

# From paper to practice? Assembling a rights-based conservation approach

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## Abstract

Drawing on a collaborative ethnographic study of the 2016 International Union for the Conservation of Nature World Conservation Congress (WCC), we analyze how Indigenous peoples and local community (IPLC) rights advocates have used a rights-based approach (RBA) to advance long-standing struggles to secure local communities' land and resource rights and advance governing authority in biodiversity conservation. The RBA has allowed IPLC advocates to draw legitimacy from the United Nations system—from its declarations to its special rapporteurs—and to build transnational strategic alliances in ways they could not with participatory discourses. Using it, they have brought attention to biodiversity as a basic human right and to the struggle to use, access, and own it as a human rights struggle. In this article, we show how the 2016 WCC provided a platform for building and reinforcing these alliances, advancing diverse procedural and substantive rights, redefining key principles and standards for a rights-based conservation approach, and leveraging international support for enforcement mechanisms on-the-ground. We argue that, as advocates staked out physical and discursive space at the venue, they secured the authority to shape conservation politics, shifting the terrain of struggle between strict conservationists and community activists and creating new conditions of possibility for advancing the human rights agenda in international conservation politics. Nonetheless, while RBAs have been politically successful at reconfiguring global discourse, numerous obstacles remain in translating that progress to secure human rights to resources "on the ground", and it is vital that the international conservation community finance the implementation of RBA in specific locales, demand that nation states create monitoring and grievance systems, and decolonize the ways in which they interact with IPLCs. Finally, we reflect on the value of the Collaborative Event Ethnography methodology, with its emphasis on capturing the mundane, meaningful and processual aspects of policymaking, in illuminating the on-going labor entailed in bringing together and aligning the disparate elements in dynamic assemblages.

**Keywords:** Human rights, global conservation governance, collaborative event ethnography, Indigenous peoples

## Résumé

Nous analysons comment les défenseurs des droits des peuples autochtones et des communautés locales (PACL) ont utilisé une approche fondée sur les droits (ABD) pour faire avancer les luttes de longue date pour garantir les droits aux terres et aux ressources des communautés locales et faire progresser l'autorité gouvernementale dans la conservation de la biodiversité. Nous avons développé une étude ethnographique

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collaborative du Conservation of Nature World Conservation Congress (WCC) de l'Union internationale pour la conservation de la nature. L'ABD a permis aux défenseurs du PACL de tirer la légitimité du système des Nations Unies - de ses déclarations à ses rapporteurs spéciaux - et de construire des alliances stratégiques transnationales d'une manière qu'ils ne pourraient pas faire avec des discours participatifs. Ils ont attiré l'attention sur la biodiversité en tant que droit humain fondamental et sur la lutte pour l'utiliser, y accéder et la posséder en tant que lutte pour les droits humains. Dans cet article, nous montrons comment le WCC a fourni une plate-forme pour construire et renforcer ces alliances, faire progresser divers droits procéduraux et substantiels, redéfinir les principes et normes clés pour une approche de conservation fondée sur les droits et tirer parti du soutien international pour les mécanismes d'application. Nous soutenons que, alors que les défenseurs ont jalonné un espace physique et discursif sur le lieu, ils ont obtenu le pouvoir de façonner la politique de conservation. Ils ont déplacé le terrain de lutte entre les défenseurs de l'environnement stricts et les militants communautaires, créant de nouvelles conditions de possibilité pour faire avancer l'agenda des droits de l'homme dans la politique internationale de conservation. Néanmoins, alors que les ABD ont réussi politiquement à reconfigurer le discours mondial, de nombreux obstacles subsistent pour traduire ces progrès pour garantir les droits de l'homme aux ressources «sur le terrain». Il est vital que la communauté internationale de la conservation finance la mise en œuvre de la ABD dans des lieux spécifiques; exiger que les nations créent des systèmes de surveillance et de règlement des griefs; et décoloniser la manière dont ils interagissent avec les PACL. Enfin, nous réfléchissons à la valeur de la méthodologie d'ethnographie des événements collaboratifs, qui met l'accent sur la capture des aspects banals, significatifs et processuels de l'élaboration des politiques. Il éclaire le travail en cours impliqué dans le rassemblement et l'alignement des éléments disparates dans les assemblages dynamiques.

**Mots clés:** Droits de l'homme, gouvernance mondiale de la conservation, ethnographie des événements collaboratifs, peuples autochtones

## Resumen

Basado en un estudio de etnografía colaborativa del Congreso Mundial de la Naturaleza (WCC) de la Unión Internacional para la Conservación de la Naturaleza del 2016, analizamos cómo defensores de derechos de poblaciones indígenas y comunidades locales (IPLC) han empleado una estrategia basada en derechos (RBA) para promover problemas que han existido por mucho tiempo para asegurar las tierras de comunidades locales y sus derechos a los recursos y promover su autoridad de gobernanza en la conservación de la biodiversidad. El RBA ha permitido que los defensores de derechos de IPLC puedan obtener legitimidad del sistema de las Naciones Unidas - desde sus declaraciones hasta sus relatores especiales - y poder construir alianzas transnacionales estratégicas de maneras que no podían hacer con discursos participativos. Usando dicha estrategia, han llamado la atención a la biodiversidad como un derecho humano básico y a la lucha por usarla, acceder y poseerla como una lucha por los derechos humanos. En este artículo, mostramos cómo el WCC del 2016 proveyó una plataforma para construir y reforzar estas alianzas, promoviendo derechos procedimentales y sustanciales diversos, redefiniendo principios claves y estándares para una RBA en la conservación, y haciendo uso del apoyo internacional para la implementación de mecanismos de aplicación aterrizada. Argumentamos que, a medida que los defensores de derechos delimitaron el espacio físico y discursivo en el lugar, además aseguraron la autoridad para moldear la política de conservación, cambiando el terreno de lucha entre conservacionistas estrictos y activistas comunitarios y creando nuevas posibilidades para promover la agenda de derechos humanos en la política internacional de conservación. Sin embargo, mientras los RBAs han sido políticamente exitosos en reconfigurar el discurso global, quedan numerosos obstáculos en convertir dicho progreso para asegurar los derechos humanos a los recursos 'on-the-ground', y es vital que la comunidad conservacionista internacional financie la implementación del enfoque en derechos en lugares específicos, exija que los gobiernos nacionales creen sistemas de monitoreo y quejas, y descolonicen las formas en que interactúan con los IPLC. Finalmente, reflexionamos en el valor de la metodología de 'Etnografía de Eventos de Colaboración', con su énfasis en capturar los aspectos mundanos, significativos y procesuales de la formulación de políticas, en iluminar el trabajo continuo basado en reunir y alinear los elementos dispersos en ensamblajes dinámicos.

**Palabras clave:** derechos humanos, gobernanza global de la conservación, etnografía de eventos colaborativos, pueblos indígenas

## 1. Introduction

"When you expand the civil-rights struggle to the level of human rights, you can then take the case of the black man in this country before the nations in the UN. You can take it before the General Assembly. You can take Uncle Sam before a world court..." Malcolm X, *The Ballot or the Bullet*, April 3, 1964<sup>2</sup>

The full enjoyment of human rights depends on healthy ecosystems, and healthy ecosystems depend on biodiversity. The full enjoyment of human rights thus depends on biodiversity, and the loss of biodiversity undermines our ability to enjoy our human rights, including the rights to life and health, to food and water, and to cultural life. Statement by the Special Rapporteur on Human Rights and the Environment, Human Rights Council, 2017<sup>3</sup>

As Malcolm X underscores, framing a struggle as one of human rights enables its proponents to leverage the moral stature of the United Nations (UN) in order to highlight gross injustices. The rights-based approach (RBA) increasingly advocated by community activists in global conservation politics has done exactly this, by reframing long-standing struggles over resource rights between conservationists and communities from a struggle over specific practices to one over universal values and basic human rights. In doing so, RBA campaigns have shifted the discursive and material grounds on which negotiations take place. They have redefined the biodiversity crisis as a human rights crisis, drawing on the premise, as stated by the Special Rapporteur on Human Rights and the Environment, that the human right to life depends on healthy ecosystems, which in turn depend on biodiversity. In short, they have established biodiversity as a basic human right and established the struggle to use, access, and own it as a human rights struggle.

In this article, we draw on data collected in a Collaborative Event Ethnography (CEE) of the International Union for the Conservation of Nature (IUCN) World Conservation Congress (WCC) in 2016 to analyze how Indigenous and local community rights (IPLC)<sup>4</sup> activists are using an RBA to advance IPLC land and resource rights and governing authority in conservation.<sup>5</sup> We trace its growing momentum and examine the leverage it brings to long-standing struggles over the impacts of exclusionary conservation practices on local communities. We document how its advocates have drawn legitimacy from the UN system—from the United Nations declarations to its special rapporteurs—in ways they could not with participatory discourses, and we illustrate how they have engaged a broad-based constituency by endorsing multiple types of intertwined rights, which we parse here, following Suiseeya (2014), into: (1) procedural rights, or rights to meaningful political participation; (2) distributional rights, or rights to equitable distribution of risks and benefits; and (3) recognitional rights of "diverse identities, ways of knowing, and experiences" (p. 104).

We argue that the WCC provided a platform for building and reinforcing these alliances, advancing diverse rights, redefining key principles and standards for a rights-based conservation approach, and leveraging international support for enforcement mechanisms on-the-ground. In this manner, it conditioned the formation of a dynamic RBA assemblage. As activists staked out physical and discursive space at the venue, they secured the authority to shape global conservation politics, shifting the terrain of struggle between strict

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<sup>2</sup> Malcolm X, 'The Ballot or the Bullet', April 3, 1964 at a Methodist church in Cleveland, Ohio.

<sup>3</sup> Knox, John. 2017. Annual Report: Biodiversity and Human Rights and Country Visit to Madagascar. Statement by the Special Rapporteur on human rights and the environment, Human Rights Council, 34th Session, 8 March 2017.

<sup>4</sup> Within the CBD, parties have resisted adopting the term IPLC rather than Indigenous and Local Communities (ILC) because the former implies rights to self-determination (Witter *et al.* 2015).

<sup>5</sup> While we focus on the WCC, we also draw on background knowledge and data from the 2014 IUCN World Parks Congress (WPC), a conference organized every ten years by IUCN's World Commission on Protected Areas, which was held in Sydney, Australia. We would like to thank all of the researchers that have participated in collaborative event ethnographies of the 2008 WCC, in Barcelona, Spain; the 2010 Conference of the Parties to the CBD, in Nagoya, Japan; the 2012 United Nations Conference on Sustainable Development, in Rio de Janeiro, Brazil; the 2014 WPC, in Sydney, Australia; and the 2016 IUCN-WCC, in Honolulu, Hawaii, USA. See further work by Kim Marion Suiseeya on justice and rights at <http://www.presence2influence.org>

conservationists and community activists, and creating new conditions of possibility for advancing the human rights agenda in international conservation. However, while the RBA has been politically successful at reconfiguring global discourse, numerous obstacles remain in translating that progress to secure human rights to resources "on the ground", and it is vital that the international conservation community finance the implementation of RBA in specific locales, demand that nation states create monitoring and grievance systems, and decolonize the ways in which they interact with IPLCs.

We begin by situating the RBA discourse within the scholarship on community engagement in conservation, and we analyze what it brings to the long-standing endeavor to recognize local and Indigenous rights in conservation. We then trace the rise of RBAs within the IUCN, illustrating how advocates have been able to gradually institutionalize them in policies and procedures—particularly through the work of the IUCN's Commission on Environmental, Economic and Social Policy (CEESP). Focusing on the 2016 WCC meeting, we show how actors use the WCC to build transnational strategic alliances, and we document struggles over how to define principles and standards for a human rights-based conservation approach. We conclude with some observations on ways to further advance enforceable mechanisms for protecting human rights in conservation.

## 2. A rights-based conservation approach

There is a well-established and deep scholarship about the negative impacts of conservation on IPLCs. Innumerable scholars have documented aspects such as: evictions and displacement and corporate influence (Brockington and Igoe 2006; Chapin 2004), as well as lack of participation in decision-making processes, respect for free, prior, and informed consent (FPIC), and human rights violations (Agrawal and Redford 2009; Alcorn and Royo 2007; Colchester *et al.* 2008; Kashwan 2013; Lador 2007). They have shown how transforming the power asymmetries that prevent the recognition of IPLC rights has been "painfully slow" (Kashwan 2013, 613), and how the scaling up of conservation in recent decades has led to a reduced focus on local control (Brosius and Russell 2003; Wolmer 2003), combined with rise in the use of violence in protecting biodiversity (Duffy 2010, 2014; Lunstrum 2014; Massé *et al.* 2020, Neumann 2004). These critiques reflect decades of documentation and debates over how best to recognize and redress the expropriation of land and resources from IPLCs for conservation.

In the 1980s and 1990s, conservationists initiated efforts such as Integrated Conservation and Development Projects, which aimed to incentivize conservation by providing aid to people living around protected areas, and Community-based Natural Resource Management, which more specifically advocated that conservation "be pursued by strategies that emphasize the role of local residents in decision-making about natural resources" (Adams and Hulme 2001a: 2). Again, numerous critical scholars have evaluated the effectiveness of these approaches to community empowerment in conservation. They have challenged the generic implementation of these initiatives in ignorance of local inequalities and power relations (Agrawal and Gibson 1999; Brosius *et al.* 1998; Shackleton *et al.* 2010; Western 2001), their coercive potential (Adams and Hulme 2001b; Alpert 1996; Berkes 2004; Brosius *et al.* 1998; DeGeorges and Reilly 2009), their emphasis on decentralization instead of devolution (Murphree 2004), privileging of economic benefits over social and cultural interests (Kothari 2001), and ignorance of how "local" human-environment interactions are constituted through interactions with other places and transnational forces (Li 2002, Mohan and Stokke 2000).

Recognizing the limitations of participatory approaches to transform structural inequality and power relations, IPLCs and Indigenous rights scholars are increasingly advocating for: approaches that recognize Indigenous knowledge, values, and shared historical experiences of exploitation (Doolittle 2010); framings that stress rights to access, manage, and benefit from biodiversity (Brosius 2004, Johnson and Forsyth 2002, Stevens 2014); and initiatives that privilege IPLC knowledge and authority via Collaborative Management of Protected Areas, and Indigenous Peoples' and Local Community Conserved Territories and Areas (Borrini-Feyerabend and Kothari 2008; Kothari *et al.* 2013; Stevens 2014). IPLCs are working not only through the IUCN, but also through institutions such as the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and the Convention on Biological Diversity (CBD) to push for recognition of rights, knowledge, and authority, and to challenge political and economic structures of inequality (Cooney and Aspensperg-Traun 2013; Corson, Gruby *et al.* 2014; Doolittle 2010). Furthermore, calls for decolonizing

conservation seek to embrace diverse knowledges and shared histories of exploitation, and to repatriate stolen lands. At international conferences such as the WCC, conference organizers and attendees have begun to recognize the transitional owners and ancestral lands on which these events are held (for further discussion see Kowal 2015; Merlan 2014).

RBA discourses draw on the legal and political framework of the UN and the regional court systems. Building on the 1948 UN Universal Declaration of Human Rights are a number of rulings such as the Declaration on the Right to Development (1986),<sup>6</sup> the International Labour Organization Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (1989),<sup>7</sup> the Declaration on the Rights of Indigenous Peoples (2007),<sup>8</sup> and subsequent annual resolutions, the UN Human Rights Council resolution on human rights and the environment (2011),<sup>9</sup> and the General Assembly and Human Rights Council's recognition of the human right to water (2010 and 2012 respectively).<sup>10</sup> The UN Framework Convention on Climate Change Paris Agreement (2015) contains the first mention of human rights in a climate change treaty (Mayer 2016), The 2030 Agenda for Sustainable Development envisions: "[A] world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity."<sup>11</sup> Finally, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the African Commission on Human and Peoples' Rights have been active in numerous human rights cases (Koutouki 2018, Tauli-Corpuz *et al.* 2020). Importantly, the embrace of RBAs in international politics extends beyond conservation to food and food security (Anderson 2008), water (Anand 2007; Baer and Gerlak 2015; Miroso and Harris 2012), and land (Golay and Biglino 2013; Künnemann and Suárez 2013; Suárez 2013). Contemporary rural peasant and Indigenous movements are increasingly framing their campaigns in these arenas in terms of rights (Cooney and Aspensperg-Traun 2013, Edelman and James 2011; Johnson and Forsyth 2002; Suárez 2013).

However, critical scholars continue to debate the effectiveness of RBAs in securing equity and justice. On the one hand, RBAs offer mobilizing tools that can animate collective action (Corson *et al.* 2015) and provide a coherent framework for enhancing the inclusion of marginalized peoples (Koutouki 2018). They open up discursive and conceptual possibilities as well as legal bases of redress across scales (Harris *et al.* 2015) that are mutually interdependent (Medina 2016). They often offer more radical conceptions of rights that can yield counter-hegemonic possibilities (Clark 2017). On the other hand, framing international struggles around human rights does not always translate into effective implementation of these rights (Alcorn and Royo 2007; Banisar *et al.* 2012; Johnson and Forsyth 2002; Stevens 2014). Cultural, political and economic mechanisms mediate the implementation of judicial actions (Haglund and Stryker 2015), and the ways in which RBAs are used and their effectiveness vary depending on sociopolitical and legal contexts (Suárez 2013). Recognition of human rights in international law does not necessarily get interpreted in mutually agreed upon ways (Brown *et al.* 2016), and legal protections do not require the devolution of decision-making over natural resources (Bakker 2007; Johnson and Forsyth 2002; Kashwan 2013; Shackleton *et al.* 2002). Thus, rights-based framings alone are insufficient to ensure justice on-the-ground (Wyatt *et al.* 2015), and they can depoliticize struggles for justice and even entrench unequal or unjust forms of governance (Sultana and Loftus 2015). Likewise, historical governing institutions or tenure arrangements and associated power relations mediate the implementation of rights-based approaches (Ayers *et al.* 2018). Moreover, framing human rights

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<sup>6</sup> [UN Declaration on the Right to Development](#), Adopted by General Assembly resolution A/RES/61/295 (December 4, 1986).

<sup>7</sup> [International Convention concerning Indigenous and Tribal Peoples in Independent Countries](#). No. 169. 1989.

<sup>8</sup> United Nations General Assembly. [Declaration on the Rights of Indigenous Peoples](#). 41/128 (September 13, 2007).

<sup>9</sup> United Nations General Assembly Human Rights Council. Human Rights and the Environment. Resolution A/RES/16/11 (March 24, 2011).

<sup>10</sup> United Nations General Assembly. [Human Right to Water and Sanitation](#). Geneva. A/RES/64/292 (July 28, 2010) and United Nations Human Rights Council (UNHRC). Resolution on the human right to safe drinking water and sanitation. Geneva: UNHRC; 2010. A/HRC/RES/15/9 (October 6, 2010).

<sup>11</sup> United Nations General Assembly resolution. [Transforming our world: 2030 Agenda for Sustainable Development](#), A/RES/70/1 (September 25, 2015).

to resources as individual rights can be used to undermine Indigenous *collective* rights (Radonic 2017), and "communal users and activists engage the universal under their own terms" (Perera 2014). Finally, the protection of rights does not necessarily ensure access to resources (Ribot and Peluso 2003) and formalizing rights can undermine customary forms of resource access (Franco *et al.* 2013), particularly where the informal economy has played an important role in protecting rights (Wutich *et al.* 2016).

Ultimately, RBAs do not challenge the global political economy in which land and resource expropriations are situated. The politics of implementation are shaped by racialized and colonial relations of power and class (Correia 2018a, b), where technocratic, apolitical approaches elide histories of inequality and access (Rodina 2016). Even where commons-based approaches to rights are advocated, paradigms that value growth over social justice can undermine communal approaches (Clark 2017). RBAs implemented in the context of neoliberalized institutional histories are often considered compatible with neoliberal models of governance and commodification of resources (Yates and Harris 2018) and thus do not offer a secure challenge to their privatization (Bakker 2007). Even when IPLCs have UN protections, they are often unable to stop industry from extracting resources from Indigenous territories without FPIC (Doolittle 2010), and the increasing reliance on voluntary corporate actions means there are no enforcement mechanisms to bind private sector agents to UN enshrined rights policies (Bedi 2015). Furthermore, while states are often held responsible for human rights violations, particularly in neoliberalized contexts, non-state actors also violate human rights (Manzo 2003). Thus, rhetoric endorsing RBAs can provide a human rights stamp of approval, which facilitates further expropriations (Corson *et al.* 2015).

### 3. Collaborative Event Ethnography of global conservation governance

In the last fifty years, since the 1972 Stockholm Conference on the Human Environment, often touted as the first major international environmental conference, the configuration of global environmental governance has become more complex. The neoliberal reduction of the public sector and increased role of the private and nonprofit sectors in what was once the public sphere has intersected with a populist agenda for stakeholder participation in environmental politics. Dynamic and transnational networks of public, private, and nonprofit organizations increasingly shape multilateral politics, through instruments such as private sector voluntary compliance mechanisms and through structures, such as the United Nations (UN) Major Groups, which facilitate non-state input into state-to-state negotiations (Ferguson and Gupta 2002; Swyngedouw 2003, 2005). In this context, international conferences serve as moments in which actors typically dispersed across the globe come together to negotiate not just binding legislation, but also to engage in discursive struggles that shift ideas, values, and norms (Brosius and Campbell 2010; Campbell *et al.* 2014, 2019; Suiseeya 2014; Witter *et al.* 2015). They also provide opportunities for researchers to observe relations among and interview these actors in a time-condensed setting. Ethnographic attention specifically to how IPLCs invoke ideas, strategies, and narratives associated with RBAs at international conferences can illuminate how political contexts of international conferences can limit and/or enable the ways in which actors can shift hegemonic discourse.

CEE draws on multi-sited, team, institutional ethnography (Choy *et al.* 2009a,b; Erickson and Stull 1998; Marcus 1995) to bring together teams of researchers to adapt traditional ethnographic methods to the study of these conferences, which typically occur over one to two weeks with multiple parallel events. Importantly, CEE relies not only on the logistical strength of more people, but also entails intensive collaboration among individual ethnographers before, during, and after events, drawing from the creative tension that emerges in a commitment to collaborative, rigorous data collection and interpretation. As researchers work together in reflexive and synergistic ways from research design to data collection to analysis and writing, they challenge others' assumptions and analyses, creating an exciting intellectual arena, and ultimately a more nuanced methodology, analysis, and theoretical engagement (Corson, Campbell, *et al.* 2014, Corson *et al.* 2019; Gray *et al.* 2019). Research concentrates on the everyday practices through which actors seek to contest and rework hegemonic approaches, focusing on transformation in meaning and governance processes that interactions represent. To this end, CEE approaches global governance as "processual, dynamic, and contingent, constituted through constantly shifting assemblages of state and nonstate actors, devices and narratives that collectively configure fields of governance" (Corson *et al.* 2019). Here, the theoretical construct of assemblage draws attention to the dynamic relations among diverse elements, and the ongoing labor of

forging connections among them (Li 2007: 263) where assemblage is defined as a constellation of specific logics, as evidenced in discourse; social networks; organizational forms, such as institutional agreements, policies, and standards; social technologies, such as strategies, programs, platforms, and initiatives; and devices, such as products, instruments, or mechanisms (Corson *et al.* 2019; Li 2007; Tsing 2015). Each event study is an instantiation of an assemblage constituted by multiple, overlapping fields (Corson *et al.* 2019). In this article, we specifically examine the moment, comprised by the IUCN's WCC, in the shifting assemblage that comprises the rights-based approach in conservation.

The 2016 WCC team of researchers included five faculty members, two graduate students, and five undergraduates from several research universities and liberal arts colleges. All team members participated in a cascade mentoring initiative in which faculty mentored graduate students who in turn helped faculty to mentor undergraduates. Preparation also included a five-week intensive training program prior to the conference, which covered collaborative research design, data collection, and analysis. At the conference, we met daily to schedule ourselves such that we covered, as a team, a range of events while also pursuing our individual research interests. We observed negotiations, media events, and side events (thematic presentations and panels organized by delegates and/or civil society groups in order to circulate information and ideas). Using note-taking forms developed during the training session, we gathered data ranging from language, forms of knowledge and representations that actors used in advocating their positions to the ways in which procedural rules, room set-up, seating arrangements, and disciplining actions used by chairs of meetings shaped interactions. We also conducted semi-structured interviews with non-governmental organization (NGO) representatives, state delegates, Indigenous rights activists, and others whom we identified through a combination of snowball and stratified sampling. Finally, we gathered background information, including formal position statements, press releases, and reports distributed at the site and posted on websites, and we monitored blogs, listservs, and tweets covering the event. The analysis presented here is the work of a subset of these researchers, including a faculty member and three undergraduate students.

#### 4. Rights-based approaches in the International Union for Conservation of Nature

Created in 1948, the same year that the UN Universal Declaration of Human Rights was passed, the IUCN is a membership union of government and civil society organizations. Claiming to be the world's largest and most diverse environmental network, it has thematic Commissions, including the Commission on Education and Communication, the World Commission on Environmental Law (WCEL), the Commission on Ecosystem Management, the Species Survival Commission, the World Commission on Protected Areas, and the CEESP. Together with the WCEL, the CEESP provides expertise and policy advice to the IUCN on economic and social factors (IUCN 2017), and has been an important avenue for advancing human rights issues. The entire IUCN comes together every four years at the WCC to debate issues and pass resolutions relating to the work of the IUCN and its partners. As the "world's largest conservation event", the WCC consists of a Members' Assembly, in which both governmental and non-governmental members vote on resolutions that guide the organization's plan of work, and a Forum, in which actors debate, showcase, and otherwise engage with diverse conservation topics (IUCN 2014).

There has been a steady increase of conversations about RBAs within the IUCN in the last several decades. A resolution passed at the 1975 meeting in Kinshasa recognized the "vulnerability of indigenous people and the great significance they attach to land ownership."<sup>12</sup> In 1980 the IUCN, in partnership with the United Nations Environment Programme (UNEP) and the WWF, published the *World Conservation Strategy*, which called for a strategy for human rights and the integration of conservation and development (IUCN 1980). Nonetheless, the phrase "human rights" was used only twice in IUCN resolutions between 1948 and 1994. It jumped to seven times in 2000 and, by 2012 to 68 times with the adoption of resolutions on Human Rights and Access to Natural Resources in Latin America, Implementation of the United Nations Declaration on the Rights of Indigenous Peoples, The Human Right to Water and Sanitation, Incorporation of the Rights of Nature as the organizational focal point in IUCN's decision making, and the Child's Right to Connect with Nature and to a Healthy Environment, as well as a resolution calling for an IUCN Policy on Conservation and Human Rights

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<sup>12</sup> WCC resolution. [Protection of Traditional Ways of Life](#), RES/005 (1975).

for Sustainable Development.<sup>13</sup> Of note, these references also cite back to international agreements, such as the UN Universal Declaration of Human Rights<sup>14</sup> and the Rio Declaration on Environment and Development<sup>15</sup> as the basis for recognizing human rights in conservation.

The momentum around RBAs really started building at the beginning of the 21<sup>st</sup> century. Outcome 5 of the Durban Accord, agreed to at the 2003 World Parks Congress (WPC) in Durban, South Africa, advocates for, "The rights of indigenous peoples, including mobile indigenous peoples, and local communities [to be] secured in relation to natural resources and biodiversity conservation."<sup>16</sup> A resolution passed at the 2004 WCC in Bangkok, Thailand, on "Conserving Nature and Reducing Poverty by Linking Human Rights and the Environment", directed the IUCN to "consider human rights aspects of poverty and the environment"<sup>17</sup> and directed the IUCN WCEL to "provide a progress report to future World Conservation Congresses... with an emphasis on human-rights tools that may be used by IUCN and its members in pursuit of the Mission."<sup>18</sup> In response, the IUCN Environmental Law Center, which acts as the secretariat for the WCEL, introduced a standardized RBA process (Greiber *et al.* 2013). It launched an internet portal, entitled "Rights-Based Approach to Conservation", designed to share information about rights-based conservation approaches amongst IUCN staff and members of IUCN Commissions. Recalling the impact of the decision at the Bangkok conference, an IUCN official reflected, "that was the first time that the members of IUCN actually requested the organization to explore the value of rights-based approaches for conservation and livelihoods. I started the process... in 2005 [and] we managed to gather a few colleagues from the Environmental Law Center and CEESP and some other programs to start putting together better more elaborate ideas about the rights connections."<sup>19</sup> In 2007, the CEESP journal *Policy Matters* released a special issue on *Conservation and Human Rights*, in which Alcorn *et al.* (2007) argue that "to prevent continuing inconsistent performance, rights-based programming must integrate human rights-based activities and incentives into all the sectoral approaches of conservation to create systemic change at organizational, national and global levels" (p. 133). Subsequently, in 2008, a consortium of international conservation NGOs, including IUCN, BirdLife International, Conservation International, Fauna and Flora International, the Nature Conservancy, Wetlands International, the Wildlife Conservation Society, and World Wide Fund for Nature established the voluntary Conservation Initiative on Human Rights (CIHR), with the goal to integrate human rights into their conservation work (Springer *et al.* 2011).

Building on the actions set forth in Outcome 5 of the Durban Accord, Resolution 4.048, passed at the 2008 WCC in Barcelona called on the IUCN Director General and the Commissions to develop a mechanism to bring together representatives of Indigenous peoples' organizations, IUCN member organizations, and relevant partners to develop proposals for enhancing IUCN's capacity to work with Indigenous peoples. It also called for recognition of Indigenous rights and systems of natural resource and land use, management, and conservation, and to identify funding sources for the mechanism.<sup>20</sup> The subsequent 2011 CEESP *Sharing Power* conference in Whakatane, New Zealand focused on the need "to accommodate a greater level of inclusion of indigenous peoples and all citizens in national and international policies on the management and governance of bio-cultural resources, and advocates the rights of mother earth"<sup>21</sup>, and it led to the development of the Whakatane Mechanism, a protocol for resolving rights violations and negative impacts caused by

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<sup>13</sup> IUCN. 2012. Resolutions and Recommendations, World Conservation Congress, Jeju, Republic of Korea, September 6-15, 2012.

<sup>14</sup> United Nations General Assembly. [Universal Declaration of Human Rights](#) (December 10, 1948).

<sup>15</sup> WCC. Recommendation 18.17 [Human Population Dynamics and Resource Demand](#). *Resolutions and Recommendations*. 18<sup>th</sup> Session of the General Assembly of IUCN. Perth, Australia. November 28-December 5 1990.

<sup>16</sup> IUCN, *Durban Action Plan* (Durban: IUCN 2004).

<sup>17</sup> WCC resolution. Conserving nature and reducing poverty by linking human rights and the environment, 3.015 (2004).

<sup>18</sup> Ibid.

<sup>19</sup> Interview with an IUCN Representative, September 7, 2016.

<sup>20</sup> WCC resolution. [Indigenous peoples, protected areas and implementation of the Durban Accord](#), 4.048 (2008).

<sup>21</sup> Sharing Power Conference, January 11-15, 2011. Accessed July 23, 2019: <https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy/resources-ceesp/sharing-power-conference>

protected areas. A framework to scale up the Whakatane Mechanism was introduced at the 2012 5<sup>th</sup> WCC in Jeju, Korea and, at the 2016 WCC in Hawaii, IUCN members approved a resolution on "enabling the Whakatane Mechanism to contribute to conservation through securing communities' rights", which allowed the IUCN Director General to increase funding and require progress reports for the Whakatane Mechanism.<sup>22</sup>

The 2017-2020 IUCN Programme that guides the union's work, endorsed at the 2016 WCC, emphasizes three priority areas: (1) valuing and conserving nature, (2) promoting and supporting effective and equitable governance of natural resources, and (3) deploying nature-based solutions to address societal challenges. It asserts that, "Human rights are one of the ethical foundations of good governance of natural resources."<sup>23</sup> One of CEESP's specific programmatic priorities in the 2017-2020 CEESP Mandate is to, "Advance the understanding and implementation of a rights-based conservation ethic in order to ensure respect for and promotion of human rights as they relate to nature conservation and environmentally sustainable development."<sup>24</sup> These comprise the key pieces of the legacy that was gradually constructed over the past few decades that created the foundation for the advancement of RBA at the 2016 WCC. In the remainder of the article, we focus on the RBA assemblage at the 2016 WCC and subsequent action.

## 5. Conference location and institutional structure

In studying conferences over ten years, we have noted how geographic location and associated conference logistics shape the ways in which assemblages form, how conferences serve as sites for the organization of resistance to hegemonic discourse, the role that nonbinding documents play in international governance, how informal processes can shift the discursive terrain, and how participatory processes can work in contradictory ways to undermine efforts (Corson *et al.* 2019). Several CEE researchers have specifically tracked IPLCs strategies and effects during this time. At the 2008 WCC, Doolittle (2010) documented how activists used narratives of Indigenous environmental knowledge, shared histories of marginalization, and a special relationship to nature to advocate for procedural and recognitional rights. Similarly, at the Conference of the Parties (COP) to the CBD in 2010, Witter *et al.* (2015) noted how "the IPLC representative's ability to influence the trajectory of ... negotiations hinged on persistence, timing, attention to detail, and, most importantly, the ability to enroll state support" (p. 901). Suiseeya (2014) also found that "even as the deliberative space expands to include more actors, the space for introducing and contesting norms, ideas, and meanings remains constrained" (p. 120). Finally, at the 2012 UN Conference on Sustainable Development, Corson *et al.* (2015) documented how the participatory process for including civil society voices in deliberations disciplined those voices and privileged groups from the global North. In this article, we build on these studies to investigate how RBAs were advanced at the 2016 WCC, and we begin with a discussion of representational rights.

The location of the 2016 WCC in Hawaii, with a significant percentage of its population identifying as Native Hawaiian, shone a spotlight on IPLC rights. Several sessions opened with an acknowledgement of the traditional owners of the land on which the conference was being held, where speakers often connected the 2016 WCC in Hawaii with the 2014 WPC in Sydney, Australia. As a government representative said at a session on delivering the Promise of Sydney, the outcome document from the 2014 WPC, "I'd like to acknowledge the traditional custodians on the land on which we meet, the Hawaiian people, and to pay respect to their elders, both past and present, their ongoing work to protect such a beautiful place. I'd like to also pay respect to other Indigenous and aboriginal people in the room today, to their elders both past and present, and also acknowledge people from Australia who have come a long way to talk about how we work together on

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<sup>22</sup> WCC resolution. [Enabling the Whakatane Mechanism to contribute to conservation through securing communities' rights](#), 6.072 (2016).

<sup>23</sup> IUCN Programme 2017–2020. Approved by the IUCN World Conservation Congress. September 2016. Accessed March 23, 2019; [https://www.iucn.org/sites/dev/files/iucn\\_programme\\_2017-2020-final\\_approved.pdf](https://www.iucn.org/sites/dev/files/iucn_programme_2017-2020-final_approved.pdf). p. 29.

<sup>24</sup> CEESP Mandate 2017-2020. Accessed March 23, 2019; <https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy/about>

these issues."<sup>25</sup> This verbal recognition carved out symbolic and material space for recognitional rights for Indigenous peoples at the conference, although it stopped short of repatriating lands expropriated from their traditional custodians.

The decision at the 2016 WCC to recognize Indigenous Peoples as a voting membership category similarly advanced recognitional and procedural rights. Historically, the IUCN's membership structure has fostered relatively strong non-state influence compared to other international conservation conventions. Until 2016, its categories comprised: Category A for governments, Category B for NGOs, which included Indigenous peoples' organizations (IPOs), and Category C (which became Category D) for non-voting affiliates. Resolution 007, introduced at the 2012 WCC in Jeju, Korea, asked the IUCN to consider options to better represent and amplify the voices of IPOs within the structure of the network, including the possibility of establishing a fourth category of IUCN membership.<sup>26</sup> The passage of Motion B at the 2016 WCC in Hawaii established this new voting category for IPOs. Recognizing the significance of this event and the years of effort behind it, a senior IUCN official reflected, "We have been discussing this for about twelve years... it's the first time in the history of IUCN that the system is going to change... and it's going to change *because* of indigenous organizations."<sup>27</sup> The IUCN's endorsement in turn has created an avenue within the global environmental infrastructure through which IPOs can also influence other entities such as the CBD or United Nations Framework Convention on Climate Change, and the new IUCN IPO member strategy aims to increase IPO voices in conservation and access to financial resources globally (IUCN 2019).

## 6. Countering hegemonic logics and techniques

As noted elsewhere, conferences are scripted, orchestrated, and performed in particular ways to highlight particular ideas (Gray 2010; MacDonald 2010; Monfreda 2010). The structure of the conference shapes the ways in which certain logics and techniques become powerful and how activists can use these venues to challenge hegemonic discourse (Corson *et al.* 2015). At the WCC, rights advocates confronted conference norms, arguing that the meeting set-up needed to change in order to reflect marginalized worldviews, belief structures, and values. They used informal side events to claim discursive space: the Community Kauhale 'Ōiwi, sponsored by the Equator Initiative and the UN Development Programme operated as "a peer-to-peer meeting space... that provides an opportunity for local and Indigenous leaders to exchange knowledge and best practices in sustainable environmental management."<sup>28</sup> Rather than seating people in rows facing a presenter, panelists sat in a circle on the floor for the opening ceremony for the Community Kauhale 'Ōiwi. They began their first session with a traditional Hawaiian Awa Ceremony in which panelists and invited guests shared Kava (*Piper methysticum*), a native drink of the Pacific islands.

At another session, a speaker translated the importance of this spatial reconfiguration, arguing that effective discussions on-the-ground also recognize that Indigenous peoples negotiate differently than do governments: "Governments, conservationists, everybody else [needs] to meet with the community not in a room like this, which sets up reality in one particular way, but on the ground in the territory... You have very different power balance if it's on the people's own territory on their own ground."<sup>29</sup> The chair of CEESP pointed to the progress in securing meeting space made since 2004: "I remember, at the Bangkok Congress, three congresses ago, the parking lot [was] the only space where indigenous issues were being discussed. But today,

<sup>25</sup> Representative of the Department of Environment Australia, Forum Session #10291, "Delivering the Promise of Sydney: Tracking Commitments and Opportunities", IUCN World Conservation Congress, Hawaii, September 5, 2016.

<sup>26</sup> IUCN, World Conservation Congress Jeju, Republic of Korea, September 6-15, 2012. WCC-2012-Res-007-EN Establishing an Indigenous Peoples' Organization (IPO) membership and voting category in IUCN. <https://portals.iucn.org/library/sites/library/files/documents/WCC-5th-005.pdf> Accessed March 2, 2019.

<sup>27</sup> Interview with a senior IUCN representative, September 7, 2016.

<sup>28</sup> Community Dialogues. Kauhale 'Ōiwi Dialogues: Honolulu, USA – 2016. Accessed June 30, 2019. <https://www.equatorinitiative.org/2017/07/25/d2-kauhale-oiwi-dialogues-honolulu-usa-2016>

<sup>29</sup> Representative of Forest Peoples Programme, Forum Session #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", IUCN World Conservation Congress, Hawaii, September 3, 2016.

if you look at the 1,300 events that are taking place here, indigenous voices, indigenous knowledge is integrated throughout the *entire* program."<sup>30</sup>

Conferences offer critical opportunities for rights advocates to come together to push systematic approaches internationally as well as in their own organizations. As one IUCN official said, "Our approach has been to move from policy frameworks and approaches and some technical tools to changing the system... because without going through the system it then becomes too project dependent."<sup>31</sup> Some advocates called for "a global set of human rights standards for the politics of conservation"<sup>32</sup> or a "universally accepted IUCN stamped set of standards that are easily accessible and directly applied to conservation for practitioners to open, read, engage with."<sup>33</sup> In this sense, right advocates underscored the scalar interconnectedness and importance of securing discursive, procedural, *and* material spaces, and numerous RBA advocates argued that effective strategies to advance rights-based policies would have to bridge worldviews, scales, and institutional structures.

## 7. Intertwining diverse rights

Activists underscored the connections among procedural, distributive, and substantive rights. They pushed for the protection of a diverse set of substantive rights—to water, food, livelihoods, health, and wellbeing.<sup>34</sup> They asserted that, "a vast rural population is being alienated by conservation from their rights, from resources that they depend on"<sup>35</sup> and that humans have a "responsibility to protect nature...and the recognition of nature's rights, [as well as the] right to experience nature."<sup>36</sup> Importantly, many underscored that substantive rights are not necessarily individual and challenged the articulation in international law of rights as individual: "When we say the right to water... this is often characterized as an *individual* right to water: how much does a person need to survive? But there are also collective rights, community rights that we need to be thinking about."<sup>37</sup> Perhaps most notable was the frequent insistence of the interconnections between substantive and procedural rights: "I think there's a distinction between water rights and water governance rights. So, if you recognize customary rights to water does that just mean you have the right to use it? Or do you have the right to make decisions about how to use it?"<sup>38</sup> Others contended that not having substantive rights undermined procedural rights: "local and indigenous communities—often without any land rights and resource rights often also have basic civil rights that are very easily undermined or ignored."<sup>39</sup> Finally, they challenged the premise of discussions about market-based approaches to natural capital, an Indigenous peoples representative reflected: "It is for us, not our natural capital, it's our Indigenous values, our humanity, our

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<sup>30</sup> Chair of CEESP, Session #12596, "Opening of the Equator Initiative", IUCN World Conservation Congress, Hawaii, September 2, 2016.

<sup>31</sup> Interview with an IUCN Representative, IUCN World Conservation Congress, Hawaii, September 7, 2016.

<sup>32</sup> Consultant, World Bank, Workshop #10228, "Of Rights and Responsibilities: Strengthening Accountability and Good Governance in the Draft Conservation Standards", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>33</sup> Executive Director of Rainforest Foundation UK, Forum #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", September 3, 2016.

<sup>34</sup> Ramsar Convention Official, Forum Session #10667, "Leave No One Behind: Conservation, Rights and Sustainable Development", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>35</sup> Executive Director of Rainforest Foundation UK, Forum #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", IUCN World Conservation Congress, Hawaii, September 3, 2016.

<sup>36</sup> Representative of Environmental Defender's Office and Environmental Law Professor, Workshop #10300, "Environmental Rule of Law: Rights-Based Approaches, Sustainable Development, and the Way Forward", IUCN World Conservation Congress, Hawaii, September 3, 2016.

<sup>37</sup> Representative of Environmental Law Institute, Knowledge Café #9796, "A Dialogue on the Right to Water: Making this Right a Reality", IUCN World Conservation Congress, Hawaii, September 5, 2016.

<sup>38</sup> Director of International Programs at the Environmental Law Institute, Forum #12628, "Scaling up Partnerships on Rights-based and Equitable World Heritage Conservation", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>39</sup> Executive Director of Rainforest Foundation UK, Forum #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", IUCN World Conservation Congress, Hawaii, September 3, 2016.

livelihood, our life, our identity... that's what we call our natural capital... it's not about the market."<sup>40</sup> In this regard, advocates pushed for a complete reframing of the contexts and power dynamics by which rights are recognized.

In doing so, they drew on declarations such as the UN Declaration on Indigenous Rights and the authority of international law more generally to claim authority to procedural rights. The Deputy Chair of the WCEL stressed that, "the right to participate in decision-making, and access to justice to establish those rights, is inherent in the national legislation related to the environment and relating to culture more generally",<sup>41</sup> while a Representative from the Indian Law Resource Center emphasized the importance of procedural rights: "The right of self-determination and self-government... is a right of peoples, a right of nations, and it exists as a matter of international law... in treaties like common article one of UN commitments on civil and political rights and the UN communicant on the economic social and cultural rights. The UN Declaration on the Rights of Indigenous peoples' article three and four explicitly recognizes Indigenous peoples' rights of self-determination and self-government."<sup>42</sup> This ability to draw on UN declarations and international law underpins the discursive power of rights-based framings.

## 8. Weak implementation on-the-ground

Nonetheless, advocates also drew attention to its limitations without legal translation into enforcement mechanisms at national, regional, and local levels. They used the conference as a platform to underscore the importance of translating the recognition of rights at the international level into practice on-the-ground: to focus on how "instruments like the UN Declaration on the Rights of Indigenous Peoples is actually flowing down into policy and practice at local, national, and regional levels... what does it feel like when you're a community in your day to day negotiations with governments and conservationists."<sup>43</sup> Many attributed the lack of implementation to lack of sufficient investment on the part of conservation organizations to support grievance mechanisms and their own lack of adherence to judicial decisions. Referring to the Whakatane Mechanism, one person argued, "There have only been three assessments in five years. Why? There's been a lack of funding. So...is conservation committed to tackling injustices against Indigenous peoples *and* is it committed to benefitting community conservation paradigm, which is not just about rights... but it is also about effectiveness? Or is it too challenging to... shift institutions from being based on exclusionary control to enabling support?"<sup>44</sup>

Across events, rights advocates sought ways to institutionalize greater acknowledgement and addressing of the human rights violations associated with conservation, underscoring that RBAs do not provide sufficient mobilization to counter the overwhelming support in international conservation for pure conservation, focused on biodiversity but not livelihoods. Many called attention to the disproportionate funding devoted to biophysical aspects. One person commented, "I don't know how many of you were in the Congress or Forum opening but I couldn't help but notice that any time a speaker talked about the species that was managing to recover, huge claps, and when they talked about the designation of a new national park or protected area, huge claps, [but] as an Indigenous person, you know with all of these designations there's probably a story that may

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<sup>40</sup> Coordinator of the Indigenous Women and Peoples Association of Chad and Member of the Executive Committee of the Indigenous Peoples of Africa, Indigenous Peoples Representative, Forum Session #10279, "Matters of Value: Natural Capital, Cultural Diversity and Rights-based Governance", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>41</sup> Deputy Chair of the IUCN World Commission on Environmental Law, Forum #12628, "Scaling up Partnerships on Rights-based and Equitable World Heritage Conservation", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>42</sup> Representative of the Indian Law Resource Center, Stream 7: Respecting Indigenous and Traditional Knowledge and Culture, "Human Rights Conservation Dialogue", IUCN World Parks Congress, Sydney, November 18, 2014.

<sup>43</sup> Representative of IUCN Commission on the Environment, Economic, and Social Policy, Hub 1: "Governance and Procedural Rights", IUCN World Parks Congress, Sydney, November 17, 2014.

<sup>44</sup> Representative of the Forest Peoples Program, Forum Session #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", IUCN World Conservation Congress, Hawaii, September 3, 2016.

not be present... We need some mechanism that ensures that all of these new marine and land protected areas don't follow similar paths."<sup>45</sup>

## 9. Special rapporteurs for human rights

In this regard, the attendance at the conference by two UN Special Rapporteurs—John Knox, on Human Rights and the Environment, and Victoria Tauli-Corpuz, on the Rights of Indigenous Peoples—was pivotal. Special rapporteurs are voluntary, independent experts appointed by the Human Rights Council to examine and report back on specific human rights themes. Sitting side-by-side in panels with those they critiqued, the two rapporteurs invoked the authority of the UN to mobilize a conference-wide conversation and to challenge conservation organizations to put their rhetoric into action as they separately released public reports and gave presentations condoning human rights violations in conservation.

Tauli-Corpuz articulated her goal at the WCC: "To really get a broad range of people aware... And then to push for better monitoring of what is happening on the ground... It's a whole chain of different activities needed to change the system."<sup>46</sup> Drawing on her report, she asserted that conservation has and continues to deny Indigenous self-governance and to violate Indigenous rights, particularly in the establishment and management of protected areas. Her report condemned the continued violations of both procedural and substantive rights in the name of conservation, including expropriations of land, forced displacement, denial of self-governance, absence of access to livelihoods, loss of culture and spiritual sites, and lack of access to justice and reparation.<sup>47</sup> At the WCC 2016, Tauli-Corpuz called on conservation organizations to "develop mechanisms for solid partnerships for regular and continuous engagement with Indigenous peoples, including and ensuring their full and effective participation in deciding implementing and monitoring conservation initiatives."<sup>48</sup> She emphasized that conservation organizations need to take responsibility, rather than shift the blame to states, "I hear that, 'it's not the fault of the conservation organizations, it's the fault of the state'... but the fact is many of these conservation organizations get money, give it to the state and the state engages in the establishment of national parks."<sup>49</sup> She specifically advocated for a translation "from paper-to-practice on the ground", arguing that "I hope that we really will have a more in-depth discussion so that we will not come out of this conference again with a lot of declarations but really no teeth."<sup>50</sup> To this end, she underscored the seriousness of the human rights violations in conservation and the concern of UN officials: "The report that I'm presenting to you is something that's already been out in the public domain. Even as I'm presenting this to the General Assembly on October 17, they thought it was important that this Conservation Congress should hear it so they released it earlier and had it translated in the various languages."<sup>51</sup>

John Knox sought to complement and build on Tauli-Corpuz's work by emphasizing that international law recognizes the right to a safe, healthy, sustainable, and clean environment (Knox 2017). His report argued

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<sup>45</sup> Chair of CEESP IUCN, Forum Session #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", IUCN World Conservation Congress, Hawaii, September 3, 2016.

<sup>46</sup> Interview with a Special Rapporteur, September 5, 2016.

<sup>47</sup> UN General Assembly Rights of Indigenous Peoples, "Report of the Special Rapporteur of the Human Rights Council on the Rights of Indigenous Peoples", 71<sup>st</sup> session, Item 66(A) of the provisional Agenda, July 29, 2016, p.7 [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/71/229](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/229). See also: UN Special Rapporteur on the Rights of Indigenous Peoples, Conservation Case #10667, "Leave No One Behind", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>48</sup> Special Rapporteur on the Rights of Indigenous Peoples, Forum #12620, "Dialogue with Special Rapporteur on the Rights of Indigenous Peoples: Conservation Activities and the Fulfilment of the Rights of Indigenous Peoples", IUCN World Conservation Congress, Hawaii, September 3, 2016.

<sup>49</sup> Special Rapporteur on the Rights of Indigenous Peoples, Forum #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", IUCN World Conservation Congress, Hawaii, September 3, 2016.

<sup>50</sup> Special Rapporteur on the Rights of Indigenous Peoples, Forum #10241, "Can Whakatane Conflict Resolution Processes Snowball to the Global? Resolving Community/Conservation Conflicts", IUCN World Conservation Congress, Hawaii, September 3, 2016.

<sup>51</sup> Special Rapporteur on the Rights of Indigenous Peoples, Conservation Case #10667, "Leave No One Behind", IUCN World Conservation Congress, Hawaii, September 4, 2016.

that protecting human rights, especially "the rights of those who live closest to nature", is not only required under human rights law, it is also sometimes the best or only way to protect biodiversity as well (Knox 2017, 19). It also called on states to establish legal and institutional frameworks to protect biodiversity, and to conduct social and environmental assessments of projects and policies and to facilitate public participation in conservation decisions. In a session presenting his initial findings, he asserted, "there's just no doubt that environmental harm interferes with the full enjoyment of a vast range of human rights, and every single time a case has been brought to a human-rights body, that has been their conclusion."<sup>52</sup> Invoking the moral authority of the UN, he further highlighted the "procedural obligations [in a] very wide array of human-rights agreements [that say] that states have duties under human-rights law to assess environmental impact, to propose policies and programs, to make environmental information public, to facilitate participation, environmental decision making, and to provide effective remedies for violations of these rights."<sup>53</sup> Concurrently, he emphasized that businesses and conservation organizations should fully implement a rights-based approach to conservation by "sharing good practices; building more active partnerships with human rights organizations; conducting human rights impact assessments; [and] establishing effective grievance mechanisms" (Knox 2017: 22).

The words of the special rapporteurs moved across the conference rapidly, as diverse state and nonstate actors sought to align themselves with the rapporteurs' recommendations. Across multiple events, actors invoked the authority of the UN rapporteurs to claim legitimacy: "The UN Special Rapporteur on Indigenous Rights and Conservation raised a very important point... looking at the targets of protected areas... Indigenous people are questioning how we accomplish that target and what kinds of methods are employed to actually achieve that target."<sup>54</sup> Senior conservation leadership sought to align itself with the reports, despite being a specific target of them: "If we do not act in the way that the special rapporteurs have suggested, we will continue to have inappropriate relationships with very important peoples. It requires shifts and changes in the way conservation organizations and governments behave."<sup>55</sup> Ultimately, rights advocates used the special rapporteurs' authority to promote legal frameworks, their implementation and reforms in the conservation organizations: "the recent reports by Vicky Tauli-Corpuz as UN Special Rapporteur on the Rights of Indigenous Peoples also highlights these continuing issues of incomplete or conflicting legal frameworks, limited implementation and generally the need for the conservation sector to play a more active role in promoting and supporting reforms to land and resource rights as they relate to conservation."<sup>56</sup> In this manner, the presence of the special rapporteurs and their constant shaming of conservation organizations raised the profile of the rights agenda and gave it the legitimacy needed to force action.

## 10. Assembling an RBA to conservation

In focusing on how advocates used an RBA to advance human rights in conservation at the WCC, we can see how the institutional context—the IUCN's decentralized structure—underpinned a fluidity and openness to nonstate actors that allowed rights-based advocates to access institutional structures such as side events and voting rights in order to challenge conference norms and spread counter narratives and logics. Panelists underscored the importance of discursive and material spaces, the interconnections among procedural, recognition, and substantive rights, and the needs to translate policy into action and for investment by conservationists in monitoring and evaluation systems on-the-ground. Also, in panels, the special

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<sup>52</sup> Special Rapporteur on Human Rights and Environment, Conservation Case #10667, "Leave No One Behind", September 4, 2016. Forum #10667, "Leave No One Behind: Conservation, Rights and Sustainable Development", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>53</sup> Conservation Case #10667, "Leave No One Behind", September 4, 2016. Forum #10667, "Leave No One Behind: Conservation, Rights and Sustainable Development", IUCN World Conservation Congress, Hawaii, September 4, 2016.

<sup>54</sup> Director-General, WWF International. Forum Session #10291, "Delivering the Promise of Sydney: Tracking Commitments and Opportunities", IUCN World Conservation Congress, Hawaii, September 5, 2016.

<sup>55</sup> Chief Executive Officer, Conservation International, Forum #12620, "Dialogue with Special Rapporteur on the Rights of Indigenous Peoples: Conservation Activities and the Fulfilment of the Rights of Indigenous Peoples", IUCN World Conservation Congress, Hawaii, September 3, 2016.

<sup>56</sup> Chair, CEESP Theme on Governance, Equity and Rights, Forum #10282, "Indigenous and community land rights: Realizing a new conservation ethic", IUCN World Conservation Congress, Hawaii, September 3, 2016.

rapporteurs could invoke the authority of the UN to confront conservation organizations publicly, pressuring conservation actors to move beyond rhetorical endorsement to institutionalizing policies on-the-ground. At the WCC, RBA actor-networks were solidified and logics circulated. Together with social technologies, such as the Conservation Initiative on Human Rights, devices like the special rapporteurs' reports, mechanisms like the Whakatane mechanism, and organizational forms, such as IPO voting, they assembled dynamically to shift the terrain of struggle in conservation governance and collectively move forward the agenda to secure human rights in conservation.

In this manner, ethnographic attention to how IPLCs invoke new ideas, strategies, and narratives at international conferences shows how governance is actively and continually produced through dynamic power relations. Focusing on transformations in meaning rather than specific outcomes of the conference, we can understand the role of physical spaces, narratives, alliances, individuals, and documents in collectively reshaping governance, and how dominant and marginalized actors shift hegemonic discourse and enroll allies in their agendas. The CEE methodology, with its emphasis on capturing the mundane, meaningful, and processual aspects of policy-making, helps to illuminate the on-going labor entailed in bringing together and aligning the disparate elements in dynamic assemblages. By approaching conferences not only as platforms for orchestration, but also sites for resistance, we see how actors take advantage of often unpredicted opportunities to intervene, how they continually adapt to the messiness of negotiations, and how they align at particular moments and break at others. We can observe how certain devices, logics, and narratives challenge or reinforce particular institution's relevance and influence within a shifting assemblage of global conservation governance. This has particular implications for political ecology as it reveals how and why seemingly intractable negotiations can shift suddenly and radically and the ways in which dominant actors can usurp radical agendas, claiming them as their own.

Ultimately, as advocates at the WCC staked out physical and discursive space at the venue, they secured the authority to shape conservation politics, shifting the terrain of struggle between conservationists and local and Indigenous rights activists, creating new conditions of possibility for advancing the human rights agenda in international conservation. One outcome of this is the IUCN's recent establishment of the Global Programme on Governance and Rights (GPGR), which seeks to provide leadership with the IUCN and globally to promote rights-based approaches to conservation. Its mission includes sharing knowledge and building partnerships across institutions, supporting RBA implementation at national and local levels, and informing international rights policies and standards, as well as supporting IPOs (IUCN 2019). Likewise, the IUCN's Natural Resource Governance Framework, a joint initiative of CEESP and the GPGR aims to ensure natural resource governance that includes secure tenure rights for IPLCs (Larson and Springer 2016).

## 11. Recommendations for on-the-ground implementation

The impact of the rising RBA movement at the international arenas can be seen in these IUCN initiatives, as well as the now institutionalized voting role of IPOs. However, while the RBA discourse has been politically successful in international arenas, numerous obstacles remain in translating that progress to securing human rights "on the ground." Even where the Whakatane Mechanism dialogue has been initiated and/or regional courts have made favorable rulings, nation states, and associated private and nonprofit partners continue to violate human rights, including evicting and imprisoning people for accessing their lands (Domínguez and Luoma 2020). While funding for expanding protected areas and anti-poaching efforts continue to grow, most nation states have not implemented monitoring systems as proposed by CIHR or binding grievance and restitution mechanisms, and many public PA authorities continue to suppress IPLC rights, "due to the lack of rights protection in national laws and regulations, vested interests in exclusion, lack of funding to pursue alternatives, or lack of staff or staff training" (Tauli-Corpuz *et al.* 2020: 10). Thus, the endeavor must move beyond recognition of rights in global documents or regional courts to redressing the intersecting on-the-ground-impacts of loss of resource access, livelihoods and identity, resource struggles with commercial concessions, forced changes to customary land tenure, and violence in the name of conservation (Tauli-Corpuz *et al.* 2020).

The translation, in the special rapporteur's words, from paper into practice, demands strong commitments by conservation actors to ensure that the rhetoric of rights-based conservation does not simply

provide a human rights stamp of approval that enables further expropriations, or that the desire to showcase success cases does not mask site-specific failures and challenges. Instead, conservation actors will need to invest more funding in institutionalizing national and global mechanisms for reporting and redressing human rights violations, support civil society groups in challenging state actors and commercial concessions that threaten their rights, help to establish truth and reconciliation commissions, and recognize community conserved areas in protected area targets. Reflecting the calls by IPLCs at the WCC for engagement on their own terms, they also need to listen to and change the way they work with IPLCs, recognizing that representational spaces shape whose voices are heard, that land and resource rights form the foundation of ongoing wealth, and that RBAs must incorporate intersecting recognition, procedural, and substantive rights. Here those advocating RBA could learn from efforts to decolonize conservation, not just through repatriation of lands (Tuck and Yang 2012), but also through walking with IPLCs (Sundberg 2014). Ultimately, the effective implementation of RBAs on-the-ground will necessitate strong financial and political commitment to reparations for the ongoing exploitation of IPLCs in the name of conservation.

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