

## Views of The Nature Conservancy Indigenous Peoples & Local Communities and the Global Biodiversity Framework August 2021

Around the globe, Indigenous Peoples and Local Communities<sup>1</sup> have long protected their lands and waters in reciprocity with nature and often guided by strong connections to place and culture. These communities manage at least one-quarter of the world's lands<sup>2</sup>, 17% of all forest carbon<sup>3</sup>, and vast stretches of freshwater and marine habitats. Their stewardship and management often achieve greater conservation results<sup>4</sup> and sustain more biodiversity<sup>5</sup> than government Protected Areas (PAs). Indigenous Peoples and Local Communities can lead us to a world where people and nature thrive together.

For generations, profound challenges have undermined Indigenous Peoples and Local Communities' agency and ability to manage their lands, territories, and waters - including colonialism, forced resettlement, strong development pressures from outside, and exclusion from natural resource decisions. These externally imposed power dynamics have frayed communities' relationships with territory, culture and sustainable economies around the world, harming people, lands and waters and all the life they support. Unaddressed, these challenges will only become more acute as pressures on resources grow and climate change intensifies.

When invited to collaborate, TNC works in partnership with Indigenous Peoples and Local Communities to support their visions, learn from their experience stewarding the natural world, and strengthen their leadership in conserving lands and waters. Evidence<sup>6</sup> supports this as one of the most impactful and enduring actions we can take to protect ecosystems and biodiversity and tackle climate change. This document addresses our policy priorities for supporting our partners in the negotiations for a new Global Biodiversity Framework.

### Post-2020 Global Biodiversity Framework

The Post-2020 Global Biodiversity Framework (GBF) being negotiated under the auspices of the [United Nations Convention on Biological Diversity](#) (CBD) is intended to provide a transformational overhaul for international efforts to arrest and reverse the ongoing environmental crisis. As such, it must be an ambitious plan to implement broad-based action to bring about a transformation in society's relationship with biodiversity and to ensure that, by 2050, the CBD parties' shared vision of living in harmony with nature is fulfilled.

The [First Draft of the GBF negotiating document](#), released in July 2021, creates a solid foundation for discussion in its recognition of the rights and participation of Indigenous Peoples and Local Communities. The First Draft comprises 21 targets and 10 'milestones' proposed for 2030, each of which intersects with the role of Indigenous Peoples and Local

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<sup>1</sup> Indigenous Peoples (IPs) & local communities (LCs) in the Convention on Biological Diversity are referred to collectively as "IPLCs." TNC recognizes the distinction between "IPs" and "LCs", with IPs holding collective rights as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (TNC, 2015). Throughout this document, we have refrained from using the acronym "IPLCs" out of respect for this distinction between Indigenous Peoples and Local Communities.

<sup>2</sup> <https://www.nature.com/articles/s41893-018-0100-6>

<sup>3</sup> [https://rightsandresources.org/wp-content/uploads/2018/09/A-Global-Baseline\\_RRI\\_Sept-2018.pdf](https://rightsandresources.org/wp-content/uploads/2018/09/A-Global-Baseline_RRI_Sept-2018.pdf)

<sup>4</sup> <https://www.wri.org/research/securing-rights-combating-climate-change>

<sup>5</sup> <https://www.eurekalert.org/news-releases/664243>

<sup>6</sup> <https://ipbes.net/news/Media-Release-Global-Assessment>

Communities in some way. This text will be undergoing further refinement during the ongoing negotiations before being presented for consideration at the CBD's next meeting of its 196 Parties<sup>7</sup> at the upcoming [15<sup>th</sup> Conference of the Parties to the CBD](#) (CBD COP15) in Kunming, China.

### **TNC Recommendations**

Considering that over a third of remaining natural lands are on territories controlled by Indigenous Peoples – and that the establishment of protected areas on land and at sea has often resulted in loss of rights over and access to territory and resources by these communities - the GBF should include stronger safeguards against rights abuses and support tenure rights and financing for community management of natural areas in the terrestrial, freshwater and marine realms. Further, it should reinforce the principle of Free Prior and Informed Consent (FPIC) in registering contributions from Indigenous Peoples and Local Communities in delivering on all of the post-2020 targets. Indigenous Peoples and Local Communities should be assured that the highest standards for human rights and FPIC have been met during this process. The GBF should further reinforce the role of Indigenous Peoples in biodiversity conservation and their rights as set forth in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Regarding Indigenous Peoples and Local Communities participation, TNC supports their recommendation for enhanced partnership status, with a permanent body in the post-2020 governance arrangements, agenda and programs of work under the new GBF. TNC believes a thriving future is possible only if Indigenous Peoples and Local Communities are shaping conservation and development decisions which will be integral to the overall success of the GBF.

TNC policy is guided by the following **overarching principles** regarding Indigenous Peoples and Local Communities in the GBF:

- A rights-based approach should be applied to Indigenous Peoples and Local Communities that includes the full recognition, promotion, and respect for their rights. Indigenous Peoples are — and should be identified as — self-determined “rights-holders” not “stakeholders.”<sup>8</sup>
- The principle of FPIC for Indigenous Peoples and Local Communities should be applied.
- Safeguards to ensure these are upheld are essential to the work of the Convention. The GBF should provide stronger monitoring of protections for Indigenous Peoples and Local Communities in the monitoring and indicator annex.
- All commitments to address the biodiversity crisis should include discussions on halting all drivers of biodiversity loss, including by eliminating investments and incentives that are harmful for biodiversity and negatively impact human rights.
- Land, water, and territorial tenure security and rights should be recognized as key to addressing biodiversity loss and supporting the systems of governance and knowledge that enable biodiversity management and protection.
- The reciprocal relationship between biological and cultural diversity should be recognized.
- The inter-dependence and partnership between nature and people should be recognized.
- Indigenous Peoples' traditional knowledge should be recognized and respected.

### **GBF Target Framework**

Regarding Indigenous Peoples and Local Communities, the GBF target framework could be improved to better highlight governance and reference ensuring recognition and protection of their rights to lands, territories, resources and waters and support their customary sustainable use and

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<sup>7</sup> “Parties” (or singular “Parties”) is the term for governments who have formally signed onto the Convention on Biological Diversity.

<sup>8</sup> This reflects Indigenous Peoples recognized self-determined, collective rights as per the United Nations Declaration on the Rights of Indigenous Peoples.

management of those areas in all relevant goals and targets. TNC believes these are fundamental for the success of all GBF outcomes. As such they should come early in the GBF text, to inform all subsequent goals, milestones, targets, and monitoring components.

### **Recommendations on the Targets in the First Draft GBF**

- The GBF should emphasize the important role of Indigenous Peoples and Local Communities in biodiversity conservation on their lands and waters, and their contributions to formally designated Protected Areas (PAs)<sup>9</sup> and OECMs (Other Effective Conservation Measures)<sup>10</sup>, including Indigenous and Community Conserved Areas (ICCAs)<sup>11</sup>. We therefore recommend establishing a process for evaluation of measures to support and integrate the contribution of Indigenous Peoples and Local Communities lands, territories and waters in all Post-2020 Targets.
- With respect to securing tenure in traditional territories and recognizing Indigenous Peoples rights and management in existing designated protected areas, the GBF should not fall below the standard of Aichi Target 18.
- The First Draft of the GBF has enhanced the language supporting Indigenous Peoples and Local Community engagement in the several key Targets and as such TNC endorses the following:
  - Target 9. *Ensure benefits, including nutrition, food security, medicines, and livelihoods for people especially for the most vulnerable through sustainable management of wild terrestrial, freshwater and marine species and protecting customary sustainable use by indigenous peoples and local communities.*
  - Target 13. *Implement measures at global level and in all countries to facilitate access to genetic resources and to ensure the fair and equitable sharing of benefits arising from the use of genetic resources, and as relevant, of associated traditional knowledge, including through mutually agreed terms and free, prior and informed consent.*
  - Target 20. *Ensure that relevant knowledge, including the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior, and informed consent, guides decision-making for the effective management of biodiversity, enabling monitoring, and by promoting awareness, education and research.*
  - Target 21. *Ensure equitable and effective participation in decision-making related to biodiversity by indigenous peoples and local communities, and respect their rights over lands, territories and resources, as well as by women and girls, and youth.*

### **Additional Recommendations**

The Parties should

- Support the draft recommendation by the Chair of 24<sup>th</sup> meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-24) for the inclusion of Indigenous Peoples and Local Communities representatives to the proposed AHTEG for the GBF (at least seven representatives of Indigenous Peoples and Local Communities<sup>12</sup>) and ensure their full and effective participation.

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<sup>9</sup> The term "Protected Area" is defined in Article 2 of the CBD as "a geographically defined area, which is designated or regulated and managed to achieve specific conservation objectives."

<sup>10</sup> Currently, Indigenous-managed areas that are not part of formal government protected area networks are defined as part of a category called "other effective area-based conservation measures" (OECMs), a category which includes private protected areas.

<sup>11</sup> "Indigenous and Community Conserved Areas (ICCAs)" are areas in which there are close associations between Indigenous Peoples or a local community and a specific territory or natural resources.

<sup>12</sup> This corresponds to the 7 regions identified by Indigenous Peoples: 1) Africa, 2) Asia, 3) Arctic, 4) Latin America and the Caribbean, 5) North America, 6) Pacific, and 7) Eastern Europe, Central Europe and the Caucasus.

- Recognize the inseparable link between the maintenance of Traditional Knowledge (TK), Biodiversity and Indigenous languages. A synergy between the International Decade of Indigenous Languages should be integrated into the GBF implementation guidance.
- Design resource mobilization mechanisms to ensure that adequate, accessible, and appropriate finance and capacity is available for Indigenous Peoples and Local Communities to fully engage in implementation of all aspects of the GBF, including for territorial planning, conservation management of species and ecosystems, participation in national policy processes and resources to support restoration and nature-based climate solutions on Indigenous Peoples and Local Communities lands.

### **Specific comments on indicators**

In the monitoring and indicator framework, Parties should

- Retain previously adopted TK indicators (on participation, land tenure, traditional livelihoods, and languages) to support monitoring of the contribution of Indigenous Peoples and Local Communities to the GBF.
- Retain the TK land tenure indicator adopted in COP decision X/43 on “Trends in land-use change and land tenure in the traditional territories of IPLCs” closely corresponds to Sustainable Development Goals (SDG)<sup>13</sup> Indicator 1.4.2. This indicator fulfills the criteria for headline indicators<sup>14</sup> related to current GBF Targets 1,3,9 and 21.
- Include indicators adopted for TK in Decisions X/43, VII/13, VII/I15, XIII/28.
- Establish an Indigenous Peoples and Local Communities specific process to continue development of TK and Indigenous Peoples and Local Communities-related indicators discussed at the 11th meeting of the 8(j) Working Group and in parallel/in addition to the Ad Hoc Technical Expert Group on Indicators (AHTEG).

### **Procedural note on virtual meetings**

For Indigenous Peoples and Local Communities a key concern for the current CBD negotiations is their full and effective participation due to the largely exclusionary virtual format that does not consider lack of internet access and connectivity issues, especially for those participants based in remote communities. Another is the very limited participation opportunities within these meetings, as the recent virtual negotiations have clearly highlighted. In previous in-person meetings, when discussing concepts and ideas, both in plenary and in contact groups<sup>15</sup>, it was not necessary to have Party support for statements by observers to have these reflected in text outcomes. (It has always been required for specific text-based suggestions.) However, at the SBSTTA-24 and 3<sup>rd</sup> Subsidiary Body on Implementation (SBI-3) negotiations it was required for anything proposed, which is a new limitation to participation. Coupled with this is the lack of possibility to directly lobby parties to be able to secure the required support. TNC strongly supports finding solutions for more inclusive participation.

### **Conclusion**

TNC is pleased with the overall progression and advancement as reflected in the current GBF draft regarding Indigenous Peoples and Local Communities. We see this reflective of the increasing recognition of their critical role in achieving the goals and targets of the GBF. TNC also recognizes that further work needs to be done as reflected in this paper. TNC will continue to monitor and support Indigenous Peoples and Local Communities proposals on an ongoing basis, actively seeking direct input to inform our positions and text suggestions.

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<sup>13</sup> The 17 Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity.

<sup>14</sup> A minimum set of high-level indicators that capture the overall scope of the goals and targets of the GBF.

<sup>15</sup> “Contact Groups” are informal working groups formed around specific agenda items in order to work on consensus building around positions and to advance work on texts.