



Securing Rights in Landscapes

Towards a rights based landscape approach

Cora van Oosten and Kimberly Merten



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1 Background

Since more than a decade WWF and IUCN are strong protagonists of integrated landscape approaches. Besides applying landscape approaches within multiple programmes, WWF and IUCN have contributed to international publications such as the *Little Sustainable Landscapes Book* (2015). In this book, landscape approaches are defined as 'a holistic form of natural resource management operationalised at the landscape level'. The reason for adopting a landscape perspective, so the book state, is that the landscape provides an appropriate level for multiple land users (farmers, forest dwellers, public agencies, private companies) to reconcile competing objectives, and find common ground. Working at the landscape level provides them an opportunity to address multiple challenges simultaneously, and increase the probability of integrating conservation and development outcomes successfully. However, in practice, such an integrated approach is challenged by diverging stakeholder interests and conflicting policy objectives acerbating stakeholder conflict and power struggles over the use of space. Landscape approaches are generally optimistic about the potential of locally steered initiatives and governance arrangements, but despite efforts in decentralised natural resources management, the key to inclusive and just landscape governance is still to be found (Chazdon et al., 2020; van Oosten et al., 2020).

Also since more than a decade WWF and IUCN are protagonists of rights based approaches. The reason for this is that conservation practice has regularly raised concerns among human rights organisations, criticising WWF, IUCN and others of human rights violations. In a response to these critics, WWF, IUCN and five other international conservation agencies launched the *2009 Conservation Initiative on Human Rights*, in which members commit themselves to respecting internationally recognized human rights throughout their operations. Since then, each of the signatories have developed their own approach to developing policies to safeguard human rights. Both WWF and IUCN have established their Environmental and Social Safeguards Frameworks (ESSF), as a risk mitigation management system to be applied in development projects that may potentially generate negative social or environmental impacts. Both ESSFs reflects a deep recognition that human rights and the environment are interdependent, and that human rights to life, health, food, water and development are all dependent on safe, clean, healthy and sustainable environment (SRJS Online Exchange 2019). By adopting their ESSFs, WWF and IUCN aim to ensure that conservation efforts do not have any adverse social and environmental impacts, and ensure the protection, the promotion and the fulfilment of human rights within the landscapes that it works (WWF, 2019). As non-governmental organisations, the human rights responsibilities of WWF and IUCN are not the same as those of States, but they do have an institutional responsibility towards rights protection. To this end, they wish to make a shift from addressing people's *needs* towards supporting people to claim and realise their *rights*. Developing and adopting a '*rights-based landscape approach*' could be instrumental in this, as it would strengthen WWF and IUCN work on conservation and development through building the potential of individuals and communities with which they work (ibid.).

'We are not only accountable to our donors, but also, even more, to the local people living in the landscapes where we work. We are accountable to them, and to our partners, in the same way as they are accountable to us. This mutual accountability must be ensured for the long term and be flexible in the way it can be. This requires transparency, openness and trust by providing information to communities on what is going to happen, and for what has been done and how' (ESSF/SRJS online dialogue 2020, unpublished).

2 Aim of this document

The Shared Resources for Joint Solutions programme (SRJS) financed by the Netherlands Ministry of Foreign Affairs and implemented by WWF-NL, IUCN-NL and the overseas partners of both, has played a pivotal role in operationalising an *inclusive* landscape approach. Many SRJS related project activities contribute to the development of successful models for multi-stakeholder collaboration and inclusive governance within landscapes. An analysis of the lessons learned is described in the document '*Landscapes in Perspective - A study on SRJS & the landscape approach*' (EcoValue, 2020). One of the main lessons learned is that multi-stakeholder collaboration in itself is never value free, and it always implies a great responsibility of the parties that initiate, convene and facilitate multi-stakeholder collaboration. In addition, truly inclusive landscapes depend not only on the quality of collaboration, but also on the quality of the overall governance context, the policy frameworks, the level of devolution of planning tasks, and the capacity of stakeholders to take up new roles and responsibilities that multi-stakeholder governance entails. Strengthening the role of civil society within this process, in particular the strengthening of the roles of youth, women and indigenous peoples, requires more than informal interaction and dialogue. Instead, it requires a more strategic approach to strengthening the position of women, youth, indigenous peoples and environmental rights activists within the societies in which they operate. A rights based approach addresses the current and the desired roles and responsibilities of individuals, communities, companies, societies and states vis-à-vis each other, and vis-à-vis the environment that they share. It helps raising the ambition of stakeholder dialogue and collaboration, and helps in setting benchmarks, and develop checks-and-balances within the context of conservation and development, and should therefore be an intrinsic part of an inclusive landscape approach.

The experience gained through the SRJS programme can help WWF and IUCN to position themselves stronger as protagonists of such an inclusive landscape approach, by incorporating a rights based perspective to its implementation. This document aims to support this positioning, as it provides an overview of existing landscape approaches and rights based approaches; it identifies the interfaces between both; and it explores the potential for operationalising a *rights based landscape approach* in practice. Based on these insights, WWF, IUCN and others will be even better positioned to further expand their reach of landscape approaches, enhance their level of inclusiveness, and raise their impact within its programmes.

To this end, this document will start by unravelling landscape approaches and the principles on which these are based (section 3). Secondly, it will picture the basic principles rights based approaches in relation to conservation and development, and identify potential contradictions between these two (section 4). Thirdly, it will give suggestions on how landscape approaches and rights based approaches can be combined, resulting into a Rights Based Landscape Approach (RBLA, section 5, 6, 7 and 8). Suggestions will be provided as to how RBLA could be operationalised and integrated in WWF/IUCN work (section 9), followed by the conclusion and recommendations for WWF and IUCN's future work (section 10). Throughout the document, practical examples from SRJS and additional WWF/IUCN programmes are provided, illustrating how WWF and IUCN are already implementing elements of RBLA. Building on these examples, the document helps to make WWF/IUCN's existing RBLA practice more explicit, and to set the stage for its further development within the WWF/IUCN context. The document does not pretend to be a qualitative or quantitative evaluation of the SRJS programme and its activities, nor should it be read as a manual or guideline on how to operationalise RBLA. Yet instead, it does provide insight in how RBLA could be operationalised within WWF/IUCN practice, and how the SRJS experience could be guiding in this.

3 Landscape Approaches

During the first decades of the 21st century landscape approaches have gained ground in the global debate on conservation and development. Landscape approaches offer new opportunities to conceptualise the complex relations between nature, land use and stakeholder dynamics within multifunctional landscapes. This helps professionals and practitioners to better understand the ecological, socio-cultural and economic dynamics of the landscapes where they work, and understand how these dynamics have evolved over time. Recognising landscapes not only as geographically defined *places* but also as networked *spaces* helps in understanding why landscapes are influenced by global drivers of production, consumption and development, and how they are impacted by global challenges of climate change, biodiversity loss and health threats. This understanding enables professionals and practitioners to more strategically operate within global commodity chains, policy processes and activist networks.

Core values of a landscape approach as defined by SRJS (from: EcoValue, 2020)

1. Shared or agreed management objectives that encompass multiple benefits (the full range of goods and services needed) from the landscape;
2. Field, farm and forest practices are designed to contribute to multiple objectives, including human well-being, food and fibre production, climate change mitigation, and conservation of biodiversity and ecosystem services;
3. Ecological, social, and economic interactions among different parts of the landscape are managed to realize positive synergies among interests and actors or to mitigate negative trade-offs;
4. Collaborative, community-engaged processes for dialogue, planning, negotiating and monitoring decisions are in place;
5. Markets and public policies are shaped to achieve the diverse set of landscape objectives and institutional requirements.

Strategic positioning within global chains, processes and networks offers landscapes and their stakeholders an opportunity to build relations within and outside of their landscapes, engage in dialogue, and attract external support. Within SRJS this has been done extensively, as convening, facilitating and nurturing stakeholder dialogue and collaboration has been key in its delivering progress. However, the SRJS experience has also revealed the shortcomings of landscape dialogue and collaboration. Throughout the implementation period it was noticed how difficult it is to bring multiple stakeholders with diverging interests together, to build inclusive and transparent dialogue, and to turn the outcomes into sustainable, legitimate and just governance arrangements, policies and spatial plans.

These shortcomings revealed by SRJS echo the international scholarly debate on landscape approaches, in which similar shortcomings are acknowledged and analysed. Well known is the article of an international group of scholars (including WWF scientists) led by Jeffrey Sayer, which presents '*Ten Principles for a landscape approach to reconciling agriculture, conservation and other competing land uses*'. These principles are presented as an attempt to provide coherence between the different landscape approaches that exist, and steer their operationalisation towards sustainable and inclusive landscapes (Sayer et al., 2013). The principles highlight the value of integrated landscape approaches for reconciling multiple objectives, stakeholder involvement, and adaptive management, but they also reveal the difficulties of sticky institutions and poor governance as potential obstacles to implementation (ibid.).

Out of the Ten Principles, it is Principle no. 7 that pleads for a rights based perspective on landscape approaches. It emphasises the need for '*the clarification of rights and responsibilities*' which is key to ensure that land use, landscape management and landscape planning is done with the full respect of human rights, and secures legal justice while shaping a programme's conservation and development outcomes. Rules and regulations regarding resource use, so it is argued in Principle 7, need to be clear to and accepted by all stakeholders, while all stakeholders need to have access to a fair justice system in case of resource conflict and proposed resolution measures (ibid.). Clarity on rules, so the authors argue, may reveal the possible existence of different interpretations of the rules, overlapping rights or claims, unequal access to justice, corruption or otherwise power imbalances. A rights based approach to landscapes is therefore key in making landscapes truly inclusive and just, especially in cases where there is no accepted legitimate system for arbitration, justice and reconciliation in place (ibid.).

Ten Principles of a landscape approach (Sayer et al, 2013)

1. Continual learning and adaptive management
2. Common concern entry point
3. Multiple scales
4. Multifunctionality
5. Multiple stakeholders
6. Negotiated and transparent logic
7. Clarification of rights and responsibilities
8. Participatory and user-friendly monitoring
9. Resilience
10. Strengthened stakeholder capacity

4 Rights based approaches

Rights based approaches (RBA) have been developed and promoted by human rights organisations, development agencies and otherwise non-governmental organizations to establish a normative framework to positively transform power relations among development actors. They share a common basis in the *UN Universal Declaration of Human Rights* (1948), which offers an international system of global standards, international laws, and monitoring instruments with regard to human rights. RBAs stem from the integration of human rights into global development discourses, and enables policy-makers and organisations to integrate a rights based approach into their development policies and programmes. RBAs were broadly discussed during the World Conference on Human Rights in Vienna 1993, whereby the *Vienna Declaration and Programme of Action* crystallised an interdependent link between democracy, human rights, sustainability and development (Hamm, 2001). They were further pushed by Kofi Annan as Secretary General to the United Nations, as part of his efforts to mainstream human rights into all work of the United Nations, including the MDGs and SDGs. Subsequently, in 2003, a guide towards a 'Common Understanding' of RBAs was developed by various organisations and agencies under the umbrella of the UN (UN, 2003). In this guide, six main principles¹ for RBAs were established: universality and inalienability; indivisibility; inter-dependence and inter-relatedness; equality and non-discrimination; participation and inclusion; accountability and rule of law, all being integrated into the operations of numerous civil society groups and agencies. Nowadays, the most common RBA is the RBA to development, which stresses the link between human rights and economic development, and is seen as a means to achieve positive transformation of power relations among stakeholders in development (Gneiting, 2009). It has paved the way to more inclusive and just economic development thinking such as reflected in the concept of *sustainable development* which has been promoted since the Rio Earth Summit (1992) and its Agenda 21, stating that '*environmental issues are best handled with the participation of all concerned citizens, at the relevant level*'².

Addressing climate risks and environmental degradation in Aceh, Indonesia

In Indonesia, SRJS emphasized the role of local communities in protecting nature and strengthen the interdependence between the people and surrounding biodiversity by changing the way forest resources were being used to support community lives. The SRJS programme in Aceh addressed climate risks and environmental degradation at coastal villages by creating models where community members, private sectors, and local government worked hand in hand for a common vision to tackle climate impacts on development, socio-economic, and environment. Local-initiated rules were being set through village regulations, while green community enterprises had taught the people to depend on nature without degrading its function. Women, who used to be a separate element of natural resource management, were empowered to stand for their rights and generate their own incomes with adequate capacities not only to manage non-timber resources, but also to engage other parties for collaborations and learnings.

RBAs depart from the principle that from a human rights perspective, all individuals are rights-holders who can make legitimate claims. At the same time, all individuals are also duty-bearers, who are responsible, and can be held accountable for their acts or omissions³. The emphasis on the relation between *right holders* and *duty bearers* helps to perceive stakeholder relations as rights-duty relations, building on the reciprocity of rights, and establishing mechanisms and processes of mutual accountability (Jonsson, 2003). Hence, attention is not only focused on those actors in society having legitimate claims, but also on those having the obligation or duty to secure the rights of others. This divides the world into right- or claim holders and duty bearers, their inter-dependencies, and their

¹ <https://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

² https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf.

³ <https://socialprotection-humanrights.org/key-issues/universality-of-protection-and-effective-access/rights-holders/>

abilities to either claim the rights they are entitled to, or to perform their duty the way they are obliged by law or morality.

Framing stakeholder relations in terms of rights-duties relations reflects a widening trend in development thinking, where poverty reduction and livelihood security are increasingly associated with systems of governance that protect and promote the interests of poor and vulnerable groups in society, through in-built mechanisms of accountability (Jonsson, 2003). In this context, institutionalisation of a RBA to development is thought to strengthen the political, social and economic position of poor and vulnerable groups, and give them an instrument to instigate societal debate and institutional change (UNDP, 2000). It also helps to consider the act of claiming rights and bearing duties as *capacities*, opening an option for the strengthening of stakeholders' capacities to claim rights and bear duties. Framing the claiming of rights and bearing of duties as capabilities allows for active capacity development of both categories of stakeholders in a non-offensive manner.

Good mineral governance

In the Philippines, a tripartite dialogue on mineral governance was initiated by the government, focusing on a chain approach to improving mineral governance. A high level exchange between NGOs and government representatives catalysed a round table on responsible mining. This dialogue explored what large-scale responsible mining looks like. It spelled out the responsibility of the government to set clear and transparent rules; the responsibility of the mining sector to comply with the rules, and the responsibility of NGOs to act as watchdogs, to oversee the process and intervene whenever responsibilities are not met. Raising awareness, empowerment of the participants, and creating substantial press attention was the contribution of IUCN (<https://www.iucn.nl/en/story/ngo-cooperation-leads-to-tougher-mining-legislation/>).

Key in RBA is the role of so-called '*accountability holders*'. Accountability holders are those NGOs, right advocates or independent '*watchdogs*' who, in the case of rights abuse, have the role to intervene and re-establish the rights-duty relation between right holders and duty bearers. They are supposed to have the neutrality and the mandate to hold duty bearers accountable, while empowering right holders to exercise their rights. '*Empowerment*' in this sense can be framed as the intervention of accountability holders to hold duty bearers accountable and strengthen right holders' position vis-a-vis their duty bearers. Expressed in terms of capacities, this entails the strengthening of capacities of right holders to claim the rights they are entitled to; or the capacities of duty bearers to bear the full responsibility of their duties. It is important to realise that duty bearers are not necessarily individual representatives of institutions (governments, agencies, companies), but also the institutions themselves. Strengthening institutions in their capacities to fulfil their obligations towards right-holders is therefore an effective way of strengthening stakeholder relations and achieving just and inclusive development *and* conservation outcomes at a higher level. In this way, the trade-off between development and conservation is reframed as a process of social *and* environmental justice, emphasising the mutual dependency and accountability between different stakeholders, and between stakeholders and their environment.

5 A Rights Based Landscape Approach

The link between RBAs and landscape approaches is rooted in environmental rights thinking, in which the right to conserve and protect is equally important as the right to access and sustainably use. This relates to landscapes harbouring multiple functions, of which some are fundamental to a landscape's ecosystems, while others represent the services to a landscape's inhabitants. Both are interdependent, as reflected in the European Landscape convention which states that '*a landscape is a key element of individual and social well-being, and that its protection, conservation, management and planning entails rights and responsibilities of everyone involved*' (ELC, 2004). Much however depends on the regulatory frameworks regarding the use of natural resources (land, soil, water, biodiversity, air, ...), including their protection, management and use. Rights issues in landscapes arise whenever there is unclarity, inequality or ambiguity on the distribution of rights to access, use and control resources. Local tenure arrangements may be defined through customs, and otherwise local institutions which may differ from formal legislation (Gaspar, 1993). Such *legal pluralism* is a breeding ground for confusion, manipulation and power plays, especially in globalising economies with rising resource values. Local institutions and arrangements may easily be overshadowed by external regulating mechanisms embedded in national legislation, but not embedded in a landscapes' environment nor its institutions which have been historically shaped. This is especially problematic in resource-rich countries with complex property regimes of state-, private-, common property and open access, where globalisation and rising resource values have disrupted local institutional arrangements, making these dysfunctional or even perverse. Here, different stakeholders may claim legitimate rights, but from different sources of legitimacy, which makes it hard to judge who is right or wrong. The resulting '*land grabs*' are expressions of such disruptions, illustrating the clashes of interests between stakeholders, and imbalanced power relations between them. A Rights Based Landscape Approach (RBLA) aims to shed light on such ambiguities, legal pluralism and otherwise complex legislation, and find ways to arrive at agreed rules for allocating rights to the various claimants, including nature, and foster institutional reform.

The Pantanal and Chaco regions in South America harbour a wealth of bio-cultural diversity, as expressed in both its rich nature and its indigenous culture. However, both nature and culture are threatened by deforestation fuelled by cattle farming and soy, in-migration and cultural erosion. Within the PaCha programme (combination of Pantanal and Chaco) indigenous civil society organisations were strengthened to become more powerful advocates for responsible land use and conservation. To this end, protected areas were created with participation from local governments and stakeholders on both sides of the Bolivian-Paraguayan border. Cross-border collaboration led to exchange of information and data, and started an exercise of transboundary land use planning, in full respect of indigenous culture, production systems and land rights (<https://www.youtube.com/watch?v=GGgrsJ0-ZJI>).

Critics to RBLA argue that emphasising the legal aspects of property rights within the light of social justice alone, leaves aside aspects of ecological integrity and biodiversity. Increased and formalised access to resources, so these critics say, may enhance the exploitation and depletion of natural resources, at the cost of nature conservation. Prevailing human rights over nature rights may indeed result into ecological degradation and destruction, as it is too easy to assume that individuals are more likely to conserve a resource when they believe they will reap the long-term benefits of it. The clue lies in the interpretation of *duties* versus *rights*, whereas duties also include the duty to safeguard the conservation and sustainable management of natural resources on the long run. *Ecological accountability* therefore has to be embedded into landscape governance systems, with duty bearers to ensure that equitable and just arrangement of claims does not exceed the carrying capacity of the resources base. The challenge of achieving rights based landscape governance is thus placing rights *and* duties into a broader perspective of socially just and ecologically sustainable institutional change.'

It entails (re)establishing negotiated rules for the allocation of rights over resource access and use, strengthening access to justice, access to legal knowledge, platforms for multi-stakeholder dialogues and accountability systems prior to any policy initiative (ibid.).

Engaging Baka communities in forest management

Cameroon's Southeast Region is known for its poaching of forest elephants. This is organised by militarised criminal syndicates who use the indigenous Baka population as guides or hunters. Bakas have a vast knowledge of the forest; an attribute that has been brutally exploited. The Baka are politically, economically and socially marginalised and have limited livelihood options. They also face the hand of rangers and law enforcement officials when caught in poaching. The Bakas are in a weak position before law enforcement officials as opposed to syndicated poachers, the very sponsors of ivory trafficking chains. Human rights violations range from deprivation of food and physical violence to denial of access to a lawyer or translator during trial. How can WWF play its role as accountability holder, reconsidering Baka communities as rights holders instead of poachers? And how can it consider the government as duty bearers, having the duty to enforce the law? And where do the rights of biodiversity, in this case the forest elephants, come in? (WWF, 2019)

6 Which are the landscape rights at stake?

Often, landscape rights are used simultaneously to land rights, which are those rights related to access, use and ownership of *land*. But within a landscape context there are more rights at stake. In order to understand which rights are at stake within a specific landscape's context, it is helpful to understand the concept of '*bundles of rights*'. The bundles of rights is a metaphor used by scholars to explain the complexities of property rights. It differentiates multiple entitlements which are possessed by different stakeholders involved, illustrating how a property can simultaneously be 'owned' by multiple parties (Klein et al., 2011). This means that in practice, property rights are divided into user rights (the right to access, withdraw and exploit resources) and control or decision making rights (the right to manage, exclude and alienate rights from others), meaning that rules specifying proscribing or authorizing actions may be held by different stakeholders, and are defined by different legalising bodies, including civil, common and customary law.

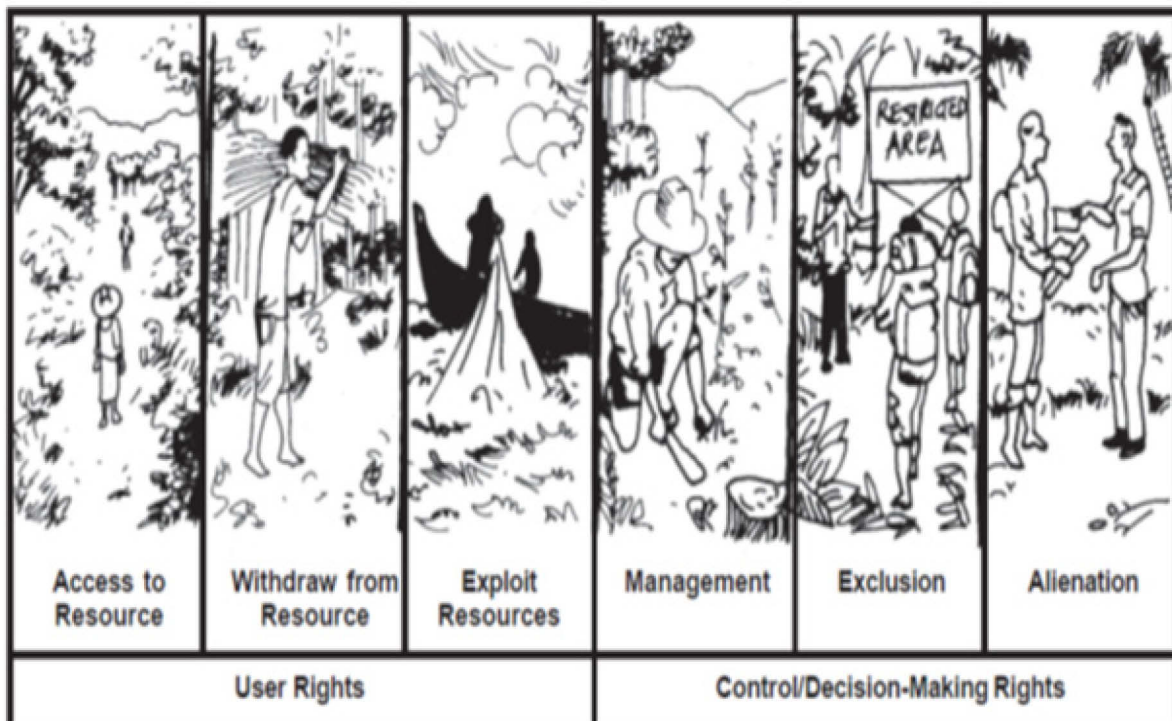


Figure 1 Illustration of the 'bundles of rights', © CGIAR.

7 Who are the primary right holders at play?

It is hard to generalise which are the rights and duties that belong to civic, public and private partner. As stated in section four, key in RBA is that all stakeholders have rights and duties at the same time. Citizens have the basic human right to be free of any violation of their rights, and be protected by the state. This does however also mean that citizens have the duty to stay within the limits of the law. States have a special duty in safeguarding the rights of its citizens, and protecting them for human rights abuse by external parties, or by the State itself. To this end, States are obliged to follow the standards set in the Universal Declaration of Human rights (1948). If they fail in doing so, they can be taken by fellow states, citizens or by rights advocates to international courts. Similarly, private companies have the duty to respect the rules in the countries were they do business, even if these are not clearly regulated by law. There are multiple guidelines for companies to secure the progressive realisation of human rights within their supply chains, such as the overarching *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests* developed by FAO, the *Principles for Responsible Investment in Agriculture and Food Systems*, developed by FAO/Committee on World Food Security, the private sector led *New York Declaration on Forests* with its Zero Deforestation commitment, and the various Round Tables on sustainable sourcing. Most of these guidelines however relate to private sector responsibilities within their supply chains, but do not go beyond the boundaries of their sourcing areas. Moreover, these commitments are generally not legally binding; while sanctioning in case of non-respect remains in the hands of States.

For getting grip on rights issues within a landscape, it is important to acknowledge the primary right holders who are at play within a landscape, and assess their position within the legal debate. Primary right holders are those right holders who are at the start of a chain of rights and duties. They are those stakeholders who are most vulnerable to violation of their rights, and who need to be protected in the first place. Defining the primary right holder in a landscape requires deeper insight in the social dynamics within landscapes, which are defined by internal and external power relations based on age, sex, level of education, kinship, and provenance. These social dynamics imply that the rights of some are more easily taken care of than the rights of others. A vulnerability lens affords an analysis of the gap between right-holders and duty-bearers, and identify those right holders having the biggest vulnerability to rights abuse. Find underneath three categories of primary right holders which are key in RBLA.

Gender and youth rights

Evidence shows that globally, the legal position of rural and poor population groups is less favourable than that of well-educated urban elites, while within these groups women and youth are more prone to rights abuse than others. Frechette argues that therefore the most fundamental rights are the rights of young women as they are the most vulnerable and disenfranchised institutionally in all realms (Frechette, 2019). In many places individual or collective tenure rights do not necessarily equal the rights of women and youth. Too often, land is allocated to heads of household, which are considered to be elderly men. Gender inequality is deeply rooted in both customary and contemporary land tenure systems. Moreover, women are often overlooked or excluded from extension services or financial services, reflecting more structural and institutional mechanisms which hamper women to exercise decision-making power and control over land, water, biodiversity and other natural resources (Dwyer, 2019). A shift from customary land tenure systems to individual land rights is not necessarily a solution, as privatisation and individualisation is not always in the interest of women. The position of youth, both women and men, is equally problematic. Many studies confirm that young people in rural areas have difficulties in acquiring the land and the capital that they need for building themselves a decent livelihood. Private land tenure in combination with low investment leads to land fragmentation, while inheritance systems are often not in favour of young people owning land while their parents are still alive. Moreover, youth representation in spatial planning processes is generally low. This all means that young women have a double burden when it comes to tenure rights, even triple if they share an indigenous identity.

Within SRJS there has been a continuous focus on gender rights, and several improvements were achieved. In Burkina Faso, the safety and political involvement of female small scale miners has been improved. In Tanzania, women are now empowered to demand access to the political process and enhance control over natural resources and land rights. In Ghana, forest restoration efforts improve the income of women in the communities. In Indonesia, women have taken up the role of promoting indigenous seeds and organic farming for food production and increasingly take the lead toward the adoption of sustainable energy to avoid deforestation. In Mozambique, women are actively taking leadership positions within committees where previously very few women participated (SRJS Annual Report 2018).

Indigenous peoples' rights

Across the world's landscapes there is a tendency towards formal and legal recognition of tenure rights through government led tenure reform, land allocation and land registration in computed cadastral systems. During the process of allocation and registration there is not always enough attention to the particular position of indigenous peoples, which may have their own customary systems of allocating land rights. Numerous indigenous forest communities and pastoralists do not recognise the concept of private property, and follow traditional systems of community rights, which are not easily captured in cadastral systems. As indigenous peoples' intricate relationship with their environment reflects a worldview in which the rights of nature are unquestionably included, they are known for driving positive ecological change in forest and agricultural landscapes (Pace Ricci & Merten, *unpublished*). Contextualisation of contemporary tenure systems and tailoring these to place-specific institutional arrangements is key in avoiding conflict and displacement, disrupted investments, environmental degradation and cultural extinction. This does however require a broader and more flexible definition of tenure rights, and the full recognition of community rights and related management systems such as community forestry.

All Eyes on the Amazon

All Eyes on the Amazon is a multi-party endeavour program that supports indigenous peoples and local communities in the Amazon region to fight against deforestation and ecosystem degradation. It combines environmental sustainability with indigenous peoples' rights and contemporary law. Its focus is on law enforcement, but also on the process of law making, by providing clarity in cases of unclarity and ambiguity, or through advocacy for indigenous or customary rights. It uses innovative technology such as georeferencing and remote sensing to map indigenous territories and collect evidence on possible violation of human rights. Participatory mapping is used to support indigenous land claims in the process of legalisation, to support public opinion, and put rights offenders under public scrutiny. It provides evidence to be used in lawsuits, and supports indigenous and environmental activists in building their safety networks, to stop deforestation and violation of human rights (SRJS Citizen's Science workshop notes, SRJS, 2019, (<https://www.naturetoday.com/intl/en/nature-reports/message/?msg=25524>)).

The intrinsic right of nature

Closely related to indigenous peoples' rights are the *intrinsic rights of nature* which reflect world-views or knowledge systems which oppose anthropocentric and utilitarian interpretations of resource rights (Polasky & Segerson, 2013). These views tally well with indigenous worldviews which represent the belief that humans do not exist separate from nature, and that rights and obligations associated with nature therefore go beyond human well-being (Polasky & Segerson, 2009). In addition to the rights related to the provision of economic goods and services, many indigenous worldviews recognise the intrinsic rights of ecosystems or species to exist. Such an eco-centric perspective includes the recognition of the '*Rights of Mother Earth*' (Pacheco, 2014), and influences the culturally rooted diverse and legitimate understandings of terms such as biodiversity, ecosystem services and well-being (IPBES, 2016, p. 9). A RBLA which acknowledges the rights and duties of nature itself allows for the inclusion of more diverse perspectives, and holistic views on biophysical, cultural and social values, planetary health, and indigenous local knowledge, implying a much wider definition of rights and duties in landscapes.

Intrinsic right of nature

Rights are not just reserved for humans, but also applies to animals, rivers, mountains and Mother Earth herself. Considering a river as a legal person with rights means that it is recognised as an actor who has the right to be protected against abuse. It is in the position to claim justice in case of pollution, destruction or otherwise abuse. The Rivers for Life programme in India engages in multi-stakeholder platforms established along the Ganges river, and advocates for its sustainable management. The Ganges river has become the first non-human entity in India to be granted human rights, and therefore has the same status of living human entities. Polluting or damaging the river will be legally equivalent to harming a person. As a right holder, a river (or nature in general) has the standing to bring a suit on its own behalf, or otherwise be represented by a rights activist who is able to be legally heard.

8 Building an enabling institutional environment

As all stakeholders are right holders and duty bearers at the same time (see section 4), they are all engaged in multiple rights-duties relations, which makes them responsible of not only claiming their own rights, but also safeguarding the rights of others. This reciprocity of rights and duties is reflected in the social fabric of society, including its informal and formal landscape institutions which include the rules, norms, behaviours and beliefs. Bearing duties demand from individuals to **respect, protect** and **fulfil the rights of others**. Yet this also counts for institutions, and should be reflected in the rules (policies, laws, regulations) norms and beliefs that shape institutional practice and society at large. **Respecting rights** is immediate in nature and should refrain from interfering with people's individual and collective pursuit or enjoyment of their rights. And if so, then they should be equitably compensated for. **Protecting rights** ensures that 'third parties' ranging from private business to NGOs and civil society groups, organisations and agencies should not interfere with people's pursuit of enjoyment of their rights. Lastly, **fulfilling rights** involves creating an enabling environment so that people *and* the environment can realise their rights. Special attention should be paid to those primary right holders who are not in the position to provide these for themselves. As stated before, primary right holders are considered the starting point of far-reaching chains of rights-duties relations, and should be considered in the first place.

Environmental justice in Peru

Decentralisation has accorded greater decision-making power and responsibility to regional governments to develop and implement spatial plans, manage resources, and administer funds. Although this reform brought certain benefits to the region, it has also resulted in poor coordination and communication, inefficient distribution of resources, misuse of funding, and political power plays and conflict. In Madre de Dios a participatory process of stakeholder engagement that has led to the establishment of a Regional Environmental Authority that is to strengthen environmental governance, safeguard the sustainable use of natural resources, ensure transparent and just implementation of policies and plans, preserve indigenous territories and traditional livelihoods, respect all rules, norms and behaviours regarding gender rights.

In case a rights-duty relation is not equal or just, there is mention of a *capacity gap* to either claim rights or bear duties. Addressing unequal or unjust rights-duty relations in terms of capacity gaps does not mean that RBLA action is about education or capacity strengthening alone. On the contrary, it means that RBLA can be subject to multi-stakeholder dialogue and be the beginning of more fundamental institutional change. Following the UNICEF RBA framework as described by Jonsson (2003) shows that there are several structural and institutional pathways to closing existing capacity gaps by increasing the claim making capacity of rights-holders and by establishing means to hold duty-bearers accountable. Actions to enhance the claim making capacity of right holders include actions of training and education to create legal awareness of primary right holders, and increase their leadership and advocacy skills. Enhancing the capacity of duty bearers to bear their duties entails capacitating duty bearers to bear the obligations to be responsible, to handle authority, and to be held accountable. This implies that capacity gaps are not only to be considered as knowledge gaps, but also as gaps in terms of attitudes, motivations and wider societal norms and behaviours. Capacitating duty-bearers therefore entails capacity development efforts addressing the underlying causes of rights violations, including individual norms and attitudes, in an attempt to changing inequitable power relations. Lastly, duty-bearers should be able support efforts to provide access to justice and redress for violations. This implies full transparency and communication on rights, laws, policies and legal practices, in the appropriate language through appropriate communication channels. It also implies legal protection of those who stand up for human or environmental rights. Many international human rights instruments and multi-lateral environmental agreements recognise the rights of local actors in

environmental and spatial decision-making, the importance of the environment for sustainable development and the substantive rights to a clean and healthy environment.

Strategic environmental assessment in Uganda

Strategic Environmental Assessment (SEA) is an instrument that brings various stakeholders together, and increases the transparency of spatial decisions. It supports public participation in spatial planning as it provides civil society actors to hold their governments accountable for the potential impacts of the decisions taken. SRJS demonstrated that SEA is a good instrument for transparent and inclusive spatial planning. In Uganda's Murchison landscape SEA has opened ways to create dialogue between the government, the emerging oil and gas industry, and those local communities negatively affected. Formal environmental impact assessment was poorly done, but a SEA led to new dialogue between government, the oil and gas industry, civil society and local communities. A jointly prepared report formed the basis for public hearings, a court case, review of exploitation plans, and a change of the mitigation measures. Moreover, a good baseline was established for participatory and transparent monitoring, compliance, and enforcement of the exploitation plans (<https://www.eia.nl/en/news/closing-seminar-and-publication-srjs-programme>).

It is clear that 'capacitating' right holders and duty bearers does not simply refer to 'just' a matter of training and education, but rather refers to a more fundamental societal processes of transforming legal systems, values, beliefs and motivations that drive administrations and wider political and policy frames. This goes far beyond education, training, or 'classical' capacity development actions such as workshops for individuals to acquire knowledge and skills. It rather requires a systemic approach to institutional change which involves all stakeholders, institutions and structures, which cannot be achieved in a simple project cycle or programme's lifetime (Baser and Morgan, 2008; van Oosten et al., 2020).

9 Five steps for operationalising RBLA in practice

There is no single methodology for operationalising RBLA in practice, and it is even questionable whether such a single methodology or 'blueprint' should exist. Each landscape has different right-holders and duty bearers, each operating within their own socio-economic and cultural contexts, and each being entangled in different formal and informal institutional arrangements. RBLA therefore should depart from the myriad of interactions between biophysical aspects, people and institutions, laws, policies, customs and productive practice. This implies that a plurality of relevant rights are to be addressed simultaneously, as each of these may be relevant for special segments or parts of the stakeholders involved. An integrated approach as well as a contextualisation of RBLA therefore is key, to do justice to the complexity of rights based issues, and the specific ecological and socio-economic characteristics of the landscape.

While acknowledging that there is no blueprint for RBLA, neither should there be, some generic steps can be identified, based on which a RBLA can be designed, tailored to its specific context. These generic steps are captured in the following:

- **Step 1.** Assess the socio-spatial characteristics of a particular landscape.
- **Step 2.** Identify the rights and duties which are at stake.
- **Step 3.** Assess the rights-and-duties relations between these stakeholders.
- **Step 4.** Assess and close the capacity gaps.
- **Step 5.** Choosing the right entry point for institutional change.

Step 1. Assess the socio-spatial characteristics of a landscape

In order to identify the rights and duties at stake within a specific landscape, it is key to understand a landscape's socio-economic history, the stakeholder relations within, and the social dynamics through which these have been shaped over time. This includes the culturally defined roles and responsibilities of each of the stakeholders, existing informal and formal rules, norms, and legal frameworks, and internal and external power imbalances which may exist. An in-depth socio-spatial analysis is the starting point of any RBLA, preferably done in a participatory manner, with the major stakeholders, within a workshop setting. There are multiple participatory tools which can be used for this, including participatory mapping, social network analysis, storytelling, appreciative inquiries, stakeholder analysis, institutional analysis, analysis of existing power relations, etc.. The more participatory the analysis, the higher the likelihood that multiple perspectives appear, giving space for discussion, dialogue, and the creation of a shared understanding. Participatory mapping is a valuable tool for discovering the multiple perspectives on landscape dynamics at play. The use of additional geo-spatial modelling tools can further build on these diverging perspectives, and forming a more objective view. Practical tools for organising and facilitating multi-stakeholder processes can be found at Wageningen Centre for Development Innovation's Multi-Stakeholder Partnership Toolkit.

Step 2. Identify the rights and duties at stake

In order to get grip on which are the rights and duties at stake, it is helpful to provide an overview of different categories of rights. Based on the examples derived from the SRJS programme, five broad categories of rights can be distinguished. These five categories are not to be cut in stone, but be flexibly used in finding an entry point for a participatory identification of the rights which are at stake, and why these are problematic ⁴.

⁴ The five categories of rights were initially identified by a group of app. 30 professionals and practitioners from landscapes across Africa, during a one week workshop 'Securing rights in Landscapes', organised by Wageningen Centre for Development Innovation, Solidaridad West Africa, AFR100, and the Global Landscapes Forum (Ghana, 2019).

1. *Right to be*, which relates to the most fundamental rights of a landscape's inhabitants to exercise and maintain their place-based identity and culture, knowledge, self-determination, wisdom and beliefs. The right to be is not restricted to humans, but also relates to animals, biodiversity, rivers, mountains, and the rights of nature itself. It reflects the intrinsic rights of landscapes, their ecological integrity, and the protection of it.
2. *Right to engage and decide*, which relates to the right of a landscape's inhabitants to engage in productive practice, decide on the use of resources and the distribution of the benefits. It also relates to engaging in planning procedures and decision making structures, and participate in the governance of a landscape and its resources in the widest sense.
3. *Right to justice*, which relates to the proper functioning of the legal systems, the laws, policies, and otherwise formal and informal rules that regulate the use of a landscape's resources. This includes the rules and procedures regarding implementation, their legitimacy, compliance, transparency, and the accessibility of information and communication.
4. *Right to prosper*, which entails the right to live a good life, have a decent livelihood, undertake economic activities, and prosper. It entails the right to have access to and control over those resources which are needed for this, including the secured rights over land, water, vegetation, nutrients, mobility, and services which are needed to produce. It entails the right of nature itself, to prosper, in all its richness and diversity, and be free of over-exploitation, degradation and destruction.
5. *Right to act*, which entails the right to be actively involved in political processes. This includes the right to agree or disagree, to protest, to claim, or otherwise to raise voices in case these are not sufficiently heard. It also includes the right to establish or engage in activist networks, the right to unite, the right on advocacy, the right on civil *and* environmental protection, and the freedom of speech.

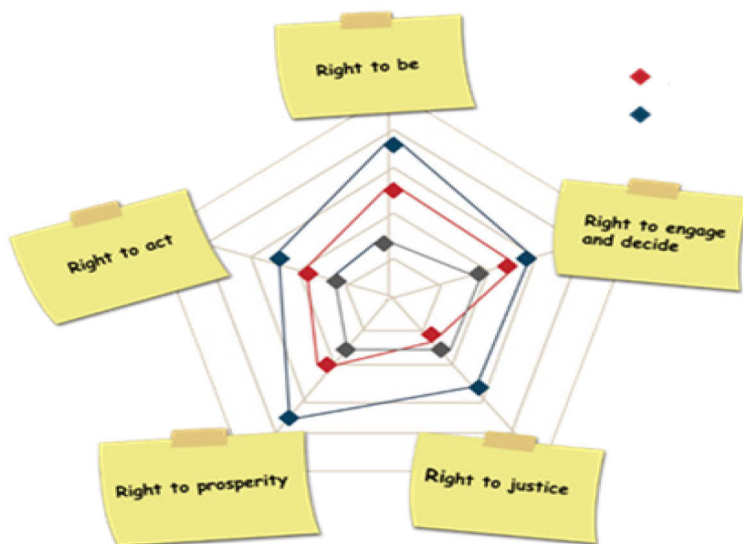
Illustrating five categories of rights

In the Maï-Ndombe province of the Democratic Republic of the Congo (DRC) women from the indigenous Twa communities are encouraged to strengthen their cultural identity and take up leadership roles in local participatory decision-making bodies (right to be). With WWF support they were made beneficiaries of a payment-for-ecosystem-services model which allows them to enhance their natural resources management and livelihood opportunities and to raise their income (right to prosperity). They were also encouraged to engage in land use planning and spatial decision making, to strengthen their position regarding land tenure, and claim their rights to community forestry and agricultural development (right to engage, right to act). In general terms, the building of trust helped in balancing of rights-duties relations, and increase the sense of responsibility and accountability of duty bearers, in this case local and provincial government staff (right to justice). This step-wise approach is an example of how the framing of landscape rights as the right to be, to engage and decide, to justice, to prosper and to act helps to build a systematic strengthening of indigenous identities, encourage women to take up leadership roles within their communities, strengthen their socio-economic position, claim their position within spatial planning processes and their right to land in an integrated manner. Currently, 30% of CLD's in Maï-Ndombe Province are led by women, many of whom are indigenous Twa.

Step 3. Assess stakeholders' rights-duties relations

Based on the identification of the rights at stake (step 2), a deeper rights-duties analysis is to be carried out with the aim to specify which exactly are the rights which are violated, who is affected, and who are the stakeholders to be held accountable for this. Identification of the rights-duties relations, followed by an analysis of where these relations are broken or fall short, needs to be done with, for and by stakeholders themselves. The analysis of rights-duties relation therefore need to be carried out in a participatory manner, as it is the process which matters as much as the outcomes. A participatory workshop setting with a selected group of stakeholders may be the best for this. Stakeholders can collectively identify the duties that belong to each of the identified rights, and search for indicators that can be used for this. The use of a simple scorecard or spider web helps to assess and score each of the rights-duties combinations, and highlight the reciprocity of each. If well done, the analysis will provide insight in the webs of rights-and-duties in which stakeholders are entangled, and identify the

deeper causes of rights violations. Departing from the primary right holders (the most vulnerable parties involved), the analysis will help analysing whose rights are being violated, or are at risk to be violated, and who are to be held accountable for this. Regarding the duty bearers, it helps to identify not only their duties, but also their respective rights, showing the relations and interdependencies of *all* stakeholders involved. The analysis helps to shed light on the actors and institutions which are part of the problem, and should therefore be part of its solution. It also helps to identify the institutional level at which the problem exists, and the level at which it should be solved. If carried out successfully, this analysis will not only help in analysing which rights-duties relations are distorted, but it also helps right holders and duty bearers to better understand each other's position, build social and institutional relations, and collectively learn. Tools for organising processes of societal learning can be found on Wageningen Centre for Development Innovation's Multi-Stakeholder Partnership Toolkit.



Step 4. Assess and close the capacity gaps

Having identified all the rights, duties, and the reciprocal rights-duties relations which are at stake helps to prepare for the next level of analysis which is the identification of the capacity gaps which exist at both the side of right holders and duty bearers, and what actions need to be undertaken to addressing these gaps. A basic assumption here is that rights are violated because claim-holders lack the capacity to claim their rights, and/or duty-bearers lack the capacity to meet their duties (Jonsson, 2003). Capacities here are defined in the broadest sense, and include the responsibility, motivation, leadership and authority of right holders as well as duty bearers to perform their societal roles. It also includes their access to resources, their capacity to communicate, their capacity to take rational decision and their willingness to learn (ibid.). Relevant questions to be explored at this stage are (amongst others): to what extent are right holders capable of claiming their rights? Do they have the information that they need to be able to claim? Do they have the communication skills and technology to claim? Do they have the time, confidence, and the security which are needed to claim safely? To what extent have duty-bearers accepted and internalised their duties? Do their basic values support the bearing of these? Do they understand and agree on human rights principles, and are they willing to act accordingly? Are duty bearers in the (legal) position to act freely and safely? And if they are, to whom are they accountable themselves (ibid.)?

Closing the capacity gaps is about identifying those strategic actions that build or strengthen rights and duty relations. Strategic actions to strengthen right holders in their capacity to claim rights could for example include advocacy and social mobilisation, information provision, training, education and service-delivery. Strategic actions to strengthen duty bearers in bearing their duties could for example include the building of awareness on what it means to bear responsibility, authority, decision making power, communicate and raise resources. Closing capacity gaps does not simply refer to training and

education alone, but require a systematic strengthening of values, beliefs, legal systems and political-administrative systems. Rights-duties performance does not change overnight, as rights and duties relations are the product of historically shaped social processes that are deeply entrenched in society and its institutions. Transforming rights-duties relations therefore requires a much wider process of institutional change that can only be achieved through deeper societal dialogue between right holders, duty bearers, civil organisations, private sector and governments.

An example of the identification and assessment of rights and duties relations (Source: WCDI-Solidaridad, 2019)

Rights	Capacities involved	Duties	Capacities involved
Right to be	Ability to claim right on self-determination, including cultural identity, gender, age. Ability to defend the intrinsic right of nature	Duty to respect	Ability to understand, enable and promote equity, sustainability and inclusiveness
Right to engage and decide	Ability to access and control resources, to take part in governance processes and spatial decision making	Duty to represent and participate	Ability to design participatory processes, build inclusive partnerships and reach consensus in decision making structures
Right to justice	Ability to claim legal and procedural rights, access to information, transparency of laws and policies	Duty to provide peace and security, duty to enact	Ability to raise awareness, mitigate in conflicts and strengthen accountability mechanisms. Ability to force compliance, transparency and legitimacy of rules, regulations and decisions taken
Right to prosperity	Ability to build a decent livelihood, built on sustainable economic activities, and access to markets, financial services and technologies	Duty to respect the carrying capacity of landscapes	Ability to manage sustainably, assure fair and equal benefit sharing, and open access to services and technologies
Right to act	Ability to claim civil protection, take part in activist networks, and exercising the freedom of speech	Duty to be inclusive	Ability to develop a proactive attitude, be receptive to advocacy, and secure the rights of activists to speak and act

Step 5. Choosing the right entry point for institutional change

The outcomes of the previous four steps provide insight in the types of rights at stake, the relations between right holders and duty bearers, and the institutional changes which are needed to improve or restore these rights-duties relations. Choosing the right entry point for such institutional change is included in step 5, which is key for moving beyond the personal level of addressing individual right holders and duty bearers, and initiate a long term process of institutional change. In doing so, different approaches can be followed, depending on the nature of the rights violations at stake, and on the context. In 2019, IUCN developed the document '*A landscape for everyone - integrating rights based and landscape governance approaches*' which provides a good overview of the different approaches that could be followed (Blomley & Walters, 2019). It spells out in detail which approach would fit best in which context, and what is needed for making it work. The four approaches described are the a compliance approach, a rights advocacy approach, a legal approach, and a programmatic approach, briefly described below.

In cases were rights are being violated because actors are not complying with the law, a **compliance approach** may be appropriate. A compliance approach primarily responds to the duty of private sector actors to comply with the law, and to the duty of governments to ensure that the law is being enacted and enforced. Non-governmental actors like WWF can do a lot to strengthen both actions, by

preparing guidelines, for example for private companies, which ensure that commodity chains are safeguarded from rights abuse (labour rights, gender rights, women's rights, land rights, *ibid.*). Social and environmental impact assessments are helpful in this, as these can point to those areas where potential rights abuses can occur, providing tools for governments to maintain the law. The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO), the Principles for Responsible Investment in Agriculture and Food Systems (RAI) prepared by the intersectoral Committee on World Food Security, and the concept of Free, Prior and Informed Consent parallels to a compliance approach (*ibid.*). Within SRJS there are many examples in which this has been successfully done, as highlighted in the previous and subsequent sections of this document.

Reclaiming civic space

The number of environmental human rights defenders who are killed every year is on the increase (app. 200 annually, Global Witness, 2017). Particularly indigenous peoples are vulnerable to this type of human rights abuse. In the Amazon region, civil society organisations are continuously attacked because they defend indigenous peoples', environmental and land rights in the face of corporates with often transnational power and political connections. Environmental activists are increasingly harassed because of their commitment to conserving their landscapes, at the risk of losing their lives. Several times, SRJS and partners faced the dilemma between maintaining constructive relationships with governments, and taking a more confrontational positions regarding rights abuse. What can be done to protect the environmental defenders or local CBOs, who are at risk? How to deal with the tension between constructive and confrontational approaches towards governments? What can be done to reclaim civic space for those who stand up for nature, and those who depend on it?

In landscapes where violence, criminalisation and impunities occur, a more pro-active **rights advocacy approach** may be needed (*ibid.*). This approach demands direct accountability from duty-bearers in situations with poor governance or public transparency, and advocacy, influencing or otherwise confrontational methods such as *naming and shaming* can be used to increase public pressure on duty-bearers (*ibid.*). In landscapes where rules need to be (re)established a **legal approach** may be needed. A legal approach includes more rigorous legal action such as public interest litigation and direct legal support. This may imply that duty bearers who are infringing rights may be brought to justice, and juridical support is provided to right holders through legal literacy and the provision of legal information (*ibid.*). On the long run, a legal approach can contribute to providing clarity on complex legislation, and guide in the (re)establishment of agreed rules for allocating landscape rights. It may lead to the critical review, amendment and change of legal frameworks and laws, and the creation of more transparent and just legal systems. SRJS has strengthened civil society organisations in their capacities to influence governments and companies to be more responsive to the needs of right holders, and bridge the gap between power holders (bankers, company CEOs, landlords, village chiefs, and ministers) and the powerless (a group of people, a threatened species or an ecosystem). The **Handbook Influencing** (Blokland, SRJS, 2019) is a good example of such, as it is a practical handbook which guides the user in understanding the power of influencing, in developing an effective influencing plan, and in an effectively lobby for more inclusive policies and regulations within landscapes.

Emergency funds for legal assistance

In the Philippines and Indonesia, SRJS has provided local communities and individuals with support for their struggle to protect the environment. This includes funds for legal assistance, e.g. for environmental rights defenders held on trumped-up charges. Specific security related trainings were organised for various local communities who have been threatened as a result of their work (SRJS Annual Report 2018). In Suriname, a stakeholder consultation plan was developed to engage the Indigenous and Maroon community in revising the Nature Conservation Law (Natuurwet Suriname). The objective is to ensure the effective inclusion of tribes who have a stake or interest in, or right to, the forest and who will be affected by the revision of the law (SRJS Annual Report 2018).

A **programmatic approach** is more structurally embedded within programmes, as it allows an organisation to employ a rights based perspective in guiding its strategic thinking and operational design. It frames a programme's objectives from a rights based perspective, which means that the beneficiaries of a conservation programme are transformed into right-holders, while staff of (local) authorities, companies and programme partners are considered duty-bearers (Blomley & Walters et al., 2019). It allows for a more structural way of addressing landscape rights, as it shapes the relations between programme partners and stakeholders, and is reflected in all the activities undertaken. A programmatic RBLA can become a vehicle for engaging in wider governance processes of spatial management, planning and decision making within landscapes. It shapes the relations between stakeholders, and herewith builds better public-private-civic relations within the sustainability boundaries of a landscape's ecosystems. During its implementation period, SRJS has gradually developed a programmatic approach to human rights which has started to deliver results. It is however clear that a programmatic approach requires a long term perspective which stretches beyond a single project's life cycle, a perspective which will hopefully be sustained by project partners on the ground.

10 Conclusion

WWF-NL and IUCN-NL are a strong protagonist of an integrated and inclusive landscape approach, because of its premise to achieve nature conservation and development within multifunctional landscapes. Their joint programme *Shared Resources Joint Solutions* (SRJS) programme is rooted in landscape approaches, and is explicit on the role of governance, stakeholder dialogue, and human rights. During its implementation period, multiple lessons were learned in relation to landscape approaches, governance, multi-stakeholder collaboration and the additional value of integrating a rights based approach.

In most of the SRJS landscapes an enabling environment was created for stakeholders to meet and discuss the rights based issues they encountered in practice. WWF/IUCN and partners played multiple and changeable roles as process conveners, accountability holders, advocates of right holders, influencers of duty bearers, and providers of capacity development providers in support of right holders and duty bearers both. In some cases, WWF/IUCN and partners played the role of 'honest brokers' of relations and partnerships, and creators of institutional space for dialogue. In other cases WWF/IUCN and partners played the role of mediators, or activists, taking a much stronger position in cases of rights violations.

However, SRJS could have been more explicit in the way in which it has operationalised a RBLA. It could have developed stronger methodologies, and contribute to the conceptual and operational development of RBLA. SRJS carried out stakeholder analyses prior to programme implementation. Most of these analyses however were not designed from a rights based perspective. As a result, from the multi-stakeholder processes which were initiated, only few involved public, private and community representatives in their roles of right holders and duty bearers. Most of the stakeholder platforms established focused on the empowerment of local communities in their position of right holders, and strengthened their capacities to engage in land and water management and spatial planning. Strengthening the capacities of governments in their position of duty bearers was mostly restricted to influencing government policies on inclusive conservation and spatial planning. In selected cases, active lobby and advocacy campaigns addressed private sector actors in their role as duty bearers, and conflict resolution between communities led to better private-civic relations. However, the establishment of public-private-civic partnerships as originally envisioned by SRJS, remained limited, and opportunities for strengthening rights-duty relations between these parties were missed (SRJS Annual Report, 2018; EcoValue, 2020).

Intense collaboration with local civil society contributed to the enlargement of public space, and their strengthened position within national conservation debates. In many cases, civil society became more successful in their actions on environmental protection, sustainable production and spatial decision making, and the policies and practices of some governments and companies were changed. However, despite these multiple successes, the design of a more deliberate and strategic rights based action agenda from the onset would have led to quicker and probably more lasting results. A stronger definition of its RBLA and a deeper reflection on its implications would have helped SRJS to be more sensitive to rights issues, and more strategic in the design and implementation of rights based action. A stronger collaboration with human rights organisations would have helped SRJS to acquire a more strategic position within the human rights debate, which could have helped sustain the programme's impact. However, it should also be acknowledged that such a stronger positioning would require a much longer period of collaboration and building trust, and SRJS may have achieved the maximum that it could have achieved within the limited time that it had (EcoValue, 2020).

In conclusion, the SRJS experience has led to new insights in landscape approaches, rights based approaches, and how these two sets of approaches can be combined successfully. But the full conceptualisation and operationalisation of a RBLA requires more time, more strategic programme design and stronger collaboration with human rights organisations operating in the field. It is hoped

that WWF and IUCN will continue building on the SRJS experience, and keep investing in the furthering of a RBLA. The five steps identified in this document could add to this, as it may help to focus on both *right holders* and *duty bearers* through place-based multi-stakeholder dialogue and collaboration. This would help addressing those gaps which are deeply rooted in the social dynamics within landscapes, and contribute to structural and institutional change. This would strengthen WWF/IUCN's leading position in landscape approaches, enhance their social impact, and contribute to a more equal and just distribution of natural resource rights within the landscapes that it works.

References and further readings

- Antoon Blokland (2020). Handbook Influencing. Interactive handbook for the 'Shared Resources, Joint Solutions' World Wildlife Fund, Netherlands.
- Blomley T. and G. Walters (2019). A landscape for everyone: Integrating rights based and landscape governance approaches. International Union for the Conservation of Nature (IUCN). <https://portals.iucn.org/library/sites/library/files/documents/2019-026-En.pdf>
- Brouwer, J. H., Woodhill, A. J., Hemmati, M., Verhoosel, K. S., & van Vugt, S. M. (2015). The MSP guide: How to design and facilitate multi-stakeholder partnerships. Centre for Development Innovation Wageningen University and Research.
- Díaz, S., Demissew, S., Carabias, J., Joly, C., Lonsdale, M., Ash, N., ... & Bartuska, A. (2015). The IPBES Conceptual Framework—connecting nature and people. *Current Opinion in Environmental Sustainability*, 14, 1-16.
- Dwyer, A. (2019). Collective rights don't equal women's rights. Retrieved from <https://forestsnews.cifor.org/60628/collective-land-rights-dont-equal-womens-rights?fnl=en>
- EcoValue (2020). Landscapes in perspective. A study on SRJS & the landscape approach. Shared Resources Joint Solutions, World Wildlife Fund, Netherlands.
- Frehette, A. (2019). We're creating a 'gold standard' for rights – but why? Retrieved from <https://news.globallandscapesforum.org/36671/were-creating-a-gold-standard-for-rights-but-why/>
- Garnett, S. T., Burgess, N. D., Fa, J. E., Fernández-Llamazares, Á., Molnár, Z., Robinson, C. J., ... & Collier, N. F. (2018). A spatial overview of the global importance of Indigenous lands for conservation. *Nature Sustainability*, 1(7), 369.
- Gneiting, U., Bruno-Van Vijfeijken, T., Schmitz, H. P., & Gomez, R. (2009). Setting Higher Goals: Rights and Development. *Monday Development*, 27(12), 19-20.
- Hamm, B.I. (2001). A Human Rights Approach to Development. *Human Rights Quarterly* 23(4), 1005-1031.
- IPBES. (2016). Preliminary guide regarding diverse conceptualization of multiple values of nature and its benefits, including biodiversity and ecosystem functions and services (deliverable 3 (d)) (Rep. No. IPBES/4/INF/13). IPBES. Retrieved from http://www.ipbes.net/sites/default/files/downloads/IPBES-4-INF-13_EN.pdf on 20.09.18
- Jonsson, U. (2003). Human rights approach to development programming. United Nations Publications.
- Klein, Daniel B. and John Robinson. "Property: A Bundle of Rights? Prologue to the Property Symposium," *Econ Journal Watch* 8(3): 193-204, Sept 2011. Liswanti, N., Tjoa, M., Silaya, T., Banjade, M. R., & Mwangi, E. (2017). Securing tenure rights in Maluku, Indonesia: Searching for common action (Vol. 170). CIFOR.
- Pace Ricci, J.M. & Merten, K. (unpublished). Reviewing People's Contribution to Nature: a synthesis of synergies and their biocultural values. Wageningen University and Research MSc. Thesis.
- Pacheco, D. (2014). *Living-Well in Harmony and Balance with Mother Earth*. A Proposal for Establishing a New Global Relationship Between Human Beings and Mother Earth.
- Polasky, S., & Segerson, K. (2009). Integrating ecology and economics in the study of ecosystem services: some lessons learned. *Annu. Rev. Resour. Econ.*, 1(1), 409-434.
- Rights and Resources Initiative. (2015). Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights. Washington DC: Rights and Resources Initiative.
- Sayer, J., Sunderland, T., Ghazoul, J., Pfund, J. L., Sheil, D., Meijaard, E., ... & Van Oosten, C. (2013). Ten principles for a landscape approach to reconciling agriculture, conservation, and other competing land uses. *Proceedings of the national academy of sciences*, 110(21), 8349-8356.
- Schlosberg, D. (2007). *Defining environmental justice: Theories, movements, and nature*. Oxford University Press.
- SRJS (2019). Annual report 2018 Shared resources, joint solutions. WWF-NL/IUCN-NL, Netherlands.

-
- United Nations (UN) (2003). The Human Rights Based Approach to Development Cooperation towards a Common Understanding among UN Agencies.
- Van Oosten, C., H. Runhaar, B. Arts. (2020). Capable to govern landscape restoration? Exploring landscape governance capabilities, based on literature and stakeholder perceptions. *Land Use Policy*, 10.1016/j.landusepol.2020.104854.
- World Resource Institute (WRI) Notess, L., Veit, P. G., Monterroso, I., Sulle, E., Larson, A. M., Gindroz, A. S., ... & Williams, A. (2018). The scramble for land rights: Reducing inequity between communities and companies.
- World Wildlife Fund, Ecoagriculture Partners, The Nature Conservancy, IDH The Sustainable Trade Initiative, The Global Canopy Programme (2015). The little sustainable landscape book. Achieving sustainable development through integrated landscape management.



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Wageningen Centre for Development Innovation supports value creation by strengthening capacities for sustainable development. As the international expertise and capacity building institute of Wageningen University & Research we bring knowledge into action, with the aim to explore the potential of nature to improve the quality of life. With approximately 30 locations, 6,500 members (5,500 fte) of staff and 12,500 students, Wageningen University & Research is a world leader in its domain. An integral way of working, and cooperation between the exact sciences and the technological and social disciplines are key to its approach.



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