

**The Nature Conservancy Recommendations:  
Indigenous Peoples & Local Communities and '30x30'**  
August 2021

The [Post-2020 Global Biodiversity Framework \(GBF\)](#) is intended to bring about a transformation in society's relationship with biodiversity and to ensure that, by 2050, the shared vision of living in harmony with nature is fulfilled. The First Draft of the text comprises 21 targets and 10 "milestones" proposed for 2030, en route to "living in harmony with nature" by 2050.

Featured in the draft GBF text is a target to protect at least 30% of the planet by the year 2030, including terrestrial, freshwater and marine-ecosystems sea areas – commonly referred to as "30x30":

*Draft Target 3 - Ensure that at least 30 per cent globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes.*

**TNC supports the objective of securing 30% of all ecosystems globally as a key component of achieving the 2050 vision and recognizes the pivotal role of indigenous people and local communities in achieving the target.** TNC has recommended this target be strengthened by including language to ensure that, by 2030, the rights of Indigenous Peoples (IPs) and Local Communities (LCs)<sup>1</sup> who traditionally govern and conserve lands and waters are appropriately recognized and collectively secured (in accordance with their self-determined plans) for conservation and the sustainable use of biodiversity based on Free Prior and Informed Consent (FPIC).

TNC Recommended Text for Target 3:

*Ensure that at least 30 per cent globally of land, **freshwater** areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes, **with the free prior and informed consent of indigenous peoples and local communities, and including through appropriate recognition and support for the collective lands, territories and resources of indigenous peoples and local communities.***

TNC will continue to advocate for IPs and LCs as critical actors to help the world reach the 30x30 target. In achieving this target, their territorial rights, the application of the principle of Free, Prior

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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 "IPLC" out of respect for this distinction between Indigenous Peoples and Local Communities.

and Informed Consent (FPIC), and Indigenous Peoples' right to self-determination must be respected and guaranteed.

### **Indigenous Peoples and Local Communities – Key Actors in Achieving 30x30**

Explicitly recognizing Indigenous Peoples and Local Communities for their outsized roles in protecting and conserving nature should be the foundation for 30x30.

Science has shown that IPs and LCs are the *de facto*, and in some cases *de jure*, stewards of some of the most biologically diverse lands, freshwater and marine areas across the globe. The "Territories of Life" technical report<sup>2</sup> presents key evidence for the role of Indigenous Peoples and Local Communities in biodiversity conservation. Highlights include<sup>3</sup>:

- 33% of global land is owned or governed by Indigenous Peoples and Local Communities via *de jure* and customary arrangements.
- At least 36% of global areas within Key Biodiversity Areas (KBAs) coincide with Indigenous Peoples and Local Communities lands.
- At least 17.5% of global lands have these 3 characteristics: (1) high ecological integrity, (2) fall within Indigenous Peoples and Local Communities estate, but (3) outside Protected Areas (PAs) not governed by Indigenous Peoples and Local Communities.

These findings demonstrate that safeguarding IPs and LCs' stewardship of their lands, through rights recognition and other enabling conditions, is essential to meeting the vision and goals described in the GBF. TNC is firmly grounded in a [rights-based approach to conservation](#), consistent with UN Human Rights standards such as the United Nations Declaration on the Rights of Indigenous Peoples and ILO 169.

### **Facilitating a Rights-Based Approach to Indigenous Peoples and Local Communities in 30x30**

TNC believes that the GBF can facilitate recognition and inclusion of IPs and LCs' lands, territories, waters and resources in two important ways when considering protected areas or Other Effective [Area-Based] Conservation Measures (OECMs)<sup>4</sup> as options:

- 1) National governments should formally recognize Indigenous Peoples' and Local Communities FPIC when working towards a collaborative protected areas model, as an initial step towards integrating those areas into formal networks of protected areas.**

This would entail land titling and regularization, based on national context and legal frameworks. Climate change mitigation initiatives, such as REDD+ (reducing emissions from deforestation and forest degradation in developing countries)<sup>5</sup> have provided entry points for dialogues around rights recognition in many tropical forest countries. In countries like Indonesia, Panama and Peru, debates surrounding REDD+ opened critical spaces to address rights recognition and tenure security, which in turn resulted in specific actions and initiatives to secure Indigenous Peoples

<sup>2</sup> ICCA Consortium. 2021. Territories of Life: 2021 Report. ICCA Consortium: worldwide. Available at: [report.territoriesoflife.org](http://report.territoriesoflife.org)

<sup>3</sup> Per communication with Michael Looker and Brandie Fariss. *A Technical Report on the State of Indigenous Peoples' and Local Communities' Lands: Their contributions to global biodiversity conservation and ecosystem services, threats to these efforts, and recommendations toward a call to action*. World Wide Fund for Nature International and Partners (including TNC): Gland, Switzerland (Corrigan et al.) June 2021.

<sup>4</sup> OECMs" are currently defined as a *geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values*. (CBD Decision 14/8). For IPs and LCs there are two key categories: Category V: *Protected Landscape/Seascape* and Category VI: *Protected area with sustainable use of natural resources*. <https://www.iucn.org/theme/protected-areas/about/protected-area-categories>.

<sup>5</sup> <https://redd.unfccc.int/>

and Local Communities rights within national REDD+ programs<sup>6</sup>. More robust language, referencing rights recognition as a key implementation pathway for the GBF, could build upon or catalyze increased ambition for land rights recognition in the context of biodiversity conservation.

There is also an important economic case to be made for rights recognition which may be used to raise ambition among CBD Parties to formalize de facto or customary rights to Indigenous Peoples and Local Communities lands<sup>7</sup> as part of national biodiversity strategy and action plans. Recent research has demonstrated that recognizing Indigenous Peoples and Local Communities land resource rights is a cost-effective measure for biodiversity conservation. A key finding of the recent analyses by Rights and Resources Initiative (RRI) estimates the cost of recognizing tenure rights of Indigenous Peoples and Local Communities as less than 1% of the costs of resettling populations from biodiversity hotspots, estimated somewhere between US\$4 trillion and US\$5 trillion<sup>8</sup>. Related analyses<sup>9,10</sup> have found that land titling enables forest conservation within Indigenous Peoples and Local Communities lands, supporting their economic arguments of land titling as a cost-effective tool for climate change mitigation.

**2) For national governments to formally recognize ICCAs/Territories of Life as OECMs – with Indigenous Peoples’ and Local Communities’ FPIC – that can contribute to achieving national and global targets established in the GBF.**

Greater clarity around the definition of OECMs has the potential to achieve dual objectives of advancing recognition of IPLC rights in conjunction with increasing the area under protection to achieve Target 3 of the GBF and 30x30 agenda. Belle et al.<sup>11</sup> recently published a typology framework for area-based conservation that can serve as guidance in clarifying area-based conservation types. They propose three categories: Type A are areas dedicated to, and/or achieving, the conservation of nature, such as those formally recognized as protected areas and OECMs, which may include Indigenous territories and community lands. Type B are areas subject to specific governance and/or management relevant to the conservation of nature. Like OECMs, area-based conservation units such as Indigenous and Community Conservation Areas (ICCAs)<sup>12</sup> may fall under Type B, where their central objective may align with conservation goals; however, conservation may not be their primary goal. The third category, Type C, refers to areas identified as priorities for the conservation of nature, for example Important Bird Areas, KBAs, etc. OECMs are not yet widely reported World Database of Protected Areas (WDPA).

<sup>6</sup> White, D. (2013). A perfect storm? Indigenous rights within a national REDD+ readiness process in Peru. *Mitig. Adapt. Strat. Glob. Change* 19, 657–676. doi: 10.1007/s11027-013-9523-6; Astuti, R., and McGregor, A. (2015). Governing carbon, transforming forest politics: a case study of Indonesia’s REDD+ Task Force. *Asia Pacific Viewpoint* 56, 21–36. doi: 10.1111/apv.12087; Holmes, I., Potvin, C., and Coomes, O. (2017). Early REDD+ implementation: the journey of an indigenous community in Eastern Panama. *Forests* 8:67. doi: 10.3390/f8030067; Fay, C., and Denduangrudee, H.-M. S. (2018). An Uneven Path Toward Rights and REDD+ in Indonesia. Washington, DC: Center for Global Development. Retrieved from: <https://www.cgdev.org/sites/default/files/uneven-path-toward-right-redd-indonesia.pdf>

<sup>7</sup> There may be contexts in which Indigenous Peoples and Local Communities no longer exercise customary rights to lands (e.g. in cases for historic forced removals) and so other types of institutional arrangements or forms for rights recognition could be contemplated.

<sup>8</sup> Based on data from Peru, Indonesia, India, Nepal and Liberia. They estimate between 1.2 and 1.5 billion people “living in unprotected important biodiversity conservation areas”.

<sup>9</sup> Blackman, A., Corral, L., Lima, E. S., & Asner, G. P. (2017). Titling indigenous communities protects forests in the Peruvian Amazon. *Proceedings of the National Academy of Sciences*, 114 (16), 4123-4128.

<sup>10</sup> Baragwanath, K., & Bayi, E. (2020). Collective property rights reduce deforestation in the Brazilian Amazon. *Proceedings of the National Academy of Sciences*, 117(34), 20495-20502.

<sup>11</sup> Belle, E. M., Bingham, H. C., Bhola, N., Dudley, N., Stolton, S., & Kingston, N. (2020). Short Communication towards a Typological Framework for Area-based Conservation. *PARKS*, 26, 129.

<sup>12</sup> Indigenous and Community Conserved Area (ICCAs) are areas in which there are close associations between indigenous people or a local community and a specific territory or natural resources.

TNC supports efforts through the World Commission on Protected Areas (WCPA) Task Force on OECMs to develop tools and guidelines for recognizing and reporting OECMs. Research is needed on how to meet the criteria of demonstrated or expected in situ conservation of biodiversity described in the Guidelines. Advancing this work by conducting a systematic review of OECMs in a country or a region and demonstrating that they are suitable for inclusion in the WDPA as OECMs, such as in Mongolia or Kenya would be a useful path forward.

### **TNC's Strong Voices, Active Choices: Practitioner Framework**

In accordance with our *Strong Voices, Active Choices: TNC's Practitioner Framework to Strengthen Outcomes for People and Nature*<sup>13</sup>, TNC will work to create and support opportunities for IPs and LCs to play a stronger role in natural resource decision-making and management. Specifically, TNC supports:

- Recognition and enforcement of rights to and responsibility for territories and resources,
- Strengthening local leadership and capacity for managing territory and resources,
- Effective multi-stakeholder platforms for decision-making, and
- Environmentally sustainable and culturally aligned economic development.

To truly implement a meaningful 30x30 this must be done with proactive engagement with IPs and LCs and *their* consideration of ecological, cultural and economic factors. TNC believes that transformative change requires the foregrounding of Indigenous Peoples and Local Communities' rights and agency in biodiversity policy.

### **Indigenous Peoples and Local Communities concerns around 30x30**

TNC recognizes that Indigenous Peoples' and Local Communities' past experiences with area-based conservation has resulted in legitimate concerns around 30x30. Protected areas traditionally operating under a fortress model<sup>14</sup> of conservation have often excluded IPs and LCs, denied them access to traditional use, or been responsible for even more significant human rights violations. Therefore, conservation and management efforts led by Indigenous Peoples and Local Communities should receive strict and enforced safeguards to ensure their rights are upheld and their customary sustainable use - including activities such as customary hunting, fishing and gathering practices – are not criminalized.

The designation of their managed areas as OECMs has raised similar concerns that a formal recognition as such for conservation could infringe on their rights, or that engaging with global conservation processes might erode self-determination through the imposition of external world views. While some of TNC's IPs and LCs partners have engaged in successful protected areas models— and we expect others will welcome the recognition of their lands, territories and waters as OECMs—we respect that other Indigenous Peoples and Local Communities may reject these current area-based mechanisms. TNC commits to working to understand and support a more workable classification model to credit and track the contributions of IPs and LCs territories to biodiversity and climate outcomes.

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<sup>13</sup> The Nature Conservancy, 2018. *STRONG VOICES, - ACTIVE CHOICES - TNC's Practitioner Framework to Strengthen Outcomes for People and Nature*, The Nature Conservancy. Retrieved from <https://policycommons.net/artifacts/1585449/strong-voices/2275218/> on 18 Aug 2021. CID: 20.500.12592/w1cmcg <https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/ Geneva-Climate-Nature-en.pdf>

## **Conclusion**

The choice of which area-based mechanism Indigenous Peoples and Local Communities wish to engage with – *or the choice not to* - must recognize Indigenous Peoples' right of self-determination and the FPIC of Indigenous Peoples and Local Communities.

At this time, a separate category for Indigenous Peoples and Local Communities' lands, waters and territories is still under discussion and TNC will consider supporting this call when and if it is made. TNC will continue to monitor and support Indigenous Peoples and Local Communities proposals on an ongoing basis, actively seeking direct input to inform our positions and text suggestions.

TNC will advocate for implementation of mechanisms of governance that are respectful, inclusive and equitable – elevating Indigenous Peoples and Local Communities roles in the governance and management of their respective lands, territories and waters will be essential to achieving the desired conservation outcomes for 30x30.

Directly engaging with Indigenous Peoples and Local Communities and reevaluating legacy relationships, among other measures, will inform TNC's ongoing work to foster the voices and choices of Indigenous Peoples and Local Communities as we strive to work in engaged, respectful and collaborative partnerships.

Contact: Misty Edgecomb [medgecomb@tnc.org](mailto:medgecomb@tnc.org)