

Respecting the rights and leadership of Indigenous Peoples and local communities in realizing global goals

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Only by recognizing the rights, knowledge, innovations, and values of Indigenous Peoples and local communities will we be able to push forward the global agenda to sustainably use and conserve biodiversity.

With these words, Lakpa Nuri Sherpa, an Indigenous leader from Nepal, highlighted the importance of Indigenous Peoples and local communities in global efforts to address biodiversity loss. He was speaking prior to the December 2022 adoption of the Kunming–Montreal Global Biodiversity Framework by the Conference of the Parties to the Convention on Biological Diversity. This agreement is an important commitment by the global community to address increasing loss of biodiversity and accompanying cultural, spiritual and linguistic diversity.

We were in attendance during the late-night negotiations in December. It is clear to us that the agreement cannot succeed without full recognition and realization of human rights in general and the specific rights of Indigenous Peoples and local communities, and with their active leadership and partnership. Conservationists, as other actors and duty-bearers, will need to work alongside communities and peoples towards this end.

We come from Indigenous Peoples' authorities, communities and organizations, and from allied organizations, networks of Indigenous and community leaders, and NGOs. We participated in the negotiations over 4 years and through five gruelling intersessional meetings. Here, we reflect on the key achievements secured in Montreal and identify ways in which conservationists can support, recognize, and partner with Indigenous Peoples and local communities to realize the ambitions of this new agreement.

The Biodiversity Framework contains important language on human rights, including the rights of Indigenous

Peoples, local communities, women and girls, youth and environmental defenders. Compared to previous intergovernmental biodiversity agreements (the Aichi Biodiversity Targets being the most recent), it is fundamentally different. It acknowledges the need for real change in our approach to addressing biodiversity loss and places its implementation in the context of our collective responsibilities to the next generations:

The implementation of the Framework should be guided by the principle of intergenerational equity which aims to meet the needs of the present without compromising the ability of future generations to meet their own needs and to ensure meaningful participation of younger generations in decision-making processes at all levels. (CBD, 2022, para. 7(n), p. 7)

The Framework commits to the use of a human rights-based approach in all its activities:

The implementation of the Framework should follow a human rights-based approach respecting, protecting, promoting and fulfilling human rights... (CBD, 2022, para. 7(g), p. 6)

The Framework explicitly recognizes contributions that Indigenous Peoples and local communities have made and continue to make, and commits to safeguarding their rights:

The Framework acknowledges the important roles and contributions of indigenous peoples and local communities as custodians of biodiversity and partners in the conservation, restoration, and sustainable use. Its implementation must ensure their rights, knowledge, including traditional knowledge associated with biodiversity, innovations, world-views, values and practices of indigenous peoples and local communities are respected, documented, preserved with their free, prior, and informed consent... (CBD, 2022, para. 7(a), p. 5)

It also commits to protecting environmental human rights defenders: Target 22 includes ensuring 'access to justice' and 'full protection of environmental human rights defenders' among its commitments (CBD, 2022, para. 13, p. 13).

In addition to this framing text, the agreement establishes ambitious targets, many of which relate to, and may support or interfere with, the rights of Indigenous Peoples and local communities. Among the most prominent and relevant to this journal is the commitment in Target 3 to expand recognized systems of protected areas and other effective area-based conservation measures (OECMs) to conserve at least 30% of land, inland waters, and coastal and marine areas. The agreement states that this needs to happen, in part, through 'recognizing indigenous and traditional territories' (CBD, 2022, para. 13, p. 9). The inclusion of this text was identified as a red line in the negotiations by the International Indigenous Forum on Biodiversity, a body

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recognized by the UN Convention on Biological Diversity as representing the views of Indigenous Peoples and local communities. It provides a third pathway for Indigenous Peoples and local communities to seek appropriate recognition of their rights and responsibilities to their ancestral territories, beyond state systems of protected areas and OECMs. This is particularly important in contexts where the state approach to protected areas and OECMs does not support, or directly undermines, Indigenous Peoples' and local communities' rights and self-determined governance, management and stewardship. They may still seek recognition of their collective territories through a protected area or OECM framework, but this third pathway provides more flexibility in diverse contexts—a key aspect of self-determination.

There is evidence that Indigenous Peoples and local communities play an outsized role in conservation through their worldviews, cultures and ways of life, despite often receiving little to no formal recognition or support. They are seeking recognition of the fullness of their territories, rights and governance systems, which in turn contribute to conservation and sustainable use of biodiversity. Failure to acknowledge their distinct contributions and to provide appropriate recognition on their own terms risks further entrenching outdated approaches, including top-down, exclusionary protected areas or identification of Indigenous lands and territories as OECMs without free, prior and informed consent or without any counterpart recognition and support.

These text improvements are a result of sustained engagement by Indigenous Peoples and local communities, including through the International Indigenous Forum on Biodiversity and other allies. Key demands included acknowledging and respecting Indigenous Peoples and local communities as rights-holders, and as leaders and partners in addressing biodiversity loss. Recognition of and redress for the negative impacts and legacies that have been, and continue to be, associated with state-centric protected areas was also called for, along with an insistence on free, prior and informed consent as a requirement to safeguard against human rights violations. Target 3 provides the basis for preventing harm in the name of conservation and opportunities to proactively realize human rights through area-based conservation.

There remain weaknesses in the final agreement. It does not require mandatory regulation of businesses, nor mandatory risk assessment or reporting of business impacts on nature or human rights. A voluntary approach was introduced in Target 15; efforts to push for national-level regulation need to continue. It also promotes the idea of 'innovative financing solutions' in Target 19 without clarifying what this may look like, although it does require social and environmental safeguards.

The expansion of protected areas and OECMs in Target 3 also risks repetition of past and current bad practices, in which rights of Indigenous Peoples and local communities are violated in the name of conservation. There is

safeguarding language on 'recognizing and respecting the rights of Indigenous Peoples and local communities, including over their traditional territories', but to be effective, this needs to be translated into tangible protections and actions locally and nationally.

The work needed to implement the Framework is incomplete: the monitoring framework is not fully developed. Reflecting how Indigenous Peoples and local communities understand and measure living in harmony with nature is central to ensuring that the monitoring of the Framework reflects multiple knowledge systems and ways of caring for and sustaining nature. Indicators of qualitative, not just quantitative, dimensions of the targets will be essential in supporting the transformational change required by the Framework.

The experience of the final moments of negotiation revealed to us the need for building shared understanding about the intention and potential of the agreed text. It is particularly important for other actors—including governments and conservationists—to understand that Indigenous Peoples' and community organizations, leaders and representatives must have leadership roles in the interpretation and implementation of text related to their rights and interests.

Implementation nationally and locally will define if and how this potential will be realized. National laws and policies need to be reformed to include the possibility of recognizing Indigenous and traditional territories as areas that contribute to conservation without having to legislate them as protected areas or identify them as OECMs. Financial, technical, social and other support for Indigenous Peoples and local communities needs to be provided, including directly to them, and political will to address the key drivers of biodiversity loss needs to be sustained.

Part of the solutions we seek lie in listening more, providing space for Indigenous and community values, perspectives and priorities, and—crucially—recognizing and embracing the rights and leadership roles of Indigenous Peoples and local communities in setting humanity on a better course. This includes in academic spaces such as this journal, and we are pleased to see this human rights and conservation theme setting an example. The articles included here reflect the diversity and richness of work already being done to recognize Indigenous and local leadership in sustainable use and conservation. It is imperative that the voices, rights, contributions and leadership of Indigenous Peoples and local communities are centred and uplifted throughout the conservation sector.

Reference

- CBD (CONVENTION ON BIOLOGICAL DIVERSITY) (2022) *Decision adopted by the Conference of the Parties to the Convention on Biological Diversity: 15.4*. CBD, Montreal, Canada. [cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf](https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf) [accessed April 2023].