

Business & Human Rights Panel

Atma Jaya Catholic University of Indonesia
23 September 2022

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**WILDLIFE
WORKS**

**FPIC: Human Rights Abuses in the
Name Preventing of Conservation**

Presentation Structure

Part 1: Context

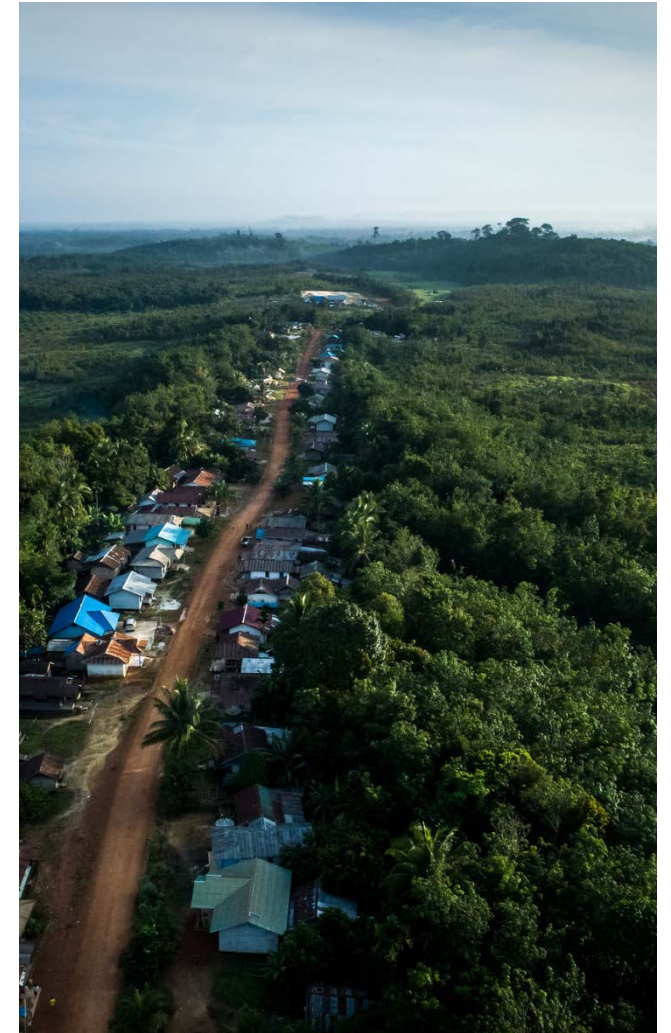
- Brief about Wildlife Works

Part 2: BHR, Conservation and FPIC

- Related BHR principles – Principle 17
- What is FPIC in conservation?
- Case Study

Part 3: Next Steps

- Conclusion
- Recommendations

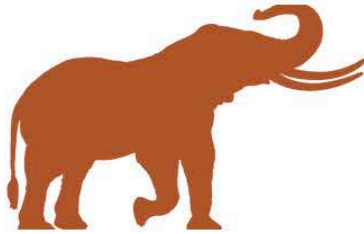


Pic credit: CIFOR

FOUNDED IN 1997

- Wildlife Works was founded in 1997 by Mike Korchinsky with a mission to create a market-based solution for wildlife conservation that provided real, sustainable development to local communities. Wildlife Works' basic idea is that if you want **wildlife**, you have to make sure it **works** for local communities.
- Wildlife Works' first project was Kasigau, our wildlife sanctuary located between Tsavo East and West National parks in Southeastern Kenya.
- At Wildlife Works, we believe that all species have an intrinsic right to exist on Earth

WILDLIFE WORKS' APPROACHES



WILDLIFE PROTECTION



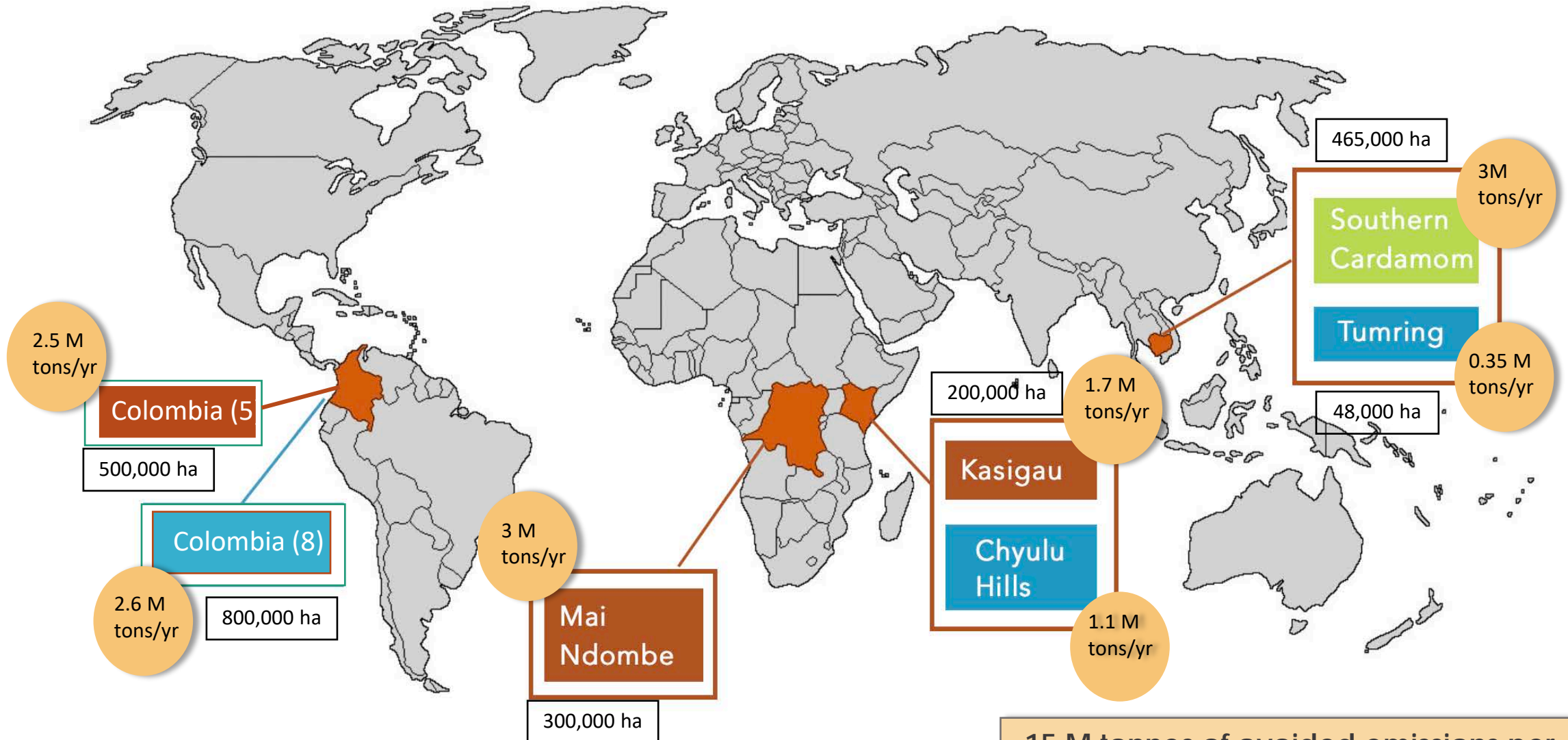
JOB CREATION



FOREST PROTECTION

THESE ARE THE THREE PILLARS OF WILDLIFE WORKS' HOLISTIC APPROACH TO CONSERVATION. WE ARE FUNDED BY THE DEVELOPMENT AND SALES OF REDD+ CARBON OFFSET CREDITS THAT STOP DEFORESTATION, PROTECT WILDLIFE AND UPLIFT COMMUNITIES.

18 REDD+ PROJECTS IN 4 COUNTRIES



~15 M tonnes of avoided emissions per year, protecting ~2.7m ha of forest

UN Guiding Principles

Principle 17 – Human Rights Due Diligence

In order *to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights' due diligence*. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:

- (a) Should cover adverse human rights impacts that the ***business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations***, products or services by its business relationships;
- (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;
- (c) ***Should be ongoing***, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.

Does conservation
business
automatically in
line with BHR?

Conservation programs and businesses are not *a panacea* for no land conflict or automatically free from human rights violations.

Since land is a finite resource, some activities, business actors, or non for profits inevitably compete over land and resources with Indigenous Peoples and Local Communities (IPLCs)

Report: WWF knew about rights abuses by park rangers, but didn't respond effectively

by Ashoka Mukpo on 8 December 2020



- In 2019, BuzzFeed News published a series of articles alleging that WWF was providing support to park rangers in Central Africa and South Asia who were committing severe human rights abuses against people living near protected areas.
- The reports were largely based on investigations by human rights activists, who presented WWF with evidence of torture, rape and murder carried out by rangers beginning in 2014.
- An independent panel commissioned by WWF to investigate its response found that staff members heard stories of abuse beginning in 2008 and did little to address them until recently.
- In response to the panel's 160-page report, WWF promised to set up systems for victims

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Your voice matters



India's Supreme Court orders the eviction of millions of forest-dwelling people. Meanwhile, India's National REDD+ Strategy claims to support Indigenous Peoples' rights, but blames them for deforestation

Mongabay Series: [Indigenous Peoples and Conservation](#)

Bornean communities locked into 2-million-hectare carbon deal they don't know about

by John Cannon on 9 November 2021



Violations in the Name of Conservation

"What crime had I committed by putting my feet on the land that I owned?"

(Amnesty International, 2021)

15 Feb 2022
Ambreena Manji,
The Elephant
(Kenya)

Article

Tanzania: Govt's plan to evict more than 80,000 Maasai from ancestral land for commercial interests threatens livelihood & culture

Read more

"Land, Rights and the Struggles of the Ngorongoro Maasai"

In the past few weeks, the Tanzanian government has renewed its attempt to demarcate land in the Loliondo ward, Ngorongoro District in the north of

Tourism

Tanzania

Indigenous peoples,
Cultural issues, Land
rights,

erty/Development/Es
social rights: General,
Displacement, ...

See all tags

Share

FREE, PRIOR AND INFORMED CONSENT

**FPIC IS ESSENTIAL
TOOL TO PROTECT
THE RIGHTS OF ALL
AFFECTED
COMMUNITIES**

- **FPIC is the Right to Decide** - All peoples have the right to self-determination and to freely pursue their economic, social and cultural development – UNDRIP, CBD, ILO
- The right to say “NO” to a project development is important to prevent human rights violation.
- **FPIC is not socialization** or information dissemination, it should be ongoing process (not a one-off).

FREE



Free from manipulation
or coercion

PRIOR



Occurs in advance of any activity
associated with the decision being
made and allows adequate time for
traditional decision-making processes

INFORMED



Facilitates the sharing of objective,
accurate, and easily
understandable information

CONSENT



Allows communities to approve
or reject a project

CASE STUDY



CHALLENGES TO FREE, PRIOR AND INFORMED CONSENT



More companies have recognized that working in an area where local communities opposed their presence is ***bad for business and a risk to operations***. Hence, they have made a public commitment to operate when communities have consent.



However, implementing FPIC presents various ***challenges*** such as:

1. pressure on staff to “obtain consent” as quickly as possible so the project can advance;
2. complexities of local political and community dynamics;
3. power imbalances between a company and local communities;
4. failure to correctly identify impacted people; and
5. failure of states to correctly identify and give title to indigenous territories.



“**Consent**” that is not free, prior and informed, and does not address the challenges above, does not fully represent the decisions of people affected by a project. It fails to address the underlying business risks and fulfil the company’s responsibilities to respect indigenous rights.

PART III – CONCLUSION & RECOMMENDATIONS

Government:

- Improvement of regulation, specifically Minister of Environment Regulation No. 17 year 2012 re. Guidance for Community Involvement in Environmental Impact Assessment and Environment License Process;
- Improvement of monitoring process;
- Clarity for agency or ministry responsible for any grievance, violation, or indication of violations.

Corporation:

- Adopt & implement a meaningful FPIC policy at the Director's level that reflect the challenges expressed above;
- Commission periodic independent reviews of the company's adherence to its policy including a review of actual consultation and community engagement activities, and make these materials available to the public;
- Do not enter contracts for concessions overlapping indigenous territory where a state does not adequately protect indigenous rights. Make FPIC and other protections for indigenous rights a contractual condition;
- Provide on-going training to all field personnel and third-party contractors on the spirit and letter of the company's FPIC policy.

Academe:

- Raising awareness about UNGP and its impact for corporation;
- Design a training, education and capacity building program for community representation to be involved in public processes.

A photograph of a herd of elephants in a savanna landscape. The elephants are in the foreground, and the background shows a line of trees under a cloudy sky. A semi-transparent white banner is overlaid across the middle of the image, containing the text "THANK YOU & QUESTIONS".

THANK YOU & QUESTIONS