

# How can we advance equitable, rights-based conservation?

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In December 2022 the Convention on Biological Diversity published the Kunming–Montreal Global Biodiversity Framework (CBD, 2022). In a significant breakthrough, the Framework takes a much stronger position on human rights in conservation than previous intergovernmental biodiversity agreements, stating that implementation must be rights-based. In seven of the Framework's 23 targets the rights of Indigenous Peoples and local communities are explicitly recognized, including related to territories, customary sustainable use, collective actions, traditional knowledge, innovations, practices and technologies, and access to justice and information related to biodiversity.

How can such international decisions translate into truly equitable, rights-based conservation? Newing & Perram (2019) set out four actions needed to advance this: (1) ensure that conservation actions are not only effective but compatible with international law on rights, and morally responsible, (2) build on common interests between conservationists and Indigenous Peoples and local communities, (3) engage in honest discussion about conflicts of interest, and (4) earn the trust of Indigenous Peoples and local communities. In this issue of *Oryx* we present eight articles written jointly by Indigenous and non-Indigenous authors that illustrate what these four actions can mean in practice, and present some novel tools and ideas for moving forwards (Brittain et al., 2021).

*Embracing international law on rights* Respecting rights as they are set out in international law is the defining characteristic of a rights-based approach, yet violations of rights in conservation continue. Kenrick et al. (2023) and Claridge et al. (2023) report on the eviction and exclusion of the Ogiek from their ancestral lands at Mount Elgon and the Mau Forest in Kenya, respectively, by the creation of protected areas. In Cameroon, forest Indigenous Peoples have been dispossessed and displaced by several protected areas (Emini et al., 2023). In the Cyclops Mountains of Papua Province, Indonesia, Indigenous Peoples and settlers living in and adjacent to a protected area have experienced forced

evictions (Barnes et al., 2023). In the Colombian Amazon, a REDD+ project was implemented without the free, prior and informed consent of affected Indigenous Peoples (Andoke Andoke et al., 2023). In all cases, rights violations are ongoing. However, such outrages and anachronisms are no longer being ignored or tolerated and are increasingly ending up in the courts. The absence of appropriate prior consultation in the Colombian Amazon has been the subject of a legal complaint, and court rulings have been issued (Andoke Andoke et al., 2023). Momentously, in June 2022 the African Court of Human and Peoples' Rights issued a judgment ordering the Kenyan Government to grant the Mau Ogiek collective title of their ancestral lands (Claridge et al., 2023).

*Building on common interests* The new Biodiversity Framework recognizes the potential to build on common interests in its emphasis on the role and contributions of Indigenous Peoples and local communities as biodiversity custodians and partners, and the need for management to be based on both traditional and scientific knowledge. Vasquez & Sunderland (2023) discuss this at a global level, examining the role of traditional land-based knowledge in conserving biodiversity and supporting healthy, diverse diets, and reviewing approaches that help reconcile biodiversity conservation with food rights. The other papers in this special theme—even those that describe legal battles over rights—document the contributions of Indigenous Peoples to conservation, and several describe successful partnerships with external conservationists. Aini et al. (2023) emphasize the value of collaboration and mutual respect through an account of a long-term partnership between an Indigenous NGO, Indigenous scientists and international researchers in New Ireland, Papua New Guinea. Barnes et al. (2023, p. 360) contrast the current lack of consultation in the Cyclops Mountains with earlier instances when 'partnerships between local inhabitants and other actors were well received because they were implemented through detailed consultation, producing management actions better aligned with traditional practices'.

*Engaging in discussion about conflicts of interest* Open, evidence-informed discussion and equitable negotiation can be difficult to achieve, especially where there is a history of rights violations. However, innovative tools are being used to support this. Mistry et al. (2023a,b) describe the use of participatory video to mediate dialogue between Indigenous Peoples and external decision makers involved

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in protected areas in Guyana: video-mediated dialogue promotes understanding, inclusivity and recognition of rights. Emini et al. (2023) showcase the use of Indigenous-led listening events: in Cameroon, Gbabandi, a national platform of forest Indigenous Peoples, invited conservation actors to a listening event, to hear testimonies directly from the people affected by their decisions. In the short term, the event has led to improved communication. The Indigenous lead author looks to a future in which such dialogues are ongoing at local, national and regional levels as new issues arise, so that Indigenous Peoples and conservationists learn about each other and find more equitable and effective ways to work together. A third tool for negotiating conflicts of interest is the Whakatane Mechanism, which offers a methodology for an inclusive, evidence-based conflict resolution process (IUCN, 2016). A Whakatane Assessment was carried out at Mount Elgon in 2011 at the request of the Ogiek. This enabled them to enter into new dialogue with the government and others, and contributed to the evidence that informed court rulings (Kenrick et al., 2023). Wider use of the Whakatane Mechanism would be invaluable in moving towards rights-based implementation of the new Biodiversity Framework.

*Earning trust* All conservation actors need to rise to the challenge of earning trust. This means that conservation policymakers and institutions need to ensure that written commitments translate into practice and become enshrined in institutional memory. This also means engaging with deeper issues, including on how to remedy longstanding historical violations of rights. More fundamentally, conservationists need to shift from the traditional model of going into an area for their reasons towards supporting local people to address their conservation issues. Conservationists also have a key role to play in earning trust, through the more widespread adoption of participatory approaches and co-enquiry, and inviting contributions based on Indigenous knowledge alongside scientific knowledge, as stipulated by the new Biodiversity Framework (CBD, 2022, para. 19).

Journals also have a role to play in advancing professional standards related to rights. This includes developing and disseminating guidance for authors and ensuring articles adhere to best practice (such as for the socially responsible use of technology; Sandbrook et al., 2023). Encouraging and supporting Indigenous authors to contribute their perspectives is also necessary: the eight articles in this human rights and conservation theme have Indigenous lead or co-authors, and the theme features a second editorial authored by Indigenous people and their allies (Tugendhat et al., 2023).

Nevertheless, we yet have much to do to achieve truly equitable dialogue between Indigenous Peoples, local communities and the conservation sector. We urge other conservation journals to open their pages to diverse voices, and other conservation actors to reflect on their own roles and responsibilities in relation to the advancement of fully equitable, rights-based conservation.

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