

TNC Human Rights Guide for Working with Indigenous Peoples and Local Communities

Principles and Safeguards

Introduction

The Nature Conservancy envisions a world where the diversity of life thrives, and people act to conserve nature for its own sake and its ability to fulfill our needs and enrich our lives. We're guided by the idea that the well-being of all people depends on healthy ecosystems, and that the health of these ecosystems depends on the well-being of those who have stewarded them for generations.

Today, indigenous peoples and local communities manage at least 25 percent of the world's lands,^[1] 17 percent of global forest carbon^[2] and vast stretches of freshwater and marine habitats. Deeply embedded within many IPLC cultures is ecological knowledge, enduring connections to place and unwavering commitments to protecting their lands and waters. Evidence shows that stewardship led by indigenous peoples and local communities makes for better, longer-lasting conservation results.^[3] Supporting IPLC leadership is, therefore, one of the most impactful ways to protect critical places, address climate change and build a future in which people and nature thrive. But IPLCs have long been marginalized and excluded from decisions that affect their territories, cultures, livelihoods and well-being. Their profound relationship to their lands, waters and natural resources has been disregarded or undervalued by other actors, including conservation organizations. Negative consequences caused by conservation have included:

- expropriation of land
- forced displacement
- denial of self-governance
- lack of access to livelihoods and loss of culture and spiritual sites
- non-recognition of their own authorities
- denial of access to justice and reparation, including restitution and compensation^[4]

Indigenous peoples and local communities, and particularly indigenous women, have borne the costs (and received few benefits) of conservation efforts that ignore their knowledge, perspective, leadership and rights. The struggle against colonialism and structural oppression continues, though IPLCs have built extraordinary power in domestic and international political contexts in recent decades. Thirty years ago, the notion of inherent collective rights for indigenous peoples was barely heard of. In 2007, these rights were affirmed by 144 nations in the **United Nations Declaration on the Rights of Indigenous Peoples**. By 2016, every nation that had objected to UNDRIP in 2007 had reversed course, recognizing the essential nature of indigenous peoples' rights in international and domestic law. Under the most adverse conditions, indigenous peoples have stood together to fight for and protect these rights, including the right to self-determination and the standard of Free Prior and Informed Consent.

TNC is committed to a human rights-based approach to conservation, standing with indigenous peoples as they protect and exercise their rights.

That commitment is reflected in TNC's Vision, Values, Code of Conduct and fundamental approach to conservation. We recognize the particular importance of Free, Prior and Informed Consent. Respecting and promoting the human rights of IPLCs is both a moral obligation and an enabling condition for sustainable conservation and human well-being. Collaborative conservation supports the aspirations of IPLCs to safeguard their cultures, livelihoods and relationships to place – ensuring a future in which nature and people thrive.

Principles and Safeguards

The Guide is built on nine Principles and Safeguards, which should guide all of TNC's work with IPLCs. These Principles and Safeguards are distilled from existing commitments, including:

- our Values
- our Code of Conduct
- our commitment to the United Nations Declaration on the Rights of Indigenous Peoples, especially articles 18-19 and 32 (participation and FPIC), 23-26 and 29 (land rights and conservation), 31 (cultural rights), and 40 (conflict resolution)
- the requirements of Free, Prior and Informed Consent as articulated in the UNDRIP
- ILO Convention (No. 169) on Indigenous and Tribal Peoples, and other authorities
- the Guiding Principles of the Conservation Initiative on Human Rights
- the Conservation by Design 2.0 Guidance Document (CbD 2.0)

The Principles and Safeguards inform and guide TNC's human-rights-based approach to conservation and are referenced as the foundation of each module. The Principles and Safeguards are also an assessment tool, as they are the basis for the checklists at the end of each module.

Nothing in this Guide should limit any human rights obligations that TNC may have committed to or be subject to. Rather, **the Guide formalizes and operationalizes the values, methods and practices through which TNC honors a commitment to respecting and promoting the human rights of indigenous peoples and local communities.**

Nine Principles and Safeguards

Free Choice and Self-Determination:

What it is: Respect for indigenous peoples' right to self-determination and autonomy, with no threats of adverse consequences nor coercion.

How to support: Have conversations with IPLCs and understand historical and present-day impacts of colonialism, oppression and power imbalances.

Prior Engagement and Collaborative Relationships:

What it is: Early engagement of IPLCs in any initiative that may affect them.

How to support: Center IPLC leadership and meaningful participation in design and planning decisions. Build trust over time.

Informed Decision-Making:

What it is: Active support of IPLC access to all information about activities that may affect them, in settings, languages and formats that meet their needs.

How to support: Invest time and resources in capacity building for the IPLC and TNC staff. Commit to impact assessment, transparent communication, respect for multiple ways of knowing and mutual learning as the foundation for decision-making.

Right to Withhold Consent:

What it is: Respect for indigenous peoples' right to withhold consent to initiatives that they determine may have a significant impact on them.

How to support: Supported by honoring indigenous peoples' decision to say "yes" or "no," as well as "yes, but with conditions" and "no, but let's continue to discuss."

Meaningful Consultation:

What it is: IPLCs' right to participate in a thorough consultation process on any initiative that might affect them.

How to support: Consult the IPLCs' institutions and representatives, and provide staff time and resources for the discussions.

Equity:

What it is: A commitment to fairness and respect for IPLC value systems, world views and decisions.

How to support: Share power, opportunities, resources and benefits.

Inclusion:

What it is: A commitment to hearing and valuing diverse voices and contributions.

How to support: Use non-discriminatory, culturally responsive and accessible forums, structures and processes to solicit contributions from all social identities.

Accountability:

What it is: A commitment to transparency, taking responsibility for mistakes and correcting them, resolving conflicts fairly, and monitoring and improving activities and approaches.

How to support: Establish conflict resolution strategies before problems arise, collaboratively implement and update plans, and document work in culturally responsive ways..

Overarching Good Faith:

What it is: A commitment to across-the-board honesty, respect, humility, service and Integrity Beyond Reproach.

How to support: Listen. Applying learnings from continual discussions, seek points of alignment, build consensus, and pursue shared goals in equitable partnership.

Structure of the Guide

The Guide consists of six learning modules, each of which highlights the Principles and Safeguards that are foundational to each module.

Modules at a Glance:

1. Learning & Early Discussions

Identify affected IPLCs and engage them in ways that respect indigenous peoples' right to self-determination and build equitable relationships

2. Free, Prior & Informed Consent (FPIC)

Seek and maintain consent for an initiative through meaningful consultation and co-learning processes

3. Conflict Resolution

Prepare to address any misunderstandings, conflicts or disputes, relying on culturally responsive mechanisms

4. Implementation

Apply the Principles and Safeguards and the recommendations in this Guide throughout an initiative's implementation

5. Documentation

Document work in ways that are inclusive, transparent and accessible to IPLCs yet also meet TNC needs

6. Monitoring, Evaluation & Adaptation

Monitor practices for adherence to the Principles and Safeguards and recommendations in this Guide

Notes

^[1] Garnett, S.T., Burgess, N.D., Fa, J.E. et al. A spatial overview of the global importance of Indigenous lands for conservation. *Nat Sustain* 1, 369–374 (2018). <https://doi.org/10.1038/s41893-018-0100-6>

^[2] Frechette et al. 2018. A Global Baseline of Carbon Storage in Collective Lands: Indigenous and Local Community Contributions to Climate Change Mitigation. https://rightsandresources.org/wp-content/uploads/2018/09/A-Global-Baseline_RRI_Sept-2018.pdf

^[3] The Nature Conservancy. 2017. Strong Voices, Active Choices: TNC’s Practitioner Framework to Strengthen Outcomes for People and Nature. Arlington, VA. file:///C:/Users/allison_martin/Downloads/Strong_Voices_Active_Choices_FINAL.pdf

^[4] Tauli-Corpuz, Victoria. 2016. United Nations Special Rapporteur on the Rights of Indigenous Peoples. Conservation and indigenous peoples’ rights. Report to the General Assembly: <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/annual-reports/149-report-ga-2016>