



# WWF NETWORK GUIDELINES

## Prevention of Restriction of Rights and Involuntary Relocation and Resettlement of Indigenous Peoples and Local Communities

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# 1. Background

The guidelines aim to ensure that WWF acknowledges and respects the rights of indigenous people and local communities (IPLCs)<sup>1</sup> to land, water and other resources, positively contributes to the exercise of these rights, avoids directly or indirectly undermining and infringing on these rights or causing additional costs to people through our policy and/or fieldwork, projects and activities.

The guidelines support the implementation of [WWF social policies and policy statements on Indigenous Peoples, Poverty, and Gender](#), and [WWF Principles on Land Use](#). They constitute part of the implementation of the Conservation Initiative on Human Rights (CIHR). They are aligned with key provisions of the ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). In addition, WWF-US has developed a specific set of Environment and Social Safeguards Integrated Policies and Procedures (SIPP)<sup>2</sup> that are mandatory for WWF Global Environment Facility (GEF) and Green Climate Fund (GCF) projects.

WWF is a founding member of the Conservation Initiative on Human Rights and adopted the Conservation and Human Rights Framework in 2009. WWF recognizes human rights as central to achieving effective and equitable conservation and development outcomes. The Framework states WWF's commitment to respect human rights and to promote rights within the scope of conservation initiatives.

The guidelines exemplify WWF's commitment to respect, support and promote human rights within the scope of our conservation programs, our partnerships, government and corporate engagements and advocacy work, especially in circumstances where there might be restrictions imposed and risks of violation of rights in projects which may involve relocation and resettlement. WWF commits to placing special emphasis on the protection of the vulnerable, encourage good governance, including promoting institutional policies that ensure that these principles are fulfilled.

The guidelines should be implemented with due regard to developing international human rights guidance. Offices should seek specific expertise when necessary.

The guidelines will be periodically reviewed by the WWF Social Development for Conservation (SD4C) network in collaboration with the WWF International's Global Policy and Advocacy and Compliance Management units, taking into account further developments and experiences.

## 2. Purpose

WWF works to support conservation and sustainable development in many high-biodiversity areas around the world. Often, many of these key areas are also the territories or lands of Indigenous Peoples and/or areas where local and tribal communities have long resided and developed management practices and tenure systems, and whose livelihoods and culture rely on forest resources, water, and land. Often, resource exploitation and tenure insecurity have threatened the sustainability and well-being of these communities, and contributed to high levels of poverty. In some cases, communities may not reside in these areas or their rights to the land might be disputed or unclear, but they are still dependent on the resources from high biodiversity areas for their livelihoods or cultural practices.

Poor and marginal peoples are typically the deprived in the competition for scarce resources, are most vulnerable to environmental disasters and environment-related conflicts and, under some circumstances, are forced into overexploiting the natural environment. In addition, WWF believes that the right to food and access to natural resources that are crucial to the survival of the communities, who

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<sup>1</sup> "Local communities" include tribal and any other groups such as hunter gathers, pastoralists, etc. who may or may not have formal rights over natural resources but have historically and traditionally been primarily dependent on these resources for their livelihoods as well as their cultural/religious and traditional way of living. As concerns Indigenous Peoples, the guidelines apply the principles included in [WWF's Statement of Principles on Indigenous Peoples and Conservation \(2008\)](#). IPLC is also the terminology adopted in CBD and UNFCCC decisions.

<sup>2</sup> <https://www.worldwildlife.org/pages/safeguards-resources-applicable-for-gef-and-gcf-projects>.

do not have any documented rights, or even stateless citizens, also need to be respected in line with the recent report of the UN Special Rapporteur that concludes: “States have obligations to protect against environmental harm that interferes with the enjoyment of human rights, and the obligations apply to biodiversity as an integral part of the environment”<sup>3</sup>.

Conservation practices and policies that do not take into consideration community needs, rights and aspirations, and may impose relocation and/or restrictions on access to land, water and other natural resources, are likely to lead to increased marginalization, exclusion and vulnerability of these communities, and drive further encroachment and overexploitation of the environment.

WWF, as a non-government organization, does not have authority over decisions regarding national natural resource management or conservation policies. These are part of the exercise of states’ power of eminent domain. These guidelines are thus intended to support WWF in policy advocacy as well as in engaging with communities and decision makers to help avoid rights infringement and restrictions that would cause high costs or negative consequences to local communities and Indigenous Peoples as part of our commitment to the implementation of Human Rights policies and principles. In addition, these guidelines will help all WWF offices to design specific measures and interventions to ensure an integrated and coherent approach between conservation and respect for human rights, imperative to achieving the sustainable development of our planet.

### 3. Guidelines

As mandated by our policies and CIHR, all WWF offices, programs and initiatives must take into consideration the respect of human rights in the design, implementation and monitoring of our programmes, which extends to addressing actual and potential rights infringement and/or restrictions upon the rights of Indigenous Peoples and local communities. This includes customary rights to lands and resources and interventions requiring the free, prior, informed consent of affected communities.

#### I. Restriction of Rights<sup>4</sup>

**WWF should:**

**Work proactively with Governments, private sector and relevant IPLCs to:**

- A. Conduct a full and comprehensive preliminary assessment of risks and potential implications including possible negative or adverse impacts whether social, economic, cultural, institutional and environmental, prior to the onset of any project in areas and sites where WWF is potentially involved or operates. This is especially important in situations where policies and legislation are unclear, contested or evolving.
  - a. Identify prior rights and claims of local people to lands and resources that will be affected or are being affected by the activity – including statutory, customary and unrecorded rights
  - b. Conduct a detailed assessment with other actors to determine whether critical conservation objectives for a particular area/species can coexist with the respect of the rights of resource dependent communities
  - c. Work with other actors to ensure that communities are aware of their rights and how to exercise them
  - d. Undertake a thorough legal and institutional risk assessment, especially In situations of unclear and contested rights, to inform further actions and prevent exclusion and

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<sup>3</sup>HRC/34/49, “Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment”, 19 January 2017.

<sup>3</sup> RESTRICTION of RIGHTS: Loss/limiting access to and use of common natural resources, plus any kind of religious, cultural, rights related to natural resources.

marginalization of vulnerable communities and groups, in conjunction with relevant IPLCs

- B. Not promote or support any programmes/activities and/or policies that lead to involuntary curtailment of rights of local communities<sup>5</sup>.
- C. Advocate, in consultation/dialogue with potentially affected IPLCs, for government policies that adopt and only implement the voluntary basis of programs imposing restrictions and/or incentive mechanisms for changes to the traditional and sustainable use of natural resources, customary ways of living and farming traditions. This is relevant especially for countries where national laws and policies sometimes curtail access and rights, and impose restrictions and infringements on traditional livelihoods of IPLCs.
- D. Confirm that free, prior and informed consent has been obtained by the relevant authorities through an open, transparent, inclusive and just process from the affected IPLCs who are agreeing to voluntary relocation or restriction of access to natural resources. Care needs to be taken that the dialogue and negotiations for the above were conducted in a participatory and meaningful manner.
- E. Understand the process of accessing compensatory or assistance mechanisms, whilst advocating with governments that these processes should be in place and be delivered transparently and fairly, in a time bound manner along with an inclusive and participatory processes to assess socioeconomic status to serve as a baseline for compensatory or assistance mechanisms.
- F. Confirm that appropriate mitigation and/or compensation measures are agreed in advance of any voluntary relocation or restrictions of access with affected parties and delivered fully and timely.
- G. Inform all affected parties of their right to submit a grievance or complaint through the WWF Project Complaints Resolution Process, in the event of dispute or non-compliance of commitments made by WWF.
- H. Not support the creation of new conservation areas/protected areas which will curtail the rights of local communities, unless voluntarily agreed. In circumstances of established protected areas that overlap wholly or partially with Indigenous territories and tribal lands, WWF will advocate together with potentially affected communities, for inclusive, equitable and community-based governance models and policies of natural resource management and conservation that recognize the rights of Indigenous Peoples and Local communities.
- I. Monitor related events in their area of work and also proposed government programmes that may have the potential to negatively affect the rights of Indigenous Peoples and local communities, share the information with IPLCs and adapt actions accordingly.

In cases where WWF has been asked by relevant Government authorities and/or Indigenous Peoples' authorities, resource use groups/Federations, Community Based Organisations (CBOs) and Civil Society Organizations (CSOs) to work in an area where there are unresolved claims and/or risks that Government or private actors interventions will lead or have led to involuntary curtailment of rights of people. WWF should work with relevant IPLCs and CBOs etc, in addition to the above, to also:

1. Analyse the existing social risks and negative impacts on livelihoods from restrictions and any other infringements associated with the activities and projects.
2. Report and submit the findings to relevant authorities and call for better policies and effective regulations as required
3. Urge the government to set up measures that recognize the rights and promote shared governance for community based conservation and sustainable use mechanisms.

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<sup>5</sup> In accordance with point no. 30 and other points in the WWF Statement of Principles on Indigenous Peoples and Conservation, 2007.

In case of infringement and curtailed rights, WWF should facilitate/liaise or work with the relevant Government authorities and/or Indigenous Peoples' authorities, Resource use groups/Federations, Community Based Organisations and Civil Society organizations authority to:

1. Promote and support measures to avoid or appropriately mitigate any adverse impacts on local communities and ensure their effective implementation as a basis for continuing support
2. Advocate and facilitate the establishment of processes to ensure that affected communities participate in deciding the nature and scope of restrictions and the mitigation measures such as restoring rights and relative to determining any such restrictions.
3. Advocate for the inclusion of measures within the relevant plans and schemes of relevant authorities to assist the affected persons in their efforts to improve or restore their rights in real terms to pre-project levels.
4. Develop a Plan of Action that describes the agreed restrictions, management schemes, measures to assist the affected persons and the arrangements for their implementation.

## II. Relocation and Resettlement

Conservation projects/programmes at times have led to physical displacement of people, and affected especially local communities who are either residents of high biodiversity areas or dependent on them for their livelihoods. WWF will not be involved in implementation of programmes and activities that lead to involuntary relocation of local communities. Involuntary relocation does not just mean forced relocation or evictions.

For a relocation to be voluntary, people must participate in and agree to relocation terms and conditions, including the site selection, and must also be treated humanely. In addition, rehabilitation/resettlement measure should also be drawn up together with the affected community by ensuring their free prior and informed consent and meaningful participation.

### **Box 1: Some clarifications of the terms relocation, resettlement, involuntary and voluntary**

**Relocation:** To move to or establish in a new place. Can be defined as a process whereby a person or community's housing, assets, and infrastructure (both individual and communal) are rebuilt in another location.

**Resettlement:** Resettlement or rehabilitation is a process by which those adversely affected are assisted in their efforts to improve, or at least to restore, their incomes and living standards.

**Involuntary:** An action undertaken against someone's will or not by his/her choice. It means all or any actions taken without community consent and agreement which leads to physical displacement and curtailment or access to their traditional place of habitation and use.

**Voluntary:** An action that takes place on mutually agreed terms and with the free, prior and informed consent of the affected individual and or communities concerned and after agreements on just and fair compensation and where possible with the option to return (according to international human rights standards).

### **A. Avoidance**

WWF should advocate against involuntary relocation or resettlement schemes promoted by governments, or other parties like companies and should not support conservation activities that require any involuntary or forced relocation of local communities and groups from conservation areas.

## **B. Improve standards of relocation where applicable**

In all situations, where relocation is occurring or might occur in an area where WWF is working, WWF, to the best of its ability, should endeavour to seek information about the best standards, norms and packages that are offered for resettlement of infringement/curtailment of rights and/or relocation of communities by other countries or multilateral/international agencies and pro-actively share the information to affected communities local authorities even though the standards may go beyond the norms and standards being practiced by the authorities in that location.

Where Governments or relevant authorities have carried/are carrying out voluntary relocation of communities from any area, WWF should, prior to providing any support, confirm that:

1. Persons to be resettled are enabled to participate in and influence the planning, implementation and monitoring of the resettlement program, especially in the development and implementation of procedures for determining eligibility for compensation and development assistance, and for establishing grievance mechanisms.
  2. Free, prior, informed consent has been secured from affected local communities for all voluntary relocation, including from organizations and/or federations representing them including their traditional and cultural governance systems.
  3. The purpose and conditions for the relocation are explained in relevant local languages, and in a form that is accessible to those affected.
  4. Particular attention is paid to the needs of vulnerable groups, such as the poor, elderly, women and children, indigenous peoples, and ethnic minorities.
  5. Persons to be relocated are informed of their rights, consulted on options, and provided with technically and economically feasible resettlement alternatives and assistance, including:
    - Compensation (cash and other as appropriate) for loss of assets attributable to the project,
    - Support and assistance during relocation,
    - Preference for land-based resettlement strategies where livelihoods are land-based,
    - Existing customs, traditions and practices are assessed and factored into relocation/resettlement plans.
  6. Persons/local communities who have no legal or recognized (stateless) rights to land and/or natural resources they are occupying will also be provided resettlement assistance and fair compensation for the loss of their livelihood sources.
  7. Draft resettlement plans are disclosed in a timely manner, in a place and language accessible to all stakeholders and right-holders including all project-affected groups and individuals, and CSOs, before appraisal formally begins.
  8. Resettlement assistance is provided before displacement or restriction of access, and all resettlement plans are implemented prior to project completion.
  9. Assessment is carried out, with the active participation of affected communities, to determine achievement of resettlement objectives, upon completion of the project.
- C. In some cases, WWF is approached directly by local communities to help/assist/facilitate their relocation and resettlement process. This often happens in sites where we have been working with local communities and the Government or other agencies have initiated the relocation and resettlement process. The local communities sometimes ask WWF to facilitate the process and

paper work and help them or support their representative organizations and legal experts to assist as required for a smooth transition. In such cases, WWF should ensure that:

- WWF has all relevant documents related to the free, prior, informed consent given by the community/individual for relocation, and evidence that such consent was the outcome of a fair and inclusive consultation process.
- WWF is given a formal request to the Head of the WWF office (preferably in writing) for supporting and assisting the community in relocation and resettlement by the Community itself. The request should be signed by at least two-thirds of the adult community members.
- WWF, as required, at a specific site or by the community, strives to provide all necessary assistance to ensure the process is humane, fair, and just.

## 4. Other Related Policies

- [WWF Network Social Policies and Project Complaints Process](#)

### Further Inquiries:

Please contact the owner of this document, WWF Social Policy Manager, Edmond Odaba [eodaba@wwfint.org](mailto:eodaba@wwfint.org), your local Social Develop for Conservation (SD4C) focal point, or your Conservation director, with questions on these Guidelines.