



**Project Expedite Justice  
Conservation and Indigenous Peoples' Rights Project**

**Trapped Outside the Conservation Fortress:  
The Intersection of Global Conservation Efforts and Systematic Human  
Rights Violations  
*Executive Summary***

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This Report is part of Project Expedite Justice's ("PEJ") contribution to a more just and equitable world. In particular, this project fuels the quest that Indigenous Peoples ("IPs") and other key stakeholders have followed in pursuing the respect and defense of IPs' rights when impacted by the creation of conservancy areas. Our main objective with this Report is to amplify those voices and contribute to the conversation with our expertise. Nonetheless, the spotlight should rightly remain on IPs and those organizations that have supported them throughout the years. We would like to thank all IPs and stakeholders who took their valuable time speaking to us and supporting our research to find the truth. We emphasize that this Report and the views expressed herein represent PEJ's conclusions and do not necessarily represent, in any way, the opinions of the people and organizations that supported us throughout this process. We will be forever grateful for all the conversations and support generously provided to us along our journey. Together, we will advocate for the affected communities until a change is realized.

**Foreword**

Conservationists have forgotten that Indigenous Peoples ("IPs") have been taking care of nature and biodiversity long before the creation of protected areas. Forced displacements, losses of land, exclusion, and the progressive destruction of culture and indigenous knowledge are the foreseeable consequences of creating protected areas. Today, IPs are mostly excluded from the forests. Forests have served as the ancestral homes of IPs since the beginning of time. Current policies have created negative consequences that plague IPs across the globe. Protected areas are seen as a curse for "forest peoples," as IPs are



experiencing starvation, poor health, physical violence, bullying, and terror. Eco-guards are a constant threat to their right to life.

Under the guise of buzzwords, including the “fight against poaching”, IPs are arrested, mistreated, and tortured. IPs homes are burnt to the ground, and the list goes on. Large entities wielding power and control take advantage of this unfair playing field. Instead, they knowingly favor repression in their conservation strategy to the detriment of the co-management and/or the effective involvement of communities, most saliently IPs.

Community leaders who voice opposition to restrictions and negative consequences of conservation are silenced by unacceptable methods. International NGOs do not hesitate to weaponize the justice system to shut down our claims. There is little to no restitution or reparations for the harm they cause by depriving IPs of our access to resources.

In light of what is happening in protected areas, all donors should review their strategies and apply a rights-based approach to conservation policies that benefits both communities and biodiversity.

Trésor Nzila Kendet, Development Action Center, Republic of Congo  
December 4, 2021

## **Introduction**

Protected areas (“PAs”) are considered one of the leading strategies to counter climate change, particularly since 2017 when a group of scientists called for increased conservation efforts. The scientists advocated for 30% of the Earth’s surface to become protected by 2030, thereby preventing the 1.5°C temperature increase that would cause irreversible environmental damage. This is called the ‘Global Deal for Nature’ (“GDN”).

Historically, PAs have been problematic, given how they have been established. PAs are usually created on IPs’ ancestral lands, invoking processes including land dispossession, human rights and IP’s rights violations, and the commission of foreseeable violent crimes. These violations are usually perpetrated by empowered, overzealous, and under-controlled law enforcement personnel and park rangers. All of these elements threaten the survival of IPs, who were once the guardians of the coveted lands. Governments, international



conservation organizations, and sometimes private actors are involved in these processes, as shown by BuzzFeed reports in 2019 and investigations by several human rights organizations.

As the support for the GDN grows, a corresponding increase in PAs will foreseeably occur. Proper planning requires a primary focus on IPs from a human rights-centered and compliant perspective. Without integrating IPs' values and views, the outcome will probably be permanent displacement due to what IPs and other stakeholders believe will be the largest land grab in history.

This exploratory Report ("Report") is part of PEJ's Indigenous Peoples' Rights and Conservancy Project's effort to highlight and amplify the claims, research, and documentation that IPs and other stakeholders have embraced for years. In addition, it aims to provide a global view to appreciate the opportunity for action, notably by identifying common elements, trends, and patterns related to the creation and enforcement of PAs. The reported incidents are not isolated events occurring around the world. Instead, the incidents demonstrate that the existing model for creating and implementing PAs generates a systematic pattern of excluding IPs by committing human rights abuses and threatening their security and traditional existence. This Report was created by combining four months of desk research with interviews of IPs and other stakeholders who shared information, documentation, and research with us. The aim of the Report is to illustrate what an "exclusionary conservation" or a "fortress conservation" policy means by drawing attention to the presence of a systematic pattern of abuse across 10 selected PAs. The identification of PAs was conducted based on the availability of information and the opportunity to collaborate with IPs on the ground and with other stakeholders. This Report presents an overview of each PA and its history. Further, we provide a summary of findings based on three factors that collectively demonstrate a systematic pattern. The three factors are as follows: (1) land dispossession and displacement; (2) indirect human rights violations arising from dispossession and displacement; and (3) gross human rights violations and abuses committed against IPs still living inside or in the vicinity of the PAs.

Since 2019, following an increased focus on conservation efforts, several international conservation organizations, including but not limited to, the World Wide Fund for Nature ("WWF") and the Wildlife Conservation Society ("WCS"), have tacitly acknowledged shortcomings in the global conservation model and committed themselves to an

indigenous-led approach to global conservation. However, these improvements are meager at best. Their proposed solutions do not adequately address the core of the problem by failing to comply with the necessary standards and implementation requirements. Given that this report's objective is to present the pattern underlying the creation and management of PAs, it includes both incidents that occurred before 2019 and ongoing human rights violations and abuses.

### **Analysis and Conclusions**

After analyzing the human rights violations reported in the 10 selected protected areas, PEJ came to the conclusion that these violations are systematic in nature across the studied areas and follow a three-element pattern mentioned above.

#### *Systematicity Under International Law*

According to international law, the existence of patterns underlying human rights violations and international crimes is evaluated by applying the elements of 'systematic' conduct, as defined in relation to crimes against humanity. The notion of 'systematicity' encompasses the organized nature of a series of acts and the improbability of their random occurrence. We question whether a series of similar acts could be connected and respond to a common dynamic or 'policy.' In the words of judges at the International Criminal Court ("ICC"), "the existence of 'patterns of crimes,' [is] evidenced by non-accidental repetition of similar criminal conduct on a regular basis." To assess patterns, the ICC considers elements such as (1) the commission of identical acts or similar practices; (2) the occurrence of the same modus operandi; or (3) the similar treatment of victims across a wide geographical area. Additionally, other elements developed and followed by case law to evaluate systematicity are: (1) the existence of a plan or objective connecting the acts; (2) devoting significant resources to those acts; (3) the implication of high-level authorities; and (4) the large scale commission of those linked acts. If several or all of these elements occur in a set of abuses, it can be said that they are systematic. At this time, PEJ applies the notion of systematicity to determine the existence of a pattern across 10, and possibly more, PAs.

#### *The Pattern Identified in Protected Areas*



In the case of documented human rights violations and abuses against IPs through the creation and management of the selected PAs, the following similarities are pointed out as constituting the identified pattern.

First, the decision to create a PA is taken without the IPs' free, prior, and informed consent ("FPIC") or following flawed processes, either with lack of information, rushing the procedures, or misrepresentation. In many circumstances, domestic legal instruments are created and enforced, which notably include the restriction or ban to enter the ancestral lands within the borders of the PA.

These are inconsistent with Indigenous rights as well as human rights. As policies and regulations are executed, the IPs are exposed to and suffer a series of evictions, land disposessions, and displacements. These forced migrations are often marred by violent crimes or abuses against IP's bodily integrity and property, including beatings, rape, looting, and torching of property. As illustrated throughout the Report, these crimes are committed by eco-guards or law enforcement personnel with the support of governments, international conservation organizations, and, in some cases, private actors. The process of relocation that follows is precarious, often leading to no land or land tenure insecurity in territories where resources are usually limited and therefore insufficient for IPs livelihood. The violence against IPs does not end there.

Second, another set of abuses comes from eco-guards or other law enforcement officials who commit alleged violations of PA regulations under the guise of anti-poaching. The abuses occur mainly when IPs enter the PA – to gather the resources they cannot find in relocation areas, exercise their traditional customs, or access sacred sites – and are intercepted by law enforcement personnel. This situation does not happen exclusively inside the PAs but also occurs in buffer zones or even in permitted areas as demarcations are unclear. Eco-guards confiscate IPs' resources and weapons, impose fines (real or fake) or extort them, and on many occasions beat them, insult them, or harass them. There are also arbitrary detentions and shootings that lead to injury or death. Other widespread abuses include torture, forced disappearance, and rape. Many of these situations occur due to the eco-guard's militarized focus, deficient human rights orientation, exacerbation of discriminatory dynamics against IPs, incentives for results, and corruption factors.



Overall, there is no proper surveillance of eco-guards or law enforcement personnel that would safeguard IPs' rights. There is also perceived impunity as investigations, convictions, and redress is scarce or inexistent in the selected PAs.

This process, observed in all of the studied PAs, leads to two main categories of human rights violations. The first category includes violations of the right to food, healthcare, and related human rights violations, as IPs cannot access sufficient resources to cover their needs. Thus, leading to malnutrition and sickness. The second category includes violations of cultural rights, given that access to ancestral land and the practice of traditional sustenance activities is central to IPs' identity. There is a pronounced impact on their social structure, stability, and on their very existence, as their identity is marginalized by the impossibility to carry out such practices. These violations are contrary to internationally recognized human rights, including the United Nations Declaration on the Rights of Indigenous Peoples which emphasizes IPs' rights to land; protection, practice, non-assimilation, or destruction of their culture; and their right to development in accordance with their own needs and interests, among others.

These violations occur in an almost identical manner in all 10 selected PAs, following the same order, dynamics, and even involving the same actors, both at the execution and organizational level. Taken together, these elements can be viewed as constituting a pattern.

### **Fortress Conservation Leads to Systematic Violations**

This conservation model occurring in the selected PAs fits the elements described by international law to satisfy the criteria of 'systematicity.'

First, the commission of identical acts or similar practices, and gross human rights abuses of analogous nature have occurred in the 10 PAs. The same modus operandi has been employed in the creation of the PA through land dispossession and displacement, and it's frequently accompanied by the adoption of conservation laws that are violently enforced. Predictably, this leads to the commission of indirect and gross human rights violations against IPs. These acts can be observed in PAs located in different countries in Asia and Africa, covering a wide geographical area.



Second, a plan or objective connects the incidents across the 10 selected areas: creating and enforcing PAs for conservation purposes. This goal does not need to be illegal in itself or explicitly designed to perpetrate the abuses. Here, the plan is demonstrated by the significant amount of resources devoted to the commission of those abuses, starting with the logistical and operational costs to create the PAs to the expenditure destined for law enforcement personnel and their anti-poaching operations. Furthermore, many of the decisions that lead to these violations are taken at a high level. High-level Government Officials are involved in the creation of the PAs and the promulgation of legislation. Senior officers in law enforcement agencies and high-level officers in park management cooperate with the Government and the private sector.

Additionally, those incidents are committed on a large scale, considering the number of victims in the eight countries analyzed in this Report and the persistence of crimes and violations over time. The gravity of these crimes is even more acute because the size of the Indigenous groups living in these areas is reduced: they threaten their very existence as an ethnic group. An additional aggravating element is the existence and the knowledge of serious complaints and reports by the involved actors, mainly governments and international conservation organizations, and the decision to continue the PA operation without properly addressing and redressing the violations, holding those responsible accountable, and taking appropriate measures to prevent the repetition of such abuses and crimes.

The constellation of these elements leaves us with the conclusion that the human rights violations committed in creating and enforcing PAs are systematic under international law. The model applied to the creation and administration of PAs has provided an ideal environment for these abuses to occur systematically. IPs are excluded from the beginning of the process, and every step of the PAs' creation and management intensifies their vulnerability, driving them into a cycle where their rights are constantly violated. It is no coincidence that similar violations are observed in various PAs worldwide where different actors are involved; it reflects a flaw in the global architecture according to which PAs are created. These crimes and violations are bound to repeat themselves, at the expense of IPs, until they are extinct.

We hope our Report will serve as an asset for IPs in defense of their rights and a contribution that demonstrates the scale and gravity of these human rights abuses when



fortress conservation projects are implemented. The only solution is to include the IPs at the center of the conservation efforts as peer stakeholders with equal decision-making authority, prioritizing their human rights and land rights as a central tenant of the global conservation system. Moreover, it has been demonstrated that PAs with strong IPs involvement in management and decision-making deliver better results in conservation and human rights protection

It is important to note that this Report should not be construed as exhaustive or tantamount to a fully aired in-depth investigation applying strict and high standards of proof. Nor is it meant to be an indictment against those responsible for these selected incidents. Instead, it is the first step in seeking to address the harms that IPs have suffered, demonstrating that these human rights abuses are not random or isolated occurrences. The human rights abuses result directly or indirectly from a PA creation model that systematically disregards IPs and their rights in the name of conservation.