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The ICCA Consortium

Indigenous Peoples' and Local Communities' Rights in the UN Convention on Biodiversity

From Growing Recognition to Practical Implementation

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Cara Au | Grusha Victor | Wangchok Namgail

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AUTHORS

Cara Au

Cara Au is a Canadian with experience in frontline work and research with refugee resettlement, Indigenous communities experiencing homelessness, and girls' education in Pakistan. She is a master's student at the Geneva Graduate Institute specialising in Migration, Mobilities and Boundaries. Cara is passionate about approaching the intersection between displacement and climate through an intersectional and decolonial lens. As a settler, she is inspired by the leadership of Indigenous communities in Canada in biodiversity conservation and climate action.

cara.au@graduateinstitute.ch | https://www.linkedin.com/in/cara-au/

Grusha Victor

Grusha Victor is an advocate for Indigenous communities, sustainability and the environment and a master's student at the Geneva Graduate Institute, specialising in Environment and Sustainability. She has worked with initiatives to empower marginalized communities and promote sustainable development. Grusha has worked with Indigenous communities through BAIF Development Research Foundations for Ministry of Tribal Affairs Projects and implemented action-research projects on sustainable livelihood models based on Indigenous knowledge in rural Maharashtra through the State Bank of India Fellowship Programme.

grusha.victor@graduateinstitute.ch | https://www.linkedin.com/in/grushavictor

Wangchok Namgail

Wangchok Namgail is from Ladakh, a tribal region in the trans-Himalayan ranges in India. He is a master's student at the Geneva Graduate Institute specialising in Environment and Sustainability. Wangchok has worked with vulnerable communities in the Himalayan regions, where he saw the challenges of climate change and environmental degradation in the ecologically sensitive region. He aspires to understand the causes and impacts of these challenges more deeply to contribute towards their mitigation and long-term sustainable solutions.

wangchok.namgail@graduateinstitute.ch | https://www.linkedin.com/in/wangchokn/

ACRONYMS

CBD	United Nations Convention on Biological Diversity
CCA	Community Conserved Area
GFB	Kunming-Montreal Global Biodiversity Framework
ICCA	territories and areas of Indigenous Peoples and local communities
IIFB	International Indigenous Forum on Biodiversity
IPCA	Indigenous Protected and Conserved Area
IPLCs	Indigenous Peoples and Local Communities
NBSAP	National Biodiversity Strategy and Action Plan
OECM	Other effective area-based conservation measures
TEK	Traditional Ecological Knowledge
ToC	Theory of Change
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Disclaimers

1. The research and report were produced by the students as part of the Applied Research programme and take responsibility for any errors, and that the report and findings do not necessarily reflect the views of the ICCA Consortium.
2. The use of the abbreviation "IPLC" in this report is not intended to conflate Indigenous Peoples and local communities or their respective rights. We recognize that they are distinct identities and have distinct group-specific rights and that Indigenous Peoples' rights are much more clearly defined and articulated in international law than the rights of local communities. At the same time, the UN CBD and other multilateral fora are spaces for the progressive development of the rights of local communities, peasants, pastoralists, fisherfolks and others with deep social, cultural and spiritual connections to their territories and areas who are contributing significantly to the diversity of life on Earth.

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"The conservation of biodiversity is inseparable from the recognition and respect for Indigenous rights. Indigenous peoples are the stewards of vast territories rich in biodiversity and their participation is essential for sustainable development."

- Elizabeth Maruma Mrema, CBD Executive Secretary (2020-2023)[1]

EXECUTIVE SUMMARY

The recognition of Indigenous peoples' and local communities' (IPLCs) rights in the United Nations Convention on Biological Diversity (CBD) is a critical issue for conserving biodiversity, promoting social justice and equality, and achieving sustainable development goals. The unique knowledge of these communities regarding their local environments and resources highlights the critical role that IPLCs play in global conservation policy. Despite positive developments, IPLCs still face significant challenges in terms of participation in decision-making processes related to biodiversity conservation.

This report provides an overview of the evolution of IPLC rights within the United Nations within the CBD in light of the adoption of the Kunming-Montreal Global Biodiversity Framework (GBF) in December 2022. It analyses the recognition of these rights in CBD and Conference of the Parties (COP) decisions, focusing on trends from 2010 to 2022. It analyses the underlying factors, challenges and successful advocacy strategies that led to strengthening recognition of these rights in the CBD. Through Canadian and Indian case studies, potential strategies for the progressive realisation of IPLC rights in the implementation of the GBF at global, national, and local levels are identified. Desk research was combined with eight interviews of experts in global CBD, Canadian, and Indian contexts with policy, frontline, and academic experience in IPLC advocacy and biodiversityconservation.

Increased research and awareness, targeted advocacy efforts, global solidarity networks, successful multilateral negotiation strategies, and political pressure contributed to the growing international recognition of IPLC rights in the CBD. While increased recognition of IPLC rights through the GBF is to be celebrated, it remains to be seen whether this will facilitate IPLC conservation leadership in practice.

The implementation of IPLC rights through the GBF is key. However, there is a large disconnect between global CBD processes and local realities. Challenges at the global level include the lack of legally binding commitments in the GBF, the lack of capacity for local IPLC actors to be involved in global negotiations, and challenges developing a meaningful monitoring framework. Colonial conservation practices, prioritization of economic development over conservation, and resistance from political and bureaucratic establishments create barriers nationally. Local challenges include the varying perspectives within IPLC communities, intersecting forms of oppression, and limited resources and capacity.

However, there are opportunities for the full realization of IPLC rights at each level.

1. Forest Peoples Programme, "Local Biodiversity Outlooks 2". https://www.cbd.int/gbo/gbo5/publication/lbo-2-en.pdf

Globally, increased funding from the private sector and direct IPLC funding mechanisms can address resource inequalities and support effective IPLC conservation governance. Advocacy networks promote self-determination and best practices among IPLC conservation leaders. At the national level, shifts in government recognition of IPLC rights and leadership and civil society action can contribute to the realization of IPLC rights. Locally, opportunities lie in private sector funding, the reclaiming of traditional biocultural practices, and the furthering of successful IPLC-led conservation initiatives that enhance livelihoods.

Global recommendations for the full recognition of IPLC rights emphasize the need for strengthened recognition of IPLC rights in CBD processes, increased meaningful participation of IPLCs in negotiations, the development of a meaningful GBF monitoring framework reflecting IPLC rights, and the mitigation of power asymmetries to strengthen IPLC-led conservation. At the national level, recommendations focus on the effective implementation of IPLC rights through the development of comprehensive National Biodiversity Strategies and Action Plans (NBSAPs) in alignment with IPLC rights, the promotion of IPLC stewardship and conservation leadership, the enhanced protection of IPLC rights within national policies, and the establishment of sustainable funding mechanisms for IPLC-led conservation. Finally, local recommendations focus on enhancing the capacity and self-governance of IPLCs and promoting the sharing and gathering of knowledge within IPLC communities.

Despite significant challenges, by prioritizing equality, self-determination, and mutual benefit, transformative change can be achieved in the implementation of IPLC rights in conservation through the GBF. Let us take action to realise a more equitable and sustainable future for all.

INTRODUCTION

The triple planetary crisis, which comprises biodiversity loss, pollution, and climate change, has highlighted the importance of the recognition of IPLC rights. Over recent years, there has been an increasing awareness that IPLCs hold traditional values, knowledge and practices that make significant contributions to global biodiversity conservation. A prime example of IPLC-led conservation is through the formation of ICCAs - Indigenous and Community Conserved Areas or territories of life. However, implementing these rights to enable IPLC conservation leadership has been challenging.

The CBD serves as a significant platform that facilitates the collaboration of state parties from various parts of the world to conserve ecosystems, preserve biological diversity, and ensure the well-being of current and future generations. By employing the tenets articulated in CBD and implementing efficacious policies at regional levels globally, we can protect our ecosystems while simultaneously promoting economic development.

CBD procedures have progressively recognized the significance of engaging IPLCs in the decision-making processes relating to biodiversity preservation and management. This involves enabling access

to genetic resources and benefit-sharing mechanisms, as well as appreciating traditional knowledge. The acknowledgment of IPLC rights has been further actualized in the GBF that was agreed upon during COP15 held in December 2022. Nonetheless, hindrances, such as deficient legal frameworks and inadequate channels for IPLC participation,[2] persist while implementing these principles. Achieving meaningful inclusion requires addressing power imbalances between different actors involved with CBD-related issues while empowering marginalised groups towards effective participation. Enhancing IPLC control over their territories fosters collaboration with other stakeholders while recognising traditional ecological knowledge's value as a crucial contribution toward sustainability goals.

In the present era, there arises a question as to why the viewpoints of IPLCs are finally being taken into account. This inquiry surfaces amidst the aggravated state of the environmental crisis and enhanced comprehension of the complex interdependence between all life forms on earth. At this pivotal moment, there is a growing acknowledgement within the international community regarding the priceless knowledge and practices of IPLCs that have enabled them to lead sustainable lives for centuries.

Research Objective

This study seeks to understand the longer-term trends in recognition of IPLCs' rights in the CBD between the adoption of the 2011-2020 Strategic Plan for Biodiversity and Aichi Targets in 2010 to the GBF in 2022. The aim is to analyse the underlying factors, challenges and successful advocacy strategies that led to strengthening recognition of these rights in the CBD. It will also identify potential strategies for the progressive realisation of IPLC rights in the implementation of the GBF. This report asks the following questions:

1. What are the most **prominent forms of recognition** of IPLCs' rights in the CBD and **how have these forms of recognition transformed** from 2010 to 2022, with the adoption of the GBF?
2. What **factors explain the growing international recognition** of IPLC rights leading up to the GBF?
3. What **gaps in recognition** of IPLC rights remain in the GBF?
4. What are **challenges and opportunities for implementation** of commitments on IPLCs' rights in the GBF?
5. What are **recommendations** for how these rights can be implemented in practice?

This report follows with an explanation of the research methodology, then insights into the background of the CBD process and case study contexts of Canada and India. Findings address factors influencing the recognition and implementation of IPLC rights in the GBF. Recommendations for the full implementation of IPLC rights under the GBF precede the conclusion.

2. Asesoramiento Ambiental Estratégico, AAEMay 2021, "1Inclusive Conservation Initiative Environmental and Social Management Plan for: Component 2: "Global IPLC Capacity Building" Component 3: "IPLC Leadership in International Environmental Policy" Component 4: "ICI Knowledge to Action"". https://www.iucn.org/sites/default/files/2022-09/esmp-component-2-4-inclusive-conservation-gef.pdf

METHODOLOGY

Case Studies

This study analyses the recognition and implementation of IPLC rights in the GBF globally and through national case studies of Canada and India. Major players in CBD processes, these countries have varying histories of colonialism and legal recognition of IPLCs, offering different contexts for analyzing trends in GBF implementation. ICCA Consortium connections and the researchers' lived experiences and contextual knowledge makes these case studies particularly relevant.

Data Collection

Desk research was conducted on academic literature, policy publications, and CBD documents. Interviews were conducted to gather primary qualitative data from individuals with expertise in global CBD, Canadian, and Indian contexts with policy, frontline, and academic experience in IPLC advocacy and biodiversity conservation. Eight interviews were selected through a purposive sampling of ICCA Consortium connections:

Marker	Category	Count	Percent
Gender	Male	3	37.5%
	Female	5	62.5%
Nationality	Canadian	3	37.5%
	Indian	3	37.5%
	Italian	1	12.5%
	Mexican	1	12.5%
IPLC identifying	Yes	3	37.5%
	No	5	62.5%
Background (can be in more than one category)	Policy	7	87.5%
	Research	4	50.0%
	Civil Society/NGOs	6	75.0%
	International Organisations	3	37.5%
	Frontline Conservation	6	75.0%
Region of expertise(can be in more than one category)	Global	5	62.5%
	Canada	3	37.5%
	India	4	50.0%

Table 1 : Interviewee demographics

One-hour semi-structured interviews in English were conducted and recorded and transcribed with consent. One researcher led while others took notes and asked additional questions. General open-ended questions were tailored to the interviewee's expertise and subject to change during the interview (see Appendix). Topics included IPLC conservation in different contexts, CBD negotiations, GBF recognition of IPLC rights, and implementation of IPLC rights.

Data Analysis

Transcripts were coded iteratively to understand factors affecting the recognition of IPLC rights in the GBF and implementation challenges at different levels. Indigenous ethical space and two-row wampum concepts were applied, and recommendations were made for greater IPLC rights implementation using the theory of change (ToC).

Used in conservation scholarship,[3] Ermine's ethical space framework promotes respectful engagement between Indigenous peoples and settler societies, holding space for differences in values and laws and fostering mutual respect in relationships.[4] Similarly, the Haudenosaunee Two Row Wampum Belt[5] represents Indigenous and European canoes travelling in the same direction down a river in a separate-but-equal relationship, not trying to steer each other's vessels. These models emphasize recognition of IPLC rights in conservation based on equality, self-determination, and working towards the mutual benefit of biodiversity conservation.

ToC facilitates process planning and evaluation by determining a desired long-term impact and then mapping out outcomes and outputs needed to achieve it in reverse. ToC can promote an understanding of intervention processes and foster positive change by promoting cooperation between actors in conservation interventions.[6]

Limitations

A thorough legal analysis of CBD texts was not conducted based on partner needs and researcher expertise. Limited interviews were conducted due to the short time span and project scope. IPLC advocates were the primary focus, excluding other perspectives including government representatives, scientists, and the private sector. Findings on conservation governance and IPLC rights may not be representative of contexts beyond Canada and India.

3. William Nikolakis and Ngaio Hotte, "Implementing 'Ethical Space': An Exploratory Study of Indigenous-Conservation Partnerships," Conservation Science and Practice 4, no. 1 (November 9, 2021),
Brennan Vogel et al., "Indigenous-Led Nature-Based Solutions for the Climate Crisis: Insights from Canada," Sustainability 14, no. 11 (May 31, 2022): 6725, .
4. Willie Ermine, "The Ethical Space of Engagement," Indigenous Law Journal 6, no. 1 (2007).
5. Richard Long et al., "Two Row Wampum, Human Rights, and the Elimination of Tuberculosis from High-Incidence Indigenous Communities," Health and Human Rights 21, no. 1 (2019): 253–66, .
Onondaga Nation, "Two Row Wampum – Gä·Sweñta'," Onondaga Nation, February 22, 2014.
6. Wayne Stanley Rice, Merle R. Sowman, and Maarten Bavinck, "Using Theory of Change to Improve Post-2020 Conservation: A Proposed Framework and Recommendations for Use," Conservation Science and Practice 2, no. 12 (November 3, 2020).

BACKGROUND

Convention on Biological Diversity

The concept of biodiversity is intricate and multidimensional, encompassing the entire spectrum of life on our planet – from genes to ecosystems. Despite being a global issue, the underlying causes of declining biodiversity often stem from overarching social and environmental frameworks such as economic progressivism, natural resource extraction practices, and cultural beliefs.[7]

Since its creation in 1992, the CBD has become one of the most significant international agreements[8] for biodiversity conservation and sustainable use. The convention aims to promote responsible human actions and provide conservation financing across all ecosystems. Despite successes including the creation of national biodiversity. strategies and the establishment of protected areas covering over 20 million square kilometres worldwide, no Aichi Target was achieved globally by 2020.[9]

Important Protocols and Plans in CBD:

Member states play a central role in achieving CBD objectives through adopting CBD frameworks adoption and developing policies for implementation. The CBD has supported governments to develop national biodiversity strategies in alignment with Aichi Targets.[10] Moreover, partnerships with organisations including UNESCO and IUCN effectively leveraged resources and expanded global reach.

Year	CBD Protocol or Plan	Description
2000	Cartagena Protocol	Born out of the need to address increasing concerns surrounding genetically modified organisms (GMOs).
2010	Strategic Plan for Biodiversity 2011-2020	A comprehensive plan for preserving biodiversity and sustainable development with 20 challenging objectives referred to as Aichi Targets.
2010	Nagoya Protocol	Aims to promote the sustainable use of genetic resources and ensure equitable sharing of benefits arising from their utilisation.
2022	Kunming-Montreal Global Biodiversity Framework	It is a build-up on the previous framework, its achievements, gaps and lessons learned etc. It consists of four key goals for 2050 and 23 targets for 2030.

Table 2: Important CBD protocols and frameworks

7. The Economics of Ecosystems and Biodiversity: Ecological and Economic Foundations: 1st Edition, "The Economics of Ecosystems and Biodiversity: Ecological and Economic Foundations: 1st Edition (Paperback) - Routledge," Routledge.com, March 26, 2012.
8. Peter Shadie and Nigel Dudley, "Guidelines for Applying Protected Area Management Categories" (IUCN, 2013).
9. CBD High-Level Panel , "Resourcing the Aichi Biodiversity Targets: An Assessment of Benefits, Investments and Resource Needs for Implementing the Strategic Plan for Biodiversity 2011-2020 Resourcing the Aichi Biodiversity Targets Second Report of the High-Level Panel on Global Assessment of Resources for Implementing the Strategic Plan for Biodiversity 2011-2020" (Montreal, Canada, 2014).
10. "Decision Adopted by the Conference of the Parties to the Convention of Biological Diversity," cbd.int (Convention on Biological Diversity, December 2022).

Many countries have begun implementing measures to promote traditional practices and knowledge systems within their national laws. However, despite these achievements, there are still gaps in the implementation of IPLC rights under the CBD. One such gap is ensuring the full and effective participation of IPLCs in decision-making processes at all levels. Another challenge lies in recognising and protecting customary land tenure systems that support IPLC livelihoods.[11]

The current state of the planet's biodiverse ecosystems demands immediate attention and concerted conservation efforts. Ambitious targets for sustainable development have been set by global initiatives like the Convention on Biological Diversity. Moreover, national governments have made progress in establishing protected areas and regulating resource extraction. At a regional level, promising results have been seen through community-based projects aimed at preserving local ecosystems.

National Biodiversity Strategies and Action Plans (NBSAPs)

The CBD states that "[NBSAPs] are essential tools for protecting and conserving the planet's biodiversity, which is under threat from a range of human activities." These plans provide countries with guidelines for identifying unique biodiversity resources, assessing threats, setting conservation priorities, monitoring progress, adapting to changing environmental conditions, and managing funding. If developed comprehensively, NBSAPs can allow every country to safeguard nature systematically with clear targets defined at each level of action.

Since their inception, NBSAPs have played a crucial role in guiding conservation efforts worldwide; however, challenges remain in terms of funding, political will, and ensuring that conservation efforts are integrated with broader development objectives.[12] Through its outreach programs and partnerships with various organisations, the CBD provides technical assistance to governments regarding biodiversity protection measures. These initiatives have led many countries to establish protected areas such as wildlife reserves or marine parks to safeguard endangered species from extinction. Furthermore, by providing support through capacity-building activities such as training workshops or exchange programs between different regions of the world, the CBD enables low and middle-income countries to participate actively in global efforts aimed at maintaining ecological balance on earth.[13]

Ultimately, implementation is key. Countries must work together with IPLC organisations to develop concrete plans for how they will respect these protections within their own borders. It is essential for nations to take action based on global agreements for meaningful action across environmental issues.

11. "Partnering with Indigenous Peoples: Experiences and Practices Prepared by the Secretariat of the United Nations Permanent Forum on Indigenous Issues," UN, n.d.
12. OECD, "Biodiversity: Finance and the Economic and Business Case for Action," 2019.
13. David R. Boyd and Stephanie Keene, "Policy Brief No. 1 Human Rights-Based Approaches to Conserving Biodiversity: Equitable, Effective and Imperative" (Special Rapporteur on human rights and the environment, UN OHCHR, August 2021).

Recognition of IPLC Rights

"Indigenous peoples have long fought against historical injustices inflicted upon them, persevering in their quest for recognition, empowerment, and self-determination. The fabric of time weaves a vivid backdrop for the emergence of indigenous rights movements worldwide. Rooted in centuries-old struggles against dispossession, marginalization, and cultural erasure, these movements have gained momentum through courageous voices echoing across generations."

- Wiessner (2021)[14]

History of Global Recognition of Indigenous Peoples

ILO 169 (1989) and UNDRIP (2007) were two significant milestones for international recognition for Indigenous rights. These frameworks serve as beacons of hope, guiding nations towards a more equitable and inclusive future. ILO 169 stands tall as a pioneering instrument in recognising and safeguarding the rights of Indigenous peoples.[15] Enshrined by the International Labour Organization in 1989, it emphasises respect for their cultures, lands, and identities.

Meanwhile, UNDRIP – the United Nations Declaration on the Rights of Indigenous Peoples – represents a landmark achievement in bolstering these rights further by acknowledging self-determination and collective ownership over ancestral territories.

UNDRIP has unleashed transformative possibilities for Indigenous communities globally. Empowering them with agency enables active participation in national decision-making processes directly impacting Indigenous lives.

Furthermore, at an international level, UNDRIP grants Indigenous peoples a platform to voice their concerns amidst global discussions concerning human rights. Besides these benefits coming from formal channels such as lawmaking bodies or government policies; it also creates awareness that puts pressure on companies operating within territories inhabited by indigenous tribes. [16]

Moreover, UNDRIP recognises that past injustices committed against Indigenous populations must be addressed through restorative justice mechanisms aimed at healing collective trauma. However, despite considerable progress made towards upholding indigenous rights globally, challenges remain that require more attention by governments around the world especially regarding implementation measures like resource allocation.[17]

14. Siegfried Wiessner, “Indigenous Sovereignty: A Reassessment in Light of the UN Indigenous Sovereignty: A Reassessment in Light of the UN Declaration on the Rights of Indigenous Peoples Declaration on the Rights of Indigenous Peoples,” Vanderbilt Journal of Transnational Law Vanderbilt Journal of Transnational Law 41, no. 4 (2008).
15. Claire Charters and Rodolfo Stavenhagen, eds., “Making the Declaration Work the United Nations Declaration on the Rights of Indigenous Peoples,” 2009.
16. United Nations, “United Nations Declaration on the Rights of Indigenous Peoples,” Human Rights Quarterly 33, no. 3 (September 13, 2007).
17. United Nations, “United Nations Declaration on the Rights of Indigenous Peoples,” Human Rights Quarterly 33, no. 3 (September 13, 2007).

Recognition in UN CBD

The recognition of IPLC rights in CBD and national biodiversity strategies is essential for the preservation of biodiversity. As stated by the UN, "[IPLCs] should have full and effective participation at all stages and levels of the implementation of Article 8(j) and related provisions within the framework of the Convention on Biological Diversity (CBD).[18] Yet, it was not until COP7 in Kuala Lumpur in 2004 that the first program of work on protected areas was approved. The segment on governance[19], participation, equity, and benefit sharing was especially significant. Before, IPLCs were merely bystanders to the CBD articles 8(j) and 10(c) addressed traditional knowledge and sustainable use of resources without acknowledging rights.

The importance of recognising IPLC rights in the CBD and national biodiversity strategies cannot be overstated. It represents a shift away from colonial attitudes that have long dominated environmental policy-making. Instead, it acknowledges that IPLCs must be at the center of efforts to protect ecosystems, as they are often best equipped to manage natural resources. Furthermore, recognising IPLC rights is not only morally just but also makes economic sense.

IPLC traditional knowledge has been proven to enhance ecosystem-based adaptation strategies, improve food security outcomes, and provide new opportunities for ecotourism ventures.[20]

The CBD recognises that IPLCs play a significant role in protecting natural resources, as they hold extensive knowledge about their local ecosystems. At the same time, the CBD aims to preserve biological diversity by proposing area-based conservation measures that provide secure habitats for endangered species. Limiting community involvement in natural resource governance exacerbates existing power imbalances between those who benefit from resource exploitation and those who suffer its consequences disproportionately. However, past experiences have shown that protected areas' creation on land or sea can result in loss of access to territory and resources by IPLCs. Therefore, stronger safeguards against rights abuses should be included, alongside support for tenure rights and financing for community management of natural areas across terrestrial, freshwater, and marine realms.[21]

The recognition of IPLCs in the CBD has been a key issue in recent years. While the CBD has acknowledged the importance of traditional knowledge in biodiversity conservation efforts, the IPLCs are often underrepresented in global policy deliberations, decision-making, and implementation.[22]

18. Questionnaire to UN system, “Responses from the Secretariat of the Convention on Biological Diversity” (UN, 2023). “Guidance on Integrating Human Rights in National Biodiversity Strategy and Action Plans (NBSAPs)” (United Nations Environment Management Group (EMG), n.d.).
19. Collings, Neva, "State of the World’s Indigenous Peoples Chapter III". https://www.un.org/esa/socdev/unpfii/documents/SOWIP/en/SOWIP_chapter3.pdf
20. WWF, UNEP-WCMC, SGP/ICCA-GSI, LM, TNC, CI, WCS, EP, ILC-S, CM, IUCN, 2021, "The State of Indigenous Peoples’ and Local Communities’ Lands and Territories: A technical review of the state of Indigenous Peoples’ and Local Communities’ lands, their contributions to global biodiversity conservation and ecosystem services, the pressures they face, and recommendations for actions", Gland, Switzerland. https://wwflac.awsassets.panda.org/downloads/report_the_state_of_the_indigenous_peoples_and_local_communities_lands_and_territories_1.pdf
21. “The Nature Conservancy’s 2021 Annual Report,” The Nature Conservancy, 2021, .
22. Jonas, H., et al. (2019). The Contributions of Indigenous and Local Knowledge Systems to IPBES: Building Synergies with Science. IPBES, 2019(4). doi: 10.5281/zenodo.3545904

Several provisions within the CBD and COP decisions have emphasised the recognition of IPLC's rights. One of the most prominent forms of recognition is the acknowledgement of the "traditional knowledge, innovation, and practices of [IPLCs]" in the conservation and sustainable use of biological diversity. This recognition is enshrined in Article 8(j) of the CBD and has been reinforced by several COP decisions, including Decision X/33 on traditional knowledge, Decision XIII/14 on the contribution of IPLCs, and Decision XIV/8 of the GBF.[23] Another significant form of recognition is the recognition of IPLC's rights to participate in decision-making processes that affect their traditional lands, territories, and resources. This recognition is enshrined in Article 10(c) of the CBD and has been reinforced by several COP decisions, including Decision VIII/28 on the participation of IPLCs and Decision XIV/10 in the GBF.[24]

One positive development has been the adoption of the Nagoya Protocol on Access and Benefit Sharing in 2010, which recognises the rights of IPLCs to their traditional knowledge and genetic resources. The Nagoya Protocol also highlights the need for consultation with IPLCs. The protocol aims to ensure the fair sharing of benefits arising from genetic resource utilisation while involving IPLCs' active participation.

IPLC rights are highlighted in the Aichi targets under Target 11, Target 14, and Target 18. They recognise the important role of Indigenous communities in the conservation and sustainable use of biodiversity.

It emphasises that the rights and knowledge of these communities need to be respected and incorporated into biodiversity policies and practices. At its core, the Aichi Targets aimed to halt biodiversity loss and protect ecosystems on both land and sea. However, despite some limited success stories, many countries have struggled to reach these targets due to a variety of challenges including lack of funding, political will or insufficient resources. The main cause of this problematic concern lies in our current conservation approach which focuses on only a few species known for their charm while neglecting other organisms that are crucial to their ecosystems. This narrow-minded view makes it difficult to safeguard entire ecosystems as a whole and instead divides them into isolated patches leading to further calamity by decreasing biodiversity at even an accelerated rate.[25]

The GBF urges parties to facilitate the full participation of IPLCs in implementing conservation measures. To achieve this goal, it calls upon parties to support customary laws, collective actions, cosmocentric worldviews, and diverse values held by these groups. Furthermore, the GBF requests that national focal points be created or strengthened under Article 8(j) to ensure representation at all levels when planning conservation efforts related to biological diversity. The GBF has set ambitious targets to preserve the natural world and its inhabitants. One of the most significant goals is Target 3, or 30x30, which intends to conserve 30% of terrestrial and inland water areas, and marine and coastal areas by 2030.

23. N Dudley and S Stolton, eds., "Best Practice in Delivering the 30x30 Target Protected Areas and Other Effective Area-Based Conservation Measures" (The Nature Conservancy and Equilibrium Research, 2023).
24. "Views of the Nature Conservancy: Indigenous Peoples & Local Communities and the Global Biodiversity Framework" (The Nature Conservancy, August 2021), .
25. ibid.

This can be facilitated through protected areas including national parks and ICCAs and other area-based conservation measures (OECMs) – areas where conservation is not the primary goal, but a by-product such as in some sustainable fisheries and military training grounds. As highlighted in a recent report by the CBD, this ambitious target cannot be achieved without IPLC participation.[26]The reason is simple: these communities have been living sustainably with nature for generations, and their traditional knowledge can provide valuable insights into managing natural resources and protecting ecosystems.

Furthermore, involving IPLCs in conservation efforts has significant social benefits. It empowers these groups to take charge of their own livelihoods while simultaneously recognising ownership over the land they inhabit.[27]Achieving Target 3 requires more than just government policies or international cooperation; it necessitates an inclusive approach that involves IPLCs' active participation. However, simply establishing protected areas is not enough. Effective management and monitoring are crucial to ensure their success in preserving biodiversity. As stated by the World Economic Forum (2023), "Effective management and monitoring of protected areas will require collaboration between governments, NGOs, and other stakeholders."[28]

This highlights the need for a multi-stakeholder approach in managing protected areas. Collaboration can bring diverse perspectives together to create informed decisions regarding how best to manage these critical spaces effectively. "Empowering and supporting Indigenous communities in their efforts to safeguard biodiversity not only contributes to achieving Target 3 but also promotes social justice and equity".[29]

Despite this positive development towards equitable decision-making practices, marginalised voices that have long been suppressed or ignored remain a concern. As this new GBF unfolds over time, it will be interesting to see its impact on IPLCs rights.

26. “POST-2020 GLOBAL BIODIVERSITY FRAMEWORK Draft Recommendation Submitted by the Co-Chairs,” Convention on Biological Diversity (https://www.cbd.int/doc/c/079d/0d26/91af171843b6d4e9bee25086/wg2020-04-l-02-annex-en.pdf, June 2022).
27. “The Post-2020 Biodiversity Framework: Targets, Indicators and Measurability Implications at Global and National Level” (OECD, 2019).
28. “The Post-2020 Global Biodiversity Framework and What It Means for Business” (World Economic Forum, January 2023). International Union for Conservation of Nature, “IUCN’s POSITION PAPER on Post-2020 Global Biodiversity Framework,” IUCN, n.d.
29. International Union for Conservation of Nature, “IUCN’s POSITION PAPER on Post-2020 Global Biodiversity Framework,” IUCN, n.d.

Case Studies

Canada

A G7 country with the second largest land and sea territory globally, Canada plays an outsized role in biodiversity protection and has the opportunity to be a leader in Indigenous-led conservation. With 13.6% of land and 14.7% of marine areas conserved, Canada has seven years to more than double the conserved areas to meet Target 3.[30]

Indigenous peoples including First Nations, Metis, and Inuit communities have had strong relationships with the land in alignment with biological conservation principles for thousands of years. Indigenous peoples steward the land not only for conservation or subsistence purposes but also to conserve their cultures and ways of knowing.[31] Important instruments for Indigenous land stewardship include the recognition of treaty rights and the upholding of land rights for Indigenous communities on unceded territories. A strong instrument to support Indigenous conservation rights is Section 35 of the Canadian Constitution Act, which enforces the government's duty to consult Indigenous peoples when they consider actions that may impact treaty rights.[32] However, many Indigenous peoples have faced challenges to their territorial rights, traditional knowledge, and cultures as a result of colonisation. Furthermore, many Indigenous communities, particularly Inuit and other peoples in the Arctic, face threats to traditional ways of life because of climate change.[33]

Historical and ongoing colonialism has created mistrust between Indigenous communities and governments. Historically, Canadian national parks have displaced Indigenous peoples while making for settlers and tourists.[34] Even today, some settlers and conservationists view townsites as harmless if not overdeveloped, but Indigenous ways of life as destructive to biodiversity.[35] As of 2016, there were no Indigenous staff in Jasper National Park under Parks Canada.[36] Further, conservation arguments have been used to withhold Indigenous rights in Canadian case law.[37]

Canada's policies demonstrate a recent shift towards the prioritisation of reconciliation and Indigenous-led conservation. The first industrialised country to ratify the CBD in 1992, Canada adopted the Aichi Targets as national goals and implemented policies including the Pan-Canadian Framework on Climate Change (2016), a Healthy Environment and Healthy Economy Plan (2020), and Moving Towards a National Adaptation Strategy (2022).[38] The government's commitment to Indigenous-led solutions for conservation is supported through the public support of the Truth and Reconciliation Commission's 94 Calls to Action in 2015 and Canada's endorsement of UNDRIP in 2021.[39]

30. Government of Canada. "Canadian Protected and Conserved Areas Database." Environment and Climate Change, May 25, 2023. https://www.canada.ca/en/environment-climate-change/services/national-wildlife-areas/protected-conserved-areas-database.html.
31. Bakht, Natasha, and Lynda Collins. 2018. "'The Earth Is Our Mother': Freedom of Religion and the Preservation of Indigenous Sacred Sites in Canada." McGill Law Journal 62 (3): 777–812. https://doi.org/10.7202/1042774ar.
32. Artelle, Kyle A., Melanie Zurba, Jonaki Bhattacharyya, Diana E. Chan, Kelly Brown, Jess Housty, and Faisal Moola. 2019. "Supporting Resurgent Indigenous-Led Governance: A Nascent Mechanism for Just and Effective Conservation." Biological Conservation 240 (December): 108284. https://doi.org/10.1016/j.biocon.2019.108284.
33. Michael Ferguson et al., "Qikiqtaaluk, Inuit and Tuktuit on Baffin Island in Arctic Canada," Territories of Life, March 19, 2021.
34. T. Binnema and M. Niemi, "'Let the Line Be Drawn Now': Wilderness, Conservation, and the Exclusion of Aboriginal People from Banff National Park in Canada," Environmental History 11, no. 4 (October 1, 2006): 724–50.
35. Megan Youdelis, "'They Could Take You out for Coffee and Call It Consultation!': The Colonial Antipolitics of Indigenous Consultation in Jasper National Park," Environment and Planning A: Economy and Space 48, no. 7 (March 21, 2016): 1374–92 .
36. Megan Youdelis, "'They Could Take You out for Coffee and Call It Consultation!': The Colonial Antipolitics of Indigenous Consultation in Jasper National Park," Environment and Planning A: Economy and Space 48, no. 7 (March 21, 2016): 1374–92 .
37. Wilson, Peigi, Larry McDermott, Natalie Johnston, and Meagan Hamilton. Rep. An Analysis of International Law, National Legislation, Judgements, and Institutions as They Interrelate with Territories and Areas Conserved by Indigenous Peoples and Local Communities: Report No. 8 Canada. Natural Justice in Bangalore and Kalpavriksh in Pune and Delhi, 2012.
38. Brennan Vogel et al., "Indigenous-Led Nature-Based Solutions for the Climate Crisis: Insights from Canada," Sustainability 14, no. 11 (May 31, 2022): 6725.
39. ibid.

Canada

The two largest protected areas in Canada are arctic marine areas co-managed between the Government of Canada, the Territory of Nunavut, and the Qikiqtani Inuit Association.[40] Two key emerging policies in Canada include Indigenous Protected and Conserved Areas (IPCAs) and Indigenous Guardians programs that fund Indigenous peoples to monitor and steward their territories which have demonstrated a 2.5x to 20x social return on investment.[41] These projects are developed largely based on Indigenous initiative and there is no government legislation to streamline or regulate the process.[42]

While Indigenous rights are increasingly recognized, hurdles remain. While promoted on paper, in practice, Indigenous leadership is often undermined. The policy can be influenced by the "wilderness" paradigm seeing nature as empty and ignoring the fact that Indigenous people have interacted with nature sustainably for thousands of years. Siloed Western approaches can conflict with holistic Indigenous worldviews. National initiatives may be hindered by variations in Indigenous land recognition and regional policies across Canada. Finally, lack of reporting and monitoring and tension between Indigenous and scientific ways of knowing to hinder the implementation of conservation strategies.[43]

A rights-based approach and recognition of Indigenous-led solutions as key to addressing the triple planetary crisis is needed.[44] Canada should prioritize "conservation for reconciliation," recognize Indigenous treaty rights, focus on the relationship with the land, and work with Indigenous groups as sovereign nations. Acknowledging Indigenous ways of knowing, working with Indigenous communities, and developing pathways to transform information into direct action is key.[45] The We Rise Together report stresses investing in capacity-building for Indigenous conservation leadership and developing partnerships focused on mutual benefit and shared decision-making.[46] These actions will benefit Indigenous communities and preserve biodiversity in Canada for future generations.

40. Fisheries and Oceans Canada Government of Canada, "Tuvaijuittuq Marine Protected Area (MPA)," www.dfo-mpo.gc.ca, September 18, 2019 .
41. Kyle A. Artelle et al., "Supporting Resurgent Indigenous-Led Governance: A Nascent Mechanism for Just and Effective Conservation," Biological Conservation 240 (December 2019) .
42. Megan Youdelis et al., "Decolonial Conservation: Establishing Indigenous Protected Areas for Future Generations in the Face of Extractive Capitalism," Journal of Political Ecology 28, no. 1 (December 13, 2021).
43. Melanie Zurba et al., "Indigenous Protected and Conserved Areas (IPCAs), Aichi Target 11 and Canada's Pathway to Target 1: Focusing Conservation on Reconciliation," Land 8, no. 1 (January 7, 2019): 10.
44. Brennan Vogel et al., "Indigenous-Led Nature-Based Solutions for the Climate Crisis: Insights from Canada," Sustainability 14, no. 11 (May 31, 2022).
45. Rachel T. Buxton et al., "Key Information Needs to Move from Knowledge to Action for Biodiversity Conservation in Canada," Biological Conservation 256 (April 1, 2021).
46. Government of Canada. We Rise Together: Achieving Pathway to Canada Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation. Government of Canada Publications. Parks Canada, 2018.

India

India is the world's seventh-largest country by land area. It harbours 7-8% of all recorded species, including over 45,000 species of plants and 91,000 species of animals. It also boasts four out of the 34 global biodiversity hotspots, represented by the Himalayas, the Western Ghats, the Indo-Burma, and the Nicobar Islands (Sundaland). Thirty-nine (39) separate sites in the Western Ghats, located across the four states were inscribed on the UNESCO World Heritage List in 2012.[47]

The country has the world's largest population[48] and is a diverse society with over 1000 languages and cultural traditions. It officially recognizes 705 ethnic groups as "Scheduled Tribes," which make up 8.6% of the total population. Indian constitution and laws provide these tribal people with rights that include land ownership and self-government through provisions such as the fifth and sixth schedules.

India is rich in biodiversity and has actively participated in global efforts to conserve it since joining the Convention on Biological Diversity (CBD) in 1993. It created the National Policy and Macro Level Action Strategy on Biodiversity (NBPA) in 1999 with extensive consultation with stakeholders, revised as the National Biodiversity Action Plan (NBAP) in 2008. Further an addendum was added in 2014 to integrate the SBP 2011-20 and Aichi Targets and developed 12 National Biodiversity Targets. India also has a statutory autonomous body for biodiversity National Biodiversity Authority, established in 2003, which creates and supports State and Union Territory Biodiversity Councils, as well as local bodies like Biodiversity Management Committees (BMCs), which is also entrusted to prepare People's Biodiversity Registers (PBRs).[49]

NBAP values the role of local communities and encourages their involvement in decision-making through mandatory representation. Specific initiatives promote their economic well-being and contribution to conservation efforts. Local institutions, CSOs, and NGOs facilitate their participation. Effective NBAP implementation also helps fulfil India's international commitments.

However, the implementation of conservation efforts has not been satisfactory. There is a conflict between IPLCs and preservationist and state conservationist institutions that promote the North American conservation model. This causes conflict with communities living around protected zones. Traditional ecological knowledge (TEK) is important in India to contribute to biodiversity conservation efforts.[50] TEK recognizes the interconnectedness of people, animals, plants, landforms, energy sources, and nature and even considers them divine, a belief which has developed over centuries, which in turn ensures that biodiversity thrives.[51]

A complex mix of strong advocacy and efforts mostly from the grassroots communities, stewardships from individuals, civil societies who mostly acknowledge TEK and accordingly contribute their efforts, and also the (evolving) provisions for tribal lands and people in the Indian constitution, are all collaboratively drawing the future of India's biodiversity policies and implementation.

47. "Voluntary Peer-Review under the Convention on Biological Diversity Case Study 2: India Ministry of Environment, Forest and Climate Change, Government of India," accessed July 6, 2023 .
48. World Bank, "Population, Total | Data," Worldbank.org, 2019 .
49. "National Biodiversity Authority Annual Report," 2020.
50. Ghosh-Harihar, Mousumi, Ruby An, R. Athreya, Udayan Borthakur, Pranav Chanchani, Dilip Chetry, Aparajita Datta, et al. "Protected Areas and Biodiversity Conservation in India." Biological Conservation 237 (September 1, 2019): 114–24. https://doi.org/10.1016/j.biocon.2019.06.024
51. Jasmine, B. Amala, Yashaswi Singh, Malvika Onial and Vinod Bihari Mathur. "Traditional knowledge systems in India for biodiversity conservation." (2016).

ANALYSIS

The GBF has shown further recognition of IPLC rights than previous agreements under the CBD. However, important questions remain. Interviews were conducted with eight experts in IPLC conservation in global, Canadian, and Indian contexts with experience in frontline conservation, advocacy networks, research, and international negotiations. Themes from these interviews addressing the recognition and implementation of IPLC rights in the GBF are organised through the following sections:

1. What factors explain the **growing international recognition** of IPLC rights leading up to the GBF?
2. What **gaps in recognition** of IPLC rights remain in the GBF?
3. What are the challenges and opportunities for **implementation** of IPLC rights in the GBF at global, national, and local levels?

Findings are examined through the values of equality, self-determination, and mutual benefit as highlighted in the ethical space and two-row wampum models of Indigenous-settler relationships (see Methodology section). These frameworks address inequalities and power asymmetries including decision-making power, access to information, and financial resources. They also examine possibilities and challenges related to Indigenous governance and effective conservation for the benefit of all.

1. What factors explain the growing international recognition of IPLC rights leading up to the GBF?

Global Trends

"There is a recognition on the part of the parties to the CBD that the success of the global biodiversity framework is completely dependent on Indigenous people."

– Associate professor in conservation

Interviewees highlighted trends impacting the recognition of IPLC rights in the GBF. Understanding IPLCs' vital role in biodiversity conservation has led to increased rights recognition in CBD processes. Several interviewees cited the popularity of the controversial "5-80" figure (stating Indigenous peoples make up only 5% of the world's population while protecting 80% of its biodiversity) as evidence of increased support for IPLC-led conservation in global discourse.[52] More cynically, one interviewee saw increased IPLC recognition as a desperate move after other approaches for conservation had failed. She likened the recent shift of CBD parties to promoting IPLC rights in the face of increased biodiversity loss as akin to using a lifeboat to escape the sinking Titanic. "Let's make sure that they have some chance of saving nature because we have tried everything and it didn't work at all" (member of ICCA Council of Elders).

Interviewees noted that global environmental policy is shifting to a more intersectional approach addressing IPLCs, women and girls, children and youth, and persons with

52. Social Dimensions of Climate Change - Workshop Report 2008 | ReliefWeb," World Bank, May 1, 2008. "National and International Frameworks | Australia State of the Environment 2021," Dcceew.gov.au, 2021.
Convention of Biodiversity, "Indigenous Communities Protect 80% of All Biodiversity," www.cbd.int, July 20, 2022.
"Recognizing Indigenous Peoples' Land Interests Is Critical for People and Nature," World Wildlife Fund, October 22, 2020.

disabilities. This includes understanding vulnerabilities and addressing inequalities of marginalised groups while understanding their agency and their increasing decision-making participation and self-determination. For example, one interviewee had just returned from an international conference recognising women as champions of biodiversity in the Democratic Republic of the Congo in the Congo. However, interviewees emphasised that more gender-focused and intersectional advocacy is needed in the context of biodiversity conservation globally. While not specifically highlighted by interviewees, the growing role of digital technology in conservation has the potential to both facilitate IPLC leadership and cause further marginalisation and jeopardisation of traditional knowledge systems.[53] Several interviewees were hopeful but wary about the impact of increased private sector financing as an opportunity for IPLC-led conservation. "Environmental social safeguards oftentimes are becoming more and more relevant to private companies than they are even to governments, which is a good thing in a way, as long as those safeguards are actually met and not just greenwashed" (IUCN executive, former ICCA Consortium staff).

Advocacy

"In terms of advocacy, it's constant outreach. Lots of engagement with people from all walks of life."

– Gender and youth conservation expert

Advocacy and social movements increased support for IPLC rights and the values of equality, self-determination, and mutual benefit leading up to the GBF. International networks such as the ICCA Consortium, Global Alliance of Territorial Communities, Nature for Justice, and Global Tapestry of Alternatives fostered solidarity between IPLCs across the globe. These networks strengthened the capacity of IPLC-led conservation initiatives, raised global awareness of IPLC issues related to conservation, and organised IPLC advocacy in CBD processes. The sharing of struggles, lessons learned, and best practices provided inspiration to other IPLCs. IPLC groups also developed partnerships with civil society actors and academic institutions. They prioritised building evidence of concerns with IPLC rights and the impacts of IPLCs on conservation. Building an evidence base and spreading awareness through webinars and dialogues allowed IPLC rights to be at the forefront of the public consciousness.

COP15 Negotiations Strategies

"Negotiations are always really interesting. A lot of it depends on who's at the table. And so were very, very concertedly ensuring that the IIFB, the International Indigenous Forum on Biodiversity, was always at the table."

– IUCN executive, former ICCA Consortium staff

Interviewees provided insight into their experiences in COP15 and previous international environmental negotiations. COP15 negotiations saw increased IPLC influence compared to previous COPs. IPLCs were present at COP7 as observers, but there

53. Catherine Corson and Lisa Campbell, "Conservation at a Crossroads: Governing by Global Targets, Innovative Financing, and Techno-Optimism or Radical Reform?," Ecology and Society 28, no. 2 (2023).
The Nature Conservancy, "Best Practice in Delivering the 30x30 Target Protected Areas and Other Effective Area-Based Conservation Measures," April 2023.

was no specific mention of their role in conservation, other than the mention of traditional knowledge and sustainable use. An environmental activist from India described how he had participated in all CBD COPs until 2011-2012 but “got quite tired and sick of global negotiations, which had a lot to say, but not very much more to do” (renowned Indian environmentalist).

Another interviewee described their experience as an Indigenous person part of a Canadian delegation at UN meetings on forestry in the 1990s. “It's a pretty deadly process. Slow and deadly, but interesting” (associate professor in forestry). Even as part of a state delegation, they felt like an observer, only speaking when given permission with statements vetted by the government. However, by 2022, there was a strong representation of Indigenous peoples from Canada in the CBD working group. Indigenous representatives in the Canadian delegation were vocal in negotiations and at times openly critiqued other Canadian delegates from the government.

During COP15, interviewees engaged in negotiations through a two-pronged approach. At the national level, local partner organisations were supported in lobbying their governments at home and shared data to provide evidence in multilateral negotiations. At the international level, advocates largely worked within the International Indigenous Forum on Biodiversity (IIFB) and ensured that the IIFB was represented in all COP15 discussions.

Negotiators were well prepared for meetings with comprehensive arguments founded in scientific research. In addition to developing alliances with states, they also met with governments that would be resistant early on. Small state allies played critical roles in ensuring IPLC rights recognition as all CBD decisions require consensus. Unique to this COP, the High Ambition Coalition for Nature and People championed the adoption of Target 3, 30x30. The IIFB made alliances with and put pressure on state parties in the High Ambition Coalition to ensure that Target 3 addressed IPLC rights. While IPLC advocates did not have voting power, these inequalities were partly addressed through influencing power. As a negotiator explained, “We were able to sit governments down and say, look, the IFB would like a meeting with you. They responded because they knew if they didn’t, that could raise a huge stink for them nationally” (IUCN executive, former ICCA Consortium staff). IIFB advocates also allied with key NGOs, engaged in vocal protests and walkouts during negotiations, generated media coverage, and published reports.

COP15 Negotiations Challenges

"There's a lot of disjunction between on the ground realities and who's at the table for negotiating."

– IUCN executive, former ICCA Consortium staff

Despite successful advocacy strategies, there were significant challenges to the recognition of IPLC rights in the GBF. Challenges to self-determination included a lack of voting power of IPLC advocates as well as discord within the IIFB as to how to approach various issues. In addition, many advocates faced challenges to equal participation in the process. Several major stakeholder groups were underfunded compared to states. There was a strong representation of older negotiators but little youth involvement. IPLC negotiators often lacked capacity as "you need to dedicate your whole life" to advocating in the CBD process (IUCN executive, former ICCA Consortium staff). A key challenge was the disconnect between IPLC negotiators and frontline conservationists. Indigenous full-time negotiators could be disconnected from their local communities. Furthermore, leaders in the field had limited time and resources and local commitments that took priority over involvement in the CBD process. This meant that advocates had to attend some negotiations without proper information from the local level.

2. What gaps in recognition of IPLC rights remain in the GBF?

"It's only through recognising and upholding Indigenous land rights that you actually can address the structural inequities that exist between the states that are parties of CBD process and the Indigenous peoples upon whose lands the CBD process is unfolding."

– Associate professor in conservation

While viewed as a significant improvement in CBD recognition of IPLC rights, it is critical to acknowledge what gaps remain. Highlighting critiques from interviewees allows for the opportunity to further protect IPLC rights beyond the GBF in NBSAPs.

1. Recognise and uphold IPLC-led governance systems for conservation such as ICCAs.

While the GBF referenced IPLCs throughout the framework, it did not specifically mention IPLC governance in conservation efforts such as with ICCAs. This reduces IPLC self-determination as they must work within colonial structures and means inequalities between IPLCs and states are not addressed. To truly uphold IPCL rights, the IPLC governance in conservation should be explicitly supported in CBD documents and there should be a target for a percentage or area of ICCAs globally.

2. Uphold and advance traditional knowledge systems and biocultural rights.

While traditional knowledge has been referenced in CBD documents since 1992, there has not been mention of biocultural rights. The protection of IPLC biocultural rights is critical as there is a bidirectional connection between biodiversity loss and cultural loss. Loss of traditional practices of many IPLC communities including horticulture and cultural burning can decrease biodiversity. In addition, many Indigenous languages and teachings are strongly tied to traditional lands and ecosystems. The operationalisation of biocultural rights requires 1. recognising and protecting customary practices and traditional knowledge systems, and 2. investing in the capacity building of IPLCs to protect those biocultural practices.

3. Recognise and uphold Indigenous land rights.

The GBF needs to be strengthened to better ensure Indigenous land rights. Protection of Indigenous land rights is key to ensuring that conservation is done in a decolonial manner and addressing structural inequalities between states and IPLCs.This includes land use rights to allow IPLCs to use traditional lands for fishing, trapping and other practices, including those reserved for conservation or development.

A key right includes IPLC's self-determination to refuse area-based conservation initiatives that are harmful to their interests.

While some interviewees critiqued the recognition of rights IPLC in the GBF, others argued that the focus should be on implementing existing policies. “If we continue going around and talking about further rights and this and that, we are doing a favour to no one. We need to implement what already exists” (member of ICCA Council of Elders).

3. What are the challenges and opportunities for implementation of IPLC rights in the GBF at global, national, and local levels?

“The key will be not in what is in the agreement or not, but how this agreement is translated in terms of implementation at the national and sub-national levels.”

– IUCN executive, former ICCA Consortium staff

Enshrining IPLC rights in the GBF can hold countries accountable for supporting IPLC-led conservation and help level the playing field between IPLCs and states. IPLCs can use the GBF as leverage in the development of domestic policies. This includes addressing power imbalances between different actors involved in such processes.of conservation initiatives.

The level of recognition in the GBF should be used as a minimum, with the operationalisation of IPLC rights and governance at a higher level in NBSAPs and on the ground. It is important to understand and address the disconnect between global conservation agreements, national policies, and local implementation

Global

Challenges

"There's a huge disconnect with what's happening on the ground and with the CBD process."

– Associate professor in conservation

GBF commitments are not legally binding. What NBSAPs contain and to what extent they actually are implemented is up to individual countries. As the GBF was agreed upon recently, large-scale evaluations of implementation will not be possible until COP 16 in October 2024 when parties submit NBSAPs and finalise the GBF monitoring framework. It may be difficult both to ensure the development of a monitoring framework that meaningfully measures the recognition of IPLC rights in conservation and to hold states accountable for accurate reporting. Finally, there can be a disconnect between IPLC advocates at the local and global levels. Those advocating at global levels may not be involved with on-the-ground implementation. IPLCs working on the ground for conservation may not have the time or resources to advocate at the global level.

Opportunities

"I think what's different about this post-2020 Global Biodiversity Framework is for the first time in history, in the negotiation, specifically of Target 3, a huge amount of money was made available to biodiversity that hadn't been before."

– IUCN executive, former ICCA Consortium staff

The greater recognition of IPLC rights, strong commitment from the High Ambition Coalition for the achievement of 30x30, and significant pledging of private sector funds into implementation of specific targets including Target 3 provide opportunities to succeed in implementation where Aichi failed. There is an opportunity to develop accurate monitoring of the implementation of GBF targets through CBD processes that enable comparisons between counties to measure whether countries with better implementation of IPLC rights better-achieved conservation targets. In addition, international solidarity networks can support the implementation of IPLC rights in GBF through advocacy and sharing of best practices. Furthermore, there is an increased push globally for the direct funding of Indigenous organisations. Rather than having funds channelled through international non-governmental organisations or national governments, direct Indigenous funding mechanisms such as the Nusantara Fund and Shandia Vision increase self-determination as IPLC organisations choose how to allocate funds themselves.

National

Challenges

Disconnect between CBD and National Contexts

> "It may be better in other parts of the world, but in Canada, I don't think there's much of a commitment to the Convention on Biological Diversity."
>
> ***– Associate professor in forestry***

There is often a disconnect between the CBD and national conservation policies. Countries may not have a vested interest to follow through on the GBF. India and Canada both provide examples of inconsistent commitment to the realisation of CBD goals. From 2000-2004, the government of India commissioned the coordination of their NBSAP by an environmentalist and IPLC activist. India and the UN hailed it as the most participatory process for the development of an NBSAP. However, it was rejected by the same government as they considered it to be too radical. The proposal suggested fundamental structural changes to building conservation into economic planning, shifting more power to local governing bodies, and working with other South Asian states on the conservation of overlapping ecosystems. It was published as a people's report instead[54] and an interviewee said the adapted NBSAP was "significantly watered down, diluted, and would actually end up not achieving very much" (renowned Indian environmentalist).

Canada is one of the countries with the strongest ties to the CBD. The CBD Secretariat is based in Montreal. When COVID-19 prevented COP15 from being held in Kunming, it took place in Canada with the Chinese presidency. An interviewee noted that during COP15 negotiations, the Canadian Environment Minister Steven Guilbeault was very involved and prioritised IPLC involvement and described the adopted GBF as "emblematic of Canada's own domestic policy" (associate professor in conservation). On the other hand, public awareness of the CBD is low. The same interviewee countered saying, "The reality is that nobody knows what the CBD is; nobody knows what the Global Biodiversity Framework is," adding, "For most Canadians, they're hearing about threats to conservation in a vacuum." Thus, the implementation of GBF commitments can be hindered by both government and public disinterest in or disconnect from CBD processes.

Development versus Conservation

> "That's the reason why they don't support protected areas because they don't see any financial revenues in their coffers to deliver programs and services."
>
> ***– IPCA conservation leader***

A significant challenge at the national level is the prioritisation of economic development over the mutual benefit of conservation. Several interviewees noted economic barriers as many states are not able or willing to commit the funding needed to fulfill GBF targets.

54. "National Biodiversity Strategy and Action Plan," Kalpavriksh, March 23, 2018.

The economic realities of countries in the Global South are particularly challenging, but interviewees also mentioned that even Canada does not have the tax base to fund the proper conservation of 30% of its vast territory. Due to financial incentives, governments often prioritise development projects over conservation. In India, support of extractive industries (logging, mining) and the building of dams and sports complexes that conflict with community control over natural ecosystems. The Canadian economy also sees more value in extracting resources for export than conserving areas. States may be uninterested in increasing IPLC self-determination in territorial governance as they could refuse development projects. Protected areas set aside for conservation tend to be those not in development interests in remote, less populated areas. Furthermore, countries may push for the creation of or recognition of OECMs over protected areas and engage in greenwashing to inflate national biodiversity statistics. Canadian and Indian experts both expressed concerns similar to this interviewee, “There is a lot of effort trying to increase numbers under OEMCs because OECM is the new buzzword. There is absolutely no effort to change to a rights-based approach, to change the institutions, to change the financial allocations that are coming to the communities” (Coordinator at Kalpavriksh).

Historical and Ongoing Colonial Conservation Practices

> “There is a reciprocal relationship, a balance. When you take people off a certain area and exclude those areas from human activity, then the relationship is skewed. When you remove biodiversity from an area, the balance is skewed. Today we are off balance totally. That's the reason for climate change. It's because of biodiversity loss.”
>
> ***– IPCA conservation leader***

“From our worldview, there is no such thing as owning the land – the land owns you.” While Indigenous peoples are essential to the success of the GBF, states can control and misuse their territories in colonial ways. Many Indigenous peoples see the land as something they are in a relationship with. The land offers gifts for communities to use, and communities have the responsibility to steward and protect the land. However, much of conservation governance has origins in the wilderness model of conservation. This is the Western notion that in order to conserve lands, you need to preserve areas removed from people. Removing IPLCs from these lands can result in a decline in biodiversity and lead to suffering and death for IPLCs. Unfortunately, the practice of removing IPLCs in the name of conservation is a longstanding practice across the world. This is especially concerning as states seek to achieve Target 3. Interviewees highlighted current practices in Israel-Palestine where Palestinian populations are being forced to move as national parks are created, and in areas of Africa including the Democratic Republic of the Congo (DRC) where Indigenous peoples

peoples experience violence or even death in the name of conservation. Parks Canada has had a history of moving Indigenous peoples off the land and forbidding them from hunting and gathering in national park areas. Meanwhile, India recently celebrated the 50th anniversary of the creation of Project Tiger, an initiative for Bengal tiger conservation made controversial by its continued practice of uprooting Adivasi and local communities from their customary lands. It is important that parties to the CBD conserve and protect areas without harming IPLCs who live in them.

A further colonial issue is the lack of IPLC self-determination through consultation and decision making. While Parks Canada has made large strides in Indigenous relations, other departments such as Natural Resources Canada are further behind in meaningful consultation. Poor consultation leads to frustration and less participation when IPLCs are not seen as equal partners. A lack of a strong intellectual property rights and ownership framework can also create mistrust for Indigenous peoples to share traditional knowledge with the government because knowledge can be abused. In another example, an interviewee described meetings they attended with the Indian National Mission on Biodiversity and Human Well-Being as “wishy-washy” with no IPLC representation (renowned Indian environmentalist). Instead, the main presences were formal sector scientists and government officials.

Beyond consultation, IPLCs are often excluded from conservation decision-making despite being critical stewards of biodiversity. Jurisdictional conflicts between state sovereignty versus IPLC autonomy over territories where they live can impact how GBF commitments are implemented. This includes the lack of legal recognition of IPLC forms of governance. Ironically, India counts many Community Conserved Areas (CCAs, Indian ICCAs) towards Target 3 despite providing no formal recognition for the territory and the IPLCs residing there, leaving them vulnerable.

Government Structures

“One challenge is resistance from within political and bureaucratic establishments.”

– Renowned Indian environmentalist

Many countries face barriers to IPLC rights implementation in the GBF due to challenges within their government structures. India’s centralisation means that most power is held within national and state governments, with weaker local governing bodies. Financial powers are centralised which allows for strict control over the objectives and amounts of funding set aside for IPLCs. One interviewee mentioned that a recent report from the government of India recommended that 90% of funding to village councils should have no reservations. However, this has not been implemented because of resistance to letting go of centralised government power. Government departments also provide challenges.

An interviewee explained, “India's biggest landlord is our Forest Department. It has got used to managing one-fourth of India so it is not easily going to give up power to local communities for many reasons” (renowned Indian environmentalist). Other than grazing lands that remain in the control of IPLCs, other territories including wetlands, coastal areas, marine areas, and grasslands are under the management of government departments. They hypothesised that this resistance to promoting IPLC governance arises from government departments desiring power, favouring the wealth they generate from the control of territories, and potentially holding concerns that IPLCs might destroy these territories if they were in charge.

Canada faces a different barrier in its federal model. While the government of Canada is a signatory to international agreements, the implementation of said agreements often falls under the jurisdiction of provincial and territorial governments that have different political interests. Several interviews cited “lukewarm” (associate professor in forestry) provincial and territorial interest in conservation and collaboration with Indigenous communities as a significant barrier to the implementation of IPLC rights under the GBF in Canada. Much of this arises from an interest in exporting natural resources over conservation. The implementation of IPLC rights is further complicated as Indigenous peoples across Canada have different claims to land, rights, and obligations from the government based on the treaty with the government they are party to or whether they are from unceded territories.

Opportunities

Decolonisation movements and government recognition of IPLC rights

> “Countries can actually go further to strengthen [NBSAPs] where in some cases there were deficiencies in the GBF.”
>
> ***– Associate professor in conservation***

Despite significant national challenges, there are positive trends in government recognition of IPLC rights. Parties to the CBD have a critical opportunity to realise IPLC rights by involving them in the development of NBSAPs and monitoring and reporting systems. In Canada, the federal government’s commitment to reconciliation with Indigenous peoples presents a favourable political landscape towards Indigenous-led conservation opportunities. The duty to consult Indigenous peoples when the Canadian government considers actions that may impact their treaty rights is upheld by Section 35 of the Canadian Constitution Act and Supreme Court decisions. While consultation is what is generally required, there are shifts towards increasing practices of free, prior, and informed consent of Indigenous peoples in Canada under UNDRIP. The Government of Canada is philosophically committed to supporting Indigenous-led conservation and during COP15, Prime Minister Justin Trudeau committed $800 million to Indigenous-led conservation initiatives. An interviewee explained it is “impossible for the government of Canada to achieve 30% protection of the country without indigenous peoples when the entire country is either under treaty or

unceded Indigenous territory" (associate professor in conservation). There is an opportunity to streamline Indigenous Protected and Conserved Areas (IPCAs, Canadian ICCAs) establishment and secure consistent capacity building and resources through a national act for IPCA creation. Parks Canada has shown a strong commitment to partnering with Indigenous peoples through consultation, co-management, and protecting traditional knowledge. However, after COP15, Parks Canada announced the creation of ten urban parks but did not reference Indigenous leadership, only consultation. As the majority of Indigenous peoples in Canada live in cities, this is an opportunity to enable Indigenous governance of urban parks.

India has opportunities to build upon existing policies for the realisation of IPLC rights. The 2006 Forest Rights Act was framed as undoing 200 years of colonial injustices to Adivasi peoples and local communities whose governance and management of much of India's land and biodiversity was taken away. While only 4% of eligible forests have been returned to IPLCs in practice, if fully implemented, the Act has the potential to enable over 50 % of India's forests to be returned to IPLC control.[55] India has also shown a shift towards the recognition of IPLC rights in wildlife conservation. Unlike Project Tiger, Project Snow Leopard introduced by India in 2009 takes into account the knowledge and rights of local communities living in snow leopard habitat to build them into the conservation program. This practice should be the standard as Adivasi communities should not have to continue to fight when their right to exist in their lands is ignored in the name of wildlife conservation across the country.

Civil Society Support

"A lot depends not on what the [GBF] itself says, but how communities and other allies, partners, friends, and even governments themselves will leverage this agreement to their advantage at the local and subnational level."

– IUCN executive, former ICCA Consortium staff

Outside of governments themselves, many stakeholders provide support for IPLC rights at the national level. Academic partnerships with IPLCs address power asymmetries by providing information and guidance for conservation practices as well as building up the evidence base for the harms of biodiversity loss to IPLCs and examples of IPLC-led conservation. Media coverage can strengthen IPLC's political leverage in advocacy. National networks and NGOs play a crucial role in highlighting the importance of IPLC-led conservation by documenting initiatives, providing capacity-building training for bureaucrats, sharing experiences among communities, and advocating for policy change. These include the Indigenous Leadership Initiative, Assembly of First Nations, IISAAK OLAM Foundation, and Conservation through Reconciliation Partnership in Canada as well as Kalpavriksh Environment Action Group and Alternatives Confluence: Vikalp Sangam in India.

55. "Potential of Forest Rights Act in the Context of Tribal Development: Implementation Gaps and Way Forward," July 2022, .

Local

Challenges

> "Communities may not actually have either the desire or the capacity to take on this responsibility [of conservation]."
>
> ***– Renowned Indian environmentalist***

At a local level, there are many challenges to the recognition of IPLC rights and governance systems in conservation. IPLCs are not homogenous and it is important not to romanticise or essentialise IPLCs and their relationship to biodiversity. More and more communities are disconnected from nature. However, those communities whose livelihoods are more dependent on nature are more likely to protect it. Many Indigenous communities can have different views towards conservation and development. This can lead to conflicts within communities over external extraction or development interventions. In India, this divide is often seen through generational and gender divides. Both younger generations and men tend to hold more pro-development views. Young people may lack interest, motivation, or capacity to prioritise the conservation of territory and may be more open to gaining wealth from extractive industries including mining and industry. The romanticisation of IPLCs can prevent the critique of structures of oppression within them that can affect women and other marginalised groups. Within communities, it is necessary to address gender and class inequalities to ensure the full recognition of rights and effective conservation measures.

In addition, many IPLCs face challenges with regard to capacity. IPLCs face pressures as traditional ways of life including fishing and pastoralism may no longer be as economically viable. Thus, younger generations frequently migrate to seek livelihoods outside of traditional territories. In Canada, the majority of Indigenous peoples live in urban centres rather than reserves or traditional lands. Further, many IPLCs are facing the loss of territories and traditional ways of life due to climate change. Due to colonial policies, IPLCs may have weak governing structures and face poverty and international trauma as well as loss of traditional knowledge and biocultural practices to conserve biodiversity. Colonial practices can also create a mistrust of working with national structures and settler organisations for the mutual benefit of conservation for some IPLCs. With low funding and resources, relying on IPLC governance of conservation can further inequalities by offloading government responsibility and burdening IPLCs. On the other hand, an interviewee described how large influxes of conservation funding into communities without strong governing structures and capabilities can be the "kiss of death" through the internal conflicts it creates.

Opportunities

"What really works is the grassroots activism, it's the struggle of the local people themselves."

– Coordinator at Kalpavriksh

Despite challenges, many opportunities exist for the successful implementation of IPLC rights in the GBF at the local level. When national funding is limited, some IPLCs are turning to climate finance. Increased funding from the private sector and the rise in direct IPLC funding mechanisms can address resource inequalities and prevent greenwashing through the support of effective IPLC conservation governance when accompanied by a focus on local needs, self-strengthening of communities,[56] and capacity building.

Globally, there are many successful conservation initiatives based on self-determination and IPLC governance. In Canada, Indigenous-led conservation is facilitated through co-managed protected areas between Indigenous peoples and government agencies, IPCAs, and Indigenous guardian programs where Indigenous peoples are funded to monitor and steward their own territories. Indigenous communities are reclaiming traditional biocultural practices. Despite its net positive impact on biodiversity, burning to create pastures for wildlife such as moose and deer and prevent wildfires was banned in Canada for a long time. Communities are reclaiming burning for conservation and even investigating how to use carbon credits to fund burning.

There are many examples where communities in India have successfully overcome challenges to lead conservation initiatives while enhancing their livelihoods. The CCA portal showcases 247 of these successful examples. As one interviewee explained, "They are not the mainstream, but they provide hope and inspiration and practical experiences of how these challenges can be overcome" (renowned Indian environmentalist). The Soliga Adivasis refused to move out of their traditional lands in the Biligiri Rangaswamy Temple Tiger Reserve. In claiming their forest rights, they were able to have allotted land within the sanctuary. This has resulted in the protection of their land rights and livelihoods at the same time as tiger populations have increased and other biodiversity is conserved. Other successful community-led initiatives include the banning of hunting and timber felling in Nagaland, the recognition of forest rights for Adivasis in Maharashtra, and community managed ecotourism in Uttarakhand.

There are many barriers to the full realisation of IPLC rights under the GBF. However, taking action to prioritise equality, self-determination, and mutual benefit in conservation through harnessing opportunities and addressing challenges can bring about significant change.

56. Borrini-Feyerabend, G., J. Campese, and T. Niederberger (eds). 2021. Strengthening your territory of life: guidance from communities for communities. Online version: ssprocess.iccaconsortium.org. ICCA Consortium.

RECOMMENDATIONS FOR IMPLEMENTATION OF COMMITMENTS ON IPLC RIGHTS IN THE GBF

Theory of Change (ToC)

ToC offers a framework for understanding pathways and strategies to achieve global recognition and national and local implementation of IPLC rights and leadership in conservation. It underscores the significance of addressing inequalities and power asymmetries, promoting IPLC self-determination through participation and decision-making, and recognising IPLC rights at all levels to achieve the mutual benefit of biodiversity conservation. By embracing these recommendations, stakeholders can collaboratively empower IPLCs and safeguard their rights, foster sustainable funding, and enhance knowledge dissemination to contribute to a more inclusive and impactful approach to biodiversity conservation.

Level	Project Outcome	Project Outputs	Actors
Global	Full recognition of IPLC rights	1. Strengthened recognition of IPLC rights in CBD processes.	IPLC advocates promote the recognition of Indigenous rights in CBD processes.
		2. Increased meaningful participation of IPLCs in CBD negotiations.	State parties to the CBD and IPLC advocates support IPLC representatives and advocates to increase their meaningful participation in CBD negotiations.
		3. Development of a meaningful GBF monitoring framework reflecting IPLC rights.	State parties to the CBD and IPLC advocates ensure that IPLCs are included in the negotiation process for the development of a GBF monitoring framework reflecting IPLC rights.
		4. Mitigation of power asymmetries to strengthen IPLC-led conservation.	IPLC advocates enhance connections and promote advocacy-based coalitions among IPLC communities to address power asymmetries and strengthen IPLC-led conservation.
National	Effective implementation of IPLC rights	1. Development of comprehensive NBSAPs in alignment with IPLC rights.	State parties to the CBD and IPLC advocates promote the development of comprehensive NBSAPs aligning with IPLC rights.
		2. Promotion of IPLC stewardship and conservation leadership.	State parties to the CBD and IPLC advocates encourage IPLC stewardship and promote leadership in conservation.
		3. Enhanced protection of IPLC rights within national policies.	State parties to the CBD recognise best practices and develop mechanisms for protecting IPLC rights within national policies.
		4. Sustainable funding mechanisms for IPLC-led conservation.	State parties to the CBD ensure sustainable funding for conservation to support IPLC-led initiatives.
Local	Empowered IPLC communities	1. Enhanced capacity and self-governance of IPLCs.	IPLC advocates promote a bottom-up approach and support the self-strengthening and self-determination of communities to enhance their capacity and self-governance.
		2. Sharing and gathering of knowledge within IPLC communities.	IPLC advocates facilitate knowledge sharing and establish partnerships with academia to promote the sharing and gathering of knowledge within IPLC communities.

Table 3: Theory of change

This table highlights drivers and recognises emerging trends and opportunities that can further support IPLC rights and leadership in biodiversity conservation. By capitalising on these trends and opportunities, stakeholders can enhance efforts to empower IPLCs and drive positive change in conservation practices.

Drivers	Global	National	Local
Technology	Global networks and platforms enable knowledge sharing and collaboration among IPLC advocates.	National governments can collaborate with global tech companies to provide technological support for IPLC-led conservation initiatives.	IPLCs can leverage mobile apps and online platforms to share information, engage with global and national networks, and access innovative technologies for conservation monitoring and resource management.
Finance	Global funding mechanisms and international organisations can provide financing for IPLC-led conservation.	National governments can establish funding programs specifically targeting IPLC-led conservation initiatives and collaborate with global financial institutions for sustainable financing.	IPLCs can explore crowdfunding platforms and engage in public-private partnerships to secure financial resources for conservation projects, while also fostering local economic opportunities through sustainable ecotourism and nature-based enterprises.
Research	Global research collaborations and networks facilitate knowledge sharing, data collection, and research partnerships on IPLC-led conservation.	National research institutions can collaborate with IPLC communities to conduct joint research projects, provide funding, and support capacity-building initiatives.	IPLCs can participate in citizen science programs, community-based monitoring, and collaborative research projects, leveraging their traditional knowledge and ecological expertise to contribute valuable data and insights for conservation planning and decision-making at the local level.
Multilateral agreements	IPLC networks can engage with global agreements to advocate for IPLC rights and conservation leadership.	National governments can align their policies and actions with global agreements, integrating IPLC rights and leadership into national strategies and reporting mechanisms.	IPLCss can leverage global environmental and human rights agreements to enhance their legal recognition, strengthen traditional governance systems, and collaborate with local governments and stakeholders for the sustainable management of natural resources and protected areas.
Climate change	Global climate change platforms provide opportunities for IPLCs to contribute knowledge and practices for mitigation and adaptation.	National governments can establish climate change policies and programs that recognise and incorporate IPLC rights and leadership, collaborating with global climate change initiatives.	IPLCs can implement climate change adaptation projects, such as community-based disaster risk reduction initiatives, sustainable agriculture practices, and ecosystem restoration while collaborating with local governments, NGOs, and academic institutions for technical and financial support.
Decolonisation	Global advocacy networks and movements work towards decolonising conservation and promoting IPLC rights.	National governments can incorporate decolonisation principles into policies, laws, and frameworks, collaborating with global advocacy networks and human rights organisations.	IPLCs can actively engage in local and national advocacy efforts, collaborate with NGOs and human rights organisations, and work towards reclaiming their traditional governance systems and cultural practices through local initiatives and partnerships.

Table 3: Trend and opportunities for drivers and connections at different levels

Global Recommendations for the Full Recognition of IPLC Rights

1. Strengthened recognition of IPLC rights in CBD processes.

IPLC advocates should promote the recognition of IPLC governance, land rights, and biocultural rights in CBD processes and NBSAPs and advocate for a strong mandate against colonial conservation practices in future CBD agreements. Furthermore, they should advocate to strengthen the recognition of Indigenous rights in CBD processes to be on par with UNDRIP.

2. Increase meaningful participation of IPLCs in CBD negotiations.

State parties to the CBD include IPLCs in state delegations and allow them to share their perspectives openly. IPLC advocates should encourage the participation of IPLC youth in negotiations and facilitate stronger field-level input in global processes by amplifying local perspectives. Both actors should support capacity-building efforts that empower IPLC representatives to actively engage in global conservation processes, enabling them to contribute on an equal footing with other participants.

3. Development of a meaningful GBF monitoring framework reflecting IPLC rights.

State parties to the CBD should develop a meaningful GBF monitoring framework that reflects the values of equality and self-determination and includes targets that measure the recognition of IPLC rights and IPLC-led conservation. IPLC advocates should ensure that IPLCs play a central role in the negotiations for developing the monitoring framework, allowing them to determine the indicators and metrics that are most relevant and meaningful to their communities.

4. Mitigation of power asymmetries to strengthen IPLC-led conservation.

IPLC advocates should enhance connections and promote advocacy-based coalitions among IPLC communities to strengthen IPLC-led conservation. They should use an intersectional approach to conservation, including the promotion of women's participation. They would also support international mechanisms that directly fund IPLC-led conservation initiatives to ensure equitable access to financial resources. Actors should engage in consistent advocacy, outreach, and awareness raising. This can include amplifying IPLCs voices through media coverage and public outreach, and promoting equality by giving them a platform to share experiences and perspectives.

National Recommendations for Effective Implementation of IPLC Rights

1. Development of comprehensive NBSAPs in alignment with IPLC rights.

State parties to the CBD should include IPLCs in the drafting and implementation of NBSAPs and related monitoring and reporting mechanisms, enabling them to shape the conservation strategies and policies that directly impact their territories and resources. IPLC advocates should advocate for NPBSAPs to recognise IPLC rights beyond the GBF, include specific area-based targets for IPLC-led conservation, and use an intersectional lens. They should also hold countries accountable for NBSAP implementation and reporting.

2. Promotion of IPLC stewardship and conservation leadership.

IPLC advocates should support IPLC self-determination through conservation governance, promoting their right to self-determination in managing their territories and resources. They should strengthen national networks for conservation and facilitate the scaling up of IPLC-led conservation initiatives. State parties to the CBD recognise IPLCs as key custodians of biodiversity and prioritise the creation of ICCAs over other protected areas and OECMS. States should facilitate IPLC-led conservation beyond remote and already established areas, including urban spaces. They should enable local governance and decision-making processes, deepening democracy at the grassroots level and shifting power and governance of natural resources back to local communities, while not overburdening IPLCs.

3. Enhanced protection of IPLC rights within national policies.

State parties to the CBD should enhance the protection of IPLC rights within national policies and across government departments and regional governments in alignment with UNDRIP. They should recognise and protect biocultural practices and knowledge systems including through intellectual property rights. States should eliminate colonial conservation practices that have historically marginalised and harmed IPLCs, promoting equality, self-determination, and free, prior, and informed consent in all stages of development, extraction, and conservation projects. Finally, they should develop legislation for the recognition and creation of ICCAs.

4. Sustainable funding mechanisms for IPLC-led conservation.

State parties to the CBD should ensure sustainable funding for conservation by promoting fair and equitable sharing of resources and considering alternative economic development goals that prioritise the well-being of IPLCs. States should explore financial mechanisms that support IPLC-led conservation initiatives, such as community-based ecotourism initiatives that generate income for local communities while promoting conservation goals. States should prioritise meaningful conservation funding that avoids greenwashing.

Local Recommendations for Empowered IPLC Communities

1. Enhanced capacity and self-governance of IPLCs.

IPLC advocates should use a bottom-up approach to enhance IPLC capacity and governance based on local needs, empowering communities to take ownership of their conservation efforts. This includes providing access to information, tools, and financing for IPLC communities to develop conservation plans based on unique needs and priorities, fostering self-strengthening, and promoting equality within and among communities. IPLC advocates should promote the preservation and promotion of traditional knowledge and practices in conservation among IPLC communities. Further, advocates should facilitate connections between communities and support grassroots activism for systemic change including by helping communities leverage global agreements to obtain their rights at the local level through activism and media coverage.

2. Sharing and gathering of knowledge within IPLC communities.

IPLC advocates should foster partnerships with academia that reflect the values of equality and self-determination. They should facilitate research projects that actively involve IPLC communities in designing and conducting studies, ensuring the research addresses their priorities and benefits their communities directly. IIPLC advocates should collect data and share stories to amplify IPLC voices and experiences, and raise awareness of their rights and contributions to biodiversity conservation in media and policy publications. Furthermore, they should advocate for the integration of IPLC-led conservation practices in environmental science curricula at all levels.

By applying the values of equality, self-determination, and working towards the mutual benefit of biodiversity conservation to the recommendations, we can promote a more equitable, inclusive, and sustainable approach to conservation that respects and empowers IPLCs.

CONCLUSION

Biodiversity conservation and the recognition of IPLC rights are deeply interconnected and crucial to achieving sustainable development. IPLCs have traditionally served as stewards of biodiverse territories, and their involvement is vital in conservation efforts. The CBD and GBF play significant roles in promoting biodiversity conservation and recognizing IPLC rights, but challenges persist in implementation.

Global trends indicate growing recognition of IPLCs' vital role in conservation and a shift towards more intersectional approaches in environmental policy. Advocacy, social movements, and IPLC influence in negotiations have raised awareness and strengthened IPLC-led conservation initiatives. Nevertheless, challenges need to be addressed for the effective implementation of IPLC rights.

Global implementation of IPLC rights through the GBF faces challenges related to the disconnect between global conservation agreements and on-the-ground realities, the lack of legally binding commitments, and the separation between local and global IPLC advocates. However, opportunities exist in the form of global advocacy networks, direct funding mechanisms for Indigenous organisations, and the potential for meaningful NBSAPs and GBF monitoring to be developed through CBD processes.

Nationally, the case studies of Canada and India demonstrate significant challenges to the recognition of IPLC rights and conservation leadership including colonialism, bureaucratic barriers, and limited funding. Nevertheless, reconciliation and IPLC-led conservation are gaining momentum through national policies, civil society action, and grassroots activism.

At the local level, challenges to conservation efforts include conflict within IPLC communities, capacity issues, and the climate crisis. However, opportunities exist for the realisation of IPLC conservation leadership including through self-strengthening and capacity building, access to private finance, and sustained grassroots activism. Successful community-led initiatives including the development of ICCAs in Canada and India demonstrate that addressing challenges and prioritizing equality can bring about positive change in conservation efforts.

To ensure the implementation of IPLC of rights, it is essential to address power asymmetries and promote equality and self-determination for the benefit of biodiversity conservation for all.

Global recommendations for the full recognition of IPLC rights include strengthening IPLC rights recognition in CBD processes, increasing meaningful

participation of IPLCs in CBD negotiations, developing a meaningful GBF monitoring framework, and mitigating power asymmetries to strengthen IPLC-led conservation.

National recommendations for effective implementation of IPLC rights involve the development of comprehensive NBSAPs aligned with IPLC rights, the promotion of IPLC stewardship and conservation leadership, enhanced protection of IPLC rights within national policies, and the establishment of sustainable funding mechanisms for IPLC-led conservation.

Local recommendations for empowered IPLC communities include enhancing the capacity and self-governance of IPLCs, promoting the sharing and gathering of knowledge within IPLC communities, and fostering partnerships between IPLCs and academia.

Collaborative efforts between IPLCs, governments, NGOs, and other stakeholders are necessary to bridge the gap between global negotiations and on-the-ground realities. It is imperative to incorporate IPLC-led governance systems, protect traditional knowledge and biocultural practices, recognise and uphold Indigenous land rights, and prioritise conservation over economic development. By ensuring meaningful IPLC participation and decision making, the GBF can pave the way for inclusive and sustainable conservation practices that benefit biodiversity, IPLCs, and society.

APPENDIX

General Interview Questions

1. Can you tell me a little bit about how you ended up in your role?
2. What are the main issues surrounding ICCAs–territories of life and Indigenous Peoples' and local communities in your context?
3. How did your community or organisation articulate these issues and concerns in the context of the CBD negotiations?
4. To what extent and how were these issues reflected in the final text of the Kunming-Montreal Global Biodiversity Framework?
5. What forms of recognition for Indigenous Peoples and local communities are most useful in your opinion? What are communities seeking legal recognition for?
6. Now that the global framework has been adopted, what do you see as the key issues for its interpretation and implementation at the national and/or subnational level in your context for Indigenous Peoples' and local communities?
7. How is your community or organisation involved in this process?
8. What trends have you noticed in terms of recognition for Indigenous Peoples' and local communities' rights changed from 2010 (including the 2011-2020 Strategic Plan for Biodiversity) to 2022, with the adoption of the Kunming-Montreal Global Biodiversity Framework?
9. What are the key underlying factors (remaining challenges and successful advocacy strategies) that explained these trends of international recognition for Indigenous Peoples' and local communities?
10. What are the main challenges, recommendations and strategies to implement commitments on Indigenous Peoples' and local communities' rights in the Global Biodiversity Framework into the future?

Key Terms

- **30x30 or Target 3:** The Target 3 out of the 23 in the GBF, it says, "Ensure and enable that by 2030 at least 30 percent of terrestrial and inland water areas, and of marine and coastal areas, especially areas of particular importance for biodiversity and ecosystem functions and services, are effectively conserved and managed through ecologically representative, well-connected and equitably governed systems of protected areas and other effective area-based conservation measures, recognising indigenous and traditional territories, where applicable, and integrated into wider landscapes, seascapes and the ocean, while ensuring that any sustainable use, where appropriate in such areas, is fully consistent with conservation outcomes, recognising and respecting the rights of indigenous peoples and local communities, including over their traditional territories."

- **Adivasi:** is the collective name used for the many indigenous peoples of India. The term Adivasi derives from the Hindi word ‘adi’ which means of earliest times or from the beginning and ‘vasi’ meaning inhabitant or resident, and it was coined in the 1930s, largely a consequence of a political movement to forge a sense of identity among the various indigenous peoples of India. Officially Adivasis are termed scheduled tribes, but this is a legal and constitutional term, which differs from state to state and area to area, and therefore excludes some groups who might be considered indigenous.

- **Aichi Biodiversity Targets**: laid out in the 10-year plan (Strategic Plan for Biodiversity 2011-2020), had 20 global biodiversity targets, divided under five goals to be achieved by 2020.

- **Conserved Area**: These are territories or areas that achieve conservation de facto. They were defined in 2015 as areas that “regardless of recognition and dedication, and at times even regardless of explicit and conscious management practices, achieve conservation de facto and/or are in a positive conservation trend and likely to maintain this trend in the long term”.

- **First Nations**: First Nations is a term used to describe Indigenous peoples in Canada who are distinct from Métis or Inuit.

- **ICCA**: It is an abbreviation for “territories and areas conserved by indigenous peoples and local communities” or “territories of life”.

- **Indigenous Peoples**: The prevailing view today on the concept of Indigenous People is that no formal universal definition of the term is necessary. For practical purposes, the understanding of the term commonly accepted is the one given by Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his famous Study on the Problem of Discrimination against Indigenous Populations, which says, “Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.”

- **Inuit**: Inuit — Inuktitut for “the people” — are an Indigenous people, the majority of whom inhabit the northern regions of Canada. An Inuit person is known as an Inuk.

- **Kunming-Montreal Global Biodiversity Framework (GBF)**: Adopted at the COP15 to the UN CBD in December 2022, it consists of 4 goals and 23 targets for achievement by 2030/ The “Kunming-Montreal Global Biodiversity Framework”, or GBF, consists of 4 goals and 23 targets for achievement by 2030, including a target to ensure that at least 30 per cent of the world’s lands, inland waters, coastal areas and oceans are effectively conserved and managed.

- **Local Communities**: Although there is no set definition, it can be understood as groups of people who reside in a specific geographic area and share common cultural, social, and historical traits. They are often deeply connected to their region, maintaining long-standing customs and knowledge passed down through generations and they can be found worldwide, as indigenous groups to small farming communities, and contribute to the cultural diversity and social fabric of their respective regions.

- **Métis**: Are people of mixed European and Indigenous ancestry and one of the three recognised Aboriginal peoples in Canada.

- **NBSAP (National Biodiversity Strategies and Action Plan)**: is a national policy, which aims at providing strategic direction at a national level on the management and protection of biodiversity. It also streamlines various sectoral aspects to ensure sustainable use of natural resources; this ensures a better quality of life and a reduction in biodiversity loss.

- **OECMs (Other effective area-based conservation measures)**: defined as “geographically defined areas other than protected areas, which are governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and, where applicable, cultural, spiritual, socio–economic, and other locally relevant values”.

- **Protected Area**: A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature, with associated ecosystem services and cultural values. Seven categories: Nature reserve, Wilderness Area, National Park, National Monument, Habitat/Species Management, Protected Landscape/Seascape, Protected Area with Sustainable Use.

- **Scheduled tribes**: The Constitution of India in Article 366 (25) prescribes that the Scheduled Tribes means such tribes or tribal communities as are deemed under Article 342 of the Constitution to be Scheduled Tribes.

- **The Nagoya Protocol**: on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity is an international agreement which aims at sharing the benefits arising from the utilisation of genetic resources in a fair and equitable way. It entered into force on 12 October 2014.

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