recently received considerable media attention, particularly in the context of the es-

establishment and management of protected areas. People who inhabit and use areas designated for protection have been evicted or restricted in the traditional uses of their lands.

Displacement can be physical, socio-economic, or both, and often brings with it cultural displacement and an unraveling of the social fabric as well. For conservationists, displacement causes an ethical dilemma, and, if not properly addressed, can militate against attaining conservation objectives and have far reaching repercussions on the reputation and credibility of a project or of an entire organization.

The taking away of rights and property associated with the establishment of protected areas has caused concern about its impact on local people. These impacts are most often felt where people do not have recognized ownership of, and rights to use, resources, and when governments do not recognize customary claims. In these cases there is typically no legal foundation or political willingness to compensate local people for lost property or access. Government unwillingness to require compensation for those hurt by state mandated or sanctioned changes in land zoning and use is particularly true in places where all land and resources legally belong to the state, and where the state does not function as a liberal democracy with an independent judiciary and constitutional rights to individual economic, political and religious liberty and equal treatment under the law.

Where property rights are well defined, taking of property, through eminent domain, and the loss of rights to access and use the resources associated with that property, typically is accompanied by compensation in the form of direct payments or a reduction in property or use taxes. This is rarely the case in poor nations with developing economies. Sometimes the

law and practice of eminent domain are used by governments in ways that disregard the impacts on local people and that are not necessarily in the "public interest". Decisions made regarding the design, management, and establishment of proposed protected areas may not always follow due process, and may lack transparency or fail to provide just compensation.

Ideally, displacement should be avoided. At the 2003 IUCN World Parks Congress in Durban, participants agreed on a recommendation that referred specifically to the involuntary resettlement of indigenous peoples in connection with protected areas. The recommendation also called on governments, inter-governmental organisations, NGOs, local communities and civil societies to "cease all involuntary resettlement and expulsions of indigenous peoples from their lands in connection with protected areas, as well as involuntary sedentarization of mobile indigenous peoples." (*Recommendation 24*²⁴) Another part of the recommendation resolves to further elaborate and apply the joint IUCN-WWF policy statement on *Principles and Guidelines on Indigenous and Traditional Peoples and Protected Areas*²⁵. Most recently, in September 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples²⁶, which calls on countries to give more control to indigenous peoples over their traditional lands and resources, and to return seized territory, or pay compensation. This was approved by 114 countries, but opposed by four nations with large indigenous populations (the United States, Canada, Australia and New Zealand) because it was felt that it might conflict with national laws on land and resource ownership.

In essence these principles (and others not extracted here) require conservation NGOs (and government agencies) to act as human rights duty-bearers when implementing conservation activities.

Realistically, resolving critical problems that threaten key species and large, wild ecosystems around the world often involves regulating or modifying access to and use of land and wildlife resources. If the conservation of high priority species or sites cannot be achieved without displacing previous legitimate access of vulnerable people to land or renewable resources, local and national authorities should make every effort to ensure that the free prior informed



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consent of all displaced people is sought and that they are provided with comparable or enhanced livelihood opportunities or compensation. The World Bank, for example, has an explicit policy on involuntary resettlement²⁷, and already in 1992, the OECD's Development Action Committee (DAC) issued *Guidelines on Aid and Environment (No.3)*²⁸ for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects, which call on project designers and implementors to ensure that the population displaced by a project receives benefits from the changes and that it is re-established on a sound productive basis. Most conservation organizations do not yet have an explicit displacement policy (except for the above-mentioned IUCN/WWF policy on indigenous peoples). WCS has just developed and adopted an **organizational displacement policy**.

It is interesting to note that in some instances, such as when people are living on marginal lands that are prone to natural disasters, relocation may actually enhance their security and respond positively to addressing their rights. However, even in this instance, people may resist relocation because they have an attachment to their homes, and fair negotiation of terms will in any case be necessary.

But **who are the “local people”**? How long a history of residence in an area do people have to have to be considered local? Where land is not privately owned and other forms of land rights have not been formally granted, as is often the case in indigenous territories and communally held lands, determination of legitimacy may be tricky. In many cases two or more groups may stake claims on the same territory or resources.

The demographic history of an area is important in establishing who are the legitimate claimants, though, this alone is often insufficient to reconcile rival claims. For example, in the Amazon, are only indigenous forest dwellers legitimate claimants, or also 3rd or 4th generation poor farmers who practice slash and burn agriculture? Making an effort to study historical accounts, often representing outside views, and listening to local perceptions of residence history is important, though members of one group may view themselves as having a long established history in an area and yet be considered “newcomers” by another resident group. By seeking



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to understand such differing perceptions, conservation managers, can help deal with rival, overlapping claims and avoid or resolve resource conflicts.

2.1.4 Compensation and restitution

By ethical and moral standards, winners should compensate losers, but who decides who gets compensated, when, and how much? Legitimacy of those with lost or impinged upon rights is clearly a criterion, as is the absolute and relative loss incurred. However, neither are easy to establish.

Conservation initiatives that result in the complete loss of the natural assets of vulnerable people clearly warrant compensation, whereas those that make a small dent in an individual's overall income may not. Determining this depends on the context and typically requires negotiation.

Where property rights are not formally or clearly established, recognition of customary claims (such as legal recognition of property rights and titling of collective property if appro-

priate) will be an important first step in determining what compensation may be due. The above-mentioned 2003 IUCN Recommendation on Indigenous Peoples and Protected Areas also calls on the conservation community to “establish and implement mechanisms to **address any historical injustices caused through the establishment of protected areas**, with special attention given to land and water tenure rights and historical/traditional rights to access natural resources and sacred sites within protected areas.”

Some losses cannot be easily compensated, while others conceivably can. For example, compensating for the loss of access to traditional hunting grounds may be possible based on the loss of an important source of protein, but not for the loss of the cultural status attributed to hunters. Assigning value to the intrinsic worth of a species is also fraught with difficulties. Though there have been numerous attempts to do that, many would argue that no price can be put on the existence or loss of a species, such as a tiger, which is irreplaceable if it goes extinct.

Compensation for foregone use of certain natural resources could include direct payments, reduced property taxes and/or formalization of land tenure. Even if just compensation can be determined, deciding when this compensation should be paid must also be resolved. For direct payments, should it be a one-time payment, or a series of payments contingent on certain types of behavior; and should the payment be made immediately or should it coincide with the time of the loss?

As with everything else when considering rights, open discussion and negotiation of alternatives will be necessary to find the fairest and most effective solution for a particular situation.

2.1.5 Benefit sharing

Benefit sharing, established as a right in the Convention on Biological Diversity, is another critical and hotly disputed subject. The issue is especially contentious when indigenous and local communities are involved, because local people often bear significant costs or forgo benefits of

potential use of biological diversity, while benefits are accruing to others (at national or global levels).

Under the umbrella of the CBD, the Addis Ababa Principles and Guidelines on Sustainable Use of Biodiversity²⁹ (refer back to Box 3) provide some guidance on the equitable sharing of benefits from biodiversity conservation and sustainable use. The Addis Ababa Guidelines argue that sustainability is generally enhanced and enforcement of regulations improved when rights or “stewardship” authority of those people who use and manage the biological resources in question are respected.

Box 6: Benefits rooted in local rights: slow to appear, more likely to last?

The rights of local people in southern Africa to make their livelihoods from land or the wildlife on the land have evolved rapidly over the last ten years, but in different directions in different countries. This contrast between experiences in different countries highlights a number of issues.

While private ownership can deliver ecological and economic sustainability, and may provide some benefits in the form of employment, giving local communities rights to manage wildlife does make management systems more sustainable in social and political terms. Similarly, it is not enough for benefits to flow only from policy interpretation. If they are not firmly anchored in rights, the benefits from community-based management can be rerouted away from communities by policy change (as occurred in Botswana).

Yet, while the achievement of rights facilitates the realisation of benefits, this is often a long-term investment. In the short-term, a strong emphasis on rights, often involving complex equity-sharing models (as developed in South Africa), may deliver little in the way of material benefits. Investing in the development of a division of rights and responsibilities which gives local populations a significant stake in wildlife management has the potential to improve livelihoods, not so much through a major increase in incomes as through diversification and the reduction of vulnerability.

Case study author: Caroline Ashley, reprinted from Conway, Tim, et al. Rights and Livelihoods Approaches: Exploring Policy Dimensions. 2002. Natural Resource Perspectives (Series). ODI, DFID. UK. <http://www.odi.org.uk/pppg/publications/briefings/naturalresources/nrp78.pdf>

2.2 Building on a foundation of rights to further conservation goals

2.2.1 Cultural rights – a boon for conservation?

Cultural diversity and high biodiversity areas are often said to overlap. For indigenous people and traditional communities living in or around areas of valuable biodiversity, the continued exercise of their cultural traditions and traditional lifestyles depends directly on safe-guarding local ecosystem functions and species diversity. Indigenous cultures and biodiversity are both threatened by expanding industrial development. This points to the importance and utility of forming alliances between conservation actors and indigenous people. Indeed, there are many instances of successful cooperation. See, in particular, the Wildlife Conservation Society (WCS) working paper No. 25 on *Natural Alliances between Conservationists and Indigenous People* and other references provided in Annex IV.

Cultural rights of course apply beyond indigenous people to anybody with a distinctive cultural tradition or way of life. There may be opportunities for achieving conservation objectives by incorporating the cultural concept of heritage when working with communities, even communities previously hostile to conservation initiatives. An example of this from the Amazon region is provided by Janis Alcorn et al. (see Box 7).

Even though some motivations for conservation may differ between conservationists and indigenous and local people, often common ground can be found to enable joint initiatives. What is important is that different values and interests are acknowledged and respected, and the role of politics and the political process appreciated. Specific goals must be agreed on and trade-offs negotiated.

Bear in mind, however, that there are also some cultural traditions that harm the environment or overuse a local resource. Indigenous and local communities may have rights-supported development goals (derived from the right to development) that are not necessarily in line with conservation goals. In this instance too, respectful negotiation will be needed.



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There may also be situations where previously existing and functioning traditional institutions have deteriorated, and where culturally-appropriate capacity building may play a role in strengthening such institutions that may also favor conservation goals.

2.2.2 Advocating the right to an ecologically intact environment

Beyond cultural rights, a state's obligation to safeguard environmental rights may be invoked in situations where national development projects threaten environmental integrity that would either harm local residents' health through pollution and other forms of land degradation, or destroy local livelihoods that draw on an intact natural resource base.

As we have already pointed out, different actors have very different capacities for staking environmental claims due to existing power relations. Conservation practitioners can enhance the

Box 7: Promoting the cultural concept of dynamic heritage for conservation action

Through a rights-based approach the root causes of poverty and resource degradation can be addressed by influencing the politics governing access to natural resources and justice. In 2003, Janis Alcorn and colleagues initiated a regional heritage mobilization process in an anti-conservation atmosphere in the Amazonian frontier of Pando, Bolivia— a high biodiversity region the size of Costa Rica, which remains 90 percent forested. They employed a strategy that used an assessment process to engage the political actor groups into engagement around shared interests, leveraged local energies through group reflection on key issues, and promoted public deliberation at various levels leading to landscape scale decisions. A collective Pandino vision for the future emerged which emphasized the need for planned natural resource management to improve livelihoods while conserving their resources and cultural identities. The process enabled local leaders to rely on their own heritage and construct a new institution that has the potential to democratize local government as well as manage the area.

As a result, in 2004, the people of western Pando chose to declare their two municipios (1.5 million hectares) as a protected area under local government control, united under the motto “Conservation with Development—Our Decision”.

(Source: See <http://www.iucn.org/themes/ceesp/Publications/newsletter/PM14-Section%20V-part1.pdf> for the full paper..)

claims-making capacity of weaker groups vis-à-vis more powerful groups (e.g. industry, foreign investors) and assist them by building what is sometimes called “social capital”. This could mean providing access to information, leadership training, helping to strengthen local civil society organizations and groups to enable them to put up resistance. Such capacity building approaches are useful not only in an environmental rights context, but are mandated by the procedural rights mentioned earlier.

There are many instances of civil society struggles to keep their local environment intact, and we can support such struggles by emphasizing the right to an ecologically intact environment. One Such example is provided in Box 8.

2.2.3 Linking conservation and livelihood opportunities

As mentioned earlier, the track record of projects that try to link conservation and development (such as integrated conservation and development projects) is diverse. While win-win outcomes cannot always be achieved, there is nevertheless evidence that given the right circumstances and approaches, conservation can benefit livelihoods. Without going deeply into this topic, on which a lot of academic and grey literature already exists, a few avenues are worth mentioning:

- ♦ **Direct incentives and Payment for ecosystem services (PES)** is a relatively new approach that tries to harness market forces for conservation through the use of market-based economic incentives to protect ecosystem services. For example, in Costa Rica upstream farmers are paid for watershed management services. In Cambodia, the WCS is paying members of local communities directly for protecting the nests of rare cranes.
- ♦ **Natural resource based markets** Well-known and often promoted examples are ecotourism and biodiversity enterprises based on natural products, as well as, crafts, often for the local tourism trade or for export, and sometimes for the local market. In Zambia, WCS has helped form farmer cooperatives that allow farmers to sell “wildlife-friendly” certified products at a premium and that have helped encour-

Box 8: The Green Belt Movement in Kenya

The Green Belt Movement (GBM) is a grassroots non-governmental organization (NGO) based in Kenya that focuses on environmental conservation, community development and capacity building. Their mission is to mobilize community consciousness for self-determination; equity, improved livelihoods securities and environmental conservation- using tree planting as an entry point. While tree planting has always been the focal activity, GBM programs have expanded to include projects in indigenous tree planting, civic education, advocacy, food security, greenbelt eco-safaris, and “women and change.” Through these projects GBM Kenya has succeeded in promoting environmental consciousness, volunteerism, conservation of local biodiversity, self-empowerment, community development, and accountability.

(Source: <http://www.greenbeltmovement.org>)

age sustainable farming methods and a reduction in poaching of wildlife. (See Box 9.)

- ♦ **Co-management of a landscape, protected area, or other conservation project** can be one way of respecting local peoples' rights, but only if they are accorded equal stature and decision making authority. What was said above on power imbalances in participatory processes applies here. A good example of such a co-management scheme is the Kaa Iya national Park in the Chaco, Bolivia (see Box 10).
- ♦ **Capacity development for better management of natural resources** by local communities may be useful in situations where unsustainable practices can be made sustainable through simple increases in efficiency or different natural resource governance systems. Box 11 provides an example of developing an Andean community's capacity to knowledge necessary to achieve sustainable management of the vicuña.

Box 9: Community Markets for Conservation

The most important threats responsible for the degradation of wildlife and other natural resources in and around Zambia's national parks are hunger, poverty, and the emergence of commercial farming pressures. Over the past decade, law enforcement has generally failed to control the harmful impacts that stem from some of these threats.

The COMACO program in Zambia seeks to address many of the conservation challenges Africa faces in maintaining a balance between rural people and the natural resources they live with. COMACO takes the view that conservation can be a source of solutions to problems associated with rural poverty if harnessed by the right kind of markets that promote environmentally safe products and production practices.

It operates through the community-owned non-profit *Conservation Farmer Wildlife Producer Trading Centre*. Community residents benefit from this trading centre by receiving high market value for goods they produce and having access to affordable farmer inputs and improved farming skills on the condition that they adopt land use practices that help conserve their area's natural resources. Specific land use practices required include conservation farming, which helps maintain soil fertility, crops that help reduce conflicts with wildlife or rates of land clearing, and commitment to stop wildlife snaring or illegal hunting.

(Source: <http://www.itswild.org/>)

3. Conclusion

By actively considering human rights in conservation planning and practice, government institutions and NGOs can avoid past injustices and at the very least make sure that conservation of biodiversity does not decrease human well-being. More positively though, applying a rights-based approach can be viewed as an opportunity to achieve conservation outcomes that are just in more than one way: just to the people whose

Box 10: The Kaa Iya Co-Management Model

The development of the Kaa Iya National Park co-management scheme was supported by USAID and WCS. Three indigenous peoples—the Isoleño Guaraní, Chiquitano, and Ayoreode—inhabit areas surrounding the Kaa-Iya National Park and participate in its management committee. The three groups hunt for subsistence purposes, fish, cultivate small-scale plots, and migrate to seasonal labor opportunities in large-scale ranching and farming enterprises. Cattle ranching is the principal regional economic activity, in addition to commercial farming by Mennonite colonists and international agro-industry. A national land reform process is underway to title all lands outside protected areas in the region to indigenous groups, communities, or private land-owners.

WCS has been working with the Isoleño Guaraní indigenous organization CABI since 1991. The project successfully negotiated a trust fund agreement with the gas company GTP that operates a gas pipeline across the protected area and indigenous lands. WCS is not only engaging in research, but also aims to strengthen the local indigenous organization's institutional capacity to manage the indigenous territory sustainably.

(Source: http://www.wcs.org/international/latinamerica/centralandes/bolivia_dryforests)

livelihoods are most directly dependent on a functioning and productive environment; just to the global “community”, and just to future generations.

Based on this discussion, some of the ethical obligations for conservation practitioners based on a respect for environmental human rights, are:

- ♦ To avoid or minimize harm, understanding that conservation can lead to changes which may be positive or negative for people, wildlife, and the ecosystems which they share;

Box 11: Community-based management of the endangered vicuña in Chile

The vicuña is a species of native camel from the Andean high plains present in most Aymara communities. Unlike alpacas and llamas, vicuñas do not breed while in captivity. Although protected by law, poaching continues to reduce vicuña numbers.

The Vicuña Management Project began in 1997, aiming to develop a sustainable management plan for the vicuña with the participation of Aymara communities. Project implementation focused on three aspects: the attainment of knowledge necessary to achieve the sustainable management of the vicuña; a strategy to approach Aymara communities and overcome prejudices (vicuñas have little value as domestic animals); and locating reliable markets for vicuña products. A link was promoted between the communities, NGO representatives of Corporación Norte Grande, and the state agency Corporación Nacional Forestal (CONAF).

Once the technical aspects of management, herding, care, and shearing techniques were in place, the effort shifted toward developing a marketing plan for vicuña wool. The marketing process is now performed autonomously by the community with entrepreneurs. An organizational strengthening process allowed the Andean communities to self-manage the project and continue marketing their product while independently broadening production and markets.

Vicuñas are beginning to be considered useful as a source of income generation and are now a resource protected by the wildlife protection authority (CONAF). This shift marks a significant advance in the area of conservation in the region. The project has been replicated in Argentina, applied to vicuñas in an environment similar to that of Chile.

(Source: This case study is reproduced in abbreviated form from the UNDP GEF Small Grants Programme publication Community Action to Conserve Biodiversity: Linking Biodiversity Conservation with Poverty Reduction (2006). The full case study can be accessed online: http://www.undp.org/sgp/download/biodiv_cs_2006_english/Chile%20-%20Vicuna%20Management%20Project.pdf)

- ♦ To work for the long-term conservation of biodiversity and a functioning environment;
- ♦ To involve actively and in a timely fashion individuals or groups (rights-holders), including in particular indigenous and local people, that may be affected by conservation practices and research with the goal of establishing a working relationship that can be beneficial to all parties involved;

- ♦ To ensure that such involvement is meaningful and equitable, and that existing inequities based on gender, social class or ethnicity are not inadvertently reinforced;
- ♦ To respect the rights and characteristics of local and indigenous peoples, especially their acknowledged rights to their lands, territories, resources and knowledge, which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies;
- ♦ To seek the free prior informed consent of vulnerable people and to provide them with opportunities for comparable or enhanced livelihood strategies where displacement from land or natural resources is unavoidable.
- ♦ To establish processes and mechanisms to bring conflicting interest and rights (for example the rights claims of present generations for livelihood security versus the inter-generational claims for biodiversity conservation), into the open and seek to resolve them.

Thinking about human rights poses ethical dilemmas and reveals complex issues. As for everything else, planning for the integration of rights into conservation programs requires a consideration of the specifics of the place, its ecology, its history, and its political context and governance systems. Nevertheless, many of the rights-based principles listed in Part II are broadly applicable and could probably be integrated into most programs.

It should also be noted that, while upholding and supporting human rights is critical, the recognition of rights is not sufficient by itself to achieve the desired conservation outcomes supported by local populations. An enabling legal and policy environment, appropriate governance systems (such as delegation of management arrangements to the appropriate level), and strengthening of local capacities are all fundamental necessities. It is useful here to bear in mind that people rely on more than simply natural resources for their livelihoods. Supporting access to social, human, physical and financial assets are also key to providing people with sustainable livelihood options. Which of these is most important will depend on the local context and on stakeholders' culture, history, and current desires and needs.

Some proponents of human rights-based approaches (see, for example, Alcorn and Roy 2007) suggest that conservation organizations should go beyond a focus on human rights in a management context relating directly to the implementation of their programs and push for governance reform in national institutions of countries that have not assumed their duty-bearer responsibilities. Large conservation organizations, they argue, have the ability to influence politicians and national elites to which rural people do not have access, and should use their influence to promote broader issues of good governance and human rights, along the lines of development organizations such as Save the Children. Whether implementation of such a strong form of a rights-based approach is feasible or seen as constructive for conservation organizations would depend on the capacity and philosophy of the particular organization.

First and foremost, it is important to actively seek out stakeholders (rights-holders and duty-bearers), listen to their legitimate concerns and respect their right to have a say in matters that are important to them. Rights issues are all about negotiating fairly whose rights are privileged and whose are infringed in any individual case.



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Endnotes

- 1 French for "freedom, equality, brotherhood".
- 2 <http://cesr.org/basic>
- 3 <http://cesr.org/udhr>
- 4 <http://www.ohchr.org/english/law/ccpr.htm>
- 5 <http://cesr.org/icescr>
- 6 http://www.achpr.org/english/_info/charter_en.html
- 7 <http://www.un.org/documents/ga/res/37/a37r007.htm>
- 8 http://www.unep.org/civil_society/PDF_docs/Resolution_2003_71_Human_rights_and_the_environment.doc
- 9 <http://www.supremecourt.us/opinions/06pdf/05-1120.pdf>
- 10 The federal Clean Air Act in the United States regulates air emissions from area, stationary, and mobile sources. This law authorizes the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment. <http://www.epa.gov/region5/defs/html/caa.htm>. In this case the EPA had argued that the Clean Air Act did not authorize it to regulate carbon dioxide and other heat-trapping gases because they were not "air pollutants" within the meaning of the law.
- 11 <http://www1.umn.edu/humanrts/instree/1994-dec.htm>
- 12 http://www.who.int/water_sanitation_health/en/rtwrev.pdf
- 13 <http://hdr.undp.org/hdr2006/>
- 14 <http://www.pcl-eu.de/project/agenda/ge.php>
- 15 http://en.wikipedia.org/wiki/Brundtland_Report
- 16 <http://www.livelihoods.org/SLdefn.html>
- 17 <http://www.biodiv.org/programmes/socio-eco/traditional/default.shtml>
- 18 <http://www.biodiv.org/default.shtml>
- 19 <http://www.biodiv.org/doc/publications/cbd-bonn-gdls-en.pdf>
- 20 <http://www.biodiv.org/doc/publications/cbd-bonn-gdls-en.pdf>
- 21 http://www.pprinciple.net/the_precautionary_principle.html
- 22 <http://www.maweb.org/en/index.aspx>
- 23 <http://www.unece.org/env/pp/>
- 24 <http://www.iucn.org/themes/wcpa/wpc2003/pdfs/outputs/recommendations/approved/english/html/r24.htm>
- 25 http://www.wwf.fi/wwf/www/uploads/pdf/indigenous_people_policy.pdf
- 26 <http://www.un.org/esa/socdev/unpfii/en/declaration.html>
- 27 <http://lnweb18.worldbank.org/LAC/LAC.nsf/ECADocByU-nid/6FE664356D6F8EB685256D0800746347?OpenDocument>
- 28 <http://www.oecd.org/dataoecd/37/27/1887708.pdf>
- 29 <http://www.biodiv.org/doc/publications/addis-gdl-en.pdf>

ANNEXES: Useful resources

Annex I: Check-list (what to keep in mind when thinking about human rights in a conservation context)

Annex II: List of organizations dealing with human rights and principles as related to the environment

Annex III: List of hard law and soft law instruments relating to human rights (human rights covenants and declarations with web links to the actual documents)

Annex IV: References and further readings on relevant topics

ANNEX I

Draft Check-list for considering rights in conservation programming

This check list is adapted from Annex A. of a UNDP document: Emilie Filmer-Wilson with Michael Anderson. *Integrating Human Rights into Energy and Environment Programming: A Reference Paper*. 2005. UNDP, New York; Available for download at http://www.undp.org/governance/docs/HR_Pub_environmentprog.pdf [accessed April 19, 2007]

1. Analyzing the Country Context

A. Legal Framework

1. What are the relevant international and regional human rights Conventions and standards in this context? What are the relevant environment Conventions in this context?
2. Is the right to the environment enshrined in the Constitution or other national laws? Are substantive human rights related to environment, such as the right to life, the right to health included in national laws?
3. What are the relevant traditional, religious and customary laws in this context?
4. Do constitutional provisions provide procedural rights for citizens and NGOs to obtain information participate in decision-making and have access to courts as enshrined in Agenda 21 and Principle 10 of the Rio Declaration?
5. Are national standards, laws and judicial decisions related to environment and energy issues enforced? What are the main obstacles to enforcing these rights?
6. What are the indirect laws that affect people's access to and use of natural resources (e.g. property rights/land title, legal status)

B. Political Framework

1. What priority are environment and energy issues given in national and local policy and budget decisions?
2. What is the level of rights awareness among state officials and the population as a whole? Are

human rights principles, accountability, participation, non-discrimination, respected by state officials?

C. Stake-Holder Capacity

1. Who are the right-holders? Which individuals and groups require access to natural resources and energy services; which groups use these resources and services; which groups are affected by environmental degradation or by conservation?
2. Are right -holders aware of their rights and environment laws and standards enshrined in international and national legislation?
3. Are there effective civil society organizations to represent right-holders when decisions over resources and services are made?
4. Do public authorities provide right-holders with access to environmental information, access to decision making affecting the environment, and effective access to justice and remedy?
5. Who are the duty-bearers? Which are the actors or institutions responsible for making and enforcing the rules for using natural resources? Who resolves disputes over shared natural resources?
6. At what level or scale: local, regional, national, or international, does the authority over resources reside?
7. What are the national and international obligations related to environmental protection that the duty-bearers are supposed to meet?
8. Do the duty-bearers have the capacity to perform their duties (including authority, data and resources)?
9. Do government officials (e.g. ministry officials, judges, development planners), know and understand environment laws and standards?

2. Applying rights in the program context

A. Goals

1. What human rights are being supported directly and indirectly by the program?
2. Are stakeholders involved in defining program goals?

B. Indicators

1. Are human rights standards reflected in baselines and indicators? Are qualitative aspects of human rights, such as accountability and empowerment, reflected in indicators?
2. Are stakeholders involved in designing appropriate indicators to measure program progress?

C. Human Right Principles

Does program design and implementation incorporate human rights principles as set out in international and regional Conventions?

Participation

1. Do both duty-bearers and claim-holders participate in the program design, implementation, and monitoring and evaluation process? Is the management adaptive, allowing for participant input at all stages of the process?
2. Do stakeholders have the capacity to participate meaningfully in the program process? (e.g. do they have sufficient and accessible information on and understand the issues being addressed; do they have experience in participatory processes; do they possess communications and negotiations skills?)
3. Was there fair and equal representation?
4. Are strategies included in programming to enable program beneficiaries to deliver and manage natural resources themselves? (e.g. are they trained in the required technical and management skills?)
5. Is partnership building with local community organisations developed as part of programming strategy to achieve local implementation?
6. Are community-based organisations and local NGOs strengthened through the program?

Non-discrimination and attention to vulnerable groups

1. Has thoroughly disaggregated data been developed to identify the groups most disadvantaged in regards to access to energy and environment services and resources?

2. Which groups are the most vulnerable to environment degradation/ and or which groups are most disadvantaged in regards to access to clean, affordable and sustainable energy services?
3. Are steps taken to address the cultural, legal, institutional, and political causes behind why these groups are disadvantaged?
4. Are vulnerable groups, (e.g. the poor, indigenous groups, minorities, women, the old), specifically targeted in program strategy?
5. What steps are taken to improve gender equality in the program?
6. Are these groups actively engaged at all stages of the programming process?

Accountability

1. Is the program process transparent?
2. Do monitoring and evaluation arrangements of programs involve stakeholders?
3. Has the program established accessible and effective mechanisms for redress in case of stakeholder conflicts with program activities?

Indivisibility and Inter-dependence of rights

Are there possibilities to address various human rights by linking conservation programs to other activities?

D. Rights-holders and duty bearer capacity

Does the program build the capacity of both the right-holders and duty-bearers?

ANNEX II

Organizations dealing with human rights and environmental rights

The following list was compiled by the Carnegie Council and further expanded drawing on various other sources. The original Carnegie Council list can be found here <http://www.cceia.org/resources/publications/dialogue/211/readings/4976.html> (accessed March 26, 2007). It makes no claim to completeness, but it contains several key non-governmental and governmental organizations that deal with environmental rights. Particularly for the intergovernmental organizations when the mandate is human rights or environmental problems broadly, the specific environmental rights focus is highlighted.

Nongovernmental Organizations:

Begun in 2000, the American Association for the Advancement of Science's three year project entitled "[Science and Human Rights](http://shr.aaas.org/hrenv/overview.html)" (<http://shr.aaas.org/hrenv/overview.html>) aims to develop and promote the multiple connections between human rights and environmental protection, to the benefit of both. The project seeks to incorporate environmental concerns into international human rights instruments, and also to bridge knowledge gaps between environmentalists and human rights advocates. The AAAS runs three related mailing lists:

[SHRPlist - AAAS Science and Human Rights Program Mailing List](http://listserv.aaas.org/mailman/listinfo/shrplist) (<http://listserv.aaas.org/mailman/listinfo/shrplist>)

The Science and Human Rights Program e-mail list provides news and announcements about events, publications, and other activities. This list is "low traffic," with only a few e-mails sent out each month.

[AAASHRAN - AAAS Human Rights Action Network](http://listserv.aaas.org/mailman/listinfo/aaashran) (<http://listserv.aaas.org/mailman/listinfo/aaashran>)

AAASHRAN uses email and the Web to inform subscribers of cases and developments deserving special attention, and to coordinate scientists' efforts to appeal to governments on behalf of their colleagues. Two or three alerts are circulated each month, with all the information necessary to take action provided in a succinct bulletin.

[Hrandenv - Information exchange on human rights and the environment](http://listserv.aaas.org/mailman/listinfo/hrandenv) ([http://](http://listserv.aaas.org/mailman/listinfo/hrandenv)

listserv.aaas.org/mailman/listinfo/hrandenv)

The Human Rights and Environment list is open and unmoderated. It provides a forum for individuals and organizations working on or interested in issues at the intersection of human rights and the environment to network, share information, coordinate programs and activities, and react to new events.

Founded in 1999, the [Center for Human Rights and Environment](http://www.cedha.org.ar/) (CEDHA) (<http://www.cedha.org.ar/>) is an Argentina-based organization that seeks to raise awareness of the link between the environment and human rights, and increase the developmental capacity of state, civil society, and private sector actors. CEDHA's primary focus is on research, capacity-building, legislation strengthening, and litigation.

The [Center for International Environmental Law](http://www.ciel.org/index.html) (CIEL) (<http://www.ciel.org/index.html>) is a non-profit organization working to use international law and institutions to protect the environment, promote human health, and ensure a just and sustainable society. Through its Biodiversity and Wildlife Program, CIEL promotes the development and enforcement of an international framework of law and policy that supports conservation and sustainable use of living resources, including biodiversity, wildlife, forests and fisheries. Seeking to identify and develop connections between international environmental law and human rights law, to integrate the theoretical and advocacy approaches of the two movements, and to promote a more just, equitable and sustainable approach to natural resource management issues, CIEL started a [Human Rights and Environment](#) (HRE) Program in 1998.

Founded in 1971, [Earthjustice](http://www.earthjustice.org/) (<http://www.earthjustice.org/>) is an American nonprofit public interest law firm dedicated to environmental conservation and defending the universal right to a healthy environment. It has achieved landmark legal victories involving air, forests, health and communities, public lands, water, and wildlife. Though primarily focused on the United States, Earthjustice does limited international work.

Formed in 1995, [Earth Rights International](http://www.earthrights.org/) (ERI) (<http://www.earthrights.org/>) is a nonprofit group of activists, organizers and lawyers with expertise in human rights, the environment, and corporate and government accountability. Located in the United States and Southeast Asia, ERI organizes, documents, litigates, teaches, and advocates around environmental rights. It is responsible for the much noted campaign and lawsuit against the UNOCAL pipeline in Burma.

Inter-Governmental Organizations:

The [African Commission on Human and People's Rights](http://www.achpr.org/) (<http://www.achpr.org/>) came into force in 1986 after its adoption by the Organization of African Unity. It is charged with upholding the African Charter on Human and People's Rights, which was groundbreaking in its guarantee for all peoples to have the right to a general satisfactory environment favorable to their development.

The [Commission on Sustainable Development](http://www.un.org/esa/sustdev/csd/csd12/csd12.htm) (<http://www.un.org/esa/sustdev/csd/csd12/csd12.htm>) is a functional commission of the U.N. Economic and Social Council. It was created in 1992 to ensure effective follow-up for the United Nations Conference on Environment and Development and to monitor the implementation of the Earth Summit Agreements, including the Framework Convention on Climate Change, the [Convention on Biological Diversity](http://www.biodiv.org/default.shtml) (<http://www.biodiv.org/default.shtml>), the Rio Declaration, the Principles of Forest Management, and Agenda 21, a 300-page plan for achieving sustainable development in the 21st century.

The [European Court of Human Rights](http://www.echr.coe.int/) (<http://www.echr.coe.int/>) was instituted in 1998 as a means to systematize the hearing of Human Rights complaints from Council of Europe member states. The court's mission is to enforce the Convention for the Protection of Human Rights and Fundamental Freedoms, ratified in 1953. The Court has decided numerous cases that have upheld the environmental rights of Europeans.

The [Inter-American Commission and Court on Human Rights](http://www.cidh.org/) (<http://www.cidh.org/>) are autonomous organs of the Organization of American States responsible for the promotion and protection of human rights. The Inter-

American Commission has its headquarters in Washington, D.C and was created in 1959, while the Inter-American Court is located in San José, Costa Rica and was created in 1969. These bodies promote the observance and the defense of environmental rights by hearing petitions, carrying out on-site investigations and raising consciousness about the violations of these rights.

The [United Nations Commission on Human Rights](http://www.unhcr.ch/html/menu2/2/chr.htm) (<http://www.unhcr.ch/html/menu2/2/chr.htm>) is composed of 53 states and has met annually in Geneva since 1947. Over 3,000 delegates from member and observer states and from non-governmental organizations participate. The Commission examines, monitors, and publicly reports on human rights situations in specific countries or on major phenomena of human rights violations worldwide. The Commission has working groups on the right to development and on indigenous rights, which have repeatedly dealt with issues of environmental rights.

The [United Nations Development Program](http://www.undp.org) (www.undp.org) began as the U.N. Special Fund in 1958 and is now the United Nations' global development network that advocates for change by connecting countries to knowledge, experience and resources to help people build a better life. Its Energy and the Environment program addresses environmental degradation and lack of access to clean affordable energy services, as well as global issues such as climate change, loss of biodiversity, and ozone layer depletion by helping countries to strengthen their capacity to address these challenges at global, national, and community levels.

The [United Nations Environmental Program](http://www.unep.org) (UNEP) (www.unep.org), founded in 1972 and based in Kenya, is the voice for the environment in the U.N. system. With divisions and offices that span the globe and exhaust the gamut of current environmental issues, UNEP is arguably the world's largest intergovernmental body specific to the environment, in both scope and method.

Annex III

Relevant Treaties and Declarations

The following list was compiled by the Carnegie Council (the original can be found here http://www.cceia.org/resources/publications/dialogue/2_11/readings/4976.html) and further expanded drawing on other sources. Divided by their classification as treaties (which have been ratified) or declarations (which have not), the list below represents the key treaties and declarations pertaining to environmental rights. For those that relate more broadly to the concept of human rights, their contributions to environmental rights have been highlighted. The list is chronological to emphasize the development over time of the connection between human rights and environmental degradation.

I. Treaties

[International Covenant on Economic, Social and Cultural Rights \(1966\)](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm) (http://www.unhchr.ch/html/menu3/b/a_ceschr.htm)

Economic, social, and cultural rights include the human right to work, the right to an adequate standard of living, including food, clothing, and housing, the right to physical and mental health, the right to social security, the right to a healthy environment, and the right to education. They are part of a larger body of human rights law that includes all economic and social rights, plus civil and political rights like the right to free speech and the right to a fair trial. These rights are deeply intertwined: for example, the right to speak freely means little without a basic education. Similarly, the right to health means little if you are not free from persecution.

[Convention Concerning the Protection of the World Cultural and Natural Heritage \(1972\)](http://whc.unesco.org/world_he.htm) (http://whc.unesco.org/world_he.htm)

This convention arose out of the General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris in 1972. Recognizing that cultural and natural heritage are increasingly threatened by development, the convention seeks the establishment of a system for the collective protection of cultural and natural heritage. One of the most significant features of the convention is its linking of the concepts of nature conserva-

tion and the preservation of cultural sites by recognizing that cultural identity is strongly related to the natural environment in which it develops.

[African Charter on Human and Peoples' Rights \(1981\)](http://www1.umn.edu/humanrts/instree/z1afchar.htm) (<http://www1.umn.edu/humanrts/instree/z1afchar.htm>)

Written by the member states of the Organization for African Unity, this charter seeks to promote and protect human rights in Africa. It states that "all peoples shall have the right to a general satisfactory environment favorable to their development."

[The Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights \(1988\)](http://www.policyproject.com/matrix/Documents/SanSal.htm) (<http://www.policyproject.com/matrix/Documents/SanSal.htm>)

Also known as the Protocol of San Salvador, this protocol represents an attempt to take the inter-American human rights system to a higher level by recognizing the importance of economic, social, and cultural rights. The protocol's provisions cover such areas as the right to work, the right to health, the right to food, and the right to education. It also acknowledges the right to a healthy environment. It came into effect in 1999 and has been ratified by Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru, Suriname, and Uruguay.

[Convention on Biological Diversity \(1992\)](http://www.biodiv.org/convention/default.shtml) (<http://www.biodiv.org/convention/default.shtml>)

The CBD was one of the major agreements adopted at the Earth Summit in Rio de Janeiro in 1992 and has been ratified by over 187 countries and the European Community. The three main goals of the Convention are: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of the benefits from the use of genetic resources. International agreement on the need for a healthy environment and specific indicators to measure environmental health is reflected in the Convention. The goals of sustainable use and equitable sharing of benefits aim to guarantee that the protection of human rights to life, food, work, sustenance, culture, information and access to justice in the face of harm to and/or

commercialization of biological and genetic resources.

In September 2003 The [Cartagena Protocol on Biosafety](http://www.biodiv.org/biosafety/default.aspx) (<http://www.biodiv.org/biosafety/default.aspx>) entered into force as a component of the CBD. The Protocol was created to protect human health and biological diversity from the potential dangers of genetically modified organisms by establishing a legal structure for GMO transboundary movement.

[Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment \(1993\)](http://conventions.coe.int/treaty/en/Treaties/Html/150.htm) (<http://conventions.coe.int/treaty/en/Treaties/Html/150.htm>)

Also known as the Lugano Convention, this document aims to ensure adequate compensation for damages resulting from activities dangerous to the environment and provides for means of prevention and reinstatement. Furthermore, it seeks to uphold people's right to access information held by bodies with public responsibility for the environment.

[North American Agreement on Environmental Cooperation \(1993\)](http://www.cec.org/pubs_info_resources/law_treat_agree/naaec/index.cfm?varlan=english) (http://www.cec.org/pubs_info_resources/law_treat_agree/naaec/index.cfm?varlan=english)

Also known as the NAFTA Side Agreement, this treaty aims to conserve, protect and enhance the North American environment through the establishment of a permanent trilateral body called the Commission for Environmental Cooperation. This treaty is the first environmental agreement that establishes a procedure for individuals, organizations and corporations to complain about a state's failure to comply with environmental law. Entered into force in 1994, it is signed by Canada, Mexico and the United States.

[Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin \(1995\)](http://www.thewaterpage.com/mekong.htm) (<http://www.thewaterpage.com/mekong.htm>)

The Mekong Agreement deals with the peaceful resolution of disputes concerning the Mekong River in southeast Asia. The treaty covers such issues as freedom of navigation on the river, ra-

tional and equitable use of Mekong waters, state responsibility for damaging activities, and environmental integrity of the river. Thailand, Laos, Cambodia and Vietnam are all signatories, but China and Myanmar (the two Upper Basin countries) are not parties to the agreement.

[Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, a.k.a Aarhus Convention \(1998\)](http://www.unece.org/env/pp/) (<http://www.unece.org/env/pp/>)

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted on 25th June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the 'Environment for Europe' process. Also known as the Aarhus Convention, this landmark treaty builds upon prior texts and recognizes the right of every person to a healthy environment and to protect and improve the environment for future generations. It also upholds people's rights to access information, participate in decision-making, and play a part in environment-related judicial matters. The convention is signed by thirty-five countries as well as the European Community. The Aarhus Convention is a new kind of environmental agreement. It links environmental rights and human rights, acknowledges that we owe an obligation to future generations and establishes that sustainable development can be achieved only through the involvement of all stakeholders.

II. Declarations

[Universal Declaration on Human Rights \(1948\)](http://www.unhchr.ch/udhr/) (<http://www.unhchr.ch/udhr/>)

The Universal Declaration of Human Rights (abbreviated UDHR) is a declaration adopted by the United Nations General Assembly (A/RES/217, 10 December 1948 at Palais de Chaillot, Paris). It consists of 30 articles which outline the view of the United Nations on the human rights guaranteed to all people. It declares faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, aiming to promote social progress and better standards of life in larger freedom. Article 22 states that "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each

State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”

[Declaration on the Human Environment \(1972\)](http://www.unep.org/Documents/Default.asp?DocumentID=97&ArticleID=1503) (<http://www.unep.org/Documents/Default.asp?DocumentID=97&ArticleID=1503>)

Also known as the Stockholm Declaration, this document is the result of the work completed at the 1972 United Nations Conference on the Human Environment in Stockholm. It is one of the first documents to clearly link human rights and environmental protection by recognizing that people have a right to a protected and dignified environment.

[Declaration on the Right to Development \(1986\)](http://www.unhchr.ch/html/menu3/b/74.htm) (<http://www.unhchr.ch/html/menu3/b/74.htm>)

This UN Declaration confirms that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations. It establishes people as the central subject of development and states that they should be active participants and beneficiaries of the right to development.

[European Charter on the Environment and Health \(1989\)](http://www.who.dk/AboutWHO/Policy/20010827_3) (http://www.who.dk/AboutWHO/Policy/20010827_3)

This non-binding declaration issued by the World Health Organization recognizes the dependence of human health on a number of environmental factors and calls for all member states of the European Union to take steps to reverse or reduce environmental degradation that may pose a hazard to health.

United Nations Conference on Environment and Development (1992)

The 1992 Earth Summit held in Rio de Janeiro was unparalleled for a U.N. conference in both the size and scope of its concerns. Held twenty years after the first global environment conference in Stockholm, this Earth Summit aimed to aid governments in reevaluating economic development and find ways to halt the destruction of irreplaceable natural resources and pollution of the planet.

[Agenda 21](http://www.unep.org/Documents/Default.asp?DocumentID=52) (<http://www.unep.org/Documents/Default.asp?DocumentID=52>)

A resulting document from the Rio Earth Summit, Agenda 21 is a broad, 40-chapter statement of goals and potential programs related to all areas of sustainable development. It addresses social and economic issues (such as poverty and population dynamics), and the conservation and management of natural resources (such as preventing deforestation, promoting sustainable agriculture and protecting the atmosphere).

[The Rio Declaration on Environment and Development](http://www.unep.org/Documents/Default.asp?DocumentID=78&ArticleID=1163) (<http://www.unep.org/Documents/Default.asp?DocumentID=78&ArticleID=1163>)

This brief declaration from the 1992 Earth Summit is a statement of principles on sustainable development. Its key principles deal with the right of humans to a healthy and productive life in harmony with nature, the right of states to exploit their own resources but not to cause damage to other states, and the importance of eradicating poverty and reducing disparities in worldwide standards of living.

[The Statement of Forest Principles](http://www.un.org/documents/ga/conf151/aconf15126-3annex3.htm) (<http://www.un.org/documents/ga/conf151/aconf15126-3annex3.htm>)

Also a product of the Rio Earth Summit, this non-legally binding agreement deals with the development, preservation, and management of the planet's remaining forests.

[Draft Declaration of Principles on Human Rights and the Environment \(1994\)](http://cesr.org/draftdeclarationenvironment) (<http://cesr.org/draftdeclarationenvironment>)

The draft is the first international instrument to comprehensively address the linkage between human rights and the environment. It declares that all people have the right to a secure, healthy and ecologically sound environment. The declaration was attached to the report of the Special Rapporteur Madame Fatma Zohra Ksentini, of the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, who was asked in 1989 to study the linkages between environment and human rights issues.

UN ECOSOC Report on the Environment and Human Rights: prepared by Mrs. Fatma Zohra Ksentini, Special Rapporteur (1994)

([http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/eeab2b6937bcca18025675c005779c3?](http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/eeab2b6937bcca18025675c005779c3?Opendocument)

Opendocument)

This document is the final report of a study entitled "The problem of the environment and its relation to human rights" launched by the U.N. Sub-Committee on Human Rights in 1989.

Draft International Covenant on Environment and Development (2d ed. 2000)

(<http://www.iucn.org/themes/law/pdffdocuments/EPLP31ENsecond.pdf>)

Prepared by the International Union for the Conservation of Nature and Natural Resources (IUCN) Commission on Environmental Law, this is a proposed draft of a binding global agreement on environmental conservation and sustainable development. It is intended as a starting point for debate on the content of such a possible instrument.

Human Rights and Environment Resolution (2000) (<http://www.sierraclub.org/human-rights/IUCN.asp>)

This brief resolution, drafted in 2000 at the World Conservation Congress held in Jordan, recognizes the interconnectedness of environmental degradation and human rights violations. It supports the role of grassroots movements in holding governments and multinational corporations responsible for violations of environmental rights.

The Earth Charter (1992/2000) (http://www.earthcharter.org/innerpg.cfm?id_menu=19)

The Earth Charter is an authoritative synthesis of values, principles, and aspirations that are widely shared by growing numbers of people, in all regions of the world. It is the product of a decade long, worldwide, cross-cultural conversation about common goals and shared values. The drafting of the Earth Charter has involved the

most open and participatory consultation process ever conducted in connection with an international document. The Charter is now increasingly recognized as a global consensus statement on the meaning of sustainability, the challenge and vision of sustainable development, and the principles by which sustainable development is to be achieved.

Declaration on the Rights of Indigenous Peoples (2007) (<http://www.un.org/esa/socdev/unpfii/en/declaration.html>)

This declaration was 22 years in the making. It calls on countries to give more control to tribal peoples over the land and resources they traditionally possessed, and to return confiscated territory, or pay compensation. It was passed by the United Nations General Assembly in September 2007 with 143 countries voting in favour and 11 abstaining. Australia, Canada, New Zealand and the United States voted against on the grounds that customary law should not be given precedence over national law.

Human Rights and the Environment in the Americas 2001, 2002, 2003 (<http://www.cedha.org.ar/docs/doc121-eng.htm>)

These brief declarations, passed by the Organization of American States (OAS) in 2000, 2001, and 2003, acknowledge a growing awareness of the need to manage the environment in a sustainable manner to promote human dignity and well being. They promote institutional cooperation in this area, particularly between the Inter-American Commission on Human Rights and the OAS Unit for Sustainable Development and Environment.

Johannesburg Declaration (2002) (http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POI_PD.htm)

This declaration resulted from the World Summit on Sustainable Development held in South Africa in 2002. The Summit was monumental in its launching of more than 300 voluntary public-private partnerships designed to support efforts to implement sustainable development. These partnerships are intended to provide a built-in mechanism to ensure implementation, since progress in implementing sustainable development has been extremely disappointing since the 1992 Earth Summit.

Commission on Human Rights, Resolution

2002/44, The Right to Restitution, Compensation and Rehabilitation for Victims of Grave Violations of Human Rights and Fundamental Freedoms (2002) (<http://www.hri.ca/fortherecord2002/documentation/commission/2002-44.htm>)

This short resolution, drafted by the U.N. Commission on Human Rights, requests that the international community respect the right of victims of violations of international human rights law to restitution, compensation, and rehabilitation.

Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (2003) (<http://www.cedha.org.ar/docs/doc42.htm>)

This resolution, approved by the U.N. Sub-Commission on the Promotion and Protection of Human Rights, discusses the obligations of corporations to protect the human rights of workers and consumers as well as to protect the environment.

Annex IV

Further Reading and References

Thinking in this paper has been informed by numerous papers, articles in the academic and the grey literature as well as the popular press. References and suggestions for further reading are listed below, sorted by topic.

Benefit-sharing and free prior informed consent

UN Commission on Human Rights. 2004. Preliminary working paper on the principle of free, prior and informed consent of indigenous peoples in relation to development affecting their lands and natural resources that would serve as a framework for the drafting of a legal commentary by the Working Group on this concept submitted by Antoanella-Iulia Motoc and the Tebtebba Foundation. Economic and Social Council. E/CN.4/Sub.2/AC.4/2004/4.

This working paper presents some ideas on the importance of free, prior and informed consent in international and domestic legal instruments and attempts to explain what the terms “free”, “prior” and “informed” mean in this context. <http://www.ohchr.org/english/issues/indigenous/docs/wgip22/4.pdf> [accessed 4/12/2007]

Community-based conservation approaches

Alcorn, Janice B. 2005. Dances around the fire: conservation organizations and community-based natural resource management. In: Brosius, J.P., A.L. Tsing, and C. Zerner. (eds.). Communities and Conservation: Histories and Politics of Community-Based Natural Resource Management. AltaMira Press, pp. 37-68

The author argues that conservation organizations and local communities have common interests that bring them to “dance” together. She contrasts Little Conservation and Big Conservation and argues that big conservation organiza-

tions can undermine local conservation efforts when (1) local institutions' conservation traditions and local knowledge are ignored or undermined, (2) local people's traditional rights are ignored and they are excluded from newly declared protected areas, and (3) Big Conservation allies itself with national elites who share interests with loggers and other resource miners. She then outlines the history of the community-based conservation movement, drawing on her experience with WWF.

Agrawal, Arun and Kent H. Redford. 2006. Poverty, development, and biodiversity conservation: Shooting in the dark? WCS Working Paper No. 26. Wildlife Conservation Society, New York. <http://www.wcs.org/science> [accessed Feb 14, 2007]

The authors found that the evidence on the success or failure of integrated conservation and development programs and various community-based conservation approaches is either anecdotal or uses indicators that are not directly comparable across different case studies. They argue that a new research agenda is needed to explicitly document and test the likely tradeoffs involved in pursuing specific poverty alleviation and biodiversity conservation goals, focusing on the contextual details that make particular outcomes more or less likely.

United Nations Development Programme/Global Environment Facility (UNDP/GEF) Small Grants Programme and the Equator Initiative. 2006. Community Action to Conserve Biodiversity: Linking Biodiversity Conservation with Poverty Reduction . UNDP. New York, USA. http://sgp.undp.org/index.cfm?module=ActiveWeb&page=WebPage&s=biodiversity_case_st [accessed April 19, 2007]

In this report the SGP and the Equator Initiative collaboratively present thirty case studies from their portfolio to document and draw preliminary lessons from the successes of community-based biodiversity enterprises. While these cases are selected from across Latin America and the Caribbean and initially emerged from an international workshop in Merida, Mexico, they offer valuable lessons for a global agenda.

Hasler, Richard. 2005. The Institutional Paradox of Community Based Wildlife Management. Presented at "The Commons in an Age of Global Transition: Challenges, Risks and Opportunities," the Tenth Conference of the International Association for the Study of Common Property, Oaxaca, Mexico, August 9-13 <http://dlc.dlib.indiana.edu/archive/00001408/> [accessed April 2, 2007]

This paper examines the paradox of institutional development for community based wildlife management in Southern Africa. It states that in the co-management phase, powerful actors within the communities may co-opt the process for their own purposes, and there is a risk that this may halt the longer term devolution of management responsibility to local communities.

Hutton, Jon, William M. Adams, and James C. Murombedzi. 2006. Back to the Barriers: Changing Narratives in Biodiversity Conservation http://www.frameweb.org/ev02.php?ID=14432_201&ID2=DO_TOPIC [accessed April 2, 2007]

The dominant approach to conservation in the 20th century was the establishment of protected areas from which people were excluded. However, in the 1980s, decentralised, community-based approaches to biodiversity conservation and natural resource management began to spread rapidly. From the early 1990s, there has been a growing divide between proponents of community-based approaches to conservation (particularly community-based natural resource management, CBNRM) and those advocating a return to more traditional preservationist approaches to biodiversity conservation. The authors examine the growth of the community narrative and the subsequent revival of what we call the 'back to the barriers' movement. They suggest that policy debate needs to become less formulaic if outcomes are to be positive.

An interesting response to this article can be found here: <http://www.iucn.org/themes/ssc/susg/news/may06commentary.htm>

Leach, Melissa, Robin Mearns and Ian Scoones. 1999. Environmental Entitlements: Dynamics and Institutions in Community-Based Natural Resource Management. World Development. Vol. 27. No. 2., pp. 225-247 http://www2.eastwestcenter.org/environment/MMSEA/Leach_et_al_1999.pdf [accessed April 2, 2007]

While community-based natural resource management (CBNRM) now attracts widespread international attention, its practical implementation frequently falls short of expectations. This paper contributes to emerging critiques by focusing on the implications of intracommunity dynamics and ecological heterogeneity. It builds a conceptual framework highlighting the central role of institutions (regularized patterns of behavior between individuals and groups in society) in mediating environment-society relationships. Grounded in an extended form of entitlements analysis, the framework explores how differently positioned social actors command environmental goods and services that are instrumental to their well-being. It also includes a discussion on customary and formal property rights.

Western, David and Michael Wright, editors. Shirley C. Strum, associate editor. 1994. Natural Connections: Perspectives in Community-based Conservation. Island Press. Washington D.C.
Preview sections of the book here: http://books.google.com/books?hl=en&lr=&id=YJa0RIXk-BIC&oi=fnd&pg=RA1-PA1&dq=Natural+Connections:+Perspectives+in+Community-based+Conservation&ots=FLsJBvlOrG&sig=dsS9ppn7JdOfen8P8_9uUZJQVZk

The book focuses on rural societies and the conservation of biodiversity in rural areas. It represents a systematic analysis of locally based efforts, and includes a comprehensive examination of cases from around the world where the community-based approach is used. The book provides: an overview of community-based conservation in the context of the debate over sustainable development, poverty, and environmental decline case studies from the developed and developing worlds -- Indonesia, Peru, Australia,

Zimbabwe, Costa Rica, the United Kingdom -- that present detailed examples of the locally based approach to conservation a review of the principal issues arising from community-based programs an agenda for future action.

Cultural, rights, and conservation

Alcorn, Janice B., Carol Carlo, Julio Rojas, David Rothschild, Alaka Wali, and Alejo Zarzycki. 2006. Heritage, poverty and landscape-scale biodiversity conservation: an alternate perspective from the Amazonian frontier. In PolicyMatters No. 14. IUCN. Gland, Switzerland
<http://www.iucn.org/themes/ceesp/Publications/newsletter/PM14-Section%20V-part1.pdf>
[accessed April 2, 2007]

The rights-based approach holds that the root causes of poverty and resource degradation can be addressed only by addressing political relationships that govern access to resources and equitable justice. The authors offer a perspective gained by valuing the strengthening of the rights-based approach to incorporate the cultural concept of dynamic heritage as a means for "balancing the scale" when collaborating with communities for achieving conservation objectives in the landscape.

Barrett, Kate. 2007. Kanak Traditions Guide Future Conservation. Conservation International (web site)
<http://www.conservation.org/xp/frontlines/2007/02070701.xml> [accessed April 2, 2007]

Kanak traditions are guiding efforts to more formally protect New Caledonia's waters. With help from Conservation International (CI), World Wide Fund for Nature (WWF), the provincial government, and local partners, tribes are playing an integral role in making the case for designating the region as a UNESCO World Heritage site.

Butler, Rhett. 2006. Amazon Conservation Team puts Indians on Google Earth to save the Amazon. Mongabay.com

http://news.mongabay.com/2006/1114-google_earth-act.html [accessed May 17, 2007]

Tribes in Suriname, Brazil, and Colombia are combining their traditional knowledge of the rainforest with Western technology to conserve forests and maintain ties to their history and cultural traditions, which include profound knowledge of the forest ecosystem and medicinal plants. Helping them is the Amazon Conservation Team (ACT), a nonprofit organization working with indigenous people to conserve biodiversity, health, and culture in South American rainforests.

Igoe, James. 2004. History, Culture, and Conservation: in search of more informed guesses of whether "community-based conservation" has a chance to work, Policy Matters Issue No. 13. 174-185 IUCN. Gland, Switzerland <http://www.iucn.org/themes/ceesp/Publications/newsletter/Policy%20Matters%2013.pdf>
[accessed April 2, 2007]

Drawing on a survey of national parks and indigenous communities from around the world, this article identifies and discusses five historical and cultural variables that exert fundamental influence on the outcome of community-based conservation interventions, including: 1) colonial histories and conservation encounters; 2) sovereignty and political clout; 3) civil society and NGOs; 4) historically contingent attitudes towards conservation; 5) capacity and indigenous environmental knowledge. The article concludes that effective conservation interventions will need to be flexible enough to recognise and incorporate the complexity of these cultural/historical variables.

Redford, Kent H., and Michael Painter. 2006. Natural Alliances between Conservationists and Indigenous Peoples. WCS Working Paper No. 25. Wildlife Conservation Society, New York. <http://www.wcs.org/science> [accessed April 2, 2007]

Both indigenous peoples and large natural areas are threatened by forces associated with expanding industrial society. The survival of both indigenous peoples and much of what remains of nature lies in the ability of both sides to find common ground. However, parks and protected areas have become

the focus of conflict between conservationists and indigenous peoples. In this paper the authors provide a case study illustrating how effective cooperation between indigenous people and conservationists can be, using the example of the Kaa-lyá del Gran Chaco National Park and Integrated Management Area in Bolivia.

Participatory Approaches

The literature on different interpretations of participation and participatory approaches is extensive. Listed here are just a few possible sources to draw on.

Apte, Tejaswini. 2006. A People's Plan for Biodiversity Conservation: Creative Strategies That Work (and Some That Don't). Gatekeeper Series No 130. IIED. London
<http://www.iied.org/pubs/display.php?o=/14538IIED>
[accessed April 24, 2007]

India's approach to preparing the National Biodiversity Strategy and Action Plan (NBSAP) is a unique example of people's planning for environmental governance. Coordinated by a non-governmental organisation, the NBSAP was prepared via a large-scale decentralised planning process across all states of India. The process helped to increase awareness of biodiversity, empower people through participation and inspire some local initiatives to begin implementation of local plans. This paper reflects on some of the lessons that emerged from the process.

The International Institute for Environment and Development (IIED) issues a publication series called Participatory Learning and Action, a journal on participatory approaches and methods. <http://www.iied.org/pubs/search.php?s=PLA> [accessed April 19, 2007]

Institute of Development Studies (IDS)/ Participation Group. Pathways to Participation: Critical Reflections on PRA. IDS, University of Sussex. Brighton, UK. <http://www.ids.ac.uk/ids/particip/research/path/path2part.pdf> [accessed April 19, 2007]

The label PRA originally meant 'Participatory Rural Appraisal', but has come to capture a range of different practices and interpretations of what

participation is about or for. This magazine focuses its analysis on the mainstreaming of participatory rural appraisal techniques, drawing on experiences of development professionals from across the world.

Mumbu, Pierre. 2006. Conserving Biodiversity in the Democratic Republic of the Congo: The Challenge of Participation. In: Bessette, Guy (ed.) People, Land, and Water: Participatory Development Communication for Natural Resource Management. Earthscan/IDRC. London. Sterling, VA. http://www.idrc.ca/en/ev-98617-201-1-DO_TOPIC.html#beginning [accessed June 4, 2007]

The author presents the case of the Kahuzi-Biega National Park in South Kivu, Democratic Republic of Congo. He argues that, unless an effort is made to consult the people who have always lived from those resources, and unless they are involved in the decision-making process, conflicts are bound to arise and conservation efforts are likely to be in vain.

Pretty, Jules N. and Simplicie D. Vodouhê. 1997. Using rapid or participatory rural appraisal. Chapter 6 in Burton E. Swanson, Robert P. Bentz and Andrew J. Sofranko, eds. Improving agricultural extension, a reference manual on agricultural extension. Food and Agriculture Organization of the United Nations (FAO). Rome, Italy. <http://www.fao.org/docrep/W5830E/W5830E00.htm> [accessed April 19, 2007]

This chapter focuses on participatory methods that are also applicable for conservation projects.

Ramsar Convention Secretariat. 2004. Ramsar handbooks for the wise use of wetlands. Handbook #5 on Participatory Management. 2nd Edition. Ramsar Convention Secretariat. Gland, Switzerland. http://www.ramsar.org/lib/lib_handbooks_e05.pdf [accessed April 19, 2007]

This handbook relates specifically to establishing and strengthening local communities' and indigenous people's participation in the management of wetlands.

Human rights and rights-based approaches

Alcorn, Janice B. and Antoinette G. Royo. 2007. Conservation's engagement with human rights: Traction, slippage, or avoidance. Policy Matters Issue No. 15. pp. 115-139. IUCN. Gland, Switzerland

<http://www.iucn.org/themes/ceesp/Publications/Publications.htm> [accessed September 12, 2007]

Human rights (HR) have become a smoking-gun issue threatening conservation's public legitimacy and long-term funding. Globally there are rising frustrations that large conservation non-governmental organizations (NGOs) do not seem to be collaborating with civil society movements promoting democratization. They rather appear to associate closely with governments and other actors with poor HR records. In addition, conservation agents are increasingly perceived as HR 'duty bearers' that do not fulfil their responsibilities. The author argues that many biodiversity hotspots overlap with poverty hotspots where HR abuses occur, and in such areas conservation organizations have an excellent opportunity to act towards addressing such abuses, guided by international and domestic law. This paper places unspoken issues on the table and encourages their open discussion, hoping to promote the positive changes essential for sustainable conservation.

Barutciski, Michael. 2006. International Law and Development-Induced Displacement/Resettlement. In Chris de Wet (ed.), Development-Induced Displacement, Oxford: Berghahn, pp. 71-104.

http://www.berghahnbooksonline.com/books/refu_forc/dewetdevelopment/ [accessed April 18, 2007]

This is a chapter in a book on development-induced displacement/resettlement (DIDR). It explores the role of international law in DIDR situations. International legal norms are ana-

lysed to clarify the particular protection needs of persons displaced by development projects and to highlight accessible legal remedies.

Brechin, Steven, Peter Wilshusen, Crystal Fortwanger, and Patrick West (editors). 2003. Contested Nature: Promoting International Biodiversity with Social Justice in the Twenty-First Century. State University Press of New York. Albany.

Book preview available at:

<http://books.google.com/books?>

[vid=ISBN0791457753&id=e2GyFp3-](http://books.google.com/books?vid=ISBN0791457753&id=e2GyFp3-LbYC&pg=PPI&lpg=PPI&ots=bXyuKK-tYo&dq=Contested+Nature&sig=AOVzYL3v3jXfeZDM_Ap37rygKjM)

[LbYC&pg=PPI&lpg=PPI&ots=bXyuKK-](http://books.google.com/books?vid=ISBN0791457753&id=e2GyFp3-LbYC&pg=PPI&lpg=PPI&ots=bXyuKK-tYo&dq=Contested+Nature&sig=AOVzYL3v3jXfeZDM_Ap37rygKjM)

[tYo&dq=Contested+Nature&sig=AOVzYL3v3jXfeZDM_Ap37rygKjM](http://books.google.com/books?vid=ISBN0791457753&id=e2GyFp3-LbYC&pg=PPI&lpg=PPI&ots=bXyuKK-tYo&dq=Contested+Nature&sig=AOVzYL3v3jXfeZDM_Ap37rygKjM)

This book contends that effective biological conservation and social justice must go hand in hand. How can the international conservation movement protect biological diversity, while at the same time safeguarding the rights and fulfilling the needs of people, particularly the poor? Contested Nature argues that to be successful in the long-term, social justice and biological conservation must go hand in hand. The authors argue that protection of nature is a complex social enterprise, and much more a process of politics, and of human organization, than ecology. Although this political complexity is recognized by practitioners, it rarely enters into the problem analyses that inform conservation policy. Structured around conceptual chapters and supporting case studies that examine the politics of conservation in specific contexts, the book shows that pursuing social justice enhances biodiversity conservation rather than diminishing it, and that the fate of local peoples and that of conservation are completely intertwined.

Brockington, Daniel and James Igoe. 2006. Eviction for Conservation: A Global Overview. Conservation and Society. Vol.4. No.3.

http://www.conservationandsociety.org/cs_4_3_7-424.pdf [accessed April 2, 2007]

Displacement resulting from the establishment and enforcement of protected areas has troubled relationships between conservationists and rural groups in many parts of the world. This paper examines one aspect of displacement: eviction from protected areas.

Brockington, Dan, James Igoe and Kai Schmidt-Soltau. 2006. Conservation, Human Rights, and Poverty Reduction. Conservation Biology. Vol.20 (1), 250–252. http://www.earthscape.org/r2/ESI6944/scb20_1.27.pdf [accessed April 2, 2007]

The authors see the dearth of information as a key problem in moving the debate forward. Dramatic claims and counterclaims have been made, for example, about displacement and forced resettlement from protected areas. Better understanding is critical if we are to move beyond the sound bites and the stereotypes and develop appropriate policy responses that minimize or mitigate the negative effects and maximize the positive. One clear response will be to better understand the ‘ecologies of coexistence’ – to make better use of those categories or protected areas that link biodiversity protection with human activity, rather than pursuing ideals or wilderness, and to look beyond protected areas to other biodiversity-rich landscapes in which people are an integral part.

Campese, Jessica, and Arnelle Guignier. 2007. Human Rights – A Brief Introduction to Key Concepts. Policy Matters Issue No. 15. pp. 10–26. IUCN. Gland, Switzerland <http://www.iucn.org/themes/ceesp/Publications/Publications.htm> [accessed September 12, 2007]

Understanding the relationships between conservation and human rights is difficult in part because of the nature of human rights themselves. We provide a brief overview of some (though by no means all) key concepts, debates, and contemporary instruments protecting international human rights. Given the vastness and complexity of the issue, we aim only to provide a helpful overview for readers unfamiliar with the international human rights framework.

Conway, Tim, Caroline Moser, Andy Norton and John Farrington. 2002. Rights and Livelihoods Approaches: Exploring Policy Dimensions. Natural Resource Perspectives (Series). Overseas Development Institute (ODI), DFID. UK. <http://www.odi.org.uk/pppg/publications/briefings/naturalresources/nrp78.pdf> [accessed April 19, 2007]

This paper summarizes the basic logic and tools of livelihoods and rights-based approaches and examines ways in which they might complement each other. Case study material collected during a DFID research project on ‘livelihood security, human rights and sustainable development’ is used to illustrate the arguments.

ODI also has a web site titled “Rights in Action” with a subsection on rights, livelihoods and natural resources. http://www.odi.org.uk/rights/What_we_do/Rights_Livelihoods.html [accessed April 19, 2007]

DANIDA. 2004. Best practices for including indigenous peoples in sector programme support (Toolkit). http://www.um.dk/Publikationer/Danida/English/DanishDevelopmentCooperation/ToolKit/tool_kit_gb.pdf [accessed September 12, 2007]

DANIDA has developed a detailed toolkit for working with indigenous peoples, which includes a section on human rights, as well as on sector-specific experiences. Section 5.1 addresses issues relating to agriculture, natural resource management and the environment. Best practices are also included.

Filmer-Wilson, Emilie and Michael Anderson. 2005. Integrating Human Rights into Energy and Environment Programming: A Reference Paper. UNDP, New York. http://www.undp.org/governance/docs/HR_Pub_environmentprog.pdf [accessed April 19, 2007]

This is a useful and comprehensive working paper on applying a rights-based approach to energy and environment programming written specifically for UNDP staff, but broadly applicable.

Hiskes, Richard. 2005. The Right to a Green Future: Human Rights, Environmentalism, and Intergenerational Justice. Human Rights Quarterly 27. 1346–1364. The Johns Hopkins University Press. http://muse.jhu.edu/login?uri=/journals/human_rights_quarterly/v027/27.4hiskes.pdf

This article develops an argument for intergenerational justice within the language of human rights, specifically the human right to a safe environment. After acknowledging the difficulties associated with such an argument, the author presents a new approach rooted in pragmatist philosophy that establishes environmental rights as "emergent human rights."

Ishay, Micheline. 2004. *The History of Human Rights: From Ancient Times to the Globalization Era*. University of California Press. Berkeley.

Book preview at: http://books.google.com/books?hl=en&lr=&id=Hd-sePZG_kkC&oi=fnd&pg=PA1&dq=The+History+of+Human+Rights:+From+Ancient+Times+to+the+Globalization+Era&ots=UCfCPYvK7v&sig=P h7U7ONRksEQ024T5limSQ8jSP0

This book recounts the struggle for human rights across the ages, synthesizing historical and intellectual developments from the Mesopotamian code of Hammurabi to today's era of globalization. The author illustrates how the concept of human rights has evolved and develops a framework for understanding contemporary issues.

McElwee, Pamela D. 2006. *Displacement and Relocation Redux: Stories from Southeast Asia*. *Conservation and Society*. Vol.4. No.3. pp.396-493 http://www.conservationandsociety.org/cs_4_3_4-396.pdf [accessed April 2, 2007]

The author states that policies to impose new parks or strengthen enforcement at existing ones, nationalisation of forest reserves, and implementation of stricter conservation rules on private lands for biodiversity or watershed management have been resulting in significant relocations and dislocations of people. She argues that relocations do not necessarily result in better biodiversity conservation, but that, instead, they end up making the situation worse by opening up the protected areas to access by hunters and poachers, immigrants, or business interests.

Perrez, Franz Xaver. 2004. Key questions concerning the human rights and environment debate: An introduction. In: *Human*

Rights and the Environment: Proceedings of a Geneva Environment Network roundtable. United Nations Environment Programme, Geneva.

<http://www.environmenthouse.ch/docspublications/reportsRoundtables/Human%20Rights%20Env%20Report.pdf> [accessed June 1, 2007]

This introductory article summarizes linkages between human rights and various environmental dimensions.

Piron, Laure-Hélène and Tammie O'Neil. 2005. *Integrating Human Rights into Development: A synthesis of donor approaches and experiences (Executive Summary)*. Overseas Development Institute (ODI). London. http://www.odi.org.uk/rights/Publications/humanrights_into_development_execsumm.pdf [accessed April 19, 2007]

ODI study on donor approaches and experiences with integrating human rights in development. ODI has recently completed an in-depth review and synthesis of donor policies and implementations of human rights. This study was commissioned by the OECD DAC Governance Network Human Rights and Development Task Team, and presented at a GOVNET meeting in Paris in October 2005. It reviews the current situation in bilateral and multilateral agencies, and identifies a number of forward looking recommendations.

Sachs, Wolfgang. *Environment and Human Rights. In Development. Society for International Development*. 2004, 47 (1). <http://www.palgrave-journals.com/development/journal/v47/n1/pdf/1100016a.pdf> [accessed April 2, 2007]

The author argues for environmental human rights as a fundamental prerequisite to end the "violence of development". He outlines the numerous conflicts over natural resources in the struggle for livelihoods and argues for a transition to sustainability in the more affluent economies, in both the North and South, as a necessary condition for the safeguarding of the subsistence rights of those whose livelihood depends on direct access to nature.

Sensi, Stefano. 2004. Human Rights and the Environment : the Perspective of the Human Rights Bodies. In: Human Rights and the Environment: Proceedings of a Geneva Environment Network Roundtable. United Nations Environment Programme, Geneva.

<http://www.environmenthouse.ch/docspublications/reportsRoundtables/Human%20Rights%20Env%20Report.pdf> [accessed June 1, 2007]

This article summarizes how official international human rights bodies have addressed environmental human rights concerns.

Sensi, Stefano. 2007. Human rights and the environment -- a practical guide for environmental activists. Policy Matters Issue No. 15. pp. 27-40. IUCN. Gland, Switzerland

<http://www.iucn.org/themes/ceesp/Publications/Publications.htm> [accessed September 12, 2007]

This article analyses the links between human rights and environmental protection, with a view to clarifying the way, and the extent to which, the mechanisms and procedures established by human rights instruments adopted at the universal and regional levels may be used by environmental activists to pursue protection of the natural environment. It provides an overview of the 'environmental' jurisprudence of international human rights mechanisms, focusing on those human right provisions that are more frequently invoked to address cases of environmental harm. The article argues that the recognition of a substantive right to a healthy environment is not necessary, and may not even be desirable. The mechanisms and procedures set forth in international human rights instruments already provide a useful tool to environmental activists challenging State environmental policies and practices that prevent or limit the enjoyment of the rights set forth in human rights treaties.

Shiman, David. 1999. Economic and Social Justice: A Human Rights Perspective. Human Rights Resource Center, University of Minnesota. <http://www1.umn.edu/humanrts/edumat/pdf/TBI.pdf> [accessed May 31, 2007]

This book is intended to expand the conversation about human rights. It provides background information, ideas for taking action, and interactive activities

to help people think about human rights in a broader, more inclusive manner. It strives to help us define issues like homelessness, poverty, hunger, and inadequate health care, not only as "social or economic problems," but also as human rights challenges. This book is part of the Human Rights Education Series, which is published by the Human Rights Resource Center at the University of Minnesota and the Stanley Foundation.

United Nations Development Program (UNDP). 2000. Human Development Report 2000: Human rights and human development. Oxford University Press. New York, USA.

http://hdr.undp.org/reports/global/2000/en/pdf/hdr_2000_ch0.pdf [accessed May 31, 2007]

Every Human Development Report presents agenda-setting data and analysis and calls international attentions to issues and policy options that put people at the center of strategies to meet the challenges of development today - economic, social, political, and cultural. The 2000 Report looks at human rights as an intrinsic part of development and at development as a means to realizing human rights. It shows how human rights bring principles of accountability and social justice to the process of human development.

Vene Klasen, Lisa, Valerie Miller, Cindy Clark, and Molly Reilly. 2004. Rights-based approaches and beyond: challenges of linking rights and participation. IDS Working Paper 235. Institute of Development Studies (IDS). UK.

<http://www.ids.ac.uk/ids/bookshop/wp/wp235.pdf> [accessed April 19, 2007]

This paper attempts to clarify meanings, offering some definitions of what seem to be critical components of the recently popular rights-based approaches, namely participation, rights, and power, and providing some practical experiences for realizing the potential of rights-based approaches.

Wilkie, David, Kent H. Redford and Thomas O. McShane. Taking of rights for natural resource conservation: a discussion about compensation. *Journal of Sustainable Forestry*. In Press

Protected areas are the defined spaces where human societies seek to ensure the persistence of those parts of nature that they value. As such, they have changed through time. Different categories of protected areas provide different balance points between biodiversity conservation and human use, all require that norms are established and enforced to control access to and meter use of natural resources, and each offers both opportunities and constraints on the active involvement of local people in resource management. The authors argue that that building and maintaining a robust multi-level constituency for protected areas requires honesty when characterizing their benefits and costs, and a readiness by those that reap the benefits to compensate those that incur the costs.

Conflict analysis

There are many approaches to conflict analysis. Listed here is just one resource on conflict analysis and management.

Africa Peace Forum, Center for Conflict Resolution, Consortium of Humanitarian Agencies, Forum of Early Warning and Response, International Alert, Saferworld . 2004. Conflict-Sensitive Approaches to Development, Humanitarian Assistance and Peacebuilding: A Resource Pack. London, UK. <http://www.conflictsensitivity.org/?q=resourcepack> [accessed May 24, 2007]

This collaboratively produced publication aims to identify, synthesise, complement and enable conflict-sensitive practice in the fields of development, humanitarian assistance and peacebuilding. The focus of the initiative was donors, governments, INGOs and local civil society organisations. Of particular interest might be chapters 2 and 3:

Chapter 2: Conflict analysis describes what is, in effect, the central component of conflict sensitivity. Building on a compendium of tools and the lessons learned from their application, the chapter presents key elements of conflict analysis, and guidance on how to undertake it.

Chapter 3: Applying conflict sensitivity at project and programme level defines the project cycle, linking the conflict analysis to each constituent step of planning, implementation, monitoring and evaluation. The chapter describes how to undertake each step in a conflict-sensitive fashion, and the major challenges faced in doing so. It is composed of three modules: Conflict-sensitive planning; Conflict-sensitive implementation; Conflict-sensitive monitoring and evaluation

Managing human-wildlife conflicts

The list of publications on human-wildlife conflicts below is excerpted from the web site of the People and Wildlife Initiative, a partnership between the Wildlife Conservation Research Unit (WildCRU) and Born Free Foundation, and supplemented with some references from additional sources. <http://www.peopleandwildlife.org.uk/crmanuals/index.shtml#general> [accessed April 15, 2007]. This web site also has additional links and publications.

Decker, Daniel, Bruce Lauber and William F. Siemer. 2002. Human-wildlife conflict management: A practitioner's guide. Northeast Wildlife Damage Management Research and Outreach Cooperative. Ithaca, New York. <http://wildlifecontrol.info/NEWDPMC/PDFs/H-W%20Guide.pdf> [accessed April 16, 2007] Practical guidance on designing, implementing and evaluating wildlife management engagement processes.

Eriksson, Gunilla, Helge Sonntag and Kjell Westerdahl. 2002. A guide to living with large carnivores. The Large Carnivore Initiative of Europe (LCIE) and the World Wide Fund For Nature (WWF), Sweden. <http://www.peopleandwildlife.org.uk/crmanuals/Livingwithlargecarnivores.pdf> [accessed April 16, 2007]

A guide intended for environmental educators to use during lessons about the environment in a variety of educational situations.

Hoare, Richard. 2001. A decision support system for managing human-elephant conflict situations in Africa. IUCN/SSC African Elephant Specialist Group. IUCN. <http://www.peopleandwildlife.org.uk/crmanuals/HECDecisionSupportSystemMANUAL.pdf> [accessed April 16, 2007]

A guide intended to give support to protected area managers, officials from wildlife authorities, technical personnel or researchers from conservation or agricultural agencies involved in human-elephant conflict management. It proposes a series of logical steps to arrive at optimal management strategies for particular circumstances.

Hyingstrom, Scott E., Robert M. Timm, Gary E. Larson, Editors. 1994. Prevention and Control of Wildlife Damage. University of Nebraska-Lincoln. 2 vols. <http://icwdm.org/handbook/index.asp> [accessed April 16, 2007]

This handbook details identification, control and management of over 90 North-American species of wildlife. The whole handbooks or individual chapters can be downloaded.

Naughton-Treves, L., Rose, R., Treves, A. 1999. The social dimensions of human-elephant conflict in Africa: A literature review and case studies from Uganda and Cameroon. Report to the IUCN African Elephant Specialist Group. Gland Switzerland. <http://www.coex-wildlife.org/docs/elephant-human%20conflict.pdf> [accessed May 24, 2007]

The authors analyze the social and physical factors that shape local attitudes to African elephants. Their aim is to provide a broader view of the sociopolitical and ecological dimensions of human-elephant conflict. They confirm that elephants pose a serious threat to some members of farming communities, but that in most cases, elephants' regional economic impact on agriculture is negligible relative to other vertebrate and invertebrate pests. Nonetheless, human-wildlife conflict is a major obstacle to community support for conservation, and the hostility of a

vocal minority can undermine regional conservation initiatives.

Muruthi, Philip. 2005. Human wildlife conflict: Lessons learned from AWF's African Heartlands. AWF Working Paper. Nairobi, Kenya. www.awf.org/files/3227_file_AWF_Human_Wildlife_Conflict.pdf [accessed April 16, 2007]

The paper provides an overview of measures which have been applied to mitigate conflicts between people and wildlife in AWF's program area.

Osborn, F.V. & G.E. Parker G.E. 2002. Living with elephants II; A manual for implementing an integrated programme to reduce crop loss to elephants and to improve livelihood security. MZEP, Harare, Zimbabwe. <http://www.peopleandwildlife.org.uk/crmanuals/LivingWithElephantsMANUAL.pdf> [accessed April 16, 2007]

This manual is designed to help communal farmers and wildlife managers mitigate the impact of wildlife upon small-scale agriculture. The Mid Zambezi Elephant Project (MZEP) has developed a two-stage integrated approach that reduces the impacts of elephant conflict upon farmers.

Promberger, Christoph. 2001. The integrated management approach in wildlife conservation field projects. Large Carnivore Initiative for Europe publication no. 3. <http://www.lcie.org/Docs/Education%20and%20process/Manual%20for%20Integrated%20Field%20Projects.pdf> [accessed April 16, 2007] Designed as a manual for integrated field projects, based largely on the experience gained from the Carpathian Large Carnivore Project. (pdf 966 KB)

WWF. 2005. Human-wildlife conflict manual WWF for a living planet. Wildlife Management Series. Southern African Regional Programme Office (SARPO), Harare, Zimbabwe.

http://www.peopleandwildlife.org.uk/crmanuals/VWFhuman_wildlife_conflictManual.pdf [accessed April 16, 2007]

Designed to guide local communities, wildlife managers, policy makers, and other people involved in community conservation, in ways to reduce human-wildlife conflict. It provides some background on the problem and gives specific examples of methods used to reduce human-wildlife conflict in Southern Africa.

Livestock predation & attacks on humans

Athreya, V.R. & A.V. Belsare. 2007. Human-leopard conflict management guidelines. Kaati Trust, Pune, India. <http://www.peopleandwildlife.org.uk/crmanuals/Athreya%20and%20Belsare%20leopard%20conflict%20management%20manual%20INDIA.pdf> [accessed April 16, 2007]

Practical guidelines to handle the problem of human-leopard conflict management from an ecological perspective; originally designed for the field officers of the Maharashtra Forest Department, India.

Rigg, Robin. 2001. Livestock guarding dogs: their current use worldwide. IUCN/SSC Canid Specialist Group. Occasional Paper No. 1 [online] <http://www.canids.org/occasionalpapers/> [accessed April 16, 2007]

This report is targeted to wildlife managers, potential sponsors of livestock guarding dogs and human-wildlife conflict resolution projects, researchers as well as livestock breeders. The report presents the history and current use of livestock guarding dogs to protect from depredation by predators. Includes description of the breeds, and advice on acquiring and raising dogs to be successful guardians.

Crop-raiding, other damage in rural areas

Hill, C.M., F.V. Osborn, and A.J. Plumptre. 2002. Human-Wildlife Conflict: Identifying the problem and possible solutions. Albertine Rift Technical Reports Series Vol. 1. Wildlife Conservation Society. Kampala,

Uganda. <http://albertinerift.org/arift-home/arift-publications/technicalreports> [accessed April 16, 2007]

Crop raiding by wildlife can completely undo initiatives that work with local people as it is a source of great friction. This report is the result of a workshop that brought together people from across Africa who have been addressing crop-raiding and trying to find solutions in a wide variety of cultural settings and habitats. The report synthesizes what these people have learnt through their experience in dealing with this issue and provides guidelines for protected area managers and researchers when facing this problem. The appendices provide several case studies which give more detail as to how crop-raiding has been tackled in various countries.

Osborn, F.V. and G.E. Parker. 2002. Living with Elephants II: A manual for implementing an integrated programme to reduce crop loss to elephants and to improve livelihood security. Zambezi Elephant Project, Zimbabwe. <http://www.peopleandwildlife.org.uk/crmanuals/LivingWithElephantsMANUAL.pdf> [accessed April 19, 2007]

Designed to help communal farmers and wildlife managers mitigate the impact of wildlife upon small-scale agriculture. The guide presents an integrated approach to conflict mitigation, with methods that have been field-tested and designed to be replicated in different situations.

Parker, G.E., F.V. Osborn, R.E. Hoare & L.S. Niskanen. 2007. Human-elephant conflict mitigation: A training course for community-based approaches in Africa. Elephant Pepper Development Trust, Livingstone, Zambia, and IUCN/SSC African Elephant Specialist Group, Nairobi, Kenya. (Trainer's manual in English; Participants' manual in English and French). <http://www.iucn.org/themes/ssc/sgs/afesg/hec/hectools.html> and <http://www.iucn.org/themes/ssc/sgs/afesg/hec/pdfs/heccombaptmen.pdf> [accessed April 16, 2007]

Making extensive use of real-life examples and case studies, combined with a strong practical element, this training course aims to provide African wildlife managers and local residents with the basic tools

needed for effective community-based HEC management.

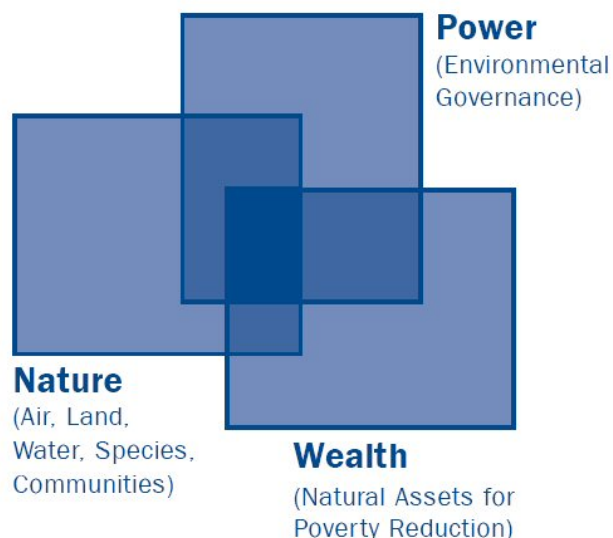
The IUCN/SSG African Elephant Specialist Group has a web site about assessing and managing “problem elephants” with several additional documents: <http://www.iucn.org/themes/ssc/sgs/afesg/hec/index.html> [accessed April 16, 2007]

Defenders of Wildlife. 2004. Bear country: Guidelines for protecting people, property, and bears. Defenders of Wildlife. Washington, DC. <http://www.defenders.org/wildlife/bears/BearCountry.pdf> [accessed April 16, 2007]

Short brochure with some practical guidelines for avoiding conflicts with bears (specifically North American bears).

The Fund for Animals. 2001. Living with deer. Coexisting with Wildlife Fact Sheet #7. The Fund for Animals. New York. <http://www.peopleandwildlife.org.uk/crmanuals/Wildlife%20Factsheet7.pdf> [accessed April 16, 2007]

Detailed information and advice on means of avoiding conflict and damage from deer. Includes a comprehensive listing of commercial deer repellents and sources of further information (for a North American audience).



TransLinks is a multi-year program funded by the United States Agency for International Development (USAID) designed to better understand how linking poverty alleviation (Wealth) with good governance (Power) and sustainable management of natural resources (Nature) can positively transform the practice of development and biodiversity conservation. This new program of the Wildlife Conservation Society brings together a unique partnership of NGOs and Universities with distinct but highly complementary skills and experience in conserving biodiversity, governing access to and use of natural resources, and securing livelihoods of the rural poor.

TransLinks

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