



Partnership for
nature and people

Conservation & Rights

Positions and Guidance
of the BirdLife
Partnership

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Introduction

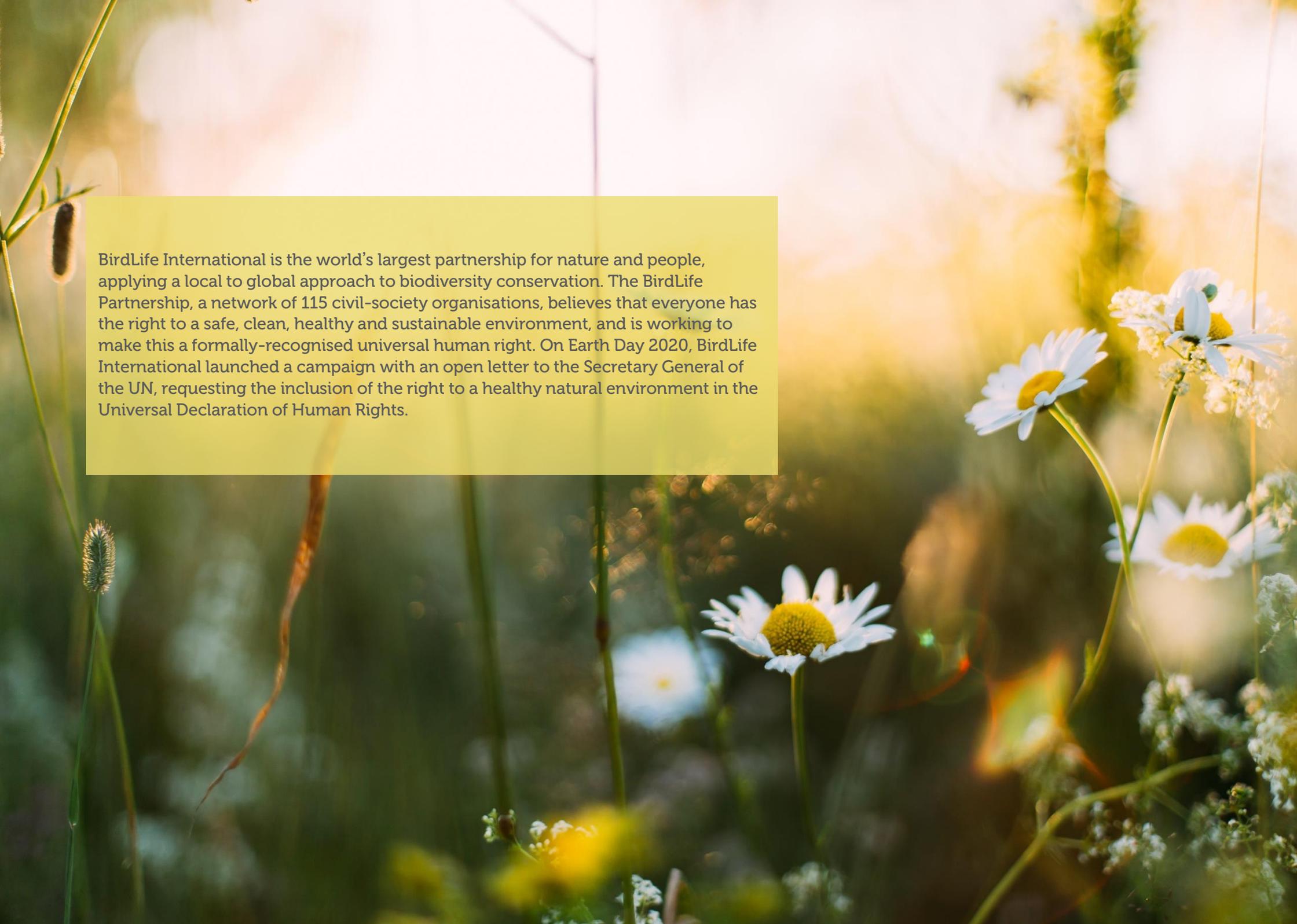
This document is a compilation of BirdLife's official people-focused positions and guidance, adopted by the Global Council at different stages.

Gathering all Positions in the same place is meant to ease use and access for all projects and programmes, as well as sharing with the wider BirdLife Partnership.

Position on Gender and Guidance on Indigenous Peoples are accompanied by separate Guidelines to Implementation, as well as training materials. In addition, BirdLife has developed a simple framework for assessment of socio-cultural safeguarding needs. These are available from the Local Engagement and Empowerment Programme.

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BirdLife International is the world's largest partnership for nature and people, applying a local to global approach to biodiversity conservation. The BirdLife Partnership, a network of 115 civil-society organisations, believes that everyone has the right to a safe, clean, healthy and sustainable environment, and is working to make this a formally-recognised universal human right. On Earth Day 2020, BirdLife International launched a campaign with an open letter to the Secretary General of the UN, requesting the inclusion of the right to a healthy natural environment in the Universal Declaration of Human Rights.



Conserving Biodiversity & Respecting Rights

Adopted by Global Council
2011

BirdLife believes that humans have a moral duty, and often a legal one, to conserve birds and biodiversity, prevent extinctions and live within the ecological limits of our planet. The future welfare of people everywhere is intimately dependent on the health of the Earth's ecosystems and the goods and services they provide. The functioning of those ecosystems is underpinned by biodiversity — the complex interactions of living organisms which together supply provisions, support production, regulate ecosystems and provide cultural, spiritual and recreational benefits. The UN Convention on Biological Diversity sets out the principle that the conservation of biodiversity is a common concern of humankind, a view that BirdLife shares. As well as their intrinsic value, as species that share the planet with us, birds provide an important focus because they are beautiful, they inspire people and because they occur and are valued internationally — they are excellent flagships and vital environmental indicators. By focusing on birds, and the sites and habitats on which they depend, the BirdLife Partnership is working to conserve all nature, and for the benefit of people.

BirdLife's approach everywhere is to work with people for more effective conservation. From an entirely practical point of view, experience shows that conservation is more effective with the engagement and support of local people. BirdLife works alongside local communities, adapting conservation measures to the local social, economic, environmental, cultural and legal circumstances, helping to integrate conservation with social development, livelihood security and human wellbeing, for the benefit of people and biodiversity – addressing people's right to development, and their right to a healthy environment.

The Environment, Conservation and Rights

The environment is essential to human wellbeing. The goods and services provided by a healthy environment influence peoples' incomes, health, nutrition, vulnerability and cultural and social identity. Reflecting this, the right to a healthy environment is recognised in a number of international human rights instrumentsⁱⁱ and nationally in many constitutions and lawsⁱⁱⁱ.

Conservation of biodiversity and the sustainable use of ecosystems concerns the way natural resources are managed and used – as sources of goods, sinks (for wastes) and for the provision of services. As a conservation organisation, BirdLife's objective is to maximise the long-term benefit of nature for all, including future generations. The responsibility of the present to future generations is widely recognised, whereby "each generation inheriting the Earth temporarily shall take care to use natural resources reasonably and ensure that life is not prejudiced by harmful modifications of the ecosystems"^{iv}.

Achieving this is a fundamental aim of conservation, which must also balance the freedoms of the individual with the wider rights of society; and seek solutions within a broad understanding of the relationship between society and nature (including the rights of other species with which we share the Earth). These freedoms and rights must be balanced everywhere in the world, as we all ultimately depend on the environment. However, whilst BirdLife respects the UNDHR we do not subscribe to an interpretation which allows individuals to destroy nature at the expense of wider society, future generations, or nature itself.

Where there are positive linkages between human rights and conservation, BirdLife aims to enhance these through its projects and programmes. BirdLife acts in good faith to achieve biodiversity conservation with social justice; to contribute to the realisation of human rights through its conservation programmes; and strives to avoid harming the most vulnerable people. To this end BirdLife implements initiatives that integrate the sustainable management of biodiversity with the provision of basic, subsistence rights.

These initiatives may include improving access to food and water; raising levels of education, health, employment and incomes; building skills; developing livelihood alternatives that facilitate greater resilience and resource protection and which incentivise sustainable management; and enhancing mental and cultural wellbeing. Through its support for grass-roots participation and good governance of natural resources BirdLife also supports people's procedural rights, enabling civil society participation, effective partnerships, transparency, provision of information and a voice in decision-making.

Conservation and the Rights of Poor People

Poor people often rely most directly and immediately on environmental goods and services, and BirdLife Partners are active in some of the poorest countries in the world. In many of the developing countries where BirdLife works, meeting immediate basic needs and alleviating poverty are top of the list of priorities for local people and governments. At large spatial scale there is a correlation between human population density and areas of unique or irreplaceable biodiversity. These conditions set the context in which conservation must operate in many places.

The relationship between poverty and conservation is complex and often situation-specific. As stated above, conserving the lands and resources on which local people depend can contribute to the realisation of many fundamental human rights. On the other hand, realisation of rights (including alleviation of poverty) may enable more effective conservation outcomes. However, the interests of nature and the interests of individuals may not always be aligned – win-win situations are not always possible. Those potentially affected must have the chance to participate fully in the decision-making process, and, where appropriate, it is essential to provide adequate compensation or alternatives.

Inequities can and do arise whereby the costs of conservation fall mainly on local, poor people, who have limited access to legal redress, while others, further away, gain most of the benefits (e.g. - from certain ecosystem services), or where compensation for restrictions imposed by conservation measures are inadequate or fail to reach those most affected. BirdLife is working to address the urgent need to stem the loss of biodiversity, whilst also working at national and global levels to help resolve the deep economic and political problems causing injustices such as these.

BirdLife's Commitment

BirdLife reaffirms its commitment to support the basic and procedural rights of the individual within its sphere of influence, and within a framework that brings these rights alongside those of future generations, wider society, and other species. BirdLife will:

- respect internationally proclaimed human rights as contained in the Universal Declaration on Human Rights;
- support and promote the realisation of human rights wherever appropriate within the scope of our conservation programmes;
- strive to avoid harming the most vulnerable ;
- and promote the improvement of governance systems that can secure the rights of local people, as they relate to conservation and the ecologically sustainable use of natural resources.

BirdLife is a Partnership of autonomous, grassroots conservation organisations. Thus this commitment will be implemented by individual BirdLife Partners in a way appropriate to national and local social, cultural and economic circumstances. In support of this commitment BirdLife will collectively develop guidance for the practical implementation, in varying situations, of conservation action that supports human rights, drawing on case studies of how this issue has been handled across the Partnership, and sharing the lessons from Partners' experience.



Gender & Conservation

Adopted by Global Council
2017

As part of BirdLife's wider commitment to inclusiveness and equality, this paper describes the Partnership's commitment to gender equality and gender mainstreaming, in the workplace and in its projects and programmes.

The BirdLife Partnership wishes to see a world where nature and people live in greater harmony, more fairly and sustainably. The impact of environmental and nature protection policies and programmes often depend on a person's gender, age, ability, race, ethnicity, religious belief, sexuality or social/economic status, sometimes resulting in unequal benefits or costs. More often than not women and men have different access to and impact on natural resources, and different priorities for the use and potential benefits from these.

The importance of integrating a gender perspective in conservation and natural resource management is recognised by signatories of the Convention on Biological Diversity (CBD), which in 2008 presented a Gender Plan of Action with the aim of mainstreaming a gender perspective and promoting gender equality in achieving the CBD's objectives^{vi}. Gender mainstreaming and equality is also laid down in most donor policies and is often a requirement for funding.

A gender perspective requires focusing on women and men, their relationships with each other, and their differentiated relationship with their social, natural and cultural environment. It also obliges recognition of regional, national, and local diversity.

Overarching Objective of this Position Statement

The objective of this position statement is to ensure that gender is mainstreamed into BirdLife's policies, programmes, projects and research, and that equality is promoted between women and men in the communities and institutions where, and with which, we work.

BirdLife seeks to understand and take account of gender differentiated roles and to promote gender balance internally (within the Partnership) and externally in the locations and among the communities with which we work.

In the implementation of its projects and programmes BirdLife aims to:

- understand the roles of women and men in the places where we work and the implications for conservation and natural resource management, based on an analysis of gender differentiated data from the local context and knowledge about women's rights and gender related policies at the national level;
- carry out gender-sensitive conservation that builds the capacity of women and strengthens their rights and roles in natural resource management;

- facilitate a balanced participation and representation of women and men in institutional processes and structures created for the management of natural resources;
- promote the fair and equal rights of women and men in relation to natural resource management and benefits and support the empowerment of women wherever this is needed for equal participation;
- integrate a gender-sensitive viewpoint in conservation research, planning, action, monitoring and evaluation, including the development of measurable indicators for gender and the collection, analysis and dissemination of this monitoring data;
- encourage and provide support to staff so that they have the knowledge and skills to mainstream gender into their work;
- ensure gender balance in the process of recruiting project staff, in the terms and conditions of employment, and in representation and participation in institutional decision-making processes and structures;
- raise awareness of the daily reality of women's management of natural resources and the effects of environmental degradation on women and build women's capacity to advocate for their rights, roles and potential contributions to nature protection

Considerations

A requirement for implementing conservation that is sensitive to gender is that gender is mainstreamed across an organisation and its operational culture. Therefore BirdLife is also committed to advancing gender equality in its own workplaces and workforce. This issue is addressed through the Equal Opportunities Policies of the BirdLife Secretariat and BirdLife Partners (and their development and promotion as appropriate).

BirdLife International Partners and offices have different capacities, needs and experiences in integrating gender into programmes and operational structures, and operate in different cultural and legal contexts. The implementation of the position outlined in this paper will be applied by Partners as appropriate and within the context of national legislation.

Definitions

The following definitions are adopted from the CBD Gender Plan of Action (UNEP/CBD/COP/9/INF/12/Rev.1)

Gender: The term gender refers to the social roles and relations between women and men. This includes the different responsibilities of women and men in a given culture or location. Unlike the sex of men or women, which is biologically determined, the gender roles of women and men are socially constructed and such roles can change over time and vary according to geographic location and social context.

Gender equality: Gender equality entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles, or prejudices. Gender equality means that the different behaviours, aspirations and needs of women and men are considered, valued and favoured equally. It does not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female.

Gender mainstreaming: Gender mainstreaming involves ensuring that attention to gender equality is a central part of all environmental and sustainable development interventions, including analyses, policy advice, advocacy, legislation, research, and the planning, implementation, monitoring and evaluation of programmes and projects.

BirdLife has formulated guidelines and training materials to help Secretariat staff and Partners to implement this Position.



Indigenous Peoples in Conservation

Approved by Global Council
2018

As part of the commitment to inclusiveness and human rights in conservation, BirdLife has formulated this guidance on indigenous peoples in conservation to guide the Partnership.

Many of the BirdLife Partnership's interventions are implemented in areas with high biodiversity value, which are the traditional homes of indigenous peoples. BirdLife recognises the role that many of them, through their traditional knowledge and practices, have played in maintaining biodiversity. Indigenous peoples often directly depend on local natural resources of healthy ecosystems for their livelihoods, identity, culture and social organisation. Many are under tremendous pressure from the destruction of or exclusion from these ecosystems, in addition to being generally poor and marginalised in the societies to which they now belong.

There is no universal and unambiguous definition of the concept of 'indigenous peoples'. The most widely accepted definitions are those proposed by ILO and the UN^{vii} according to which indigenous communities, peoples and nations are those, which have or partly have:

- Historical continuity with pre-invasion and pre-colonial societies that developed on their territories, and consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them;
- Close attachment to ancestral and traditional or customary territories and the natural resources in them;
- Customary social and political institutions;
- Economic systems oriented to subsistence production;
- An indigenous language, often different from the predominant language;
- Self-identify and are identified by others as members of a distinct cultural and ethnic group

The importance of recognising the rights of the at least 370 million indigenous peoples around the world is confirmed in the ILO Convention No. 169, and the United Nations' Declaration on the Rights of Indigenous Peoples (UNDRIP)^{viii}.

This Guidance Document provides a framework for how BirdLife wishes to address the rights and needs of indigenous peoples in all of its policies and interventions. The emphasis is on their full involvement and participation, on integrating their traditional knowledge and natural resource management systems and on supporting the process of Free, Prior and Informed Consent (FPIC).

Main objective

The objective of the Position Statement is to ensure that the rights and needs of indigenous peoples are recognised and adhered to in all BirdLife programmes, projects and policies across the Partnership. Over time and integrated into these, the BirdLife Position is expected to lead to at least three concrete results:

1. X number of activities target and include indigenous communities in BirdLife programmes and projects affecting these;
2. The Secretariats, Partners and stakeholders have capacity to work with FPIC and indigenous peoples' rights and benefit sharing;
3. Indigenous communities in areas affected by BirdLife activities know their rights and have capacity and resources to advocate for them.

The BirdLife Position

BirdLife seeks to take account of the situation of indigenous peoples and to promote their rights within the Partnership and in the locations in which Partners operate. A precondition for implementing conservation that is sensitive to the rights of indigenous peoples is to mainstream these across the Partnership.

The Position Statement refers to the commitment of the BirdLife position on conservation and rights:

- Respect internationally proclaimed human rights as contained in the Universal Declaration on Human Rights;
- Support and promote the realisation of human rights wherever appropriate within the scope of the BirdLife Partnership's conservation programmes;
- Promote the improvement of governance systems that can secure the rights of local people, as they relate to conservation and the ecologically sustainable use of natural resources.

In addition and specifically for the rights of indigenous peoples BirdLife aims to:

- In areas of intervention identify those groups who can claim to be indigenous according to UNDRIP and ILO definitions;
- Gain knowledge about their livelihoods, legal status, traditional knowledge, culture etc.;
- Ensure that they are recognised by other stakeholders, including corporations as having specific customary rights and identity, that they are respected on an equal footing with other local communities, and that they participate fully in benefits and are adequately represented in stakeholder consultations, trainings etc.;
- Support their access to trainings and other forms of capacity building and to resources to advocate for their role and rights in natural resource management;

- Invite them to contribute to programmes and projects with their traditional natural resource management practices and knowledge;
- Integrate gender and equity concerns in all dealings with indigenous peoples;
- Ensure that conservation actions undertaken by BirdLife, acknowledge land rights and respect indigenous practices including the sustainable utilisation of ecosystem services;
- Ensure that indigenous groups benefit from (and are not excluded from) the financial opportunities that could arise from conservation (ecotourism, carbon rights etc.) and landscape level strategies promoted for the benefit of conservation;
- In seeking their support in delivering conservation action, encourage and facilitate, where appropriate and feasible, indigenous peoples' access to education, healthcare and other vital services;
- Acknowledge, promote, draw on and help reinforce and expand indigenous peoples' role as guardians of the lands they occupy and the ecosystems and species that exist within those lands;
- Engage corporations that have passed BirdLife's due diligence process to acknowledge indigenous peoples' rights to informed consent and ensure that transparent and culturally sensitive consultations are conducted. Above all, look for ways that the stewardship relationship that indigenous peoples have with their land can be harmonised or enhanced with co-management of extractive, conservation or development activities.

Considerations

BirdLife is fully aware that the concept of indigenous peoples is controversial and that some countries have not signed and ratified the ILO Convention No. 169 or the UNDRIP and do not recognise the rights of indigenous peoples as laid down in these legal instruments^{ix}. BirdLife also acknowledges that the Partners have different capacities in working with rights based approaches and indigenous peoples, and operate in different cultural and legal contexts. The implementation of the BirdLife Position will be applied by Partners as appropriate and within the context of national legislation but without jeopardising internationally recognised rights.

BirdLife has formulated guidelines and training materials to help Secretariat staff and Partners to implement this Position.

Free, Prior and Informed Consent

Free, Prior, and Informed Consent (FPIC) is the internationally recognised guiding principle for rights based approaches to indigenous peoples. It refers to the collective right of indigenous peoples to participate in decisions and to give or withhold their consent to activities affecting their lands, territories and resources or rights in general. Consent must be freely given, obtained prior to implementation of activities and be founded upon an understanding of the full range of issues implicated by the activity or decision in question; hence the formulation: Free, Prior and Informed Consent.

FPIC implies informed, non-coercive negotiations between investors (or other agencies) and indigenous peoples prior to the development and establishment of activities on their customary lands. The principle means that those who wish to use customary lands belonging to or traditionally used by indigenous peoples must enter into negotiations with them. The communities have the right to decide whether they will agree to an intervention or not, once they have a full and accurate understanding of its implications for them and their land.



Socio-Cultural Safeguards Assessment

Full Framework Published
2018

Conservation, by its very nature, affects the distribution and abundance, rights of access to, governance (decision-making) and use of, natural resources. Often, this may have benefits for people and communities – by securing the sustainable use of goods, services and cultural values on which their livelihoods and wellbeing depend. However, poorly planned conservation interventions also have potential to change people's habitual use and access to natural resources or affect relations of power and control over these. This may be of particular concern for those directly dependent on the environment such as indigenous peoples and the most vulnerable – but is relevant wherever people are or may be affected by conservation action.

Socio-cultural impact assessment is therefore important to help project and programme managers and practitioners avoid negative socio-cultural impacts (and enhance positive benefits) from conservation actions and decisions, and to plan, budget for and monitor these actions and the changes and impacts they are supposed to deliver.

BirdLife recommends consideration of the following issues in order to plan appropriate safeguards for people who are potentially impacted by conservation action:

1. Participation

The complex and dynamic nature of environmental problems requires flexible and transparent decision-making. It is important to ensure that all relevant stakeholders are engaged in an intervention from the very beginning. It is also important to recognise that in addition to being stakeholders, they are diverse, and have rights, for example, communities with either legal or traditional land tenure rights.

2. Vulnerable and marginalised people and groups

Certain groups in your area of conservation action, or certain people affected by it, may be particularly vulnerable based on factors such as age, socio-economic status, education level, etc. It is important to identify these and plan specifically for how the intervention will engage them throughout.

3. Women and men

All projects/programmes or policies that directly or indirectly impact people need to consider gender since gender is a fundamental element to how society functions and affects access to power, control, decision-making, priorities and resources.

4. Livelihoods and wellbeing

The degradation or unsustainable use of resources can negatively affect people's livelihoods and quality of life. Conservation can help prevent such negative outcomes, with positive social, cultural and economic impacts for communities. However, conservation projects, by regulating or restricting use of resources, can also have adverse consequences for some people.

5. Land tenure and rights to resources

Land tenure, resource ownership and user rights can influence the use to which land is put for economic and social development. Secure tenure tends to promote sustainable use and development. Conservation initiatives often involve changes in rights to land and resources, for example by shifting them to communities (e.g. community forest management) or government (e.g. creation of protected areas with restricted rights of access).

6. Resettlement or displacement

People often have rights to remain on the lands and territories that they have traditionally occupied, which includes the continued access to resources they have traditionally used.

7. Indigenous peoples

Under international law, indigenous peoples are afforded the right to Free, Prior, and Informed consent (FPIC) when an intervention impacts their lands, territories, resources, traditional practices and customs. Indigenous peoples often have a long relationship with the land on which they live and may differ from the majority population in various ways.

8. Monitoring and impact assessment

In order to avoid negative impacts and produce equitable and sustainable positive impacts it is important that you formulate indicators for these expected impacts and that you monitor and report on changes and impacts, both positive and negative.

Tools

- *Framework for Socio-Cultural Impacts and Safeguards Assessment for BirdLife conservation projects – available from the Local Engagement and Empowerment Programme*
- *PRISM Toolkit for Monitoring and Evaluation of Conservation Impact – available from conservationevaluation.org*

Notes

ⁱ Secretariat of the Convention on Biological Diversity (2000) *Sustaining life on Earth: How the Convention on Biological Diversity promotes nature and human well-being*. CBD Secretariat, Montreal, Canada.

ⁱⁱ The 1988 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, states (Article 11) that:

1. everyone shall have the right to live in a healthy environment and to have access to basic public services;
2. the States Parties shall promote the protection, preservation, and improvement of the environment.

In Africa, the 1981 African Charter on Human and Peoples' Rights, likewise, provides (Article 24) that "all peoples shall have the right to a general satisfactory environment favourable to their development."

At global level, the 1966 UN International Covenant on Economic, Social and Cultural Rights (ICESR) recognises "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (Article 12) and notes that "the steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for . . . (b) The improvement of all aspects of environmental and industrial hygiene". Also at international level, Principle 1 of the Stockholm Declaration (a product of the Stockholm Conference in 1972) linked environmental protection to human rights norms, stating: "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".

ⁱⁱⁱ For example, South Africa's Constitution stipulates that: "Everyone has the right (a) to an environment that is not harmful to their health or well being; and (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that (i) prevent pollution and ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development".

Similarly, the Constitution of the Republic of Seychelles contains Article 38 on the right to a safe environment, whereby "The state recognises the right of every person to live in and enjoy a clean, healthy and ecologically balanced environment and with a view to ensuring the effective realisation of this right the state undertakes (a) to take measures to promote the protection, preservation and improvement of the environment; (b) to ensure a sustainable socio-economic development of Seychelles by a judicious use and management of the resources of Seychelles; (c) to promote public awareness of the need to protect, preserve and improve the environment".

^{iv} Article 4 of the Universal Declaration on the Responsibilities of the Present Generation towards Future Generations (1997).

^v Universal Declaration of Human Rights, Article 29 (2): "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

^{vi} It also supports commitments to gender equality made by signatories of the United Nations Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Universal Declaration of Human Rights.

^{vii} Martínéz Cobo's Report to the UN Sub-Commission on the Prevention of Discrimination of Minorities (1986)

^{viii} The ILO Indigenous and Tribal Peoples Convention 169 ^{viii} and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) are the most important international instruments for indigenous peoples' rights. Other international instruments that address the rights of indigenous peoples include the Convention on Biological Diversity (CBD), the International Convention on Economic, Social and Cultural Rights (ICESCR), and the international Convention on the Elimination of All Forms of Racial Discrimination (CERD).

^{ix} The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September 2007, by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand and the United States) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine).