

AWF Standard for Rights-Based Conservation



INTRODUCTION

AWF commits through its Rights-Based Policy to respect, protect, and promote human rights at all times, irrespective of ethnic group, gender, race, sexual orientation, age, or class, by adopting a rights-based conservation approach. This Rights-Based Standard further elaborates on this commitment to make it meaningful and effective by specifying targets, mandatory actions, and qualitative and quantitative indicators for internal policy compliance.

The Indigenous People’s Major Group for Sustainable Development (IPMG) and Rights and Resources Initiative (RRI) have collaborated to produce a draft *“Gold Standard” for best practices for recognizing and respecting Indigenous Peoples’ and Local Communities’ land and resource rights in landscape restoration, management, conservation, climate action and development projects, and programs* which AWF has used as a basis for this standard. AWF has built up on the principles in the *“Gold Standard”* to develop criteria that set rules for AWF operations and indicators that allow AWF to evaluate internal compliance with the standard.

SCOPE

This standard lays out AWF's organizational goals for achieving its rights-based policy and establishes the rules for AWF operations to ensure adherence to the guiding principle of “Respecting, protecting and promoting human rights of IPLCs at all times irrespective of ethnic group, gender, race, sexual orientation, age, or class.”

STANDARD EFFECTIVE DATE

This standard becomes effective on 10 March 2020. This standard will be tested through implementation and may be revised accordingly.

REFERENCES

The following referenced documents have inspired the development of this standard:

- Indigenous Peoples Major Group. Setting a “Gold Standard” – Principles for best practice for recognizing and respecting Indigenous Peoples’ and Local Communities’ land and resource rights in landscape restoration, management, conservation, climate action, and development projects and programs. Draft 7.1.2019.
- Jonas, H., Makagon, J. and Roe, D. 2016. Conservation standards: From rights to responsibilities. IIED Discussion Paper. IIED, London.

TERMS AND DEFINITIONS

IPLC: For the purposes of this standard, the term ‘Indigenous peoples’ follows the definition or ‘statement of coverage’ contained in the International Labour Organisation [Convention on Indigenous and Tribal Peoples in Independent Countries](#). Local communities encompass communities that do not self-identify as Indigenous

but who share similar characteristics of social, cultural, and economic conditions that distinguish them from other sections of the national community, whose status is regulated wholly or partially by their own customs or traditions, and who have long-standing, culturally constitutive relations to lands and resources.

Human rights: Under this standard, human rights are considered to be those rights as defined by the [Universal Declaration on Human Rights](#), the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIPs), and the [African Charter on Human and Peoples' Rights](#) (also known as the Banjul Charter).

IP rights: Indigenous peoples' rights as defined by the [United Nations Declaration on the Rights of Indigenous Peoples](#).

PRINCIPLES, CRITERIA & INDICATORS

AWF commits to undertake the following:

1. To **acknowledge and respect the full bundle¹ of rights** of Indigenous peoples and local communities, and of women within these groups, including their rights to land, territories, and resources customarily owned or used, whether legally recognized or not.²
 - 1.1. AWF shall identify, prevent, mitigate, and redress adverse impacts on IPLCs in conformity with the United Nations Guiding Principles on Human Rights.
 - 1.1.1. AWF has a rights-based policy in place.
 - 1.1.2. All AWF staff have subscribed to the rights-based policy.
 - 1.1.3. AWF has a due diligence system in place that includes a risk assessment and a grievance and redress mechanism.
2. To aid in **securing effective legal recognition** of the rights to those lands, territories, and resources, respecting and promoting the customary laws and governance systems that form the basis of these rights.
 - 2.1. AWF shall verify whether states have upheld their obligations towards Indigenous peoples and their lands, territories, and resources as due diligence for any conservation interventions.
 - 2.1.1. The country strategies contain a section detailing the results of an analysis of how states have upheld their obligations towards Indigenous peoples and their lands, territories, and resources.
 - 2.2. AWF projects and programs shall, in the context of their objectives, provide platforms that bring together representatives of government and IPLCs in order to allow IPLCs to negotiate effective legal recognition of their lands.
 - 2.2.1. Documented proof is available that IPLCs effectively participated through culturally appropriate engagement in the development of any management strategies and agreements concerning their customary land, territories, and resources or affecting these.

¹ This includes access, withdrawal, management, exclusion, and alienation rights, as well as their duration and extinguishability.

² Including identifying, in collaboration with Indigenous Peoples and other rights-holder groups, the extent of those rights through Human Rights Impact Assessments (additional to environmental and social impact assessments, and explicitly including cultural rights), and understanding that land, territorial, and resource rights are defined by customary use and ownership for Indigenous Peoples, and for some local communities.

- 2.2.2. Management plans developed under AWF support contain a well-elaborated community engagement strategy agreed upon through free, prior, and informed consent (FPIC) by IPLCs.
- 2.3. Any and all AWF activities concerning land or resources to which Indigenous people make legitimate claims are subjected to free, prior, and informed consent.
 - 2.3.1. The methodology and the process used to achieve FPIC are documented.
 - 2.3.2. Agreements have to be made in a way meaningful to the local culture and documented in a transparent way through either audio, video, pictures, or written contracts.
- 2.4. Activities implemented by AWF shall respect the customs, traditions, and land governance and tenure systems of the Indigenous peoples concerned.
- 2.5. AWF shall not support conservation interventions that displace Indigenous peoples from their traditional lands, territories, and resources in a manner that violates their human rights.
 - 2.5.1. In case of displacement based upon FPIC, the methodology and the process used to achieve FPIC is documented in detail.
 - 2.5.2. FPIC agreements are made in a way meaningful to the local culture and are documented in a transparent way through either audio, video, pictures, or written contracts.
 - 2.5.3. The agreement needs to specify what will happen if IPLCs revoke their consent.
- 3. To **plan, initiate, and communicate** projects, programs, and initiatives **in full collaboration** with Indigenous Peoples, local communities, and women, taking into account their self-determined development priorities, and shift conservation practices in favor of locally defined models and approaches, within the framework of **partnership and solidarity**.
 - 3.1. AWF shall identify, seek out, and consult with legitimate representatives of relevant Indigenous people's organizations at the earliest stages of program/project development in order to harmonize AWF conservation priorities with IPLCs' development priorities.
 - 3.1.1. Records of consultations are maintained and detail who was consulted and how, and how people consulted were selected.
 - 3.1.2. Landscape strategies detail IPLCs' development priorities, if and how they conflict with landscape conservation objectives, and lay out the strategy to harmonize the two.
 - 3.2. Wherever possible, AWF shall actively engage IPLCs in the co-development of conservation interventions in favor of locally defined models and approaches.
- 4. To obtain the **free, prior, and informed consent** of Indigenous Peoples and local communities where their collective rights may be affected, recognizing their distinct and differentiated rights, and fully respecting and prohibiting any contact with Indigenous Peoples in voluntary isolation.
 - 4.1. AWF shall identify—through culturally appropriate engagement, and if IPLCs agree—IPLCs living in and around the area for which conservation interventions are planned and describe their legal and customary rights linked to land, territories, and resources in the area affected by the planned conservation area.
 - 4.1.1. For any and all AWF programs, an analysis of current and historical presence of IPLCs and their land claims is done, and the report details:
 - a) Who was consulted, how, where, and when;

- b) The claims that IPLCs make;
 - c) And an evaluation and judgment of their claims.
 - 4.1.2. Landscape strategies contain a section presenting the results of the analysis of IPLCs' land claims.
- 4.2. For any program or project, AWF shall identify the possible impacts on IPLCs and associated risks for violations of their rights.
 - 4.2.1. A risk assessment has been done according to the AWF risk procedures and is documented.
- 4.3. If project or program activities risk to intervene with identified rights of IPLCs, those activities are subjected to free, prior, and informed consent, and AWF shall only support implementation if FPIC has been granted based on a thoroughly documented process.
 - 4.3.1. Free, prior, and informed consent has been granted by IPLCs prior to conservation activities that affect the identified customary and legal rights of IPLCs through a process that:
 - a) ensured IPLCs know their rights and obligations;
 - b) informed the Indigenous Peoples of the value, in economic, social, and environmental terms, of the resource over which they are considering delegation of control;
 - c) informed the IPLCs over the risks associated with the conservation activities;
 - d) informed IPLCs of their right to withhold or modify consent to the proposed conservation activities to the extent necessary to protect their rights, resources, lands, and territories;
 - e) and informed IPLCs of the current and future planned conservation activities.
 - 4.3.2. The FPIC documentation provides the following details for each consultation:
 - a) Participants and selection of participants
 - b) Objectives and methods used
 - c) Shared information
 - d) Questions and concerns raised by the IPLCs
 - e) Decision-making process and decisions taken
 - 4.3.3. FPIC agreements were made in a way meaningful to the local culture and were documented in a transparent way through either audio, video, pictures, or written contracts
- 5. To respect the **equal rights of women** to lands, territories, and resources and to their participation and inclusion in the governance of such areas, and to ensure zero tolerance to violence, harassment, or intimidation against women in any and all project operations.
 - 5.1. AWF shall ensure through culturally appropriate engagement that women input equally into all decision-making processes initiated by AWF programs or projects.
 - 5.1.1. Gender analysis forms part of each landscape strategy and is done for each ethnic group present in the landscape.
 - 5.1.2. For all decision-making processes supported by AWF, such as land-use planning and participatory development of management plans, the strategy to include women has to be described.

6. To **respect rights to cultural heritage**, recognizing that cultural and natural heritage are perceived and defined by the owners of that heritage, with Indigenous Peoples having the right to control, protect, and develop their cultural heritage, including their local ecological knowledge and governance institutions.
 - 6.1. Assess through culturally appropriate engagement cultural heritage that could be impacted by the conservation interventions.
 - 6.2. Traditional knowledge and intellectual property are protected and are only used when the acknowledged owners of that traditional knowledge and intellectual property have provided their free, prior, and informed consent formalized through a binding agreement.
 - 6.3. Where local governance systems exist, AWF interventions shall support, not undermine them.
 - 6.4. Conservation interventions must be designed in a way that does not cause Indigenous Peoples to be evicted, relocated, or excluded from areas that are relevant to their culture, spirituality, and religion.
 - 6.5. Conservation actors must ensure their interventions do not have any secondary effects that negatively impact Indigenous peoples' rights to their own languages, oral traditions, philosophies, writing systems, and literatures.
7. To ensure that partnerships and agreements with Indigenous peoples and local communities provide for **mutually agreed and equitable sharing of benefits** arising from projects, programs, or initiatives, and provide **fair compensation for any current and future impacts** on their lands, territories, and resources, including provision for sustainable livelihoods of affected communities.
 - 7.1. AWF shall ensure that its conservation interventions cause no net loss of livelihood.
 - 7.1.1. The community engagement plan evaluates costs and benefits of conservation interventions on IPLCs.
 - 7.2. Traditional knowledge and intellectual property are protected and are only used when the acknowledged owners of that traditional knowledge and intellectual property have provided their free, prior, and informed consent formalized through a binding agreement.
 - 7.3. Indigenous Peoples are compensated according to the binding agreement reached through free, prior, and informed consent for the use of IPLCs' customary lands, territories, resources, traditional knowledge, and intellectual property.
8. To ensure **prompt and effective remedies** for harms caused by their operations and establishment of independent grievance and redress mechanisms and address historic harms and their **on-going impacts**.
 - 8.1. AWF shall submit to any redress mechanisms that call on the organization.
 - 8.2. AWF shall appear and ensure that their conduct promotes effective and prompt decisions.
9. To respect, promote, and protect the **fundamental rights and freedoms of land and environment defenders**, provide support for access to justice to victims and their families, and actively support initiatives to prevent criminalization, threats, and violence against them.
10. To **promote the adoption of these Gold Standard principles** by others, and commit to transparency in their implementation, and to participatory assessments and reporting of the effectiveness of their actions.
 - 10.1. AWF shall request all its subgrantees to operate in conformity with the Gold Standard principles.

- 10.2. AWF shall use collaborative platforms in the conservation sector, such as the Africa Biodiversity Collaborative Group, to push for the adoption of these Gold Standards by other conservation organizations.
- 10.3. AWF shall monitor and communicate its compliance with the Gold Standard principles based on the indicators of the AWF rights-based standard.