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As you all know today 21 March marks a very special day. Today is the United Nations Day on the Elimination of Racial Discrimination because on 21 March 1960, police in South Africa opened fire and killed 69 people at a peaceful demonstration in Sharpeville, against the apartheid “pass laws”. The UN General Assembly proclaimed this Day in 1966 to commemorate this massacre and to call upon the international community to redouble its efforts to eliminate all forms of racial discrimination.

The various impacts of what I would term “structural discrimination” and “institutional racism” on Indigenous Peoples are reflected in high levels of poverty, maternal and infant mortality, low life expectancy, marginalization, social exclusion and limited access to adequate housing, healthcare, education, employment and decent working conditions; participation and representation, or to justice and redress. In addition, Indigenous Peoples continue to face discrimination in the exercise of their rights to own and control their lands and territories, their rights to consultation and free and prior informed consent and self-determination.

Discrimination and racism were used to justify colonial invasion and expansion, occupation of indigenous lands and territories, exploitation and domination of Indigenous Peoples and the whole scale destruction of entire indigenous societies. Racism was implicit in many legal doctrines such as the Doctrine of Discovery’s concepts of “terra nullius”, “effective occupation” which were used to justify the invasion of indigenous territories and the dispossession of their ancestral territories.

Racism justified the civilizing mission of colonial powers and their duty to bring the so-called benefits of Western civilization to “uncivilized” , “primitive” peoples or “inferior” races around the world. Racism is behind the contamination of indigenous lands, waters and territories by nuclear testing, dumping of toxic wastes, pesticides, fumigation, oil spills, dams or what peoples have termed environmental racism.

Racism is also behind the rejection of the legitimacy of indigenous values, institutions, justice systems, traditional knowledge and land management and conservation practises. Indigenous Peoples supposed “backwardness” and “irrationality” to manage their lands or internal affairs have crystallised as conventional wisdom in the minds of politicians and members of the judiciary system.

RACISM AND CONSERVATION

Racism is behind the evictions of indigenous peoples, the development of national parks and protected areas excluding the original inhabitants of these lands.

Today is also the International Day of Forests. Proclaiming the Day in 2012, the UN General Assembly called on the international community to celebrate and raise awareness of the importance of protecting forests and trees. Interestingly, the word ‘forest’ originates as a juridical term in early middle age in Europe to designate royal game preserves reserved for the king’s recreational activities. In Asia and Africa, the first protected areas were established as recreational opportunities, hunting grounds for Western colonial elites.

The first “protected areas” established in the USA such as Yellowstone National Park or the Yosemite National Park involved the violent evictions of Indigenous Peoples who had been living on these lands for thousands of years. Some of the earliest American advocates of conservation and protected areas promoting pristine environment and the fortress conservation approach, founders of high-profile conservation NGOs, were also famous proponents of scientific racism, colonial expansion and eugenics. Indigenous Peoples were seen as weak races and were doomed to disappear in the course of progress and modernity.

Conservation's colonial underpinnings continue to portray Indigenous Peoples as responsible for conservation problems, and permit practices that forcibly evict Indigenous Peoples from their ancestral lands and prevent them from practising hunting, fishing or grazing their animals, accessing sacred sites, collecting wood, often by extreme violence and militarized means.

It is now time to acknowledge and come to terms with the Western conservation's deep-seated systemic racism, which has historically excluded Indigenous Peoples and continues to do so. It is also time to operate a paradigm shift as conservation is about to become one of the main industries destroying Indigenous Peoples' lives and violating their human rights. This paradigm shift was already announced by the world's leading conservationists at the International Union for Conservation of Nature World Conservation Congress held in Durban in 2003 where the 2003 Durban Action Plan was adopted. In this regard, Targets 8 9 and 10 require that all existing and future protected areas are managed and established in full compliance with the rights of Indigenous Peoples and “ have representatives chosen by Indigenous Peoples in their management proportionate to their rights and interests” and require the adoption of “participatory mechanisms for the restitution of Indigenous Peoples' traditional lands and territories that were incorporated in protected areas without their free and informed consent [shall be] established and implemented by 2010”.

21 years after such announcement where are we? Conservation institutions and policies continue to exclude and discriminate against Indigenous Peoples. In the name of protecting nature, protected areas and national parks continue to be established on the lands of Indigenous Peoples without their consent, in violation of their rights to lands, natural resources and self-determination. Indigenous Peoples continue to be forcibly removed from their lands with devastating consequences. The colonial and discriminatory “fortress conservation” model continues to prevail and to be duplicated in conservation initiatives in Asia, Africa and Latin America.

HUMAN RIGHTS VIOLATIONS AND CONSERVATION

As UN Special Rapporteur on the Rights of Indigenous Peoples, I have witnessed myself during field visits the destructive impacts of conservation projects on Indigenous Peoples and their lands including violent evictions, destruction of their houses and traditional subsistence economies, expropriation of land, denial of self-governance. Indigenous Peoples can no longer hunt, fish, graze their cattle, they lose access to their religious, sacred and cultural sites. They are denied access to justice and reparation, including restitution and compensation. Indigenous Peoples are often forced to relocate without any resettlement programme or access to adequate housing, essential services, water, food, health care or education. The trauma experienced by Indigenous Peoples, in particular children, women and elders, who are forcibly evicted from their lands and homes create severe trans-generational post-traumatic stress disorder. Often, evictions are accompanied by extreme violence and severe human rights abuses perpetrated by rangers, police officers and army officials including torture and ill treatment, arbitrary arrests and detentions, unfair trial, extra-judicial killings, summary executions, enforced disappearances, sexual gender-based violence, death threats etc. % of the total defenders killed exposes the disproportionate targeting.

Beyond this horrific human toll, this model of fortress conservation undermines the very goals of conservation. Decades of experience with fortress conservation contradicts the argument that the removal of Indigenous Peoples is necessary for the conservation and or restoration of biodiversity. Mounting studies have shown that Indigenous Peoples possess the knowledge and ability necessary to successfully conserve and manage bio-diverse ecosystems more effectively than governments or conservation organisations, and at a fraction of the cost, particularly where their rights are recognized, respected and supported. The fortress conservation model diminishes rather than enhances local livelihoods and biodiversity.

Indigenous ancestral territories encompass about 22 per cent of the world's land surface that hold 80 per cent of the planet's biodiversity. The ancestral lands of Indigenous Peoples contain the most intact ecosystems. Wildlife is abundant on indigenous lands, but not because such areas are left untouched, but precisely because Indigenous Peoples have been occupying and conserving such lands for centuries.

As we all know, we are facing a global loss of biological diversity on a scale unprecedented in the entire human history. In December 2022, UN member states have endorsed the goal of protecting and conserving 30 per cent of the planet's lands and waters by 2030 in the Kunming-Montreal Global Biodiversity Framework at the COP15, also known as the 30 by 30.

The Framework acknowledges the important roles and contributions of Indigenous Peoples as custodians of biodiversity and as partners in its conservation, restoration and sustainable use. It also states that implementation must ensure that "the rights, knowledge, including traditional knowledge associated with biodiversity, innovations, worldviews, values and practices of Indigenous Peoples are respected, and documented and preserved with their free, prior and informed consent, including through their full and effective participation in decision-making, in accordance with relevant national legislation, international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples, and human rights law".

Despite this language, I remain extremely concerned by the potential negative impact of this 30 by 30 conservation project. Given that some 15.7 per cent of the world's land is currently covered by protected areas, to reach 30 per cent would require a doubling of the area under some form of conservation protection.

There is an urgent need to establish clear, coherent and consistent human rights guidance for both conservation organizations and major funders of conservation. A number of influential conservation organisations or conservation funders have no policy on the rights of Indigenous Peoples. Others have adopted standards or policy statements which represent an important step forward in reconciling conservation and Indigenous Peoples' rights, however many of these policies or guidelines present substantial weaknesses and gaps, are outdated or do not reflect the current human rights standards and jurisprudence as it applied to Indigenous Peoples.

To conclude, human rights-based conservation is the most effective, efficient, and equitable path forward to safeguarding biodiversity. The protection of the ecological integrity of critical ecosystems and positive conservation outcomes are strongly correlated with community-based management that engage Indigenous peoples and recognize their human rights, including their rights to self-determination, free and prior informed consent, ownership and ancestral lands, waters, territories and other natural resources

CALL FOR ACTION

On that special day, I call the international community including states, UN Agencies including UNESCO, conservation NGOs in particular the Wildlife Conservation Society, and the World Wide Fund for Nature, Co-operation Agencies in particular the United States Agency for International Development and the German Development Cooperation and other public and private donors and stakeholders to join their efforts to eradicate racism and racial discrimination in conservation embodied by the fortress conservation model, which continue to devastate the lives of millions of Indigenous Peoples in Asia; Africa) and Latin America.

I call upon donors, investors and funders to adopt explicit policies and guidelines for the rights of Indigenous Peoples that are aligned with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Guiding Principles on Business and Human Rights and recent developments and jurisprudence.

I call upon them to condition funding on the adoption and application of a solid Indigenous human rights-based approach by the recipient, prohibit funding to projects resulting in the forced resettlement of Indigenous Peoples or forced restriction of access to traditional and customary resources and prohibit funding to projects developed without the free, prior and informed consent of Indigenous Peoples and which will restrict their access to livelihoods or their lands.

I urge conservation organisations to demonstrate a genuine commitment to a human rights-based approach to conservation and the eradication of racism and racial discrimination in conservation. Indigenous Peoples should be recognised as equal partner rights-holders in conservation efforts undertaken on their lands and territories. Ensuring respect for the rights of Indigenous Peoples, rather than excluding them from their lands in the name of conservation, will ultimately benefit the planet and its peoples as a whole.

I call upon conservation donors including Cooperation Agencies to direct financial flows to support Indigenous Peoples to develop and sustain their own conservation initiatives. Indigenous Peoples should be acknowledged as key and equal partners in protecting and restoring nature and recognized for their conservation contributions. Indigenous knowledges and sustainable nature governance practices must be placed at the forefront of efforts to identify, designate, and manage new and existing areas important for cultural and biological diversity, including Indigenous protected and conserved areas, and other Indigenous efforts to protect biodiversity, such as Indigenous and Community Conserved Areas (ICCAs). These are forest and biodiversity conservation programmes designed, developed and led by those who have known, occupied and protected these forests for thousands of years.

I call for the rapid adoption of the H.R.7025 - Advancing Human Rights-Centered International Conservation Act of 2022.