

**The Nature Conservancy Recommendations:  
Indigenous Peoples & Local Communities and Traditional Knowledge  
Policy Paper  
September 2021**

TNC recognizes the importance of Indigenous Peoples' (IPs) and Local Communities' (LCs)<sup>1</sup> Traditional Knowledge (TK) in the advancement of the goals it shares with the Convention on Biological Diversity (CBD) in conserving the world's biodiversity and supports strengthening those components in the new Global Biodiversity Framework (GBF) currently being negotiated by Parties to the treaty. Traditional Knowledge in the context of the [United Nations Convention on Biological Diversity](#) (CBD) is employed to mean "*knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity*".<sup>2</sup> TK is developed from experience gathered over centuries and other means, adapted to the local culture and environment, transmitted for generations, often only orally. It tends to be collectively owned and can be expressed via stories, songs, folklore, proverbs, and in cultural values, beliefs, rituals etc. It is the source for the traditional use and management of lands, territories and resources. For Indigenous Peoples, TK<sup>3</sup> underlines their holistic approach of life, a central element linking cultural and biological diversity.

TNC supports the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)<sup>4</sup> – the most important international instrument for the protection and promotion of Indigenous Peoples' rights. In its Preamble, it recognizes the "*that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment.*" Article 31 emphasizes the protection of Indigenous Peoples' rights to their traditional knowledge.<sup>5</sup>

### **Traditional Knowledge in the Convention on Biological Diversity**

Through their TK, customary sustainable use, and collective actions, IPs and LCs make substantial contributions towards achieving the three objectives of the Convention on Biological Diversity (CBD) - "*the conservation of biological diversity; the sustainable use of the components of biological diversity; and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources*"<sup>6</sup> - thereby contributing to the overall larger objective of the CBD which is to encourage actions which will lead to a sustainable future for us all.

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<sup>1</sup> Indigenous Peoples (IPs) & Local Communities (LCs) in the Convention on Biological Diversity are referred to collectively as "IPLCs." TNC recognizes the distinction between "IPs" and "LCs", with IPs holding collective rights as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (TNC, 2015). Throughout this document, we have refrained from using the acronym "IPLCs" out of respect for this distinction between Indigenous Peoples and Local Communities.

<sup>2</sup> <https://www.cbd.int/traditional/intro.shtml>

<sup>3</sup> It should be noted that due to the dynamic nature of knowledge of Indigenous Peoples - and to differentiate it from local knowledge ascribed to Local Communities - the use of "indigenous and local knowledge" has evolved as an external (outside the CBD official language) used term for traditional knowledge.

<sup>4</sup> [https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>5</sup> Article 31: 1. *Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.*"

<sup>6</sup> <https://www.un.org/ldcportal/convention-on-biological-diversity-cbd/#:~:text=The%20Convention%20on%20Biological%20Diversity,the%20utilization%20of%20genetic%20resources>

The key article in the CBD related to traditional knowledge is Article 8(j): *“Each contracting Party shall, as far as possible and appropriate: subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.”*<sup>7</sup>

The future of biodiversity and the future of IPs and LCs are inextricably linked as highlighted in the recently published *Local Biodiversity Outlooks 2*<sup>8</sup> (LBO2), which complements the fifth edition of the Global Biodiversity Outlook (GBO5) by presenting the perspectives and experiences of IPs and LCs and their contributions to the successful implementation of the goals and targets of the Strategic Plan for Biodiversity 2011-2020. LBO2 clearly elevates the importance of TK, to protect Nature’s essential contributions to people, which includes, among other benefits, a healthy and sustainable environment, traditional medicines, and food security.

TK is also embodied in Target 18 of the [CBD's Strategic Plan](#) for 2011- 2020, which focused specifically on TK as well as customary sustainable use – and represents a cross-cutting theme for the entire Strategic Plan:

*Target 18: By 2020, the traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biodiversity, and their customary use of biological resources, are respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention with the full and effective participation of indigenous and local communities, at all relevant levels.*<sup>9</sup>

### **Traditional Knowledge in the Post-2020 Global Biodiversity Framework**

When the GBF is finalized at CBD COP15 it is hoped that Parties will be agreeing to galvanizing urgent and transformative actions to achieve the outcomes it sets out in its vision, mission, goals and targets, thereby contributing to the objectives of the Convention on Biological Diversity and other biodiversity related multilateral agreements, processes and instruments. TNC specifically recommends that CBD Parties:

- Strengthen Target 13 of the GBF by replacing “prior and informed consent” with “Free Prior and Informed Consent (FPIC)”;
- strongly support the presently drafted Target 20 in the current draft of the GBF;
- ensure the achievement of Goal C of the current draft of GBF and specifically support the increase of both monetary and non-monetary benefits received by holders of traditional knowledge;
- ensure IPs and LCs full and effective participation in the development of a new programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to IPs and LCs;

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<sup>7</sup> <https://www.cbd.int/traditional/>

<sup>8</sup> Forest Peoples Programme, International Indigenous Forum on Biodiversity, Indigenous Women’s Biodiversity Network, Centers of Distinction on Indigenous and Local Knowledge and Secretariat of the Convention on Biological Diversity (2020) *Local Biodiversity Outlooks 2: The contributions of indigenous peoples and local communities to the implementation of the Strategic Plan for Biodiversity 2011–2020 and to renewing nature and cultures. A complement to the fifth edition of Global Biodiversity Outlook*. Moreton-in-Marsh, England: Forest Peoples Programme. [www.localbiodiversityoutlooks.net](http://www.localbiodiversityoutlooks.net)

<sup>9</sup> <https://www.cbd.int/kb/record/decision/13164?RecordType=decision&Subject=STRAT>

- contribute to the *Voluntary Fund for Indigenous Peoples and Local Community Representatives* as a concrete step to ensuring their full and effective participation in the CBD.

## Discussion

The understanding of the linkages between cultural diversity and biological diversity has grown in recent years and TK is a key element in the [Post-2020 Global Biodiversity Framework \(GBF\)](#), including in several targets in the [First Draft](#)<sup>10</sup> of the negotiating text:

*Target 13. Implement measures at global level and in all countries to facilitate access to genetic resources and to ensure the fair and equitable sharing of benefits arising from the use of genetic resources, and as relevant, of associated traditional knowledge, including through mutually agreed terms and prior and informed consent.*

*Target 20. Ensure that relevant knowledge, including the traditional knowledge, innovations and practices of indigenous peoples and local communities with their free, prior, and informed consent, guides decision-making for the effective management of biodiversity, enabling monitoring, and by promoting awareness, education and research.*

For Target 13 TNC recommends substituting the term “Free Prior and Informed Consent” to replace the current “prior and informed consent”, recognizing its specific link to the self-determination of Indigenous Peoples. We strongly support Target 20 as presently drafted.

Specific to access and benefit-sharing, the importance of TK with regard to the utilization of genetic resources is recognized as per the milestones related to Goal C.

*Goal C: The benefits from the utilization of genetic resources are shared fairly and equitably, with a substantial increase in both monetary and non-monetary benefits shared, including for the conservation and sustainable use of biodiversity.*

*Milestone C.1 The share of monetary benefits received by providers, including holders of traditional knowledge, has increased.*

*Milestone C.2: Non-monetary benefits, such as the participation of providers, including holders of traditional knowledge, in research and development, has increased.*

TNC has proposed some additional language (in bold) to this Goal to specifically include TK:

*Goal C: The benefits from the utilization of genetic resources, **derivatives and associated traditional knowledge** are shared fairly and equitably, with a substantial increase in both monetary and non-monetary benefits shared, including for the conservation and sustainable use of biodiversity.*

TNC supports Goal C with our suggested text as this is aligned with strengthened language that has the broad support of the IPs and LCs engaged in this process, such as the International Indigenous Forum on Biodiversity (IIFB).<sup>11</sup>

## Article 8(j): Working Group and Key Achievements

In order to ensure the implementation of Article 8(j) a specific [Working Group on Article 8\(j\)](#) was formed to facilitate and enhance the role and involvement of IPs and LCs. This working group has produced major guidelines and a code of conduct for Parties, other Governments, relevant

<sup>10</sup> <https://www.cbd.int/doc/c/abb5/591f/2e46096d3f0330b08ce87a45/wg2020-03-03-en.pdf>

<sup>11</sup> The International Indigenous Forum on Biodiversity (IIFB) is the officially recognized advisory body to the CBD.

organizations and IPs and LCs to utilize for the protection and promotion of TK. At the upcoming [15<sup>th</sup> Conference of the Parties to the CBD](#) in Kunming, China the future of this working group will be discussed. TNC will explore the possibilities for more direct engagement, along with its IPs and LCs Partners, in this key CBD body focused on TK.<sup>12</sup>

### **TNC's Voice, Choice, and Action Framework and Traditional Knowledge**

TNC recognizes that IPs and LCs face challenges to making their vision for conservation and healthy communities a reality in part because of power imbalances at local, national, and global scales. These challenges may include:

- Lack of recognized and enforced rights over territory and resources;
- Insufficient capacity to engage and negotiate positive outcomes in decision-making about managing natural resources, even when rights do exist;
- Exclusion from or under-representation in decision-making processes; and
- Development pressures that undermine cultural and environmental priorities.

Evidence shows that conservation and development initiatives are less likely to be successful and sustainable when they lack the active engagement and leadership of the people who have the greatest stake in their outcome and *when such initiatives are not guided by traditional knowledge and values*.<sup>13</sup>

TNC aims to help transform the way decisions around lands, territories and resources are made by strengthening the Voice, Choice, and Action of IPs and LCs to shape and manage natural territory in ways that improve lives and drive conservation<sup>14</sup>. A stronger voice leads to the inclusion of *traditional knowledge*, identity, local priorities, and values in plans and solutions; the ability to exercise and influence choice builds leadership and engagement in decision-making; and greater action provides the opportunity for communities to initiate and participate in the implementation of programs and the management of resources that impact their well-being both now and in the future.

### **TNC Projects and Traditional Knowledge**

In many of TNC's prominent and successful project partnerships, TK has been a major component. For example in Australia, in the nationally designated Indigenous Protected Areas (IPAs), the restoration of traditional fire management practices of Australia's Indigenous Peoples is a key land management tool, helping to restore and maintain the area's rich biodiversity while at the same time protecting both important cultural sites and environmental features. In Canada, in the newly designated Thaidene Nëné National Park Reserve and Territorial Protected Area there is a clear understanding that Key Biodiversity Areas (KBAs) - including the Boreal forest, tundra and caribou habitats - have been actively cared for and stewarded by the Lutsël K'é Dene Nation. As part of the agreement of establishing this reserve this nation has been guaranteed ongoing access to the resources for their traditional practices and subsistence which speaks to the growing understanding that IPs and LCs are essential to the management and preservation of natural territories.

### **TNC's Recommendations regarding the engagement with IPs and LCs regarding TK**

Greater protection of TK and recognition of its contributions to the conservation and sustainable

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<sup>12</sup> Please refer to the section *TNC's Implementation supporting TK in Projects* on page 5.

<sup>13</sup> The Nature Conservancy. 2017. *Strong Voices, Active Choices: TNC's Practitioner Framework to Strengthen Outcomes for People and Nature*. Arlington, VA. Page 7:

[https://www.nature.org/content/dam/tnc/nature/en/documents/Strong\\_Voices\\_Active\\_Choices\\_FINAL.pdf](https://www.nature.org/content/dam/tnc/nature/en/documents/Strong_Voices_Active_Choices_FINAL.pdf)

<sup>14</sup> Refer to TNC's *Voice, Choice and Action Framework* which guides our work with Indigenous Peoples and Local Communities [https://www.nature.org/content/dam/tnc/nature/en/documents/Strong\\_Voices\\_Active\\_Choices\\_FINAL.pdf](https://www.nature.org/content/dam/tnc/nature/en/documents/Strong_Voices_Active_Choices_FINAL.pdf)

use of biodiversity is essential for conservation success globally. TNC recommends that those engaging IPs and LCs ensure that TK is respected and protected as follows:

- Access to traditional knowledge, innovations and practices of IPs and LCs must be subject to FPIC from the holders of such knowledge, innovations and practices.
- IPs and LCs natural resource management, customary laws and institutions, and collective land tenure should be strengthened as the basis for local control over traditional knowledge and resources. As such, their customary rights over traditional resources and territories must be recognized.
- Links between diverse knowledge systems should be strengthened throughout global/national/local monitoring and reporting platforms, incorporating relevant indicators on trends in TK and the wellbeing of IPs and LCs.<sup>15</sup>

### **TNC's Implementation supporting TK in Projects**

TK is an essential element in biodiversity conservation initiatives. TNC commits to supporting the following in regards to its projects with IPs and LCs by:

- Actively supporting the inclusion of TK in TNC's projects with IPs and LCs, facilitate the sharing of best practices and networking between TK knowledge holders.
- Internally examining the guidelines and code of conduct developed by the Article 8(j) Working Group regarding the TK of IPs and LCs and consider their application in our projects. These include:
  - *The Akwé: Kon Voluntary Guidelines* in the assessment of cultural, environmental and social impacts of proposed developments on sacred sites and on lands and waters traditionally occupied by IPs and LCs;
  - *The Mo'otz Kuxtal Guidelines* in the development of mechanisms, when engaging with governments/local authorities around legislation, or other appropriate initiatives when accessing their knowledge, innovations and practices, for fair and equitable sharing of benefits arising from the use of their knowledge, innovations and practices, and commit to preventing and reporting unlawful appropriation of traditional knowledge;
  - *The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge* in order to facilitate the recovery of traditional knowledge relevant for the conservation and sustainable use of biological diversity;
  - *The Tkarihwaié:ri Code of Ethical Conduct* to ensure respect for the cultural and intellectual heritage of IPs and LCs relevant for the conservation and sustainable use of biological diversity;

### **Conclusion**

In Traditional Knowledge the link between cultural and biological diversity is clear. In its project partnerships TNC has seen first-hand how the implementation of TK has achieved both the socio-economic aims of IPs and LCs and conservation goals. TNC commits to implementing Article 8(j) in its conservation efforts by respecting and promoting TK and providing the means within TNC's scope of work to preserve and maintain the knowledge, innovations and practices of IPs and LCs for the conservation and sustainable use of biological diversity.

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<sup>15</sup> Recommendation as per the *Local Biodiversity Outlooks 2*.