

Forest people forced off their land in the name of conservation

The traditional way of life of many forest-dwelling indigenous people are threatened by external commercial interests. People who have lived in harmony with their natural surroundings for centuries are evicted from their lands to make place for large-scale industrial agriculture, mining, or cattle keeping enterprises. Increasingly, forest people are also evicted in the name of government-sanctioned conservation efforts. Those who have for generations been the true custodians of the forest are suddenly portrayed as a threat to the very ecosystem on which they depend for their food, health, well-being and cultural and spiritual heritage.

Conservation zones set up by governments increasingly reach deep into the lands and forests of indigenous communities. Sometimes their ancestral lands are even fully confiscated. Governments claim that this strategy is needed to protect nature and wildlife. They blame indigenous people for attacks on tigers and other wildlife and use this as a rationale for forcibly evicting entire communities and resettling them away from their ancestral lands. The negative consequences of this policy are many.

First, the evictions cause a direct loss of lands, livelihoods and culture, while the process of relocation results in many social injustices. Secondly, shrinking forest areas increase the

risk of unwanted contact between humans and wildlife. The stark rise in tiger and elephant incursions into villages in farming areas, for instance, has had dramatic consequences for both humans and animals. Thirdly, local people who have a profound knowledge of the forest ecosystems, are rarely asked to participate in government-run conservation programmes. As a result, many programmes fail to respond to the specific needs of their natural surrounding.

On top of these negative impacts, we increasingly witness that at times alleged 'conservation policies' have a hidden agenda. As soon as all people have been evicted from their land and there is nobody left to voice

grievances, governments can relatively easily sell off or lease the designated conservation areas for commercial purposes. At that point, the forest conservation laws that 'justified' the eviction of forest communities, are purposefully diluted by the government to accommodate non-forest industries. In other words, when economic gains are on the horizon, the conservation of wildlife quickly loses priority.

Evictions of local communities frequently violate national laws as well as international human rights safeguards, such as those articulated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Affected communities often lack



mechanisms for public consultation, due processes of free, prior and informed consent (FPIC), and the right to decision-making or space for redressal of grievances.

In some cases, monetary compensation is offered. However, this is not an adequate replacement for the loss of livelihood and way of life. The mechanism of compensation moreover highlights the disproportional impact of forced evictions on women. First, compensation is mostly given to men. Secondly, monetary compensation is often ineffective for women who are generally much more dependent on access to land and natural resources for their survival. Without such access, they are left with no means to feed themselves and their children. Because governments do not have the capacities to ensure long-term sustenance and the rehabilitation of affected communities, women are often forced into 'illegal' engagements with the forest, which in turn leaves them vulnerable to harassment by government officials.

POLICY RECOMMENDATIONS

It is deeply concerning that conservation policies are increasingly being used as a tool for land grabbing, resulting in the eviction of local communities and indigenous peoples from their ancestral lands. Often this practice is – covertly or openly - supported and funded by international players. We call upon all actors involved to take responsibility and address the grave social injustices and human rights violations caused by these practices.

1. We call for increased debate and dialogue to recognise the negative consequences of evicting forest-dwelling indigenous communities from their lands. This practice not only threatens their livelihoods, but also frequently the forests' ecosystems and biodiversity. International experience¹ shows that the best way to protect and conserve natural forests is through working with the forest-dwelling communities and securing indigenous forest peoples' rights to their land.
2. Conservation policies must be aligned with inclusive development and respect for human rights. Involved international and national (conservation) organisations and donors need to take responsibility for the human rights impacts of their conservation projects. Nature protection cannot be an excuse for grievous human rights violations. FPIC and other relevant human rights instruments need to be properly implemented in all projects.
3. Securing community rights to land and natural resources, as well as addressing historical and current social injustices is crucial. Approaches to equity that focus on 'benefit sharing' or 'compensation' tend to be used to drive a wedge between the community and their lands. It enables those focused on short-term gain to overrule the very people who are concerned with the long-term protection of their ancestral lands.

NOTE

¹ Porter-Bolland et al. (2012) Community Managed Forests and Forest Protected Areas: An Assessment of Their Conservation Effectiveness across the Tropics. *Forest Ecology and Management* 268: 6–17

The Guardian (2016) The tribes paying the brutal price of conservation. <https://www.theguardian.com/global-development/2016/aug/28/exiles-human-cost-of-conservation-indigenous-peoples-eco-tourism>.

The following cases illustrate how this has played out in India and in Kenya, highlighting the negative impacts experienced by the women of these communities.

Tigers displace adivasi communities in Panna district, India



Madhya Pradesh is one of India's least developed states. A third of the population are adivasis, the original inhabitants of the area. More than half of them live below the poverty line. The vast forests of Madhya Pradesh are increasingly converted either for mining purposes or to establish wildlife reserves. The state currently contains 11 national parks and 11 wildlife sanctuaries. One of them is the Tiger Reserve in Panna district. Ever since its establishment in 1982, the adivasi people have faced eviction from their lands and violation of their human rights in the name of protecting the environment and wildlife. Many adivasi have been coaxed into giving consent to relocation on the verbal and false promises of better facilities and monetary benefits. Once evicted, they are faced with the challenges of finding new housing, sources of livelihood, access to water and firewood, education and medical facilities. The government does not provide any of this: monetary compensation for the evicted villagers is considered the end of all State responsibility.

IMPACT ON WOMEN AND CHILDREN

The evicted adivasi communities are cut off from the ancestral forests that served as the natural resource base for their livelihoods for generations.

They are no longer permitted to enter the forest to collect firewood and forest products and graze their cattle. Even their farming lands have been cordoned off, prohibiting them from cultivating any food crops. As a

result, many adivasi end up as seasonal labour migrants. Social cohesion breaks down, as only elderly persons who have no physical ability to migrate remain in the reolated villages. The impact is especially hard-hitting on women and children. As families live as migrant labourers, women have no access to basic amenities or food and other social security benefits. Most children drop out of school. Malnutrition among children and infant mortality rates are very high. Women who try to enter the forest 'illegally' for collecting firewood and forest produce, which often means walking for hours in the heat, face harassment. The women complain of physical abuse by forest officials, who confiscate their firewood bundles, demand bribes and file false cases of encroachment against them. The government does not provide any alternative means for the women to meet their domestic needs; and they are too poor to purchase LPG or kerosene to replace firewood.

Over the past year, both tigers and indigenous people in Panna district have faced severe water crisis as all water bodies completely dried up. The government made temporary arrangements to save the tigers from the drought. No effort was made to harness people's knowledge and resources for forest and water regeneration, which reflects the government's hostility towards a participatory approach to conservation.

TURNING A BLIND EYE

More than 39 villages have been declared as buffer zone for the Panna Tiger Reserve and people living there are at risk of futher evictions. Meanwhile, government officials turn a blind eye to the increase of illegal mining that is taking place inside the same buffer zone. The government has even given out



► mining leases to companies like Rio Tinto within the Tiger Reserve, and allows other organised commercial activities like wildlife tourism and a growing hospitality industry. This situation throws serious doubts on the genuineness of the government's conservation policy. It appears that political affiliations and economic gain take privilege over a compassion towards wildlife. Meanwhile, the adivasi who are evicted from their villages in the name of wildlife conservation are left with few other

options than to work in the same mines that are destroying their traditional livelihoods. Children too are forced to work in illegal mines in very inhumane conditions. In fact, adolescent boys and girls often are the main breadwinners as their parents suffer from silicosis and other occupational illnesses.

LEGAL RIGHTS

Evicting the ancestral custodians of the forest has had an adverse effect on conservation in Panna district, and

is destroying the livelihoods and way of life of thousands of people. This situation goes against a range of safeguards in the Indian Constitution that protect the rights of adivasis and their natural resources. Some villagers have successfully claimed title deeds to their land under India's Forest Rights Act of 2006, however, there has been no follow-up to or implementation of the court ruling.

Evicted in the name of forest conservation: Sengwer people in Kenya



The Sengwer people are an indigenous ethnic minority living along the slopes of the Cherangany Hills in Western Kenya. The Sengwer livelihood, culture and health system depend on the natural resources of Embobut Forest. Their traditional economy was based on bee keeping, hunting and gathering. Today, some Sengwer keep cattle and cultivate small family gardens in the glades in the forest.

Starting during British colonial times and continuing after Kenya's independence, the Sengwer people have routinely been denied access to their ancestral lands – as well as the right to own, manage and protect their forests. The result has been a dramatic loss of forest cover and the destruction of much of the forest ecosystem as well as vital water resources. Illegal alterations of forest boundaries and irregular land allocation to non-Sengwer communities in 1992 aggravated the situation. With their rights denied, the Sengwer were in no position to oppose more powerful people and interests from taking their lands. Throughout this period, the Sengwer saw an increasing trend of forced eviction.

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WORLD BANK IN THE WRONG

The predicament of the Sengwer people worsened due to a World Bank-funded project that ran from 2007 to 2013. The stated aim of the 'participatory' Natural Resource Management Project (NRMP) was to protect the forest ecosystems and water catchments and to address the damage done in the previous decades. The NRMP was backed by Finnish development cooperation funds and implemented by the Kenyan Forest Service (KFS). Initially, the Sengwer welcomed the project as it promised to finally recognise their collective rights to their lands. However, in 2011, the NRMP was restructured and the recognition of the Sengwer's right to their land was dropped without informing them. The people submitted a complaint to the World Bank Inspection Panel about the harm the project was causing. They requested an investigation into the malpractices of the KFS forest guards and police, who forced people to leave their ancestral lands by burning homes and destroying food stores. The findings of the Inspection Panel's report of September 2014 were damning. It found non-compliance with the Bank's own safeguard policy on Indigenous Peoples. However, despite complaints to the World Bank, an Avaaz petition which gathered almost a million signatures, and meetings

with President Kenyatta, the situation has dramatically worsened for the Sengwer.

IMPACT ON WOMEN AND CHILDREN

In November 2013, the Kenyan government decided unilaterally to 'solve' the Sengwer issue by insisting that the Sengwer communities receive financial compensation in return for signing away their right to their lands. While the people felt very strongly that no money could ever compensate the loss of their ancestral home, many of them accepted the compensation under severe pressure. The compensation process involved no consultation or agreement, and many Sengwer misunderstood it to be compensation for past harassment rather than the trigger for their expulsion that it became. Many Sengwer families never received any compensation while much of the money disappeared in the pockets of non-Sengwer elites.

In January 2014, mass evictions began. People's homes and possessions were burned, including school uniforms and books, cooking utensils and bedding. People who resist are harassed and arrested by armed KFS guards. Those who have been evicted are living in completely inadequate temporary shelters. Women and

children in Embobut suffer from illness and extreme poverty due to the destruction of their homes and household properties. At the high altitude where their temporary shelters are located, it gets very cold at night, while the families have lost all properties fundamental to staying warm, fed and clothed. During evictions, verbal abuse and physical violence, including sexual violence, often take place. A court order in place since 2013 forbids such harassment. However, most women who experience this are unaware of their legal rights to be protected against forceful eviction and the violence associated with these evictions.

VIOLATION OF RIGHTS

The ongoing evictions of the Sengwer people violate the 2010 Kenyan Constitution, which grants indigenous people the right to their land. What is more, this approach to forest conservation is counter-productive. The forest, emptied of its traditional custodians in the name of 'conservation', is left in the hands of organisations and individuals who have no long-term commitment to caring for the forest ecosystems but instead seek to maximize profits from its natural resources.

This publication is developed as part of the Upholding Human Rights: Bridging the Gender- Environment Divide project by ActionAid Netherlands, ActionAid Kenya, ActionAid South Africa, Both ENDS Netherlands (Project Coordinator), Centre for International Environmental Law (CIEL) based in Washington DC and Geneva, Forest Peoples Programme (FPP) and India-based organisations Dhaatri (Adivasi Resource Centre for Women and Children) and Keystone Foundation.

See also

www.bothends.org/HRG

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September 2016