Forest Declaration Assessment Special Report

PROTECTING NATURE, RESPECTING RIGHTS:

Putting Indigenous and community rights at the heart of National Biodiversity Strategies and Action Plans

November 2023

In December 2022, 188 governments adopted the Kunming-Montreal Global Biodiversity Framework (GBF), collectively committing to a set of ambitious targets to protect and restore global biodiversity. Countries have until October 2024 to translate these targets to national level by updating their National Biodiversity Strategies and Action Plans (NBSAPs).

These NBSAP updates provide a critical opportunity for governments to engage Indigenous Peoples (IPs) and local communities (LCs) as full and equal partners in achieving the GBF targets. NBSAPs founded on a rights-based approach that empowers communities, leverages their knowledge and skills, and ensures respect for their rights offer the best path for achieving ambitious and long-lasting biodiversity conservation gains.

This brief assesses the extent to which IPs' and LCs' rights have been integrated into NBSAP development and implementation processes in the past, assesses initial progress toward integrating rights in NBSAP updates, and recommends how governments can maximize benefits for people and biodiversity through ensuring rights are at the heart of NBSAPs.

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TABLE OF CONTENTS

Key findings

Fewer than one third of assessed countries engaged IPs and LCs when developing their last NBSAPs. Even fewer countries engaged women from these communities. Consultations that did occur were often inadequately funded, had a limited scope, and did not provide meaningful opportunities for IPs' and LCs' voices to be heard.

Only one third of assessed NBSAPs include provisions for strengthening IPs' and/or LCs' rights, despite overwhelming evidence that this is among the most effective biodiversity conservation strategies.

Over two thirds of assessed NBSAPs include strategies to recognize Indigenous and traditional knowledge. However, these strategies focus more on documenting knowledge than on protecting knowledge rights or on implementation.

IPs and LCs are listed as implementation partners in fewer than half of the assessed NBSAPs. Where they are listed, IPs and LCs are typically named as (co-)managers of protected areas but rarely as full and equal partners.

None of the assessed NBSAPs have clear safeguards to protect IP and LC rights, despite extensive evidence of biodiversity conservation violating these rights.

Some countries are involving IPs and LCs in NBSAP updates. However, tight budgets and timeframes may limit effective engagement.

Recommendations

For policymakers and partner organizations

Follow a rights-based approach in NBSAP development and implementation. A rights-based approach recognizes the unique roles and vulnerabilities of IPs and LCs while ensuring all people can access and enjoy biodiversity.

Engage IPs and LCs as full and equal partners in NBSAP development and implementation.

Commit in NBSAPs to respect rights to traditional knowledge, collaborate with IPs and LCs in recording it, and engage them in decision-making.

Include targets and actions in NBSAPs that are aimed at securing IP and LC rights within and beyond protected areas and empowering community-led conservation.

Enshrine safeguards to protect IP and LC rights in laws and in NBSAPs.

Mainstream NBSAPs in national and sub-national laws, policies, and programs.

Include indicators and monitoring measures in NBSAPs to track progress on IPs' and LCs' rights.

Shift framing in NBSAPs from humans as consumers of biodiversity to agents in caring relationships with nature.

Provide IPs' and LCs' groups and organizations direct access to finance to support their participation in NBSAP updates and implementation.

Provide lower income countries with increased access to finance to support extensive NBSAP consultation and FPIC processes.

For IPs and LCs

Strengthen national representative bodies and develop common positions on how governments can better respect and protect IPs' and LCs' rights in NBSAP processes.

Build national and international partnerships and coalitions advocating for a rights-based approach to NBSAPs.

Engage with the International Indigenous Forum on Biodiversity to advocate to the CBD.

Ensure women, youth, remote communities, and other frequently marginalized groups are represented and included in NBSAP processes

1. INTRODUCTION

In December 2022, countries at the 15th Conference of the Parties (COP15) of the United Nations Convention on Biological Diversity (CBD) adopted the Kunming-Montreal Global Biodiversity Framework (GBF). The GBF commits countries to collectively protect 30 percent of land and marine areas and restore 30 percent of degraded ecosystems by 2030 – known as the 30x30 targets – while respecting the rights of Indigenous Peoples (IPs) and local communities (LCs).

The GBF is a landmark agreement that has the potential to reverse ecosystem loss, halt species extinction, and contribute to reducing emissions from forests and other natural ecosystems. Parties to the CBD must translate these global goals into national targets and actions through updating their National Biodiversity Strategies and Action Plans (NBSAPs) by the next CBD COP, scheduled to take place in October and November 2024. NBSAPs serve as the principal instruments for implementing CBD commitments at the national level and provide an important guidepost for biodiversity conservation policy and action. Getting these updates right will be crucial to ensuring the 2030 targets are reached.

IPs and LCs are uniquely effective stewards of forests and biodiversity. Ecosystems managed by IPs and LCs exhibit notably higher rates of biodiversity than other protected areas,[1] and protected Indigenous lands are more effective than other types of protected areas in ensuring forest integrity.[2] Research also shows that 1.65 billion to 1.87 billion IPs and LCs live in important biodiversity conservation areas,[3] and ecosystem services originating from IP- managed lands alone are estimated to be worth USD 1.16 trillion per year.[4]

IPs and LCs have also consistently demonstrated their willingness to engage with governments on biodiversity conservation. Driven not only by a desire to secure their rights but by a strong sense of responsibility to nature, rooted in their respective cosmovisions, IPs, LCs, and their representative organizations have long pushed to have their voices heard both at CBD negotiations and at national level. Working through organizations such as the International Indigenous Forum on Biodiversity, IPs and LCs have successfully pushed for the inclusion of language emphasizing respect for IPs' and LCs' rights within the GBF as well as a new program of work to implement the post-2020 framework in line with IPs' and LCs' rights, knowledge, and practices.[5]

However, despite IPs' and LCs' consistent advocacy and the evidence of their essential role in conserving biodiversity, government- and NGO-led conservation efforts frequently ignore IPs' and LCs' contributions or actively threaten IPs' and LCs' rights.[6] All too often, "fortress conservation" approaches have been employed, excluding people from the ecosystems they depend on and the decision-making processes that affect them.[7] In spite of language on respecting IPs' and LCs' rights in the GBF, there remains a significant risk that governments will resort to exclusionary approaches to show quick progress on the 30x30x30 targets.[8] Previous experience makes it clear: such fortress conservation approaches would be disastrous for both people and planet.[9]

In light of this risk, non-governmental organizations (NGOs) and multilateral organizations are increasingly calling for a rights-based approach at the heart of biodiversity conservation.[10] A rights-based approach ensures all people can access and enjoy biodiversity while specifically honoring the outsized contributions of IPs and LCs, addressing the disproportionate harms biodiversity loss poses to IPs and LCs, and avoiding infringement on human rights by conservation activities. The NBSAP updates currently underway provide a critical opportunity to embed a rights-based approach within national conservation actions.

This Special Report assesses the extent to which IPs' and LCs' rights – and IP and LC women's rights – have been integrated into NBSAP development and implementation processes in the past and provides initial insights into how they are being considered in NBSAP updates. Through identifying successes and shortcomings in these processes, this report proposes recommendations to help governments, donor and partner organizations, and IP and LC representative organizations ensure that the new round of NBSAPs is based on engaging IPs and LC as full and equal partners and ensuring respect for their rights.

2. METHODOLOGY

This brief is the outcome of two parallel pieces of research: a high-level assessment of 27 NBSAPs and in-depth assessments of seven countries' NBSAP development and implementation processes. The authors selected NBSAPs that had a minimum of a second and, in most instances, a third version. These NBSAPs are from countries that have a substantial presence of IPs and LCs and extensive forest ecosystems with high biodiversity values and represent all inhabited continents. **Figure 1** indicates the countries included in each assessment.

1. The high-level assessment involved review of the text of the most recent pre-GBF version of 27 countries' NBSAPs against a set of twelve indicators. The indicators were designed to evaluate whether IPs, LCs, and women were involved in developing the NBSAPs and whether the NBSAPs included provisions to ensure that biodiversity conservation respects and strengthens their rights. Countries received one point for each indicator that they clearly fulfilled. **Figure 1** maps the outcomes of this assessment. **Annex 1** provides a complete list of the indicators and a more detailed explanation of the rapid assessment methodology.

2. The in-depth assessments involved comprehensive case studies of NBSAP development and implementation in **Australia**, **Brazil**, **the Democratic Republic of the Congo** (**DRC**), **Madagascar**, **Mexico**, **the Philippines**, and **Sweden**. In addition to reviewing the text of the most recent NBSAP for each country, the authors conducted desk reviews of relevant policies and interviews to ascertain stakeholders' perspectives on how IPs, LCs, and women were engaged in developing and implementing the NBSAP.

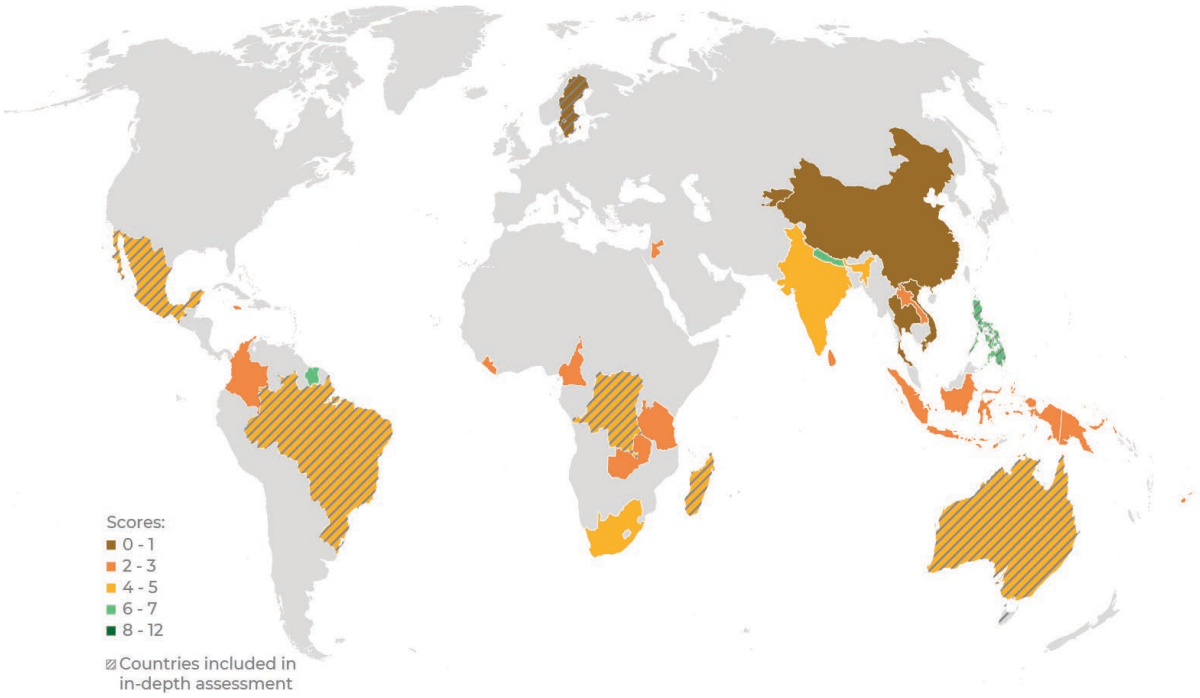
The assessments analyzed the extent to which IPs and LCs and women who are members of those groups have been included in NBSAP development and implementation. There are other groups such as youth, the rural poor, and Afro-Descendant Peoples who contribute to biodiversity conservation and have been historically excluded in NBSAPs. The scope of this analysis was not sufficiently broad to specifically analyze the inclusion of these groups and future research on this may be warranted.

3. FINDINGS FROM NBSAPs ASSESSMENT

The assessment shows that there are major gaps in aligning NBSAPs with countries' commitments to protect and respect IPs' and LCs' rights and to engage communities as equal partners in biodiversity conservation efforts. Out of twelve possible points (1 point for meeting each indicator) the highest score that any country received was seven – achieved by **Nepal** and **the Philippines.** Of the 27 countries assessed, 24 scored positively on less than half of the indicators assessed (**Figure 1**).

The following sections provide a more detailed breakdown of the findings, focused on seven key components of respecting IP and LC rights.

Figure 1. Countries with assessed NBSAPs and how they scored in the rapid assessment



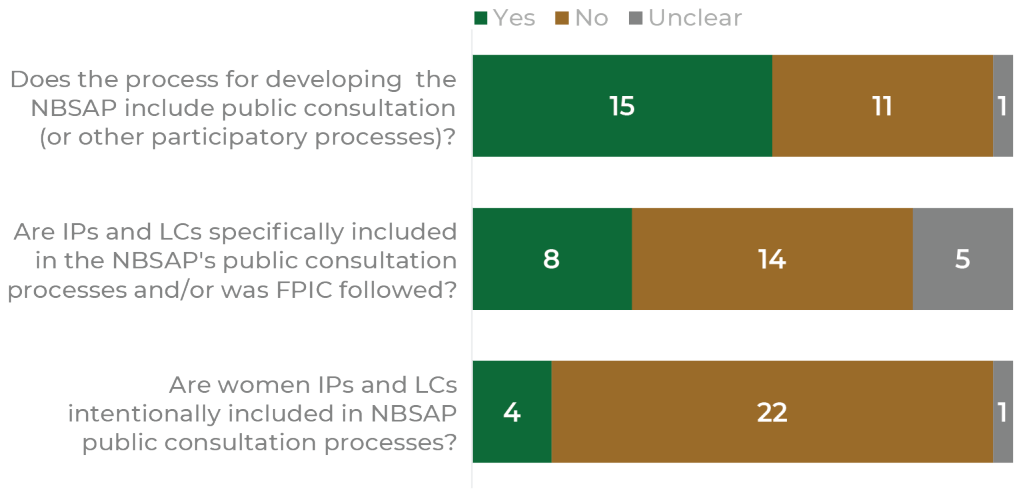
Consultation with IPs and LCs in NBSAP development is limited

Importance of consultations

Engaging IPs, LCs, and women in NBSAP development processes provides an important opportunity to promote rights-based approaches that strengthen biodiversity conservation. IPs and LCs own, manage, and live in many of the most important biodiversity areas in the assessed countries and have extensive knowledge of how to best manage those areas. IP and LC women in particular are often at the forefront of biodiversity conservation by teaching and sharing knowledge and innovation and developing strategies to conserve and sustainably use scarce resources.[11] IPs and LCs are also disproportionately vulnerable to biodiversity loss as they directly depend on local ecosystems for their livelihoods and cultural practices. Actively engaging IPs, LCs, and women is therefore crucial to ensure that their rights and knowledge are protected, and failure to do so heightens risks of loss of ecosystems and biodiversity knowledge.

Just over half (56%) of the 27 assessed NBSAPs indicated that public participation or consultation was undertaken as part of their development. However, only 30 percent of the NBSAPs specifically referred to undertaking consultation with IPs and LCs or following free, prior, and informed consent processes (FPIC) as part of the development of their NBSAP. Just 15 percent – four NBSAPs – specifically mentioned including women from IP and LC groups. **Figure 2** summarizes these findings.

Figure 2. Extent to which public consultation, consultation with IPs and LCs, and consultation with women IPs and LCs was part of NBSAP development



Inclusiveness of consultations

Even where countries did engage IPs and LCs, consultations often had limited scope or did not provide meaningful opportunities for IPs' and LCs' voices to be heard. One common challenge is that IPs and LCs frequently live in remote areas and face barriers to travel to capital cities to attend consultations, and governments do not provide the time or resources to facilitate travel. Budget constraints are also a major limitation for consultations.

- **Mexico's** limited budget for NBSAP development meant that only national-level consultations took place, resulting in limited participation of IPs and LCs.
- **The DRC**, planned consultations in eleven provinces, but budget constraints ultimately resulted in consultations only taking place in five provinces, leaving many communities without the opportunity to participate in NBSAP development.[12]
- **Madagascar** held regional consultations, but its limited budget coupled with the relatively sparse presence of representative bodies for IPs and LCs constrained the expansion of consultations at the local level and, consequently, limited IPs' and LCs' engagement.[13]

The Philippines stands out as an example of a country that had more inclusive consultations for its NBSAP development. The Philippine Department of Environment and Natural Resources - Biodiversity Management Bureau (DENR-BMB) – the agency responsible for NBSAP development – invited Indigenous and local leaders and representatives to consultations held to validate and refine its NBSAP's targets, indicators, actions, roles, and time frames. To allow for broader participation of communities and organizations, five regional consultations were convened. At least 107 civil society representatives, which included IPs' and LCs' advocacy and support organizations, were engaged in the process. A similar strategy will be employed for the Philippines' NBSAP update in 2023 this year.[14]

Importance of well-organized IP and LC representative bodies

The in-depth assessment found that engagement of IPs and LCs at national level is usually more effective in countries where IPs and LCs have well-organized representative bodies.

- In **the Philippines**, the existence of several NGOs that focus primarily on Indigenous rights together with other environmental NGOs who have championed rights-based approaches facilitated relatively strong representation of Indigenous interests in the NBSAP process, despite the challenges raised by an often-hostile attitude of State agencies toward these groups.

- In **the DRC,** IPs' and LCs' representative organizations such as ANAPAC – the DRC National Alliance representing Indigenous Community Conservation Areas (ICCAs) – were involved in the NBSAP consultations. However, despite significant efforts by ANAPAC and other organizations, the incorporation of IPs' and LCs' concerns received minimal attention.[15]

- In **Brazil**, well-organized IPs' representative organizations facilitated their relatively strong (if less than full) participation in the NBSAP process. In contrast, other Brazilian LCs, especially those living outside the Amazon, are less well organized and were not effectively engaged in the NBSAP process.[16]

- In **Sweden**, IPs were not consulted or involved in the development of the country's current NBSAP, despite the existence of a strong Indigenous representative body: the Sami Parliament (the Sámediggi). However, a 2022 law strengthened requirements that the Swedish Parliament consults with the Sámediggi, and the body is part of a working group of government authorities for developing the updated NBSAP under the GBF. [17]

- In **Mexico** and **Madagascar,** the relative absence of unified platforms representing IPs and LCs presented significant barriers to IPs' and LCs' participation in national-level consultations.[18]

Limited resources for consultations

Another challenge to consultation processes in many countries is the meager resources allocated to NBSAP development – and to biodiversity conservation as a whole – in national budgets. Average biodiversity expenditures account for less than one percent of GDP – 0.2 percent of biodiversity's estimated economic value.[19] At the same time, there has been relatively limited international attention to and funding for NBSAP development, which in recent years has been overshadowed by climate change processes.

- In **the DRC**, multiple interviewees pointed to the limited international emphasis on involving IPs and LCs in decision-making pertaining to biodiversity at the time of the NBSAP development, with more emphasis being placed on (and budget dedicated to) ensuring involvement in REDD+ and other climate change processes.[20]

- In **Mexico**, the extremely limited resources available for the development of the NBSAP contrasts with the development of the REDD+ strategy, where international finance allowed for extensive national and regional-level consultations, including with over 12,000 IPs and LCs.[21]

One third of the assessed NBSAPs include securing IP and LC land tenure and rights as a biodiversity conservation strategy

Securing tenure is a powerful biodiversity conservation strategy

Securing IPs' and LCs' tenure and recognizing their historical and ongoing management of ecosystems is one of the most effective ways to protect biodiversity.[22] Evidence from multiple countries shows that titled IPs' and LCs' lands have lower rates of deforestation than other areas.[23] Where IPs' and LCs' rights are secure, there is less deforestation on IPs' and LCs' lands than in national protected areas.[24] Conversely, the absence of secure tenure makes IPs' and LCs' lands more vulnerable to threats from loggers, ranchers, and land grabbers.[25]

The GBF echoes previous global biodiversity targets in counting other effective area-based conservation measures' (OECMs) toward the 2030 targets. This refers to areas other than protected areas which are governed or managed in ways that achieve long-term positive conservation outcomes and can include lands managed by IPs and LCs under traditional governance models.[26] In some cases, recognizing IPs' and LCs' lands as OECMs could lead to stronger rights for communities. An analysis by over 100 scientists and economists suggests that meeting the 30 percent target for nature protection could lead to strengthening IPs' and LCs' rights through OECMs on 63-98 percent more land.[27]

Missed opportunities to strengthen tenure

Despite clear evidence of the value of strengthening, protecting, promoting, or securing IPs' and LCs' tenure or land rights as a strategy to protect biodiversity, only 33 percent of the assessed NBSAPs clearly included this among their targets and actions (**Figure 3**). Over half (52%) of the NBSAPs did not mention IPs' and LCs' land tenure and 15 percent were unclear,[a] for instance referring to the relevance of rights or tenure but not explicitly committing to improving tenure as a conservation strategy. None of the 27 NBSAPs identified recognition of IP and LC women's rights or tenure as a biodiversity conservation strategy, despite evidence that women are key users of land and forest resources and are often the holders of traditional knowledge.[28]

Notably, the threats to biodiversity that assessed NBSAPs identify are often related to land use – such as the expansion of agriculture, overharvesting of resources, and encroachment in protected areas. Such threats can be addressed by securing land tenure, clarifying use rights, improving livelihoods, and following IPs' and LCs' leadership in designing management and conservation strategies. Yet, NBSAPs consistently fail to make the link between the land use-related threats to biodiversity they identify, and possible land-use related solutions such as securing IPs' and LCs' rights and improving livelihoods.

The absence of targets for formalizing IPs' and LCs' rights is particularly noteworthy in countries where large numbers of IPs and LCs lack formal recognition.

- In **Madagascar**, many IPs and LCs reside in self-defined Indigenous and Community Conserved Areas and Locally Managed Marine Areas. Despite the Malagasy laws allowing for the establishment of Community Protected Areas and the transfer of management responsibilities for specific resource areas to LCs, these areas lack formal legal recognition. [29] While Madagascar's NBSAP

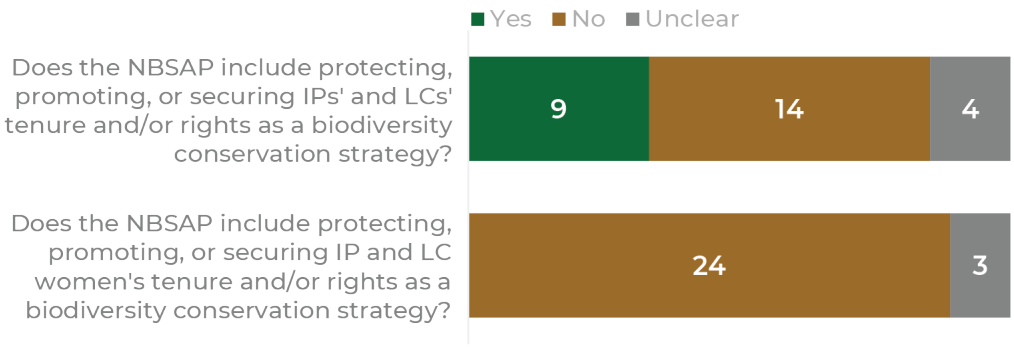
[a] "Unclear" classified NBSAPs that made some reference to the assessed indicator but did not specifically fulfill it. In this case, NBSAPs were unclear if they referenced land rights or tenure but did not explicitly name securing or improving rights and tenure as a biodiversity conservation strategy.

emphasizes a participatory approach involving LCs in the creation and management of Protected Areas, it does not acknowledge these specific areas or include provisions for their legal recognition.[30]

- When **the DRC's** current NBSAP was developed in 2016, the country's Constitution classified all land as state property,[31] although customary possession of forests by LCs and the possibility of securing this possession through "Local Community Forest Concessions" was recognized. [32] The DRC's 2016 NBSAP did provide for strengthening community forestry,[33] but otherwise did not commit to strengthening land tenure rights. In recent years, however, there have been notable efforts to strengthen IPs' and LCs' rights in the DRC, in particular through the adoption of the National Land Policy in November 2021.[34] The National Land Policy recognizes both collective and individual rights and titles, enforces the principle of FPIC, and introduces decentralized land management tools such as local land charters and community land cadasters and registers. According to government representatives, these strengthened IP and LC rights will be reflected in the ongoing updates to the DRC's NBSAP.[35]

- The absence of targets related to IPs' and LCs' land rights also stands out in **Sweden**, where 50 percent of the country's territory is covered by Sami reindeer herding districts,[36] but IPs and LCs are not mentioned in the NBSAP at all.

Figure 3. Extent to which NBSAPs include securing IPs' and LCs' rights as a conservation strategy



Commitments to formalize Indigenous Community Conservation Areas

The Philippines is among the minority of countries to explicitly target formalizing customary rights as a biodiversity conservation strategy. The country's NBSAP aims to identify all known Indigenous Community Conservation Areas and Local Conservation Areas by 2028, with actions undertaken to strengthen their recognition through mapping and documentation. From 2011 to 2019, two GEF-funded projects were implemented by the United Nations Development Program (UNDP) and the Philippine DENR to identify these conservation areas and strengthen their protection and management.[37] As of 2023, 16 Philippine Indigenous Community Conservation Areas had been listed under the global Indigenous Community Conservation Areas registry.[38] However, an Indigenous Communities Conserved Territories and Areas Bill that is intended to clarify the legal status of Indigenous Community Conservation Areas and reconcile problems faced by IPs and LCs in national parks stalled in the Congress and Senate.[39] As such, Indigenous Community Conservation Areas in the Philippines remain vulnerable to resource extraction concessions and other environmental violations.

Australia's NBSAP includes a commitment to 'respect and maintain' traditional stewardship of nature and includes extending Indigenous Protected Areas (IPAs) or other co-management as a 'progress measure' of the strategy.[40] While it did not include and specific targets for this, there is evidence that Australia is

expanding its IPAs and Indigenous ranger programs. According to the Australian Department of Climate Change, Energy, the Environment and Water, 82 IPAs cover 87 million hectares of land and 5 million hectares of ocean—making up more than 50 percent of Australia's National Reserve System—and the Australian government has committed to provide AUD 231.5 million in grants to the IPAs over the next 5 years from 1 July 2023.[41] As of July 2022, there were over 200 Indigenous ranger and IPA projects.[42]

Threats persist in recognized lands

In **Brazil** and **Mexico**, the majority of IPs' and LCs' lands are formally recognized. However, many of these lands remain vulnerable to threats from illegal loggers, ranchers, and miners, as well as from government-backed projects that can override formal tenure rights. Brazil's NBSAP includes actions explicitly aimed at reverting the intrusion in Indigenous lands by removing occupants and ensuring full possession by Indigenous people. Mexico's NBSAP, in contrast, does not explicitly target the protection of Indigenous lands. However, it does include actions to enhance IPs' and LCs' capacities to manage protected areas, including those they voluntarily establish on their own lands with a view to providing additional protection against would-be intruders.

The shortcomings of previous NBSAPs in committing to recognizing and securing IPs' and LCs' land tenure as a conservation strategy represent a major missed opportunity that countries would do well to seek to address in current update processes.

IPs' and LCs' rights to traditional knowledge tend to be better acknowledged and respected than other rights in NBSAPs

Roots of traditional knowledge rights in biodiversity frameworks

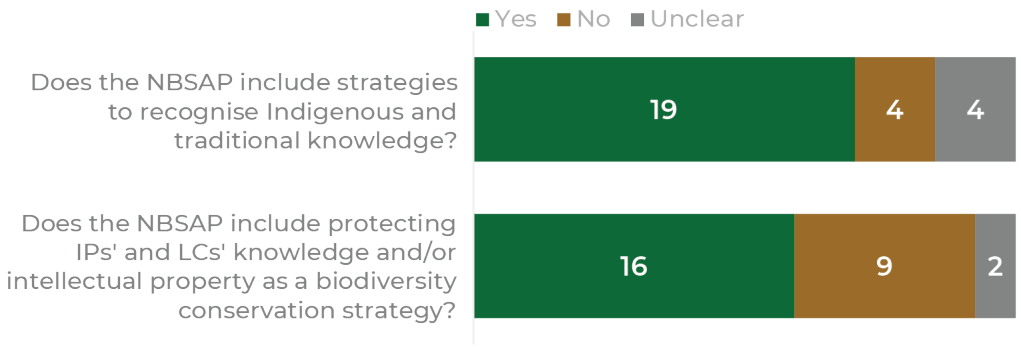
Involving IPs and LCs in decision-making processes regarding traditional knowledge is essential for Parties to meet their commitments under the CBD and necessitates meaningful participation from IPs and LCs. Article 8(j) of the CBD explicitly requires Parties to "respect, preserve and maintain knowledge… and encourage the equitable sharing of the benefits arising from the utilization of such knowledge."[43]

Numerous global targets and agreements adopted over the past two decades have reinforced this commitment. These include the Aichi targets and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization.[44] The Nagoya Protocol requires that benefits from genetic resources are shared fairly and equitably and that governments ensure prior and informed consent or approval and involvement of IPs and LCs for access to traditional knowledge associated with genetic resources.

Mixed progress in protecting traditional knowledge

Reflecting this long history of commitments to protecting traditional knowledge associated with biodiversity, countries are more advanced in protecting IPs' and LCs' knowledge rights than they are in protecting other rights of IPs and LCs. 70 percent of the assessed NBSAPs included strategies to recognize Indigenous and traditional knowledge, and 59 percent included protecting IPs' and LCs' knowledge as a biodiversity conservation strategy (**Figure 4**).

Figure 4. Extent to which NBSAPs include strategies to protect IPs' and LCs' knowledge and intellectual property



Several countries incorporate measures to protect traditional knowledge in their NBSAPs, aligning with Aichi Targets 18 and 16. **Madagascar**, **the DRC**, and **the Philippines** have set ambitious goals to establish comprehensive legal, regulatory, and administrative provisions for accessing genetic resources and ensuring equitable benefit sharing. However, progress in achieving these targets appears to be slow in both nations.

- In **Madagascar**, three GEF-funded pilot projects have facilitated the creation of community registries, outlining guidelines and terms for local communities to govern their access to and utilization of biological and genetic resources, along with associated traditional knowledge. [45] Nevertheless, according to governmental stakeholders, the extensive consultation prerequisites and associated costs involved in developing a robust regulatory structure to safeguard traditional knowledge are impeding the implementation of a dedicated national framework.[46] In addition, a 2017 decree mandates adherence to the principle of 'Prior Informed Consent'[b] for anyone seeking to harness genetic resources.[47] Nonetheless, the specific texts required to operationalize this decree are still pending.

- Meanwhile, in **the DRC**, governmental reshuffling and transitions have delayed the organization of the competent national authority and the endorsement of regulations needed to implement the Nagoya Protocol. [48]

- To increase economic opportunities associated with biodiversity conservation and knowledge for Philippine IPs and LCs, **the Philippines**' DENR and UNDP in the Philippines are receiving funding from the GEF to implement a "National Framework on Access and Benefit Sharing of Genetic Resources and Associated Traditional Knowledge."[49, 50]

In contrast to the Philippines, Madagascar, and the DRC, **Australia** does not currently have laws to recognize and protect the intellectual property rights of Indigenous Australians.[51] However, Australia's NBSAP pledges to collaborate with Indigenous communities to preserve their knowledge, and also emphasizes their involvement in the decision-making processes by aspiring to recognize and use "Indigenous ecological knowledge in interpretation, practices and decisions relating to environmental management." Australia's intellectual property rights agency has an Indigenous Knowledge initiative that has included consultations with Aboriginal and Torres Strait Islander People, who identified that there are

[b] The language requires 'Consentement Préalable donné en Connaissance de Cause (CPCC), (Prior Informed Consent' from the Malagasy state, private landowners, relevant local communities, and holders of the traditional knowledge, as applicable, for anyone seeking access to Madagascar's genetic resources and the associated traditional knowledge. This language reflects the terms of the Nagoya Protocol on Access and Benefit-sharing.

gaps in the Australian intellectual property system with regard to ensuring Indigenous people have control, protection, recognition, and respect for their knowledge.[52] The agency's Indigenous Knowledge Work Plan 2022-23 identifies six objectives related to enhancing partnerships, consultations, and engagement with Aboriginal and Torres Strait Islander peoples. The plan, however, makes no reference to biodiversity.[53]

Documenting traditional knowledge

Countries adopt distinct strategies in approaching the documentation of traditional knowledge, a significant element of protecting IPs' and LCs' knowledge.

- **The Philippines**' NBSAP notes the value of Schools of Living Traditions[54] (SLTs), a program by the National Commission for Culture and the Arts (NCCA) that documents Indigenous knowledge, systems, and practices and enables holders of knowledge (called "culture bearers," "masters," or "specialists") to transfer their knowledge, practices, arts, and crafts to young people from culture bearers' own ethno-linguistic communities.[55] While a promising initiative, experts note that SLTs are limited in their reach, and lack systematization and monitoring.[56]

The rights of women IPs and LCs as traditional knowledge holders are ignored

The majority of NBSAPs do not mention IP and LC women's rights or knowledge. Among the assessed NBSAPs, only **Mexico**'s makes explicit reference to women's rights, outlining measures to "rescue, collect, systemize and protect traditional knowledge of Indigenous peoples and local communities, particularly that of women."[57]

Overall, while Indigenous and traditional knowledge is more frequently mentioned in NBSAPs and corresponding national laws than other considerations for IPs and LCs, NBSAPs and legal systems still consistently fall short in protecting this knowledge from exploitation, ensuring adequate benefit sharing, or enabling IPs and LCs to continue to access the biodiversity resources that allow them to innovate and transmit their knowledge to future generations. NBSAPs are particularly weak in recognizing the knowledge of IP and LC women.

NBSAPs have inadequate safeguards to ensure that biodiversity conservation respects IPs' and LCs' rights

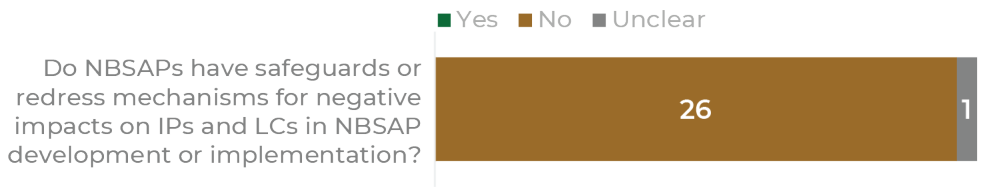
Safeguarding against fortress conservation

Safeguards are required to ensure that IPs and LCs are not displaced, unable to practice their livelihoods or cultural traditions, criminalized, or otherwise harmed by the implementation of NBSAPs. Ensuring FPIC is obtained prior to the establishment or expansion of protected areas on land that IPs and LCs own, manage, or use is one essential safeguard, as are the protection of IPs' and LCs' knowledge rights (described above) and the security of land tenure and use rights.

Absence of clear safeguards

None of the 27 NBSAPs reviewed have clear safeguards or redress measures for negative impacts on IPs and LCs from NBSAP development or implementation (**Figure 5**). This is of particular concern in light of the "alarming violations"[58] of Indigenous rights frequently committed in the course of conservation initiatives, including the establishment of protected areas, as documented by the UN Special Rapporteur on the Rights of Indigenous Peoples. Without safeguards, IPs and LCs face loss of cultural and livelihood resources, criminalization, abusive prosecution, forced evictions and displacement, physical violence, and killings.[59]

Figure 5. NBSAPs lack safeguards or redress mechanisms for IPs and LCs



In many of the assessed NBSAPs' countries, IPs' and LCs' rights to FPIC are not guaranteed by national laws and land tenure is not secure. This leaves IPs and LCs vulnerable to the creation, expansion, or re-categorization of protected areas in ways that violate their rights to use, access, and reside in forests and other areas.

- In **the DRC**, until recent tenure reforms and the enactment of the Law for the Protection and Promotion of the Rights of Indigenous Pygmy Peoples,[60] the legal framework did not fully integrate FPIC, and conservation efforts in the country often failed to engage communities, leading to local skepticism of these initiatives. The DRC's current NBSAP lacks provisions to ensure that future biodiversity conservation does not further displace IPs and LCs and to address adverse impacts on IPs and LCs from previous biodiversity protection efforts.

- **Sweden** has not codified FPIC and recognizes Indigenous land rights only for the minority of Sami people who belong to cooperative reindeer herding organizations known as Sameby.[61] How members of Sameby use their land and resources is restricted to activities related to reindeer husbandry and hunting and fishing. [62] Sweden's NBSAP makes no reference FPIC or to any other safeguards against negative impacts on IPs and LCs.

Most NBSAPs fall short of committing to robust safeguards such as full FPIC or true guarantees of land tenure security. However, some NBSAPs include IPs and LCs through co-management arrangements. For instance:

- **Brazil's** NBSAP does not include comprehensive safeguards, but it proposes the development of 'co-existence agreements' when there is an overlap between Indigenous Land and federal Protected Areas to develop and implement joint land management plans.[63]

- **Madagascar's** NBSAP does not explicitly address the potential impacts of NBSAP development or implementation on IP and LCs. It includes strategic guidelines for a participative approach to involve LCs in the creation and management of protected areas but stops short of requiring that FPIC is obtained.[64] This is particularly concerning because Madagascar's national regulations on protected areas do not provide any protection to LCs that do not have formal land titles. A 2019 evaluation indicates that, while IPs and LCs participate in the implementation of the strategic guideline for the management of specific areas, land disputes stemming from limited community decision making in governance and unfamiliarity with prevailing legislation present an ongoing challenge.[65]

- **Sweden's** NBSAP does not mention co-management. However, nine Sami communities advocated for and achieved roles as co-managers of Laponia, a World Heritage site that covers 9,400 square kilometers in northern Sweden and overlaps four national parks and nine Sami herding districts.[66] After the World Heritage site was designated in 1996, Sami reindeer herding communities spent years advocating that they should be managers of the land because as Laponia's Indigenous residents they are uniquely knowledgeable and capable of managing its land and resources. [67] As a result of that advocacy, a joint management regime was established in 2011, through which Laponia is co-managed by the nine herding communities, representatives from the county administration,

the Swedish Environmental Protection Agency, and the two local municipalities. Decisions are made by consensus, but the Sami communities do not have the ability to fully exercise their own authority over the site.[68]

Relevance of existing legal safeguards

In countries that already have strong FPIC requirements, these typically apply to activities implemented under the NBSAP and will often be referenced in the documents.

- In **Mexico**, FPIC is required for the adoption of laws that directly affect the rights of IPs and LCs.[69] This includes the creation of protected areas, which could occur as a result of NBSAP implementation. Mexico's NBSAP calls for FPIC processes to be respected, but it does not adopt any specific safeguards to ensure this.

- Similarly, **the Philippines** has legislation requiring the full FPIC process for the declaration and management of protected areas, forestry management projects, and bioprospecting.[70] The Philippines' NBSAP reiterates the requirement for FPIC under several interventions, namely for infrastructure development in protected areas and applications for bioprospecting permits. However, this is not always effective in practice. Even though the Philippines' legal system recognizes FPIC and sustainable traditional resource rights,[c] activities like the collection of non-timber forest products in protected zones are often disallowed or subjected to long permitting processes.

IPs and LCs are sometimes engaged in the implementation of NBSAPs but rarely as full and equal partners

IPs and LCs are effective partners

As discussed above, IPs and LCs are highly effective stewards of ecosystems and have consistently demonstrated willingness to engage as partners in biodiversity conservation. They also own and occupy a large share of important biodiversity conservation areas. Engaging IPs and LCs as full and effective partners in the achievement of NBSAP targets and the implementation of actions is therefore crucial not only for safeguarding their rights, but also for maximizing the effectiveness of conservation measures.

Only 41 percent of the NBSAPs reviewed explicitly list IPs and/or LCs as implementation partners (**Figure 6**). A further 11 percent were unclear as to whether IPs and LCs would support implementation. For instance, some included references to broader categories of stakeholders that could include IPs and LCs but did not mention these groups specifically. **India's** NBSAP was the only assessed NBSAP to explicitly mention women IPs and LCs as partners.

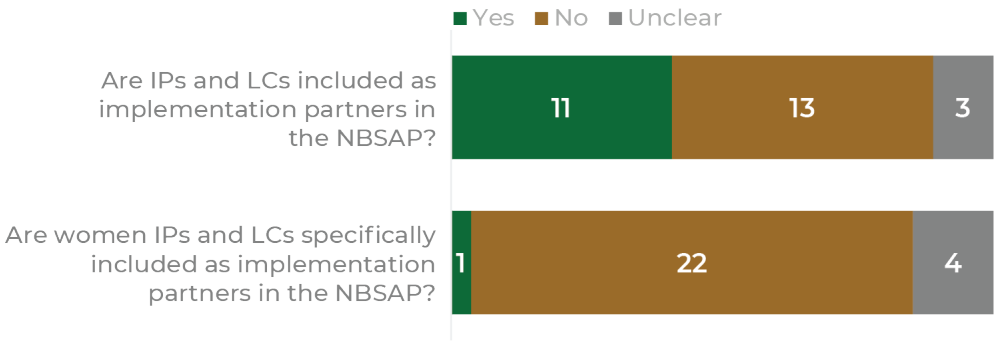
[c] Sustainable traditional resource rights" are defined by the Philippines' Department of Environment and Natural Resources as the "[r]ights of...IPs to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices." See more at: DENR-FASPS. (2023). Sustainable traditional resource rights.

Indigenous and community protected areas

The most common role that the assessed NBSAPs identify for IPs and LCs is participation in the management of protected areas. In some countries, IPs and LCs can voluntarily designate their lands as protected areas, and several NBSAPs explicitly target the creation of such areas. For instance:

- **Mexico**'s NBSAP aims to support and promote the establishment of Areas Voluntarily Destined for Conservation on IPs' and LCs' lands, allowing communities to establish their own land use criteria and thereby safeguard them from outside pressures.
- **Brazil**'s NBSAP includes funding for the development and implementation of Territorial and Environmental Management Plans (PGTAs), which promote the environmental protection of Indigenous Lands, and the delimitation of these lands in various biomes.
- **The Philippines**' NBSAP aims to identify and document all known ICCAs and Local Conservation Areas by 2028. Moreover, the Indigenous Peoples Rights Act assigns IPs and LCs the responsibility of maintaining ecological balance and restoring denuded areas in their certified ancestral domains.[71]
- **Australia**'s NBSAP aims to increase the number and extent of IPAs, though it does not include specific targets for this.[72]

Figure 6. Extent to which IPs and LCs are included as implementation partners in NBSAPs



Engaging IPs and LCs in protected area management

Some NBSAPs provide for the involvement of IPs and LCs in the management of protected areas beyond their designated lands. For example:

- **Madagascar**'s NBSAP cites the revision of the Protected Areas Management Code in 2015, which provided opportunities for a broader range of stakeholders—including local communities, associations, and NGOs—to actively participate in the governance and management of Protected Areas.
- **Mexico**'s NBSAP proposes enhancing stakeholders' capacities – including those of IPs and LCs – to manage protected areas; ensuring IP and LCs participation in ecosystem restoration; and developing mechanisms to increase the participation of the social sector in conservation, for instance by developing fiscal incentives to enhance participation of IPs and LCs and women in conservation processes.
- **Australia**'s NBSAP specifically lists Aboriginal and Torres Strait Islander people and women as stewards of nature and names its Indigenous ranger programs as one avenue to support stewardship.[73] Australia's previous NBSAP had a specific target to increase IPs' employment and participation in biodiversity conservation by 25 percent by 2015.[74] The current NBSAP does not have

this target and it is not clear if the target was achieved. However, as of 2022, Indigenous ranger programs provided 2,700 government-funded jobs associated with Indigenous conservation, one third of which were held by women.[75] While Australia's NBSAP implies that Indigenous Australians are essential for Australia's biodiversity conservation plans, their roles are not detailed in the NBSAP.

IPs and LCs in national-level implementation

It is relatively rare for the assessed NBSAPs to include a role for IPs and LCs in national-level implementation. However, there are some notable exceptions:

- **The DRC**'s NBSAP explicitly recognizes IPs, along with other stakeholders, as collaborators for executing two key actions: formulating regulatory measures concerning access and benefit sharing and crafting the national strategy regarding access to resources and benefit sharing.[76] However, at the time of writing, these efforts have yet to materialize because the legislation governing access to genetic resources and benefit sharing is still pending in its effectiveness.

- **Sweden**'s NBSAP does not mention IPs or LCs, however, since 2021, the Sámediggi has a mandate to act as the focal point for Sweden's implementation of the Center for Biological Diversity (CBD) articles on traditional knowledge and customary use of biodiversity (**Box 1**).

Box 1. Sweden: Sami Parliament CBD Focal Point mission

Sweden's NBSAP makes no reference to Indigenous People or the Sami people, despite legal recognition of Sami reindeer herding districts, which cover about 50 percent of Sweden's national territory. However, in 2021 the Swedish government gave a mandate to the Sámi Parliament (Sámediggi) to act as the focal point for Sweden's implementation of the CBD's articles on traditional knowledge and customary use of biological resources, Articles 8(j) and 10(c).[77,78] This appointment followed 15 years of work and a proposal by the Sámediggi, the Swedish Environmental Protection Agency, and the SLU Swedish Biodiversity Centre.

As the focal point, the Sámediggi works in collaboration with SLU Swedish Biodiversity Centre to coordinating efforts to acknowledge, respect, and encourage sustainable use of all traditional knowledge in Sweden. Their work covers both Sami traditional knowledge and the traditional knowledge of other Swedes. The focal point mission began by convening a working group that includes the Environmental Protection Agency, County Administrative Boards, and organizations representing traditional knowledge holders, including Sami and non-Sami herders and fishers. This consultative group aims to develop a process to acknowledge, respect, and encourage traditional knowledge and sustainable customary use, and to train government authorities in appropriate consultation practices.[79]

Activities being implemented by the Sámediggi focal point mission and partners at the SLU Swedish Biodiversity Centre include training County Administrative Boards on how to respect and follow Articles 8(j) and 10(c) and developing awareness-raising efforts such as a digital training program to provide information about traditional knowledge and sustainable customary use of biological resources in Sweden and the focal point mission.

However, the legal influence of the Sámediggi is limited. While a 2022 law requires consultations with the Sámediggi and Sami representatives on issues that affect them, including biodiversity issues in reindeer herding districts, the law does not require FPIC and the government is free to end consultations where it determines consensus cannot be reached.[80] Within the context of the CBD focal point mission, the Sámediggi and SLU Swedish Biodiversity Centre are promoting compliance with this law and other good practices for consultation by engaging with government authorities about how to conduct consultations with all groups of knowledge holders in decision-making processes.

The initial mandate for the Sámediggi as the focal point to coordinate implementation of Articles 8(j) and 10(c) runs until the end of 2023, but the mandate is expected to be renewed. The Sámediggi and Swedish Biodiversity Centre will conclude by submitting a report of recommendations to the Swedish government. The Sámediggi is also part of the working group that is making suggestions for updating Sweden's NBSAP under the GBF.

IPs and LCs as full and effective partners

Even where NBSAPs do recognize the role of IPs and LCs in implementation, they are rarely considered full and equal partners:

- In **the Philippines**, despite the allocation of seats for IP representatives on Protected Area Management Boards, studies have found that these governance mechanisms are ultimately less effective at facilitating inclusion and participation due to the expenses associated with attendance, gaps in capacity building and information dissemination, and inconsistencies between these formal structures and collective community decision making.[81] At other times, concerns of Indigenous communities have also been brushed aside by other members of these Management Boards, and it has been documented that Indigenous representatives are sometimes left out of decision making entirely.[82]

- Similarly, as explained in **Box 1**, while **Sweden** mandates consultations with the Sami people on issues that affect them, government authorities can ultimately overrule Sami viewpoints.[83]

- Indigenous authors of **Australia**'s State of the Environment report emphasize that while Indigenous stewardship is recognized in Australian laws, "current laws, policies and management approaches continue modes of colonialism and are inherently limited in their ability to wholly support Indigenous self-determination."[84]

NBSAPs are often insufficiently implemented and mainstreamed into national policy decisions

Absence of monitoring and evaluation measures

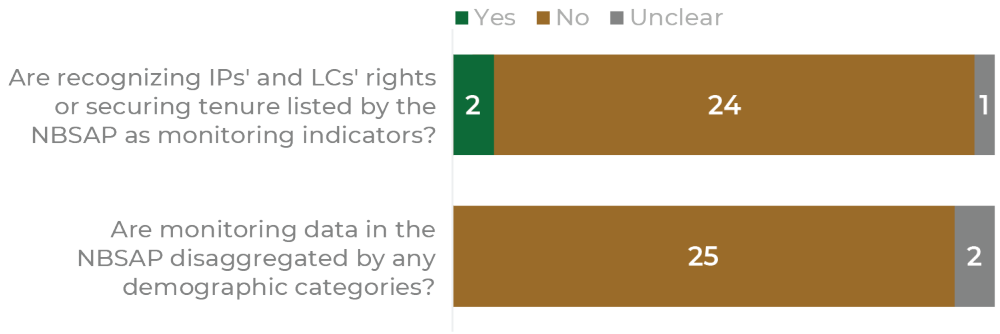
While national biodiversity conservation efforts can pose threats to IPs and LCs, they can also serve to protect the areas they own and live on from outside threats. Despite their shortcomings, many of the NBSAPs assessed include important measures that, where properly implemented, can support IPs and LCs in conserving their lands and protecting them from outside threats.

All too often, however, implementation of NBSAPs is sorely lacking and monitoring and evaluation measures are weak or absent. Few NBSAPs include specific targets or indicators to monitor and evaluate progress in implementing the NBSAP. Where they are present, these indicators are often not directly tied to challenges and threats to biodiversity identified in other sections of the NBSAP. None of the assessed NBSAPs evaluated or disaggregated monitoring data by demographic characteristics, which would enable understanding of impacts on specific groups, such as IPs and LCs (**Figure 7**).

- **Mexico**'s NBSAP includes a recommendation to create a formal monitoring system including several institutions—among them the National Institute of Indigenous Peoples . However, this was not implemented, likely due to an absence of political will.

- **Australia**'s second NBSAP included seven quantitative national targets—including a 25 percent increase in employment and participation of Indigenous peoples—but its more recent third NBSAP lacks these quantitative measures. It is not clear why Australia made this change.

Figure 7. Extent to which NBSAPs monitor IPs' and LCs' rights and land tenure, or by demographic categories



Measuring advances in land tenure

Across all the assessed NBSAPs, only two include a monitoring indicator related to land tenure:

- **South Africa's** NBSAP lists the number of settled land claims in protected areas and other areas designated for biodiversity conservation as indicators of biodiversity conservation supporting the land reform agenda and socio-economic opportunities for communal land holders. However, the NBSAP also notes that these indicators are not currently being monitored.[85]

- **Australia's** NBSAP identifies the "number and extent of terrestrial and marine IPAs, other co-management areas, and Indigenous ranger programs" as one of its "progress measures." It also includes a progress measure on "Indigenous rangers and Indigenous ranger programs managing land and seascapes."[86]

Integrating actions in national plans and policies

In many cases, NBSAP targets and actions are not integrated into national development plans or sectoral policies, resulting in conflicts between biodiversity conservation and other priorities:

- The most recent Philippine Development Plan 2023-2028 makes mention of only one NBSAP target, indicating that biodiversity conservation is not among the government's development priorities.[87] **The Philippines**' NBSAP targets are also not sufficiently communicated to local government units, and as such may not form part of local land use or environmental plans. IPs and LCs are particularly concerned about moves to provide expedited business processes for mining operations and energy facilities as many mineral-rich areas and identified locations for large-scale energy projects overlap with Ancestral Domains and traditional territories.[88]

- In **Brazil**, the political climate of recent years placed unprecedented pressure on Ips' and LCs' lands and made the implementation of NBSAP actions aimed at strengthening Ips' and LCs' rights and capacities incredibly challenging. In addition, a barrier to the implementation of the current NBSAP seems to be the disconnection of the targets with the economic issues faced on the ground and the economic priorities of the country and the communities.

- Similarly, **Mexico**'s NBSAP has no legal status, and the government has taken few efforts to mainstream its provisions across sectoral strategies, or even within other environmental policies. This likely reflects limited political will, which has seen low priority being given to biodiversity protection.[89]

Stronger legal status in Sweden

Sweden's NBSAP is unique in that it is an excerpt of the 2013 Swedish government bill, "A Swedish strategy for biodiversity and ecosystem services," which gives it a stronger legal status than many other NBSAPs. It explicitly aligns with Sweden's 16 Environmental Quality Objectives, which guide Swedish environmental policy, and derives its ten time-bound, qualitative targets from the Aichi targets and the European Union 2020 Biodiversity Strategy. However, as noted above, the Swedish NBSAP makes no reference to IPs and LCs.

Challenges remain in fully engaging IPs and LC in NBSAP updates

A unique opportunity

As policymakers move to translate the GBF into national targets and actions through updating their NBSAPs ahead of COP 16 in late 2024, they have a unique opportunity to build lasting partnerships with IPs and LCs on biodiversity conservation. Through engaging with communities as full and equal partners and placing a rights-based approach at the center of NBSAPs, policymakers can enable fairer, more effective, and more ambitious action to meet the global 2030 targets.

Some promising signs

In several countries, there are indications that governments are taking meaningful steps to involve IPs and LCs in current NBSAP update processes:

- In **Brazil**, the Ministry of Environment and Climate Change plans consultations targeted specifically to IPs and LCs, with the support of the new Ministry of Indigenous Peoples.
- In **the Philippines**, IPs and LCs and allied organizations will again be invited to participate in the process, and the government has already begun to coordinate with existing partners to help identify potential participants and mobilize resources to support the consultation process.
- In **Sweden**, the Sámediggi is part of the working group for updating the NBSAP.

Better organization and government openness

In both **Madagascar** and **the DRC**, better organization of IPs and LCs coupled with greater government openness to engaging with communities in recent years has created a more positive outlook for forthcoming NBSAP updates:

- In **the DRC**, the Consultation Framework of Civil Society Organizations and Indigenous Peoples for Biodiversity (COSPAB)—a platform formed by Civil Society and IP and LC Organizations to ensure IP and LC interests are reflected in decision making, planning, and executing biodiversity-related actions—coordinated closely with the government in negotiations on the GBF and is already engaged in the NBSAP update.[90]
- Similarly, in **Madagascar**, the government is engaging with the MIHARI network—established in 2020 to represent IPs and LCs in Locally Managed Marine Areas (LMMAs)—with a view to incorporating LMMAs, which are absent from the current NBSAP, into the forthcoming strategy.[91]
- It is not clear whether Aboriginal and Torres Strait Islander Peoples will be engaged in the development of **Australia**'s updated NBSAP. However, their key role in Australia's protected areas programs and apparently growing recognition in Australian policy are hopeful indications that the work of Indigenous Australians to gain legal standing will lead to inclusion in NBSAP processes.

Funding and timing present challenges

However, even in these countries, there are already signs that IP and LC engagement will not be fully inclusive, with limited funding and tight timelines presenting major barriers:

- In **Sweden**, while the Sámediggi is part of a working group of government authorities developing the updated NBSAP under the GBF, the short response time allowed for comments on the draft NBSAP could mean that not all Sámi or other Swedish people and groups were able to give input. [92]

- In both **Madagascar** and **the DRC**, funding limitations are likely to place a strain on efforts to engage communities, particularly at local levels. Stakeholders in Madagascar pointed to challenges arising from the engagement of numerous international, national, and regional actors, demanding effective coordination within the NBSAP update process.

- **Brazil's** Ministry of Environment has highlighted that ensuring participation and inclusion of IPs and LCs in the planning and implementation of the new GBF will be a challenge, though it did not elaborate on what those challenges are.[93]

- **Mexico** will not fully update its NBSAP given that the time horizon of the current version is 2030. Instead, Mexico is taking steps to align the current NBSAP with the 2030 GBF. This will mostly involve internal discussions with government agencies, and, while some workshops with other non-governments stakeholders, including IPs and LCs, will take place, no major changes are expected to be made as a result of those workshops.

4. RECOMMENDATIONS FOR IP AND LC INCLUSION IN NBSAPS

Ensuring IPs and LCs are engaged as full partners and empowered as leaders in NBSAP development and implementation is critical to achieve biodiversity conservation goals.

Full and effective engagement with IPs and LCs in NBSAP updates is an important first step in adopting a rights-based approach. However, this must be followed by ongoing engagement in NBSAP implementation, coupled with adequate mandates, resources, and supporting legal and policy frameworks that enable IPs and LC to effectively implement biodiversity conservation measures. Even in countries where there are promising signs of IP and LC engagement in NBSAP updates, limited financial and technical capacities together with ongoing threats to their lands create major challenges for communities. Massively scaled-up direct access of IPs and LCs to biodiversity finance will be essential for ensuring they can fulfill their role at the center of national biodiversity conservation efforts.

Governments, donors, local and international civil society and research organizations, and IP and LC organizations can all take action to follow a rights-based approach and increase the involvement of IPs and LCs in the development and implementation of NBSAPs.

Governments

In most cases, governments are the primary authors and implementers of NBSAPs. In this role, governments hold great responsibility to engage IPs and LCs as full and equal partners in biodiversity conservation. To achieve this, governments should:

- Commit to and allocate sufficient resources to ensure comprehensive and sustained engagement with IPs and LCs throughout the development and implementation of the NBSAP. This includes supporting actions that enhance the agency of IPs and LCs in consultation, planning, and implementation processes, recognizing that legacies of exclusion disenfranchise IP and LC participation in policymaking. Engagement and consultation processes should also take into account the different approaches to and understandings of governance, ownership, and human responsibility to biodiversity held by IPs and LCs. Finally, engagement approaches should ensure the participation of women and other people (e.g., youth, people with disabilities, people who live in remote regions) who may be further marginalized within IP or LC groups.

- Acknowledge and support the non-monetary contributions of knowledge, time, labor, and skills provided by IPs and LCs in developing and implementing NBSAPs and other conservation plans. One approach is to implement cost-sharing arrangements that recognize and reflect the significant investment of time and energy provided by IPs and LCs in conservation.

- Develop NBSAP targets and actions specifically aimed at securing IPs' and LCs' tenure rights within and beyond protected areas and allocate resources to enable these targets to be met. Tenure rights should be as broad as possible, including recognition of full legal ownership, in particular over areas to which communities have customary ownership claims.

- Ensure that sufficient finance and capacity building is allocated to enable communities to fully implement biodiversity conservation actions while also supporting communities in obtaining direct access to international finance. Resources and capacity building should also be provided to local government entities and civil servants to enable effective and equitable collaboration with IPs and LCs.

- Include indicators and monitoring measures in the NBSAP that track progress on targets linked to IPs' and LCs' rights. Advancing tenure, intellectual property, consultation, and other rights should be critical to assessing the success of the NBSAP.

- Include safeguards in the NBSAP that ensure that all biodiversity conservation measures, including the establishment and expansion of protected areas, fully respects the rights of IPs and LCs, including their right to FPIC. Safeguards should equally ensure that partners, consultants, and local government entities engaged to develop or implement NBSAPs fully engage with and ensure FPIC of IPs and LCs for any actions that affect them.

- Ensure that NBSAP actions, in particular those relating to respecting, protecting, and enhancing IPs' and LCs' rights, are mainstreamed in national and sub-national laws, policies, and programs. This includes legally recognizing rights to land and resources, ensuring sectoral policies respect IPs' and LCs' rights, mandating FPIC in line with UNDRIP, and integrating IPs' and LCs' rights across climate change and biodiversity policies, plans, and programs. Governments should equally engage IPs and LCs in mainstreaming processes to ensure their interlinked concerns and understandings of biodiversity, climate change, sustainable development, and rights are integrated and respected in laws and policies beyond the NBSAP.

- Collaborate with IPs and LCs to develop and protect traditional knowledge inventories, registries, and standardized protocols, and design IP and LC-led decision-making processes related to traditional knowledge. Approaches to protect the rights of knowledge-holders while recording and sharing biodiversity-related knowledge include conferring collective intellectual property rights; mandating that knowledge is learned and shared in alignment with knowledge holders' practices; and developing benefit sharing mechanisms for rewarding the original holders and innovators of knowledge that is applied.

- Work with IPs and LCs to enable NBSAPs to integrate and reflect their cosmovisions in NBSAPs. This may include shifting the framing of NBSAPs from humans as the users and beneficiaries of biodiversity to humans as responsible for maintaining relationships with nature.

- Recognize and protect IPs' and LCs' cultural heritage and knowledge by providing programs such as grants and special cultural zones that enable IPs and LCs to practice, teach, and develop knowledge related to biodiversity and intersecting concerns like climate and agriculture.

Donors and partners

Many governments partner with civil society or research organizations to develop and implement their NBSAPs. Governments in the Global South also frequently receive support from donor countries and organizations for their NBSAPs. Partners and donors therefore have a responsibility to drive increased consultation and partnership with IPs and LCs. Donors and partner organizations should:

- Ensure direct access to finance for IPs, LCs, and women's groups to support their participation in NBSAP update processes, in implementing integrated projects and programs that advance rights, biodiversity conservation, and climate change mitigation and adaptation, and in forming and maintaining strong national and regional representative bodies.

- Provide financial resources to developing countries to support extensive NBSAP consultation processes, enabling governments to fully engage with IPs and LCs at national, regional, and local levels and to obtain FPIC for specific actions that may affect their rights.

- Advocate for governments to engage with IPs and LCs, ensure FPIC, and adopt an integrated rights-based approach to biodiversity conservation and climate change, including using their

influence as partner organizations involved in NBSAP update processes and implementation. Donors and partners should further advocate for governments to mainstream rights-based biodiversity conservation in sectoral policies and plans, including through making finance conditional on respecting IPs' and LCs' rights.

- Acknowledge and support the non-monetary contributions of knowledge, time, labor, and skills provided by IPs and LCs in developing and implementing conservation and restoration activities. One way to do this is by requiring and establishing cost-sharing arrangements that reflect the significant investment of time and energy provided by IPs and LCs in conservation.
- Ensure integration of IPs' and LCs' rights, livelihoods, traditional knowledge, and unique roles as stewards of nature are recognized, respected, and enhanced across biodiversity and climate finance programs.

IPs and LCs

IPs and LCs and their representative organizations are the experts on their needs and on the biodiversity that they steward. To the extent possible and in the context of sufficient resources being made available by governments, donors, and partners IPs and LCs should seek to organize and advocate for inclusion in NBSAP design and implementation. IPs, LCs, and representative organizations are encouraged to:

- Strengthen national representative bodies and develop common positions on how governments can better respect and protect IPs' and LCs' rights in NBSAP processes.
- Build national and international partnerships and coalitions advocating for a rights-based approach to NBSAPs.
- Engage with the International Indigenous Forum on Biodiversity[94] and other representative bodies at national, regional, and global level to advocate to the CBD and other international environmental conventions and meetings.
- Ensure women, youth, remote communities, and other frequently marginalized groups are represented and included in NBSAP processes and in biodiversity conservation more broadly.
- Demand compensation for the knowledge, time, labor, and skills that IPs and LCs invest in conservation planning and implementation. One way to do this is by advocating for cost-sharing arrangements with donors that reflect and value the significant time and energy provided by IPs and LCs.

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About

The Forest Declaration Assessment is a continual and collaborative process achieved collectively by civil society organizations and researchers, known as the Forest Declaration Assessment Partners. Previously the NYDF Progress Assessment, the Forest Declaration Assessment has since 2015 published annual updates on progress toward global forest goals. All assessment findings undergo a rigorous peer review process conducted by experts across the globe. To learn more about the Forest Declaration Assessment, please visit www.forestdeclaration.org/about/assessment.

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CLIMATE FOCUS

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Forest Declaration Assessment

ANNEX 1: RAPID ASSESSMENT METHODOLOGY

The NBSAPs of 27 countries were included in the rapid assessment. The complete list of countries and NBSAPs is in Table 1.

The countries were selected because they:

- had a third or recent second version of their NBSAP prior to the GBF
- have extensive forest ecosystems with high biodiversity value
- have a substantial presence of IPs and/or LCs
- represent every populated continent and a range of economic conditions.

In addition, authors of this paper had some preexisting familiarity with the legal landscape surrounding IPs, LCs, and biodiversity in most of the selected countries.

The NBSAPs were assessed against the twelve indicators listed in Table 2. For each indicator, an NBSAP received an assessment of yes, no, or unclear. An NBSAP received one point for every yes and no points for no or unclear. Unclear was assessed when information in the NBSAP could be construed as the NBSAP meeting a particular indicator, but the text did not provide sufficient information to verify whether the indicator was met.

Table 1. The 27 NBSAPs reviewed for this assessment

COUNTRY	DOCUMENT	YEAR
Australia	National Biodiversity Strategy and Action Plan (v.3)	2019
Brazil	National Biodiversity Strategy and Action Plan (v.3)	2017
Cameroon	National Biodiversity Strategy and Action Plan (v.2)	2012
China	National Biodiversity Strategy and Action Plan (v.2)	2010
The Democratic Republic of the Congo (DRC)	National Biodiversity Strategy and Action Plan (v.3)	2016
Fiji	National Biodiversity Strategy and Action Plan (v.2)	2020
India	National Biodiversity Strategy and Action Plan (v.3)	2014
Indonesia	National Biodiversity Strategy and Action Plan (v.3)	2016
Jamaica	National Biodiversity Strategy and Action Plan (v.2)	2016
Jordan	National Biodiversity Strategy and Action Plan (v.2)	2015
Kyrgyzstan	National Biodiversity Strategy and Action Plan (v.3)	2016
Lao People's Democratic Republic	National Biodiversity Strategy and Action Plan (v.2)	2016
Liberia	National Biodiversity Strategy and Action Plan (v.2)	2017
Madagascar	National Biodiversity Strategy and Action Plan (v.2)	2016
Mexico	National Biodiversity Strategy and Action Plan (v.2)	2016
Nepal	National Biodiversity Strategy and Action Plan (v.2)	2014
Papua New Guinea	National Biodiversity Strategy and Action Plan (v.2)	2020

The Philippines	National Biodiversity Strategy and Action Plan (v.3)	2016
South Africa	National Biodiversity Strategy and Action Plan (v.2)	2015
Sri Lanka	National Biodiversity Strategy and Action Plan (v.2)	2016
Suriname	National Biodiversity Strategy and Action Plan (v.2)	2013
Sweden	National Biodiversity Strategy and Action Plan (v.3)	2013
Thailand	National Biodiversity Strategy and Action Plan (v.4)	2015
United Republic of Tanzania	National Biodiversity Strategy and Action Plan (v.2)	2015
Viet Nam	National Biodiversity Strategy and Action Plan (v.3)	2015
Zambia	National Biodiversity Strategy and Action Plan (v.2)	2015

Table 2. NBSAP rapid assessment indicators

Indicators to assess NBSAPs and categories of assessment
Consultation in NBSAP development
1. Does the process for developing the NBSAP include public consultation (or other participatory processes)?
2. Are IPs and LCs specifically included in the NBSAP's consultation processes and/or was FPIC followed?
3. Are women IPs and LCs intentionally included in NBSAP public consultation processes?
Securing IPs' and LCs' rights as a conservation strategy in the NBSAP
4. Does the NBSAP include protecting, promoting, or securing IPs' and LCs' tenure and/or rights as a biodiversity conservation strategy?
5. Does the NBSAP include protecting, promoting, or securing IP&LC women's tenure or recognition of women's rights as a biodiversity conservation strategy?
Protecting IPs' and LCs' knowledge and intellectual property in the NBSAP
6. Does NBSAP include strategies to recognize Indigenous and traditional knowledge?
7. Does NBSAP include measures to protect IP&LC knowledge and/or intellectual property as a biodiversity conservation strategy?
Safeguards to proactively monitor impacts on or redress grievances of IPs and LCs related to NBSAP actions
8. Do NBSAPs have safeguards or redress mechanisms for negative impacts on IPs and LCs in NBSAP development or implementation?
IPs and LCs as NBSAP implementation partners
9. Are IP&LCs included as implementation partners in the NBSAP?
10. Are women IP&LCs specifically included as implementation partners in the NBSAP?
NBSAP monitoring for rights, tenure, and demographic characteristics
11. Are recognizing IPs and LCs' rights or securing tenure listed by the NBSAP as monitoring indicators?
12. Are monitoring data in the NBSAP disaggregated by any demographic categories?