

# *Reconciling Conservation and Global Biodiversity Goals with Community Land Rights in Asia*

## Executive Summary

In October 2021, government leaders from around the world initiated the 15<sup>th</sup> Conference of the Parties (COP15) to the Convention on Biological Diversity (CBD) to define the future of global conservation action. It is expected that in May 2022, as the process ends, parties will adopt the post-2020 Global Biodiversity Framework (GBF). Spatial targets, such as the ambitious 30x30 target to place 30 percent of the world's land and water under formal protection by 2030, have been the predominant empirical standard for measuring conservation success within the GBF.

This simplistic take on conservation has raised serious human rights concerns within global Indigenous and local community rights discourse. In an environment where identity and territorial rights are either not recognized or ignored, spatial conservation targets are largely met with skepticism and concern by Indigenous and community leaders. Understanding how global environmental targets such as 30x30 have and continue to be developed and implemented around the world requires a critical look at the political and economic history of conservation itself. The use of spatial targets to exert power and control over rural spaces or advance public and private interests at the expense of protecting the human rights of those who bear the brunt of its costs, needs to be addressed.

In Asia, as of October 2021, protected areas cover circa 15.37 percent of the region (478.5 mHa). **Together, over one billion people either currently live in these protected areas or in areas of high importance for biodiversity conservation in the region.** One hundred fifty million people live within protected areas while a further 859.2 million live in non-protected biodiverse areas covering an additional 23.8 percent of the region. This accounts for 23.3 percent of the region's population and highlights the extent to which people and biodiversity overlap. While exclusionary protected areas are often the most celebrated approach to meeting global conservation goals, evidence shows that when taken together, **the territories and areas governed, managed, and conserved by Indigenous Peoples and local communities are the dominant form of conserving and sustainably governing commons.** These communities invest an average of USD \$3.57 per hectare - globally representing nearly USD \$5 billion annually and equivalent to one quarter of the combined worldwide conservation spending by governments, donors, foundations, and NGOs - in the management, restoration, and preservation of the natural resource systems that they rely on. This makes Indigenous Peoples and local communities conservation leaders in their own right, even as they fight for space at the decision-making table.

This report argues that to effectively and equitably mitigate climate change and biodiversity loss, new conservation modalities are needed to end exclusionary approaches, embrace human rights-based strategies, and advance the recognition of the land, forest, water, and territorial rights of Indigenous Peoples and local communities who customarily own over half of the world's lands. We further demonstrate that the CBD Vision 2050 of harmony with nature will not be realized by excluding people from it. Instead, harmony with nature ultimately hinges on the recognition of human rights and intergenerational equity in all land-use decisions. To achieve such ends in the post-2020 conservation agenda, future actions and investments must recognize the conservation leadership of grassroots communities and prioritize the advancement of their land rights and cultural identities as a measurement of success.

### The importance of Indigenous Peoples and local communities in conservation

Globally, Indigenous Peoples and local communities have long been custodians of biodiversity. Their customary territories are estimated to contain 36 percent of the world's remaining intact forest landscapes and 80 percent of remaining biodiversity. The prevalence of biodiversity within these territories is linked to effective governance by customary rightsholders' communities. **Global data demonstrates that Indigenous and community rightsholders' lands have lower rates of deforestation, store more carbon, and hold more biodiversity than lands managed by either government or private entities.**

According to the International Labor Organization, 476 million Indigenous Peoples - or 6.2 percent of the global population - live in more than 90 countries. According to regional Indigenous organizations who also conduct demographic analyses, there could be as many as 411 million Indigenous Peoples in Asia alone. This figure does not represent non-Indigenous local and traditional communities. The diversity across these societies is not effectively recognized in national laws in Asia, nor are protections adequately enforced when they do exist. The lack of legal recognition of Indigenous customary institutions and

self-governance systems is underpinned by insecure tenure rights over ancestral customary territories. According to RRI, only 8.7 percent of the region's territories held by Indigenous Peoples and local communities are legally recognized.

Indigenous Peoples' valuable contributions protecting biodiversity are directly linked to their plurality of world views, cosmologies, time-tested practices, and relational values expressed through their intergenerational knowledge systems. Each community interacts with its local environment through a different set of rules, traditional institutions, and sustainable practices. These will be side-lined if national governments continue to favor top-down exclusionary and Western conservation modalities, an extension of the colonial history of much of the region. Even the more egalitarian IUCN-protected area categories (categories IV, V, and VI which provide avenues for resource use or management) are predominantly governed by state actors rather than the communities who customarily steward these territories.

## Grassroots conservation leadership is under threat

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According to a 2021 technical review by major conservation organizations, **over 25 percent of customary territories are now threatened by commodity-driven development globally.** Much of the carbon stored within these lands, once lost to large-scale logging, agriculture, mining, and other processes leading to forest loss and land use and land cover changes, will not be recoverable on timescales needed for avoiding dangerous climate and biodiversity impacts.

Communities demonstrate conservation leadership through their political struggles that aim to preserve ancestral knowledge and customary institutions, enable gender-sensitive and inclusive processes, and mobilize wide-scale advocacy for reforms or laws recognizing their fundamental human rights and identities. In Asia, **standing up for their rights has repeatedly endangered grassroots leaders** who are disproportionately targeted by authorities and industry-linked actors for defending their rights and the integrity of their ecosystems.

Overall, the region epitomizes the type of political environment that favors businesses at the expense of human rights. Governments often use protected areas to gain strategic control over rural landscapes while offsetting environmental exploitation elsewhere. Environmental safeguards and human rights are seen as detrimental to economic development and are overlooked when business interests are favored. These challenges have been exacerbated throughout COVID-19, even as communities continue to show immense resilience.

## Way forward

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Addressing the dual climate and biodiversity crises hinges on the full recognition and security of Indigenous Peoples and local communities' rights. This recognition of rights is a means to empower agency, autonomy, traditional practices, and ancestral knowledge that are central to their adaptive environmental contributions. Promoting Indigenous and community governance over biodiverse lands will cost a fraction of the financial burden of mainstream approaches. Indigenous Peoples and local communities are already actively involved in conserving their ancestral and traditional territories, making both direct and in-kind investments in the management, restoration, and preservation of natural resource systems that they and others depend on. The notional cost of resettling and compensating communities and replacing existing community conservation practices in the event of displacement, could be anywhere between 100 to more than 1,000 times the cost of recognizing their tenure rights, which is estimated to cost USD \$312.6 million in **India**, USD \$200 million in **Indonesia**, and USD \$23.1 million in **Nepal**.

While a range of safeguards have been developed to ensure that conservation actors respect the land and resource rights of Indigenous Peoples and local communities, the world lacks a common set of globally recognized principles grounded in international human rights laws and developed in collaboration with rightsholders themselves. One key remedy may be adapting the Land Rights Standard for conservation efforts. The Land Rights Standard provides clear and actionable 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.

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