



GUIDELINES ON INDIGENOUS AND TRADITIONAL TERRITORIES (ITTs) IN THE CONTEXT OF BIODIVERSITY CONSERVATION, SUSTAINABLE USE AND RESTORATION



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I. RATIONALE

1. These **Guidelines on Indigenous and Traditional Territories (ITTs) in the context of Biodiversity Conservation, Sustainable Use and Restoration** recognize the intrinsic relationship of Indigenous Peoples and local communities with Mother Earth through their cultures, spiritualities, ceremonies, governance systems, histories, oral traditions, indigenous languages, traditional knowledge systems, customary laws and, procedures that contribute to the conservation and restoration of biocultural diversity.

2. These Guidelines recognize the significant contribution of traditional knowledge, innovations, practices and customary sustainable use of Indigenous Peoples and local communities to biodiversity conservation and restoration, across all ecosystems, including forests, drylands, wetlands, rangelands, waters and marine and coastal territories. While customary sustainable use by Indigenous Peoples and local communities is central to several targets of the Kunming Montreal Global Biodiversity Framework (KMGBF), in the context of these guidelines, it refers specifically to targets 2 and 3.

3. These Guidelines take note of the content of the United Nations Declaration on the Rights of Indigenous Peoples and reiterates the safeguards adopted by COP 16 in the KMGBF which state that, *“nothing in this Framework shall be interpreted as diminishing or eliminating any rights that indigenous peoples have now or may acquire in the future”*.

4. These Guidelines intend to provide guidance for the recognition of the Indigenous Peoples and local communities' contributions to the conservation, sustainable use and restoration of biodiversity in their Indigenous and Traditional Territories (ITTs) with the aim of promoting respect, preservation and maintenance of traditional knowledge, innovations and practices.

5. These Guidelines are in line with the KMGBF adopted by decision 15/4, which calls for a transformational paradigm shift in conservation to recognize the roles, rights and contributions of Indigenous Peoples and local communities in sustainable use, conservation and restoration of biodiversity.

6. These Guidelines also take as baseline the IPBES Global Assessment Report on Biodiversity and Ecosystem Service¹ which recognize that *“...At least a quarter of the global land area is traditionally owned, managed, used or occupied by indigenous peoples...”* and it also recognizes that *“...The lands of indigenous peoples are becoming islands of biological and cultural diversity surrounded by areas in which nature has further deteriorated...”* and recommends that *“...The positive contributions of indigenous peoples and local communities to sustainability be facilitated through national recognition of land tenure, access and resource rights in accordance*

¹ <https://www.ipbes.net/global-assessment>



with national legislation, the application of free, prior and informed consent, and improved collaboration, fair and equitable sharing of benefits arising from the use, and co-management arrangements with local communities...”

7. Furthermore, these Guidelines are in line with the United Nations Decade on Ecosystem Restoration 2021-2030² and the United Nations Decade on Ocean Science for Sustainable Development 2021-2030³ which recognize the contribution of Indigenous Peoples and local communities to ecosystem restoration and the importance of traditional knowledge for ocean conservation.

8. These Guidelines contribute to the implementation of Target 3 of the KMGBF which states the following *“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, 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”*.

9. These Guidelines support Indigenous Peoples and local communities’ efforts to conserve biodiversity in their Indigenous and Traditional Territories as a different as the first pathway to conserve biodiversity without the need to be declared a protected area (PA) or other effective area-based conservation measures (OECMs).

10. These Guidelines contribute to the implementation of Target 2 which states the following, *“Ensure that by 2030 at least 30 per cent of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under effective restoration, in order to enhance biodiversity and ecosystem functions and services, ecological integrity and connectivity”*.

11. These Guidelines support Indigenous Peoples and local communities’ efforts to restore biodiversity with their traditional knowledge, innovation and practices.

12. These Guidelines have been developed pursuant to the following decisions:

- Decision 16/4 on the Programme of work on Article 8(j) and other provisions of the Convention on Biological Diversity related to indigenous peoples and local communities to 2030: *“1.1 Develop guidelines, with the full and effective participation of indigenous peoples and local communities, to strengthen the legal and policy framework for the implementation of Targets 2 and 3 of the Framework, including on*

² <https://www.decadeonrestoration.org/strategy>

³ <https://oceandecade.org/>



indigenous and traditional territories, to support the protection and restoration practices led by indigenous peoples and local communities.”

- Decision 15/4 on Kunming-Montreal Global Biodiversity Framework, particularly Goal A, B and targets 2, 3, 5, 9, 21, 22 and 23, and Section C
- Decision 16/31 on Monitoring Framework for the Kunming-Montreal Global Biodiversity Framework, particularly for Target 22 and its headline indicator “22. *Land-use change and land tenure in the traditional territories of indigenous peoples and local communities*” and binary indicator 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*”.

13. Furthermore, these Guidelines take into account the following international instruments and standards:

- a. The Convention on Biological Diversity, (1992).
- b. The Convention No.169 on Indigenous and Tribal Peoples, (ILO 1989).
- c. The International Covenant on Civil and Political Rights, (1966).
- d. The International Covenant on Economic, Social and Cultural Rights, (1966).
- e. The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, (2003)
- f. Akwe:Kon Voluntary Guidelines, (CBD 2004)
- g. The United Nations Declaration on the Rights of Indigenous Peoples, (2007)
- h. The Tkarihwaie:ri Code of Ethical Conduct, (CBD 2010)
- i. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, FAO (2012)
- j. The United Nations Decade of Ocean Science for Sustainable Development 2021-2030, (2017)
- k. The United Nations Decade on Ecosystem Restoration 2021-2030, (2019).
- l. Other Conventions and treaties related to the subject matter



2. OBJECTIVES

14. The objectives of the present Guidelines are:
- to provide guidance for the recognition, respect, promotion and implementation of policies and measures related to Indigenous and Traditional Territories (ITTs) as areas that conserve biodiversity based on their traditional knowledge, innovations and practices.
 - to provide guidance regarding the contribution of Indigenous Peoples and local communities in the restoration of biodiversity through their traditional knowledge, innovations and practices.

3. PRINCIPLES

15. The principles below are intended to promote respect for the rights of Indigenous Peoples and local communities to enjoy, protect, and pass on to future generations their traditional knowledge, innovation and practices relevant for the conservation, sustainable use and restoration of biodiversity in their lands, territories and waters including marine and coastal areas.

Recognition of Indigenous and Traditional Territories including waters occupied or used by Indigenous Peoples and local communities

16. These principles recognize the connection of Indigenous Peoples and local communities to their culturally significant and sacred sites and lands, territories and waters including marine and coastal areas, traditionally occupied or used by them. In this context, traditional land tenure, including marine and coastal areas of Indigenous Peoples and local communities, should be recognized and respected. Governments should establish processes for the recognition and titling of traditional lands and water to the relevant Indigenous Peoples and local communities.

17. Respect and promote Indigenous and Traditional Territories as the first pathway for the conservation of biodiversity by Indigenous Peoples and local communities.

Recognition of Cultural and Spiritual Values

18. This principle recognizes the cosmovision, spiritual and cultural values and customary practices of Indigenous Peoples and local communities, recognizing their intrinsic connections with their lands, territories and waters including marine and coastal areas.

Recognition of Biodiversity Traditional Management Practices



19. This principle recognizes that Indigenous Peoples and local communities maintain biodiversity use, management, and conservation systems based on traditional knowledge, innovations and practices which are key to their territorial planning processes.

Recognition of Traditional Governance Systems

20. This principle recognizes that Indigenous Peoples and local communities maintain governance systems related to biodiversity use, management, and conservation.

21. Recognizes and highlights the need to strengthen Indigenous Peoples and local communities' governance and territorial management institutions as key for the conservation, sustainable use and restoration of biodiversity.

Human Rights-based Approach

22. This principle recognize that any measures established should not affect the human rights of Indigenous Peoples and local communities or limit traditional forms of biodiversity conservation.

Recognition and Respect of Free Prior and Informed Consent

23. This principle recognizes that all measures impacting Indigenous and Traditional Territories should respect the free, prior, and informed consent of Indigenous Peoples and local communities, in accordance with international obligations.

Recognition and Respect for the Culturally-appropriate Restoration Practices.

24. This principle recognizes that all measures and or policies for the restoration of biodiversity on Indigenous Peoples and local communities' lands, territories and waters, including marine and coastal areas, should respect traditional knowledge and should be culturally appropriate.

25. Biodiversity restoration action in Indigenous Peoples and local communities' lands, territories and waters, including marine and coastal areas requires an approach that combines both their traditional knowledge and scientific knowledge for sustainable management.

Recognition of the Full and Effective Participation

26. This principle recognizes that Indigenous Peoples and local communities have the right to fully and effectively participate at all levels in the decision-making processes regarding actions that will impact their lands, territories and waters, including marine and coastal areas, that they have occupied or used.

27. It also includes the promotion of the participation of indigenous women and youth.



4. STRATEGIC ACTIONS

28. The recognition of Indigenous and Traditional Territories and contributions of Indigenous Peoples and local communities in restoration could be done through the following actions.

Secure Land Tenure and Legal Recognition of Indigenous and Traditional Territories as Areas that Conserve Biodiversity

29. This action includes the development of mechanisms, legislation, administrative and policy measures to recognize Indigenous and Traditional Territories as areas that conserve biodiversity.

30. It may take the form of recognition and support, in the national legislation and policy measures, of Indigenous Peoples and local communities' contribution to the conservation and restoration of biodiversity.

31. It may also include the recognition of traditional and customary governance systems, and sacred site protection without requiring classification under external figures such as Protected Areas (PA) or Other Effective area-based Conservation Measures (OECMs).

Traditional Governance Systems

32. This action includes the specific recognition and support of customary governance systems of Indigenous peoples and local communities. This may include customary laws, community protocols, norms, values, rules and procedures of Indigenous Peoples and local communities on their respective lands, territories and waters including marine and coastal areas.

33. It includes the support to Indigenous Peoples and local communities in strengthening their efforts to improve their governance systems, for example, through the recognition and support for community mapping and demarcation, as well as developing Indigenous community monitoring systems.

34. Support Indigenous Peoples and local communities' autonomy in the management of their lands, territories and waters, including marine and coastal areas, through the recognition of their own systems of justice, governance systems and financial support.



Free, Prior and Informed Consent (FPIC) of Indigenous Peoples and local communities

35. This action includes the development of mechanisms, legislation, administrative and policy measures or protocols that ensure Indigenous Peoples are able to grant FPIC before the establishment of any protected area (PA) or OECMs on their lands, territories and waters including marine and coastal areas used or occupied by Indigenous Peoples.

36. This action includes the local communities being able to grant FPIC before the establishment of any protected area (PA) or OECMs on their land, territories and waters, including marine and coastal areas used or occupied by local communities.

Traditional knowledge, Innovations and Practices

37. This action includes the development of mechanisms, legislation, administrative and policy measures or protocols that promote legal protection of traditional knowledge and support its recovery and intergenerational transmission as these underpin Indigenous and Traditional Territories management and for biodiversity conservation.

Mechanism for Conflict Resolution

38. This action includes the development of mechanisms, legislation, administrative and policy measures or protocols on culturally appropriate dispute resolution systems.

Restoration of Ecosystems

39. This action includes the development of mechanisms, legislation, administrative and policy measures or protocols to promote full and effective participation of Indigenous Peoples and local communities in restoration projects, including in the planning, implementation and monitoring processes.

Capacity Building

40. This action includes the development of mechanisms, legislation, administrative and policy measures to support the culturally appropriate capacity building and training for Indigenous Peoples and local communities and public authorities to apply legislation on Indigenous and Traditional Territories.

41. It also promotes training and exchange of experiences in environmental conservation and biocultural restoration within Indigenous and Traditional Territories.

Mechanism for Human Rights Protection

42. This action includes the development of mechanisms, legislation, administrative and policy measures to defend the human rights of Indigenous Peoples and local communities. Including a protection mechanism for Indigenous Peoples and local communities at immediate risk of violence or forcible displacement or relocation.



Full and Effective Participation

43. This action includes the development of mechanisms, legislation, administrative and policy measures to promote the full and effective participation of Indigenous Peoples and local communities, particularly indigenous women and youth in decision-making processes in matters related to Indigenous and Traditional Territories in conservation and restoration of biodiversity including in NBSAPs, national restoration and protected area expansion processes.

Biocultural Monitoring

44. This action involves supporting Community Based Monitoring and Information Systems (CBMIS) for biocultural monitoring conducted by Indigenous Peoples and local communities, utilizing traditional knowledge, innovations and practices, and technological tools for the sustainable use and management of Biodiversity.

Create a National Indigenous and Traditional Territories Information System that Ensures Data Sovereignty (Information is Owned and Controlled by Indigenous peoples and local communities)

45. This action involves the development and maintenance of a national Indigenous and Traditional Territories information system ensuring data sovereignty and ownership by enabling Indigenous Peoples and local communities' control over what is shared and how it is used.

Financial support

46. This action includes the development of mechanisms, legislation, administrative and policy measures to provide financial support for Indigenous Peoples and local communities to conserve and restore biodiversity.

47. Access to finance and resources: Implement direct funding programmes for restoration projects in Indigenous and Traditional Territories led by Indigenous Peoples and local communities.

5. PLANNING, MONITORING AND REPORTING

48. The progress for the recognition of Indigenous and Traditional Territories could be done through the following actions:

- (a) Inclusion of ITTs in National Biodiversity Strategies and Action Plans (NBSAPs) and in national reports.
- (b) Provide input into the evolving Monitoring Framework of the KMGBF (up to 2030 and beyond), particularly in relation to indicators related to targets 2, 3 and 22, and to the



- disaggregation “by indigenous and traditional territories” of headline indicators A.1, A.2, B.1, 2.1, 3.1, 10.2 (see decision 16/31).
- (c) Establish a national and international mechanism to report the contributions of ITTs to the conservation of biodiversity, similar to the World Database on Protected Areas (WDPA)⁴ and the World Database on Other Effective Area-Based Conservation Measures (WD-OECM)⁵ and based on the experience of the Global ICCA Registry.⁶

ANNEX I. OTHER RELEVANT TARGETS OF KUNMING MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

Target 21 Ensure that the best available data, information and knowledge are accessible to decision makers, practitioners and the public to guide effective and equitable governance, integrated and participatory management of biodiversity, and to strengthen communication, awareness-raising, education, monitoring, research and knowledge management and, also in this context, traditional knowledge, innovations, practices and technologies of indigenous peoples and local communities should only be accessed with their free, prior and informed consent,⁷ in accordance with national legislation.

Target 22 Ensure 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 ensure the full protection of environmental human rights defenders.

(D) ANNEX II. RELEVANT ARTICLES OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The United Nations Declaration on the Rights of Indigenous Peoples expressly addresses Indigenous Lands and Territories, stating: “...*indigenous peoples have suffered from historic*

⁴ <https://www.protectedplanet.net/en/thematic-areas/wdpa?tab=WDPA> and

⁵ <https://www.protectedplanet.net/en/thematic-areas/oecms?tab=OECMs>

⁶ <https://www.iccaregistry.org/>

⁷ Free, prior and informed consent refers to the tripartite terminology of “prior and informed consent” or “free, prior and informed consent” or “approval and involvement.”



injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests ...". It recognizes "the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources". And convinced "that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs". It emphasizes "the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world". Articles 25, 26, 27, 28, 29, 30, 31 and 32 recognize the rights of Indigenous Peoples to their lands and territories.

(E) ANNEX III. RELEVANT ARTICLES OF THE ILO CONVENTION 169

The ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989) incorporates substantive elements that are binding on ratifying states. Articles 13, 14, 15, 16, 17, 18 and 19 of this Convention refer to the obligation of the States Parties. Article 14 recognizes, "... *the right of ownership and possession of the peoples concerned over the lands which they traditionally occupy...*" and emphasizes that "*appropriate procedures shall be established within the national legal system to adjudicate land claims made by the peoples concerned*". It is understood that the rights to indigenous lands and territories imply ownership and management of existing natural resources, as stated in Article 15(1) on rights in the direct administration of natural resources.

(F) ANNEX IV. RELEVANT ASPECTS OF THE MO' OTZ KUXTAL VOLUNTARY GUIDELINES

The Mo'otz Kuxtal Voluntary Guidelines in Paragraph 21 states "*Community protocols can help address any number of community issues. They can articulate a number of concerns important to communities, relevant to biological diversity, such as how they intend to: (g) Address sustainable development on their lands*".



(G) ANNEX V. RELEVANT ASPECTS OF THE AKWÉ: KON: VOLUNTARY GUIDELINES

The Akwé: Kon: Voluntary Guidelines state in its Purpose and Approach 1. *“These guidelines are voluntary and intended to serve as guidance for Parties and Governments, subject to their national legislation, in the development and implementation of their impact-assessment regimes. The guidelines should be taken into consideration whenever developments are proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.”*