

URGENT CALL TO ACTION:

Building a Coherent Legal Framework
for Conservation, from Criminalisation
to Genuine Partnership and Collaboration



Indigenous Peoples
Rights International

Championing Indigenous Peoples Rights

Context and background



*My home was completely burnt by the police.
I have nowhere to live.
My children disappeared in the bush, and as we speak,
I don't know where they are*
—*Jesica Murani, Maasai resident of Ngorongoro.*ⁱ

Jesica is a Maasai pastoralist from Ngorongoro in northern Tanzania. Like thousands of other Maasai families, she was told by the government to leave her ancestral land when it was declared a national park. For the global public, this might appear as a step forward for “conservation.” But for Jesica and her people, it meant the loss of their homes, their livelihoods, and their dignity. What was celebrated as an act of protecting nature turned into an act of violence against those who had cared for that land for generations.

This tragedy is not confined to Tanzania. Across the world, Indigenous Peoples continue to face displacement and criminalization in the name of conservation. Entire communities are uprooted from their lands—the very lands that have remained biodiverse and resilient precisely because of Indigenous stewardship. This injustice persists despite repeated commitments by governments and conservation organizations to adopt inclusive and rights-based approaches.

Conservation that disregards people creates conflict and perpetuates injustice. But conservation that respects human rights—especially the rights of Indigenous Peoples—becomes stronger, fairer, and more sustainable. Protecting biodiversity and protecting human dignity are not contradictory; they are inseparable. As the Inter-American Court of Human Rights reminded us in the case of the Kaliña and Lokono Peoples v. Suriname: “Respect for the rights of Indigenous Peoples may have a positive impact on environmental conservation. Hence, the rights of the Indigenous Peoples and international environmental laws should be understood as complementary, rather than exclusionary, rights.”ⁱⁱ

There are already global commitments that recognize this truth. The International Union for the Conservation of Nature (IUCN) and its members—governments, civil society organizations, and institutions—have pledged to uphold a human rights approach to conservation, grounded in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Kunming-Montreal Global Biodiversity Framework (GBF) strengthens this commitment, with its “30x30” goal to conserve 30% of land, water, and seas by 2030, explicitly acknowledging Indigenous Peoples and their territories. It goes further by requiring the respect of Free, Prior, and Informed Consent (FPIC) for access to traditional knowledge, safeguarding the customary sustainable use of resources, ensuring fair and equitable benefit-sharing, and guaranteeing the full and effective participation of Indigenous Peoples in biodiversity decision-making.

At the 16th Conference of the Parties (COP16) of the Convention on Biological Diversity (CBD), important steps were taken with the establishment of a Subsidiary Body on Article 8(j), mandated to strengthen policies on Indigenous land tenure and protection. States also adopted a global land tenure indicator, recognizing that secure land rights are central to the protection of biodiversity. Significantly, COP16 emphasized the urgent need to end conservation practices that forcibly displace Indigenous Peoples.

These advances are promising, but they remain fragile unless translated into action at the national and local levels. What is urgently needed is a coherent legal framework that ensures all environmental and conservation laws are fully aligned with international human rights obligations. Without such legal coherence, the lofty commitments made in international fora risk becoming hollow promises.



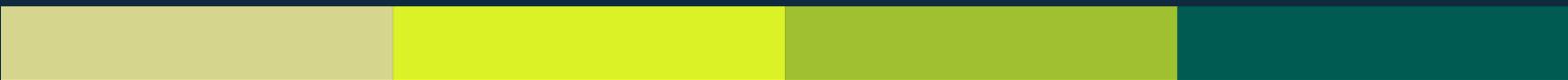
*Villagers in Similipal Tiger Reserve from CNAPA.
Photo: Community Network Against Protected Areas (CNAPA)*

The path forward is clear. Conservation must break with its colonial legacy of exclusion and criminalization and embrace a future grounded in justice and self-determination.

That means recognizing Indigenous Peoples not as obstacles but as leaders and rights-holders. It means protecting their lands and securing their tenure as a foundation for global biodiversity. And it means ensuring that every conservation policy, law, and practice is rooted in respect for human rights.

Jesica's story should never have been possible. It serves as a reminder of what happens when conservation ignores fundamental human rights. If the world is serious about protecting nature, it must be equally serious about protecting the people who safeguard it. Conservation must not come at the cost of people's lives. It must be built on justice, dignity, and the leadership of Indigenous Peoples.

To turn these commitments into reality, governments must adopt coherent legal, policy, and administrative measures at every level. Existing laws and practices need to be reviewed to ensure they fully align with international human rights obligations and responsibilities. Legal coherence is central to this effort, ensuring that all environmental laws and policies uphold these obligations.



Lack of a coherent legal framework for the protection of Indigenous Peoples rights in conservation

Despite the progress made at the policy level on a human rights approach to conservation, including the recognition and respect of Indigenous Peoples' rights, **Indigenous Peoples Rights International (IPRI) has continued to receive information and complaints from Indigenous Peoples all over the world on violations of their fundamental human rights due to conservation laws and policies.** We have examined the impact of the establishment of protected areas in this regard, including as vectors of violence and criminalization against Indigenous Peoples,ⁱⁱⁱ as well as the impacts on Indigenous collective and individual rights of tourism, which is often linked to conservation actions at the domestic level.^{iv}

To better document this issue, IPRI is conducting an analysis of the conservation legal and policy frameworks in twelve countries across Africa, Asia, and Latin America to assess their consistency with international obligations regarding the rights of Indigenous Peoples.

This briefing paper aims to provide a summary of the preliminary findings of the ongoing studies and some key recommendations.

Indigenous Peoples and their rights: Impact of domestic environmental laws and policies

For centuries, Indigenous Peoples have been living and protecting biodiversity in our territories, as it is integral to our ways of life, identities, cultures, and knowledge. However, colonization and forced assimilation have resulted in the massive exploitation, expropriation, and destruction of indigenous lands, territories, and resources. Indigenous peoples worldwide have confronted this domination.

After 30 years of local struggles and international negotiations, our collective rights were finally affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2008. These rights include our right to self-determination, to our lands, territories, and resources, to our own social, political, and economic systems, to our path to development, to our cultural integrity, along with our languages, distinct identities, and lifestyles.

As shown by the examples below, these rights continue to be violated at the domestic level in

the context of conservation due to the lack of consistency between environmental legal frameworks and the internationally recognized rights of Indigenous Peoples. It is evident that conservation and environmental protection laws and policies not only fail to recognize and safeguard these rights but, in many cases, actively enable and cause their violation, resulting in the systemic criminalization of Indigenous Peoples.



Thailand. The police did not allow the protesters to come within 50 meters of the Government House. Photo: Network of Indigenous Peoples in Thailand (NIPT)

Cambodia



Although Cambodia's 2008 Protected Area Law explicitly recognized Indigenous Peoples' access to traditional uses, customs, and beliefs, the draft amendment of the Environmental Code eliminates any reference to Indigenous Peoples. **The Environment and Natural Resources Code of 2023 has replaced Indigenous Peoples with "local community", an outright denial of collective rights, including the right to self-determination and FPIC.**

The expansion of Virak Chey National Park in Ratanakiri province overlapped with the rotational farming land and ancestral land of Indigenous Peoples in the area, leaving them at risk of losing all their farmlands and being charged with encroaching on their own lands.

In 2024, Chong Indigenous community members were arrested and detained for some months without trial, for carrying out traditional livelihood activities such as farming, resin tapping, and collecting forest products on their customary lands, where the Southern Cardamom National Park, as a REDD+ project of 2015, is implemented.

Cameroon

Article 3 of Decree No. 95/531/PM (1995) strictly prohibits all human activity in national parks in Cameroon. Many of them overlap the traditional territories of the Baka, Bagyeli/Bakola, and Bedzang Peoples, leading to their forced eviction from areas such as Lobéké, Nki, Boumba-Bek, Campo Ma'an National Parks, and the Dja World Heritage Reserve—without their FPIC.

The lack of legal clarity on subsistence hunting criminalizes Indigenous practices tied to survival and cultural rituals, with Baka communities around Lobéké National Park reporting abuses when caught gathering or hunting. Further, Decree No. 77/245 (1977) marginalizes Indigenous communities by classifying them as hamlets or encampments rather than villages, excluding them from rights to own and manage community forests, unlike Bantu groups.

In their implementation of Decree No.95-466-PM (1995), **eco guards confound traditional subsistence hunting with poaching, thereby criminalizing forest-dependent Indigenous Peoples when they hunt for consumption and not for commercial purposes.**

Democratic Republic of Congo (DRC)

Law N° 14/003 of February 11, 2014, continues to uphold the historical exclusion and forced displacement of Indigenous Peoples from their ancestral lands. The law permitted the expansion of protected areas into Indigenous lands without their FPIC and often involved violence and abuses.

Although the government adopted Law No. 22/030 (2022), **the first national law aimed at protecting and promoting the rights of Indigenous Pygmy Peoples, the ulterior Provincial Decree No. 24/279/GP/SK (2024) remains inconsistent with the respect for their rights.** It opens the way for violence and their criminalization when they access forest resources on which they depend.

Indigenous Peoples have repeatedly been evicted from their lands due to national parks such as Kahuzi-Biega National Park. In February 2020, eight Indigenous Batwa individuals were convicted by the Bukavu Garrison Military Court for alleged offenses related to their presence on ancestral lands within Kahuzi-Biega National Park (PNKB). Six men, including community leader Jean-Marie Kasula, **received**

15-year prison sentences and fines of \$5,000 each. Two women were sentenced to one year in prison and fined heavily. Additionally, between February 1 and 5, 2021, 1,215 houses belonging to Indigenous Pygmy communities were burned in several villages in the Bianga sector, Monkoto Territory, Tshuapa Province, displacing 20,130 people.

Guatemala

The 1989 Protected Areas Act allows for forced displacements, as seen in 2017 when about 450 people were evicted from the Laguna Larga community in Petén, which is inside the Maya Biosphere Reserve. Declared as illegal occupants under the Act, the community was expelled without their FPIC and still lives in precarious and inhumane conditions along the Guatemala-Mexico border. **The Inter-American Commission on Human Rights (IACoHR) has determined they face irreparable harm and threats to their lives and safety. To this day, the community continues to live in deplorable conditions.**

India

The Wildlife (Protection) Act of 1972 created a strong legal framework for wildlife conservation, but by criminalizing customary forest use -such as collecting honey, mahua flowers, firewood, or fishing- it marginalized Indigenous Peoples. Its 2006 Amendment aimed to balance tiger conservation with recognition of forest dwellers' rights, but it falls short of UNDRIP standards.

The Project Tiger of 1973 has caused large-scale displacement of Indigenous Peoples, often without proper FPIC or adequate reparations, leaving Indigenous communities vulnerable to harassment, violence, and even death.

On June 16, 2025, Ho Adivasi women from Bakua village, located within the Similipal Tiger Reserve in Odisha, were attacked by forest guards while transporting roofing materials needed urgently before the monsoon.



*Villagers in Similipal Tiger Reserve from CNAPA.
Photo: Community Network Against Protected Areas (CNAPA)*

They were unjustly stopped, verbally abused with sexist slurs, dragged, beaten, and had their clothing torn. A peaceful protest by affected villagers to raise awareness about this violence was met with increased repression.

Indonesia

Law No. 5/1990 on Conservation of Living Natural Resources and their Ecosystems, the primary conservation law in Indonesia, **recognizes the importance of community participation in conservation efforts but does not specifically address the rights of Indigenous Peoples or their involvement.**



The law has established national parks, wildlife sanctuaries, and nature reserves, often on lands traditionally used and managed by Indigenous communities and penalizes any activity that damages these reserves or violates regulations concerning protected plants and animals.

The 2024 amendment to this law restricts the traditional economic activities of Indigenous communities. **It even allows for conservation expansion into lands already inhabited and used by Indigenous Peoples.**

Mikael Ane, an Indigenous leader from Flores, Indonesia, was acquitted of charges in May 2024 after Indonesia's Supreme Court overturned his conviction for building a house on his own ancestral land, which was also designated as a national park by the government without the FPIC of the community. This landmark ruling, following a 2013 conviction for cutting trees on the same land, was a victory for Indigenous land rights but also highlighted ongoing conflicts between state conservation laws and customary land practices in Indonesia.

Namibia

The enforcement of Section 18 of the 1975 Nature Conservation Ordinance has resulted in the eviction of San Indigenous Peoples from their ancestral territories, criminalizing traditional activities without official permission.

The Khwe San, considered acephalous communities, have been denied recognition of their traditional authorities under the Traditional Authorities Act of 2000, preventing them from owning or managing conservancies. After their eviction from Bwabwata National Park, the Khwe were subsumed under the Mbukushu Traditional Authority, stripping them of their status as a distinct traditional community. Forced displacement led to the loss of their ancestral lands and cultural practices, leaving the Khwe without a formal traditional authority, thus limiting their ability to influence decisions regarding their lives and land.

Nepal

The National Parks and Wildlife Conservation Act of 1973 in Nepal, which **led to the creation of national parks such as the Chitwan National Park and Bardiya National Park, severely impacted Indigenous Peoples by restricting their traditional access to ancestral lands and resources, criminalizing subsistence practices like fishing and cultivation, and leading to forced evictions, landlessness, and economic hardship.** Shikharam Chaudhary, of the Tharu community, died in 2006 under suspicious circumstances in Chitwan National Park (CNP). Shikharam was allegedly tortured by park rangers during an interrogation, leading to his death.

Section 5 of the Forest Act (2019) gives the government broad control over all natural forests as public forests, without requiring FPIC from Indigenous Peoples, compensation for confiscated lands, and disruption of traditional land use and resource access. Current concerns also focus on the government's draft legislation on Other Effective Area-Based Conservation Measures (OECMs), which proposes 57 protected areas—including Tinjure-Milke-Jaljale, Chepang Landscape, and Limi Valley—without consulting Indigenous Peoples, raising fears of further land dispossession similar to what has occurred with national parks.

Tanzania

The Wildlife Conservation Act No. 5 of 2009 **grants the Tanzanian President the authority to declare any land a Game Reserve without adequate consultation or consent, ignoring Indigenous land rights** and restricting access to their traditional lands.

On December 14, 2022, an estimated 1,772 cattle belonging to the pastoralists of Ngorongoro District were sold at a public auction by court order, without the owners' knowledge. The cattle owners were reportedly threatened with trespassing and robbery if they tried to reclaim their cattle.

In January 2024, the government announced plans to forcibly remove 100,000 Maasai pastoralists from the Ngorongoro Conservation Area, while 135 households already relocated to Msomera protested in April 2024 over unfulfilled promises of compensation, housing, and grazing lands.

Legislation governing Game Reserves criminalizes traditional hunting and grazing practices of the Maasai, Hadzabe, and Barabaig, putting them at risk of arrests, violence, and forced displacement. Military operations and corporate involvement, such as by UAE's Otterlo Business Corporation in Loliondo, have enabled abuses with impunity, including mass displacements, injuries, killings, and brutal acts by park rangers.

Thailand

The 2019 National Parks Act exacerbated violations against Indigenous Peoples by failing to recognize their land rights and traditional practices, leading to increased criminalization, forced evictions, and conflicts over ancestral lands, despite a Supreme Administrative Court ruling in 2018 that acknowledged Karen people as original inhabitants and ordered compensation for property destruction.

Similarly, the Community Forest Act of 2007 and the 2014 "Return Forest Policy" have historically restricted Indigenous access to their ancestral territories and traditional practices, often framing them as encroachers rather than recognizing their role as long-standing stewards of the land.

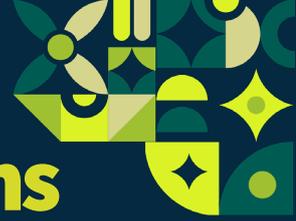
A major case of criminalization of the Karen people in Thailand took place in Kaeng Krachan National Park, where conservation policies led to forced evictions of the Karen community.

In 2014, Karen activist Porlajee "Billy" Rakchongcharoen, who opposed the evictions, disappeared after being detained by park officials. Despite DNA evidence linking his remains to a burned oil drum, four officials—including former park chief Chaiwat Limlikitaksorn—were acquitted of kidnapping and murder in September 2023.



Indigenous people and forest-dwelling communities gathered in front of Chiang Mai Provincial Hall to demand amendments to forestry laws that affect forest-dwelling communities. Photo: Network of Indigenous Peoples in Thailand (NIPT)

Conclusions and recommendations



As demonstrated by the cases mentioned above, many current environmental laws and policies in various countries around the world are legalizing gross violations of Indigenous Peoples' human rights in the name of conservation goals. This calls for a thorough review and amendment of these domestic legal and policy frameworks. Emerging good practices, such as the recently adopted Decree 1275/2024 in Colombia recognizing indigenous traditional authorities as environmental authorities, illustrate how new legal and policy frameworks can foster collaboration between Indigenous Peoples and States to work together to meet the environmental global goals while fully respecting human rights.

Therefore, IPRI would like to recommend IUCN to:

Develop and adopt a resolution focused on the need for legal consistency between environmental legislation and international human rights standards regarding the rights of Indigenous Peoples, including the UNDRIP. The resolution should call on:

- 1. States to conduct national legal reviews and adopt the necessary reforms** to align laws and policies with those international standards.
- 2. It should also require international conservation organizations and other conservation actors to implement their commitments to respect the rights of Indigenous Peoples,** establishing effective mechanisms of engagement, collaboration, and partnerships for rights-based and inclusive conservation, recognizing the knowledge and leadership of Indigenous Peoples.
- 3. Donors to support Indigenous-led conservation practices and initiatives** and ensure a policy of zero tolerance for human rights violations in their support of conservation programmes and projects.

The process of developing the resolution should involve Indigenous leadership. Member Indigenous organizations within IUCN could play a vital role in drafting, promoting, and advocating for the resolution before the next World Conservation Congress. Building alliances with supportive state and NGO members would be essential to ensure broad support. Prior consultations and coordination with Indigenous communities, legal experts, and allies would also help ground the resolution in lived realities and diverse regional contexts.

¹ Makoye K., "Indigenous groups in Tanzania become victims of land grabbing". Anadolu Agency, July 13, 2022, <https://www.aa.com.tr/en/africa/indigenous-groups-in-tanzania-become-victims-of-land-grabbing/2635793>

² Inter-American Court of Human Rights, *Kaliña And Lokono Peoples V. Suriname. Judgment of November 25, 2015. (Merits, Reparations and Costs), Series C No. 309, par 173.* https://www.corteidh.or.cr/docs/casos/articulos/seriec_309_ing.pdf

³ Indigenous Peoples Rights International, "Redefining protected areas: A study on the criminalization of and human rights violations against Indigenous Peoples in conservation". January 04, 2022. <https://tinyurl.com/2jpvjhvt>

⁴ Indigenous Peoples Rights International, "Submissions to the UN Special Rapporteur on the rights of Indigenous Peoples on tourism and Indigenous Peoples' rights". June 23, 2023. <https://tinyurl.com/ythray8n>



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