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ClientEarth

Putting Indigenous peoples and Local Communities at the centre of the Kunming-Montreal Global Biodiversity Framework

CBD COP17 Briefing



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The case for IPLC leadership and participation in the implementation of the Kunming-Montreal Global Biodiversity Framework.

Effectively delivering the GBF

To halt and reverse rapid global biodiversity loss, the Kunming-Montreal Global Biodiversity Framework (GBF) outlines 23 action-oriented targets, requiring systemic change throughout society to achieve these ambitious goals[1]. Yet rather than being directly engaged in the design and implementation of measures to achieve GBF goals from the outset, Indigenous peoples and Local Communities (IPLCs[2]) are often overlooked or excluded from the processes that most directly affect them, including the formulation of National Biodiversity Strategies and Action Plans (NBSAPs), the designation and management of protected areas, and the design of benefit-sharing mechanisms. Such an approach not only limits the potential success of GBF efforts but is contrary to obligations that states have already accepted under international and regional law.

1 Convention on Biological Diversity (CBD) Kunming-Montreal Global Biodiversity Framework (2024). CBD/COP/DEC/15/4. https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf

2 It should be noted that, whilst this note will use the term 'IPLCs' as shorthand, an intentionally expansive interpretation of this term is denoted, in recognition of the broad and varied needs, priorities, interests and impacts which GBF implementation will have on different rightsholders around the world.

This briefing highlights the clear legal obligations States have under the Convention on Biological Diversity (CBD), the GBF and international and regional human rights law to respect, recognise and promote the rights of IPLCs in all conservation interventions.

This briefing draws on first-hand perspectives from Indigenous peoples and local community representatives and advocates across Africa, Asia and Latin America, including women's forest governance networks such as REFACOF (Cameroon). The positions set out here reflect and are grounded in IPLC-led advocacy on biodiversity conservation and rights.

To support the realisation of the Framework's Vision that "biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people"[3], this briefing identifies five recommendations for states, civil society and conservation practitioners working on GBF implementation to realise IPLC rights in practice:

- **Adopt a human rights-based approach**
  Actively seek to avoid negative human rights impacts, provide remedy to harms, and enhance positive human rights outcomes. Treat IPLCs as both rightsholders and partners in all conservation interventions that affect them, including their active participation in design, implementation and decision-making.

- **Establish enabling legal and policy frameworks**
  Ensure appropriate frameworks are in place that clearly recognise and enforce IPLC rights, especially rights to land and natural resources, before conservation initiatives are rolled out. Where frameworks are weak or absent, law reform must precede conservation action.

- **Recognise and protect customary rights**
  Undertake in-depth assessment of existing land and natural resource use prior to formulating any conservation intervention, to identify formal and informal tenure regimes, existing rights-holders and governance arrangements. Any customary rights to land, property and natural resources must be adequately recognised and legally protected.

- **Prioritise the rights of IPLC women**
  Treat IPLC women's rights as a priority, particularly tenure rights and rights to participation and decision-making. Adopt gender-transformative measures capable of changing norms that perpetuate inequality, rather than settling for tokenistic representation. IPLC women are proven biodiversity stewards whose specific knowledge and leadership roles must be explicitly recognised.

- **Ensure transparent, accountable and adequately resourced governance**
  Governance structures for GBF initiatives must be transparent, accountable, sufficiently resourced and built on existing local institutions, both formal and informal, rather than centrally imposed. Effective governance includes mechanisms for grievance redress, clear benefit-sharing arrangements, independent monitoring and environmental and social safeguards.

3 Para 10 of the GBF.

The need for IPLC participation and leadership

Conservation approaches that fail to recognise and realise IPLC rights are not only unjust - the evidence is now unambiguous that conservation efforts are more effective, more cost-efficient[4], and self-sustaining when IPLCs are included as partners, rightsholders and leaders: IPLC-managed lands suppress fires, resist forest loss, experience lower deforestation rates, have enhanced carbon storage, contain important populations of threatened vertebrate species, and protect biodiversity "as well as or better than publicly-owned protected areas." These positive effects are magnified when IPLC rights, particularly related to tenure and gender mainstreaming, are enshrined in legislation and effectively exercised by those communities.

The global biodiversity crisis cannot be resolved without addressing this fundamental rights gap. IPLCs steward an estimated 48% of the world's land, including its most biodiverse areas, yet formal legal recognition of their rights covers only 11% of that territory.[5] Implementing the GBF will inevitably intersect and overlap with IPLC interests – how law and policy makers navigate this to strengthen or undermine IPLC rights will be of pivotal significance in determining whether the objectives of the GBF will be realized.

Finance must reach IPLCs directly

Realising the GBF's ambition requires not only that IPLCs are recognised as partners in conservation, but that they receive adequate and direct financial support to exercise that role. GBF Target 19 calls for the mobilisation of at least USD 200 billion per year for biodiversity by 2030, yet the vast majority of international biodiversity finance continues to flow through national governments and large intermediaries, with only a fraction reaching local communities. This is inconsistent with the GBF's own requirements: Section 7(b) explicitly calls for financial resources to be made available to IPLCs, and COP16 (Cali, 2024) acknowledged that IPLCs receive "relatively little finance" despite their outsized contributions to conservation. Dedicated mechanisms exist, including the GBF Fund (GBFF), which includes a specific IPLC window, the newly established Cali Fund on digital sequence information, which designates at least 50% of resources to IPLCs, and the GEF Small Grants Programme, a longstanding model for simplified direct access to local communities, yet concerns persist about their accessibility and the volume of finance actually reaching communities on the ground. Direct, accessible and adequately resourced finance flows to IPLCs, through simplified access mechanisms and community-controlled funds, are not a secondary consideration: they are a prerequisite for rights-based GBF implementation.

Legal obligations under the CBD and international law

States have clear obligations under the Convention on Biological Diversity (CBD) and the Kunming-Montreal Global Biodiversity Framework (GBF) to respect, recognise and promote the rights of IPLCs in all conservation interventions. International and regional human rights law reinforces these obligations.

The following binding instruments create legal obligations for states to respect and realise IPLC rights in the context of biodiversity conservation:

4 E. Gray, et al. (2015). "The Economic Costs and Benefits of Securing Community Forest Tenure: Evidence from Brazil and Guatemala." Washington, DC: *World Resources Institute*, p. 25. Available online at http://www.wri.org/forestcostsandbenefits.

5 Rights and Resources Initiative (RRI). (2023). *Who Owns the World's Land? A global baseline of formally recognized indigenous and community land rights*. (Second Edition) Washington, DC: RRI. See p.27.

CBD and the Kunming-Montreal GBF	The CBD creates binding obligations to respect and preserve IPLC rights and traditional knowledge (Articles 8(j), 10(c)). The GBF, adopted as a COP decision, sets targets states have committed to implementing through NBSAPs, thus creating a procedural and political commitment reinforced by the binding human rights instruments below. Explicitly requires a human rights-based approach to GBF implementation and acknowledges the central role of IPLCs as custodians of biodiversity.
International Bill of Human Rights (UDHR, ICCPR, ICESCR)	Guarantees the right to self-determination, the right not to be deprived of one's own means of subsistence, the right to freely dispose of natural resources, and protection against discrimination on any ground.
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Obliges states to eliminate racial discrimination and review laws and policies that create or perpetuate discrimination, extending protections to Indigenous peoples and other groups in conservation contexts.
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Requires gender-transformative measures capable of addressing root causes of gender-based discrimination. Recognises Indigenous and rural women as 'guardians of biodiversity'. General Recommendation 39 (2022) requires FPIC and effective participation of Indigenous women before any designation of their lands as protected areas.
ILO Convention 169	Recognises that Indigenous peoples and tribal peoples have the right to decide their own priorities for the lands they occupy or use, and that governments must take environmental measures in co-operation with the peoples concerned.
Escazú Agreement (Latin America and Caribbean)	Guarantees rights of access to environmental information, public participation in environmental decision-making and access to justice in environmental matters, with special protections for environmental human rights defenders.
African Charter on Human and Peoples' Rights	Includes the right to self-determination, the right of peoples to freely dispose of their natural wealth and resources, and obligations to eliminate all forms of discrimination and violence against women.

Looking forward

IPLCs have clear legal rights to participate in the implementation of the GBF, and states have clear legal duties to facilitate this. Realising the goals of the GBF to conserve biodiversity requires a rights-based approach that adequately protects and promotes the rights of IPLCs, treating them as valuable partners, knowledge-bearers, and leaders. This is what the law requires and what the evidence shows works. As we look to the coming years of GBF implementation, all stakeholders – from states, to the private sector and conservation organisations – can ensure legal compliance by adopting a rights-based approach consistent with an inclusive model of conservation, to better deliver the ambitious goals of the GBF for people and the planet.

What is an inclusive model of conservation?

1. Respects and protects human rights
2. Recognises in law and realises in practice the rights of IPLCs to land tenure and natural resources
3. Protects Free, Prior and Informed Consent (FPIC) over IPLC lands
4. Recognises and includes IPLC contributions to ecosystem protection in national achievement of GBF Target commitments
5. Treats IPLCs as partners, knowledge-bearers and leaders in conservation, and ensures they contribute to decision-making at all levels
6. Takes a gender-responsive approach that prioritises IPLC women's rights

For the full research report, including detailed legal analysis, evidence from published literature and first-hand perspectives from IPLC representatives across three continents, please refer to: From Policy to Practice: Putting Indigenous peoples and Local Communities at the Centre of GBF Implementation (ClientEarth, 2026).



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ClientEarth CBD COP17 Briefing

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