



General Assembly

Distr.: General
17 February 2026

Original: English

Human Rights Council

Sixty-first session

23 February–2 April 2026

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Nature conservation and cultural rights

Report of the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki*

Summary

In the present report to the Human Rights Council, submitted in accordance with Council resolution 55/5, the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, focuses on nature conservation and cultural rights. The Special Rapporteur notes that the protection of biodiversity necessitates cultural diversity, cautions against the fortress conservation model that has led to severe cultural rights violations and urges States to ensure that their bodies, as well as donors, apply a cultural rights-based approach, favouring special measures, wide consultation and participation, human rights impact assessments and judicial guarantees for cultural rights in nature conservation.

* The present document was submitted to the conference services for processing after the deadline so as to include the most recent information.



I. Introduction

1. Nature conservation is essential for continuing collective existence and has rightfully risen on international and domestic policy agendas. Unfortunately, economic, political and geopolitical considerations, together with a lack of necessary change in mindsets regarding the need for action, have constituted enormous obstacles to environmental protection. Every global target set on international agendas has been missed.
2. Nature conservation is often carried out either with no consideration for cultural rights or, worse, at the expense of cultural rights, and in disregard of cultural diversity. In some instances, nature conservation is used as a facade for changes aimed at increasing tourism or imposing prevailing cultures. Conservation projects have been weaponized to dispossess groups of their lands, territories and resources and disconnect them from their cultural sites, ways of life and land- and water-based cultural practices. The urgency of safeguarding and fostering biodiversity and climate mitigation provides cover for States and other conservation actors to infringe on cultural rights with relative impunity, in furtherance of a “greater environmental good”. John H. Knox has emphasized that the dominant conservation strategy has been to create national parks and other protected areas that prohibit almost all human activities. Humans are allowed to enter these fortresses of conservation only to experience the beauty of nature: “Those who live in these areas already, no matter how ancient or profound their cultural and material ties, must leave.”¹
3. Populations are presented with the following pseudo-dilemma: they must either preserve and protect the environment through nature conservation that requires abandoning and losing cultural elements, or fail to stop the further degradation of nature. In the present report, it is emphasized that nature and culture are inextricably intertwined.² Protecting one cannot take place without protecting the other. Nature provides the settings in which cultural meanings, knowledge and ways of life develop and flourish. Similarly, cultural understandings and practices shape interactions with natural resources and are critical to biodiversity management.
4. This pseudo-dilemma also makes people believe that nature conservation largely relies on specific categories of the population, often from among the most vulnerable, who are required to discontinue specific cultural practices and relocate from certain areas. This is done without questioning the wider issues at stake, including the cultural practices of more dominant groups. In any case, dominant cultural groups tend to regard practices that are carried out outside their own communities as trivial or backwards and to ignore them.
5. Utilitarian approaches in which nature is at the service of human development lead to extractivism and predation, even though such outcomes have been found to be harmful to all. International law emphasizes that States must take into account the interdependence between communities and their natural and cultural ecosystems, respect the diversity of cultural practices and question without prejudice and bias whether practices promote or jeopardize human dignity and the sustainability of these ecosystems. It is emphasized in the present report that a cultural rights-based approach, anchored in the principles of non-discrimination, equality and justice, offers important safeguards.
6. In preparation for the present report, a questionnaire was sent to States and other stakeholders, to gather experiences and identify challenges and promising practices that

¹ John H. Knox, “Dismantling the fortress: reforming international conservation”, *Harvard Environmental Law Review*, vol. 49, No. 1 (2025), p. 4.

² See submissions from Afghanistan (regarding Nowruz); Colombia, p. 2; and Paraguay (regarding the Guarani concept of *tekoha*); and submissions from Amnesty International (regarding the Innu of Quebec, Canada), International Council on Monuments and Sites (regarding the Shinto religion) and Dolly Wong (regarding Indonesian philosophy). The submissions are available at www.ohchr.org/en/calls-for-input/2025/call-contributions-nature-conservation-and-cultural-rights. See also Juliana Merçon and others, “From local landscapes to international policy: contributions of the biocultural paradigm to global sustainability”, *Global Sustainability*, vol. 2 (2019).

protect the environment while respecting cultural rights. The Special Rapporteur warmly thanks the 78 stakeholders that provided responses, which have informed her reflections.³

II. Overview of activities

A. Communications

7. At the time of writing, the Special Rapporteur had either led on or joined 86 communications relating to alleged cultural rights violations,⁴ addressed to 34 countries⁵ and 32 other actors, since her previous report to the Human Rights Council. The Special Rapporteur thanks the 30 stakeholders that provided responses to these communications.

8. The alleged cultural rights violations addressed in the communications included destruction of cultural heritage due to development projects and the conduct of business activities. In particular, the Special Rapporteur regretted the reported denial of communities' right to fully take part in decision-making processes regarding development projects that have an impact on their cultural life and reported violations of the right to free, prior and informed consent of Indigenous Peoples and local communities.

9. Communications on such matters were sent to Bangladesh⁶ and Indonesia.⁷ In some instances, the Special Rapporteur addressed communications to multiple States and commercial enterprises, where they were involved directly or indirectly in a particular situation (such as Mexico,⁸ with related letters sent to Germany⁹ and Switzerland¹⁰ and to three other actors; and the Plurinational State of Bolivia,¹¹ with related letters sent to Canada¹² and Switzerland¹³ and to five other actors). The Special Rapporteur also sent a communication to the International Monetary Fund.¹⁴ Similar issues were raised concerning a military construction project in Palau.¹⁵

10. The Special Rapporteur also addressed issues relating to:

(a) The right of persons to express their identity, to practise their language and religion or to manifest their cultural practices without fear and reprisal, in Azerbaijan, China, Egypt, India, Kazakhstan, Qatar, Tajikistan, Thailand, Türkiye, the United States of America and Viet Nam;¹⁶

(b) The right to freedom of artistic expression and creativity in Algeria and China.¹⁷ In the case of Algeria, the Special Rapporteur notes with satisfaction that Boualem

³ All submissions are available at www.ohchr.org/en/calls-for-input/2025/call-contributions-nature-conservation-and-cultural-rights.

⁴ See <https://spcommreports.ohchr.org/TmSearch/Mandates?m=19>.

⁵ Algeria, Azerbaijan, Bangladesh, Belarus, Bolivia (Plurinational State of), Brazil, Canada, China, Egypt, France, Germany, India, Indonesia, Iran (Islamic Republic of), Israel, Kazakhstan, Lao People's Democratic Republic, Marshall Islands, Mexico, Palau, Papua New Guinea, Qatar, Saudi Arabia, Serbia, Singapore, Slovakia, Switzerland, Tajikistan, Thailand, Türkiye, United Arab Emirates, United States of America, Uzbekistan and Viet Nam.

⁶ See communication BGD 4/2025 and related communication OTH 115/2025. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

⁷ See communications IDN 1/2025 and IDN 8/2025.

⁸ See communication MEX 9/2025.

⁹ See communication DEU 5/2025.

¹⁰ See communication CHE 4/2025.

¹¹ See communication BOL 1/2025.

¹² See communication CAN 3/2025.

¹³ See communication CHE 2/2025.

¹⁴ See communication OTH 137/2024.

¹⁵ See communications USA 31/2025 and PLW 1/2025.

¹⁶ See communications AZE 2/2025; CHN 14/2025; EGY 1/2025; IND 6/2025; KAZ 4/2024; QAT 1/2025; TJK 2/2025; THA 5/2025; TUR 11/2025; USA 5/2025, USA 9/2025 and USA 16/2025; and VNM 5/2025.

¹⁷ See communications DZA 5/2025 and CHN 18/2025.

Sansal was released by presidential pardon, while remaining concerned about the charges that had been brought against him. The Special Rapporteur also addressed the alleged deterioration in the enjoyment of fundamental freedoms and in the civic space in Slovakia, including in cultural institutions;¹⁸

(c) The right to academic freedom, in the context of the suppression of student protests in Serbia¹⁹ and the United States;²⁰

(d) The impact of climate change on cultural rights, regarding infrastructure projects in the Gulf of California in Mexico;²¹

(e) The right to participate in sports as an element of cultural life, regarding anti-terrorism measures used in the context of the 2024 Summer Olympics and Paralympics;²²

(f) Violations of cultural rights in the context of armed conflict and occupation, including the destruction of cultural heritage, attacks against communities and the cessation of the activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;²³

(g) The intentional destruction of cultural heritage, and the related rights to participate in decisions concerning heritage, regarding the destruction and desecration of a mass grave site in Tehran,²⁴ and forced evictions, expropriations and home demolitions in Samarkand, Uzbekistan, in an area protected under the Convention for the Protection of the World Cultural and Natural Heritage (World Heritage Convention);²⁵

(h) The disappearance of Tibetan nomenclature from the signage at the Guimet Museum in France.²⁶ The Special Rapporteur welcomes the response of France, highlighting the importance of considering the views of related communities, respecting scientific freedom and shielding cultural institutions from political interference. She also communicated with the United States regarding the alleged promotion of a patriotic and sanitized view of history in the context of museums, memorials and cultural institutions;²⁷

(i) New laws or constitutional amendments that could give rise to cultural rights restrictions, for example the Constitutional Amendment (Declaration of Papua New Guinea as a Christian Country) Law;²⁸

(j) Attacks against human rights defenders addressing cultural rights issues, raised in the context of mining activities in Indonesia,²⁹ the petrochemical industry in India³⁰ and collaboration with United Nations human rights mechanisms;³¹

(k) The misuse of anti-extremist legislation in Belarus to prosecute political activists and human rights defenders for actual or perceived dissent;³²

¹⁸ See communication SVK 1/2025.

¹⁹ See communication SRB 6/2025.

²⁰ See communications USA 11/2025 and OTH 37/2025; and USA 17/2025.

²¹ See communications MEX 4/2025, SGP 3/2025, USA 12/2025, OTH 38/2025, OTH 39/2025, OTH 40/2025, OTH 41/2025 and OTH 42/2025.

²² See communication FRA 3/2025.

²³ See communications ISR 24/2024, ISR 25/2024, ISR 1/2025 and ISR 3/2025.

²⁴ See communication IRN 15/2025.

²⁵ See communication UZB 4/2025.

²⁶ See communications OTH 89/2025, CHN 19/2025 and FRA 7/2025.

²⁷ See communication USA 26/2025, related to communication USA 5/2025.

²⁸ See communication PNG 1/2025.

²⁹ See communications IDN 6/2025, FRA 8/2025, CHN 16/2025, OTH 91/2025, OTH 92/2025, OTH 93/2025, OTH 94/2025, OTH 97/2025, OTH 98/2025 and OTH 99/2025.

³⁰ See communications IND 13/2024, ARE 3/2024, SAU 6/2024, OTH 153/2024, OTH 154/2024, OTH 155/2024, OTH 156/2024, OTH 157/2024 and OTH 158/2024.

³¹ See communications LAO 3/2025 and FRA 11/2025.

³² See communication BLR 1/2025.

(l) The principle that cultural or religious traditions or interpretations cannot justify human rights violations, in the context of sexual and reproductive health rights in Brazil;³³

(m) The ongoing harm and cultural rights violations experienced by the people of the Marshall Islands, as a result of the former nuclear testing programme of the United States.³⁴

11. The Special Rapporteur followed up on her letter sent to Serbia in 2024, regarding the Government's decision to remove historic buildings in Belgrade from the list of protected cultural monuments, on allegedly unlawful grounds and without an appropriate consultative process, the subsequent, ongoing destruction of these sites for the construction of private commercial buildings, and repression against those protecting the sites.³⁵ In December 2025, she issued a press release welcoming the withdrawal of a project that would have involved the destruction of the Generalštab complex and called upon the Government of Serbia to urgently reinstate the complex's protected status.³⁶

B. Country visits

12. Due to the budget and liquidity crisis at the United Nations, the Special Rapporteur conducted only one country visit in 2025, to the Federated States of Micronesia.³⁷

C. Cooperation with United Nations entities and technical assistance activities

13. In 2025, the Special Rapporteur continued her engagement with United Nations agencies, treaty bodies and special procedures on issues relating to her mandate. In particular, she continued to engage with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Inter-Agency Platform on Culture for Sustainable Development; participated in a general discussion organized by the Committee on the Elimination of Discrimination against Women on gender stereotypes; met with the Committee on Economic, Social and Cultural Rights and contributed her expertise towards the preparation of a new general comment on economic, social and cultural rights in armed conflict; participated in events and discussions organized by the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel; collaborated with the Expert Mechanism on the Right to Development regarding the issue of artificial intelligence and cultural rights for development and with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, on the elaboration of the Guiding Principles on Resettlement; and participated as a member of the advisory board for the UNESCO global report on cultural policies. She also contributed her expertise to the statutory meeting of the States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. She collaborated with the International Centre for the Study of the Preservation and Restoration of Cultural Property on the potential of heritage collections and collections-based organizations for sustainable development.

14. The Special Rapporteur participated in the World Conference on Cultural Policies and Sustainable Development (MONDIACULT) organized by UNESCO in Barcelona, Spain, on sustainable development and cultural policies, as well as in the preceding Àgora Cívica, organized with the support of the Spanish national and local authorities as a space for civil society. She stressed the importance of a cultural rights-based approach to development.

³³ See communication BRA 2/2025.

³⁴ See communications USA 35/2025 and MHL 1/2025.

³⁵ See communication SRB 4/2024.

³⁶ See www.ohchr.org/en/press-releases/2025/12/un-expert-welcomes-halt-divisive-belgrade-project-urges-serbia-protect.

³⁷ See A/HRC/61/49/Add.2.

15. The Special Rapporteur also engaged with various States, local governments and public institutions eager to develop programmes for the realization of cultural rights. She congratulates Spain on the creation of a cultural rights directorate within the Ministry of Culture and the adoption of a cultural rights plan. She also appreciates the recent establishment of a group of friends for the cultural rights of persons with disabilities, led by Cyprus, Iraq, Italy, Mexico and Montenegro, with the support of the Office of the United Nations High Commissioner for Human Rights, which she has joined. She also contributed to the tenth World Summit on Arts and Culture, organized by the International Federation of Arts Councils and Culture Agencies, where ministers of culture and representatives of public cultural agencies gathered to discuss policies in the field of culture.

16. Throughout the year, the Special Rapporteur and her team contributed to various training and capacity-building initiatives for cultural rights defenders in various parts of the world and engaged with numerous civil society actors addressing cultural rights issues.

III. Nature conservation and cultural rights: the international legal framework

17. States have agreed to situate nature conservation within human development. Sustainable Development Goals 11 to 15 reflect this agreement. The Goals are based on legally binding obligations found in various international treaties.

A. International human rights law

18. States' obligations to take into account cultural rights in all nature conservation activities derive from legally binding obligations that they have undertaken through human rights treaties. The Committee on Economic, Social and Cultural Rights has observed that all people have the right to follow a way of life associated with certain cultural goods and resources, including biodiversity. The Committee has recalled that cultural rights cannot be realized without "nature's gifts", namely, the seas, lakes, rivers, mountains, forests and nature reserves, including the flora and fauna found there, which give nations their character and biodiversity.³⁸ The Human Rights Council has also recognized the universal interrelation between sustainable development, the protection of the environment and the enjoyment of human rights, including the right to participation in cultural life.³⁹ Both the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination oblige States to guarantee the participation rights recognized in those instruments without discrimination and to ensure that all individuals and communities can contribute meaningfully to measures that have an impact on their human rights.

19. To guarantee substantive equality, the impacts of conservation practices on the cultural rights of vulnerable sections of the population have been specifically considered in international human rights law.⁴⁰ The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires that the identity and cultural rights of minorities be protected, as well as their right to participate "effectively", including with positive measures, if necessary. The United Nations Declaration on the Rights of Indigenous Peoples reaffirms that respect for Indigenous knowledge, cultures and traditions contributes to sustainable and equitable development and proper management of the environment.⁴¹ The Declaration recognizes the Indigenous collective right to the conservation and protection of the environment and requires States to consult and cooperate with Indigenous Peoples to obtain their free, prior and informed consent in relation to the adoption or implementation of any measure affecting them.⁴² Several universal human rights

³⁸ General comment No. 21 (2009), paras. 15 (b) and 16 (a).

³⁹ See resolution 48/13.

⁴⁰ See Colin Luoma, "Strengthening the rights to culture and mental health in the face of environmental violence", *Human Rights Quarterly*, vol. 47, No. 1 (2025).

⁴¹ United Nations Declaration on the Rights of Indigenous Peoples, preamble.

⁴² *Ibid.*, arts. 19, 24 and 29.

instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, also protect Indigenous land rights and require States to seek the free, prior and informed consent of Indigenous Peoples when activities taking place on their lands have an impact on their rights.

20. Regional human rights jurisprudence has confirmed the cultural rights obligations associated with conservation under regional instruments. Following its judgment of 6 February 2020 in *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*, in which it confirmed the link between the Indigenous right to a healthy environment and cultural identity, the Inter-American Court of Human Rights, in its historic advisory opinion 32/25 of 29 May 2025, confirmed that States had the obligation to refrain from violating cultural rights in their attempts to adopt measures for climate mitigation or adaptation. In *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on Behalf of Endorois Welfare Council v. Kenya*, the African Commission on Human and Peoples' Rights found that the creation of a game reserve on the ancestral land of the Endorois, which denied their community access, violated their cultural rights.⁴³ In 2017, the African Court on Human and Peoples' Rights ruled that forest conservation measures did not supersede the obligations of Kenya to give effect to the rights of the Ogiek, including their right to remain on their lands.⁴⁴ In 2022, the Commission also found that the Democratic Republic of the Congo had violated the Indigenous Batwa's cultural rights through the creation and management of the Kahuzi-Biega National Park.⁴⁵ The Commission condemned the practice of fortress conservation.

21. The preamble to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas explicitly recognizes the contributions of peasants to conserving and improving biodiversity worldwide. The Declaration provides that States are to take appropriate measures to support peasant agrobiodiversity and to prevent the depletion and ensure the conservation and sustainable use of biodiversity in order to promote and protect the full enjoyment of the rights of peasants and other people working in rural areas (arts. 19 (6) and 20 (1)).

22. International human rights law has recognized that not only States and public bodies, but also private and associative conservation organizations need to apply these standards. The Guiding Principles on Business and Human Rights apply to non-governmental conservation organizations and funders, and some leading organizations have integrated them.⁴⁶ These actors have a baseline duty to avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. This responsibility exists independently of States' abilities and/or willingness to fulfil their own human rights obligations.⁴⁷ Implementation continues to be elusive.

23. The Core Human Rights Principles for Private Conservation Organizations and Funders, which were developed by the United Nations Environment Programme through a participatory process, clarify how human rights standards apply to conservation organizations and donors. The principles apply norms already contained in human rights instruments.⁴⁸

24. Cultural rights are an integral part of universal human rights, which constitute a system that also protects the rights to water, food, health, housing and a clean environment, and the right to work. All these rights are relevant when it comes to nature conservation. The principles of universality, indivisibility and interdependence of human rights demand that human rights be considered simultaneously. In accordance with article 4 of the International Covenant on Economic, Social and Cultural Rights in particular, States may subject rights

⁴³ Communication No. 276/2003, Decision, November 2009, para. 251.

⁴⁴ *African Commission on Human and Peoples' Rights v. Republic of Kenya*, Application No. 006/2012, Judgment, 26 May 2017, paras. 216 and 217.

⁴⁵ Submission from International Work Group for Indigenous Affairs, para. 43.

⁴⁶ For example, *Embedding Human Rights in Forest Conservation: From Intent to Action: Report of the Independent Panel of Experts of the Independent Review of Allegations Raised in the Media Regarding Human Rights Violations in the Context of WWF's Conservation Work* (2020), p. 150.

⁴⁷ Guiding Principles on Business and Human rights, principle 11 and commentary thereto.

⁴⁸ See <https://wedocs.unep.org/items/821a4898-5e7b-4ad7-9900-c071e0335fc6>.

recognized in the Covenant only to such limitations as are determined by law, only insofar as this may be compatible with the nature of these rights and solely for the purpose of promoting general welfare in a democratic society. To this end, the right to take part in the conduct of public affairs, particularly of concerned individuals and communities, is crucial.

B. International environmental law

25. New guidance tools incorporate cultural rights considerations into environmental law. Unfortunately, implementation continues to be elusive.

26. The Convention on Biological Diversity provides the overarching international framework for nature and biodiversity conservation. Article 8 (j) expressly recognizes the importance of Indigenous traditional knowledge and practices in biodiversity conservation and serves to safeguard the customary use of biological resources and to preserve Indigenous traditional knowledge relevant for conservation and sustainable use. Article 10 (c) requires States to protect and encourage the customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements. Article 8 (j) in particular is the basis for a specific work programme on traditional knowledge, innovations and practices, which is aimed at establishing basic principles, goals and potential outputs in this thematic area.

27. Since 2004, several decisions and recommendations adopted by the Conference of the Parties to the Convention on Biological Diversity have integrated cultural rights elements into conservation work programmes, policies and targets. The Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments regarding Developments Proposed to Take Place on, or which are Likely to Impact On, Sacred Sites and On Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities⁴⁹ provide specific guidance for the inclusion of cultural, environmental and social considerations relating to Indigenous and local communities into new or existing impact assessment procedures. Cultural elements are often missing from impact assessments, which shows the importance of this approach. The Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities Relevant to the Conservation and Sustainable Use of Biological Diversity (Tkarihwaí:ri code of ethical conduct) serves as a direct bridge between the Convention and the rights of Indigenous Peoples and local populations in conservation and in the use of biological diversity through the application of non-discrimination, equitable sharing of benefits and participation in the implementation of the Convention. In 2014, the Conference of the Parties to the Convention recognized that activities on the customary sustainable use of biological resources should be undertaken with the full and effective participation of Indigenous and local communities, in particular women and youth, taking into consideration the United Nations Declaration on the Rights of Indigenous Peoples.⁵⁰ The Rutzolijirixaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity of 2019 specifically address the elements needed for the return of traditional knowledge to, and its renewal among, Indigenous Peoples and local communities.

28. In 2022, 196 States adopted the Kunming-Montreal Global Biodiversity Framework, thereby committing to a human rights-based approach to achieving important conservation goals and targets.⁵¹ The Framework recognizes the connections between biodiversity and cultural diversity and the critical role of Indigenous Peoples and local communities in achieving these ambitious conservation targets. Indigenous Peoples, peasants, people of African descent and local communities were pleased with the adoption of target 3, which is aimed at achieving an increase in protected areas globally, to include “Indigenous and traditional territories”.

⁴⁹ See www.cbd.int/doc/publications/akwe-brochure-en.pdf.

⁵⁰ Decision XII/12 (UNEP/CBD/COP/DEC/XII/12), sect. B, para. 3.

⁵¹ Conference of the Parties to the Convention on Biological Diversity, decision 15/4 (CBD/COP/DEC/15/4), annex, target 3.

29. In 2024, the Parties to the Convention on Biological Diversity agreed to establish a new, permanent subsidiary body on article 8 (j), to include Indigenous Peoples and local communities. This represented a big step, among others, in enhancing the engagement and participation of Indigenous Peoples and local communities in all Convention processes.

30. Influential standards regarding conservation and human rights have also been developed by the International Union for the Conservation of Nature. Resolutions adopted by the Union, which has over 1,400 members, can have a significant influence on conservation standards. Recommendation No. 24 of the Union's 2003 World Parks Congress included the recommendation that involuntary evictions be ended and that protected areas be established only with "prior social, economic, cultural and environmental impact assessment, undertaken with the full participation of Indigenous Peoples". The 2003 Durban Accord and Action Plan determined important targets (not obligations) relating to the inclusion of Indigenous Peoples in conservation and led to a series of outputs by the Union, focused on rights-based approaches to conservation. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) also strengthens participatory approaches in conservation issues and deserves to be more widely ratified.

31. The Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction, which entered into force in 2026, stresses the need to protect the rights of Indigenous Peoples and the common heritage of humankind in biodiversity governance on the high seas. More broadly, although not directly making the link with human rights, the Agreement covers the protection of cultural values (art. 17), the inclusion of cultural impacts in environmental impact assessments (art. 31), prior consultation with all that have relevant knowledge, including Indigenous Peoples, local communities, civil society and the scientific community (art. 32) and an inclusive approach to knowledge (arts. 35 and 44).

C. International law relating to the protection of natural and cultural heritage

32. The work of UNESCO in the field of heritage has gradually shifted towards the integration of natural and cultural resources, especially with the recognition of "cultural landscapes", contributing further to the understanding that culture and nature are intertwined. UNESCO-designated biosphere reserves, world heritage sites and global geoparks serve to ensure the conservation of biodiversity and the sustainable use of its components. There is no doubt that the biggest challenge for UNESCO is to avoid contributing to fortress conservation. The protection of cultural rights is an overarching principle underpinning all UNESCO culture conventions, including the implementation mechanisms of the World Heritage Convention and the Convention for the Safeguarding of the Intangible Cultural Heritage, and the Policy Document for the Integration of a Sustainable Development Perspective into the Processes of the World Heritage Convention.⁵² The implementation of the World Heritage Convention is governed by the World Heritage Committee, with advice provided by the International Union for Conservation of Nature, the International Council on Monuments and Sites and the International Centre for the Study of the Preservation and Restoration of Cultural Property. A great deal of work is also being carried out to support sustainable development and nature conservation through the Representative List of the Intangible Cultural Heritage of Humanity.⁵³

⁵² Submission from the United Nations Educational, Scientific and Cultural Organization (UNESCO), pp. 3 and 4.

⁵³ Submission from Agnieszka Pawłowska-Mainville, UNESCO Chair in Living Heritage and Sustainable Livelihoods, University of British Columbia, Canada. According to the submission, the intangible cultural heritage framework "encourages viewing land not merely as a resource but as a living repository of knowledge, memory, and belonging. Through this lens, intangible heritage provides a means to integrate conservation and cultural policy, affirming culturally-led approaches to territory can serve as exemplars of sustainability and symbiotic human-nature relationships." See also

33. Since 2007, the World Heritage Committee has added to its strategic objectives the enhancement of the role of communities in the implementation of the World Heritage Convention.⁵⁴ However, more efforts are needed to respect cultural rights in the everyday implementation of the Convention. Many world heritage sites that overlap with Indigenous Peoples' territories have been classified as purely "natural sites", in disregard of Indigenous Peoples' presence and contributions.⁵⁵ Despite the instructions on respect for diversity, equity and participatory approaches contained in the Operational Guidelines for the Implementation of the World Heritage Convention,⁵⁶ it has been argued that the management of listed world heritage sites has led to serious violations of the cultural rights of local populations. Some atrocious violations of cultural rights have reportedly occurred in national parks funded by States of the global North, advised or co-managed by international conservation organizations, and recognized by the World Heritage Committee as having outstanding universal value. While States are the first duty bearers in guaranteeing respect for human rights, UNESCO must act to strengthen its framework so that conservation projects enhance cultural rights.

IV. Cultural rights issues in the context of nature conservation policies

34. The Special Rapporteur has repeatedly witnessed the negative effects of conservation efforts on cultural rights, particularly those of Indigenous Peoples, most recently in Indonesia⁵⁷ and the Lao People's Democratic Republic⁵⁸ and, repeatedly, in the United Republic of Tanzania. Since 2022, there have been fruitless discussions between the Special Rapporteur, UNESCO and the United Republic of Tanzania regarding the management of the Ngorongoro Conservation Area, which has led to resettlement, forced evictions, home demolitions and additional restrictions on the livelihood of local populations in the name of nature conservation. The Maasai pastoralists, numbering more than 82,000 persons, have not been consulted about the plans, and their physical and cultural survival remains in danger.⁵⁹ Reports alleging pressure and violence against and the intimidation of those who defend natural resources and the rights to maintain and transmit ways of life and practices related to them cannot continue to be ignored.⁶⁰

35. Conservation projects often ignore the importance of such sites for the individual and shared identity of people.⁶¹ States must respect and fulfil cultural rights in the conception, design, funding, implementation and management of conservation projects. They must let them lead related projects whenever possible. They must respect the rights of affected groups to take part in decision-making processes that have an impact on their cultural life and the principle of the free, prior and informed consent of Indigenous Peoples and local communities. They have an obligation to protect against cultural rights violations committed by non-State conservation actors, such as conservation non-governmental organizations (NGOs), donors and intergovernmental organizations.

submissions from Colombia, p. 4; and Estonia. For a visualization of the list, see <https://ich.unesco.org/en/dive?display=biome#tabs>.

⁵⁴ See <https://whc.unesco.org/en/convention>.

⁵⁵ International Work Group for Indigenous Affairs, *The Indigenous World 2025* (2025), pp. 719 and 720.

⁵⁶ UNESCO, *Operational Guidelines for the Implementation of the World Heritage Convention* (Paris, 2025), paras. 12, 40, 47 ter, 64, 90, 111, 117, 121, 123, 211, 214 bis, 215 and 239 and annexes 3, 5 and 8.

⁵⁷ See communication IDN 8/2025.

⁵⁸ See A/HRC/61/49/Add.1.

⁵⁹ See communications OTH 262/2021, OTH 263/2021 and OTH 264/2021.

⁶⁰ For examples, see communications NIC 4/2025; IDN 6/2025 and related communications; and BGD 4/2025.

⁶¹ For examples of such sites, see submissions from Afghanistan, para. 3; Algeria, paras. 4–6; El Salvador; Mali, p. 1; Mauritius; Mexico; Myanmar; Uzbekistan, para. 14; and Venezuela (Bolivarian Republic of), pp. 2 and 3. See also submissions from Minority Rights Group and Agnieszka Pawłowska-Mainville.

V. Building a cultural rights-based approach to nature conservation: ways forward

36. Cultural rights protect the development and expression of cultural identities. At their core, they empower individuals and groups to express their humanity, world views and the meanings that they attribute to their existence and development through various forms of human expression. This includes the arts, cultural heritage, languages, sciences, knowledge, convictions, religions and beliefs, sports and games, rites and ceremonies, production methods, technology, institutions and livelihoods, connections with nature and the environment, food and dress and ways of life. A cultural rights-based approach to nature conservation essentially requires a radical shift to centre human cultures in the overall project of protecting natural environments.⁶²

A. Acknowledging the diversity of definitions of nature and conservation

37. People relate to nature in diverse ways based on their unique cultural understanding of the world, traditions, education, access to scientific knowledge and histories. Neither “conservation” nor “nature” is conceptualized and understood in a uniform manner between and within regions and countries.⁶³ For many, the terminology of nature conservation itself is a foreign concept, is not in their cultural lexicon and does not neatly fit in their world views. Therefore, the way in which nature is used and protected is grounded in cultural viewpoints that reflect a specific relationship between humans and nature. Ultimately, it is about different world visions and cultural frameworks.

38. Regrettably, the global environmental and conservation movements have historically subscribed to a rather narrow and exclusionary ideology around the conservation of nature, coalesced around the idea that humans are incompatible with, and superior to, nature. Accordingly, nature can be protected only if separated from human presence, and nature conservation measures are designed to protect nature from human involvement and practices that are predatory, extractive and exploitative.⁶⁴ In this context, communities have been overlooked or marginalized.⁶⁵ The legacy of racist and colonial ideologies, which reinforced the divisions between nature and humans, has also contributed to a separation between human rights and nature conservation, to the detriment of the cultural rights of many individuals and groups. Cultural rights require us to depart from this single narrative and adopt a multi-perspective approach.

B. Nurturing the link between cultural diversity and biodiversity

39. Nature conservation requires a cultural inscription. It is because people have developed awareness for, and a relationship of care with, their environment that they take steps to protect it.⁶⁶ It is imperative to strengthen the understanding that the conservation of nature and cultural rights are interdependent and mutually reinforcing objectives. This starts with understanding the concept of nature and the presence or absence of rich biodiversity in a manner that includes cultural aspects and human influences.

⁶² Submission from Colombia, p. 5, where it is stated that what is required is a transition towards a new cultural compact that redefines well-being beyond consumption and places respect for life in all its forms as a guiding principle for collective decisions.

⁶³ See Luca Coscieme and others, “Multiple conceptualizations of nature are key to inclusivity and legitimacy in global environmental governance”, *Environmental Science and Policy*, vol. 104 (2020).

⁶⁴ Submissions from Uzbekistan; and Venezuela (Bolivarian Republic of), p. 3; and submissions from Mahdi Kolahi, Dolly Wong, Red Española para el Desarrollo Sostenible and the United Cities and Local Governments Committee on Culture.

⁶⁵ Submission from International Union for the Conservation of Nature.

⁶⁶ For examples, see submissions from Myanmar; Paraguay; and Uzbekistan, paras. 15–17; and submission from Kryštof Novotný.

40. The protection of biodiversity and of cultural diversity must go hand in hand with conservation initiatives.⁶⁷ Biodiversity and cultural diversity are affected by the same drivers, in particular modernization, industrialization and monoagricultural systems.⁶⁸ It is the loss of both that affects the diversity of genes, species and ecosystems⁶⁹ and, more widely, that leads to habitat loss, food shortages, cultural homogenization and other violations of human rights.⁷⁰ This is accompanied by the erosion and impoverishment of languages, which often reflect a specific environment, the loss of nature-bound ways of life and practices, traditional knowledge appropriation and the disappearance of resource governance mechanisms, many of which safeguard against unsustainable exploitation and degradation of nature.⁷¹ Place-based stories, narratives, histories, taboos, customs and rituals can lose their cultural significance if the environment changes, thus undermining the ability of individuals and groups to access, enjoy and benefit from their cultural resources. This mutual relationship creates an ecosystem: thriving biodiversity, healthy habitats and ecosystems are the necessary precondition for the flourishing of cultural rights,⁷² and vice versa, and threats against cultural systems are threats against natural ones, and vice versa.

41. States, conservation actors and other stakeholders must recognize the reciprocal relationship between culture and nature in their conservation strategies and programming. In certain countries, work is under way to integrate traditional knowledge into national biodiversity policies and plans, by documenting intangible heritage relating to natural resources⁷³ and revitalizing traditional practices, such as the Hima system in Saudi Arabia.

42. A potentially encouraging development can be observed in the use of biocultural frameworks in conservation and environmental management. Biocultural frameworks can be used to link the biological and cultural elements of nature, eliminating the separation between the two and providing guidance to States and other conservation actors on how to protect biodiversity more holistically by protecting biocultural heritage.⁷⁴

43. For example, the Rooibos Access and Benefit-sharing Agreement in South Africa recognizes the Khoikhoi and San peoples as the traditional holders of knowledge about the uses of rooibos, an indigenous plant. The agreement includes a biocultural community protocol, which sets forth the Khoikhoi's customary laws around rooibos and articulates the expectations of outsiders engaging with that traditional knowledge.⁷⁵ Municipal laws in areas of Brazil such as Linhares and Espírito Santo have also embraced a biocultural approach, which recognizes the "intrinsic rights of the waves at the mouth of the Doce River".⁷⁶ Uzbekistan is considering the creation of biocultural parks, protecting both natural ecosystems and cultural rights,⁷⁷ and, in Colombia, transmission of ecological knowledge is unthinkable without the use of Indigenous languages.⁷⁸

⁶⁷ UNESCO Universal Declaration on Cultural Diversity, art. 1. See also UNESCO, *UNESCO Global Report on Cultural Policies – Culture: The Missing SDG* (Paris, 2025).

⁶⁸ Submission from Myanmar.

⁶⁹ See www.unep.org/resources/global-environment-outlook-4. See also www.cbd.int/lbcd/step1.

⁷⁰ A/HRC/34/49, para. 6. See also submission from Uzbekistan, para. 45, for an example of biodiversity loss affecting cultural rights and the rights to health and a decent standard of living.

⁷¹ Submissions from Algeria, paras. 1 and 2; Burundi; Mexico; and Myanmar; and submissions from Amnesty International, Institute for Peace and Leadership, Nhimbe Trust, UNESCO and Yezihalem Sisay Takele.

⁷² Submissions from Diamond Johnny, Mahdi Kolahi and Red Española para el Desarrollo Sostenible.

⁷³ Submission from Algeria, para. 16.

⁷⁴ See Jared Gonet, "Worldview violence and non-human people in (conservation) science", *Ecology and Society*, vol. 29, No. 4 (2024).

⁷⁵ See <https://naturaljustice.org/the-rooibos-access-and-benefit-sharing-agreement/>.

⁷⁶ Submission from International Council on Monuments and Sites.

⁷⁷ Submission from Uzbekistan.

⁷⁸ Submission from Colombia. See also www.unesco.org/en/articles/languages-cultures-knowledge-unescos-action-indigenous-peoples.

C. Including cultural rights in nature conservation agendas

44. A cultural rights-based approach to nature conservation requires that States identify and respect cultural rights in the design, funding, management, implementation and monitoring of conservation projects. It entails the inclusion of strong human rights impact assessments in addition to environmental or social impact assessments. It implies and encourages the use of cultural practices and traditional interventions as key ways to address biodiversity loss and climate change.⁷⁹ Promoting natural spaces and resources as emblematic cultural heritage shaping individual and collective “biocultural” identities is also important.⁸⁰ Furthermore, freedom of artistic expression must be recognized as a means to reflect and renew relationships with nature and imagine alternatives.⁸¹

45. Ensuring non-discrimination, including in relation to direct, indirect, intersectional and structural discrimination, must be a necessary component of any conservation practice.⁸² Special measures are important to ensure substantive equality. The Special Rapporteur is particularly concerned about prejudice and discrimination in State conservation policies, where the practices of specific groups are considered as primitive or backwards and these groups are deprived of their resources and dignity.

46. Intersectional discrimination particularly affects women involved in conservation. Ipili women in the Porgera Valley have reported that they are excluded from high-level decision-making processes regarding land and water use, the conservation of medicinal plants and resource extraction, while male leaders are formally consulted.⁸³

47. Protective measures in conservation programmes often single out Indigenous Peoples, neglecting other individuals and groups. States must also guarantee the cultural rights of peasants, people of African descent, fisherfolk, pastoralists and other communities, often gathered under the banner of “local communities”, whose identities, ways of life and livelihoods are affected by aggressive conservation practices.

48. An intergenerational perspective must also be adopted. Children, youth and older persons may be particularly affected by conservation efforts and can contribute to discussions, including on mitigation measures.⁸⁴ Children and youth are also the anticipated receivers of ecological knowledge and conservation practices, both traditional and modern. Youth are at the forefront of nature protection movements, including through the Global Youth Biodiversity Network created under the Convention on Biological Diversity.

49. A cultural rights-based approach underlines the need for avenues of redress in case violations occur. Often, recourse to justice for cultural rights violations at the national level is non-existent. At the international level, conservation bodies are reluctant to stop conservation policies even if cultural rights violations are abundant. They lack clear and objective accountability mechanisms and structures.

D. Guaranteeing the participation of local communities

50. Participation and consultation are principles of utmost importance to protecting cultural rights in conservation. However, guarantees often remain on paper.

⁷⁹ For a remarkable example of what can be done, see the 2022 policy paper entitled “The culture for climate agenda: unleashing the power of culture as a pillar of climate action”, submitted, for the United Cities and Local Governments World Congress, by the Climate Heritage Network, Climate Chance, the Global Alliance for the Rights of Humanity, the International Indigenous Women’s Forum and Making Cities Resilient 2030, available at https://agenda21culture.net/sites/default/files/2025-05/th_pp_climate_culture.pdf.

⁸⁰ Submissions from Colombia and El Salvador; and submission from the Institute for Peace and Leadership.

⁸¹ Submissions from Colombia and Mexico; and submissions from Arab Fund for Arts and Culture, Diamond Johnny and Kryštof Novotný.

⁸² A/HRC/14/36, para. 49.

⁸³ Submission from Porgera Red Wara (River) Women’s Association Incorporated, p. 3.

⁸⁴ See submissions from El Salvador; and Uzbekistan, para. 25 (elders’ role).

51. The participation of local populations in decision-making is often inadequate or too hasty, and processes to ensure the free, informed and real participation of all are rare. The specific protection granted under international law to minorities and Indigenous Peoples is not fully understood or is minimized or simply discarded. For example, Indigenous Peoples' right to veto, which is included in their right to free, prior and informed consent in matters that directly affect them, and the need to lead conservation projects in their lands are not taken into account in practice.⁸⁵

52. Experiences of community-led tourism and observation of biodiversity that integrate local people into the value chain have helped to change the paradigm from prohibition to participation.⁸⁶ The Mali Elephant Project was co-developed with local communities, traditional chiefs and nomads, integrating local values and the knowledge of each group to define the measures to be taken for the benefit of the elephants and the wider ecosystem.⁸⁷ The Pimachiowin Aki heritage site in Canada demonstrates how an Indigenous-nominated and Indigenous-governed heritage site can integrate both cultural and ecological protection.⁸⁸ The Pessamiulnuat people in Quebec, Canada, are lobbying the State to support caribou conservation in their territories according to their own practices and know-how.⁸⁹

53. Such positive practices of culturally adequate and sustainable development must be highlighted in global conservation policy and standardized at the domestic level.

E. Ensuring the right to participate in scientific endeavours

54. Participation of local communities is sometimes prevented because of the misconception that their practices do not constitute "science". In 2020, the Committee on Economic, Social and Cultural Rights confirmed that participation in science is part of participation in cultural life. The Committee criticized the rigid distinction between scientists and the general population, which is entitled not only to enjoy the benefits derived from research conducted by scientists, but also to participate in the scientific endeavour and decision-making.⁹⁰ The Special Rapporteur has previously emphasized the need to embrace an inclusive and decolonized understanding of science to include traditional knowledge and Indigenous science and has called upon States to eliminate exclusionary processes in defining and applying science.⁹¹

55. Conservation strategies should embrace and recognize a level of scientific pluralism necessary for addressing biodiversity loss, as the diversity of knowledge and approaches provides a wider understanding and array of tools and methodologies to mitigate adverse developments.⁹² In Estonia, local residents were invited to contribute to the revision of the sacred cross tree map, together with the heritage culture map of the State Forest Management Centre and the sacred site map of the Hiite Maja Foundation.⁹³ The principle of subsidiarity, whereby the local prevails over the generic, is important: localized, traditional knowledge systems, which cut across science, belief and cultural practices, as opposed to "one-size-fits-all" knowledge systems, may offer important ways forward. The programme for the sustainable management of oasis ecosystems in Algeria demonstrates the value of this approach.⁹⁴ Traditional and experience-based ecological knowledge is part of science and should be treated as such.

⁸⁵ See www.ohchr.org/en/special-procedures/sr-cultural-rights/cultural-rights-and-development. For examples of failed experiences due to lack of consideration of cultural rights, see submissions from Mexico, p. 5; and Uzbekistan, paras. 27–33.

⁸⁶ Submission from El Salvador.

⁸⁷ Submission from Mali, p. 2.

⁸⁸ Submission from Agnieszka Pawłowska-Mainville.

⁸⁹ Submission from Amnesty International.

⁹⁰ General comment No. 25 (2020), paras. 8, 9 and 11.

⁹¹ See [A/HRC/55/44](http://www.ohchr.org/en/special-procedures/sr-cultural-rights/cultural-rights-and-development) and [A/HRC/55/44/Corr.1](http://www.ohchr.org/en/special-procedures/sr-cultural-rights/cultural-rights-and-development).

⁹² Submission from Red Española para el Desarrollo Sostenible. Regarding challenges, see also submission from UNESCO, pp. 10 and 11.

⁹³ Submission from Estonia.

⁹⁴ Submission from Algeria, para. 9.

56. Gradually, some conservation actors have begun to incorporate and account for alternative models of conservation, as in the TAMAR Project in Brazil.⁹⁵ Positive developments can be found in the programme of work on article 8 (j) and other provisions of the Convention on Biological Diversity related to Indigenous Peoples and local communities to 2030 and in several resolutions of the International Union for the Conservation of Nature. Some States have also committed to applying traditional and local knowledge in planning ecological restoration and sustainable development actions, such as Australia, where the Resilient Landscapes Hub of the National Environmental Science Program and the Indigenous Desert Alliance have integrated Indigenous science with modern survey design and new technologies to support the management of threatened species, and El Salvador.⁹⁶

F. Strengthening the legal system

57. Cultural rights must be better integrated into the legal, regulatory and policy frameworks governing nature and biodiversity protection at the domestic level.⁹⁷ Legislation must serve to promote human rights impact assessments, including cultural rights impact assessments, before the start of any conservation project; extensive and detailed participation and consultation processes with individuals and groups whose rights are being encroached upon; independent avenues of recourse through local courts for alleged violations of cultural rights, which are culturally appropriate, accessible and in relevant languages; and redress measures. Importantly, public authorities must ensure that private conservation actors are brought to justice for the alleged violations committed within their jurisdiction.

58. At the international level, the Kunming-Montreal Global Biodiversity Framework is a hopeful initiative, but human rights, biodiversity and environmental systems remain fragmented, and few international standards address the intersections between culture and the environment.⁹⁸ The core international environmental treaties account for this relationship poorly. For example, the Paris Agreement recognizes the need to respect and consider humans in climate change action in general terms, but its only reference to culture is in relation to some cultures' recognition of biodiversity as Mother Earth.⁹⁹ Cultural considerations were supposed to have been mainstreamed across all Sustainable Development Goals, but links between conservation and cultural elements have remained implicit. In all these documents, even when elements of culture are protected, cultural rights are not. This is not a semantic difference: States sometimes take measures for the conservation of natural and cultural heritage that clearly violate the cultural rights of local populations. UNESCO has been widely criticized for this but, to date, the change of direction has in practice been insufficient.¹⁰⁰

59. Legal documents on nature conservation must be interpreted, and guidance on them provided, in a manner consistent with human rights.¹⁰¹ All aspects of the Convention on Biological Diversity, for example, must be read in conjunction with States' human rights obligations, so that any gaps in the protection of cultural rights are safeguarded. Whether traditional knowledge and practices are "relevant" or "compatible" with nature conservation, and whether they should therefore be maintained or discarded, needs to be contextualized through a cultural rights-based approach, taking into consideration how and by whom such practices are identified and according to what criteria.

60. International human rights monitoring bodies also have to engage with conservation cases and insist on respecting cultural rights, with a clear understanding of the scope and

⁹⁵ Submission from International Council on Monuments and Sites.

⁹⁶ Submissions from Australia and El Salvador.

⁹⁷ Submissions from Algeria, paras. 12 and 13; Colombia, pp. 6–10; Guatemala; Mali; Mexico; and Uzbekistan, paras. 36, 37 and 68; and submission from Office of the Ombudsperson of the Nation of Argentina.

⁹⁸ See the separate annex to [A/75/298](#), available from <https://www.ohchr.org/en/special-procedures/sr-cultural-rights/annual-reports>, para. 31.

⁹⁹ Paris Agreement, preamble.

¹⁰⁰ See International Work Group for Indigenous Affairs, *The Indigenous World 2025*.

¹⁰¹ See [A/71/229](#).

contours of cultural rights. References to cultural rights violations in monitoring processes are essential. There have been some positive examples from human rights mechanisms,¹⁰² but, unfortunately, many cultural rights violations in conservation remain unmonitored.

G. Ensuring that standards for limiting cultural rights are duly respected

61. Not all cultural practices and ways of life are respectful of nature and humans or contribute to their safeguarding. Long-established or more recent practices may have negative impacts on nature conservation and biodiversity.¹⁰³ Saudi Arabia has, for example, recognized the negative impacts on nature of the deeply rooted cultural practice of illegally hunting wild animals and has taken steps to prevent it.¹⁰⁴ More recent practices linked to, inter alia, human mobility, the consumption of goods and services and the use of digital technologies, which require an extensive use of natural resources, may also need to be questioned. Cultural arguments cannot be invoked to infringe on human rights guaranteed by international law, which includes the right to a healthy environment for all.

62. Cultural practices, whether they emanate from the State, the majority or vulnerable and marginalized sections of the population, have to be compatible with human rights. At times, other interests may prevail, as stated in article 4 of the International Covenant on Economic, Social and Cultural Rights, in application of the principles of legality, legitimacy and proportionality. The Human Rights Committee has noted that there must be a reasonable and objective justification for the prevalence of one right over the other, consistency with human rights instruments and a demonstration of the necessity of the restriction.¹⁰⁵ The core of each human right must be protected. In addition, in balancing cultural rights with other human rights or interests, the rights of vulnerable or marginalized sections of the population must take priority, so that substantive equality is achieved. This is of particular importance when balancing the right to development with the cultural rights of a community. It is the duty of States to assess – in an inclusive and non-biased manner – the impact of practices and ways of life on the right to a healthy environment and other human rights and to adopt relevant measures to bring practices into compliance with human rights law.¹⁰⁶

VI. Areas of focus

A. Conservation-related evictions

63. There are still many conservation projects that evict communities from their lands, exclude them indefinitely or severely curtail their usage rights. Evictions disrupt societal cohesion, contextualized governance systems and cultural knowledge and practices, break spiritual and territorial connections and weaken the ability to transfer relevant ecological knowledge to future generations. This erodes the identities of communities, hinders them from safeguarding nature and often pushes them into extreme forms of poverty, exclusion and marginalization.¹⁰⁷

¹⁰² Committee on the Elimination of Discrimination against Women, general recommendation No. 39 (2022), paras. 48 and 52; and Committee on Economic, Social and Cultural Rights, general comment No. 25 (2020), para. 39.

¹⁰³ Submissions from Burundi, El Salvador, Mali, Mexico and Myanmar. See also submission from the Zimbabwe Human Rights Commission.

¹⁰⁴ Submission from Saudi Arabia.

¹⁰⁵ See Human Rights Committee, *Lovelace v. Canada*, communication No. 24/1977; *Kitok v. Sweden*, communication No. 197/1985; and *Länsman et al. v. Finland*, communication No. 511/1992; and submission from the Human Rights Commission of Mexico City.

¹⁰⁶ For a similar approach to modifying the social and cultural patterns that are harmful to the human rights of women, see Convention on the Elimination of All Forms of Discrimination against Women, art. 5.

¹⁰⁷ See submissions from Amnesty International (regarding the highland clearances in Scotland and the enclosures in England) and Minority Rights Group.

64. The Indigenous Peoples Law and Policy Program Initiative on Indigenous Rights and Protected Areas of the University of Arizona, United States, has developed a database on alleged violations against Indigenous Peoples' human rights in protected areas, which includes 30 cases that highlight cultural rights violations.¹⁰⁸ Instead, States must allow local communities to lead protection projects as much as possible. In 2024, only approximately 1% of registered protected areas were reported to be governed by Indigenous Peoples or local communities.¹⁰⁹

B. Tourism-related loss of meaning

65. Conservation is often linked to tourism. Although local communities are often pushed out of conservation areas, their cultural practices are being showcased, commodified and “folklorized” for mass consumption. This disconnects people from the meanings and significance that their practices and expressions used to have. Outside the living environment and dynamics of local communities, these practices and expressions become frozen in a particular time, with a certain aesthetic, impoverishing them and challenging their transmission as expressions of “identity, values and meaning” and as heritage resources.

C. Donor and funder accountability

66. States commonly rely on international funders and private conservation NGOs for financial and technical assistance in managing conservation projects. Especially in underdeveloped countries, which often host the greatest biodiversity, conservation NGOs and donors yield immense power. They often fall short of a human rights-based approach and have historically not accounted for cultural considerations in their assessments, monitoring or reporting. Reports on donor States, international organizations and international conservation bodies paint an especially worrying picture of an immense discrepancy between proclamations and reality.¹¹⁰

67. This is particularly obvious regarding the consultation of local communities or processes to obtain the free, prior and informed consent of Indigenous Peoples in connection with the creation or management of protected areas. There is evidence that public-private partnership models for managing parks mirror colonial structures. Despite its much-needed work to promote free, prior and informed consent and participation in conservation, the German Agency for International Cooperation (GIZ) has attracted widespread criticism for its work in the Congo, which allegedly led to cultural rights violations,¹¹¹ and questions have arisen about the effectiveness of its work on free, prior and informed consent in the Lao People's Democratic Republic.¹¹²

68. From the billions of dollars annually channelled towards biodiversity projects globally, little is earmarked for cultural safeguards or for ensuring that free, prior and informed consent processes meet international standards. Many donors also lack effective monitoring mechanisms to ensure that human rights are respected in connection with this financing. Donors routinely finance socioeconomic development opportunities for communities that have been adversely affected by protected areas, covering schools, transportation, infrastructure, hospitals and so forth. It is rare for these donors to fund culturally appropriate support and to question the cultural impact of their projects. Donors also resist funding long-term solutions to ensure cultural continuity for these communities, such as the restitution of ancestral lands, territories and resources or support for equitable conservation governance systems.

¹⁰⁸ Submission from International Union for the Conservation of Nature.

¹⁰⁹ See www.protectedplanet.net/en/thematic-areas/indigenous-and-community-conserved-areas.

¹¹⁰ See Knox, “Dismantling the fortress”.

¹¹¹ See Colin Luoma, *Fortress Conservation and International Accountability for Human Rights Violations against Batwa in Kahuzi-Biega National Park* (Minority Rights Group, 2022).

¹¹² See A/HRC/61/49/Add.1.

69. Biodiversity markets and carbon credits schemes, which allow developers to compensate the harm done to nature in one place by supporting restoration in another, can raise significant human rights concerns. Not only has the legitimacy of carbon markets been repeatedly challenged, and biodiversity credits would be even harder to quantify,¹¹³ but, in any case, harm to the rights of a local population to a clean and healthy environment and to maintain and transmit its identity and cultural practices cannot be offset by a biodiversity gain somewhere else. Pursuing their establishment may allow States and companies to postpone targeted action to reduce biodiversity destruction, while excusing human rights violations.

70. States are under the obligation to ensure that donors and organizations operating on their territory respect and implement cultural rights; that both public and private bodies operate with respect for cultural rights; and that their contributions in all international organizations are consistent with their human rights obligations.

VII. Conclusions and recommendations

71. Respecting, protecting and fulfilling cultural rights is critical for effective environmental protection and biodiversity conservation, with cultural practices, traditional ecological knowledge and local governance systems being essential for positive conservation outcomes. This reality, acknowledged recently in the outcome document of the 2025 World Conference on Cultural Policies and Sustainable Development (MONDIACULT) and transposed into specific commitments,¹¹⁴ necessitates an urgent, more robust engagement with cultural rights in global conservation policy and practice.

72. A cultural rights-based approach must be adopted in nature conservation policies and programmes by all States, international organizations and other stakeholders. Any international or national document on nature conservation must be interpreted in a manner that respects cultural rights. A paradigm shift needs to take place so that the protection of biodiversity is linked to the protection of cultural diversity, and vice versa.

73. Nevertheless, the main ongoing problem lies not in policies but in their implementation and monitoring. The “fortress conservation” model prevails in many parts of the world, with catastrophic consequences for the cultural rights of individuals and groups.

74. States should:

- (a) Identify, respect, protect and fulfil cultural rights, both individual and collective, in the conception, design, funding, implementation, management and monitoring of nature conservation projects;
- (b) Ensure that nature conservation measures do not discriminate directly, indirectly, intersectionally or structurally against specific individuals or groups;
- (c) Review all national legal, policy and educational frameworks related to nature conservation to reflect the intrinsic connection between nature and humans, and between biodiversity and cultural diversity;
- (d) Review all legal and policy documents related to nature conservation to ensure that they protect the cultural rights of individuals and groups and fully reflect their binding international obligations;
- (e) Review all public documents and work to ensure that bias in favour of fortress conservation and “one-size-fits-all” models are removed;

¹¹³ Submission from Amnesty International, p. 3.

¹¹⁴ UNESCO, “Outcome document MONDIACULT 2025” (2025), pp. 2 and 3, available at https://www.unesco.org/sites/default/files/medias/fichiers/2025/09/EN_MONDIACULT_Outcome_Document%20Final%2027.09.25.pdf.

(f) Support projects to record oral traditions, crafts and agricultural practices linked to biodiversity and local initiatives promoting engagement with nature conservation;

(g) Promote policies that guarantee the active and meaningful participation of individuals and communities in the management of natural resources, recognizing their traditional, cultural and scientific knowledge as a key tool for nature conservation. In particular, the effective participation of minorities must be ensured, as well as the right to free, prior and informed consent of Indigenous Peoples and local communities;

(h) Take positive measures focused on supporting the participation of women, youth, older persons and persons with disabilities in nature conservation policies and programmes and ensuring the adequate protection of their cultural rights;

(i) Respect, protect and promote the leadership of local individuals and communities in conservation projects;

(j) Integrate human rights, including cultural rights impact assessments, at several phases of conservation processes, including prior to their commencement and at the evaluation phase;

(k) Ensure that all bodies working in their territories understand, respect and ensure cultural rights in conservation processes;

(l) Investigate promptly and objectively alleged violations of cultural rights in the context of nature conservation efforts;

(m) Provide grievance procedures.

75. Nature conservation donors and organizations should:

(a) Pause any project that adopts a fortress conservation approach;

(b) Review all documents, policies and programmes to identify and eliminate any bias or prejudice towards cultural practices purported to damage nature or jeopardize nature conservation programmes;

(c) Develop and standardize requirements for assessing the impact of nature conservation projects on cultural rights, cultural diversity and cultural heritage, including human rights impact assessments;

(d) Institutionalize processes of consultation and participation that ensure:

(i) The meaningful participation of everyone in nature conservation processes;

(ii) The effective participation of members of minorities;

(iii) The free, prior and informed consent of Indigenous Peoples and local populations;

(e) Promote biocultural approaches;

(f) Implement technical training programmes in participatory biodiversity monitoring;

(g) Respect, protect and promote the leadership of local individuals and communities in conservation projects;

(h) Adopt grievance mechanisms and investigate grievances promptly and objectively.

76. All relevant public, private and international bodies should:

(a) Integrate arts and nature-based cultural practices into public learning and awareness efforts for the conservation of nature;

(b) Strengthen intergenerational and intercultural engagement, fostering shared responsibility for local ecosystems and ecological well-being.