



TNC Human Rights Guide

Introduction

In the introduction:

[Understand why a human rights-based approach to conservation is important](#)

[Learn how and when to use this guide](#)

[Review the Nine Principles and Safeguards](#)

[Read the introduction to the Wenland case study that illustrates key points throughout the Guide](#)

Wenland Case Study Introduction:

[Welcome to Wenland](#)

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 Indigenous Peoples' and Local Communities cultures is enduring ecological knowledge, along with profound connections to place and unwavering commitments to protecting their lands and waters. Evidence shows that stewardship led by IPLCs 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 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
- loss of culture and spiritual sites
- non-recognition of their own authorities
- denial of access to justice and reparation, including restitution and compensation.^[4]

IPLCs, 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 gathered collective power in domestic and international political contexts in recent decades. Thirty years ago, the notion of inherent 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 & 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 & 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 work of IPLCs to safeguard their cultures, livelihoods and relationships to place – ensuring a future in which nature and people thrive.

Purpose

TNC works with indigenous peoples and local communities in 24 countries, with many successful examples of rights-based approaches to conservation rooted in long-term partnerships. To apply this approach more consistently across programs and geographies, TNC has developed this Human Rights Guide for Working with Indigenous Peoples and Local Communities as a resource for TNC practitioners and leaders.

Purpose of the Guide

This Guide includes modules to help ensure that TNC:

- Respects and supports the rights of IPLCs, aligned to international standards and TNC's Values and Code of Conduct
- Reduces organizational risk at a time of increasing international focus on human rights and conservation

- Improves conservation outcomes for people and nature by integrating human rights into our conservation practice

The Guide is a living document that will evolve alongside our experience working with IPLCs. It provides resources and tools aimed at managing complex situations, but it doesn't have all the answers. Staff should communicate regularly with partners, outside experts and each other for situational advice and to share learnings. For ongoing guidance, [TNC's Network for Strong Voice, Choice and Action](#); [TNC's Global Indigenous Peoples and Local Communities Team](#); and [TNC's Global Diversity, Equity & Inclusion Team](#) are all available.

Structure

The Guide consists of six 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

3. Conflict Resolution

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

4. Implementation

Apply the Principles and Safeguards and recommendations in this Guide when implementing an initiative

5. Documentation

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

6. Monitoring, Evaluation & Adaptation

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

Each module follows the same outline:

- Introduction — what staff can expect to learn
- Principles and Safeguards — the values, principles and standards that guide our work
- Guidance — information, tools, templates and resources

- Hypothetical Case Study — a story that brings the learning to life
- Checklist — a short-form list of action items

How to Use This Guide and When It Applies

Who Are IPLCs?

“Indigenous peoples and local communities” refers to peoples and communities who possess a profound relationship with their natural landscapes, which they depend on for cultural, spiritual, economic and physical well-being. Original inhabitants and migrants who have a close relationship with the landscape are likewise considered to be IPLCs.

TNC recognizes the collective rights of indigenous peoples as codified in international law.^[5] In this Guide, “IPLCs” and “communities” are used to refer to all indigenous peoples and local communities.

This Guide has been written for TNC conservation practitioners and leaders, and it applies to all work that may impact indigenous peoples and local communities.

The scope goes well beyond TNC’s IPLC Portfolio in the Shared Conservation Agenda. Project teams should review the [Learning & Early Discussions Module](#) to understand whether IPLCs may be affected by their work, even for initiatives that may not seem like they will generate such impacts.

The nature of TNC staff’s relationship with IPLCs will be different depending on circumstances. See box “How TNC Might Engage with IPLCs” for examples.

How TNC Might Engage with IPLCs

Roles TNC could play in an initiative:

- TNC is a service provider or technical consultant on an IPLC-led initiative
- TNC co-creates an initiative as a full partner with IPLCs
- TNC leads an initiative involving IPLCs
- TNC participates in a large multi-stakeholder process involving IPLCs

Types of initiatives:

- On-the-ground projects
- Programmatic, regional or country-based strategies
- Policies

Stages of involvement with IPLCs:

- Existing partnerships and engagements
- New or future partnerships and engagements[6]

TNC should strive to co-create respectful, equitable relationships with IPLCs, and this work takes time. Although TNC's engagement will look different in different situations, the responsibility to embody and promote the Principles and Safeguards and practices in this Guide remains constant.

The Guide applies to new initiatives as well as existing ones. New initiatives should start with the Learning & Early Discussions Module. Initiatives that are already underway can use the Guide to identify potential impacts, particularly where they may not have been immediately apparent, e.g., a conservation-focused national policy initiative.

The modules follow a logical flow, though users may enter at any module. In the case of an existing initiative with a longstanding IPLC relationship, the team may be able to jump quickly to the [Conflict Resolution Module](#) if their collaboration is strong but lacks an agreed-upon process for resolving disputes. The Checklists and Documentation to Save sections and the templates given in Appendix VIII capture the major components of each module for easy reference.

Some foundational components of the Guide are important to emphasize:

- [Step One of the Learning & Early Discussions Module](#): Particularly relevant for staff who have less familiarity with human rights issues
- [Documentation Module](#): May be used in tandem with the Learning & Early Discussions Module to document already-completed components for existing initiatives
- [Free, Prior & Informed Consent Module](#): Important for all, as FPIC is a continual process and an organizational requirement for any initiative

This Guide primarily focuses on how TNC should work with IPLCs, starting with the principle of Prior Engagement: engaging with and listening to IPLCs before settling on any fixed plans. TNC believes in the mutual benefits of partnering with IPLCs on conservation, but it is an outsider organization in relation to IPLCs, who have endured eras of colonialism and its harmful impacts.

Following the Prior Engagement guidance will help make sure that TNC's engagement efforts do not frame a situation as a problem and TNC as the solution. Instead TNC should support centering the IPLC's perspective and self-determination from the very beginning.

It's also important and appropriate for TNC to hold other entities accountable to the principles and practices in this Guide. These entities may include:

- grantees
- contractors
- suppliers
- other partners or collaborators

TNC should look carefully at areas where these entities are likely to have a human rights impact on IPLCs and then assess the entity's commitment to human rights and the systems it uses to uphold that commitment. Where a commitment or systems are lacking, and where TNC might be influential, TNC should consider helping the entity improve its human rights practice. If adverse impacts can't be avoided, and credible assessments show such impacts to be likely, TNC should consider ending the relationship with that entity.^[7]

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 & 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](#)

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 and provide 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 operationalizes the values, methods and practices through which TNC honors our commitment to respect and promote the human rights of indigenous peoples and local communities.**

Nine Principles and Safeguards

Principles and Safeguards

Free Choice and Self-Determination:

Respect for indigenous peoples' right to self-determination and autonomy, with zero tolerance for coercion or threats of adverse consequences.

Supported by entering into respectful dialogue with IPLCs and understanding historical and present-day impacts of colonialism, oppression and power imbalances.

Prior Engagement and Collaborative Relationships:

Early engagement of IPLCs in any initiative that may impact them.

Supported by centering IPLC leadership and meaningful participation in design and planning decisions, and building trust.

Informed Decision-Making:

Active support of IPLC access to all information about activities that may impact them, in settings, languages and formats that meet their needs.

Supported by investing time and resources in capacity building for the IPLC and TNC staff, and a commitment to rigorous impact assessment, transparent communication, respect for multiple ways of knowing and mutual learning as the foundation for decision-making.

Right to Withhold Consent:

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

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:

Respect for IPLCs' right to fully participate in a thorough consultation process on any initiative that might impact them.

Supported by consulting the IPLCs' own institutions and representatives, and providing adequate staff time and resources.

Equity:

A commitment to fairness and respect for IPLC value systems, world views and decisions.

Supported by sharing power, opportunities, resources and benefits.

Accountability:

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

Supported by establishing conflict resolution strategies before problems arise, collaboratively implementing and updating plans, and documenting the work in culturally responsive ways.

Overarching Good Faith:

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

Supported by listening, applying learnings from continual discussions, seeking points of alignment and pursuing shared goals in equitable partnership.

Introduction to the Hypothetical Case Study

The Guide includes a hypothetical case study designed to bring key issues to life. The fact pattern and background for the hypothetical case study are introduced below and carried through the modules in a series of invented “Let’s Say” scenarios with accompanying “Thoughts & Guidance.”

Wenland Case Study Introduction

Welcome to Wenland



Wenland is a large subarctic island, the territorial possession of the European state of Albian. The northern half of the island is vast, largely unpopulated permafrost. In the late 19th century, the Wen people, who were nomadic across Europe, were forcibly resettled to the island as part of a surge in nationalism and intolerance across Europe.

[View Case Study](#)

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.
<https://www.nature.org/en-us/what-we-do/our-insights/perspectives/strong-voices-active-choices/>

^[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>

^[5] TNC Global Indigenous Peoples and Local Communities Strategy (2016).

^[6] A new engagement may come about as a result of a new initiative or a new understanding of the potential impacts of an existing initiative

^[7] Some of the concepts in the paragraph were taken in part from the United Nations Human Rights Office of the High Commissioner. Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (particularly Principle 17). (2011):
https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf