

IIFB POSITION ON TARGET 3 OF THE KUNMING- MONTREAL GLOBAL BIODIVERSITY FRAMEWORK



The International Indigenous Forum on Biodiversity,

Having considered Target 3 of the Kunming Montreal Global Biodiversity Framework (KMGBF), which states “Ensure and enable that by 2030 at least 30 per cent 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, **recognizing 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, **recognizing and respecting the rights of indigenous peoples and local communities**, including over their traditional territories”.

Considering that Indigenous Peoples and local communities have their own concepts, practices of use, management, and conservation of biodiversity, and specific rights.

Considering that Indigenous Peoples have maintained for millennia a biocultural relationship in harmony with Mother Earth, that Indigenous and Traditional Territories (ITT) based on their knowledge systems conserve a high percentage of the planet's biodiversity and positively contribute to the Good Living and the continuation of humanity, and that they have specific rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries, and other international instruments and standards.

Considering that local communities develop their own practices related to the conservation and sustainable use of biodiversity in accordance with their traditional lifestyles and circumstances.



IIFB POSITION ON TARGET 3 OF THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

Considering that many Indigenous Peoples and local communities have been affected by the establishment of protected areas (PAs) or other effective area-based conservation measures (OECMs) without recognition and respect for their rights.

Emphasizing that the implementation of Target 3 must be aligned with the considerations described in Section C of the KMGBF, particularly with paragraph 7.a), including the adoption of a human rights-based approach, with particular recognition of the contributions and rights of Indigenous Peoples and local communities.

Emphasizing the interlinkages of Target 3 with Targets 21, 22, and 23, which call for actions to consider the contribution of traditional knowledge, innovations, practices, and technologies for the monitoring and management of biodiversity. It also calls for ensuring the full, equitable, inclusive, effective, and gender-responsive participation and representation of Indigenous Peoples and local communities, respecting their cultures, rights over lands, territories and resources, and traditional knowledge, as well as those of women and youth, and ensuring the full protection of environmental human rights defenders.

Highlighting the specific role of Indigenous women as guardians of traditional knowledge and their contribution to the conservation and sustainable use of biodiversity.

Whereas nothing in the KMGBF may be construed as diminishing or extinguishing the rights that Indigenous Peoples currently have or may acquire in the future.

Recalling that the implementation of the KMGBF must be carried out in a manner that respects and fulfills the free, prior, and informed consent of Indigenous Peoples, as well as their right to self-determination and self-government, rights that are recognized in the relevant international instruments of the United Nations System.

Highlighting that the KMGBF recognizes the roles, rights and contributions of Indigenous Peoples and local communities in the conservation and sustainable use of biodiversity, as well as their contributions as key actors in reversing biodiversity loss.





IIFB POSITION ON TARGET 3 OF THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

Considering that the adoption of the KMGBF demands a transformational paradigm shift in conservation, it calls for the recognition of “Indigenous and Traditional Territories (ITTs)” as areas that conserve biodiversity, offering a third pathway for biodiversity conservation, distinct from Protected Areas (PAs) or Other Effective Area-Based Conservation Measures (OECMs).

The IIFB recommends that:

1. The implementation of Target 3 should support the efforts of Indigenous Peoples and local communities to conserve biodiversity and promote its sustainable use.
2. The CBD Parties should include in their National Biodiversity Strategies and Action Plans (NBSAPs) the recognition of “Indigenous and Traditional Territories” in their national targets, ensuring compliance with Target 3.
3. The CBD Parties should include in their monitoring frameworks of the GBF, adopted by decision 15/5, the disaggregation of the indicator related to Target 3 concerning Indigenous and Traditional Territories (ITT). Furthermore, we call for the implementation of the headline indicators of Target 22, adopted at the Sixteenth Conference of the Parties to the Convention on Biological Diversity (COP 16), namely:
 - 22.1 Land-use change and land tenure in the traditional territories of indigenous peoples and local communities.
 - 22.b Number of countries taking action towards the full, equitable, inclusive, effective and gender-responsive representation and participation, in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by, women, and girls, children and youth, and persons with disabilities and the full protection of environmental human rights defenders.
4. The Parties, the CBD Secretariat, and FAO as the UN agency leading on the land use change and tenure indicator, should strengthen data collection for the proposed Target headline indicator 22.1 and recognise and support community-based monitoring information systems (CBMIS).



IIFB POSITION ON TARGET 3 OF THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

5. The implementation of Target 3 shall not affect the specific rights of Indigenous Peoples and local communities nor limit their approaches to biodiversity conservation.
6. The implementation of Target 3 should promote the recognition of 'indigenous and traditional territories,' which will provide legal certainty for the recognition of their own systems of biodiversity management, use, handling, and conservation.
7. The implementation of Target 3 must fully respect the rights of Indigenous Peoples, as required by the Target itself, including a human rights-based approach, as outlined in Section C, paragraph 7.a of the MMKMDB. This includes the establishment of effective safeguard standards and systems, as well as accessible grievance and redress mechanisms at all practical levels.
8. For the implementation of Target 3, the Parties, donors, and other organizations should provide direct financial and technical support to Indigenous Peoples and local communities to preserve and conserve biodiversity under this third pathway:
 - a. to advance Element I of the SB8j Work Programme, including guidelines on the identification of Indigenous and Traditional Territories.
 - b. to preserve, protect, and conserve biodiversity in their own territories.
9. For the implementation of Target 3, the Parties should promote mechanisms for coordination between conventions aimed at the protection of the rights of Indigenous Peoples and their Territories.



IIFB POSITION ON TARGET 3 OF THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

Glossary

Indigenous and local communities or Indigenous peoples and local communities: The Convention on Biological Diversity does not define the terms “Indigenous and local communities” or “indigenous peoples and local communities.” The United Nations Declaration on the Rights of Indigenous Peoples does not adopt a universal definition for “Indigenous peoples” and does not recommend a definition.^{2,3}

Traditional territories: Lands and waters traditionally occupied or used by Indigenous Peoples and local communities (CBD, decision 14/13).

Territories and Areas Conserved by Indigenous Peoples and Local Communities (ICCAs): Indigenous peoples’ and community conserved territories and areas are natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous peoples and local communities, both sedentary and mobile, through customary laws or other effective means.²⁰ Areas conserved by indigenous peoples and local communities could potentially be recognized as protected or conserved areas, subject to their “prior informed consent” or “free prior informed consent” or “approval and involvement” or request, according to the national circumstances (CBD, decision 14/13).

Lands: The use of the term lands in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use (ILO C. 169, Article 13.2).

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IIFB POSITION ON TARGET 3 OF THE KUNMING-MONTREAL GLOBAL BIODIVERSITY FRAMEWORK



THANKS FOR THE FINANCIAL SUPPORT OF THE WORLD COMMISSION ON PROTECTED AREAS (WCPA)



[1] In decision XIII/12 F, the Conference of the Parties decided to use the term “indigenous peoples and local communities” in future decisions under the Convention, without affecting in any way the legal meaning of Article 8(j) and related provisions of the Convention. Similar decisions were subsequently made by the Parties to the Cartagena and Nagoya Protocols, in December 2016, in decisions BS-VIII/19, and NP-2/7, respectively.

[2] Note: The United Nations Declaration on the Rights of Indigenous Peoples does not adopt a universal definition for “indigenous peoples”; therefore, a definition is not recommended. However, the United Nations Permanent Forum on Indigenous Issues, as an expert body, provides advice on the “concept of indigenous peoples” by referring to the report of the Special Rapporteur, Mr. José Martínez Cobo, on the study of the problem of discrimination against indigenous populations (E/CN.4/Sub.2/1982/2/Add.6), available at: http://www.un.org/esa/socdev/unpfii/documents/MCS_v_en.pdf

[3] Advice on local communities is available in decision XI/14, paragraphs 17-21 on local communities, and the report of the Expert Group Meeting of Local Community Representatives within the Context of Article 8(j) and Related Provisions of the Convention on Biological Diversity (UNEP/CBD/WG8/7/8/Add.1).