



## Submission to the UN Special Rapporteur in response to the call for submissions “Protected Areas and Indigenous Peoples’ Rights: the Obligations of States and International Organizations”

Survival International has been campaigning against evictions, killings, rape and other human rights violations in the name of conservation for more than 30 years.

During this time, we have seen conservation organizations, international conservation bodies, governments and corporations change how they speak about Indigenous Peoples. Lip service is paid in policies and public statements about recognizing the knowledge of Indigenous Peoples in relation to their environments and respecting their rights.

The conservation industry has been promising that it will respect the rights of Indigenous Peoples for decades, but little has changed. WWF even drew up guidelines for this in 1996 – [but later admitted they were just “aspirational.”](#)

However, despite an increased use of this language, and policies that, like WWF’s, purport to recognize the rights of Indigenous Peoples, the reality on the ground has not changed – evictions, tortures, rapes and killings in the name of conservation continue. Non conservation organisations are directly addressing the underlying and structural problem with Protected Areas, including the denial of land rights to the Indigenous people and local communities who have been living in their environments for generations. In the words of Rukka Sombolinggi, the Secretary General of the Indigenous Peoples Alliance of the Archipelago (AMAN), “The word ‘conservation’ is a nightmare for Indigenous people.”

### Recent examples of human rights violations in the name of conservation:

#### Maasai from Ngorongoro Conservation Area and Loliondo, in Tanzania

In Tanzania, 167,000 people, mostly Maasai pastoralists, risk being evicted from their home to make space for tourism, “development” and trophy hunting. These plans will not only destroy their livelihoods and their way of life but also the landscape that they have nourished and protected for generations.

The Maasai are facing gross human rights violations in the name of conservation including evictions, intimidation and the destruction of their houses. They are also facing restrictions on where they can graze their livestock, access water and practice subsistence cultivation. These restrictions are leading to starvation. This is happening at the hands of the Tanzanian

government agents, and in some cases with the support of international organizations like UNESCO and IUCN.

Since 1959, when the Maasai were first evicted and relocated from the Serengeti to the areas of Loliondo and Ngorongoro by the British colonial authorities, they have faced a cycle of broken promises resulting in dispossession, violence and marginalization. Now this cycle of injustice is continuing with two new developments.

First, on January 11, 2022 the Tanzanian government renewed their efforts (ongoing since 1992) to seize 1,500 km<sup>2</sup> of legally registered village land in the Loliondo Division of Ngorongoro District from Maasai pastoralists, who have sustainably stewarded the area for generations. The government's plans would displace over 70,000 Maasai pastoralists from their ancestral land in order to create a wildlife corridor that will be used for trophy hunting and tourism by the United Arab Emirates (UAE)-based Otterlo Business Company (OBC). This is despite the [company's past involvement](#) in several violent evictions of the Maasai, burning of homes, and the killing of thousands of rare animals in the area. This renewed attempt to seize this 1,500 km<sup>2</sup> of land is also in blatant violation of the [September 2018 injunction from the East African Court of Justice \(EACJ\)](#), which prohibits the Tanzanian government from evicting the villagers, seizing their livestock, destroying property, or engaging in harassment against Maasai communities living in Ololosokwan, Oloirien, Kirtalo, and Arash villages.

Secondly, in a separate but closely related issue, in March 2019, a [joint monitoring mission](#) from UNESCO's World Heritage Centre (WHC), the International Union for the Conservation of Nature (IUCN) and the International Council on Monuments and Sites (ICOMOS) asked the Tanzanian government to urgently control population growth in the Ngorongoro Conservation Area (NCA), framing it as the leading cause of environmental degradation there. The government responded by producing a [Multiple Land Use Model \(MLUM\) and Village Resettlement Plan](#) that, if implemented, will affect over 80,000 Maasai. In January 2022, reports from the ground indicated that the Ngorongoro Conservation Area Authority (NCAA) has submitted a budget request to begin a fast-track implementation of this eviction plan.

### Batwa in Kahuzi-Biega National Park (Parc National de Kahuzi-Biega, 'PNKB'), Democratic Republic of the Congo

In Kahuzi-Biega National Park in the Democratic Republic of the Congo, which expelled Indigenous Batwa people in 1975, serious human rights violations by ecoguards are still going on.

In October 2021, Initiative for Equality's regional network (RIFE) in DRC, Rwanda and Burundi released a preliminary report detailing killings, village burnings, arbitrary arrests and other rights violations that had been brought to their attention over the past 5 years in the park. The [updated report](#) provides what is probably an underestimate of the abuses perpetrated both by Kahuzi-Biega National Park staff and by members of the Congolese army since 2017:

- 29 Batwa killed by ecoguards and/or soldiers
- 16 Batwa wounded or threatened with killing (shot at with guns, etc.)
- 12 villages burned (some were burned twice; Buhoyi village was burned three times)

- Large numbers of displaced families, some displaced repeatedly
- 17 arbitrary arrests and detentions in prison; 14 were later released when lawyers intervened, 2 died due to poor prison conditions, and one (Chief Douze of Buhoyi) remains in jail on what are widely viewed as political charges

The most recent killings include [two Batwa children](#) burned in their homes at Bugamanda village in November of 2021.

International supporters of the park - including KfW, GIZ, GFA Consulting, US Fish and Wildlife Service, USAID, Wildlife Conservation Society (WCS) - have been informed in writing on multiple occasions by NGOs about human rights abuses committed by park guards they support. They have failed to take meaningful measures in response.

### Baka in Messok Dja, Republic of Congo

For more than 14 years, WWF has been trying to establish a protected area for conservation on the land of the hunter gatherer Baka tribe. The Baka have an intimate connection to this land, where they've lived since time immemorial. They also rely on the forest for medicine, food, and shelter. They do not want this park on their land and have not given their consent to it, as they have shown and stated several times, even in WWF's own commissioned investigation. See [here](#).

Even though the park has not been officially established, there are armed rangers patrolling the area since 2008 who have committed violent atrocities against local people, like the Baka and their neighbors the Bakwele. WWF has been aware of this for many years but has done very little to tackle the problem.

[An investigation](#) launched by one of the funders of this project, the UN Development Programme (UNDP), obtained highly damning testimony of armed rangers beating the Baka: "The beatings affect men, women and children alike. Other reports refer to eco-guards pointing a gun at one Baka to force him to beat another Baka. Others refer to the eco-guards taking away the machetes of the Baka, then beating them with those machetes. There are reports of eco-guards forcing Baka women to take off their clothes and be 'like naked children'".

Following this investigation, the UNDP has decided to scrap the project for violating Baka rights. Also, the European Commission announced in May 2020 that it was suspending its funding for the creation of Messok Dja Protected Area. Nevertheless, WWF carries on with the project.

A Baka representative recently reported that although the situation has improved in the areas where Survival campaigned against the human rights violations, away from this international scrutiny the conservation abuses are continuing. He explained, "Here, the WWF was really a disaster. They didn't want the Baka people to be in the forest. They took the people out by force, saying that the Baka are all poachers, so they have to get out of the forest. This included using torture. Because of this, many people lost their families, their children, and even their lives. The Baka couldn't eat or sleep in their houses because of this torture, which took place in every community in the forest. They had patrols to keep the Baka out of the forest. WWF's work has been heading in the wrong direction for a long time. But now, with the work of Survival, WWF

can't go on like this. That's why today, the Indigenous Baka people from our area are doing a little better.”

“But in other areas, there are the same problems that we had before. African Parks is also working close to our forest. I have a lot of evidence that WWF and African Parks are still stopping us from hunting, fishing and gathering there...a Baka cannot live without fishing or hunting. Today, we can no longer eat well, even though we are human beings like everyone else. Why must we always be so marginalized? To this day we don't have the authorization to go into the forest, because it requires money. What kind of life is this project giving to us Baka? It is making our lives very difficult. Personally, I think that if things carry on and we can no longer go to the forest then the Baka people will disappear.”

### Jenu Kuruba in Nagarhole Tiger Reserve, India.

The Jenu Kuruba's forest, which they rely on for their survival, has been turned into a national park and tiger reserve without their consent. Since the creation of these Protected Areas the Jenu Kuruba have endured decades of harassment and forced evictions at the hands of Forest Department staff in and around Nagarhole.

Below are some examples of this abuse that have taken place in just the last few months.

In January this year, 28 families who had been evicted from their homes in 2010 attempted to return to their original village in the forest. They report that after 12 years in their relocation site they still hadn't received the compensation they'd been promised, and the land was uncultivable. [One woman described it as “hell.”](#) another told Survival, “They've just dumped us here like garbage, so we want to return to our land with dignity.”

Ten days after the families returned to their forest village, park guards, along with members of the Special Tiger Protection Force, arrived in the early morning and forcibly evicted them. The villagers, including pregnant women, were beaten with big sticks and forcefully dragged onto vehicles to be driven back to their resettlement site. One woman told Survival, “Some women tried to jump out of the moving bus, but they hit them, and pulled them back inside the bus. We kept shouting that we didn't want to return to the resettlement site.” The villagers report that once they arrived at the resettlement site, they were locked into a community centre and kept there for a day and a half as punishment.

In December 2021, Basava, a Jenu Kuruba man, [was shot and badly injured](#) just outside the park by forest guards. He believes he was targeted in retaliation for defending his sister when she was being harassed by the guards.

Far from being isolated examples, the Jenu Kuruba's experiences are illustrative of the [devastating situation](#) that Indigenous people are facing in tiger reserves across India.

## The plan to turn 30% of the planet into Protected Areas by 2030

The examples above clearly show that despite a change in the rhetoric, horrific abuses in the name of conservation are continuing unabated. This is why claims that the sort of conservation imagined under the 30x30 plan will be different ring so hollow.

The plan to turn 30% of the planet into Protected Areas has no [scientific basis](#), yet it is being pushed by governments, conservation organizations and industry as a solution to both biodiversity loss and the climate crises. [Study](#) after [study](#) has shown that Indigenous Peoples are the best conservationists and that they protect their land and its biodiversity at least as well, if not better than, Protected Areas do – at a fraction of the cost.

It is notable that, of the 20 targets in the previous global action plan on biodiversity, covering 2010-2020, the only one almost achieved was to increase the area of Earth designated as protected to 17%. Yet the conservation industry itself admits that biodiversity has declined even faster during the same period.

[A 2019 study](#) of more than 12,000 Protected Areas across 152 countries found that most had done nothing to reduce human pressure on wildlife over the last 15 years. Inside many the pressure has actually worsened compared to unprotected areas. By evicting Indigenous Peoples, the best conservationists are prevented from protecting nature.

30x30 is being pushed by conservation organizations who are set to receive billions of dollars to oversee the new Protected Areas associated with the target. Their scientists dominate the few scientific papers that are being used to justify this plan, with no questions being asked about conflicts of interest.

It is also being supported by the biggest polluting companies. They know that 30x30 diverts attention from the real causes of the climate crises and biodiversity loss - the exploitation of natural resources for profit and growing overconsumption, driven by the Global North. It promises a neat sounding solution, while allowing them to continue with business as usual – the new Protected Areas will create more carbon credits that they can use to continue to pollute.

The impact of 30x30 on Indigenous and local peoples, those who have contributed the least to the climate crises and biodiversity loss, is unimaginable. [A recent study](#) estimates that it could directly displace and dispossess 300 million people. The numbers of abuses, such as killings, rapes and torture are likely to rocket too.

Some people are calling for safeguards to be put in place in relation to 30x30; pushing for commitments within the Global Biodiversity Framework to respect Indigenous Peoples rights. However, we have heard these promises before and we know that the violations still continue.

The very notion of 30x30 is based on an entirely flawed premise, rooted in the colonial myth of “wilderness,” that Protected Areas are the solution to biodiversity loss. Whilst the scientific basis for 30x30 is very limited, there is [much in the science literature](#) that points to the need to reformulate and improve the way protected areas are located, governed, monitored and managed. An entirely new model of conservation is needed, one which doesn't see people and nature as separate, and has Indigenous Peoples and their rights at its heart. Tinkering with the

language will do nothing to stop the injustice of conservation if it's still based on this distorted premise.

[The “Marseille Manifesto: a people’s manifesto for the future of conservation”](#) was developed by many Indigenous and non-Indigenous activists and experts who gathered in September 2021 for the ground-breaking “Our Land, Our Nature” congress. It rejects the 30x30 plan and contains a blueprint for a new model of conservation which we urge the Special Rapporteur to endorse.

During this counter congress, more than 30 speakers from all around the world testified about abuses in the name of conservation. You can watch it [here](#) and [here](#).

### **The responsibility of international funders**

The scale of conservation funding is immense. In 2020 the [OECD reported](#) that global biodiversity finance was estimated at USD 78 - 91 billion per year, with International public expenditure between USD 3.9 - 9.3 billion. Much of this funding will be used to support the fortress conservation model, which evicts and excludes Indigenous and local people from their ancestral lands and employs guards who kill, rape and torture them. It's vital that national and international donors take responsibility for the projects they support and act to ensure that they are not funding evictions and human rights violations.

International funders have ignored this responsibility for decades, despite these issues being repeatedly raised with them by organizations such as Survival. Conservation organizations like WWF have had a free pass – with, for example, the US Department of Interior essentially allowing conservation organisations to conduct their own internal investigations to determine whether wrongdoing had occurred. The perceived moral good of conservation meant that they were under little or no scrutiny and were effectively auditing themselves.

Organizations and their funders cannot continue to turn a blind eye to these abuses. It is vital that legislation is introduced, wherever conservation is funded, to ensure that no money goes to any conservation projects that do not have genuine free, prior and informed consent or where the rights of Indigenous or local people are violated.

The US government's House Committee on Natural Resources has introduced the [“Advancing Human Rights-Centered International Conservation Act of 2022”](#) to strengthen human rights standards for the U.S. Department of the Interior's international conservation grants. The bill is not perfect, yet this proposed legislation is a huge step forward and sets a vital precedent that should be followed by all conservation funders.

### **In conclusion, Survival urges the Special Rapporteur to:**

- Speak out against the horrific human rights violations being carried out in the name of conservation and call for an end to funding of any conservation which does not have the genuine free, prior and informed consent of Indigenous and local people and where human rights abuses are occurring.

- Condemn fortress conservation, reject the 30% plan and call for a new model of conservation which has Indigenous Peoples and their rights at its heart.
- Call on all funding agencies to introduce binding legislation to ensure proper human rights safeguards are met; that there is full scrutiny of the conservation they fund and that they are not funding any conservation projects that take place on the lands of Indigenous Peoples without their genuine free, prior and informed consent.