

# **POLICY ON ACCESS RESTRICTIONS AND HUMAN DISPLACEMENT**

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**FZS CONSERVATION & HUMAN RIGHTS  
FRAMEWORK**

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**FRANKFURT  
ZOOLOGICAL  
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# POLICY ON ACCESS RESTRICTIONS AND HUMAN DISPLACEMENT

## INTRODUCTION

FZS takes the view that conservation goals are rarely incompatible with the sustainable practices, values, ways of living, and worldviews of Indigenous Peoples and local communities (IPLCs). However, we also acknowledge that the conservation of natural resources generally entails limitations on natural resource use and access, which can disproportionately affect them. Projects undertaken or supported by FZS aim to promote positive measures for harmonising nature and biodiversity conservation activities with respect for human rights.

As a non-government organisation, FZS does not have authority over decisions or policies regarding the restriction of access to and use of natural resources or displacement of people for environmental conservation. We commit to using leverage to ensure that adverse impacts on IPLCs' land rights are avoided or minimised, that they are consulted through a free, prior and informed consent (FPIC) process and that their standard of living and realisation of rights are improved.

## 1 PURPOSE

- 1.1 This policy provides for how FZS engages with communities and decision-makers to help avoid rights infringement that causes the restriction of access to natural resources and human displacements, with high costs or negative impacts to IPLCs as part of its commitment to respect human rights.
- 1.2 Restrictions on access and use of natural resources refer to limitations or prohibitions on the use of and access to communal, agricultural, residential or other lands, hunting, gathering and grazing areas, aquatic resources and fresh water and timber and non-timber forest products and services that are put into effect as part of a conservation project or programme in legally designated protected areas and the surrounding zones.
- 1.3 FZS does not support forced evictions or displacements<sup>1</sup> and only as a last resort to achieve conservation ends, it advises in favour of actions that involve the involuntary resettlement of people or communities from particularly fragile, valuable, or dangerous landscapes to places where they can improve or at least restore their standard of living and realise their cultural rights.
- 1.4 Involuntary resettlement occurs when affected persons or communities do not have the right to refuse land acquisition<sup>2</sup> or restrictions on land access and use that causes the physical and/or economic displacement of people or communities who are either residents of legally designated protected areas and surrounding zones or dependent on them for their livelihoods and/or cultural practices. By no means should 'involuntary' be interpreted as forced displacement or eviction.
- 1.5 This standard applies to all types of land and resource rights and tenure regimes held by IPLCs, including those that are customary, traditional and non-legally recognised.
- 1.6 This policy does not apply to restrictions of access to natural resources under community-based natural resource management agreements, where IPLCs governing and managing the area collectively decide to regulate and restrict access, provided that the decision-making process is participatory, culturally adequate and reflects voluntary and informed consensus, and that appropriate measures have been agreed and put in place to mitigate adverse impacts, if any, on the vulnerable members of the community.

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<sup>1</sup> Forced eviction or displacement is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection.

<sup>2</sup> Land acquisition refers to all methods of obtaining land for conservation purposes, including outright purchase, expropriation of property, acquisition of access rights and acquisition of unoccupied or unutilised land whether the landholder relies upon such land for income or livelihood purposes, and repossession of public land that is used or occupied by individuals or communities. The concept of land encompasses anything growing on or permanently affixed to land, such as crops, buildings and other improvements, including water bodies.

## 2 REQUIREMENTS

Where states seek to restrict or modify resource access and use or to displace people from protected areas, and where IPLCs have previous legitimate claims to the land or resources, FZS will make every effort to ensure that:

### CONSULTATIONS

- 2.1 Authorities consider alternatives to restriction and displacement and obtain in advance the freely given and informed consent (FPIC) of all persons and communities to be displaced or to lose resource access through culturally appropriate, non-discriminatory, inter-generation and gender-inclusive procedures, and through their representative institutions.
- 2.2 Authorities disclose information and ensure a participatory process before and while: (a) preparing and implementing conservation programme components, including consultation; (b) establishing eligibility for compensation and mitigation measures and agreeing on those that help improve or restore livelihoods and secure cultural rights in a manner that maintains the sustainability of the protected area; (c) resolving conflicts emerging from the process; (e) monitoring implementation. Information-sharing and participation should take place in a location, manner and language accessible to all those impacted by the restrictions and to key stakeholders.

### MITIGATION MEASURES

- 2.3 Authorities consider both the material and non-material needs of the people and communities proposed to be displaced or lose resource access and take the necessary measures to allow them to improve, or at least restore, their quality of life.
- 2.4 Authorities determine the nature of the restrictions, as well as measures to mitigate their adverse impacts, with the effective participation of the affected persons during the design and implementation of the activities.
- 2.5 Authorities meet all their legal and contractual obligations to the people.

### INDIGENOUS PEOPLES AND LOCAL COMMUNITIES' RIGHTS

- 2.6 Authorities safeguard the rights of IPLCs to the natural resources pertaining to their lands, which include their right to participate in the sustainable use, management and conservation of these resources, in accordance with international human rights standards.
- 2.7 Authorities recognise the rights of IPLCs not to be removed from the lands they use or occupy and adopt the FPIC as the standard for consultations and consent regarding interventions affecting their territories and resource rights, including protected areas.

## 3 COMPETENCIES OF FZS

In advising IPLCs, the private sector, governments and donors on rights related to access, use, management and conservation of natural resources, and on restrictions of use and access and involuntary resettlement, FZS will take into account:

- 3.1 The legitimacy of the claims to the land and resources of the people facing restriction of access and use or displacement, whether they have traditional, customary or informal tenure.
- 3.2 Whether and to which extent the people or communities facing restriction of access and use, or displacement, are or might become economically, socially, culturally or physically vulnerable.
- 3.3 The assessment and measurement of the social, economic and cultural impacts of protected areas on IPLCs' rights, the losses and the means to provide fair compensation, including project benefit-sharing arrangements.

- 3.4 The nature of the evidence that effective conservation of prioritised species or places cannot be achieved without restriction and/or modification of access or human resettlement.
- 3.5 The adequacy of mechanisms and procedures established by the authorities for the participation of local communities in decision-making and consultations regarding restriction of access and relocation, including grievances, in accordance with FPIC requirements.

Should there be circumstances in which, despite FZS's efforts, IPLCs have been or are proposed to be displaced or to lose previous legitimate access and use of resources for the purpose of achieving conservation objectives, the highest applicable international standards should guide the planning and implementation of such activity. Should FZS conclude that an activity is not consistent with this policy, it may take a number of actions that may range from advocating for alternatives to ceasing to work with the funders and local and national authorities involved.